

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09200

Priority: June 28, 2004

Maximum Diversion Rate: 0.12 CFS

This is to certify, that GARY REICH And ALANA REICH
53 E KYLE RD
PRIEST RIVER ID 83856

have applied for a permit to appropriate water from:

Source: PEND OREILLE RIVER**Tributary:** COLUMBIA 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>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	04/01 to 10/31	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:PEND OREILLE RIVER L4 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 3, Twp 55N, Rge 04W, B.M. BONNER County**PLACE OF USE:** DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N 04W 3																	X L 4

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	
55N 04W 3																	4.0 L 4

Total Acres: 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
6. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09200

CONDITIONS OF APPROVAL CONTINUED

7. This right does not grant any right-of-way or easement across the land of another.

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 May, 2005.

Karl J Dreher
for KARL J DREHER, Director

* See Note @ Bottom of Page!

FORM 202

71552

Ident. No.

96-9200
RECEIVED 12/99

RECEIVED

JAN 31 2005

RECEIVED
JAN 3 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

Department of Water Resources

appropriate the public waters of the State of Idaho

RECEIVED

JUN 22 2004
DEPARTMENT OF WATER RESOURCES

IDWR/North

1. Name of Applicant GARY and Alana REICH Phone (208) 448-0688
Mailing address 53 E. Kyle Rd. Priest River, Idaho 83856
2. Source of water supply Pend Oreille River which is a tributary of Columbia
3. Location of point of diversion is Township 55N Range 4W Sec. 3, in the NE 1/4, SE 1/4, 1/4, Govt. Lot 4, B.M., Boaner County;

additional points of diversion if any:

4. Water will be used for the following purposes:

- Amount .04 for domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .08 for irrigation purposes from Apr 1 to Oct 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) .12 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 _____
2 Hp pump, 2 pipe lines to home

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 _____ 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. One @ this time & 1 home

☒ e. Other; describe fully. Irrigation: Tree Farm

* NOTE: A "Claim To Water Rights" is also being
filed at this time

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	
55N	4W	3													4				4
		3													D				

Total number of acres to be irrigated 4/

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

Domestic and Irrigation to home and property for Tree Farm (Claim to Water Rights also)

11. a. Who owns the property at the point of diversion? *GARY + ALANA REICH filed at this time.*

b. Who owns the land to be irrigated or place of use? *GARY + ALANA REICH*

RP 55 NO 4W 037385A - NESE SW 4

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: *This property has been in the family since February 1968 and has been using domestic irrigation water diverted from Bend Oreille River since February 1968. A "Claim" is also being filed at this time, For Tax Lots 12, 28, 33, 41 + 42*

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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.

Alana Reich
Signature of Applicant (and title, if applicable)

Received by *M* Date *6-28-04* Time _____ Preliminary check by _____
 Fee \$ *100.00* Received by *M* # *CD-74319* Date *6-28-04*
 Publication prepared by *CD* Date *7/29/04* Published in *Forest River Times 10/6 + 13/05*
 Publication approved *SR* Date *11/4/04*

Aerial Photography

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Select Area

or **Click on your area of interest**

TOOL BOX

☐ Zoom In

☒ Zoom Out

☐ Re-center

☐ Zoom to a State

☐ 24k Quad

Info

☐ Census Info

☐ View 8-Meter Imagery

☐ View U.S.

Base Map*

☒ Vector

☐ Satellite

☐ DEM

☐ 24K Topo

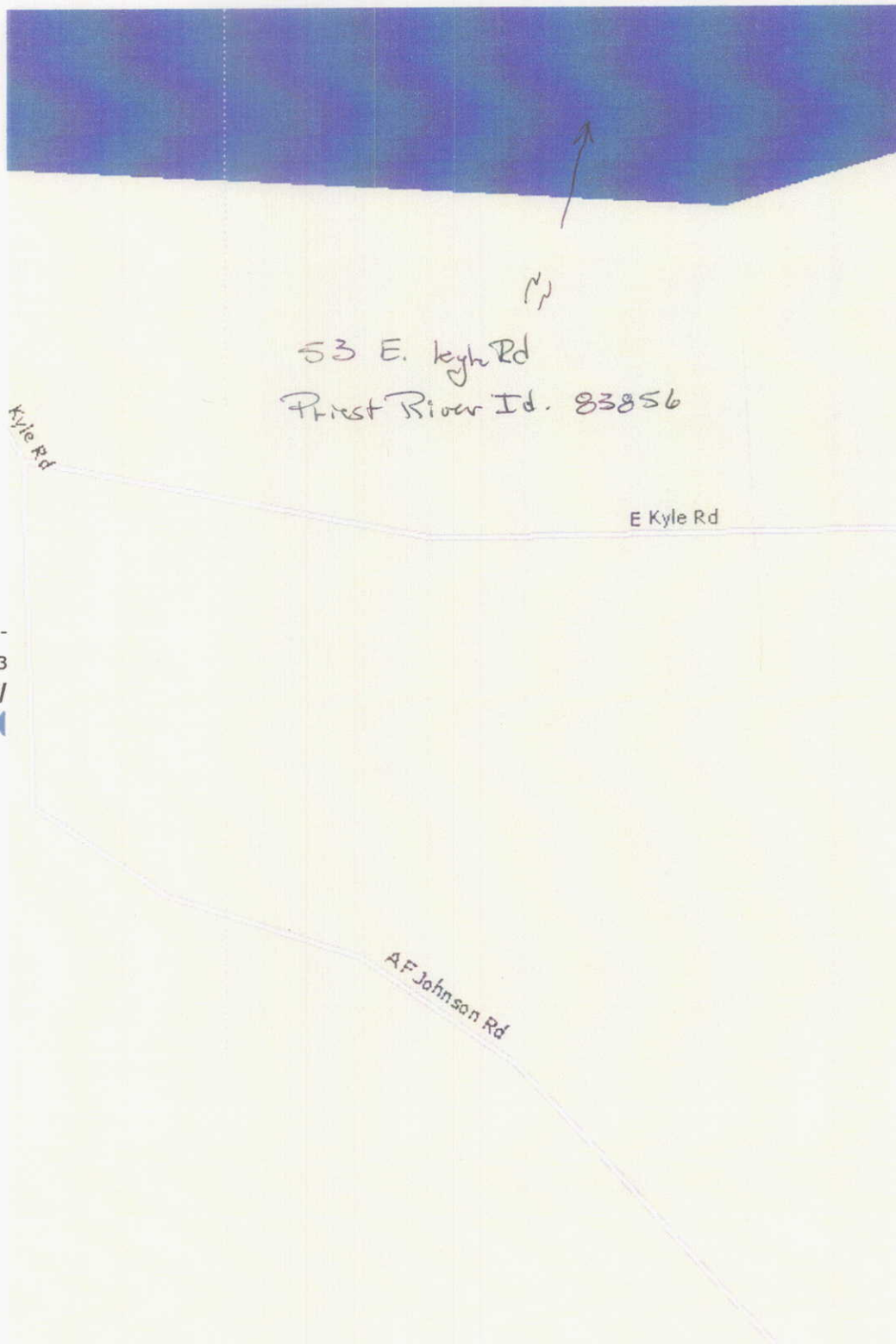
☐ LULC

☐ Aerial 1 M

☐ Aerial 1 Ft

☐ **Display Coordinates**
Map Width: .39 miles

* - Changing the Base Map does not affect the data that you are ordering





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69 km NE of Spokane, Washington, United States 01 Jul 1968



2 meter resolution

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USGS Aerial Photo 9 Jun 1998

Partners:



Waterproof Map

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House and Home:

Schools, Crime and Demographics for 83856

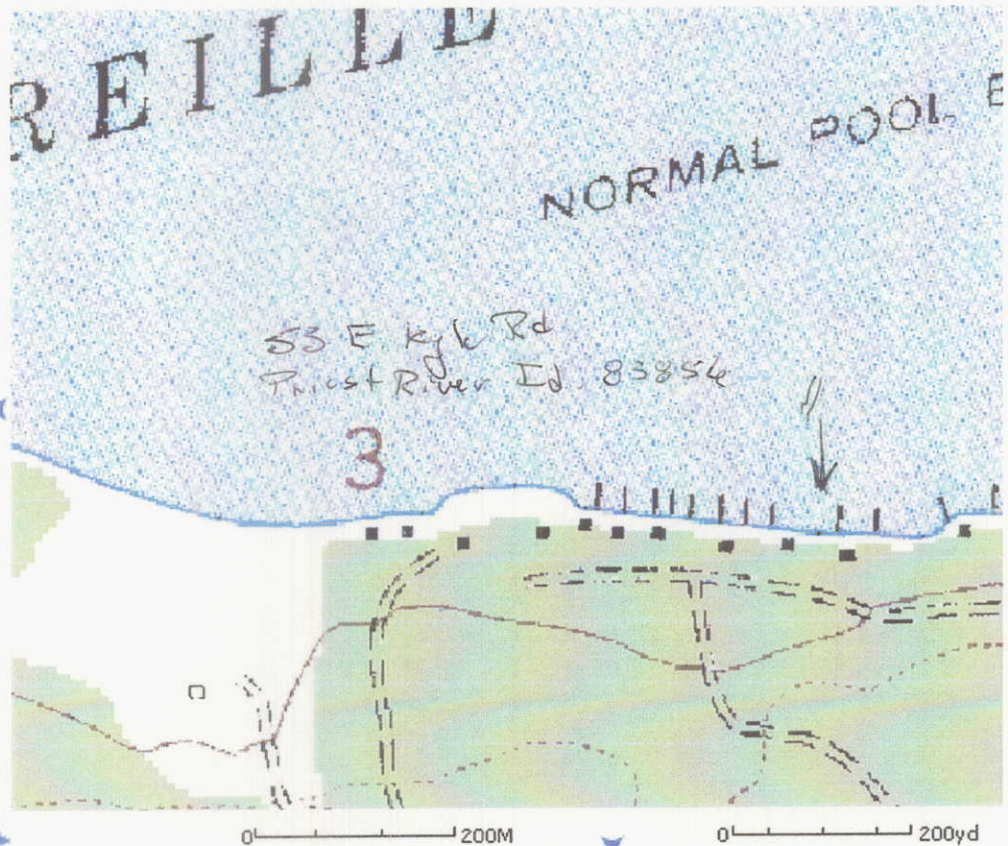


Image courtesy of the U.S. Geological Survey

Source=298749 Center=(-116.8145,48.1429) 156ms Running Time

53 E. Kyle Rd. Priest River, Id.
83856

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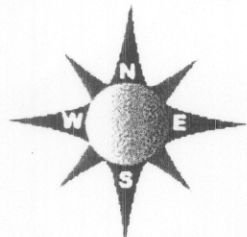
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Home Image

Navigate

View:

50 km SW of Saanich, British Columbia, Canada 09 Jun 1998



1 meter resolution



Map Size:

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Other Imagery:

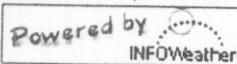
Partners:



Waterproof Map

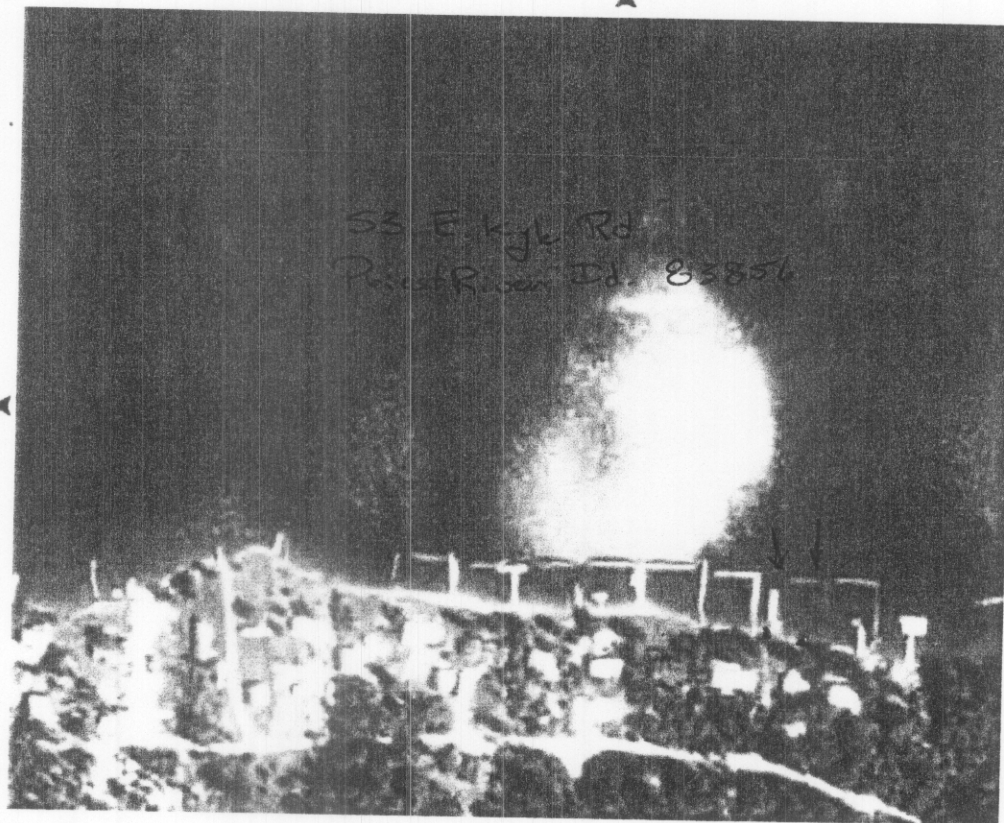
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Click to get
Weather Forecast
Maps for this point



House and Home:

☐ Schools, Crime and
Demographics for 83856



0 100M

0 100yd

Image courtesy of the U.S. Geological Survey
Source=239206 Center=(-116.8131,48.1438) 16ms Running Time



Picture taken 1969

Pump house on property on February 1968.

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 17, 2005

GARY REICH
ALANA REICH
53 E KYLE RD
PRIEST RIVER ID 83856

RE: Permit No. 96-9200

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.

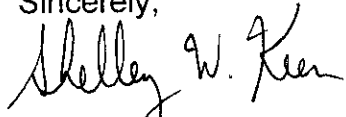
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 at 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 208-287-4947.

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)

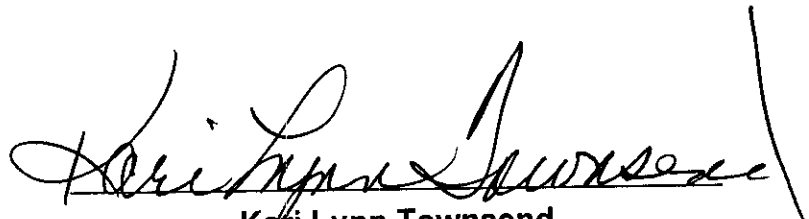
CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2005 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.

96-9200

**ALANA REICH
GARY REICH
53 E KYLE RD
PRIEST RIVER ID 83856**



**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.

MEMORANDUM

RECEIVED

MAY 13 2005

Department of Water Resources

Date: May 10, 2005
To: Application for Permit #96-9200 File
From: Bob Haynes
Re: Minimum Stream Flow

This application is in the slack waters above Albeni Falls Dam. The Permit can be approved because it will not affect the minimum flows of MSF 96-8730.

Comment Report

96-9200

RECEIVED
FEB 28 2005
IDWR/North

1. dball 9/21/2004 Legal Notice Remarks

Comment: Domestic use is for 1 home.

2. dball 10/19/2004 9:33:05 AM Comment Letter Notes

Comment: WHO: IDF&G - Mary Terra-Berns, Environmental Staff Biologist

RESPONSE: Conditional Recommendation

DATE RECEIVED: 10/18/2004

If line and pump are placed in creek and excavation is necessary, we recommend applicants be required to install lines during low water when underwater excavation will be minimized.

Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Water intakes should be screened with maximum mesh size of 0.25 inches to prevent entrainment of fish; approach velocities not to exceed 0.5 ft per second to prevent losses of juvenile fish.

Preferable to place pumps on land rather than in water.

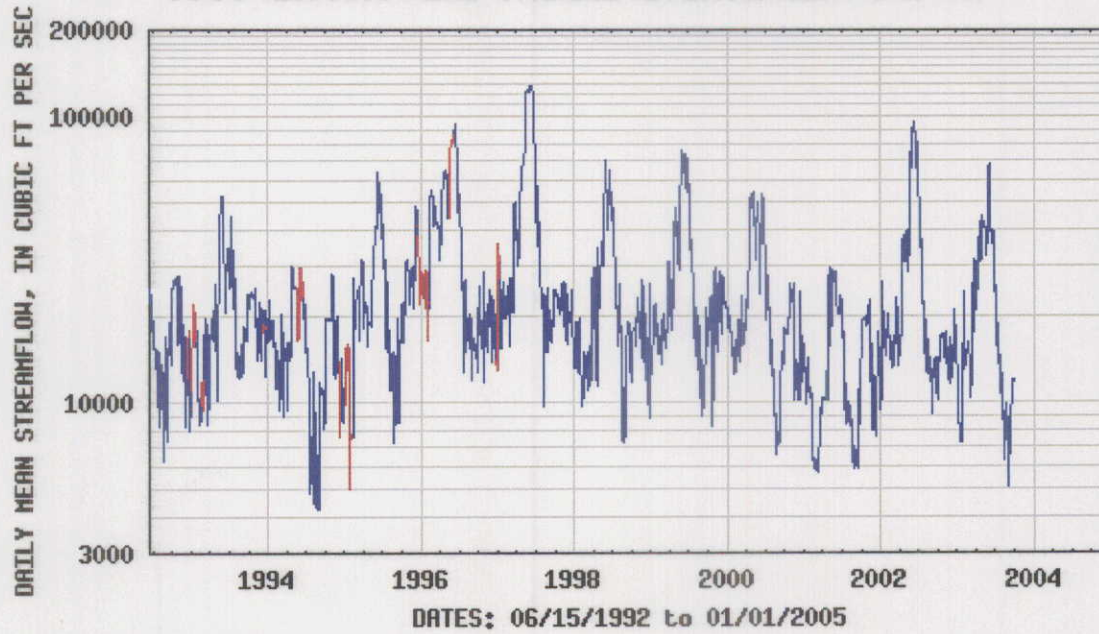
Applicant should obtain necessary encroachment permits from IDL before installing water lines and pumps in state waters.

3. kwalker 2/8/2005 Permit Review

Comment: Application is upstream of MSF 96-8730. Needs further review.



USGS 12395500 PEND OREILLE RIVER AT NEWPORT WA



EXPLANATION

— DAILY MEAN STREAMFLOW

— ESTIMATED STREAMFLOW

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 96-8730

WATER RIGHT NUMBER: 96-8730

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 83720 BOISE, ID 83720-0098 (208)287-4800

Priority Date: 06/15/1992

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
PEND OREILLE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINIMUM STREAM FLOW	1/01 to 12/31	10,655.000 CFS	
	<u>Total Diversion:</u>	10,655.000 CFS	

Location of Point(s) of Diversion

PEND OREILLE RIVER	SW1/4SW1/4	Sec. 13, Twp 56N, Rge 06W, B.M.
BONNER County	(Ending of Reach)	
PEND OREILLE RIVER	NW1/4NW1/4	Sec. 24, Twp 56N, Rge 06W, B.M.
BONNER County	(Ending of Reach)	
PEND OREILLE RIVER	NW1/4SW1/4	Sec. 13, Twp 56N, Rge 06W, B.M.
BONNER County	(Ending of Reach)	
PEND OREILLE RIVER	NW1/4SW1/4	Sec. 24, Twp 56N, Rge 06W, B.M.
BONNER County	(Ending of Reach)	
PEND OREILLE RIVER	NW1/4NW1/4	Sec. 29, Twp 56N, Rge 05W, B.M.
BONNER County	(Beginning of Reach)	
PEND OREILLE RIVER	SW1/4NW1/4	Sec. 24, Twp 56N, Rge 06W, B.M.
BONNER County	(Ending of Reach)	

Place of Use

Conditions of Approval:

1. 027 Use of water under this right shall be non-consumptive.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 96-8730

1. General Establishment of a minimum flow on the Pend Oreille River in the requested reach shall serve to protect water released from Albeni Falls Dam as it flows through the requested reach at rates up to the established flow, but shall not directly or indirectly cause any change in the operation of Albeni Falls Dam.
 Upon the future finding and order of the Director that gaging stations are required to maintain the approved minimum stream flow, the right holder shall permanently install and maintain gaging stations as specified by the department.
 The Director retains jurisdiction, as described below, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.
 This minimum stream flow begins at Albeni Falls Dam in the NWNW, S29, T56N, R5W and ends 2.4 miles downstream at the state line on the west side of Sections 13 and 24, T56N, R6W.
 This minimum stream flow is for the protection of fish and wildlife habitat, aquatic life and recreational values.

Comments:

1. CZIMMERM 2/18/1998 DIVERSION DESCRIPTION
 Comment: From Albeni Falls Dam to the Idaho/Washington state line.
2. VAULT 9/8/1998 Proof of Beneficial Use Rcvd
 Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Licensed Date: 2/19/1999
 Decreed Date:
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

**IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION APPLICATION ANALYSIS SHEET**

W.R. # 96-9200

APPLICATION ID # 71552
INITIAL REVIEW

ENT. 9/27/04 BCA 9/27 OK to Publish 9/27
104

APPLICANT: Leich BY: 10 DATE: 8/5/04

- ITEM REQUIRED INFORMATION**
1. ☒ Name and Address
 2. ☒ Source
 3. ☒ Point of Diversion & County
 4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
 5. ☒ Total Quantity
 6. ☒ Description of diverting works
 7. ☒ Time required for b/u
 8. ☒ Proposed use
 9. ☒ Place of use or acres irrigated
 10. ☒ Other water Rights
 11. ☒ Ownership
 12. ☒ Map
☒ Signature
☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION
(Yes)(No)

☐ **Shape File Created** Date _____ By: _____
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached (>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING
(Yes)(No)

PRIORITY DATE: 6/28/04

☐ (Include Moratorium Remark)

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

PT/Wed

ADVERTISE IN:

Bonner

County

RECEIVED

NOV 3 1 2005

Department of Water Resources

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:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()

- ☐ Groundwater management area
☐ Critical ground water area
☐ Well Drilling Permit required
☐ Well Drilling Application and Fees received
☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

☐ Notice of pending void order issued. Final order response date: _____/_____/_____
☐ Further information required from applicant
☐ Affidavit of publication received
☐ Application published correctly. If not, record action taken: _____

☐ Publication dates and paper recorded on application
☐ Protests received, Final protest date: 10/25/04 | Sr. Agent initial _____
☐ Measuring device required
☐ Measuring port required
☐ Special conditions: _____
☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: _____/_____/_____

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Tenn Julie

_____ 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:

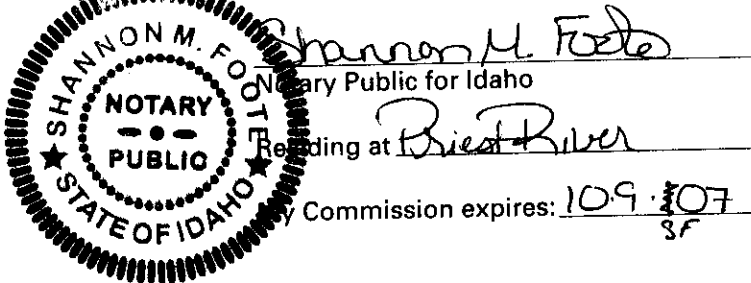
App # 96-9200 - Reich

App # 97-7438 - Green

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 6th day of October, 2004
and ending on the 13th day of October, 2004
and that said notice was published in said newspaper.

On this 13th day of October in the year
of 2004, before me, a Notary Public, personally
appeared Tenn Julie,

known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true and acknowledged to me that he executed the same.



RECEIVED
NOV 03 2004
IDWR/North

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

96-9200

GARY REICH
ALANA REICH
53 E KYLE RD
PRIEST RIVER ID 83856
Point(s) of Diversion L4 (NESE) S3 T55N R04W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER
Use: IRRIGATION 04/01 To 10/31 0.08 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.12 CFS
Date Filed: 06/28/2004
Place Of Use: IRRIGATION T55N R04W S3 NESE Lot 4
Number of Acres 4
Place Of Use: DOMESTIC same as IRRIGATION
Remark: Domestic use is for 1 home.
97-7438

RICHARD GREEN
CAROL GREEN
809 E THIRD AVE
ODESSA WA 99159
Point(s) of Diversion SESE S24 T56N R05W BONNER County
Source PRIEST RIVER Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 07/12/2004
Place Of Use: IRRIGATION T56N R05W S24 SESE
Number of Acres 0.5
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/25/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 613581
October 6, 13, 2004



RECEIVED

OCT 18 2004

IDAHO FISH AND GAME

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

IDWR/North

*E. on computer
10/19/04
b*

Dirk Kempthorne/Governor
Steven Huffaker/Director

October 18, 2004

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

Via email to Dianne Ball:

REFERENCE: 96-9200; GARY & ALANA REICH

We have reviewed the above named application to withdraw, from the Pend Oreille River, .04 cfs for domestic use and .08 cfs for irrigation from April 1 to October 31.

We have no specific objections or comments about the above applications. However, water lines and pumps are an encroachment in lakes and rivers, which can be detrimental to fish and fish habitat.

If a line and pump are placed in the creek and excavation is necessary, we recommend that applicants be required to install the lines during low water when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. The pump should be screened to prevent entrainment of fish; the maximum screen mesh size should be 0.25 inches. In addition, pump approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish. It would be preferable to place pumps on land rather than in the water.

The applicant should obtain necessary encroachment permits from Idaho Department of Lands before installing water lines and pumps in state waters.

Thank you for the opportunity to comment.

Mary Terra-Berns
Environmental Staff Biologist

C: IDFG NRPB, Boise; File



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

September 29, 2004

GARY REICH
ALANA REICH
53 E KYLE RD
PRIEST RIVER ID 83856

RE: Application for Permit No 96-9200

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 October 6 and 13, 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 twelve weeks.

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

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. C074319



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 29, 2004

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

e-mailed to Shannon at prtimes@cdapress.com

RE: Applications for Permit Nos. 96-9200 and 97-7438

Dear Shannon:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, October 6 and 13, 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 10/25/2004. Your cooperation is, as always, GREATLY appreciated.

Thanks and have a marvelous day.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 29, 2004 11:06 AM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal notice for publication on October 6 and 13, 2004

Good morning, Shannon,

Attached is a copy of our cover letter requesting publication on October 6 and 13, 2004 of a legal notice, also attached. If you need a faxed copy for confirmation, please let me know.

PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION at 208-769-1454. If you have ANY questions, please call me at 208-769-1450.

Thanks very much and have a marvelous day,



May your day be filled with wonder and beauty.

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**

9/29/2004

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

96-9200

GARY REICH
ALANA REICH
53 E KYLE RD
PRIEST RIVER ID 83856

Point(s) of Diversion L4 (NESE) S3 T55N R04W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER

Use: IRRIGATION	04/01 To 10/31	0.08 CFS
Use: DOMESTIC	01/01 To 12/31	0.04 CFS
Total Diversion:		0.12 CFS

Date Filed: 06/28/2004

Place Of Use: IRRIGATION T55N R04W S3 NESE Lot 4

Number of Acres 4

Place Of Use: DOMESTIC same as IRRIGATION

Remark: Domestic use is for 1 home.

97-7438

RICHARD GREEN
CAROL GREEN
809 E THIRD AVE
ODESSA WA 99159

Point(s) of Diversion SESE S24 T56N R05W BONNER County
Source PRIEST RIVER Tributary To PEND OREILLE RIVER

Use: IRRIGATION	03/15 To 11/15	0.02 CFS
Total Diversion:		0.02 CFS

Date Filed: 07/12/2004

Place Of Use: IRRIGATION T56N R05W S24 SESE

Number of Acres 0.5

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/25/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on October 6 and 13, 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

September 27, 2004

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

FAXED TO MARY 9/27/04
4 pages total

Application to Permit No. 96-9200

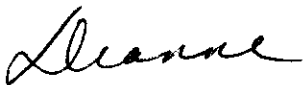
STATE OF IDAHO :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

You may send comments by e-mail to dball@idwr.state.id.us

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

Sincerely, 

Dianne Ball
Administrative Assistant

Enclosure(s)



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

August 5, 2004

Gary & Alana Reich
53 E. Kyle Rd.
Priest River, ID 83856

Re: Claim to a Water Right Filing

Dear Mr. and Mrs. Reich:

You recently submitted an Application for Permit and a Claim to a Water Right for irrigation and domestic use of water from the Pend Oreille River. The claim is being returned to you and I have requested our Fiscal Section to refund the claim filing fee; you will receive the refund under separate cover.

While the claim allows you to identify an earlier priority, statutory claims stand at the end of the line in times of water use curtailment, no matter what date of priority is claimed. Claims have to be confirmed through an adjudication process and then decreed by a court of law. That process only occurs when water delivery becomes an issue and it is determined that such an adjudication is necessary. At the end of the permit process, on the other hand, you will be issued a water right license based on the development we find at the time of our field inspection.

Please give me a call if you have any questions.

Sincerely,

Al Beardslee
Sr. Water Resource Agent

Enclosure