

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 96-08954

Proposed Priority: January 28, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **MARILYNN M MOYLE**

PO BOX 31

SANDPOINT ID 83864-0031

has applied for a permit to appropriate water from:

PEND OREILLE LAKE

tributary of 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>
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DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NWSE), Sec. 7, Township 57N, Range 01W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

57N 01W 7 Lot 3(NWSE)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Place of use is located within Lot 13, Blk. 1, Marimont Beach Addition.
6. Domestic use is for 1 home.

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

1st day of April, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

NOT RECORDED

APR 23 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 96-8954
RECEIVED
MAR 24 1997

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Marilynn M. Moyle Phone (208) 263-6758
Post office address Post Office Box 31, Sandpoint, ID 83864-0031
2. Source of water supply Lake Pend Oreille which is a tributary of PEND OREILLE RIVER
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot 3
Sec. 7 Township 57N Range 1W B.M. Bonner County; additional
points of diversion if any: Lot 13, Block 1 Marimount Beach Addition
Book 2 of Plats, Bonner County, Idaho
4. Water will be used for the following purposes:
Amount 0.04 for domestic purposes from January 1 to December 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)
5. Total quantity to be appropriated is (a) 0.04 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. PUMP IN LAKE
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - 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) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
5 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. One
 - Other; describe fully. _____

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
57N	1W	7														D 4.3			~~4.3~~

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? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- 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: _____

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APR 23 1937

PLAT

01

MARIMOUNT BEACH

SEC. 7, T 57 N, R 1 W, B. M., BONNER CO., IDAHO

3001 - 1000'

August 1959

Initial Point
2' Iron Pipe
S 89° 57' W

MEANDER COR. MEANDER COR.
S&E 2nd 1/4 - Found B¹ Trees Found B¹ Trees

[illegible]

June 20, 1954

Jay A. Mant
Executive Assistant

I hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the Board of Directors of the City of New York.

Aug 20, 1959

William W. Wyatt

W. J. Smith & Co. Wyo.

William W. Wright

Aug. 3, 1950

William J. Smith

31ST AUGUST

J. M. Michelson

20 August

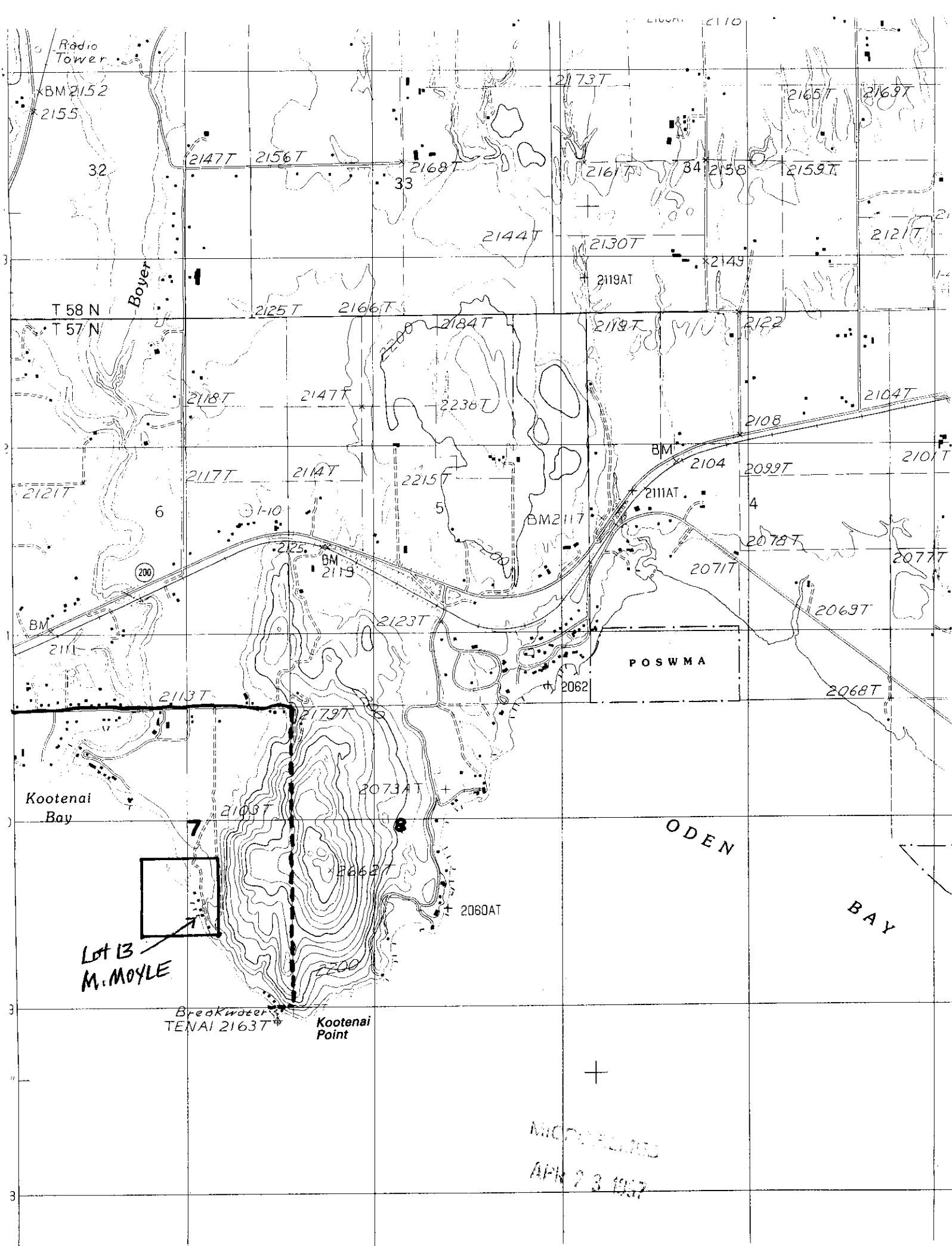
Andy Davidson

July 8, 1962

RECORDED *Feb 24 1919* INDEXED *Feb 24 1919*
W. L. Yates, Esq., 1000 10th St. N.W., Wash. D.C.
per letter from Chicago *has been signed* *Feb 24 1919* *per*
per 5-1

Atty 23

WKS-36706



[illegible]

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APR 23 1937

Maryanne M. Mose
(Applicant)

Received by Ken Date 1/28/97 Time 1:00 p Preliminary check by _____
Fee \$ #50.00 Received by Ken # N10931 Date 1/28/97
Publication prepared by db Date 2/12/97 Published in Bonneville County Daily Bee 2/20/97
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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APR 23 1997

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 18, 1997

MARILYNN M MOYLE
PO BOX 31
SANDPOINT ID 83864-0031

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08954

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.

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

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

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the

RECORDED
APR 22 1997

diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

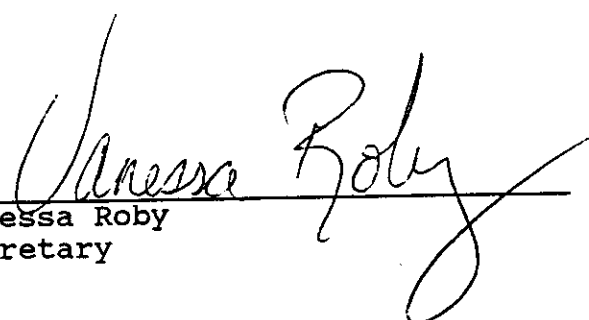
MICROFILMED
APR 29 1987

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of April, 1997, 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. 96-08954

MARILYNN M MOYLE
PO BOX 31
SANDPOINT ID 838640031



Vanessa Roby
Secretary

APR 19 1997

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, 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:

Notice of Application for
Water Rights

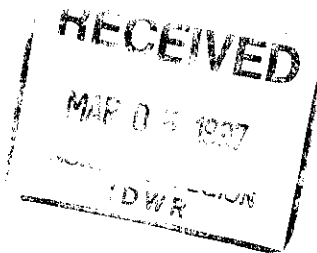
as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 20 day of February, 1997
and ending on the 27 day of February, 1997
and that said notice was published in said newspaper.

On this 27 day of February in the year
of 1997, before me, a Notary Public, personally
appeared Sherilyn Plunk,
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.

Cawlyn L. Inge
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 6/00



**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

96-08954

MOYLE, MARILYNN M *ok*

P O BOX 31

SANDPOINT, ID 838640031

Source: LAKE PEND OREILLE

Tributary: PEND OREILLE RIVER

Diversion Pt: LOT 3 (SENWSE)

Sec 7 T 57N R 01W in BONNER

County.

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 1/28/1997

In: BONNER County

T57N R01W S07 Lot (NWSE)

For additional information con-
cerning 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 MARCH
10, 1997.

KARL J. DREHER, Director
SNP#8207 Feb 20, 27, 1997

NOT TO BE FILMED

APR 23 1997

8207

96-08954

MOYLE, MARILYNN M
P O BOX 31
SANDPOINT, ID 838640031

Source: LAKE PEND OREILLE

Tributary: PEND OREILLE RIVER

Diversion Pt: LOT 3 (SEWSE) Sec 7 T 57N R 01W in BONNER County.

Use: DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 1/28/1997

In: BONNER County
T57N R01W S07 Lot 3 (NWSE)

MICROFILMED

APR 23 1997

February 12, 1997

Marilynn M. Moyle
University of Illinois CVM
1102 West Hazelwood Drive
Urbana IL 61802

Re: Water Appropriation Application No. 96-08954

Dear Ms. Moyle:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit 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 number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N010931.

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

NOT RECORDED

APR 23 1997

From: DWR50::DBALL 12-FEB-1997 08:48:17.37
To: DBALL, DWR06::"mmoyle@ux1.cso.uiuc.edu"
CC:
Subj: Water Right Application

We have today, 2/12/97, mailed your water right for publication in the Bonner County Daily Bee. It will appear in that newspaper on 2/20 and 2/27/97. A letter of explanation follows.

Dianne Ball, Senior Secretary
Idaho Department of Water Resources
Northern Regional Office
1910 Northwest Blvd., Suite 210
Coeur d Alene ID 83814
(208) 769-1450 FAX: (208) 769-1454

APR 23 1997

APR 23 1997

Marilynn M. Moyle
University of Illinois CVM
1102 West Hazelwood Drive
Urbana, IL 61802
(217) 244-9863 Office
(217) 344-3962 Home

January 20, 1997

State Of Idaho
Department of Water Resources
Northern Region
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

Dear Sir:

Enclosed please find my APPLICATION FOR PERMIT to appropriate the public waters of the State of Idaho and my check for \$50.00 (application fee).

My current address and phone differ from my permanent address shown on the application form. I am a veterinary intern at the University of Illinois and will return to Sandpoint, Idaho, in May. The Sandpoint phone number will not be reactivated until my return. Mail sent to the Sandpoint address will be forwarded to me.

At this time I am uncertain of the proposed diverting works (Question 6). I would appreciate your suggestion and will comply when work at the site commences.

Thank you in advance for your assistance with this application. I look forward to building my home on the shores of Lake Pend Oreille.

Sincerely,



MARILYNN M. MOYLE, DVM

Enclosures

RECEIVED
JAN 23 1997