

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09162

Priority: August 21, 2003

Maximum Diversion Rate: 0.04 CFS

This is to certify, that EUGENE MAW And ROBIN MAW
PO BOX 416
LACLEDE ID 83841

have 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	0.04 CFS

LOCATION OF POINT OF DIVERSION:

RILEY CREEK NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, Twp 56N, Rge 04W, 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 04W 1																	6.0	6.0

Total Acres: 6

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2006**.
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. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of February, 20 04.


Acting for KARL J DREHER, Director

70917

Ident. No. 96-9162

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

AUG 21 2003

IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant Engene & Robin Maus Phone 208-263-8229
- Mailing address Box 496 Laclede, ID 83841
2. Source of water supply Riley Creek which is a tributary of Grand Oreille River
3. Location of point of diversion is Township 56N Range 4W Sec. 1, in the 1/4, Tract # 16 1/4, Govt. Lot , B.M., Banner County;
additional points of diversion if any: None
4. Water will be used for the following purposes:
Amount .04 cfs for Irrigation purposes from April 1 to 31 Oct (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) .04 cfs cubic feet per second and/or (b) 471 acre feet per annum
6. Proposed diverting works: Pump mounted in a natural deep basin in creek bed
a. Describe type and size of devices used to divert water from the source 1/2 HP Submersible Pump
b. Height of storage dam 1.5 feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet
c. Proposed well diameter is N/A inches; proposed depth of well is feet
d. Is ground water with a temperature of greater than 85°F being sought? NA
e. If well is already drilled, when? N/A; 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 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW.
 - b. Stockwatering; list number and kind of livestock.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households.
 - e. Other; describe fully.

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	4W	1																	6

Total number of acres to be irrigated 6

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? Eugene + Robin Maw

b. Who owns the land to be irrigated or place of use? Eugene + Robin Maw

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: _____

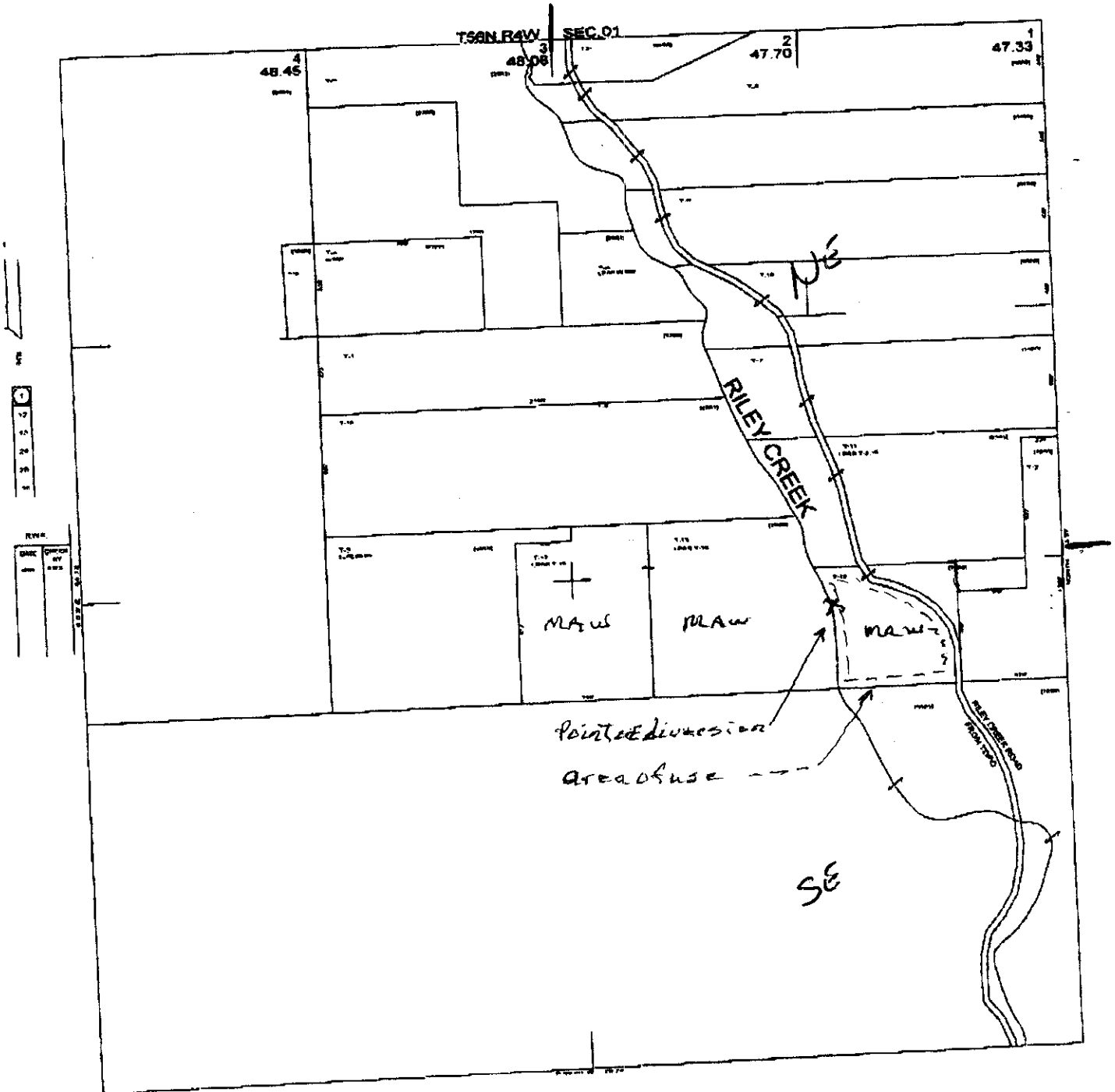
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Eugene Maw
John B. Maw

Signature of Applicant (and title, if applicable)

Received by b Date 8/21/03 Time 1:45p Preliminary check by _____
 Fee \$ 100.00 Receipted by do # N015858 Date 8/21/03
 Publication prepared by b Date 12/11/03 Published in Triest River Times 12/17-24/03
 Publication approved _____ Date _____





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

February 5, 2004

EUGENE MAW
ROBIN MAW
PO BOX 416
LACLEDE ID 83841

RE: Permit No. 96-9162

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.

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.

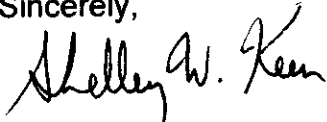
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the 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)

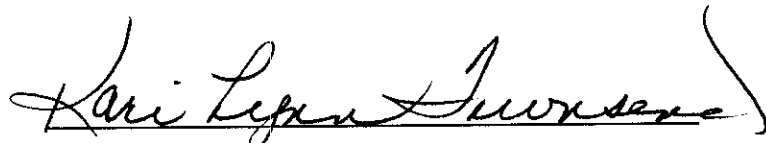
CERTIFICATE OF SERVICE

I hereby certify that on February 5, 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.

96-9162

**EUGENE MAW
ROBIN MAW
PO BOX 416
LACLEDE ID 83841**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Terri Jure

_____ being first duly sworn on oath
deposes and says that he/she is Managing Ed
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:

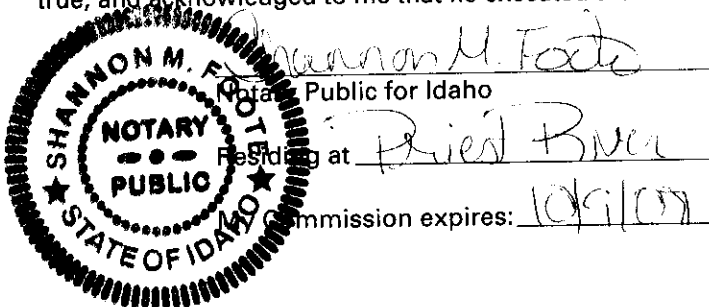
App # 96-9162 - Eugene & Robin Maw

App # 97-7430 - Tina McCurdy

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 17th day of December, 2003
and ending on the 24th day of December, 2003
and that said notice was published in said newspaper.

On this 24th day of December in the year
of 2003, before me, a Notary Public, personally
appeared Terri Jure,

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

JAN 05 2004

IDWR/North

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

96-9162

EUGENE MAW
ROBIN MAW
PO BOX 416
LACLEDE ID 83841

Point(s) of Diversion NESE S1 T56N R04W BONNER County
Source RILEY CREEK Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 08/21/2003
Place Of Use: IRRIGATION T56N R04W S1 NESE
Number of Acres 6

97-7430

TINA MC CURDY
PO BOX 1104

PRIEST RIVER ID 83856
Point(s) of Diversion NENE S7 T56N R04W BONNER County
Source SPRINGS Tributary To SANBORN CREEK
Source SANBORN CREEK Tributary To PRIEST RIVER
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: IRRIGATION STORAGE 03/15 To 11/15 0.5 AFA
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 0.5 AFA
Use: STOCKWATER 01/01 To 12/31 0.03 CFS
Use: STOCKWATER STORAGE 01/01 To 12/31 0.5 AFA
Use: STOCKWATER FROM STORAGE 01/01 To 12/31 0.5 AFA
Use: WILDLIFE STORAGE 01/01 To 12/31 0.5 AFA
Use: RECREATION STORAGE 01/01 To 12/31 0.5 AFA
Use: FIRE PROTECTION STORAGE 01/01 To 12/31 0.5 AFA
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 09/02/2003
Place Of Use: IRRIGATION, IRRIGATION STORAGE and IRRIGATION FROM STORAGE
T56N R04W S7 NENE
Number of Acres 1.5
Place Of Use: ALL OTHER USES same as IRRIGATION
Remark: Recreation use is for fish.
Stockwater use is for 10 head of mixed stock.

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 01/05/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
PRT Legal 612511
Dec. 17, 24, 2003



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

December 11, 2003

EUGENE MAW
ROBIN MAW
PO BOX 416
LACLEDE ID 83841

RE: Application for Permit No 96-9162

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 December 17 and 24, 2003. 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 black ink, reading 'Allen Beardslee'. The signature is fluid and cursive, with a small 'b' or flourish at the end.

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N015858



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

December 11, 2003

LEGAL NOTICE DEPARTMENT

e-mailed to Shannon Foote at
prtimes@cdapress.com

PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856

RE: Application for Permit No. 96-9162 and 97-7430

Dear Shannon:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, December 17 and 24, 2003, (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 01/05/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, December 11, 2003 11:31 AM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal notice for publication on December 17 and 24, 2003

*Good morning, Shannon,
Attached you will find a copy of our cover letter requesting publication of the legal notice on December 17 and 24, 2003, legal notice is also attached below.
As usual, we will appreciate receiving a **PROOF** prior to publication for last minute check.
Have a wonderful and blessed Christmas.*

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

12/11/2003

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

96-9162

EUGENE MAW
ROBIN MAW
PO BOX 416
LACLEDE ID 83841

Point(s) of Diversion NESE S1 T56N R04W BONNER County
Source RILEY CREEK Tributary To PEND OREILLE RIVER

Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 08/21/2003

Place Of Use: IRRIGATION T56N R04W S1 NESE
Number of Acres 6

97-7430

TINA MC CURDY
PO BOX 1104
PRIEST RIVER ID 83856

Point(s) of Diversion NENE S7 T56N R04W BONNER County
Source SPRINGS Tributary To SANBORN CREEK
Source SANBORN CREEK Tributary To PRIEST RIVER

Use: IRRIGATION	03/15 To 11/15	0.03 CFS	
Use: IRRIGATION STORAGE	03/15 To 11/15		0.5 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 11/15		0.5 AFA
Use: STOCKWATER	01/01 To 12/31	0.03 CFS	
Use: STOCKWATER STORAGE	01/01 To 12/31		0.5 AFA
Use: STOCKWATER FROM STORAGE	01/01 To 12/31		0.5 AFA
Use: WILDLIFE STORAGE	01/01 To 12/31		0.5 AFA
Use: RECREATION STORAGE	01/01 To 12/31		0.5 AFA
Use: FIRE PROTECTION STORAGE	01/01 To 12/31		0.5 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.03 CFS	
Total Diversion:		0.03 CFS	

Date Filed: 09/02/2003

Place Of Use: IRRIGATION, IRRIGATION STORAGE and IRRIGATION FROM STORAGE
T56N R04W S7 NENE
Number of Acres 1.5

Place Of Use: ALL OTHER USES same as IRRIGATION

Remark: Recreation use is for fish.
Stockwater use is for 10 head of mixed stock.

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 01/05/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on December 17 and 24, 2003



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

November 20, 2003

RAY HENNEKEY
STATE OF IDAHO DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO RAY 11/20/03

4 pages total

Application to Permit No. 96-9162 - MAW

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of receipt of this request, by December 5, 2003. If you prefer, you may reply by e-mail to dball@idwr.state.id.us.

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

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Enclosure(s)