

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09073

Priority: 05/11/2001

Maximum Diversion Rate: 0.48 CFS

This is to certify, that MAC LLC
41 LAKESHORE DR
SAGLE ID 83860

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>
AESTHETIC	01/01 to 12/31	0.45 CFS
IRRIGATION	04/01 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE RIVER L3 NW¼SE¼SW¼ Sec. 35, Twp 57N, Rge 02W, B.M. BONNER County
PEND OREILLE RIVER L3 NW¼SE¼SW¼ Sec. 35, Twp 57N, 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		
57N 02W 35													1.5					1.5
													L3					

Total Acres: 1.5

PLACE OF USE: AESTHETIC, same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2002**.
2. Subject to all prior water rights.
3. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
5. Use of water under this right for the aesthetic water feature shall be non-consumptive.
6. 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.
7. Place of use is known as the Inn at Swans Landing.

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, 2001.

MICROFILMED
OCT 19 2001

Karl J Dreher
for **KARL J DREHER, Director**

69130

Ident. No. 96-9073

RECEIVED

AUG - 3 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Wakeley & Key
414 Hart Lane
Sagle, ID
83860

Department of Water Resources

1. Name of Applicant MAC LLC Phone 208-265-7271
Mailing address 41 Lakeshore Dr, Sagle ID 83860
2. Source of water supply Pend Oreille River which is a tributary of Columbia River
3. Location of point of diversion is Township 57N Range 2W Sec. 35 in the NW 1/4, SE 1/4, SW 1/4, Govt. Lot 4, B.M., BONNER County;
additional points of diversion if any: 2 PTS. OF DIVERSIONS
4. Water will be used for the following purposes:
Amount .45 for Aesthetic purposes from 10/1/01 to 10/20/01 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .03 cfs for IRRIGATION purposes from 6/1/02 to 10/1/02 (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) .48 cfs and/or (b) ~~1.14~~ Acre/Year
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 7.5 HP SUBMERSIBLE PUMPS
 - b. Height of storage dam NA feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is NA inches; proposed depth of well is _____ feet
 - d. is ground water with a temperature of greater than 85°F being sought? NA
 - e. If well is already drilled, when? NA; 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. _____
 - e. Other; describe fully. An aesthetic water feature for the proposed town at Swans Landing. This water will be recycled back to the source.

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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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	2W	35											1 1/2						1 1/2
57N	2W	35											J						

Total number of acres to be irrigated 1 1/2

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? MAC LLC

b. Who owns the land to be irrigated or place of use? MAC LLC

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

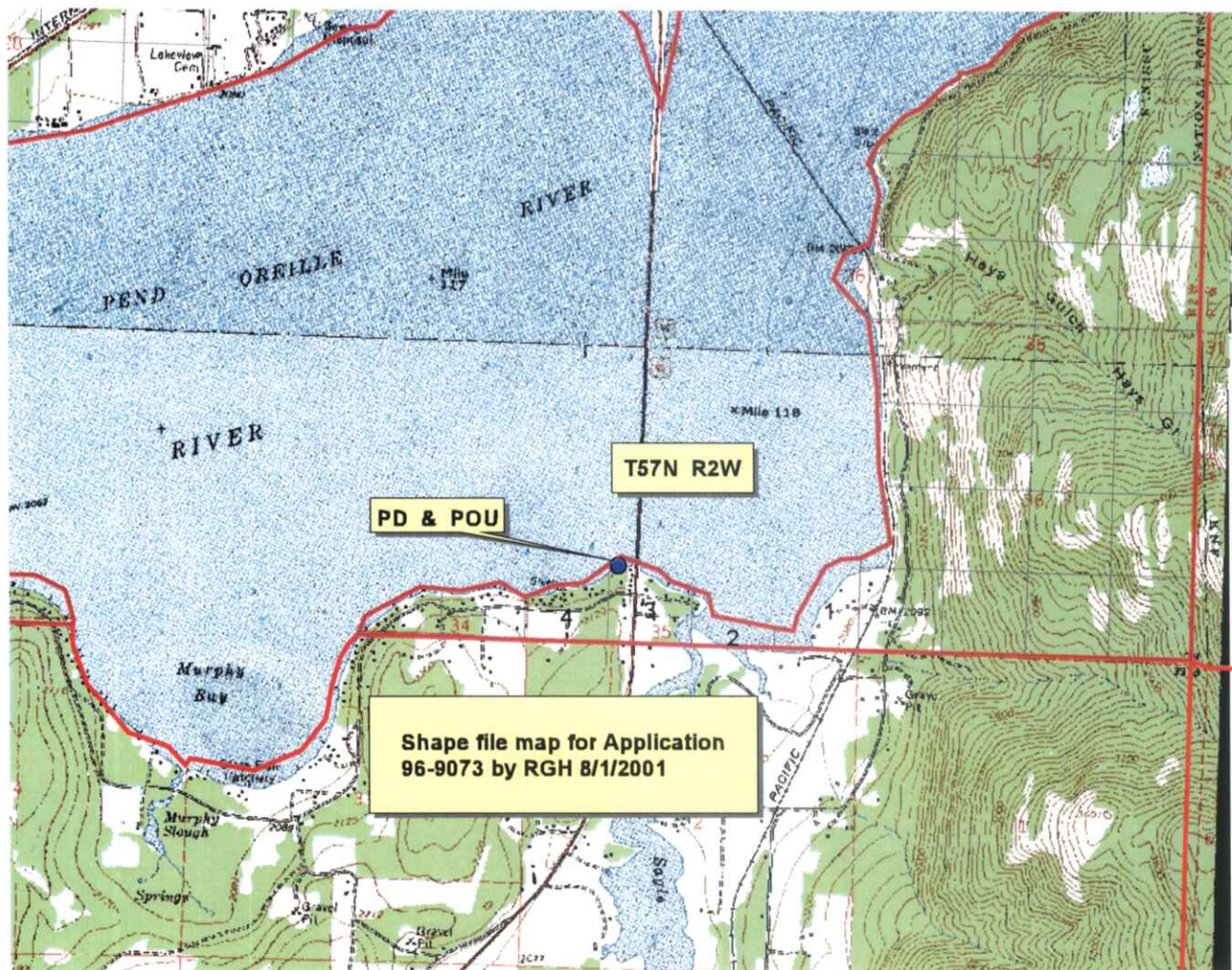
12. Remarks: This water right is for a water feature that will be recycled back to the source and planned irrigation of approx 1 1/2 acres of the landscaped portion of the proposed 23 unit motel addition to the existing Restaurant at Swans Landing.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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.

MICROFILMED
OCT 13 2007
Pat G. (member)
Signature of Applicant (and title, if applicable)

Received by db Date 5/7/01 Time 1:10p Preliminary check by W014351
 Fee \$ 100.00 / 150.00 Received by db # W014331 Date 5/7/01 / 5/14/01
 Publication prepared by db Date 5/30/01 Published in Bonneville Daily Bee 6/7+14/01
 Publication approved db Date 6/19/01



0.5 0 0.5 1 Miles



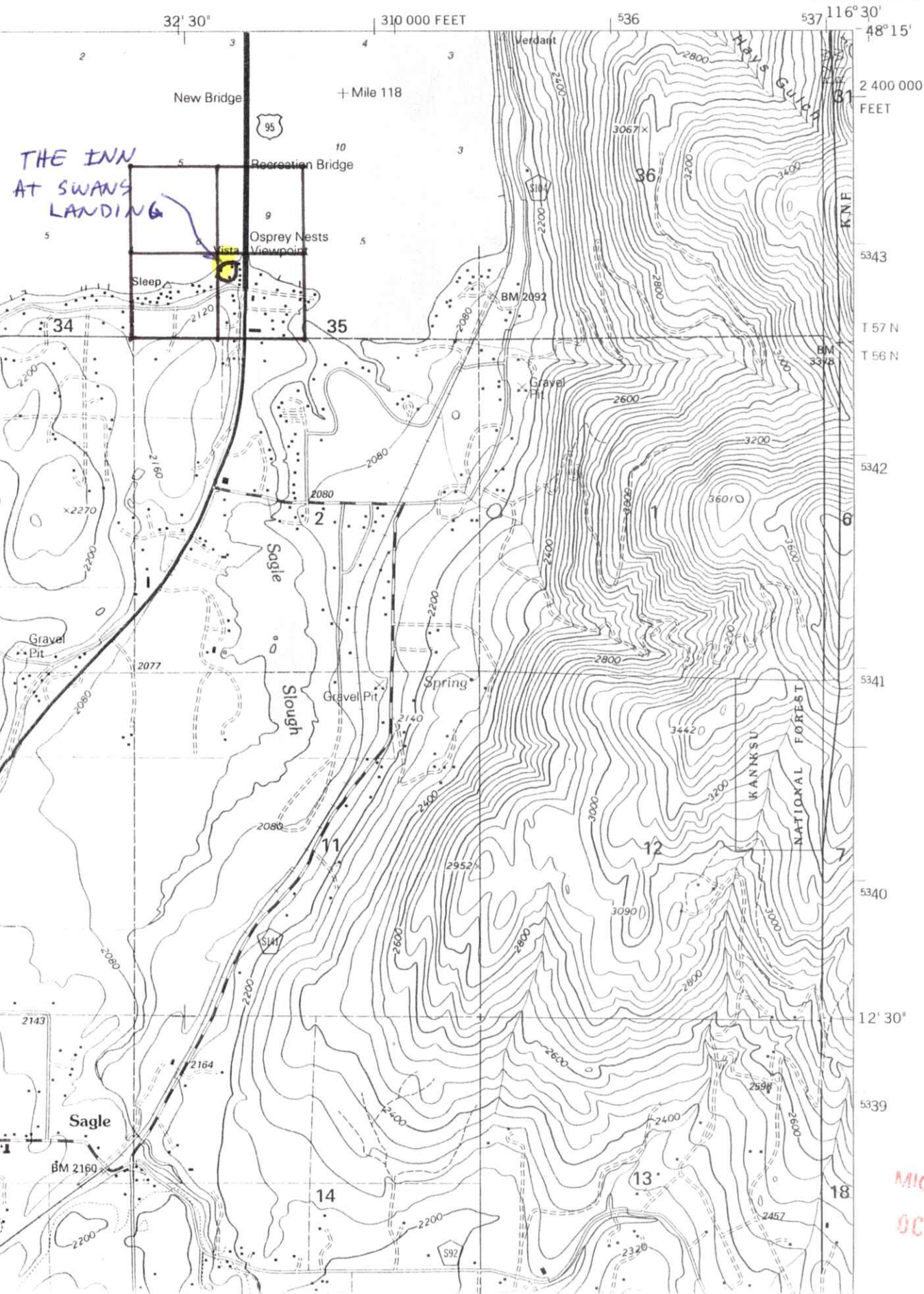
- GCDBT57N02W.shp
- POD- Application Application POD
- Application POU
- Townships

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OCT 19 2001

CULTURE

SAGLE QUADRANGLE
IDAHO-BONNER CO.

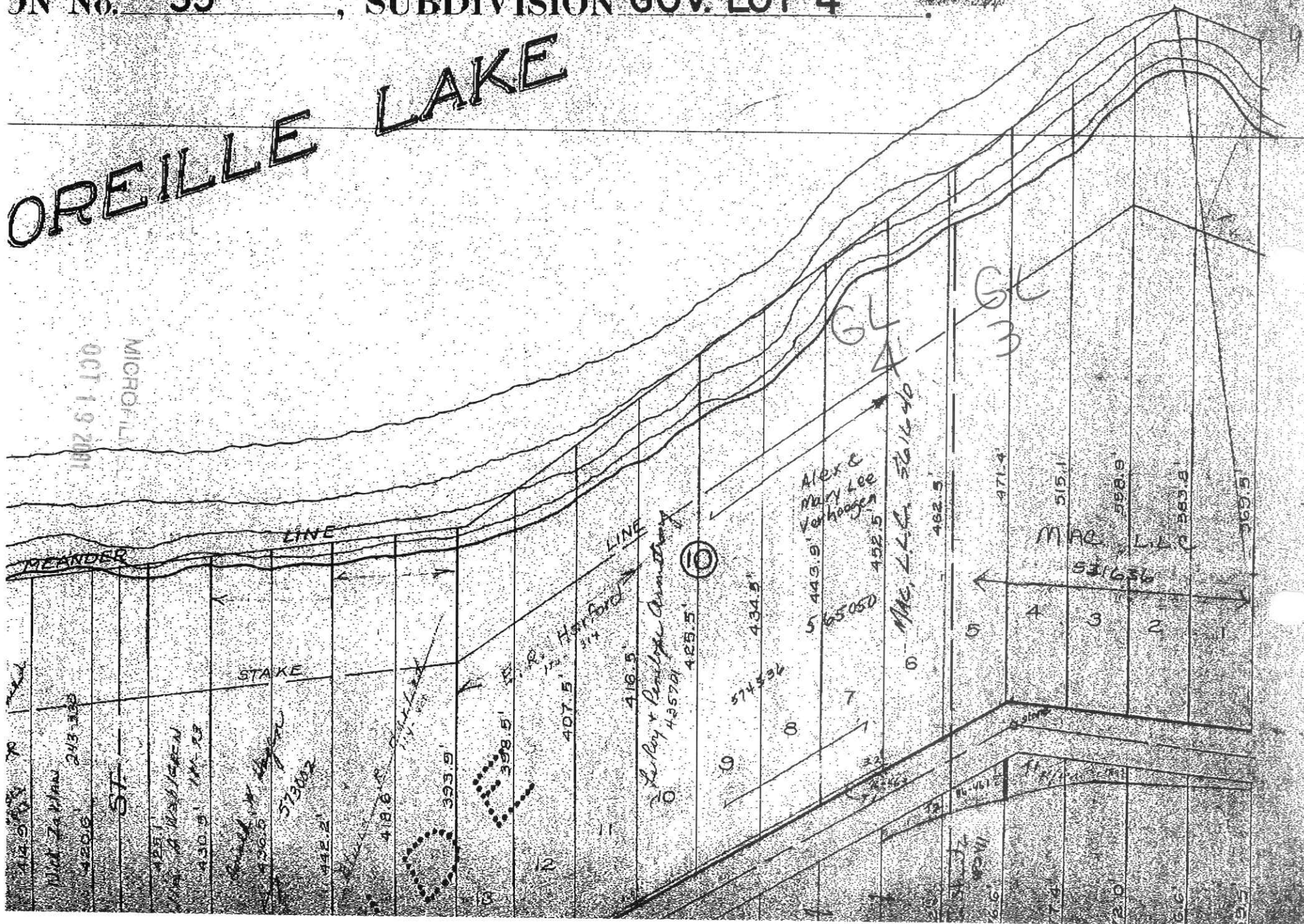
7.5-MINUTE SERIES (TOPOGRAPHIC)



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OCT 19 2001

, NORTH, RANGE No. 2, WEST, BOISE MERIDIAN, IDAHO
ON No. 35, SUBDIVISION GOV. LOT 4

OREILLE LAKE



**NOW
STARTING
RIGHT
SIDE OF
FILE**



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

August 9, 2001

MAC LLC
41 LAKESHORE DR
SAGLE ID 83860

RE: Permit No. 96-9073

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.

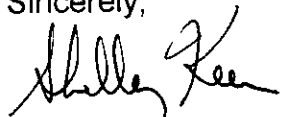
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

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OCT 19 2001

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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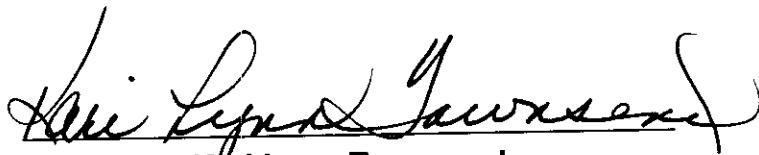
OCT 18 2001

CERTIFICATE OF MAILING

I hereby certify that on August 9, 2001 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. 96-9073

**MAC LLC
41 LAKESHORE DR
SAGLE ID 83860**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 19 2001**

**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

To: File 96-9073

From: Sharla

Date: August 6, 2001

Re: Fish & Game Comments

The IDFG representative who submitted comments has recommended adding conditions regarding the underwater excavation and pump/pipeline placements in the stream beds or lakes. These issues go beyond the scope of the water right application and fall instead under the jurisdiction of the Stream Channel Alteration section of this department and/or Dept. of Lands via an encroachment permit.

The standard conditions regarding the approach velocity and mesh screening will be placed on the permit, but the other issues above will not be addressed by the water right permit.

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OCT 19 2001

Ball, Dianne

From: RAY HENNEKEY [rhenneke@IDFG.STATE.ID.US]
Sent: Friday, June 22, 2001 4:18 PM
To: dball@idwr.state.id.us
Subject: comments

Diane -- you may already have rec'd, but I'm not sure, so

REFERENCE: Applications for the following water rights permits:

~~# 96-9073~~ from Pend Orielle River;

96-9074 C&R HOLDINGS from Sand Creek;

96-9077 ROSS AND SHEILA FALCONER from an unnamed stream;

98-7804 SKIN CREEK WATER ASSN from Skin Creek;

#96-99073 GLENN EATON from Lake Coeur d'Alene.

We have no specific objections or comments about the above applications. However, water lines and pumps are an encroachment in lakes and rivers which can be detrimental to fish and fish habitat.

We recommend that applicants be required to install lines beneath the lake, river or stream bed should occur during low water periods when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom to prevent it from floating and interfering with boat anchors or anglers' lines or capturing debris. The applicant should also provide a smooth cover for the pump to avoid interference with boat anchors or anglers' lines and to avoid capturing debris. It would be preferable to place pumps on land rather than in the water. Water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Thank you for the opportunity to comment.

MICROFILMED
OCT 19 2001

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 30, 2001 4:06 PM
To: 'Ray Hennekey IDFG Cd'A'
Subject: 4 water rights needing your comments and/or conditions for approval.

Greetings, Ray, and a happy day to you.

Following are four water right applications on which we need **comments/recommendations/conditions for approval** from you **no later than 6/25/01**. Will you please e-mail or fax those to me. If you desire to protest any of these, then I need hard copy with original signature, together with check in amount of \$25 for each right protested.

The first 3 will advertise in the legal notices of Bonner County Daily Bee. These 3 are to be advertised 6/7 & 14/2001. The 4th one (Skin Creek) is to be advertised 6/6 & 13/2001 in the legal notices of Bonners Ferry Herald.

If you need additional information please call or e-mail. Thanks very much for your prompt response.

Dianne Ball, IDWR Northern Regional Office (208) 769-1450

FAX 769-1454

1. Application for Permit No. 96-9073 Name: MAC LLC Diversion Pt L4 NWSESW Sec 35 T 57N R 02W BONNER County Source PEND OREILLE RIVER Use: AESTHETIC 01/01 To 12/31 0.45 CFS Use: IRRIGATION 03/15 To 11/15 0.03 CFS Total Diversion: 0.48 CFS Date Filed: 05/11/2001 Place Of Use: IRRIGATION T57N R02W S35 SESW Number of Acres 1.5 Place Of Use: AESTHETIC, same as Irrigation
2. Application for Permit No. 96-9074 Name: C & R HOLDINGS Diversion Pt SWNW Sec 23 T 59N R 01W BONNER County Source SAND CREEK Use: FIRE PROTECTION 01/01 To 12/31 0.04 CFS Use: IRRIGATION 03/15 To 11/15 0.04 CFS Use: STOCKWATER 01/01 To 12/31 0.02 CFS Total Diversion: 0.04 CFS Date Filed: 05/09/2001 Place Of Use: IRRIGATION T59N R01W S23 SWNW Number of Acres 1.5 Place Of Use: STOCKWATER, same as Irrigation Place Of Use: FIRE PROTECTION, same as Irrigation IDAHO DEPARTMENT OF WATER RESOURCES NEW WATER RIGHT FILINGS DATE: 05/29/01
3. Application for Permit No. 96-9077 Name: ROSS A FALCONER & SHEILA FALCONER Diversion Pt SWSE Sec 6 T 54N R 02W BONNER County Source UNNAMED STREAM Use: DOMESTIC 01/01 To 12/31 0.1 CFS Use: DOMESTIC FROM STORAGE 01/01 To 12/31 3.3 AFA Use: DOMESTIC STORAGE 01/01 To 12/31 3.3 AFA Use: POWER 01/01 To 12/31 0.2 CFS Use: POWER FROM STORAGE 01/01 To 12/31 3.3 AFA Use: POWER STORAGE 01/01 To 12/31 3.3 AFA Total Diversion: 0.2 CFS Date Filed: 05/24/2001 Place Of Use: POWER T54N R02W S6 SWSE Place Of Use: POWER FROM STORAGE, same as Power Place Of Use: POWER STORAGE, same as Power Place Of Use: DOMESTIC, same as Power Place Of Use: DOMESTIC FROM STORAGE, same as Power Place Of Use: DOMESTIC STORAGE, same as Power
4. Application for Permit No. 98-7804 Name: SKIN CREEK WATER ASSN Diversion Pt NENE Sec 31 T 63N R 03E BOUNDARY County Source SKIN CREEK Use: MUNICIPAL 01/01 To 12/31 0.12 CFS Total Diversion: 0.12 CFS Date Filed: 05/24/2001 Remarks: Place of use is within service area of Skin Creek Water Association.

MICROFILMED

OCT 13 2001

JUN 18 2001

IDWR/North

AFFIDAVIT OF PUBLICATION

State of Idaho

SS.

County of Bonner, Sherry 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:

Legal Notice

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,commencing on 7 day of June, 2001and ending on the 14 day of June, 2001

and that said notice was published in said newspaper.

On this 14 day of June in the yearof 2001, before me, a Notary Public, personallyappeared Sherry 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.

LEGAL NOTICE

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

96-9073

MAC LLC

41 LAKESHORE DR

SAGLE ID 83860

Point(s) of Diversion L4 NWSESW S35 T57N R02W BONNER County

Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER

Use: IRRIGATION 03/15 To 11/15 0.03 CFS

Use: AESTHETIC 01/01 To 12/31 0.45 CFS

Total Diversion: 0.48 CFS

Date Filed: 05/11/2001

Place Of Use: IRRIGATION

T57N R02W S35

SESW Lot 4

Number of Acres 1.5

Place Of use: AESTHETIC same as IRRIGATION.

96-9074

C & R HOLDINGS

PO BOX 553

SANDPOINT ID 83864

Point(s) of Diversion SWNW S23 T59N R01W BONNER County

Source SAND CREEK Tributary To PEND OREILLE, LAKE

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

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

Use: FIRE PROTECTION 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 05/09/2001

Place Of Use: IRRIGATION

T59N R01W S23

SWNW

Number of Acres 1.5

Place Of Use: FIRE PROTECTION and STOCKWATER same as IRRIGATION

96-9077

ROSS A FALCONER and SHEILA FALCONER

3139 N 10TH STREET

COEUR D'ALENE ID 83815

Point(s) of Diversion SWSE S6 T54N R02W BONNER County

Source UNNAMED STREAM Tributary To SINKS

Use: POWER 01/01 To 12/31 0.2 CFS

Use: POWER STORAGE 01/01 To 12/31 3.3 AFA

Use: POWER FROM STORAGE 01/01 To 12/31 3.3 AFA

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

Use: DOMESTIC STORAGE 01/01 To 12/31 3.3 AFA

Use: DOMESTIC FROM STORAGE 01/01 To 12/31 3.3 AFA

Total Diversion: 0.2 CFS

Date Filed: 05/24/2001

Place Of Use: DOMESTIC

T54N R02W S6

SWSE

Place Of Use: DOMESTIC FROM STORAGE, DOMESTIC STORAGE, POWER, POWER FROM STORAGE and POWER STORAGE same as DOMESTIC.

Remark: Domestic use is for 4 homes.

Hydropower is for 30 feet of head, 1.5KW/day.

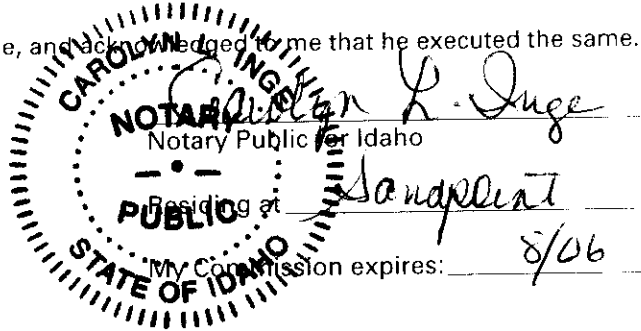
Permits will be subject to all prior water rights. protests may be submitted based on the criteria of Sec 4-2203A, Idaho Code.

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 06/25/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal SNP#2626

June 7, 14, 2001



RECORDED

JUN 19 2001

2626

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

96-9073

MAC LLC
41 LAKESHORE DR
SAGLE ID 83860
Point(s) of Diversion L4 NWSESW S35 T57N R02W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: AESTHETIC 01/01 To 12/31 0.45 CFS
Total Diversion: 0.48 CFS
Date Filed: 05/11/2001
Place Of Use: IRRIGATION
T57N R02W S35 SESW Lot 4
Number of Acres 1.5
Place Of Use: AESTHETIC same as IRRIGATION.

96-9074

C & R HOLDINGS
PO BOX 553
SANDPOINT ID 83864
Point(s) of Diversion SWNW S23 T59N R01W BONNER County
Source SAND CREEK Tributary To PEND OREILLE, LAKE
Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 05/09/2001
Place Of Use: IRRIGATION
T59N R01W S23 SWNW
Number of Acres 1.5
Place Of Use: FIRE PROTECTION and STOCKWATER same as IRRIGATION

96-9077

ROSS A FALCONER and SHEILA FALCONER
3139 N 10TH STREET
COEUR D'ALENE ID 83815
Point(s) of Diversion SWSE S6 T54N R02W BONNER County
Source UNNAMED STREAM Tributary To SINKS
Use: POWER 01/01 To 12/31 0.2 CFS
Use: POWER STORAGE 01/01 To 12/31 3.3 AFA
Use: POWER FROM STORAGE 01/01 To 12/31 3.3 AFA
Use: DOMESTIC 01/01 To 12/31 0.1 CFS
Use: DOMESTIC STORAGE 01/01 To 12/31 3.3 AFA
Use: DOMESTIC FROM STORAGE 01/01 To 12/31 3.3 AFA
Total Diversion: 0.2 CFS
Date Filed: 05/24/2001
Place Of Use: DOMESTIC
T54N R02W S6 SWSE
Place Of Use: DOMESTIC FROM STORAGE, DOMESTIC STORAGE, POWER, POWER FROM STORAGE and POWER STORAGE same as DOMESTIC.
Remark: Domestic use is for 4 homes.
Hydropower is for 30 feet of head, 1.5 KW/day.

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 06/25/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 6/7 and 14, 2001.

MICROFILMED

OCT 19 2001



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

May 29, 2001

Legal Notice Department
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

RE: Application for Permit No. 96-9073, 96-9074, and 96-9077

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (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 06/25/2001. Your cooperation is appreciated.

Shirley D. G.

Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

MICROFILMED

OCT 19 2001



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 30, 2001

MAC LLC
41 LAKESHORE DRIVE
SAGLE ID 83860

Re: Water Appropriation Application No. 96-9073

Gentlemen:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to Appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the Bonner County Daily Bee. This advertisement will be published on June 7 and 14, 2001, followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

Cc: Wakeley and Key Construction with Receipts Number N014331 and N014351.

RECORDED

JUN 13 2001

5-9-01

SPOKE TO FRANK - HE WILL
SEND \$150 - AND CORP - OFFICERS

5-10-01
- DIANNE -

LET'S GO AHEAD WITH
ADVERTISING ON THIS ONE
SINCE WE'VE RECEIVED COPY
OF CHECK FRANK IS SENDING -

OK read
5/11/01

MICROFILMED

OCT 19 2001

474 Hart Lane
Sagle, Idaho 83860

Wakeley and Key Construction, Inc.

(208)263-0952

FAX COVER SHEET

DATE: 5/9/01

TO: TO Dept. of Water Resources

ATTN: Al Beardsly

FROM: Frank Wakeley

FAX # 208/263-0952 or
208/265-7271 (Swans Site Office)

PAGE 1 OF 2

COMMENTS:

Al,
Sent this letter & check today.

Frank

MICROFILMED

OCT 19 2001

Receipt-IT
No 14351

474 Hart Lane
Sagle, Idaho 83860

Wakeley and Key Construction, Inc. (208)263-0952

May 9, 2001

Al Beardsly
Idaho Department of Water Resources
1910 Northwest Blvd. Suite 210
Coeur d' Alene, ID 83814

Re: Water Permit

Dear Al,

The only officer for MAC LLC is Dr. Alex Verhoogen, President.

As per our phone discussion I have enclosed a check in the amount of \$150.00 which brings the total fee for this permit to \$250.00.

If you have any other questions please call me at 208-265-727

Sincerely yours,


Frank Wakeley

474 Hart Lane
Sagle, Idaho 83860

Wakeley and Key Construction, Inc. (208)263-0952

May 9, 2001

Al Beardsly
Idaho Department of Water Resources
1910 Northwest Blvd. Suite 210
Coeur d' Alene, ID 83814

Re: Water Permit

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Sincerely yours,

Frank Wakeley
Frank Wakeley

WAKELEY AND KEY CONSTRUCTION, INC.		92-380/1291 01	1856
474 HART LN. (208) 263-6076 SAGLE, ID 83860		Date <u>5/9/01</u>	
Pay to the Order of	<u>Idaho Dept. of Water Resources</u>		\$ <u>150.00</u>
<u>One hundred-fifty & no/100</u>		Dollars	
 P.O. Box 967, Third & Oak St., Sandpoint, ID 83864 (208) 263-0505			
For	<u>Frank Wakeley</u>		
⑆ 123103606⑆		01320943⑈	1856 OCT 19 2001

Fax 208-769-1454