

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09387

Priority: April 17, 2007

Maximum Diversion Rate: 0.18 CFS
Maximum Diversion Volume: 7.5 AFA

This is to certify, that FOX COURT HOMEOWNERS ASSN INC
PO BOX 741
POST FALLS ID 83877

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.10 CFS	1.4 AF
IRRIGATION	04/01 to 11/30	0.06 CFS	6.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼SW¼ Sec. 29, Twp 51N, Rge 05W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC AND STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 05W 29											X	X					

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 05W 29											1.0	1.0					2.0

Total Acres: 2

CONDITIONS OF APPROVAL

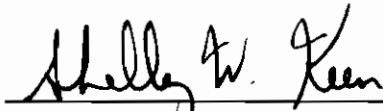
1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2009**.
2. Subject to all prior water rights.
3. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
4. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09387

5. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
7. 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.
8. Domestic use is for 4 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
9. This right shall provide no more than an annual maximum diversion volume of 1.4 afa for domestic use.
10. Stockwater use is for 2 horses and 6 cattle.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. 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.
13. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of September, 2007.


for DAVID R. TUTHILL, JR., Director

Ident. No. 95-9387

RECEIVED

JUL 19 2007

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 17 2007

IDWR/North

1. Name of Applicant Fox Court Homeowner's Assoc., Inc Phone 208-773-7171
Mailing address PO Box 741, Post Falls, ID 83877
2. Source of water supply Groundwater which is a tributary of NA
3. Location of point of diversion is Township 51N Range 05W Sec. 29, in the SE $\frac{1}{4}$,
SW SE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Kootenai County;
additional points of diversion if any:

4. Water will be used for the following purposes:

- water will be used for the following purposes.
- | |
|---|
| Amount <u>0.1</u> for <u>Domestic</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>0.06</u> for <u>Irrigation</u> purposes from <u>4/1</u> to <u>10/30</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>0.02</u> for <u>Stock water</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |

5. Total quantity to be appropriated is (a) 0.18 cubic feet per second and/or (b) — acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source well with
Submersible pump.
- b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total
reservoir capacity NA acre-feet
- c. Proposed well diameter is 6 inches; proposed depth of well is 178 feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? 1-26-1999; Drilling firm H₂O Well Service, Inc.
Well was drilled for (well owner) Brent Lockhart; Drilling Permit No. D5734
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. NA
- b. Stockwatering; list number and kind of livestock. (2) horses, (6) Cattle
- c. Municipal; show name of municipality. NA
- d. Domestic; show number of households. 4 households
- e. Other; describe fully. —

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	
51N	05W	29											0	0					
													1	1					2
													5	5					

Total number of acres to be irrigated 2

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? Rex + Julie Clark -

b. Who owns the land to be irrigated or place of use? Rex + Julie Clark, Duane Bowman, Gary + Glenda Gibson

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Linda K Gibson Pres.
 Signature of Applicant (and title, if applicable) Fox Court HOA

Received by KS/db Date 4/17/07 Time _____ Preliminary check by _____
 Fee \$ 100 Receipted by db # NO 18289 Date 4/17/07
 Publication prepared by db Date 4/25/07 Published in CDA Press 5/3-10/07
 Publication approved db Date 5/15/07

95-9387



0.1 0 0.1 0.2 Miles

- Point of diversion.shp
- Kootenai taxlots
- GCDB51N05W GCDB
- PLSS Section LinesSections.shp
- Admin basin.shp
- Place of use.shp



201



ARTICLES OF INCORPORATION

(Non-Profit)

(Instructions on back of application)

The undersigned, in order to form a Non-Profit Corporation under the provisions of Title 30, Chapter 3, Idaho Code, submits the following articles of incorporation to the Secretary of State.

Article 1: The name of the corporation shall be:

Fox Court Homeowner's Association, Incorporated

Article 2: The purpose for which the corporation is organized is:

Collect funds to maintain shared well and shared road/maintenance for Fox Court homeowners

Article 3: The street address of the registered office is: 2620 N. Fox Court, Post Falls, ID 83854

and the registered agent at such address is: Linda K. Gibson

Article 4: The board of directors shall consist of no fewer than three (3) people. The names and addresses of the initial directors are:

Rex Clark-President/Director: 2489 N. Fox Court, Post Falls, ID 83854

Linda K. Gibson-Treasurer/Director: 2620 N. Fox Court/PO Box 969, Post Falls, ID 83877

Julie A. Clark-Secretary/Director: 2489 N. Fox Court, Post Falls, ID 83854

Article 5: The name(s) and address(es) of the incorporator(s):

Linda K. Gibson: 2620 N. Fox Court/PO Box 969, Post Falls, ID 83877

Article 6: The mailing address of the corporation shall be:

Fox Court Homeowners Association PO Box 741, Post Falls, ID 83877

Article 7: The corporation (☒ does ☐ does not) have voting members.

Article 8: Upon dissolution the assets shall be distributed:

Upon dissolution the assets shall be distributed evenly between all homeowners. There are (4) four homes on Fox Court and the assets shall be divided equally by each home, not each resident within the home.

Signatures of all incorporators:

Linda K. Gibson Linda K. Gibson
Typed Name

Typed Name

Typed Name

Typed Name

Typed Name

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

g:\corpforms\corp forms\stanisofn\profit\065
Revised 07/2002

Web Form

IDAHO SECRETARY OF STATE
03/28/2007 05:00
CK: 1095466 CT: 172099 BH: 1043295
1 @ 30.00 = 30.00 INC NONP # 2

C172330

FILED EFFECTIVE

2007 MAR 28 PM 3:59

SECRETARY OF STATE OF IDAHO

**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 26, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

FOX COURT HOMEOWNERS ASSN INC
PO BOX 741
POST FALLS ID 83877

RE: Permit No. 95-9387

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.

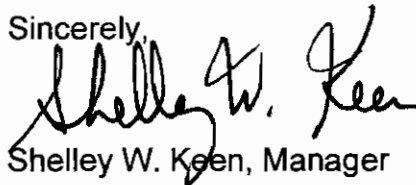
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

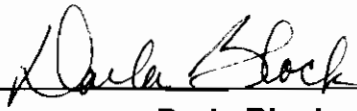
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 95-9387

**FOX COURT HOMEOWNERS ASSN INC
PO BOX 741
POST FALLS ID 83877**



**Darla Block
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: September 24, 2007
To: Water Right File 95-9387
From: cpadilla
Re: Permit Review

WD-none

Overlaps-Permit 95-9388 overlaps lots 108 and 117 and permits 0.16 cfs for irrigation of 8 acres and 0.02 cfs for 15 head of stock. Since permit 95-9388 with this application combine to make up 10 acres, the irrigation will be limited in the conditions to 0.02 cfs/acre, not the 0.03 cfs/acre requested.

Protests-KEA and the applicant did reach a settlement agreement that limited the volume of water under domestic use to 1.34 afa. KEA was notified that the Department will not regulate to the 100th, so he did approve the settlement agreement to be modified to 1.4 afa.

Recommend for approval as suggested by the region.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 95-9388

WATER RIGHT NUMBER: 95-9388

*Overlapping
Permit*

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID P GIBSON PO BOX 2421 POST FALLS, ID 83877 (208)457-1660
Current Owner	LINDA K GIBSON PO BOX 2421 POST FALLS, ID 83877 (208)457-1660
Current Owner	GARY L GIBSON PO BOX 2421 POST FALLS, ID 83877 (208)457-1660

Priority Date: 04/17/2007

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.160 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.180 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 29, Twp 51N, Rge 05W, B.M.
KOOTENAI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	05W	29												8.0					8.0

Total Acres: 8

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	05W	29												X					

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 95-9388

Conditions of Approval:

1. 174 This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. X02 Stockwater use is for 15 head of mixed stock.
4. R62 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. 175 When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
8. 01R When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

Remarks:Comments:

1. eretelle 6/12/2007 POD
Comment: Updated shape
2. eretelle 6/12/2007 POU
Comment: Updated Shape
3. eretelle 6/12/2007 POU
Comment: Updated Shape

Padilla, Cherie

From: Franklin, Keith
Sent: Monday, September 24, 2007 11:39 AM
To: Padilla, Cherie
Subject: FW: Fox Court

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

From: Barry Rosenberg [mailto:barry@kealliance.org]
Sent: Monday, September 24, 2007 10:37 AM
To: Franklin, Keith
Subject: Fox Court

Keith,
Kootenai Environmental Alliance approves the following change in its settlement agreement of its protest of Fox Court's Application for Permit No. 95-9387:

Change in-house domestic use from 1.34 cfs to 1.4 cfs.
Barry

Barry Rosenberg
Executive Director
Kootenai Environmental Alliance
408 Sherman, # 301
Coeur d'Alene, ID 83814
(208) 667-9093
barry@kealliance.org

9/24/2007

July 11, 2007

RECEIVED

MEMO TO: FILE FOR 95-9387
FROM: KEITH FRANKLIN
SUBJECT: PROTEST SETTLEMENT

JUL 19 2007
DEPARTMENT OF
WATER RESOURCES

Kootenai Environmental Alliance (KEA) protested this application originally for the instantaneous diversion for the domestic portion of the application only and its corresponding annual volume. KEA dropped the instantaneous diversion concern and concentrated on the annual volume. A settlement was reached by both the applicant and KEA to limit the annual volume for the domestic portion only to 1.34 acre-feet. Letters from the applicant and KEA are in the file confirming the settlement.

State of Idaho
Department of Water Resources

DRAFT**Permit to Appropriate Water****DRAFT**

NO. 95-09387

Priority: April 17, 2007

Maximum Diversion Rate: 0.18 CFS

This is to certify, that FOX COURT HOMEOWNERS ASSN INC.
PO BOX 741
POST FALLS ID 83877

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.10 CFS	1.34 AF
IRRIGATION	04/01 to 11/30	0.06 CFS	6.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SW1/4 Sec. 29, Twp 51N, Rge 05W, B.M.
KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 05W 29											X	X					

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 05W 29											1.0	1.0					2.0

Total Acres: 2

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 05W 29											X	X					

RECEIVED
JUL 09 2007
IDWR/North

July 5, 2007

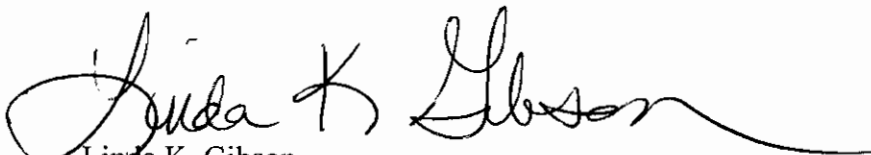
State of Idaho
Dept. of Water Resources
ATTN: Keith E. Franklin
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

Dear Mr. Franklin:

This letter is to acknowledge the draft permit No. 95-09387 for the Fox Court Homeowners Association. We agree to accept the one change that limits the annual volume for the domestic portion of the application to 1.34 acre-feet per annum. Please submit this application for final processing.

Thank you in advance for your help with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda K. Gibson", with a long, sweeping horizontal line extending to the right.

Linda K. Gibson
Treasurer
Fox Court Homeowners Association, Inc.

Enclosures



RECEIVED
JUL 06 2007
IDWR/North

July 2, 2007

Keith Franklin, Senior Water Resources Agent
Idaho Department of Water Resources
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Re: Fox Court Homeowners Assn., Inc., Draft Permit to Appropriate Water

Dear Keith,

Kootenai Environmental Alliance agrees to the draft Permit to Appropriate Water, No. 95-9387 that limits the annual volume for the domestic portion of the application to 1.34 acre-feet per annum.

Sincerely,

Barry Rosenberg
Executive Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.J. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 29, 2007

Barry Rosenberg
Kootenai Environmental Alliance
PO Box 1598
Coeur d' Alene, Idaho 83816-1598

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho,
95-9387

Dear Mr. Rosenberg:

As per the protest settlement agreement between Fox Court Homeowners Association, Inc. and Kootenai Environmental Alliance, I have enclosed a draft permit that reflects the one change that limits the annual volume for the domestic portion of the application to 1.34 acre-feet per annum. If you agree, please respond to me in written and once the department receives confirmation from Fox Court Homeowners Association, Inc., the application will be sent to the state office for final processing.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure.

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 29, 2007

Fox Court Homeowners Assn., Inc.
PO Box 741
Post Falls, Idaho 83877

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho,
95-9387

Gentlemen:

As per the protest settlement agreement between Fox Court Homeowners Association, Inc. and Kootenai Environmental Alliance, I have enclosed a draft permit that reflects the one change that limits the annual volume for the domestic portion of the application to 1.34 acre-feet per annum. If you agree, please respond to me in written and when the department receives confirmation from Kootenai Environmental Alliance, the application will be sent to the state office for final processing.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure.

COPY

June 7, 2007

RECEIVED
JUN 11 2007
IDWR/North

State of Idaho
Department of Water Resources
ATTN: Keith Franklin
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

RE: Amendment to Application
Permit No. 95-9387-Fox Court Homeowners Assn., Inc.

Dear Mr. Franklin:

This letter is in response to your correspondence dated May 21, 2007 and Kootenai Environmental Alliance AKA Mr. Barry Rosenberg's letter dated the same. I have spoken to Mr. Rosenberg at length and we have come to the following settlement:

The Fox Court Homeowner's Association hereby amends the DOMESTIC portion of the application from 0.1 cfs (16,158 gallons/day/home: per day) to .004 cfs (646 gallons/day/home: per day) not to exceed 1.34 acre feet per annum (300 gallon/day/home x 4 homes = 109,500 gallon per year. This is the total annual limitation of domestic water for interior use. The domestic portion of our application is the only portion being amended.

Mr. Rosenberg and the Kootenai Environmental Alliance agree to withdraw their protest of said application upon receipt of this statement. Please process our application through the appropriate channels and feel free to contact me at 208-773-7171 with any questions.

Sincerely,



Linda K. Gibson
Treasurer/Director
Fox Court Homeowners Association

Cc: Barry Rosenberg
Executive Director
Kootenai Environmental Alliance
PO Box 1598
Coeur d'Alene, ID 83816-1598
Via E-Mail at barry@kealliance.org

RECEIVED
JUN 28 2007
DWR/North

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR) NOTICE OF SETTLEMENT AND
PERMIT NO. 95-9387 IN THE NAME) CONDITIONAL MOTION TO WITHDRAW
OF FOX COURT HOMEOWNERS) PROTEST
ASSN., INC.)

The parties to the above titled matter, Fox Court Homeowners Assn., Inc. and the Kootenai Environmental Alliance (KEA), hereby provide notice to the Idaho Department of Water Resources of the settlement agreement resolving all issues of the parties in this matter. KEA and Fox Court Homeowners Assn., Inc. have agreed on the following amendment of Fox Court's Application to Permit. As set forth below the Kootenai Environmental Alliance agrees to withdraw its protest in this matter subject to the following:

Fox Court Homeowners Assn., Inc. amends the domestic portion of its Application to Permit to read, "not to exceed 1.34 acre feet per annum." The domestic part of the application is the only part of the Application being amended.

Should the Department of Water Resources agree to issue a water right permit consistent with the terms set forth above, the Kootenai Environmental Alliance agrees to withdraw its protest of this matter.

Barry Rosenberg
Barry Rosenberg, Executive Director
For the Kootenai Environmental Alliance

Date 6/14/07

Linda Gibson
Linda Gibson
For the Fox Court Homeowners Assn., Inc.

Date 6/21/07

NOTICE OF SETTLEMENT AND
CONDITIONAL MOTION TO WITHDRAW



*Kootenai
Environmental
Alliance*

June 11, 2007

RECEIVED
JUN 12 2007
IDWR/North

Robert Haynes, P.E.
Regional Manager
Idaho Department of Water Resources
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Re: Application to Permit No. 95-9387—Fox Court Homeowners Association, Inc.

Dear Bob,

Kootenai Environmental Alliance has negotiated a settlement with the Fox Court Homeowners Assn., Inc. and will withdraw our protest of their Application to Permit No. 95-9387 if the domestic portion of the Application is amended to read as follows:

The Fox Court Homeowner's Association hereby amends the DOMESTIC portion of the application from 0.1 cfs to .004 cfs, not to exceed 1.34 acre feet per annum. The domestic portion of our application is the only portion being amended.

Kootenai Environmental Alliance will withdraw its protest upon confirmation by the Idaho Department of Water Resources that the Application is changed to reflect the settlement agreement. Please call me if you have any questions.

Thank you.

Sincerely,

Barry Rosenberg

Barry Rosenberg
Executive Director

Cc: Keith Franklin

DAVID GIBSON

From: Barry Rosenberg [barry@kealliance.org]
Sent: Thursday, June 07, 2007 2:08 PM
To: Linda Gibson
Subject: SETTLEMENT

RECEIVED
JUN 11 2007
IDWR/North

Linda,

Please send a letter to Keith Franklin, Idaho Department of Water Resources, 7600 Mineral Drive, CdA, ID 83815, stating (suggested language):

"We have had discussions with Kootenai Environmental Alliance and they will withdraw their protest if we amend the domestic request of our Application for Permit, No. 95-9387. We have agreed to do so. Please amend the domestic portion from 0.1 cfs, to .004 cfs and not to exceed 1.34 acre feet per annum."

You can use whatever language you think appropriate as long as you use those numbers. Below is an explanation of what these numbers signify.

1 cfs = 16,158 gallons/day/home;

.004 cfs = 646 gallons/day/home (this is the highest amount you could draw in one day);

1.34 acre feet per annum = 300 gallon/day/home x 4 homes = 109,500 gallons per year. This is the total yearly limitation of domestic water (interior) use.

I will get off KEA's letter tomorrow and send you a copy. Thanks for being so understanding.

I hope you visit to your ailing father goes as well as possible considering the circumstances.

Barry

Barry Rosenberg
Executive Director
Kootenai Environmental Alliance
408 Sherman, # 301
Coeur d'Alene, ID 83814
(208) 667-9093
barry@kealliance.org

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.472 / Virus Database: 269.8.11/837 - Release Date: 6/6/2007 2:03 PM

6/7/2007

PROTEST INFORMATION SHEET

Application No. 95-9387

SPECIAL NOTE: _____

Protestant(s) NAME(S)	ADDRESS	PHONE
1 <u>Kootenai Environmental Alliance</u>	<u>PO Box 1598 CDA 83816-1598</u>	<u>661-9093</u>
2 _____	_____	_____
3 _____	_____	_____
4 _____	_____	_____
5 _____	_____	_____
6 _____	_____	_____
7 _____	_____	_____
8 _____	_____	_____
9 _____	_____	_____
10 _____	_____	_____

Protestant(s) ATTORNEY	ADDRESS	PHONE
_____	_____	_____
_____	_____	_____

DATE FILED: 4/17/07 PROTEST DUE DATE: 5/21/07

ISSUES: KEA Claims this app will provide more water than it will actually provide. This understanding on part of KEA

Applicant(s)	ATTORNEY	ADDRESS	PHONE
_____	_____	_____	_____

	DATE
Protest Date Entered on Computer	<u>5/23/07</u>
Acknowledgment Letters Sent	<u>5/21/07</u>
Conference/Hearing Date	_____
_____	_____
_____	_____

(Other Dates)

Other Information Resolved - see settlement agreement received @ IDWR Natl 6/28/07

Protest information submitted to computer following hearing: _____



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 21, 2007

BARRY ROSENBERG
EXECUTIVE DIRECTOR
KOOTENAI ENVIRONMENTAL ALLIANCE
PO BOX 1598
COEUR D ALENE ID 83816-1598

Re: Application to Permit No. 95-9387 – Fox Court Homeowners Assn, Inc.

Dear Mr. Rosenberg:

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 42-203, 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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 21, 2007

FOX COURT HOMEOWNERS ASSN INC
PO BOX 741
POST FALLS ID 83877

Re: Application to Permit No. 95-9387 – FOX COURT HOMEOWNERS ASSN INC

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?
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

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 95-9387) **PROTEST**
In the name of Fox Court Homeowner's Association, Inc.)

*Receipt
No 18-381*

RECEIVED
MAY 18 2007
IDWR/North

This protest is submitted on behalf of the Kootenai Environmental Alliance.

A. Interests of Protestant

Kootenai Environmental Alliance (KEA) is a 501(c)(3) non-profit corporation incorporated in the state of Idaho, with a mission to protect and restore the environment with an emphasis on the Idaho Panhandle and the Coeur d'Alene basin. The KEA office is located at 408 Sherman, suite 301, Coeur d'Alene, ID. KEA mailing address is: Kootenai Environmental Alliance, P.O. Box 1598, Coeur d'Alene, ID 83816-1598.

KEA has members and supporters who live, work and recreate in North Idaho and Eastern Washington, including recreating on the Spokane River. KEA members rely upon the Rathdrum-Spokane aquifer (Aquifer) and other ground and surface water sources for drinking water supply and to serve the businesses where they work. KEA members actively participate in the current comprehensive bi-state study of the Aquifer.

The Protestant and its members are, and will continue to be adversely affected by water allocation and management decisions, including the instant application, that diminish, over-allocate, or otherwise harm the Aquifer and hydraulically connected water resources, including the Spokane and Little Spokane Rivers, and other ground and surface water sources.

B. Basis of Protest

Kootenai Environmental Alliance protests Application for Permit No. 95-9387 filed by Fox Court Homeowner's Association, Inc., which seeks 0.18 CFS (116,337 gallons per day) from groundwater for domestic, irrigation and stock water. This protest is based on the criteria set forth in Sec. 42-203A, Idaho Code, and groundwater statutes, as more specifically set forth below.

The applicant has provided an insufficient water supply plan with the application. More information will be required pursuant to IDAPA § 37.03.08.040.05. As the applicant provides that information to IDWR, and as more information becomes available through approved discovery processes, the Protestant reserves the right to raise additional issues. The application as submitted is

inadequate to meet the standards set forth in controlling regulations and statutes and the applicant will not be able to meet its burden of proof under the law.

(1) The project is contrary to the conservation of resources.

The application is contrary to the conservation of water resources in Idaho, in contravention of IC §42-203A(5)(f), insofar as it proposes to withdraw 0.18 CFS. Fox Court Homeowner's Association, Inc. has neither promulgated nor implemented a water conservation plan to limit consumption at reasonable levels as required by the Rathdrum Prairie Aquifer Ground Water Management Plan.

The Applicant requests 0.1 CFS to supply domestic water for four homes. This works out to approximately 16,158 gallons per day per unit under the application and is not justified by a reasonable water balance. These quantities are excessive and wasteful and do not represent an appropriate water duty for the purposes set forth in the permit application.

(2) Water supply impacts on Rathdrum Aquifer.

The impacts of this withdrawal have not been assessed, but could have adverse effects on neighboring wells as well as the Rathdrum aquifer and the flows of the Spokane River. The requested water withdrawal is from the aquifer. As a sole source aquifer, the Rathdrum-Spokane aquifer is an invaluable resource to the 500,000-plus citizens of the region who depend upon it for drinking water supply.

(3) The project will harm the local public interest.

The requested withdrawal could contribute to the depletion of flows in the Spokane River, harming fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality.

Water quality is degraded in the Spokane River with respect to dissolved oxygen, temperature, and other flow-related parameters. Municipal sewage discharge contributes to water quality problems, including violation of water quality standards in Washington State. Withdrawal of water in the quantity requested in the permit application, when considered cumulatively with all of the other withdrawals from all sources that recharge the aquifer, could deplete flows in the Spokane River and reduce them below the levels set forth in the minimum flow water right, further exacerbating water quality degradation.

The cumulative impacts of the proposed Fox Court Homeowner's Association, Inc. withdrawal, combined with other pending applications and existing water rights could lead to interference with other wells, impacts to the Spokane River and a variety of other potential ills, in violation of the local

public interest. Idaho must engage in water resource management planning that addresses these issues before approving new and sizable water rights, including the instant applications.

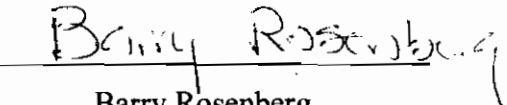
These issues are of particular concern when the effects of this water permit are analyzed cumulatively with other pending applications and active permits and licenses.

The applicant has offered no proposal in writing to mitigate the impacts of its proposed water withdrawals.

C. Relief Sought

For the foregoing reasons, Protestants request that a protest hearing be scheduled and that Fox Court Homeowner's Association, Inc. Water Permit Application No. 95-9387 be denied or conditioned to mitigate the harms and impacts identified above.

DATED this 18th day of May 2007.

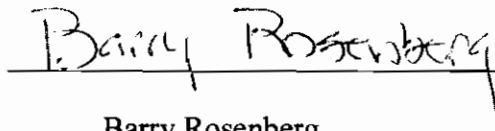

Barry Rosenberg
Executive Director
Kootenai Environmental Alliance

(208) 667-9093

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of May 2007, I served a true and correct copy of the within and foregoing document upon the party named below by depositing a copy of the same in the United States mail, postage pre-paid, at the post office in Coeur d'Alene, Idaho.

Fox Court Homeowner's Association, Inc.
P.O. Box 741
Post Falls, ID 83877

A handwritten signature in black ink that reads "Barry Rosenberg". The signature is written over a horizontal line.

Barry Rosenberg
Executive Director
Kootenai Environmental Alliance
(208) 667-9093

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

Heather Buep being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

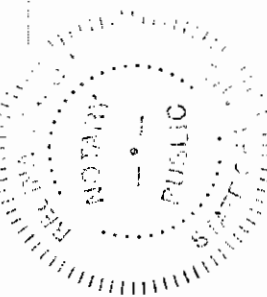
3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 3 day of May 20 07 and ending on the 10 day of May 20 07 and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Heather Buep On this 10 day of May in the year of 2007, before me, a Notary Public, personally appeared Heather Buep, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

MY COMMISSION EXPIRES 6/18/09



RECEIVED

MAY 14 2007

IDWR/North

LEGAL NOTICE

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

95-9385
NORTHERN WATER LLC
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854

Point(s) of Diversion(2) SESE S3 T51N R05W KOOTENAI County
Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.25 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.5 CFS
Total Diversion: 0.75 CFS

Date Filed: 03/27/2007
Place Of Use: FIRE PROTECTION

T51N R05W S4 NESE NWSE SESE
Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.
95-9386

DAVID RILEY

9630 BENTLEY CIR

CATALDO ID 83810

Point(s) of Diversion L1 (NENE) S5 T49N R02W KOOTENAI Co.
Source GROUND WATER

Use: COMMERCIAL 01/01 To 12/31 0.1 CFS
Total Diversion: 0.1 CFS

Date Filed: 03/05/2007
Place Of Use: COMMERCIAL

T49N R02W S5 NENE Lot 1 NWNE Lot 2
Remark: Commercial use is for 55 RV sites, 3 cabins, laundry room, 3 restrooms and irrigation of small common area.

95-9387

FOX COURT HOMEOWNERS ASSN INC.
PO BOX 741

POST FALLS ID 83877

Point(s) of Diversion SWSW S29 T51N R05W KOOTENAI County
Source GROUND WATER

Use: IRRIGATION 04/01 To 11/30 0.06 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.1 CFS
Total Diversion: 0.18 CFS

Date Filed: 04/17/2007
Place Of Use: DOMESTIC

T51N R05W S29 SWSW SESW
Place Of Use: IRRIGATION & STOCKWATER same as DOMESTIC

T51N R05W S29 SWSW SESW
Number of Acres: 2

Remark: Domestic use is for 4 homes.
Stockwater use is for 8 head of mixed stock.

95-9388

DAVID P GIBSON

LINDA K GIBSON

GARY L GIBSON

PO BOX 2421

POST FALLS ID 83877

Point(s) of Diversion SESW S29 T51N R05W KOOTENAI County
Source GROUND WATER

Use: IRRIGATION 04/01 To 11/30 0.16 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.18 CFS

Date Filed: 04/17/2007
Place Of Use: IRRIGATION

T51N R05W S29 SESW
Number of Acres: 8

Place Of Use: STOCKWATER same as IRRIGATION
Remark: Stockwater use is for 15 head of mixed stock

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 05/21/2007.

The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTTILL, JR., Director

Legal 83

May 3, 10, 2007

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

95-9385

NORTHERN WATER LLC

1831 LOST SPRINGS RANCH RD

POST FALLS ID 83854

Point(s) of Diversion(2) SESE S3 T51N R05W KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.25 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.5 CFS

Total Diversion: 0.75 CFS

Date Filed: 03/27/2007

Place Of Use: FIRE PROTECTION

T51N R05W S4 NESE NWSE SESE

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

95-9386

DAVID RILEY

9630 BENTLEY CIR

CATALDO ID 83810

Point(s) of Diversion L1 (NENE) S5 T49N R02W KOOTENAI County

Source GROUND WATER

Use: COMMERCIAL 01/01 To 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 03/05/2007

Place Of Use: COMMERCIAL

T49N R02W S5 NENE Lot 1 NWNE Lot 2

Remark: Commercial use is for 55 RV sites, 3 cabins, laundry room, 3 restrooms and irrigation of small common area.

95-9387

FOX COURT HOMEOWNERS ASSN INC.

PO BOX 741

POST FALLS ID 83877

Point(s) of Diversion SWSW S29 T51N R05W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 04/01 To 11/30 0.06 CFS

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

Use: DOMESTIC 01/01 To 12/31 0.1 CFS

Total Diversion: 0.18 CFS

Date Filed: 04/17/2007

Place Of Use: DOMESTIC

T51N R05W S29 SWSW SESW

Place Of Use: IRRIGATION & STOCKWATER same as DOMESTIC

T51N R05W S29 SWSW SESW

Number of Acres 2

Remark: Domestic use is for 4 homes.

Stockwater use is for 8 head of mixed stock.

95-9388

DAVID P GIBSON

LINDA K GIBSON

GARY L GIBSON

PO BOX 2421

POST FALLS ID 83877

Point(s) of Diversion SESW S29 T51N R05W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 04/01 To 11/30 0.16 CFS

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

Total Diversion: 0.18 CFS

Date Filed: 04/17/2007

Place Of Use: IRRIGATION

T51N R05W S29 SESW

Number of Acres 8

Place Of Use: STOCKWATER same as IRRIGATION

Remark: Stockwater use is for 15 head of mixed stock

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600

Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a

protest fee of \$25.00 for each application on or before 05/21/2007.

The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director ~ Published on May 3 & 10, 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

*Please FAX proof copy before this goes to press, to 762-2819
Thanks, Dianne*

April 25, 2007

DEE DUQUETTE &/OR GLENDA JEFFERSON
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-9385, 95-9386, 95-9387 & 95-9388

Dear Dee & Glenda:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, May 3 and 10, 2007, (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 05/21/2007. Your cooperation is greatly appreciated, as always.

Thank you for all your help.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, April 25, 2007 11:16 AM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press2 Glenda Jefferson (E-mail);
Legal Notices-CdA Press3 Dee Duquette (E-mail)
Subject: Legal notice for publication on May 3 and 10, 2007

Good morning, Dee and Glenda,

Attached is our cover letter requesting publicaion of a legal notice on May 3 & 10, 2007. The legal notice is also attached.

Please fax a proof before this goes to press, to 762-2819.

I will follow up this e-mail with a FAX of the same documents as attached to cover all bases.

If you have ANY questions, please call me at 762-2800.

Thanks for all your good work, and have a marvelous day.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819*



CoverLetter
4-25-07 CdA e-mai.



LegalNotice
4-25-07 CdA e-mai.



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

FOX COURT HOMEOWNERS ASSN INC.
PO BOX 741
POST FALLS ID 83877

RE: Application for Permit No 95-9387

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d Alene Press on May 3 and 10, 2007. 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
Senior Water Resource Agent

WELL DRILLER'S REPORT

FEB 1 1999

IDWR North

076606

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

1. WELL TAG NO. D5734

Drilling Permit No:

Other IDWR No. 95-99-N-15

2. OWNER

Name LOCKHART, BRENT

Well Number:

836

Address 500 N IDAHLIN RD

City POST FALLS State ID Zip 83854

3. LOCATION OF WELL by legal description

sketch map location must agree with written location

N				
S				X

Twp. 51 ☒ North or ☐ South
Rge. 05 ☐ East or ☒ West
Sec. 29 1/4 SE 1/4 SE 1/4

Gov't Lot County KOOTENAI

Lat: Long:

Address of Well Site POLELINE RD

City POST FALLS

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

Lt. Blk. Sub. Name

4. USE:

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

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

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	20	5 BAGS	18' OVERBORE

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 178

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

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+2.5	177.5	.250	STEEL	☒	☐	☒	☐

Length of Headpipe Length of Tailpipe

9. PERFORATIONS/SCREENS

☐ Perforations Method

☐ Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

120 ft. below ground Artesian pressure lb.

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

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
25-30		180	1 HR

Water Temp. COLD Bottom Hole Temp

Water Quality test or comments:

Depth first Water encountered 120'

12. LITHOLOGIC LOG:(Describe repairs or abandonment

				Water	
Bore Diam	From	To	Remarks: Lithology, Water Quality, Temperature	Y	N
8	0	32	Cobble W/Soil & Boulders	☐	☒
8	32	61	Sand & Gravel 3/4 minis	☐	☒
8	61	85	Sand Coarse	☐	☒
8	85	140	Sand & Gravel 3/8 Minis	☐	☒
8	140	163	Sand Coarse 120'	☒	☐
8	163	180	Sand & Gravel 1 1/2 Minis	☒	☐

Completed Depth 178' (Measurable)
Date: Started 1/25/99 Completed 1/26/99

13. DRILLER'S CERTIFICATION

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

Firm Name H2O WellService, Inc. Firm No. 448

Firm Official John Wheeler Date 1/26/99

and Supervisor or Operator Date 1/26/99

(Sign Once if Firm Official and Operator)

(Louie Hanner)

51N 5W 29

Receipt Details for ID N012582

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/28/1998 2:07:55 PM	12/28/1998	Northern	\$1,125.00	Check
Payer		H2O WELL SERVICE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
36656			
Card Expiration Date	Credit Card Transaction #		

Comment 15 WD TAGS D5728 THRU D5742

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,125.00	15 WD TAGS D5728 THRU D5742	65134	229	21	0	1205

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report

Idaho Department of Water Resources Receipt

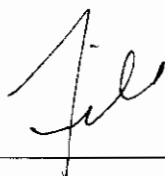
Receipt ID N018289

Payment Amount	\$225.00	Date Received	4/17/2007 2:31:07 PM	Region	Northern	Status	
Payment Type	Check	Check Number	17706				

Payer LINDA GIBSON**Comment** WR PERMIT APP FEE FOR FOX COURT - \$100
WELL UPGRADE FEE FOR D5734

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	PERMITS	0229	21	65103	1155
\$125.00	DRILLING PERMITS	0229	21	65134	1205

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Signature Line (Dept. Representative)