

**STARTING
LEFT
SIDE OF
FILE**

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. 00787169
Receipt By: JMC
Date Received: 8-14-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 04 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. 96-9164 Telephone No. _____

2. Name of Permit Holder(s): MAX TRUMPOWER

3. Mailing Address: P.O. BOX 181

City TOPANGA State CA Zip 90290

4. Source of Water LAKE PEND OREILLE 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: 5.04 cfs OR per 9/12/05 letter from Max. 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 ☒
Yes _____ or No _____

8. Fee Enclosed: \$ 100.00 (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: MAX TRUMPOWER Telephone Number: (310) 455-2160

Address: 121 OLD TOPANGA ROAD, TOPANGA CA 90290

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: Max Trumpower Date: 7/29/05
(include your title, if on behalf of company or organization)

STATE OF IDAHO
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 25 2005
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. 96-9164
Name(s) of Permit Holder: MAX TRUMPOWER
Address: P.O. Box 181 City TOPANGA State CA Zip 90290
Telephone No. (310) 455-2160 Date Proof is Due: MARCH 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".)

DOCK CONSTRUCTED, SHORELINE WAS MADE ACCESSIBLE WITH RIP-RAP ROCK AND SAND/DIRT. LOT WAS GRADED. 2" ABS PIPE WAS BURIED (3' DEEP) FROM LAKE TO HOUSE SITE (APPROX. 150 RUNNING FEET) RUNNING UNDER ACCESS TRAIL THAT RUNS DOWNHILL FROM THE HOUSE SITE TO THE LAKE.

Costing \$ APPROX. \$20,000.00

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

WEATHER MAKING FURTHER WORK DIFFICULT. WAITING UNTIL SPRING TO CONTINUE.

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

Max Trumpower
(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 March 1, 2006.

Signed this 27th day of January, 20 05

Gary Spackman
GARY SPACKMAN

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09164

Priority: December 22, 2003

Maximum Diversion Rate: 0.08 CFS

This is to certify, that MAX TRUMPOWER
PO BOX 181
TOPANGA CA 90290

has applied for a permit to appropriate water from:

Source: PEND OREILLE LAKE **Tributary:** PEND OREILLE 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>
DOMESTIC	01/01 to 12/31	0.06 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

PEND OREILLE LAKE L1 (NE¼NW¼) Sec. 25, Twp 57N, Rge 02W, B.M., BONNER County

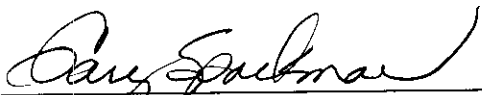
PLACE OF USE: DOMESTIC & STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 02W 25								X									
							L 2										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 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. Domestic use is for 2 homes.
5. Stockwater use is for 6 range stock.
6. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2nd day of April, 20 04.


Acting for **KARL J DREHER, Director**

71001

EMAIL

MTRumpower@AOL.COM

Ident. No. 96-9164

FORM 202
12/99

RECEIVED

MAR 12 2004

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
DEC 22 2003
IDWR/North

1. Name of Applicant Max Trumpower Phone (310) 455-2160
Mailing address P.O. Box 181 Topanga, California 90290

2. Source of water supply Pend Oreille Lake which is a tributary of Pend Oreille Columbia River

3. Location of point of diversion is Township 57N Range 2W Sec. 25 in the NE $\frac{1}{4}$, NE $\frac{1}{4}$ Govt. Lot 1 SE Tract 3 of Lignite Pt. County, B.M.

additional points of diversion if any: Bonner County

4. Water will be used for the following purposes:

Amount 2.08 for Domestic purposes from 1/1/04 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for STOCKWATER purposes from Y1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2.08 0.08 and/or (b) N/A
public feet per second acre feet per annum

6. Proposed diverting works: Submersible pump

a. Describe type and size of devices used to divert water from the source 2 inch pump, 1 1/4 inch poly pipe, 4 inch carrier pipe

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

c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? N/A

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. N/A

b. Stockwatering; list number and kind of livestock. 46 RANGE STOCK

c. Municipal; show name of municipality. N/A

d. Domestic; show number of households. 2 households

e. Other; describe fully. N/A

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.

[illegible]

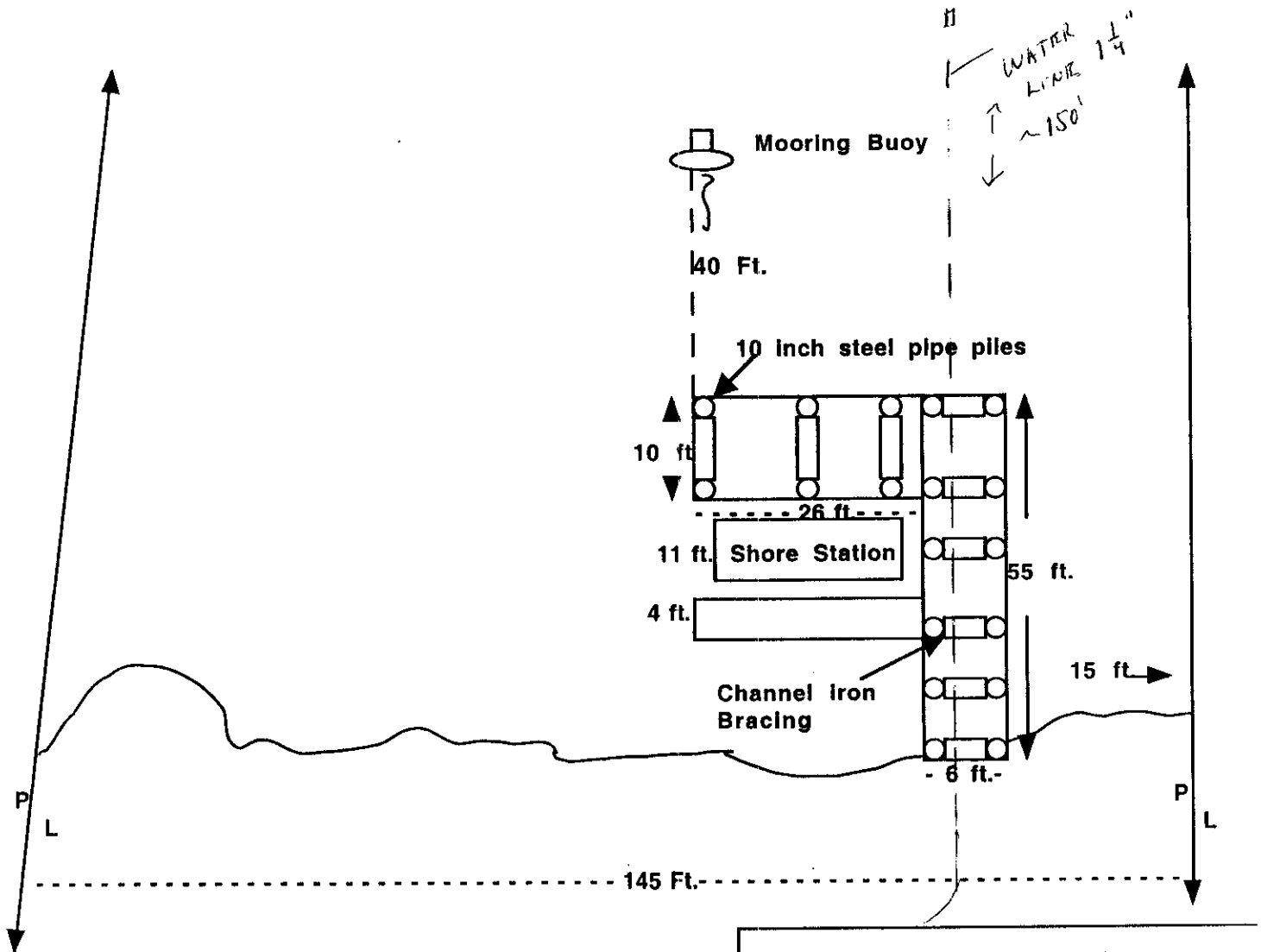
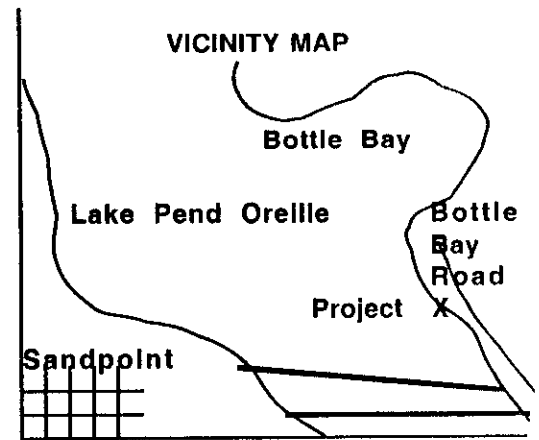
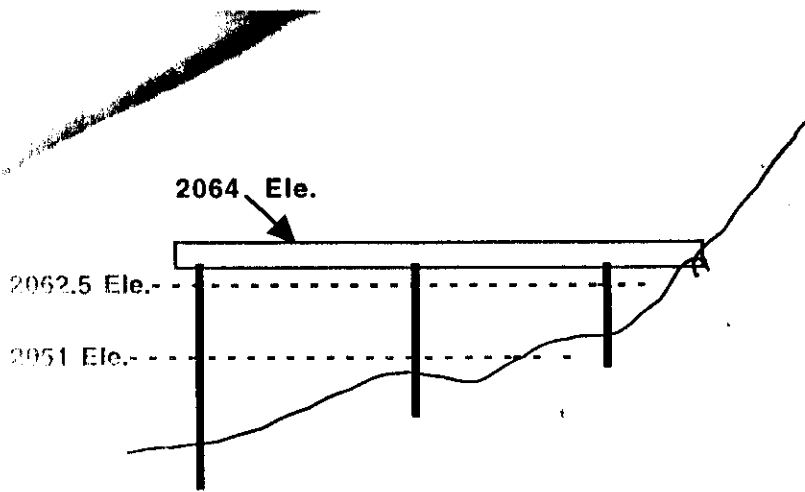
DOMESTIC USE:

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.

Max Trumppower

Signature of Applicant (and title, if applicable)

Received by db Date 12/22/03 Time 1:15 P Preliminary check by _____
 Fee \$ 250.00 Received by db # ND16039 Date 12/22/03
 Publication prepared by db Date 1/28/04 Published in Banner Co Daily Rec 2/5+12/04
 Publication approved db Date 2/13/04



Notes:

Adjacent Property Owners

A)

B)

PROPOSED PROJECT

In: Lake Pend Oreille

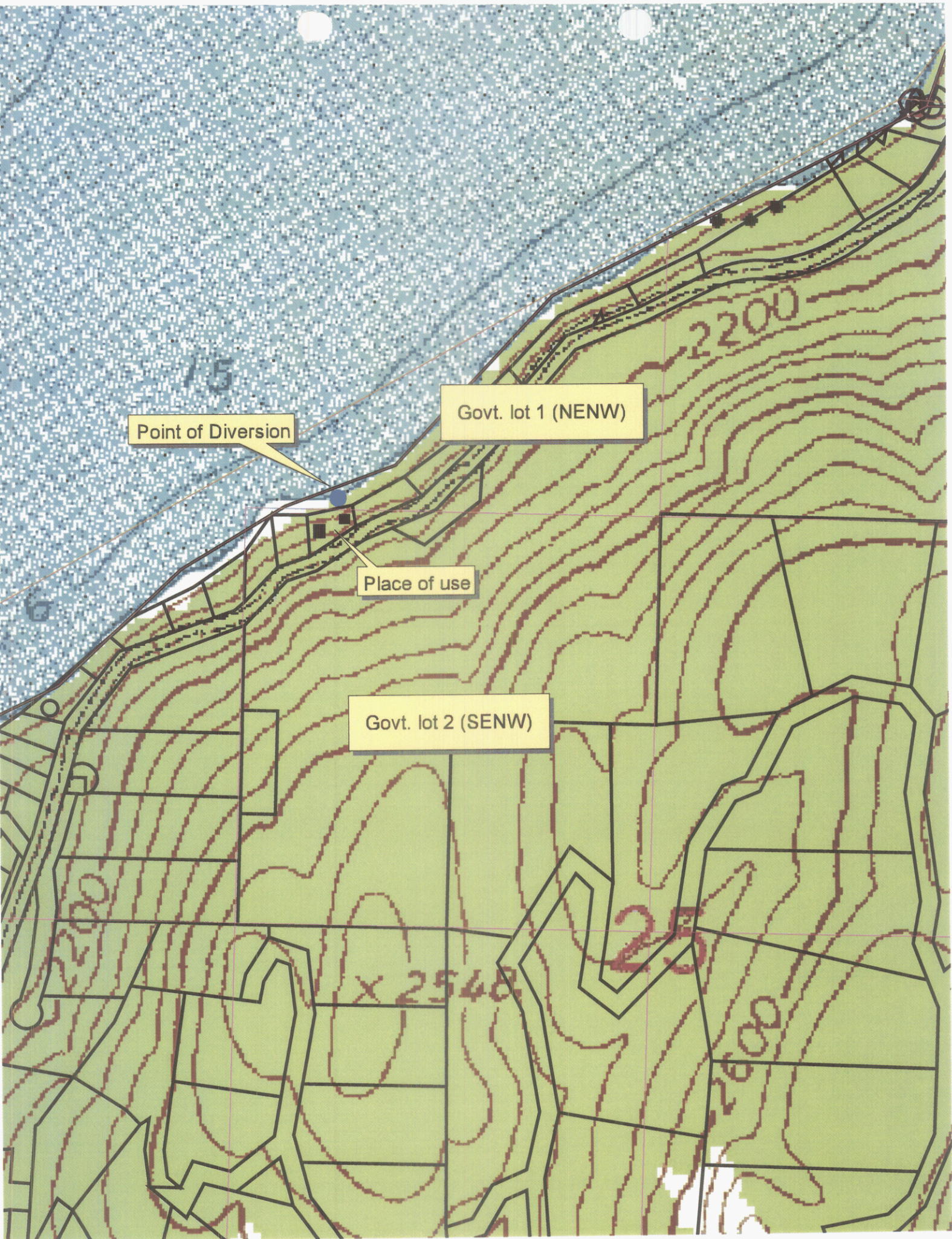
Near: Sandpoint, Idaho

County: Bonner

Applicant: Max Trumpower

Date: November 25, 2003

Sheet 1 of 1



**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

November 4, 2005

MAX TRUMPOWER
PO BOX 181
TOPANGA CA 90290

Re: Permit No. 96-9164

Dear Permit Holder(s):

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

Upon review of your proof, I find that you paid \$100.00 for the license examination fee. The department's license exam fee for a diversion rate of 0.04 cfs is \$50.00. Therefore, I have requested that the State of Idaho issue you a check in the amount of \$50.00. This check will be mailed to you within 7-10 business days.

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.

If you have questions concerning the field examination, please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450. If you have any questions regarding the refund or the processing of this proof, please contact me at (208) 287-4942. Thank you for your patience in acknowledging your proof and refund.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office
Fiscal

SEP 16 2005

Department of Water Resources

September 12, 2005

Deborah Gibson
State of Idaho
Department of Water Resources
P.O. Box 83720
Boise, Id 83720-0098
RE: Permit # 96-9164

Deborah,

After talking with you by telephone today, I realize that I've overpaid on the fee that I sent in with my proof of beneficial use, and that I put down the wrong rate of diversion.

I'm actually claiming one domestic household which, as I understand it, is .04.

Thank you, sorry
for the confusion.

Max Trumpower
MAX TRUMPOWER

BUILDING LOCATION PERMIT

BONNER COUNTY, IDAHO

OWNER: MAX TRUMPOUR JR & JEANNE ROSENBERG NEW

PERMIT # 05-0004

MAILING ADDRESS: P.O. BOX 181, TOPANCA, CA 90290 PHONE #: 310-283-9692

LEGAL DESCRIPTION: (Attach copy of recorded deed)

ACREAGE: .35

Section: 25 Township: 57N Range: 2W Subdivision: LIGHT PT TRACKS Block # 3 Parcel # 1

DESCRIBE USE OF PROPOSED STRUCTURE: (Specify whether single-family residence, mobile or manufactured home, modular, garage, shop, etc.) 2 CAR GARAGE OVER SINGLE FAMILY HOME

STRUCTURAL DETAIL:	# of units	# of stories	Square footage	Attached garage, sq footage	Type of heating	Mobile/Manufactured
		2 FINISHED 2 UNIT	2670 2670	1100 INCLUDED	HEAT PUMP ELECTRIC	
CLASS OF WORK:	New	Addition	Remodel	Change of use	Other	Year
(Check one)	☒	☐	☐	☐	☐	

SITE DETAIL:

Is building site: Within 300 feet of any surface water? ☒ Yes ☐ No

Is building site: On a 15% or greater slope? ☒ Yes ☐ No

Is building site: Within a subdivision requiring stormwater plans? ☐ Yes ☒ No

Is the use commercial or industrial? ☐ Yes ☒ No

IF YES to any of the above, a stormwater management and/or erosion control plan and fee are required. The Planning Department can assist in the review of contents of stormwater/erosion control plans.

Is building site: Within any special flood hazard area? ☐ Yes ☒ No
(*Planning Department can assist in this determination.) SEE SITE SPECIFIC

AGENCY AUTHORIZATIONS

(Obtain prior to submitting application to Planning)
AGENCY: BY/DATE:

EXPIRATION:
This permit shall expire and become null and void if the building or work authorized by the permit is not commenced within 180 days from issuance or if the building or work is suspended or abandoned at any time after the work is commenced for a period of more than 180 days. A one-time extension of an unexpired permit, not to exceed 180 days, may be granted upon written request by the permittee, provided circumstances beyond the control of the permittee have prevented action from being taken.

Panhandle Health District or Sewer District: 7/11/08

Bonner County Road Dept. [Signature]

Idaho Transportation Dept.

APPLICANT/REPRESENTATIVE SIGNATURE:
I/we certify that I/we have read and examined this application and know the statements and depictions to be true and correct. I/we certify that the proposed construction will conform to the dimensions and uses shown above and that no changes will be made without first obtaining approval. I understand that additional information may be necessary for a complete review of this application by the Planning Department, and submission of this application does not constitute approval. I further grant permission to Bonner County employees or officials to enter upon the subject land to make examinations or review the premises relative to the processing of this application.

SIGNATURE OF OWNER(S) OR AUTHORIZED REPRESENTATIVE: ROYAL SHIELDS JR ARCHITECT
(DATE): 7-15-05 3103-1254

Fire District

Energizing authorization: (after permit issuance)

NOTICE:
Nothing in the processing or granting of this permit shall be construed to relieve an applicant from compliance with any other requirements contained within the Bonner County Revised Code, Idaho Code, state or federal regulations. * development permit, storm water forms

Parcel # 57202625438

Zone District: S15 1/3

PERMIT APPROVAL: (Permit is considered issued when stamped, signed and initialed by a Planning Department official in this space.)

BONNER COUNTY PLANNING DEPARTMENT

ZONING: SUB 13 DATE: 7/14/05

SETBACKS: Front 25 Rear 10 Side 5

USE: Single Family Dwelling w/ Attached Garage

PLANNER APPROVAL: [Signature]

ALL ARCHITECTURAL PROJECTIONS SHALL BE CONSIDERED PART OF THE BUILDING AND SHALL NOT PROJECT INTO THE REQUIRED MINIMUM FRONT, SIDE OR REAR YARD SETBACK

FEES: 45-70-15- [Signature]

RECEIPT #: [Signature]

DATE REC'D: 7/18/05

BONNER COUNTY PLANNING DEPARTMENT

Flood Zone: A15/C Panel # 285C

Development Permit # 05-08

Plans Received: Plans Approved

BUILDING LOCATION PERMIT • PAGE 2 - SITE PLAN

OWNER: MAX TRUMPA - CP & JEANNE ROSENBERG
- HUSBAND & WIFE

BUILDING LOCATION PERMIT #

05-0204

COMPLETE THE SITE PLAN BELOW, DEPICTING THE FOLLOWING:

- ✓ Property lines of the property to be developed
- ✓ Locations and uses of all existing and proposed structures;
- ✓ An arrow indicating direction north
- ✓ All public or private roads providing access to the site;
- ✓ All easements of record (utility, road, etc.)
- ✓ Septic tanks, leach fields and wells, if applicable
- ✓ A signature of the landowner(s) or authorized representative
- ✓ All bodies of water within 300 feet of the proposed building site.
- ✓ Distance from property lines to architectural projections for all proposed structures

Royal Shields Jr. ARCHITECT
#263-7254

Provide directions to site. Include rural address if different from mailing address: 3.23 MILES ON

BOTTLE DAY ROAD. SITE IS NORTH OF GARAGE # 2105

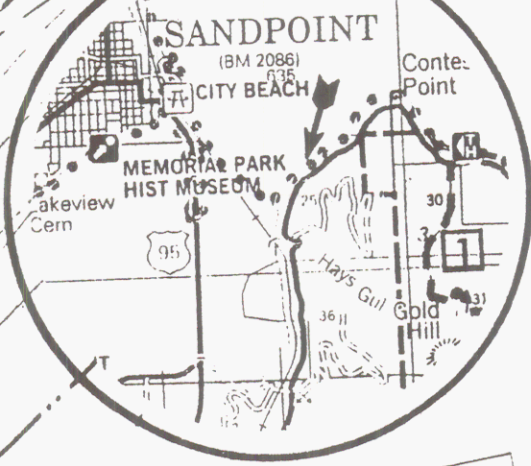
Owner/authorized representative signature:

SITE PLAN
SCALE: 1" = 30'

DATE: 3-11-05



SEPTIC T.



SITE PLAN

RECEIVED

DATE RECEIVED:

BONNER COUNTY
PLANNING DEPARTMENT

office use only)

Subject property described per Inst. #158854
BOOK 149-405 (1970 ±)



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

January 28, 2005

MAX TRUMPOWER
PO BOX 181
TOPANGA CA 90290

RE: PERMIT NO. 96-9164

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 **March 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

December 31, 2004

MAX TRUMPOWER
PO BOX 181
TOPANGA, CA 90290

PROOF DUE NOTICE

RE: PERMIT NO. 96-9164

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 March 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.

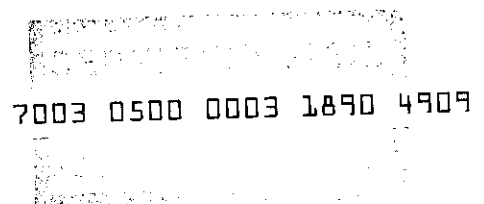
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

April 2, 2004

MAX TRUMPOWER
PO BOX 181
TOPANGA CA 90290

RE: Permit No. 96-9164

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.

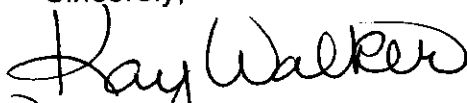
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

Sincerely,


for Shelley M Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

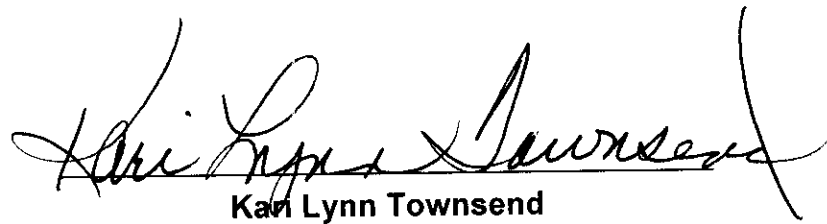
CERTIFICATE OF SERVICE

I hereby certify that on April 2, 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.

96-9164

**MAX TRUMPOWER
PO BOX 181
TOPANGA CA 90290**



**Kar 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.

AFFIDAVIT OF PUBLIC

State of Idaho

ss.

County of Bonner, Sherilyn Jones

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

Notice of Apr 25.

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 5 day of Feb, 2004
and ending on the 12 day of Feb, 2004
and that said notice was published in said newspaper.

On this 12 day of Feb in the year
of 2004, before me, a Notary Public, personally
appeared Sherilyn Jones,
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.

Carolyn L. Inge
Notary Public for Idaho
Residing at Sandpoint
My Commission expires: 8/06

RECEIVED

FEB 13 2004

DWR/North

NOTICE
The following application(s) have been filed to appropriate the public
waters of the State of Idaho: 96-9164

MAX TRUMPOWER
PO BOX 181
TOPANGA CA 90290
Point(s) of Diversion L1 (NENW) S25 T57N R02W
BONNER County Source PEND OREILLE LAKE Tributary To
PEND OREILLE RIVER 01/01 To 12/31 0.02 CFS
Use: STOCKWATER 01/01 To 12/31 0.06 CFS
Use: DOMESTIC
Total Diversion: 0.08 CFS
Date Filed: 12/22/2003 T57N R02W S25 SENW Lot 2
Place Of Use: DOMESTIC
Place Of Use: STOCKWATER same as DOMESTIC
Remark: Domestic use is for 2 homes.
Stockwater is for 6 head of range stock. Protests may be submit-
ted based on the criteria of Sec 42-203A, Idaho Code.
Permits will be subject to all prior water rights. Protests 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 02/23/2004. The protestant must also send a
copy of the protest to the applicant.

Legal 4962
February 5, 12, 2004

KARL J DREHER, Director

ok

4962



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

January 28, 2004

MAX TRUMPOWER
PO BOX 181
TOPANGA CA 90290

RE: Application for Permit No 96-9164

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 Bonner County Daily Bee on February 5 and 12, 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 twelve weeks.

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

Sincerely,

A handwritten signature in cursive script, reading 'Allen Beardslee'.

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Copy of Receipt No. N016039



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

January 28, 2004

--PLEASE FAX PROOF PRIOR TO PUBLICATION--

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

e-mailed to sjones@bonnercountydailybee.com

RE: Application for Permit No. 96-9164

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 5 and 12, 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 02/23/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

To: Legal Notices-Bonner Co Daily Bee (E-mail)

Subject: Legal Notice for publication on February 5 and 12, 2004

Good afternoon, Sheri, and a happy day to you.

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

PLEASE FAX A PROOF PRIOR TO PUBLICATION

If you have ANY questions about the legal notice, please call to clarify.

Will you please reply to this e-mail to let me know that you received it ok?

Thank you VERY much for all your help! It is ALWAYS a pleaseure to work with you!

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

*Attachments don't show
when printing
from Outlook Email.*

1/28/2004

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

96-9164

MAX TRUMPOWER
PO BOX 181
TOPANGA CA 90290

Point(s) of Diversion L1 (NENW) S25 T57N R02W BONNER County
Source PEND OREILLE LAKE Tributary To PEND OREILLE RIVER

Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.06 CFS

Total Diversion: 0.08 CFS

Date Filed: 12/22/2003

Place Of Use: DOMESTIC T57N R02W S25 SENW Lot 2

Place Of Use: STOCKWATER same as DOMESTIC

Remark: Domestic use is for 2 homes.
Stockwater is for 6 head of range stock.

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 02/23/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 5 and 12, 2004

Ball, Dianne

From: Corsi, Charles [ccorsi@IDFG.STATE.ID.US]
Sent: Wednesday, January 21, 2004 4:53 PM
To: dball@idwr.state.id.us
Cc: Grunder, Scott
Subject: 96-9164 Trumpower

RECEIVED

MAR 12 2004

Department of Water Resources

Hi Dianne -

I reviewed Mr. Trumpower's water right application. We have no objection to the proposed diversion provided the intake is appropriately screened (< 1/4 inch mesh; < 0.5 feet per second approach velocity) in accordance with Idaho Code to protect young of the year fish, and the diversion structure (pump and waterline) is placed on the bottom so as to avoid entanglement of anglers lines.

Thanks for the opportunity for input.

Chip Corsi
Panhandle Regional Supervisor
Idaho Department of Fish and Game
2750 Kathleen Ave.
Coeur d'Alene, ID 83814
(208)769-1414

*Go on computer
1/21/04
b*



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

January 09, 2004

CHIP CORSI
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO CHIP CORSI 1/9/04
5 PAGES TOTAL

Application to Permit No. 96-9164

Dear Chip:

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, by January 23, 2004.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, January 07, 2004 2:55 PM
To: Allen, Debbie
Subject: Refund - regarding Receipt No. N016039

Good afternoon,

Al tells me that there needs to be a **refund of \$150.00** back to Mr. Max Trumpower.

He sent \$250.00 and indicated he was applying for 2.0 cfs - which would have been a \$290.00 fee.

In actuality, he is only applying for .08 cfs (he didn't understand cfs) - and the fee for the .08 is only \$100.00

Soooo - instead of the \$250.00 being only a "partial WR permit fee" - it is more than the required fee.

His address is:

Max Trumpower
PO Box 181
Topanga, CA 90290

Thanks, and have a great day.

Dianne

1/7/2004

Idaho Department of Water Resources Receipt

Receipt ID N016039

Payment Amount \$250.00 Date Received 12/22/2003 1:31:41 PM Region Northern Status

Payment Type Check Check Number 7381

Payer MAX TRUMPOWER

Comment PARTIAL WR Permit Fee

Fee Detail

Amount Description Fund FD PCA SO
\$250.00 PERMITS 0229 21 65103 1155


Signature Line (Dept. Representative)

*File Copy
for information*

1-7-04

DIANNE,

PLEASE CONTACT DEBBIE ALLEN TO
REFUND \$150.00 TO MR. TRUMPOWER, AS
THE ACTUAL DIVERSION RATE HE IS
APPLYING FOR IS 0.08 CFS - /\$100.00 FEE

THANK YOU,
Re

*Done
1/7/04*