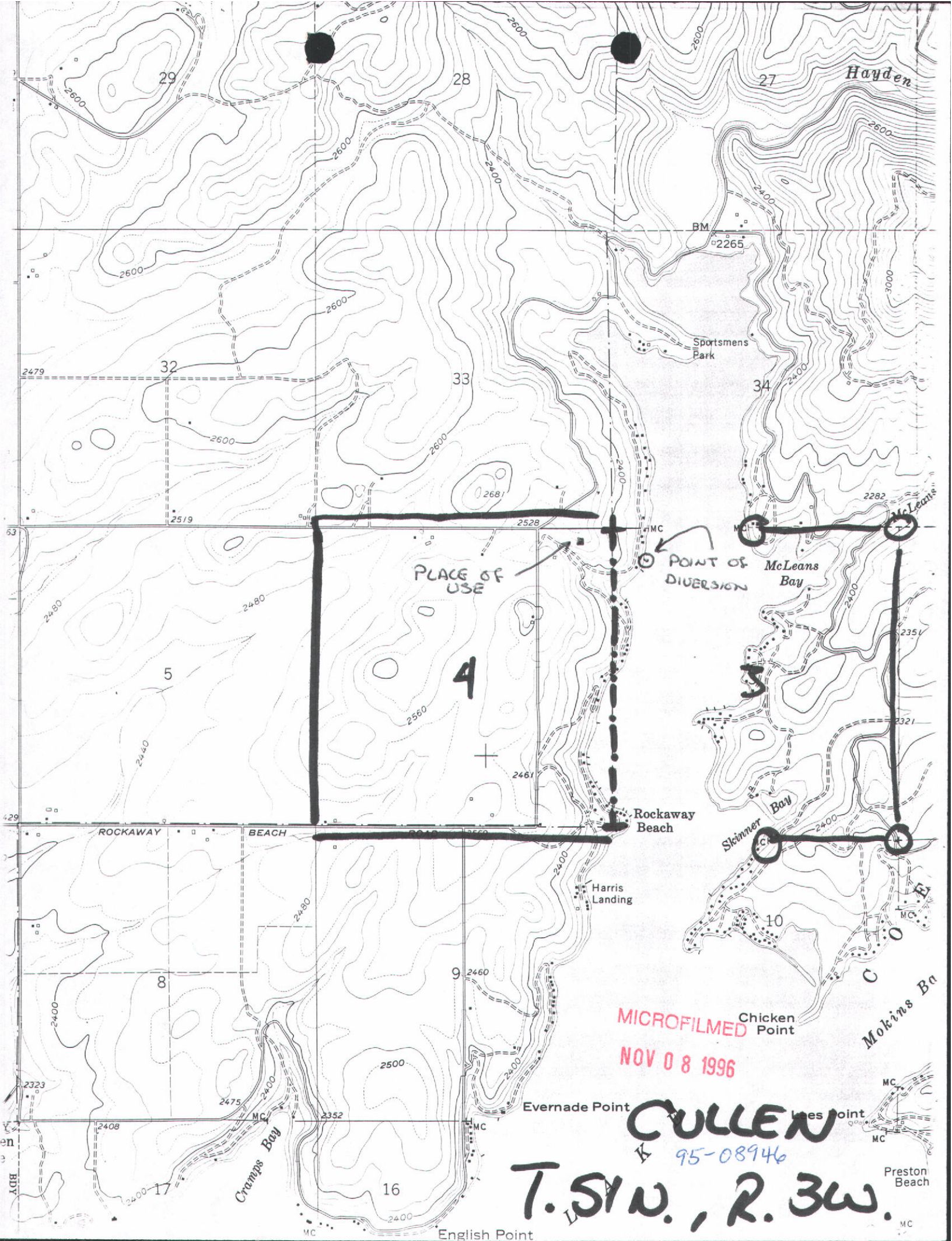




PLACE OF USE

4

POINT OF DIVERSION

3

10

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NOV 08 1996

CULLEN

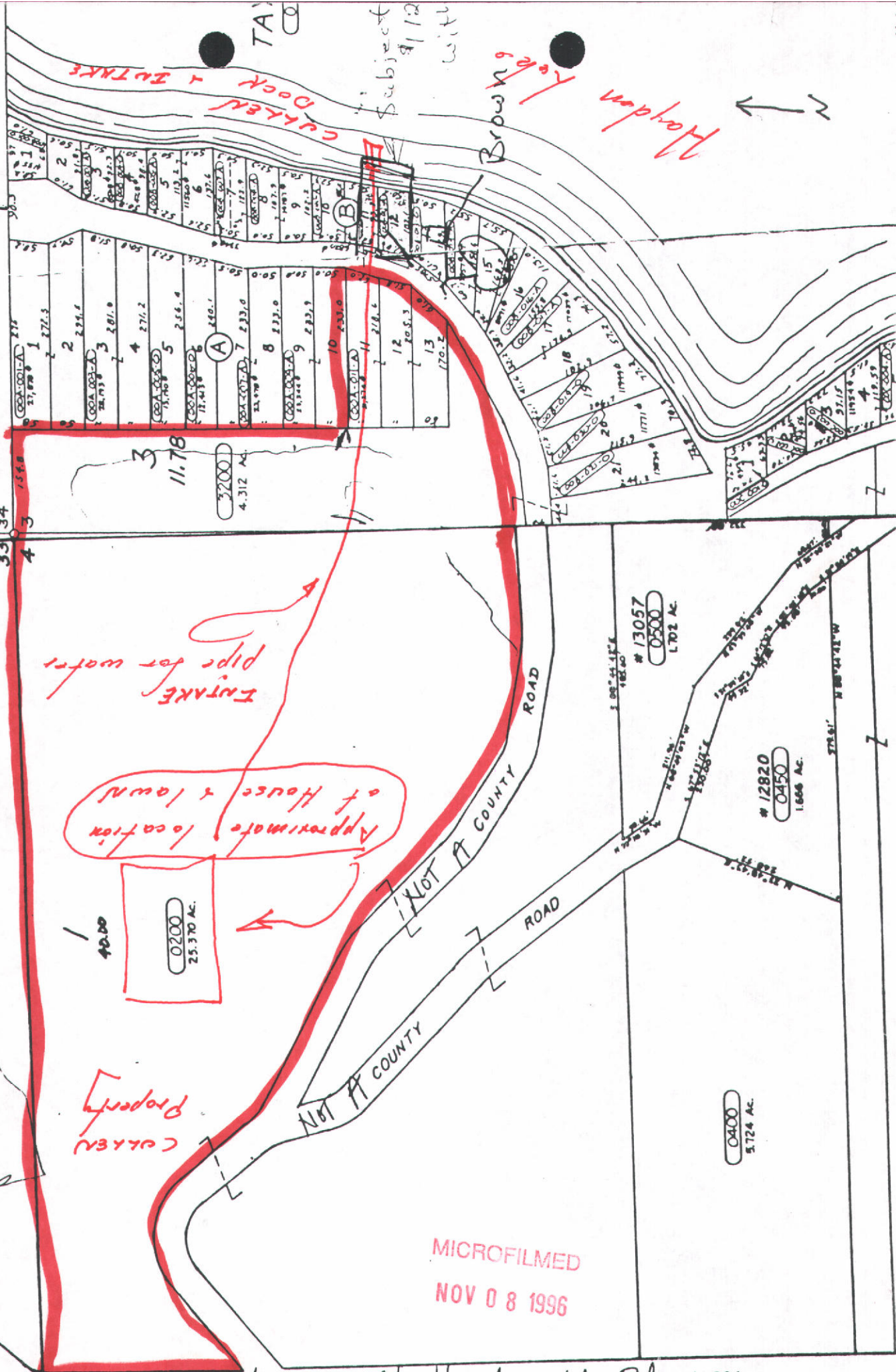
95-08946

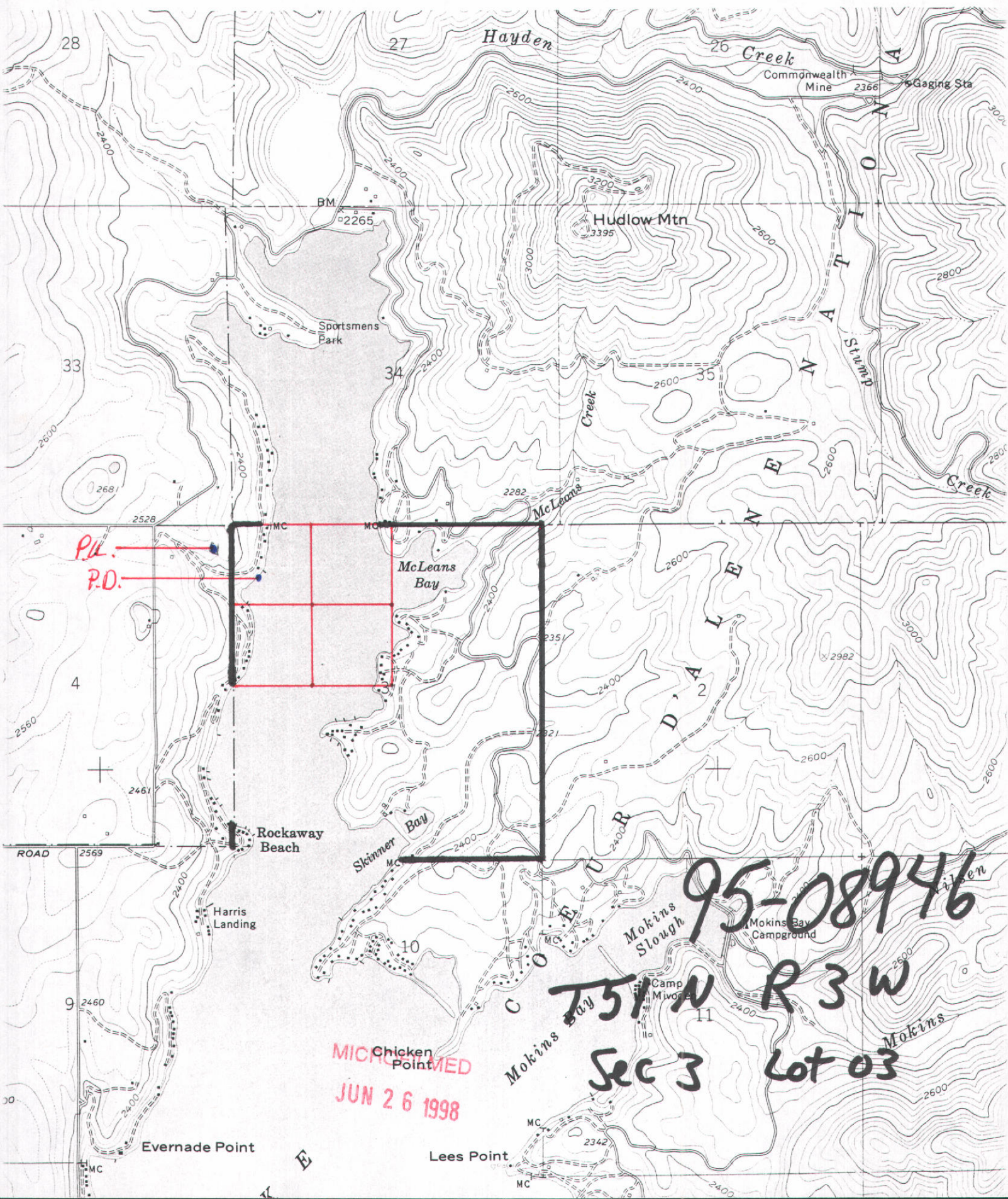
T. SIN., R. 3W.

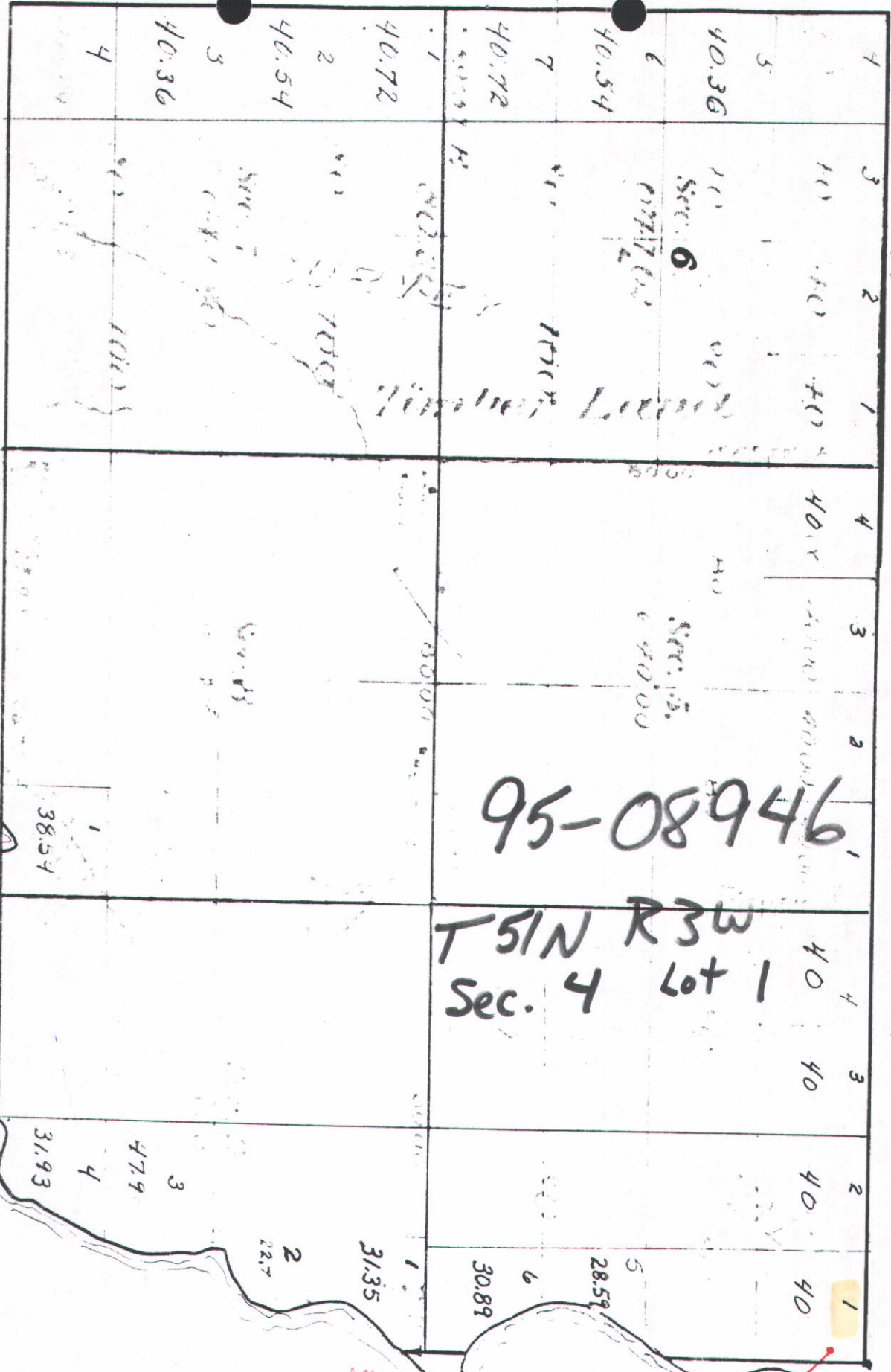
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NOV 08 1996

N. Hayden Lk Rd. ROAD







95-08946

T51N R3W
Sec. 4 Lot 1

T51N
R3W

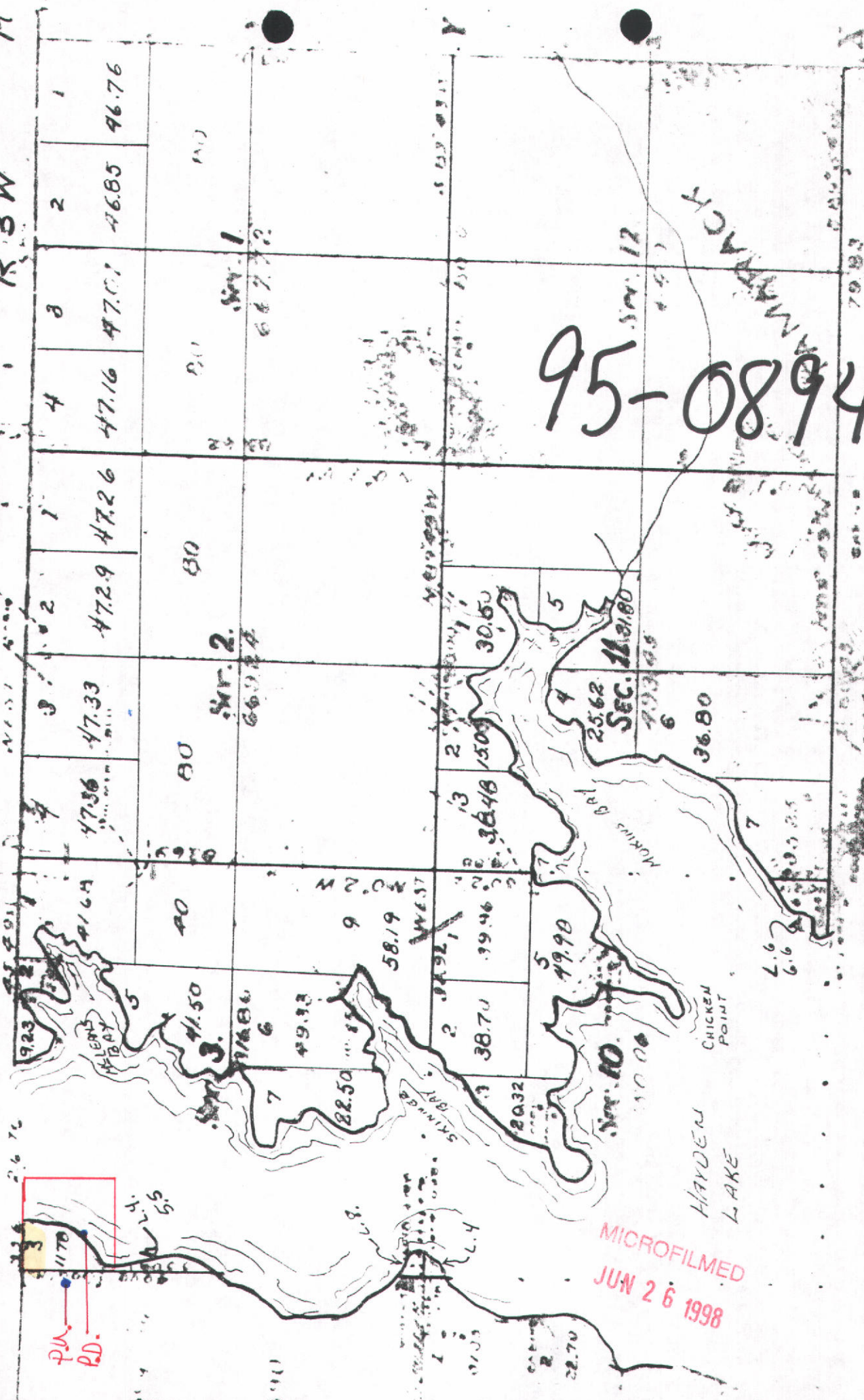
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JUN 26 1998

P.A.
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32

T51N
R3W
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95-08946

MICROFILMED
JUN 26 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT # 95-8946

PHOTOGRAPHS



Point
of
Diversion



Place
of
Use

MICROFILMED
JUN 26 1998

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Michelle Price

..... 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 15th day of August, 1996, and
ending on the 22nd day of August, 1996, 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.

Michelle Price

Subscribed and sworn to before me this 22nd day of August, 1996.

Roberta Manley

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

ROBERTA MANLEY
my commission expires 2-5-99

95-08946
CULLEN, LAWRENCE E
14380 N HAYDEN LAKE ROAD
HAYDEN LAKE, ID 83835
Source: HAYDEN LAKE
Tributary: SINKS
Diversion Pt: NWNW Sec 3 T 51N R 03W
in KOOTENAI County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 7/26/1996
In: KOOTENAI County ok
T51N R03W S04 NENE

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 2, 1996.

KARL J. DREHER, Director

Legal 63
Aug. 15, 22, 1996

RECEIVED

AUG 23 1996

IDWR

MICROFILMED

NOV 08 1996

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 95-08946

Priority: July 26, 1996

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that LAWRENCE E CULLEN

14380 N HAYDEN LAKE RD

HAYDEN LAKE ID 83835

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 26, 1996; and has submitted Proof of Beneficial Use on August 29, 1997. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

HAYDEN LAKE

tributary to SINKS

source, and a water right has been established 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	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NWNW), Sec. 3, Township 51N, Range 03W
KOOTENAI County

PLACE OF USE: DOMESTIC

TWN RGE SEC

51N 03W 4 Lot 1(NENE)

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 95A.
6. Domestic use is for 1 home.

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JUN 26 1998

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 95-08946

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 11th
day of JUNE, 1998.


KARL J. DREHER, Director

MICROFILMED
JUN 26 1998

RECEIVED

AUG 29 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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 who has been appointed by the department.

1. Permit No. 95-08946 Telephone No. 208-762-4118
2. Name(s) of Permit Holder(s): Lawrence E. Cullen
3. Mailing Address: 14380 N. Hayden Lake Rd Hayden Lake, Id
83835
4. Source of Water: Hayden Lake If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
- a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____
- b. OPTIONAL:
Pump Horsepower: 3 Pressure (psi): 55 Dynamic pumping level (ft): 300'

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): X Other: Water lawn + flower gardens

6. Total rate of diversion and/or volume for which proof is submitted: _____ 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 X
Has the measuring device been installed? Yes ____ or No ____

Flow Measurement Port: Is a flow measurement port required? Yes ____ or No X
Has the measurement port been installed? Yes ____ or No ____

8. Fee Enclosed: \$ 50.00 (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: Lee Cullen Telephone Number: 208-762-4118Address: 14380 N. Hayden Lake Rd, Hayden Lake Id 83835

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

(include your title, if on behalf of company or organization)

Date:

8-28-97

SEP 10 1997

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 95-08946

Proposed Priority: July 26, 1996

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **LAWRENCE E CULLEN**
14380 N HAYDEN LAKE RD
HAYDEN LAKE ID 83835
has applied for a permit to appropriate water from:
HAYDEN LAKE tributary of **SINKS**

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>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.04 CFS
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LOCATION OF POINT(S) OF DIVERSION: Lot 3(NWNW), Sec. 3, Township 51N, Range 03W
KOOTENAI County

PLACE OF USE: DOMESTIC

TWN RGE SEC

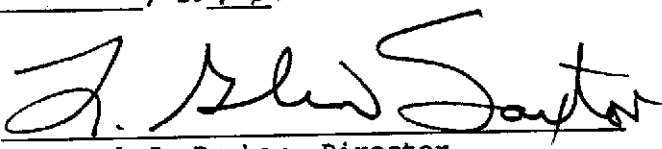
51N 03W 4 Lot 3(NENE)

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, 1997.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 95A.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for 1 home.

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

20th day of September, 1996.


Karl J. Dreher, Director
for

MICROFILMED

NOV 8 1995

Ident. No. 95-08946

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
SEP 09 1996

Department of Water Resources

1. Name of Applicant LAWRENCE E. CULLEN Phone 762-4118
Mailing address 14380 N. Hayden Lake Rd, Hayden Lake ID 83835
2. Source of water supply Hayden Lake which is a tributary of SINKS
3. Location of point of diversion is Township Hayden Lake (51N) Range Traylors TERRACE 03W Sec. 3 in the 1/4,
NW 1/4, NW 1/4, Govt. Lot (51N), B.M., Kootenai County;
additional points of diversion if any: NONE
4. Water will be used for the following purposes:
Amount .04 cfs for DOMESTIC purposes from 6/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 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 3 HP submersible pump
18 GPM - Pipe 1.5" Diam, Length = 1200', Height @ 300'
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? 1994; Drilling firm Arco water
Well was drilled for (well owner) L. Cullen; Drilling Permit No. For House
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. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. DOMESTIC LAWN + GARDEN WATER.

ENCROACHMENT L-95-S-4176 (Dept. of Lands)

MICROFILMED
NOV 08 1998

9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC																
51	3W	4D																
			NE				NW				SW				SE			
			NE				NW				SW				SE			
			NE				NW				SW				SE			
			NE				NW				SW				SE			
			NE				NW				SW				SE			
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			NE				NW				SW				SE			
			NE															

Total number of acres to be irrigated

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

11. a. Who owns the property at the point of diversion? Don Miller
 b. Who owns the land to be irrigated or place of use? A. E. Cullen

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

12. Remarks: An easement recorded as # 1443497 was executed between the Millers and the Cullens granting permission to run water lines across both and to construct a ditch and Haystack in the location. Ditch & water line to benefit Cullen property only. Copy included

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.)

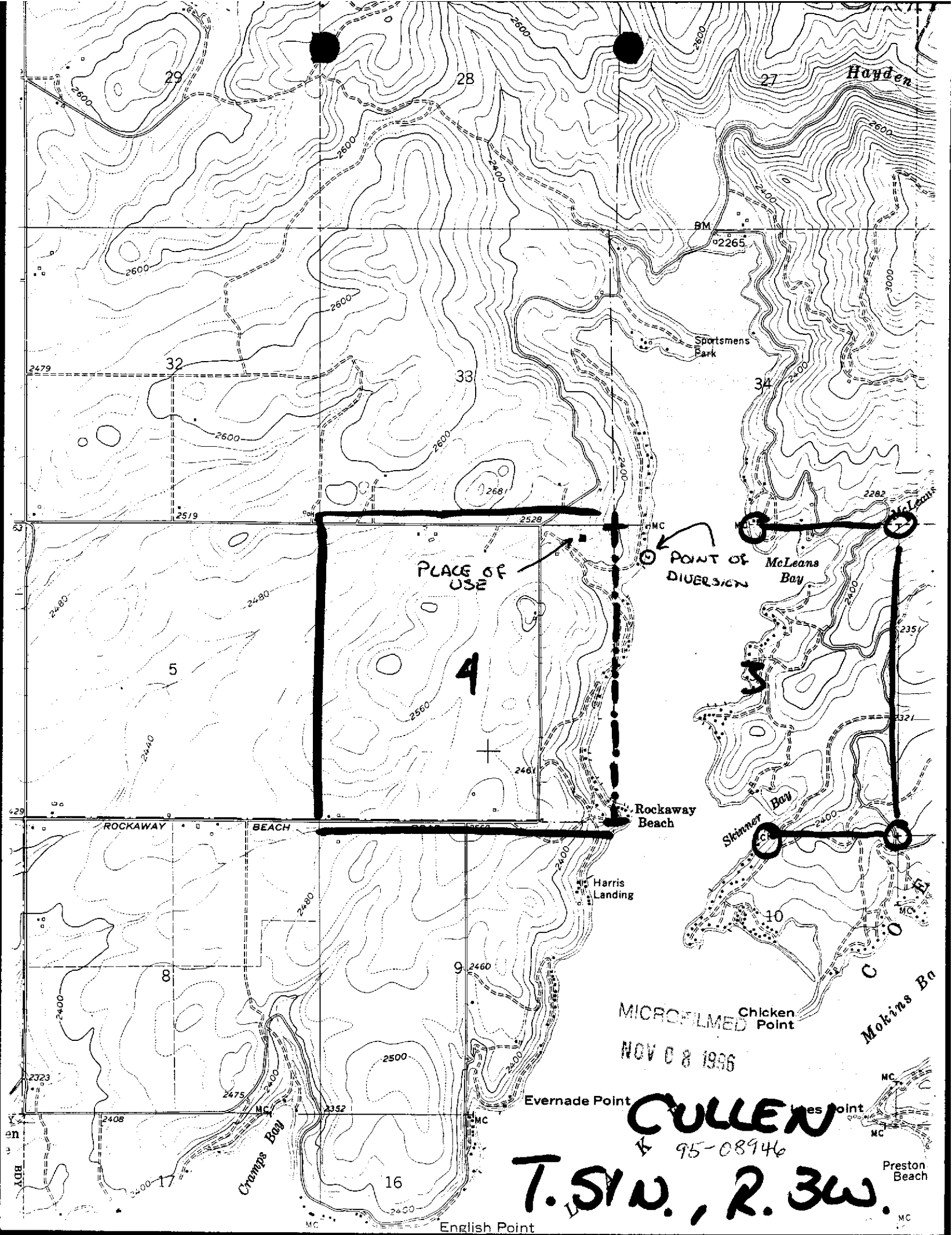
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Signature of Applicant (and title, if applicable)

Received by AS Date 7/2/96 Time 3:30 Preliminary check by AS Date 7/2/96
 Fee \$ 50.00 Received by AS Date 8/1/96
 Publication prepared by AS Date 8/1/96
 Publication approved AS Date 8/1/96

NOV 0 8 1996

MICHAEL MED



PLACE OF
USE

4

POINT OF
DIVERSION

MICROFILMED

NOV 08 1966

CULLEN

95-08946

T.S.N., R.3W.

RECIPROCAL GRANT OF APPURTENANT EASEMENTS

This Reciprocal Grant of Appurtenant Easements is hereby entered into this 23rd day of OCTOBER, 1995, by and between DONALD MILLER and MICHELLE MILLER, husband and wife (the "Millers") and LEE CULLEN and LORNA CULLEN, husband and wife (the "Cullens"). Millers are the owners of that parcel described on Exhibit A attached hereto and by reference incorporated herein, and do hereby grant and convey to the owners of the property described on Exhibit B attached hereto, who are presently the Cullens, their heirs, successors and/or assigns, an easement for a dock, a non-exclusive easement for foot traffic ingress and egress to said dock to include a stairway, and for a water pipe over and across designated portions of the South half of Lot 11, Block B, Taylor Terrace according to the plat recorded in Book D of Plats, page 18, records of Kootenai County, Idaho.

Said access easement shall extend from Taylor Terrace Road to a dock to be located and maintained by the Grantees. The access easement and stairway shall be located as follows:

Within the northern ten (10) feet of the property described as Exhibit A for the forty-five (45) feet running from Taylor Terrace Road toward the Shoreline and within the North twenty (20) feet of the property described as Exhibit A for the remaining distance to the Shoreline.

Said access and stairway easement is not intended to utilize the full width of the above-detailed easement areas, but rather are to be of the minimum width as is reasonably practicable to permit access. A permit has been issued for a dock to be located on the South one-half (1/2) of Lot 11, Block B, Taylor Terrace, Kootenai County, Idaho, specifying the point of anchor to the shoreline and the dimensions of the dock (Permit No. L-95-S-4116). The easement herein granted is for a dock of no greater dimensions than as allowed in such permit and in no other location than as contemplated by such permit. The dimensions and location of the dock are those depicted on Exhibit C for Dock A.

The easement for a water line shall be for the placement and maintenance of a water line from Taylor Terrace Road into the lake on as straight a line as practical over and across the North seven (7) feet of the South one-half (1/2) of Lot 11, Block B, Taylor Terrace, Kootenai County, Idaho. Said easement shall be restricted in use to benefit one (1) single family residence located on the property described in Exhibit B.

NOV 28 1995

The Cullens are the owners of that parcel described in Exhibit D attached hereto and by this reference incorporated herein, and do hereby grant and convey to the owners of the property described in Exhibit E attached hereto, who are presently the Millers, their heirs, successors and/or assigns, an easement for a well, pump and water line over and on the parcel so described on Exhibit D.

The easements granted herein shall be subject to the following terms, conditions and restrictions:

- a. The easements shall be for the benefit of one (1) single family residence, its occupants and said occupants' occasional guests;
- b. All costs of installation and maintenance shall be borne by the owner of the respective benefited property;
- c. All easement areas shall be at all times fully maintained in a safe, tasteful and minimally obstructive manner and in accordance with all applicable laws, rules and regulations; and
- d. The holder of the dock easement shall be liable for property or other like taxes directly allowable to the dock and shall be liable for one-twenty-fifth (1/25th) of the real property taxes assessed against the unimproved realty described in Exhibit D containing 75 front feet of shoreline.
- e. The access and dock easements are for the express stated purposes herein set forth and do not include any beach use rights.

Said easements are for the benefit of and appurtenant to the respective properties described on Exhibits B and E and shall, subject to the restrictions detailed herein, including specifically but without limitation, the restriction in each case to one (1) single family residence, inure to the benefit of, and may be used by, all persons who may hereafter become the owners of said appurtenant property.

The Millers and Cullens agree that easement replaces, supersedes and revokes those certain grants and easements and dock rights, if any, set forth in Instrument No. 1179788, Kootenai County, Idaho, Recorder's Office and said previously granted easements are extinguished.

1443407

DATED this 23rd day of October, 1995.

GRANTORS:

[Signature]
DONALD MILLER

Michelle Miller
MICHELLE MILLER

GRANTEES:

[Signature]
LEE CULLEN

[Signature]
LORNA CULLEN

STATE OF WASHINGTON)

: ss.

County of Spokane)

On this 23rd day of October, 1995, before me, the undersigned Notary Public, personally appeared DONALD MILLER and MICHELLE MILLER, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and above written.

[Signature]
Notary Public for ~~Idaho~~, residing at Spokane.
My Commission Expires: 4-9-99

Washington

STATE OF IDAHO)

: ss.

County of Kootenai)

On this 29th day of October, 1995, before me, the undersigned Notary Public, personally appeared LEE CULLEN and LORNA CULLEN, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

[Signature]
Notary Public for Idaho, residing at Shoshone.
My Commission Expires: 5-17-95

1443407

EXHIBIT D

[DESCRIPTION OF WELL SITE]

Lot 11, Block A, TAYLOR TERRACE as per plat recorded in records of Kootenai County, Idaho.

EXHIBIT A

The South one-half (1/2) of Lot 11, Block B, TAYLOR TERRACE, according to the plat recorded in Book D of Plats, page 18, records of Kootenai County, Idaho.

1443407

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NOV 26 1986

1443407

EXHIBIT B

That portion of Government Lot 1, Section 4, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, and a portion of the unplatted portion of Government Lot 3 of Section 3, Township 51 North, Range 3 West, Boise Meridian, lying West of the West line of Block A of Taylor's Addition, and that part of the Southeast quarter of the Southeast quarter of Section 33, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, described as follows:

Commencing at a point on the South line of Section 33, which point is situated 667 feet West of the Southeast corner of Section 33; thence

North to the County Road, being the TRUE POINT OF BEGINNING; thence

South 450 feet to a point; thence

Southeasterly 425 feet on a direct line that would intersect the Southwest corner of Lot 13, Block A, Taylor's Terrace, according to the plat recorded in the office of the County Recorder in Book "D" of Plats, page 18, records of Kootenai County, Idaho; thence

Northeasterly to the Southwest corner of Lot 4, Block A, Taylor's Terrace, according to the plat recorded in the office of the County Recorder in Book "D" of Plats, page 18, records of Kootenai County, Idaho; thence

Northerly along the West line of Block A of the aforementioned Taylor's Terrace to a point on the North line of Section 3; thence

West along the North line of Section 3 to the Northwest corner of said Section 3; thence

Westerly along the North line of Section 4, 717 feet to a point; thence

North to the County Road; thence

Southwesterly along the County Road to the POINT OF BEGINNING.

RECORDED
JUL 15 2007

EXHIBIT E

Lot 12 and the South one-half (1/2) of Lot 11, Block B, Taylor's Terrace,
Hayden Lake, Kootenai County, Idaho, as per plat recorded in records of
Kootenai County, Idaho.

1443407

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
AT THE REQUEST OF
CLARA M. KALAMENC

APR 26 2 45 PM '96

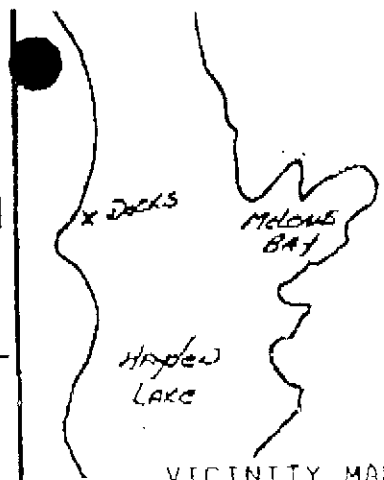
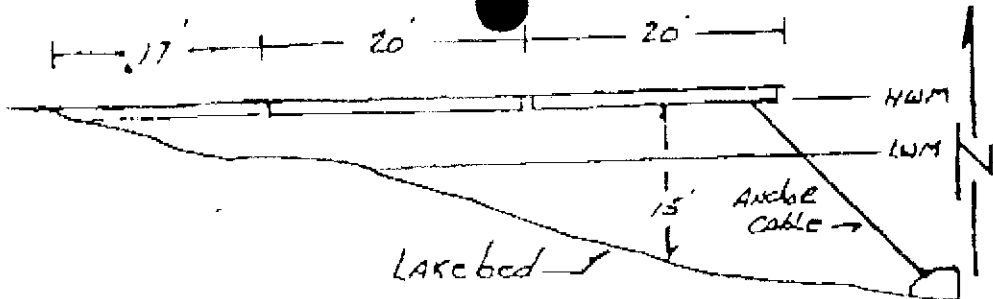
DANIEL J. ENGLISH

DEPUTY

FEES

401 W. Riverside Suite 100
SPOK. WA 99201

EXHIBIT C

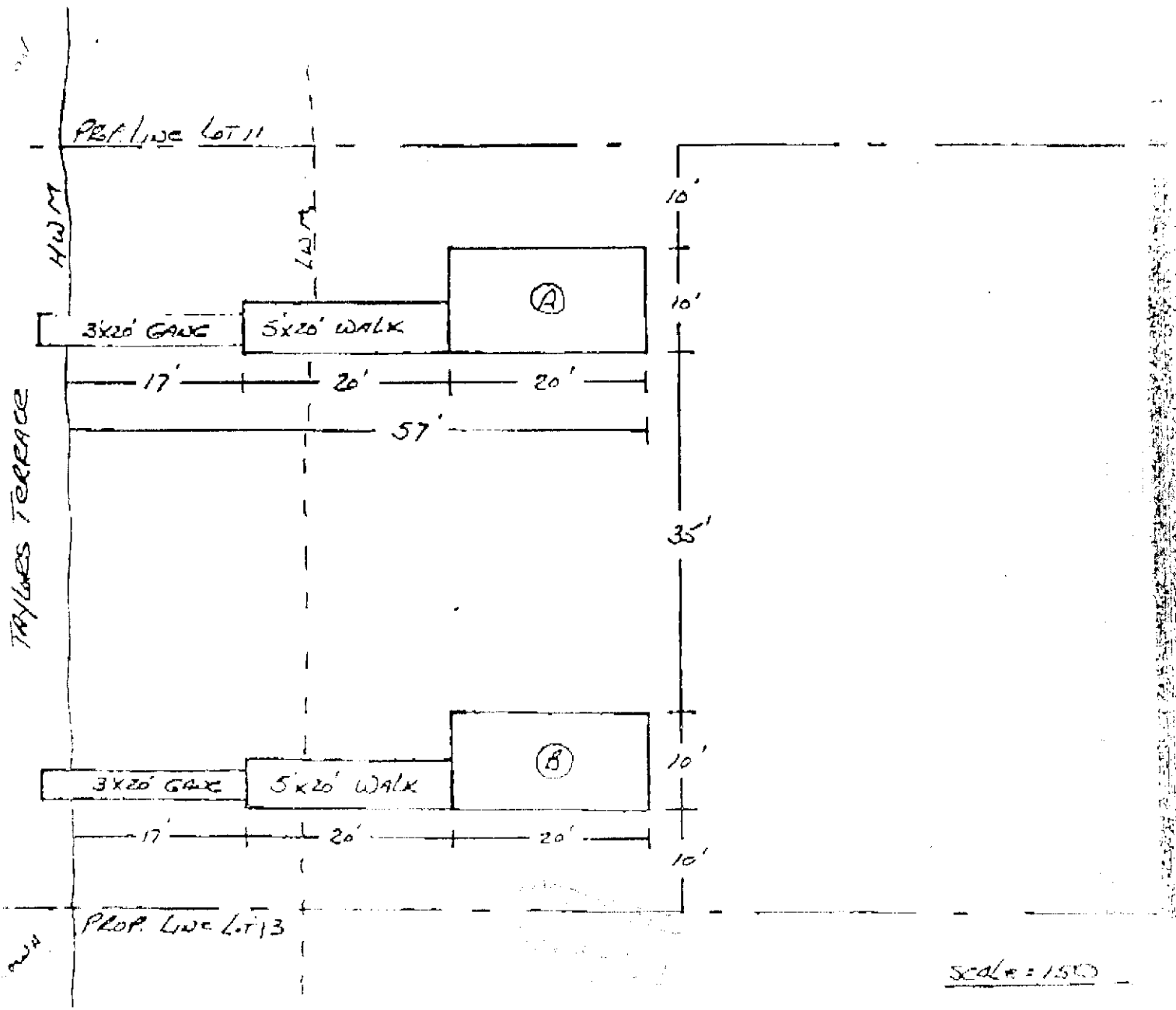


VICINITY MAP

IN/NEAR HAYDEN LAKE
KOOTENAI COUNTY IDAHO
 DATE 5-22-95
 APP. BY _____

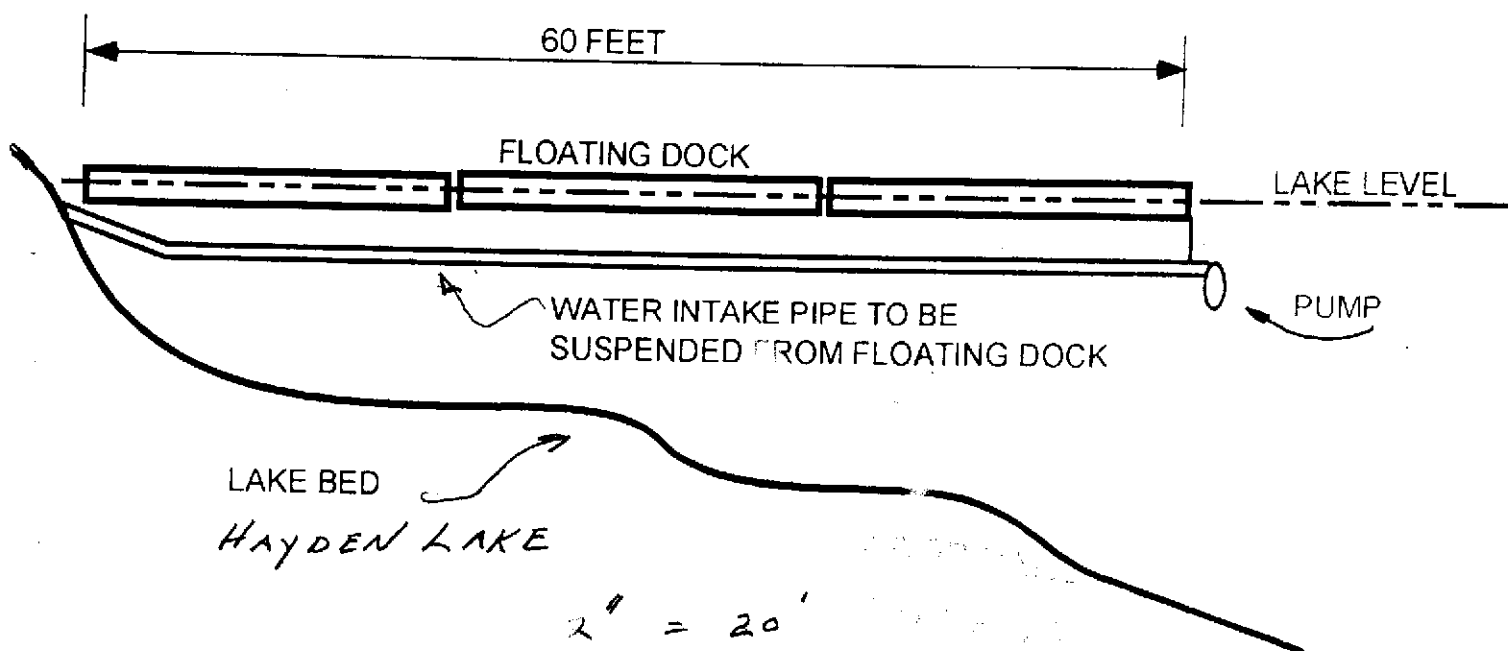
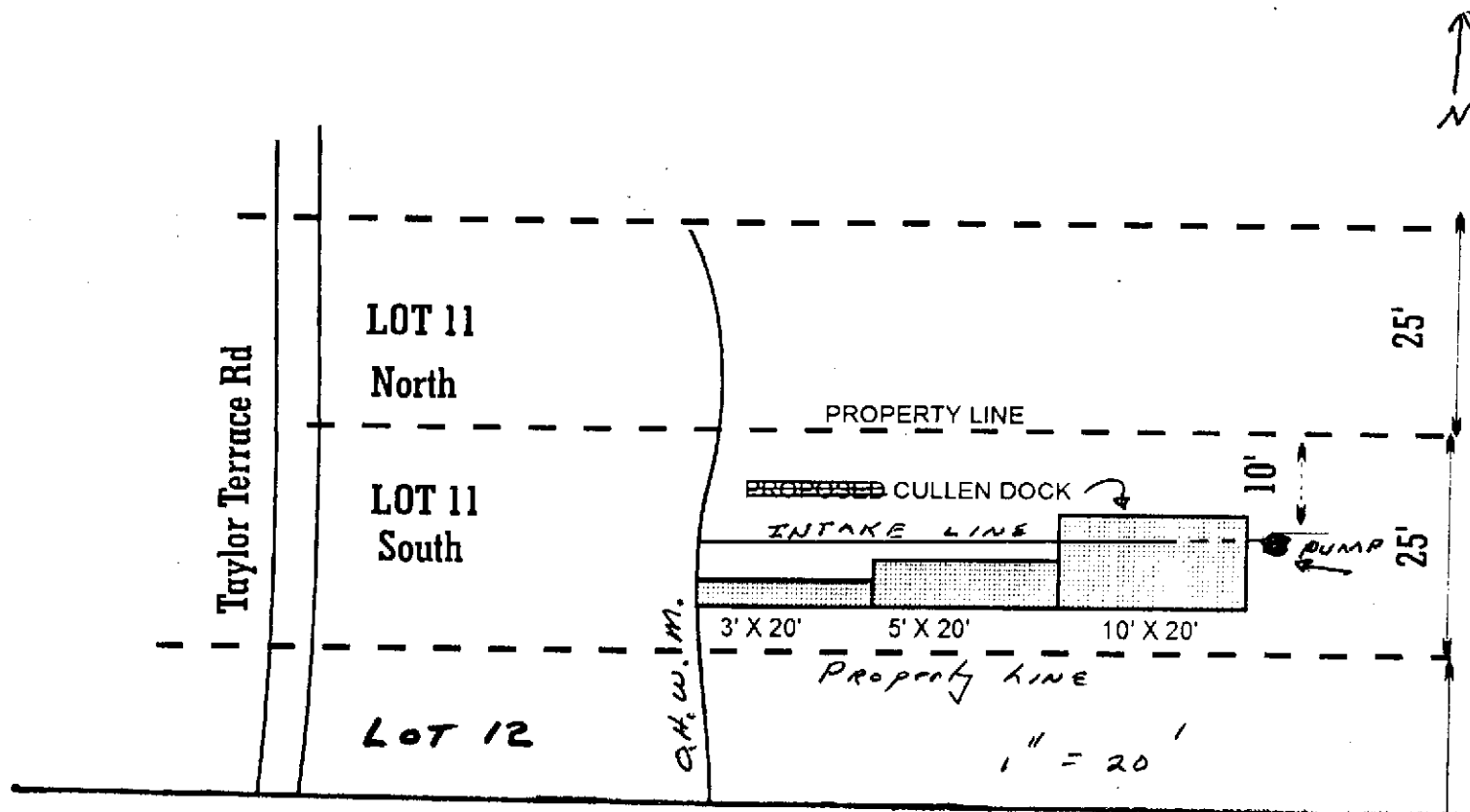
SQUARE FOOTAGE

DOCK (A)	DOCK (B)	(A)+(B)
DOCK 10x20 = 200 Sq FT	DOCK 10x20 = 200 Sq FT	400 Sq FT
WALK 5x20 = 100 . .	WALK 5x20 = 100 . .	200 . .
GANG 3x20 = 50 . .	GANG 3x20 = 50 . .	100 . .
TOTAL (A) = 350 Sq FT	TOTAL (B) = 350 Sq FT	700 Sq FT.
CULLEN	MILLER	



SCALE = 1/8" = 15'

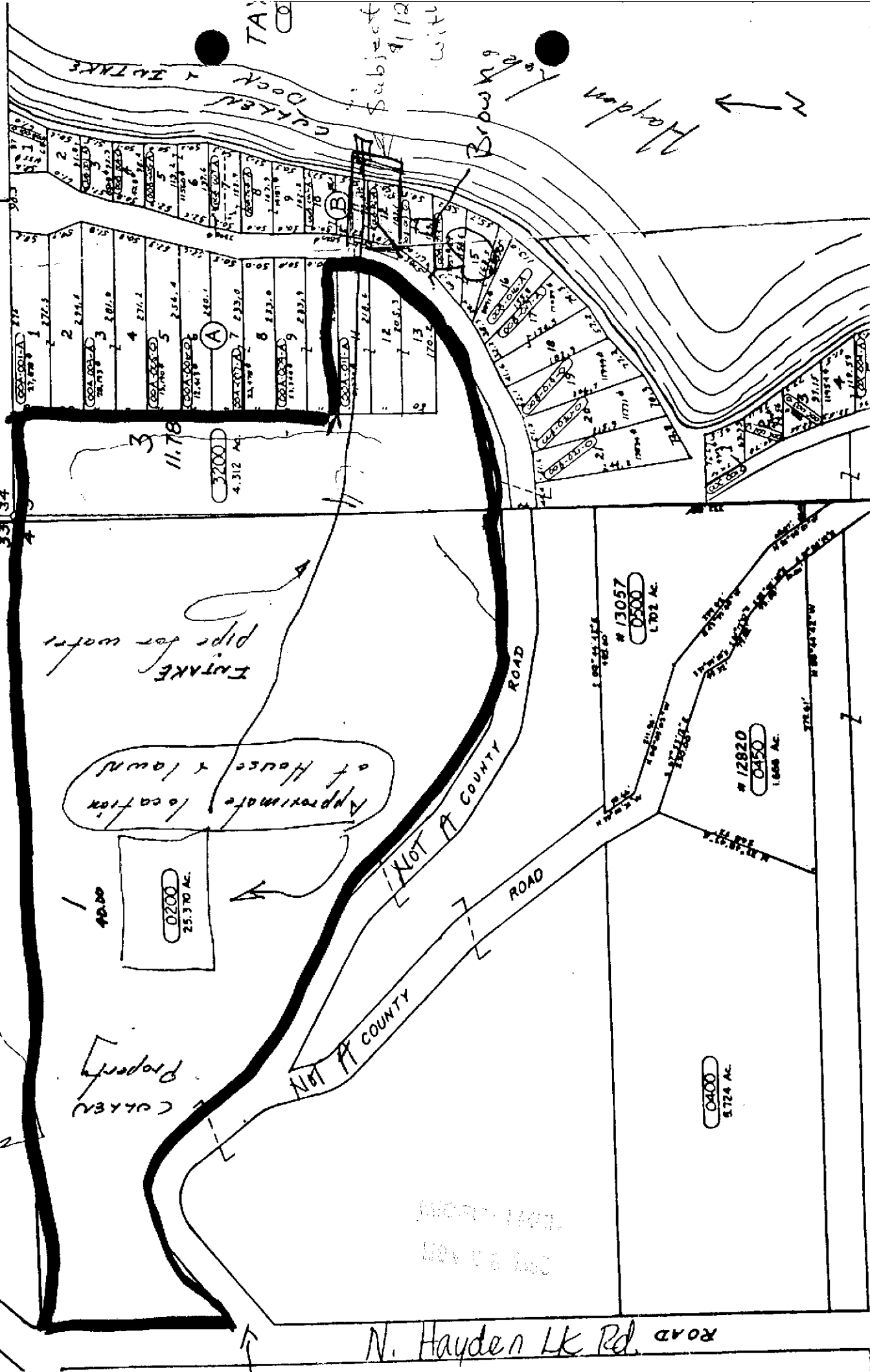
WATERLINE ENCROACHMENT Lee Cullen



Lee Cullen

WP 51 N.R. 3 W.B.M.

51N03W-04-



N. Hayden Lk Rd



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

June 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LAWRENCE E CULLEN
14380 N HAYDEN LAKE RD
HAYDEN LAKE ID 83835

RE: WATER RIGHT NO. 95-08946

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration 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 this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

FILED

JUN 16 1998

ORAL ARGUMENT

If the Department grants a petition to review the 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 the 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

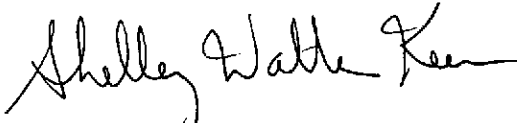
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 95-08946

LAWRENCE E CULLEN
14380 N HAYDEN LAKE RD
HAYDEN LAKE ID 83835


Kari Lynn Townsend
Secretary

MIPOD/ALNII

JUN 26 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 95-08946 DATE 6/10/98 REVIEWER: SHARLA

NAME OK Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40
 W32 (multiple in 1/4/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK Change (P41/P47) Add (P41/P42) Feds - P43
 W60 (subd. desc) 1/4 desc OK
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .04 cfs
 Fee limit .20 cfs \$5000
 Measured .04 cfs
 Theoretical .05 cfs @ 300' left and to psi
 Recommended Total Div Rate .04 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Dom</u>	<u>.04</u> cfs	<u>1.2</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
			supp. gw (WB7/065/079)
			overlap spec. combined rts (W35)
			<1acre (W31)
			(W01/WB5/070/071/075)
			(W42 or W43/025/027/R22 or R23)
TOTALS			Domestic (W01/WB5/070/071/075)
			Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate _____ cfs X _____ days X 1.98 = _____ af

REMARKS _____

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority _____ yes ✓ no SRBA Claim N/A Adjust Memo _____
 Amend letters _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 11 1998
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-08946

1. Owner: Lawrence E. Cullen Phone No. (208) 762-4118

Current Address: 14380 N. Hayden Lake Rd.

2. Accompanied by: Lawrence Cullen EXAM DATE: 4-24-98

Address: Senne Phone No. _____

Relationship to Permit Holder: Self

3. Source: Hayden Lake tributary to Sinks

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:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	03		NW	NW	3	51N	3W	Kootenai	USGS 7.5' Quad, metker

2. Place(s) of Use:

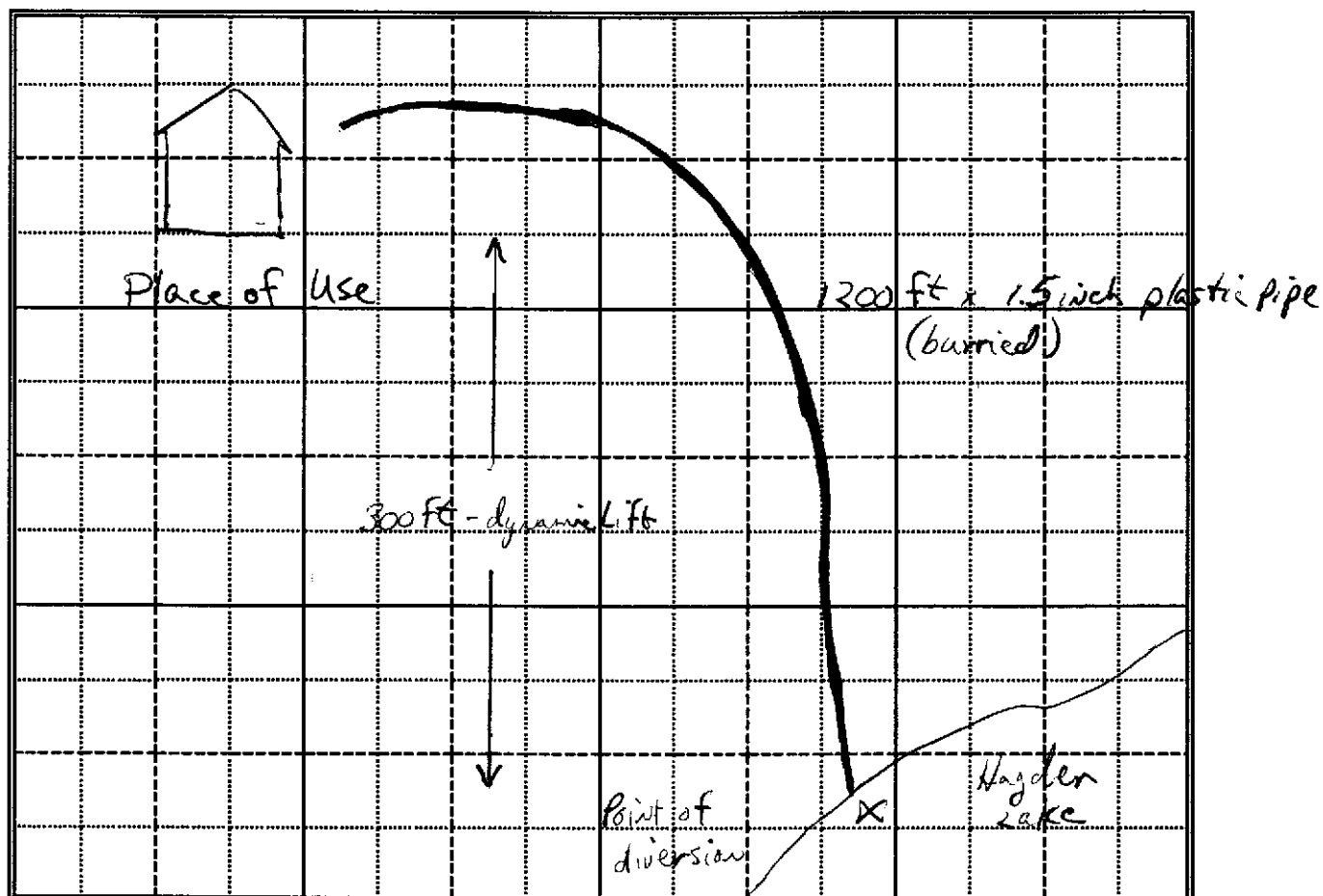
Indicate Method of Determination USGS 7.5' Quad, metker

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	3W	4	01-D																

MICROFILMED

JUN 26 1998

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



Scale: 1" = 1/4" NA

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (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
		3		Submersible	18 gpm

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket, stopwatch	4 gal.					

2. Measurements: 4 gal, 14.84 seconds

MICROFILMED

JUN 26 1998

E. NARRATIVE/REMARKS/COMMENTS

water being diverted from Hayden lake using a 3 horsepower submersible pump - through 1200 ft. of 1.5 inch plastic pipe to the place of use.

Recommend that legal description of place of use be amended to show that it is located in the NE 1/4, NE 1/4 Sec. 4 T51N R3W Govt. Lot 01

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

MICROFILMED
JUN 26 1988

F. FLOW CALCULATIONS

Measured Method:

$$4 \text{ gal} = \frac{14.84 \text{ sec.}}{60 \text{ sec.}} \times 240 = 14.84$$

$$14.84 = 16.17 \text{ gpm}$$

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

From

01/01

Period of Use

To

12/31

Rate of Diversion

Q (cfs)

.04

Annual Volume

V (afa)

12

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

I. AUTHENTICATION

Field Examiner's Name

Dan A. Byrd

Date

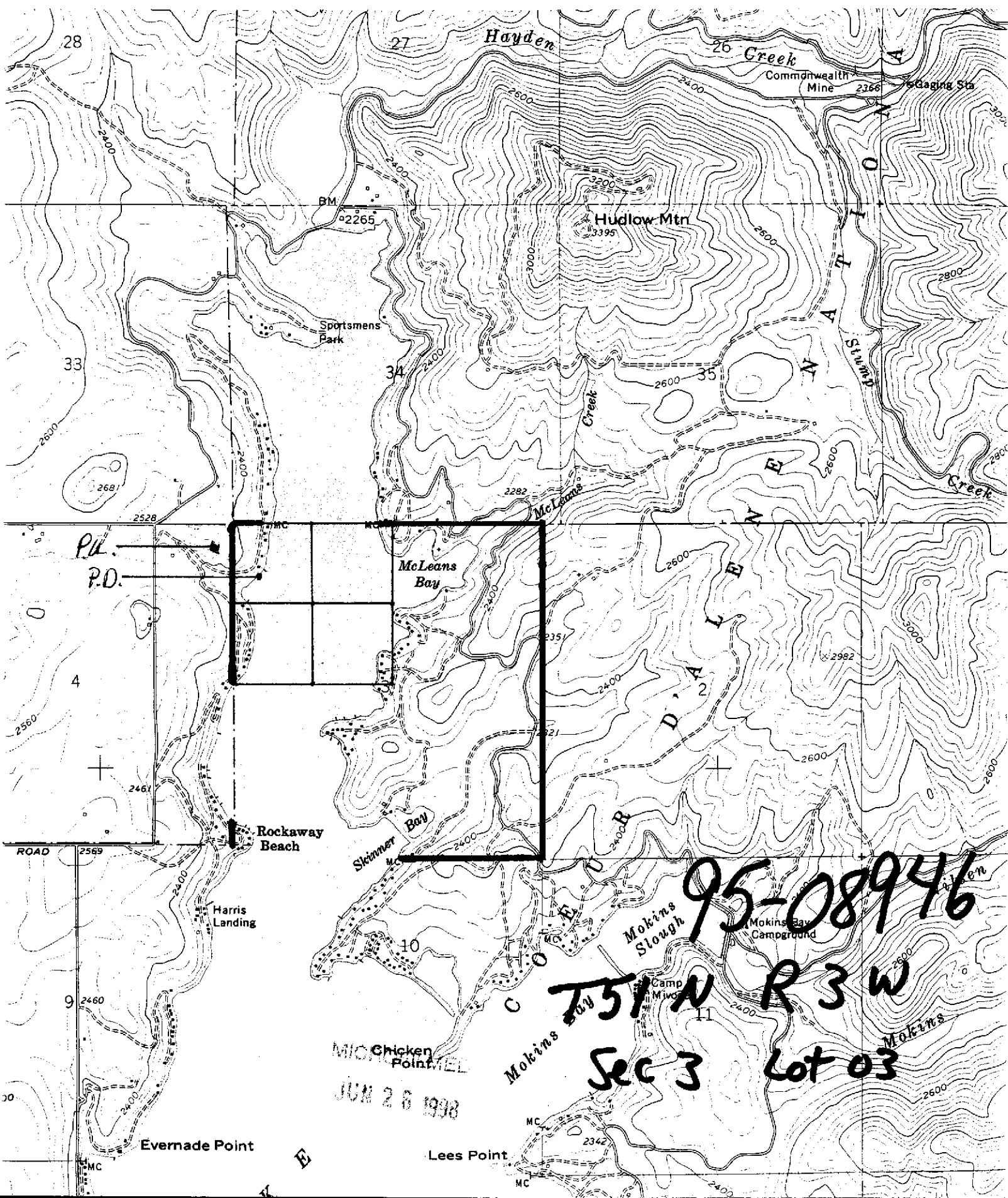
4-27-98

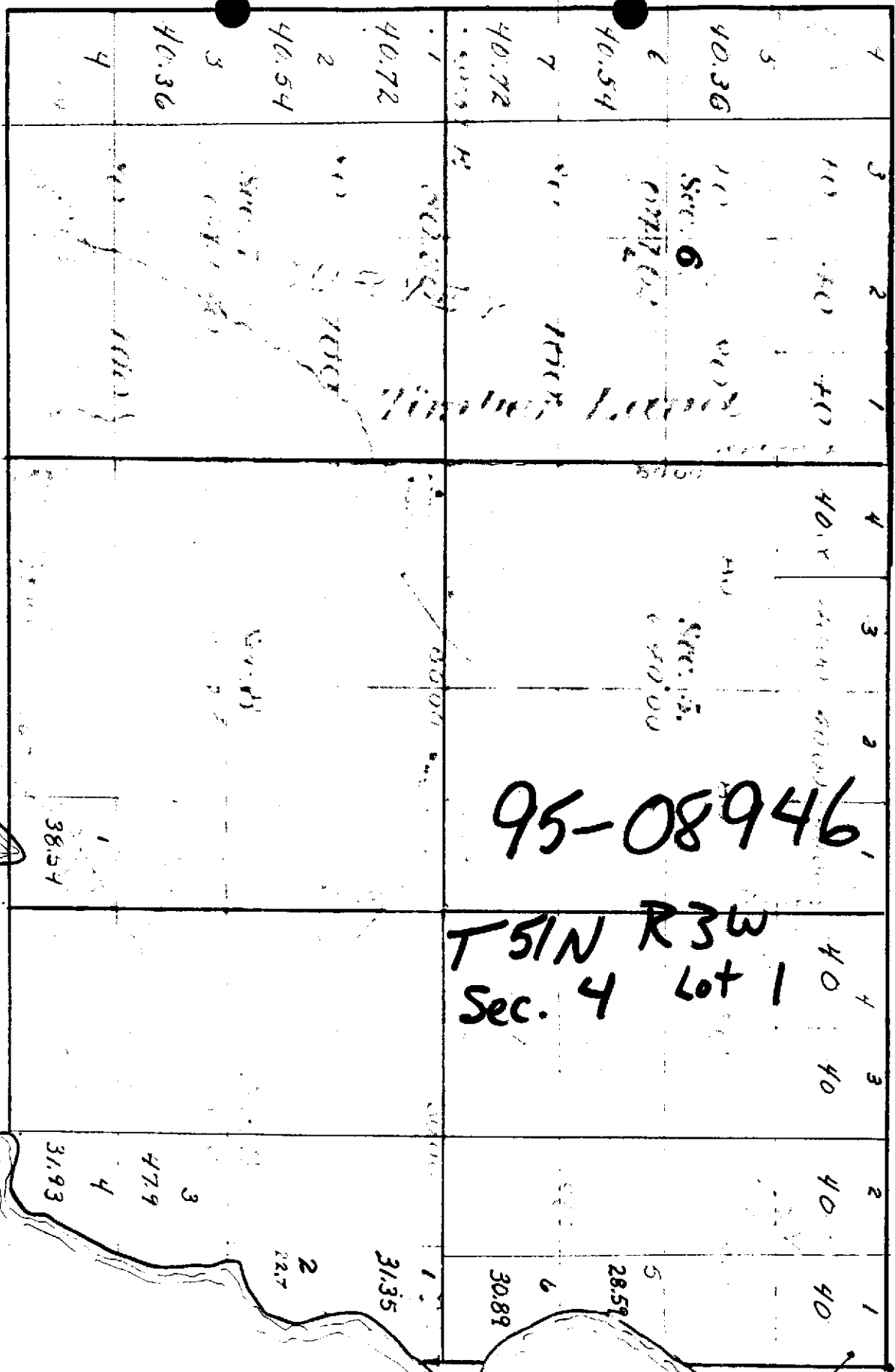
Reviewer

Date

SEAL

CONFIDENTIAL





95-08946

T51N R3W
Sec. 4 Lot 1

T51N
R3W

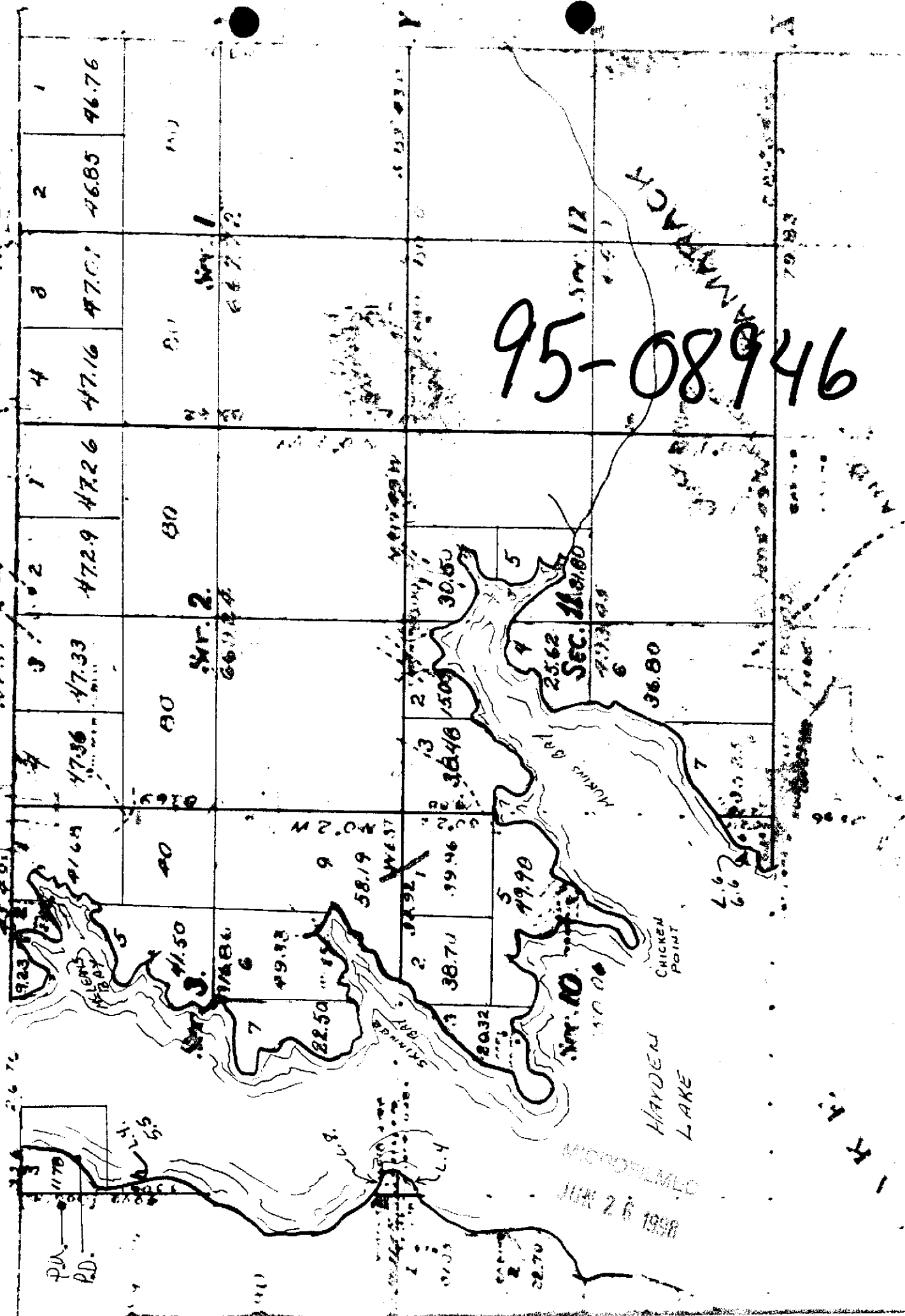
B

RECORDED
JUN 26 1990

PLAT
PD.

3W

T51N
R3W
A



MICROFILMED
JUN 26 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT 95-8946

PHOTOGRAPHS



Point
of
Diversion



Place
of
Use

RECEIVED
JUN 26 1998

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 95-08946 Reviewed by [Signature] Date 9-2-97

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Inf. - lawn & garden

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

yes Required?

50 Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

☐ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received _____

Date proof due _____

No. of days late _____

Priority Date _____

New Priority Date _____

[Handwritten calculation: a vertical line with a diagonal slash through it, and a horizontal line with a minus sign, an equals sign, and a plus sign.]

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [Handwritten X]

Proof Made 8-29-97



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

September 2, 1997

LAWRENCE E CULLEN
14380 N HAYDEN LAKE RD
HAYDEN LAKE ID 83835

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-08946

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 conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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.

If you have questions concerning the field examination, please contact the department's NORTHERN Regional Office in Coeur d'Alene at (208) 769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

C: IDWR - N. Region

PROCESSED

SEP 16 1997



WELL SERVICE, INC.

582 Hayden Avenue
Hayden Lake, Idaho 83835
(208) 772-4004 Office
(800) 772-4901 Toll Free
(208) 772-4892 Fax

8/6/96

Lee Cullen
14380 N. Hayden Lake Rd.
Hayden Lake, Id. 83835

762-1215
FAX 762-9305

RE: Lake irrigation system

H2O Well Service proposes to supply and install a 3 hp submersible pump and related pipe line and controls for the purpose of supplying irrigation water to your house. Project costs include material, labor, road boring, electrical service, and electrical permit. Excluded from the quote are any power company fees, and encroachment permits with the Department of Lands or Water Resources.

Scope of work.

The job involves installation of a 3 hp submersible pump at the dock, and a pipe line to carry the water to the home site. A control wire will accompany the water line for a signal wire. A winter summer valve will be installed at the foot of the stairway at the lake. This valve will be open in the winter to allow draining of the pipe line and closed in the summer to prevent the water line from draining. Principle of operation will be for the sprinkler timer to activate a 24 volt relay which will in turn start the pump. A separate electrical service will be installed at the stairway site. This will power the pump, and the controls will be located on the pole.

At the present, H2O is assuming that we can locate our controls on the new utility pole furnished by Kootenai Electric. This will also be the location of the electric meter

Installation of the system is anticipated to take 1-1/2 to 2 days.

Materials for the job

- 1- Goulds 18GS30412 3 hp submersible pump
- 1- 3 hp control box with relay
- 1- flow sleeve with 4" well seal
- 1300'- 1-1/2" class 200 poly pipe
- 1400'- #14/2 control wire
- 1- 100 amp electrical service
- 1- 1-1/2" ball valve, check valve
- Misc. electrical fittings
- Total material for the job

\$5331.00

July 31, 1997

LAWRENCE E CULLEN
14380 N HAYDEN LAKE RD
HAYDEN LAKE ID 83835

PROOF DUE NOTICE

RE: PERMIT NO. 95-08946

P540662127

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 1, 1997.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

SEP 18 1997

NOTE TO FILE
95-08946

9-23-96

Allen Beardslee
State of Idaho
Dept. of Water Resources
1910 Northwest Boulevard
Coeur d'Alene, Id. 83814

RECEIVED

OCT 10 1996

Department of Water Resources

Re: Water Appropriation Application No. 95-08946

Dear Mr. Beardslee:

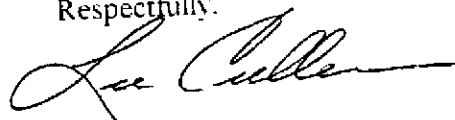
It is our intention that the water we have applied for be used to make up for the insufficiency of our present well-supplied water. Although the well that we drilled just 2 years ago was rated at 11 gallons per minute when first drilled and tested by H2O Water, it no longer can handle our needs.

We have consulted with H2O in an attempt to find a solution cheaper than bringing water all the way from Hayden Lake. We presently are getting around 3 gallons per minute. Using explosives of CO2 would probably increase the flow in the existing well but it is expensive and there is little likelihood that we could get it back to 11 gallons per minute. A holding tank at the present output is still not sufficient and it will be just as expensive as bringing water from the lake. Drilling a new well is probably going to be even more expensive and is a gamble in this area.

So, we are back to our application. We will continue to use the well for household needs and some watering of the yard but to maintain the existing lawn and gardens we require additional water during the 2 to 3 months of the dry spell.

Thank you for your review of our application.

Respectfully,



Lawrence E. Cullen

MICROFILMED
NOV 6 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 20, 1996

LAWRENCE E CULLEN
14380 N HAYDEN LAKE RD
HAYDEN LAKE ID 83835

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-08946

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

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 IDWR 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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

MICROFILMED
NOV 08 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman**

No.: 95-8946 Name: Cullen Date: 9/20/96 Ad OK? ✓
Correct Fee? ✓ Receipt #: N010499 Priority: 7/26/96 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020 (Protest Agr) or W19 (See Final/Prelim Order)

SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065 (if GW use SW 1st)

Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

Water District (dom) - 005 (req) WD # 95A <SEE MAP & LISTING>
+ 0.2 cfs - 01J (meas dev) - P08
=/- 0.2 cfs - 01H (lock dev) - P01 or No MD (domestic)
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface) - *WB5 (Boise R † Star Bridge); 27A (Payette R); NA
Fish Propagation - 07A-042 (rq) - 010/06A/09E (WQ) - P10; 044 (N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-028-01F (P19) - 09E (P10);
+25 cfs-P18; 17G (FERC) or 17M (FERC); 18B-P09
Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), *W07

LOCATION:

42-248 area - In 20/30/40/50/60/70/80 (87) basin? P84
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - _____ <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

* ① woi/1

BENEFICIAL USE DUE:

10-1-1997

COMMENTS:

No. a
4/87-06/92n

1. DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

WR 1
WR 4
BC

APPLICATION # 95-8946

***** INITIAL REVIEW *****

APPLICANT: CULLEN BY: AB DATE: 7/26/96

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion
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, recpt, acknowledgment)

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

ADDITIONAL INFORMATION

Yes No

- ___ X Field check: by _____
___ f Field report attached
___ c Analysis Supp. attached(>5cfs/500af)
___ c Water delivered by water master?
___ Water District # _____

PROCESSING

Yes No

PRIORITY DATE: 7/26/96

___ X (Include Moratorium Remark)

___ X Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

CA/Churs/ok

ADVERTISE IN: KOOTENAI County.

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

***** GROUNDWATER SECTION *****

(Yes) (No)

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

Checked by: _____ Date: 7/26/96

Remarks: _____

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes) (No)

- ___ Notice of pending void order issued. Final order response date: 7/26/96
___ Further information required from applicant
8/23 ___ Affidavit of publication received
8/23 ___ Application published correctly, If not, record action taken: _____
8/23 ___ Publication dates and paper recorded on application | Sr. Agent initial AB
___ Protests received. Final protest date: 7/26/96
___ Measuring device required
___ Measuring port required
___ Special conditions: _____
___ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB

Date: 7/26/96

CONFORM
COPY

1443407

RECEIVED
SEP 19 1995

RECIPROCAL GRANT OF APPURTENANT EASEMENTS Department of Water Resources

This Reciprocal Grant of Appurtenant Easements is hereby entered into this 23rd day of OCTOBER, 1995, by and between DONALD MILLER and MICHELLE MILLER, husband and wife (the "Millers") and LEE CULLEN and LORNA CULLEN, husband and wife (the "Cullens"). Millers are the owners of that parcel described on Exhibit A attached hereto and by reference incorporated herein, and do hereby grant and convey to the owners of the property described on Exhibit B attached hereto, who are presently the Cullens, their heirs, successors and/or assigns, an easement for a dock, a non-exclusive easement for foot traffic ingress and egress to said dock to include a stairway, and for a water pipe over and across designated portions of the South half of Lot 11, Block B, Taylor Terrace according to the plat recorded in Book D of Plats, page 18, records of Kootenai County, Idaho.

Said access easement shall extend from Taylor Terrace Road to a dock to be located and maintained by the Grantees. The access easement and stairway shall be located as follows:

Within the northern ten (10) feet of the property described as Exhibit A for the forty-five (45) feet running from Taylor Terrace Road toward the Shoreline and within the North twenty (20) feet of the property described as Exhibit A for the remaining distance to the Shoreline.

Said access and stairway easement is not intended to utilize the full width of the above-detailed easement areas, but rather are to be of the minimum width as is reasonably practicable to permit access. A permit has been issued for a dock to be located on the South one-half (1/2) of Lot 11, Block B, Taylor Terrace, Kootenai County, Idaho, specifying the point of anchor to the shoreline and the dimensions of the dock (Permit No. L-95-S-4116). The easement herein granted is for a dock of no greater dimensions than as allowed in such permit and in no other location than as contemplated by such permit. The dimensions and location of the dock are those depicted on Exhibit C for Dock A.

The easement for a water line shall be for the placement and maintenance of a water line from Taylor Terrace Road into the lake on as straight a line as practical over and across the North seven (7) feet of the South one-half (1/2) of Lot 11, Block B, Taylor Terrace, Kootenai County, Idaho. Said easement shall be restricted in use to benefit one (1) single family residence located on the property described in Exhibit B.

MICROFILMED
NOV 28 1995

1443407

DATED this 23rd day of October, 1995.

GRANTORS:

[Signature]
DONALD MILLER

Michelle Miller
MICHELLE MILLER

GRANTEES:

[Signature]
LEE CULLEN

[Signature]
LORNA CULLEN

STATE OF WASHINGTON)

: ss.

County of Spokane)

On this 23rd day of October, 1995, before me, the undersigned Notary Public, personally appeared DONALD MILLER and MICHELLE MILLER, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

[Signature]
Notary Public for ~~Idaho~~, residing at Spokane.
My Commission Expires: 4-9-99

Washington

STATE OF IDAHO)

: ss.

County of Kootenai)

On this 27th day of October, 1995, before me, the undersigned Notary Public, personally appeared LEE CULLEN and LORNA CULLEN, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

[Signature]
Notary Public for Idaho, residing at Shanda
My Commission Expires: 5-27-98

EXHIBIT A

The South one-half (1/2) of Lot 11, Block B, TAYLOR TERRACE, according to the plat recorded in Book D of Plats, page 18, records of Kootenai County, Idaho.

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EXHIBIT B

That portion of Government Lot 1, Section 4, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, and a portion of the unplatted portion of Government Lot 3 of Section 3, Township 51 North, Range 3 West, Boise Meridian, lying West of the West line of Block A of Taylor's Addition, and that part of the Southeast quarter of the Southeast quarter of Section 33, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, described as follows:

Commencing at a point on the South line of Section 33, which point is situated 667 feet West of the Southeast corner of Section 33; thence

North to the County Road, being the TRUE POINT OF BEGINNING; thence

South 450 feet to a point; thence

Southeasterly 425 feet on a direct line that would intersect the Southwest corner of Lot 13, Block A, Taylor's Terrace, according to the plat recorded in the office of the County Recorder in Book "D" of Plats, page 18, records of Kootenai County, Idaho; thence

Northeasterly to the Southwest corner of Lot 4, Block A, Taylor's Terrace, according to the plat recorded in the office of the County Recorder in Book "D" of Plats, page 18, records of Kootenai County, Idaho; thence

Northerly along the West line of Block A of the aforementioned Taylor's Terrace to a point on the North line of Section 3; thence

West along the North line of Section 3 to the Northwest corner of said Section 3; thence

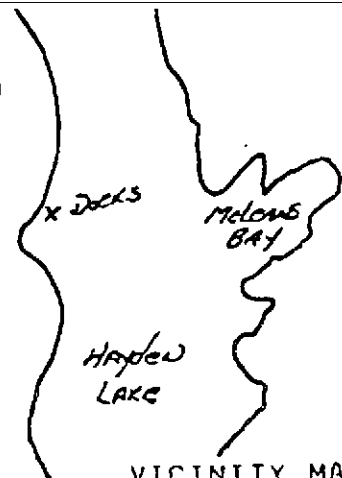
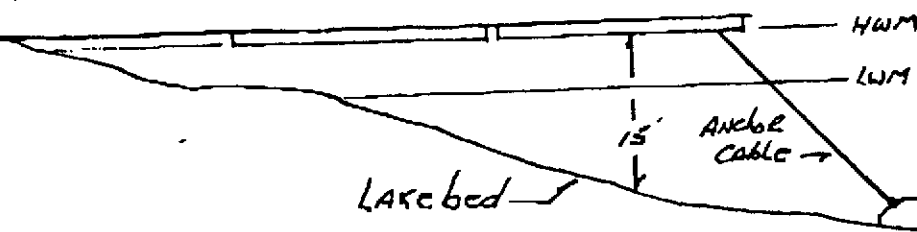
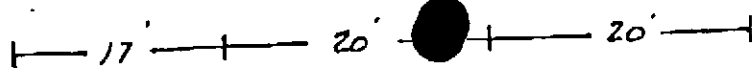
Westerly along the North line of Section 4, 717 feet to a point; thence

North to the County Road; thence

Southwesterly along the County Road to the POINT OF BEGINNING.

1443407

EXHIBIT C

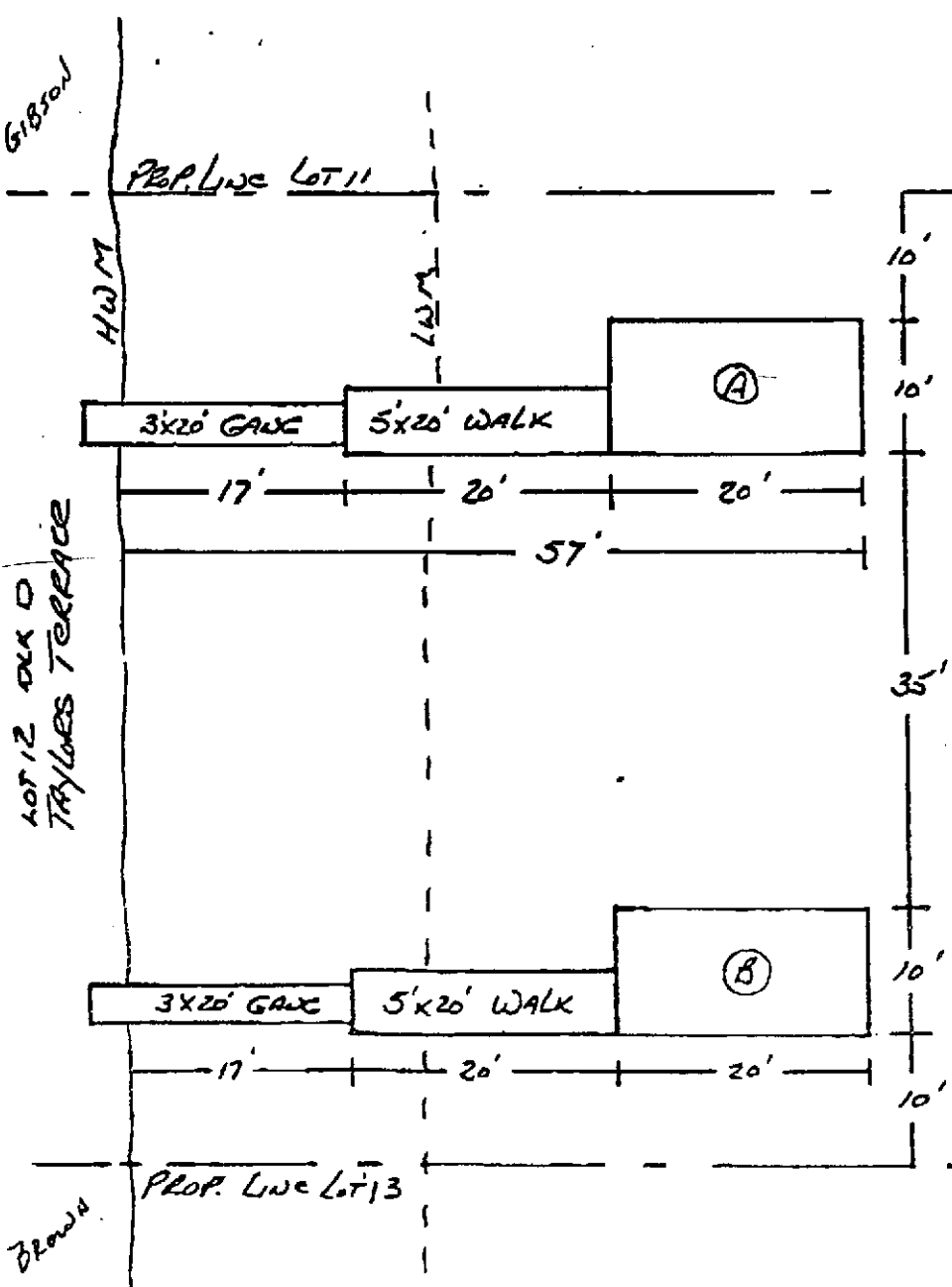


SQUARE FOOTAGE

DOCK (A)	DOCK (B)	(A)+(B)
deck 10x20 = 200 Sq FT	deck 10x20 = 200 Sq FT	400 Sq FT
WALK 5x20 = 100 "	WALK 5x20 = 100 "	200 "
GANG 3x20 = 50 "	GANG 3x20 = 50 "	100 "
TOTAL (A) = 350 Sq FT CULLEN	TOTAL (B) = 350 Sq FT MILLER	700 Sq FT.

VICINITY MAP

IN/NEAR HAYDEN LAKE
KOOTENAI COUNTY IDAHO
DATE 5-22-95
APP BY _____



MICROFILMED

NOV 16 1995

Scale = 1/50

EXHIBIT D

[DESCRIPTION OF WELL SITE]

Lot 11, Block A, TAYLOR TERRACE as per plat recorded in records of Kootenai County, Idaho.

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EXHIBIT E

Lot 12 and the South one-half (1/2) of Lot 11, Block B, Taylor's Terrace,
Hayden Lake, Kootenai County, Idaho, as per plat recorded in records of
Kootenai County, Idaho.

HWG\1251\94420\hjm\95003.EX

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
AT THE REQUEST OF
CHASE HAYES & RALAMON

APR 26 2 45 PM '96

DANIEL J. ENGLISH

D. J. English
DEPUTY 24⁰⁰

FEES

601 W. Riverside Suite 1000
SPOK. WA 99201

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Michelle Price

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 15th day of August, 1996, and ending on the 22nd day of August, 1996, 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.

Michelle Price

Subscribed and sworn to before me this 22nd day of August, 1996.

Roberta Manley

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

ROBERTA MANLEY
My commission expires 2-5-99

15-08046
CULLEN, LAWRENCE E
14380 N HAYDEN LAKE ROAD
HAYDEN LAKE, ID 83835
Source: HAYDEN LAKE
Tributary: SINKS
Diversion Pt: NWNW Sec 3 T 51N R 03W
in KOOTENAI County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 7/26/1996

In: KOOTENAI County

T51N R03W S04 NENE

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 2, 1996.

KARL J. DREHER, Director

Legal 63

Aug. 15, 22, 1996

RECEIVED

AUG 23 1996

IDWR

MICROFILMED

NOV 08 1996

CULLEN, LAWRENCE E
14380 N HAYDEN LAKE ROAD
HAYDEN LAKE, ID 83835

Tributary: SINKS

Diversion Pt: NWNW Sec 3 T 51N R 03W in KOOTENAI County.

```

Use: DOMESTIC          (          0.040 CFS)
      Total Diversion: (          0.040 CFS)

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Date Filed: 7/26/1996

In: KOOTENAI County
T51N R03W S04 NENE

RECEIVED
NOV 5 8 1955

August 8, 1996

Lawrence E. Cullen
14380 N Hayden Lake Road
Hayden Lake ID 83835

Re: Water Appropriation Application No. 95-08946

Dear Mr. Cullen:

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 \$35.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. It is possible to upgrade a Domestic Drilling Permit by submitting an additional \$165.00. These Permits can be obtained by your driller, also.

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

MICROFILMED

NOV 17 1996

Water Right Number - 95-08946

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

CULLEN

LAWRENCE E

1 - 14380 N HAYDEN LAKE ROAD

2 -

3 -

City- HAYDEN LAKE

State- ID Zip- 83835

Phone - 208-762-4118

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/26/1996 18 NORTHERN A - APPLICATION

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
HAYDEN LAKE SINKS

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

51N 03W 3 NW NW (55) KOOTENAI

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.040

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

51N 03W 4 NE NE 43 DOMESTIC (55) KOOTENAI

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
Domestic use is for lawn and garden water.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

Prefix Translation: WATER RIGHT

Water Rights Dates and Flags Area			
Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000
Approved/Denied	- 00/00/0000	Field Exam Fee	-
Proof Made Date	- 00/00/0000	Protested Date	- 00/00/0000
Exam to S.O. Date	- 00/00/0000	Hearing Date	- 00/00/0000
Order Show Cause	- 00/00/0000	Temporary Right	- P
Licensed Date	- 00/00/0000	Verified Date	- 00/00/0000
Decree Date	- 00/00/0000	DLE/Carey Act	-
Presumption Flag	-	Receipt Number	- N010499
		Water District	-
		Appl Received	- 07/26/1996
		Transfer/Amended	-
		POU Ownership Flag	- Y
		Name Connector	-