

ETHICS

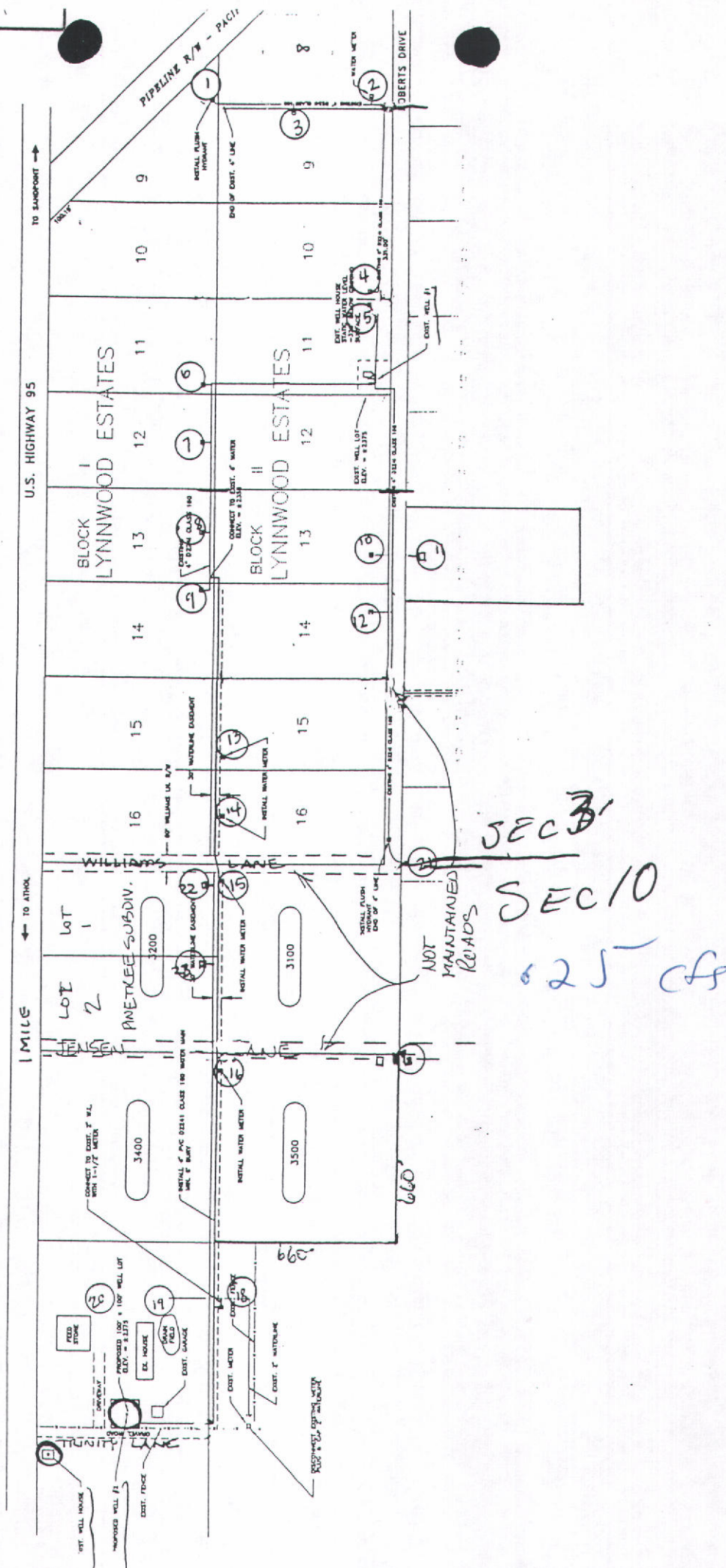
(IN FEET)

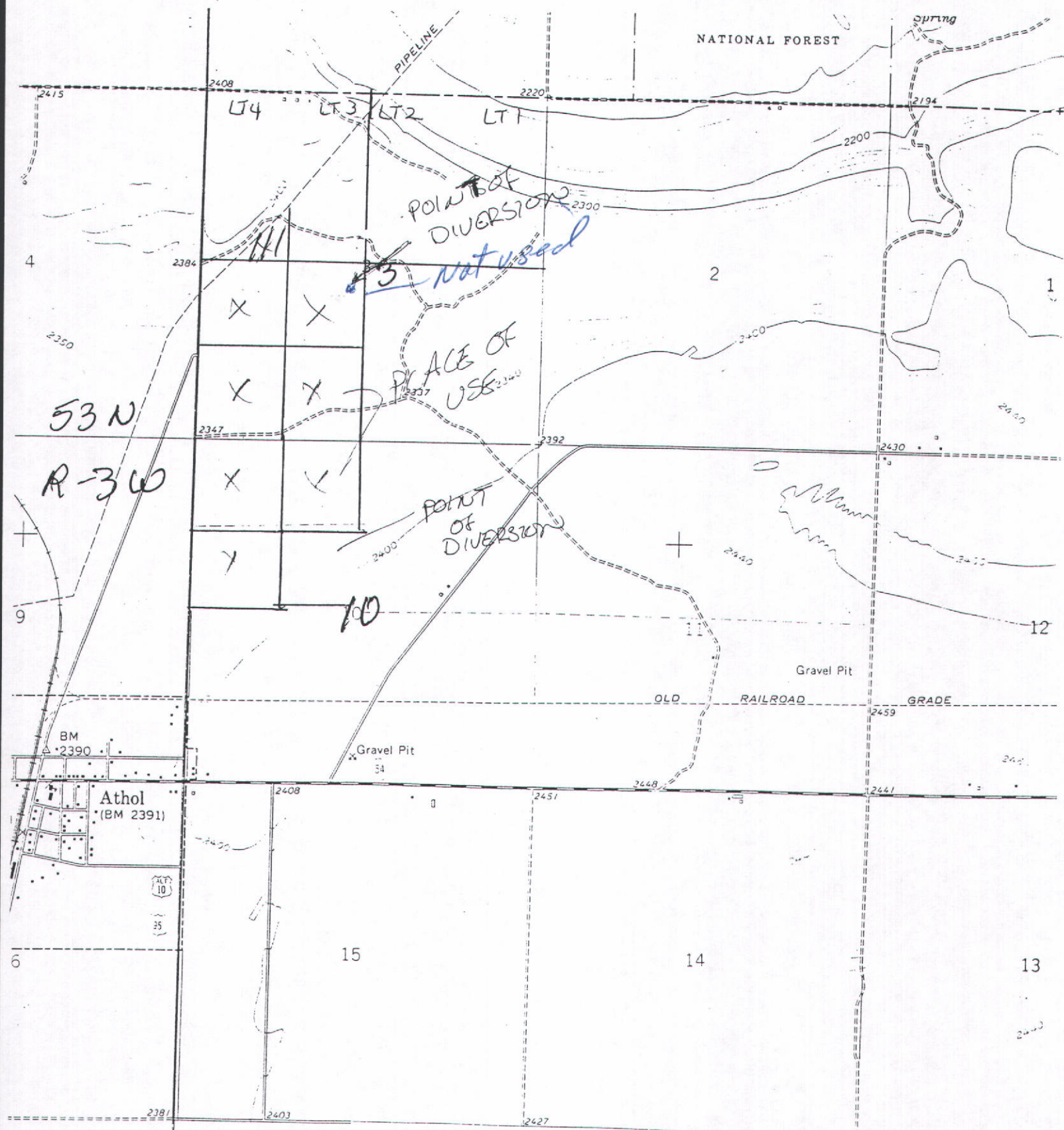
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SEC 3
SEC 10

MICROFILMED
NOV 09 1998

GRAPHIC SCALE
(IN FEET)
1 inch = 200 ft.







Well in
Sec 10



Well in
Sec 3



Pump House
Sec 10

96-08997



Well in
Sec 10



Well in
Sec 3



Pump House
Sec 10

96-08997



Well in
Sec 10



Well in
Sec 3



Pump House
Sec 10

96-08997

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*
 No.: 96-8997 Name: Kootenai Inv. Co. Inc. Date: 9/30/98 Ad OK? ✓ / Gvmt Lts: ✓
AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- North / East / West

≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

WMD Supplemental use

- No MD

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED:

- YES / No; RESPONSE: _____

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

Weiser R (67)

- 086, 087

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029(70's only)-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

Stockwater

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Storage (✓ 3 compo.)

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:- 004 (PD/PU) Residents**OTHER CONDITIONS:****STANDARD REMARKS:**- ① W59 ② W85/23 ③ W32/2**BENEFICIAL USE DUE:**- 10/17 2003**COMMENTS:**

Amt. of Fee \$ 100.00
Receipt No. 2071083
Receipt By. [Signature]
Date Received 10-1-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

OCT - 1 2003

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 96-08997 Telephone No. 208-683-0800
2. Name of Permit Holder(s): KOOTENAI INVESTMENT CO.
3. Mailing Address: P.O. BOX 6
City COEUR D'ALENE State ID Zip 83816
4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 10 yr. 94
Well Driller: H2O Drilling Permit Number: 96-94-N-0226-000
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 21 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .6 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes ✓ or No _____
8. Fee Enclosed: \$ 100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: BOB KUCHENSKI Telephone Number: 683-0800
Address: P.O. BOX 468, ARNOLD, ID 83801
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
- Signature of permit holder: Robert Kuchenski Date: 9-25-03
(include your title, if on behalf of company or organization)

MICROFILMED

MAY 29 2004

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08997

Proposed Priority: August 3, 1998 Maximum Diversion Rate: 0.60 CFS

This is to certify, that KOOTENAI INVESTMENTS CO INC
1919 THIRD ST
PO BOX G
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from: **GROUNDWATER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.60 CFS
DOMESTIC	01/01 to 12/31	0.60 CFS
	Totals	0.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 3, Township 53N, Range 03W
SESW , Sec. 10, Township 53N, Range 03W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
53N	03W	3	SWNW 6.0	NESW 6.0	NWSW 6.0		
			SWSW 6.0	SESW 6.0			30.0
	10		NENW 6.0	NWNW 6.0	SWNW 6.0		18.0

Total number of acres irrigated: 48.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 2003**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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NOV 08 1998

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

NO. 96-08997

CONDITIONS OF APPROVAL AND REMARKS

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 issuance of this right does not grant any right-of-way or easement across the land of another.
8. Two points of diversion are located within SENW, S10, T53N, R03W.
9. Domestic use is for 23 homes and does not include lawn, garden, landscape, or other types of irrigation.

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

1st day of October, 1998.

Karl J. Dreher
for Karl J. Dreher, Director

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NOV 28 1998

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

Ident. No. 96-8997
RECEIVED
SEP 28 1998
Department of Water Resources

1. Name of Applicant KOOTENAI INVESTMENTS CO INC. Phone 83814
Mailing address 1919 THIRD ST BOLG COEUR D'ALENE
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is Township 53N Range 3W Sec. 10, in the _____ 1/4,
SE SW 1/4, NW 1/4, Govt. Lot _____, B.M., _____ County;
additional points of diversion if any: 53N 3W 53 NWSW NE SW
4. Water will be used for the following purposes:
- | | | |
|--|--|------------------------|
| Amount <u>DOMESTIC</u> for _____ | purposes from _____ to _____ | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>60</u> for <u>DOMESTIC</u> | purposes from <u>JAN</u> to <u>DEC</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>60</u> for <u>IRRIGATION</u> | purposes from <u>MAR</u> to <u>APR</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) 60 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 2 WELLS 6 PUMPS
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? 10/15/94; Drilling firm H2O
Well was drilled for (well owner) KOOTENAI INVESTMENT Drilling Permit No. 96-94-226
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 23
- e. Other; describe fully. _____

WD Permits 96-94-N-226 Kootenai Investments
96-91-N-2 Jerry Mortensen

MICROFILMED
NOV 09 1998

REPORT OF THE

Publication approved.

Publication prepared by _____

Date _____

Received by _____

Date _____

Publi: 8/13/98

#

Preliminary check by

Date

A

Signature of Applicant (and title, if applicable)

James M. Smith

of the State of Idaho as herein set forth.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters

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.)

~~2 pds in 516, SEM po - Subst. plot. 3/9/30/98.~~

SEC ROBERT A. GARNEY

V-PRES JAY J. BRADLEY

DR. J. H. GARDNER

12. Remarks: ROBTINA INV. Co

၆၂၂၂

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

2) AFTER 10 SEAS

2007ENH; INVESTMENT

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

3008

Total number of acres to be irrigated

86

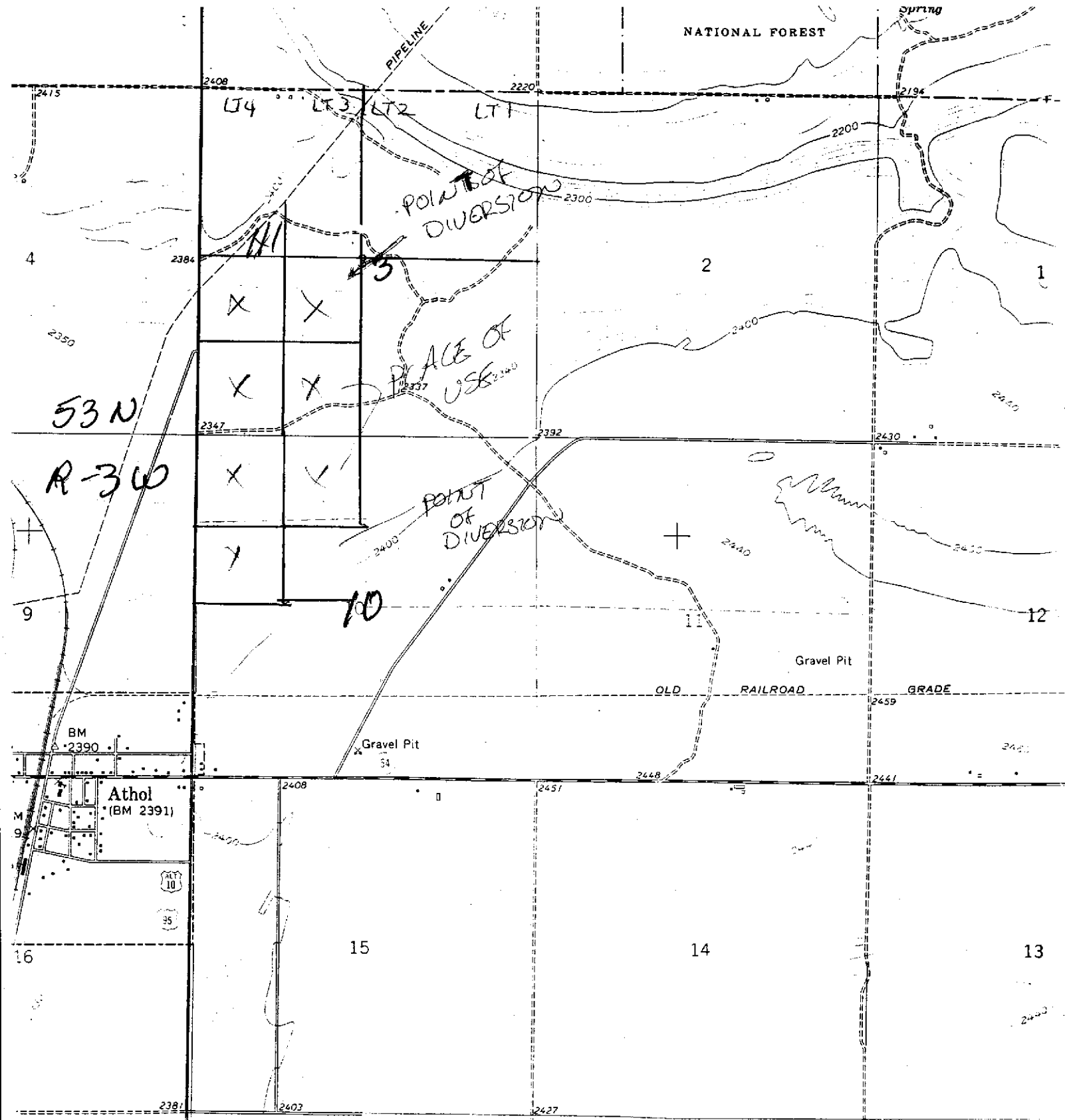
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use below. See instructions for standard symbols.

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.

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

9. Description of place of use:



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NOV 29 1988

RECEIVED

DEC 13 2004

DEPARTMENT OF
WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 96-08997

1. Owner: Koolon Investments Co. Inc Phone No. (208) 683-0500

Current Address: P.O. Box 6 Cien D'Almeida Id. 83816

2. Accompanied by: Bob Kuchenski EXAM DATE: 5-14-09

Address: Po Box 468 Athol Id. 83801 Phone No. 201/683-0500

Relationship to Permit Holder: Manager

3. Source: Groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

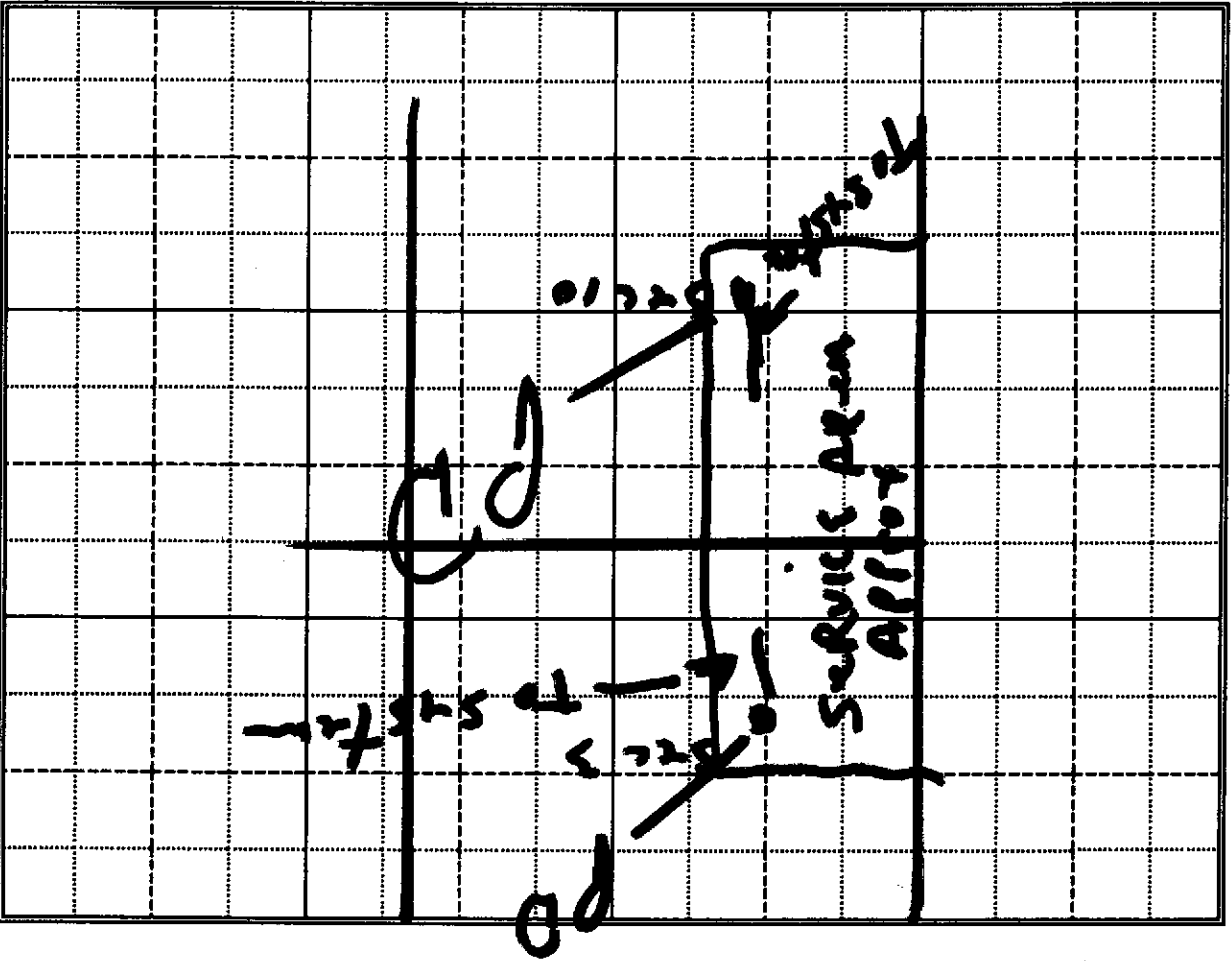
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2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



Scale: 1" = _____

Copy of USGS Quadrangle Attached Showing location(s) of _____
Aerial Photo Attached of _____
(required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
MAIN well 10	Frankl.	15		Sub	2.5"
Back up well 3	Frankl.	3		Sub	1.5"

*Code to correspond with No. on map and aerial photo

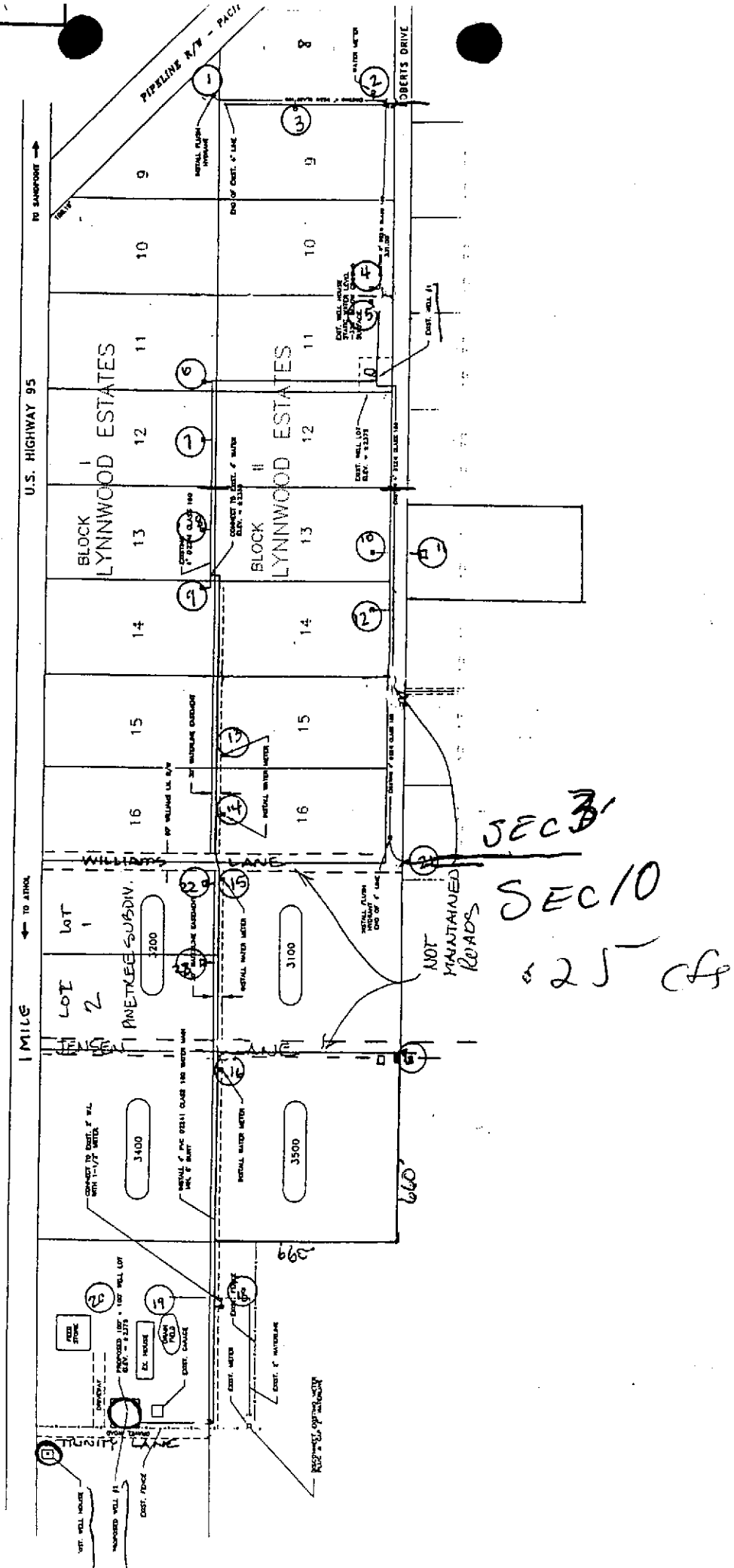
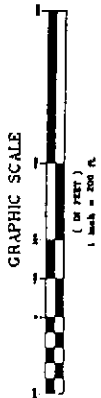
D. FLOW MEASUREMENTS

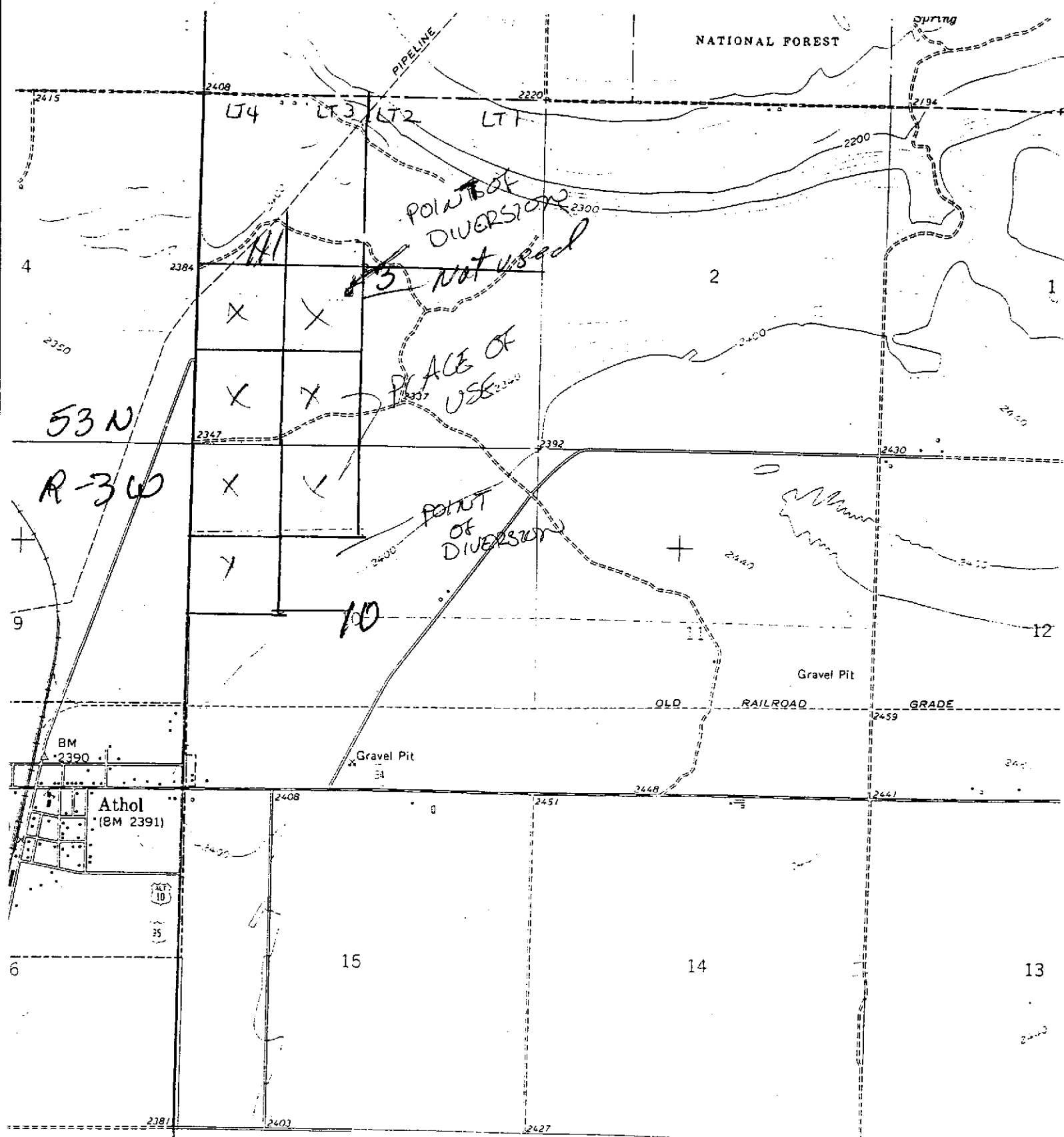
1.

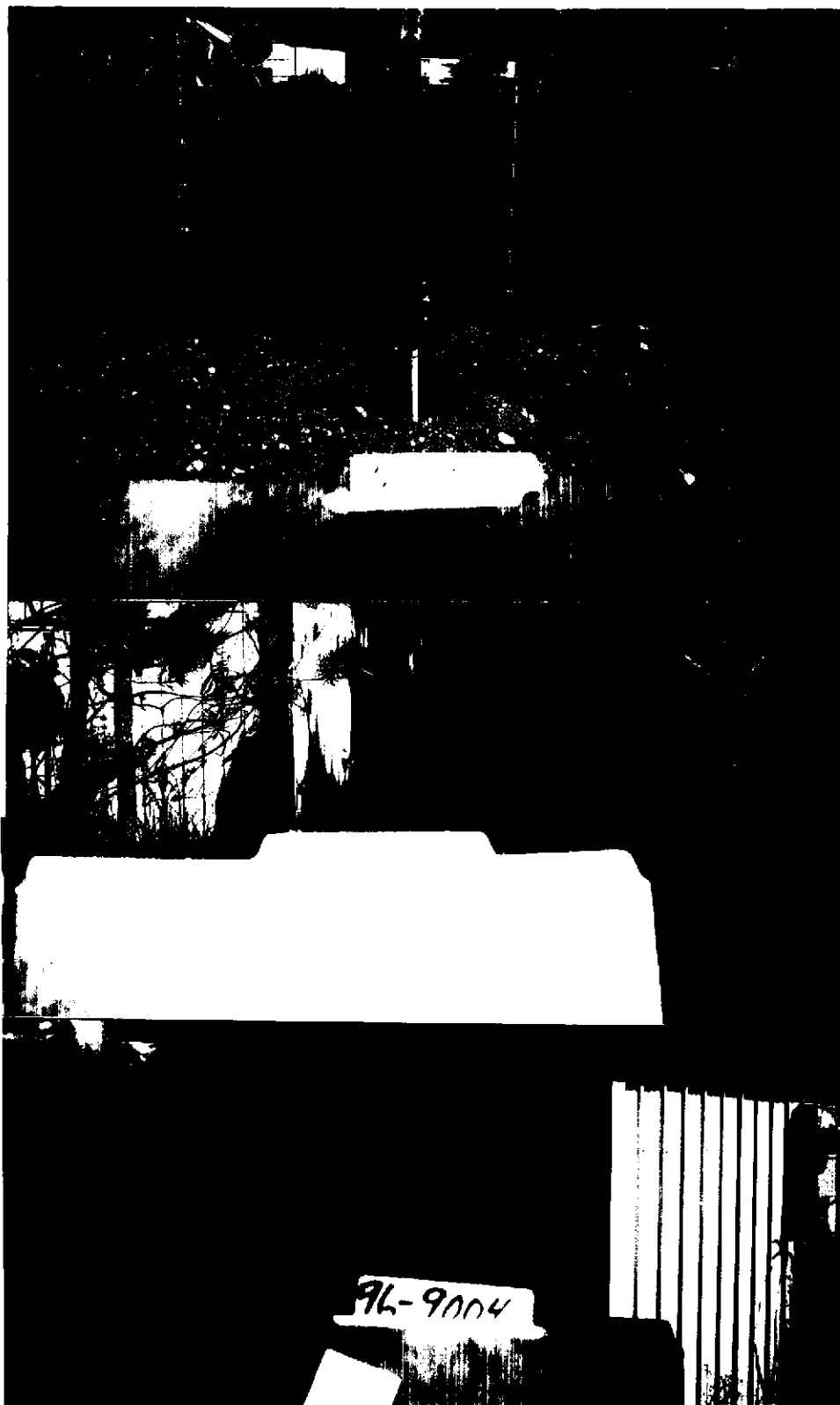
2. Measurements:

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

LYNNWOOD ESTATES SECTION 3, T 53 N, R 3 W, B.M. KOOTENAI COUNTY, IDAHO





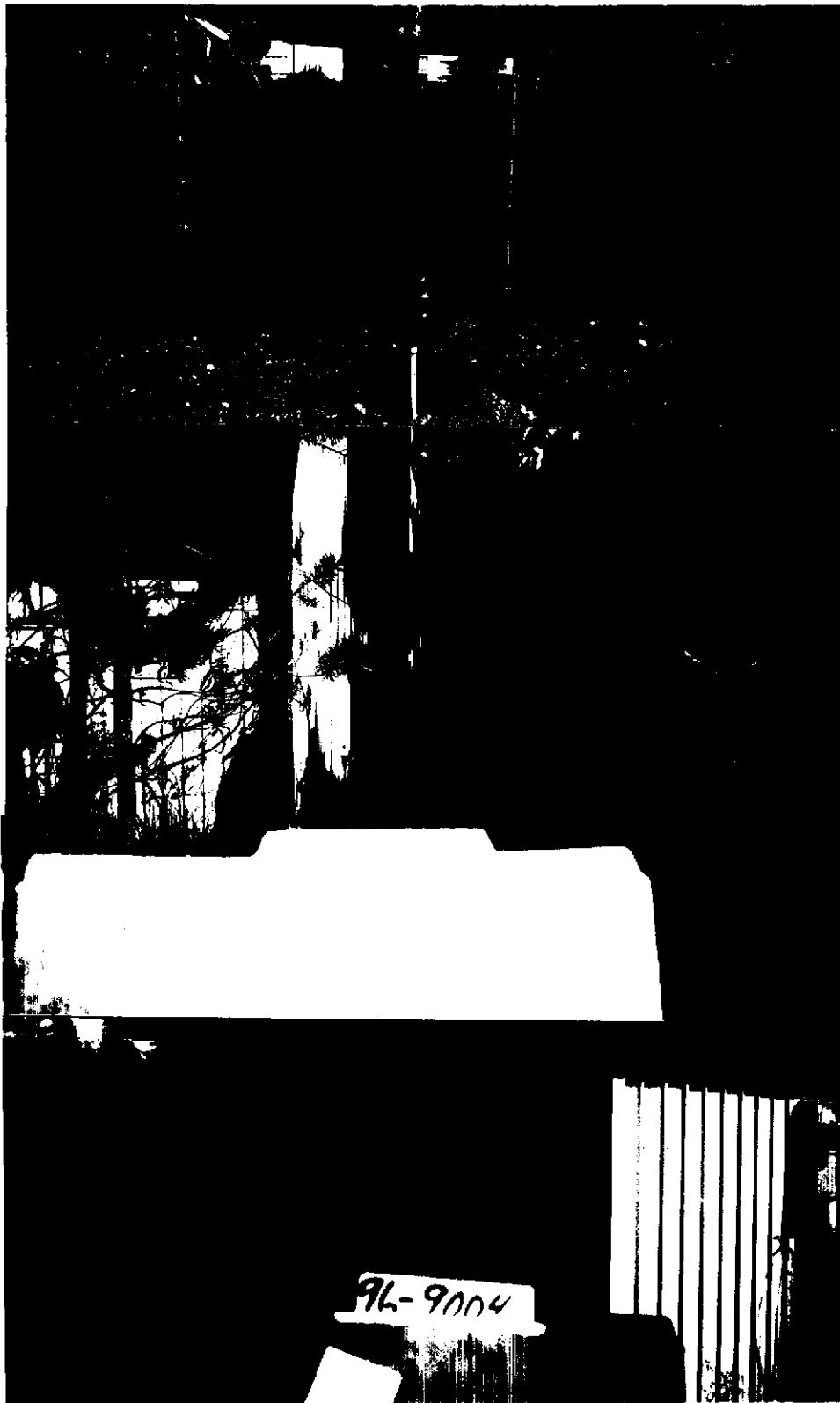


Well in
Sec 10

Well in
Sec 3

Pump House
Sec 10

96-08997



Well in
sec 10

Well in
sec 3

Pump House
sec 10

96-9004

96-08997



Well in
Sec 10

Well in
Sec 3

Pump House
Sec 10

96-08997

E. NARRATIVE/REMARKS/COMMENTS

Spoke with Bob Kuchenski on day of exam, he expressed desire to ammend this permit to municipal. I explained to him there would be an ammendment fee he agreed.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

Flow meters little well at 3 - 35 gpm
main well at 10-120 gpm
+ 35

155 gpm = 345

- 35 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{dr} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{ir} \text{ and } V_{dr} =$$

2. Volume Calculations for Other Uses:
23 homes

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Unimproved

Period of Use
From 01-01 To 12-31

Rate of Diversion
Q (cfs) 1.35

Annual Volume
V (ata) 1.35

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

Add P.D. as reflected above
Add P.U. as reflected above
None
Other

I. AUTHENTICATION

Field Examiner's Name

Wagner
Date 5-26-04

Reviewer

Date

SEAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 8, 2004

KOOTENAI INVESTMENT CO
PO BOX G
COEUR D ALENE ID 83814

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-8997

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Northern** Regional Office of the department in Coeur d' Alene (208) 769-1450.

Sincerely,

Deborah J. Gibson
MICROFILMED
Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-8997

Reviewed By: dgibson

Date: January 7, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C071083	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	10/01/2003
Date proof due	- 10/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 08/03/1998
New priority date	= 08/03/1998

Deficiencies of Actions Items

Acknowledge proof.

July 31, 2003

KOOTENAI INVESTMENTS CO INC
1919 N 3RD
PO BOX 6
COEUR D ALENE, ID 83814-0006

PROOF DUE NOTICE

RE: PERMIT NO. 96-8997

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

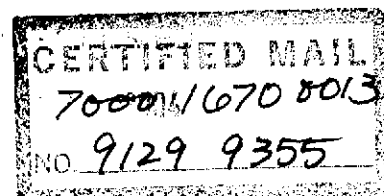
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 29 2004





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 2, 1998

KOOTENAI INVESTMENTS CO INC
1919 THIRD ST
PO BOX G
COEUR D ALENE ID 83814

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08997

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

MICROFILMED

NOV 09 1998

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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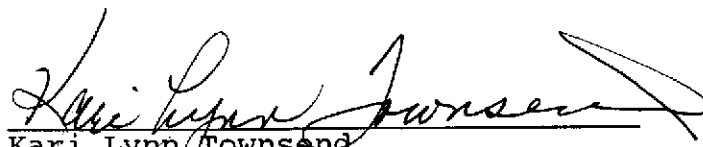
NOV 09 1988

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of October, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 96-08997

KOOTENAI INVESTMENTS CO INC
1919 THIRD ST
PO BOX G
COEUR D ALENE ID 83814


Kari Lynn Townsend
Secretary

AMCRO 12411

NOV 09 2008

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 96-8997 Name: Kootenai Inv. Co. Inc Date: 9/30/98 Ad OK? ✓ / Gvmt Lts: ✓

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046/P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't* sink is regulated):

- FISH & GAME CONTACTED: - Yes / No ; RESPONSE: _____
- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9
- WD (✓ MAP & LISTING) - R04 (WD # _____)
- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

- WMD (✓ MAP)
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req) -081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - P52 (stream channel alteration)
- Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) Residents

OTHER CONDITIONS:

STANDARD REMARKS:

- ① W59 ② WB5/23 ③ W32/2

BENEFICIAL USE DUE:

- 10/1/ 2003

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

WR1
WRA
BCA1

APPLICATION # 96-8997

INITIAL REVIEW

APPLICANT: KOOTENAI INVESTMENTS

BY: TS

DATE: 8/3/98

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
 - (X) Signature
 - (X) Fee (Amt, receipt, acknowledgement)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 8/3/98
 () (X) (Include Moratorium Remark)
 () (X) Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: KOOTENAI County

CA/Thurs/ok

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
 () Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information
 () Power Information () Other: N/A

ADDITIONAL INFORMATION

(Yes) (No)
 (X) Field check: by _____
 (X) Field report attached
 (X) Analysis Supp. attached (>5cfs/500af)
 (X) Water delivered by water master?
 Water District # _____

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees
<u>96 91 02</u>	Dom. <u>X</u> Non-Dom. _____	Paid \$ <u>35</u>
<u>96 94 0226</u>	Dom. <u>X</u> Non-Dom. _____	Paid \$ <u>35</u>
_____	Dom. _____ Non-Dom. _____	Paid \$ _____

Receipt No.	Upgrade Needed?
<u>N007953</u>	Y (X) N ()
	Y (X) N ()
	Y () N ()

- _____ Groundwater management area
- _____ Critical ground water area
- _____ Well Drilling Permit required
- _____ Well Drilling Application and Fees received
- _____ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)
 _____ Notice of pending void order issued. Final order response date: _____/_____/_____
 _____ Further information required from applicant
8/3/ _____ Affidavit of publication received
9/2 _____ Application published correctly. If not, record action taken: _____
8/12 _____ Publication dates and paper recorded on application
 _____ Protests received, Final protest date: 9/8/98 Sr. Agent initial TS
 _____ Measuring device required
 _____ Measuring port required
 _____ Special conditions:
 _____ Special conditions of approval supplement and/or cover letter attached:

RECEIVED
 SEP 20 1998

Approval Recommended by: TS

Department of Water Resources
 Date: 9/10/98

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

N012432

Date:

Time:

9/23/1998

15:51:59

Received

From:

KOOTENAI INVESTMENT CO
Type of Payment

Program A cct

Amount

UPGRADE FEE FOR 96-90-N-123	65134	229 21 1205	165.00
UPGRADE FEE FOR 96-91-N-002	65134	229 21 1205	165.00
UPGRADE FEE FOR 96-94-N-226	65134	229 21 1205	165.00

Total

\$ 495.00

CHECK

15057

Region: NORTHERN

Signature: _____

dp

MICROFILMED

NOV 09 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 14, 1998

Kootenai Investments Co. Inc.,
1919 N. 3rd Box G
Coeur d'Alene ID 83814

RE: Upgrade Fees for Applications for Permits 96-08997 & 96-08998

Dear Sirs:

We are writing in regard to the above listed Applications for Permits.

Your filings have been advertised and we have received no protest against them. These filing can be approved upon receipt of the upgrade fees for the well drilling Permits.

A \$200.00 Well Drilling Permit is necessary for wells used for other than single domestic uses.

The upgrade fees needed for your three wells are as follows:

Well Drilling Permit Number	Paid	Upgrade fee
96-90-N-123	\$35.00	\$165.00
96-91-N-002	\$35.00	\$165.00
96-94-N-0226	\$35.00	\$165.00
		<u>\$495.00</u> Total

Upon receiving the upgrade fees at this office, we will forward your filings to our State Office for final approval.

Please contact me at this office, if I can be of further assistance.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

RECEIVED
SEP 23 1998
NORTHERN REGION
IDWR

MICROFILMED

NOV 09 1998

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.
Stacie Walker

AUG 31 1998

NORTHERN REGION
IDWR

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 *30* day of *AUGUST*, 19*98*, and ending on the *27* day of *AUGUST*, 19*98*, and such publication was made as often during said period as said 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.

Subscribed and sworn to before me this *27* day of *AUGUST*, 19*98*

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

MY COMMISSION EXPIRES 6/18/03

NOTICE OF APPLICATION
FOR WATER RIGHT
The Following application(s) have been filed to appropriate the public waters of the State of Idaho:
95-089899

CROWE, BRUCE R
CROWE, JACQUELYN G
E 7147 HAYDEN BLVD
HAYDEN, ID 83835
Source: HAYDEN LAKE
Diversion Pt. NESW
Use: DOMESTIC
Tributary: SINKS
Sec 15 T 51 N R 03 W in KOOTENAI County.
(0.040 CFS)
(0.040 CFS)

Date Filed: 7/28/1998
In: KOOTENAI County
T51N R03W S15 NESW
95-08990

GREENFIELD, HAROLD M
1464 PARKWAY
RAITHRUM, ID 83858
Source: RAITHRUM CREEK
Diversion Pt. NWSW
Use: IRRIGATION
Tributary: SINKS
Sec 36 T 52 N R 04 W in KOOTENAI County.
(0.090 CFS)
(0.090 CFS)

Date Filed: 8/3/1998
In: KOOTENAI County
T52N R04W S36 NWSW SWSW
3.0 ACRES TOTAL
95-08991

SUNDE, DEANE E
4910 S. CHAPMAN ROAD
GREENACRES, WA 99016
Source: COEUR D'ALENE LAKE
Diversion Pt. NENE
Use: DOMESTIC
Tributary: SPOKANE RIVER
Sec 18 T 48 N R 04 W in KOOTENAI County.
(0.040 CFS)
(0.040 CFS)

Date Filed: 8/4/1998
In: KOOTENAI County
T48N R04W S18 NENE
96-08997

KOOTENAI INVESTMENTS CO INC
1919 THIRD STREET
PO BOX G
COEUR D'ALENE, ID 83814
Source: GROUNDWATER
Diversion Pt. NENE
Use: IRRIGATION
Sec 3 T 53 N R 03 W in KOOTENAI County
Sec 10 T 53 N R 03 W in KOOTENAI County
(0.600 CFS)
(0.600 CFS)
(0.600 CFS)

Date Filed: 8/3/1998
In: KOOTENAI County
T53N R03W S03
S10
48.0 ACRES TOTAL
96-08998

KOOTENAI INVESTMENTS CO INC
1919 THIRD STREET
PO BOX G
COEUR D'ALENE, ID 83814
Source: GROUNDWATER
Diversion Pt. SWSW
Use: IRRIGATION
Sec 30 T 53 N R 03 W in KOOTENAI County.
(0.600 CFS)
(0.600 CFS)
(0.600 CFS)

Date Filed: 8/3/1998
In: KOOTENAI County
T53N R03W S30 NENE
48.0 ACRES TOTAL
NENE SWSW SWSW SWSW

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.
The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before SEPTEMBER 8, 1998.
KARL J. DREHER, Director

Source: GROUNDWATER

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Use:  IRRIGATION      (      0.600 CFS)
      DOMESTIC         (      0.600 CFS)
      Total Diversion: (      0.600 CFS)

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In: KOOTENAI County				
T53N R03W S03	SWNW	NESW	NWSW	SWSW
	SESW			
S10	NENW	NWNW	SWNW	

48.0 ACRES TOTAL

NOV 01 1993

August 12, 1998

Kootenai Investments Co Inc
1919 Third Street
PO Box G
Coeur d Alene ID 83814

Re: Water Appropriation Application No. 96-08997 and 96-08998

Gentlemen:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

RECORDED

NOV 9 8 1998

