BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 97-9034	)	**PRELIMINARY ORDER**
IN THE NAME OF ADAMS IRREVOCABLE	)	**REINSTATING PERMIT**
TRUST DTD	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On January 23, 2023, the Department issued Permit No. 97-9034 ("Permit") in the name of Adams Revocable Trust DTD ("Permit Holder") authorizing the diversion of 0.15 cubic feet per second from Priest Lake for irrigation and fire protection in Government Lot 1 (NE¼SE¼ and SE¼SE¼) of Section 15 of Township 62 North, Range 04 West, B.M., Bonner County. A condition of permit approval required submittal of the proof of beneficial use of water to the Department on or before February 1, 2024.

2. On November 30, 2023 the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holders of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") or a *Request for Extension of Time* ("Extension Request").

3. On February 1, 2024, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.

4. On February 8, 2024, the Department notified the Permit Holder the Permit had lapsed.

5. On March 8, 2024, the Permit Holders filed an acceptable Proof.

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states in relevant part:

> A permit upon which the proof of beneficial use… has not been submitted, or a request for extension of time has not been received on or before the date set for such proof… shall lapse and be of no further force nor effect… Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states in relevant part:

> Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

SCANNED
JAN 14 2025

The Permit Holders filed an acceptable Proof providing a reasonable showing the Permit should be reinstated. The Permit should be reinstated based upon the March 8, 2024 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 97-9034 is **REINSTATED** and the Permit's priority date is advanced to December 24, 2022.

DATED this 10th day of January, 2025.

Phill Hummer, Manager
Water Rights Section

SCANNED
JAN 14 2025

CERTIFICATE OF SERVICE

I hereby certify that on **January 14, 2025** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER **(PRELIMINARY ORDER REINSTATING A PERMIT)** to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **97-9034**

ADAMS IRREVOCABLE TRUST DTD...
804 S EMERSON ST
DENVER CO 80209-4343

Jean Hersley
Technical Records Specialist II

SCANNED
JAN 14 2025

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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JAN 14 2025

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
MAR 12 2024
DEPT. OF WATER RESOURCES

Form 42-217 Rev. 6/22

RECEIVED
MAR 08 2024
IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	50.00
Receipt No.	N044409
Receipted By	YMB
Date Receipted	3/8/24

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. 97-09034 Name of Permit Holder(s) ADAMS IRREVOCABLE TRUST

Telephone No. 303-246-5200 Email daynamilne@gmail.com

Mailing Address 8045 S. EMERSON ST. City DENVER State CO Zip 80209

2. Source of Water PRIEST LAKE 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) _____ Irrigation (No. acres) .5 Stockwater (No. and stock type) _____

Other FIRE PROTECTION

4. Total diversion rate or volume (storage only) for which proof is submitted _____ 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.)

PUMP 1.5hp, 10 ZONES, APPROX. 90 SPRINKLER HEADS (MP ROTATOR)

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
☒	☒	☐	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 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: DAYNA MILNE Telephone No. 303-246-5200 Email daynamilne@gmail.com

Mailing Address 8045 S. EMERSON ST City DENVER State CO Zip 80209

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.

SIGNATURE OF PERMIT HOLDER*	PRINTED NAME AND TITLE	DATE
	DAYNA MILNE, TRUSTEE	3-3-24

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

SCANNED
JAN 14 2025

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 97-9034

Priority: November 18, 2022 **Maximum Diversion Rate:** 0.15 CFS

This is to certify that

ADAMS IRREVOCABLE TRUST DTD... 286 E. CANOE POINT ROAD COOLIN ID 83821

has applied for a permit to appropriate water from:

Source : PRIEST LAKE **Tributary:** PRIEST RIVER

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

Beneficial Use	**Period of Use**	**Rate of Diversion**
IRRIGATION	04/01 to 10/31	0.15 CFS
FIRE PROTECTION	01/01 to 12/31	0.13 CFS

Location of Point(s) of Diversion

PRIEST LAKE NE¼ SE¼, Sec. 15, Twp 62N, 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	
62N	04W	15													0.3 L1			4.7 L1	5.0

Total Acres: 5.0

Place of Use: FIRE PROTECTION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	04W	15													X L1			X L1	
62N	04W	15													X				

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2024.**
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. 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.

SCANNED
JAN 24 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 97-9034

6. 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.
7. 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 23 day of JANUARY, 2023.

LUKE BATES
Interim Water Rights Supervisor

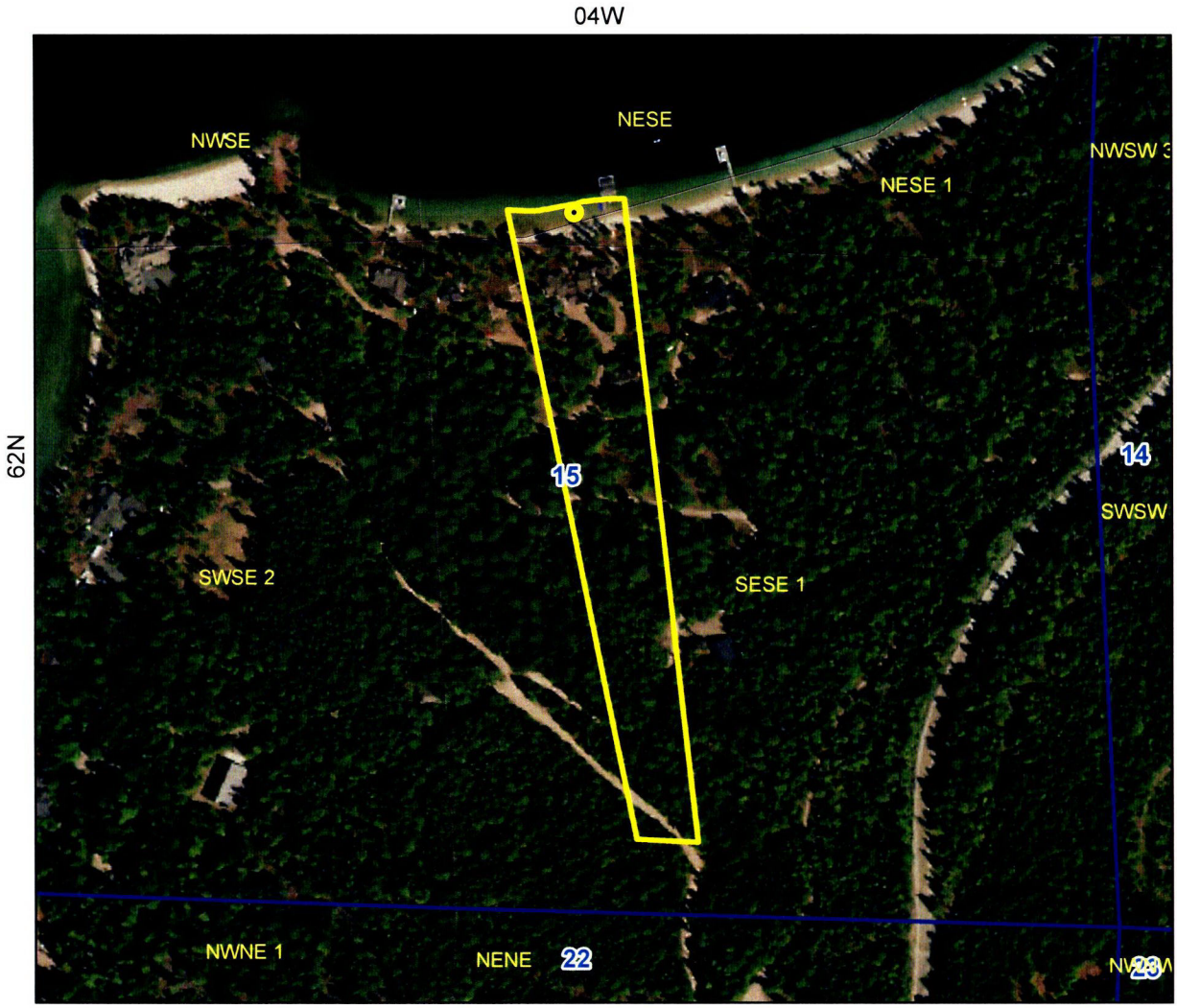
SCANNED
JAN 24 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-9034

This map depicts the IRRIGATION & FIRE PROTECTION 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.



SCANNED
JAN 24 2023

87013

RECEIVED
Nov 18, 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
No. 97-9034

1. Applicant(s)

ADAMS IRREVOCABLE TRUST DTD..
286 E. CANOE POINT ROAD
COOLIN ID 83821
303-246-5200, DAYNAMILNE@GMAIL.COM

2. Representative(s) N/A

3. Source of Water Supply:
Source : PRIEST LAKE **Tributary:** PRIEST RIVER

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1
Source	PRIEST LAKE
Tributary of	PRIEST RIVER
Township	62N
Range	04W
Section	15
Govt. Lot	
QQQ/QQ/Quarter	NE¼SE¼
County	BONNER
Diversion Type	
Local name or Tag#	
Type and size of devices	Electric pump for fire suppression and irrigation.
Height of storage dam	
Active/ Total Reservoir capacity	
Dam Application required?	No
Proposed well diameter/ depth	
Water Temp > 85°F?	
Drilled Date	
Drilling firm	
Property Owner	Applicant
Access Arrangement Description	N/A

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
IRRIGATION	04/01 to 10/31	0.15 CFS		
FIRE PROTECTION	01/01 to 12/31	0.13 CFS		

6. Total quantity to be appropriated is (a) 0.15 **cubic feet per second (cfs) and/or (b)** Not Stated **acre-feet / year (af).**

7. Proposed diverting works:

a. If an existing well, who was the well drilled for? Drilling Permit No.

8. Describe other proposed water uses : N/A

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee $ 100.00 Receipted by online filing Receipt No T113329 Date _____

SCANNED
DEC 13 2022

No. 97-9034

9. Description of place of use:

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	No QQ	
62N	04W	15													0.3 L1			4.7 L1		5.0

Total Acres: 5.0

Place of Use: FIRE PROTECTION

Twp	Rng	Sec	NE				NW				SW				SE					Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	No QQ	
62N	04W	15													X L1			X L1		
62N	04W	15													X					

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?
n/a

11.

a. **Who owns the land to be irrigated or place of use?** Applicant
b. **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.
We installed an electric pump at the dock for fire mitigation in 1992 and continue to use it seasonally & for irrigation purposes.

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

ADAMS IRREVOCABLE TRUST DTD.

Signature of Applicant

SCANNED
DEC 13 2022

State of Idaho
Department of Water Resources

Application For Permit

97-9034



0 0.0425 0.085 0.17 Miles

Point of Diversion

Place Of Use Boundary (IRRIGATION & FIRE PROTECTION)

Townships

PLS Sections

Quarter Quarters

N

SCANNED
DEC 13 2022

Prepared By: Web User

87013

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho
No. 97-9034

1. **Applicants**
Adams Irrevocable Trust DTD...
286 E. Canoe Point Road
Coolin, ID 83821
303-246-5200
daynamilne@gmail.com

SUPERSEDED

2. **Representatives**
Submitter is one of the applicants

3. **Source of Water Supply**
Source : PRIEST LAKE tributary to PRIEST RIVER

4. **Location of Point(s) of Diversion**

POD #	Source	Tributary Of	Diversion Type	Township	Range	Section	Govt Lot	QQQ/QQ/Q	County
1	PRIEST LAKE	PRIEST RIVER		62N	04W	15		/NE/SE	BONNER

5. **Water will be used for the following purposes:**

Purposes	Season	Rate	Volume	Description
FIRE PROTECTION	05/01 to 11/01	0.13 cfs	0.00 afa	Fire protection and irrigation

6. **Total quantity to be appropriated is (a)** 0.13 cfs **and/or** 0 afa

7. **Proposed Diverting Works:**
POD No :1
Description: Electric pump for fire suppression and irrigation.

8. **Description of Place Of Use:**

FIRE PROTECTION							
Township	Range	Section	QQ	Q	County	Govt Lot	Acres
62N	04W	15	SE	SE	BONNER	1	
62N	04W	15	NE	SE	BONNER	1	
62N	04W	15	NE	SE	BONNER		

9. **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.**
Domestic water supply provided by the home owners association.

10. **Land Ownership**
   - **Who owns the land to be irrigated or place of use?** Applicant does not own
   - **Who owns the land at the point of diversion?** Applicant

11. **Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.**
We installed an electric pump at the dock for fire mitigation in 1992 and continue to use it seasonally.

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

T113329 $100.00

SCANNED
DEC 13 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

January 14, 2025

ADAMS IRREVOCABLE TRUST DTD
804 S EMERSON ST
DENVER CO 80209-4343

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 97-9034

Dear Permit Holder(s):

The Department acknowledges receipt of the Proof of Beneficial Use form ("proof") and license examination fee for the above-referenced water right permit. Enclosed is an order that reinstates this permit since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to **December 24, 2022**, pursuant to Idaho Code § 42-218a(2).

The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water according to the conditions of the permit.

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.

If you have any questions concerning the field examination, please contact the Department located at (208) 287-4800.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

SCANNED
JAN 14 2025

Beneficial Use Proof Evaluation

Permit Number: 97-9034 Reviewer: jhersley Review Date: 1/14/2025

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address of record need to be updated? Yes
3) Proof Submitted Date: 3/8/2024
4) Proof Due Date: 2/1/2024
5) Days added for weekend due date?
6) Days added for holiday due date?
7) Number of days late: 36
8) Proof received timely? No

Analysis

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

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

T113329

Comments

Proof deemed acceptable. Will hold for 14 days for reinstatment order. 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.

Reinstate Evaluation

Permit Number: 97-9034 Reviewer: phummer Review Date: 1/10/2025

Analysis

1) Proof/extension request received date: 3/8/2024
2) Number of days proof/extension request received late: 36
3) Was a lapsed notice sent? Yes
4) Date lapsed notice sent: 2/8/2024
5) Number of days between proof/extension request received date and date lapsed notice was sent: 29
6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
7) Priority date: 11/18/2022
8) New priority date: 12/24/2022
9) New status: Active

Comments

Proof deemed acceptable but received 36 days late. recommend reinstate permit

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

February 08, 2024

ADAMS IRREVOCABLE TRUST DTD
286 E. CANOE POINT ROAD
COOLIN ID 83821

LAPSE NOTICE

RE: PERMIT NO. 97-09034

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 November 30, 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 2/8/24
a copy/an original of this document was deposited in the United States mail, postage prepaid addressed to the individual(s) named above.

Veibell, Amanda

From: Veibell, Amanda
Sent: Friday, December 29, 2023 2:55 PM
To: DAYNAMILNE@GMAIL.COM
Subject: Statement of Completion for Submitting Proof of Beneficial Use Due permit 97-9034
Attachments: Proof Due 97-9034.pdf

Good Afternoon.

The Department of Water Resources attempted to mail you the attached letter via certified mail. The letter was returned as unclaimed and unable to be forwarded. Please see the attached documents to avoid your permit lapsing.

Thank you.

Amanda Veibell
Technical Records Specialist I

IDAHO DEPARTMENT OF WATER RESOURCES
PO Box 83720 Boise ID 83720-0098
208-287-4945

If you would like to submit documents electronically, they must be emailed to file@idwr.idaho.gov per IDAPA 37.01.01.053 in PDF form. Please note, the documents will not be considered complete until the required payment is received. The Department is not able to process payments over the phone or via the internet at this time.

CERTIFIED MAIL

BOISE ID 837

30 NOV 2023 PM 2 L

USPOSTAGE PITNEY BOWES

ZIP 83702 $ 007.42⁰
02 4W
0000382634 NOV 30 2023

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

USPS CERTIFIED MAIL

9214 8901 9403 8340 2309 85

12-4

RECEIVED
DEC 26 2023
DEPARTMENT OF
WATER RESOURCES

ADAMS IRREVOCABLE TRUST DTD
286 E CANOE POINT RD
COOLIN ID 83821-9750

83821-975085

NIXIE 992 5E 1 7212/21/23
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

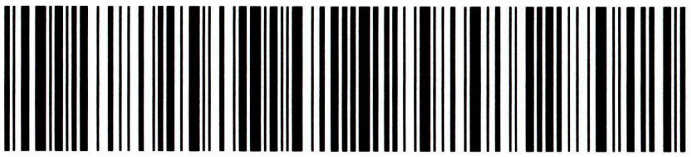
BC: 837200098 *1436-05008-30-38

Proof dtte 2.1.24
97-9034

emailed to
daynamilne@gmail.com
12/29/23

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

USPS CERTIFIED MAIL



9214 8901 9403 8340 2309 85

ADAMS IRREVOCABLE TRUST DTD
286 E CANOE POINT RD
COOLIN ID 83821-9750

97-09034

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

November 30, 2023

ADAMS IRREVOCABLE TRUST DTD...
286 E. CANOE POINT ROAD
COOLIN ID 83821

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 97-09034

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 **February 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
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

January 23, 2023

ADAMS IRREVOCABLE TRUST DTD...
286 E. CANOE POINT ROAD
COOLIN ID 83821

RE: Permit No. 97-9034

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
JAN 2 4 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,

Luke Bates
Interim Water Rights Supervisor

Enclosure(s)

SCANNED
JAN 2 4 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2023, I served a true and correct copy of Permit to Appropriate Water No. 97-9034 by U.S. Mail, postage prepaid, to the following:

ADAMS IRREVOCABLE TRUST DTD... (Current Owner)
286 E. CANOE POINT ROAD
COOLIN ID 83821

Tammy Alleman
Administrative Assistant 1

SCANNED
JAN 24 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.

SCANNED
JAN 24 2013

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
JAN 24 2023

RECEIVED
JAN 09 2023
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Dalia 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 Legal Notice.
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 21st day of December, 2022, and ending on the 28th day of December, 2022.

State of Idaho, county of Bonner ss.
On this 29th day of December, in the year of 2022, before me, Katrina George, Notary Public, personally appeared Dalia Jimenez 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.

Katrina George
Notary Public
Residing at: Kootenai County

My Commission Expires 8/29/23

SCANNED
JAN 24 2023

LEGAL NOTICE

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

96-12194
MARK OSTERSMITH
285 EAST CEDAR LN
PRIEST RIVER, ID 83856
Point of Diversion L3(SWNE)
S28 T56N R05W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 08-09-2022
Place Of Use: IRRIGATION
T56N R05W S28
L3(NWSE),L3(SWNE)
Total Acres: 0.4

96-13673
CRAIG A LUKES
KIM R LUKES
PO BOX 1976
SPOKANE VLY, WA 99037-1976
Point of Diversion SENW
S32 T56N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.1 CFS
Date Filed: 11-07-2022
Place Of Use: DOMESTIC
T56N R04W S32
L2(SWNW),L2(SENW),SENW

96-13683
PHILIP J MUNTER
JEANETTE L MUNTER
PO BOX 3530
OLDTOWN, ID 83822-3530
Point of Diversion L2(NESW)
S29 T56N R05W
BONNER County
Source GROUND WATER
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: 11-14-2022
Place Of Use: DOMESTIC,IRRIGATION
T56N R05W S29
L2(NESW),SESW
Total Acres: 1

96-13757
STEVEN M CARNIE
3757 GRAND POINT LN
ELK GROVE, CA 95758-4640
Point of Diversion SWNE
S26 T56N R05W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.06 CFS
Date Filed: 11-21-2022
Place Of Use: IRRIGATION
T56N R05W S26
NWSE,L3(SWNE)
Total Acres: 2

96-13995
DWAYNE BRANHAM
MARIE BRANHAM
124 WOLF TRL
PRIEST RIVER, ID 83856-9291
Point of Diversion SWSW
S15 T55N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 12-06-2022
Place Of Use: DOMESTIC
T55N R04W S15 SWSW

96-14042
JAMES E HULING
CHRISTY HULING
596 HOO DOO LOOP
OLDTOWN, ID 83822-8524
Point of Diversion NESE
S31 T56N R05W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Use: INDUSTRIAL
01/01 to 12/31 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 12-08-2022
Place Of Use: INDUSTRIAL,IRRIGATION
T56N R05W S31 NESE
Total Acres: 5

97-8719
KENNETH GIBSON
N.12117 GUINEVERE DR.
SPOKANE, WA 99218
Point of Diversion L7(NWSE)
S6 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-03-2022
Place Of Use: DOMESTIC
T59N R04W S6 L7(NWSE)

97-8909
SARA SCHROEDL
1101 W UNIVERSITY HEIGHTS DR S
FLAGSTAFF, AZ 86005-8523
Point of Diversion SWSENE
S34 T58N R04W
BONNER County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.09 CFS
Total Diversion: 0.15 CFS
Date Filed: 06-26-2022
Place Of Use: DOMESTIC,IRRIGATION,STOCKWATER
T58N R04W S34 SENE
Total Acres: 3

97-8952
MITCH PIERCE
7530 N SHADOW MTN RD
PARADISE VALLEY, AZ 85253
Point of Diversion NWNE
S34 T62N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-28-2022
Place Of Use: DOMESTIC
T62N R04W S34
L1(NWNE),NWNE

97-9034
ADAMS IRREVOCABLE TRUST DTD...
286 E. CANOE POINT ROAD
COOLIN, ID 83821
Point of Diversion NESE
S15 T62N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: FIRE PROTECTION
01/01 to 12/31 0.13 CFS
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 06-30-2022
Place Of Use: FIRE PROTECTION
T62N R04W S15
L1(NESE),L1(SESE),NESE
Place Of Use: IRRIGATION
T62N R04W S15
L1(NESE),L1(SESE)
Total Acres: 5

97-9608
KERRY BRIGHAM
3407 W LYONS AVE
SPOKANE, WA 99208-4741
Point of Diversion L2(SWNW)
S10 T59N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 11-16-2022
Place Of Use: DOMESTIC
T59N R04W S10
L2(SWNW),L1(NWNW)

97-9610
KELLY SKILLESTAD
10615 N CLATSOP CT
SPOKANE, WA 99208-9074
Point of Diversion L4(NESW)
S3 T59N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 11-16-2022
Place Of Use: DOMESTIC
T59N R04W S3 L4(NESW)

97-9611
THE FLEMING LIVING TRUST
6959 E MORNING DOVE LN
SAN TAN VLY, AZ 85143-1276
Point of Diversion SENE
S19 T57N R04W
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
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.09 CFS
Date Filed: 12-05-2022
Place Of Use: IRRIGATION,STOCKWATER
T57N R04W S19 SENE
Place Of Use: DOMESTIC,STOCKWATER
T57N R04W S20 SWNW
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 1/9/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Legal#4758
AD#3681
December 21, 28, 2022

SCANNED
JAN 24 2023

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 97 9034 APPLICATION ID # 87013 ENT. YB BCA YB OK to Publish MP

INITIAL REVIEW BY: YB DATE: 11/21/2022

APPLICANT: ADAMS IRREVOCABLE TRUST OTO...

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)

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

ADDITIONAL INFORMATION

(Yes)(No)

___ ___ Shape File Created Date Val. data 11/21/2022 By: YB

___ ___ Field check. by _____

___ ___ Field report attached

___ ___ Analysis Supp. Attached (>5cfs/500af)

___ ___ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

___ ✓ (Include Moratorium Remark)

___ ✓ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

PRIORITY DATE: 11/18/2022

ADVERTISE IN: Bonner County

Newspaper: BCDB Priest River Version

Dates scheduled for publication 12-21-22 & 12-28-22

Affidavit of Publication received: 1-9-23

Dates actually published: 12-21-22 & 12-28-22

Application published correctly. Yes X No ____

If not, action taken: _____

Final Date for Protest: January 9, 2023

Protests Received Yes ____ No X

LETTERS SENT REQUESTING

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: _____

INFORMATION RECEIVED

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: _____

IDL, FtG, DEQ, USB

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)

___ ___ Notice of pending void order issued. Final order response date: ____/____/____

___ ___ Further information required from applicant _____

___ ___ Measuring device required ✓ MSF 97-7380

___ ___ Measuring port required

___ ___ Special conditions: _____

___ ___ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: 1/18/2023 Sr. Agent initial YB Interim Supervisor.

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

December 13, 2022

ADAMS IRREVOCABLE TRUST DTD...
286 E. CANOE POINT ROAD
COOLIN, ID 83821

RE: Application for Permit No. 97-9034

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 BONNER COUNTY DAILY BEE, PRIEST RIVER VERSION on 12/21/2022 and 12/28/2022. 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
DEC 13 2022

From: Alleman, Tammy
To: Horsmon,Merritt; "Mike Ahmer"; Chantilly Higbee; Anna Moody; IWRB Water Use Reviews
Subject: Request for Comments for 97-9034
Date: Tuesday, December 13, 2022 4:12:00 PM
Attachments: 97-9034 Application for Permit.pdf
image001.png

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 January 9, 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
DEC 13 2022

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, December 13, 2022 3:03 PM
To: bcdblegals@cdapress.com
Subject: Legal notice
Attachments: Legal Notice for BCDB Priest River.docx

Please publish the enclosed legal notice in the **Bonner County Daily Bee, Priest River Version** on the dates indicated **December 21st & December 28th, 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 **January 9, 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
DEC 13 2022

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

96-12194
MARK OSTERSMITH
285 EAST CEDAR LN
PRIEST RIVER, ID 83856
Point of Diversion L3(SWNE)
S28 T56N R05W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 08-09-2022
Place Of Use: IRRIGATION
T56N R05W S28
L3(NWSE),L3(SWNE)
Total Acres: 0.4

96-13673
CRAIG A LUKES
KIM R LUKES
PO BOX 1976
SPOKANE VLY, WA 99037-1976
Point of Diversion SENW
S32 T56N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.1 CFS
Date Filed: 11-07-2022
Place Of Use: DOMESTIC
T56N R04W S32
L2(SWNW),L2(SENW),SENW

96-13683
PHILIP J MUNTER
JEANETTE L MUNTER
PO BOX 3530
OLDTOWN, ID 83822-3530
Point of Diversion L2(NESW)
S29 T56N R05W
BONNER County
Source GROUND WATER
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: 11-14-2022
Place Of Use: DOMESTIC,IRRIGATION
T56N R05W S29
L2(NESW),SESW
Total Acres: 1

96-13757
STEVEN M CARNIE
3757 GRAND POINT LN
ELK GROVE, CA 95758-4640
Point of Diversion SWNE
S26 T56N R05W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.06 CFS
Date Filed: 11-21-2022

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Place Of Use: IRRIGATION
T56N R05W S26
NWSE,L3(SWNE)
Total Acres: 2

96-13995
DWAYNE BRANHAM
MARIE BRANHAM
124 WOLF TRL
PRIEST RIVER, ID 83856-9291
Point of Diversion SWSW
S15 T55N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 12-06-2022
Place Of Use: DOMESTIC
T55N R04W S15 SWSW

96-14042
JAMES E HULING
CHRISTY HULING
596 HOO DOO LOOP
OLDTOWN, ID 83822-8524
Point of Diversion NESE
S31 T56N R05W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Use: INDUSTRIAL
01/01 to 12/31 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 12-08-2022
Place Of Use: INDUSTRIAL,IRRIGATION
T56N R05W S31 NESE
Total Acres: 5

97-8719
KENNETH GIBSON
N.12117 GUINEVERE DR.
SPOKANE, WA 99218
Point of Diversion L7(NWSE)
S6 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-03-2022
Place Of Use: DOMESTIC
T59N R04W S6 L7(NWSE)

97-8909
SARA SCHROEDL
1101 W UNIVERSITY HEIGHTS DR S
FLAGSTAFF, AZ 86005-8523
Point of Diversion SWSENE
S34 T58N R04W
BONNER County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION

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04/01 to 10/31 0.09 CFS
Total Diversion: 0.15 CFS
Date Filed: 06-26-2022
Place Of Use: DOMESTIC,IRRIGATION,STOCKWATER
T58N R04W S34 SENE
Total Acres: 3

97-8952
MITCH PIERCE
7530 N SHADOW MTN RD
PARADISE VALLEY, AZ 85253
Point of Diversion NWNE
S34 T62N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-28-2022
Place Of Use: DOMESTIC
T62N R04W S34
L1(NWNE),NWNE

97-9034
ADAMS IRREVOCABLE TRUST DTD...
286 E. CANOE POINT ROAD
COOLIN, ID 83821
Point of Diversion NESE
S15 T62N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: FIRE PROTECTION
01/01 to 12/31 0.13 CFS
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 06-30-2022
Place Of Use: FIRE PROTECTION
T62N R04W S15
L1(NESE),L1(SESE),NESE
Place Of Use: IRRIGATION
T62N R04W S15
L1(NESE),L1(SESE)
Total Acres: 5

97-9608
KERRY BRIGHAM
3407 W LYONS AVE
SPOKANE, WA 99208-4741
Point of Diversion L2(SWNW)
S10 T59N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 11-16-2022
Place Of Use: DOMESTIC
T59N R04W S10
L2(SWNW),L1(NWNW)

97-9610
KELLY SKILLESTAD
10615 N CLATSOP CT
SPOKANE, WA 99208-9074
Point of Diversion L4(NESW)
S3 T59N R04W
BONNER County

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Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 11-16-2022
Place Of Use: DOMESTIC
T59N R04W S3 L4(NESW)

97-9611
THE FLEMING LIVING TRUST
6959 E MORNING DOVE LN
SAN TAN VLY, AZ 85143-1276
Point of Diversion SENE
S19 T57N R04W
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
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.09 CFS
Date Filed: 12-05-2022
Place Of Use: IRRIGATION,STOCKWATER
T57N R04W S19 SENE
Place Of Use: DOMESTIC,STOCKWATER
T57N R04W S20 SWNW
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 1/9/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 12/21/2022 and 12/28/2022

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DEC 13 2022

Bates, Luke

From: Bates, Luke
Sent: Thursday, November 3, 2022 3:03 PM
To: daynamilne@gmail.com
Subject: FW: IDWR app for permit 97-9034
Attachments: 97-9034; original app for permit filing.pdf; 97-9034; REVISED app for permit - recommended.pdf; 0. Application-Permit-License process notes.pdf

Adams Irrevocable Trust DTD… Representative,

IDWR send the email correspondence below on 10/18/2022; to date IDWR has not received correspondence back pertaining to this request for information/action related to application for permit No. 97-9034. If I do not receive an amended application or correspondence back within 14 Days, **NLT 17 NOV 2022**, I will assume you wish the application to be processed as it was originally filed.

I left a voice mail using the contact number 303-246-5200 on 11/3/2022.

Note, Fire Protection, which is the only beneficial use you have designated on the application only authorizes a diversion and use of water in the event you have to suppress an active fire. I believe your intent is to use lake water to irrigate in addition to having a fire protection system on standby. If permit approved as is, the permit will not authorize water use except to fight a fire.

Thank you for your consideration of this request & I look forward to working with you to finalize the application for permit.

v/r,
Luke Bates
Sr. Water Resource Agent
Northern Region
P: 208-762-2817

IDAHO DEPARTMENT OF
WATER RESOURCES
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763

From: Bates, Luke
Sent: Tuesday, October 18, 2022 2:31 PM
To: daynamilne@gmail.com
Subject: IDWR app for permit 97-9034

Good afternoon Dayna,
I have reached out by Voice mail regarding your online submission application for permit No. 97-9034

Upon initial review I note your lake system was established for fire suppression & irrigation, but your only beneficial use component designated in Step No. 5 was FIRE PROTECTION.

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Idaho statute specifies that fire protection is only authorized for use when fighting an active fire. Likely most of your use is watering (irrigating) to keep landscape green throughout the season. This falls under IRRIGATION for department purposes.

I recommend adding an IRRIGATION beneficial use to the application to ensure we accurately capture the water usage intent as filed.

Attached are the original filing PDF (copy) & a revised "recommended" version; the revised version includes changes to the following steps:

Step No. 5 – changed season of use for fire protection to be the entire year; you may only use it seasonally, but it is authorized for year-round use if there were a fire to suppress. Additionally, added irrigation use with department standard rate of diversion 0.03 cfs per acre = 5 acres x 0.03 cfs = 0.15 cfs. The irrigation season of use for that area is 4/1 to 10/31.

Step No. 6 – revised maximum diversion rate to reflect 0.15 cfs. The fire protection 0.13 cfs falls within the umbrella of 0.15 cfs as it is the same system.

Step No. 9 – revised to reflect both irrigation & fire protection Place of Use (reference map product). Irrigation acreage is broken down by legally described PLSS designation values.

Step No.12 – added description of water use to include irrigation.

Please do reach out to me at your earliest convenience to discuss the proposed revisions and I will be happy to assist in refining the application to meet your intent before finalizing.

Once you both are satisfied with the REVISED APP, please do the following to re-submit:

1. Print off the 2PG revised application and sign PG 2 with ink pen.
2. Email signed document packet to FILE@IDWR.IDAHO.GOV **C/O Luke Bates** at Northern Regional Office. Doing so will route the document to our State Office, who will distribute back to the regional office for update/processing.

I would be happy to answer any questions you may have, and once I get the revised version back, I will process for advertising review.

Thank you for your consideration of the above information related to your application for permit.

v/r,

Luke Bates
Sr. Water Resource Agent
Northern Region
P: 208-762-2817

IDAHO DEPARTMENT OF
WATER RESOURCES
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763

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