

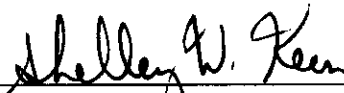
**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 87-10045

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2012**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
4. Stockwater use is for 120 dairy cattle and 180 non-dairy cattle.
5. Commercial use is for creamery and milking parlor.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. 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.
10. The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
11. Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of September, 2007.


for DAVID R. TUTHILL, JR., Director

Ident. No. 87-10045

RECEIVED

APR 03 2006

Per T.C. w/ Frank Hill 5/30/06
98 San Jacinto Blvd #1900
Austin TX 78701

72757
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Frank L. Hill Phone 208 882-4139
Mailing address 1196 Eid Road Moscow Id 83843 [(512) 577-4511 also]
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is Township T38N Range R5E Sec. 9 in the NW 1/4, NE 1/4, Govt. Lot _____, B.M., Latah County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount .13 for dairy cattle purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .05 for other cattle purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .04 for commercial milking parlor purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .15 for irrigation purposes from Mar 15 to Nov 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)

5. Total quantity to be appropriated is (a) 1.88 0.2 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 1 HP Pump. May be replaced by a larger pump.
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? N/A
- e. If well is already drilled, when? Yes; Drilling firm unknown - prior owners drilled well
Well was drilled for (well owner) Gormen were previous owners; Drilling Permit No. unknown
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. 120 dairy cattle, 180 Non-dairy
- c. Municipal; show name of municipality. Moscow, Idaho
- d. Domestic; show number of households. N/A
- e. Other; describe fully. Industrial use is for milking parlor & Creamery estimated at .02

98 San Jacinto Blvd
Suite 1900

Austin TX 78701

As of 5/30/06
Per Tel Con w/
Frank Hill

3. 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	
38N	5W	9	40	40	40	40													80
			S	S		S							S						
			C	C															
38N	5W	4											5						5

Total number of acres to be irrigated 80

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Frank L. Hill & Rebecca Hill

b. Who owns the land to be irrigated or place of use? Frank L. Hill & Rebecca Hill

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.

Frank L. Hill
Signature of Applicant (and title, if applicable)

Received by cm Date 4-3-06 Time 1:46 pm Preliminary check by cm Date 4-3-06
Fee \$ 200.00 Received by cm # N017460
Publication prepared by db Date 5/24/06 Published in Moscow Postman Daily News 6/1+8/06
Publication approved db Date 6/12/06

See Exhibit B

RECEIVED

APR 24 2006

IDWR/North

WARRANTY DEED

11996p

DIANA LYNNE LAMB, a married person dealing with her sole and separate property, and SHARON LEE DUNN, a single person, Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto FRANK L. HILL and REBECCA R. HILL, husband and wife, Grantees, whose current address is 710 County Road #139, Hutto, Texas 78634-5415, and to Grantees' heirs and assigns forever, all of the following described real property situated in Latah County, State of Idaho, to-wit:

The Northwest Quarter; the Northwest Quarter of the Northeast Quarter, lying South of Eid Road; the Southwest Quarter of the Northeast Quarter; and the Southwest Quarter, all in Section 9, Township 38 North, Range 5 West Boise Meridian.

ALSO a parcel of land located in the Southwest Quarter of the Southeast Quarter of Section 4, Township 38 North, Range 5 West Boise Meridian, more particularly described as follows: Beginning at the Southeast corner of the SW1/4SE1/4 of Section 4; thence going 660 feet Northerly along the east line of said quarter-quarter section to the Point of Beginning; thence Westerly in a direction parallel to South line of said quarter-quarter section, 500 feet; thence Southerly, in a direction parallel to said east line of said quarter-quarter section, approximately 660 feet to the south line of said quarter-quarter section; thence Southerly in the same direction to the intersection of the point of the right of way of Eid Road in the NW1/4NE1/4 of Section 9; thence Easterly along the right of way of said road to the East line of said NW1/4NE1/4 in Section 9; thence Northerly along the east line of said NW1/4NE1/4 in Section 9 and the east line of the SW1/4SE1/4 of Section 4 to the Point of Beginning.

SUBJECT TO a 30 foot access easement along the East line of said parcel.

EXCEPTING THEREFROM, a parcel of land in the SW1/4SE1/4 of Section 4 and the NW1/4NE1/4 of Section 9, Township 38 North, Range 5 W.B.M. described as follows: Commencing at the brass cap monument at the section corner of Sections 4, 5, 8 and 9, said township and range; thence East along the north line of said Section 9 a distance of 2630.39 feet to a brass cap monument at the North quarter corner of Section 9; thence S. 87°34'18" E. a distance of 1115.93 feet to a point on the centerline of Eid Road, said point being the Point of Beginning; thence N. 03°45'34" E. 170.67 feet; thence N. 35°43'00" E. 160.28 feet; thence N. 86°47'54" East 93.77 feet; thence S. 00°18'29" W. 316.96 feet to a point on the centerline of Eid Road, said point being on a non-tangent curve to the left with a radius of 1024.88 feet, a delta of 10°24'48", a chord bearing of N. 86°23'23" W. 184.82 feet; thence along said curve to the left a distance of 185.08 feet; thence S. 88°26'03" W. a distance of 12.22 feet to the Point of Beginning.

Together with all and singular the tenements, hereditaments, and appurtenances thereto and subject to general property taxes for 2005 not yet due and payable.

Grantors for themselves, their heirs and assigns, hereby covenant that they are the owners in fee simple of said premises and that they do warrant and will defend the quiet and peaceable possession of said premises by Grantees, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 21 day of December, 2004.

GRANTORS:

Diana Lynne Lamb
DIANA LYNNE LAMB

Sharon Lee Dunn
SHARON LEE DUNN

STATE OF WASHINGTON)
) ss.
County of KING)

On this 21 day of December, 2004, before me the undersigned a Notary Public in and for the State of Washington, personally appeared DIANA LYNNE LAMB, a married person, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

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



Patti Anne Kunnap
Notary Public in and for the State of
Washington, residing at Seattle, WA. Patti Anne Kunnap

Commission expires: 08-09-08

STATE OF WASHINGTON)

County of KING) ss.

On this 21 day of December, 2004, before me the undersigned a Notary Public in and for the State of Washington, personally appeared SHARON LEE DUNN, a single person, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

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



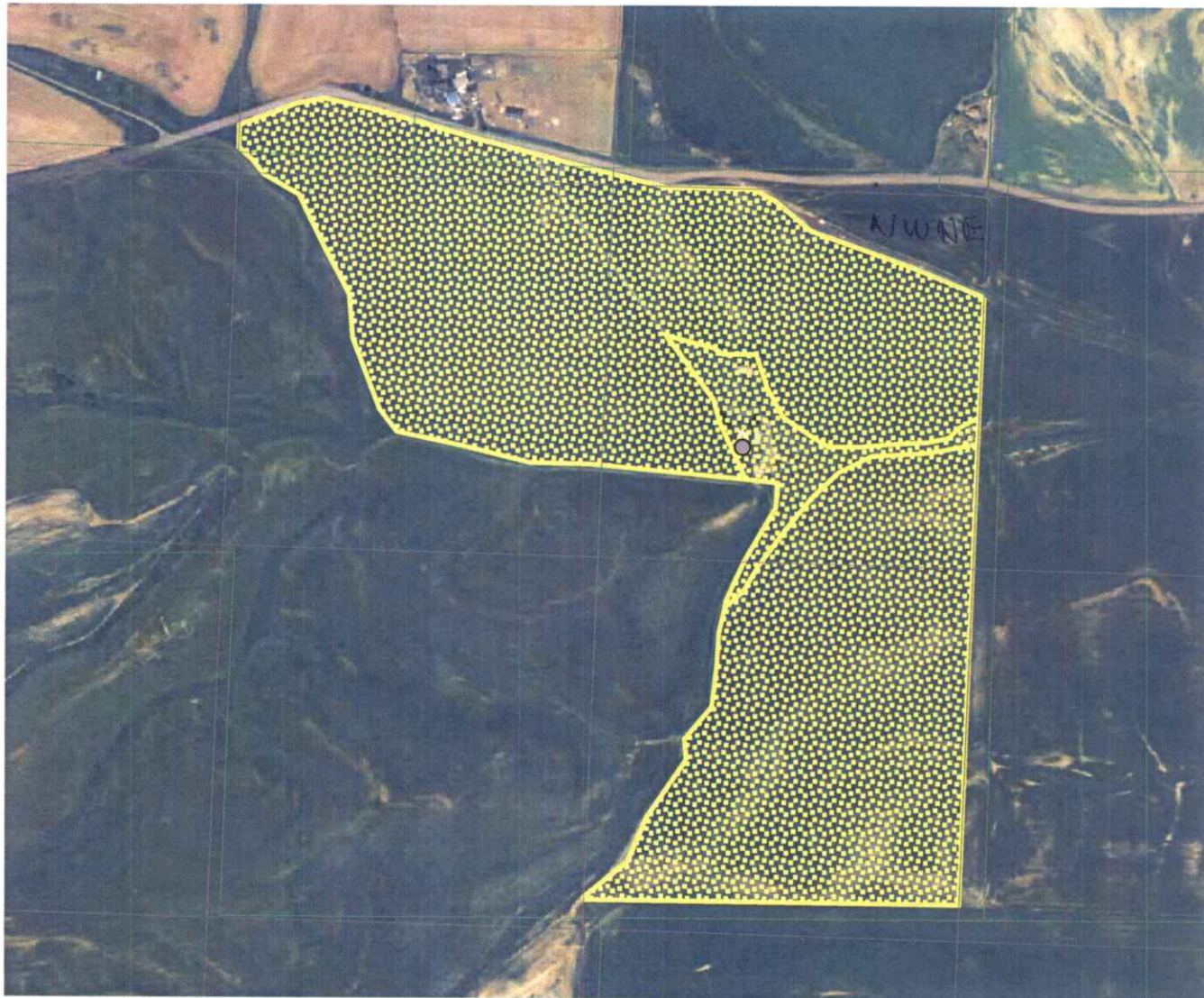
Patti Anne Kunnap
Notary Public in and for the State of PATTI Anne
Washington, residing at Seattle, WA. Kunnap

My commission expires: 08-09-08

492952

NO. _____
AT THE REQUEST OF:
Moscow Life Inc.
DATE & HOUR:
1/03/05 4:44pm
SUSAN PETERSEN
LATAH COUNTY RECORDER
FEE \$ 902 by Amath
deputy

HILL



0.2 0 0.2 0.4 Miles

A horizontal scale bar with alternating black and white segments. Below the bar, the numbers 0.2, 0, 0.2, and 0.4 are printed, followed by the word 'Miles'.

- Latah taxlots
- GCDB38N05W GCDB
- Application POD
- Application POU
- Pou.shp
- Pod.shp
- Administrative BasinsAdminbas.shp



TOWNSHIP 38 N., RANGE 5&6 W.B

LATAH COUNTY, IDAHO

NGTON
NGTON

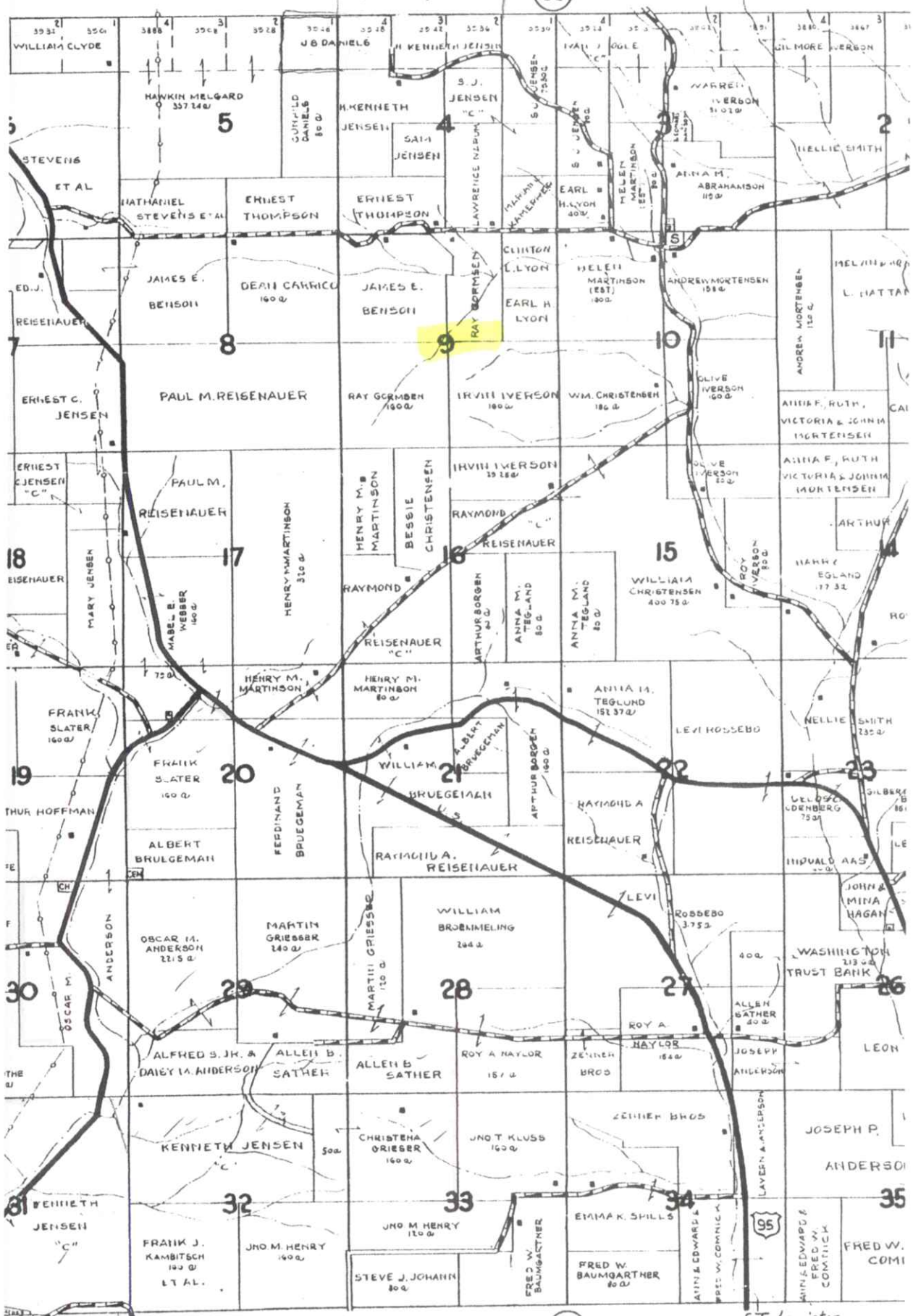
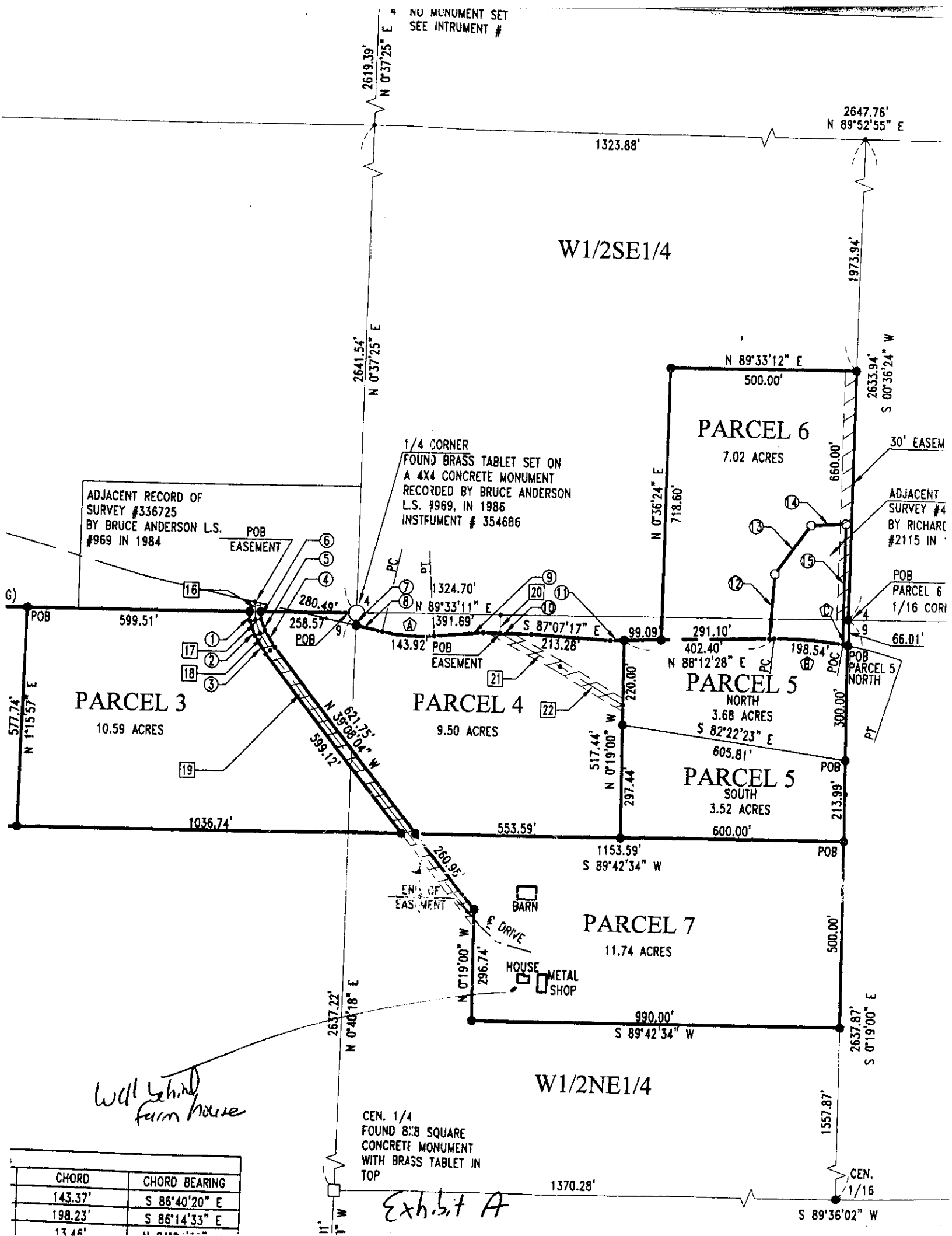


Exhibit A

34

To Lewiston

NO MONUMENT SET
SEE INSTRUMENT #



ADJACENT RECORD OF
SURVEY #336725
BY BRUCE ANDERSON L.S.
#969 IN 1984

1/4 CORNER
FOUND BRASS TABLET SET ON
A 4X4 CONCRETE MONUMENT
RECORDED BY BRUCE ANDERSON
L.S. #969, IN 1986
INSTRUMENT # 354686

ADJACENT
SURVEY #4
BY RICHARD
#2115 IN

POB
PARCEL 6
1/16 CORN

POB
PARCEL 5
NORTH

CHORD	CHORD BEARING
143.37'	S 86°40'20" E
198.23'	S 86°14'33" E
13.46'	

CEN. 1/4
FOUND 8x8 SQUARE
CONCRETE MONUMENT
WITH BRASS TABLET IN
TOP

Exhibit A

December 6, 2004

**Legal Description by Hodge & Associates, Inc. for Lamb – Dunn Property
Parcel 7**

A legal description for a parcel of land located in NW¼ NE¼ of Section 9, T38N, R5W, BM and being more particularly described as follows:

Beginning at the northeast corner of the NW¼ NE¼ of said Section 9; thence S 00°19'00" E, 580.00 feet, along the east line of the NW¼ NE¼ of said Section 9, to the TRUE POINT OF BEGINNING.

Thence S 00°19'00" E, 500.00 feet along said east line;
Thence, leaving said east line, S 89°42'34" W, 990.00 feet;
Thence N 00°19'00" W, 296.74 feet;
Thence N 39°08'04" W, 260.98 feet;
Thence N 89°42'34" E, 1153.59 feet to the TRUE POINT OF BEGINNING.

Parcel contains 11.74 acres.

TOGETHER WITH a 30 foot wide access and utility easement located in the NE¼ NW¼ and the NW¼ NE¼ of Section 9 and being centered over the following described line:

Beginning at the northeast corner of the NW¼ of Section 9; thence S 00°40'18" W, 33.42 feet along the east line of said NW¼ to a point on the centerline of Eid Road; thence, along said centerline, N 78°00'42" W, 280.49 feet to the TRUE POINT OF BEGINNING

Thence S 02°36'16" E, 48.06 feet;
Thence S 20°52'46" E, 36.74 feet;
Thence S 33°18'51" E, 53.41 feet;
Thence S 39°08'04" E, 902.14 feet to the END OF THIS EASEMENT.

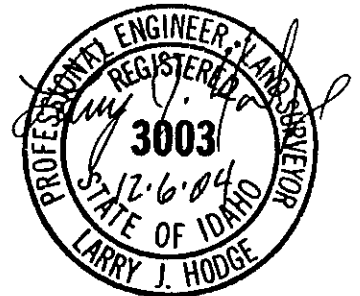


Exhibit A

Gormsen Butte

Land Owner Frank Hill
CCRP (CP30, CP21, CP9), USFWS Restoration



0 355 710 1,420 2,130 2,840 Feet

Scale = 1:10,000



Legend

- Intermittent Stream
- Streets and Roads
- CP30_T11938
- CP21_T11983_120ft
- CP9
- Palouse Prairie Remnant
- Common Land Unit

Note:

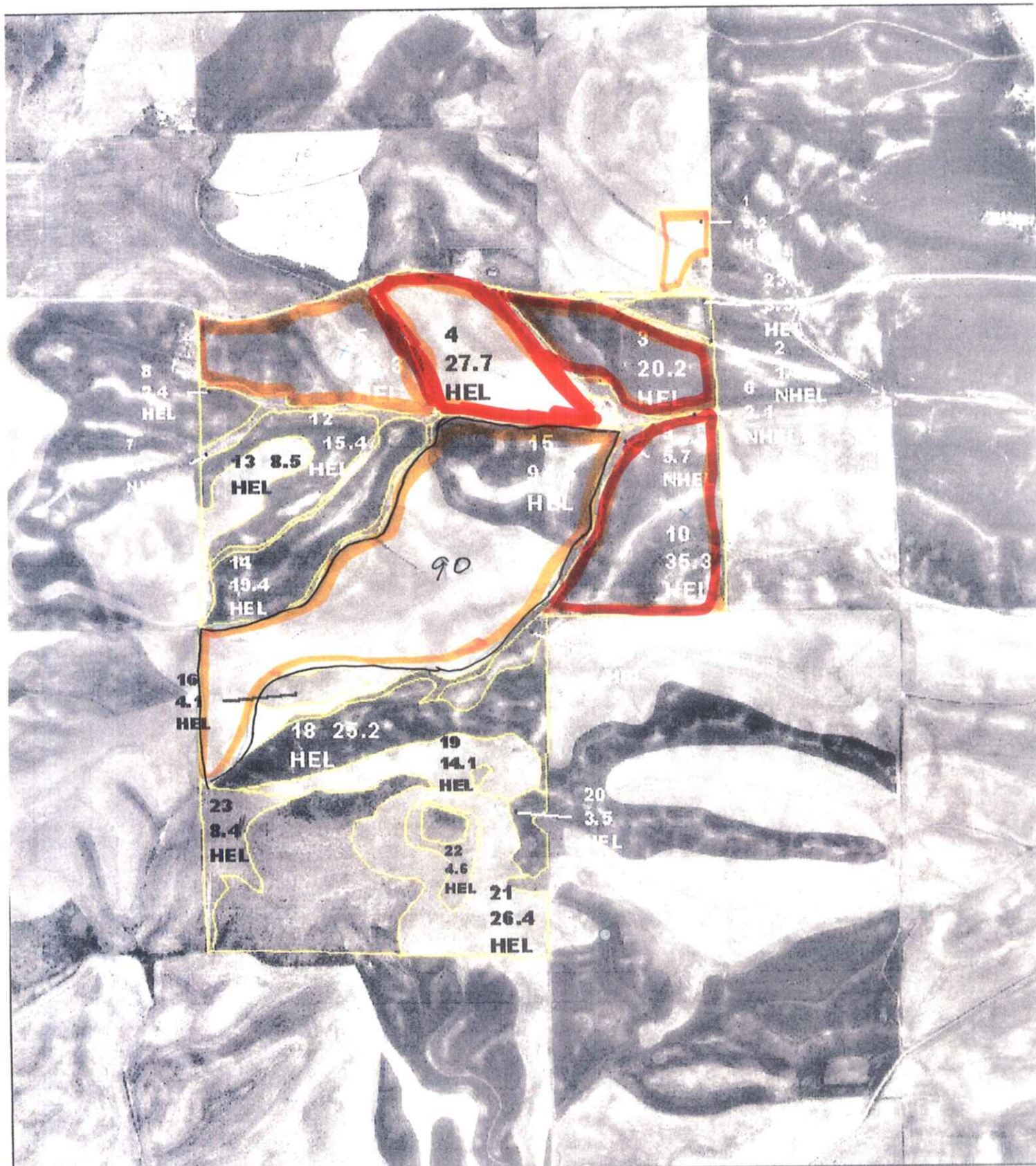
Total acreage of CCRP CP30 denoted on map is approx. 4.2 AC

Total acreage of CCRP CP21 denoted on map is approx. 4.3 AC

Total acreage of USFWS restoration area (Gormsen Butte area) is approx. 80 AC

Total acreage of CP9 is approx. 8.9 AC

Exhibit B

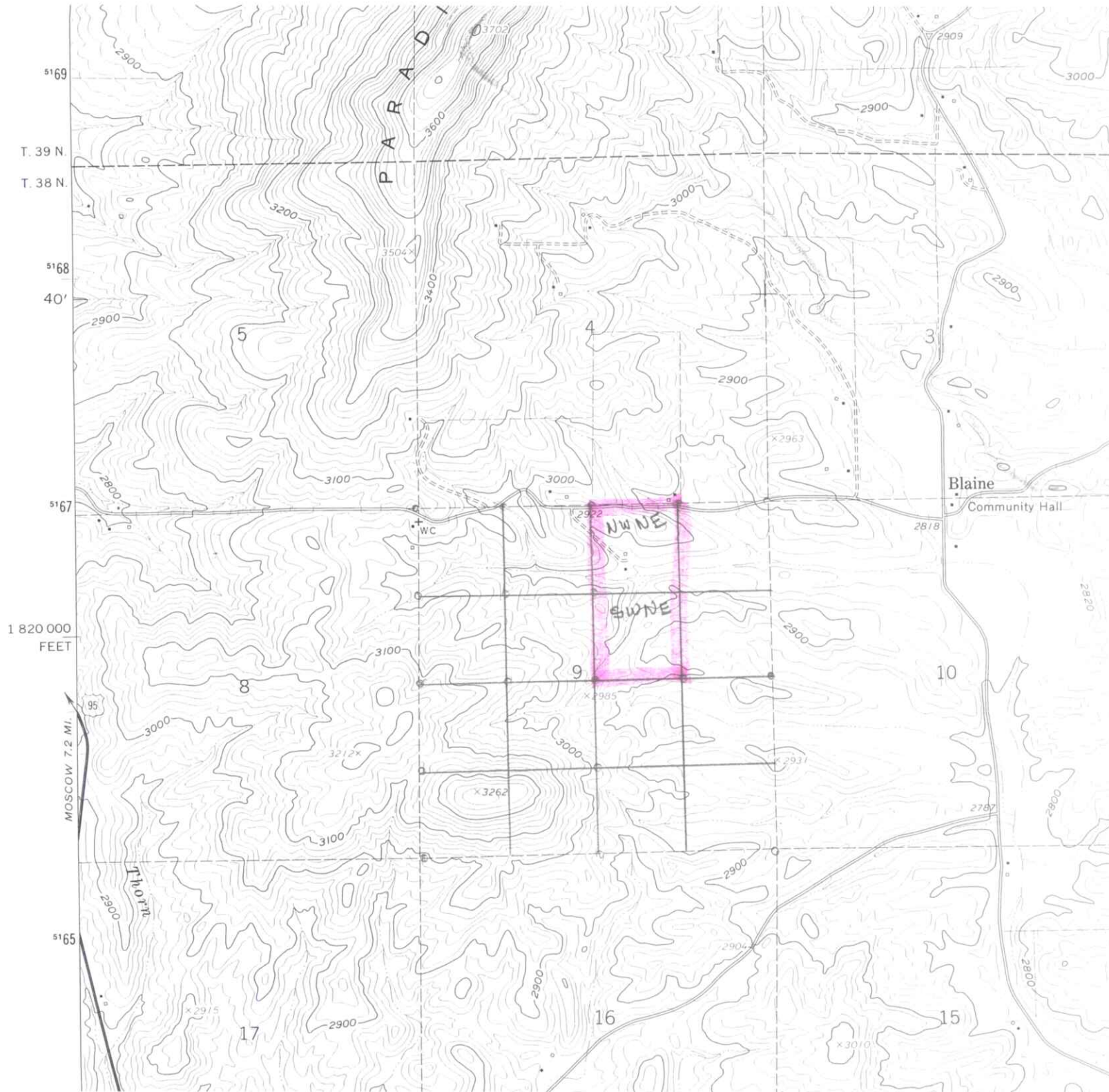


Tract 11933
Farm 4227

LAND LEASED TO JenCrops

0.1 0 0.1 0.2 0.3 0.4 Miles

N
Map Printed Oct 6, 2004



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

September 28, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

FRANK L HILL
418 E B ST
MOSCOW ID 83843

RE: Permit No. 87-10045

Permit Approval Notice

Dear Permit Holder:

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

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

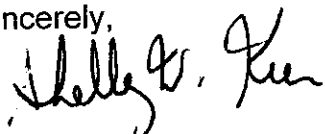
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

cc: JOHN BIEKER
JOHN A BIEKER
KEITH M SMITH
ROBERT D CARRICO

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the persons listed below:

RE: WATER RIGHT NO.

87-10045

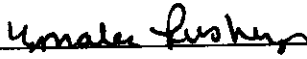
**FRANK L HILL
418 E B ST
MOSCOW ID 83843**

**JOHN BIEKER
1170 EID RD
MOSCOW ID 83843-7492**

**JOHN A BIEKER
2276 BLAINE RD
MOSCOW ID 83843**

**KEITH M SMITH
1117 EID RD
MOSCOW ID 83843**

**ROBERT D CARRICO
1145 EID RD
MOSCOW ID 83843-7492**



**Emalee Rushing
Office Services Supervisor**

MEMORANDUM

Date: September 25, 2007
To: Water Right File 87-10045
From: cpadilla
Re: Permit Review

WD-none

No overlaps

Protests have been conditionally withdrawn. Irrigation has been reduced from 80 to 5 acres and quantity has been reduced from 1.8 to 0.2 cfs.

Due to the many changes made on the application, correspondence was sent to the applicant requesting he acknowledge the changes made. He did not respond so per letter, assumption is he accepts the changes made to his application.

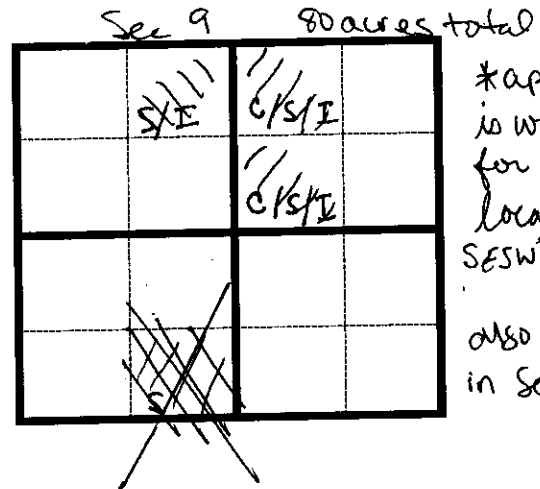
Permit Review

Permit # 87-10045 Name Hill Date 8/20/07

☒ review the file (0.01) (.15) (0.04)
 use(s) stock, irrigation, commercial
 source groundwaters
 cfs/afa 0.2
 season of use 3/15-11/15 (wrong, not standard)
 location of pod 38N, 5W Sec 9 NWNE existing well?
 location of pou " " NWNE, SWNE, NENW, SESW

NWNE

- ☒ check for accuracy of newspaper clipping
- ☒ protests withdrawn
- ☒ perform an overlap analysis none
- ☒ review data entry
- ☒ make sure data entry for permit holder correct
- ☒ update POD data entry correct
677533
- ☒ update POU for all uses
- ☒ view comments



*application is wrong for POD location SESW?

also POD in Sec 4?

- ☒ check for WD, moratorium, F&G regulations, GW management, Trust, MSF
 - ☒ WD
 - ☒ Moratorium
 - ☒ F&G Regs
 - ☒ GW Management
 - ☒ Trust
 - ☒ MSF

☒ enter in application deadline 5yrs

☒ Status → Active

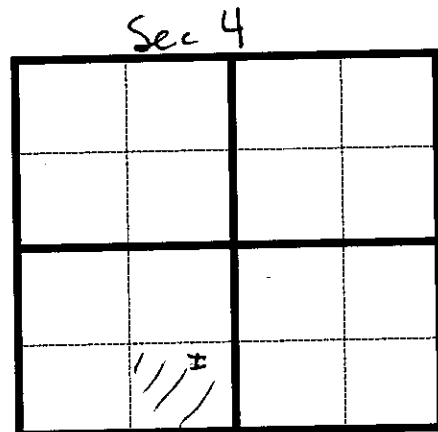
☒ add Permit Review remarks

☒ add/check conditions

☒ print memo from file

☒ print permit

☒ in for signature (update barcode)



Review Completed by _____

*Sent letter regarding change 8/21/07



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 28, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

FRANK HILL
418 E B ST
MOSCOW, ID 83843

RE: Application for permit amendments. Permit 87-10045

Dear Mr. Hill:

I have received your request to modify your permit application by adding additional acreage for stock purposes. To complete your request an application for amendment of permit would be necessary and a \$50 fee would need to be submitted to cover the cost of re-advertising. If you still wish to add the additional acres, submit the enclosed amendment form along with the appropriate fee. If you want the Department to proceed with processing your application the way it is, please sign the enclosed form acknowledging you accept the initial changes that were made to your application in response to the protests.

Once the Department receives the requested information, we can proceed with the issuance of your permit. If you fail to supply the enclosed acknowledgement form within 30 days, the Department will assume the changes are correct and will proceed to issue the permit as it is in the attached summary. Please call me at (208) 287-4944 if you have any questions.

Sincerely,

Cherie Padilla, Water Resource Agent
Water Allocation Bureau

Enclosure

FRANK L. HILL
418 E. B STREET
Moscow, Idaho 83843
(208) 596-6006

u A
RECEIVED
AUG 27 2007
DEPARTMENT OF
WATER RESOURCES

August 24, 2007

Ms. Connie Padilla
Idaho Department of Water
P.O. Box 83720
Boise Idaho 83720-0098

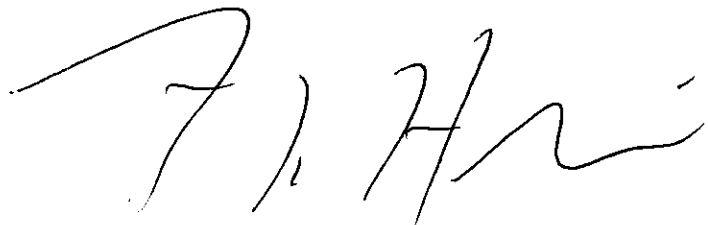
Re: Application for permit amendments
Permit 87-10045

Dear Ms. Padilla:

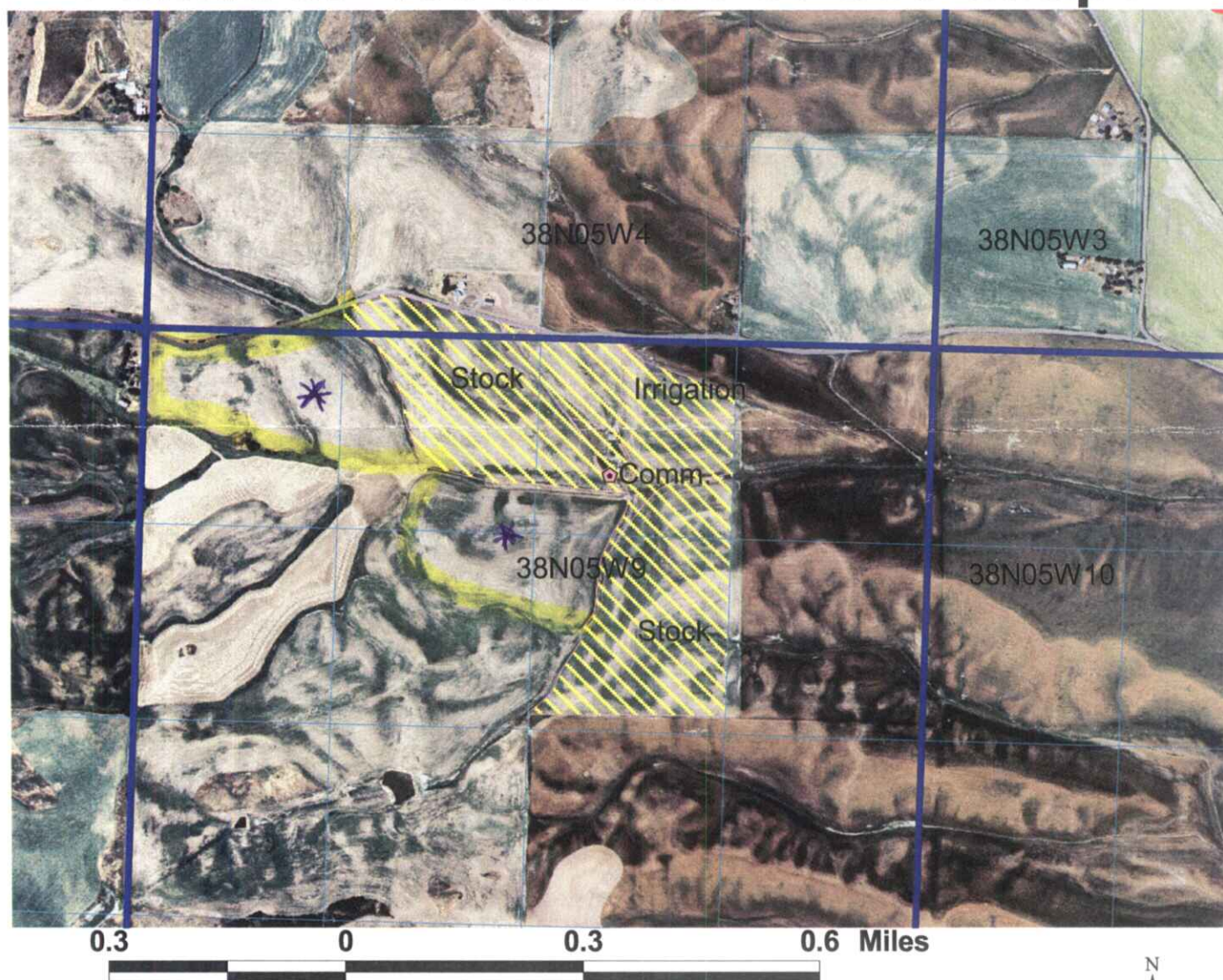
As we discussed today by telephone, I have installed two water troughs as part of a U.S. Farm Service Bureau program on property which adjoins the fields currently designated as "Stock" usage. I have highlighted in yellow the fields involved and marked with a * the approximate location of the two water troughs.

Would it be possible to expand the geographic boundaries of my water permit to include the two additional fields? I am not requesting additional water usage – only permission to use the water on two adjoining fields.

Thanks so much.



Permit 87-10045 Place of Use Shape



-  Sections
-  QQ
-  Permit POD
-  Permit POU-Highlighted in Yellow



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 21, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

FRANK HILL
418 E B ST
MOSCOW, ID 83843

RE: Application for permit amendments. Permit 87-10045

Dear Mr. Hill:

The Idaho Department of Water Resources is in receipt of your application for permit and would like to proceed with the approval of your application. Protests regarding your application prompted some changes to your original request and need to be documented accurately before the issuance of your permit can proceed.

Enclosed please find a summary of changes made to your original application and a map outlining your place of use for commercial, stock, and irrigation uses. If you agree that the summary accurately reflects the changes made to your original application please sign the enclosed summary page and return it to the Department.

Once the Department receives the requested information, we can proceed with the issuance of your permit. If you fail to supply the requested information within 30 days, the Department will assume the changes are correct and will proceed to issue the permit as it is in the attached summary. Please call me at (208) 287-4944 if you have any questions.

Sincerely,

Cherie Padilla, Water Resource Agent
Water Allocation Bureau

Enclosure

[illegible]

C. Water to be used for the following purposes

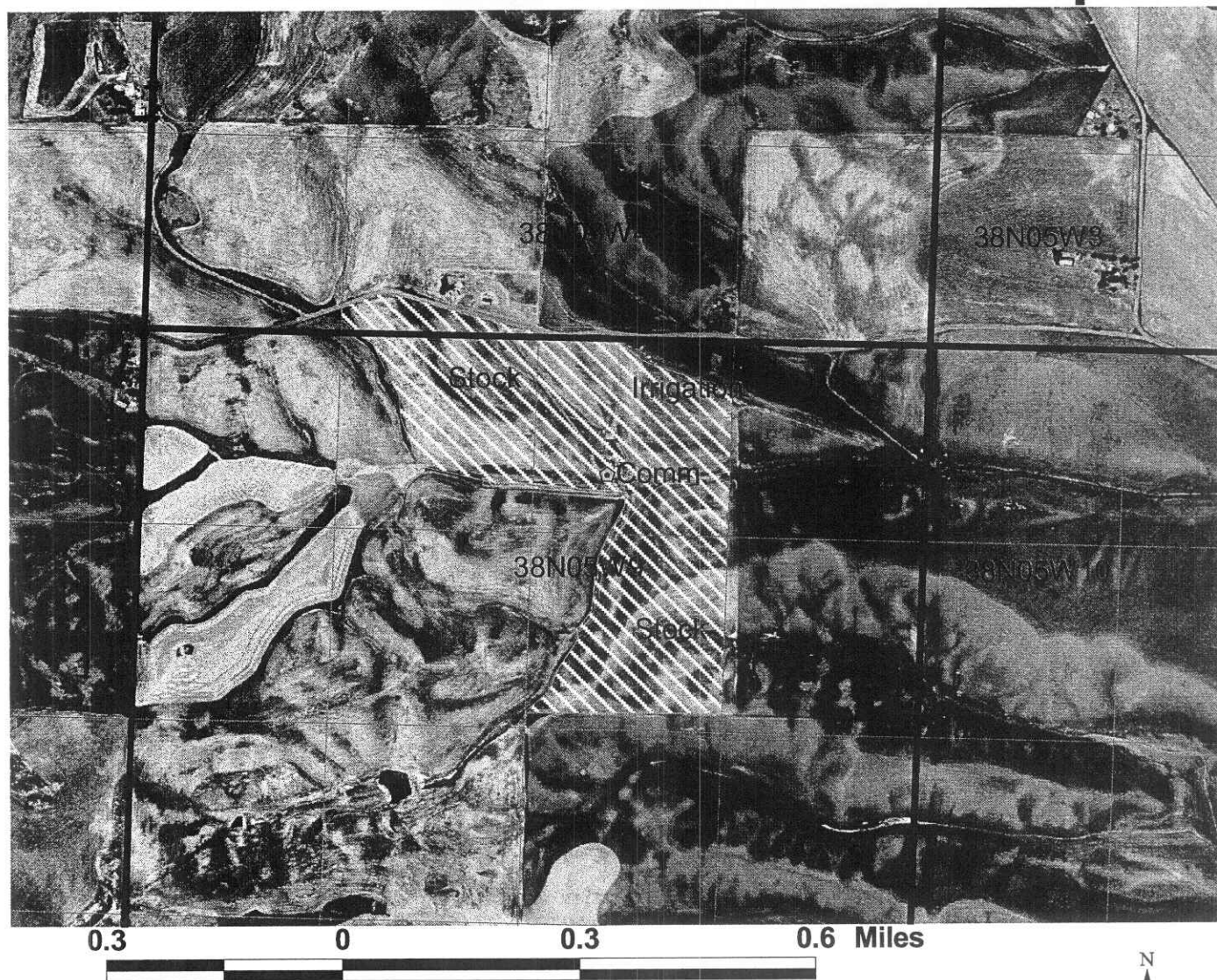
1. Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	01/01 to 12/31	0.040 CFS
IRRIGATION	03/15 to 10/31	0.150 CFS
STOCKWATER	01/01 to 12/31	0.180 CFS
	<u>Totals:</u>	0.200 CFS

The above summary of your application for permit includes amendments based upon the agreement you made in response to protests on your application for permit 87-10045. Please acknowledge that the summary is correct by signing below.

Signature _____ Date _____

Permit 87-10045 Place of Use Shape



-  Sections
-  QQ
-  Permit POD
-  Permit POU-Highlighted in Yellow

11 A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
Address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 87-10045

RECEIVED

FEB 12 2007

DWR/North

[] Names(s): Frank L. Hill

[] Old Mailing Address: 98 San Jacinto Blvd
Suite 1900
Austin, Texas 78701

[] New Mailing Address: 418 E B Street
Moscow, Id 83843

Telephone Number: () 208 - 596-6917

[] Signature(s) of Owner(s) [Signature]

(Include your title if on behalf of company or organization)

Date: 1-30-07

CCANNED

FEB 6 2007

THOMPSON & KNIGHT LLP

ATTORNEYS AND COUNSELORS

FRANK L. HILL
DIRECT DIAL: (512) 469-6121
EMAIL: Frank.Hill@tklaw.com
Board Certified - Civil Trial Law

1900 SAN JACINTO CENTER
98 SAN JACINTO BOULEVARD
AUSTIN, TEXAS 78701-4238
(512) 469-6100
FAX (512) 469-6180
www.tklaw.com

AUSTIN
DALLAS
FORT WORTH
HOUSTON
NEW YORK
ALGIERS
LONDON
MEXICO CITY
MONTERREY
PARIS
RIO DE JANEIRO
VITÓRIA

January 18, 2006

Robert G. Haynes, P. E.
Department of Water Resources
State of Idaho
1910 Northwest Blvd., Suite 1900
Coeur d'Alene, Idaho 83814-2615

RECEIVED
JAN 23 2007
IDWR/North

Re: Water Right Application 87-10045

Dear Mr. Hanes:

Please change your records to reflect my new address and send all future correspondence to:

Frank L. Hill
418 E. B Street
Moscow, Idaho 83843

Many thanks for your assistance.

Very truly yours,

Frank L. Hill



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

NORTHERN REGION

January 23, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

FRANK L HILL
418 E B STREET
MOSCOW ID 83843

RE: 87-10045

Dear Mr. Hill:

We are in receipt of your letter requesting that we change your address in our records.

We will need for you to complete the enclosed form which includes old address, new address, primary phone number by which you can be reached, etc., followed by your signature.

Also enclosed for your use is a self-addressed envelope for you to send the completed form to our state office. They will handle that change from there.

Also please note our new Northern Regional Office address. Our office moved over the Labor Day weekend, 2006.

Thank you.

Sincerely,

Dianne Ball
Administrative Assistant
Secretary to Robert Haynes

Cc: Robert Haynes

updated
2-5-07
RC

PROTEST INFORMATION SHEET

Frank Hill

Application No. 87-10045

SPECIAL NOTE: 9

Protestant(s) NAME(S)	ADDRESS	PHONE
1 Carol Driskell	1224 Eid Rd Moscow 83843	
w. 2 John/Terrill Bieker	1170 Eid Rd ✓ ✓	208-882-0911
3 Margaret Ann Behrends	1102 Eid Rd ✓	208-883-8108
4 ~~John~~ (Denise) Bailey	1025 Jensen Rd ✓ -	208 882-9610
w. 5 Robert Carino	1145 Eid Rd ✓ ✓	208 882-5905
6 Brian Banister	1111 Eid Rd ✓ -	208-301-4948
w. 7 Katak Co Commissioners	522 S Adams ✓ -	208-882-8580
w. 8 John Bieker	2276 Blaine Rd ✓ -	208-883-0925
w. 9 Keith Smith	1117 Eid Rd ✓ -	208-882-4938
10		

ATTORNEY

ADDRESS

PHONE

DATE FILED: 4/3/06

PROTEST DUE DATE: 6/19/06

ISSUES:

Objects to maximum quantity of diversion as believe it would adversely affect the quantity & quality of my existing well water supply. Interconnectivity of aquifer & other wells in the area. Area not zoned commercial.

Applicant(s)

ATTORNEY

ADDRESS

Protest Date Entered on Computer

Acknowledgment Letters Sent

Hearing Date

DATE

6/13/06 / 6/14/06 / 6/16/06
6/13/06 / 6/14/06 / 6/16/06 / 6/19/06 ⁴ *dated*
mailed 6/20

(Other Dates)

Other Information

Protest information submitted to computer following hearing:

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 87-10045 IN THE)
IN THE NAME OF FRANK HILL)
_____)

DEFAULT ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On April 3, 2006, FRANK L HILL, (applicant) filed Application for Permit No. 87-10045, with the department proposing to appropriate 1.82 cubic feet per second of water from GROUND WATER to be used year-round for STOCKWATER, MILKING PARLOUR AND CREMERY PURPOSES, and from MARCH 15 to NOVEMBER 15 FOR IRRIGATION PURPOSES.

2. The application was subsequently protested by CAROL DRISKELL, JOHN BIEKER, MARGARET ANN BEHREND, JENIFER BAILEY, ROBERT CARRICO, BRIAN BANISTER, the LATAH COUNTY COMMISSIONERS, JOHN A BIEKER, and KEITH SMITH.

3. Subsequently the Department received an e-mail from Frank Hill advising that on July 5, 2006 he met with many of the protestants to his original application for permit to use 1.82 cfs for dairy and agriculture operations. As a result of that meeting Mr. Hill agreed to reduce his request to 0.2 cfs and modify his request for irrigation to be only 5 acres to the north and east of the barn, to be used for watering organic fruits and vegetables.

4. As a result of that meeting, protests were withdrawn by the LATAH COUNTY COMMISSIONERS and BRIAN BANISTER.

5. The department scheduled and held a conference in the matter on November 27, 2006, in Moscow, Idaho at which conference the following protestants withdrew their protests: SHIRLEY CARRICO, KEITH M SMITH, JOHN BIEKER, and JOHN A BIEKER.

6. The following protestants failed to appear at the conference: CAROL DRISKELL, MARGARET ANN BEHREND and JENIFER BAILEY

CONCLUSIONS OF LAW

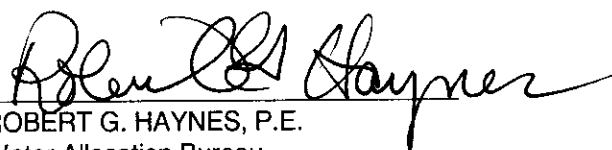
1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the department to issued a Notice of Proposed Default for Failure to Appear at the conference scheduled and held on November 27, 2006.

2. The department should enter a Default Order for failure to appear at the November 27, 2006 conference held in Moscow, Idaho.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the protests of CAROL DRISKELL, MARGARET ANN BEHREND and JENIFER BAILEY are hereby **SET ASIDE** and will no longer be considered by the department.

Dated this 4th day of December, 2006.


ROBERT G. HAYNES, P.E.
Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 4th of December, 2006, I mailed a true and correct copy, postage prepaid, of the foregoing **DEFAULT ORDER** to the following:

CERTIFIED MAIL:

FRANK HILL, 98 San Jacinto Blvd., #1900, Austin TX 78701
 CAROL DRISCOLL, 1224 Eid Rd., Moscow ID 83843 — *Returned unclaimed*
 MARGARET ANN BEHREND, 1102 Eid Rd, Moscow ID 83843
 JENIFER BAILEY, 1025 Jensen Rd, Moscow ID 83843

Lianne Ball
 DIANNE BALL

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:

Frank Hill
98 San Jacinto Blvd #1900
Austin Tx 78701

RECEIVED
 DEC 11 2006
 IDWR/North

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Billy Randall* ☐ Agent ☐ Addressee

B. Received by (Printed Name)
Billy Randall

C. Date of Delivery
DEC 8 2006

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

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:

Jenifer Bailey
1025 Jensen Rd
Moscow ID 83843

RECEIVED
 DEC 07 2006
 IDWR/North

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Margaret Behrend* ☒ Agent ☐ Addressee

B. Received by (Printed Name)
Margaret Behrend

C. Date of Delivery
12/18/06

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

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:

Margaret Ann Behrends
1102 Eid Rd
Moscow ID 83843

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Margaret Behrend* ☒ Agent ☐ Addressee

B. Received by (Printed Name)
Margaret Behrend

C. Date of Delivery
12/18/06

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

RECEIVED
 JAN 03 2007
 IDWR/North

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
 (Transfer from service label) 7001 2510 0003

PS Form 3811, February 2004 Domestic Return

2. Article Number
 (Transfer from service label) 7001 2510 0003 4440 2199

PS Form 3811, February 2004 Domestic Return Receipt

CERTIFIED MAIL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
7700 Mineral Drive, Suite 100
Burley, Idaho 83815

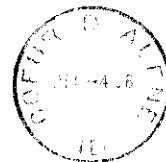


Return Service Requested



7001 2510 0003 4440 1888

UNDELIVERED



4.64

12/5
12-12
12-22



CAROL DRISCOLL
1224 EID RD
MOSCOW



24 R001



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:

Carol Driscoll
1224 Eld Rd
Moscow [REDACTED]

2. Article Number
(Transfer from service label)

7001 2510 0003 4440 1888

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

In the Matter of)
Application for Permit) Withdrawal of
No 87-10045 in the Name) Protest
of Frank Hill)

We the undersigned withdraw our objection
to the issuance of a permit to Frank Hill
Based on changes made to the application

November 27 2006

~~Shirley Carrico~~

Shirley Carrico

~~Keith M. Smith~~

Keith Smith

~~John Becker~~

John Becker

~~John A Becker~~

John A Becker

Frank L Hill

SHIRLEY R CARRICO

KEITH SMITH

JOHN BIEKER

John ~~John~~ A BIEKER

Ball, Dianne

From: Haynes, Bob
Sent: Monday, November 13, 2006 8:05 AM
To: Ball, Dianne
Subject: FW: November 27, 2006 Hearing

To Frank Hill
as requested
(2 pages)

-----Original Message-----

From: Frank.Hill@tklaw.com [mailto:Frank.Hill@tklaw.com]
Sent: Friday, November 10, 2006 11:31 AM
To: Haynes, Bob
Subject: November 27, 2006 Hearing

Mr. Haynes: Thank you for the Notice of Conference. Notice (several months ago) which triggered the Protests ? Thanks so much.

Could you please e-mail or fax to me the Newspaper That would greatly help me prepare for the meeting.

Frank L. Hill
Thompson & Knight LLP
1900 San Jacinto Center
98 San Jacinto Blvd.
Austin, Texas 78701
(512) 469-6121
(512) 469-6180 (facsimile)
hillf@tklaw.com

11/13/2006

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:

Keith Smith
1117 Eid Rd

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
X *Keith M. Smith*

B. Received by (Printed Name) *KEITH M. SMITH* C. Date of Delivery *11/9/06*

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

NOV 10 2006

IDWB/North

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

0003 4440 1901

Return Receipt

102595-02-M-1540

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

RECEIVED

NOV 10 2006

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2510 0000 4998 9558

Return Receipt

102595-02-M-1540

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

RECEIVED

NOV 09 2006

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2510 0000 4998 9534

Return Receipt

102595-02-M-1540

RECEIVED

NOV 09 2006

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2510 0000 4998 9541

Return Receipt

102595-02-M-1540

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:

John Bieker
1170 Eid Rd

Moscow ID 83843

RECEIVED

NOV 15 2006

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
X *John Bieker*

B. Received by (Printed Name) *JOHN BIEKER* C. Date of Delivery *11/13/06*

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

RECEIVED

NOV 15 2006

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

IDWB/North

0004 2510 0000 4998 9510

2. Article Number
(Transfer from service label)

IDWB/North

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

1. Article Addressed to:

Frank L Hill
98 San Jacinto Blvd
#1900
Austin TX 78701

RECEIVED
NOV 13 2006

IDWB/North

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 2510 0003 4439 9956

2. Article Number
(Transfer from service label)

7001 2510 0003 4439 9956

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

1. Article Addressed to:

Carol Driskell
1224 Eid Rd
Moscow ID 83843

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

RECEIVED

NOV 10 2006

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 2510 0003 4440 1871

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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:

Keith Smith
1117 Eid Rd
Moscow ID 83843

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Keith Smith

☐ Agent☐ Addressee

B. Received by (Printed Name)

KEITH SMITH

C. Date of Delivery

11/9/06

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

NOV 10 2006

IDWR/North

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

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:

John Bieker
1170 Eid Rd
Moscow ID 83843

RECEIVED

NOV 15 2006

2. Article Number

(Transfer from service label)

IDWR/North 0004 251

PS Form 3811, February 2004

Domestic Return

1. Article Addressed to:

Frank L Hill
98 San Jacinto Blvd
#1900
Austin TX 78701

2. Article Number

(Transfer from service label)

7001 2510 00

PS Form 3811, February 2004

Domestic Return

1. Article Addressed to:

Carol Driskell
1224 Eid Rd
Moscow ID 83843

2. Article Number

(Transfer from service label)

7001 2510

PS Form 3811, February 2004

Domestic Return

2. Article Number

(Transfer from service label)

7001 2510 0003 4440 1901

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

1. Article Addressed to:

John Bieker
2276 Blaine Rd
Moscow ID 83843

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

RECEIVED

NOV 10 2006

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

(Transfer from service label)

7004 2510 0000 4998 9558

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

1. Article Addressed to:

Jennifer Bailey
1025 Jensen Rd
Moscow ID 83843

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

RECEIVED

NOV 09 2006

3. Service Type

☒ Certified Mail

IDWR/North

☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2510 0000 4998 9534

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Robert Carrico

1145 Eid Rd
Moscow ID 83843

RECEIVED

NOV 09 2006

3. Service Type

☒ Certified Mail

IDWR/North

☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2510 0000 4998 9541

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

CERTIFIED MAIL™

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
100 Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815



7004 2510 0000 4998 9527

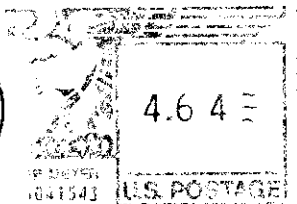
Return Service Requested



CLAIMED



MARGARET ANN BEHREND
1102 EID RD
MOSCOW ID 83843

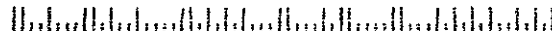


RECEIVED
NOV 30 2006
IDWR/North

100
100
100

11/7
11/4
11/24

83815/7763



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:

Margaret Behrends
1102 Eid Rd
Moscow ID 83843

2. Article Number

(Transfer from service label)

7004 2510 0000 4998 9527

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 87-10045)
IN THE NAME OF FRANK L HILL)
_____)

NOTICE OF CONFERENCE

On April 3, 2006, FRANK L HILL filed with the Department of Water Resources (department) Application for Permit No. 87-10045. The application was protested by Carol Driskell, John Bieker, Margaret Ann Behrends; Jenifer Bailey, Robert Carrico, Brian Banister, Latah County Commissioners, John A Bieker and Keith Smith.

Latah County Commissioners and Brian Banister have withdrawn their protests due to Mr. Hill's modification of his water right application.

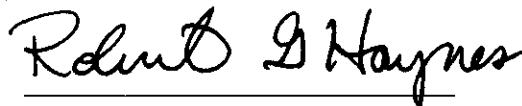
The department has scheduled the matter for conference &/or hearing at 10:00 am on November 27, 2006 at the Federal Building, 220 E 5th, Second Floor Conference Room, in Moscow, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference &/or hearing will be Robert G. Haynes, P.E., Northern Regional Manager.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

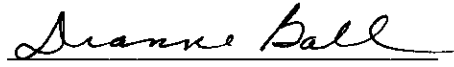
The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within ten (10) days prior to the conference &/or hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 6th day of November, 2006.


Regional Manager

I hereby certify that on the 6th day of November, 2006, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Administrative Assistant

✓ Carol Driskell
Certified Mail

- also - e-mail response*
- ✓ Frank L Hill
 - ✓ Carol Driskell
 - ✓ John Bieker
 - Margaret Ann Behrends
 - ✓ Jenifer Bailey
 - ✓ Robert Carrico
 - ✓ John A Bieker
 - ✓ Keith Smith

98 San Jacinto Blvd. #1900, Austin TX 78701
1224 Eid Rd, Moscow ID 83843
1170 Eid Rd, Moscow ID 83843
1102 Eid Rd, Moscow ID 83843
1025 Jensen Rd, Moscow ID 83843
1145 Eid Rd, Moscow ID 83843
2276 Blaine Rd, Moscow ID 83843
1117 Eid Rd, Moscow ID 83843

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6 and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (120) days prior to the hearing.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

August 16, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

FRANK L. HILL
98 SAN JACINTO BLVD #1900
AUSTIN TX 78701

RE: YOUR WATER RIGHT APPLICATION 87-10045

Dear Mr. Hill:

We have received a response from Jenifer Bailey regarding our inquiry as to her willingness to withdraw her protest against your application.

Enclosed is a copy of her letter of response, for your information and file.

The Department suggests you contact her directly to determine the possibility of resolving the matter without action by the Department. Informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, P.E.
Regional Manager

Cc: Jenifer Bailey

August 4, 2006

Robert G. Haynes, P.E.
State of Idaho
Dept. of Water Resources

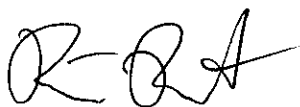
RECEIVED
AUG 08 2006
IDWR/North

Re: Water Right Application 87-10045 – Frank L. Hill

Dear Mr. Haynes,

I regret that I was unaware of Mr. Hill's meeting with several neighbors until shortly after the event. From what I heard, the meeting went very well. The report I heard was that Mr. Hill was very reasonable to work with. As Mr. Hill has modified his request from 1.8 to 0.2 cfs, I am willing to remove my protest.

Sincerely,

A handwritten signature in black ink, appearing to read 'RBA'.

Brian Banister
1111 Eid Rd
Moscow ID 83843

cc Frank Hill



**Latah County
BOARD OF COUNTY COMMISSIONERS**

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 883-7208 ♦ fax (208) 883-2280 ♦ e-mail boccc@latah.id.us
John A. "Jack" Nelson ♦ Tom S. Stroschein ♦ Paul J. Kimmell

August 16, 2006

RECEIVED
AUG 23 2006
IDWR/North

Robert G. Haynes, P.E.
Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, Suite 210
Coeur d'Alene ID 83814-2615

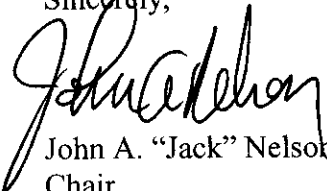
RE: Water Right Application 87-10045 – Frank L. Hill

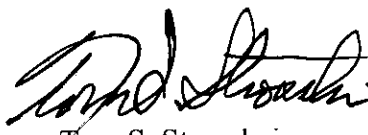
Dear Mr. Haynes,

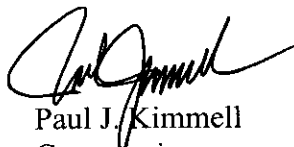
We received your letter dated July 28, 2006 informing the Board of County Commissioners of Mr. Hill's modification to his water right application.

In light of this modification, as well as the absence of concerns voiced by neighboring property owners, the Board would like to withdraw our protest of this water right application.

Sincerely,


John A. "Jack" Nelson
Chair


Tom S. Stroschein
Commissioner


Paul J. Kimmell
Commissioner

BOCC/knr

Cc: Frank L. Hill

August 15, 2006

RECEIVED
AUG 16 2006
IDWR/North

State of Idaho Dept of Water Resources
Northern Region
1910 Northwest Boulevard, Suite 210
Coeur d'Alene ID 83814-2615

Re: Water Right Application 87-104 – Frank Hill

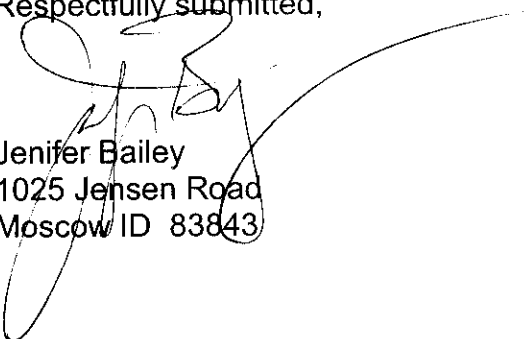
87-10045

I am writing in response to your letter requesting a withdrawal of my protest of the use of 1.8 cfs for dairy and agriculture by Frank Hill. I was not at the meeting where you state Mr. Hill agreed to, and then sent an e-mail to your office, reducing his request to .2 cfs for irrigating 5 acres. I understand it was a "last minute gathering", so unfortunately my husband and I were unable to attend.

I am opposed to the drilling of any new wells for this use. If Mr. Hill's existing well can support his request of .2cfs, he should be free to use this water at will. However, before I withdraw my protest, I request a written evaluation of the effects that this water usage will have on the areas aquifer and other domestic wells, be provided for my review.

I am also concerned about the containment of water used in the dairy application and how it will be processed. I would also like to review his plan to prevent contaminants from entering other wells.

Respectfully submitted,



Jenifer Bailey
1025 Jensen Road
Moscow ID 83843



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

CAROL DRISKELL
1224 EID RD
MOSCOW ID 83843

Re: Water Right Application 87-10045 – Frank L. Hill

Dear Ms. Driskell:

We received an e-mail from Frank Hill advising that on July 5, 2006, he met with many of the protestants to his original application for permit to use 1.8 cfs for dairy and agriculture operations on Eid Road, Moscow, Idaho.

Mr. Hill advises that he agreed at that meeting to reduce his request to .2 cfs. He agrees to modify his request for irrigation to be only 5 acres that are to the north and east of the barn, to be used for watering organic fruits and vegetables.

Taking this into consideration, will you be willing to withdraw your protest? We will need a written response from you, either way.

If you have any questions, please call me at 208-769-1450

Thank you for your quick response.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

Cc: Frank L. Hill



State of Idaho

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

JOHN/TERRILL BIEKER
1170 EID RD
MOSCOW ID 83843

Re: Water Right Application 87-10045 – Frank L. Hill

Dear Mr. & Mrs. Bieker:

We received an e-mail from Frank Hill advising that on July 5, 2006, he met with many of the protestants to his original application for permit to use 1.8 cfs for dairy and agriculture operations on Eid Road, Moscow, Idaho.

Mr. Hill advises that he agreed at that meeting to reduce his request to .2 cfs. He agrees to modify his request for irrigation to be only 5 acres that are to the north and east of the barn, to be used for watering organic fruits and vegetables.

Taking this into consideration, will you be willing to withdraw your protest? We will need a written response from you, either way.

If you have any questions, please call me at 208-769-1450

Thank you for your quick response.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

Cc: Frank L. Hill



State of Idaho

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

MARGARET ANN BEHREND
1102 EID RD
MOSCOW ID 83843

Re: Water Right Application 87-10045 – Frank L. Hill

Dear Ms. Behrends:

We received an e-mail from Frank Hill advising that on July 5, 2006, he met with many of the protestants to his original application for permit to use 1.8 cfs for dairy and agriculture operations on Eid Road, Moscow, Idaho.

Mr. Hill advises that he agreed at that meeting to reduce his request to .2 cfs. He agrees to modify his request for irrigation to be only 5 acres that are to the north and east of the barn, to be used for watering organic fruits and vegetables.

Taking this into consideration, will you be willing to withdraw your protest? We will need a written response from you, either way.

If you have any questions, please call me at 208-769-1450

Thank you for your quick response.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

Cc: Frank L. Hill



State of Idaho

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

JENIFER BAILEY
1025 JENSEN RD
MOSCOW ID 83843

Re: Water Right Application 87-10045 – Frank L. Hill

Dear Ms. Bailey:

We received an e-mail from Frank Hill advising that on July 5, 2006, he met with many of the protestants to his original application for permit to use 1.8 cfs for dairy and agriculture operations on Eid Road, Moscow, Idaho.

Mr. Hill advises that he agreed at that meeting to reduce his request to .2 cfs. He agrees to modify his request for irrigation to be only 5 acres that are to the north and east of the barn, to be used for watering organic fruits and vegetables.

Taking this into consideration, will you be willing to withdraw your protest? We will need a written response from you, either way.

If you have any questions, please call me at 208-769-1450

Thank you for your quick response.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

Cc: Frank L. Hill



State of Idaho

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 27, 2006

ROBERT CARRICO
1145 EID RD
MOSCOW ID 83843

Re: Water Right Application 87-10045 – Frank L. Hill

Dear Mr. Carrico:

We received an e-mail from Frank Hill advising that on July 5, 2006, he met with many of the protestants to his original application for permit to use 1.8 cfs for dairy and agriculture operations on Eid Road, Moscow, Idaho.

Mr. Hill advises that he agreed at that meeting to reduce his request to .2 cfs. He agrees to modify his request for irrigation to be only 5 acres that are to the north and east of the barn, to be used for watering organic fruits and vegetables.

Taking this into consideration, will you be willing to withdraw your protest? We will need a written response from you, either way.

If you have any questions, please call me at 208-769-1450

Thank you for your quick response.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

Cc: Frank L. Hill



State of Idaho

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

BRIAN BANISTER
1111 EID RD
MOSCOW ID 83843

Re: Water Right Application 87-10045 – Frank L. Hill

Dear Mr. Banister:

We received an e-mail from Frank Hill advising that on July 5, 2006, he met with many of the protestants to his original application for permit to use 1.8 cfs for dairy and agriculture operations on Eid Road, Moscow, Idaho.

Mr. Hill advises that he agreed at that meeting to reduce his request to .2 cfs. He agrees to modify his request for irrigation to be only 5 acres that are to the north and east of the barn, to be used for watering organic fruits and vegetables.

Taking this into consideration, will you be willing to withdraw your protest? We will need a written response from you, either way.

If you have any questions, please call me at 208-769-1450

Thank you for your quick response.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

Cc: Frank L. Hill



State of Idaho

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

LATAH COUNTY COMMISSIONERS
522 S ADAMS
MOSCOW ID 83843

Re: Water Right Application 87-10045 – Frank L. Hill

We received an e-mail from Frank Hill advising that on July 5, 2006, he met with many of the protestants to his original application for permit to use 1.8 cfs for dairy and agriculture operations on Eid Road, Moscow, Idaho.

Mr. Hill advises that he agreed at that meeting to reduce his request to .2 cfs. He agrees to modify his request for irrigation to be only 5 acres that are to the north and east of the barn, to be used for watering organic fruits and vegetables.

Taking this into consideration, will you be willing to withdraw your protest? We will need a written response from you, either way.

If you have any questions, please call me at 208-769-1450

Thank you for your quick response.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

Cc: Frank L. Hill



State of Idaho

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

JOHN A BIEKER
2276 BLAINE RD
MOSCOW ID 83843

Re: Water Right Application 87-10045 – Frank L. Hill

Dear Mr. Bieker:

We received an e-mail from Frank Hill advising that on July 5, 2006, he met with many of the protestants to his original application for permit to use 1.8 cfs for dairy and agriculture operations on Eid Road, Moscow, Idaho.

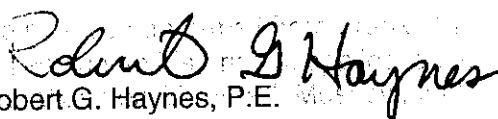
Mr. Hill advises that he agreed at that meeting to reduce his request to .2 cfs. He agrees to modify his request for irrigation to be only 5 acres that are to the north and east of the barn, to be used for watering organic fruits and vegetables.

Taking this into consideration, will you be willing to withdraw your protest? We will need a written response from you, either way.

If you have any questions, please call me at 208-769-1450

Thank you for your quick response.

Sincerely,



Robert G. Haynes, P.E.
Regional Manager

Cc: Frank L. Hill



State of Idaho

DEPARTMENT OF WATER RESOURCES

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

KEITH SMITH
1117 EID RD
MOSCOW ID 83843

Re: Water Right Application 87-10045 – Frank L. Hill

Dear Mr. Smith:

We received an e-mail from Frank Hill advising that on July 5, 2006, he met with many of the protestants to his original application for permit to use 1.8 cfs for dairy and agriculture operations on Eid Road, Moscow, Idaho.

Mr. Hill advises that he agreed at that meeting to reduce his request to .2 cfs. He agrees to modify his request for irrigation to be only 5 acres that are to the north and east of the barn, to be used for watering organic fruits and vegetables.

Taking this into consideration, will you be willing to withdraw your protest? We will need a written response from you, either way.

If you have any questions, please call me at 208-769-1450

Thank you for your quick response.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

Cc: Frank L. Hill

Haynes, Bob

From: Frank.Hill@tklaw.com
Sent: Friday, July 14, 2006 3:03 PM
To: Haynes, Bob
Cc: scottwmcd@hotmail.com
Subject: Re: Wr Application

Mr. Hanes: On July 5, 2006, I met with many of those who filed Notice of Protest to my application for permit to use 1.8 cfps for dairy and agriculture operations on Eid Road, Moscow, Idaho. I agreed at that meeting to reduce my request to .2 cfps. Not everyone who filed a Notice of Protest was at the meeting, and not everyone at the meeting expressed themselves. However, no one at the meeting expressed opposition to .2cfps, and many at the meeting indicated that they did not oppose such usage.

Therefore, I'd like to formally modify my request for irrigation to be only 5 acres that are to the North East of the Barn, to be used for watering organic fruits and vegetables.

Please let me know if I need to submit a more formal document. Many thanks.

Frank L. Hill
1900 San Jacinto Center
98 San Jacinto Blvd.
Austin, Texas 78701
(512) 469-6121
(512) 469-6180 (facsimile)
hillf@tklaw.com



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 22, 2006

FRANK L HILL
98 SAN JACINTO BLVD #1900
AUSTIN TX 78701

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045

Dear Mr. Hill

The recent letters sent to you regarding protests against your application for water rights left off Item 7 below. Therefore we are sending this corrected and updated letter, and Item 7 will pertain to all protests received in this matter. All protestants are receiving updated letters to include Item 7, also.

The Department suggests you contact the protestant directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are the criteria the Department must consider in either approving or denying the application (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH:db



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

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June 22, 2006

CAROL DRISKELL
1224 EID RD
MOSCOW ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045

Dear Protestant:

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. Our earlier letter omitted item 7 below. Therefore, we are sending this corrected letter to all protestants in this matter.

A copy of your protest was earlier sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application, and if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203, Idaho Code):

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You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 22, 2006

JOHN BIEKER
1170 EID RD
MOSCOW ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045

Dear Protestant:

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. Our earlier letter omitted item 7 below. Therefore, we are sending this corrected letter to all protestants in this matter.

A copy of your protest was earlier sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application, and if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203, Idaho Code):

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You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 22, 2006

PAUL KIMMELL, COMMISSIONER
LATAH COUNTY COMMISSIONERS
PO BOX 8068
MOSCOW ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045 and 87-10046

Dear Mr. Kimmell:

The Department of Water Resources acknowledges receipt of your protests against the approval of the above referenced applications. Our earlier letter omitted item 7 below. Therefore, we are sending this corrected letter to all protestants in this matter.

A copy of your protest was earlier sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application, and if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

June 22, 2006

MARGARET ANN BEHREND
1102 EID RD
MOSCOW ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045

Dear Protestant:

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. Our earlier letter omitted item 7 below. Therefore, we are sending this corrected letter to all protestants in this matter.

A copy of your protest was earlier sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application, and if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 22, 2006

JENIFER BAILEY
1025 JENSEN RD
MOSCOW ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045

Dear Protestant:

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You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



State of Idaho

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June 22, 2006

ROBERT CARRICO
1145 EID RD
MOSCOW ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045

Dear Protestant:

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Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



State of Idaho

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June 22, 2006

BRIAN BANISTER
1111 EID RD
MOSCOW ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045

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ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



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June 22, 2006

JOHN A BIEKER
2276 BLAINE RD
MOSCOW ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045

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Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



State of Idaho

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June 22, 2006

KEITH SMITH
1117 EID RD
MOSCOW ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORRECTED and UPDATED LETTER

Re: Application to Permit No. 87-10045

Dear Protestant:

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A copy of your protest was earlier sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application, and if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

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Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



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JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 20, 2006

BRIAN & WENDY FUNKE
1123 EID RD
MOSCOW ID 83843

Dear #: Re: 87-10045 Frank L. Hill

Your letter protesting the above-referenced water right application filed in the name of Frank L. Hill was received after the statutory time period for receiving protests. Your letter cannot, therefore, be considered an official protest.

You may, however, request leave to intervene in the matter, pursuant to IDAPA 37.01.01, Rule 156 of the Administrative Rules of the Idaho Department of Water Resources Rules of Procedure, which states as follows:

156. INTERVENORS (Rule 156) Persons, not applicants or claimants or appellants, complainants, respondents, or protestants to a proceeding, who are permitted to participate as parties pursuant to Rules 350 through 354 are called "intervenors". A copy of Rules 350 through 354 are enclosed for reference.

A copy of the complete book of the Rules of Procedure is enclosed for your reference. We call your attention to Rules 350 through 354 on pages 18 and 19, with reference to becoming an intervenor.

If you wish to be considered as an intervenor, please file a Petition to Intervene as required by the Rules referenced above, together with a fee in the amount of \$25.00.

If you have any questions, please feel free to contact this office.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH:db

Enc. Rules of Procedure

Cc: Frank Hill, 98 San Jacinto Blvd. #1900, Austin TX 78701

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

JUN 20 2006

IDWR/North

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Permit # 87-10045 (Frank Hill)
2. Name of protestant Brian & Wendy Funke
3. Protestant's representative for service (If different than protestant)
4. Service mailing address 1123 Eid Rd Moscow Id 83843
5. Service telephone no. 208-882-4387
6. Basis of protest (including statement of facts and law upon which the protest is based)

As a land owner living adjacent to McHill's Request for water usage. All land owners in this area use their water with respect for all other neighboring land owners. With water shortages and the water levels dropping we feel would deplete ^{underground} everyone's water and directly affect my well. This area is hard to find water with out someone being so disrespectful of others to put all neighbors in hardship when water is conserved.

7. What would resolve your protest? McHill not allowed to have this (180 cfs) permit and have water usage for personal only the same as every other land owner around the area. This area is valued as a dry crop area there is no need for irrigation here.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 14 day of June, 2006

Brian Funke
PROTESTANT

BRIAN G. OR WENDY A. FUNKE
PH. 208-882-4387
1123 EID RD.
MOSCOW, ID 83843

98-703-1251

9441

Pay to Dept of Water Resources \$ 25.00
the Order of Twenty five and no/100 Dollars

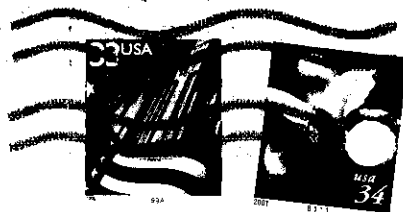
AMERICANWEST BANK
PULLMAN BRANCH
300 EAST MAIN STREET
PULLMAN, WA 99163
TELESERVICE 1-800-772-5479

125107037 117334475 09441

Funke
1123 E10 RD
Moscow Id
83843

SPOKANE WA 992

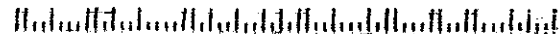
19 JUN 2006 PM 3 L



Department of Water Resources Northern Division
1910 NW Blvd Suite 210
Coeur d'Alene Id 83814

83814+2876

COOB



Idaho Department of Water Resources Receipt

Receipt ID N017690

Payment Amount	\$25.00	Date Received	6/20/2006 11:57:04 AM	Region	Northern	Status	Void
Payment Type	Check	Check Number	9441				

Payer	BRIAN & WENDY FUNKE
Comment	Untimely Protest against 87-10045 - Frank Hill

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	65103	1155

Signature Line (Dept. Representative)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

June 19, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

FRANK L HILL
98 SAN JACINTO BLVD
SUITE 1900
AUSTIN TX 78701

Application to Permit No. 87-10045

Dear Applicant(s):

Enclosed are copies of four separate protests filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: to individual protestants



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 19, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

KEITH M SMITH
1117 EID RD
MOSCOW, ID 83843

Application to Permit No. 87-10045

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
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4. Has the applicant sufficient financial resources with which to complete the project?
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6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

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Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Frank Hill, 98 San Jacinto Blvd., #1900, Austin, TX 78701

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED
JUN 19 2006
DWR/North

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for water Rights # 87-10045
2. Name of protestant KEITH M. SMITH, MARY F. FAUCI
3. Protestant's representative for service (If different than protestant)
N/A
4. Service mailing address 1117 EID ROAD, MOSCOW, ID 83843
5. Service telephone no. (208) 882-4938
6. Basis of protest (including statement of facts and law upon which the protest is based)
I am very concerned that my well may go dry or operate at reduced capacity if that much water is pumped from the ground.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Apply for water Rights using less water, eliminate irrigation plans in dryland farming area.

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16 day of JUNE, 2006.

Keith M. Smith

PROTESTANT

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by db Date 6/19/06 Time 1:50 P
\$25.00 fee Received by db # N017678 Date 6/19/06



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

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June 20, 2006

JOHN A BIEKER
2276 BLAINE RD
MOSCOW, ID 83843

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Application to Permit No. 87-10045

Dear Protestant(s):

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Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Frank Hill, 98 San Jacinto Blvd. #1900, Austin, TX 78701

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED
JUN 19 2006
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1. Matter being protested #87-10045 FRANK L Hill
2. Name of protestant John A + Martha Bieker
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 2276 BLAINE Rd MOSCOW ID 83843
5. Service telephone no. 208-883-0925

6. Basis of protest (including statement of facts and law upon which the protest is based)

We Feal the extremley large volume of water
being asked for is going to affect the quality +
quantity of our exsisting well water in a negative
way maybe even causing it to fail

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? denial of application or a
very large reduction of the amount of water being
asked for + a public hearing were we the concerned
can talk

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16 day of June, 2006

John A Bieker + Martha Bieker
PROTESTANT

PROTESTANT'S REPRESENTATIVE

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by  Date 6/19/06 Time 1:55 p
\$25.00 fee Receipted by  # No 17679 Date 6/19/06



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

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Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 19, 2006

LATAH COUNTY COMMISSIONERS
522 SOUTH ADAMS
PO BOX 8068
MOSCOW, ID 83843

Application to Permit No. 87-10045

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The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Frank Hill, 98 San Jacinto Blvd, #1900, Austin TX 78701



**Latah County
BOARD OF COUNTY COMMISSIONERS**

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 882-8580 ♦ fax (208) 883-2280 ♦ e-mail bocc@latah.id.us

John A. "Jack" Nelson ♦ Paul J. Kimmell ♦ Tom S. Stroschein

June 16, 2006

Director Karl Dreher
Department of Water Resources, Northern Region
1910 Northwest Blvd., Suite 210
Coeur D' Alene, ID 83814

*Receipt #
No 17680*

**RECEIVED
JUN 19 2006
IDWR/North**

Director Dreher,

As per Idaho Code Section 42-203A, the Latah County Board of Commissioners, 522 S. Adams, Moscow, Idaho, 83843 is officially protesting the application for a water right - permit #87-10045 for Frank L. Hill, 1196 Eid Road, Moscow, Idaho, 83843. We have enclosed our \$25.00 fee.

Latah County is concerned by the amount of water requested for this proposal and the effects that it may have on nearby existing uses. Further, the Board has concerns that this use may reduce the quantity of water under existing water rights, that it may conflict with the local public interest as defined in section 42-202B, Idaho Code, and that this use may be contrary to conservation of water resources within the state of Idaho.

Some residents near this application have expressed concerns to the Latah County Planning Department regarding this use and how it may affect their existing water supplies. This amount of water may far exceed any amount of water used for existing activities in this area. Furthermore, Latah County does not know of any dairy/feedlot operations that require property to be irrigated to feed cattle and that require the use of groundwater that currently exist in Latah County. Latah County has traditionally been used for dryland farming and ranching/grazing. The potential exists, with the limited groundwater supplies in the County that this amount of water use could pull water from existing supplies for other established wells in the area and might limit or eliminate the source of water for these wells. Lastly, it does not seem that this proposed use incorporates any type of conservation measures based upon the amount of water for irrigation/cattle that this use proposes.

The Board believes it has an obligation to protest all such large water right requests within its borders. We appreciate the ability to comment and look forward to better understanding this application. Thank you.

Sincerely,

Paul J. Kimmell, Commissioner
Authorized Agent for the Protestor

Cc: Mr. Frank Hill, Applicant



Latah County
BOARD OF COUNTY COMMISSIONERS

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 882-8580 ♦ fax (208) 883-2280 ♦ e-mail bocc@latah.id.us

John A. "Jack" Nelson ♦ Paul J. Kimmell ♦ Tom S. Stroschein

June 16, 2006

Frank L. Hill
1196 Eid Rd
Moscow ID 83843

Dear Mr. Hill,

Enclosed please find a letter of protest from the Latah Board of County Commissioners regarding your water right application # 87-10045.

It is the policy of the Board to protest all large water right applications within Latah County since we are statutorily mandated to "protect the health, safety and welfare" of our citizens. Because of the nature of Idaho's water rights appropriation process, we have to establish standing in the review process and insure we better understand the nature and extent of your request. This action by the Board by no means is an indication of our opposition to your request. Simply, we would like to more fully review your application and how it might impact existing water users and adjoining property owners.

Please call the Board if you have any question or concerns. Thank you.

Sincerely,

COPY

Paul J. Kimmell, Commissioner



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 19, 2006

BRIAN A BANISTER
1111 EID RD
MOSCOW, ID 83843

Application to Permit No. 87-10045

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Frank Hill, 98 San Jacinto Blvd., #1900, Austin, TX 78701

June 15, 2006

Director
Department of Water Resources, Northern Region
1910 Northwest Blvd, Suite 210
Coeur D'Alene, ID 83814

RECEIVED
JUN 19 2006
DWR/North

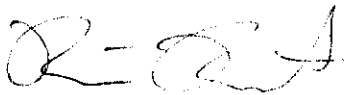
Dear Sir or Madam,

It has come to my attention that the owner of a piece of land near my property has requested water rights for a large quantity of water. Specifically, application for permit no. 87-10045 in the name of Mr. Frank L. Hill. I, Brian A Banister, of 1111 Eid Rd, Moscow, ID, (208-301-4948), hereby wish to be known as a protestant against this permit. 83843

The property under dispute at 1196 Eid Rd, Moscow ID is in a bowl with several houses, including my own, on the hills surrounding it. My well is not atypical. It is 250 feet deep and supplies nearly 5 gallons per minute (gpm). If Mr. Hill is permitted to draw 1.82 CFS (about 813 gpm), I fear this may negatively impact the long term sustainability of my well or that of my neighbors. I request that the application for permit be either denied or severely scaled back in order to protect the water supply of myself and others in the area of Mr. Hill's property.

Per IDAPA 37.01.01203, a copy of this letter shall be sent to the address of 1196 Eid Rd. It is believed that the residents at said address possess the ability to communicate the contents herein to Mr. Hill.

Thank you for your consideration of my concerns.



Brian A. Banister
1111 Eid Rd
Moscow, ID 83843

Receipt #
N017677



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

June 16, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

FRANK L HILL
98 SAN JACINTO BLVD
SUITE 1900
AUSTIN TX 78701

Application to Permit No. 87-10045

Dear Applicant(s):

Enclosed are copies of two protests filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of each protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: To Protestants



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

June 16, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

JENIFER BAILEY
1025 JENSEN RD
MOSCOW, ID 83843

Application to Permit No. 87-10045

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Frank Hill
98 San Jacinto Blvd #1900
Austin TX 78701

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED
JUN 16 2006
IDWR/North

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested PERMIT APPLICATION # 87-10045
2. Name of protestant (LARRY & JENIFER BAILEY)
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 1025 JENSEN ROAD - MOSCOW ID 83843
5. Service telephone no. 208-882-9610

6. Basis of protest (including statement of facts and law upon which the protest is based)

POSSIBLE EFFECT THAT WATER USAGE PERMIT GRANTED COULD HAVE ON ANOTHER
DUE TO INTERCONNECTIVITY IN AQUIFERS AND DOMESTIC WELLS NOW IN PLACE.
RESIDENTIAL AREA & NON-IRRIGATED FARMS IN PLACE FOR MANY YEARS
CAN NOT SUPPORT NEW COMMERCIAL USE & PROPOSED CREAMERY. AREA NOT
ZONED COMMERCIAL.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Denial of Permit
GUARANTEE OF NO CONNECTIVITY BETWEEN WATER PROPOSED TO BE
PULLED AND AREAS AQUIFERS AND LOCAL WELLS FOR ESTABLISHED
RESIDENCES. ACCEPTANCE OF TOTAL RESPONSIBILITY FOR ANY WATER ISSUES WHICH
I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13TH day of JUNE, 2006

PROTESTANT

PROTESTANT'S REPRESENTATIVE

Cont. may arise in future drought conditions or once proposed well
for irrigation & stock is put into use.

- cc: FILE / FRANK HILL -

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. 87-10045 in the name of FRANK" or "Application for Transfer No. _____ in the name of _____." L. Hill
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents. JENNIFER BAILEY
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative. 1025 JENSEN RD - MOSCOW ID 83843
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative. 208-882-9660
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by db Date 6/16/06 Time 1:23p
\$25.00 fee Received by db # NO17674 Date 6/16/06
ck# 4866

cc: file / Frank Hill



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

June 16, 2006

ROBERT D CARRICO
1145 EID RD
MOSCOW, ID 83843-7492

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Application to Permit No. 87-10045

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Frank Hill
98 San Jacinto Blvd, Ste 1900
Austin TX 78701

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

**RECEIVED
JUN 16 2006
IDWR/North**

This form may be used to file a protest with the department under sections 42-100B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested APPLICATION FOR PERMIT No. 87-10045
FRANK L HILL
2. Name of protestant ROBERT D & SHIRLEY R CARRICO
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 1145 EID RD, MOSCOW, ID 83843-7492
5. Service telephone no. 208-882-5905
6. Basis of protest (including statement of facts and law upon which the protest is based)
Our property adjoins Mr Hill's his proposed water diversion.
We specifically object to the massive quantity of diversion
(1.82 CFS) as we believe it would adversely affect
the quantity & quality of our existing well water supply.
(Additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Refusal of Mr Hill's permit to
use water for irrigation, stockwater & commercial use.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13th day of June, 2006

Robert D Carrico
PROTESTANT

Shirley R Carrico

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by  Date 6/16/06 Time 1:20 p
\$25.00 fee Receipted by  # 2017673 Date 6/16/06



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

June 15, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

FRANK L HILL
98 SAN JACINTO BLVD
SUITE 1900
AUSTIN TX 78701

Application to Permit No. 87-10045

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Margaret Ann Behrends, 1102 Eid Rd., Moscow, ID 83843



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 15, 2006

MARGARET ANN BEHRENDIS
1102 EID ROAD
MOSCOW, ID 83843

Application to Permit No. 87-10045

Dear Ms. Behrends:

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Frank Hill, 98 San Jacinto Blvd #1900, Austin, TX 78701

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested application for Permit NO. 87-10045
2. Name of protestant Margaret Ann Behrends
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 1102 Eid Road Moscow, ID. 83843
5. Service telephone no. 1-208-883-8108

6. Basis of protest (including statement of facts and law upon which the protest is based)

I object to the proposed massive quantity of Div. (1.82 CFS). I believe it would adversely affect the quantity and quality of my existing well water supply.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? nothing - I do not feel that one person should have that much control of the water system that belongs to everyone.

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 14 day of June, 13 2006

Margaret Ann Behrends
PROTESTANT

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by  Date 6/15/06 Time 11:30a

\$25.00 fee Received by  # N017670 Date 6/15/06



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

June 14, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

FRANK L HILL
98 SAN JACINTO BLVD
SUITE 1900
AUSTIN TX 78701

Application to Permit No. 87-10045

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: - John & Terrill Bieker, 1170 Eid Rd, Moscow, ID 83843



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 14, 2006

JOHN BIEKER
1170 EID RD
MOSCOW, ID 83843-7492

Application to Permit No. 87-10045

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Frank L Hill
98 San Jacinto Blvd. - Suite 1900
Austin, TX 78701

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested # 87-10045 FRANK L HILL
2. Name of protestant JOHN & TERRILL BIEKER
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 1170 E112 RD MOSCOW, ID 83843
5. Service telephone no. 208-882-0911

6. Basis of protest (including statement of facts and law upon which the protest is based)

WE BELIEVE THE VERY LARGE (1.82 CFS) AMOUNT OF
WATER BEING ASKED FOR DIVERSION WILL ADVERSELY
AFFECT THE QUANTITY & QUALITY OF OUR EXISTING
WELL WATER, MAYBE CAUSING THEM TO FAIL

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? DENIAL OF APPLICATION
OR LARGE REDUCTION OF AMOUNT OF
DIVERSION & A PUBLIC HEARING WHERE ALL MAY

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13TH day of JUNE, 2006

John Bieker - Terrill Bieker
PROTESTANT

PROTESTANT'S REPRESENTATIVE



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 13, 2006

FRANK L HILL
98 SAN JACINTO BLVD #1900
AUSTIN TX 78701

Re: Application to Permit No. 87-10045

Dear Mr. Hill:

Enclosed is a copy of a protest filed against the approval of the above referenced application. The Department suggests you contact the protestant directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are the criteria the Department must consider in either approving or denying the application (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH:db

Enclosure

Cc: Carol Driskell
1224 Eid Rd
Moscow ID 83843



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 13, 2006

CAROL DRISKELL
1224 EID RD
MOSCOW ID 83843

Re: Application to Permit No. 87-10045 – Frank Hill

Dear Ms. Driskell:

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest will be sent to the applicant.

We presume that you do not want to include Application for Permit No. 87-10046 which is an application made by the Moscow Cemetery Maintenance District, although you also included the number for that Application for Permit in your letter. If you meant to protest that application also, you will need to send in an additional letter stating your reasons for protesting that application, and an additional \$25.00 fee, because the fee required to protest an application is \$25.00 per application for permit that you are protesting.

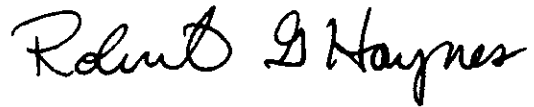
The Department suggests that you contact the applicant, Frank Hill, directly for details regarding his application, and if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in black ink, reading "Robert G. Haynes". The signature is written in a cursive style with a large, stylized "R" and "H".

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db

Enclosure

Cc: Frank Hill
98 San Jacinto Blvd #1900
Austin TX 78701

June 11, 2006

Director
Department of Water Resources, Northern Region
1910 Northwest Blvd. Suite 210
Coeur D' Alene, ID 83814

RECEIVED
JUN 13 2006
IDWR/North

Dear Sir or Madam,

Per T.C. w/
Carol Driskell
6/13/06

Please accept this letter and protest fee as my formal protest of an application for; permit NO. 87-10045 ~~AND 87-10046~~ by Frank Hill of 1196 Eid Road, Moscow, ID.

I, the protestant, Carol Driskell of 1224 Eid Road, Moscow, ID, am a property owner in close proximity to Mr. Hill's proposed water diversion. I specifically object to the proposed massive quantity of diversion, (1.82 CFS) as I believe it would adversely affect the quantity and quality of my existing well water supply.

As required, a copy of this letter will be forwarded to Mr. Hill.

Thank you for your consideration in this matter,

Carol Driskell

Carol Driskell
1224 Eid Road
Moscow, ID 83843

NO 17663
Protest against
Frank Hill 87-10045

Idaho Department of Water Resources Receipt

Receipt ID N017663

Payment Amount	\$25.00	Date Received	6/13/2006 12:09:21 PM	Region	Northern	Status	
Payment Type	Check	Check Number	4074				

Payer CAROL DRISKELL**Comment** Protest fee re 87-10045 [Frank Hill]

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	65103	1155

COPY



Signature Line (Dept. Representative)

June 11, 2006

Director
Department of Water Resources, Northern Region
1910 Northwest Blvd. Suite 210
Coeur D' Alene, ID 83814

RECEIVED
JUN 13 2006
IDWR/North

Dear Sir or Madam,

Please accept this letter and protest fee as my formal protest of an application for; permit NO. 87-10045 AND 87-10046 by Frank Hill of 1196 Eid Road, Moscow, ID.

I, the protestant, Carol Driskell of 1224 Eid Road, Moscow, ID, am a property owner in close proximity to Mr. Hill's proposed water diversion. I specifically object to the proposed massive quantity of diversion, (1.82 CFS) as I believe it would adversely affect the quantity and quality of my existing well water supply.

As required, a copy of this letter will be forwarded to Mr. Hill.

Thank you for your consideration in this matter,

Carol Driskell

Carol Driskell
1224 Eid Road
Moscow, ID 83843

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News
P.O.Box 374
Lewiston, Idaho 83501
(208) 743-9411

Date 06/08/2006INVOICE NO. 426608Account No. 30010311Description 426608 Hill CemetaryTimes 2Lines 1**LEGAL ADVERTISING
INVOICE**

Tab. Lines _____

RECEIVED**JUN 12 2006****IDWR/North**\$ 105.82

PO# _____

SOLD TO: IDAHO DEPT/ WATER RESOURCES
1910 NORTHWEST BLVD #210
COEUR D AL ID 83814

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

426608

**APPLICATION FOR
PERMIT NO. 87-10045
AND 87-10046**

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

87-10045
FRANK L HILL
1196 EID RD
MOSCOW ID 83843

Point(s) of Diversion NWSW S16
T39N R05W LATAH County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15
1.6 CFS

Use: STOCKWATER 01/01 To
12/31 0.18 CFS

Use: COMMERCIAL 01/01 To
12/31 0.04 CFS

Total Diversion: 1.82 CFS

Date Filed: 04/03/2006

Place Of Use: COMMERCIAL

T38N R05W S9 NWNE SWNE

Place Of Use: IRRIGATION

T38N R05 W S4 SESW

T38N R05W S9 NWNE SWNE
NENW

Number of Acres 80

Place Of Use: STOCKWATER
- same as IRRIGATION

Remark: Commercial use is for a
milking parlor and creamery.

Stockwater use is for 120 head of
dairy cattle and 180 head of mixed
stock.

87-10046
MOSCOW CEMETERY
MAINTENANCE DISTRICT
PO BOX 9980
MOSCOW ID 83843

Point(s) of Diversion NWSW S16
T39N R05W LATAH County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31
0.7 CFS

Use: DOMESTIC 1/01 To 12/31
0.04 CFS

Total Diversion: 0.7 CFS

Date Filed: 04/27/2006

Place Of Use: DOMESTIC

T39N R05W S16 NWSW

Place Of Use: IRRIGATION

T39N R05W S 16 NESW NWSW

Number of Acres 35

Remark: Domestic use is for 1
shop.

Permits will be subject to all prior
water rights. Protests may be sub-
mitted 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 appli-
cation on or before 06/19/2006. The
protestant must also send a copy of
the protest to the applicant.

KARL J DREHER,
Director

June 1, 8, 2006

AFFIDAVIT OF PUBLICATIONLorraine Hudson, Legal Clerk

being first duly sworn, on oath deposes
and says: That she is the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, printed and published
daily except Sunday at Mosocw, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

June 1, 8, 2006

the same being the date designated for
the publication of said notice.

Lorraine Hudson

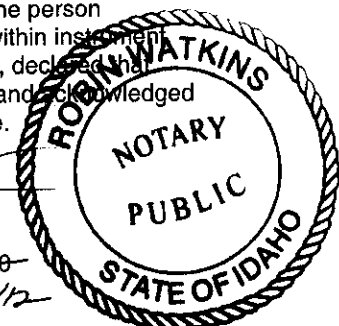
State of Idaho

S.S.

County of Latah

On this 8th day of June
in the year of 2006, before me, a Notary Public,
personally appeared Lorraine Hudson,
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.

Robin Watkins
Notary Public for Idaho,
Residing at Moscow, Idaho
My Commission Expires 08/02/10
05/10/12



DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

May 24, 2006

*Please fax proof copy to me at 208-769-1454
Thanks, Dianne*

LORRAINE HUDSON
LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843-8187

e-mailed to legals@dnews.com

RE: Application for Permit No. 87-10045 and 87-10046

Dear LEGAL NOTICE DEPARTMENT:

Following you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 1 and 8, 2006, (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 06/19/2006. Your cooperation is GREATLY appreciated. It's always a pleasure to work with you.

Thank you,
Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

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

87-10045

FRANK L HILL

1196 EID RD

MOSCOW ID 83843

Point(s) of Diversion NWNE S9 T38N R05W LATAH County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 1.6 CFS

Use: STOCKWATER 01/01 To 12/31 0.18 CFS

Use: COMMERCIAL 01/01 To 12/31 0.04 CFS

Total Diversion: 1.82 CFS

Date Filed: 04/03/2006

Place Of Use: COMMERCIAL

T38N R05W S9 NWNE SWNE

Place Of Use: IRRIGATION

T38N R05W S4 SESW

T38N R05W S9 NWNE SWNE NENW

Number of Acres 80

Place Of Use: STOCKWATER – same as IRRIGATION

Remark: Commercial use is for a milking parlor and creamery.

Stockwater use is for 120 head of dairy cattle and 180 head of mixed stock.

87-10046

MOSCOW CEMETERY MAINTENANCE DISTRICT

PO BOX 9980

MOSCOW ID 83843

Point(s) of Diversion NWSW S16 T39N R05W LATAH County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.7 CFS

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

Total Diversion: 0.7 CFS

Date Filed: 04/27/2006

Place Of Use: DOMESTIC

T39N R05W S16 NWSW

Place Of Use: IRRIGATION

T39N R05W S16 NESW NWSW

Number of Acres 35

Remark: Domestic use is for 1 shop.

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

06/19/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on June 1 & 8, 2006

Ball, Dianne

*Copy as it
prints off
on my
machine*

From: Ball, Dianne
Sent: Wednesday, May 24, 2006 10:02 AM
To: Legal Notices-MoscowPullmanDailyNews (E-mail)
Subject: LegalNotice 05-24-06 MP e-mail text version 87-10045,46.doc

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

May 24, 2006

*Please fax proof copy to me at 208-769-1454
Thanks, Dianne*

LORRAINE HUDSON
LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843-8187

e-mailed to legals@dnnews.com

RE: Application for Permit No. 87-10045 and 87-10046

Dear LEGAL NOTICE DEPARTMENT:

Following you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 1 and 8, 2006, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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Thank you,
Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

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

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FRANK L HILL

1196 EID RD

MOSCOW ID 83843

Point(s) of Diversion NWNE S9 T38N R05W LATAH County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 1.6 CFS

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Place Of Use: COMMERCIAL

T38N R05W S9 NWNE SWNE

Place Of Use: IRRIGATION

T38N R05W S4 SESW

T38N R05W S9 NWNE SWNE NENW

Number of Acres 80

Place Of Use: STOCKWATER – same as IRRIGATION

Remark: Commercial use is for a milking parlor and creamery.

Stockwater use is for 120 head of dairy cattle and 180 head of mixed stock.

87-10046

MOSCOW CEMETERY MAINTENANCE DISTRICT

PO BOX 9980

MOSCOW ID 83843

Point(s) of Diversion NWSW S16 T39N R05W LATAH County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.7 CFS

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

Total Diversion: 0.7 CFS

Date Filed: 04/27/2006

Place Of Use: DOMESTIC

T39N R05W S16 NWSW

Place Of Use: IRRIGATION

T39N R05W S16 NESW NWSW

Number of Acres 35

Remark: Domestic use is for 1 shop.

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 06/19/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on June 1 & 8, 2006

*Second page
as it prints
off from my
Sent email.
Dianne*

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87-10045

FRANK L HILL

1196 EID RD

MOSCOW ID 83843

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87-10046

MOSCOW CEMETERY MAINTENANCE DISTRICT

PO BOX 9980

MOSCOW ID 83843

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Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.7 CFS

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

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Date Filed: 04/27/2006

Place Of Use: DOMESTIC

T39N R05W S16 NWSW

Place Of Use: IRRIGATION

T39N R05W S16 NESW NWSW

Number of Acres 35

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KARL J DREHER, Director Published on June 1 & 8, 2006

[Pg 3 is legal
layout before I
add it to my
email as text]
dianne



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 24, 2006

FRANK L HILL
1196 EID RD
MOSCOW ID 83843

RE: Application for Permit No 87-10045

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 Moscow Pullman Daily News on June 1 and 8, 2006. 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 unprotested application is about eight to twelve weeks.

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

Sincerely,

Keith E. Franklin
Water Resource Agent

Enclosure(s) – Receipt No. N017460

Franklin, Keith

From: Franklin, Keith
Sent: Monday, May 15, 2006 9:08 AM
To: 'tscallorn@ci.moscow.id.us'; 'steve@uidaho.edu'
Subject: NEW WATER RIGHT FILINGS IN THE PALOUSE BASIN AREA

Gentlemen:

Attached for your review and comment are two new water right filings for ground water within the Palouse Basin Area. Any comments you might have would be appreciated by May 22, 2006, either FAXED to 208-769-1454 or by e-mail to keith.franklin@idwr.idaho.gov.



20060515075934162006051508013135
3.pdf



0.pdf

Thank you.

FRANK L. HILL
1196 Eid Road
Moscow, Idaho 83843

RECEIVED
APR 24 2006
IDWR/North

Mr. Keith E. Franklin
Idaho Department of Water Resources
Suite No. 210
1910 Northwest Blvd.
Coeur d'Alene
Idaho 83814-2615

Re: Application for Permit To Appropriate The Public Waters

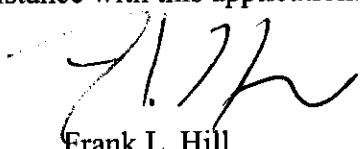
Dear Mr. Franklin:

Thank you for your April 11, 2006 correspondence. Enclosed please find the Warranty Deed showing ownership.

Regarding your diagram, the creamery will be located in the barn which is located about an inch up from the arrow showing the proposed location of dairy & creamery. The milking parlor will be located immediately to the East of the barn.

Enclosed please find a map in which fields 3, 4, and 10 are circled in red. These are the fields which we hope to irrigate. As shown on the map, field 3 is 20.2 acres, field 4 is 27.7 acres and field 10 is 35.3 acres. I believe that fields 2 and 10 are within the enclosed yellow area on your map. Field 4, on the other hand, appears to be located in the NE ¼, NW ¼, and the NW ¼, NE ¼ of Section 9, T38N, RW, BM.

Again, many thanks for your assistance with this application.


Frank L. Hill

1.) Source - Ground water Well.

2.) Uses :

- a.) 120 Dairy Cattle - Stockwater dairy 0.13 cfs
 - b.) 150 Non-Dairy - Stockwater mixed 0.05 cfs
 - c.) Commercial - milking Parlor, Cream, 0.02 cfs
 - d.) Irrigation, 80 ac @ 0.02 cfs/ac 1.60 cfs
- Total: 1.80 cfs



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

April 11, 2006

Frank L. Hill
1196 Eid Road
Moscow, Idaho 83843

Re: Application For Permit To Appropriate The Public Waters Of The State Of Idaho.

Dear Mr. Hill:

The Idaho Department of Water Resources is in receipt of your application and requests the following information/clarification:

Please verify that the area enclosed in yellow, on the attached map, is the 80 acres you propose to irrigate. If not, please submit a USGS map showing the exact area to be irrigated. Also submit a copy of a deed showing ownership of the area to be irrigated. The legal description submitted with the application, covers only 46.05 acres, some of which is located outside of your application request.

Please also verify the location of the proposed dairy and creamery.

If you have any questions, don't hesitate to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

C O P Y

FRANK L. HILL
1196 EID ROAD
MOSCOW ID. 83843
(208) 882-4139
(512) 469-6121

RECEIVED
APR 03 2006
IDWR/North

Idaho Department of Water
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

Re: Application For Permit

Dear Sir/Madam:

Enclosed please find my Application For Permit and a check for \$290.00.
Please let me know if additional information is required.

Very truly yours,



Frank L. Hill