

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09290

Priority: September 02, 2005

Maximum Diversion Rate: 0.50 CFS

This is to certify, that BIG ROCK TIMBER & DEVELOPMENT LLC
PO BOX 3053
COEUR D ALENE ID 83816

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	0.50 CFS

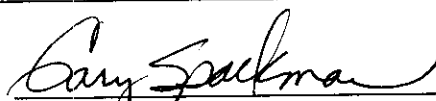
LOCATION OF POINTS OF DIVERSION:

GROUND WATER SW¼ NE¼ Sec. 18, Twp 49N, Rge 03W, B.M. KOOTENAI County
GROUND WATER SW¼ NE¼ Sec. 18, Twp 49N, Rge 03W, B.M. KOOTENAI County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2008**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. 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.
6. Place of use is within the area served by the public water supply system of Gotham Bay Estates. The place of use is generally located within Township 49N, Range 3W, Sections 18 and 19.
7. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of November, 2005.

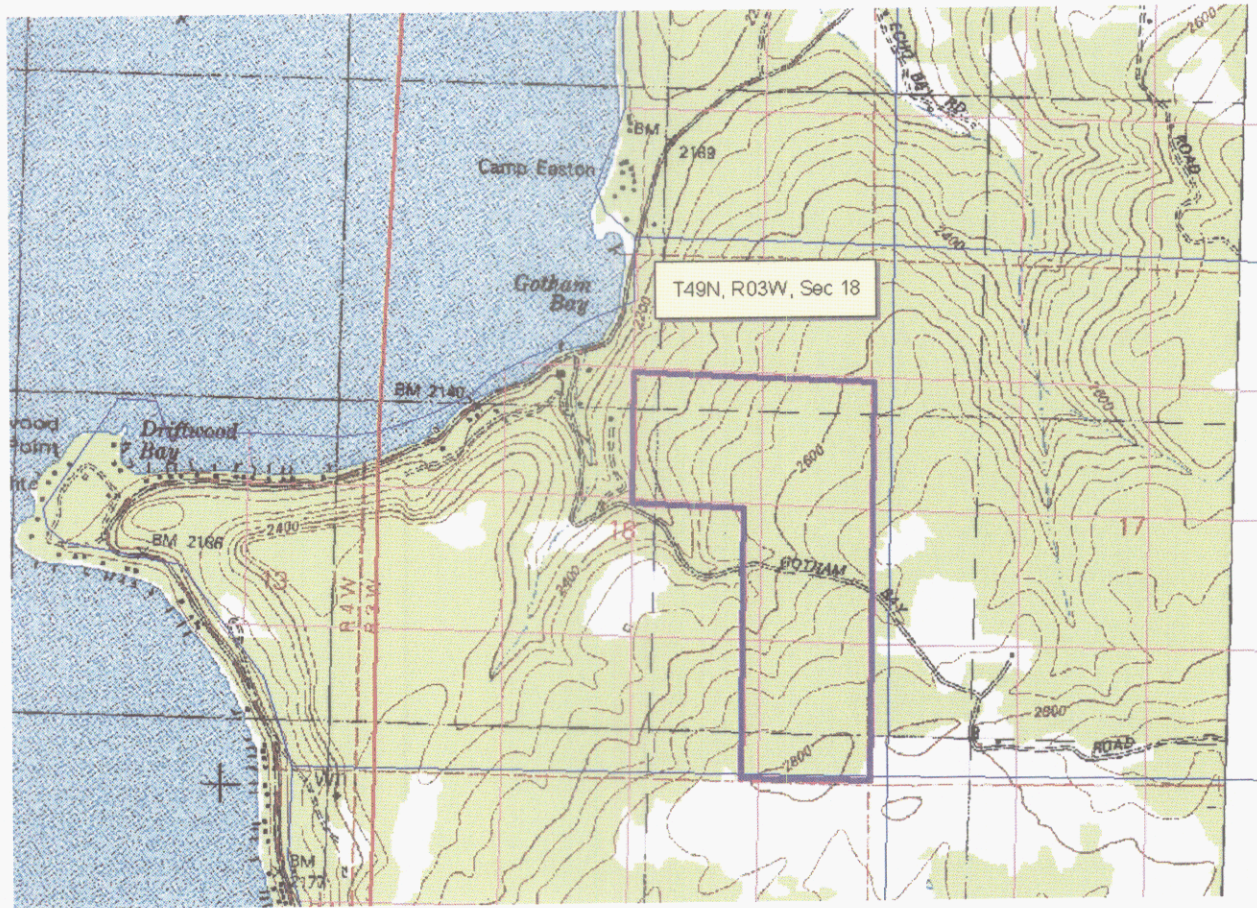

FOR KARL J DREHER, Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09290

Digital Boundary for Big Rock Timber and Development, LLC

November 1, 2005



-  Permit 95-09290.shp
-  Township/Range
-  Sections
-  QQ

1000 0 1000 2000 3000 Feet



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SEP 02 2005

Ident. No. _____

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AUG 23 2005

IDWR/North

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUL 14 2005

IDWR/North

1. Name of Applicant BIG ROCK TIMBER & DEVELOPMENT, LLC Phone (208) 661-2635
Mailing address P.O. BOX 3053 COEUR D'ALENE, ID 83816

2. Source of water supply GROUNDWATER which is a tributary of SPOKANE RIVER

20 3. Location of point of diversion is Township 49 N Range 3 W Sec. 18, in the SE SW 1/4, SW 1/4, NE 1/4, Govt. Lot 1, B.M., KOTTENAI County;

additional points of diversion if any:

4. Water will be used for the following purposes:

- Amount .50 for MUNICIPAL purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.50 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: _____

a. Describe type and size of devices used to divert water from the source PRODUCTION WELLS

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 8-10 inches; proposed depth of well is 200-250 feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? _____; Drilling firm TO BE DETERMINED

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. ASSOCIATION TO BE CREATED BY PROPERTY OWNERS

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
41N	3W	18			M	M									M	M	M	M	

Total number of acres to be irrigated = _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Big Rock Timber & Development LLC
- b. Who owns the land to be irrigated or place of use? PROPERTY OWNERS ASSOCIATION
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

12. Remarks: ATTACHED MAP SHOWS LOCATION OF SUBDIVISION AND POINT OF DIVERSION.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

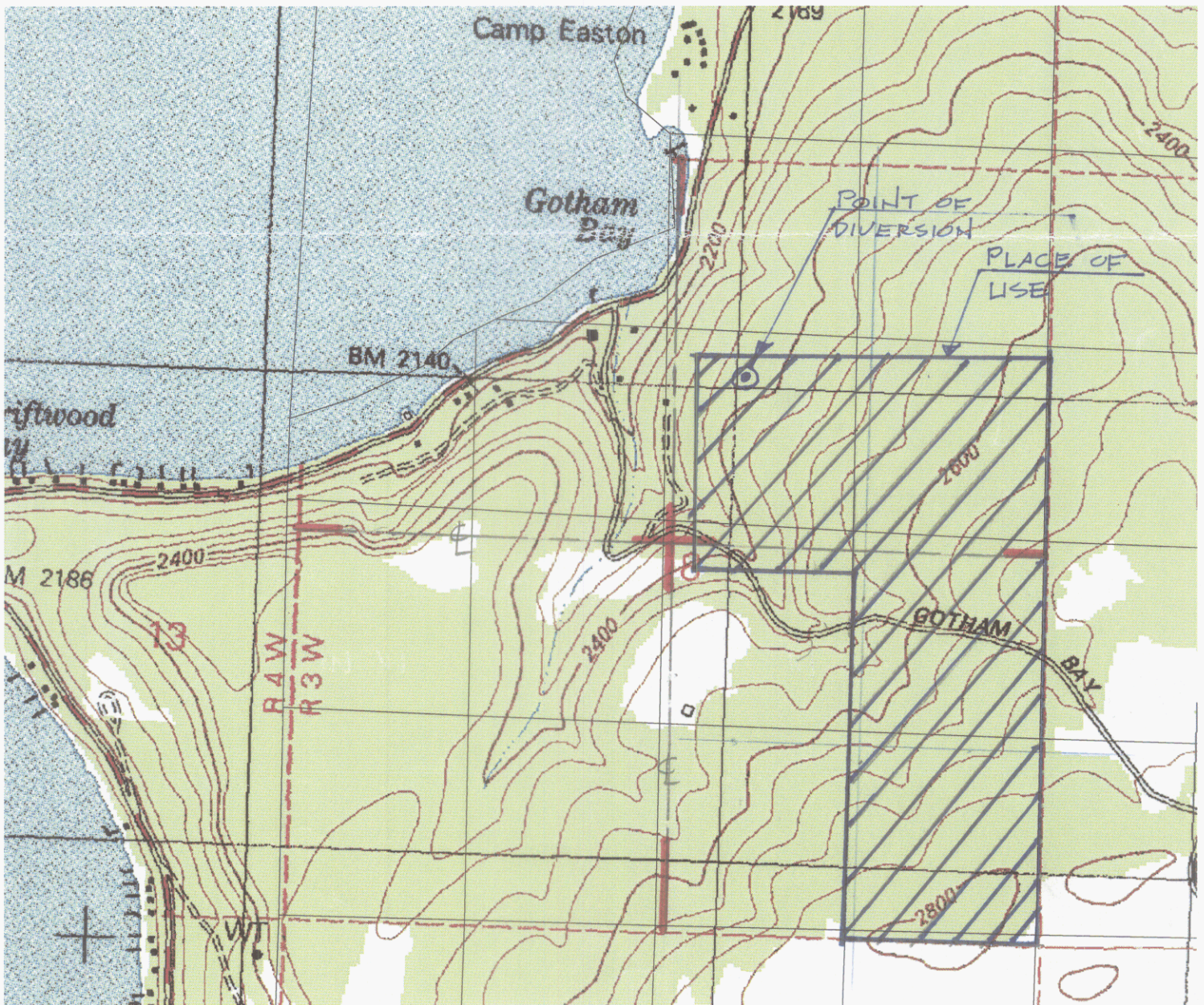
Laurel D. Anderson President
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 7/14/05 Time 3:55p Preliminary check by [Signature] Date 7/14/05
Fee \$ 250.00 Receipted by [Signature] # NOM 041
Publication prepared by [Signature] Date 9/28/05 Published in Cda Press 10/6 + 13/05
Publication approved [Signature] Date 10/17/05

T49N R3W Section 18

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SEP 02 2005
IDWR/North

-  Place of Use
-  Point of Diversion

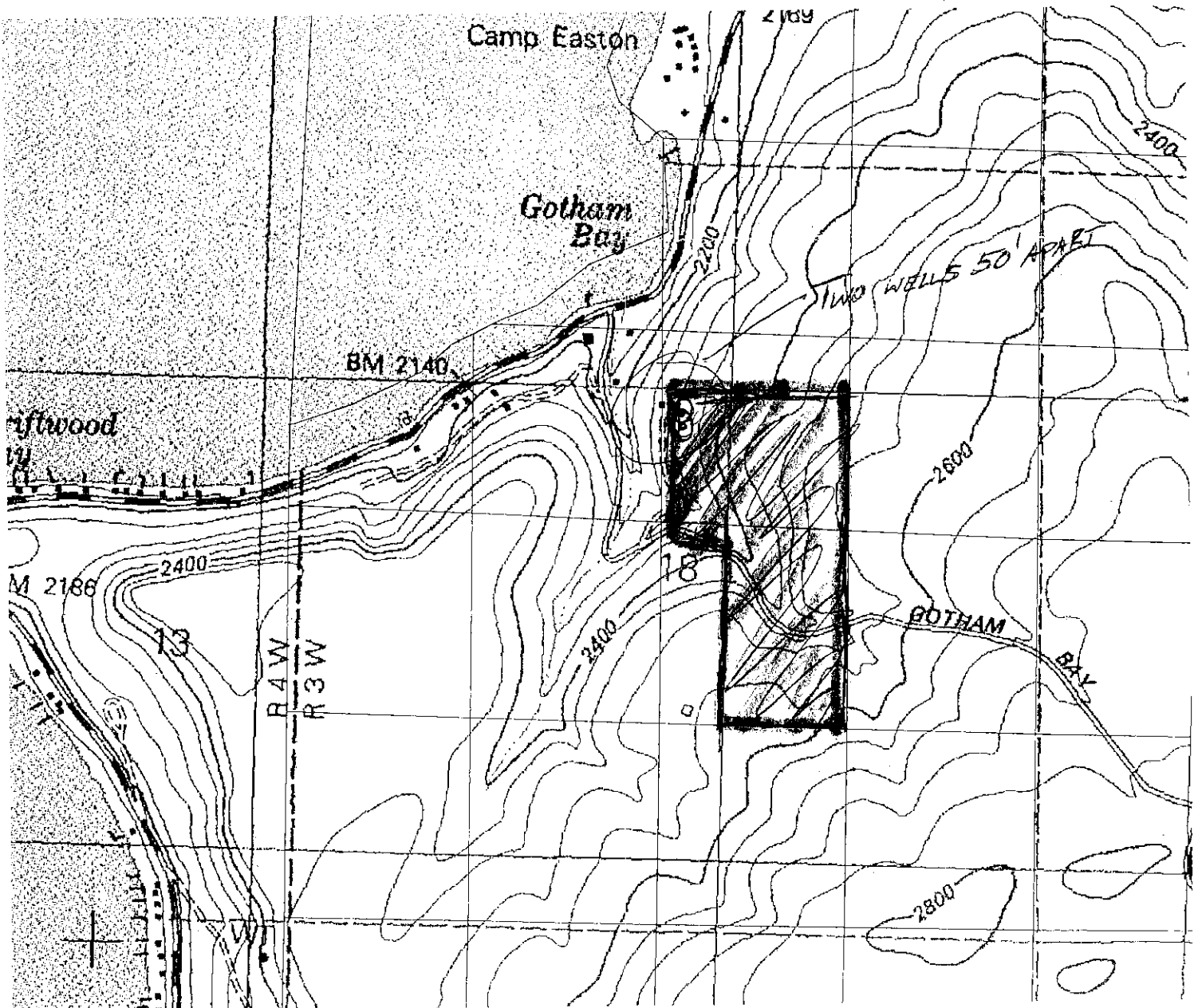
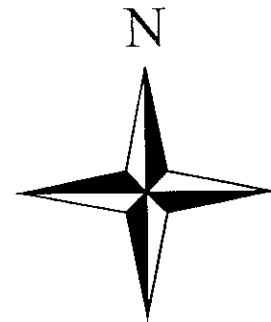


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AUG 23 2005
IDWR/North

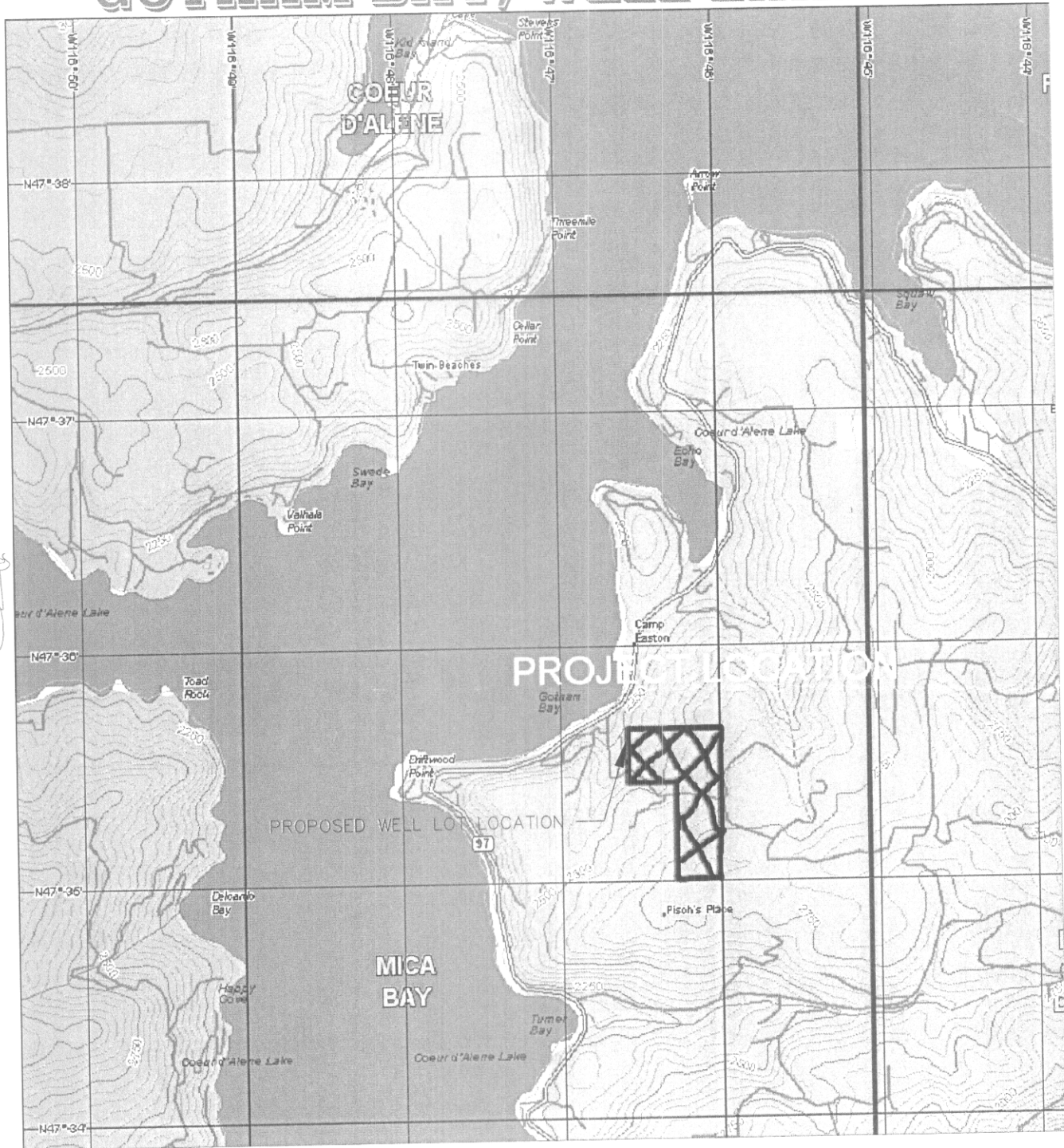
T49N R3W Section 18

Place of Use

⊙ Point of Diversion



GOTHAM BAY, WELL EXHIBIT



ISSUE DATE: 7/14/05	DRAWN BY: RNF
DWG FILE: WELL EXHIBIT	SCALE: 1"=4000'
PROJ. # 04-161	

SHEET TITLE:
WELL LOT EXHIBIT FOR
GOTHAM BAY



ENGINEERS • SURVEYORS • PLANNERS

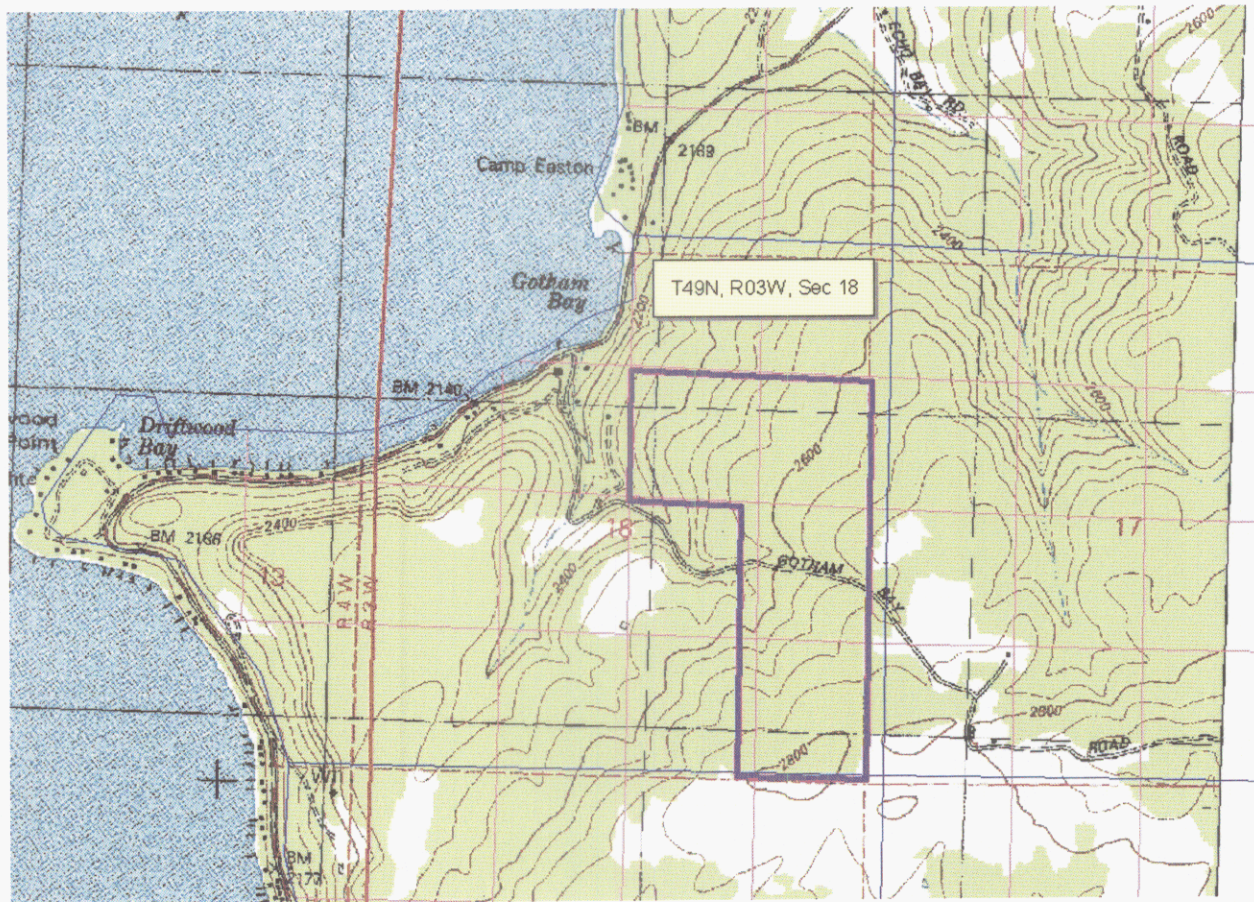
1296 Polston Ave., Suite B, Post Falls, Idaho 83854
PHONE (208) 773-8370 www.incnorthwest.com FAX (208) 777-2128

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09290

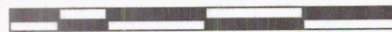
Digital Boundary for Big Rock Timber and Development, LLC

November 1, 2005



-  Permit 95-09290.shp
-  Township/Range
-  Sections
-  QQ

1000 0 1000 2000 3000 Feet



|

M E M O R A N D U M

Date: October 31, 2005
To: Water Right File 95-9290
From: eretelle
Re: permit review

No WD or moratorium.

No overlap or protest

Information regarding PWS number from DEQ received.

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

RECEIVED
OCT 17 2005
IDWR/North

Kattie Hay

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 *16* day of *October* 2005, and ending on the *13* day of *October* 2005, 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.

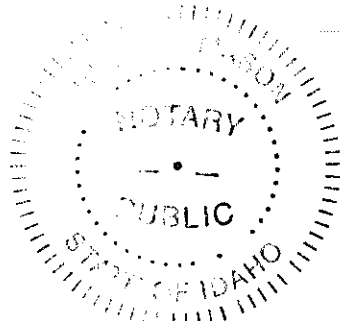
On this *13* day of *October* in the year of *2005*, before me, a Notary Public, personally appeared *Kattie Hay*,

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 6/18/09



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

95-9290

BIG ROCK TIMBER & DEVELOPMENT LLC
PO BOX 3053
COEUR D ALENE ID 83816
Point(s) of Diversion(2) SWNE S18 T49N R03W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.5 CFS
Total Diversion: 0.5 CFS
Date Filed: 09/02/2005
Place Of Use: MUNICIPAL
Remark: Municipal use is within service area of applicant.
95-9299

GARY SCHMIDT
1474 E LANCASTER RD
HAYDEN ID 83835
Point(s) of Diversion L4 (SWSWSE) S9 T51N R03W KOOTENAI County
Source HAYDEN LAKE Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 09/08/2005
Place Of Use: DOMESTIC
T51N R03W S9 SWSE Lot 4
Remark: Domestic use is for 1 two-family home.
95-9300

GARY SCHMIDT
1474 E LANCASTER RD
HAYDEN ID 83835
Point(s) of Diversion L4 (SWSWSE) S9 T51N R03W KOOTENAI County
Source HAYDEN LAKE Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 09/08/2005
Place Of Use: DOMESTIC
T51N R03W S9 SWSE Lot 4
Remark: Domestic use is for 1 two family home.
95-9301

GARY SCHMIDT
1474 E LANCASTER RD
HAYDEN ID 83835
Point(s) of Diversion L4 (SWSWSE) S9 T51N R03W KOOTENAI County
Source HAYDEN LAKE Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 09/08/2005
Place Of Use: DOMESTIC
T51N R03W S9 SWSE Lot 4
Remark: Domestic use is for 1 two family home.
95-9302

GARY SCHMIDT
1474 E LANCASTER RD
HAYDEN ID 83835
Point(s) of Diversion L4 (SWSWSE) S9 T51N R03W KOOTENAI County
Source HAYDEN LAKE Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 09/08/2005
Place Of Use: DOMESTIC
T51N R03W S9 SWSE Lot 4
Remark: Domestic use is for 1 two family home.
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, 1910 Northwest Blvd, Suite 210, Coeur d'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/24/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director
Legal 8024
October 6, 13, 2005

e. Other; describe fully.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
41N	3W	18																	
					M	M									M	M	M	M	

Total number of acres to be irrigated —

10. Describe any other water rights used for the same purposes as described above.

- Who owns the property at the point of diversion? Big Rock Timber & Development LLC
- Who owns the land to be irrigated or place of use? PROPERTY OWNERS ASSOCIATION
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

12. Remarks: ATTACHED MAP SHOWS LOCATION OF SUBDIVISION AND POINT OF DIVERSION

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Douglas D. Anderson President
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 7/14/05 Time 3:55p Preliminary check by [Signature]
 Fee \$ 250.00 Received by [Signature] # N017041 Date 7/14/05
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

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AUG 23 2005

IDWR/North

RECEIVED

JUL 29 2005

IDWR/North

Ident. No.

95-9290

72195

RECEIVED

JUL 14 2005

IDWR/North

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant BIG ROCK TIMBER & DEVELOPMENT, LLC Phone (208) 661-2635
Mailing address P.O. BOX 3053 COEUR D'ALENE, ID 83816
2. Source of water supply GROUNDWATER which is a tributary of SPOKANE RIVER SW
3. Location of point of diversion is Township 49 N Range 3 N Sec. 18, in the NE 1/4,
SW 1/4, NE 1/4, Govt. Lot 1, B.M., KOSTENAI County;
additional points of diversion if any:
4. Water will be used for the following purposes:
- | | |
|---|--|
| Amount <u>.50</u> for <u>MUNICIPAL</u> purposes from <u>JAN 1</u> to <u>DEC 31</u> (both dates inclusive)
(cfs or acre-feet per annum) | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) | |
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(cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) 0.50 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source PRODUCTION WELLS
- b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is 8-10 inches; proposed depth of well is 200-250 feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? _____; Drilling firm TO BE DETERMINED
Well was drilled for (well owner) _____; Drilling Permit No. _____
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TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N	3W	18	0.5	2.5	2	1.0	2.5	2	1	2					3	2		3.5	23.0
			M	M	M	M	M	M	M	M					M	M		M	

Total number of acres to be irrigated 23.0

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? BIG ROCK TIMBER & DEVELOPMENT LLC
- b. Who owns the land to be irrigated or place of use? PROPERTY OWNERS ASSOCIATION
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

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

Laurel D. Anderson President
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 7/14/05 Time 4:30P Preliminary check by _____
 Fee \$ 250.00 Received by [Signature] # N017041 Date 7/14/05
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____