

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 95-12122

Priority: March 08, 2010

Maximum Diversion Rate: 0.04 CFS

This is to certify, that GARY TOLERICO Or  
JOAN TOLERICO  
6055 WEST EBBTIDE DR  
COEUR D ALENE ID 83814  
(208) 964-3419

has applied for a permit to appropriate water from:

**Source:** SPOKANE RIVER

**Tributary:** COLUMBIA 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       | 0.04 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

SPOKANE RIVER, L7 (SE1/4NW1/4), Sec. 8, Twp 50N, Rge 04W, B.M., KOOTENAI County

**PLACE OF USE:** IRRIGATION

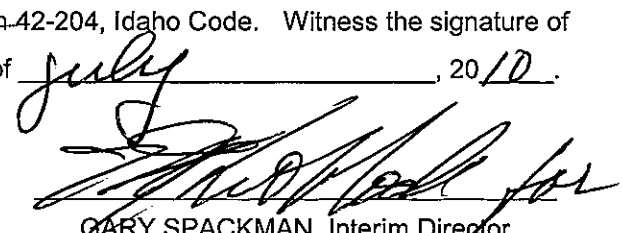
| Twp Rge Sec | NE |    |    |    | NW |    |     |     | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|-----|-----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW  | SE  | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 50N 04W 8   |    |    |    |    |    |    | .2  | .3  |    |    |    |    |    |    |    |    | .5     |
|             |    |    |    |    |    |    | L 8 | L 7 |    |    |    |    |    |    |    |    |        |

Total Acres: 0.5

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2011**.
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 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.

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 27th day of July, 2010.

  
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](http://www.idwr.idaho.gov)

**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Interim Director

July 30, 2010

GARY TOLERICO  
6055 WEST EBBTIDE DR  
COEUR D ALENE ID 83814

JOAN TOLERICO  
6055 WEST EBBTIDE DR  
COEUR D ALENE ID 83814

RE: Permit No.95-12122

**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 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, reading "Keith E. Franklin". The signature is written in a cursive style with a large, stylized "K" and "F".

Keith E. Franklin  
Sr. Water Resources Agent

Enclosure(s)

## **CERTIFICATE OF SERVICE**

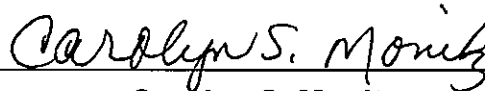
I hereby certify that on July 30, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**95-12122**

**GARY TOLERICO  
6055 WEST EBBTIDE DR  
COEUR D ALENE ID 83814**

**JOAN TOLERICO  
6055 WEST EBBTIDE DR  
COEUR D ALENE ID 83814**

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

**Carolyn S. Monitz**

**Technical Records Clerk**

## 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.

## **Knoblock, Ken**

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**From:** Haynes, Bob  
**Sent:** Wednesday, July 28, 2010 2:39 PM  
**To:** Spackman, Gary; Peppersack, Jeff; Galloway, Chuck; Northern Region  
**Subject:** Delegation

I'll be out of the office from July 28 thru August 2. Ken Knoblock is authorized to act in my place.

Bob

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 95-12122 APPLICATION ID # 76360 ENT. 3-9 BCA 4/27 OK to Publish 4/24/10  
 APPLICANT: Gary & Joan Tolero INITIAL REVIEW BY: KJ DATE: 3/9/2010

**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 3/9/10 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: 3/8/2010

☐ ☒ (Include Moratorium Remark)  
 Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af)

**ADVERTISE IN:**

Newspaper: Coeur d'Alene County  
 Dates scheduled for publication 5/6 + 13/10  
 Affidavit of Publication received: 5/14  
 Dates actually published: 5/6 & 13/10  
 Application published correctly. Yes ☒ No ☐  
 If not, action taken: \_\_\_\_\_

Final Date for Protest: 5/24/10  
 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 ( )     |

- ☐ 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: \_\_\_\_\_  
☒ Special conditions of approval supplement and/or cover letter attached: \_\_\_\_\_

Approval Recommended by: Keith Sanderson Date: 7/7/2010 Sr. Agent initial KJ

RECEIVED

MAY 14 2010

IDWR/NORTHERN

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

95-12077

KENNETH HOWARD

BARBARA HOWARD

6902 E SLEEPY LANE

COEUR D ALENE, ID 83814

Point of Diversion NESE S9 T50N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

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

Total Diversion: 0.15 CFS

Date Filed: 3/3/2010

Place Of Use: DOMESTIC T50N R03W S9 NESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 1 RV site and future home.

95-12078

CARAVELLE FARMS WATER ASSN

3757 N CAROLWOOD CT

POST FALLS, ID 83854

Point of Diversion NWNE S29 T51N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.11 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 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 4.4 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 3/2/2010

Place Of Use: DOMESTIC and IRRIGATION

T51N R04W S29 NWNE NENW

Place Of Use: STOCKWATER and FIRE PROTECTION

T51N R04W S29 NWNE SWNE NENW SENW

Place Of Use: FIRE PROTECTION STORAGE

T51N R04W S29 NWNE

Total Acres: 3.5

Domestic use is for 5 homes.

Stockwater use is for 10 head of mixed stock.

95-12117

KENNETH HOWARD

BARBARA HOWARD

6902 E SLEEPY LANE

COEUR D ALENE, ID 83814

Point of Diversion NESE S9 T50N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

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

Total Diversion: 0.15 CFS

Date Filed: 3/3/2010

Place Of Use: DOMESTIC T50N R03W S9 SESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 1 RV site and future home

95-12122

GARY TOLERICO

JOAN TOLERICO

6055 WEST EBBTIDE DR

COEUR D ALENE, ID 83814

Point of Diversion L7(SENW) S8 T50N R04W KOOTENAI CO

Source SPOKANE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 3/8/2010

Place Of Use: IRRIGATION T50N R04W S8 L8(SWNW) L7(SENW)

Total Acres: 0.5

95-12123

KENNETH HOWARD

BARBARA HOWARD

6902 E SLEEPY LANE

COEUR D ALENE, ID 83814

Point of Diversion NESE S9 T50N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

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

Total Diversion: 0.15 CFS

Date Filed: 3/3/2010

Place Of Use: DOMESTIC T50N R03W S9 NESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 1 RV site and future home.

95-12125

KENNETH HOWARD

BARBARA HOWARD

6902 E SLEEPY LANE

COEUR D ALENE, ID 83814

Point of Diversion NESE S9 T50N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 01/15 to 11/15 0.2 CFS

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

Total Diversion: 0.2 CFS

Date Filed: 3/3/2010

Place Of Use: DOMESTIC T50N R03W S9 SESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 10

Domestic use is for 1 home.

95-12127

MARK MCWHORTER

PO BOX 9334

YAKIMA, WA 98909

Point of Diversion L4(SES)W S23 T49N 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: 3/9/2010

Place Of Use: DOMESTIC T49N R04W S23 L4(SES)W

Domestic use is for 1 home.

95-12131

DAVID DEEDS

5609 E LANDCASTER RD

HAYDEN, ID 83835

Point of Diversion SESW S4 T51N R03W KOOTENAI County

Source GROUND WATER Tributary

Use: IRRIGATION 03/15 to 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 3/9/2010

Place Of Use: IRRIGATION T51N R03W S4 SESW

Total Acres: 2

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 5/24/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 9770

May 6, 13, 2010

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai, } ss.

Jaylene 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

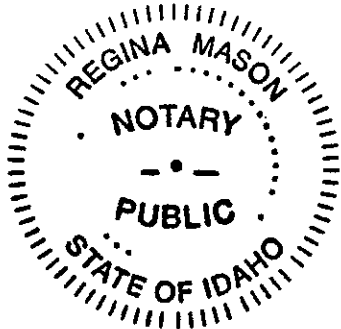
RECEIVED  
MAY 14 2010  
IDWR / NORTH

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 6 day of May, 2010, and ending on the 13 day of May, 2010, 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. Jaylene Farmer  
On this 13 day of May in the year of 2010, before me, a Notary Public, personally appeared Jaylene 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



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

95-12077

KENNETH HOWARD

BARBARA HOWARD

6902 E SLEEPY LANE

COEUR D ALENE, ID 83814

Point of Diversion NESE S9 T50N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

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

Total Diversion: 0.15 CFS

Date Filed: 3/3/2010

Place Of Use: DOMESTIC T50N R03W S9 NESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 1 RV site and future home.

95-12078

CARAVELLE FARMS WATER ASSN

3757 N CAROLWOOD CT

POST FALLS, ID 83854

Point of Diversion NWNE S29 T51N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.11 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 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 4.4 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 3/2/2010

Place Of Use: DOMESTIC and IRRIGATION

T51N R04W S29 NWNE NENW

Place Of Use: STOCKWATER and FIRE PROTECTION

T51N R04W S29 NWNE SWNE NENW SENW

Place Of Use: FIRE PROTECTION STORAGE

T51N R04W S29 NWNE

Total Acres: 3.5

Domestic use is for 5 homes.

Stockwater use is for 10 head of mixed stock.

95-12117

KENNETH HOWARD

BARBARA HOWARD

6902 E SLEEPY LANE

COEUR D ALENE, ID 83814

Point of Diversion NESE S9 T50N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

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

Total Diversion: 0.15 CFS

Date Filed: 3/3/2010

Place Of Use: DOMESTIC T50N R03W S9 SESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 1 RV site and future home

95-12122

GARY TOLERICO

JOAN TOLERICO

6055 WEST EBBTIDE DR

COEUR D ALENE, ID 83814

Point of Diversion L7(SENW) S8 T50N R04W KOOTENAI CO

Source SPOKANE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 3/8/2010

Place Of Use: IRRIGATION

T50N R04W S8 L8(SWNW) L7(SENW)

Total Acres: 0.5

95-12123

KENNETH HOWARD

BARBARA HOWARD

6902 E SLEEPY LANE

COEUR D'ALENE, ID 83814

Point of Diversion NESE S9 T50N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

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

Total Diversion: 0.15 CFS

Date Filed: 3/3/2010

Place Of Use: DOMESTIC T50N R03W S9 NESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 1 RV site and future home.

95-12125

KENNETH HOWARD

BARBARA HOWARD

6902 E SLEEPY LANE

COEUR D'ALENE, ID 83814

Point of Diversion NESE S9 T50N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 01/15 to 11/15 0.2 CFS

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

Total Diversion: 0.2 CFS

Date Filed: 3/3/2010

Place Of Use: DOMESTIC T50N R03W S9 SESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 10

Domestic use is for 1 home.

95-12127

MARK MCWHORTER

PO BOX 9334

YAKIMA, WA 98909

Point of Diversion L4(SES)W S23 T49N 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: 3/9/2010

Place Of Use: DOMESTIC T49N R04W S23 L4(SES)W

Domestic use is for 1 home.

95-12131

DAVID DEEDS

5609 E LANDCASTER RD

HAYDEN, ID 83835

Point of Diversion SESW S4 T51N R03W KOOTENAI County

Source GROUND WATER Tributary

Use: IRRIGATION 03/15 to 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 3/9/2010

Place Of Use: IRRIGATION T51N R03W S4 SESW

Total Acres: 2

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 5/24/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 5/6/2010 and 5/13/2010

## Ball, Dianne

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**From:** Ball, Dianne  
**Sent:** Tuesday, April 27, 2010 1:34 PM  
**To:** Legal Notices-CdA Press; Legal Notices-CdAPress - Jaylene Farmer  
**Subject:** Application for Permit No. 95-12077, 95-12078, 95-12117, 95-12122, 95-12123, 95-12125, 95-12127, 95-12131

Good afternoon Jaylene,

Welcome to my world. You'll be hearing from me quite often – I generally have at least one legal that runs two consecutive Thursdays, beginning on either the first Thursday or the third Thursday of each month.

This is the first of our “regular” layout legal notices and about the size of each of our “regular” legal notices.

This is the standard layout we prefer, comprising 2 column format. Generally you won't have to do much except copy and paste and get a preview copy to me for my review before it goes to press. Occasionally we need minor layout modifications only.

I send them to you in CenturyOldStyle 8 point font so they should copy and paste fairly easily.

Please publish the enclosed legal notice on the dates indicated, May 6 and 13, 2010, (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 5/24/2010. Your cooperation is appreciated, and I look forward to working with you. .



LegalNotice  
4-27-10 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



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

April 27, 2010

GARY TOLERICO  
JOAN TOLERICO  
6055 WEST EBBTIDE DR  
COEUR D ALENE, ID 83814

Application For Permit No. 95-12122

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 5/6/2010 and 5/13/2010. 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 E. Franklin  
Sr. Water Resource Agent

## Ball, Dianne

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**From:** Ball, Dianne  
**Sent:** Tuesday, April 27, 2010 11:17 AM  
**To:** mary.terra-berns@idfg.idaho.gov; cwashburn@idl.idaho.gov  
**Subject:** RE: Application for Permit No. 95-12122 Tolerico - Spokane River; 95-12127 McWhorter - 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.



95-12122  
Tolerico.pdf



95-12127  
McWhorter.pdf

This is being scheduled for publication May 6 and 13, with final date for protest being May 24, 2010.

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.

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