

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09289

Priority: June 01, 2006

Maximum Diversion Rate: 0.02 CFS

This is to certify, that LINDA CLOWES
3614 7TH SW
CALGARY AB T2T 2Y1

has applied for a permit to appropriate water from:

Source: PEND OREILLE RIVER **Tributary:** COLUMBIA 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>
IRRIGATION	04/01 to 10/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

PEND OREILLE RIVER L3 (SE¼ NW¼) Sec. 3, Twp 56N, Rge 02W, B.M. BONNER County

PLACE OF USE: IRRIGATION

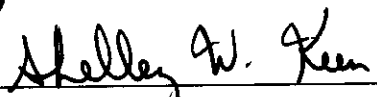
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	02W	3								1.0									1.0
										L 3									

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2008**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. Water shall not be diverted under this right when flows in the Pend Oreille River are below established minimum flow amounts.
5. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of August, 2006.


FOR KARL J. BREHER, Director

72862

Ident. No. **RECEIVED**

96-9289

RECEIVED

JUL 31 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN - 1 2006

APPLICATION FOR PERMIT

IDWR/North

DEPARTMENT OF
WATER RESOURCES

To appropriate the public waters of the State of Idaho

1. Name of Applicant LINDA COOKES Phone (403) 243-7469
Mailing address 3614 - 7ST S.W. CALGARY ALBERTA T2T 2Y1
2. Source of water supply PEND OREILLE River which is a tributary of PEND OREILLE LAKE
Columbia
3. Location of point of diversion is Township 56 N Range 2 WEST Sec. 3, in the SE 1/4, NW 1/4, Govt. Lots 3, 3, 3, 3, 3, 3, 3, 3, B.M., BONNER County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>25000 cfs</u> for <u>grass watering</u> purposes from <u>June 1</u> to <u>Oct 31</u> (both dates inclusive)	
(cfs or acre-feet per annum) <u>(irrigation)</u>	
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) .02 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 1/2 HP Pump - 1 1/2" suction pipe w strainer ATTACHED TO DOCK FOR
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total 11601 WATER
reservoir capacity N/A acre-feet Extraction
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - d. Is ground water with a temperature of greater than 85°F being sought? N/A
 - 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 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9): N/A
 - 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. _____
 - e. Other; describe fully. _____

2. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	2W	3																	1

Total number of acres to be irrigated 1 acre (approx)

10. Describe any other water rights used for the same purposes as described above. NONE

- Who owns the property at the point of diversion? LINDA CLOWES
- Who owns the land to be irrigated or place of use? LINDA CLOWES
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: Suction line will be attached to dock to first piling.
LAND Filter to be at least two feet from bottom to reduce
any risk of SILT EXTRACTION
(higher water) WATER will only
be taken when water at
full height level (summer)

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.

Linda Clowes
 Signature of Applicant (and title, if applicable)

Received by cm Date 6-1-06 Time 12:53 Preliminary check by cm
 Fee \$ 100.00 Receipt by cm # ND17631 Date 6-1-06
 Publication prepared by cm Date 6/27/06 Published in Bozeman Co Daily Bee 7/6+13/06
 Publication approved cm Date 7/17/06

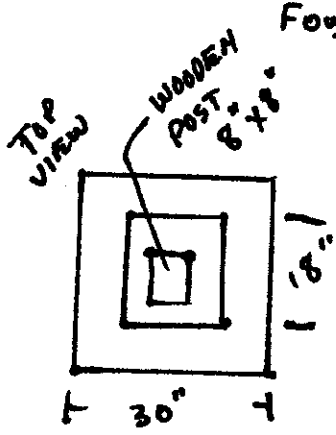
96-9289



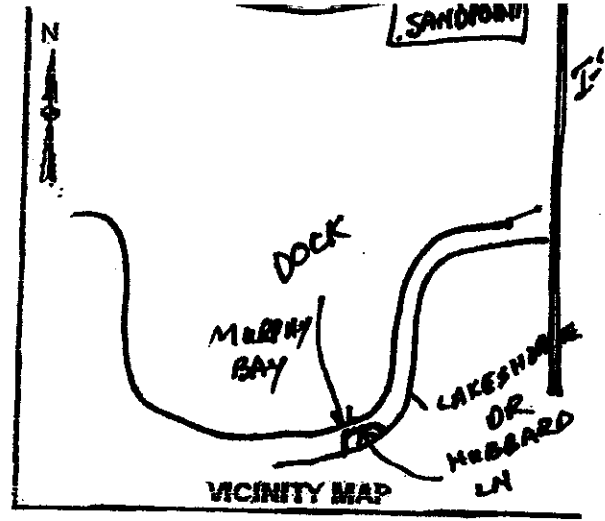
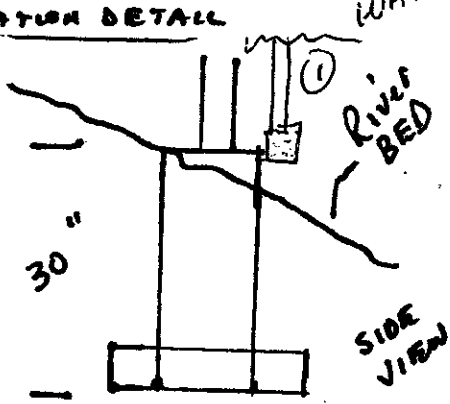
0.04 0 0.04 0.08 Miles

- Bonner taxlots
- GCDB57N02W GCDB
- GCDB56N02W GCDB
- Permit POD
- Pou.shp
- Pod.shp
- Administrative BasinsAdminbas.shp



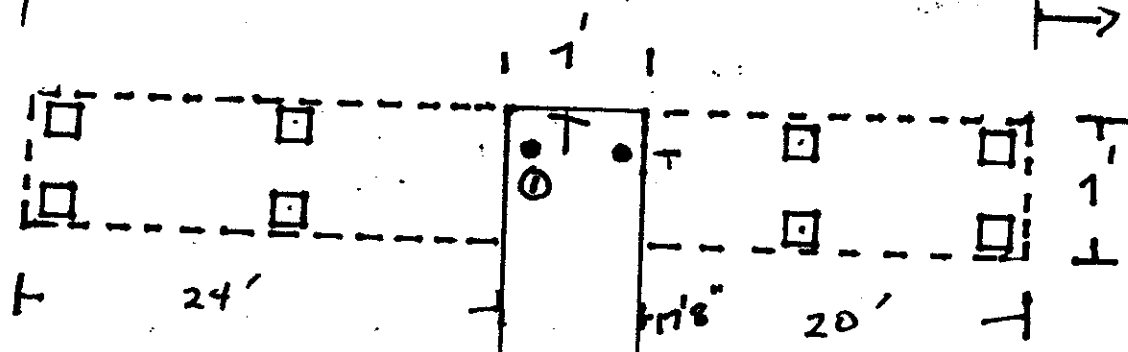


FOUNDATION DETAIL



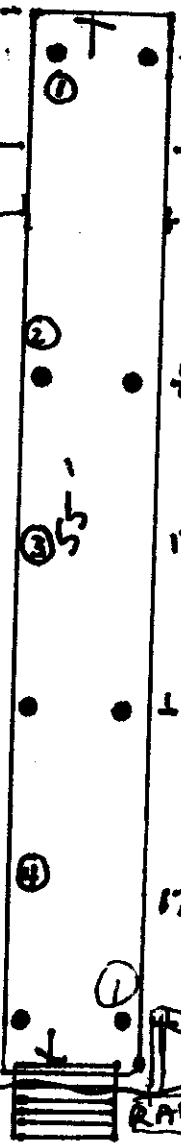
100' ft +
to property
line

50' ft +
to property
line



Depth of water

- ① 7'6"
- ② 6'0"
- ③ 5'2"
- ④ 4'0"



HIGH WATER

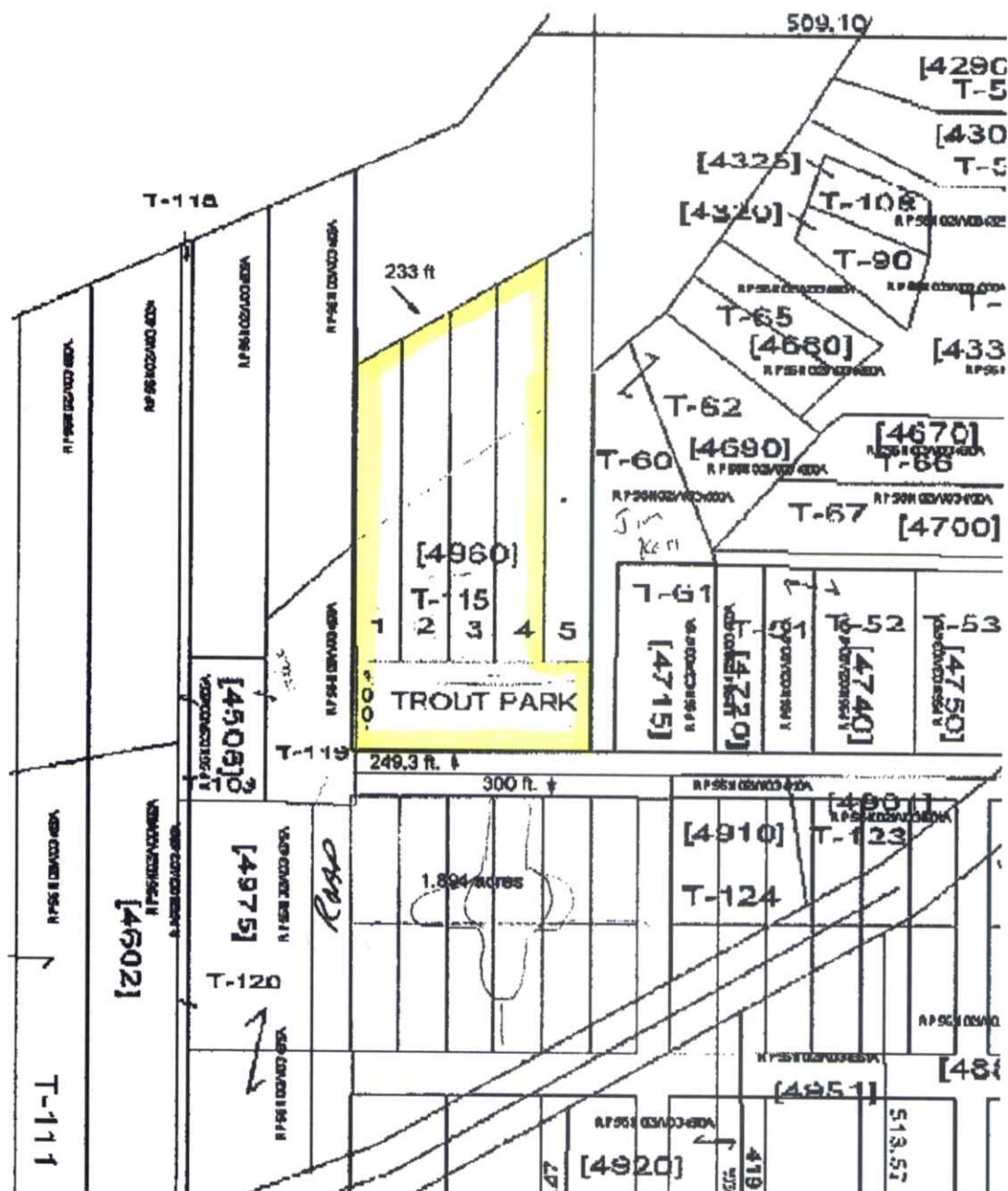
233' shoreline

	SQ FT
— EXISTING DOCK	385
--- EXPANSION	308
TOTAL	693

IN PEND ORIELLE RIVER
IN NEAR SANDPOINT
COUNTY, BONNER
DATE: SEPT 2004 SHEET 1 OF 3

SE NW

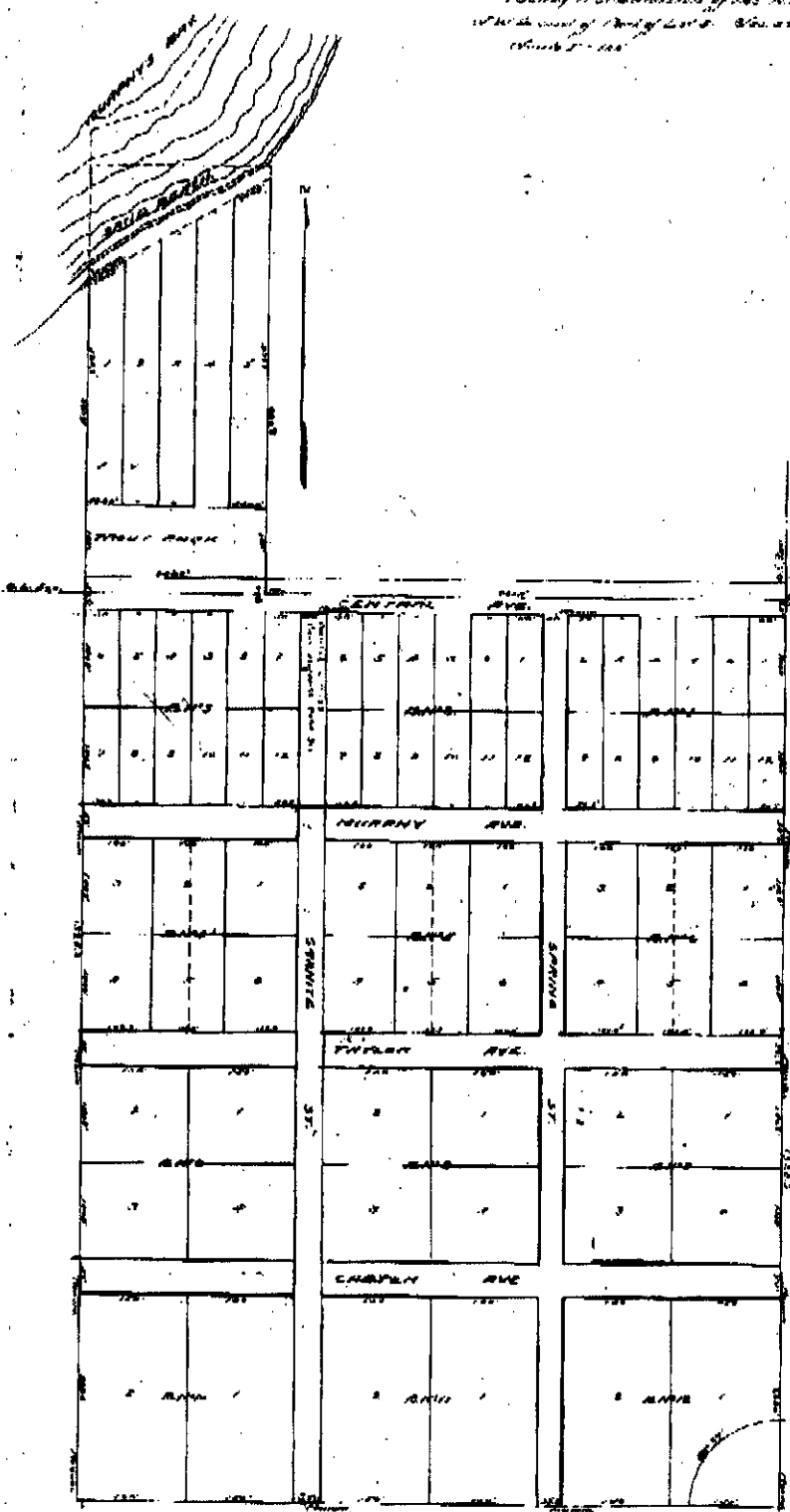
NESW



2

MURPHY'S BAY VIEW PLACE

Being a continuation of the lot of the
of the County of San Diego, State of California
County of San Diego, State of California



DEDICATION
 Have witness by these presents, that we
 Charles Murphy, Oliver and Mary Murphy, the
 wife, have caused the land described in the
 plat of said land being a part of
 Sec. 1, 1/4, N. 1/4, E. 1/4, and Section 1, 1/4, N. 1/4, E. 1/4,
 Township of a part 13200 ft. North of
 the 1/4 corner on the south boundary of
 said section, thence west 970.00 ft. to a
 point, thence north 13200 ft. to a point,
 thence east 970.00 ft. to a point, thence
 south 13200 ft. to a point, thence east 970.00 ft.
 to a point, thence south 13200 ft. to
 the point of beginning, 13200 ft. surveyed and
 not yet settled, to be known as Murphy's
 Bay View Place and that the streets and
 highways as shown on this plat are now
 lawfully dedicated, granted and conveyed to the
 public for public use, reserving only
 the water rights in the lot shown in
 said plat, which are not shown in any
 plat showing should not be vacated
 as public highways. (Charles Murphy, Oliver
 Mary Murphy)

State of Idaho) ss
 Co. of Blaine) ss
 On this 23rd day of Dec. 1908
 before me, a Notary Public in and
 for said County, personally came the
 above named Charles Murphy and Mary
 Murphy his wife, known to me to be the
 persons who executed the above
 dedication, and notwithstanding the
 same to be their own free act and
 deed.
 Witness my hand and seal
 this 23rd day of December
 1908.
 Notary Public, Blaine, Idaho
 I hereby certify that the aforesaid
 plat is a correct one and that permanent
 monuments have set up shown on said
 plat as surveyed by me in December,
 1908.
 J. H. Cane
 Licensed Surveyor

*See Book 5 of the collection
 of Blaine, Idaho
 of the Blaine, Idaho
 of the Blaine, Idaho*

Witness my hand and seal
 this 23rd day of December
 1908.
 Notary Public, Blaine, Idaho
 I hereby certify that the aforesaid
 plat is a correct one and that permanent
 monuments have set up shown on said
 plat as surveyed by me in December,
 1908.
 J. H. Cane
 Licensed Surveyor

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 8, 2006

LINDA CLOWES
3614 7TH SW
CALGARY AB T2T 2Y1

RE: Permit No. 96-9289

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.

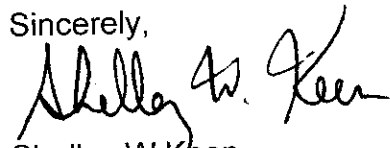
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-287-4947.

Sincerely,

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

Shelley W Keen
Water Rights Supervisor

SWK:ka

Enclosure(s)

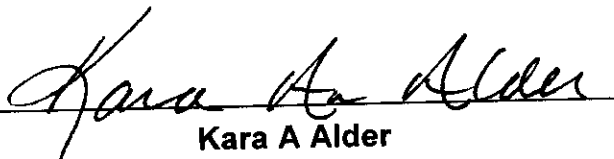
CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2006 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.

96-9289

**LINDA CLOWES
3614 7TH SW
CALGARY AB T2T 2Y1**


**Kara A Alder
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(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. 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.

MEMORANDUM

Date: August 08, 2006
To: Water Right File 96-9289
From: eretelle
Re: permit review

No WD
Min Stream Flow Pend Oreille River

No protest or overlap

Recommend approval as suggested by IDWR Northern

RECEIVED

JUL 17 2006

IDWR/North

NOTICE OF APPLICATION FOR WATER RIGHT

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

96-9286

BOTTLE BAY FAMILY HOLDINGS LLC
16114 E INDIANA AVE STE 205
SPOKANE ID 99216

Point(s) of Diversion: L6 (SWSWSE) S33 T57N R01W BONNER County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.05 CFS

Use: DOMESTIC 01/01 To 12/31 0.08 CFS

Total Diversion: 0.1 CFS

Date Filed: 04/05/2006

Place Of Use: DOMESTIC

T57N R01W S33 SWSE Lot 6

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres: 1.5

Remark: Domestic use is for 3 homes.

96-9288

LAURIE REID
PO BOX 811
ATHOL ID 83801

Point(s) of Diversion: SWSENE S21 T54N R03W BONNER County

Source SPRING Tributary To SINKS

Use: IRRIGATION 04/01 To 10/31 0.02 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 0.1 AFA

Total Diversion: 0.02 CFS

Date Filed: 06/12/2006

Place Of Use: IRRIGATION

T54N R03W S21 SENE

Number of Acres: 0.5

Place Of Use: WILDLIFE STORAGE same as IRRIGATION

96-9289

LINDA CLOWES
3614 7TH SW
CALGARY AB TT 2Y1

Point(s) of Diversion: L3 (SENW) S3 T56N R02W BONNER County

Source PEND OREILLE RIVER tributary To COLUMBIA RIVER

Use: IRRIGATION 04/01 To 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 06/01/2006

Place Of Use: IRRIGATION

T56N R02W S3 SENW Lot 3

Number of Acres: 1

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 07/24/2006. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal SNP#7941
July 6, 13, 2006

AFFIDAVIT OF PUBLICATION

RECEIVED
JUL 17 2006
IDWR/North

STATE OF IDAHO)
) ss.
County of Bonner)

Sherilyn Jones, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Notice of App.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 6 day of July, 2006 and ending on the 3 day of July, 2006.

Sherilyn Jones

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 14 day of July, 2006

Carolyn L. Inge
Notary Public

Residing at: Sandpoint
Comm. Exp.: 8/06



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

96-9286

BOTTLE BAY FAMILY HOLDINGS LLC

16114 E INDIANA AVE STE 205

SPOKANE ID 99216

Point(s) of Diversion L6 (SWSWSE) S33 T57N R01W BONNER County

Source GROUND WATER

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Use: DOMESTIC 01/01 To 12/31 0.08 CFS

Total Diversion: 0.1 CFS

Date Filed: 04/05/2006

Place Of Use: DOMESTIC

T57N R01W S33 SWSE Lot 6

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 1.5

Remark: Domestic use is for 3 homes.

96-9288

LAURIE REID

PO BOX 811

ATHOL ID 83801

Point(s) of Diversion SWSENE S21 T54N R03W BONNER County

Source SPRING Tributary To SINKS

Use: IRRIGATION 04/01 To 10/31 0.02 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 0.1 AFA

Total Diversion: 0.02 CFS

Date Filed: 06/12/2006

Place Of Use: IRRIGATION

T54N R03W S21 SENE

Number of Acres 0.5

Place Of Use: WILDLIFE STORAGE same as IRRIGATION

96-9289

LINDA CLOWES

3614 7TH SW

CALGARY AB T2T 2Y1

Point(s) of Diversion L3 (SENW) S3 T56N R02W BONNER County

Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER

Use: IRRIGATION 04/01 To 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 06/01/2006

Place Of Use: IRRIGATION

T56N R02W S3 SENW Lot 3

Number of Acres 1

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 07/24/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on July 6 and 13, 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615
Phone: (208) 769-1450 FAX: (208) 769-1454 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 27, 2006

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

Please FAX proof copy before this goes to press, to 769-1454
Thanks, Dianne

RE: Application for Permit No. 96-9286, 96-9288 and 96-9289

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 6 and 13, 2006 (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 07/24/2006. Your cooperation is ALWAYS appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, June 27, 2006 4:55 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication July 6 and 13, 2006

Good afternoon, Sheri (or Good morning, depending upon when you receive this)

Attached is our cover letter requesting publication on July 6 and 13, 2006 of a legal notice, also attached.

Please FAX a proof copy before this goes to press - to 208-769-1454.

If you have ANY questions, please call me at 208-769-1450

Thanks for ALL your help. 'Tis a pleasure to work with you.

Dianne

Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454



CoverLetter
5-27-06 BCDB e-ma.



LegalNotice
5-27-06 BCDB e-ma.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 27, 2006

LINDA CLOWES
3614 7TH SW
CALGARY AB T2T 2Y1

RE: Application for Permit No 96-9289

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 July 6 and 13, 2006. 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,

Keith E. Franklin
Water Resource Agent

Enclosure(s) – Receipt No. N017631



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

June 23, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE ID 83815

FAXED TO MARY 6/23/2006
8 pages total

Re: Water Permit Application No. 96-9289

Dear Mary:

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

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **July 21, 2006**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to Keith.Franklin@idwr.idaho.gov, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

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June 23, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

JIM BRADY, RESOURCE MANAGER
IDAHO DEPARTMENT OF LANDS
PEND OREILLE SUPERVISORY AREA
2550 HIGHWAY 2 WEST
SANDPOINT ID 83864-7307

FAXED TO JIM 6/23/06
8 pages total

Re: Water Permit Application No. 96-9289

Dear Jim:

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

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **July 21, 2006**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to Keith.Franklin@idwr.idaho.gov, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 1, 2006

Linda Clowes
3614-7St. S.W.
Calgary, Alberta T2T2Y1

Re: Application for Permit To appropriate the Public Waters of the State of Idaho.

Dear Ms. Clowes:

The Idaho Department of Water Resources is in receipt of your application to appropriate water out of the Pend Oreille River, for the irrigation of one acre, however, before any processing can begin, the Department is requesting the following additional information.

Please submit a map, preferably a USGS 7.5 minute topographic map showing the exact location of your property to be irrigated and the location where water is to be diverted from the river. Along with the USGS map an aerial photo, plat map or hand drawn sketch would be helpful in identifying the location for the appropriation. Also, you will need to submit a copy of a warranty deed or real estate contract to show proof of ownership.

For your information, the Pend Oreille River is designated as navigable water therefore; you will also need a permit from the Idaho State Department of Lands, before the diversion works can be installed in the river, however, this is not prerequisite to a water right.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

C O P Y



653239

INSTRUMENT NO. 00038810

WARRANTY DEED

For Value Received **PHOEBE M. HUBBARD, A WIDOW, AS TO PARCEL 1, AND JAMES ARTHUR HUBBARD, AS HIS SEPARATE PROPERTY, AS TO PARCELS 2, 3, 4, 5, 6,** the grantor(s), do(es) hereby grant, bargain, sell and convey unto **LINDA CLOWES, A Married Woman as her sole and separate property,** the grantee(s) whose current address is **3614 - 7TH STREET S.W., CALGARY, ALBERTA T2T 2Y1, CANADA,** the following described premises, in **BONNER** County Idaho, to wit:

See Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances **except those matters shown on the Exceptions Exhibit attached hereto and made a part hereof,** and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: JUNE 24, 2004

Phoebe Hubbard
PHOEBE HUBBARD

COLUMBIA 1031 SERVICES APPROVED AND
ACCEPTED:

James A. Hubbard
BY: JAMES ARTHUR
HUBBARD

STATE OF IDAHO

COUNTY OF BONNER

} SS

On this 24th day of JUNE, 2004, before me, the undersigned, a Notary Public in and for the said State, personally appeared **PHOEBE HUBBARD and COLUMBIA 1031 SERVICES** known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lisa G. Wright
Notary Public in and for said County and State

RECORDING DATA:

SANDPOINT TITLE INSURANCE
FILED BY
2004 JUN 25 P 1:46
MADE SCOTT
BONNER COUNTY RECORDS
CLERK

Residing at: *Sandpoint*
Commission Exp.: *4/2/05*

LISA G. WRIGHT
NOTARY PUBLIC
STATE OF IDAHO

Exhibit A

PARCEL 1:

LAKEFRONT Lot 1 in MURPHY'S BAYVIEW PLACE, according to the plat thereof, recorded in Book 1 of Plats, Page 90, records of Bonner County, Idaho.

PARCEL 2:

LAKEFRONT Lot 2 in MURPHY'S BAYVIEW PLACE, according to the plat thereof, recorded in Book 1 of Plats, Page 90, records of Bonner County, Idaho.

PARCEL 3:

LAKEFRONT Lot 3 in MURPHY'S BAYVIEW PLACE, according to the plat thereof, recorded in Book 1 of Plats, Page 90, records of Bonner County, Idaho.

PARCEL 4:

LAKEFRONT Lot 4 in MURPHY'S BAYVIEW PLACE, according to the plat thereof, recorded in Book 1 of Plats, Page 90, records of Bonner County, Idaho.

PARCEL 5:

TROUT PARK in MURPHY'S BAYVIEW PLACE, according to the plat thereof, recorded in Book 1 of Plats, Page 90, records of Bonner County, Idaho.

PARCEL 6:

That portion of the Northeast quarter of the Southwest quarter of Section 3, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho, described as follows:

Beginning at the center of said section;

Thence North 89° 19' 40" West, 347.52 feet;

Thence South 00° 26' 10" West 25.00 feet to the South right of way of an existing road;

Thence along said right of way North 89° 33' 50" West, 321.08 feet to the West line of vacated Granite Street and the true point of beginning;

Thence along the West line of said street South 00° 05' 46" East, 214.46 feet to the North right of way of Lakeshore drive;

Thence along said latter right of way South 56° 31' 57" West, 175.07 feet to the beginning of a right hand curve having a centerline radius of 674.07 feet and a central angle of 35° 45' 00";

Thence along said curve a distance of 160.22 feet to the intersection of the East right of way of an existing road and the North right of way of Lakeshore Drive;

Thence along said East right of way North 00° 57' 51" West, 379.01 feet to the beginning of a right hand curve having a centerline radius of 30.00 feet and a central angle of 91° 23' 46";

Thence along said curve a distance of 7.97 feet;

Thence South 89° 33' 50" East, 290.29 feet to the true point of beginning.

EXCEPT Lakeshore Drive.

EXCEPTIONS EXHIBIT

SUBJECT TO:

GENERAL TAXES FOR THE YEAR 2004.

ASSESSMENTS FOR SOUTHSIDE WATER AND SEWER DISTRICT.

A PERPETUAL RIGHT OF WAY AND EASEMENT TO OVERFLOW, FLOOD AND SUBMERGE A PORTION OF THE HEREIN DESCRIBED PROPERTY, AND INCIDENTAL PURPOSES, UPON THE TERMS AND PROVISIONS THEREIN SET FORTH AS CONDEMNED BY THE UNITED STATES OF AMERICA, BY DECLARATION OF TAKING RECORDED AUGUST 11, 1952, IN BOOK 14 OF JUDGMENTS, PAGE 96, RECORDS OF BONNER COUNTY, IDAHO.(TRACT M 1343E AND M 1345-E) (PARCELS 1, 2, 3 AND 4

EASEMENT DISCLOSED BY INSTRUMENT AND CONDITIONS CONTAINED THEREIN:
IN FAVOR OF: FRANK HUBBARD AND PHOEBE HUBBARD, HUSBAND AND WIFE
FOR: INGRESS AND EGRESS
AFFECTS: OVER AND ACROSS THE ABOVE DESCRIBED LOT 2 TO LOT 1
DATED: SEPTEMBER 4, 1948
DISCLOSED BY: DEED
RECORDED: AUGUST 1, 1949
BOOK/PAGE: 79 OF DEEDS/PAGE 104
INSTRUMENT NO.: 31801

EASEMENT AND CONDITIONS CONTAINED THEREIN:
RECORDED: OCTOBER 7, 1975
INSTRUMENT NO: 169545
IN FAVOR OF: SOUTHSIDE WATER AND SEWER DISTRICT
FOR: WATER AND SEWER PIPELINES
AFFECTS: PARCELS 2, 3, 4 AND 5

EASEMENT AND CONDITIONS CONTAINED THEREIN:
INSTRUMENT NO: 167170
BOOK/PAGE: 28 OF JUDGMENTS/PAGE 243
IN FAVOR OF: SOUTHSIDE WATER AND SEWER DISTRICT
FOR: WATER AND SEWER PIPELINES
AFFECTS: PARCEL 1

ANY CLAIMS ARISING OUT OF THE DIFFERENCE BETWEEN THE MEAN HIGH WATER LINE AND THE MEANDER LINE OF LAKE PEND OREILLE. (PARCEL 1, 2, 3 AND 4)

P.H.



Fax # 208 - 769 - 1454

June 22/06

Attn: Keith Franklin

Dept. of Water Resources

State of Idaho

Keith:

As per our conversation today, I am faxing you the following attachments:

1. Mapquest location of 127 Hubbard Lane
 2. Original 1908 map of area.
 3. Map showing our lots in highlight. Lots 1, 2, 3, 4 and Trout Park comprise the area for irrigation.
 4. Survey map indicating lots 1, 2, 3, 4 and Trout Park. Sorry about writing on it, which shows the buildings from the previous owner. These buildings are gone and the new house sits on Trout Park, part of lots 3 and 4.
- Hope this is enough but if not, let me know

Linda Clower.

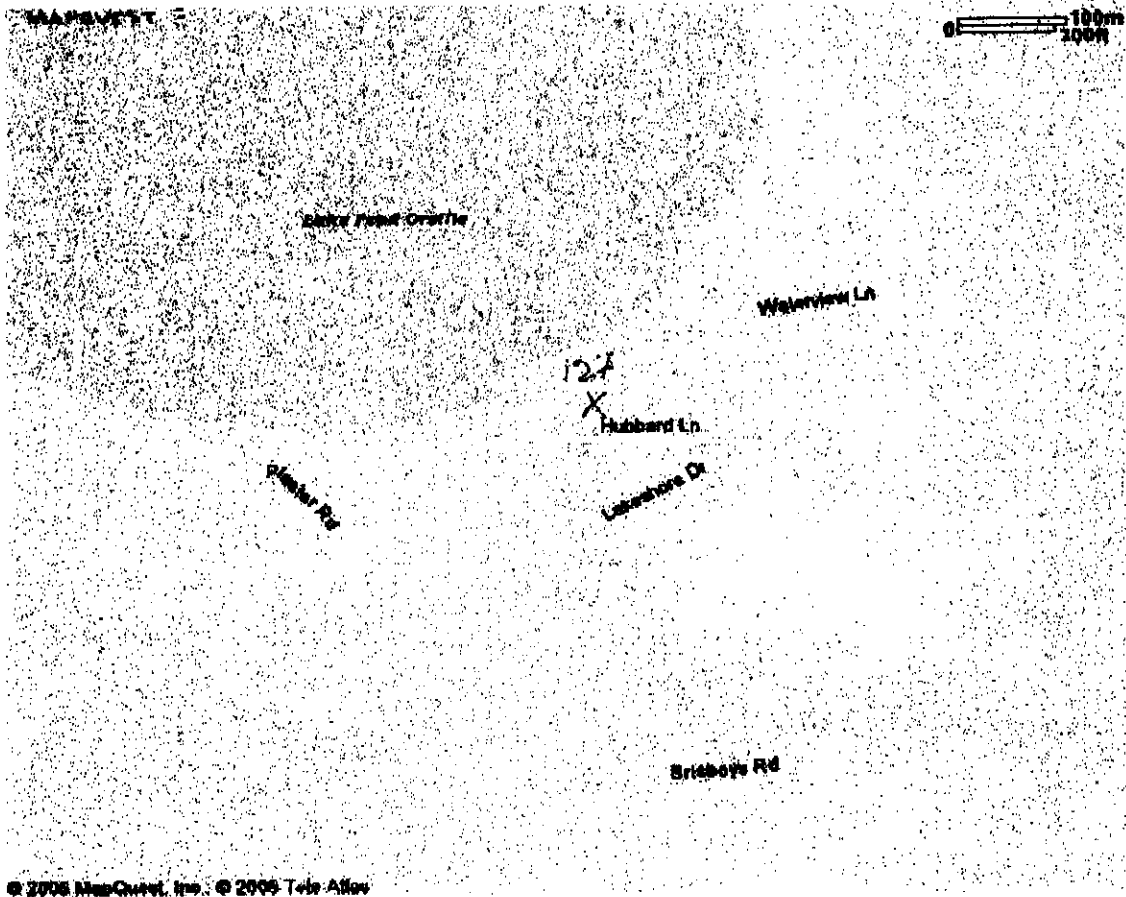
MAPQUEST

Sandpoint ID
US

Notes:

Stay 6 nights and
GET A FREE
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