

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 97-9226

Priority: July 25, 2022

Maximum Diversion Rate: 0.02 CFS

It is hereby certified that:

GAYLE SCHLOTTERBECK 374 RIVERS END DR PRIEST RIVER ID 83856-8722 AND
PAUL SCHLOTTERBECK 374 RIVERS END DR PRIEST RIVER ID 83856-8722

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 25, 2022, and has submitted Proof of Beneficial Use on August 18, 2023. An examination confirms water is diverted from:

Source : PRIEST RIVER

Tributary: PEND OREILLE RIVER

Beneficial Use
IRRIGATION

Period of Use
04/01 to 10/31

Rate of Diversion
0.02 CFS

Location of Point(s) of Diversion

PRIEST RIVER NE¼ SE¼, Sec. 24, Twp 56N, Rge 05W, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	05W	24													0.7				0.7

Total Acres: 0.7

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
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. This right does not grant any right-of-way or easement across the land of another.
4. Place of use is located within Lot 5, Judges Riverside Acre subdivision.

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

Signed this 18th day of October, 20 23.


PHILL HUMMER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right
97-9226

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



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

RECEIVED

AUG 18 2023

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50-
Receipt No. C116902
Received By KM
Date Received 8.18.23

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. 97-09226 Name of Permit Holder(s) PAUL & GAYLE SCHLOTTERBECK
Telephone No. 208-610-3587 Email PS.SCHLOTTERBECK@GMAIL.COM
Mailing Address 374 RIVERS END DR City PRIEST RIVER State ID Zip 83856
2. Source of Water WELL & PRIEST RIVER If Ground Water (well), Date Drilled mo. ? yr. 70's
Drilling Permit/Tag No. UNKNOWN Drilling Company's Name ?

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) 1 Irrigation (No. acres) 1.6 Stockwater (No. and stock type) NONE
Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.1 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.)

1 HP SUBMERSED 50' LIFT SPRAY IRRIGATION
1 HP IN LINE PRIEST RIVER 12' LIFT 1/2 LINE

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 ^{xx} 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: PAUL SCHLOTTERBECK Telephone No. 208-610-3587 Email PS.SCHLOTTERBECK@GMAIL.COM
Mailing Address 374 RIVERS END DR City PRIEST RIVER State ID Zip 83856

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.

Paul Schlotterbeck
SIGNATURE OF PERMIT HOLDER*

PAUL J SCHLOTTERBECK
PRINTED NAME AND TITLE

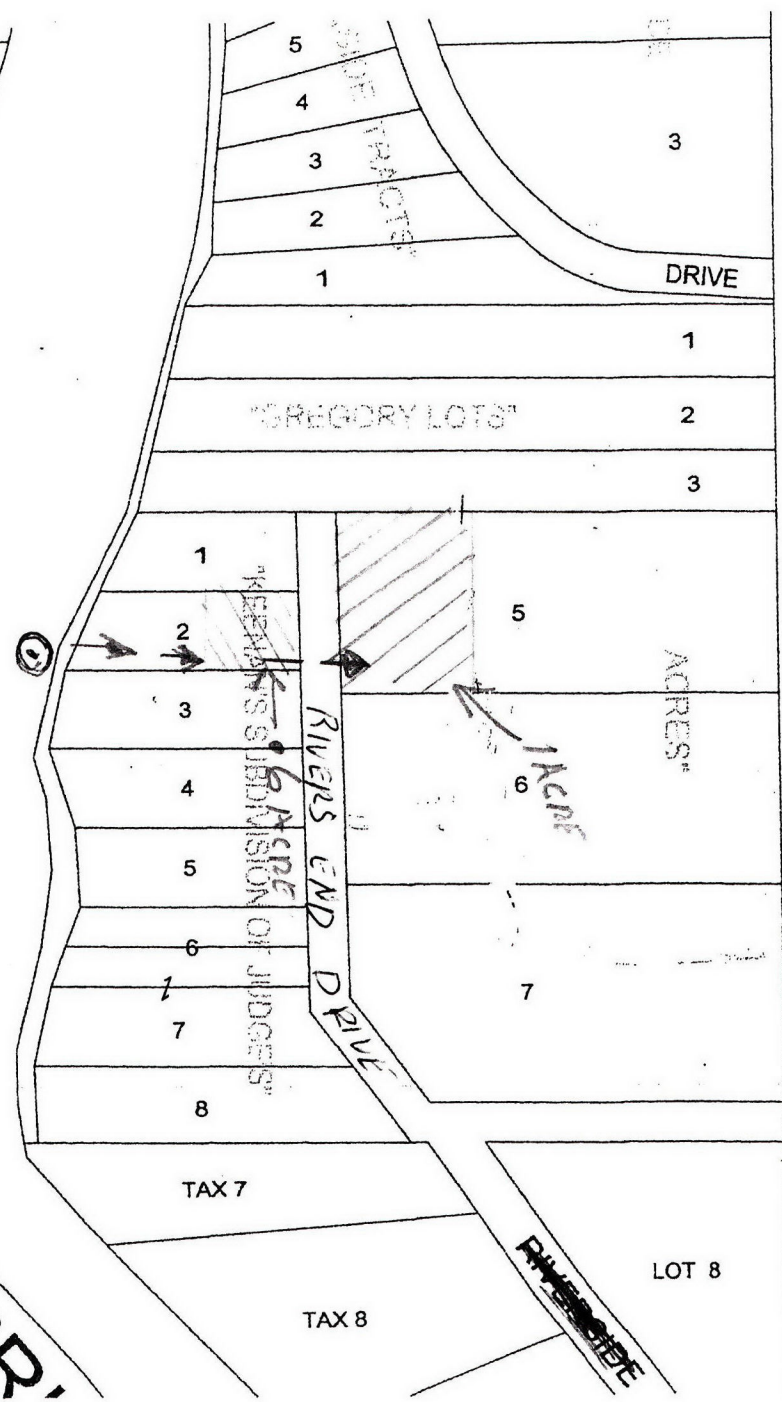
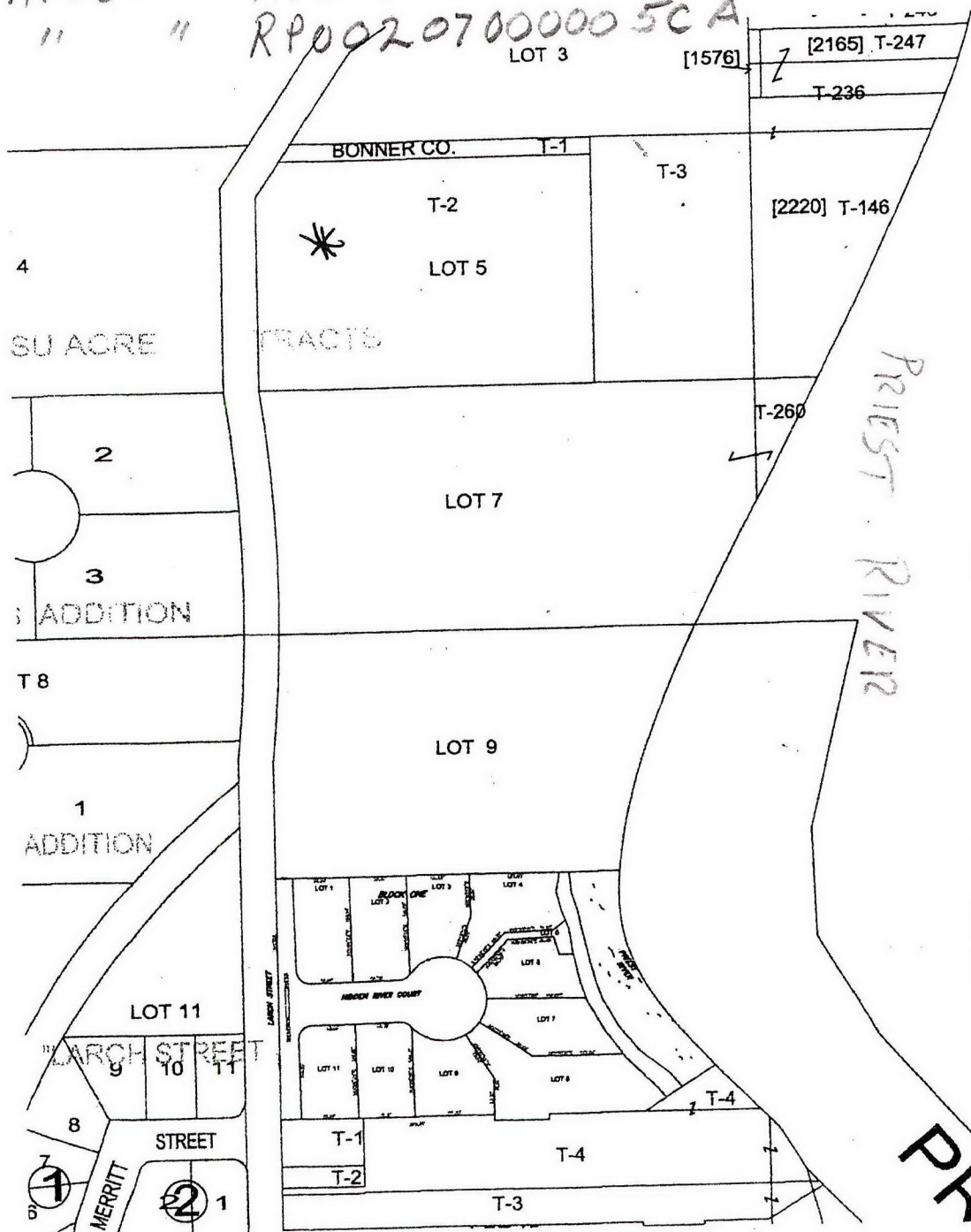
OWNER
8-12-23
DATE

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

56N-05W SEC 24 NE $\frac{1}{4}$ of SE $\frac{1}{4}$

PARCEL No. RP005440000020A

" " RP002070000050A



State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-9226

Priority: July 25, 2022

Maximum Diversion Rate: 0.03 CFS

This is to certify that

GAYLE SCHLOTTERBECK 374 RIVERS END DR PRIEST RIVER ID 83856-8722 AND
PAUL SCHLOTTERBECK 374 RIVERS END DR PRIEST RIVER ID 83856-8722

has applied for a permit to appropriate water from:

Source : PRIEST RIVER

Tributary: PEND OREILLE RIVER

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
IRRIGATION	04/01 to 10/31	0.03 CFS

Location of Point(s) of Diversion

PRIEST RIVER NE¼ SE¼, Sec. 24, Twp 56N, Rge 05W, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	05W	24													0.7				0.7

Total Acres: 0.7

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2023**.
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. Place of use is located within Lot 2, Kenann Subdivision of Judges.
5. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 2.1 afa at the field headgate for irrigation of the place of use.
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 15th day of September, 2022.



ADAM FREDERICK
Water Rights Supervisor

SCANNED

SEP 15 2022

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-9226

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

05W

56N



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

0 0.035 0.07 0.14 Miles



SCANNED

SEP 15 2022



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

October 19, 2023

PAUL SCHLOTTERBECK
GAYLE SCHLOTTERBECK
374 RIVERS END DR
PRIEST RIVER ID 83856-8722

RE: License No. 97-9226

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,

Phill Hammer

Phill Hammer
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2023, I served a true and correct copy of Water Right License No. 97-9226 by U.S. Mail, postage prepaid, to the following:

PAUL SCHLOTTERBECK (Current Owner)
374 RIVERS END DR
PRIEST RIVER ID 83856-8722

GAYLE SCHLOTTERBECK (Current Owner)
374 RIVERS END DR
PRIEST RIVER ID 83856-8722



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: 97-9226
Exam Date: 09/27/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? x Y N
- x Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >
2. Current Owner:
GAYLE SCHLOTTERBECK 374 RIVERS END DR PRIEST RIVER ID 83856-8722 AND
PAUL SCHLOTTERBECK 374 RIVERS END DR PRIEST RIVER ID 83856-8722

3. SOURCE:
PRIEST RIVER

Tributary
PEND OREILLE RIVER

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data

Change in Source: Y x N

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis

Comments: None

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

Water Right No.	Source	Purpose of Use	Basis

Comments: None

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

PRIEST RIVER NE¼ SE¼, Sec. 24, Twp 56N, Rge 05W, B.M. BONNER County

Method of Determination: GIS ArcMap Tools, and Taxlot Data

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	05W	24													0.7				0.7

Total Acres: 0.7

Method of Determination: GIS ArcMap Tools, Taxlot Data, Verbal Confirmation With Owner.

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
N/A	N/A	1	N/A	N/A	½ in

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. Measurements: No Measurement is required for an in-house examination, but a theoretical calculation was used to determine if the diversion rate is reasonable.

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

A theoretical analysis shows that a diversion rate of 0.03 cfs is possible with a 1 hp pump and 50' of lift.

$$Q = (1.0 \text{ hp})(8.8)(0.7 \text{ efficiency}) / (50 \text{ lift in ft}) + (2.31)(50 \text{ pressure psi}) + (\text{friction}) = 0.04 \text{ cfs}$$

Measurement = 0.04 cfs

Permit Allowed 0.03 cfs

Irrigated Acres x acre limit = (0.7 ac)x(0.03 cfs/ac) = 0.02 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

2. Volume Calculations for Other Uses: None

G. NARRATIVE/REMARKS/COMMENTS

This Permit qualifies for an in-house exam because it is for irrigation of less than 5 acres. Field exam was conducted on September 27, 2023 by Justin Shearer. Ownership of the permit is in the name of Paul & Gayle Schlotterbeck. Current Bonner County Taxlot data represents Schlotterbeck's own the land pertinent to the place of use (POU) and point of diversion (POD). Proof of Beneficial Use was submitted on August 18, 2023.

The backfile indicates that comments were sought from IDFG at time of advertising, but none were received. Statement of Completion for Submitting Proof of Beneficial Use indicated that a fish screen has been installed which would satisfy any IDFG fish screening requirements. The owner indicated that they have a 1.0 hp pump installed. A quick theoretical analysis shows that the permitted rate of 0.03 cfs is possible with a 1.0 cfs pump. Permit authorized the irrigation of 0.7 acres. A verbal conversation with Paul Schlotterbeck confirmed that their domestic well irrigates land near the house and that the system diverting water from Priest River under this permit delivers water to 0.7 acres east of Rivers End Drive. Aerial imagery available to the Department indicates that 0.7 acres of irrigation has been developed. As a result, I am recommending 0.02 cfs and for 0.7 acres of irrigation to be licensed. I am not recommending a volume because it is not required for Irrigation using natural stream flow diverted from a stream or spring.

All conditions of permit approval have been met. Condition 029 is being dropped as per department standard. Condition 004 will remain on license since the POD and POU are in separate parcels and access issues could arise in the future. Condition X31 is being removed since the rate is being adjusted to account for the respective amount of irrigation developed. Condition R66 was added to address rate/acre limit and applicable field headgate volume for the area.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	
IRRIGATION	04/01 to 10/31	0.02 CFS	

Totals: 0.02 CFS

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

Justin Shearer -

Field Examiner's Name Justin Shearer Date 10/18/23

Reviewer [Signature] Date 10/18/23

Beneficial Use Proof Evaluation

Permit Number: 97-9226 Reviewer: AVEibell Review Date: 8/22/2023

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: 8/18/2023
- 4) Proof Due Date: 9/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -14
- 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

N040524

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.



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 Gary Spackman

June 30, 2023

GAYLE SCHLOTTERBECK
PAUL SCHLOTTERBECK
374 RIVERS END DR
PRIEST RIVER ID 83856-8722

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 97-09226

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 **September 01, 2023**. 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,

Water Rights Section

Enclosure(s)



SCANNED
JUL 03 2023



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

September 15, 2022

PAUL SCHLOTTERBECK
GAYLE SCHLOTTERBECK
374 RIVERS END DR
PRIEST RIVER ID 83856-8722

RE: Permit No. 97-9226

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

SEP 15 2022

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,

Adam Frederick

Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2022, I served a true and correct copy of Permit to Appropriate Water No. 97-9226 by U.S. Mail, postage prepaid, to the following:

PAUL SCHLOTTERBECK (Current Owner)
374 RIVERS END DR
PRIEST RIVER ID 83856-8722

GAYLE SCHLOTTERBECK (Current Owner)
374 RIVERS END DR
PRIEST RIVER ID 83856-8722



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

STATE OF IDAHO)
) ss.
County of Bonner)

RECEIVED
AUG 29 2022
IDWR/NORTH

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 17th day of
August, 2022, and ending on the 24th day of
August, 2022.

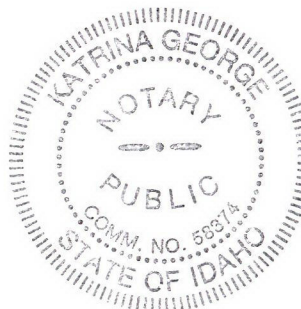
Italia Jimenez

State of Idaho, county of Bonner ss.

On this 24th day of August, 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
SEP 15 2022

NOTICE

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

97-7684

KENNETH T HOWARD
MISTY L HOWARD
27 MORNING GLORY CT
OAKLEY, CA 94561-1756
Point of Diversion L9(SWNW)
S6 T57N R05W
BONNER County
Source SLOUGH CREEK
Tributary LOWER WEST
BRANCH PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 08-08-2022
Place Of Use: DOMESTIC, STOCKWATER
T57N R05W S6
L9(SWNW), SENW

97-8646

PAPESH LAKE TRUST LLC
PO BOX 185
COOLIN, ID 83821-0185
Point of Diversion NWNE
S3 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: FIRE PROTECTION
01/01 to 12/31 0.09 CFS
Use: IRRIGATION
04/01 to 10/31 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 05-25-2022
Place Of Use: FIRE
PROTECTION, IRRIGATION
T59N R04W S3 L2(NWNE)
Place Of Use: FIRE
PROTECTION, IRRIGATION
T60N R04W S34 L4(SWSE)
Total Acres: 3

97-8688

DENISE NICKERSON
DALE NICKERSON
PO BOX 222
PRIEST RIVER, ID
83856-0222
Point of Diversion NENW
S17 T58N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.01 CFS
Date Filed: 05-19-2022
Place Of Use: DOMESTIC
T58N R04W S17 NENW
Place Of Use: DOMESTIC
T58N R04W S8 SESW

97-9058

BOND FAMILY TRUST
C/O ROBERT & GEORGENE
BOND
2441 EVENING STAR DR
SALT LAKE CTY, UT
84124-1818
Point of Diversion L4(NWSW)
S9 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 07-29-2022
Place Of Use: IRRIGATION
T59N R04W S8
L3(NESE), SESE
Place Of Use: IRRIGATION
T59N R04W S9 L4(SWSW)
Total Acres: 0.5

226

PAUL SCHLOTTERBECK
GAYLE SCHLOTTERBECK
374 RIVERS END DR
PRIEST RIVER, ID
83856-8722
Point of Diversion NESE
S24 T56N R05W
BONNER County
Source PRIEST RIVER
Tributary PEND OREILLE RIV-
ER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 07-25-2022
Place Of Use: IRRIGATION
T56N R05W S24 NESE
Total Acres: 0.7

97-9237

DENNIS B HUNTSINGER
DEBORAH M HUNTSINGER
598 BEAR RD
PRIEST RIVER, ID
83856-8873
Point of Diversion SWNWSE
S23 T57N R05W
BONNER County
Source SPRING
Tributary SINKS
Point of Diversion SWNWSE
S23 T57N R05W
BONNER County
Source SPRING
Tributary SINKS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.06 CFS
Date Filed: 06-15-2022
Place Of Use: DOMESTIC, STOCKWATER
T57N R05W S23 NWSE

97-9241

SUZANNE D MC INTYRE
500 EL RIO DR
PRIEST RIVER, ID
83856-6002
Point of Diversion SENW
S29 T57N R04W
BONNER County
Source PRIEST RIVER
Tributary PEND OREILLE RIV-
ER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.05 CFS
Total Diversion: 0.09 CFS
Date Filed: 07-14-2022
Place Of Use: DOMESTIC
T57N R04W S29
SENW, SWNW
Place Of Use: IRRIGATION
T57N R04W S29
SWNW, SENW
Total Acres: 1.6

97-9245

SUZANNE D MC INTYRE
500 EL RIO DR
PRIEST RIVER, ID
83856-6002
Point of Diversion SENW
S29 T57N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
01/01 to 12/31 0.05 CFS
Total Diversion: 0.09 CFS
Date Filed: 07-14-2022
Place Of Use: DOMESTIC, IRRIGATION
T57N R04W S29
SWNW, SENW
Total Acres: 1.6

97-9272

GARRY ZIEGENHAGEL
2416 S WINDSOR DR
GREENACRES, WA
99016-7793
Point of Diversion SWNE
S32 T56N R04W
BONNER County
Source PEND OREILLE RIV-
ER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.06 CFS
Date Filed: 07-28-2022
Place Of Use: IRRIGATION
T56N R04W S32
L8(NWNE), L7(SWNE)
Total Acres: 2

97-9278

JERALD M WHITEHEAD
SHANNON A WHITEHEAD
12570 E HIGHWAY 21
BOISE, ID 83716-9320
Point of Diversion L5(NWSE)
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: 07-26-2022
Place Of Use: DOMESTIC
T60N R04W S3 L5(NESE)

97-9306

CASSANDRA DIXON
DARCY J DIXON
2096 NW SHIRAZ CT
BEND, OR 97703-2184
Point of Diversion L2(SWSE)
S9 T59N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 08-04-2022
Place Of Use: IRRIGATION
T59N R04W S9 L2(SWSE)
Total Acres: 0.3

97-9315

BARBARA VAN LEUVEN
707 W 20TH AVE
SPOKANE, WA 99203-2032
Point of Diversion SWSE
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: 08-05-2022
Place Of Use: DOMESTIC
T60N R04W S6
SESW, SWSE, L8(SWSE), L11(
SESW)

97-9350

KALISPELL BAY LAKE HOME
LLC
PO BOX 101
MEDINA, WA 98039-0101
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: 08-05-2022
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/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D'ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 9/6/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Legal#4471
AD#554478
August 17, 24, 2022

SCANNED

SEP 15 2022