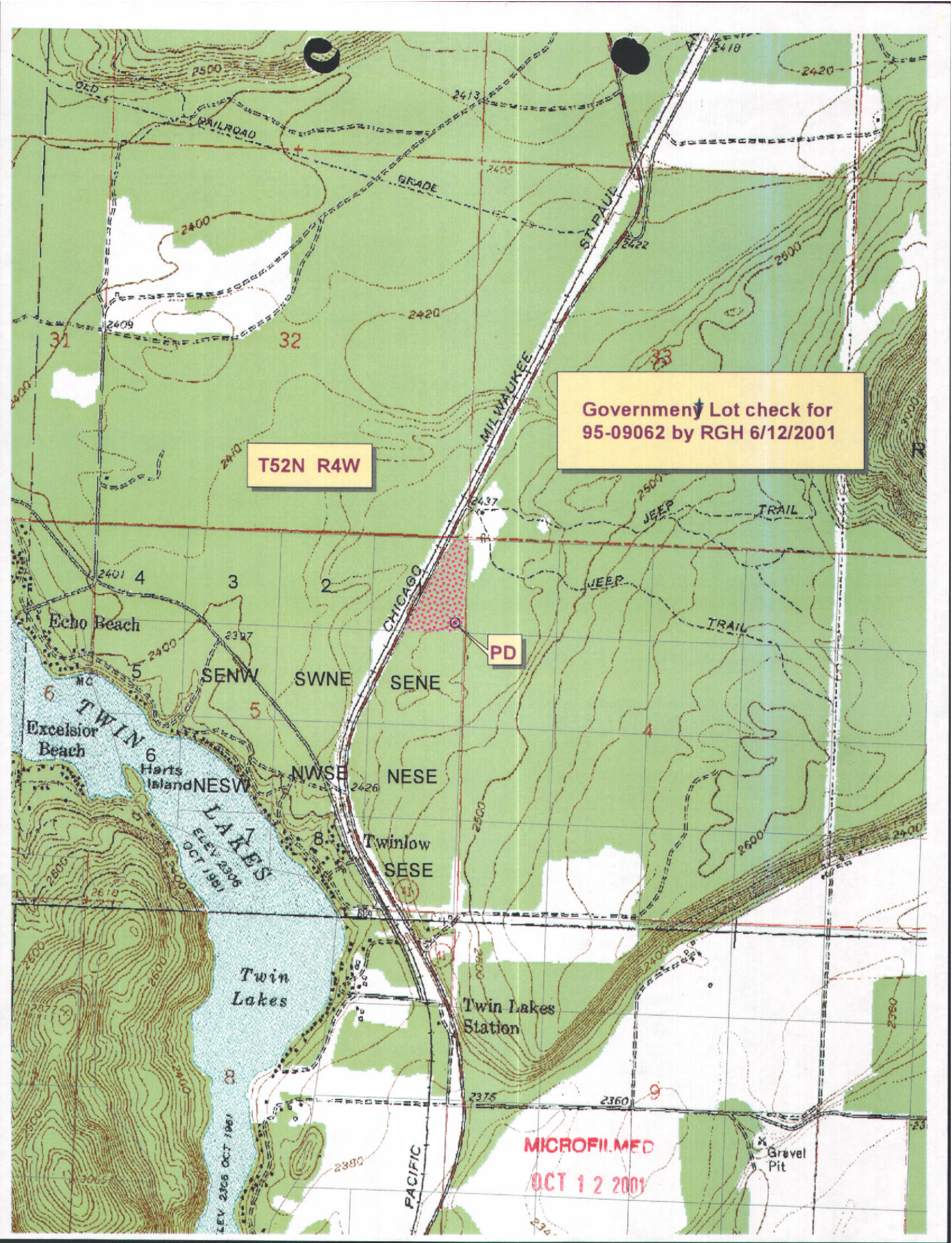


Government Lot check for
95-09062 by RGH 6/12/2001

T52N R4W

PD

MICROFILMED
OCT 12 2001



Form 2307
8/93
BLACK FOR USE

POSTED

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

**Use Typewriter
or
Ball Point Pen**

1. DRILLING PERMIT NO. 95 93 N 224 000
Other IDWR No. _____

2. OWNER: MR JOE ALDRICH
Name
Address 45708 268TH SE
City ENUMCLAW State WA Zip 98022

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.


 T. 52 North ☒ or South ☐
 E. R. 14 East ☐ or West ☒
 Sec. 05 ^{1/4} NE ^{1/4} NE ^{1/4} NE ^{1/4}
 Govt Lot _____ County. Kootenai ^{1/4} NE ^{1/4} NE ^{1/4}

Address of Web Site OFF HWY 41

Lot No. _____ Block No. _____ Subd. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

6. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

BRALFILTER PACK		AMOUNT		METHOD	
Maximal	From	To	Volume of		
BENTONITE	0	60	9	PIMED	

B. CABING/LINER:

Diameter	Frag.	In.	Holes	Cuts	Laps	Bent	Punct.	Spldts	Threads
8"	+2	440	.250			☒	☐	☐	☐
6"	-404	504	.250			☒	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes _____
Top Packer or Headstaple _____ Bottom Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations	Method	
☐ Screens	Type	Material

Page	To	Slip No.	Number	Fluorimeter	Yield %	Color	Lib.
						☐	☐
						☐	☐
						☐	☐
						☐	☐

NENE 5 52N 44W

1D. WELL TESTS:

☐ Pump ☐ Roller ☐ Air ☐ Flowing Arterial

Flow rate (gpm)	Discharge	Pressure (psi)	Time
400			

Temperature of water _____ Was a water analysis done? Yes ☐ No ☐

Water Quality (sulfur, etc.) CLEAR - GOOD

Bottom Hole Temperature

11. STATIC WATER LEVEL:

450 R. below surface Depth unknown flow found.

Arterial pressure _____ lb. Describe access port _____

Describe Controlling Devices: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Core No.	Depth	To	Remarks: Lithology, Water Quality & Temperature	OPM	CM
10	0	9	TOPSOIL W/COBBLE		
10	9	100	SAND & GRAVEL COURSE 3/8 MINIS		
10	100	19	SAND COURSE		
10	19	390	SAND & GRAVEL 3/4 MINIS		
10	390	463	SAND & GRAVEL W/BOULDERS		450
8	463	504	SAND & GRAVEL 3/4 MINIS		30-

RECEIVED
 NOV 15 1993
 NORTHWEST REGION
 ELY, NV

Date Started 10-25-93
Completed 10-29-93

RECEIVED
NOV 15 1988
NORTHWEST REGION
LJVA

Date: Started 10-25-93 Completed 10-29-93

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

1X- H2O WELL BVC INC #448

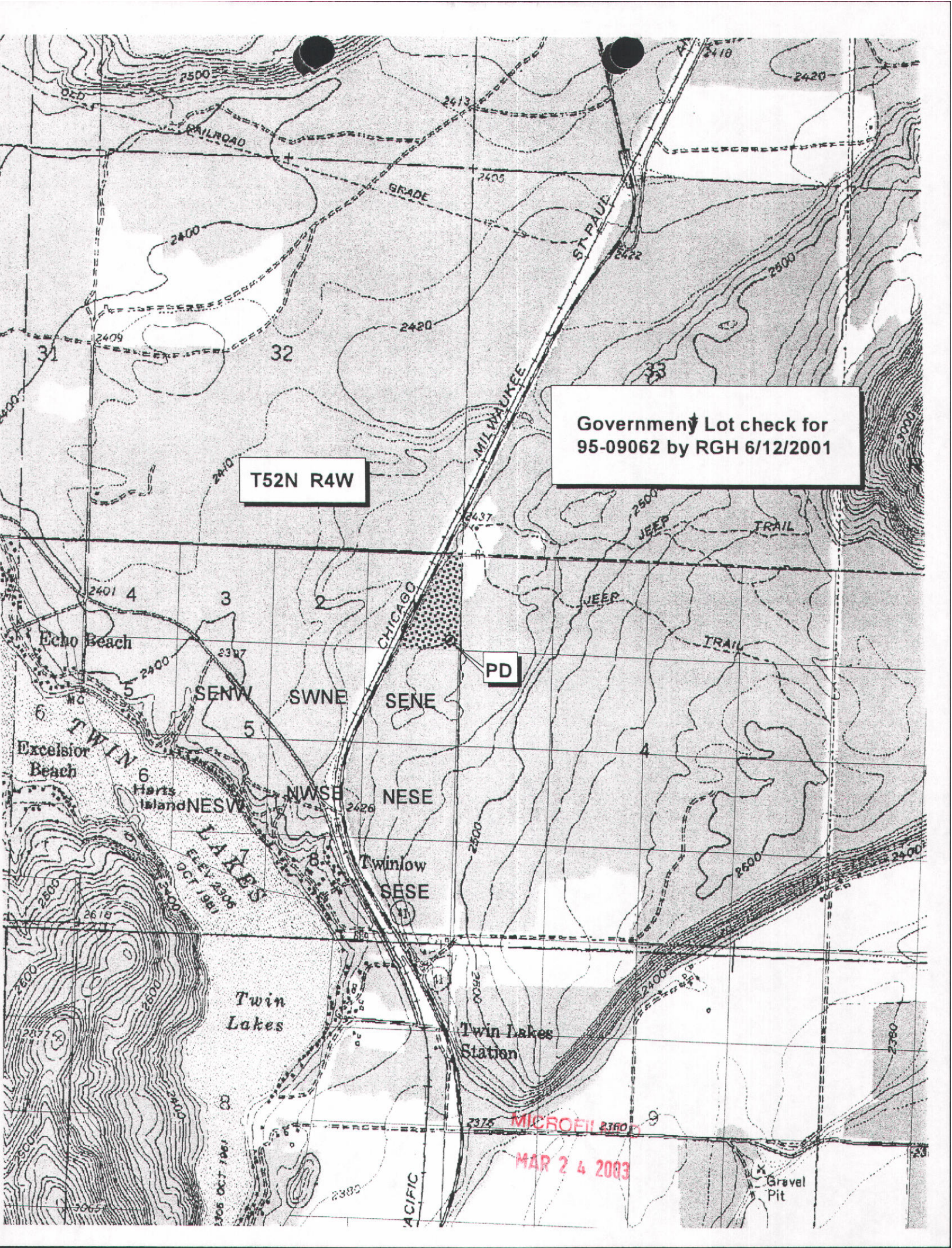
Film Name _____ Firm No _____

Firm Official [Signature] Date 11-8-93

and _____

MICROFILMED

OCT 20 2003

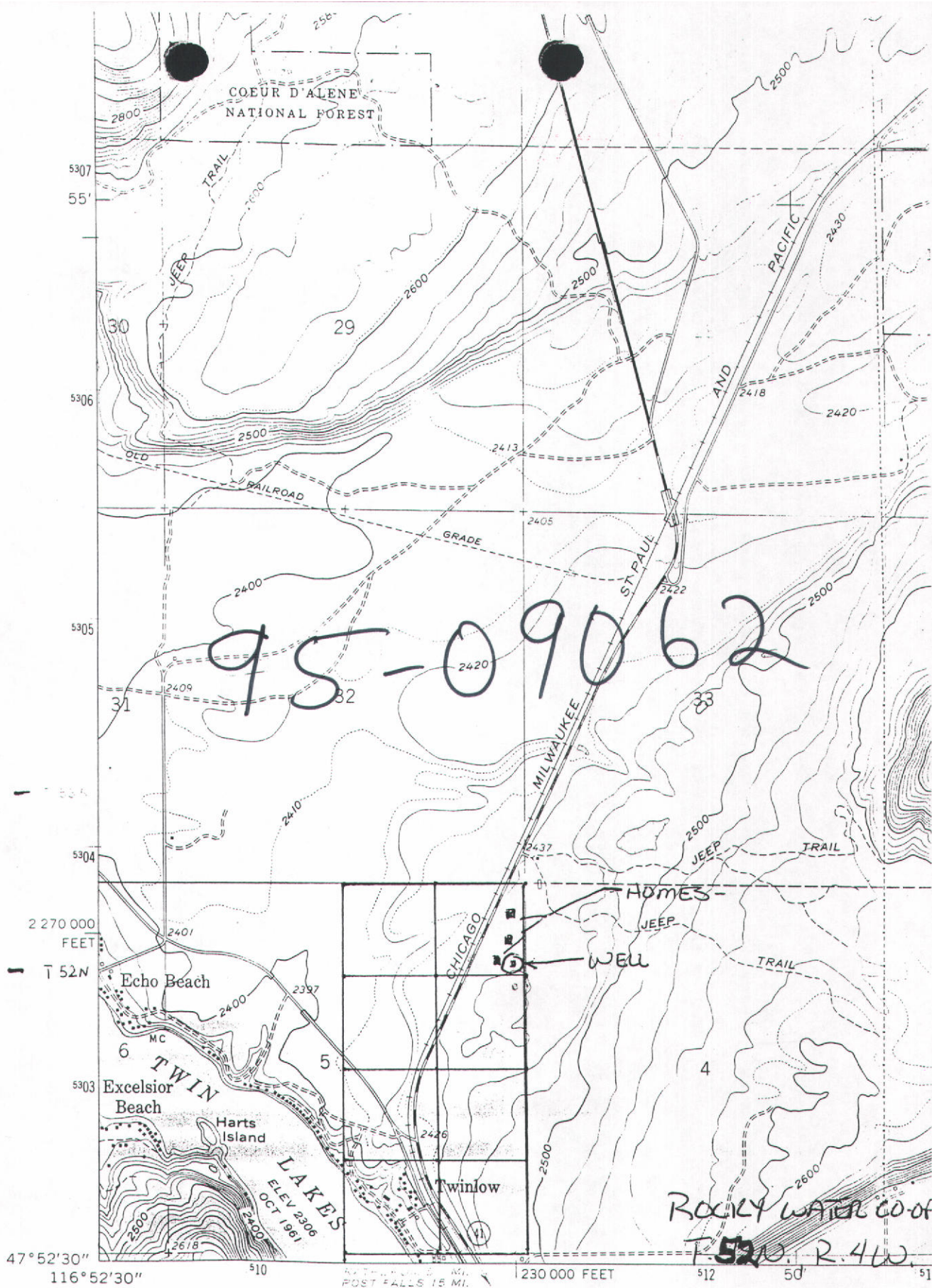


Government Lot check for
95-09062 by RGH 6/12/2001

T52N R4W

PD

MICROFIL 2360
MAR 24 2003



95-09062



pu



pu



pu

RECEIVED
MAY 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 23 2001

Department of Water Resources

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 95-9062

[] Name(s): ROCKY WATER CO-OP

[] Old Mailing Address: _____

[] New Mailing Address: ROCKY WATER CO-OP

C/O BILL TUBBS
24222 N HWY 41

RATHDRUM ID 83858

Telephone Number: (208) 687 - 5010

[] Signature(s) of Owner(s) Will J. Tubbs

(Include your title if on behalf of company or organization)

MICROFILMED

OCT 12 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-09062

Priority: February 15, 2001

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 6.3 AF

It is hereby certified that ROCKY WATER CO-OP
C/O BILL TUBBS
24222 N HWY 41
RATHDRUM ID 83858 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 15, 2001; and has
submitted Proof of Beneficial Use on August 23, 2001. An examination indicates that the works have a
diversion capacity of 0.06 cfs of water from:

SOURCE

GROUND WATER

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	3/15 to 11/15	0.05 CFS	4.5 AF
DOMESTIC	1/01 to 12/31	0.06 CFS	1.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NE¼NE¼) Sec. 5, Twp 52N, Rge 4W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
52N 04W 5	1.5				1.5
	L1				

Total Acres: 1.5

PLACE OF USE: DOMESTIC -- Same as irrigation

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.05 cfs nor more than 4.5 afa at the field headgate for irrigation of the land described above.
2. Domestic use is for 3 homes and does not include lawn, garden, landscape, or other types of irrigation.

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 31ST day of JANUARY, 2003.

MICROFILMED

MAR 24 2003

Acting for

KARL J. DREHER
Director

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No: 055771
Receipt By: [Signature]
Date Received: 8-23-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 23 2001

PROOF OF BENEFICIAL USE

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. 95-9062 Telephone No. 208/687-5010
2. Name of Permit Holder(s): Rocky Water CO-OP c/o Bill Tubbs
3. Mailing Address: 24222 N Hwy 41
City Rathdrum State 10 Zip 83858
4. Source of Water: Well If GROUNDWATER (well), Date Drilled: mo. 10 / yr. 93
Well Driller: H₂O Well Service Drilling Permit Number: 95-93-N-0224-000
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 3 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.13 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: B RON GLACKIN Telephone Number: 208/687-4102
Address: 24432 N Hwy 41
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: William G. Tubbs Date: 8/17/01
(include your title, if on behalf of company or organization)

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OCT 12 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09062

Priority: 02/15/2001

Maximum Diversion Rate: 0.13 CFS

This is to certify, that ROCKY WATER CO-OP
24222 N HWY 41
RATHDRUM ID 83858

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>
IRRIGATION	03/15 to 11/15	0.05 CFS
DOMESTIC	01/01 to 12/31	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, Twp 52N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
52N 04W 5	1.5																1.5
	L1																

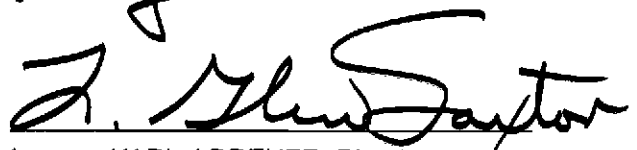
Total Acres: 1.5

PLACE OF USE: DOMESTIC, same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2002**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. Domestic use is for 3 homes and does not include lawn, garden, landscape, or other types of irrigation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of July, 2001.



KARL J DREHER, Director

MICROFILMED

OCT 5 2 2001

68942

68942

Ident. No. 95-9062

RECEIVED

JUN 21 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

68942

Department of Water Resources

1. Name of Applicant ROCKY WATER CO-OP Phone 687-5010
Post Office address 24222 N. HWY 41 RATHBUN ID 83858
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____
Sec. 5 Township S2N Range 4W B.M. KOOTENAI County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.08 for DOMESTIC purposes from 4/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.05 for IRRIGATION purposes from 3/15 to 1/15 (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) 0.13 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP & PIPELINE TO HOMES
 - 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 8"/6" inches; proposed depth of well is 500 feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? 1993; Drilling firm H2O 95-93-N-0224-000;
Well was drilled for (well owner) ALDRICH
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. 3 HOMES
 - e. Other; describe fully. _____

753644

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OCT 12 2001

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	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	
52N	4W	5	D																
			1.5																1.5

Total number of acres to be irrigated 1.5

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

11. a. Who owns the property at the point of diversion? APPLICANTS

b. Who owns the land to be irrigated or place of use? " _____ "

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

12. Remarks: ROCKY WATER CO-OP MEMBERS -
RONALD J. GLACKIN - 687-4102
WILLIAM J. TURBS - 687-5010
3rd MEMBER N/A AT FILING

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.

X Will Helt Ronald J. Glackin
 (Applicant)

Received by AB Date 2-15-01 Time 1:30 Preliminary check by AS
 Fee \$ 100 - Receipted by AB # ND 14148 Date 2/15/01
 Publication prepared by AB Date 3/7/01 Published in Cda Press 3/15+22/01
 Publication approved AB Date 4/3/01

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OCT 12 2001

2409

T52N R4W

Government Lot check for
95-09062 by RGH 6/12/2001

PD

Excelsior
Beach

6
Horse
Island

LAKE
ELEV. 2005
OCT 1981

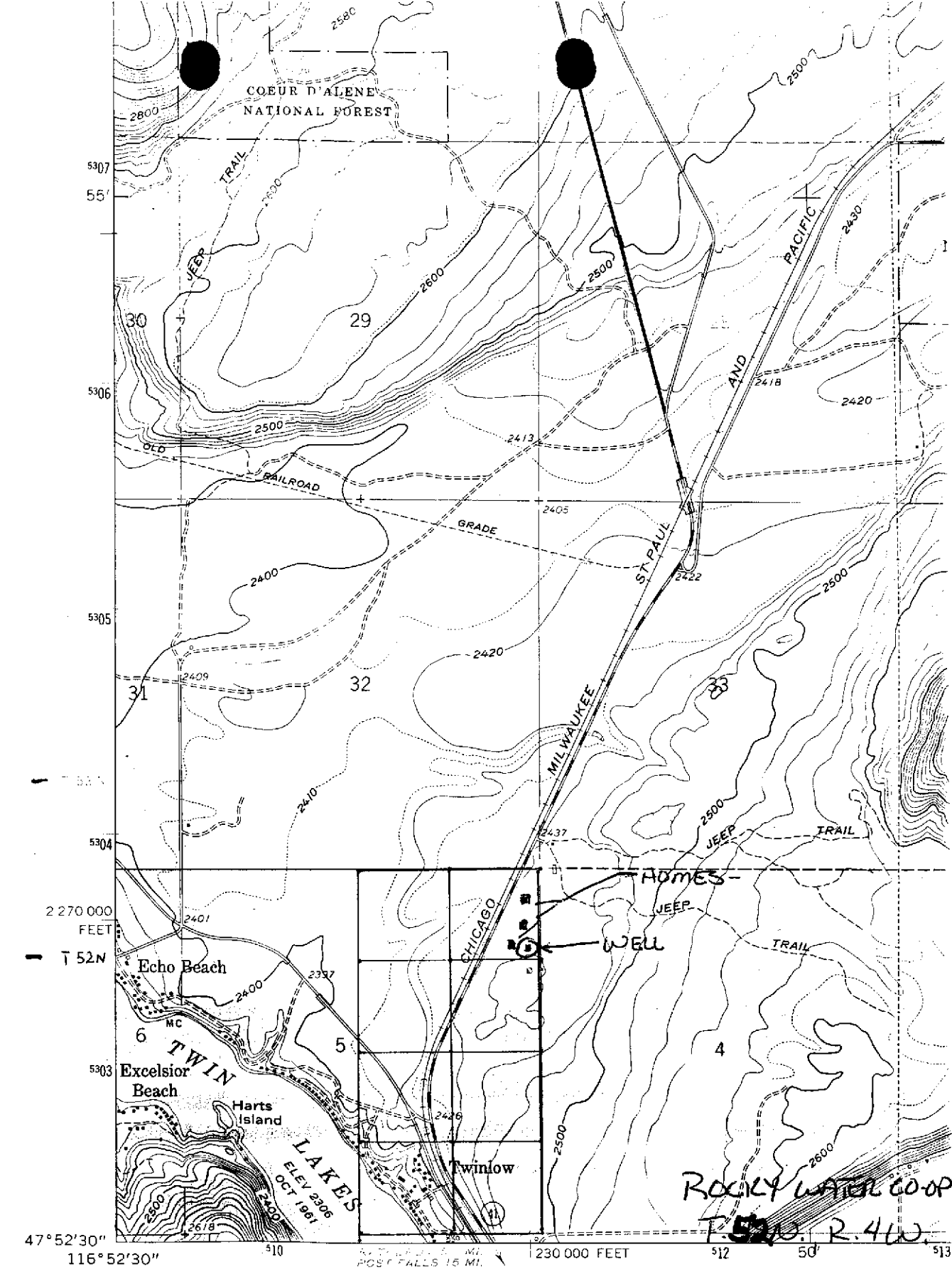
Twin
Lakes

ELEV. 2005 OCT 1981

PACIFIC

MICROFILMED
OCT 12 2001

Gravel
Pit



Other IDWR No. _____

2. OWNER:

Name MR JOE ALDRICH
Address 45708 268TH SE
City ENUMCLAW State WA Zip 98022

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

T. 52 North ☒ or South ☐
 R. 04 East ☐ or West ☒
 Sec. 05 NE ☐ NE ☐ NE ☐
 Gov't Lot _____ County Kootenai

Address of Well Site OFF HWY 41

(Give at least Direction + Distance to Road or Landmark)

Lot No. _____ Block No. _____ Subd. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	40+	9	POURED

Was drive shoe seal tested? ☐ YES ☐ NO How?

8. CASING/LINER:

Diameter	From	To	Gauge	Casting	Liner	Steel	Plastic	Welded	Threaded
8"	+2	448	.250			☒ K	☐	☐	☐
6"	-404	504	.250			☒ K	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes

Top Packer or Headpipe_____ **Bottom Tailpipe**_____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tube/Pipe Size	Casting	Linear
						☐	☐
						☐	☐
						☐	☐
						☐	☐

NENE 5 52N 4W

10. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
+30			

Temperature of water _____ Was a water analysis done? Yes ☐ No ☐

By whom?

Water Quality (odor, etc.) **CLEAR - GOOD**

Bottom Hole Temperature

11. STATIC WATER LEVEL:

450 ft. below surface Depth artesian flow found

Artesian pressure _____ lb. Describe access port _____

Describe Controlling Devices: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name H2O WELL SVC INC **Firm No** #448

Firm Official [Signature] Date 11-8-93

and
Supervisor or Operator L. E. A. Date 11-8-93

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED

OCT 12 2004

Idaho Department of Water Resources

Listing of Driller Reports

Owner/Operator	Use	TWP	RNG	SEC	Tract	Gov. Lot	Gallons Per Minute	Static Water Level	Total Depth	Casing Depth	CSG. DIA.	Construction Date	Permit Number
ALDRICH, JOE	Domestic-Single Residence	52N	04W	5	NENE	0	30	450	504	448	8	10/29/93	753644
HENERY, PHIL	Domestic-Single Residence	52N	04W	5	NW/NW	0	20	405	439	439	6	10/12/98	754727
AQUA ENTERPRISES INC	Domestic-Single Residence	52N	04W	5	NWSE	0	99999.99	425	462	230	12	4/8/78	751439

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OCT 12 2001

HOLMES LAW OFFICE P.A.

Edwin B. Holmes

September 29, 2003

SENT VIA FACSIMILE (208)763-5079

R D Watson
Watson Law Offices
24222 N Hwy 41
Rathdrum ID 83858

Re: Rocky Water Co-Op
My clients: William & Rita Tubbs

Dear Rolly:

This office represents William and Rita Tubbs who requested that I respond to your letter dated September 19, 2003 regarding their use of the common well that you refer to as "Rocky Water Co-Op."

Your clients are correct that Mr. & Mrs. Tubbs have drilled their own well and severed all use of the common well that was previously used. It is my understanding that your client confirmed that the Tubbs did in fact disconnect from the common water system.

Please draft whatever documents you plan to draft to confirm the fact that my clients no longer assert any claim, or have any further financial obligations, with respect to the common well. I have been unable to find any well use agreement of record or any other document obligating my clients to any expenses in connection with the well. Please provide me a copy of any documentation that you may have to the contrary, if there is any, immediately.

Mr. & Mrs. Tubbs want to continue to enjoy good neighborly relations with your clients and to make the transition as smooth as possible without unnecessary cost or actions.

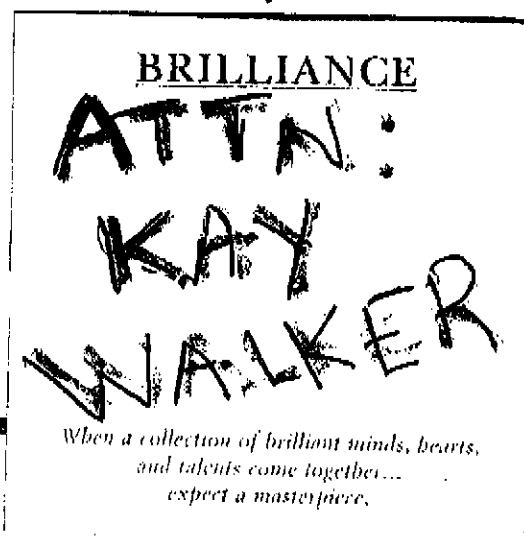
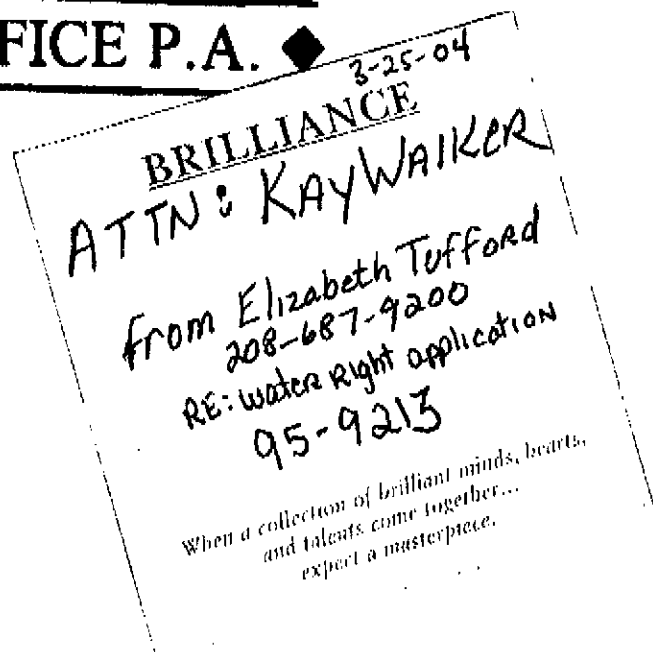
I would appreciate it if you would direct all further correspondence in this matter to me directly. Please let me know if you have any questions.

Sincerely,
HOLMES LAW OFFICE, P.A.

Lisa A. Holmes
LISA A. HOLMES,
Attorney at Law

cc: clients

P.O. Box 909 • 2115 Sherman Avenue, Suite 107 • Coeur d'Alene ID 83816-0909 • (208)





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 20, 2003

ELIZABETH & PETER TUFFORD
24424 N HWY 41
RATHDRUM ID 83858

RE: Water Right License No. 95-9062

Dear Mr. and Mrs. Tufford:

This week I received your letter asking about the rights and responsibilities associated with the issuance of Water Right License 95-9062 by the Department of Water Resources (IDWR). On January 31, 2003, IDWR issued License 95-9062 to Rocky Water Co-op for the use of ground water for irrigation and domestic use associated with three homes located within Govt. Lot 1 of Section 5, Township 52 North, Range 4 West, B.M. The location of the water use, as described by the IDWR field examiner who visited the site in June of 2002, corresponds to the three parcels described on Exhibit A of the "Water Agreement" sent with your letter. According to the most recent tax lot data available to IDWR, Ronald Glackin owns the first parcel, William Tubbs owns the second parcel, and Joseph Aldrich owns the third. I understand, however, that you now own the parcel once owned by Joseph Aldrich.

The water right license issued to Rocky Water Co-op is recognition by the state of Idaho that a right to appropriate (take and use) the public waters of the state was established for the purposes described on the license in the amounts described on the license. The water right license does not determine ownership of the well, diversion works, or means of distribution, nor does it provide authorization for the right holder or its representatives to trespass. The water right simply provides authorization to use water if the means of diversion and distribution are available to the right holder.

The "Water Agreement" submitted with your letter appears to arrange for the common use and maintenance of the well and distribution system among the three lot owners. I cannot comment on the validity of the agreement. Private agreements, if otherwise valid and enforceable, may legally bind those parties to the agreement. However, if you and your neighbors are unable to come to an understanding about the well, each lot owner should strongly consider seeking competent legal advice as to the effect of the "Water Agreement" before taking any action that could cause injury to another lot owner.

When a water right license is issued, the water right becomes appurtenant to the land on which it is used. Unless the water right was withheld in the sale of the parcel to you, your acquisition of a portion of the licensed place of use entitles you to a portion of the water right. I have already

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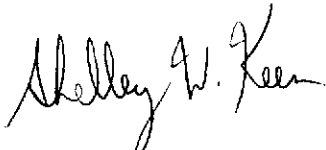
OCT 21 2003

Elizabeth and Peter Tufford
August 15, 2003
Page 2

sent you a Notice of Change of Water Right Ownership form, which can be used to notify IDWR that you wish to have your portion of the water right split off and placed in your name. Another form is enclosed in case you did not receive the first one.

I sincerely hope this letter helps to address your concerns. However, if you or any of the other water users on your system have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

Enclosure

cc: Bob Haynes at IDWR Northern Region

MICROFILMED

OCT 20 2003

RECEIVED

AUG 15 2003

Department of Water Resources

To Mr. Shelley W. Keen
at Fax # (208) 327-7866
Phone (208) 327-7900
Date 8-14-03

From Mr. and Mrs. Peter Tufford
Fax (208) 687-9200
Phone (208) 687-9200
Re: #95-9062

Our legal rights on the well on our property

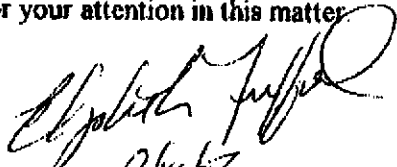
Dear Mr. Keen,

In addition to this "cover sheet", the following will be sent:

- 4 page letter to you from us
- 9 page correspondence to Mr. William Tubbs from B.O. Bignall, Jr.
- 1 page well driller's report
- 4 page hand written letter to our Realtor concerning our house
- 2 page hand written note from our Realtor concerning the well
- 1 page from the seller showing a well inspection as part of our home

22 pages total

Thank you for your attention in this matter


8/14/03

MICROFILMED

OCT 20 2003

August 14, 2003

p. 1 of 4

Shelley W. Keen
Water Rights Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

RE: License No. 95-9062

Dear Mr. Keen,

Hello. Per our telephone conversation on August 12, 2003, I am requesting to have you please explain the legal situation associated with our well, water, ownership and neighbors. I will explain in detail as you requested.

Parcel 3 (where the well is located) is owned by us, Elizabeth and Pete Tufford.
Parcel 2 is occupied by Bill (William) and Rita Tubbs.
Parcel 1 is occupied by Ronald and Sheri Glackin.

We, Elizabeth and Peter Tufford, purchased the home at 24424 N. Hwy. 41, Rathdrum, ID. Escrow closed April 30, 2002. There is a well clearly located on our parcel (parcel 3), which we were informed by the Realtor, seller, and title company was ours. The water (power and maintenance) is shared with two other houses (parcels 1 & 2). We addressed the water and mineral rights on the original offer of this house at the beginning of escrow and title, being assured that we have them and the well is our personal property on our land. Unknown to us at the time, the neighbor on parcel 2, Bill Tubbs, had arraigned for himself to be in control of paying the electric bill and for the monthly funds accumulated for maintenance and repair on the well and made up the name "Rocky Water Coop" to accomplish this since parcel 3 (now our parcel) was owned by Chapter 7 Trustee in Bankruptcy. Mr. Tubbs did not own the property where the well is located. (See cover letter from B. O. Bignall, Jr. to Mr. William Tubbs.)

We had a very large move to make and up to the present are still moving in. Our possessions needed to be gathered from various out of state locations. All of the transactions concerning the buying of our home was done by the Realtor over the phone. We paid the electric/water bill under the assumption that Mr. Tubbs was just handling it because the property where the well was, had been unoccupied. We had no suspicions at the time.

All was going fine until a few incidents occurred and we realized something was not right.

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A while back, when we were still moving in, Mr. Tubbs told us that some one was coming over to check the well out, just routine, and we do not need to be concerned by anything. Also, the other neighbor sharing the water had a check to take care of it. We now *suspect* this was an inspection of the well for them to finalize their "Water Right License" or forming "Rocky Water coop". We believe your office should have been informed of the ownership of parcel 3 and the forms that were being pursued updated, since it had not been finalized.

One time the well stopped flowing and parcel 1 & 2 went excessive. They bothered the well company numerous times after 10P.M. to early morning hours to get out right now to fix the well. The well technician was quite at the end of his rope with parcel 1 complaining and hanging around him. My husband, Pete Tufford-Parcel 3 owner- finally told the other neighbors to get out of the way. They took offense to this. The technician did not have the necessary tools and equipment to fix the well so Pete let him use his tools. Pete also corrected the technician on incorrect procedures he was doing. In the end, the well was repaired with used parts married up together. The bills were going to Mr. Tubbs at the time, so Pete told Mr. Tubbs that we should not be charged for a new part because Pete was there and saw what the technician did. Mr. Tubbs did not correctly follow through on that point, consequently a good deal more money was spent on the well than need be.

We told the Tubbs that we will take care of the well. The light needs to be fixed in the vault and the electric box was falling over. Pete said he was going to fix those things. That idea did not go over very well and Mr. Tubbs said only a "professional" can work on the well, however, parcels 1 & 2 had changed out a pressure tank on their own, without professional help (This was before we bought the parcel with the well on it).

Other issues included that we wanted to be in on the checking and doings on the well. Mr. Tubbs told us he did not trust us and we can not be a part of the checking or well decisions.

We told Mr. Tubbs that we were going to put a lock on the well because it is a liability. We have children and their friends over and it is a big vault in the ground. Mr. Tubbs got very irate and said that we can not keep him from getting to the well whenever he wanted to and that he will break any locks we put on the well.

We told Mr. Tubbs that we intended to put a fence and gate around the front of our property to keep our dogs in. Also, the parcel we bought, we have since learned, was known to be called "the yard sale house". Many items had been removed from the premises, even when we were in escrow! Besides our dogs getting out, we wanted to keep "the shoppers" out. Despite our "private property" and "no trespassing" signs, strangers still cruise up our driveway and then leave. Mr. Tubbs boldly stated that he

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p. 3 of 4

needs a key to our gate because we can not keep him from coming over to look at the well. He said that he will ram our gates to get to the well. incident we were also going to put a gate at the back of our property between parcel 2 and ourselves because we know parcel 2 likes to walk across our property to get to trails behind our property and wanted to be accomidating (though for our purposes there is really no necessity to put a gate there.) We wanted to be friendly neighbors.

Both the other parcel owners said that they each own 1/3 of the well. We told them that we own the well. The agent at North Idaho Title Company in Coeur d'Alene, Patty, said that the well is our personal property on our land, the neighbors may have a use of the well as a source to obtain water for themselves, but not a right to own the well. Patty said to feel free to call her. She said that it sounds like the neighbors are trying to bully us and not to let them do that. Again this did not go over very well with the other parcel owners. They said that the title company does not know anything.

We arranged to have a water/well meeting at our house 8/11/03. The original owner, J. Alan Aldrich, took the well fund money with him when he left his home, our home now. Because of that, we suggested setting up an account that would require two signatures to withdrawal from, so that they could feel secure that the fund could not be taken by one person. We suggested that this account for well maintenance be required to have a signature from us and a signature from one of the other parcels to withdrawal from it. As I said before, the previous owner of parcel 3 where the well is located, left town the with the water fund. They liked that idea but said that *any* two signatures would be required, why does it have to include ours? We said because the well is our personal property on our land and we will always have a say in the wells well being. They said no way, that they *own* two thirds of the well and we have no special right to it. The water/well meeting ended by having each of us write amendments to the original "Water Agreement". I notice that is a "water" agreement, not a "well" agreement. Included in this letter is a copy of the original Water Agreement that the original owner set up. We suggested the changes that I have previously mentioned above and that where "Aldrich's" name is that our name should be put in. They said that Rocky Water Co-op is the name to be used as the owner of the well, not us.

We had talked to a lawyer about this and showed him the different documents we were able to obtain concerning the well, water rights, and Rocky Water Co-op. He informed us that we could file criminal charges on Mr. Tubbs for numerous items including the verbal assault. We do not want to start a war with our neighbors and do not want to go in that direction. We want peace and trust. The lawyer told us that the form for water rights

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OCT 20 2003

p. 4 of 4

appeared fraudulent, many portions were not filled out and seemed to be inaccurate. Also, some of the dates on the forms were when we owned the home. We were never made aware that any of this was going on. You also looked up "Rocky Water Co-op" and found it not to be registered and said that the form answers should have been scrutinized better.

We understand that the other two parcels might have some insecurities to their access to water considering that they had a bad experience with the previous owner of the well, but does that give them any right to dictate to us the care and use of the well? There are no easements to the well for them to have any access. They do not need to have any access. I feel that if parcels 1 & 2 want water, they should contribute to the maintenance of our well that helps provide them with water, split the costs of using the well according to the various parts that relate to them, and they have water! But the well is ours and we should set up the guide lines for its "health".

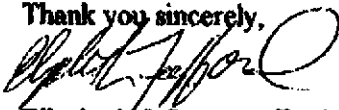
I understand that a water right does not grant well ownership nor an authorization to trespass, threaten personal and bodily harm or dictate. Is this correct?

Is Rocky Water Co-op legal?

We shall fill out the "Notice of change of water right ownership" form as you suggested.

Please advise us as to the legalities of our situation.

Thank you sincerely,



Elizabeth & Peter Tufford
24424 N/. Highway 41
Rathdrum, ID 83858
208-687-9200

May peace descend upon the Earth!

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AUG 14 2003

LAW OFFICES

Bliss O. Bignall, Jr.

306 Elmer Building 408 Sherman Avenue
P.O. BOX 426

Coeur d'Alene, Idaho 83816-0426

FAX: (208) 664-9279

PHONE: (208) 664-9278

February 9, 2001

Mr. William Tubbs
24222 N. Highway 41
Rathdrum, Idaho 83858

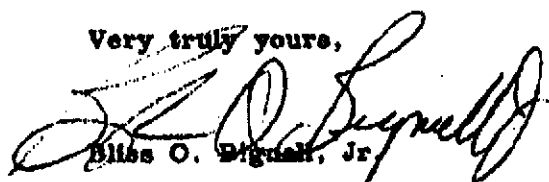
Dear Mr. Tubbs:

Re: J. Alan Aldrich & Melinda Aldrich, BK #01-20065

Mr. Aldrich brought in the Well Agreement to this office, copy of which I am enclosing herewith. He said this Agreement had been signed and was a part of every real estate transaction tied in with the well.

I cannot advise you whether you are protected with respect to the well, but I would be very surprised if you weren't. Mr. Aldrich is still willing to give up the management of the well to you, if you so desire, since it may be some time before we know who is going to have possession of his real property -- because at the present time, it is owned by the Chapter 7 Trustee in Bankruptcy and is not subject to a homestead.

Very truly yours,



Bliss O. Bignall, Jr.

BOB:ARB

Well Agreement

cc: Debtor

cc w. enc: Ford Elsassner, Esq., Ch. 7 Trustee
POB 2220, Sandpoint, Idaho 83864

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OCT 20 2001

**WELL SERVICE, INC.**

682 W. Hayden Ave.
Hayden Lake, Idaho 83835

JUNE 15, 1994

JOE & JOY ALDRICH
ALAN ALDRICH
45708 - 268TH SE
ENUNCLAW WA 98022

SUBJECT: WELL TEST**Well Data:**

Well Location: HWY 41 N OF TWIN LAKES 2ND RIGHT PAST DUMPSTERS
Well Construction: 8"x448 6" 404-504
Well Depth: 504'
Static Water Level: 447'
Test Pump Used: 25E150412 5HP
Pump Setting: 483'
Pipe Size: 1-1/2"
Wire Size: 4/4
Liquid Level Controls: N/A
Pitless: N/A
Pump House: N/A
Condition: N/A
Pressure Tank Size: 86 GAL
Electrical Controls: N/A

Date of Test:

Time:

Summary:

This well will produce _____ gallons per minute over a 4-hour period.

This well will produce 30+ gallons per minute.

John Wheeler
Owner

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ACT 2 0 2000

W20 WELL SERVICE, INC
582 W. HAYDEN AVENUE
HAYDEN LAKE, ID 83835

PHONE: 208-772-4004 / FAX: 208-772-4892

MINERAL TEST

CUSTOMER:

ADDRESS:

PHONE:

Alan Aldrich
687-1316
6 HARDNESS: WATER HARDNESS IS MEASURED BY GRAINS PER GALLON. WATER HARDNESS IS DETERMINED BY THE AMOUNT OF CALCIUM AND MAGNESIUM PRESENT IN WATER. PLEASE SEE THE FOLLOWING TABLE TO DETERMINE THE DEGREE OF WATER HARDNESS.

DEGREE OF WATER HARDNESS	GRAINS PER GALLON
SOFT	0 - 3.5 GPG
MODERATELY HARD	3.5 - 7.0 GPG
HARD	7.0 - 10.0 GPG
VERY HARD	10.0 - + GPG

6 pH: THE PH OF WATER IS A MEASURE OF THE DEGREE OF ACIDITY OR ALKALINITY. WATER IS DETERMINED TO BE ACIDIC, NEUTRAL, OR ALKALINE. YOUR WATER IS TESTED AND GIVEN A VALUE BETWEEN 0 - 14. VALUES FROM 0-7 ARE CONSIDERED TO BE ACIDIC AND VALUES FROM 7-14 ARE CONSIDERED TO BE ALKALINE. IF YOUR WATER HAS A VALUE OF 7 IT IS CONSIDERED NEUTRAL.

0 IRON: THE PRESENCE OF IRON IN WATER IS MEASURED IN PARTS PER MILLION. DEPENDING ON THE AMOUNT OF IRON PRESENT IN YOUR WATER YOU MAY GET STAINING OF FIXTURES AND/OR CLOTHING.

COMMENTS:

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AUG 28 2003

WATER AGREEMENT

This Agreement made by and between RON GLACKIN and SHERRY GLACKIN, husband and wife, (Glackin) and J. ALAN ALDRICH and MELINDA D. ALDRICH, husband and wife, (Aldrich), 1005 E. Twin Low Road, Rathdrum, Idaho 83858.

RECITALS

WHEREAS, Aldrich currently is the owner of Parcels 2 and 3, which parcels are located on that certain real property in the County of Kootenai, more particularly described as set forth on the attached Exhibit "A" and incorporated herein by reference.

WHEREAS, Glackin currently is the owner of Parcel 1, which parcel is located on that certain real property in the County of Kootenai, more particularly described as set forth on the attached Exhibit "A".

WHEREAS, a well is currently located on Parcel 3, which currently has water lines leading from the well to Parcels 1 and 2. The well, including the "main" lines leading from the well, and the "stub" lines leading from the main lines to Parcels 1 and 2, are described and set forth in the attached "Exhibit "B", and incorporated herein by reference.

WHEREAS, the Aldrich's and Glackin's desire to enter into a water agreement to share the use and costs of the well and water on Parcels 1, 2 and 3 pursuant to this Agreement.

NOW, for valuable consideration, and in consideration of the mutual covenants and conditions contained herein,

IT IS HEREBY AGREED AS FOLLOWS:

1. The parties agree that the owners of Parcels 1, 2 and 3 shall share the use of the well and water system pursuant to this Agreement.

WATER AGREEMENT - 1.

WATER.AGR

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AUG 20 2003

2. The parties agree that this Agreement shall be forever binding upon the current owners of Parcels, 1, 2 and 3, including any successors, assigns, grantees, heirs and/or future owners of Parcels 1, 2 and 3. This agreement is intended to "run with the land" and parcels described on the attached Exhibit "A".

3. The parties agree that unless mutually agreed by all Parcel owners, that the owners of Parcel 3, both now and in the future, shall act as the Secretary/Treasurer for collecting monies, disbursing monies, and keeping records of funds on account with respect to this Water Agreement.

4. Each parcel owner shall contribute the sum of FIFTEEN DOLLARS (\$15.00) per parcel per month to the Treasurer as set forth above. Such amount shall be paid quarterly (\$45.00) on or before January 1, April 1, July 1 and October 1) of each year. The first payment shall be paid on or before July 1, 1994. The quarterly funds received shall be used for the maintenance and costs incurred in repairing and maintaining the well and the main lines in accordance with this Agreement. Such funds shall be deposited in a separate checking account entitled "Water Agreement Fund", and any parcel owner shall have the right to be provided a current accounting of such funds upon reasonable notice.

5. There currently exists a main line from the well to Parcels 1 and 2, and "stub" lines exists from the main line to Parcels 1 and 2. These "main" lines and "stub" lines are described on Exhibit "B", attached and incorporated hereto. Each Parcel owner shall be solely responsible for maintaining in good repair the "stub" line on his own property at his own expense. Each Parcel owner shall be responsible to pay a one-third (1/3) share in the maintenance and repair of the main line, the administrative costs involved in carrying out this Agreement, and the costs of maintenance and repair to the well vault system, including but not limited to, the well pump, the pressure tanks, casing and valve panel box. However, if the main lines are damaged by the negligence of a Parcel owner, or their agents, then the negligent party shall immediately repair the main line at their own expense.

6. In the event any repair or maintenance costs are required for the well vault

WATER AGREEMENT - 2.

WATER.AGR

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SEP 29 2003

system or the main line, and such funds are not available in the Water Agreement Fund, the Parcel owners shall hold a special meeting to determine the funds required, and each parcel shall contribute one-third (1/3) necessary funds needed for such repair and/or maintenance within ten (10) days of such meeting.

7. The parcel owners agree to approve by vote any individual expenditures from the Water Agreement Fund in excess of \$250.00. For any expenditures over \$250.00, the parties shall approve such expenditures at a meeting, with each of the three (3) parcels having one vote each. In the alternative, the Parcel owners may waive any meeting and approve of such expenditure in writing. Any one owner of a parcel may execute such approval or vote at the meeting on behalf of his/her parcel. The majority vote of the three (3) votes shall be binding upon all Parcels owners. Meetings shall be held at the home of Parcel 3 owners, unless otherwise unanimously agreed, and each Parcel owner shall be given notice of such meeting no less than ten (10) days prior the meeting by certified mail. Parcel owner 3 may, however, expend monies in emergencies if said Parcel 3 owner is unable to contact the other Parcel owners, and if emergency work on the well vault or main lines is immediately necessary. The Secretary shall keep minutes of each meeting, and the votes taken at such meeting. All Parcel owners may dispense with the meeting by written agreement and approval of any expenditure.

8. The parties agree that any quarterly contributions or monies for repair and maintenance not paid by any Parcel owner shall become a lien upon the Parcel owner's property herein following thirty (30) days written demand for such payment. Said written demand shall be by certified mail, return receipt requested. Such lien may be recorded by any Parcel owner involved in this Agreement. The parties agree such lien amount shall carry interest at the rate of twelve percent (12%) per annum from the date the lien is recorded. If legal action is required to enforce this Agreement or to collect upon a lien, the prevailing party shall be entitled to attorney fees.

9. This Agreement constitutes the entire Agreement between the parties. Any other representations not contained within this Agreement shall have no force and

WATER AGREEMENT - 3.

WATER.AGR

MICHAEL
OCT 20 2003

effect.

IN WITNESS WHEREOF, the parties do hereby execute this Agreement on this _____ day of _____, 1994.

J. ALAN ALDRICH

RON GLACKIN

MELINDA D. ALDRICH

SHERRY GLACKIN

STATE OF IDAHO)

ss.
County of Kootenai)

On this _____ day of _____, 1994, before me, the undersigned Notary Public in and for said state, personally appeared J. ALAN ALDRICH and MELINDA D. ALDRICH, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Notary Public for Idaho

Residing at _____

My commission expires: _____

STATE OF IDAHO)

ss.
County of Kootenai)

On this _____ day of _____, 1994, before me, the undersigned Notary Public in and for said state, personally appeared RON GLACKIN and SHERRY GLACKIN, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Notary Public for Idaho

Residing at _____

My commission expires: _____

WATER AGREEMENT - 4.

WATER.AGR

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AUG 20 2003

EXHIBIT "A"

File Number: 40566

1325268

*** PARCEL I:**

A portion of land located in the Northeast corner of Section 5, Township 52 North, Range 4 West, Boise Meridian, more particularly described as follows:

COMMENCING at the Northeast section corner of said Section 5, said corner also being the TRUE POINT OF BEGINNING;

Thence South $00^{\circ}13'54''$ East, a distance of 625.24 feet to a 5/8" rebar with cap marked "Gem State PLS 6602";

Thence South $89^{\circ}56'53''$ West 495.30 feet to a point on the Easterly right-of-way of Highway 41;

Thence North $24^{\circ}58'40''$ East along said Easterly right-of-way for a distance of 690.04 feet; to a point on the North boundary of said Section 5;

Thence North $89^{\circ}56'53''$ East along said North boundary of said Section 5 for a distance of 201.39 feet to the TRUE POINT OF BEGINNING.

PARCEL II:

A portion of land located in the Northeast corner of Section 5, Township 52 North, Range 4 West, Boise Meridian, more particularly described as follows:

COMMENCING at the Northeast section corner of said Section 5;

Thence South $00^{\circ}13'54''$ East, for a distance of 625.24 feet to a 5/8" rebar with cap marked Gem State PLS 6602, said rebar being the TRUE POINT OF BEGINNING.

Thence South $89^{\circ}56'53''$ West, 495.30 feet to a point on the Easterly right-of-way of Highway 41;

Thence South $24^{\circ}58'40''$ West along said Easterly right-of-way for a distance of 572.74 feet;

Thence North $69^{\circ}21'22''$ East, 708.78 feet to a 5/8" rebar with cap marked Gem State PLS 6602;

Thence North $00^{\circ}13'54''$ West, for a distance of 241.54 feet to the TRUE POINT OF BEGINNING.

PARCEL III:

A portion of land located in the Northeast corner of Section 5, Township 52 North, Range 4 West, Boise Meridian, more particularly described as follows:

COMMENCING at the Northeast section corner of said Section 5;

Thence South $00^{\circ}13'54''$ East, for a distance of 868.78 feet to a 5/8" rebar with cap marked PLS 6602, said rebar being the TRUE POINT OF BEGINNING;

Thence South $00^{\circ}13'54''$ East 453.71 feet to a 3" brass cap set in concrete marked "NE-CORN. K148";

Thence South $89^{\circ}36'18''$ West, 824.44 feet to a point on the Easterly right-of-way of Highway 41; said point being a 3" brass cap set in concrete marked "NW-CORN. K148";

Thence North $24^{\circ}58'40''$ East along said right-of-way for a distance of 200.00 feet;

Thence North $69^{\circ}21'22''$ East, 708.78 feet to the TRUE POINT OF BEGINNING.

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AUG 14 2003

RECORD OF SURVEY

10

7
A PORTION OF GOVT. LOT 1, SECTION 5,
T. 52 N., R. 4 W., B.M.,
KOOTENAI COUNTY, IDAHO

„Н“ ЛИНИИ

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Oct 20 2003

FORM 2307
8/83
NOT FOR USE

**IDAHO DEPARTMENT OF WATER RESOURCES**
WELL DRILLER'S REPORT

**Use Typewriter
or
Ball Point Pen**

1. DRILLING PERMIT NO. 95-53, N. 224 - 000
 (Nbr. IDWR No. _____)

2. OWNER: MR JOE ALDRICH
Name
Address 45708 250TH SE
City ENFIELD WA 98072

2. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

T. 52 North ☒ or South ☐
 R. 04 East ☐ or West ☒
 Sec. 05 1/4 NE 1/4 NE 1/4
 Govt Lot _____ County MOORE

OFF NYW 41
Address of Web Site _____

(Please list local OR national reference to friend or informant)
Lot No. _____ Street No. _____ Subdiv. Name _____

4. PROPOSED USE:

☒ Domestic	☐ Municipal	☐ Monitor	☐ Irrigation
☐ Thermal	☐ Injection	☐ Other _____	

8. TYPE OF WORK
☒ New Work ☐ Monthly or Repair & Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. HEALING PROCEDURES

ORAL FOLIOLE PAIN		AMOUNT EQUIV. OF BASE DRUG		MG./DAY	
Days total		From	To		
BENTONITE	0	600	0		PURIFIED

Was drive also cancelled? YR NO DW?

E. CABING/LINER:

[illegible]

Final location of shoes _____
Top Packer or Headpiece _____ Bottom Tapping _____

8. PERFORATION SCREENS

Performance	Method
Memory	Type

Page	To	Dist No	Number	Flavor	Topical	Casing	Live
						12	12
						12	12
						12	12
						12	12

NIENE 5 SZN 44

10. WELL TESTS:

☐ Pump ☐ Refill ☐ Air ☐ Flowing Aspiration

<u>Date</u>	<u>Description</u>	<u>Purchase Price</u>	<u>Sale Price</u>
7-90			

Temperature of water: _____ Was a water analysis done? Yes ☐ No ☐

Water Quality Index: 80.1

Bottom Hole Temperature

11. STATIC WATER LEVEL:

450 8. peak surface Depth: nearest flow found.

Aluminum extrusion ☐ No. Describe access point ☐

Describe Controlling Devices: _____

12. LITHOLOGIC LOG: (Describe depths or abandonment)

[illegible]

RECEIVED
NOV 15 1985
NORTHWEST REGION
LWRA

Date: Started 10-25-93 Completed 10-29-93

15. DRILLET'S CERTIFICATION

UWE certifies that all minimum well construction standards were complied with at the time the rig was removed.

H2O WELL SVC INC **#448**

Form Name _____ Form No. _____

11-8-93

FILED OFFICIAL *[Signature]* Date *11-6-68*

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NOV 29 2009

+ mayh a check

02

TO: GARY Schenkenberger
Century 21

4-3-~~02~~

FAX: 208-765-5808

phone: 208 765 5554

FROM: Elizabeth TUFFORD

FAX:

phone: 406-560-5393

Gary,

Good afternoon, I'm sending you
a 3 page list I've prepared, the deposit
note, and the check if I can fax the little
piece of paper in our friends machine.
I left the parcel # blank on the letter,
would you please fill that in when you
retype it?

We'll be putting down a minimum of
twenty-five thousand.

Do you know or could you find out
what the water bills run?

We also do not want to be responsible
for any previous non-permitted issues
or previous liens.

We will send a larger deposit once
we are qualified.

God bless you
- Elizabeth

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2003

4-3-02

To whom it may concern.

We were notified that homes in Idaho are "buyer-beware." This offer of the sum of \$183,900.00 on parcel # _____ is based on an "as-is" sale. I, Pete Tufford, am familiar with custom construction of homes and have done a thorough inspection of this house. The home is also to include mineral and surface rights in writing on the deed. I have noted the following problems with the construction of the house. I must address these immediately before completely moving in:

- #1 The roof leaks by the front door and drips water through the vents on enclosed eaves. Most likely cause is a tear in roof paper under the shingles a good 3 to 6 feet up from the roof edge; hence, that portion of the roof should be taken off and reroofed.
- #2 In basement behind inspection door, there is water seeping through the basement wall, leak could be coming from one of the following: a crack in the foundation footing, all which would require digging up outside along the wall and sealing with concrete sealer and/or front bay window has vapor barrier tears which would

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OCT 10 2003

- require siding removal and restructure with vapor barrier: and damaged wood.
- #3 All entry doors, except front door, have damage of appearing to have been kicked in, including French door in basement. Jams are damaged and new doors will be required (prehung).
 - #4 Jen air cook top is missing.
 - #5 Interior door to master bedroom is broken. New pre-hung door is needed.
 - #6 Master bathroom is missing drain plumbing and we have no way of knowing if jitted tub is in working condition.
 - #7 Deck is not properly attached to house. Joist hangers are necessary. Bottom floor joists are just "tacked-nailed" to house.
 - #8 Air conditioner appears to have been moved. It must be reset and systems checked out.
 - #9 Interior ceiling in livingroom was taped with a nonexpansion mastic and fiber tape. This does not allow for movement of home with weather changes and must be retaped.
 - #10 Full interior painting.
 - #11 Full exterior painting and trim work to be performed on sliding door in living room.
 - #12 Entry door to garage appears to have been kicked in and new pre-hung door is needed.

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OCT 10 2003

- #13 All carpets need cleaning, in addition to dirt/mud from winter showings.
- #14 Both main door front and rear of detached shop/garage seem to have been kicked in resulting in jam damage.
- #15 Carport has collapsed. Problem is too much rafter span not allowing load capacity of snow buildup and needs to be brought up to building code for snow load. Complete reconstruction required.
- #16 Roof in shop has many water leaks. Probable cause, no sealer on all seams. Steel roof panels will need removal and inspection and either replacement or resealed.
- #17 A large section of shop roof is pushed upward, possibly for stove pipe chimney. Repair will require a panel replacement and proper flashing for vent pipe.

We are aware that this parcel is located on a main highway and is adjacent to the dumps.

Sincerely 

PETER E. TUFFORD

MICROFILMED

OCT 2 8 2003

**Beutler & Associates**1836 Northwest Blvd.
Coeur d'Alene, Idaho 83814
Business (208) 765-5554
Fax (208) 765-5808

Hello Pete + Elizabeth,

Here is the plat I was talking about. It shows the main line and the stubs hand sketched in.

I hope this thing gets cleared up without too much hassle? When the place got foreclosed, the elec. was turned off and the other two owners had to draw up a water agreement + give the water company a name. With that, the power co. could turn on the power to the well. They could have chosen to buy the property — and the well with it — but they didn't. You bought the property — and I assume the well and the responsibility to provide the water to them. There would also be the assumption that a water bill would be paid by those receiving the water — but I wouldn't sign their water agreement without first checking with a

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SEP 2 9 2003

lawyer. It seems that they should be signing your water agreement. IF they don't want to agree to the same terms which existed when they purchased their property — I can't imagine they could get any sympathy from a judge. They could ask for an agreement that was better for them, but I don't see where they should have the right to expect that according to the law.

This is just my opinion, and may not be worth any more than the paper it's written on, but I think a judge will say the same thing about their opportunity + option to buy the property + well.

Good Luck + God Bless!

Larry

PAGE 4 OF 8 - RE-21 PURCHASE & SALES AGREEMENT

PROPERTY ADDRESS: 24424 Highway 41 ID# 106824

16. SUBDIVISION HOMEOWNER'S ASSOCIATION: BUYER is aware that membership in a Home Owner's Association may be required and BUYER agrees to abide by the Articles of Incorporation, By-Laws and rules and regulations of the Association. BUYER is further aware that the Property may be subject to assessments levied by the Association described in full in the Declaration of Covenants, Conditions and Restrictions. BUYER has reviewed Homeowner's Association Documents: ☐ Yes ☒ No N/A Association fees/dues are \$_____ per _____

☒ N/A ☐ BUYER ☐ SELLER to pay Homeowner's Association SET UP FEE for this property in the amount of \$_____ at closing.
☒ N/A ☐ BUYER ☐ SELLER to pay Homeowner's Association TRANSFER FEE for this property in the amount of \$_____ at closing.

18. RISK OF LOSS: Prior to closing of this sale, all risk of loss shall remain with SELLER. In addition, should the premises be materially damaged by fire or other destructive cause prior to closing, this Agreement shall be voidable at the option of BUYER.

17. COSTS PAID BY: Costs in addition to those listed below may be incurred by BUYER and SELLER unless otherwise agreed herein, or provided by law or required by lender, or otherwise stated herein. The below costs will be paid as indicated. Some costs are subject to loan program requirements. SELLER agrees to pay up to \$_____ lender repair costs only.
 BUYER or SELLER has the option to pay any lender required repair costs in excess of this amount.

	BUYER	SELLER	Shared Equally	N/A		BUYER	SELLER	Shared Equally	N/A
Appraisal Fee	☒				Title Ins. Standard Coverage Owner's Policy		☒		
Appraisal Re-inspection Fee	☒				Title Ins. Extended Coverage Lender's Policy - Mortgage Policy	☒			
Closing Escrow Fee			☒		Title Ins. Extended Coverage Owner's Policy				☒
Lender Document Preparation Fee	☒				Homeowner's Expanded Coverage Endorsement				☒
Flood Certification/Testing Fee	☒				Wall Inspection	☒			
Lender Required Inspections	☒				Roof Inspection	☒			
Tax Service Fee	☒				Septic Pumping	☒			
Attorney Contract Preparation Fee				☒	Survey				☒
					Fuel in Tank - Amount to be Determined by Supplier				☒
					Additional Homeowner Association Setup/Transfer Fee				☒

19. FINAL WALK THROUGH: The SELLER grants BUYER and any representative of BUYER reasonable access to conduct a final walk through inspection of the premises approximately 3 calendar days prior to close of escrow. NOT AS A CONTINGENCY OF THE SALE, but for purposes of satisfying BUYER that any repairs agreed to in writing by BUYER and SELLER have been completed and premises are in substantially the same condition as on acceptance date of this contract. SELLER shall make premises available for the final walk through and agree to accept the responsibility and expense for making sure all the utilities are turned on for the walk through except for phone and cable. If BUYER does not conduct a final walk through, BUYER specifically releases the Broker(s) of any liability.

20. SPECIAL CONSIDERATIONS AND CONTINGENCIES: This Agreement is made subject to the following special considerations and/or contingencies which must be satisfied prior to closing: Buyer to provide loan approval by
Dead on 4/8/02 or earlier.

21. CLOSING: On or before the closing date, BUYER and SELLER shall deposit with the closing agency all funds and instruments necessary to complete this transaction. Closing means the date on which all documents are either recorded or accepted by an escrow agent and the sale proceeds are available to SELLER. The closing shall be no later than (Date) April 30, 2003
 The parties agree that the CLOSING AGENCY for this transaction shall be North Idaho Title
 If a long-term escrow / collection is involved, then the long-term escrow holder shall be N/A

BUYER and SELLER acknowledge receipt of copy of this page, which constitutes page 4 of 8 pages.
 BUYER'S Initials [Signature] Date 9-1-02 SELLER'S Initials [Signature] Date _____

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 R.E.21 Effective Date 08/01

BROKER'S COPY

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OCT 2 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

February 3, 2003

ROCKY WATER CO-OP
C/O BILL TUBBS
24222 N HWY 41
RATHDRUM ID 83858

RE: License No. 95-9062 - 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:klt

Enclosure(s)

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MAR 24 2003

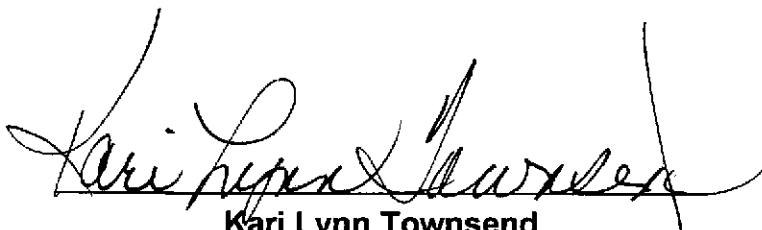
CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2003 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.

95-9062

**ROCKY WATER CO-OP
C/O BILL TUBBS
24222 N HWY 41
RATHDRUM ID 83858**



**Kari Lynn Townsend
Secretary**

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MAR 24 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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MAR 24 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP - 5 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-09062

1. Owner: Racky Water Co-op Phone No. (208) 687-5010

Current Address: P.O. 24222 N Hwy 41 Rathbun Id. 83858

2. Accompanied by: Ron G. Lockin EXAM DATE: 6-18-02

Address: 24432 N Hwy 41 Phone No. (208) 687-4102

Relationship to Permit Holder: Part of Co-op

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					05	52N	04W	Kootenai	USGS 7.5 min Quad

2. Place(s) of Use:

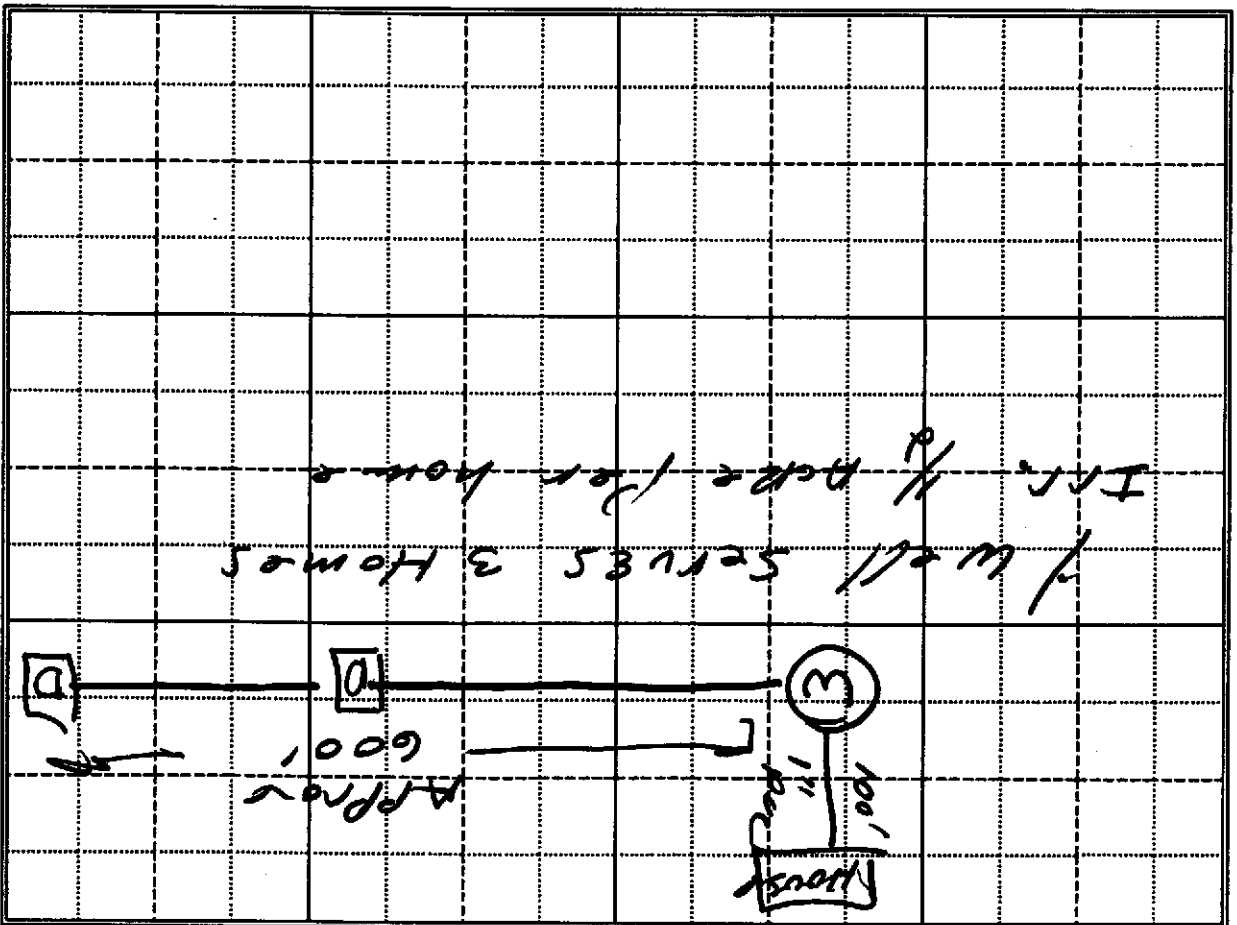
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	04W	5	1.5																
			41																
			D																
			D																
			D																

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3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.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
	Franklin	5	2821138110	Sob	1.5

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

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MAR 24 2003

E. NARRATIVE/REMARKS/COMMENTS

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

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MAR 24 2003

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

Therrell

$$\frac{8.8(0.7)(5)}{30.8} = \frac{400 + (2.31 \times 63)}{545.53} = 1.052$$

1.06 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.5 \times 3 = 4.5$$

$$V_{dr} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.06 \times 245 \times 1.9835 = 29$$

$$V = \text{Smaller of } V_{ir} \text{ and } V_{dr} = 4.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic
Irrigation

Period of Use
From 01-01 To 12-31
03-15 11-15

Rate of Diversion
Q (cfs)
1.06

Annual Volume
V (afa)
1.8

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

Add P.D. as reflected above
Add P.U. as reflected above
None
Other

I. AUTHENTICATION

Field Examiner's Name

Wayne S. Baker
Date 7-23-02

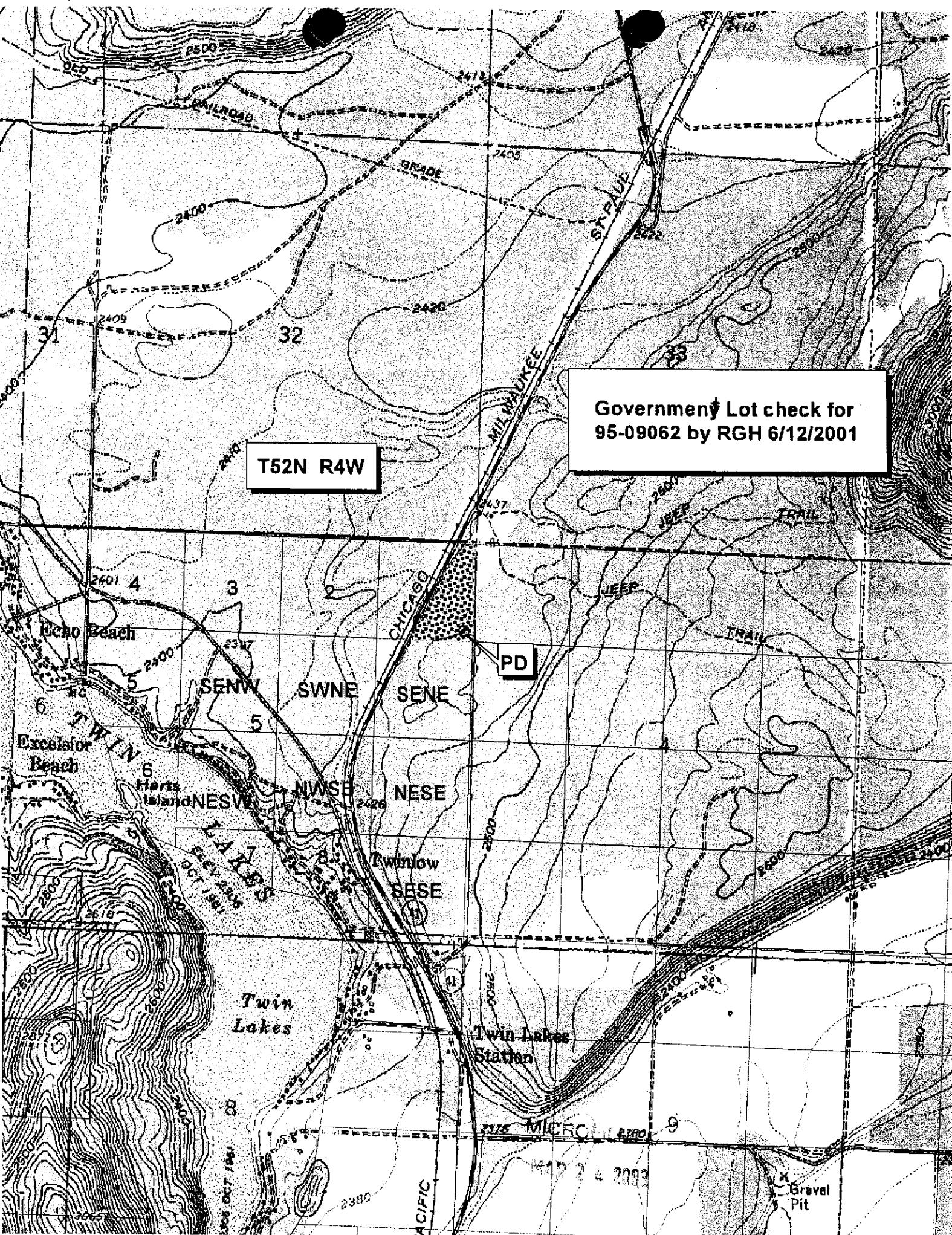
Reviewer

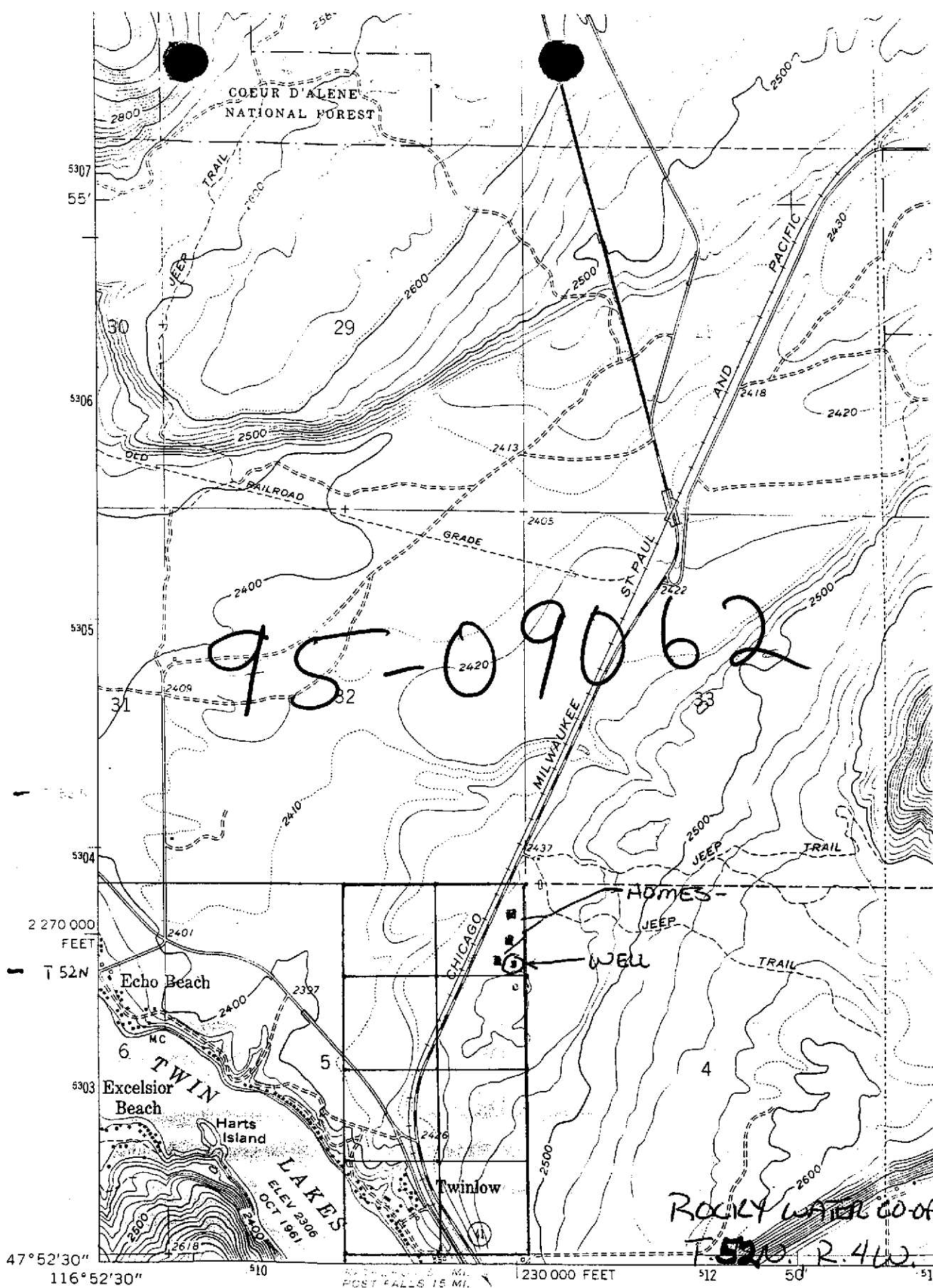
Date

SEAL

MICROFILMED

NOV 2 2002





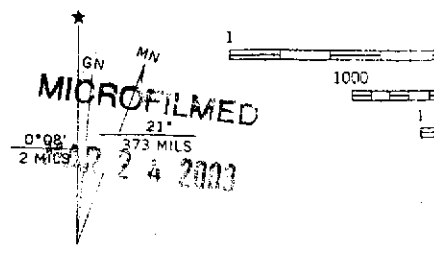
(RATHDRUM)
2679 IV SW

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1958 and planetable surveys 1961

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system, west zone
1000-metre Universal Transverse Mercator grid ticks, zone 11, shown in blue



UTM GRID AND 1961 MAGNETIC DECLINATION

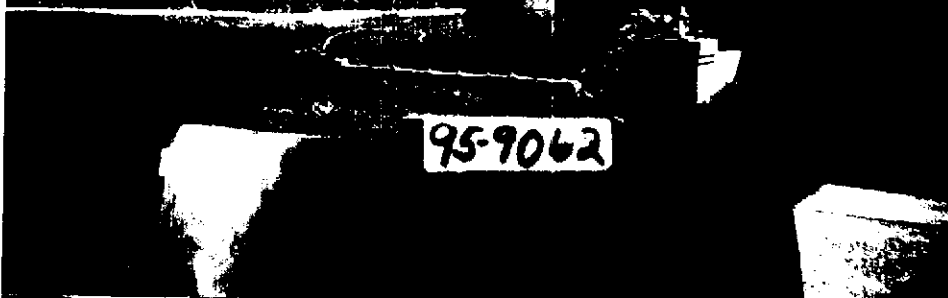
95-09062



PD



PV



PV

RECEIVED
JUN 24 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 12, 2001

ROCKY WATER COOP
C/O BILL TUBBS
24222 N HWY 41
RATHDRUM ID 83858

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-09062

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

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OCT 12 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 95-9062

Reviewed By: dgibson

Date: September 7, 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.:	95-93-N-0224-00	0
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N014148, C055771	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	08/23/2001
Date proof due	- 08/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 02/15/2001
New priority date	= 02/15/2001

Deficiencies of Actions Items

Ask that Well Construction review this permit and respond to me if there is additional money that needs to be sent in. If they approve the permit, the send an acknowledgement of proof to permit holder. Address changed to reflect Mr. Tubbs at the mailing address on file.

*Asked April if ok on 9/7/01.
Ok'd 10/5/01.*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 23 2001

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 95-9062

[] Name(s): ROCKY WATER CO-OP

[] Old Mailing Address:

[] New Mailing Address: ROCKY WATER CO-OP

C/O BILL TUBBS
24222 N HWY 41

RATHDRUM ID 83858

Telephone Number: (208) 687 - 5010

[] Signature(s) of Owner(s): Will J. Tubbs

(Include your title if on behalf of company or organization)

MICROFILMED

8/17/01

OCT 12 2001

MEMORANDUM

DATE: August 10, 2001
TO: FILE 95-9062
FROM: KARI LYNN TOWNSEND
RE: PHONE CONVERSATION

The August 1, 2001 mailing of the approved permit was returned by the postoffice marked ***moved, left no address***. I called the phone number on the application for permit and left a message on Aug. 9th.

Today, Mr. Ron Glackin returned my call and explained that the address we show on the permit is the residence of Mr. Bill Tubbs and his wife. They are part of the Rocky Water Co-op as well as Mr. Glackin and his wife. Mr. Glackin said that mail should be addressed to Rocky Water Co-op in care of Mr/Mrs Tubbs.

I have resent the Aug. 1st mailing to **Rocky Water Co-op c/o Mr. Bill Tubbs** and enclosed a Change of Address form showing this new information.

The application for permit is signed by both Mr. Tubbs and Mr. Glackin.

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OCT 12 2001

☐ Not Delivered As Addressed
 Please To Forward
☐ No Return Address
 No. 3, Left No Address
 Delivered ☐ Refused
 This is not the known
 street address
 and is being
 returned to
 the originator
 of the address

RATHDRUM ID

007 12 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 1, 2001

ROCKY WATER CO-OP
24222 N HWY 41
RATHDRUM ID 83858

RE: Permit No. 95-9062

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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OCT 12 2001

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,

Sharla Curtis
for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

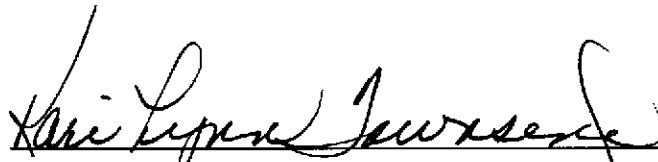
MICROFILMED
OCT 12 2001

CERTIFICATE OF MAILING

I hereby certify that on August 1, 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. 95-9062

**ROCKY WATER CO-OP
24222 N HWY 41
RATHDRUM ID 83858**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 12 2001**

**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
OCT 12 2001**

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 7/27/01

No. 95-9062 Name: Roky Water Corp. Officers ✓ Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
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

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
DOMESTIC W03 (3)
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
- 070-071-075 (no parks/common areas)
WB5
> 1 in restricted area - 065-104
Irr separate or none allowed - W03 (2500 gpd - meets domestic def
GW w/irrigation from SW evident i.e. D/convenience store)
Moratorium approvable

BENEFICIAL USE DUE: 8/01/2002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

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 3/15 - 11/15 (Per updated map)

IRR VOLUME/ACRE 3.0

OTHER CONDITIONS/REMARKS

COMMENTS

No overlaps

JUN 21 2001

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION APPLICATION ANALYSIS SHEET

Department of Water Resources

APPLICATION # 95-9062

INITIAL REVIEW

WRA/BCA

68942

APPLICANT: ROCKY WATER CO-OPBY: ABDATE: 2/15/01

ITEM REQUIRED INFORMATION

1. (✓) 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)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 2/15/01

X (Include Moratorium Remark)

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

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?
95 93N 0024		Dom. Non-Dom.	Paid \$ 35-	NO 07172	Y (X) N ()
		Dom. Non-Dom.	Paid \$ 165	NO 14148	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: Upgrade \$165⁰⁰ pd
2/15/01 Rec# NO 14148

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- ✓ Notice of pending void order issued. Final order response date: _____
- ✓ Further information required from applicant _____
- 3/23 4/3 Affidavit of publication received _____
- 3/1 Application published correctly. If not, record action taken: _____
- Publication dates and paper recorded on application _____ Sr. Agent initial _____
- ✓ Protests received, Final protest date: 4/12/01
- ✓ Measuring device required _____
- ✓ Measuring port required _____
- ✓ Special conditions: _____
- ✓ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: ABDate: 6/14/2001

RECEIVED

MAR 23 2001

AFFIDAVIT OF PUBLICATION

JDWF North
STATE OF IDAHO,
County of Kootenai,

ss,

Jennifer Standridge being first duly sworn
upon oath deposes and says:

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

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

3. The *Legal Notice*

of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *Weeks* commencing on the *15* day of *March*, 20*01*, and ending on the *22* day of *March*, 20*01*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

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

Subscribed and sworn to before me this *22* day of *March*, 20*01*

Regina Mason

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

MY COMMISSION EXPIRES 6/18/03

Paper entered wrong cfs for the irrigation use. Amount they entered was greater than amount requested and submitted to paper.

Because amount is greater, and the TOTAL DIVERSION WAS CORRECT as advertised, and because there were no protests filed, PER AL BEARDSLEE there is no need to re-advertise this right.

Dianne Ball
4/3/01

NOTICE OF APPLICATION FOR WATER RIGHTS

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

95-9059

MC CORMACK TALL PINES ACRES
C/O MICHAEL T MC CORMACK, OWNER
200 E CARRILLO ST

SANTA BARBARA CA 93101

Point(s) of Diversion L1 SENE S9 T49N R04W KOOTENAI County

Source COEUR D'ALENE LAKE

Use: IRRIGATION	03/15 To 11/15	0.2 CFS
Use: IRRIGATION STORAGE	03/15 To 11/15	1.4 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 11/15	1.4 AFA
Use: RECREATION	01/01 To 12/31	0.2 CFS
Use: RECREATION STORAGE	01/01 To 12/31	1.4 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 02/13/2001

Place Of Use: IRRIGATION

T49N R04W S9 NENE NWNE SWNE L1 (SENE) NENW

Number of Acres 32

Place Of Use: IRRIGATION STORAGE

T49N R04W S9 SWNE

Place Of Use: IRRIGATION FROM STORAGE

T49N R04W S9 NENE NWNE SWNE L1 (SENE) NENW

Number of Acres 32

Place Of Use: RECREATION; RECREATION STORAGE and DIVERSION TO STORAGE

T49N R04W S9 SWNE

Remark: McCormack Tall Pines Acres owned by Michael T. McCormack

95-9060

BETTY LOU ZIRKLE
W 6925 STURGEON RD
RATHDRUM ID 83858

Point(s) of Diversion NESW S18 T52N R04W KOOTENAI County

Source UNNAMED STREAM

Use: IRRIGATION	03/15 To 11/15	0.2 CFS
Use: WILDLIFE STORAGE	01/01 To 12/31	0.2 CFS
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 01/08/2001

Place Of Use: IRRIGATION

T52N R04W S18 NWSE SWSE

Number of Acres 15

Place Of Use: WILDLIFE STORAGE

T52N R04W S18 NWSE SWSE

95-9061

BETTY LOU ZIRKLE
W 6925 STURGEON RD
RATHDRUM ID 83858

Point(s) of Diversion SESW S18 T52N R04W KOOTENAI County

Source UNNAMED STREAM

Use: IRRIGATION	03/15 To 11/15	0.2 CFS
Use: DOMESTIC	01/01 To 12/31	0.15 CFS
Total Diversion:		0.15 CFS

Date Filed: 01/08/2001

Place Of Use: IRRIGATION

T52N R04W S18 NWSE SWSE

Number of Acres 5

Place Of Use: DOMESTIC is same as for IRRIGATION

95-9062

ROCKY WATER CO-OP
24222 N HWY 41
RATHDRUM ID 83858

Point(s) of Diversion NENE S5 T52N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION	03/15 To 11/15	0.12 CFS
Use: DOMESTIC	01/01 To 12/31	0.08 CFS
Total Diversion:		0.13 CFS

Date Filed: 02/15/2001

Place Of Use: IRRIGATION

T52N R04W S5 NENE

Number of Acres 1.5

Place Of Use: DOMESTIC is same as IRRIGATION

Remark: Domestic use is for 3 homes.

95-9063

KIDD ISLAND BAY DEVELOPMENT CORP
PO BOX 312
COEUR D'ALENE ID 83814

Point(s) of Diversion NESW S35 T50N R04W BONNER County

Source GROUND WATER

Use: IRRIGATION	03/15 To 11/15	0.12 CFS
Use: DOMESTIC	01/01 To 12/31	0.13 CFS
Total Diversion:		0.2 CFS

Date Filed: 02/26/2001

Place Of Use: IRRIGATION

T50N R04W S35 SWSW

Number of Acres 4

Place Of Use: DOMESTIC is same as IRRIGATION

Remark: Domestic use is for 9 homes.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur d'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 04/02/2001. The protestant must also send a copy of the protest to the applicant.

Legal 676
March 15, 22, 2001

KARL J. DREHER, Director

MICROFILMED

OCT 12 2001

March 7, 2001

Rocky Water Co-op
24222 N Hwy 41
Rathdrum ID 83858

Re: Water Appropriation Application No. 95-9062

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.

Your appropriation application is currently being prepared for advertising in the Coeur d'Alene Press on March 15 and 22, 2001. 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 2 to 3 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

MICROFILMED

OCT 12 2001



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

March 07, 2001

Legal Notice Department
Coeur D Alene Press
201 N 2nd
Coeur D Alene ID 83814

RE: Application for Permit No. 95-9059, 95-9060, 95-9061, 95-9062, 95-9063

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/02/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

MICROFILMED

OCT 12 2001

95-9062

ROCKY WATER CO-OP

24222 N HWY 41

RATHDRUM ID 83858

Point(s) of Diversion NENE

S5 T52N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION

03/15 To 11/15 0.05 CFS

Use: DOMESTIC

01/01 To 12/31 0.08 CFS

Total Diversion:

0.13 CFS

Date Filed: 02/15/2001

Place Of Use: IRRIGATION

T52N R04W S5

NENE

Number of Acres 1.5

Place Of Use: DOMESTIC is same as IRRIGATION

Remark: Domestic use is for 3 homes.

MICROFILMED

OCT 12 2001