

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09342

Priority: April 03, 2006

Maximum Diversion Rate: 0.20 CFS

This is to certify, that LARRY GRAY And
VELMA GRAY
4546 TRESIZE RD
RAYMOND WA 98577

have 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>
COMMERCIAL	01/01 to 12/31	0.16 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE¼ NW¼ Sec. 5, Twp 45N, Rge 04W, B.M. BENEWAH County

PLACE OF USE: COMMERCIAL, DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N 04W 5								X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2009**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 1 home.
6. Commercial use is for water that will be bottled.
7. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of June, 20 06.


for KARL J DREHER, Director

RECEIVED

72754
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

APR 03 2006

DEPARTMENT OF
WATER RESOURCES

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant Larry & Velma Gray Phone 360-942-3598
Mailing address 4546 Tresize Rd Raymond, WA 98577
2. Source of water supply Well 0040074 which is a tributary of _____
3. Location of point of diversion is Township 45 N Range 4 W Sec. 5 in the S 1/2 N 1/2 E 1/4,
SE 1/4, NW 1/4, Govt. Lot _____, B.M., Beneviah County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount .04 for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount .16 for Commercial purposes from Jan 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .20 and/or (b) _____
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 a. Describe type and size of devices used to divert water from the source 2 inch Line
 b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet;
 total reservoir capacity N/A acre-feet
 c. Proposed well diameter is 6" inches; proposed depth of well is 275 feet
 d. Is ground water with a temperature of greater than 85°F being sought? No
 e. If well is already drilled, when? 4-05; Drilling firm Always Drilling
 Well was drilled for (well owner) Larry & Velma Gray; Drilling Permit No. 0040074
7. Time required for completion of works and application of water to proposed beneficial use is 3 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.
 d. Domestic; show number of households. 1 ← as per J.C. with Velma
 e. Other; describe fully. Commercial use, Trucked To Los Angeles, CA For bottling

Description of place of use: Well site

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	
45	4	5								D									.04 D
45	4	5								C									.16 C

total number of acres to be irrigated N/A

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

1. a. Who owns the property at the point of diversion? Larry & Velma Gray
b. Who owns the land to be irrigated or place of use? Larry & Velma Gray

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

2. Remarks:

3. **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.

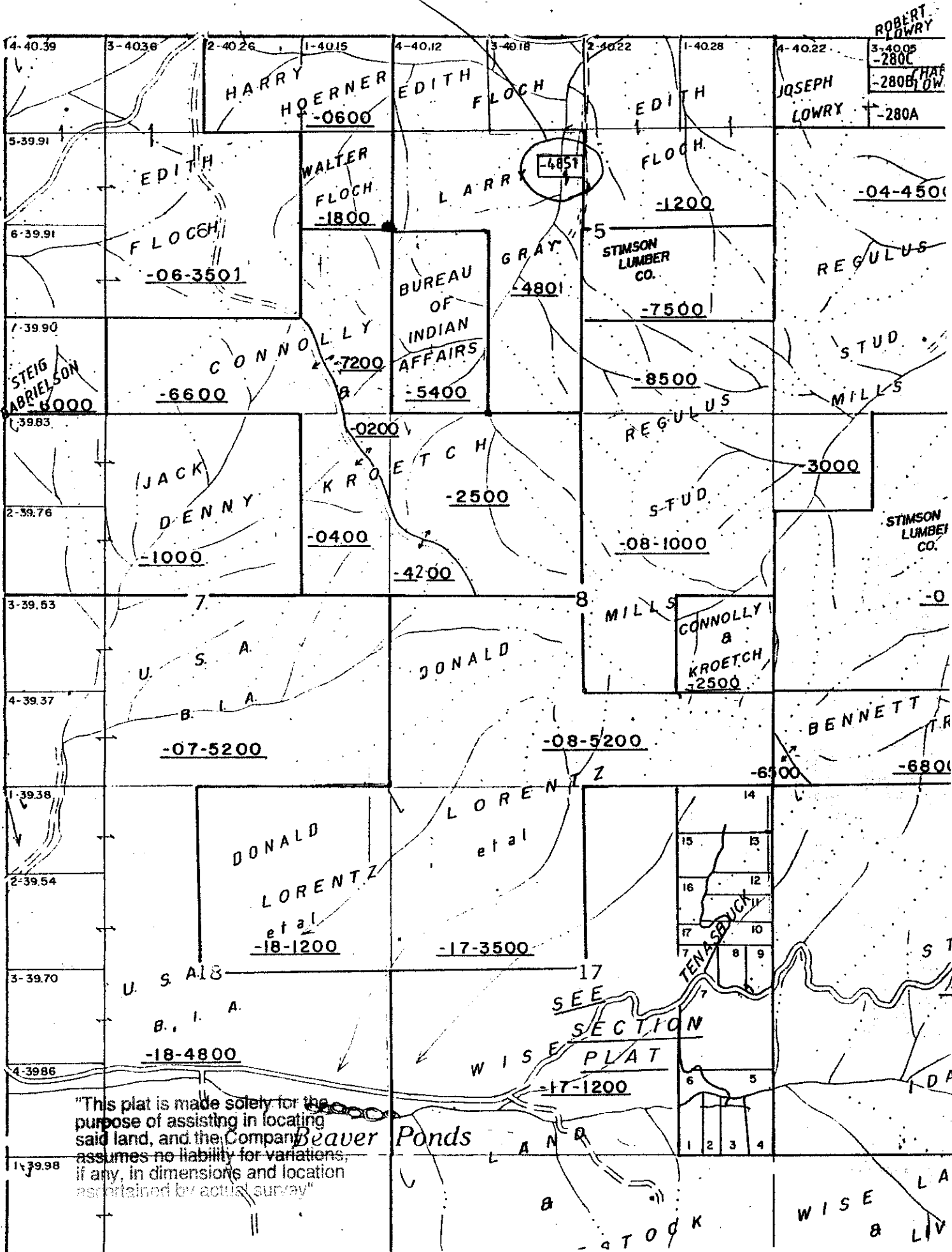
Larry & Velma Gray
Signature of Applicant (and title, if applicable)

Received by cm Date 4-3-06 Time _____ Preliminary check by _____
Fee \$ 100.00 Received by cm # N017462 Date _____
Publication prepared by CP Date 4/26/06 Published in St. Mary's Gazette 5/3+10/06
Publication approved CP Date 5/15/06

Site o., well

.. Township 45 N

IEY.
Only.



GRAY



- GCDB45N04W GCDB
- Application POD
- Application POU
- PLSS Section LinesGcdb_sections.shp



0.1 0 0.1 0.2 Miles

A scale bar with four segments. The first segment is labeled 0.1, the second 0, the third 0.1, and the fourth 0.2 Miles. The bar is black and white.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 6, 2006

Larry Gray
4546 Tresize Rd.
Raymond, WA 98577

Re: Application For Permit To Appropriate The Public Waters Of The State Of Idaho.

Dear Mr. Gray:

The Idaho Department of Water Resources is in receipt of your application, but before it can be processed, the original domestic well permit, Tag #D0040074, must be upgraded. The drilling company originally purchased a \$75.00 permit to construct a single-family domestic well. Since you are planning to utilize the well for domestic as well as commercial, an additional fee of \$125.00 is required to include the commercial use. Please make out payments to the Idaho Department of Water Resources and if you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Water Resources Agent

kf

COPY

Remitted 4-15-06 CK# 3216



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

April 17, 2006

Larry Gray
4546 Tresize Rd.
Raymond, WA 98577

Re: Application For Permit To Appropriate The Public Waters Of The State Of Idaho.

Dear Mr. Gray:

In my April 6, 2006 letter to you, I failed to ask how many gallons of water do you propose to use, per year, for you commercial venture? From this information I can determine the total volume of water use per year for your appropriation in acre-feet.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Water Resources Agent

C O P Y

Idaho Department of Water Resources Receipt

Receipt ID N017508

Payment Amount \$125.00 Date Received 4/20/2006 12:29:07 PM Region Northern Status ☐
Payment Type Check Check Number 3216

Payer VELMA GRAY
Comment UPGRADE FEE FOR TAG D40074

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$125.00	DRILLING PERMITS	0229	21	65134	1205

cm
Signature Line (Dept. Representative)

**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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 6, 2006

LARRY GRAY
VELMA GRAY
4546 TRESIZE RD
RAYMOND WA 98577

RE: Permit No. 95-9342

Permit Approval Notice

Dear Permit Holder:

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

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

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

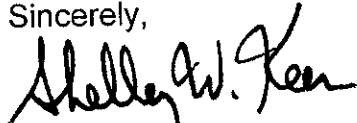
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen

Water Rights Supervisor

SWK:ka

Enclosure(s)

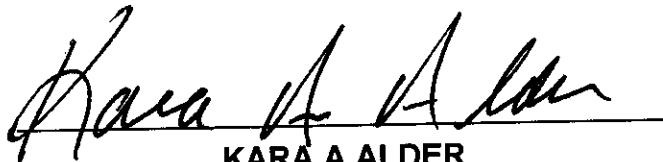
CERTIFICATE OF SERVICE

I hereby certify that on June 6, 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.

95-9342

**LARRY GRAY
VELMA GRAY
4546 TRESIZE RD
RAYMOND WA 98577**

A handwritten signature in black ink, appearing to read "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: May 31, 2006
To: Water Right File 95-9342
From: eretelle
Re: permit review

No WD

No moratorium or restricted area.

No overlap or protest.

Recommend approval as suggested by IDWR Northern.

Affidavit of Publication

RECEIVED
MAY 15 2006
DWR/North

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 3 day of May, 2006 and the last on the 10 day of May, 2006

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 10 day of May, 2006

Cynthia Ann Hammes

STATE OF IDAHO)
COUNTY OF BENEWAH)

On this 10 day of May, in the year of 2006
before me, a Notary Public, personally appeared Cynthia Ann Hammes, 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 she executed the same.

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

95-9342

LARRY GRAY

VELMA GRAY

4546 TRESIZE RD

RAYMOND WA 98577

Point(s) of Diversion SENW S5 T45N R04W BENEWAH County

Source GROUND WATER

Use: COMMERCIAL 01/01 To 12/31 0.16 CFS

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

Total Diversion: 0.2 CFS

Date Filed: 04/03/2006

Place Of Use: COMMERCIAL & DOMESTIC

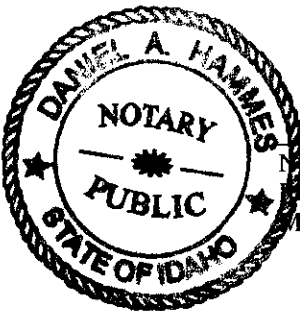
T45N R04W S5 SENW

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 05/22/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

6428 May 3-May 10



Daniel A. Hammes
Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

07-13-2007

Phillips, Christy

To: Kaisie@smgazette.com
Cc: Ball, Dianne; Phillips, Christy

Hi Kaisie,
attached is our cover letter requesting publication of a legal notice on May 3 & 10 2006. The legal notice is attached also.

If you have any questions please call me at 208-769-1450 and **please fax me a proof copy** before this goes to press, at 208-769-1454

thanks have a good day,

Christy Phillips
clerk
Id Dept of Water Resources
1910 Northwest Blvd suite 210
Coeur d Alene Id 83814
Phone (208)769-1450 Fax(208) 769-1454



coverletter sm apr 26.doc



LegalNotice sm apr 26.doc



State of Id.
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 26, 2006

KAISIE BREDE
Legal Notice Department
ST MARIES GAZETTE RECORD
610 MAIN AVE
ST MARIES ID 83861-1838

RE: Application for Permit No. 95-9342

PLEASE FAX PROOF COPY BEFORE THIS GOES TO PRESS, TO 208-769-1454
Thanks Christy

Dear Kaisie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated May 3 & 10 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 05/22/2006. Your cooperation is appreciated.

Sincerely

Christy Phillips
Clerk

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

95-9342

LARRY GRAY

VELMA GRAY

4546 TRESIZE RD

RAYMOND WA 98577

Point(s) of Diversion SENW S5 T45N R04W BENEWAH County

Source GROUND WATER

Use: COMMERCIAL	01/01 To 12/31	0.16 CFS
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Use: DOMESTIC	01/01 To 12/31	0.04 CFS
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Total Diversion:		0.2 CFS
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Date Filed: 04/03/2006

Place Of Use: COMMERCIAL & DOMESTIC

T45N R04W S5 SENW

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 05/22/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on May 3 & 10 2006



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

April 26, 2006

LARRY GRAY
VELMA GRAY
4546 TRESIZE RD
RAYMOND WA 98577

RE: Application for Permit No 95-9342

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 St Maries Gazette Record on May 3 & 10 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,

Keith Franklin

Keith Franklin
Water Rights agent

<Enclosure(s)>