

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-09406

Priority: August 04, 2015

Maximum Diversion Rate: 0.06 CFS

This is to certify, that COURTNEY P MADDOX and ANTHONY J GLESSNER
27182 E SCHOOL HOUSE LOOP
CATALDO ID 83810

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4, SE1/4, Sec. 23, Twp 49N, Rge, 01W, B.M., KOOTENAI County

PLACE OF USE: STOCKWATER and DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
49N 01W 23																X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2020**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 1 home.
6. The irrigation occurring under this Domestic use shall not exceed 1/2 acre.
7. Stockwater use is for 25 head Mixed Stock.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 14 day of December, 2015.


For GARY SPACKMAN, Director

State of Idaho
Department of Water Resources
Application For Permit
94-9406

December 14, 2015



0 0.0075 0.015 0.03 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Taxlots





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

December 16, 2015

GARY SPACKMAN
Director

COURTNEY P MADDOX and
ANTHONY J GLESSNER
27182 E SCHOOL HOUSE LOOP
CATALDO ID 83810

RE: Permit No. 94-9406

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-762-2800.

Sincerely,



Keith E. Franklin
Program Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2015 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.

94-9406

**ANTHONY J GLESSNER
27182 E SCHOOL HOUSE LOOP
CATALDO ID 83810**

**COURTNEY P MADDOX
27182 E SCHOOL HOUSE LOOP
CATALDO ID 83810**



**Dianne L Ball
Administrative Assistant**

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 service date 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 PUBLICATION

RECEIVED

NOV 16 2015

IDWR / NORTH

STATE OF IDAHO
County of Kootenai

SS

Holly Fredericks

being first duly sworn

upon oath deposes and says

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

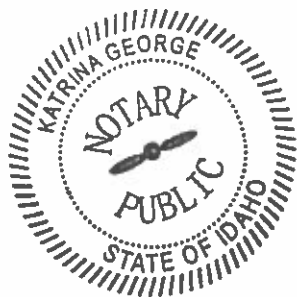
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The legal notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 5 day of November 2015 and ending on the 12 day of November 2015 and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Holly Fredericks. On this 12 day of November in the year of 2015, before me, a Notary Public, personally appeared Holly Fredericks, 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.

NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 94-9406 in the name of COURTNEY P MADDOX and ANTHONY J GLESSNER, 27182 E SCHOOL HOUSE LOOP, CATALDO, ID 83810, was incorrectly advertised on September 17 and 24, 2015. The Point of Diversion was incorrectly advertised as NESE S23 T48N R01W, KOOTENAI County, whereas correctly it should be NESE S23 T49N R01W, KOOTENAI County. For additional information concerning the property location, call the Northern Regional Office at 762-2800, or for a full description of the right(s), please see: www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Any protests against the approval of the above-referenced correction must be filed with the Director, Dept. of Water Resources, 7600 N Mineral Drive, Suite 100, Coeur d'Alene, ID. 83815, together with a protest fee of \$25.00, on or before 11/23/2015. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
LEGAL 4512
NOVEMBER 5, 12, 2015



Katrina George
Notary Public for the State of Idaho
residing at Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 8/29/17



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

October 16, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

COURTNEY P MADDOX
ANTHONY J GLESSNER
27182 E SCHOOL HOUSE LOOP
CATALDO, ID 83810

Application For Permit No. 94-9406

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

An error was found in the initial publication of your application, requiring a Notice of Correction to be published.

A legal Notice of Correction concerning your application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 11/5/2015 and 11/12/2015. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

A handwritten signature in cursive script that reads "Dianne L Ball".

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Friday, October 16, 2015 11:13 AM
To: Legal Notices CdA Press - Holly Fredericks; Legal Notices-CdA Press
Cc: Maxey, Shaun; Frederick, Adam
Subject: Application for Permit No. 94-9406
Attachments: LegalNotice 10-16-15 CDA e-mail 94-9406 NOT of-COR.doc

Good morning, Holly,

We had a legal notice that published in September that included several applications, and one small part of that was in error, so this legal notice is a Notice of Correction just referencing the error in that specific application.

Please publish the attached legal notice on the dates indicated, 11/5 and 12, 2015 (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This is set up for a single column, 8pt, Century Old Style font. It should be very close to press ready.

Please send a proof/preview copy of this legal notice for my review before it actually goes to press.

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 11/23/2015. Your cooperation is greatly appreciated.

We may have some additional legals coming, depending on my time schedule. If so, we would appreciate the Affidavit and bill for this Notice of Correction being sent *separately* from any others processed for same publication dates.

Thanks for all your help with our legals. It's a pleasure working with you.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 94-9406 in the name of COURTNEY P MADDOX and ANTHONY J GLESSNER, 27182 E SCHOOL HOUSE LOOP, CATALDO, ID 83810, was incorrectly advertised on September 17 and 24, 2015.

The Point of Diversion was incorrectly advertised as NESE S23 T48N R01W, KOOTENAI County, whereas correctly it should be NESE S23 T49N R01W, KOOTENAI County.

For additional information concerning the property location, call the Northern Regional Office at 762-2800, or for a full description of the right(s), please see:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

Any protests against the approval of the above-referenced correction must be filed with the Director, Dept. of Water Resources, 7600 N Mineral Drive, Suite 100, Coeur d'Alene, ID, 83815, together with a protest fee of \$2500, on or before 11/23/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/5/2015 and 11/12/2015.

MEMORANDUM

To: Water Right Application 94-9406

From: Adam Frederick

Date: 10/16/15

Re: Application for a Permit to appropriate the Public Water of the State of Idaho

Application is being re advertised to show correct Township for POD that was filled out on application correctly. Application showed the Township as 49 North but was advertised as 48 North.

RECEIVED
SEP 28 2015
IDWR / NORTH

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

94-9406

COURTNEY P MADDOX
ANTHONY J GLESSNER
27182 E SCHOOL HOUSE LOOP
CATALDO, ID 83810
Point of Diversion NESE S23 T48N R01W KOOTENAI CO

Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS

Date Filed: 8/4/2015
Place of Use: STOCKWATER T49N R01W S23 NESE
Place of Use: DOMESTIC T49N R01W S23 NESE
Domestic use is for 1 home.
Stockwater use is for 25 head mixed stock.

94-9414

RIITTA CLARK
7526 ENFIELD AVE
RESEDA, CA 91335-3233
Point of Diversion NENE S33 T49N R01W KOOTENAI CO
Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 8/17/2015
Place of Use: DOMESTIC T49N R01W S33 NENE
Domestic use is for 1 home.

94-9439

SHOSHONE COUNTY FIRE DIST NO 2
14 W MARKET ST
KELLOGG, ID 83837
Point of Diversion SWNE S4 T47N R02W KOOTENAI CO
Source GROUND WATER

Use: INDUSTRIAL 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 8/11/2015
Place of Use: INDUSTRIAL T47N R02W S4 SWNE
Industrial use is for Fire Station.

95-17057

ROBERT DUMONT
1415 E LAKESHORE DR
COEUR D'ALENE, ID 83814
Point of Diversion L1(NESE) S21 T48N R04W KOOTENAI CO
Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 8/3/2015
Place of Use: DOMESTIC T48N R04W S21 L1(NESE)
Domestic use is for 1 home.

95-17058

DANIEL K MILLER
LISA A MILLER
6097 W RIVERVIEW DR
COEUR D'ALENE, ID 83814
Point of Diversion NESE S8 T50N R04W KOOTENAI CO
Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 8/4/2015
Place of Use: DOMESTIC T50N R04W S8 NESE
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 10/5/2015 10:19:32 AM. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 4341

SEPTEMBER 17, 24, 2015

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 28 2015
IDWR / NORTH

STATE OF IDAHO. } ss.
County of Kootenai.

Holly Fredericks

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The legal notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 17 day of September 20 15 and ending on the 24 day of September 20 15 and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Holly Fredericks. On this 24 day of September in the year of 2015, before me, a Notary Public, personally appeared Holly Fredericks, 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.

Katrina George

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/17