

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-11542

Priority: November 17, 2009

Maximum Diversion Rate: 0.20 CFS

This is to certify, that BEAN ROAD WATER ASSN
3510 W BEAN AVE
HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.13 CFS
IRRIGATION	03/15 to 11/15	0.12 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, NW1/4SE1/4, Sec. 21, Twp 51N, Rge 04W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 04W 21													X	X			

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 04W 21													1.0	5.0			6.0

Total Acres: 6

PLACE OF USE: STOCKWATER

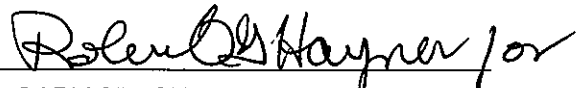
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 04W 21													X	X			

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-11542

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2015**.
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. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
5. Domestic use is for 8 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
7. Stockwater use is for 50 head of mixed stock.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
10. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

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 28th day of June, 2010.


GARY SPACKMAN, Interim Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 30, 2010

BEAN ROAD WATER ASSN
3510 W BEAN AVE
HAYDEN ID 83835

RE: Permit No.95-11542

Permit Approval Notice

Dear Permit Holder:

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

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

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 stylized with a large initial "K" and a long, sweeping underline.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

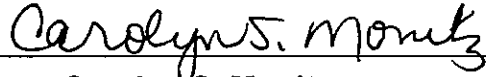
CERTIFICATE OF SERVICE

I hereby certify that on June 30, 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.

95-11542

**BEAN ROAD WATER ASSN
3510 W BEAN AVE
HAYDEN ID 83835**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**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.

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

W.R. # 95-11542 APPLICATION ID # 76139 ENT. 11/19/09 BCA 2/26/10 OK to Publish 2/24/10
 APPLICANT: Bean Road Water Association INITIAL REVIEW BY: KJ DATE: 11/19/2009

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 11/19 By: KJ
☐ Field check: by _____
☐ Field report attached _____
☐ Analysis Supp. attached (>5cfs/500af) _____
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 11/17/2009
 (Include Moratorium Remark)
 Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
 ADVERTISE IN: Kootenai County
 Newspaper: IDAHO FALLS TRIBUNE
 Dates scheduled for publication 3/4 & 11/10
 Affidavit of Publication received: 3/12/10
 Dates actually published: 3/4 & 11/10
 Application published correctly. Yes ☒ No _____
 If not, action taken: _____

Final Date for Protest: 3/22
 Protests Received: Yes _____ No ☒

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>752022</u>		Dom. ☒ Non-Dom. _____	Paid \$ _____		Y () N (☒) <u>1983</u>
		Dom. _____ Non-Dom. _____	Paid \$ _____		Y () N ()
		Dom. _____ Non-Dom. _____	Paid \$ _____		Y () N ()

- ☐ Groundwater management area
☐ Critical ground water area
☐ Well Drilling Permit required
☐ Well Drilling Application and Fees received
☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)
☒ Notice of pending void order issued. Final order response date: ____/____/____
☒ Further information required from applicant _____

☒ Measuring device required
☒ Measuring port required
☒ Special conditions: Rathdrum Prairie GLWA
☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Keith Franklin Date: 4/18/2010 Sr. Agent initial KJ

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

SS.

Kelli Buley

RECEIVED
MAR 12 2010
IDWR/NORTH

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

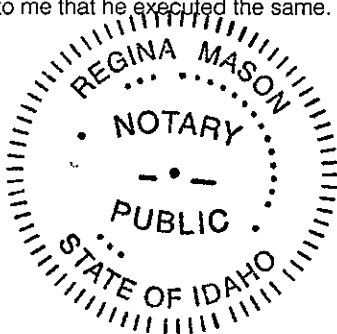
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 4 day of March, 20 10, and ending on the 11 day of March, 20 10, and such publication was made as often during said period as said Daily newspaper was regularly 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 11 day of March 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 appropriate the public waters of the State of Idaho:

95-11522

MARK ALAN KONTOS

2516 EAST SUMMIT DR

COEUR D'ALENE, ID 83815

Point of Diversion L3(SENW) S21 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Date Filed: 11/13/2009

Place Of Use: DOMESTIC T51N R03W S21 L3(SENW) L3(NESW)

Domestic use is for 1 home.

95-11523

KAY A REYNOLDS

6022 N VISTA RIDGE LN

SPOKANE, WA 99217

Point of Diversion L2(NWNW) S14 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Date Filed: 11/13/2009

Place Of Use: DOMESTIC T51N R03W S14 L2(NWNW)

Domestic use is for 1 home.

95-11529

JOYCE GUNNING

1220 E BRIERWOOD DR

SPOKANE, WA 99218

Point of Diversion L6(SWNE) S11 T50N R05W KOOTENAI CO

Source SPOKANE RIVER Tributary COLUMBIA RIVER

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

Date Filed: 11/13/2009

Place Of Use: IRRIGATION T50N R05W S11 L6(SWNE)

Total Acres: 1

95-11530

DAVID STOREY

1020 E PLATEAU RD

SPOKANE, WA 99203

Point of Diversion L2(NWNW) S14 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Date Filed: 11/16/2009

Place Of Use: DOMESTIC T51N R03W S14 L2(NWNW)

Domestic use is for 1 home.

95-11537

SUNNY HILLS WATER ASSN INC

14205 N TAYLORS TERRACE RD

HAYDEN LAKE, ID 83835

Point of Diversion SENE S4 T51N R03W KOOTENAI CO

Source GROUND WATER

Point of Diversion L4(SWNW) S3 T51N R03W KOOTENAI CO

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION	03/15 to 11/15	0.12 CFS
Use: DOMESTIC	01/01 to 12/31	0.13 CFS
	Total Diversion:	0.2 CFS

Date Filed: 11/16/2009

Place Of Use: DOMESTIC

T51N R03W S3 L4(SWNW)

T51N R03W S4 L1(NENE) SENE

Place Of Use: IRRIGATION same as DOMESTIC

Domestic use is for 8 homes

Total Acres: 4.5

95-11541

WILLIAM HART

JAN HART

191 S CARR ST

LAKEWOOD, CO 80226

Point of Diversion L2(NWNW) S14 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Date Filed: 11/16/2009

Place Of Use: DOMESTIC T51N R03W S14 L2(NWNW)

Domestic use is for 1 home.

95-11542

BEAN ROAD WATER ASSN

3510 W BEAN AVE

HAYDEN, ID 83835

Point of Diversion NWSE S21 T51N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION	03/15 to 11/15	0.12 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Use: DOMESTIC	01/01 to 12/31	0.13 CFS
	Total Diversion:	0.2 CFS

Date Filed: 11/17/2009

Place Of Use: DOMESTIC T51N R04W S21 NESE NWSE

Place Of Use: Other uses same as DOMESTIC

Total Acres: 6

Domestic use is for 8 homes

Stockwater use is for 50 head of mixed stock.

95-11548

ROBERT NEWELL

14754 N DONART CT

HAYDEN, ID 83835

Point of Diversion L7(SWSW) S34 T52N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: DOMESTIC	01/01 to 12/31	0.02 CFS
	Total Diversion:	0.02 CFS

Date Filed: 11/16/2009

Place Of Use: DOMESTIC T52N R03W S34 L7(SWSW)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 3/22/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 9168

March 4, 11, 2010

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

95-11522

MARK ALAN KONTOS

2516 EAST SUMMIT DR

COEUR D'ALENE, ID 83815

Point of Diversion L3(SENW) S21 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 11/13/2009

Place Of Use: DOMESTIC T51N R03W S21 L3(SENW)

L3(NESW)

Domestic use is for 1 home.

95-11523

KAY A REYNOLDS

6022 N VISTA RIDGE LN

SPOKANE, WA 99217

Point of Diversion L2(NWNW) S14 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 11/13/2009

Place Of Use: DOMESTIC T51N R03W S14 L2(NWNW)

Domestic use is for 1 home.

95-11529

JOYCE GUNNING

1220 E BRIERWOOD DR

SPOKANE, WA 99218

Point of Diversion L6(SWNE) S11 T50N R05W KOOTENAI CO

Source SPOKANE RIVER Tributary COLUMBIA RIVER

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

Total Diversion: 0.03 CFS

Date Filed: 11/13/2009

Place Of Use: IRRIGATION T50N R05W S11 L6(SWNE)

Total Acres: 1

95-11530

DAVID STOREY

1020 E PLATEAU RD

SPOKANE, WA 99203

Point of Diversion L2(NWNW) S14 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 11/16/2009

Place Of Use: DOMESTIC T51N R03W S14 L2(NWNW)

Domestic use is for 1 home.

95-11537

SUNNY HILLS WATER ASSN INC

14205 N TAYLORS TERRACE RD

HAYDEN LAKE, ID 83835

Point of Diversion SENE S4 T51N R03W KOOTENAI CO

Source GROUND WATER

Point of Diversion L4(SWNW) S3 T51N R03W KOOTENAI CO

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

Use: DOMESTIC 01/01 to 12/31 0.13 CFS

Total Diversion: 0.2 CFS

Date Filed: 11/16/2009

Place Of Use: DOMESTIC

T51N R03W S3 L4(SWNW)

T51N R03W S4 L1(NENE) SENE

Place Of Use: IRRIGATION same as DOMESTIC

Domestic use is for 8 homes

Total Acres: 4.5

95-11541

WILLIAM HART

JAN HART

191 S CARR ST

LAKEWOOD, CO 80226

Point of Diversion L2(NWNW) S14 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 11/16/2009

Place Of Use: DOMESTIC T51N R03W S14 L2(NWNW)

Domestic use is for 1 home.

95-11542

BEAN ROAD WATER ASSN

3510 W BEAN AVE

HAYDEN, ID 83835

Point of Diversion NWSE S21 T51N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

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

Use: DOMESTIC 01/01 to 12/31 0.13 CFS

Total Diversion: 0.2 CFS

Date Filed: 11/17/2009

Place Of Use: DOMESTIC T51N R04W S21 NESE NWSE

Place Of Use: Other uses same as DOMESTIC

Total Acres: 6

Domestic use is for 8 homes

.Stockwater use is for 50 head of mixed stock.

95-11548

ROBERT NEWELL

14754 N DONART CT

HAYDEN, ID 83835

Point of Diversion L7(SWSW) S34 T52N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.02 CFS

Date Filed: 11/16/2009

Place Of Use: DOMESTIC T52N R03W S34 L7(SWSW)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 3/22/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 3/4/2010 and 3/11/2010

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 24, 2010 4:08 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: LegalNotice 02-24-10 CDA e-mail 95-11522.23,29,30,37,41,42,48.doc to publish March 4 and 11, 2010

Good afternoon, Kelli,

Well, this is the third try – they have installed new programs for me today and I have lost 2 e-mails I was trying to send to you and have no idea where they went. If you get them ~ they were not complete so hopefully this will work.

Please publish this on the dates indicated – March 4 and 11, 2010. If you can't publish on those dates, please contact me as soon as possible.

I will need a proof/preview copy for my review before this goes to press. Still trying to match your new narrower column widths – even with the 2 column I'm having a wee bit of trouble.



LegalNotice
2-24-10 CDA e-mai.

Thanks for your super help. You are a blessing, and you help make my job a little easier. [Also, isn't copy and paste a great help?]

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 24, 2010 10:17 AM
To: mary.terra-berns@idfg.idaho.gov; cwashburn@idl.idaho.gov
Subject: RE: Application for Permit No. 95-11522 Kontos, 95-11523 Reynolds, 95-11529 Gunning, 95-11530 Storey, 95-11537 Sunny Hills, 95-11541 Hart, 95-11548 Newell

Attachments: 95-11522 Kontos.pdf; 95-11523 Reynolds.pdf; 95-11529 Gunning.pdf; 95-11530 Storey.pdf; 95-11537 Sunny Hills.pdf; 95-11541 Hart.pdf; 95-11548 Newell.pdf

Dear Mary and Carl,

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is enclosed for your reference.



95-11522
Kontos.pdf (253 KB)



95-11523
Reynolds.pdf (340 KB)



95-11529
Gunning.pdf (199 KB)



95-11530
Storey.pdf (281 KB)



95-11537 Sunny
Hills.pdf (249 ...)



95-11541 Hart.pdf
(284 KB)



95-11548
Newell.pdf (192 KB)

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Barring any complications, these are being scheduled for publication March 4 and 11, 2010, with final date for protest being March 22, 2010.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 24, 2010

BEAN ROAD WATER ASSN
3510 W BEAN AVE
HAYDEN, ID 83835

Application For Permit No. 95-11542

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 3/4/2010 and 3/11/2010. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Keith Franklin
Sr. Water Resource Agent

Permit
754022
Well ID
275316

[illegible]

1116745

WELL AND WATER AGREEMENT

THIS AGREEMENT MADE AND ENTERED into this 12th day of May, 1988, by and between the undersigned parties for the purpose of establishing the rights, responsibilities, costs and ownership of a water well which is presently located on the following described real property, to wit:

Tract 280 Hayden Lake Irrigation Tract, as located in Section 21, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho.

PURPOSE AND NAME

The purpose of this Agreement is to form a Water Association. The name of the Association shall be "THE BEAN ROAD WATER ASSOCIATION".

WELL

The well which is the subject of this Agreement is an 8 inch steel cased well approximately 340 feet deep which produces 100 plus gallons per minute pursuant to a Well Driller's Report filed with the State of Idaho Department of Water Resources by Ponderosa Drilling on the 19th day of October, 1983. The well was drilled for the purposes of obtaining water for certain tracts of land which shall receive water from this well.

PROPERTY TO BE SERVED

The water rights to this well shall be appurtenant to eight (8) parcels of property. The property is described as follows, to wit:

PARCEL I: *Al Beaudene - Sold to*

The East Half of Tract 276, Hayden Lake Irrigation Tract, as located in Section 21, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho.

PARCEL II: *Craig Frei*

The West Half of Tract 276, Hayden Lake Irrigation Tract, as located in Section 21, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho.

PARCEL III: *Frank Winn → Terry Allen* *Sold to Earling*
 The East Half of Tract 281, Hayden Lake Irrigation Tract, as located in Section 21, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho.

PARCEL IV: *Ron Mills →*
 The West Half of Tract 281, Hayden Lake Irrigation Tract, as located in Section 21, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho.

PARCEL V: *Wayne Earling*
 Tract 277A Hayden Lake Irrigation Tract, as located in Section 21, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho. *Split 277 B*

PARCEL VI: *Stan Mauer*
 Tract 278, Hayden Lake Irrigation Tract, as located in Section 21, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho.

PARCEL VII: *Gridley Investment*
 Tract 279, Hayden Lake Irrigation Tract, as located in Section 21, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho.

PARCEL VIII: *Gridley Investment*
 Tract 280, Hayden Lake Irrigation Tract, as located in Section 21, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho.

VOTING RIGHTS

It is understood and agreed that each of the above parcels shall have one (1) vote. In the event that any such parcel should be subdivided, then and in that event, the vote for the original parcel shall be shared by the parties to said subdivision unless otherwise modified by all of the owners of the well as provided by this Agreement.

If more than one person holds an interest in any one parcel, the vote for such parcel shall be exercised as all of the owners of said parcel shall, among themselves, determine for said one vote.

RESTRICTIONS AS TO TRANSFER OF WATER RIGHTS

It is understood and agreed that the water rights as have been established in the well by this Agreement shall be appurtenant to the above described parcels and cannot be assigned,

transferred, or otherwise hypothecated from the ownership of the parcels to which it is appurtenant.

In the event the subject matter property to which the water right is sold, transferred, or assigned, the water right and the the well and system shall likewise be transferred and assigned.

EASEMENTS AND ACCESS

The owners of the above described properties hereby establish an easement to obtain access to the well. Said easement shall be located ten (10) feet of either side of the boundary line between the West Half of Tract 281 and Tract 280, Hayden Lake Irrigation Tract, as well as the boundary line between Tract 280 and Tract 277, Hayden Lake Irrigation Tract. In the event that a fence or other obstruction is constructed along this boundary line separating the above described properties, then the party so constructing the fence shall allow access across his property to the well for the purposes of maintenance, repair and continued operation of the well.

Furthermore, the parties hereby establish a ten (10) foot easement along the South boundary line of Tracts 278, 277, the West Half of 276, and the North boundary line of Tracts 279, 280, and the West Half of 281 for the purposes of installation, maintenance and continued operation of a water transmission line connected to the well.

CAPITAL IMPROVEMENTS AND HOOK-UP FEES

It is necessary for the continued use, development and operation of the well that a capital fund be established for the purchase and installation of the well and water distribution line to be established along the easement as described above. It is acknowledged that certain property owners may wish to develop the well and place the water distribution line in place prior to all parties receiving water from said well. Such members who so develop the well shall advance the costs of such development and shall establish a capital account. This capital account shall include all costs for acquiring and installing the pumps, reservoirs and water distribution lines, as well as all other appurtenances which are necessary. It is also necessary that

after the well has been developed and the distribution lines placed along the easement, that a reserve account be established to guarantee further operation of the well.

Each member shall be required to pay an initial hook-up of SEVEN HUNDRED DOLLARS (\$700.00) prior to their hook-up to the water system. This hook-up fee shall be used first to reimburse the party or parties to whom first developed the water system, and if there is any remainder to be deposited into a reserve account to be established by the parties.

Furthermore, there shall be a monthly assessment which shall be due by each member once they have hooked up to the water system. This monthly assessment may be changed from time to time pursuant to the desires of the members. The present monthly assessment shall be \$_____. Said monthly assessment shall be used to pay for the continued costs, operation and repair of the system, and any excess shall be placed in the reserve account. This monthly assessment shall be due per each hookup as specified above.

METERING AND WATER USE

At the outset of this Agreement, the amount of water which is used by each household shall not be metered, and the only cost shall be the established monthly assessment. In the event the members decide they wish to meter the water for the purposes of determining the amount of use and costs to be assessed to each party, then and in that event, each party gives the right of the association to install a water measuring meter on their individual lines and to provide access for the purposes of servicing and reading said meter.

EXTRAORDINARY ASSESSMENTS

In addition to the monthly assessments authorized above, the members may levy extraordinary assessments for the purpose of deferring, in whole or in part, the costs of capital improvements

or expansion to the water system or to defray any anticipated or underestimated regular monthly assessments.

LIEN RIGHTS

The members of the group shall have a lien against the interest of each owner of the property to secure full and prompt payment of all hook-up fees, assessments or extraordinary assessments levied for the operation of the well and the water system pursuant to this Agreement. In the event of default by any owner, said interest of the owner may be foreclosed by the other owners in the same manner as a realty mortgage may be foreclosed by sale pursuant to Idaho Code and to end, a power of sale is hereby conferred upon the owners. Any assessments which are not paid when due shall be delinquent and subject to interest at the highest rate allowable by law. If any part of the assessments are not paid and received by the association or the designated agent within TWENTY (20) days after the date due, an automatic late charge of TEN DOLLARS (\$10.00) shall be charged, the association may bring any action against a member personally obligated to pay the assessments, and in addition thereto, may foreclose the lien above provided. No member may waive or otherwise escape liability for the assessment provided for herein by non-use of the water system after hook-up or abandonment of his parcel.

Furthermore, in the event of non-payment, the right to use the water shall be forfeited until such time as all assessments and charges have been paid in full. The water system will be cut off upon giving the owner ten (10) days notice at their last known residence.

MEETINGS OF MEMBERS

For the purposes of operating this Agreement, a majority rule shall be required. For the purposes of amending these covenants, a SEVENTY-FIVE PERCENT (75%) vote shall be required. A majority vote shall control all business activity of the owners as to costs, expenditures and replacement.

Prior to any meeting, there shall be written notice at least ten (10) days before the meeting providing a written description of the terms to be discussed at said meeting.

Special meetings may be held at any time for any purpose so long as all owners are notified of said meeting.

DESIGNATED AGENT

Owners shall appoint a designated agent to operate the books and to periodically check the maintenance on the well. Other expenditures shall only be incurred upon a majority vote of the owners. Said designated agent shall be entitled to a monthly fee of TWENTY DOLLARS (\$20.00) for collecting the assessments and periodic maintenance of the well. Until such time a general or special meeting is held, _____ shall be the designated agent.

SHORTAGE

In the event there is inadequate water which is produced by the well, then and in that event, the water shall be limited to domestic use and second to livestock. The use shall be restricted pursuant to the requirement and limitations as are imposed by the Department of Natural Resources, State of Idaho, in lean years.

LIMITATIONS AS TO USE

The well and all pipe lines, storage tanks, and other appurtenant equipment shall be owned equally by the owners of the above described property. The use of the well shall be limited to domestic use for a single family dwelling and small garden watering. There shall be no general irrigation which shall be allowed from the system without the prior written consent of the majority of the votes.

REASONABLE USE

Each party agrees to not unnecessarily burden or increase the use upon the water system. In the event that any one owner's use is unreasonable or excessive, the majority of the owners may decide to increase the assessment for the unreasonable use to defer the cost, maintenance, electricity and upkeep resulting from the unreasonable use.

ARBITRATION

In the event there is any disagreement as to the use, burden, assessments, or other disagreements concerning the owners, one to the other, said disagreement shall be decided by arbitration by the parties for the purposes of rendering a decision.

RESTRICTED USE

It is understood and agreed that the water and well use is appurtenant to the eight (8) parcels of property above described and shall not be transferred, assigned, or gifted to any other property which is not described herein. The right to use the water cannot be severed, transferred, assigned or segregated from the property to which it is appurtenant and a Memorandum of this Agreement shall be recorded in the Recorder's Office of Kootenai County, State of Idaho, and shall become a condition of record upon all described properties.

LIMITATION OF EXPANSION

Unless there is an unanimous decision by all of the owners, the system cannot be expanded to property which is not described in this Agreement. In the event that the owners of all eight (8) parcels of property described herein should agree, then the new owner shall be bound by the terms, conditions and covenants as stated herein, and this Agreement shall be recorded and become an encumbrance and restriction upon record upon the expanded property.

MAINTENANCE AND REPAIR COSTS

It is understood that each owner shall be responsible for the costs of water distribution from the main line to the point of use on each particular property. Any and all costs incurred for the repair, maintenance or replacement of the main well or pump apparatus shall be paid by the group of owners. In the event there is not adequate reserve funds available to pay for the cost of the repair or replacement, then and in that event, the costs of repair shall be paid by the owners based upon those hooked on to the system. For example, in the event there are five (5) parcels which have been hooked-up to the well system, then each of the

owners of the residences shall pay a one-fifth (1/5) share in any amount not covered by the reserve account.

ALTERING, AMENDING, OR APPEALING THE
CONDITIONS, RESTRICTIONS AND COVENANTS

The conditions, restrictions and covenants may be altered, amended or appealed and new rules and covenants may be adopted by the members at any regular or special meeting of the members. It is understood that they cannot be amended without a three-quarters (3/4) vote of the members. No amendment or appeal shall be allowed which would remove, alter, or destroy another member's right to receive water or a share in the system without a unanimous consent.

ATTORNEY'S FEES

It is understood and agreed that if any owner should violate the terms and conditions of this Agreement and legal action is necessary for the enforcement of this Agreement, the prevailing party is entitled to reasonable attorneys fees and costs.

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

x Wayne S. Earling Frank Wilson

x Rebecca W. Earling

Rose M. Wilson

Lila M. Noland

Fred H. Noland by Lila M. Noland, attorney in fact.

KOOTENAI INVESTMENT CO., INC.

John A. Stiller
John A. Stiller

1116745

STATE OF IDAHO)
)ss.
COUNTY OF Kootenai)

On this 12th day of May, 1988, before me, DOROTHY CAPAUL, a Notary Public in and for said State, personally appeared WAYNE L. EARLING and REBECCA JO EARLING, 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.

Dorothy Capaul
NOTARY PUBLIC for Idaho
Residing at: Coeur d'Alene
Comm. Expires: April 3, 1994

STATE OF IDAHO)
)ss.
COUNTY OF Latah ~~Kootenai~~)

On this 13th day of May, 1988, before me, KATHLEEN MATTOON, a Notary Public in and for said State, personally appeared ~~FRED H. NOLAND~~ and LILA M. NOLAND 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.

Kathleen Mattoon
NOTARY PUBLIC for Idaho
Residing at:
Comm. Expires:

STATE OF IDAHO)
)ss.
COUNTY OF Latah ~~Kootenai~~)

On this 13th day of May, 1988, before me, KATHLEEN MATTOON, a Notary Public in and for said State, personally appeared LILA ~~M~~ NOLAND known or identified to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact of FRED H. NOLAND and acknowledged to me that LILA ~~M~~ NOLAND subscribed the name of FRED H. NOLAND thereto as principal, and own as Attorney in Fact.

Kathleen Mattoon
NOTARY PUBLIC for Idaho
Residing at:
Comm. Expires:

STATE OF IDAHO

County of Kootenai

ss.

On this 13th day of May, 1988, before me, Shirley V. Morrow, a Notary Public in and for said state, personally appeared Jay J. Gridley and Robert A. Gridley known or identified to me to be the Vice-President and Secretary of the corporation that executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year in this certificate first above written.

Shirley V. Morrow
Notary Public for Idaho
Residing at Coeur d'Alene
My commission expires: 8-31-93

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss

AT THE REQUEST OF _____

KOOTENAI COUNTY TITLE CO.

At 30 minutes past 2 o'clock PM

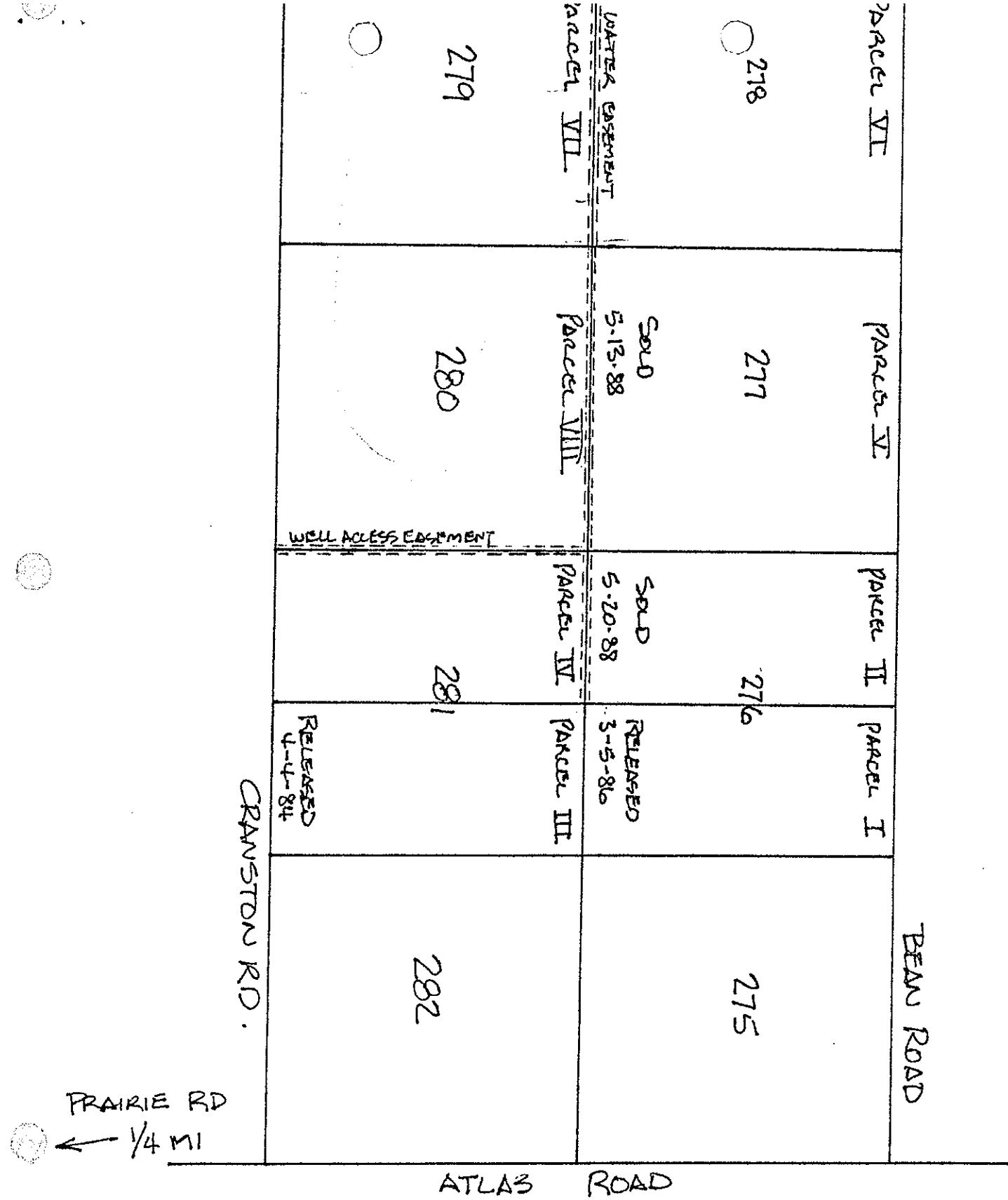
Shirley Morrow

MAY 13 1988

By Frances Bowler Deputy

Fee \$ 30.00

Return to _____



Parcel VI

Parcel V

Parcel II

Parcel I

Parcel VII

Parcel VIII

Parcel IV

Parcel III

BEAN ROAD

ATLAS ROAD

CRANSTON RD.

PRAIRIE RD
← 1/4 MI

278

277

276

275

279

280

281

282

WATER EASEMENT

WELL ACCESS EASEMENT

SOLD

5-13-88

SOLD

5-20-88

RELEASED

3-5-86

RELEASED
4-4-84

1. WELL OWNER

Name BACKACRES (Bud Budvarson)
201 Lakeside
Address Coeur d'Alene ID 83814

Owner's Permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☐ XX Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness		Diameter		From	To
.250	inches	8	inches +	1½	feet
	inches		inches		feet
	inches		inches		feet
	inches		inches		feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation inches by inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 18 Material used in seal: ☐ Cement grout

☒ Bentonite ☐ Pudding clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

☐ Cemented between strata

7. WATER LEVEL

Static water level 280 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped
------------------	---------------	--------------

100+ ESTIMATED AIRLIFT

9. LITHOLOGIC LOG

[illegible]

RECEIVED
JUN 11 1983

Department of Water Resources
Northern District Office



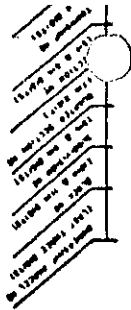
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FOOTNOTES
DAHO

SECTION NUMBER WRITTEN
IN STANDARD FORM

1	2	3	4	5	6	7	8	9	10	11	12
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SECTION NAME AND NUMBER WRITTEN
IN STANDARD FORM



1	2	3	4	5	6	7	8	9	10	11	12
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