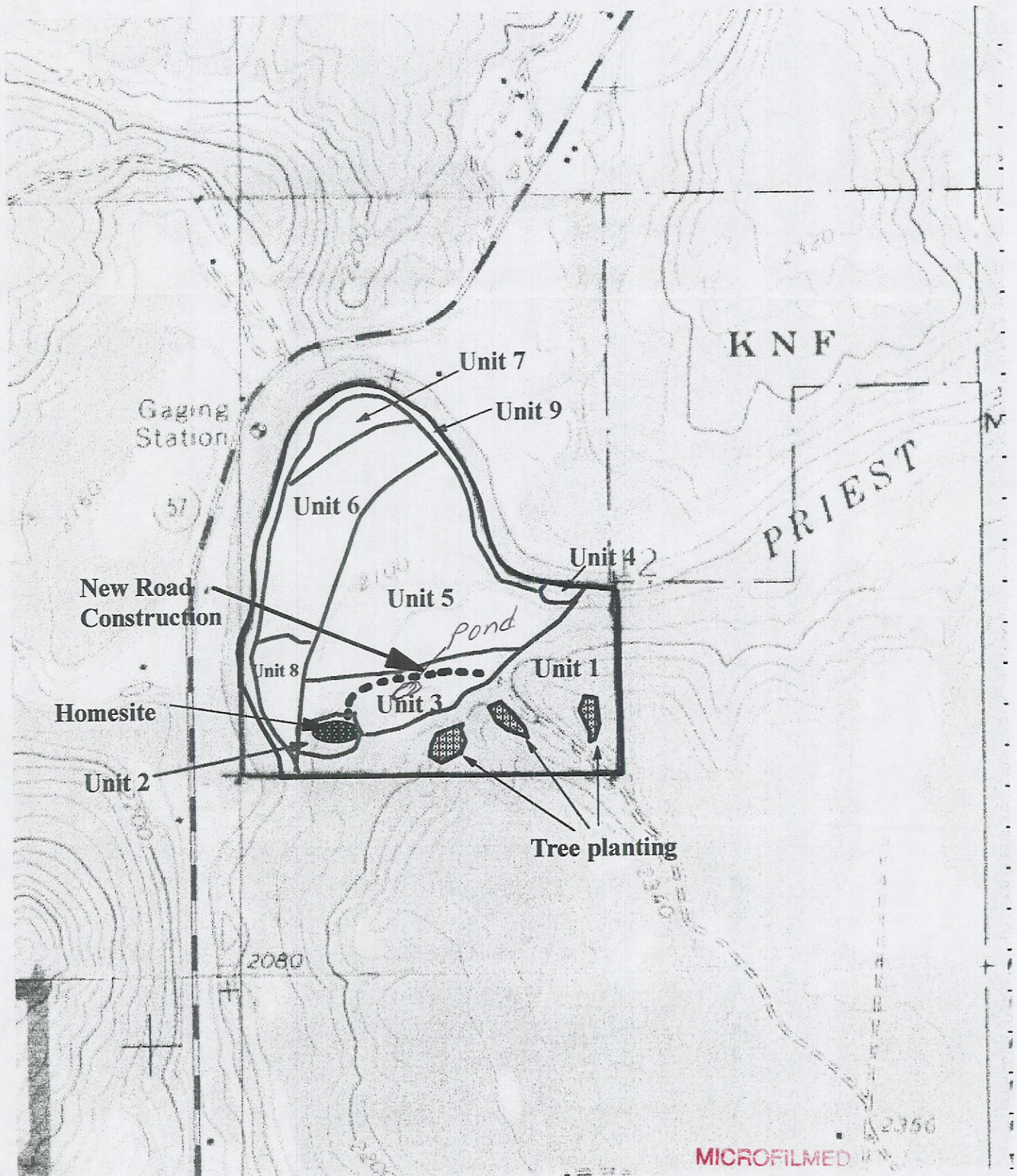


Mack Property

Township 56 North, Range 5 West, Section 12



MICROFILMED

JUN 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 9 2003

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. 97-7420 Telephone No. (208) 882-7324
2. Name of Permit Holder(s): Phillip & JoAnn Mack
3. Mailing Address: 824 Park Drive
City Moscow State Id Zip 83843
4. Source of Water: Unnamed Stream 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): -
Irrigation (No. of acres): - Other: Wild Life / Wetland / Storage
6. Total rate of diversion and/or volume for which proof is submitted: - cfs OR 4.7 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 (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: JoAnn Mack Telephone Number: (208) 882-7324
Address: 824 Park Drive Moscow, Id 83843
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: JoAnn L. Mack Date: 10/06/03
(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. 97-07420

Priority: July 24, 2002

Maximum Diversion Volume: 4.7 AF

This is to certify, that PHILLIP AND/OR JO ANN MACK
824 PARK DR
MOSCOW ID 83843

has applied for a permit to appropriate water from:

Source: UNNAMED CREEK Tributary: PRIEST RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	4.7 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED CREEK NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Twp 56N, Rge 05W, B.M. BONNER County

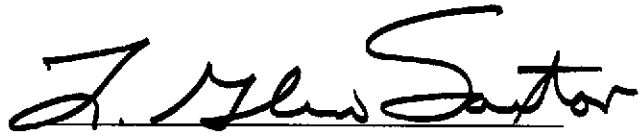
PLACE OF USE: WILDLIFE STORAGE

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	05W	12																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2003.
2. Subject to all prior water rights.
3. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
4. Storage is for wetlands pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of November, 2002


for KARL J DREHER, Director

MICROFILMED
JUN 16 2004

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JUL 08 2002

IDWR/North

1. Name of Applicant Phillip Mack & JoAnn Mack Phone 208-882-7324
Mailing address 824 Park Drive Moscow, Id 83843

2. Source of water supply unnamed creek which is a tributary of Priest River

3. Location of point of diversion is Township 56N Range 05W Sec. 12, in the ~~SE~~NE 1/4, SW 1/4, _____ 1/4, Govt. Lot _____, B.M., Bonner Cty County;
additional points of diversion if any: _____

[illegible]

e. Other; describe fully. Wildlife, Wetlands, Storage

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	
56N	5W	12																	

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. 97-07398 4 AF

Application to add 4.7 af to Permit 97-07399

11. a. Who owns the property at the point of diversion? Phillip & John Mack

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

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: _____

Application 97-07399 indicated 1 AF, Constructed pond is 5.7 AF, Request a permit for additional 4.7 AF as indicated by field examine to cover additional volume

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.

John L Mack
Signature of Applicant (and title, if applicable)

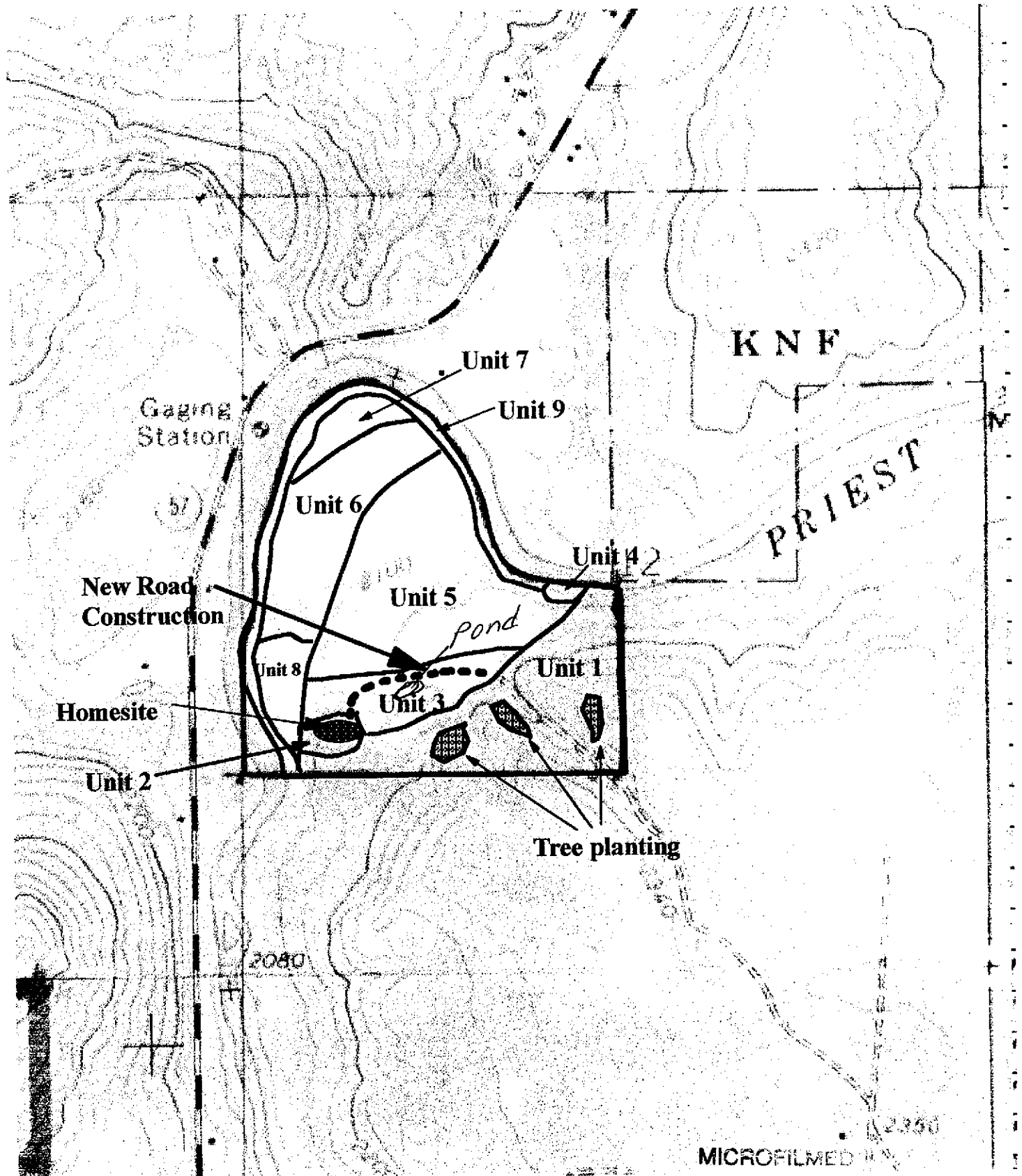
Received by db Date 7/8/02 Time 1:15p Preliminary check by _____
Fee \$ 100.00 Received by db # NO15157 Date 7/24/02
Publication prepared by db Date 8/28/02 Published in River Review 9/18 * 25/02
Publication approved db Date 10/3/02

MICROFILMED

JUN 16 2004

Mack Property

Township 56 North, Range 5 West, Section 12



MICROFILMED

JUN 16 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

January 15, 2004

PHILLIP & JOANN MACK
824 PARK DR
MOSCOW ID 83843

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-7420

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, please contact the **Northern** Regional Office of the department in Coeur d'Alene (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED

JUN 15 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 97-7420

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.:	N015157, C071202		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		10/09/2003
Date proof due	-	12/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	07/24/2002
New priority date	=	07/24/2002

Deficiencies of Actions Items

Acknowledge proof.

RECEIVED

OCT 9 2003

Department of Water Resources

October 6, 2003

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Id 83706

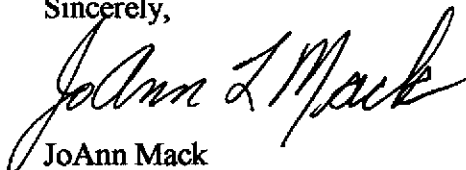
Re: Permit No. 97-7420

Enclosed is the Proof of Beneficial Use form along with the \$50 filing fee for our pond in Bonner County.

We had submitted a Proof of Beneficial use for the same pond on water right no. 97-07399. The subsequent examination showed the pond to be 5.7 af.

Permit No 97-7420 is the application for the additional 4.7 af as we were instructed to do. For clarification, I have enclosed a copy of the license for 97-07399. If you have any questions regarding this filing, please call me at (208)882-7324.

Sincerely,


JoAnn Mack

MICROFILMED

JUN 16 2004

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07399

Priority: November 18, 1999

Maximum Diversion Volume: 1.0 AF

It is hereby certified that JO ANN MACK And PHILLIP MACK
824 PARK DR
MOSCOW ID 83843 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 18, 1999; and have
submitted Proof of Beneficial Use on January 16, 2001. An examination indicates that the works have a
diversion capacity of 5.7 af of water from:

SOURCE

UNNAMED STREAM

Tributary: PRIEST RIVER

and a water right has been established as follows:

BENEFICIAL USE

WILDLIFE STORAGE

PERIOD OF USE

01/01 to 12/31

**ANNUAL
DIVERSION VOLUME**

1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Twp 56N, Rge 5W, B.M. BONNER County

PLACE OF USE: WILDLIFE 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	05W	12									X								

CONDITIONS OF APPROVAL

1. Wildlife storage is for deer, elk, and moose.
2. Water shall not be diverted under this right when flows in the Priest River are below established minimum stream flows.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 13TH day of JUNE, 2002.

Acting for

KARL J. DREHER
Director

MICROFILMED

JUN 16 2004

September 30, 2003

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW, ID 83843

PROOF DUE NOTICE

RE: PERMIT NO. 97-7420

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 December 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.

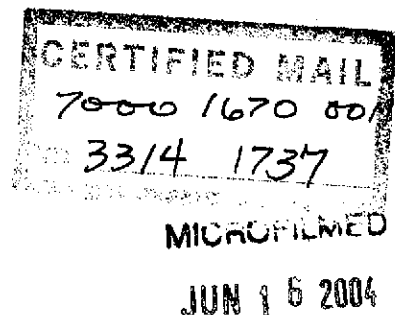
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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





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

November 27, 2002

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

RE: Permit No. 97-7420

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 16 2004

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

Sincerely,

for Kari Lynn Swensen
Shelley W. Keen
Water Rights Supervisor

SWK:klr

Enclosure(s)

MICROFILMED
JUN 16 2004

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2002 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.

97-7420

**JO ANN MACK
PHILLIP MACK
824 PARK DR
MOSCOW ID 83843**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
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.

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

W.R. # 97-7420

APPLICATION ID # 70117
INITIAL REVIEW

ENT. 8/27/02 BCA 9/23 OK to Publish 8/27/02

APPLICANT: Mack

BY: RH DATE: 8/26/2002

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)

RECEIVED

NOV 26 2002

Department of Water Resources

PROCESSING
(Yes)(No)

Funds received 7/24/02
PRIORITY DATE: 7/24/2002

(Include Moratorium Remark)

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

ADVERTISE IN:

Boomer Count:

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: _____

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 # _____

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
10/2 ___ Affidavit of publication received
10/3 ___ Application published correctly. If not, record action taken: _____
8/28 ___ Publication dates and paper recorded on application
___ Protests received, Final protest date: 9/23/02 Sr. Agent initial _____
___ Measuring device required
___ Measuring port required
___ Special conditions: _____
___ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____

Date: _____

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Terri Julie

_____ being first duly sworn on oath

deposes and says that he/she is

General Manager

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:

Application 97-7420

Phillip & Jo Ann Mack

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 18th day of Sept, 2002

and ending on the 25th day of Sept, 2002

and that said notice was published in said newspaper.

On this 26th day of Sept in the year

of 2002, before me, a Notary Public, personally

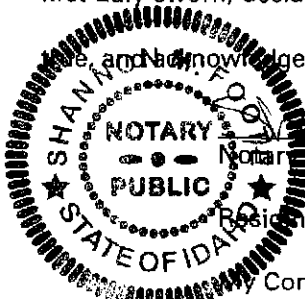
appeared Terri Julie

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 he acknowledged to me that he executed the same.



Notary Public for Idaho

Residing at Priest River

Commission expires: 10/9/07

RECEIVED

OCT 02 2002

IDWR/North

NOTICE OF APPLICATION FOR WATER RIGHTS

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

97-7420

PHILLIP MACK

JO ANN MACK

824 PARK DR

MOSCOW ID 83843

Point(s) of Diversion NESW S12 T56N R05W BONNER County

Source UNNAMED CREEK Tributary To PRIEST RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 4.7 AFA

Total Diversion:

4.7 AFA

Date Filed: 07/24/2002

Place Of Use: WILDLIFE STORAGE

T56N R05W S12 NESW

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 10/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 603955

Sept. 18, 25, 2002

MICROFILMED

JUN 16 2004

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 17, 2002 8:39 AM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal for 97-7420 - MACK

Shannon, the proof looks great. Thank you very much, and have a simply wonderful day.

Happiness held is the seed...happiness shared is the flower. Dianne

MICROFILMED
JUN 16 2004

9/17/2002

NOTICE OF APPLICATION FOR WATER RIGHTS

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

97-7420

PHILLIP MACK

JO ANN MACK

824 PARK DR

MOSCOW ID 83843

Point(s) of Diversion NESW S12 T56N R05W BONNER County

Source UNNAMED CREEK Tributary To PRIEST RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 4.7 AFA

Total Diversion:

4.7 AFA

Date Filed: 07/24/2002

Place Of Use: WILDLIFE STORAGE

T56N R05W S12 NESW

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 10/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 603955

Sept. 18, 25, 2002

*Looks
OK.
J. H. H. H.
D*

MICROFILMED

JUN 16 2004

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

97-7420

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

Point(s) of Diversion NESW S12 T56N R05W BONNER County

Source UNNAMED CREEK Tributary To PRIEST RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 4.7 AFA

Total Diversion: 4.7 AFA

Date Filed: 07/24/2002

Place Of Use: WILDLIFE STORAGE

T56N R05W S12 NESW

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 10/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in Priest River Times on 9/18 and 9/25/2002.

Did not publish as requested

This is new printout

w/ updated protest &

MICROFILMED

JUN 16 2004

publication date

Changes handled by phone

Call from Shannon Foote

8/4/02

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

97-7420

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

Point(s) of Diversion NESW S12 T56N R05W BONNER County

Source UNNAMED CREEK Tributary To PRIEST RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 4.7 AFA

Total Diversion: 4.7 AFA

Date Filed: 07/24/2002

Place Of Use: WILDLIFE STORAGE

T56N R05W S12 NESW

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 ~~09/20/2002~~ October 7, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in Priest River Times on 9/1 and 9/11/2002.

9/4/02
Per Shannon Tooker

9/18 + 9/25/02

Did not make
the paper for some
unknown reason.

It will run 9/18 + 25/02,
w/ protest date changing
to 10/1/02.

9/4/02
Changes
handled by
phone.
b

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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

September 04, 2002

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

RE: Application for Permit No 97-7420

Dear Applicant(s):

The newspaper did not get the legal notice in the paper as scheduled, so it will not run in the Priest River Times until September 18 and 25, 2002. Submittal of protests to this application will therefore be allowed until October 7, 2002.

Just a reminder that 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

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 28, 2002

LEGAL NOTICE DEPARTMENT
PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856

e-mailed to SHANNON at prtimes@cdapress.com
(1 of 2 attachments to e-mail)

Please acknowledge receipt by replying to this e-mail

Thanks, Dianne

RE: Application for Permit No. 97-7420

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 ~~08/28/2002~~. Your cooperation is greatly appreciated.

Sincerely

Oct 7th 2002

Dianne

Dianne Ball
Administrative Assistant

MICROFILMED
JUN 16 2004

Ball, Dianne

From: PRTimes@cdapress.COM
Sent: Thursday, August 29, 2002 9:06 AM
To: dball@idwr.state.id.us
Subject: Re: Water Right Application for publication on 9/4 and 9/11/2002

Good morning,

I have sent this on to Cd'A and it's scheduled to run 9/4 and 9/11.

I can't tell you how easy you make my job by using e-mail to schedule legals. Thank you sooooooooooooo much!!!!

Have a great holiday weekend,

Shannon Foote
Office Manager
Priest River Times

From: "Ball, Dianne" <dball@idwr.state.id.us>
Date: Wed, 28 Aug 2002 16:30:02 -0600
To: "Legal Notices-Priest River Times (E-mail)" <prtimes@cdapress.com>
Subject: Water Right Application for publication on 9/4 and 9/11/2002

Hi there, pretty lady.
Shannon, attached you will find a copy of a Cover Letter as well as
a copy of the Legal Notice which we wish to have published on
September 4 and 11, 2002.

Should you have ANY questions prior to publication
please give me a call at 208-769-1450.

Please acknowledge receipt of this by replying to my e-mail.
Thanks very much,

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

MICROFILMED

JUN 16 2004

8/29/2002

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, August 28, 2002 3:30 PM
To: Legal Notices-Priest River Times (E-mail)
Subject: Water Right Application for publication on 9/4 and 9/11/2002

Hi there, pretty lady.
Shannon, attached you will find a copy of a Cover Letter as well as
a copy of the Legal Notice which we wish to have published on
September 4 and 11, 2002.

Should you have ANY questions prior to publication
please give me a call at 208-769-1450.

Please acknowledge receipt of this by replying to my e-mail.
Thanks very much,

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

8/28/2002



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

August 28, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

RE: Application for Permit No 97-7420

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 September 4 and 11, 2002. 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

MICROFILMED

JUN 16 2004

July 3, 2002

JoAnn L. Mack
824 Park Drive
Moscow, Idaho 83843

RECEIVED
JUL 08 2002
IDWR/North

Al Beardsly
Idaho Department of Water Resources
1910 Northwest Blvd, Suite 210
Coeur d'Alene, Id 83814

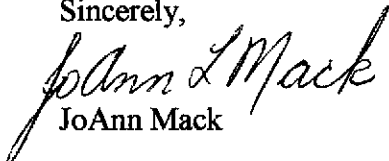
Re: License number 97-7399

Dear Mr. Beardsly,

We recently received our water rights license for our land in Bonner County. Water right number 97-07399 was approved as requested at 1.0 acre-foot but verified to be 5.7. I talked with Shelly Keen who directed me to apply for the additional 4.7 acre feet. She also mentioned it would be helpful to include my Proof of Beneficial Use Statement. I have also enclosed a copy of the letter from Shelly and the Water Right License for one acre foot.

Please let me know if you need any additional documentation or fees. If you have any questions, I can be reached at (208)882-7547 daytime and (208)882-7324 in the evening. Now that I know what an acre-foot is I should be close to getting this right. I sincerely appreciate the help you have given us and apologize for making you do this twice.

Sincerely,


JoAnn Mack

MICROFILMED

JUN 15 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

June 17, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

RE: License No. 97-7399 – Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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.

Also, your water right is limited to an annual diversion volume of 1.0 acre-foot, which is the amount you requested in your application. The field examiner who verified your use of water reported that your reservoir holds 5.7 acre-feet. You must either limit your diversion to 1.0 acre-foot or acquire another water right to cover the additional volume. I have enclosed an application form for you.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klf

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Enclosure(s)

JUN 16 2004

cc: Al Beardslee, IDWR Northern Region

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07399

RECEIVED

JUL 08 2002

IDWR/North

Priority: November 18, 1999

Maximum Diversion Volume: 1.0 AF

It is hereby certified that JO ANN MACK And PHILLIP MACK
824 PARK DR
MOSCOW ID 83843 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 18, 1999; and have
submitted Proof of Beneficial Use on January 16, 2001. An examination indicates that the works have a
diversion capacity of 5.7 af of water from:

SOURCE

UNNAMED STREAM

Tributary: PRIEST RIVER

and a water right has been established as follows:

BENEFICIAL USE

WILDLIFE STORAGE

PERIOD OF USE

01/01 to 12/31

**ANNUAL
DIVERSION VOLUME**

1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Twp 56N, Rge 5W, B.M. BONNER County

PLACE OF USE: WILDLIFE 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	05W	12																	

CONDITIONS OF APPROVAL

1. Wildlife storage is for deer, elk, and moose.
2. Water shall not be diverted under this right when flows in the Priest River are below established minimum stream flows.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 13th day of JUNE, 2002.

Acting for

KARL J. DREHER
Director

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JUN 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 97-07399 Telephone No. (208)882-7324

2. Name of Permit Holder(s): Phillip + Janna Mack

3. Mailing Address: 824 Park Dr

City Moscow State Id Zip 83843

4. Source of Water: unnamed 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):

Irrigation (No. of acres): Other: Wildlife/Wetlands/Storage

6. Total rate of diversion and/or volume for which proof is submitted: cfs OR 1 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?

Has the measuring device been installed?

Yes or No X

Yes or No X

8. Fee Enclosed: \$ 50 (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 L. Mack Telephone Number: (208)882-7324

Address: 824 Park Drive Moscow, ID 83843

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: John L. Mack Date: 01/10/01
(Include your title, if on behalf of company or organization)

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

August 28, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

*Assessed to Ray
8/29/02*

Application to Permit No. 97-7420 - MACK

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s)

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JUN 16 2004

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

Application for Permit No 97-7420

Applicant's Name: PHILLIP MACK
824 PARK DR
MOSCOW ID 83843

JO ANN MACK
824 PARK DR
MOSCOW ID 83843

Recommendation:

- a) ☐ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this _____ day of _____,

Signature

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JUN 16 2004