

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-9855

Priority: September 23, 2024

Maximum Diversion Rate: 0.03 CFS

This is to certify that

SCHOMER LIVING TRUST C/O JOHN P SCHOMER & DEBORAH A SCHOMER
214 E THAMA DR PRIEST RIVER ID 83856-0290

has applied for a permit to appropriate water from:

Source : PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

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

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

0.03 CFS

Location of Point(s) of DiversionPEND OREILLE RIVER L5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 32, Twp 56N, Rge 04W, B.M. BONNER 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	
56N	04W	32																1.0 L5	1.0

Total Acres: 1.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2026**.
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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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 5th day of February, 20 25.

CHACE BELL

Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-9855

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.



0 0.035 0.07 0.14 Miles

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





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 Mathew Weaver

February 05, 2025

SCHOMER LIVING TRUST
C/O JOHN P SCHOMER & DEBORAH A SCHOMER
214 E THAMA DR
PRIEST RIVER ID 83856-0290

RE: Permit No. 97-9855

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Chace Bell", is written over a light blue horizontal line.

Chace Bell
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 05, 2025, I served a true and correct copy of Permit to Appropriate Water No. 97-9855 by U.S. Mail, postage prepaid, to the following:

SCHOMER LIVING TRUST (Current Owner)
C/O JOHN P SCHOMER & DEBORAH A SCHOMER
214 E THAMA DR
PRIEST RIVER ID 83856-0290

JOHN SCHOMER (Trustee)
214 E THAMA DR
PRIEST RIVER ID 83856

DEBORAH SCHOMER (Trustee)
214 E THAMA DR
PRIEST RIVER ID 83856



Micki Bowman
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

RECEIVED

NOV 04 2024

IDWR / NORTH

RikkiJade Lindstrom, 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 the State of 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 Legal 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 16 day of October, 2024, and ending on the 23 day of October, 2024.

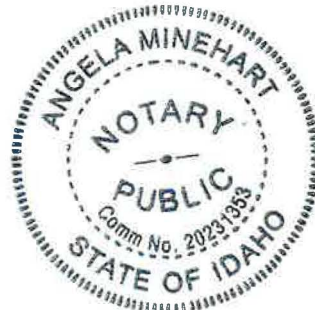
RikkiJade Lindstrom

State of Idaho, county of Bonner ss.

On this 23 day of October, in the year of 2024 before me, Angela Minehart, Notary Public, personally appeared RikkiJade Lindstrom known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she (or they) executed the same.

Angela Minehart
Notary Public
Residing at: Kootenai County

My Commission Expires 03/20/2029



RECEIVED

NOV 04 2024

IDH/NORTH

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

97-9853

ASHLEY TRUST
C/O MARK & JANA ASHLEY
10973 EASTSIDE RD
PRIEST RIVER, ID 83856-9545
Point of Diversion NENW
S9 T57N R04W
BONNER County
Source UNNAMED STREAM
Tributary PRATER CREEK
Use: IRRIGATION
04/01 to 10/31 0.09 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.11 CFS
Date Filed: 09-25-2024
Place Of Use: IRRIGATION,
STOCKWATER
T57N R04W S9 NENW
Place Of Use: STOCKWATER
T57N R04W S9
NWNE Total Acres: 3

97-9855

SCHOMER LIVING TRUST
C/O JOHN P SCHOMER &
DEBORAH A SCHOMER
214 E THAMA DR
PRIEST RIVER, ID 83856-0290
Point of Diversion L5 (SESE)
S32 T56N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 09-23-2024
Place Of Use: IRRIGATION
T56N R04W S32 L5(SESE)
Total Acres: 1

97-9856

SNOW VALLEY BIBLE
CHURCH
308 SNOW VALLEY RD
PRIEST RIVER, ID 83856
Point of Diversion NESW
S17 T57N R05W
BONNER County
Source TUNNEL CREEK
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.07 CFS
Date Filed: 09-26-2024
Place Of Use: DOMESTIC, IRRIGATION
T57N R05W S17 NESW
Total Acres: 1

97-9858

FHUERE TRUST
PO BOX 816
PRIEST RIVER, ID 83856-0816
Point of Diversion L5 (NENE)
S29 T56N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 10-01-2024
Place Of Use: DOMESTIC
STOCKWATER
T56N R05W S29 L5(NENE)

97-9859

IAPL LLC
1130 MONTEZUMA RD
COLORADO SPGS,
CO 80920-1523
Point of Diversion SWSW
S10 T59N R04W
BONNER County
Source GROUND WATER
Point of Diversion SWSW
S10 T59N R04W
BONNER County
Source GROUND WATER
Use: COMMERCIAL
01/01 to 12/31 0.2 CFS
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Total Diversion: 0.2 CFS
Date Filed: 09-30-2024
Place Of Use: COMMERCIAL, IRRIGATION
T59N R04W S10 SESW
Total Acres: 5

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 11/4/2024. The protestant must also send a copy of the protest to the applicant. MATHEW WEAVER, Director
Legal#6522
AD#28978
October 16, 23 2024

Bowman, Micki

From: Horsmon, Merritt
Sent: Friday, October 18, 2024 1:23 PM
To: Bowman, Micki
Subject: RE: Request for Comments for Water Right No. 97-9855

Hi Micki,
The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

Merritt Horsmon

Regional Technical Assistance Manager
Panhandle Region
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83815
208.769.1414 office
208.251.4509 mobile
merritt.horsmon@idfg.idaho.gov



From: Bowman, Micki <Micki.Bowman@idwr.idaho.gov>
Sent: Thursday, October 10, 2024 8:40 AM
To: Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Mike Ahmer <mahmer@idl.idaho.gov>; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; Anna Moody <Anna.Moody@deq.idaho.gov>
Subject: Request for Comments for Water Right No. 97-9855

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: <https://research.idwr.idaho.gov/apps/waterrights/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 November 4, 2024.

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

Micki Bowman | Administrative Assistant 1

Idaho Department of Water Resources

Northern Regional Office

7600 N Mineral Drive, Suite 100

Coeur d'Alene, ID 83815-7763

Phone (208) 762-2807

