

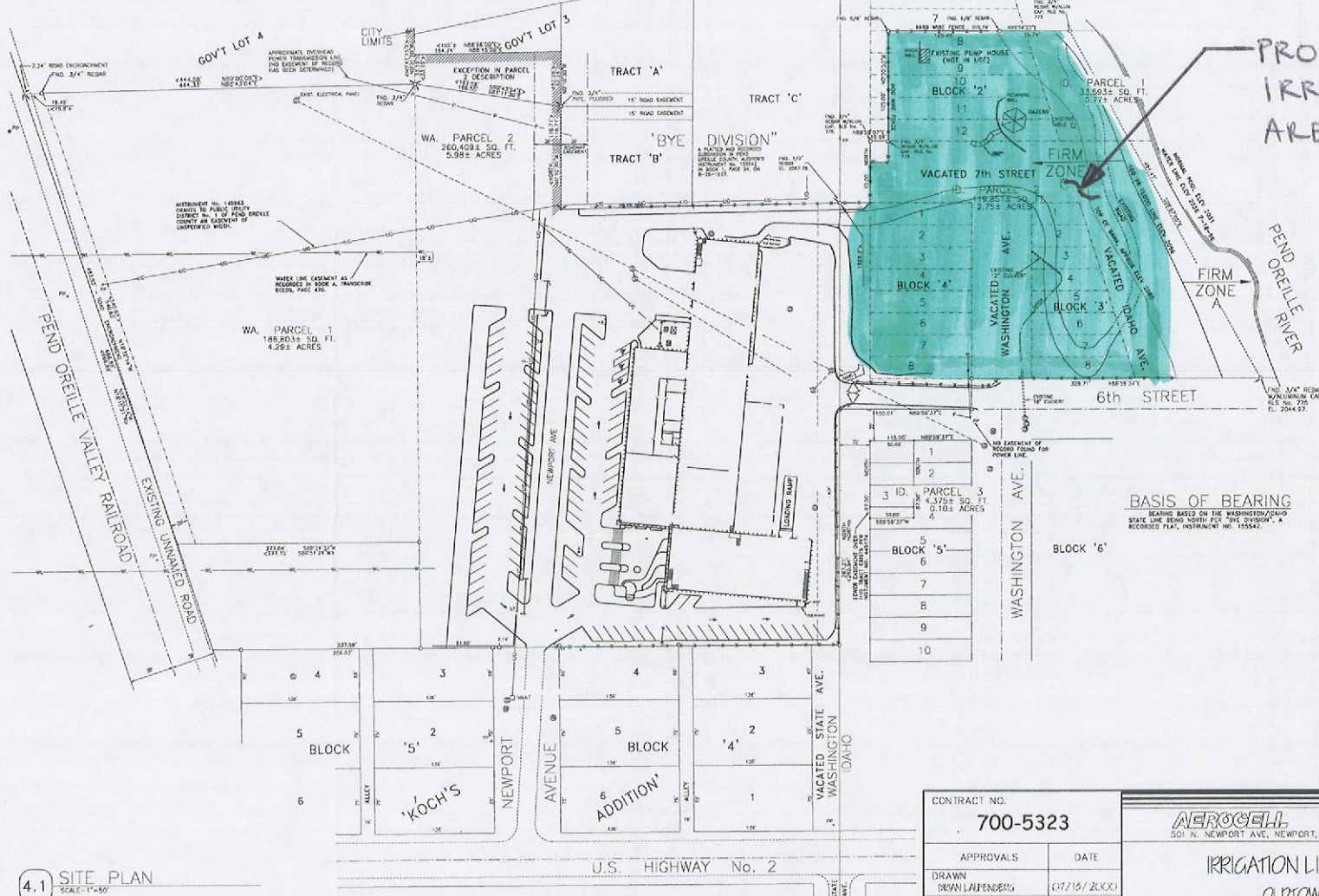
RECEIVED

JUL 17 2003

IDWR/North

ALTA/ACSM LAND TITLE SURVEY

SECTION 18, TWP. 31N., RNG. 46E., W.M., PEND OREILLE COUNTY, NEWPORT, WA.
and
SECTION 24, TWP. 56N., RNG. 6W., B.M., BONNER COUNTY, OLDTOWN, ID.



PROPOSED
IRRIGATION
AREA

MICROFILMED
JAN 29 2003

BASIS OF BEARING
BEARING BASED ON THE WASHINGTON/IDAHO
STATE LINE BEING USED FOR "BYE DIVISION", A
RECORDED PLAT, INSTRUMENT NO. 155442.

- LEGEND**
- PROPERTY CORNER TO BE SET W/
3/4" REBAR & ALUM. CAP. RLS
No. 24228 (WASHINGTON) -
6019 (IDAHO)
 - PP - EXISTING POWER POLE
 - LA - EXISTING LIGHT POLE
 - LS - EXISTING GUY STUB
 - SM - EXISTING SINKER MANHOLE
 - WM - EXISTING WATER MANHOLE
 - DR - EXISTING DRAIN
 - CB - EXISTING CATCH BASIN
 - WM - EXISTING WATER METER
 - WV - EXISTING WATER GATE VALVE
 - PH - EXISTING FIRE HYDRANT
 - < - MISC. SURVEYS BY RLS NO. 2227
END 775

4.1 SITE PLAN
SCALE 1"=50'

CONTRACT NO. 700-5323		AEROCCEL 501 N. NEWPORT AVE., NEWPORT, WA 99156	
APPROVALS DRAWN/LAUFENBERG CHECKED ISSUED STRESS	DATE (07/15/2000)	IRRIGATION LINE PROPOSAL OLDTOWN, IDAHO	
SIZE D	SCALE N/A	DWG. NO. NP1003	REV. N/C
CAD \Newport\Irrigation Application		SHEET 2 OF 3	

NEWPORT

OLDTOWN

GOV'T LOT 1



SCALE - 1" = 50'

 0 25 50 100
 SCALE IN FEET

 MICROFILMED
 JAN 29 2003

 PROPOSED AREA
 (IRRIGATION FEED LINE)

PEND OREILLE RIVER

FIRM ZONE A

FIRM ZONE C

 ID. PARCEL 1
 33,593± SQ. FT.
 0.77± ACRES

 ID. PARCEL 2
 119,851± SQ. FT.
 2.75± ACRES

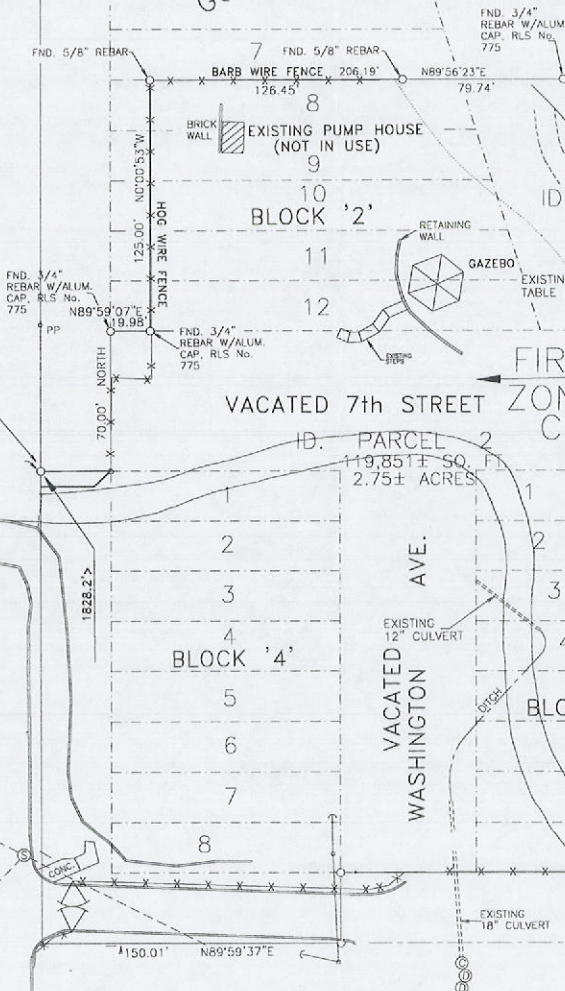
BLOCK '2'

BLOCK '4'

BLOCK '3'

6th STREET

 VACATED WASHINGTON AVE.
 EXISTING 12" CULVERT

 VACATED IDAHO AVE.
 TOP OF BANK APPROX ELEV 2080


CONTRACT NO.

700-5323

APPROVALS

DATE

DRAWN

CHECKED

07/19/2000

ISSUED

STRESS

AEROCCELL

501 N. NEWPORT AVE, NEWPORT, WA 99156

 IRRIGATION LINE PROPOSAL
 OLDTOWN, IDAHO

SIZE

D

SCALE

N/A

DWG. NO.

NP1003

REV.

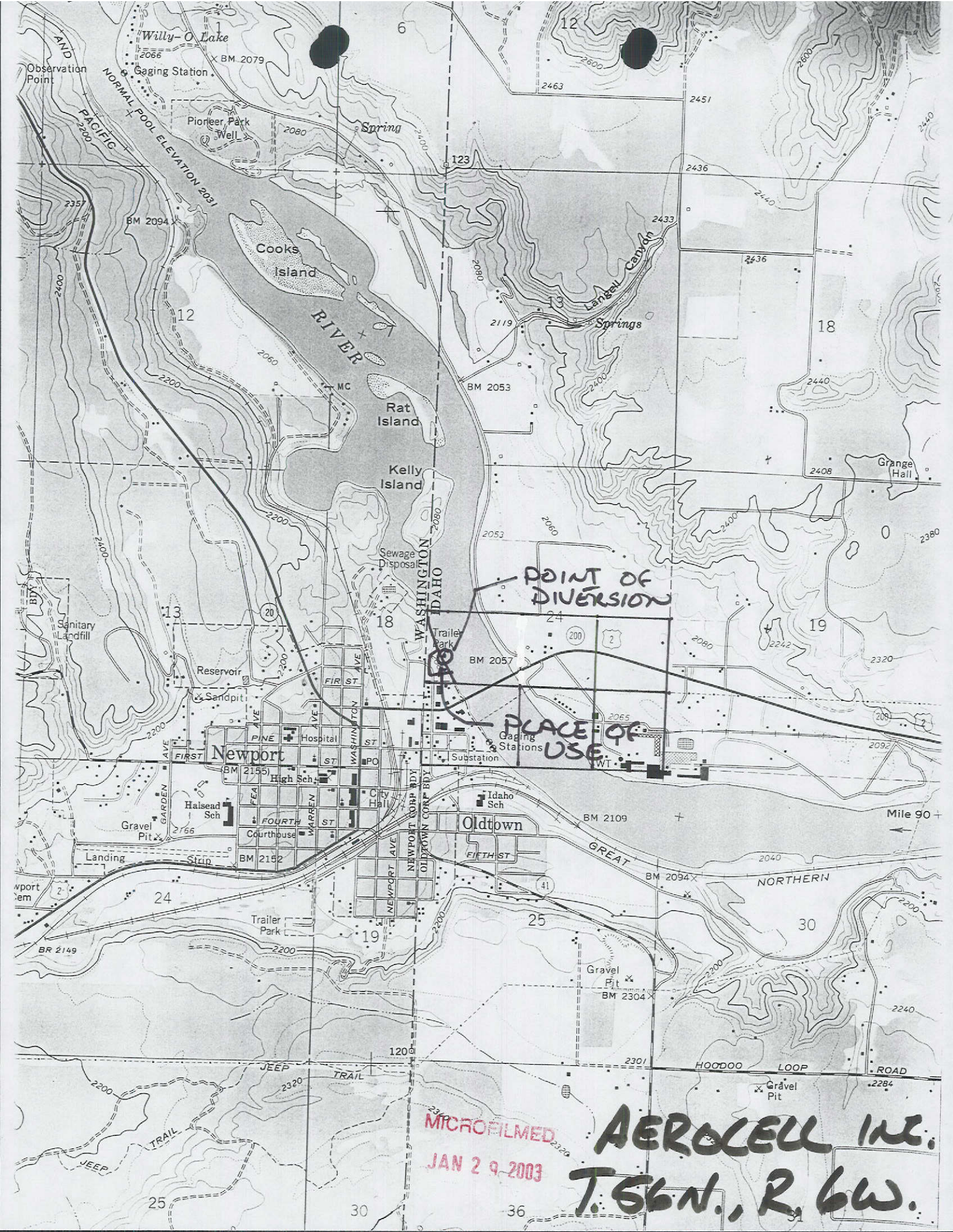
N/C

CAD

Newport Irrigation Application

SHEET

3 OF 3



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JAN 29 2003

AEROCELL INC.
T. 66 N., R. 6 W.

Sec. 10.

Sec. 11.

Sec. 15.

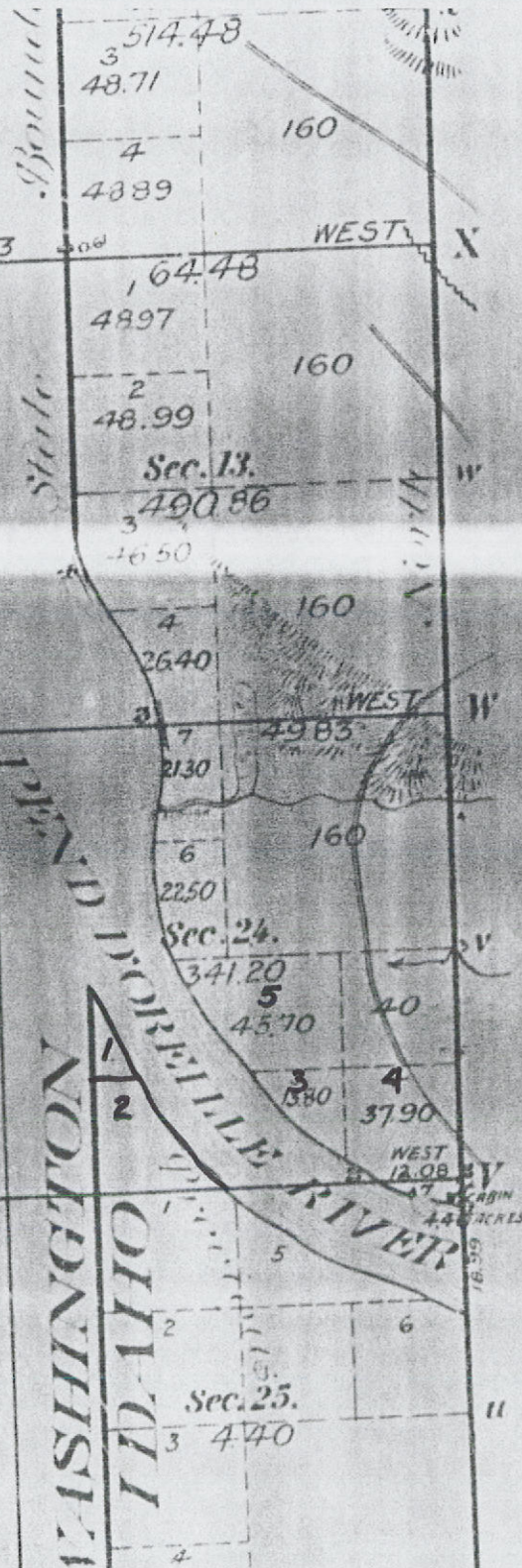
Sec. 14.

Sec. 22.

Sec. 23.

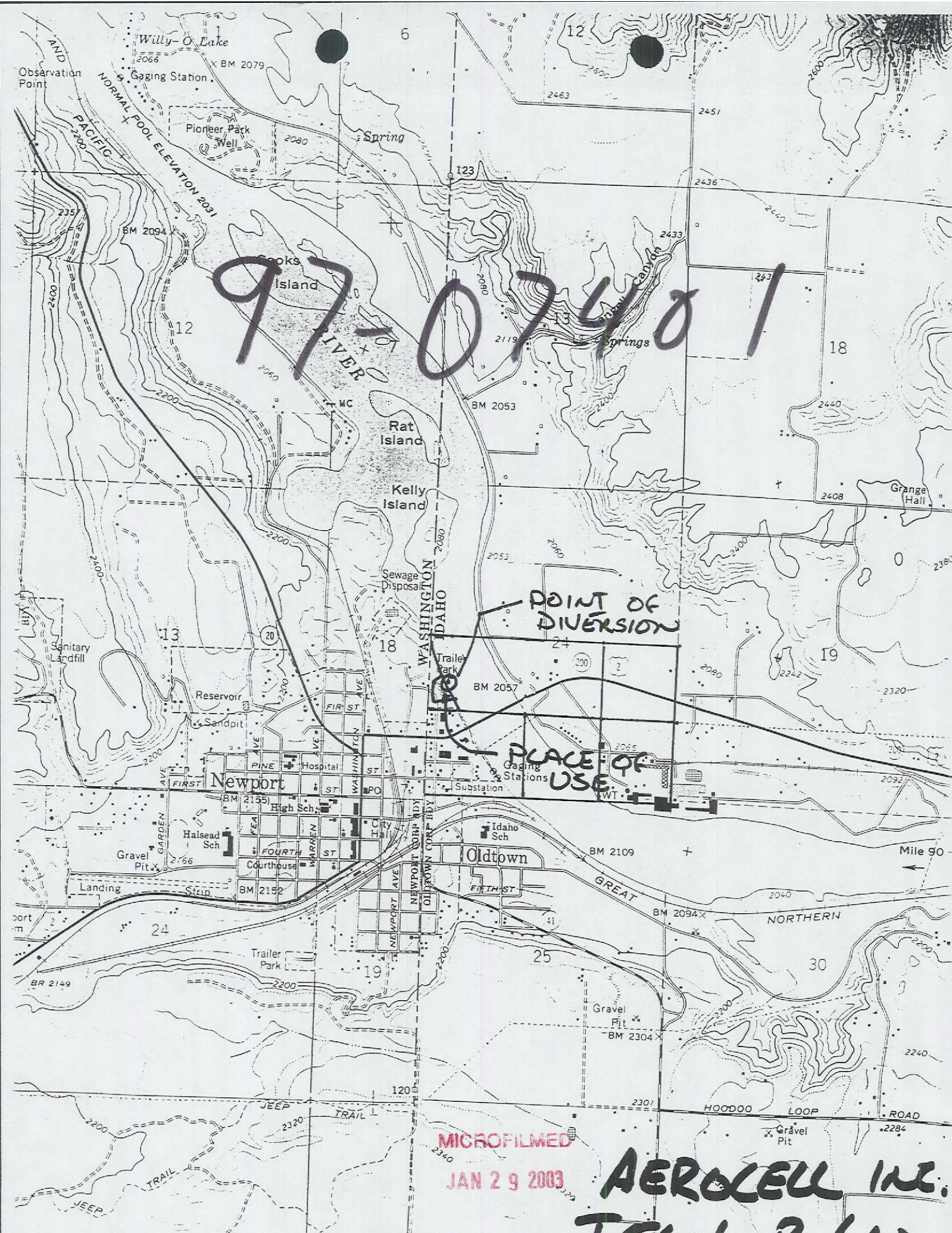
Sec. 27.

Sec. 26.



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JAN 29 2003

Accepted by 10



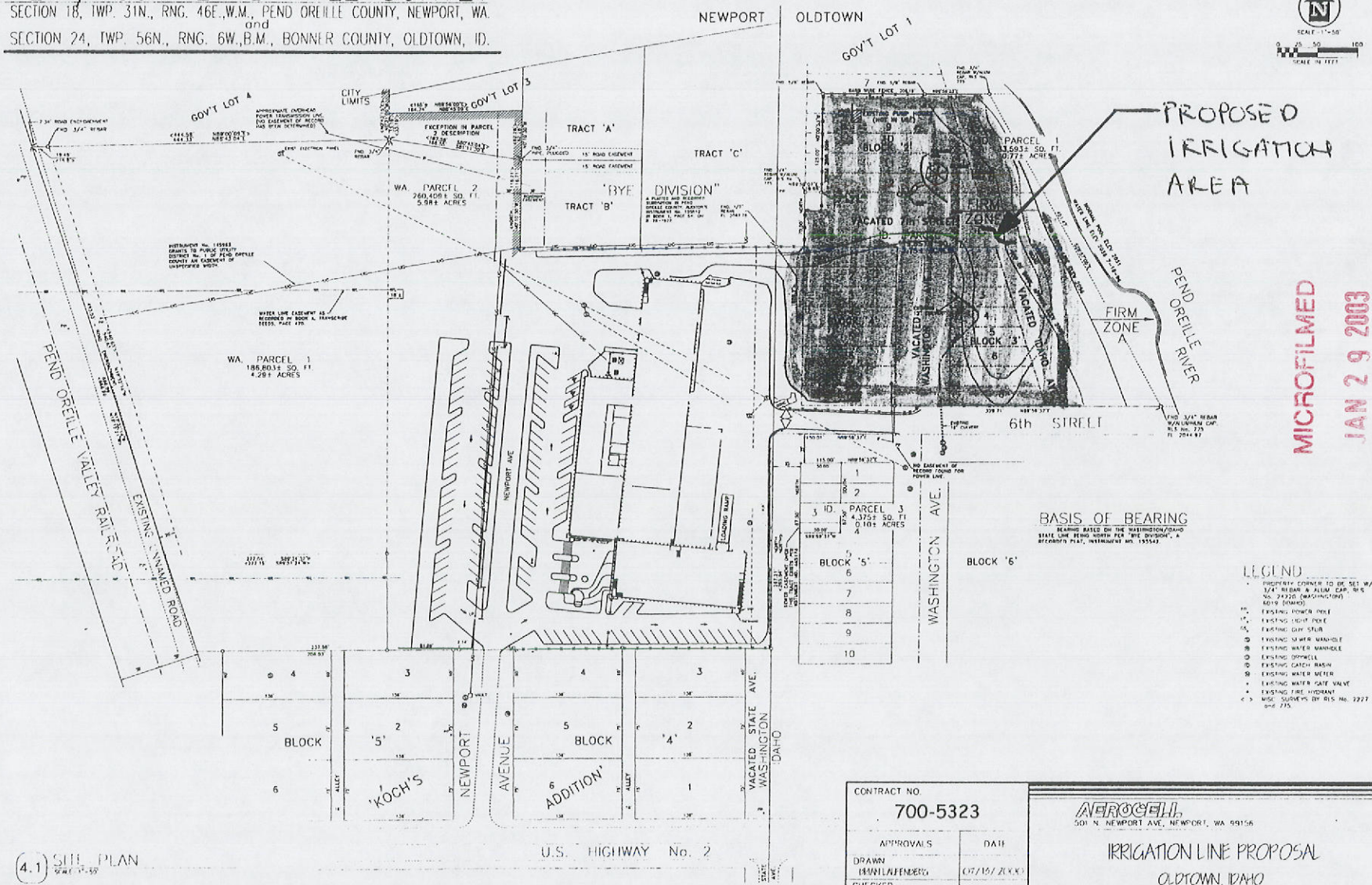
MICROFILMED

JAN 29 2003

AEROCELL INC.

IDWR/North

SECTION 18, TWP. 31N., RNG. 46E., W.M., PEND OREILLE COUNTY, NEWPORT, WA.
and
SECTION 24, TWP. 56N., RNG. 6W., B.M., BONNER COUNTY, OLDTOWN, ID.



(4.1) SILL PLAN

U.S. HIGHWAY No. 2

CONTRACT NO.
700-5323

APPROVALS	DATE
DRAWN MANILA FENDERS	07/16/2000
CHECKED	
ISSUED	
STRESS	

AEROCCELL
501 N. NEWPORT AVE., NEWPORT, WA 99156

IRRIGATION LINE PROPOSAL
OLDTOWN, IDAHO

SIZE D	SCALE N/A	DWG. NO. NP1003	REV N/A
EAD Newport Innovation Application			SHEET 2 OF 3



PD



Pump
House



PV

97-07401

MICROFILMED

JAN 29 2003



pu



pu



pu

MICROFILMED

JAN 29 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07401

Priority: July 17, 2000

Maximum Diversion Rate: 0.18 CFS
Maximum Diversion Volume: 10.5 AF

It is hereby certified that AEROCELL INC
PO BOX 1799
NEWPORT WA 99156 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 17, 2000; and has
submitted Proof of Beneficial Use on November 20, 2001. An examination indicates that the works have
a diversion capacity of 0.18 cfs of water from:

SOURCE

PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.18 CFS	10.5 AF

LOCATION OF POINT OF DIVERSION:

PEND OREILLE RIVER L1 (NW¼SW¼) Sec. 24, Twp 56N, Rge 06W, B.M., BONNER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 06W 24											3.5						3.5
											L 1						

Total Acres: 3.5

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.2 af per day at the field headgate for irrigation of the lands above.
2. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 21st day of October, 2002.

MICROFILMED

JAN 29 2003

Acting for 
KARL J. DREHER
Director

Amt. of Fee \$: 50.00
Receipt No. 1057736
Receipt By: [Signature]
Date Received: 11-20-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

NOV 19 2001

Department of Water Resources

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

1. Permit No. 97-07401 Telephone No. 509-447-4122
2. Name of Permit Holder(s): AEROCELL INC.
3. Mailing Address: P.O. BOX 1799
City NEWPORT State WA Zip 99156
4. Source of Water: PEND OREILLE RIVER If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 3.5 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.18 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No _____
Has the measuring device been installed? Yes _____ or No _____
8. Fee Enclosed: \$ 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: ERIC JOHNSON Telephone Number: 509-447-4122
Address: AEROCELL INC. NEWPORT, WA
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: [Signature] PLANT SUPERINTENDENT Date: 11-14-01
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 29 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07401

Priority: 07/17/2000

Maximum Diversion Rate: 0.18 CFS

This is to certify, that AEROCELL INC
PO BOX 1799
NEWPORT WA 99156

has applied for a permit to appropriate water from:

PEND OREILLE RIVER tributary to **COLUMBIA RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.18 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE RIVER L1 NW¼SW¼ Sec. 24, Twp 56N, Rge 06W, B.M. BONNER County

PLACE OF USE: IRRIGATION

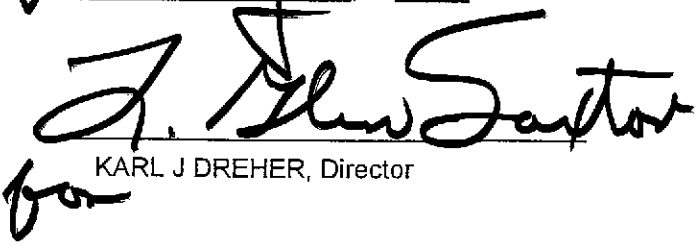
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 06W 24											3.5						3.5
											L1						

Total Acres: 3.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2002**.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.05 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of January, 2001.


KARL J DREHER, Director

MICROFILMED
JAN 29 2003

Ident. No. 97-07401

RECEIVED

DEC 8 2000

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

MARYSVILLE WA #

360-653-2600

NEWPORT #509 447-0648 FAX

1. Name of Applicant AEROCCELL INC. Phone 509-447-4122
Post Office address P.O. BOX 1799, NEWPORT, WA 99156
2. Source of water supply PEND OREILLE RIVER which is a tributary of COLUMBIA RIVER
3. Location of point of diversion is 1/4 of NW 1/4 of SW 1/4, Govt. Lot 1
Sec. 24 Township 56N Range 6W B.M. BONNER County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .18 ⁸¹ CFS for IRRIGATION purposes from 3/15 JAN. 1 to 11/15 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) .18 ⁸¹ cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Ø3" IRRIGATION FEED LINE WITH A FOOT VALVE, 7.5 HP JET-PUMP (≈ 80 GAL./MIN.)
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____:
Well was drilled for (well owner) _____
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 if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

MICROFILMED

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.

600T. LOT 1

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	6W	24									3.5								3.5

Total number of acres to be irrigated 3.5

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

11. a. Who owns the property at the point of diversion? M & D PROPERTIES

b. Who owns the land to be irrigated or place of use? M & D PROPERTIES

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: AEROCELL AND M&D PROPERTIES ARE CONTROLLED BY THE SAME OWNERSHIP

12. Remarks: AEROCELL IS REQUESTING THIS WATER USAGE WITH DIRECTION FROM THE CITY OF NEWPORT AND THE WEST BONNER WATER DISTRICT. THIS DIVERSION FROM THE USE OF CITY WATER WOULD HELP REDUCE THE EXISTING SHORTAGE OF AVAILABLE WATER TO THE CITIES OF NEWPORT AND OLDTOWN.

13. MAP OF PROPOSED PROJECT ATTACHED Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

Brian J. [Signature] OPERATIONS MANAGER
(Applicant)

Received by cm Date 7-17-00 Time 2:34 p.m. Preliminary check by AeroCell
 Fee \$ 100.00 Receipted by cm # N013815 Date 7-17-00
 Publication prepared by [Signature] Date 8/30/00 Published in Prich River Times 9/6 + 13/00
 Publication approved [Signature] Date 11/2/00

MICROFILMED

JAN 29 2003

AEROCELL

Aerocell Incorporated
12806 State Ave., P.O. Box 443
Marysville, WA 98270-0443
Ph. 360-653-2600 Fax 360-653-1082

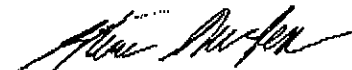
August 25, 2000

Al Beardley
Idaho Dept. of Water Resources
FAX 208-769-1454

Corporation officers of Aerocell Corp are as follows:

President: James Downey, 5412 Argosy Dr., Huntington Beach, CA
Secretary: Joseph Moran, 5412 Argosy Dr, Huntington Beach, CA
Treasurer: Clark Valentine, 5412 Argosy Dr, Huntington Beach, CA

Please let me know if you have any other questions,



Steve Durden, CPA
Controller
Aerocell Corp.

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JAN 29 2003

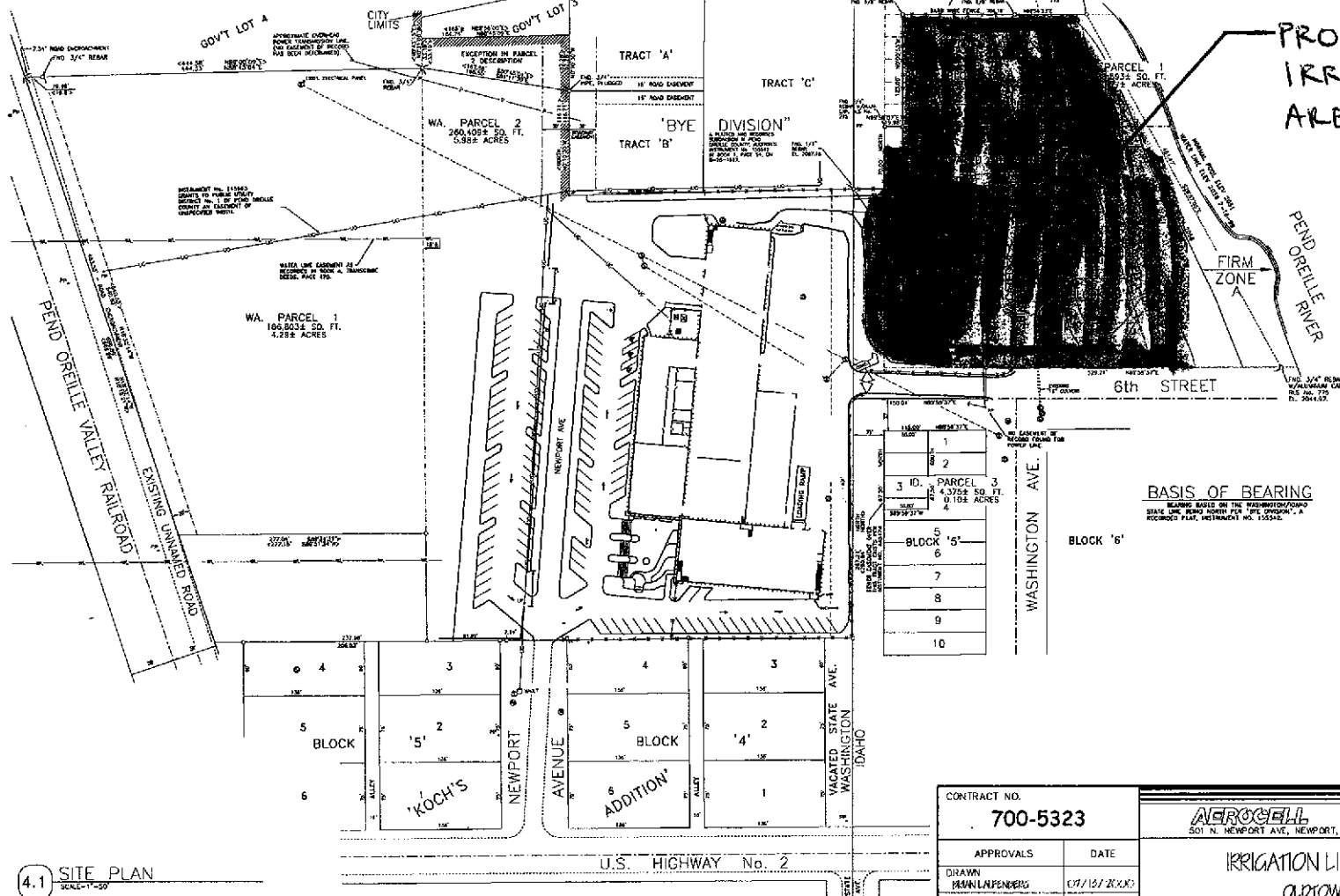
RECEIVED

JUL 17 2003

IDWR/North

ALTA/ACSM LAND TITLE SURVEY

SECTION 18, TWP. 31N., RNG. 46E., W.M., PEND OREILLE COUNTY, NEWPORT, WA.
and
SECTION 24, TWP. 56N., RNG. 6W., B.M., BONNER COUNTY, OLDTOWN, ID.



MICROFILMED
JAN 29 2003

BASIS OF BEARING
BEARING BASED ON THE WASHINGTON/IDAHO
STATE LINE BEING ADJUSTED FOR "P.E. ORSONY". A
RECORDED PLAT INSTRUMENT NO. 1555-12.

- LEGEND**
- PROPERTY CORNER TO BE SET W/
3/4" IRON & ALUM. CAP. RLS
No. 24220 (WASHINGTON) -
EORR (EORR)
 - ⊕ EXISTING POWER POLE
 - ⊕ EXISTING LIGHT POLE
 - ⊕ EXISTING GUY STUB
 - ⊕ EXISTING SEWER MANHOLE
 - ⊕ EXISTING WATER MANHOLE
 - ⊕ EXISTING DRYWELL
 - ⊕ EXISTING DITCH WASH
 - ⊕ EXISTING WATER METER
 - ⊕ EXISTING WATER DATE VALVE
 - ⊕ EXISTING FIRE HYDRANT
 - SURVEYS BY RLS No. 2227
and 275.

4.1 SITE PLAN
SCALE 1"=50'

CONTRACT NO. 700-5323		AEROCCELL 501 N. NEWPORT AVE., NEWPORT, WA 99156	
APPROVALS DRAWN: KEVIN L. PETERS CHECKED: _____ ISSUED: _____ STRESS: _____		DATE 07/15/2003	
SIZE D		SCALE N/A	DWG. NO. NP1003
CAD Newport Irrigation Application		REV. N/C	
		SHEET 2 OF 3	

NEWPORT

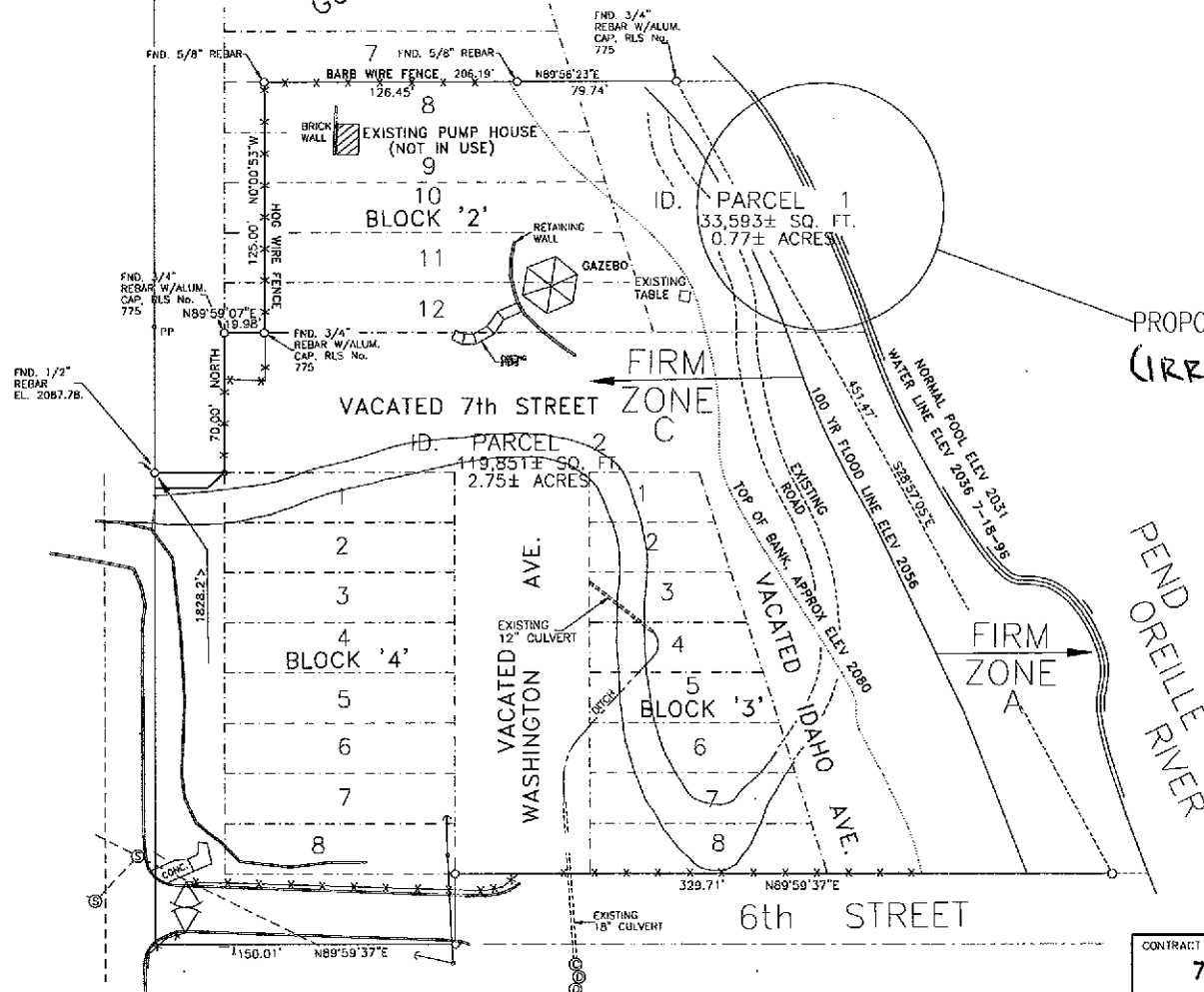
OLDTOWN

GOV'T LOT 1

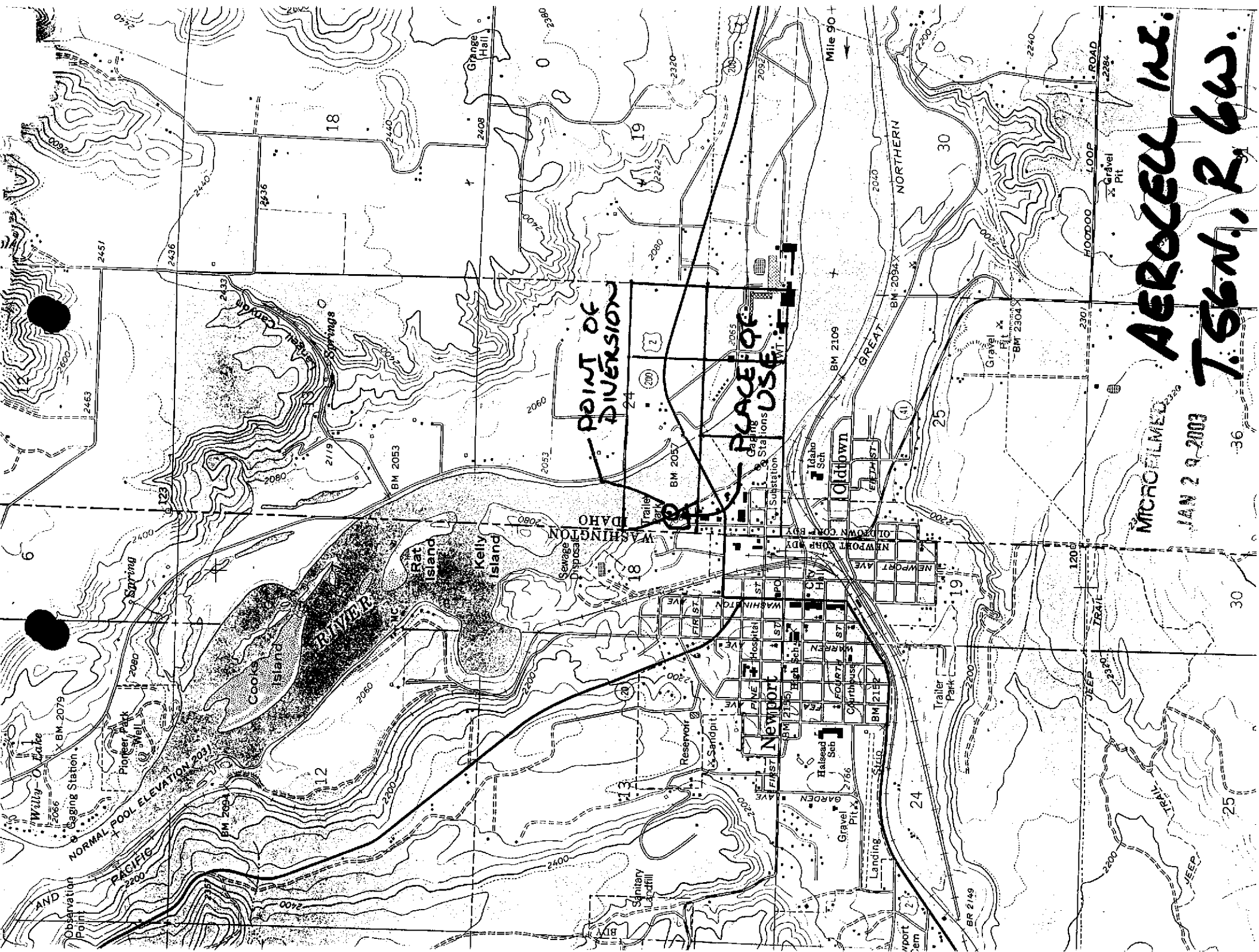


SCALE - 1" = 50'

 0 25 50 100
 SCALE IN FEET

 MICROFILMED
 JAN 29 2003


CONTRACT NO. 700-5323		AEROGELL 501 N. NEWPORT AVE. NEWPORT, WA 99156	
APPROVALS	DATE	IRRIGATION LINE PROPOSAL OLDTOWN, IDAHO	
DRAWN HWN/AFH/ES	01/15/2000	SIZE D	SCALE N/A
CHECKED		DWG. NO. NP1003	REV. N/C
ISSUED		SHEET 3 OF 3	
STRESS		CAD \Newport\Irrigation Application	



AEROCELL INC.
T. S. N. R. 66.

MICROFILMED
JAN 29 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

October 23, 2002

AEROCELL INC
PO BOX 1799
NEWPORT WA 99156

RE: License No. 97-7401 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action 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.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

MICROFILMED
JAN 29 2003

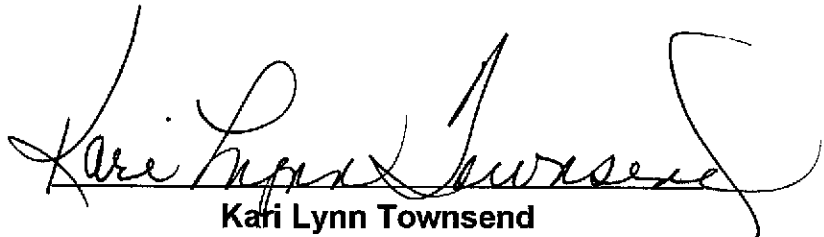
CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

97-7401

**AEROCELL INC
PO BOX 1799
NEWPORT WA 99156**


**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).

MICROFILMED
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.

MICROFILMED
JAN 29 2003

Comment Report

97-7401

1. kwalker 10/17/2002 Rate of Diversion

Comment: The permit was issued for application of 0.05 cfs/acre. In order to limit this right in case of change of ownership or system operation we applied condition 1 stating that the use should not exceed 0.2 af per day.

$0.03 \text{ cfs} \times 3.5 \text{ acres} \times 1.9835 = 0.2 \text{ af.}$

MICROFILMED
JAN 29 2003

LICENSE REVIEW CHECKLIST

Permit No. 97-7401

Date: 10-17-02

Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44)

Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44)

Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): none

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.18 cfs

Fee Limit 0.20 cfs

Measured 0.18 cfs

Theoretical 0.18 cfs

Recommended Total Diversion Rate 0.18

→ see back for further calculations

Water Uses OK

Change (P46)

Season of Use per new Standards

4-1-10-31

Irrigation 0.18 cfs 10.5 af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 0.18 cfs 10.5 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

→ Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.18 cfs x 1.9835 x 214 days = 76.4 af (vs) 3.5 acres x 3.0 (FHR) = 10.5 af

2.0 (con)

Remarks: _____

Additional Conditions

_____ Watermaster Control

_____ GW Measurement/Measuring Device

_____ Other

~~Trust R66 - remove 051)~~

~~Non-trust (048)~~

GW Dist? _____

Water Msmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? N/A

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

S06

theoretical

$$\frac{7.5 \times 8.814 \times .70}{25' + (2.31 \times 70)} \text{ per photo of system} = 0.25 \text{ gpd}$$

② 10' light = 0.27 cps

@ 50' lift = 0.22 cfs

per tions
deutem mit
an diesen Punkt
beide

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 27 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 97-07401

1. Owner: Aerocell Inc. Phone No. (509) 447-4122

Current Address: P.O. Box 1799 Newport Wa 99156

2. Accompanied by: Eric Johnson EXAM DATE: 6-20-02

Address: Same as above Phone No. _____

Relationship to Permit Holder: Employee

3. Source: Pend Oreille River tributary to Columbia River

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	01		NW	SW	29	56N	06W	Bonner	05657.5 mi Quad

2. Place(s) of Use:

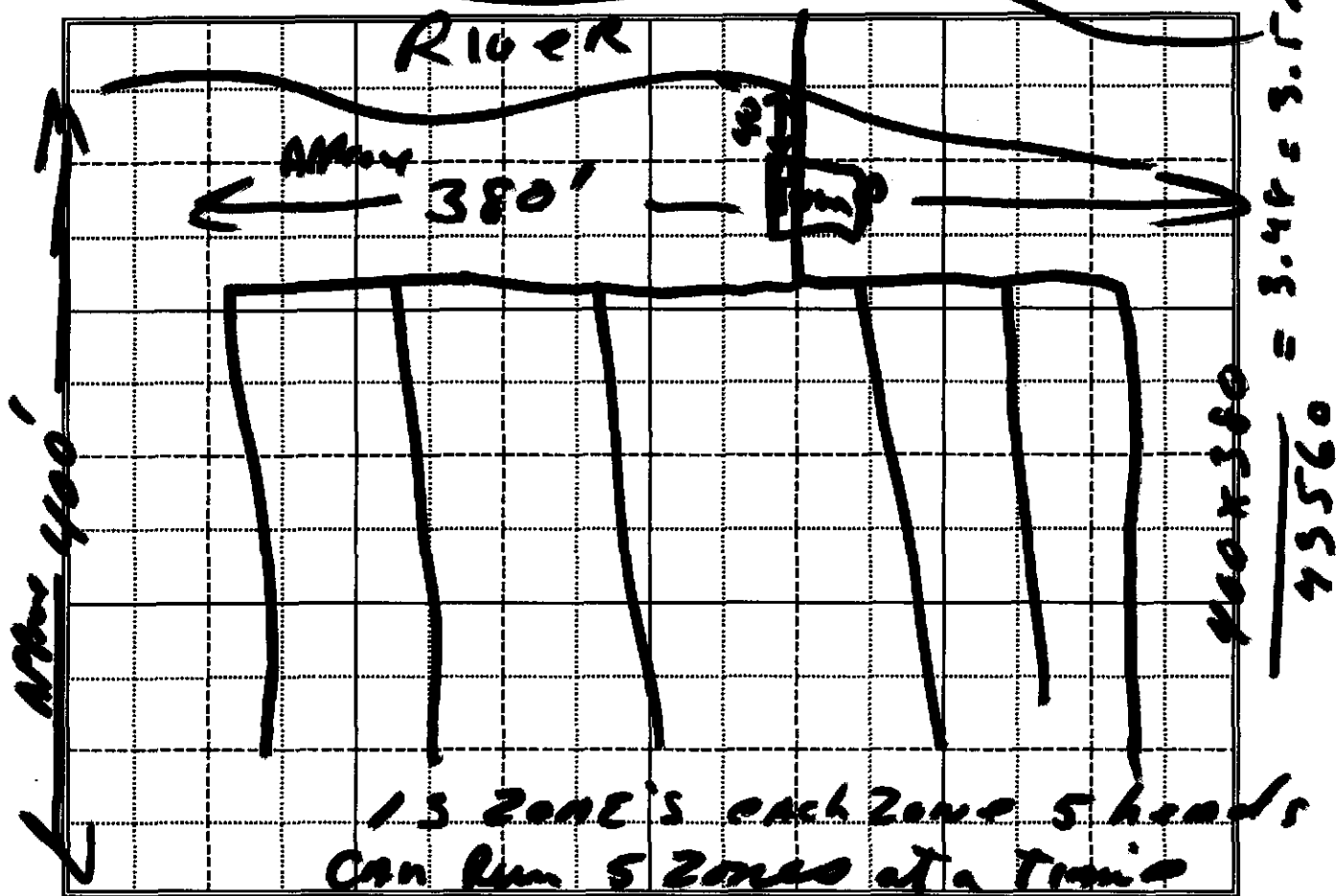
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	06W	29									3.5								
											01								

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



Scale: 1" = _____

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

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Baldor	7.5	JML15097	Berkly ours	1"

*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: _____

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E. NARRATIVE/REMARKS/COMMENTS

System is completely buried. consist of 13 zones 5 heads per zone. All are pop up type sprinklers. Seeing how there is no impend to put poly some meter. I took the word of installer at 80 gpm. Theoretical or close.

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

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F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

*Runs 25 heads max at 3.2 gpm each
= 80 gpm*

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 30.5 \times 3 = 10.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.18(213) \times 1.9835 = 76.$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 10.5$$

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>Irrigation</i>	<i>04/01</i>	<i>10/31</i>	<i>.18</i>	<i>10.5</i>
Totals:			<i>.18</i>	<i>10.5</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. AUTHENTICATION

Field Examiner's Name

Wayne Baldwin

Date

9/24/02

Reviewer

Date

SEAL
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JAN 29 2003



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JAN 29 2003

AEROCELL INC.
TRAIL, IDAHO

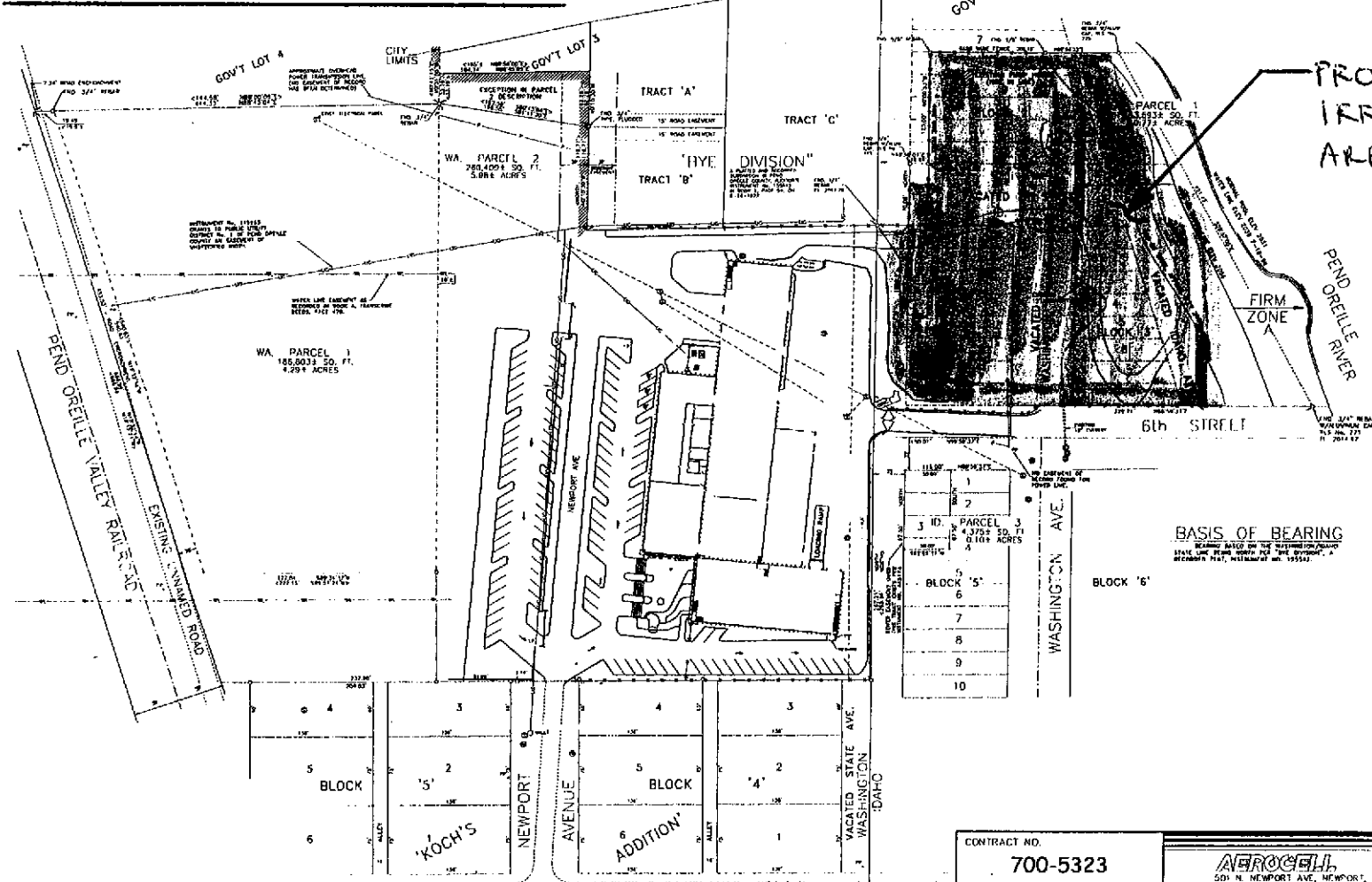
RECEIVED

JUL 17 2003

IDWR/North

ALTA/ACSM LAND TITLE SURVEY

SECTION 18, TWP. 31N., RNG. 46E., W.M., PEND OREILLE COUNTY, NEWPORT, WA
and
SECTION 24, TWP. 56N., RNG. 6W., B.M., BONNER COUNTY, OLDTOWN, ID.



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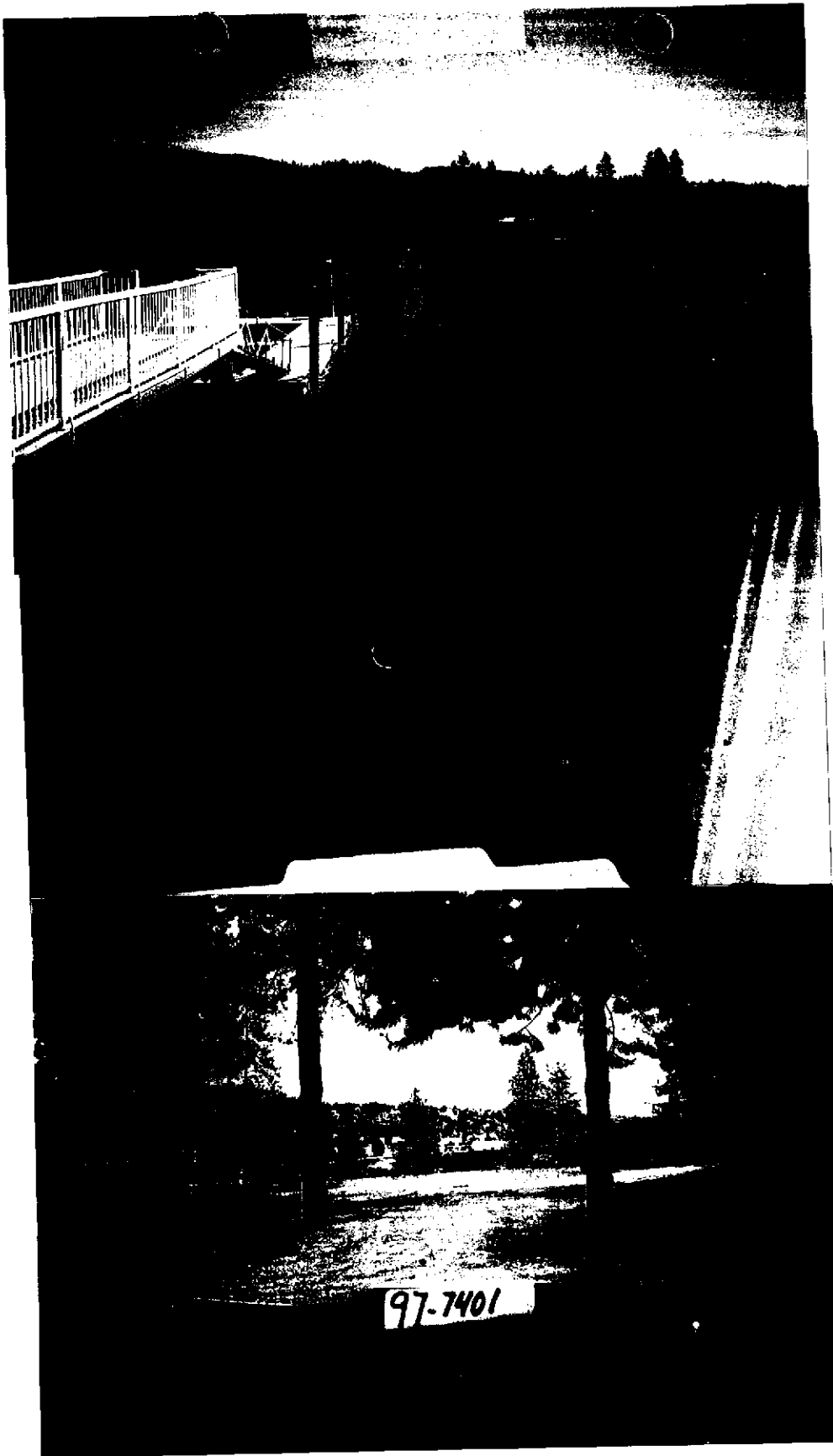
JAN 29 2003

BASIS OF BEARING
BEARING BASED ON THE NEAREST POINT
STATE LINE BEING CORNERS FOR THE SURVEY, A
RECORDING PLAT, RECORDED ON 1955-1.

- LEGEND**
- PROPERTY CORNER TO BE SET BY 1/4" IRON & ALUM. CAP, SET NO. 74120 (RECORDED) (SEE STAND)
 - EXISTING TOWER POLE
 - EXISTING LIGHT POLE
 - EXISTING LUMP STUB
 - EXISTING WATER MAIN
 - EXISTING WATER MAIN/VALVE
 - EXISTING DRAINAGE
 - EXISTING CATCH BASIN
 - EXISTING WATER METER
 - EXISTING WATER GATE VALVE
 - EXISTING PIPE UNDER
 - DEED SURVEYS BY RES. NO. 2227 and 275

(4.1) SITE PLAN

CONTRACT NO. 700-5323		AEROCORE 501 N. NEWPORT AVE., NEWPORT, WA 99156	
APPROVALS	DATE	IRRIGATION LINE PROPOSAL OLDTOWN, IDAHO	
DRAWN BANK/LENNER	07/16/2003	SIZE D	SCALE N/A
CHECKED		DWG. NO.	REV N/C
ISSUED		NP1003	
STRESS		CAD Newport Irrigation Application	SHEET 2 OF 3



PD

Pump
House

PV

97-07401

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JAN 29 2003



pu

pu

pu

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JAN 29 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

December 21, 2001

AEROCELL INC
PO BOX 1799
NEWPORT WA 99156

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07401

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 at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED
JAN 29 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 97-7401

Reviewed By: dgibson

Date: December 20, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N013815, C057936	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	11/20/2001
Date proof due	- 01/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 07/17/2000
New priority date	= 07/17/2000

Deficiencies of Actions Items

Acknowledge proof.

October 31, 2001

AEROCELL INC
PO BOX 1799
NEWPORT, WA 99156

PROOF DUE NOTICE

RE: PERMIT NO. 97-7401

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 January 01, 2002. (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.

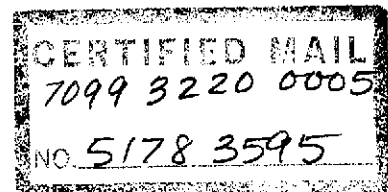
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
JAN 29 2003





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

January 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

AEROCELL INC
PO BOX 1799
NEWPORT WA 99156

RE: Permit No. 97-7401

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

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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 that reads "Shelley Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

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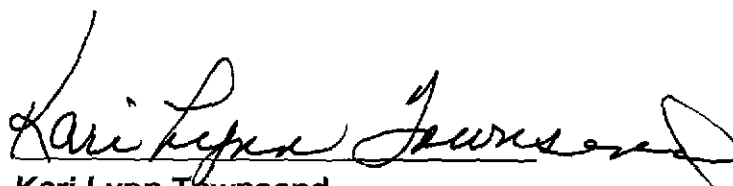
JAN 29 2003

CERTIFICATE OF MAILING

I hereby certify that on January 9, 2001 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. 97-7401

**AEROCELL INC
PO BOX 1799
NEWPORT WA 99156**


**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).

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.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 12/19/00

No. 97-07401 Name: Aerocell Inc 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)
Basin 34 - 084 (if necessary)
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
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) *22*
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH TROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 1 / 01 / 2002

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
 ≤ 1 yr - P16
 > 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response rel/screen cond.
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE WIS/WIK
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-106 (P10)
MUNICIPAL
 Restricted area - 022,075
 Irr., GW supp to SW - 102
DOMESTIC
 Surface water - WB5 (Big Wood or Boise above Star Bridge)
 27A (Payette R)
 > 1 in restricted area - 070-071-075(no parks/common areas, etc)
 Irr use listed separate - WB5
 Moratorium approvable - W03 (2500 gpd - meets domestic definition
 i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

IRR VOLUME/ACRE 3.0

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

RECEIVED WR1
BCA
DEC 8 2000

APPLICATION # 97-07401

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: AEROCELL INC.

BY: [Signature]

DATE: 7/17/00

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: 7/17/00

X (Include Moratorium Remark)

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

PT/wed/ok

ADVERTISE IN: BONNER Count

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:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>1</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>1</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>1</u>	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
- 11/12 ✓ Application published correctly. If not, record action taken: _____
- 8/30 ✓ Publication dates and paper recorded on application | Sr. Agent initial [Signature]
- ✓ Protests received, Final protest date: 9/25/00
- ✓ Measuring device required
- ✓ Measuring port required
- ✓ Special conditions:
- ✓ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: [Signature]

Date: 11/3/00

AEROCELL

Aerocell Incorporated
12606 State Ave., P.O. Box 443
Marysville, WA 98270-0443
Ph. 360-653-2600 Fax 360-653-1082

To: Allen Beardslee
Senior Water Resources Agent
Idaho Department of Water Resources

From: Brian Laufenberg
Operations Manager
Aerocell, Inc.

Date: November 30, 2000

Subject: Water Usage Explanation

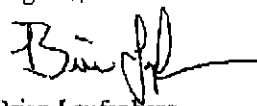
This letter refers to Water Appropriation Application No. 97-07401.

The irrigation system was designed to work with a relatively high water flow rate, in comparison to the size of the property, primarily to minimize the amount of time that the system is actually turned on. The total amount of water necessary for our application was approximated at 20000 gallons/day during new planting and 15000 gallons/day thereafter (during the summer months). We opted to increase the initial investment to achieve a system that would only be required to run 3-4 hours/day.

The system has high flow sprinkler heads and many heads for each zone so that the total irrigation time per cycle is kept to a minimum. The uses of the park occur at random times, which make it very desirable to have the irrigation system energized for the minimum time possible.

If you have any questions, please feel free to give me a call at 360-653-2600 or 425-754-5466 (cell).

Regards,



Brian Laufenberg

MICROFILMED

JAN 29 2003

Ball, Dianne

From: CHARLES CORSI [ccorsi@IDFG.STATE.ID.US]
Sent: Thursday, September 07, 2000 2:14 PM
To: dball@idwr.state.id.us
Subject: re: NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Hi again Dianne -

As you might expect, we are in favor of the Department's proposed water right transfer for Boundary Creek. On the Aerocell application, we have no objection but the intake should be screened to prevent entrainment of juvenile fish (we typically require 1/4 inch or finer mesh, with approach velocity through the screen of less than 1/2 foot per second).

Thanks again.

Chip
----- Original Text -----

From: "Ball, Dianne" <dball@idwr.state.id.us>, on 9/7/00 10:47 AM:

Greetings once again, Chip. There is one (1) TRANSFER for your review - on Water Right No. 98-07103, Transfer No. 5829. It is the last item on this listing.

This Transfer changes the place of use and the nature of use on an existing licensed water right for Idaho Fish & Game. We assume, since it is for F&G, that you will have no problem with this, but we would still appreciate your comments, either way, just for the record.

This one also has a September 25, 2000 date for last date we can receive protests. Will you please respond either way by that date. Many, many thanks. Dianne - IDWR - Cd'A

<<NOTICE OF PROPOSED CHANGE OF WATER RIGHT.htm>>

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JAN 29 2003

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, September 07, 2000 10:22 AM
To: 'Chip Corsi'; 'Gregg Servheen'
Subject: perweek2.txt

Greetings, gentlemen,

Gregg, there are four (4) water rights on this list that need your review. They are all under the name of Ann Marie Nilsson. Final date for protest to be received in and accepted by our office is September 25, 2000. We would appreciate your response either way by that date. Thanks.

Chip, there are two (2) water right on this list that needs your review. The first is under the name of Ramona Crozier, and the second is under Aerocell, Inc. Final date for protest to be received in and accepted by our office is September 25, 2000. We would also appreciate your response either way on these applications, by that date. Thanks.

Hoping you gentlemen have a great day.

Dianne Ball - IDWR - Cd'A



perweek2.txt.htm

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JAN 29 2003

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, August 29, 2000 9:12 AM
To: 'Chip Corsi'; 'Gregg Servheen'
Subject: perweek1.txt

Importance: High



perweek1.txt.url

Greetings, gentlemen,

Because the water rights are always listed numerically, you will need, again, to go to the end of the attached list.

There are four (4) surface water rights for your review and comment, Gregg, all under the name of Ann Marie Nilsson, numbered 86-07375, 86-07376, 86-07377 and 86-07378.

There are two (2) surface water rights for your review and comment, Chip; they are 96-09055 for Crozier, and 97-07401 for Aerocell.

We need to have your input EITHER WAY on these on or before SEPTEMBER 25, 2000.

THANKS EVER SO MUCH, and have a great day. Dianne Ball - IDWR - Northern Region, Cd'A

<http://www.idwr.state.id.us/info/water/rights/perweek1.txt>

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JAN 29 2003

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Jeannie Sheridan

_____ being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Notice of Application

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 6 day of September, 2000
and ending on the 13 day of September, 2000
and that said notice was published in said newspaper.

On this 27 day of October in the year
of 2000, before me, a Notary Public, personally
appeared Jeannie Sheridan,

known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

Carolyn L. Inge
Notary Public for Idaho
Residing at Idaho
Commission expires: 8/16

RECEIVED
NOV 02 2000
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:

96-09055

CROZIER, RAMONA
3354 POIRIER RD
BLANCHARD, ID 83804
Source: BLANCHARD CREEK
Diversion Pt: Lot 3 (NESW)
Use: IRRIGATION

Tributary: SINKS
Sec 25 T 54N R 06W in BONNER County.
(0.120 CFS)
(0.120 CFS)

Total Diversion:
Date Filed: 7/31/2000
In: BONNER County
T54N R06W S25 Lot 3 (NESW)
4.0 ACRES TOTAL

97-07401

AEROCELL INC
PO BOX 1799
NEWPORT, WA 99156
Source: PEND OREILLE RIVER
Diversion Pt: Lot 1 (NWSW)
Use: IRRIGATION

ok
Tributary: COLUMBIA RIVER
Sec 24 T 56N R 06W in BONNER County.
(0.180 CFS)
(0.180 CFS)

Total Diversion:
Date Filed: 7/17/2000
In: BONNER County
T56N R06W S24 Lot 1 (NWSW)
3.5 ACRES TOTAL

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before September 25, 2000.

Legal PRT 600268
September 6, 13, 2000

KARL J. DREHER, Director

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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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 30, 2000

Legal Notices Department
PRIEST RIVER TIMES
P. O. BOX 10
PRIEST RIVER, ID 83856

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 25, 2000.

Yours truly,

DIANNE BALL
Administrative Assistant

Enclosure

*Crozier
Qerocell
96-9055
97-7401
Tacked to Dianne 10/25/00
She will pull transcript
prepare affidavit &
mail
B*

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JAN 29 2003

97-07401

AEROCCELL INC
PO BOX 1799
NEWPORT, WA 99156

Source: PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: LOT 1 (NWSW) Sec 24 T 56N R 06W in BONNER County.

Use: IRRIGATION	(	0.180 CFS)
Total Diversion:	(	0.180 CFS)

Date Filed: 7/17/2000

In: BONNER County
T56N R06W S24 Lot 1(NWSW)

3.5 ACRES TOTAL

MICROFILMED
JAN 29 2003

August 30, 2000

Aerocell Inc
PO Box 1799
Newport WA 99156

Re: Water Appropriation Application No. 97-07401

Gentlemen:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N013815.

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

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

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

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

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

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JAN 29 2003