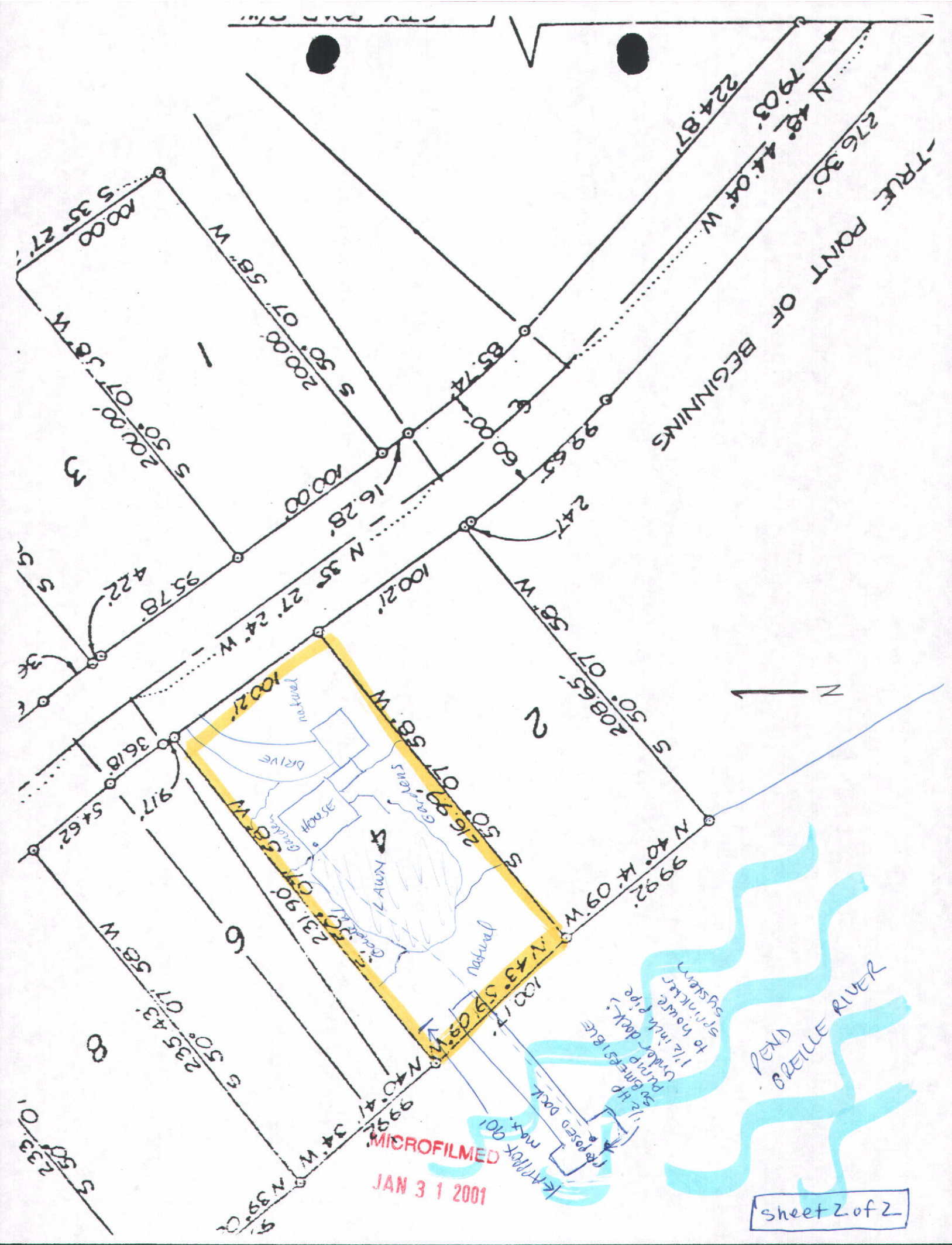




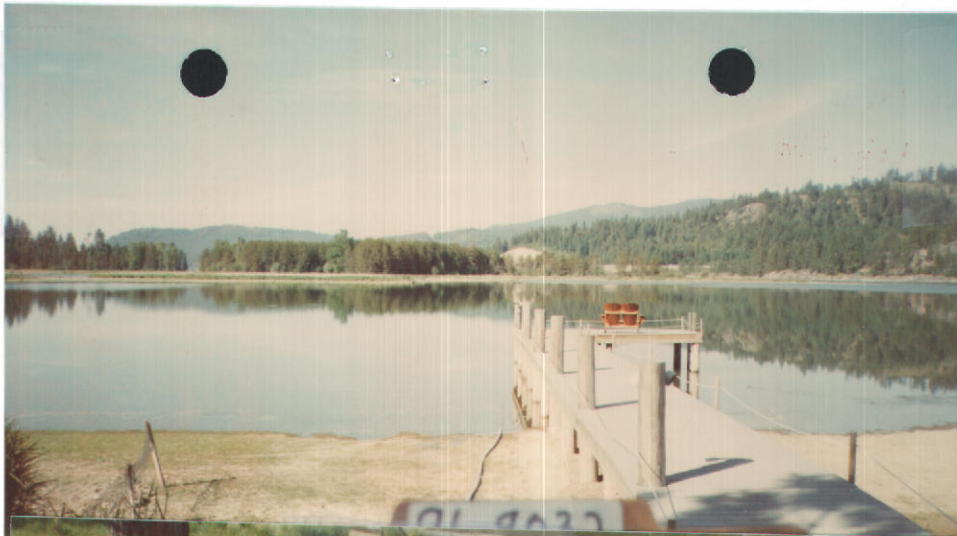
JAN 31 2001

sheet 1 of 2



sheet 2 of 2

96-09032



PD



Pump

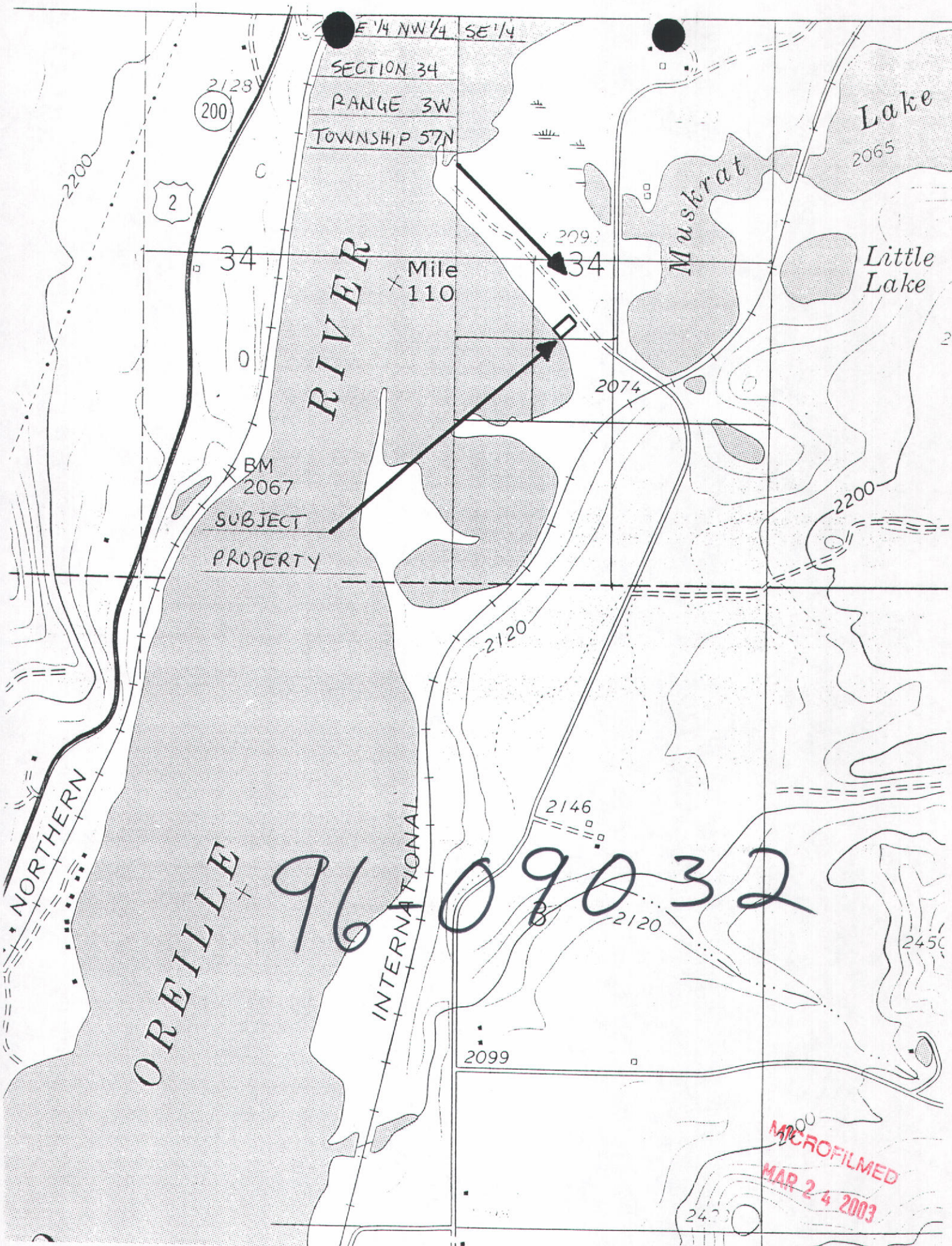


PV



PV
MICHAEL D
MAR 24 2003

96-9032



PAN M. AND R. SCOTT TORPIE
Survey of the O'Reille River - 2000 #1 1. - #11

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09032

Priority: September 28, 1999

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 0.9 AF

It is hereby certified that ANN M TORPIE
9018 N BRADBURY
SPOKANE WA 99208-8482 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 28, 1999; and has
submitted Proof of Beneficial Use on November 8, 2001. An examination indicates that the works have
a diversion capacity of 0.03 cfs of water from:

SOURCE

PEND OREILLE RIVER

Tributary: LAKE PEND OREILLE

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.03 CFS	0.9 AF

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE RIVER NW¼SE¼ Sec. 34, Twp 57N, Rge 03W, B.M. BONNER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 03W 34															.3		.3

Total Acres: 0.3

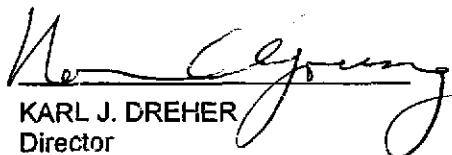
CONDITIONS OF APPROVAL

1. Point of diversion and place of use are located within Lot 4, Blk. 1, Swan Shores I.
2. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 0.9 afa at the field headgate for irrigation of the land described above.
3. Water shall not be diverted under this right when flows in the Pend Oreille River are below established minimum flow amounts.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 25TH day of NOVEMBER, 2002.

MICROFILMED
MAR 24 2003


KARL J. DREHER
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

NOV - 8 2001

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 96-09032 Telephone No. 509 468 9428
2. Name of Permit Holder(s): ANN TORPIE
3. Mailing Address: 9018 N BRADBURY
City SPOLANE State WA Zip 99208-8482
4. Source of Water: Pend Oreille River If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 0
Irrigation (No. of acres): .25 acres Other: NONE
6. Total rate of diversion and/or volume for which proof is submitted: .03 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not** optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No _____
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Ann Torpie Telephone Number: 509 468-9428
Address: 9018 N Bradbury Spokane 99208-8482
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 11/5/01
(include your title, if on behalf of company or organization)

Property (in permit) is located at 105 SwanShores Drive
Sagle, ID 83856
FEB 25 2002

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-09032

Priority: September 28, 1999

Maximum Diversion Rate:

0.03 CFS

This is to certify, that ANN M TORPIE

9018 N BRADBURY

SPOKANE WA 99208-8482

has applied for a permit to appropriate water from:

PEND OREILLE RIVER

tributary of PEND OREILLE LAKE

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 10/31

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 34, Township 57N, Range 03W
BONNER County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

57N 03W 34

NWSE 0.3

0.3

Total number of acres irrigated:

0.3

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before January 1, 2002.
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. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 0.9 afa at the field headgate for irrigation of the land described above.
5. Point of diversion and place of use are located within Lot 4, Blk. 1, Swan Shores I.

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

7th day of January, 2000

Karl J. Dreher
Karl J. Dreher, Director

MICROFILMED

JAN 31 2001

\$ 50

96-09032

RECEIVED

DEC 9 1999

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant ANN M. TORPIE Phone 509 468 9428
Mailing address 9018 N BRADBURY, SPOKANE WA 99208 - 8482
2. Source of water supply PEND OREILLE RIVER which is a tributary of LAKE PEND OREILLE
3. Location of point of diversion is Township 57N Range 3W Sec. 34, in the ~~NE~~ 1/4, of the NW 1/4, of the SE 1/4, Govt. Lot, B.M., (see attached USGS map) Bonner County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .03 cfs for irrigation - lawn + garden purposes from MAR 15 to NOV 1 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .03 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 1/2 HORSEPOWER SUBMERSIBLE PUMP
b. Height of storage dam 0 feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is 0 inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? 0
e. If well is already drilled, when? 0; 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. 0
b. Stockwatering; list number and kind of livestock. 0
c. Municipal; show name of municipality. 0
d. Domestic; show number of households. 0
e. Other; describe fully. irrigation of lawn and garden

JAN 31 2001

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	3W	34														.25			.25

Total number of acres to be irrigated .25

10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? ANN + SCOTT TORPIE

b. Who owns the land to be irrigated or place of use? ANN + SCOTT TORPIE

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: A HIGHER RATE OF DIVERSION THAN STANDARD IS REQUESTED TO OPERATE SPRINKLER SYSTEM

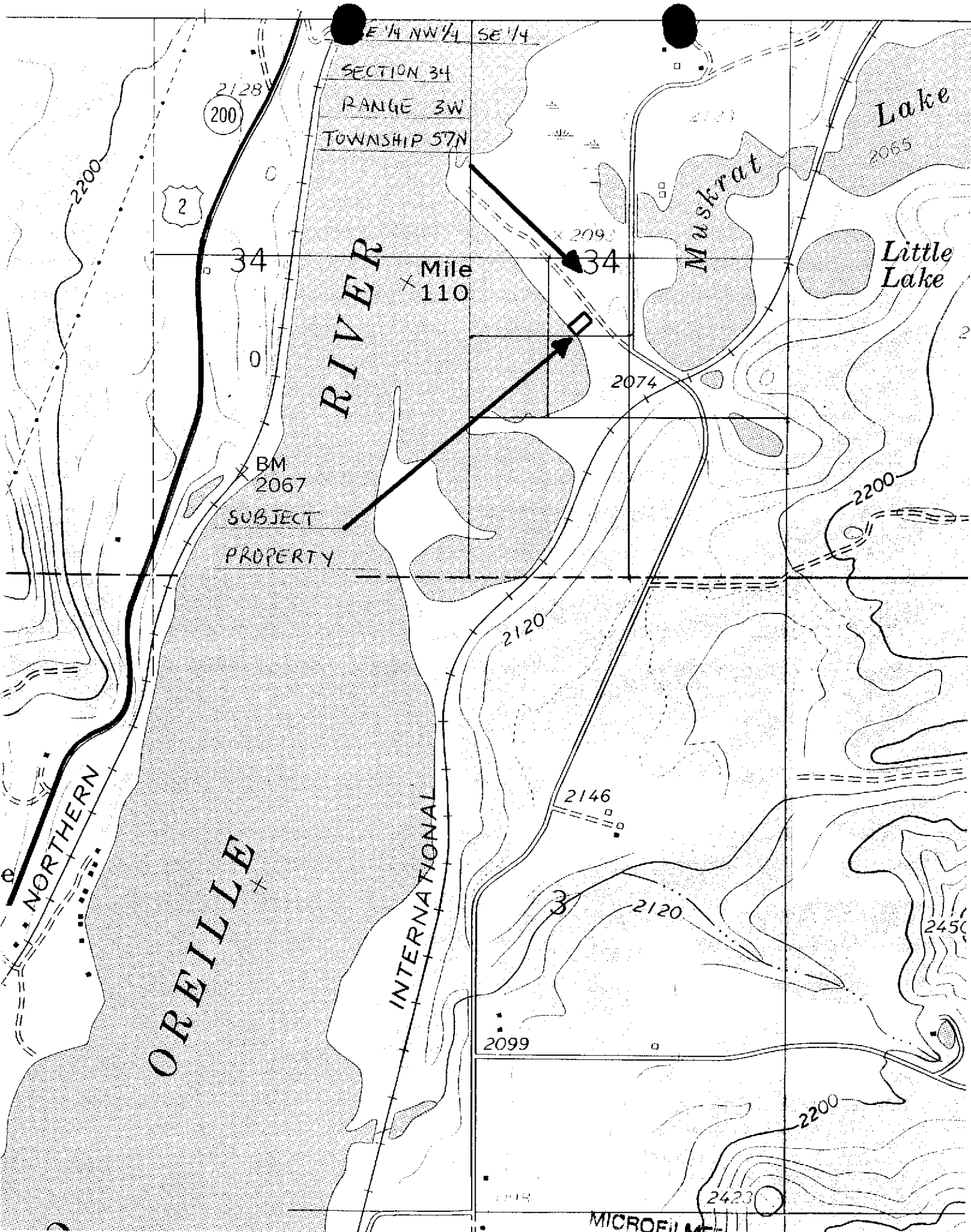
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

MICROFILMED
JAN 31 2001

Ann Torpie (landowner)
Signature of Applicant (and title, if applicable)

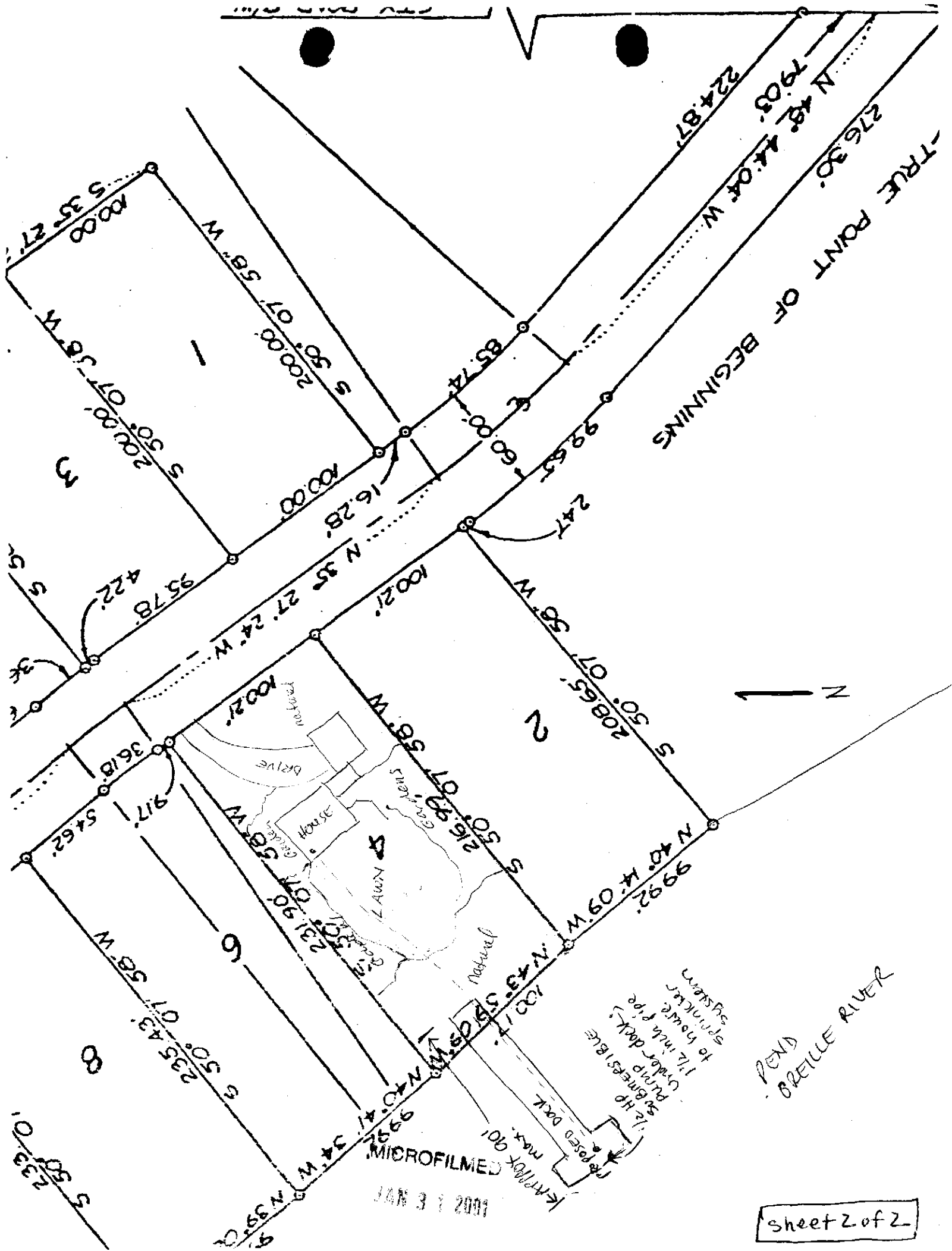
Received by db Date 9/28/99 Time 11:50a Preliminary check by [Signature]
Fee \$ 50.00 Received by db # N013267 Date 9/28/99
Publication prepared by db Date 9/28/99 Published in Banner Co Daily Bee
Publication approved db Date 10/19/99



ANN M. AND R. SCOTT TORPIE
SWAN SHORES I BLOCK #1 LOT #4

MICROFILMED
JAN 31 2001

sheet 1 of 2





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

November 25, 2002

ANN M TORPIE
9018 N BRADBURY
SPOKANE WA 99208-8482

RE: License No. 96-9032 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

NOV 29 2002

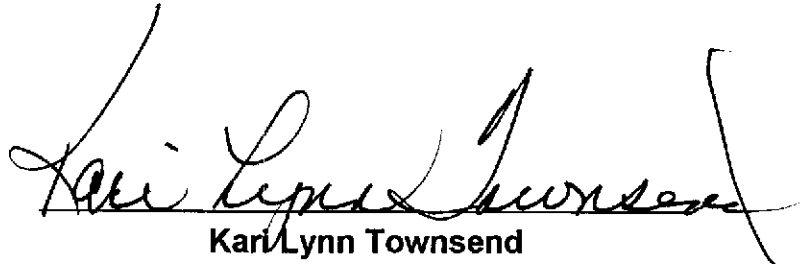
CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9032

**ANN M TORPIE
9018 N BRADBURY
SPOKANE WA 99208-8482**



**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 24 2003

**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).

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.

RECORDED
MAR 24 2003

MEMORANDUM

Date: November 22, 2002
To: Water Right File 96-9032
From: S. Keen
Re: License Review

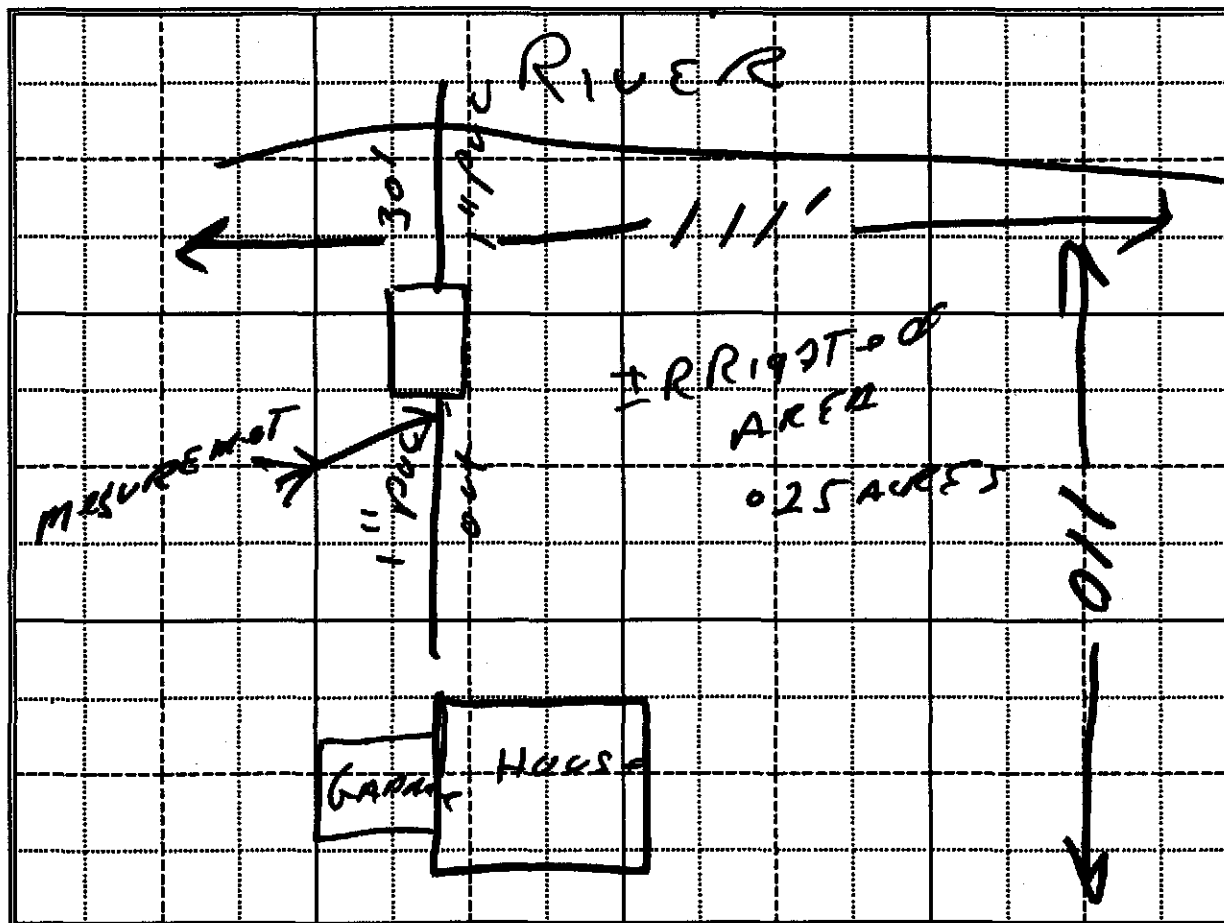
Licensing review and data entry by S. Keen on 11/22/2002.

MICROFILMED

NOV 24 2003

MAR 24 2003

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	<i>Flotech</i>	<i>1</i>	<i>C418K2EC15</i>	<i>Flotech</i>	<i>1"</i>

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

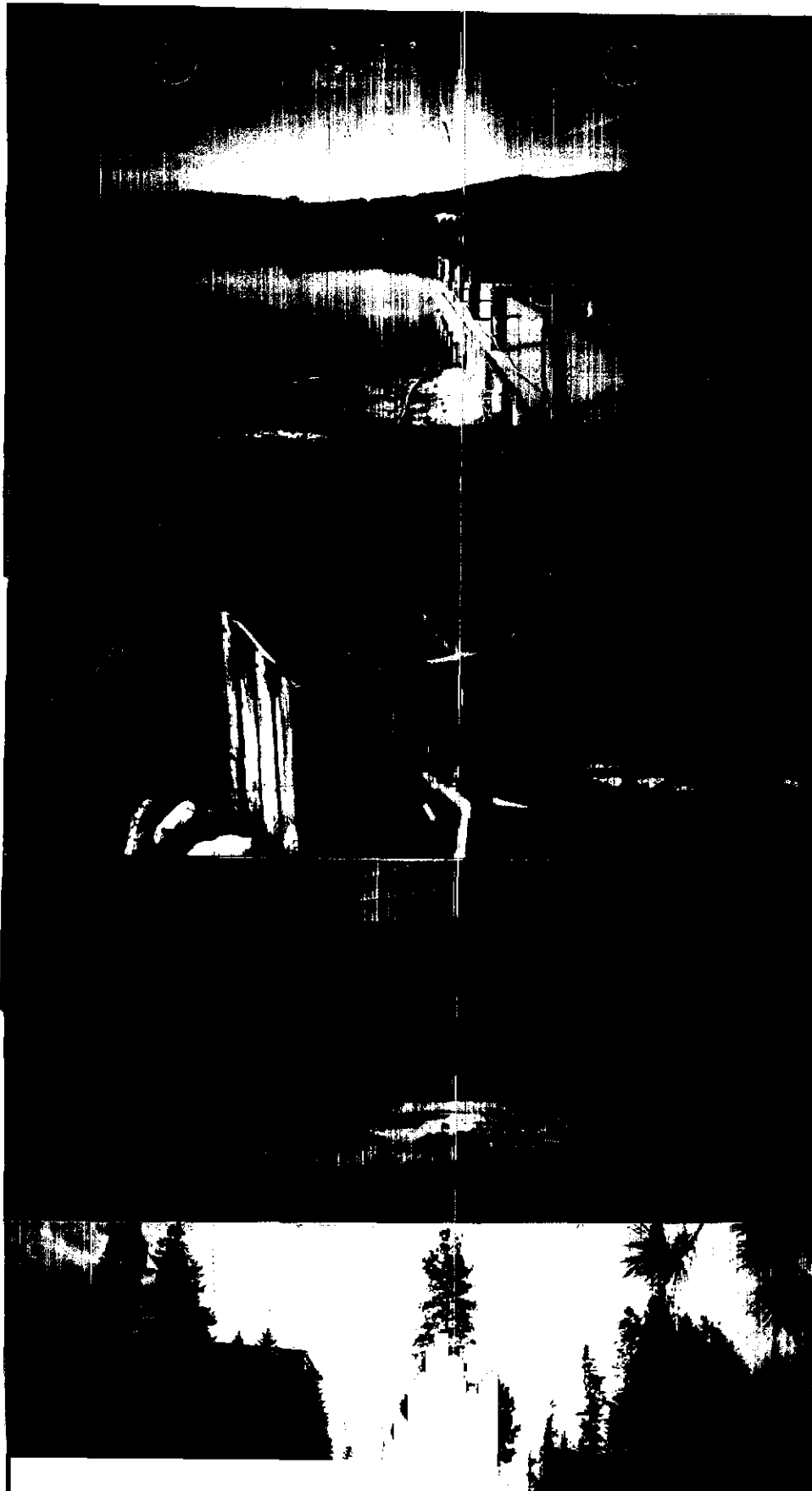
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

MICROFILMED

2003

96-09032

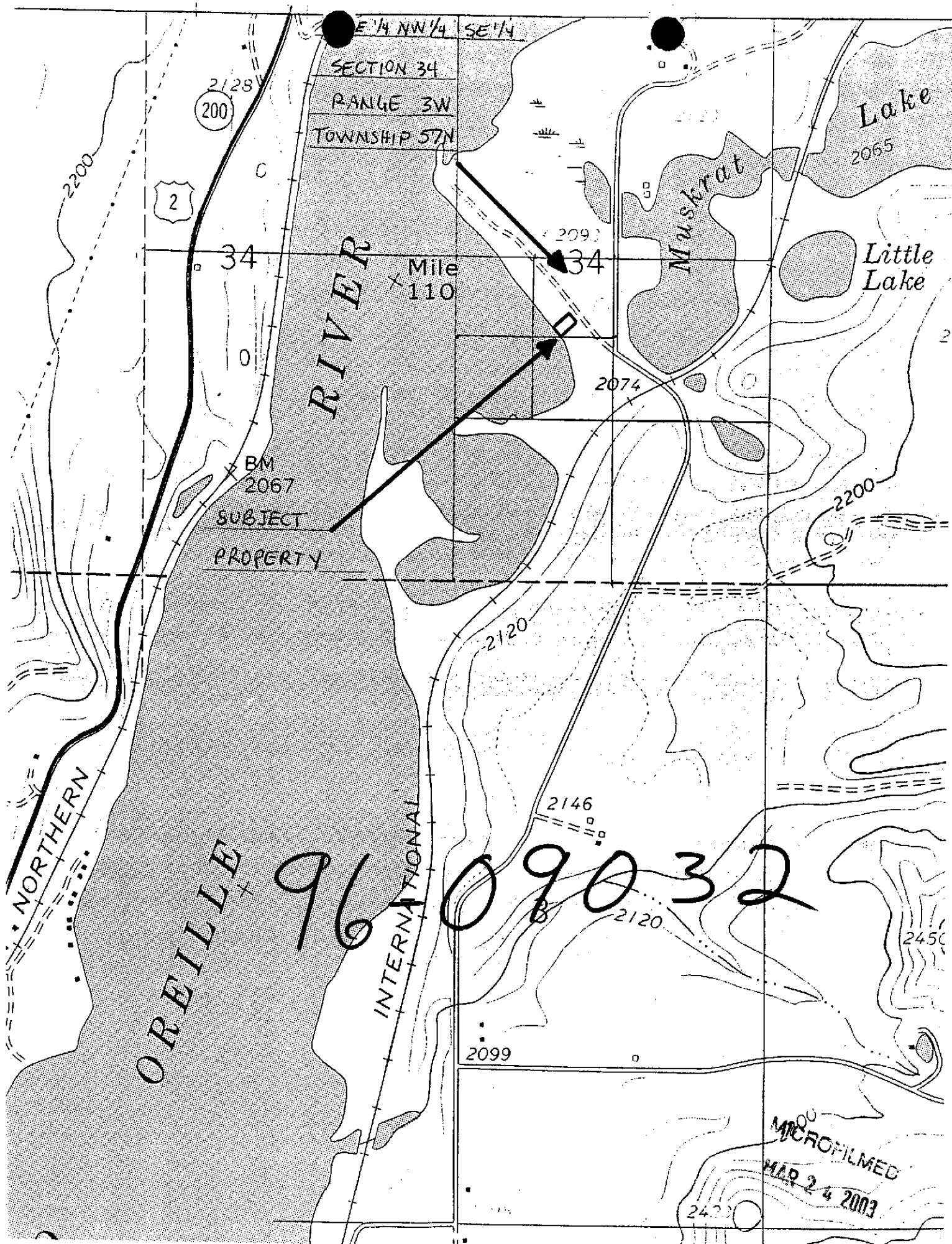


PD

Pump

PV

PV
MICHAEL J. LIND
MAR 24 2003



ANN M. AND R. SCOTT TORPIE
Survey 6120 - 2000 #1 100 ft

[illegible]

MICROFILMED
MAR 24 2023

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$\begin{aligned} & \text{5 gal bucket 5 gal in } 21.7 \text{ sec} = 149 \text{ gpm} \\ & 14 \times .133681 = .03 \text{ cfs} \\ & \underline{60} \end{aligned}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = .25 \times 3 = .75$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .03 \times 213 \times 1.9835 = 12.7$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = .75$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	04-01	10-31	.03	.75
Totals:			.03	.75

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Wayne Baldwin Date 07-26-02

Reviewer _____ Date _____

SEAL

MICROFILMED

MAR 24 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

December 21, 2001

ANN TORPIE
9018 N BRADBURY
SPOKANE WA 99208-8482

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-09032

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the Northern Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

FEB 25 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9032

Reviewed By: dgibson

Date: December 20, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C057695	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		11/08/2001
Date proof due	-	01/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	09/28/1999
New priority date	=	09/28/1999

Deficiencies of Actions Items

Acknowledge proof.

October 31, 2001

ANN M TORPIE
9018 N BRADBURY
SPOKANE, WA 992088482

PROOF DUE NOTICE

RE: PERMIT NO. 96-9032

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

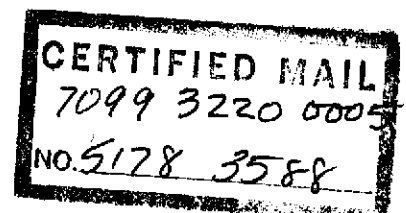
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
FEB 25 2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 10, 2000

ANN M TORPIE
9018 N BRADBURY
SPOKANE WA 99208-8482

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-09032

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

MICROFILMED

JAN 31 2001

SK:klt

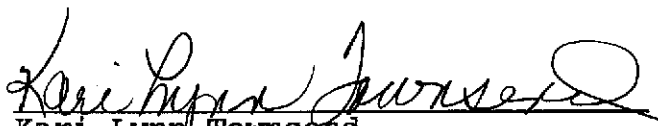
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of **January, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 96-09032

**ANN M TORPIE
9018 N BRADBURY
SPOKANE WA 99208-8482**


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 31 2001

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

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**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 12/18/99

No. 96-09032 Name: Jorpie Corp. Officers NA Ad ok _____ Govt Lots _____

AREA OF CONCERN: ☒ No/Yes ☐ Moratorium ☐ GWMA ☐ TRUST/NON-TRUST

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

~~STORAGE~~ - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response No objection
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

BENEFICIAL USE DUE: 1/01/2002

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

**ID# DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

RECEIVED

DEC 9 1999

DEPARTMENT OF WATER RESOURCES

APPLICATION # 96-09032

INITIAL REVIEW

APPLICANT: TORPIE RECEIVED BY: JB DATE: 9/28/99

ITEM REQUIRED INFORMATION

DEC 9 1999

PROCESSING

(Yes) (No) PRIORITY DATE: 9/28/99

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

*** Send info sheet Y() N()

(X) (Include Moratorium Remark)

(X) Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Bonneville County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

ADDITIONAL INFORMATION

(Yes) (No)

- X Field check: by _____
- + Field report attached
- + Analysis Supp. attached(>5cfs/500af)
- + Water delivered by water master?
- Water District # _____

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>1</u>		Dom. Non-Dom.	Paid \$		Y () N ()
		Dom. Non-Dom.	Paid \$		Y () N ()
		Dom. Non-Dom.	Paid \$		Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- 10/18 Notice of pending void order issued. Final order response date: _____
- 10/19 Further information required from applicant
- 9/28 Affidavit of publication received
- 10/19 Application published correctly. If not, record action taken: _____
- 9/28 Publication dates and paper recorded on application | Sr. Agent initial JB
- Protests received, Final protest date: 10/25/99
- Measuring device required
- Measuring port required
- Special conditions:
- Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: JB

Date: 10/28/99

Memorandum

Date: December 7, 1999

To: File 96-09032

From: Al Beardslee

RE: Surface water approval from Idaho Fish and Game Dept.

~~~~~  
Mr. Chip Corsi, of Idaho Department of Fish and Game, Coeur d'Alene office, was contacted prior to regional approval of this filing. After reviewing the Application for Permit with Mr. Corsi, he had no problem with it's approval.

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JAN 31 2001

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath  
deposes and says that he/she is Book Kooper

of the Bonner County Daily Bee, a newspaper printed and  
published at Sandpoint, Bonner County, Idaho; that the  
said newspaper has been continuously and uninterruptedly  
published in said Bonner County during a period of 12  
months prior to the first publication of the hereto attached  
notice of publication in the case of:

App for water

as it was published in the regular and entire issue of the  
said paper for a period of 2 consecutive weeks,  
commencing on 7 day of Oct., 1999  
and ending on the 14 day of Oct., 1999  
and that said notice was published in said newspaper.

On this 14 day of Oct. in the year  
of 1999, before me, a Notary Public, personally  
appeared Sherilyn Plunk

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

Cecilia L. Dugan  
Notary Public for Idaho

Residing at Sandpoint

My commission expires 1/1/01

NOTICE OF APPLICATION  
FOR WATER RIGHT

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

**96-09027**  
MC INTIRE, FRAN  
MILLER, WILLIAM  
MILLER, BARBARA  
PO BOX 186  
SAGLE, ID 83860  
Source: PEND OREILLE LAKE  
Tributary: PEND OREILLE  
RIVER  
Diversion Pt: LOT 2 (NWSW) Sec  
8 T 55N R 01W in BONNER  
County.  
Use: DOMESTIC (0.040 CFS)  
Total Diversion: (0.040 CFS)  
Date Filed: 7/2/1999  
In: BONNER County  
T55N R01W S08 Lot 2  
(NWSW)

**96-09028**  
JONES, AILEEN LOIS  
S 1009 CALVIN  
VERADALE, WA 99037  
Source: PACK RIVER  
Tributary: PEND OREILLE LAKE  
Diversion Pt: NWSW Sec 2 T 59N  
R 02W in BONNER County.  
Use: IRRIGATION (0.100 CFS)  
DOMESTIC (0.150 CFS)  
Total Diversion: (0.200 CFS)  
Date Filed: 7/6/1999  
In: BONNER County  
T59N R02W S02 NWSW  
SWSW

**5.0 ACRES TOTAL**  
**96-09029**  
FOX, URIEL  
178 INDIAN MEADOWS RD  
SANDPOINT, ID 83864  
Source: GROUNDWATER  
Diversion Pt: NESE Sec 20 T 57N  
R 02W in BONNER County.  
Use: IRRIGATION (0.030 CFS)  
DOMESTIC (0.030 CFS)  
Total Diversion: (0.030 CFS)  
Date Filed: 9/17/1999  
In: BONNER County  
T57N R02W S20 NESE  
**1.0 ACRES TOTAL**  
**96-09032**

TORPIE, ANN M  
9018 N BRADBURY

RECEIVED

OCT 18 1999

DWR/North

SPOKANE, WA 992088482  
Source: PEND OREILLE RIVER  
Tributary: PEND OREILLE LAKE  
Diversion Pt: NWSE Sec 34 T 57N  
R 03W in BONNER County.  
Use: IRRIGATION (0.030 CFS)  
Total Diversion: (0.030 CFS)  
Date Filed: 9/28/1999  
In: BONNER County  
T57N R03W S34 NWSE  
For additional information con-  
cerning the property location, call  
the Northern Regional Office at  
(208) 769-1450.

The permit(s) will be subject to  
all prior water rights. Protests  
must be filed with the applicant  
and with the Director, Dept. of  
Water Resources, Northern  
Region, 1910 Northwest Blvd.,  
Suite 210, Coeur d'Alene, Idaho  
83814, together with a protest fee  
of \$25.00 on or before OCTOBER  
25, 1999.

KARL J. DREHER, Director  
NOTICE OF CLAIMS  
TO WATER RIGHT

The following claim(s) have  
been filed on water rights created  
by diversion and beneficial use:

**96-04563**  
NICHOLS, MICHAEL H  
PO BOX 239  
BAYVIEW, ID 83803  
Source: GROUNDWATER  
Diversion Pt: NESW Sec 10 T 54N  
R 01W in BONNER County.  
Use: DOMESTIC (0.040 CFS)  
Total Diversion: (0.040 CFS)  
Claimed Priority: 6/1/1974  
In: BONNER County  
T54N R01W S10 NESW

For additional information con-  
cerning the property location, call  
the Northern Regional Office at  
(208) 769-1450.

Exceptions to a claim may be  
filed with the Director, Dept. of  
Water Resources, Northern  
Region, 1910 Northwest Blvd.,  
Suite 210, Coeur d'Alene, Idaho  
83814.

KARL J. DREHER, Director  
SNP#1345  
October 7, 14, 1999

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JAN 31 2001

96-09032

TORPIE, ANN M  
9018 N BRADBURY  
SPOKANE, WA 992088482

Source: PEND OREILLE RIVER

Tributary: PEND OREILLE LAKE

Diversion Pt: NWSE Sec 34 T 57N R 03W in BONNER County.

Use: IRRIGATION ( 0.030 CFS)  
Total Diversion: ( 0.030 CFS)

Date Filed: 9/28/1999

In: BONNER County  
T57N R03W S34 NWSE

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JAN 31 2001

September 29, 1999

Ann M. Torpie  
9018 N Bradbury  
Spokane WA 99208-8482

Re: Water Appropriation Application No. 96-09032

Dear Mrs. Torpie:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N013267.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

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JAN 31 2001