

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 98-8137

Priority: June 03, 2024

Maximum Diversion Rate: 1.50 CFS

This is to certify that

REGEHR LOG WORKS LLC 978 TWENTY MILE CREEK RD NAPLES ID 83847 AND  
REGEHR TIMBERLANDS LLC 978 TWENTY MILE CREEK RD NAPLES ID 83847

has applied for a permit to appropriate water from:

**Source :** UNNAMED STREAM  
**Source :** TWENTY MILE CREEK

**Tributary:** SINKS  
**Tributary:** BROWN CREEK

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> |
|-------------------------|----------------------|--------------------------|----------------------|
| RECREATION              | 01/01 to 12/31       | 0.20 CFS                 |                      |
| RECREATION STORAGE      | 01/01 to 12/31       |                          | 64.0 AF              |
| FIRE PROTECTION STORAGE | 01/01 to 12/31       |                          | 64.0 AF              |
| DIVERSION TO STORAGE    | 01/01 to 12/31       | 1.50 CFS                 |                      |

**Location of Point(s) of Diversion**

TWENTY MILE CREEK SE¼ SE¼, Sec. 32, Twp 61N, Rge 01E, B.M. BOUNDARY County  
UNNAMED STREAM NE¼ SE¼, Sec. 32, Twp 61N, Rge 01E, B.M. BOUNDARY County

**Place of Use: RECREATION**

| 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 | 01E | 32  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | 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 |        |
| 61N | 01E | 32  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | 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 |        |
| 61N | 01E | 32  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X  |        |

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2025**.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 98-8137

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. The following rights are diverted through point(s) of diversion described above: 98-7937 and 98-8137.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. Right 98-8137 authorizes a total annual storage volume of 64.0 acre-feet, 4.0 acre-feet to be used for the initial filling or carryover storage of the four ponds and 60.0 acre-feet for the replacement of losses caused by seepage and evaporation.
7. The four (4) ponds established by the storage of water under this right shall not exceed a total capacity of 4.0 acre-feet or a total surface area of 0.8 acres
8. Recreation water use is flow through used to circulate water in the four (4) ponds.
9. Recreation storage water is used for fish stocking.
10. 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 30<sup>th</sup> day of July, 2024.

  
\_\_\_\_\_  
CHACE BELL  
Water Rights Supervisor

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

98-8137

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



0 0.035 0.07 0.14 Miles

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





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](mailto:northerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

July 31, 2024

REGEHR LOG WORKS LLC &  
REGEHR TIMBERLANDS LLC  
978 TWENTY MILE CREEK RD  
NAPLES ID 83847

RE: Permit No. 98-8137

### 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.

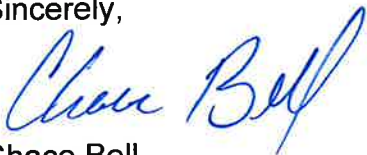
You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov) 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](http://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

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2024, I served a true and correct copy of Permit to Appropriate Water No. 98-8137 by U.S. Mail, postage prepaid, to the following:

REGEHR TIMBERLANDS LLC (Current Owner)  
978 TWENTY MILE CREEK RD  
NAPLES ID 83847

REGEHR LOG WORKS LLC (Current Owner)  
978 TWENTY MILE CREEK RD  
NAPLES ID 83847

GARY REGEHR (Representative)  
978 TWENTY MILE CREEK RD  
NAPLES ID 83847



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Tammy Alleman  
Senior Water Resource Agent

## **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.

## Bowman, Micki

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**From:** Horsmon, Merritt  
**Sent:** Tuesday, July 2, 2024 3:20 PM  
**To:** Bowman, Micki  
**Subject:** RE: Request for Comments for Water Right 98-8137

Hi Micki,  
The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

### Merritt Horsmon

Regional Technical Assistance Manager  
Panhandle Region  
2885 W. Kathleen Ave.  
Coeur d'Alene, ID 83815  
208.769.1414 office  
208.251.4509 mobile  
[merritt.horsmon@idfg.idaho.gov](mailto:merritt.horsmon@idfg.idaho.gov)



**From:** Bowman, Micki <Micki.Bowman@idwr.idaho.gov>  
**Sent:** Wednesday, June 12, 2024 11:30 AM  
**To:** Anna Moody <Anna.Moody@deq.idaho.gov>; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>  
**Subject:** Request for Comments for Water Right 98-8137

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is July 8, 2024.

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

AFFIDAVIT OF PUBLICATION

State of Idaho

ss

RECEIVED

JUL 02 2024

IDWR / NORTH

County of Boundary, RikkiJade Lindstrom being first duly sworn on oath deposes and says that he/she is Legal Clerk of the Bonners Ferry Herald, a newspaper printed and published at Bonners Ferry, Boundary County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Boundary County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

Notice 98-8137

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 20 day of June, 2024 and ending on the 27 day of June, 2024 and that said notice was published in said newspaper.

RJ Lindstrom

SUBSCRIBED AND SWORN TO before me, this 27 day of June, 2024.

Angela Minehart

Notary Public-State of Idaho

Residing at: Kootenai County

**My Commission Expires 03/20/2029**



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

98-8137

REGEHR LOG WORKS LLC  
REGEHR TIMBERLANDS LLC  
978 TWENTY MILE CREEK RD  
NAPLES, ID 83847

Point of Diversion SESE

S32 T61N R01E

BOUNDARY County

Source TWENTY MILE CREEK

Tributary BROWN CREEK

Point of Diversion NESE

S32 T61N R01E

BOUNDARY County

Source UNNAMED STREAM

Tributary SINKS

Use: DIVERSION TO STOR-  
AGE

01/01 to 12/31 1.5 CFS

Use: RECREATION

01/01 to 12/31 0.2 CFS

Use: RECREATION STORAGE

01/01 to 12/31 64 AF

Use: FIRE PROTECTION  
STORAGE

01/01 to 12/31 64 AF

Total Diversion: 1.5 CFS

Date Filed: 06-03-2024

Place Of Use: FIRE PROTEC-  
TION STORAGE, RECRE-  
ATION, RECREATION STOR-  
AGE

T61N R01E S32 NESE, SESE

Permits will be subject to all  
prior water rights. For addition-  
al 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  
7/8/2024. The protestant must  
also send a copy of the protest  
to the applicant.

MATHEW WEAVER, Director

Legal# 11437

AD# 24248

June 20 & 27, 2024