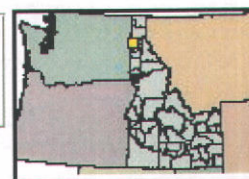


The lat/long you provided was 47° 45.402' N; 116° 52.395' W

Here are the results:

NE quarter of the **NE** quarter of Section 19, Township 51N, Range 04W

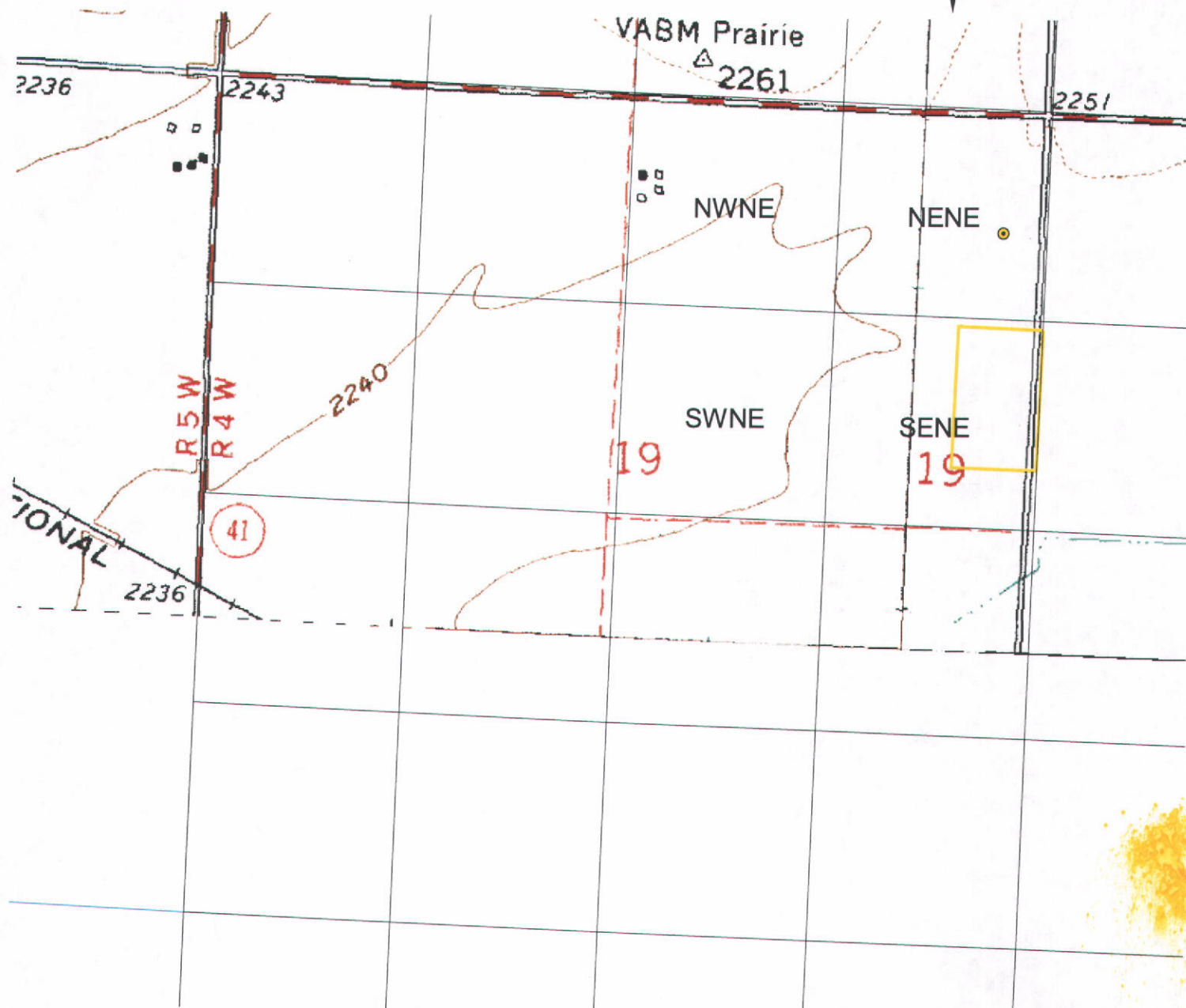
IDTM NAD83 coordinates: Easting=2284671; Northing=1843481



Choose the map-display background:



T51N R4W
Section 19



Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SE	NW SE	SW SE	SE SE	Total
App	95 9276	MICHAEL R ANDREWS.	GROUND WATER	51N04W19	39	40	40	10	40	40	40	40	38	25			371
Right	95 7009	LYLE G JACKLIN.	GROUND WATER	51N04W19	10												10
Permit	95 9197	MICHAEL R ANDREWS.	GROUND WATER	51N04W19													190
Right	95 2099	LYLE G JACKLIN.	GROUND WATER	51N04W19													3
Right	95 8852	ART DEGENHARDT.	GROUND WATER	51N04W19													3

02 w/ 95-7009

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09276

Priority: November 03, 2005

Maximum Diversion Rate: 0.20 CFS

This is to certify, that MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.20 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Twp 51N, Rge 04W, B.M., KOOTENAI County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N	04W	19				10.0													10.0

Total Acres: 10

CONDITIONS OF APPROVAL

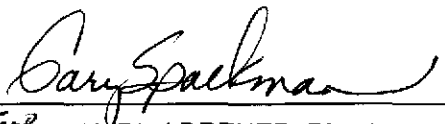
1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2010**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09276

7. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of November, 20 05.


For KARL J DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	PRELIMINARY ORDER RESCINDING
FOR PERMIT NO. 95-9276 IN THE	)	AN ORDER VOIDING AN APPLICATION
NAME OF MICHAEL R. ANDREWS	)	AND REINSTATING THE APPLICATION
_____	)	

This matter having come before the Department of Water Resources (Department) as a petition for reconsideration of a preliminary order voiding an application for permit, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On June 6, 2005, Michael R. Andrews (applicant) filed an application for permit (application) with the Department seeking to divert 0.20 cfs of groundwater for irrigation purposes. The application proposed to establish the point of diversion and the place of use within the E½NE¼, Sec. 19, T51N, R4W, Kootenai County.
2. On July 22, 2005, the Department requested additional information from the applicant and asked that the information be submitted within thirty (30) days of the date of the letter.
3. On September 10, 2005, the Department issued a preliminary order voiding the application for failure by the applicant to submit the requested information within thirty (30) days of the date of the request.
4. On October 14, 2005, the Department received the preliminary order to void the application back from the postal service. The postal service did not deliver the order to the applicant because the applicant was out of the area.
5. On November 3, 2005, the applicant contacted the Department to inquire about the status of his application and, when advised, promptly faxed a petition for reconsideration of the preliminary order voiding the application and provided the information requested by the Department in connection with the application.

CONCLUSIONS OF LAW

1. *Idaho Code* § 42-204, provides in pertinent part as follows:

If the corrected application is returned or the information is supplied after thirty (30) days, such corrected application shall be treated in

all respects as a new application, and the priority of the right initiated shall be determined by the date of receipt, in the office of the department, of the corrected application or additional information; provided, that upon request, and good cause appearing therefore, the director of the department of water resources may grant an extension of time within which to return the corrected application or supply needed information.

2. The information supplied by the applicant in connection with the application was not filed timely.

3. The Department should rescind the order voiding the application and should reinstate the application.

4. The Department should advance the date of priority of the application to the date of receipt of the requested information in accordance with the provisions of *Idaho Code* § 42-204.

ORDER

IT IS HEREBY ORDERED that the order voiding the application is **RESCINDED** and the application is **REINSTATED** with the date of priority advanced to November 3, 2005.

Dated this 21st day of November, 2005.



GARY SPACKMAN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 95-9276 IN THE)
NAME OF MICHAEL R. ANDREWS)

**PRELIMINARY ORDER VOIDING
APPLICATION FOR PERMIT**

This matter having come before the Department of Water Resources (Department) as a result of an application to appropriate water, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On June 6, 2005, Michael R. Andrews (applicant) applied to the Department for a permit (application) to appropriate 0.20 cubic feet per second of water from a ground water source located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Township 51 North, Range 4 West, B. M., for the irrigation of 10 acres.

2. The Department caused the application to be advertised in the *Coeur d'Alene Press*, a newspaper published in Kootenai County, on June 16 and 23, 2005, in accordance with Idaho Code § 42-203A.

3. On July 22, 2005, Department staff corresponded with the applicant requesting information concerning an existing water right license on the same property and for the same use as requested in the application for permit. The Department requested the information be submitted within 30 days of the date of the correspondence.

4. The Department did not receive a response to the July 22, 2005, request for additional information.

5. Idaho Code § 42-204 says, in pertinent part:

If upon such examination the application is found defective, it shall be the duty of the department of water resources to return the same for correction or to correspond with the applicant to obtain the needed information or amendments. If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

CONCLUSIONS OF LAW

1. Idaho Code § 42-204 authorizes the Department to void an application if the applicant fails to supply requested information within 30 days.
2. The Department should void the application as provided in Idaho Code § 42-204.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that issuance of a permit is **DENIED** and that Application for Permit No. 95-9276 in the name of Michael R. Andrews is **VOIDED**.

Dated this 10th day of September, 2005.



GARY SPACKMAN

RECEIVED

JUL 12 2005

FORM 202
12/99DEPARTMENT OF
WATER RESOURCES
RECEIVED

72022

Ident. No. 95-9276

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUN 06 2005

IDWR/North

DEPARTMENT OF
WATER RESOURCES

1. Name of Applicant Michael R. Andrews Phone 208-660-3331
 Mailing address 601 S. Shelley Lake Lane, Spokane Valley WA 99087 PO Box 1474, Hayden ID 83835
 2. Source of water supply GROUND WATER which is a tributary of _____
 3. Location of point of diversion is Township 51N Range 4W Sec. 19, in the _____
NE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., KOOTENAI County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .20 for IRRIGATION purposes from 3/15 to 11/15 (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)
- .20
- 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 8" well w/ submersible pump - piped to sprinklers

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

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

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

e. If well is already drilled, when? 2004; Drilling firm Adams UnitedWell was drilled for (well owner) Michael Andrews; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is
- 5
- 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. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

per Mike Andrews 6/17/05

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	
51N	4W	19				10													10

Total number of acres to be irrigated 10

10. Describe any other water rights used for the same purposes as described above. 95-9197 has the same P.D. but R.O.U. is different

11. a. Who owns the property at the point of diversion? Applicant

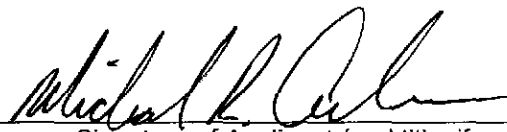
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

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.



Signature of Applicant (and title, if applicable)

Received by JS/ds Date 6/6/05 Time 2:30 P Preliminary check by _____
 Fee \$ 100.00 Received by JS # N016956 Date 6/6/05
 Publication prepared by JS Date 6/8/05 Published in Call P. 6/16+23/05
 Publication approved JS Date 6/27/05

The lat/long you provided was 47° 45.402' N; 116° 52.395' W

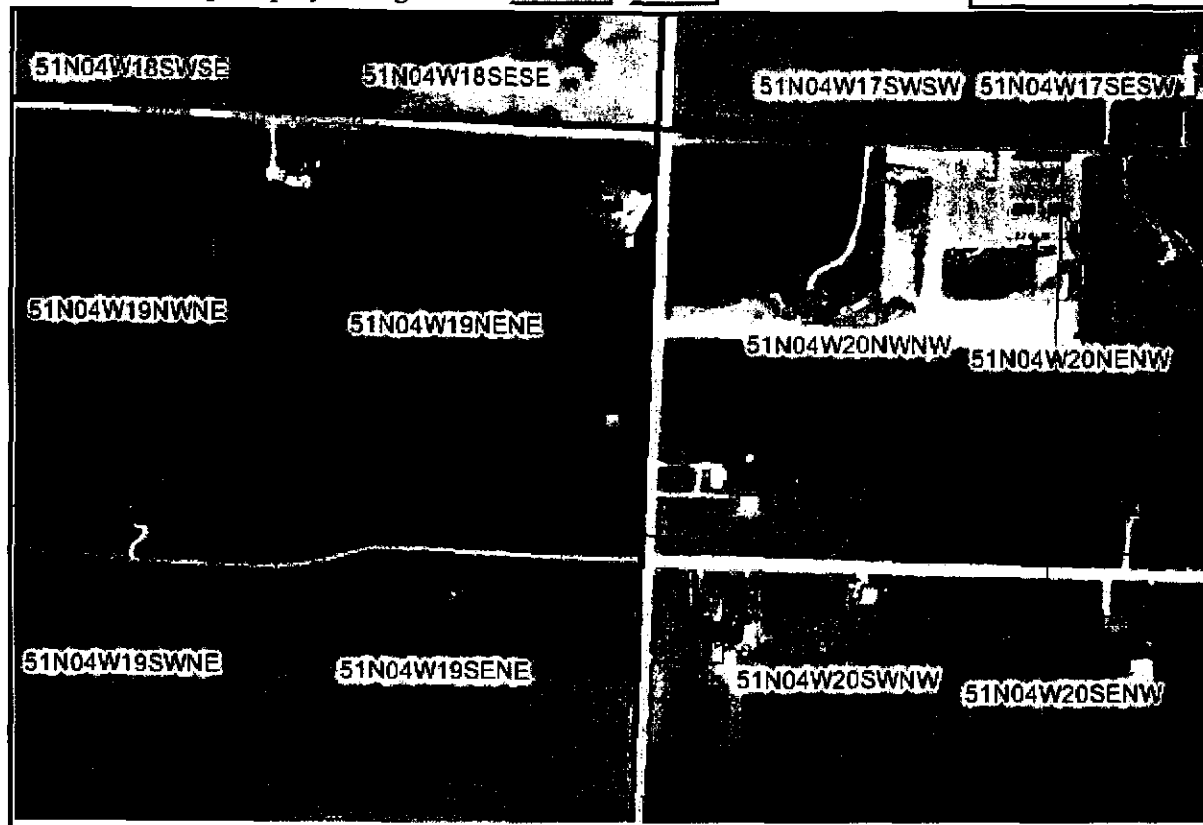
Here are the results:

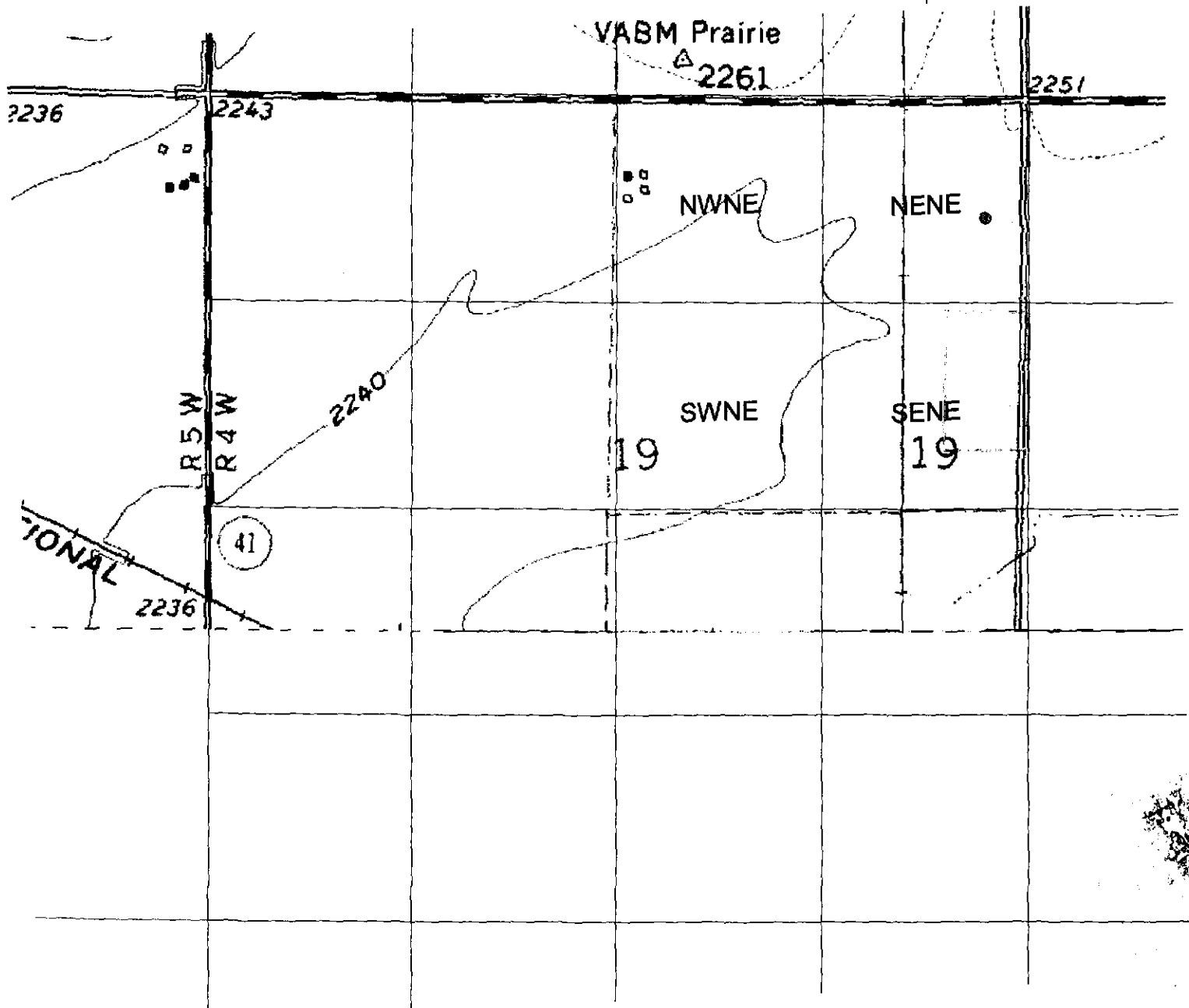
NE quarter of the **NE** quarter of Section 19, Township 51N, Range 04W

IDTM NAD83 coordinates: Easting=2284671; Northing=1843481



Choose the map-display background: ☒ Photo ☐ Topo







State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 23, 2005

MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835

RE: Permit No. 95-9276

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.

Also enclosed is a copy of a Preliminary Order Rescinding an Order Voiding an Application and Reinstating the Application.

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.

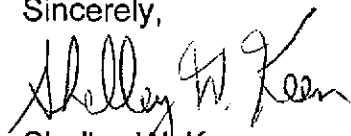
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

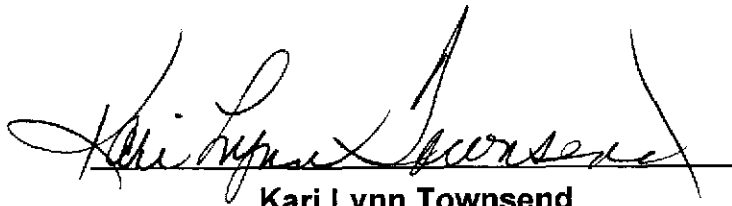
CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2005 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.

95-9276

**MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(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. 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.

Comment Report

95-9276

1. kwalker 11/21/2005 POD

Comment: Updated shape

2. kwalker 11/21/2005 POD

Comment: Updated PLS

3. kwalker 11/21/2005 POU

Comment: Updated Shape

4. skeen 9/12/2005 9:27:40 AM Explanatory Comment

Comment: Applicant did not respond to correspondence asking about Right 95-7009, which covers the same land.

5. kwalker 11/21/2005 Application Reinstatement

Comment: The applicant was out of the area when we requested information regarding this application. When he returned to the area he submitted the requested information. Application was reinstated with an advance in priority date to the date we received additional information.

6. kwalker 11/21/2005 Permit Review

Comment: Application falls within Rathdrum Prairie GWMA. Recommend approval with conditions.

7. kwalker 11/21/2005 Overlap Review

Comment: The place of use under this permit overlaps with Rt. 95-7009.

Correspondence with applicant determined that right may be forfeited through non-use. Mr. Andrews has relinquished all right, title and interest in any portion of that right that belongs to the property he purchased. Therefore, there is no place of use overlap of this permit.

MICHAEL R. ANDREWS

RECEIVED

NOV 10 2005

Department of Water Resources

November 8, 2005

State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise ID, 83720-0098
Att: Kay Walker
RE: Release of Water Right

To Whom It May Concern:

I am the legal owner of 10 acres of agricultural property at 6550 W. Orchard Ave., Post Falls, Id, Tax Parcel # 0-7990-001-006-0, Legal description SUNSWEPT, LT 6 BLK 1 currently included under the Water Right Number 95-7009 issued to Lyle G. Jacklin on 1/14/1967. I hereby release any interest or claim in this Water Right effective immediately.

Sincerely,



Mike Andrews

FedEx® US Airbill

Express

8541 5793 3950

0200

Form 1010

FedEx Retrieval Copy

1 From

Date

Sender's FedEx Account Number 2000-1180-0

Sender's Name

Mike Andrews

Phone 208 660-3331

Company

Address

101 S. Valley Lake Lane

City/State/Zip

City

Vallejo Valley State WA ZIP 99037

2 Your Internal Billing Reference

3 To

Recipient's Name

Kay Walker

Phone

Company

Department of Labor Resources

Recipient's Address

333 East Front Street

We cannot deliver to PO boxes or P.O. ZIP codes

Day/Evening/Week

Address

PO Box 82730

To receive a package via FedEx or a specific FedEx location, print FedEx address here

City

Boise

State

ID

ZIP

83730-0018

4a Express Package Service To add SATURDAY Delivery, see Section 5.

Packages up to 150 lbs. To meet business day delivery to select locations.

1 FedEx Priority Overnight Next business morning.*

5 FedEx Standard Overnight Next business afternoon.*

6 FedEx First Overnight Next business morning.* To meet business day delivery to select locations.

3 FedEx 2Day Second business day.*

20 FedEx Express Saver Third business day.*

4b Express Freight Service To add SATURDAY Delivery, see Section 5. Packages over 150 lbs. To meet business day delivery to select locations.

7 FedEx 10Day Freight* Next business day.

8 FedEx 20Day Freight Second business day.

83 FedEx 30Day Freight Third business day.

*Call for Confirmation.

6 FedEx Envelope* 2 FedEx Pak* 3 FedEx Box 4 FedEx Tube 1 Other

5 Packaging 2 FedEx Pak* 3 FedEx Box 4 FedEx Tube 1 Other

6 Special Handling

3 SATURDAY Delivery To add SATURDAY Delivery, see Section 5. Packages up to 150 lbs. To meet business day delivery to select locations.

1 HOLD Overnight at FedEx Location Next business day. Available only for FedEx Priority Overnight, FedEx 2Day, FedEx Standard Overnight, and FedEx 10Day. Freight to select ZIP codes.

2 HOLD Saturday at FedEx Location Next business day. Available only for FedEx Priority Overnight, FedEx 2Day, FedEx Standard Overnight, and FedEx 10Day. Freight to select ZIP codes.

4 No 4 Yes As per attached Shipper's Declaration. Shipper's Declaration not required.

7 Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below. Acct. No. Credit Card Cash/Check

8 NEW Residential Delivery Signature Options If you require a signature, check Direct or Indirect.

9 No Signature Required 10 Direct Signature 34 Indirect Signature

11 Sender's Signature 12 Recipient's Signature 13 Third Party's Signature 14 Credit Card 15 Cash/Check

16 Total Packages 17 Total Weight 18 Total Charges

19 Total Charges 20 Total Weight 21 Total Packages

22 Total Charges 23 Total Weight 24 Total Packages

25 Total Charges 26 Total Weight 27 Total Packages

28 Total Charges 29 Total Weight 30 Total Packages

520

MICHAEL R. ANDREWS
(509) 891-1888

FACSIMILE TRANSMITTAL SHEET

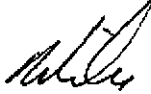
TO:	Kay Walker	FROM:	Mike Andrews
COMPANY:	Idaho Dept. of Water Resources	DATE:	11/8/2005
FAX NUMBER:	208.287.6700	TOTAL NO. OF PAGES INCLUDING COVER:	2
PHONE NUMBER:	208.287.4800	SENDER'S REFERENCE NUMBER:	
RE:	Release of Claim	YOUR REFERENCE NUMBER:	Application for Permit #95-9276

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Hi Kay,

Thank you again for your extra effort in helping me expedite this water permit. Attached is a copy of the letter I am FedEx-ing to you. If this needs to be worded more specifically let me know and I'll modify it, but hopefully short and to the point is adequate.

Thanks again,



Mike Andrews

MICHAEL R. ANDREWS

November 8, 2005

State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise ID, 83720-0098
Att: Kay Walker
RE: Release of Water Right

To Whom It May Concern:

I am the legal owner of 10 acres of agricultural property at 6550 W. Orchard Ave., Post Falls, Id, Tax Parcel # 0-7990-001-006-0, Legal description SUNSWEPT, LT 6 BLK 1 currently included under the Water Right Number 95-7009 issued to Lyle G. Jacklin on 1/14/1967. I hereby release any interest or claim in this Water Right effective immediately.

Sincerely,



Mike Andrews

MICHAEL R. ANDREWS

FACSIMILE TRANSMITTAL SHEET

TO:	Kay Walker	FROM:	Mike Andrews
COMPANY:	Idaho Dept. of Water Resources	DATE:	11/3/2005
FAX NUMBER:	208.287.6700	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:	208.287.4800	SENDER'S REFERENCE NUMBER:	Permit #95-9276
RE:	Application for Permit 95-9276	YOUR REFERENCE NUMBER:	

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Att:
Kay Walker
Sr. Water Resource Agent

Please find attached a 2 page letter in response to your voice mail.

Thank you,

Mike Andrews

*Mike Andrews:
208-660-3331*

MICHAEL R. ANDREWS

November 3, 2005

State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise ID, 83720-0098
Att: Kay Walker
RE: Application for Permit 95-9276

Dear Ms. Walker:

I apologize for the delay in responding to your letter dated July 22, 2005 regarding my Application for Permit # 95-9276. My schedule has taken me away from home for an extended period this year and I only recently received your correspondence for review.

By way of explanation, the circumstances regarding this Application of Permit, and existing permits #95-7009-Lyle Jacklin, and #95-9197-Michael Andrews are as follows:

I purchased the 10 acre parcel for which permit #95-9197-Michael Andrews was previously issued several years ago. I researched the status of the property with regards to water rights and learned through the Department of Water Resources office in Coeur d'Alene that it was previously covered under the Jacklin permit #95-7009. I was advised that I could request a transfer of a portion of this right, but I was also made aware that the right may have lapsed for my acreage if it had not been irrigated in the past 5 years.

Based on this information I made inquiries but was unable to establish to my satisfaction that irrigation had occurred within the specified time period. Although the existing permit had the advantage of rights of seniority, because I couldn't find anyone who could verify that irrigation had occurred, I felt that prudence dictated that I apply for a new water right.

After submitting the application, I received a letter from the Department of Water Resources informing me that my parcel was previously covered under the Jacklin permit. I was instructed to reply if I wanted to acquire an interest in this previous right, otherwise a new permit would be issued. Since, as previously noted, I had concerns about the validity of the Jacklin permit with regards to my acreage, I simply did not reply and waited to receive the permit #95-9197.

I also became interested in acquiring the 10 acres adjacent to my existing acreage which I intended for agricultural purposes also. I learned that although my well could be drilled and serve this additional anticipated volume, that it was critical to know for certain how much water would be used to size the pump(s). Although the well was drilled, this created a delay in pump installation while I resolved the issues related with acquiring the additional property.

- 2 -

November 3, 2005

Finally this summer I was able to acquire the adjoining 10 acres and would like to complete the installation of the pump set and irrigation piping installation for use on both properties right away. Before doing so however, I first needed to ensure that I had a valid water right for the new property as well.

The situation with the new property is identical to that of the first. While this parcel too is covered under the Jacklin permit, I know from my own observation that there is an even greater certainty that this parcel has not been irrigated during the past 5 years. Consequently I applied for a new water right, just to be certain that I would not be diverting water without a valid license.

I again apologize for the delay in getting this information to you. The delay was not from any lack of interest on my part, on the contrary I would like to have the system ready to use as soon as possible, but simply that due to my extended absence I did not receive the notification until very recently. If you can assist me in completing this application process it would be most appreciated.

Sincerely,



Mike Andrews

CERTIFIED MAIL



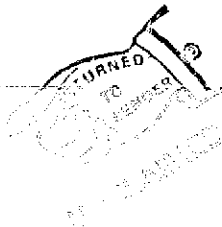
7003 0500 0003 1969 2768

Permit # 95-9276

RECEIVED
OCT 14 2005
Department of Water Resources

IDAHO DEPARTMENT OF WATER
RESOURCES
322 EAST FRONT ST
P.O. BOX 83720
BOISE, ID 83720-0098

MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835



SA 7/15-9/23
128
10/8

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature **RECEIVED**
X **OCT 13 2005**
☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7003 0500 0003 1969 2768

PS Form

102595-00-M-0952

7003 0500 0003 1969 2768

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

POSTNET

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

Postmark
Here

MAILED ON
9.13.05

Sent To	MICHAEL R ANDREWS
Street, Apt. No., or PO Box No.	PO BOX 1474
City, State, ZIP+4	HAYDEN ID 83835

PS Form 3800, June 2002

See Reverse for Instructions



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

September 12, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835

RE: Preliminary Order in the Matter of Application for Permit No. 95-9276

Dear Permit Holder(s):

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-287-4948.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack', is written over a horizontal line.

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

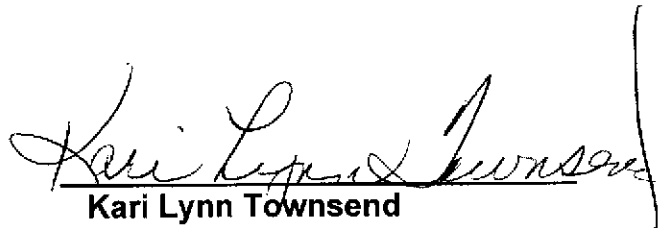
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on **September 12, 2005** I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Preliminary Order in the Matter of Application for Permit No. 95-9276

**MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835**


**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(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. 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

Water Application Report 95-9276

WATER RIGHT NUMBER: 95-9276

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL R ANDREWS PO BOX 1474 HAYDEN, ID 83835 (208) 660-3331

Priority Date: 06/06/2005

Basis:

Status: Voided

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

GROUND WATER

NE1/4NE1/4

Sec. 19, Twp 51N, Rge 04W, B.M.

KOOTENAI County

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	04W	19				10.0													10.0

Conditions of Approval:Remarks:Comments:

1. skeen 9/12/2005 9:27:40 AM Explanatory Comment
 Comment: Applicant did not respond to correspondence asking about Right 95-7009, which covers the same land.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 95-9276

Application Received Date: 6/6/2005
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date: 7/4/2005
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks:
Other Water Rights: 95-9197 - same PD but POU is different
Time to Complete Works: 5
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE

Governor

CARL J. DREHER

Director

July 22, 2005

MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835

RE: Application for Permit 95-9276

Dear Mr. Andrews:

We are in the process of issuing a permit for Application No. 95-9276. However, a search through existing water right records revealed that a water right license issued in 1974 might already cover some or all of your water use.

Water Right License 95-7009 was issued to Lyle G. Jacklin for the diversion of 5.55 cfs of water from a well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S19, T51N, R4W, for the irrigation of 371 acres. I have enclosed a copy of License 95-7009 for your review. As you will see there are 40 acres of irrigation within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, T51N, R4W, covered under this license. Since your application for permit indicates that you plan to irrigate another 10-acre parcel we wanted to advise you that this license might cover your land. If this is indeed the case, you may want to file an Application for Transfer of the portion of this right that covers your 10 acres. If the use of this right has not been forfeited due to a period of 5 consecutive years of non-use, a transfer application should be filed to add a point of diversion to your property and update the ownership of your portion of this license.

Because a water right is appurtenant to the land on which it is used, ownership of a water right usually goes with the ownership of the land unless otherwise stated in the contract of sale or deed. Asserting ownership of a portion of water right 95-7009 may be important to you because when water diversions are regulated in a time of shortage, senior (older) water rights are filled before junior (newer) water rights. (Section 42-106, Idaho Code, says, "As between appropriators, the first in time is first in right.")

If, after looking into this matter, you believe you are the owner of a portion of water right 95-7009, please contact either this office, or our office in Coeur d'Alene to obtain an application for transfer form. This form can also be obtained over the internet at: www.idwr.idaho.gov under "top picks" click on IDWR Forms, Rules and Statutes, then look for the application for transfer of water right form.

*9/9/05
transfer filed
ownership change
fees submitted
since letter
\$w*

It is the Department's duty to make sure that we do not over-appropriate the waters of the State of Idaho. The land you have filed on is already covered under a licensed water right for irrigation from a ground water source. Pursuant to Section 42-220, *Idaho Code*:

"...when water is used for irrigation, no such license or decree of the court allotting such water shall be issued confirming the right to the use of more than one second foot of water for each fifty acres of land so irrigated, unless it can be shown to the satisfaction of the department of water resources in granting such license, and to the court in making such decree, that a greater amount is necessary, and neither such licensee nor any one claiming a right under such decree, shall at any time be entitled to the use of more water than can be beneficially applied on the lands for the benefit of which such right may have been confirmed, ..."

I realize that we sent you a similar letter regarding issuance of Permit 95-9197 that you did not respond to. We would really like to know what the status of License 95-7009 is. Since you are the owner of 20 acres that were previously identified under this license we would like you to describe to us what has become of the system developed under the license. The Department will hold further processing of your application for 30 days to allow submittal of the requested information. After that time, if adequate information is not received, the Department may take action to reject or deny application 95-9276.

If you have any questions concerning this matter, please do not hesitate to contact me at (208) 287-4953.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

cc: Greg Taylor, IDWR Northern Region

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 95-7009 Priority Nov. 14, 1967 Amount 5.55 cfs

THIS IS TO CERTIFY, that LYLE G. JACKLIN of Dishman, Washington, has complied with the terms and conditions of Permit No. 95-7009 issued pursuant to Application for Permit dated November 14, 1967, and has submitted proof to the Department of Water Administration on January 26, 1973, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 5.57 cfs of water from a ground water source, tributary to , and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to Oct. 15	at 5.55 cfs and	1,299 acre feet or 3.5 af per acre
	from to	at cfs and	
	from to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 5.55 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1,299 acre feet per year, said waters to be diverted within the SE¹/₄NW¹/₄ of Sec. 19, Twp. 51 N, Rge. 4 W, B. M. in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
51 N	4 W	19	39	30	40	40	40	39	40	40	38	25							371

Total number of acres irrigated 371

A measuring device of a type approved by this Department shall be permanently maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of April, 19 74.

Director

95-7009

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
App	95 9276	MICHAEL R ANDREWS,	GROUND WATER	51N04W19				10													10
Right	95 7009	LYLE G JACKLIN,	GROUND WATER	51N04W19	39	30	40	40	40	39	40	40	38	25							371
Permit	95 9197	MICHAEL R ANDREWS,	GROUND WATER	51N04W19	10																10
Right	95 2099	LYLE G JACKLIN,	GROUND WATER	51N04W19											40	40	30		40	40	190
Right	95 8852	ART DEGENHARDT,	GROUND WATER	51N04W19		3															3

↑
02 w/ 95-7009

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

W.R. # 95-9276

APPLICATION ID # 72022
INITIAL REVIEW

ENT. 6/7/05 BCA 6/7 OK to Publish 97

APPLICANT: Andrews

BY: [Signature]

DATE: / /

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)

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ **Shape File Created** Date 7/7/05 By: AT
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 6/6/05

____ (Include Moratorium Remark) RECEIVED

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

IDAHO DEPARTMENT OF WATER RESOURCES

ADVERTISE IN: Kootenai County

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

GPS WELL SITE N 47° 45.402'
W 116° 52.395'

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom.____ Non-Dom.____	Paid \$ _____	_____	Y() N() ☒
_____	_____	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
- 6/27 ☒ Affidavit of publication received
- ☒ Application published correctly. If not, record action taken: _____

6/27 ☒ Publication dates and paper recorded on application

☐ Protests received, Final protest date: 7/4/05 Sr. Agent initial JA

☐ Measuring device required

☐ Measuring port required

☐ Special conditions: Reclamation Basin remark

☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

[Signature]

Date: 7/7/05

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

JUN 27 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 June 2005, and ending on the 23 day of June 2005, and such publication was made as often during said period as said Daily newspaper was regularly issued.

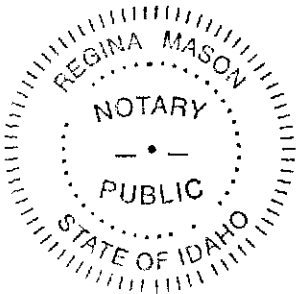
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 23 day of June 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:

95-9275

GORDON SYLTE
8626 W SYLTE RANCH RD
RATHDRUM ID 83858
MICHAEL ROBERTS
JOHN SYLTE
C/O GORDON SYLTE
8626 W SYLTE RANCH RD
RATHDRUM ID 83858

Point(s) of Diversion (4) L3 (NWNWSW) S30 T52N R04W
KOOTENAI County

Source SPRINGS Tributary To SINKS
Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Use: DOMESTIC 01/01 To 12/31 0.08 CFS
Total Diversion: 0.14 CFS

Date Filed: 05/25/2005

Place Of Use: DOMESTIC T52N R04W S30 NWSW Lot 3

Place Of Use: IRRIGATION - same as DOMESTIC

Remark: Domestic use is for 3 homes.

Number of Acres 2

95-9276

MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835

Point(s) of Diversion NENE S19 T51N R04W KOOTENAI County

Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 06/06/2005

Place Of Use: IRRIGATION T51N R04W S19 SENE

Number of Acres 10

96-9235

TOM TORGERSON
1836 NORTHWEST BLVD
COEUR D'ALENE ID 83814

Point(s) of Diversion SENE S14 T53N R03W KOOTENAI County
Source GROUND WATER

Use: IRRIGATION 03/01 To 10/31 0.2 CFS
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 06/03/2005

Place Of Use: DOMESTIC T53N R03W S14 NE

Place Of Use: IRRIGATION - same as DOMESTIC

Remark: Domestic use is for 28 homes.

Number of Acres 28

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 07/04/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 7377

June 16, 23, 2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 08, 2005

MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835

RE: Application for Permit No 95-9276

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number 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 June 16 and 23, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an untested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,


Gregory J. Taylor
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Please FAX a PROOF COPY prior to publication
to 769-1454. Thanks, *Dianne*

June 08, 2005

KATTIE HOY & SANDY KIBLER
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-9275, 95-9276 and 96-9235

Dear Kattie & Sandy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 16 and 23, 2005, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 07/04/2005. Your cooperation is, as always, GREATLY appreciated.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, June 08, 2005 2:23 PM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press-Sandy Kibler- (E-mail)
Subject: Legal notice for publication on June 16 and 23, 2005 - Water Rights 95-9275, 95-9276 and 96-9235

Good day to you, Kattie and Sandy,

I am attaching a copy of our cover letter requesting publication of a legal notice on June 16 and 23, 2005. The legal notice is also attached.

If you have any questions, please call me at 769-1450

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION to 769-1454

Thanks very much, and have a simply marvelous day!!

Remember, when you can't see the bright side, try polishing the dull side.

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

6/8/2005

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

95-9275

GORDON SYLTE
8626 W SYLTE RANCH RD
RATHDRUM ID 83858
MICHAEL ROBERTS
JOHN SYLTE
C/O GORDON SYLTE
8626 W SYLTE RANCH RD
RATHDRUM ID 83858
Point(s) of Diversion (4) L3 (NWNWSW) S30 T52N R04W
KOOTENAI County
Source SPRINGS Tributary To SINKS
Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Use: DOMESTIC 01/01 To 12/31 0.08 CFS
Total Diversion: 0.14 CFS
Date Filed: 05/25/2005
Place Of Use: DOMESTIC T52N R04W S30 NWSW Lot 3
Place Of Use: IRRIGATION - same as DOMESTIC
Remark: Domestic use is for 3 homes.
Number of Acres 2

95-9276

MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835
Point(s) of Diversion NENE S19 T51N R04W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 06/06/2005
Place Of Use: IRRIGATION T51N R04W S19 SENE
Number of Acres 10

96-9235

TOM TORGERSON
1836 NORTHWEST BLVD
COEUR D'ALENE ID 83814
Point(s) of Diversion SENE S14 T53N R03W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/01 To 10/31 0.2 CFS
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 06/03/2005
Place Of Use: DOMESTIC T53N R03W S14 NE
Place Of Use: IRRIGATION - same as DOMESTIC
Remark: Domestic use is for 28 homes.
Number of Acres 28

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 07/04/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director Published on June 16 and 23, 2005

Receipt Details for ID N016207

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/26/2004 9:23:59 AM	4/26/2004 1:57:40 PM	NORTHERN	\$200.00	Check
Payer		UNITED DRILLING INC		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
6724			
Card Expiration Date	Credit Card Transaction #		

Comment WD PERMIT FOR MIKE ANDREWS

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$200.00	DRILLING PERMITS	65134	0229	21		1205

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

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

1. WELL TAG NO. D0033686

DRILLING PERMIT NO. 213776

Other IDWR No. 95-91-97

2. OWNER:

Name Mike Andrews

Address 601 S Shelly Lake Lane

City Veradale

State WA

Zip 99037

3. LOCATION OF WELL by legal description:

N		Twp 51N		North ☒ or South ☐	
Rge 04W		East ☐ or West ☒			
Sec 19		1/4 SE 1/4 NE 1/4			
Gov't Lot		County Kootenai			
Lat		Long			

East Orchard and Meyer Road

Address of Well Site: (see next line)

City Post Falls

Lot _____ Blk _____

Sub. Name (see next line)

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/Lbs	
Bentonite Grans	0	25	11 sacks	Pour in

Drive Shoe Used? ☒ Y ☐ N Shoe Depth(s) _____

Ring Bit 362

Drive Shoe Seal Tested? ☐ Y ☒ N How? _____

8. CASING/LINER

Diam	From	To	Gauge	Material	Casing	Liner	Weld	Thrded
8	2	363	0.250	Steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length Headpipe _____

Length Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations? Method Air Perforator

☐ Screens? Screen Type _____

From	To	Slot	Nmbr	Diam	Material	Casing	Liner
320	340	1x1/4	300	8	Steel	☒	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL or ARTESIAN PRESSURE

260 ft. below ground. Artesian pressure _____ lb.

Depth flow encountered 260 ft. Describe access port or

control devices: Steel Cap Welded

51N 4W 19

11. WELL TESTS:

- ☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pump Level	Time
300+	100%	260	1 Hour

Water Temp. _____ Cold

Bottom hole temp. _____ Cold

Water Quality test or comments: (below) Depth first Water Encountered 260

Cold, Clear, and No Smell

12. LITHOLOGIC LOG (Describe repairs or abandonment)

Bore Diam	From	To	Remarks: Lithology, Water Quality and Temperature	Water
12	0	2	Topsoil	☐ Y ☒ N
12	2	25	Sand and Gravel 3/4 Minus	☐ Y ☒ N
10	25	183	Sand and Gravel 1 Inch Minus	☐ Y ☒ N
10	183	230	Sand and Gravel 1/2 Inch Minus	☒ Y ☐ N
10	230	340	Sand and Gravel 1 Inch Minus	☒ Y ☐ N
10	340	362	Sand and Gravel 2 Inch Minus	☒ Y ☐ N
				☐ Y ☐ N
			Very Large Gravel from 230 to 362 feet	☐ Y ☐ N

RECEIVED
JUN 15 2004
IDWR/North

Completed Depth 362 (Measurable)

Date: Started 5/19/04 Completed 5/21/04

13. DRILLERS CERTIFICATION

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

Firm Name United Drilling Inc.

Firm No 414

Firm Official and

Jason C. Beckham pers.

Date 5/21/04

Supervisor or Operator Jason C. Beckham

Date 5/21/04