

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09611

Priority: April 04, 2016

Maximum Diversion Rate: 0.04 CFS

This is to certify, that ROBERT TROTTER
4978 E DODD RD
HAYDEN ID 83835

And/Or

CONNIE TROTTER
4978 E DODD RD
HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source: COUGAR CREEK

Tributary: LAKE PEND OREILLE

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

COUGAR CREEK SE1/4, SW1/4, Sec. 9, Twp 56N, Rge 02E, B.M., BONNER County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	02E	9																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2018**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. Domestic use is for 1 home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
8. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. Place of use is located within Lot 1 Proctor Short Plat subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Signed, this 15th day of July, 20 16.


MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

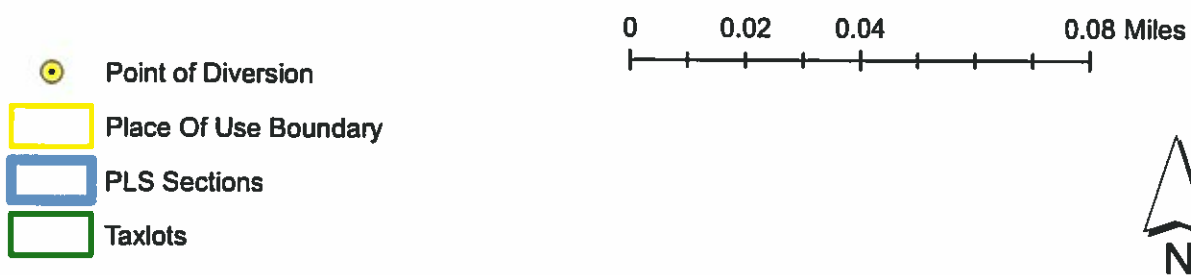
Attachment to Permit to Appropriate Water 96-9611

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

02E



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.





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

July 22, 2016

ROBERT TROTTER And/Or
CONNIE TROTTER
4978 E DODD RD
HAYDEN ID 83835

RE: Permit No.96-9611

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-762-2800.

Sincerely,

A handwritten signature in black ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case
Northern Regional Manager

Enclosure(s)

Cc: JEFFERY D PENNICK

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9611

**CONNIE TROTTER
4978 E DODD RD
HAYDEN ID 83835**

**ROBERT TROTTER
4978 E DODD RD
HAYDEN ID 83835**

**JEFFERY D PENNICK
PO BOX 52
HOPE ID 83836**



**Dianne L Ball
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date 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.

M E M O R A N D U M

Date: July 14, 2016
To: Water Right File 96-9611
From: smaxey
Re: Source

Legal notices for 96-09611 were published listing the source for 96-09611 as tributary to Pend Oreille Lake. The notices should have read as tributary to Lake Pend Oreille because this is how the Lake is named on U.S.G.S. maps.

IDWR Northern Region staff have determined that republication is not required. No protests concerning the naming of the tributary have been received and confusion is unlikely to occur because of naming of the Lake in the legal notices.

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 04 2016

IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Melinda Vansickle, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Legal notice.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legals clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 21 day of April, 2016, and ending on the 28 day of April, 2016.

MVansickle

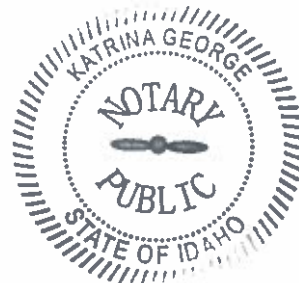
State of Idaho, county of Bonner ss.

On this 28 day of April, in the year of 2016 before me, Katrina George, Notary Public, personally appeared Melinda Vansickle, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public

Residing at: Kootenai County

Comm. Exp.: MY COMMISSION EXPIRES 8/29/17



RECEIVED

MAY 04 2016

IDWR / NORTH

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

96-9611

ROBERT TROTTER
CONNIE TROTTER
4978 E DODD RD
HAYDEN, ID 83835

Point of Diversion SESW S9 T56N R02E BONNER County
Source COUGAR CREEK tributary PEND OREILLE LAKE

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 4/4/2016

Place of Use: DOMESTIC T56N R02E S9 SESW

Domestic use is for 1 home.

98-7969

EQUITY TRUST CO
FBO ANITA ALLEN IRA
1479 GRAPE ARBOR CT
ROANOKE, TX 76262-9055

Point of Diversion SWNE S20 T59N R01W BONNER County
Source UNNAMED STREAM tributary SINKS

Use: FIRE PROTECTION Storage	01/01 to 12/31	2.3 AF
Use: IRRIGATION from Storage	04/01 to 10/31	6 AF
Use: IRRIGATION Storage	01/01 to 12/31	8.3 AF
Use: RECREATION Storage	01/01 to 12/31	2.3 AF
Use: WILDLIFE Storage	01/01 to 12/31	2.3 AF
Total Diversion:		8.3 AF

Date Filed: 3/25/2016

Place of Use: IRRIGATION STORAGE T59N R01W S20 SWNE

Place of Use: All other storage same as IRRIGATION STORAGE

Total Acres: 2

Recreational use is for swimming and private fishing

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:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

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 5/9/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

SNP LEGAL 3721

APRIL 21, 28, 2016