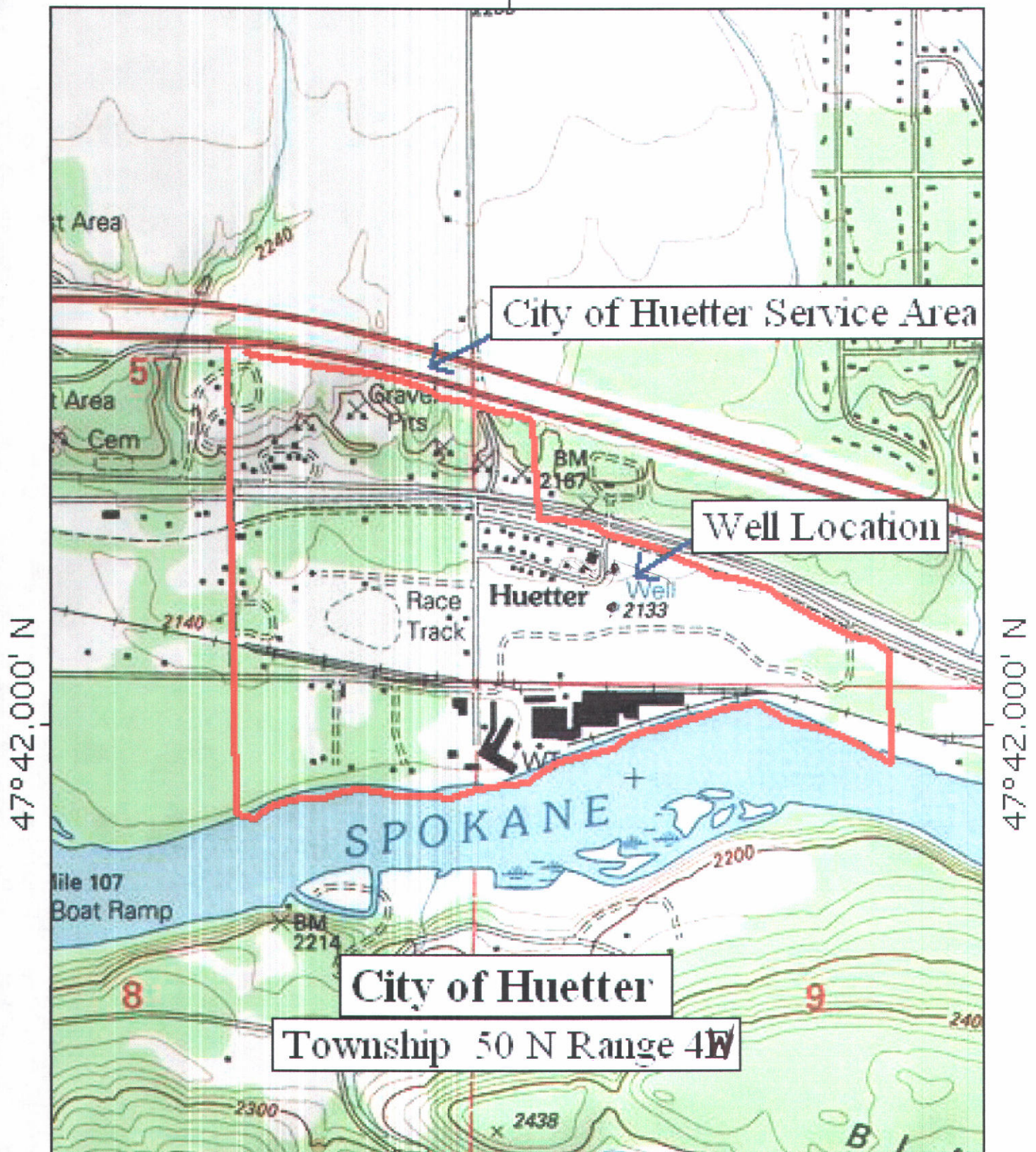




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MICROFILMED
JUN 15 2004

WGS84 116°51.000' W



TN★/MN
17°

0 5 1 MILE
0 1000 FEET 0 500 1000 METERS

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JUN 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-09198

Priority: October 11, 2002

Maximum Diversion Rate: 0.55 CFS

This is to certify, that CITY OF HUETTER
4670 W FERREL RD
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	0.55 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SW¼SW¼	Sec. 4, Twp 50N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	SW¼SW¼	Sec. 4, Twp 50N, Rge 04W, B.M., KOOTENAI County

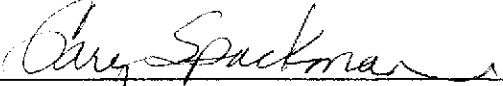
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2008**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. Place of use is within the service area of the City of Huetter municipal water supply system as provided for under Idaho Law.
6. This right does not grant any right-of-way or easement across the land of another.
7. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of any management plan approved by the director for the RPGWMA. If the director determines that the ground water supply in the RPGWMA is insufficient to meet the demands of prior water rights within the RPGWMA, the director may order the diversion and use of water under this right to be reduced or curtailed until the director determines that there is sufficient ground water available for this right.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of November, 2003.

MICROFILMED

JUN 11 2004


KARL J DREHER, Director

70734

Ident. No. 95-9198

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant City of Huatter Phone 765-6521

Mailing address W. 4670 Ferral Rd, Coeur d Alene ID 83814

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is Township 50 N Range 4 E Sec. 4 in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., KOOTENAI County;

additional points of diversion if any: Two existing wells used for diversion 2 PTS

OF DIVERSION

4. Water will be used for the following purposes:

Amount 0.55 for Municipal purposes from 1-1 to 12-31 (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)

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

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

5. Total quantity to be appropriated is (a) 0.55 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Two existing wells drilled by by Sawmill owner in 1951, and 1968

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? 1951, 1968; Drilling firm ?

Well was drilled for (well owner) Diamond Int.; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. City of Huatter

d. Domestic; show number of households. 50

e. Other; describe fully. _____

WILLIAM R. RAY

3. 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.

SEE BELOW

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
SON	4B	4										0	0	0			0		
SON	4B	5															0	0	
		8					0												
		9		0			0	0											

Total number of acres to be irrigated _____

PLACE OF USE IS WITHIN THE SERVICE AREA OF THE CITY OF HUETTER.

10. Describe any other water rights used for the same purposes as described above. *MAY BE EXISTING WATER RIGHTS FOR CROWN PACIFIC THAT NEED TRANSFER*

11. a. Who owns the property at the point of diversion? *CROWN PACIFIC TRANSFERRING TO CITY OF HUETTER*

b. Who owns the land to be irrigated or place of use? *CITY OF HUETTER*

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

12. Remarks:

*PRESIDENT - WAYNE TOMUNIAN
CITY CLERK - GUS WADDELL*

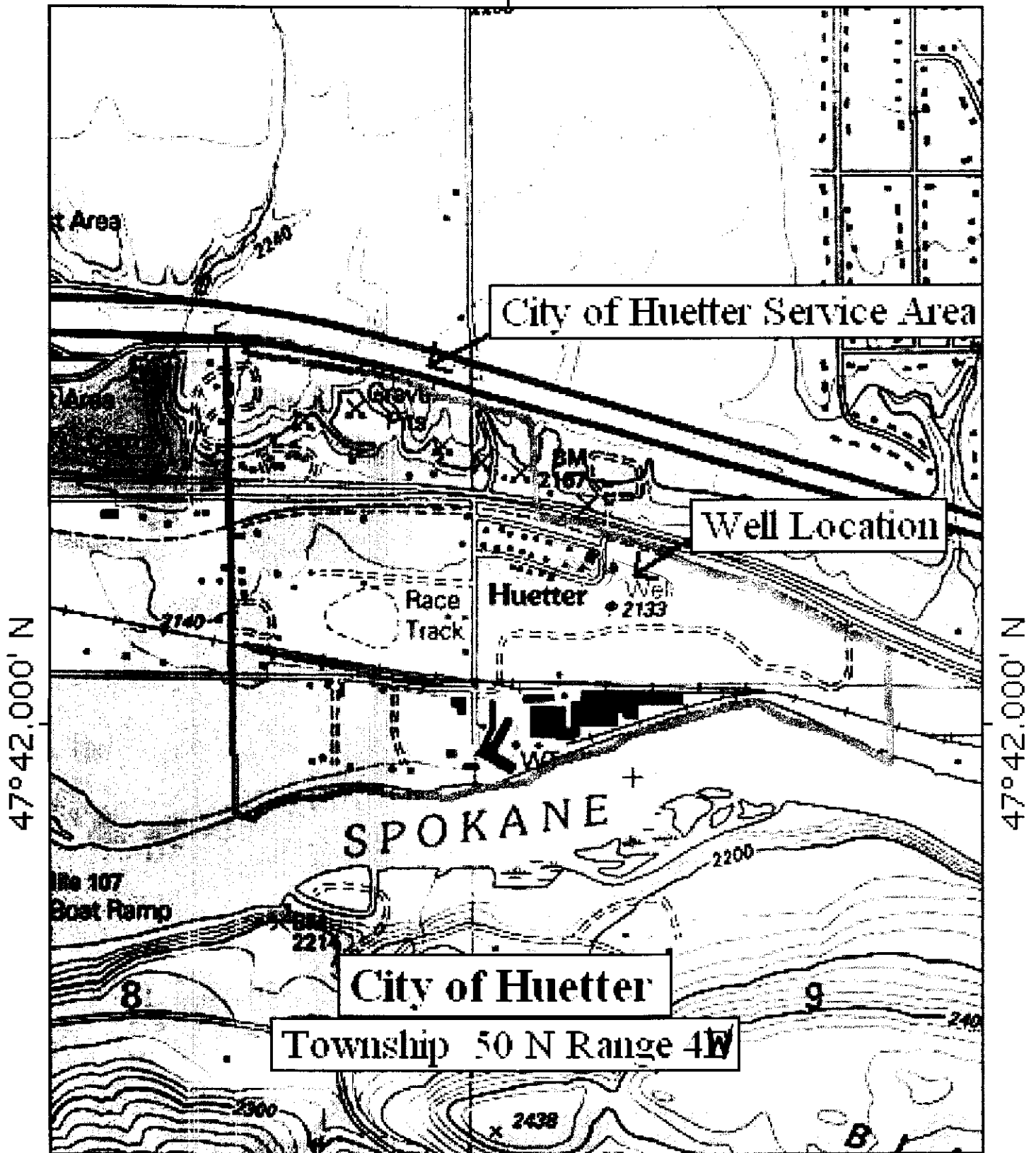
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

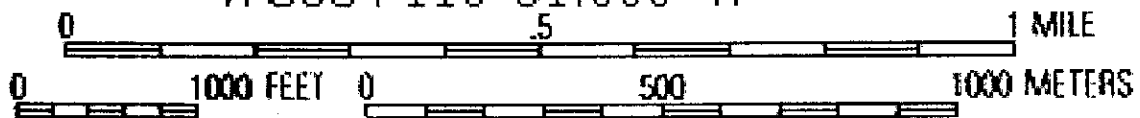
Halli Blankenship Mayor
Signature of Applicant (and title, if applicable)

Received by *[Signature]* Date *10/11/02* Time *1:20 P* Preliminary check by *[Signature]*
Fee \$ *250.00* Receipted by *[Signature]* # *2015319* Date *10/11/02*
Publication prepared by *[Signature]* Date *8/13/03* Published in *IDAHO PRESS* 8/21 & 22/03
Publication approved *[Signature]* Date *9/8/03*

WGS84 116°51.000' W



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17°



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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

November 5, 2003

CITY OF HUETTER
4670 W FERREL RD
COEUR D ALENE ID 83814

RE: Permit No. 95-9198

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

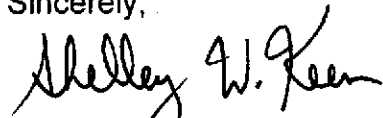
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened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

[Handwritten signature and date]
11/10/03

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.

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICHAEL J. LEE

11/13/07

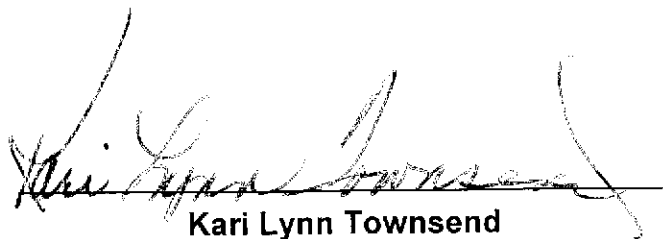
CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2003 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.

95-9198

**CITY OF HUETTER
4670 W FERREL RD
COEUR D ALENE ID 83814**



**Kari Lynn Townsend
Secretary**

RECEIVED
NOV 11 2003
CITY OF HUETTER

**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.

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

W.R. # 95-9198

APPLICATION ID # 70734
INITIAL REVIEW

ENT 8/1/03 BCA 8/1/03 OK to Publish 8/1/03

APPLICANT: CITY OF HUENEN BY: [Signature] DATE: 7/25/03

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION
(Yes)(No)

___ Shape File Created Date ___ By: ___
___ Field check: by ___
___ Field report attached
___ Analysis Supp. attached(>5cfs/500af)
___ Water delivered by water master? Water District # ___

PROCESSING

(Yes)(No)

PRIORITY DATE: 10/11/02

___ ☒ (Include Moratorium Remark)

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

RECEIVED

OCT 30 2002

Department of Water Resources

ADVERTISE IN: KOOTENAI County

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
___	___	Dom. ___ Non-Dom. ___	Paid \$ ___	___	Y() N(☒)
___	___	Dom. ___ Non-Dom. ___	Paid \$ ___	___	Y() N()
___	___	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: WELLS DRILLED PRIOR TO '87

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)
___ Notice of pending void order issued. Final order response date: ___/___/___
___ Further information required from applicant
8/29 9/18 Affidavit of publication received
___ Application published correctly. If not, record action taken: ___
8/14 Publication dates and paper recorded on application
___ Protests received, Final protest date: 9/18/03 | Sr. Agent initial ___
___ Measuring device required
___ Measuring port required
___ Special conditions: ___
___ Special conditions of approval supplement and/or cover letter attached: ___

Approval Recommended by: _____ Date: ___/___/___

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO.
County of Kootenai, } ss.

Aug 29 2003
IDWR/North

upon oath deposes and says: being first duly sworn

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County Idaho, and having a general circulation in said county.

3. The Legal Notice

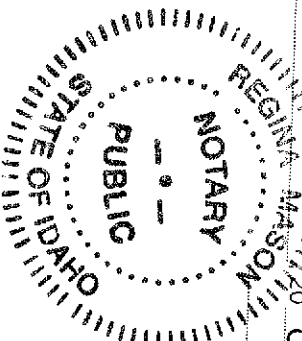
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 21 day of August 20 03, and ending on the 28 day of August 20 03, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Personally appeared before me this 28 day of August

Kattie Hays

Regina Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.
MY COMMISSION EXPIRES 6/18/09



NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
95-9196

MARVIN GARDENS LLC
C/O MARVIN ERICKSON
4095 E ERICKSON DR
COEUR D'ALENE ID 83815
Point(s) of Diversion: SESE
KOOTENAI County
Source: GROUND WATER
Use: IRRIGATION
03/15 To 11/15 0.18 CFS
Use: DOMESTIC
01/01 To 12/31 0.14 CFS
Use: FIRE PROTECTION
01/01 To 12/31 0.32 CFS
Total Diversion 0.32 CFS

Date Filed: 09/23/2002
Place Of Use: IRRIGATION
T51N R03W S30 NESE SESE
Number of Acres: 9
Place of Use: DOMESTIC and FIRE PROTECTION same as IRRIGATION
Remark: Domestic use is for 9 homes.

CITY OF HUETTER
4670 W FERREL RD
COEUR D'ALENE ID 83814
Point(s) of Diversion: SWSW S4 T50N R04W KOOTENAI County
Source: GROUND WATER
Use: MUNICIPAL
01/01 To 12/31 0.55 CFS
Total Diversion 0.55 CFS

Date Filed: 10/11/2002
Remark: Place of use is within the service area of the City of Huetter.

NORTH KOOTENAI WATER DIST
PO BOX 2290
95-9199

HAYDEN ID 83835
Point(s) of Diversion: NWSE S18 T52N R03W
Point(s) of Diversion: NWSE S24 T51N R04W
Point(s) of Diversion: NWSE S23 T51N R04W
Point(s) of Diversion: NWSE S17 T52N R04W
Point(s) of Diversion: NWSE S11 T51N R04W
Point(s) of Diversion: NWSE S11 T51N R04W
Point(s) of Diversion: NWSE S14 T51N R04W
Point(s) of Diversion: NWSE S7 T52N R03W
Point(s) of Diversion: NWSE S8 T52N R03W
Point(s) of Diversion: NWSE S28 T52N R04W
Point(s) of Diversion: NWSE S32 T51N R05W
Point(s) of Diversion: NWSE S23 T51N R05W
Point(s) of Diversion: NWSE S15 T51N R04W
ALL OF THE ABOVE POINTS OF DIVERSION ARE IN KOOTENAI County
Source of all points of diversion - GROUND WATER

Use: MUNICIPAL
Total Diversion 01/01 To 12/31 8.83 CFS
8.83 CFS

Date Filed: 03/03/2003
Remark: Municipal use is within the service area of the applicant.
Permits will be subject to all prior water rights. Protests must be submitted based on the criteria of Sec. 42.202A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814 together with a protest fee of \$25.00 for each application on or before 09/08/2003. The protest must also send a copy of the protest to the applicant.

Legal 3654
August 21, 28, 2003
KARL J. DREHER, Director



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 2003

CITY OF HUETTER
4670 W FERREL RD
COEUR D ALENE ID 83814

RE: Application for Permit No 95-9198

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on August 21 and 28, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Allen Beardslee
Senior Water Resource Agent

RECEIVED

AUG 14 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

PLEASE FAX PROOF PRIOR TO PUBLICATION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 2003

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

FAXED TO MISTI AT 664-0212

RE: Application for Permit No. 95-9196, 95-9198 and 95-9199

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 21 and 28, 2003, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/08/2003. Your cooperation is GREATLY appreciated, as always

Thanks D

Sincerely

Dianne

Dianne Ball
Administrative Assistant

MISTI

8/13/2003

95-9196

95-9198

95-9199

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 09/08/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 21 and 28, 2003.

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SEP 8 2006