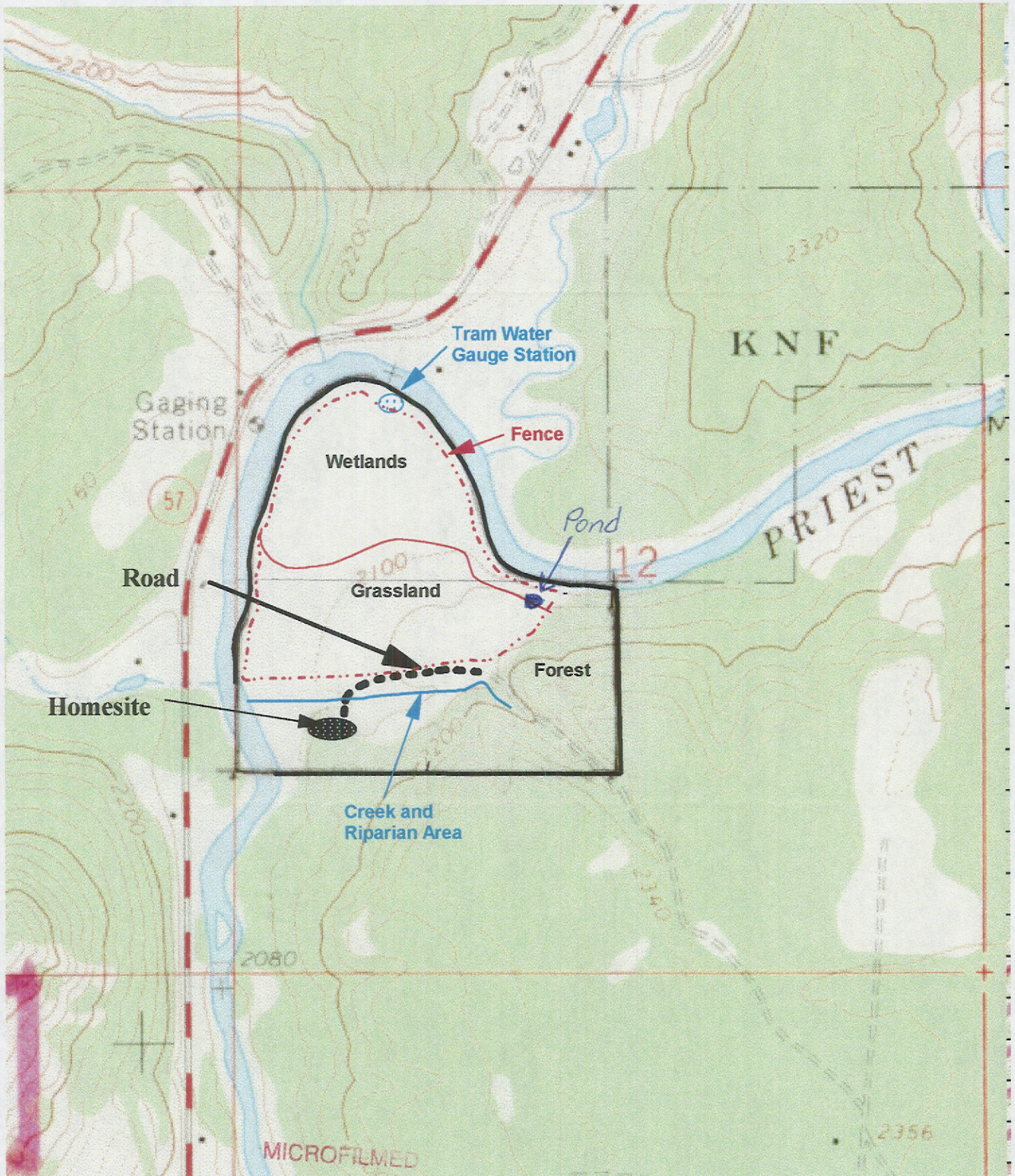


Easement Documentation Report

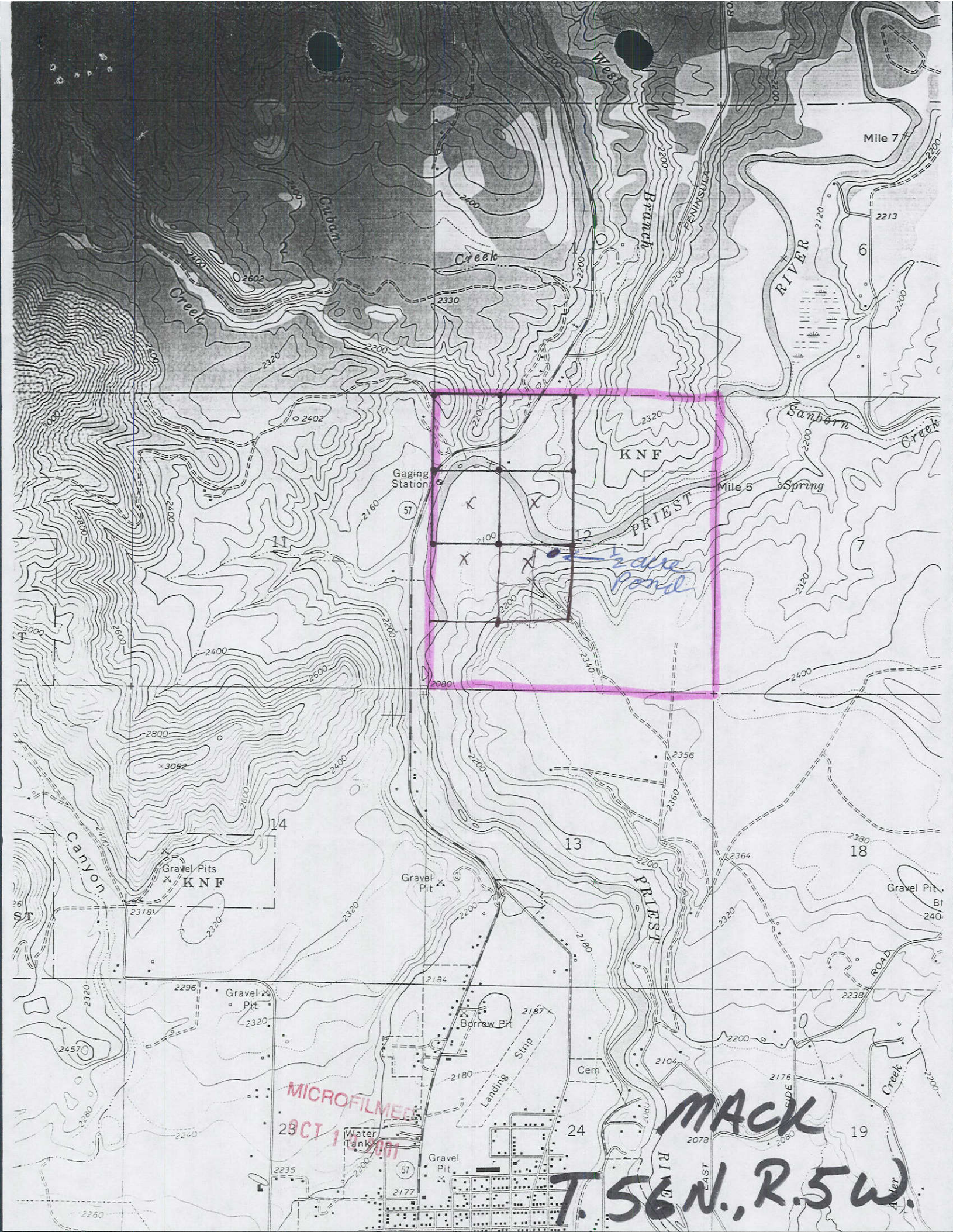
Priest River/Selkirk Mountains--Mack

Topographic Map

Township 56 North, Range 5 West, Section 12



OCT 19 2001



97-07398 Pond 2



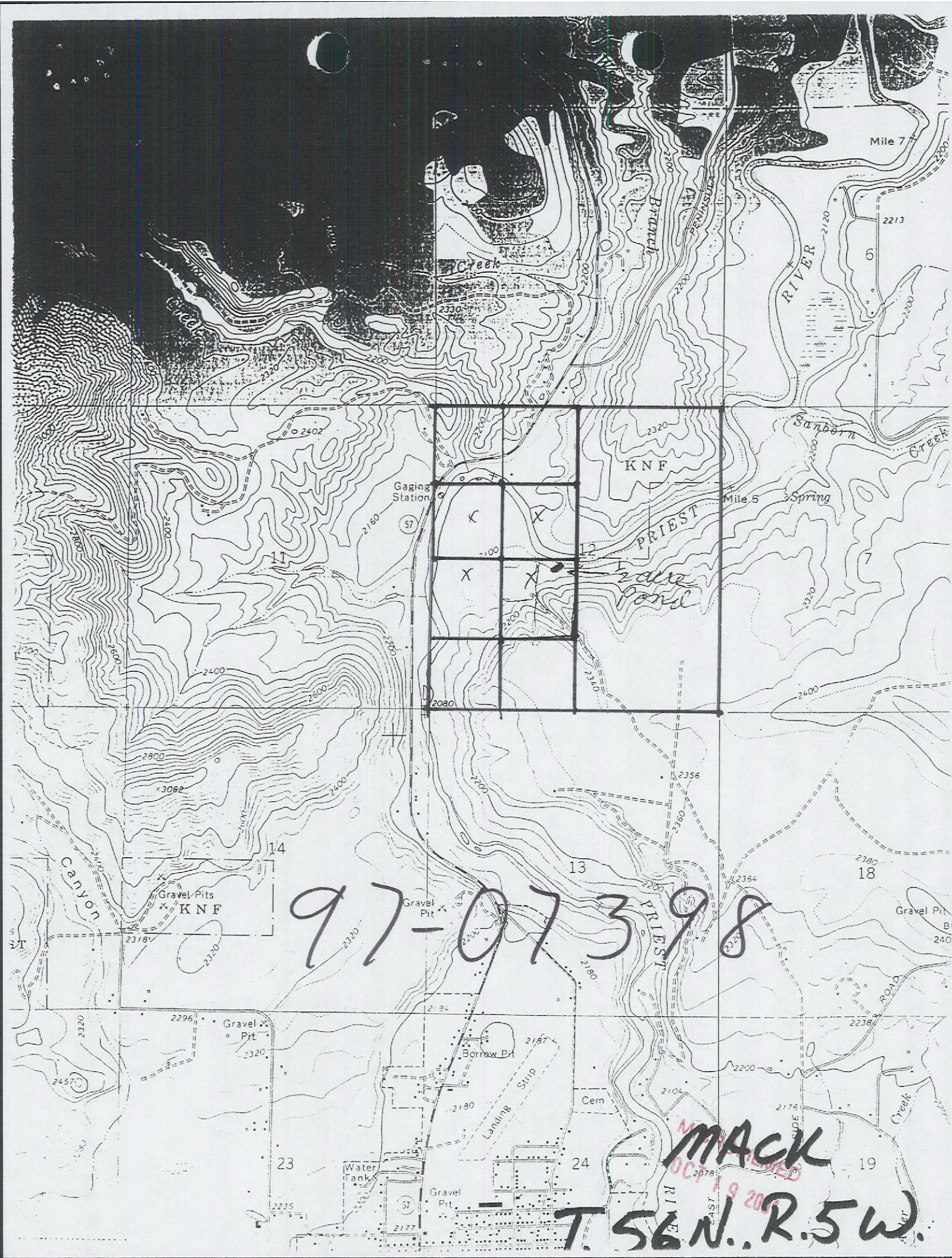
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MACK

MICROFILMED
OCT 19 2001



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07398

Priority: November 18, 1999

Maximum Diversion Volume: 0.4 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 0.4 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**
0.4 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE¼NE¼SW¼ Sec. 12, Twp 56N, Rge 5W, B.M BONNER County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
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.

MICROFILMED

OCT 17 2002

Acting for


KARL J. DREHER
Director

Amt. of Fee \$ 50.00
Receipt No. 0051873
Receipt By: J. Mack
Date Received: 1-16-01

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 16 2001

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. 97-07398 Telephone No. (208)882-7324

2. Name of Permit Holder(s):
Phillip & JoAnn 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 .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 (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 Dr 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.

MICROFILMED

Signature of permit holder: JoAnn Mack
(include your title, if on behalf of company or organization)

OCT 19 2001

Date: 01/10/01

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 97-07398

Priority: November 18, 1999

Maximum Storage Volume:

0.5 AF

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

has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of 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>
WILDLIFE STORAGE	01/01 to 12/31		0.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 12, Township 56N, Range 05W
BONNER County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

56N 05W 12

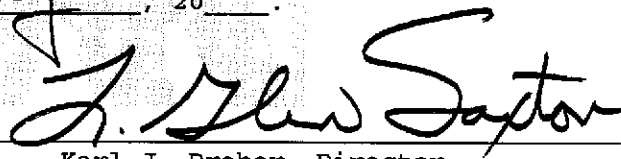
NESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before February 1, 2001.
2. Subject to all prior water rights.
3. Water shall not be diverted under this right when flows in the Priest River are below established minimum stream flows.
4. Wildlife storage is for deer, elk, and moose.

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

16th day of February, 2000.


for
Karl J. Dreher, Director

MICROFILMED

OCT 13 2001

RECEIVED

JAN 31 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Phillip and John Mack Phone 208-882-7324
Mailing address 824 Park Drive Moscow, Id 83843
2. Source of water supply unnamed stream which is a tributary of Priest River
3. Location of point of diversion is Township 56N Range 5W Sec. 12 in the NE 1/4, SW 1/4, Govt. Lot , B.M., Bonner County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount .50 for Wildlife STORAGE for purposes from 01/01 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) and/or (b) .5
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 construct pond capturing water which flows along bottom of hill
 - b. Height of storage dam 2 feet; active reservoir capacity 1/2 acre-feet; total reservoir capacity 1 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 1 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.
 - e. Other; describe fully. additional permanent water source, security and summer thermal cover for deer, elk, moose.

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OCT 19 2001

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	56W	12																	
		12																	

Total number of acres to be irrigated

10. Describe any other water rights used for the same purposes as described above. none

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

Phillip and John Mack

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

Phillip and John Mack

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: none

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 11/16/99
Signature of Applicant (and title, if applicable)

Received by JB Date 11/18/99 Time 11:10 Preliminary check by JB
Fee \$ 50.00 Receipted by JB # N013354 Date 11/18/99
Publication prepared by JB Date 12/8/99 Published in Trust Run time 12/15+22/99
Publication approved JB Date 1/5/00

MICROFILMED

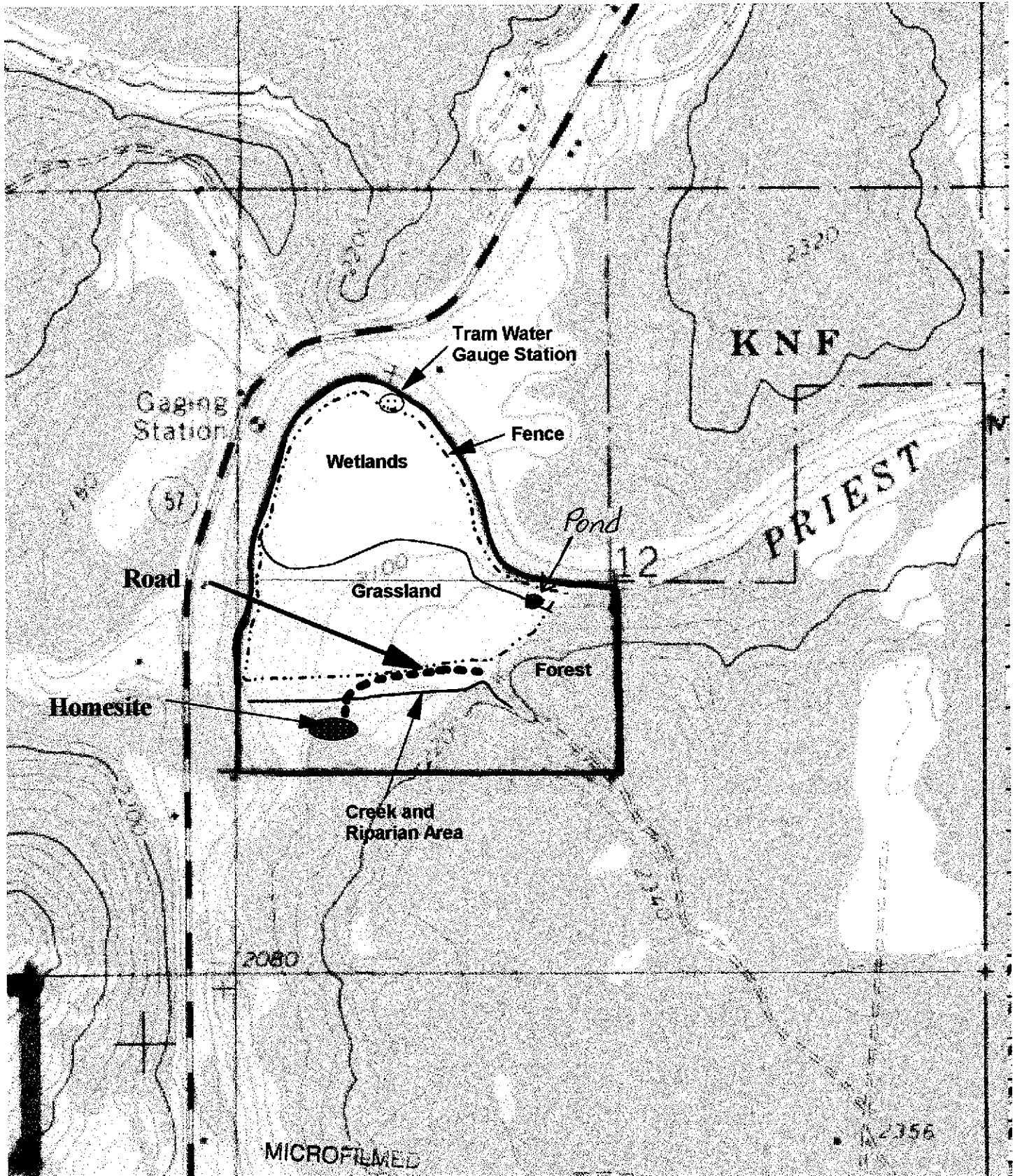
OCT 10 2001

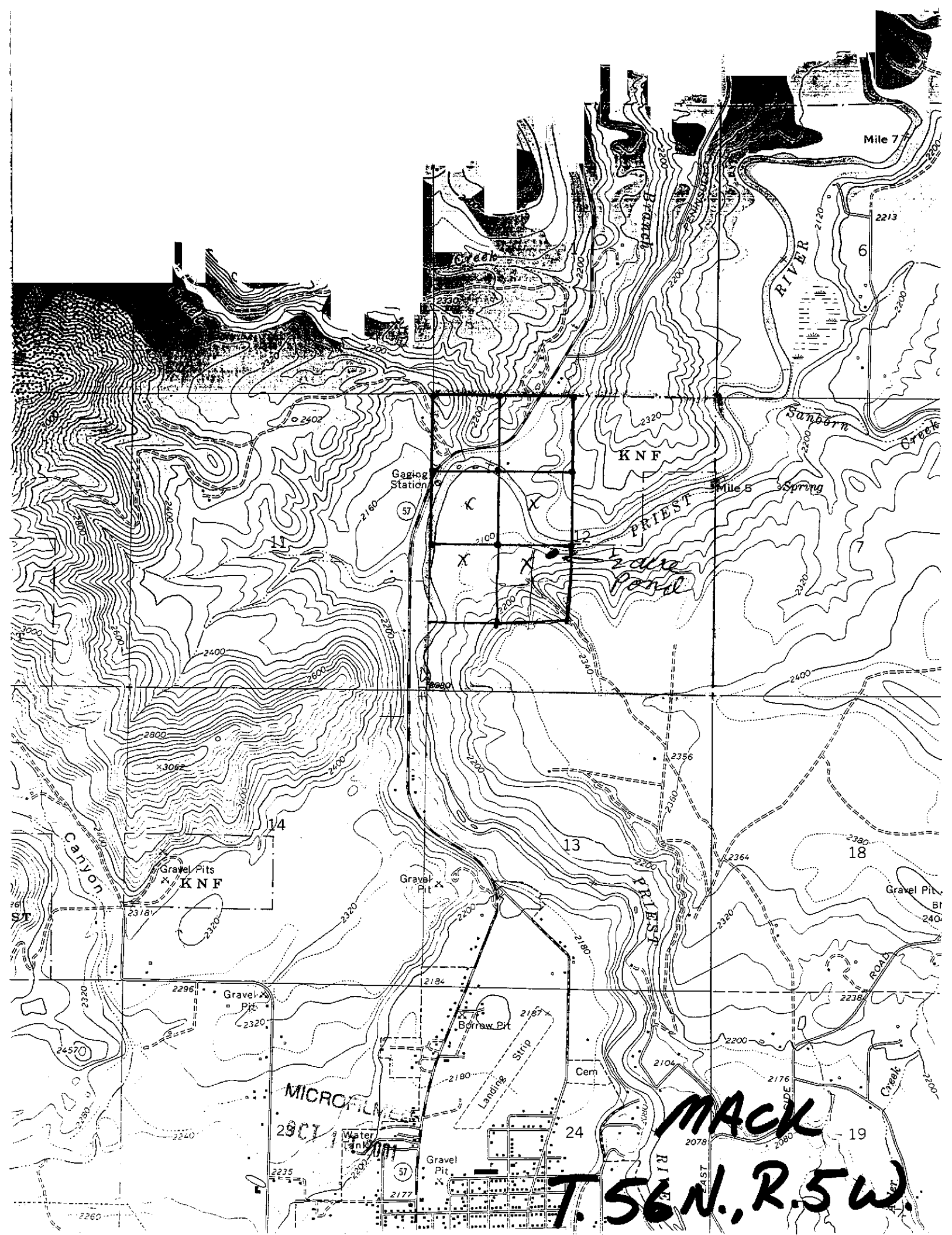
Easement Documentation Report

Priest River/Selkirk Mountains--Mack

Topographic Map

Township 56 North, Range 5 West, Section 12







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

June 17, 2002

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

RE: License No. 97-7398 - 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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

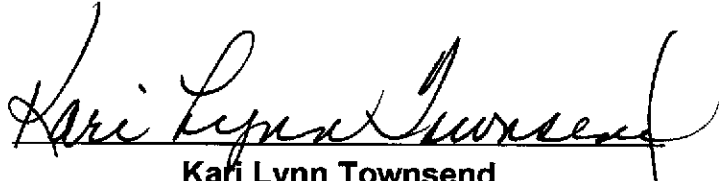
MICROFILMED
OCT 17 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 97-7398

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


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 17 2002

**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).

MICROFILMED
OCT 17 2002

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

97-7398

1. skeen 6/13/2002 Licensing Review

Comment: Licensing review and data entry by S. Keen on 6/13/2002.

MICROFILMED

OCT 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 24 2001

Department of Water Resources

A. GENERAL INFORMATIONPermit No. 97-073981. Owner: Phillip & Jo Ann Mack Phone No. (201) 882-7324Current Address: 824 Park Dr. Moscow Id. 838432. Accompanied by: unaccompanied EXAM DATE: 6-19-01Address: (with owners consent) Phone No. _____

Relationship to Permit Holder: _____

3. Source: unnamed stream tributary to Breast 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:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SW	12	56N	05W	Bonner	USGS 7.5 min Quad

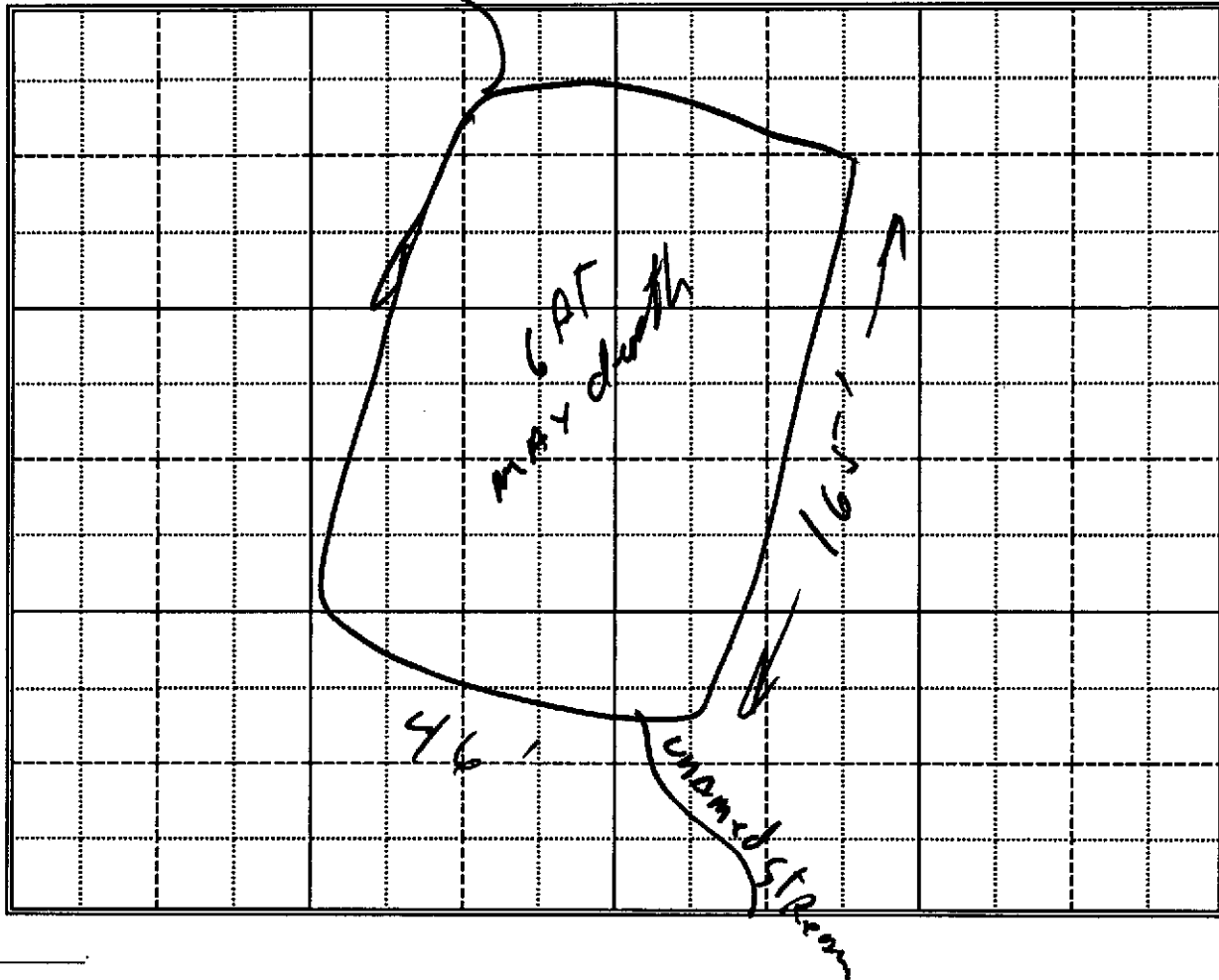
2. Place(s) of Use:

Indicate Method of Determination

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									W								

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OCT 19 2001

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

*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: _____

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E. NARRATIVE/REMARKS/COMMENTS

at time of exam this pond was
having leakage problems. Mrs. Mack
told me they were working on that
this summer. My measurements were
taken at the highest water marks
I could find, and they are generous.

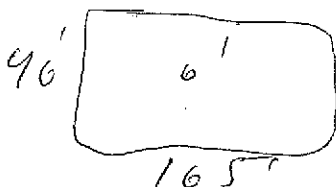
Have conditions of permit approval been met? ☒ yes ☐ no

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OCT 19 2001

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:**

$$\frac{165 \times 46 \times 6 \times .4}{43560} = .4 \text{ AF}$$

H. RECOMMENDATIONS**1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife Storage	01-01	12-31		.4
Totals:				.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. AUTHENTICATIONField Examiner's Name Wayne Baldwin Date 7-17-01

Reviewer _____ Date _____

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OCT 19 2001

2

2

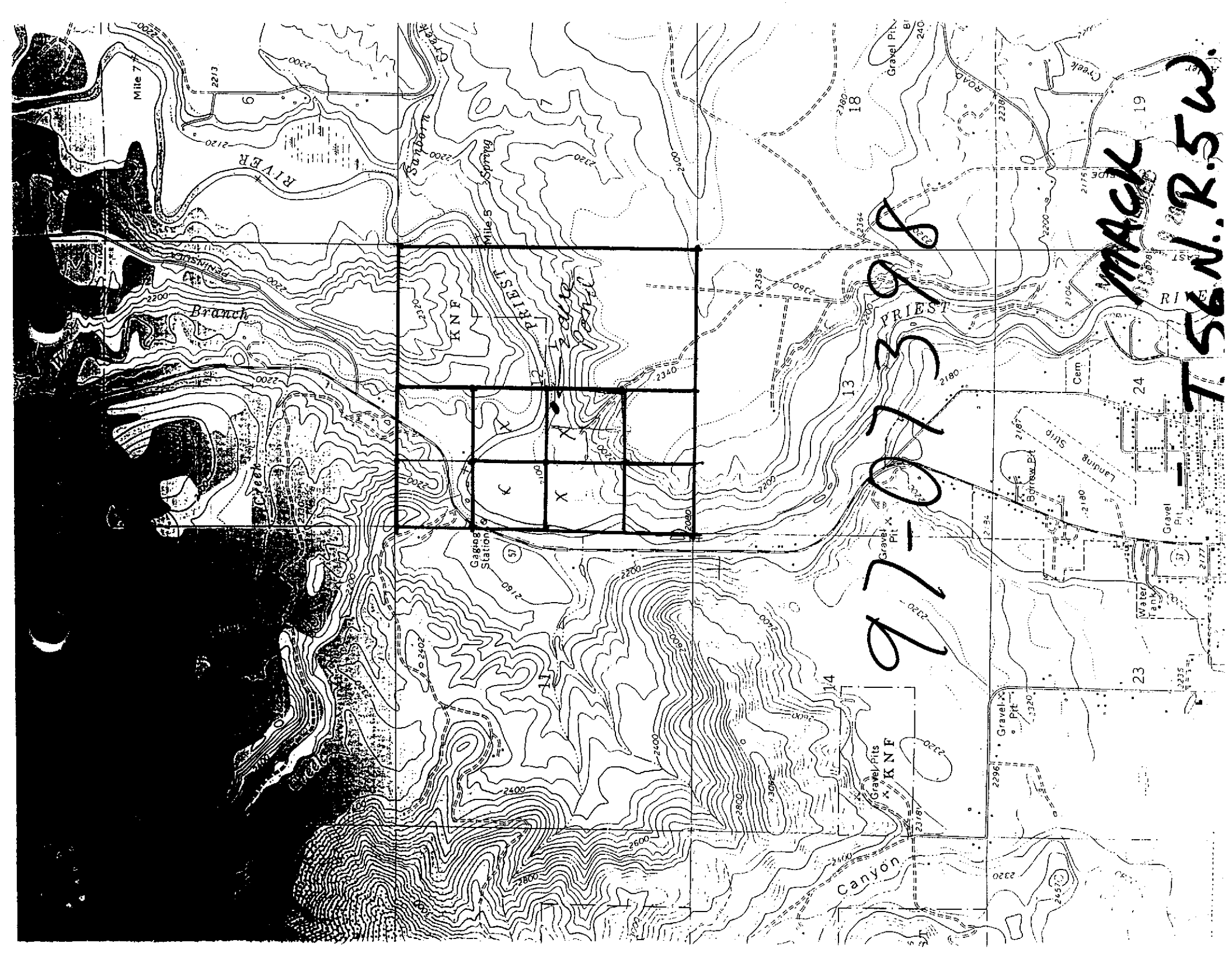
2

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OCT 19 2001



WACK

97-07398 Pond 2





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

January 23, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07398

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 this water right 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

Encl.

c: IDWR - Regional Office

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OCT 19 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 97-7398

Reviewed By: dgibson

Date: January 23, 2001

	<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.:		C051873	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		01/16/2001
Date proof due	-	02/01/2001
No. of days late	=	0
Holiday allowance	+	
Priority date	+	11/18/1999
New priority date	=	11/18/1999

Deficiencies of Actions Items

Acknowledge proof.

Idaho Department of Water Resources Receipt

Receipt ID C051873

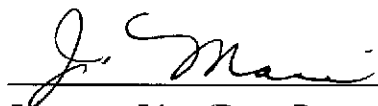
Payment Amount \$50.00 Date Received 1/16/01 3:43:50 PM Region State Status
Payment Type Check Check Number 213

Payer CRAZY M RANCH

Comment WATER RIGHT # 97-07398

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	BENEFICIAL USE	0229	21	56104	1155



Signature Line (Dept. Representative)

MICROFILMED

OCT 13 2001

November 30, 2000

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

PROOF DUE NOTICE

RE: PERMIT NO. 97-07398

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 February 1, 2001.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

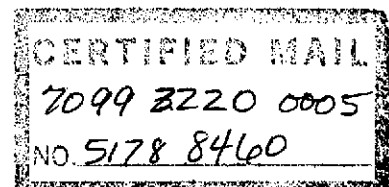
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

DEBORAH GIBSON
Administrative Assistant

Enclosures

MICROFILMED
OCT 19 2001





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

February 16, 2000

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07398

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

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

Sincerely,

for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

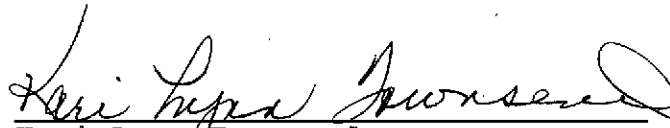
MICROFILMED
OCT 19 2001

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 97-07398

PHILLIP MACK
JO ANN MACK
824 PARK DR
MOSCOW ID 83843


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 19 2001

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

MICROFILMED

OCT 18 2001

Curtis, Sharla

From: Graham, Bill
Sent: Friday, February 11, 2000 5:24 PM
To: Curtis, Sharla
Subject: RE: MSF Reviews (65-13905, 65-13910, 65-13915, 97-07396, 97-07398, 97-07399)

Hello Sharla - I finally got around to reviewing these apps - I concur with approving the following with standard MSF language:

65-13905
65-13910
65-13915
97-07396

The last two are for Wildlife Storage. Has IDFG indicated that these ponds would actually be beneficial to wildlife? Should some signoff by them be required? Just a concern on this beneficial use in general.

Other than that, I would also issue these the following with the standard MSF language:

97-07398
97-07399

F&G has been contacted and has no objections to the filing

Again, thanks for the opportunity to review and to speak my piece (for whatever it's worth) - Bill G.

—Original Message—

From: Curtis, Sharla
Sent: Wednesday, February 09, 2000 1:25 PM
To: Graham, Bill
Subject: MSF Reviews (65-13905, 65-13910, 65-13915, 97-07396, 97-07398, 97-07399)

Bill, I have a slug of new apps I'm reviewing and the files mentioned above are either within or above minimum stream flows. It doesn't appear that the regions forwarded copies to you for your review. So here you go - as before, please send me a mail message with your comments.

Thanks, Bill!!!!

<< File: msf-review.doc >>

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OCT 19 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 2/4/00

No. 97-0739B Name: Mack Corp. Officers N/A Ad ok ✓ Govt Lots —

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
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)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag - —
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-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/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 2101 12001

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - (Yes/No Response) No objections
~~In/Above MSF~~ - WB9
PLANNING SECTION REVIEW/RESPONSE —
~~In-stream development~~ - P52
WD - R04 (WD# —)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
PAYETTE R (65) - 047(P04) (Payette Lake)
SALMON R (70's) - 029 (fish screens)
WEISER R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

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 pd intended - 076

IRRIGATION SEASON — - — (Per/updated map)

OTHER CONDITIONS/REMARKS

WS/deer, elk & moose

COMMENTS

—

RECEIVED

JAN 31 2000

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

WRI
OCA
WRA

APPLICATION # 97-07398

Department of Water Resources

INITIAL REVIEW

APPLICANT:

MACU

BY:

AB

DATE:

11 / 18 / 99ITEM 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)

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

PROCESSING

- (Yes) (No) PRIORITY DATE: 11 / 18 / 99
☒ (Include Moratorium Remark)
☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

BONAVILLE

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:

Type:

Fees

Receipt No.

Upgrade Needed?

- | | | | | |
|-------------------------------------|------|----------|---------|-------|
| ☒ | Dom. | Non-Dom. | Paid \$ | _____ |
| ☒ | Dom. | Non-Dom. | Paid \$ | _____ |
| ☒ | Dom. | Non-Dom. | Paid \$ | _____ |

- | | |
|-------|-------------|
| _____ | Y () N () |
| _____ | Y () N () |
| _____ | 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
 Affidavit of publication received
 Application published correctly. If not, record action taken: _____

Publication dates and paper recorded on application | Sr. Agent initial

Protests received, Final protest date: 01/03/2000

Measuring device required

Measuring port required

Special conditions:

Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by:

BRM

Date:

1 / 28 / 00

Memorandum

Date: January 28, 2000

To: File 97-07398

From: Al Beardslee

RE: Surface water approval from Idaho Fish and Game Dept.

~~~~~  
Mr. Chip Corsi, of Idaho Department of Fish and Game, Coeur d'Alene office, was contacted prior to regional approval of this filing. After reviewing the Application for Permit with Mr. Corsi, he had no problem with it's approval.

MICROFILMED  
OCT 19 2001

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner

Jeanne Sheridan

\_\_\_\_\_ 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:

Application for Water  
right

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

said paper for a period of 2 consecutive weeks,

commencing on 15 day of December, 99

and ending on the 22 day of December, 99

and that said notice was published in said newspaper.

On this 3 day of January in the year

of 2000, before me, a Notary Public, personally

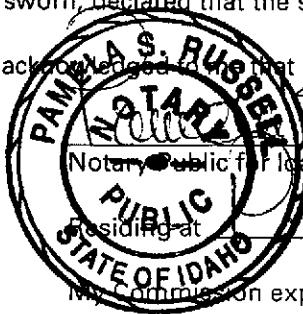
appeared Jeanne Sheridan

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.



MICROFILMED  
OCT 19 2001

any or all bids. No  
aw his bid after the  
or the opening, or  
nd execution of the  
award is delayed for  
sixty (60) days. The  
iver is an Equal  
Affirmative Action

ty Clerk  
'99 and 1/05/00.

**INSURANCE**  
**EARL**  
**INSURANCE AGENCY**  
Auto, Homes, R22  
Log Trucks, Logger Liability  
(509) 447-3423 (Local)  
1-800-424-3423 (Outside)  
Fax (509) 447-2652  
Washington & Idaho

ergencies.  
M-F 8:30-5:00  
**MONA RITTENHOUSE, P.A.**  
**PEND OREILLE**  
**MEDICAL CLINIC**  
General Practice/Internal  
Medicine  
714 W. Pine Street  
Newport, Washington  
(509) 447-4885

**Advertise**  
**Your Business**  
**Here At An**  
**Affordable Rate**

**To Place Your Ad in Service Hotline Call 448-2431**  
**20¢ per word-\$2.00 minimum - ad must run 3 months**

## Read the Legals for information important to you

assessments paid in  
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remaining thereof.

**Section 14:** Provides that the Dis-  
trict shall enforce and seek remedies for  
breaches of the terms of the Ordinance,  
as provided by the laws of the State of  
Idaho.

**Section 15:** Provides that after pub-  
lication of this summary, the Ordinance  
shall be in full force and effect.

A full text of Ordinance No. 99-2 is  
available at the office of the Secretary of  
Kalispel Bay Water and Sewer District  
and will be provided to any citizen upon  
personal request during normal busi-  
ness hours.

DATED this 13th day of December,  
1999.

**KALISPEL BAY**  
**WATER AND SEWER DISTRICT**  
Tom McDonough, Chairman  
ATTEST: Debra Nolen, Secretary  
**CERTIFICATION OF**  
**BOND COUNSEL**

I, the undersigned Bond Counsel for  
Kalispel Bay Water and Sewer District,  
of Bonner County, Idaho, hereby certify  
that I have read the attached Summary  
of Ordinance No. 99-2 of said District  
and that the same is true and complete  
and provides adequate notice to the pub-  
lic of the contents of said Ordinance.

Dated this 13th day of December, 1999.  
**PRESTON GATES & ELLIS LLP**  
Michael C. Ormsby, Bond Counsel  
PRT Legal 2671  
December 22, 29, 1999

### ANIMAL CONTROL OFFICER

The City of Priest River is seeking an  
Animal Control Officer who will be  
responsible for the enforcement of all  
Ordinances relating to dogs within the  
City limits. The Animal Control Officer  
works in co operation with the City  
Police Department and the City Clerks'  
office and has the authority to write cita-  
tions and issue fines.

**BASIC DUTIES:** Receive & resolve  
citizen's complaints regarding dogs, cap-  
ture and confine stray dogs, feed and  
water confined dogs, clean kennels, buy  
supplies/food for dog kennel, issue cita-  
tions. This is a one (1) year grant-fund-  
ed position @ \$7.50/Hr., with full bene-  
fits.

Deadline: December 31, 1999  
City application and resume may be sent  
to City of Priest River, Attn: Police Chief,  
P.O. Box 415, Priest River, Idaho 83856.  
(208) 448-1521  
PRT Legal 2672  
December 22, 29, 1999

### NOTICE OF FILING DEADLINE

Notice is hereby given: That declara-  
tions of candidacy for the office of mem-  
ber of the board of directors of the West  
Bonner Water & Sewer District must be  
filed with the district clerk whose  
address is 215 N. Washington Ave., Old-  
town, Idaho, no later than 5:00 p.m. on  
the 27th day of December, 1999.

Such declarations are available at the  
district office at 215 N. Washington  
Ave., Oldtown, Idaho; or at the office of  
the County Clerk.

Individuals who run as write-in candi-  
dates must file a declaration of intent no  
later than 5:00 p.m. on the 25th day prior  
to the election, which shall be held on  
February 1, 2000.

Sheila M. Gormley, District Clerk  
PRT Legal 2673  
December 22, 1999

### NOTICE OF ELECTION

**TO ALL TAXPAYERS WITHIN**  
**THE GRANITE REEDER WATER &**  
**SEWER DISTRICT. YOU AND**  
**EACH OF YOU ARE HEREBY**  
**NOTIFIED THAT AN ELECTION**  
**SHALL BE HELD ON TUESDAY**  
**FEBRUARY 1 2000 FOR PURPOSES**  
**OF VOTING UPON POSITION #1 AND**  
**POSITION #2 FOR THE BOARD OF**  
**DIRECTORS. FORMS CAN BE**  
**PICKED UP AT COPPER BAY CON-**  
**STRUCTION COMPANY, 791 HAG-**  
**MAN RD. NORDMAN ID. 83848.**  
**208-443-2193.**

**GARY HAGMAN, SECRETARY**  
**GRANITE REEDER**  
**WATER & SEWER DISTRICT**  
PRT Legal 2670  
December 22, 1999

### NOTICE OF APPLICATION FOR WATER RIGHT

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

97-07398

**MACK, PHILLIP**  
**MACK, JO ANN**  
824 PARK DRIVE  
MOSCOW, ID 83843  
Source: UNNAMED STREAM  
Diversion Pt: NESW  
Use: WILDLIFE STORAGE

Tributary: PRIEST RIVER  
Sec 12 T 56N R 05W in BONNER County.  
(0.50 AF)  
(0.50 AF)

Date Filed: 11/18/1999  
In: BONNER County  
T56N R05W S12 NESW

97-07399

**MACK, PHILLIP**  
**MACK, JO ANN**  
824 PARK DRIVE  
MOSCOW, ID 83843  
Source: UNNAMED STREAM  
Diversion Pt: NESW  
Use: WILDLIFE STORAGE

Tributary: PRIEST RIVER  
Sec 12 T 56N R 05W in BONNER County.  
(1.00 AF)  
(1.00 AF)

Date Filed: 11/18/1999  
In: BONNER County  
T56N R05W S12 NESW

For additional information concerning the property location, call the Northern  
Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with  
the applicant and with the Director, Dept. of Water Resources, Northern Region,  
1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a  
protest fee of \$25.00 on or before JANUARY 3, 2000.

PRT Legal 2668  
December 15, 1999

KARL J. DREHER, Director

MICROFILMED

OCT 19 2001

Note date on paper is 22nd. This was  
to run 12/15 & 12/22 - & it did through paper only shows 12/15 date in legal itself.

97-07398

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

Source: UNNAMED STREAM

Tributary: PRIEST RIVER

Diversion Pt:                NESW      Sec 12 T 56N R 05W in BONNER County.

|                       |   |          |
|-----------------------|---|----------|
| Use: WILDLIFE STORAGE | ( | 0.50 AF) |
| Total Diversion:      | ( | 0.50 AF) |

Date Filed: 11/18/1999

|                   |      |
|-------------------|------|
| In: BONNER County |      |
| T56N R05W S12     | NESW |

MICROFILMED  
OCT 19 2001

December 8, 1999

Phillip & Jo Ann Mack  
824 Park drive  
Moscow ID 83843

Re: Water Appropriation Application Nos. 97-07398 - for constructed pond;  
and 97-07399 - for collection of water in confluence of two unnamed streams

Dear Mr. and Mrs. Mack::

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Applications for Permits to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced numbers in all future matters concerning these water right applications. Enclosed for your file is Receipt Number N013354 for Water Right Application No. 97-07398. Receipt No. N013219 for Water Right Application No. 97-07399 was returned to your earlier.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

MICROFILMED  
OCT 19 2001

RECEIPT  
For Monies Paid  
to the  
Idaho Department of Water Resources

Receipt No:

N013354

Date:

Time:

11/18/1999

11:17:10

Received

From:

MACK, PHILLIP

Type of Payment

Program A cct

Amount

WR APP FEE

65103

229 21 1155

50.00

Total

\$

50.00

CHECK

5339

Region: NORTHERN

Signature: \_\_\_\_\_

MICROFILMED

OCT 19 2001

WR0749NP  
No. 97-07398

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 12/06/99  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS  | PRIORITY<br>DATE | WATER USE        | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-----------------|------------------|------------------|-----------------------|-------------------|---------------------|
| C             | PHILLIP MACK    | 11/18/1999       | WILDLIFE STORAGE | 01/01 12/31           |                   | 0.50 AFA            |
| C             | JO ANN MACK     |                  |                  |                       |                   |                     |
|               | 824 PARK DRIVE  |                  |                  |                       | TOTAL DIVERSION:  | 0.50 AFA            |
|               | MOSCOW ID 83843 |                  |                  |                       |                   |                     |
|               | (208) 882-7324  |                  |                  |                       |                   |                     |

Water Source: UNNAMED STREAM

Tributary to: PRIEST RIVER

Stage: APPLICATION

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

Place of use Legal Description for: WILDLIFE STORAGE

| NE  |     |    |   | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |    |   |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |
| 56N | 05W | 12 | : |    |    |    |    |    |    |    |    | W  |    |    |    |    |    | : |

Pou County: BONNER

Dates: App. Received: 11/18/1999 Priority Date: 11/18/1999  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 12/06/1999 User-ID: DBALL Subject: Examiner's notes.  
Construct pond capturing water which flows along bottom of hill.  
Storage pond 2 ft high, active reservoir capacity 1/2 AF, total  
reservoir capacity 1 AF.  
Time required 1 year.

Audit: 12/06/99 DBALL