

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 97-9171

Priority: July 01, 2022

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

DEAN ROGERS 137 COPPER BAY RD NORDMAN ID 83848 OR
DAVID ROGERS 137 COPPER BAY RD NORDMAN ID 83848 OR
HEIDI ROGERS 137 COPPER BAY RD NORDMAN ID 83848

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 01, 2022, and has submitted Proof of Beneficial Use on August 25, 2023. An examination confirms water is diverted from:

Source : PRIEST LAKE

Tributary: PRIEST RIVER

Beneficial Use
DOMESTIC

Period of Use
01/01 to 12/31

Rate of Diversion
0.04 CFS

Annual Volume
1.2 AF

Location of Point(s) of Diversion

PRIEST LAKE L5 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 9, Twp 61N, Rge 04W, B.M. BONNER County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N	04W	9											X L5						

Conditions of Approval

1. Place of use is located within Replat Lot 8A, Hagmans Beach Subdivision.
2. Domestic use is for 1 home.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 25th day of September, 2023.



PHILL HUMMER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right
97-9171

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.



0 400 800 Feet

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



RECEIVED

AUG 25 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50
Receipt No. C116957
Received By gpn
Date Received 8-25-23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 97-9171 Name of Permit Holder(s) Dean Rogers, David Rogers, Heidi Rogers

Telephone No. (208) 443-2002 Email DLRogersSB@AOL.com

Mailing Address 137 Copper Bay Rd City NORDMAN State ID Zip 83848

2. Source of Water PRIEST LAKE (Prest River) If Ground Water (well), Date Drilled mo. ____ / yr. ____

Drilling Permit/Tag No. ____ Drilling Company's Name ____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) 1 Irrigation (No. acres) .04 Stockwater (No. and stock type) —

Other flowers & small grassy area < 0.1 ac

4. Total diversion rate or volume (storage only) for which proof is submitted 0.04 cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

in lake pump to pressure tank in house. Pump motor on small tripod resting on lake bottom, 1-2' above bottom in 20-25' deep mud > 100 ft from shore

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | | |
|-------------------------------------|-------------------------------------|--------------------------|---|
| ☐ | ☐ | ☐ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☐ | ☐ | Mitigation plan |
| ☐ | ☐ | ☐ | Lockable controlling works |
| ☐ | ☒ | ☐ | Measuring device — <u>adding hour meter & cycle meter to monitor pump activity.</u> |
| ☒ | ☒ | ☐ | Fish screen |
| ☐ | ☐ | ☐ | Other requirements of the water right permit |
| ☐ | ☐ | ☐ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ 50.00 or ☐ CWRE field report attached or ☐ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: DAVID ROGERS Telephone No. (208) 252-3600 Email DLRogersSB@aol.com

Mailing Address 135 Copper Bay Rd City NORDMAN State ID Zip 83848

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

David Rogers
SIGNATURE OF PERMIT HOLDER*

DAVID ROGERS (co-owner)
PRINTED NAME AND TITLE

8-18-2023
DATE

*Attach power of attorney if completing on behalf of permit holder.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-9171

Priority: July 01, 2022

Maximum Diversion Rate: 0.04 CFS

This is to certify that

DEAN ROGERS 137 COPPER BAY RD NORDMAN ID 83848 OR
DAVID ROGERS 137 COPPER BAY RD NORDMAN ID 83848 OR
HEIDI ROGERS 137 COPPER BAY RD NORDMAN ID 83848

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:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

PRIEST LAKE L5 (SW¼ SW¼), Sec. 9, Twp 61N, Rge 04W, B.M. BONNER County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N	04W	9											X L5						

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2023**.
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. Place of use is located within Replat Lot 8A, Hagmans Beach Subdivision.
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 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.
8. 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 Idaho Code § 42-204.

Signed this 31st day of August, 2022



ADAM FREDERICK
Water Rights Supervisor

SCANNED
SEP 02 2022

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-9171

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



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

0 0.035 0.07 0.14 Miles



SCANNED
SEP 02 2022



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

September 26, 2023

HEIDI ROGERS
DEAN ROGERS
DAVID ROGERS
137 COPPER BAY RD
NORDMAN ID 83848

RE: License No. 97-9171

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department 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.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

Jean Hersley

For
Phill Hummer
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2023, I served a true and correct copy of Water Right License No. 97-9171 by U.S. Mail, postage prepaid, to the following:

HEIDI ROGERS (Current Owner)
137 COPPER BAY RD
NORDMAN ID 83848

DEAN ROGERS (Current Owner)
137 COPPER BAY RD
NORDMAN ID 83848

DAVID ROGERS (Current Owner)
137 COPPER BAY RD
NORDMAN ID 83848



Jean Hersley
Technical Records Specialist 2

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Exam Date: 09/20/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y ___ N

- a. ___ Irrigation of 5 acres or less
 b. ___ Storage of up to 14.6 AF for stockwater purposes only
 c. X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less.
 d. ___ Other < >

2. Current Owner: **Dean, David, & Heidi Rogers**Owner of Record Correct? X Y ___ NAddress of Record Correct? X Y ___ N

If No Explain:

3. Beneficial Use Fees have been paid: X Y ___ N Receipt No: C116957

4. Source: Tributary:

PREIST LAKE**PREIST RIVER**

Method of Determination:

Change in Source: ___ Y X N**B. OVERLAP REVIEW**1. Other water rights with the same place of use: X No Overlap

Water Right No.	Source	Purpose of Use	Basis
97-4215	GROUNDWATER	DOMESTIC	LICENSE

Comments: Right 97-4215 owned by Elizabeth & James Hagman, has a GIS shape overlapping the permit place of use (POU). However, the backfile has no POU map identifying the 4 houses the right is for. The POD (well) for right 97-4215 is located northwest of the permit POU and there are existing domestic claims filed by the Hagmans in the same quarter-quarter. This permit was issued for surface water and according to Bonner County records the appurtenant parcel is owned by the permit holders. There are no conflict concerns regarding groundwater domestic POU overlapping the permit POU.

2. Other water rights with the same point of diversion: X NO Overlap

Water Right No.	Source	Purpose of Use	Basis
NONE	NA	NA	NA

Comments: There are no rights sharing the permit point of diversion (POD).**C. DIVERSION AND DELIVERY SYSTEM**

1. Location of Point(s) of Diversion:

Source	Govt Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.		County
Submersible Pump-Priest Lake	5		SW	SW	9	61N	04W	B.M.	BONNER

Method of Determination: GIS and Tax lot data.Change in POD? ___ Y X N Amendment Required? ___ Y X N

2. 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	9											D						
		Lot #											5						

Method of Determination: Bonner County Maps, GIS, and TAXLOT DATA

Change in POU? ____Y ____X_N Amendment Required? ____Y ____X_N

__Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable:

__X_ Aerial Photo Attached (required for irrigation of 10+ acres).

__ Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Screened Submersible Pump	Unknown	3/4	Unknown	Unknown	Unknown

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE	NA	NA	NA	NA	NA	NA

2. Measurement Comments: The permit holder stated that a 3/4Hp submersible pump with a fish screen on the intake delivers water to the home. A maximum head of about 40 ft was estimated using the DRG map.

E. FLOW CALCULATIONS

____Additional Computation Sheets Attached

Measured Method:

A theoretical calculation and Administrative Memo #17 were used to determine a reasonable rate of diversion.

$$Q = (3/4\text{Hp})(8.8)(0.80 \text{ efficiency})/(40 \text{ ft lift}) + (2.31)*(45 \text{ psi}) = 0.04\text{cfs}$$

Theoretical Calculation= 0.04cfs

Permit allowed = 0.04cfs

Recommendation= 0.04cfs

Comments:

Aerial imagery was used to determine there is a home and some irrigation is occurring within the POU. Approximately 0.04cfs is possible with a 3/4Hp pump. According to Administrative memo #22 up to 0.04cfs and 1.2 AF annually is standard for domestic use in one home with up to 1/2 acre of irrigation. I am recommending a diversion rate of 0.04cfs for the license.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

NA

Comments:

This permit was issued for domestic use and Administrative Memo #22 states that 1.2 AF annually is standard for domestic use in one home with up to 1/2 acre of irrigation.

G. PURPOSE OF USE

Irrigation ____Y ____N # Stock NA Domestic # of Homes 1

Change in Purpose of Use? ____Y ____X_N

Method of Determination: Bonner County Maps, GIS, and Tax lot Data

H. NARRATIVE/REMARKS/COMMENTS

This permit for domestic use in 1 home qualifies for an in-office examination for license. The permit holder submitted the Proof of Beneficial Use, received by IDWR on August 25, 2023, stating in sections 3-5 that the beneficial use was developed for 1 home with <0.1 acre of irrigation for flowers and a small grassy area. I was able to confirm beneficial use was developed using aerial imagery. The home and some small areas of irrigation are visible in imagery from ArcGIS and the Bonner County map website(see figures 1a, 1b, 2, & 3). The permit holder stated in the application and proof of beneficial use that a ¾ submersible pump at the lake and pressure tank at the home are used to provide domestic water for in-house use and the irrigation of <0.1 acres within the parcel.

I am recommending the license be issued for a rate of 0.04cfs and 1.2 AF annually with conditions 004, X60, X01, 187 and 227. Condition 029 was removed at licensing as the permit holder confirmed that a fish screen was installed on the intake in the proof of beneficial use, and IDFG did not comment requesting the addition of any specific conditions.

Have conditions of permit approval been met? ☒ Yes ☐ No

I. RECOMMENDATIONS

1. Recommended Amounts:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Domestic	01/01 TO 12/31	0.04CFS	1.2AF
<u>Totals:</u>		0.04CFS	

2. Recommended Amendments:

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

Other: < >

J. AUTHENTICATION- Bob Howe- Water Resource Agent

Field Examiner's  Date 9/25/23

Reviewer  Date 9/25/23



Figure 1a – Upper Image- GIS 2021 imagery of the POU (outlined in blue) and POD (blue point).



Figure 1b- Bonner County Maps-aerial image of parcel (outlined in orange) appurtenant to the domestic right. Home labeled with address at 137 Copper Bay Rd in the northeast of the parcel. Garden area visible in the south east corner.



Figure 2- Bonner County map- aerial image of the northern portion of the POU. The home is visible with small areas of irrigation surrounding the walkway and driveway.



Figure 3- Bonner County map- aerial image of the southern portion of the permit holder's parcel (domestic POU) with garden beds visible.



Beneficial Use Proof Evaluation

Permit Number: 97-9171 Reviewer: AVeibell Review Date: 8/28/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 8/25/2023
- 4) Proof Due Date: 9/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -7
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed? Yes
 - a. Measuring Device -- Yes
 - b. Lockable Device --No
 - c. Fish Screen -- Yes
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? No
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N040276

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.



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 Gary Spackman

June 30, 2023

DEAN ROGERS
DAVID ROGERS
HEIDI ROGERS
137 COPPER BAY RD
NORDMAN ID 83848

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 97-09171

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 **September 01, 2023**. 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,

Water Rights Section

Enclosure(s)

CERTIFIED MAIL

7021 1970 0000 0024 4908

NO

SCANNED
JUL 03 2023



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

September 01, 2022

DEAN ROGERS
DAVID ROGERS
HEIDI ROGERS
137 COPPER BAY RD
NORDMAN ID 83848

RE: Permit No. 97-9171

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

SEP 02 2022

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
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 01, 2022, I served a true and correct copy of Permit to Appropriate Water No. 97-9171 by U.S. Mail, postage prepaid, to the following:

DEAN ROGERS (Current Owner)
137 COPPER BAY RD
NORDMAN ID 83848

DAVID ROGERS (Current Owner)
137 COPPER BAY RD
NORDMAN ID 83848

HEIDI ROGERS (Current Owner)
137 COPPER BAY RD
NORDMAN ID 83848



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.

RECEIVED

AUG 16 2022

DEPARTMENT OF
WATER RESOURCES

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

County of Bonner)

Italia Jimenez, 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

State of Idaho.
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 3rd day of August, 2022, and ending on the 10th day of August, 2022.

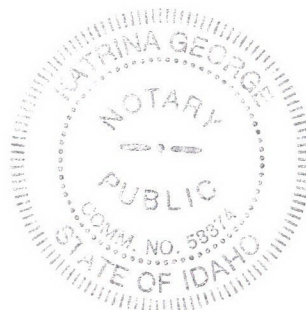
Italia Jimenez

State of Idaho, county of Bonner ss.

On this 10th day of August, in the year of 2022, before me, Katrina George, Notary Public, personally appeared Italia Jimenez 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



RECEIVED

AUG 19 2022

IDWR/NORTH

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

96-11706
VICTORIA L G HUFFMAN
76 WIKEL LN
PRIEST RIVER, ID
83856-6039
Point of Diversion SWNE
S26 T56N R05W
BONNER County
Source PEND OREILLE RIV-
ER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 06-30-2022
Place Of Use: IRRIGATION
T56N R05W S26
NWSE, L3(SWNE)
Total Acres: 1

96-11832
NEAL LEEN
TRUDY LEEN
PO BOX 926
PRIEST RIVER, ID
83856-0926
Point of Diversion NESW
S25 T56N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-30-2022
Place Of Use: DOMESTIC
T56N R05W S25 NESW

96-11988
LON PECKHAM
BARBARA PECKHAM
351 MOOSE MEADOW DR
PRIEST RIVER, ID
83856-9265
Point of Diversion L1(SWSW)
S36 T56N R04W
BONNER County
Source PEND OREILLE RIV-
ER

SCANNED

SEP 02 2022

Tributary COLUMBIA RIVER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 07-11-2022
Place Of Use:
IRRIGATION, STOCKWATER
T55N R04W S1
L3(NENW), L4(NWNW)
Place Of Use:
IRRIGATION, STOCKWATER
T56N R04W S36 L1(SWSW)
Total Acres: 11.5

97-8485

MICHAEL SMITH
1703 N TRELLIS CT
POST FALLS, ID 83854
Point of Diversion NESE
S26 T57N R05W
BONNER County
Source PRIEST RIVER
Tributary PRIEST RIVER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-30-2022
Place Of Use: DOMESTIC
T57N R05W S26
SENE, NESE

97-8862

LINSAIDO LLC
1713 E LEONA DR
SPOKANE, WA 99208-9564
Point of Diversion SWNE
S32 T56N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION

04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 07-14-2022
Place Of Use: IRRIGATION
T56N R04W S32
L7(SWNE), SWNE
Total Acres: 1

97-9167

CABRERA TRUST
3410 E 48TH CT
SPOKANE, WA 99223
Point of Diversion NESE
S17 T60N R04W
BONNER County
Source PRIEST LAKE

Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 07-07-2022
Place Of Use: DOMESTIC
T60N R04W S17 L3(NESE)

97-9171

DEAN ROGERS
DAVID ROGERS
HEIDI ROGERS
137 COPPER BAY RD
NORDMAN, ID 83848
Point of Diversion L5(SWSW)
S9 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 07-01-2022
Place Of Use: DOMESTIC
T61N R04W S9 L5(SWSW)

97-9202

LARRY C BECK

10718 S MICA VISTA LN
MICA, WA 99023-5007
Point of Diversion SENW
S10 T62N R04W
BONNER County
Source PRIEST RIVER
Tributary PRIEST LAKE
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 07-18-2022
Place Of Use: IRRIGATION
T62N R04W S10
L4(SWNW), L3(SENW)
Total Acres: 0.1

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/WRAApplicationResults/>. 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 8/22/2022. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
BCB LEGAL #4121
AD #551290
AUGUST 3, 10, 2022