

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 84-12228

Priority: August 24, 2005

Maximum Diversion Rate: 0.10 CFS

This is to certify, that GEORGE W WALKER Or CATHERINE H WALKER
4300 LOWER FORDS CREEK RD
OROFINO ID 83544

have applied for a permit to appropriate water from:

Source: GROUND WATER

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	0.02 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
IRRIGATION	03/15 to 11/15	0.06 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER L2 (NW¼NE¼) Sec. 5, Twp 35N, Rge 03E, B.M., CLEARWATER County

GROUND WATER L2 (NW¼NE¼) Sec. 5, Twp 35N, Rge 03E, B.M., CLEARWATER County

PLACE OF USE: DOMESTIC & STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
35N 03E 5		X															
		L 2															

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
35N 03E 5		2.0															2.0
		L 2															

Total Acres: 2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 84-12228

4. Stockwater use is for 10 head mixed stock.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 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 12th day of October, 2005.


for KARL J DREHER, Director

RECEIVED

OCT 11 2005

Department of Water Resources

72229
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

dent. No. 84-12228

RECEIVED

AUG 24 2005

IDWR/North

1. Name of Applicant George W. Catherine Walker Phone 208-435-4814
Mailing address 4300 Lower Fords Cr Rd Orofino ID 83544
2. Source of water supply groundwater which is a tributary of N/A
3. Location of point of diversion is Township 35N Range 3E Sec. 5, in the NW $\frac{1}{4}$,
NE $\frac{1}{4}$, Govt. Lot 2, B.M., Clearwater County;
additional points of diversion if any:
4. Water will be used for the following purposes:
 Amount 0.02 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 0.02 for stockwater purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 0.06 for Irrigation purposes from 3/15 to 4/15 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) ~~0.02~~ .10 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 6" Cased well with 1/2 hp pump.
hand dug with 2" pipe to stock trough
 b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet
 c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 d. Is ground water with a temperature of greater than 85°F being sought? NO
 e. If well is already drilled, when? Aug, 21 1995; Drilling firm Burns Well Drilling
 Well was drilled for (well owner) yes; Drilling Permit No. 84-95-N-0038-000
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. 10 mixed
 c. Municipal; show name of municipality. N/A
 d. Domestic; show number of households. one household
 e. Other; describe fully. _____

Per
T.C. w/
CATHERINE
WALKER

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	3E	5		D/S					~~S/S~~										
		5		2															2

Total number of acres to be irrigated 2

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? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: —

12. Remarks: _____

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

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

George W Walker
Catherine H Walker
 Signature of Applicant (and title, if applicable)

Received by ↓ Date 8/24/05 Time 11:27 a Preliminary check by _____
 Fee \$ 100.00 Receipted by ↓ # N017136 Date 8/24/05
 Publication prepared by ↓ Date 9/17/05 Published in Clearwater Tribune 9/15+22/05
 Publication approved ↓ Date 10/3/05

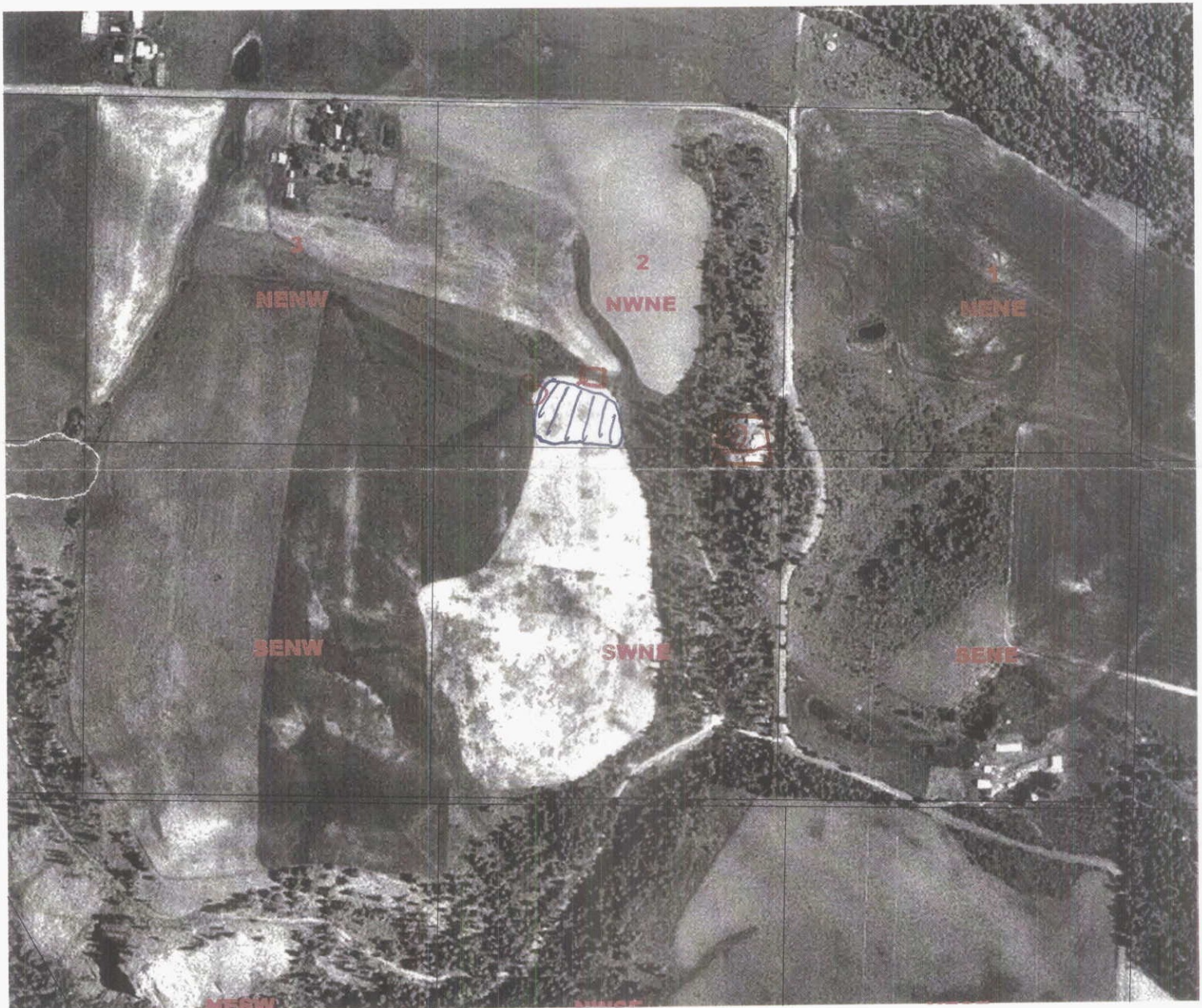
T35N R3E Section 5



Place of Use



Point of Diversion



**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

October 13, 2005

GEORGE W WALKER
CATHERINE H WALKER
4300 LOWER FORDS CREEK RD
OROFINO ID 83544

RE: Permit No. 84-12228

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.

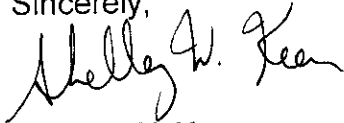
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent part.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

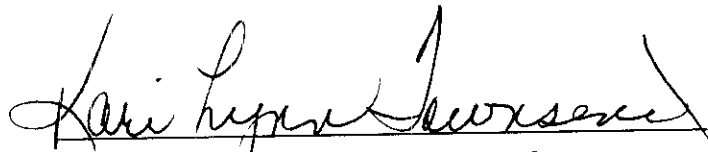
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2005 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. 84-12228

**CATHERINE H WALKER
GEORGE W WALKER
4300 LOWER FORDS CREEK RD
OROFINO ID 83544**



**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

84-12228

1. kwalker 10/12/2005 POD
Comment: Updated shape
2. kwalker 10/12/2005 POD
Comment: Updated shape
3. kwalker 10/12/2005 POU
Comment: Updated Shape
4. kwalker 10/12/2005 POU
Comment: Updated Shape
5. kwalker 10/12/2005 POU
Comment: Updated Shape
6. gtaylor 8/26/2005 7:14:03 AM Special Administration Area Notes
Comment: Special Administration Areas : Salmon-Clearwater (Moratorium Area)
Exempt: Y
Reason: Ground Water
Doc Attached:
Explanation:
7. gtaylor 8/26/2005 7:14:22 AM Additional Information Supporting Application
Comment: Residency affidavit for hydropower development: N/A
Additional hydropower project information: N/A
Additional fish propagation project information: N/A
Appropriation Rule 40.05.c information: N/A
Mitigation Plan or acceptance form: N/A
Evidence of Pre-1987 development: N/A
8. dball 8/29/2005 Legal Notice Remarks
Comment: Domestic use is for 1 home.
Stockwater use is for 10 head of mixed stock.
9. dball 8/31/2005 Comment/Analysis
Comment: According to Greg Taylor, Mrs. Walker indicates only the hand dug well will be used for irrigation. As a result, no upgrade fee will be needed on other well.
10. kwalker 10/12/2005 Permit Review
Comment: Application falls within Salmon Clearwater moratorium but is for groundwater so is exempt. Recommend approval.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

MARCIE STANTON

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of the THE CLEARWATER TRIBUNE: that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

Idaho Dept. of Water Resource

WALKER APPLICATION(S)

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full consecutive period of two weeks, commencing on the 15th day of September 2005 and ending on the 22nd day of September 2005.

STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 22nd day of September in the year of 2005, before me, a Notary Public, personally appeared

Marcie Stanton

known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Pamela A. Jones

Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 11-20-07

RECEIVED
OCT 03 2005
IDWR/North

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

84-12228
CATHERINE H. WALKER
GEORGE W. WALKER
4300 LOWER FORDS CREEK RD
OROFINO ID 83544

Point(s) of Diversion (2) L2 (NWNE) S5 T35N R03E
CLEARWATER County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.1 CFS

Date Filed: 08/24/2005

Place Of Use: IRRIGATION

T35N R03E S5 NWNE Lot 2

Place Of Use: DOMESTIC & STOCKWATER same as IRRIGATION

Number of Acres 2

Remark: Domestic use is for 1 home.

Stockwater use is for 10 head of mixed 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 10/03/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

9-15/22c



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 07, 2005

CATHERINE A WALKER
GEORGE WALKER
4300 LOWER FORDS CREEK RD
OROFINO ID 83544

RE: Application for Permit No 84-12228

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 Clearwater Tribune on September 15 and 22, 2005. 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 black ink, appearing to read 'Gregory J. Taylor', with a small 'G' or 'J' mark below the signature.

Gregory J. Taylor
Senior Water Resource Agent

Enclosure(s) – Receipt No. N017136 for your files



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

September 07, 2005

Please FAX proof copy before publication
Thanks, Dianne

MARCIE STANTON
LEGAL NOTICE DEPARTMENT
CLEARWATER TRIBUNE
PO BOX 71
OROFINO ID 83544

RE: Application for Permit No. 84-12228

Dear Marcie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, September 15 and 22, 2005 (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 10/03/2005. Your cooperation is GREATLY appreciated, as always.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 07, 2005 3:14 PM
To: Legal Notices-Clearwater Tribune (E-mail)
Subject: Legal notice for publication on September 15 and 22, 2005 - WR 84-12228 - Walker

Good afternoon, Marcie and Andrea,

Attached is our cover letter requesting publication on September 15 and 22, 2005, of a legal notice. The legal notice is also attached.

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

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

I hope you can just copy and paste this and then we can adjust tabs if need be. That keeps it pretty simple.

I appreciate your help - I know our legals can be a real headache if you have to type them out from scratch.

Thanks for your help on these. At least this one is not very long, and a copy/paste should help.

Dianne

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



CoverLetter
19-07-05 CT e-mail..



LegalNotice
19-07-05 CT e-mail..

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

84-12228

CATHERINE H WALKER
GEORGE W WALKER
4300 LOWER FORDS CREEK RD
OROFINO ID 83544

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Source GROUND WATER

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Date Filed: 08/24/2005

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T35N R03E S5 NWNE Lot 2

Place Of Use: DOMESTIC & STOCKWATER same as IRRIGATION

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KARL J DREHER, Director Published 9/15 & 9/22, 2005

Receipt Details for ID N009191

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/12/1995 1:50:39 PM	7/12/1995	Northern	\$35.00	Check
Payer		WALKER, GEORGE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2588			
Card Expiration Date	Credit Card Transaction #		

Comment 1 WD PERMIT - WALKER, GEORGE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$35.00	1 WD PERMIT - WALKER, GEORGE	65115	229	21	0	1205

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report