

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09178

Priority: April 30, 2004

Maximum Diversion Rate: 0.05 CFS

This is to certify, that KRISTAN PEACOCK
PO BOX 0034
LACLEDE ID 83841

has applied for a permit to appropriate water from:

Source: RILEY CREEK

Tributary: PEND OREILLE 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>
IRRIGATION	04/01 to 10/31	0.03 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

RILEY CREEK NE¼SW¼ Sec. 18, Twp 56N, Rge 03W, B.M., BONNER County

PLACE OF USE: IRRIGATION

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 03W 18									1.0								1.0

Total Acres: 1

PLACE OF USE: STOCKWATER

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 03W 18									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2005**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. Stockwater use is for 10 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of June, 2004.


for KARL J DREHER, Director

7/22/0
STATE OF IDAHO

Ident. No. 96-9178

RECEIVED

JUN 10 2004

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

APR 10 2004

IDWR/North

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant Kristan Peacock Phone 208 263-0395
- Mailing address P.O. Box 0034, LACLEDGE ID 83841
2. Source of water supply Riley Creek which is a tributary of Pend Oreille River
3. Location of point of diversion is Township 56N Range 3W Sec. 18, in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot BONNER County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 0.03 for IRRIGATION purposes from 04/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for STOCKWATER 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)
5. Total quantity to be appropriated is (a) 0.05 cubic feet per second and/or (b) ~~15~~ AF acre feet per annum
6. Proposed diverting works: PUMP IN STREAM
 - a. Describe type and size of devices used to divert water from the source _____
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 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. 10 HEAD RANGE STOCK
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1 HOME - OUTSIDE IRR. ONLY
 - e. Other; describe fully. _____

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	3W	18									S								
											1								1

Total number of acres to be irrigated 1

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

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

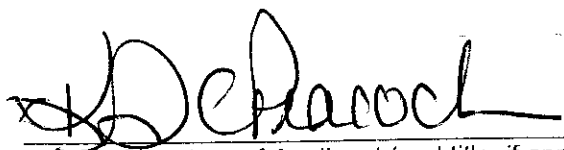
b. Who owns the land to be irrigated or place of use? " "

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: _____

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.)

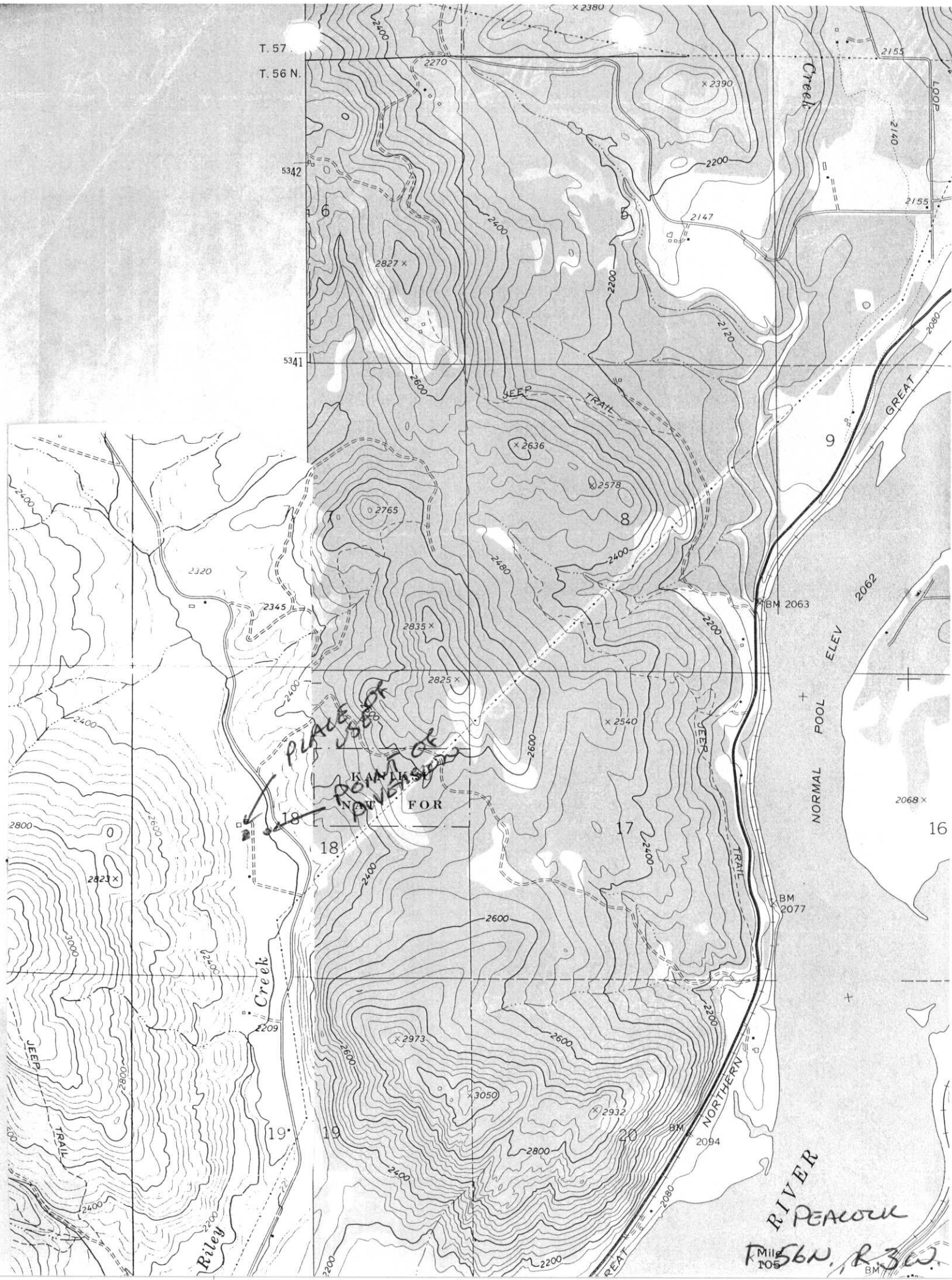
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.



Signature of Applicant (and title, if applicable)

Received by AB Date 4-30-04 Time 9:42 Preliminary check by AB
 Fee \$ 100.00 Received by AB # 1016229 Date 4-30-04
 Publication prepared by AB Date 5/12/04 Published in First Run Times Date 5/19-26/04
 Publication approved AB Date 6/2/04

T. 57
T. 56 N.



Mile 105
R. 56N. R. 36W.

**NOW
STARTING
RIGHT
SIDE OF
FILE**



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 14, 2004

KRISTAN PEACOCK
PO BOX 0034
LACLEDE ID 83841

RE: Permit No. 96-9178

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.

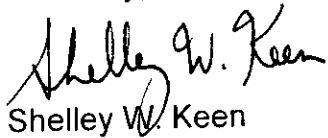
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9178

**KRISTAN PEACOCK
PO BOX 0034
LACLEDE ID 83841**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

96-9178

1. dball 5/11/2004 Legal Notice Remarks

Comment: Stockwater use is for 10 head of range stock.

2. kwalker 6/11/2004 Permit Review

Comment: Season of use recommended as applied for which is standard for area.
Recommend approval.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Terra Tule

_____ being first duly sworn on oath

deposes and says that he/she is Managing Editor

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:

96-9176 - G. Tuininga, 96-9178 - K. Peacock

97-7432 - C. Stansell

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

said paper for a period of 2 consecutive weeks,

commencing on 19th day of May, 2004

and ending on the 26th day of May, 2004

and that said notice was published in said newspaper.

On this 26th day of May in the year

of 2004 before me, a Notary Public, personally

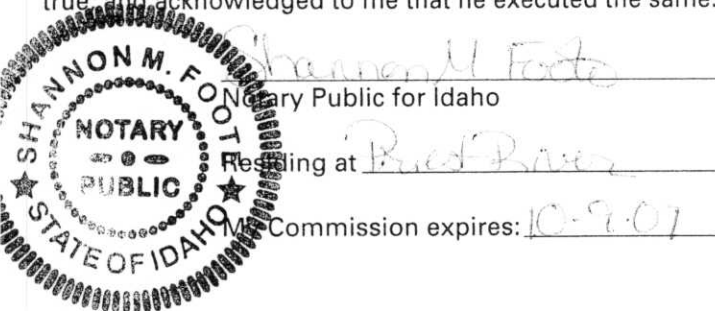
appeared Terra Tule,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.



RECEIVED

JUN 02 2004

IDWR/North

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

96-9176

GARY L TUINGA
25606 180TH AVE SE
COVINGTON WA 98042
Point(s) of Diversion L7 (SESE) S30 T56N R03W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER
Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 02/23/2004
Place Of Use: IRRIGATION T56N R03W S30 SWSE SESE Lot 7
Number of Acres 2

96-9178

KRISTAN PEACOCK
PO BOX 0034
LACLEDE ID 83841
Point(s) of Diversion NESW S18 T56N R03W BONNER County
Source RILEY CREEK Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.05 CFS
Date Filed: 04/30/2004
Place Of Use: IRRIGATION T56N R03W S18 NESW
Number of Acres 1
Place Of Use: STOCKWATER same as IRRIGATION
Remark: Stockwater use is for 10 head of range stock.

97-7432

CLIFF R STANSELL
PO BOX 959
PRIEST RIVER ID 83856
Point(s) of Diversion L2 (SWSWNW) S12 T57N R06W BONNER County
Source SOUTH OLE CREEK Tributary To PRIEST RIVER
Use: POWER 01/01 To 12/31 0.18 CFS
Total Diversion: 0.18 CFS
Date Filed: 04/29/2004
Place Of Use: POWER T57N R05W S7 SWNW Lot 2
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 06/07/2004. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director
Legal PRT 612577
May 19, 26, 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 2004

KRISTEN PEACOCK
PO BOX 0034
LACLEDE ID 83841

RE: Application for Permit No 96-9178

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 May 19 and 26, 2004. 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 ten 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



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

**PLEASE FAX PROOF PRIOR TO PUBLICATION
TO 769-1454**

SHANNON FOOTE
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

E-MAILED TO SHANNON 5/12/04

RE: Application for Permit No. 96-9176, 96-9178 and 97-7432

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, May 19 and 26, 2004, (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 06/07/2004. Your cooperation is GREATLY appreciated, as always.

Have a simply marvelous day.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 12, 2004 2:45 PM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal notice for publication on May 19 and 26, 2004

Good afternoon, Shannon,

Trusting you are having a great day.

Attached you will find a copy of our cover letter requesting publication of a legal notice, also attached.

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION - to 208-769-1454.

If you have ANY questions about publication of this legal, please call me at 208-769-1450.

Have a marvelous day, friend.

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

5/12/2004

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

96-9176

GARY L TUININGA
25606 180TH AVE SE
COVINGTON WA 98042

Point(s) of Diversion L7 (SESE) S30 T56N R03W BONNER County

Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER

Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 02/23/2004

Place Of Use: IRRIGATION T56N R03W S30 SWSE SESE Lot 7

Number of Acres 2

96-9178

KRISTAN PEACOCK
PO BOX 0034
LACLEDE ID 83841

Point(s) of Diversion NESW S18 T56N R03W BONNER County

Source RILEY CREEK Tributary To PEND OREILLE RIVER

Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.05 CFS

Date Filed: 04/30/2004

Place Of Use: IRRIGATION T56N R03W S18 NESW

Number of Acres 1

Place Of Use: STOCKWATER same as IRRIGATION

Remark: Stockwater use is for 10 head of range stock.

97-7432

CLIFF R STANSELL
PO BOX 959
PRIEST RIVER ID 83856

Point(s) of Diversion L2 (SWSWNW) S12 T57N R06W BONNER County

Source SOUTH OLE CREEK Tributary To PRIEST RIVER

Use: POWER 01/01 To 12/31 0.18 CFS
Total Diversion: 0.18 CFS

Date Filed: 04/29/2004

Place Of Use: POWER T57N R05W S7 SWNW Lot 2

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 06/07/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 19 and 26, 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 11, 2004

STATE OF IDAHO
MARY TERRA-BERNS
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO MARY 5/11/04

Application to Permit No. 96-9178 - PEACOCK

STATE OF IDAHO :

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne', is written in black ink.

Dianne Ball
Administrative Assistant

Enclosure(s)