

**STARTING
LEFT
SIDE OF
FILE**

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. CD74143
Receipt By: JK
Date Received: 9-19-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 19 2005

DEPARTMENT OF
WATER RESOURCES

PROOF OF BENEFICIAL USE

Change address
Look ok -
Acknowledged
Proof of
phone call 9/14/05

This form must be accompanied by a license examination fee, when necessary, or be accompanied by an examination report prepared by a certified water right examiner.

1. Permit No. 96 - 9176 Telephone No. 206 914 4045 CELL
208 263 0965 ID HOME

2. Name of Permit Holder(s): GARY L. TWININGA

3. Mailing Address: 3102 GARDEN AVE NORTH

City RENTON State WA Zip 98056

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): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): X - 2 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 06 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?
Has the measuring device been installed?

Yes _____ or No X
Yes _____ or No X

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: GARY TWININGA Telephone Number: SAME AS ABOVE

Address: SAME AS ABOVE

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: Gary L. Twininga
(include your title, if on behalf of company or organization)

Date: 9/14/05

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 077143
Receipt By: JR
Date Received: 9-19-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 19 2005

DEPARTMENT OF
WATER RESOURCES

PROOF OF BENEFICIAL USE

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 - 9176 Telephone No. 206 914 4045 CELL
208 263 0965 ID HOME

2. Name of Permit Holder(s): GARY L. TUININGA

3. Mailing Address: 3102 GARDEN AVE NORTH

City RENTON State WA Zip 98056

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): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): X - 2 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .06 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?
Has the measuring device been installed?

Yes _____ or No X
Yes _____ or No X

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: GARY TUININGA Telephone Number: SAME AS ABOVE

Address: SAME AS ABOVE

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: Gary L. Tuininga Date: 9/14/05
(include your title, if on behalf of company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

MAY 26 2005

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 96-9176
Name(s) of Permit Holder: GARY L. TUININGA
Address: 25606 180TH AVE SE City COVINGTON State WA Zip 98042
Telephone No. 253 631 6965 -HOME Date Proof is Due: JUNE 1, 2005

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

A CONCRETE VAULT HAS BEEN INSTALLED NEAR THE WATER
WITH A PVC PIPE EXTENDING IN TO THE WATER. A DITCH HAS
BEEN DUG TO THE HOUSE MECHANICAL ROOM. MECHANICAL ROOM
HAS BEEN CONSTRUCTED. PIPES HAVE BEEN PLACED IN THE DITCH.
Costing \$ \$2,000.00 APPROX

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I NEED TO HAVE MY NEW BUILDING DRAWINGS FROM THE ARCHITECT
AND ENGINEER SO I KNOW THE FOOT PRINT OF THE BUILDING SO I
KNOW HOW / WHERE TO DESIGN THE IRRIGATION SYSTEM. I'VE BEEN WORKING
WITH TIM BUDEN, ARCH. IN SANPOINT FOR OVER A YEAR, THERE HAS BEEN MANY
DELAYS BUT I EXPECT TO RECEIVE THE DRAWINGS NEXT WEEK AND THEN WILL PROCEED.

Permit holder(s) request an extension to JUNE 1, 2006

Gary L. Tuininga 5/24/05
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be
APPROVED and the time within which to submit proof of beneficial use is extended
to June 1, 2006.

Signed this 8th day of June, 2005

Gary Spackman
GARY SPACKMAN

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09176

Priority: February 23, 2004

Maximum Diversion Rate: 0.06 CFS

This is to certify, that GARY L TUINGA
25606 180TH AVE SE
COVINGTON WA 98042

has applied for a permit to appropriate water from:

Source: PEND OREILLE RIVER **Tributary:** COLUMBIA RIVER

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>
IRRIGATION	04/01 to 10/31	0.06 CFS

LOCATION OF POINT OF DIVERSION:
PEND OREILLE RIVER L7 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 30, Twp 56N, 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	
56N 03W 30															1.0	1.0	2.0
															L7		

Total Acres: 2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2005**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. A fish screen of $\frac{1}{4}$ inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of June, 2004.


for KARL J DREHER, Director

71215

Ident. No. 96-9176

RECEIVED

JUN 10 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

FEB 23 2004

IDWR/North

208 263 0965 ID.HM.
253 631 6965 WA.HM.
253 735 1824 WORK

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant GARY L. TUININGA Phone 253 735 1824
- Mailing address 25606 180TH AVE SE, COVINGTON, WA 98042
2. Source of water supply PEND OREILLE RIVER which is a tributary of COLUMBIA RIVER
3. Location of point of diversion is Township 56 NORTH Range 3 WEST Sec. 30, in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot 7, B.M., BONNER County;

additional points of diversion if any: TAX 14B, PARCEL RP 56N03W309400A (SEE ATTACHED)
190 CAMPBELL HOMESTEAD ROAD, LA CLEDE ID 83841

4. Water will be used for the following purposes:
- | | | |
|--|--|------------------------|
| Amount <u>.06</u> for <u>IRRIGATION / SEE PURPOSES</u> | from <u>MARCH 3/5</u> to <u>OCT 15/5</u> | (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) .06 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 2 1/2 HP / 50 GPM PUMP

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

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

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

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

7. Time required for completion of works and application of water to proposed beneficial use is ONE 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. BACK UP POTABLE WATER SOURCE, FILL AND TOP OFF RECIRCULATING CLOSE ENDED WATER FEATURE

9. Description of place of use: SEE NO. 3

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	
56N	3W	30															1	1	2

Total number of acres to be irrigated 2

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

11. a. Who owns the property at the point of diversion? GARY L. TWININGA

b. Who owns the land to be irrigated or place of use? GARY L. TWININGA

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

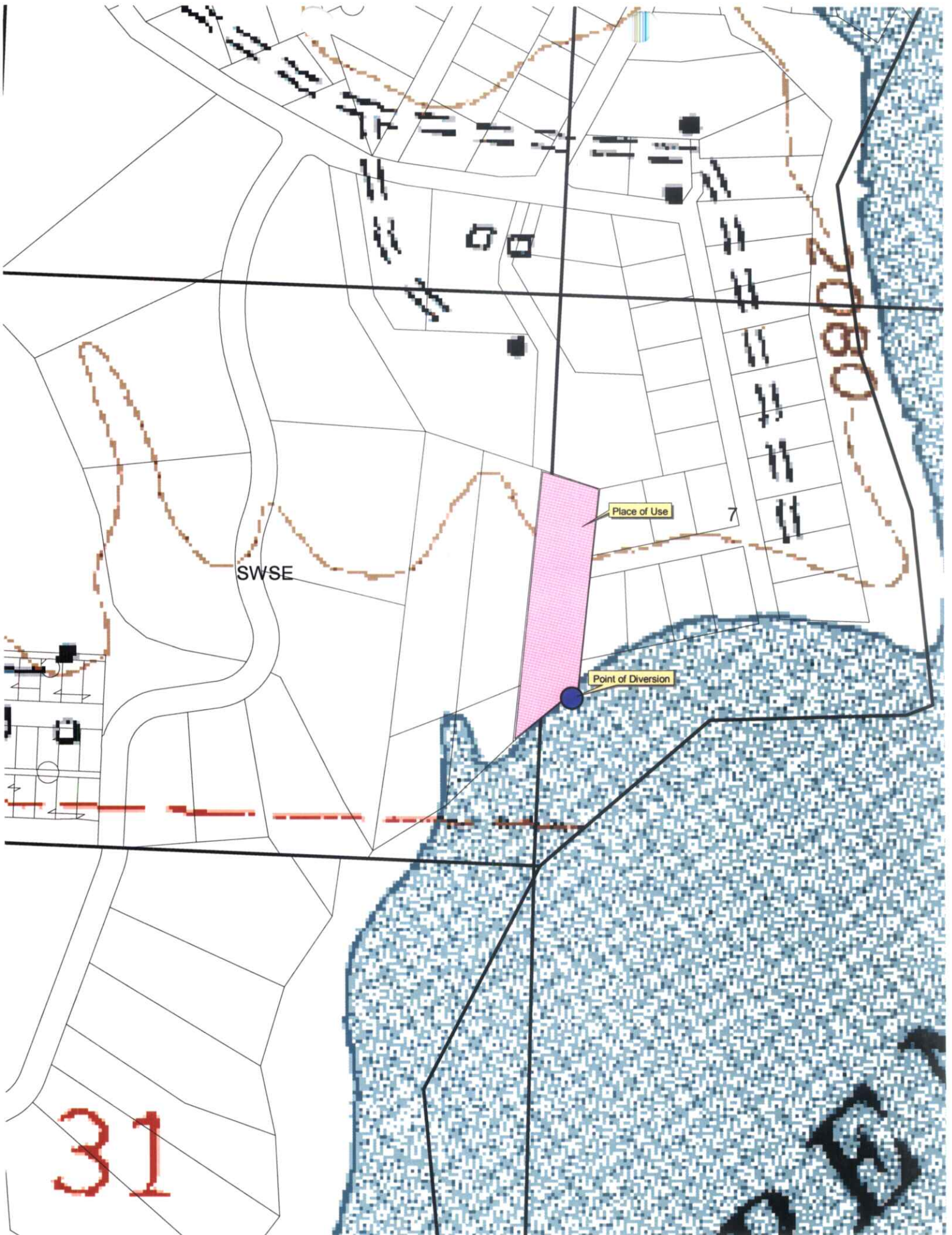
12. Remarks: _____

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.

Gary L. Twininga
Signature of Applicant (and title, if applicable)

Received by φ Date 2/23/04 Time 11:14 Preliminary check by AB
Fee \$ 100.00 Receipted by φ # N016099 Date 2/23/04
Publication prepared by φ Date 5/12/04 Published in Pratt River Times 5/19+26/04
Publication approved φ Date 6/2/04



FO GARY TI

LOCATED IN A PORTION OF SECTION
RANGE 3 WEST, BOISE MERIDIAN

*Reduced copy
for TAX purpose*

LOT 23
CAMPBELL POINT LOTS

30 15

VERTICAL DATA
THE PEND OR
ALBEI

HORIZONTAL DATA

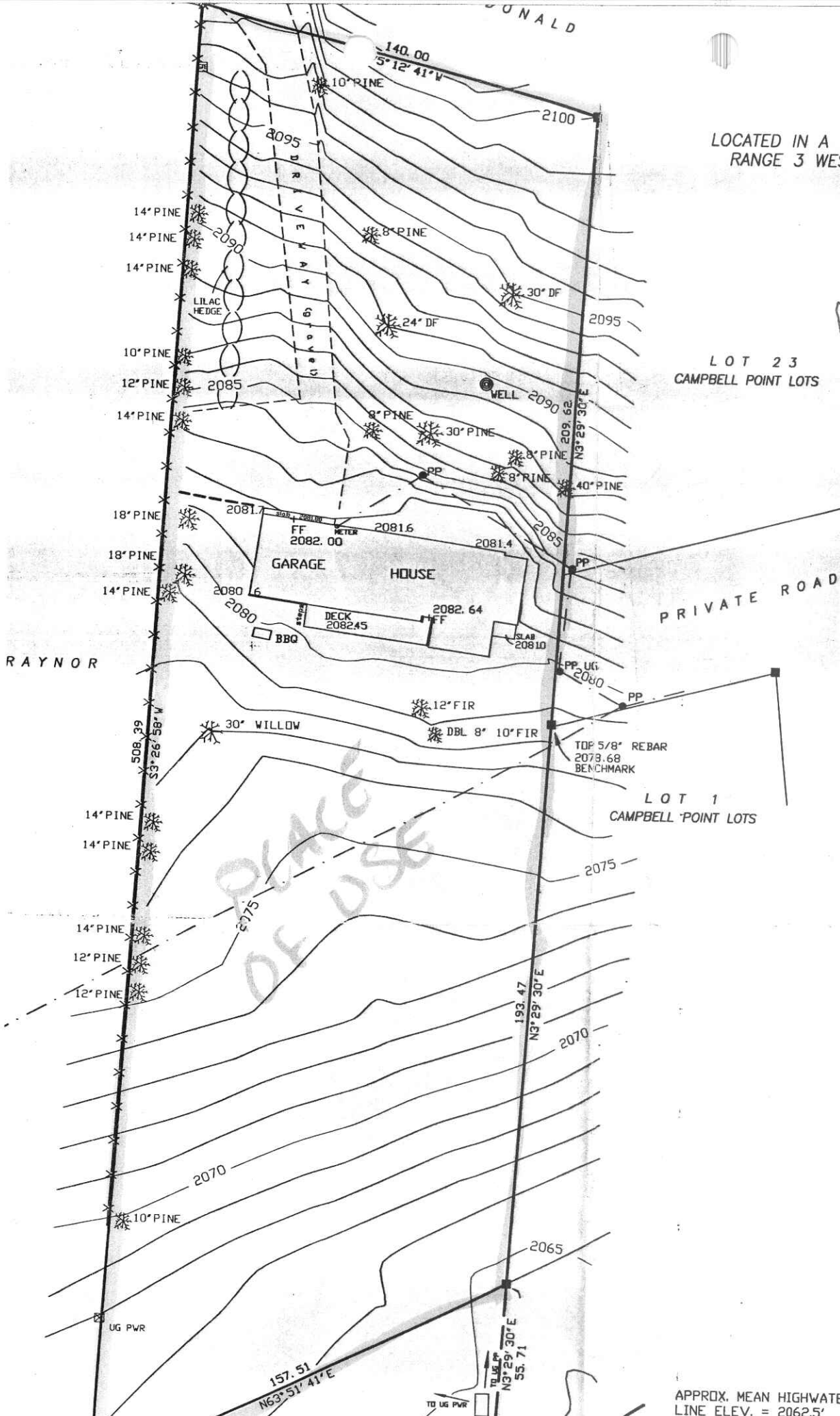
PRIVATE ROAD

LOT 1
CAMPBELL POINT LOTS

LEGEND

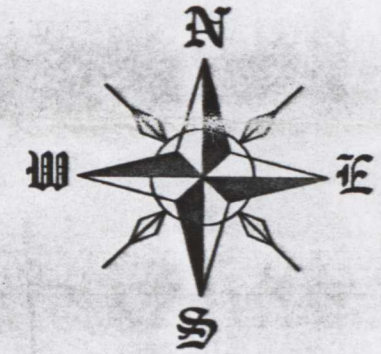
- ✕ PREVIOUS YELLOW
- SET 5/ YELLOW
- FOUND
- PP ● POWER
- ☐ TELEPH
- UG PWR ☐ UNDERG
- 20816 SPOT E
- OVERHE
- - - EDGE OF
- - - EXISTIN
- ✕ DF DOUGLA
- UG UNDERG

APPROX. MEAN HIGHWATER
LINE ELEV. = 2062.5'



TOPOGRAPHIC SITE SURVEY FOR GARY TUINGA

LOCATED IN A PORTION OF SECTION 30, TOWNSHIP 56 NORTH,
RANGE 3 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO.



SCALE 1" = 30'
TRUE NORTH

30 15 0 30 60

CONTOUR INTERVAL = 1'

VERTICAL DATUM = PRESENT WATER LEVEL OF
THE PEND OREILLE RIVER AT 7AM 10/26/99 PER
ALBENI FALLS DAM CONTROL ROOM.

HORIZONTAL DATUM = SURVEY BY PE 1947 DATED 5/3/71

LEGEND

- ☒ PREVIOUSLY SET 5/8" DIA. X 30" LONG REBAR WITH
YELLOW PLASTIC CAP MARKED 'PLS 7879'
- SET 5/8" DIA. X 30" LONG REBAR WITH
YELLOW PLASTIC CAP MARKED 'PLS 7879'
- FOUND 5/8" DIA. REBAR

- PP ○ POWER POLE
- ☐ TELEPHONE UTILITY BOX
- UG PWR ☐ UNDERGROUND POWER MARKER
- 2081.6 SPOT ELEVATION
- OVERHEAD POWER LINES
- - - EDGE OF GRAVEL
- x - EXISTING FENCE LINE
- DF DOUGLAS FIR
- UG UNDERGROUND

APPROX. MEAN HIGHWATER
LINE ELEV. = 2062.5'

THE WATER WILL
BE PUMPED FROM THE
RIVER AT THIS POINT

PRESENT WATER LEVEL
7 AM 10/26/99

NOTE: TOPO INFO.
IS PER 10/26/99
SURVEY.



PEND OREILLE
RIVER

NORTHWEST TRAVERSE
P.O. BOX 580 PONDERAY, ID. 83852
(LITTLE FLUME CREEK, SNOPT.)
(208) 265-5510 PH. & FAX

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 5, 2006

GARY L TUININGA
3102 GARDEN AVE NORTH
RENTON WA 98056

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No 96-9176

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above-referenced permit. The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use 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 this water right 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, or at the department's website at: www.idwr.idaho.gov

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

Sincerely,

Christine Roberts

Christine Roberts
Technical Records Specialist

Encl:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 9, 2005

GARY L TUININGA
25606 180TH AVE SE
COVINGTON WA 98042

RE: PERMIT NO. 96-9176

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **June 1, 2006**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at:
<http://www.idwr.idaho.gov>

If you have any questions regarding this matter, contact me at (208) 287-4942.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

March 31, 2005

GARY L TUININGA
25606 180TH AVE SE
COVINGTON, WA 98042

PROOF DUE NOTICE

RE: PERMIT NO. 96-9176

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 June 01, 2005. (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.

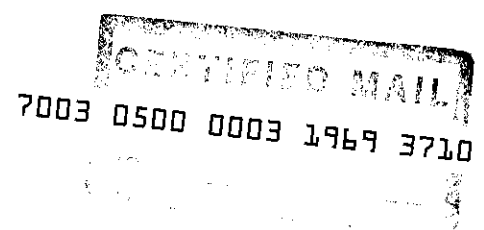
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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 Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





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

June 14, 2004

GARY L TUININGA
25606 180TH AVE SE
COVINGTON WA 98042

RE: Permit No. 96-9176

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

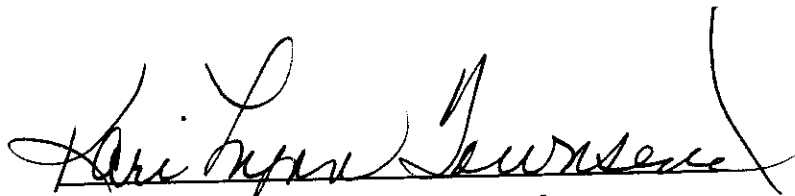
CERTIFICATE OF SERVICE

I hereby certify that on June 14, 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.

96-9176

**GARY L TUINGA
25606 180TH AVE SE
COVINGTON WA 98042**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

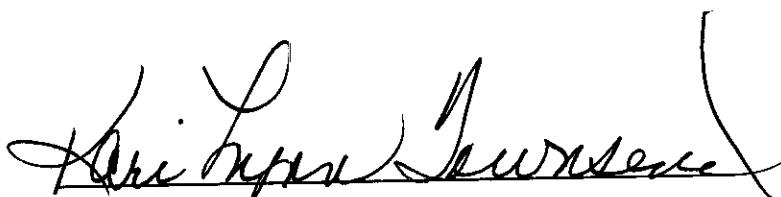
CERTIFICATE OF SERVICE

I hereby certify that on June 14, 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.

96-9176

**GARY L TUINGA
25606 180TH AVE SE
COVINGTON WA 98042**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

96-9176

1. dball 5/7/2004 Comment/Analysis

Comment: Applicant states use will include back-up of potable water source, fill and top off recirculating close ended water feature.

2. dball 5/24/2004 4:07:05 PM Comment Letter Notes

Comment: WHO: IDF&G - Mary Terra-Berns, environmental Staff Biologist

RESPONSE: Conditional Recommendation

DATE RECEIVED: 5/21/2004

Applicant should obtain necessary encroachment permits from Dept of Lands before installing water lines and pumps in state waters.

If a line and pump are placed in the creek and excavation is necessary, we recommend applicants be required to install lines during low water when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Pump should be screened to prevent entrainment of fish; maximum screen mesh size should be 0.25 inches. In addition, pump approach velocities should not exceed 0.5 ft per second to prevent losses of juvenile fish. It would be preferable to place pumps on land rather than in the water.

3. kwalker 6/11/2004 Permit Review

Comment: Recommend standard season of use rather than the season applied for. Added fish screen and velocity conditions per Fish & Game request. Also added right of way condition since use is on lake and Dept. of Lands has jurisdiction. Recommend approval.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Terri Jure

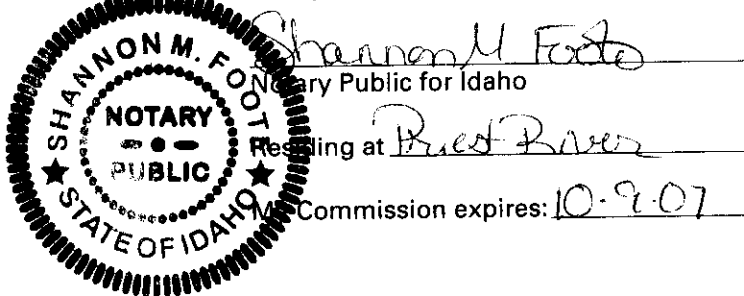
_____ being first duly sworn on oath
deposes and says that he/she is Managing Editor
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

96-9176 G. Tuininga, 96-9178-K Peacock
97-7432-C. Stansell

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 14th day of May, 20 04
and ending on the 26th day of May, 20 04
and that said notice was published in said newspaper.

On this 26th day of May in the year
of 2004 before me, a Notary Public, personally
appeared Terri Jure,

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.



RECEIVED

JUN 02 2004

IDWR/North

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

96-9176

GARY L TUINGA
25606 180TH AVE SE
COVINGTON WA 98042
Point(s) of Diversion L7 (SESE) S30 T56N R03W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER
Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 02/23/2004
Place Of Use: IRRIGATION T56N R03W S30 SWSE SESE Lot 7
Number of Acres 2

96-9178

KRISTAN PEACOCK
PO BOX 0034
LACLEDE ID 83841
Point(s) of Diversion NESW S18 T56N R03W BONNER County
Source RILEY CREEK Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.05 CFS
Date Filed: 04/30/2004
Place Of Use: IRRIGATION T56N R03W S18 NESW
Number of Acres 1
Place Of Use: STOCKWATER same as IRRIGATION
Remark: Stockwater use is for 10 head of range stock.

97-7432

CLIFF R STANSELL
PO BOX 959
PRIEST RIVER ID 83856
Point(s) of Diversion L2 (SWSWNW) S12 T57N R06W BONNER County
Source SOUTH OLE CREEK Tributary To PRIEST RIVER
Use: POWER 01/01 To 12/31 0.18 CFS
Total Diversion: 0.18 CFS
Date Filed: 04/29/2004
Place Of Use: POWER T57N R05W S7 SWNW Lot 2
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 06/07/2004. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director
Legal PRT 612577
May 19, 26, 2004



IDAHO FISH AND GAME

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven Huffaker/Director

May 21, 2004

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

*From Computer
5/24/04
Copy sent to
Dianne*

Via email to Diane Ball:

REFERENCE: Water Right Application # 96-9176 – TUININGA

We have reviewed the above named application to withdraw 0.06 cfs from Pend Orielle River for irrigating 2 acres from March 15 to November 15.

The applicant should obtain necessary encroachment permits from Idaho Department of Lands before installing water lines and pumps in state waters.

If a line and pump are placed in the creek and excavation is necessary, we recommend that applicants be required to install the lines during low water when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. The pump should be screened to prevent entrainment of fish; the maximum screen mesh size should be 0.25 inches. In addition, pump approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish. It would be preferable to place pumps on land rather than in the water.

Thank you for the opportunity to comment.

Mary Terra-Berns
Environmental Staff Biologist

C: IDFG NRPB, Boise; File



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 2004

GARY L TUININGA
25606 180TH AVE SE
COVINGTON WA 98042

RE: Application for Permit No 96-9176

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 Priest River Times on May 19 and 26, 2004. 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 ten weeks.

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

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N016099



State of Id.
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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**PLEASE FAX PROOF PRIOR TO PUBLICATION
TO 769-1454**

SHANNON FOOTE
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

E-MAILED TO SHANNON 5/12/04

RE: Application for Permit No. 96-9176, 96-9178 and 97-7432

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, May 19 and 26, 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 06/07/2004. Your cooperation is GREATLY appreciated, as always.

Have a simply marvelous day.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 12, 2004 2:45 PM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal notice for publication on May 19 and 26, 2004

Good afternoon, Shannon,

Trusting you are having a great day.

Attached you will find a copy of our cover letter requesting publication of a legal notice, also attached.

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION - to 208-769-1454.

If you have ANY questions about publication of this legal, please call me at 208-769-1450.

Have a marvelous day, friend.

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

5/12/2004

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

96-9176

GARY L TUININGA
25606 180TH AVE SE
COVINGTON WA 98042

Point(s) of Diversion L7 (SESE) S30 T56N R03W BONNER County

Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER

Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 02/23/2004

Place Of Use: IRRIGATION T56N R03W S30 SWSE SESE Lot 7

Number of Acres 2

96-9178

KRISTAN PEACOCK
PO BOX 0034
LACLEDE ID 83841

Point(s) of Diversion NESW S18 T56N R03W BONNER County

Source RILEY CREEK Tributary To PEND OREILLE RIVER

Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.05 CFS

Date Filed: 04/30/2004

Place Of Use: IRRIGATION T56N R03W S18 NESW

Number of Acres 1

Place Of Use: STOCKWATER same as IRRIGATION

Remark: Stockwater use is for 10 head of range stock.

97-7432

CLIFF R STANSELL
PO BOX 959
PRIEST RIVER ID 83856

Point(s) of Diversion L2 (SWSWNW) S12 T57N R06W BONNER County

Source SOUTH OLE CREEK Tributary To PRIEST RIVER

Use: POWER 01/01 To 12/31 0.18 CFS
Total Diversion: 0.18 CFS

Date Filed: 04/29/2004

Place Of Use: POWER T57N R05W S7 SWNW Lot 2

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 06/07/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 19 and 26, 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 06, 2004

STATE OF IDAHO
MARY TERRA-BERNS
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO MARY 5/6/04

Application to Permit No. 96-9176 - Tuininga

Dear Mary :

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 May 21, 2004. You may reply by e-mail if you prefer, to dball@idwr.state.id.us.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)



RECEIVED
FEB 23 2004
IDWR/North

702 - 37th St. NE
Auburn, WA 98002
PH 253-735-1824
FX 253-735-1785

Letter of Transmittal

To: Idaho Dept. of Water Resources

Attn Al Beardslee

From: Gary - garyt@thebryercompany.com

Page: 5

Date: 2/19/2004

Re: Water Permit

We are sending you: ☐ Catalog ☐ Drawings ☐ Color Charts ☐ Samples ☒ Other

Please contact me with any questions or input.

Thank you

Gary Tuininga



514602

WARRANTY DEED

For Value Received CHARLES R. CAMPBELL and MAXINE CAMPBELL, husband and wife

The grantor(s), do(es) hereby grant, bargain, sell and convey unto GARY L. TUUNINGA and HOLLIS L. TUUNINGA, husband and wife

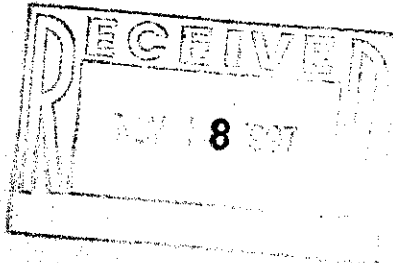
the grantee(s), whose current address is 702 27TH STREET NE, AUBURN, WA 98002

the following described premises, in Bonner

County Idaho, to-wit:

See Exhibit A Attached hereto and made a part hereof.

Assessor's Parcel No:



TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances except specific matters of record as shown above,

and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 11-10-97

X Charles R. Campbell
CHARLES R. CAMPBELL

X Maxine Campbell
MAXINE CAMPBELL

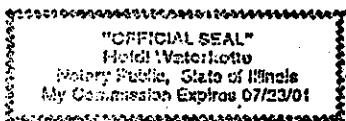
STATE OF ILLINOIS)
COUNTY OF Adams) ss.

On this 10 day of Nov., 19 97, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles R. Campbell and Maxine Campbell

known or identified to me to be the person(s) whose names is/are subscribed to the within instrument and acknowledged to me that he executed the same.

Hedi Waterkotte
Notary Public in and for said County and State

Residing at:
Commission Expires:



RECORDING DATA:

FILED BY
Sandpoint Title Insurance
1997 NOV 10 P 3:59
MARIE SCOTT
BONNER COUNTY RECORDER
DEPUTY

214265 DT
151,200
12-1-2007
American Northwest Transportation

514264

INSTRUMENT NO. 18060

WARRANTY DEED

CAMPBELL, husband and wife

EXHIBIT "A"

IN THE STATE OF IDAHO, COUNTY OF BONNER

A tract of land located in Section 30, Township 56 North, Range 3 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Lot 23 of Campbell Point Lots, said point being South 15 degrees 16' 58" West a distance of 4485.4 feet from the Northeast corner of said Section 30;

thence North 75 degrees 00 1/2' West a distance of 140.0 feet;

thence South 3 degrees 29 1/2' West a distance of 508.8 feet to a steel pipe;

thence South 3 degrees 29 1/2' West a distance of approximately 132 feet to the mean high water line of the Pend Oreille River;

thence Easterly along said high water line to a point which is South 3 degrees 29 1/2' West of the point of beginning;

thence North 3 degrees 29 1/2' East a distance of approximately 65 feet to a steel stake;

thence North 3 degrees 29 1/2' East a distance of 403.2 feet to the point of beginning.

PARCEL 2:

A perpetual, non-exclusive easement, 30 feet in width, for ingress and egress, as set forth in Easements, recorded November 13, 1986, as Instrument Numbers 327519 and 327520, records of Bonner County.

SUBJECT TO:

GENERAL TAXES FOR THE YEAR 1997.

A PERPETUAL RIGHT OF WAY AND EASEMENT TO OVERFLOW, FLOOD AND SUBMERGE A PORTION OF THE HEREIN DESCRIBED PROPERTY, AND INCIDENTAL PURPOSES, UPON THE TERMS AND PROVISIONS THEREIN SET FORTH AS CONDEMNED BY THE UNITED STATES OF AMERICA, BY DECLARATION OF TAKING RECORDED AUGUST 9, 1952 AS INSTRUMENT NO. 42976, BOOK 14 OF JUDGEMENTS, PAGE 66, RECORDS OF BONNER COUNTY, IDAHO.

146
9400

2/27/03

PMO100 - PARCEL MASTER INQUIRY

16:23:30

PARCEL: RP 56N03W309400 A F1=SL

F9=MS F10=JW

F12=RC

F17=DD F19=SP

F24=LD

*TREND -

LEGAL DESCRIPTION

TUINGA, GARY L & HOLLIS L

30-56N-3W

TAX 148

ProVal Area Number 2

CODE AREA 10000

OWNER CODE

PARC TYPE 7N

LOC CODE 2110

EFFDATE 1021981

EXPDATE

PREV PARCEL

18031 SE 256TH

KENT WA 98042

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	1999	1560	AC	130463				
34	1999			76621				

TOTALS

1560

207084

ENTER NEXT PARCEL NUMBER RP

A

FKeys:

F2=TX

F3=Exit

F5=SS

F6=NM

F7=LG

F8=CT

F13=TM

F18=HS

F20=Srch

F22=EU