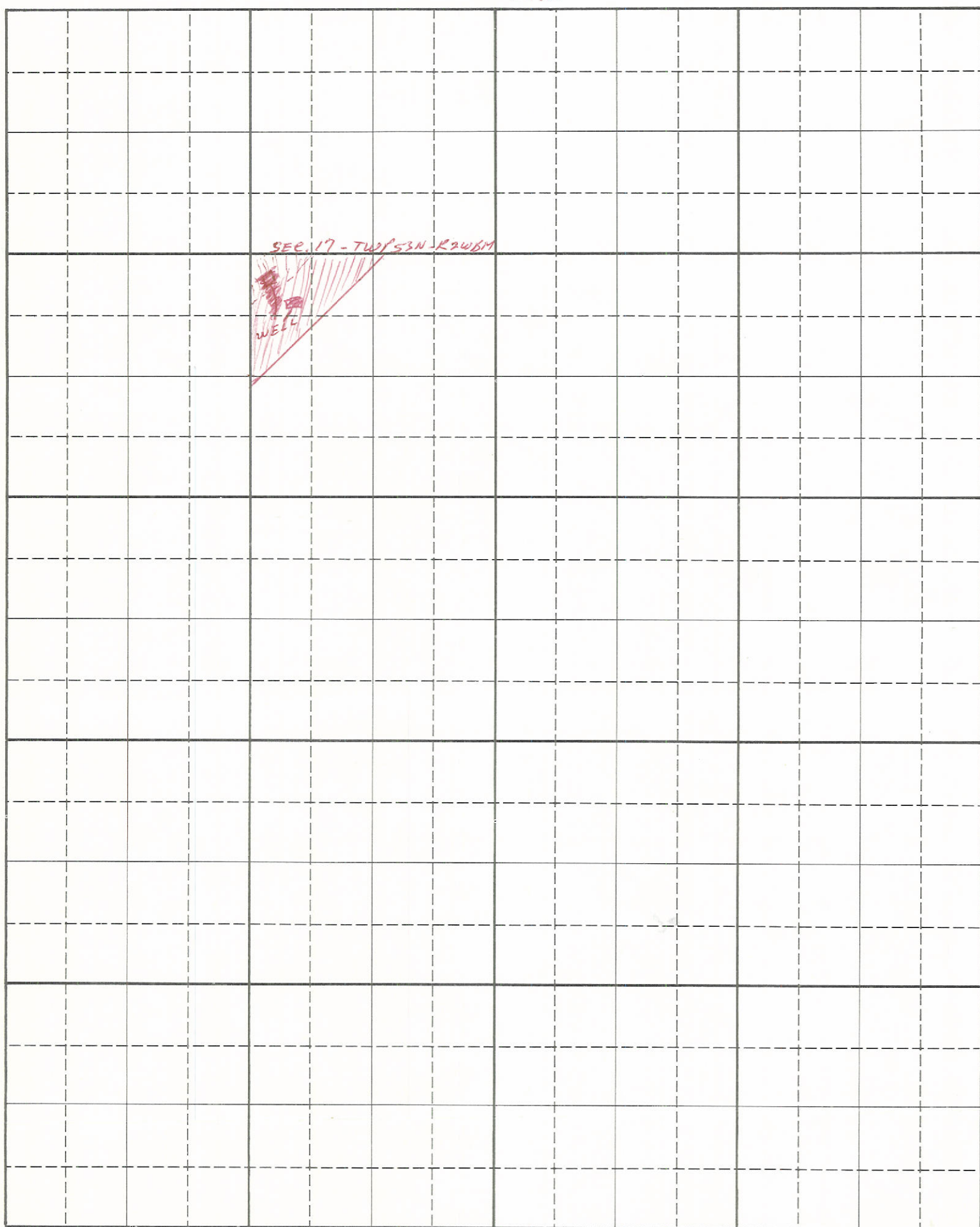


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. *SEE ATTACHED MAP - EX. A.*



Scale: 2 inches equal 1 mile

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

THE PACK RIVER COMPANY

By: *Shirley S. Smith*
(Applicant) Secretary

96 7056

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7056 Priority November 13, 1970 Amount 0.65 cfs

THIS IS TO CERTIFY, that FARRAGUT VILLAGE PROPERTY ASSOCIATION
of Freewater, Oregon, has complied with the terms and conditions of Permit
No. 96-7056 issued pursuant to Application for Permit dated November 13, 1970,
and has submitted proof to the Department of Water Resources on December 15, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.65 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (11 homes)	from January 1 to December 31	at 0.65 cfs	and 13.2 acre feet
	from _____	_____ cfs	and _____
	from _____	_____ cfs	and _____

(both dates inclusive)

Subject, however, to the condition that no more than 0.65 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
13.2 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 53N,
Rge. 2W, B.M. in the County of Kootenai

Description and location of place of use:

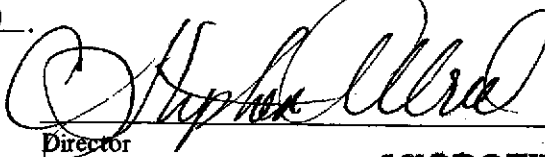
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
53N	2W	17					X	X	X	X	X								

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 18 day of
March, 19 80.


Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 96-7056
IN THE NAME OF FARRAGUT VILLAGE PROPERTY ASSN.

ORDER

WHEREAS, on November 13, 1970, the Pack River Company filed with the Department of Water Resources for an application for permit to appropriate 0.75 cubic feet per second of groundwater to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 53N, Rge. 2W, B.M., Kootenai County, to be used for domestic purposes; and,

WHEREAS, on January 15, 1971, the Department approved said application and issued Permit No. 96-7056 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before February 1, 1972, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on December 15, 1977, the Department received the required proof of application of water to beneficial use along with a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 96-7056.

Dated this 13 day of January, 1978.


BOBBY D. FLEENOR
Chief, Operations Bureau

MAILED

RECEIVED
OCT 22 1976

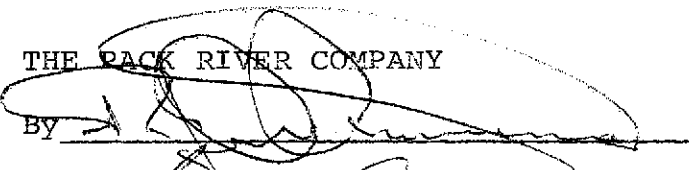
Department of Water Resources

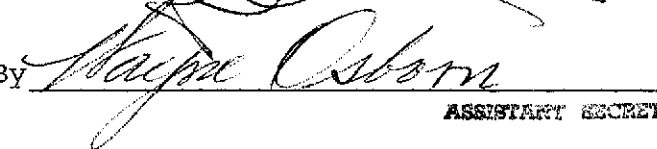
ASSIGNMENT OF WATER PERMIT

THE PACK RIVER COMPANY hereby assigns to FARRAGUT VILLAGE PROPERTY ASSOCIATION, an Idaho non-profit corporation, of Kootenai County, Idaho, whose mailing address is 302 Fidelity Building, Spokane, Washington 99201, all its right, title and interest in and to Permit No. 96-7056 to appropriate the public waters of the State of Idaho.

Made this 2nd day of April, 1976.

THE PACK RIVER COMPANY

BY 

BY 

ASSISTANT SECRETARY

STATE OF WASHINGTON)

: ss.

County of Spokane)

On this 2nd day of April, 1976, before me, a notary public in and for the above-named county and state, personally appeared R. J. DeARMOND and WAYNE OSBORN, to me known to be the President and Assistant Secretary, respectively, of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and each on oath stated that he was authorized to execute said instrument.

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


Notary Public in and for the State
of Washington, residing at Spokane

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF
DUE DATE IN CONNECTION WITH PERMIT NO.
96-7056 IN THE NAME OF THE PACK RIVER CO.

ORDER

WHEREAS, on November 13, 1970, the Pack River Company filed with the Department of Water Resources (formerly the Department of Water Administration) for an application for permit to appropriate 0.75 cubic feet per second of groundwater to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 53N, Rge. 2W, B.M., Kootenai County, to be used for domestic purposes; and,

WHEREAS, on January 15, 1971, the Department approved said application and issued Permit No. 96-7056 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before February 1, 1972; and,

WHEREAS, on January 18, 1972, the Department extended the time within which to submit proof of beneficial use to February 1, 1977; and,

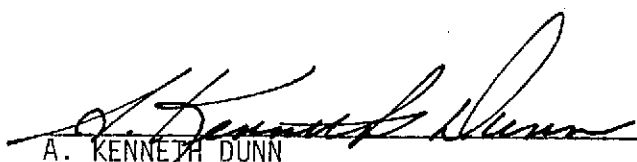
WHEREAS, on April 5, 1976, the Department received a request from the permit holder for an extension of time; and,

WHEREAS, the existence of failure to receive the necessary consent from the Federal Government has been specified as a basis for granting an extension of time in Section 42-204, Idaho Code; and,

WHEREAS, it appears that the permit holder has been prevented from proceeding with the completion of the project due to the failure to receive the necessary consent from the Federal Government;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 96-7056 be extended to January 1, 1978.

Dated this 15 day of October, 1976.


A. KENNETH DUNN

Administrator, Operations Division

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

Washington
State of ~~Idaho~~)
County of Spokane)

Department of Water Administration

Permit No. 96-7056

Chester Chastek, Secretary
(name)

The Pack River Company,
of 425 Peyton Building, Spokane,
(address)

State of Washington, being first duly sworn, upon his oath deposes and says:

The Pack River Company

That ~~he~~ is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 96-7056.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before February 1, 19 72.

That he has heretofore performed the following work described under said permit:

Well has been dug and completed; well house constructed,

distribution lines installed,

Costing \$28,500

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Manufacturer's inability to furnish designed pumping equipment;

Total application to beneficial use is dependent upon sale of the platted lots and subject to market conditions for such property;

only four or five lots have been sold to date.

WHEREFORE, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to February 1 19 77.

THE PACK RIVER COMPANY

by Chester Chastek, Secretary
(signature)

Subscribed and sworn before me this 12th day of January, 19 72.

Edward J. Perry

My commission expires 9/11/75

(notary public) in and for the
State of Washington, residing at Spokane
My Commission Expires Sept 11, 1975.

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 96-7056 to February 1, 1977.

Witness my hand this 18th day of January, 19 72.

R. Keith Higgins
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are obtainable through the Department of Water Administration, Statehouse-Annex 2, Boise, Idaho.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

Department of Water Administration

Washington
State of ~~Idaho~~)
County of Spokane)

Permit No. 96-7056

Chester Chastek, Secretary

(name)

The Pack River Company,
of 425 Peyton Building, Spokane,

(address)

State of Washington, being first duly sworn, upon his oath deposes and says:

The Pack River Company

That ~~he~~ is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 96-7056.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before February 1, 19 72.

That he has heretofore performed the following work described under said permit:

Well has been dug and completed; well house constructed,

distribution lines installed,

Costing \$28,500

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Manufacturer's inability to furnish

designed pumping equipment;

Total application to beneficial use is dependent upon sale of the
platted lots and subject to market conditions for such property;

only four or five lots have been sold to date.

WHEREFORE, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to February 1 19 77.

THE PACK RIVER COMPANY

by Chester Chastek, Secretary
(signature)

Subscribed and sworn before me this 12th day of January, 19 72.

Edward J. Parry

(notary public)

My commission expires 9/11/75

My commission expires Sept 11, 1975.

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, _____, Director of the Idaho Department of Water Administration, State of Idaho, hereby _____

Witness my hand this _____ day of _____, 19 _____.

FILE COPY

Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are obtainable through the Department of Water Administration, Statehouse-Annex 2, Boise, Idaho.

96 7056

Assigned to Farragut Village, ID
10/26/79 309 Fidelity Bldg.
Spokane, WA 99201

Identification No. 96-7056
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant The Pack River Company, a Washington corporation,
post office address 425 Peyton Building, Spokane, Washington 99201
2. Source of water supply drilled well which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17 Township 53 N.
Range 2 West B.M. Kootenai County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into NOT APPLICABLE at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount (3/4 CFS) for community supply purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. (three-quarter) .75 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water from 10-inch well will
be pumped into a line system (the system is now under design by a
water engineer).

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is ten inches; proposed depth of well is 400-450 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is one years.
b. Estimated construction cost is \$ 40,000.
8. Description of proposed uses:
a. If water is **not** for irrigation: The NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SW $\frac{1}{4}$
(1) Give the place of use of water: AND NW $\frac{1}{4}$ of Section 17 Township 53N
Range 2 West B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered Approximately 25 horses

(4) Name of municipality to be served Farragut Village, a subdivision plat
or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: Water from well will be used
for recreational development that caters to people having
riding horses.

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
None																			

Total number of acres to be irrigated_____

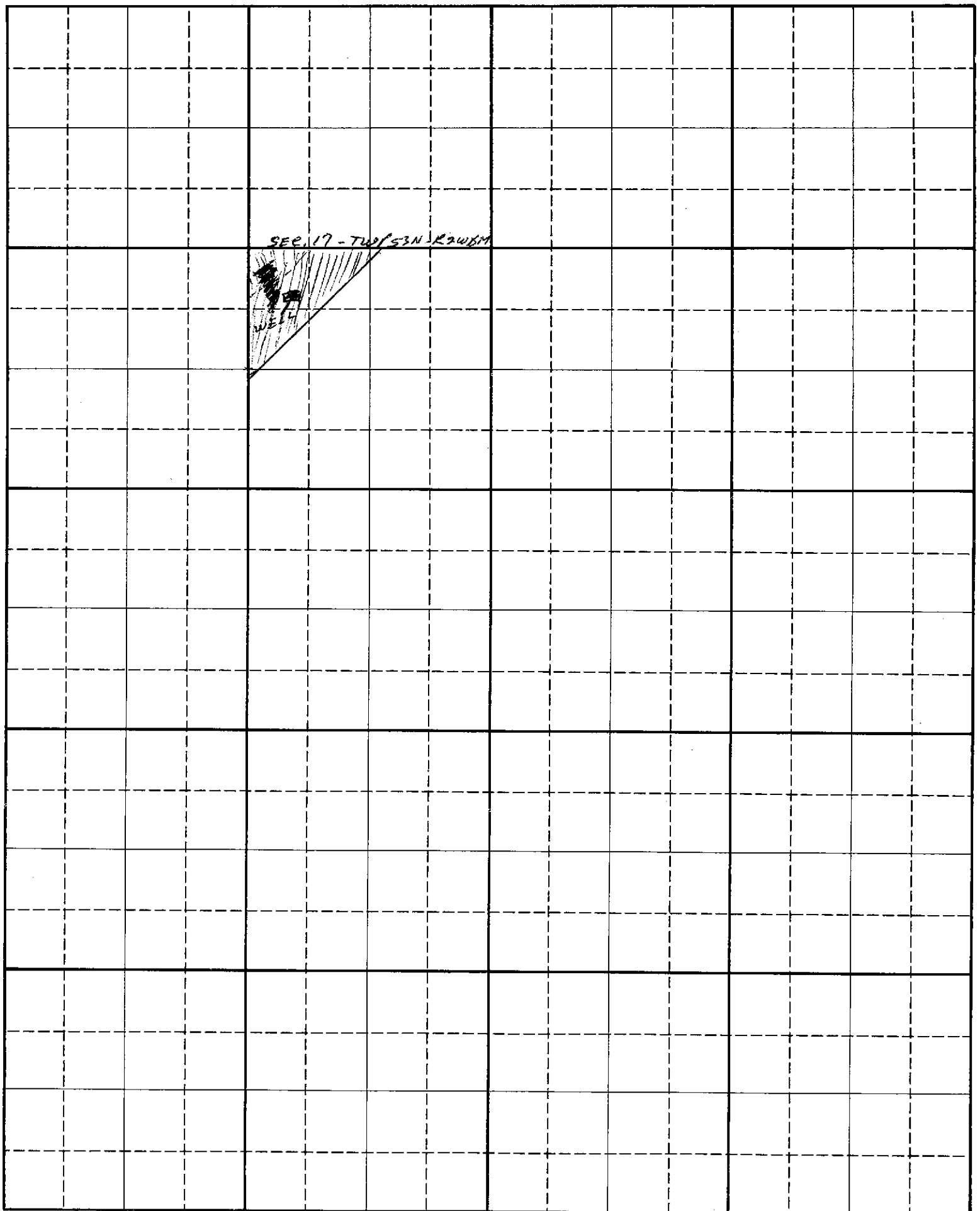
c. Describe any other water rights used for the same purposes as described above._____

None

9. a. Who owns the property at the point of diversion The Pack River Company
- b. Who owns the land to be irrigated or place of use Presently The Pack River Co. Platted
lots are to be sold.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing None

10. Remarks Farragut Village Plat will be a recreational development of
approximately 60 lots. A separate area will be provided for riding
horses. The Kootenai County Planning Commission has given its
approval of this development. The necessary steps have been taken to
comply with the Panhandle Health Department requirements. The commer-
cial area will be developed to provide services for local tourism.
The overall plan is intended to preserve the natural beauty of the
area and to maintain a well-planned development for that purpose..

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. SEE ATTACHED MAP - EX A.



Scale: 2 inches equal 1 mile

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

THE PACK RIVER COMPANY

By: *Shirley S. Smith*
(Applicant) Secretary

96 7056

Received by g Date 11-13-70 Time 8:00 AM
 Preliminary check by NMC Fee \$ 20.00 # 5317
 Receipted by g Date 11-13-70
 Publication prepared by dg Date 11-25-1970
 Published in Coeur d'Alene Press
 Publication dates 12-10 & 12-17, 1970
 Publication approved g Date 1-6-71
 Priority reduced to _____ Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by DEW 20 BDE 21 **APPROVED**

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7056, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 72.
- c. Other: The permit holder shall permanently install and maintain as part of the diverting works a measuring device of a type approved by the department. Maximum rate of diversion shall not exceed 0.75 c.f.s.

2. Denial of said application is for the following reasons: _____

Witness my hand this 15th day of January, 19 71.

R. Karl H. H.
 Director

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 96-7056 Name Pack River Company

Source ground water

Point of Diversion NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 53N, R. 2W, B.M., Kootenai County

Quantity 0.75 Use community supply Period Jan. 1 - Dec. 31

Quantity Use Period

Quantity Use Period

Well Size Diameter 10" Proposed Depth 400-450 Feet

Use 60 lot subdivision
approximately 25 horses; Farragut Village, a subdivision plat. Water from
well will be used for recreational development that caters to people having
riding horses.

Date Forwarded 11-25-70 Date Returned Received by

COMMENTS: Water table has declined 6 feet from spring
1969 to spring 1970; however decline appears to be
related to supply rather than withdrawal. Well
logs have not been filed for any wells in the
immediate area. Horses are not considered separately
when evaluating community supply

RECOMMENDED:

Applied: Qty. 0.75 cfs Use commun. supply Period 1-16 12-31 AF/A — AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Maximum: Qty. 120 cfs Use commun. supply Period 1-16 12-31 AF/A — AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

ACTION: Approved X Denied

Conditions of approval or reason for denial:

INVESTIGATION

By

Norman C. Young

Title

W.R. Engineer

Date

Dec. 23, 1970

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO,

ss.

County of Kootenai,

Callie Poirtner

....., being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the

Notice of Application

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *10* day of *December*, 19 *70*, and ending on the *17* day of *December*, 19 *70*.

Callie Poirtner

Subscribed and sworn to, before me, this *17* day of *December*

19 *70*

88 7056

C. Sakuk King

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

Department of Water Administration

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that the Pack River Company, 425 Peyton Bldg., Spokane, Washington, has on November 13, 1970 submitted Application No. 96-7056 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 0.75 cubic feet per second of water to be diverted by well and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 53N, R. 2W, B.M., Kootenai County and is to be used within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 17, T. 53N, R. 2W, B.M. for community supply from January 1 to December 31.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, on or before December 28, 1970.

R. KEITH HIGGINSON
Director

December 10, 17, 1970.

[illegible]

PRELIMINARY



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 10, 2000

Christian Dan Hinrichsen
Farragut Village Property Association, Inc.
P. O. Box 55
Athol, ID 83801

RE: Water Right License 96-07056

Dear Mr. Hinrichsen,

We apologize for not responding to your original letter and any inconvenience it may have caused. It appears that your letter was placed in the water right file before anyone responded.

Once a water right license has been issued it can not be amended to increase the diversion rate or the annual volume. Currently you are authorized to divert 0.65 cfs with an annual volume of 13.2 acre-feet. A new application for a permit needs to be filed and approved by the Department of Water Resources before increasing the diversion rate or the annual volume. I have enclosed an Application for Permit form and instructions. If you have any questions please contact a water right agent at our Northern Region office located in Coeur d'Alene at (208) 769-1450.

Sincerely,

Richard D. Hansen

Richard D. Hansen
Records Technician
(208) 327-7945

FARRAGUT VILLAGE PROPERTY ASSOCIATION, INC.

P.O. BOX 55
ATHOL, IDAHO 83801

October 7, 2000

Re: **Water Right License No. 96-7056**

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

RECEIVED

OCT 10 2000

Department of Water Resources

Dear Sir or Madam:

Enclosed is a copy of request for update of referenced water right license.

To date I have received no correspondence. If the Department of Water Resources no longer govern water licenses, please advise.

Request that immediate action be taken

Sincerely,



Christian Dan Hinrichsen
Secretary/Treasurer

FARRAGUT VILLAGE PROPERTY ASSOCIATION, INC.

P.O. BOX 55
ATHOL, IDAHO 83801

July 2, 2000

Re: **Water Right License No. 96-7056**

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

Dear Sir or Madam:

Reference Water Right License was issued on March 18, 1980 to Farragut Village Property Association, Inc. Said license provides for a rate of diversion of 0.65 cfs and an annual volume of 13.2 acre feet. The annual volume based on eleven (11) homes using water at time of the field examination.

Farragut Village Plat is comprised of 54 developable lots and a well lot. To date, 42 lots are developed and connected to the water system.

Based on historical correspondence, your office, beneficial use of water is based on a maximum daily use of 1000 gallons per family for year round use. If this holds true today, request amendment of Farragut Village Property Association, Inc. Water Right License to provide for a diversion of **0.65 cfs and an annual volume of 47.0 acre feet.**

If a new field examination is required, please take action to schedule and coordinate as soon as possible.

Sincerely,

Original Signed 7/2/00



Christian Dan Hinrichsen
Secretary/Treasurer

FARRAGUT VILLAGE PROPERTY ASSOCIATION, INC.

P.O. BOX 55
ATHOL, IDAHO 83801

July 2, 2000

RECEIVED

JUL 05 2000

Re: **Water Right License No. 96-7056**

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

Department of Water Resources

Dear Sir or Madam:

Reference Water Right License was issued on March 18, 1980 to Farragut Village Property Association, Inc. Said license provides for a rate of diversion of 0.65 cfs and an annual volume of 13.2 acre feet. The annual volume based on eleven (11) homes using water at time of the field examination.

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If a new field examination is required, please take action to schedule and coordinate as soon as possible.

Sincerely,



Christian Dan Hinrichsen
Secretary/Treasurer



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

March 18, 1980

Farragut Village Prop. Assn.
1214 Walnut St.
Milton-Freewater, Oregon 97862

Dear Sirs,

RE: License No. 96-7056

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

February 21, 1980

Re: Permit No. 96-7056 - Farragut Village Property Assn/

Monahan & Grove
Attn: John M. Grove
8 N. E. 5th Ave.
Milton-Freewater, OR 97862

Dear Mr. Grove:

We have received your letter concerning the issuance of a license for the above referenced permit.

When a permit is applied for the applicant fills in a portion of the permit giving them one to five years to complete the project. In this case they requested one year. Two months before this one year date is up, notice is sent to the permit holder that proof of beneficial use of the water is due. At this time proof of beneficial use was submitted. When proof is submitted that is our indication that the project is completed to the extent that the permit holder wants, and a field examination can be scheduled.

When the field exam is conducted, the amount found being used at that time is the amount a license can be issued for. If the amount is less than that applied for, it is still issued on the license for the amount found being used at the time of the exam. The same goes with the number of homes. If eleven homes were using water at the time of the exam, then those homes will be included on the license, and are all the field examiner can recommend to be licensed.

The 13.2 acre feet per year amount is based upon an annual 1.2 acre feet per year per home. The volume amount comes from a maximum daily use of 1000 gallons per minute per family for year round use.

I hope ^{day} this letter answers all of your questions. If the Farragut Village Property Assoc. still does not concur with these findings, please contact us within 10 days otherwise a water right license will be issued as previously indicated.

Sincerely,

JAN GROVER
Water Rights Supervisor

MICROFILMED

RECEIVED

MONAHAN AND GROVE
ATTORNEYS AT LAW
8 N. E. 5TH AVENUE
MILTON-FREEWATER, OREGON 97862

J. T. MONAHAN
JOHN U. GROVE

FEB 15 1980

TELEPHONE
AREA CODE 503
938-3377

Department of Water Resources

February 12, 1980

State of Idaho
Dept. of Water Resources
Statehouse
Boise, Ida. 83720

Att: Jan Grover
Re: Farragut Village Prop. Assn.
1214 Walnut St.
Milton-Freewater, Or. 97862

Dear Jan:

We represent Farragut Village Property Association. Your letter of February 7, 1980 concerning permit No. 96-7056 has been brought to our attention.

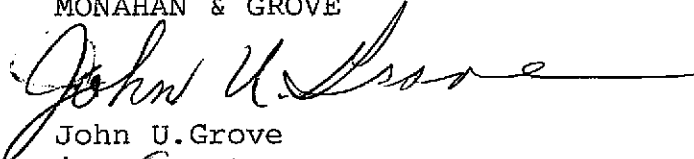
The application for permit, which was stamped "approved" by your office, a copy of which we enclose herewith) showed .75 cfs, rather than the .65 cfs indicated by your letter.

Also, we don't understand the maximum quantity diverted as 13.2/acre/feet per year. Would you please explain this.

The application shows a development for approximately 60 lots and your letter indicates 11 homes. Would you clarify this for us.

It was our client's intent and they thought they received your approval to get the permit for the amounts and places described on the application. Would you contact us and let us know what the problem is. Thank you.

Sincerely yours,
MONAHAN & GROVE



John U. Grove
jug:aw
encl:

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

February 7, 1980

Farmington Village Property Assn.
1214 Walnut St.
Milton-Freewater, Oregon 97862

Dear Sirs,

A representative of this Department made an examination of the works covered by your Permit No. 96-7056 on October 26, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.65 cfs Source: a groundwater source

The maximum quantity diverted shall not exceed 13.2 acre feet per year.

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 53N, Rge. 2W, B.M.

Beneficial use: Domestic use within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 53N, Rge. 2W.

Priority date established: November 13, 1970.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

MICROFILMED

KAMER SALES AND SERVICE



MARINE INBOARD ENGINE SPECIALISTS
MARINE ACCESSORIES
C.B. SALES

CHUCK KAMER
MICK KAMER
BAYVIEW, ID.

MICROFILMED

P. O. BOX 665
HOME 208-683-2662
BUS. 208-683-2636

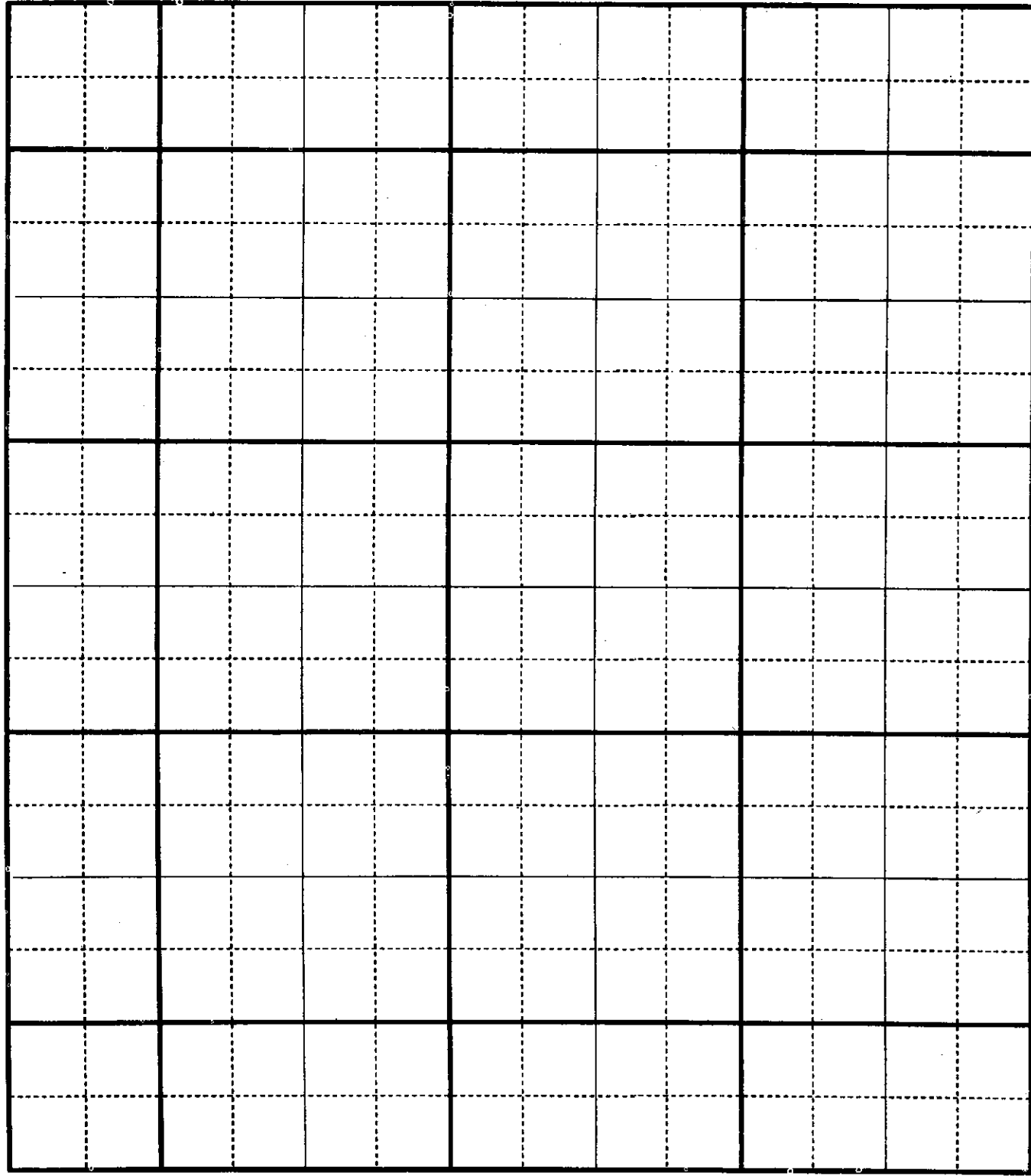


Diagram of System

DATE OF EXAM 10-26-78

ACREAGE

Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.65 c.f.s. V= _____ AF/Ann. from 1-1 to 12-31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 290 gpm Method of measurement meter

Total Q recommended _____ Meter No. 89493 Type Spring condition good

Total V recommended _____

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

290
448.8 = 0.65 cfs

SYSTEM DESCRIPTION:

10" Well with submersible pump & pipe to storage tank. 10 HP GE Mod 15K21B JN 166 Motor, Cornell Booster pump mod 1 1/2 W10-2 from storage to pressure system & place of use.

REMARKS:

11 homes at time of exam. Check Home K. Jones is case taken - license should be sent to him.

Examiner's Signature J. D. King Date 10-26-78

Checked by Bob Haynes Date 11-27-78

Approved by _____ Date _____

October 13, 1978

RE: Permit Exam #96-7056

Farragut Village Property Assn.
%Dean Weatherman
1214 Walnut St
Milton-Freewater, Or 97862

Dear Sir,

I would like to conduct the required examination of your above referenced permit. Please inform me as to whome I should contact for an appointment. Your cooperation in this matter will be greatly appreciated.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 96-7056
IN THE NAME OF FARRAGUT VILLAGE PROPERTY ASSN.

ORDER

WHEREAS, on November 13, 1970, the Pack River Company filed with the Department of Water Resources for an application for permit to appropriate 0.75 cubic feet per second of groundwater to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 53N, Rge. 2W, B.M., Kootenai County, to be used for domestic purposes; and,

WHEREAS, on January 15, 1971, the Department approved said application and issued Permit No. 96-7056 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before February 1, 1972, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on December 15, 1977, the Department received the required proof of application of water to beneficial use along with a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 96-7056.

Dated this 13 day of January, 1978.


BOBBY D. FLEENOR
Chief, Operations Bureau

MICROFILMED

January 16, 1978

Re: Permit No. 96-7056

Farragut Village Property Assn.
c/o Dean L. Weathermon
1214 Walnut St.
Milton-Freewater, Oregon 97862

Dear Mr. Weathermon:

Enclosed is a copy of an Order which removes the measuring device requirement from the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

cc: John U. Grove
MONAHAN & GROVE
8 N. E. 15th Ave.
Milton-Freewater, OR 97862

December 22, 1977

Re: Permit No. 96-7056

Farragut Village Property Association
c/o Dean L. Weathermon
1214 Walnut St.
Milton-Freewater, Oregon 97862

Dear Mr. Weathermon:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights

MICROFILMED

MONAHAN AND GROVE

ATTORNEYS AT LAW

8 N. E. 5TH AVENUE

MILTON-FREEWATER, OREGON 97862

J. T. MONAHAN
JOHN U. GROVE

TELEPHONE
AREA CODE 503
938-3377

December 21, 1977

RECEIVED

DEC 22 1977

Department of Water Resources

State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Att: Bill McAllister
Re: Permit No. 96-7056
Our Client: Farragut Village Property Assoc.
(Successors to Pack River Company)

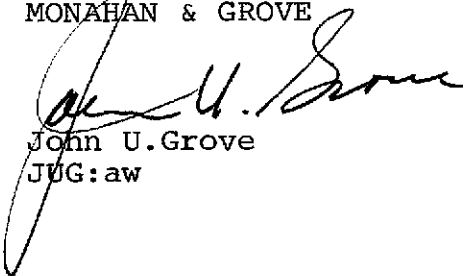
Dear Bill:

After I wrote you the letter of December 13, 1977 with the enclosed Proof of Application of Water to Beneficial Use, I learned that the water system has a measuring device that has already been approved by the State of Idaho. I assume your records show this. Would you treat this letter as a supplement to the Proof of Application of Water to Beneficial Use.

I would appreciate your checking the records and advising as to whether or not they contain documentation of the approval of the measuring device.

Thank you for your courtesy and cooperation.

Sincerely yours,
MONAHAN & GROVE


John U. Grove
JUG:aw

RECEIVED

Identification No. _____

Permit No. 96-7056

RECEIVED
DEC 15 1977
019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Farragut Village Property Association
b) Post Office Address c/o Dean L. Weathermon, 1214 Walnut St. Milton-Freewater,
Oregon, 97862

2. Permit Number 96-7056

3. Date of Priority that you are prepared to establish 11/13/70

4. a) Source from which water was appropriated Well

b) Location of the point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$ & NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section

Township 53 N, Range 2 West

Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

Amount 3/4 (.75) for domestic p purposes from 11/13/70 to 1/1/79 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated _____ cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A

b) Describe the agreement or understanding by which you take water from the works:
N/A

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Water from 10" well pumped into a line system

b) Describe the type and size of measuring device which you have installed at your point of diversion:
Since this request is for less than 2 cfs, we ask that the requirement
for a measuring device be waived.

c) Give well driller's name and address and the date the well was completed:
E. A. HOLMAN DRILLING CO. 601 S. Pines Rd., Spokane, Wa.
Completed February 11, 1971

If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Recreational Development and domestic

Exam typed 1/5/78 by [signature]

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: N/A

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

FARRAGUT VILLAGE PROPERTY ASSOCIATION

12-12-77
(Date)

BY Dean L. Weathermon
(Signature)

State of Oregon)
County of Umatilla) ss.

On this 13 day of DECEMBER, 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Paula L. Howard
Notary Public residing at Milton-Freewater, Or.
My comm. Ex. 5/9/81

My commission expires 5/9/81

MONAHAN AND GROVE
ATTORNEYS AT LAW
8 N. E. 5TH AVENUE
MILTON-FREEWATER, OREGON 97862

J. T. MONAHAN
JOHN U. GROVE

TELEPHONE
AREA CODE 503
938-3377

RECEIVED

DEC 15 1977

Department of Water Resources

December 13, 1977

State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Att: Bill MacAllister
Re: Permit No. 96-7056
Our Client: Farragut Village Property Association
(Successors to Pack River Company)

Dear Bill:

Pursuant to our telephone conversation of last week, I am enclosing Proof of Application of Water to Beneficial Use for our client Farragut Village Property Association.

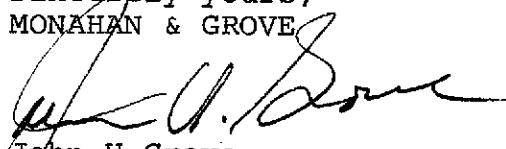
As you can see, our clients have filled the Proof out to the best of their ability.

Also, it is my understanding that our clients may request that the measuring device requirement be waived since the request is for less than 2 cubic feet per second.

I understand that this matter will be processed in due course. Also, it is my understanding that filing this Proof of Application of Water to Beneficial Use will comply with your department's deadline of January 1, 1978. If something further should be done, would you contact me as soon as possible so that they do not lose any rights regarding this matter.

Thank you for your courtesy and cooperation.

Sincerely yours,
MONAHAN & GROVE


John U. Grove

JUG:aw

encl:

CERTIFIED MAIL

October 31, 1977

CERTIFIED MAIL

138152

Re: Permit No. 96-7056

Farragut Village Property Association
302 Fidelity Bldg.
Spokane, Washington 99201

Gentlemen:

One of the conditions of approval of your water Permit No. 96-7056 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before January 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



C. STEPHEN ALLRED
Director

SA:jfr

Enc: Proof affidavit

138152

October 26, 1976

Re: Permit No. 96-7056

Farragut Village Property Assn.
302 Fidelity Bldg.
Spokane, Washington 99201

Gentlemen:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records have been changed.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

Encl.

RECEIVED

RECEIVED

OCT 22 1976

LAW OFFICES

TREZONA, LORENZ, PARRY & ESPOSITO
SUITE 302 FIDELITY BUILDING

Department of Water Resources
SPOKANE, WASHINGTON 99201
747-6173 (Area Code 509)

NORMAN F. TREZONA
WILL LORENZ
EDWARD J. PARRY
JOSEPH A. ESPOSITO

October 20, 1976

State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Attention D. Darlene Reich, Water Rights Supervisor

Re: Permit No. 96-7056

Dear Ms. Reich:

Thank you for the copy of the order extending the proof of due date in the above-mentioned permit.

I am enclosing a copy of an Assignment of Water Permit which includes an assignment of all of the right, title and interest in the permit to the Farragut Village Property Association. This assignment, of course, carries with it the extension of time to which the Company was entitled at the time the assignment was executed. As indicated in my letter of April 1, 1976, this assignment is made in contemplation of the extension of time.

Would you please record this assignment and return to us whatever documentation is necessary for the records of Farragut Village Property Association to show the assignment.

Thank you for your assistance in these matters.

Very truly yours,

TREZONA, LORENZ, PARRY & ESPOSITO

By *Edward J. Parry*

EJP:srb
Enclosure

RECEIVED

October 18, 1976

Re: Permit No. 96-7056

The Pack River Company
c/o Chester Chastek, Secretary
425 Peyton Bldg.
Spokane, Washington 99201

Gentlemen:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to January 1, 1978.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

cc: Edward Parry, Suite 302, Fidelity Bldg., Spokane, WA 99201

LAW OFFICES
TREZONA, LORENZ, PARRY & ESPOSITO
SUITE 302 FIDELITY BUILDING

NORMAN F. TREZONA
WILL LORENZ
EDWARD J. PARRY
JOSEPH A. ESPOSITO

October 1, 1976

RECEIVED
SET 8 1976
Department of Water Resources
SPOKANE, WASHINGTON 99201
747-6173 (Area Code 509)

R. Keith Higginson
Director, Dept. of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

Attention Mr. Bobby D. Fleenor, Chief, Water Rights

Re: Permit No. 96-7056
The Pack River Company

Dear Mr. Fleenor:

On April 1, 1976, we had a telephone conversation, and I forwarded to you a letter and a request for extension of time with regard to the above permit.

My records do not show having received any action on that request. Would you please check your files and determine whether action has been taken, and if it has, would you please forward me a copy of the results.

If no action has been taken, would you please process the request at your earliest convenience and forward the results to me.

Thank you for your assistance.

Very truly yours,

TREZONA, LORENZ, PARRY & ESPOSITO

By

Edward J. Parry

EJP:srb

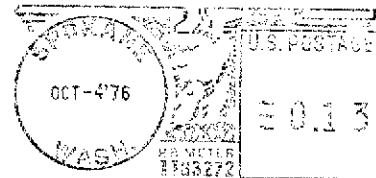
MICROFILMED

LAW OFFICES

TREZONA, LORENZ, PARRY & ESPOSITO

SUITE 302 FIDELITY BUILDING

SPOKANE, WASHINGTON 99201



R. Keigh Higginson
Director, Dept. of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

Attn. Mr. Bobby D. Fleenor, Chief,
Water Rights

RECORDED

RECEIVED

LAW OFFICES

TREZONA, LORENZ, PARRY & ESPOSITO
SUITE 302 FIDELITY BUILDING

APR 5 1976

NORMAN F. TREZONA
WILL LORENZ
EDWARD J. PARRY
JOSEPH A. ESPOSITO

Department of Water Resources
SPOKANE, WASHINGTON 99201
747-6173 (Area Code 509)

April 1, 1976

R. Keith Higginson
Director
Dept. of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

Attention Bobby D. Fleenor, Chief, Water Rights

Re: Permit No. 96-7056 - The Pack River Company

Dear Mr. Fleenor:

In accordance with our telephone conversation today, I am herewith submitting on behalf of The Pack River Company, as their attorney, a request for an additional extension of time for proof of beneficial use under the above-mentioned permit. The original time for completion, which was for one year, was extended on January 18, 1972, for an additional five years to February 1, 1977.

Since that time the distribution system has been completed, including the installation of the pumping equipment, and it is in operation. However, only a few of the platted lots which have been sold have been built upon and consequently there is rather sparse use of the water at this time. A sale of the last 11 residential lots in the plat which are served by the system will be completed this month.

This request for extension of time is based upon Idaho Code 42-218, and Idaho Code Section 42-204, subsection 1. The last cited section provides that:

"1. In cases where the applicant is prevented from proceeding with his work by his failure to obtain necessary consent or final approval or rejection from the Federal Government because of the pendency of . . . or other matter within the jurisdiction of the United States, . . ."

The circumstances which we believe bring the Company's request for an extension within that subsection are as follows:

myB

R. Keith Higginson
April 1, 1976
Page 2

This plat is one which originally was required to be registered with the Office of Interstate Land Sales of the Housing and Urban Development Department of the United States Government. Pursuant to the statutes of the United States, and the regulations of the Department of Housing and Urban Development, a Property Report in a particular form must be kept on file with that Department at all times during the sale program for the plat. The Company had originally complied with the regulations completely and had received approval for sale of the property in the plat. During the year 1974 new regulations became effective, and a notice was sent to the Company, apparently in September of 1974, notifying the Company to revise the forms and documents which are used in the sale program, as a requirement of HUD. That letter was either never received or was lost after its receipt by the Company. In any event, on November 15, 1974, another letter was received from the Department of Housing and Urban Development notifying the Company that unless the new regulations were complied with, its authority to sell its platted lots would be suspended. Because of the time elements involved at that particular time in preparing and printing the necessary amendments, on November 29 the Company agreed to suspension of sales until the regulation was complied with, and the amendment of the documents was commenced. On that date a letter was sent to the Department of Housing and Urban Development so stating.

Prior to the end of 1974 there was a change in the personnel of the Company, and the documents as corrected were inadvertently not submitted. Thereafter, the Department of Housing and Urban Development commenced an administrative proceeding to determine whether or not the Company was in violation of the regulations. At the commencement of that proceeding the Company, in lieu of the entry of an order suspending its registration, agreed again to voluntarily withhold sale of any more of the lots in the plat until the matter was corrected. No actual suspension order was entered, but the effect of the proceedings was the same as if one had been, because if the Company had not agreed voluntarily to suspend, an order would have been entered.

Thereafter, the Company submitted corrected forms, and because of a printer's error in the arrangement of materials on the form, as well as the misplacement of certain overprinting, and other technical details in the format, the Company's forms were again rejected, and there thereafter occurred negotiations between myself as attorney for the Company and the Department of Housing and Urban Development to reach an accommodation as to the format, without complete revision of all of the newly printed forms. Those negotiations resulted in an agreement between the Department of Housing and Urban Development and the Company in which certain parts of the form were revised and, after their submission to the Department, were accepted by the Department. That acceptance occurred on October 16, 1975, and the Company was then again able to offer the lots for sale.

R. Keith Higginson
April 1, 1976
Page 3

I am enclosing copies of the letters of November 15, 1974, our response of November 29, 1974, a notice rescheduling the hearing which had been originally set for May 22, 1975, and which rescheduled the hearing for October 31, 1975, and a copy of the letter of October 16, 1975, showing the final acceptance of the revised forms. I have also in my files, if you require them, originals and copies of correspondence, formal offers of settlement, proposed orders, interim hearing notices, and the other pleadings and documents pertaining to that administrative proceeding. The file is approximately two inches thick, and consequently we have not reproduced the entire file for your perusal. However, if you desire any further information concerning those proceedings, please call me, and we will supply whatever is necessary.

In view of the foregoing, constituting a "failure to obtain necessary consent or final approval or rejection from the Federal Government because of the pendency of . . . or other matter within the jurisdiction of the United States" which delayed the sale of the lots, and thus the possible further application of beneficial use of water to those lots, it is respectfully submitted that the time should be extended by the amount of time lost by that delay, being the period from November 15, 1974, to October 16, 1975, a period of 11 months and one day.

If any further information or documentation is needed, please do not hesitate to request it.

As I indicated on the phone, the Company intends to assign the permit to the Property Owners Association this month, and consequently we would appreciate whatever expedition can be given this matter.

Very truly yours,

TREZONA, LORENZ, PARRY & ESPOSITO

By



EJP:srb
Enclosures



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF INTERSTATE LAND SALES REGISTRATION
WASHINGTON, D.C. 20410

RECEIVED

APR 5 1978

Department of Water Resources

IN REPLY REFER TO:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 15 1974

0-1602-12-12
Farragut Village

The Pack River Company
425 Peyton Building
Spokane, Washington 99201

Gentlemen:

Subject: Submission of Property Reports and Contracts

On or about September 12, 1974, you were advised by letter from this Office of the necessity for mailing to us, not later than midnight, October 20, 1974, revised Property Report cover pages and lot sales or lease contract revisions. The revisions were, as explained in that letter, caused by the amendments by Congress to Section 1404(b) of the Interstate Land Sales Full Disclosure Act which extended the 48 hour rescission period to 3 business days and also abolished the provisions for waiver of this time by purchasers. These amendments were signed into law August 22 and became effective October 21, 1974. They apply to all sales or leases made on or after that date.

As of today the required revisions to your Property Report and contracts have not been received by us as required by the above referenced letter and the amended Regulations, published October 29, 1974, in the Federal Register on pages 38098-38101. Therefore, we are conducting an examination to determine what further action is warranted by us pursuant to Section 1407(e) of the Interstate Land Sales Full Disclosure Act. You will note that Section 1407(e) also provides "If the developer or any agents shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuing of an order suspending the Statement of Record."

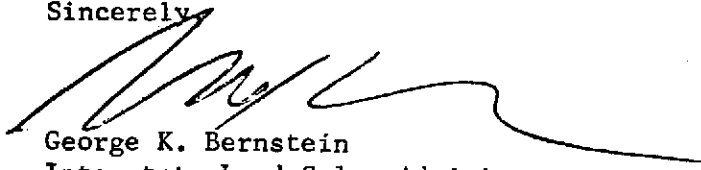
You are hereby requested to send to this Office, within 15 days of the receipt of this letter (1) a copy of the Property Report or Reports presently on file in your office and used in your lot sales or leasing program, and (2) a copy of the sales or lease contract or agreement presently on file in your office and used in your lot sales or leasing program.

(Continued on other side)

Failure to respond as requested will result in issuance of an order suspending your Statement or Statements of Record with our Office under the authority of Section 1407(e) of the Interstate Land Sales Full Disclosure Act (15 USC 1706(e)).

In your response, please put your OILSR file number or numbers on your letter and copies of the Property Report and contract.

Sincerely,



George K. Bernstein
Interstate Land Sales Administrator

Letter #Y



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF INTERSTATE LAND SALES REGISTRATION
WASHINGTON, D.C. 20410

RECEIVED

APR 5 1975

Department of Water Resources

16 OCT 1975

IN REPLY REFER TO:
Carter

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward J. Parry, Esquire
Trezona, Lorenz, Parry and Esposito
Suite 302 Fidelity Building
Spokane, Washington, 99201

Dear Mr. Parry:

Subject: Docket No. Y- 886, OILSR No. 0-1602-12-12

We have reviewed and found acceptable the materials submitted with respect to their conformance with the statutory changes necessitated by the Housing and Community Development Act of 1974 (Public Law 93-383). Therefore, the proceedings in the above-cited case are hereby terminated.

If you submitted additional amendments to your file beyond those required by the change in statute, such amendments will be responded to under separate cover within 30 days. If you did not submit amendments to update the complete file in accordance with 24 CFR, Section 1720.530, be advised that such conforming amendments must be submitted in a timely manner or proceedings will be instituted to effect compliance.

Sincerely,


John R. McDowell

Interstate Land Sales Administrator (Acting)

RECEIVED

APR 5 1975

Department of Water Resources

November 29, 1974

Department of Housing and
Urban Development
Office of Interstate Land Sales
Registration
Washington, D. C. 20410

Attention Mr. George K. Bernstein, Interstate Land
Sales Administrator

Re: Your No. 0-1602-12-12 - Farragut Village

Dear Mr. Bernstein:

Enclosed please find the Property Report and contract form used by Pack River Properties, Inc. in the sale of lots in Farragut Village, as requested in your letter of November 15, 1974.

We have not been able to find the letter of September 12, 1974, referred to in your November 15 letter, nor have we received copies of the new regulations.

We call your attention to the provisions of our rescission form, a copy of which we also enclose, which provides for a rescission period of three business days.

We will of course correct our sale agreement forms, and our property report in that regard, and in any other respect that is required by the regulations.

Would you kindly forward to us by return mail a copy of the new regulations so that we may be certain to have the correct provisions in our documents.

Also, please be assured that it is our desire to cooperate fully and completely with the Office of Interstate Land Sales Registration, and that no orders of suspension or otherwise will be required in order to force compliance. Our clients will not close any further sales on this plat until the sale agreement form and the property report cover sheet are corrected to comply with the regulations. We therefore request that

Department of Housing and
Urban Development
November 29, 1974
Page 2

you forward a copy of the regulations to us as soon as possible.

Would you kindly forward the documents directly to me, so that they do not become misplaced in The Pack River Company's main offices.

Apparently, your office has overlooked the fact that the property report was amended, showing that the developer is Pack River Properties, Inc., a Washington corporation, East 14208 Sprague Avenue, Spokane, Washington 99216. This corporation is a wholly-owned subsidiary of The Pack River Company, but has separate offices from The Pack River Company to whom you addressed your letter of November 15, 1974. This may explain the fact that Pack River Properties, Inc. did not receive your September 12, 1974 letter. The parent corporation is a large company having several subsidiaries, and if correspondence is not sent directly to Pack River Properties, Inc., there is no assurance that it will be delivered to them from The Pack River Company, inasmuch as the personnel at The Pack River Company offices are not necessarily familiar with all of these matters.

Again, please be assured of our client's desire to cooperate and to comply with the regulations.

Very truly yours,

TREZONA, LORENZ, PARRY & ESPOSITO

EJP:srb
Enclosures
cc: Pack River Properties,

No. 492598

SENDER: Be sure to follow instruction:

PLEASE FURNISH SERVICE(S) INDICATED B
(Additional charges required for these

☐ Show to whom, date and address
where delivered

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Department of Housing and Urban Development, Office of		POSTMARK OR DATE
STREET AND NO. Interstate Land Sales Registration, Washington, D. C. 20410,		
P.O., STATE AND ZIP CODE Attention Mr. George K. Bernstein, Interstate Land Sales Administrator		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered 15¢ With delivery to addressee only 65¢ 2. Shows to whom, date and where delivered .. 35¢ With delivery to addressee only 85¢	
DELIVER TO ADDRESSEE ONLY		
SPECIAL DELIVERY (extra fee required)		

11/29/74

PS Form 3800
Apr. 1971

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See other side)

* GPO : 1972 O - 460-743

RECEIPT

Received the numbered article described below

REGISTERED NO.

CERTIFIED NO.

492598

INSURED NO.

DATE DELIVERED

DEC 2 1974

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

HUD - OILSR

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

Exhibit A

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RECEIVED

APR 5 1976

In the matter of: Farragut Village

Department of Water Resources

L. V. Brown, President
Pack River Properties, Inc.

Respondent

OILSR No. 0-1602-12-12

Case No. Y-886

NOTICE
RESCHEDULING HEARING

YOU ARE HEREBY NOTIFIED that the hearing in the above matter which had originally been scheduled for May 22, 1975, has been RESCHEDULED at the request of: Mutual Agreement.

The RESCHEDULED hearing will be held at the Department of Housing and Urban Development, 451 7th Street, S. W., Room 7146, Washington, D.C. 20410, on October 31, 1975, at 10:00 a.m.

Issued at Washington, D.C.

on October 9, 1975.


James W. Mast, Administrative Law Judge
Department of Housing and Urban Development
451 7th Street, S. W. - Room 7150
Washington, D.C. 20410

January 19, 1972

Re: Permit No. 96-7056

The Pack River Company
425 Peyton Bldg.
Spokane, Washington 99201

Gentlemen:

Enclosed please find a copy of the approved application for extension of time for Permit No. 96-7056. The time within which to submit proof of beneficial use of water has been extended to February 1, 1977.

If we may be of assistance at any time, please advise.

Very truly yours,

James Booker
Appropriation Examiner

JB:DR

Enc: Copy of extension

cc: Trezona, Chastek, Lorena & Parry

96 7056

LAW OFFICES
TREZONA, CHASTEK, LORENZ & PARRY
SUITE 302 FIDELITY BUILDING

NORMAN F. TREZONA
CHESTER CHASTEK
WILL LORENZ
EDWARD J. PARRY

SPOKANE, WASHINGTON 99201
Riverside 7-6173 (Area Code 509)

January 13, 1972

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention James Booker, Appropriation Examiner

Re: Permit No. 96-7056
The Pack River Company, a Washington corporation
Extension of Time Form

Dear Mr. Booker:

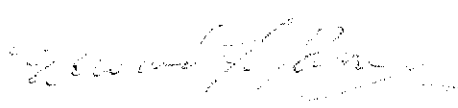
Enclosed please find the executed application for extension of time with reference to the above permit.

As the records of the corporation with respect to this matter are kept in this office, would you please return the approval of the extension of time to us. As you will note from our letterhead, Mr. Chastek is a member of this firm, and though The Pack River Company's office address is 425 Peyton Building, the work on this matter is being done in this office. If you cannot send the original approval to us for some reason, would you please send us a copy of it for our files so that we will know exactly when the approval is received.

Thank you for your assistance and your cooperation on this matter.

Very truly yours,

TREZONA, CHASTEK, LORENZ & PARRY

By 

EJP:srb
Enclosure

98 7056

December 30, 1971

Re: Permit No. 96-7056 - The Pack River Co., a Washington Corporation

TREZONA, CHASTEK, LORENZ & PARRY
Attorneys at Law
Suite 302 Fidelity Building
Spokane, Washington 99201

ATTENTION: Edward F. Parry

Dear Mr. Parry:

Enclosed is this Department's request for extension of time form.

Pursuant to your letter of December 23, 1971, we are requesting that you complete the enclosed form and return it to this office prior to February 1, 1972.

If you have any further questions concerning this matter, please contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB/bb

Enc: Extension of Time form

96 7056

LAW OFFICES
TREZONA, CHASTEK, LORENZ & PARRY
SUITE 302 FIDELITY BUILDING

NORMAN F. TREZONA
CHESTER CHASTEK
WILL LORENZ
EDWARD J. PARRY

SPOKANE, WASHINGTON 99201
Riverside 7-6173 (Area Code 509)

December 23, 1971

RECEIVED

Department of Water Administration

State of Idaho
Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention Mr. R. Keith Higginson, Director

Re: Pack River Company
Water Permit No. 96-7056

Gentlemen:

This letter will acknowledge receipt of your notice of December 1, 1971, advising us that the proof of application of water to beneficial use for the above permit must be made on or before February 1, 1972.

While the well has been completed, the pad for the pump is installed, the pumphouse is installed and the distribution lines are in place, it has been impossible to complete this installation because of unavailability of the required pumps. The manufacturer of the pumps has back ordered them on at least two occasions.

In addition to the inability to complete the works, because of lack of equipment, as you will note from the application, this is a system for a subdivision known as Farragut Village. The platting of that subdivision has been completed, and sale of the lots has commenced. However, only four or five of the lots have at this time been sold. The sale of the remainder of the lots of course will depend upon the market for that type of property, as well as the completion of the water system. Consequently, it is impossible at this time to furnish proof of application of the water to beneficial use at this time, and to do so in any short period of time in the future.

Because of the necessity of acquiring the necessary pumps, which are presently not available, and of selling the lots so as to apply the water to the beneficial use, we hereby formally request that the time for making proof of application of water to beneficial use on permit

96 7056

State of Idaho
December 23, 1971
Page 2

#96-7056 be extended for a period of five years. That period of time contemplates the sale of all of the lots and the construction of residences or recreational housing upon them by the purchasers of the lots, and actual use of the water for those purposes.

Very truly yours,

TREZONA, CHASTEK, LORENZ & PARRY

By Edward J. Parry
Attorney and agent for The Pack
River Company

EJP:srb

96 7056

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.



Show to whom, date and address
where delivered



Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

23226

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

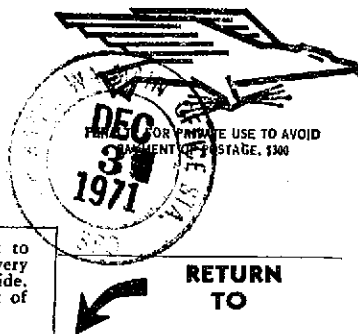
DEC 8 1971

96-7056

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.



DEPARTMENT OF VETERANS AFFAIRS
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

96-7056

December 1, 1971

CERTIFIED MAIL

#23226

Re: Permit No. 96-7056

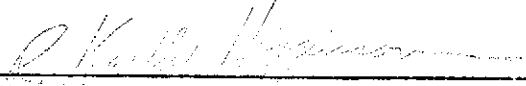
The Pack River Company
425 Peyton Bldg.
Spokane, Washington 99201

Gentlemen:

One of the conditions of approval of your water Permit No. 96-7056
(see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.


R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

96 7056

January 22, 1971

Re: Permit No. 96-7056

**The Pack River Company
425 Peyton Building
Spokane, Washington 99201**

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 96-7056. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

**BOBBY D. FLEENOR
Assistant Director**

BDF:kh

**Enclosures: Copy of permit
2 informational letters**

cc. Edward J. Parry, Attorney

96 7056

December 30, 1970

Re: Application No. 95-7125 - Everett L. Bridges
" " 96-7056 - The Pack River Company

Coeur d'Alene Press
2nd & Lakeside
Coeur d'Alene, Idaho 83814

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced applications. The legal notices were to have been published in your paper on December 10th and 17th, 1970.

If you have already forwarded the above requested items, please disregard this letter. Your cooperation is most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

96 7056

NOTICE OF APPLICATION
FOR PERMIT
TO APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO

Notice is hereby given that the Pack River Company, 425 Peyton Bldg., Spokane, Washington, has on November 13, 1970 submitted Application No. 96-7056 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 0.75 cubic feet per second of water to be diverted by well and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 53N, R. 2W, B.M., Kootenai County and is to be used within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 17, T. 53N, R. 2W, B.M. for community supply from January 1 to December 31.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, on or before December 28, 1970.

R. KEITH HIGGINSON
Director

December 10, 17, 1970.

November 25, 1970

Re: Application No. 96-7056 - Pack River Company

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, Idaho 83814

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: legal notice

Bill submitted 1-6-71 By ds

96 7056

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that the Pack River Company, 425 Peyton Bldg.,
Spokane, Washington has on November 13, 1970
submitted Application No. 96-7056 to appropriate the public waters of
a ground water source
The/ proposed/ uses/ are/

The application proposes a maximum diversion and appropriation of 0.75
cubic feet per second acre/feet/ of water to be diverted by well and pump
within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17,
T. 53N, R. 2W, B.M., Kootenai County

and is to be used within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 17, T. 53N, R. 2W, B.M.
for community supply from January 1 to December 31.

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Water Adminis-
tration on or before December 28, 1970.
Boise, Idaho
Statehouse, Boise, Idaho

R. KEITH HIGGINSON
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho
on December 10 and December 17, 1970.

96 7056

November 10, 1976

Re: Application for Permit
The Pack River Company

Trezona, Chastek, Lorenz & Parry
Attn: Edward J. Parry
Suite 302 Fidelity Building
Spokane, Washington 99201

Dear Mr. Parry:

We are returning the application for permit which you submitted for The Pack River Company and the check in the amount of \$20. Upon reviewing this application, we find that additional information is required as to the place of use listed under item 8a1. We noted in reviewing the survey plat which you attached to the application that the place of use will incur within the entire NW $\frac{1}{4}$ Sec. 17, Twp. 53 N., Rge. 2 W., B.M., however, on the application you have listed the place of use as the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17. As soon as you have clarified this issue and resubmitted the application with the \$20 filing fee, we shall continue to process this application.

If you have any questions, please feel free to contact us.

Very truly yours,

DORIAN CLAY
Appropriation Examiner

DC:kh

Enclosure

96 7056

96 7056

LAW OFFICES
TREZONA, CHASTEK, LORENZ & PARRY
SUITE 302 FIDELITY BUILDING

NORMAN F. TREZONA
CHESTER CHASTEK
WILL LORENZ
EDWARD J. PARRY

SPOKANE, WASHINGTON 99201
Riverside 7-6173 (Area Code 509)

November 9, 1970

State of Idaho
Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Gentlemen:

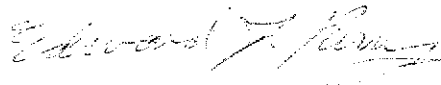
Enclosed please find an application for water permit for a development to be known as Farragut Village. I have enclosed a copy of the preliminary plat which in its substantial present form will be filed probably this week. Also enclosed please find our check for \$20 for the fee. Would you kindly process this as soon as possible. We must have the water to the lots before they are sold.

Could you also please advise us of the status of our application for a permit for our Fall Creek Development for The Pack River Company.

Very truly yours,

TREZONA, CHASTEK, LORENZ & PARRY

By



EJP:srb

Enclosure

96 7056

Trezona, Chastek, Lorenz & Parry
302 Fidelity Bldg.
Spokane, Washington 99201

Gentlemen:

Returned herewith is Departmental Receipt No. 5317 in the amount of
\$20.00 for Application for Permit for The Park River Company

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

96 7056