

Franklin, Keith

From: Skaggs, Pam
Sent: Tuesday, May 18, 2010 7:48 AM
To: Franklin, Keith
Subject: FYI: Place of Use descriptions
Attachments: xs4k01_.pdf

Hi Keith,

I am researching some data & was looking at some water right documents. I noticed that on this multi-use permit, you had consolidated some of the POU descriptions from the way they print out automatically. This is a good thing & I encourage you to continue this practice. I do think that the way this one was consolidated is a little confusing.

PLACE OF USE: WILDLIFE same as WILDLIFE STORAGE

It sounds like I should refer to the WILDLIFE STORAGE description, but there isn't really a separate description. When you consolidate multiple uses to a single description display, they should probably just be listed together.

PLACE OF USE: WILDLIFE & WILDLIFE STORAGE

This is the usual practice. If you have several uses for the same description, just list them all once.

PLACE OF USE: AESTHETIC, FIRE PROTECTION, RECREATION, WILDLIFE, AESTHETIC STORAGE, FIRE PROTECTION STORAGE, IRRIGATION STORAGE, RECREATION STORAGE & WILDLIFE STORAGE

Just a suggestion for cleaner documents.
Talk to you soon.

Pam

Franklin, Keith

From: Alan [alan@haydenirrigation.com]
Sent: Wednesday, January 20, 2010 2:22 PM
To: Franklin, Keith; 'Terry J. Harris'
Cc: bert@haydenirrigation.com
Subject: Water Right Application # 95-9212
Attachments: MOU - draft 1-8-10.pdf

Keith,

Attached is a copy of the draft MOU agreement. Neither Kootenai Environmental Alliance nor Hayden Lake Irrigation District anticipates any changes to this, and both anticipate signing this agreement.

If you would look this over and let us know what information IDWR would be willing to enter into the record on this water right application we would be able to continue moving forward appropriately. IDWR's response to this would not change the agreement, it is requested simply to clarify our forward direction.

Thank you,

Alan Miller, P.E.

Administrator

Hayden Lake Irrigation District

(208) 772-2612

alan@haydenirrigation.com

Franklin, Keith

From: Alan [alan@haydenirrigation.com]
Sent: Friday, January 22, 2010 12:47 PM
To: Franklin, Keith
Cc: bert@haydenirrigation.com; terry@kealliance.org
Subject: Conference re: Application 95-9212

Keith,

I have signed copies of the agreement which will allow for the protest of application # 95-9212 to be withdrawn. For that reason the Conference scheduled for Tuesday 1-26-10 at 9:30 will not need to be held. The District will be reducing its request for water from 4.46 cfs to 1.34 cfs. and we will coordinate steps necessary for that with IDWR.

Thank you for your assistance in this matter.

Alan Miller, P.E.

Administrator

Hayden Lake Irrigation District

(208) 772-2612

alan@haydenirrigation.com

HAYDEN LAKE IRRIGATION DISTRICT

2160 W. Dakota Ave.
Hayden, Idaho 83835
24 hr (208) 772-2612 ♦ FAX (208) 772-5348

April 13, 2010

Keith Franklin
Idaho Department of Water Resources
7600 N Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

RECEIVED

APR 15 2010

IDWR/NORTHERN

RE: Permit No. 95-9212, Hayden Lake Irrigation District

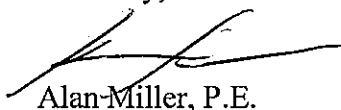
Dear Mr. Franklin:

The District has reviewed the draft permit # 2 which included condition # 13. The District has concluded that this draft permit is satisfactory as presented.

Should you require any additional information from the District, please do not hesitate to ask.

Thank you for your time and efforts through this process.

Sincerely,



Alan Miller, P.E.
Administrator



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 3, 2010

HAYDEN LAKE IRRIGATION DISTRICT
2160 W DAKOTA AVE
HAYDEN, ID 83835

RE: Withdrawal of Protest by Kootenai Environmental Alliance

Dear Applicant(s):

The Department of Water Resources has received withdrawal of protest against the above referenced application.

As of April 19, 2010 both Kootenai Environmental Alliance and the Hayden Lake Irrigation District have signed off on the draft permit mailed to each party on March 8, 2010, thereby settling the protest.

Please contact this office if you have any questions regarding this procedure.

Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, PE
Regional Manager



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 3, 2010

KOOTENAI ENVIRONMENTAL ALLIANCE
C/O TERRY HARRIS
EXECUTIVE DIRECTOR
PO BOX 1598
COEUR D ALENE, ID 83816-1598

RE: Withdrawal of Protest against

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

As of April 19, 2010 both Kootenai Environmental Alliance and the Hayden Lake Irrigation District have signed off on the draft permit mailed to each party on March 8, 2010, thereby settling the protest.

Please contact this office if you have any questions regarding this procedure.

Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, PE
Regional Manager

MEMORANDUM OF UNDERSTANDING
AND SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT is hereby made and entered into by and between Kootenai Environmental Alliance, Inc., hereinafter referred to as KEA, and Hayden Lake Irrigation District, hereinafter referred to as HLID.

A. Purpose

Whereas, HLID applied to The Idaho Department of Water Resources, hereinafter referred to as the IDWR, for a water right of 4.46 cfs and IDWR assigned the application the number 95-9212;

Whereas, KEA protested the granting of application No. 95-9212;

Whereas, KEA and HLID, hereinafter referred to as the parties, believe conserving water resources is in the best interest of all those that benefit from the region's water resources; and

Whereas, the parties desire to resolve the protest without a hearing before IDWR.

NOW THEREFORE, this settlement agreement is entered into by and between the parties to resolve KEA's protest regarding HLID's application for permit, No. 95-9212. In consideration of the mutual promises specified herein and by conditioning their performance under this agreement upon satisfaction of the identified conditions precedent, and for other good and valuable consideration, the parties agree as follows:

B. Scope of Agreement

This agreement is intended to settle all KEA's matters and concerns related to HLID's application, No. 95-9212.

C. Action of KEA

Under the terms of this Agreement, KEA agrees to undertake the following actions:

1. Withdraw its protest to application No. 95-9212 and agree that the permit should be issued by the IDWR.

D. Action of HLID

Under the terms of this Agreement, HLID agrees to undertake the following actions:

1. Amend HLID's application for permit, No. 95-212, to request a total diversion rate of 1.34 cfs.
2. Implement the following conservation measures:
 - a. Encourage domestic users to water their lawns and gardens between 6 PM and 10 AM;

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JAN 29 2010

Page 2 of 3

IDWR/NORTH

- b. Encourage domestic users to use odd/even watering schedules;
 - c. Require homeowner associations to install conservation sensors for common areas built after this agreement takes effect;
 - d. Encourage homeowner associations to install conservation sensors for common areas built prior to this agreement taking effect;
 - e. Support landscaping that promotes the use of native plants and water conservation;
 - f. Continue to emphasize conservation measures using routine newsletters, quarterly bill statements, and door notices.
 - g. Install a demonstration garden within the District boundary using recommended plant list or design from KEA.
3. District's annual budget meeting will include a conservation presentation. KEA and HLID can jointly craft the presentation to be timely and pertinent.

Note: For the purposes of this agreement the term conservation sensor shall mean either a rain sensor or moisture sensor or both. Future, proven, advances in technology may also be incorporated where applicable.

E. Mutual Actions

The parties agree to:

1. Jointly file this settlement with IDWR and KEA agrees not to pursue its protest stipulating that IDWR issue a water right permit for a total diversion rate of 1.34 cfs.

F. Enforcement

The provisions of this Agreement shall be governed by and interpreted in accordance with the laws of the state of Idaho. Either party at its option may institute legal proceedings to enforce this Agreement by specific performance.

KEA agrees that prior to its initiation of any action against HLID under this agreement it will first provide to HLID in writing specific issues of concern as well as possible solutions to those concerns, and allow a reasonable period of time for HLID to address those matters.

G. Non-Severability

The paragraphs of this agreement are not severable. This agreement is executed on the understanding that each paragraph is in consideration of the others.

H. Good Faith

The parties to this agreement agree to act in good faith and make all reasonable efforts to satisfy the condition of the agreement.

I. Successors and Assigns

JAN 29 2010

IDWR / NORTH

This agreement will be binding and will inure to the benefit of the parties and their respective heirs, legal representatives, successors and permitted assigns, except as restricted by this Agreement.

J. Authorizations

All individuals executing this agreement and other documents on behalf of the respective parties certify and warrant that they have the capacity and have been duly authorized to so execute the documents on behalf of the party so indicated.

K. Advice of Attorneys

Each party represents and warrants that in executing this agreement, each has been advised by or has had an opportunity to be advised by independent legal counsel. Each party has read the terms of this agreement and understands their consequences. Each party further acknowledges and represents that, in executing this agreement, it has not relied on any inducements, promises or representations made by any other party or its representative's except as otherwise stated in this agreement.

L. Entire Agreement and Amendment

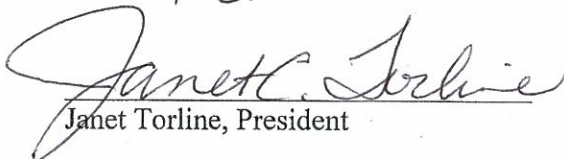
With response to the issues considered herein, this agreement contains the entire understanding and agreement of the parties. There have been no promises, presentations, agreements, warranties or undertakings by any of the parties, either oral or written, of any character or nature binding except as stated in this agreement. This agreement may be altered, amended or modified only by an instrument in writing, executed by the parties to this agreement and by no other means. An amendment to the agreement is binding only on the parties that execute the amendment. Each party waives its right to claim, contest or assert that this agreement was modified, cancelled, superseded or changed by any oral agreement, course of conduct, waiver, or estoppel.

For Kootenai Environmental Alliance, Inc.:



Terry J. Harris, Executive Director

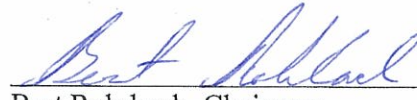
Date: 1-20-10



Janet Torline, President

Date: 1-20-10

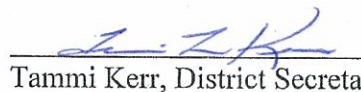
Hayden Lake Irrigation District:



Bert Rohrbach, Chairman

Date: 1/23/2010

Attest:


Tammi Kerr, District Secretary

MEMORANDUM

Date: April 20, 2010
To: Water Right File 95-9212
From: kfranklin
Re: Protest

As of April 19, 2010 both Kootenai Environmental Alliance and the Hayden Lake Irrigation District have signed off on the draft permit that was mailed out on March 8, 2010 that will settle the protest.



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

DAVID R. TUTHILL, JR.
Director

March 8, 2010

Allen Miller, P.E.
Hayden Lake Irrigation District
2160 W Dakota Ave.
Hayden, ID 83835

Re: Permit to Appropriate The Public Waters of the State of Idaho, No. 95-9212.
Hayden Lake Irrigation District.

Dear Mr. Miller:

Enclosed please find draft permit #2 that includes condition #13 making reference to the agreement between Kootenai Environmental Alliance and the Hayden Lake Irrigation District.

If the draft permit is satisfactory, please let me know in writing within the next 30 days. 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



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Governor

DAVID R. TUTHILL, JR.
Director

March 8, 2010

Terry Harris
Kootenai Environmental Alliance
PO Box 1598
Coeur d'Alene, ID 83816-1598

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Hayden Lake Irrigation District.

Dear Mr. Harris:

Enclosed please find draft permit #2 that includes condition #13 making reference to the agreement between Kootenai Environmental Alliance and the Hayden Lake Irrigation District.

If the draft permit is satisfactory, please let me know in writing within the next 30 days. If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

*Terry called and
said he was fine
with the draft.*

COPY

State of Idaho
Department of Water Resources

DRAFT**Permit to Appropriate Water****DRAFT**

NO. 95-09212

Priority: August 07, 2002

Maximum Diversion Rate: 1.34 CFS

This is to certify, that HAYDEN LAKE IRRIGATION DISTRICT
2160 W DAKOTA AVE
HAYDEN ID 83835
(208) 772-2612

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>
MUNICIPAL	01/01 to 12/31	1.34 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		
GROUND WATER KOOTENAI County	NE1/4NE1/4	Sec. 14, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	NE1/4NE1/4	Sec. 14, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	NW1/4SE1/4	Sec. 16, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	SW1/4SE1/4	Sec. 15, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	SW1/4SE1/4	Sec. 15, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	NE1/4NW1/4	Sec. 27, Twp 51N, Rge 04W, B.M.

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before .
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. 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.
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. Place of use is within the service area of the Hayden Lake Irrigation District as provided for under Idaho law.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09212

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. 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.
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.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
12. The total instantaneous diversion of water from all points of diversion under Rights 95-7800, 95-8581 and 95-9212 shall not exceed 18.06 cfs, nor a total combined annual volume of 7,288.1 af.
13. The diversion and use of water described in this water right is subject to additional conditions and limitations agreed to by Kootenai Environmental Alliance and the Hayden Lake Irrigation District under a separate agreement to which the Department of Water Resources is not a party and which may be independently enforceable by a court of law.

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 _____ day of _____, 20_____.

GARY SPACKMAN, Interim Director

MEMORANDUM

Date: February 23, 2010
To: Water Right File 95-9212
From: kfranklin
Re: Protest

This application was protested by Kootenai Environmental Alliance. The settlement was to reduce the diversion rate and condition the annual volume to water rights 95-8581 and 95-7800. Also two points of diversion were changed to two different quarter quarters other than what was originally applied for. The applicant, protestant and Northern Regional manager all concurred to the change without re-advertising, since the source was within the Rathdrum Aquifer.

7006 3450 0002 3339 5237

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Sent To: *Hayden Th. Ben. Dent*
 Street, Apt. No., or PO Box No. *PO Box 162*
 City, State, ZIP+4 *Hayden ID 83835*

PS Form 3800, August 2006 See Reverse for Instructions

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Total Postage & Fees	\$ 5.54

Sent To: *Kostner Insurance Co. All.*
 Street, Apt. No., or PO Box No. *PO Box 1598*
 City, State, ZIP+4 *IDA 83816-1548*

PS Form 3800, August 2006 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To: *Hayden Th. Ben. Dent*
 Street, Apt. No., or PO Box No. *2160 W Dakota Ave*
 City, State, ZIP+4 *Hayden ID 83835-5222*

PS Form 3800, August 2006 See Reverse for Instructions

02 1P
 0002690671 JAN 14 2010
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 \$ 000.00
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CONFERENCE SCHEDULE

Northern Region

Location: Department of Water Resources
7600 N Mineral Drive Suite 100
Coeur d Alene ID 83815
(208) 762-2800

Date January 26, 2010

Time 9:30 AM. WR Application No. 95-9212
Hayden Lake Irrigation District

CONFERENCE

File No.: 95-9212
Name: Hayden Lake Irrigation District
Date: January 26, 2010
Time: 9:30 AM
Place: Department of Water Resources
7600 N Mineral Drive Suite 100
Coeur d Alene, ID 83815
(208) 762-2800

ROSTER OF ATTENDANCE

NAME

ADDRESS

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

IDAHO DEPT OF WATER RESOURCES

Application 95-9212

1/6/2010

Type	Name	Date Rcvd	Address	City	State	Postal Code	Phone
Protestant	KOOTENAI ENVIRONMENTAL ALLIANCE	4/19/2004	C/O TERRY HARRIS EXECUTIVE DIRECTOR	COEUR D'ALE	ID	83816-1598	(208)667-9093
Current Owner	HAYDEN LAKE IRRIGATION DISTRICT	8/7/2002	PO BOX 162	HAYDEN	ID	83835-0162	(208)772-2612

Hearing Notice Sent:
Hearing Date:
Hearing Location



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

DAVID R. TUTHILL, JR.
Director

February 23, 2010

Terry Harris
Kootenai Environmental Alliance
PO Box 1598
Coeur d'Alene, ID 83816-1598

Re: Permit to Appropriate the Public Waters of the State of Idaho. No. 95-9212

Dear Mr. Harris:

Enclosed for your review is a draft permit for the above said water right that has incorporated within elements of the settlement agreement between the Hayden Lake Irrigation District and Kootenai Environmental Alliance. The diversion rate was reduced to the agreed upon amount of 1.34 cfs and the annual volume was set as per condition #12 as shown on the permit.

Also, please review the points of diversion. There will be two points of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, two points of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, one in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 and one in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27. Two points of diversion were moved from Section 15 and placed in Sections 16 and 27 respectively. The department determined this change can be done without re-advertising the application, since the source is within the Rathdrum Aquifer.

If the draft permit is satisfactory, please let me know in writing within the next 30 days. 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

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 23, 2010

Allan Miller, P.E.
Hayden Lake Irrigation District
2160 W Dakota Ave.
Hayden, ID 83835

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Enclosed for your review is a draft permit for the above said water right that has incorporated within elements of the settlement agreement between the Hayden Lake Irrigation District and Kootenai Environmental Alliance. The diversion rate was reduced to the agreed upon amount of 1.34 cfs and the annual volume was set as per condition #12 as shown on the permit.

Also, please review the points of diversion. There will be two points of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, two points of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, one in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 and one in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27. Two points of diversion were moved from Section 15 and placed in Sections 16 and 27 respectively. The department determined this change can be done without re-advertising the application, since the source is within the Rathdrum Aquifer.

If the draft permit is satisfactory, please let me know in writing within the next 30 days. 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**DRAFT****Permit to Appropriate Water****DRAFT**

NO. 95-09212

Priority: August 07, 2002

Maximum Diversion Rate: 1.34 CFS

This is to certify, that HAYDEN LAKE IRRIGATION DISTRICT
2160 W DAKOTA AVE
HAYDEN ID 83835
(208) 772-2612

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>
MUNICIPAL	01/01 to 12/31	1.34 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER KOOTENAI County	NE1/4NE1/4	Sec. 14, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	NE1/4NE1/4	Sec. 14, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	NW1/4SE1/4	Sec. 16, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	SW1/4SE1/4	Sec. 15, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	SW1/4SE1/4	Sec. 15, Twp 51N, Rge 04W, B.M.
GROUND WATER KOOTENAI County	NE1/4NW1/4	Sec. 27, Twp 51N, Rge 04W, B.M.

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before .
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. 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.
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. Place of use is within the service area of the Hayden Lake Irrigation District as provided for under Idaho law.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-09212

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. 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.
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.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
12. The total instantaneous diversion of water from all points of diversion under Rights 95-7800, 95-8581 and 95-9212 shall not exceed 18.06 cfs, nor a total combined annual volume of 7,288.1 af.

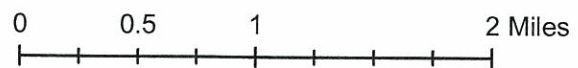
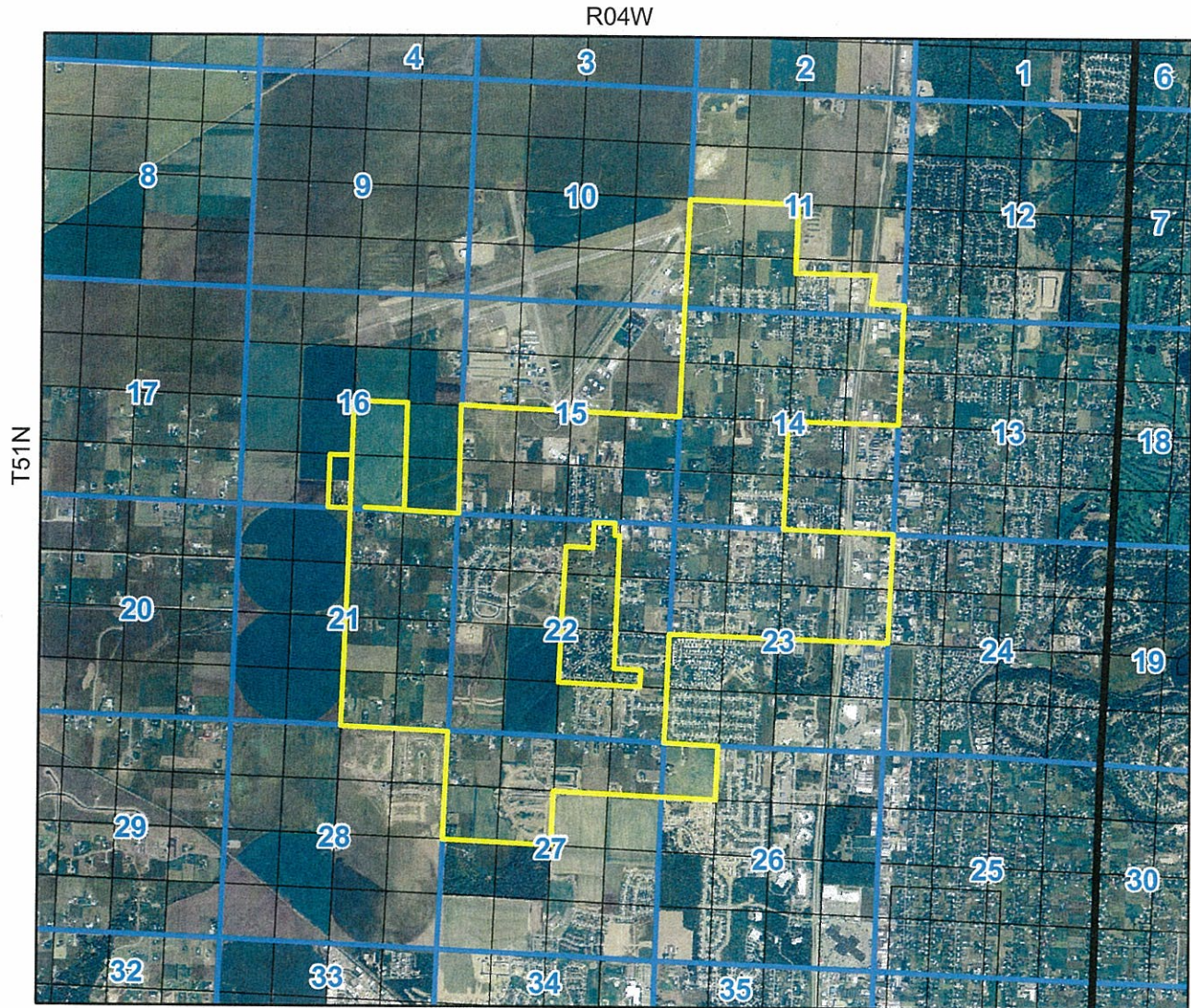
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this _____ day of _____, 20_____.

GARY SPACKMAN, Interim Director

Permit to Appropriate Water

95-9212

Water Service Area Boundary for Hayden Lake Irrigation District



Legend

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



Meeting Notes: Organizational meeting, Rathdrum Prairie Aquifer Management Committee, 1/11/2008

The meeting began at about 1:30 PM PST in IDWR office in Coeur d'Alene. Present were Guy Gregory and Keith Stoffel (Ecology), Bob Haynes (IDWR), while Helen Harrington, Alan Wylie, and Ken Neely of IDWR joined by videoconference.

We proceeded along the lines of the implementation plan dated 11/25/07.

Meeting procedures:

Locations are to alternate between IDWR/Coeur d'Alene and Ecology/Spokane office. They will be held at a minimum every 6 months, either group has the right to call a meeting more frequently as necessary. The hosting office will chair the meeting, prepare agendas, circulate notes, etc. Notes will be issued in draft, circulated by email, and finalized by email acknowledgements.

Agency representatives:

Idaho: Bob Haynes, Ken Neely, Helen Harrington, Alan Wylie

Washington: Keith Stoffel, Guy Gregory, John Covert

Responsibilities of Committee

1. Establish commonality in how and when we use the model.

All agreed this will be easier once the spreadsheet tool is prepared. All feel there is probably some deminimis impact result, i.e. a 0.3 cfs water right near Athol may not have a significant affect elsewhere in the domain, but for the time being, once the spreadsheet tool is available, we will use it to assess impacts of all decisions in the model domain.

All agreed that work may result in a series of legal questions, i.e. "impact and impairment". We agreed that once we had some of those questions in mind, we should attempt to engage legal advice in a meeting between us.

The main discussion ended with a willingness of all to begin using the model in decisionmaking and see where it goes. We all have little experience with this framework, but as we also believe all are working in good faith, it is important to begin working.

Ex-officio membership was discussed, and though we agree that for many reasons our meetings will be open, it is unclear at this point what role an ex-officio member might take. Again, we agreed to move forward and keep this option open without establishing anything firm right now.

Update Status

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Keatman Insurance
PO Box 1598
IDA 83816-1598

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Mike Melvin* ☐ Agent

☐ Address

B. Received by (Printed Name) ☐ Date of Delivery
Mike Withers *1/6/10*

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

RECEIVED
JAN 07 2010

3. Service Type ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Restricted Delivery? (Extra Fee) ☐ Yes

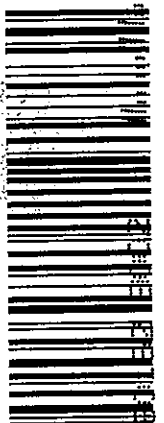
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (from service label) 7006 3450 0002 3339 5244

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-15

CERTIFIED MAIL



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2600 Mineral Drive, Suite 100
Saratoga, Idaho 83815

Return Service Requested

7006 3450 0002 3339 5237

Remailed 1/14/10
+ Notified by phone
that we need request for address change in mailing

HAYDEN LAKE IRRIGATION DISTRICT
PO BOX 162
HAYDEN ID

RETURN TO SENDER
HAYDEN LAKE IRRIGATION DIST
2160 W DAKOTA AVE
HAYDEN ID 83815-5122

83815@7763

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hayden Lake Irrigation Dist
2160 W Dakota Ave
Hayden ID 83815-5122

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Shawn Galt* ☐ Agent

☐ Address

B. Received by (Printed Name) ☐ Date of Delivery
Shawn Galt *1-15-10*

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

RECEIVED
JAN 19 2010

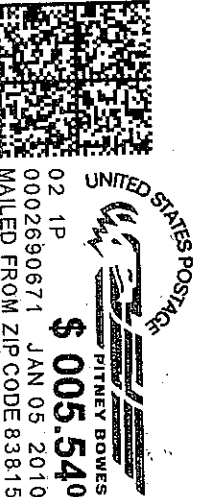
3. Service Type ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Restricted Delivery? (Extra Fee) ☐ Yes

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (from service label) 7007 1490 0001 6752 3211

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540



02 1P
0002690671 JAN 05 2010
MAILED FROM ZIP CODE 83815

\$ 005.54

915-SA 1/6

Both Guy and Ken are in the process of preparing a semi-annual report for EPA. Status of the current projects is as of now unclear but resolvable soon. Ecology indicated the spreadsheet tools should be available in the very near future. The EPA semi-annual report will be prepared and circulated to the committee.

Future upgrades

All agreed this discussion is premature.

Senior Management Meetings

Ecology agreed to proceed on an as-necessary basis, but most decisions IDWR indicated senior management approval was necessary are in fact decisions at the regional level of Ecology.

Other issues:

Press releases:

The team indicated a joint press release regarding the MOA is desirable. Guy will refer Janis Gilbert of Ecology to Bob McLaughlin at IDWR for preparation.

Additionally, Bob indicated a willingness to work with Guy in regional outreach presentations and such, to ensure that regionally, water users and others understand that IDWR and Ecology are working closely on decisionmaking.

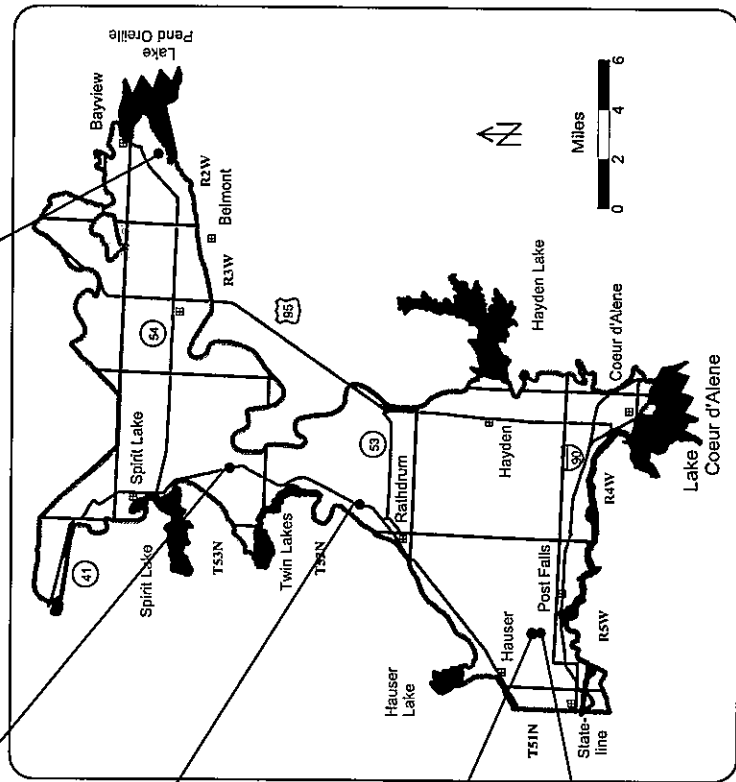
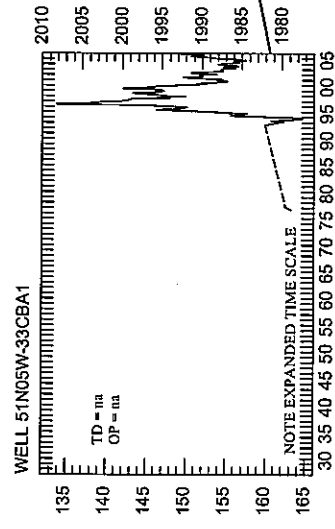
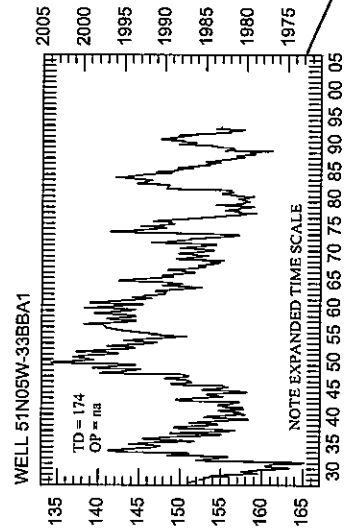
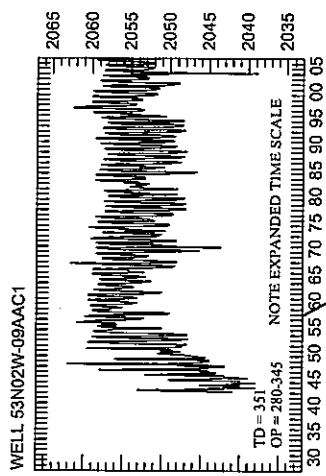
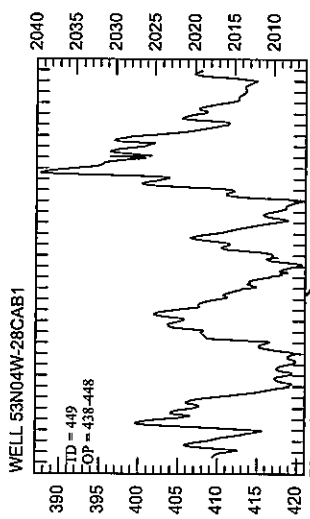
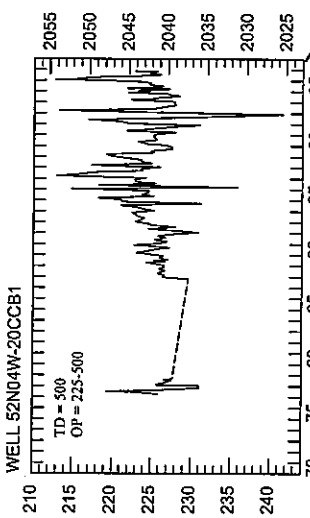
Information, committee notes, and other issues

IDWR will develop a website for the committee, linked to by Ecology. A general model of that website will have the agenda and location for the next meeting, the location and notes of the last meeting, links to the model and any tools developed or new technical information generated, and any other announcements deemed relevant by the committee.

Next meeting: Spokane, early July 2008.

Notes final 2/10/08

Guy J. Gregory/WDOE



RATHDRUM PRAIRIE GROUND WATER MANAGEMENT AREA

Ground Water Hydrographs

Current to 1/1/2007

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 95-9212 IN THE NAME OF) NOTICE OF CONFERENCE
HAYDEN LAKE IRRIGATION DISTRICT)
_____)

On August 7, 2002, HAYDEN LAKE IRRIGATION DISTRICT filed with the Department of Water Resources (department) Application for Permit No. 95-9212. The application was protested by KOOTENAI ENVIRONMENTAL ALLIANCE.

The department has scheduled the matter for conference on Tuesday, JANUARY 26, 2010, at 9:30 AM at the Department of Water Resources, 7600 N Mineral Drive, Suite 100, Coeur d'Alene, ID 83815. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference will be Keith Franklin, Senior Water Resource Agent, based at the Coeur d'Alene office.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within ten (10) days prior to the conference &/or hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 5th day of January, 2010.

Robert G. Haynes
Regional Manager

I hereby certify that on the 5th day of January, 2010, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:

Lianne Ball
Administrative Assistant

Certified Mail
Hayden Lake Irrigation District, PO BOX 162, HAYDEN ID 83835
Kootenai Environmental Alliance, PO BOX 1598, COEUR D ALENE ID 83816

Non-Certified Mail
Scott W Reed, Attorney, 401 Front St., Coeur d Alene, ID 83814

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6 and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (120) days prior to the hearing.

Application No. 95-9212

SPECIAL NOTE: Protestant requests denial of application or conditioned to mitigate harms and impacts identified.

PROTEST INFORMATION SHEET

Protestant(s)

1	Kootenai Environmental Alliance c/o Barry Rosenberg	Phone 667-9093
2	Executive Director	
3	PO Box 1598, CdA ID 83816-1598	Fax same as phone
4		
5		
6		
7		
8		
9		
10		

ATTORNEY

ADDRESS

Scott W. Reed 401 Front St., CdA ID 83814

DATE FILED: 8/7/2002 PROTEST DUE DATE: 4/19/2004

ISSUES: Protestant claims it will be adversely affected by water allocation and management decisions that diminish, over-allocate or otherwise harm Rathdrum

Prairie-Spokane Valley Aquifer and hydraulically connected water resources including Applicant(s) Spokane and Little Spokane Rivers.

ATTORNEY

ADDRESS

DATE

Protest Date Entered on Computer 4/19/04

Acknowledgment Letters Sent 4/19/04

Hearing Date

(Other Dates)

Other Information:

Protest information submitted to computer (following hearing):



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 19, 2004

KOOTENAI ENVIRONMENTAL ALLIANCE
C/O BARRY ROSENBERG EXEC DIRECTOR
PO BOX 1598
COEUR D ALENE, ID 83814-1598

Application to Permit No. 95-9212

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Hayden Lake Irrigation District

SCANNED
NOV 20 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

April 19, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HAYDEN LAKE IRRIGATION DISTRICT
PO BOX 162
HAYDEN ID 83835

Application to Permit No. 95-9212

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Kootenai Environmental Alliance

SCANNED
NOV 20 2007



Kootenai Environmental Alliance

RECEIVED
APR 21 2004
IDWR/North

April 19, 2004

Robert G. Haynes, P.E., Regional Manager
Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd., Suite No. 210
Coeur d'Alene, Idaho 83814-2615

Re: Protest of Application for Permit No. 95-9212, Hayden Lake Irrigation District

Dear Mr. Haynes,

I have discovered a factual error in Kootenai Environmental Alliance's letter protesting Hayden Lake Irrigation District's (HLID) water permit application, No. 95-9212. The error occurred in section 5, third sentence on page 5. It currently reads:

"Moreover, if the District prevails in its current dispute with the City of Coeur d'Alene over the water rights (nos. 95-8273 and 95-8229) that totals 3.12 cfs then, according to the Hayden Lake Irrigation District Water System Master Plan, the application seeks water in excess of its needs."

It should be corrected to read:

"Moreover, if the District prevails in its current dispute with a developer over water rights (Nos. 95-8273 and 95-8229) totaling 3.12 cfs to a well located on property within the HLID service boundary then, according to the Hayden Lake Irrigation District Water System Master Plan, the application seeks water in excess of its needs."

Please note this correction on our protest of the water permit application No. 95-9212 submitted on April 19, 2004. Thank you for your attention to this matter.

Sincerely,

Barry Rosenberg

Barry Rosenberg
Executive Director

cc: Bert Rohrbach



Kootenai Environmental Alliance

April 19, 2004

Robert G. Haynes, P.E., Regional Manager
Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd., Suite No. 210
Coeur d'Alene, Idaho 83814-2615

Re: Protest of Application for Permit No. 95-9212, Hayden Lake Irrigation District

Dear Mr. Haynes,

This protest letter is filed on behalf of the Kootenai Environmental Alliance (KEA). Barry Rosenberg, the executive director, is the Protestant's representative for service. KEA phone number is 208-667-9093. The mailing address is P.O. Box 1598, Coeur d'Alene, ID 83814-1598. The \$25.00 protest fee is enclosed.

Sincerely,

Barry Rosenberg

Barry Rosenberg, Executive Director

Scott W. Reed
Attorney at Law
401 Front Street
Coeur d'Alene, Idaho 83814
Attorneys for Protestant

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 95-9212,) **PROTEST**
in the name of HAYDEN LAKE IRRIGATION DISTRICT)
_____)

This protest is submitted on behalf of the Kootenai Environmental Alliance.

A. Interests of Protestant

Kootenai Environmental Alliance (KEA) is a non-profit corporation incorporated in the state of Idaho, with a mission to protect the environment with an emphasis on the Idaho Panhandle and the Coeur d'Alene basin. KEA has members and supporters who live, work and recreate in north Idaho and eastern Washington, including recreating on the Spokane River. KEA members rely upon the Rathdrum Prairie-Spokane Valley Aquifer as a source of water for drinking water supply and to serve the businesses where they work. KEA members participate actively in the current efforts to obtain a federally funded, comprehensive bi-state study of the Aquifer.

The Protestant and its members are and will continue to be adversely affected by water allocation and management decisions, including the instant application, that diminish, over-allocate, or otherwise harm the Rathdrum Prairie-Spokane Valley Aquifer and hydraulically connected water resources, including the Spokane and Little Spokane Rivers.

B. Basis of Protest

The Protestant protests a water permit application filed by the Hayden Lake Irrigation District. Application No. 95-9212 seeks 4.46 cfs or 2.88 million gallons per day, year-round, for municipal purposes. This protest is based on the criteria set forth in Sec. 42-203A, Idaho Code, and the Idaho municipal provider and groundwater statutes, as more specifically set forth below.

The applicant has provided a water supply plan with the application. For a project of this size and complexity, more information will be required pursuant to IDAPA § 37.03.08.040.05. As the applicant provides that information to IDWR, and as more information becomes available through approved discovery processes, Protestants reserve the right to raise additional issues. The application as submitted are inadequate to meet the standards set forth in controlling regulations and statutes and the applicant will not be able to meet its burden of proof under the law.

(1) The project is contrary to the conservation of resources.

The application is contrary to the conservation of water resources in Idaho, in contravention of IC §42-203A(5)(f), insofar as it proposes to withdraw 2.88 million gallons of water per day from the Rathdrum Prairie-Spokane Valley Aquifer. The Hayden Lake Irrigation District has neither promulgated nor implemented a water conservation plan to limit per capita consumption at reasonable levels or otherwise reasonably control municipal water usage.

The 4.46 cfs or approximate 2.88 million gallons per day (continuous, year-round) requested under the application is not justified by a reasonable water balance. These quantities are excessive and wasteful and do not represent an appropriate water duty for

the purposes set forth in the permit application. Water conservation alternatives are available to reduce the amount of water use contemplated by the Hayden Lake Irrigation District. These alternatives should be considered by IDWR in its determination of beneficial use.

(2) The proposed permits should not be granted until a study of the Rathdrum Prairie-Spokane Valley Aquifer is complete.

A Congressionally funded study of the Rathdrum Prairie-Spokane Valley Aquifer has been proposed and endorsed by agencies, municipalities and businesses throughout the bi-state region. The purpose of the study is to determine how much water is available from the Aquifer and the impacts of pumping on existing water users and local surface water resources such as the Spokane and Little Spokane Rivers. It is premature to grant water permits in the amount contemplated by the Hayden Lake Irrigation District's application until a comprehensive scientific study has established water availability for the region.

(3) Water supply is insufficient.

Water supply is insufficient pursuant to IC § 42-203A(5)(b). Recent hydrogeologic studies indicate that the Rathdrum Prairie-Spokane Valley Aquifer is a finite resource that may be fully allocated. Groundwater withdrawals from the bi-state area may already exceed natural recharge within the basin. As a sole source aquifer, the Rathdrum Prairie-Spokane Valley Aquifer is an invaluable resource to the 400,000-plus citizens of the region who depend upon it for drinking water supply.

Pursuant to IC § 42-226, IDWR must determine whether allocated water rights exceed future average annual recharge to the Aquifer. Idaho has not yet assessed how much water has been allocated under existing water rights or how much water is available

for future allocation and use. Until such an analysis is accomplished, it is appropriate to assume that water supply is not sufficient to fulfill the withdrawals proposed under the permit application protested herein, and that the proposed permit will lead to mining of the Rathdrum Prairie-Spokane Valley Aquifer in violation of Idaho law.

(4) The project will harm the local public interest.

Because of the hydraulic connections between the Rathdrum Prairie-Spokane Valley Aquifer and the Spokane River, the applicant's proposed use will deplete flows in the Spokane River, harming fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality.

Water quality is degraded in the Spokane River with respect to dissolved oxygen, temperature, and other flow-related parameters. Municipal sewage discharge contributes to water quality problems, including violation of water quality standards in Washington State. Withdrawal of water from the Rathdrum Prairie-Spokane Valley Aquifer in the quantity requested in the permit application will deplete flow in the Spokane River, further exacerbating water quality degradation.

The properties to be supplied by the proposed water withdrawal potentially include critical recharge areas for the Rathdrum Prairie-Spokane Valley Aquifer. The development of these properties may reduce recharge to the Aquifer and contribute to groundwater quality degradation.

The cumulative impacts of the proposed Hayden Lake Irrigation District withdrawal, combined with other pending applications and existing water rights will lead to over-allocation of the aquifer, interference with other wells, impacts to the Spokane River and a variety of other potential ills, in violation of the local public interest.

Numerous water right holders in Washington State withdraw water from the Rathdrum Prairie-Spokane Valley Aquifer, including municipal water purveyors that supply virtually the entire population of the Spokane Valley and City of Spokane. The proposed Hayden Lake Irrigation District withdrawals may interfere with the ability of Washington water right holders to access their water rights.

Ultimately, unlimited appropriations will lead to a “race to the bottom” of this finite, sole source aquifer, which will adversely affect citizens and businesses in both states. It is inappropriate for IDWR to grant this and other pending water right applications without full consideration of the impacts of such decisions on bi-state management of the Aquifer. Idaho must engage in water resource management planning that addresses these issues before approving new and sizable water rights, including the instant applications.

(5) The project is speculative.

Pursuant to IC § 42-203A(5)(c), the applicant’s proposed water use is for speculative purposes. With reasonable conservation measures Hayden Lake Irrigation District presently possesses water rights adequate to serve present and reasonably anticipated future needs. Moreover, if the District prevails in its current dispute with the City of Coeur d’Alene over the water rights (nos. 95-8273 and 95-8229) that totals 3.12 cfs then, according to the Hayden Lake Irrigation District Water System Master Plan, the application seeks water in excess of its needs. While Idaho’s municipal water suppliers, pursuant to IC § 42-219, may obtain water for future needs beyond the usual five year proof of completion required for all other water users, they must provide justification for

the quantity of their requests. Hayden Lake Irrigation District has not provided justification for its 2.88 mgd request.

(6) The requested permit would reduce the quantity of water under existing water rights.

The Rathdrum Prairie-Spokane Valley Aquifer is hydraulically connected to the Spokane River. Pumping from the Aquifer influences the quantity and quality of water flowing in the Spokane River. The pumping of approximately 2.88 million gallons per day may affect Spokane River flows in Idaho and reduce them below the levels set forth in the minimum flow water right. This would lead to a reduction in water available to prior water right users, in violation of Section 42.203A(5)(a).

IDWR has issued hundreds of water rights authorizing withdrawals from the Aquifer in the Rathdrum Prairie region. In addition, there are significant numbers of domestic wells, many drilled prior to March 1978. Water permits issued to the Hayden Lake Irrigation District in the quantities requested will draw down the Aquifer, potentially causing adverse impacts to other water users, including lowering pumping levels to unreasonable depths.

These issues are of particular concern when the effects of this water permit are analyzed cumulatively with other pending applications and active permits and licenses.

Finally, and as discussed in the "local public interest" section above, down-gradient water right holders in Washington state will be adversely affected by the pumping of water proposed in this application.

The applicant has offered no proposal to mitigate the impacts of its proposed water withdrawals.

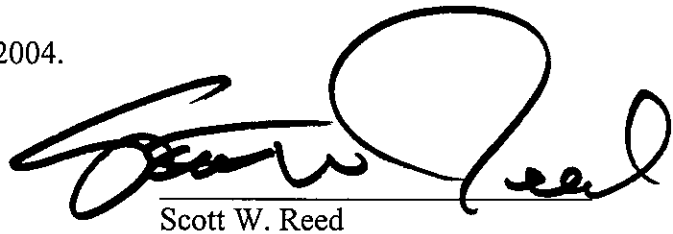
(7) The application is not complete.

Pursuant to IC § 42-202(2), an application for a municipal purpose water permit must contain sufficient information and documentation to establish reasonably anticipated future needs, service area and planning horizons, as defined by statute. The Hayden Lake Irrigation District application does not contain sufficient information and documentation to fulfill this requirement.

C. Relief Sought

For the foregoing reasons, Protestants request that a protest hearing be scheduled and that Hayden Lake Irrigation District Water Permit Application No. 95-9212 be denied or conditioned to mitigate the harms and impacts identified above.

DATED this 19th day of April, 2004.

A handwritten signature in black ink, appearing to read "Scott W. Reed", is written over a horizontal line.

Scott W. Reed

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of April, 2004, I served a true and correct copy of the within and foregoing document upon the party named below by depositing a copy of the same in the United States mail, postage pre-paid, at the post office a Coeur d'Alene, Idaho.

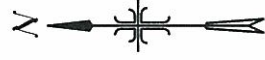
Burt Rohrbach, Chairman
Hayden Lake Irrigation District
P.O. Box 162
Hayden, Idaho 83835



Scott W. Reed

HAYDEN LAKE
IRRIGATION DISTRICT
SERVICE AREA

IN
TOWNSHIP 51 NORTH,
RANGE 4 WEST,
BOISE MERIDIAN,
KOOTENAI COUNTY, IDAHO



NOT TO SCALE

