

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

RECEIVED

SEP 12 2022

IDWR / NORTH

Ident. Number: 96-9632
Date Received: 9-12-2022
Receipt No: N041122
Claim Fee: 54.00
Received By: SL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES & MARLA MAILE FAMILY TRUST NOVEMBER 24 2008
223 SKY MEADOW LANE
SAGLE ID 83860

Phone: (208) 263-9673

2. Date of Priority: 7/11/2016

3. Source:

GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
56N	01W	4	SE SW		BONNER	

5. Description of diverting works:

DRILLED WELL D0072061 CONNECTED TO HOLDING TANK OF EXISTING WATER RIGHT LICENSE NO.
96-9486 AND TO A NEW IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.04		0.6
IRRIGATION	04/01	10/31	0.07		9.6

7. Total Quantity Appropriated is:

0.07 C.F.S. and/or 10.2 A.F.A.

8. Non-irrigation uses:

9. Place of use:

DOMESTIC within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
56N	01W	4	SE		SW		

IRRIGATION within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
56N	01W	4	SW		SW		0.5
56N	01W	4	SE		SW		2.700
							0000
							4768
							3715
							8

Total Acres = 3.20000004768372

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

This right does not grant any right-of-way or easement across the land of another.

Rights 96-9486 and 96-9632 when combined shall not exceed a total diversion rate of 0.11 cfs, a total annual volume of 0.6 af for domestic use for 1 home, a total annual maximum diversion volume of 10.2 af at the field headgate, and the irrigation of 3.2 acres.

Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

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 place of use.

13. Basis of Claim: License

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the CLARK FORK-PEND OREILLE River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 18 pages (+ claim #96-9486)

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

sole owner

Agents Title (please print)

of

223 Sky Meadow Lane

Name of Organization (please print)

Sagle ID
83860

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Jocelyn Blake Byrne

Date

8/2/2022

Printed Name of Authorized Agent

Jocelyn Blake Byrne



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 25, 2022

JOCELYN BLAKE BYRNE
223 SKY MEADOW LN
SAGLE ID 83860-9516

RE: Water Right Change in Ownership No(s): 96-9486 & 96-9632

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on April 22, 2022 for the above referenced water rights. Per our phone conversation, the Department is returning your Notice because these water rights require a Notice of Claim form be submitted through the current Clark Fork-Pend Oreille Adjudication in Bonner County.

Because these are a part of the adjudication and will require a separate fee, a refund of \$50 has been requested for the ownership change and will be mailed to you under separate cover from the Idaho State Controller's Office.

If you have any questions regarding this matter, please contact Linda Werner or Evan Roda in Adjudication at (208) 762-2800.

Sincerely,

Natalie Steading
Tech Records Specialist 1

Enclosure(s)

Steading, Natalie

From: Steading, Natalie
Sent: Monday, April 25, 2022 3:34 PM
To: IdwrPayable
Subject: Request for Refund

TO: IDWR Payable
FROM: Natalie Steading 
DATE: April 25, 2022
RE: Refund for Ownership Change

Please refund \$50. She will be filing adjudication claims

NAME: Jocelyn Blake Byrne

ADDRESS: 223 Sky Meadow Ln
Sagle ID 83860

RECEIPT#: N039045

RECEIVED

APR 22 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR / NORTH NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
96-09486	Yes ☐	Yes ☐		Yes ☐	Yes ☐
96-9632	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Charles + Marla Maile Family Trust
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Jocelyn Blake Byrne
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 223 Sky Meadow Lane Sagle ID 83860
Mailing address City State Zip
- 208-255-2537 sagleblackstone@gmail.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: December 22, 2021
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Jocelyn Blake Byrne 4/18/2022
 Signature of new owner/claimant Title, if applicable Date
Jocelyn Blake Byrne
 Print name

Signature: _____
 Signature of new owner/claimant Title, if applicable Date

 Print name

Received by Jr Date 4-22-22 Receipt No. N039045 Receipt Amt. 5000
 For IDWR Office Use Only: 4-25-22 Refund Requested NS

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by _____ Date _____

Instrument # 998268
Bonner County, Sandpoint, Idaho
12/29/2021 08:07:58 AM No. of Pages: 2
Recorded for: ALLIANCE TITLE - SANDPOINT
Michael W. Rosedale Fee: \$15.00
Ex-Officio Recorder Deputy rflaherty
Index to: WARRANTY DEED



WARRANTY DEED

Alliance Title & Escrow, LLC Order No.:593005

FOR VALUE RECEIVED

Charles W Maile and Marla C Maile, Co-Trustees of the Charles and Marla Maile Family Trust dated November 24th, 2008 and restated April 27, 2016

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Jocelyn Blake Byrne, an unmarried woman

whose current address is: **604 Algoma Spur Rd, Sagle, ID 83860**

the grantee(s), the following described premises, in Bonner County, Idaho, TO WIT:

The East half of the Southwest Quarter of the Southwest Quarter;

The Southwest Quarter of the Southeast Quarter of the Southwest Quarter;

And the South half of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 4, Township 56 North, Range 1 West, Boise Meridian, Bonner County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 22, 2021

Charles and Marla Maile Family Trust

Charles W. Maile, Co-Trustee
Charles W. Maile, Co-Trustee

Marla C. Maile, Co-Trustee
Marla C. Maile, Co-Trustee

State of Idaho} ss.
County of Bonner}

On this 28 day of December, 2021, before me, Kelli Sparling, a Notary Public in and for said state, personally appeared Charles W. Maile and Marla C. Maile known or identified to me to be the person whose name is subscribed to the foregoing instrument as co-trustees of the Charles and Marla Maile Family Trust

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Kelli Sparling
Notary Public for the State of Idaho
Residing at: Post Falls
Commission Expires: 11/22/27



Instrument # 989736
Bonner County, Sandpoint, Idaho
08/17/2021 03:08:31 PM No. of Pages: 5
Recorded for: CHARLES MAILE
Michael W. Rosedale Fee: \$22.00
Ex-Officio Recorder Deputy
Index to: WATER RIGHTS

R



WATER RIGHT LICENSE

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09486

Priority: August 17, 2011

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that CHARLES AND MARLA MAILE FAMILY TRUST NOVEMBER 24 2008
223 SKY MEADOW LANE
SAGLE ID 83860 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated August 17, 2011; and has
submitted Proof of Beneficial Use on December 28, 2011.

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, Twp 56N, Rge. 01W, 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	01W	4																	

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. Domestic use is for 1 home.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 9 day of July, 2012.

Bertie L. Spackman, For
GARY SPACKMAN
Interim Director

Statement of Available Procedures and Applicable Time Limits**RESPONDING TO PRELIMINARY ORDERS ISSUED
BY THE IDAHO DEPARTMENT OF WATER RESOURCES**
(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

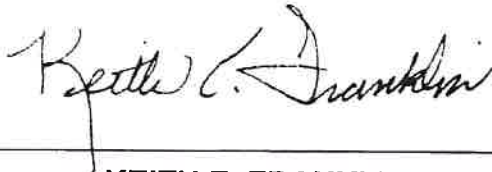
The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9486

**CHARLES AND MARLA MAILE FAMILY TRUST NOVEMBER 24 2008
223 SKY MEADOW LANE
SAGLE ID 83860**

A handwritten signature in black ink, appearing to read "Keith E. Franklin", is written over a horizontal line.

**KEITH E. FRANKLIN
Program Manager**

Instrument # 989737

Bonner County, Sandpoint, Idaho

08/17/2021 03:08:31 PM No. of Pages: 6

Recorded for: CHARLES MAILE

Michael W. Rosedale Fee: \$25.00

Ex-Officio Recorder Deputy

Index to: WATER RIGHTS



WATER RIGHT LICENSE

Page 1

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-9632

Priority: July 11, 2016

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 10.2 AF

It is hereby certified that:

CHARLES & MARLA MAILE FAMILY TRUST NOVEMBER 24 2008 223 SKY MEADOW LANE
SAGLE ID 83860

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 11, 2016, and has submitted Proof of Beneficial Use on February 12, 2020. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.07 CFS	9.6 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ SW¼, Sec. 4, Twp 56N, Rge 01W, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
56N	01W	4											0.5	2.7						3.2

Total Acres: 3.2

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
56N	01W	4												X						

Conditions of Approval

- Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
- 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 place of use.
- Rights 96-9486 and 96-9632 when combined shall not exceed a total diversion rate of 0.11 cfs, a total annual volume of 0.6 af for domestic use for 1 home, a total annual maximum diversion volume of 10.2 af at the field headgate, and the irrigation of 3.2 acres.
- This right does not grant any right-of-way or easement across the land of another.

Page 2

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-9632

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 4th day of August, 2020.



ADAM FREDERICK
Water Rights Supervisor

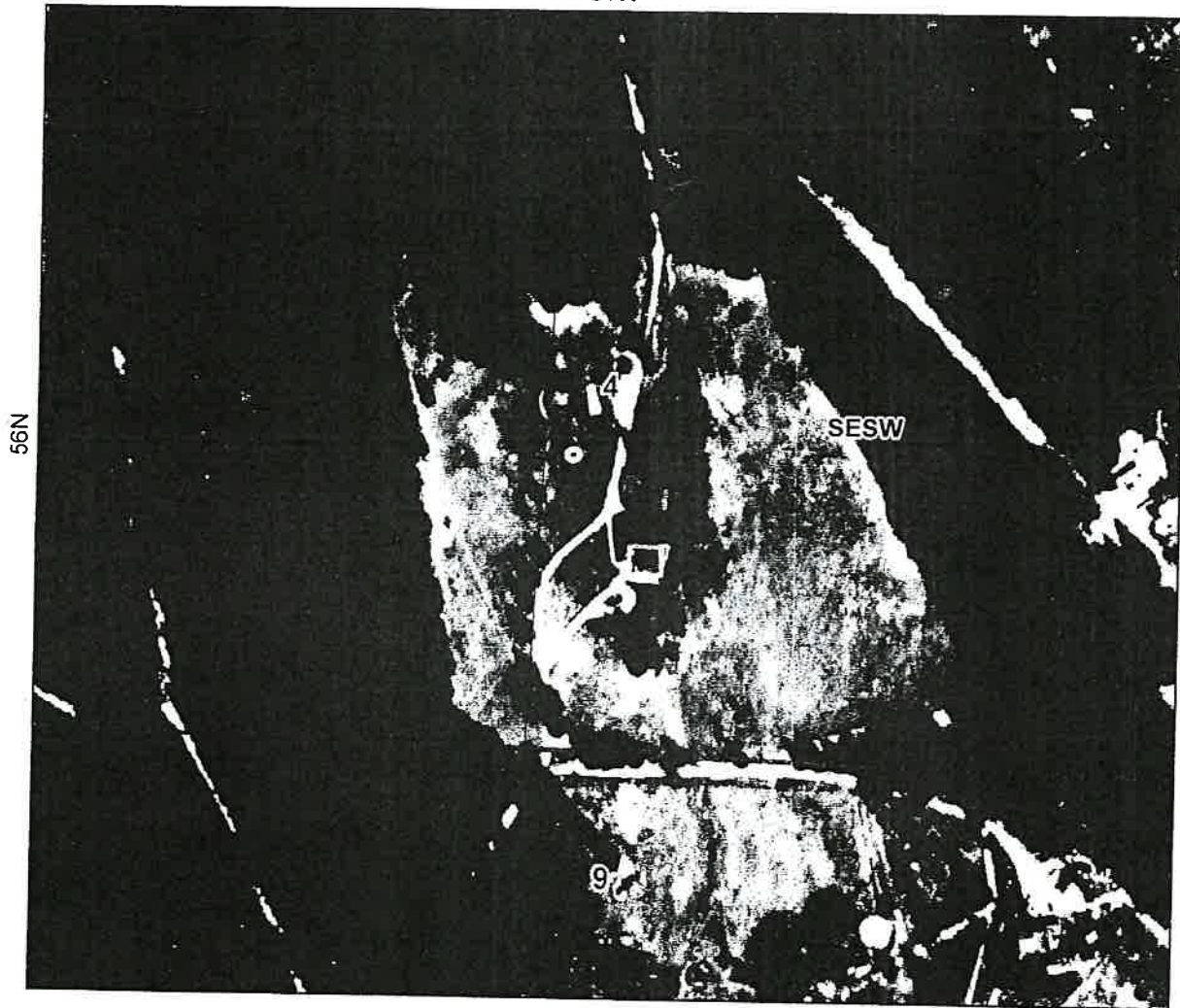
State of Idaho
Department of Water Resources

Attachment to Water Right License

96-9632

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01W



- ⊙ Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters

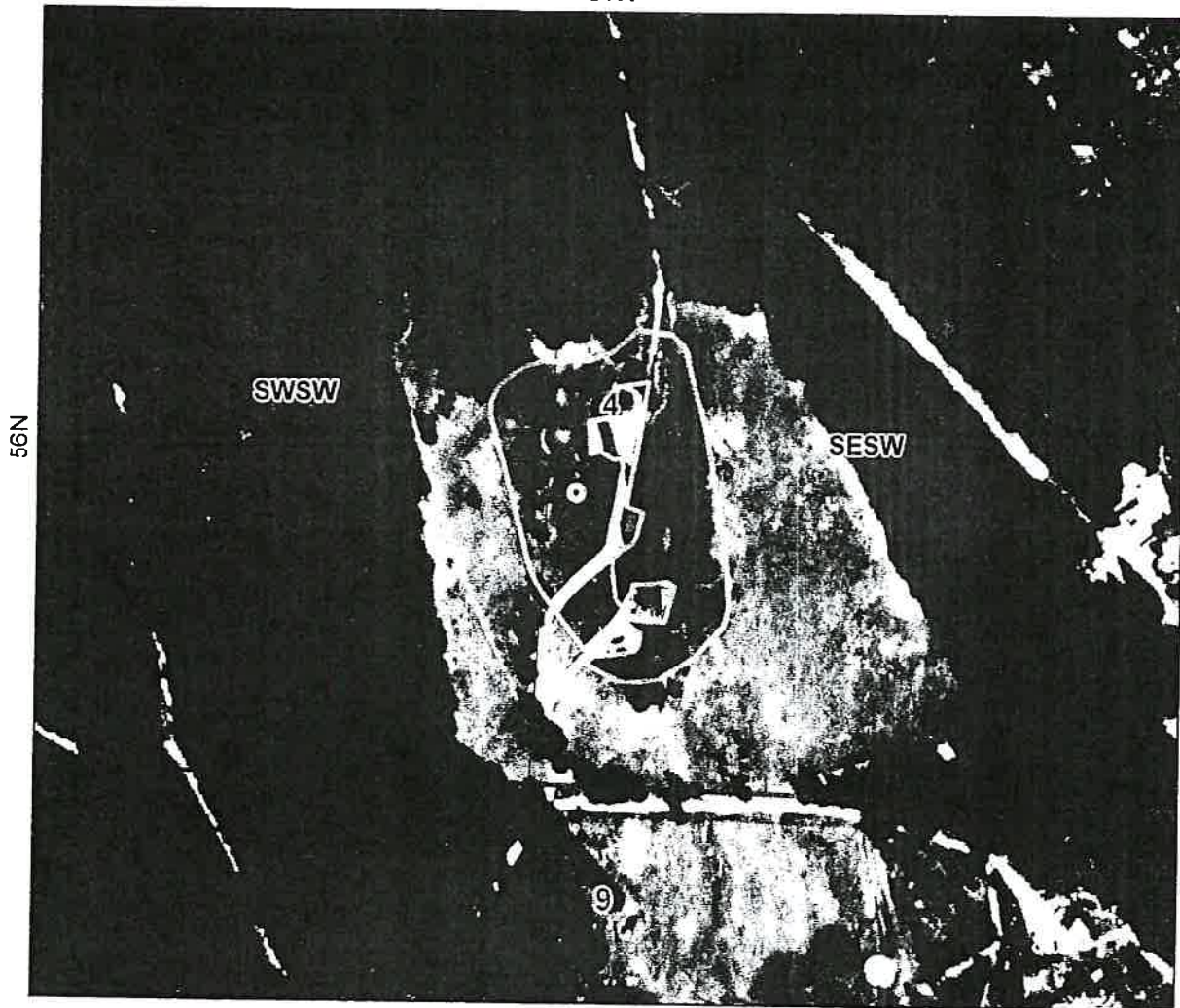
0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Water Right License
96-9632

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01W



- ⊙ Point of Diversion
- Place Of Use Boundary

-  Townships
-  PLS Sections
-  Quarter Quarters

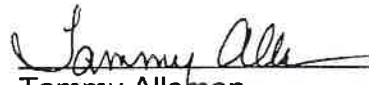
0 0.035 0.07 0.14 Miles



CERTIFICATE OF SERVICE

I hereby certify that on August 04, 2020, I served a true and correct copy of Water Right License No. 96-9632 by U.S. Mail, postage prepaid, to the following:

CHARLES & MARLA MAILE FAMILY TRUST NOVEMBER 24 2008 (Current Owner)
223 SKY MEADOW LANE
SAGLE ID 83860



Tammy Alleman
Administrative Assistant 1



