

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 97-07539

Priority: August 15, 2016

Maximum Diversion Rate: 0.04 CFS

This is to certify, that GARRY MOHR And/Or
BONNIE MOHR
163 EL NIDO AVE
MONROVIA CA 91016

has applied for a permit to appropriate water from:

Source: PRIEST LAKE

Tributary: PRIEST RIVER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PRIEST LAKE NE1/4NW1/4NW1/4 Sec. 28, Twp 61N, Rge 04W, B.M. BONNER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N 04W 28						X											
						L 2											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2017**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
5. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Water shall not be diverted under this right when the level in Priest Lake cannot be maintained as defined in Idaho State Statute Title 70 Chapter 507.
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.

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

Signed this 18th day of October, 2016.


MORGAN CASE, Northern Regional Manager

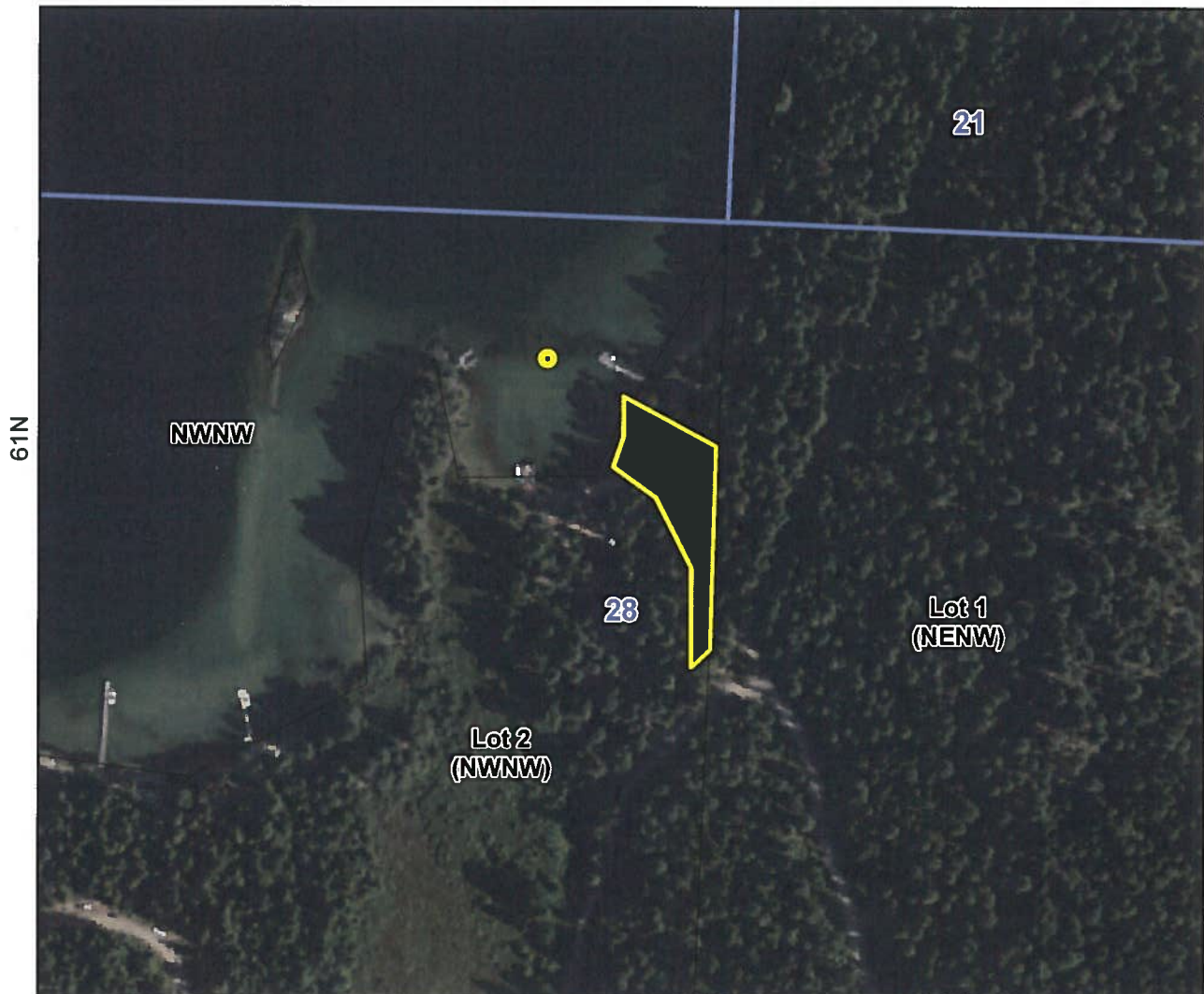
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-7539

This map depicts the DOMESTIC 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.

04W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 20, 2016

GARRY MOHR And/Or
BONNIE MOHR
163 EL NIDO AVE
MONROVIA CA 91016

RE: Permit No. 97-7539

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 762-2800.

Sincerely,


Morgan Case
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 97-7539

**BONNIE MOHR
163 EL NIDO AVE
MONROVIA CA 91016**

**GARRY MOHR
163 EL NIDO AVE
MONROVIA CA 91016**



**Dianne L. Ball
Administrative Assistant**

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 issuance 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
SEP 23 2016
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Holly Fredericks, 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 legal notice.
My business address is P.O. Box 159, Sandpoint, Idaho.
2. I am the legals clerk 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 15 day of Sept, 2016, and ending on the 22 day of Sept, 2016.

Holly Fredericks

State of Idaho, county of Bonner ss.

On this 22 day of Sept, in the year of 2016, before me, Katrina George, Notary Public, personally appeared Holly Fredericks, 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

Comm. Exp.: MY COMMISSION EXPIRES 8/29/17



RECEIVED
SEP 23 2016
IDWR / NORTH

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

95-17192

KENNETH NORRIS
ADRIENNE NORRIS
JOHN FIORENTINO
CHRISTINE CONWAY
PO BOX 236
SPIRIT LAKE, ID 83869
Point of Diversion SWSNW S7 T54N R04W BONNER County
Source SPRING tributary SINKS
Point of Diversion SENW S7 T54N R04W BONNER County
Source UNNAMED STREAM tributary SINKS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Use: IRRIGATION 04/01 to 10/31 0.12 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.2 CFS
Date Filed: 8/16/2016
Place of Use: DOMESTIC T54N R04W S7 SENW
Place of Use: STOCKWATER T54N R04W S7 SENW
Place of Use: IRRIGATION T54N R04W S7 SENW
Total Acres: 4
Domestic use is for 2 homes.
Stockwater use is for 30 head of mixed stock.

96-9639

JOHN MC CURDY
36 STAR RIDGE RD
HOPE, ID 83836
Point of Diversion SENE S12 T57N R01E BONNER County
Source UNNAMED STREAM tributary TRESTLE CREEK
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 04/01 to 10/31 0.12 CFS
Total Diversion: 0.16 CFS
Date Filed: 8/22/2016
Place of Use: DOMESTIC T57N R01E S12 SENE
Place of Use: IRRIGATION T57N R01E S12 SWNE SENE
Total Acres: 4
Domestic use is for one home.

96-9640

KRISTA HESS MILLS
37 PINE RD
OLDTOWN, ID 83822
Point of Diversion L4(NWNW) S5 T56N R01W BONNER County
Source UNNAMED STREAM tributary GOLD GULCH
Point of Diversion L4(NWNW) S5 T56N R01W BONNER County
Source UNNAMED STREAM Tributary GOLD GULCH
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 8/5/2016
Place of Use: DOMESTIC T56N R01W S5 L4(NWNW)
Domestic use is for 1 home.

97-7539

GARRY MOHR
BONNIE MOHR
163 EL NIDO AVE
MONROVIA, CA 91016
Point of Diversion NENWNW S28 T61N 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: 8/15/2016
Place of Use: DOMESTIC T61N R04W S28 L2(NWNW)
Domestic use is for 1 home.
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:
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 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 10/3/2016. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
LEGAL 2326
SEPTEMBER 15, 22, 2016

Ball, Dianne

From: Carl Ritchie [CRitchie@idl.idaho.gov]
Sent: Thursday, September 15, 2016 12:12 PM
To: Ball, Dianne
Subject: RE: Application for Permit No. 97-7539

Dianne,

The Dept of Lands has no objection to Ms. Mohr's proposed water line or water appropriation from Priest Lake.

Priest Lake Area
Carl Ritchie
Lands Coordinator/Nav Waters
208-443-2516

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Tuesday, September 13, 2016 5:04 PM
To: kiira.siitari@idfg.idaho.gov; Carl Ritchie
Subject: RE: Application for Permit No. 97-7539

Hi, Kiira and Carl:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is attached for your reference.

This is being prepared for publication in the Bonner County Daily Bee on September 15 and 22, 2016 with October 3, 2016 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact Adam Frederick in this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 13, 2016 5:03 PM
To: kiira.sitari@idfg.idaho.gov; Carl Ritchie Critchie@idl.idaho.gov
Subject: RE: Application for Permit No. 97-7539
Attachments: App-and-map(s)-97-7539.pdf

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Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819