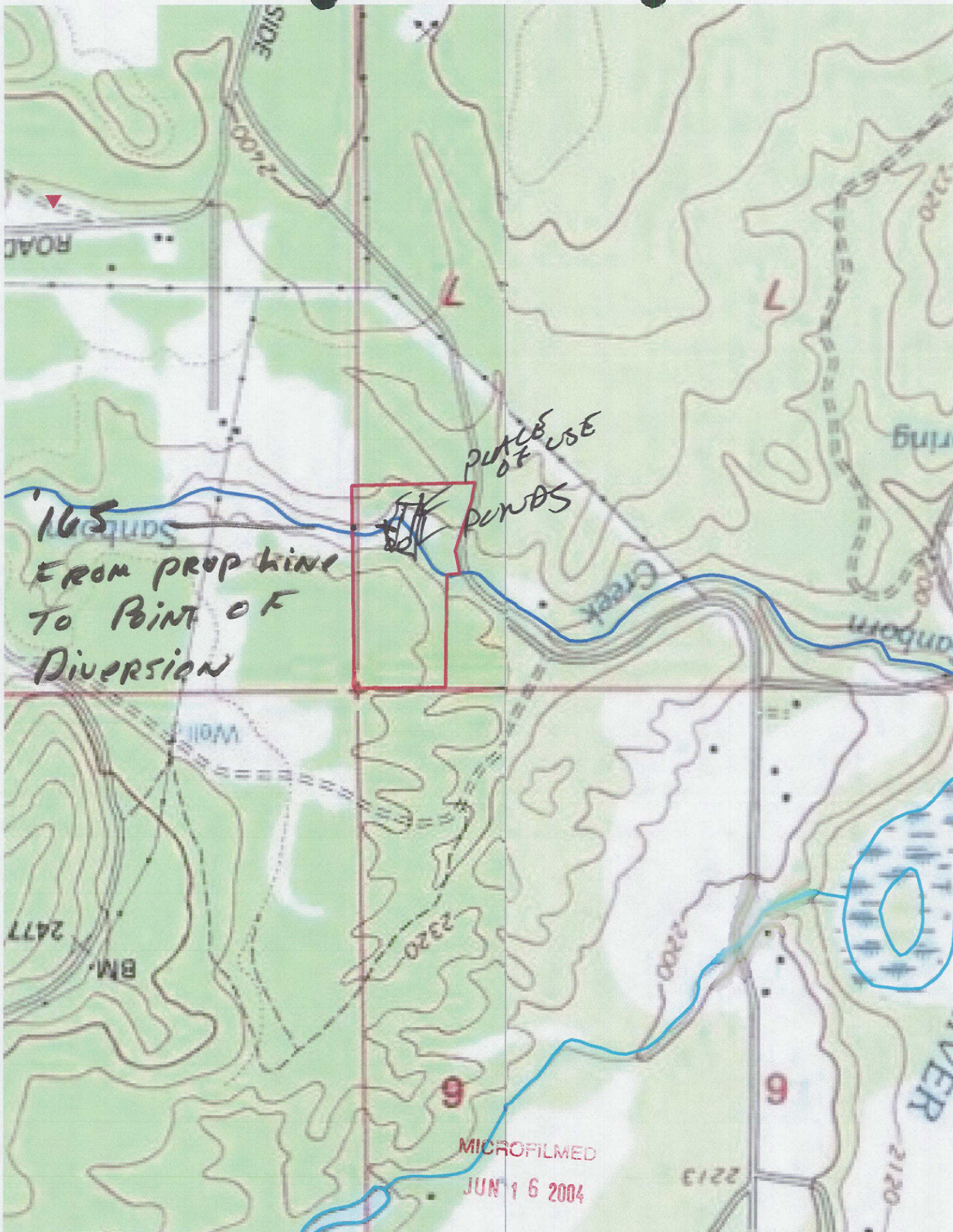




165

From prop line
To Point of
Diversion

PLACE OF USE
POND

MICROFILMED
JUN 16 2004





PW



PV

97-7430

McCurdy

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Torri Jure

_____ being first duly sworn on oath
deposes and says that he/she is Managing Ed
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:

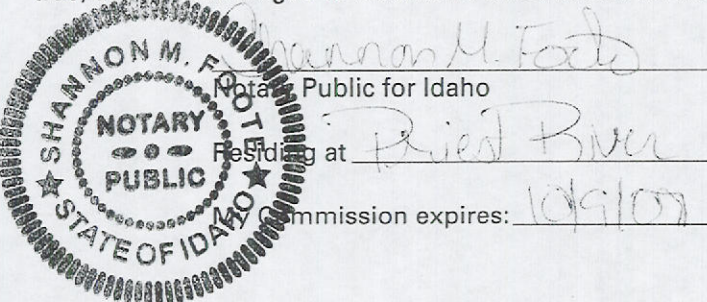
App # 96-9162 - Eugene & Robin Maw

App # 97-7430 - Tina McCurdy

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 17th day of December, 2003
and ending on the 24th day of December, 2003
and that said notice was published in said newspaper.

On this 24th day of December in the year
of 2003, before me, a Notary Public, personally
appeared Torri Jure,

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.



RECEIVED

JAN 05 2004

IDWR/North

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

96-9162

EUGENE MAW
ROBIN MAW
PO BOX 416
LACLEDE ID 83841

Point(s) of Diversion NESE S1 T56N R04W BONNER County
Source RILEY CREEK Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 08/21/2003
Place Of Use: IRRIGATION T56N R04W S1 NESE
Number of Acres 6

97-7430

TINA MC CURDY
PO BOX 1104
PRIEST RIVER ID 83856

Point(s) of Diversion NENE S7 T56N R04W BONNER County
Source SPRINGS Tributary To SANBORN CREEK
Source SANBORN CREEK Tributary To PRIEST RIVER
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: IRRIGATION STORAGE 03/15 To 11/15 0.5 AFA
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 0.5 AFA
Use: STOCKWATER 01/01 To 12/31 0.03 CFS
Use: STOCKWATER STORAGE 01/01 To 12/31 0.5 AFA
Use: STOCKWATER FROM STORAGE 01/01 To 12/31 0.5 AFA
Use: WILDLIFE STORAGE 01/01 To 12/31 0.5 AFA
Use: RECREATION STORAGE 01/01 To 12/31 0.5 AFA
Use: FIRE PROTECTION STORAGE 01/01 To 12/31 0.5 AFA
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 09/02/2003

Place Of Use: IRRIGATION, IRRIGATION STORAGE and IRRIGATION FROM STORAGE

T56N R04W S7 NENE
Number of Acres 1.5

Place Of Use: ALL OTHER USES same as IRRIGATION

Remark: Recreation use is for fish.

Stockwater use is for 10 head of mixed stock.

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 01/05/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
PRT Legal 612511
Dec. 17, 24, 2003

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JUN 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APR 14 2004

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 97-7430 Telephone No. 208-448-1799
2. Name of Permit Holder(s): John And Tina McCurdy
3. Mailing Address: P.O. Box 1104
City PRIEST RIVER State ID Zip 83856
4. Source of Water: Sanborn Creek If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 10 mixed Stock
Irrigation (No. of acres): 1.5 Other: RECREATION & WILDLIFE STORAGE
FIRE PROTECTION STORAGE, DIVERSION TO STORAGE -
6. Total rate of diversion and/or volume for which proof is submitted: 0.03 cfs OR 0.5 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? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
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: John McCurdy Telephone Number: 208-448-1799
Address: 683 Sanborn Creek 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: [Signature] Date: 4-9-04
(include your title, if on behalf of company or organization)

MICROFILMED
JUN 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07430

Priority: September 02, 2003

Maximum Diversion Rate: 0.03 CFS

This is to certify, that TINA MC CURDY
PO BOX 1104
PRIEST RIVER ID 83856

has applied for a permit to appropriate water from:

Source: SPRINGS
SANBORN CREEK

Tributary: SANBORN CREEK
PRIEST 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>
IRRIGATION	03/15 to 11/15	0.03 CFS	
IRRIGATION STORAGE	01/01 to 12/31		0.5 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		0.5 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	
STOCKWATER STORAGE	01/01 to 12/31		0.5 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		0.5 AF
RECREATION STORAGE	01/01 to 12/31		0.5 AF
WILDLIFE STORAGE	01/01 to 12/31		0.5 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.03 CFS	

LOCATION OF POINTS OF DIVERSION:

SPRINGS SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, Twp 56N, Rge 04W, B.M., BONNER County

SANBORN CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, Twp 56N, Rge 04W, B.M., BONNER County

PLACE OF USE: IRRIGATION & IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 04W 7				1.5													1.5
Total Acres: 1.5																	

PLACE OF USE: IRRIGATION STORAGE, STOCKWATER, STOCKWATER STORAGE, STOCKWATER FROM STORAGE, RECREATION STORAGE, WILDLIFE STORAGE & FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 04W 7				X													

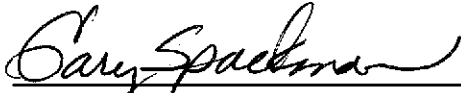
MICROFILMED
JUN 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 97-07430

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2005**.
2. Subject to all prior water rights.
3. Stockwater use is for 10 head mixed stock.
4. Recreation storage use is for fishing.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Water shall not be diverted from storage for fire protection use under this right except to fight or repel an existing fire.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of February, 2004.


Acting for **KARL J DREHER, Director**

MICROFILMED

JUN 16 2004

FORM 202
12/99

Ident. No.

97-7430

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SEP 02 2003

IDWR/North

208-265-4562 W

208-448-1799 H

RECEIVED

FEB - 2 2004

20950
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

Name of Applicant Tina McCurdy Phone 208-448-1799
Mailing address P.O. Box 1104 Priest River, ID. 83856
2. Source of water supply SANBORN CREEK which is a tributary of PIEST RIVER
3. Location of point of diversion is Township 56N Range 4W Sec. 9, in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot BONNER County;

4. Water will be used for the following purposes:

Amount 0.5 for STORAGE FOR STOCKWATER purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for STOCKWATER purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for FROM STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for STORAGE FOR purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for STORAGE FOR purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for STORAGE FOR purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for STORAGE FOR purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.03 cubic feet per second and/or (b) 0.5 acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source 110V 10 GAL PER MIN. PUMP, 5/8" pipe pump INTO (2) 60x30x6 ponds.
b. Height of storage dam NONE feet; active reservoir capacity NONE acre-feet; total reservoir capacity NONE acre-feet
c. Proposed well diameter is NONE inches; proposed depth of well is NONE feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NA; Drilling firm NA
Well was drilled for (well owner) NA; Drilling Permit No. NA

7. Time required for completion of works and application of water to proposed beneficial use is 1 week 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. NA
b. Stockwatering; list number and kind of livestock. 2 cows 2 pigs 2 lambs ETC.
c. Municipal; show name of municipality. NA
d. Domestic; show number of households. NA
e. Other; describe fully. WILDLIFE + ECO SYSTEM
RECREATION USE IS FOR FISH.

MICROFILMED

JUN 16 2004

FORM 202
12/99

Ident. No.

97-7430

RECEIVED

SEP 02 2003

RECEIVED

70950
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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.)

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.03 for IRRIGATION purposes from 3/15 to 4/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.03 for STOCK WATER purposes from 4/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.03 for DIVERSION TO purposes from 4/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for STORAGE FOR purposes from 3/15 to 4/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for IRR. FROM purposes from 3/15 to 4/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for STORAGE FOR purposes from 3/15 to 4/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.5 for REL. purposes from 3/15 to 4/15 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.03 cubic feet per second and/or (b) 0.5 acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source 110V 10 GAL PER MIN. PUMP, 5/8" PIPE PUMP INTO (2) 60x30x6" POND.
- b. Height of storage dam NONE feet; active reservoir capacity NONE acre-feet; total reservoir capacity NONE acre-feet
- c. Proposed well diameter is NONE inches; proposed depth of well is NONE feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? NA; Drilling firm NA
Well was drilled for (well owner) NA; Drilling Permit No. NA

7. Time required for completion of works and application of water to proposed beneficial use is 1 week 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. NA
- b. Stockwatering; list number and kind of livestock. 2 cows 2 pigs 2 lambs etc.
- c. Municipal; show name of municipality. NA
- d. Domestic; show number of households. NA
- e. Other; describe fully. WILDLIFE + ECO SYSTEM
RECREATION USE IS FOR FISH.

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JUN 16 2004

9. 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	
SN	4W	7	*										*						1.5
			1.5																

Total number of acres to be irrigated

1.5

* = STORAGE

STORAGE

IRRIGATION STOR.
2 RR. FROM STOR.
RCL. STOR.
BROOKLYN STOR.

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

NONE / KNOWN

11. a. Who owns the property at the point of diversion?

John + Tina McCurdy

b. Who owns the land to be irrigated or place of use?

John + Tina McCurdy

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

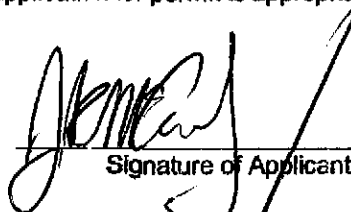
NA

12. Remarks:

Fill pond, small pump 10-6-Gal per min, Pump From pond to IRR-
igate. Have pond full for fire protection, animal watering, wildlife
watering, waterfowl habitat, "24 Duck goslings this year alone"
"etc etc", Keep our well charged, Have water
in the creek so fishes can live, an water born insects,
"Keep the creek flowing"

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x 1" 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 cm

Date 9-2-03

Time 1:11 pm

Preliminary check by

Fee \$ 100.00

Received by cm

11015885

Date 9-2-03

Publication prepared by

CD

Date 12/11/03

Published in

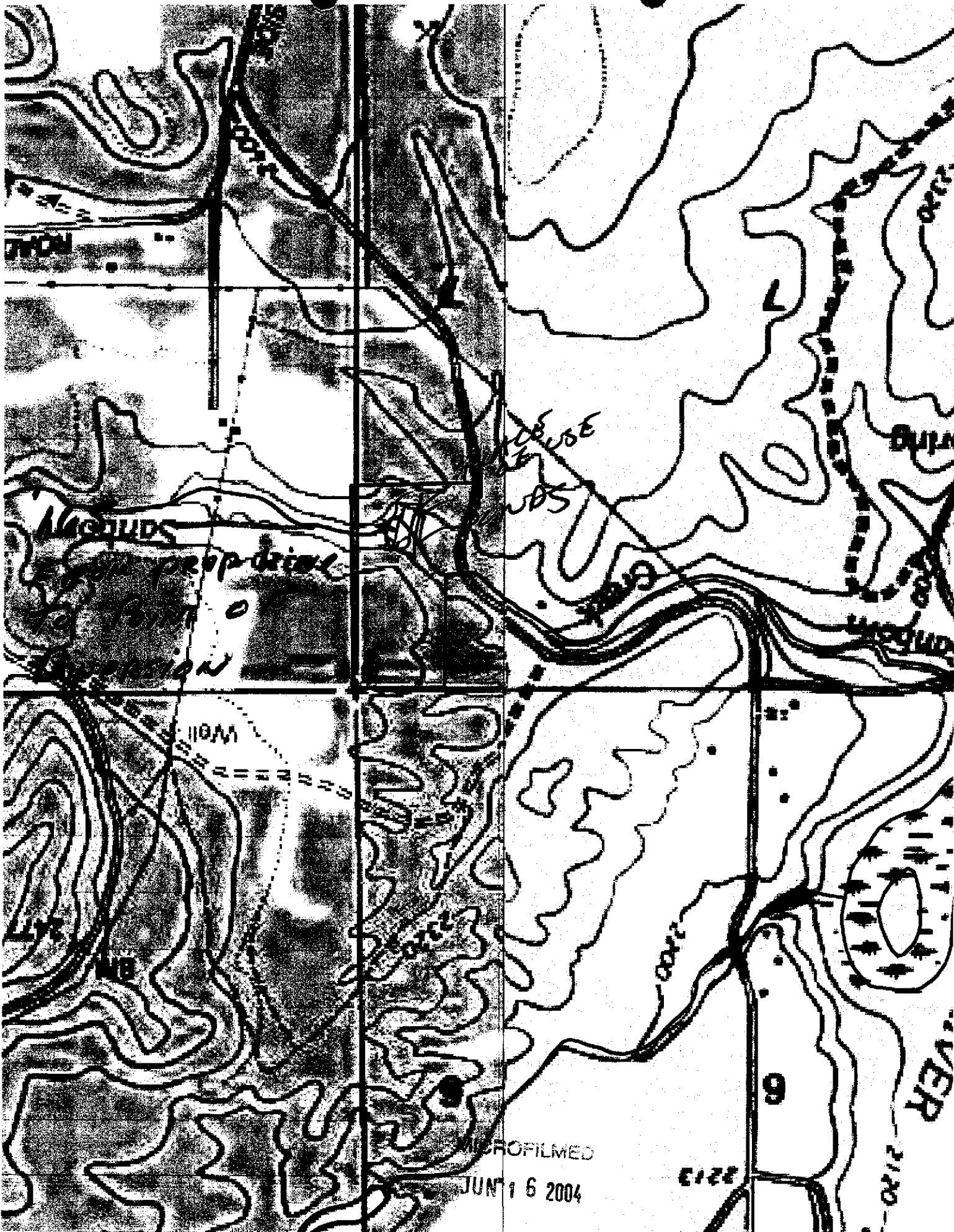
Triad River Times 12/17+24/03

Publication approved

Date

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JUN 16 2004



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JUN 16 2004

2122

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2120

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DEC 13 2004

**DEPARTMENT OF
WATER RESOURCES**

A. GENERAL INFORMATION

Permit No. 97-07430

1. Owner: Lena McCurdy Phone No. (208) 448-1799

Current Address: PO Box 1104, Priest River Id. 83856

2. Accompanied by: John McCurdy EXAM DATE: 5-20-04

Address: Same as above Phone No. _____

Relationship to Permit Holder: Husband

3. Source: Sandborn Ck tributary to Pricket River

B. OVERLAP REVIEW

1. Other water rights with the same place of use:

2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

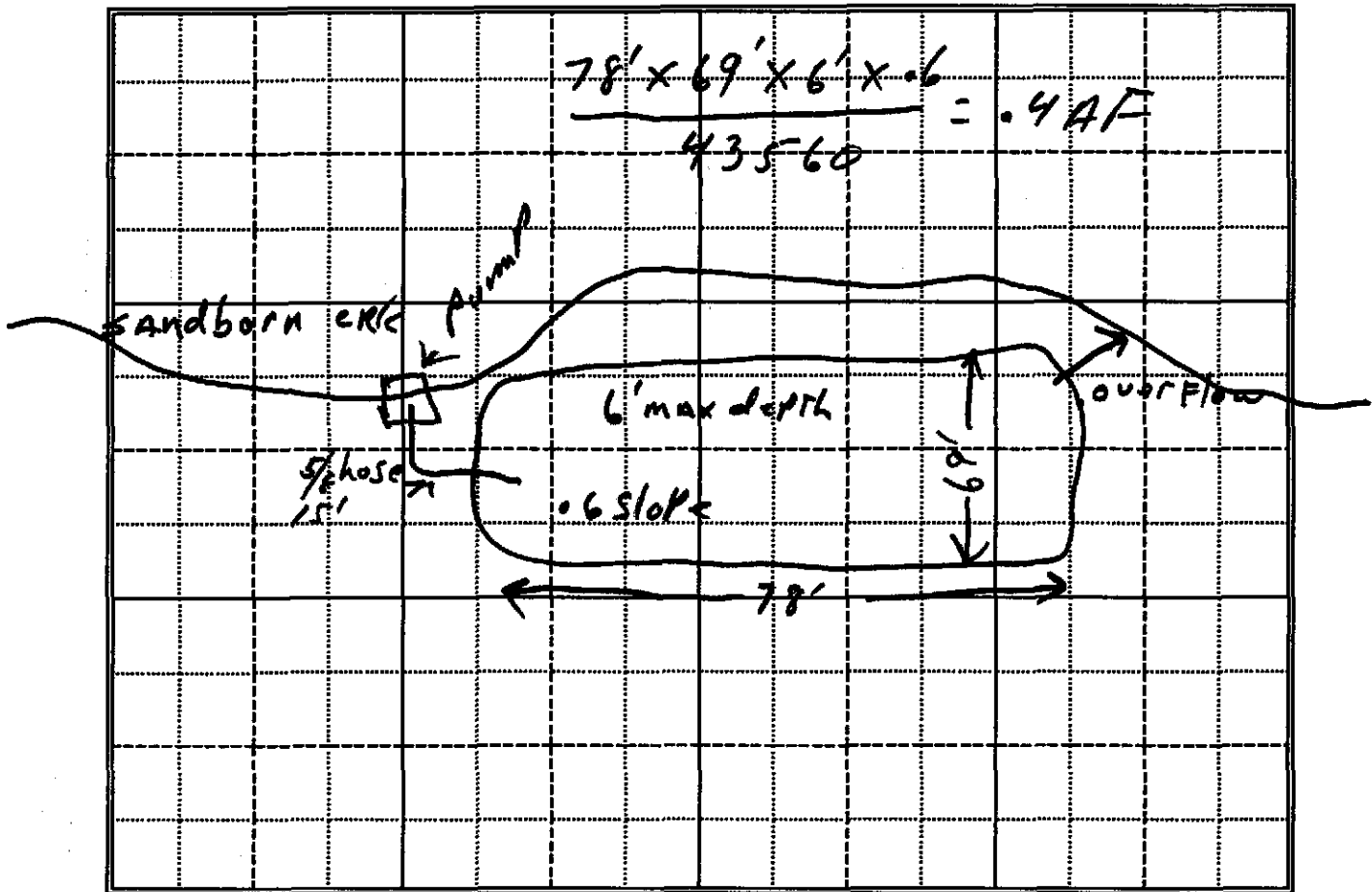
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	ACE	.1		ACE	5/8

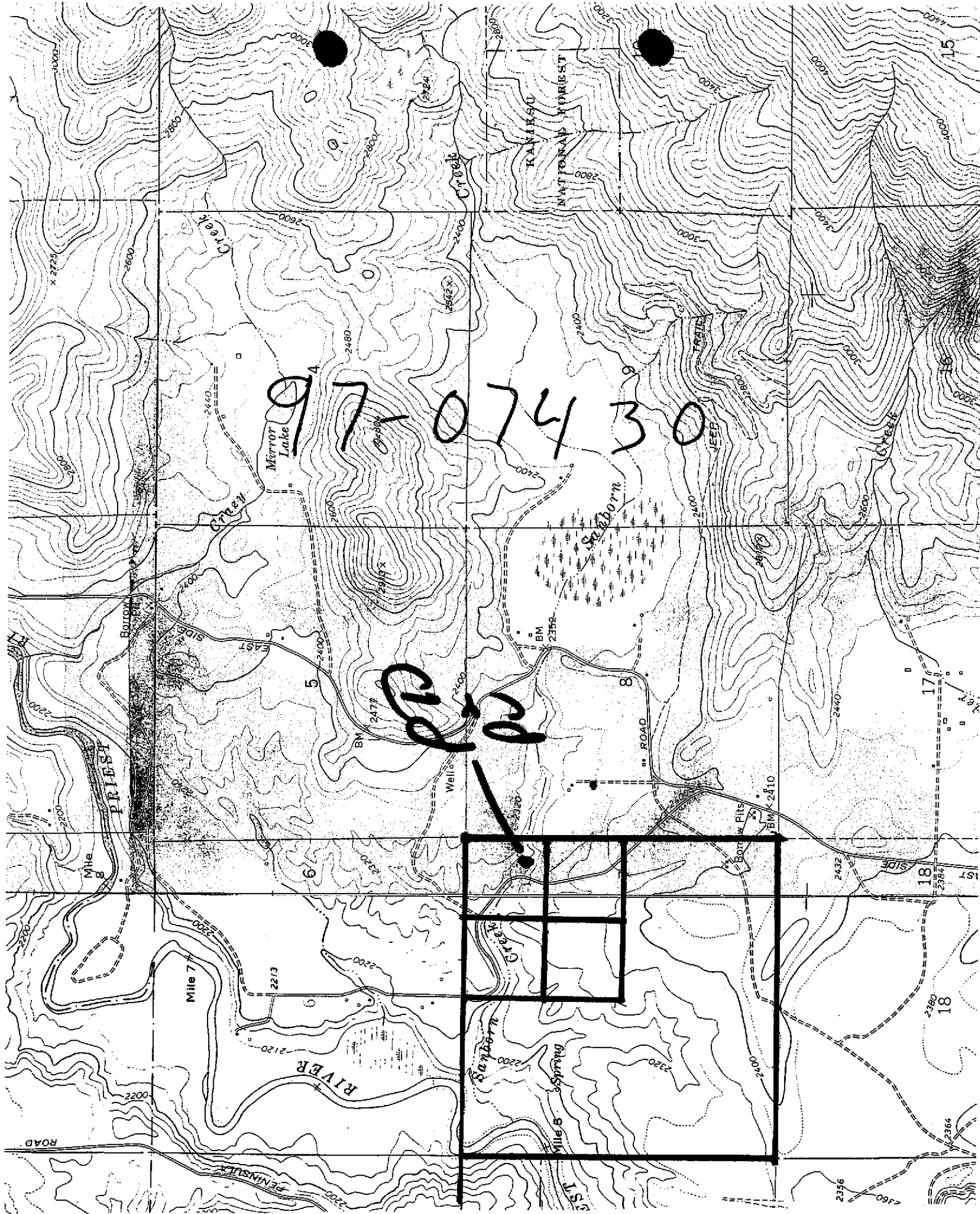
*Code to correspond with No. on map and aerial photo

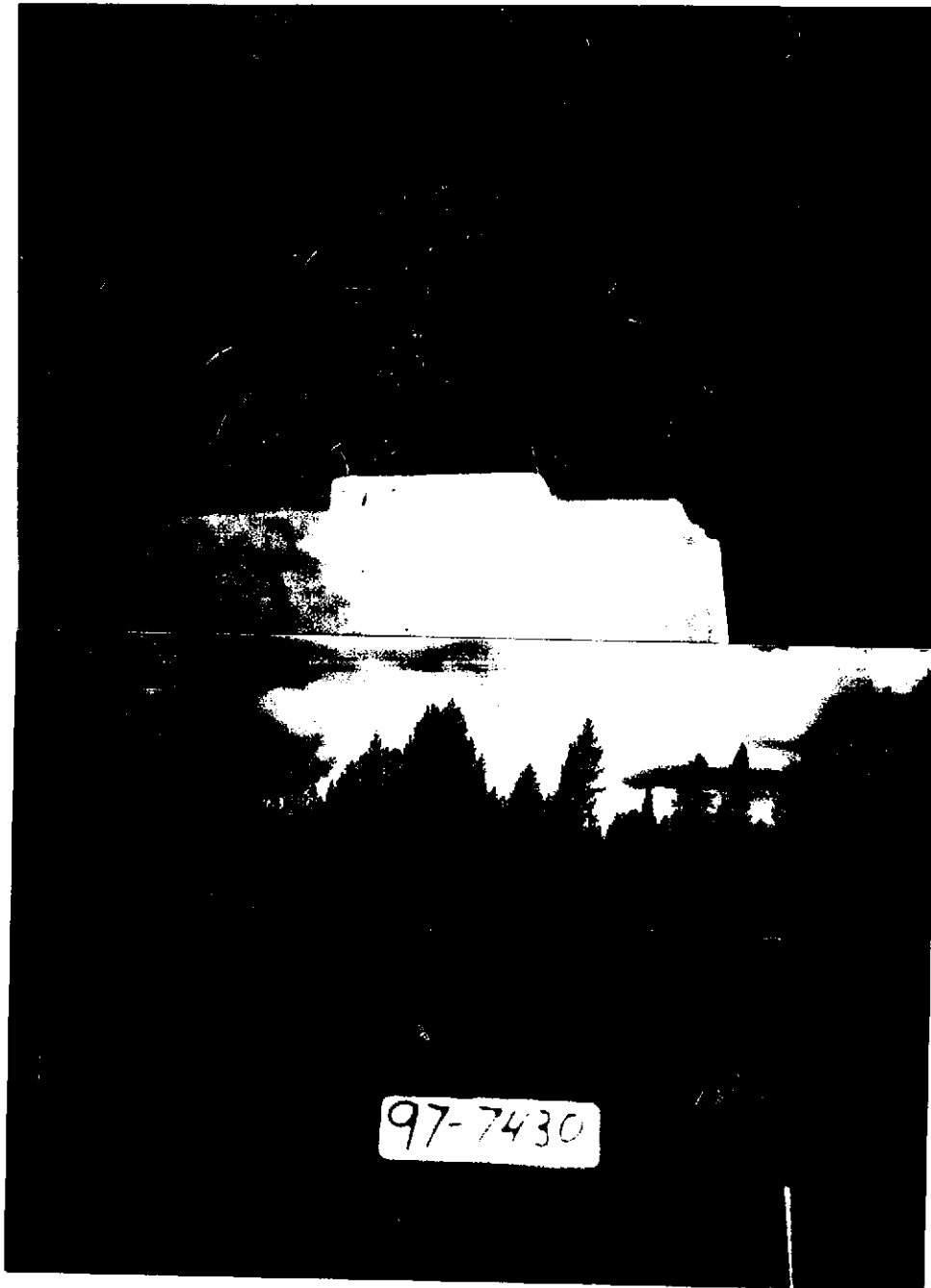
D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** _____





PD

PV

97-7430

McCurdy

E. NARRATIVE/REMARKS/COMMENTS

Permit list Springs and Sanborn Ck
as source. Only Sanborn Ck is used.
A small pump is placed in creek with
a 5' hose running from pump to pond. A five
gallon bucket measurement was done at this
point 5 ppm.

No irrigation was found at exam

Stockwater for 10 head mixed cows & goats

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal bucket 5 gal in 60 sec = 59 gpm

$$\frac{5 \times 1.33681}{60} = .01 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$\frac{78' \times 69' \times 6' \times 0.6}{43560} = .4 \text{ AF}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Diversion to Stor	01-01	12-31	.01	.4
Stockwater stor	01-01	12-31		
Stock water from Stor	01-01	12-31	.01	.1
Rec Storage	01-01	12-31		.4
Wildlife Stor	01-01	12-31		.4
Soil Protection Stor	01-01	12-31		
	Totals:		.01	.4

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Wayne Baldwin Date 9-29-09

Reviewer _____ Date _____

SEAL



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

April 19, 2004

TINA MC CURDY
PO BOX 1104
PRIEST RIVER ID 83856

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-7430

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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, or at the department's website at: www.idwr.state.id.us.

If you have questions about 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

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

JUN 16 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 97-7430

Reviewed By: dgibson

Date: April 16, 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?			Drilling permit upgrade needed?		
Receipt No.:		N015885, C073491	Well driller's report filed?		
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		04/14/2004
Date proof due	-	02/01/2005
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	09/02/2003
New priority date	=	09/02/2003

Deficiencies of Actions Items

Acknowledge proof.



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

February 5, 2004

TINA MC CURDY
PO BOX 1104
PRIEST RIVER ID 83856

RE: Permit No. 97-7430

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.

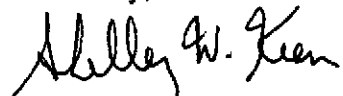
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least 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
JUN 15 2004

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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JUN 16 2004

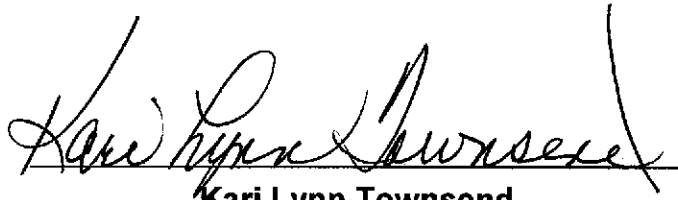
CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2004 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.

97-7430

TINA MC CURDY
PO BOX 1104
PRIEST RIVER ID 83856



Kari Lynn Townsend
Secretary

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JUN 16 2004

**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.

Comment Report

97-7430

1. dball 12/3/2003 Legal Notice Remarks

Comment: Recreation use is for fish.

Stockwater use is for 10 head of mixed stock.

2. kwalker 2/3/2004 Permit Review

Comment: Added 10 acre tract description to springs diversion location. Added SENENE based on map attached to application. Changed irrigation storage season of use to year around since other storage uses are for the entire year. Recommend approval.

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JUN 16 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 91-7430

APPLICATION ID # 70950
INITIAL REVIEW

ENT. 12/3/03 BCA 12/3 OK to Publish 12/3/03

APPLICANT: McGRODY BY: JB DATE: 12/02/03

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

Shape File Created Date _____ By: _____
Field check: by _____
Field report attached _____
Analysis Supp. attached(>5cfs/500af) _____
Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 09/02/03

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

RECEIVED
FEB - 2 2004
Department of Water Resources

pt/Wed

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?
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y() N()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y() N()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y() N()

- _____ 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
1/5/04 Affidavit of publication received
1/5 Application published correctly. If not, record action taken: _____
12/11 Publication dates and paper recorded on application
_____ Protests received, Final protest date: 1/5/04 | Sr. Agent initial _____
_____ Measuring device required
_____ Measuring port required
_____ Special conditions: _____
_____ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

JB

Date: 01/30/04

JUN 16 2004



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

December 11, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TINA MC CURDY
PO BOX 1104
PRIEST RIVER ID 83856

RE: Application for Permit No 97-7430

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 December 17 and 24, 2003. 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,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

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JUN 16 2004



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

December 11, 2003

LEGAL NOTICE DEPARTMENT

e-mailed to Shannon Foote at
prtimes@cdapress.com

PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856

RE: Application for Permit No. 96-9162 and 97-7430

Dear Shannon:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, December 17 and 24, 2003, (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 01/05/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

MICROFILMED

JUN 16 2004

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, December 11, 2003 11:31 AM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal notice for publication on December 17 and 24, 2003

*Good morning, Shannon,
Attached you will find a copy of our cover letter requesting publication of the legal notice
on December 17 and 24, 2003, legal notice is also attached below.
As usual, we will appreciate receiving a **PROOF** prior to publication for last minute check.
Have a wonderful and blessed Christmas.*

☺ Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

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JUN 16 2004

12/11/2003

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

96-9162

EUGENE MAW
ROBIN MAW
PO BOX 416
LACLEDE ID 83841

Point(s) of Diversion NESE S1 T56N R04W BONNER County
Source RILEY CREEK Tributary To PEND OREILLE RIVER

Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 08/21/2003

Place Of Use: IRRIGATION T56N R04W S1 NESE
Number of Acres 6

97-7430

TINA MC CURDY
PO BOX 1104
PRIEST RIVER ID 83856

Point(s) of Diversion NENE S7 T56N R04W BONNER County
Source SPRINGS Tributary To SANBORN CREEK
Source SANBORN CREEK Tributary To PRIEST RIVER

Use: IRRIGATION	03/15 To 11/15	0.03 CFS	
Use: IRRIGATION STORAGE	03/15 To 11/15		0.5 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 11/15		0.5 AFA
Use: STOCKWATER	01/01 To 12/31	0.03 CFS	
Use: STOCKWATER STORAGE	01/01 To 12/31		0.5 AFA
Use: STOCKWATER FROM STORAGE	01/01 To 12/31		0.5 AFA
Use: WILDLIFE STORAGE	01/01 To 12/31		0.5 AFA
Use: RECREATION STORAGE	01/01 To 12/31		0.5 AFA
Use: FIRE PROTECTION STORAGE	01/01 To 12/31		0.5 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.03 CFS	
Total Diversion:		0.03 CFS	

Date Filed: 09/02/2003

Place Of Use: IRRIGATION, IRRIGATION STORAGE and IRRIGATION FROM STORAGE
T56N R04W S7 NENE
Number of Acres 1.5

Place Of Use: ALL OTHER USES same as IRRIGATION

Remark: Recreation use is for fish.
Stockwater use is for 10 head of mixed stock.

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 01/05/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on December 17 and 24, 2003

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JUN 16 2004



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

December 03, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

*Faxed to Ray 12/3/03
4 pages total*

Application to Permit No. 97-7430

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, and submit your comments to this office within two weeks of receipt of this request, by December 19, 2003. You may respond by e-mail if you choose, to dball@idwr.state.id.us.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)

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JUN 16 2004