

NO. 95-12078

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 4.4 AF

has 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>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.11 CFS	
IRRIGATION	03/15 to 11/15	0.11 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	
FIRE PROTECTION	01/01 to 12/31	0.20 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		4.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	

GROUND WATER, NW1/4NE1/4, Sec. 29, Twp 51N, Rge 04W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC

[illegible]

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 3.5

PLACE OF USE: STOCKWATER, FIRE PROTECTION

[illegible]

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-12078

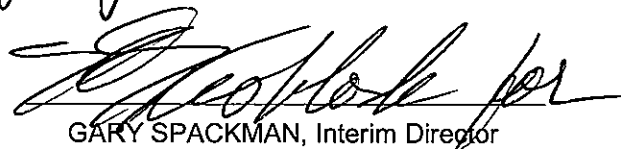
PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 04W 29		X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2015**.
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. Domestic use is for 5 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. 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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
9. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
10. Stockwater use is for up to 10 head of mixed stock.
11. The pond or reservoir established by the storage of water under this right shall not exceed a total capacity of 2.4 acre-feet.
12. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
13. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
14. This right authorizes the diversion of an annual total of 4.4 acre-feet to be used for the initial filling of the pond or reservoir, for the replacement of losses caused by seepage and evaporation and for fire protection.

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 30th 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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 2, 2010

CARAVELLE FARMS WATER ASSN
3757 N CAROLWOOD CT
POST FALLS ID 83854

RE: Permit No.95-12078

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.

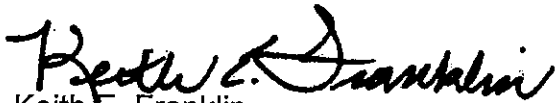
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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
Sr. Water Resources Agent

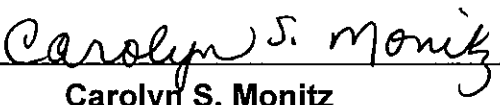
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 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. 95-12078

**CARAVELLE FARMS WATER ASSN
3757 N CAROLWOOD CT
POST FALLS ID 83854**



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

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. # 95-12018

APPLICATION ID # 76954

ENT. 3/5

BCA 4/27

OK to Publish 4/26/10

APPLICANT: Caravelle Farms Water Assn.

BY: KJ

DATE: 3/5/2010

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

- (Yes)(No)
- ☒ Shape File Created Date 3/5 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: 3/2/2010

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

ADVERTISE IN: Cda Kootenai County

Newspaper: Cda

Dates scheduled for publication 5/6 & 13/10

Affidavit of Publication received: 5/14/10

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?
<u>273390</u>		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.
- ☒ Further information required from applicant

Final order response date: ____/____/____

- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: Bathymetry for GWMA
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Keith J. Jundin Date: 7/8/2010 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 CFS

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) 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)

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

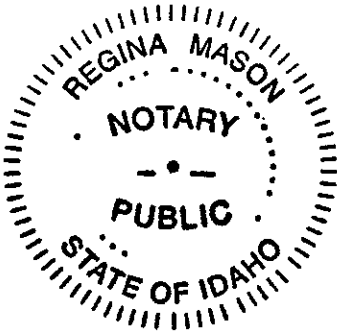
RECEIVED
MAY 14 2010
IDWR / NORTH

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 20 10, and ending on the 13 day of May 20 10, 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

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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(SESW) 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(SESW)

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 27, 2010

CARAVELLE FARMS WATER ASSN
3757 N CAROLWOOD CT
POST FALLS, ID 83854

Application For Permit No. 95-12078

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

STATE OF IDAHO)
 COUNTY OF KOOTENAI) SS
 AT THE REQUEST OF

OCT 12 4 17 PM '95

TOH TAGGART
 Deputy
 FEE\$ 27.00

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95-12078

**CARAVELLE FARMS
 DECLARATION OF PROTECTIVE
 COVENANTS, CONDITIONS, AND RESTRICTIONS
 KOOTENAI COUNTY, IDAHO**

It is hereby made known that JAMES B. CROWE and CAROL A. CROWE, the **Developers**, are the record owners of that real property described in Instrument Number 1403523 of Book G Page 268-268A of Kootenai County, Idaho and described as Caravelle Farms Subdivision located in Government Unit 9 in the North 1/2 of Section 29, Township 51 North, Range 4 West B.M. plus the two land splits of 5 and 8+ acres (Exhibit A) and do hereby make, establish, confirm and impress upon all of said real property denominated as

CARAVELLE FARMS

the following **Restrictive Covenants** to run with the land, and does hereby bind JAMES B. CROWE and CAROL A. CROWE and all future Grantees, assignees and successors to any interest in and to said real property, unto the following Conditions, Covenants, and Restrictions (CCR's).

1. **LAND USE:** No lot shall be used except for residential purposes. No buildings shall be erected except for single family dwellings not to exceed two and one-half stories in height and a private garage for not less than two or more than seven cars and barn or out buildings. No owner, grantee, successor, or assign, shall at any time conduct, or permit to be conducted any trade or business of any description, either commercial, professional, educational, or religious, upon the designated residential lots. Nor shall said premises be used for any purposes whatsoever except for the purpose of a private dwelling and residence. Provided, the **Developers**, their successors or assigns, shall have the right to use and maintain model home sites and/or display sales offices upon said lots. This could include a Parade of Homes Site for individual builder contractors and construction thereon.

2. **ARCHITECTURAL CONTROL:** There shall be an Architectural Control Committee, hereinafter termed ACC. The committee during the initial phase of sale off and construction shall be composed of James B. Crowe and Carol A. Crowe. After the lots have been sold, and construction completed on the 5 lots, all the owners of the lots at **Caravelle Farms** shall be the ACC. The ACC shall be responsible for approval of additional construction, remodeling, fencing, or roofing. Any plans submitted to the ACC shall be either approved or disapproved within 20 days. Failure to

Caravelle Farms
 Conditions, Covenants, Restrictions

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disapprove within twenty days shall mean that the plans are automatically approved. The developers shall automatically relinquish control of the ACC six months after the close of the sale of the last lot. The developers may also abrogate such control at anytime after the sale of the last lot.

3. **BUILDING LOCATION:** No building shall be erected, placed or altered on any lot until the construction plans and specifications, and a plan showing the location of the structures have been approved by the ACC. The harmony of exterior design with surrounding environment and other homes in Caravelle Farms shall be approved by the ACC. Construction, quality of workmanship and materials as well as location of the home or building on the lot site shall be part of the approval process by the ACC. The ACC shall approve the individual site plans.

4. **EXTERIOR LIGHTING:** All exterior lighting must be of a controlled focus, nature and intensity, and shall not disturb adjacent property owners.

5. **GARBAGE DISPOSAL:** Garbage cans and trash areas must be screened from view except when temporarily placed at the public road for periodic pickup by the local contract collector. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers designed for said purpose. The use of incinerators and compost piles shall be in compliance with local, municipal, and health district regulations.

6. **SEWAGE DISPOSAL:** The lots of Caravelle Farms are located on the Rathdrum Prairie in Kootenai County, Idaho and will use septic tanks. The owner of each lot shall be responsible for all permits and placement of the septic tank and drain field on the lot at the time of construction.

7. **WATER:** The water will be furnished to Caravelle Farms lots from a well drilled on Caravelle Farms. This will be a community well designed for the benefit of the owners in Caravelle Farms. In addition the developers shall have the right to ten (10) additional hookups which may be sold or assigned in order to help recover the costs for the water system development. These hookups may be used off site on other land located adjacent or near Caravelle Farms. The owners and developers will control the well and determine the amount of money to be collected each month to cover electric and establishment of a reserve for future repairs or replacement. The developers will have no responsibility or liability in monthly charges or assessments as long as the extra hookups are not in operation and use. When a hookup is activated, then the share charges and costs will be prorated among the total amount of hookups in operation at that time. This will not include any

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irrigation charges to be used off **Caravelle Farms** hookups since no irrigation uses other than domestic may be used off site.

Domestic Water: A domestic water line will be taken from the underground pump house in a loop fashion to the front of each lot where the lot owner will be required to hookup to the main domestic water line and install a water meter. It shall be the responsibility of the **Caravelle Farms** owners to set the costs for water usage and electric fees.

Fire Protection: There will be a small lake established on lot number 5 that will contain adequate water to meet fire flows needs through the two fire hydrants located on **Carolwood Drive**. This fire protection will be supplied by a separate pump that will pull water from the lake and supply into a separate fire protection water line which will hookup directly to the fire hydrants. It shall be the responsibility of the **Caravelle Farms** association to make certain the fire protection system remains in good condition and available for fire protection.

Irrigation Water: The small lake established on **Caravelle Farms** will also supply irrigation water. This water will be available to all the lot owners on an alternating rotated basis. Each lot owner will have one designated day per week in which to water all land other than immediate yard which can be on an as needed basis. This also can be altered by an agreement among all lot owners as determined by experience and replacement. The irrigation water will flow through the same water line as the Fire Protection line. Each lot owner must install a water meter for control and measurement of the irrigation water used. Each lot owner in **Caravelle Farms** will be limited to one cubic inch of water per acre per week for irrigation purposes. None of the ten hookups reserved by the developers will be used for irrigation purposes offsite of **Caravelle Farms** property. In this instance offsite water will be for domestic use and lawn and garden use, but not acreage irrigation use. Developers shall consult with the pump service company that installed the original system and make certain that the offsite hookups can be adequately supplied by the current system or the developers at their expense must increase the size of the well pump to handle any additional demand of water.

There will be a total of fifteen (15) hookups. Five are assigned to **Caravelle Farms** and the developers reserve ten (10) for future offsite use. The developers shall have a ten foot easement from the well site to **Prairie Avenue** for purposes of activating the ten hookups.

8. **LAKE:** There is a lake placed on the 8.03 acre lot #5 in **Caravelle Farms** and this lake is placed there for several reasons.

Caravelle Farms
Conditions, Covenants, Restrictions

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The lake will be used for irrigation purposes for all five of the lots. The lake will be used to supply water as needed for fire protection. The owner of the land where the lake is located shall have total control of the lake and its uses for all purposes other than irrigation or fire protection. It is visualized that fish will be stocked in the lake. The lake will be maintained and cleaned by the owner as needed and this can be done by either use of a small fountain that will spray water into the air from the lake or by normal wind. The lake will not be allowed to develop algae. If the owner allows this to happen, the other lot owners will have the right to enter the premises and clean the lake at owner's expense.

All lot owners shall have an easement into the lake for purposes of maintaining the irrigation system and fire protection system. There shall be no other easement available to the lot owners at Caravelle Farms except as listed above.

9. **STORM WATER CONTROL:** Caravelle Farms subdivision will have a complete storm water control system designed and approved by the various governmental agencies. The system is designed to work on a passive basis and the only requirement for each lot owner is to make sure that the Post Falls Highway District cleans the drains that control the storm water system in the road way.

10. **NUISANCES:** No noxious or offensive activity shall be conducted on any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

11. **TEMPORARY STRUCTURES:** There shall be no tents, trailers, or other structures used for human habitation on any of the lots at Caravelle Farms. One exception to this would be temporary offices for builders or construction crews or for Developers. Children camping out by use of tent would be an exception as long as this is done in a manner in which there is play and learning and not permanent habitation.

12. **SIGNS:** No signs of any type shall be displayed to the public view on any lot except one sign no more than four feet by four feet for the purpose of advertising the property for sale or lease. The exception to this is that developers may place signs of any size and type on any lot during the initial phase of development and sell off. Contractors during building may also erect a 4' X 4' sign for advertising and identification of the construction site.

13. **ANIMALS AND LIVESTOCK:** This is a rural development and it is expected that the owners will want to raise livestock as well as domestic animals. No domestic animals may be raised for commercial purposes without permission of all other lot owners. There can be no more than a total of four (4) horses and/or cows. There can be

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no hogs or pigs. There can be no more than ten (10) sheep. There can be no goats. There can be no more than fifteen (15) chickens or ducks. There can be no wild animals caged or uncaged. There can be no more than two (2) domestic dogs. There can be no more than three (3) cats. All domestic animals must be controlled and not a nuisance to the neighbors. All the animals must be maintained within the guide lines of the county code and compliance by the individual animal owner shall include the control of pets and no pets shall be allowed to roam or run loose in the neighborhood. Any animals omitted from the list and desired by the owners may be approved by the all the owners in writing and 100% of all owners are in agreement.

14. **VEHICLE RESTRICTIONS:** Exposed unlicensed vehicles shall not be permitted upon any streets or private land within the subdivision. Recreational vehicles shall not be parked on any public street for any longer than twenty four hours. No semi-trucks or trailers shall be permitted to park on the streets of the subdivision other than while making deliveries. There shall be no logging or timber hauling trucks left in the open on any of the lots or public right away.

15. **LANDSCAPING:** The lot owner shall take great care to landscape the front of each lot with grass, shrubs, and trees to enhance the lot and the surroundings. The grass shall be brought to the edge of the public road. There can be no gravel placed in any ditch adjacent to the road. The grass is necessary for the storm water control and filtering of the storm water through the grass into the subsoil. County code requires the grass to the edge of Carolwood Court. All landscaping shall be completed in the front yard within 90 days of move into the home.

16. **DRIVEWAY AND GARAGES:** The driveway shall run completely from the garage to the public street. Each garage shall have full doors and the driveway shall be either concrete or asphalt. There shall be no gravel driveways.

17. **EASEMENTS:** There shall be utility easements as designed on the final approved plans and plat. These easements will be used for installation and maintenance of any utilities. Any lot needing access to any other lot where the easements are established for utility installation and maintenance shall have the right of use to that easement for initial installation of utilities and then and only then for maintenance of those utilities. See individual deeds for easement controls. The easement for all utilities (domestic water, irrigation, fire control, telephone, electric, and cable television and natural gas if and when they become available shall be placed in the reserved ten (10) foot easement that shall run parallel to the public road called Carolwood Drive. In addition, there shall be an easement from the pond to the lot lines

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designated on the recorded plat. There shall be an easement for access to the well, pump house, and electric service. This easement shall extend in a circle from the pump with the diameter of the circle 50 feet and the pump the center of the circle.

18. **SETBACKS:** The required set backs for all homes shall be a minimum of thirty five (35) feet front yard and twenty (20) feet side yards. This means that the homes, barns, and out buildings shall be no closer than twenty (20) feet from the side yard property line and no closer than thirty-five feet from front yard property line.

19. **HOME CONSTRUCTION:** A-frames or domes are not acceptable as part of any architectural design. Any home built shall not exceed two and one half stories including day light basements and shall have no less than 2500 square feet of living area. The exterior shall be painted or stained with eye pleasing colors and shall not be flamboyant nuisance type colors. The ACC shall review and pass on all plans and exterior colors with the intent of keeping the homes and the lots compatible with each other and the natural rural surroundings. There is no restriction on any manufactured type home as long as it meets all requirements of the CC&R's.

20. **NATURAL GAS:** Washington Water Power will furnish natural gas to the subdivision and each lot owner shall be responsible for hookup to the natural gas line which will be located at the edge of Carolwood Court. The cost from the main line to the home will be at the expense of the lot owner.

21. **HUNTING:** The area has a number of upland game birds which will from time to time come upon Caravelle Farms. These may be hunted if within the county ordinances and the state Fish and Game. It is also expected the small lake will have water fowl come in from time to time which may also be hunted if all applicable federal and state laws are followed. The owner of the land where the lake is located shall have the exclusive control on use of lake for hunting purposes. See below on lake use and easement.

22. **ANTENNAS:** The subdivision may have cable television brought on site and available for all home owners. If there is no cable television available the individual owners may install satellite antennas as well as other television antennas for television purposes. No owner may install short wave or other transmission and reception antennas without approval of all the other lot owners.

23. **FENCING:** The fencing in the Caravelle Farms shall be restricted to no more than five feet in height on the side and back of each lot. The fence may be barbed wire between lots or electric control for livestock. It is recommended but not required that

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each lot owner put up a rural split rail fence on the front of each lot in order to have a country or rural community look.

24. **CONSTRUCTION COMPLETION:** When construction is begun, it shall continue and proceed at a normal pace and be completed within six months. Should the lot owner desire additional time because of unusual circumstances, he or she may apply to the ACC for an extension. That extension shall not be withheld arbitrarily.

25. **NOXIOUS WEEDS:** The lot owners shall not allow any noxious or unsightly weeds to develop or grow on any part of the land in which they own. Lack of control of such weeds will allow the adjacent lot owners to have the weeds removed at the expense of the owner of the land where the weeds are located.

26. **TERM:** The Conditions, Covenants, and Restrictions, shall run with the land. The term of such CC&R's shall be for a period of forty (40) years from the date this declaration is recorded. The CCR's shall bind the residences and shall inure to the benefit of and be enforceable by the owners individually, or their legal representative, heir, assign, devise, or successor. Should any owner be forced to hire an attorney and go to court to enforce the CC&R's, the successful party shall have all reasonable attorney fees paid by the unsuccessful party. After the forty (40) year period has run, then they shall automatically be extended for periods of ten (10) years each extension period. If an instrument is signed by the majority of the lot owners after forty (40) years, the CCR's may be changed, altered, or declared null and void. This instrument must be recorded in the county recorder's office of Kootenai County, Idaho.

27. **SEVERABILITY:** Invalidity of any one of these Conditions, Covenants, or Restrictions by judgement of a court of law or equitable decree shall in no way affect any other provisions which shall remain in full force and effect.

28. **WAIVER:** The waiver of any one of these Conditions, Covenants, or Restrictions by either the Developer or lot owners shall be considered a mere indulgence and will in no way vitiate the agreement nor keep the Conditions, Covenants, or Restrictions from being enforced at anytime the Developer or lot owners to enforce the same.

1417761

CARAVELLE FARMS

James B. Crowe
JAMES B. CROWE

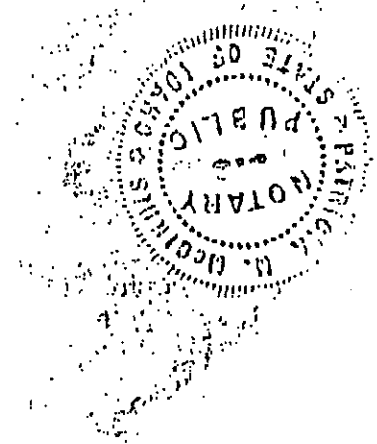
Carolyn A. Crowe
CAROLYN A. CROWE

DATE October 9, 1995State of IdahoCounty of Kootenai

On this 9th day of October, 1995 appeared before me, a Notary Public in and for said State, JAMES B. CROWE and CAROLYN A. CROWE, husband and wife, known to be the persons whose names are subscribed to the within instrument and they have acknowledged to me they have executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public Patricia McGinnis
Residing at Coeur d'Alene
Commission Expires October 1998



C:\document\CC&R'S

Caravelle Farms
Conditions, Covenants, Restrictions

J B Crowe
P.O. Box 2606
Coeur d'Alene,
ID 83814

8

1417761**EXHIBIT "A"**

The following described property in Kootenai County, State of Idaho, to-wit:

That Portion of the North Half of
Section 29, Township 51 North, Range 4
West Boise Meridian, Kootenai County,
State of Idaho, more particularly
described as follows:

Commencing at the North Quarter corner
of Section 29; thence South 30°14' 00"
West, 799.63 feet; thence North 30°14'
00" East, a distance of 167.39 feet to
the True Point of Beginning for this
description. Thence South 90°00'00"
East, a distance of 557.51 feet; thence
North 00°00'00" East, a distance of
548.06 feet to a point on the Northerly
line of said Section 29; thence South
89°34'00" West, to the North Quarter
Corner of said Section 29; thence South
30°14'00" West, to the Point of
Beginning.

AND

A tract of land situated in Government Unit 9 in
the North 1/2 of Section 29, Township 51 North,
Range 4 West Boise Meridian, Kootenai County, State
of Idaho and more particularly described as follows:

Beginning at the Northeast corner of Lot 3 CARAVELLE
FARMS SUBDIVISION, an official and recorded
subdivision, recorded in Kootenai County, State of
Idaho as Instrument Number 1403523 Book G, Page 268 and
268A; thence North 90°00'00" West 768.25 feet to a
point on the East Boundary line of Carolwood Court
Road thence On and along said road right of way North 0°
00'00" East 763.74 feet more or less to the southern
boundary line of Prairie Avenue road right of way;
thence On and along said Prairie Avenue road right of
way, North 89°23'31" East 239.15 feet to a point;
thence South 00°26'00" West, 520.00 feet to a point;
thence North 89°23'31" East 584.61 feet to a point;
thence South 11°34'07" West 256.99 feet (shown of
record as South) to the true point of beginning.

1619602

AMENDMENT TO CARAVELLE FARMS
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS,
AND RESTRICTIONS KOOTENAI COUNTY, IDAHO

This amendment refers to the land located in Exhibit A and to document recorded October 12, 1995 and designated as #14147761.

This amendment refers only to paragraph number 7 page 2 of the Declaration of Protective Covenants, Conditions and Restrictions. (CC&R's)

The developers James B. Crowe and Carolyn A. Crowe recognize that additional costs will be added to the maintenance and repair of the water system from time to time. As a result of these costs, the five owners of the water system as designated from the five parcels of land located in Caravelle Farms shall receive a prorata share of any hookup fees charged by the developer to any of the ten (10) additional hookups the developer has retained a right to sell or assign.

The prorata share shall be twenty percent (20) of the total amount received for the hookup cost up to \$7,500.00. For example: if the developer sells one hookup for \$2500.00, then \$500.00 will be given to Caravelle Farms Water Association to be used as a reserve fund. Once a total of \$7,500.00 has been placed into the reserve fund, the developer will not be required to add additional funds to the reserve fund.

The owners of Caravelle Farms Water Association shall have and do have the right to assess and charge any additional new hookup party beyond the original five an amount of the costs to improve or maintain the water system. If any hookups beyond the original five are created, they shall not become owners of the water system, but merely users. They shall be required to have water meters and to pay an equal and fair share of water use as that charged for domestic use to the original five owners. The five original owners of the water system do not have the right to charge different rates, or to assess differently or charge additional hookup costs. The new users must be treated fairly and with an equal footing as the original five owners have.

This amendment is made this 6th day of January, 2000 and signed by

James B. Crowe
James B. Crowe
Developer

Carolyn A. Crowe
Carolyn A. Crowe
Developer

Notary Public *Patricia M. McGinnis*
Located in Kootenai County, Idaho
Commission expires 10/16/2000

STATE OF IDAHO }
COUNTY OF KOOTENAI } SS
AT THE REQUEST OF

James B. Crowe

JAN 6 11 08 AM '00

DANIEL J. ENGLISH

DEPUTY
FEES 10.00



1619602**EXHIBIT "A"**

An easement for a public roadway, 10 feet in width, across a portion of Government Unit 9 in the North 1/2 of Section 29, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, said easement being described as follows:

Commencing at an Iron Pipe monumenting the North 1/4 Corner of said Section 29 (from which an Aluminum Cap monumenting the Northeast Corner of said Section 29 bears North 89°34'00" East 2695.05 feet); thence along the westerly line of said Government Unit 9 South 30°14'00" West 34.88 feet to a point on the southerly right-of-way of Prairie Avenue, said point being the REAL POINT OF BEGINNING;

thence leaving said westerly line along said southerly right-of-way North 89°34'00" East 555.63 feet to a point on the westerly line of Tax Number 3215;

thence leaving said southerly right-of-way along said westerly line South 00°26'00" West 10.00 feet;

thence leaving said westerly line South 89°34'00" West 561.41 feet to the westerly line of said Government Unit 9;

thence along said westerly line North 30°14'00" East 11.63 feet to the REAL POINT OF BEGINNING.

Subject to all existing easements and rights of way of record or appearing on said tract.

EXCEPT that portion described as follows:

Commencing at an Iron Pipe monumenting the North 1/4 Corner of said Section 29 (from which an Aluminum Cap monumenting the Northeast Corner of Said Section 29 bears North 89°34'00" East 2695.05 feet); thence along the westerly line of Government Unit 9 South 30°14'00" West 34.88 feet to a point on the southerly right-of-way of Prairie Avenue; thence leaving said westerly line along said southerly right-of-way North 89°34'00" East 256.71 feet to the REAL POINT OF BEGINNING;

thence continuing North 89°34'00" East 60.00 feet;

thence leaving said southerly right-of-way South 00°00'00" West 10.00 feet;

thence South 89°34'00" West 60.00 feet;

thence North 00°00'00" East 10.00 feet to the REAL POINT OF BEGINNING.

