

74078

Ident. No. B4-12242

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

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1. Name of Applicant Empire Lumber Company Phone 208-435-4703  
Mailing address P.O. Box 206 Weippe ID 83553

2. Source of water supply Groundwater which is a tributary of N/A

3. Location of point of diversion is Township 35N Range 4E Sec. 14 in the NW 1/4, NW 1/4, Govt. Lot ~~Block 6 Lot 9~~ B.M., CLEARWATER County;

additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 4.5 cfs for Commercial purposes from JAN. 1 to DEC. 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 4.5 cfs for FIRE PROTECTION purposes from JAN. 1 to DEC. 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 4.5 cfs and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 300 HP Lineshaft  
Turbine pump.

b. Height of storage dam N.A. feet; active reservoir capacity N.A. acre-feet; total reservoir capacity N.A. acre-feet

c. Proposed well diameter is 16 inches; proposed depth of well is 600-700 feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_;  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_  
b. Stockwatering; list number and kind of livestock. \_\_\_\_\_  
c. Municipal; show name of municipality. \_\_\_\_\_  
d. Domestic; show number of households. \_\_\_\_\_  
e. Other, describe fully. Sprinkling of logs at sawmill operation. Fire protection for sawmill buildings.

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3. 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 |        |
| 35N | 4E  | 15  | 25 |    |     |    |        |    |     |        |    |    |    |    |    |    |    |    |        |
|     |     | 15  | C  |    | ROE |    | 8-9-07 |    |     |        |    |    |    |    |    |    |    |    |        |
| 35N | 4E  | 15  | 2  |    |     |    |        |    |     |        |    |    |    |    |    |    |    |    |        |
|     |     | 15  | F  |    | ROE |    | 8-9-07 |    |     |        |    |    |    |    |    |    |    |    |        |
| 35N | 4E  | 14  |    |    |     |    |        | 20 | ROE | 8-9-07 |    |    |    |    |    |    |    |    |        |
|     |     | 14  |    |    |     |    |        | C  |     |        |    |    |    |    |    |    |    |    |        |
| 35N | 4E  | 14  |    |    |     |    |        | C  |     |        |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. NONE - CURRENTLY NO FIRE SUPPRESSION SYSTEMS EXIST IN THE MILL BUILDINGS AND NO LOG DECKS ARE BEING SPARKLED.

11. a. Who owns the property at the point of diversion? EMPIRE LUMBER CO.

b. Who owns the land to be irrigated or place of use? EMPIRE LUMBER CO.

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

12. Remarks: \_\_\_\_\_

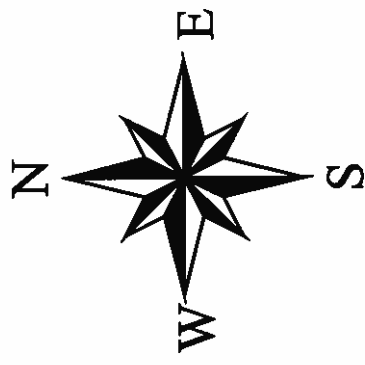
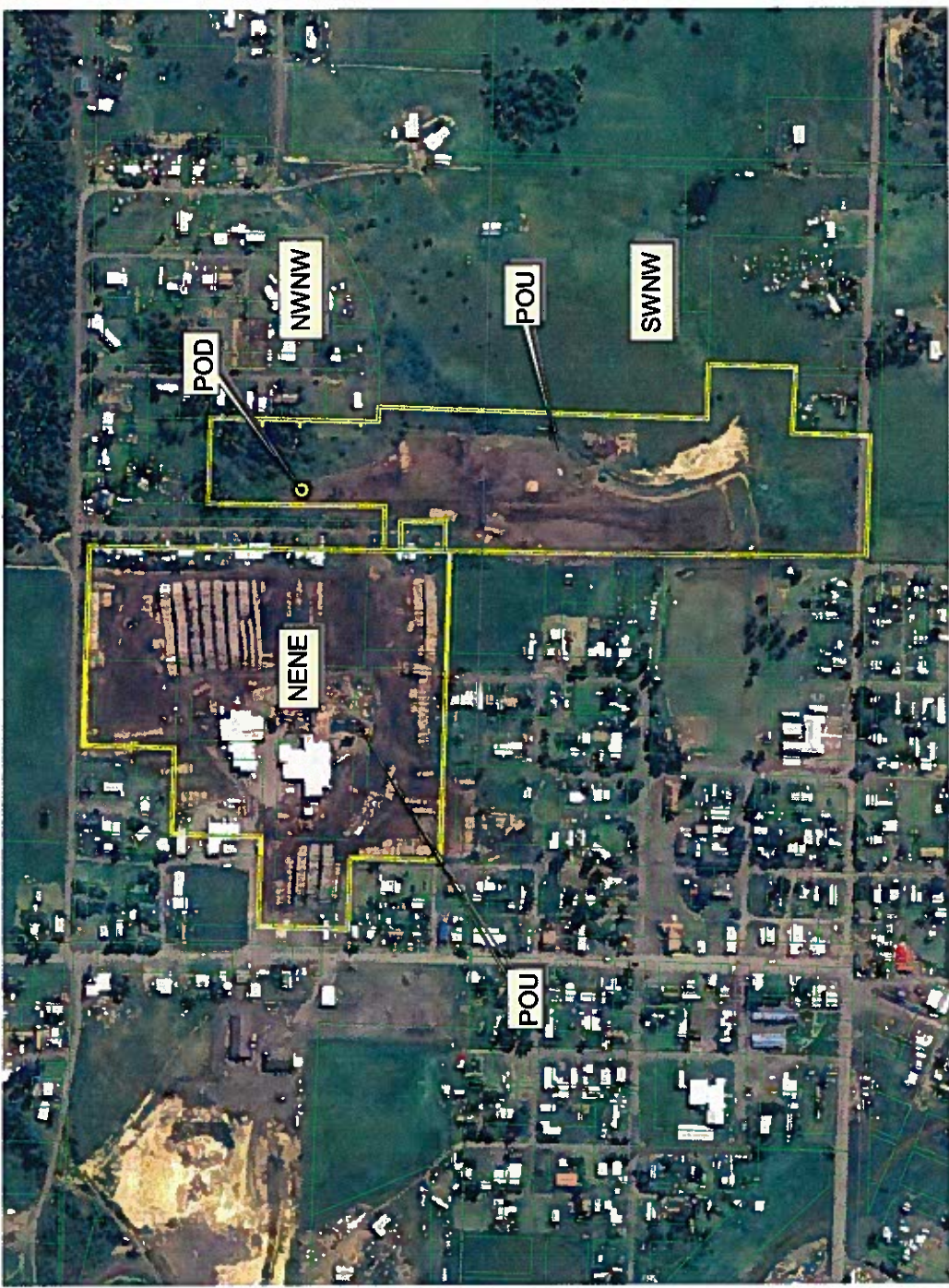
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Randy Allen RESOURCE MANAGER  
Signature of Applicant (and title, if applicable)

Received by Dianne Date 7/30/07 Time 11:15 AM Preliminary check by \_\_\_\_\_  
Fee \$ 410.00 Receipted by Dianne # N012575 Date 7/30/07  
Publication prepared by db Date 12/27/07 Published in Clearwater Trib 1/3\*10/08  
Publication approved db Date 2/4/08

# 84-12242



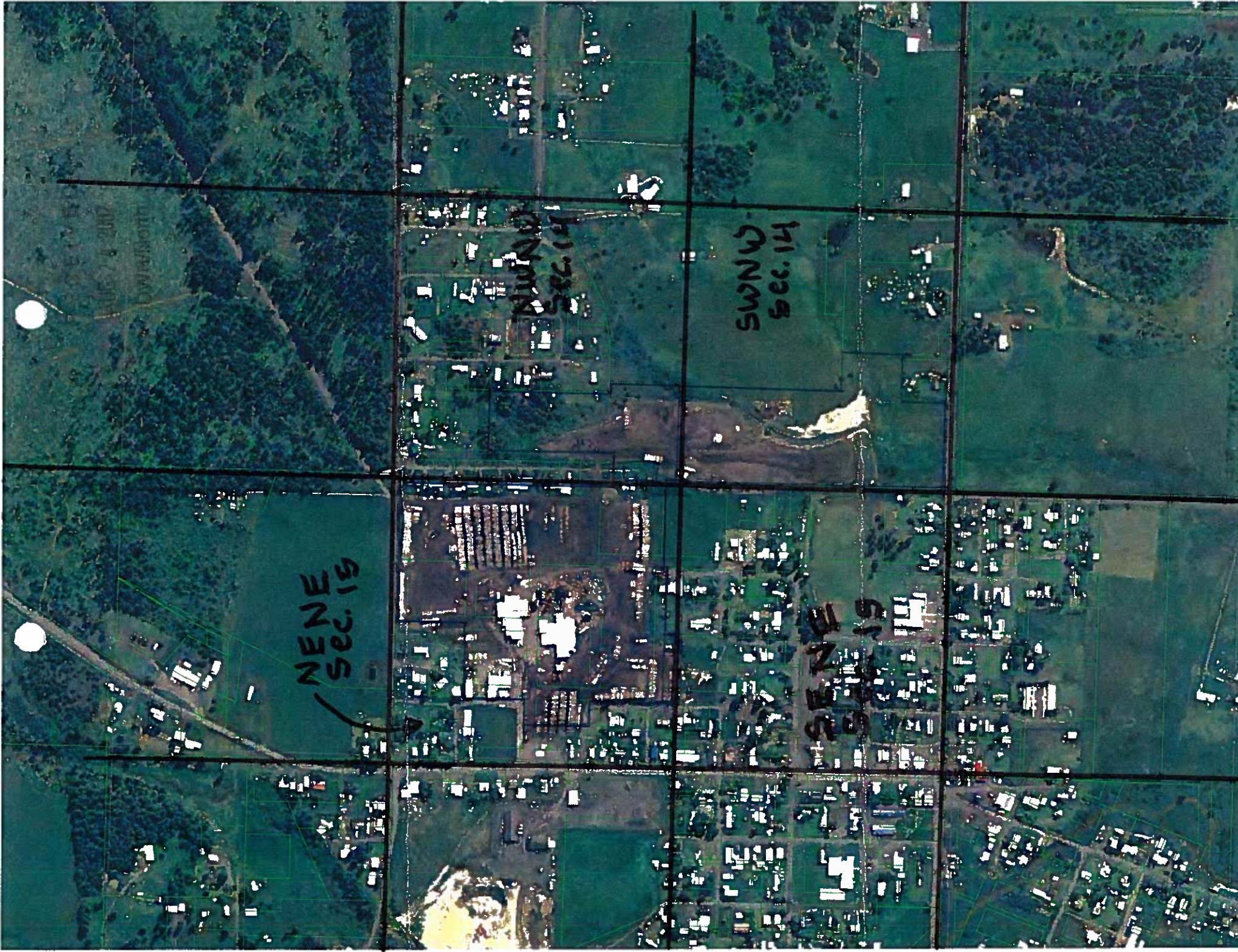
- Clearwater taxlots  
GCDB35N04E GCDB
- Pou.shp
- Pod.shp
- Administrative BasinsAdminbas.shp

NE NE  
Sec. 15

SW NW  
Sec. 14

SW NW  
Sec. 14

SE NE  
Sec. 15



T35N R4E

10

DETAIL RECEIVED

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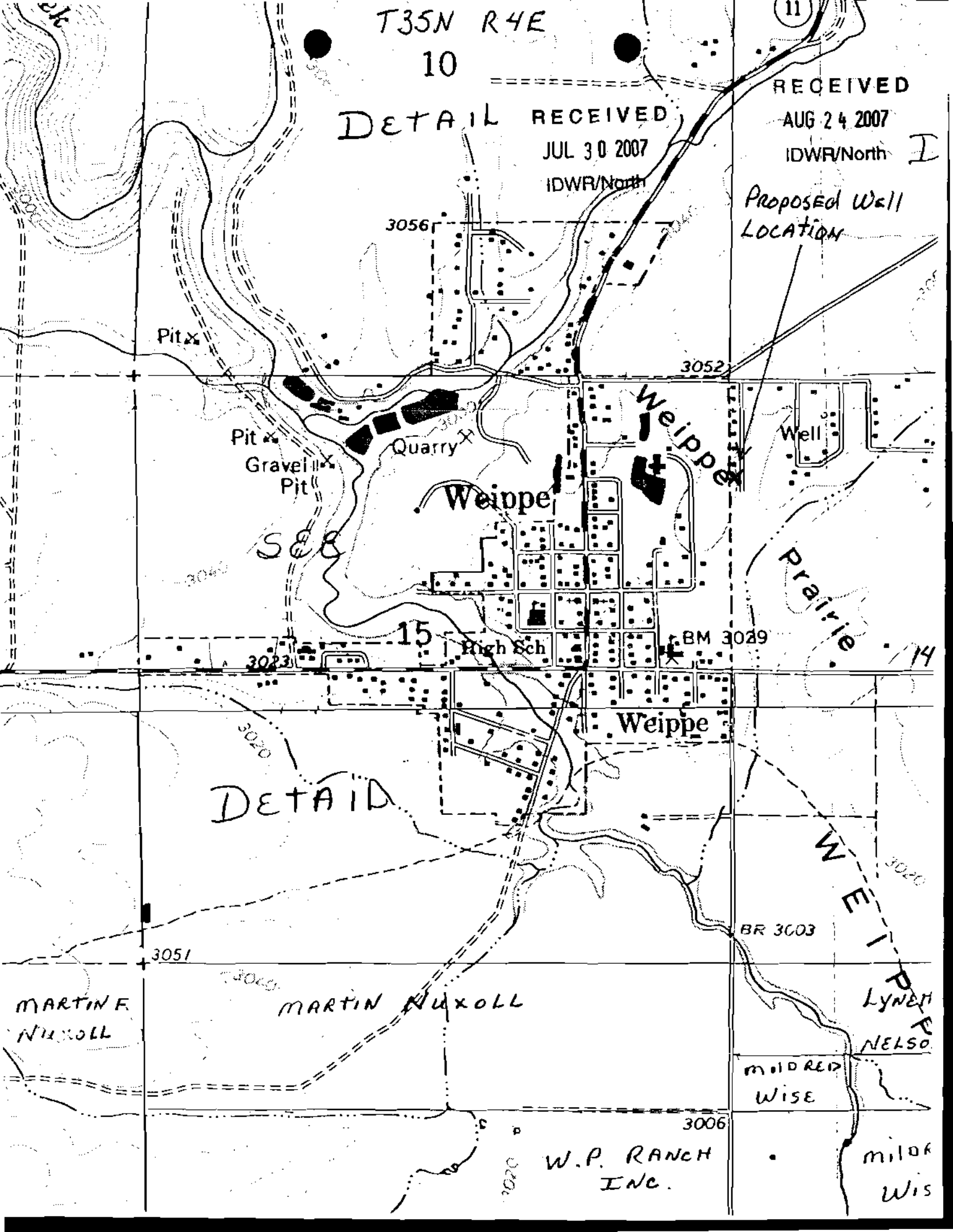
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Proposed Well  
LOCATION



Pit X

Pit X

Gravel Pit

3056

Quarry X

Weippe

Weippe

Well

15

High Sch

BM 3029

Weippe

DETAIL

Prairie

MARTINE  
NUXOLL

MARTIN NUXOLL

W.P. RANCH  
INC.

MILDRED  
WISE

LYNNE  
NELSON

MILDRED  
WISE

APPROVED  
AND FILED

MAY 16 1956

E. A. RILEY  
SECRETARY OF STATE  
of the State of Washington  
Assistant Secretary of State

ARTICLES OF INCORPORATION OF

EMPIRE LUMBER CO.

RECEIVED  
AUG 24 2007

IDW/R/North

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, LYLE LANDRETH, GRANT J. SILVERNALE, JR., and HAROLD W. COFFIN, being natural persons of full age and citizens of the United States, have associated ourselves together for the purpose of forming a corporation under the general laws of the State of Washington, and for that purpose do hereby make and subscribe, in triplicate, the following

ARTICLES OF INCORPORATION:

ARTICLE I.

The name of this corporation shall be EMPIRE LUMBER CO.

ARTICLE II.

The nature of the business and the objects and purposes to be transacted, promoted and carried on, are to do any and/or all of the things herein mentioned as fully and to the same extent as natural persons might or could do, and in all states, territories and colonies of the United States and any foreign countries, viz:

(a) To purchase, lease or otherwise acquire, or to sell, lease, or otherwise dispose of, and to operate, maintain and construct planing mills, sawmills, dry kilns and factories for the handling and manufacturing of all timber and lumber products or by-products, and to conduct and operate logging camps and logging operations.

(b) To buy or otherwise acquire, and to sell or otherwise dispose of, and to import, export and generally

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deal and trade in wood, lumber, logs and timber, laths, shingles, box shook, sash, doors or other wood products or forest products or the by-products of any wood manufacturing operation or builder's supplies of every kind and character, and to purchase, lease or otherwise acquire, and to hold, use, operate and develop or to sell or otherwise dispose of, timber, timber rights, timber lands, cut-over lands, and any other land that may be used in any lumber or milling operations.

(c) To purchase, construct or otherwise acquire, and to operate, ships, boats, ferries, docks, engines, cars, trucks, or any other means for transporting lumber, lath, logs or shingles, or other wood products, or the by-products of any of said manufacturing operations.

(d) To purchase, acquire, lease and hold real property, and any interest or estate therein, and to let, demise, convey, or assign or transfer any such interest as the corporation may deem necessary or convenient in connection with its business.

(e) To acquire, hold, maintain and use such furniture, fixtures, equipment, machinery, vehicles, tools, facilities and personal property of all kinds, as the corporation may deem necessary or convenient in the operation of sawmills or general lumber and milling business.

(f) To borrow money, incur indebtedness, and issue notes, bonds or debentures or other evidences of debt,

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and to mortgage, pledge, hypothecate, convey in trust or otherwise, any and all property of the corporation as security for the payment of any such indebtedness.

(g) To lend money, to purchase, acquire, own, hold, guarantee, sell, assign, transfer, mortgage, pledge or otherwise dispose of and deal in shares, bonds, notes, debentures, or other securities or evidences of indebtedness of any other person, corporation or association, whether domestic or foreign and whether now or hereafter organized or existing, and while the holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon to the same extent as a natural person might or could do.

(h) To purchase, acquire or deal in shares of its own capital to the extent allowed by the laws of the State of Washington.

(i) To purchase or otherwise acquire, in whole or in part, business, good will, rights, franchises, licenses, permits and property of every kind of any person, association or corporation, and to pay for the same in cash or in the shares, bonds or other evidences of indebtedness of this corporation, or otherwise, and to hold, maintain and operate, or in any manner dispose of the whole or any part of the good will, business, rights and property so acquired, and to conduct, in any lawful manner, the whole or any part of any business so acquired, and to exercise all the powers necessary or convenient in and about the management of such business.

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(j) To carry on any business whatsoever which this corporation may deem proper or convenient in connection with any of the foregoing purposes, or otherwise, or which may be calculated directly or indirectly to promote the interests of this corporation or to enhance the value of its property or business.

(k) To exercise all the powers conferred by the laws of the State of Washington, or implied by any reasonable construction of said laws, upon the corporations formed under the laws pursuant to and under which this corporation is formed and such laws as are now in effect and may at any time hereafter be amended.

#### ARTICLE III.

The duration of this corporation shall be perpetual.

#### ARTICLE IV.

The registered office of this corporation shall be located at: 602 Spokane and Eastern Building, Spokane 1, Washington.

#### ARTICLE V.

The total number of shares of stock which the corporation shall have authority to issue is one thousand (1000), and all of said stock shall have a par value of \$100 per share, making an aggregate par value of \$100,000.

#### ARTICLE VI.

The amount of paid-in capital with which the corporation shall begin business will be \$10,000.

#### ARTICLE VII.

The first directors shall hold office until the

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15th day of January, 1957, and their names and addresses are as follows:

|                          |                                                      |
|--------------------------|------------------------------------------------------|
| Lyle Landreth            | South 3904 Bernard Street<br>Spokane, Washington     |
| Grant J. Silvernale, Jr. | 602 Spokane & Eastern Bldg.<br>Spokane 1, Washington |
| Harold W. Coffin         | 1106 East Rockwood Blvd.<br>Spokane 35, Washington   |

#### ARTICLE VIII.

The names and post office address of each of the incorporators and the number of shares of stock subscribed by each are as follows:

|                          |                                                |           |
|--------------------------|------------------------------------------------|-----------|
| Lyle Landreth            | South 3904 Bernard St.<br>Spokane, Washington  | 98 shares |
| Grant J. Silvernale, Jr. | 602 Spokane & Eastern<br>Spokane 1, Washington | 1 share   |
| Harold W. Coffin         | E. 1106 Rockwood Blvd.<br>Spokane 35, Wash.    | 1 shares  |

#### ARTICLE IX.

The authority to make or amend By-Laws is vested in the board of directors, subject to the power of the shareholders to change or repeal them.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 15<sup>th</sup> day of March, 1956.

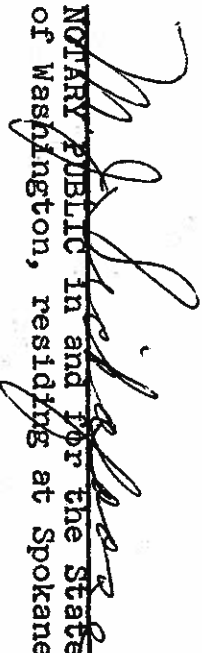
Grant J. Silvernale  
Lyle Landreth  
Harold W. Coffin

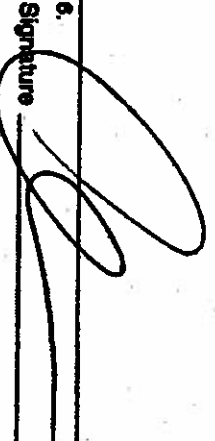
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STATE OF WASHINGTON )  
                                  ss.  
County of Spokane )

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that on this 15<sup>th</sup> day of March, 1956, personally appeared before me -- LYLE LANDRETH, GRANT J. SILVERNALE, JR., and HAROLD W. COFFIN -- to me known to be the individuals described in and who executed the above and foregoing instrument, and acknowledged that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year first above written.

  
~~NOTARY PUBLIC in and for the State~~  
of Washington, residing at Spokane.

|                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                            |                                                                                                                                                                                                                                                                                                                        |                                                    |                    |                   |                               |              |                |                |            |             |                |                |             |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------|-------------------|-------------------------------|--------------|----------------|----------------|------------|-------------|----------------|----------------|-------------|-------|
| <b>No. C 31207</b>                                                                                                                                                                                                                                                                                                                                                                                             | <b>1. no later than September 30, 2007</b><br><b>Annual Report Form</b>                                                    |                                                                                                                                                                                                                                                                                                                        | <b>2. ...-dated Agent and Office NO PO BOX</b>     |                    |                   |                               |              |                |                |            |             |                |                |             |       |
| <b>Return to:</b><br>SECRETARY OF STATE<br>450 NORTH FOURTH STREET<br>PO BOX 83720<br>BOISE, ID 83720-0080                                                                                                                                                                                                                                                                                                     | <b>1. Mailing Address - Correct in this box - if applicable</b><br><br>EMPIRE LUMBER CO.<br>BOX 11988<br>SPOKANE, WA 99211 |                                                                                                                                                                                                                                                                                                                        | CHARLES BROWN<br>324 MAIN ST<br>LEWISTON, ID 83501 |                    |                   |                               |              |                |                |            |             |                |                |             |       |
| <b>NO FILING FEE IF</b><br><b>RECEIVED BY DUE DATE</b>                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                            | <b>3. New Registered Agent Signature</b>                                                                                                                                                                                                                                                                               |                                                    |                    |                   |                               |              |                |                |            |             |                |                |             |       |
| <b>4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.</b><br><table><tr><td><u>Office held</u></td><td><u>Name</u></td><td><u>Street or P.O. Address</u></td><td><u>City</u></td><td><u>State</u></td><td><u>Zip</u></td></tr><tr><td>PRESIDENT,</td><td>SEC./TREAS.</td><td>DAVID A. KLAUE</td><td>P.O. BOX 11988</td><td>SPOKANE, WA</td><td>99211</td></tr></table> |                                                                                                                            |                                                                                                                                                                                                                                                                                                                        |                                                    | <u>Office held</u> | <u>Name</u>       | <u>Street or P.O. Address</u> | <u>City</u>  | <u>State</u>   | <u>Zip</u>     | PRESIDENT, | SEC./TREAS. | DAVID A. KLAUE | P.O. BOX 11988 | SPOKANE, WA | 99211 |
| <u>Office held</u>                                                                                                                                                                                                                                                                                                                                                                                             | <u>Name</u>                                                                                                                | <u>Street or P.O. Address</u>                                                                                                                                                                                                                                                                                          | <u>City</u>                                        | <u>State</u>       | <u>Zip</u>        |                               |              |                |                |            |             |                |                |             |       |
| PRESIDENT,                                                                                                                                                                                                                                                                                                                                                                                                     | SEC./TREAS.                                                                                                                | DAVID A. KLAUE                                                                                                                                                                                                                                                                                                         | P.O. BOX 11988                                     | SPOKANE, WA        | 99211             |                               |              |                |                |            |             |                |                |             |       |
| <b>5. Organized Under the Laws of:</b><br><br>WASHINGTON<br>C 31207                                                                                                                                                                                                                                                                                                                                            |                                                                                                                            | <b>6. Signature</b><br><br><table><tr><td><u>Name</u></td><td><u>Typed Name</u></td><td><u>Date</u></td><td><u>Title</u></td></tr><tr><td>DAVID A. KLAUE</td><td>DAVID A. KLAUE</td><td>7/12/07</td><td>PRESIDENT</td></tr></table> |                                                    | <u>Name</u>        | <u>Typed Name</u> | <u>Date</u>                   | <u>Title</u> | DAVID A. KLAUE | DAVID A. KLAUE | 7/12/07    | PRESIDENT   |                |                |             |       |
| <u>Name</u>                                                                                                                                                                                                                                                                                                                                                                                                    | <u>Typed Name</u>                                                                                                          | <u>Date</u>                                                                                                                                                                                                                                                                                                            | <u>Title</u>                                       |                    |                   |                               |              |                |                |            |             |                |                |             |       |
| DAVID A. KLAUE                                                                                                                                                                                                                                                                                                                                                                                                 | DAVID A. KLAUE                                                                                                             | 7/12/07                                                                                                                                                                                                                                                                                                                | PRESIDENT                                          |                    |                   |                               |              |                |                |            |             |                |                |             |       |
| <b>Issued 07/02/2007</b><br><b>Do Not Tape or Staple</b><br><b>200709000125</b>                                                                                                                                                                                                                                                                                                                                |                                                                                                                            |                                                                                                                                                                                                                                                                                                                        |                                                    |                    |                   |                               |              |                |                |            |             |                |                |             |       |