

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 3-10259

Priority: October 16, 2007

Maximum Diversion Rate: 0.04 CFS

This is to certify, that TIPPETT LAND AND MORTGAGE COMPANY
PO BOX 3027
PASCO WA 99302
(509) 545-3355

has applied for a permit to appropriate water from:

Source: DOUGH CREEK
SNAKE RIVER

Tributary: SNAKE RIVER
COLUMBIA RIVER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER, L4 (SW1/4SE1/4), Sec. 34, Twp 32N, Rge 05W, B.M., NEZ PERCE County
DOUGH CREEK, L4 (SW1/4SE1/4), Sec. 34, Twp 32N, Rge 05W, B.M., NEZ PERCE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
32N 05W 34															X	X	
															L 4		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2012**.
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. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion from the Snake River..

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 2 day of November, 2011.


GARY SPACKMAN, Interim Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 3, 2011

TIPPETT LAND AND MORTGAGE COMPANY
PO BOX 3027
PASCO WA 99302

RE: Permit No.03-10259

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.

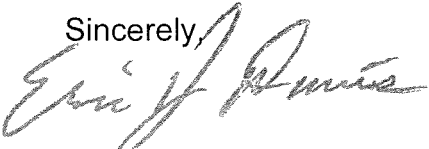
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 cursive script, appearing to read "Eric J. Davis".

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

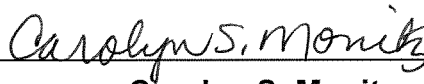
CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2011 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.

03-10259

**TIPPETT LAND AND MORTGAGE COMPANY
PO BOX 3027
PASCO WA 99302**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 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.

gent and/or cover letter attached: _____
Keith J. Franklin Date: 10/25/2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 17, 2011

Robert Tippet
Tippet Land & Mortgage Company
PO Box 3027
Pasco, WA 99302

Re: Applications For Permits to Appropriate the Public Waters of the State of
Idaho, Tippet Land & Mortgage Company, Thanksgiving Limited Partnership

Dear Mr. Tippet:

The Idaho Department of Water Resources appreciates the time in meeting on site and reviewing the water sources for the following four new water right applications. One for the Tippet Land & Mortgage Company and three others in the name of Thanksgiving Limited Partnership.

The purpose of the field investigation was to evaluate the concerns the Idaho Department of Fish & Game has with the diversion of water from Dough Creek to supply domestic water to 4 recreational properties.

The four applications propose to divert water from Dough Creek into one or possibly two storage containments, and then distribute the water to four recreation sites. The site for Tippet Land & Mortgage Company has been developed including the construction of a cabin and diversion system since 1973. While the other three sites, under the name of Thanksgiving Limited Partnership are undeveloped. A second diversion from the Snake River is also proposed for each lot as a backup water source.

During the fact finding field investigation on October 5, 2011, the flow of water in Dough Creek was not reaching the Snake River. Water was found upstream in the canyon in limited spots. Which is typical for some streams late in the year where flows go subterranean and resurface periodically.

The established diversion point from Dough Creek, for the existing cabin was located several hundred feet from the point of discharge to the Snake River. The intake pipe was constructed under a large rock in the bottom of the creek, in such a way that prevented surface flow from entering the pipeline when present. During the field review, water was being diverted to an above ground storage tank, which was partially full. No water was being used at the cabin site, except

COPY

for a small amount that was leaking at the end of the supply pipe. Flow at the point of diversion was considered to be in equilibrium with the creek. In other words, if the diversion was eliminated water in the creek would in all likely hood not surface on its way to the Snake River.

Mr. Tippet described the rate of flow at the point of diversion. Without dismantling the pipeline and performing a measurement, the flow was estimated to be between 4 and 5 gallons per minute, based upon Mr. Tippet's description.

At the time of the field investigation, the department could not determine any value of Dough Creek for fish. Birds and resident mammals could easily water from the Snake River if water could not be found in the creek itself. There appears to be sufficient subterranean flow downstream of the diversion point to support a healthy riparian corridor. Vegetation in and around the creek was green and thriving in light of a dry summer and fall. If present, some invertebrates could be affected by the withdrawal of water, but it was difficult to determine the severity since most of the creek bed was dry.

Article XV §Section 3 of the Idaho State Constitution states, "The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied, except that the state may regulate and limit the use thereof for power purposes. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not insufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose..."

There are provisions in Idaho Code §42-203A(5) that address sufficiency of water supplies, "In all applications whether protested or not protested, where the proposed use is such (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated; the director of the Department of Water Resources may reject such application and refuse issuance of a permit therefore, or may partially approve and grant a permit for a smaller quantity of water than applied for, or grant a permit upon conditions".

The department believes there is an adequate water supply for one cabin or recreation site from Dough Creek and is prepared to issue a permit as applied for by Trippett Land and Mortgage Company. Permits for the other 3 applications under the name of Thanksgiving Limited Partnership will be issued with three separate diversion points from the Snake River only.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Interim Program Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 14, 2011

Ray Hennekey
Idaho Department of Fish & Game
3316 116th St.
Lewiston, ID 83501

Re: Applications For Permits to Appropriate the Public Waters of the State of
Idaho, Tippet Land & Mortgage Company, Thanksgiving Limited Partnership

Dear Mr. Hennekey:

The Idaho Department of Water Resources appreciates the time you spent and the transportation provided in order for us to conduct a field investigation regarding the above said water right applications.

The purpose of the field investigation was to evaluate the concerns Fish & Game has with the diversion of water from Dough Creek to supply domestic water to 4 recreational properties.

The four applications propose to divert water from Dough Creek into one or possibly two storage containments, and then distribute the water to four recreation sites. The one site for Tippet Land & Mortgage Company has been developed including the construction of a cabin and diversion system since 1973. The other three sites, under the name of Thanksgiving Limited Partnership are undeveloped. A second diversion from the Snake River is also proposed for each lot as a backup water source.

During the fact finding field investigation on October 5, 2011, the flow of water in Dough Creek was not reaching the Snake River. Water was found upstream in the canyon in limited spots, which is typical for some streams late in the year where flows go subterranean and surface periodically.

The established diversion point from Dough Creek, for the existing cabin was located several hundred feet from the point of discharge to the Snake River. The intake pipe was constructed under a large rock in the bottom of the creek, in such a way that prevented surface flow from entering the pipeline when present. During the field review, water was being diverted to an above ground storage tank, which was partially full. No water was being used at the cabin site, except

COPY

for a small amount that was leaking at the end of the supply pipe. Flow at the point of diversion was considered to be in equilibrium with the creek. In other words, if the diversion was eliminated water in the creek would in all likely hood not surface on its way to the Snake River.

Mr. Tippet described the rate of flow at the point of diversion. Without dismantling the pipeline and performing a measurement, the flow was estimated to be between 4 and 5 gallons per minute, based upon Mr. Tippet's description.

At the time of the field investigation, the department could not determine any value of Dough Creek for fish. Birds and resident mammals could easily water from the Snake River if water could not be found in the creek itself. There appears to be sufficient subterranean flow downstream of the diversion point to support a healthy riparian corridor. Vegetation in and around the creek was green and thriving in light of a dry summer and fall. If present, some invertebrates could be affected by the withdrawal of water, but it was difficult to determine the severity since most of the creek bed was dry.

Article XV §Section 3 of the Idaho State Constitution states, "The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied, except that the state may regulate and limit the use thereof for power purposes. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not insufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose..."

There are provisions in Idaho Code §42-203A(5) that address sufficiency of water supplies, "In all applications whether protested or not protested, where the proposed use is such (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated; the director of the Department of Water Resources may reject such application and refuse issuance of a permit therefore, or may partially approve and grant a permit for a smaller quantity of water than applied for, or grant a permit upon conditions".

The department believes there is an adequate water supply for one cabin or recreation site from Dough Creek and is prepared to issue a permit as applied for by Trippett Land and Mortgage Company. Permits for the other 3 applications under the name of Thanksgiving Limited Partnership will be issued with three separate diversion points from the Snake River only.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Interim Program Manager

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tippet Hand & Mfg Co
PO Box 3027
Pasco WA 99302

2. Article Number

(Transfer from service label)

7004 2510 0000 4999 0288

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

RECEIVED
APR 02 2008

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CERTIFIED MAIL

March 31, 2008

Tippett Land & Mortgage Company
PO Box 3027
Pasco, WA 99302

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 03-10259.

Gentlemen:

Enclosed you will find a **NOTICE OF PROPOSED DEFAULT ORDER** in the above referenced matter.

You have seven (7) days from the date of receipt hereof to challenge the Notice of Proposed Default Orders.

Should you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure

COPY

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 03-10259, IN THE)
NAME OF TIPPETT LAND &)
MORTGAGE COMPANY)

NOTICE OF PROPOSED DEFAULT ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

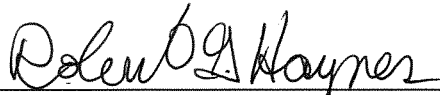
1. On October 16, 2007, Tippet Land & Mortgage Company submitted an Application for Permit to the Department, seeking to file for water rights from Dough Creek and the Snake River for domestic purposes for one home.
2. On December 24, 2007, the Department corresponded to Tippet Land & Mortgage Company suggesting they resolve a concern Fish & Game raised regarding their application, within 30 days so the application can be finalized.
5. The applicant did not respond to the Department within a reasonable amount of time and did not provide the requested information.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default Order for failure to respond to an information inquiry.
2. The Department should enter a Notice of Proposed Default Order for failure of the applicant to provide requested information in the above captioned matter.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter a Default Order **DENYING** the application, as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).
Dated this 31st day of March, 2008.



Robert G. Haynes
Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 24, 2007

Tippett Land & Mortgage Company
PO Box 3027
Pasco, WA 99302

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
03-10259

Gentlemen:

The Idaho Department of Water Resources (IDWR) is in receipt of a letter, copy of which is enclosed, from the Idaho Department of Fish & Game expressing an objection to your request to withdraw water from Dough Creek. However, Fish & Game doesn't appear to have an objection to a diversion from the Snake River. Before further processing of your application can take place, IDWR suggests you contact Fish & Game and address their concern regarding Dough Creek. One possible solution would be for you to withdraw your request to divert water from Dough Creek and utilize the Snake River as your sole source.

Please resolve Fish & Games concern within the next 30 days so as not to further delay the processing of your application. Any resolution with Fish & Game should be in writing and copied to IDWR. If you have any questions feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure
Cc: Dave Cadwallader

COPY



RECEIVED

DEC 24 2007

IDWR/North

IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

C.L. "Butch" Otter/Governor
Cal Groen/Director

December 21, 2007

*Entered on
Computer 12/28/07*

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Dear Mr. Franklin:

REFERENCE: WATER RIGHT APPLICATION #03-10259, #03-10260, #03-10261 and #03-10262 THANKSGIVING LIMITED PARTNERSHIP

IDFG has reviewed four water right applications from Thanksgiving Limited Partnership that you forwarded to our office as a package. All four applications request separate 0.04 cfs appropriations from "Dough Creek and Snake River" for domestic use. Each withdrawal requested would serve one of four adjacent lots identified in the materials provided.

These applications are complicated by the identification of two separate water bodies – Dough Creek and Snake River – as the source for one appropriation. None of the applications indicates what proportions of the 0.04 cfs requested might come from either the Snake River or Dough Creek. We believe that separate water right applications should have been filed for the different sources of water; in this case, separate applications for appropriations from the Snake River and from Dough Creek. Nevertheless, we offer the following comments on the applications as filed:

- IDFG does not anticipate that the four proposed withdrawals of 0.04 cfs will have a significant effect on flows in the Snake River at or below the point of diversion, either separately or cumulatively. We do not anticipate that the proposed withdrawals from the Snake River will adversely impact fish, wildlife or habitat. As long as all other necessary state and federal permits have been obtained (e.g., a permit to install a pump and water line from Idaho Department of Lands), we have no objection to the proposed withdrawals from the Snake River.

COPY

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-799-5010 • Fax: 208-799-5012 • Idaho Relay (TDD) Service: 1-800-377-3529 • <http://fishandgame.idaho.gov>

- IDFG objects to all four of the proposed withdrawals from Dough Creek, whether in total or in any proportion of the 0.04 cfs total requested. Dough Creek has seasonally low flows; portions of Dough Creek are intermittent. Therefore, it is highly unlikely that Dough Creek can support even small withdrawals without significant adverse impacts on wildlife and habitat. Since the entirety of the 0.04 cfs requested appropriations can readily be obtained from the Snake River without additional water from Dough Creek, we recommend that you deny any appropriations for water from Dough Creek.
- Finally, to reduce impacts from installations of pumps and waterlines, we recommend a single, shared diversion from the Snake River to serve all four applicants.

Please inform applicants that water intakes should be screened to prevent entrainment or impingement of fish (Idaho Code 36-906 b). The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Please contact Ray Hennekey, Region 2 Environmental Staff Biologist, if you have any questions regarding this matter.

Thank you for the opportunity to comment.

Sincerely,



Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/gl

c: Bart Butterfield, NRPB

RECEIVED
DEC 24 2007
IDWR/North

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING
INVOICE

SOLD TO: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D AL ID 83814

Date 12/13/2007 INVOICE NO. 477593

Account No. 964750

Description 477593The following ap

Times 2 Lines 73

Tab. Lines

RECEIVED

\$ 235.06

DEC 14 2007

PO#

IDWR/North

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

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

3-10259
TIPPETT LAND AND MORTGAGE COMPANY
PO BOX 3027
PASCO WA 99302
Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO
Source SNAKE RIVER Tributary To COLUMBIA RIVER
Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO
Source DOUGH CREEK Tributary To SNAKE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/16/2007
Place Of Use: DOMESTIC T32N R05W S34 SWSE Lot 4 SESE
Remark: Domestic use is for 1 home

3-10260
THANKSGIVING LIMITED PARTNERSHIP
PO BOX 3027
PASCO WA 99302
Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO
Source DOUGH CREEK Tributary To SNAKE RIVER
Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO
Source SNAKE RIVER Tributary To COLUMBIA RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/16/2007
Place Of Use: DOMESTIC T32N R05W S34 SWSE Lot 4 SESE
Remark: Domestic use is for 1 home

3-10261
THANKSGIVING LIMITED PARTNERSHIP
PO BOX 3027
PASCO WA 99302
Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO
Source SNAKE RIVER Tributary To COLUMBIA RIVER
Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO
Source DOUGH CREEK Tributary To SNAKE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/16/2007
Place Of Use: DOMESTIC T32N R05W S34 SWSE Lot 4 SESE
Remark: Domestic use is for 1 home.

3-10262
THANKSGIVING LIMITED PARTNERSHIP
PO BOX 3027
PASCO WA 99302
Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO
Source DOUGH CREEK Tributary To SNAKE RIVER
Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO
Source SNAKE RIVER Tributary To COLUMBIA RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/16/2007
Place Of Use: DOMESTIC T32N R05W S34 SWSE Lot 4 SESE
Remark: Domestic use is for 1 home.

3-10263
JOHN LARSON
PO BOX 417
ASOTIN WA 99402
Point(s) of Diversion L3 (NESW) S14 T31N R05W NEZ PERCE CO
Source SNAKE RIVER Tributary To COLUMBIA RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11/05/2007
Place Of Use: DOMESTIC T31N R05W S14 NESW Lot 3
Remark: Domestic use is for one home.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 12/24/2007. The protestant must also send a copy of the protest to the applicant.
DAVID R. TUTHILL, JR., Director Published December 6 & 13, 2007

AFFIDAVIT OF PUBLICATION

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 477593The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 12/06, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 12/06/2007, and the last publication thereof being on the 12/13/2007, and said 477593The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 13 day of Dec in the year of 2007, before me, a Notary Public, personally appeared Karen J Lewis, 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 in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 1/23/2010

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

3-10259

TIPPETT LAND AND MORTGAGE COMPANY

PO BOX 3027

PASCO WA 99302

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source DOUGH CREEK Tributary To SNAKE RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/16/2007

Place Of Use: DOMESTIC

T32N R05W S34 SWSE Lot 4 SESE

Remark: Domestic use is for 1 home

3-10260

THANKSGIVING LIMITED PARTNERSHIP

PO BOX 3027

PASCO WA 99302

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source DOUGH CREEK Tributary To SNAKE RIVER

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/16/2007

Place Of Use: DOMESTIC

T32N R05W S34 SWSE Lot 4 SESE

Remark: Domestic use is for 1 home

3-10261

THANKSGIVING LIMITED PARTNERSHIP

PO BOX 3027

PASCO WA 99302

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source DOUGH CREEK Tributary To SNAKE RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/16/2007

Place Of Use: DOMESTIC

T32N R05W S34 SWSE Lot 4 SESE

Remark: Domestic use is for 1 home.

3-10262

THANKSGIVING LIMITED PARTNERSHIP

PO BOX 3027

PASCO WA 99302

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source DOUGH CREEK Tributary To SNAKE RIVER

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/16/2007

Place Of Use: DOMESTIC

T32N R05W S34 SWSE Lot 4 SESE

Remark: Domestic use is for 1 home.

3-10263

JOHN LARSON

PO BOX 417

ASOTIN WA 99402

Point(s) of Diversion L3 (NESW) S14 T31N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/05/2007

Place Of Use: DOMESTIC

T31N R05W S14 NESW Lot 3

Remark: Domestic use is for one home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 12/24/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director Published December 6 & 13, 2007



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

DAVID R. TUTHILL, JR
Director

Please Fax or e-mail proof/preview copy to me before this goes to press.

Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov

Thanks, Dianne

November 29, 2007

KAREN LEWIS
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Application for Permit No. 3-10259, 60, 61, 62 and 63

Dear Karen:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, December 6 and 13, 2007, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/24/2007. Your cooperation is very greatly appreciated.

It's always a pleasure to work with you. You're super!!

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

3-10259

TIPPETT LAND AND MORTGAGE COMPANY

PO BOX 3027

PASCO WA 99302

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source DOUGH CREEK Tributary To SNAKE RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/16/2007

Place Of Use: DOMESTIC

T32N R05W S34 SWSE Lot 4 SESE

Remark: Domestic use is for 1 home

3-10260

THANKSGIVING LIMITED PARTNERSHIP

PO BOX 3027

PASCO WA 99302

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source DOUGH CREEK Tributary To SNAKE RIVER

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/16/2007

Place Of Use: DOMESTIC

T32N R05W S34 SWSE Lot 4 SESE

Remark: Domestic use is for 1 home

3-10261

THANKSGIVING LIMITED PARTNERSHIP

PO BOX 3027

PASCO WA 99302

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source DOUGH CREEK Tributary To SNAKE RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/16/2007

Place Of Use: DOMESTIC

T32N R05W S34 SWSE Lot 4 SESE

Remark: Domestic use is for 1 home.

3-10262

THANKSGIVING LIMITED PARTNERSHIP

PO BOX 3027

PASCO WA 99302

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source DOUGH CREEK Tributary To SNAKE RIVER

Point(s) of Diversion L4 (SWSE) S34 T32N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/16/2007

Place Of Use: DOMESTIC

T32N R05W S34 SWSE Lot 4 SESE

Remark: Domestic use is for 1 home.

3-10263

JOHN LARSON

PO BOX 417

ASOTIN WA 99402

Point(s) of Diversion L3 (NESW) S14 T31N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/05/2007

Place Of Use: DOMESTIC

T31N R05W S14 NESW Lot 3

Remark: Domestic use is for one home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600

Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 12/24/2007.

The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director Published December 6 & 13, 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 29, 2007

TIPPETT LAND AND MORTGAGE COMPANY
PO BOX 3027
PASCO WA 99302

RE: Application for Permit No 3-10259

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Lewiston Morning Tribune on December 6 and 13, 2007. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

A handwritten signature in black ink that reads "Keith E. Franklin". The signature is written in a cursive, flowing style.

Keith E. Franklin
Senior Water Resource Agent

Enclosure(s) – Receipt No. N018827



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

DAVID R. TUTHILL, JR
Director

November 29, 2007

RAY HENNEKEY
IDAHO DEPARTMENT OF FISH & GAME
3316 16TH STREET
LEWISTON, ID 83501

6 pages total

Re: Water Permit Application No. 03-10259

Dear Ray:

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

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. This is scheduled for publication on December 6 and 13, 2007.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **December 24, 2007**. That is also the final date for protest to be received in our office.

If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819, or by e-mail to Keith.Franklin@idwr.idaho.gov, or to me, Dianne.Ball@idwr.idaho.gov.

We request that you send a copy of your comments regarding, and/or notice that you intend to protest this application to the applicant as well as to our office.

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

Sincerely,

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

Dianne Ball
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 29, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

IDAHO DEPARTMENT OF LANDS
P O BOX 68
CRAIGMONT ID 83523-0068

(208) 924-5572
6 pages total

Re: Water Permit Application No. 03-10259

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

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **December 21, 2007**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may want to contact the applicant regarding an encroachment permit if needed.

You may send comments by regular mail to the address above, by **FAX to 762-2819**, or by e-mail to Keith.Franklin@idwr.idaho.gov, or to me, Dianne.Ball@idwr.idaho.gov.

We request that you send a copy of your comments regarding, and/or notice that you intend to protest this application to the applicant as well as to our office.

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

Sincerely,

Dianne Ball
Administrative Assistant

MEMORANDUM

Date: November 26, 2007
To: Water Right File 3-10259
From: gtaylor
Re: Comment/Analysis

According to Applicant, water is diverted from Dough Creek by gravity pipe to a cistern as long as there is water in Dough Creek. When water gets low in creek they then divert from Snake with a pump and motor and pipe to the same cistern.

Cabin has been there since mid-70s.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: TIPPETT LAND AND MORTGAGE COMPANY
PO BOX 3027
PASCO WA 99302
(509)545-3355

2. Source: DOUGH CREEK Tributary to: SNAKE RIVER
SNAKE RIVER Tributary to: COLUMBIA RIVER

3. Location of Point of Diversion:

#1 SNAKE RIVER L4 (SW1/4SE1/4) Sec. 34, Twp 32N, Rge 05W, B.M. NEZ PERCE County

#2 DOUGH CREEK L4 (SW1/4SE1/4) Sec. 34, Twp 32N, Rge 05W, B.M. NEZ PERCE County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	

5. Total quantity to be appropriated is: 0.04 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: PUMP AND MOTOR

POINT OF DIVERSION #2

a. Type and size of devices used to divert water from the source: GRAVITY TO CISTERN

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

8. 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		
32N	05W	34																X	X	
																		L 4		

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

TAX LOT #9300 PER ATTACHED MAP

11. Map of proposed point of diversion and place of use attached? [x]

October 15, 2007

RECEIVED
OCT 16 2007
IDWR/North

Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur D'Alene ID 83815

Re: Application for Water Rights

To Whom It May Concern:

Please find attached four (4) applications for water rights along with checks for the corresponding fees. If you would like to visit with anyone with regard to these applications, please feel free to contact Bob Tippett or Garland Crum at (509) 545-3355.

Thank you for your time and assistance.

Sincerely,



Stephanie A. Roan
Executive Assistant

Enclosures

P.O. Box 3027
Pasco, WA 99302

tel 509.545.3355
fax 509.545.1689

www.tippettcompany.com