

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 97-9375

Priority: May 09, 2022

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

It is hereby certified that:

MATTHEW J SPILKER 5711 E STONEMAN RD SPOKANE WA 99217-9780 AND/OR
BECKY E SPILKER 5711 E STONEMAN RD SPOKANE WA 99217-9780

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 09, 2022, and has submitted Proof of Beneficial Use on February 01, 2024. 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 L2(NW¼ NE¼), Sec. 3, Twp 60N, 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	
60N	04W	3		X L2															

Conditions of Approval

1. This right does not grant any right-of-way or easement across the land of another.
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. Place of use is located within Lot 28; Blk. 1; Horton Creek subdivision.

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.

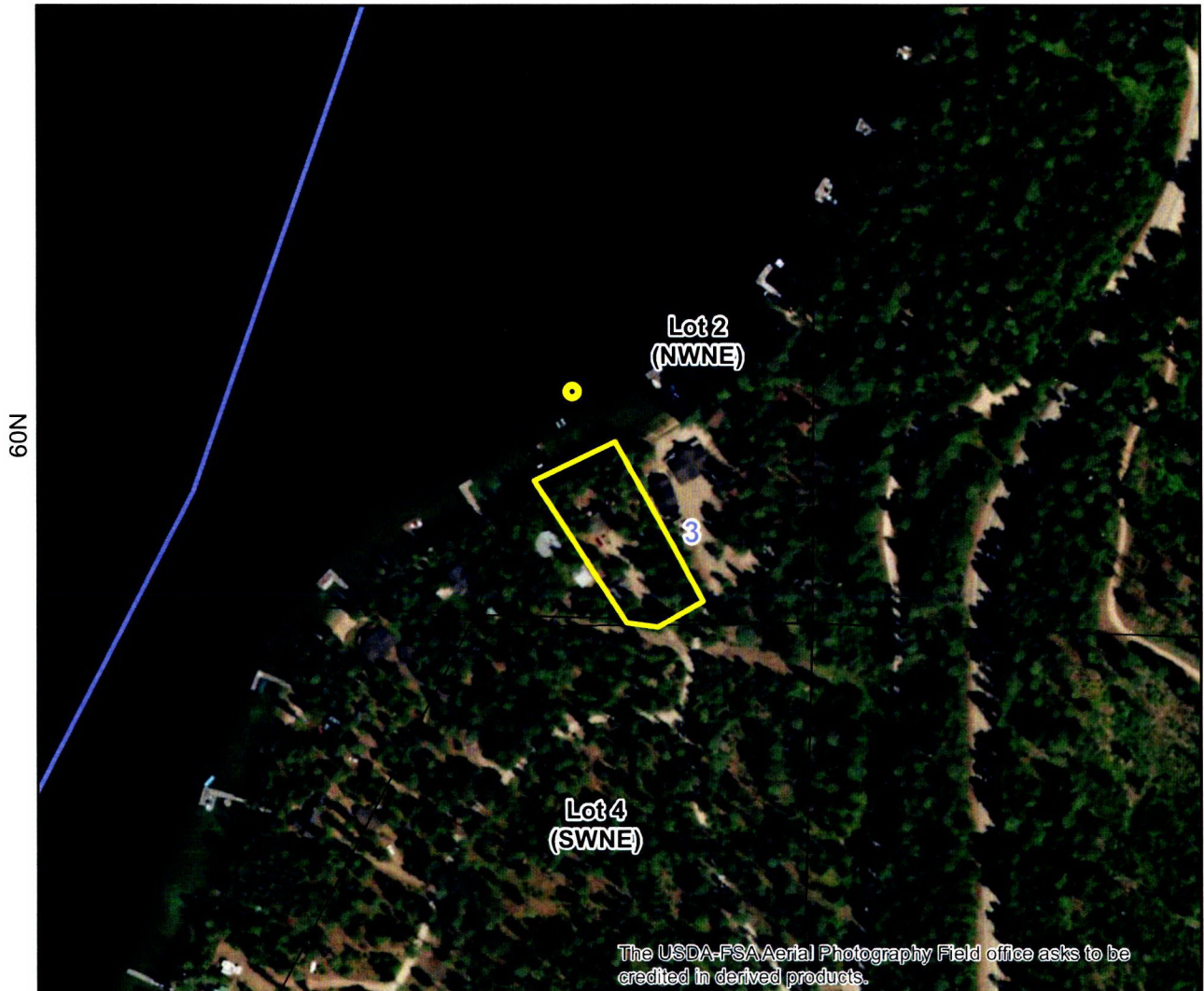
Signed this 26th day of March, 2024.


PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
97-9375

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



0 0.035 0.07 0.14 Miles

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



FEB 01 2024

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 \$ 50.00
Receipt No. C117718
Received By KM
Date Received 2.1.24

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. 97-09375 Name of Permit Holder(s) MATTHEW SPILKER
Telephone No. 509-342-4143 Email SPILKMBSS@MSU.COM
Mailing Address 5711 E. STONEMAN City SPOKANE State WA Zip 99217
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) 1 Irrigation (No. acres) ____ Stockwater (No. and stock type) ____
Other ____
4. Total diversion rate or volume (storage only) for which proof is submitted 0.02 cfs OR AWA 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.)
WATER PUMP WITH 1" LINE INTO THE LAKE

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 \$ 50.00 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: MATT SPILKER Telephone No. 509-342-4143 Email SPILKMBSS@MSU.COM
Mailing Address 5711 E. STONEMAN City SPOKANE State WA Zip 99217

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.

Matthew Spilker

SIGNATURE OF PERMIT HOLDER*

MATTHEW SPILKER

PRINTED NAME AND TITLE

1-26-24

DATE

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

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-9375

Priority: May 09, 2022

Maximum Diversion Rate: 0.04 CFS

This is to certify that

MATTHEW J SPILKER 5711 E STONEMAN RD SPOKANE WA 99217-9780 AND/OR
BECKY E SPILKER 5711 E STONEMAN RD SPOKANE WA 99217-9780

has applied for a permit to appropriate water from:

Source : PRIEST LAKE

Tributary: PRIEST RIVER

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

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

PRIEST LAKE L2 (NW¼ NE¼), Sec. 3, Twp 60N, 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	
60N	04W	3		X L2															

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. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. 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.
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. Place of use is located within Lot 28; Blk. 1; Horton Creek subdivision.

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

Signed this 24 day of JANUARY, 2023.


LUKE BATES
Interim Water Rights Supervisor

E. Bates
Jan 24 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-9375

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.



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

0 0.0225 0.045 0.09 Miles



Tax parcel information provided by Bonner County.

SC/RS ID
JAN 24 2023



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

Governor Brad Little

Director Mathew Weaver

March 26, 2024

MATTHEW J SPILKER
BECKY E SPILKER
5711 E STONEMAN RD
SPOKANE WA 99217-9780

RE: License No. 97-9375

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 Hershey

for
Phill Hummer
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2024, I served a true and correct copy of Water Right License No. 97-9375 by U.S. Mail, postage prepaid, to the following:

MATTHEW J SPILKER (Current Owner)
5711 E STONEMAN RD
SPOKANE WA 99217-9780

BECKY E SPILKER (Current Owner)
5711 E STONEMAN RD
SPOKANE WA 99217-9780



Jean Hersley
Technical Records Specialist 2

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.

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 97-9375
Exam Date: 02/26/2024

1. Current Owner:
MATTHEW J SPILKER 5711 E STONEMAN RD SPOKANE WA 99217-9780 AND/OR
BECKY E SPILKER 5711 E STONEMAN RD SPOKANE WA 99217-9780
2. Accompanied by: in-house
Phone No:
Address:
Relationship to permit Holder:

3. **SOURCE:**
PRIEST LAKE

Tributary
PRIEST RIVER

Method of Determination: application and permit

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NO Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: ____NA____

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

Water Right No.	Source	Purpose of Use	Basis

Comments: ____NA____

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
PRIEST LAKE L2 (NW¼ NE¼), Sec. 3, Twp 60N, Rge 04W, B.M. BONNER County

Method of Determination: application permit and ArcMap

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	
60N	04W	3		X L2															

Method of Determination: application, permit and ArcMap

3. Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

 X Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

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

 Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

E. FLOW CALCULATIONS

 Additional Computation Sheets Attached

Measured Method:

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses: Domestic with up to ½ acre of irrigation. Per Administrative Application processing Memo # 22, 1.2 af.

G. NARRATIVE/REMARKS/COMMENTS: This permit qualifies for an in-office exam. ArcMap and Bonner County show dwelling on property and list Spilker Trust as current owner. Permit is in the name of Matthew Spilker and Becky Spilker. 97-4102 is a statutory claim whose shape overlaps this permit but is not appurtenant to the property. According to the scanned documents, the POU of 97-4102 is Lot 145. The shape for 97-7379, license and claim, also overlaps this permit but I believe the right is appurtenant to the property next door. The claim for 97-7379 is in the name of Olmstead who is the owner of Lot 29. Remove condition 029. Assume fish screen is installed with submission of Statement of Completion.

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

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

Totals: 0.04 CFS 1.2 AF

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

I. AUTHENTICATION

Jean Hersley -

Field Examiner's Name Jean Hersley Date 2-26-24

Reviewer PK Date 3/26/24

97-9375

The screenshot shows the ArcMap interface with a map of a property. A parcel is highlighted with a red outline. The 'Identify' window is open, showing the following information:

Identify from: Parcels
SPILKER TRUST

Location: 2,290,957.025 1,935,399.708 Meters

Field	Value
ID	15705393
UPDATED	6/17/2023
PIN	RPO59520010280A
OWNER	SPILKER TRUST
ADDRESS1	5711 E STONEMAN RD
ADDRESS2	
CITY	SPOKANE
STATE	WA
ZIPCODE	99217
P_ADDRESS	20 N EIGHT MILE RD
P_ZIPCODE	83821
SUB_NAME	HORTON CREEK
LEGAL1	3-6094-4W HORTON CREEK BLK 1 LOT 28
LEGAL2	<null>
LEGAL3	<null>
LEGAL4	<null>
LEGAL5	<null>
LEGAL6	<null>
ACRES	0.9
COUNTY	Bonner
SOURCE	<null>
YEAR_BUILT	2003

Identified 1 feature

ArcMap shows dwelling on property and lists the trust of the permit holder as current owner.

YouTube Eddie's And Jamie Are Engage Random Acts of Kindness This Is Us' Cast Talks Final Season State of Idaho County Parcel Public Map Gem County Parcel Map

https://online.digisapps.bonnercountyyid.gov/public/

Getting Started BLM GLO Records Google IDWR My meetings GoToMe... Navia Benefit Solutions SRBA State of Idaho Water District Contacts WEnet WMIS Workflow postregister.com Parcel maps Idaho Secretary of State YouTube Other Bookmarks

20 n.e.ght mile rd

Parcel

PIN	RP059520010280A
Owner1	Spiker Trust
Owner2	
Property Class Description	537-Resid. improv on lot 15
Tax Code Area	1360000
Last Assessed Value	1245914
Acres	0.910
Legal Description	3.60N-4W HORTON CREEK BLK 1 LOT 26
Deed1:	1011117
Deed2:	892703
Deed3:	422704
Deed4:	551143
Deed5:	551132

1:564

Powered by Esri

Bonner County shows dwelling on property and lists the Trust of the permit holder as current owner.

Beneficial Use Proof Evaluation

Permit Number: 97-9375 Reviewer: AVeibell Review Date: 2/2/2024

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: 2/1/2024
- 4) Proof Due Date: 2/1/2024
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: 0
- 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 -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 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

N038913, T112142

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.

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

USPS CERTIFIED MAIL



9214 8901 9403 8340 2310 36

BECKY E SPILKER
MATTHEW J SPILKER
5711 E STONEMAN RD
SPOKANE WA 99217-9780



Governor Brad Little

Director Mathew Weaver

November 30, 2023

BECKY E SPILKER
MATTHEW J SPILKER
5711 E STONEMAN RD
SPOKANE WA 99217-9780

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 97-09375

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)



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 24, 2023

MATTHEW J SPILKER
BECKY E SPILKER
5711 E STONEMAN RD
SPOKANE WA 99217-9780

RE: Permit No. 97-9375

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 24 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)

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2023, I served a true and correct copy of Permit to Appropriate Water No. 97-9375 by U.S. Mail, postage prepaid, to the following:

MATTHEW J SPILKER (Current Owner)
5711 E STONEMAN RD
SPOKANE WA 99217-9780

BECKY E SPILKER (Current Owner)
5711 E STONEMAN RD
SPOKANE WA 99217-9780



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.

MEMORANDUM

January 23, 2023

Water Permit: 97-9375

Author: smaxey

Subject: PRIORITY

INITIAL SUPERSEDED APPLICATION RECEIVED 4/13/2022 UNACCEPTABLE FOR FILING (NO LINE 3, 8(d), 9, 11, 13, AND NO MAP LEGAL DESCRIPTION PROVIDED).

AMENDED APPLICATION RECEIVED 5/09/2022 WITH INCREASE IN CFS RATE TO 0.04 CFS ON LINE 5 AND LINE 6(a). AMENDED APPLICATION INCLUDES LINE 3, 8(d), 9, 11, 13, INFORMATION & MAP LEGAL DESCRIPTIONS. PRIORITY ADVANCED TO 5/09/2022.

SEARCHED
JAN 24 2023

AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 16 2022

IDWR/NORTH

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

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 7th day of September, 2022, and ending on the 14th day of September, 2022.

Italia Jimenez

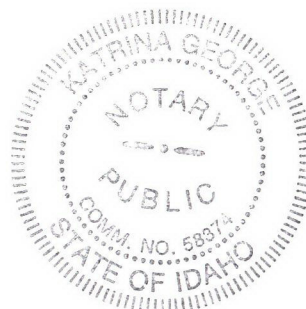
State of Idaho, county of Bonner ss.

On this 14th day of September, 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



SEP 16 2022
IDWR/NORTH

Notice

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

96-12316
MARTY KYLER
D ON KYLER
389 DUNROMIN RD
PRIEST RIVER, ID
83856-9337
 Point of Diversion NESW
 S10 T55N R04W
 BONNER County
 Source UNNAMED STREAM
 Tributary SINKS
 Use: RECREATION STORAGE
 01/01 to 12/31 3.8 AF
 Use: AESTHETIC STORAGE
 01/01 to 12/31 3.8 AF
 Use: STOCKWATER STORAGE
 01/01 to 12/31 0.3 AF
 Use: STOCKWATER FROM STORAGE
 01/01 to 12/31 0.3 AF
 Use: IRRIGATION STORAGE
 01/01 to 12/31 21 AF
 Use: IRRIGATION FROM STORAGE
 04/01 to 10/31 21 AF
 Total Diversion: 25.2 AF
 Date Filed: 08-15-2022
 Place Of Use: AESTHETIC STORAGE, IRRIGATION FROM STORAGE, RECREATION STORAGE, STOCKWATER FROM STORAGE
 T55N R04W S10 NESW
 Place Of Use: IRRIGATION FROM STORAGE, STOCKWATER FROM STORAGE
 T55N R04W S10 SESW
 Total Acres: 7

96-12319

ROBERT P DEL VALLE
CYNTHIA A DEL VALLE
PO BOX 1444
SANDPOINT, ID 83864-0865
 Point of Diversion SENW
 S2 T55N R04W
 BONNER County
 Source PEND OREILLE RIVER
 Tributary COLUMBIA RIVER
 Use: IRRIGATION
 04/01 to 10/31 0.05 CFS
 Use: FIRE PROTECTION
 01/01 to 12/31 0.15 CFS
 Total Diversion: 0.15 CFS
 Date Filed: 08-17-2022
 Place Of Use: FIRE PROTECTION, IRRIGATION
 T55N R04W S2 L3(SENW)
 Total Acres: 1.4

96-12359

GREGORY BIRDWELL
KIMBERLEY R BIRDWELL
PO BOX 3592
OLDTOWN, ID 83822-3592
 Point of Diversion NWNE
 S31 T55N R05W
 BONNER County
 Source UNNAMED STREAM
 Tributary SINKS
 Use: IRRIGATION
 04/01 to 10/31
 Total Diversion: 0.15 CFS
 Date Filed: 08-19-2022
 Place Of Use: IRRIGATION
 T55N R05W S31
 NWNE, SWNE, NENW, SENW
 Total Acres: 7.4

97-9390

GERALD FRANK
PO BOX 288
COOLIN, ID 83821-0288
 Point of Diversion L6(SWSE)
 S9 T61N R04W
 BONNER County
 Source PRIEST LAKE
 Tributary PRIEST RIVER
 Use: DOMESTIC
 01/01 to 12/31
 Total Diversion: 0.1 CFS
 Date Filed: 08-10-2022
 Place Of Use: DOMESTIC
 T61N R04W S9
 L6(SWSE), L7(SESE)

97-9103

PRIEST PARKING PLACE
LLC
C/O LEO LANGLOIS
PO BOX 22710
BAKERSFIELD, CA
93390-2710
 Point of Diversion NENWSE
 S35 T59N R05W
 BONNER County
 Source SPRING
 Tributary PRIEST RIVER
 Use: DOMESTIC
 01/01 to 12/31 0.06 CFS
 Use: IRRIGATION
 04/01 to 10/31 1.6 CFS
 Total Diversion: 1.66 CFS
 Date Filed: 06-23-2022
 Place Of Use: DOMESTIC, IRRIGATION
 T59N R05W S35 NWSE
 Place Of Use: IRRIGATION
 T59N R05W S35 NESW
 Total Acres: 80

97-9355

VICKI E SCHMALTZ
RONALD P SCHMALTZ
494 EASTSIDE RD
PRIEST RIVER, ID
83856-9392
 Point of Diversion NESE
 S24 T56N R05W
 BONNER County
 Source PRIEST RIVER
 Tributary PEND OREILLE RIVER
 Use: IRRIGATION
 04/01 to 10/31
 Total Diversion: 0.05 CFS
 Date Filed: 06-09-2022
 Place Of Use: IRRIGATION
 T56N R05W S24 NESE
 Total Acres: 1.7

97-9375

MATTHEW J SPILKER
BECKY E SPILKER
5711 E STONEMAN RD
SPOKANE, WA 99217-9780
 Point of Diversion L2(NWNE)
 S3 T60N R04W
 BONNER County
 Source PRIEST LAKE
 Tributary PRIEST RIVER
 Use: DOMESTIC
 01/01 to 12/31
 Total Diversion: 0.04 CFS
 Date Filed: 05-09-2022
 Place Of Use: DOMESTIC
 T60N R04W S3 L2(NWNE)

97-9390

STEVEN W MC DANIEL
JEANNE L MC DANIEL
PO BOX 1862
PRIEST RIVER, ID 83856
 Point of Diversion SESESE
 S30 T57N R04W
 BONNER County
 Source SPRING
 Tributary SINKS
 Use: STOCKWATER
 01/01 to 12/31
 Total Diversion: 0.02 CFS
 Date Filed: 06-13-2022
 Place Of Use: STOCKWATER
 T57N R04W S30 SESE

97-9485

MARK D ADEN
STEPHANIE H ADEN
1314 S GRAND BLVD # 2-359
SPOKANE, WA 99202-1174
 Point of Diversion L3(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: 08-30-2022
 Place Of Use: IRRIGATION
 T62N R04W S10 L3(SENW)
 Total Acres: 0.3

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 9/26/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
 Legal#4533
 AD#559005
 September 7, 14, 2022