

AUG 31 2016

DEPARTMENT OF
FORM 202 REV 10/15 WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

95-17218

RECEIVE

SEP - 6 2016

IDWR/NORTHER

1. Name of applicant(s) TRIPLE CREEK REVOCABLE LIVING TRUST Phone 208-476-0798
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address 5913 Grangemont Road, Orofino, ID 83544 Email dr.pop@sbcglobal.net
2. Name of representative, if any Michael P. Lawrence Phone 208-388-1294
 Mailing address Givens Pursley LLP, 601 W. Bannock St., Boise, ID 83702 Email mpl@givenspursley.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant.
3. Source of water supply Groundwater, Diffused SW, Spring which is a tributary of Little Plummer Cr. (Spring source)
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
46N	4W	27			NW	NW	Benewah	Ground Water	
46N	4W	27		NW	NW	NW	Benewah	Spring	
46N	4W	27			NW	NW	Benewah	Diffuse SW	

5. Water will be used for the following purposes:
- Amount 39.1 AF for J, R, W, Fire Storage purposes from 1/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 10 AF for Irrigation Storage purposes from 1/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.06 cfs for Irrigation purposes from 3/15 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 6 AF for Irrigation from Storage purposes from 3/15 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.06 cubic feet per second (cfs) and/or (b) 45.1 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Dam on Spring source will impound total flow; excavated area behind dam will fill naturally with groundwater and diffused surface water
- b. Height of storage dam ≤10 feet; active reservoir capacity 29 acre-feet; total reservoir capacity 29 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? N/A drilling firm
 well was drilled for (well owner) ; Drilling Permit No:

For Department Use

Received by Date Time Preliminary check by
 Fee \$ 250 Received by AO Receipt No. C102442 Date

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SEP 29 2016

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8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households 1
- e. Other; describe fully. Year-round storage for fire protection, aesthetic, recreational, and wildlife uses; year-round storage for irrigation; diversions from natural flow and storage for irrigation of 2 acres during irrigation season

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	4W	27						2											2
46N	4W	27						JRW											
46N	4W	27						F											

Total number of acres to be irrigated: 2

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None

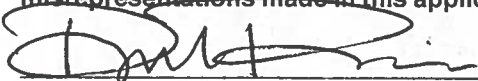
11. a. Who owns the property at the point of diversion? Applicantb. Who owns the land to be irrigated or place of use? Applicantc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Applicant will construct new pond on Spring source of approx. 4 surface acres, variable depth up to 20 feet, with total capacity of 29 AF below spillway. Multiple fills per year to replace 5.7 AF evap, 4.4 AF seepage, and 6 AF of irrigation, so 29 AF remains in storage year-round; hence Item 6's 45.1 AF total (29+5.7+4.4+6=45.1). Irrigation for 2 acre garden; hence 0.06 cfs for natural flow irrigation and 6 AF for irrigation from storage.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

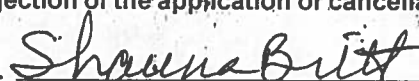
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant

Damon J Popovics (Trustee)

Print Name (and title, if applicable)



Signature of Applicant

Shauna M Britt (Trustee)

Print Name (and title, if applicable)

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

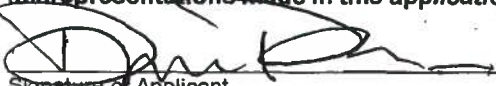
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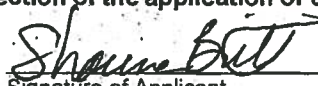
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Signature of Applicant

Damon J Popovics (Trustee)

Print Name (and title, if applicable)


Signature of Applicant

Shauna M Britt (Trustee)

Print Name (and title, if applicable)

TRIPLE CREEK APPLICATION MAP



Legend

- Taxlots
- Township/Range
- Sections
- QQ

0 0.0325 0.065 0.13 Miles

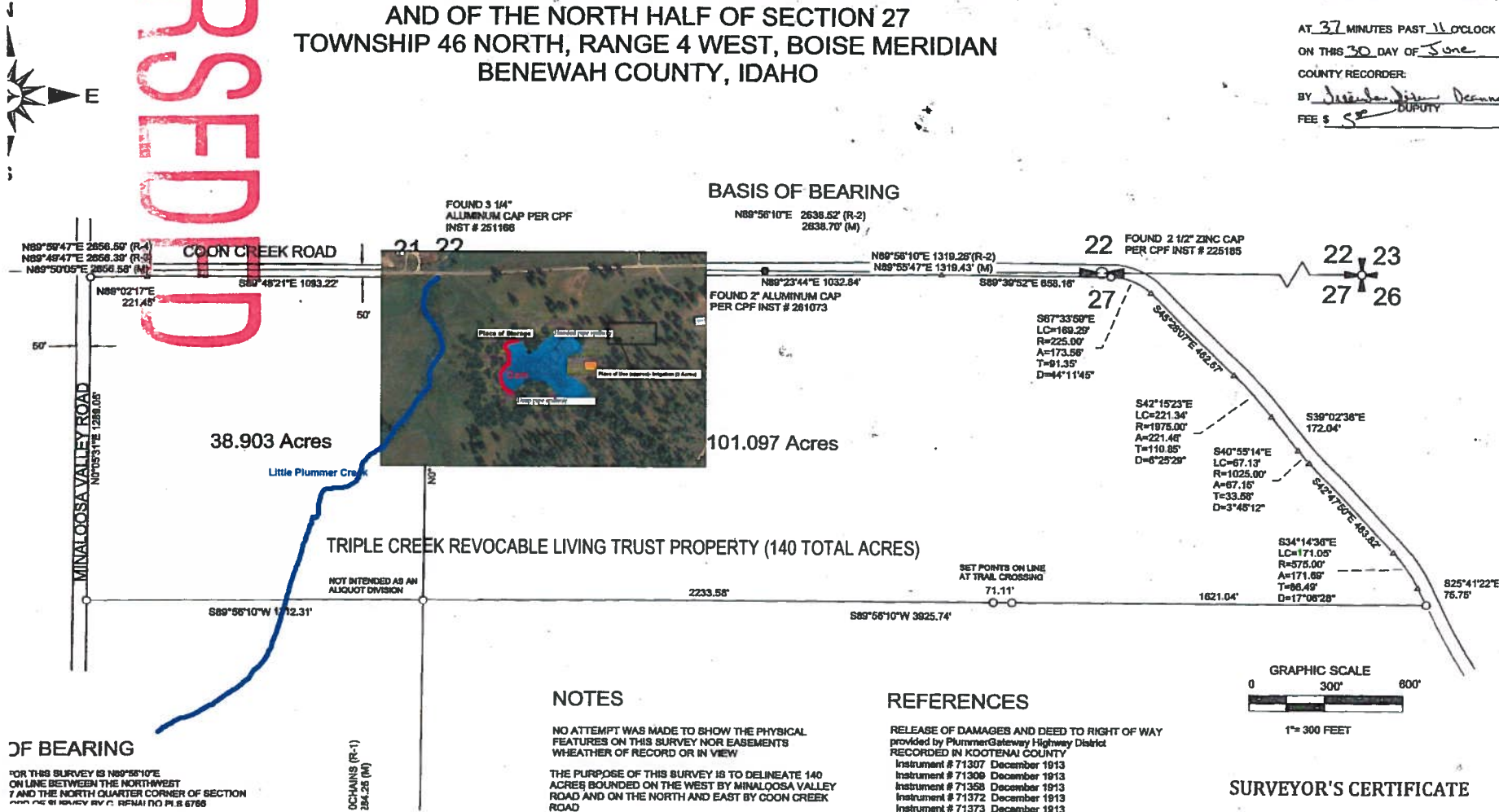


SUPERSEDED

RECORD OF SURVEY

A PORTION OF THE NORTHEAST QUARTER OF SECTION 28
AND OF THE NORTH HALF OF SECTION 27
TOWNSHIP 46 NORTH, RANGE 4 WEST, BOISE MERIDIAN
BENEWAH COUNTY, IDAHO

BOOK 27 PAGE 15
INSTRUMENT # 271518
STATE OF IDAHO
COUNTY OF BENEWAH)
AT THE REQUEST OF: NORTH ENGINEERING, P.L.L.C.
AT 37 MINUTES PAST 11 O'CLOCK AM
ON THIS 30 DAY OF June 2015
COUNTY RECORDER:
BY Deanna Bramblett Deanna Bramblett
FEE \$ 52 DUTY



OF BEARING

FOR THIS SURVEY IS N89°56'10"E
ON LINE BETWEEN THE NORTHWEST
CORNER OF SECTION 27 AND THE NORTH QUARTER CORNER OF SECTION
28. THE SURVEY IS BY C. R. F. M. NO. 11, S. 6768

CHAINS (R-1)
294.26 (M)

ATTACHMENT

Certification of Trust

The trustees of the Triple Creek Revocable Living Trust declare as follows:

Part 1. Existence and Name of Trust/Grantors

Damon Popovics and Shauna Britt, called the grantors and trustees, created a revocable living trust, known as the Triple Creek Revocable Living Trust, by Declaration of Trust dated July 14, 2015. This trust has not been revoked, modified or amended in such a way that would contradict what is stated in this Certification of Trust and remains in full force and effect.

Grantors' address is:

5913 Grangemont Road
Orofino, Idaho 83544

Part 2. Amendment and Revocation

The grantors may amend or revoke the Triple Creek Revocable Living Trust at any time, without notifying any beneficiary. The power to revoke or amend the trust is personal to the grantors. A conservator, guardian or other person shall not exercise it on behalf of the grantors, unless the grantors specifically grant a power to revoke or amend the trust in a Durable Power of Attorney.

Part 3. Trustees

Damon Popovics and Shauna Britt are the currently acting trustees of the trust.

The trustees in office shall serve as trustees of all trusts created under the Declaration of Trust, including children's subtrusts.

Part 4. Title to Trust Assets

Title to trust assets should be taken in the name of Damon Popovics and Shauna Britt, trustees of the Triple Creek Revocable Living Trust, dated July 14, 2015.

Part 5. Trustee's Management Powers and Duties

Powers Under State Law

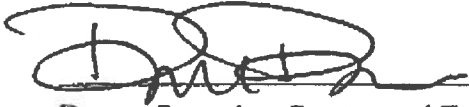
The trustees shall have all authority and powers allowed or conferred on a trustee under Idaho law, subject to the trustees' fiduciary duty to the grantors and the beneficiaries.

Specified Powers

The trustees' powers include, but are not limited to:

1. The power to sell trust property, and to borrow money and to encumber trust property, including trust real estate, by mortgage, deed of trust or other method.
2. The power to manage trust real estate as if the trustee were the absolute owner of it, including the power to sell, lease (even if the lease term may extend beyond the period of any trust) or grant options to lease the property, to make repairs or alterations and to insure against loss.
3. The power to sell or grant options for the sale or exchange of any trust property, including stocks, bonds, debentures and any other form of security or security account, at public or private sale for cash or on credit.
4. The power to invest trust property in every kind of property and every kind of investment, including but not limited to bonds, debentures, notes, mortgages, stock options, futures and stocks, and including buying on margin.
5. The power to receive additional property from any source and add to any trust created by this Declaration of Trust.
6. The power to employ and pay reasonable fees to accountants, lawyers, investment experts or other professionals for information or advice relating to the trust.
7. The power to deposit and hold trust funds in both interest-bearing and noninterest-bearing accounts.
8. The power to deposit funds in bank or other accounts, whether or not they are insured by the FDIC.
9. The power to enter into electronic fund transfers or safe deposit arrangements with financial institutions.
10. The power to continue any business of either grantor.
11. The power to institute or defend legal actions concerning this trust or the grantors' affairs.
12. The power to execute any documents necessary to administer any trust created by this Declaration of Trust.
13. The power to diversify investments, including authority to decide that some or all of the trust property need not produce income.

This Certification of Trust is being signed by all currently acting trustees.



Damon Popovics, Grantor and Trustee

Dated: 7/16/2015



Shauna Britt, Grantor and Trustee

Dated: 7/16/2015

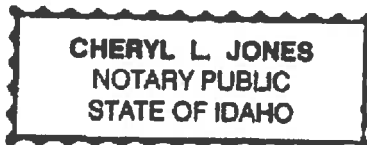
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Idaho)
) ss.

County of Clearwater)

On July 16, 2015 before me, Cheryl L. Jones, a notary public in and for said state, personally appeared

Damon Popovics, and Shauna Britt,
personally known to me (or proved on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entities upon behalf of which the persons acted, executed the instrument.



[NOTARIAL SEAL]

WITNESS my hand and official seal.



Notary Public

My commission expires: 9/25/2018

ATTACHMENT

NESE

NWSW

NESW

21

SESE

SWSW

22

SESW

NENE

46N04W

NWNW

NENW

28

27

SENE

SWNW

SENW

ATTACHMENT

Corner 2

← TRIPLE CREEK REV. LIVING TRUST →
140 AC

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OCT 12 2016
IDWR / NORTH

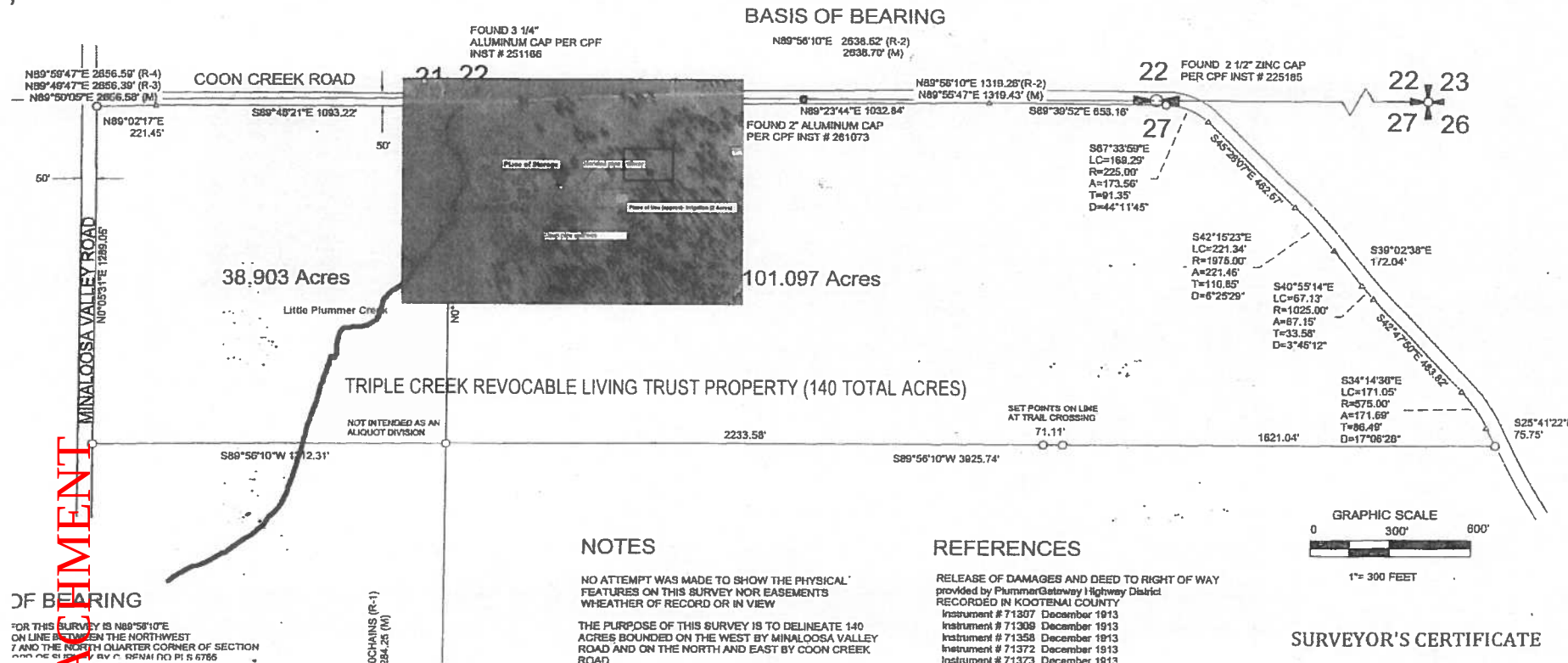
IDWR / NORTH

A PORTION OF THE NORTHEAST QUARTER OF SECTION 28
AND OF THE NORTH HALF OF SECTION 27
TOWNSHIP 46 NORTH, RANGE 4 WEST, BOISE MERIDIAN
BENEWAH COUNTY, IDAHO

INSTRUMENT # 271518

STATE OF IDAHO)
COUNTY OF BENEWAH)
AT THE REQUEST OF: NORTH ENGINEERING, P.L.L.C.

AT 37 MINUTES PAST 11 O'CLOCK AM
ON THIS 30 DAY OF June 20 15
COUNTY RECORDER:
BY Jessica L. Jones Deanna Brown Notary Public
FEE \$ 50 DUPUTY Clark



OF BEARING

FOR THIS SURVEY IS N89°58'10"E
ON LINE BETWEEN THE NORTHWEST
7 AND THE NORTH QUARTER CORNER OF SECTION
200 OF SURVEY BY C. BENAI CO. PL. S. 6785

DOCHAINS (R-1)
284.25 (M)

NOTES

NO ATTEMPT WAS MADE TO SHOW THE PHYSICAL
FEATURES ON THIS SURVEY NOR EASEMENTS
WHEATHER OF RECORD OR IN VIEW

THE PURPOSE OF THIS SURVEY IS TO DELINEATE 140 ACRES BOUNDED ON THE WEST BY MINALOOSA VALLEY ROAD AND ON THE NORTH AND EAST BY COON CREEK ROAD.

REFERENCES

RELEASE OF DAMAGES AND DEED TO RIGHT OF WAY
provided by Plummer Gateway Highway District
RECORDED IN KOOTENAI COUNTY
Instrument # 71307 December 1913
Instrument # 71308 December 1913
Instrument # 71358 December 1913
Instrument # 71372 December 1913
Instrument # 71373 December 1913

SURVEYOR'S CERTIFICATE

1 STEPHEN J MCCABE PLS 14220 STATE OF IDAHO

ATTACHMENT

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

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OCT 12 2016

IDWR / NORTH

FILE NUMBER	XX-XXXXX
REVIEWER	Joe Agent
DATE	1/1/2000

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	4	AC.
-------------------------	---	-----

Pond Surface Area (SQ. FT.)	174240	SQ. FT.
-----------------------------	--------	---------

I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	cl	
Suggested Seepage Rate (FT./DAY)	0.0030	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
--

Convert to GPD	3910	GPD
----------------	------	-----

Total Seepage Loss (AFA)	4.4	AFA
--------------------------	-----	-----

Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.2 ft per day
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.02 ft per day
SC (clayey sands, sand clay mixtures) = 0.007 ft per day
CL (Low to medium plasticity clays) = 0.003 ft per day
MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day
LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day
Ponds Intercepting Groundwater (excavated ponds filled by ground water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	XX-XXXXX
REVIEWER	Joe Agent
DATE	1/1/2000

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:

P = Precipitation
ET = Evapotranspiration
P _d = Precipitation deficit
P _d = ET - P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Coeur d'Alene 1 E (NWS -- 101956)

Month	mm/day ¹	Days per month	mm/Month
Jan	-2.64	31	0.00
Feb	-1.62	28	0.00
March	-0.44	31	0.00
April	0.93	30	27.90
May	1.66	31	51.46
June	2.22	30	66.60
July	3.84	31	119.04
August	3.21	31	99.51
September	1.95	30	58.50
October	0.30	31	9.30
November	-2.19	30	0.00
December	-2.95	31	0.00

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total mm/year = 432.31

$$[(432.31 \text{ mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$$

$$(432.31 \div 304.8) \times 4.00 = 5.7 \text{ AFA}$$

Total Storage Calculations

FILE NUMBER	XX-XXXX
REVIEWER	Joe Agent
DATE	1/1/2000

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	4	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	7.25	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	29	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	5	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	4.4	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	5.7	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	44.1	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Flow Rate into Pond (CFS)	0.17	The "Flow Rate into Pond" depicts the actual flow, either measured or estimated, into the pond. For offstream facilities, this will be equivalent to "diversion to storage" rate.
Highest Daily Evaporation Rate From Evaporation Tab. (mm/Day)	3.84	This number is carried over from the "Evaporation Loss" sheet. It is the highest recorded number in the "Precipitation Deficit Table".
Required Daily Maintenance Volume (AF/Day)	0.06	"Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year to maintain pond volume. It is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Minimum Maintenance Flow (CFS)	0.03	The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determined by dividing the "Maximum Required Daily Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level.
Days Required to Fill the Pond	106	The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed. If this number is <i>approximately</i> 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond.
Days Required to Fill the Pond at 13,000 Gallons per Day	-1289	Some water users may want to fill a pond under the 13,000 gallons per day domestic exemption. The "Days Required to Fill the Pond at 13,000 Gallons per Day" is calculated by converting the "Pond Capacity" and the "Required Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Required Daily Maintenance Volume" in gallons to determine the number of days to fill pond. If this number is <i>approximately</i> 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond. Negative values indicate that the supply of 13,000 gallons per day is not enough volume to overcome the required daily maintenance volume; the pond will never fill.

RECEIVED

OCT 12 2016

IDWR/NORTH

RECORD OF SURVEY

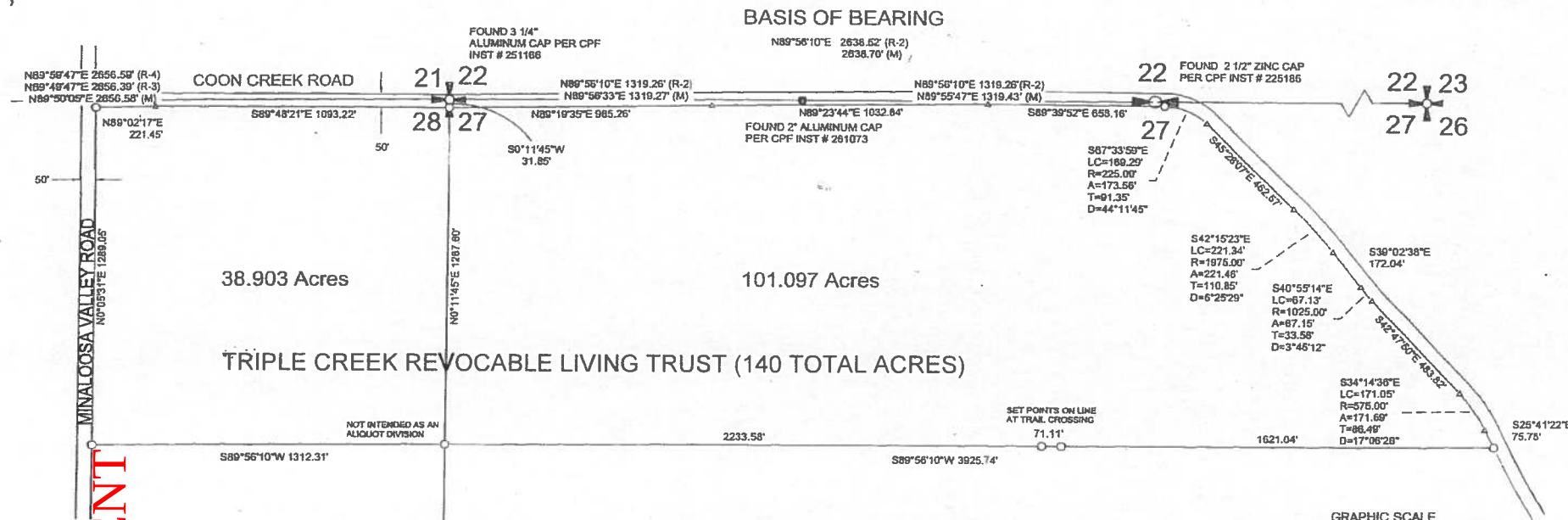
A PORTION OF THE NORTHEAST QUARTER OF SECTION 28
AND OF THE NORTH HALF OF SECTION 27
TOWNSHIP 46 NORTH, RANGE 4 WEST, BOISE MERIDIAN
BENEWAH COUNTY, IDAHO

BOOK Condemned PAGE 1INSTRUMENT # 271518STATE OF IDAHO
COUNTY OF BENEWAH)

AT THE REQUEST OF: NORTH ENGINEERING, P.L.L.C.

AT 37 MINUTES PAST 11 O'CLOCK AMON THIS 30 DAY OF June 20 15

COUNTY RECORDER:

BY Stephen J. McFar Deanna Brown
FEE \$ 50 DUPLICATE check

NOTES

NO ATTEMPT WAS MADE TO SHOW THE PHYSICAL FEATURES ON THIS SURVEY NOR EASEMENTS WEATHER OF RECORD OR IN VIEW

THE PURPOSE OF THIS SURVEY IS TO DELINEATE 140 ACRES BOUNDED ON THE WEST BY MINALOOSA VALLEY ROAD AND ON THE NORTH AND EAST BY COON CREEK ROAD

REFERENCES

RELEASE OF DAMAGES AND DEED TO RIGHT OF WAY provided by Plummer Gateway Highway District RECORDED IN KOOTENAI COUNTY
Instrument # 71307 December 1913
Instrument # 71309 December 1913
Instrument # 71358 December 1913
Instrument # 71372 December 1913
Instrument # 71373 December 1913

SURVEYOR'S CERTIFICATE

I, STEPHEN J. MCFAR, PLS 14270, STATE OF IDAHO

OF BEARING

"OR THIS SURVEY IS N89°58'10"E
ON LINE BETWEEN THE NORTHWEST
7 AND THE NORTH QUARTER CORNER OF SECTION
7 AND THE SOUTHWEST CORNER OF SECTION 28
BENEAH COUNTY, IDAHO

OCHAINS (R-1)
284.25 (M)

ATTACHMENT

ATTACHMENT

RECEIVED

OCT 12 2016

IDWR / NORTH

548132-SW

85001 TQW / 548132

RECORDED AT THE REQUEST OF:
(Please Return a Copy to:)

Brent G. Schlotthauer
Vasseur & Schlotthauer, PLLC
PO Box 808
Coeur d' Alene, Idaho 83816-0808

RECEIVED
2015 Jul 24 AM 10 42
BENEWAH COUNTY
DEANNA BRAMBLETT, CLERK
271680
FIRST AMERICAN TITLE - SAIN
FEES: \$ 31:00

This Space for Recorder's Use Only

WARRANTY DEED

FOR VALUE RECEIVED, MINNALOOSA LAND COMPANY, LLC, an Idaho limited liability company (herein the "Grantor"), does hereby grant, bargain, sell and convey unto **DAMON POPOVICS** and **SHAUNA BRITT**, Trustees of the **TRIPLE CREEK REVOCABLE LIVING TRUST**, by Declaration of Trust, dated July 14th, 2015 (herein the "Grantees"), whose address is 5913 Granger ^{mont} Road, Orofino, ID 83544, the following described premises (herein the Property") located in Benewah County, Idaho to wit:

SN16
②

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said Property, with all appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that Grantor is the owner in fee simple of said Property; that the Property is free from all encumbrances, except existing easements and rights-of-way of record or in view, and the taxes and assessments for the year 2015 and subsequent, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

RESERVATION OF EASEMENT

SUBJECT TO, Grantor's reservation unto itself, its heirs, executors, administrators, personal representatives, successors and assigns, of an easement in and to the Property. Grantor hereby reserves unto itself, its heirs, executors, administrators, personal representatives, successors and assigns an easement over and across the presently existing roadways located upon the Property. The location and configuration of said roadways is generally depicted as follows:

SEE ATTACHED EXHIBIT "B"

The easement shall provide access to, and shall benefit, the following described parcel of real property (herein the "Dominant Parcel"):

SEE ATTACHED EXHIBIT "C"

WARRANTY DEED - 1

Parcel #

RP46N04W274803

101.097 ac

RP46N04W280400

38.903 ac.

548132-SM

85001 TOW / 548132

RECORDED AT THE REQUEST OF:
(Please Return a Copy to:)

Brent G. Schlotthauer
Vasseur & Schlotthauer, PLLC
PO Box 808
Coeur d' Alene, Idaho 83816-0808

**ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.**

This Space for Recorder's Use Only

WARRANTY DEED

FOR VALUE RECEIVED, MINNALOOSA LAND COMPANY, LLC, an Idaho limited liability company (herein the "Grantor"), does hereby grant, bargain, sell and convey unto **DAMON POPOVICS** and **SHAUNA BRITT**, Trustees of the **TRIPLE CREEK REVOCABLE LIVING TRUST**, by Declaration of Trust, dated July 14th, 2015 (herein the "Grantees"), whose address is 5913 Granger ^{mont} Road, Orofino, ID 83544, the following described premises (herein the Property") located in Benewah County, Idaho to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said Property, with all appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that Grantor is the owner in fee simple of said Property; that the Property is free from all encumbrances, except existing easements and rights-of-way of record or in view, and the taxes and assessments for the year 2015 and subsequent, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

RESERVATION OF EASEMENT

SUBJECT TO, Grantor's reservation unto itself, its heirs, executors, administrators, personal representatives, successors and assigns, of an easement in and to the Property. Grantor hereby reserves unto itself, its heirs, executors, administrators, personal representatives, successors and assigns an easement over and across the presently existing roadways located upon the Property. The location and configuration of said roadways is generally depicted as follows:

SEE ATTACHED EXHIBIT "B"

The easement shall provide access to, and shall benefit, the following described parcel of real property (herein the "Dominant Parcel"):

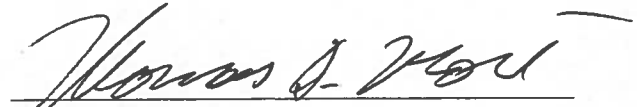
SEE ATTACHED EXHIBIT "C"

Each of the easement routes shall be forty-five feet (45') in width. The easement may be used by Grantor for the following purposes: (i) underground utilities; and (ii) to cruise, inspect, harvest, plant, cultivate, market and otherwise maintain the timber resources located upon the Dominant Parcel (herein the "Timber Management Purposes"). This easement may not be used for any activity or purpose other than such underground utilities and Timber Management Purposes. Upon Grantor utilizing the easement routes in the future, the condition of the underlying roadways must be returned to the same or better condition as existed immediately prior to Grantor's use thereof. The easement shall run with the land.

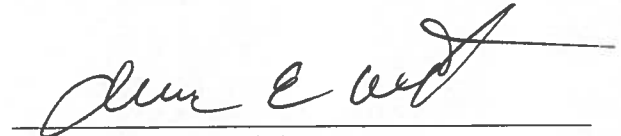
DATED this 23rd day of July, 2015.

GRANTOR:

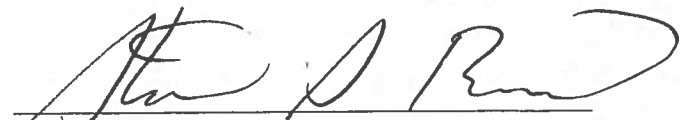
**MINNALOOSA LAND COMPANY,
LLC**



By: Thomas D. Mort
Its: Member-Manager



By: Andrew E. Wright
Its: Member-Manager



By: Stephen S. Richardson
Its: Member-Manager

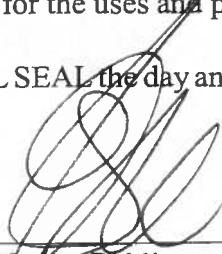
STATE OF IDAHO)
 : ss.
County of Kootenai)

On this 23rd day of July, 2015, before me, a Notary Public, personally appeared **THOMAS D. MORT**, who by me being personally sworn, declared that he is a Member-Manager of **MINNALOOSA LAND COMPANY, LLC**, that he signed the foregoing document in his duly authorized capacity as Member-Manager, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first written above.

(SEAL)





Notary Public

Residing At: Residing in Dalton Gardens, ID

My Commission Expires 11/28/2018

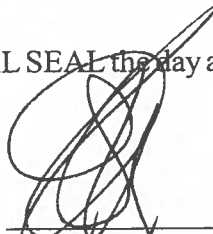
STATE OF IDAHO)
 : ss.
County of Kootenai)

On this 23rd day of July, 2015, before me, a Notary Public, personally appeared **ANDREW E. WRIGHT**, who by me being personally sworn, declared that he is a Member-Manager of **MINNALOOSA LAND COMPANY, LLC**, that he signed the foregoing document in his duly authorized capacity as Member-Manager, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first written above.

(SEAL)





Notary Public

Residing At: _____

My Commission Expires: _____

Residing in Dalton Gardens, ID
Commission Expires 11/28/2018

STATE OF IDAHO)
 : ss.
County of Kootenai)

On this 23rd day of July, 2015, before me, a Notary Public, personally appeared **STEPHEN S. RICHARDSON**, who by me being personally sworn, declared that he is a Member-Manager of **MINNALOOSA LAND COMPANY, LLC**, that he signed the foregoing document in his duly authorized capacity as Member-Manager, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first written above.

(SEAL)



A handwritten signature in black ink, appearing to be "Twila G. Willcutt", written over a horizontal line.

Notary Public

Residing At: _____

My Commission Expires: Residing in Dalton Gardens, ID
Commission Expires 11/28/2018

Date: July 22, 2015

File No.: 548132-SM (dp)

EXHIBIT 'A'

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE NORTH HALF OF SECTION 27, TOWNSHIP 46 NORTH, RANGE 4 WEST, BOISE MERIDIAN, BENEWAH COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 27 FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 27 BEARS N89°56'10"E A DISTANCE OF 2638.70 FEET; THENCE S0°11'45"W A DISTANCE OF 31.85 FEET ALONG THE WEST LINE OF SAID SECTION 27 TO A POINT THAT LIES 25.00 FEET SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF COON CREEK ROAD AS CONSTRUCTED, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF SAID COON CREEK ROAD ALSO BEING THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE ALONG SAID SOUTHERLY AND WESTERLY RIGHT OF WAY LINE 25.00 FEET DISTANT FROM AND PARALLEL TO SAID CENTERLINE OF COON CREEK ROAD ON THE FOLLOWING (11) COURSES;

N89°19'35"E A DISTANCE OF 985.26 FEET;

THENCE N89°23'44"E A DISTANCE OF 1032.84 FEET;

THENCE S89°39'52"E A DISTANCE OF 658.16 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 225.00 AND A CENTRAL ANGLE OF 44° 11' 45" FOR AN ARC LENGTH OF 173.56, SAID CURVE HAVING A CHORD BEARING OF S67°33'59"E FOR 169.29 FEET;

THENCE S45°28'07"E A DISTANCE OF 462.57 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1975.00 AND A CENTRAL ANGLE OF 06° 25' 29" FOR AN ARC LENGTH OF 221.46, SAID CURVE HAVING A CHORD BEARING OF S42°15'23"E FOR 221.34 FEET;

THENCE S39°02'38"E A DISTANCE OF 172.04 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1025.00 AND A CENTRAL ANGLE OF 03° 45' 12" FOR AN ARC LENGTH OF 67.15, SAID CURVE HAVING A CHORD BEARING OF S40°55'14"E FOR 67.13 FEET;

THENCE S42°47'50"E A DISTANCE OF 483.82 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 575.00 AND A CENTRAL ANGLE OF 17° 06' 28" FOR AN ARC LENGTH OF 171.69, SAID CURVE HAVING A CHORD BEARING OF S34°14'36"E FOR 171.05 FEET;

THENCE S25°41'22"E A DISTANCE OF 75.75 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE S89°56'10"W ALONG A LINE PARALLEL TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27 A DISTANCE OF 3925.74 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 27;



Date: July 22, 2015

THENCE N0°11'45"E ALONG THE WEST LINE OF SAID SECTION A DISTANCE OF 1287.60 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

AND ALSO INCLUDING:

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 46 NORTH, RANGE 4 WEST, BOISE MERIDIAN, BENEWAH COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 28 FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 28 BEARS S89°50'05"W A DISTANCE OF 2656.58 FEET; THENCE S0°11'45"W A DISTANCE OF 31.85 FEET ALONG THE EAST LINE OF SAID SECTION 28 TO A POINT THAT LIES 25.00 FEET SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF COON CREEK ROAD AS CONSTRUCTED, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF SAID COON CREEK ROAD ALSO BEING THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE CONTINUING S0°11'45"W ALONG SAID EAST LINE OF SECTION 28 A DISTANCE OF 1287.60 FEET;

THENCE S89°56'10"W A DISTANCE OF 1312.31 FEET TO A POINT THAT LIES 25.00 FEET EAST OF AND PERPENDICULAR TO THE CENTERLINE OF MINALOOSA VALLEY ROAD AS CONSTRUCTED, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF MINALOOSA VALLEY ROAD;

THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY N0°05'31"E A DISTANCE OF 1289.05 FEET TO A POINT THAT LIES 25.00 FEET SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF COON CREEK ROAD AS CONSTRUCTED, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID COON CREEK ROAD;

THENCE N89°02'17"E ALONG SAID SOUTHERLY RIGHT OF WAY OF COON CREEK ROAD A DISTANCE OF 221.45 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY S89°48'21"E A DISTANCE OF 1093.22 FEET, TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.



EXHIBIT "B"

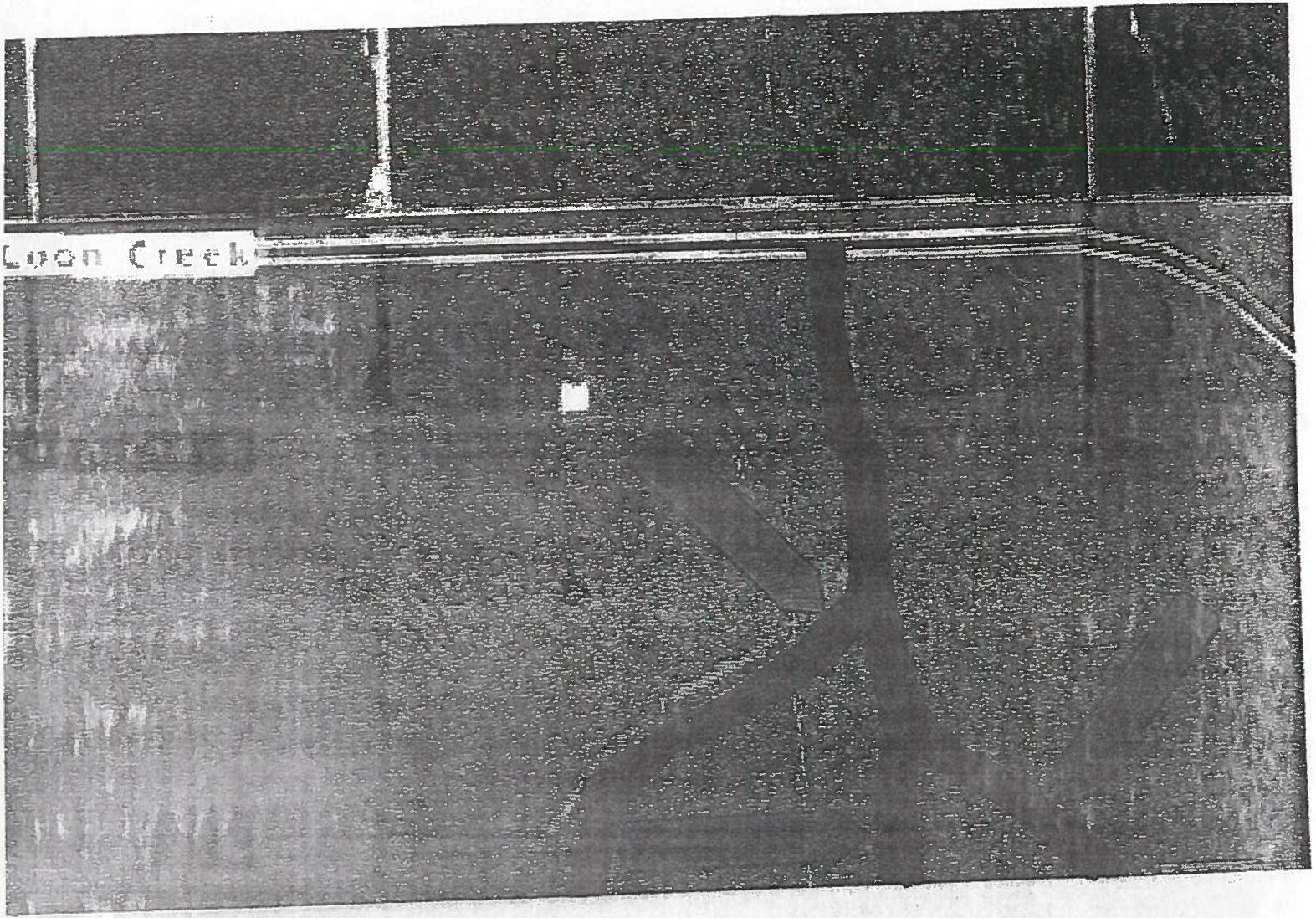


EXHIBIT "C"

The Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section 20, Township 46 North, Range 4 West, Boise Meridian, Benewah County, Idaho.

and

The West Half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$);
the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$);
and the South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$) of Section 21, Township 46 North, Range 4 West, Boise Meridian, Benewah County, Idaho.

and

The Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section 22, Township 46 North, Range 4 West, Boise Meridian, Benewah County, Idaho.

and

The Northwest Quarter ($NW\frac{1}{4}$);
the Southwest Quarter ($SW\frac{1}{4}$);
and all those portions of the Northeast Quarter ($NE\frac{1}{4}$) and the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$) lying South and West of the County Road in Section 27, Township 46 North, Range 4 West, Boise Meridian, Benewah County, Idaho.

and

All of Section 28, Township 46 North, Range 4 West, Boise Meridian, Benewah County, Idaho, EXCEPTING THEREFROM a portion of said Section 28 described as follows:
Commencing at the East quarter corner of said Section 28;

thence West 330 feet to the TRUE POINT OF BEGINNING;
thence South 550 feet;
thence West 800 feet;
thence North 550 feet;
thence East 600 feet to the POINT OF BEGINNING.

and

The Northeast Quarter ($NE\frac{1}{4}$);
the Southeast Quarter ($SE\frac{1}{4}$);
The South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$);
the North Half of the Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$);
and the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section 29, Township 46 North, Range 4 West, Boise Meridian, Benewah County, Idaho.

and

The Northeast Quarter ($NE\frac{1}{4}$) of Section 32, Township 46 North, Range 4 West, Boise Meridian, Benewah County, Idaho, EXCEPTING THEREFROM that portion lying South and East of the County Road.

and

The West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$) of Section 33, Township 46 North, Range 4 West, Boise Meridian, Benewah County, Idaho, EXCEPTING THEREFROM that portion lying South and East of the County Road.

and

The Northwest Quarter ($NW\frac{1}{4}$) and the Southwest Quarter ($SW\frac{1}{4}$) of Section 34, Township 46 North, Range 4 West, Boise Meridian, Benewah County, Idaho.



Ball, Dianne

From: Ball, Dianne
Sent: Friday, October 28, 2016 11:14 AM
To: Legal Notices-SMGazette Benewah Co (bri@smgazette.com)
Cc: Frederick, Adam; Case, Morgan
Subject: Application for Permit No. 95-17218
Attachments: LegalNotice 10-28-16 SM e-mail 95-17218.doc

Good morning, Bri,

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This should be very close to press ready – for 2-column, 8.5 pt, Utopia font, maybe even be close enough to just copy and paste, with little modification required.

Please note the area(s) under **USE** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press.

If you have any questions, please contact me as early as possible.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/21/2016. Your cooperation is appreciated. It's a pleasure to work with you. Thanks for all your great help.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Subj:

A - 45

7060

Subj:

A - 45

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

95-17218

TRIPLE CREEK REVOCABLE LIVING TRUST

5913 GRANGEMONT RD

OROFINO, ID 83544

Point of Diversion NWNWNW S27 T46N R04W BENEWAH CO

Source SPRING tributary LITTLE PLUMMER CREEK

Point of Diversion NWNW S27 T46N R04W BENEWAH CO

Source SURFACE RUNOFF

Point of Diversion NWNW S27 T46N R04W BENEWAH CO

Source GROUND WATER

Use: AESTHETIC STORAGE	01/01 to 12/31	39.1 AF
------------------------	----------------	---------

Use: FIRE Protection Storage	01/01 to 12/31	39.1 AF
------------------------------	----------------	---------

Use: IRRIGATION	04/01 to 10/31	0.06 CFS
-----------------	----------------	----------

Use: IRRIGATION from Storage	04/01 to 10/31	6 AF
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Use: IRRIGATION Storage	01/01 to 12/31	10 AF
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Use: RECREATION Storage	01/01 to 12/31	39.1 AF
-------------------------	----------------	---------

Use: WILDLIFE Storage	01/01 to 12/31	39.1 AF
-----------------------	----------------	---------

Total Diversion: 0.06 CFS 45.1 AF

Date Filed: 8/31/2016

Place of Use: IRRIGATION Storage T46N R04W S27

NWNW

Place Of Use: IRRIGATION from Storage T46N R04W S27

NWNW

Place of Use: AESTHETIC Storage T46N R04W S27 NWNW

Place of Use: RECREATION Storage T46N R04W S27

NWNW

Place of Use: WILDLIFE Storage T46N R04W S27 NWNW

Place of Use: IRRIGATION T46N R04W S27 NWNW

Place of Use: FIRE PROTECTION Storage T46N R04W S27

NWNW

Total Acres: 2

Recreation Storage is for swimming, fishing and boating.

Permits will be subject to all prior water rights. For

additional information concerning the property location,

contact Northern Region office at (208) 762-2800; or for a

full description of the right(s), please see:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 11/21/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/2/2016 and 11/9/2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 28, 2016

TRIPLE CREEK REVOCABLE LIVING TRUST
5913 GRANGEMONT RD
OROFINO, ID 83544

Application For Permit No. 95-17218

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the ST MARIES GAZETTE RECORD on 11/2/2016 and 11/9/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Adam Frederick

Adam Frederick
Senior Water Resource Agent

CC: MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720

Ball, Dianne

From: Ball, Dianne
Sent: Friday, October 28, 2016 4:29 PM
To: 'Siitari, Kiira'
Cc: Frederick, Adam; Case, Morgan
Subject: RE: Application for Permit No. 95-17218
Attachments: App-and-map-95-17218.pdf

Dear Kiira:

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

This is scheduled for publication in the St Maries Gazette on November 2 and 9, 2016 with November 21, 2016 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Frederick, Adam

From: Dr. Damon Popovics [dr.pop@sbcglobal.net]
Sent: Thursday, October 13, 2016 2:56 PM
To: Frederick, Adam
Subject: Re: Application Map Triple Creek

Adam,

That map looks good and is accurate. Please let me know if you need anything further.

Damon

Sent from my Dr. Popovics' mobile command center.

On Oct 13, 2016 2:41 PM, "Frederick, Adam" <Adam.Frederick@idwr.idaho.gov> wrote:

Hello,

Thank you for returning the information that I requested. I am still having a hard time piecing together your black and white maps and color maps. I have attached a map that I believe to be reflective of your intentions. If you could please review and email me back if everything appears as it should be so we can proceed in processing your application.

Adam

Adam Frederick

Senior Water Resource Agent

Idaho Department of Water Resources

Northern Regional Office

Phone 208-762-2800

Frederick, Adam

From: Frederick, Adam
Sent: Thursday, October 13, 2016 2:42 PM
To: 'dr.pop@sbcglobal.net'
Cc: 'mpl@givenspursley.com'
Subject: Application Map Triple Creek
Attachments: Triple Creek Application Map.pdf

Hello,

Thank you for returning the information that I requested. I am still having a hard time piecing together your black and white maps and color maps. I have attached a map that I believe to be reflective of your intentions. If you could please review and email me back if everything appears as it should be so we can proceed in processing your application.

Adam

Adam Frederick
Senior Water Resource Agent
Idaho Department of Water Resources
Northern Regional Office
Phone 208-762-2800

Dr. Damon Popovics
5913 Grangemont Road
Orofino, ID 83544

Idaho Department of Water Resources
Attn: Adam Frederick
7600 N. Mineral Drive
Suite 100
Coeur d'Alene, ID 83815-7763

RECEIVED
OCT 12 2015
IDWR/NORTHERN

October 7, 2016

Dear Mr. Frederick,

Attached please find the requested additional requested documentation regarding our water permit application. Attached you will find:

- Copy of Benewah County Record of Survey
- Copy of Warranty Deed regarding property purchase by Triple Creek Revocable Living Trust from Minaloosa Land Company dated July 23, 2015
- Copy of certification of trust showing that myself, Damon J. Popovics, and Shauna M. Britt, are the grantors and trustees of and for the Triple Creek Revocable Living Trust
- An aerial photo of surveyed property with boundaries defined
- Copies of spreadsheet calculations for seepage loss, evaporation loss, total storage as derived from the IDWR provided spreadsheet. Soil type was derived from GIS mapping tool as per link included in the provided spreadsheet.
- The POU will remain within the boundary of Township 46N, Range 04W, Section 27 in the NWNW. The original submitted drawing was estimated. Attached is also an amended map with the irrigation POU within the NWNW.

Please do not hesitate to contact me at 208-476-0332 or at the above address if you need any further information or clarification.

Sincerely,



Dr. Damon Popovics

Cc: Michael P. Lawrence



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN

Director

October 5, 2016

TRIPLE CREEK REVOCABLE LIVING TRUST
5913 GRANGEMONT RD
OROFINO ID 83544

Re: Application for Permit – Additional Information Request

Dear Applicant:

On September 6 and 29, 2016, the Department received an Application for Permit in your name for diversion from a spring, ground water, and diffuse surface water for storage in a pond for fire protection, aesthetic, recreation, irrigation, irrigation storage, and irrigation from storage for use on 2 acres. Department staff reviewed the application and determined that additional information was required pursuant to IDAPA 37.03.08 Rule 35.03.

In order to continue processing your application, please submit the following information:

- Evidence that you are the current owner of the property where the POD and POU are located or evidence that you have the appropriate permission to access the POD.
- A map showing all POD's and POU and with the Township, Range, Section, and Quarter-Quarter. You are requesting 2 acres of irrigation in Township 46 North, Range 04 West, Section 27 in the NWNW but your proposed area shows there might be some in the NENW. I have attached a map of the area for your review; if there needs to be a change we will need an amended corrected 2nd page with signatures.
- The document or spreadsheet that shows how you arrived at your seepage and evaporation values.

Please submit the requested information to allow for continued processing of the application. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. **The application will be returned and a refund issued without a timely written reply within the next thirty (30) days.**

If you need assistance, please contact me at 208-762-2800. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink that reads "Adam Frederick". The signature is fluid and cursive, with the first name "Adam" and last name "Frederick" clearly distinguishable.

Adam Frederick
Senior Water Resource Agent

cc: Michael P. Lawrence

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

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Boise, ID 83701
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MICHAEL P. LAWRENCE
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Kersti H. Kennedy
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Jeffrey A. Warr
Robert B. White

Angela M. Reed, of counsel

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

September 27, 2016

RECEIVED

SEP 29 2016

IDWR/NORTHERN

Adam Frederick
Idaho Department of Water Resources
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

RE: Triple Creek Revocable Living Trust's Application for Permit – original signature page

Dear Adam:

As we discussed on the phone, I am sending you enclosed with this letter the original signature page for Triple Creek Revocable Living Trust's Application for Permit which was filed with IDWR on August 31, 2016. I understand this submission will not affect the Application's August 31, 2016 priority date.

I have enclosed an additional copy of the signature page, along with a self-addressed stamped envelope, so you may return a conformed copy to us for our files.

Should you have any questions, please contact me.

Sincerely,



Michael P. Lawrence

MPL/lg
Enclosure
12718671_1 [13396-2]

Keen, Shelley

From: Keen, Shelley
Sent: Thursday, September 01, 2016 9:02 AM
To: 'Michael P. Lawrence'
Subject: Triple Creek Revocable Living Trust Water Right Application

Mike,

Just letting you know that I received the water right application you submitted for Triple Creek Revocable Living Trust. We will forward it to our Coeur d'Alene office for processing.

Regards,

Shelley Keen
Water Rights Section Manager
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

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RECEIVED

AUG 31 2016

DEPARTMENT OF
WATER RESOURCES

August 31, 2016

Via Hand Delivery

Shelley Keen
Water Rights Section Manager
Idaho Department of Water Resources
The Idaho Water Center
322 E Front St
Boise, ID 83702

RE: *Application for Permit* - Triple Creek Revocable Living Trust

Dear Shelley:

On behalf of Triple Creek Revocable Living Trust, I am submitting to you the enclosed *Application for Permit*. This is the application I discussed with you on the phone recently.

I have enclosed an additional copy so you may return a conformed copy to us for our files along with a self-addressed stamped envelope for your convenience.

I am also including a check in the amount of \$250 for the application filing fee. Should you have any questions or concerns, please contact me.

Sincerely,



Michael P. Lawrence

cc: Damon Popovics & Shauna Britt
MPL/lg
Enclosures
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