

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07916

Priority: June 08, 2012

Maximum Diversion Volume: 6.2 AF

This is to certify, that MARIAN NEACSU And/Or
LIDIA NEACSU
6111 N CORNWALL ST
COEUR D ALENE ID 83815
(828) 674-3307

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** KOOTENAI RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	6.2 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM, NE1/4SE1/4, Sec. 6, Twp 64N, Rge 01E, B.M., BOUNDARY County

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64N	01E	6														X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2017**.
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. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. Recreational use for this right is fishing, swimming and boating.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. The pond established by the storage of water under this right shall not exceed a total capacity of 4.1 acre-feet.
8. This right authorizes the annual storage of 6.2 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by evaporation and for recreation purposes.

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 22 day of August, 2012.

SCANNED

AUG 31 2012

Gary Spackman
GARY SPACKMAN, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 23, 2012

MARIAN NEACSU
6111 N CORNWALL ST
COEUR D ALENE ID 83815

LIDIA NEACSU
6111 N CORNWALL ST
COEUR D ALENE ID 83815

RE: Permit No.98-7916

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.

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 at least sixty days prior to the commencement of work in the stream.

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AUG 31 2012

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,

A handwritten signature in black ink, appearing to read "Eric Davis".

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

SCANNED

AUG 31 2012

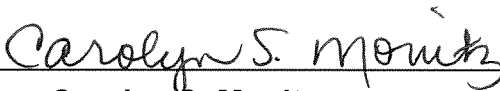
CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2012 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. 98-7916

**LIDIA NEACSU
6111 N CORNWALL ST
COEUR D ALENE ID 83815**

**MARIAN NEACSU
6111 N CORNWALL ST
COEUR D ALENE ID 83815**



Carolyn S. Monitz
Technical Records Specialist

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AUG 31 2012

Statement of Available Procedures and Applicable Time Limits

**RESPONDING TO PRELIMINARY ORDERS ISSUED
BY THE IDAHO DEPARTMENT OF WATER RESOURCES**
(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.

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AUG 31 2012

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.

RECEIVED

AUG 02 2012

AFFIDAVIT OF PUBLICATION

IDWR / NORTH

State of Idaho

ss

County of Boundary, Jinda Johnson
being first duly sworn on oath deposes and says that
he/she is book keeper of the
Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County
during a period of 12 months prior to the first publication
of the hereto attached notice of publication in the case
of:

Application to Appropriate
Public Waters as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 19th day of July, 2012 and
ending on the 26th day of July, 2012 and
that said notice was published in said newspaper.

Jinda Johnson
SUBSCRIBED AND SWORN TO before me, this

26th day of July, 2012.

Sherilyn Jones

Notary Public-State of Idaho

Residing at: Sandpoint

My Commission Expires: 2/24/17

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

98-7916

MARIAN NEACSU

LIDIA NEACSU

6111 N CORNWALL ST

COEUR D'ALENE, ID 83815

Point of Diversion NESE S6 T64N R01E BOUNDARY County

Source UNNAMED STREAM tributary KOOTENAI RIVER

Use: RECREATION STORAGE 01/01 to 12/31 6.2 AF

Total Diversion: 6.2 AF

Date Filed: 6/8/2012

Place of Use: RECREATION STORAGE T64N R01E S6 NESE

Recreation Storage is for fishing, swimming and boating.

98-7917

DONALD W SMITH

DEBORAH ANN WOODS

PO BOX 522

BONNEERS FERRY, ID 83805

Point of Diversion L6(SENE) S25 T62N R01E BOUNDARY CO

Source KOOTENAI RIVER tributary COLUMBIA RIVER

Point of Diversion L4(SWNW) S30 T62N R02E BOUNDARY CO

Source KOOTENAI RIVER tributary COLUMBIA RIVER

Use: IRRIGATION 04/01 to 10/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 7/10/2012

Place of Use: IRRIGATION T62N R01E S25 NESE

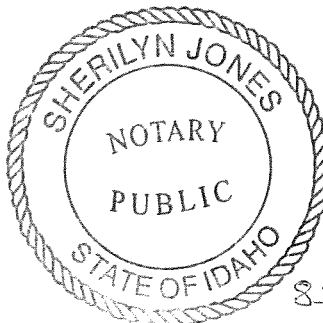
Total Acres: 6

Permits will be subject to all prior water rights. For additional
information concerning the property location, contact Northern
Region office at (208) 762-2800. 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 8/6/2012. The protestant must also
send a copy of the protest to the applicant.

GARY SPACKMAN, Director

BFH Legal 8575

July 19, 26, 2012



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AUG 31 2012

Ball, Dianne

From: Ball, Dianne
Sent: Friday, July 13, 2012 1:03 PM
To: Legal Notices BFHerald-Amber Bangeman
Subject: Application for Permit No. 98-7916, 98-7917
Attachments: LegalNotice 07-13-12 BFH e-mail 98-7916,7917.doc

Good afternoon, Amber,

Please publish the enclosed legal notice in the **Bonnors Ferry Herald** on the dates indicated, July 19 and 26, 2012, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this 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 8/6/2012. Your cooperation is always appreciated.

Thanks for all your wonderful help, and have a marvelous weekend.

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

SCANNED

AUG 31 2012

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

98-7916

MARIAN NEACSU

LIDIA NEACSU

6111 N CORNWALL ST

COEUR D'ALENE, ID 83815

Point of Diversion NESE S6 T64N R01E BOUNDARY County

Source UNNAMED STREAM tributary KOOTENAI RIVER

Use: RECREATION STORAGE 01/01 to 12/31 6.2 AF

Total Diversion: 6.2 AF

Date Filed: 6/8/2012

Place of Use: RECREATION STORAGE T64N R01E S6 NESE

Recreation Storage is for fishing, swimming and boating.

98-7917

DONALD W SMITH

DEBORAH ANN WOODS

PO BOX 522

BONNEERS FERRY, ID 83805

Point of Diversion L6(SENE) S25 T62N R01E BOUNDARY CO

Source KOOTENAI RIVER tributary COLUMBIA RIVER

Point of Diversion L4(SWNW) S30 T62N R02E BOUNDARY CO

Source KOOTENAI RIVER tributary COLUMBIA RIVER

Use: IRRIGATION 04/01 to 10/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 7/10/2012

Place of Use: IRRIGATION T62N R01E S25 NESE

Total Acres: 6

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. 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 8/6/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/19/2012 and 7/26/2012

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AUG 31 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 13, 2012

MARIAN NEACSU
LIDIA NEACSU
6111 N CORNWALL ST
COEUR D ALENE, ID 83815

Application For Permit No. 98-7916

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.

A legal notice of the application has been prepared and is scheduled for publication in the BONNERS FERRY HERALD on 7/19/2012 and 7/26/2012. 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,

Keith Franklin
Program Manager

SCANNED

AUG 31 2012

Ball, Dianne

From: Ball, Dianne
Sent: Friday, July 13, 2012 12:38 PM
To: 'Terra Berns,Mary'
Subject: RE: Application for Permit No. 98-7916
Attachments: 98-7916 Neacsu.pdf

Dear Mary:

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 is attached for your reference.

This will be scheduled for publication on July 19 and 26, 2012 in Bonners Ferry Herald, with final date of August 6, 2012 for protests to be received in our office.

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.

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

Sincerely,

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