

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-13857

Priority: August 16, 2010

Maximum Diversion Rate: 0.03 CFS

This is to certify, that THOMAS M CUTTING And/Or
CATHERINE A CUTTING
10746 N HAYDEN PT. RD.
HAYDEN LAKE ID 83835
(208) 772-2820

has applied for a permit to appropriate water from:

Source: HAYDEN LAKE

Tributary: SINKS

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	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

HAYDEN LAKE, L4 (SW1/4NW1/4), Sec. 17, Twp 51N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: IRRIGATION

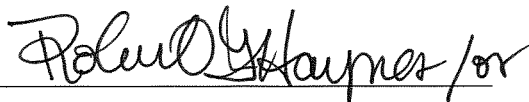
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 03W 17							1.0										1.0
							L 4										

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2014**.
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. 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 place of use.
5. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. 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.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95A.

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 31st day of March, 2011.


GARY SPACKMAN, Interim 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

March 31, 2011

THOMAS M CUTTING
10746 N HAYDEN PT. RD.
HAYDEN LAKE ID 83835

CATHERINE A CUTTING
10746 N HAYDEN PT. RD.
HAYDEN LAKE ID 83835

RE: Permit No.95-13857

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.

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 "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

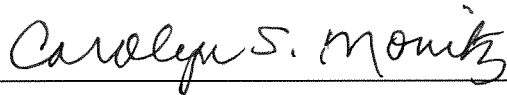
CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2011 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. 95-13857

**CATHERINE A CUTTING
10746 N HAYDEN PT. RD.
HAYDEN LAKE ID 83835**

**THOMAS M CUTTING
10746 N HAYDEN PT. RD.
HAYDEN LAKE ID 83835**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is positioned above a horizontal line.

**Carolyn S. Monitz
Technical Records Specialist**

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.

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.

IDAHO DEPARTMENT OF WATER RESOURCES APPROPRIATION APPLICATION ANALYSIS SHEET

P 2/15

W.R. # 95-13857

APPLICATION ID # 76957

ENT. 12/6 BCA 2/10/11 OK to Publish 2/10/11

APPLICANT: Thomas and/or Catherine Cutting INITIAL REVIEW

BY: KJ DATE: 12/6/2010

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other water Rights
11. ☒ Ownership
12. ☒ Map
☒ Signature
☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 12/6 By: KJ
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached(>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 8/16/2010
 (Include Moratorium Remark)
 Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
 ADVERTISE IN: Ada Kootenai County
 Newspaper: ada
 Dates scheduled for publication 2/17 + 24/11
 Affidavit of Publication received: 2/28/11
 Dates actually published: 2/17 + 24/11
 Application published correctly. Yes ☒ No _____
 If not, action taken: _____
 Final Date for Protest: 3/7/11
 Protests Received: Yes _____ No ☒

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
 () Power Information () Other: _____

INFORMATION RECEIVED:

() Dam Information () Fish Information
 () Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

- Lugden Lake
- ☐ Groundwater management area
☐ Critical ground water area
☐ Well Drilling Permit required
☐ Well Drilling Application and Fees received
☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)
☒ Notice of pending void order issued. Final order response date: ____/____/____
☒ Further information required from applicant _____

- ☒ Measuring device required
☒ Measuring port required
☒ Special conditions: Water Dist. 95 A
☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Bettie Johnson Date: 3/22/2011 Sr. Agent initial 150

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

91-7253

JOHN ERIC MYHRE

LYNETTE AILEEN MYHRE

PO BOX 328

HARRISON, ID 83833

Point of Diversion NWNW S26 T47N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary OGARA CREEK

Point of Diversion SWNW S26 T47N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary OGARA CREEK

Point of Diversion SENWNW S26 T47N R03W KOOTENAI CO

Source SPRINGS Tributary OGARA CREEK

Point of Diversion SESWNW S26 T47N R03W KOOTENAI CO

Source SPRINGS Tributary OGARA CREEK

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 45.7 AF

Use: IRRIGATION FROM STORAGE 04/01 to 10/31 30 AF

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: STOCKWATER STORAGE 01/01 to 12/31 16.1 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 0.4 AF

Total Diversion: 0.2 CFS

Date Filed: 10/5/2010

Place Of Use: IRRIGATION STORAGE and

STOCKWATER STORAGE

T47N R03W S26 NWNW SWNW

Place Of Use: IRRIGATION FROM STORAGE

T47N R03W S23 SWSW SESW

T47N R03W S26 NWNW SWNW

T47N R03W S27 NENE SENE

Place Of Use: ALL OTHER USES same as

IRRIGATION FROM STORAGE

Total Acres: 84.6

Stockwater use is for 25 head of mixed stock.

94-7837

KOOTENAI LLC

850 S BOULDER HWY - STE 210

HENDERSON, NV 89015

Points of Diversion (2) L1(NWNW) S18 T47N R02W KOOTENAI

CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 0.2 CFS

Date Filed: 10/19/2010

Place Of Use: IRRIGATION T47N R02W S18 L1(NWNW)

Place Of Use: STOCKWATER same as IRRIGATION

Total Acres: 15

Stockwater use is for 100 head of mixed stock.

95-12740

RICHARD R PETERS

515 WOLF LODGE CREEK RD

COEUR D'ALENE, ID 83814

Points of Diversion(4) SENW S16 T50N R02W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Use: DOMESTIC 01/01 to 12/31 0.11 CFS

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3 AF

Use: AESTHETIC 01/01 to 12/31 0.2 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 3 AF

Total Diversion: 0.2 CFS

Date Filed: 6/4/2010

Place Of Use: DOMESTIC T50N R02W S16 SENW

Place Of Use: IRRIGATION

T50N R02W S16 NENW SWNW SENW NESW NWSW

Place Of Use: AESTHETIC same as DOMESTIC

Place Of Use: AESTHETIC STORAGE T50N R02W S16 SENW

Place Of Use: FIRE PROTECTION STORAGE

T50N R02W S16 SENW

Place Of Use: FIRE PROTECTION

T50N R02W S16 SENW NESW

Place Of Use: STOCKWATER T50N R02W S16 SENW NESW

Total Acres: 27.1

Domestic use is for 6 homes.

Stockwater use is for 100 head of mixed stock.

95-13815

HAPPY VALLEY WATER SYSTEM INC

9323 N GOVERNMENT WAY #288

HAYDEN, ID 83835

Point of Diversion SESW S17 T51N R04W KOOTENAI CO

Source GROUND WATER

Use: MUNICIPAL 01/01 to 12/31 0.62 CFS

Total Diversion: 0.62 CFS

Date Filed: 9/10/2010

Place Of Use: MUNICIPAL

Municipal use is within service area of applicant.

95-13833

PAUL FINMAN

LORNA FINMAN

764 CLEARWATER LP

POST FALLS, ID 83854

Point of Diversion SWSESW S19 T52N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.08 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 12.2 AF

Use: IRRIGATION from STORAGE 03/15 to 11/15 12 AF

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

Use: DOMESTIC STORAGE 01/01 to 12/31 3.6 AF

Use: DOMESTIC from STORAGE 01/01 to 12/31 3.4 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.08 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.2 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 10/14/2010

Place Of Use: DOMESTIC T52N R04W S19 SESW SWSE

Place Of Use: DOMESTIC STORAGE

T52N R04W S19 SESW SWSE

Place Of Use: DOMESTIC FROM STORAGE

T52N R04W S19 SESW SWSE

Place Of Use: IRRIGATION same as DOMESTIC

Place Of Use: IRRIGATION STORAGE

T52N R04W S19 SWSE

Place Of Use: FIRE PROTECTION

T52N R04W S19 SESW SWSE

Place Of Use: FIRE PROTECTION STORAGE

Same as FIRE PROTECTION

Place Of Use: IRRIGATION FROM STORAGE

T52N R04W S19 SESW SWSE

Total Acres: 4

Domestic use is for a school facility, Star Educational Center.

95-13857

THOMAS M CUTTING

CATHERINE A CUTTING

10746 N HAYDEN PT. RD.

HAYDEN LAKE, ID 83835

Point of Diversion L4(SWNW) S17 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 8/16/2010

Place Of Use: IRRIGATION T51N R03W S17 L4(SWNW)

Total Acres: 1

95-13868

RUSS VANDERWILDE

CAROLE VANDERWILDE

911 E 20TH AVE.

SPOKANE, WA 99203

Point of Diversion L5(NESE) S20 T48N R04W KOOTENAI CO

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 12/9/2010

Place Of Use: IRRIGATION T48N R04W S20 L5(NESE)

Total Acres: 1

95-13894

ROBERT SCHWARTZ

JANE SWARTZ

5124 S SUNWARD DR

SPOKANE, WA 99223

Point of Diversion L2(NWSW) S20 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: 12/21/2010

Place Of Use: DOMESTIC T48N R04W S20 L2(NWSW)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. 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 3/7/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 2090

February 17, 24, 2011

RECEIVED
FEB 28 2011
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } SS.

Gaylene Farmer 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 February 20 11, and ending on the 24 day of February 20 11, and such publication was made as often during said period as said daily newspaper was regularly issued.

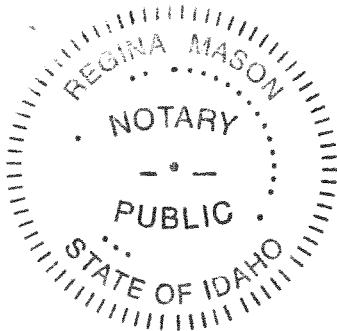
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 24 day of February in the year of 2011, before me, a Notary Public, personally appeared Gaylene Farmer, 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.

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

MY COMMISSION EXPIRES 6/18/15

RECEIVED
FEB 28 2011
IDWR / NORTH



Ball, Dianne

From: Ball, Dianne
Sent: Friday, February 11, 2011 3:44 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Jaylene Farmer
Subject: Application for Permit No. 95-12740, 95-13833, 95-13815, 91-7253, 95-13857, 95-13868, 95-13894, 94-7837

Good afternoon, Jaylene,

Please publish the enclosed legal notice on the dates indicated, February 17 and 24, 2011, (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 3/7/2011. Your cooperation is, as always, greatly appreciated.

Please send a proof/preview copy before this goes to press. It's a little longer than usual.

Thanks for all your super help.



LegalNotice
2-11-11 CDA e-mai.

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

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

91-7253

JOHN ERIC MYHRE

LYNETTE AILEEN MYHRE

PO BOX 328

HARRISON, ID 83833

Point of Diversion NWNW S26 T47N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary OGARA CREEK

Point of Diversion SWNW S26 T47N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary OGARA CREEK

Point of Diversion SENWNW S26 T47N R03W KOOTENAI O

Source SPRINGS Tributary OGARA CREEK

Point of Diversion SESWNW S26 T47N R03W KOOTENAI CO

Source SPRINGS Tributary OGARA CREEK

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 45.7 AF

Use: IRRIGATION FROM STORAGE 04/01 to 10/31 30 AF

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: STOCKWATER STORAGE 01/01 to 12/31 16.1 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 0.4 AF

Total Diversion: 0.2 CFS

Date Filed: 10/5/2010

Place Of Use: IRRIGATION STORAGE and

STOCKWATER STORAGE

T47N R03W S26 NWNW SWNW

Place Of Use: IRRIGATION FROM STORAGE

T47N R03W S23 SWSW SESW

T47N R03W S26 NWNW SWNW

T47N R03W S27 NENE SENE

Place Of Use: ALL OTHER USES same as

IRRIGATION FROM STORAGE

Total Acres: 84.6

Stockwater use is for 25 head of mixed stock.

94-7837

KOOTENAI LLC

850 S BOULDER HWY - STE 210

HENDERSON, NV 89015

Points of Diversion(2) L1(NWNW) S18 T47N R02W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 0.2 CFS

Date Filed: 10/19/2010

Place Of Use: IRRIGATION T47N R02W S18 L1(NWNW)

Place Of Use: STOCKWATER same as IRRIGATION

Total Acres: 15

Stockwater use is for 100 head of mixed stock.

95-12740

RICHARD R PETERS

515 WOLF LODGE CREEK RD

COEUR D'ALENE, ID 83814

Points of Diversion(4) SENW S16 T50N R02W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Use: DOMESTIC 01/01 to 12/31 0.11 CFS

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3 AF

Use: AESTHETIC 01/01 to 12/31 0.2 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 3 AF

Total Diversion: 0.2 CFS

Date Filed: 6/4/2010

Place Of Use: DOMESTIC T50N R02W S16 SENW

Place Of Use: IRRIGATION

T50N R02W S16 NENW SWNW SENW NESW NWSW

Place Of Use: AESTHETIC same as DOMESTIC

Place Of Use: AESTHETIC STORAGE T50N R02W S16 SENW

Place Of Use: FIRE PROTECTION STORAGE

T50N R02W S16 SENW

Place Of Use: FIRE PROTECTION

T50N R02W S16 SENW NESW

Place Of Use: STOCKWATER T50N R02W S16 SENW NESW
Total Acres: 27.1

Domestic use is for 6 homes.

Stockwater use is for 100 head of mixed stock.

95-13815

HAPPY VALLEY WATER SYSTEM INC

9323 N GOVERNMENT WAY #288

HAYDEN, ID 83835

Point of Diversion SESW S17 T51N R04W KOOTENAI CO

Source GROUND WATER

Use: MUNICIPAL 01/01 to 12/31 0.62 CFS

Total Diversion: 0.62 CFS

Date Filed: 9/10/2010

Place Of Use: MUNICIPAL

Municipal use is within service area of applicant.

95-13833

PAUL FINMAN

LORNA FINMAN

764 CLEARWATER LP

POST FALLS, ID 83854

Point of Diversion SWSESW S19 T52N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.08 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 12.2 AF

Use: IRRIGATION from STORAGE 03/15 to 11/15 12 AF

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

Use: DOMESTIC STORAGE 01/01 to 12/31 3.6 AF

Use: DOMESTIC from STORAGE 01/01 to 12/31 3.4 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.08 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.2 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 10/14/2010

Place Of Use: DOMESTIC T52N R04W S19 SESW SWSE

Place Of Use: DOMESTIC STORAGE

T52N R04W S19 SESW SWSE

Place Of Use: DOMESTIC FROM STORAGE

T52N R04W S19 SESW SWSE

Place Of Use: IRRIGATION same as DOMESTIC

Place Of Use: IRRIGATION STORAGE

T52N R04W S19 SWSE

Place Of Use: FIRE PROTECTION

T52N R04W S19 SESW SWSE

Place Of Use: FIRE PROTECTION STORAGE

Same as FIRE PROTECTION

Place Of Use: IRRIGATION FROM STORAGE

T52N R04W S19 SESW SWSE

Total Acres: 4

Domestic use is for a school facility, Star Educational Center.

95-13857

THOMAS M CUTTING

CATHERINE A CUTTING

10746 N HAYDEN PT. RD.

HAYDEN LAKE, ID 83835

Point of Diversion L4(SWNW) S17 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 8/16/2010

Place Of Use: IRRIGATION T51N R03W S17 L4(SWNW)

Total Acres: 1

95-13868

RUSS VANDERWILDE

CAROLE VANDERWILDE

911 E 20TH AVE.

SPOKANE, WA 99203

Point of Diversion L5(NESE) S20 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 12/9/2010

Place Of Use: IRRIGATION T48N R04W S20 L5(NESE)

Total Acres: 1

95-13894

ROBERT SCHWARTZ

JANE SWARTZ

5124 S SUNWARD DR

SPOKANE, WA 99223

Point of Diversion L2(NWSW) S20 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: 12/21/2010

Place Of Use: DOMESTIC T48N R04W S20 L2(NWSW)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. 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 3/7/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 2/17/2011 and 2/24/2011



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

February 11, 2011

THOMAS M CUTTING
CATHERINE A CUTTING
10746 N HAYDEN PT. RD.
HAYDEN LAKE, ID 83835

Application For Permit No. 95-13857

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 COEUR D ALENE PRESS on 2/17/2011 and 2/24/2011. 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
Sr. Water Resource Agent

Enc. Receipt No. C091541

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 10, 2011 3:00 PM
To: mary.terra-berns@idfg.idaho.gov; cwashburn@idl.idaho.gov
Subject: RE: Application for Permit No. 95-13857 Hayden Lake; 95-13868 CDA Lake; 95-13894 CDA Lake

Dear Mary and Carl:

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 enclosed for your reference.

These are for publication in the CDA Press – hoping to publish 2/16 and 23/2011 with final protest on March 7, 2011.



95-13857
Cutting.pdf



95-13868
Vanderwilde.pdf



95-13894
Schwartz.pdf

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

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>Thomas M. Cutting</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: <i>Thomas M Cutting</i> <i>Catherine A Cutting</i> <i>10746 N Hayden Pt Rd</i> <i>Hayden Lk ID 83835</i>		B. Received by (Printed Name) ☐ C. Date of Delivery <i>12/2/10</i>	
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No <i>Thomas M. Cutting</i>	
3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.		4. Restricted Delivery? (Extra Fee) ☐ Yes	
7007 1490 0001 6752 3327		102595-02-M-1540	

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT Domestic Mail Only; No Insurance Coverage Provided	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ <i>41</i>
Certified Fee	<i>2.80</i>
Return Receipt Fee (Endorsement Required)	<i>2.30</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>554</i>
Sent To <i>Cutting</i> Street, Apt. No., or PO Box No. <i>10746 N Hayden Pt Rd</i> City, State, ZIP+4 <i>Hayden Lk ID 83835</i>	
PS Form 3800, August 2006 See Reverse for Instructions	



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

CERTIFIED MAIL

November 29, 2010

Thomas M Cutting
Catherine A Cutting
10746 N Hayden Pt. Rd.
Hayden Lake, ID 83835

Re: Applications For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. and Mrs. Cutting:

Enclosed you will find a **NOTICE OF PROPOSED DEFAULT ORDER** in the above referenced matter.

You have seven (7) days from the date of receipt hereof to challenge this Notice of Proposed Default Order.

Should you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure

COPY

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION)
FOR PERMIT, IN THE NAME OF)
THOMAS M And CATHERINE A CUTTING)

NOTICE OF PROPOSED DEFAULT ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 16, 2010, Thomas M. and Catherine A. Cutting filed an application for permit to appropriate water for irrigation purposes from Hayden Lake.
2. On August 26, 2010 by telephone, the department discussed needed corrections to the application with the applicant.
3. On August 26, 2010, the department sent the Cuttings a new application that included all of the needed corrections for signatures and to be returned within 30 days so as not to delay processing.
4. As of November 29, 2010, the signed application has not been returned and the department has not received a request for an extension of time.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default Order for failure to respond to a written information inquiry.
2. The Department should enter a Notice of Proposed Default Order for failure of the applicant to respond to a written information inquiry, for the above captioned matter.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter a Default Order **DENYING** the application, as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).

Dated this 30th day of November, 2010.



Robert G. Haynes, P.E.
Northern Regional Manager

95-13857



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 26, 2010

Thomas M Cutting
Catherine A Cutting
10746 N Hayden Pt. Rd.
Hayden Lake, ID 83835

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. and Mrs. Cutting:

As per our telephone conversation on August 26, 2010, I have enclosed a new application that includes all of the corrections that were discussed. The main change was the diversion rate for the irrigation of one acre. The states guidance for 5 acres of irrigation or less is 0.03 cfs per acre.

Also, on Item #12 I suggested 3 years for a time period to complete all work associated with perfecting the water right. This will give you some time to re-evaluate whether or not to increase the size of your pump. The diversion rate of 0.03 cfs is equivalent to 13.5 gallons per minute. The old application stated the existing pump has a capacity of only 10 gallons per minute. When a field exam is done at the end of the development period, the state can only license a water right for the actual diversion capacity of the pump at the time of the exam.

If the new application meets with your approval, please sign and return the document to me within the next 30 days, so as not to delay processing. If you have any questions, feel free to contact me at this office,

Thank you.

Sincerely,

COPY

Keith E. Franklin
Senior Water Resources Agent
Enclosure

95-13857

**REQUEST FOR WITHDRAWAL OF CLAIM
WITH FILING FEES APPLIED TO APPLICATION FOR PERMIT**

Name of Claimant: Thomas M. Cutting

Mailing Address: 1070 10746 N HAYDEN PT RD

Amount: _____ Receipt No.: _____

Claim No(s): 95-11332

I/We wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I/We previously paid a filing fee to the Idaho Department of Water Resources. I request the filing fee I/We paid on the receipt referenced above be applied to filing an Application for Permit.

For Individuals:

[Signature]
(Signature of Claimant)

8-12-10
(Date)

(Signature of Claimant)

(Date)

For Organizations:

(Signature of Authorized Agent)

(Date)

(Title)

(Name of Organization)

Return to: Idaho Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

For IDWR Use

Initials

Date

Approval Region
Approval State Office
Data Entry

6/30/09

95-13857

**REQUEST FOR WITHDRAWAL OF CLAIM
WITH FILING FEES APPLIED TO APPLICATION FOR PERMIT**

Name of Claimant: Thomas M. Cutting

Mailing Address: 1070 10746 N HAYDEN PT Rd

Amount: _____ Receipt No.: _____

Claim No(s): 95-11332

I/We wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I/We previously paid a filing fee to the Idaho Department of Water Resources. I request the filing fee I/We paid on the receipt referenced above be applied to filing an Application for Permit.

For Individuals:

[Signature]
(Signature of Claimant)

8-12-10
(Date)

(Signature of Claimant)

(Date)

For Organizations:

(Signature of Authorized Agent)

(Date)

(Title)

(Name of Organization)

Return to: Idaho Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

For IDWR Use

	<u>Initials</u>	<u>Date</u>
Approval Region	_____	_____
Approval State Office	_____	_____
Data Entry	_____	_____

6/30/09