

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 86-11921

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2005**.
2. Subject to all prior water rights.
3. This right does not authorize the irrigation of land not previously irrigated.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. Stockwater use is for 25 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of March, 2005.


FOR KARL J DREHER, Director

9/17/03

RECEIVED
FEB 25 2005
DEPARTMENT OF
WATER RESOURCES

RECEIVED
SEP 03 2004
DEPARTMENT OF
WATER RESOURCES

RECEIVED

FEB 10 2004

IDWR/North

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 86-11921

RECEIVED

APR 17 2003

IDWR/North

1. Name of Applicant Edwin E and/or Juanita M. Winn Phone 208 877-1338
Mailing address 1560 Johnson Rd Denney, Id. 83823
2. Source of water supply CANDUNNAN STREAM which is a tributary of BEARCK RIVER POTATON RIVER
3. Location of point of diversion is Township 40N Range 02W Sec. 32 in the NE $\frac{1}{4}$,
NW $\frac{1}{4}$, Govt. Lot Latah B.M., Latah County;
additional points of diversion if any: NONE
4. Water will be used for the following purposes:
Amount 1.2 for IRRIGATION purposes from 3/15 to 4/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.9 for STOCK WATER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.5 for STORAGE FOR IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.5 for IRRIGATION FROM STORAGE purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.5 for STORAGE FOR STOCK WATER purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.5 for STOCK WATER purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.5 for CROW STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .16 and/or (b) 3.5 EW
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 DAM - ON Stream -
 - b. Height of storage dam 15 ft feet; active reservoir capacity 3.5 EW acre-feet; total reservoir capacity 3.75 EW 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? —
 - e. If well is already drilled, when? —; 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 yr 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. 20-25 Cattle
 - c. Municipal; show name of municipality. —
 - d. Domestic; show number of households. —
 - e. Other; describe fully. —

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	
40W	02W	32					S												
							4												4-

Total number of acres to be irrigated 4

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? Self
- b. Who owns the land to be irrigated or place of use? Self
- 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: The drainage area is marked on map and irrigation is within this drainage area. Drainage area is approx. 10 acres and pond is filled with winter runoff. The pond was built in 1969 and has been used since. The irrigation system is done with portable pump and portable piping.

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.

Edwin E. Winn

Edwin E. Winn
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 4/17/03 Time 2:50P Preliminary check by [Signature] Date 4/17/03
 Fee \$ 100.00 Received by [Signature] # ND15577 Date 4/17/03
 Publication prepared by [Signature] Date 7/28/04 Published in Prescott Daily News 8/5 & 12/04
 Publication approved [Signature] Date 8/30/04

T40N R2W



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

March 14, 2005

JUANITA M WINN
EDWIN E WINN
1560 JOHNSON RD
DEARY ID 83823

RE: Permit No. 86-11921

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.

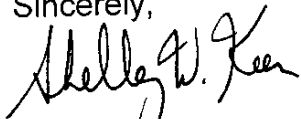
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 208-287-4947.

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 more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

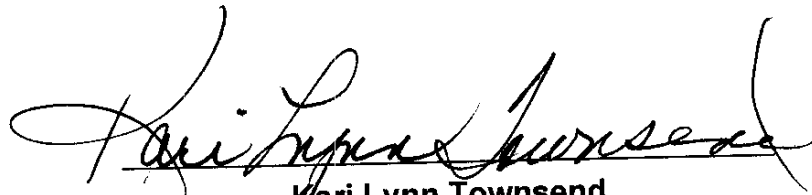
CERTIFICATE OF SERVICE

I hereby certify that on March 14, 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.

86-11921

**EDWIN E WINN
JUANITA M WINN
1560 JOHNSON RD.
DEARY ID 83823**



**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.

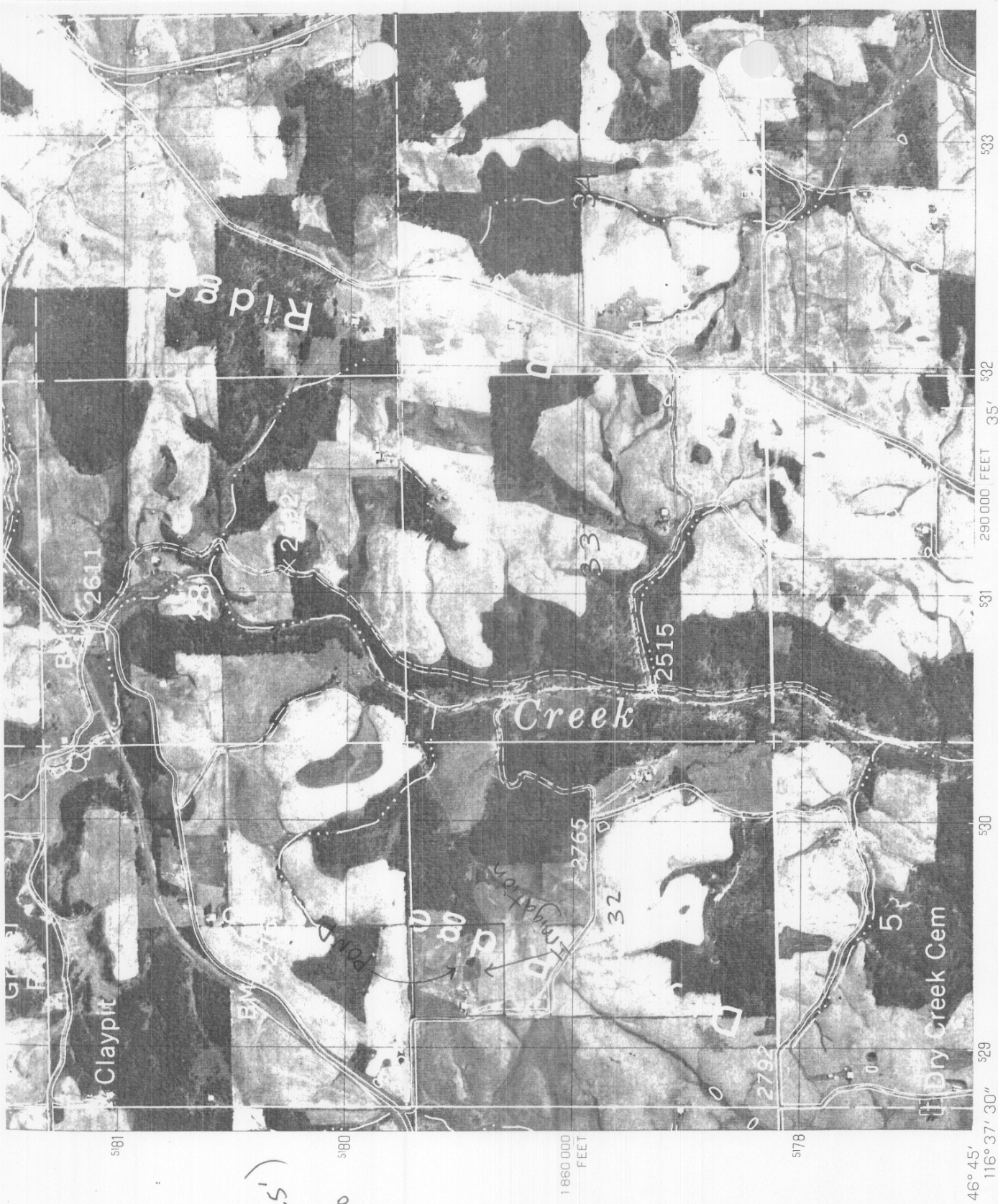
MEMORANDUM

Date: March 11, 2005
To: Water Right File 86-11921
From: Shelley Keen *SWK*
Re: Application Review

Application 86-11921 requests authorization for a new consumptive use of surface water within the Salmon/Clearwater moratorium area. New uses of this type are not usually approvable because of the moratorium. However, this application can be approved under the moratorium exception for uses established before the start of the Snake River Basin Adjudication in 1987. The applicant stated on the application form that the use was established in 1969, and the USGS 7.5-minute orthophoto quadrangle from 1975 shows the small reservoir and irrigated lawn.

The regional office recommended the priority date be 2/10/2004 even though the application seems to have been first received on 4/17/2003. The region did not provide an explanation. Perhaps the numerous corrections on the application mean that it was returned to the applicant after it was first received in 2003 and then sent to IDWR once again in February of 2004.

S. Kern 3/11/05



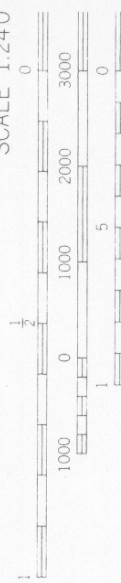
Produced by the Geological Survey

Orthophotograph prepared from 1:76 000-scale
aerial photographs taken August 15, 1975

Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid ticks,

1000	11	1007	11	11
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SCALE 1:240



MEMORANDUM

RECEIVED

FEB 25 2005

**DEPARTMENT OF
WATER RESOURCES**

To: File 86-11921

From: Al Beardslee 

Date: February 16, 2005

Re: Salmon-Clearwater Moratorium

This filing is located within the boundaries of the Salmon-Clearwater Moratorium, however, because of the location of the point of diversion and the source to be appropriated, Bob Haynes and I feel this application can be processed and approved. It will have no effect on the Salmon-Clearwater basins.

Walker, Kay

From: Walker, Kay
Sent: Friday, September 10, 2004 3:09 PM
To: Beardslee, Allen
Cc: Walker, Kay
Subject: Application for Permit 86-11921

Hey Al... How are you doing today? Life is good down here in beautiful Boise...

I am writting to remind you that you promised me a memo about how we can process App. 86-11921. This application falls within the Salmon-Clearwater Moratorium area and is for 4 acres of irrigation and a pond. Sorry about the reminder but maybe it will jar your memory into writting the memo so I can process the application.

Thanks for all you do! Kay

**Affidavit of
Publication**

STATE OF IDAHO
County of Latah ss

Lorraine Hudson
Legal Clerk

being first duly sworn, on oath depos-
es and says:

That she is the printer of Moscow-
Pullman Daily News, a newspaper of
general circulation, printed and pub-
lished daily except Sunday at
Moscow, Latah County, Idaho, in
compliance with Sections 60-106, 60-
107, and 60-108 of the Idaho Code
and the amendments thereto: that
the notice of which the annexed is a
full, true and correct printed copy was
published in the regular and entire
issues of said newspaper and not in
a supplement thereto, upon the fol-
lowing dates:

Aug 5, 12,
2004

the same being the date designated
for the publication of said notice.

Lorraine Hudson

this *12* day of *Aug*
in the year of 2004, before a Notary
Public, personally appeared

Lorraine Hudson

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.

Heather Frazier

Notary Public for Idaho
Residing at Moscow, Idaho
My Commission expires
10/02/07

LEGAL NOTICE

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

86-11921

JUANITA M WINN

EDWIN E WINN

1560 JOHNSON RD.

DEARY ID 83823

Point(s) of Diversion NENW
S32 T40N R02W LATAH County
Source UNNAMED STREAM
Tributary To BEAR CREEK

Use: IRRIGATION 03/15 To
11/15 0.12 CFS

Use: IRRIGATION STOR-
AGE 03/15 To 11/15 3.5 AFA

Use: IRRIGATION FROM
STORAGE 03/15 To 11/15 3.5
AFA

Use: STOCKWATER 01/01 To
12/31 0.04 CFS

Use: STOCKWATER STOR-
AGE 01/01 To 12/31 3.5 AFA

Use: STOCKWATER FROM
STORAGE 01/01 To 12/31 3.5
AFA

Total Diversion: 0.16 CFS

Date Filed: 02/10/2004

Place Of Use: IRRIGATION
T40N R02W S32 NENW

Number of Acres 4

Place Of Use: STOCKWATER
AND ALL OTHER USES - same
as IRRIGATION

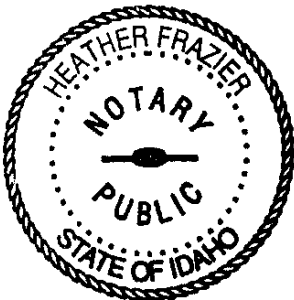
Remark: Stockwater use is for
25 head of range cattle.

Permits will be subject to all
prior water rights. Protests may
be submitted based on the crite-
ria 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 08/23/2004. The
protestant must also send a copy
of the protest to the applicant.

KARL J DREHER, Director
August 5 and 12, 2004

RECEIVED
AUG 27 2004
IDWR/North



Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 28, 2004 11:41 AM
To: Legal Notices-MoscowPullmanDailyNews (E-mail)
Subject: CoverLetter 07-28-04 MP with Legal - e-mailed as text 86-11921

A good day to you, Lorraine. Following is our cover letter and the following page of this document is the legal notice - for publication on August 5 and 12, 2004. If you have ANY questions, please call me at 208-769-1450. Thanks very much, Dianne

**DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454**

~ PLEASE FAX A PROOF PRIOR TO PUBLICATION ~

Please "reply" to this e-mail to let me know if you received it ok. Thanks.

July 28, 2004

LORRAINE HUDSON e-mailed to Lorraine at legals@dnnews.com
LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843

RE: Application for Permit No. 86-11921

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 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 08/23/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

7/28/2004

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

86-11921

JUANITA M WINN
EDWIN E WINN
1560 JOHNSON RD.
DEARY ID 83823

Point(s) of Diversion NENW S32 T40N R02W LATAH County
Source UNNAMED STREAM Tributary To BEAR CREEK

Use: IRRIGATION 03/15 To 11/15 0.12 CFS

Use: IRRIGATION STORAGE 03/15 To 11/15 3.5 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 3.5 AFA

Use: STOCKWATER 01/01 To 12/31 0.04 CFS

Use: STOCKWATER STORAGE 01/01 To 12/31 3.5 AFA

Use: STOCKWATER FROM STORAGE 01/01 To 12/31 3.5 AFA

Total Diversion: 0.16 CFS

Date Filed: 02/10/2004

Place Of Use: IRRIGATION T40N R02W S32 NENW

Number of Acres 4

Place Of Use: STOCKWATER AND ALL OTHER USES - same as IRRIGATION

Remark: Stockwater use is for 25 head of range cattle.

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 08/23/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on August 5 and 12, 2004

Ball, Dianne

From: jhites@dnnews.com
Sent: Wednesday, July 28, 2004 3:30 PM
To: Ball, Dianne
Subject: Re: CoverLetter 07-28-04 MP with Legal - e-mailed as text 86-11921

>A good day to you, Lorraine. Following is our cover letter and the
>following page of this document is the legal notice - for publication on
>August 5 and 12, 2004. If you have ANY questions, please call me at
>208-769-1450. Thanks very much, Dianne

>
>DEPARTMENT OF WATER RESOURCES
>1910 NORTHWEST BLVD., SUITE 210
>COEUR D'ALENE ID 83814
>Phone 208-769-1450 - FAX - 208-769-1454

>
>~ PLEASE FAX A PROOF PRIOR TO PUBLICATION ~
>Please "reply" to this e-mail to let me know if you received it ok. Thanks.

>
>
>July 28, 2004

>
>This message is to let you know that we recieved both emails. Everyting
>appears to be in order.

Ron Nickels
Moscow-Pullman Daily News



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

July 28, 2004

EDWIN E WINN
JUANITA M WINN
1560 JOHNSON RD.
DEARY ID 83823

RE: Application for Permit No 86-11921

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 Moscow Pullman Daily News on August 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 that reads 'Allen Beardslee'.

Allen Beardslee
Senior Water Resource Agent



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

July 26, 2004

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON, ID 83501

FAXED to Ray 7/26/04 - 4 pages total

Application to Permit No. 86-11921

Dear Ray :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

You may reply by e-mail to dball@idwr.state.id.us , if you choose and are not filing a protest.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne', is written in black ink.

Dianne Ball
Administrative Assistant

Enclosure(s)