

Please send copies of all correspondence to:  
 Roxanne Brown  
 SPW Water Engineering  
 300 E. Mallard Dr., Suite 350  
 Boise, ID 83706

81295

Ident. No. 95-17231

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**AUG 18 2016**

**DEPARTMENT OF WATER RESOURCES**

STATE OF IDAHO  
 DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

**IDWR/NORTHERN**

1. Name of applicant(s) Idaho Independent Bank Phone (208) 292-1884  
 Name connector (check one):  and  or  and/or  
 Mailing address 1260 W. Riverstone Dr. City Coeur d'Alene  
 State ID Zip 83814 Email \_\_\_\_\_
2. Source of water supply groundwater which is a tributary of \_\_\_\_\_
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
50N	3W	16			SW	NW	Kootenai	groundwater	A0003219 (Well 4)
50N	3W	16	1		SE	NW	Kootenai	groundwater	A0003220 (Well 6)
50N	3W	16	5		NE	SW	Kootenai	groundwater	New (Well 7)

4. Water will be used for the following purposes:
- Amount 0.19 for municipal purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.19 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre feet per year (af).

6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. wells and pumps to water distribution piping
- b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required?  Yes  No
- c. Proposed well diameter is 6 inches; proposed depth of well is 500+ feet.
- d. Is ground water with a temperature of greater than 85°F being sought?  Yes  No
- e. If well is already drilled, when? 2006; drilling firm Aqua Drilling & Exploration, Inc.; well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. n/a
- b. Stockwatering; list number and kind of livestock. n/a
- c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households n/a
- e. Other; describe fully. n/a

8. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	3W	16							M	M	M	M							
									L1		L5	L4							

Total number of acres to be irrigated: \_\_\_\_\_

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?


None

- 10. a. Who owns the property at the point of diversion? applicant (Well 6, Well 7); Peretti (Well 4)
- b. Who owns the land to be irrigated or place of use? applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:  
See attached Grant of Easement

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.  
Applicant is the successor-in-interest of the developer of Feman Lake Estates. Applicant proposes adding Well 7 to the existing municipal distribution system described on water right license 95-9323. Application proposes use for 24 additional homes in Feman Estates.

- 12. Time required for completion of works and application of water to proposed beneficial use is \_\_\_\_\_ years (minimum 1 year).
- 13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" 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.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

DAWN SMITH, SR. VICE PRESIDENT  
Print Name (and title, if applicable)

\_\_\_\_\_  
Print Name (and title, if applicable)

**For Department Use:**

Received by \_\_\_\_\_ Date 8-18-16 Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
Fee \$ 100 Received by AO Receipt No. C102387 Date 8-18-16

**GRANT OF EASEMENT**

This Grant of Easement is made effective the 28<sup>th</sup> day of April, 2009, by and between FERNAN LAKE ESTATES, INC., an Idaho corporation, whose address is P.O. Box 2581, Coeur d'Alene, Idaho 83816-2581; and BOBBY D. NAGRONE and DONNA J. NAGRONE, whose address is 5476 E. Fernan Lake Road, Coeur d'Alene, Idaho 83814; (herein referred to collectively as "Grantor"), and FERNAN ESTATES CORPORATION, an Idaho corporation, whose address is 5349 E. Fernan Lake Road, Coeur d'Alene, Idaho 83814 (herein referred to as "Grantee").

**RECITALS**

**WHEREAS** Grantor is the owner of real property located in Kootenai County, Idaho, more particularly described on Exhibit "A" and "Legal Description of Exhibit 'B'" and diagram "Exhibit 'B-1'" attached hereto; and

**WHEREAS** Grantee is desirous of a utility easement over, across and under Grantor's real property for the exclusive purpose of constructing and maintaining a water line;

**NOW THEREFORE**, the parties hereby agree as follows:

Grantor, for good and valuable consideration, does hereby convey and grant to Grantee, its successors and assigns, a permanent nonexclusive easement and right-of-way upon, across, and under the real property more particularly identified and described on "Legal Description of Utility Easement 'C'" dated March 27, 2009, and diagram "Utility Easement 'C'" dated March 27, 2009, attached hereto and incorporated herein by reference.

The right-of-way, easement, rights and privileges herein granted shall be used for the express purpose of providing water utility service including placing, constructing, operating, repairing, inspecting, rebuilding, removing, and relocating transmission or distribution facilities or equipment, as well as reading any meter or performing any act related to the provision of the utility service. The Grantee is specifically granted pedestrian, equipment and vehicular ingress and egress.

The width of the easement shall be 20 feet, one-half (1/2) such distance on either side of the centerline described on "Legal Description of Utility Easement 'C'" attached hereto, and shall include the subsurface below and the space above. The easement, right, and privilege herein granted shall be perpetual and shall be a covenant running with the land for the benefit of Grantee, its successors and assigns.

Grantee covenants and warrants that Grantor and its successors and assigns are and shall be forever exempt from any and all assessments made for the purposes of maintaining, repairing or improving the water line through the Grantor's property.

Grantor further covenants that Grantor, its heirs, successors and assigns shall facilitate and assist Grantee in exercising its rights and privileges herein described at all reasonable times. Grantor shall not construct or locate on the easement property any structure, obstruction or improvement which will interfere with the Grantee's use of the easement.

This Grant of Easement shall bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties and shall be governed by and enforced in accordance with the laws of the state of Idaho. In the event of any controversy, claim, dispute, or enforcement action relating to this instrument and the conveyance of easements herein, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs.

**IN WITNESS THEREOF**, each party to this Grant of Easement has read and fully understood this instrument with the intent that it shall be recorded in the Office of the Recorder in Kootenai County, State of Idaho.

GRANTOR:

Dated: April 28, 2009

FERNAN LAKE ESTATES, INC.

By J. Scott McKahan  
J. Scott McKahan  
Its Pres.

Dated: April 28<sup>th</sup>, 2009

Bobby D. Nagrone  
Bobby D. Nagrone

Donna J. Nagrone  
Donna J. Nagrone

GRANTEE:

Dated: Apr. 28, 2009

FERNAN ESTATES CORPORATION

By Randall D. McKahan  
Randall D. McKahan

Its Sec/Tres.





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**EXHIBIT "A"**

**Lot 1, Lot 2 and Lot 3, Block 1, Fernan Lake Estates as recorded in Plat Book J, Page 268, records of Kootenai County, Idaho and located in Section 16, T.50N, R.3W, B.M., Kootenai County, Idaho.**

**LEGAL DESCRIPTION  
of  
EXHIBIT "B"**

A tract of land in Section 16, Township 50 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, further described as follows:

Beginning at a 1 1/2" square head bolt set in concrete, marking the West Quarter corner of Section 16 shown on that certain Record of Survey filed by Earl Sanders, recorded March 10, 2006 in Book 24 of Surveys at Page 142, records of Kootenai County, Idaho being the TRUE POINT OF BEGINNING of the herein described parcel of land;

thence from said Point of Beginning North 00°21'22" East, along the section line common to Section 17 and said Section 16 a distance of 824.28 feet to a point of intersection of the projected southeast line of Lot 1, Block 1 as said lot is shown and so designated according to the Plat of Fernan Lake Estates, recorded December 2, 2005 in Book "J" of Plats at Page 268, records of Kootenai County, Idaho;

thence along the projection of said southeast line and along the south line of said Block 1, North 71°03'19" East a distance of 370.84 feet;

thence North 64°57'53" East a distance of 132.72 feet;

thence South 53°17'45" East a distance of 364.40 feet;

thence North 57°07'14" East a distance of 129.43 feet;

thence North 82°12'47" East a distance of 110.71 feet to the southeast corner of "H" ADJUSTED LOT 3, Block 1 as said lot is shown and so designated on the Lot Line Adjustment, Record of Survey by Earl Sanders, recorded March 10, 2006 in Book 24 of Surveys at Page 142, records of Kootenai County, Idaho;

thence leaving said southeast line of Lot 3, Block 1, South 02°50'29" West a distance of 66.90 feet;

thence North 87°09'31" West a distance of 32.03 feet;

thence South 57°00'08" West a distance of 162.11 feet;

thence South 15°11'33" West a distance of 224.04 feet;

thence South 28°29'51" West a distance of 102.93 feet;

thence South 28°27'22" East a distance of 125.61 feet;

thence South 48°59'11" East a distance of 135.99 feet;

thence South 38°19'00" East a distance of 77.59 feet;

thence South 30°15'06" East a distance of 218.41 feet;

thence South 41°28'13" East a distance of 95.45 feet;

thence South 69°11'48" East a distance of 95.90 feet;

thence North 89°20'11" East a distance of 85.92 feet;

thence North 86°58'54" East a distance of 72.17 feet to a point on the east line of Government Lot 4 of said Section 16;

thence along said east line, South 00°18'13" West a distance of 473.82 feet more or less to the intersection with the northerly Mean High Water Mark of Fernan Lake designated as Point "A";

thence southwesterly and northwesterly along said Mean High Water Mark, 1030 feet more or less, to a point of intersection, designated as Point "B", of the southerly projected east line of the West half of Government Lot 4 of said Section 16 of that certain parcel of land described in the Quitclaim Deed to James H. McKahan recorded December 17, 1974 as Instrument #663301, said Point "B" being N89°41'38"W a distance of 672.15' from Point "A";

thence along said southerly projected east line and the said east line of the West half of Government Lot 4, North 00°31'22" East a distance of 592.42 feet to a point on the north line of said Government lot 4;

thence North 88°28'36" West along said north line a distance of 670.03 feet to the POINT OF BEGINNING.

Except any portion lying within Fernan Lake Road right-of-way.

Reserving any and all Riparian rights.

Containing 1,216,891 square feet or 27.935 acres, more or less.

END OF DESCRIPTION.

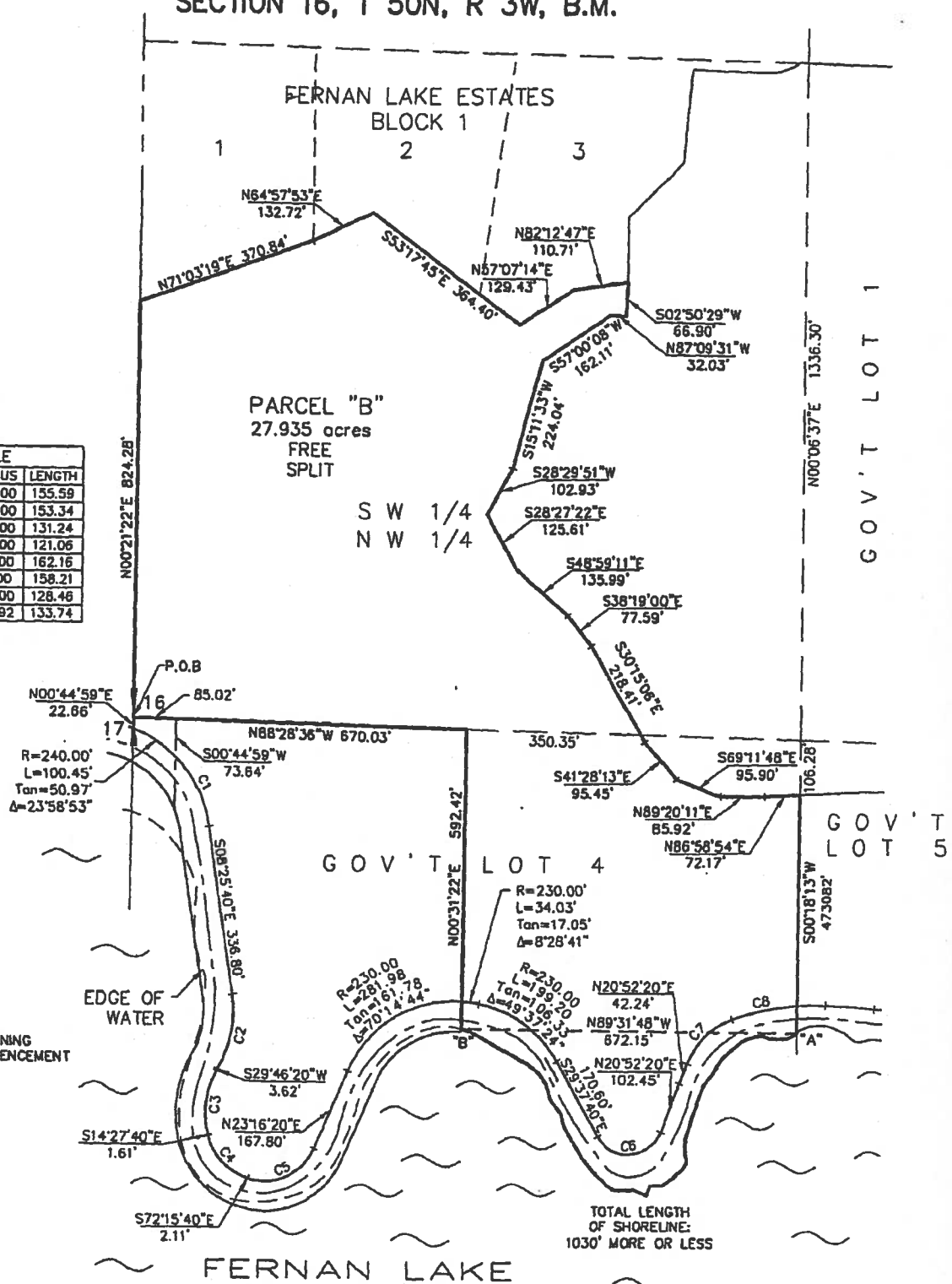
# EXHIBIT "B-1"

## SECTION 16, T 50N, R 3W, B.M.



1" = 300'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	37°08'43"	240.00	155.59
C2	38°12'00"	230.00	153.34
C3	44°14'00"	170.00	131.24
C4	57°48'00"	120.00	121.06
C5	84°28'00"	110.00	162.16
C6	129°30'00"	70.00	158.21
C7	49°04'10"	150.00	128.46
C8	15°54'00"	481.92	133.74



**LEGEND**

P.O.B = POINT OF BEGINNING  
P.O.C = POINT OF COMMENCEMENT



EXHIBIT "B-1"  
FOR FERNAN LAKES ESTATES  
MCKAHAN



**LEGAL DESCRIPTION**  
of  
**UTILITY EASEMENT "C"**

March 27, 2009

A strip of land 20 feet in width across a portion of the SW 1/4 of the NW 1/4 of Section 16, Township 50 North, Range 3 West, B.M., Kootenai County, Idaho, being 10 feet on each side of the following described centerline:

**BEGINNING** at a point from which the Northwest corner of Government Lot 1 of said Section 16 bears North 50°09'17" East, 393.00 feet;

thence 152.04 feet along the arc of a 150.00 foot radius curve to the left, through a central angle of 58°04'35" and a long chord that bears North 56°33'06" West, 145.62 feet;

thence North 85°35'23" West, 100.02 feet;

thence 90.78 feet along the arc of a 90.00 foot radius curve to the left, through a central angle of 57°47'28" and a long chord that bears South 65°30'53" West, 86.98 feet;

thence 83.50 feet along the arc of a 880.58 foot radius curve to the right, through a central angle of 5°25'59" and a long chord that bears South 39°20'08" West, 83.47 feet to a Point hereon referred to as Point "C";

thence continuing along said curve 307.02 feet, through a central angle of 19°58'35" and a long chord that bears South 52°02'25" West, 305.47 feet;

thence South 40°48'39" West, 120.88 feet;

thence South 33°06'19" West, 290.66 feet;

thence South 47°40'39" West, 128.25 feet to the POINT OF TERMINUS, lengthening and shortening the sidelines of said strip on a line which bears North 45°20'18" West through THE POINT OF BEGINNING.

**TOGETHER WITH** a strip of land 20 feet in width across said portion of land, being 10 feet on each side of the following described centerline:

**BEGINNING** at the aforementioned Point "C", thence 187.77 feet along the arc of a 150.00 foot radius curve to the right, through a central angle of 71°43'17" and a long chord that bears North 63°54'37" West, 175.75 feet;

thence North 28°02'58" West, 65.05 feet;



thence 101.57 feet along the arc of a 90.00 foot radius curve to the left, through a central angle of  $64^{\circ}39'32''$  and a long chord that bears North  $60^{\circ}22'44''$  West, 96.26 feet;

thence South  $87^{\circ}17'30''$  West, 68.66 feet to the POINT OF TERMINUS.

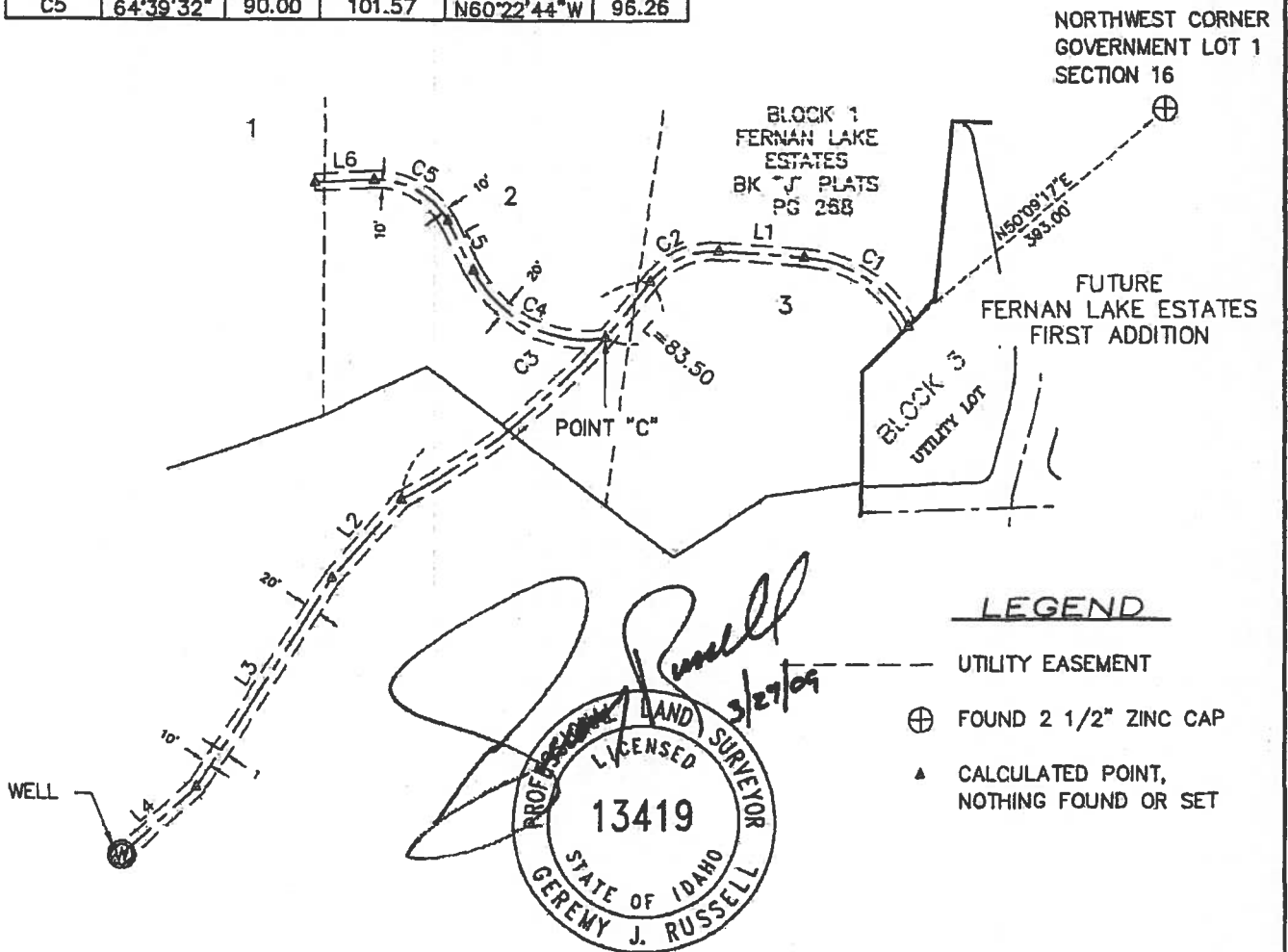
*Geremy J. Russell*  
7/27/09  
PROFESSIONAL LAND SURVEYOR  
LICENSED  
13419  
STATE OF IDAHO  
GEREMY J. RUSSELL

# UTILITY EASEMENT "C"



LINE TABLE		
LINE	BEARING	LENGTH
L1	N85°35'23"W	100.02
L2	S40°48'39"W	120.88
L3	S33°06'19"W	290.66
L4	S47°40'39"W	128.25
L5	N28°02'58"W	65.05
L6	S87°17'30"W	68.66

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	58°04'35"	150.00	152.04	N56°33'06"W	145.62
C2	57°47'28"	90.00	90.78	S65°30'53"W	86.98
C3	25°24'34"	880.58	390.52	N49°19'26"E	387.33
C4	71°43'17"	150.00	187.77	S63°54'37"E	175.75
C5	64°39'32"	90.00	101.57	N60°22'44"W	96.26



Well #7

Form 238-7  
6/02

# IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Office Use Only  
 Well ID No. \_\_\_\_\_  
 Inspected by \_\_\_\_\_  
 Twp \_\_\_\_\_ Rge \_\_\_\_\_ Sec \_\_\_\_\_  
 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
 Lat: : : Long: : :

1. WELL TAG NO. D 0041236  
 DRILLING PERMIT NO. 238474  
 Water Right or Injection Well No. \_\_\_\_\_

### 12. WELL TESTS:

<input type="checkbox"/> Pump	<input type="checkbox"/> Bailer	<input checked="" type="checkbox"/> Air	<input type="checkbox"/> Flowing Artesian
Yield gal./min.	Drawdown	Pumping Level	Time
<u>35</u>			

Water Temp. Cool Bottom hole temp. Cool  
 Water Quality test or comments: Good - Clean

### 13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10	0	58.6			
6	58.6	577			
	0	7	Brown Clay		
	7	31	Brown Clay & Shale		
	31	64	Hard grey Shale		
	64	79	Broken Shale		
	79	302	grey Shale	X	
	302	406	Hard grey Shale		
	406	409	Broken area of grey Shale		
	409	577	Hard grey Shale	X	X

RECEIVED  
 RECEIVED  
 APR - 4 2006  
 MAR 22 2006  
 IDWR/North  
 IDWR/North  
**AQUA DRILLING & EXPLORATION INC.**  
 PO BOX 2850  
 HAYDEN, ID 83835-2850

Completed Depth 577' (Measurable)  
 Date: Started 2-15-06 Completed 2-22-06

### 14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.  
**AQUA DRILLING & EXPLORATION INC.**  
 Company Name \_\_\_\_\_ Firm No. 163  
 Principal Driller Scott N. Barwick Date \_\_\_\_\_  
 and Driller or Operator II Wayne Miller Date 2-22-06  
 Operator I \_\_\_\_\_ Date \_\_\_\_\_

2. OWNER:  
 Name Mc Kahan & Sons LP/Fernan LK. Estates LLC.  
 Address 5729 E. Fernan LK. rd. PO Box 2581  
 City Coeur d'Alene State Id. Zip 83814

3. LOCATION OF WELL by legal description:  
 You must provide address or Lot, Blk, Sub, or Directions to well.  
 Twp. 50 North  or South   
 Rge. 03 East  or West   
 Sec. 16  
 Gov't Lot \_\_\_\_\_  
 County Kootenai NW 1/4 SW 1/4

4. USE:  
 Domestic  Municipal  Monitor Irrigation  
 Thermal  Injection  Other NON-Domestic Test well

5. TYPE OF WORK check all that apply (Replacement etc.)  
 New Well  Modify  Abandonment  Other \_\_\_\_\_

6. DRILL METHOD:  
 Air Rotary  Cable  Mud Rotary  Other \_\_\_\_\_

7. SEALING PROCEDURES

Hole Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>Casing Seal Bentonite</u>	<u>0</u>	<u>58.6</u>	<u>800 lbs</u>	<u>10" overbore</u>

Was drive shoe used?  Y  N Shoe Depth(s) 58.6  
 Was drive shoe seal tested?  Y  N How? air pressure

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6 +2</u>	<u>58.6</u>	<u>280</u>	<u>280</u>	<u>Steel</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>4 -7</u>	<u>577</u>	<u>220</u>	<u>220</u>	<u>Pvc.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Length of Headpipe \_\_\_\_\_ Length of Tailpipe \_\_\_\_\_  
 Packer Y  N  Type \_\_\_\_\_

9. PERFORATIONS/SCREENS PACKER TYPE  
 Perforation Method Sawcut  
 Screen Type & Method of Installation N/A

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>377</u>	<u>397</u>	<u>1/8x6</u>	<u>40</u>	<u>4"</u>	<u>PVC.</u>		<input checked="" type="checkbox"/>
<u>437</u>	<u>457</u>	<u>"</u>	<u>40</u>	<u>"</u>	<u>"</u>		<input checked="" type="checkbox"/>
<u>497</u>	<u>577</u>	<u>"</u>	<u>160</u>	<u>"</u>	<u>"</u>		<input checked="" type="checkbox"/>

10. FILTER PACK N/A

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:  
33 ft. below ground Artesian pressure \_\_\_\_\_ lb.  
 Depth flow encountered \_\_\_\_\_ ft. Describe access port or control devices:  
6" Bolted Well Seal

50N 3W 16

Well #6

Form 238-7  
6/02

IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT

Office Use Only			
Well ID No.	_____		
Inspected by	_____		
Twp	Rge	Sec	
_____	_____	_____	
Lat:	_____	Long:	_____

1. WELL TAG NO. D CD45051  
DRILLING PERMIT NO 340966 Well ID# 411248  
Water Right or Injection Well No. WR 95-09323

2. OWNER: Scott or Randy Mc Kahan  
Name Fernan Lake Estates, Inc.  
Address P.O. Box 2581  
City Coeur d'Alene State Id. Zip 83814

3. LOCATION OF WELL by legal description:  
You must provide address or Lot, Blk, Sub. or Direct ons to well.  
Twp. 50 North  or South \_\_\_\_\_  
Rge. 3 East  or West   
Sec. 16 1/4 SE 1/4 NW 1/4  
Gov't Lot \_\_\_\_\_ County Kootenai  
Lat: \_\_\_\_\_ Long: \_\_\_\_\_  
Address of Well Site 5349 E. Fernan Lk. Rd.  
(Well #7, site #6) City Coeur d'Alene  
Li. \_\_\_\_\_ Blk. \_\_\_\_\_ Sub. Name \_\_\_\_\_

4. USE:  
 Domestic  Municipal  Monitor  Irrigation  
 Thermal  Injection  Other

5. TYPE OF WORK check all that apply (Replacement etc)  
 New Well  Modify  Abandonment  Other

6. DRILL METHOD:  
 Air Rotary  Cable  Mud Rotary  Other

7. SEALING PROCEDURES  
Seal Material From To Weight / Volume Seal Placement Method  
Bentonite 0 146 1/2 900 lbs 4" overbore  
Was drive shoe used?  Y  N Shoe Depth(s) 146 1/2  
Was drive shoe seal tested?  Y  N How? Air pressure

8. CASING/LINER:  
Diameter From To Gauge Material Casing Liner Welded Threaded  
6" 1 1/2" 146 1/2 280 Steel      
4" -6" 526 220 PVC.      
Length of Headpipe \_\_\_\_\_ Length of Tailpipe RECEIVED  
Packer  Y  N Type \_\_\_\_\_

9. PERFORATIONS/SCREENS PACKER TYPE  
Perforation Method Sawcut  
Screen Type & Method of Installation N/A  
From To Slot Size Number Diameter Material Casing  
306 386 1/8 x 7 240 4" PVC.   
406 446 1/8 x 7 120 4" PVC.   
486 526 1/8 x 7 120 4" PVC.

10. FILTER PACK N/A  
Filter Material From To Weight / Volume Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:  
104 ft. below ground Artesian pressure \_\_\_\_\_ lb  
Depth flow encountered \_\_\_\_\_ ft Describe access port or control devices  
6" Bolted Well Cap

12. WELL TESTS:  
Pump  Bailor  Air  Flowing Artesian \_\_\_\_\_  
Yield gal./min. 50 Drawdown \_\_\_\_\_ Pumping Level \_\_\_\_\_ T \_\_\_\_\_  
Water Temp Cool Bottom hole temp Cool  
Water Quality test or comments: Good

13. LITHOLOGIC LOG: (Describe repairs or abandonment) Water




Bore Dia	From	To	Remarks: Lithology Water Quality & Temperature	Y	N
<u>10"</u>	<u>0</u>	<u>146 1/2</u>			
<u>6"</u>	<u>146 1/2</u>	<u>526</u>			
	<u>0</u>	<u>12</u>	<u>Fill Dirt &amp; Cobbles</u>		
	<u>12</u>	<u>127</u>	<u>Brown shale &amp; Clay</u>		
	<u>127</u>	<u>137</u>	<u>Soft Blue shale</u>		
	<u>137</u>	<u>146</u>	<u>Firm Blue shale</u>		
	<u>146</u>	<u>255</u>	<u>Blue Shal</u>		<input checked="" type="checkbox"/>
	<u>255</u>	<u>263</u>	<u>Soft Spot of Blue Shale</u>		
	<u>263</u>	<u>501</u>	<u>Blue Shale</u>		<input checked="" type="checkbox"/>
	<u>501</u>	<u>526</u>	<u>Hard Blue Shale with Fractured Shale</u>		<input checked="" type="checkbox"/>

Completed Depth 526' (Measurable)  
Date Started 9-11-06 Completed 9-18-06

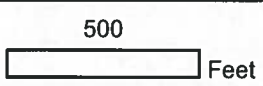
14. DRILLER'S CERTIFICATION  
I/We certify that all minimum well construction standards were complied with at the time the rig was utilized.  
Company Name AQUA DRILLING & EXPLORATION INC. Firm No. 163  
Principal Driller Scott M. Braumberg Date 10/6/06  
and Driller or Operator II Wayne Miller Date 9-20-06  
Operator I \_\_\_\_\_ Date \_\_\_\_\_  
Principal Driller and Rig Operator Required  
Operator I must have signature of Driller Operator II





-  Proposed Point of Diversion
-  Proposed Place of Use
-  Existing Water Right 95-9323

**Application for Permit  
Idaho Independent Bank**



**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**MUNICIPAL WATER RIGHT APPLICATION CHECKLIST  
FOR AN APPLICATION TO APPROPRIATE WATER FOR MUNICIPAL PURPOSES**

An application to appropriate water for municipal purposes must be prepared in accordance with the requirements listed below to be acceptable for processing by the Department. There are two types of permits for municipal water use. The first type of municipal permit provides water for reasonably anticipated future needs (RAFN) over a defined planning horizon.<sup>1</sup> The second type of municipal permit, called non-RAFN, provides water solely for use to meet needs that will arise in the near-term (five years).<sup>2</sup> A non-RAFN permit may have an annual volume limitation associated with it. Each type of municipal water use has a distinct set of review requirements.

**Applicant Name:** Idaho Independent Bank

1. Type of Municipal Provider. Applicant must qualify as a Municipal Provider to obtain a municipal water right. See Idaho Code § 42-202B (5). Check one:

- Type 1 – Municipality
  - Type 2 – Franchise or political subdivision supplying water to a municipality
  - Type 3 – Corporation or association regulated as a “public water supply” system by IDEQ
- Attach documentation of qualification as a Municipal Provider. See Idaho Code § 42-202(2).

2. List existing Water Rights (permits, licenses, decrees, and beneficial use claims) available to the applicant for municipal needs. These rights may or may not have a purpose of use expressly defined as “municipal”. Include a separate attachment as needed.

Right Number	Nature of Use	Diversion Rate (cfs)	Annual Vol. (acre-feet)	Service Area
<u>95-9323</u>	<u>municipal</u>	<u>0.15</u>	<u>17.2</u>	<u>Fernan Estates Subdivision</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

3. List the total diversion rate from Item 2. Be sure to account for any combined diversion rate limits in the approval conditions of each right listed. 0.15 CFS (total from 2)

4. List the total volume from Item 2. Be sure to account for any combined volume limits in the approval conditions of each right listed 17.2 AF (total from 2)

<sup>1</sup> For a thorough discussion of RAFN water rights, see IDWR’s *Recommendations for the Processing of Reasonably Anticipated Future Needs (RAFN) Municipal Water Rights at the Time of Application, Licensing, and Transfer*.

<sup>2</sup> For a thorough discussion of non-RAFN water rights, see IDWR’s Application Processing Memorandum No. 18.

5. Planning Horizon. See Idaho Code § 42-202B (7). Check one:

- RAFN. Specify planning horizon: \_\_\_\_ years. Go to Item 6.
- Non-RAFN ( $\leq 5$  years). Go to Item 7.

6. If application is for RAFN:

- Attach justification for planning horizon. See Idaho Code § 42-202(2) and § 42-202B(7).
- Attach description of service area. See Idaho Code § 42-202(2) and § 42-202B(9).
- Attach population projection within the service area over the planning horizon. See Idaho Code § 42-202(2) and § 42-202B(8).
- Attach evaluation for demand within the service area over the planning horizon. See Idaho Code § 42-202(2) and § 42-202B(8).

Does demand exceed the totals listed in Items 3 and 4?

Y    N

- Rate?
- Volume?

If the answer is "No" to both rate and volume and a new point of diversion is needed, file a transfer application pursuant to Idaho Code § 42-222(1).

7. If application is for non-RAFN:

When submitting proof of beneficial use, non-RAFN permit holders will be required to show that water was diverted for an additional increment of beneficial use over existing water rights during the authorized development period, which may be up to five years from the date of approval. Do existing demand and short term needs exceed the combined authorizations from the existing water rights listed in Items 3 and 4?

Y    N

- Rate?
- Volume?

If the answer is "No" to both rate and volume and a new point of diversion is needed, file a transfer application pursuant to Idaho Code § 42-222(1).



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

---

C.L. "BUTCH" OTTER  
Governor

November 8, 2016

GARY SPACKMAN  
Director

IDAHO INDEPENDENT BANK  
1260 W RIVERSTONE DR  
COEUR D ALENE ID 83814

**Re: Preliminary Order in the matter of Application for Permit No. 95-17231**

Dear Interested Parties:

The accompanying order is a "**Preliminary Order**" issued by the department. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-762-2800

Sincerely,

A handwritten signature in blue ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case  
Northern Regional Manager

Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR PERMIT NO. 95-17231 IN THE )  
NAME OF IDAHO INDEPENDENT )  
BANK )

**PRELIMINARY ORDER VOIDING  
APPLICATION FOR PERMIT**

This matter having come before the Department of Water Resources (Department) as a result of an application to appropriate water, the Department finds, concludes, and orders as follows:

**FINDINGS OF FACT**

1. On August 18, 2016, Idaho Independent Ban (Applicant) filed an application for permit with the Idaho Department of Water Resources (IDWR). Application for Permit No. 95-17231 sought 0.19 cfs for municipal purposes.
2. On October 4, 2016 IDWR sought additional information from the applicant. The applicant was provided thirty (30) days to respond. The request for a written reply specified the application would be voided without a timely response.
3. The applicant failed to provide the information requested by IDWR.

**CONCLUSIONS OF LAW**

1. Idaho Code (IC) § 42-204 and Water Appropriation Rule 40.05 authorize IDWR to void an application if an applicant fails to provide the requested information.
2. The application should be voided.

**ORDER**

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 95-17231 in the name of Idaho Independent Bank is **VOIDED**.

Dated this 8<sup>th</sup> day of November, 2016.

Morgan Case  
Morgan Case  
Northern Regional Manager

PRELIMINARY ORDER VOIDING APPLICATION FOR PERMIT

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of November, 2016. a true and correct copy of the above and foregoing document described below was served on the following by placing a copy of the same in the United States mail, certified, with return receipt requested, postage prepaid and properly addressed to the following:

Re: WATER RIGHT APPLICATION NO.95-17231.

Document(s) served: PRELIMINARY ORDER VOIDING APPLICATION FOR PERMIT

IDAHO INDEPENDENT BANK  
1260 W RIVERSTONE DR  
COEUR D ALENE ID 83814

ROXANE BROWN  
SPF WATER ENGINEERING  
300 E MALLARD DR SUITE 350  
BOISE ID 83777706



---

DIANNE L BALL,. Administrative Assistant

## 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. **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 service date 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.



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763  
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

COPY

October 4, 2016

DAWN SMITH  
IDAHO INDEPENDENT BANK  
1260 W RIVERSTONE DR  
COEUR D ALENE, ID 83814

**\*\*Time Sensitive Response Required\*\***

RE: Application for Permit to appropriate groundwater for Fernan Lake Estates

Dear Applicant:

The Idaho Department of Water Resources (Department) has received your Application for Permit to divert 0.19 cfs from ground water for municipal purposes. The Department has recently made a change to the Municipal Water Right Application Checklist to facilitate the collection of information needed for Department staff to evaluate municipal applications. Please complete the form and submit it, along with any required attachments not previously submitted, to the Department.

Include documentation supporting the assertion that Idaho Independent Bank will be the municipal provider for the system. Idaho Department of Environmental Quality records show that the existing wells are operated by Fernan Estates Corporation under PWS ID1280322. The owner of record for Water Right No. 95-9523 is also Fernan Estates Corp.

**Please submit the additional information to the Department within 30 days.** The Department may reject your application if the information requested is not submitted. If you need additional time to submit the required information, please submit a written request. IDWR can grant additional time upon a showing of good cause for the delay.

Please contact me at the IDWR Northern Regional Office by phone at 208.762.2800 or by email at [morgan.case@idwr.idaho.gov](mailto:morgan.case@idwr.idaho.gov) if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case  
Northern Regional Manager

C: Roxanne Brown – SPF Engineering (via email at [rbrown@spfwater.com](mailto:rbrown@spfwater.com))

Enclosures: Municipal Water Right Application Checklist

## Case, Morgan

---

**From:** Case, Morgan  
**Sent:** Monday, October 03, 2016 5:51 PM  
**To:** Roxanne Brown  
**Subject:** Application for Permit for Idaho Independent Bank  
**Attachments:** IIB Application.pdf

Hi Roxanne:

I am attaching a copy of the letter and new *Municipal Water Right Application Checklist* (also available online) that I sent to the Idaho Independent Bank concerning their application for a municipal water right. Please let me know if you have any questions.

Thanks. Hope all is well.

Morgan

P.S. There is a new *Application for Permit* form online as well. I think that the addition of a "Representative" section will improve/clarify communication with consultants like SPF.

---

Morgan Case  
Northern Regional Manager  
Idaho Department of Water Resources  
7600 N Mineral Dr. Suite 100  
Coeur d'Alene, ID 83815  
208.762.2800



RECEIVED

AUG 18 2016

DEPARTMENT OF  
WATER RESOURCES

August 18, 2016

Morgan Case, Regional Manager  
Idaho Department of Water Resources  
7600 N. Mineral Drive, Suite 100  
Coeur d'Alene, Idaho 83815-7763

RECEIVED

AUG 22 2016

IDWR/NORTHERN

*Subject: Idaho Independent Bank  
Water Right Permit Application – Fernan Lake Estates*

Dear Morgan,

Enclosed on behalf of Idaho Independent Bank is an *Application for Permit* to authorize water right development in a second phase of Fernan Lake Estates. Water right license 95-9323 was issued November 21, 2013 for use in Phase 1.

We have included payment in the amount of \$100.00 for the fees associated with the application. Please contact SPF with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Roxanne".

Roxanne Brown  
Sr. Water Rights Specialist/Project Manager

CC: Idaho Independent Bank

File: 1284.0010