

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-14054

Priority: July 26, 2010

Maximum Diversion Rate: 0.15 CFS

This is to certify, that Emerald Park Water Assn
1029 W SOMEDAY LN
COEUR D ALENE ID 83814

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>
DOMESTIC	01/01 to 12/31	0.11 CFS
IRRIGATION	03/15 to 10/31	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NE1/4 Sec. 35, Twp 50N, Rge 04W, B.M. KOOTENAI 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	
50N	04W	35	X	X	X														

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	04W	35	1.3	.3	4.0	.5													6

Total Acres: 6

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2012**.
2. Subject to all prior water rights.
3. Domestic use is for 5 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. 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 14 day of June, 2011.


GARY SPACKMAN, Interim 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
Interim Director

June 15, 2011

EMERALD PARK WATER ASSN
1029 W SOMEDAY LN
COEUR D ALENE ID 83814

RE: Permit No.95-14054

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.

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 "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2011 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. 95-14054

**EMERALD PARK WATER ASSN
1029 W SOMEDAY LN
COEUR D ALENE ID 83814**



Carolyn S. Monitz
Technical Records Specialist

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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

P - 3/24/11

W.R. # 95-14054

APPLICATION ID # 77059

ENT. E.D.

BCA 3/17/11

OK to Publish 3/16/11

APPLICANT: Emerald Park Water Assn

INITIAL REVIEW

BY: E.D.

DATE: 2/14/2011

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
5. ☒ Nature of Proposed Use
6. ☒ Period of Use
7. ☒ Total Quantity
8. ☒ Description of diverting works
9. ☒ Time required for b/u
10. ☒ Proposed use
11. ☒ Place of use or acres irrigated
12. ☒ Other water Rights
13. ☒ Ownership
14. ☒ Map
15. ☒ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 2-14-11 By: ED
- Field check: by _____
- Field report attached _____
- Analysis Supp. Attached (>5cfs/500af) _____

Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 7/26/2010

☒

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

Newspaper: Kootenai County

Dates scheduled for publication 4/7 & 14/11

Affidavit of Publication received: 4/15/11

Dates actually published: 4/7 & 14/11

Application published correctly. Yes ☒ No _____

If not, action taken: _____

Final Date for Protest: 4/25/11

Protests Received: Yes _____ No _____

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:

Tag #

Type:

Fees

Receipt No.

Upgrade Needed?

D0040496

Dom. Non-Dom. ☒

Paid \$ PA

Y () N (☒)

Dom. Non-Dom. _____

Paid \$ _____

Y () N ()

Dom. Non-Dom. _____

Paid \$ _____

Y () N ()

Groundwater management area

Critical ground water area

Well Drilling Permit required

Well Drilling Application and Fees received

Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

☒ Notice of pending void order issued.

☒ Further information required from applicant _____

Final order response date: _____/_____/_____

☒ Measuring device required

☒ Measuring port required

Special conditions: _____

Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Emerald

Date: 4/26/2011 Sr. Agent initial ED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

ss.

Jaylene Farmer 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 issue of said newspaper for 2 consecutive Thursday weeks commencing on the 17 day of April, 20 11, and ending on the 14 day of April, 20 11, and such publication was made as often during said period as said newspaper was regularly issued daily.

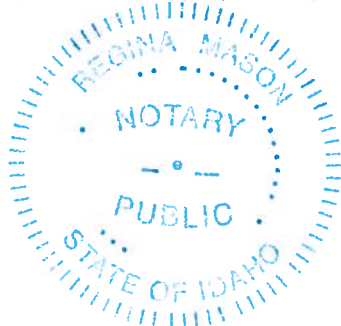
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 14 day of April, in the year of 2011, before me, a Notary Public, personally appeared Jaylene Farmer, 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.

Regina Mason

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

MY COMMISSION EXPIRES 6/18/15



RECEIVED
APR 15 2011
IDWR / NORTH

RECEIVED
APR 15 2011
IDWR / NORTH

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

94-7836

WILLIAM CALEB PILLSBURY

27895 S HWY 3

CATALDO, ID 83810

Point of Diversion L8(NWSE) S6 T48N R01W KOOTENAI CO

Source COEUR D ALENE RIVER tributary COEUR D ALENE LK

Use: IRRIGATION 03/15 to 10/31 0.15 CFS

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

Total Diversion: 0.15 CFS

Date Filed: 1/18/2011

Place of Use: DOMESTIC and IRRIGATION

T48N R01W S6 L8(NWSE)

Total Acres: 5

Domestic use is for 1 home.

94-7852

JOHN MOORE

27706 LATOUR CREEK

CATALDO, ID 83810

Point of Diversion NWNE S27 T48N R01W KOOTENAI CO

Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 3/8/2011

Place of Use: COMMERCIAL

T48N R01W S27 NWNE

Commercial use is for a 9 site campground.

95-13935

LUKE CLAUSEN

7009 N LYNDEN

SPOKANE, ID 99027

Point of Diversion L3(SWNW) S23 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 1/11/2011

Place of Use: DOMESTIC T48N R04W S23 L3(SWNW)

Domestic use is for 1 home.

95-14023

DAVID BABINGTON

17101 199TH PL NE

WOODINVILLE, WA 98077-9407

Point of Diversion L1(NWSW) S20 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 1/31/2011

Place of Use: DOMESTIC T48N R04W S20 L1(NWSW)

Domestic use is for 1 home.

- 95-14054

Emerald Park Water Assn

1029 W SOMEDAY LN

COEUR D ALENE, ID 83814

Point of Diversion SWNE S35 T50N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 10/31 0.15 CFS

Use: DOMESTIC 01/01 to 12/31 0.11 CFS

Total Diversion: 0.15 CFS

Date Filed: 7/26/2010

Place of Use: DOMESTIC T50N R04W S35 NENE NWNE SWNE

Place of Use: IRRIGATION

T50N R04W S35 NENE NWNE SWNE SENE

Total Acres: 6

Domestic use is for 5 homes.

95-14068

BLOSSOM PROPERTIES, LLC

1504 E PLAZA DR

POST FALLS, ID 83854

Point of Diversion SESWNE S23 T50N R05W KOOTENAI CO

Source SPRING Tributary SINKS

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

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

Total Diversion: 0.04 CFS

Date Filed: 5/21/2010

Place Of Use: DOMESTIC and COMMERCIAL

T50N R05W S23 SENE

Domestic use is for shop.

Commercial use is for equipment washing/cleaning.

Permits will be subject to all prior water rights. 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 4/25/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 2423

April 7, 14, 2011

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

94-7836

WILLIAM CALEB PILLSBURY

27895 S HWY 3

CATALDO, ID 83810

Point of Diversion L8(NWSE) S6 T48N R01W KOOTENAI CO

Source COEUR D ALENE RIVER tributary COEUR D ALENE LK

Use: IRRIGATION 03/15 to 10/31 0.15 CFS

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

Total Diversion: 0.15 CFS

Date Filed: 1/18/2011

Place of Use: DOMESTIC and IRRIGATION

T48N R01W S6 L8(NWSE)

Total Acres: 5

Domestic use is for 1 home.

94-7852

JOHN MOORE

27706 LATOUR CREEK

CATALDO, ID 83810

Point of Diversion NWNE S27 T48N R01W KOOTENAI CO

Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 3/8/2011

Place of Use: COMMERCIAL

T48N R01W S27 NWNE

Commercial use is for a 9 site campground.

95-13935

LUKE CLAUSEN

7009 N LYNDEN

SPOKANE, ID 99027

Point of Diversion L3(SWNW) S23 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 1/11/2011

Place of Use: DOMESTIC T48N R04W S23 L3(SWNW)

Domestic use is for 1 home.

95-14023

DAVID BABINGTON

17101 199TH PL NE

WOODINVILLE, WA 98077-9407

Point of Diversion L1(NWSW) S20 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 1/31/2011

Place of Use: DOMESTIC T48N R04W S20 L1(NWSW)

Domestic use is for 1 home.

95-14054

Emerald Park Water Assn

1029 W SOMEDAY LN

COEUR D ALENE, ID 83814

Point of Diversion SWNE S35 T50N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 10/31 0.15 CFS

Use: DOMESTIC 01/01 to 12/31 0.11 CFS

Total Diversion: 0.15 CFS

Date Filed: 7/26/2010

Place of Use: DOMESTIC T50N R04W S35 NENE NWNE SWNE

Place of Use: IRRIGATION

T50N R04W S35 NENE NWNE SWNE SENE

Total Acres: 6

Domestic use is for 5 homes.

95-14068

BLOSSOM PROPERTIES, LLC

1504 E PLAZA DR

POST FALLS, ID 83854

Point of Diversion SESWNE S23 T50N R05W KOOTENAI CO

Source SPRING Tributary SINKS

Use: COMMERCIAL 01/01 to 12/31 0.04 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 5/21/2010

Place Of Use: DOMESTIC and COMMERCIAL
T50N R05W S23 SENE

Domestic use is for shop.

Commercial use is for equipment washing/cleaning.

Permits will be subject to all prior water rights. 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 4/25/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 4/7/2011 and 4/14/2011

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, March 23, 2011 12:27 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Jaylene Farmer
Subject: Application for Permit No. 94-7836, 94-7852, 95-13935, 95-14023, 95-14054, 95-14068,

A happy day to you, Jaylene,

Please publish the enclosed legal notice on the dates indicated, April 7 and 14, 2011, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send me a proof/preview copy for my review before this goes to press.

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 4/25/2011. Your cooperation is appreciated.



LegalNotice
3-23-11 CDA e-mai.

If you have any question, please contact me as soon as possible.

Thanks for all your wonderful help.

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



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

March 23, 2011

Emerald Park Water Assn
1029 W SOMEDAY LN
COEUR D ALENE, ID 83814

Application For Permit No. 95-14054

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 4/7/2011 and 4/14/2011. 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
Sr. Water Resource Agent

Enc. Receipt No. N025290 – funds from Sue Fall



State of Idaho
DEPARTMENT OF
Northern Region, 7600 N. Mineral D
Phone: (208) 762-2800 • Fax: (208)

CERTIFIED MAIL

December 28, 2010

Sue Fall
Dan Wilson
1029 W Someday Ln
Coeur d'Alene, ID 83814

Re: Applications For Permit to Appropriate the Public Waters of the State of Idaho

Dear Ms. Fall and Mr. Wilson:

Enclosed you will find a **NOTICE OF PROPOSED DEFAULT ORDER** in the above referenced matter.

You have seven (7) days from the date of receipt hereof to challenge this Notice of Proposed Default Order.

Should you have any questions, feel free to contact me at this office.

Sincerely,

Eric Davis
Senior Water Resources Agent
Northern Region

Enclosure

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

7007 1490 0001 6752 4676

mailed 12/28/10

Postage	\$.44	Postmark Here
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.54	

Sent To Sue Fall / Dan Wilson
Street, Apt. No.,
or PO Box No. 1029 W Someday Ln
City, State, ZIP+4 Coeur d'Alene ID 83814

PS Form 3800, August 2006 See Reverse for Instructions

COPY

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION)
FOR PERMIT, IN THE NAME OF SUE FALL)
AND DAN WILSON.)

NOTICE OF PROPOSED DEFAULT ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On July 26, 2010, Sue Fall and Dan Wilson filed an application for permit to appropriate ground water for domestic and irrigation purposes for 5 homes.
2. On July 28, 2010, the department returned the application for additional information and/or corrections.
3. On November 24, 2010, the department sent a revised application for Sue Fall and Dan Wilson to review and return that contained the needed information for processing. The department requested a response within 15 days.
4. As of December 28, 2010, the department has not received the corrected application or information needed to process the application.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default Order for failure to respond to a written information inquiry.
2. The Department should enter a Notice of Proposed Default Order for failure of the applicant to respond to a written information inquiry, for the above captioned matter.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter a Default Order **DENYING** the application, as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).

Dated this 28th day of December, 2010.



Robert G. Haynes, P.E.

Ident. No. _____

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

To appropriate the public waters of the State of Idaho

RECEIVED

JUL 26 2010

IDWR / NORTH

Phone 208-664-66661. Name of applicant(s) Sue Fall - Dan WilsonName connector (check one): ☒ and ☐ or ☐ and/orMailing address: 1029 W SOMEDAY LN City COEUR D ALENEState ID Zip 83814 Email: _____2. Source of water supply GROUND WATER which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
50N	04W	35			SW	NE	KOOTENAI	GROUND WATER	

4. Water will be used for the following purposes:

Amount .11 for DOMESTIC purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per year)Amount 0.15 for IRRIGATION purposes from 3-15 to 11-15 (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) 0.15 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. PUMP IN WELL

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12.

c. Proposed well diameter is 6 inches; proposed depth of well is 650 feet.d. Is ground water with a temperature of greater than 85°F being sought? Ne. If well is already drilled, when? 8-15-2005; drilling firm H2O WELL SERVICE INC
Well was drilled for (well owner) DAN WILSON; Drilling Permit No. D00404967. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households. 5 HOMES

e. Other; describe fully. _____

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9. Description of place of use:

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

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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	04W	35	D	D	D														
50N	04W	35	1.25	.25	4	0.5													6

Total number of acres to be irrigated: 6ac

10. 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? _____

11. a. Who owns the property at the point of diversion? APPLICANT

- 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: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. FIVE HOMES AND IRRIGATION

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Sue Fall

Signature of Applicant

Sue Fall

Print Name (and title, if applicable)

Dan Wilson

Signature of Applicant

DAN Wilson

Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date _____ Time _____ Preliminary check by _____Fee \$ 100.00 Received by [Signature] Receipt No. N025290 Date 7/26/10

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