State of Idaho
Department of Water Resources

Water Right License

Water Right No. 97-8888

Priority: June 23, 2022

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that:

KMK, LLC PO BOX 2772 BOISE ID 83701

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 23, 2022, and has submitted Proof of Beneficial Use on February 26, 2024. An examination confirms water is diverted from:

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

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	04/01 to 10/31	0.02 CFS	0.6 AF

Location of Point(s) of Diversion
PRIEST LAKE SE¼ SE¼, Sec. 9, Twp 59N, 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	
59N	04W	9																X	

Conditions of Approval

1. Domestic use is for external use only.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
3. 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.
4. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 1st day of March, 2024.

PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Water Right

97-8888

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

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

N

Form 42-217 Rev. 6/22

RECEIVED
FEB 26 2024
DEPT. OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee $ 50.00
Receipt No. C117839
Receipted By ICM
Date Receipted 2.26.24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

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. 97-8888 Name of Permit Holder(s) KMK, LLC

Telephone No. 208-863-3292 Email SMcKay@nbmlaw.com

Mailing Address PO Box 2772 City Boise State ID Zip 83701

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) .23 Stockwater (No. and stock type) _____

Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted .02 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.)

An electric pump located in shed is used to draw water seasonally for 2 station lawn irrigation system. Photos of lawn area attached.

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: Scott McKay Telephone No. 2088633292 Email SMcKay@nbmlaw.com

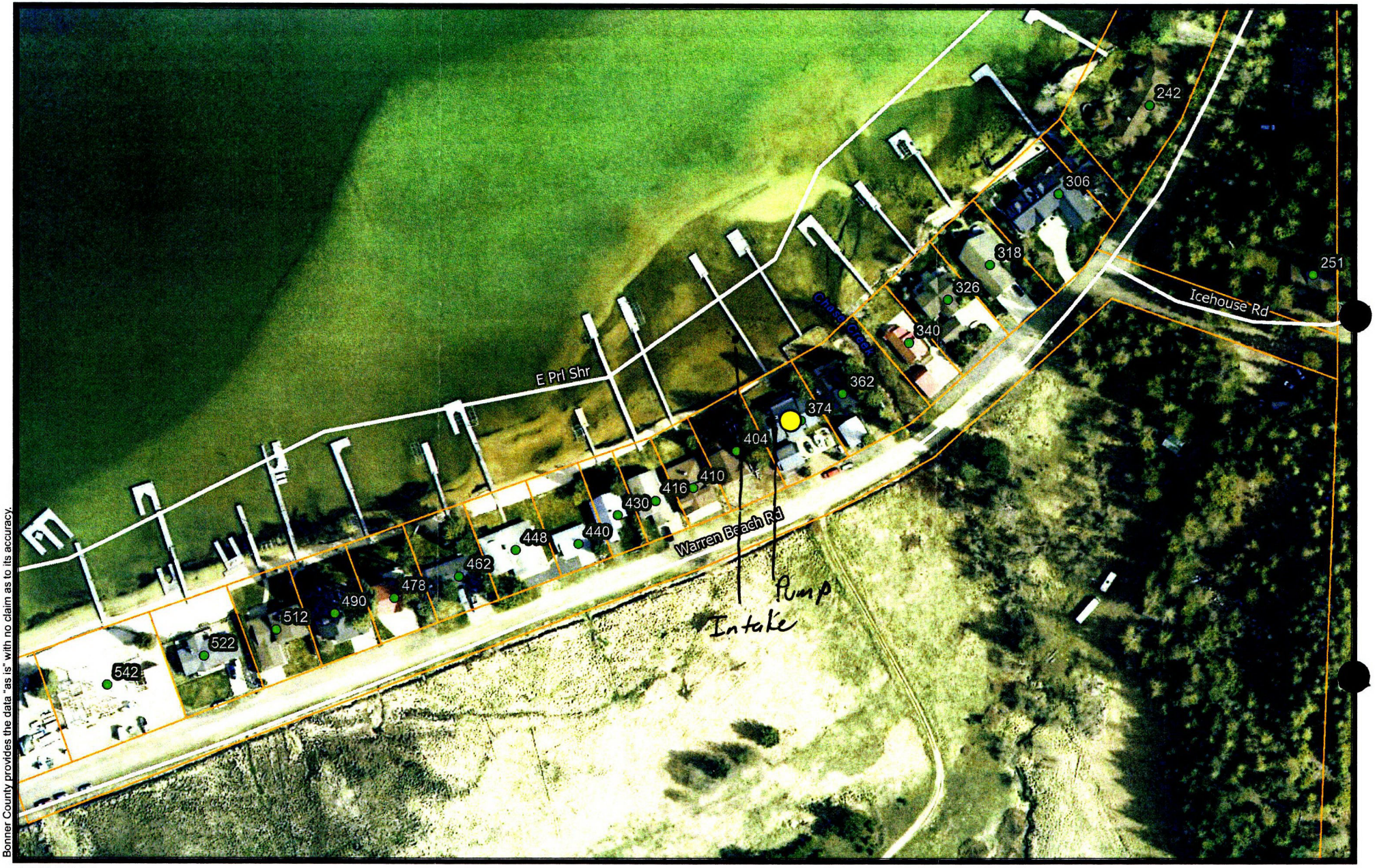
Mailing Address PO Box 2772 City Boise State ID Zip 83701

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.

Scott McKay / Member (KMK, LLC) 2/23/2024

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

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



Bonner County provides the data "as is" with no claim as to its accuracy.

12/5/2022

- Structure
- **Road Centerlines**
  - Primary
  - Secondary
  - Local; Ramp
- Parcels
- Lots

- World Boundaries and Places
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

1:2,903

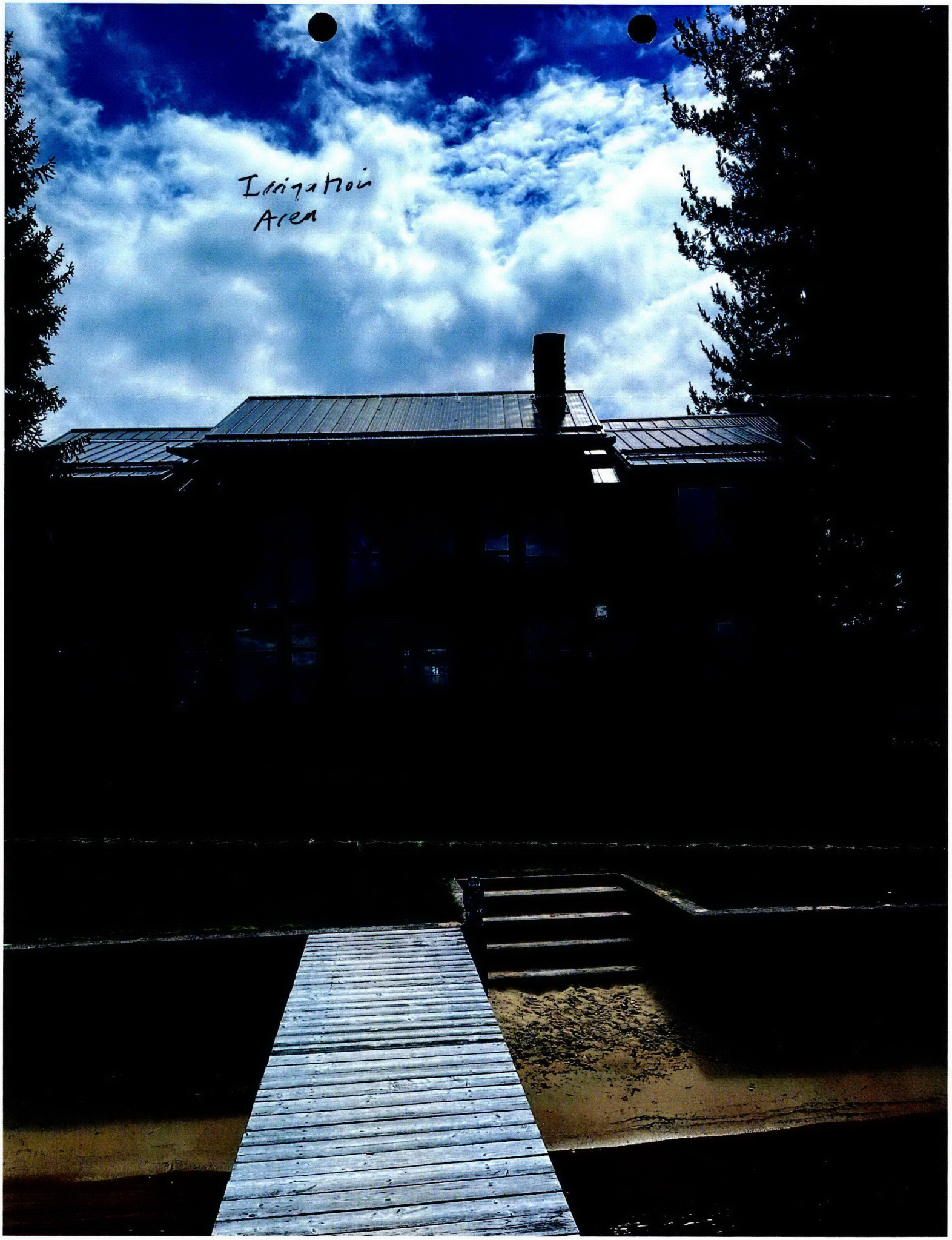
0 0.02 0.04 0.08 mi

0 0.0275 0.055 0.11 km

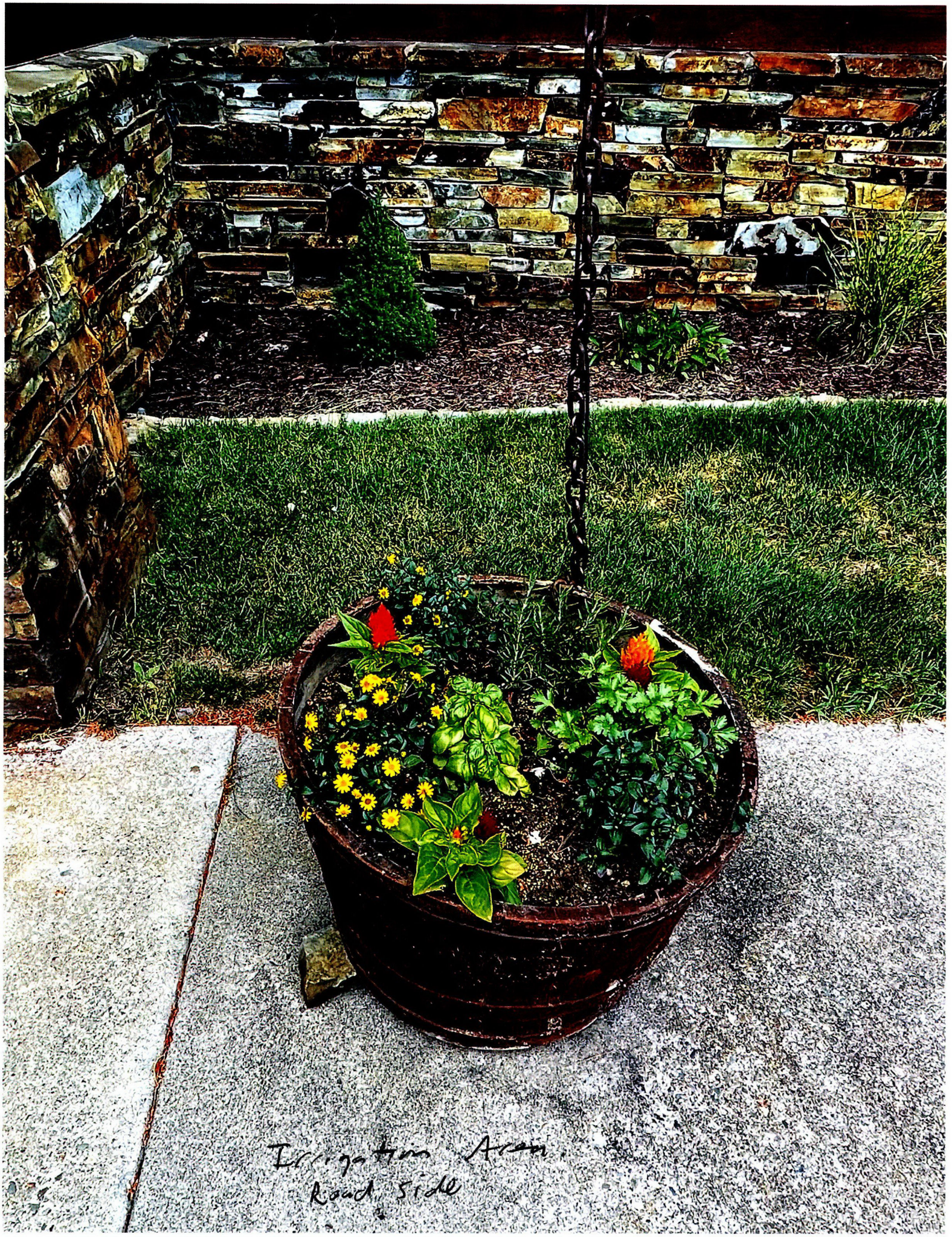
N W E S

Esri, HERE, Garmin, (c) OpenStreetMap


Irrigation Area
(residential sprinklers)


Irrigation
Area


Irrigation
Area


Irrigation Area
Road Side

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 97-8888

Priority: June 23, 2022 **Maximum Diversion Rate:** 0.02 CFS

This is to certify that

KMK, LLC PO BOX 2772 BOISE ID 83701

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
DOMESTIC	04/1 to 10/31	0.02 CFS

Location of Point(s) of Diversion

PRIEST LAKE SE¼ SE¼, Sec. 9, Twp 59N, 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	
59N	04W	9																X	

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2024.**
2. Subject to all prior water rights.
3. 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. Domestic use is for external use only.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
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 22 day of February, 2023.

LUKE BATES
Interim Water Rights Supervisor

SCANNED
FEB 28 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-8888

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 0.0125 0.025 0.05 Miles

N

Tax parcel information provided by Bonner County.

SCANNED
FEB 28 2023

86993

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho
No. 97-8888

1. **Applicants**
KMK, LLC
PO Box 2772
Boise, ID 83701
2088633292
smckay@nbmlaw.com

Scott McKay
PO Box 2772
Boise, ID 83701
2083431000
smckay@nbmlaw.com

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		59N	04W	9		/SE/SE	BONNER

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

Purposes	Season	Rate	Volume	Description
DOMESTIC	05/01 to 10/31	0.02 cfs	0.00 afa	domestic lawn irrigation for home

6. **Total quantity to be appropriated is (a)** 0.02 cfs **and/or** 0 afa

7. **Proposed Diverting Works:**
POD No :1
Description: small irrigation pump and pipeline to parcel for lawn irrigation

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

DOMESTIC							
Township	Range	Section	QQ	Q	County	Govt Lot	Acres

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.**
none

10. **Land Ownership**
    - **Who owns the land to be irrigated or place of use?** Applicant
    - **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.**
Sprinkler system for lawn irrigation presently exists

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

T113166 $100.00

SCANNED
NOV 0 2 2022

State of Idaho
Department of Water Resources

Application For Permit

97-8888



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

0 0.035 0.07 0.14 Miles

N

SCANNED
NOV 0 2 2022

Prepared By: Web User

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little Director Mathew Weaver

March 01, 2024

KMK, LLC
PO BOX 2772
BOISE ID 83701

RE: License No. 97-8888

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

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

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

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

Sincerely,

Jean Hersley

for
Phill Hummer
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 04, 2024, I served a true and correct copy of Water Right License No. 97-8888 by U.S. Mail, postage prepaid, to the following:

KMK, LLC (Current Owner)
PO BOX 2772
BOISE ID 83701

Jean Hersley
Technical Records Specialist 2

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 97-8888
Exam Date: 02/28/2024

1. Current Owner:
   KMK, LLC PO BOX 2772 BOISE ID 83701

2. Accompanied by: In-office
   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: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
97-4109	Groundwater	Domestic	Statutory claim/clain
97-9617	Groundwater	Domestic/Irrigation	permit

Comments: See narrative

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 SE¼ SE¼, Sec. 9, Twp 59N, 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	
59N	04W	9																X	

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} = (Acres Irrigated) x (Irrigation Requirement) =

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 =

V = Smaller of V_{IR} and V_{DR} =

2. Volume Calculations for Other Uses: domestic external use only from Priest Lake 0.6 af per Administrative Application Processing Memo # 22.

G. NARRATIVE/REMARKS/COMMENTS: this right qualified for an in-office. This is a domestic right, external use only from Priest Lake. ArcMap and Bonner County confirm permit holder is current owner of property. The permit holder sent pictures with the Statement of Completion showing the yard and flower planters that are being irrigated.
The shape of 97-4109 (statutory claim/claim) overlaps this property. The claimants, Warren, own property to the South of this property. 97-9617- is a domestic and irrigation permit from groundwater that is for 21 homes and 5 acres of irrigation. The property which this permit is appurtenant to is part of the POU of 97-9617. There are no rights that overlap with the POD.
This permit is for external use only. 0.6 af is the diversion volume per Administrative Application Processing memo # 22. Remove condition 029. Fish screen has been installed according to the Statement of Completion.

Have conditions of permit approval been met? __x__ Yes ____ No

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	04/1 to 10/31	0.02 CFS	0.6 AF
	Totals:	0.02 CFS	0.6 AF

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above __x__ None

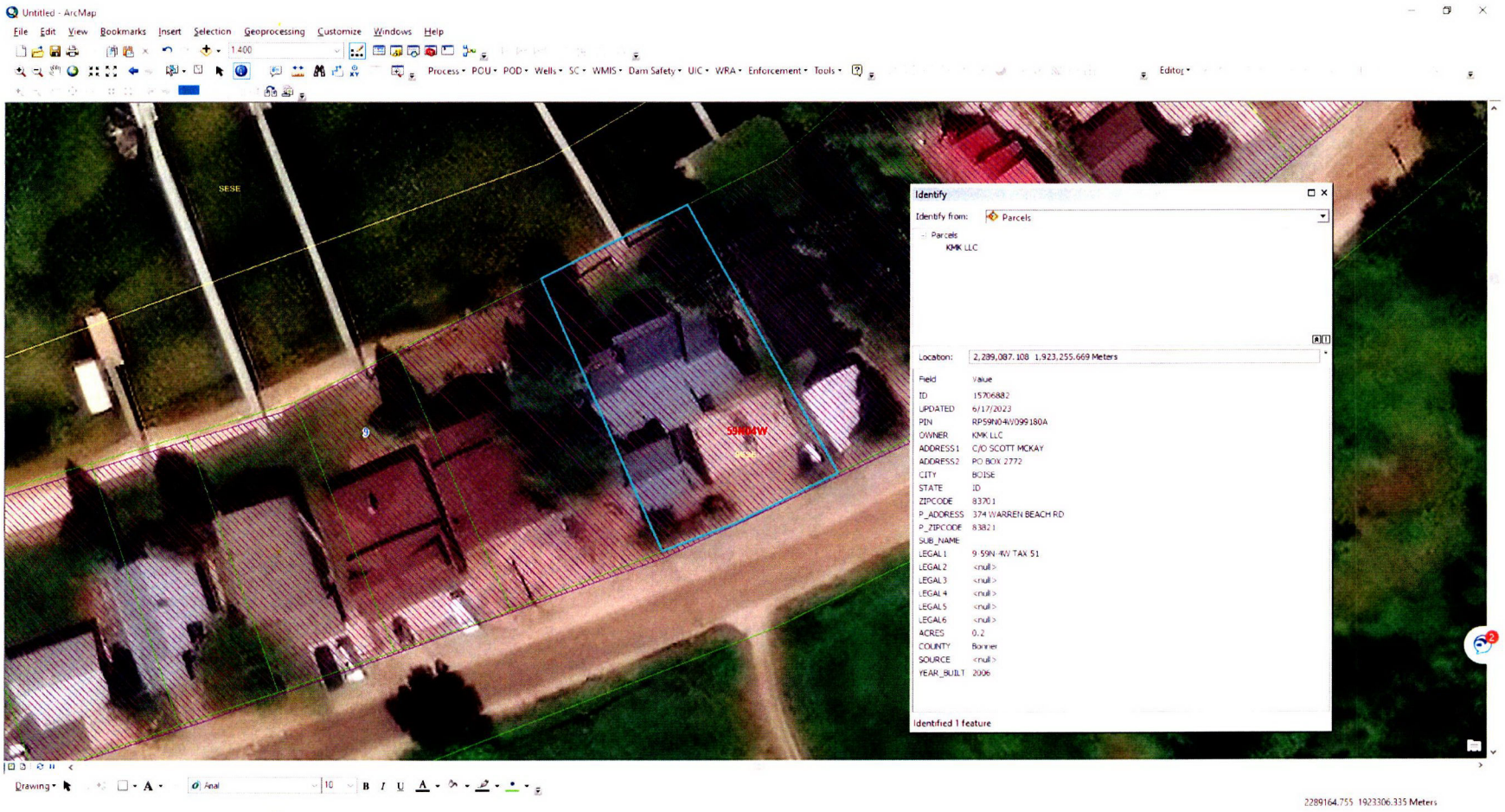
____ Change P.U. as reflected above ____ Add P.U. as reflected above __x__ None

I. AUTHENTICATION Jean Hersley -

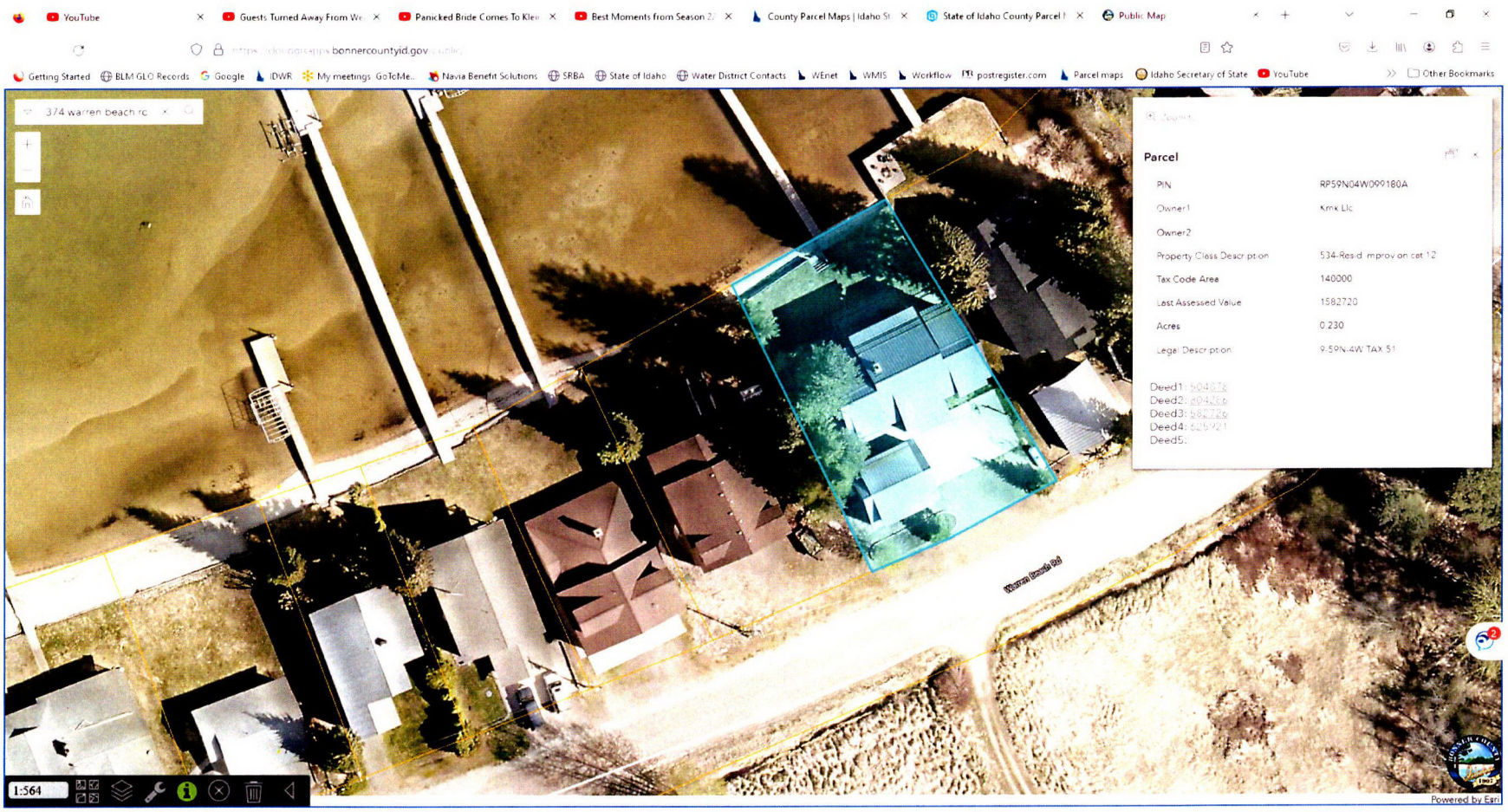
Field Examiner's Name Jean Hersley Date 2-28-24

Reviewer PH Date 3/1/24

97-8888

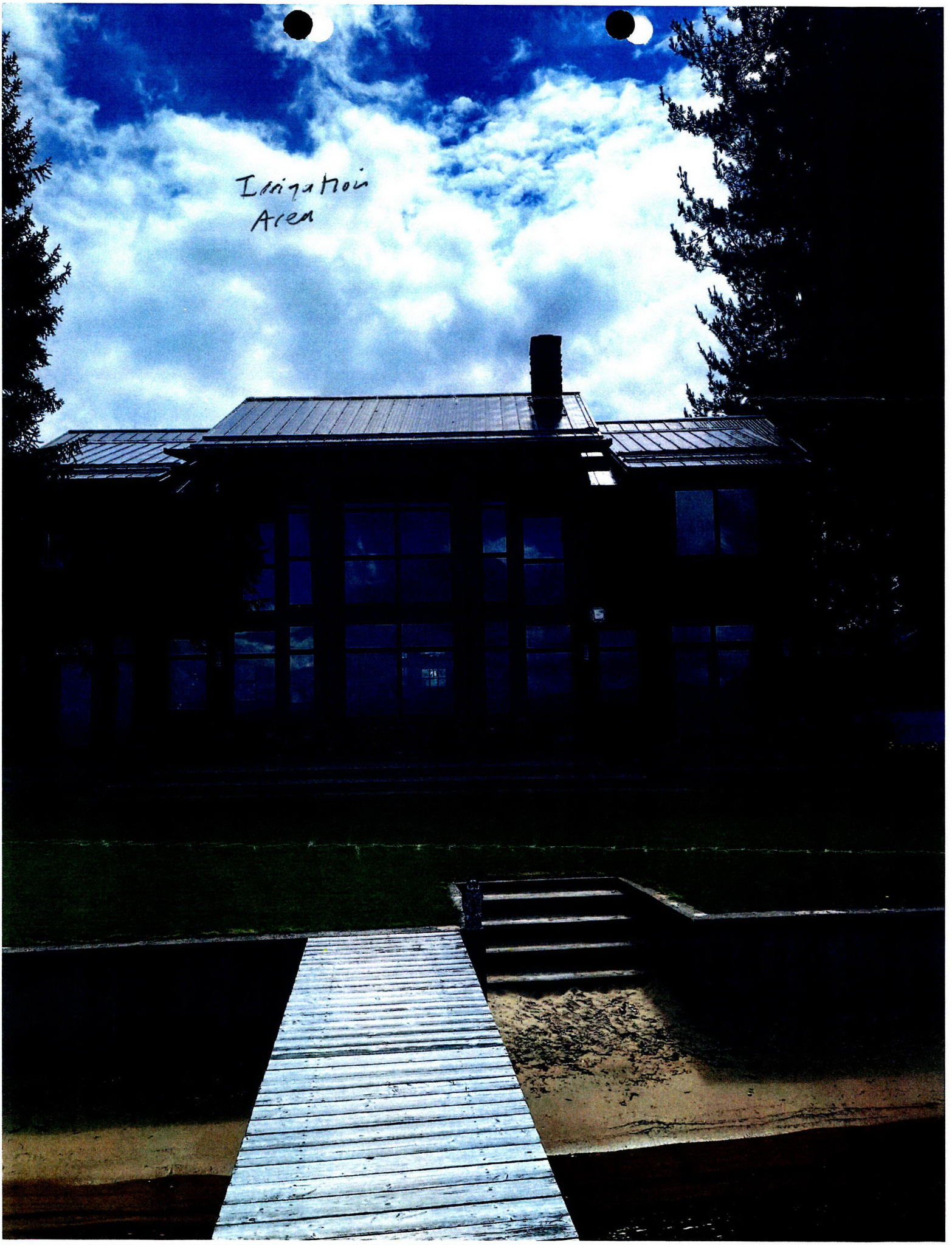


ArcMap lists permit holder as current owner.



Bonner County lists permit holder as current owner.


Irrigation Area
(residential sprinklers)


Irrigation
Area


Irritha
Area


Irrigation Area
Road Side

Beneficial Use Proof Evaluation

Permit Number: 97-8888 Reviewer: AVeibell Review Date: 2/26/2024

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: 2/26/2024
4) Proof Due Date: 3/1/2024
5) Days added for weekend due date? 0
6) Days added for holiday due date? 0
7) Number of days late: -4
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

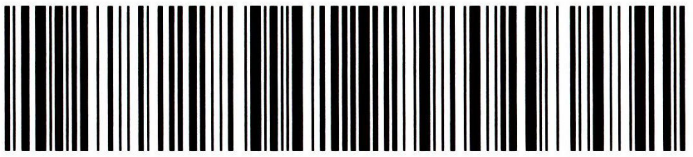
T113166

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 8342 9773 83

KMK LLC
PO BOX 2772
BOISE ID 83701-2772

97-08888

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little Director Mathew Weaver

December 29, 2023

KMK, LLC
PO BOX 2772
BOISE ID 83701

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 97-08888

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

Dear Permit Holder(s):

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

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

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

Sincerely,

Amanda Veibell

Amanda Veibell
Technical Records Specialist

Enclosure(s)

c: SCOTT MC KAY

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

February 27, 2023

KMK, LLC
PO BOX 2772
BOISE ID 83701

RE: Permit No. 97-8888

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
FEB 2 8 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
FEB 2 8 2023

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2023, I served a true and correct copy of Permit to Appropriate Water No. 97-8888 by U.S. Mail, postage prepaid, to the following:

KMK, LLC (Current Owner)
PO BOX 2772
BOISE ID 83701

SCOTT MC KAY (Representative)
PO BOX 2772
BOISE ID 83701-2772

Tammy Alleman
Administrative Assistant 1

SCANNED
FEB 2 8 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
FEB 2 8 2023

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

SCANNED
FEB 2 8 2023

Maxey, Shaun

From: Scott McKay <smckay@nbmlaw.com>
Sent: Monday, February 13, 2023 4:05 PM
To: Maxey, Shaun
Subject: RE: Season of Use correction on upcoming Permit 97-8888

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Thank you, Shaun. Best,

Scott McKay
Mobile 208-863-3292

From: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Sent: Friday, February 10, 2023 5:10 PM
To: Scott McKay <smckay@nbmlaw.com>
Subject: Season of Use correction on upcoming Permit 97-8888

Mr. McKay:

Your original Application for Permit (97-8888) to use water from priest Lake was filed on-line via the Internet. Due to a glitch the program accepted a non-standard period of use for Priest Lake (05—01 to 10-31).

Your permit will be issued with a season of use of 04-01 to 10-31 which is the standard irrigation season of use allowed for the Priest Lake area on water rights.

Thanks,

Shaun Maxey

IDAHO DEPARTMENT OF WATER RESOURCES

Shaun M. Maxey | Sr. Water Resource Agent
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
FEB 2 8 2023

Maxey, Shaun

From: Maxey, Shaun
Sent: Friday, February 10, 2023 4:10 PM
To: smckay@nbmlaw.com
Subject: Season of Use correction on upcoming Permit 97-8888

Mr. McKay:

Your original Application for Permit (97-8888) to use water from priest Lake was filed on-line via the Internet. Due to a glitch the program accepted a non-standard period of use for Priest Lake (05—01 to 10-31).

Your permit will be issued with a season of use of 04-01 to 10-31 which is the standard irrigation season of use allowed for the Priest Lake area on water rights.

Thanks,

Shaun Maxey

IDAHO DEPARTMENT OF WATER RESOURCES

Shaun M. Maxey | Sr. Water Resource Agent
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
FEB 2 8 2023

0004723124

STATE OF IDAHO
Office of the secretary of state, Lawerence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only
-FILED-
File #: 0004723124
Date Filed: 5/3/2022 7:53:07 AM

Entity Name and Mailing Address:

Entity Name:	KMK, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0000106324
Address	PO BOX 2772 BOISE, ID 83701-2772

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W31132

The registered agent on record is:

Registered Agent	SCOTT MCKAY Registered Agent Physical Address 303 WEST BANNOCK BOISE, ID 83702 Mailing Address PO BOX 2772 BOISE, ID 83701-2772

Limited Liability Company Managers and Members

Name	TItle	Business Address
Christian Kovats	Member	3421 DAWN CT LAKE MARY, FL 32746
Scott McKay	Manager	303 WEST BANNOCK BOISE, ID 83702

The annual report must be signed by an authorized signer of the entity.
Job Title: Manager

Scott McKay — Sign Here
05/03/2022 — Date

B0705-2523 05/03/2022 7:53 AM Received by ID Secretary of State Lawerence Denney

SCANNED
FEB 7 8 2023

Page 1 of 1

RECEIVED
NOV 14 2022
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Italia Jimenez, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached 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 02 day of November, 2022, and ending on the 09 day of November, 2022

Italia Jimenez

State of Idaho, county of Bonner ss.
On this 11 day of November, 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/she (or they) executed the same.

Katrina George
Notary Public
Residing at: Kootenai County

My Commission Expires 8/29/23

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 56574 STATE OF IDAHO

LEGAL NOTICE
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
96-11715
SHAWN AUSTIN
8920 S PLACITA RANCHO DE LA VIS
VAIL, AZ 85641-2483
Point of Diversion SENE
S26 T55N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 06-20-2022
Place Of Use: DOMESTIC
T55N R04W S26
SENE, NESE

96-11989
THOMAS BARNHART
PO BOX 1010
ATHOL, ID 83801-1010
Point of Diversion L1(SWNW)
S3 T55N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 07-18-2022
Place Of Use: DOMESTIC
T55N R04W S3 SWNW
L1(NWSW),L1(SWNW),

SCANNED
FEB 28 2023

96-12056
HOLLY JANHSEN
515 EAST CEDAR LN
PRIEST RIVER, ID 83856-8729
Point of Diversion L4(NESE)
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: 07-28-2022
Place Of Use: IRRIGATION
T56N R05W S28 L4(NESE)
Total Acres: 0.7

96-12215
HERBERT JANHSEN
515 EAST CEDAR LN
PRIEST RIVER, ID 83856
Point of Diversion SWNE
S26 T56N R05W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.05 CFS
Date Filed: 08-10-2022
Place Of Use: IRRIGATION
T56N R05W S26
NWSE,L3(SWNE)
Total Acres: 1

96-13094
THOMAS BARNHART
PO BOX 1010
ATHOL, ID 83801-1010
Point of Diversion SWNW
S3 T55N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.09 CFS
Date Filed: 10-17-2022
Place Of Use: IRRIGATION
T55N R04W S3
L1(NWSW), L1(SWNW)
Total Acres: 3

96-13281
BRIAN CARNEY
WENDY CARNEY
10947 N ACOMA DR
SPOKANE, WA 99208-9098
Point of Diversion NESW
S3 T55N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 10-18-2022
Place Of Use: IRRIGATION
T55N R04W S3 L2(NESW)
Total Acres: 0.5

97-8833
542 WARREN BEACH LLC
PO BOX 883
LIBERTY LAKE, WA 99019-0883
Point of Diversion L2(SWSE)
S9 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.02 CFS
Date Filed: 06-16-2022
Place Of Use: IRRIGATION
T59N R04W S9 L2(SWSE)
Total Acres: 0.8

97-8834
542 WARREN BEACH LLC
PO BOX 883
LIBERTY LAKE, WA 99019-0883
Point of Diversion L2(SWSE)
S9 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.01 CFS
Date Filed: 06-16-2022
Place Of Use: IRRIGATION
T59N R04W S9 L2(SWSE)
Total Acres: 0.2

97-8844
DERRICK PARKER
2414 S MAGNOLIA ST
SPOKANE, WA 99203-3826
Point of Diversion L2(NWNE)
S3 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-17-2022
Place Of Use: DOMESTIC
T59N R04W S3
L2(NWNE),L2(NENW)

97-8883
PATRICIA ANDERSON
956 RESER RD
WALLA WALLA, WA 99362-9070
Point of Diversion NENE
S16 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-23-2022
Place Of Use: DOMESTIC
T61N R04W S16
L1(NENE), NENE

97-8888
KMK, LLC
PO BOX 2772
BOISE, ID 83701
Point of Diversion SESE
S9 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
04/1 to 10/31
Total Diversion: 0.02 CFS
Date Filed: 06-23-2022
Place Of Use: DOMESTIC
T59N R04W S9 SESE

97-8896
VALENCIA WETLAND MANAGEMENT LLC
PO BOX 1449
PRIEST RIVER, ID 83856-1449
Point of Diversion L3(NWSW)
S19 T56N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31 0.04 CFS
Use: IRRIGATION
4 /1 to 10/31 0.16 CFS
Total Diversion: 0.16 CFS
Date Filed: 06-25-2022
Place Of Use: DOMESTIC,IRRIGATION
T56N R04W S19
L2(SWNW), SENW
Total Acres: 8.2

97-9022
BEAVER LAKE LLC
PO BOX 55
PRIEST RIVER, ID 83856-0055
Point of Diversion SENE
S3 T56N R04W
BONNER County
Source SANBORN CREEK
Tributary PRIEST RIVER
Use: FIRE PROTECTION
1 /1 to 12/31 7 AF
Use: WILDLIFE
1 /1 to 12/31 7 AF
Total Diversion: 7 AF
Date Filed: 06-30-2022
Place Of Use: FIRE PROTECTION,WILDLIFE
T56N R04W S3 SENE

97-9065
DELISA STEIN
15073 N NIXON LOOP
RATHDRUM, ID 83858-8284
Point of Diversion NENW
S18 T56N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-30-2022
Place Of Use: DOMESTIC
T56N R05W S18 NENW

97-9586
FRANK O NEILL
BARBARA O NEILL
5412 S QUAIL RIDGE CIR
SPOKANE, WA 99223-6391
Point of Diversion SESW
S6 T60N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 10-05-2022
Place Of Use: DOMESTIC
T60N R04W S6
SESW,L11(SESW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 11/21/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Legal#4659
AD#568870
November 2, 9, 2022

SCANNED
FEB 2 8 2023

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 97 - 8888 APPLICATION ID # 86993 ENT. AF BCA [signature] OK to Publish AF

INITIAL REVIEW

APPLICANT: KMK LLC BY: AF DATE: 10/4/2022

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

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

ADDITIONAL INFORMATION

(Yes)(No)

X ___ **Shape File Created** **Date** 6/23/22 **By:** APD
___ ___ Field check: by _____
___ ___ Field report attached
___ ___ Analysis Supp. attached(>5cfs/500af)
___ ___ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

___ X
___ Y

PRIORITY DATE: 6/23/2022

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

ADVERTISE IN: Bonner County
Newspaper: BCDB Priest River Version
Dates scheduled for publication 11-2-22 & 11-9-22
Affidavit of Publication received: 11-14-22
Dates actually published: 11-2-22 & 11-9-22
Application published correctly. Yes Y No ___
If not, action taken: _____

Final Date for Protest: November 21, 2022
Protests Received: Yes ___ No Y

LETTERS SENT REQUESTING:

( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other: _____

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other: _____

DEQ, F&G, IDL, Board

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

Approval Recommended by: dm Date: 02/10/2023 Sr. Agent initial JB 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

October 28, 2022

ATTEN: SCOTT MC KAY
KMK, LLC
PO BOX 2772
BOISE, ID 83701

RE: Application for Permit No. 97-8888

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 11/2/2022 and 11/9/2022. 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,

Natalie Steading

Natalie Steading
Technical Records Specialist

SCANNED
NOV 02 2022

Steading, Natalie

From: Steading, Natalie
Sent: Friday, October 28, 2022 4:01 PM
To: Anna Moody; Chantilly Higbee; Horsmon,Merritt; Mike Ahmer; IWRB Water Use Reviews
Cc: Alleman, Tammy
Subject: 97-8888 Request for comments
Attachments: APPLICATION FOR PERMIT 97-8888.pdf

Dear Interested Agencies:

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

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is November 21, 2022.

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

Thank you,

Natalie Steading
Idaho Dept. of Water Resources, Northern
7600 N Mineral Drive, Ste 100
Coeur d'Alene ID 83815
Ph: (208) 762-2800
Fax: (208)762-2819

RECEIVED
NOV 02 2022

Steading, Natalie

From: Steading, Natalie
Sent: Thursday, October 27, 2022 4:30 PM
To: bcdblegals@cdapress.com
Cc: Alleman, Tammy
Subject: 96-11715, 96-11989, 96-12056, 96-12215, 96-13281,96-13094, 97-8833, 97-8834, 97-8844, 97-8883, 97-8888,97-8896, 97-9022, 97-9065, 97-9586
Attachments: tmp99DB.docx

Hello,

Please publish the enclosed legal notice in the **Bonner County Daily Bee, Priest River Version** on the dates indicated **November 2rd & November 9th 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 **November 21st, 2022.** Your cooperation is appreciated.

Sincerely,

Natalie Steading
Idaho Dept. of Water Resources, Northern
7600 N Mineral Drive, Ste 100
Coeur d'Alene ID 83815
Ph: (208) 762-2800
Fax: (208)762-2819

SCANNED
NOV 0 2 2022

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

96-11715
SHAWN AUSTIN
8920 S PLACITA RANCHO DE LA VIS
VAIL, AZ 85641-2483
Point of Diversion SENE
S26 T55N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 06-20-2022
Place Of Use: DOMESTIC
T55N R04W S26
SENE, NESE

96-11989
THOMAS BARNHART
PO BOX 1010
ATHOL, ID 83801-1010
Point of Diversion L1(SWNW)
S3 T55N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 07-18-2022
Place Of Use: DOMESTIC
T55N R04W S3
L1(NWSW),L1(SWNW),SWNW

96-12056
HOLLY JANHSEN
515 EAST CEDAR LN
PRIEST RIVER, ID 83856-8729
Point of Diversion L4(NESE)
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: 07-28-2022
Place Of Use: IRRIGATION
T56N R05W S28 L4(NESE)
Total Acres: 0.7

96-12215
HERBERT JANHSEN
515 EAST CEDAR LN
PRIEST RIVER, ID 83856
Point of Diversion SWNE
S26 T56N R05W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.05 CFS
Date Filed: 08-10-2022
Place Of Use: IRRIGATION
T56N R05W S26
NWSE,L3(SWNE)
Total Acres: 1

96-13094
THOMAS BARNHART

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NOV 0 2 2022

PO BOX 1010
ATHOL, ID 83801-1010
Point of Diversion SWNW
S3 T55N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.09 CFS
Date Filed: 10-17-2022
Place Of Use: IRRIGATION
T55N R04W S3
L1(NWSW), L1(SWNW)
Total Acres: 3

96-13281
BRIAN CARNEY
WENDY CARNEY
10947 N ACOMA DR
SPOKANE, WA 99208-9098
Point of Diversion NESW
S3 T55N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 10-18-2022
Place Of Use: IRRIGATION
T55N R04W S3 L2(NESW)
Total Acres: 0.5

97-8833
542 WARREN BEACH LLC
PO BOX 883
LIBERTY LAKE, WA 99019-0883
Point of Diversion L2(SWSE)
S9 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.02 CFS
Date Filed: 06-16-2022
Place Of Use: IRRIGATION
T59N R04W S9 L2(SWSE)
Total Acres: 0.8

97-8834
542 WARREN BEACH LLC
PO BOX 883
LIBERTY LAKE, WA 99019-0883
Point of Diversion L2(SWSE)
S9 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.01 CFS
Date Filed: 06-16-2022
Place Of Use: IRRIGATION
T59N R04W S9 L2(SWSE)
Total Acres: 0.2

97-8844
DERRICK PARKER

SCANNED
NOV 0 2 2022

2414 S MAGNOLIA ST
SPOKANE, WA 99203-3826
Point of Diversion L2(NWNE)
S3 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-17-2022
Place Of Use: DOMESTIC
T59N R04W S3
L2(NWNE),L2(NENW)

97-8883
PATRICIA ANDERSON
956 RESER RD
WALLA WALLA, WA 99362-9070
Point of Diversion NENE
S16 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-23-2022
Place Of Use: DOMESTIC
T61N R04W S16
L1(NENE), NENE

97-8888
KMK, LLC
PO BOX 2772
BOISE, ID 83701
Point of Diversion SESE
S9 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
04/1 to 10/31
Total Diversion: 0.02 CFS
Date Filed: 06-23-2022
Place Of Use: DOMESTIC
T59N R04W S9 SESE

97-8896
VALENCIA WETLAND MANAGEMENT LLC
PO BOX 1449
PRIEST RIVER, ID 83856-1449
Point of Diversion L3(NWSW)
S19 T56N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31 0.04 CFS
Use: IRRIGATION
4 /1 to 10/31 0.16 CFS
Total Diversion: 0.16 CFS
Date Filed: 06-25-2022
Place Of Use: DOMESTIC,IRRIGATION
T56N R04W S19
L2(SWNW), SENW
Total Acres: 8.2

97-9022
BEAVER LAKE LLC
PO BOX 55

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NOV 0 2 2022

PRIEST RIVER, ID 83856-0055
Point of Diversion SENE
S3 T56N R04W
BONNER County
Source SANBORN CREEK
Tributary PRIEST RIVER
Use: FIRE PROTECTION
1 /1 to 12/31 7 AF
Use: WILDLIFE
1 /1 to 12/31 7 AF
Total Diversion: 7 AF
Date Filed: 06-30-2022
Place Of Use: FIRE PROTECTION,WILDLIFE
T56N R04W S3 SENE

97-9065
DELISA STEIN
15073 N NIXON LOOP
RATHDRUM, ID 83858-8284
Point of Diversion NENW
S18 T56N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-30-2022
Place Of Use: DOMESTIC
T56N R05W S18 NENW

97-9586
FRANK O NEILL
BARBARA O NEILL
5412 S QUAIL RIDGE CIR
SPOKANE, WA 99223-6391
Point of Diversion SESW
S6 T60N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 10-05-2022
Place Of Use: DOMESTIC
T60N R04W S6
SESW,L11(SESW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 11/21/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 11/2/2022 and 11/9/2022

SCANNED
NOV 0 2 2022

MEMORANDUM

To: **Water Right Application 97-8888**

From: **Adam Frederick**

Date: **10/6/2022**

Re: **Application for a Permit to Appropriate Water within the State of Idaho.**

A complete application for permit was received on June 23, 2022, in the name of KMK LLC. During application data entry it was determined the applicant was requesting domestic external use only with a season of use of 5/1 to 10/31. Per Application Processing Memo 9, the correct season of use was entered prior to advertising as 4/1 to 10/31.

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NOV 0 2 2022