

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources**Permit to Appropriate Water**

NO. 95-09277

Priority: June 15, 2005

Maximum Diversion Rate: 0.50 CFS
Maximum Diversion Volume: 72.0 AF

This is to certify, that NORTHERN WATER LLC
C/O NORM WALDO
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854

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>	<u>ANNUAL VOLUME</u>
FIRE PROTECTION	01/01 to 12/31	0.50 CFS	
MUNICIPAL	01/01 to 12/31	0.25 CFS	72.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER SE¼ SE¼ Sec. 3, Twp 51N, Rge 05W, B.M. KOOTENAI County
GROUND WATER SE¼ SE¼ Sec. 3, Twp 51N, Rge 05W, B.M. KOOTENAI County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2011**.
2. Subject to all prior water rights.
3. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party and which may be enforceable by a court of law. A copy of the agreement can be found in Water Right file No. 95-9277.
4. Place of use is within the area served by the public water supply system of Northern Water LLC. The place of use is generally located within Section 3, Township 51N, Range 5W.
5. 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.
6. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. 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.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-09277

10. This right does not grant any right-of-way or easement across the land of another.
11. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
12. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
13. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
14. There is an agreement between the permit holder and Kootenai Environmental Alliance to which the Department is not a party and which may be enforceable by a court of law. A copy of the agreement can be found in Water Right file No. 95-9277.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of April, 2006.


for KARL J DREHER, Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09277

Digital Boundary for Northern Water, LLC

April 5, 2006



0.3 0 0.3 0.6 Miles

-  95-09277.shp
-  Sections
-  QQ



RECEIVED

FORM 202
12/99

MAR 20 2006

72039
DEPARTMENT OF
WATER RESOURCESIdent. No. 95-9277

RECEIVED

JUN 15 2005

IDWR/North

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho1. Name of Applicant Northern Water LLC Phone 208 661 8609Mailing address 1831 Lost Creek Springs Ranch Road Post Falls ID 83854 Per Norm Waldo 6/16/052. Source of water supply Groundwater which is a tributary of N/A3. Location of point of diversion is Township 51N Range 5W Sec. 3 in the NW 1/4
SE 1/4 SE 1/4 Govt. Lot, B.M., Kootenai County;additional points of diversion if any: N/A

4. Water will be used for the following purposes:

Amount 0.5 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) 0.5 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 Well and storage reservoirb. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc. Proposed well diameter is 8 inches; proposed depth of well is 225 feetd. Is ground water with a temperature of greater than 85°F being sought? Noe. If well is already drilled, when? Test Well; Drilling firm H2O-1/16/03Well was drilled for (well owner) Idaho Forest Industries #5; Drilling Permit No. D00220957. 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. Northern Water LLC
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

3. 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	
5N	5W	3									M	M	M	M	M	M	M	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? Northern Water LLC

b. Who owns the land to be irrigated or place of use? Future property owners in Lost Creek Estates

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

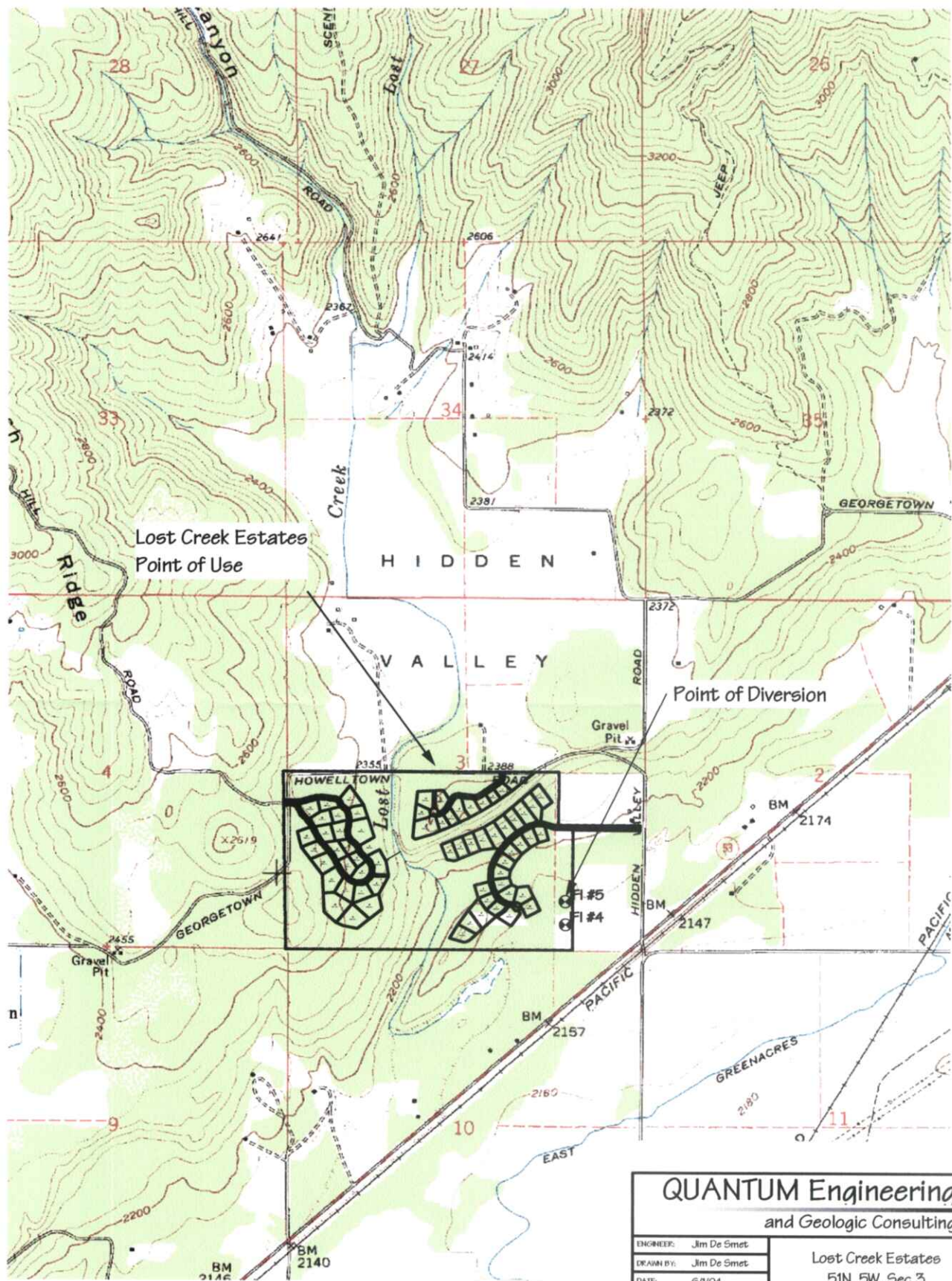
12. Remarks: Water association paperwork attached. Test well (IF#5) was drilled in 2003 and pump tested in 2004. Proposed production well (8") will be drilled upon obtaining water right.

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.

Nora G. Waldo (member)
Signature of Applicant (and title, if applicable)

Received by RYA Date 6/15/05 Time _____ Preliminary check by _____
Fee \$ 250 Received by RYA # FE 16972 Date 6/15/05
Publication prepared by RYA Date 7/1/05 Published in CDA Press 7/7 & 14/05
Publication approved RYA Date 7/15/05



**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

April 11, 2006

NORTHERN WATER LLC
C/O NORM WALDO
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854

RE: Permit No. 95-9277

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.

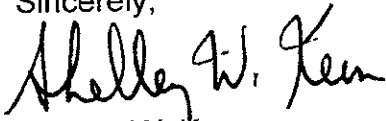
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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:klt

Enclosure(s)

cc: KOOTENAI ENVIRONMENTAL ALLIANCE

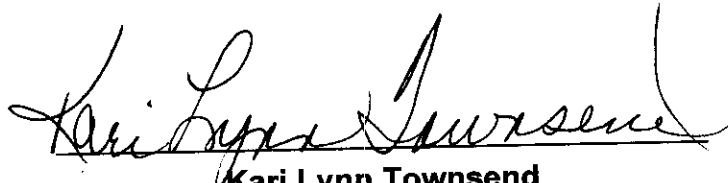
CERTIFICATE OF SERVICE

I hereby certify that on April 11, 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. 95-9277

**NORTHERN WATER LLC
C/O NORM WALDO
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854**

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


**Kari Lynn Townsend
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.

NORTHERN WATER L.L.C.
1831 Lost Springs Ranch Road
Post Falls, ID 83854
(208) 773-0307 Fax (208) 773-8291

RECEIVED

MAR 20 2006

DEPARTMENT OF
WATER RESOURCES

March 8, 2006

State of Idaho
Department of Water Resources
1901 Northwest Blvd., Ste 210
Coeur d'Alene, ID 83814-2615

ATTN: Robert G. Haynes, P.E., Regional Manager

RE: Application for Permit #95-9277

Dear Mr. Haynes:

Thank you for your letter dated March 2, 2006 regarding the above-mentioned Permit and explaining IDWR's stand of not being able to make judicial decisions.

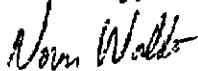
We agree with the condition of changing the wording to:

There is an agreement between the right holder and Kootenai Environmental Alliance to which the Department is not a party and which may be enforceable by a court of law. A copy of the agreement can be found in Water Right file No. 95-9277.

The purpose of this letter is to expedite processing of our application. We request that IDWR continue processing our application immediately.

If we need to do something else in order to expedite our application, please let us know right away. Please feel free to email me at normwaldo@aol.com should any questions or concerns arise.

Sincerely,



Norm Waldo

tw

Taylor, Greg

From: Barry Rosenberg [barry@kealliance.org]
Sent: Thursday, March 02, 2006 8:22 AM
To: Taylor, Greg
Subject: Re: 95-9277-Northern Water LLC

Greg,
The language change is fine. Thanks for your work on this.
Barry

----- Original Message -----

From: Taylor, Greg
To: Barry Rosenberg
Sent: Wednesday, March 01, 2006 2:13 PM
Subject: RE: 95-9277-Northern Water LLC

Barry,

Here is the condition we discussed by phone this afternoon:

"There is an agreement between the right holder and Kootenai Environmental Alliance to which the Department is not a party and which may be enforceable by a court of law."

As I explained, it is not the IDWR's call whether it is enforceable by a court of law. That call would have to be made by the judicial branch. We did change it back to say that there is an agreement between KEA and the applicant.

If it looks like this will work for both parties, I will send another draft of the permit to you and Northern to confirm all other aspects are okay.

Greg

-----Original Message-----

From: Barry Rosenberg [mailto:barry@kealliance.org]
Sent: Thursday, February 09, 2006 5:43 PM
To: Taylor, Greg
Cc: Rick Eichstaedt
Subject: Re: 95-9277-Northern Water LLC

Greg,
KEA is opposed to changing the language in the Conditions for Approval in #3 to "may be subject to additional conditions" from "is subject to additional conditions" as stated in the signed agreement in C-2.

What is your rationale for making that change? Looking forward to your response.
Barry

----- Original Message -----

From: Taylor, Greg
To: barry@kealliance.org

3/2/2006

Sent: Thursday, February 09, 2006 9:12 AM
Subject: 95-9277-Northern Water LLC

Barry,

Attached is a draft Permit that the department believes reflects the conditions intended by the Settlement Agreement dated January 26, 2006. Please let me know if this looks correct to you and I will contact Mr. Waldo to let him review and comment also.

<<Permit95-9277.RTF>>

Greg

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.1.375 / Virus Database: 267.15.2/253 - Release Date: 2/7/2006

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.1.375 / Virus Database: 268.1.1/272 - Release Date: 3/1/2006

Application No. 95-9277

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

1	<u>Kootenai Env. Alliance to Barry Rosenberg, P.O. Box 1598 Cda 83814-1598</u>	
2	_____	_____
3	_____	_____
4	_____	_____
5	_____	_____
6	_____	_____
7	_____	_____
8	_____	_____
9	_____	_____
10	_____	_____

ATTORNEY

ADDRESS

DATE FILED: 6/15/05 PROTEST DUE DATE: 7/25/05

ISSUES: Project is contrary to conservation of resources

Applicant(s)

ATTORNEY

ADDRESS

DATE

Protest Date Entered on Computer

7/25

Acknowledgment Letters Sent

✓

Hearing Date

(Other Dates)

Other Information: _____

Protest information submitted to computer (following hearing): _____



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

March 2, 2006

Northern Water LLC
C/O NORM WALDO
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854

Re: Application for Permit #95-9277.

Dear Mr. Waldo:

The Department of Water Resources (IDWR) has reviewed the Notice of Settlement and Conditional Motion to Withdraw Protest that was signed by you and Barry Rosenberg of Kootenai Environmental Alliance (KEA). The stipulation to resolve the protest submitted in connection with your application lists some approval conditions to be included on your permit, if it is granted. The second proposed approval condition is not acceptable to IDWR. The proposed condition says:

"The diversion and use of water described in this order is subject to additional conditions and limitations agreed to by Kootenai Environmental Alliance, and the water right holder under a separate agreement to which the department is not a party and which is independently enforceable by a court of law."

The affirmative wording of the condition makes it appear that IDWR can make judicial decisions that we cannot. IDWR prefers a condition worded something like this:

There is an agreement between the right holder and Kootenai Environmental Alliance to which the Department is not a party and which may be enforceable by a court of law. A copy of the agreement can be found in Water Right file No. 95-9277.

The Department will hold your application for 14 days and if we do not here from you before then, we will assume you agree with the changes to the conditions and continue processing the application. If you do not agree with the changes to the conditions, or, if you wish to expedite the process, you should submit written correspondence ASAP.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

1
2 BEFORE THE DEPARTMENT OF WATER RESOURCES
3 OF THE STATE OF IDAHO

4)
5)
6 IN THE MATTER OF APPLICATION) NOTICE OF SETTLEMENT AND
7 FOR) CONDITIONAL MOTION TO WITHDRAW
8 PERMIT NO. 95-9277 IN THE NAME) PROTEST
9 OF)
10 NORTHERN WATER, LLC

11
12 The parties to the above titled matter, Northern Water, LLC and the
13 Kootenai Environmental Alliance, hereby provide notice to the Idaho
14 Department of Water Resources of the attached settlement agreement
15 resolving all issues of the parties in this matter. As set forth in the attached
16 settlement agreement, the Kootenai Environmental Alliance agrees to
17 withdraw its protest in this matter subject to the terms of the settlement
18 agreement, including the following specific actions of the Department of
19 Water Resources:
20
21
22

23
24 1. The Department of Water Resources issue Northern Water, LLC a
25 water right permit for 0.25 cfs for ^{Municipal} ~~domestic~~ and 0.25 cfs for fire protection, ^{.50}
not to exceed 72 acre feet per annum except for use in documented fire ^{total .50 cfs?}
protection incidents; ^{Add 0.25 + 0.25} ^{72 AFA for fire protection only?}
^{72 AFA}

2. The Department of Water Resources issue the above referenced
water right permit with a provision stating, "The diversion and use of water

1 described in this order is subject to additional conditions and limitations
2 agreed to by both Kootenai Environmental Alliance, and the water right
3 holder under a separate agreement to which the Department is not a party
4 and which is independently enforceable by a court of law;" and
5

6
7 3. The Department of Water Resources specifically references the
8 attached Settlement Agreement in the water right permit and includes a
9 copy in the permit file.
10

11 Should the Department of Water Resources agree to issue a water
12 right permit consistent with the terms set forth above, the Kootenai
13 Environmental Alliance agrees to withdraw its protest of this matter and both
14 parties agree not to further protest or challenge any permit issued consistent
15 with the terms of the attached Settlement Agreement.
16
17

18 DATED this 26 day of January, 2006.
19
20

21
22 Barry Rosenberg
23 For the Kootenai Environmental Alliance
24

25 N. G. Waldo
For Northern Water, LLC

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09277

Priority: June 15, 2005

Maximum Diversion Rate: 0.50 CFS
Maximum Diversion Volume: 72.0 AF

This is to certify, that NORTHERN WATER LLC
C/O NORM WALDO
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

VOID
THIS
DRAFT

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FIRE PROTECTION	01/01 to 12/31	0.50 CFS	
MUNICIPAL	01/01 to 12/31	0.25 CFS	72.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE1/4SE1/4	Sec. 3, Twp 51N, Rge 05W, B.M.
KOOTENAI County		
GROUND WATER	SE1/4SE1/4	Sec. 3, Twp 51N, Rge 05W, B.M.
KOOTENAI County		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before .
2. Subject to all prior water rights.
3. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party and which may be enforceable by a court of law. A copy of the agreement can be found in Water Right file No. 95-9277.
4. Place of use is within the area served by the public water supply system of Northern Water LLC. The place of use is generally located within Section 3, Township 51N, Range5W.
5. 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.
6. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-09277

9. 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 _____ day of _____, 20_____.

KARL J DREHER, Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09277

Digital Boundary of Northern Water LLC

February 9, 2006

White Outline--Northern Water LLC
Yellow Grid-- Quarter Quarter Sections



0 1000 2000 3000 4000 5000 Feet



**SETTLEMENT AGREEMENT BETWEEN NORTHERN WATER L.L.C. AND THE
KOOTENAI ENVIRONMENTAL ALLIANCE IN REGARDS TO IDWR APPLICATION
FOR PERMIT NO. 95-9277**

This Settlement Agreement (Agreement) is entered into by and between the Kootenai Environmental Alliance (KEA) and Northern Water L.L.C. (Northern Water) to resolve disputes regarding IDWR Application for Permit No. 95-9277. 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 Northern Water's water right application filed with IDWR (Permit No. 95-9277).

B. Actions of Northern Water

Under the terms of this Agreement, Northern Water agrees to undertake the following actions:

1. Submit an amended Application for Permit 95-9277 to the Idaho Department of Water Resources for 0.25 cfs for domestic and 0.25 cfs for fire protection, not to exceed 72 acre feet per annum except for use in documented fire protection incidents.
2. Implement a rate schedule that encourages water conservation such as: up to 5,000 gallons of water per month @ \$1.00 per 1000 gallons; 5-20,000 gallons per month @ \$1.10 per 1000 gallons; 20,000 gallons or over per month @ \$2.50 per 1000 gallons. Not included in these charges would be additional costs such as "monthly base rate," "connection fees," etc.
3. Construct gardens utilizing xeriscaping features at the entranceways to the proposed development. This would occur at the four hook-ups owned as common areas by the Home Owners Association.
4. Utilize a site disturbance plan during construction of the development that minimizes disturbance of the native soils and plants.
5. Supplement existing soils, as necessary, to enhance the moisture retention characteristics of the soils that will be used in the irrigated portions of each lot in the development.
6. Report on a yearly basis the annual water withdrawal and distribution information by October 15 to IDWR and KEA for fiscal year ending on October 1.
7. Enact covenants, conditions, and restrictions (CCRS) that require property owners in the proposed subdivision retain at least 25% of native vegetation on their property and limit the size of irrigated lawns to a ¼ acre.
8. Require in the CCRs that moisture sensors will be installed as an integral part of the constructed automatic irrigation systems on their property.
9. Require in CCRs that property owners in the proposed development do not irrigate during the high evaporation times between 10:00 a.m. and 8:00 p.m. and utilize an odd only or an even only watering schedule.
10. Recommend that property owners in the proposed development employ reputable landscape irrigation companies. KEA will provide a list of suggested companies to

Northern Water L.L.C., who will forward the list to the purchasers of lots within the proposed subdivision.

11. Agree to meet with KEA within one-year and/or as necessary to ensure compliance with the terms of the agreement.

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. Contain a provision stating, "The diversion and use of water described in this order is subject to additional conditions and limitations agreed to by both Kootenai Environmental Alliance, and the water right holder under a separate agreement to which the Department is not a party and which is independently enforceable by a court of law;" and
3. 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.

D. Actions of KEA

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

E. Enforcement

1. The Parties agree that all terms of this Agreement may be enforceable, to the extent practicable, through an action by IDWR or by an enforcement action brought by KEA in an Idaho Court seeking specific performance of the terms of this agreement and/or liquidated damages, whichever is appropriate.
2. Any liquidated damages awarded in an enforcement action shall be in the amount of \$1,000.00 per violation.
3. Northern Water agrees to pay any and all attorney fees, costs, and other expenses associated with an action brought to enforce the terms of the agreement should KEA prevail.

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

1/26/06

Date

For Northern Water, L.L.C.

Norm G. Waldo

Norm Waldo

1/31/06

Date

1
2 BEFORE THE DEPARTMENT OF WATER RESOURCES
3 OF THE STATE OF IDAHO

4)
5)
6 IN THE MATTER OF APPLICATION) NOTICE OF SETTLEMENT AND
7 FOR) CONDITIONAL MOTION TO WITHDRAW
8 PERMIT NO. 95-9277 IN THE NAME) PROTEST
9 OF)
10 NORTHERN WATER, LLC

11
12 The parties to the above titled matter, Northern Water, LLC and the
13 Kootenai Environmental Alliance, hereby provide notice to the Idaho
14 Department of Water Resources of the attached settlement agreement
15 resolving all issues of the parties in this matter. As set forth in the attached
16 settlement agreement, the Kootenai Environmental Alliance agrees to
17 withdraw its protest in this matter subject to the terms of the settlement
18 agreement, including the following specific actions of the Department of
19 Water Resources:
20
21
22

23
24 1. The Department of Water Resources issue Northern Water, LLC a
25 water right permit for 0.25 cfs for domestic and 0.25 cfs for fire protection,
not to exceed 72 acre feet per annum except for use in documented fire
protection incidents;

2. The Department of Water Resources issue the above referenced
water right permit with a provision stating, "The diversion and use of water

1 described in this order is subject to additional conditions and limitations
2 agreed to by both Kootenai Environmental Alliance, and the water right
3 holder under a separate agreement to which the Department is not a party
4 and which is independently enforceable by a court of law;" and
5
6

7 3. The Department of Water Resources specifically references the
8 attached Settlement Agreement in the water right permit and includes a
9 copy in the permit file.
10

11 Should the Department of Water Resources agree to issue a water
12 right permit consistent with the terms set forth above, the Kootenai
13 Environmental Alliance agrees to withdraw its protest of this matter and both
14 parties agree not to further protest or challenge any permit issued consistent
15 with the terms of the attached Settlement Agreement.
16
17

18 DATED this 26 day of January, 2006.
19
20

21
22 Barry Rosenberg
23 For the Kootenai Environmental Alliance
24
25

Ann G. Waldo
For Northern Water, LLC

IDAHO DEPT OF WATER RESOURCES

Application 95-9277

7/25/2005

Type	Name	Date Rcvd	Address	City	State	Postal Code	Phone	FAX	Email
Protestant	KOOTENAI ENVIRONME	7/22/2005	C/O BARRY ROSENBERG EXEC DIRECTOR PO BOX 1598	COEUR D'ALE	ID	83814-1598	(208)667-9093		
Current Owner	NORTHERN WATER LL	6/15/2005	C/O NORM WALDO 1831 LOST SPRINGS RANCH RD	POST FALLS	ID	83854	(208)661-8609		

Hearing Notice Sent:

Hearing Date:

Hearing Location



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

July 25, 2005

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NORTHERN WATER LLC
C/O NORM WALDO
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854

Application to Permit No. 95-9277

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,

A handwritten signature in black ink that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

CC: - Kootenai Environmental Alliance c/o Barry Rosenberg, Executive Director



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 25, 2005

KOOTENAI ENVIRONMENTAL ALLIANCE
C/O BARRY ROSENBERG EXEC DIRECTOR
PO BOX 1598
COEUR D ALENE, ID 83814-1598

Application to Permit No. 95-9277

Dear Protestant(s):

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,

A handwritten signature in black ink that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

CC: - Northern Water LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 95-9277)
In the name of Northern Water L.L.C.)
C/O Norm Waldo)

PROTEST

RECEIVED
JUL 22 2005
IDWR/North

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. 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 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 application, 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 Northern Water L.L.C.. Application No. 95-9277 seeks .5 CFS or 323,157.5 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 323,157.5 gallons of water per day from the Rathdrum Prairie-Spokane Valley Aquifer. Northern Water L.L.C. has neither promulgated nor implemented a water conservation plan to limit consumption at reasonable levels.

The .5 CFS (continuous, year-round) requested under the application is not justified by a reasonable water balance. 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 Northern Water L.L.C.. 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 Northern Water L.L.C. 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.

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).

IDWR has issued hundreds of water rights authorizing withdrawals from the Aquifer in the Rathdrum Prairie region. In addition, there are significant numbers of domestic wells, many drilled prior to March 1978. Water permits issued to Northern Water L.L.C. in the quantities requested will draw down the Aquifer, potentially causing adverse impacts to other water users, including lowering pumping levels to unreasonable depths.

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 Northern Water L.L.C. Water Permit Application No. 95-9277 be denied or conditioned to mitigate the harms and impacts identified above.

DATED this 22nd day of July 2005.



Barry Rosenberg
Executive Director

Because of the hydraulic connections between the Rathdrum Prairie-Spokane Valley Aquifer 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 the Rathdrum Prairie-Spokane Valley Aquifer in the quantity requested in the permit application will deplete flow in the Spokane River, further exacerbating water quality degradation.

The Lost Creek area, where the water withdrawal is requested, is a critical aquifer recharge area (CARA) for the Rathdrum Prairie-Spokane Valley Aquifer. The development of these properties will reduce recharge to the Aquifer and contribute to groundwater quality degradation.

The cumulative impacts of the proposed Northern Water L.L.C. 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 Northern Water L.L.C. 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 is 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 323,157.5 gallons per day may affect Spokane River flows in

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July, 2005, 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.

Northern Water L.L.C.
C/O Norm Waldo
1831 Lost Springs Ranch Rd.
Post Falls, ID 83854

Barry Rosenberg
Barry Rosenberg
Executive Director

Idaho Department of Water Resources Receipt

Receipt ID N017062

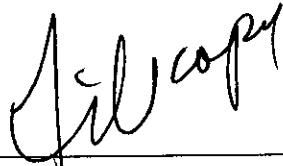
Payment Amount	\$25.00	Date Received	7/22/2005 4:04:33 PM	Region	Northern	Status
Payment Type	Check	Check Number	1632			

Payer KOOTENAI ENVIRONMENTAL ALLIANCE

Comment Protest fee re 95-9277 - Northern Water LLC

Fee Detail

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

_____
Signature Line (Dept. Representative)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Kootenai,

} ss.

JUL 15 2005

IDWR/North

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

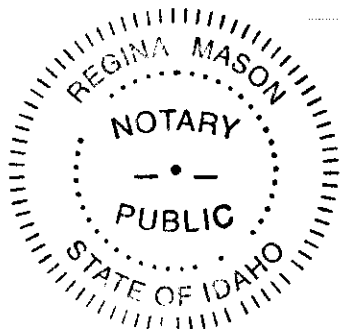
of which the annexed is a printed copy, was published in the regular issue of said newspaper for 2 consecutive Thursday weeks commencing on the 14 day of July, 2005, and ending on the 14 day of July, 2005, and such publication was made as often during said period as said newspaper was regularly issued.

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.

On this 14 day of July, in the year of 05, before me, a Notary Public, personally appeared Regina Mason, 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



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

95-9277

NORTHERN WATER LLC
C/O NORM WALDO
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854
Point(s) of Diversion (2) NWSESE S3 T51N R05W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.5 CFS
Total Diversion: 0.5 CFS

Date Filed: 06/15/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.
95-9278

EDGEWOOD LLC
PO BOX 3431
COEUR D ALENE ID 83814
Point(s) of Diversion NWSE S7 T51N R05W KOOTENAI County
Source HAUSER LAKE Tributary To SINKS
Use: IRRIGATION 01/15 To 11/15 0.6 CFS
Total Diversion: 0.6 CFS

Date Filed: 06/23/2005

Place Of Use: IRRIGATION

T51N R05W S7 NESE NWSE

Number of Acres 30

95-9279

EDGEWOOD LLC
PO BOX 3431
COEUR D ALENE ID 83814
Point(s) of Diversion (2) NESE S7 T51N R05W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 06/23/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.
95-9280

LEE LINGARD
CAROLYN LINGARD
1333 S NORTHERN LIGHT BLVD
COEUR D ALENE ID 83814
Point(s) of Diversion NWNWSW S23 T50N R05W KOOTENAI County
Source SPRING

Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 06/28/2005

Place Of Use: DOMESTIC T50N R05W S23 NESW

Place Of Use: FIRE PROTECTION - same as DOMESTIC

Remark: Domestic use is for 1 home.

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 07/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 7491

July 7, 14, 2005

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

95-9277

NORTHERN WATER LLC
C/O NORM WALDO
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854
Point(s) of Diversion (2) NWSESE S3 T51N R05W
KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.5 CFS
Total Diversion: 0.5 CFS
Date Filed: 06/15/2005
Place Of Use: MUNICIPAL
Remark: Municipal use is within service area of applicant.

95-9278

EDGEWOOD LLC
PO BOX 3431
COEUR D ALENE ID 83814
Point(s) of Diversion NWSE S7 T51N R05W
KOOTENAI County
Source HAUSER LAKE Tributary To SINKS
Use: IRRIGATION 01/15 To 11/15 0.6 CFS
Total Diversion: 0.6 CFS
Date Filed: 06/23/2005
Place Of Use: IRRIGATION
T51N R05W S7 NESE NWSE
Number of Acres 30

95-9279

EDGEWOOD LLC
PO BOX 3431
COEUR D ALENE ID 83814
Point(s) of Diversion (2) NESE S7 T51N R05W
KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 06/23/2005
Place Of Use: MUNICIPAL
Remark: Municipal use is within service area of applicant.

95-9280

LEE LINGARD
CAROLYN LINGARD
1333 S NORTHERN LIGHT BLVD
COEUR D ALENE ID 83814
Point(s) of Diversion NWNWSW S23 T50N R05W
KOOTENAI County
Source SPRING
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 06/28/2005
Place Of Use: DOMESTIC T50N R05W S23 NESW
Place Of Use: FIRE PROTECTION - same as DOMESTIC
Remark: Domestic use is for 1 home.
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 07/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on July 7 & 14, 2005



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

July 01, 2005

PLEASE FAX PROOF COPY PRIOR TO PUBLICATION

Thanks, Dianne

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

e-mailed to Kattie and Sandy 7/1/05

RE: Application for Permit No. 95-9277, 95-9278, 95-9279, and 95-9280

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 07/25/2005. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Friday, July 01, 2005 10:46 AM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press-Sandy Kibler- (E-mail)
Subject: LEGAL NOTICE for publication on July 7 and 14, 2005 - [4 water rights in legal]



Good morning Kattie and Sandy,

Attached is our cover letter requesting a legal notice be published on July 7 and 14, 2005. The legal notice is also attached.

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION to 769-1454

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

Have a marvelous holiday weekend, and stay safe.

 *Dianne*

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

7/1/2005



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

July 01, 2005

NORTHERN WATER LLC
C/O NORM WALDO
1831 LOST SPRINGS RANCH RD
POST FALLS ID 83854

RE: Application for Permit No 95-9277

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 July 7 and 14, 2005. 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,

Robert G. Haynes, P.E.
Regional Manager

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. D0028096

Drilling Permit No:

Other IDWR No.

2. OWNER

Well Number:

Name IDAHO FOREST INDUSTRIES #5

533

Address 8836 N. HESS

City HAYDEN

State ID

Zip 83835

3. LOCATION OF WELL by legal description

sketch map location must agree with written location

POSTED

N			
S			X

Twp. 51

☒ North or ☐ South

Rge. 5

☐ East or ☒ West

Sec. 3

1/4 SE

1/4 SE

1/4

Gov't Lot

County

KOOTENAI

Lat:

Long:

Address of Well Site LOST CREEK

City RATHDRUM

(Give at least name of road + Distance to Road or Landmark)

Lt.

Bk.

Sub. Name

11. WELL TESTS:

☐ Pump

☐ Bailer

☒ Air

☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
40+			1/2 HR

Water Temp. COLD Bottom Hole Temp COLD

Water Quality test or comments: CLEAR

Depth first Water encountered 160'

12. LITHOLOGIC LOG:(Describe repairs or abandonment)

Bore Diam	From	To	Remarks: Lithology, Water Quality, Temperature	Water	Y	N
8	0	2	Top Soil		☐	☐
8	2	126	Large Gravels w/Sand		☐	☒
8	126	161	Sand & Pea Gravel		☐	☒
8	161	225	Sand & Gravels		☒	☐
8	225	228	Granite		☐	☒

If they use this it has to be upgraded.

RECEIVED
FEB 19 2003
IDWR/North

Northern Water calls this a test well

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 or Pounds
DRY GRANULE		
BENTONITE	0 18	6 BAGS
		OVERBORE

Was drive shoe tested? ☐ Y ☒ N Shoe Depth(s) R.B.

Was drive shoe seal tested? ☐ Y ☒ N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+2	227	.250	STEEL	☒	☐	☒	☐

Length of Headpipe

Length of Tailpipe

9. PERFORATIONS/SCREENS

☐ Perforations Method

☐ Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

150 ft. below ground Artesian pressure lb.

Depth flow encountered 225 ft. Describe access port or control devices:

51N 5W 3

13. DRILLER'S CERTIFICATION

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

Firm Name

H2O Well Services, Inc.

Firm No.

448

Firm Official

Thomas R. [Signature]

Date

1-27-03

and

Supervisor or Operator

Todd Morgan

Date

1-20-03

(Sign Once if Firm Official and Operator)

(Todd Morgan)