

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-9785

Priority: January 10, 2024

Maximum Diversion Volume: 3.4 AF

This is to certify that

JILL WEIMER PO BOX 55 PRIEST RIVER ID 83856

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM

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>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		0.1 AF
RECREATION STORAGE	01/01 to 12/31		3.3 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		3.3 AF
AESTHETIC STORAGE	01/01 to 12/31		3.3 AF

Location of Point(s) of Diversion

UNNAMED STREAM NE¼ SE¼, Sec. 29, Twp 56N, Rge 04W, B.M. BONNER County

Place of Use: STOCKWATER STORAGE

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	04W	29													X				

Place of Use: RECREATION STORAGE

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	04W	29													X				

Place of Use: FIRE PROTECTION STORAGE

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	04W	29													X				

Place of Use: AESTHETIC STORAGE

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	04W	29													X				

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-9785

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 15, 2025**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 1.6 acre-feet or a total surface area of 0.2 acre(s).
4. Right 97-9785 authorizes the storage of an annual total of 3.4 acre-feet, comprised of 1.6 to be used for the initial filling or carryover storage of the pond, 1.7 acre-feet for the replacement of losses due to seepage and evaporation, and up to 0.1 acre-feet for additional refills for stockwater from storage use. 3.4 acre-feet from the pond authorized under Right 97-9785.
5. Stockwater use is for 5 head of mixed stock.
6. 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 1st day of April, 20 24.



CHACE BELL
Water Rights Supervisor

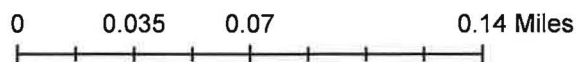
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-9785

This map depicts the , FIRE PROTECTION STORAGE, AESTHETIC STORAGE, RECREATION STORAGE, & STOCKWATER STORAGE place of use boundary for this water right at the time 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
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion





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 Mathew Weaver

April 01, 2024

JILL WEIMER
PO BOX 55
PRIEST RIVER ID 83856

RE: Permit No. 97-9785

Permit Approval Notice

Dear Permit Holder:

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.

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,



Chace Bell
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 01, 2024, I served a true and correct copy of Permit to Appropriate Water No. 97-9785 by U.S. Mail, postage prepaid, to the following:

JILL WEIMER (Current Owner)
PO BOX 55
PRIEST RIVER ID 83856

JAKE WEIMER (Representative)
PO BOX 55
PRIEST RIVER ID 83856-0055



Micki Bowman
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)

RikkiJade Lindstrom, 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 the State of 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 Legal Clerk 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 7 day of February, 2024, and ending on the 14 day of February, 2024.

RikkiJade Lindstrom

State of Idaho, county of Bonner ss.

On this 14 day of February, in the year of 2024 before me, Angela Minehart, Notary Public, personally appeared RikkiJade Lindstrom 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.

Angela Minehart
Notary Public
Residing at: Kootenai County

My Commission Expires 03/20/2029



RECEIVED
FEB 16 2024
IDWR / NORTH

RECEIVED
FEB 16 2024
IDWR / NORTH

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

95-18542
DONALD J NELSON
56 SELKIRK WAY
OLDTOWN, ID 83822-8546
Point of Diversion NWSE
S5 T54N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 01-16-2024
Place Of Use: DOMESTIC
T54N R05W S5 NWSE

97-9779
DAVID R FISHER
1855 W SUMMIT PKWY
SPOKANE, WA 99201-6027
Point of Diversion NWSW
S12 T61N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.08 CFS
Date Filed: 08-21-2023
Place Of Use: DOMESTIC
T61N R05W S12 NWSW

97-9785
JILL WEIMER
PO BOX 55
PRIEST RIVER, ID 83856
Point of Diversion NESE
S29 T56N R04W
BONNER County
Source UNNAMED STREAM
Tributary PEND OREILLE
RIVER
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 3.3 AF
Use: AESTHETIC STORAGE
01/01 to 12/31 3.3 AF
Use: RECREATION STORAGE
01/01 to 12/31 3.3 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 0.1 AF
Total Diversion: 3.4 AF
Date Filed: 11-14-2023
Place Of Use: AESTHETIC
STORAGE, FIRE PROTECTION
STORAGE, RECREATION
STORAGE, STOCKWATER
STORAGE
T56N R04W S29 NESE

97-9786
MIRROR LAKE LLC
PO BOX 55
PRIEST RIVER, ID 83856-0055
Point of Diversion SWSWSE
S8 T56N R04W
BONNER County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 19.4 AF
Use: RECREATION STORAGE
01/01 to 12/31 19.4 AF
Total Diversion: 0.2 CFS
Date Filed: 11-14-2023
Place Of Use: DOMESTIC
T56N R04W S8 SWSW
Place Of Use: FIRE PROTECTION
STORAGE, RECREATION
STORAGE
T56N R04W S8 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/](https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/). Pro-
tests 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 MIN-
ERAL DR STE 100, COEUR D
ALENE ID 83815-7763 together
with a protest fee of \$25.00 for
each application on or before
2/26/2024. The protestant must
also send a copy of the protest
to the applicant.
MATHEW WEAVER, Director
Legal # 5885
AD# 19157
February 7, 14, 2024