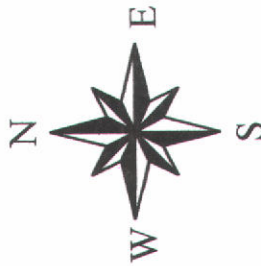


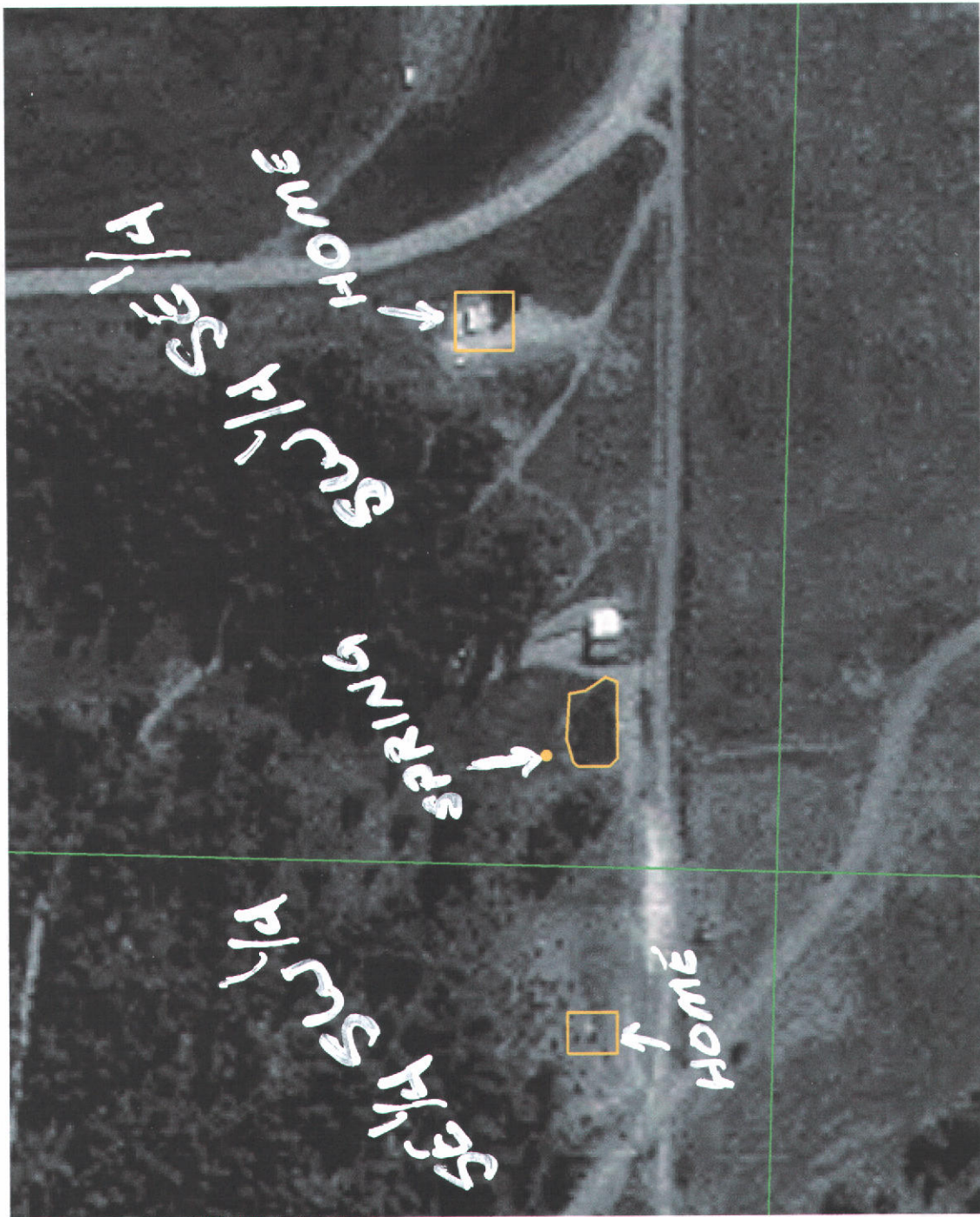
Randy Duman

T32N R01W
Section 26

● Point of Diversion
□ Place of Use



Date Prepared: September 11, 2003



0 200 400 600 800 Feet

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15420

Priority: September 15, 2003

Maximum Diversion Rate: 0.08 CFS

This is to certify, that **RANDY S DUMAN**
HC3 BOX 145 W
COTTONWOOD ID 83522

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: COTTONWOOD CREEK

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	0.08 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

SPRING SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, Twp 32N, Rge 01W, B.M., IDAHO County

PLACE OF USE: DOMESTIC & STOCKWATER

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 01W 26												X				X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2009**.
2. Subject to all prior water rights.
3. 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 permit holder had no control.
4. Domestic use is for 2 homes.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre of lawn or garden area for each home.
7. Stockwater use is for 10 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of April, 2004.

[Handwritten signature]
APR 15 2004

[Handwritten signature: Karl J Dreher]
KARL J DREHER, Director

RECEIVED

APR 08 2004

Department of Water Resources

71063
STATE OF IDAHO

nt. No.

85-15420

RECEIVED

SEP 15 2003

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant RANDY S. DUMAN Phone 208-962-5628
 Mailing address HC 3 Box 145 W Cottonwood, IDAHO, 83522
2. Source of water supply Spring which is a tributary of Cottonwood CREEK
3. Location of point of diversion is Township 32 N Range 1 W Sec. 26, in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Idaho County;
 additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount .08 cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount .02 cfs for Stockwater purposes from 1/1 to 12/31 (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) 0.08 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 Drain tile to 1 1/4" to 2" pipe
to 2000 gallon storage tank and then gravity feed w/ 3" pipe to small pond & homes.

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

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

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

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

7. Time required for completion of works and application of water to proposed beneficial use is 5 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. 10 range cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 2 homes
- e. Other; describe fully. _____

MICROFILMED

SEP 15 2003

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	
32N	1W	26												D/S			D/S		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

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

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

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

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"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 Jensen
Signature of Applicant (and title, if applicable)

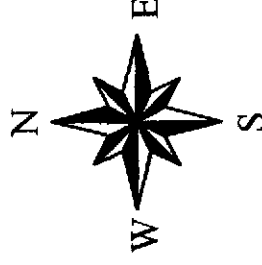
Received by db Date 9/15/03 Time 148P Preliminary check by _____
 Fee \$ 100.00 Receipted by db # 2015903 Date 9/15/03
 Publication prepared by db Date 2/27/04 Published in Calloway Chronicle 3/4+11/04
 Publication approved db Date 3/12/04

MICHAEL J. JENSEN
JUL 12 2003

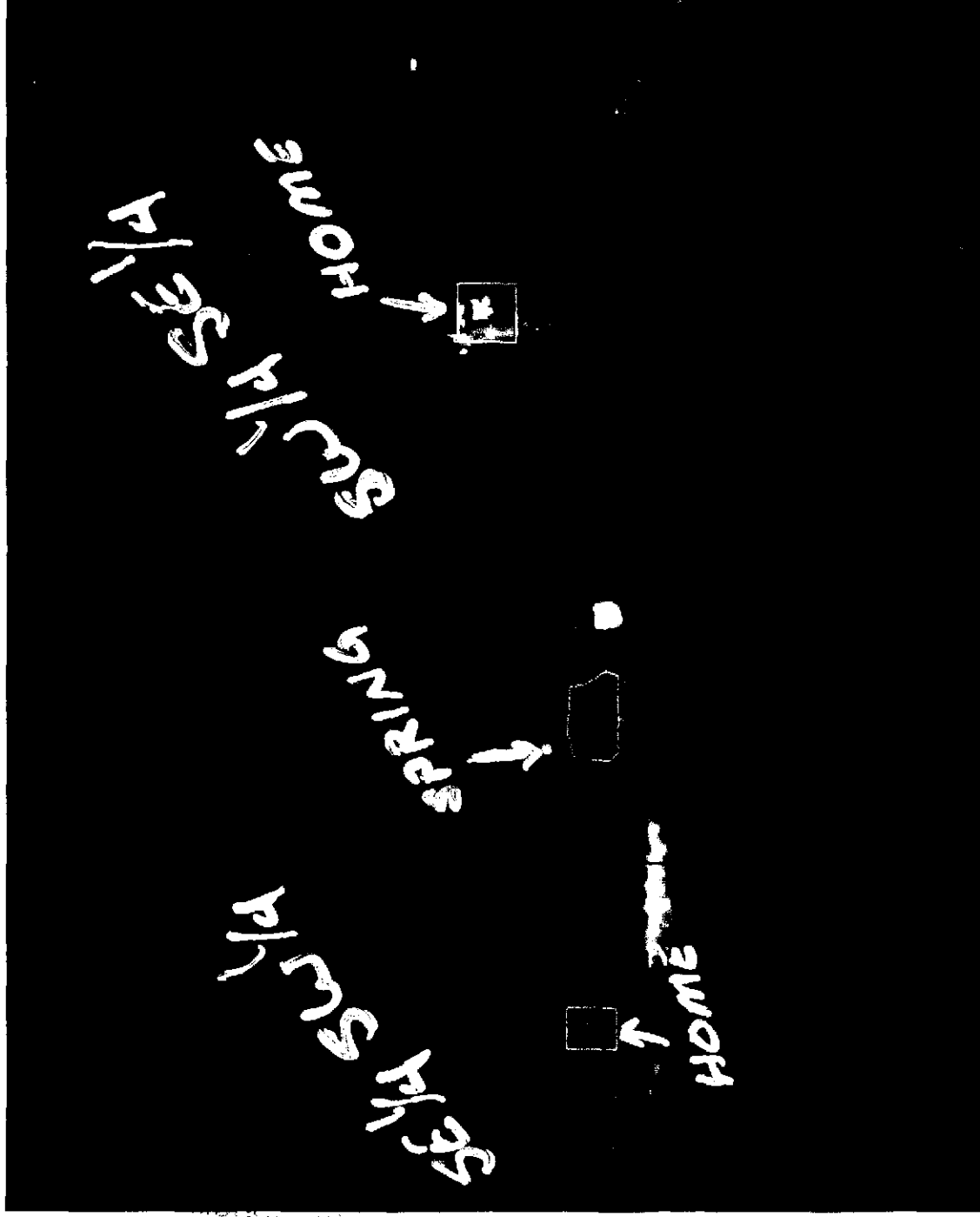
Randy Duman

T32N R01W
Section 26

● Point of Diversion
Place of Use



Date Prepared: September 11, 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 13, 2004

RANDY S DUMAN
HC3 BOX 145 W
COTTONWOOD ID 83522

RE: Permit No. 85-15420

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 a least sixty days prior to the commencement of work in the stream.

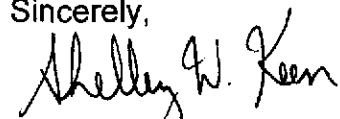
APR 13 2004

2004

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 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

1997 1 5 2008

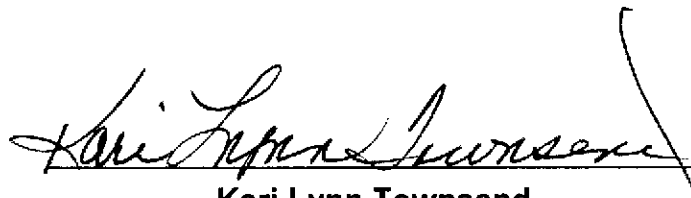
CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2004 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.

85-15420

**RANDY S DUMAN
HC3 BOX 145 W
COTTONWOOD ID 83522**


**Kari Lynn Townsend
Secretary**

MICHAEL J. HARRIS

APR 13 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

MAILED 12/13
DEC 13 2011

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.

Handwritten:
10/13/2003

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 85-15420

APPLICATION ID # 71063
INITIAL REVIEW

ENT. 2/13/04 BCA 2/13 OK to Publish 2/13/04

APPLICANT: DUMAN BY: TS DATE: 02/11/04

ITEM REQUIRED INFORMATION

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

RECEIVED
APR 14 2004
Department of Water Resources

PROCESSING

(Yes)(No) PRIORITY DATE: 09/15/03
X (Include Moratorium Remark)
X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
cc/Thurs
ADVERTISE IN: IDAHO County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information
() Power Information () Other: N/A

ADDITIONAL INFORMATION

(Yes)(No)
Shape File Created Date By:
Field check: by
Field report attached
Analysis Supp. attached(>5cfs/500af)
Water delivered by water master? Water District #

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
		Dom. Non-Dom.	Paid \$		Y() N()
		Dom. Non-Dom.	Paid \$		Y() N()
		Dom. Non-Dom.	Paid \$		Y() N()

Groundwater management area
Critical ground water area
Well Drilling Permit required
Well Drilling Application and Fees received
Well Drilling Application approved?
Remarks:

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)
Notice of pending void order issued. Final order response date: / /
Further information required from applicant
3/12 Affidavit of publication received
3/12 Application published correctly. If not, record action taken:
2/27 Publication dates and paper recorded on application
Protests received, Final protest date: 3/22/04 Sr. Agent initial
Measuring device required
Measuring port required
Special conditions:
Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by:

TS

Date: 04/06/04

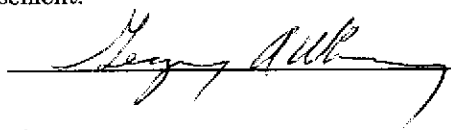
RECEIVED
MAR 12 2004
IDWR

Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

I, GREGORY A. WHERRY, being first duly sworn, depose and say that I am Editor of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for

2 weeks, being published 2 times, the first publication being on the 4th day of March, 2004, and the last publication on the 11th day of March, 2004; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.



STATE OF IDAHO, }
County of Idaho, }

On this 11th day of March in the year of 2004, before me, a Notary Public, personally appeared Gregory A Wherry know or identified to me to be the person whose name is 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.

PATRICIA E. WHERRY
NOTARY PUBLIC
STATE OF IDAHO
Residing at Cottonwood
My commission expires: 12-2006

Notice

PUBLIC NOTICE

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

85-15420
RANDY S DUMAN
HC3 BOX 145 W
COTTONWOOD ID 83522
Point(s) of Diversion
SWSWSE S26 T32N R01W
IDAHO County
Source SPRING Tributary To
COTTONWOOD CREEK
Use: STOCKWATER 01/01
To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31
0.08 CFS
Total Diversion: 0.08 CFS
Date Filed: 09/15/2003
Place Of Use: DOMESTIC T32N
R01W S26 SESW SWSE
Place Of Use: STOCKWATER
same as DOMESTIC
Remark: Domestic use is for 2
homes.
Stockwater use is for 10 head of
range cattle.

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, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 03/22/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Cottonwood Chronicle on March 4 and 11, 2004.



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

February 27, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDY S DUMAN
HC3 BOX 145 W
COTTONWOOD ID 83522

RE: Application for Permit No 85-15420

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 Cottonwood Chronicle on March 4 and 11, 2003. 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,

Allen Beardslee
Senior Water Resource Agent

Enclosure - Receipt No. N015903

MAILED 1000

FEB 28 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 27, 2004

-PLEASE FAX PROOF PRIOR TO PUBLICATION-

LEGAL NOTICE DEPARTMENT
COTTONWOOD CHRONICLE
PO BOX 157
COTTONWOOD ID 83522

e-mailed to [cotchon@camasnet.com](mailto:cotchron@camasnet.com)

RE: Application for Permit No. 85-15420

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, March 4 and 11, 2004, (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 03/22/2004. Your cooperation is always greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

MAILED 10:00 AM

FEB 28 2004

Ball, Dianne

From: Ball, Dianne
Sent: Friday, February 27, 2004 1:41 PM
To: Legal Notices-CotChron-LewisCoH (E-mail)
Subject: Legal Notice for publication on March 4 and 11, 2004

Good afternoon,

Attached you will find a cover letter requesting publication of a legal notice on March 4 and 11, 2004. Also attached is the legal notice.

If you have ANY questions, please call me at 208-769-1450.

Also, **please fax proof copy prior to publication.**

Thank you very much, and have a great day and a wonderful weekend.

 *Dianne*

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

2/27/2004

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

85-15420

RANDY S DUMAN
HC3 BOX 145 W
COTTONWOOD ID 83522

Point(s) of Diversion SWSWSE S26 T32N R01W IDAHO County

Source SPRING Tributary To COTTONWOOD CREEK

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Use: DOMESTIC 01/01 To 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 09/15/2003

Place Of Use: DOMESTIC

T32N R01W S26 SESW SWSE

Place Of Use: STOCKWATER same as DOMESTIC

Remark: Domestic use is for 2 homes.

Stockwater use is for 10 head of range cattle.

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, 1910 Northwest Blvd, Suite 210, Coeur
D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or
before 03/22/2004. The protestant must also send a copy of the protest to the
applicant.

KARL J DREHER, Director Published on March 4 and 11, 2004.



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 **Fax (208) 769-1454**

February 13, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON, ID 83501

FAXED TO RAY 2/13/04

4 pages total

Application to Permit No. 85-15420

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, and submit your comments to this office within two weeks of receipt of this request, by February 27, 2004. You may reply by e-mail to dball@idwr.state.id.us.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne', is written in dark ink.

Dianne Ball
Administrative Assistant