

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-11063

Priority: August 27, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that THOMAS CUNNINGHAM And/Or LISA CUNNINGHAM
17222 E GALAXY LN
GREEN ACRES WA 99016

has applied for a permit to appropriate water from:

Source: HAYDEN LAKE

Tributary: SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

HAYDEN LAKE L5 (NE1/4SE1/4) Sec. 4, Twp 51N, Rge 03W, B.M. KOOTENAI County

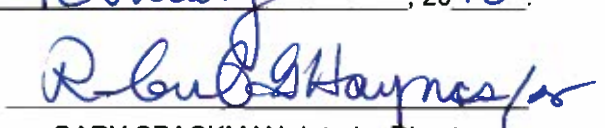
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 03W 4													X				
													L 5				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2015**.
2. Subject to all prior water rights.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.95A.
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 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. This right does not grant any right-of-way or easement across the land of another.

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 February, 20 10.


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

February 9, 2010

THOMAS CUNNINGHAM
17222 E GALAXY LN
GREEN ACRES WA 99016

LISA CUNNINGHAM
17222 E GALAXY LN
GREEN ACRES WA 99016

RE: Permit No.95-11063

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 762-2800.

Sincerely,


Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 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.

95-11063

**LISA CUNNINGHAM
17222 E GALAXY LN
GREEN ACRES WA 99016**

**THOMAS CUNNINGHAM
17222 E GALAXY LN
GREEN ACRES WA 99016**



**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. # 95-11063

APPLICATION ID # 758941

ENT. 8/27 BCA 11/16 OK to Publish 11/13/09

INITIAL REVIEW

APPLICANT: Thomas & Lisa Cunningham BY: KD DATE: 8/27/2009

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 8/27 By: KD
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached (>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 8/27/2009

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

ADVERTISE IN:

Newspaper: Coa Press Kootenai County
 Dates scheduled for publication 11/19/09 12/3/10/09
 Affidavit of Publication received: 12/11/09
 Dates actually published: 12/3 & 10/09
 Application published correctly. Yes ☒ No ☐
 If not, action taken: only published 11/19. Need to republish

Final Date for Protest: 12/2/09 12/21/09
 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:

[Signature]

Date: 1/14/2010 Sr. Agent initial E.D.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO.
County of Kootenai,

} ss.

RECEIVED
DEC 11 2009
IDWR/North

Kelli Buley 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

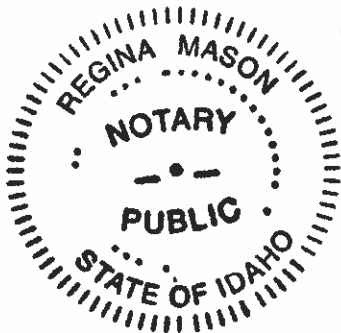
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 5 day of December 2009, and ending on the 10 day of December 2009, and such publication was made as often during said period as said Daily newspaper was regularly 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 Buley. On this 10 day of December in the year of 2009, before me, a Notary Public, personally appeared Kelli Buley, 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:

95-11063

THOMAS CUNNINGHAM
LISA CUNNINGHAM
17222 E GALAXY LN
GREEN ACRES, WA 99016
Point of Diversion L5(NESE) S4 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: 8/27/2009

Place Of Use: DOMESTIC T51N R03W S4 (NESE)

Domestic use is for 1 home

95-11064

ROBERT E BULMER
10524 N LAKEVIEW DR
HAYDEN, ID 83835
Point of Diversion L7(SWNE) S18 T51N R03W KOOTENAI CO
Source HAYDEN LAKE Tributary SINKS
Use: IRRIGATION 03/15 to 11/15 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 8/27/2009

Place Of Use: IRRIGATION T51N R03W S18 L7(SWNE)

Total Acres: 1

95-11081

THALMAR SHORE LLC
2021 YACHTHAVEN RD
FRIDAY HARBOR, WA 98250
Point of Diversion L2(SENE) S15 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: 8/31/2009

Place Of Use: DOMESTIC T51N R03W S15 L2(SENE)

Domestic use is for 1 home.

95-11084

FOUR MILE POINT SUBDIVISION
2874 RIVERIA CT
SPRINGFIELD, OR 97477
Point of Diversion L5(SWNNW) S6 T49N R03W KOOTENAI CO
Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER
Use: IRRIGATION 03/15 to 11/15 0.1 CFS
Use: DOMESTIC 01/01 to 12/31 0.1 CFS
Total Diversion: 0.1 CFS

Date Filed: 8/31/2009

Place Of Use: DOMESTIC T49N R04W S1 L1(NENE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 4

Domestic use is for 8 homes.

95-11088

HONEYSUCKLE COOPERATIVE WATER ASSN
PO BOX 581
ATHOL, ID 83801
Point of Diversion NESW S3 T53N R03W KOOTENAI CO
Source GROUND WATER
Use: IRRIGATION 04/01 to 10/31 0.11 CFS
Use: DOMESTIC 01/01 to 12/31 0.12 CFS
Total Diversion: 0.2 CFS

Date Filed: 8/31/2009

Place Of Use: DOMESTIC T53N R03W S3 NESW NWSE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 3.5

Domestic use is for 7 homes.

95-11100

ALFRED J ROBELLO
1307 SCOTTIST UNIT D
PETALUMA, CA 94954
Point of Diversion L4(NWSW) S36 T53N R05W KOOTENAI CO
Source TWIN LAKES Tributary RATHDRUM CREEK
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 9/1/2009

Place Of Use: DOMESTIC T53N R05W S36 L4(NWSW)

Domestic use is for 1 home.

95-11108

ROBERT J DUNCAN
RHONDA L DUNCAN
3565 W CAMROSE LN
RATHDRUM, ID 83858
Point of Diversion SENE S21 T52N R04W KOOTENAI CO
Source GROUND WATER Tributary
Use: IRRIGATION 03/15 to 11/15 0.12 CFS
Total Diversion: 0.12 CFS

Date Filed: 9/3/2009

Place Of Use: IRRIGATION T52N R04W S21 SWNE SENE

Total Acres: 6

95-11116

LANCE BROWN
11544 N HAUSER LAKE RD
HAUSER, ID 83854
Point of Diversion L1(NENE) S13 T51N R06W KOOTENAI County
Source GROUND WATER Tributary
Use: IRRIGATION 03/15 to 11/15 0.15 CFS
Total Diversion: 0.15 CFS

Date Filed: 9/2/2009

Place Of Use: IRRIGATION T51N R06W S13 L1(NENE) SENE

Total Acres: 5

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 12/21/2009. The protestant must also send a copy of the protest to the applicant.

Legal 8303

December 3, 10, 2009

RECEIVED
DEC 11 2009
IDWR/North



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

December 7, 2009

THOMAS CUNNINGHAM
LISA CUNNINGHAM
17222 E GALAXY LN
GREEN ACRES, WA 99016

Application For Permit No. 95-11063

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.

The legal notice previously scheduled to publish 11/19/2009 and 11/26/2009 only published on 11/19/2009. Therefore we have to re-publish this and it is currently in the process of that, having published the first time on 12/3/2009 and is scheduled to publish again this week on 12/10/2009.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 12/3/2009 and 12/10/2009. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Keith Franklin
Sr. Water Resource Agent

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

95-11063

THOMAS CUNNINGHAM

LISA CUNNINGHAM

17222 E GALAXY LN

GREEN ACRES, WA 99016

Point of Diversion L5(NESE) S4 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: 8/27/2009

Place Of Use: DOMESTIC T51N R03W S4 (NESE)

Domestic use is for 1 home

95-11064

ROBERT E BULMER

10524 N LAKEVIEW DR

HAYDEN, ID 83835

Point of Diversion L7(SWNE) S18 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 8/27/2009

Place Of Use: IRRIGATION T51N R03W S18 L7(SWNE)

95-11081

THALMAR SHORE LLC

2021 YACHT HAVEN RD

FRIDAY HARBOR, WA 98250

Point of Diversion L2(SENE) S15 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: 8/31/2009

Place Of Use: DOMESTIC T51N R03W S15 L2(SENE)

Domestic use is for 1 home.

95-11084

FOUR MILE POINT SUBDIVISION

2874 RIVERIA CT

SPRINGFIELD, OR 97477

Point of Diversion L5(SWNWNW) S6 T49N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Use: DOMESTIC 01/01 to 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 8/31/2009

Place Of Use: DOMESTIC T49N R04W S1 L1(NENE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 4

Domestic use is for 8 homes.

95-11088

HONEYSUCKLE COOPERATIVE WATER ASSN

PO BOX 581

ATHOL, ID 83801

Point of Diversion NESW S3 T53N R03W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.11 CFS

Use: DOMESTIC 01/01 to 12/31 0.12 CFS

Total Diversion: 0.2 CFS

Date Filed: 8/31/2009

Place Of Use: DOMESTIC T53N R03W S3 NESW NWSE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 3.5

Domestic use is for 7 homes.

95-11100

ALFRED J ROBELLO

1307 SCOTT ST UNIT D

PETALUMA, CA 94954

Point of Diversion L4(NWSW) S36 T53N R05W KOOTENAI CO

Source TWIN LAKES Tributary RATHDRUM CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 9/1/2009

Place Of Use: DOMESTIC T53N R05W S36 L4(NWSW)

Domestic use is for 1 home.

95-11108

**ROBERT J DUNCAN
RHONDA L DUNCAN
3565 W CAMROSE LN
RATHDRUM, ID 83858**

Point of Diversion SENE S21 T52N R04W KOOTENAI CO

Source GROUND WATER Tributary

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 9/3/2009

Place Of Use: IRRIGATION T52N R04W S21 SWNE SENE

Total Acres: 6

95-11116

**LANCE BROWN
11544 N HAUSER LAKE RD
HAUSER, ID 83854**

Point of Diversion L1(NENE) S13 T51N R06W KOOTENAI County

Source GROUNDWATER Tributary

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

Total Diversion: 0.15 CFS

Date Filed: 9/2/2009

Place Of Use: IRRIGATION T51N R06W S13 L1(NENE) SENE

Total Acres: 5

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 12/21/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 8303

Published on 12/03/2009 and 12/10/2009

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

RECEIVED

NOV 20 2009

Kelli Buley

IDWR/NORTH 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

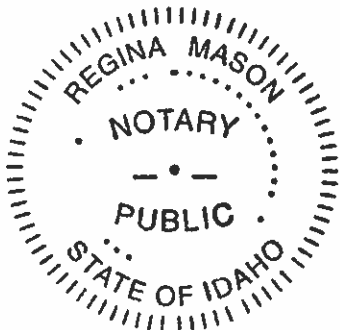
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 1 ~~consecutive~~ day commencing on the 19 day of November 2009, and ending on the 19 day of November 2009, and such publication was made as often during said period as said Daily newspaper was regularly 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 Buley. On this 19 day of November in the year of 2009, before me, a Notary Public, personally appeared Kelli Buley, 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:

95-11063

THOMAS CUNNINGHAM

LISA CUNNINGHAM

17222 E GALAXY LN

GREEN ACRES, WA 99016

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Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 8/27/2009

Place Of Use: DOMESTIC T51N R03W S4 (NESE)

Domestic use is for 1 home

95-11064

ROBERT E BULMER

10524 N LAKEVIEW DR

HAYDEN, ID 83835

Point of Diversion L7(SWNE) S18 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 8/27/2009

Place Of Use: IRRIGATION T51N R03W S18 L7(SWNE)

Total Acres: 1

95-11081

THALMAR SHORE LLC

2021 YACHT HAVEN RD

FRIDAY HARBOR, WA 98250

Point of Diversion L2(SENE) S15 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: 8/31/2009

Place Of Use: DOMESTIC T51N R03W S15 L2(SENE)

Domestic use is for 1 home.

95-11084

FOUR MILE POINT SUBDIVISION

2874 RIVERIA CT

SPRINGFIELD, OR 97477

Point of Diversion L5(SWNNW) S6 T49N R03W KOOTENAI CO

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

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

Use: DOMESTIC 01/01 to 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 8/31/2009

Place Of Use: DOMESTIC T49N R04W S1 L1(NENE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 4

Domestic use is for 8 homes.

95-11088

HONEYSUCKLE COOPERATIVE WATER ASSN

PO BOX 581

ATHOL, ID 83801

Point of Diversion NESW S3 T53N R03W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.11 CFS

Use: DOMESTIC 01/01 to 12/31 0.12 CFS

Total Diversion: 0.2 CFS

Date Filed: 8/31/2009

Place Of Use: DOMESTIC T53N R03W S3 NESW NWSE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 3.5

Domestic use is for 7 homes.

95-11100

ALFRED J ROBELLO

1307 SCOTT ST UNIT D

PETALUMA, CA 94954

Point of Diversion L4(NWSW) S36 T53N R05W KOOTENAI CO

Source TWIN LAKES Tributary RATHDRUM CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 9/1/2009

Place Of Use: DOMESTIC T53N R05W S36 L4(NWSW)

Domestic use is for 1 home.

95-11108

ROBERT J DUNCAN

RHONDA L DUNCAN

3565 W CAMROSE LN

RATHDRUM, ID 83858

Point of Diversion SENE S21 T52N R04W KOOTENAI CO

Source GROUND WATER Tributary

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 9/3/2009

Place Of Use: IRRIGATION T52N R04W S21 SWNE SENE

Total Acres: 6

95-11116

LANCE BROWN

11544 N HAUSER LAKE RD

HAUSER, ID 83854

Point of Diversion L1(NENE) S13 T51N R06W KOOTENAI County

Source GROUND WATER Tributary

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

Total Diversion: 0.15 CFS

Date Filed: 9/2/2009

Place Of Use: IRRIGATION T51N R06W S13 L1(NENE) SENE

Total Acres: 5

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 12/7/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 8303

November 19, 2009

RECEIVED
NOV 20 2009
IDWR / NORTH

Not published
on 11/26
Re-advertising

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

95-11063

THOMAS CUNNINGHAM

LISA CUNNINGHAM

17222 E GALAXY LN

GREEN ACRES, WA 99016

Point of Diversion L5(NESE) S4 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: 8/27/2009

Place Of Use: DOMESTIC T51N R03W S4 (NESE)

Domestic use is for 1 home

95-11064

ROBERT E BULMER

10524 N LAKEVIEW DR

HAYDEN, ID 83835

Point of Diversion L7(SWNE) S18 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 8/27/2009

Place Of Use: IRRIGATION T51N R03W S18 L7(SWNE)

95-11081

THALMAR SHORE LLC

2021 YACHT HAVEN RD

FRIDAY HARBOR, WA 98250

Point of Diversion L2(SENE) S15 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: 8/31/2009

Place Of Use: DOMESTIC T51N R03W S15 L2(SENE)

Domestic use is for 1 home.

95-11084

FOUR MILE POINT SUBDIVISION

2874 RIVERIA CT

SPRINGFIELD, OR 97477

Point of Diversion L5(SWNWNW) S6 T49N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Use: DOMESTIC 01/01 to 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 8/31/2009

Place Of Use: DOMESTIC T49N R04W S1 L1(NENE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 4

Domestic use is for 8 homes.

95-11088

HONEYSUCKLE COOPERATIVE WATER ASSN

PO BOX 581

ATHOL, ID 83801

Point of Diversion NESW S3 T53N R03W KOOTENAI CO

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Use: DOMESTIC 01/01 to 12/31 0.12 CFS

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Date Filed: 8/31/2009

Place Of Use: DOMESTIC T53N R03W S3 NESW NWSE

Place Of Use: IRRIGATION same as DOMESTIC

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95-11100

ALFRED J ROBELLO

1307 SCOTT ST UNIT D

PETALUMA, CA 94954

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Source TWIN LAKES Tributary RATHDRUM CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 9/1/2009

Place Of Use: DOMESTIC T53N R05W S36 L4(NWSW)

Domestic use is for 1 home.

95-11108

ROBERT J DUNCAN
RHONDA L DUNCAN
3565 W CAMROSE LN
RATHDRUM, ID 83858

Point of Diversion SENE S21 T52N R04W KOOTENAI CO

Source GROUND WATER Tributary

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 9/3/2009

Place Of Use: IRRIGATION T52N R04W S21 SWNE SENE

Total Acres: 6

95-11116

LANCE BROWN
11544 N HAUSER LAKE RD
HAUSER, ID 83854

Point of Diversion L1(NENE) S13 T51N R06W KOOTENAI County

Source GROUNDWATER Tributary

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

Total Diversion: 0.15 CFS

Date Filed: 9/2/2009

Place Of Use: IRRIGATION T51N R06W S13 L1(NENE) SENE

Total Acres: 5

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 12/7/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 11/19/2009 and 11/26/2009

Ball, Dianne

From: Ball, Dianne
Sent: Monday, November 16, 2009 11:04 AM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: Application for Permit No. 95-11063, 95-11064, 95-11081, 95-11084, 95-11088, 95-11100, 95-11108, 95-11116

Attachments: LegalNotice 11-13-09 CDA e-mail 95-11063,64,81,84,88,11100,08,16.doc

Good morning, Kelli,

Another - this time only one for the upcoming publication dates of November 19 and 26, 2009.

Please publish the enclosed legal notice on the dates indicated, November 19 and 26, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this goes to press.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/7/2009. Your cooperation is, as always, very greatly appreciated.



LegalNotice
1-13-09 CDA e-mai.

Thanks for all your super help.

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

November 13, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

THOMAS CUNNINGHAM
LISA CUNNINGHAM
17222 E GALAXY LN
GREEN ACRES, WA 99016

Application For Permit No. 95-11063

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 11/19/2009 and 11/26/2009. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Keith Franklin
Sr. Water Resource Agent

Enclosure(s) Receipt N021889

Ball, Dianne

From: Ball, Dianne
Sent: Friday, November 13, 2009 4:49 PM
To: mary.terra-berns@idfg.idaho.gov; cwashburn@idl.idaho.gov
Subject: RE: Application for Permit No. 95-11063, 95-11064, 95-11081, 95-11084, 95-11088, 95-11100, 95-11108 and 95-11116

Attachments: 95-11063 Cunningham.pdf; 95-11064 Bulmer.pdf; 95-11081 Thalmar Shore LLC.pdf; 95-11084 Four Mile Point.pdf; 95-11100 Robello.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.



95-11063
Cunningham.pdf (193 KB)



95-11064
Bulmer.pdf (354 KB)



95-11081 Thalmar
Shore LLC.pdf...



95-11084 Four Mile
Point.pdf (...)



95-11100
Robello.pdf (223 KB)

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.

These are scheduled to publish in the CDA Press 11/19 and 26, 2009 with final date for protest being December 7, 2009.

When responding you can reply to me and I will see that the replies are entered into our system.

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