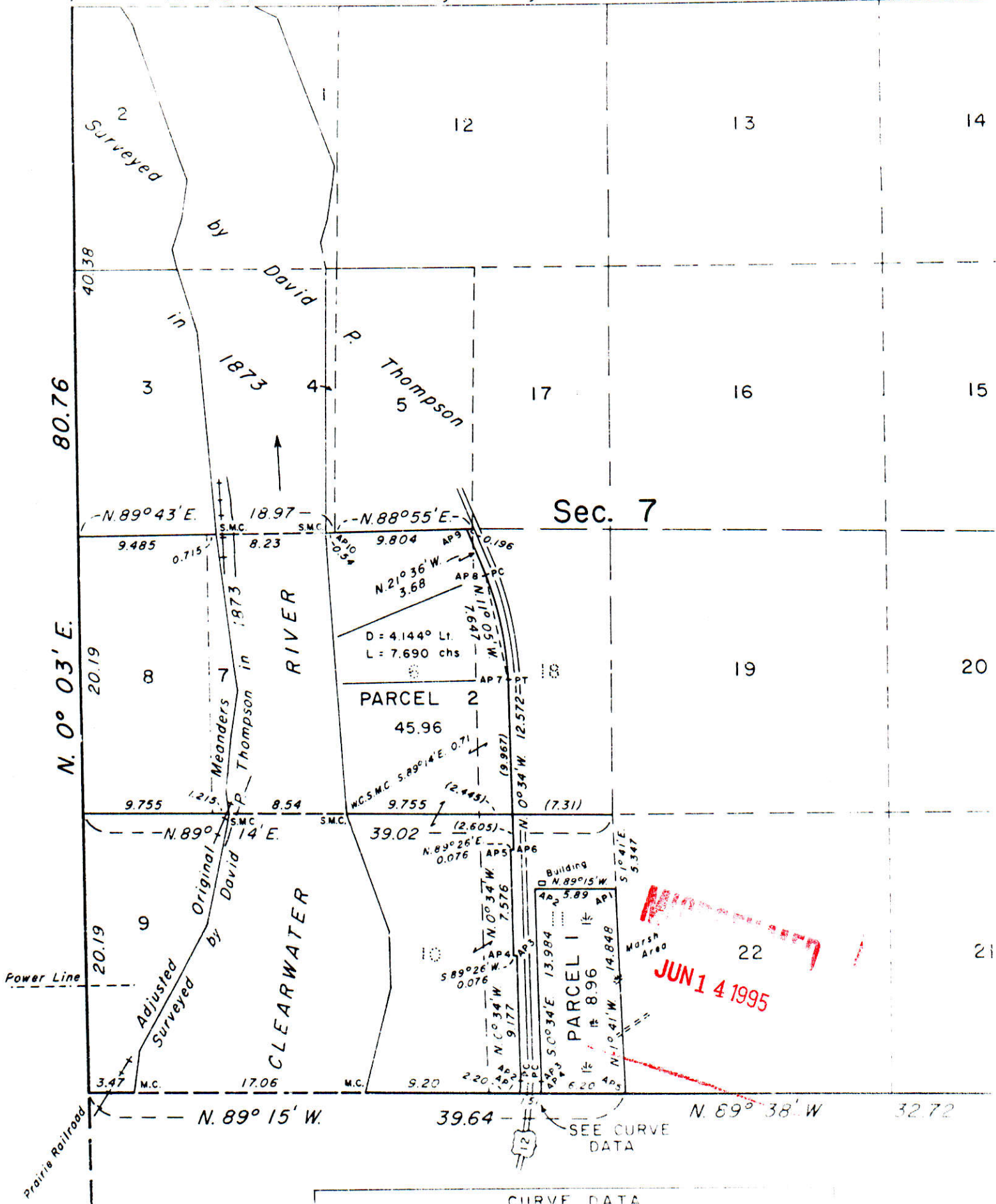
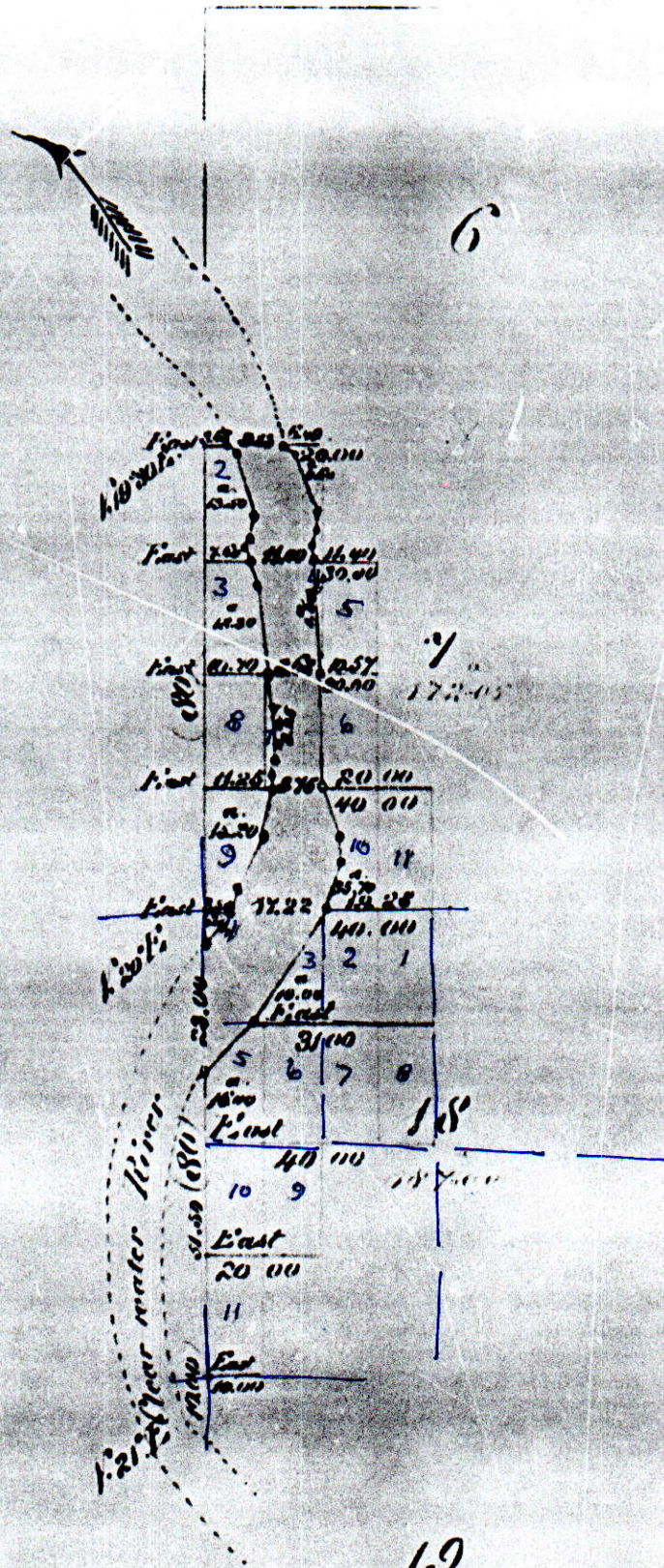


Surveyed by
David P. Thompson
in 1873

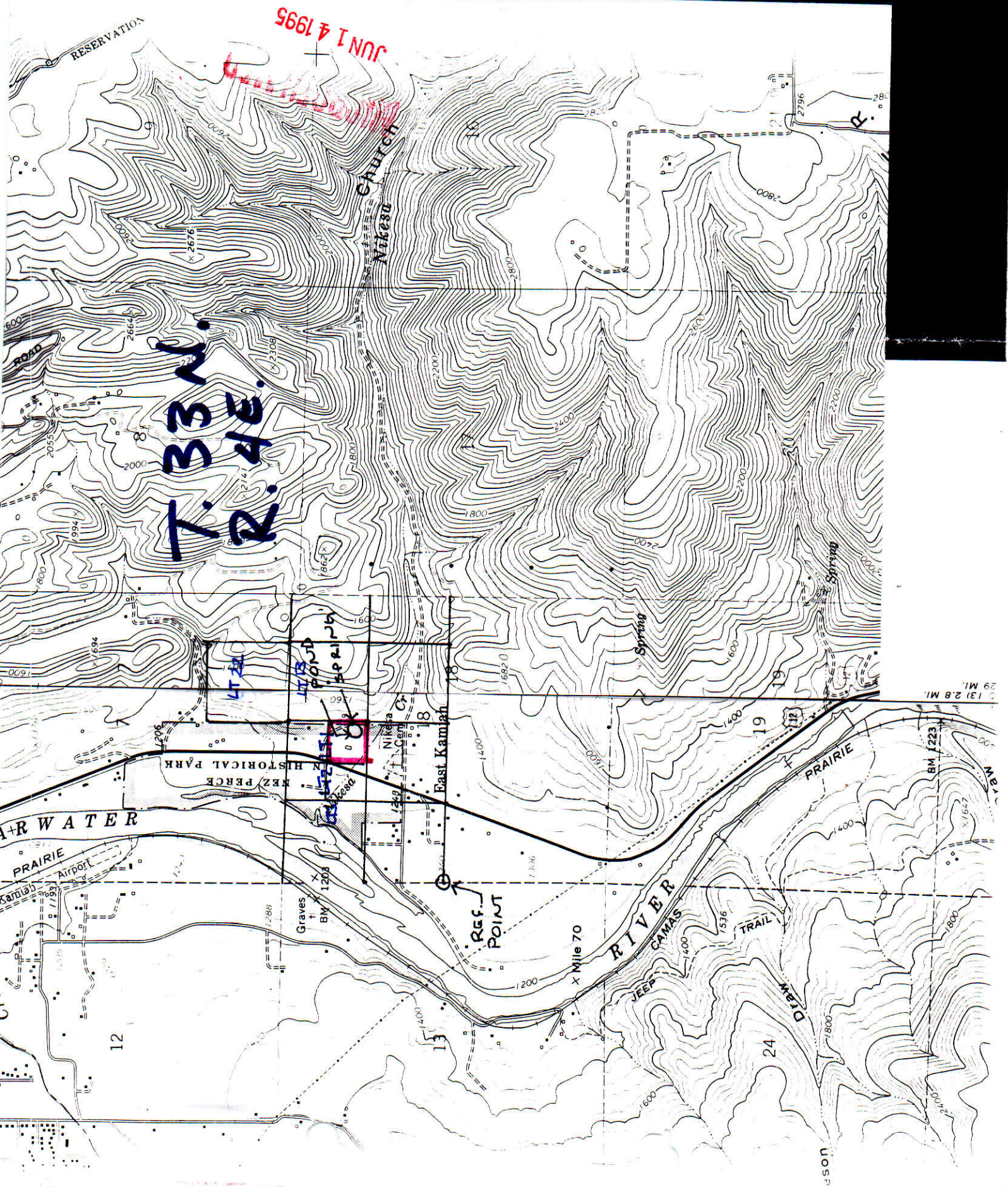
Surveyed by Edson D. Briggs in 1889-91



Acres
Township 10.33.



JUN 14 1995



Received by PM Date 4/7/94 Time 12:30 PM Preliminary check by _____
Fee \$ 45.00 Receipted by PM # N 7515 Date 4/7/94
Publication prepared by PM Date 4/13/94 Published in Id. Co. Free Press
Publication approved RJC Date 6/30/94 4/21-28/94
6/15 & 22/94

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

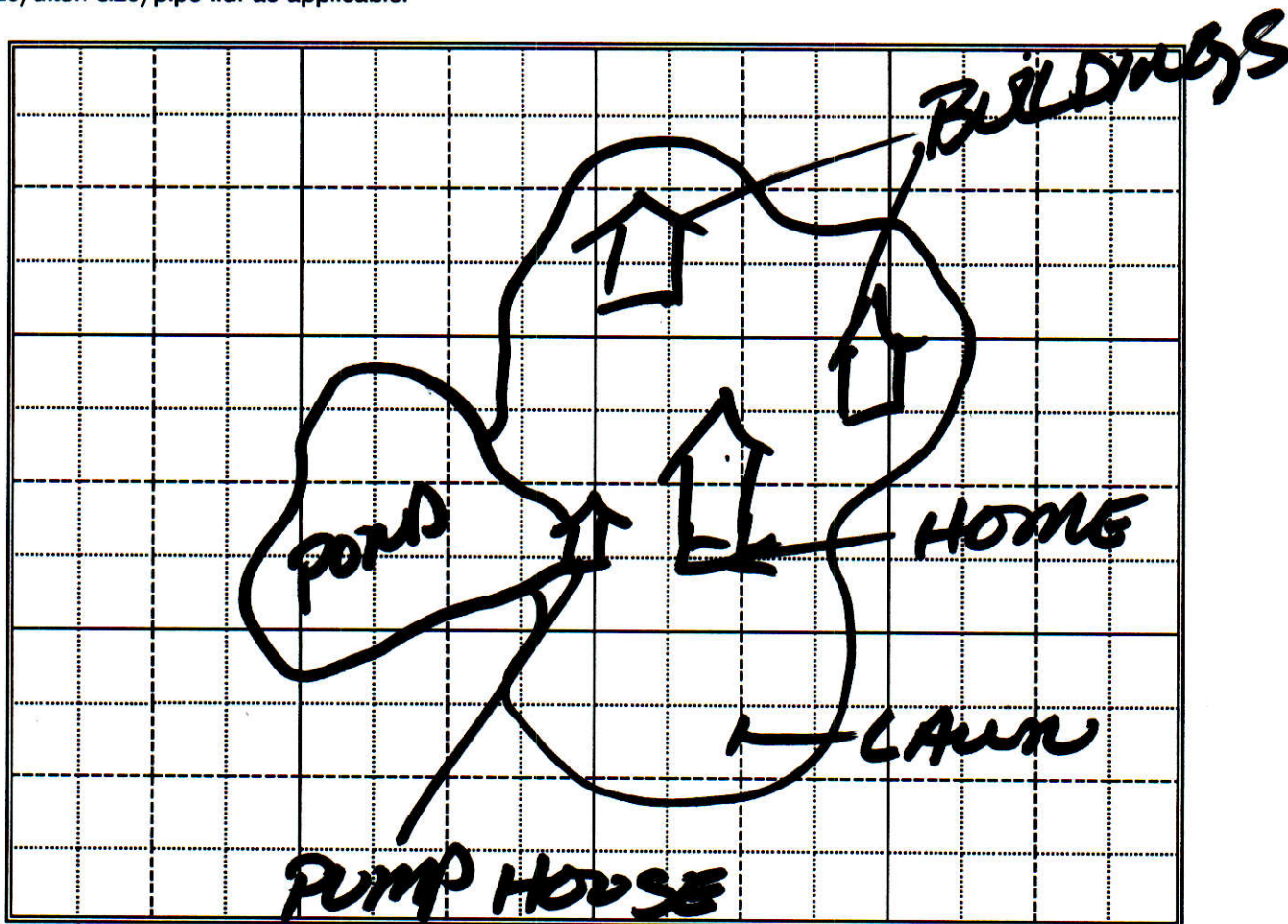
1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

Shaul -
cat looks like Beardslee
intended to recommend one
acre of irrigation (but not
from storage).
S.V. Keen
2-9-98

RECEIVED
JUN 14 1995

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" **NTS**

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	?	3/4	?	?	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: SEE THEORETICAL

MICROFILMED

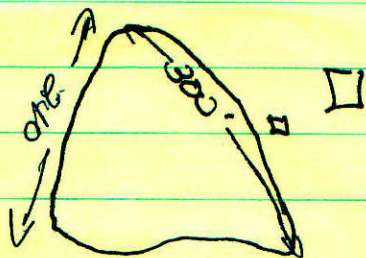
JUN 10 1998

FIELD NOTES

10/24/96 THURSDAY

SPOKE WITH MRS. TRENARY ABOUT USES OF WATER FROM POND, AND SHE SAID THAT THEY DID NOT HAVE IRRIGATION USE EXCEPT LAWN + GARDEN AREAS/EAST OF POND AROUND THEIR HOME. APPROX. 1 ACRE.

SHE FURTHER SAID THAT THE IRRIGATION USE WOULD OCCUR WHEN THE "CAMP SITES" + CABINS WERE RAN.



MICROFILMED

JUN 10 1998



Pond + Peace of US\$

TREASURY

84-07273

10/24/94

AB

MICROFILMED
JUN 10 1998

Surveyed by
David P. Thompson
in 1873

Surveyed by Edson D. Briggs in 1889-91

2
Surveyed

by

David

P. Thompson

in

1873

Sec. 7

80.76

N. 0° 03' E.

40.38

20.19

20.19

3.47

9.485

9.755

M.C.

0.715

1.215

M.C.

S.M.C.

S.M.C.

M.C.

18.97

8.54

17.06

RIVER

CLEARWATER

S.M.C.

S.M.C.

M.C.

8.23

8.54

17.06

9.804

9.755

9.20

AP 9

AP 5

AP 1

0.196

(2.605)

13.984

PC

PT

PC

N. 21° 36' W.

N. 89° 26' E.

N. 0° 34' W.

3.68

0.076

7.576

D = 4.1440 Lt.

M.C.S.M.C. 5.89° 14' E. 0.71

9.177

L = 7.690 chs

(2.445)

14.848

AP 8

AP 4

AP 2

1492

5.89

5.347

M. 50° 01' N

N. 89° 15' W.

N. 10° 41' W.

12.572

(7.31)

32.72

0° 34' W.

12.572

12.572

PT

PT

PT

Building

Marsh Area

Marsh Area

AP 7

AP 3

AP 1

1492

5.89

5.347

M. 50° 01' N

N. 89° 15' W.

N. 10° 41' W.

12.572

(7.31)

32.72

0° 34' W.

12.572

12.572

PT

PT

PT

Building

Marsh Area

Marsh Area

AP 7

AP 3

AP 1

1492

5.89

5.347

M. 50° 01' N

N. 89° 15' W.

N. 10° 41' W.

12.572

(7.31)

32.72

0° 34' W.

12.572

12.572

PT

PT

PT

Building

Marsh Area

Marsh Area

AP 7

AP 3

AP 1

1492

5.89

5.347

M. 50° 01' N

N. 89° 15' W.

N. 10° 41' W.

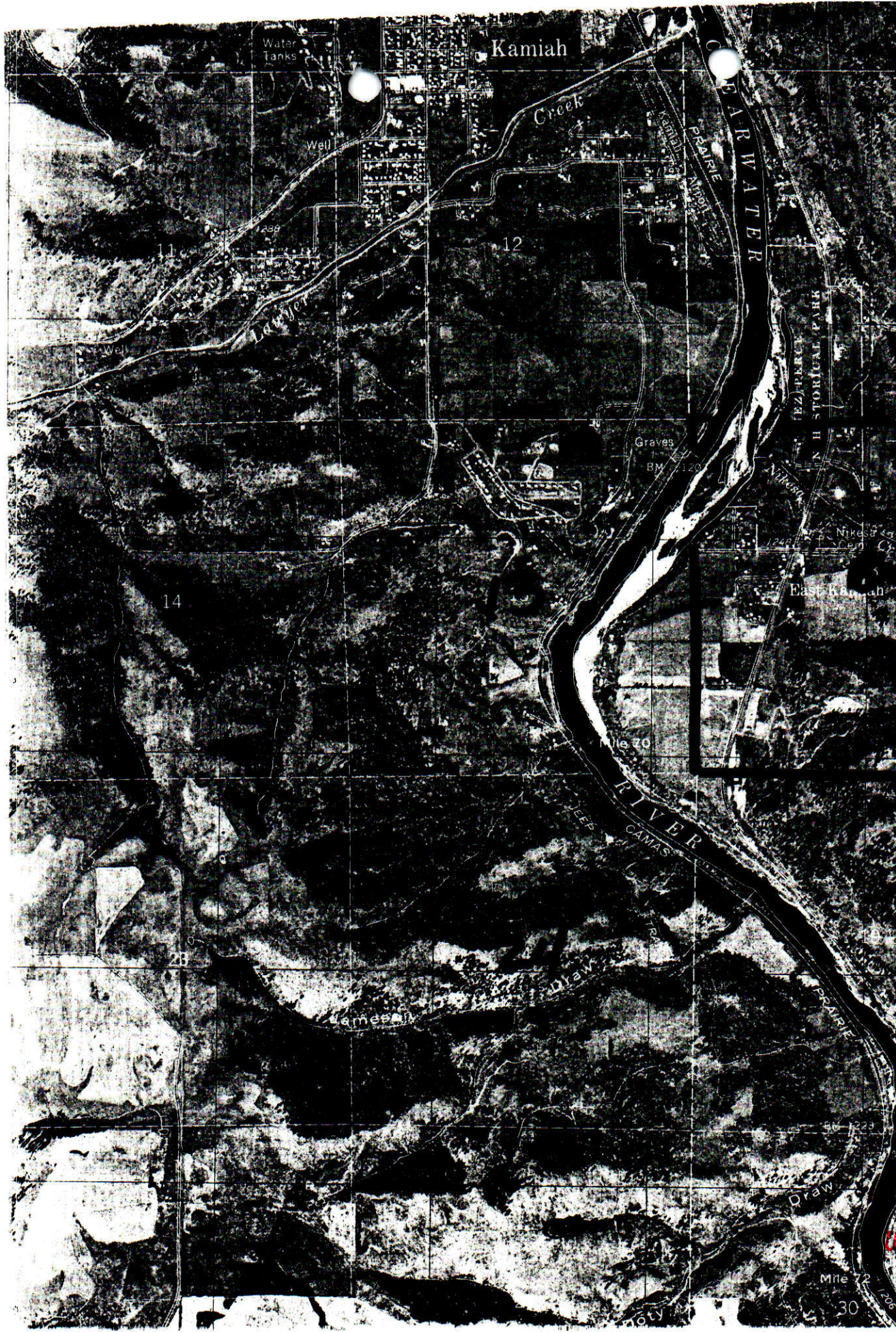
Power Line

Prairie Railroad

MICROFILMED
JUN 10 1998

SEE CURVE
DATA

CURVE DATA



5119

5118

5117

5116

5115

5114

PROFILMED
JUN 10 1998

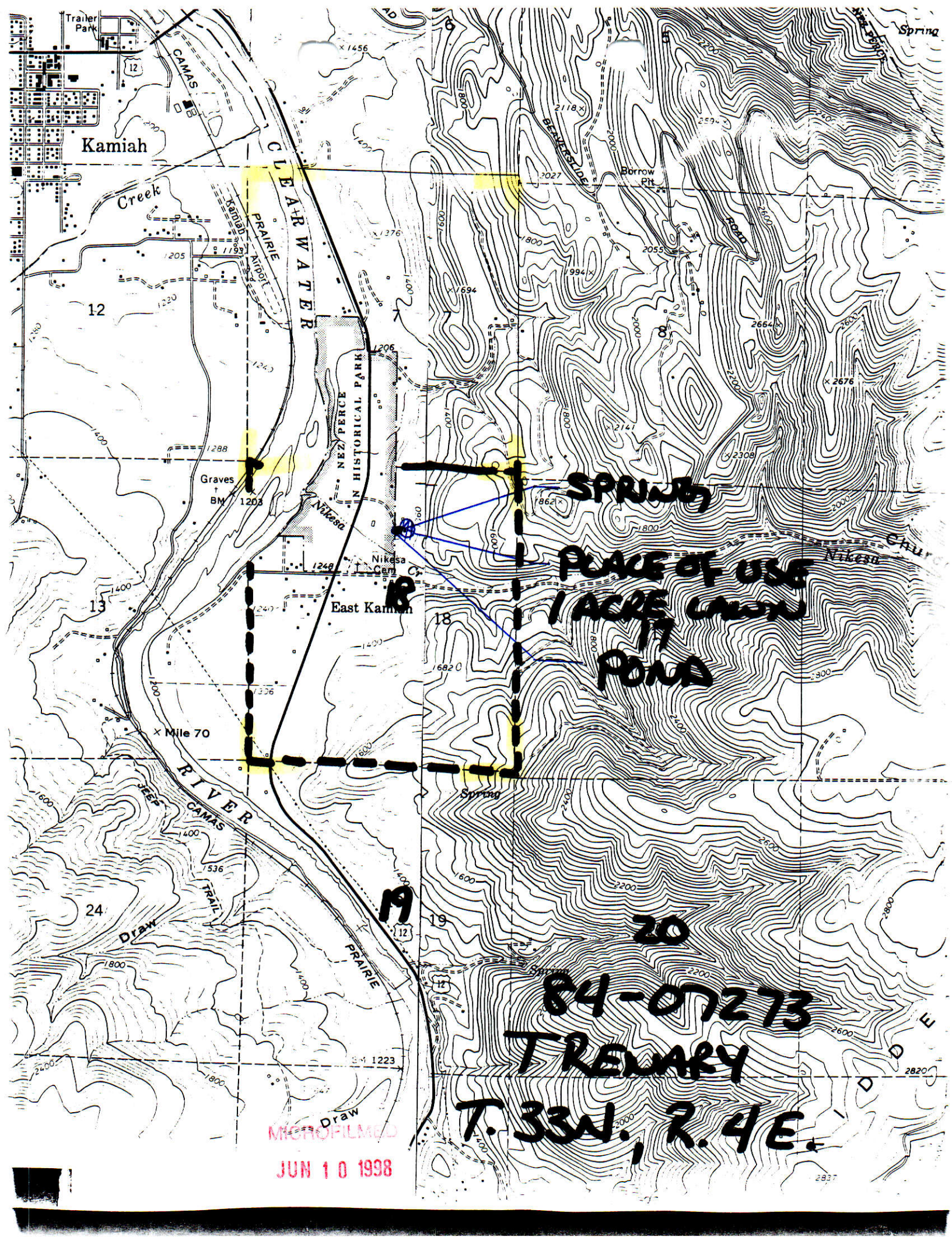
12' 30" PLATE OF
USG
SPRING
POND

TRENARY

84-07273

T. 33 N.
R. 4 E.

T. 33 N.



Kamiah

Creek

CLEAR WATER

PRAIRIE

NEZ PERCE
N HISTORICAL PARK

Graves
BM 1203

East Kamiah

X Mile 70

RIVER

Draw

PRAIRIE

SPRING

PLACE OF USE
1 ACRE LADON
IT
POND

84-07273

TREWARY

T. 33N., R. 4E.

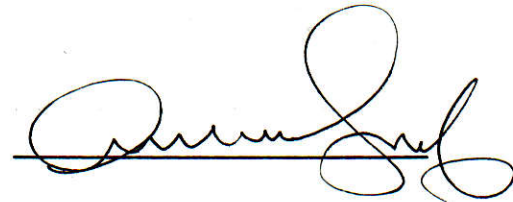
MICROFILMED

JUN 10 1998

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho county, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 15th day of June, 19 94, and the last publication on the 22nd day of June, 19 94; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice or advertisement.



STATE OF IDAHO }
COUNTY OF } IDAHO

On this 22nd day of June in the year of 1994,
Before me, a Notary Public, personally appeared
Andrew J. McNab, 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.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10-8-99

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 84-07273 in the name of Mark Trenary, Rt. 1, Box 21, Kamiah, ID 83536 was advertised incorrectly on 4/21 & 28/94. The recreation use diversion rate was incorrectly described as (.510 CFS); whereas, correctly it should be (.510). The total diversion was incorrectly described as (.510 CFS); whereas, correctly it should be (.510 CFS) and (10.0 AF).
(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 July 5, 1994.

R. KEITH HIGGINSON, Dir.
Published in the Idaho County Free Press 6/15 & 22/94.

J15-22

RECEIVED

JUN 29 1994

NORTHERN REGION
IDWR

MICROFILMED

JUN 14 1995

RECEIVED

MAY 04 1994

NORTHERN REGION
IDWR

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

84-07273

TRENARY, MARK

RT. 1 BOX 21

KAMIAH, ID 83536

Source: SPRING Tributary: SINKS

Diversion Pt: SENENW Sec. 18 T 33 N

R 04E in IDAHO County.

Use: IRRIGATION (.510 CFS)

IRRIGATION STORAGE (10.00 AF)

IRRIGATION FROM STORAGE (.70

AF)

STOCKWATER (.020 CFS)

STOCKWATER STORAGE (.70 AF)

RECREATION (.510 CFS)

RECREATION STORAGE (10.00 AF)

AESTHETIC (.510 CFS)

AESTHETIC STORAGE (10.00 AF)

DIVERSION TO STORAGE (.510 CFS)

Total Diversion: (.510 CFS)

Date Filed: 4/7/1994

In: IDAHO County

T33N R04E S07 SWSE S18 NWNE

NENW 20.00 ACRES TOTAL

For additional information concerning

the property location, call the Northern

Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior

water rights. Protests must be filed with

the applicant and with the Director,

Dept. of Water Resources, Northern

Region, 1910 Northwest Blvd., Suite

210, Coeur d'Alene, Idaho 83814 on or

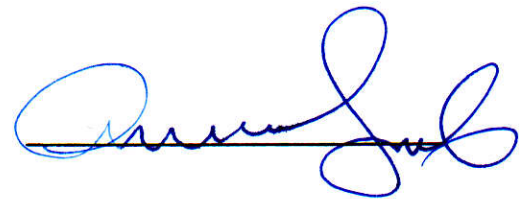
before MAY 9, 1994.

R. KEITH HIGGINSON, Director

Published: 4/21/1994 & 4/28/1994

A21-28

Andrew J. McNab, being
first duly sworn, says he is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for two weeks, being published two
times, the first publication being on the 21st day of
April, 19 94, and the last
publication on the 28th day of April, 19 94;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.



STATE OF IDAHO }
COUNTY OF } IDAHO

On this 28th day of April in the year of 1994,
Before me, a Notary Public, personally appeared
Andrew J. McNab, 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.



Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10-8-99

JUN 14 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 84-07273

Priority: April 7, 1994

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

28.7 AF

This is to certify, that MARK TRENARY

RT 1 BOX 21

KAMIAH ID 83536

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 7, 1994; and has submitted Proof of Beneficial Use on August 28, 1995. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.03 CFS	3.0 AF
RECREATION	01/01 to 12/31	0.03 CFS	21.7 AF
RECREATION STORAGE	01/01 to 12/31		4.0 AF
AESTHETIC	01/01 to 12/31	0.03 CFS	21.7 AF
AESTHETIC STORAGE	01/01 to 12/31		4.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.03 CFS	
	Totals	0.03 CFS	28.7 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (SENENW), Sec. 18, Township 33N, Range 04E
IDAHO County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
33N	04E	18	Lot 1 (NENW)	1		1

Total number of acres irrigated: 1

PLACE OF USE:

RECREATION, same as IRRIGATION use

PLACE OF USE:

AESTHETIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

MICROFILMED

JUN 10 1998

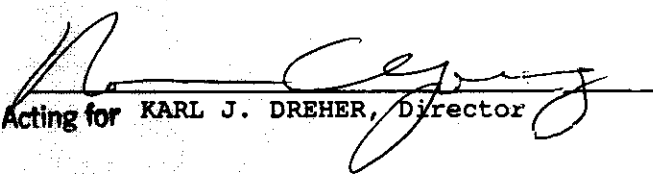
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 84-07273

CONDITIONS OF APPROVAL AND REMARKS

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
7. 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.
8. Recreation use is for fishing.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18TH day of FEBRUARY, 19 98.


Acting for KARL J. DREHER, Director

MICROFILMED

JUN 10 1998

FOR OFFICE USE ONLY
 Amt. of Fee \$: 100.00
 Receipt No. C032452
 Receipt By: [Signature]
 Date Received: 8-28-95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 07 1995

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 84-07273 Telephone No. 208-935-0143
2. Name(s) of Permit Holder(s): MARK TRENARY
3. Mailing Address: RT. 1 Box 21, KAMIAH, IDAHO 83536
4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 40 CATTLE
Irrigation (No. of acres): 20 Other: POND
6. Total rate of diversion and/or volume for which proof is submitted: 0.51 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- | | | | | |
|-------------------------------|--|-----------|----|-------------|
| Measuring Device: | Is a measuring device required? | Yes _____ | or | No <u>✓</u> |
| | Has the measuring device been installed? | Yes _____ | or | No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ | or | No <u>✓</u> |
| | Has the measurement port been installed? | Yes _____ | or | No <u>✓</u> |
8. Fee Enclosed: \$ 7 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
- Name: MARK TRENARY Telephone Number: 208-935-0143
- Address: RT. 1 Box 21 KAMIAH, IDAHO 83536

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Michael W. Traversy **Michael W. Traversy** Date: 4/7/95
(include your title, if on behalf of company or organization)

(include your title, if on behalf of company or organization)

OCT 16 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 84-07273

Proposed Priority: April 7, 1994

Maximum Diversion Rate:

0.51 CFS

This is to certify, that **MARK TRENARY**

RT 1 BOX 21

KAMIAH ID 83536

has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/30	0.40 CFS	
IRRIGATION STORAGE	03/01 to 11/30		10.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/30		10.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	
STOCKWATER STORAGE	01/01 to 12/31		0.7 AF
RECREATION	01/01 to 12/31	0.51 CFS	
RECREATION STORAGE	01/01 to 12/31		10.0 AF
AESTHETIC	01/01 to 12/31	0.51 CFS	
AESTHETIC STORAGE	01/01 to 12/31		10.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.51 CFS	
	Totals	0.51 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (SENENW), Sec. 18, Township 33N, Range 04E
IDAHO County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
33N	04E	7	Lot 22 (SWSE)	6.0		6.0
		18	Lot 13 (NWNE)	6.0	Lot 1 (NENW)	8.0
						14.0

Total number of acres irrigated: 20.0

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
33N	04E	18	Lot 1 (NENW)			

PLACE OF USE: STOCKWATER, same as IRRIGATION FROM STORAGE use

PLACE OF USE: RECREATION, same as IRRIGATION FROM STORAGE use

PLACE OF USE: AESTHETIC, same as IRRIGATION FROM STORAGE use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1996**.
2. Subject to all prior water rights.

MICROFILMED

JUN 14 1995

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 84-07273

CONDITIONS/REMARKS:

3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
7. Stockwater use is for 40 range cattle.
8. Recreation use is for fishing.

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

23rd day of May, 1995.

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED
JUN 14 1995

RECEIVED
MAY 17 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 84-7213

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant MARK TREWARY Phone 935-0143

Post office address RT1 BOX 21, KAMIAH ID 83536

2. Source of water supply SPRING which is a tributary of SINKS

3. Location of point of diversion is SE ¼ of NE ¼ of NW ¼, Govt. Lot 1

Sec. 18 Township 33N Range 4E B.M. IDAHO County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

* 0.40 ~~0.5143~~ IRRI GATION 31. 11/30
Amount 10.0 ~~10.0~~ for IRRI GATION STORAGE purposes from 31. to 11/30 (both dates inclusive)
* 0.02 ~~0.02~~ IRRI GATION FROM STORAGE 31. 11/30
Amount 0.02 ~~0.02~~ for STOCK WATER purposes from 31. to 11/30 (both dates inclusive)
0.5143 ~~0.5143~~ RECREATION 1/1 12/31
Amount 10.0 ~~10.0~~ for REL STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
0.5143 ~~0.5143~~ AESTHETIC 1/1 12/31
Amount 10.0 ~~10.0~~ for AESTHETIC STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
0.5143 ~~0.5143~~ DIVERSION TO STORAGE 1/1 12/31

5. Total quantity to be appropriated is (a) .51 cubic feet per second and/or (b) 10.0 acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. GRAVITY FLOW FROM SPRING
TO POND. POND IS AN ACRE SURFACE AREA AND AN
AVERAGE OF 10' DEEP

b. Height of storage dam 11.0 feet; active reservoir capacity 10.0 acre-feet; total reservoir capacity 12.0 acre-feet; period of year when water will be diverted to storage: 1/1 to 12/31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____

7. Time required for the completion of the works and application of the water to be proposed beneficial use is 1 years (minimum 1 year).

*^① maximum rate for 20 Acres of irr; *^② per Al Beardsley 5/19/95 ccy.

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. 40 HEAD RANGE STOCK
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. RECREATION USE IS FOR FISH.

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33W	4E	18		LT. 18 6			LT. 1 8												14
							S												
							S - STORAGE												
							* DIVERSION TO STORAGE												
							* IRRIGATION STORAGE												
							* IRRIGATION FROM STORAGE												
							R - STORAGE												
							R												
							I - STORAGE												
							I												
33N	4E	7															LT. 22 6		6

Total number of acres to be irrigated 20

10. Describe any other water rights used for the same purposes as described above. A84-04297

11. a. Who owns the property at the point of diversion? APPLICANT

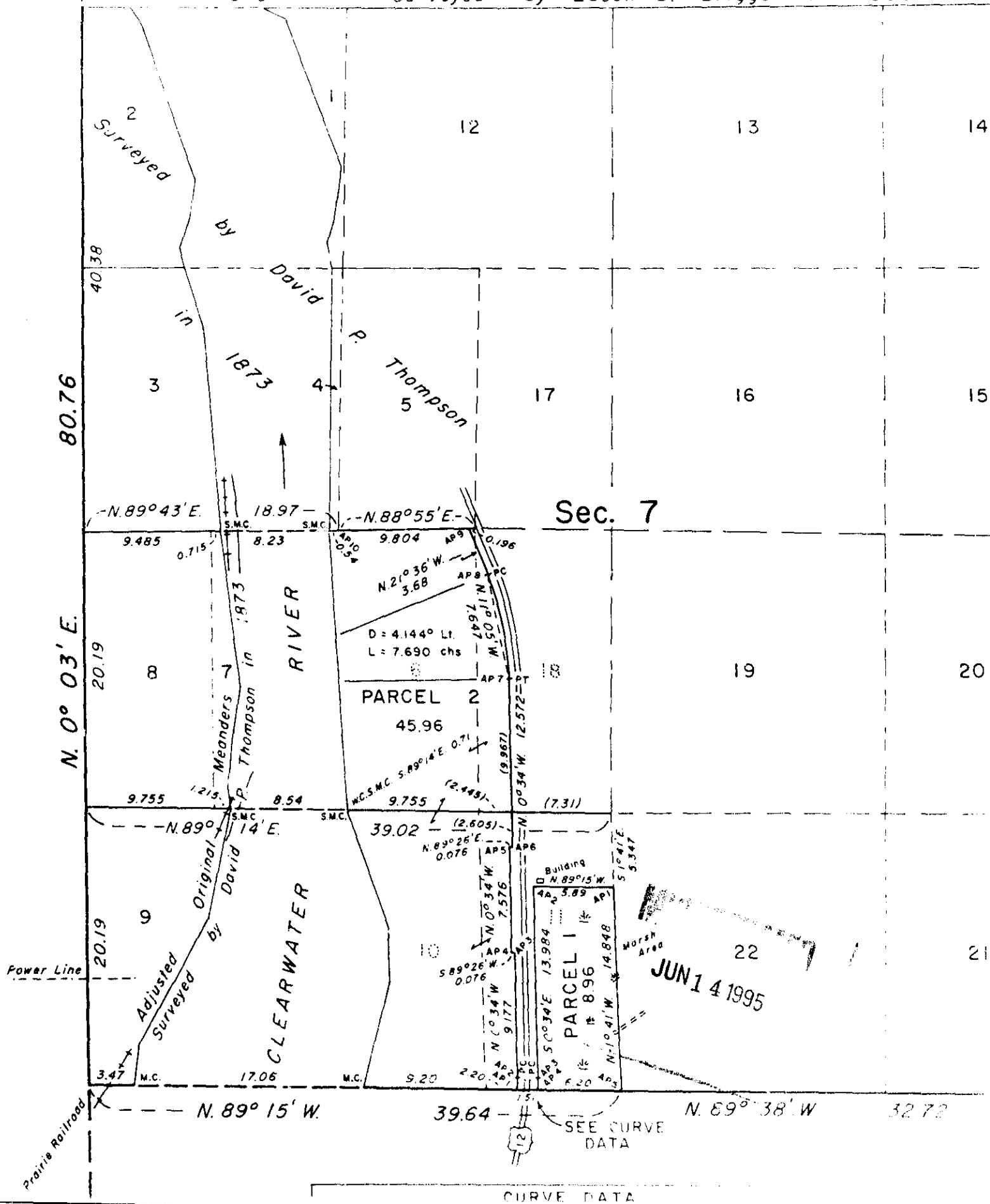
b. Who owns the land to be irrigated or place of use? APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

JUN 14 1995

Surveyed by Edson D. Briggs in 1889-91

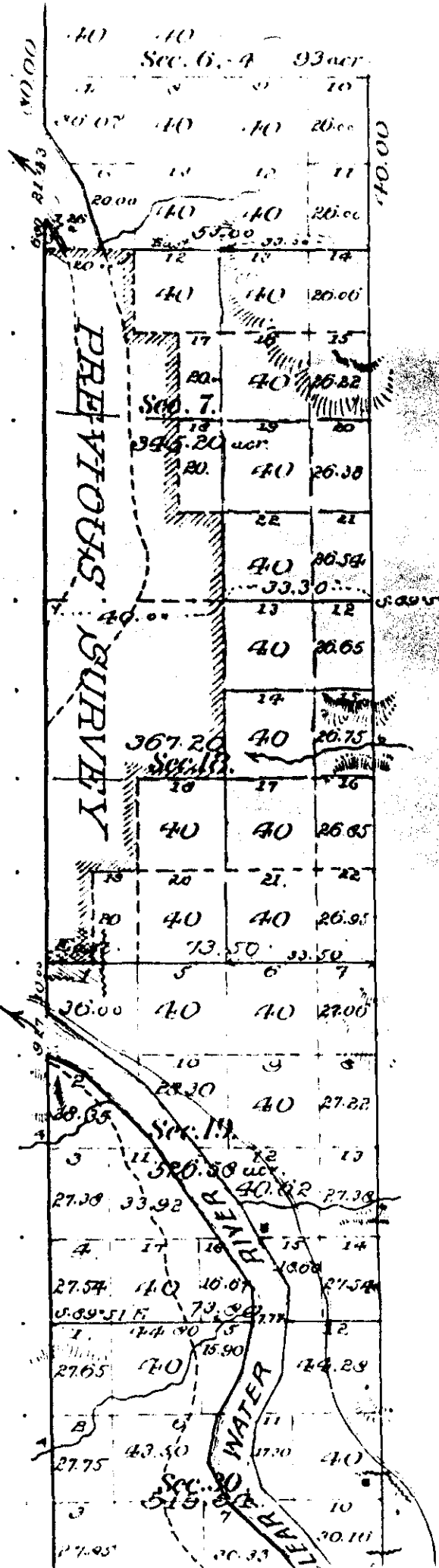


6



JUN 14 1995

g
II
h
I
i
K
k
L
I



Sec. 5.

Sec. 4.

Sec. 8.

Sec. 9.

Sec. 17.

Sec. 16.

Sec. 20.

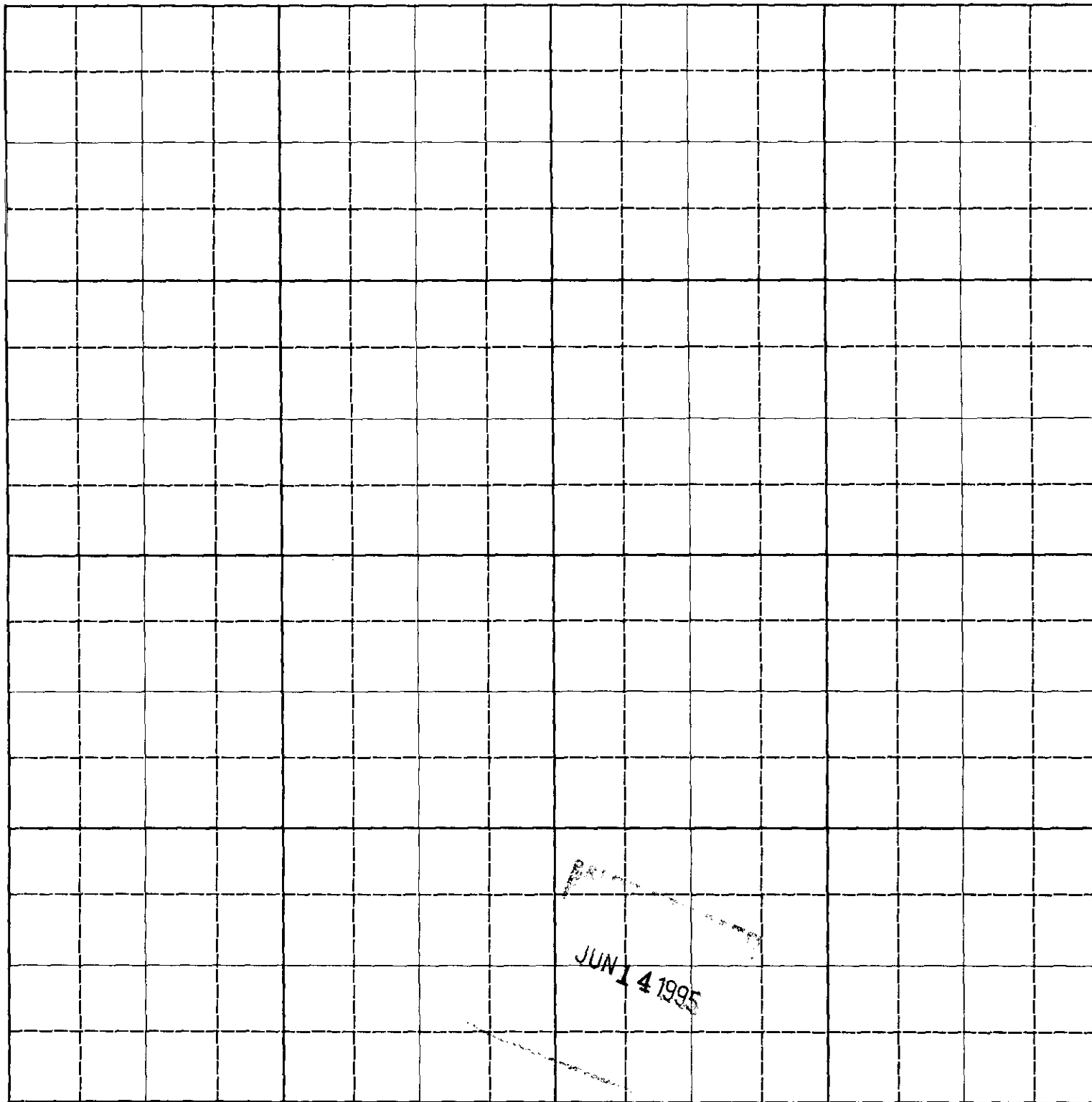
Sec. 21.

Sec. 29.

Sec. 28.

JUN 14 1995

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Mark W. Freeray
(Applicant)

Received by pm Date 4/7/94 Time 12:30pm Preliminary check by _____
Fee \$ 45.00 Receipted by pm # N 7515 Date 4/7/94
Publication prepared by pm Date 4/13/94 Published in Idaho Free Press
Publication approved RJC Date 6/30/94

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:



RECEIVED
JUN 14 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK TRENARY
RT 1 BOX 21
KAMIAH ID 83536

RE: WATER RIGHT NO. 84-07273

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

RECEIVED
JUN 10 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

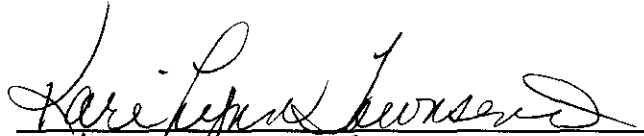
RECEIVED
JUN 10 1986

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of February, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 84-07273

MARK TRENARY
RT 1 BOX 21
KAMIAH ID 83536


Kari Lynn Townsend
Secretary

JUN 16 1998
JUN 10 1998

MEMORANDUM

TO: File 84-07273

FROM: Sharla

DATE: February 6, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 84-07273 are as follows:

H. RECOMMENDATIONS

Recreation	1/1 - 12/31	0.03 cfs	21.7 afa
Recreation Storage	1/1 - 12/31		4.0 afa
Aesthetic	1/1 - 12/31	0.03 cfs	21.7 afa
Aesthetic Storage	1/1 - 12/31		4.0 afa
Diversion to Storage	1/1 - 12/31	0.03 cfs	
	TOTALS	0.03 cfs	25.7 afa

Recreation and aesthetic uses requires volumes; the volumes were calculated based on continuous flow additive to the storage volume for a total of 25.7 af.

Examiner: Al Beardslee

Exam Date: October 24, 1996

JUN 18 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 84-07273

DATE 6/30/97

REVIEWER: SHARLA

NAME Change OK Address Change NO
 SOURCE Change ✓ Is change clarification of originally intended source? ✓
 POINT OF DIV Change ✓ If not, prepare Notice of Intent to Void ✓
 PLACE OF USE Change ✓ Amendment required NO

Does map agree with written description? ✓ yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .51 cfs
 Fee limit 1.0 cfs \$100⁰⁰
 Measured .20 cfs on stream flowing from spring - not an actual measurement from the source, rate limited by the cap.
 Theoretical .03 cfs
 Recommended Total Div Rate .03 cfs

ANNUAL VOLUME/
 NATURE OF USES

Use ✓ Volume Calculation
Acsth/Pac/In/5to 207 af
r. Blor 4.0 af
 af
 af
 SUBTOTAL 4.0 af

Flow rate cfs X days X 1.9835 = af
 Total volume recommended af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

Fishing

CONDITIONS Watermaster Control WD#

 GW Measurement/Measuring Device

 Overlap

 Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A
 Adjustment Memo volume

1st Amend Letter N/A
 2nd Amend Letter N/A

RECEIVED

JUN 12 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 84-07273

1. Owner: MARK TREWARY Phone No. 935-0143

Current Address: RT 1 BOX 21 KAMIAH ID 83536

2. Accompanied by: MRS. TREWARY EXAM DATE: 10/24/96

Address: _____ Phone No. _____

Relationship to Permit Holder: OWNER

3. Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: N/A

2. Other water rights with the same point of diversion: N/A

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: SPRING

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	<u>#1</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>18</u>	<u>33N.</u>	<u>4E.</u>	<u>IDAHO</u>	<u>U.S.G.S. TOPO. QUAD.</u>

2. Place(s) of Use:

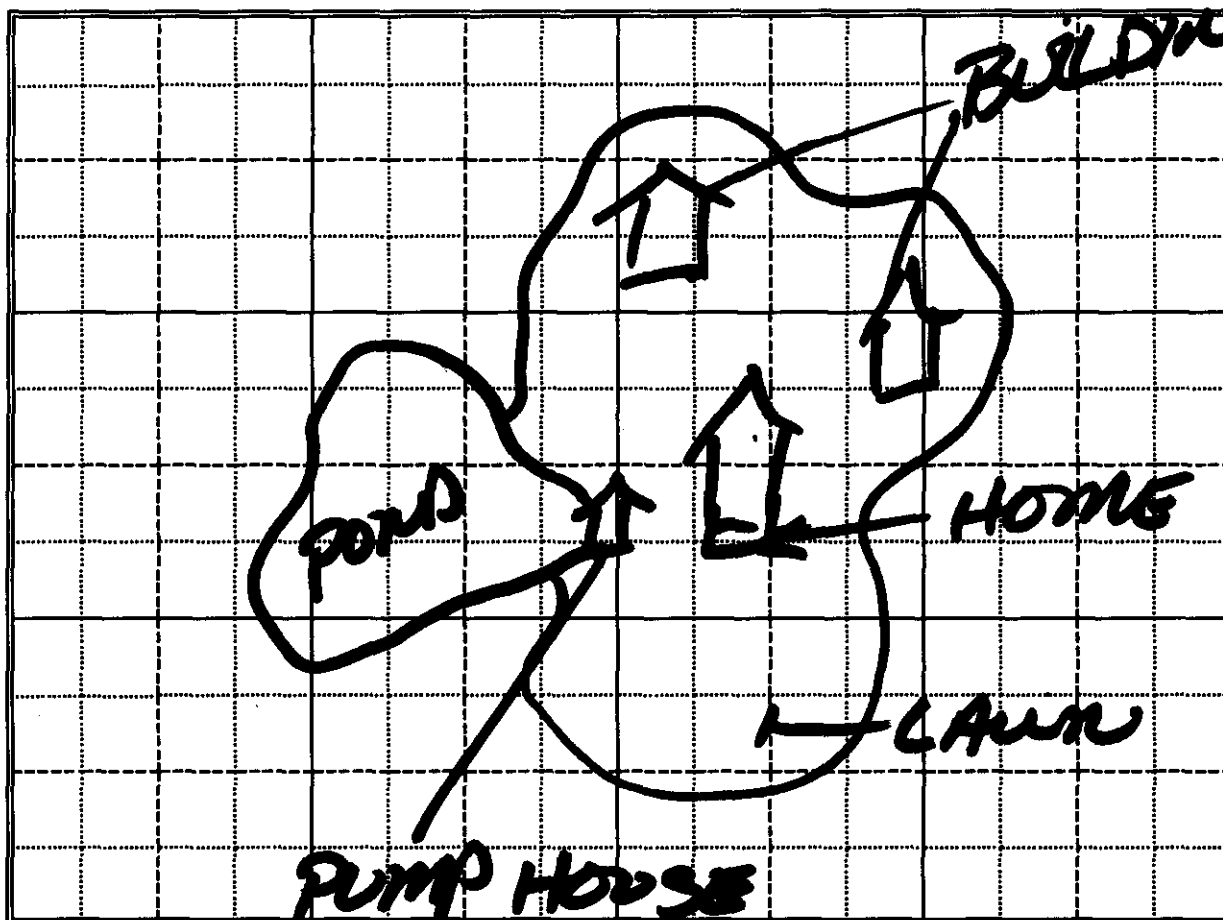
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>33N.</u>	<u>4E.</u>	<u>18</u>																	

MICROFILMED

JUN 10 1998

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" **NTS**

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	?	3/4	?	?	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: SEE THEORETICAL

MICROFILMED

JUN 10 1988

E. NARRATIVE/REMARKS/COMMENTS

SEE ATTACHED.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
JUN 10 1998

F. FLOW CALCULATIONS

Measured Method:

SEE REMARKS

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses: STORAGE VOLUME:

TRIANGLE SHAPED POND

$$\frac{300' \times 240'}{12} = 36,000 \times \frac{8' \text{ DEEP}}{12} \times 6 = 4 \text{ AFA TOTAL}$$

BANK SLOPE

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DIVERSION TO STOR.	Y ₁	12/31	0.20	
AESTHETIC	Y ₁	12/31	0.20	
AESTHETIC STOR.				4.0
RECREATION			0.20	
RECREATION STOR.				4.0
Totals:			0.20	4.0

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name Mike Bensch Date 10/24/96

Reviewer _____ Date _____

SEAL

MICROFILMED

JUN 10 1998

(E.)

10/24/96
B

FIELD REPORT

84-07273

NARRATIVE:

A pump house has been constructed over spring, which houses the pressure tanks and electrical service for a submersible pump in the spring. This is located on the left bank of the pond.

Overflow from the spring flows directly into the pond via gravity flow.

REMARKS:

Mrs. Trenary stated at the time of the exam that they had not yet irrigated from the pond, as they originally applied to do. She said they had not yet purchased an irrigation system. I explained to her that we could not recommend uses that had not yet been developed for the Water Right License.

One acre of irrigation will be recommended for lawn around house and out-buildings. This water is diverted from pump in spring, not pond.

COMMENTS:

The pond appeared to be lower in elevation than when I had previously visited this property. Prior to the lowering of the pond, I measured a hydraulic height of over 10', however, at this time it is lower than that and a Small Dam Permit is not needed.

As part of agreement between the Trenary's and the Samuels, a pipeline has been installed to insure water from the spring flow through the pond onto the Samuels property. This may account for the lower elevation of water.

B - MR. TREMARY CALLED NORTHERN REGION ON 11/30/96 AND STATED THAT AT THIS TIME THEY HAVE NO STOCK ON THEIR PROPERTY.

- DIVERSION TO STORAGE RATE OF DIVERSION BASED ON MEASUREMENT TAKEN ON 2/3/94 DURING A COMPLAINT FIELD INVESTIGATION. SPRING FLOWING SUBSTANTIALLY LESS AT THE TIME OF B.U. EXAMINATION.

RECEIVED
JUN 10 1998

THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 84-07273

DATE: 31-OCT-96

COMPLETE BY: BEARDSLEE

HORSEPOWER = .75

PUMP EFFICIENCY = 70%

DYNAMIC LIFT = 35 FEET

SYSTEM PRESSURE = 45 PSI

QUANTITY = 0.03 CFS

DIVERSION TO STORAGE MEASUREMENT:

STREAM FLOWING FROM SPRING -

1' WIDE X 0.10' DEEP X 2' FPS = 0.20 CFS

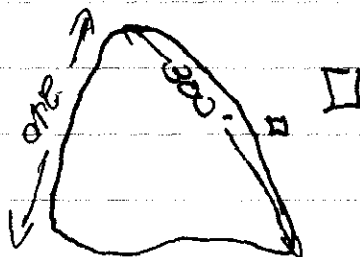
RECEIVED
JUN 10 1998

FIELD NOTES

10/24/96 THURSDAY

SPOKE WITH MRS. TROWARY ABOUT USES OF WATER FROM POND, AND SHE SAID THAT THEY DID NOT HAVE IRRIGATION USE EXCEPT LAWN + GARDEN AREAS/EAST OF POND AROUND THEIR HOME. APPROX. 1 ACRE.

SHE FURTHER SAID THAT THE IRRIGATION USE WOULD OCCUR WHEN THE "CAMP SITES" + CABINS WERE REMOVED.



POND+ PEACE OF US\$

TREASURY

84-07273

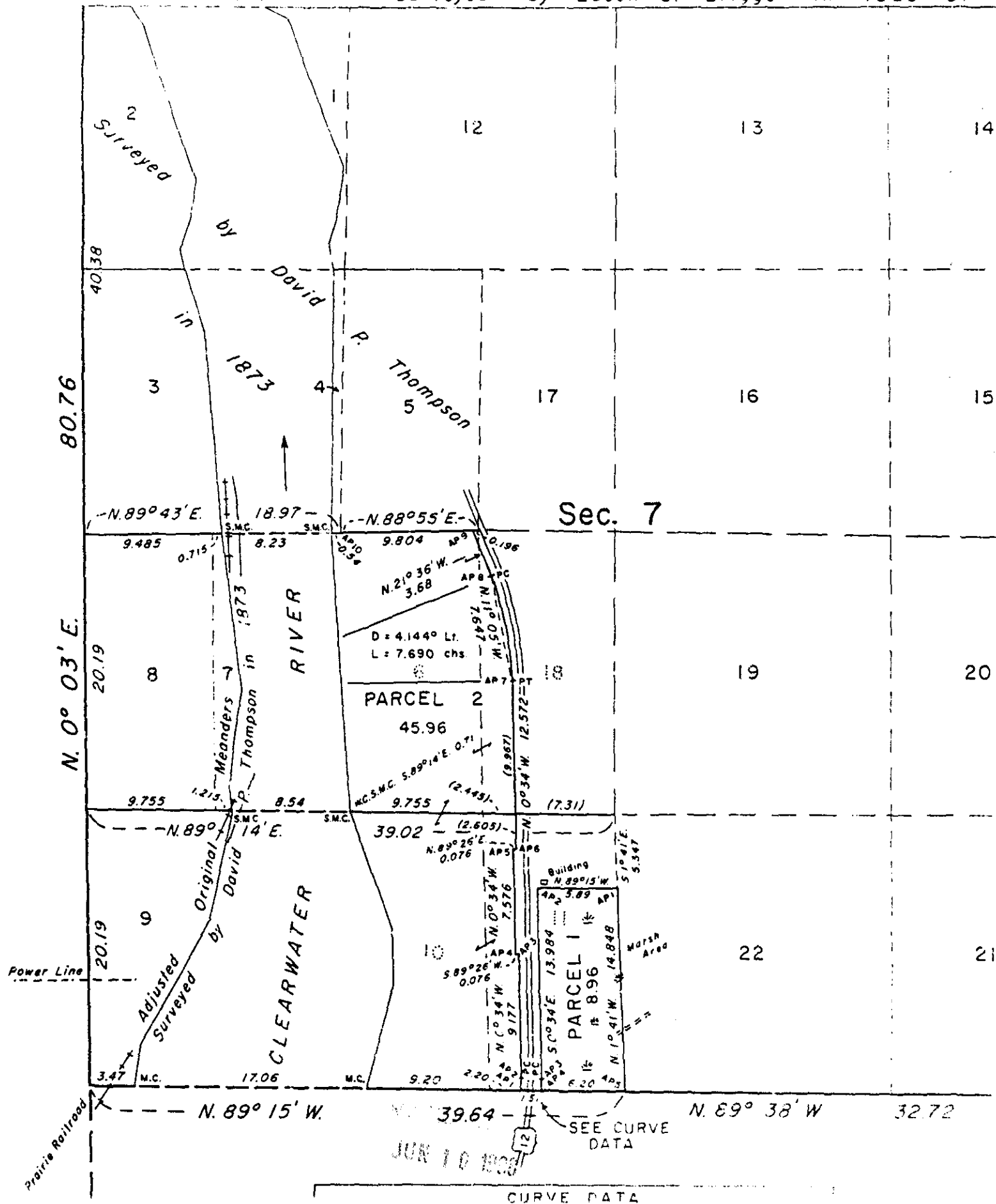
10/24/94

AB

JUN 10 1995



Surveyed by Edson D. Briggs in 1889-91





519

518

12' 30"

PLACE OF
US6

SPRING
POND

517

TRENNARY
84-07273

T. 33N.
R. 4E.

516

T. 33 N.

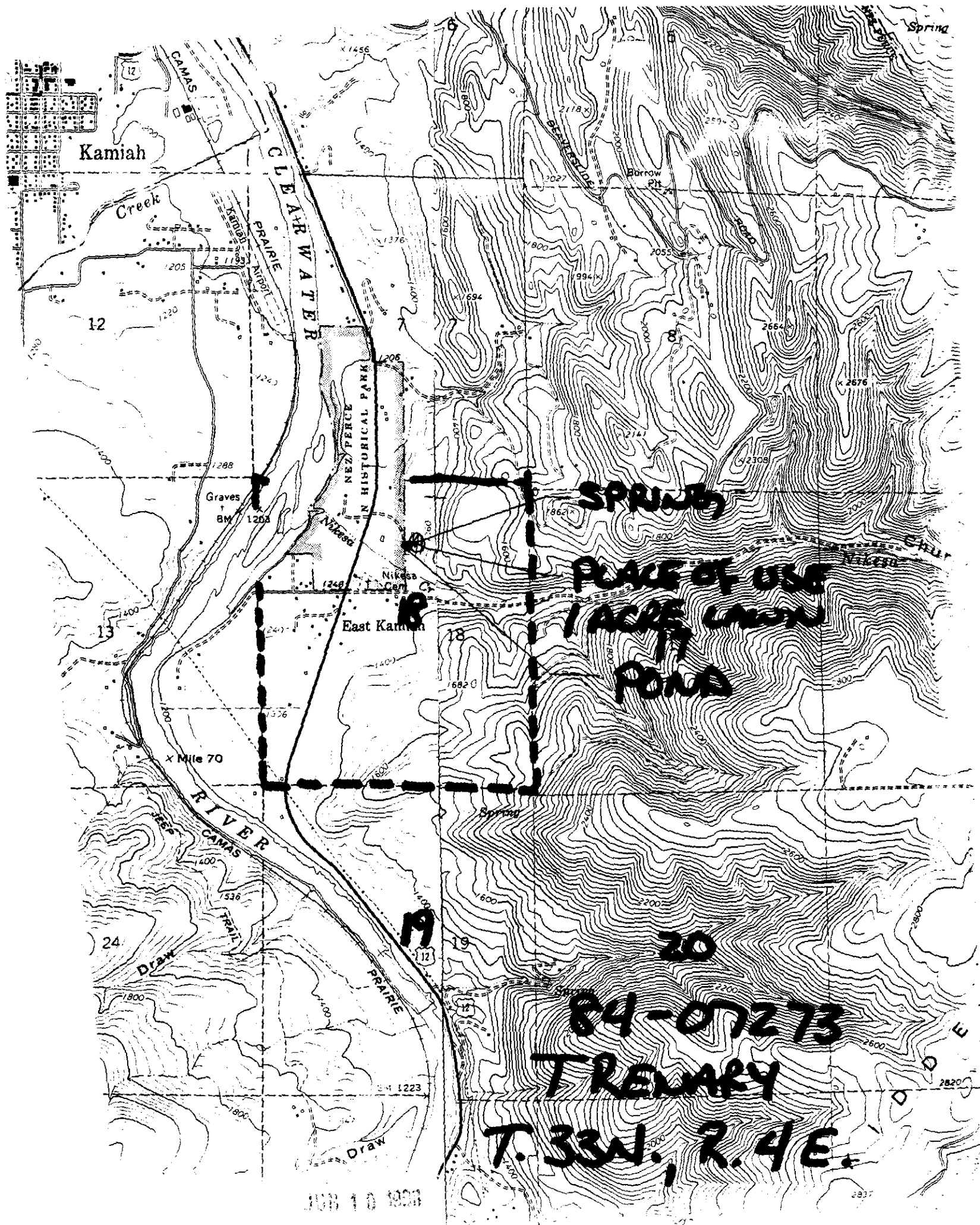
515

514

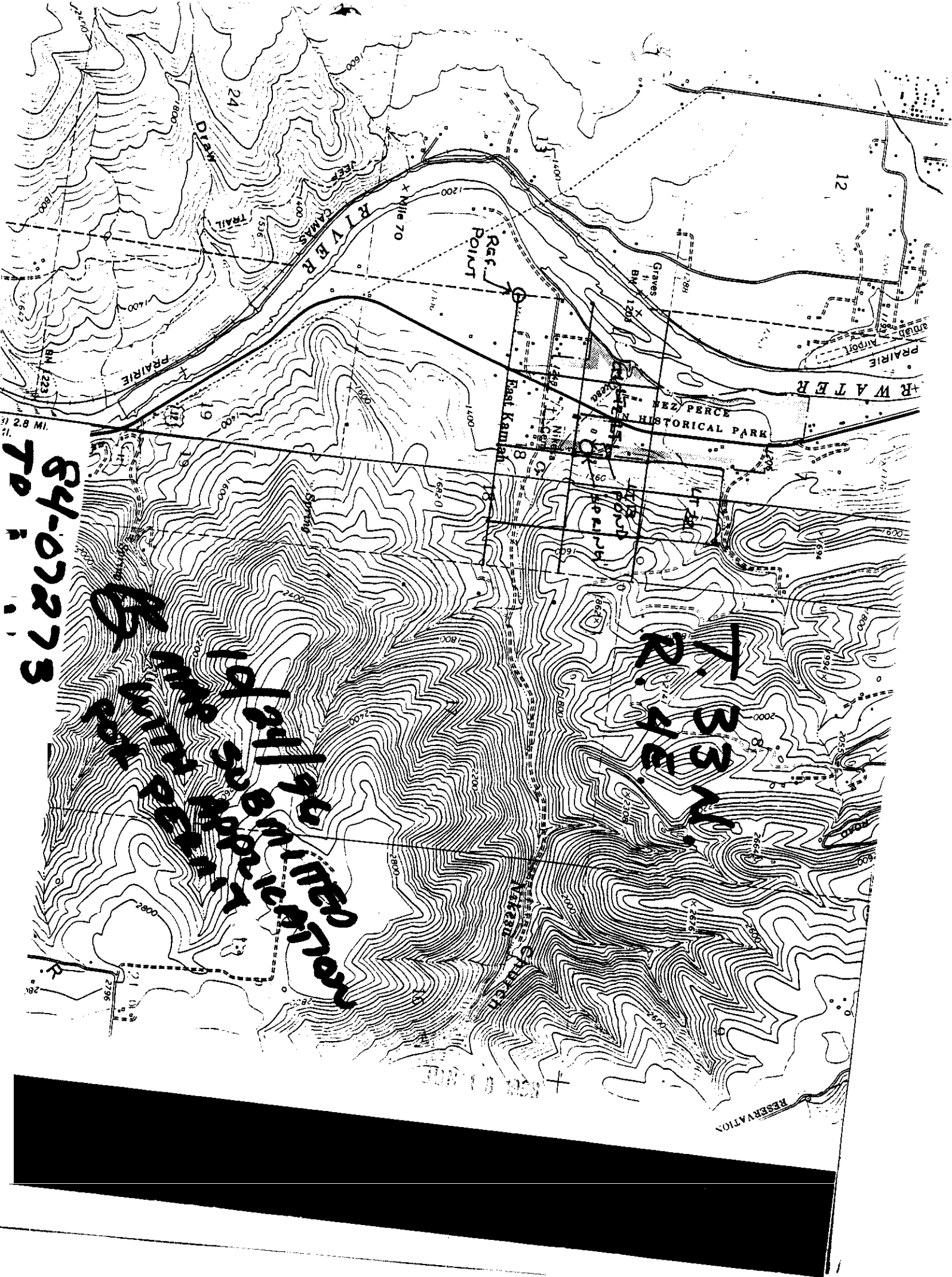
10 1938

Mile 72

30



100 10 1900





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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 16, 1995

MEMO TO: State Office
FROM: Dianne Ball - Northern
RE: 84-07273 - Trenary

The attached is corrected copy of second page of AGREEMENT SHARING WATER OF SPRING between Mark Trenary and Pauline Samuels, regarding the above referenced matter. This corrects the second notary paragraph to specify Pauline Samuels name. Original was filed incorrectly.

Please attach this copy to file copy.

Thanks.

84-7273

RECORDED

JUN 10 1995



IDAHO LEGAL AID SERVICES, INC.
INDIAN LAW UNIT
P.O. Box 973
Lewiston, Idaho 83501-0973
(208) 743-1556
FAX# (208) 743-3261

COPY

RECEIVED

MAY 16 1995

NORTHWEST REGION
IDWR

May 15, 1995

Idaho County Clerk and Recorder
320 West Main
Grangeville, ID 83530

84-07273

Dear County Clerk and Recorder:

RE: AGREEMENT SHARING WATER OF SPRING
Mark Trenary and Pauline Samuels

Please find enclosed for filing a corrected page of the Agreement Sharing Water of Spring signed by Mark Trenary and Pauline Samuels.

We noticed that the second notary paragraph notarized by Jo Anne Colter did not specify Pauline Samuels name. It had the name Mark Trenary where her name should have been.

We have accordingly changed the wording, notarized it again, enclosed another check in the amount of \$3.00 to record the corrected page.

If you have any questions, please feel free to contact Bob McCarthy of this office.

Sincerely,

IDAHO LEGAL AID SERVICES, INC.

Jo Colter

Jo Colter
Office Manager

jc

Enclosures

cc: Eric Peterson

Vanessa Carter-Lopez for Pauline Samuels
Idaho Department of Water Resources ✓

84-1273

MEMO FILED

JUN 16 1995

By: Mark Trenary
Mark Trenary

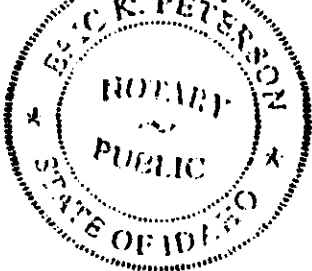
By: Pauline Samuels
Pauline Samuels

DATED THIS 11 day of January, 1995. DATED THIS 15 day of ^{MAY} January 1995

STATE OF IDAHO)
)ss
County of Idaho)

On this 11 day of January, 1995, before me, the undersigned, a Notary Public in and for the state of Idaho, duly commissioned and sworn, personally appeared Mark Trenary, personally known to me and acknowledged that he executed the above instrument as his free and voluntary act for the purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.



Eric J. Pflum

Notary Public, State of Idaho

Residing in Severy 120

My Commission expires: 5/29/1997

STATE OF IDAHO)
)ss
County of Idaho)

On this 21 day of January, 1995, before me, the undersigned, a Notary Public in and for the state of Idaho, duly commissioned and sworn, personally appeared Pauline Samuels personally known to me and acknowledged that she executed the above instrument as her free and voluntary act for the purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

NOTARY
SEAL

Is Anne Colter

Notary Public, State of Idaho

Residing in Neweston

My Commission expires: 2-1-99

NO COPY

JUN 10 1936

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 84-07273 Reviewed by [Signature] Date 8-15-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom. Irr. stock

Correct Uses? no

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

Correct? _____

LICENSE EXAMINATION FEE

yes Required?
0 Amount Submitted
no Correct?

MEASURING DEVICE

Required? not at this time
Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	/	_____	
Date proof due	_____		_____	
No. of days late	_____		=	_____
Priority Date	_____		+	_____
New Priority Date	_____			_____

DEFICIENCIES OR ACTION ITEMS

Return for \$100 exam fee.
Fee received. proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 82895

September 12, 1995

MARK TRENARY
RT 1 BOX 21
KAMIAH ID 83536

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 84-07273

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

OCT 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 16, 1995

Mark Trenary
Rt. 1 Box 21
Kamiah, ID 83536

RE: Permit No. 84-07273

Dear Permit Holder:

I have returned a copy of the Proof of Beneficial Use form submitted in connection with the above referenced water right. Before the department can process the proof, it must be accompanied by a \$100.00 license examination fee. I have enclosed a copy of the license examination fee schedule for your reference.

Please return the copy of the proof along with the \$100.00 license examination fee within thirty (30) days of receipt of this letter. Please address your correspondence to my attention.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



OCT 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 23, 1995

MARK TRENARY
RT 1 BOX 21
KAMIAH ID 83536

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 84-07273

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

RECEIVED

JUN 14 1995

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: B4-7273 Name: Trenary Date: 5/19/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: N1915 Priority: 4/7/94 ✓ Gvmt Lts: ✓

AREA OF CONCERN? spring/sinks No/Yes S/C Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Prehearing agreement) or W19(See Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
~~1 year/no proof~~ - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
- 0.2 cfs - No MD
+ 5 a. (POU cmp) - 01M, 803(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink):

Water District(~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J-P08 or 01M
- 0.2 cfs - 01H-P01 or No MD
+ 5 a. irr. - 01M (POU cmp)
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
+ 5 a. irr. - 01M✓(POU cmp)

RIVER BASINS (*Surface water):

SNAKE R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(consump. use), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R ↑ L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09(+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

① wo2/40 RC ② Rec use / fish pond

BENEFICIAL USE DUE:

COMMENTS:

6-1-1996

Same irr as A84-4297; same pond only enlarged.

No. a
4/87-06/92n

IDaho DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # 84 - 7273

***** INITIAL REVIEW *****

APPLICANT: TRINITY BY: BS DATE: 4/8/94

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

Yes No

- x Field check: by _____
1 Field report attached
1 Analysis Supp. attached (>5cfs/500af)
1 Water delivered by water master?
Water District # _____

PROCESSING

Yes No

PRIORITY DATE: 4/7/94

X (Include Moratorium Remark)

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

ADVERTISE IN: IDaho County.

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 *****

(Yes) (No)

- Y Groundwater management area
1 Critical ground water area
1 Well Drilling Permit required
1 Well Drilling Application and Fees received
1 Well Drilling Application approved?
Well Drilling Application Number _____

Checked by: _____ Date: ____/____/____

Remarks: _____

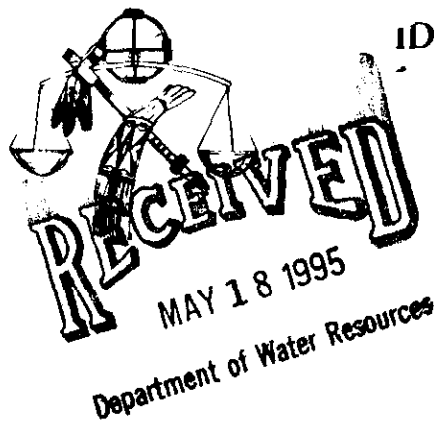
***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes) (No)

- 1 Notice of pending void order issued. Final order response date: ____/____/____
1 Further information required from applicant
1 Affidavit of publication received
1 Application published correctly, If not, record action taken: WAS 6/15 8/22/94
1 Publication dates and paper recorded on application | Sr. Agent initial BS
1 Protests received. Final protest date: 07/05/94
1 Measuring device required
1 Measuring port required
1 Special conditions: _____
1 Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: BS

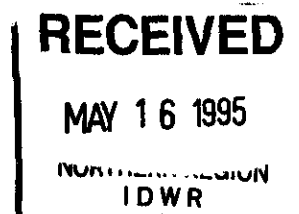
Date: 5/13/94



IDAHO LEGAL AID SERVICES, INC.
INDIAN LAW UNIT
P.O. Box 973
Lewiston, Idaho 83501-0973
(208) 743-1556
FAX# (208) 743-3261

COPY

May 15, 1995



Idaho County Clerk and Recorder
320 West Main
Grangeville, ID 83530

84-07273

Dear County Clerk and Recorder:

RE: AGREEMENT SHARING WATER OF SPRING
Mark Trenary and Pauline Samuels

Please find enclosed for filing a corrected page of the Agreement Sharing Water of Spring signed by Mark Trenary and Pauline Samuels.

We noticed that the second notary paragraph notarized by Jo Anne Colter did not specify Pauline Samuels name. It had the name Mark Trenary where her name should have been.

We have accordingly changed the wording, notarized it again, enclosed another check in the amount of \$3.00 to record the corrected page.

If you have any questions, please feel free to contact Bob McCarthy of this office.

Sincerely,

IDAHO LEGAL AID SERVICES, INC.

Jo Colter
Jo Colter
Office Manager

jc
Enclosures
cc: Eric Peterson
Vanessa Carter-Lopez for Pauline Samuels
Idaho Department of Water Resources ✓

RECORDED

JUN 14 1995

By: Mark Trenary
Mark Trenary

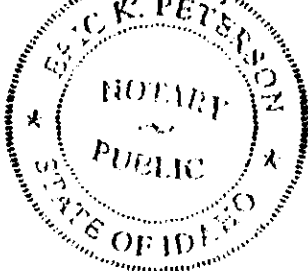
By: Pauline Samuels
Pauline Samuels

DATED THIS 11 day of January, 1995. DATED THIS 1st day of ^{May} January 1995

STATE OF IDAHO)
)ss
County of Idaho)

On this 11 day of January, 1995, before me, the undersigned, a Notary Public in and for the state of Idaho, duly commissioned and sworn, personally appeared Mark Trenary, personally known to me and acknowledged that he executed the above instrument as his free and voluntary act for the purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.



Eric K. Peterson
Notary Public, State of Idaho
Residing in Seawater
My Commission expires: 5/29/1997

STATE OF IDAHO)
)ss
County of Idaho)

On this 1st day of ^{May} January, 1995, before me, the undersigned, a Notary Public in and for the state of Idaho, duly commissioned and sworn, personally appeared Pauline Samuels, personally known to me and acknowledged that she executed the above instrument as her free and voluntary act for the purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

NOTARY
SEAL

J. Anne Colter
Notary Public, State of Idaho
Residing in Seawater
My Commission expires: 2-1-99

RECORDED
JUN 14 1995



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

RECEIVED
MAY 18 1995
Department of Water Resources

RECEIVED
MAY 18 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 16, 1995

Department of Water Resources

MEMO TO: State Office
FROM: Dianne Ball - Northern
RE: 84-07273 - Trenary

The attached is corrected copy of second page of AGREEMENT SHARING WATER OF SPRING between Mark Trenary and Pauline Samuels, regarding the above referenced matter. This corrects the second notary paragraph to specify Pauline Samuels name. Original was filed incorrectly.

Please attach this copy to file copy.

Thanks.

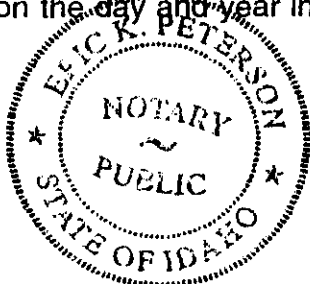
RECEIVED

JUN 14 1995

By: Pauline Samuels
Pauline Samuels

STATE OF IDAHO)
)ss
County of Idaho)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.



My Commission expires: 5/29/1997

STATE OF IDAHO)
)ss
County of Idaho)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

My Commission expires: 2-1-99

Please note - Pauline Samuels
signature is not notarized.
// ? Should be corrected. []

JUN 14 1995

May 15, 1995

Robert J. McCarthy
Attorney at Law
Idaho Legal Aid Services, Inc.
P O Box 973
Lewiston, ID 83501-0973

Re: Protest to Permit No. 84-07273

Dear Mr. McCarthy:

This acknowledges receipt of the **Agreement for Sharing Water of Spring** between Mark Trenary and Pauline Samuels, together with your letter stating that with the execution of this agreement Pauline Samuels dismisses her protest against Mr. Trenary's application with regard to the above referenced matter.

Confirming our phone conversation of this date, the **Agreement for Sharing Water of Spring** has Mark Trenary's signature notarized twice, but there is no notarization for Pauline Samuels' signature. My understanding is that you will furnish our office with a corrected copy, and that you will file whatever papers are necessary in order to correct this matter.

We will not hold up the processing of this Permit for Mr. Trenary due to this oversight, but will now proceed with processing Mr. Trenary's Application for Permit to appropriate the public waters of the State of Idaho, with note to the file that this corrected document is forthcoming.

Sincerely,

Allen Beardslee
Senior Water Resource Agent

AB:db

JUN 14 1995

RECEIVED
MAY 17 1995
Department of Water Resources

May 15, 1995

Mark Trenary
Rt. 1 Box 21
Kamiah, ID 83536

Re: 84-07273

Dear Mr. Trenary:

We are in receipt of the **Agreement for Sharing Water of Spring** between you and Pauline Samuels, together with a letter from Mr. Robert J. McCarthy, Idaho Legal Aid Services, Inc., stating that with the execution of this agreement Pauline Samuels dismisses her protest against your Application for Permit to appropriate the public water of the State of Idaho.

Your Application will now be sent to Boise for further processing and the issuance of a Permit, following receipt of which you will need to complete the necessary work in the allotted time, and then file the required Proof of Beneficial Use.

If we can be of further assistance, or if you have additional questions, please do not hesitate to call.

Sincerely,

Allen Beardslee
Senior Water Resource Agent

AB:db

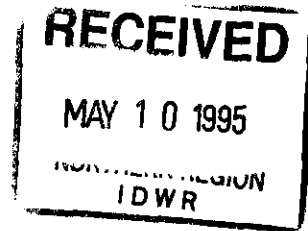
RECEIVED
JUN 14 1995



IDAHO LEGAL AID SERVICES, INC.

INDIAN LAW UNIT

P.O. Box 973
Lewiston, Idaho 83501-0973
(208) 743-1556
FAX# (208) 743-3261



May 8, 1995

Robert G. Haynes, P.E.
Department of Water Resources
Northern Region
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

RE: Protest to Permit No. 84-07273 of Mark Trenary

Dear Mr. Haynes:

Please find enclosed a copy of an Agreement for Sharing Water of Spring between Mark Trenary and Pauline Samuels. With the execution of this agreement, Pauline Samuels dismisses her protest against Mark Trenary's application for a pond permit. The agreement will be recorded with Idaho County. The intent of the parties is that the pond will have no effect on the historic seasonal flow of the spring to the existing channel. Whatever water goes into the pond from the stream will go out of the pond outlet.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely,

IDAHO LEGAL AID SERVICES, INC.

Robert J. McCarthy
Attorney at Law
Director, Indian Law Unit

RJM/jac

cc: Vanessa Carter-Lopez
Harriet Crosby
Eric Peterson

MAY 14 1995

RECEIVED

MAY 10 1995

NORTHWEST REGION
IDWR

AGREEMENT FOR SHARING WATER OF SPRING

THIS AGREEMENT made and entered into this 11 day of January 1995 by and between Mark Trenary, TRUE OWNER OF Township 33N, Range 04E, Section 18, 1/4 SW of 1/4 SE of 1/4 NE Lot 13, Idaho County, Idaho (the place of the diversion of the spring/stream described below), who presently resides at Rt. 1, Box 21, Kamiah Idaho, party of the first part, which expression shall include his heirs, executors, administrators, agents or assigns where the context so requires or admits, and Pauline Samuels, TRUE OWNER OF Township 33N, Range 4E, Section 18, NW 1/4 of NE 1/4 of NW 1/4, Idaho County, Idaho who presently resides at Rt. 1, Box 20, Kamiah. Idaho, party of the second part, which Expression includes her heirs, executors, administrators, agents or assigns where the context so requires or admits;

WITNESSETH

WHEREAS Mark Trenary, on or about 1991, expanded an existing pond on his property fed by an exiting spring which originates on his property and diverted the pond drainage from its former channel into Nikesa Creek instead of returning the stream to it's former channel as a tributary to the Clearwater River inadvertently depriving Pauline Samuels and her family of the use of the water from such tributary and Pauline Samuels has brought the effect of this diversion to the attention of Mark Trenary; and

WHEREAS Mark Trenary desires to redivert the pond drainage from Nikesa Creek to its original channel once it leaves his property to accommodate Pauline Samuels and her heirs;

NOW THEREFORE, Mark Trenary will redivert the pond drainage flow from the expanded pond restoring the seasonal flow of the pond drainage to its prior channel.

IT IS EXPRESSLY INTENDED by both parties to this agreement that this is an interim settlement which may be revisited by the Snake River Basin Adjudication and neither party intends this agreement as a statement of existing facts or as a final resolution of their water rights adjudicated under the Snake River Basin Adjudication.

IT IS EXPRESSLY INTENDED that these burdens and restrictions shall run with the land and shall forever bind the Parties, their heirs and assigns.

IT IS EXPRESSLY INTENDED this agreement can be enforced or remedied at law and in equity and that if either party files an action to enforce this agreement the prevailing party will be entitled to reasonable attorney fees.

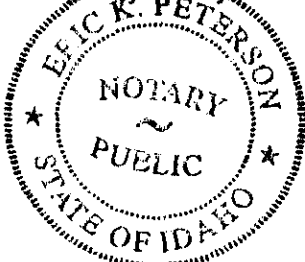
RECEIVED

JUN 14 1995

By: Pauline Samuels
Pauline Samuels

STATE OF IDAHO)
)ss
County of Idaho)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.



Notary Public, State of Idaho
Residing in Sevenson

My Commission expires: 5/29/1997

STATE OF IDAHO)
)ss
County of Idaho)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

Notary Public, State of Idaho
Residing in Leicester

My Commission expires: 2-1-99

JUN 14 1995



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 8, 1994

Mr. Mark Trenary
Route 1 Box 21
Kamiah, ID 83536

RE: Permit No. 84-07273

Dear Mr. Trenary:

Pursuant to a request from Judson Carusone, Attorney at Law for the Idaho Legal Aid Services, Inc., representatives for Pauline Samuels, we are continuing the hearing formerly scheduled for November 22, 1994.

It is our understanding that you and your counsel, Mr. Eric Peterson, will be meeting soon with Pauline Samuels and/or her representatives, attempting to come to some agreement on this matter. Please advise us as soon as possible as to the outcome of your meeting.

Thank you.

Sincerely,

Robert G. Haynes, P.E.

db

cc: Eric Peterson
(318 5th St.
Lewiston
83501)

RECEIVED

JUN 14 1995



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 8, 1994

Judson Carusone
Attorney at Law
Idaho Legal Aid Services, Inc.
Indian Law Unit
P.O. Box 973
Lewiston, ID 83501-0973

RE: Permit No. 84-07273

Dear Mr. Carusone:

Pursuant to your request, we are continuing the hearing formerly scheduled for November 22, 1994 regarding this matter.

It is our understanding that you will be meeting with Mr. Trenary and Mr. Eric Peterson, Mr. Trenary's attorney, attempting to come to some agreement on this matter. Please advise us as soon as possible as to the outcome of your meeting.

Thank you.

Sincerely,

Robert G. Haynes, P.E.

db

cc: Pauline Samuels c/o Idaho Legal Aid Services

DISPATCHED
JUN 14 1995

Application No. 84-07273

SPECIAL NOTE: An agreement was being proposed
at the time of the protest

PROTEST INFORMATION SHEET

N 7956

RJC

7/26

25

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	<u>Pauline Samuels c/o Attorney</u>		<u>7/5/94</u>
2			
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY Robert J. McCarthy ADDRESS Idaho Legal Aid Services, Inc.
Indian Law Unit P.O. Box 973 Lewiston 83501

DATE FILED: 7/5/94 PROTEST DUE DATE: 7/5/94

ISSUES: afraid it will infringe on her water rights.

Applicant

ATTORNEY

ADDRESS

DATE

Protest Date Entered on Computer

Acknowledgment Letters Sent

Hearing Date

7/26/94
11/22/94 Continued — 11/8/94

(Other Dates)

Other Information:

Protest information submitted to computer (following hearing):

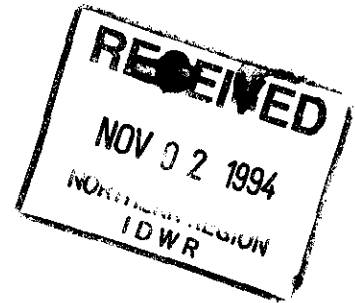
JUN 14 1995



IDAHO LEGAL AID SERVICES, INC.

INDIAN LAW UNIT

P.O. Box 973
Lewiston, Idaho 83501-0973
(208) 743-1556
FAX# (208) 743-3261



NOVEMBER 1, 1994

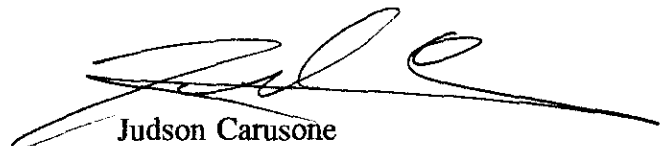
Robert G. Haynes, P.E.
Department of Water Resources
Northern Region
1910 Northwest Blvd, Ste 210
Coeur d'Alene ID 83814

RE: Protest to Permit No. 84-07273 of Mark Trenary

Dear Mr. Haynes:

I am writing to request a continuance of the conference/hearing scheduled for November 22 at 1pm. This request is made for two reasons. One, the Legal Interns responsible for the case will not be available on that day due to the Thanksgiving recess. Two, we are meeting with Mr. Trenary's counsel in mid-November with the hopes of coming to some agreement. We will need additional time to meet and then communicate settlement offers to our respective clients. Mr. Eric Peterson, counsel for Mr. Trenary, has agreed to a continuance. Thank you for your attention to this letter.

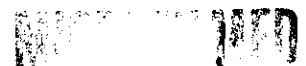
Sincerely,
IDAHO LEGAL AID SERVICES


Judson Carusone
Attorney at Law

cc: Eric Peterson
Harriet Crosby

Attempted to reach Mr. Eric Peterson, attorney,
on November 7 and November 8, 1994 - left message
both times for him to return call - he never did.

Dianne



JUN 14 1995

HEARING SCHEDULE

Northern Region

FEDERAL BUILDING, SECOND FLOOR CONFERENCE ROOM, 220 E. FIFTH, MOSCOW, IDAHO

MONDAY, NOVEMBER 21, 1994

9:00 A.M. - 87-07174 - HICKLIN

11:00 A.M. - 86-07323 - GROSECLOSE

STATE OFFICE BUILDING, 3RD FLOOR CONF. ROOM, 1118 "F" STREET, LEWISTON, ID

TUESDAY, NOVEMBER 22, 1994

9:30 A.M. - 85-07606 - CRAIGO

1:00 P.M. - 84-07273 - TRENARY

JUN 14 1995

File: 84-07273 - TRENARY

Date: Tuesday - Nov. 22, 1994, 1:00 P.M.

Place: Third Floor Conference Room
State Office Building
1118 "F" Street
Lewiston, ID

ROSTER OF ATTENDANCE

[illegible]

1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete item and/or 2 for additional services.
- Complete item and 4a & b.
- Print your name and address on the reverse of the card so that we can return this card to you.
- Attach this form to the front of the mailpiece or on the back if the mailpiece does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and to whom it was delivered.

3. Article Addressed to:

Pauline Samuel
c/o Robt McQuinn
PO Box 973
Lumberton ID 83051-4195

5. Signature (Addressee)

Pauline Samuel

6. Signature (Agent)

RECEIVED

NOV 07 1994

I also wish to receive the following services (for an extra fee).

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

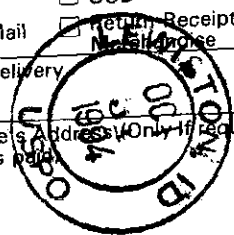
48294

4b. Service Type

- ☒ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☒ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)



Thank you for using Return Receipt Service

UNITED STATES POSTAL SERVICE

Official Business



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



JUN 14 1995

Print your name, address and ZIP Code here

Dept of Water Resources
1910 Northwest Blvd #210
Coar d'Alen ID 83814

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete it and/or 2 for additional services.
- Complete it and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

RECEIVED

NOV 01 1994

also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mark Trenary
Rt 1 Box 21
Ramoth ID 83536

4a. Article Number

48298

4b. Service Type

- | | |
|---------------------------------------|---|
| ☐ Registered | ☐ Insured |
| ☐ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

4/19/95

5. Signature (Addressee)

6. Signature (Agent)

James M. Trenary

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 ★ U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE: \$300



JUN 1 4 1995

Print your name, address and ZIP Code here

Dept of Water Resources
1910 Northwest Blvd #1210
Coeur d'Alene ID 83814

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 84-07273)
IN THE NAME OF MARK TRENARY)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

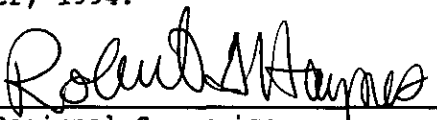
On April 7, 1994, MARK TRENARY filed with the Department of Water Resources (department) application for permit no. 84-07273. The application was protested by PAULINE SAMUELS.

The department has scheduled the matter for conference &/or hearing on November 22, 1994 at the State Office Building, Third Floor Conference Room, 1118 "F" Street, Lewiston, Idaho, AT 1:00 P.M.. The conference &/or hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference &/or hearing will be ROBERT G. HAYNES.

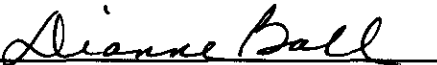
The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within (10) days prior to the conference &/or hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 27th day of October, 1994.


Regional Supervisor

I hereby certify that on the 28th day of October, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Secretary

Certified Mail

Mark Trenary
Pauline Samuels c/o Robert J. McCarthy

Non-Certified Mail

Robert J. McCarthy, Attorney at Law

NOTICE OF CONFERENCE &/OR HEARING - PAGE p\.

RECORDED

JUN 14 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

RECEIVED

NOV 01 1994

IDWR

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mark Tremar
Rt 1 Box 2
Kamiah ID 83536

4a. Article Number

48294

4b. Service Type

- ☒ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

OCT 31 1994

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

[Handwritten Signature]

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



POSTMARK
JUN 14 1990

Print your name, address and ZIP Code here

• Dept. of Water Resources
1910 Northwest Blvd #210
Coeur d'Alene ID 83814

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

RECEIVED

NOV 01 1994

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Pauline Samuels
 c/o Robt. J. McCarthy, Attorney
 P.O. Box 973
 Lewiston ID 83501

4a. Article Number

48295

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

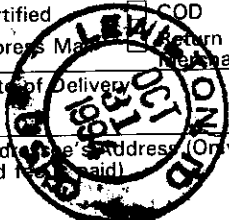
7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

Pauline Samuels

6. Signature (Agent)



Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



37 JUN 14 1996
JUN 14 1996

Print your name, address and ZIP Code here

Dept. of Water Resources
1910 Northwest Blvd #210
Coeur d'Alene ID 83814

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 84-07273)
IN THE NAME OF MARK TRENARY)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

On April 7, 1994, MARK TRENARY filed with the Department of Water Resources (department) application for permit no. 84-07273. The application was protested by PAULINE SAMUELS.

The department has scheduled the matter for conference &/or hearing on November 22, 1994 at the State Office Building, Third Floor Conference Room, 1118 "F" Street, Lewiston, Idaho. The conference &/or hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference &/or hearing will be ROBERT G. HAYNES.

The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within (10) days prior to the conference &/or hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 27th day of October, 1994.

Robert G. Haynes
Regional Supervisor

I hereby certify that on the 28th day of October, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:

Lianne Ball
Secretary

Certified Mail
Mark Trenary
Pauline Samuels c/o Robert J. McCarthy

Non-Certified Mail
Robert J. McCarthy, Attorney at Law

NOTICE OF CONFERENCE &/OR HEARING - PAGE p\.

Corrected & resent 10/28/94
JUN 14 1995
(Signature)

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

RECORDED

JUN 14 1995

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

RECEIVED
JUN 14 1995



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

CECIL D. ANDRUS
Governor
July 26, 1994

R. KEITH HIGGINSON
Director

Mark Trenary
Rt. 1, Box 21
Kamiah, ID 83536

RE: 84-07273

Dear Trenary:

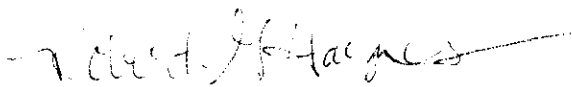
Enclosed is a copy of a protest filed against the approval of the above-referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,


ROBERT G. HAYNES, P.E.
Regional Manager
RGH/rjc
Enclosure

JUN 14 1995



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

CECIL D. ANDRUS
Governor
July 26, 1994

R. KEITH HIGGINSON
Director

Pauline Samuels
C/O Robert J. McCarthy, Attorney
Idaho Legal Aid Services, Inc.
P.O.Box 973
Lewiston, ID 83501

RE: 84-07273/Trenary

Dear Ms. Samuels:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. Enclosed is receipt number N007956. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

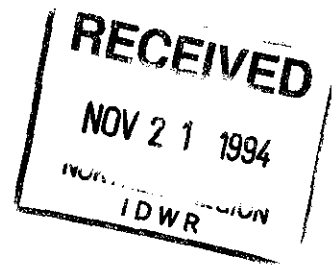
RECEIVED
JUN 14 1995



IDAHO LEGAL AID SERVICES, INC.

INDIAN LAW UNIT

P.O. Box 973
Lewiston, Idaho 83501-0973
(208) 743-1556
FAX# (208) 743-3261



November 18, 1994

Robert G. Haynes,
Department of Water Resources
Northern Regional Office
1910 Northwest Blvd-Suite 210
Coeur d' Alene, ID 83814-2615

RE: Permit No. 84-07273

Dear Mr. Haynes,

Thank you for continuing the hearing formerly scheduled for November 22, 1994. Mr. Mark Trenary, Mr. Eric Peterson, Mark Trenary's attorney, Mr. Judson Carusone and I met on November 15, 1994. We arrived at a tentative agreement for a sharing of the stream. I am in the process of drafting an agreement, when the agreement is completed and signed by both parties I will mail you a copy.

If for any reason the parties are not able to reach a final agreement, it is my understanding, that we may request a hearing in this matter.

If I need to do anything else to insure that we still have a right for a hearing in the event we are unable to come to a final agreement please advise me.

Thank you.

Sincerely,

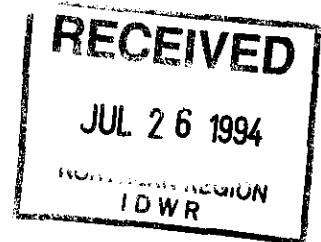

Harriet Crosby, Legal Intern

RECEIVED

JUN 14 1995



IDAHO LEGAL AID SERVICES, INC.
INDIAN LAW UNIT
417 Weisgerber Building
P.O. Box 973
Lewiston, Idaho 83501
(208) 743-1556



July 25, 1994

Rhonda Childress
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814

RE: Protest Filing Fee
Permit application 84-07273

Dear Ms. Childress:

Please find enclosed a check for \$25 on behalf of Pauline Samuels, regarding the application for a pond permit filed by Mr. Trenary. I understand the protest was timely filed. We have proposed a settlement agreement to Mr. Trenary and will keep the Department apprised.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely,

Robert J. McCarthy
Robert J. McCarthy
Attorney
Director, Indian Law Unit

c: Pauline Samuels
Vanessa Carter

RECEIVED

JUN 14 1995

Rec # 47956

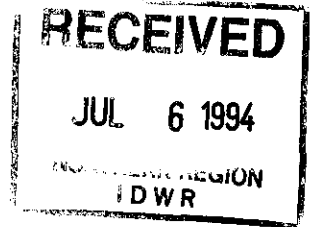
RC 25⁰⁰



IDAHO LEGAL AID SERVICES, INC.

INDIAN LAW UNIT

P.O. Box 973
Lewiston, Idaho 83501-0973
(208) 743-1556
FAX# (208) 743-3261



July 5, 1994

Al Beardsly
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814

FAX: 769-1454

RE: DRAFT SETTLEMENT AGREEMENT
Permit application 84-07273

Dear Al:

Please find enclosed a draft Water Agreement between Pauline Samuels and Mr. Trenary, regarding his application for a pond permit. Mrs. Samuels requests the assistance of the Department to ensure that there is no infringement of her water rights. We would appreciate your review of this draft, and suggestions regarding any changes necessary to ensure that the agreement has the desired effect.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely,

Robert J. McCarthy
Attorney
Director, Indian Law Unit

c: Pauline Samuels
Vanessa Carter

RECORDED
JUN 14 1995

WATER AGREEMENT

This agreement is entered into between Pauline Samuels, acting by and through her attorneys, Idaho Legal Aid Services Inc., and Mark Trenary.

Mark Trenary has filed an application for a pond permit, application number 84-07237. Pauline Samuels has filed a protest of the pond permit. In resolution of the dispute, the parties agree as follows.

Mr. Trenary acknowledges Mrs. Samuels' right to .04 cfs of water from the spring which is also the source of his water rights claim. Mr. Trenary agrees that he will ensure that a minimum of .04 cfs will continue to pass through his property to be available to Mrs. Samuels and her property before he diverts any amount of water from the common source.

This agreement shall bind the parties and their successors in interest to the respective properties.

date:_____

date:-----

Pauline Samuels
by Idaho Legal Aid Services, Inc.
Robert J. McCarthy
Attorney at Law

Mark Trenary

RECEIVED
JUN 14 1995



IDAHO LEGAL AID SERVICES, INC.
INDIAN LAW UNIT
P.O. Box 973
Lewiston, Idaho 83501-0973
(208) 743-1556
FAX# (208) 743-3261

FAXED
7-5-94

July 5, 1994

Director
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814

FAX: 769-1454

RECEIVED

JUL 5 1994

**NORTHERN REGION
IDWR**

RE: NOTICE OF PROTEST
Permit application 84-07273

Dear Director:

Pauline Samuels provides notice of her protest of the application for a pond permit filed by Mr. Trenary. Mrs. Samuels requests the assistance of the Department to ensure that there is no infringement of her water rights.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely,

Robert J. McCarthy
Robert J. McCarthy
Attorney
Director, Indian Law Unit

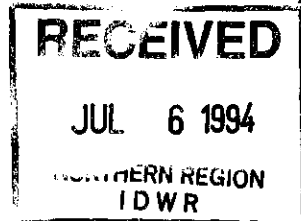
c: Pauline Samuels
Vanessa Carter

JUN 14 1995



IDAHO LEGAL AID SERVICES, INC.
INDIAN LAW UNIT

P.O. Box 973
Lewiston, Idaho 83501-0973
(208) 743-1556
FAX# (208) 743-3261



July 5, 1994

Director
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814

FAX: 769-1454

RE: NOTICE OF PROTEST
Permit application 84-07273

Dear Director:

Pauline Samuels provides notice of her protest of the application for a pond permit filed by Mr. Trenary. Mrs. Samuels requests the assistance of the Department to ensure that there is no infringement of her water rights.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely,

Robert J. McCarthy
Robert J. McCarthy
Attorney
Director, Indian Law Unit

c: Pauline Samuels
Vanessa Carter

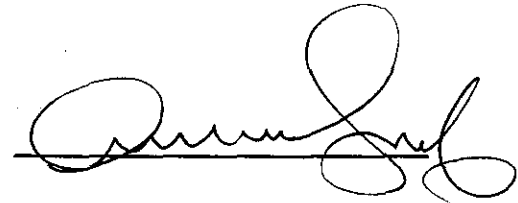
RECEIVED

JUN 14 1995

AFFIDAVIT OF PUBLICATION

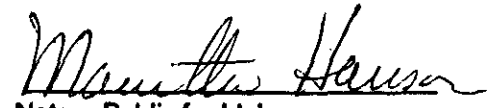
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho county, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 15th day of June, 19 94, and the last publication on the 22nd day of June, 19 94; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice or advertisement.



STATE OF IDAHO }
COUNTY OF } IDAHO

On this 22nd day of June in the year of 1994,
Before me, a Notary Public, personally appeared
Andrew J. McNab, 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.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10-8-99

RECEIVED

JUN 29 1994

NOTARY REGION
IDWR

JUN 14 1995



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

CECIL D. ANDRUS
Governor
June 8, 1994

R. KEITH HIGGINSON
Director

IDAHO COUNTY FREE PRESS
P O BOX 690
GRANGEVILLE ID 83530

Gentlemen:

Enclosed you will find a legal notice correction which we wish to have published on the dates indicated (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.

Please send the affidavit of publication and bill to this office before June 15, 1994.

Sincerely,

RHONDA J. CHILDERS
Senior Secretary

Enclosure

Billings Dept -
This legal notice correction
was sent to your office
to be readvertised 6/13 & 23/94,
with a request that a bill
to be readvertised to be sent
however - upon further review
found
error was not ours, but
yours.

So - please do NOT send
a bill & adjust our
account accordingly -

Thank you -

Rhonda Childers
6/14

JUN 14 1995



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

CECIL D. ANDRUS
Governor
June 8, 1994

R. KEITH HIGGINSON
Director

IDAHO COUNTY FREE PRESS
P O BOX 690
GRANGEVILLE ID 83530

Gentlemen:

Enclosed you will find a legal notice correction which we wish to have published on the dates indicated (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.

Please send the affidavit of publication and bill to this office before June 15, 1994.

Sincerely,

RHONDA J. CHILDERS
Senior Secretary

Enclosure

MISSOURI

JUN 14 1995

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 84-07273 in the name of Mark Trenary, Rt. 1 Box 21, Kamiah, ID 83536 was advertised incorrectly on 4/21 & 28/94.

The recreation use diversion rate was incorrectly described as (5.10 CFS); whereas, correctly it should be (.510). The total diversion was incorrectly described as (.510 CFS); whereas, correctly it should be (.510 CFS) and (10.0 AF).

(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 July 5, 1994.

R. KEITH HIGGINSON, Dir.

Published in the Idaho County Free Press 6/16 & 23/94.

JUN 14 1995

ALL KINDS
OF
COMMERCIAL
PRINTING



USE FREE PRESS
CLASSIFIED ADS
"THEY GET RESULTS"



TELEPHONE:
983-1070
"PROMPT SERVICE"

STATEMENT

IDAHO COUNTY FREE PRESS

COUNTY SEAT NEWSPAPER OF IDAHO COUNTY - FOUNDED JUNE 18, 1886

P.O. BOX 690 • GRANGEVILLE, ID 83530

PRINTERS AND PUBLISHERS

19

Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814

DATE	INVOICE NO. / ITEMS	AMOUNT
------	---------------------	--------

04/21-28/94

38Li2x Notice of Application

\$37.44

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been "paid."

IDAHO COUNTY FREE PRESS

BY:

Office Mgr.

JUN 1 4 1995

*copy sent
out to
to pay
to 15/11
my*

RECEIVED

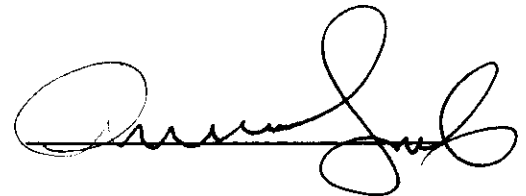
MAY 04 1994

NORTHWEST REGION
IDWR

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho county, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 21st day of April, 19 94, and the last publication on the 28th day of April, 19 94; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice or advertisement.



STATE OF IDAHO }
COUNTY OF } IDAHO

On this 28th day of April in the year of 1994,
Before me, a Notary Public, personally appeared
Andrew J. McNab, 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.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10-8-99

NOTARY PUBLIC
The following is a true and correct copy of the
State of Idaho.
64-07273
TRENHART, MARK
RT 1 BOX 21
KALAMAZOO, ID 83430
Canton: SPRING Tributary: SNUGS
Division Pt: SENECA Cnd 187 22 N
R 215 IDAHO County
Irrigation Storage (10.00 AF)
IRRIGATION FROM STORAGE
STOCKWATER (200 CFS)
STOCKWATER STORAGE (70 AF)
RECREATION (10.00 AF)
RECREATION STORAGE (10.00 AF)
AESTHETIC (10.00 AF)
Total 200.00 AF
Date 5/1/94
This is a true and correct copy of the
State of Idaho.
water rights. Records must be kept with
the applicant and with the Director,
Dept. of Water Resources, Northern
Region, 1910 Northwest Blvd., Suite
310, Coeur d'Alene, Idaho 83814 on or
before May 1, 2000.
R. KEITH HIGGINSON, Director
Published: 4/21/1994 & 4/28/1994
A21-28

JUN 14 1995

84-07273

TRENARY, MARK
RT 1 BOX 21
KAMIAH, ID 83536

Source: SPRING

Tributary: SINKS

Diversion Pt: SENENW Sec 18 T 33N R 04E in IDAHO County.

Use: IRRIGATION	(.510 CFS)	
IRRIGATION STORAGE		(10.00 AF)
IRRIGATION FROM STORAGE		(.70 AF)
STOCKWATER	(.020 CFS)	
STOCKWATER STORAGE		(.70 AF)
RECREATION	(.510 CFS)	
RECREATION STORAGE		(10.00 AF)
AESTHETIC	(.510 CFS)	
AESTHETIC STORAGE		(10.00 AF)
DIVERSION TO STORAGE	(.510 CFS)	
Total Diversion:	(.510 CFS)	

Date Filed: 4/ 7/1994

In: IDAHO County			
T33N R04E S07	SWSE		
S18	NWNE	NENW	

20.0 ACRES TOTAL

JUN 14 1995



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

CECIL D. ANDRUS

Governor

April 14, 1994

R. KEITH HIGGINSON

Director

Mr. Mark Trenary
Rt. 1 Box 21
Kamiah, Id. 83536

Dear Mr. Trenary:

Subject: Water Application for Permit Number 84-7273.

The Idaho Department of Water Resources hereby acknowledges receipt of the above-referenced Application for Permit to Appropriate the Public Waters of the State of Idaho. Enclosed is Receipt Number N7515. Please refer to your Application for Permit Number in future matters concerning this water right application.

Your Application for Permit is currently being prepared for advertising in the local county newspaper. The advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for submittal of protests.

If your application is not protested, it will be forwarded to Boise for processing. Normal processing time is approximately 3 to 4 months, if the application is not protested. If your Application for Permit is protested, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before your Application for Permit can be approved. If the protest is not resolved, this Department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State Office in Boise.

If your Application for Permit is for a well (groundwater) that was constructed after July 1, 1987, you must apply for a well drilling permit upon approval of your Application for Permit if no permit was obtained by previous owners to construct the well. Well Drilling Permits can only be issued by this office to holders of approved Applications for Permit.

If I can be of further assistance, please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resource Agent
Enc. - Receipt

JUN 14 1995