

**STARTING
LEFT
SIDE OF
FILE**

FOR OFFICE USE ONLY
 Amt. of Fee \$: 300.
 Receipt No. CO-5813
 Receipt By: MM
 Date Received: 11-16-04

RECEIVED

NOV 16 2004

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

1. Permit No. 95-9199 Telephone No. 208 772 3619

1. Permit No. 15-4141

2. Name of Permit Holder(s): North Kootenai Water District

3. Mailing Address: PO Box 2290
City Hayden State ID Zip 83835 (See Attached T
/yr.

4. Source of Water: Bathdrum Aquifer If GROUNDWATER (well), Date Drilled: mo. 5 / yr. 1988

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Domestic (No. of households): _____

Irrigation (No. of acres): _____ Other: Municipal _____

6. Total rate of diversion and/or volume for which proof is submitted: 8.83 cfs OR 3963 gpm _____ acre-feet _____ (and accordingly)

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?
Has the measuring device been installed?

Yes X or No _____
Yes X or No _____

8. Fee Enclosed: \$ 300 (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. 229-661-0890

Person to contact to accompany the Department representative during field work:
Name: Don Negia Maiani (Welch Comer) Telephone Number: 2086649582
Address: 1626 Lincoln Way, Coeur d'Alene ID 83815

Address: 1020 Lincoln Ave.

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.

State of Idaho.

Signature of permit holder: Melicia Y. Mancini, Project Engineer Date: 11/03/04
(include your title, if on behalf of company or organization)

Welch Comer's, Associates, Inc.

North Kootenai Water District
Applications for New Water Rights

Table 2
North Kootenai Water District Points of Diversion and Description of Diversion Works

Well	Description of Diversion Works	Date Drilled	Drilling Firm	Drilling Permit
Ohio Match	6" Well with 52 gpm Submersible Pump and Motor	Jul-76	Associated Well Drillers	95-76-N-91
Finucane	16" Well with 460 gpm Deep Well Turbine Pump and 75 HP Motor	No Well Log		
Hayden Well ¹	16" Well with 1100 gpm Deep Well Turbine Pump and 200 HP Motor	Oct-77	EA Holman Drilling Co.	95-77-N-112
Hayden Pines	8" Well with 40 gpm Submersible Pump and 30HP Motor	Jul-71	EA Holman Drilling Co.	95-71-N-62
GTE 1	16" Well with 500 gpm Submersible Pump and 50HP Motor	Dec-77	EA Holman Drilling Co.	95-77-N-111
GTE 2	10" Well with 250 gpm Submersible Pump and 30HP Motor	No Well Log		
Tree Farm	8" Well with 170 gpm Submersible Well Pump and Motor	Feb-75	Carmon Development	95-75-N-80
Tree Farm	10" Well with 170 gpm Submersible Well Pump and Motor	Dec-85	EA Holman Drilling Co.	95-85-N-78
Echo Beach	8" Well with 230 gpm Submersible Well Pump and Motor	Not Dated	EA Holman Drilling Co.	95-64-N-3
Rimrock	16" Well with 1150 gpm Well and 200 HP Motor	Jun-80	Holmak Drilling Company	95-80-N-29
Rimrock	10" Well with 400 gpm Pump and Motor	Jun-90	H2O Well Service	95-90-N-17
Rimrock	16" Well with 980 gpm Pump and 200 HP Motor	Jun-02	Holt Drilling Inc.	7-76-57-8
Hayden Orchard	8" Well with Pump and 15 HP Motor	Jul-77	EA Holman Drilling Co.	95-77-N-77
Chilco	12" well with 250 gpm Pump and 10 HP Motor	Apr-78	EA Holman Drilling Co.	95-78-N-31
Chilco	10" well with 300 gpm Submersible Pump and 10 HP Motor	Nov-94	H2O Well Service	95-94-N-0257
Atlas	8" Well with 58 gpm Pump and 10 HP Motor	Jun-78	EA Holman Drilling Co.	95-78-N-46
Mt View	6" Well with 92 gpm Submersible Pump and 7.5 HP Motor.	Pre 1936 (No Well Log)		
Mt View	10" Well with 425 gpm Deep Well Turbine Pump and 50 HP Motor.	Pre 1963 (No Well Log)		
Meadowland Acres	260 gpm Submersible Pump and Motor	No Well Log	River City Construction	
Valley Green	8" Well with 75 gpm Pump and 10 HP Motor	Jan-77	Associated Well Drillers	95-77-N-157

1. This well is owned by Honeysuckle Hills. Honeysuckle Hills and NKWD have an agreement allowing NKWD to utilize 60% of the current pumping capacity for municipal use to serve its customers.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09199

Priority: March 03, 2003

Maximum Diversion Rate: 8.83 CFS

This is to certify, that NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN ID 83835

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	8.83 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 17, Twp 52N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	L1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)	Sec. 6, Twp 52N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 11, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 11, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 2, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 14, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 7, Twp 52N, Rge 03W, B.M., KOOTENAI County
GROUND WATER	SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 8, Twp 52N, Rge 03W, B.M., KOOTENAI County
GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 28, Twp 52N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 32, Twp 51N, Rge 05W, B.M., KOOTENAI County
GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 32, Twp 51N, Rge 05W, B.M., KOOTENAI County
GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 23, Twp 51N, Rge 05W, B.M., KOOTENAI County
GROUND WATER	L7 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)	Sec. 15, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 18, Twp 52N, Rge 03W, B.M., KOOTENAI County
GROUND WATER	NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 24, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 23, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 23, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 23, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 23, Twp 51N, Rge 04W, B.M., KOOTENAI County
GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 17, Twp 52N, Rge 04W, B.M., KOOTENAI County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2005**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

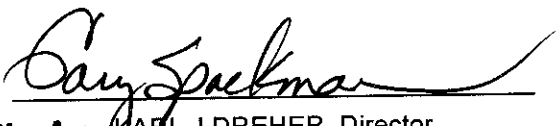
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-09199

4. Place of use is within the service area of North Kootenai Water District as provided for under Idaho law. The place of use is generally located within Sections 5, 6, 7, 8, 17, 18, 19, 20, and 30, Twp. 51N, Rge. 03W; Sections 1, 2, 11, 12, 14, 15, 23, 24, and 26, Twp. 51N, Rge. 04W; Section 32, Twp. 51N, Rge. 05W; Sections 4, 5, 6, 7, 8, 17, 18, 19 and 20, Twp. 52N, Rge. 03W; Sections 5, 6, 8, 9, 16, 17, 28, 35, and 36, Twp. 52N, Rge. 04W; Sections 32 and 33, Twp. 53N, Rge. 03W; Sections 31 and 32, Twp. 53N, Rge. 04W; and Section 36, Twp. 53N, Rge. 05W.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. 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 any management plan approved by the director for the RPGWMA. If the director determines that the ground water supply in the RPGWMA is insufficient to meet the demands of prior water rights within the RPGWMA, the director may order the diversion and use of water under this right to be reduced or curtailed until the director determines that there is sufficient ground water available for this right.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of January, 2004.


Acting for GARY J DREHER, Director

RECEIVED
OCT 30 2003

70736
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

95-9199
RECEIVED
MAY 09 2003
IDWR/North

Department of Water Resources

1. Name of applicant North Kootenai Water District Phone (208) 772-3619
Mailing address P.O. Box 2290 Hayden, Idaho 83835
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is 1/4 of 1/4 of 1/4, Govt Lot
Sec. Township Range B.M. County; additional
points of diversion if any: Multiple diversion points, Refer to Table 1.
4. Water will be used for the following purposes:
Amount
(cfs or acre/feet per annum) 8.83 for Municipal purposes from Jan 1 to Dec 31 (both dates inclusive)
Amount
(cfs or acre/feet per annum) for purposes from to (both dates inclusive)
Amount
(cfs or acre/feet per annum) for purposes from to (both dates inclusive)
Amount
(cfs or acre/feet per annum) for purposes from to (both dates inclusive)
5. Total quantity to be appropriated is (a) 8.83 and/or (b) N/A
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 Refer to Table 2.
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
Reservoir capacity N/A acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
- d. Is ground water with a temperature of greater than 85° F being sought? N/A
- e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) Drilling Permit No.
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
Water has been put into beneficial use. 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. North Kootenai Water District
d. Domestic; show number of households.

a l e n = 1 v s t =

North Kootenai Water District
Applications for New Water Rights

Table 1:
North Kootenai Water District Points of Diversion and Description of Diversion Works

	Well	Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion	Description of Diversion Works	
-1	Ohio Match			NW	SE	✓18	52N	3W	Kootenai	Rathdrum Aquifer	6" Well with 52 gpm Submersible Pump and Motor	✓1
✓2	Finucane			NW	SW	✓24	51N	4W	Kootenai	Rathdrum Aquifer	16" Well with 460 gpm Deep Well Turbine Pump and 75 HP Motor	✓2
✓3	Hayden Well ¹			NE	SE	✓23	51N	4W	Kootenai	Rathdrum Aquifer	16" Well with 1100 gpm Deep Well Turbine Pump and 200 HP Motor	✓3
✓4	Hayden Pines			NE	SE	✓23	51N	4W	Kootenai	Rathdrum Aquifer	8" Well with 40 gpm Submersible Pump and 30HP Motor	✓4
✓5	GTE 1			SE	SW	✓23	51N	4W	Kootenai	Rathdrum Aquifer	16" Well with 500 gpm Submersible Pump and 50HP Motor	✓5
✓6	GTE 2			SW	SE	✓23	51N	4W	Kootenai	Rathdrum Aquifer	10" Well with 250 gpm Submersible Pump and 30HP Motor	✓6
✓7	Tree Farm			SE	SE	✓17	52N	4W	Kootenai	Rathdrum Aquifer	8" Well with 170 gpm Submersible Well Pump and Motor	✓7
✓8	Tree Farm			SE	SE	✓17	52N	4W	Kootenai	Rathdrum Aquifer	10" Well with 170 gpm Submersible Well Pump and Motor	✓8
✓9	Echo Beach	1		SE	NE	✓6	52N	4W	Kootenai	Rathdrum Aquifer	8" Well with 230 gpm Submersible Well Pump and Motor	✓9
✓10	Rimrock		NW	NW	NE	✓11	51N	4W	Kootenai	Rathdrum Aquifer	16" Well with 1100 gpm Well and 200 HP Motor	✓10
✓11	Rimrock			NW	NE	✓11	51N	4W	Kootenai	Rathdrum Aquifer	10" Well with 400 gpm Pump and Motor	✓11
✓12	Rimrock		SE	SW	SW	✓2	51N	4W	Kootenai	Rathdrum Aquifer	16" Well with 980 gpm Pump and 200 HP Motor	✓12
✓13	Hayden Orchard			NW	NE	✓14	51N	4W	Kootenai	Rathdrum Aquifer	8" Well with Pump and 15 HP Motor	✓13
✓14	Chilco			SE	NE	✓7	52N	3W	Kootenai	Rathdrum Aquifer	12" well with 250 gpm Pump and 10 HP Motor	✓14
✓15	Chilco			SW	NW	✓8	52N	3W	Kootenai	Rathdrum Aquifer	10" well with 300 gpm Submersible Pump and 10 HP Motor	✓15
✓16	Atlas			NE	SE	✓28	52N	4W	Kootenai	Rathdrum Aquifer	8" Well with 58 gpm Pump and 10 HP Motor	✓16
✓17	Mt View			NE	SW	✓32	51N	5W	Kootenai	Rathdrum Aquifer	6" Well with 92 gpm Submersible Pump and 7.5 HP Motor.	✓17
✓18	Mt View			SE	SW	✓32	51N	5W	Kootenai	Rathdrum Aquifer	10" Well with 425 gpm Deep Well Turbine Pump and 50 HP Motor.	✓18
✓19	Meadowland Acres			SE	SE	✓23	51N	5W	Kootenai	Rathdrum Aquifer	260 gpm Submersible Pump and Motor	✓19
20	Valley Green	7		SW	SE	✓15	51N	4W	Kootenai	Rathdrum Aquifer	8" Well with 75 gpm Pump and 10 HP Motor	✓20

1. This well is owned by Honeysuckle Hills. Honeysuckle Hills and NKWD have an agreement allowing NKWD to utilize 60% of the current pumping capacity for municipal use to serve its customers.

North Kootenai Water District
Applications for New Water Rights

Table 2
North Kootenai Water District Points of Diversion and Description of Diversion Works

Well	Description of Diversion Works	Date Drilled	Drilling Firm	Drilling Permit
Ohio Match	6" Well with 52 gpm Submersible Pump and Motor	Jul-76	Associated Well Drillers	95-76-N-91
Finucane	16" Well with 460 gpm Deep Well Turbine Pump and 75 HP Motor	No Well Log		
Hayden Well ¹	16" Well with 1100 gpm Deep Well Turbine Pump and 200 HP Motor	Oct-77	EA Holman Drilling Co.	95-77-N-112
Hayden Pines	8" Well with 40 gpm Submersible Pump and 30HP Motor	Jul-71	EA Holman Drilling Co.	95-71-N-62
GTE 1	16" Well with 500 gpm Submersible Pump and 50HP Motor	Dec-77	EA Holman Drilling Co.	95-77-N-111
GTE 2	10" Well with 250 gpm Submersible Pump and 30HP Motor	No Well Log		
Tree Farm	8" Well with 170 gpm Submersible Well Pump and Motor	Feb-75	Carmon Development	95-75-N-80
Tree Farm	10" Well with 170 gpm Submersible Well Pump and Motor	Dec-85	EA Holman Drilling Co.	95-85-N-78
Echo Beach	8" Well with 230 gpm Submersible Well Pump and Motor	Not Dated	EA Holman Drilling Co.	95-64-N-3
Rimrock	16" Well with 1100 gpm Well and 200 HP Motor	Jun-80	Holmak Drilling Company	95-80-N-29
Rimrock	10" Well with 400 gpm Pump and Motor	Jun-90	H2O Well Service	95-90-N-17
Rimrock	16" Well with 980 gpm Pump and 200 HP Motor	Jun-02	Holt Drilling Inc.	7-76-57-8
Hayden Orchard	8" Well with Pump and 15 HP Motor	Jul-77	EA Holman Drilling Co.	95-77-N-77
Chilco	12" well with 250 gpm Pump and 10 HP Motor	Apr-78	EA Holman Drilling Co.	95-78-N-31
Chilco	10" well with 300 gpm Submersible Pump and 10 HP Motor	Nov-94	H2O Well Service	95-94-N-0257
Atlas	8" Well with 58 gpm Pump and 10 HP Motor	Jun-78	EA Holman Drilling Co.	95-78-N-46
Mt View	6" Well with 92 gpm Submersible Pump and 7.5 HP Motor.	Pre 1936 (No Well Log)		
Mt View	10" Well with 425 gpm Deep Well Turbine Pump and 50 HP Motor.	Pre 1963 (No Well Log)		
Meadowland Acres	260 gpm Submersible Pump and Motor	No Well Log	River City Construction	
Valley Green	8" Well with 75 gpm Pump and 10 HP Motor	Jan-77	Associated Well Drillers	95-77-N-157

Table 3:
NKWD Place of Use

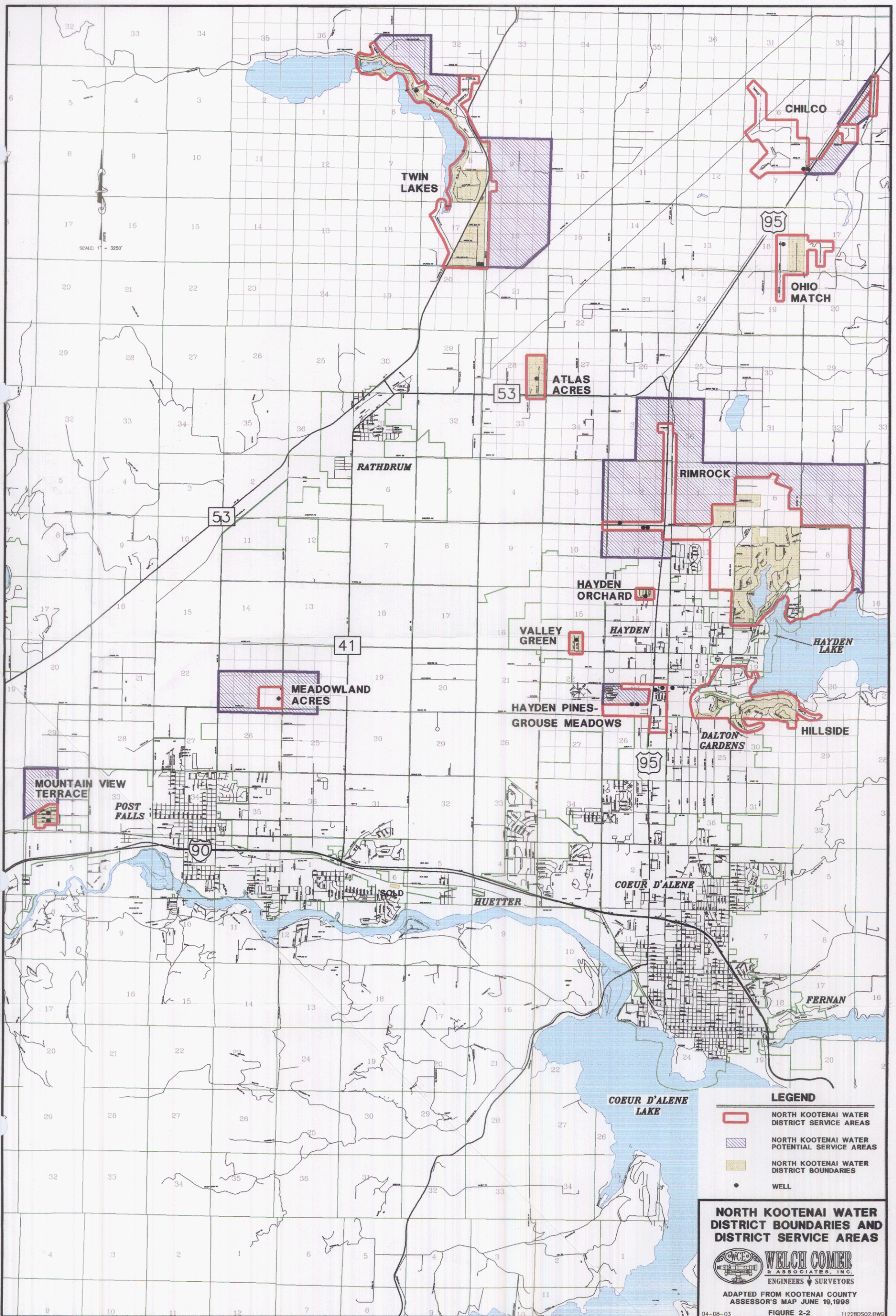
TWP	RANGE	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
51N	3W	5									M	M	M	M	M	M	M	M	
		6			M	M			M	M	M	M	M	M	M	M	M	M	
		7	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		8	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		17		M	M		M	M	M	M									
		18	M	M	M	M	M	M	M	M									
		19						M	M	M	M	M	M	M	M	M	M	M	
		20										M	M	M					
		30	M				M	M											
51N	4W	1						M	M		M	M	M	M	M	M	M	M	
		2	M		M						M	M	M	M	M	M	M	M	
		11	M	M	M	M	M	M	M	M									
		12	M	M	M	M	M	M	M	M					M				M
		14				M													
		15									M			M		M	M		
		23									M	M	M	M	M	M	M	M	
		24	M	M	M	M					M			M	M	M	M	M	
		26	M	M															
51N	5W	32	M	M	M	M									M	M	M	M	
52N	3W	4						M	M			M							
		5	M		M	M					M			M	M	M	M	M	
		6					M	M	M	M	M	M	M	M	M	M	M	M	
		7	M	M	M	M	M		M	M	M	M							
		8	M			M	M	M	M	M									
		17							M		M	M	M	M					
		18							M	M					M	M	M	M	
		19	M	M	M														
		20						M											
52N	4W	5	M	M	M		M	M	M	M	M	M		M		M	M	M	
		6	M	M	M	M	M	M							M				
		8	M	M	M	M				M	M		M	M	M	M	M	M	
		9	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		16	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		17	M	M	M	M	M	M	M	M	M	M		M	M	M	M	M	
		28													M				
		35				M									M				M
		36							M			M	M						
53N	3W	32																	M
		33												M					
53N	4W	31				M			M	M	M	M	M	M	M	M	M	M	
		32							M			M	M						
53N	5W	36																	M

Total number of acres to be irrigated N/A

North Kootenai Water District
Applications for New Water Rights

Table 4:
Other Water Rights Associated with North Kootenai Water District

Action	1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period	Of	Use
Transfer	95-7827	3/29/1978	0.2	Municipal	1-Jan	to	31-Dec
Transfer	95-7107	4/28/1970	1.31	Municipal	1-Jan	to	31-Dec
Transfer	95-8522	8/20/1986	0.61	Municipal	1-Jan	to	31-Dec
Transfer	95-4027	9/1/1963	1.2	Municipal	1-Jan	to	31-Dec
Transfer	95-7713	3/30/1977	0.04	Municipal	1-Jan	to	31-Dec
Transfer	95-7138	3/25/1971	0.14	Municipal	1-Jan	to	31-Dec
Amendment	95-8639	1/5/1990	1	Municipal	1-Jan	to	31-Dec



**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

March 6, 2006

North Kootenai Water District
PO Box 2290
Hayden ID 83835

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No95-9199

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 black ink that reads "Christine Roberts". The signature is written in a cursive, flowing style.

Christine Roberts
Technical Records Specialist

Encl.

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 95-9199

Reviewed By: croberts

Date: March 6, 2006

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:	15 Permits, see attachment	
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	N015014, C075823		Well driller's report filed?		
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		11/16/2004
Date proof due	-	01/01/2005
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	03/03/2003
New priority date	=	03/03/2003

Deficiencies of Actions Items

Acknowledge Proof

**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

October 31, 2004

NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN, ID 83835

RECEIVED
NOV 16 2004
DEPARTMENT OF
WATER RESOURCES

PROOF DUE NOTICE

RE: PERMIT NO. 95-9199

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 January 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,

A handwritten signature in cursive script that reads 'Deborah J. Gibson'.

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

October 31, 2004

NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN, ID 83835

PROOF DUE NOTICE

RE: PERMIT NO. 95-9199

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 January 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.

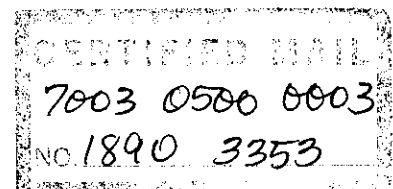
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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

January 15, 2004

NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN ID 83835

RE: Permit No. 95-9199

Permit Approval Notice

Dear Permit Holder:

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

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

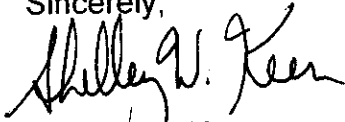
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

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,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK;klt

Enclosure(s)

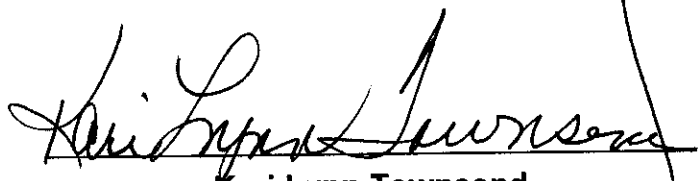
CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2004 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.

95-9199

**NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN ID 83835**

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

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

To: File No. 95-9199 in the name of North Kootenai Water District
From: Gary Spackman *Gary*
Date: January 12, 2004

Re: **Waiver of Water Appropriation Rule no. 40.05 (Additional Information Requirement)**

On March 3, 2003, North Kootenai Water District filed application to appropriate water no. 95-9199, proposing appropriation of 8.83 cfs. For applications proposing appropriation of water in excess of 5.0 cfs, Rule 40.05 of the Water Appropriation Rules requires the submittal of additional information related to the factors IDWR must consider in determining whether an application should be approved.

Northern Region forwarded application no. 95-9199 to the state office without the additional information. I discussed the application with Bob Haynes, Northern Regional Manager, who stated he thought the application represented existing constructed system capacity at the identified points of diversion. Haynes later sent the attached memo confirming that the use proposed by the application was in place prior to the filing of the application.

While there is no specific provision in the Water Appropriation Rules expressly allowing IDWR to waive the extra information requirements, most of the submittals establish facts that help prospectively evaluate the effect of future beneficial use. If the use is already in place, most of the information has little value to IDWR.

Because the application represents existing development and use of water, the extra information requirements of Rule 40.05 are waived.

MEMORANDUM

To: File 95-9199
From: Bob Haynes
Date: January 8, 2004
Subject: Confirmation of pre-existing use

On January 8, 2004 I confirmed with Necia Maiani, North Kootenai Water District consulting engineer, that the above referenced application was filed in connection with pumping capacity for the district that already is in place, but for which there is no valid permit.

NOV 26 2003

Department of Water Resources

TRANSMITTAL

ATTN.:	Kay Walker	DATE:	November 21, 2003
TO:	Idaho Department of Water Resources	RE:	NKWD Water Rights
	P.O. Box 83720		Application for Permit No. 95-9199
	Boise ID 83720-0098	Proj. #:	11228

ITEMS TRANSMITTED

☒ MAILED

☐ DELIVERED – Rec'd by: _____ Date _____

COPIES	DATE	DESCRIPTION
1	11/21/03	Letter from Bob Covington, NKWD Attorney Re: NKWD Qualified Business Status
1	11/21/03	Letter from Gary Gaffney, IDEQ Re: Jurisdiction over NKWD well sites and plans
1	11/21/03	Copy of Letter from Kay Walker dated 11/3/03

THESE ARE TRANSMITTED AS CHECKED BELOW:

☒ FOR APPROVAL

☐ NO EXCEPTIONS TAKEN

☐ RETURNED AFTER LOAN TO US

☒ FOR YOUR USE

☐ MAKE CORRECTIONS NOTED

☐ REJECTED - SEE REMARKS

☒ AS REQUESTED

☐ REVISE AND RESUBMIT

☐ RETURN ____ CORRECTED PRINTS

☐ FOR YOUR REVIEW AND COMMENT

☐ _____

REMARKS:

Please find enclosed the above referenced information. This information is being sent to you on behalf of North Kootenai Water District (NKWD) in response to your letter dated November 3, 2003 regarding Application for Permit No. 95-9199.

Please contact us as soon as possible should you have any questions or comments.

COPY TO:

Dick Fairhurst, Manager NKWD
Bob Haynes, IDWR, Coeur d'Alene
Gary Gaffney, IDEQ, Coeur d'Alene

FROM: Necia Maiani, E.I.T.

ROBERT E. COVINGTON, III

ATTORNEY AT LAW
8884 N. GOVERNMENT WAY, SUITE A
HAYDEN LAKE, ID 83835

TELEPHONE: (208) 762-4545
FAX: (208) 762-4546

November 19, 2003

Kay Walker
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: Application for Permit No. 95-9199
North Kootenai Water District

Dear Ms. Walker:

I represent the North Kootenai Water District. I have served as the attorney for the district since its formation in 1989. Our engineer, Welch Comer, asked that I respond to a portion of your November 3, 2003 letter regarding the legal status of the water district to assist you in processing its application for a municipal use permit.

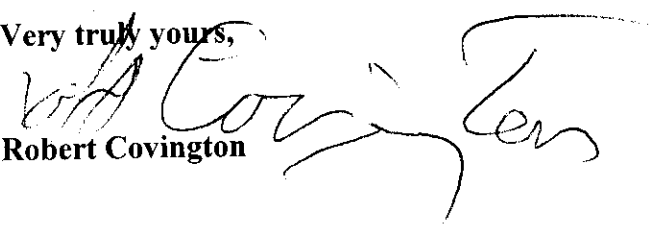
North Kootenai Water District is a quasi-municipal corporation organized under the provisions of Idaho Code Section 42-3202, 42-3203 and 42-3207. It is not a private or public corporation such as might be organized and regulated through the office of the Idaho Secretary of State. This district was organized by order of the district court for Kootenai County after an election was conducted among the qualified electors of the district. Pursuant to Idaho Code Section 42-3207, the water district is "a governmental subdivision of the state of Idaho and a body corporate with all the powers of a public or quasi-municipal corporation."

Idaho Code Section 42-202(B)(5)(b) defines a municipal provider to include "Any corporation or association holding a franchise to supply water for municipal purposes, or a political subdivision of the state of Idaho authorized to supply water for municipal purposes, and which does supply water for municipal purposes to users within its service area;". The North Kootenai Water District is precisely the type of entity described by the underlined portion of the above-cited statute.

The water district supplies its customers with water for residential, commercial, industrial, irrigation of parks and open spaces and related purposes. These purposes are all within the scope of "municipal purposes" as defined by Idaho Code Section 42-202(B)(6). Hence, North Kootenai Water District satisfies the requirement that water be supplied for municipal purposes.

I will be happy to provide you with any other related information that you may require with regard to the application of my client for municipal use permits.

Very truly yours,


Robert Covington

REC/en
cc: client



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

November 17, 2003

Mr. Richard Fairhurst
North Kootenai Water District
PO Box 2290
Hayden, ID 83835

PROJ #: 11228	
WELCH-COMER & ASSOCIATES, INC.	18 2003
Kern, Governor Steph, Allied, Director	
FILE #:	

RE: **North Kootenai Water District (NKWD) Water Rights,
Idaho Department of Water Resources**

Dear Mr. Fairhurst:

We were requested by the NKWD engineering consultant, Welch Comer and Associates, to provide you with a letter verifying that NKWD has been in contact with this office regarding several proposed new water rights applications, amendments, and transfers being issued by the Idaho Department of Water Resources (DWR). On November 7, 2003 we received detailed information from your engineer listing all of the wells being considered for new application, amendment, or transfer of water rights permits and the associated public drinking water system for each well. We have reviewed this information and have no objection to the proposed transfers, amendments, and new applications.

Each of the water systems associated with the twenty (20) wells being permitted are public drinking water systems as defined by the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). This office has in the past, and will continue in the future, to work with NKWD to make certain these public water systems comply with the state drinking water rules. These efforts will involve periodic sanitary surveys of the water systems and approval of plans and specifications for any modifications to the systems. Specific correspondence on each of these public water systems is available in DEQ records to document this involvement.

We understand the intent of this action is to bring all of the water rights associated with these wells into a correct and accurate status. We hope this letter is sufficient documentation from the DEQ for the DWR to issue the proposed new and transferred water rights permits to NKWD.

Sincerely,


Gary J. Gaffney, P.E.

c: Necia Maiani, Welch Comer and Associates, CdA
Robert Haynes, IDWR, CdA

**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

November 3, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN ID 83835

Re: Application for Permit No. 95-9199

Dear Applicants:

We are reviewing the above referenced application for final action and find we need to request additional information from you. In order for the department to issue a permit for municipal use the permit must be in the name of an association, a city or a corporation that is authorized to do business in the State of Idaho. We have looked at the Secretary of State's listing of businesses qualified and find no listing for North Kootenai Water District. Attached is a portion of Section 42-202B, *Idaho Code*, which describes the need for this documentation.

42-202B. DEFINITIONS. Whenever used in this title, the term:

(4) "Municipality" means a city incorporated under section 50-102, *Idaho Code*, a county, or the state of Idaho acting through a department or institution.

(5) "Municipal provider" means:

(a) A municipality that provides water for municipal purposes to its residents and other users within its service area;

(b) Any corporation or association holding a franchise to supply water for municipal purposes, or a political subdivision of the state of Idaho authorized to supply water for municipal purposes, and which does supply water, for municipal purposes to users within its service area; or

(c) A corporation or association which supplies water for municipal purposes through a water system regulated by the state of Idaho as a "public water supply" as described in section 39-103(10), *Idaho Code*.

(6) "Municipal purposes" refers to water for residential, commercial, industrial, irrigation of parks and open space, and related purposes, excluding use of water from geothermal sources for heating, which a municipal provider is entitled or obligated to supply to all those users within a service area, including those located outside the boundaries of a municipality served by a municipal provider.

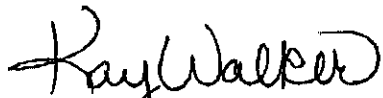
We also need a copy of correspondence that shows you have been in contact with the Idaho Department of Environmental Quality (IDEQ) regarding this application. Since this application is for municipal purposes we need to know that IDEQ is asserting jurisdiction over the well sites, and engineering plans. A copy of correspondence between IDEQ and you will be sufficient for us to document our files.

Please submit a copy of a current document showing that you are qualified to do business in this state, and some correspondence with IDEQ **within 30 days of the date of this letter** and we will process the application for permit.

The Department will hold further processing of this application for the 30-day period mentioned above. The Department may grant additional time if it is requested and you have sufficient justification for an extension of the 30-day period. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions in regard to this matter, please feel free to contact me at (208)327-7944 or our office in Coeur d'Alene.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

Cc: IDWR, Northern Region

ROBERT E. COVINGTON, III

ATTORNEY AT LAW
8884 N. GOVERNMENT WAY, SUITE A
HAYDEN LAKE, ID 83835

TELEPHONE: (208) 762-4545
FAX: (208) 762-4546

COPY

September 30, 2003

Phil Boyd
Welch Comer & Associates
1626 Lincoln Way
Coeur d'Alene, ID 83814

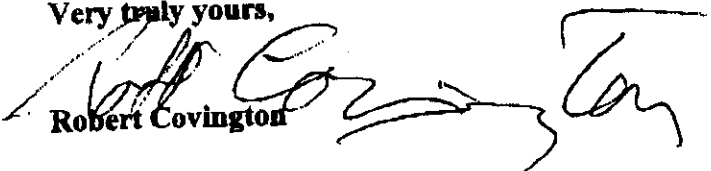
BY FAX TO: 664-5946

Re: NKWD Order Establishing District

Dear Phil:

Transmitted with this letter is a copy of the Order Establishing District dated June 28, 1991. Let me know if you need any other materials relating to the organization of the district for the IDWR water permits.

Very truly yours,


Robert Covington

REC/en
cc: client

SCANNED

SEP 30 2003

STATE OF IDAHO }
COUNTY OF KOOTENAI }
FILED:

JUL 1 11 PM '91

CLERK DISTRICT COURT
LINDA FRANKS
DEPUTY

Robert E. Covington, III
Suite 110
1000 W. Hubbard
Coeur d'Alene, Idaho 83814
Telephone: (208) 664-1010.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

In the Matter of:

CASE NO. 74989

NORTH KOOTENAI WATER
DISTRICT

ORDER

This court previously ordered that an election be held on June 26, 1990 for the purpose determining whether the North Kootenai Water District shall be organized and in the event a sufficient number of votes are cast in favor such organization, to determine the initial board of directors of said district. It appearing on the basis the affidavit and return of election on file herein that said election has been conducted and its returns are on file with this court, this court makes the following determination and order:

The results of the election on the question of whether or not the district shall be organized are as follows: Three Hundred fifteen (315) ballots where cast in favor of the organization of the district and Nineteen (19) ballots where cast in opposition to the organization of the district.

ORDER ESTABLISHING
DISTRICT

WEINSTEIN, HACKER,
MATTHEWS & YOUNG, P.S.

1000 West Hubbard, Suite 110
Coeur d'Alene, ID 83814
Tel. (208) 664-1010
Fax. (208) 765-3716

SCANNED

COPY

Pursuant to the provisions of Idaho Code Section 42-3207, if a majority of the votes cast in said election are in favor the organization of the district, the district court shall declare the district organized. On the basis forgoing election results,

It is hereby ordered that the North Kootenai Water District be and is hereby organized as a governmental subdivision of the State of Idaho and a body corporate with all the powers of a public or quasi-municipal corporation.

It is further ordered that the corporate name of said district shall be the NORTH KOOTENAI WATER DISTRICT.

On the basis of the affidavit and return of election on file here in, it appears that the below named persons received a majority of votes cast in the election to determine the initial board of directors of the North Kootenai Water District.

It is hereby ordered that the following persons have been elected to serve on the initial board of directors of the North Kootenai Water District: Wayne Wallaert shall serve until the first biennial election of the district; Laurie Hill and Frankie Lunders shall serve until the second biennial election of the district; Maimie Moore and Jim Coleman shall serve until the third biennial election of the district.

Dated 28 day of June, 1991.

GARY M. HAMAN

Honorable Gary Haman
District Judge

ORDER ESTABLISHING
DISTRICT

WEINSTEIN, HACKER,
MATTHEWS & YOUNG, P.C.
1000 West Hubbard, Suite 110
Coeur d'Alene, ID 83814
Tel. (208) 664-1010
Fax. (208) 769-3716

SCANNED



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

November 3, 2003

NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN ID 83835

Re: Application for Permit No. 95-9199

Dear Applicants:

We are reviewing the above referenced application for final action and find we need to request additional information from you. In order for the department to issue a permit for municipal use the permit must be in the name of an association, a city or a corporation that is authorized to do business in the State of Idaho. We have looked at the Secretary of State's listing of businesses qualified and find no listing for North Kootenai Water District. Attached is a portion of Section 42-202B, *Idaho Code*, which describes the need for this documentation.

42-202B. DEFINITIONS. Whenever used in this title, the term:

(4) "Municipality" means a city incorporated under section 50-102, Idaho Code, a county, or the state of Idaho acting through a department or institution.

(5) "Municipal provider" means:

(a) A municipality that provides water for municipal purposes to its residents and other users within its service area;

(b) Any corporation or association holding a franchise to supply water for municipal purposes, or a political subdivision of the state of Idaho authorized to supply water for municipal purposes, and which does supply water, for municipal purposes to users within its service area; or

(c) A corporation or association which supplies water for municipal purposes through a water system regulated by the state of Idaho as a "public water supply" as described in section 39-103(10), Idaho Code.

(6) "Municipal purposes" refers to water for residential, commercial, industrial, irrigation of parks and open space, and related purposes, excluding use of water from geothermal sources for heating, which a municipal provider is entitled or obligated to supply to all those users within a service area, including those located outside the boundaries of a municipality served by a municipal provider.

We also 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 is asserting jurisdiction over the well sites, and engineering plans. A copy of correspondence between IDEQ and you will be sufficient for us to document our files.

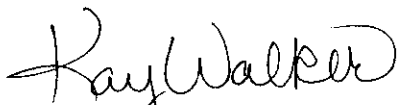
*11/7/03-
called district
& told them I
did not need
info on qualification
to do business -
obtained
from
file
95-9199.
KW*

Please submit a copy of a current document showing that you are qualified to do business in this state, and some correspondence with IDEQ **within 30 days of the date of this letter** and we will process the application for permit.

The Department will hold further processing of this application for the 30-day period mentioned above. The Department may grant additional time if it is requested and you have sufficient justification for an extension of the 30-day period. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions in regard to this matter, please feel free to contact me at (208)327-7944 or our office in Coeur d'Alene.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

Cc: IDWR, Northern Region

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Kattie Hay

IDWR/North

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 *21* day of *August* 20 *03*, and ending on the *28* day of *August* 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.

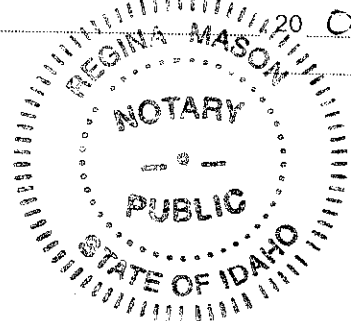
Kattie & Hay

Personally appeared before me this *28* day of *August* 20 *03*

Regina Mason

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

MY COMMISSION EXPIRES 6/18/09



RECEIVED
AUG 29 2003

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-9196

MARVIN GARDENS LLC
C/O MARVIN ERICKSON
4095 E ERICKSON DR
COEUR D ALENE ID 83815

SESW S30 T51N R03W

KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.18 CFS
Use: DOMESTIC 01/01 To 12/31 0.14 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.32 CFS
Total Diversion 0.32 CFS

Date Filed: 09/23/2002

Place Of Use: IRRIGATION

T51N R03W S30 NESE SESE

Number of Acres: 9

Place of Use: DOMESTIC and FIRE PROTECTION same as IRRIGATION

Remark: Domestic use is for 9 homes.

95-9198

CITY OF HUETTER

4670 W FERREL RD
COEUR D ALENE ID 83814

Point(s) of Diversion: SWSW S4 T50N R04W

KOOTENAI County

Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.55 CFS
Total Diversion 0.55 CFS

Date Filed: 10/11/2002

Remark: Place of use is within the service area of the City of Huetter.

95-9199

NORTH KOOTENAI WATER DIST

PO BOX 2290

HAYDEN ID 83835

Point(s) of Diversion: NWSE	S18 T52N R03W ✓
Point(s) of Diversion: NWSW	S24 T51N R04W ✓
Point(s) of Diversion: NESE(2) SESW SWSE	S23 T51N R04W ✓
Point(s) of Diversion: SESE(2)	S17 T52N R04W ✓
Point(s) of Diversion: L1 (SENE)	S6 T52N R04W ✓
Point(s) of Diversion: NWNWNE NWNE	S11 T51N R04W ✓
Point(s) of Diversion: SESWSW	S2 T51N R04W ✓
Point(s) of Diversion: NWNE	S14 T51N R04W ✓
Point(s) of Diversion: SENE	S7 T52N R03W ✓
Point(s) of Diversion: SWNW	S8 T52N R03W ✓
Point(s) of Diversion: NESE	S28 T52N R04W ✓
Point(s) of Diversion: NESW SESW	S32 T51N R05W ✓
Point(s) of Diversion: SESE	S23 T51N R05W ✓
Point(s) of Diversion: L7 (SWSE)	S15 T51N R04W ✓

ALL OF THE ABOVE POINTS OF DIVERSION ARE IN KOOTENAI County

Source of all points of diversion - GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 8.83 CFS
Total Diversion 8.83 CFS

Date Filed: 03/03/2003

Remark: Municipal use is within the service area of the applicant.

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 09/08/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal 3654
August 21, 28, 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 Fax (208) 769-1454

PLEASE FAX PROOF PRIOR TO PUBLICATION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 2003

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

FAXED TO MISTI AT 664-0212

RE: Application for Permit No. 95-9196, 95-9198 and 95-9199

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 21 and 28, 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 09/08/2003. Your cooperation is GREATLY appreciated, as always

Thanks D

😊

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

95-9196

MARVIN GARDENS LLC

C/O MARVIN ERICKSON
4095 E ERICKSON DR
COEUR D ALENE ID 83815

Point(s) of Diversion (2) SESW S30 T51N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.18 CFS

Use: DOMESTIC 01/01 To 12/31 0.14 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.32 CFS

Total Diversion: 0.32 CFS

Date Filed: 09/23/2002

Place Of Use: IRRIGATION

T51N R03W S30 NESE SESE

Number of Acres 9

Place Of Use: DOMESTIC and FIRE PROTECTION same as IRRIGATION

Remark: Domestic use is for 9 homes.

95-9198

CITY OF HUETTER

4670 W FERREL RD
COEUR D ALENE ID 83814

Point(s) of Diversion SWSW S4 T50N R04W KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.55 CFS

Total Diversion: 0.55 CFS

Date Filed: 10/11/2002

Remark: Place of use is within the service area of the City of Huetter.

95-9199

NORTH KOOTENAI WATER DIST

PO BOX 2290
HAYDEN ID 83835

Point(s) of Diversion NWSE S18 T52N R03W

Point(s) of Diversion NWSW S24 T51N R04W

Point(s) of Diversion NESE(2) SESW SWSE S23 T51N R04W

Point(s) of Diversion SESE(2) S17 T52N R04W

Point(s) of Diversion L1 (SENE) S6 T52N R04W

Point(s) of Diversion NWNWNE NWNE S11 T51N R04W

Point(s) of Diversion SESWSW S2 T51N R04W

Point(s) of Diversion NWNE S14 T51N R04W

Point(s) of Diversion SENE S7 T52N R03W

Point(s) of Diversion SWNW S8 T52N R03W

Point(s) of Diversion NESE S28 T52N R04W

Point(s) of Diversion NESW SESW S32 T51N R05W

Point(s) of Diversion SESE S23 T51N R05W

Point(s) of Diversion L7 (SWSE) S15 T51N R04W

ALL OF THE ABOVE POINTS OF DIVERSION ARE IN KOOTENAI County

Source of all points of diversion - GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 8.83 CFS

Total Diversion: 8.83 CFS

Date Filed: 03/03/2003

Remark: Municipal use is within the service area of the applicant.

CONTINUED ON NEXT PAGE

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 09/08/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 21 and 28, 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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 2003

NORTH KOOTENAI WATER DIST
PO BOX 2290
HAYDEN ID 83835

RE: Application for Permit No 95-9199

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 August 21 and 28, 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