

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO)

JUL 02 2009

) ss.

County of Bonner)

IDWR / NORTH

Stirling Burkley being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Legal Application. My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

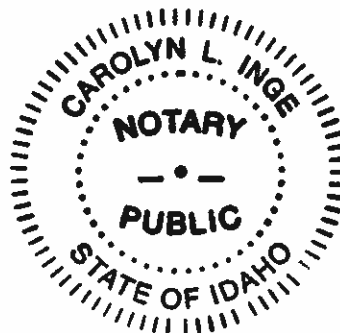
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 4 day of Jun, 2009 and ending on the 11 day of June, 2009.

Stirling Burkley

State of Idaho, county of Bonner ss.

On this 12 day of June, in the year of 2009, before me, Carolyn Inge, Notary Public, personally appeared Stirling Burkley, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Carolyn L Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8-7-12



See reverse for legal

RECEIVED
JUL 02 2009
IDWR / NORTH

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

96-9429

SAGLE VALLEY WATER & SEWER DISTRICT

83 MEADOWLARK DR

SAGLE ID 83860

Points of Diversion (2) SESWNE S16 T56N R02W BONNER County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.45 CFS

Total Diversion: 0.45 CFS

Date Filed: 02/26/2009

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

96-9431

UPPER COLUMBIA MISSION SOCIETY

UPPER COLUMBIA CORPORATION

PO BOX 19039

SPOKANE WA 99219-9039

Point(s) of Diversion NESW S21 T57N R02W BONNER County

Source CHUCK SLOUGH tributary to PEND OREILLE RIVER

Use: IRRIGATION 01/01 To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 05/04/2009

Place Of Use: IRRIGATION

T57N R02W S21 NESW

Number of Acres 6

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 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 06/22/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

SNP Legal 10662

June 4, 11, 2009

*See reverse
for affidavit*

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

W.R. # 96-9429

APPLICATION ID # 75450

ENT. 5/7/09

BCA 6/11/09 OK to Publish 5/20/09

INITIAL REVIEW

APPLICANT: Sage Valley Water & Sewer Dist.

BY: [Signature]

DATE: 5/19/2009

ITEM REQUIRED INFORMATION

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

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

PROCESSING

(Yes)(No)

PRIORITY DATE: 2/26/2009

(Include Moratorium Remark)

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

ADVERTISE IN:

Count Bonner
Newspaper: Bonner Co. Daily Press
Dates scheduled for publication 6/4 & 11/09
Affidavit of Publication received: 7/2/09
Dates actually published: 6/4 & 11/09
Application published correctly. Yes ☒ No ☐
If not, action taken: _____

Final Date for Protest: 6/22/09

Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 5/7/09 By: [Signature]
☐ 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>760686</u>	<u>0005671</u>	Dom. ☒ Non-Dom. ☐	Paid \$ <u>185.00</u>	<u>N030061</u>	Y() N() <u>paid</u>
<u>760687</u>	<u>0005672</u>	Dom. ☒ Non-Dom. ☐	Paid \$ <u>185.00</u>	<u>N030061</u>	Y() N() <u>paid</u>
		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: PWS # F01090118

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ☒ Notice of pending void order issued.
- ☒ Further information required from applicant _____

Final order response date: ____/____/____

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

Approval Recommended by: [Signature]

Date: 7/16/09 Sr. Agent initial [Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

July 24, 2009

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SAGLE VALLEY WATER & SEWER DISTRICT
83 MEADOWLARK DR
SAGLE ID 83860

RE: Permit No. 96-9429

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

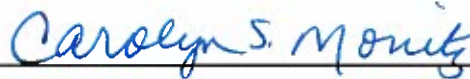
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2009 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. 96-9429

**SAGLE VALLEY WATER & SEWER DISTRICT
83 MEADOWLARK DR
SAGLE ID 83860**



**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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09429

Priority: February 26, 2009

Maximum Diversion Rate: 0.45 CFS

This is to certify, that SAGLE VALLEY WATER & SEWER DISTRICT
83 MEADOWLARK DR
SAGLE ID 83860
(208) 263-2057

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	0.45 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, Twp 56N, Rge 02W, B.M., BONNER County

GROUND WATER, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, Twp 56N, Rge 02W, B.M., BONNER County

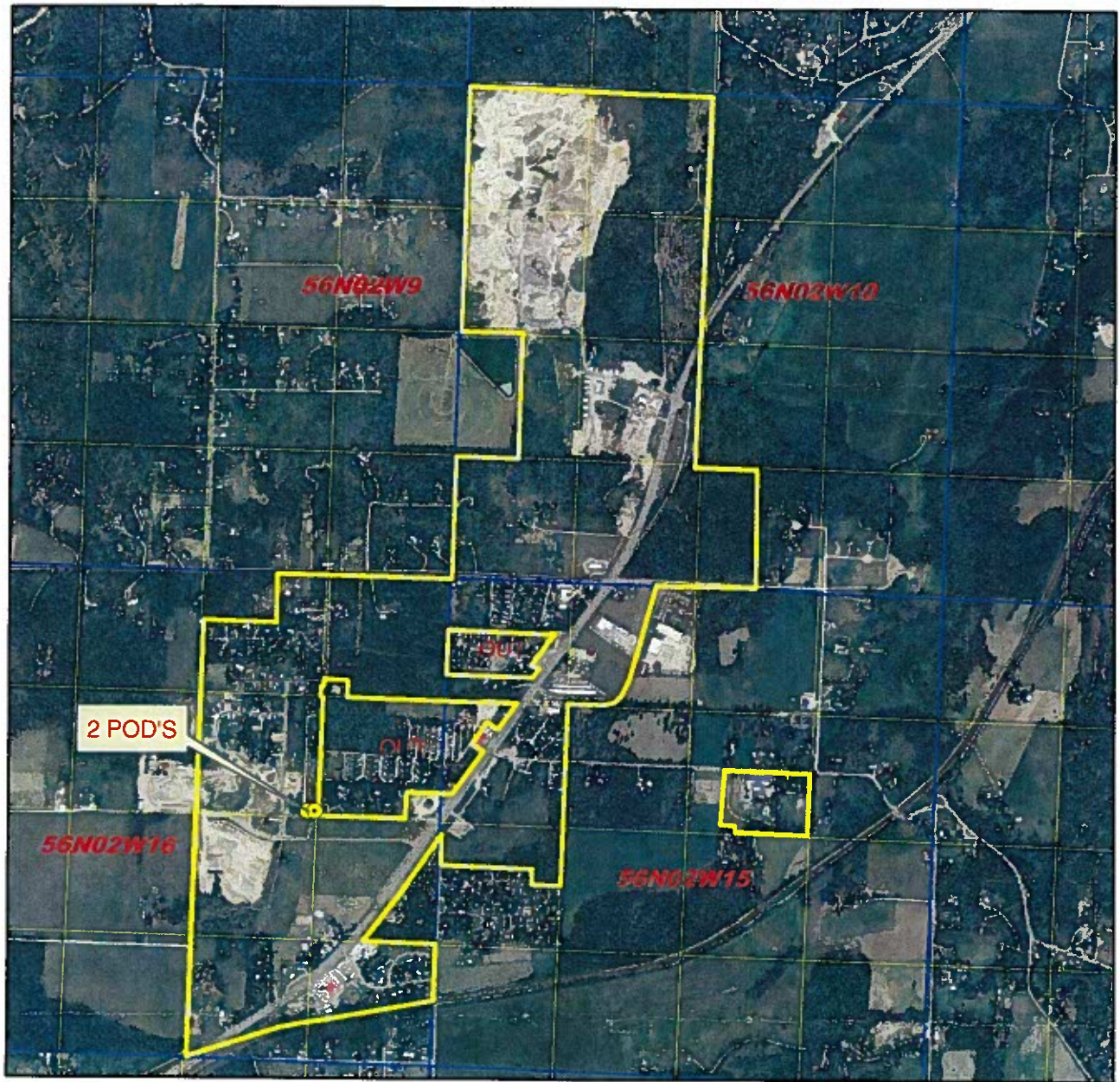
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2010**.
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. Place of use is within the service area of Sagle Valley Water and Sewer District as provided for under Idaho law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

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 17th day of July, 2009.


Director

96-9429



0 750 1,500 3,000 4,500 6,000 Feet

Legend

-  workingpod
-  workingpou
- QQ
-  Sections

