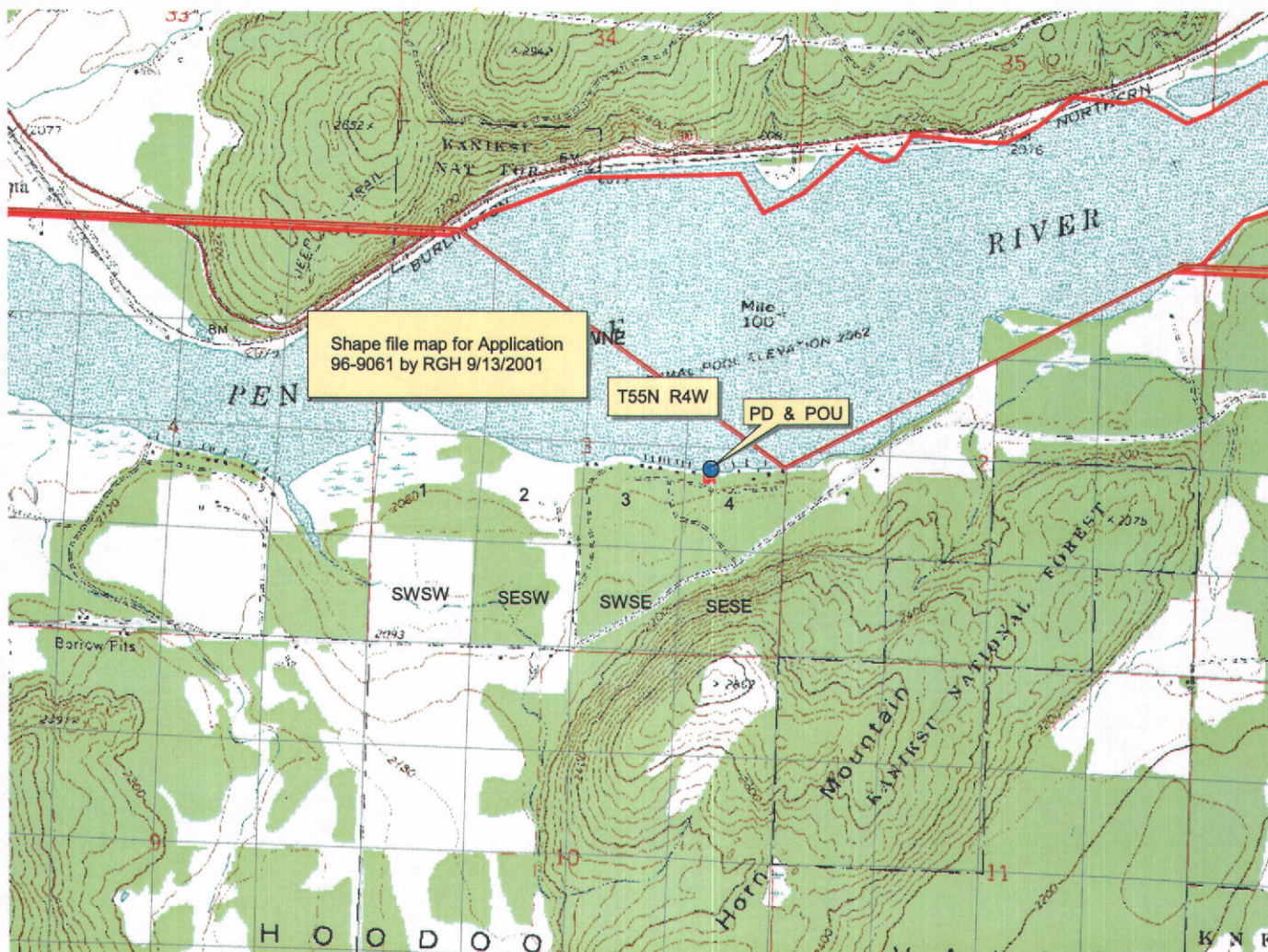
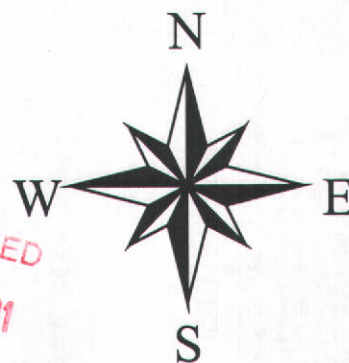


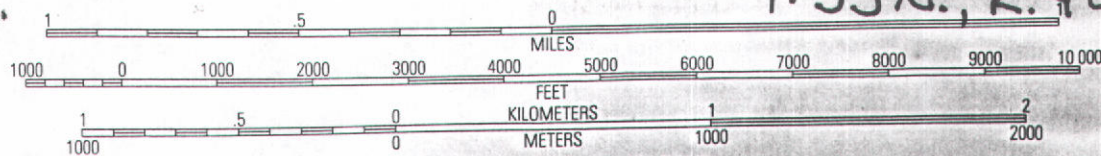
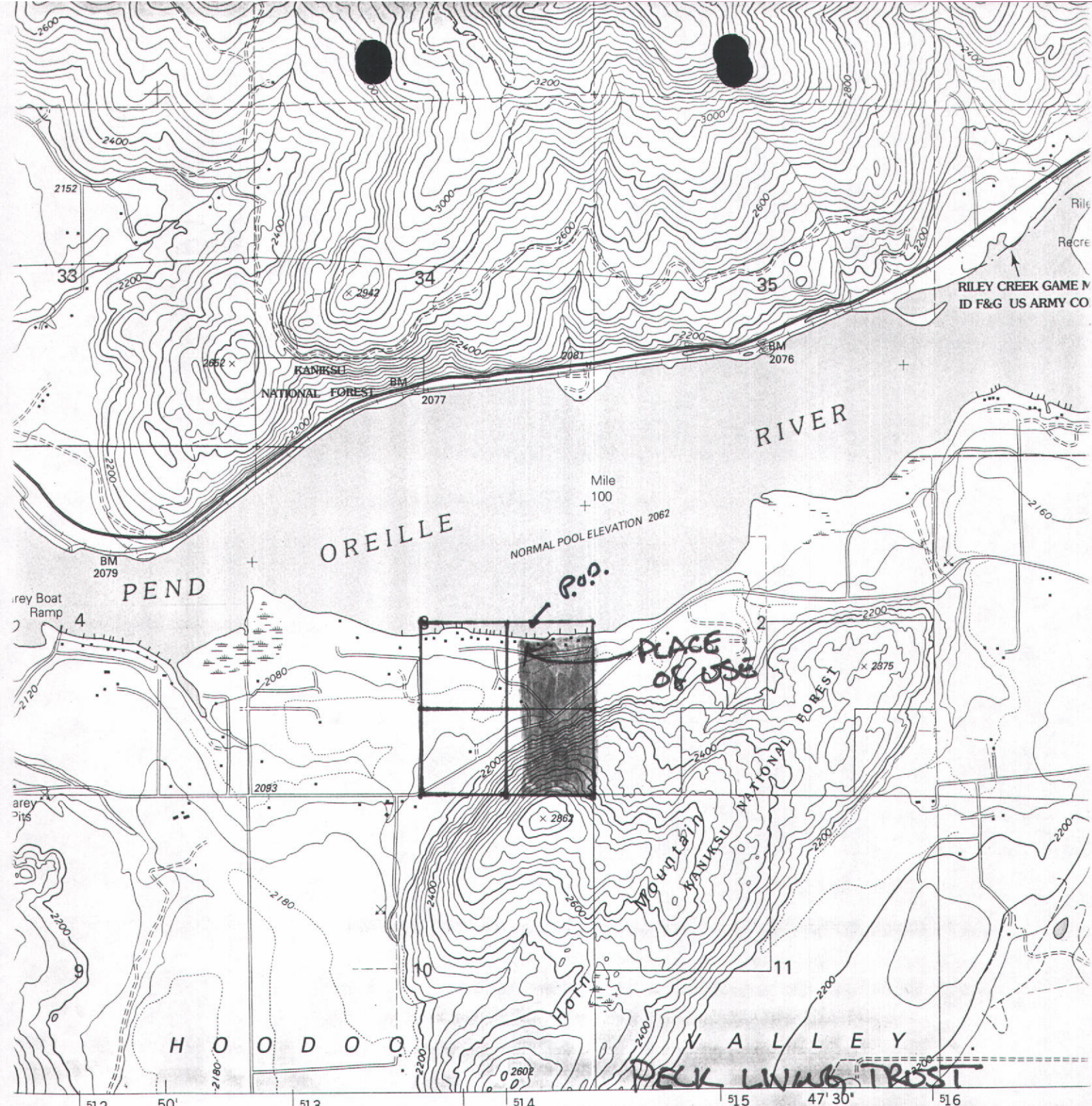


0.4 0 0.4 0.8 Miles

-  Quad IndexQuadcov.shp
-  GCDBT55N04W.shp
-  POD- ApplicationApplication POD
-  Application POU
-  Townships

MICROFILMED
OCT 19 2001





CONTOUR INTERVAL 40 FEET

SUPPLEMENTARY CONTOUR INTERVAL 20 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1929
TO CONVERT FROM FEET TO METERS, MULTIPLY BY 0.3048

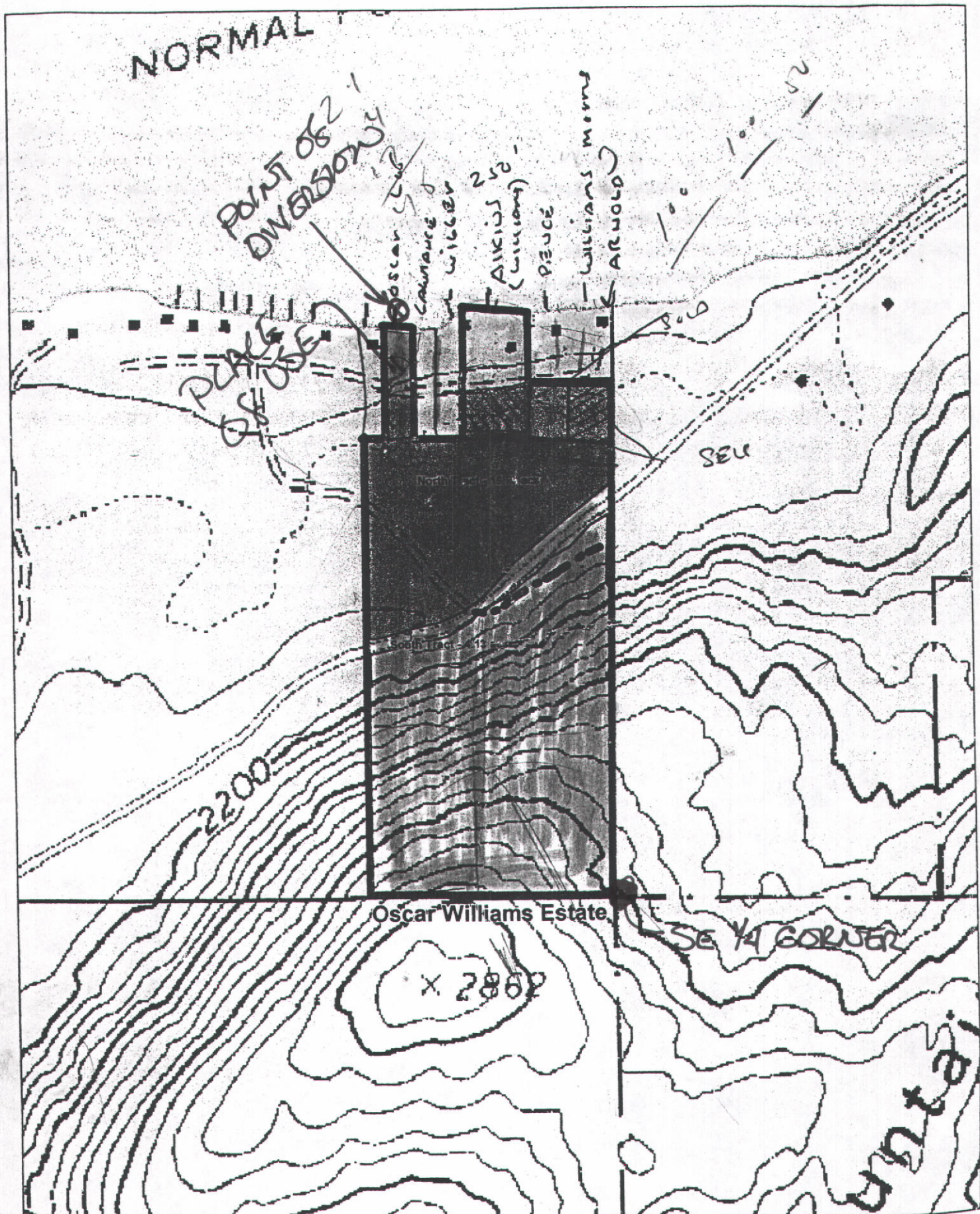
MICROFILMED

OCT 19 2001

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, P.O. BOX 25286, DENVER, COLORADO 80225
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

1	2	3	1 Quartz Mountain
4		5	2 Prater Mountain
6	7	8	3 Happy Fork
			4 Priest River
			5 Morton
			6 Blanchard
			7 Edgemere
			8 Careywood

ADJOINING 7.5' QUADRANGLES



OCT 19 2001

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Jeannie Shendan

_____ being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Applications

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 7 day of February, 2000
and ending on the 14 day of February, 2000
and that said notice was published in said newspaper.

On this 2 day of February in the year
of 2000, before me, a Notary Public, personally
appeared Jeannie Shendan,
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.

Notary Public for Idaho

Residing at

My Commission expires:

Sanpoint

8/06

RECEIVED

MAR 08 2001

IDWR/North

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

96-9061

PECK LIVING TRUST

C/O ROBERT L & SUSAN M PECK

TRUSTEES

N15112 CINCINNATI

SPOKANE WA 99208

Point(s) of Diversion NESE S3 T55N R04W BONNER County

Source PEND OREILLE RIVER Tributary COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 01/26/2001

Place Of Use: DOMESTIC

T55N R04W S3 NESE

Permits will be subject to all prior water rights. Protests may be submit-
ted 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, 1910 Northwest
Blvd, Suite 210, Coeur d'Alene ID 83814 together with a protest fee of
\$25.00 for each application on or before 02/26/2001. The protestant must
also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 601512

Feb 7, 14, 2001

MICROFILMED

OCT 19 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
96-9061 IN THE NAME OF)
PECK LIVING TRUST)
_____)

REINSTATEMENT ORDER

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before October 1, 2003; and

WHEREAS, the Department notified the permit holder on July 31, 2003, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and

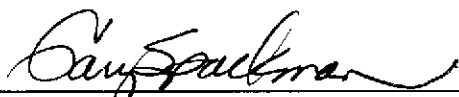
WHEREAS, the Department sent the permit holder a lapse notice on October 7, 2003, since the department had not received an acceptable proof of beneficial use statement or extension of time request; and

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on October 8, 2003.

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-9061 is **REINSTATED** with an advance in priority to **February 2, 2001**.

DATED this 15th day of January, 2004.



GARY SPACKMAN

MICROFILMED

APR 6 6 2004

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 10015959
Receipt By: ds
Date Received: 10/2/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

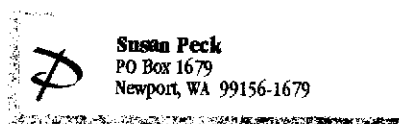
RECEIVED
OCT 08 2003
IDWR/North

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 96-9061 Telephone No. 208 448 0650
2. Name of Permit Holder(s): PECK LIVING TRUST + ROBERT L. PECK
SUSAN M. PECK
TRUSTEES
3. Mailing Address: P.O. Box 1679
City NEWPORT WA. State WA. Zip 99156-1679
4. Source of Water: POND ORIGIN R If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
Well Driller: _____ Drilling Permit Number: ____ - ____ - RECEIVED
OCT 10 2003
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ONE Stockwater (No. and type of stock): Department of Water Resources
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- Measuring Device: Is a measuring device required? NA Yes ____ or No ____
Has the measuring device been installed? Yes ____ or No ✓
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: BOB PECK Telephone Number: 208 448 0650
Address: 137 E KYLE RD, PRIEST RIVER ID.
83856
10. 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. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Robert L. Peck + Susan M. Peck Date: 10/6/03
(include your title, if on behalf of company or organization)
Trustees

MICROFILMED



APR 05 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09061

Priority: 01/26/2001

Maximum Diversion Rate: 0.04 CFS

This is to certify, that PECK LIVING TRUST
C/O ROBERT OR SUSAN PECK
N 15112 CINCINNATI
SPOKANE WA 99208

has applied for a permit to appropriate water from:

Source: PEND OREILLE RIVER **Tributary:** COLUMBIA 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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE RIVER NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, Twp 55N, Rge 04W, B.M. BONNER 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
55N 04W 3													X				

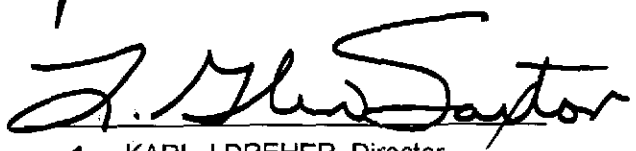
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2003**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. A fish screen of $\frac{1}{4}$ inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
7. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of September, 2001.

MICROFILMED

OCT 13 2001


KARL J DREHER, Director

SEP 14 2001

FORM 202
2/96

Department of Water Resources

Ident. No. 96-9061STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

PECK LIVING TRUST SEPT. 9, 1998 H 509 466 9166

1. Name of Applicant ROBERT L. PECK + SUSAN M. PECK Phone W 509 456 4088
Mailing address N. 15112 CINCINNATI SPOKANE, WA. 99208
2. Source of water supply PEND OREILLE RIVER which is a tributary of COLUMBIA RIVER
3. Location of point of diversion is Township 55N, Range 4W Sec. 3, in the NE 1/4, SE 1/4, Govt. Lot BONNER, B.M., BONNER County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for DOMESTIC purposes from 4/1 to 12/31 (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) 0.04 and/or (b) 0.04
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 PUMP IN COLUMBIA RIVER
- 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? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

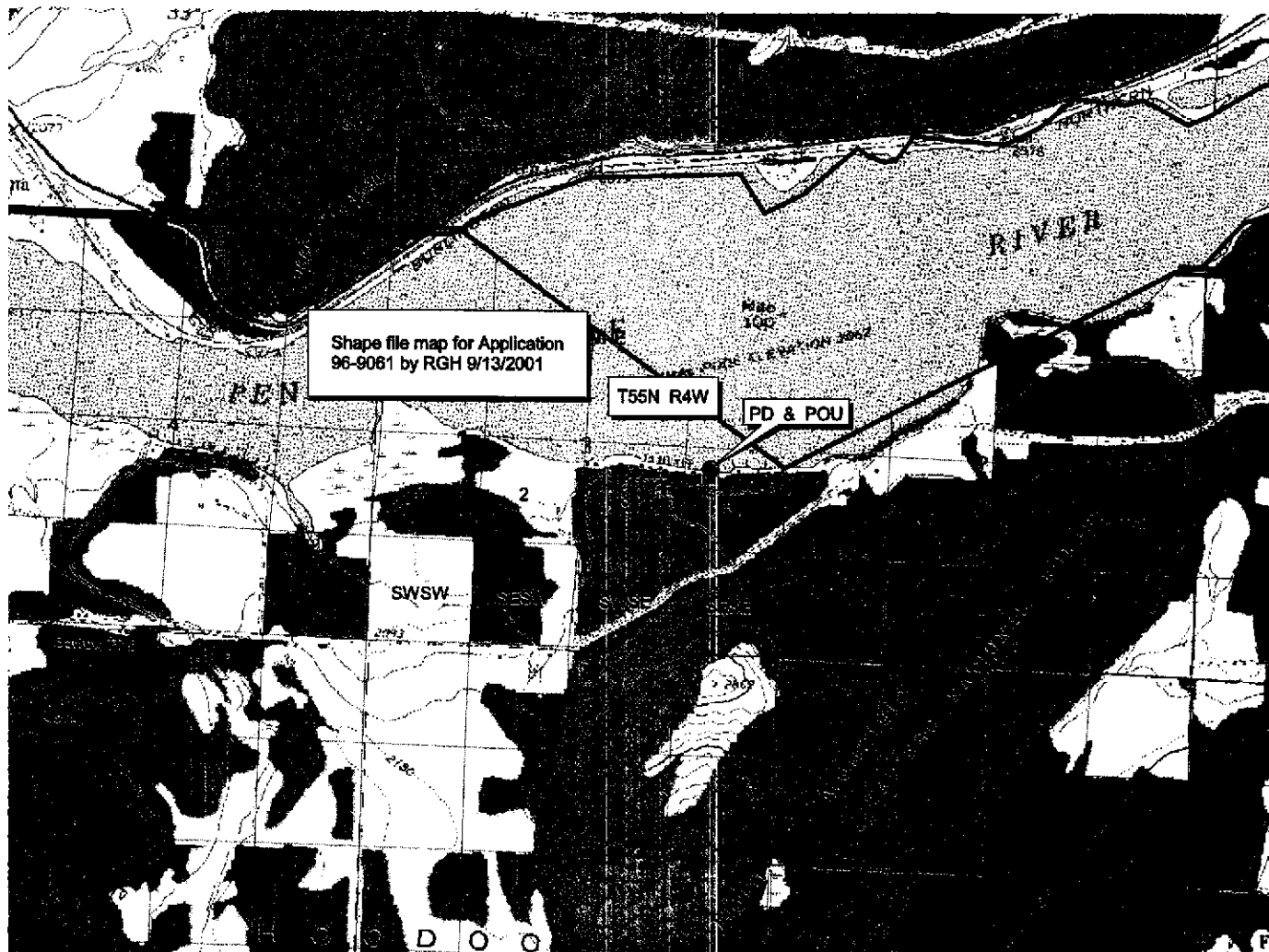
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

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 HOME
- e. Other; describe fully. _____

MICROFILMED

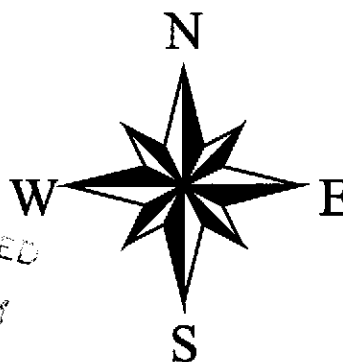
OCT 19 2001

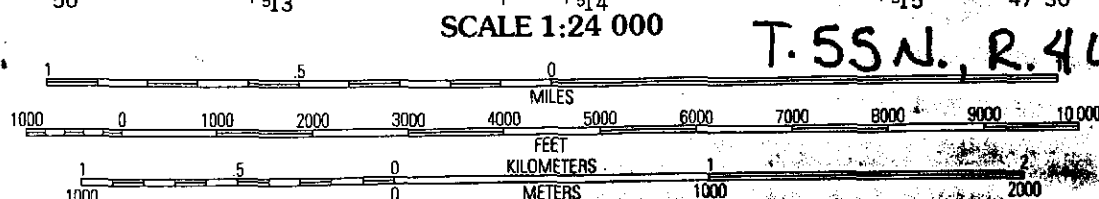
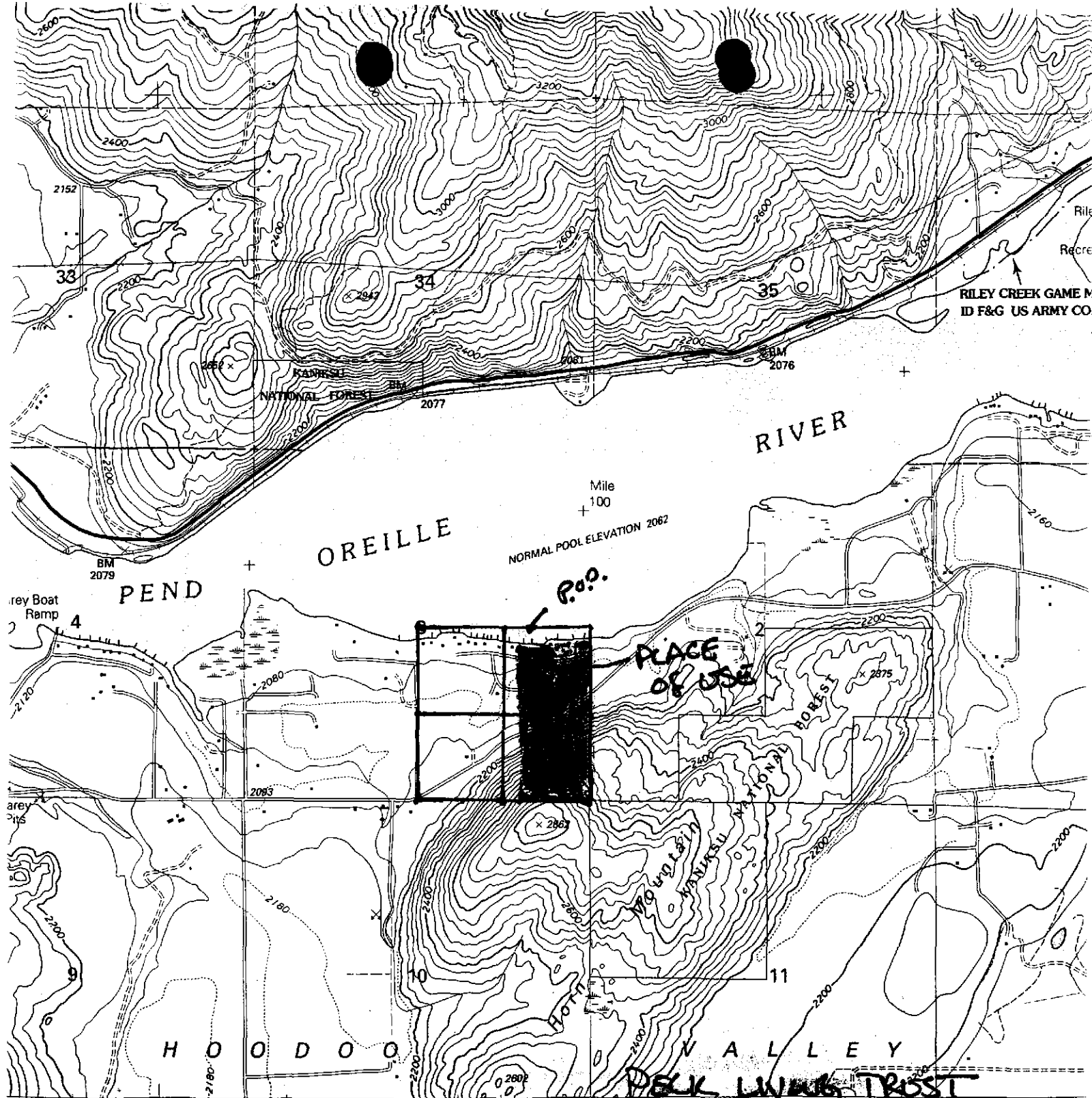


0.4 0 0.4 0.8 Miles

- Quad IndexQuadcov.shp
- GCDBT55N04W.shp
- POD- ApplicationApplication POD
- Application POU
- Townships

MICROFILMED
OCT 19 2001





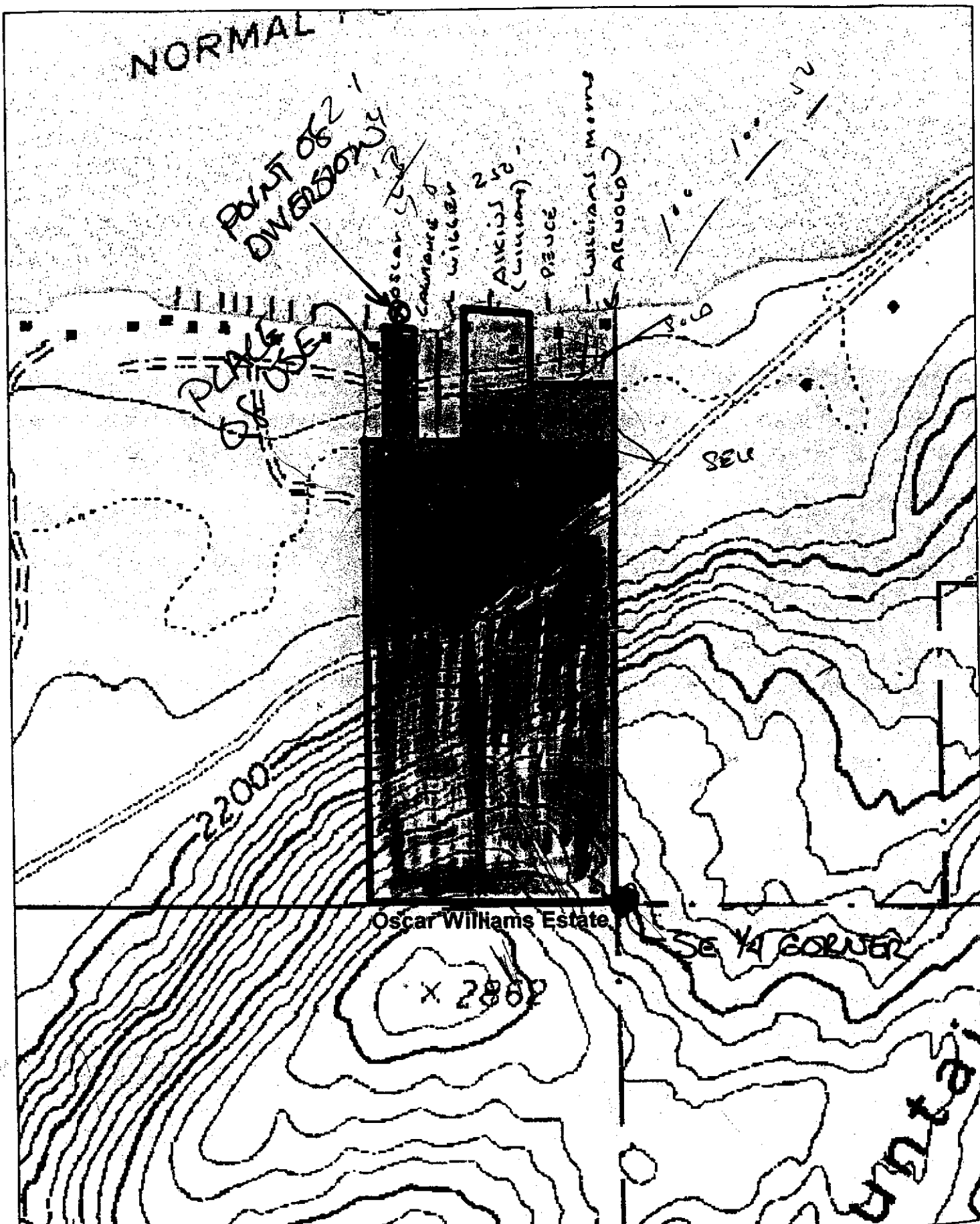
CONTOUR INTERVAL 40 FEET
 SUPPLEMENTARY CONTOUR INTERVAL 20 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929
 TO CONVERT FROM FEET TO METERS, MULTIPLY BY 0.3048

MICROFILM

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, P.O. BOX 25286, DENVER, COLORADO 80225
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

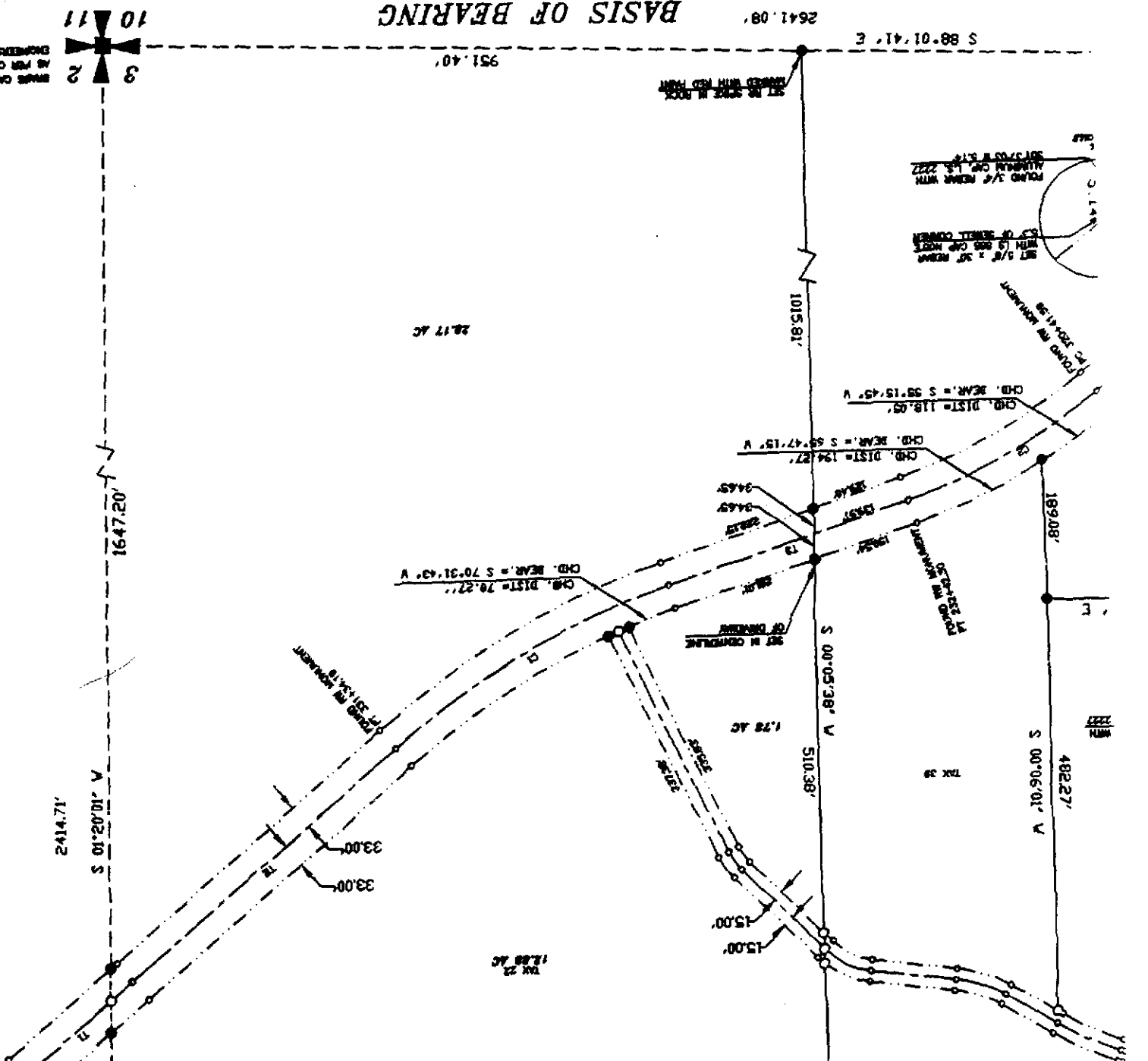
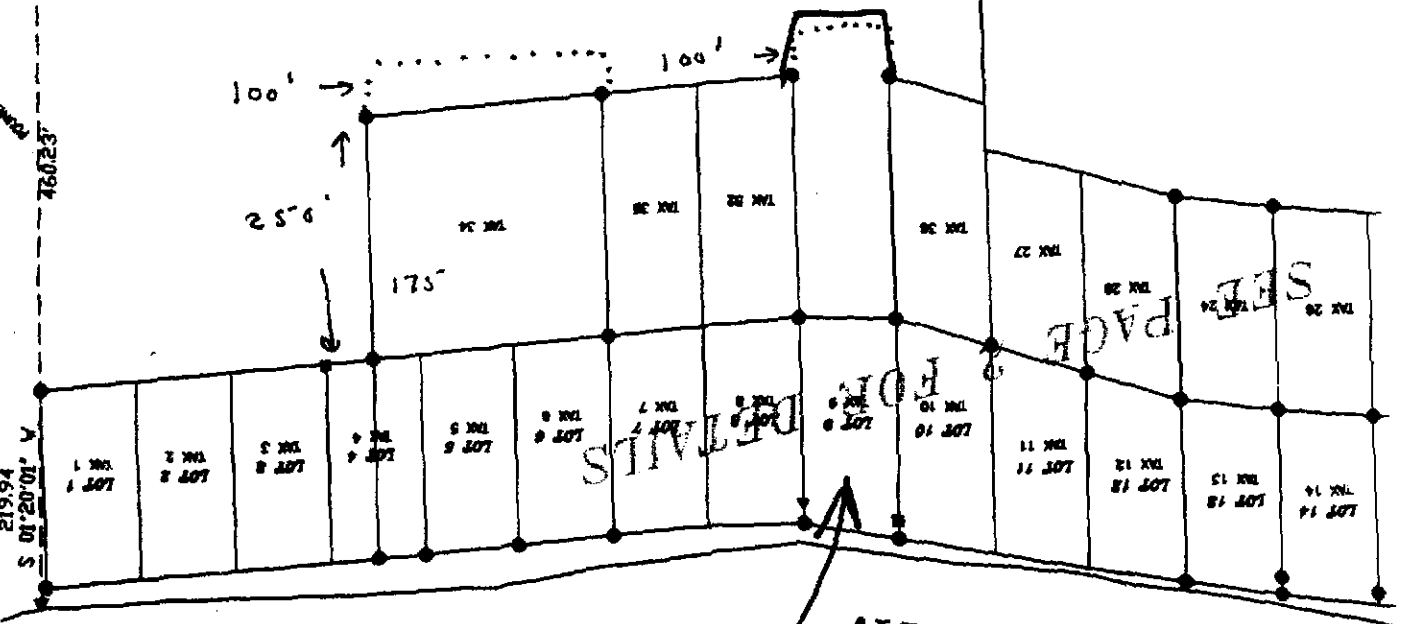
1	2	3	1 Quartz Mountain
4		5	2 Proter Mountain
			3 Happy Fork
			4 Priest River
			5 Morton
			6 Blanchard
6	7	8	7 Edgemere
			8 Careywood

ADJOINING 7.5' QUADRANGLES

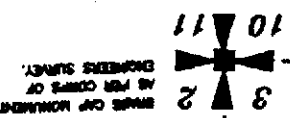


SURVEY

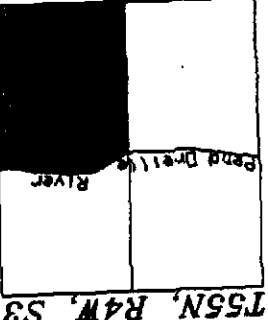
ND ORIELLE RIVER



BASIS OF BEARING



ION OF SURVEY
T HALF OF SECTION 3, TOWNSHIP
H, RANGE 4 WEST, BOISE MEIDIAN,
COUNTY, STATE OF IDAHO.



RECORDER'S CERTIFICATE
STATE OF IDAHO
COUNTY OF BONNER
AT THE REQUEST OF
FILED FOR RECORD OF
BY *[Signature]*
DEPUTY
COUNTY RECORDER
469078



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2004

PECK LIVING TRUST
C/O ROBERT OR SUSAN PECK
PO BOX 1679
NEWPORT WA 99156-1679

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 96-9061

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. The regional office staff will contact you when that examination is to be conducted. At the time the examination is conducted the system must be in operation, otherwise this permit will be of no force nor effect.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region (w/encl.)

MICROFILMED
APR 05 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9061

Reviewed By: dgibson

Date: January 14, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N014115, N015959	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	10/08/2003
Date proof due	- 10/01/2003
Lapse notice sent	- 10/07/2003
No. of days late	= 7
Holiday allowance	+
Priority date	+ 01/26/2001
New priority date	= 02/02/2001

Deficiencies of Actions Items

Acknowledge proof and update address.

Reinstate permit & advance priority to 2/2/01.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
Address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): 96-9061

[] Names(s): PECK LIVING TRUST

ROBERT L PECK

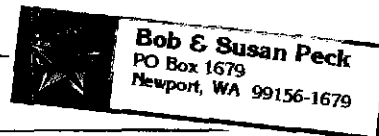
SUSAN M PECK

TRUSTEES

[] Old Mailing Address:

N. 15112 CINCINNATI
SPOKANE, WA. 99208

[] New Mailing Address:



Telephone Number: () 208 - 448 0650

[] Signature(s) of Owner(s) PECK LIVING TRUST

Robert L Peck

Susan M. Peck TRUSTEES

(Include your title if on behalf of company or organization)

Date: 10/6/03

MICROFILMED

APR 16 2004

Updated database 1/14/04 - dg

October 7, 2003

PECK LIVING TRUST
C/O ROBERT OR SUSAN PECK
N 15112 CINCINNATI
SPOKANE, WA 99208

LAPSE NOTICE

RE: PERMIT NO. 96-9061

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated July 31, 2003. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

Gary Spackman, Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 10/7/03
a ~~copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.
MICROFILMED
APR 9 6 2004 

CERTIFIED MAIL

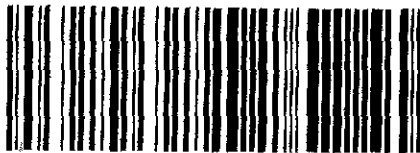
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

AUG 12 2003

Department of Water Resources



7000 1670 0013 9129 9348

FWD

96-9061

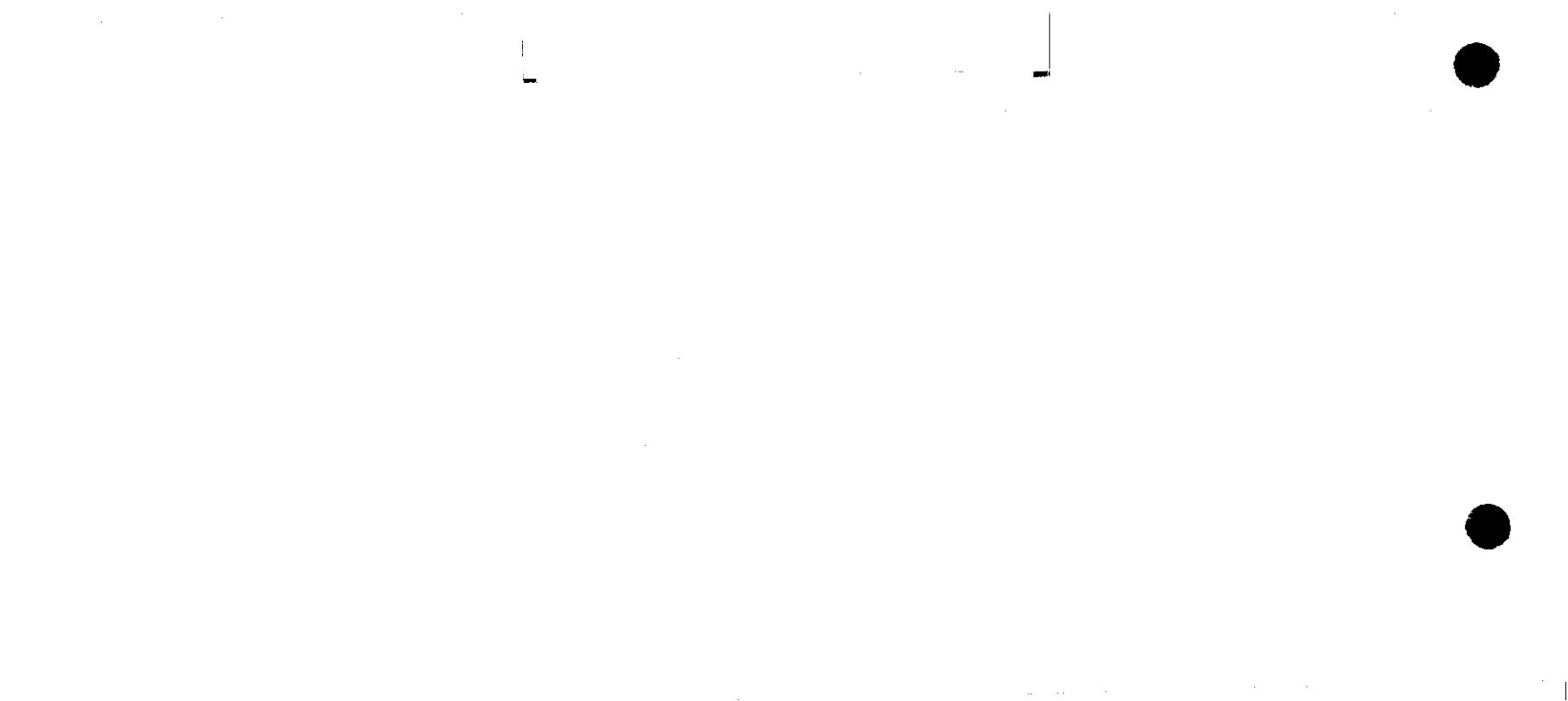
NIXIE

2022 1

07 08/07/03

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

33208+9710 16





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 31, 2003

PECK LIVING TRUST
C/O ROBERT OR SUSAN PECK
N 15112 CINCINNATI
SPOKANE, WA 99208

PROOF DUE NOTICE

RE: PERMIT NO. 96-9061

Dear Permit Holder:

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 October 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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 prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

July 31, 2003

PECK LIVING TRUST
C/O ROBERT OR SUSAN PECK
N 15112 CINCINNATI
SPOKANE, WA 99208

PROOF DUE NOTICE

RE: PERMIT NO. 96-9061

Dear Permit Holder:

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 October 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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 prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

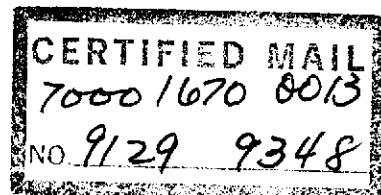
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
APR 06 2004





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 21, 2001

PECK LIVING TRUST
C/O ROBERT OR SUSAN PECK
N 15112 CINCINNATI
SPOKANE WA 99208

RE: Permit No. 96-9061

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

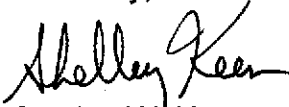
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

OCT 13 2001

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

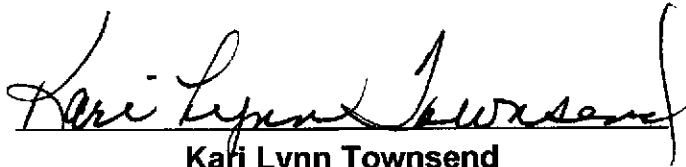
OCT 19 2001

CERTIFICATE OF MAILING

I hereby certify that on September 21, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9061

**PECK LIVING TRUST
C/O ROBERT OR SUSAN PECK
N 15112 CINCINNATI
SPOKANE WA 99208**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 19 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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.

Reviewed by Sharla Curtis on 9/19/01

No. 76-9061 Name: Felt Trust Corp. Officers ✓ Ad ok ✓ Govt Lots ✓

AREA OF CONCERN: No/Yes _____ Moratorium ~~GWMA~~ ~~TRUST/NON-TRUST~~

GROUNDWATER: (~~√~~Flow Chart)

DRILLING PERMIT

All wells	- 046
Basin 34	- 084 (if necessary)
WMD	- North/East/West
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 067

~~WVMD~~

Supp irr (irr = only use)	- 065-104
Supp irr (+ other uses)	- 100-105
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 01M

LOCATION:

Boise Front LoGeo	- 058 (<85 GW)	Payette R
Mitigation	- 121	Salmon R
		Weiser R
Trust	- 051(consumptive uses)	
Non-Trust	- 048-049 (consumptive uses or non-cons. > 1.0 cfs)	

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
 or 17M (not FERC regulated)
 025-027-R22-08A

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

approach velocity
at screen
cond.
 w_{is}/w_{ib}

SPRINGS/SINK, INACTIVE WD or ~~WD~~

≤ 0.24 cfs/5 acres	- No MD
>0.24 cfs/5 acres	- 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area	- 022,075
Irr., GW supp to SW	- 102
Future needs	- 007,109
ISH PROP	- 029 (70's only)-007-042-106
DOMESTIC	
Surface water (1)	- WB5 (Big Wood/Boise above Star Bridge)
	- 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas)
Irr separate or none allowed	- WB5
GW w/irrigation from SW evident	- 065-104
Moratorium approvable	- W03 (2500 gpd – meets domestic def i.e. D/convenience store)

BENEFICIAL USE DUE: 10/01/2003**MISC CONDITIONS/REMARKS:**

Protested	- 020-W19
Development Period	
> 1 yr	- 26A
Ownership	- 004
Non-consumptive	- 027
Water Quality	- 106-R07

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example – S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map) IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS

COMMENTS

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION ANALYSIS SHEET**

E WRA
RECEIVED

68847 APPLICATION # 96-9061

SEP 14 2001

..... INITIAL REVIEW

APPLICANT: PEER LIVING TRUST BY: AB DATE: 1/26/01 Department of Water Resources

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
(X) Nature of Proposed Use
(X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
(X) Signature
(X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes) (No)

- X Field check: by _____
 Field report attached
 Analysis Supp. attached (>5cfs/500af)
 Water delivered by water master?
 Water District # _____

PROCESSING

(Yes) (No) PRIORITY DATE: 1/26/01
 X (Include Moratorium Remark)
 X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BONNER County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
 () Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information
 () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()

- 7 Groundwater management area
 Critical ground water area
 Well Drilling Permit required
 Well Drilling Application and Fees received
 Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- Notice of pending void order issued. Final order response date: / /
 Further information required from applicant
 Affidavit of publication received
 Application published correctly. If not, record action taken: _____

3/8
3/8

- Publication dates and paper recorded on application | Sr. Agent initial AB
 Protests received, Final protest date: 2/26/01
 Measuring device required
 Measuring port required
 Special conditions:
 Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB

Date: 9/13/2009

Ball, Dianne

From: CHARLES CORSI [ccorsi@IDFG.STATE.ID.US]
Sent: Thursday, March 01, 2001 11:50 AM
To: dball@idwr.state.id.us
Subject: re: perweek4.txt

Thanks, Dianne -

Provided the intake is adequately screened (1/4 inch or smaller mesh; approach velocity of less than 1/2 foot per second) this water right should not be a problem for fish or wildlife. Typically we also respond to IDL on these waterline permits and request these stipulations.

Pretty much any time now for addressing these to Mark, I'll be out of the office at least part of the next two weeks and report for work in Boise after that.

Cheers, Chip
----- Original Text -----

From: "Ball, Dianne" <dball@idwr.state.id.us>, on 3/1/01 9:51 AM:

Chip, they move these weekly so if you don't get it soon after I send it, it moves to a different week. It is in week 4 at this present time - first one on the list - PECK. If you ckeck it today, 3/1/01, you should find it. If you don't get it this time - I will fax it to you. Thanks.

When do I start sending things to Mark Liter? - now or in a month or when?
Thanks for notifying us of your move.

Dianne

<http://www.idwr.state.id.us/info/water/rights/perweek4.txt>
<<perweek4.txt.url>>

MICROFILMED
APR 19 2001

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 14, 2001 2:10 PM
To: 'Chip Corsi'
Subject: perweek2.txt



perweek2.txt.url

Greetings, Chip, and happy Valentine's day.

Below is a link to our web-site on which the first Water Right, No. 96-9061 [Peck Living Trust], needs comments from you on or before February 26th.

I thank you in advance for the prompt way you always respond, and trust your day is going well. Dianne, IDWR, CdA

<http://www.idwr.state.id.us/info/water/rights/perweek2.txt>

MICROFILMED

OCT 15 2001

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Jeannie Shendan

_____ being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Applications

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 7 day of February, 2000
and ending on the 14 day of February, 2000
and that said notice was published in said newspaper.

On this 2 day of February in the year
of 2000, before me, a Notary Public, personally
appeared Jeannie Shendan,

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.

Notary Public for Idaho

Residing at

My Commission expires:

8/06

RECEIVED

MAR 08 2001

IDWR/North

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

96-9061

PECK LIVING TRUST
C/O ROBERT L & SUSAN M PECK
TRUSTEES

N15112 CINCINNATI
SPOKANE WA 99208

Point(s) of Diversion NESE S3 T55N R04W BONNER County
Source PEND OREILLE RIVER Tributary COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 01/26/2001

Place Of Use: DOMESTIC

T55N R04W S3 NESE

Permits will be subject to all prior water rights. Protests may be submit-
ted 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, 1910 Northwest
Blvd, Suite 210, Coeur d'Alene ID 83814 together with a protest fee of
\$25.00 for each application on or before 02/26/2001. The protestant must
also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 601512

Feb 7, 14, 2001

MICROFILMED

OCT 19 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

02/01/2001

Legal Notice Department
PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856

Faxed to Jeannie 2/1/01
(208) 448-2938

RE: Application for Permit No. 96-9061 - PECK LIVING TRUST

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (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 02/26/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

MICROFILMED

OCT 13 1991

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

96-9061

PECK LIVING TRUST
C/O ROBERT L & SUSAN M PECK
TRUSTEES
N 15112 CINCINNATI
SPOKANE WA 99208

Point(s) of Diversion NESE S3 T55N R04W BONNER County

Source PEND OREILLE RIVER Tributary COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 01/26/2001

Place Of Use: DOMESTIC

T55N R04W S3 NESE

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, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/26/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 2/7 and 14, 2001

MICROFILMED

OCT 10 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

*Thanks
Jeannie
Dianne*

02/01/2001

Legal Notice Department
PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856

Faxed to Jeannie 2/1/01
(208) 448-2938

db

RE: Application for Permit No. 96-9061 - PECK LIVING TRUST

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (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 02/26/2001. Your cooperation is appreciated.

Sincerely

*Thanks
db*

Dianne Ball

Dianne Ball
Administrative Assistant

RECEIVED

FEB 1 2001

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

96-9061

PECK LIVING TRUST
C/O ROBERT L & SUSAN M PECK
TRUSTEES
N 15112 CINCINNATI
SPOKANE WA 99208

Point(s) of Diversion NESE S3 T55N R04W BONNER County
Source PEND OREILLE RIVER Tributary COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 01/26/2001

Place Of Use: DOMESTIC

T55N R04W S3 NESE

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, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/26/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 2/7 and 14, 2001

MICROFILMED

OCT 19 2001

02/01/2001

PECK LIVING TRUST
C/O ROBERT L & SUSAN M PECK, TRUSTEES
N 15112 CINCINNATI
SPOKANE WA 99208

RE: Application for Permit No 96-9061

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 Priest River Times on February 7 and 14, 2001. 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,

Allen Beardslee
Senior Water Resource Agent

MICROFILMED
OCT 13 2001