

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-16497

Priority: July 20, 2012

Maximum Diversion Rate: 0.80 CFS

This is to certify, that PANHANDLE MOBILE ESTATES WATER ASSOCIATION
PO BOX 627
RATHDRUM ID 83858

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
MUNICIPAL	01/01 to 12/31	0.80 CFS	145.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SE1/4 Sec. 22, Twp 52N, Rge 04W, B.M. KOOTENAI County

GROUND WATER NE1/4SE1/4 Sec. 22, Twp 52N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: MUNICIPAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	04W	22														X	X	X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2017**.
2. Subject to all prior water rights.
3. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
4. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. Place of use is within the area served by the public water supply system of Panhandle Mobile Estates Association. The place of use is generally located within Section 22, Township 52N, Range 04W.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
9. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 2 day of October, 2012.


GARY SPACKMAN, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 2, 2012

PANHANDLE MOBILE ESTATES WATER ASSOCIATION
PO BOX 627
RATHDRUM ID 83858

RE: Permit No.95-16497

Permit Approval Notice

Dear Permit Holder:

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

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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 208-762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Davis". The signature is written in a cursive, flowing style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2012 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. 95-16497

**PANHANDLE MOBILE ESTATES WATER ASSOCIATION
PO BOX 627
RATHDRUM ID 83858**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Specialist**

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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Amber Juice being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular Thurs issue of said newspaper for 2 consecutive Weeks commencing on the 12 day of Sept 20 12, and ending on the 13 day of Sept 20 12, and such publication was made as often during said period as said daily newspaper was regularly issued.

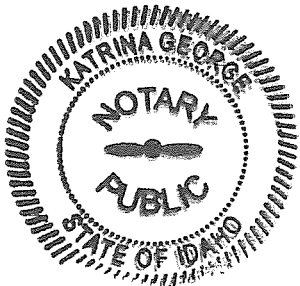
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 13 day of Sept Amber Juice in the year of 2012, before me, a Notary Public, personally appeared Amber Juice, 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.

Katrina George

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

RECEIVED
SEP 14 2012
IDWR / NORTH



MY COMMISSION EXPIRES 8/29/17

RECEIVED
SEP 14 2012
IDWR/NORTH

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

95-16497

PANHANDLE MOBILE ESTATES WATER ASSOCIATION
PO BOX 627

RATHDRUM, ID 83858

Point of Diversion NESE S22 T52N R04W KOOTENAI CO

Source GROUNDWATER

Point of Diversion NESE S22 T52N R04W KOOTENAI CO

Source GROUNDWATER

Use: MUNICIPAL 01/01 to 12/31 0.8 CFS 145.2 AF

Total Diversion: 0.8 CFS

Date Filed: 7/20/2012

Place of Use: MUNICIPAL T52N R04W S22

NESE NWSE SWSE

Municipal use is within service area of applicant.

95-16498

GLENN A SYLTE

MERRILEE E SYLTE

PO BOX 495

RATHDRUM, ID 83858

Point of Diversion SWNE S30 T52N R04W KOOTENAI CO

Source RATHDRUM CREEK tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 7/25/2012

Place of Use: DOMESTIC T52N R04W S30 SWNE

Domestic use is for external use only,

[Internal use is provided by a well.]

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 9/24/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Legal 7057

September 6, 13, 2012

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, August 28, 2012 1:30 PM
To: Legal Notices-CdA Press - Amber Tice; Legal Notices-CdA Press
Subject: Application for Permit No. 95-16497, 95-16498
Attachments: LegalNotice 08-28-12 CdA e-mail 95-16497,498.doc

Good afternoon, Amber,

Please publish the enclosed legal notice on the dates indicated, September 6 and 13, 2012, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this goes to press. That way I can check layout.

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 9/24/2012. Your cooperation is appreciated.

Thanks for all your help on this, and have a great rest of the day.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

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95-16497

PANHANDLE MOBILE ESTATES WATER ASSOCIATION
PO BOX 627

RATHDRUM, ID 83858

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Source GROUNDWATER

Use: MUNICIPAL 01/01 to 12/31 0.8 CFS 145.2 AF

Total Diversion: 0.8 CFS

Date Filed: 7/20/2012

Place of Use: MUNICIPAL T52N R04W S22

NESE NWSE SWSE

Municipal use is within service area of applicant.

95-16498

GLENN A SYLTE

MERRILEE E SYLTE

PO BOX 495

RATHDRUM, ID 83858

Point of Diversion SWNE S30 T52N R04W KOOTENAI CO

Source RATHDRUM CREEK tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 7/25/2012

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GARY SPACKMAN, Director

Legal #

Published on 9/6/2012 and 9/13/2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 28, 2012

PANHANDLE MOBILE ESTATES WATER ASSOCIATION
PO BOX 627
RATHDRUM, ID 83858

Application For Permit No. 95-16497

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 9/6/2012 and 9/13/2012. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Eric J. Davis
Senior Water Resource Agent

MUNICIPAL PROVIDER QUESTIONNAIRE

Date 8-6-12

Applicant Panhandle Mobile Estates Water Association

a.) Must be a corporation or association registered to do business in the State of Idaho

Contact Person Steve Soper

Phone Number 208-215-5302

Public Water Supply Number ID1280130

b.) PWS numbers are issued by the Department of Environmental Quality

1. Number of homes proposed No. 67

2. Proposed size of lawn & garden per home in acres .5 Total 35 acres

3. Acres of other proposed irrigation such as parks, common areas, open spaces or golf courses Total 0

4. Total acres proposed to be irrigated #2 + #3 Total 35 acres

5. a.) Number of Commercial uses proposed No. 3

1.) Specify Type 1- Plumbing Contractor
2- Electrical Controls

b.) Total anticipated annual volume use in gallons or acre-feet No. 136,000

6. a.) Number of Industrial uses proposed to be served No. 0

1.) Specify Type _____

b.) Total anticipated annual volume in gallons or acre-feet Total 145.2 acrefeet

7. Fire Protection diversion requirement in gallons/minute or cfs. 0

a.) Fire Protection will be identified as a separate use on the application.

8. If the source is ground water, has a pump test been performed? Yes X, No _____.

a.) If yes explain the result, including maximum rate of diversion, well draw down, rate of recovery, etc. One well 225 gal/min
One well 125 gal/min

PANHANDLE MOBILE ESTATES WATER ASSOCIATION

P.O. Box 627
Rathdrum, Idaho 83858

Water pumped by year: (Gallons)

1997	29,737,800
1998	17,055,900
1999	37,808,200
2000	45,534,100
2001	28,501,400
2002	26,828,000
2003	19,952,100
2004	11,029,700
2005	15,067,700
2006	56,911,600
2007	36,906,000
2008	15,991,000
2009	23,859,600
2010	18,806,200
2011	37,445,200

Results based on pumping records by United Crown Pump and Drilling, 3125 W Hayden Ave
Hayden · (208) 772-7867

Total Services:	67	
Lot Sizes	.5 Acre	10
	.75	20
	1.2-1.5 Acre	23
	1.6-2.2 Acre	14