

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 84-12196

Priority: November 22, 2004

Maximum Diversion Rate: 0.01 CFS

This is to certify, that EDWARD D TROUTWINE Or ROSE M TROUTWINE
2264 OROFINO CREEK RD
OROFINO ID 83544

have applied for a permit to appropriate water from:

Source: OROFINO CREEK

Tributary: CLEARWATER RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.01 CFS

LOCATION OF POINT OF DIVERSION:

OROFINO CREEK L5 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 11, Twp 36N, Rge 02E, B.M., CLEARWATER County

PLACE OF USE: IRRIGATION

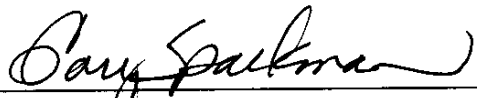
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N 02E 11												.5					.5
												L 5					

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2006**.
2. Subject to all prior water rights.
3. Irrigation use under this right is authorized only in connection with a domestic use.
4. 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 24th day of March, 2005.


FOR KARL J DREHER, Director

RECEIVED

11752
STATE OF IDAHO

Ident. No. 84-12196

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

NOV 22 2004

IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant Edward D. or Rose M. Troutwine Phone 208-476-7004
Mailing address 2264 Orofino Creek Road Orofino, ID 83544
2. Source of water supply Orofino Creek which is a tributary of Clearwater River
3. Location of point of diversion is Township 36 N Range 2 E B M Sec. 11, in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, Govt. Lot # 5, B.M., Clearwater County;

additional points of diversion if any:

4. Water will be used for the following purposes:

see → exhibit B
Amount 0.0386 for Irrigation purposes from 3/15 to 11/15 (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)
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) 0.0386 .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 4 HP Single phase pump
providing 20 feet of lift to irrigation line with 5 sprinkler heads
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? _____
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 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

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 ⁶⁵				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	2E	11											0.5 AC						.5

Total number of acres to be irrigated 0.5 ACRES

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

11. a. Who owns the property at the point of diversion? Edward D. and/or Rose M. Troutwine
- b. Who owns the land to be irrigated or place of use? Edward D. and Rose M. Troutwine
- 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.)

see exhibit A

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.

Edward D. Troutwine
Rose M. Troutwine
 Signature of Applicant (and title, if applicable)

Received by cm Date 11-27-04 Time 1:17pm Preliminary check by AB
 Fee \$ 100.00 Received by cm # 2016649 Date _____
 Publication prepared by cb Date 2/9/05 Published in Clearwater Tribune 2/17+24/05
 Publication approved cb Date 3/4/04

大英醫學博士

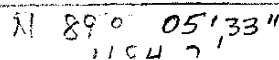


EXHIBIT B

Water Usage for Irrigation

3,420 gal per hour x 4 hours per day
for 3.5 days per week or 0.5 days
per day

$$3,420 \times 4 \times 0.5 = 6,840 \text{ gals per day}$$

$$1 \text{ CFS} = 646,315 \text{ gal per day}$$

1 is to 646,315 as X is to 6,840

$$\frac{6,840}{646,315} = \frac{X}{1} = 0.010583 \text{ CFS}$$

Note: this is the computations we used to
determine CFS. Please check our math.

Rose M. Troutwine

1,110.73

2.5 ACRES

N.I.R. LINE

OROFINO CREEK

point of diversion

area of application

property boundary

$$\frac{51}{10}$$
$$\frac{71}{11}$$

N 89° 05' 33"
1184.2

closing corner

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 24, 2005

EDWARD D TROUTWINE
ROSE M TROUTWINE
2264 OROFINO CREEK RD
OROFINO ID 83544

RE: Permit No. 84-12196

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.

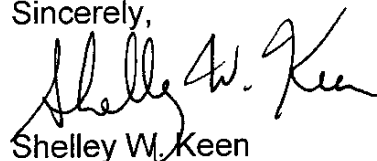
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

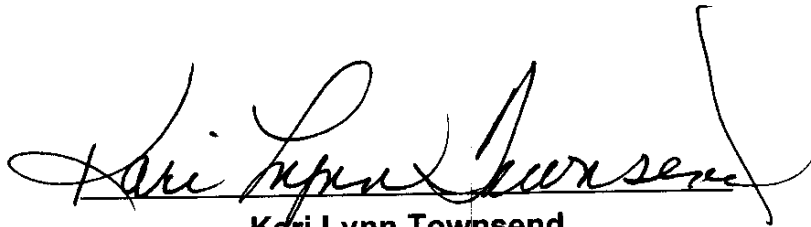
CERTIFICATE OF SERVICE

I hereby certify that on March 24, 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.

84-12196

**EDWARD D TROUTWINE
ROSE M TROUTWINE
2264 OROFINO 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

84-12196

1. kwalker 3/23/2005 Permit Review

Comment: Application falls within Salmon-Clearwater Moratorium area. We can process since use could fall under domestic exemption since only 1/2 acre to be irrigated. Will add condition that this use can only be developed in connection with a domestic use. Have changed point of diversion location from 10 acre description to 40 acre description. When GIS done on p/d found it was not located in 10 acre tract as described and since not a spring source does not have to be listed as a 10 acre tract. Recommend approval.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

MARCIE STANTON

RECEIVED

MAR 03 2005

IDWR/North

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

NOTICE

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

84-12195

EDWARD D TROUTWINE
ROSE M TROUTWINE
2264 OROFINO CREEK RD
OROFINO ID 83544

Point(s) of Diversion L5 (SWSWSW) S11 T36N R02E
CLEARWATER County

Source SPRING Tributary To OROFINO CREEK

Use: DOMESTIC 01/01 To 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 11/22/2004

Place Of Use: DOMESTIC T36N R02E S11 SWSW Lot 5

Remark: Domestic use is for 1 home and shop building.

84-12196

EDWARD D TROUTWINE
ROSE M TROUTWINE
2264 OROFINO CREEK RD
OROFINO ID 83544

Point(s) of Diversion L5 (SWSWSW) S11 T36N R02E
CLEARWATER County

Source OROFINO CREEK Tributary To CLEARWATER RIVER

Use: IRRIGATION 03/15 To 11/15 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 11/22/2004

Place Of Use: IRRIGATION T36N R02E S11 SWSW Lot 5

Number of Acres 0.5

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 03/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

02-17, 24c

Dept. of Water Resource

TROUTWINE NOTICE

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 period of two non-consecutive issues, commencing on the 17th day of February 2005 and ending on the 24th day of February 2005

STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

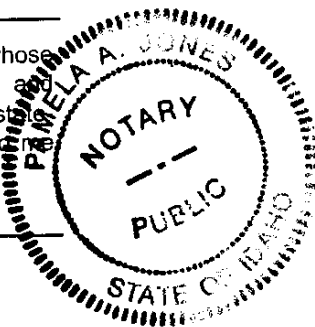
On this 25th day of February in the year of 2005, before me, a Notary Public, personally appeared

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





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

February 09, 2005

EDWARD D TROUTWINE
ROSE M TROUTWINE
2264 OROFINO CREEK RD
OROFINO ID 83544

RE: Applications for Permit Nos. 84-12195 and 84-12196

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 February 17 and 24, 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 cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N016650. (Receipt No. N016649 given to you at time applications were completed. Computerized copy enclosed.)



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

February 09, 2005

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

e-mailed to Marcie at cleartrib@clearwater.net

RE: Application for Permit No. 84-12195 and 84-12196

Dear Marcie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 17 and 24, 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 03/07/2005. Your cooperation is, as always, GREATLY appreciated. It's always a pleasure to work with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 09, 2005 10:34 AM
To: Legal Notices-Clearwater Tribune (E-mail)
Subject: Legal notice for WR Numbers 84-12195 and 84-12196 for publication on February 17 and 24, 2005

A very good day to you, Marcie,

Attached is our cover letter requesting publication on February 17 and 24, 2005 of the legal notice, also attached.

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

Also, **PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION.**

Thank you very much. It is always a pleasure 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

2/9/2005

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

84-12195

EDWARD D TROUTWINE
ROSE M TROUTWINE
2264 OROFINO CREEK RD
OROFINO ID 83544

Point(s) of Diversion L5 (SWSWSW) S11 T36N R02E CLEARWATER County

Source SPRING Tributary To OROFINO CREEK

Use: DOMESTIC 01/01 To 12/31 0.01 CFS
Total Diversion: 0.01 CFS

Date Filed: 11/22/2004

Place Of Use: DOMESTIC T36N R02E S11 SWSW Lot 5

Remark: Domestic use is for 1 home and shop building.

84-12196

EDWARD D TROUTWINE
ROSE M TROUTWINE
2264 OROFINO CREEK RD
OROFINO ID 83544

Point(s) of Diversion L5 (SWSWSW) S11 T36N R02E CLEARWATER County

Source OROFINO CREEK Tributary To CLEARWATER RIVER

Use: IRRIGATION 03/15 To 11/15 0.01 CFS
Total Diversion: 0.01 CFS

Date Filed: 11/22/2004

Place Of Use: IRRIGATION T36N R02E S11 SWSW Lot 5

Number of Acres 0.5

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 03/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 17 and 24, 2005



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

February 02, 2005

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

FAXED TO RAY 2/2/05

4 pages total *db*

Application to Permit No. 84-12196

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 comment by e-mail to Dianne.Ball@idwr.idaho.gov

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)