



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

October 5, 2010

Susan Dredge
7475 E Yellowstone Trail
Coeur d'Alene, ID 83814

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 95-11705

Dear Ms. Dredge:

The Idaho Department is in receipt of your letter dated May 18, 2010, showing the ownership of the property in question being conveyed to you from Dennis and Faith Bergem.

When an application for a water right has been protested, there are only 4 ways by which a protest can be resolved or removed. The protestant can withdraw the protest, the applicant can withdraw the application, a conference is held and the protest is forfeited due to the failure of appearance by the protestant or a hearing is held and a hearing officer renders a decision. Even though the property is now in your ownership, the protest remains until resolved by one of the above mentioned resolutions.

To expedite the resolution of the protest I've enclosed a Withdrawal of Protest form for the Bergem's to sign and return, otherwise a conference has to be scheduled and if the protestants fail to appear, the protest can be forfeited.

If at all possible, please have the withdrawal form returned to me within the next 30 days and if you have any questions, don't hesitate to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY

RECEIVED

MAY 19 2010

IDWR//NORTH

DEED OF CONVEYANCE

DANIEL J. ENGLISH 2P I 2265262000
KOOTENAI CO. RECORDER Page 1 of 2
AAA 05/14/2010 Time 11:41:59
REC-REQ OF CHARLIE DODSON
RECORDING FEE: 6.00
2265262000 DD 7

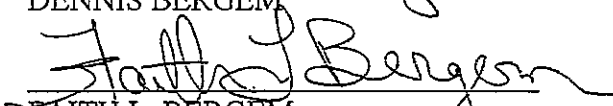
FOR VALUE RECEIVED, DENNIS BERGEM and FAITH L. BERGEM, individually and as husband and wife, do hereby grant, bargain, sell and convey unto SUSAN E. DREDGE, also known as SUSAN E. DREDGE-DICKSON, a married woman, dealing in her sole and separate property, the GRANTEE whose address is 7475 E. Yellowstone Trail, Coeur d'Alene ID 83814, all of GRANTORS' right, title and interest in the following described premises in Kootenai County, Idaho, to wit.

The Northwest Quarter Section 22, Township 50^N, Range 2 West Boise Meridian, Kootenai County, Idaho Less a parcel described as follows: Less any portion lying North and West of the Southeast Line of Marie Creek Road; Also less any portion lying North of the following described line: Beginning at that point on the East line of Marie Creek Road which is 1020 feet due South of the North line of said Section 22; Thence Easterly and parallel with the North line of said Section 22 a distance of 2385 feet more or less to a point on the East line of the Quarter of said Section 22, said point being the terminus of said line, and more commonly known as: 14558 E. Marie Creek Road, Coeur d'Alene, Kootenai County, Idaho;

Subject to easements and encumbrances of view or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GRANTEE, her heirs and assigns forever.

DATED this 13th day of May, 2010.


DENNIS BERGEM

FAITH L. BERGEM

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 13th day of May, 2010, before me, the undersigned Notary Public in and for said State, personally appeared DENNIS BERGEM and FAITH L. BERGEM, known or

identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same voluntarily and for the purposes set forth therein.

IN WITNESS WHEREOF I have hereunto set my hand and seal on the day and year first set forth hereinabove.



Mayumi C. Aresvik
NOTARY PUBLIC FOR IDAHO
RESIDING AT: Coeur d'Alene
MY COMMISSION EXPIRES: 12-15-2014

May 18, 2010

To: Robert Haynes PE, Regional Director
State of Idaho, Dept. of Water Resources

From: Susan E. Dredge

Re: Application for Permit No. 95-11705;
Protest by Dennis & Faith Bergem

RECEIVED
MAY 19 2010
IDWR / NORTH

Dear Mr. Haynes,

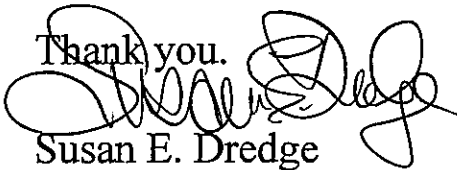
The pending lawsuit, Case Number CV-09-3966, involving the property which has this water permit application, per my March 22, 2010 letter to you, has been settled.

The property has been deeded to me in its entirety. A copy of the deed is attached. Therefore the issue with the water rights is no longer an issue in protest by the Bergems.

If you have any further questions, please contact me. My cell phone is 691-6738.

Thank you.

Susan E. Dredge



Each Office Is Independently
Owned And Operated.

SUSAN DREDGE
REALTOR®

(208) 691-6738 CELLULAR
(208) 664-1461 BUSINESS
(800) 829-2555 TOLL FREE
(208) 664-4816 FAX

**COLDWELL
BANKER**

SCHNEIDMILLER
REALTY

1924 Northwest Blvd
Coeur D'Alene, ID 83814



PROTEST INFORMATION SHEET

Application No. 95-11705

SPECIAL NOTE: Property jointly owned - should include other owners - shared well. Ownership to be determined by court case

Protestant(s) NAME(S)	ADDRESS	PHONE
1 <u>Bergem, Dennis & Arik</u>	<u>1121 E Linden Ave CDA 83814</u>	<u>765-5497</u>
2 _____	_____	_____
3 _____	_____	_____
4 _____	_____	_____
5 _____	_____	_____
6 _____	_____	_____
7 _____	_____	_____
8 _____	_____	_____
9 _____	_____	_____
10 _____	_____	_____

Protestant(s) ATTORNEY	ADDRESS	PHONE
_____	_____	_____
_____	_____	_____

DATE FILED: 12/31/09

PROTEST DUE DATE: 4/5/10

ISSUES: Dispute over property ownership - Trial set for July 19, 2010 to determine ownership. Currently Susan Alredge only undisputed owner.

Applicant(s)

ATTORNEY	ADDRESS	PHONE
_____	_____	_____

DATE

Protest Date Entered on Computer	_____
Acknowledgment Letters Sent	_____
Conference/Hearing Date	_____
_____	_____
_____	_____

(Other Dates)

Other Information _____

Protest information submitted to computer following hearing: _____

March 22, 2010

RECEIVED
MAR 22 2010
IDWR / NORTH

To: Robert Haynes PE, Regional Director
State of Idaho, Dept. of Water Resources

From: Susan E. Dredge

Re: Application for Permit No. 95-11705; Protest

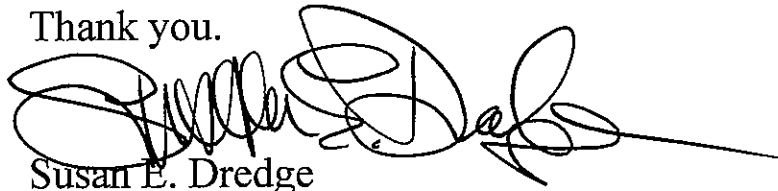
Dear Mr. Haynes,

As the undisputed 50% owner of this property, I filed for water rights on this property to satisfy your Adjudication filing deadline of January 15, 2010.

Enclosed is documentation showing that the other 50% ownership of this property is in dispute and is the focus of a lawsuit, Case Number CV-09-3966. This remaining ownership of this property will be decided in a Trial set for July 19, 2010 before the Honorable Judge Lansing Haynes. Copy enclosed.

When it is decided who owns the other 50% of this property, I would not protest in having that owner listed on the water rights.

Thank you.

A handwritten signature in black ink, appearing to read 'Susan E. Dredge', with a long horizontal line extending to the right.

Susan E. Dredge

Copies enclosed

Cc: Attorney Charles Dodson



State of Idaho

DEPARTMENT OF WATER RESOURCES

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March 18, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RECEIVED

MAR 22 2010

IDWR / NORTH

SUSAN E. DREDGE
7475 E YELLOWSTONE TRL
COEUR D ALENE, ID 83814

RE: Application for Permit No(s). 95-11705

Dear Applicant(s):

Enclosed is a copy of a protest(s) filed against the issuance of Permit No(s). 95-11705. As part of the application process, the following options are available for the resolution of contested (protested) applications:

- Direct contact with the protestant(s) to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

- Formal proceedings administered by the department pursuant to the Department's Rule of Procedure (IDAPA 37.01.01). A pre-hearing conference identifies the protestant's concerns and reviews the resolution possibilities with the parties. If the concerns cannot be resolved, a formal hearing will be scheduled.

- Mediation through a certified professional mediator can reduce costs and time that are associated with formal proceedings, present the opportunity to address non-water concerns, provide influence over a final settlement, and fast track the processing of the application if a mediated agreement is reached. If you are interested in this option, please contact our office for details.

Please consider with the protestant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing protest conference will be scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Robert G. Haynes, PE
Regional Manager

07/2008

RECEIVED
MAR 22 2010

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 11 2010

IDWR/North

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Dredge, Susan 95-11705
2. Name of protestant Dennis & Faith Bergem
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1121 E. Linden Ave. Coeur d'Alene, ID. 83814
5. Service telephone no. (208) 765-5497 Email Address: _____

6. Basis of protest (including statement of facts and law upon which the protest is based)

The applicant, is only a partial owner of said parcel (50% owner) and other owners were not advised of, or notified by the applicant, and as such other owners had no knowledge of Mrs. Dredge filing application. Water right should be under all 3 names.
(additional pages may be attached to describe nature of the protest) not (1).

7. What would resolve your protest? To include the names of all of the owners of parcel on the Water Right / Application,
1.) Susan Dredge, 2.) Faith Bergem 3.) Dennis Bergem, as per deed.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of February, 2010.

Dennis Bergem
Protestant

Protestant's Representative

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
FILED:

2009 JUN -4 PM 12:42

CHARLES M. DODSON
Attorney at Law
1424 Sherman Avenue, Suite 300
Coeur d'Alene ID 83814
(208) 664-1577
Facsimile (208) 666-9211
ISB #2134

CLERK DISTRICT COURT

DEPUTY

DANIEL J. ENGLISH 3P I 2214849000
KOOTENAI CO. RECORDER Page 1 of 3
AAA Date 06/04/2009 Time 12:31:34
REC-REQ OF CHARLIE DODSON
RECORDING FEE: 9.00
2214849000 XP 5

RECEIVED
MAR 22 2010
IDWR / NORTH

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

WILLIAM H. PRICE and GLADYS G.
PRICE, husband and wife, and SUSAN
E. DREDGE, a married woman,

PLAINTIFFS,

VS.

DENNIS BERGEM and FAITH L. BERGEM,
individually and as husband and wife,

DEFENDANTS.

CASE NUMBER: CV-09-3966

LIS PENDENS

NOTICE IS HEREBY GIVEN, that WILLIAM H. PRICE and GLADYS G. PRICE, husband and wife claim an interest in certain real property situate in the County of Kootenai, more particularly described as follows:

See Exhibit "A" attached hereto and hereafter incorporated by reference as if fully set forth herein.

Said claim is based upon agreement between the Plaintiffs and Defendants in the above entitled matter, the transfer of property for less than full fair market value, and notice is further given that any person claiming any interest in, offering to purchase, or otherwise exercising any dominion or control over the above described premises, does so at his/her risk and subject to the claim of

1-LIS PENDENS

WILLIAM H. PRICE and GLADYS G. PRICE, husband and wife.

DATED this 4th day of June, 2009. .

Gladys G. Price
GLADYS G. PRICE

CHARLES M. DODSON
ATTORNEY FOR GLADYS G. AND WILLIAM
H. PRICE

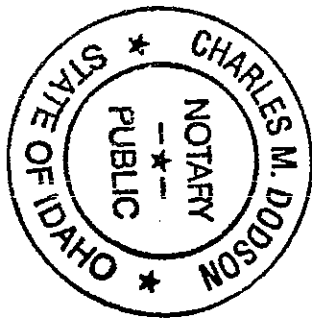
STATE OF IDAHO)
) ss.
County of Kootenai)

GLADYS G. PRICE, being first duly sworn on oath deposes and states as follows:

1. That I am one of the Plaintiffs in the above entitled action; that I have read the foregoing Complaint, know the contents thereof and verily believe the facts therein stated to be true to the best of my knowledge, information and belief.

Gladys G. Price
GLADYS G. PRICE

SUBSCRIBED AND SWORN TO before me this 4th day of June, 2009.



Charles M. Dodson
NOTARY PUBLIC FOR IDAHO
RESIDING AT: Coeur d'Alene
MY COMMISSION EXPIRES: 2/28/10

EXHIBIT "A"

Northwest Quarter Section 22, Township 50 North, Range 2 West, Boise Meridian, Kootenai County, Idaho Less a parcel described as follows:

Less any portion lying North and West of the Southeast Line of Marie Creek Road;

Also Less any portion lying North of the following described line;

Beginning at that point on the East line of Marie Creek Road which is 1020 feet due South of the North line of said Section 22;

Thence Easterly and parallel with the North line of said Section 22 a distance of 2385 feet more or less to a point on the East line of the Northwest Quarter of said Section 22, said point being the terminus of said line.

FIRST JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF KOOTENAI
324 W. GARDEN AVENUE
COEUR D'ALENE, IDAHO 83816-9000

*Calendar
cc client*

RECEIVED

FILED 11/16/2009 AT 05:06 PM
STATE OF IDAHO, COUNTY OF KOOTENAI SS
CLERK OF THE DISTRICT COURT
BY *Suzi Sverdsten* DEPUTY

NOV 18 2009

WILLIAM H PRICE, ETAL.

VS.

DENNIS W BERGEM, ETAL.

DODSON & RAEON

Case No: CV-2009-0003966

NOTICE OF TRIAL

NOTICE IS HEREBY GIVEN that the above-entitled case is set for:

Court Trial Scheduled Monday, July 19, 2010 at 09:00 AM
4 Days

Judge: Lansing L. Haynes

Additional Presiding Judges: Charles W. Hosack; John P. Luster; John T. Mitchell; Fred M. Gibler; Steven Verby; George Reinhardt, III; George D. Carey.

I certify that copies of this Notice were served as follows on Monday, November 16, 2009.

CHARLES M. DODSON
1424 E. SHERMAN AVE, STE 300
COEUR D'ALENE, ID 83814
FAX: (208) 666-9211

☒ Mailed [] Hand Delivered [] Faxed

**COPY FOR YOUR
INFORMATION**

R. DAVID FERGUSON
816 SHERMAN STE 1
COEUR D'ALENE, ID 83814
FAX: (208) 676-0398

☒ Mailed [] Hand Delivered [] Faxed

Dated: Monday, November 16, 2009
Daniel J. English
Clerk Of The District Court

By: Suzi Sverdsten, Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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March 18, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SUSAN E. DREDGE
7475 E YELLOWSTONE TRL
COEUR D ALENE, ID 83814

RE: Application for Permit No(s). 95-11705

Dear Applicant(s):

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Please consider with the protestant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing protest conference will be scheduled.

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Sincerely,

Robert G. Haynes, PE
Regional Manager



State of Idaho

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March 18, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

DENNIS & FAITH BERGEM
1121 E LINDEN AVE
COEUR D ALENE, ID 83814

RE: Application for Permit No(s). 95-11705

Dear Protestant(s):

This office acknowledges receipt of your protest to the issuance of Permit No(s). 95-11705. As part of the application process, the following options are available for the resolution of contested (protested) applications:

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Please consider with the applicant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing conference will be scheduled..

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Sincerely,

Robert G. Haynes, PE
Regional Manager

07/2008

NO 23537 B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 11 2010

NOTICE OF PROTEST

IDWR/North

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1. Matter being protested Dredge, Susan 95-11705
2. Name of protestant DENNIS & Faith Bergem
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1121 E. Linden Ave. Coeur d'Alene, ID. 83814
5. Service telephone no. (208) 765-5497 Email Address: _____

6. Basis of protest (including statement of facts and law upon which the protest is based)

The applicant, is only a partial owner of said parcel (50% owner) and other owners were not advised of, or Notified by the applicant, and as such other owners had no knowledge of Mrs. Dredge filing application. Water right should be under all 3 names not (1).
(additional pages may be attached to describe nature of the protest)

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1.) Susan Dredge, 2.) Faith Bergem 3.) DENNIS Bergem, as per deed.

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Signed this 11 day of February, 20 10.

Dennis Bergem
Protestant

Protestant's Representative

NOTE:

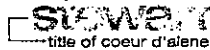
A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by em Date 2-11-10 Time 11:32 am
\$25.00 fee Receipted by em # N023537 Date 2-11-10



Return To: Dennis Bergem and Faith L. Bergem
Susan E. Dredge
1121 E. Linden Avenue
Coeur d'Alene, Id 83814

7335-C1

WARRANTY DEED

For Value Received William H. Price and Gladys G. Price, husband and wife,
the Grantor, hereby grants, bargains, sells, conveys and warrants unto

Dennis Bergem and Faith L. Bergem, husband and wife, as to an undivided fifty percent interest
and Susan E. Dredge, an unmarried woman as to an undivided fifty percent interest

the grantee, whose current address is 1121 E. Linden Avenue, Coeur d'Alene, ID 83814

the following described premises, to wit:

See "Exhibit A" attached hereto

Parcel Number: 50N02W223700 / 120468

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due
or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, his/her/their heirs and (its) assigns forever. And the said Grantor does hereby covenant
to and with the said Grantee, that he/she/they is/are the owner(s) in fee simple of said premises,
that said premises are free from all encumbrances and that he/she/they will warrant and defend
the same from all lawful claims whatsoever.

Dated this 24th day of January, 2007.

William H. Price

Gladys G. Price

STATE OF Idaho)
) ss.
COUNTY OF Kootenai)

On this 25th day of January, 2007, before me, the undersigned, a Notary Public, in and for said
State, personally appeared William H. Price and Gladys G. Price, known to me, and/or identified
to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed
to the within instrument and acknowledged to me that he/she/they executed the same.
WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public: Christina M. Lowe
Residing at: Post Falls
My commission expires May 10, 2010

