RECEIVED
MAR 18 2024
DEPT. OF WATER RESOURCES

Form No. 204 Rev. 08/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

$50 fee
Receipted by KM
Recpt No. C117965
Date 3.18.24

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Idaho Code § 42-204, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of $50.00** to be included with this form when filed with IDWR.

Permit no. 84-12319 Date proof is due March 1st 2024

Name(s) of permit holder(s) Aaron Krieger

Mailing address 210 Fire Street City Kamiah State ID Zip 83536

Telephone no. 208-553-6919 Email akkamiah@gmail.com

Describe what work has been completed toward the development of this water right:
If no work has been completed, show "none".

Clearing brush to the site- Research + Purchasing tanks thoses - Discussing best options with others that have also made similar systems

Costing $ 1000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The County was going to clear brush under a Federal Program last Summer and I just found out that they cut that Funding So I'm working on that Brush myself + its taking longer than expected-

Permit holder(s) request an extension for 4 year(s).

A R Krieger
Signature *(If other than permit holder, Power of Attorney must be supplied)*

3/11/24
Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Idaho Code §§ 42-204 and/or 42-218.

☑ **IT IS HEREBY ORDERED** that the permit is **REINSTATED** with the priority date advanced to November 10, 2022.

☑ **IT IS HEREBY ORDERED** that the above request for extension of time is **APPROVED,** and the time within which to submit proof of beneficial use is extended to March 1, 2028.

Signed this 8th day of December, 2024

Shelley W. Keen
~~Angela M. Hansen, Chief~~
~~Water Allocation Bureau~~
Shelley W. Keen
Deputy Director

SCANNED
DEC 11 2024

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 84-12319

Priority: October 24, 2022 **Maximum Diversion Rate:** 0.03 CFS

This is to certify that

AARON KRIEGER 210 FIRE ST KAMIAH ID 83536-6050 OR
JOHANNA KRIEGER 210 FIRE ST KAMIAH ID 83536-6050

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM **Tributary:** CLEARWATER RIVER

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

Beneficial Use	**Period of Use**	**Rate of Diversion**
IRRIGATION	03/15 to 11/15	0.03 CFS

Location of Point(s) of Diversion
UNNAMED STREAM L2 (SE¼ SW¼), Sec. 26, Twp 34N, Rge 03E, B.M. IDAHO County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34N	03E	26												1.0 L2					1.0

Total Acres: 1.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2024.**
2. Subject to all prior water rights.
3. A fish screen of 3/32 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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Water shall not be diverted under this right when flows in the Clearwater River are below minimum flow amounts as defined by Right 85-7583. The right holder shall be responsible for monitoring the daily flow of the Clearwater River using real-time data and shall cease diverting water when flows in the Clearwater 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 Clearwater River at Orofino ID gauging station, No. 13340000, may be used for purposes of determining the daily flow amounts.
7. Water shall not be diverted under this right when flows in the Clearwater River, Right 86-7345, are below established minimum flow amounts.
8. This right does not grant any right-of-way or easement across the land of another.

SCANNED
MAR 07 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 84-12319

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

Signed this 7th day of March, 2023.

Michelle Richman

MICHELLE RICHMAN
Northern Regional Manager

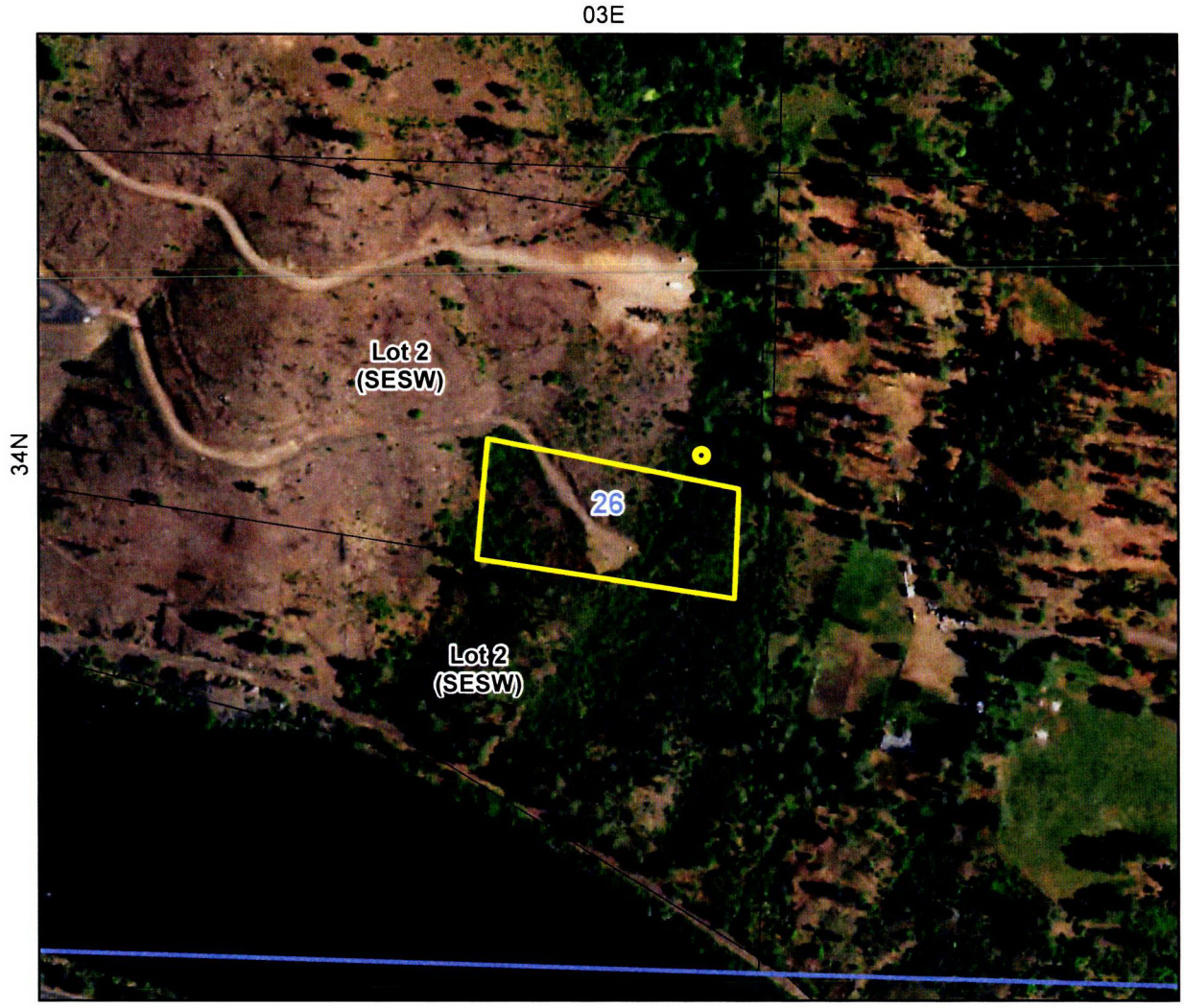
SCANNED
MAR 0 7 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

84-12319

This map depicts the IRRIGATION 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.



Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

0 0.035 0.07 0.14 Miles

N

SCANNED
MAR 07 2023

Print Single Sided Only

FORM 202 Rev. 09/16

RECEIVED
OCT 24 2022
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO 87161
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 84-12319

RECEIVED
OCT 31 2022
IDWR / NORTH

1. Name of applicant(s) Aaron Krieger or Johanna Krieger Phone 208-553-6919
   Name connector (check one): ☐ and ■ or ☐ and/or
   Mailing address 210 Fire Street City Kamiah
   State Id ZIP 83536 Email akkamiah@gmail.com
2. Name of representative, if any Phone
   Mailing address City
   State ZIP Email
   a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
      ☐ Send original correspondence to the applicant and copies to the representative.
   b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
      ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply unnamed stream which is a tributary of Clearwater river
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
34N	3E	26	2		SE	SW	Idaho	unamed stream	

5. Water will be used for the following purposes:
   Amount .03 (cfs or acre-feet per year) for irrigation purposes from 03/15 to 11/15 (both dates inclusive)
   Amount ____ (cfs or acre-feet per year) for ____ purposes from ____ to ____ (both dates inclusive)
   Amount ____ (cfs or acre-feet per year) for ____ purposes from ____ to ____ (both dates inclusive)
   Amount ____ (cfs or acre-feet per year) for ____ purposes from ____ to ____ (both dates inclusive)
6. Total quantity to be appropriated is (a) .03 cubic feet per second (cfs) and/or (b) ____ acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. 3/4 inch pipe from stream to 500 gallon holding tank
   b. Height of storage dam ____ feet; active reservoir capacity ____ acre-feet; total reservoir capacity ____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
   c. Proposed well diameter is ____ inches; proposed depth of well is ____ feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ■ No
   e. If well is already drilled, when? ____; drilling firm ____; well was drilled for (well owner) ____; Drilling Permit No. ____.

For Department Use

Received by KK Date 10.24.22 Time 11:50 Preliminary check by ____
Fee $ 100.00 Receipted by KK Receipt No. C114400 Date ____

SCANNED
NOV 07 2022

8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW. _____
   b. Stockwatering; list number and kind of livestock. _____
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
   d. Domestic; show number of households 1
   e. Other; describe fully. _____

9. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34 N	3E	26												1					1

Total number of acres to be irrigated: 1

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

11. a. Who owns the property at the point of diversion? Aaron Krieger
    b. Who owns the land to be irrigated or place of use? Aaron Krieger
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. I want to water the trees and grass. I have a building there, but no house.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Aaron Krieger
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

SCANNED
NOV 07 2022

Print Single Sided Only

FORM 202 Rev. 09/16

RECEIVED
OCT 24 2022
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. _____

RECEIVED
OCT 31 2022
IDWR / NORTH

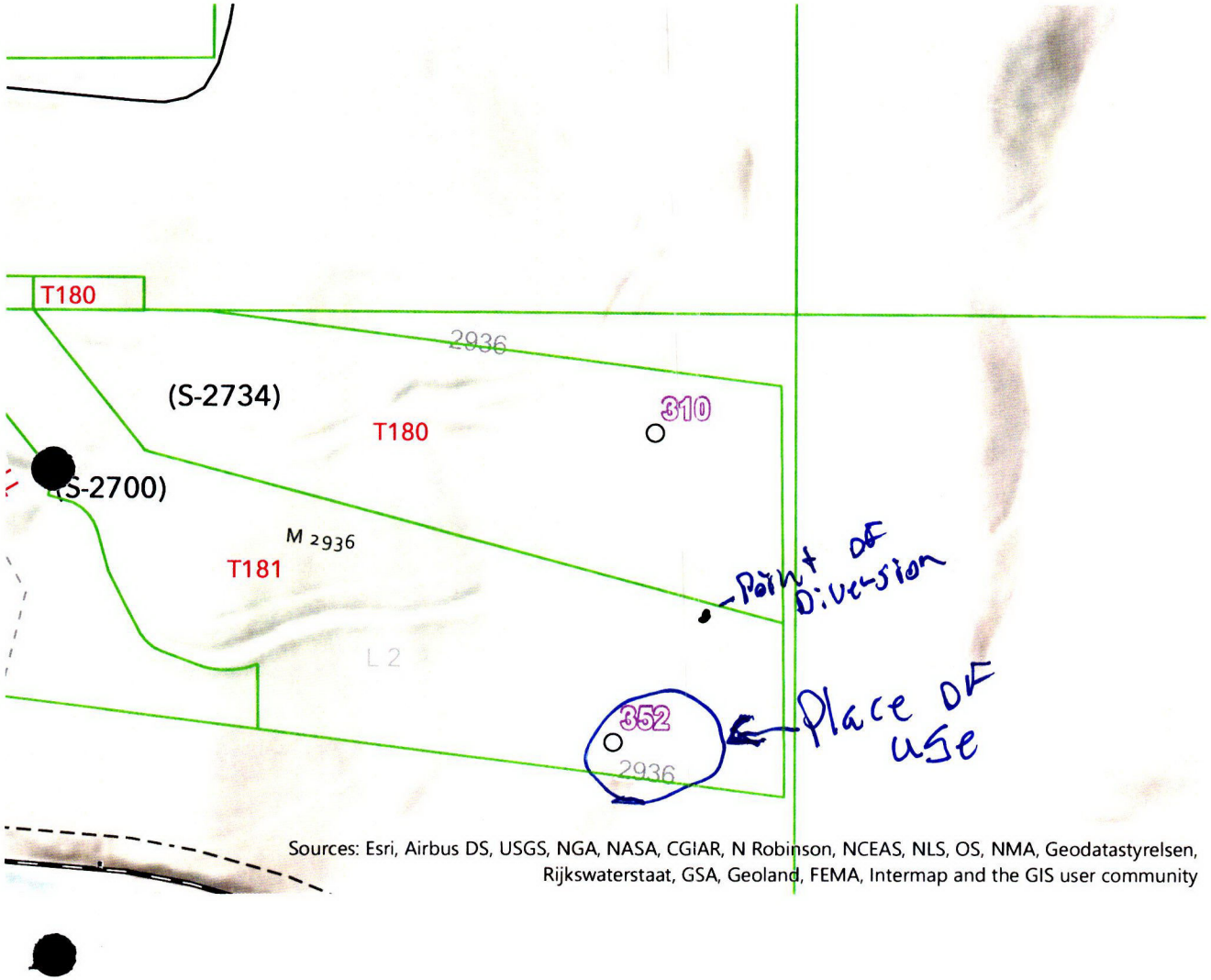
1. Name of applicant(s) Aaron Krieger or Johanna Krieger Phone 208-553-6919
   Name connector (check one): ☐ and ■ or ☐ and/or
   Mailing address 210 Fire Street City Kamiah
   State Id ZIP 83536 Email akkamiah@gmail.com
2. Name of representative, if any _____ Phone _____
   Mailing address _____ City _____
   State _____ ZIP _____ Email _____
   a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
      ☐ Send original correspondence to the applicant and copies to the representative.
   b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
      ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply unnamed stream which is a tributary of Clearwater river
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
34N	3E	26	2		SE	SW	Idaho	unamed stream	

5. Water will be used for the following purposes:
   Amount .03 (cfs or acre-feet per year) for irrigation purposes from 03/15 to 11/15 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
6. Total quantity to be appropriated is (a) .03 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. 3/4 inch pipe from stream to 500 gallon holding tank
   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ■ No
   e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by KK Date 10.24.22 Time 11:50 Preliminary check by _____
Fee $ 100.00 Receipted by KK Receipt No. C114400 Date _____



SCANNED
NOV 07 2022

Aaron Krieger

352 Cougar road
Kamiah ID 83536

34N 3E 26 SWSE

T34N R3E SEC 26 8.532 AC
PTN of tax 181 in Morning Star FR & Uncle Sam mine Claim
M.S. 2936 CoLo District.

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

December 10, 2024

AARON KRIEGER
JOHANNA KRIEGER
210 FIRE ST
KAMIAH ID 83536-6050

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 84-12319

Dear Permit Holder(s):

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **March 01, 2028**.

The Department granted this extension based on evidence of good cause. It is important that you work diligently toward the completion of the project during the development period allowed because the Department **may not** grant an additional extension based on good cause, pursuant to Idaho Code § 42-218.

This approved extension also reinstates the permit and advances the priority date since the request and the filing fee was submitted after the permit proof due date. The priority date of this permit is advanced to **November 10, 2022**, pursuant to Idaho Code § 42-218a(2).

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). 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.

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

SCANNED
DEC 11 2024

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

SCANNED
DEC 11 2024

CERTIFICATE OF SERVICE

I hereby certify that on **December 11, 2024** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER **(PRELIMINARY ORDER APPROVING REQUEST FOR EXTENSION OF TIME)** to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **84-12319**

AARON KRIEGER
210 FIRE ST
KAMIAH ID 83536-6050

JOHANNA KRIEGER
210 FIRE ST
KAMIAH ID 83536-6050

Jean Hersley

Jean Hersley
Technical Records Specialist II

SCANNED
DEC 11 2024

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.

SCANNED
DEC 11 2024

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.

Request For Extension Evaluation

Permit Number: 84-12319 Reviewer: jhersley Review Date: 12/3/2024

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address need to be updated? No
3) Extension request received date: 3/18/2024
4) Proof due date: 3/1/2024
5) Days added for holiday due date allowance:
6) Days added for weekend due date allowance:
7) Number of days late: 17
8) Request received timely? No
9) Appropriate fee paid? Yes

Analysis

1) Has adequate work been completed? Yes
2) Has the permit been involved in litigation? No
3) Is litigation documentation needed? No
4) Is delay by government agency? No
5) Is delay documentation needed? No
6) Greater than 25,000 AcFt for irrigation or 10,000 for reservoir? No
7) Number of years previously granted for development: 1
8) Initial authorized period less than 5 years? Yes
9) Does the application request the difference? Yes
10) Contact applicant? No

Proof Due Date Calculator

1) Number of years extension requested: 4
2) Has an extension been granted previously? No
3) Number of years granted under previous extensions: 0
4) Does the permit authorize diversion >= 2cfs or 100 acres? No
5) Is the extension of time to submit proof granted? Yes
6) Number of years extension granted: 4
7) New proof due date: 3/1/2028

Receipt IDs

C114400

Comments

Extension request filed and granted based on due diligence pursuant to Idaho Code § 42-218. The 1 year originally granted and the 4 years of this extension brings the development period up to 5 years. Only one more extension allowed for due diligence for up to 5 more years. Proof due extended to 3/1/2028.

Reinstate Evaluation

Permit Number: 84-12319 Reviewer: jhersley Review Date: 12/3/2024

Analysis

1) Proof/extension request received date: 3/18/2024
2) Number of days proof/extension request received late: 17
3) Was a lapsed notice sent? Yes
4) Date lapsed notice sent: 3/8/2024
5) Number of days between proof/extension request received date and date lapsed notice was sent: 10
6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
7) Priority date: 10/24/2022
8) New priority date: 11/10/2022
9) New status: Active

Comments

Extension received 17 days late. Permit reinstated with priority date advanced to 11/10/2022.

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 08, 2024

AARON KRIEGER
JOHANNA KRIEGER
210 FIRE ST
KAMIAH ID 83536-6050

LAPSE NOTICE

RE: PERMIT NO. 84-12319

IMPORTANT: This permit has lapsed because no written response was received from you by the IDWR. Development and/or use must cease.

Dear Permit Holder(s):

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated December 29, 2023. No further construction or additional development is authorized under this permit.

If water was put to beneficial use prior to the date proof of beneficial use was due, you may file the Statement of Completion (proof) now, or if you or a previous owner of this permit have not received a prior extension of time, you may file the Request for Extension of Time (extension request) if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. You may also request an extension of time if you have been delayed by a government agency, or by litigation that brings title to the water in question.

Either an acceptable proof or an acceptable extension request must be received by this Department within sixty (60) days of the mailing of this lapse notice in order to reinstate this permit.

Please contact Amanda Veibell at 208-287-4945, if you need additional assistance.

Sincerely,

Phill Hummer, Section Manager
Water Allocation Bureau

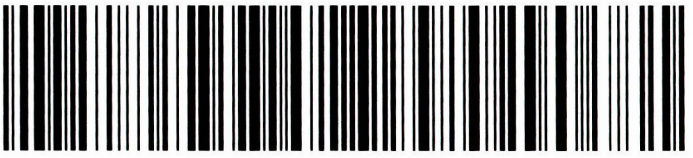
CERTIFICATION OF MAILING

I hereby certify that on 3/8/24
a copy/an original of this document was deposited in the United States mail, postage prepaid addressed to the individual(s) named above.

ADV

322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

USPS CERTIFIED MAIL



9214 8901 9403 8342 9762 70

AARON KRIEGER
JOHANNA KRIEGER
210 FIRE ST
KAMIAH ID 83536-6050

84-12319

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little Director Mathew Weaver

December 29, 2023

AARON KRIEGER
JOHANNA KRIEGER
210 FIRE ST
KAMIAH ID 83536-6050

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 84-12319

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **March 01, 2024**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a $50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Amanda Veibell

Amanda Veibell
Technical Records Specialist

Enclosure(s)

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

March 07, 2023

AARON KRIEGER
JOHANNA KRIEGER
210 FIRE ST
KAMIAH ID 83536-6050

RE: Permit No. 84-12319

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.

SCANNED
MAR 0 7 2023

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,

Michelle Richman

Michelle Richman
Northern Regional Manager

Enclosure(s)

SCANNED
MAR 07 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 07, 2023, I served a true and correct copy of Permit to Appropriate Water No. 84-12319 by U.S. Mail, postage prepaid, to the following:

AARON KRIEGER (Current Owner)
210 FIRE ST
KAMIAH ID 83536-6050

JOHANNA KRIEGER (Current Owner)
210 FIRE ST
KAMIAH ID 83536-6050

Tammy Alleman
Administrative Assistant 1

SCANNED
MAR 07 2023

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.

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MAR 07 2023

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.

SCANNED
MAR 07 2023

MEMORANDUM

To: **Water Right Applications 84-12319**

From: **Luke Bates** LSB 12/7/22

Date: **12/7/2022**

Re: **Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.**

Re: **Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).**

Water Supply Information
Water supply from unnamed stream should be available for the applicant's water use.

Good Faith, Delay, or Speculative Information
The applicant plans to divert water for his/her own use on property that he/she owns and there are no know issues with any other party.

Financial Resources Information
No significant resources are anticipated for the proposed irrigation.

Local Public Interest
The Idaho Department of Fish & Game (IDFG), Department of Environmental Quality (DEQ), and the Idaho Water Resource Board have been asked for comments on the proposed projects. IDFG responded with fish screen & approach velocity recommendations but asserts the withdrawal would likely not significantly impact fish, wildlife, or habitat. The Idaho Water Resource Board and DEQ did not respond.

Injury to Other Water Rights
None anticipated. Water use proposed by the applicant is not subordinated by Minimum Stream Flow (MSF) WRs 85-7583 & 86-7345 for the Clearwater River. Conditions of approval 227 & WB9 have been included in the permit approval process addressing MSF requirements.

Recommendation
The Northern Region recommends proceeding with the processing of this water right application.

SCANNED
MAR 07 2023

Alleman, Tammy

From: Hickey,Clay
Sent: Friday, December 2, 2022 1:36 PM
To: Alleman, Tammy
Subject: RE: Request for Comments for WR#84-12319

Hi Tammy, I have reviewed WR#84-12319 for the application to withdraw 0.03 CFS from an unnamed tributary of the Clearwater River.

Based on my understanding of the application, the proposed location and amount of withdrawal; the withdrawal is unlikely to have a significant impact on fish, wildlife or habitat. I do recommend that the pump intake be screened. I'd recommend a maximum screen mesh size of 3/32- inches. I would also recommend to require that approach velocities at the intake should not exceed 0.5 feet per second.

Thank you,

Clay Hickey
Regional Technical Assistant Manager, Clearwater Region
Idaho Department of Fish and Game
3316 16th Street
Lewiston, ID 83501
Office (208) 750-4217
Clay.hickey@idfg.idaho.gov

From: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Sent: Monday, November 07, 2022 1:24 PM
To: Sujata Connell <Sujata.Connell@deq.idaho.gov>; Hickey,Clay <clay.hickey@idfg.idaho.gov>; IWRB Water Use Reviews <WaterUseApprovalReviews@idahogov.onmicrosoft.com>
Subject: Request for Comments for WR#84-12319

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), 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. The deadline for comments on the applications is December 5, 2022.

SCANNED
MAR 07 2023

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
MAR 07 2023

RECEIVED
NOV 2 8 2022
IDWR / NORTH

Legal Notice

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

84-12319
AARON KRIEGER
JOHANNA KRIEGER
210 FIRE ST
KAMIAH, ID 83536-6050
Point of Diversion L2(SESW)
S26 T34N R03E
IDAHO County
Source UNNAMED STREAM
Tributary CLEARWATER RIVER
Use: IRRIGATION
03/15 to 11/15
Total Diversion: 0.03 CFS
Date Filed: 10-24-2022
Place Of Use: IRRIGATION
T34N R03E S26 L2(SESW)
Total Acres: 1

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 12/5/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 11/16/2022 and 11/23/2022
(NOV16-NOV23)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

Sarah Klement, being first duly sworn, says she is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 16th day of November, 2022 and the last publication on the 23rd day of November, 2022; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.

STATE OF IDAHO)

COUNTY OF IDAHO)

On this 23rd day of November in the year of 2022, before me a Notary Public personally appeared Sarah Klement, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Linda Mort

Notary Public for Idaho

Residing at Grangeville, ID

My commission expires: 7/12/25

LINDA MORT
COMMISSION NO. 20191337
NOTARY PUBLIC
STATE OF IDAHO

SCANNED
MAR 0 7 2023

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

R. # 84 12319 APPLICATION ID # 87161 ENT. YB BCA JA OK to Publish _____

INITIAL REVIEW BY YB DATE 10/31/2022

PPLICANT Aaron Krieger OR Johanna Krieger

PROCESSING (Yes)(No) PRIORITY DATE 10/24/2022

ITEM	REQUIRED INFORMATION
1	(✓) Name and Address
2	(✓) Source
3	(✓) Point of Diversion & County
4	(✓) Quantity
5	(✓) Nature of Proposed Use
6	(✓) Period of Use
7	(✓) Total Quantity
8	(✓) Description of diverting works
9	(✓) Time required for b/u
10	(✓) Proposed use
11	(✓) Place of use or acres irrigated
12	(✓) Other water Rights
13	(✓) Ownership
14	(✓) Map
15	(✓) Signature
16	(✓) Fee (Amt. receipt, acknowledgement)

___ ✓ (Include Moratorium Remark)
___ ✓ Statewide Advertising (Diversion rate greater than 10 cfs or 1,000 af)

*** Send info sheet Y ( ) N ( )

ADVERTISE IN Idaho County
Newspaper Idaho County Free Press
Dates scheduled for publication 11-16-22 & 11-23-22
Affidavit of Publication received 11-28-22
Dates actually published 11-16-22 & 11-23-22
Application published correctly Yes X No ____
If not, action taken _____
Final Date for Protest December 5, 2022
Protests Received Yes ____ No X

LETTERS SENT REQUESTING
( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other _____

INFORMATION RECEIVED
( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other _____

ADDITIONAL INFORMATION (Yes)(No)

✓ ___ Shape File Created Date 10/31/22 By: YB
___ ___ Field check by _____
___ ___ Field report attached
___ ___ Analysis Supp. Attached (>5cfs/500af)
___ ___ Water delivered by water master? Water District # _____

F+G, DEQ, WB.

GROUNDWATER SECTION

WD Permit No.'s	Tag #	Type	Fees	Receipt No	Upgrade Needed?
_____	_____	Dom ___ Non-Dom ___	Paid $_____	_____	Y ( ) N ( )
_____	_____	Dom ___ Non-Dom ___	Paid $_____	_____	Y ( ) N ( )
_____	_____	Dom ___ Non-Dom ___	Paid $_____	_____	Y ( ) N ( )

___ ___ Groundwater management area
___ ___ Critical ground water area
___ ___ Well Drilling Permit required
___ ___ Well Drilling Application and Fees received
___ ___ Well Drilling Application approved?

Remarks _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No) Final order response date ____/____/____
___ ___ Notice of pending void order issued
___ ___ Further information required from applicant _____

Cond. to R67-3.5 at headgate

___ ___ Measuring device required
___ ___ Measuring port required
___ ___ Special conditions 80's basin memo Condition 227 MSF - 85-7583 + Condition WRA 86-7345 gage Station 13340000 Clearwater River at Orofino ID.
___ ___ Special conditions of approval supplement and/or cover letter attached _____

Approval Recommended by _____ Date 12/7/2022 Sr. Agent initial _____

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 7, 2022

AARON KRIEGER
JOHANNA KRIEGER
210 FIRE ST
KAMIAH, ID 83536-6050

RE: Application for Permit No. 84-12319

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO COUNTY FREE PRESS on 11/16/2022 and 11/23/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Tammy Alleman
Administrative Assistant

SCANNED
NOV 07 2022

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, November 7, 2022 1:24 PM
To: Sujata Connell; Hickey,Clay; IWRB Water Use Reviews
Subject: Request for Comments for WR#84-12319
Attachments: 84-12319 Application for Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), 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. The deadline for comments on the applications is December 5, 2022.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
NOV 07 2022

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, November 7, 2022 1:19 PM
To: IFP Legals
Subject: Legal Notice
Attachments: 84-12319 Legal Notice.docx

Please publish the enclosed legal notice in the **Idaho County Free Press** on the dates indicated **November 16th & November 23rd, 2022** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **December 5, 2022.** Your cooperation is appreciated.

Sincerely,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
NOV 07 2022

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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 12/5/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 11/16/2022 and 11/23/2022

SCANNED
NOV 07