

**STARTING
LEFT
SIDE OF
FILE**

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. CD 78 5079485
Receipt By DM
Date Received 10-31-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 95-09208 Telephone No. 509-455-8247
2. Name of Permit Holder(s): JOHN B. (JACK) FLUME
3. Mailing Address: 5608 S. HELENA LANE
City SPOKANE State WA Zip 99223
4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo. 10/27 / yr. 2003
Well Driller: UNITED DRILLING Drilling Permit Number: _____
TIM VONK
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 21 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 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 <u>X</u> |
| | Has the measuring device been installed? | Yes _____ or No <u>X</u> |
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: JB FLUME Telephone Number: 509-455-8247
Address: 5608 S. HELENA LANE SPOKANE, WA 99223 or 208-765-1242
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: JB Flume MD Date: 10-8-05
(include your title, if on behalf of company or organization)
Member, Pilot Rock Homeowners Assn.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09208

Priority: October 08, 2003

Maximum Diversion Rate: 0.20 CFS

This is to certify, that PILOT ROCK DEVELOPMENT ASSN INC
C/O JACK FLUME
5608 S HELENA LN
SPOKANE WA 99223

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	0.20 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L1 (NE¼NE¼) Sec. 3, Twp 48N, Rge 04W, B.M., KOOTENAI County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2005**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
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. Place of use is within the area served by the public water supply system of Pilot Rock Development Association, Inc. The place of use is generally located within Section 03, Township 48N, Range 04W.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of December, 2003.


Acting for KARL J DREHER, Director

MICROFILMED
JUN 16 2004

70884

Ident. No. 95-9208

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

DEC 16 2003

To appropriate the public waters of the State of Idaho Department of Water Resources

1. Name of Applicant Pilot Rock Development Assn Inc Phone _____
Mailing address 40 Jack Flume 5608 S Helena Ln Spokane WA 99225
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 48W Range 4W Sec. 3, in the _____ 1/4,
NE 1/4, NE 1/4, Govt. Lot 1, B.M., KOOTENAI County;
additional points of diversion if any: GPS - N 47° 32.23'
W 116° 50.056'
4. Water will be used for the following purposes:
Amount 0.20 for MUNICIPAL purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: WELL, PUMP & PIPELINE - 40,000 GAL RES
a. Describe type and size of devices used to divert water from the source _____
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. D 33347
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. 21
e. Other; describe fully. _____

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JUN 16 2004

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
48N	4W	3																	

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? APPLICANT

b. Who owns the land to be irrigated or place of use? APPLICANT / MEMBERS

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: APPLICANT IS RECOGNIZED BY THE IDAHO SECRETARY OF STATE - VERIFIED ON 10-8-03

PWS - 1280223

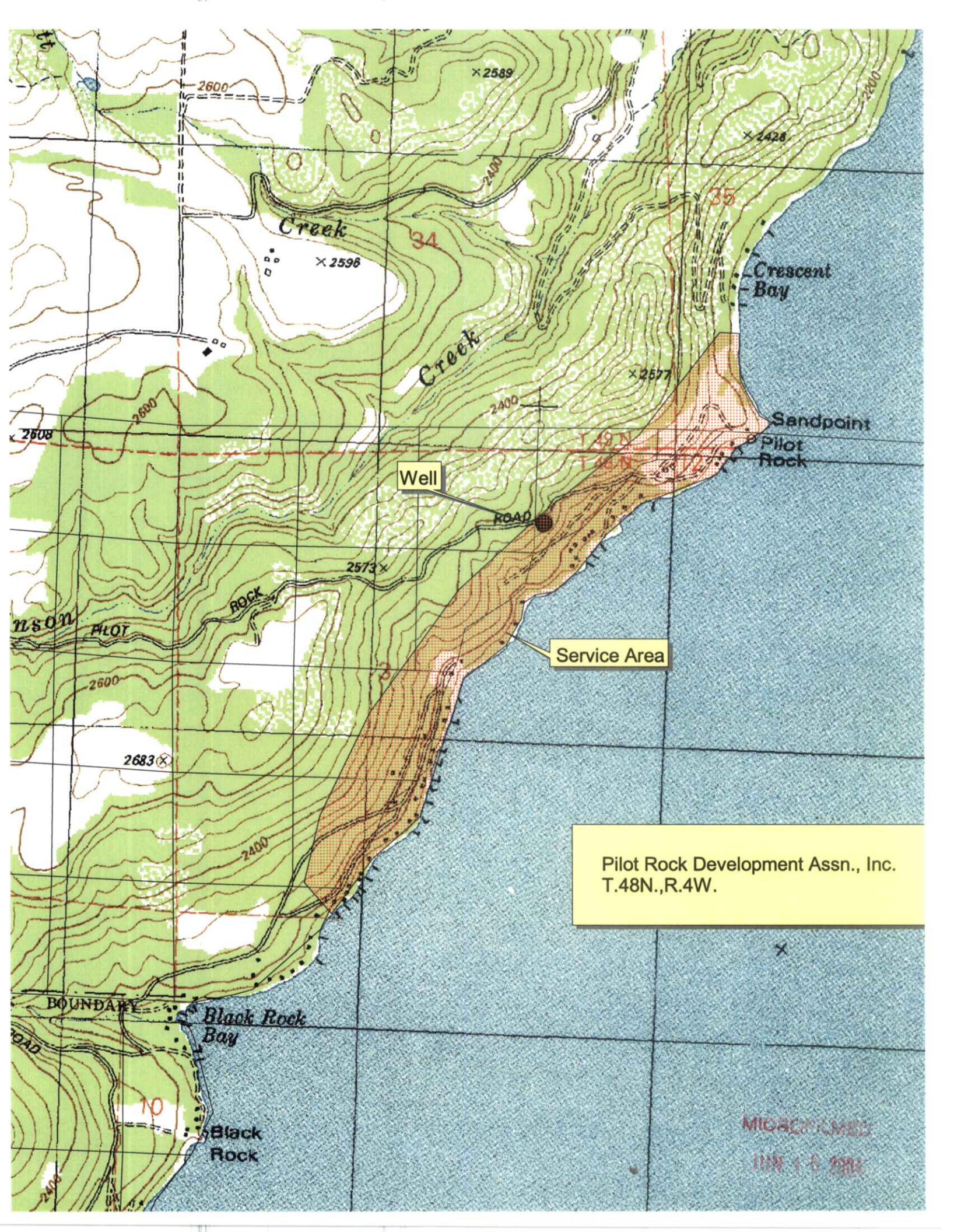
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

X [Signature] Board Member
Signature of Applicant (and title, if applicable) Pres.

Received by [Signature] Date 10-8-03 Time 3:00 Preliminary check by [Signature]
Fee \$ 100 Received by [Signature] # 2015961 Date 10-8-03
Publication prepared by [Signature] Date 10/29/03 Published in Ida Press 11/6+13/03
Publication approved [Signature] Date 11/14/03

MICROFILMED
JUN 15 2004



Pilot Rock BOD

Pres. - Jim Sledge

V Pres - Nell Rae Kealey

Secy - Karen Furukawa

Treas - Doug Stewart

- Betsy Whit

Members

at -

large

Grant Silvermale

Ann Cowles

Jim Pugh

Jack Flume

RECEIVED

JUN 16 2004

**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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 12, 2006

PILOT ROCK HOMEOWNERS ASSN INC
C/O JACK FLUME
5608 S HELENA LN
SPOKANE WA 99223

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No 95-9208

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above-referenced permit. The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use 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 this water right 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, or at the department's website at: www.idwr.idaho.gov

If you have questions about the field examination, please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

A handwritten signature in cursive script that reads "Christine Roberts".

Christine Roberts
Technical Records Specialist

Encl:

IDAHO DEPT. OF WATER RESOURCES WELL DRILLER'S REPORT

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
1/4 _____	1/4 _____	1/4 _____	
Lat: _____	: _____	Long: _____	: _____

1. WELL TAG NO. D0033780

DRILLING PERMIT NO. _____

Other IDWR No. _____

2. OWNER:

Name **Jack Flume**

Address Pilot Rock Association / 5608 South Helena Lane

City Spokane State WA Zip 99223

3. LOCATION OF WELL by legal description:

N		Twp 48N	North ☒ or South ☐
W		Rge 03W	East ☐ or West ☒
E		Sec 03	1/4 SE 1/4 NW 1/4
S		Gov't Lot _____	County Kootenai
		Lat _____	Long _____
Address of Well Site: (see next line)			

Pilot Rock Road City Coeur d'Alene

Lot _____ Blk _____ Sub. Name (see next line)

Pilot Rock

4. USE:

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

5. TYPE OF WORK check all that apply (Replacement etc.)

- ☐ New Well ☒ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

- ☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			Amount	Method
Material	From	To	Sacks/Lbs	
Bentonite Grans	0	60	27 sacks	Dry pour

Drive Shoe Used? ☒ Y ☐ N Shoe Depth(s) 400

Drive Shoe Seal Tested? ☐ Y ☒ N How? _____

8. CASING/LINER

Diam	From	To	Gauge	Material	Casng	Liner	Weld	Thrded
8	+1	30	0.250	Steel	☒	☐	☒	☐
6	20	400	0.280	Steel	☒	☐	☒	☐
					☐	☐	☐	☐

Length Headpipe 31 Length Tailpipe 380

9. PERFORATIONS/SCREENS

- ☐ Perforations? Method _____
☐ Screens? Screen Type _____

From	To	Slot	Nmbr	Diam	Material	Casng	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL or ARTESIAN PRESSURE

100 ft. below ground. Artesian pressure _____ lb.
Depth flow encountered 439 ft. Describe access port or control devices: Steel Cap Welded

11. WELL TESTS:

- ☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pump Level	Time
60	100%	445	2 hours

Water Temp. _____ Cold Bottom hole temp. _____ Cold

Water Quality test or comments: (below) Depth first Water Encountered 152

Cold, Clear, and No Smell

12. LITHOLOGIC LOG (Describe repairs or abandonment)

Bore Diam	From	To	Remarks: Lithology, Water Quality and Temperature	Water	
				Y	N
12	0	8	Granite: Decomposed	☐	☒
10	8	20	Granite: Gray with White	☐	☒
10	20	60	Granite: Gray with Rose Seams	☐	☒
8	60	87	Granite: Gray with Rose Seams	☐	☒
8	87	145	Granite: Gray with White Seams	☐	☒
8	145	152	Granite: Green with Gray to Rose (4GPM)	☒	☐
8	152	206	Granite: Gray with Rose Seams	☐	☒
8	206	211	Granite: Gray with Rose Seams Broken	☐	☒
8	211	227	Granite: Gray with Rose Seams	☐	☒
8	227	239	Granite: Gray with White Broken (2GPM)	☒	☐
8	239	362	Granite: Gray with Rose and Green	☐	☒
8	362	387	Granite: Gray w/white very broken (9GPM)	☒	☐
8	387	400	Granite: Gray Hard	☐	☒
6	400	439	Granite: Gray Hard	☐	☒
6	439	440	Granite: Gray Broken (60GPM)	☒	☐
6	440	450	Granite: Gray Hard	☐	☒
				☐	☐
			Sealed off upper water zones due to iron counts.	☐	☐

Completed Depth 450 (Measurable)

Date: Started 6/9/04 Completed 6/24/04

13. DRILLERS CERTIFICATION

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

Firm Name United Drilling Inc.

Firm No 414

Firm Official and

Tim M. Vally pers.

Date 6/29/04

Supervisor or Operator Curtis S. Hammond

Date 6/29/04

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only		
Inspected by _____		
Twp _____	Rge _____	Sec _____
1/4	1/4	1/4
Lat: : : _____	Long: : : _____	

1. WELL TAG NO. D0033347

DRILLING PERMIT N _____

Other IDWR No _____

2. OWNER:

Name Jack FlumeAddress Pilot Rock Association / 5608 South Helena LaneCity SpokaneState WAZip 99223

3. LOCATION OF WELL by legal description:

N		Twp <u>48N</u>	North ☒ or South ☐
Rge <u>03W</u>		East ☐ or West ☒	
Sec <u>03</u>		1/4 SE 1/4 NW 1/4	
10 Ac		40 Ac	160 Ac
Gov't Lot _____		County <u>Kootenai</u>	
Lat _____		Long _____	

Address of Well Site: (see next line)

Pilot Rock Road _____

City _____

Lot _____ Blk _____ Sub. Name (see next line) _____

4. USE:

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

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			Amount	Method
Material	From	To	Sacks/Lbs	
Bentonite Grans	0	19	9 Sacks	Dry pour

Drive Shoe Used? ☒ Y ☐ N Shoe Depth(s) 19 feetDrive Shoe Seal Tested? ☐ Y ☒ N How? _____

8. CASING/LINER

Diam	From	To	Gauge	Material	Casing	Liner	Weld	Thrded
6"	+1	19	0.280	Steel	☒	☐	☒	☐
4"	-1	366	.165	PVC	☐	☒	☒	☐
					☐	☐	☐	☐

Length Headpipe _____ Length Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations? Method _____☒ Screens? Screen Type PVC Johnson

From	To	Slot	Nmbr	Diam	Material	Casing	Liner
326	366	.40		4	PVC	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL or ARTESIAN PRESSURE

75 ft. below ground. Artesian pressure _____ lb.Depth flow encountered 152 ft. Describe access port orcontrol devices: Steel Cap Welded

11. WELL TESTS:

☐ Pump☐ Bailor☒ Air☐ Flowing Artesian

Yield gal./min.	Drawdown	Pump Level	Time
60	100%	450	2.5 hrs

Water Temp. _____ Cold _____ Bottom hole temp. _____ Cold _____

Water Quality test or comments: (below) Depth first Water Encountered 152
Clear

12. LITHOLOGIC LOG (Describe repairs or abandonment)

Bore Diam	From	To	Remarks: Lithology, Water Quality and Temperature	Water	
				Y	N
10	0	2	Granite: Decomposed with sand cobbles	☐	☒
10	2	8	Granite: Decomposed broken	☐	☒
10	8	19	Granite: Gray with white	☐	☒
6	19	87	Granite: Gray with rose seams	☐	☒
6	87	145	Granite: Gray with white seams	☐	☒
6	145	152	Granite: Green with gray and rose 4GPM	☒	☐
6	152	227	Granite: Gray with rose seams	☐	☒
6	227	239	Granite: Gray with white broken 2 GPM	☒	☐
6	239	362	Granite: Gray with rose and green seams	☐	☒
6	362	387	Granite: Gray w/white very broken 9GPM	☒	☐
6	387	439	Granite: Grey hard	☐	☒
6	439	440	Granite: Green broken 45 GPM	☒	☐
6	440	450	Granite: Gray hard	☐	☒

Completed Dept 450 (Measurable)Date: Started 10/23/2003 Completed 10/27/2003

13. DRILLERS CERTIFICATION

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

Firm United Drilling Inc.Firm No 414

Name _____

Firm Official and _____

Date 10/27/2003Supervisor or Operator Mark A. PenickDate 10/27/2003

September 30, 2005

PILOT ROCK DEVELOPMENT ASSN INC
C/O JACK FLUME
5608 S HELENA LN
SPOKANE, WA 99223

PROOF DUE NOTICE

RE: PERMIT NO. 95-9208

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 01, 2005. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

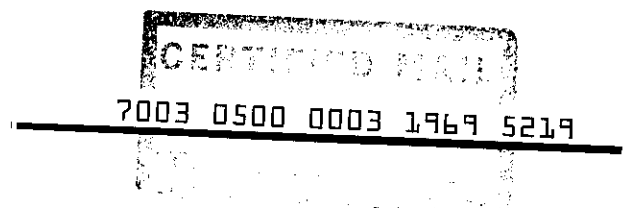
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 18, 2003

PILOT ROCK DEVELOPMENT ASSN INC
C/O JACK FLUME
5608 S HELENA LN
SPOKANE WA 99223

RE: Permit No. 95-9208

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.

MICROFILMED

JUN 16 2004

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,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JUN 16 2004

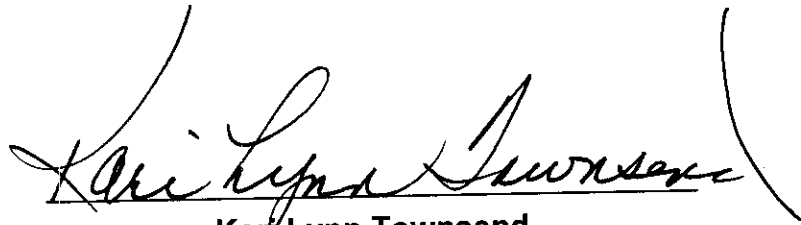
CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-9208

PILOT ROCK DEVELOPMENT ASSN INC
C/O JACK FLUME
5608 S HELENA LN
SPOKANE WA 99223



Karl Lynn Townsend
Secretary

MICROFILMED

JUN 15 2004

**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.

RECEIVED

DEC 18 2003

Department of Water Resources

Tuesday PM
12-16-03

Dear Mr. Walker,

Enclosed find a letter from DEQ
approving our well for Pilot Rock Pass.
on Clear Lake as per instructions
in your letter of 12/12/03 and our phone
conversation today. I hope this is all
you need - and would you please advise
me by letter when you grant approval
for the well. Thank you.

Jack Filmer
5608 S. Helena Ave
Spokane, Wa.
99223

509-455-8247

MICROFILMED

JUN 15 2004



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

DEC 18 2003

Department of Water Resources

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

Dirk Kempthorne, Governor
C. Stephen Allred, Director

October 17, 2003

Mr. Jack Flume
Pilot Rock Association, Inc.
5608 South Helena Lane
Spokane, WA 99223

RE: **Drilling of Well #3 for the Pilot Rock Water System**

Dear Mr. Flume:

Plans and specifications for drilling of Well #3 on the Pilot Rock public drinking water system as submitted by Russ Helgeson, P.E. of Frame and Smetana on October 16, 2003 have been reviewed. The project involves drilling of a proposed 500-foot deep, 6-inch diameter ground water well located at the site approved by Mike Nelson of the Panhandle Health District in his October 7, 2003 letter and as shown on the submitted drawing by Frame and Smetana.

The submitted well drilling plans and specifications were found to be in accordance with the Idaho Rules for Public Drinking Water Systems and are approved for construction purposes in accordance with Section 39-118 of Idaho Code. Upon completion of drilling of this new well the following items need to be submitted to DEQ by the engineer:

1. A copy of the Dept. of Water Resources well driller's report (well log) for well #3 and as-built certified plans and specifications for the new well. Inspection of well drilling activity approved herein must be done by an Idaho licensed Professional Engineer (P.E.) or one under the direct supervision of a P.E.
2. Certified test pumping results for the 24-hour specified pumping test showing water levels and discharge rates throughout the test pumping period. The results need to include a conclusion regarding the sustainable production capacity of the new well.
3. Evidence that the new well is located on a suitable 50-foot minimum radius well lot owned or leased by the water association and the well satisfies the separation requirements included in the October 7, 2003 well site approval letter.
4. Sampling results for the new well showing the water from the well complies with the drinking water standards and is safe to drink.
5. Plans and specifications for construction of connection of the new well into the existing water system.
6. As-built plans for construction and tie-in of the last new ground water well (Well #2?) into your water system. This well was approved by DEQ for construction on December 22, 1995. However, the association and design engineer for that project never submitted the as-built plans for this well as required by the drinking water rules. Qualified as-built plans for this well prepared by your current engineer are acceptable since the engineering firm that designed Well #2 is no longer in business.

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JUN 15 2004

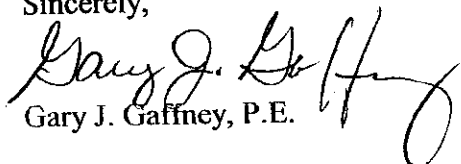
RE: **Drilling of Well #3 for the Pilot Rock Water System**

October 17, 2003

Page 2

With this approval of the well drilling plans and specifications and previous well site approval by the PHD, DEQ has no objection to the Department of Water Resources issuing a well drilling permit for this proposed municipal water well.

Sincerely,


Gary J. Gaffney, P.E.

c: Russell Helgeson, Frame and Smetana, CdA
Mike Nelson, PHD, Sandpoint
Robert Haynes, IDWR, CdA
#7744 at P-5

MICROFILMED

JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 12, 2003

PILOT ROCK DEVELOPMENT ASSN INC
C/O JACK FLUME
5608 S HELENA LN
SPOKANE WA 99223

RE: Application for Permit 95-9208

Dear Applicants:

We are in the process of final review of the above referenced application for permit and find that we need additional information from you before we can proceed. We need a copy of correspondence that shows you have been in contact with the Idaho Department of Environmental Quality (IDEQ) regarding this application. Since this application is for municipal purposes we need to know that IDEQ has been notified that this project is being developed and that they are asserting jurisdiction over the well site, and engineering plans. A copy of correspondence between IDEQ and you will be sufficient for us to document our files.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a permit with a condition requiring submittal of IDEQ documentation at the time proof of beneficial use is submitted.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944 or our regional office in Coeur d'Alene.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

Cc: IDWR, Northern Region

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JUN 15 2004



Idaho Secretary of State Search Results

Search Result Summary

[[New Search](#)]

Search Results 1 through 1

(PILOT ROCK DEVELOPMENT ASSOCIATION, INC. ... PILOT ROCK DEVELOPMENT ASSOCIATION, INC.)

PILOT ROCK DEVELOPMENT ASSOCIATION, INC. [[View Details](#)]

Organizational ID / Filing number: C28256

5110 E GLENNARE
SPOKANE, WA 99223

Filed 02 Dec 1955

CORPORATION
GOODSTANDING

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

MICROFILMED
JUN 15 2004

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

NOV 14 2003

DWR/NORT

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 *11* day of *November* 20 *03*, and ending on the *13* day of *November* 20 *03*, and such publication was made as often during said period as said *Daily* newspaper was regularly issued.

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

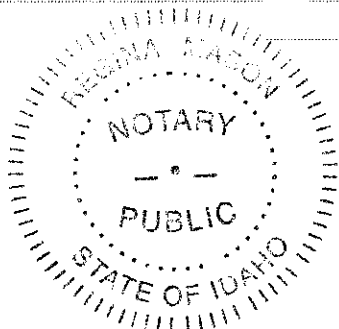
Kattie K. Hay

Personally appeared before me this *13* day of *November* 20 *03*

Regina Mason

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

MY COMMISSION EXPIRES 6/18/09



NOTICE OF APPLICATION FOR WATER RIGHT

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

95-9207

GRAYDON D JOHNSON
3827 W MEADOWBROOK LOOP
COEUR D ALENE ID 83814
Point(s) of Diversion: NWSWNE S21 T50N R04W KOOTENAI County
Source SPRING Tributary To UNNAMED STREAM
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion 0.02 CFS

Date Filed: 10/09/2003

Place Of Use: DOMESTIC T50N R04W S21 SWNE NWSE

Remark: Domestic use is for 1 home.

95-9208

PILOT ROCK ASSOCIATION INC
C/O JACK FLUME
5608 SO HELENA LN
SPOKANE WA 99223
Point(s) of Diversion: L1 (NENE) S3 T48N R04W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.2 CFS
Total Diversion 0.2 CFS

Date Filed: 10/08/2003

Remark: Municipal use is within service area of applicant.

96-9161

GEORGE WHITMIRE
PINE RIDGE DEVELOPMENT LLC
PO BOX 572
ATHOL ID 83801
Point(s) of Diversion: NENE S7 T53N R03W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.09 CFS
Use: DOMESTIC 01/01 To 12/31 0.12 CFS
Total Diversion 0.20 CFS

Date Filed: 10/08/2003

Place Of Use: IRRIGATION and DOMESTIC

T53N R03W S7 NENE

Number of Acres: 4.5

Remark: Domestic use is for 9 homes.

Permits will be subject to all prior water rights. Protests must 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 11/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal 4152
Nov. 6, 13, 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 29, 2003

PILOT ROCK ASSOCIATION INC
C/O JACK FLUME
5608 SO HELENA LN
SPOKANE WA 99223

RE: Application for Permit No 95-9208

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 November 6 and 13, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

MICROFILMED
JUN 15 2004



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

October 29, 2003

---PLEASE FAX PROOF PRIOR TO PUBLICATION---

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

FAXED TO KATTIE HOY 10/29/03
Two Pages Total

RE: Application for Permit No. 95-9207, 95-0208 and 96-9161

Dear Kattie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, November 6 and 13, 2003 (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/24/2003. Your cooperation is GREATLY appreciated, as always.

Have a really great day!!

Sincerely

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

MICROFILMED

JUN 15 2004

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

95-9207

GRAYDON D JOHNSON
3827 W MEADOWBROOK LOOP
COEUR D ALENE ID 83814

Point(s) of Diversion NWSWNE S21 T50N R04W KOOTENAI County
Source SPRING Tributary To UNNAMED STREAM
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 10/09/2003
Place Of Use: DOMESTIC T50N R04W S21 SWNE NWSE
Remark: Domestic use is for 1 home.

95-9208

✓ PILOT ROCK ASSOCIATION INC
C/O JACK FLUME
5608 SO HELENA LN
SPOKANE WA 99223

Point(s) of Diversion L1 (NENE) S3 T48N R04W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 10/08/2003
Remark: Municipal use is within service area of applicant.

96-9161

GEORGE WHITMIRE
PINE RIDGE DEVELOPMENT LLC
PO BOX 572
ATHOL ID 83801

Point(s) of Diversion NENE S7 T53N R03W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.09 CFS
Use: DOMESTIC 01/01 To 12/31 0.12 CFS
Total Diversion: 0.20 CFS
Date Filed: 10/08/2003
Place Of Use: IRRIGATION and DOMESTIC
T53N R03W S7 NENE
Number of Acres 4.5
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 11/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on November 6 and 13, 2003

MILWAUKEE
JUN 15 2004