

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-11369

Priority: October 14, 2009

Maximum Diversion Rate: 0.23 CFS

This is to certify, that **POULOS LOTS WATER ASSN**
1732 OAK AVE
DAVIS CA 95616
(530) 753-4450

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	0.11 CFS
IRRIGATION	03/15 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (NE1/4NW1/4) Sec. 11, Twp 51N, Rge 03W, B.M.
KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 03W 11					X												
					L 2												

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 03W 11					4.0												4.0
					L 2												

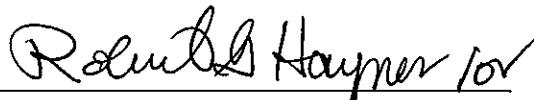
Total Acres: 4

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-11369

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 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. 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
7. Domestic use is for 5 homes.

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 29th day of March, 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

April 1, 2010

POULOS LOTS WATER ASSN
1732 OAK AVE
DAVIS CA 95616

RE: Permit No.95-11369

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 fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

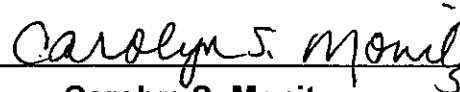
CERTIFICATE OF SERVICE

I hereby certify that on April 1, 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.

95-11369

**POULOS LOTS WATER ASSN
1732 OAK AVE
DAVIS CA 95616**

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. # 95-11369

APPLICATION ID # 76040

ENT. 10/3/10 BCA 1/26/10 OK to Publish 1/26/10

APPLICANT: Poules Lots Water Assn. INITIAL REVIEW

BY: KJ DATE: 10/21/2009

ITEM REQUIRED INFORMATION

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

PROCESSING

(Yes)(No) PRIORITY DATE: 10/14/2009

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

ADVERTISE IN:

Newspaper: Kootenai County
Dates scheduled for publication 2/4 + 11/10
Affidavit of Publication received: 2/12/10
Dates actually published: 2/4 + 11/10
Application published correctly. Yes ☒ No ☐
If not, action taken: _____

Final Date for Protest: 2/22/10
Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

☐ Dam Information ☐ Fish Information
☐ Power Information ☐ Other: _____

INFORMATION RECEIVED:

☐ Dam Information ☐ Fish Information
☐ Power Information ☐ Other: _____

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

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 10/3/10 By: KJ
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached (>5cfs/500af)
☐ Water delivered by water master? Water District # _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>754616</u>		Dom. ☒ Non-Dom. ☐	Paid \$ <u>185</u>	<u>N022533</u>	Y (☒) N (☐) <u>paid</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: _____
☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: [Signature] Date: 3/10/2010 Sr. Agent initial KJ

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

95-11365

TERRANCE DOBSON

JUDITH K DOBSON

6961 E HAYDEN BLVD

HAYDEN, ID 83835

Point of Diversion L4(NESW) S15 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

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

Total Diversion: 0.08 CFS

Date Filed: 10/8/2009

Place Of Use: IRRIGATION T51N R03W S15 L4(NESW)

Place Of Use: DOMESTIC same as IRRIGATION

Total Acres: 1

Domestic use is for 1 home.

95-11366

DOWREYS WESTWOOD WATER LLC

2434 W WESSON AVE

ATHOL, ID 83801

Point of Diversion SESW S15 T53N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.09 CFS

Use: DOMESTIC 01/01 to 12/31 0.15 CFS

Total Diversion: 0.2 CFS

Date Filed: 10/14/2009

Place Of Use: DOMESTIC T53N R04W S15 SW SWSE

Total Acres: 3

Domestic use is for 13 homes.

95-11369

POULOS LOTS WATER ASSN

1732 OAK AVE

DAVIS, CA 95616

Point of Diversion L2(NENW) S11 T51N R03W KOOTENAI CO

Source GROUND WATER

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

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

Total Diversion: 0.23 CFS

Date Filed: 10/14/2009

Place Of Use: DOMESTIC T51N R03W S11 L2(NENW)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 4

Domestic use is for 5 homes

95-11377

GEORGE LANDERSEN

5242 E WAVERLY LOOP

HAYDEN, ID 83835

Point of Diversion L2(SWNW) S16 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 10/15/2009

Place Of Use: DOMESTIC T51N R03W S16 L2(SWNW)

Domestic use is for 1 home.

95-11378

MCALLISTER FAMILY TRUST

1734 E ST. JAMES AVE

HAYDEN, ID 83835

Point of Diversion L4(SWSW) S31 T52N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

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

Total Diversion: 0.17 CFS

Date Filed: 10/15/2009

Place Of Use: IRRIGATION T52N R03W S31 L4(SWSW)

Place Of Use: STOCKWATER T52N R03W S31 L4(SWSW)

Total Acres: 5

Stockwater is for 10 head of mixed stock

95-11379

GEORGE R ZUBER

19950 W RIVERVIEW DR

POST FALLS, ID 83854

Points of Diversion(2) NENW S18 T50N R05W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 10/16/2009

Place Of Use: IRRIGATION T50N R05W S7 SESW

T50N R05W S18 NENW

Total Acres: 8

95-11385

ANNE MARIE COULSON

JAMES MICHAEL COULSON

303 PALM DR

HERMOSA BEACH, CA 90254

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: 10/16/2009

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

Domestic use is for 1 home.

95-11389

DONALD L NICOL

3801 S LORETTA DR

SPOKANE VALLEY, WA 99206

Point of Diversion L3(SWNE) S15 T51N 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: 10/20/2009

Place Of Use: DOMESTIC T51N R03W S15 L3(SWNE)

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 2/22/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 8920

February 4, 11, 2010

RECEIVED
FEB 12 2010

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

SS.

Kelli Buley 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.

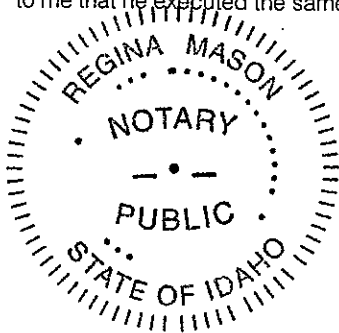
3. The Legal Notice

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 February 20 10, and ending on the 11 day of February 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 February in the year of 2010, before me, a Notary Public, personally appeared Kelli Buley, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

MY COMMISSION EXPIRES 6/18/15



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

95-11365

TERRANCE DOBSON
JUDITH K DOBSON
6961 E HAYDEN BLVD
HAYDEN, ID 83835

Point of Diversion L4(NESW) S15 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

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

Total Diversion: 0.08 CFS

Date Filed: 10/8/2009

Place Of Use: IRRIGATION T51N R03W S15 L4(NESW)

Place Of Use: DOMESTIC same as IRRIGATION

Total Acres: 1

Domestic use is for 1 home.

95-11366

DOWREYS WESTWOOD WATER LLC
2434 W WESSON AVE
ATHOL, ID 83801

Point of Diversion SESW S15 T53N R04W KOOTENAI CO

Source GROUND WATER

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POULOS LOTS WATER ASSN
1732 OAK AVE
DAVIS, CA 95616

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Source GROUND WATER

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

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Place Of Use: DOMESTIC T51N R03W S11 L2(NENW)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 4

Domestic use is for 5 homes

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5242 E WAVERLY LOOP
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Source HAYDEN LAKE Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 10/15/2009

Place Of Use: DOMESTIC T51N R03W S16 L2(SWNW)

Domestic use is for 1 home.

95-11378

MCALLISTER FAMILY TRUST
1734 E ST. JAMES AVE
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Point of Diversion L4(SWSW) S31 T52N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

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

Total Diversion: 0.17 CFS

Date Filed: 10/15/2009

Place Of Use: IRRIGATION T52N R03W S31 L4(SWSW)

Place Of Use: STOCKWATER T52N R03W S31 L4(SWSW)

Stockwater is for 10 head of mixed stock

95-11379

GEORGE R ZUBER
19950 W RIVERVIEW DR
POST FALLS, ID 83854

Points of Diversion(2) NENW S18 T50N R05W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.16 CFS
Total Diversion: 0.16 CFS

Date Filed: 10/16/2009

Place Of Use: IRRIGATION T50N R05W S7 SESW
T50N R05W S18 NENW

Total Acres: 8

95-11385

ANNE MARIE COULSON

JAMES MICHAEL COULSON

303 PALM DR

HERMOSA BEACH, CA 90254

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: 10/16/2009

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

Domestic use is for 1 home.

95-11389

DONALD L NICOL

3801 S LORETTA DR

SPOKANE VALLEY, WA 99206

Point of Diversion L3(SWNE) S15 T51N 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: 10/20/2009

Place Of Use: DOMESTIC T51N R03W S15 L3(SWNE)

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 2/22/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 2/4/2010 and 2/11/2010

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, January 27, 2010 12:16 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: Application for Permit No. 95-11365, 95-11366, 95-11369, 95-11377, 95-11378, 95-11379, 95-11385, 95-11389

Attachments: LegalNotice 01-27-10 CDA e-mail 95-11365,66,69,77,78,79,85,89.doc

Hi, Kelli,

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

If you have any questions, please call me at the number below, or reply to this e-mail.

Please send a proof/preview copy for my review so I can check layout before this goes to press.



LegalNotice
1-27-10 CDA e-mail

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/22/2010. Your cooperation is very greatly appreciated.

Thanks, Kelli, for all your SUPER help, and have a marvelous afternoon and evening!

One joy scatters a hundred griefs.

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

January 27, 2010

POULOS LOTS WATER ASSN
1732 OAK AVE
DAVIS, CA 95616

Application For Permit No. 95-11369

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 2/4/2010 and 2/11/2010. 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,

A handwritten signature in black ink, appearing to read 'Keith C. Franklin'.

Keith Franklin
Sr. Water Resource Agent

Enc. Receipt No. N022467

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

777235

Office Use Only		
Inspected by		
Twp	Rge	Sec
1/4	1/4	1/4
Lat	:	Long

1. DRILLING PERMIT NO. TAG#D3877

95-98N72

Other IDWR No.

2. OWNER

Name SHERMAN, LARRY

Well Number:

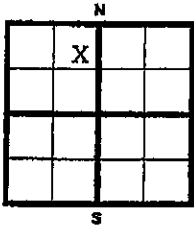
709

Address PO BOX 1158

City HAYDEN LAKE State ID Zip 83835

3. LOCATION OF WELL by legal description

sketch map location must agree with written location



Twp. 51 ☒ North or ☐ South

Rge. 03 ☐ East or ☒ West

Sec. 11 1/4 NE 1/4 NW 1/4

Gov't Lot County KOOTENAI

Lat: : : Long: : :

Address of Well Site MOKINS BAY

City HAYDEN LAKE

(Give at least name of road + Distance to Road or Landmark)

Blk. Sub. Name

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement, etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEA/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	18	4 BAGS	OVERBORE

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 18

Was drive shoe seal tested? ☐ Y ☐ N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+2	18	.250	STEEL	☒	☐	☒	☐
4	-8	303	.160	PVC	☐	☒	☐	☐

Length of Headpipe Length of Tailpipe

9. PERFORATIONS/SCREENS

☒ Perforations Method SKILLSAW

☐ Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
243	263	1/8X4	170	4	PVC	☐	☒
283	303	1/8X4	170	4	PVC	☐	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

8 ft. below ground Artesian pressure lb.

Depth flow encountered ft. Describe access port or control devices:

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
30 GPM			

Water Temp. Bottom Hole Temp

Water Quality test or comments:

Depth first Water encountered 40'

12. LITHOLOGIC LOG:(Describe repairs or abandonment)

				Water	
Bore Diam	From	To	Remarks: Lithology, Water Quality, Temperature	Y	N
8	0	21	Granite Decomposed	☐	☒
6	21	40	Granite Salt & Pepper	☐	☒
6	40	44	Granite Fractured w/ 5-6 gpm	☒	☐
6	44	275	Granite Salt & Pepper	☐	☒
6	275	284	Granite Green & White W/Water 25GP	☒	☐
6	284	303	Granite Salt & Pepper	☐	☒
	0	0	1-6" Weld on Cap	☐	☐

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JUN 16 1998
NORTHERN REGION
IDWR
RECEIVED
OCT 20 2000
IDWR / NORTH
COPY

Completed Depth 303' (Measurable)
Date: Started 6/5/98 Completed 6/5/98

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name H2O Well Service, Inc. Firm No. 448

Firm Official Date 6/5/98

and Supervisor or Operator Date 6/5/98

(Sign Once if Firm Official and Operator)

(Louie Hanner)

51N 3W 11

Permit ID 754616

Well ID 872570

RAMSDEN & LYONS, LLP

ATTORNEYS AT LAW

MICHAEL E. RAMSDEN*
MARC A. LYONS*
DOUGLAS S. MARFICE*
MICHAEL A. EALY*
TERRANCE R. HARRIS*
APRIL M. LINSOTT
RUDY J. VERSCHOOR
JENNIFER L. DAHLSTROM*
CHRISTOPHER D. GABBERT
VIRGINIA MCNULTY ROBINSON
THERON J. DE SMET

WILLIAM F. BOYD, OF COUNSEL

P.O. BOX 1336
COEUR D'ALENE, ID 83816-1336

TELEPHONE: (208) 664-5818
FACSIMILE: (208) 664-5884
E-MAIL: firm@ramsdentlyons.com
WEBSITE: www.ramsdentlyons.com

STREET ADDRESS:
700 NORTHWEST BLVD.
COEUR D'ALENE, ID 83814

ALL ATTORNEYS LICENSED IN IDAHO
* LICENSED IN WASHINGTON

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OCT 20 2009
IDWR/NORTH

October 19, 2009

Idaho Department of Water Resources
Northern Regional Office
7600 Mineral Drive, Ste. 100
Coeur d'Alene, Idaho 83815

Attn: Keith Franklin, Senior Water Resources Agent

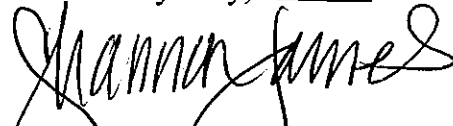
Re: *Application for Permit; Poulos Lots Water Assn. 95-11369*

Dear Sir or Madame:

Per your letter of October 15, 2009, the "Application for Permit" has been corrected and is enclosed herewith. Also enclosed, please find a \$125.00 check for the well upgrade fee.

Thank you for your time and attention to this matter.

Yours very truly,


Shannon James, Legal Assistant

/sj
Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: POULOS LOTS WATER ASSN
1732 OAK AVE
DAVIS CA 95616
(530) 753-4450

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER L2 (NE1/4NW1/4) Sec. 11, Twp 51N, Rge 03W, B.M.
KOOTENAI County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.11 CFS
IRRIGATION	03/15 to 11/15	0.12 CFS

5. Total quantity to be appropriated is: 0.23 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: SEE ATTACHED
INFORMATION TO APPLICATION

- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;.

- c. Proposed well diameter is 4 inches;
Proposed depth of well is 303 feet.

- d. Is ground water with a temperature of greater than 85F being sought? N

- e. If well is already drilled, when? 6/5/1998;
Drilling Firm: H2O WELL SERVICE INC;
Drilling Permit No. 754616.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

- 8.

Do Not Scan

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
51N 03W 11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X												
					L 2												

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
51N 03W 11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					4.0												4.0
					L 2												

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

SEE ATTACHED INFORMATION

11. Map of proposed point of diversion and place of use attached? ☐

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Receipt No. N022467

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Date: _____

Received by: _____

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

77735
Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: _____ Long: _____

1. DRILLING PERMIT NO. TAG#D3877 95-98N72

Other IDWR No. _____

2. OWNER

Name SHERMAN, LARRY

Well Number:

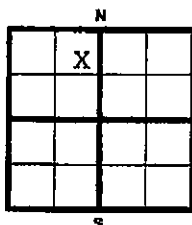
709

Address PO BOX 1158

City HAYDEN LAKE State ID Zip 83835

3. LOCATION OF WELL by legal description

sketch map location must agree with written location



Twp. 51 ☒ North or ☐ South

Rge. 03 ☐ East or ☒ West

Sec. 11 1/4 NE 1/4 NW 1/4

Gov't Lot _____ County KOOTENAI

Lat: _____ Long: _____

Address of Well Site MOKINS BAY

City HAYDEN LAKE

(Give at least name of road + Distance to Road or Landmark)

Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement, etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	18	4 BAGS	OVERBORE

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 18

Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+2	18	.250	STEEL	☒	☐	☒	☐
4	-8	303	.160	PVC	☐	☒	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method SKILLSAW

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
243	263	1/8X4	170	4	PVC	☐	☒
283	303	1/8X4	170	4	PVC	☐	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

8 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices:

SIN 3W 11

Permit ID 754616

Well ID 872570

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
30 GPM			

Water Temp. _____ Bottom Hole Temp _____

Water Quality test or comments: _____

Depth first Water encountered 40'

12. LITHOLOGIC LOG:(Describe repairs or abandonment)

				Water	
Bore Diam	From	To	Remarks: Lithology, Water Quality, Temperature	Y	N
8	0	21	Granite Decomposed	☐	☒
6	21	40	Granite Salt & Pepper	☐	☒
6	40	44	Granite Fractured w/ 5-6 gpm	☒	☐
6	44	275	Granite Salt & Pepper	☐	☒
6	275	284	Granite Green & White w/Water 25GPM	☒	☐
6	284	303	Granite Salt & Pepper	☐	☒
	0	0	1-6" Weld on Cap	☐	☐

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IDWR

Completed Depth 303' (Measurable)
Date: Started 6/5/98 Completed 6/5/98

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name H2O WellService, Inc. Firm No. 448

Firm Official _____ Date 6/5/98

and

Supervisor or Operator _____ Date 6/5/98

(Sign Once if Firm Official and Operator)

(Louie Hanner)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 15, 2009

Shannon James
Ramsden & Lyons, LLP
PO Box 1336
Coeur d'Alene, ID 83816-1336

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
Poulos Lots Water Assn. 95-11369

Dear Ms. James:

The Idaho Department of Water Resources has received the above said application for permit and requests additional information and/or corrections before processing can begin.

Item #3 Location of Point of Diversion

From the information submitted, the point of diversion is only located in Government Lot 2 rather than in both Government Lots 2&3. Please make the appropriate correction on the enclosed original application.

Item #4 Purpose of Use

The instantaneous diversion rates requested for Domestic and Irrigation exceeded the State's guidelines. For 5 homes the Domestic diversion rate should be 0.11 cfs (50 gallons per minute) instead of 0.2 cfs and the diversion rate for the irrigation of 4 acres is 0.12 cfs (54 gallons per minute) with a total being 0.23 cfs. Please make the appropriate changes on the application.

Also, the well intended to be used was constructed as a single family domestic. The legislature gave domestic wells a break on drilling permit fees, \$75.00. The drilling permit fee for a well used for any other purpose other than domestic is \$200.00, therefore, a well upgrade fee in the amount of \$125.00 will be needed before a permit is issued.

Please resubmit the corrected application along with the well upgrade fee within the next 30 days so as not to delay processing. If you have any questions, feel free to contact me at this office.

Sincerely,

COPY

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

RAMSDEN & LYONS, LLP

ATTORNEYS AT LAW

MICHAEL E. RAMSDEN*
MARC A. LYONS*
DOUGLAS S. MARFICE*
MICHAEL A. EALY*
TERRANCE R. HARRIS*
APRIL M. LINSKOTT
RUDY J. VERSCHOOR
JENNIFER L. DAHLSTROM*
CHRISTOPHER D. GABBERT
VIRGINIA MCNULTY ROBINSON
THERON J. DE SMET

WILLIAM F. BOYD, OF COUNSEL

P.O. BOX 1336
COEUR D'ALENE, ID 83816-1336

TELEPHONE: (208) 664-5818
FACSIMILE: (208) 664-5884
E-MAIL: firm@ramsdenlyons.com
WEBSITE: www.ramsdenlyons.com

STREET ADDRESS:
700 NORTHWEST BLVD.
COEUR D'ALENE, ID 83814

ALL ATTORNEYS LICENSED IN IDAHO
* LICENSED IN WASHINGTON

October 13, 2009

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Idaho Department of Water Resources
Northern Regional Office
7600 Mineral Drive, Ste. 100
Coeur d'Alene, Idaho 83815

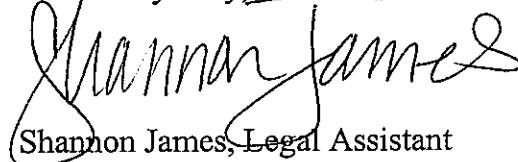
Re: *Application for Permit*

Dear Sir or Madame:

Enclosed herewith please find the following "Application for Permit" and a \$250.00 check for the filing fee.

Thank you for your time and attention to this matter.

Yours very truly,


Shannon James, Legal Assistant

/sj
Enclosure

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IDWR/NORTH

Attachment to Answer to 6.a.



01/14/09 WED 14:25 FAX 208-772-7229

UNITED PUMP & DRILLING

001

3125 West Hayden Ave
Hayden Lake Idaho 83835
208-772-7867
Fax 208-772-7229



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OCT 14 2009
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Fax

To: Ramsden & Lyons, LLP

From: United Pump Company

Attn: April Linscott

Fax: 208-664-5884

Pages: 14

Phone: 208-664-5818

Date: 1/14/2009

Re: Water System Information

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

The following information is on file in our office regarding the Poulos Lots subdivision.

If you require additional information please contact our office.

Thanks

Chris Agueros



INVOICE

14168

Post Office Box 1690, Hayden Lake, ID 83835
 (208) 772-7867 • (800) 682-9641 • Fax (208) 772-7229

SOLD TO: Mountain Home Construction and Development
 13372 N Stevens
 Rathdrum ID 83858

INVOICE DATE June 15, 2004	ORDER NO.
SHIP TO	
Hayden Lake Road	
Bryan Chambers	

PHONE# 208-687-4168

PHONE#

INSTALLATION/SERVICE DATE

SHIPPED VIA

F.O.B. POINT

TERMS

April 28, 2004

Install WR

Customers Well Site

Net 15

QTY

UNIT

DESCRIPTION

UNIT PRICE

TOTAL

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Grundfos constant pressure pump SJE1UC-130

Grundfos constant pressure kit and pump shroud

3-Year extended pump and motor warranty

2" Reservoir vents

2" Plumbing at reservoir underground in and out

1-1/4" Plumbing in reservoir

Connection between reservoirs

2-1/2" Fire department draft tube

SS Pressure tank reservoir mounted

Controls mounted on customer supplied panel stand

Wiring from reservoir to control panel

Miscellaneous electrical

Labor to install "balance of system" complete as listed above

6" Fire department draft tube

Pump-Tec Plus

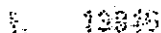
Subtotal

Idaho State Tax

TOTAL DUE THIS INVOICE

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 IDWR / NORTH

003



SOLD TO: Mountain Home Construction and Development
15372 N Stevens
Rathdrum ID 83853

INVOICE # 111 APR 30, 2004	ORDER NO.
SHIP TO	
Hayden Lake Road	
Brynn Chambers	

PHONE# 208-687-4168

[illegible]

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IDWR/NORTH

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01/14/09 WED 14:28 FAX 2087727228

UNITED PUMP & DRILLING

0001

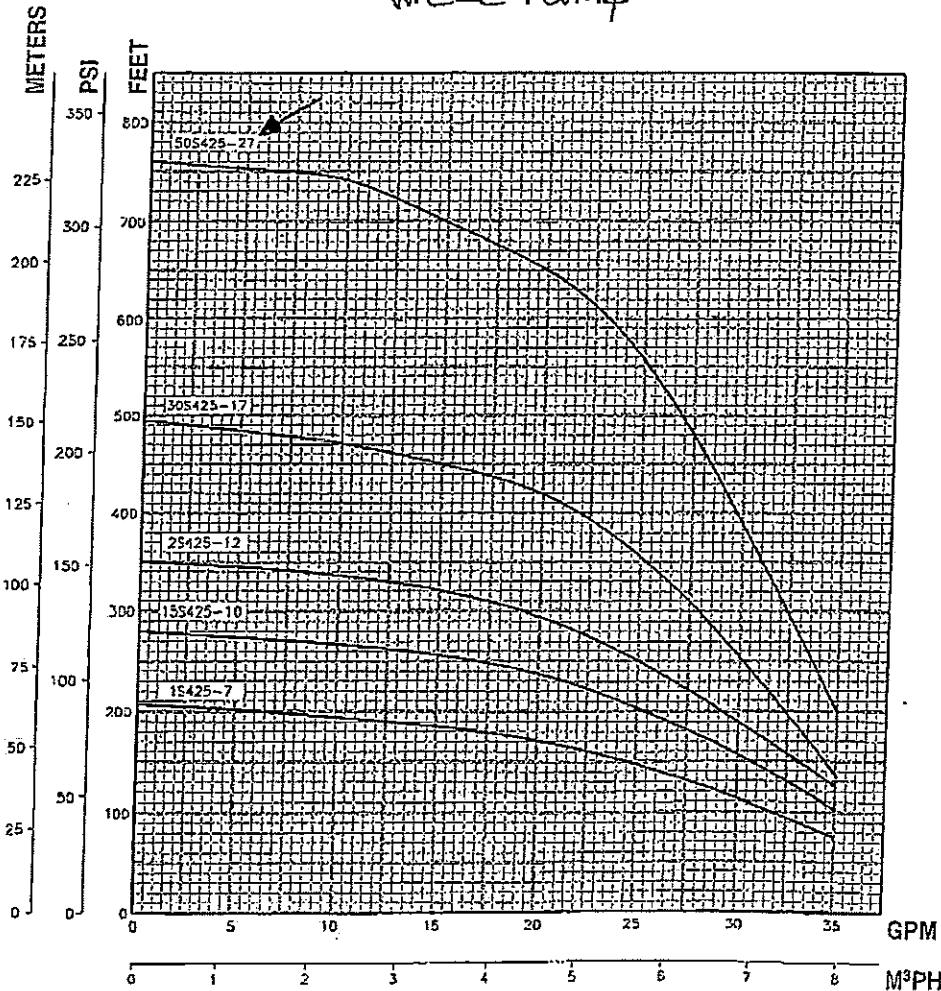
Submersibles

SandHandler™ 25 GPM

Performance Curves

"The Most Trusted Name In Water"

WELL PUMP

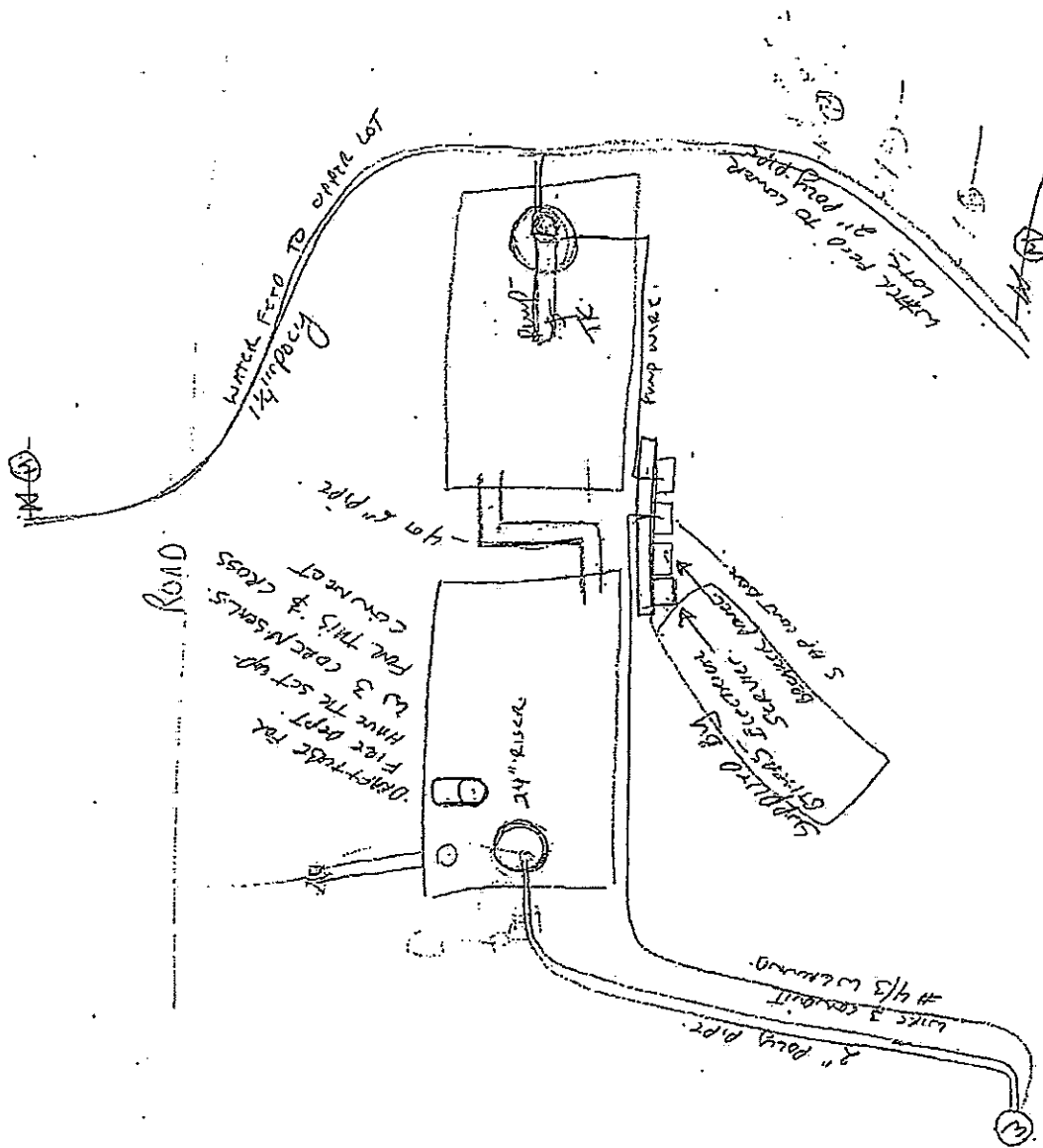


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005

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OCT 14 2009
IDWR / NORTH



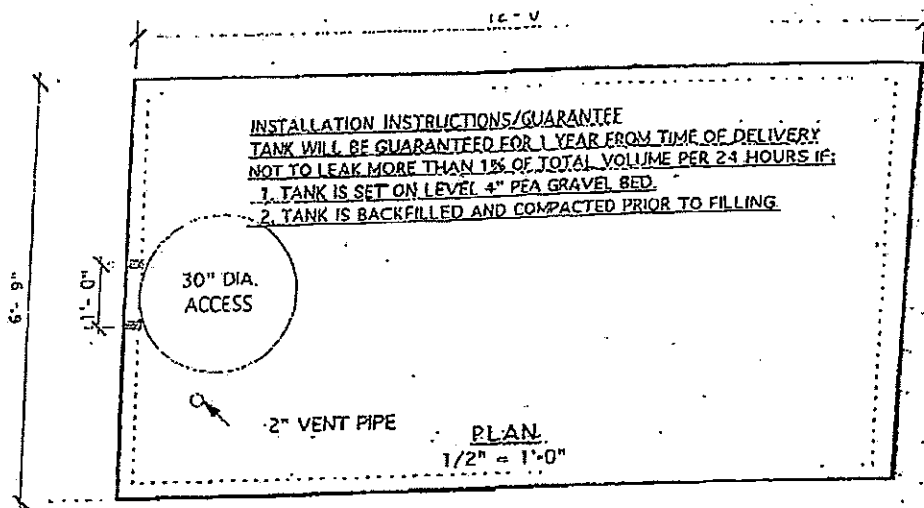
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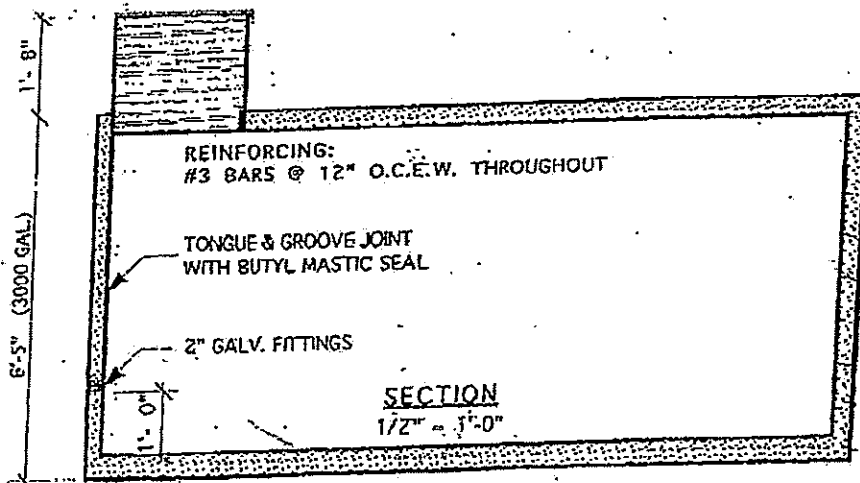
UNITED PUMP & DRILLINGMP

0008

2 EA. 3,000 GAL. RESERVOIRS



30\"/>



UNITED PUMP
3000 WATER TANK
(PRODUCT #1710)

WILBERT PRECAST
NORTH T323 CEDAR - SPOKANE, WASHINGTON 99207
(509) 325-4573
TOLL FREE 1-800-888-4573
FAX (509) 325-5098
SPOKANE - WENATCHEE - LEWISTON - YAKIMA

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01/14/09 WED 14:28 FAX 2087727229

UNITED PUMP & DRILLING CO.

007

Statewide Consulting and
Management Services

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Inspected by: _____
Date: _____
Time: _____

1. DRILLING PERMIT NO. IAG#03877 95-98N72 11. WELL TESTS:

or IDWR No. _____

OWNER

Name SHERMAN, LARRY

Well Number: 709

Address PO BOX 1158

City HAYDEN LAKE State ID Zip 83835

3. LOCATION OF WELL by legal description

Sketch map location must agree with written location

	X		

Twp. 51 N North or S South

Rge. 03 East or W West

Sec. 11 NE 1/4 SW 1/4

Gov't Lot _____ County KOOTENAI

Lat: _____ Long: _____

Address of Well Site MOKINS BAY

City HAYDEN LAKE

(Give at least one of road - Distance to Road or Landmark)

Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement, etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

Pump _____ Bailor ☒ Air _____ Flowline Airline _____
Yield gal./min. 30 GPM Standdown _____ Pumping Level _____ Time _____

Water Temp. _____ Bottom Hole Temp _____

Water Quality test or comments: _____

Depth first Water encountered 40'

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Depth	Feet	Remarks	Water
0	21	Gravelly Sandstone	
21	40	Gravelly Sand & Pebbles	
40	44	Gravelly Sandstone w/ 5-6 gpm	
44	275	Gravelly Sand & Pebbles	
275	284	Gravelly Sandstone w/ Water w/ Water 2.5 gpm	
284	304	Gravelly Sand & Pebbles	
304		1-6" Wellbore Casing	

RECEIVED
JUN 1 -

5/11/09

SALES • SERVICE • INSTALLATION
FOR SUBMERSIBLE, SEWAGE & IRRIGATION
LICENSED ELECTRICAL CONTRACTOR

UNITED PUMP
COMPANY

WELL TEST

Customer: Mountain Homes Construction Address: 15372 N Stevens
Rathdrum, ID 83858
Job Location: Brian Chambers Phone No: 208-687-4168
Hayden Lake Road

WELL DATA

Total Depth: 303 feet Test Pump Used: 5 HP, 25 GPM Jacuzzi
Static Water Level: 11 feet Pump Setting: 275 feet
Driller Tested: 30 gpm Date of Test: 04/28/04

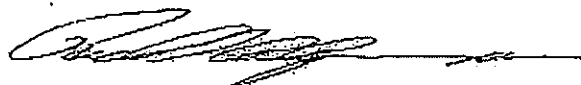
RECEIVED
OCT 14 2009
IDWR / NORTH

Time	Flow Rate Gallons Per Minute	Pressure P.S.I.	Water Quality	Static Level
11:00 AM	25.00	180#	cloudy, clear	11'
11:15 AM	30.00	80#	cloudy, clear	unknown
11:30 AM	20.00	120#	clear	unknown
11:45 AM	20.00	140#	clear	unknown
12:00 PM	18.75	140#	clear	unknown
12:15 PM	18.75	140#	clear	unknown
12:30 PM	18.75	140#	clear	unknown
12:45 PM	18.75	140#	clear	unknown
1:00 PM	18.75	140#	clear	unknown
1:15 PM	18.75	140#	clear	unknown
1:30 PM	18.75	140#	clear	unknown
1:45 PM	18.75	140#	clear	unknown
2:00 PM	18.75	140#	clear	unknown
2:15 PM	18.75	140#	clear	unknown
2:30 PM	18.75	140#	clear	unknown
2:45 PM	18.75	140#	clear	unknown
3:00 PM	18.75	140#	clear	unknown

TEST SUMMARY:

19.93 was the average gallons per minute produced by this well over the four-hour test period.

Certified by:



Richard A. Agueros, President
UNITED PUMP COMPANY

ATL Accurate Testing Labs, LLC

7950 Meadowlark Way Coeur d'Alene, ID 83815 Phone (208) 762 8378 Fax (208) 762 9082
Web site: www.accuratetesting.com E-mail: info@accuratetesting.com

STATE OF IDAHO
DRINKING WATER COLIFORM BACTERIA ANALYSIS REPORT

Laboratory Director: Walter Mueller

Laboratory Supervisor, Microbiology: Rhena Cooper

United Pump Company
Richard Agueros
P.O. Box 1690
Hayden Lake, ID 83835

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OCT 14 2009
IDWR / NORTH

Lab Sample Number: 43831

Lab Order Number: 2004040436 1

PWS Number:

Water System: Mountain Home Const

Location: Well

County: Kootenai

Collected By: Mike Hohensee

Sample Type: RS-Routine Sample

Date Collected: 04/28/2004

Time Collected: 14:00

Date Received: 04/28/2004

Time Received: 14:40

Method	Analyte	Result	Analysis Date	Analyst
9223B-PA	Total Coliform	Absent	04/29/2004	RFR
9223B-PA	E. Coli	Absent	04/29/2004	RFR

NOTES:

IF YOUR RESULT IS "ABSENT": The absence of coliform bacteria indicates that your water is not contaminated with coliform bacteria.

IF YOUR RESULT IS "PRESENT": The presence of coliform bacteria means that your water is contaminated, and may contain disease causing organisms. Contaminated water should not be used for drinking water.

If coliform bacteria are present, an additional test has been run for *Escherichia coli* bacteria. The result for this test is also reported as being present or absent.

ATL Accurate Testing Labs, LLC

7950 Meadowlark Way Coeur d'Alene, ID 83815 Phone (208) 762 8378 Fax (208) 762 9082
 Web site: www.accuratetesting.com E-mail: info@accuratetesting.com

United Pump Company
 Richard Agueros
 P.O. Box 1690
 Hayden Lake, ID 83835

Order No.: 2004040436
 Description: Mountain Home Const
 Date Received: 04/28/2004 02:40:00 PM

Certificate of Analysis

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Sample No.: 2
 Location: Well
 Sample Type: Plant Tap

Matrix: Drinking Water
 D/T Collected: 04/28/2004
 Collected By: Mike Hohensee

Analyte	Result	Unit	PQL	Method	Analysis Date	Analyst
Calcium	26.4	mg/L	0.06	EPA 200.7	04/29/2004	WM
Magnesium	4.48	mg/L	0.03	EPA 200.7	04/29/2004	WM
Hardness, Total (as CaCO ₃)	4.93	GPG	0.02	SM 2340	04/29/2004	WM
Iron	0.045	mg/L	0.015	EPA 200.7	04/29/2004	WM
Manganese	ND	mg/L	0.01	EPA 200.7	04/29/2004	WM
pH	8.02			EPA 150.1	04/28/2004	WM

Water quality parameters:

pH: Normal range: 6.5-8.5
 Iron: Maximum contaminants level: 0.3 mg/L
 Sources: Naturally occurring, corrosion of pipe
 Adverse effects: Objectionable taste and odor, discolors laundry and fixtures
 Manganese: Maximum contaminants level: 0.05 mg/L
 Sources: Naturally occurring
 Adverse effects: Objectionable taste and odor, discolors laundry and fixtures
 Hardness: 1 - 3.5 slightly hard 7.0 - 10.5 hard
 3.5 - 7.0 moderately hard 10.5- over very hard


 Laboratory Supervisor 04/29/2004
 Walter Mueller

ND: Not Detected PQL: Practical Quantitation Limit

July 13, 2004

Mr. Kris D. Wilcox
Panhandle Health District
2195 Ironwood Court
Coeur d'Alene, ID 83814

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RE: Shared Water System Lots 1 & 3, Poulos Lots subdivision, Kootenai County

Dear Mr. Wilcox:

On July 2, 2004 DEQ issued a letter to you regarding the shared water system being proposed for Lots 1 and 3 of the Poulos Lots subdivision. As the result of a recent conversation with Richard Agueros of United Pump Company, DEQ comments in that letter can be clarified as follows:

- While test pumping was not done as long as required of a public water supply well, the test done to the Poulos well is considered adequate to establish the likelihood this well has sufficient production capacity for the two lots.
- The well is equipped with a turtle cap that provided venting of the well casing.
- The 25 gpm submersible well pump was equipped with a low water controller that will avoid pumping of the well in excess of its sustainable production capacity.
- The location of the water tank did not lend itself to installation of an open discharging bottom drain. If the tank needs to be drained for any reason, a temporary portable pump will be placed inside the tank for this purpose.
- The fiberglass water tank access hatch was equipped with a screened vent.
- DEQ recommend that Bryan Chambers sample the water system for nitrates with a copy of the test results submitted to DEQ. If the results are greater than expected ground water background levels, DEQ may ask for additional sampling.
- Bryan Chambers indicated that a water use agreement between the two lots was being prepared and would be executed when the plat is finalized.

Our previous certification that the water system should be capable of providing sufficient quantity and quality of drinking water to Lots 1 & 3 still holds.

Sincerely,

Gary J. Gaffney, P.E.

c: Joan Poulos, 1723 Oak Avenue, Davis, CA 95616
Bryan Chambers, Mtn. Home Const. & Develop. Co., 14821 N. Boxwood St., Rathdrum, ID 83858
Richard Agueros, United Pump Co., P.O. Box 1690, Hayden, ID 83835



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

July 2, 2004

Mr. Kris D. Wilcox
Panhandle Health District
2195 Ironwood Court
Coeur d'Alene, ID 83814

RE: Shared Water System Lots 1 & 3, Poulos Lots subdivision, Kootenai County

Dear Mr. Wilcox:

We have reviewed information submitted on June 28, 2004 by Bryan Chambers of Mountain Home Construction and Development on the behalf of the Poulos Lots subdivision developer Joan Poulos for construction of a drinking water system to be shared by Lots 1 & 3 of the subject plat. We understand the reason for the shared water system is that there is insufficient room on Lot 3 to install a drinking water well and on-site septic system in compliance with the minimum separation requirements.

The proposal is to use an existing well located on Lot 1. This 303 foot deep 6-inch diameter well was drilled in 1998 in a granite lithology and test pumped on April 28, 2004 by United Pump Company producing 18.75 gpm after four hours of use. This test suggests the well should be capable of supplying enough water for these two lots although DEQ now asks for 24-hour duration tests with drawdown and recovery levels in a well being pump tested. The well cap needs to have a screened and downturned vent installed. Also, the proposal from United Pump Company for installing the submersible well pump has specified a 25 gpm capacity pump which is somewhat greater than the 18.75 gpm well production rate. —

The proposal calls for pumping water from the well into two 3,000-gallon capacity concrete water tanks as made by Wilbert Precast and located on Lot 2. Although not shown on the plans, these tanks need to be equipped with a bottom drain discharging to daylight, a screened overflow, and isolation gate valves on the supply lines to each of the two lots. Water level sensors in the tanks will control the well pump operation. One of the two tanks will be equipped with a constant pressure Grundfos submersible pump rated at 30 gpm and discharging to water supply lines leading to the residences on Lot 1 and on Lot 3. The constant pressure system appears to eliminate the need for hydropneumatic tanks used to limit pump cycling and wear.

A water quality test from 4-28-2004 indicated coliform bacteria absent from the well water and other parameters within normal range. (Results for a nitrate sample usually recommended as an indicator parameter for water quality was not submitted.)

Based on the information provided, the proposed water system should be capable of providing sufficient quantity and quality of drinking water to Lots 1 & 3. Some type of water use agreement and/or entity needs to be established to own, operate, and maintain the shared water system and ensure perpetual right of each lot owner to use the water system.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary J. Gaffney".
Gary J. Gaffney, P.E.

c: Joan Poulos, 1723 Oak Avenue, Davis, CA 95616
Bryan Chambers, Mtn. Home Const. & Develop. Co., 14821 N. Boxwood St., Rathdrum, ID 83858
Richard Agueros, United Pump Co., P.O. Box 1690, Hayden, ID 83835

Dirk Kempthorne, Governor
C. Stephen Allred, Director

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01/14/09 WED 14:28 FAX 2087727229

UNITED PUMP & DRILLINGMP

0003

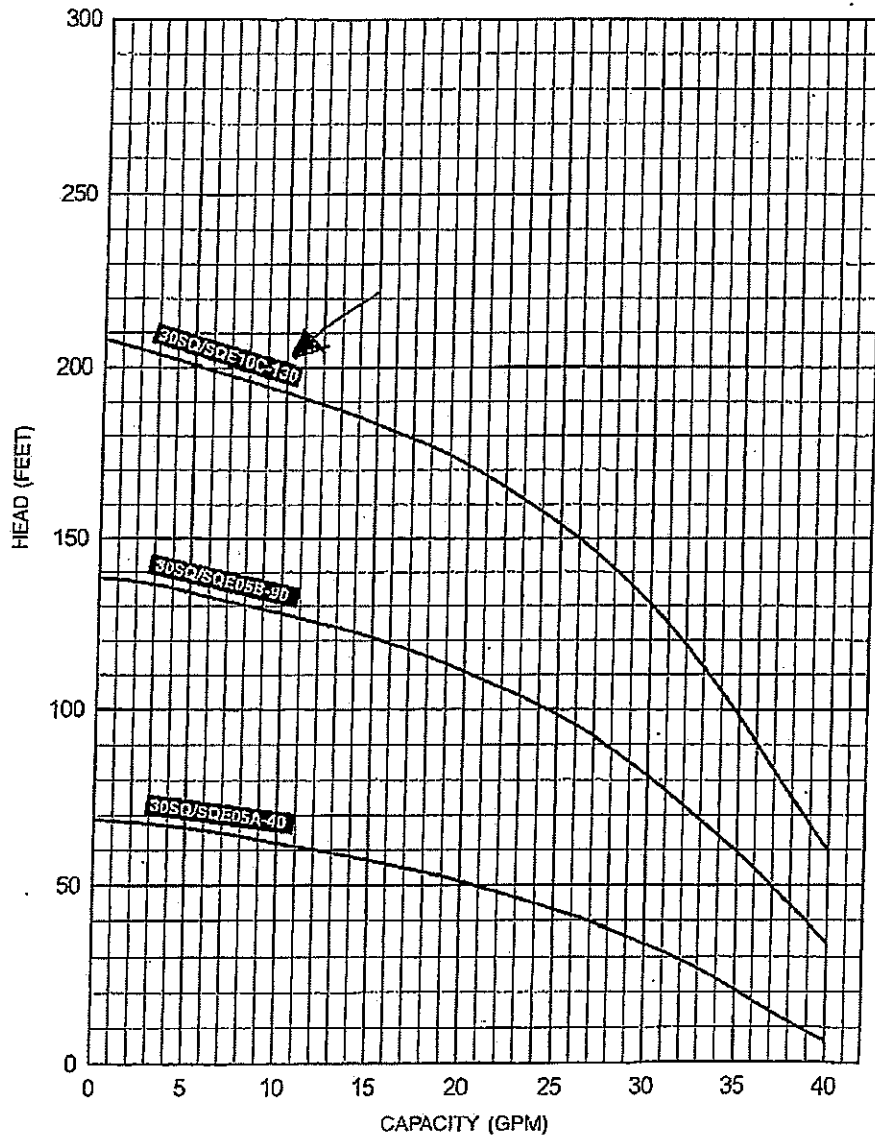
RESERVOIR/BOOSTER SYSTEM

PERFORMANCE CURVES 30 GPM MODELS 30 SQ/SQE

FLOW RANGE: 8 - 42 GPM

OUTLET SIZE: 1 1/2" NPT

NOMINAL DIA. 3"



SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE.

PERFORMANCE CONFORMS TO ISO 9905 ANNEX A



Post Office Box 1690, Hayden Lake, ID 83835
(208) 772-7867 • (800) 682-9641 • Fax (208) 772-7229

SOLD TO: Mountain Home Construction and Development
15372 N Stevens
Rathdrum ID 83858

INVOICE

128-36

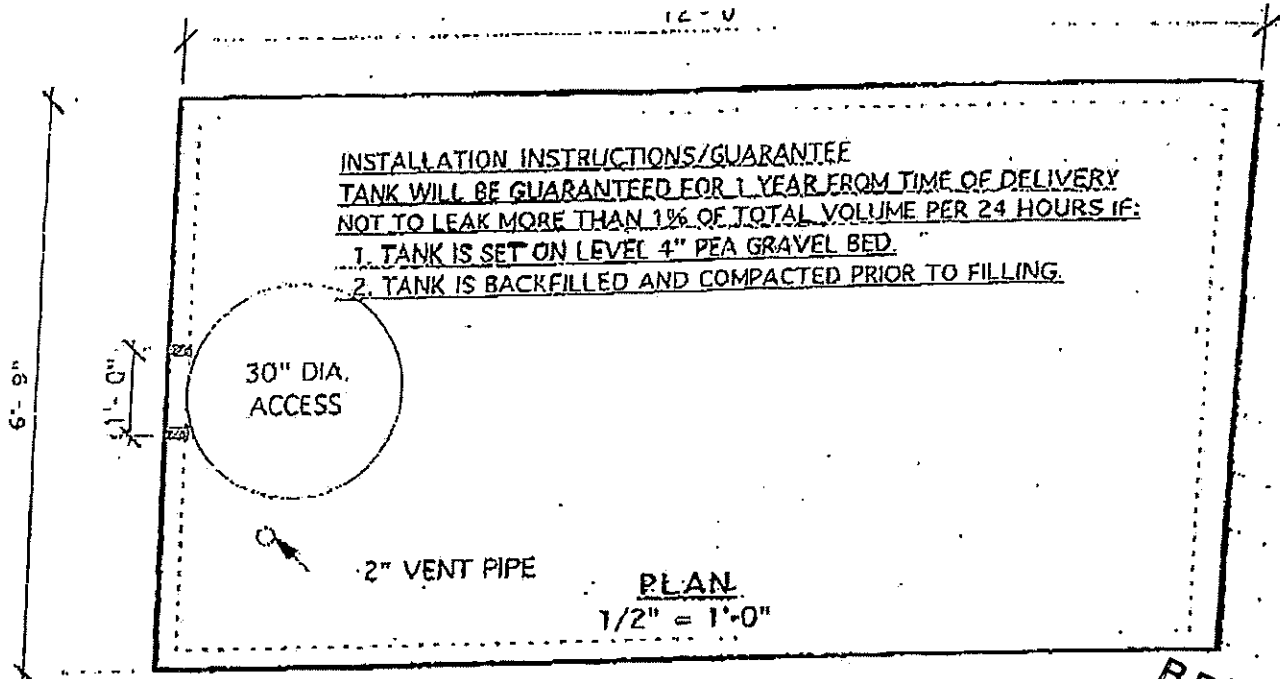
INVOICE DATE April 30, 2004	ORDER NO.
SHIP TO	
Hayden Lake Road	
Bryan Chambers	

PHONE# 208-687-4168

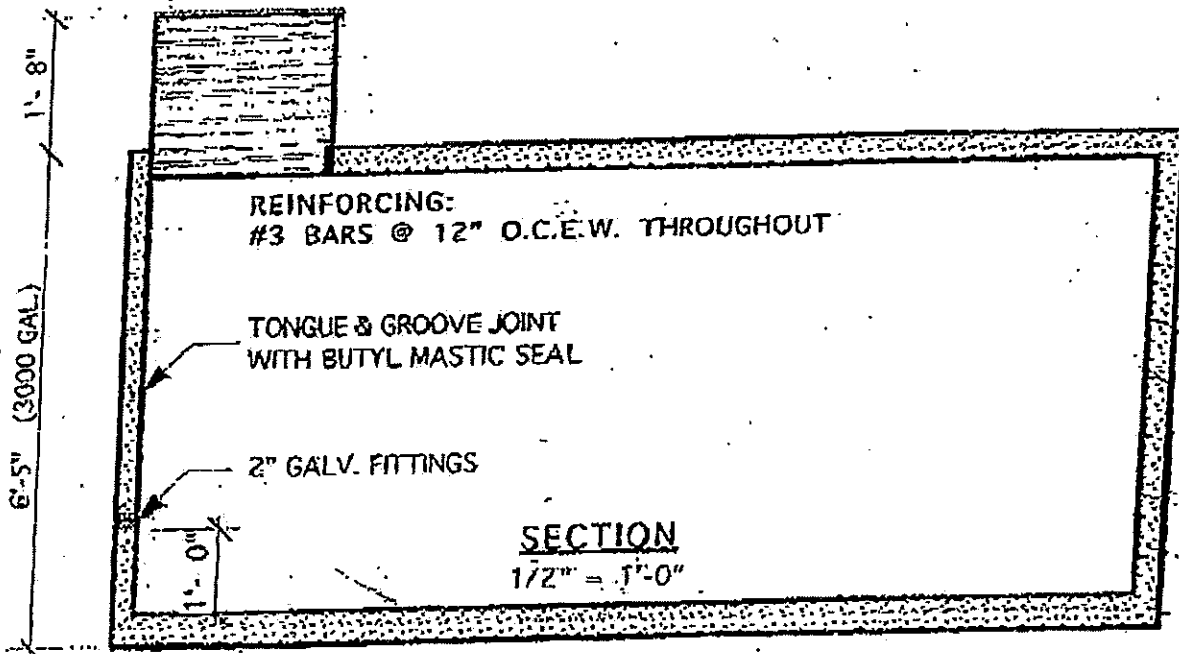
[illegible]

2 EA. 3,000 GAL. RESERVOIRS

P.



30" X 2' HIGH PVC
RISER & FIBERGLASS
COVER



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UNITED PUMP
3000 WATER TANK
(PRODUCT #1710)

WILBERT PRECAST
NORTH T323 CEDAR - SPOKANE, WASHINGTON 99207
(509) 325-4573
TOLL FREE 1-800-888-4573
FAX (509) 325-5098
SPOKANE - WENATCHEE - LEWISTON - YAKIMA



INVOICE

10136

Post Office Box 1690, Hayden Lake, ID 83835
 (208) 772-7867 • (800) 682-9641 • Fax (208) 772-7229

SOLD TO: Mountain Home Construction and Development
 13372 N Stevens
 Rathdrum ID 83858

INVOICE DATE June 15, 2004	ORDER NO.
SHIP TO	
Hayden Lake Road	
Bryan Chambers	

PHONE# 208-687-4168

INSTALLATION/SERVICE DATE		SHIPPED VIA	F.O.B. POINT	TERMS	
April 28, 2004		Install WR	Customers Well Site	Net 15	
QTY.	UNIT	DESCRIPTION		UNIT PRICE	TOTAL
1	ea.	Grundfos constant pressure pump SQE10C-130			
1	ea.	Grundfos constant pressure kit and pump shroud			
1	ea.	5-Year extended pump and motor warranty			
1	ls.	2" Reservoir vents			
1	ls.	2" Plumbing at reservoir underground in and out			
1	ls.	1-1/4" Plumbing in reservoir			
1	ls.	Connection between reservoirs			
1	ls.	2-1/2" Fire department draft tube			
1	ls.	SS Pressure tank reservoir mounted			
1	ls.	Controls mounted on customer supplied panel stand			
1	ls.	Wiring from reservoir to control panel			
1	ls.	Miscellaneous electrical			
1	ls.	Labor to install "balance of system" complete as listed above			
1	ea.	6" Fire department draft tube			
1	ea.	Pump-Tec Plus			

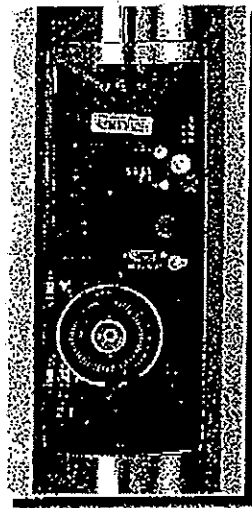
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RESERVOIR BOOSTER SYSTEM SECTION 2

SQ/SQE Stainless Steel Submersible Pumps

For 3-Inch & larger well applications.

Performance Curves and Technical Data



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Advanced Electronics

Submersibles

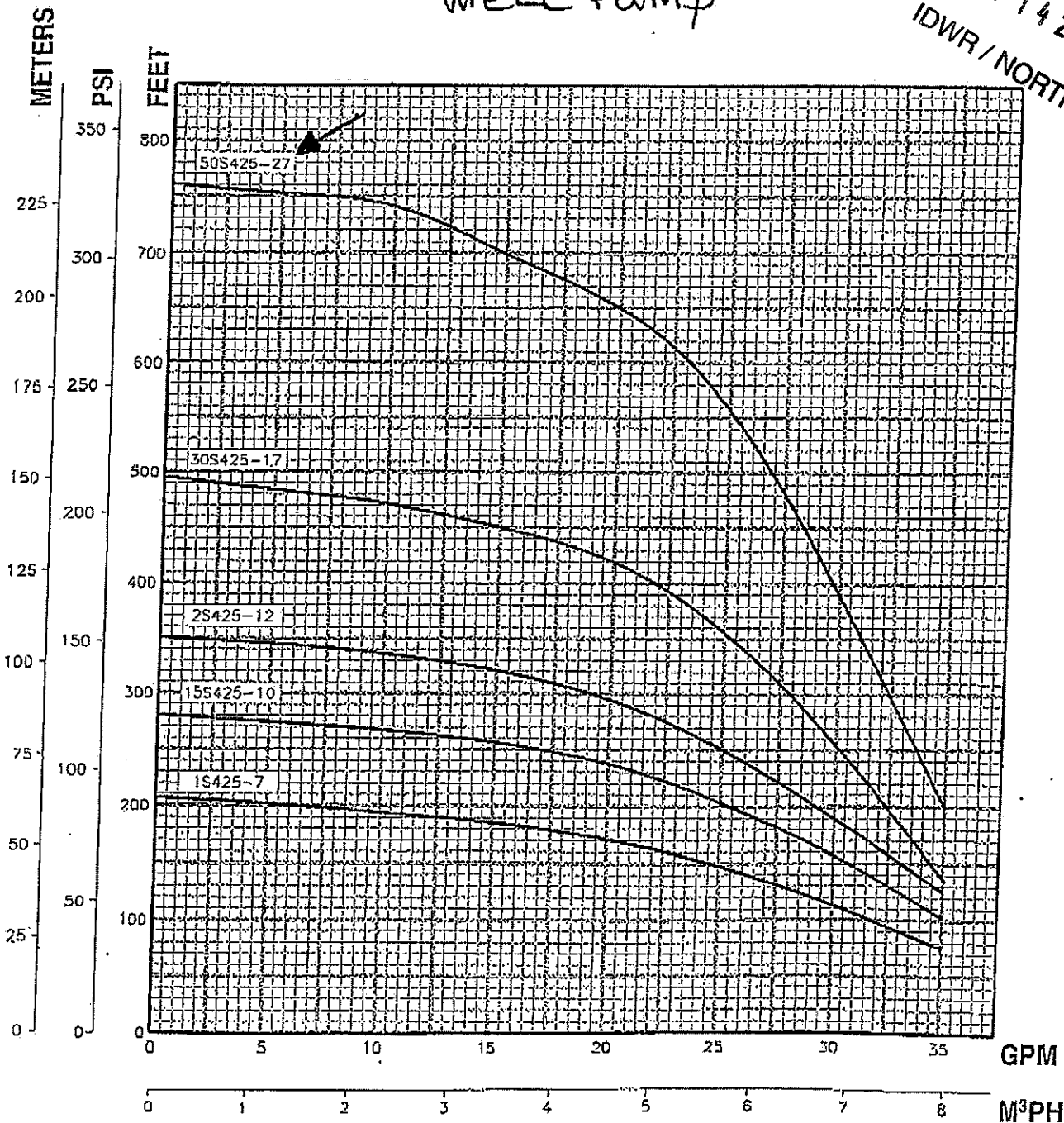
SandHandler™ 25 GPM

Performance Curves

"The Most Trusted Name In Water"

WELL PUMP

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RESERVOIR/BOOSTER SYSTEM

PERFORMANCE CURVES

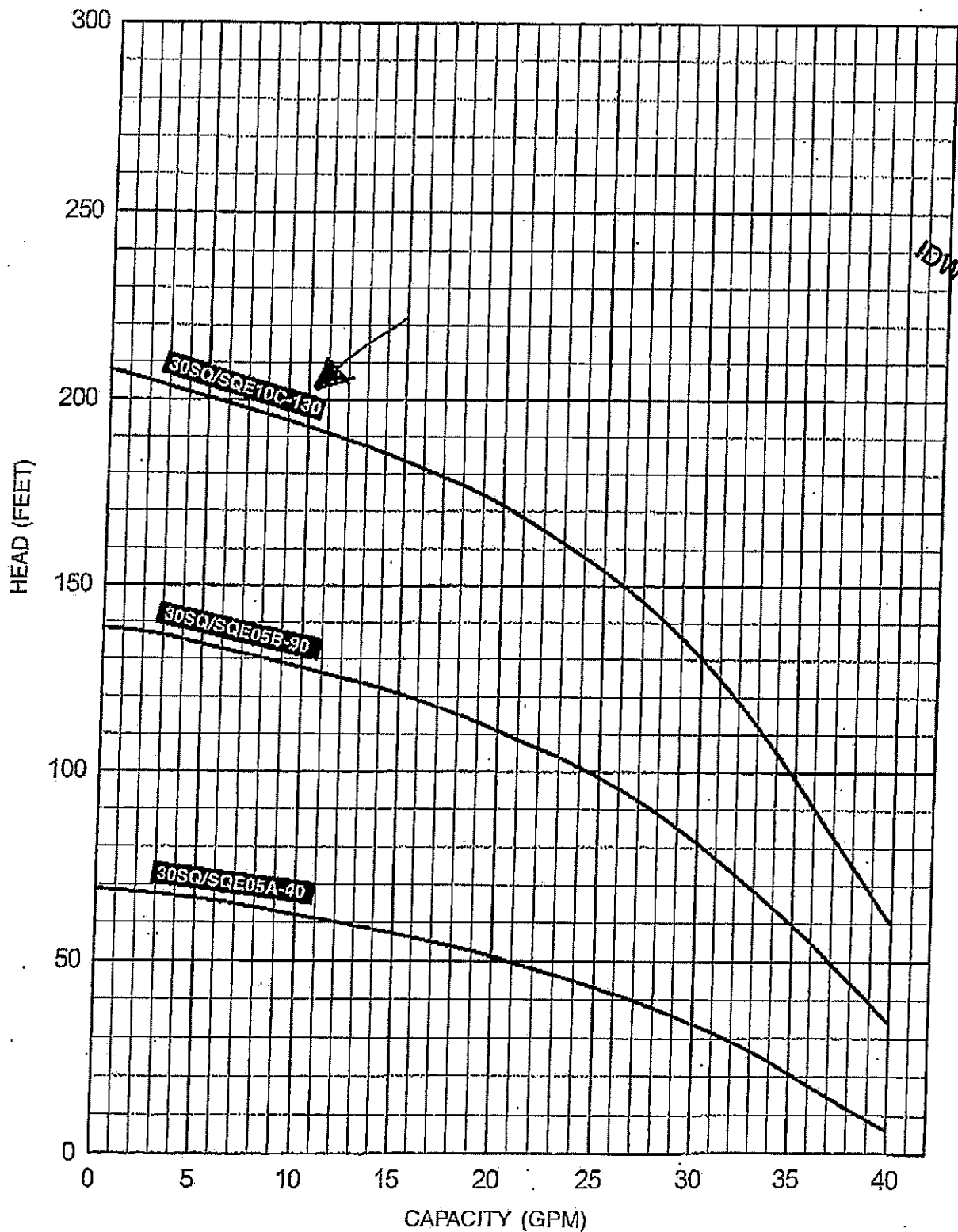
30 GPM

MODELS 30 SQ/SQE

FLOW RANGE: 8 - 42 GPM

OUTLET SIZE: 1 1/2" NPT

NOMINAL DIA. 3"

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Starships Consulting and
Management Services

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Inspected by _____
Twp. _____ Rgn. _____ Sec. _____
1/4 1/4 1/4
Lat. _____ Long. _____

1. DRILLING PERMIT NO. TAG#D3877 95-98N7E
or IDWR No.

OWNER

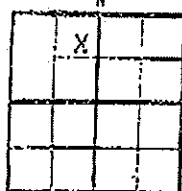
Name SHERMAN, LARRY

Address PO BOX 1158

City HAYDEN LAKE State ID Zip 83835

3. LOCATION OF WELL by legal description

sketch map location must agree with written location

Twp. 51 ☒ North or ☐ SouthRge. 03 ☐ East or ☒ WestSec. 11 ☐ 1/4 NE ☐ 1/4 NW ☐ 1/4

Gov't Lot _____ County KOOTENAI

Lat. _____ Long. _____

Address of Well Site MOKINS BAY

City HAYDEN LAKE

(Give at least name of road - Distance to Road or Landmark)

Bk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement, etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. WELL DEPTH

21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

51N 31W 11

11. WELL TESTS:

Pump Bailor ☒ Air ☐ Flowing ☐ Air
Yield gal./min. Drawdown Pumping Level Time

30 GPM

Water Temp. _____ Bottom Hole Temp. _____

Water Quality test or comments: _____

Depth first Water encountered 40'

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Depth	Feet	Remarks	Water
8	0	Granite Decomposed	
6	21	Granite Salt & Pepper	
6	41	Granite Fractured w/ 3-6 gpm	
6	44	Granite Salt & Pepper	
6	275	Granite Green & White w/Water 2.5 gpm	
6	284	Granite Salt & Pepper	
6	303	Granite Salt & Pepper	
6	0	1-6" Weld on Casing	

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Attachment to Answer 11.c.

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**DECLARATION OF CREATION OF
"POULOS LOTS' WATER ASSOCIATION"**

THIS DECLARATION OF ASSOCIATION ("Declaration"), is made on the date herein set forth by Joan G. Poulos, Ryan J. Vandewerker and Kelly M. Vandewerker, (the "Declarants"), with reference to the following facts:

A. This Declaration applies to real property located in Kootenai County, Idaho more particularly described below. This real property shall be hereinafter referred to as the "Property."

Lots 1 – 4 Poulos Lots (according to the plat recorded in Book J of plats, page 106, records of Kootenai County, Idaho) located in Section 11, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho; and

Lot 14 Lakewood on Hayden, according to the official plat thereof recorded in Book D of plats at page 197, records of Kootenai County, Idaho

B. Declarant Joan G. Poulos is owner of that portion of the Property described as Lots 1, 2, and 4 Poulos Lots and Lot 14 Lakewood on Hayden. Ms. Poulos has subdivided and developed that portion of the Property known as "Poulos Lots".

C. Declarants Ryan J. Vandewerker and Kelly M. Vandewerker are owners of that Portion of the Property described as Lot 3 of Poulos Lots. Mr. & Ms. Vandewerker are successors in interest to Lot 3 to Ms. Poulos.

D. Water service to the Property is to be provided by a private well and distribution facility. It is the desire of the Declarants to establish an unincorporated nonprofit water association under the laws of the State of Idaho to be known as Poulos Lots' Water Association. The purpose of this water Association is to acquire, hold, own, maintain and control the waters, if any, from a well located on Lot 1 of the Poulos Lots Subdivision or other sources of supply and to distribute such water amount, if any, to its members equally and ratably, and shall supply water to no one except its members and to them only at cost, and only on and for use on the real property described above. Declarants do not guarantee or warranty the quality or quantity of the waters from the well located on Lot 1 or any other sources of supply of water, if any.

E. Declarants intend by this document to impose upon the Property mutually beneficial restrictions and easements under a general plan of operation for the benefits of all of the said Lots and the Owners thereof.

DANIEL J. ENGLISH 13P I 2236071000
KOOTENAI CO. RECORDER Page 1 of 13
AAA Date 10/13/2009 Time 12:01:49
REC-REQ OF RAMSDEN AND LYONS
RECORDING FEE: 39.00
2236071000 XX

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ARTICLE ONE.
DEFINITIONS

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Unless otherwise expressly provided, the following words and phrases, when used in this Declaration, shall have the following meanings:

1.1 Assessment. That portion of the cost of maintaining, improving, repairing, operating, and managing the Community Water System, as provided herein or otherwise needed for the administration or management of the Water System, which is to be paid by the Lot Owners as determined by the Association under this Declaration. Assessments may be designated as Regular Assessments, Extraordinary Assessments, or Special Assessments, as those terms are more specifically defined in Article 7 of this Declaration.

1.2 Association. The Poulos Lots' Water Association, an unincorporated nonprofit Association formed by the Declarants in conjunction with the creation of the Water System, the Members of which shall be the Owners of Lots in the Project as provided herein.

1.3 Common Expenses. The actual and estimated expenses of maintenance, improvement, repair, operation, and management of the Community Water System and of otherwise administering the Association and the Water System, and any reasonable reserve for such purposes as determined by the Members.

1.4 Community Water System. The water system owned, operated, and maintained by the Association for the benefit of all Lots and their Owners. Such system shall include the water well located on Lot 1, all pumps and related equipment, and all distribution lines located in the Property. The well area, being a one hundred (100) foot square in Lot 1, with the well in the center of the square, as more particularly described in this Declaration. The balance of rights in the Community Water System shall be established by perpetual easements according to this Declaration.

1.5 Declarants. Joan G. Poulos, Ryan J. Vandewerker and Kelly M. Vandewerker.

1.6 Declaration. This Declaration of Creation of "Poulos Lots' Water Association" as it may be amended from time to time.

1.7 Lot. Any separately numbered parcel of land shown on the Plat as a residential parcel, intended for sale to and use and enjoyment by Owner.

1.8 Member. A person entitled to membership in the Association as provided herein.

1.9 Owner or Owners. The record holder or holders of title to a Lot in the Property. This shall include any Person having a fee simple title to any Lot, but shall

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exclude persons or entities having any interest merely as security for the performance of any obligation. Further, if a Lot is sold under a recorded contract of sale to a purchaser, the purchaser, rather than the fee owner, shall be considered the "Owner."

1.10 Person. Any individual or any corporation, joint venture, limited partnership, partnership, limited liability company, firm, association, trust, or other similar entity or organization.

1.11 Plat. The recorded final subdivision plat of Poulos Lots and Lakewood on Hayden, which identifies each Lot in the Project and shows its relative location and dimensions.

1.12 Property. The land described above in Section A, together with all buildings, improvements or structures thereon, and every easement or right appurtenant thereto, and all personal property intended for use in connection therewith or for the use, benefit, or enjoyment of the Owners.

ARTICLE TWO. PURPOSE AND POWERS

2.1 Recordation. This Declaration shall be recorded in the Kootenai County Recorder's office as a permanent record providing the guidelines under which the Association operates. This Declaration shall run with the land and is perpetually binding on Declarants and all owners, heirs, successors, and assigns, of Property. Declarants hereby further declare that the Property shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold, and improved, subject to the following declarations, limitations, restrictions, and easements, all of which are for the purpose of enhancing and protecting the water of the Property.

2.2 Purpose. For this purpose, the Association shall have power to acquire, develop, maintain and operate a permanent water supply, to permit said water supply with the Department of Water Resources, to dig, bore, drill and otherwise excavate wells and tunnels; to construct, acquire and operate pumping plants, water storage and water distributing systems; and to do all other necessary or convenient things to accomplish the purpose of this Association.

ARTICLE THREE. ASSOCIATION ADMISITRATION, MEMBERSHIP AND VOTING RIGHTS

3.1 Organizing of Association. The Association shall operate under the name of Poulos Lots' Water Association as an Idaho Unincorporated Nonprofit Association under the Uniform Unincorporated Nonprofit Association Act.

3.2 Duties and Powers. The duties and powers of the Association are those set forth in this Declaration, and in any Bylaws which may be adopted by the Association in the

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future, together with its general and implied powers as a nonprofit association. The Association may generally do any and all things that a nonprofit association organized under the laws of the State of Idaho may lawfully do and which are necessary in operating for the peace, health, comfort, safety, and general welfare of its Members, subject only to the limitations upon the exercise of such powers as are expressly set forth by law or in this Declaration.

3.3 Membership. The owner of a Lot shall automatically, upon becoming the Owner of that Lot, be a Member of the Association, and shall remain a Member thereof until such time as his or her ownership ceases for any reason, at which time his or her membership in the Association shall automatically cease.

3.4 Transferred Membership. Membership in the Association shall not be transferred, pledged, or alienated in any way, except upon the transfer of ownership of the Lot to which it is appurtenant, and then only to the new Owner. Any attempt to make a prohibited transfer is void. In the event the Owner of any Lot should fail or refuse to transfer the membership registered in his or her name to the purchaser of the Lot, the Association shall have the right to record the transfer upon its books and thereupon the old membership outstanding in the name of the seller shall be null and void.

3.5 Membership Voting Requirements. The Association shall consist of one (1) class of voting membership established according to this Declaration. Voting power attributable to each Lot shall be equal, regardless of the size or configuration of the Lots, with each Lot having one (1) vote on all matters with respect to which a vote is to be taken. Each Member shall have equal share and equal vote in the management of the Association. However, the Members shall not be entitled to vote unless and until they have paid the Assessments and the water rates and charges due and payable on their share. At such time, each member shall be entitled to have the water, if any, represented by their share delivered at outlets on the pipelines of the Association.

If a Lot is owned by more than one person, that Lot will have one (1) vote on all matters with respect to which a vote is to be taken only if each Owner of said Lot agrees as to how that vote is to be cast, otherwise that vote is forfeited.

3.6 Management and Membership Meetings. The property and business of the Association shall be managed by the members, which may exercise all powers not specifically prohibited by statute or the Declaration. In general, the affairs of the Association shall initially be governed by Joan Poulos as of the date of the execution of this Declaration. At such time as Ms. Poulos sells, transfers or conveys 1/2 of the remaining lots owned by her, the members are to carry out the first Association meeting, and the members are to elect, by a vote of the majority, a manager of the Association that is to carry out the business of the Association. Any action taken by the Association must be consistent with this Declaration and with the approval of the majority of the members.

Regular meetings of the members may be held at such time and place as shall be determined, from time to time, by a majority of the members.

3.7 Fiscal Year. The Association shall operate on a fiscal year basis. The fiscal year period shall be from July 1 through June 30.

ARTICLE FOUR. COMMUNITY WATER SYSTEM

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4.1 The Community Water System. The Community Water System shall belong to and be maintained by the Association and shall include all lease and easement rights and equipment necessary to the operation and maintenance of the water system, as set forth in Paragraph 1.4 above, including distribution lines and equipment located within the Property. All equipment relating to water service which may lie within the boundaries of an individual Lot shall be the property of, and shall be operated and maintained by the Owner of such Lot (subject to the right of the Association to enforce such maintenance obligation according to this Declaration).

Each Owner desiring to hook up to the Community Water System shall be required to pay the Association a "hook up charge" equal to the cost to the Association, from time to time, of installing a meter to the subject Lot, plus any administrative expense of arranging for the hookup. The actual hook up shall be performed by and at the expense of the Lot Owner, subject to specifications published by the Association, and shall be subject to inspection by or on behalf of the Association.

4.2 Real Property Rights. The Association shall have the following rights in land as necessary and convenient for the operation, maintenance, repair, and replacement of the various components of the Community Water System.

(a) A fee simple interest, hereby created in favor of the Association, in that portion of Lot 1 of the Plat of Poulos Lots, which constitutes a 100 foot square, with the well being in the center of the square area (the "Well Area").

(b) A perpetual non-exclusive easement over the entire Property, for all purposes necessary to the operation and maintenance of those portions of the Community Water System which are located outside the Well Area described above, and for access to the Well Area.

4.3 No Separate Conveyance of Rights. The right of each Owner to use the Community Water System shall be appurtenant to such Owner's Lot, and may not be assigned or conveyed except with the Lot.

4.4 Regulation of Use. The rights and easements of use and enjoyment of the Community Water System created by this Declaration shall be subject to such rules and regulations as may be adopted by the members from time to time.

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ARTICLE FIVE.
REPAIR AND MAINTENANCE

5.1 Repair and Maintenance Rights and Duties of Association. The Association shall maintain, repair, and replace the Community Water System and all elements thereof, or shall contract for such maintenance, repair, and replacement thereof, with such systems and amenities to be kept in good condition, reasonable wear and tear excepted.

For the purpose of performing the maintenance, repair, or replacement of the Community Water System as authorized by this Declaration, or for purposes of making emergency repairs necessary to prevent damage to such System or Amenities or to any Lots, or for any other purpose reasonably related to the performance by the Association of its responsibility under this Declaration, the manager (and its agents and employees) shall have the irrevocable right, after reasonable notice to the Owner, and at reasonable hours, to enter upon any Lot.

5.2 Repair and Maintenance Rights and Duties of Owners. Except for those portions of the Water System which the Association is required or elects to maintain and repair, each Lot owner shall, at his or her sole cost and expense, maintain and repair his or her Lot and all improvements thereon keeping the same in good condition.

ARTICLE SIX.
DURATION

6.1 Duration. This Declaration shall continue in full force perpetually, unless the requirements of a material amendment to this Declaration as set forth in Paragraph 6.2 have been met.

6.2 Amendment Procedures. Notice of the subject matter of a proposed amendment to this Declaration, in reasonably detailed form, shall be included in the notice of any meeting of the Members at which the proposed amendment is to be considered. A resolution to adopt a proposed amendment may be proposed by an Owner at a meeting of the Members of the Association. The resolution shall be adopted by the vote, in person or by proxy, or written consent of Members representing not less than eighty percent (80%) of the total voting power of the Association.

A Declaration of Amendment, signed and sworn to by the Manager of the Association, that the record Owners of the required number of Lots have either voted for or consented in writing to any amendment adopted as provided above, when recorded, shall be conclusive evidence of that fact. The Association shall maintain in its files the record of all such votes or written consents for a period of at least four (4) years.

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ARTICLE SEVEN.
MEMBERSHIP RIGHTS AND RESPONSIBILITIES

7.1 Water Rights. Each Member shall have an equal right in and to the water of the Association without priority of use over any other Member. There shall be no more than five Members representing one membership for each Lot described above. Each Member's right in and to the water of the Association is not guaranteed as to any specified quantity or quality of water or any guarantee that the Community Water System will contain or produce any specified quantity or quality of water.

7.2 Creation of Lien and Personal Obligations of Assessments. Each member covenants and agrees to pay the Association the following Assessments, which shall be established and collected as provided herein:

- (a) Regular Assessments;
- (b) Extraordinary Assessments; and
- (c) Special Assessments.

7.3 Purpose of Assessments. The Assessments levied by the Association shall be used exclusively to promote the health, safety, and welfare of all the Owners of Lots in the entire Property, for the operation, maintenance, improvement, repair, and replacement of the Community Water System and for payment of the Common Expenses all for the common good of the System. The Regular Assessments shall include an adequate reserve fund for maintenance, repair and replacement of those elements of the Community Water System which must be replaced on a periodic basis.

7.4 Regular Assessments. Until the end of the Association's first fiscal year immediately following the closing of the sale of the 2nd lot owned by Ms. Poulos, the members by a vote of the majority shall determine and fix the amount of the maximum annual Regular Assessment against each Lot at least sixty (60) days in advance of the start of each fiscal year.

7.5 Extraordinary Assessments. In addition to Regular Assessments, the Association may levy, by a vote of the majority, in any fiscal year, an Extraordinary Assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement element of the Community Water System.

7.6 Special Assessments. In addition to the Regular and Extraordinary Assessments authorized above, the Association may levy Special Assessments against an individual Lot and its Owner to reimburse the Association for costs incurred in bringing that Owner or his or her Lot into compliance with the provisions Declaration, including interest, penalties, actual attorney's fees, and costs.

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7.7 Allocation of Assessments. Each Lot, including Lots owned by the Declarants, shall bear an equal share of each aggregate Regular Assessment and Extraordinary Assessment.

7.8 Date of Commencement of Assessment; Due Dates. The Regular Assessments provided for herein shall commence as to all Lots on the Property on the first day of the month following closing of the sale of the first Lot in the Project. Due dates of Assessments shall be the first day of every calendar month, or otherwise as ordered by the Manager. No notice of such Assessment shall be required other than an annual notice setting forth the amount and frequency of the Assessment for the following year.

Notwithstanding the foregoing, the Declarants shall have the right to defer, for up to three (3) years from the date of recordation of this Declaration, the commencement of that portion of the Declarants' Regular Assessment obligation which pertains to maintenance and repair of the Community Water System. This deferral shall be available only for so long as the Declarants subsidize all actual maintenance and repair of the Community Water System, to the extent such maintenance and repair is not covered by Assessments against Lots not owned by Declarant.

7.9 Transfer of Lot by Sale or Foreclosure. The sale or transfer of any Lot shall not affect any Assessment lien or relieve the Lot from any liability therefore, whether the lien pertains to payments becoming due prior or subsequent to such sale or transfer. Notwithstanding the foregoing, the sale or transfer of any Lot pursuant to foreclosure, or by deed in lieu of foreclosure, of a recorded first mortgage given in good faith and for value shall extinguish the lien of all such Assessments as to payments which became due prior to such sale or transfer. Sale or transfer pursuant to mortgage foreclosure shall not, however, affect the personal liability of the Owner for unpaid Assessments. Any Assessments for which the liens are extinguished pursuant to this Paragraph shall be deemed to be Common Expenses collectible from all of the Lots, including the Lot for which the lien was extinguished. In a voluntary conveyance of a Lot, the grantee of the same shall be jointly and severally liable with the grantor for all unpaid Assessments by the Association against the latter for his or her share of the Common Expenses (and for his or her obligation for individual Special Assessments) up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefore. However, any such grantee shall be entitled to a statement from the Manager, setting forth the amount of the unpaid Assessments due the Association, and such grantee shall not be liable for, nor shall the Lot conveyed be subject to a lien for, any unpaid Assessments made by the Association against the grantor in excess of the amount set forth in the statement; provided, however, the grantee shall be liable for any such Assessment becoming due after the date of any such statement.

7.10 Enforcement of Assessment Obligation; Priorities; Discipline. If any part of any Assessment is not paid and received by the Association or its designated agent within thirty (30) days after the due date, an automatic late charge equal to five percent (5%) of the Assessment (but not less than \$10.00) shall be added to and collected with

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the Assessment. Additionally, if any part of any Assessment is not paid and received by the Association or its designated agent within thirty (30) days after the due date, the total unpaid Assessment (including the late charge) shall thereafter bear interest at the rate of eighteen percent (18%) per annum until paid. Each Assessment shall constitute a lien on each respective Lot prior and superior to all other liens recorded subsequent to the recordation of the Notice of Assessment Lien, except (1) all taxes, bonds, assessments, and other levies which, by law, would be superior thereto; and (2) labor or materialmen's liens arising under Idaho law (timely and duly filed) if the legal effective date is prior to the recording of the Notice of Assessment Lien. Such lien, when delinquent, may be enforced by sale by the Association (acting through the Manager), its attorney or other person authorized by this Declaration or by law to make the sale, after failure of the Owner to pay such Assessment, in accordance with the provisions of Idaho law applicable to the exercise of powers of sale in deeds of trust (with the Manager having the right and authority to appoint an independent trustee); or by judicial foreclosure as a mortgage, or in any other manner permitted by law. The Association, acting on behalf of the Lot Owners, shall have the power to bid for the Lot at the foreclosure sale, and to acquire and hold, lease, encumber, and convey the same. The foreclosing party shall have the right to reduce or eliminate any redemption rights of the defaulting Owner as allowed by law. Suit to recover a money judgment for unpaid Assessments, rent, interest, costs, penalties, and attorneys' fees shall be maintainable without foreclosing or waiving the lien securing the same. The Manager may impose reasonable monetary penalties including actual attorneys' fees and costs and may temporarily suspend the Association membership rights of a Lot Owner who is in default in payment of any Assessment, after notice and hearing according to the Declaration.

7.11 Payment of Taxes Assessed Against the Community Water System or Personal Property of the Association. In the event that any taxes are assessed against the Community Water System or the personal property of the Association, rather than against the Lots, said taxes shall be included in the Assessments made under the provisions of this Declaration, and, if necessary, an Extraordinary Assessment may be levied against the Lots in an amount equal to said taxes (regardless of the limitation on Extraordinary Assessments set forth in Paragraph 7.5 above).

ARTICLE EIGHT. EASEMENTS

8.1 Community Water System Easements. The Declarants expressly reserve for the benefit of the Association and all agents, officers, and employees of the Association, nonexclusive easements as necessary to maintain and repair the Community Water System, and to perform all other tasks in accordance with the provisions of this Declaration.

8.2 Encroachment Easements. Each Lot within the Property is hereby declared to have an easement over all adjoining Lots for the purpose of accommodating any encroachment due to engineering errors, errors in original construction or reconstruction, repair, shifting, settlement, or other movement of any portion of the improvements made to the Community Water System. There shall be valid easements for the maintenance of

said encroachments as long as they shall exist, and the rights and obligations of Owners shall not be altered in any way by said encroachments.

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ARTICLE NINE. DESTRUCTION OF IMPROVEMENTS

9.1 Damage to Community Water Systems. In the event of any destruction of any element of the Community Water System, the repair or replacement of which is the responsibility of the Association, it shall be the duty of the Association to restore and repair the same to its former condition, as promptly as practical.

It shall be presumed that the Association is authorized to levy an Extraordinary Assessment to collect any expense of restoration and repair and to proceed forthwith with the restoration and repair and to proceed forthwith with the restoration and repair. However, by vote or written consent of not less than eighty percent (80%) of the Members, the Association may decide to proceed other than by restoring or repairing the Community Water System.

ARTICLE TEN. GENERAL PROVISIONS

10.1 Enforcement. All Assessments, together with interest, costs, penalties, and actual attorneys' fees, shall be a charge and a continuing lien upon the Lot against which such Assessment is made, the lien to become effective upon recordation of a Notice of Assessment Lien by the Board as required by law (and limited in duration as provided by law). Each such Assessment, together with interest, costs, penalties, and actual attorneys' fees, shall also be the personal obligation of the Person who was the Owner of such Lot at the time when the Assessment fell due. No Owner of a Lot may exempt himself or herself from liability for his or her contribution toward the Common Expenses by waiver of the use or enjoyment of the Community Water System, or by the abandonment of his or her Lot.

The Association (acting through the Manager), any Owner, and any governmental or quasi-governmental agency or municipality having jurisdiction over the Project shall have the right to enforce, by any proceedings at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by this Declaration, and in such action shall be entitled to recover costs and reasonable attorneys' fees. Any such action by the Association shall be taken on behalf of two (2) or more Lot Owners, as their respective interests may appear, with respect to any cause of action relating to the Community Water System. Failure by any such person or entity to enforce any such provision shall in no event be deemed a waiver of the right to do so thereafter.

10.2 Complaints. A complaint which alleges a violation of this Association agreement may be initiated by any Member of the Association or by the manager of the

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Association. Any such complaint shall be made in writing to the managing agent of the Association.

On receipt of the complaint the manager will notify the Member of the violation by letter. The notice of violation will include information on the fine that may be levied and the date by which the levied fine must be paid. The notice of violation will include information on how the alleged violator may challenge such notice of violation.

If a Member does not pay any sum, charge, or fine required to be paid to the Association within thirty (30) days from the due date, the same shall constitute a lien as described in the Declaration. Suit to recover a money judgment for unpaid assessment shall be maintainable without the assertion of the lien securing the same.

If a lien has been assessed against a Member, that Member may not vote at any subsequent regular or special meetings of the Association until the amount due and owing has been paid.

In the event of a violation of the provisions of the Declaration which violation is not corrected within thirty (30) days after notice from the Association to the Member to correct the violation, the Association may take such action as it may deem appropriate, including the institution of legal action, to correct the violation.

If such legal action is brought against a Member and results in a judgment for the plaintiff, the defendant shall pay the plaintiff's reasonable attorney's fees and court costs.

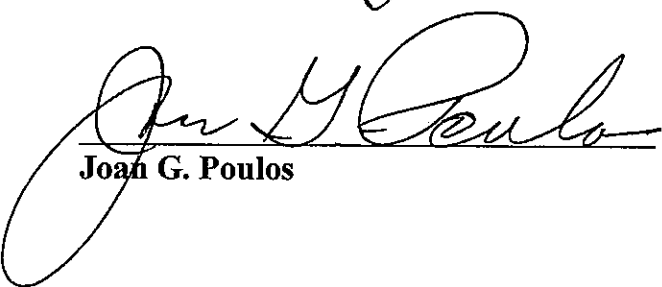
Each Owner shall be liable to the Association for any damage to the Community Water System if the damage is sustained because of the negligence, willful misconduct, or unauthorized or improper use by the Owner or any family member, guest tenant, employee, or invitee of the Owner. The cost of correcting the damage shall be a Special Assessment against the Lot and may be enforced as provided hereby for the enforcement of other Assessments.

Each member, for himself or herself, and his or her heirs, successors, and assigns, agrees to the foregoing provisions regardless of the harshness of the remedy available to the Association and regardless of the availability of other equally adequate procedures. It is the intent of all members to give the Association such powers and authority which will enable it to operate on a businesslike basis to collect those monies due and owing it from members, and to preserve each member's right to enjoy his or her use of water free from unreasonable restraint and nuisance.

10.3 Invalidity of Any Provision. Should any provision of this Declaration be declared invalid or in conflict with any law, the validity of all other provisions shall remain unaffected and in full force and effect.

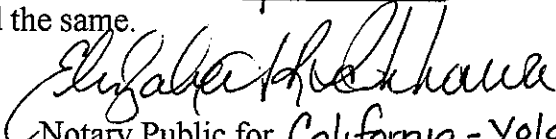
Dated this 17th day of June, 2009.

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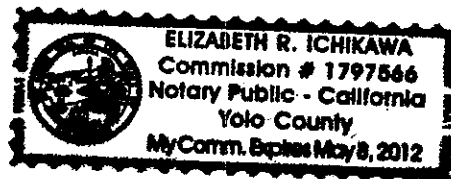

Joan G. Poulos

STATE OF California)
County of Yolo)ss.

On this 17th day of June, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Joan G. Poulos known or identified to me to be authorized to execute the instrument on behalf of said person, and acknowledged to me that such person executed the same.


Notary Public for California - Yolo County
Residing at 3113 Moraga Court, Fairfield, Ca 94534
My Commission Expires: May 8, 2012

(SEAL)



STATE OF IDAHO
COUNTY OF KOOTENAI

} ss. OCT 13 2009

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY OF
THE ORIGINAL NOW ON FILE OR RECORD IN THIS OFFICE

DANIEL J. ENGLISH

Clerk/Recorder

By

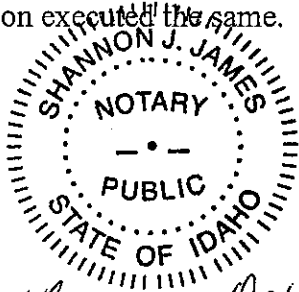
Deputy

Dated this 12 day of October, 2009.

Ryan J. Vandewerker
Ryan J. Vandewerker

STATE OF Idaho)
County of Kootenai) ss.

On this 12th day of October, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Ryan J. Vandewerker known or identified to me to be authorized to execute the instrument on behalf of said person, and acknowledged to me that such person executed the same.



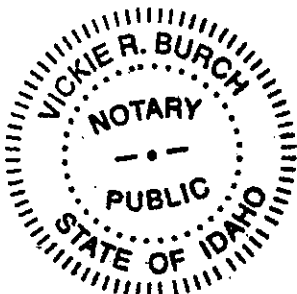
Shannon J. James
Notary Public for Idaho
Residing at 1011 1st St
My Commission Expires: 7-7-12

Dated this 12 day of October, 2009.

Kelly M. Vandewerker
Kelly M. Vandewerker

STATE OF Idaho)
County of Kootenai) ss.

On this 12th day of October, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Kelly M. Vandewerker known or identified to me to be authorized to execute the instrument on behalf of said person, and acknowledged to me that such person executed the same.



Vickie R. Burch
Notary Public for Idaho
Residing at Spokane Valley, WA
My Commission Expires: 4-23-2013

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Attachment to Answer 12.

The applicant desires to obtain a water permit for a water system that will provide water for domestic and irrigation purposes for each of the four lots contained in the subdivision created by Joan Poulos and a lot she owns adjacent to and contiguous with the subdivision. The subdivision is referred to as Poulos Lots. The adjacent lot is a lot contained in the subdivision Lakewood on Hayden.

Currently the water system consists of a well located on Lot 1 of the subdivision along with, holding tanks, and pumps necessary to provide water to Lot 1 and Lot 3 of the subdivision. It is anticipated that once Ms. Poulos sells lots 1, 2, and 4 the existing water system will be improved to provide service to those lots. Additionally, Ms. Poulos plans to develop Lot 14 and connect to the existing water system to obtain water for Lot 14.

The applicant further desires to create and establish a permanent water right that will attach to all of the lots in question.

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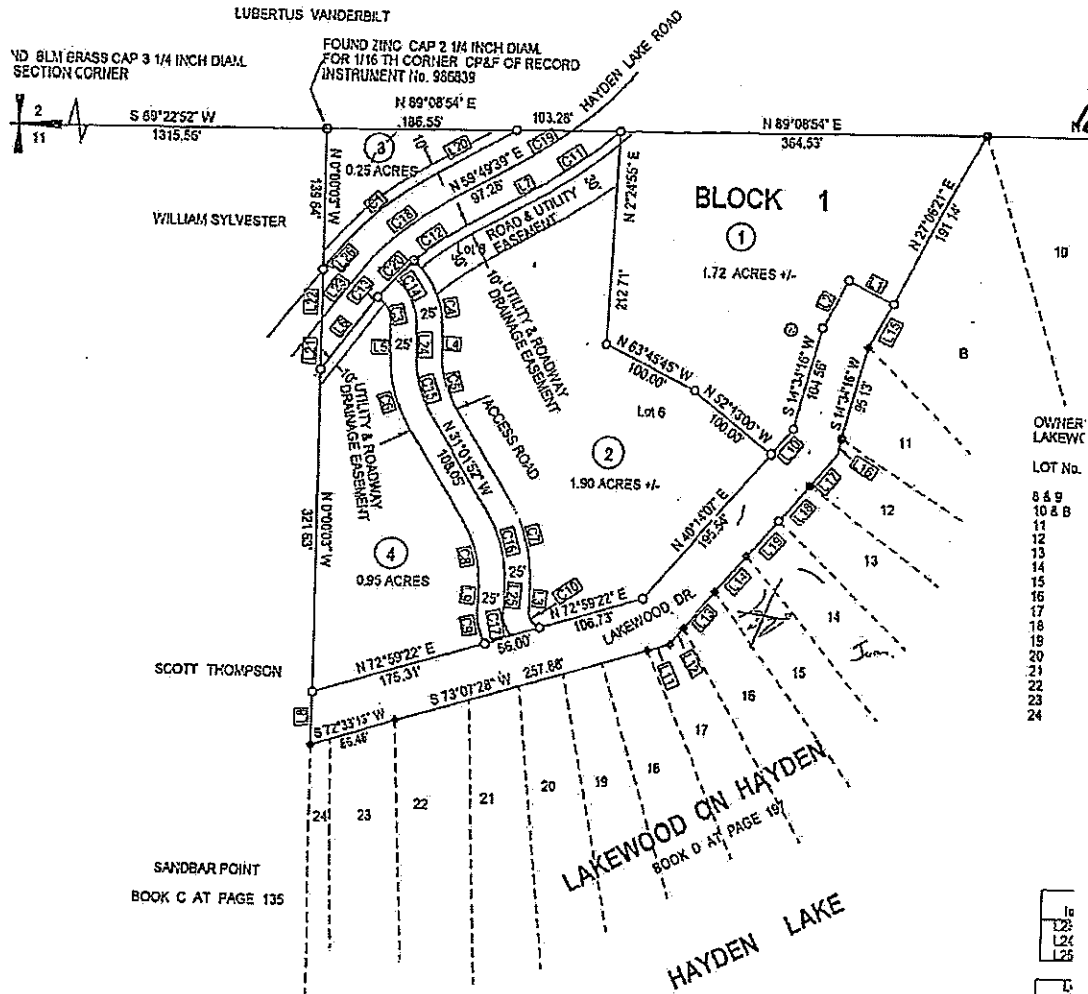
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Attachment to Answer 13.

POULOS LOTS
A PORTION OF GOV'T LOT 2 SECTION 11 T51N
KOOTENAI COUNTY IDAHO

MAY 2003

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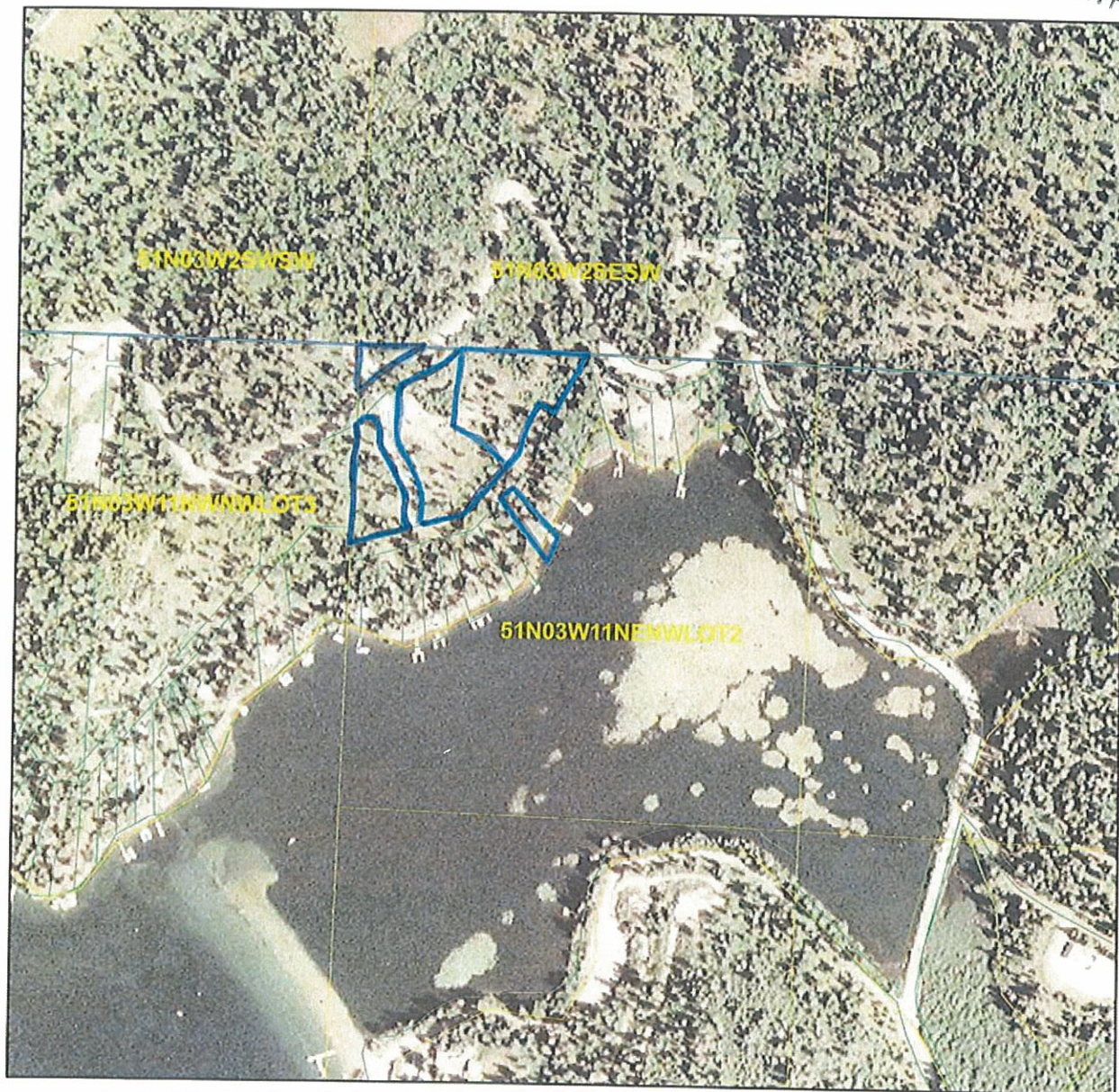
ACCESS & COUNTY ROADS					
Id	Delta	Radius	Arc Length	Chord	Ch Bear
C14	51°00'28"	64.00'	58.98'	55.11'	N 23°07'21" W
C15	29°14'47"	112.44'	57.40'	56.77'	S 16°24'29" E
C16	32°43'19"	137.48'	78.52'	77.45'	S 14°40'13" E
C17	39°56'09"	40.00'	27.88'	27.32'	S 15°48'06" E
C18	23°12'24"	311.16'	126.03'	125.17'	N 48°13'27" E
C19	17°19'55"	433.50'	131.13'	130.63'	N 50°20'56" E

RIGHT OF WAY OF ROADS					
Id	Delta	Radius	Arc Length	Chord	Ch Bear
C1	23°12'24"	341.16'	138.18'	137.24'	N 48°13'27" E
C3	53°18'07"	39.00'	36.28'	34.99'	N 21°43'45" W
C4	48°35'03"	69.00'	75.47'	73.23'	N 23°03'20" W
C5	29°14'49"	87.44'	44.63'	44.15'	N 16°24'29" W
C6	29°14'48"	137.44'	70.16'	69.40'	N 16°24'29" W
C7	32°43'22"	102.48'	92.80'	91.54'	S 14°40'13" E
C8	32°43'23"	112.48'	64.24'	63.37'	S 14°40'13" E
C9	31°38'07"	65.00'	35.89'	35.44'	N 12°34'59" W
C10	84°32'52"	15.00'	22.13'	20.16'	N 34°01'12" W
C11	10°50'20"	453.50'	87.63'	87.55'	N 53°38'59" E
C12	11°29'47"	281.16'	53.42'	56.32'	N 54°04'45" E
C13	1°36'23"	281.16'	7.39'	7.39'	N 37°22'27" E
C20	10°12'14"	281.16'	50.07'	50.01'	N 49°13'45" E

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Legend

- QQ
- Taxlots

