

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-11478

Priority: August 24, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that RAU LIVING TRUST
7143 W NIGHTHAWK DR
POST FALLS ID 83854
(208) 664-3942

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **Tributary:** SPOKANE 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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE LAKE, L3 (NE1/4SW1/4), Sec. 29, Twp 50N, Rge 03W, B.M., KOOTENAI County

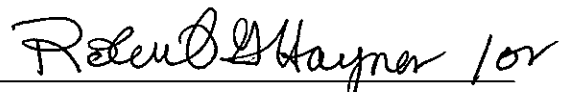
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
50N 03W 29									X								
									L3								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 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. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. 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 8th day of April, 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

April 9, 2010

RAU LIVING TRUST
7143 W NIGHTHAWK DR
POST FALLS ID 83854

RE: Permit No.95-11478

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, 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 Resources Agent

Enclosure(s)

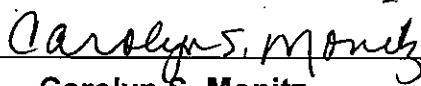
CERTIFICATE OF SERVICE

I hereby certify that on April 9, 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.

95-11478

**RAU LIVING TRUST
7143 W NIGHTHAWK DR
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.

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

W.R. # 95-11478

APPLICATION ID # 74095

ENT. 11/5

BCA 2/12/10

OK to Publish

2/9/10

APPLICANT: Rau Living Trust

INITIAL REVIEW

BY: KJ

DATE: 11/5/2009

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 11/5 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: 8/24/2009

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Cheney Kootenai County

Dates scheduled for publication 2/18+25/10

Affidavit of Publication received: 2/26/10

Dates actually published: 2/18+25/10

Application published correctly. Yes _____ No _____

If not, action taken: _____

Final Date for Protest: 3/8

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.
- ☒ Further information required from applicant _____

Final order response date: ____/____/____

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

Approval Recommended by: Kaitlin Jaramila

Date: 3/11/2010 Sr. Agent initial KJ

RECEIVED
FEB 26 2010

IDWR / NOTARY AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Kelli Bulley 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.

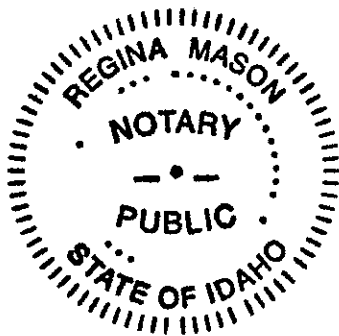
3. The Legal Notice

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 18 day of February 20 10, and ending on the 25 day of February 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 Kelli Bulley. On this 25 day of February in the year of 2010, before me, a Notary Public, personally appeared Kelli Bulley, 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 26 2010

IDWR/NORTHERN

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

95-11469

KASCAK ESTATE COMMUNITY WATER SYSTEM

9768 N LOVE COURT

HAUSER, ID 83854

Point of Diversion SWSE S13 T51N R06W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.1 CFS

Use: DOMESTIC 01/01 to 12/31 0.14 CFS

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

Total Diversion: 0.2 CFS

Date Filed: 11/3/2009

Place Of Use: DOMESTIC T51N R06W S13 SWSE SESE

Place Of Use: ALL OTHER USES same as DOMESTIC

Total Acres: 5

Domestic use is for 9 homes.

95-11478

RAU LIVING TRUST

7143 W NIGHTHAWK DR

POST FALLS, ID 83854

Point of Diversion L3(NESW) S29 T50N R03W KOOTENAI CO

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 8/24/2009

Place Of Use: DOMESTIC T50N R03W S29 L3(NESW)

Domestic use is for 1 home.

95-11492

PHILLIP A HAWLEY

MARCIA C HAWLEY

15420 N PINWOOD WAY

HAYDEN, ID 83835

Point of Diversion SWNE S31 T52N R03W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.16 CFS

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

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

Total Diversion: 0.2 CFS

Date Filed: 11/9/2009

Place Of Use: STOCKWATER T52N R03W S31 SWNE

Place Of Use: ALL OTHER USES same as STOCKWATER

Total Acres: 8

Stockwater use is for 50 head of mixed stock.

95-11493

GRANT FOREST

7448 AGUA

DALTON, ID 83815

Point of Diversion L2(SENW) S35 T50N R03W KOOTENAI CO

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

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

Use: FIRE PROTECTION 01/01 to 12/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 11/9/2009

Place Of Use: IRRIGATION T50N R03W S35 L2(SENW)

Place Of Use: FIRE PROTECTION same as IRRIGATION

Total Acres: 5

95-11497

MICHAEL KEESE

5618 E WAVERLY

HAYDEN, ID 83835

Point of Diversion L3(SENW) S16 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 11/10/2009

Place Of Use: DOMESTIC T51N R03W S16 L3(SENW)

Domestic use is for 1 home.

95-11500

MICHAEL J LIVINGSTON

SUSAN K LIVINGSTON

3259 S JEFFERSON

SPOKANE, WA 99203

Point of Diversion L6(SESE) S10 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 11/10/2009

Place Of Use: DOMESTIC T51N R03W S10 L6(SESE)

Domestic use is for 1 home.

95-11508

JAY DECKER

DIANNA DECKER

8093 W PRAIRIE

POST FALLS, ID 83854

Point of Diversion SESE S24 T51N R05W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.1 CFS

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

Total Diversion: 0.14 CFS

Date Filed: 11/12/2009

Place Of Use: DOMESTIC T51N R05W S24 SESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 1 home.

95-11515

COLIN PALMER

15252 N RISING STAR RD

HAYDEN, ID 83835

Point of Diversion SWSESE S27 T52N R03W KOOTENAI CO

Source SPRING Tributary SINKS

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

Use: RECREATION STORAGE 01/01 to 12/31 0.3 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.02 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.3 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS 0.3 AF

Date Filed: 11/12/2009

Place Of Use: FIRE PROTECTION T52N R03W S27 SESE

T52N R03W S34 NENE SENE

Place Of Use: FIRE PROTECTION STORAGE

T52N R03W S34 SENE

Place Of Use: RECREATION T52N R03W S34 SENE

Place Of Use: RECREATION STORAGE same as RECREATION

Recreation use is for fishing.

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 3/8/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 9042

February 18, 25, 2010

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

95-11469

KASCAK ESTATE COMMUNITY WATER SYSTEM

9768 N LOVE COURT

HAUSER, ID 83854

Point of Diversion SWSE S13 T51N R06W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION	03/15 to 11/15	0.1 CFS
Use: DOMESTIC	01/01 to 12/31	0.14 CFS
Use: FIRE PROTECTION	01/01 to 12/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 11/3/2009

Place Of Use: DOMESTIC T51N R06W S13 SWSE SESE

Place Of Use: ALL OTHER USES same as DOMESTIC

Total Acres: 5

Domestic use is for 9 homes.

95-11478

RAU LIVING TRUST

7143 W NIGHTHAWK DR

POST FALLS, ID 83854

Point of Diversion L3(NESW) S29 T50N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Date Filed: 8/24/2009

Place Of Use: DOMESTIC T50N R03W S29 L3(NESW)

Domestic use is for 1 home.

95-11492

PHILLIP A HAWLEY

MARCIA C HAWLEY

15420 N PINWOOD WAY

HAYDEN, ID 83835

Point of Diversion SWNE S31 T52N R03W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION	03/15 to 11/15	0.16 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Use: FIRE PROTECTION	01/01 to 12/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 11/9/2009

Place Of Use: STOCKWATER T52N R03W S31 SWNE

Place Of Use: ALL OTHER USES same as STOCKWATER

Total Acres: 8

Stockwater use is for 50 head of mixed stock.

95-11493

GRANT FOREST

7448 AGUA

DALTON, ID 83815

Point of Diversion L2(SENW) S35 T50N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION	03/15 to 11/15	0.15 CFS
Use: FIRE PROTECTION	01/01 to 12/31	2 CFS
Total Diversion:		2 CFS

Date Filed: 11/9/2009

Place Of Use: IRRIGATION T50N R03W S35 L2(SENW)

Place Of Use: FIRE PROTECTION same as IRRIGATION

Total Acres: 5

95-11497

MICHAEL KEESE

5618 E WAVERLY

HAYDEN, ID 83835

Point of Diversion L3(SENW) S16 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Date Filed: 11/10/2009

Place Of Use: DOMESTIC T51N R03W S16 L3(SENW)

Domestic use is for 1 home.

95-11500

MICHAEL J LIVINGSTON

SUSAN K LIVINGSTON

3259 S JEFFERSON

SPOKANE, WA 99203

Point of Diversion L6(SESE) S10 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Date Filed: 11/10/2009

Place Of Use: DOMESTIC T51N R03W S10 L6(SESE)

Domestic use is for 1 home.

95-11508

JAY DECKER

DIANNA DECKER

8093 W PRAIRIE

POST FALLS, ID 83854

Point of Diversion SESE S24 T51N R05W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.1 CFS

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

Total Diversion: 0.14 CFS

Date Filed: 11/12/2009

Place Of Use: DOMESTIC T51N R05W S24 SESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 1 home.

95-11515

COLIN PALMER

15252 N RISING STAR RD

HAYDEN, ID 83835

Point of Diversion SWSESE S27 T52N R03W KOOTENAI CO

Source SPRING Tributary SINKS

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

Use: RECREATION STORAGE 01/01 to 12/31 0.3 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.02 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.3 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS 0.3 AF

Date Filed: 11/12/2009

Place Of Use: FIRE PROTECTION T52N R03W S27 SESE

T52N R03W S34 NENE SENE

Place Of Use: FIRE PROTECTION STORAGE

T52N R03W S34 SENE

Place Of Use: RECREATION T52N R03W S34 SENE

Place Of Use: RECREATION STORAGE same as RECREATION

Recreation use is for fishing.

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 3/8/2010.

The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 2/18/2010 and 2/25/2010

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, February 09, 2010 4:33 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: Application for Permit No. 95-11469, 95-11478, 95-11492, 95-11493, 95-11497, 95-11500, 95-11508, 95-11515

Attachments: LegalNotice 02-09-10 CDA e-mail 95-11469,78,92,93,97,500,08,15.doc

Hi, Kelli,

This is the second legal notice being sent to you for publication on the dates indicated, February 18 and 25, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

[One more legal follows - but in a slightly different format - and not so long.]

Please send me a proof/preview copy for my review. Again, I'm trying to match your columns widths and font, but sometimes we need minor adjustments.

Just FYI - I will be out of the office on Wednesday, 2/10/10 - but back in office Thursday, 2/11/20, so I won't be able to respond immediately but will be looking for the proof/preview copy.

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 3/8/2010. Your cooperation is always greatly appreciated.



LegalNotice
2-09-10 CDA e-mai.

Thanks for ALL your super help. You're great to work with.

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

February 9, 2010

RAU LIVING TRUST
7143 W NIGHTHAWK DR
POST FALLS, ID 83854

Application For Permit No. 95-11478

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 2/18/2010 and 2/25/2010. 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,

A handwritten signature in black ink, appearing to read "Keith C. Franklin". The signature is fluid and cursive, with a large, stylized 'K' and 'F'.

Keith Franklin
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, February 09, 2010 3:35 PM
To: mary.terra-berns@idfg.idaho.gov; cwashburn@idl.idaho.gov
Subject: RE: Application for Permit No. 95-11478 Rau Living Trust, 95-11493 Forest, 95-11497 Keese, 95-11500 Livingston, 95-11515 Palmer

Attachments: 95-11478 Rau Lvg Trust.pdf; 95-11493 Forest.pdf; 95-11497 Keese.pdf; 95-11500 Livingston.pdf; 95-11515 Palmer.pdf

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is attached for your reference.

Carl, the only one that probably won't interest you is Palmer - source is a spring.



95-11478 Rau Lvg
Trust.pdf (21...



95-11493
Forest.pdf (210 KB)



95-11497
Keese.pdf (273 KB)



95-11500
Livingston.pdf (298 K.



95-11515
Palmer.pdf (242 KB)

Hoping these will publish in CDA Press 2/18 and 25, 2009, making final date for protest March 8, 2010.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt reponse 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

95-11478

O

O

CONTRACT FOR PURCHASE AND SALE OF REAL PROPERTY

THIS CONTRACT, made and entered into this 3d day of May, 1968, between MABEL ALICE KILDOW, a widow, party of the first part, hereinafter called the SELLER, and MARIE E. ORNEE, a spinster, party of the second part, hereinafter called the PURCHASER,

WITNESSETH: That for and in consideration of the mutual covenants and agreements hereinafter set forth, the seller agrees to sell and convey to the purchaser, and the purchaser agrees to purchase from the seller, the following described real property situated in Kootenai County, State of Idaho:

Lot Ten (10); Block One (1) KILDOW SUBDIVISION, located in Government Lot 3, Section 29, Township 50 North, Range 3, W.B.M., according to the Plat recorded in Book D of Plats, page 83

on the following terms:

The purchase price upon which the parties have agreed is the sum of Three Thousand and no/100 (\$3,000.00) Dollars, of which the sum of Four Hundred and no/100 (\$400.00) Dollars has been paid by the purchaser, receipt of which sum is hereby acknowledged by the seller, leaving a balance due on said purchase price in the sum of \$2,600.00, which the parties hereto agree shall be paid as follows: The sum of Twenty-five and no/100 (\$25.00) Dollars or more on or before the 3d day of June, 1968, with interest included on the principal at the rate of 6½% per annum, and a like sum of \$25.00 or more on or before the 3d day of each and every month thereafter until the entire purchase price has been paid, including interest on all deferred payments. The part of the principal balance remaining due from time to time on the purchase price shall bear interest at the rate of 6½% per annum, and all of said monthly payments shall be applied first to the interest due on the unpaid balances and then to the principal. Interest shall commence on the 3d day of May, 1968.

The seller shall execute to the purchaser a good and sufficient warranty deed to said property, conveying same to purchaser, and shall furnish to the purchaser a Title Insurance Policy showing good marketable title in herself, with no exceptions thereon other than

those which are waived by the purchaser.

The seller has paid the real property taxes on said property for the year 1967. Taxes for the year 1968 shall be pro-rated between the parties as of date of possession, said pro-ration being based on the latest known assessed valuation. The purchaser agrees to pay all taxes and assessments that may be legally levied against said property subsequent to date of possession, such payments to be paid promptly and said taxes not to be permitted to become delinquent by said purchaser.

It is understood and agreed by the purchaser that the property herein sold is to be conveyed to purchaser subject to the following restrictions:

1. No more than one residence or dwelling house (residence garage excepted) shall be erected or maintained on said lot herein conveyed.
2. No residence shall be erected or placed upon said lot unless it shall contain at least nine hundred (900) square feet of floor space.
3. No house shall be erected upon said lot which shall not have a sewage system, including either a cesspool or septic tank.
4. No temporary construction, mobil homes or trailer houses shall be used on said lot, but rather, it shall be restricted to houses of permanent type construction.

The seller covenants to purchaser the right to connect with the existing water pipe at purchaser's expense, at any point on the lot frontage provided that the continued connection to said line is permitted only so long as the lot owner, her heirs or assigns, pay their proportionate share of the cost of operation, maintenance, and repair of the then existing water system and the care and maintenance of the dedicated street, Evergreen Lane. By "proportionate share" is meant the proportion which the one lot owner bears to the number of lots occupied in Kildow Subdivision by dwellings and connected for water. Such proportionate costs shall be payable during the current calendar month in which they are assessed.

The seller hereby covenants that identical covenants and restrictions as hereinabove stated shall be included in all deeds of conveyance hereafter made as to all lots in Blocks One and Two, Kildow Subdivision.

The purchaser shall have possession of said property upon the 3d day of May, 1968, and shall continue in possession so long as all terms and conditions of this contract are complied with by her. In case the purchaser shall fail to make the payments as set forth in this contract, or any of them, punctually and upon the terms and at the times herein specified, or shall suffer the taxes to become delinquent or shall fail to observe any of the terms, conditions, covenants, or agreements herein entered into on her part to be kept and performed, then, and in that event, the said seller may at her option declare this contract forfeited by giving written notice to the purchaser, and at the expiration of thirty (30) days from date of mailing of such notice this contract shall be null and void, if, in the meantime, the terms of this contract have not been complied with by said purchaser, and the seller may then take possession of and re-enter into said premises, recover all escrowed papers from the escrow holder, and the purchaser shall forfeit to the seller as liquidated damages all payments made hereunder. Time is of the essence of this contract.

The parties hereto agree that the FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION of Coeur d'Alene, Idaho, shall be, and it is hereby designated as, the escrow holder of this contract, and that the original copy of this contract, together with the warranty deed and title insurance policy, shall be placed with, and held in escrow by, said escrow holder. The said escrow holder is hereby authorized to receive moneys under the terms of this contract, to issue receipts therefor, and, upon final payment, to deliver the title insurance policy and warranty deed to the purchaser, or, in the event of default, to deliver them to the seller. The parties agree that they will be bound by any terms of the escrow instructions not set forth in this contract. The parties further agree that the escrow fees hereunder shall be paid one-half by the seller and one-half by the purchaser, and that the parties shall share equally in the attorney fees for preparation of this contract.

It is finally understood and agreed that this contract shall be

binding and in full force and effect on the heirs, executors, administrators, or assigns of the respective parties hereto, and that title to said property shall not pass until the full amount of the purchase price shall have been fully paid and discharged, including interest on all deferred payments.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this 3d day of May, 1968.

Mabel Alice Kildow (SEAL)
Mabel Alice Kildow
Party of the First Part (SELLER)

Marie E. Ornee (SEAL)
Marie E. Ornee
Party of the Second Part (PURCHASER)

STATE OF IDAHO }
County of Kootenai } ss

On this 3d day of May, 1968, before me, the undersigned notary public for said State, personally appeared MABEL ALICE KILDOW, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Madeline Whitney
Notary Public for said State, residing
at Coeur d'Alene. My commission expires
3/4/69

STATE OF IDAHO }
County of Kootenai } ss

On this 3d day of May, 1968, before me, the undersigned notary public, for said State, personally appeared MARIE E. ORNEE, a spinster, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Madeline Whitney
Notary Public for said State, residing
at Coeur d'Alene. My commission expires
3/4/69