

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 95-09366

Priority: October 30, 2006

Maximum Diversion Rate: 0.66 CFS

This is to certify, that KOOTENAI COUNTY WATER DIST NO 1  
5866 E SUNNYSIDE RD  
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

**Source:** COEUR D ALENE LAKE      **Tributary:** SPOKANE RIVER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| MUNICIPAL             | 01/01 to 12/31       | 0.66 CFS                 |

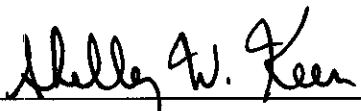
**LOCATION OF POINT OF DIVERSION:**

COEUR D ALENE LAKE L1 (NW¼ SW¼) Sec. 28, Twp 50N, Rge 03W, B.M. KOOTENAI County

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2008**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
5. This right does not grant any right-of-way or easement across the land of another.
6. Water shall not be diverted under this right when flows in the Spokane River are below established minimum flow amounts.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Place of use is within the area served by the public water supply system of Kootenai County Water District No. 1. The place of use is generally located within Sections 20, 21, 22, 27, 28 and 34, Township 50N, Range 3W.
9. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9<sup>th</sup> day of March, 2007.

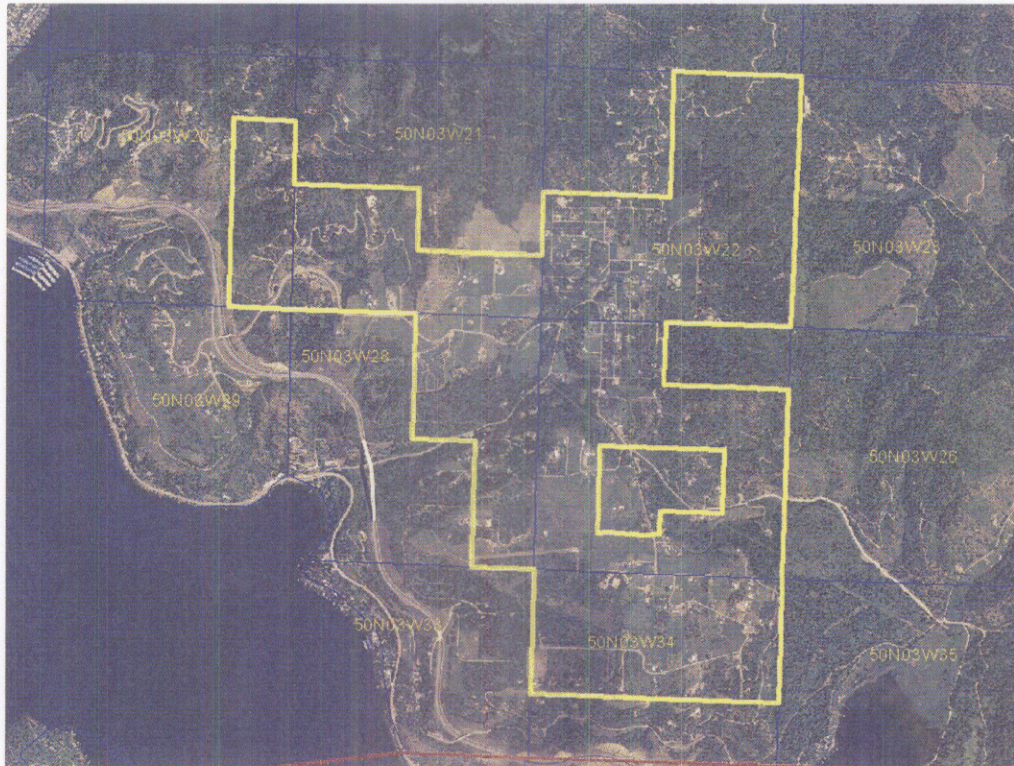
  
for DAVID R. TUTTHILL, JR., Interim Director

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 95-9366

Digital Boundary for Kootenai County Water District No. 1

March 8, 2007



0.6 0 0.6 1.2 Miles



-  Place of Use Boundary - Kootenai County Water District No. 1
-  Township/Range
-  Sections

13240

Ident. No. 95-9366

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

RECEIVED  
OCT 30 2006  
IDWR/North

1. Name of Applicant Kootenai County Water District No. One Phone (208) 667-0340  
Mailing address E. 5866 Sunnyside Road, Coeur d'Alene, ID 83814
2. Source of water supply Lake Coeur d'Alene which is a tributary of Spokane River
3. Location of point of diversion is Township 50N Range 03W Sec. 28 in the NW 1/4,  
SW 1/4, 1/4, Govt. Lot \_\_\_\_\_, B.M., Kootenai County;  
additional points of diversion if any: none
4. Water will be used for the following purposes:  
Amount 0.66 CFS for Municipal purposes from 01/01 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.66 CFS 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 existing 40 hp turbine pumps
- 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? No
- e. If well is already drilled, when? N/A; Drilling firm N/A;  
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. N/A  
b. Stockwatering; list number and kind of livestock. N/A  
c. Municipal; show name of municipality. Kootenai County Water District No. One  
d. Domestic; show number of households. N/A  
e. Other; describe fully. N/A

3. Description of place of use: inside boundaries of Kootenai County Water District No. One
- 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.

See Attached Map

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
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|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. Water Right License No. 95-8306

11. a. Who owns the property at the point of diversion? Kootenai County Water District No. One
- b. Who owns the land to be irrigated or place of use? Kootenai County Water District No. One customers
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NO

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.

John L. E. Green Pres. of Bd  
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 10/30/06 Time 1:35 p Preliminary check by \_\_\_\_\_  
 Fee \$ 250.00 Received by [Signature] # N017982 Date 10/30/06  
 Publication prepared by [Signature] Date 11/29/06 Published in CRA Pages 12/7+14/06  
 Publication approved [Signature] Date 12/15/06

**TATE**  
**ENGINEERING**

**ENGINEERING**  
105 N. 4TH STREET  
SUITE 208  
COEUR D'ALENE  
IDAHO 83814  
(208) 676-8708  
Fax: (208) 676-8708  
-MAIL: RTATE@CEHOUSE.NET

| NO. | REVISION DESCRIPTION |
|-----|----------------------|
|-----|----------------------|

|       |      |
|-------|------|
| INIT. | DATE |
|-------|------|

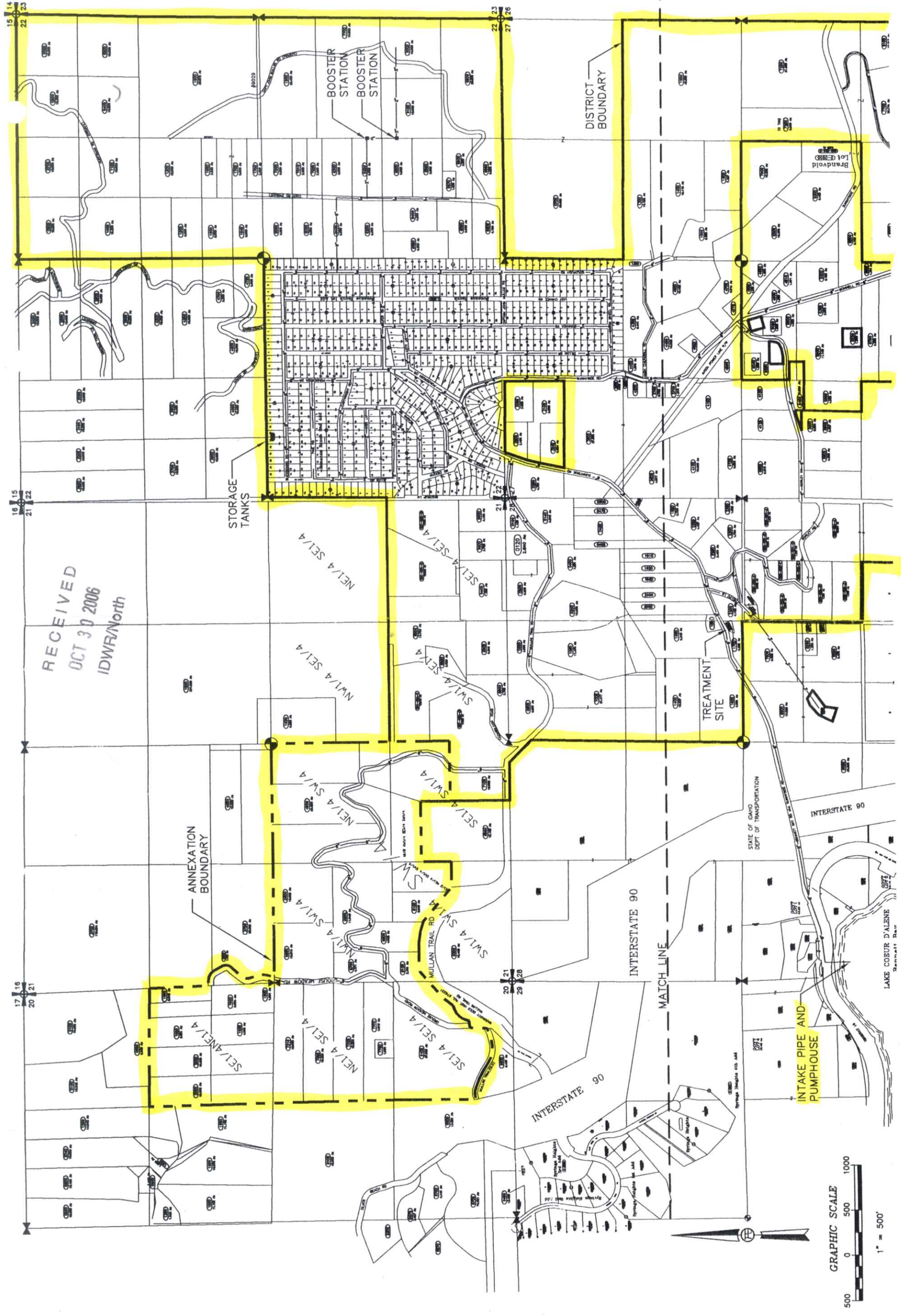
OBJECT: 02.07

|                   |                |                |
|-------------------|----------------|----------------|
| DRAWING: BOUNDARY | DESIGN BY: RMT | DATE: 01/01/01 |
|-------------------|----------------|----------------|

|               |                 |                     |
|---------------|-----------------|---------------------|
| DRAWN BY: JAC | CHECKED BY: RMT | PLOT DATE: 08/21/03 |
|---------------|-----------------|---------------------|

SHEET: 1 OF 2

KOOTENAI WATER DISTRICT NO.1  
OVERALL DISTRICT BOUNDARY  
TSON, R3W, B.M.,  
KOOTENAI COUNTY, IDAHO



RECEIVED  
OCT 30 2006  
IDWR/North

GRAPHIC SCALE

500 0 500 1000

1" = 500'

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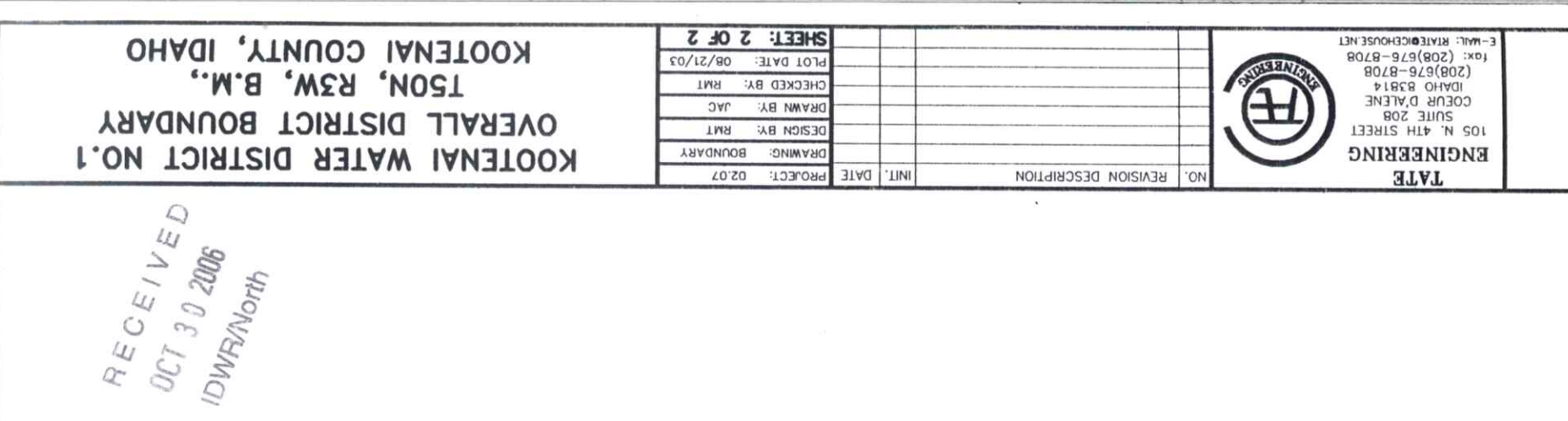


\_\_\_\_\_

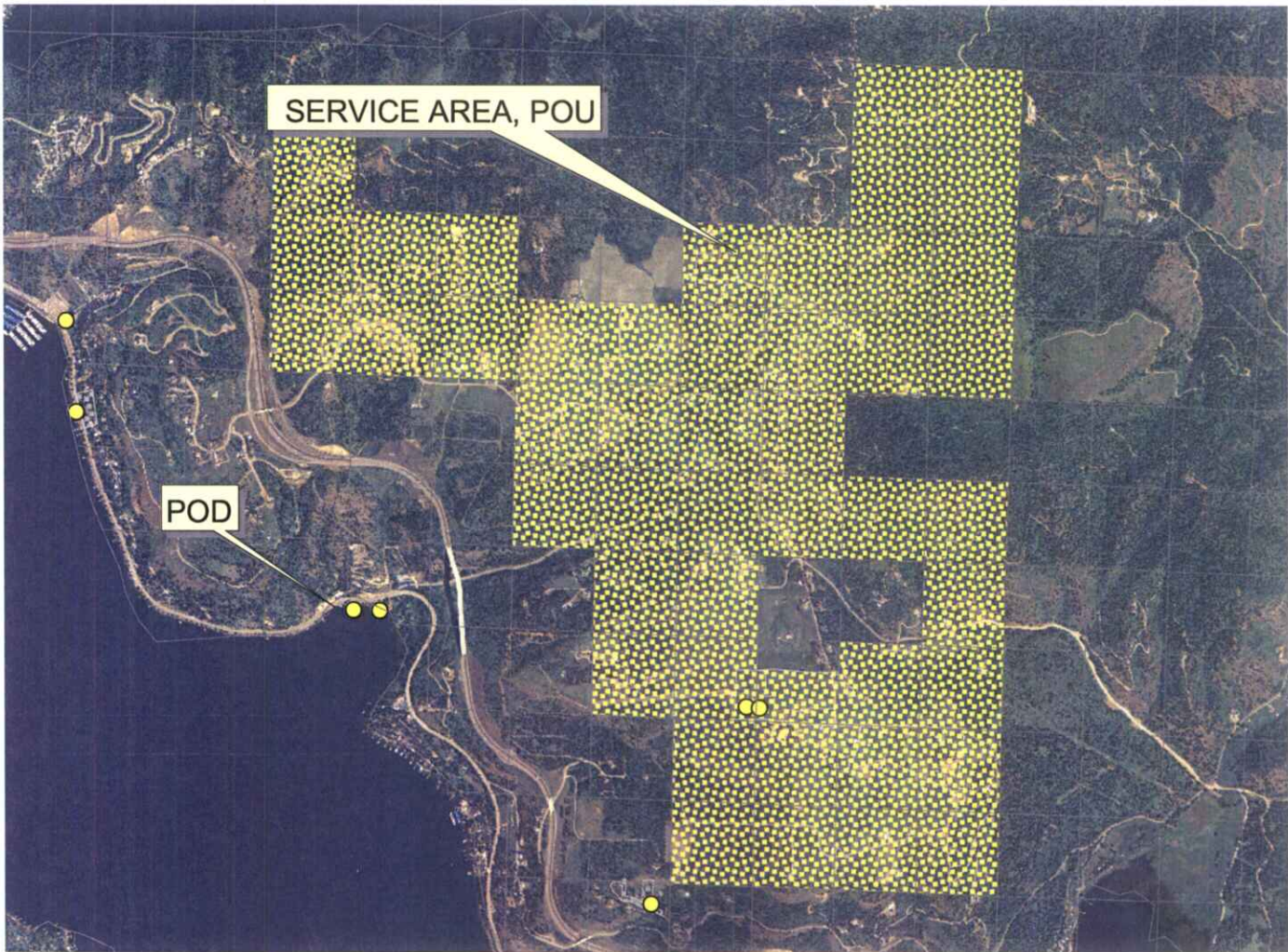
1000

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ISTRICT NO.  
BOUNDARY  
B.M.,  
TY, IDAHO



95-9366



- GCDB50N03W GCDB
- Foster.shp
- Application POD
- Application POU
- Pou.shp
- Pod.shp
- Administrative BasinsAdminbas.shp



MINUTES OF ORGANIZATION  
MEETING AND FIRST MINUTES OF DIRECTORS OF  
KOOTENAI COUNTY WATER DISTRICT NO. 1

August 12, 1963

RECEIVED  
OCT 30 2006  
IDWR/North

The organization meeting and first meeting of the Board of Directors of KOOTENAI COUNTY WATER DISTRICT NO. 1 was held at Suite 6, 112 W. Sherman Avenue, Coeur d'Alene, Idaho, on the 12th day of August, 1963, at the hour of 7:30 p.m.; pursuant to notice, a copy of which is attached hereto.

The following directors were present:

Francis J. Smith, James L. Carns, William C. Reagan,  
Harold E. Thomas and Robert G. Templin,

constituting a quorum. William A. Reagan, Donald Van Kleeck and Robert Blair were also present. William A. Reagan recorded the proceedings. Robert Blair, one of the attorneys for the district, acted as temporary chairman.

The Chairman reported that an order was entered by the Judge of the Eight Judicial District of Kootenai County, State of Idaho, officially forming KOOTENAI COUNTY WATER DISTRICT NO. 1, and the order is filed at the Clerk's Office of the District Court, Kootenai County, Idaho.

The proposed by-laws for regulation of the Board of Directors were read and approved. By motion made, seconded and carried, the by-laws were adopted and the Secretary instructed to insert a copy in the corporation's Minute Book.

The temporary chairman announced nominations open for the officers that would serve for one year or until their successor was sooner appointed. The following were nominated for the offices indicated

Robert G. Templin  
William A. Reagan

President  
Secretary-Treasurer

there being no other nominations, the secretary was instructed to cast a unanimous ballot and the nominees were declared elected.

Upon motion made, seconded and carried, the secretary was authorized and directed to purchase for the use of the corporation a corporate seal and necessary books of record.

On motion duly made, seconded and carried a resolution designating the Bank of Idaho, Coeur d'Alene Office, Coeur d'Alene, Idaho, depository for funds of the corporation and authorizing signatures on checks, drafts, etc., on behalf of the corporation, was adopted. A copy of that resolution in form required by the bank, is attached to these minutes and hereby made a part hereof.

On motion made, seconded and unanimously carried, a resolution requiring the signature of the president and secretary-treasurer on all checks, drafts, etc., on behalf of the KOOTENAI COUNTY WATER DISTRICT NO. 1 was adopted.

By resolution duly passed, the directors provided that inspection of books, records and documents by members of the District subject to all applicable statutes should be made upon written request by the members.

Upon motion duly made, seconded and unanimously carried, it was resolved that the temporary address of the Water District would

be located at Suite 6, 112 W. Sherman Avenue, Coeur d'Alene, Idaho, and all books of record of the Water District shall be kept in that office.

Thereupon a general discussion was held wherein it was pointed at by Mr. Templin that Donald Van Kleek had performed all of the engineering that had been done in reference to the Water District since its origination. Upon Motion made by Harold E. Thomas and seconded by Francis J. Smith, it was unanimously carried that Donald Van Kleek be retained by the Water District as engineer for the district, and, :

Upon motion duly made, seconded and unanimously carried, William A. Reagan was appointed attorney for the Water District to serve at the pleasure of the board.

The president announced that the primary purpose of the Water District was to provide water for all those lands embraced within the district itself. It was pointed out by him that there are a good many families that need an adequate supply of water and if water were on the premises in sufficient quantity, an expansion of dairying as well as other types of farming, cattle raising and even industrial development would take place within the confines of the Water District boundaries. Thereupon, on motion made by William C. Reagan and seconded by Francis J. Smith, a resolution directing Robert G. Templin to initiate a request for a loan or outright grant from a governmental unit or private sources, be made for the purpose of construction of the water system necessary for the district, was adopted.

Upon motion duly made and seconded and unanimously carried, a seal for the district stating KOOTENAI COUNTY WATER DISTRICT NO. 1 was approved.

Thereupon, on motion duly made, seconded and unanimously carried, Robert G. Templin was directed and authorized to prepare in book form, an overall engineering preliminary report for the installation of a water system in KOOTENAI COUNTY WATER DISTRICT NO. 1, together with purchasing the necessary stationery and incidental office supplies necessary to run the office of the Water District. On motion duly made, seconded and unanimously carried, John McHugh of Coeur d'Alene, Idaho, was appointed Bookkeeper and Accountant for the Water District, to serve at the pleasure of the Board.

Thereupon it was pointed out by Robert G. Templin and acknowledged by the Board Members present, that Western Frontiers, Inc. has in the past, paid out considerable sums for the preliminary engineering costs, formation of the District and additionally, will of necessity, be required to deposit additional sums in the bank to take care of the current expenses of the Water District and it was agreed by the Directors that at such time as the amount of these expenditures are fixed and are shown to have been necessary and reasonable, the directors on behalf of KOOTENAI COUNTY WATER DISTRICT NO. 1 will execute to Western Frontiers, Inc., a promissory note in the principal amount reflecting these expenditures made, and payable at a definite time in the future, which note shall provide for 6% interest annually.

On motion duly made, seconded and unanimously carried, it was resolved that the Directors meet once a month which would be on the first Monday of each month, until otherwise changed by the Board of Directors.

There being no further business to come before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

KOOTENAI COUNTY WATER DISTRICT NO. 1

William A. Reagan  
Secretary

Approved:

Robert J. Doughty  
President

Corporate Name KOOTENAI COUNTY WATER DISTRICT No. 1

Address Suite 6 - 112 W. Sherman Avenue

Coeur d'Alene, Idaho

Phone 4-2680

Business Municipal Water District

Introduction

Banking Reference

Remarks

Date Opened by Initial Deposit \$

Authorized Signatures of

(A Corporation)

For BANK OF IDAHO

*Robert G. Templin*

President

Vice-President

Vice-President

Treasurer

*William A. Reagan*

Secretary

(2) ROBERT G. TEMPLIN - WILLIAM A. REAGAN

Signatures Required

Tel.-180 1-59 5M

(Over)

Kootenai County Water District #1  
Administration

Office  
5980 Sunnyside Road

667-0340

Manager  
John Shields (Marilyn)  
6539 E Little Joe Road

667-0850

659-3425 - CELL

Board of Directors

President  
John O'Brien  
6927 E Mullan Trail Road

664-8076

Vice-President  
Bob Paffile (Kathy) - CELL # 964-5565  
5443 S Bonnell Road

5569  
664-5869

Secretary  
Dave Dasher (Paula)  
2756 S Bonnell Road

691-6271 CELL  
667-7437

Treasurer MIKE WATERHOUSE  
Ed Kurowski (Karen)  
8182 E Captain John Mullan Road

~~664-1685~~

Director  
Bob Shovald (Terri)  
912 S Ponderosa Drive

765-4056

CELL # 659-9436

**NOW  
STARTING  
RIGHT  
SIDE OF  
FILE**



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

March 12, 2007

KOOTENAI COUNTY WATER DIST NO 1  
5866 E SUNNYSIDE RD  
COEUR D ALENE ID 83814

RE: Permit No. 95-9366

### Permit Approval Notice

Dear Permit Holder:

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

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

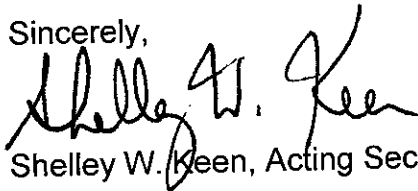
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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, Acting Section Manager  
Water Right Permits Section

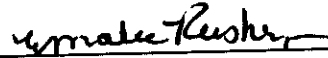
Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on March 12, 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.                      95-9366**

**KOOTENAI COUNTY WATER DIST NO 1  
5866 E SUNNYSIDE RD  
COEUR D ALENE ID 83814**

A handwritten signature in black ink, appearing to read "Emalee Rushing", is written over a horizontal line.

**Emalee Rushing  
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:** March 08, 2007  
**To:** Water Right File 95-9366  
**From:** eretelle  
**Re:** permit review

---

No WD or moratorium

PoD overlap 95-2154 and 95-8306

Municipal (PoU overlap with 143 homes licensed under -2154 and -8306)

~~No PWS# from DEQ in file(s)~~

Late protest received with no fee – regional office either did not review or does not agree

concerns include

- (1) lowering of lake level & erodable soils
- (2) number of homes being served exceeds number on license -8306
- (3) violation of 42-219 and 42-222

F&G and IDL have no objection  
No minimum lake level

Total homes authorized by other 2 water rights is 143. Late protestants say 225 are being served at this time. This permit would cover the additional homes.

42-219 ? Maybe they think we over-licensed one of the other water rights?  
42-222 ? Transfer statute. Violation not explained. What is the problem?

Recommend approval as suggested by IDWR Northern.

IDEQ

PWS# 1280-106

(208) 667 7437 Dave Dasher

(408) 691-6271 Dave Dasher cell

\* phone no on app. is to pump station that is already completed.



**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

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

December 27, 2006

**JAMES E. RISCH**  
Governor

**KARL J. DREHER**  
Director

MS. LORNA CASEY-KAISER  
8635 E SUNNYSIDE RD  
COEUR D ALENE, ID 83814

Re: Application for Water Right No. 95-9366 – Kootenai Water District No. One.

Dear Ms. Casey-Kaiser:

We are in receipt of your FAX dated and received today, December 27, 2006. We are addressing this to you as the representative or spokesperson for the group of signers.

The final date for protests together with the proper filing fee to be received in this matter was December 26, 2006.

We will keep your FAX with the file and the information therein will be taken into consideration at such time as the Department considers whether or not to issue the permit to Kootenai County Water District No. One, and if issued, under what conditions.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Robert G. Haynes, P.E.  
Regional Manager

RGH:db

Department of Water Resources Idaho

~~769-1454 (208) 287-6700~~

762-2819

Lorna Casey-Kaiser

667-4138

RECEIVED  
DEC 27 2006  
IDWR/North

Regarding Permit for Kootenai Water District One

RECEIVED  
DEC 27 2006  
IDWR/North

### **SIGNERS' STATEMENT**

We the citizens of the State of Idaho protest Kootenia County Water District Number One request and conduct an investigation into the abuse that has already occurred in Kootenia County Water District Number One.

**FACTS:** Kootenia County Water District Number One was granted a Water Right License NO. 95-8306 on May 16, 1983 to draw water out of Lake Cocur d'Alene a tributary to the Spokane River. Kootenia County Water District One was granted the right for domestic use for 118 homes. Kootenia Water District without prior approval throughout the years has allowed construction and is now providing service for Domestic use to 225 homes.

The use of 0.56 cfs was granted (251 gpm) currently according to a Preliminary Engineering Report by Tate Engineering the existing system is providing 200 gpm from the existing Keystone Plant and 100 gpm from the PN Cartridge System. This is a total of 300 gpm and it is not sufficient to meet irrigation demands during summer months.

Kootenia County Water District One is now applying for additional water because they desire to support two developments.

1. Tumble Creek Estates aka Black Hawk Estates a subdivision consisting of 40-45 homes.
2. John Mullan Estates a subdivision consisting of subdivision of 25 homes.

Both subdivisions have had Preliminary Approval from the Board of Commissioners in Kootenia County.

We believe that allowing water use for these developments stated above will have an adverse effect on Lake Coeur d'Alene and the Spokane River.

With the possible low impact of precipitation both would feel the impact of low waters. With high precipitation because of the six soils identified on the Tumble Creek project, as high to very high erosion with rapid run-off and clay soil 40-45 septic tanks could damage the waters in Lake Coeur d'Alene and the Spokane River.

Kootenia County Water District One has violated *Idaho Code Section 42-222* and *Section 42-219*. Other violations may have occurred. With such flagrant disregard for the rule of law and the liberties that Kootenia County Water District One has already taken we ask that this proposal be refused.

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IDWR/North

*Petition against more water being drawn from Lake Coeur d'Alene to benefit developers*

|     | Printed Name       | Signature          | Address                   | Date     |
|-----|--------------------|--------------------|---------------------------|----------|
| 1.  | Lorna Casey-Kaiser | Lorna Casey-Kaiser | 8635 E. Sunnyside Rd      | 12/18/06 |
| 2.  | Shelley Love       | Shelley Love       | 58092 W. 5th St North     | 12-18-06 |
| 3.  | Babbe Loper        | Babbe Loper        | 430 E. Buckhorn           | 12-8-06  |
| 4.  | NEVA HAMMER        | NEVA R. HAMMER     | 3419 hixx CT UNIT C       | 12/18/06 |
| 5.  | BARBARA LICKFOLD   | Barbara Lickfold   | 231 Juniper St Post Falls | 12-18-06 |
| 6.  | Steve Olsen        | Steve Olsen        | 11878 Highway 67          | 12-18-06 |
| 7.  | LEELE-B-STEELE     | Leele B Steele     | 8635 E Sunnyside Rd       | 12-18-06 |
| 8.  | FRANK L. KAISER    | Frank L. Kaiser    | 8635 E. SUNNYSIDE RD      | 12-26-06 |
| 9.  |                    |                    |                           |          |
| 10. |                    |                    |                           |          |
| 11. |                    |                    |                           |          |
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| 25. |                    |                    |                           |          |



RECEIVED

DEC 15 2006

## AFFIDAVIT OF PUBLICATION IDWR/North

STATE OF IDAHO  
County of Kootenai

} ss.

Amy McCue being first duly sworn  
upon oath declares 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 7 day of December, 2006, and ending on the 14 day of December, 2006, 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. Amy McCue

On this 14 day of December in the year of 2006, before me, a Notary Public, personally appeared Amy McCue, 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

## LEGAL NOTICE

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

95-9366

KOOTENAI COUNTY WATER DIST NO 1

5866 E SUNNYSIDE RD

COEUR D ALENE ID 83814

Point(s) of Diversion NWSW S28 T50N R03W KOOTENAI County

Source COEUR D ALENE LAKE - Tributary To SPOKANE RIVER

Use: MUNICIPAL 01/01 To 12/31 0.66 CFS

Total Diversion: 0.66 CFS

Date Filed: 10/30/2006

Place Of Use: MUNICIPAL

Remark: Municipal use is within the service area of the applicant.

95-9367

CAV OK LLC

212 IRONWOOD DR STE D214

COEUR D ALENE ID 83814

Point(s) of Diversion L1 (NENW) S12 T49N R04W KOOTENAI Co.

Source COEUR D ALENE LAKE - Tributary To SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 11/20/2006

Place Of Use: DOMESTIC

T49N R04W S12 NENW Lot 1

Remark: Domestic use is for one home.

95-9368

CAV OK LLC

212 IRONWOOD DR STE D214

COEUR D ALENE ID 83814

Point(s) of Diversion L1 (NENW) S12 T49N R04W KOOTENAI Co.

Source COEUR D ALENE LAKE - Tributary To SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 11/20/2006

Place Of Use: DOMESTIC

T49N R04W S12 NENW Lot 1

Remark: Domestic use is for one home.

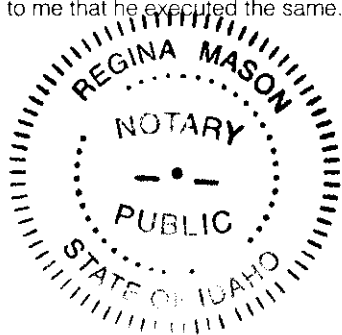
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

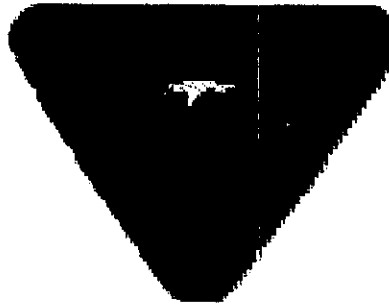
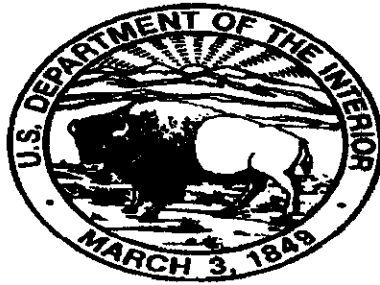
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 12/26/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 219

December 7, 14, 2006





*Lin Pierron-Buck  
Water Rights Assistant (ID933B)  
Department of the Interior  
Bureau of Land Management / Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709*

*Phone: (208) 373-4097 Fax: (208) 373-3839 Email: Lin\_Buck@blm.gov*

**FAX**

December 8, 2006

To: Dianne Ball / IDWR / Northern Regional Office / Fax # (208) 762-2819  
cc: Mike Stevenson / BLM / Coeur d'Alene Field Office / Fax # (208) 769-5050

From: Lin Pierron-Buck / BLM / Idaho State Office / Fax # (208) 373-3839

Re: Application for Permit #96-09366 for Kootenai County Water District No. 1

Hi Diann:

Our office reviewed the above water right application for permit from the IDWR New Water Rights filing report dated December 4, 2006 (copy attached).

Our MTP (copy attached) indicates the following may have missing lot #:

*POD: T50N R03W S28 NWSW*

BLM does not have a problem with this application for permit; we are providing this for your information.

Thank you. Have a nice day!!

# of pages: 4 (includes coversheet)

711000000

IDAHO DEPARTMENT OF WATER RESOURCES  
NEW WATER RIGHT FILINGS

DATE: 12/4/06

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Application for Permit No. 95-9366

Name: KOOTENAI COUNTY WATER DIST NO 1

Diversion Pt NWSW      Sec 28 T 50N R 03W KOOTENAI County      Source COEUR D ALENE LAKE  
Use: MUNICIPAL      01/01 To 12/31 0.66 CFS

Total Diversion: 0.66 CFS

Date Filed: 10/30/2006

Place Of Use: MUNICIPAL

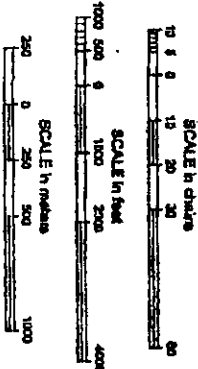
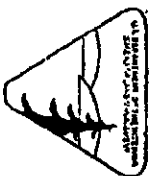
|               |                                                             |
|---------------|-------------------------------------------------------------|
| T50N R03W S20 | SENE NESE SESE                                              |
| T50N R03W S21 | NESW NWSW SWSW SESW SWSE SESE                               |
| T50N R03W S22 | NENE NWNE SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSE SESE |
| T50N R03W S27 | SWNE SENE NENW NWNW SWNW SENW NWSW SWSW SESW NESE SWSE SESE |
| T50N R03W S28 | NENE NWNE SWNE SENE NESE SESE                               |
| T50N R03W S34 | NENE NWNE SWNE SENE NENW NWNW SWNW SENW                     |

Remarks: Municipal use is within the service area of the applicant.

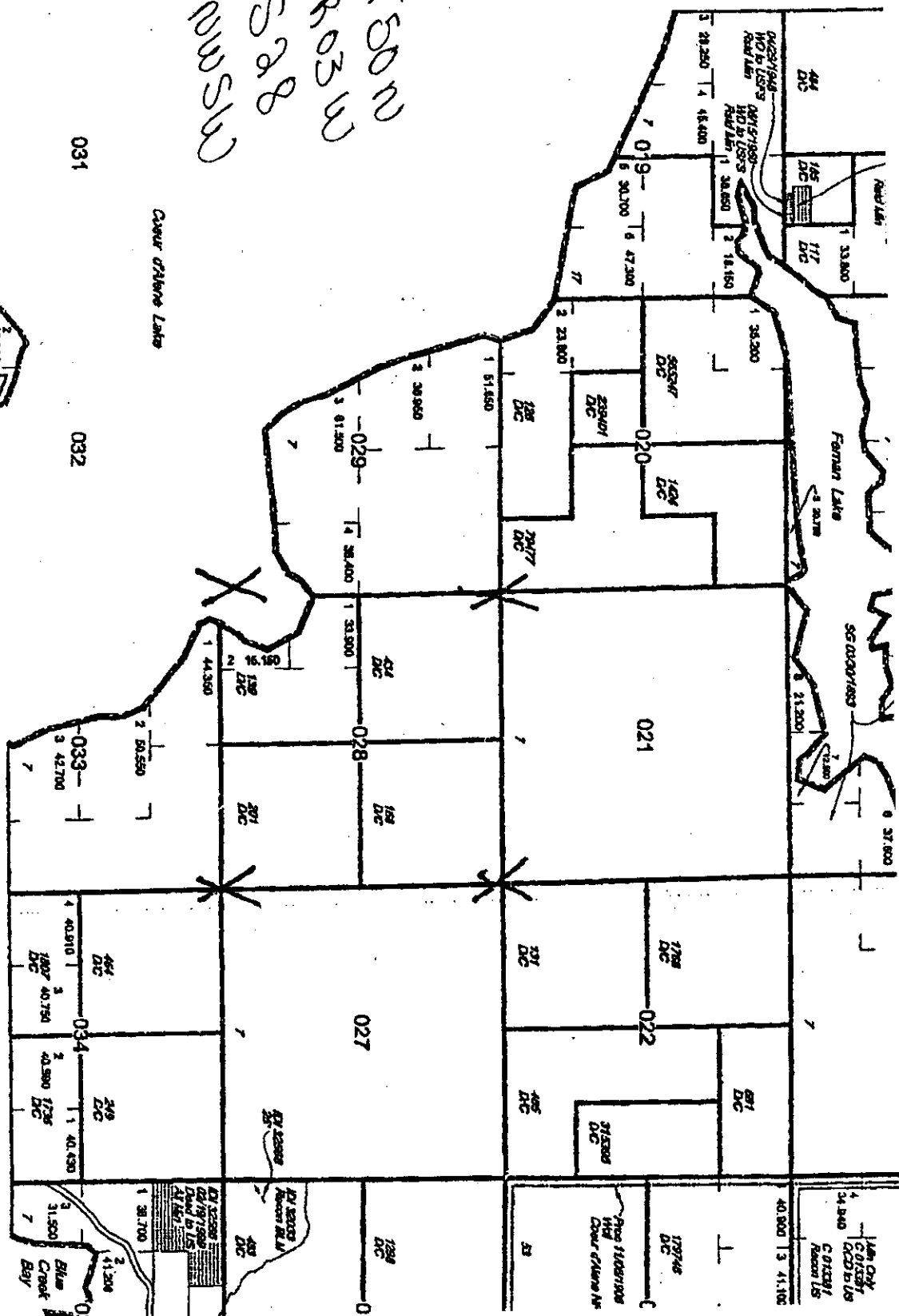
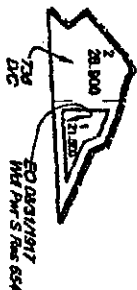




U.S. Bureau of Land Management - Idaho State Office  
1387 S. Vinnell Way Boise, Idaho 83709  
(208) 373-4000



**DISCLAIMER:**  
This plat is only a graphic display of the Bureau of Land Management not subject to change which may have been effected by internal official information.  
The notation shown on this document represents the last action taken of original withdrawal order.  
No warranty is made by the Bureau of Land Management. The agency uses with other data is not guaranteed.





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](http://www.idwr.idaho.gov)

---

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

November 29, 2006

AMY McCREE, DEE DUQUETTE  
&/or GLENDA JEFFERSON  
LEGAL NOTICE DEPARTMENT  
COEUR D ALENE PRESS  
201 N 2ND  
COEUR D ALENE ID 83814

e-mailed and FAXED for clarification

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

RE: Application for Permit No. 95-9366, 95-9367 and 95-9368

**Dear Amy, Dee and/or Glenda:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, December 7 and 14, 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 12/26/2006. Your cooperation is GREATLY appreciated.

Thank you,

Sincerely

*Dianne*

Dianne Ball  
Administrative Assistant

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95-9366

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Source COEUR D ALENE LAKE - Tributary To SPOKANE RIVER

Use: MUNICIPAL 01/01 To 12/31 0.66 CFS

Total Diversion: 0.66 CFS

Date Filed: 10/30/2006

Place Of Use: MUNICIPAL

Remark: Municipal use is within the service area of the applicant.

95-9367

CAV OK LLC

212 IRONWOOD DR STE D214

COEUR D ALENE ID 83814

Point(s) of Diversion L1 (NENW) S12 T49N R04W KOOTENAI County

Source COEUR D ALENE LAKE - Tributary To SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 11/20/2006

Place Of Use: DOMESTIC

T49N R04W S12 NENW Lot 1

Remark: Domestic use is for one home.

95-9368

CAV OK LLC

212 IRONWOOD DR STE D214

COEUR D ALENE ID 83814

Point(s) of Diversion L1 (NENW) S12 T49N R04W KOOTENAI County

Source COEUR D ALENE LAKE - Tributary To SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 11/20/2006

Place Of Use: DOMESTIC

T49N R04W S12 NENW Lot 1

Remark: Domestic use is for one home.

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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 12/26/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published Dec.7 & 14,2006

## Ball, Dianne

---

**From:** Ball, Dianne  
**Sent:** Wednesday, November 29, 2006 3:22 PM  
**To:** Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press2 Glenda Jefferson (E-mail);  
Legal Notices-CdA Press3 Amy (E-mail); Legal Notices-CdA Press4 Dee Duquette (E-mail)  
**Subject:** Legal notice for publication 12/7 and 12/14/2006

Attached is our cover letter requesting publication of a Legal notice on December 7 and 14, 2006. Also attached is the legal notice.

I have also faxed it for your reference.

If you have ANY questions, please call me at 762-2800 - and also, please FAX a proof prior to publication for layout clarification.

Thanks for all your good help.

*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  
1-29-06 CdA e-mai.



LegalNotice  
1-29-06 CdA e-mai.



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

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

November 29, 2006

KOOTENAI COUNTY WATER DIST NO 1  
5866 E SUNNYSIDE RD  
COEUR D ALENE ID 83814

RE: Application for Permit No 95-9366

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 December 7 & 14, 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  
Senior Water Resource Agent

Enclosure(s) N017982



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

Phone: (208) 762-2800

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Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

November 21, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

MARY TERRA-BERNS  
IDAHO DEPARTMENT OF FISH & GAME  
2750 KATHLEEN AVE  
COEUR D ALENE ID 83815

FAXED TO MARY 11/21/2006  
4 pages total

Re: Water Permit Application No. 95-9366 – Kootenai County Water Dist. No. One

Dear Mary:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **December 22, 2006**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by **FAX to 762-2819**, or by e-mail to [Keith.Franklin@idwr.idaho.gov](mailto:Keith.Franklin@idwr.idaho.gov), or to me, [Dianne.Ball@idwr.idaho.gov](mailto:Dianne.Ball@idwr.idaho.gov).

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball  
Administrative Assistant



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

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

November 21, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

CARL WASHBURN  
IDAHO DEPARTMENT OF LANDS  
3706 INDUSTRIAL AVE S  
COEUR D ALENE ID 83815

FAXED TO CARL 11/21/06  
4 pages total

Re: Water Permit Application No. 95-9366 – Kootenai County Water Dist. No. One

Dear Carl:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **December 22, 2006**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by **FAX to 762-2819**, or by e-mail to [Keith.Franklin@idwr.idaho.gov](mailto:Keith.Franklin@idwr.idaho.gov), or to me, [Dianne.Ball@idwr.idaho.gov](mailto:Dianne.Ball@idwr.idaho.gov).

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball  
Administrative Assistant

**KOOTENAI COUNTY WATER DISTRICT NO. 1****8530**

| ID Department of Water Resol |      |           |               | 10/16/2006   |          |         |
|------------------------------|------|-----------|---------------|--------------|----------|---------|
| Date                         | Type | Reference | Original Amt. | Balance Due  | Discount | Payment |
| 10/16/2006                   | Bill |           | 250.00        | 250.00       |          | 250.00  |
|                              |      |           |               | Check Amount |          | 250.00  |

RECEIVED  
OCT 30 2006  
IDWR/North

Cash In Bank-Checkin

250.00