

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07831

Priority: May 17, 2004

Maximum Diversion Rate: 0.02 CFS

This is to certify, that MARC PAULSEN And
MARIANNE SHEA PAULSEN
PO BOX 87
EASTPORT ID 83826

has applied for a permit to appropriate water from:

Source: MOYIE RIVER

Tributary: KOOTENAI 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	04/15 to 10/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

MOYIE RIVER L1 (NE1/4NE1/4) Sec. 3, Twp 64N, Rge 02E, B.M.
BOUNDARY 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	
64N 02E 3	1.0																1.0
	L 1																

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2005**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. Water shall not be diverted under this right when flows in the Moyie River are below established minimum flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22ND day of July, 2004.


for KARL J DREHER, Director

RECEIVED
JUL 21 2004
Department of Water Resources

11269

Ident. No. 98-1831

RECEIVED
MAY 17 2004
IDWR/North

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant MARC PAULSEN, MARIANNE SHEA PAULSEN Phone (208) 267-7501
Mailing address P.O. BOX 87, EAST PORT, ID. 83826

2. Source of water supply MOYIE RIVER which is a tributary of KOOTENAI RIVER

3. Location of point of diversion is Township 64N Range 02E Sec. 3 in the NE $\frac{1}{4}$,
NE $\frac{1}{4}$, Govt. Lot 1, B.M., BOUNDARY County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 cfs for LAWN IRRIGATION purposes from MAY 1 to OCT-30 (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) .02 and/or (b) _____
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 CENTRIFUGAL PUMP 1 inch suction, 3/4 inch discharge, 15 FT Long suction hose with strainer on end to lay in river bed.

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? N/A; Drilling firm N/A;

Well was drilled for (well owner) N/A; 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):

- 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. _____
- Other; describe fully. _____

Legal description of property:

All that part of Lot One (1), Section Three (3), Township Sixty-Four (64) North, Range Two (2) East, B.M., Boundary County Idaho, lying North and West of the Moyie River and East of the Pacific Gas Transmission right of way as it existed August 9, 1968.

3. 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64N	02E	3	#1																#1

Total number of acres to be irrigated 1

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

- Who owns the property at the point of diversion? MARC PAULSEN, MARIANNE SHEA PAULSEN
- Who owns the land to be irrigated or place of use? MARC PAULSEN, MARIANNE SHEA PAULSEN
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

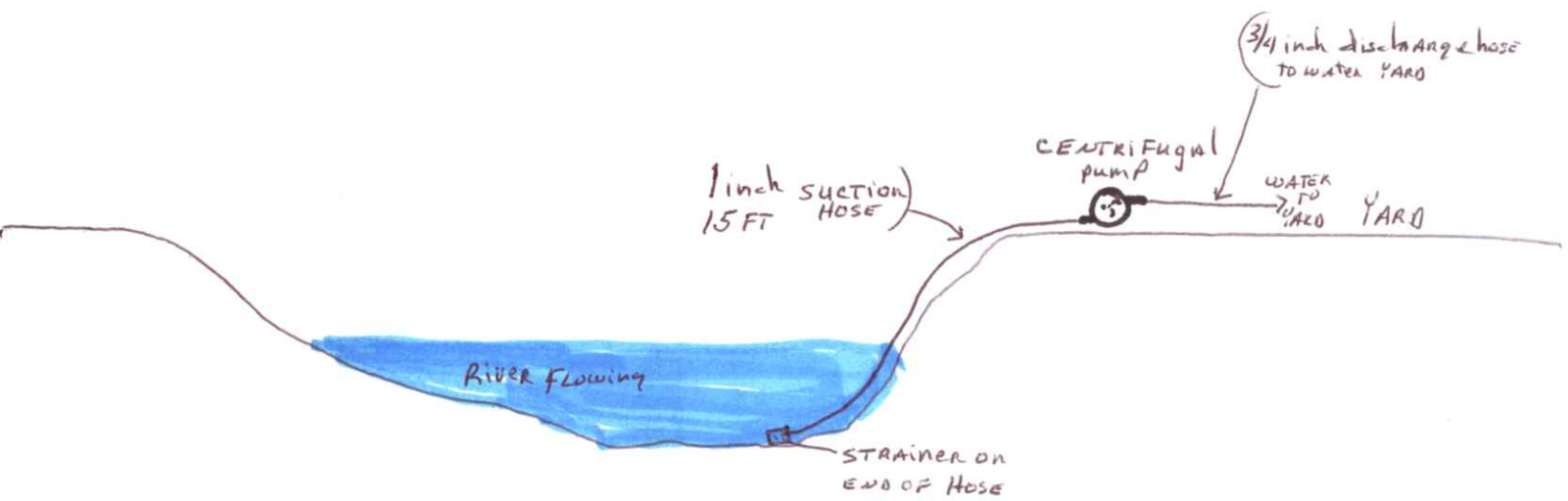
12. Remarks: SEEKING A WATER RIGHT PERMIT TO PUMP WATER OUT OF THE MOJIE RIVER TO WATER MY LAWN AREA OF APPROXIMATELY 1 ACRE (ACTUALLY LESS THAN 1 ACRE). ACTUAL IRRIGATION DEPENDS ON NATURAL PRECIPITATION DURING MAY, JUNE AND OCT. WOULD PROBABLY WATER LAWN AREA TWO TIMES PER WEEK DURING JULY, AUG. AND SEPT. NO DIVERSION STRUCTURE IS REQUIRED, A ONE INCH SUCTION HOSE WITH STRAINER WOULD BE USED TO PUMP OUT OF THE RIVER. \$100.00 CHECK IS ENCLOSED.

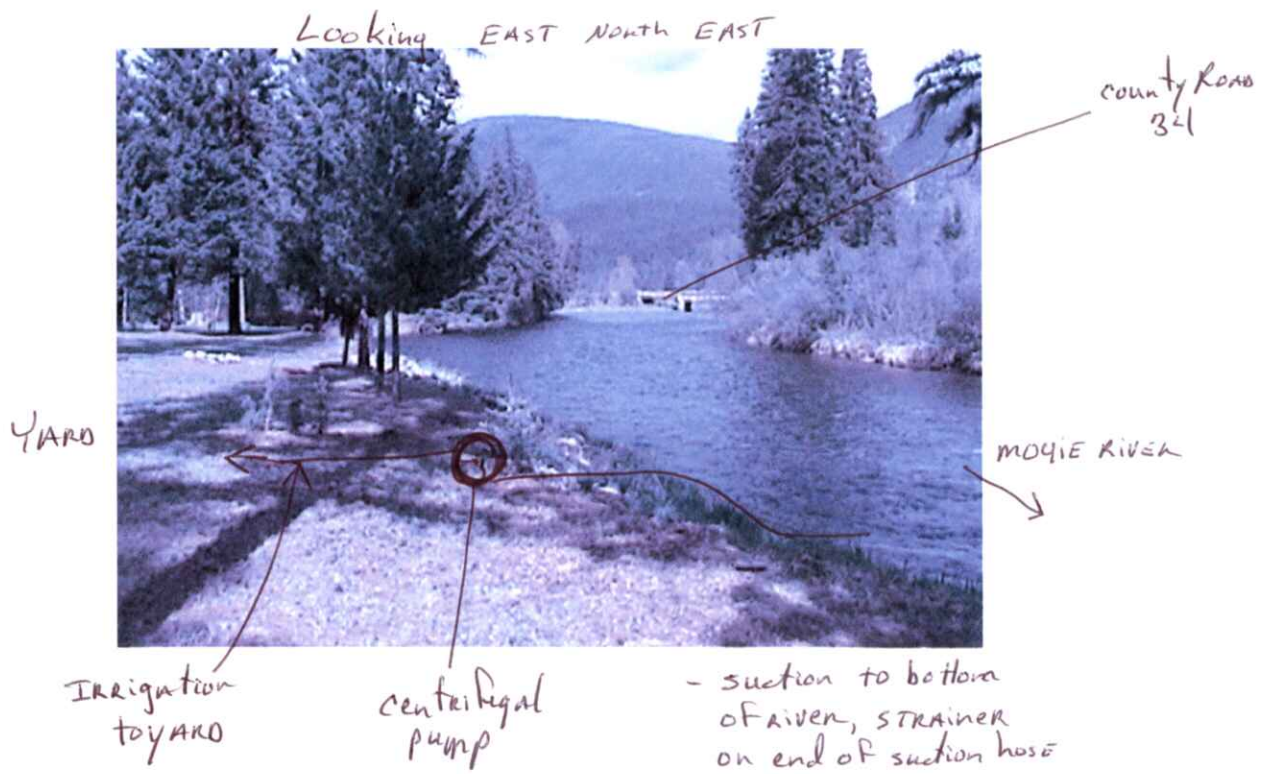
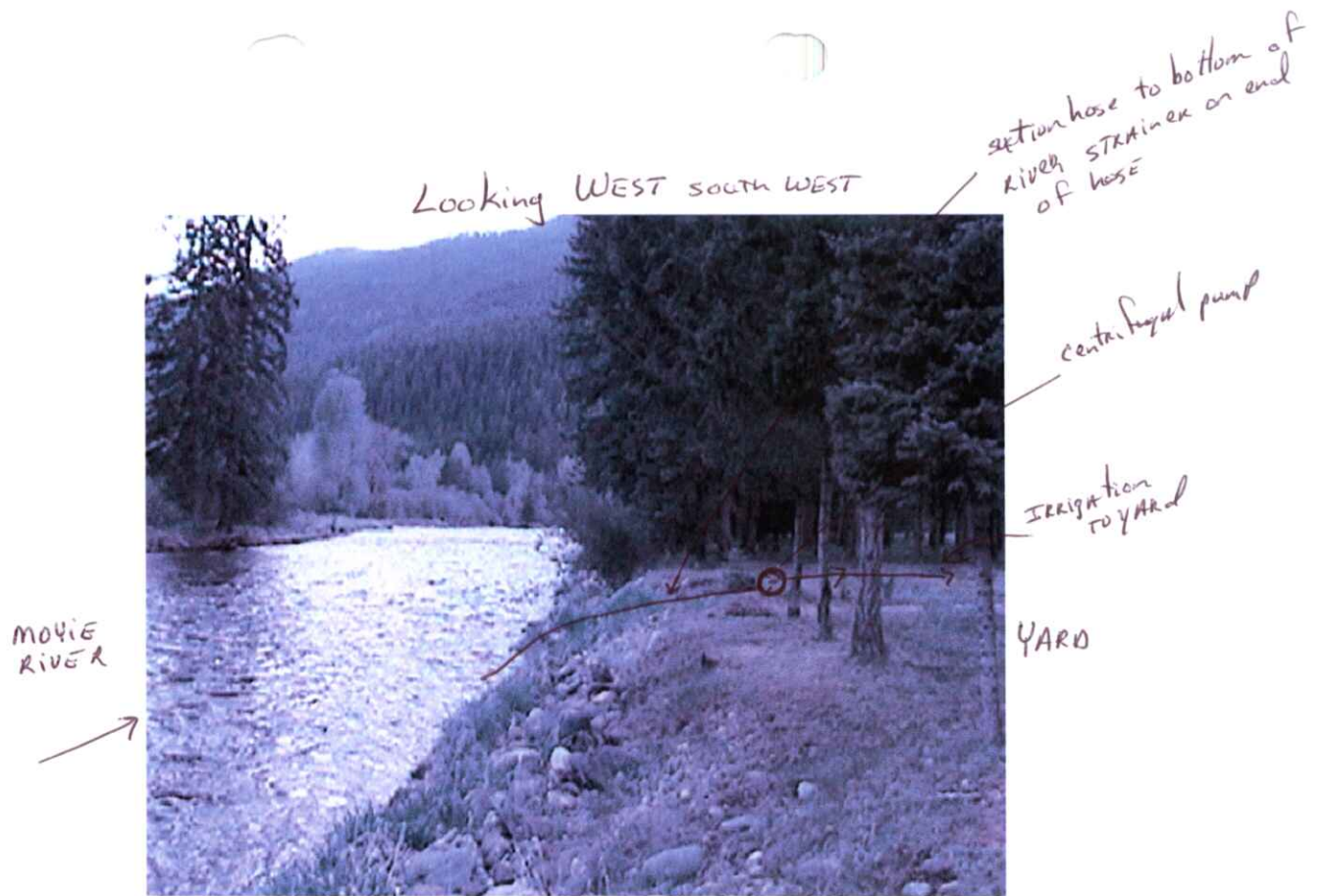
- MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

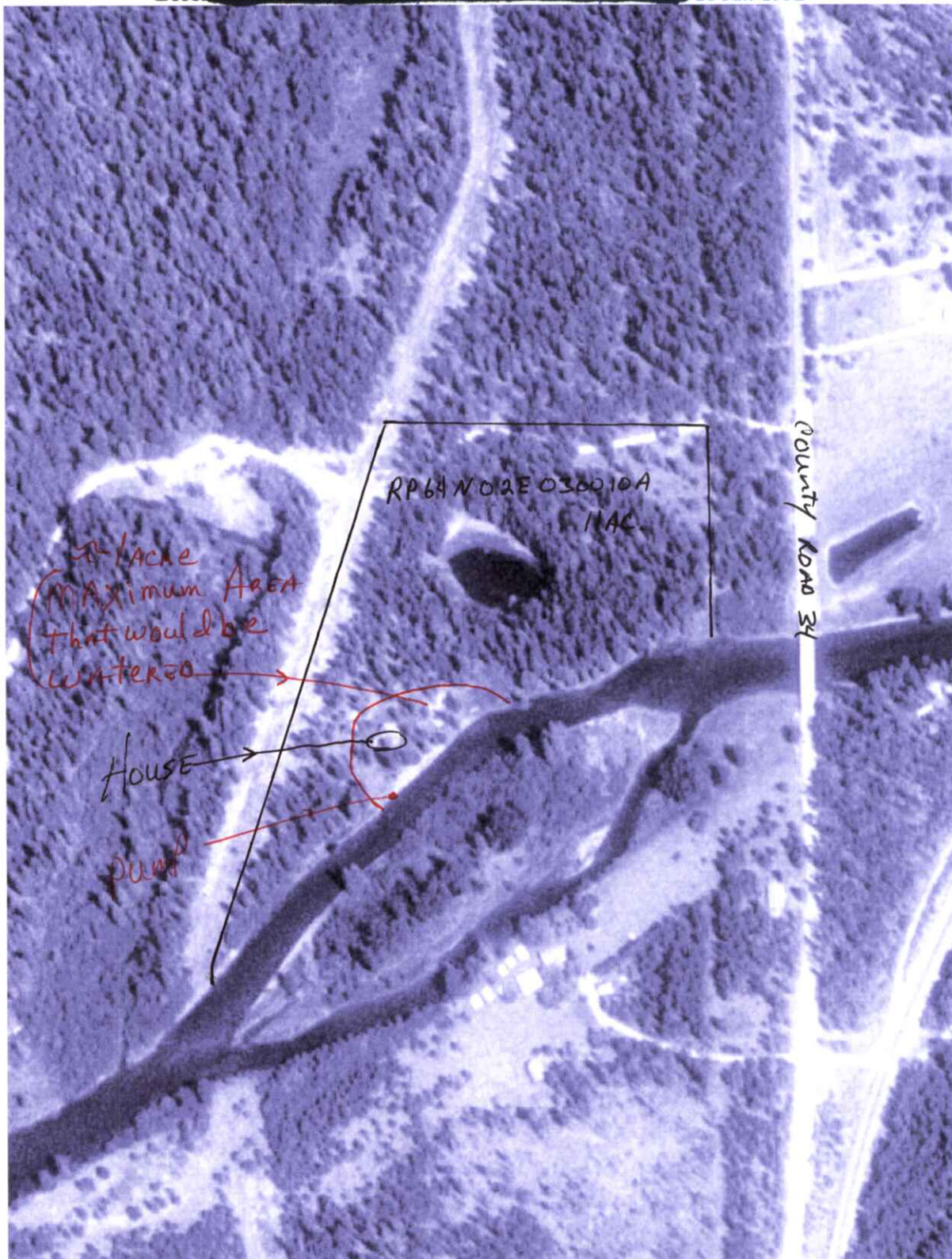
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Marc Paulsen Marianne Shea Paulsen
Signature of Applicant (and title, if applicable)

Received by db Date 5/17/04 Time 1:15 P Preliminary check by REST
Fee \$ 100.00 Receipted by db # N016275 Date 5/17/04
Publication prepared by db Date 5/26/04 Published in Banner, Ferry News on 4/30/04
Publication approved db Date 6/17/04







0 100M

0 100yd

Image courtesy of the U.S. Geological Survey

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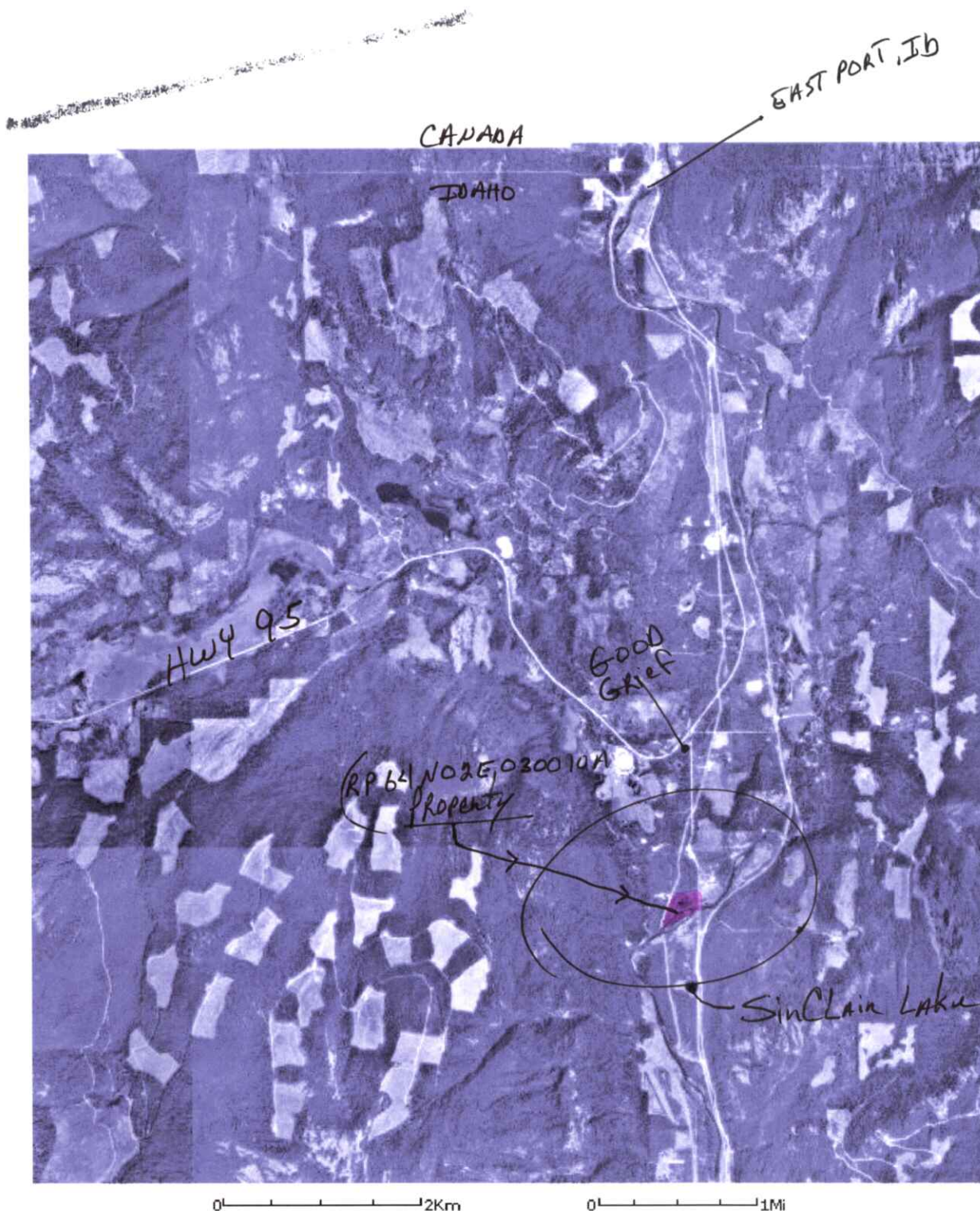


Image courtesy of the U.S. Geological Survey

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**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

July 22, 2004

MARC PAULSEN
MARIANNE SHEA PAULSEN
PO BOX 87
EASTPORT ID 83826

RE: Permit No. 98-7831

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.

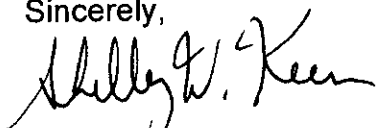
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" being clearly legible.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

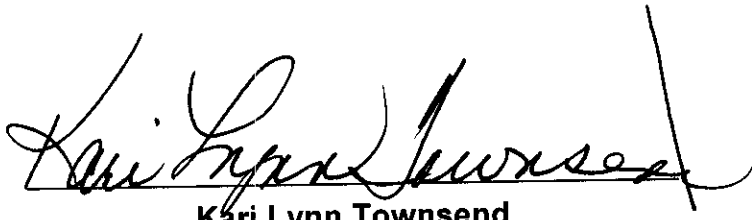
CERTIFICATE OF SERVICE

I hereby certify that on July 22, 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.

98-7831

**MARC PAULSEN
MARIANNE SHEA PAULSEN
PO BOX 87
EASTPORT ID 83826**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

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

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.

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.

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.

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.

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

98-7831

1. E Retelle 7/21/2004 review of Application for Permit
Comment: Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Carol Arthur

being first duly sworn on oath deposes and says that

he/she is ad manager

of the Bonners Ferry Herald, a newspaper printed and published at Bonners Ferry, Boundary County, Idaho;

that the said newspaper has been continuously and uninterruptedly published in said Boundary County during a period of 12 months prior to the first publication of the

hereto attached notice of publication in the case of:

5299 Water Right
Paulsen

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

said paper for a period of 2 consecutive weeks,

commencing on 3 day of June, 2004

and ending on the 10 day of June, 2004

and that said notice was published in said newspaper.

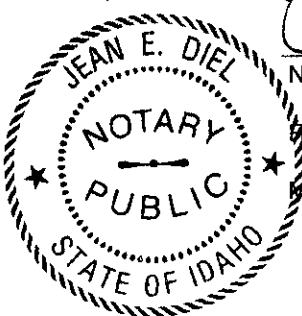
On the 10 day of June in the year of 2004, before me, a Notary Public, personally appeared Carol A. Arthur

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.



Jean E. Diel
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 1/22/2008

RECEIVED
JUN 18 2004
IDWR/North

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

98-7831

MARC PAULSEN

MARIANNE SHEA PAULSEN

PO BOX 87

EASTPORT ID 83828

Point(s) of Diversion L1 (NENE) S3

T64N R02E BOUNDARY County

Source MOYIE RIVER Tributary To

KOOTENAI RIVER

Use: IRRIGATION 5/01 To 10/30 0.02

CFS

Total Diversion: 0.02 CFS

Date Filed: 05/17/2004

Place Of Use: IRRIGATION T64N

R02E S3 NENE Lot 1

Number of Acres 1

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 06/21/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 5299

Published on June 3 and 10, 2004

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

98-7831

MARC PAULSEN
MARIANNE SHEA PAULSEN
PO BOX 87
EASTPORT ID 83826

Point(s) of Diversion L1 (NENE) S3 T64N R02E BOUNDARY County
Source MOYIE RIVER Tributary To KOOTENAI RIVER

Use: IRRIGATION 05/01 To 10/30 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 05/17/2004

Place Of Use: IRRIGATION T64N R02E S3 NENE Lot 1
Number of Acres 1

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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KARL J DREHER, Director

Published on June 3 and 10, 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

May 26, 2004

- PLEASE FAX PROOF PRIOR TO PUBLICATION -

CAROL ARTHUR &/OR JEAN DIEL
LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

RE: Application for Permit No. 98-7831

Dear Carol &/or Jean:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 3 and 10, 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 06/21/2004. Your cooperation is GREATLY appreciated, as always.

I hope you have a marvelous day.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

To: Legal Notices-BFHerald (E-mail)

Subject: Legal Notice for publication on June 3 and 10, 2004

Good afternoon Carol & Jean,

Attached is a cover letter, and a legal notice for publication on June 3 and 10, 2004.

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION.

I trust you are having a lovely day in Bonners Ferry!

If you have ANY questions concerning this requested publication, please call me at 208-769-1450.

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

5/26/2004



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 26, 2004

MARC PAULSEN
MARIANNE SHEA PAULSEN
PO BOX 87
EASTPORT ID 83826

RE: Application for Permit No 98-7831

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 Bonners Ferry Herald on June 3 and 10, 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, reading 'Allen Beardslee'.

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N016275



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 25, 2004

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

FAXED TO MARY 6 PAGES TOTAL

Application to Permit No. 98-7831

Dear Mary:

Following this letter 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 submit your comments by e-mail to dball@idwr.state.id.us, with copy to applicant.

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)