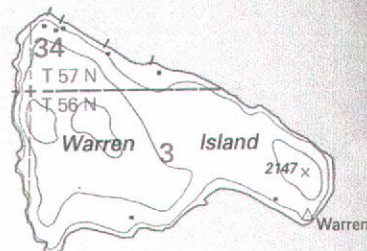


Anderson
Point

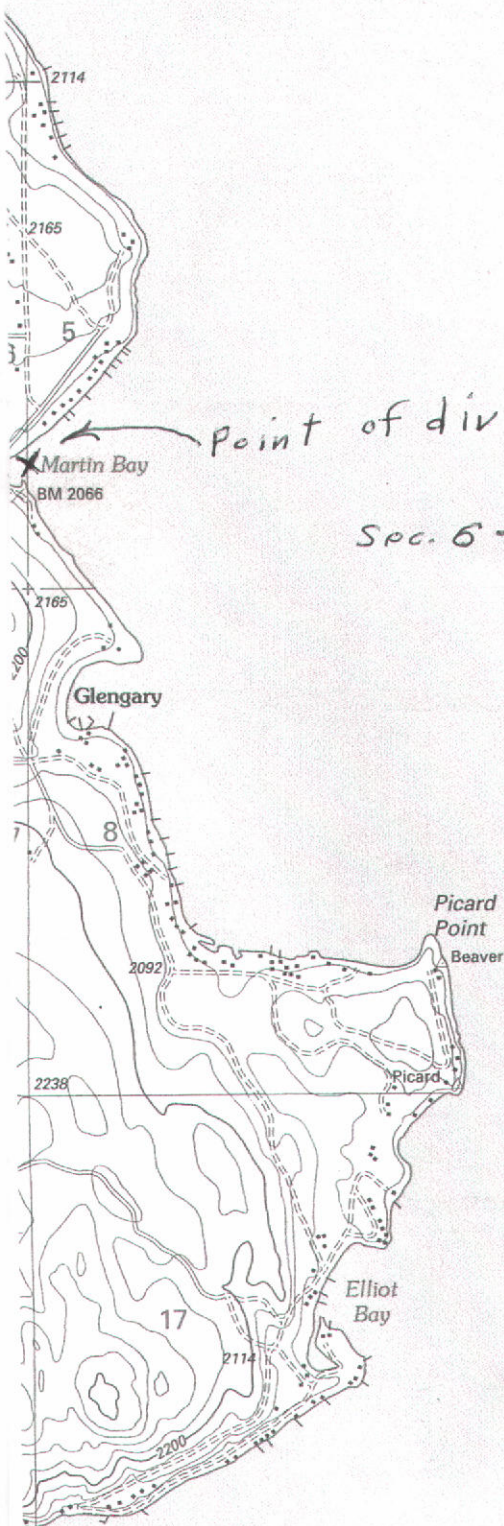
+ Mile
130

RECEIVED
MAY 10 2002
IDWR/North



point of diversion

Sec. 6 - T 56 N - R 1 East



Camp
Bay

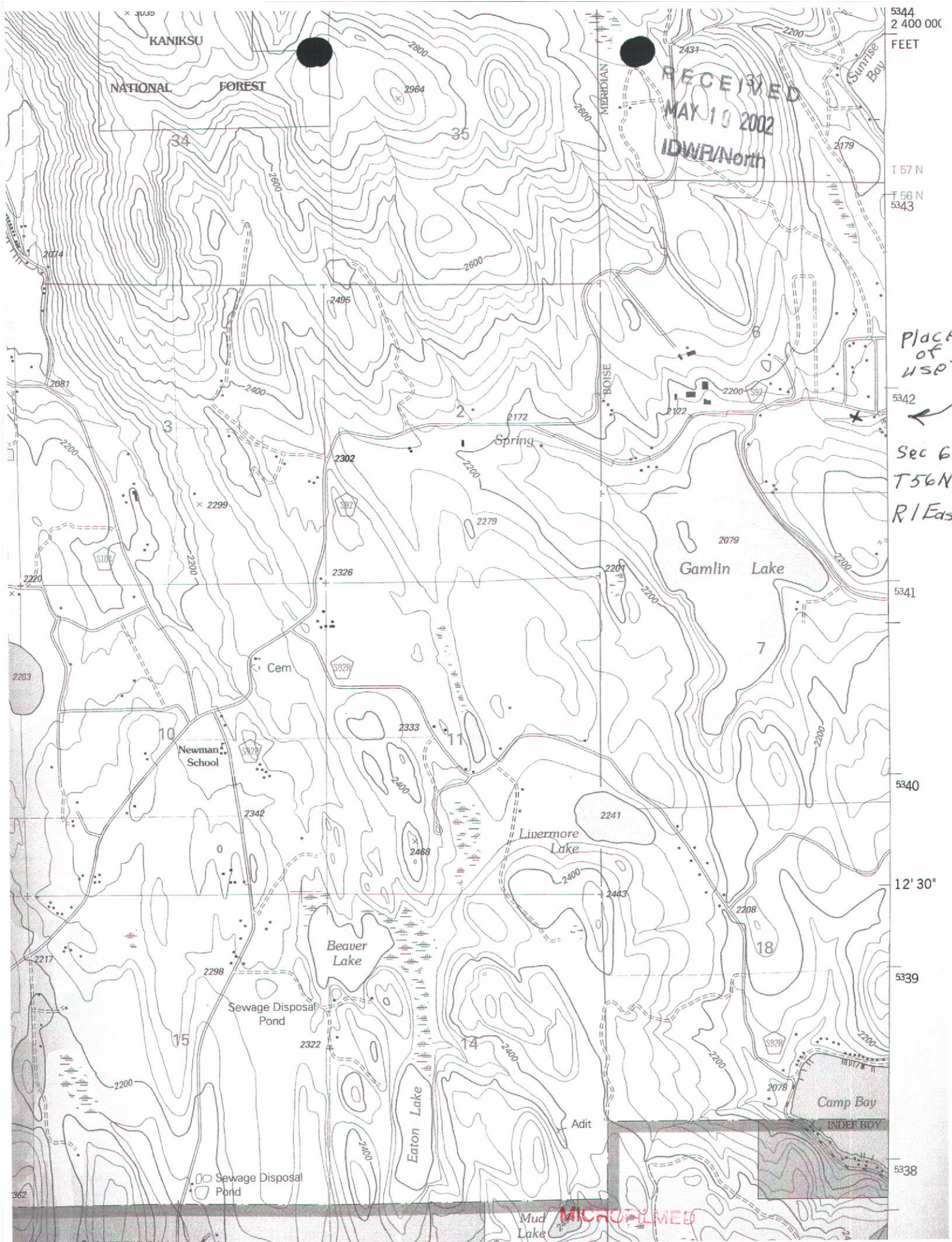
INDEFINITE

BOUNDARY

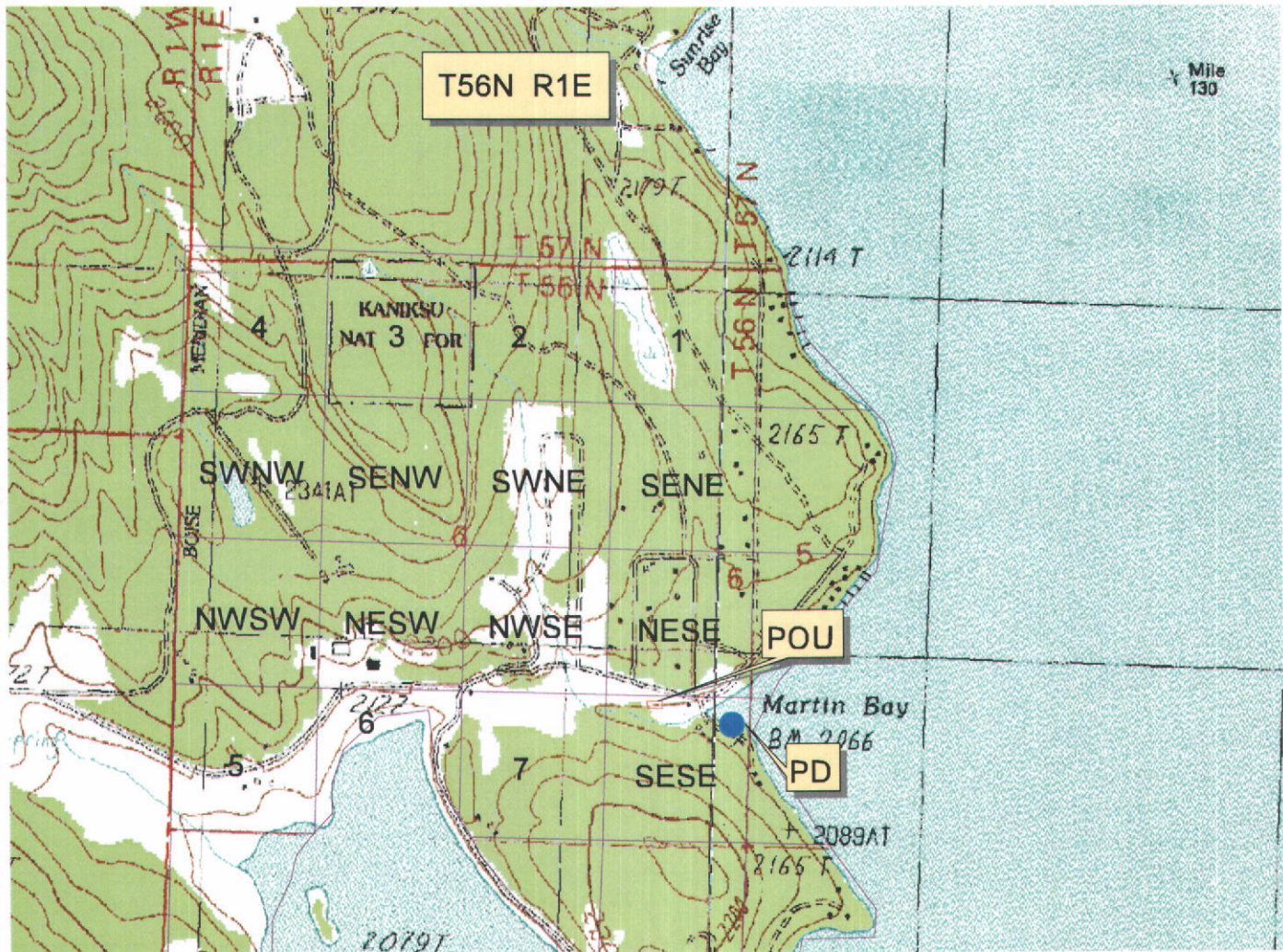


L
A
K
E

MICROFILMED
JUN 16 2004



Toomey Appl.

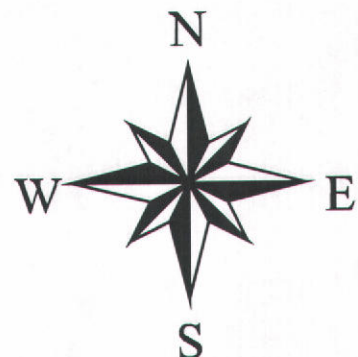


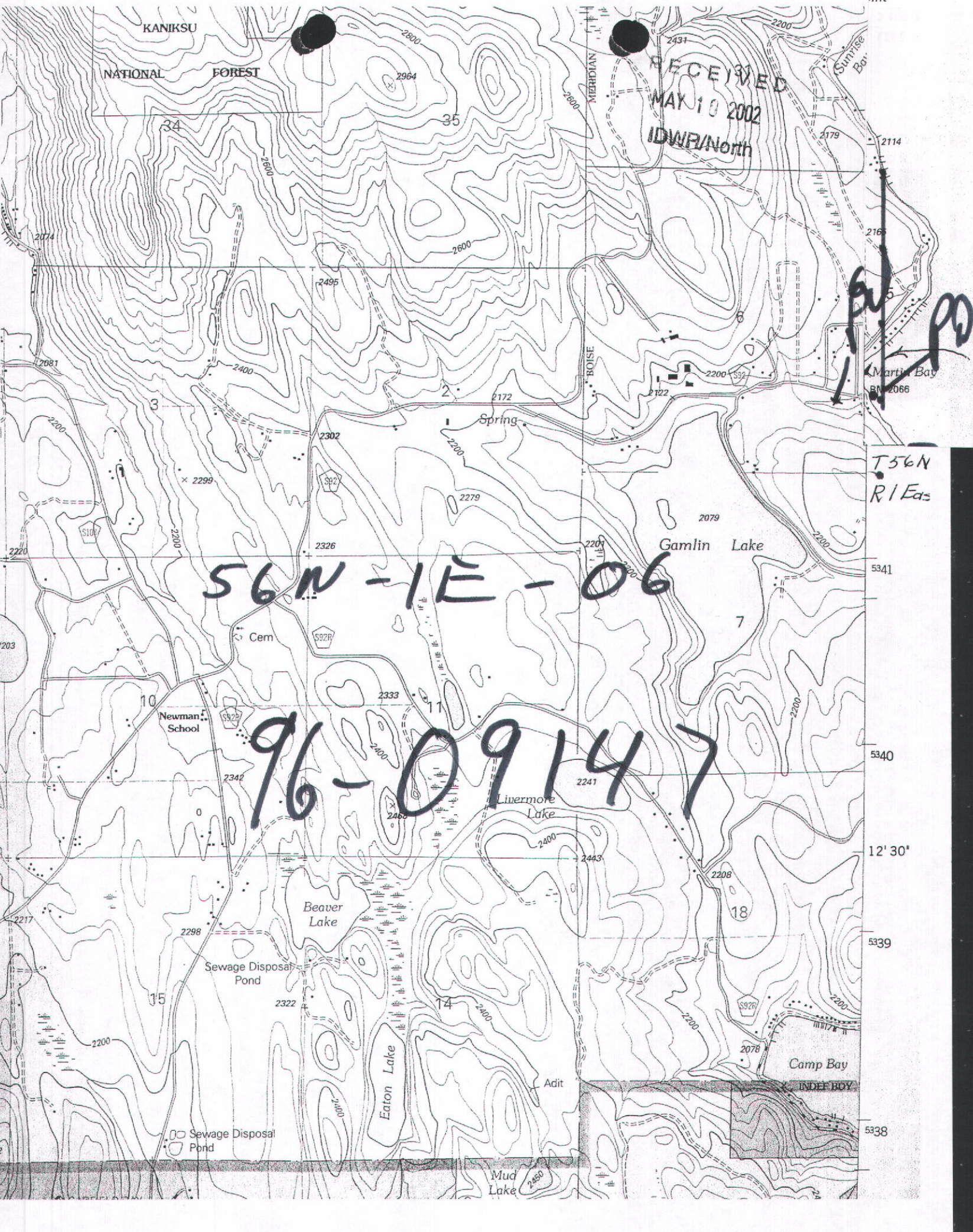
Unknown Units: View1

Quad IndexQuadcov.shp
T56n01e.shp

MICROFILMED

JUN 16 2004





KANIKSU
NATIONAL FOREST

RECEIVED
MAY 10 2002
IDWR/North

56N-1E-06

96-09147

T56N
R1Eas

12' 30"

○ Sewage Disposal
○ Pond

96-09147



PO



PO



Control Room

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

OCT 22 2003

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 96-09147 Telephone No. 263-3515
2. Name of Permit Holder(s): James C. Toomey Sr.
3. Mailing Address: P.O. Box 1787
City Sandpoint State ID Zip 83864
4. Source of Water: Pond O'Reille Lake GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: Lawn - garden
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No ✓
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: James C. Toomey Sr. Telephone Number: 208 263-3515
Address: P.O. Box 1787 Sandpoint, ID. 83864
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: James C. Toomey Sr. Date: 10-20-03
(include your title, if on behalf of company or organization)

MICROFILMED

JUN 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09147

Priority: May 12, 2003

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JAMES C TOOMEY SR
PO BOX 1787
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: PEND OREILLE LAKE

Tributary: PEND OREILLE RIVER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT OF DIVERSION:

PEND OREILLE LAKE SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, Twp 56N, Rge 01E, B.M., BONNER 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	
56N	01E	6																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2004**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. This right does not grant any right-of-way or easement across the land of another.
5. A fish screen of $\frac{1}{4}$ 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 Boise, this 10th day of October, 2003.


KARL J DREHER, Director

MICROFILMED
JUN 15 2004

70748

Ident. No.

70748 received
3/12/03

96-9147

STATE OF IDAHO

RECEIVED

RECEIVED

MAY 10 2002

IDWR/North

263-3515

263-0030

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant James C. Toomey Sr. Phone 208 263-0030

Mailing address P.O. Box 1787 Sandpoint, ID 83864

2. Source of water supply Lake Pend Oreille which is a tributary of Pend Oreille River

3. Location of point of diversion is Township 56 N Range 1 East Sec. 6, in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot Bonner County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic 1 household purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 1 1/4" dia. plastic pipe
with 1 hp pump Pipe line buried

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1

e. Other; describe fully. _____

MICROFILMED

JUN 15 2004

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	1E	6																D	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? State of Idaho

b. Who owns the land to be irrigated or place of use? James C. Toomey Sr.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James C. Toomey Sr. Owner
Signature of Applicant (and title, if applicable)

Received by db Date 5/10/02 Time 1:20P Preliminary check by _____
Fee \$ 100.00 Receipted by db # N015626 Date 5/12/03
Publication prepared by db Date 8/14/03 Published in Banner & Daily Bee 8/21+28/03
Publication approved db Date 9/3/03

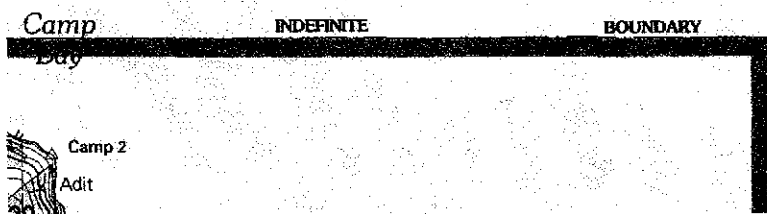
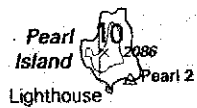
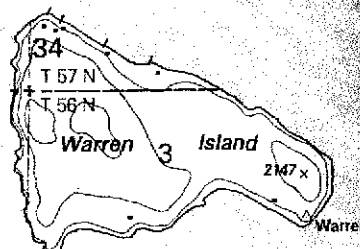
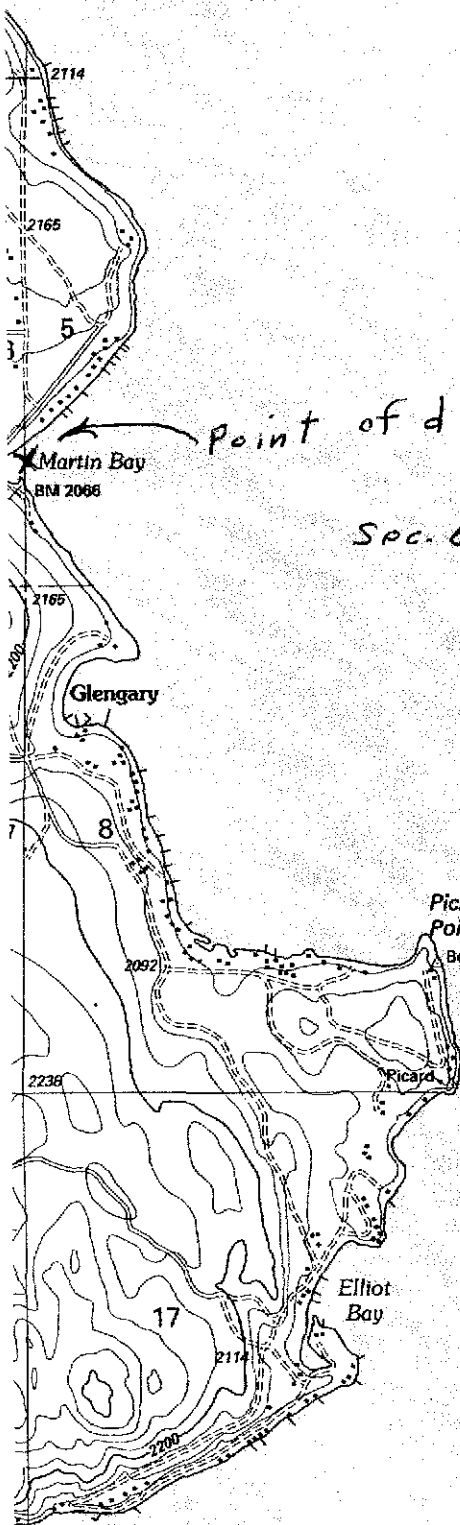
MICROFILMED

JUN 15 2004

Anderson
Point

+ Mile
130

RECEIVED
MAY 10 2002
IDWR/North



L
A
K
E
MICROFILMED
JUN 16 2004

KANIKSU
NATIONAL FOREST

RECEIVED
MAY 10 2002
IDWR/North

5344
2 400 000
FEET

T 57 N
T 56 N
5343

Place of
use
←

Sec 6
T56N
R1East

5342

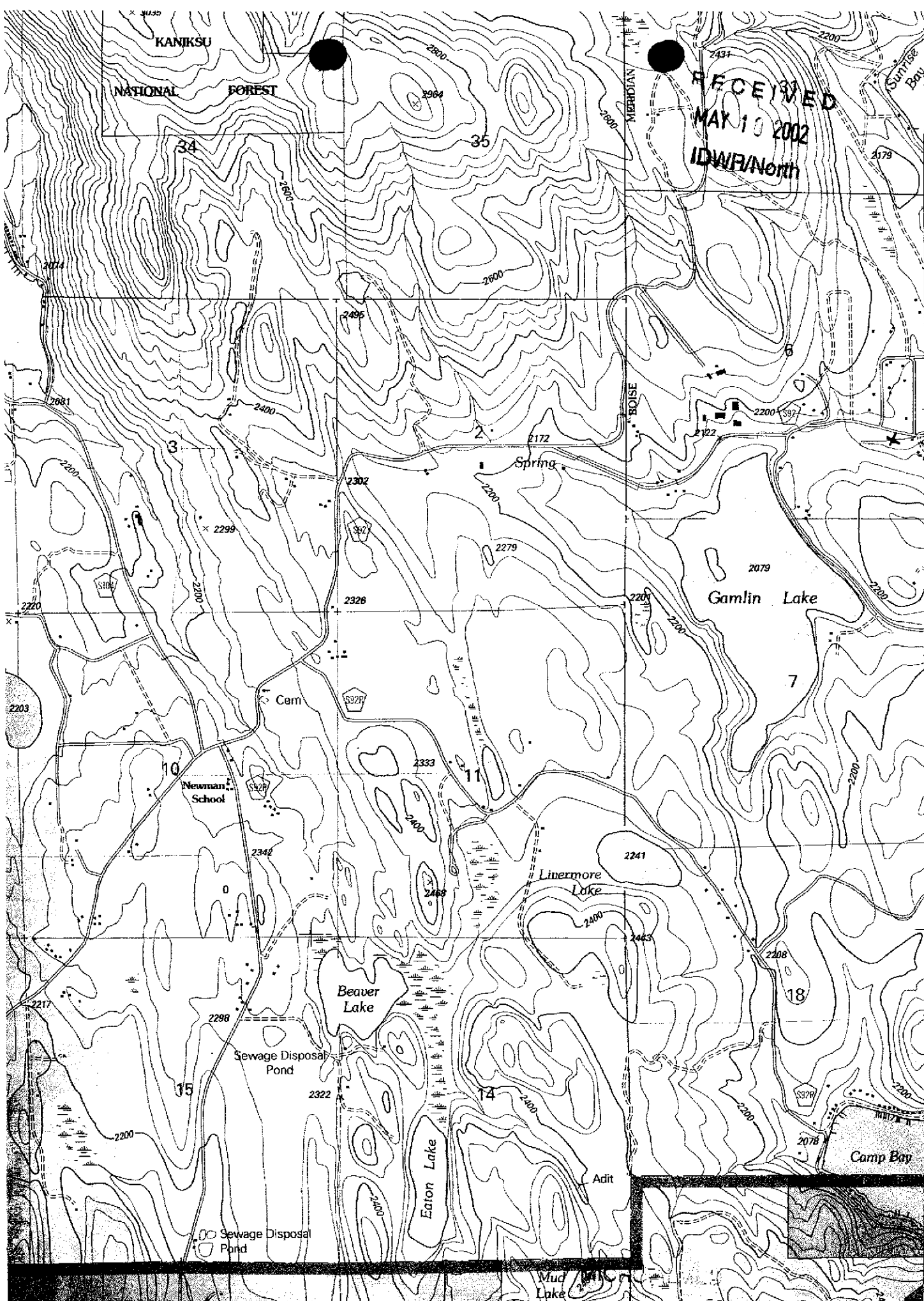
5341

5340

12' 30"

5339

5338



MAY 10 2002

RECEIVED

DEC 13 2004
DEPARTMENT OF
WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 96-09147

1. Owner: James C. Cooney, Jr. Phone No. (208) 263-3515

Current Address: P.O. Box 1787 Sandpoint Id. 83864

2. Accompanied by: James Toomey Sr. EXAM DATE: 5-13-04

Address: Same as above Phone No.

Relationship to Permit Holder: _____

3. Source: Pond Creek Lake tributary to Pond Creek River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

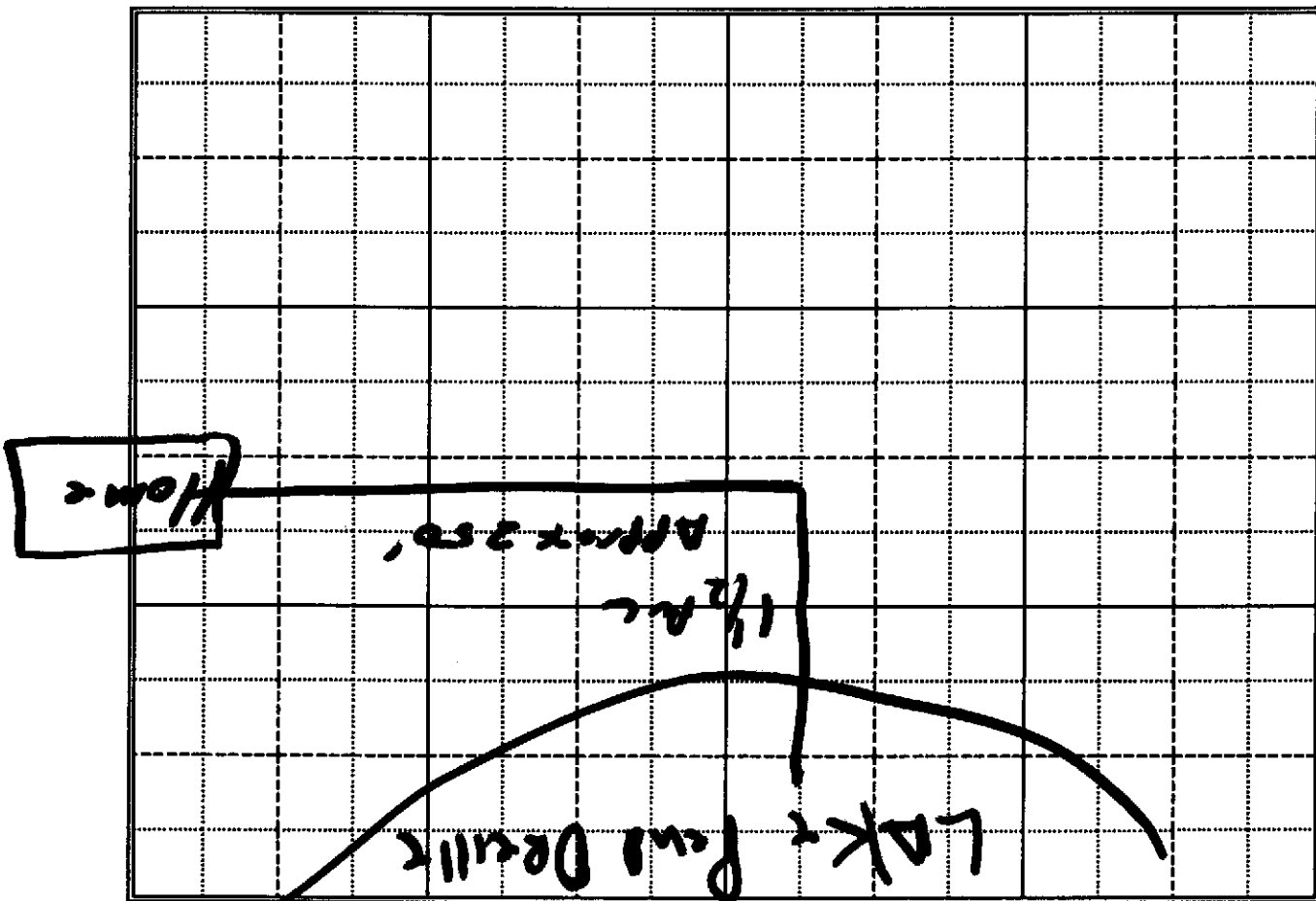
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



Scale: 1" = _____

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	1	2801064915	506	1.5"

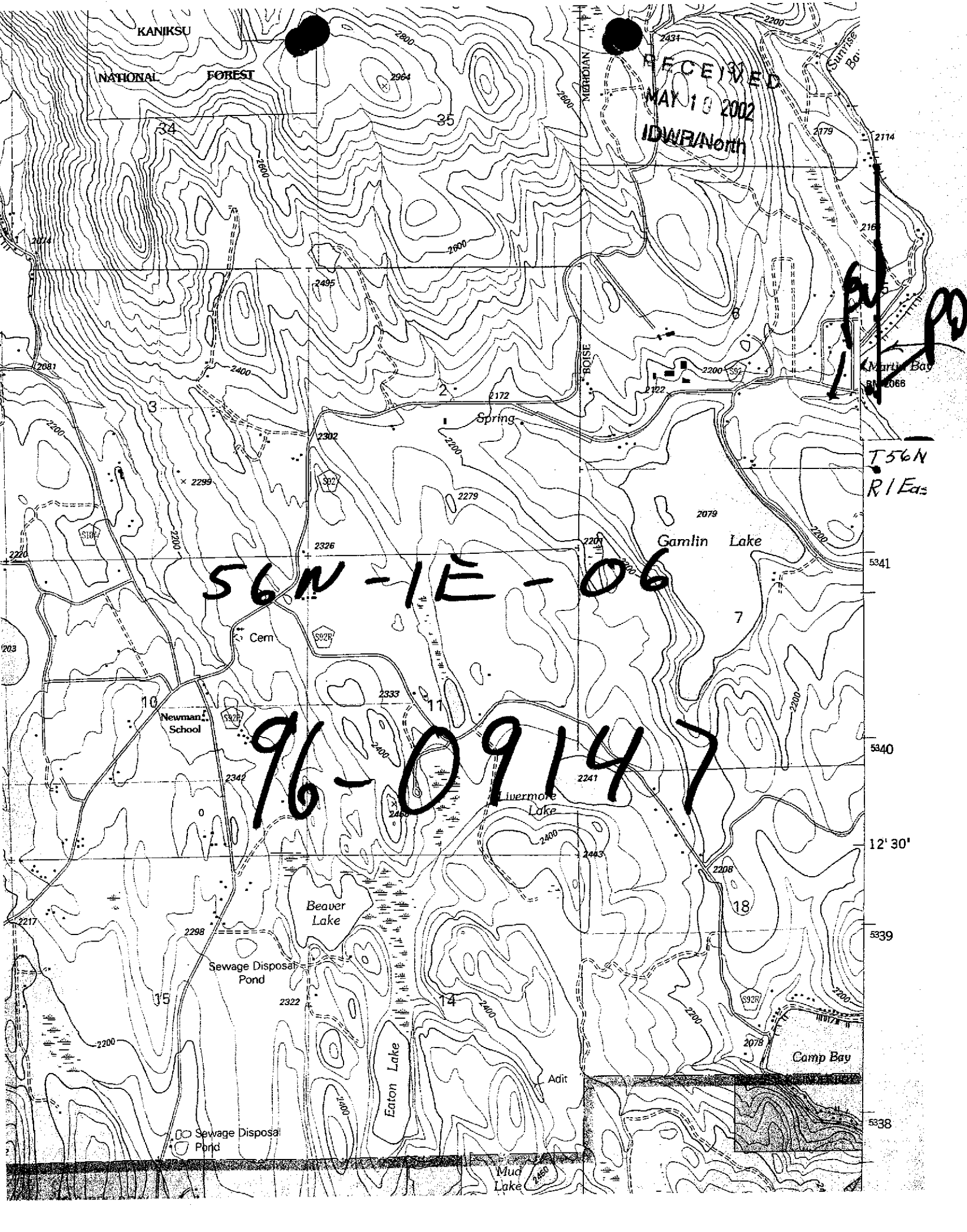
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:



KANIKSU

NATIONAL FOREST

RECEIVED
MAY 10 2002
IDWR/North

fu
1
PO

Martin Bay
BN 2066

T56N
R1E4

56N-1E-06

96-09147

12' 30"

5339

5338

Sewage Disposal Pond

Mud Lake

96-09147



PD

PD

Control Room

E. NARRATIVE/REMARKS/COMMENTS

With pressure tanks bled off a
5 gal bucket measurement was done.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal bucket
5 gal in 16 sec = 18.75 gpm

$$18.75 \times 133681 = 2495017.5$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

Period of Use
From 01-01
To 12-31

Rate of Diversion
Q (cfs)
1.04

Annual Volume
V (afa)
1.2

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

Add P.D. as reflected above
Add P.U. as reflected above
None
Other

I. AUTHENTICATION

Field Examiner's Name

Wagner
Date 5-25-05

Reviewer

Date

SEAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2004

JAMES C TOOMEY SR
PO BOX 1787
SANDPOINT ID 83864

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-9147

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Northern** Regional Office of the department in Coeur d'Alene (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
JUN 15 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9147

Reviewed By: dgibson

Date: January 14, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N015626, C071354	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		10/22/2003
Date proof due	-	10/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	05/12/2003
New priority date	=	05/12/2003

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 15, 2003

JAMES C TOOMEY SR
PO BOX 1787
SANDPOINT ID 83864

RE: Permit No. 96-9147

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.

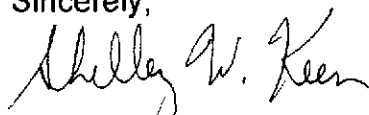
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least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

MICROFILMED
JUN 15 2003

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

APR 18 2004

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2003 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.

96-9147

**JAMES C TOOMEY SR
PO BOX 1787
SANDPOINT ID 83864**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 15 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

MICROFILMED
JUN 16 2004

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.

MICROFILMED
JUN 16 2004

**ID#0 DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 96-9147

APPLICATION ID # 70748
INITIAL REVIEW

ENT. 8/8/03 BCA 8/8/03 OK to Publish 8/8/03

APPLICANT: Toomey BY: PSA DATE: 7/16/03

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)

RECEIVED

OCT - 7 2003

Department of Water Resources

PROCESSING

(Yes)(No)

PRIORITY DATE: 5/12/03

**Fee
Revid**

(Include Moratorium Remark)

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

ADVERTISE IN:

Bonner County

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

ADDITIONAL INFORMATION

(Yes)(No)

- Shape File Created Date _____ By: _____
Field check: by _____
Field report attached _____
Analysis Supp. attached(>5cfs/500af) _____
Water delivered by water master? Water District # _____

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: Encroachment
permit needed from
IDL

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- Notice of pending void order issued. Final order response date: _____
Further information required from applicant _____
Affidavit of publication received 8/29
Application published correctly. If not, record action taken: 9/13

8/14 Publication dates and paper recorded on application

Final protest date:

9/8/03 Sr. Agent initial _____

- Protests received _____
Measuring device required _____
Measuring port required _____
Special conditions: _____

Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____

Date: _____

AFFIDAVIT OF PUBLICATION

RECEIVED

State of Idaho

AUG 29 2003

ss.

IDWR/North

County of Bonner,

Sherilyn Jones

being first duly sworn on oath

deposes and says that he/she is

Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and published at Sandpoint, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached

notice of publication in the case of:

Notice of App

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks,

commencing on 21 day of Aug, 20 03and ending on the 28 day of Aug, 20 03

and that said notice was published in said newspaper.

On this 28 day of Aug in the year of 2003, before me, a Notary Public, personally

appeared Sherilyn Jones

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.

Carolyn L. Inge
Notary Public for Idaho
Residing at Sandpoint
My commission expires: 8/06

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

96-9147

JAMES C TOOMEY SR

PO BOX 1787

SANDPOINT ID 83864

Point(s) of Diversion SESE S6 T56N R01E BONNER County

Source PEND OREILLE LAKE Tributary To PEND OREILLE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 05/12/2003

Place Of Use: DOMESTIC T56N R01E S6 SESE

Remark: Domestic use is for one home.

96-9148

PATRICK F MARRON

VICKIE MARRON

568 SPYGLASS HILL RD

CAREYWOOD ID 83809

Point(s) of Diversion NWNESE S3 T54N R02W BONNER County

Source SPRING

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

Total Diversion: 0.04 CFS

Date Filed: 06/02/2003

Place Of Use: DOMESTIC T54N R02W S3 NESE

Remark: Domestic use is for 1 home.

96-9149

DALE F SCHULTZ

66 FERN LANE

PO BOX 275

COCOLALLA ID 83813

Point(s) of Diversion SENE S6 T55N R02W BONNER County

Source COCOLALLA CREEK Tributary To COCOLALLA LAKE

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

Total Diversion: 0.04 CFS

Date Filed: 06/05/2003

Place Of Use: DOMESTIC T55N R02W S6 SENE

Remark: Domestic use is for watering a small garden.

97-7426

COUGAR CREEK WATER USERS ASSN

ATTN LOEL FENWICK

100 WATERBIRD LANDING

COOLIN ID 83821

Point(s) of Diversion L1 (NESESE) S27 T60N R04W BONNER County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.4 CFS

Total Diversion: 0.4 CFS

Date Filed: 08/01/2003

Remark: Municipal use is within the service area of applicant.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 09/08/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal SNP#4545

August 21, 28, 2003

MICROFILMED

JUN 16 2004

4545

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

96-9147

JAMES C TOOMEY SR

PO BOX 1787

SANDPOINT ID 83864

Point(s) of Diversion SESE S6 T56N R01E BONNER County
Source PEND OREILLE LAKE Tributary To PEND OREILLE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 05/12/2003
Place Of Use: DOMESTIC T56N R01E S6 SESE
Remark: Domestic use is for one home.

96-9148

PATRICK F MARRON

VICKIE MARRON

568 SPYGLASS HILL RD

CAREYWOOD ID 83809

Point(s) of Diversion NWNSE S3 T54N R02W BONNER County
Source SPRING
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 06/02/2003
Place Of Use: DOMESTIC T54N R02W S3 NESE
Remark: Domestic use is for 1 home.

96-9149

DALE F SCHULTZ

66 FERN LANE

PO BOX 275

COCOLALLA ID 83813

Point(s) of Diversion SENE S6 T55N R02W BONNER County
Source COCOLALLA CREEK Tributary To COCOLALLA LAKE
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 06/05/2003
Place Of Use: DOMESTIC T55N R02W S6 SENE
Remark: Domestic use is for watering a small garden.

97-7426

COUGAR CREEK WATER USERS ASSN

ATTN LOEL FENWICK

100 WATERBIRD LANDING

COOLIN ID 83821

Point(s) of Diversion L1 (NESESE) S27 T60N R04W BONNER County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.4 CFS
Total Diversion: 0.4 CFS
Date Filed: 08/01/2003
Remark: Municipal use is within the service area of applicant.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 09/08/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 11, 2003

JUN 16 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PLEASE FAX PROOF PRIOR TO PUBLICATION

August 14, 2003

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

RE: Application for Permit No. 96-9147, 96-9148, 96-9149 and 97-7426

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 21 and 28, 2003, (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 09/08/2003. Your cooperation is GREATLY appreciated, as always!

Sincerely

Dianne

Dianne Ball
Administrative Assistant

MICROFILMED

JUN 16 2003

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, August 14, 2003 9:17 AM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication on August 21 and 28, 2003

A very cheery, good morning to you, Sheri. I'm trusting you are having a beautiful day.



Attached you will find our cover letter requesting publication of a legal notice, also attached.

Please send a proof prior to publication.

If you have ANY questions, please give me a call or e-mail me, asap.

Thanks, and have a sunny, blessed day!! (and try to stay cool!!)



May your day be filled with wonder and beauty.

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

Phone 208-769-1450 FAX 208-769-1454

MICROFILMED

JUN 16 2004

8/14/2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 14, 2003

JAMES C TOOMEY SR
PO BOX 1787
SANDPOINT ID 83864

RE: Application for Permit No 96-9147

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on August 21 and 28, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N015626

MICROFILMED

JUN 15 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 **Fax (208) 769-1454**

August 08, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO RAY 8/8/2003
7 PAGES TOTAL

Application to Permit No. 96-9147 - TOOMEY

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this letter, by August 25, 2003. If you prefer to reply by e-mail, my e-mail address is dball@idwr.state.id.us.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne', is written over a horizontal line.

Dianne Ball
Administrative Assistant

Enclosure(s)

MICROFILMED

JUN 16 2003