

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 87-10050

Priority: December 11, 2006

Maximum Diversion Rate: 0.01 CFS

This is to certify, that GARY J PRESOL
BOX 585
STERLING AK 99672

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.01 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW¼ SW¼ Sec. 22, Twp 40N, Rge 05W, B.M. LATAH County

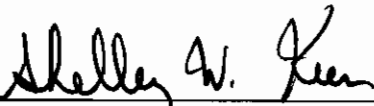
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
40N 05W 22											X						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2008**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of May, 2007.


for DAVID R. TUTHILL, JR., Director

73281

Ident. No. 87-10050

RECEIVED

FEB 12 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED

DEC 11 2006

IDWR/North

DEPARTMENT OF
WATER RESOURCES

Name of Applicant GARY J. PRESOL

Phone 907-260-9305

Mailing address P.O. Box 585 Sterling AK 99672

2. Source of water supply Groundwater which is a tributary of n/a

3. Location of point of diversion is Township 40N Range 05W Sec. 22, in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, Govt. Lot _____, B.M., Latah County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.006 ^{0.1} for D purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.006 .01 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Well, 8" dia, 150' deep
1/2 HP submers. pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? Aug 1974, Drilling firm Don Town Drilling;
Well was drilled for (well owner) Gary Presol; Drilling Permit No. ?

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

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1

e. Other; describe fully. _____

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
40N	5W	22											D						

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. n/a

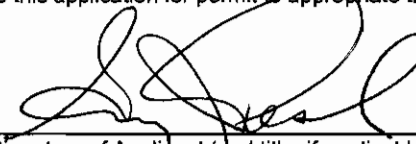
11. a. Who owns the property at the point of diversion? Gary Presol
- b. Who owns the land to be irrigated or place of use? Gary Presol
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks:

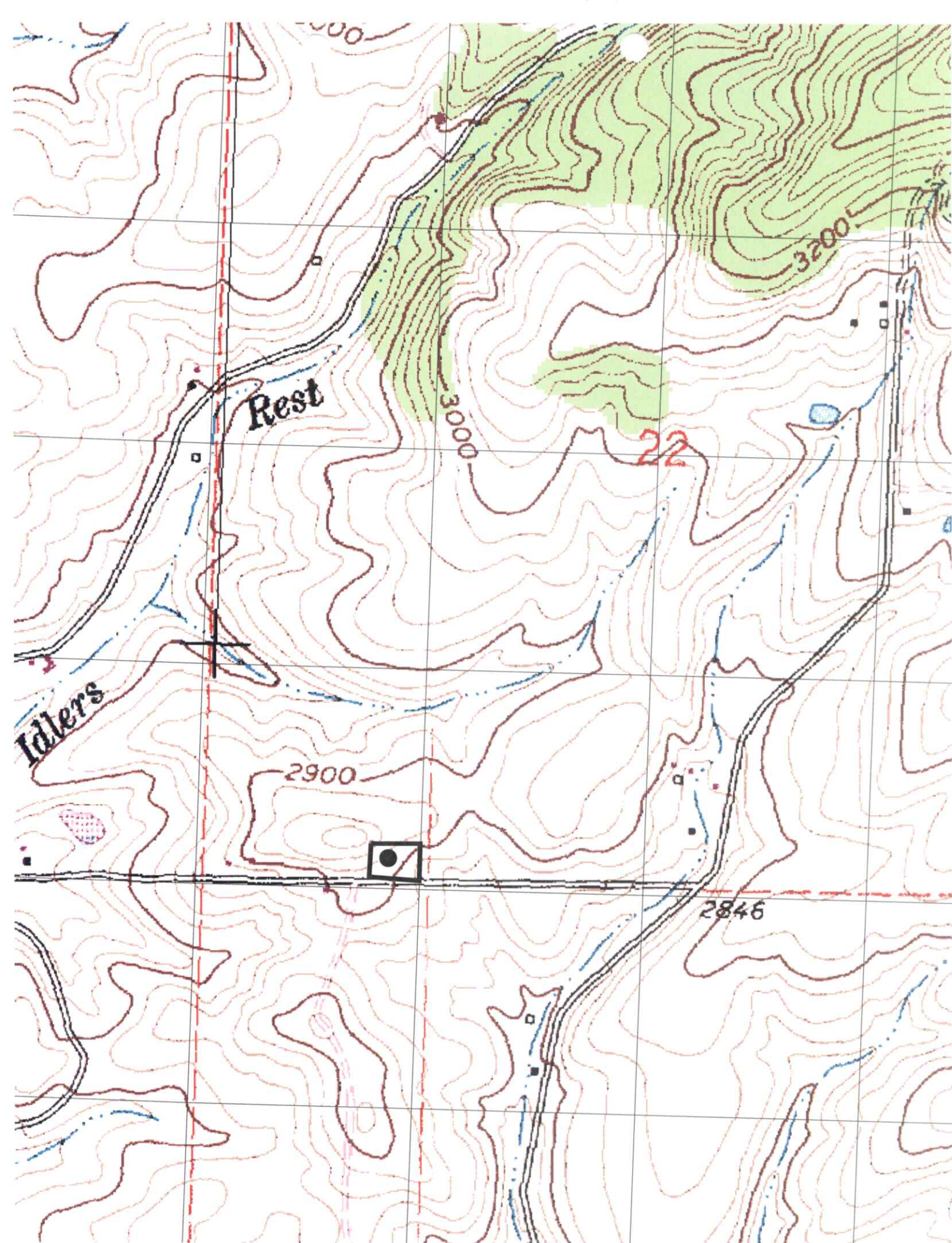
The well in the application is the domestic source of water for the residence located on the property. The well was drilled in Aug 1974. No well log was supplied by the driller (Don Town). The estimated yield was 3 gal/min. Encroaching development causes concern for the water right.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant (and title, if applicable)

Received by db Date 12/11/06 Time 1:35 Preliminary check by _____
 Fee \$ 100.00 Received by db # NO18063 Date 12/11/06
 Publication prepared by db/19/07 Date 1/9/07 Published in Moscow Pullman Daily News 1/18+25/07
 Publication approved _____ Date 2/1/07

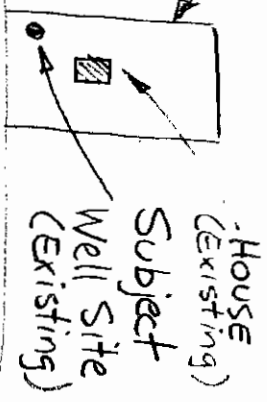


Subject Property (2.0ac)
Property Tax # 3122

T40N R5W Sec 22 SW 1/4 SW 1/4

121

SCHULTZ Rd



IDLERS REST Rd.

MOUNTAIN VIEW Rd

WEST TWIN Rd

Note:
Not To Scale

CITY OF
Moscow

87-10050



0.06 0 0.06 0.12 Miles

- Latah taxlots
- GCDB40N05W GCDB
- Foster.shp
- Application POD
- Application POU
- Pou.shp
- Pod.shp
- Administrative BasinsAdminbas.shp



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 9, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

GARY J PRESOL
BOX 585
STERLING AK 99672

RE: Permit No. 87-10050

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

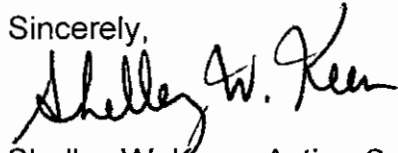
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen, Acting Section Manager
Water Right Permits Section

Enclosure(s)

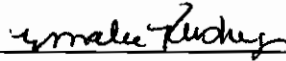
CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person listed below:

RE: WATER RIGHT NO.

87-10050

**GARY J PRESOL
BOX 585
STERLING AK 99672**

A handwritten signature in cursive script, appearing to read "Emalee Rushing", is written over a horizontal line.

**Emalee Rushing
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 issuance 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.

MEMORANDUM

Date: May 08, 2007
To: Water Right File 87-10050
From: eretelle
Re: permit review

No WD

No moratorium or sensitive area

No protests

No PoD overlap

87-7181 from surface water for wildlife storage on same property. No PoU overlap

Recommend approval as suggested by IDWR Northern

JEWS REVIEW PUBLISHING COMPANY
The Moscow-Pullman Daily News
P.O.Box 374
Lewiston, Idaho 83501
(208) 743-9411

Date 01/25/2007 INVOICE NO. 449579
Account No. 30010311
Description 449579 Water applic
Times 2 Lines 1

**LEGAL ADVERTISING
INVOICE**

SOLD TO: IDAHO DEPT/ WATER RESOURCES
1910 NORTHWEST BLVD #210
COEUR D'ALENE ID 83814

RECEIVED Tab. Lines _____
FEB 07 2007 \$ 50.82
IDWR/North PO# _____

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

449579 87-10050
LEGAL NOTICE
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
87-10048
SEAN WILSON
SUSAN WILSON
2780 N MOUNTAINVIEW RD
MOSCOW ID 83843
Point(s) of Diversion SWNWSE
S33 T40N R05W LATAH County
Source SPRING Tributary To PARADISE CREEK
Use: WILDLIFE STORAGE
01/01 To 12/31 5 AFA
Use: RECREATION STORAGE
01/01 To 12/31 5 AFA
Use: FIRE PROTECTION STORAGE
01/01 To 12/31 5 AFA
Total Diversion: 5 AFA
Date filed: 10/16/2006
Place Of Use: FIRE PROTECTION STORAGE
T40N R05W S33 NWSE
Place Of Use: WILDLIFE STORAGE & RECREATION STORAGE
Location same as FIRE PROTECTION STORAGE
Remark: Recreation storage use is for fishing.

GARY J PRESOL
BOX 585
STERLING AK 99672
Point(s) of Diversion SWSW S22
T40N R05W LATAH County
Source GROUND WATER
Use: DOMESTIC
01/01 To 12/31 0.01 CFS
Total Diversion: 0.01 CFS
Date Filed: 12/11/2006
Place Of Use: DOMESTIC
T40N R05W S22 SWSW
Remark: Domestic use is for 1 home.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 02/05/2007. The protestant must also send a copy of the protest to the applicant.

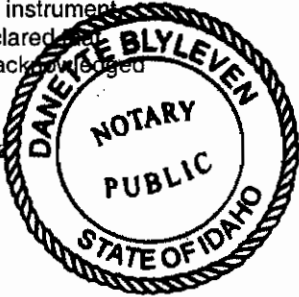
DAVID R TUTHILL, JR.,
Interim Director
January 18, 25, 2007

Rachel McLean, Legal Clerk
being first duly sworn, on oath deposes and says: That she is the printer of Moscow-Pullman Daily News, a newspaper of general circulation, printed and published daily except Sunday at Moscow, Latah County, Idaho, in compliance with Sections 60-106, 60-107, and 60-108 of the Idaho Code and the amendments thereto: that the notice of which the annexed is a full, true and correct printed copy was published in the regular and entire issues of said newspaper and not in a supplement thereto, upon the following dates:

Jan. 18, 25 2007
the same being the date designated for the publication of said notice.
Rachel McLean

State of Idaho S.S.
County of Latah

On this 25th day of January
in the year of 2006, before me, a Notary Public, personally appeared Rachel McLean, known or identified to me to be the person whose name subscribed to the within instrument and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.
[Signature]
Notary Public for Idaho
Residing at Moscow, Idaho
My Commission Expires 08/02/10



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

87-10048

SEAN WILSON
SUSAN WILSON
2780 N MOUNTAINVIEW RD
MOSCOW ID 83843

Point(s) of Diversion SWNWSE S33 T40N R05W LATAH County

Source SPRING Tributary To PARADISE CREEK

Use: WILDLIFE STORAGE 01/01 To 12/31 5 AFA

Use: RECREATION STORAGE 01/01 To 12/31 5 AFA

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 5 AFA

Total Diversion: 5 AFA

Date Filed: 10/16/2006

Place Of Use: FIRE PROTECTION STORAGE

T40N R05W S33 NWSE

Place Of Use: WILDLIFE STORAGE & RECREATION STORAGE

Location same as FIRE PROTECTION STORAGE

Remark: Recreation storage use is for fishing.

87-10050

GARY J PRESOL

BOX 585

STERLING AK 99672

Point(s) of Diversion SWSW S22 T40N R05W LATAH County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 12/11/2006

Place Of Use: DOMESTIC

T40N R05W S22 SWSW

Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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DAVID R TUTHILL, JR., Interim Director Published Jan. 18 & 25, 2007

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87-10048

SEAN WILSON

SUSAN WILSON

2780 N MOUNTAINVIEW RD

MOSCOW ID 83843

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T40N R05W LATAH County

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01/01 To 12/31 5 AFA

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Date Filed: 10/16/2006

Place Of Use: - FIRE PROTECTION STORAGE

T40N R05W S33 NWSE

Place Of Use: WILDLIFE STORAGE

& RECREATION STORAGE

Same as FIRE PROTECTION

STORAGE

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87-10050

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DAVID R TUTHILL, JR., Interim Director

Published Jan. 18 & 25, 2007

DEPARTMENT OF WATER RESOURCES
7600 MINERAL DRIVE, SUITE 100
COEUR D'ALENE ID 83814
Phone 208-762-2800 - FAX - 208-762-2819

January 09, 2007

SHARON FLODIN
LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843-8187

e-mailed to legals@dnews.com
and FAXED as a follow-up
to 208-746-2596

RE: Application for Permit No. 87-10048 and 87-10050

Please FAX proof copy before this goes to press, to 762-2819
Thanks, Dianne

Dear Sharon:

Embodied within this e-mail letter you will find a legal notice which we wish to have published in your newspaper on the dates indicated, January 18 and 25, 2007, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/05/2007. Your cooperation is GREATLY appreciated, as always.

Thank you very much for all your good work,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

DEPARTMENT OF WATER RESOURCES
7600 MINERAL DRIVE, SUITE 100
COEUR D'ALENE ID 83814
Phone 208-762-2800 - FAX - 208-762-2819

January 09, 2007

SHARON FLODIN
LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843-8187

e-mailed to legals@dnnews.com
and FAXED as a follow-up
to 208-746-2596

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Thank you very much for all your good work,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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87-10048

SEAN WILSON

SUSAN WILSON

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GARY J PRESOL

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STERLING AK 99672

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Continued on next page - - -

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DAVID R TUTHILL, JR., Interim Director Published Jan. 18 & 25, 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 09, 2007

GARY J PRESOL
BOX 585
STERLING AK 99672

RE: Application for Permit No 87-10050

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Moscow Pullman Daily News on January 18 and 25, 2007. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E. Franklin
Senior Water Resource Agent

Enclosure(s) – Receipt No. N018063