

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 97-8586

Priority: August 10, 2022

Maximum Diversion Rate: 0.10 CFS

Maximum Diversion Volume: 3.0 AF

It is hereby certified that:

GERALD FRANK PO BOX 288 COOLIN ID 83821-0288

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 10, 2022, and has submitted Proof of Beneficial Use on November 27, 2023. An examination confirms water is diverted from:

Source : PRIEST LAKE

Tributary: PRIEST RIVER

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.10 CFS

Annual Volume

3.0 AF

Location of Point(s) of Diversion

PRIEST LAKE L6 (SW¼ SE¼), Sec. 9, Twp 61N, Rge 04W, B.M. BONNER County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N	04W	9																X L7	

Conditions of Approval

1. This right does not grant any right-of-way or easement across the land of another.
2. 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.
3. Domestic use is for 4 homes (2 duplexes).
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot. This right does not provide for irrigation of common areas.

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 10th day of January, 2024.



PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
97-8586

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



NOV 27 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE**FOR OFFICE USE ONLY**Amt. of Fee \$ 50.00Receipt No. C117406Received By KMDate Received 11.27.23

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

1. Permit No. 97-8586 Name of Permit Holder(s) GERALD FRANK
Telephone No. 509 879-5558 Email GRFRANK@GREENACRESGYPSUM.COM
Mailing Address 7145 DIAMOND PARK RD - BOX 288 City COOLIN State ID Zip 83821

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) 4 Irrigation (No. acres) 0 Stockwater (No. and stock type) 0

Other ____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.10 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.)

2 - 1 1/2 HP SUBMERSIBLE PUMPS EACH EXTENDING ABOUT 40' INTO PRIEST LAKE
EACH PUMP SUPPORTS APPROX 150' TO 200' OF 1 1/2" PVC PIPE AND 75 GAL PRESSURE TANK

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: GERALD FRANK Telephone No. 509-879-5558 Email GRFRANK@GREENACRESGYPSUM.COM

Mailing Address 27925 E. EDGEWATER City LIBERTY LAKE State WA Zip 99019

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.

GR Frank

SIGNATURE OF PERMIT HOLDER*

GERALD FRANK

PRINTED NAME AND TITLE

11/17/2023

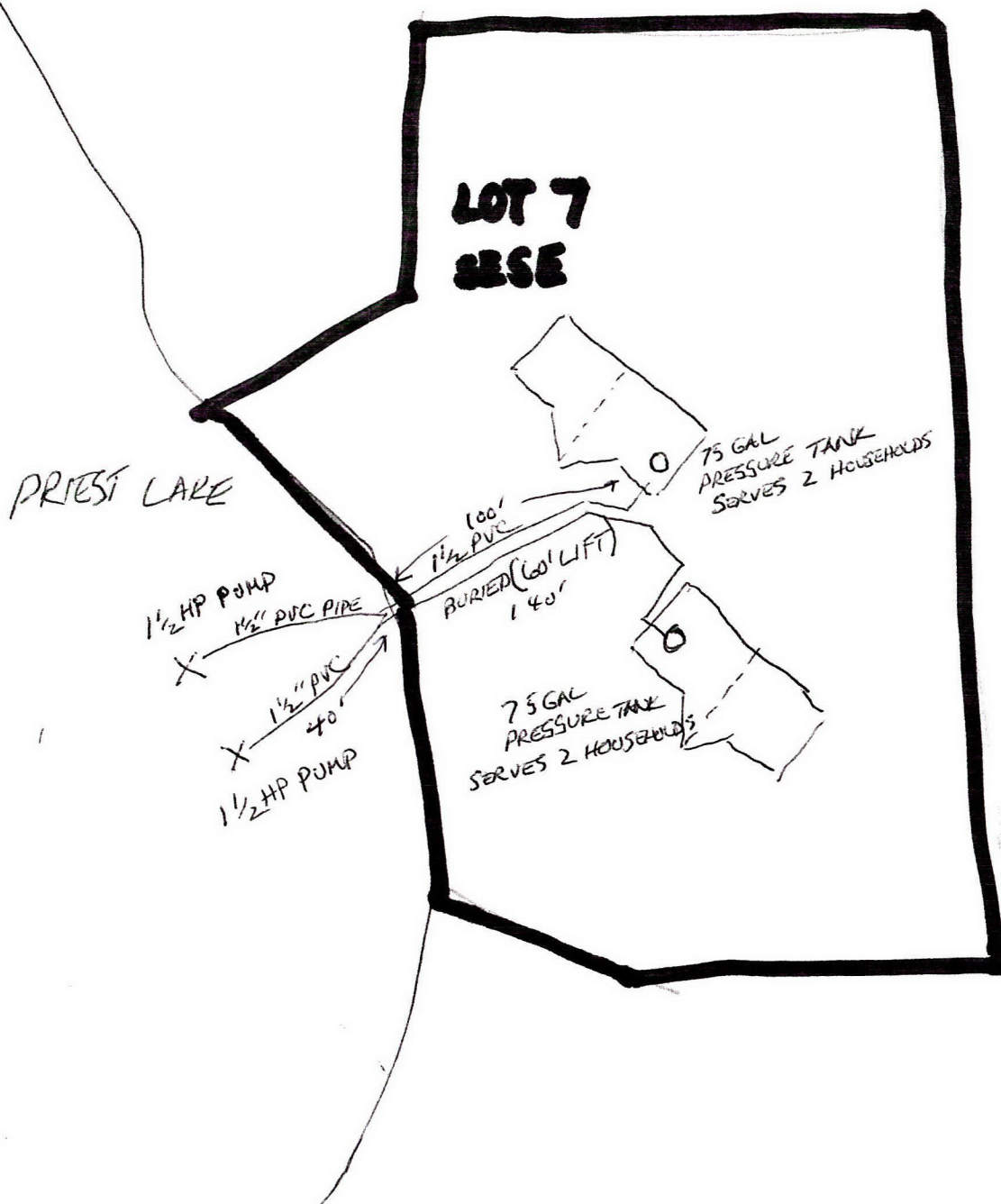
DATE

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

PERMIT NO 97-8586

SITE MAP INCLUDING WATER
SYSTEM IMPROVEMENTS

11/17/2023



State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-8586

Priority: August 10, 2022

Maximum Diversion Rate: 0.10 CFS

This is to certify that

GERALD FRANK PO BOX 288 COOLIN ID 83821-0288

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

0.10 CFS

Location of Point(s) of Diversion

PRIEST LAKE L6 (SW¼ SE¼), Sec. 9, Twp 61N, Rge 04W, B.M. BONNER County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N	04W	9															X L6	X L7	

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. 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.
5. 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.
6. Domestic use is for 4 homes.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot. This right does not provide for irrigation of common areas.

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

Signed this 7 day of February, 2023.



LUKE BATES
Interim Water Rights Supervisor

SCANNED
FEB 07 2023

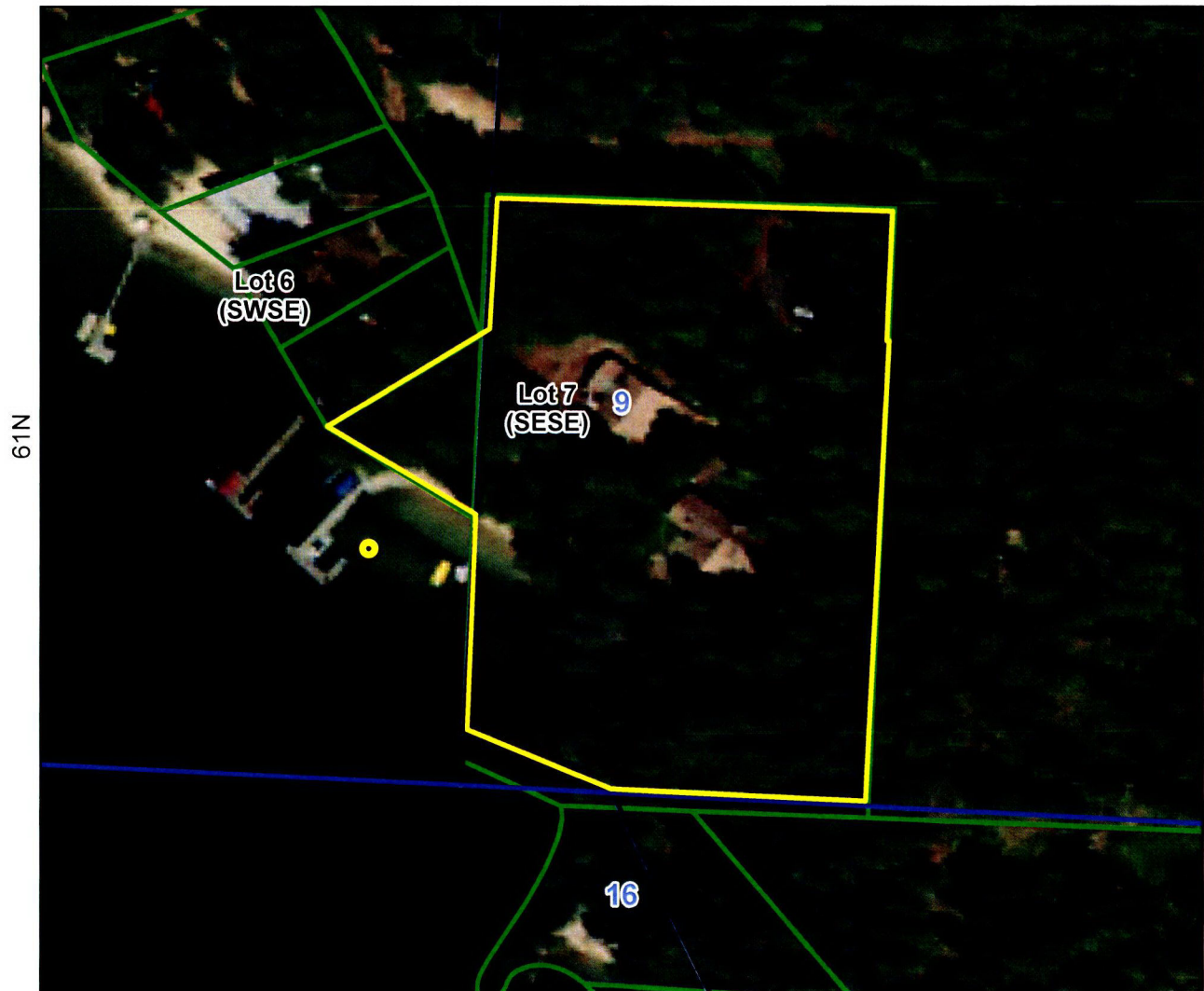
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-8586

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

04W



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

0 0.0175 0.035 0.07 Miles



Tax parcel information provided by Bonner County.

SCANNED
FEB 07 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

January 10, 2024

GERALD FRANK
PO BOX 288
COOLIN ID 83821-0288

RE: License No. 97-8586

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

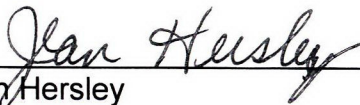
For
Phill Hummer
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2024, I served a true and correct copy of Water Right License No. 97-8586 by U.S. Mail, postage prepaid, to the following:

GERALD FRANK (Current Owner)
PO BOX 288
COOLIN ID 83821-0288



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: 97-8586
Exam Date: 12/18/2023

1. Current Owner:
GERALD FRANK PO BOX 288 COOLIN ID 83821-0288
2. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >

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 SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

PRIEST LAKE L6 (SW¼ SE¼), Sec. 9, Twp 61N, 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	
61N	04W	9																X L7	

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.

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 for 2 duplexes, 4 homes (internal) and up to ½ acre of irrigation (one external). $.6 \times 5 = 3$ af.

G. NARRATIVE/REMARKS/COMMENTS: ArcMap and Bonner County confirm dwellings on property and list permit holder as current owner. There are no overlapping rights with the POU or POD. Volume is for 4 homes internal use and one external use (up to ½ acre of irrigation). .6 X 5 = 3af. The duplexes are in T61N R04W Sec 9, Gov't Lot 7 (SESE). Removed POU in T61N R04W Sec 9 gov't lot 6 (SWSE) where the POD is located. Removed condition 029, fish screen confirmed. Updated condition X04 to "Domestic use is for 4 homes (2 duplexes)."

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	0.10 CFS	3.0 AF

Totals: 0.10 CFS 3.0 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 12-19-23

Reviewer PH Date 1/10/24

Hersley, Jean

From: Jerry Frank <grfrank@greenacresgypsum.com>
Sent: Monday, December 18, 2023 5:37 PM
To: Hersley, Jean
Subject: Re: water permit 97-8586

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.

Hello Jean, the two buildings you see are duplexes, four families total. I tried to look up fish screening requirements on the IDFG Website and could find no specific information. If you mean a screen on the underwater pumps, I believe there are screens there. The pumps are in 10-15 ft. Of water and I haven't inspected them in about 10 years. Thanks, Jerry Frank
Sent from my iPad

On Dec 18, 2023, at 2:36 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

The Department of Water Resources (Department) received your Statement of Completion and is in the process of reviewing your permit for licensing. The permit was issued for 4 homes. Have 4 homes been built? Aerial imagery suggests 2 maybe 3 homes are built.

Do you comply with the fish screening and/or fish passage requirements of the Idaho Department of Fish & Game?

Please respond within 14 days so the Department can continue reviewing your permit for licensing. If the Department doesn't hear from you within 14 days, the permit will go in the queue for an agent to conduct a field exam in person (time frame unknown).

Please let me know if you have any questions.

Thank you.

<image001.jpg>

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



718 South Diamond

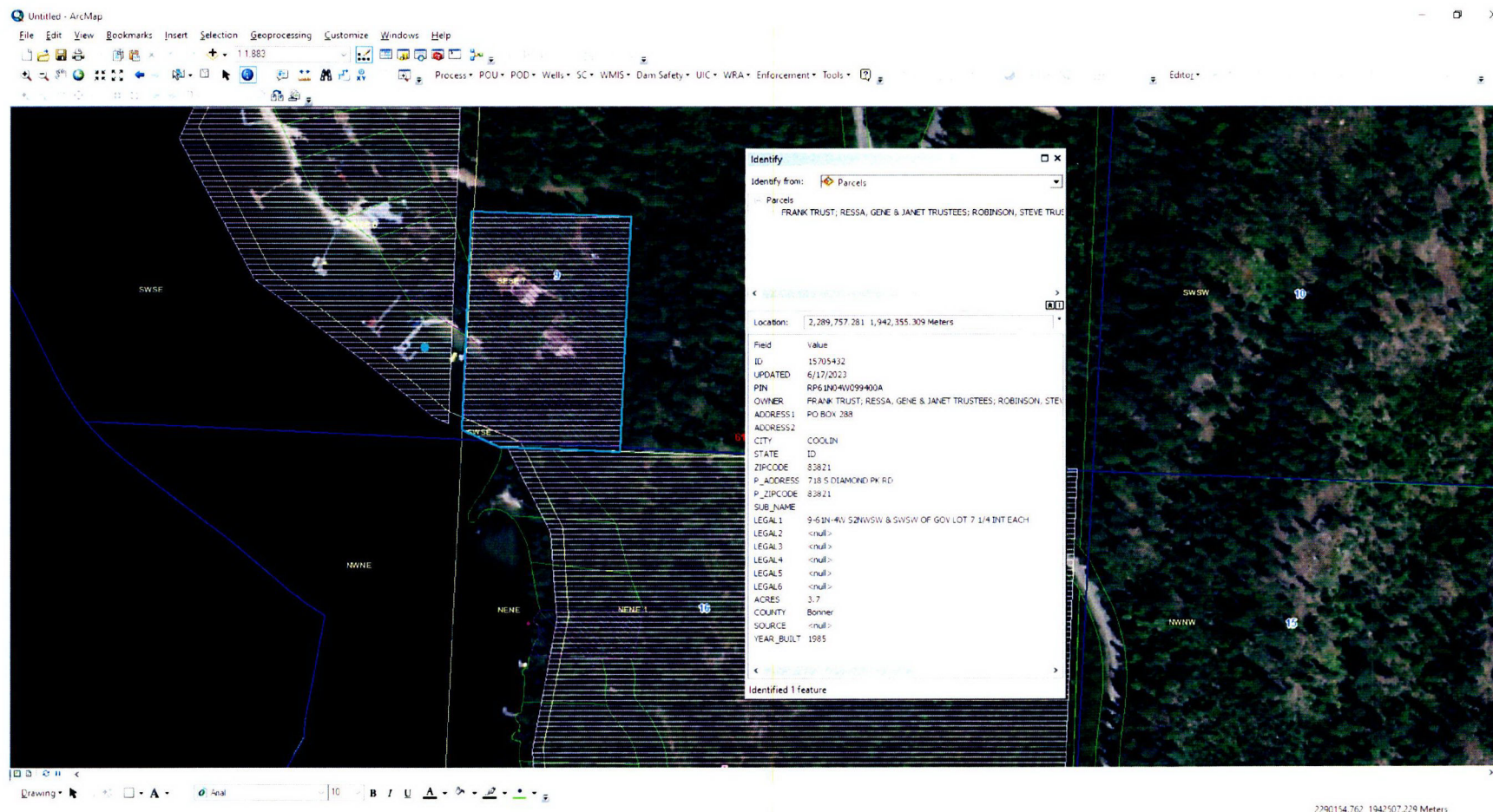
Parcel

PIN	RP61N04W009400A
Owner1	Frank Trust
Owner2	Ressa, Gene & Janet Trustees
Property Class Description	534-Res d improv on cat 12
Tax Code Area	790000
Last Assessed Value	2876574
Acres	3.750
Legal Description	9.61N4W S2NWSW & SWSW OF GOV LOT 7 1/4 IN 1 EACH
Deed1:	111,267
Deed2:	8,417/1
Deed3:	100,422
Deed4:	8,276.2
Deed5:	

1:2256

Powered by Esri

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



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

Beneficial Use Proof Evaluation

Permit Number: 97-8586 Reviewer: AVEibell Review Date: 11/28/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 11/27/2023
- 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: -66
- 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

T112632

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

Remove 029
edit 104



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 07, 2023

GERALD FRANK
PO BOX 288
COOLIN ID 83821-0288

RE: Permit No. 97-8586

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 07 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 February 07, 2023, I served a true and correct copy of Permit to Appropriate Water No. 97-8586 by U.S. Mail, postage prepaid, to the following:

GERALD FRANK (Current Owner)
PO BOX 288
COOLIN ID 83821-0288



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.

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.

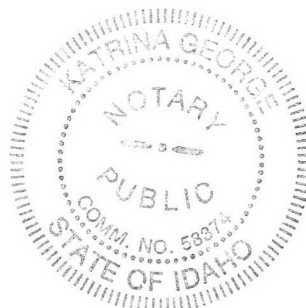
Italia Jimenez

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



SCANNED

FEB 07 2023

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, IRRIGATION STORAGE, RECREATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER 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

97-9103
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/WRAApplicationRes ults/>. 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

SCANNED

FEB 07 2023