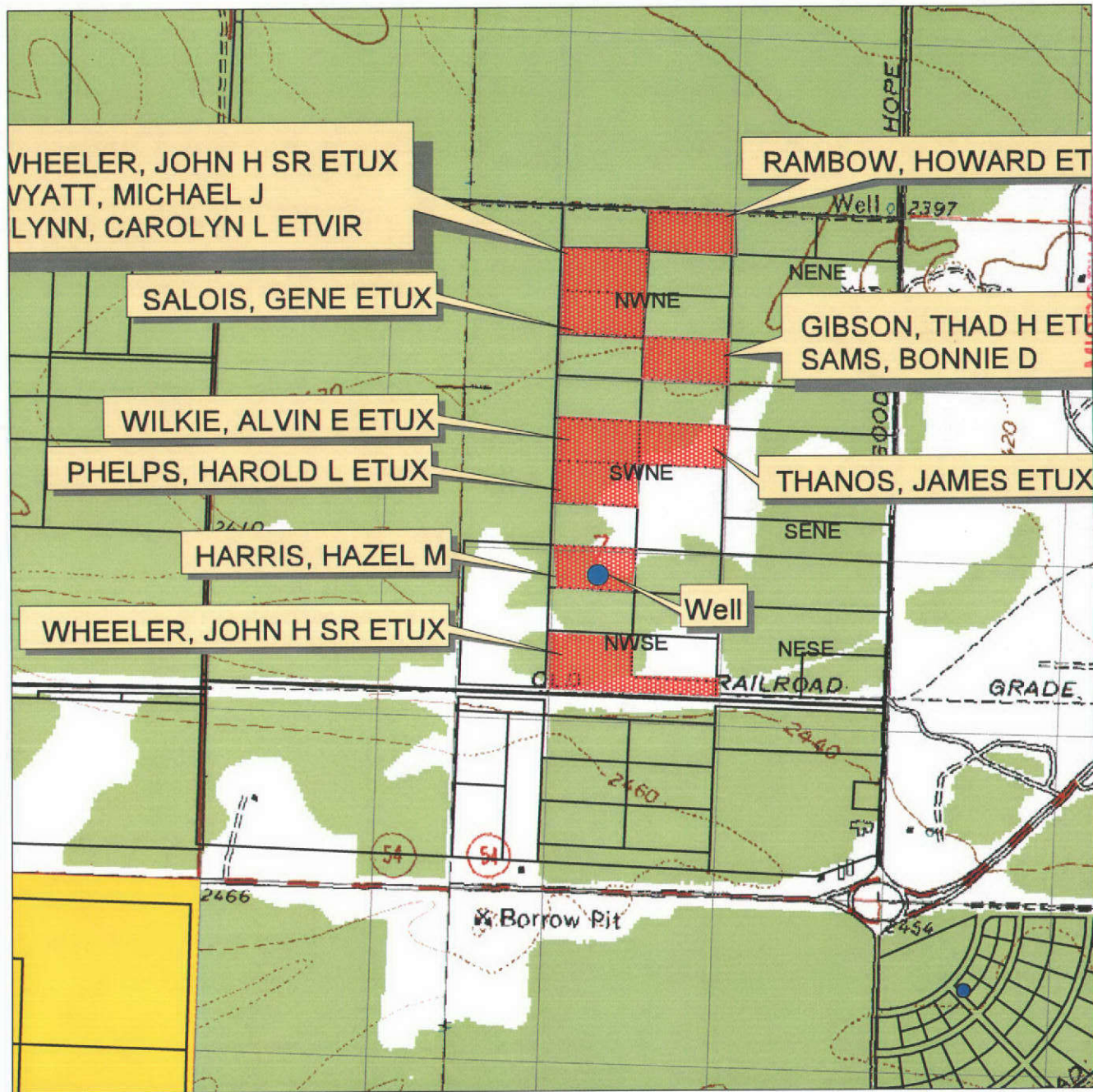
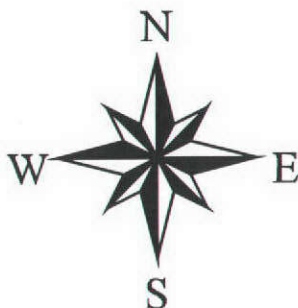
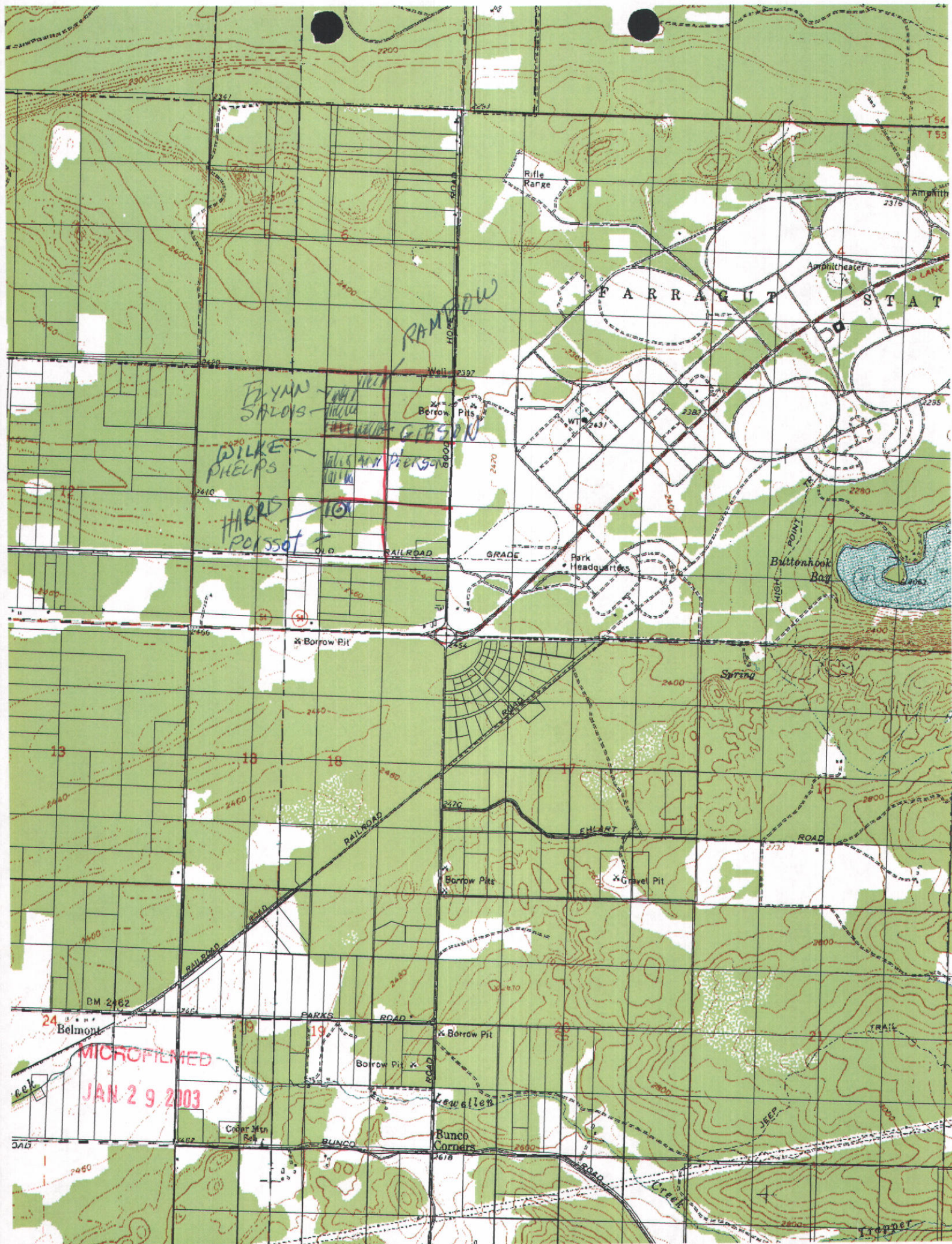


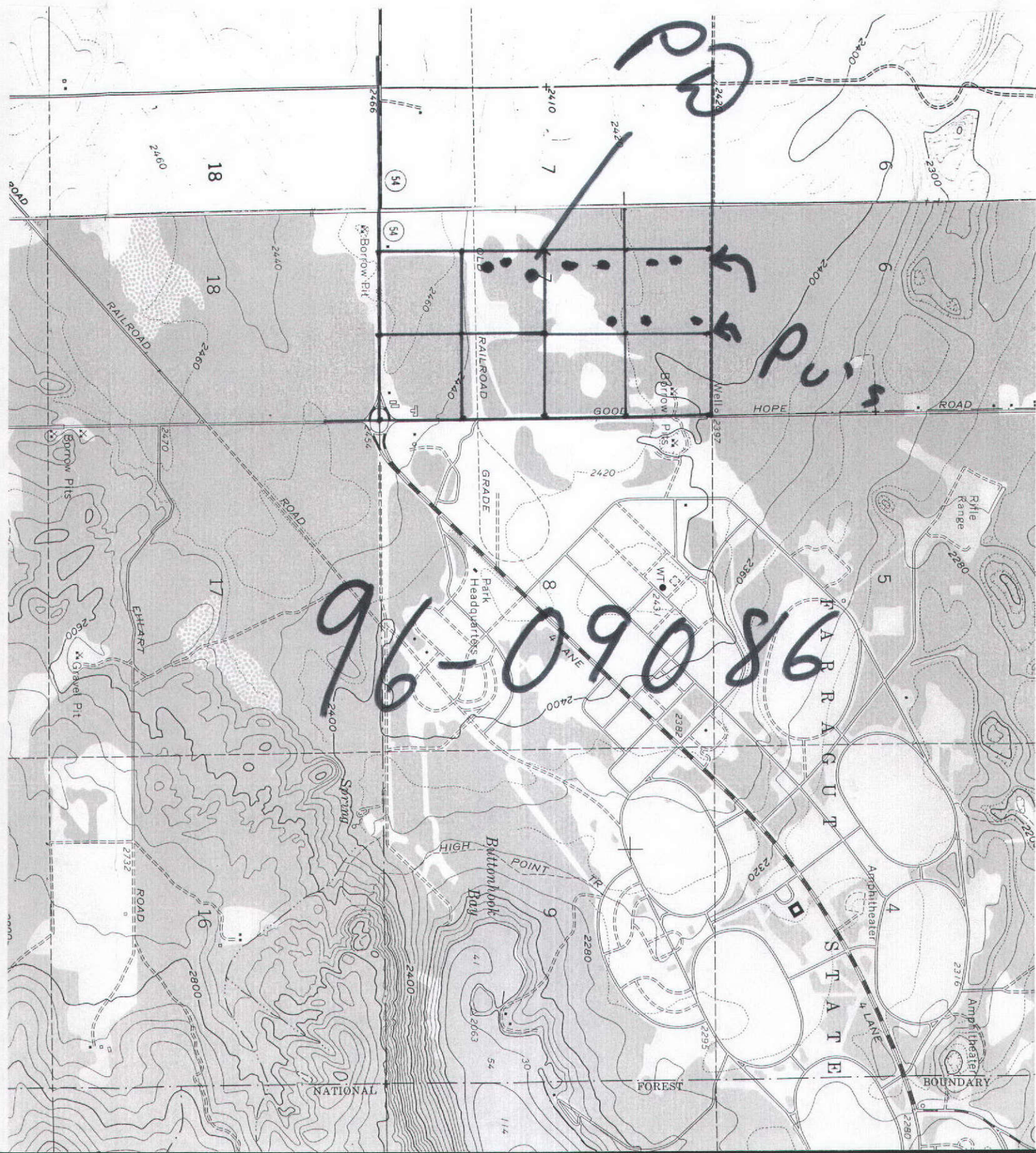
-  GCDBT53N02W.shp
-  POD- ApplicationApplication POD
-  Application POU
-  Parcels011001.shp
-  PLSS Section LinesSections.shp



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JAN 29 2003





96-09086



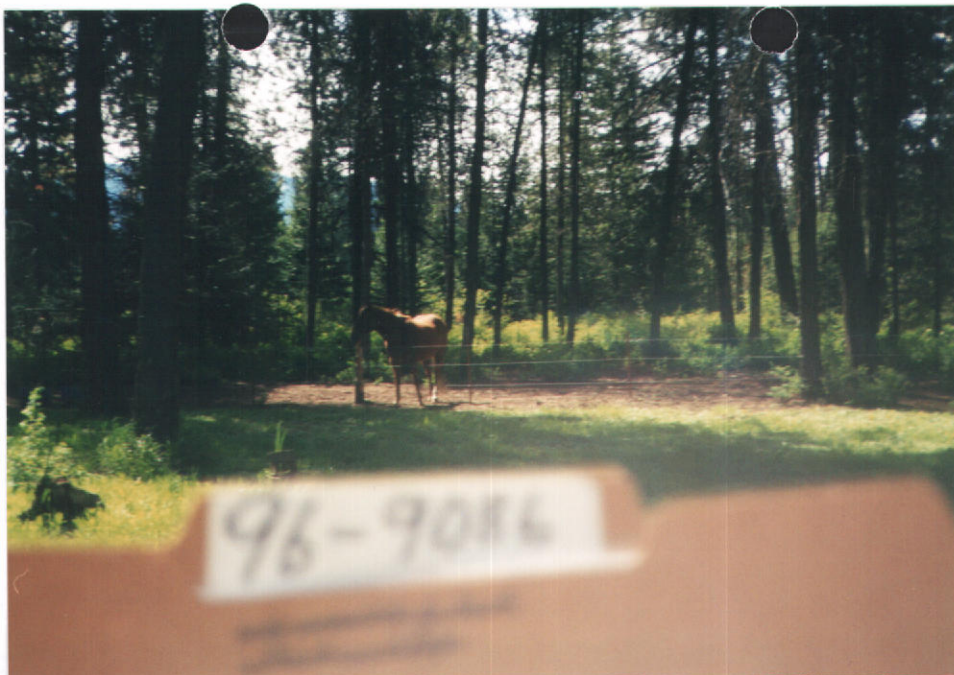
PD



PV



PV



90



90

CAVELLE ROAD PARCEL

0800 31915	Wyatt, Mike	0625 31918	Rambow, Howard & Angie
0850 31833	Flynn, Carolyn Anderson, Evelyn	0700 31846	Harroun, Jim & Alma
0900 31745	Salois, Gene & Trish	1075 31782	Maguire, Brian & Julie
1000 31607	Porter, James "Bud" & Sandra	1150 31658	Gibson, Thad & Betty
1400 ↓	Porter, James "Bud" & Sandra	1250 31152	Nordstrom, Norm & Sue
1450 31435	Wilkie, Alvin & Patty	1300 raw	Thanos, James (Rogers, Anell)
1500 31361	Phelps, Harold & Robyn	1700 barn	Pierson, James & Jeanne
1600 31283	Franklin, Jerry & Marilyn		
8000 31145	Dooley, Kellie	7850 31128	Woempner, Judy
8050 Arcadia West	Shardlow, Dave & Sandra	7900 clearing	Salois, Gene & Trish
8200 30875	Poissot, Nancy & Spidel, Steve	8300 30906	Piephoff, Clyde & Barbara
		8350 30810	Atkinson, Toni
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			
8225 ↓	↓	↓	↓
8600 30755	Mattson, Larry & Monique	8450 N/A	Skala, Joseph
8675 30611	Lee, Dawayne & Beeman, Julie	8500 30628	Robinson, Laura
8650 30549	Perry, Gail & Galindo, Robert	8875 30584	Kokot, Franklin & Marilyn
		8800 30480	Hartofilax, Bill & Theresa

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DEC 03 2003

DEC 03 2003

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

SS.

Jennifer Standridge 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 1 day of November 20 01, and ending on the 8 day of November 20 01, 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.

Personally appeared before me this

8

day of

November

20 01

Regina Mason

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

MY COMMISSION EXPIRES 6/18/03

MICROFILMED

JAN 29 2003

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NOV 13 2001

IDWR/North

NOTICE OF APPLICATION FOR WATER RIGHT

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

96-9086

DMS WATER ASSN INC
PO BOX 765
ATHOL ID 83801

Point(s) of Diversion: NWSE S7 T53N R02W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.18 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.14 CFS
Total Diversion 0.2 CFS

Date Filed: 09/25/2001

Place Of Use: IRRIGATION

T53N R02W S7 NWNE SWNE NWSE

Number of Acres: 9

Place Of Use: DOMESTIC and STOCKWATER same as IRRIGATION

Remark: Domestic use is for 9 homes

Stockwater use is for 20 head of range cattle.

96-9087

EAST SNOWY LANE WATER ASSN
1589 SOUTHSIDE SCHOOL RD
COCOLALLA ID 83813

Point(s) of Diversion: NESE S14 T53N R03W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Use: DOMESTIC 01/01 To 12/31 0.1 CFS
Total Diversion 0.2 CFS

Date Filed: 09/26/2001

Place Of Use: IRRIGATION

T53N R03W S14 NESE NWSE

Number of Acres: 10

Place Of Use: DOMESTIC same as IRRIGATION

Remark: Domestic use is for 4 homes

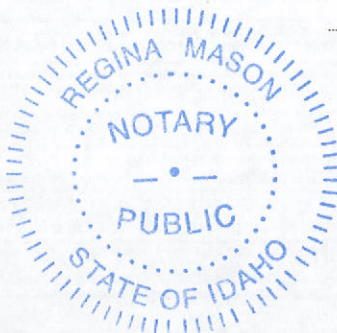
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur D'Alene, ID 83814 together with a protest fee of \$25.00 for each application on or before 11/19/2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal 72

Nov. 1, 8, 2001



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JUL 6 2003

Department of Water Resources

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. N015805
Receipt By: JS
Date Received: 7/29/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JUL 29 2003
IDWR/North

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. 96-09086 Telephone No. 683-2095
2. Name of Permit Holder(s): DMS WATER ASSN INC.
3. Mailing Address: P.O. BOX 765
City ATHOL State ID. Zip 83801
4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo. MAY / yr. 1974
Well Driller: BARTHOLOMEW DRILLING Drilling Permit Number: 755651
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 9 Stockwater (No. and type of stock): 20 RANGE CATTLE
Irrigation (No. of acres): 9 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 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 _____
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: ALVIN WILKIE Telephone Number: ⁽²⁰⁸⁾ 683-2095
Address: 31435 CARAVELLE RD. ATHOL, 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: Alvin Wilkie PRESIDENT Date: 7-28-03
(include your title, if on behalf of company or organization)

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DEC 9 5 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09086

Priority: 09/25/2001

Maximum Diversion Rate: 0.20 CFS

This is to certify, that DMS WATER ASSN INC
PO BOX 765
ATHOL ID 83801

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.14 CFS
IRRIGATION	04/01 to 10/31	0.18 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, Twp 53N, Rge 02W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
53N 02W 7		2.0	2.0											5.0			9.0

Total Acres: 9

PLACE OF USE: STOCKWATER, same as Irrigation

PLACE OF USE: DOMESTIC, same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2003**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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. 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.

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JAN 29 2003

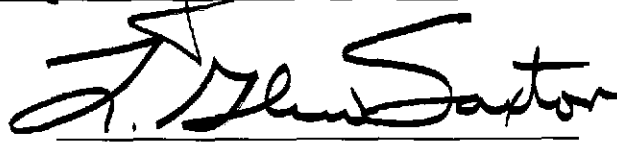
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09086

CONDITIONS OF APPROVAL

6. Domestic use is for 9 homes and does not include lawn, garden, landscape, or other types of irrigation.
7. Stockwater use is for 20 range cattle.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25th day of July, 2002.


for KARL J DREHER, Director

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JAN 29 2003

69478

Ident. No. 96-9086
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

MAY 20 2002

To appropriate the public waters of the State of Idaho

1. Name of Applicant DMS WATER ASSOCIATION, INC Phone 208-683-4045
Mailing address PO Box 765, Athol, ID 83801
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is Township 53N Range 24 Sec. 7 in the _____ 1/4,
NW 1/4, SE 1/4, Govt. Lot _____, B.M., KOOTENAI County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .14 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .70 for IRRIGATION purposes from MAR 15 to NOV 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 for STOCKWATER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.20 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 WELL, PUMP & PIPELINE
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is 16 inches; proposed depth of well is 404 feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? 5/15/74; Drilling firm BARTHOLOMEW DRILLING;
Well was drilled for (well owner) FRED PARKER; Drilling Permit No. 96-74-N-64

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. _____
- b. Stockwatering; list number and kind of livestock. 20 RANGE CATTLE
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 9
- e. Other; describe fully. _____

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JAN 29 2003

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	2W	7		2	2											5			9
				D	D											D			
				S	S											S			

Total number of acres to be irrigated 9

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? HAZEL HARRIS

b. Who owns the land to be irrigated or place of use? DMS SHAREHOLDERS

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: EASEMENT FROM LOT OWNER TO DMS

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Steve Spidel President
Signature of Applicant (and title, if applicable)

Received by cm Date 9-25-01 Time 1:30 pm Preliminary check by AB
Fee \$ 100.00 Receipted by cm # N014673 Date _____
Publication prepared by do Date 10/24/01 Published in IDAHO 11/1-8/01
Publication approved do Date 11/15/01 MICROFILMED

JAN 29 2003

WHEELER, JOHN H SR ETUX
WYATT, MICHAEL J
LYNN, CAROLYN L ET VIR

SALOIS, GENE ETUX

WILKIE, ALVIN E ETUX

PHELPS, HAROLD L ETUX

HARRIS, HAZEL M

WHEELER, JOHN H SR ETUX

RAMBOW, HOWARD ET

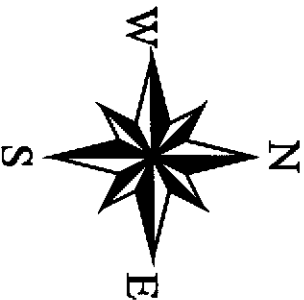
GIBSON, THAD H ETUX
SAMS, BONNIE D

THANOS, JAMES ETUX

Well

Borrow Pit

GRADE



- ☐ GCD8T53N02W.shp
- ☒ POD-ApplicationApplication POD
- ☒ Application POU
- ☐ Parcela011001.shp
- ☐ PL88 Section LinesSections.shp

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JAN 29 2003



DMS WATER ASSOCIATION COMMITTEE
ANNUAL MEETING
JUNE 28, 2001

PRESENT: Angie & Howard Rambo, Betty Gibson, Robyn Phelps, Steve Spidel Nancy Poissot & Gene Salois.

The meeting was called to order by President Gene Salois. President verified those present met required quorum requirements.

A copy of the Meeting Notice is present as required in By-Laws.

Nancy Poissot read the meeting minutes from the 2000 Annual Meeting for current secretary Betty Gibson. Meeting minutes were approved as read.

TREASURERS REPORT:

As of June 28, 2001: \$1,122.73 in checking account; Washington Trust Bank

(2) CD's at Washington Trust - \$1,016.24 and \$1,524.36
(Maturity date is March, 2002).

Gene welcomed new members, Nancy and Steve. He stated that all nine certificates have been issued for DMS.

Election of Officers: It was the consensus of all present to move this to the end of the agenda. Nancy made the motion; seconded and carried.

UNFINISHED BUSINESS:

- a) To repair the shut-off valve located by Salois residence for main line isolation purpose and to install a new shut-off valve at Flynn service line. This will be done soon.
- b) Before any further work on the well house is done an inspection needs to be done to decide if it should be torn down or repaired. The floor is spongy. It was decided a section of the floor would be cutout to get a better look under the floor. Steve and Howard will meet soon to take a look at this.
- c) Nothing further will be done as to windows and paint until the inspection is complete. Kelly's pump is in the well house and she may want it moved.
- d) Steve has been monitoring the well site and pump house each month and is willing to continue performing this task if members so desire.
- e) Discussion on the possible purchase of a portable pump for fire emergencies. Gene has priced a Kawasaki pump, the same as the Forest Service uses. It is priced between \$400 - \$500. The pump will take a 2" hose. The Athol Fire Department disposes of hoses about every 2 years and we might be able to get one of them. The pump would be placed in the well house and everyone would know where the key is kept and how the pump can be used in emergencies.

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JUN 29 2003

The emergency pump could be taken to a fire site and put down in the cistern at that site. Water would be pumped directly from the cistern onto the fire. Getting water on the fire immediately is critical and it could make the difference in saving a home or structure; at least the fire could be slowed down until the fire department arrived.

It was also suggested that KMS Water Association should be advised of the proposal to get an emergency fire pump and that everyone on both systems should be asked to cast a vote.

- f) Section 7 of the By-laws state we need to elect an audit committee. Since we are such a small committee, a motion was made by Steve to amend Section 7 to eliminate this requirement. Seconded and carried.

OLD BUSINESS:

- a) The lean-to attached to the pump house has been removed.
- b) All winterization will be done by fall.

NEW BUSINESS/ANNOUNCEMENTS:

- a) It was suggested that we might possibly want to have the timer adjusted for 3 times a day for the summer months. Since no one present felt the need this will not be done. If need be, it will be done later. Gene says it takes about 1-1/2 hour to fill all cisterns. Howard suggested that we monitor and see if this much time is needed, if not necessary we can save wear on the pump. It was decided to change the pump times to run from 1:00 am to 3:00 am and from 5:00 pm to 8:00 pm. If anyone's cistern runs dry, they can contact Steve.
- b) Gene suggested that we should look into filing as a "Non-Profit" corporation. It would cost about \$200.00 to file. As a "Non-Profit" Corp. we would not have to pay taxes and could have a cash balance for future needs. Gene suggested we have an accountant do the paperwork as there is quite a lot. Nancy made a motion that we ask him to do this job as long as the budget for the job remains below \$125. If this is clearly not enough the Board of Directors can amend the dollar amount. Angie seconded motion and motion carried.
- c) No water shall be given or sold to another party or family member by a certificate holder. Due to restrictions on number of families allowed on the DMS water well it is necessary to put this limitation in place.

Exceptions:

- 1) Visitor with RV or camp trailer. Stay not to exceed (3) months in a calendar year.
- 2) Those who hold a hardship clause for family members or members.

Robyn made the motion that Article VII of the By-Laws be amended to include these words. Seconded and carried.

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JAN 29 2003

- d) Fish pond. Gene asked for input on the possibility of putting a small fishpond at the site of the pump house in front of Gibson's house. We could grow fish that could be harvested and allow some fishing for supervised children. It would be fenced. The Fire Dept. would fill it if they could pump water out of it in an emergency. The committee feels that KMS Water Association should be a part of this also. The secretary will send an announcement to them and arrange a time when the Board of Directors from both Boards can meet to inform and discuss. A fish pond installation would require some permits from Fish and Game. Research on this will be done by secretary.

ELECTION OF OFFICERS:

The Board of Directors currently are:

President	-	1 Year Term; presently Gene Salois
Vice President	-	3 Year Term; presently Howard Rambo
Secretary/Treasurer	-	1 Year Term; presently Betty Gibson (appointed upon resignation of Eleanor Anderson).

(6) Steve Spidel nominated for President, 1 year term - seconded and carried.
Nancy Poissot nominated for Secretary/Treasurer, 1 year term - seconded and carried.
Howard Rambo has 2 years to serve of 3 year term as Vice President.

Officers elected for term: June, 2001 to June, 2002 as stated above.

Nancy made a motion that the By-Laws be amended to state that the Board of Directors could also serve as the officers. This motion was made due to the limited number of members. Seconded and carried.

Brief discussion on water certificates. Several of these certificates do not reflect current owners and need to be transferred. The secretary will make necessary corrections. It was also noted that all the certificates should have a lot number, tax number or legal description on them.

Motion to adjourn. Seconded and carried.

Respectfully submitted,

Acting by request: Robyn Phelps
Minutes typed by: Nancy Poissot

MICROFILMED
JAN 29 2003

WATER AGREEMENT

THIS AGREEMENT MADE AND ENTERED INTO this 17th day of February, 1988, by and between RODNEY L. GEORGE and NANCY K. GEORGE, husband and wife, of P.O. Box 676, Bridgeport, Mono County, State of California, hereinafter referred to as Provider, and GENE SALOIS AND ^{OR De ng} ESTHER SALOIS, husband and wife, of N. 31801 Caravelle Rd., Athol, County of Kootenai, State of Idaho hereafter referred to as User.

RECITALS

Provider is the owner of a certain parcel of real property located in Kootenai County, Idaho, upon which is located a well, together with a casing and pump, all of which belong to Provider. Said real property is more particularly described as follows:

North half, Northwest quarter, Northwest quarter,
Southeast quarter, Section 7, Township 53 North, Range 2
W.B.M., Kootenai County, Idaho.

Provider has an easement to install and maintain a water distribution line described as follows:

Over, under and across that existing ingress/egress easement over the existing roads located in the West half of the East half of Section 7, Township 53 North, Range 2 W.B.M., Kootenai County, Idaho, and excepted and reserved to Caravelle Corporation as Grantor.

User is the owner of a parcel of real property located adjacent to and served by said easement. Said parcel of real property is more particularly described as follows:

North half, ~~Southwest~~ quarter, Northwest quarter,
Northeast quarter, Section 7, Township 53 North, Range 2
W.B.M., Kootenai County, Idaho

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Provider and User are desirous of entering into an agreement whereby User shall be entitled to draw water from the well owned by Provider for domestic use (household, irrigation and stock watering).

The parties agree that User shall not obtain by said use of water or any other provision, any ownership or deeded interest in said well or water rights, but shall be provided with the right to take and draw water from said well in accordance with the terms and provisions contained herein, so long as User abides by all the terms and conditions hereinafter set forth.

WHEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS HEREINAFTER CONTAINED, AND THE CONSIDERATION HEREINAFTER DESCRIBED, THE PARTIES AGREE AS FOLLOWS:

1.

CONSIDERATION

In consideration of the payment by User to Provider of the sum of ONE DOLLAR (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, and subject to the conditions set forth in this instrument, including additional consideration in the form of User's promises to share in the maintenance, utilities and costs of operation of the above described well, Provider does hereby grant and convey to User a license to take and draw water from Provider's well for domestic use (household, irrigation and stock watering).

User's license to take and draw water shall be limited to a maximum flow of two (2) gallons per minute.

II.

ADDITIONAL USERS

It is expressly agreed and understood between the parties that Provider intends to utilize water from the well for use on his own parcel of real property and also intends to provide water from the well to additional users. Provided, however, that all users will be restricted to a maximum flow of two (2) gallons per minute.

III.

DURATION

This license to take and draw water shall be perpetual in duration so long as User is in full compliance with all of the terms and conditions contained in this Agreement. This Agreement may be terminated only by the mutual agreement of the parties hereto, or, upon default by User in performing and condition, term or obligation of this agreement. Termination upon default by User shall be in accordance with the Default/Breach/Termination provisions hereinafter set forth.

IV.

WASTE

No user shall waste water. Any waste of water shall be reason for Provider to terminate this Agreement in accordance with the Default/Breach/Termination provisions set forth hereinafter.

V.

INSTALLATION

The parties hereby agree that, in order to permit User to take water from the well. User is granted permission to connect to existing main distribution line along the easement hereinabove described. On the main distribution line User will install a shut-off valve and a two (2) gallon per minute flow restrictor at a point on the main distribution line for hook-up to the main distribution line by User.

User shall install, at his own expense, a water line from the existing main distribution line to the point of use, and shall hook up the flow restrictor and shut-off valve at his own expense. In addition, User shall install a storage and pressure system, at his own expense, to provide the desired pressure and volume of water at the point of use. If User installs a stock watering tank, it shall have a float and shut-off valve.

VI.

ALTERATION AND MODIFICATION

The parties agree that Provider may during the life of this agreement, modify and alter the well and main distribution line at Provider's expense in any manner Provider may desire so long as it does not unreasonably interfere with User's ability to take and draw water from the well.

VII.

MAINTENANCE AND UTILITIES

In further consideration of User's right to take and draw water from Provider's well, the parties hereby agree that User shall share equally with all other users in the maintenance of said well and main distribution line.

Maintenance shall include replacement or repair of the pump, casing, and main distribution line and all other acts, improvements and alterations to the system necessary to provide an adequate and safe flow of water to all users. All costs incurred by Provider for maintenance of the system shall be receipted and a copy of said receipts delivered to User whom shall have THIRTY (30) days from date of delivery to pay his proportional share of said costs incurred. Said receipts shall be deemed delivered if delivered personally, or upon deposit in the United States Mail, first class postage prepaid, to User at their last known address.

User shall maintain, at his own expense, the water line installed by User from the existing main distribution line to his point of use. User shall also solely bear the cost to maintain the shut-off valve and flow restriction to which his water line is connected.

User further agrees to pay Provider on a monthly basis, within TEN (10) days of receipt of a copy of said charges, a proportional amount of the electrical bill for the well pump. A copy of said electric bill shall be provided to User in the same manner as costs for maintenance, hereinabove described, and all users shall share equally said electrical charges. A separate electric meter shall be installed, at Provider's expense, to measure the electricity used by the well pump.

WATER AGREEMENT - 5

MICROFILMED

JAN 29 2003

User further agrees to pay Provider a service charge in the initial sum of TWO DOLLARS (\$2.00) per month, which charge is to reimburse Provider for miscellaneous expenses incurred. This service charge can be increased periodically by Provider at intervals of not less than one (1) year, in amounts not greater than twenty-five percent (25%) of the initial service charge.

Provided, however, that only those users who have actually connected to the main distribution line shall be required to share payment of the utility charges and pay the service charge.

It is further agreed by and between the parties that the payment of maintenance costs and utility and service charges shall be considered past due if not paid within the time limits set forth above. Once an account becomes past due, it shall bear interest at the highest statutory rate authorized by Idaho law for interest on open accounts. In addition, once an account becomes past due, it shall, notwithstanding the provisions of Paragraph IX pertaining to Default/Breach/Termination, constitute a lien on User's real property hereinabove described. This lien shall become effective upon the recordation of a claim of lien by Provider stating under oath the services provided and the amount of the demand after deducting any credits and offsets, the name of User, and a description of the real property to be charged with the lien.

VIII.

DIMINISHED FLOW

In the event that the source and amount of water available from the well is diminished by reason of drought or any other cause, all users, including Provider, shall be entitled to an equal use of the available water. During any such time of watershortage, it is agreed that use of water of household purposes shall have priority over use of water for irrigation or stock watering.

IX.

DEFAULT/BREACH/TERMINATION

Time and prompt performance of each and every term, covenant and condition of this contract is material and of the essence of this contract. Each and every term, covenant and condition is a material term, covenant and condition of this contract. Performance means compliance that is full and to the letter of this contract. Substantial compliance will not be deemed to be sufficient. Performance by User is a condition precedent to performance by Provider.

If User shall fail to perform any term, covenant or condition of this contract including payment of User's proportionate share of maintenance and utility costs on a timely basis as hereinabove set forth, following THIRTY (30) days written notice of default from Provider to User which notice shall specify User's default, such failure shall constitute an event of default under the terms of this contract.

Upon the occurrence of an event of default and the failure, neglect or refusal of User to cure the same during the notice period of THIRTY (30) days, Provider may without further notice, terminate the flow of water to User's property, and

the license and all other terms of this agreement shall be deemed terminated, null and void.

All notices of default required by this paragraph shall be served by personal delivery or by depositing the same in the United States Mail, first class postage prepaid, to the last known address of the defaulting party. User shall pay, in addition to any sums required to be paid to cure said default or in addition to any other performance required by User to cure said default, the cost of preparation of said default notice not to exceed SEVENTY-FIVE DOLLARS (\$75.00).

In the event that User defaults on FIVE (5) separate occasions and cures such defaults following notice thereof as provided in this contract, then upon the occurrence of the SIXTH (6th) such default, User shall be deemed to have waived the right to notice of default and, the right to cure such SIXTH (6th) default and on the date of the occurrence of the SIXTH (6th) default, Provider may terminate this agreement without further notice as if User had been given notice of default and failed to cure.

X.

DISCLOSURE AND DISCLAIMER OF WARRANTY

Provider and User hereby acknowledge and agree that User has inspected and made such independent examination of the well, existing pipeline, and flow of water from Provider's well as User has desired. User acknowledges that he deems said well and a flow of two (2) gallons per minute to be adequate for

license and obligations created thereby. are personal to User. The water provided in accordance with this Agreement is to be consumed on User's real property herein described, by User's household. User agrees not to provide water obtained pursuant to this Agreement to any other household. Further, User agrees, in the event User's property is subdivided, to not provide water to any such divided property.

his household and domestic purposes under the terms and conditions of this agreement. User further acknowledges that neither Provider nor User's agents or any other party, has made any representations or warranty as to the quality of the water, the adequacy of flow of water from the well, or any other characteristic concerning the availability or flow of well water. Anything in this agreement to the contrary notwithstanding, Provider shall not be liable in any respect whatever for failure, suspension, or diminishing of water service or pressure to be supplied that may result by virtue of drought, interruption by equipment failure or maintenance, reduction in the availability of ground water, or any act of God. User specifically acknowledges that User shall during the term of this agreement, bear the risk of inadequate supply of water that may be customary as a result from any normal well use.

XI.

PERSONAL LICENSE/ASSIGNMENT

User acknowledges and agrees that this agreement, and the license and obligations created thereby, are personal to User. The water provided in accordance with this Agreement is to be consumed on User's real property herein described, by User's household. User agrees not to provide water obtained pursuant to this Agreement to any other household. Further, User agrees, in the event User's property is subdivided, to not provide water to any such divided property.

XII.

GENERAL DISCLOSURE

By execution of this Agreement as shown by the signatures of the respective parties hereto, each such party does hereby acknowledge the following:

1. Receipt of a copy of this entire agreement;
2. That each party has read said agreement in its entirety and accepts the same in full.

XIII.

As used in this agreement, the masculine, feminine or neuter gender, and the singular or plural number shall each be deemed to include the others whenever the context so indicates.

XIV.

The terms and provisions hereof shall be binding upon the heirs, executors, administrations and/or assigns of the parties hereto.

WATER AGREEMENT - 10

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JAN 29 2003

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

PROVIDER:

USER:

Rodney L. George
RODNEY L. GEORGE

Gene Salois
GENE SALOIS

Nancy K. George
NANCY K. GEORGE

Esther Salois
ESTHER SALOIS

STATE OF CALIFORNIA

COUNTY OF MONO

} SS

On this the 9th day of August 19 89 before me,
the undersigned, a ----- in and for said County and State,
personally appeared MONO /County Clerk

RODNEY L. GEORGE

NANCY K. GEORGE

-----, personally known to me
or proved to me on the basis of satisfactory evidence to be the
person ----- whose name are subscribed to the within instrument
and acknowledged that they executed the same.

RENN NOLAN MONO COUNTY CLERK

BY Joan Lee deputy

COUNTY CLERK'S SEAL OR STAMP

STATE OF IDAHO

SS.

County of Kootenai

On this 14th day of February, 1988, before me,
~~the undersigned~~, a Notary Public for the State of Idaho,
personally appeared GENE SALOIS and ESTHER SALOIS, 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 hereunto set my hand and seal the name
and year in this certificate first above written.

One Salois
Notary Public for Idaho

Residing in: Coeur d'Alene

Proof Report

Permit No. 755651

Metal Tag No.

Well ID # 271293

Relationship: Owner/Operator
Name: FRED PARKER-
Address: PO BOX 35
ATHOL ID 83801

Well Location: Township 53N, Range 02W, Section 7, NE, SW
COUNTY KOOTENAI

Address of Well Site:

ID
Use of Well: Domestic-Single Residence
Activity: New Well
Region: Northern

Construction Method:

Const Start Date: Apr 15 1974 Const End Date: May 15 1974

Well Drilling Company: BARTHOLOMEW DRILLING INC DBA NORTHWEST
HYDROFRACTURING (No. 52)

Card Hold Name: LYNN BARTHOLOMEW- (No. 3822)

Certifying Official:

Date Received: Dec 27 1974

Date Approved:

Date Inspected:

Completed Depth:	404 FT	Drilled Depth:	Surface Diameter:	6 inches
Primary Flow Depth:		Overall Temp:	Static Water Level:	380
Head Pipe Length:		Tail Pipe Length	Production Rate:	11 GPM
Closed in Pressure:	0 Psi	Bottom Hole Temp:	0 F.	Low Temp Geothermal: NO

Control Device Desc:

Access Port Desc:

Casing

From	To	Diam	Type	Gauge	Join Type	Material
------	----	------	------	-------	-----------	----------

404

Seal

From	To	Material	Amount	Method
------	----	----------	--------	--------

Screen

From	To	Dia	Type	Slot Size	# of Slots	Material	Perforation Meth	Screen Type
------	----	-----	------	-----------	------------	----------	------------------	-------------

Lithologic Layer

From	To	Diam	Water	Color	Material	Texture
------	----	------	-------	-------	----------	---------

Drive Shoe

Depth	Test Description
-------	------------------

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JAN 29 2003

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DEC 13 2004 K

**DEPARTMENT OF
WATER RESOURCES**

A. GENERAL INFORMATION

Permit No. 96-09086

1. Owner: D.M.S. Water Assn. Inc. Phone No. (208) 683-2095

Current Address: P.O. Box 765 Ahtah Id. 83801

2. Accompanied by: Alvin Wilkie EXAM DATE: 5-18-09

Address: 31435 Caravelle Rd Athol, MA 01830 Phone No: (608) 683-2095

Relationship to Permit Holder:

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:

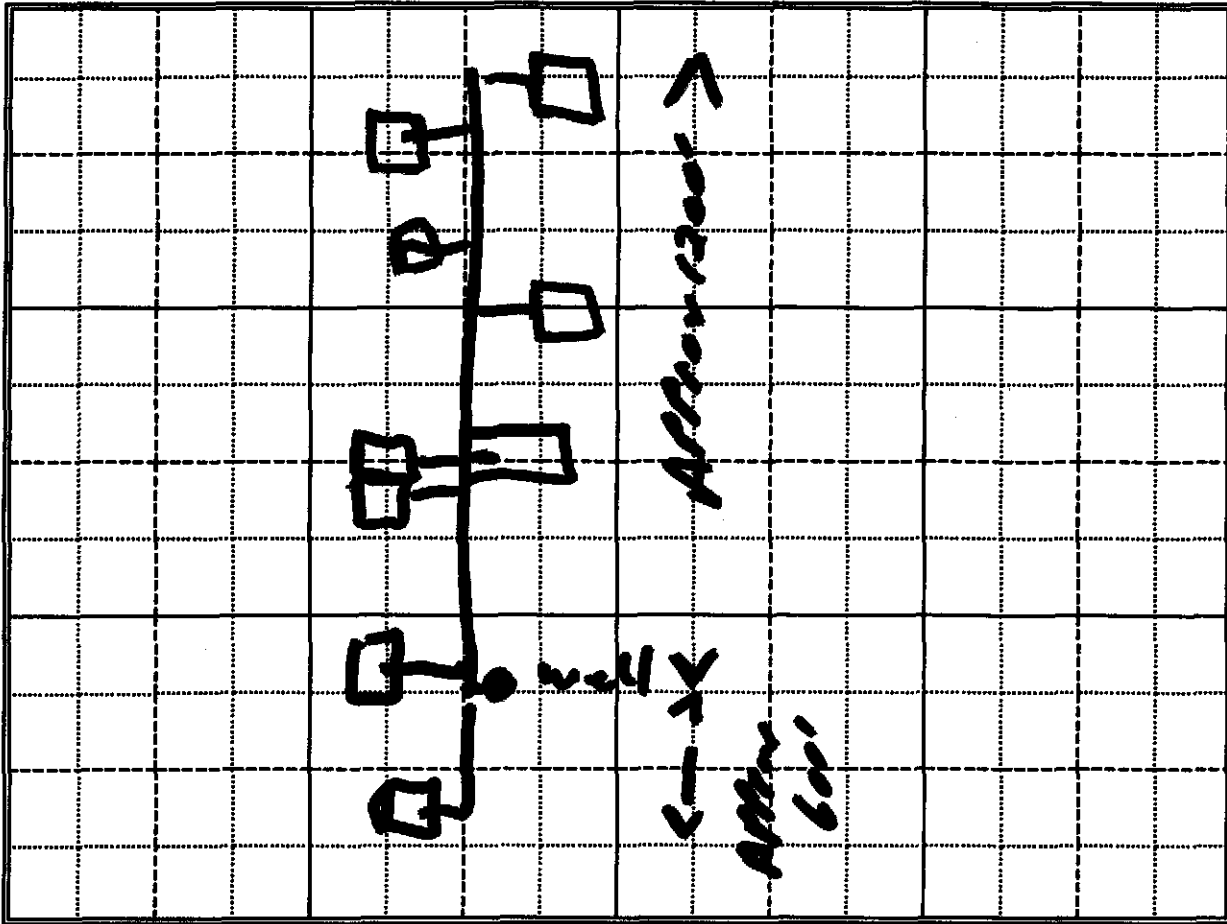
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

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



Scale: 1" = _____

____ Copy of USGS Quadrange 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
	Franklin	5	282113110	Sub	1.5

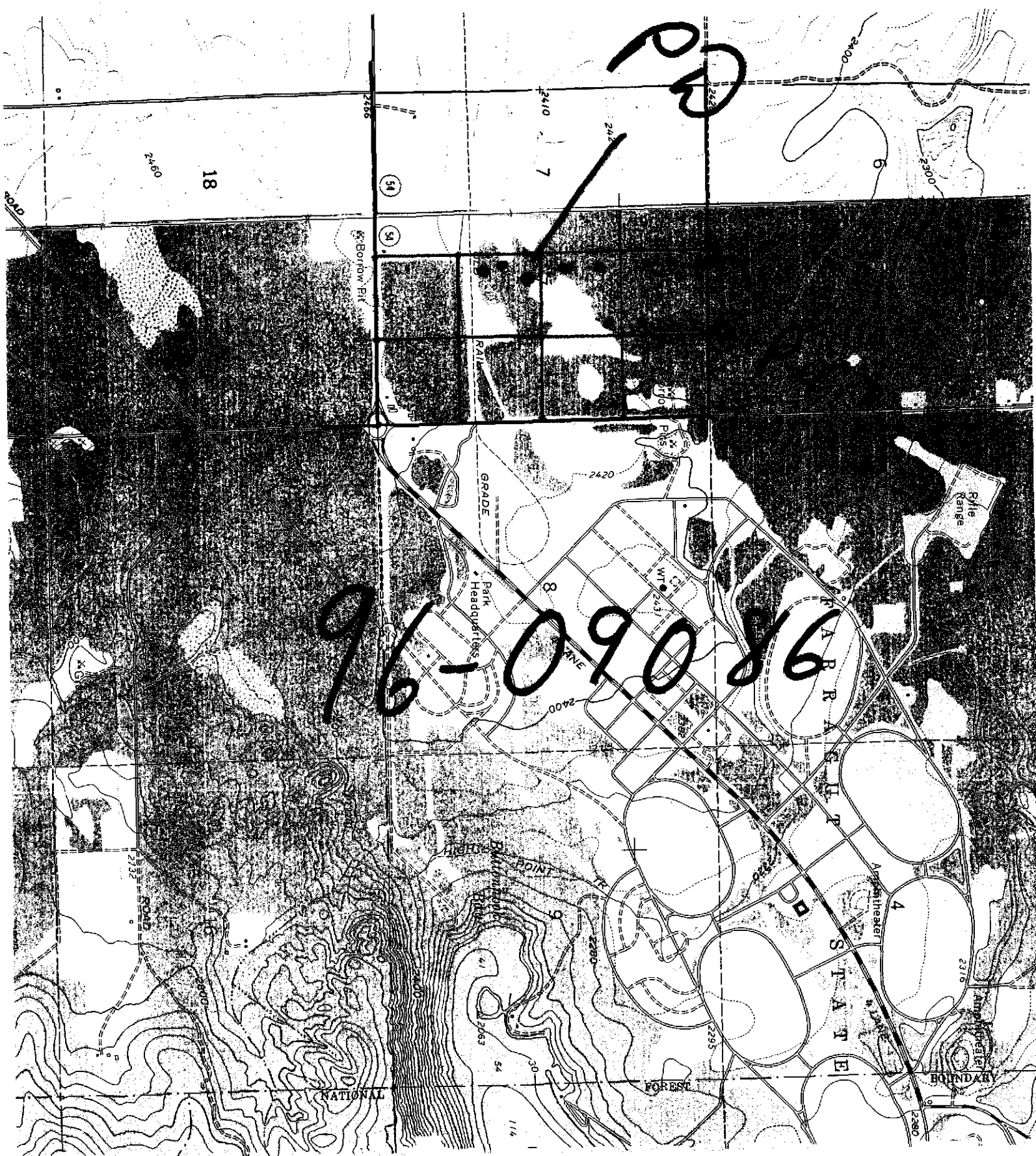
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____



63

96-09086

7

18

6

54

54

Borrow Pit

RAILROAD

Park Headquarters

FARM ROAD

STREET

FOREST

BOUNDARY

2316

4

2400

2420

2400

2300

2460

2332

114

NATIONAL

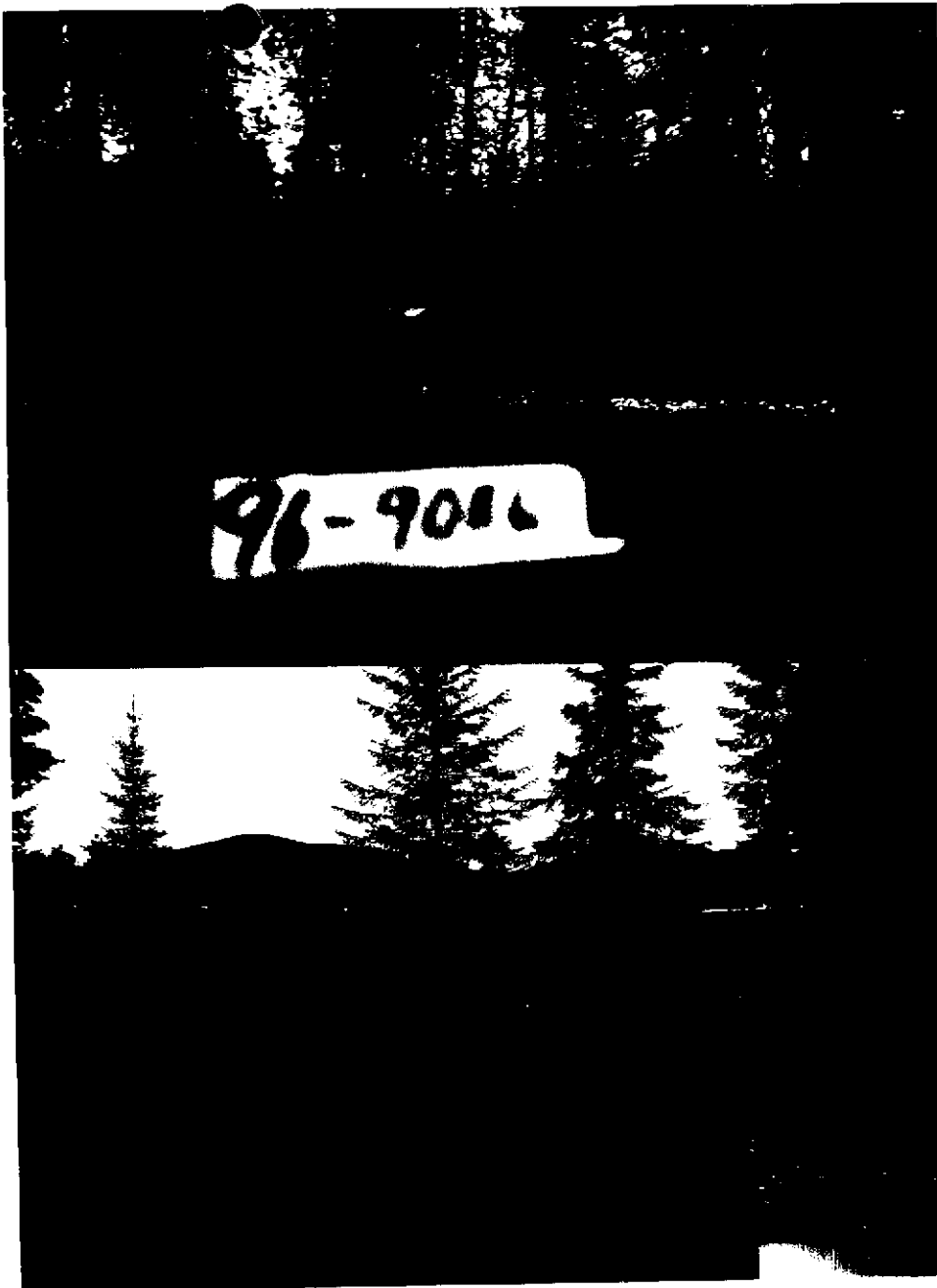
96-09086



PD

PV

PV



PV

PV

E. NARRATIVE/REMARKS/COMMENTS

There is no meter on system for flow. Therefore a theoretical calculation was used for rate.

I visited the homes on system and no one was over $\frac{1}{2}$ acre of lawn + garden irrigation

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

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

Theoretical

$$\frac{8.09(5)(.01)}{390 + (2.31 \times 40)} = \frac{30.8}{482.4} = 1.06 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.5 \times 3 = 13.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.06 \times 213 \times 1.9835 = 25.3$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 13.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Domestic</i>	<i>01-01</i>	<i>12-31</i>	<i>1.06</i>	<i>5.4</i>
<i>Irrigation</i>	<i>04-01</i>	<i>10-31</i>	<i>1.06</i>	<i>13.5</i>
<i>Stockwater</i>	<i>01-01</i>	<i>12-31</i>	<i>1.01</i>	<i>0.3</i>
Totals:			<i>1.06</i>	<i>19.2</i>

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. AUTHENTICATIONField Examiner's Name *Wayne Baldwin* Date *5-26-09*

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

August 18, 2003

DMS WATER ASSN INC
PO BOX 765
ATHOL ID 83801

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-9086

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.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

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ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9086

Reviewed By: dgibson

Date: August 15, 2003

	<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.:		755651
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N014673, N015805	Well driller's report filed?		X
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	07/29/2003
Date proof due	- 08/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 09/25/2001
New priority date	= 09/25/2001

Deficiencies of Actions Items

Acknowledge proof.

CAVALETT ROAD PARCEL

0800 Wyatt, Mike 31915	0625 Rambo, Howard & 31918 Angie	2
0850 Flynn, Carolyn 31833 Anderson, Evelyn	0700 Harroun, Jim & Alma 31846	4
0900 Salois, Gene & Trish 31745	1075 Maguire, Brian & Julie 31782	○
1000 Porter, James "Bud" & 31607 Sandra	1150 Gibson, Thad & Betty 31658	○
1400 Porter, James "Bud" & Sandra	1250 Nordstrom, Norm & Sue 31152	↓
1450 White, Alvin & Patty 31435	1300 Thanos, James raw (Rogers, Anell)	○
1500 [REDACTED] Harlow & Robyn 31361	1700 Pierson, James & Jeanne barn	○
1600 Franklin, Jerry & Marilyn 31283		
8000 [REDACTED] (Theresa Pigg) 31145	7850 Woempner, Judy 31128	
8050 Shardlow, Dave & Sandra Arcadia West	7900 Salois, Gene & Trish clearing	
8200 [REDACTED] Nancy & 30875 Spidel, Steve	8300 Piephoff, Clyde & 30906 Barbara	1
	8350 Atkinson, Toni 30810	
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
8225 ↓	↓	↓
8600 Mattson, Larry & 30755 Monique	8450 Skala, Joseph N/A	
8675 Lee, Dawayne & 30611 Beeman, Julie	8500 Robinson, Laura 30628	
8650 Perry, Gail & 30549 Galindo, Robert	8875 Kokot, Franklin & Marilyn 30584	
	8800 Hartofilax, Bill & Theresa 30480	

4900 Brunner, Jerome
30855

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DEC 03 2003

May 31, 2003

DMS WATER ASSN INC
PO BOX 765
ATHOL, ID 83801

PROOF DUE NOTICE

RE: PERMIT NO. 96-9086

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 August 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.

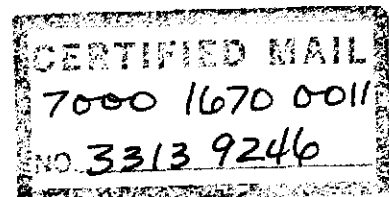
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



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DEC 03 2003



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

July 26, 2002

DMS WATER ASSN INC
PO BOX 765
ATHOL ID 83801

RE: Permit No. 96-9086

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

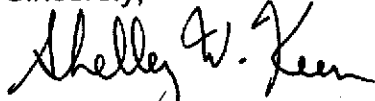
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

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JAN 29 2003

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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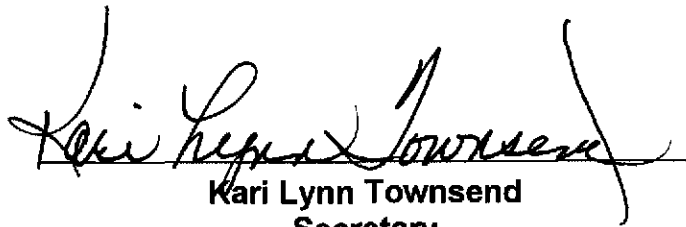
JAN 29 2003

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9086

**DMS WATER ASSN INC
PO BOX 765
ATHOL ID 83801**



**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 29 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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JAN 29 2003

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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JUL 24 2002

APPLICATION FOR PERMIT
STATE OFFICE ANALYSISReviewed by Cindy Zimmerman on 7/19/02 Department of Water ResourcesNo. 96-9086 Name: DMS Corp. Officers ☒ Ad ok ☒ Govt Lots ☒AREA OF CONCERN: ☒ No/Yes ☐ Moratorium ☐ GWMA ☐ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)

Irr. w/in WD - **P05**

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104

Supp irr (+ other uses) - 100-105

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)

Mitigation - 121

42-248 Area - **P84** (20s-70s, 81-86)

Swan Falls Flag -

Trust - 051(P74) (consumptive uses)

Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA

IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac) **3.0 AFA**

STOCKWATER - R37 (BLM/USFS) **NA**

MINING - 054-081(P10)

FISH PROP - 029(70'S only)-007-042-081(P10)

Bridge)

HEAT/COOL - R07(injection well)

FIRE PROT. - 077

BENEFICIAL USE DUE: 8 / 01 / 2003

MISC CONDITIONS/REMARKS:

Protested - 020-W19

Development Period

≤ 1 yr - P16

> 1 yr - 26A(P17)

Ownership - 004

Non-consumptive - 027

Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____

In/Above MSF - WB9

PLANNING REVIEW/RESPONSE _____

In-stream development - **P52**

WD - R04 (WD# _____)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A

(02,03) - 007 (w/ remark WB9 if above Weiser)

Payette R (65) - 047(P04) (Payette Lake)

Salmon R (70's) - 029 (fish screens)

Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star

27A (Payette R)

>1 in restricted area - 070-071-075(no parks/common areas, etc)

Irr use listed separate - WB5 9 hrs.

Moratorium approvable - W03 (2500 gpd - meets domestic definition i.e. D/convenience store)

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)OTHER CONDITIONS/REMARKS
COMMENTS

No overlaps

RECEIVED

MAY 20 2002

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

69478
APPLICATION # 96-9086

Department of Water Resources INITIAL REVIEW E. J. H. pub. / BCA

APPLICANT: Dms WATER ASSN. BY: AS DATE: 9/25/01

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()

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 9/25/01

X (Include Moratorium Remark)

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

CA/Thurs/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

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
96-74 N 64	N/A	Dom. Non-Dom.	Paid \$		Y () N (X)
Perm # (755651)		Dom. Non-Dom.	Paid \$		Y () N (X)
Well ID # 271293		Dom. Non-Dom.	Paid \$		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.
11/12 Affidavit of publication received
11/15 Application published correctly. If not, record action taken: _____

10/24 Publication dates and paper recorded on application | Sr. Agent initial _____
 Protests received, Final protest date: 11/19/01
 Measuring device required
 Measuring port required
 Special conditions:

Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: _____ Date: / /

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 13 2001
DWR/North

STATE OF IDAHO,
County of Kootenai,

SS.

Jennifer Standridge 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 1 day of November 2001, and ending on the 8 day of November 2001 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.

Personally appeared before me this

8

day of

November

2001

Regina Mason

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

MY COMMISSION EXPIRES 3/18/03

MICROFILMED

11/28/2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

96-9086

DMS WATER ASSN INC
PO BOX 765

ATHOL ID 83801

Point(s) of Diversion: NWSE S7 T53N R02W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.18 CFS

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

Use: DOMESTIC 01/01 To 12/31 0.14 CFS

Total Diversion 0.2 CFS

Date Filed: 09/25/2001

Place Of Use: IRRIGATION

T53N R02W S7 NWNE SWNE NWSE

Number of Acres: 9

Place Of Use: DOMESTIC and STOCKWATER same as IRRIGATION

Remark: Domestic use is for 9 homes

Stockwater use is for 20 head of range cattle.

96-9087

EAST SNOWY LANE WATER ASSN

1589 SOUTHSIDE SCHOOL RD

COCOLALLA ID 83813

Point(s) of Diversion: NESE S14 T53N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.2 CFS

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

Total Diversion 0.2 CFS

Date Filed: 09/26/2001

Place Of Use: IRRIGATION

T53N R03W S14 NESE NWSE

Number of Acres: 10

Place Of Use: DOMESTIC same as IRRIGATION

Remark: Domestic use is for 4 homes

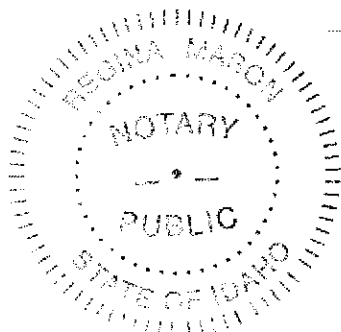
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814 together with a protest fee of \$25.00 for each application on or before 11/19/2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal 72

Nov. 1, 8, 2001



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

96-9086

DMS WATER ASSN INC
PO BOX 765
ATHOL ID 83801
Point(s) of Diversion NWSE S7 T53N R02W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.18 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.14 CFS
Total Diversion: 0.2 CFS
Date Filed: 09/25/2001
Place Of Use: IRRIGATION
T53N R02W S7 NWNE SWNE NWSE
Number of Acres 9
Place Of Use: DOMESTIC and STOCKWATER same as IRRIGATION
Remark: Domestic use is for 9 homes
Stockwater use is for 20 head of range cattle.

96-9087

EAST SNOWY LANE WATER ASSN
1589 SOUTHSIDE SCHOOL RD
COCOLALLA ID 83813
Point(s) of Diversion NESE S14 T53N R03W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Use: DOMESTIC 01/01 To 12/31 0.1 CFS
Total Diversion: 0.2 CFS
Date Filed: 09/26/2001
Place Of Use: IRRIGATION
T53N R03W S14 NESE NWSE
Number of Acres 10
Place Of Use: DOMESTIC same as IRRIGATION
Remark: Domestic use is for 4 homes.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 11/19/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 11/01 and 08/2001.

MICROFILMED

JAN 29 2003



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

October 24, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

FAXED 10/24/01 TO 664-0212

RE: Application for Permit No. 96-9086, and 96-9087

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/19/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

MICROFILMED

JAN 29 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 24, 2001

DMS WATER ASSN INC
PO BOX 765
ATHOL ID 83801

RE: Application for Permit No 96-9086

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on November 1 and 8, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

Allen Beardslee
Senior Water Resource Agent

Enclosure - Receipt No. N014673
MICROFILMED

JAN 29 2002