State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 97-7733

Priority: September 13, 2021

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 1.9 AF

This is to certify that

PRIEST RIVER TIMBER LLC 2721 ROAD 84 PASCO WA 99301-1625

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM **Tributary:** PRIEST RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
RECREATION STORAGE	01/01 to 12/31		1.9 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		1.9 AF
AESTHETIC STORAGE	01/01 to 12/31		1.9 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM SW¼ SW¼, Sec. 12, Twp 56N, Rge 05W, B.M. BONNER County

Place of Use: RECREATION STORAGE, FIRE PROTECTION STORAGE, and AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	05W	12											X						

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2022.**
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
5. Right 97-7733 authorizes a total annual storage volume of 1.9 acre-feet, 1.4 acre-feet to be used for the initial filling or carryover storage of the pond and 0.5 acre-feet for the replacement of losses caused by seepage and evaporation.
6. The pond established by the storage of water under this right shall not exceed a total capacity of 1.4 acre-feet or a total surface area of 0.3 acres.
7. Recreation storage use is for swimming.
8. Water shall not be diverted under this right when flows in the Priest River are below minimum flow amounts as defined by Right 97-7380. The right holder shall be responsible for monitoring the daily flow of the Priest River using real-time data and shall cease diverting water when flows in the Priest River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Priest River Gauging Station, No. 12395000, may be used for purposes of determining the daily flow amounts.
9. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 97-7733

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 29th day of October, 2021.

ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-7733

This map depicts the RECREATION STORAGE, FIRE PROTECTION STORAGE, and AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

05W

56N

Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.035 0.07 0.14 Miles

N

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

November 01, 2021

PRIEST RIVER TIMBER LLC
2721 ROAD 84
PASCO WA 99301-1625

RE: Permit No. 97-7733

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

Adam Frederick

Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 01, 2021, I served a true and correct copy of Permit to Appropriate Water No. 97-7733 by U.S. Mail, postage prepaid, to the following:

PRIEST RIVER TIMBER LLC (Current Owner)
2721 ROAD 84
PASCO WA 99301-1625

PATRICK D MCBURNEY SR (Representative)
2721 ROAD 84
PASCO WA 99301-1625

Tammy Alleman
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 18 2021
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Ruhmshottel, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Application.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 4 day of October, 2021, and ending on the 13 day of October, 2021.

Danielle Ruhmshottel

State of Idaho, county of Bonner ss.
On this 14 day of October, in the year of 2021, before me, Katrina George, Notary Public, personally appeared Danielle Ruhmshottel known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public
Residing at: Kootenai County

My Commission Expires 8/29/23

KATRINA GEORGE
NOTARY
PUBLIC
COMM. NO. 58374
STATE OF IDAHO

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

96-9904
KENNETH FINLAYSON
ANGELA FINLAYSON
PO BOX 64
COCOLALLA, ID 83813-0064
Point of Diversion SENW S27 T55N R03W BONNER County
Source UNNAMED STREAM Tributary FISH CREEK
Use: POWER
01/01 to 12/31
0.68 CFS
Total Diversion:
0.68 CFS
Date Filed: 09-10-2021
Place Of Use: POWER
T55N R03W S27 SENW

96-9909
RICK MORRIS
CLAUDIA MORRIS
81912 DANIEL DR
LA QUINTA, CA 92253-7734
Point of Diversion L2(NESW) S4 T55N R04W BONNER County
Source PEND OREILLE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
0.03 CFS
Total Diversion:
0.03 CFS
Date Filed: 09-13-2021
Place Of Use: IRRIGATION
T55N R04W S4 L2(NESW)
Total Acres: 1

97-7643
RONALD ARMACOST
CATHY ARMACOST
1222 S STARR LN
LIBERTY LAKE, WA
99019-9530
Point of Diversion NENW S22 T62N R04W BONNER County
Source PRIEST LAKE Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 09-10-2021
Place Of Use: DOMESTIC
T62N R04W S22 L1(NWNE)

97-7686
MICHAEL FETTIG
9430 N WIEBER DR
SPOKANE WA 99208-9105
Point of Diversion SENW S29 T57N R04W BONNER County
Source PRIEST RIVER Tributary PEND OREILLE RIVER
Use: IRRIGATION
4 /1 to 10/31
0.02 CFS
Total Diversion:
0.02 CFS
Date Filed: 09-24-2021
Place Of Use: IRRIGATION
T57N R04W S29
SENW,SWNW
Total Acres: 0.8

97-7733
PRIEST RIVER TIMBER LLC
2721 ROAD 84
PASCO, WA 99301-1625
Point of Diversion SWSW S12 T56N R05W BONNER County
Source UNNAMED STREAM Tributary PRIEST RIVER
Use: AESTHETIC STORAGE
01/01 to 12/31
1.9 AF
Use: RECREATION STORAGE
01/01 to 12/31
1.9 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31
1.9 AF
Use: DIVERSION TO STORAGE
01/01 to 12/31
0.2 CFS
Total Diversion:
0.2 CFS
1.9 AF
Date Filed: 09-13-2021
Place Of Use: AESTHETIC STORAGE,DIVERSION TO STORAGE, FIRE PROTECTION STORAGE, RECREATION STORAGE
T56N R05W S12 SWSW

97-7735
PRIEST RIVER TIMBER LLC
2721 ROAD 84
PASCO, WA 99301-1625
Point of Diversion NWSWSW S12 T56N R05W BONNER County
Source SPRING Tributary PRIEST RIVER
Point of Diversion SWSW S12 T56N R05W BONNER County
Source UNNAMED STREAM Tributary PRIEST RIVER
Use: AESTHETIC STORAGE
01/01 to 12/31
0.6 AF
Use: RECREATION STORAGE
01/01 to 12/31
0.6 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31
0.6 AF
Total Diversion:
0.6 AF
Date Filed: 09-20-2021
Place Of Use: AESTHETIC STORAGE, FIRE PROTECTION STORAGE, RECREATION STORAGE
T56N R05W S12 SWSW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 10/25/2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
SNP LEGAL 9001
AD#
OCTOBER 6, 13, 2021