

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-13815

Priority: September 10, 2010

Maximum Diversion Rate: 0.62 CFS
Maximum Diversion Volume: 50.4 AF

This is to certify, that HAPPY VALLEY WATER SYSTEM INC
PO BOX 2306
HAYDEN ID 83835
(208) 660-2560

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	0.62 CFS	50.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, SE1/4SW1/4, Sec. 17, Twp 51N, Rge 04W, B.M., KOOTENAI County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2012**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Place of use is within the service area of Happy Valley Water System, Inc. as provided for under Idaho law. The place of use is generally located within the SE1/4 and the SW1/4 of Section 17, Township 51 North, Range 4 West, Boise Meridian.
5. 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.
6. 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.
7. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.

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 11th day of May, 2011.


GARY SPACKMAN, Interim Director

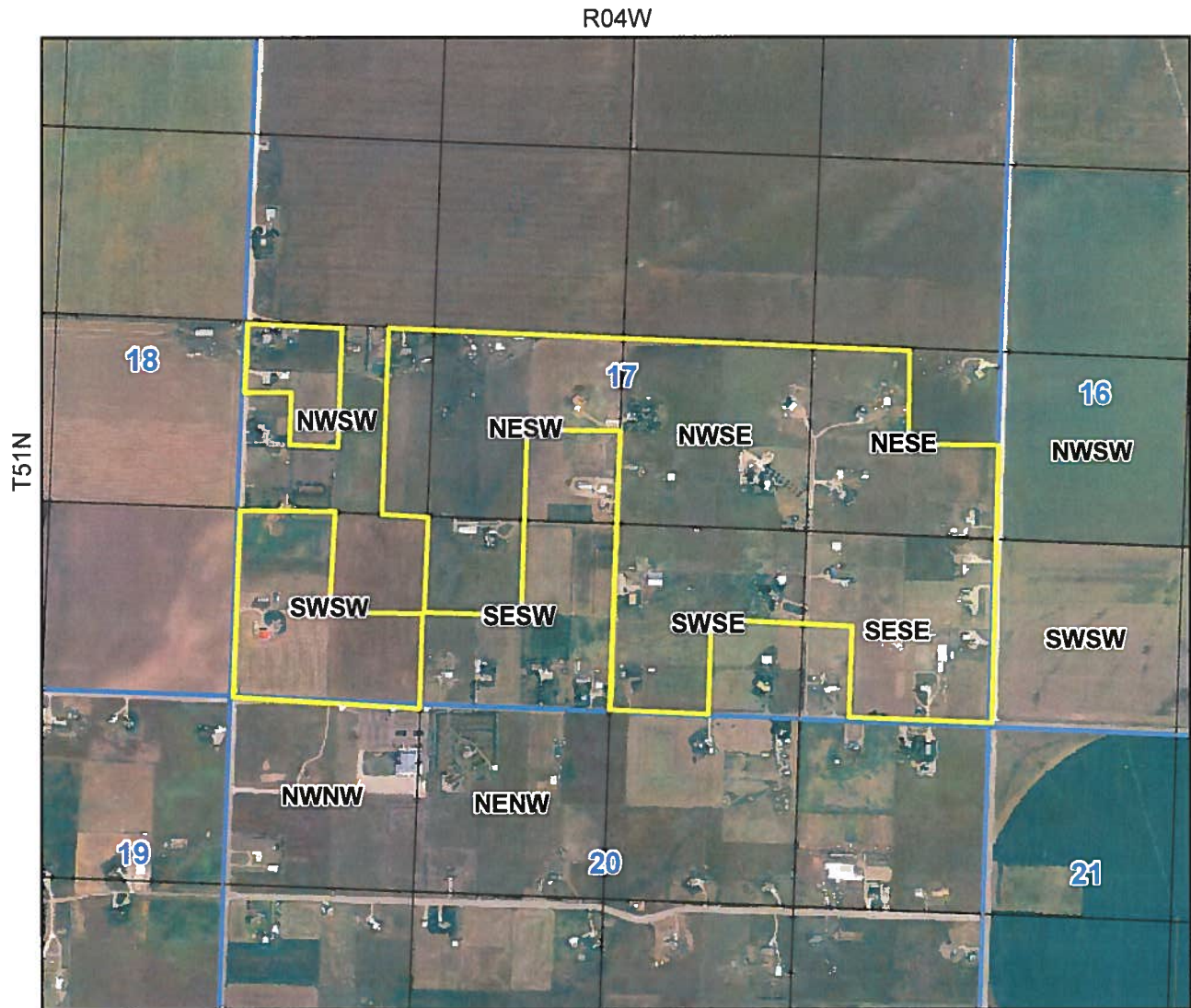
State of Idaho
Department of Water Resources

Permit to Appropriate Water

95-13815

Water Service Area Boundary for Happy Valley Water System Inc

April 20, 2011



0 0.15 0.3 0.6 Miles

Legend

- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters





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

May 11, 2011

HAPPY VALLEY WATER SYSTEM INC
PO BOX 2306
HAYDEN, ID 83835

RE: Permit No.95-13815

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,



Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

cc: KEN RICKEL
CATHY RICKEL

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 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. 95-13815

**CATHY RICKEL
PO BOX 2306
HAYDEN ID 83835**

**KEN RICKEL
PO BOX 2306
HAYDEN ID 83835**

**HAPPY VALLEY WATER SYSTEM INC
PO BOX 2306
HAYDEN ID 83835**



**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.

ANNUAL VOLUME CALCULATION

24 HOMES @ 0.6 AF/HOME		=14.4 AF
12 ACRES IRRIGATION @ 3AF/AC		= 36.0 AF
	TOTAL	= 50.4 AF

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

E/15

W.R. # 95-13815

APPLICATION ID # 76924

ENT. 11/12

BCA 2/10/11

OK to Publish 2/10/11

APPLICANT: Happy Valley Water System, Inc.

BY: KJ

DATE: 11/12/2010

INITIAL REVIEW

- 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 11/12 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 2/9/10/2010

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Ada Post-Tribune County

Dates scheduled for publication 2/17 & 24/11

Affidavit of Publication received: 2/28

Dates actually published: 2/17 & 24/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 3/7/11

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?
<u>731586</u>		Dom. Non-Dom.	Paid \$		Y () N () <u>197</u>
		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. Final order response date: ____/____/____
- ☐ Further information required from applicant

- ☐ Measuring device required
- ☐ Measuring port required
- ☒ Special conditions: Basinwide GUMA
- ☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Kyrie J. Daniels Date: 4/27/2011 Sr. Agent initial KJ



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

April 12, 2011

Ken Rickel
Happy Valley Water System, Inc.
PO Box 2306
Hayden, IDE 83835

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 95-13815

Dear Mr. Rickel:

The Idaho Department of Water Resources is ready to issue a permit for the above mentioned water right application, however, before a permit can be issued the mailing address needs to be updated since you are now the new owner. Please complete the attached form and return it to me as soon as possible and if you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Senior Water Resources Agent

Enclosure

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

- [] Water Right Number(s): 95-13815
- [] Name(s): Happy Valley Water System, Inc.
- [] Old Mailing Address: 9323 N. Government Way, #288
Hayden, ID 83835
- [] New Mailing Address: P.O. Box 2306
Hayden, ID 83835
- Telephone Number: () _____ - _____
- Email: _____
- [] Signature(s) of Owner(s) _____

(Include your title if on behalf of company or organization)

Date: _____

Send a signed original to your closest regional office:

COPY

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033



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

February 28, 2011

Ken Rickel
Happy Valley Water System, Inc.
PO Box 2306
Hayden, ID 83835

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 95-13815

Dear Mr. Rickel:

Enclosed please find a letter addressed to the Happy Valley Water System Inc that was returned to the Idaho Department of Water Resources due to an undeliverable address. The department understands you have purchased Happy Valley Water System Inc and if so our records need to be updated to reflect a new mailing address and contact phone number. Please complete the enclosed change of address form and return it to our office at your earliest convenience.

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

Thank you.

Sincerely,

Keith E Franklin
Senior Water Resources Agent

Enclosure

COPY

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

91-7253

JOHN ERIC MYHRE
LYNETTE AILEEN MYHRE
PO BOX 328

HARRISON, ID 83833

Point of Diversion NWNW S26 T47N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary OGARA CREEK

Point of Diversion SWNW S26 T47N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary OGARA CREEK

Point of Diversion SENWNW S26 T47N R03W KOOTENAI CO

Source SPRINGS Tributary OGARA CREEK

Point of Diversion SESWNW S26 T47N R03W KOOTENAI CO

Source SPRINGS Tributary OGARA CREEK

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 45.7 AF

Use: IRRIGATION FROM STORAGE 04/01 to 10/31 30 AF

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: STOCKWATER STORAGE 01/01 to 12/31 16.1 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 0.4 AF

Total Diversion: 0.2 CFS

Date Filed: 10/5/2010

Place Of Use: IRRIGATION STORAGE and

STOCKWATER STORAGE

T47N R03W S26 NWNW SWNW

Place Of Use: IRRIGATION FROM STORAGE

T47N R03W S23 SWSW SESW

T47N R03W S26 NWNW SWNW

T47N R03W S27 NENE SENE

Place Of Use: ALL OTHER USES same as

IRRIGATION FROM STORAGE

Total Acres: 84.6

Stockwater use is for 25 head of mixed stock.

94-7837

KOOTENAI LLC

850 S BOULDER HWY - STE 210

HENDERSON, NV 89015

Points of Diversion (2) L1(NWNW) S18 T47N R02W KOOTENAI

CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 0.2 CFS

Date Filed: 10/19/2010

Place Of Use: IRRIGATION T47N R02W S18 L1(NWNW)

Place Of Use: STOCKWATER same as IRRIGATION

Total Acres: 15

Stockwater use is for 100 head of mixed stock.

95-12740

RICHARD R PETERS

515 WOLF LODGE CREEK RD

COEUR D'ALENE, ID 83814

Points of Diversion (4) SENW S16 T50N R02W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

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

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3 AF

Use: AESTHETIC 01/01 to 12/31 0.2 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 3 AF

Total Diversion: 0.2 CFS

Date Filed: 6/4/2010

Place Of Use: DOMESTIC T50N R02W S16 SENW

Place Of Use: IRRIGATION

T50N R02W S16 NENW SWNW SENW NESW NWSW

Place Of Use: AESTHETIC same as DOMESTIC

Place Of Use: AESTHETIC STORAGE T50N R02W S16 SENW

Place Of Use: FIRE PROTECTION STORAGE

T50N R02W S16 SENW

Place Of Use: FIRE PROTECTION

T50N R02W S16 SENW NESW

Place Of Use: STOCKWATER T50N R02W S16 SENW NESW

Total Acres: 27.1

Domestic use is for 6 homes.

Stockwater use is for 100 head of mixed stock.

95-13815

HAPPY VALLEY WATER SYSTEM INC

9323 N GOVERNMENT WAY #288

HAYDEN, ID 83835

Point of Diversion SESW S17 T51N R04W KOOTENAI CO

Source GROUND WATER

Use: MUNICIPAL 01/01 to 12/31 0.62 CFS

Total Diversion: 0.62 CFS

Date Filed: 9/10/2010

Place Of Use: MUNICIPAL

Municipal use is within service area of applicant.

95-13833

PAUL FINMAN

LORNA FINMAN

764 CLEARWATER LP

POST FALLS, ID 83854

Point of Diversion SWSESW S19 T52N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.08 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 12.2 AF

Use: IRRIGATION from STORAGE 03/15 to 11/15 12 AF

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

Use: DOMESTIC STORAGE 01/01 to 12/31 3.6 AF

Use: DOMESTIC from STORAGE 01/01 to 12/31 3.4 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.08 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.2 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 10/14/2010

Place Of Use: DOMESTIC T52N R04W S19 SESW SWSE

Place Of Use: DOMESTIC STORAGE

T52N R04W S19 SESW SWSE

Place Of Use: DOMESTIC FROM STORAGE

T52N R04W S19 SESW SWSE

Place Of Use: IRRIGATION same as DOMESTIC

Place Of Use: IRRIGATION STORAGE

T52N R04W S19 SWSE

Place Of Use: FIRE PROTECTION

T52N R04W S19 SESW SWSE

Place Of Use: FIRE PROTECTION STORAGE

Same as FIRE PROTECTION

Place Of Use: IRRIGATION FROM STORAGE

T52N R04W S19 SESW SWSE

Total Acres: 4

Domestic use is for a school facility, Star Educational Center.

95-13857

THOMAS M CUTTING

CATHERINE A CUTTING

10746 N HAYDEN PT. RD.

HAYDEN LAKE, ID 83835

Point of Diversion L4(SWNW) S17 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 8/16/2010

Place Of Use: IRRIGATION T51N R03W S17 L4(SWNW)

Total Acres: 1

95-13868

RUSS VANDERWILDE

CAROLE VANDERWILDE

911 E 20TH AVE.

SPOKANE, WA 99203

Point of Diversion L5(NESE) S20 T48N R04W KOOTENAI CO

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 12/9/2010

Place Of Use: IRRIGATION T48N R04W S20 L5(NESE)

Total Acres: 1

95-13894

ROBERT SCHWARTZ

JANE SWARTZ

5124 S SUNWARD DR

SPOKANE, WA 99223

Point of Diversion L2(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: 12/21/2010

Place Of Use: DOMESTIC T48N R04W S20 L2(NWSW)

Domestic use is for 1 home.

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 3/7/2011. The

protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 2090

February 17, 24, 2011

RECEIVED
FEB 28 2011
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

SS.

Gaylene 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 February 20 11, and ending on the 21 day of February 20 11, and such publication was made as often during said period as said 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 24 day of February in the year of 2011, before me, a Notary Public, personally appeared Gaylene 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

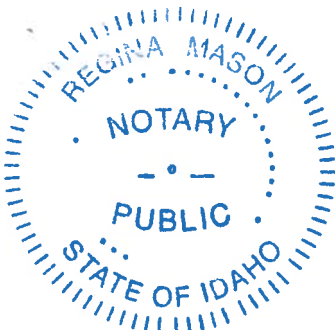
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/15

RECEIVED

FEB 28 2011

IDWR / NORTH



Ball, Dianne

From: Ball, Dianne
Sent: Friday, February 11, 2011 3:44 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Jaylene Farmer
Subject: Application for Permit No. 95-12740, 95-13833, 95-13815, 91-7253, 95-13857, 95-13868, 95-13894, 94-7837

Good afternoon, Jaylene,

Please publish the enclosed legal notice on the dates indicated, February 17 and 24, 2011, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/7/2011. Your cooperation is, as always, greatly appreciated.

Please send a proof/preview copy before this goes to press. It's a little longer than usual.

Thanks for all your super help.



LegalNotice
2-11-11 CDA e-mai.

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

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

91-7253

JOHN ERIC MYHRE

LYNETTE AILEEN MYHRE

PO BOX 328

HARRISON, ID 83833

Point of Diversion NWNW S26 T47N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary OGARA CREEK

Point of Diversion SWNW S26 T47N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary OGARA CREEK

Point of Diversion SENWNW S26 T47N R03W KOOTENAI CO

Source SPRINGS Tributary OGARA CREEK

Point of Diversion SESWNW S26 T47N R03W KOOTENAI CO

Source SPRINGS Tributary OGARA CREEK

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 45.7 AF

Use: IRRIGATION FROM STORAGE 04/01 to 10/31 30 AF

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: STOCKWATER STORAGE 01/01 to 12/31 16.1 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 0.4 AF

Total Diversion: 0.2 CFS

Date Filed: 10/5/2010

Place Of Use: IRRIGATION STORAGE and

STOCKWATER STORAGE

T47N R03W S26 NWNW SWNW

Place Of Use: IRRIGATION FROM STORAGE

T47N R03W S23 SWSW SESW

T47N R03W S26 NWNW SWNW

T47N R03W S27 NENE SENE

Place Of Use: ALL OTHER USES same as

IRRIGATION FROM STORAGE

Total Acres: 84.6

Stockwater use is for 25 head of mixed stock.

94-7837

KOOTENAI LLC

850 S BOULDER HWY - STE 210

HENDERSON, NV 89015

Points of Diversion(2) L1(NWNW) S18 T47N R02W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 0.2 CFS

Date Filed: 10/19/2010

Place Of Use: IRRIGATION T47N R02W S18 L1(NWNW)

Place Of Use: STOCKWATER same as IRRIGATION

Total Acres: 15

Stockwater use is for 100 head of mixed stock.

95-12740

RICHARD R PETERS

515 WOLF LODGE CREEK RD

COEUR D'ALENE, ID 83814

Points of Diversion(4) SENW S16 T50N R02W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

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

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3 AF

Use: AESTHETIC 01/01 to 12/31 0.2 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 3 AF

Total Diversion: 0.2 CFS

Date Filed: 6/4/2010

Place Of Use: DOMESTIC T50N R02W S16 SENW

Place Of Use: IRRIGATION

T50N R02W S16 NENW SWNW SENW NESW NWSW

Place Of Use: AESTHETIC same as DOMESTIC

Place Of Use: AESTHETIC STORAGE T50N R02W S16 SENW

Place Of Use: FIRE PROTECTION STORAGE

T50N R02W S16 SENW

Place Of Use: FIRE PROTECTION

T50N R02W S16 SENW NESW

Place Of Use: STOCKWATER T50N R02W S16 SENW NESW
Total Acres: 27.1
Domestic use is for 6 homes.
Stockwater use is for 100 head of mixed stock.

95-13815

HAPPY VALLEY WATER SYSTEM INC
9323 N GOVERNMENT WAY #288
HAYDEN, ID 83835

Point of Diversion SESW S17 T51N R04W KOOTENAI CO

Source GROUND WATER

Use: MUNICIPAL 01/01 to 12/31 0.62 CFS

Total Diversion: 0.62 CFS

Date Filed: 9/10/2010

Place Of Use: MUNICIPAL

Municipal use is within service area of applicant.

95-13833

PAUL FINMAN
LORNA FINMAN
764 CLEARWATER LP
POST FALLS, ID 83854

Point of Diversion SWSESW S19 T52N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.08 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 12.2 AF

Use: IRRIGATION from STORAGE 03/15 to 11/15 12 AF

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

Use: DOMESTIC STORAGE 01/01 to 12/31 3.6 AF

Use: DOMESTIC from STORAGE 01/01 to 12/31 3.4 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.08 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.2 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 10/14/2010

Place Of Use: DOMESTIC T52N R04W S19 SESW SWSE

Place Of Use: DOMESTIC STORAGE

T52N R04W S19 SESW SWSE

Place Of Use: DOMESTIC FROM STORAGE

T52N R04W S19 SESW SWSE

Place Of Use: IRRIGATION same as DOMESTIC

Place Of Use: IRRIGATION STORAGE

T52N R04W S19 SWSE

Place Of Use: FIRE PROTECTION

T52N R04W S19 SESW SWSE

Place Of Use: FIRE PROTECTION STORAGE

Same as FIRE PROTECTION

Place Of Use: IRRIGATION FROM STORAGE

T52N R04W S19 SESW SWSE

Total Acres: 4

Domestic use is for a school facility, Star Educational Center.

95-13857

THOMAS M CUTTING
CATHERINE A CUTTING
10746 N HAYDEN PT. RD.
HAYDEN LAKE, ID 83835

Point of Diversion L4(SWNW) S17 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 8/16/2010

Place Of Use: IRRIGATION T51N R03W S17 L4(SWNW)

Total Acres: 1

95-13868

RUSS VANDERWILDE
CAROLE VANDERWILDE
911 E 20TH AVE.

SPOKANE, WA 99203

Point of Diversion L5(NESE) S20 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 12/9/2010

Place Of Use: IRRIGATION T48N R04W S20 L5(NESE)

Total Acres: 1

95-13894

ROBERT SCHWARTZ

JANE SWARTZ

5124 S SUNWARD DR

SPOKANE, WA 99223

Point of Diversion L2(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: 12/21/2010

Place Of Use: DOMESTIC T48N R04W S20 L2(NWSW)

Domestic use is for 1 home.

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 3/7/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 2/17/2011 and 2/24/2011



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

February 11, 2011

HAPPY VALLEY WATER SYSTEM INC
9323 N GOVERNMENT WAY #288
HAYDEN, ID 83835

Application For Permit No. 95-13815

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 2/17/2011 and 2/24/2011. 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,

Keith Franklin
Sr. Water Resource Agent

MUNICIPAL PROVIDER QUESTIONNAIRE

Date _____

Applicant Happy Valley Water System Inca.) Must be a corporation or association registered to do business in the State of
IdahoContact Person Brett McClartyPhone Number 208-661-6674Public Water Supply Number ID 1280220

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

1. Number of homes proposed No. 242. Proposed size of lawn & garden per home in acres 1/2 Total 123. Acres of other proposed irrigation such as parks, common areas,
open spaces or golf courses Total 04. Total acres proposed to be irrigated #2 + #3 Total 125. a.) Number of Commercial uses proposed No. 0

1.) Specify Type _____

b.) Total anticipated annual volume use in gallons or acre-feet No. 06. 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 07. Fire Protection diversion requirement in gallons/minute or cfs. 0a.) 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 _____, No X.a.) If yes explain the result, including maximum rate of diversion,
well draw down, rate of recovery, etc. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

USE TYPEWRITER OR
BALLPOINT PEN

95-13815



N N

1. WELL OWNER Name <u>EMIL REXMY + MATT KING</u> Address <u>COEUR D'ALENE, IDA</u> Owner's Permit No. <u>95-79-N-74</u>	7. WATER LEVEL Static water level <u> </u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow <u> </u> Artesian closed-in pressure <u> </u> p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u> </u> °F. Quality <u> </u>																																																																						
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) <u>CAPED</u>	8. WELL TEST DATA ☐ Pump ☐ Baller ☐ Air ☐ Other <u> </u> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td style="text-align: center;"><u>NONE</u></td> <td></td> <td></td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>NONE</u>																																																																		
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other <u> </u> (specify type)	9. LITHOLOGIC LOG <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Hole Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>0</td> <td>3</td> <td>TOP SOIL</td> <td></td> <td></td> </tr> <tr> <td></td> <td>3</td> <td>37</td> <td>CLAY + GRAVEL</td> <td></td> <td></td> </tr> <tr> <td></td> <td>37</td> <td>54</td> <td>LARGE "</td> <td></td> <td></td> </tr> <tr> <td></td> <td>54</td> <td>87</td> <td>CLAY + "</td> <td></td> <td></td> </tr> <tr> <td></td> <td>87</td> <td>99</td> <td>BOULDERS</td> <td></td> <td></td> </tr> <tr> <td></td> <td>99</td> <td>114</td> <td>CLAY + GRAVEL</td> <td></td> <td></td> </tr> <tr> <td></td> <td>114</td> <td>117</td> <td>BOULDERS</td> <td></td> <td></td> </tr> <tr> <td></td> <td>117</td> <td>129</td> <td>CLAY + GRAVEL</td> <td></td> <td></td> </tr> <tr> <td></td> <td>129</td> <td>150</td> <td>" + " - LARGE GRAVEL</td> <td></td> <td></td> </tr> <tr> <td></td> <td>150</td> <td>201</td> <td>" + PEA GRAVEL</td> <td></td> <td></td> </tr> </tbody> </table> PULLED RIG OFF DUE TO DISPUTE BETWEEN PARTNERS AND LACK OF PAYMENT OF MONEY AS AGREED IN CONTRACT RECEIVED DEC 13 1979 Department of Water Resources Northern District Office	Hole Diam.	Depth		Material	Water		From	To	Yes	No	8	0	3	TOP SOIL				3	37	CLAY + GRAVEL				37	54	LARGE "				54	87	CLAY + "				87	99	BOULDERS				99	114	CLAY + GRAVEL				114	117	BOULDERS				117	129	CLAY + GRAVEL				129	150	" + " - LARGE GRAVEL				150	201	" + PEA GRAVEL		
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other <u> </u>	10. Work started <u>11-1-79</u> finished <u>12-12-79</u>																																																																						
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other <u> </u> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>.250</u> inches</td> <td><u>8</u> inches</td> <td><u>164</u> feet</td> <td><u>164</u> feet</td> </tr> <tr> <td><u>.312</u> inches</td> <td><u>8</u> inches</td> <td><u>164</u> feet</td> <td><u>202</u> feet</td> </tr> <tr> <td> inches</td> <td> inches</td> <td> feet</td> <td> feet</td> </tr> <tr> <td> inches</td> <td> inches</td> <td> feet</td> <td> feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation <u> </u> inches by <u> </u> inches <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td> perforations</td> <td> feet</td> <td> feet</td> </tr> <tr> <td> perforations</td> <td> feet</td> <td> feet</td> </tr> <tr> <td> perforations</td> <td> feet</td> <td> feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name <u> </u> Type <u> </u> Model No. <u> </u> Diameter <u> </u> Slot size <u> </u> Set from <u> </u> feet to <u> </u> feet Diameter <u> </u> Slot size <u> </u> Set from <u> </u> feet to <u> </u> feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel <u> </u> Placed from <u> </u> feet to <u> </u> feet Surface seal depth <u>20'</u> Material used in seal: ☐ Cement grout ☒ Pudding clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent ☐ Cemented between strata Describe access port <u> </u>	Thickness	Diameter	From	To	<u>.250</u> inches	<u>8</u> inches	<u>164</u> feet	<u>164</u> feet	<u>.312</u> inches	<u>8</u> inches	<u>164</u> feet	<u>202</u> feet	inches	inches	feet	feet	inches	inches	feet	feet	Number	From	To	perforations	feet	feet	perforations	feet	feet	perforations	feet	feet	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>BAIRD X</u> File # <u>289</u> Address <u>RATHDRUM IDA</u> Signed by (Firm Official) <u>Linton Cordon</u> and (Operator) <u>Linton Cordon</u>																																						
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6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name <u> </u> Lot No. <u> </u> Block No. <u> </u> County <u>KOOTENAI</u> <u>SE 1/4 SW 1/4 Sec. 17, T. 51 N.B. R. 4 W.</u>	12. Department of Water Resources Northern District Office																																																																						

Permit
751586
Well ID
275654

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT



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

September 16, 2010

Happy Valley Water System Inc.
9323 N Government Way, #288
Hayden, ID 83835

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

Gentlemen:

The Idaho Department of Water Resources is returning your recently submitted application for the following corrections and/or additional information.

Item #3 Point of Diversion Location

The location of the proposed point of diversion does not correspond to the location of the well currently being used according to the Department of Environmental Qualities Public Water Supply Number 1280220. Please refer to the attached aerial photograph.

The proposed well indicated on the application that was originally constructed for an Earl Reamy and Matt King in 1974. According to the drillers report the well was not completed due to a dispute between the parties and was capped when the drill rig was removed. The well was also designated for a single family domestic residence. If this well is to be used, it will need to be upgraded to meet standards for a municipal use covered by a new drilling permit.

The next question is what about the well designated by DEQ that's located in the SE¼ of the SE¼? If a well is to be used in this location will it be a second point of diversion and if so, is there a drillers report for its construction, output, etc.?

Item #4 Proposed Water Use

The diversion rate was left blank and needs to be completed in this section as well as in

Item #5(a). The submitted fee was in the amount of \$250.00 which is for a diversion rate of between 0.21 cfs and 1.0 cfs.

Item #7 Time Required for Completion of Works

This section was left blank. An applicant has between 1 and 5 years by which to perfect a water right. Please choose the appropriate time by which the project is to be completed.

COPY

95-13815

#11 Property Owner at the Point of Diversion

Please provide ownership information or recorded easements that give Happy Valley Water System Inc. the authority to access the well or wells.

In addition to the above requested information enclosed is a Municipal Provider Questionnaire that is now required for all municipal provider applications. Please complete the form and return it along with the other information within the next 30 days so as not to further delay processing.

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

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure(s)

COPY