

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09262

Priority: October 03, 2005

Maximum Diversion Rate: 0.10 CFS

This is to certify, that TONY HOWARD Or
MARLA HOWARD
PO BOX 582
COCOLALLA ID 83813

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: COCOLALLA CREEK

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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.10 CFS	
STOCKWATER	01/01 to 12/31	0.10 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		0.1 AF
STOCKWATER STORAGE	01/01 to 12/31		0.1 AF

LOCATION OF POINTS OF DIVERSION:

UNNAMED STREAM NE¼ SW¼ Sec. 1, Twp 54N, Rge 03W, B.M. BONNER County

UNNAMED STREAM SE¼ NW¼ Sec. 1, Twp 54N, Rge 03W, B.M. BONNER County

PLACE OF USE: STOCKWATER, STOCKWATER STORAGE and FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N 03W 1								X				X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2006**.
2. Subject to all prior water rights.
3. Stockwater use is for 10 head mixed stock.
4. Water shall not be diverted from storage for fire protection use under this right except to fight or repel an existing fire.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25th day of January, 20 06

Karl Dreher
for KARL DREHER, Director

Ident. No. 96-9262

72329
RECEIVED
OCT 03 2005
IDWR/North

RECEIVED
NOV 14 2005
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Tony & Marla Howard Phone (307) 382-4513
Mailing address P.O. Box 582 Cocolalla ID 83813
2. Source of water supply Unnamed Stream which is a tributary of Cocolalla Creek
3. Location of point of diversion is Township 54N Range 3W Sec. 1, in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot BONNER, B.M., BONNER County;
additional points of diversion if any: 54N 3W 3.1 NE SW
4. Water will be used for the following purposes:
- | | |
|---|--|
| Amount <u>.10 cfs</u> for <u>Diversion to Storage</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) | |
| (cfs or acre-feet per annum) | |
| Amount <u>.10 cfs</u> for <u>Stockwater</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) | |
| (cfs or acre-feet per annum) | |
| Amount <u>.10 AF</u> for <u>Stockwater Storage</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) | |
| (cfs or acre-feet per annum) | |
| Amount <u>.10 AF</u> for <u>Fire protection Storage</u> purposes from <u>1-1</u> to <u>12-31</u> (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) .10 cubic feet per second and/or (b) .10 acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source ✓ dam to ditch to pond.
Trough @ P.D. in NESW
- 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 _____ 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. 10 mixed
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Fire protection

Huckleberry

35

Seep

36

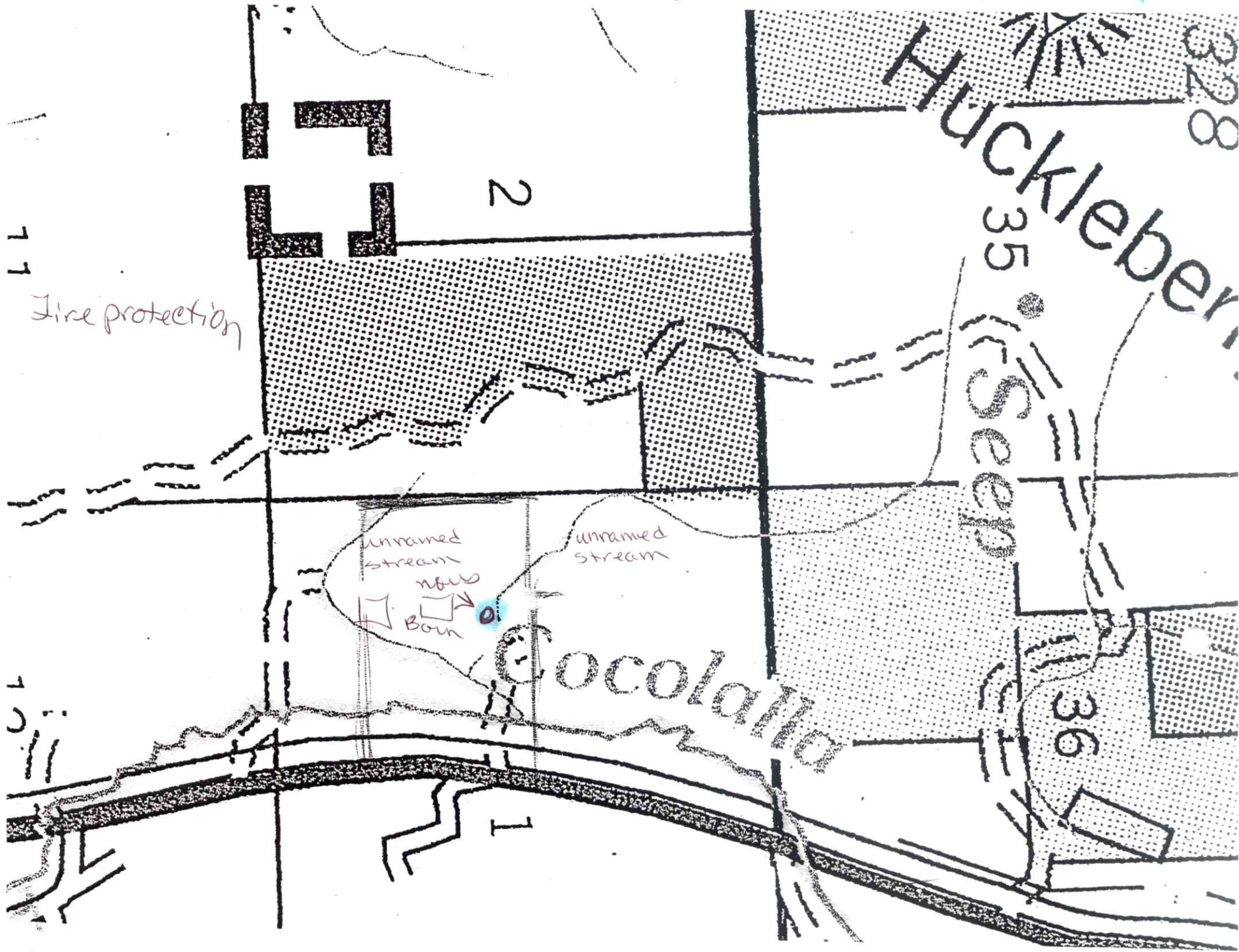
2

Line protection

unnamed stream
now
Boun

unnamed stream

Cocolalla



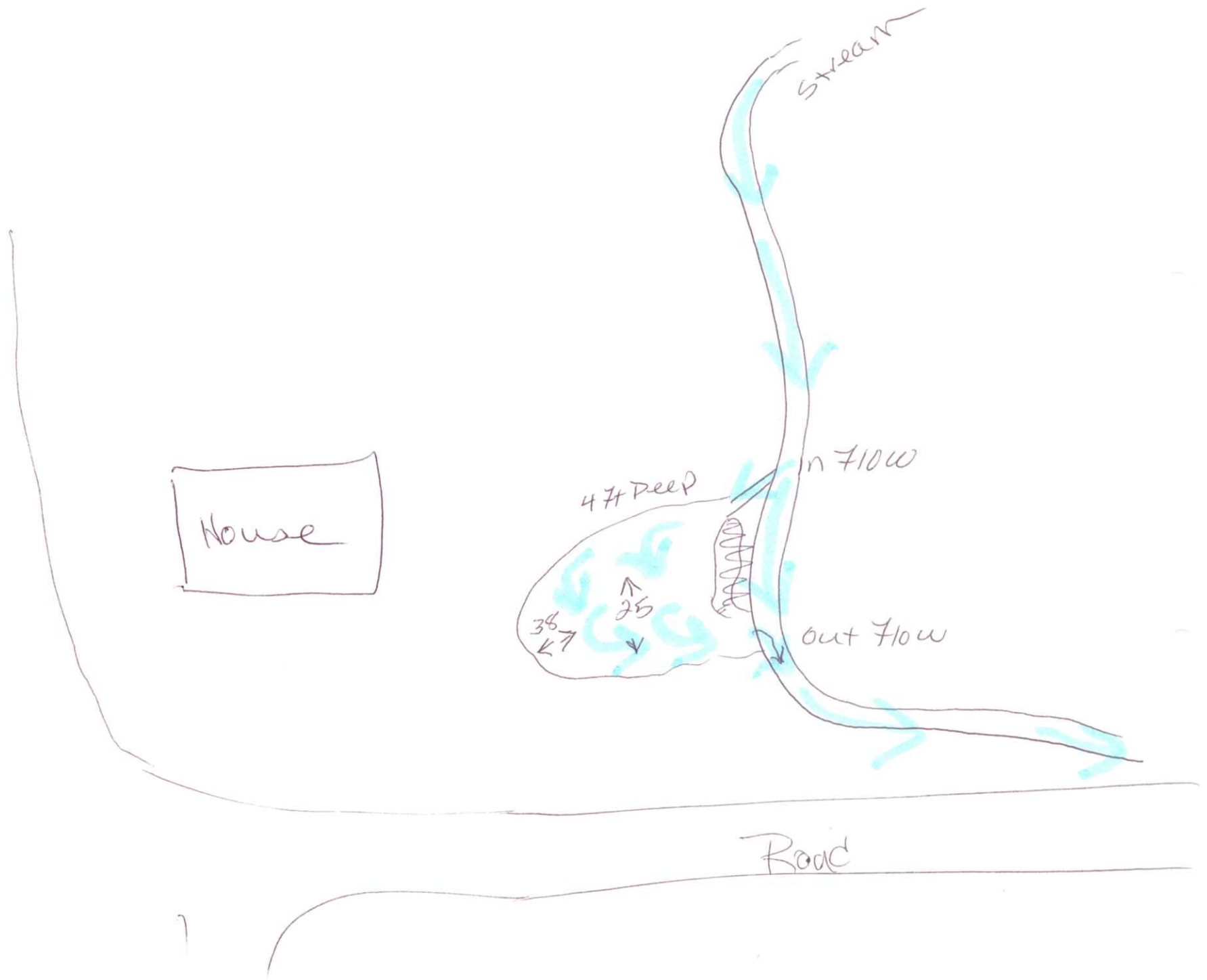


EXHIBIT "A"

RECEIVED
OCT 03 2005
IDWR/North

A portion of the West half of Section 1, Township 54 North, Range 3 West, Boise Meridian, Bonner County, Idaho, and more particularly described as follows:

The Northeast Quarter of the Northwest Quarter of the Southwest Quarter and that portion of the North half of the Northeast Quarter of the Southwest Quarter that lies Westerly of the Westerly right of way line of the Northern Pacific Railroad and;

the South 150 feet of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter and the South 150 feet of that portion of the South half of the Southeast Quarter of the Northwest Quarter that lies West of the Westerly right of way line of the Northern Pacific Railroad.

TOGETHER WITH an easement for ingress, egress, operation and maintenance, 20.0 feet in width, over and along the existing water line from the house site to the existing spring.

Howard

T54N R3W Section 1

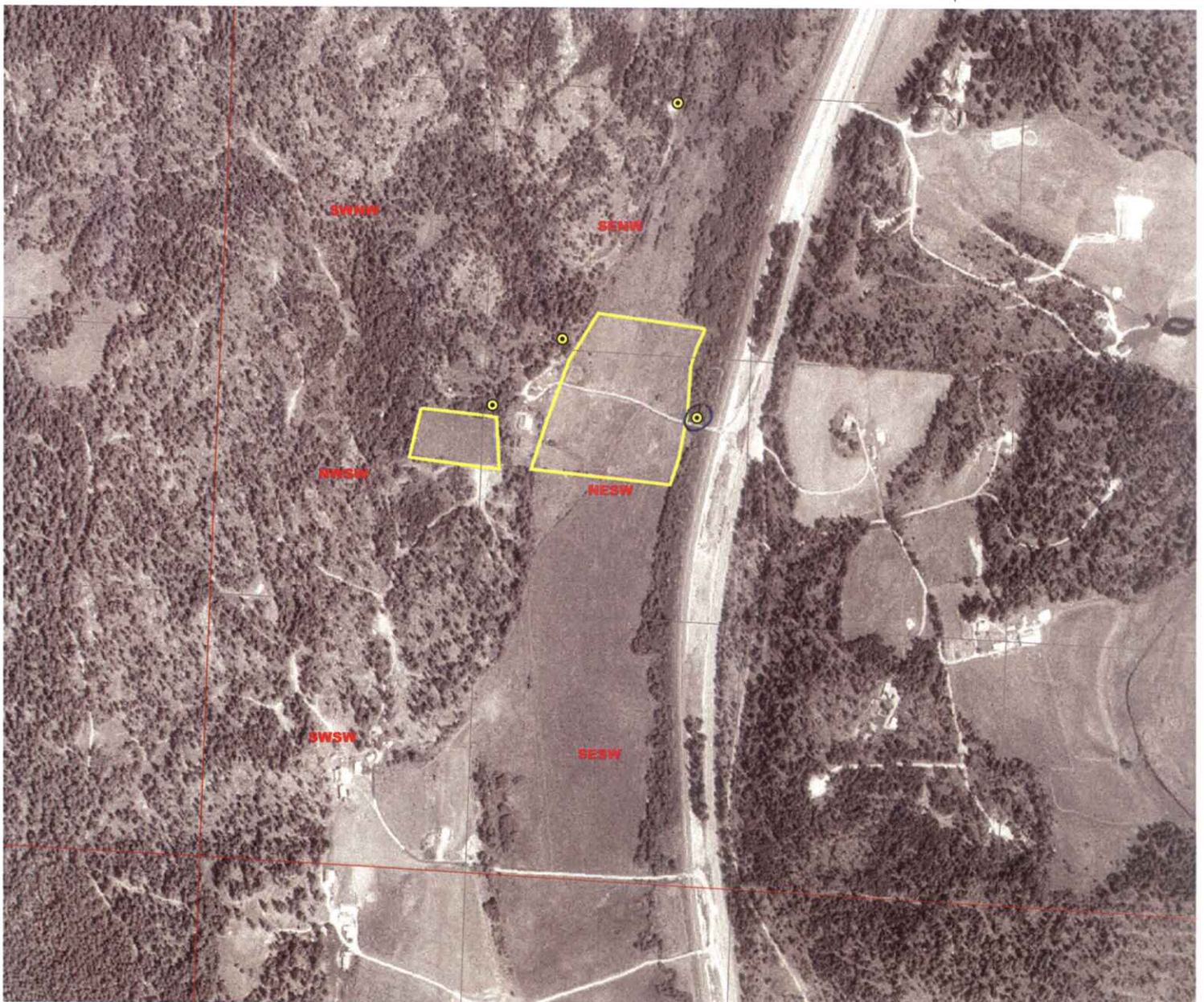
RECEIVED
OCT 03 2005
IDWR/North



Place of Use



Point of Diversion



**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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 26, 2006

TONY HOWARD
MARLA HOWARD
PO BOX 582
COCOLALLA ID 83813

RE: Permit No. 96-9262

Permit Approval Notice

Dear Permit Holder:

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

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

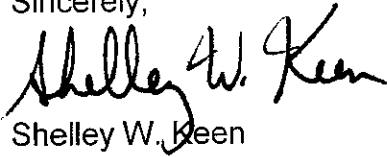
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized "S" and "K".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

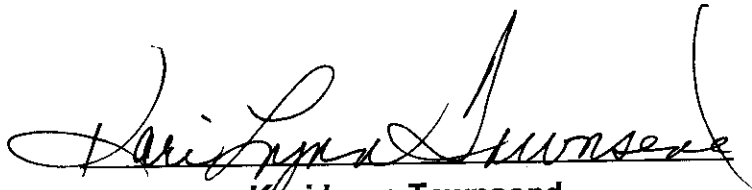
CERTIFICATE OF SERVICE

I hereby certify that on January 26, 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.

96-9262

**MARLA HOWARD
TONY HOWARD
PO BOX 582
COCOLALLA ID 83813**



**Kari Lynn Townsend
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.

M E M O R A N D U M

Date: January 24, 2006
To: Water Right File 96-9262
From: eretelle
Re: permit review

No WD or moratorium.
No Wild & Scenic or Min Stream Flow.

No protests or overlap.

Recommend approval as suggested by IDWR Northern.

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NOV 03 2005
IDWR/North

) SS.

Nichole Barbauld, 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 96-9262-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;

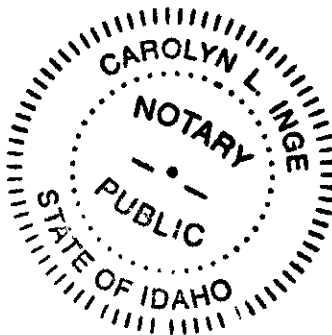
3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

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 20 day of Oct, 2015 and ending on the 27 day of Oct, 2015.

Neckde Bambus

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 27 day of Oct, 2005.

Carolyn K. Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8/06



See reverse for legal

RECEIVED
NOV 03 2005
IDWR/North

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

96-9262
TONY HOWARD
MARLA HOWARD
PO BOX 582
COCOLALLA ID 83813
Point(s) of Diversion NESW SENW S1 T54N R03W
BONNER County
Source UNNAMED STREAM Tributary To COCOLALLA CREEK
Use: STOCKWATER 01/01 To 12/31 0.1 CFS
Use: STOCKWATER STORAGE 01/01 To 12/31 0.1 AFA
Use: FIRE PROTECTION STORAGE 01/01 To 12/31 0.1 AFA
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.1 CFS
Total Diversion: 0.1 CFS
Date Filed: 10/03/2005
Place Of Use: STOCKWATER and STOCKWATER STORAGE
T54N R03W S1 SENW NESW
Place Of Use: FIRE PROTECTION STORAGE
T54N R03W S1 SENW NESW
Remark: Stockwater use is for 10 head of mixed stock.

96-9263
TONY HOWARD
MARLA HOWARD
PO BOX 582
COCOLALLA ID 83813
Point(s) of Diversion NESW S1 T54N R03W BONNER County
Source COCOLALLA CREEK Tributary To COCOLALLA LAKE
Use: IRRIGATION 03/15 To 11/15 0.3 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.3 CFS
Date Filed: 10/03/2005
Place Of Use: IRRIGATION
T54N R03W S1 SENW NESW NWSW
Number of Acres 15
Place Of Use: STOCKWATER
T54N R03W S1 NESW
Remark: Stockwater use is for 10 head of mixed stock.
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 11/07/2005.
The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 7347
October 20 & 27, 2005

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

96-9262

TONY HOWARD
MARLA HOWARD
PO BOX 582
COCOLALLA ID 83813

Point(s) of Diversion NESW SENW S1 T54N R03W
BONNER County

Source UNNAMED STREAM Tributary To COCOLALLA CREEK

Use: STOCKWATER	01/01 To 12/31	0.1 CFS
Use: STOCKWATER STORAGE	01/01 To 12/31	0.1 AFA
Use: FIRE PROTECTION STORAGE	01/01 To 12/31	0.1 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.1 CFS
Total Diversion:		0.1 CFS

Date Filed: 10/03/2005

Place Of Use: STOCKWATER and STOCKWATER STORAGE
T54N R03W S1 SENW NESW

Place Of Use: FIRE PROTECTION STORAGE
T54N R03W S1 SENW NESW

Remark: Stockwater use is for 10 head of mixed stock.

96-9263

TONY HOWARD
MARLA HOWARD
PO BOX 582
COCOLALLA ID 83813

Point(s) of Diversion NESW S1 T54N R03W BONNER County

Source COCOLALLA CREEK Tributary To COCOLALLA LAKE

Use: IRRIGATION	03/15 To 11/15	0.3 CFS
Use: STOCKWATER	01/01 To 12/31	0.02 CFS
Total Diversion:		0.3 CFS

Date Filed: 10/03/2005

Place Of Use: IRRIGATION
T54N R03W S1 SENW NESW NWSW

Number of Acres 15
Place Of Use: STOCKWATER
T54N R03W S1 NESW

Remark: Stockwater use is for 10 head of mixed stock.

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 11/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published October 20 & 27, 2005



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

October 13, 2005

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

Please FAX proof copy before publication, to 208-769-1454
Thanks, Dianne

RE: Application for Permit No. 96-9262 and 96-9263

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, October 20 and 27, 2005, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/07/2005. Your cooperation is GREATLY appreciated, as always.

It is a pleasure to work with you!

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, October 13, 2005 4:02 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication on October 20 and 27, 2005

Good afternoon, Sheri,

Attached is our cover letter requesting publication of our legal notice on October 20 and 27, 2005. The Legal Notice is also attached.

PLEASE FAX A PROOF TO ME BEFORE PUBLISHING, to 208-769-1454.

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

Thanks - it's **always** a joy 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
J-13-05 BCDB e-ma.



LegalNotice
J-13-05 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 13, 2005

TONY HOWARD
MARLA HOWARD
PO BOX 582
COCOLALLA ID 83813

RE: Applications for Permit No's 96-9262 from Unnamed Stream,
and 96-9263 from Cocolalla Creek

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right applications. Please refer to the above referenced numbers 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 October 20 and 27, 2005. 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,

Gregory J. Taylor
Senior Water Resource Agent



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

October 13, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2750 KATHLEEN AVE.
COEUR D'ALENE, ID 83815

FAXED TO MARY 10/13/05
11 pages total

Re: Water Permit Application No. 96-9262 and 96-9263

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 **November 7, 2005**. 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 Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant