

**STARTING
LEFT
SIDE OF
FILE**

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 19017147
Receipt By: [Signature]
Date Received: 8/20/05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 01 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. 81-11893 Telephone No. 208-709-1579
2. Name of Permit Holder(s): Jason Popilsky / Jeremy Popilsky (brothers)
3. Mailing Address: 904 13th Ave (PO Box 662 Kooskia ID 83539)
City Lewiston State ID Zip 83501
4. Source of Water: Spring 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): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.01 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 X
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: Jason and Jeremy Popilsky Telephone Number: 208-709-1579
Address: 904 13th Ave Lewiston, ID 83501
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: Jeremy Popilsky Date: 8-22-05
(include your title, if on behalf of company or organization)

11/99

For Office Use Only
\$25 filing fee 825
Receipt # NO16058
Date 11/14/04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 14 2004

IDWR/North

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, RICHARD L. AND ROSEANN TRAINOR hereby assign to Jason Popilsky + Jeremy Popilsky
of, General Delivery (513 E. Leigh Creek Dr.) Driggs, ID 83422 (208) 709-1579
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 81-11893 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

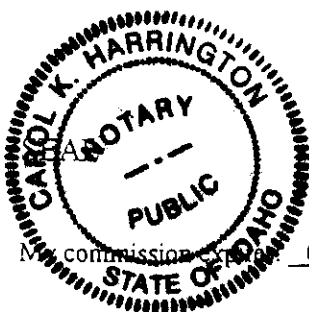
RECEIVED
JAN 20 2004
Department of Water Resources

Made this Jan day of 12, 2004.

Richard Trainor Roseann Trainor
Permit Holder(s)

State of Idaho)
County of Lewis)ss

On this 13 day of January, 2004, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



Carol K. Harrington
Notary Public residing at
Kamiah, Idaho

MICROFILMED
MAR 29 2004

RECEIVED

JAN 14 2004

For Office Use Only
\$50 Fee Receipted by db
Date 1/12/04
Receipt No. NO16052

STATE OF IDAHO
Department of Water Resources

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

RECEIVED
JAN 12 2004
IDWR/North

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. 81-11893
Name(s) of Permit Holder: Jason Popilsky / Jeremy Popilsky
Address: General Delivery (513 E. Leigh Cr. Dr.) City Driggs State ID Zip 83422
Telephone No. (208) 709-1579 Date Proof is Due: _____

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".)

Since we have purchased ^{the land} ~~just~~ this past summer there has
been no new development on this water right. The previous owners
put in a cement well three feet wide and fifteen feet down. The
spring water is now contained with a cement plug on top.
The cost for there labor is unknown. Costing \$ _____

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

It will take Jeremy + I more funds and time to complete.
We work in other parts of the state and our time is
limited.

Permit holder(s) request an extension to June 1st, 20 06

[Signature]
(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
REINSTATED with the priority advanced to September 4, 2002. IF IS FURTHER
ORDERED that the time within which to submit proof of beneficial use is
extended to December 1, 2006.

Signed this 20th day of January, 20 04

[Signature]
GARY SPACKMAN

MICROFILMED

MAR 29 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 81-11893

Priority: July 24, 2002

Maximum Diversion Rate: 0.01 CFS

This is to certify, that RICHARD L TRAINOR And/Or
ROSEANN TRAINOR
PO BOX 277
KOOSKIA ID 83539-0277

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, Twp 32N, Rge 05E, B.M. IDAHO County

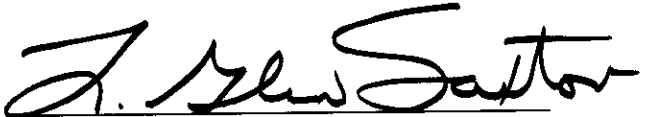
PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X				
32N	05E	35																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2003.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of November, 2002


for
KARL J DREHER, Director

MICROFILMED
NOV 1 2003

70121

Ident. No. 81-11893
RECEIVED

NOV 19 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant RICHARD L. AND/OR ROSEANN TRAINOR Phone (208) 926-7863
Mailing address P.O. BOX 277, KOOSKIA, ID 83539-0277
2. Source of water supply GROUNDWATER (SPRING) which is a tributary of N/A
3. Location of point of diversion is Township 32 N Range 5 E Sec. 3.5, in the SE 1/4,
SE 1/4, SE 1/4, Govt. Lot N/A, B.M., IDAHO County;
- additional points of diversion if any: NONE
4. Water will be used for the following purposes:
Amount .01 for DOMESTIC 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .01 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 SUBMERSIBLE PUMP, 3/4 HP
AND PIPE TO HOUSE + STOCK TANK.
b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? N/A; 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 1 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. 4 HORSES
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1
e. Other; describe fully. _____

MICROFILMED

SEP 16 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	5E	35																D/L	

Total number of acres to be irrigated 0

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? RICHARD L. AND ROSEANN TRAINOR

b. Who owns the land to be irrigated or place of use? SAME AS ABOVE

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

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.

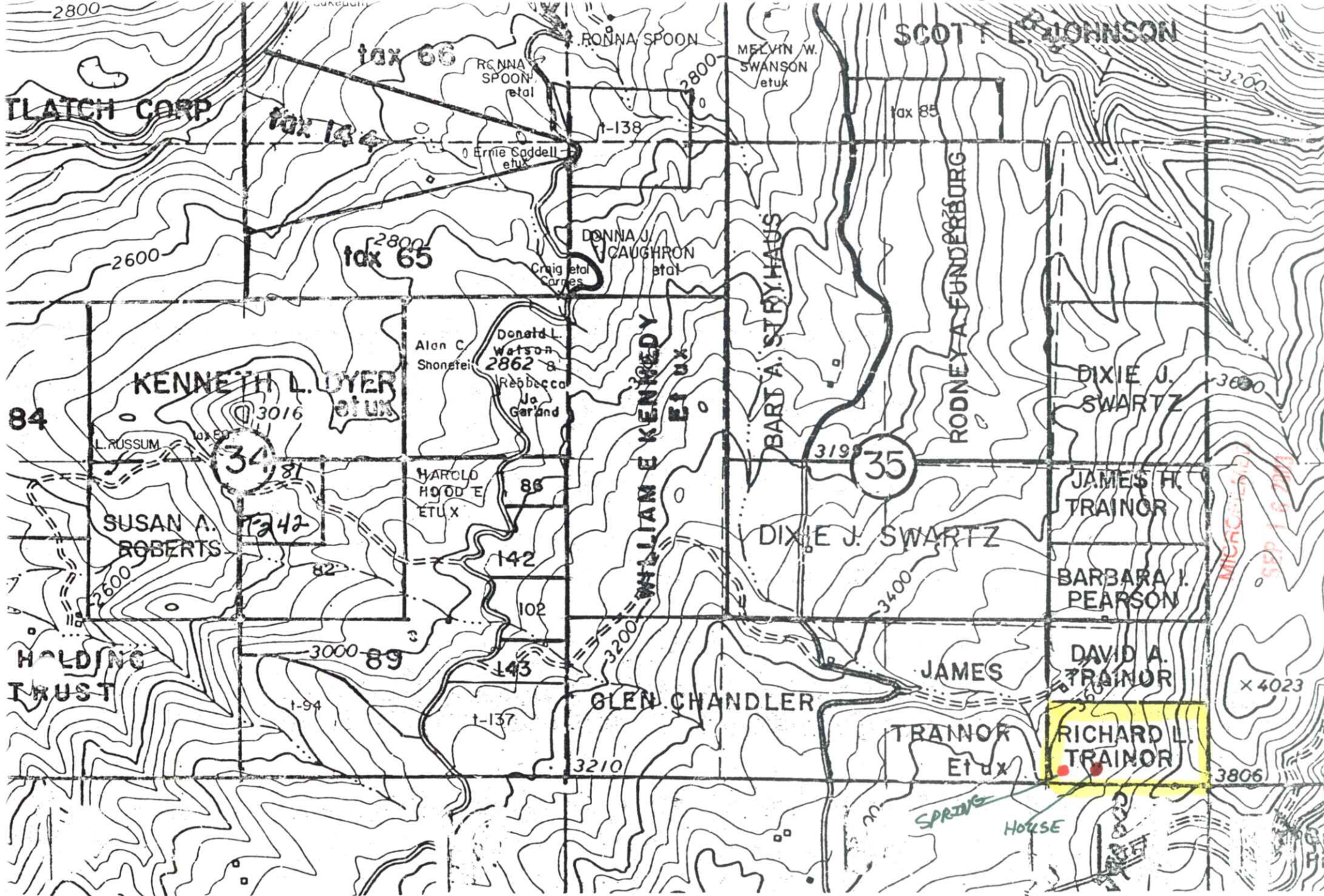
Richard L. Trainor
Roseann Trainor
 Signature of Applicant (and title, if applicable)

7/22/02

Received by [Signature] Date 7/24/02 Time 11:50a Preliminary check by _____
 Fee \$ 100.00 Receipted by [Signature] # N015158 Date 7/24/02
 Publication prepared by [Signature] Date 8/28/02 Published in Idaho Free Press 9/4 & 11/02
 Publication approved [Signature] Date 9/19/02

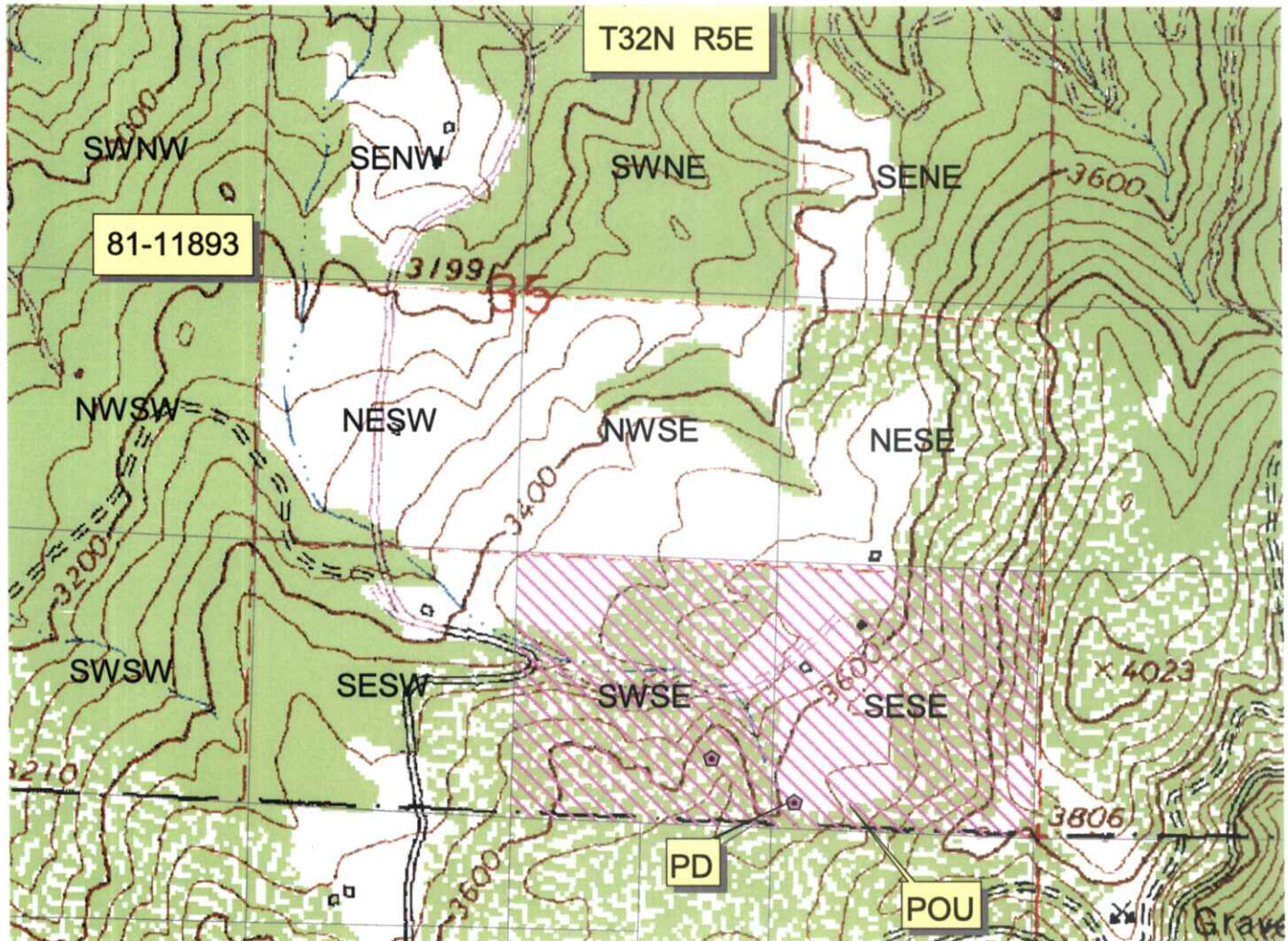
MICROFILMED

SEP 16 2003



TRAINOR, RICHARD + ROSEANN

TN 32N Range 5E, SEC. 35, SE 1/2, SE 1/4, SE 1/4



-  GCDB32N05E GCDB
-  GCDB31N05E GCDB
-  POD Permit
-  POU-Permits

MICROFILMED
SEP 16 2003



**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 2, 2006

JASON POPILSKY
JEREMY POPILSKY
904 13TH AVE
LEWISTON ID 83501

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No 81-11893

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:

Memorandum

3-5-04

To File: 81-11893
From: Justin Aldridge
Subject: Ownership Change

The ownership change filed on August 22, 2003 was not appropriate for this permit, and was not necessary because the assignment was already filed.

MICROFILMED

MAR 29 2004

RECEIVED
AUG 16 2003

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

AUG 22 2003

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
81-11893					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Richard and/or Roseann Trainor

PO Box 277 Kooskia, ID 83539

4. New Owner/Claimant(s)

Jason and Jeremy Popilsky (brothers)

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

904 13th Ave

City, State and ZIP Code

Lewiston, ID 83501

New Telephone Number

(208) 798 4915

5. Date you acquired the property

July 24, 2003

SCANNED

AUG 26 2003

MICROFILMED
MAR 29 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Jeremy Popilsky
Jan Popilsky

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by DH Date 8-22-03 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

MICROFILMED

MAR 29 2004

0430331

WARRANTY DEED

STATE of IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
at 3:55 p.m.	on 7-24-03
ROSE E. GEHRING	
By <i>[Signature]</i>	Recorder
Fees \$ 9.00	Deputy

THIS INDENTURE, made on this 24th day of July, 2003, by and between *mlp*

RICHARD L. TRAINOR and ROSEANN TRAINOR, husband and wife, of P.O. Box 277, Kooskia, ID 83539, hereinafter referred to as the Grantors, and JASON O. POPILSKY, a single man, and JEREMY E. POPILSKY, a single man, as tenants in common, of 295 East Wallace, Driggs, ID 83422, hereinafter referred to as the Grantees.

WITNESSETH:

That the said Grantors, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations to them in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said Grantees, their heirs and assigns, forever all the following described real property situate in the County of Idaho, State of Idaho, to wit:

Township 32 North, Range 5 East, Boise Meridian, Idaho County, Idaho
Section 35: S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

TOGETHER WITH: a) All water rights associated with that property;
and, b) Any right of way easements which provide access to this property
from the nearest public road of record.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns, forever.

SCANNED
AUG 26 2003

And the said Grantors, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said Grantees, their heirs and assigns, that at the time of the ensealing and delivery of these presents they were well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell, and convey the same in the manner and form

MICROFILMED
MAR 29 2004

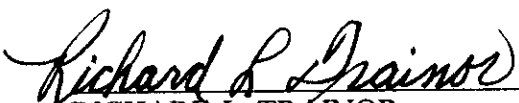
aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, EXCEPT:

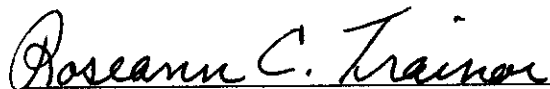
- 1) General taxes for the year 2003, which are a lien, not yet due and payable.
- 2) Lien for any taxes deferred by virtue of the designation of the insured premises or any portion thereof as forestlands as provided in Section 63-1701 et seq., Idaho Code.
- 3) Subject to access easements, including the terms and conditions thereof, as evidenced in the following:
 - a) Quitclaim Deed, by and between David Trainor, a divorced man, and Patricia Trainor, a divorced woman, and James H. Trainor and Bette L. Trainor, husband and wife, and Richard L. Trainor and Roseann Trainor, husband and wife, first parties, and Barbara I. Pearson, a single woman, second party, recorded December 6, 1995 under Instrument No. 383824;
 - b) Quitclaim Deed, by and between Barbara I. Pearson, a single person, and David A. Trainor, a divorced man, and Patricia Trainor, a divorced woman, and Richard L. Trainor and Roseann Trainor, husband and wife, first parties, and James H. Trainor and Bette L. Trainor, husband and wife, second parties, recorded December 6, 1995 under Instrument No. 383825;
 - c) Quitclaim Deed, by and between Barbara I. Pearson, a single woman, James H. Trainor and Bette L. Trainor, husband and wife, and Richard L. Trainor and Roseann Trainor, husband and wife, first parties, and David A. Trainor, a divorced man, and Patricia Trainor, a divorced woman, second parties, recorded December 6, 1995 under Instrument No. 383826; all records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That this Deed is given by Grantors to Grantees not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantors.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.


RICHARD L. TRAINOR


ROSEANN TRAINOR

SCANNED
AUG 26 2003

MICROFILMED
MAR 29 2004

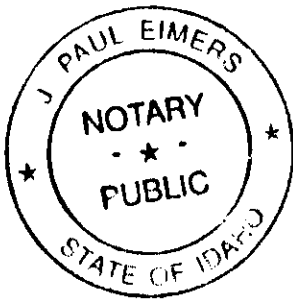
[illegible]

On this 24th day of July, 2003, before me, a Notary Public in and for said County and State, personally appeared RICHARD L. TRAINOR and ROSEANN TRAINOR, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and they acknowledged to me that they freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARY SEAL)


Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires 6-24-2005



SCANNED
AUG 26 2003

MAR 29 2004



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

January 20, 2004

JASON POPILSKY
JEREMY POPILSKY
GENERAL DELIVERY
513 E LEIGH CR DR
DRIGGS ID 83422

RE: Change of Ownership for Water Right Permit 81-11893

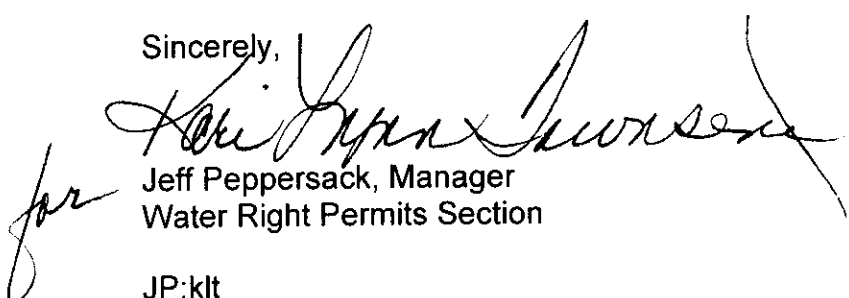
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

MAR 29 2004



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

January 21, 2004

JASON POPILSKY
JEREMY POPILSKY
GENERAL DELIVERY
513 E LEIGH CR DR
DRIGGS ID 83422

Re: Permit No. 81-11893

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 **December 1, 2006**. Please note that the approved request reinstates the permit, however, since your request was submitted after the proof due date the priority of the permit advances to September 4, 2002, as referenced in Section 42-218a, Idaho Code.

Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department may not be able to grant additional extensions based on due diligence.

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.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

MAR 29 2004



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 31, 2003

JASON O POPILSKY
JEREMY E POPILSKY
295 EAST WALLACE
DRIGGS ID 83422

Re: Lapsed Permit No. 81-11893

Dear Sirs:

Enclosed is a copy of a letter dated December 14, 2003 from Mr. Trainor advising the department that you are the new property owners.

After review of this file, it appears that the department has not received any information from you regarding the change of ownership or the proof of beneficial use of this permit. According to the permit issued to the Trainors on November 20, 2002, they were required to file proof of application of water to beneficial use on or before December 1, 2003. The department has issued a Proof Due Notice letter to the Trainors and a Lapse Notice so that the permit presently has no force nor effect and additional construction or use is prohibited until the permit is reinstated. The Lapse Notice allowed an additional 60-days to file either a Proof of Beneficial Use or a Request for Extension of Time. If you wish to keep this water right permit active your response to the Lapse Notice is due on or before **February 7, 2004**. I am enclosing a copy of the department's Proof Due Notice and Lapse Notice for your information, along with the packet of forms and instructions referred to in these letters. Your immediate response is critical. The priority date of the lapsed permit is adjusted one day for every day a response is late.

Additionally, I am providing an Assignment of Permit for your use in obtaining Mr. Trainor's signature. Filing this document with the department will change the water right permit record into your names. There is a \$25.00 filing fee for this service.

If you have any questions or need assistance, please contact me at (208) 327-7953, or the regional office in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

MICROFILMED

MAR 29 2004

Enclosure
c-(w/encl).

Northern region

RECEIVED

DEC 18 2003

Department of Water Resources

P.O. Box 277
Kooskia, Idaho 83539
December 14, 2003

Gary Spackman
Water Allocation Bureau
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RE: PERMIT NO. 81-11893

Dear Mr. Spackman

This is to inform you that the property on which this referenced permit was issued was sold on July 22, 2003.

The new owners were provided with the information they needed to advise you of their purchase and to request an extension of time for the permit. The Realtor handling the sale has talked to the new owners. They indicated that this transaction was reported to your office.

The new owners are:

Jason O. Popilsky and Jeremy E. Popilsky
295 East Wallace
Driggs, Idaho 83422

Sincerely,


Richard L. Trainor

MICROFILMED

MAR 29 2004

December 9, 2003

RICHARD L TRAINOR
ROSEANN TRAINOR
PO BOX 277
KOOSKIA, ID 83539-0277

LAPSE NOTICE

RE: PERMIT NO. 81-11893

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated September 20, 2003. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

Gary Spackman
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 12/9/03
a ~~copy~~ original of this document was
deposited in the United States mail,
properly prepaid, addressed to the
individual(s) named above.

MICROFILMED
MAR 22 2004

September 30, 2003

RICHARD L TRAINOR
ROSEANN TRAINOR
PO BOX 277
KOOSKIA, ID 83539-0277

PROOF DUE NOTICE

RE: PERMIT NO. 81-11893

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 December 01, 2003. (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.

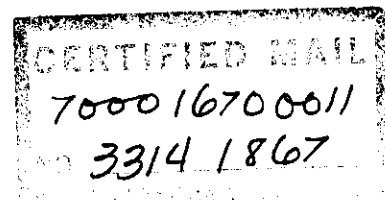
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Enclosures



MICROFILMED

MAR 29 2004



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 20, 2002

RICHARD L TRAINOR
ROSEANN TRAINOR
PO BOX 277
KOOSKIA ID 83539-0277

RE: Permit No. 81-11893

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.

MICROFILMED
SEP 16 2003

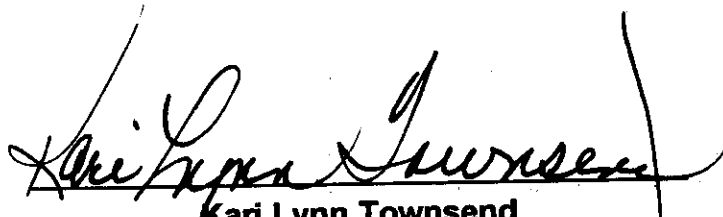
CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2002 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.

81-11893

**RICHARD L TRAINOR
ROSEANN TRAINOR
PO BOX 277
KOOSKIA ID 83539-0277**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
SEP 16 2003**

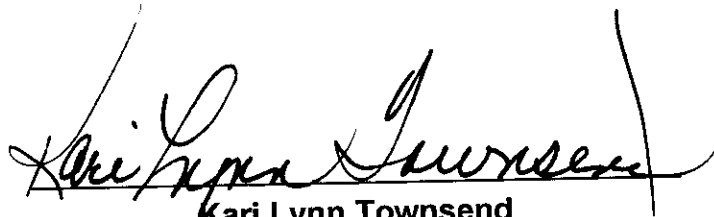
CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2002 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.

81-11893

**RICHARD L TRAINOR
ROSEANN TRAINOR
PO BOX 277
KOOSKIA ID 83539-0277**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
DEC 16 2003**

**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.

RECEIVED

SEP 19 2002

IDWR/North

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

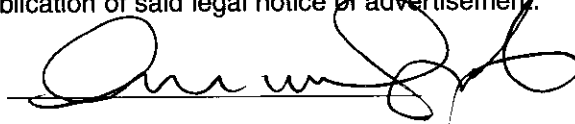
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

81-11893

ROSEANN TRAINOR
RICHARD L. TRAINOR
P.O. BOX 277
KOOSKIA, ID 83539-0277
Point(s) of Diversion: SESESE S35 T32N
R05E IDAHO County
Source: SPRING
Use: DOMESTIC 01/01 To 12/31 0.01 CFS
Total Diversion: 0.01 CFS
Date Filed: 07/24/2002
Place Of Use: DOMESTIC
T32N R05E S35 SESE
Remark: Domestic use is for 1 home.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur D'Alene, ID 83814 together with a protest fee of \$25.00 for each application on or before 09/23/2002. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director
Published in Idaho County Free Press on 9/4 and 9/11/2002.

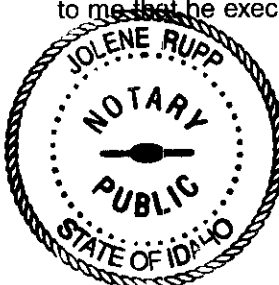
S4-11

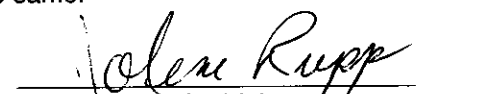
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 4th day of September, 2002; and the last publication on the 11th day of September, 2002; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 11th day of September in the year of 2002, before me a Notary Public personally appeared Andrew J. McNab, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-07

MICROFILMED

SEP 16 2003

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
81-11893

ROSEANN TRAINOR
RICHARD L TRAINOR
PO BOX 277
KOOSKIA ID 83539-0277
Point(s) of Diversion SESESE S35 T32N R05E IDAHO County
Source SPRING
Use: DOMESTIC 01/01 To 12/31 0.01 CFS
Total Diversion: 0.01 CFS
Date Filed: 07/24/2002
Place Of Use: DOMESTIC
T32N R05E S35 SESE

Remark: Domestic use is for 1 home.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 09/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in Idaho County Free Press on 9/4 and 9/11/2002.

MICROFILMED

SEP 16 2003



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

August 28, 2002

LEGAL NOTICE DEPARTMENT
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

FAXED TO 208-983-1336 - 8/28/02
2 PAGES

Please call to acknowledge receipt of FAX.
Thank you, Dianne

RE: Application for Permit No. 81-11893

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (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 09/23/2002. Your cooperation is greatly appreciated.

Sincerely

Dianne Ball
Administrative Assistant

RECEIVED

AUG 28 2002



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

August 28, 2002

RICHARD L TRAINOR
ROSEANN TRAINOR
PO BOX 277
KOOSKIA ID 83539-0277

RE: Application for Permit No 81-11893

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 Idaho County Free Press on September 4 and 11, 2002. 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. N015158

MICROFILMED

SEP 11 2002



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

August 28, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JEROME HANSEN
STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON, ID 83501

Application to Permit No.

81-11893 - *Trainer*

*Scanned & sent via e-mail
8/28/02*

Dear Jerome:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request.

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

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Enclosure(s)

MICROFILMED
SEP 10 2003