

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07435

Priority: July 02, 2004

Maximum Diversion Rate: 0.01 CFS

This is to certify, that TERRY W MARIENAU And PAULINE E MARIENAU
2115 N FAIRCHILD DR
MEDICAL LAKE WA 99022

have applied for a permit to appropriate water from:

Source: PRIEST RIVER

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	0.01 CFS

LOCATION OF POINT OF DIVERSION:

PRIEST RIVER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp 56N, Rge 05W, 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 05W 24																	.4
Total Acres:	0.4																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 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 the permit holder had no control.
4. This right when combined with all other rights shall provide no more than 0.01 cfs nor more than 1.1 afa at the field headgate for irrigation of the land described above.
5. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Water shall not be diverted under this right when flows in the Priest River are below established minimum flow amounts.
7. Point of diversion and place of use are located within Lot 4, Blk. 1, Priest River Estates.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of September, 2004.


for KARL J DREHER, Director

RECEIVED

SEP 13 2004

Department of Water Resources

71376

Ident. No.

97-7435

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 02 2004

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant TERRY W. AND PAULINE E. MARIENAU Phone (509) 244-1350
Mailing address 2115 N. FAIRCHILD DR MEDICAL LAKE, WA 99022

2. Source of water supply PRIEST RIVER which is a tributary of PEND OREILLE RIVER

3. Location of point of diversion is Township 56N Range 05W Sec. 24, in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, Govt. Lot _____, B.M., BONNER County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 CFS for IRRIGATION purposes from MAR 15 to NOV 15 (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) 0.02 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 2 HP PUMP WITH 1 1/2" WATER PIPE TO RIVER AND 3/4" PVC PIPES TO SPRINKLER HEADS. DIGITAL TIMER.

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 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. _____

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	
56N	05W	24																.38	

Total number of acres to be irrigated .38

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

11. a. Who owns the property at the point of diversion? TERRY W. AND PAULINE E. MARIENAU
 b. Who owns the land to be irrigated or place of use? TERRY W. AND PAULINE E. MARIENAU
 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: POINT OF DIVERSION AND PLACE OF USE IS
LOT 4, BLOCK 1 OF PRIEST RIVER ESTATES, ALSO KNOWN
AS OSPREY ESTATES.

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

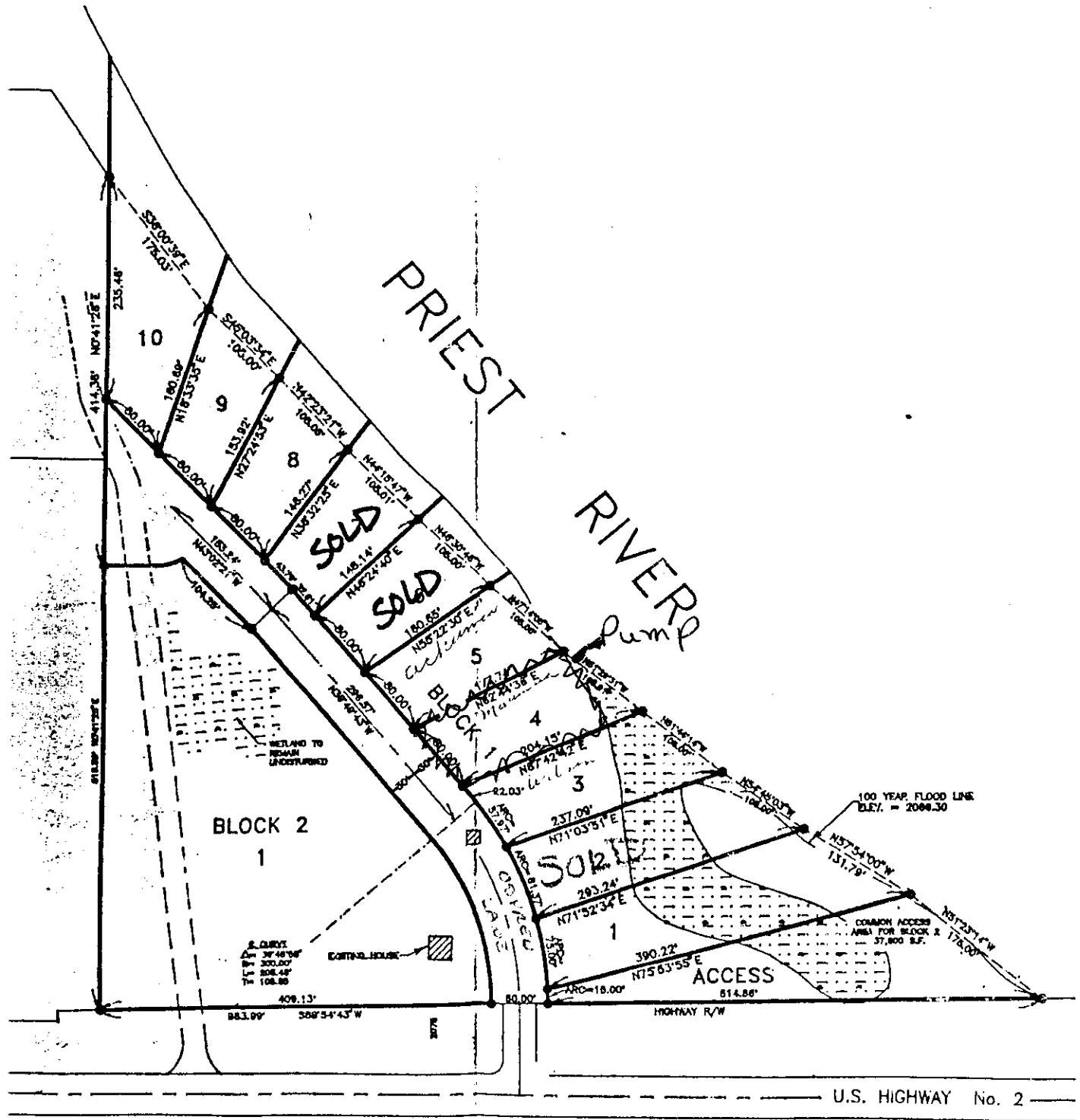
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Terry W. Marienau and Pauline E. Marienau
 Signature of Applicant (and title, if applicable)

Received by AKH/cb Date 7/2/04 Time 4:34 p Preliminary check by _____
 Fee \$ 100.00 Received by cb # N 016391 Date 7/2/04
 Publication prepared by cb Date 7/14/04 Published in Priest River Times
 Publication approved cb Date 9/2/04 7/2/04 28/04
8/18/25/04

RIVER ESTATES"

56N., RNG. 5W.: B.M., PRIEST RIVER, IDAHO



OUT

SCALE-1"=100'



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

September 28, 2004

TERRY W MARIENAU
PAULINE E MARIENAU
2115 N FAIRCHILD DR
MEDICAL LAKE WA 99022

RE: Permit No. 97-7435

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.

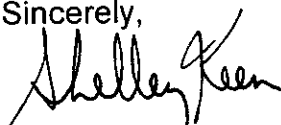
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and the last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

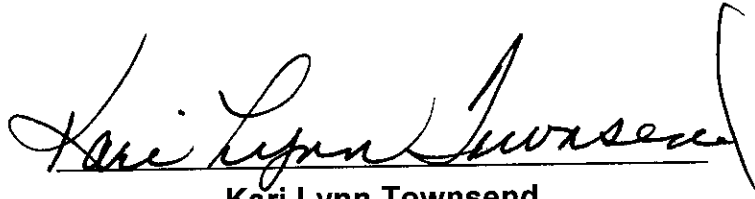
CERTIFICATE OF SERVICE

I hereby certify that on September 28, 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.

97-7435

**PAULINE E MARIENAU
TERRY W MARIENAU
2115 N FAIRCHILD DR
MEDICAL LAKE WA 99022**

A handwritten signature in black ink, reading "Kari Lynn Townsend", is written over a horizontal line. The signature is cursive and fluid.

**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.

Graham, Bill

To: Keen, Shelley; Walker, Kay
Subject: Applications for permit to appropriate water.

I have reviewed applications for permit, nos. 97-7435, 97-7437 and 96-9192. All are for relatively small amounts, should be approved with the standard subordination to minimum streamflow condition.

Thanks - BG

Comment Report

97-7435

1. kwalker 9/14/2004 Permit Review

Comment: Recommend approval. Have reduced the amount of water necessary for 0.4 acres. $0.4 \times 0.03 \text{ cfs} = 0.012 \text{ cfs}$ which is approx 0.01 cfs. Have also changed the irrigation season to the standard for this area.

DIVISION OF WATER RESOURCES APPROPRIATION APPLICATION ANALYSIS SHEET

N.R. # 97-1435

APPLICATION ID # 71376
INITIAL REVIEW

ENT. 7/8/04 BCA 7/8 OK to Publish 7/8

APPLICANT: Max F. Nau

BY: [Signature] DATE: 7/2/04

ITEM REQUIRED INFORMATION

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

** Send info sheet Y () N ()

ADDITIONAL INFORMATION

- (es)(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: 7/2/04

(Include Moratorium Remark)

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

RECEIVED

SEP 13 2004

Department of Water Resources

PT/Wed

ADVERTISE IN:

Bonner

County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information

() Other: _____

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information

() Other: _____

GROUNDWATER SECTION

D 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

- (as)(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: _____

7/15/04 Publication dates and paper recorded on application

Final protest date:

Sr. Agent initial

8/9/04
9/6/04

- ☐ Protests received,
- ☐ Measuring device required
- ☐ Measuring port required
- ☐ Special conditions: _____

☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

[Signature]

Date: 6/10/04

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Terre Tule

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

Notice of Correction - Permit No.
97-7435 Marienau

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 18th day of August, 20 04
and ending on the 25th day of August, 20 04
and that said notice was published in said newspaper.

On this 25th day of August in the year
of 2004, before me, a Notary Public, personally
appeared Jeri Jere,
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
SEP 02 2004
IDWR/North

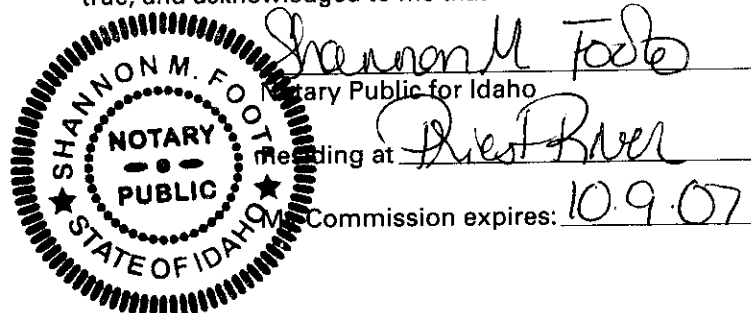
NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN THAT
APPLICATION FOR PERMIT NO. 97-
7435 in the name of TERRY W AND
PAULINE E MARIENAU, 2115 N
FAIRCHILD DR, MEDICAL LAKE,
WA 99022, was incorrectly advertised
on JULY 21 AND 28, 2004.

THE NUMBER OF ACRES TO BE
IRRIGATED was incorrectly adver-
tised as .038, whereas correctly it
should be 0.38

(For additional information concern-
ing the property location, call the
Northern Regional Office at 769-
1450.)

Any protests against the approval of
the above-referenced correction must
be filed with the applicant and with the
Director, Dept. of Water Resources,
1910 Northwest Blvd., Suite 210,
Coeur d'Alene, Id. 83814, together
with a protest fee of \$25.00 on or
before SEPTEMBER 6, 2004.

KARL J. DREHER, Dir.
Legal PRT 613548
Aug. 18, 2004



Shannon M. Foot
Notary Public for Idaho
Residing at Priest River
Commission expires: 10.9.07



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

August 11, 2004

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

E-MAILED TO SHANNON FOOTE
8/11/04

Re: Water Right Application No. 97-7435 - MARIENAU

Dear Shannon:

Enclosed you will find a legal notice of correction which we wish to have published on the dates indicated, August 18 and 25, 2004, once a week for two consecutive weekly issues, in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department. Please send the **Affidavit of Publication**, to this office before September 6, 2004.

There should be no charge for this because it was correct as originally submitted.

If you are able to just cut and paste, or copy and paste my legal notice, hopefully it will make your work easier. That way you won't have to re-type all the information. Sometimes tabs do funny things when you cut and paste, but that is a minor problem to correct.

If you have any questions, please call me at 208-769-1450 for clarification, prior to publication.

Thank you.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, August 11, 2004 9:16 AM
To: Legal Notices-Priest River Times (E-mail)
Subject: Notice of correction for publication on August 18 and 25, 2004

Good morning, Shannon, and a very happy day to you.

Attached is a Notice of Correction for publication on August 18 and 25, 2004.

Also attached is our cover letter requesting publication of same.

There should be no charge for this because the original legal was correct as submitted. It is a minor correction but nonetheless, important.

If you have **any** questions, please don't hesitate to call me at 208-769-1450.

Thanks ever so much.

May your day be filled with 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

8/11/2004

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 97-7435 in the name of TERRY W AND PAULINE E MARIENAU, 2115 N FAIRCHILD DR, MEDICAL LAKE, WA 99022, was incorrectly advertised on JULY 21 AND 28, 2004.

THE NUMBER OF ACRES TO BE IRRIGATED was incorrectly advertised as .038, whereas correctly it should be **0.38**

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before SEPTEMBER 6, 2004.

KARL J. DREHER, Dir.

Published in the PRIEST RIVER TIMES on AUGUST 18 AND 25, 2004.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Terri 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:

Application 97-7435 Marienau &

97-7436 Rosenberg

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

said paper for a period of 2 consecutive weeks,

commencing on 21st day of July, 2004

and ending on the 28th day of July, 2004

and that said notice was published in said newspaper.

On this 28th day of July in the year

of 2004, before me, a Notary Public, personally

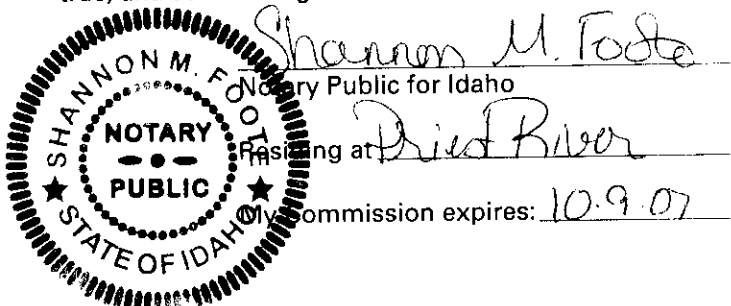
appeared Terri Julie,

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

AUG 03 2004

IDWR/North

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
97-7435

TERRY W MARIENAU
PAULINE E MARIENAU
2115 N FAIRCHILD DR
MEDICAL LAKE WA 99022
Point(s) of Diversion SESE S24 T56N R05W BONNER County
Source PRIEST RIVER Tributary To PEND ORIELLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 07/02/2004
Place of Use: IRRIGATION T56N R05W S24 SESE
Number of Acres 0.38
97-7436

BARRY ROSENBERG
487 GREENHOOD RD
PRIEST RIVER ID 83856
Point(s) of Diversion NESW S29 T59N R05W BONNER County
Source UNNAMED STREAM Tributary to GOOSE CREEK
Use: POWER 01/01 to 12/31 0.3 CFS
Total Diversion 0.3 CFS
Date Filed: 07/08/2004
Place of Use POWER T59N R05W S29 SWNE
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 these applications 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 08/09/2004. The protest must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal 613522
July 21, 28, 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 KEMP THORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 14, 2004

TERRY W MARIENAU
PAULINE E MARIENAU
2115 N FAIRCHILD DR
MEDICAL LAKE WA 99022

RE: Application for Permit No 97-7435

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 July 21 and 28, 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, appearing to read 'Allen Beardslee'.

Allen Beardslee
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 14, 2004

~PLEASE FAX PROOF PRIOR TO PUBLICATION~

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

e-mailed to prtimes@cdapress.com

RE: Application for Permit No. 97-7435 and 97-7436

Dear Shannon:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 21 and 28, 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 08/09/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

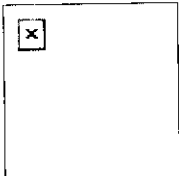
Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 14, 2004 3:20 PM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal Notice for publication on 7/21 and 7/28/04 for WRs 97-7435,36

Good afternoon, Shannon,



Attached is a copy of our cover letter requesting publication of a legal notice, a copy of which is also attached.

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION

If you have ANY questions, please call me at 208-769-1450

Thanks, and have a very happy day,

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

7/14/2004

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

97-7435

TERRY W MARIENAU
PAULINE E MARIENAU
2115 N FAIRCHILD DR
MEDICAL LAKE WA 99022

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: 07/02/2004
Place Of Use: IRRIGATION T56N R05W S24 SESE
Number of Acres 0.38

97-7436

BARRY ROSENBERG
487 GREENHOOD RD
PRIEST RIVER ID 83856

Point(s) of Diversion NESW S29 T59N R05W BONNER County
Source UNNAMED STREAM Tributary To GOOSE CREEK
Use: POWER 01/01 To 12/31 0.3 CFS
Total Diversion: 0.3 CFS
Date Filed: 07/08/2004
Place Of Use: POWER T59N R05W S29 SWNE

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 these applications 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 08/09/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on July 21 and 28, 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

July 08, 2004

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

e-mailed to Mary 7/8/04
4 pages total

Application to Permit No. 97-7435

Mary:

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 reply by e-mail if you choose, to dball@idwr.state.id.us.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s)