

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 95-10019

Priority: May 06, 2003

Maximum Diversion Rate: 0.20 CFS

This is to certify, that NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN ID 83835

has applied for an amendment of a permit and the amendment is APPROVED for development
of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SW1/4 Sec. 2, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER NW1/4NE1/4 Sec. 11, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER NW1/4NE1/4 Sec. 11, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER NW1/4NE1/4 Sec. 14, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER L7 (SW1/4SE1/4) Sec. 15, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER NE1/4SE1/4 Sec. 23, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER NE1/4SE1/4 Sec. 23, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER SW1/4SE1/4 Sec. 23, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER SW1/4SE1/4 Sec. 23, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER NW1/4SW1/4 Sec. 24, Twp 51N, Rge 04W, B.M. KOOTENAI County
GROUND WATER SE1/4SE1/4 Sec. 23, Twp 51N, Rge 05W, B.M. KOOTENAI County
GROUND WATER NE1/4SW1/4 Sec. 32, Twp 51N, Rge 05W, B.M. KOOTENAI County
GROUND WATER SE1/4SW1/4 Sec. 32, Twp 51N, Rge 05W, B.M. KOOTENAI County
GROUND WATER SW1/4NW1/4 Sec. 8, Twp 52N, Rge 03W, B.M. KOOTENAI County
GROUND WATER SW1/4NW1/4 Sec. 8, Twp 52N, Rge 03W, B.M. KOOTENAI County
GROUND WATER NW1/4SE1/4 Sec. 18, Twp 52N, Rge 03W, B.M. KOOTENAI County
GROUND WATER L1 (NE1/4NE1/4) Sec. 6, Twp 52N, Rge 04W, B.M. KOOTENAI County
GROUND WATER SE1/4SE1/4 Sec. 17, Twp 52N, Rge 04W, B.M. KOOTENAI County
GROUND WATER SE1/4SE1/4 Sec. 17, Twp 52N, Rge 04W, B.M. KOOTENAI County
GROUND WATER NE1/4NE1/4 Sec. 28, Twp 52N, Rge 04W, B.M. KOOTENAI County
GROUND WATER NE1/4SE1/4 Sec. 28, Twp 52N, Rge 04W, B.M. KOOTENAI County
GROUND WATER SE1/4NE1/4 Sec. 33, Twp 52N, Rge 04W, B.M. KOOTENAI County
GROUND WATER NE1/4NW1/4 Sec. 28, Twp 53N, Rge 04W, B.M. KOOTENAI County

State of Idaho
Department of Water Resources
Amendment of Permit

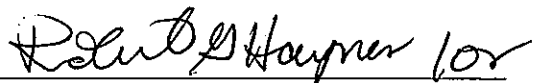
NO. 95-10019

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2013**.
2. Subject to all prior water rights.
3. 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 any management plan approved by the director for the RPGWMA. If the director determines that the ground water supply in the RPGWMA is insufficient to meet the demands of prior water rights within the RPGWMA, the director may order the diversion and use of water under this right to be reduced or curtailed until the director determines that there is sufficient ground water available for this right.
4. Place of use is within the area served by the public water supply system of North Kootenai Water District.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
7. This right does not grant any right-of-way or easement across the land of another.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 8th day of

April
20 10.



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

April 9, 2010

NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN ID 83835

RE: (Amended) Permit No. 95-10019

Amended Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

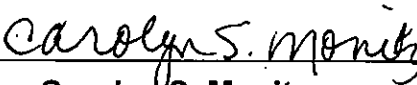
CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2010 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.

95-10019

**NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN ID 83835**



**Carolyn S. Monitz
Technical Records Clerk**

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.

RECEIVED
FEB 26 2010

NOTARIAL AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

upon oath deposes and says: Kelli Buley being first duly sworn

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.

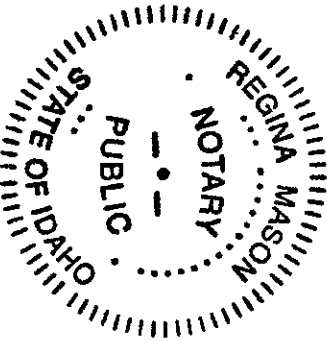
3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 18 day of February, 2010, and ending on the 25 day of February, 2010, 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. Kelli Buley

On this 25 day of February in the year of 2010, before me, a Notary Public, personally appeared Kelli Buley, 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

The following application(s) have been filed to amend Permit to Appropriate Water:
95-10019
NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN, ID 83835

The purpose of this amendment is to add these points of diversion to make this water right of North Kootenai Water District match their other licenses.

THERE WILL BE NO INCREASE IN THE DIVERSION RATE OR DIVERSION VOLUME OF WATER.

Point of Diversion SWSW	S2	T51N R04W	KOOTENAI CO
Point of Diversion NWNE	S11	T51N R04W	KOOTENAI CO
Point of Diversion NWNE	S11	T51N R04W	KOOTENAI CO
Point of Diversion NWNE	S14	T51N R04W	KOOTENAI CO
Point of Diversion NWNE	S14	T51N R04W	KOOTENAI CO
Point of Diversion L7(SWSE)	S15	T51N R04W	KOOTENAI CO
Point of Diversion NESE	S23	T51N R04W	KOOTENAI CO
Point of Diversion NESE	S23	T51N R04W	KOOTENAI CO
Point of Diversion SWSE	S23	T51N R04W	KOOTENAI CO
Point of Diversion SWSE	S24	T51N R04W	KOOTENAI CO
Point of Diversion SESE	S23	T51N R05W	KOOTENAI CO
Point of Diversion NESW	S32	T51N R05W	KOOTENAI CO
Point of Diversion SESW	S32	T51N R05W	KOOTENAI CO
Point of Diversion SWNW	S8	T52N R03W	KOOTENAI CO
Point of Diversion SWNW	S8	T52N R03W	KOOTENAI CO
Point of Diversion L1(NENE)	S17	T52N R04W	KOOTENAI CO
Point of Diversion SESE	S17	T52N R04W	KOOTENAI CO
Point of Diversion SESE	S17	T52N R04W	KOOTENAI CO
Point of Diversion NENE	S28	T52N R04W	KOOTENAI CO
Point of Diversion NESE	S28	T52N R04W	KOOTENAI CO
Point of Diversion SENE	S33	T52N R04W	KOOTENAI CO

Source for all Points of Diversion is GROUND WATER
Use: MUNICIPAL
01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 12/8/2009
Place Of Use: MUNICIPAL
Municipal use is within service boundaries of applicant.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 3/8/2010. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Interim Director
Legal 9043
February 18, 25, 2010

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, February 09, 2010 4:45 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: 3rd and final legal notice to publish 2/18 & 2/25/10

Attachments: LegalNotice 02-09-10 CDA e-mail Amendment 95-10019 NKWD.doc

Hi, Kelli,

Third and final notice to publish February 18 and 25, 2010, once a week for two consecutive weekly issues. If you cannot publish the notice on the proposed dates please contact us immediately.

Please also send me a proof/preview copy for my review before going to press.

I'll be out of the office tomorrow, Wednesday 2/10, but back on 2/11. Trying to beat the upcoming holiday rush to make sure these can publish 2/18 and 25/2010.

Please send affidavit of publication along with the publication bill to this office before 3/8/2010.

Thanks again for all your wonderful help.



LegalNotice
2-09-10 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 amend Permit to
Appropriate Water:

95-10019

NORTH KOOTENAI WATER DISTRICT

PO BOX 2290

HAYDEN, ID 83835

The purpose of this amendment is to add these points of diversion
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their other licenses.

**THERE WILL BE NO INCREASE IN THE DIVERSION RATE OR
DIVERSION VOLUME OF WATER.**

Point of Diversion SWSW S2 T51N R04W KOOTENAI CO

Point of Diversion NWNE S11 T51N R04W KOOTENAI CO

Point of Diversion NWNE S11 T51N R04W KOOTENAI CO

Point of Diversion NWNE S14 T51N R04W KOOTENAI CO

Point of Diversion L7(SWSE) S15 T51N R04W KOOTENAI CO.

Point of Diversion NESE S23 T51N R04W KOOTENAI CO

Point of Diversion NESE S23 T51N R04W KOOTENAI CO

Point of Diversion SWSE S23 T51N R04W KOOTENAI CO

Point of Diversion SWSE S23 T51N R04W KOOTENAI CO

Point of Diversion NWSW S24 T51N R04W KOOTENAI CO

Point of Diversion SESE S23 T51N R05W KOOTENAI CO

Point of Diversion NESW S32 T51N R05W KOOTENAI CO

Point of Diversion SESW S32 T51N R05W KOOTENAI CO

Point of Diversion SWNW S8 T52N R03W KOOTENAI CO

Point of Diversion SWNW S8 T52N R03W KOOTENAI CO

Point of Diversion NWSE S18 T52N R03W KOOTENAI CO

Point of Diversion L1(NENE) S6 T52N R04W KOOTENAI CO.

Point of Diversion SESE S17 T52N R04W KOOTENAI CO

Point of Diversion SESE S17 T52N R04W KOOTENAI CO

Point of Diversion NENE S28 T52N R04W KOOTENAI CO

Point of Diversion NESE S28 T52N R04W KOOTENAI CO

Point of Diversion SENE S33 T52N R04W KOOTENAI CO

Source for all Points of Diversion is GROUND WATER

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

Total Diversion: 0.2 CFS

Date Filed: 12/8/2009

Place Of Use: MUNICIPAL

Municipal use is within service boundaries of applicant.

Permits will be subject to all prior water rights. Protests may be

submitted based on the criteria of Idaho Code § 42-211. 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 3/8/2010.

The protestant must also send a copy of the protest to the

applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 2/18/2010 and 2/25/2010

RECEIVED
FEB 05 2010
IDWR / NORTH

www.welchcomer.com
208-664-9382
877-815-5672 (toll free)
208-664-5946 (fax)
350 E. Kathleen Ave.
Coeur d'Alene, ID 83815

TRANSMITTAL

ATTN:	Mr. Eric Davis	DATE:	February 4, 2010
TO:	Idaho Department of Water Resources	RE:	East Seasons Water Right Amendment
	7600 Mineral Drive, Ste. 100		
	Coeur d'Alene, ID 83815	PRJ #:	11228

Items Transmitted: ☐ Mailed ☒ Delivered

Copies	Date	Description
1		Application for Amendment (95-10019)

These Are Transmitted As Checked Below:

- | | | |
|--|--|---|
| ☒ For Approval | ☐ No Exceptions Taken | ☐ Rejected – See Remarks |
| ☐ For Your Use | ☐ Make Corrections Noted | ☐ Return __ Corrected Prints |
| ☐ As Requested | ☐ Revise & Resubmit | ☐ _____ |
| ☐ For Your Review & Comment | ☐ Return After Loan To Us | |

Remarks:

Eric-

Attached is the signed application for amendment. Let me know if you need any thing else.
Thank you for your help.

Thank you!

Karen Osterdock

Copy To:

From: Karen J. Osterdock, E.I.T.

TRANSMITTAL

ATTN:	Mr. Bob Haynes	DATE:	December 8, 2009
TO:	Idaho Department of Water Resources	RE:	Amendment of a Permit
	Northern Regional Office		
	7600 Mineral Drive, Suite 100	PRJ #:	11228
	Coeur d'Alene, ID 83815		

Items Transmitted: ☐ Mailed ☒ Delivered

Copies	Date	Description
1	12/04/09	Application for Amendment of a Permit (95-10019)
1	12/07/09	\$50.00 Check- Filing Fee (Check # 14989)

These Are Transmitted As Checked Below:

- | | | |
|--|--|--|
| ☐ For Approval | ☐ No Exceptions Taken | ☐ Rejected - See Remarks |
| ☒ For Your Use | ☐ Make Corrections Noted | ☐ Return ___ Corrected Prints |
| ☐ As Requested | ☐ Revise & Resubmit | ☐ _____ |
| ☐ For Your Review & Comment | ☐ Return After Loan To Us | |

Remarks:

Bob-

Attached is the application to amend permit number 95-10019. We are adding all of the District's PODs and updating the POU. Let me know if you have any questions or concerns.

Thank you,

Karen Osterdock

Copy To:

From: Karen J. Osterdock, E.I.T.