

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09320

Priority: December 01, 2005

Maximum Diversion Rate: 0.42 CFS

This is to certify, that HARBOR VIEW ESTATES WATER AND SEWER DISTRICT
C/O HOA ADMINISTRATION
296 W SUNSET BLVD SUITE 11
COEUR D ALENE ID 83815

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **Tributary:** SPOKANE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	0.42 CFS

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE LAKE	L5 (NW¼ NW¼) Sec. 6, Twp 49N, Rge 03W, B.M.	KOOTENAI County
COEUR D ALENE LAKE	L5 (NW¼ NW¼) Sec. 6, Twp 49N, Rge 03W, B.M.	KOOTENAI County
COEUR D ALENE LAKE	L5 (NW¼ NW¼) Sec. 6, Twp 49N, Rge 03W, B.M.	KOOTENAI County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2011**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. Rights 95-09320 and 95-8447 when combined shall not exceed a total annual maximum diversion volume of 200 af.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
9. Place of use is within the service area of Harbor View Estates Water and Sewer District as provided for under Idaho law. The place of use is generally located within Section 6, Township 49N, Range 3W; Section 1, Township 49N, Range 4W; Sections 35 and 36, Township 50N, Range 4W.

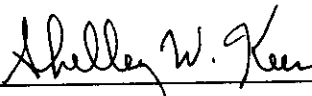
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-09320

10. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
11. Water shall not be diverted under this right when flows in the Spokane River are below established minimum flow amounts.
12. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of June, 2006.



FOR KARL J. DREHER, Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09320

Digital Boundary for Harbor View Estates Water and Sewer District

June 12, 2006



0.3 0 0.3 0.6 Miles



-  Place of use boundary - harbor view estates.shp
-  Township/Range
-  Sections
-  QQ



RECEIVED

JUN 09 2006

DEPARTMENT OF
WATER RESOURCES

12451

Ident. No. 95-9320

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

DEC 01 2005

IDWR/North

1. Name of Applicant Harbor View Estates Water & Sewer District Phone 208-765-5100

Mailing address C/O HOA Administration, 396 W. Sunset Blvd, Suite 111, Coeur d'Alene, ID 83814 83815

2. Source of water supply Coeur d'Alene Lake which is a tributary of Spokane R.

3. Location of point of diversion is Township 49N Range 3W Sec. 6, in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., Kootenai County; x3

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.42 cfs for municipal purposes from 1/1 to 12/31 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.42 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Three 15-hp submersible pumps in the lake

b. Height of storage dam 28 feet; active reservoir capacity 0.37 acre-feet; total reservoir capacity 0.37 acre-feet

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

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

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

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

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

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

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

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

c. Municipal; show name of municipality. Harbor View Estates Water & Sewer District

d. Domestic; show number of households. _____

e. Other; describe fully. _____

700

667-9456

Michael Anderson

9. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	4W	35	M	M	M	M					M			M	M	M	M	M	
50	4	36							M			M	M						
49	4	1	M	M															
49	4	6						M											

Total number of acres to be irrigated _____

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? Harbor View Estates Water & Sewer District

b. Who owns the land to be irrigated or place of use? Harbor View Estates Residents

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

12. Remarks: _____

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

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

Michael C. Anderson
 Signature of Applicant (and title, if applicable)
President, District Bd of Commissioners

Received by [Signature] Date 12/1/05 Time 12:04 p Preliminary check by _____
 Fee \$ 250.00 Received by [Signature] # N017283 Date 12/1/05
 Publication prepared by [Signature] Date 12/23/05 Published in Clearview 1/5 x 12/06
 Publication approved [Signature] Date 1/17/06

RECEIVED
DEC 22 2005
IDWR/North



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS 750 ft Scale: 1 : 25,000 Detail: 13-0 Datum: WGS84

Diversion Point for Harbor View Estates.

95-9320



Place of Use



Point of Diversion



EXHIBIT A HARBOR VIEW ESTATES WATER AND SEWER DISTRICT BOUNDARY MAP

LINE DATA:							
LINE	BEARING	LENGTH		LINE	BEARING	LENGTH	
L1	N00°05'13"W	132.00'		L36	S18°59'39"E	86.09'	
L2	N89°45'53"E	600.84'		L37	S02°28'38"E	141.16'	
L3	N89°45'53"E	600.84'		L38	S09°00'19"E	33.50'	
L4	N00°26'31"E	1190.65'		L39	S28°01'34"W	123.23'	
L5	S88°50'32"E	275.44'		L40	S02°12'54"W	144.91'	
L6	N60°32'16"E	98.17'		L41	S15°41'38"W	121.21'	
L7	S88°50'32"E	836.79'		L42	S04°57'05"W	20.04'	
L8	N00°59'45"E	212.35'		L43	S08°58'32"E	42.16'	
L9	S88°50'32"E	159.57'		L44	S31°15'00"E	68.52'	
L10	S00°59'45"W	100.00'		L45	S28°50'16"E	78.77'	
L11	S38°25'55"E	90.83'		L46	S02°23'59"E	45.34'	
L12	N88°50'32"W	19.59'		L47	S05°48'17"E	123.44'	
L13	S12°38'28"E	84.94'		L48	S11°31'56"W	130.38'	
L14	S12°38'28"E	96.12'		L49	S15°59'16"W	127.66'	
L15	S06°25'14"E	40.34'		L50	S11°01'56"W	119.83'	
L16	S08°23'44"E	180.85'		L51	S00°15'48"E	114.94'	
L17	S13°25'55"E	225.00'		L52	S03°15'29"E	57.88'	
L18	S75°45'08"W	197.70'		L53	S34°40'28"E	69.88'	
L19	S00°59'45"W	367.93'		L54	S19°53'31"E	145.06'	
L20	N90°00'00"E	113.08'		L55	S00°14'53"W	125.81'	
L21	S45°21'08"E	29.45'		L56	S88°51'26"W	6.32'	
L22	S14°03'20"W	154.25'		L57	S00°10'35"W	100.00'	
L23	S63°41'46"W	112.00'		L58	S88°51'26"W	200.00'	
L24	S00°59'45"W	130.35'		L59	S00°00'00"E	100.00'	
L25	S00°59'45"E	60.00'		L60	N88°51'49"E	221.85'	
L26	N89°10'04"E	241.27'		L61	S25°41'09"E	54.80'	
L27	S03°01'09"W	250.57'		L62	S01°05'01"W	58.17'	
L28	S03°01'09"W	136.71'		L63	S34°23'21"E	68.20'	
L29	S03°07'09"W	102.18'		L64	S26°32'43"E	104.36'	
L30	S59°19'20"W	18.41'		L65	S52°23'58"E	31.68'	
L31	S24°44'15"W	29.81'		L66	S28°58'15"W	132.60'	
L32	S11°43'47"E	10.84'		L67	S28°02'05"W	180.30'	
L33	S17°05'41"E	153.85'		L68	S30°09'54"W	123.15'	
L34	S43°28'56"E	39.70'		L69	S04°27'14"W	89.11'	
L35	S42°59'13"E	47.96'		L70	S11°04'29"E	53.35'	
				L71	S88°51'49"W	332.63'	
				L72	N01°55'35"W	340.00'	
				L73	S88°51'44"W	441.25'	
				L74	S89°43'41"W	2215.05'	
				L75	S89°44'45"W	443.47'	
				L76	N00°08'20"W	391.00'	
				L77	S89°42'23"W	388.83'	
				L78	S24°00'23"W	52.82'	
				L79	S89°42'23"W	54.86'	
				L80	N24°00'23"E	152.37'	
				L81	N02°34'08"W	154.40'	
				L82	N32°04'09"W	690.37'	
				L83	N20°37'25"E	500.83'	
				L84	N89°21'00"W	713.32'	
				L85	N01°00'46"E	410.71'	
				L86	N73°00'00"E	135.00'	
				L87	N21°00'00"E	162.00'	
				L88	N52°48'31"E	277.34'	
				L89	N59°16'40"E	258.80'	
				L90	N00°05'13"W	193.50'	
				L91	N90°00'00"E	599.42'	
				L92	N00°00'00"E	800.00'	
				L93	S06°01'15"W	362.39'	
				L94	S66°03'46"E	90.96'	
				L95	S14°32'50"W	278.59'	
				L96	N82°52'24"W	19.54'	
				L97	S01°10'57"W	15.70'	
				L98	S80°48'46"W	194.81'	
				L99	N38°35'35"W	165.51'	
				L100	N01°55'57"E	266.50'	
				L101	S81°19'03"E	296.58'	
				L102	N02°05'13"W	150.00'	
				L103	N89°10'04"E	150.00'	
				L104	N48°08'04"E	92.36'	
				L105	S00°05'13"E	395.87'	
				L106	N90°00'00"W	100.00'	

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHORD
C1	692.11'	991.26'	40°00'16"	S87°06'17"E	678.14'
C2	78.60'	140.00'	32°09'57"	N32°03'06"E	77.57'
C3	185.99'	140.00'	76°07'02"	N54°01'38"E	172.61'

LEGEND:

	DISTRICT BOUNDARY		CLOSING CORNER
	SECTION LINE		MEANDER CORNER
	QUARTER SECTION LINE		SECTION CORNER
	PROPERTY LINE		CENTER QUARTER CORNER
	TAX PARCEL ID		
	TAX NUMBER		
	QUARTER SECTION CORNER		
	STANDARD CORNER		

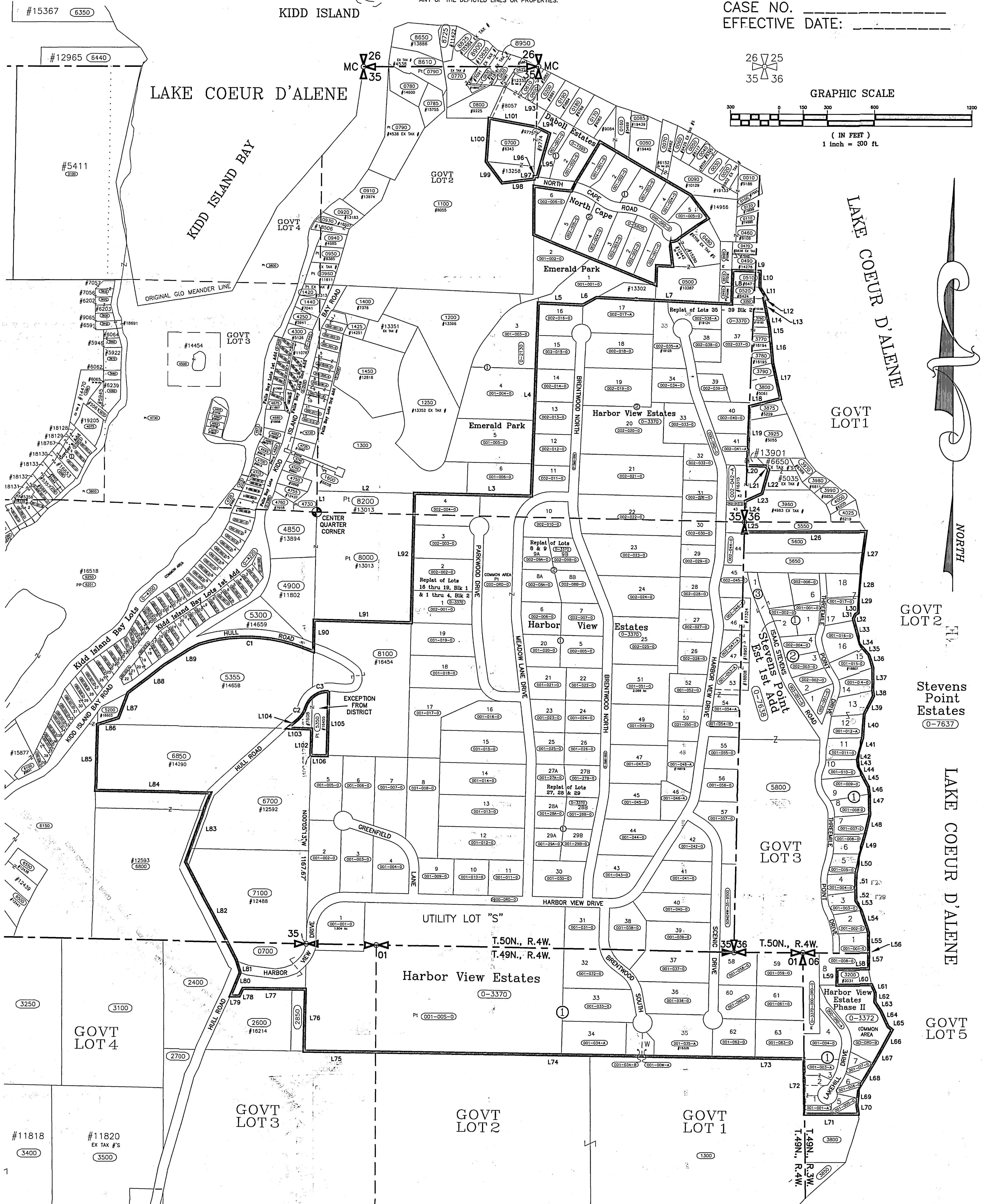
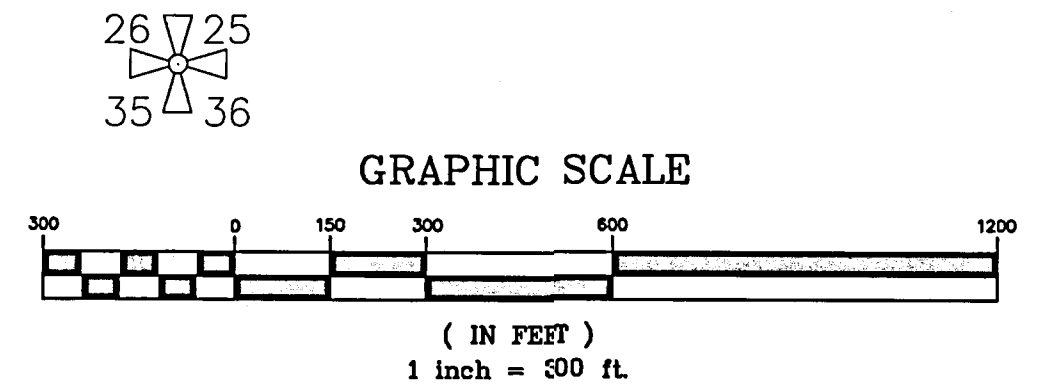
RECEIVED

DEC 22 2005

IDWR/North

NOTE: THIS MAP WAS COMPILED FROM ELECTRONIC VERSIONS OF THE KOOTENAI COUNTY ASSESSOR'S MAPS FOR THE AREA SHOWN. ITS PURPOSE IS TO SERVE AS A VISUAL AID FOR THE ASSOCIATED LEGAL DESCRIPTION, AND TO COMPLY WITH THE REQUIREMENTS OF THE IDAHO STATE TAX COMMISSION. AN ACTUAL BOUNDARY SURVEY WAS NOT PERFORMED. IT IS NOT INTENDED THAT THE BEARINGS AND DISTANCES SHOWN HEREON OR CITED IN THE ASSOCIATED LEGAL DESCRIPTION SUPERCEDE THE ACTUAL BEARINGS AND DISTANCES RELEVANT TO ANY OF THE DEPICTED LINES OR PROPERTIES.

HARBOR VIEW ESTATES WATER & SEWER DISTRICT FORMATION, BY DISTRICT COURT ORDER, CASE NO. _____ EFFECTIVE DATE: _____



WELCH COMER
& ASSOCIATES, INC.

ENGINEERS & SURVEYORS

1626 Lincoln Way, Coeur d'Alene, Idaho 83814
Phone (208) 664-9382 Fax (208) 664-5946

THIS DOCUMENT, AND IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF WELCH, COMER & ASSOCIATES, INC., AND IS NOT TO BE USED IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF WELCH, COMER & ASSOCIATES, INC.

©2003 WELCH, COMER & ASSOCIATES, INC.

LINE IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY
PROJECT NO.: 11900
DESIGNED BY: RDB
DRAWN BY: RDB
CHECKED BY:

Harbor View Estates

Home Owners
Association

District Boundary Map

For
Harbor View Water & Sewer
District Formation

DWG: 11900EX01

DATE: 02-10-03

SHEET: 9

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

June 20, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

HARBOR VIEW ESTATES WATER AND SEWER DISTRICT
C/O HOA ADMINISTRATION
296 W SUNSET BLVD SUITE 11
COEUR D ALENE ID 83815

RE: Permit No. 95-9320

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,



For Shelley W. Keen
Water Rights Supervisor
SWK:ka

Enclosure(s)

C.C. KOOTENAI ENVIRONMENTAL ALLIANCE

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2006 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. 95-9320

**HARBOR VIEW ESTATES WATER AND SEWER DISTRICT
C/O HOA ADMINISTRATION
296 W SUNSET BLVD SUITE 11
COEUR D ALENE ID 83815**

**KOOTENAI ENVIRONMENTAL ALLIANCE
C/O BARRY ROSENBERG EXEC DIRECTOR
PO BOX 1598
COEUR D ALENE ID 83816-1598**

A handwritten signature in cursive script, reading "Kara A Alder", is written over a horizontal line.

**Kara A Alder
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: June 19, 2006
To: Water Right File 95-9320
From: eretelle
Re: permit review

No WD or moratorium

Municipal service area, same as for 95-8447.

The protest resolution agreement for this permit requires the annual volume of right 95-08447 be reduced to 200 af/year. I reduced the annual volume from 255.6 af to 200 af. Other protest resolution conditions were also included.

Min Stream Flow Spokane River (95-8780)

Recommend approval as suggested by IDWR Northern.

RECEIVED
PROTEST INFORMATION SHEET

JUN 09 2006

Application No. 95-9320

SPECIAL NOTE: _____

DEPARTMENT OF
WATER RESOURCES

Protestant(s) NAME(S)

ADDRESS

PHONE

1	Kesteven Environmental	Alliance to Curry Reservoir	667-9093
2		P.O. Box 1598 CDA 983816	
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

PHONE

DATE FILED: 12/1/05

PROTEST DUE DATE: 1/23/06

ISSUES: Insufficient Water, etc, etc

Applicant(s)

ATTORNEY

ADDRESS

DATE

Protest Date Entered on Computer

1/23/06

Acknowledgment Letters Sent

1/25/06 (dated 1/23 - mailed 1/25)

Hearing Date

Conditional withdrawal
by Settlement Agreement

Other Information _____

Protest information submitted to computer following hearing: _____

Settlement Agreement
by



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 06, 2006

HARBOR VIEW ESTATES
WATER AND SEWER DISTRICT
C/O HOA ADMINISTRATION
296 W SUNSET BLVD, SUITE 11
COEUR D ALENE ID 83815

Application to Permit No. 95-9320
Withdrawal of Protest

Dear Applicant(s):

The Department of Water Resources has received the conditional withdrawal of protest against the above referenced application by the receipt of the SETTLEMENT AGREEMENT BETWEEN HARBOR VIEW ESTATES WATER AND SEWER DISTRICT AND THE KOOTENAI ENVIRONMENTAL ALLIANCE IN REGARDS TO IDWR APPLICATION FOR PERMIT NO. 95-9320

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Kootenai Environmental Alliance
C/O Barry Rosenberg, Exec Director
PO Box 1598
Coeur d Alene ID 83816-1598



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 06, 2006

KOOTENAI ENVIRONMENTAL ALLIANCE
C/O BARRY ROSENBERG EXEC DIRECTOR
PO BOX 1598
COEUR D ALENE, ID 83816-1598

Application to Permit No. 95-9320
Withdrawal of Protest

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your conditional withdrawal of protest against the above referenced application by the SETTLEMENT AGREEMENT BETWEEN HARBOR VIEW ESTATES WATER AND SEWER DISTRICT AND THE KOOTENAI ENVIRONMENTAL ALLIANCE IN REGARDS TO IDWR APPLICATION FOR PERMIT NO. 95-9320

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Harbor View Estates Water & Sewer District
296 W Sunset Blvd., Suite 11,
Coeur d'Alene, ID 83815

**SETTLEMENT AGREEMENT BETWEEN HARBOR VIEW ESTATES WATER AND
SEWER DISTRICT AND THE KOOTENAI ENVIRONMENTAL ALLIANCE IN
REGARDS TO IDWR APPLICATION FOR PERMIT NO. 95-9320**

This Settlement Agreement (Agreement) is entered into by and between the Kootenai Environmental Alliance (KEA) and Harbor View Estates Water and Sewer District (Harbor View) to resolve disputes regarding IDWR Application for Permit No. 95-9320. In consideration of the mutual promises specified herein and by conditioning their performance under this Agreement upon satisfaction of the identified conditions precedent, and for other good and valuable consideration, the Parties agree as follows:

A. Scope of Agreement

This Agreement is intended to settle all matters related solely to the protest filed by KEA of Harbor View's water right application filed with IDWR (Permit No. 95-9320).

B. Actions of Harbor View

Under the terms of this Agreement, Harbor View agrees to undertake the following actions:

1. Submit a request to Idaho Department of Water Resources (IDWR) to relinquish 55.60 acre-feet from water right license 95-8447.
2. Submit an amended IDWR Application for Permit 95-9320 for 0.42 cfs for municipal, which states that the combined total of water right license 95-8447 and this Application for Permit No. 95-9320 are not to exceed 200 acre feet per annum.
3. Implement a rate schedule that encourages water conservation.
4. Make available, through existing reports already provided to the State of Idaho, on an annual basis, data on the water withdrawn from the lake. Currently that data is provided monthly to DEQ via the Turbidity Report. If in the future the State of Idaho also requires data on distribution (consumption), then that data will also be made available to KEA.
5. Encourage residents to install moisture sensors as an integral part of the constructed automatic irrigation systems on their property. In the alternative, encourage residents to install rain sensors. Recommend to those who do not have automated irrigation systems to install hose bib timers. Note that the preferred water conservation device is a moisture sensor.
6. Encourage property owners not to irrigate during the high evaporation times between 10 a.m. and 8 p.m., and to water only every other day, or less frequently as actually needed.

C. Mutual Actions

The Parties agree to jointly file a notice of settlement, a copy of this Agreement, and a conditional motion to withdraw protest requesting that IDWR issue a water right that:

1. Incorporates the terms of the amended water right application described in section B (1)(2); and
2. References this Agreement and includes a copy of this Agreement in the permit file.

The conditional motion to withdraw protest shall be conditioned upon the acceptance and inclusion of the terms set forth in that section by IDWR. The Parties further agree not to protest or otherwise challenge the terms of IDWR's water right permit should the terms of that permit be issued in a manner consistent with this Agreement.

KEA/HARBOR VIEW SETTLEMENT AGREEMENT

D. Actions of KEA

In consideration for the actions identified above and upon the issuance of a final water rights permit to Harbor View that incorporates the terms set forth in section C, KEA agrees to a full and final dismissal of its protest.

F. Non-Severability

The paragraphs of this Agreement are not severable. This Agreement is executed on the understanding that each paragraph is in consideration of the others.

G. Good Faith

The Parties to this Agreement agree to act in good faith and make all reasonable efforts to satisfy the conditions of the Agreement.

H. Successors and Assigns

This Agreement will be binding and will inure to the benefit of the Parties and their respective heirs, legal representatives, successors and permitted assigns, except as restricted by this Agreement.

I. Authorizations

All individuals executing this Agreement and other documents on behalf of the respective Parties certify and warrant that they have the capacity and have been duly authorized to so execute the documents on behalf of the Party so indicated.

J. Advice of Attorneys

Each Party represents and warrants that in executing this Agreement, each has been advised by or has had an opportunity to be advised by independent legal counsel. Each party has read the terms of this Agreement and understands their consequences. Each Party further acknowledges and represents that, in executing this Agreement, it has not relied on any inducements, promises or representations made by any other Party or its representatives, except as otherwise stated in this Agreement.

K. Entire Agreement and Amendment

With respect to the issues considered herein, this Agreement contains the entire understanding and agreement of the Parties. There have been no promises, representations, agreements, warranties or undertakings by any of the Parties, either oral or written, of any character or nature binding except as stated in this Agreement. This Agreement may be altered, amended or modified only by an instrument in writing, executed by the Parties to this Agreement and by no other means. An amendment to the Agreement is binding only on the Parties that execute the Amendment. Each Party waives its right to claim, contest or assert that this Agreement was modified, cancelled, superseded or changed by any oral agreement, course of conduct, waiver, or estoppel.

For the Kootenai Environmental Alliance

Barry Rosenberg
Barry Rosenberg

4/25/06
Date

For Harbor View Water and Sewer District

Mike Anderson
Mike Anderson

4-28-06
Date

**HARBOR VIEW ESTATES WATER & SEWER DISTRICT
C/O HOA ADMINISTRATION
296 W. SUNSET BLVD., SUITE 11
COEUR D'ALENE, IDAHO 83815
TELEPHONE: 208-765-5600**

May 3, 2006

Idaho Department of Water Resources
Attn: Bob Haynes
1910 Northwest Blvd.
Coeur d'Alene, ID 83814

Dear Sir:

The attached Settlement Agreement between our District and Kootenai Environmental Alliance reflects the terms of our agreement regarding our recent recent for additional water rights (cfs).

The Harbor View Estates Water & Sewer District agrees to relinquish 55.60 acre-feet of water from license 95-8447, thereby retaining rights to 200 acre-feet and .39 cfs. With respect to license 95-9320, we will receive an additional .42 cfs; thus the total for the two licenses will be 200 acre-feet and .81 cfs. We have also agreed to encourage all users to follow an array of water conservation techniques.

Please call me at 664-1498 if you have any questions.

Sincerely,


Michael C. Anderson
Board of Commissioners

cc: Barry Rosenberg

RELINQUISHMENT OF A PORTION OF WATER RIGHT NO. 95-8447
IN LIMITING CONDITIONS FOR 95-8447 & 95-9320

To Whom It May Concern:

Harbor View Estates Water and Sewer District relinquishes to the State of Idaho all their water right, title and interest to **55.6 AF** of Water Right No. 95-8447. 95-8447 & 95-9320 will be limited to a total of **200 AF** when combined.

I, Michael C. Anderson, do solemnly swear or affirm that I
Name

Am President, Bd of Comm of Harbor View Estates Water and Sewer District.
Title

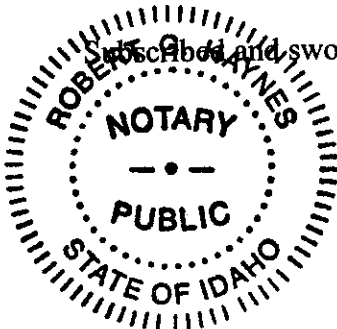
Signed at Coeur d'Alene this 8th day of May, 2006.

President HVE WESD Bd. of Comm.
Title and Organization

Michael C. Anderson
Signature of Agent

State of Idaho)
County of Kootenai) SS.

Subscribed and sworn before me this 8 day of May, 2006.



Robert A. Haynes
Notary Public

Residing at Co d'A
My Commission Expires 11/10/2010



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 23, 2006

KOOTENAI ENVIRONMENTAL ALLIANCE
C/O BARRY ROSENBERG EXEC DIRECTOR
PO BOX 1598
COEUR D ALENE, ID 83816-1598

Application to Permit No. 95-9320

Dear Mr. Rosenberg:

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Harbor View Estates, c/o HOA Admin. , 296 W Sunset Suite 11, Coeur d'Alene, ID 83815



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 23, 2006

HARBOR VIEW ESTATES WATER AND SEWER DISTRICT
C/O HOA ADMINISTRATION
296 W SUNSET BLVD, SUITE 11
COEUR D ALENE ID 83815

Application to Permit No. 95-9320

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Kootenai Environmental Alliance, c/o Barry Rosenberg, PO Box 1598, Cd'A ID 83816-1598

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

Receipt #
No 17344 db
RECEIVED
JAN 23 2006
IDWR/North

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 95-9320) **PROTEST**
Harbor View Estates Water & Sewer District)
C/O HOA Administration)
_____)

This protest is submitted on behalf of the Kootenai Environmental Alliance.

A. Interests of Protestant

Kootenai Environmental Alliance (KEA) is a 501(c)(3) non-profit corporation incorporated in the state of Idaho, with a mission to protect the environment with an emphasis on the Idaho Panhandle and the Coeur d'Alene basin. The KEA office is located at 408 Sherman, Suite 301, Coeur d'Alene, ID 83814. KEA has members and supporters who live, work and recreate in north Idaho and eastern Washington, including recreating on the Spokane River. KEA members rely upon the Rathdrum Prairie-Spokane Valley Aquifer as a source of water for drinking water supply and to serve the businesses where they work. KEA members recreate on the Spokane River and also actively participate in the current comprehensive bi-state study of the Rathdrum Prairie-Spokane Valley Aquifer.

The Protestant and its members are and will continue to be adversely affected by water allocation and management decisions, including the instant and yearly total allocation, that diminish, over-allocate, or otherwise harm the Rathdrum Prairie-Spokane Valley Aquifer and hydraulically connected water resources, including the Spokane and Little Spokane Rivers.

B. Basis of Protest

The Protestant protests a water permit application filed by Harbor View Estates Water & Sewer District. Application No. 95-9320 seeks 0.42 cfs or 271,452.30 gallons per day, year-round, for municipal use. This protest is based on the criteria set forth in Sec. 42-203A, Idaho Code, and groundwater statutes, as more specifically set forth below.

The applicant has provided a water supply plan with the application. For a project of this size and complexity, more information will be required pursuant to IDAPA § 37.03.08.040.05. As the applicant provides that information to IDWR, and as more information becomes available through approved discovery processes, Protestants reserve the right to raise additional issues. The application

as submitted is inadequate to meet the standards set forth in controlling regulations and statutes and the applicant will not be able to meet its burden of proof under the law.

(1) The project is contrary to the conservation of resources.

The application is contrary to the conservation of water resources in Idaho, in contravention of IC §42-203A(5)(f), insofar as it proposes to withdraw 271,452.30 gallons of water per day from the Rathdrum Prairie-Spokane Valley Aquifer. Harbor View Estates Water & Sewer District has neither promulgated nor implemented a water conservation plan to limit consumption at reasonable levels.

The 0.42 cfs (continuous, year-round) requested under the application is not justified by a reasonable water balance. According to the Applicant this request will service 11 units, which works out to 24,677.48 gallons per day per unit. These quantities are excessive and wasteful and do not represent an appropriate water duty for the purposes set forth in the permit application. Water conservation alternatives are available to reduce the amount of water use contemplated by Harbor View Estates Water & Sewer District. These alternatives should be considered by IDWR in its determination of beneficial use.

(2) The proposed permits should not be granted until a study of the Rathdrum Prairie-Spokane Valley Aquifer is complete.

A bi-state study of the Rathdrum Prairie-Spokane Valley Aquifer is currently ongoing. The purpose of the study is to determine how much water is available from the Aquifer and the impacts of pumping on existing water users and local surface water resources such as the Spokane and Little Spokane Rivers. It is premature to grant water permits in the amount contemplated by the Harbor View Estates Water & Sewer District application until a comprehensive scientific study has established water availability for the region.

(3) Water supply is insufficient.

Water supply is insufficient pursuant to IC § 42-203A(5)(b). Recent hydrogeologic studies indicate that the Rathdrum Prairie-Spokane Valley Aquifer is a finite resource that may be fully allocated. Groundwater withdrawals from the bi-state area may already exceed natural recharge within the basin. As a sole source aquifer, the Rathdrum Prairie-Spokane Valley Aquifer is an invaluable resource to the 500,000-plus citizens of the region who depend upon it for drinking water supply.

Pursuant to IC § 42-226, IDWR must determine whether allocated water rights exceed future average annual recharge to the Aquifer. Idaho has not yet assessed how much water has been allocated under existing water rights or how much water is available for future allocation and use. Until such an

analysis is accomplished, it is appropriate to assume that water supply is not sufficient to fulfill the withdrawals proposed under the permit application protested herein, and that the proposed permit will lead to mining of the Rathdrum Prairie-Spokane Valley Aquifer in violation of Idaho law.

(4) The project will harm the local public interest.

Because of the hydraulic connections between the Rathdrum Prairie-Spokane Valley Aquifer, Lake Coeur d'Alene and the Spokane River, the applicant's proposed use will deplete flows in the Spokane River, harming fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality.

Water quality is degraded in the Spokane River with respect to dissolved oxygen, temperature, and other flow-related parameters. Municipal sewage discharge contributes to water quality problems, including violation of water quality standards in Washington State. Withdrawal of water from Lake Coeur d'Alene in the quantity requested in the permit application will deplete flow in the Spokane River, further exacerbating water quality degradation.

The cumulative impacts of the proposed Harbor View Estates Water & Sewer District withdrawal, combined with other pending applications and existing water rights will lead to over-allocation of the aquifer, interference with other wells, impacts to the Spokane River and a variety of other potential ills, in violation of the local public interest.

Numerous water right holders in Washington State withdraw water from the Rathdrum Prairie-Spokane Valley Aquifer, including municipal water purveyors that supply virtually the entire population of the City of Spokane Valley and City of Spokane. The proposed Harbor View Estates Water & Sewer District withdrawals may interfere with the ability of Washington water right holders to access their water rights.

Ultimately, unlimited appropriations will lead to a "race to the bottom" of this finite, sole source aquifer, which will adversely affect citizens and businesses in both states. It is inappropriate for IDWR to grant this and other pending water right applications without full consideration of the impacts of such decisions on bi-state management of the Aquifer. Idaho must engage in water resource management planning that addresses these issues before approving new and sizable water rights, including the instant applications.

(5) The requested permit would reduce the quantity of water under existing water rights.

The Rathdrum Prairie-Spokane Valley Aquifer and Lake Coeur d'Alene are hydraulically connected to the Spokane River. Pumping from the Aquifer influences the quantity and quality of

water flowing in the Spokane River. The pumping of approximately 271,452.30 gallons per day may affect Spokane River flows in Idaho and reduce them below the levels set forth in the minimum flow water right. This would lead to a reduction in water available to prior water right users, in violation of Section 42.203A(5)(a).

These issues are of particular concern when the effects of this water permit are analyzed cumulatively with other pending applications and active permits and licenses.

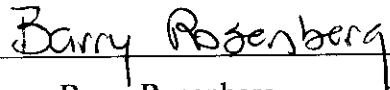
Finally, and as discussed in the "local public interest" section above, down-gradient water right holders in Washington state will be adversely affected by the pumping of water proposed in this application.

The applicant has offered no proposal to mitigate the impacts of its proposed water withdrawals.

C. Relief Sought

For the foregoing reasons, Protestants request that a protest hearing be scheduled and that Harbor View Estates Water & Sewer District Water Permit Application No. 95-9320 be denied or conditioned to mitigate the harms and impacts identified above.

DATED this 23rd day of January 2006.

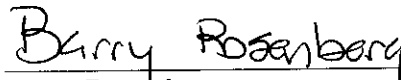


Barry Rosenberg
Executive Director
Kootenai Environmental Alliance
P.O. Box 1598
Coeur d'Alene, ID 83816-1598
(208) 667-9093
barry@kealliance.org

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of January, 2006, I served a true and correct copy of the within and foregoing document upon the party named below by depositing a copy of the same in the United States mail, postage pre-paid, at the post office a Coeur d'Alene, Idaho.

Harbor View Estates Water & Sewer District
C/O HOA Administration,
296 W. Sunset Blvd., Suite D
Coeur d'Alene, ID 83815



Barry Rosenberg
Executive Director
Kootenai Environmental Alliance
P.O. Box 1598
Coeur d'Alene, ID 83816-1598
(208) 667-9093

Idaho Department of Water Resources Receipt

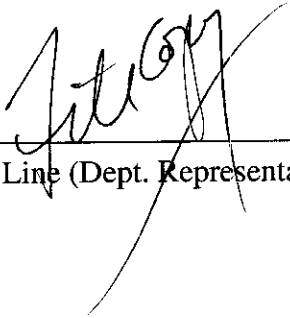
Receipt ID N017344

Payment Amount	\$25.00	Date Received	1/23/2006 4:44:19 PM	Region	Northern	Status	
Payment Type	Check	Check Number	1715				

Payer KOOTENAI ENVIRONMENTAL ALLIANCE**Comment** Protest against WR Application 95-9320-Harbor View Estates

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	65103	1155



Signature Line (Dept. Representative)



IDAHO FISH AND GAME

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

*Concurrence
1/19/06*

Dirk Kempthorne/Governor
Steven Huffaker/Director

January 19, 2006

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

Via email to Dianne Ball:

REFERENCE: HARBOR VIEW ESTATES

We have reviewed the above named application to withdraw 0.42 cfs from Lake Coeur d'Alene for municipal use.

We have no specific objections; however water lines and pumps are an encroachment in lakes and rivers, which can be detrimental to fish and fish habitat.

We recommend that applicants be required to install the lines during low water when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. The pump should be screened to prevent entrainment of fish; the maximum screen mesh size should be 0.25 inches. In addition, pump approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish. It would be preferable to place pumps on land rather than in the water.

The applicant should obtain necessary encroachment permits from Idaho Department of Lands before installing water lines and pumps in state waters.

Thank you for the opportunity to comment.

Mary Terra-Berns
Environmental Staff Biologist

C: IDFG NRPB, Boise; File

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO.
County of Kootenai,

} ss,

Kattie Hay

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.

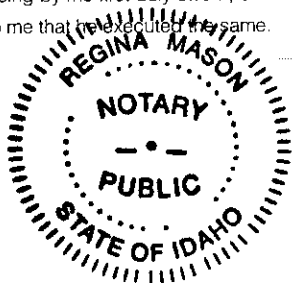
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

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 5 day of January, 2006, and ending on the 12 day of January, 2006, 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. Kattie Hay On this 12 day of January, in the year of 2006, before me, a Notary Public, personally appeared Kattie Hay known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Regina Mason

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

MY COMMISSION EXPIRES 6/18/09

RECEIVED
JAN 13 2006
IDWR/North

NOTICE OF APPLICATION

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

94-7410

ROSCOE A EALEY

PO BOX 18302

TUCSON AZ 85731

Point(s) of Diversion NWSE S12 T47N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.04 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/12/2005

Place Of Use: IRRIGATION

T47N R03W S12 NWSE

Number of Acres 2

Place Of Use: DOMESTIC same as IRRIGATION

Remark: Domestic use is for 8 homes.

95-9320

HARBOR VIEW ESTATES WATER AND SEWER DISTRICT

C/O HOA ADMINISTRATION

269 W. SUNSET BLVD., STE 11

COEUR D ALENE ID 83815

Points of Diversion (3) L5 (NWNW) S6 T49N R03W KOOTENAI County

Source COEUR D ALENE LAKE - Tributary To SPOKANE RIVER

Use: MUNICIPAL 01/01 To 12/31 0.42 CFS

Total Diversion: 0.42 CFS

Date Filed: 12/01/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is for applicants service area

95-9322

SHELTER PECK LLC

104 POPLAR AVE

COEUR D ALENE ID 83814

Point(s) of Diversion NESW S12 T51N R06W KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 12/19/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

95-9323

FERNAN ESTATES CORPORATION

PO BOX 2581

COEUR D ALENE ID 83816

Point(s) of Diversion - L1 (SENW), SWNW (2), S16 T50N R03W KOOTENAI County

Source GROUNDWATER

Use: MUNICIPAL 01/01 To 12/31 0.3 CFS

Total Diversion: 0.3 CFS

Date Filed: 12/27/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

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 01/23/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 8497

January 5, 12, 2006

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

94-7410

ROSCOE A EALEY

PO BOX 18302

TUCSON AZ 85731

Point(s) of Diversion NWSE S12 T47N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.04 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/12/2005

Place Of Use: IRRIGATION

T47N R03W S12 NWSE

Number of Acres 2

Place Of Use: DOMESTIC same as IRRIGATION

Remark: Domestic use is for 8 homes.

95-9320

HARBOR VIEW ESTATES WATER AND SEWER DISTRICT

C/O HOA ADMINISTRATION

296 W SUNSET BLVD., STE 11

COEUR D ALENE ID 83815

Points of Diversion (3) L5 (NWNW) S6 T49N R03W KOOTENAI County

Source COEUR D ALENE LAKE - Tributary To SPOKANE RIVER

Use: MUNICIPAL 01/01 To 12/31 0.42 CFS

Total Diversion: 0.42 CFS

Date Filed: 12/01/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is for applicants service area

95-9322

SHELTER PECK LLC

104 POPLAR AVE

COEUR D ALENE ID 83814

Point(s) of Diversion NESW S12 T51N R06W KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 12/19/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

95-9323

FERNAN ESTATES CORPORATION

PO BOX 2581

COEUR D ALENE ID 83816

Point(s) of Diversion - L1 (SENW), SWNW (2), S16 T50N R03W

KOOTENAI County

Source GROUNDWATER

Use: MUNICIPAL 01/01 To 12/31 0.3 CFS

Total Diversion: 0.3 CFS

Date Filed: 12/27/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

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 01/23/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published 01/05 & 01/12/2006

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

December 28, 2005

KATTIE HOY &/OR GLENDA JEFFERSON
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

Please FAX proof copy before publication, to 208-769-1454
Thanks, Dianne

RE: Application for Permit No. 94-7410, 95-9320, 95-9322 and 95-9323

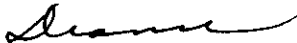
Dear Kattie and Glenda:

THIS LETTER IS BEING SENT BY E-MAIL AS WELL AS FAX, ~ FYI.

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, January 5 and 12, 2006, (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 01/23/2006. Your cooperation is GREATLY appreciated.

Thank you,
Sincerely



Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 28, 2005 3:23 PM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press2 Glenda Jefferson (E-mail)
Subject: Legal notice for publication on January 5 and 12, 2006 - Water Rights 94-7410, 95-9320, 95-9322 & 95-9323

Good afternoon, Kattie & Glenda,

Attached is our cover letter requesting publication on January 5 and 12, 2006 of a legal notice, also attached.

I AM FAXING THIS AS WELL AS E-MAILING IT TO COVER ALL BASES!

If you have ANY questions, please call me at 769-1450.

ALSO - PLEASE FAX PROOF COPY PRIOR TO PUBLICATION so I can check layout, etc.,

Thank you very much for you help.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454*



CoverLetter
2-28-05 CdA e-mai.



LegalNotice
2-28-05 CdA e-mai.



State of Idaho
DEPARTMENT OF WATER RESOURCES
Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615
Phone: (208) 769-1450 Fax: (208) 769-1454 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 28, 2005

HARBOR VIEW ESTATES WATER AND SEWER DISTRICT
C/O HOA ADMINISTRATION
1044 NORTHWEST BLVD. SUITE B
COEUR D ALENE ID 83814

RE: Application for Permit No 95-9320

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on January 5 and 12, 2006. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

Please note that water right owners are required to report any change in 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.

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

Sincerely,

Gregory J. Taylor
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 28, 2005

HARBOR VIEW ESTATES WATER AND SEWER DISTRICT
C/O HOA ADMINISTRATION
1044 NORTHWEST BLVD. SUITE B
COEUR D ALENE ID 83814

*296 W Sunset Blvd Ste 11
83815
Per Dawn
1/3/06
T.C. b*

RE: Application for Permit No 95-9320

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on January 5 and 12, 2006. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

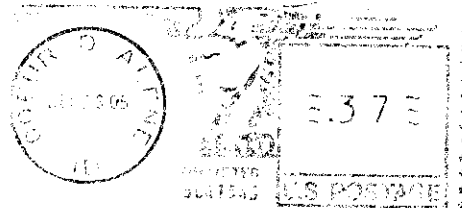
Please feel free to contact this office if you have any questions.

Sincerely,

Gregory J. Taylor
Senior Water Resource Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region Office
1910 Northwest Blvd - Suite 210
Coeur d'Alene, ID 83814-2676

NOT DELIVERED
UNABLE TO FORWARD



83814+2114-74 C023





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

December 27, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH & GAME
2750 KATHLEEN AVE.
COEUR D'ALENE, ID 83815

FAXED TO MARY December 27, 2005
5 Pages total

Re: Water Permit Application No. 95-9320

Dear Mary:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **January 20, 2006**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to Dianne.Ball@idwr.idaho.gov.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

December 27, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

IDAHO DEPARTMENT OF LANDS
3706 INDUSTRIAL AVE S
COEUR D ALENE ID 83815

5 pages total

Re: Water Permit Application No. 95-9320

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **January 20, 2006**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to Dianne.Ball@idwr.idaho.gov.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball
Administrative Assistant

RECEIVED
 DEC 22 2005
 IDWR/North

TRANSMITTAL

ATTN.:	Greg Taylor	DATE:	December 22, 2005
TO:	IDWR	RE:	Harbor View Estates Diversion Point
		PRJ#:	11900

ITEMS TRANSMITTED

☒ ATTACHED ☐ UNDER SEPARATE COVER, VIA _____

COPIES	DATE	DESCRIPTION
1	12/22/05	Map of Harbor View Estates Diversion Point
1	12/22/05	Harbor View Estates Water & Sewer District Boundary Map

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | |
|--|---|---|
| ☐ FOR APPROVAL | ☐ NO EXCEPTIONS TAKEN | ☐ RETURNED AFTER LOAN TO US |
| ☐ FOR YOUR USE | ☐ MAKE CORRECTIONS NOTED | ☐ REJECTED - SEE REMARKS |
| ☒ AS REQUESTED | ☐ REVISE AND RESUBMIT | ☐ RETURN ____ CORRECTED PRINTS |
| ☐ FOR YOUR REVIEW AND COMMENT | | ☐ _____ |

REMARKS:

Please contact us if you have any questions regarding the submittal. Thank you.

COPY TO: file

FROM: Andrew Staples 

Idaho Department of Water Resources Receipt

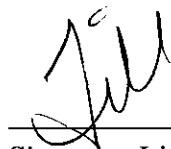
Receipt ID N017283

Payment Amount	\$250.00	Date Received	12/1/2005 12:04:46 PM	Region	Northern	 Status
Payment Type	Check	Check Number	10094			

Payer HARBOR VIEW ESTATES WATER & SEWER DIST**Comment** WR Permit App Fee

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$250.00	PERMITS	0229	21	65103	1155

_____
Signature Line (Dept. Representative)

HARBOR VIEW ESTATES

10094

Idaho Department of Water Resources			11/30/2005			
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/30/2005	Bill		250.00	250.00		250.00
				Check Amount		250.00

RECEIVED
DEC 01 2005
IDWR/North

1000.03HVEWS Mt W Water Rights application fee

250.00