

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-10917

Priority: July 29, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JIM AND ONA O CONNELL FAMILY LLC
10126 E FERRET DR
SPOKANE VALLEY WA 99206
(509) 928-1314

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 (NW1/4NW1/4), Sec. 4, Twp 49N, 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	
49N	03W	4																	

X
L 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 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 10th day of February, 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

February 11, 2010

JIM AND ONA O CONNELL FAMILY LLC
10126 E FERRET DR
SPOKANE VALLEY WA 99206

RE: Permit No.95-10917

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 stylized with a large, sweeping "K" and "F".

Keith E. Franklin

Sr. Water Resources Agent

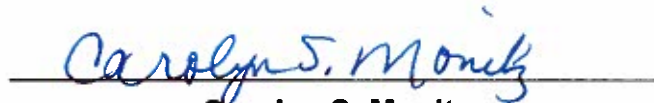
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 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. 95-10917

**JIM AND ONA O CONNELL FAMILY LLC
10126 E FERRET DR
SPOKANE VALLEY WA 99206**


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. # 95-10917 APPLICATION ID # 75783 ENT. 7/30/09 BCA 10/13 OK to Publish 10/13/09
 APPLICANT: Jim & Dana O'Connell Family LLC BY: KJS DATE: 7/30/2009

INITIAL REVIEW

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 7/30 By: KJS
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached(>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 7/29/2009

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

ADVERTISE IN:

Newspaper: Kootenai County
 Dates scheduled for publication: 11/5 + 12/09
 Affidavit of Publication received: 11/16/09
 Dates actually published: 11/5 + 12/09
 Application published correctly. Yes ☒ No ☐
 If not, action taken: _____

Final Date for Protest: 11/23

Protests Received: Yes _____ No ☒

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

GROUNDWATER SECTION

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

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

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

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

Approval Recommended by: Keith Sanklin Date: 12/4/2009 Sr. Agent initial KJS

RECEIVED
AFFIDAVIT OF PUBLICATION

NOV 16 2009

STATE OF IDAHO,
County of Kootenai,

} ss.

IDWR / NORTH

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.

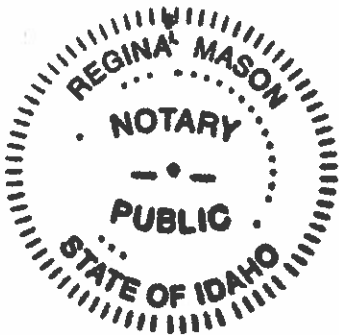
3. The Legal Notice

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 5 day of November 2009 and ending on the 12 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 Bulley. On this 12 day of November in the year of 2009, 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
NOV 15 2009
IDWR / NORTH

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

95-10896
GERALD J WELLER
1421 S MAPLE ST
SPOKANE, WA 99203
Point of Diversion NESE S6 T52N R04W KOOTENAI County
Source TWIN LAKES tributary to RATHDRUM CREEK
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 7/23/2009
Place Of Use: DOMESTIC T52N R04W S6 NESE
Domestic use is for 1 home.

95-10897
ANDREW & LUCILLE BARLAY LIVING TRUST
15184 N SHENANDOAH DR
HAYDEN LAKE, ID 83839
Point of Diversion L3(SWSW) S34 T52N R03W KOOTENAI CO
Source HAYDEN LAKE tributary to SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/28/2009
Place Of Use: DOMESTIC T52N R03W S34 L3(SWSW)
Domestic use is for 1 home.

95-10904
JAMES E MAXFIELD
EVA MAXFIELD
10286 W LAKE FORREST LOOP
RATHDRUM, ID 83858
Point of Diversion L1(SWSE) S35 T53N R05W KOOTENAI CO
Source TWIN LAKES tributary to Rathdrum Creek
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/28/2009
Place Of Use: DOMESTIC T53N R05W S35 L1(SWSE)
DOMESTIC USE IS FOR 1 HOME.

95-10907
THE TETS FAMILY TRUST
4468 E DEEPWATER CT
HAYDEN, ID 83835
Point of Diversion L2(NWNE) S17 T51N R03W KOOTENAI CO
Source HAYDEN LAKE tributary to SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/28/2009
Place Of Use: DOMESTIC T51N R03W S17 L2(NWNE)
Domestic use is for 1 home.

95-10917
JIM AND ONA O CONNELL FAMILY LLC
10126 E FERRET DR
SPOKANE VALLEY, WA 99206
Point of Diversion L3(NWNW) S4 T49N R03W KOOTENAI CO
Source COEUR D ALENE LAKE tributary to SPOKANE RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/29/2009
Place Of Use: DOMESTIC T49N R03W S4 L3(NWNW)
Domestic use is for 1 home.

95-10920
PETER PUGLISI
11966 BOB WORST LN
HAYDEN LAKE, ID 83835
Point of Diversion L3(NESE) S9 T51N R03W KOOTENAI CO
Source HAYDEN LAKE tributary to SINKS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 7/30/2009
Place Of Use: DOMESTIC T51N R03W S9 L3(NESE)
Domestic use is for 2 homes.

95-10922
BYRON HATLEY
TAMMY HATLEY
PO BOX 88
SPIRIT LAKE, ID 83869
Point of Diversion NENE S20 T53N R04W KOOTENAI CO
Source GROUND WATER
Use: IRRIGATION 04/01 to 10/31 0.09 CFS
Use: COMMERCIAL 01/01 to 12/31 0.04 CFS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Total Diversion: 0.1 CFS

Date Filed: 7/28/2009
Place Of Use: IRRIGATION T53N R04W S20 NENE
T53N R04W S21 NWNW
Place Of Use: DOMESTIC same as IRRIGATION
Place Of Use: COMMERCIAL T53N R04W S20 NENE
Total Acres: 3
Domestic use is for 2 homes.
Commercial use is for sheet metal shop with bathrooms and break room.

95-10936
RAY MILKS
LAURA MILKS
6249 STURGEON RD
RATHDRUM, ID 83858
Point of Diversion SWSW S17 T52N R04W KOOTENAI CO
Source RATHDRUM CREEK tributary to SINKS
Use: IRRIGATION 03/15 to 11/15 0.09 CFS
Total Diversion: 0.09 CFS

Date Filed: 7/31/2009
Place Of Use: IRRIGATION T52N R04W S17 SWSW
Total Acres: 3

95-10937
GREGORY L PARKER
CAROLYN PARKER
15006 N JACKPINE TRL
HAYDEN, ID 83835
Point of Diversion L3(SENWSW) S31 T52N R03W KOOTENAI CO
Source UNNAMED STREAM tributary to SINKS
Point of Diversion L3(SENWSW) S31 T52N R03W KOOTENAI CO
Source SPRING tributary to UNNAMED STREAM
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: STOCKWATER STORAGE 01/01 to 12/31 3.4 AF
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.3 AF
Use: RECREATION STORAGE 01/01 to 12/31 3.1 AF
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3.1 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS 3.4 AF

Date Filed: 7/30/2009
Place Of Use: DIVERSION TO STORAGE
T52N R03W S31 L3(NWSW)
Place Of Use: STOCKWATER T52N R03W S31 L3(NWSW)
Place Of Use: All other uses same as STOCKWATER
Stockwater use is for 20 head of mixed stock.
Recreation use is for fishing and boating.
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 11/23/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Legal 8171
November 5, 12, 2009

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

95-10896

GERALD J WELLER

1421 S MAPLE ST

SPOKANE, WA 99203

Point of Diversion NESE S6 T52N R04W KOOTENAI County

Source TWIN LAKES tributary to RATHDRUM CREEK

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

Total Diversion: 0.02 CFS

Date Filed: 7/23/2009

Place Of Use: DOMESTIC T52N R04W S6 NESE

Domestic use is for 1 home.

95-10897

ANDREW & LUCILLE BARLAY LIVING TRUST

15184 N SHENANDOAH DR

HAYDEN LAKE, ID 83839

Point of Diversion L3(SWSW) S34 T52N R03W KOOTENAI CO

Source HAYDEN LAKE tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 7/28/2009

Place Of Use: DOMESTIC T52N R03W S34 L3(SWSW)

Domestic use is for 1 home.

95-10904

JAMES E MAXFIELD

EVA MAXFIELD

10286 W LAKE FORREST LOOP

RATHDRUM, ID 83858

Point of Diversion L1(SWSE) S35 T53N R05W KOOTENAI CO

Source TWIN LAKES tributary to Rathdrum Creek

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

Total Diversion: 0.04 CFS

Date Filed: 7/28/2009

Place Of Use: DOMESTIC T53N R05W S35 L1(SWSE)

DOMESTIC USE IS FOR 1 HOME.

95-10907

THE TEETS FAMILY TRUST

4468 E DEEPWATER CT

HAYDEN, ID 83835

Point of Diversion L2(NWNE) S17 T51N R03W KOOTENAI CO

Source HAYDEN LAKE tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 7/28/2009

Place Of Use: DOMESTIC T51N R03W S17 L2(NWNE)

Domestic use is for 1 home.

95-10917

JIM AND ONA O CONNELL FAMILY LLC

10126 E FERRET DR

SPOKANE VALLEY, WA 99206

Point of Diversion L3(NWNW) S4 T49N R03W KOOTENAI County

Source COEUR D ALENE LAKE tributary to SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 7/29/2009

Place Of Use: DOMESTIC T49N R03W S4 L3(NWNW)

Domestic use is for 1 home

95-10920

PETER PUGLISI

11966 BOB WORST LN

HAYDEN LAKE, ID 83835

Point of Diversion L3(NESE) S9 T51N R03W KOOTENAI CO

Source HAYDEN LAKE tributary to SINKS

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 7/30/2009

Place Of Use: DOMESTIC T51N R03W S9 L3(NESE)

Domestic use is for 2 homes.

95-10922

BYRON HATLEY

TAMMY HATLEY

PO BOX 88

SPIRIT LAKE, ID 83869

Point of Diversion NENE S20 T53N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.09 CFS

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

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Total Diversion: 0.1 CFS

Date Filed: 7/28/2009

Place Of Use: IRRIGATION T53N R04W S20 NENE
T53N R04W S21 NWNW

Place Of Use: DOMESTIC same as IRRIGATION

Place Of Use: COMMERCIAL T53N R04W S20 NENE

Total Acres: 3

Domestic use is for 2 homes.

Commercial use is for sheet metal shop with bathrooms and break room.

95-10936

RAY MILKS

LAURA MILKS

6249 STURGEON RD

RATHDRUM, ID 83858

Point of Diversion SWSW S17 T52N R04W KOOTENAI County

Source RATHDRUM CREEK tributary to SINKS

Use: IRRIGATION 03/15 to 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 7/31/2009

Place Of Use: IRRIGATION T52N R04W S17 SWSW

Total Acres: 3

95-10937

GREGORY L PARKER

CAROLYN PARKER

15005 N JACKPINE TRL

HAYDEN, ID 83835

Point of Diversion L3(SENWSW) S31 T52N R03W KOOTENAI CO

Source UNNAMED STREAM tributary to SINKS

Point of Diversion L3(SENWSW) S31 T52N R03W KOOTENAI CO

Source SPRING tributary to UNNAMED STREAM

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

Use: STOCKWATER STORAGE 01/01 to 12/31 3.4 AF

Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.3 AF

Use: RECREATION STORAGE 01/01 to 12/31 3.1 AF

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

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3.1 AF

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

Total Diversion: 0.2 CFS 3.4 AF

Date Filed: 7/30/2009

Place Of Use: DIVERSION TO STORAGE

T52N R03W S31 L3(NWSW)

Place Of Use: STOCKWATER T52N R03W S31 L3(NWSW)

Place Of Use: All other uses same as STOCKWATER

Stockwater use is for 20 head of mixed stock.

Recreation use is for fishing and boating.

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 11/23/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 11/5/2009 and 11/12/2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Please Fax or e-mail proof/preview copy to me before this goes to press.

Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov

Thanks, Dianne

October 14, 2009

KELLI BULEY
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE, ID 83814

RE: Application For Permit No(s): 95-10896, 897, 904, 907, 917, 920, 922, 936, 937

Dear Kelli :

Please publish the enclosed legal notice on the dates indicated, November 5 and 12, 2009, (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 11/23/2009. Your cooperation truly greatly is appreciated.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, October 14, 2009 4:30 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: Application for Permit No. 95-10896,897,904,907,917,920,922,936 and 937

Attachments: CoverLetter 10-14-09 CDA e-mail 95-10896,897,904,907,917,920,922,936,937.doc;
LegalNotice 10-14-09 CDA e-mail 95-10897,97,904,907,917,920,922,936,937.doc

Hi, Kelli,

Attached is our cover letter requesting publication of a legal notice, also attached.

Please publish the attached legal notice on the dates indicated, November 5 and 12, 2009, (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 11/23/2009. Your cooperation is appreciated.

Please send a proof/preview copy for my review before this goes to press, so I might double check layout.

Thanks, and have a great day.



CoverLetter
0-14-09 CDA e-mai.



LegalNotice
0-14-09 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

October 14, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JIM AND ONA O CONNELL FAMILY LLC
10126 E FERRET DR
SPOKANE VALLEY, WA 99206

Application For Permit No. 95-10917

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 11/5/2009 and 11/12/2009. 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

Ball, Dianne

From: Ball, Dianne
Sent: Saturday, October 10, 2009 12:54 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 95-10917, 95-10896, 10897, 10904, 10907, 10920, 10938 AND 10937

10917

Attachments: 95-10917 OConnell Family LLC.pdf; 95-10896 Weller.pdf; 95-10897 Barlay Living Trust.pdf; 95-10904 Maxfield.pdf; 95-10907 Teets Family Trust.pdf; 95-10920 Puglisi.pdf; 95-10936 Milks.pdf; 95-10937 Parker.pdf

Dear Mary,

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 the applications is enclosed for your reference, and is available on our website under Search Tools by entering the WR Application number.



95-10917 OConnell
Family LLC.p...



95-10896

Weller.pdf (526 KB)



95-10897 Barlay
Living Trust.p...



95-10904

axfield.pdf (435 KB)



95-10907 Teets

Family Trust.pd...



95-10920

Puglisi.pdf (312 KB)



95-10936 Milks.pdf

(180 KB)



95-10937

Parker.pdf (538 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.

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

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, October 13, 2009 3:21 PM
To: cwashburn@idl.idaho.gov
Subject: RE: Application for Permit No. 95-10896. 10897, 10904, 10907, 10917, 10920, 10936 and 10937

Attachments: 95-10896 Weller.pdf; 95-10897 Barlay Living Trust.pdf; 95-10904 Maxfield.pdf; 95-10907 Teets Family Trust.pdf; 95-10917 OConnell Family LLC.pdf; 95-10920 Puglisi.pdf; 95-10936 Milks.pdf; 95-10937 Parker.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 the applications is enclosed for your reference.

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.

It is being prepared for publication on November 5 and 12, with final date for protest of November 23, 2009.

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

Please respond to **Eric Davis on Weller, Barlay Living Trust, Maxfield, Teets Family Trust**, and please respond to **Keith Franklin on O'Connell Family LLC, Puglisi, Milks, and Parker**.



95-10896
Weller.pdf (526 KB)



95-10897 Barlay
Living Trust.p...



95-10904
axfield.pdf (435 KB)



95-10907 Teets
Family Trust.pd...



95-10917 OConnell
Family LLC.p...



95-10920
Puglisi.pdf (312 KB)



95-10936 Milks.pdf
(180 KB)



95-10937
Parker.pdf (538 KB)

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

1617332

95-10917

FILED FOR RECORD AT REQUEST OF:

Frederic G. Emry, II
Paine, Hamblen, Coffin, Brooke & Miller LLP
1200 Washington Trust Financial Center
717 West Sprague Avenue
Spokane, WA 99201-3505

DANIEL J. ENGLISH

DEPUTY 6.01

Warranty Deed

FOR VALUE RECEIVED, JAMES P. O'CONNELL and ONA M. O'CONNELL, husband and wife, the Grantors, do hereby grant, bargain, and convey unto JIM & ONA O'CONNELL FAMILY LLC, a Washington limited liability company, whose address is 5792 North Fourth, Dalton Gardens, Idaho 83815, the Grantee, the following-described real property located in the County of Kootenai, State of Idaho:

Lot 3, Block 2, Finney Tracts, Kootenai County, Idaho, according to the duly recorded plat thereof.

SUBJECT TO: Easements, encumbrances, reservations, covenants, conditions and restrictions of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its heirs and assigns forever. Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises, that said premises are free from all encumbrances, except as set forth above, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 6 day of Dec., 1999.

James P. O'Connell

Ona M. O'Connell