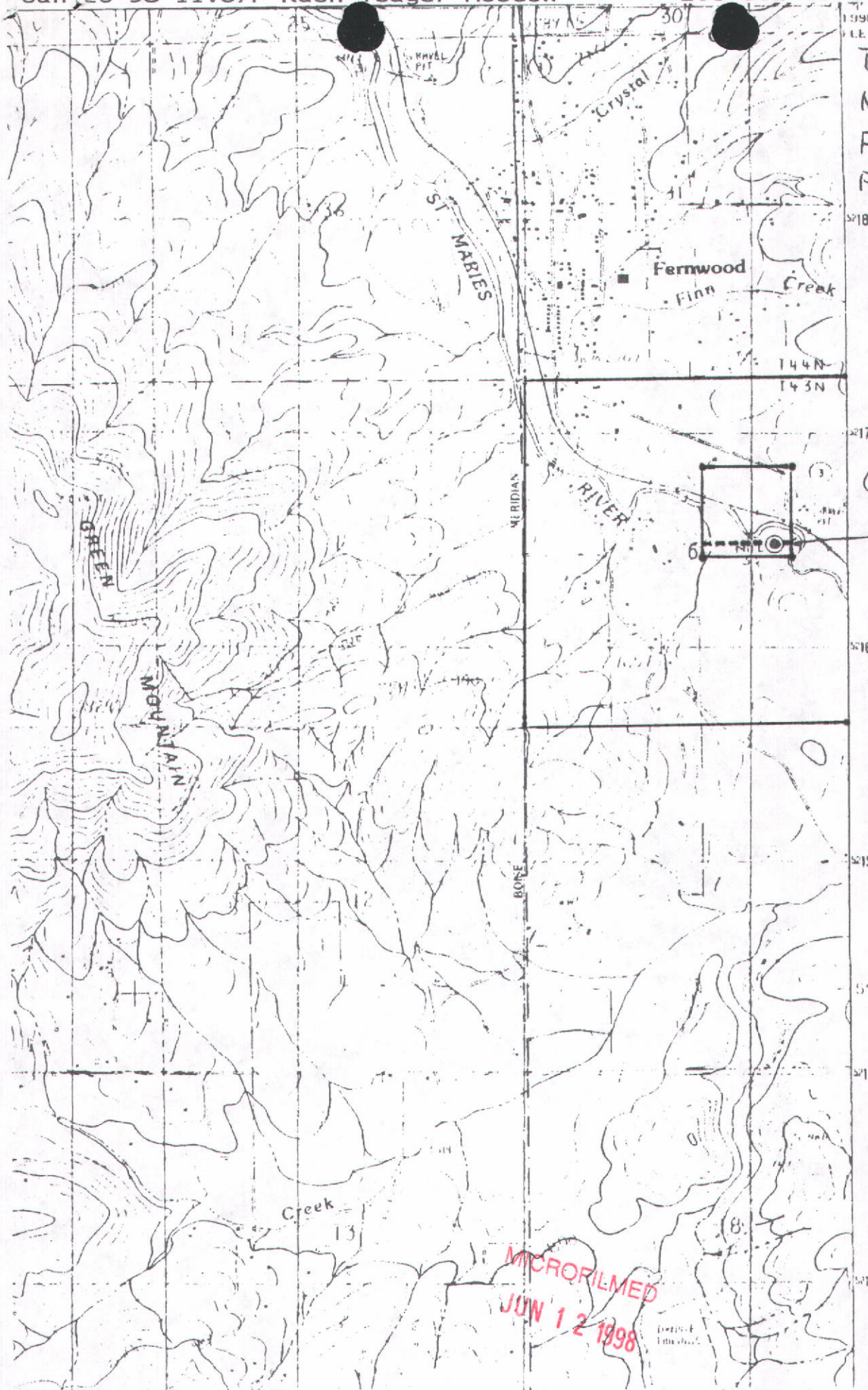




To: AL BEARDSLEE

No Pg- ①

Fm: TOM MOORE

PH# 883-3755

WELL
LOCATION
PERMIT No.

92-96-N-025-2

10" MIN DIA

NOTE:

92-96-N-024-C

8" MIN DIA

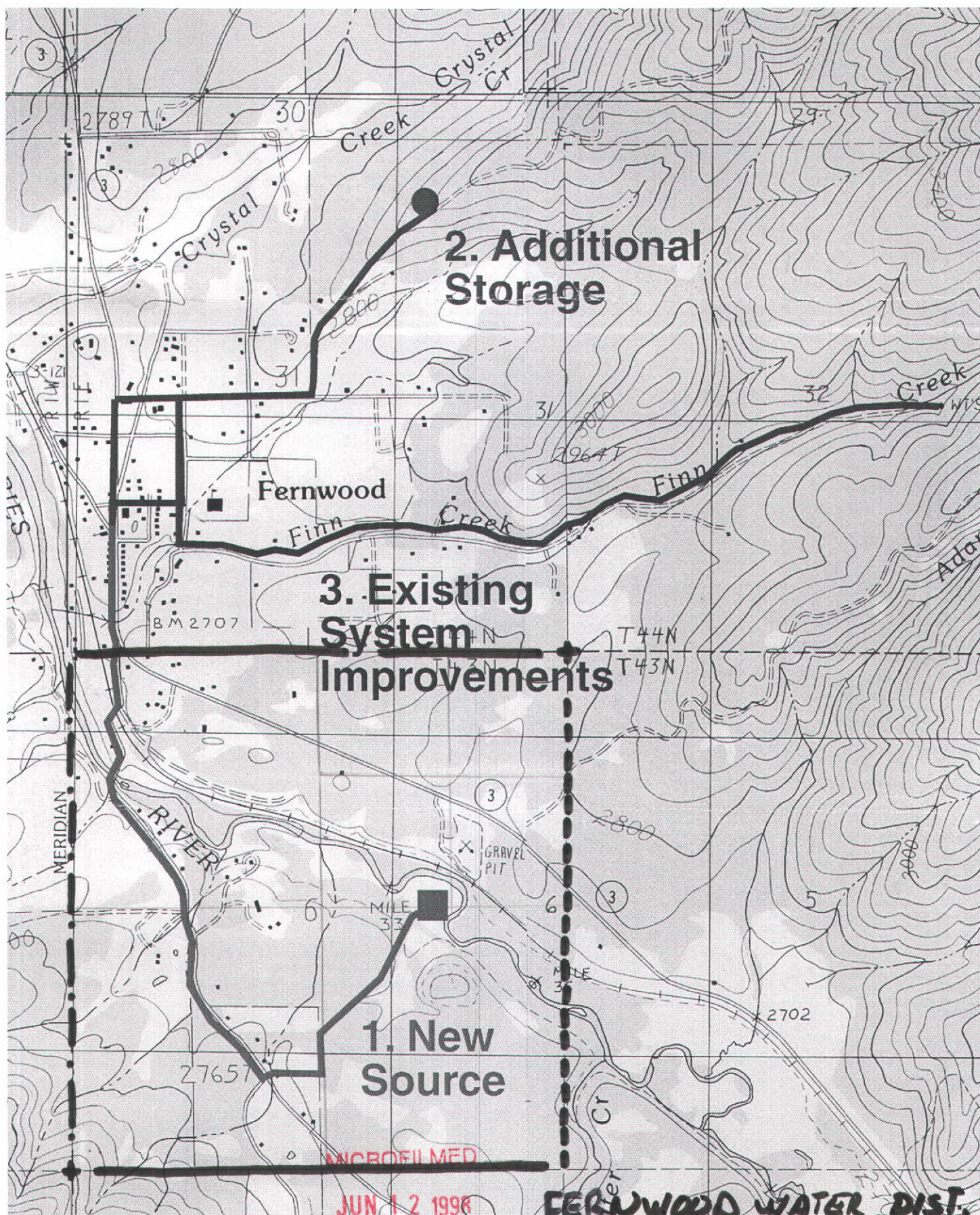
LOCATED APPROX

30 FT FROM

025-200.

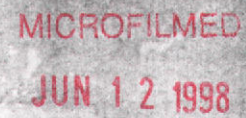
DISTRICT IS NO
REQUESTING WATER
RIGHT FOR 8" DIA
WELL

Map of Proposed Water System Improvement Project

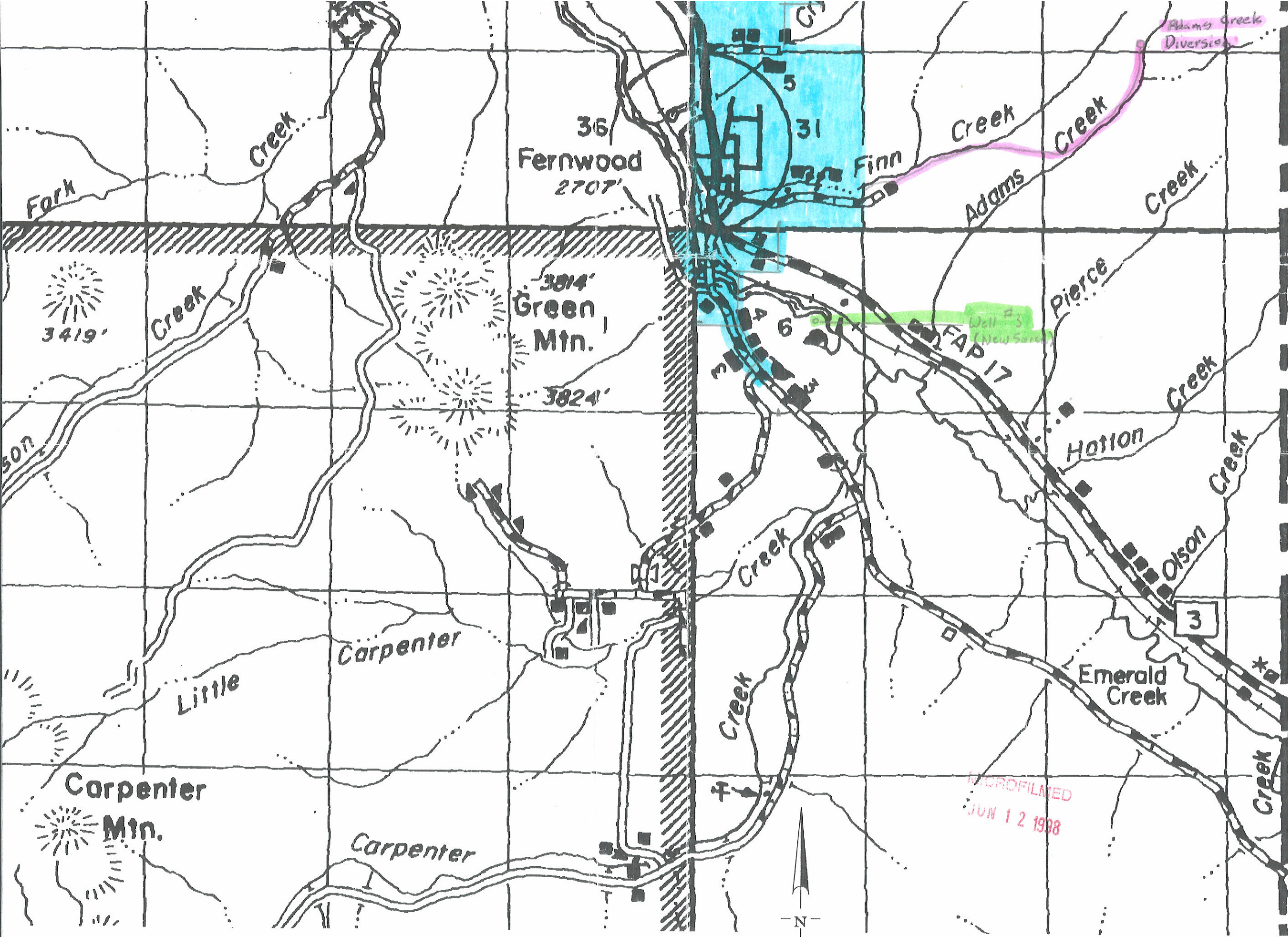


FERNWOOD WATER DIST.
T. 43N., R. 1E.

G f F c E d



JUN 12 1998



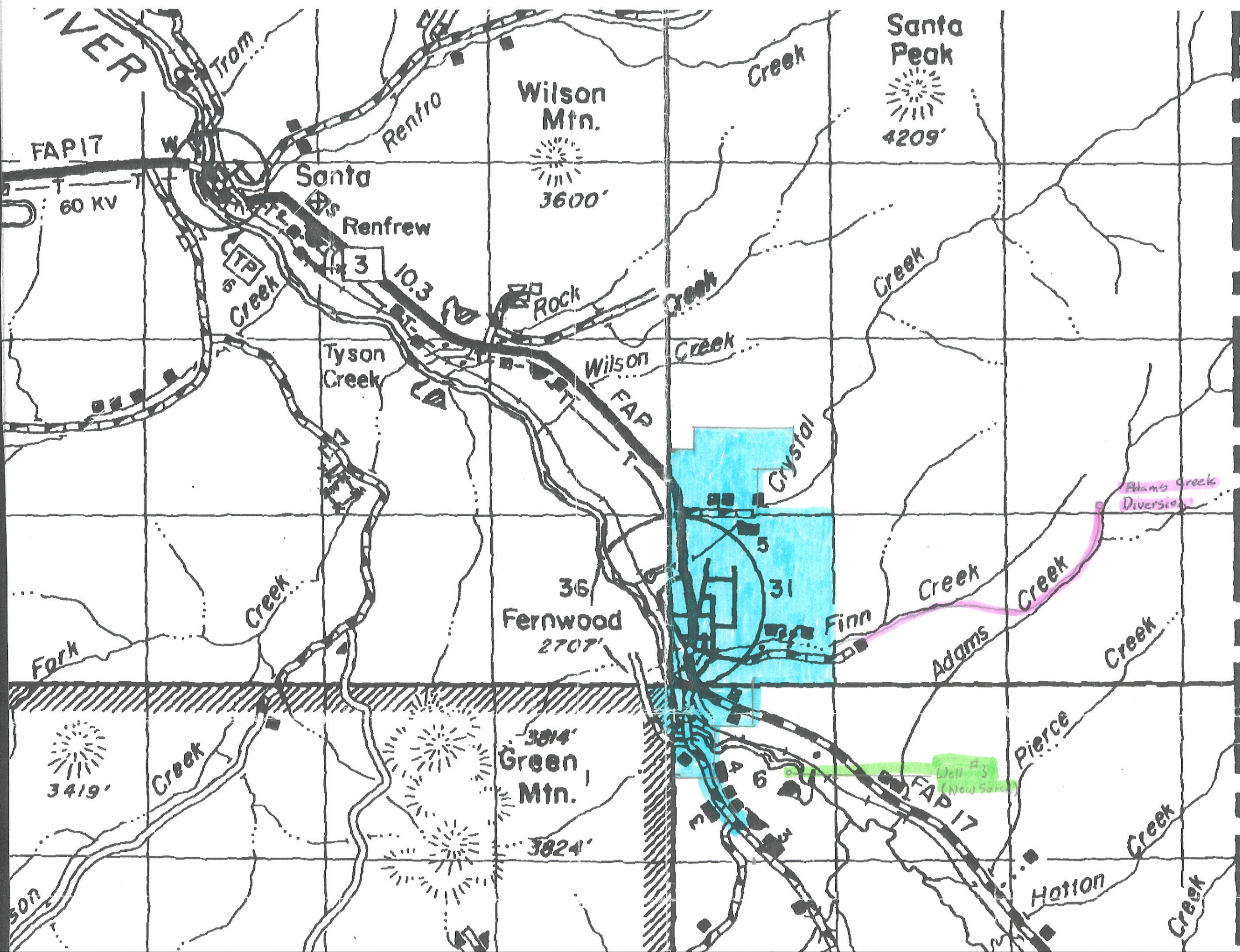
RUEN-YEAGER & ASSOCIATES, INC.

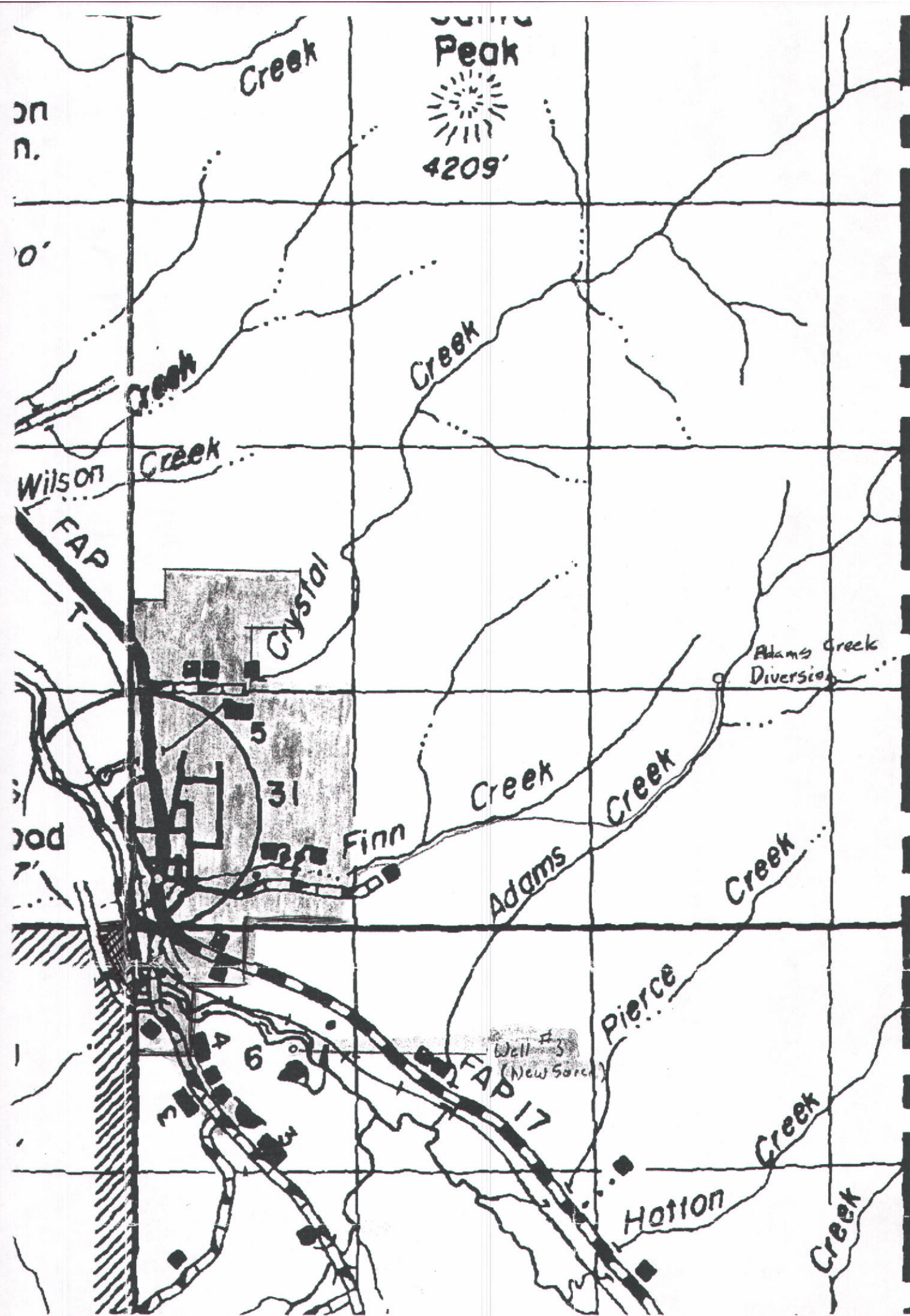
CONSULTING ENGINEERS - LAND SURVEYORS
 EAST 5885 SELTICE WAY, POST FALLS, IDAHO 83854 (208)667-2484
 219 PINE STREET, SANDPOINT, IDAHO 83864 (208)265-4629
 103 NORTH JACKSON, MOSCOW, IDAHO 83843 (208)883-3755

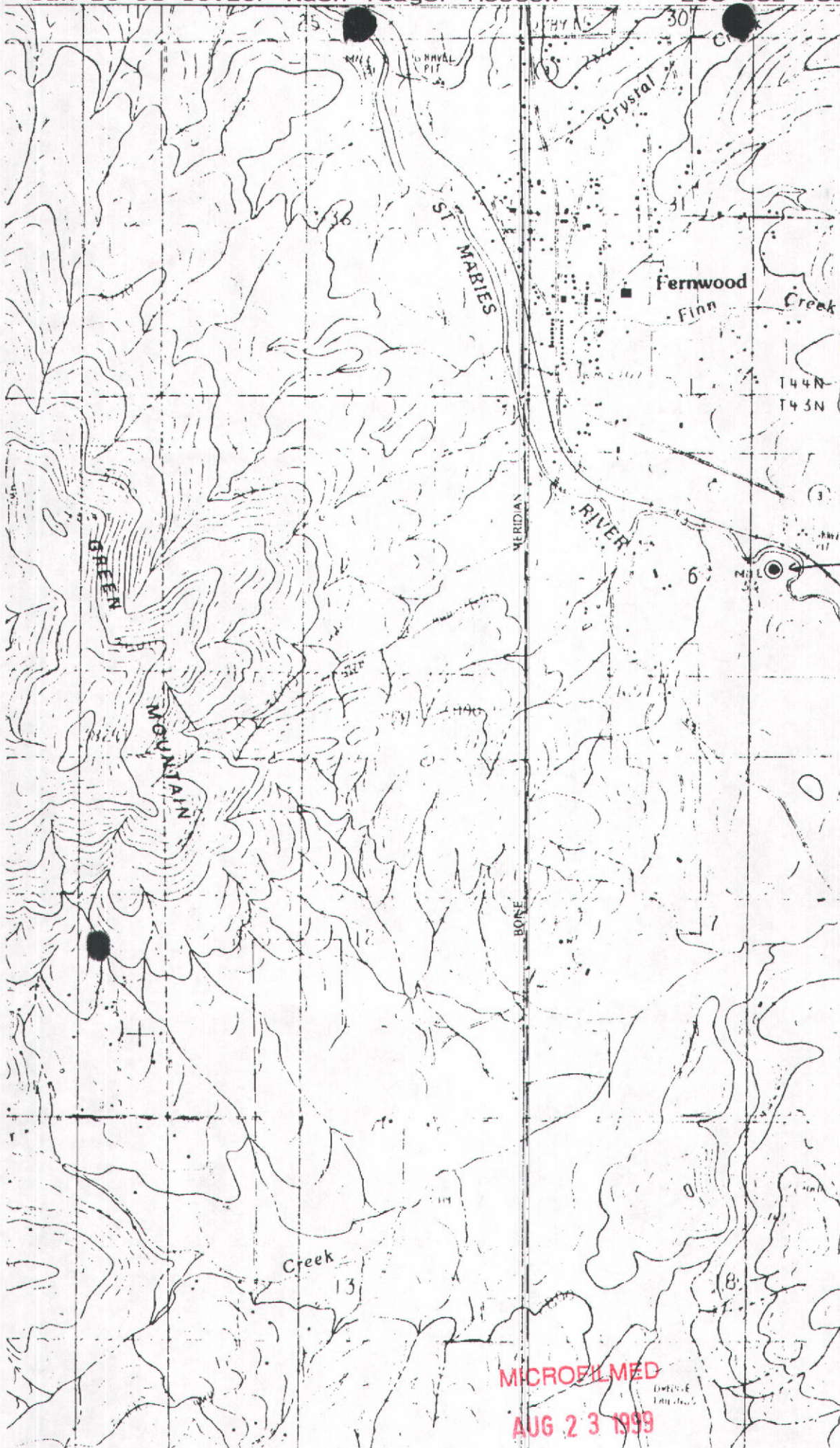
SCALE: 2" = 1 mile

CHECKED BY: KMT
 DRAWN BY: KMT

DATE: 09/26/97
 SHEET: 1 OF 1





1990000
1:1

To: AL BEARDSLEE

NoPg- ①

FM: TOM MOORE

PH# 883-3755

FILE
FERNWOOD
WATER
DISTRICT

→ 92-723/

WELL
LOCATION
PERMIT NO.92-96-N-025-200
10" MIN DIA

NOTE:

92-96-N-024-000
8" MIN DIA
LOCATED APPROX
30 FT FROM
025-200.DISTRICT IS NOT
REQUESTING WATER
RIGHT FOR 8"
WELL

43N 1E 5

RECEIVED

JUN 22 1998

Department of Water Resources

MICROFILMED

AUG 23 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 92-07231)
)
IN THE NAME OF FERNWOOD WATER DIST.) **ORDER OF**
_____) **REINSTATEMENT**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before April 1, 1999; and,

WHEREAS, the Department notified the permit holder on January 31, 1999, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request. However the department discovered the permit holder may not have received the certified notice; and,

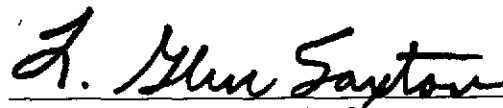
WHEREAS, the permit lapsed on May 6, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on May 17, 1999;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 92-07231 is **REINSTATED** with no advance in priority.

DATED this 16th day of August, 1999.



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

AUG 23 1999

RECEIVED

MAY 17 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 92-07231 Telephone No. 208-245-3554
2. Name(s) of Permit Holder(s): Fernwood Water & Sewer District
3. Mailing Address: P.O. Box 215 - Fernwood, ID 83830
4. Source of Water: groundwater If **GROUNDWATER** (well), Date Drilled: mo. / yr.
- a. Well Driller: H2O Well Service Drilling Permit Number: 92-96-N0024-000
- b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

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

Domestic (No. of households): 200 Stockwater (No. and type of stock):

Irrigation (No. of acres): .5 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 1.00 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u>X</u>	or	No <u> </u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u> </u>	or	No <u>X</u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u>X</u>

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Shelly M. Hammons Telephone Number: 245-3554

Address: P.O. Box 215 - Fernwood, ID 83830

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Shelly M. Hammons, Clerk Date: 5-11-99
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 92-07231

Proposed Priority: January 29, 1998

Maximum Diversion Rate:

1.00 CFS

This is to certify, that FERNWOOD WATER DISTRICT
PO BOX 215
FERNWOOD ID 83830-0215

has applied for a permit to appropriate water from: GROUNDWATER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

MUNICIPAL

01/01 to 12/31

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 6, Township 43N, Range 01E

NWSE , Sec. 6, Township 43N, Range 01E

BENEWAH County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1999.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. Place of use is located within the service area of the Fernwood Water and Sewer District.

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

23rd day of April, 1998.

MICROFILMED

JUN 12 1998

Karl J. Dreher
for Karl J. Dreher, Director

Ident. No. 92-07231

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAR 19 1993

Department of Water Resources

1. Name of Applicant FERNWOOD WATER DISTRICT Phone 208-245-3554
Mailing address PO Box 215 FERNWOOD ID 83830-0215
2. Source of water supply GROUNDWATER which is a tributary of N/A
3. Location of point of diversion is Township 43N Range 1E Sec. 6 in the NE 1/4, NW 1/4, SE 1/4, Govt. Lot 22, B.M., BENEWAH County;
* additional points of diversion if any: SW 1/4 NE 1/4, SEC. 6, 43N, R. 1E.
4. Water will be used for the following purposes:
Amount 1.0 CFS for MUNICIPAL SUPPLY purposes from JAN. 1 to DEC 31 (both dates inclusive);
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.0 CFS 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 20 HP SUBMERSIBLE PUMP
STORAGE RESERVOIR & DELIVERY SYSTEM.
 - 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 10 inches; proposed depth of well is 207 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? 9-20-96; Drilling firm H₂O WELL SERVICE
Well was drilled for (well owner) FERNWOOD WATER DISTRICT; Drilling Permit No. 92-96-N-0025-200
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. N/A
 - b. Stockwatering; list number and kind of livestock. N/A
 - c. Municipal; show name of municipality. FERNWOOD WATER DISTRICT
 - d. Domestic; show number of households. 250
 - e. Other; describe fully. N/A

MICROFILMED

JUN 12 1998

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

[illegible]

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

- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

THIS FILING: EASEMENT WILL BE GRANTED BY POTOMAC CORP TO DISTRICT

- PLACE OF USE IS LOCATED WITHIN THE BOUNDARIES / STRIKE AREA OF THE FIREARM WATERS AND SOUND DISTRICT.

~~2. मानव संसाधन विकास विभाग~~

~~DUE TO ODD SIZED SECTIONS, BOTH SL $\frac{1}{4}$ AS $\frac{1}{4}$ & AL $\frac{1}{4}$ SE $\frac{1}{4}$, SET 6, T. 42N., R. 16.~~

WERE INCLUDED. THE GPS WAS SHOWN AS USED TO DETERMINE GALT P.O.D.

13. MAP OF PROPOSED PROJECT REQUIRED - which are 8 1/2" x 11" 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.

MICROFILMED

0661 2 1 NOV

Signature of Applicant (and title, if applicable)

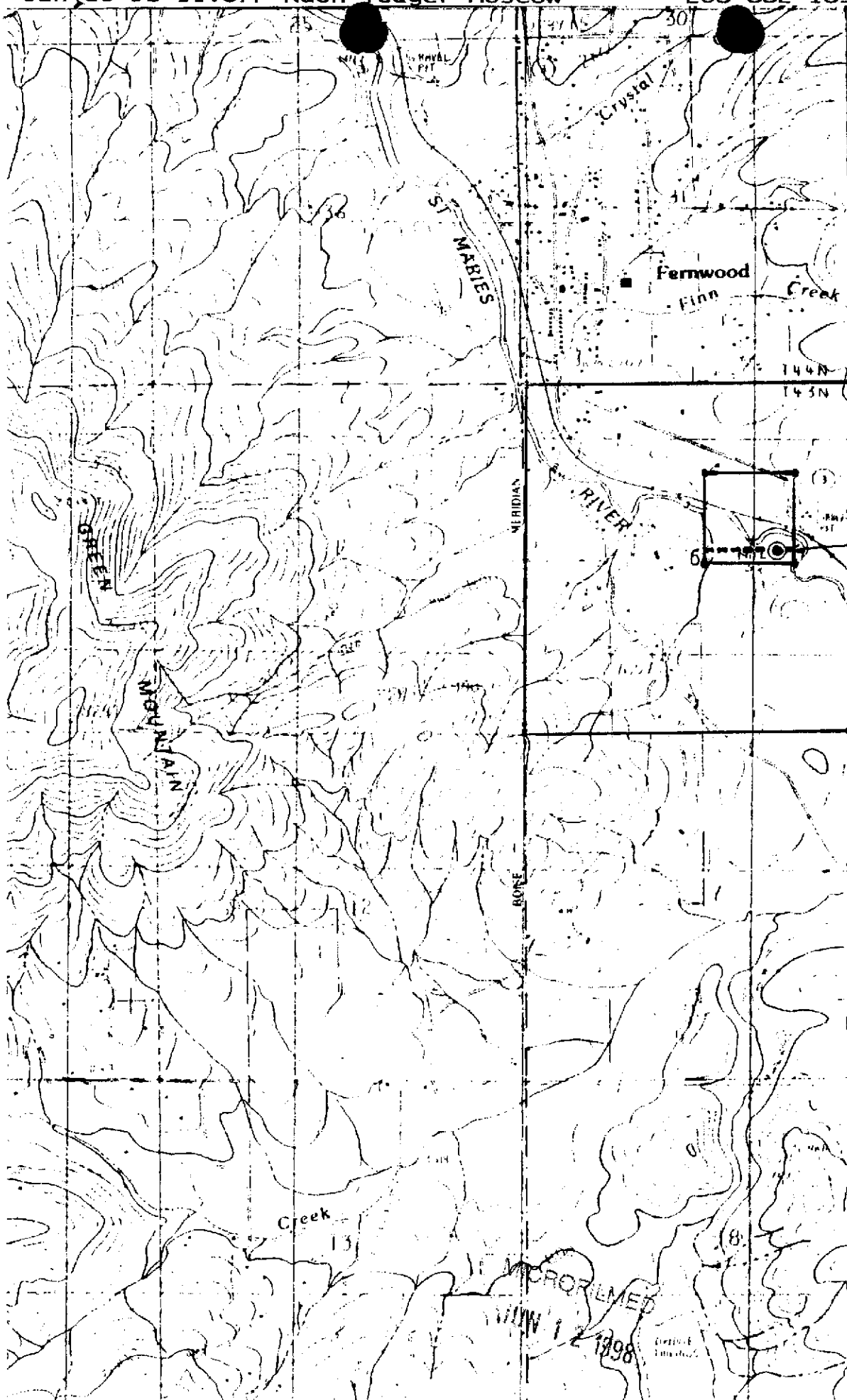
~~86/6e/1~~

Date 11/27/70 Name _____

received by _____ Date _____

Received by _____
-ee S
100.00

Publication approved

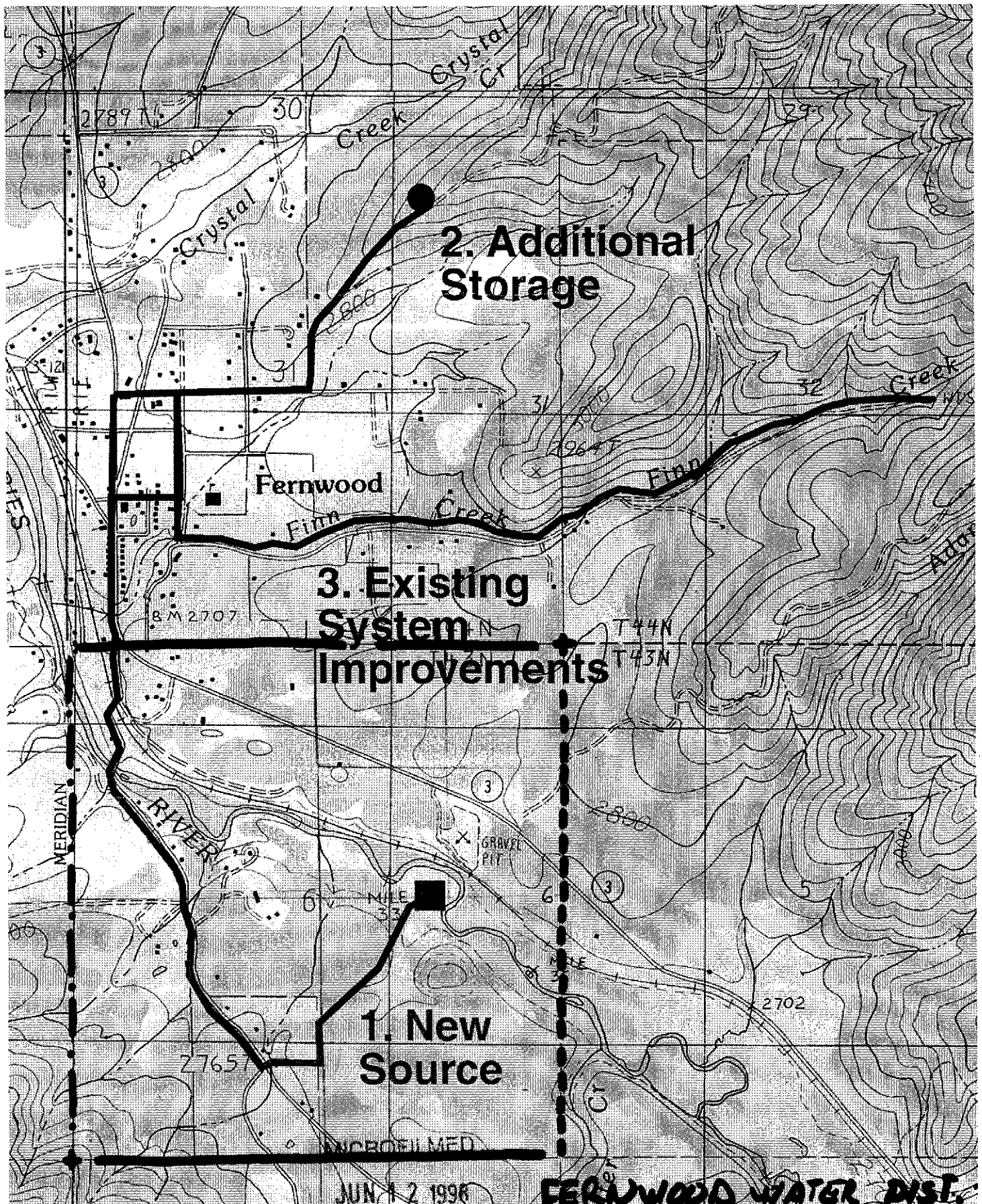


To: AL BEARDLEE
NoPg- ①
Fr: TOM MOORE
PH# 883-3755

WELL
LOCATION
PERMIT NO.
92-96-N-025-2
10" MIN DIA

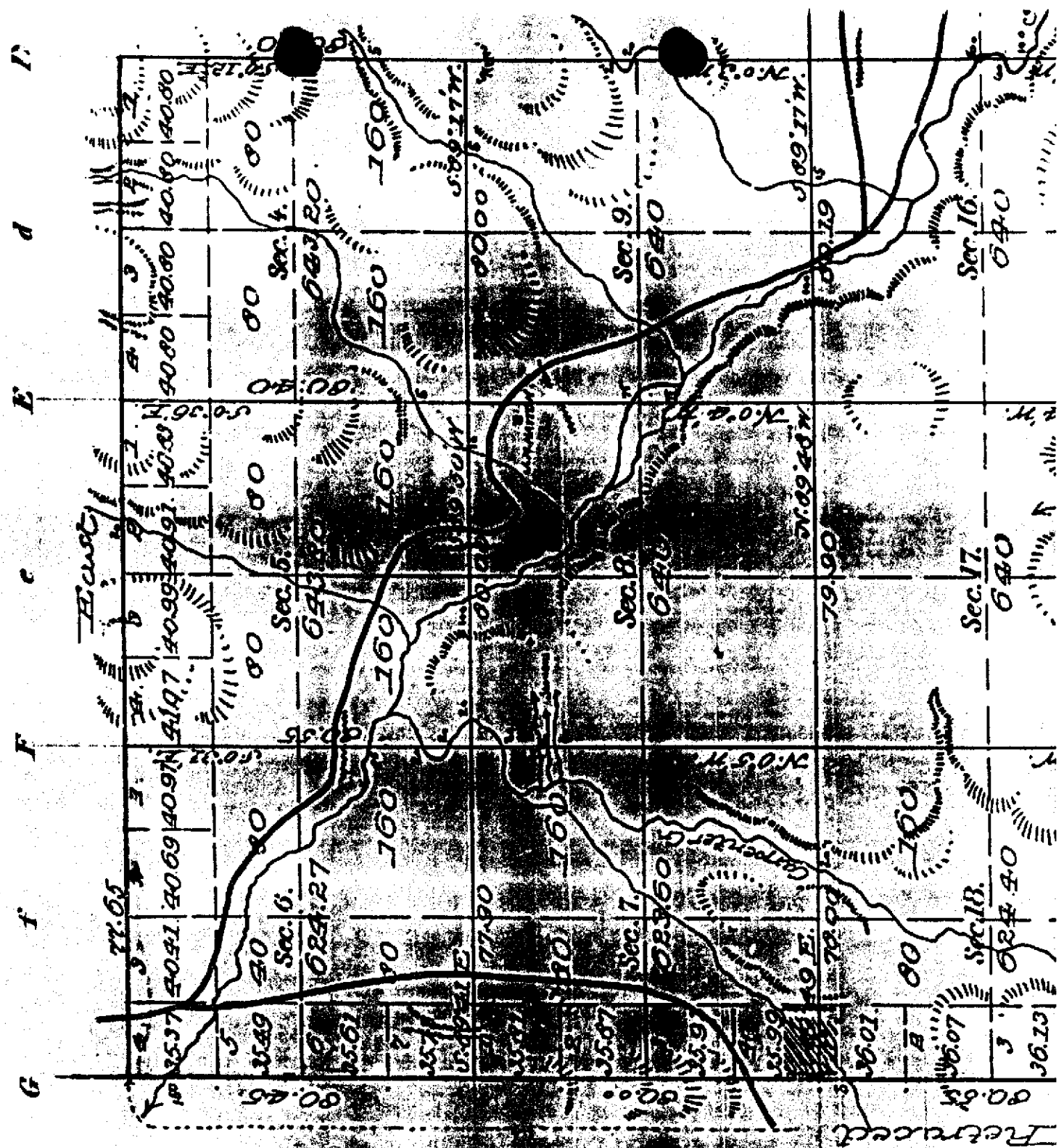
NOTE:
92-96-N-024-C
8" MIN DIA
LOCATED APPROX
30 FT FROM
025-200.
DISTRICT IS NO
REQUESTING WATER
RIGHT FOR 8" WELL

Map of Proposed Water System Improvement Project

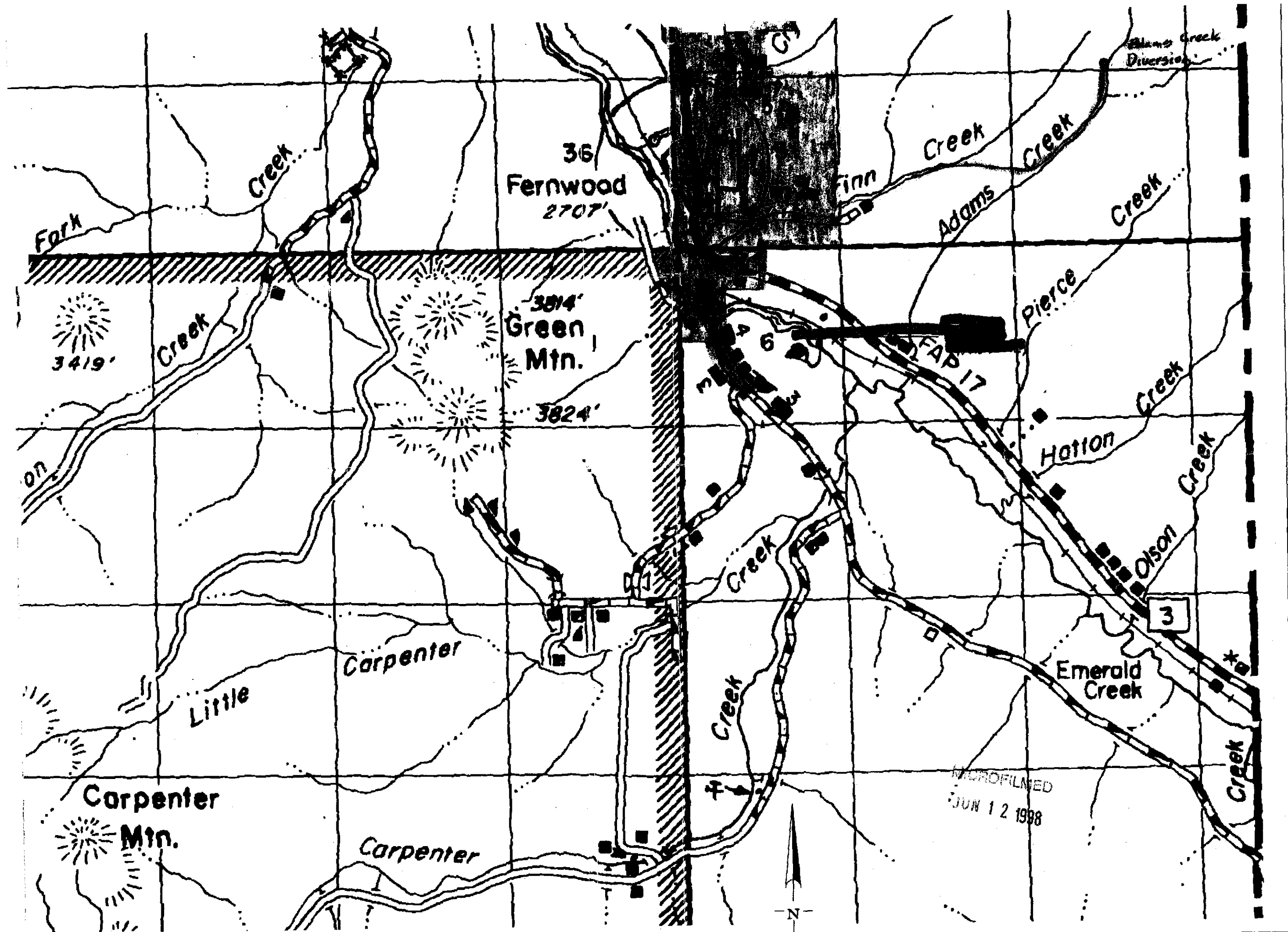


FERNWOOD WATER DIST.
T. 43N., R. 1E.

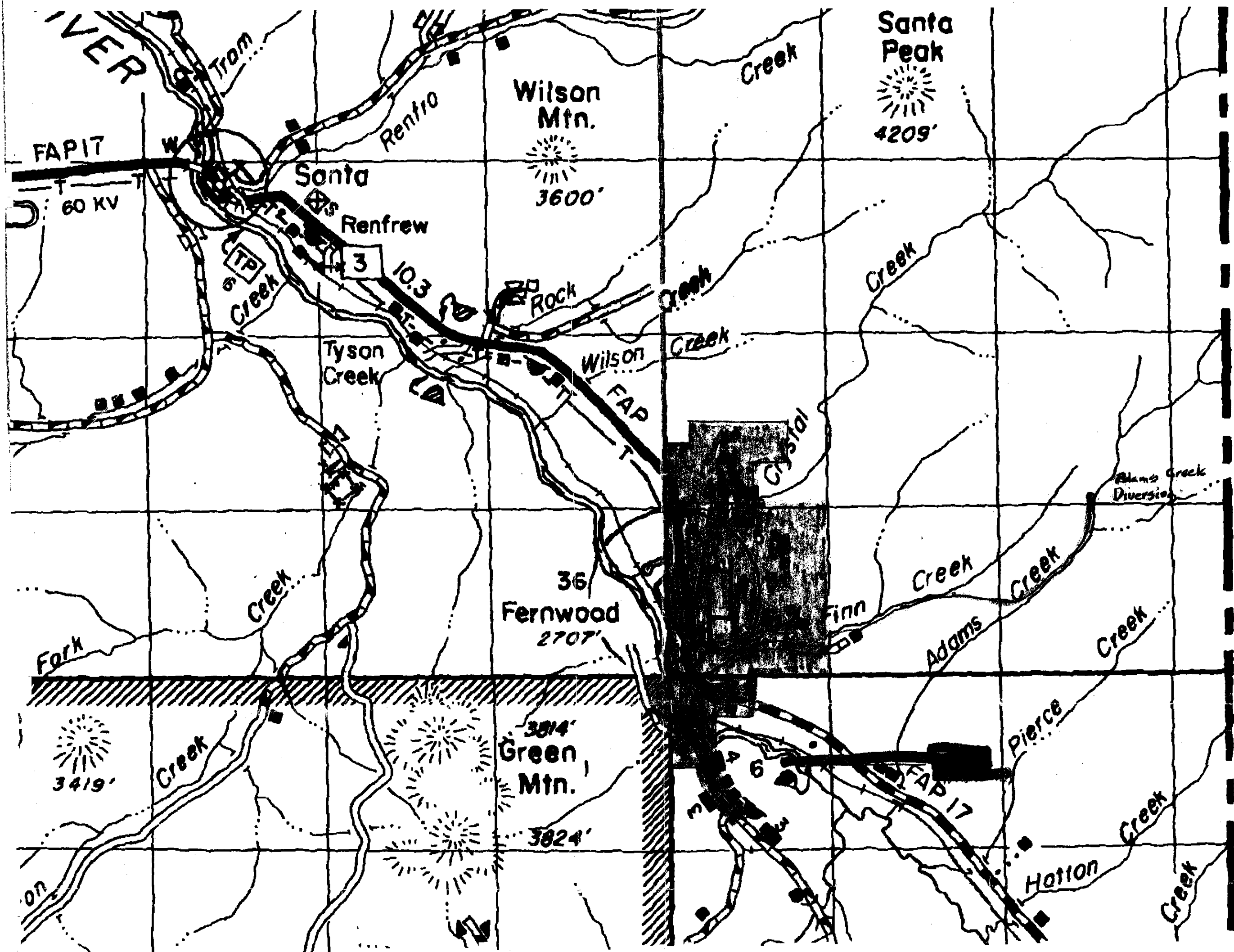
Township No 43 North Range No 1 East



JUN 12 1958



RUEN-YEAGER & ASSOCIATES, INC. CONSULTING ENGINEERS - LAND SURVEYORS EAST 5685 SELTICE WAY, POST FALLS, IDAHO 83854 (208)667-2464 219 PINE STREET, SANDPOINT, IDAHO 83864 (208)265-4629 103 NORTH JACKSON, MOSCOW, IDAHO 83843 (208)883-3755		SCALE: 2" = 1 mile CHECKED BY: KMI DATE: 09/26/97	
		DRAWN BY: KMI SHEET: 1 OF 1	



District Boundaries

The boundaries of the Fernwood Water and Sewer District are as follows:

Fernwood;
First addition to Fernwood;
Milwaukee Land Company's First Addition to Fernwood;
Blackwell Acres;
Riverview Tracts;
Meadow Tracts;
First Addition to Meadow Tracts;
All that part of Section 36, Township 44 North, Range 1 West, lying East of the St. Maries River: North Half of the Northwest Quarter, southwest Quarter of the Northwest Quarter and the West Half of the Southeast Quarter of the Southwest Quarter of Section 31, Township 44 North, Range 1 East or such portions thereof as are not included in the above platted sub-divisions, Benewah County, Idaho.

and

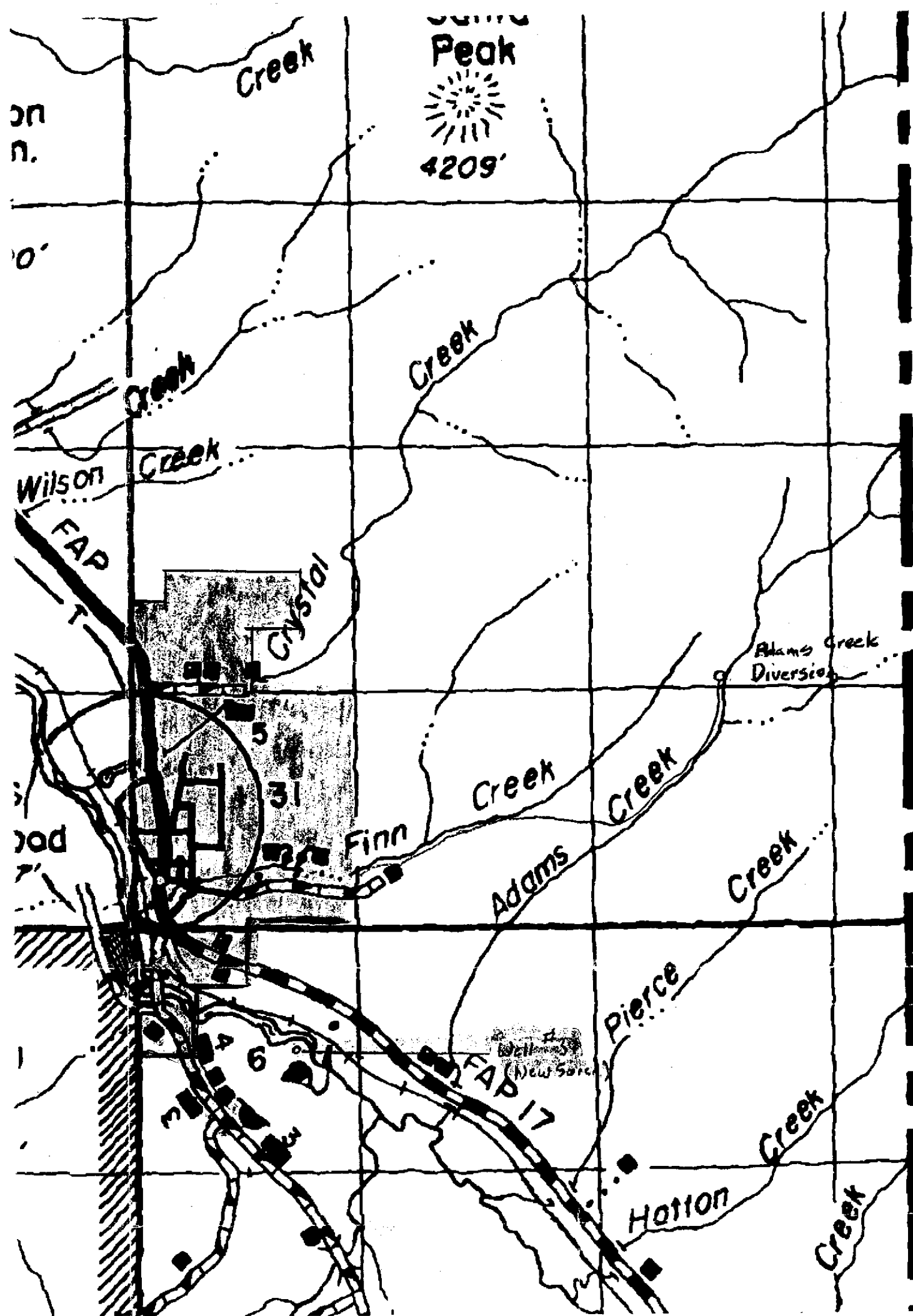
Lot 3, Section 6, Township 43 North, Range 1 East, Benewah County, Idaho.

and

Lots 4 and 5, section 6, Township 43 North, Range 1 East; the Northeast Quarter of the Southwest Quarter and Lots 4 and 5, Section 30, Township 44 North, Range 1 East; the Southeast Quarter of the Southeast Quarter of Section 31, township 44 North, Range 1 East; Lot 4 of Section 32, Township 44 North, Range 1 East; all of Lot 3, Section 30, Township 44 North, Range 1 East, except 7.08 acres within said Lot 3, described as follows: Beginning at the Northwest corner of Lot 3, thence East along North line of said lot a distance of 10 chains, thence due South a distance of 7.08 chains, thence due West a distance of 10 chains to the West line of Section 30, thence North along West line of said Section 30 a distance of 7.08 chains to the point of beginning, Benewah County, Idaho.

MICROFILMED

JUN 12 1998



... M A D ...

..

..

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 92-07231 Reviewed by JY Date 8-11-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
NO Copy in the file? Drilling Permit No. 92-96-N-0024-000
200 Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
100- Amount Submitted
yes Correct?
NO Required?
1 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Reinstate w/no advance in priority
Proof acceptable

DATA ENTRY

New Address X Proof Made 5-17-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 16, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Fernwood Water District
PO Box 215
Fernwood ID 83830

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 92-07231

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. The department feels you may not have received the certified Proof Due Notice in the mail, therefore, the priority date has not been advanced.

Please 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.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, you may contact the NORTHERN Regional Office of the department in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

AUG 23 1999

RECEIVED

MAY 17 1999

FERNWOOD WATER & SEWER DISTRICT

Department of Water Resources

P.O. BOX 215 - FERNWOOD, ID 83830

PHONE & FAX (208) 245-3554

May 11, 1999

Julie Yarbrough
State of Idaho,
Dept. of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

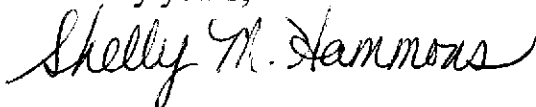
Dear Ms. Yarbrough:

I spoke with Al Beardsley this morning concerning our lapse notice that I received May 10, 1999, for our water permit No. 92-97231. He said to write a brief letter to you explaining our situation in the Fernwood Water & Sewer District.

Our water operator, Larry Kubiak, is no longer with the district. He has been very ill for months and resigned effective May 2, 1999. We are trying to keep things going smoothly until we can hire a certified operator; in the meantime, we are finding that a few things have been overlooked. I do not know what happened to the paperwork that was mailed to the district dated Feb. 28, 1999. I have filled out the Proof of Beneficial use as instructed by Mr. Beardsley and he also instructed me to mail the paperwork to your attention. Also enclosed is our permit fee of \$100.00 that is due.

If you should have any questions, please call me at the above telephone number.

Sincerely yours,



Shelly M. Hammons,
Clerk

MICROFILMED
AUG 23 1999

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

May 6, 1999

FERNWOOD WATER DISTRICT
PO BOX 215
FERNWOOD ID 838300215

LAPSE NOTICE

RE: PERMIT NO. 92-07231

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

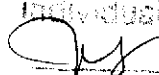
Enclosures

MICROFILMED

MAY 23 1999

CERTIFICATION OF MAILING

I hereby certify that on 5/6/99
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



January 31, 1999

FERNWOOD WATER DISTRICT
PO BOX 215
FERNWOOD ID 838300215

PROOF DUE NOTICE

RE: PERMIT NO. 92-07231

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 April 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

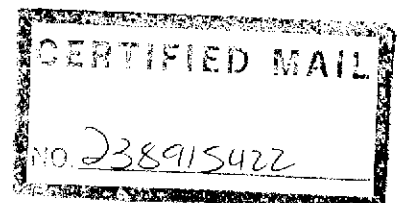
SINCERELY,

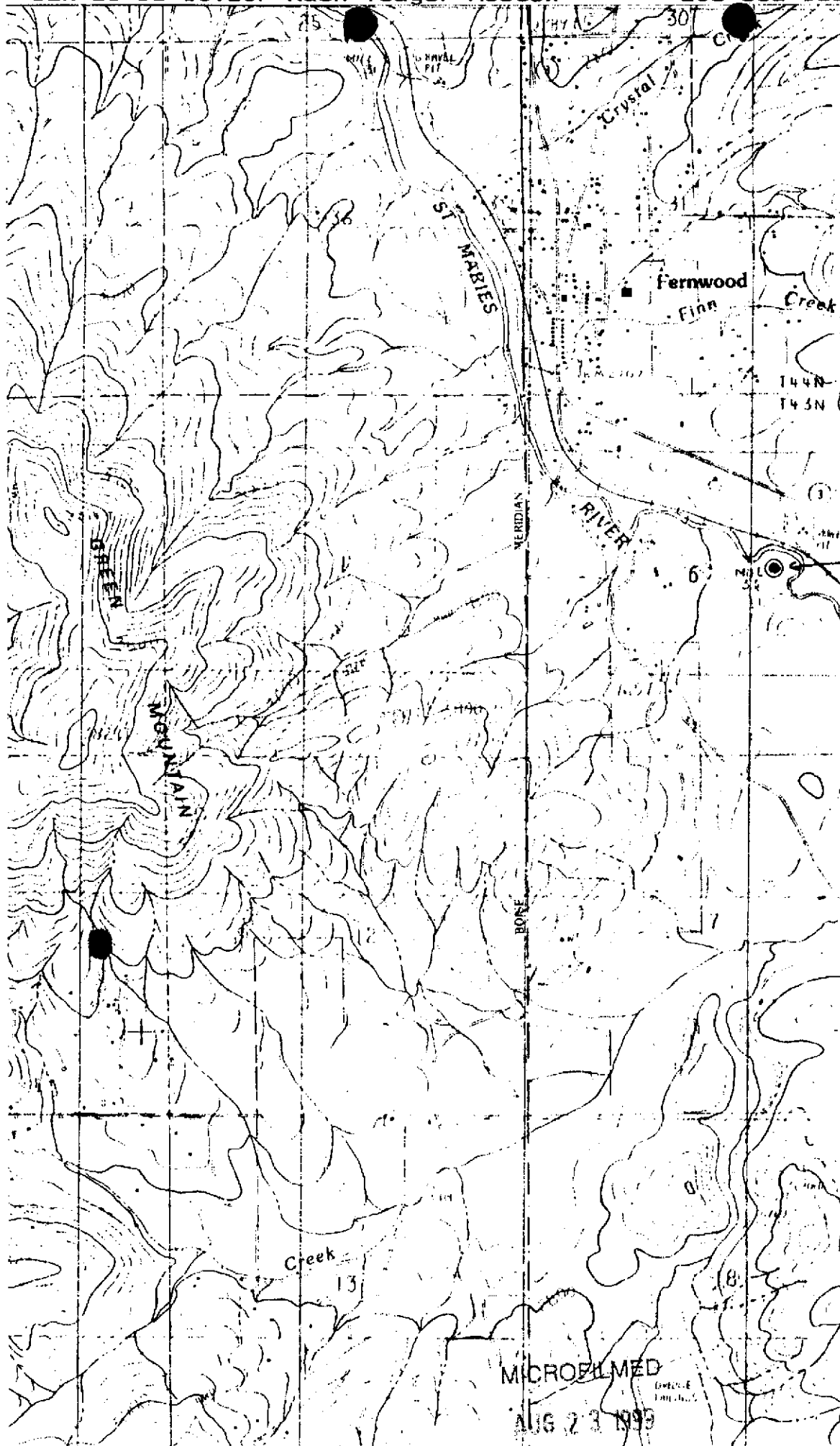
JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

AUG 23 1999



1980000
E.L.1

To: AL BEARDSLEE
NoPg- ①
FM: TOM MOORE
PH# 883-3755
FILE
FERNWOOD
WATER
DISTRICT

→ 92-723/

WELL
LOCATION
PERMIT NO. 92-96-N-025-200
10" MIN DIA

NOTE:
92-96-N-024-000
8" MIN DIA
LOCATED APPROX
30 FT FROM
025-200.
DISTRICT IS NOT
REQUESTING WATER
RIGHT FOR 8"
WELL

43N 1E 5

RECEIVED
JUN 22 1938

Department of Water Resources

MICROFILMED

AUG 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 23, 1998

PHILIP E. BATT
GOVERNOR

FERNWOOD WATER DISTRICT
PO BOX 215
FERNWOOD ID 83830-0215

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 92-07231

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

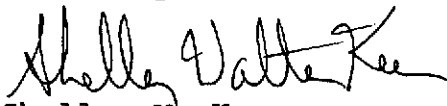
As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

If you have any questions, please call me at 208-327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt

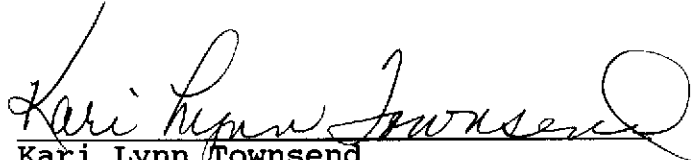
MICROFILMED
JUN 17 1998

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 92-07231

FERNWOOD WATER DISTRICT
PO BOX 215
FERNWOOD ID 83830-0215


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 12 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JUN 12 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

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JUN 12 1998

MEMORANDUM

DATE: April 23, 1998
TO: File No. 92-07231
FROM: Cindy Lou Zimmerman *CLZ*
SUBJECT: Confirmation of Corporate and Municipal Provider Status

Glen requested confirmation of the corporate and municipal provider status of Fernwood Water District.

I called Leta at the Secretary of State's office on 4/20/98 to see if Fernwood Water District was an Idaho corporation. No record of incorporation was found for Fernwood Water District or Fernwood Water and Sewer District. Leta did find a listing for Fernwood Water Co., LLP, whose corporate status expired in 1924.

I called DEQ to confirm Fernwood Water District meets the 39-103(15), Idaho Code, definition of public water supply. On 4/23/98, Howard Woods of the Drinking Water Program, verified that Fernwood Water District is an association providing municipal water to a population of 470. Current supply is from a surface water source to 170 meters with a total of 190 connections. Fernwood Water District is regulated by DEQ through the Drinking Water Program.

Information gained from Howard Woods confirms Fernwood Water District meets the definition of a "municipal provider" as defined under 42-202B(3)(c), Idaho Code.

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APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou
 No.: 92-7231 Name: Fernwood W&S Date: 4/13/98 Ad OK? ☒ ☒ Gvmt Lts: ☒
Dist.**AREA OF CONCERN:****PROTESTED:****SYSTEM COMPLETED:**

> 1 year

≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

Included w/permit

irr. in WD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

USE:

Domestic surface

>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

- 020 (Protest Agreement) or *W19 (Order)

- 26A P17

- P16

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

- 046 P23

- Permit No. _____ - _____ - _____ - _____ P99

- P05 (new well location)

- *WB9

- R04 (WD # _____)

- 01J-P08 (MD & LD)

- 01H-P01 (LD) or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 077

- 029-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- 054(req) -081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- P84 (in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P52 (stream channel alteration)

- 023 (Twin Falls area)

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU) customers- 1 with service bands- 4/1/1999- exp. off.

FERNWOOD WATER & SEWER DISTRICT

P.O. BOX 215 - FERNWOOD, ID 83830

PHONE & FAX (208) 245-3554

RECEIVED

APR 10 1998

April 6, 1998

Department of Water Resources

State of Idaho
Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

ATTN: Cindy Zimmerman

Dear Ms. Zimmerman:

Please find enclosed part of the district's by-laws. I think that they will cover the documentation that the Fernwood Water & Sewer District is a municipal provider.

The following are the names, positions and addresses of our board members:

Sheryl Sullivan,	Chairman;	P.O. Box 43, Fernwood, ID 83830
Henry Teal, jr.,	Secretary;	P.O. Box 438, Fernwood, ID 83830
George Harvey,	Treasurer;	P.O. Box 101, Fernwood, ID 83830
Roger O'Dwyer,	Director;	P.O. Box 183, Fernwood, ID 83830
Peggy Spray,	Director;	P.O. Box 145, Fernwood, ID 83830

If you need further information, please let me know.

Sincerely,



Shelly M. Hammons,
Clerk

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JUN 12 1998

**BY-LAWS
OF
FERNWOOD WATER AND SEWER DISTRICT**

ARTICLE I. OFFICES

The principal office of the Fernwood Water and Sewer District, a public municipal corporation for the State of Idaho, shall be located in or near the town of Fernwood, County of Benewah.

ARTICLE II. DISTRICT DIRECTORS

Section 1. **General Powers.** For and on behalf of the district the Board shall have the following powers:

- (1) To have perpetual existence.
- (2) To have and use the corporate seal.
- (3) To sue, be sued, and be party to suits, actions ad proceedings.
- (4) Except as otherwise provided by statute, to enter into contracts and agreements, corporate and otherwise, affecting the affairs of the district, including contracts in the United States of America and any of its agencies or instrumentalities, and contracts of corporation, public or private, municipalities, or governmental subdivisions, and to cooperate with any or more of them in billing, erecting or constructing work, canals, pipelines, sewage treatment plants, and other facilities with or without the district. Except in cases in which the district will receive aid from a governmental agency, a notice shall be published for bids on all construction contracts for work or materials, or both, involving an expense of \$15,000.00 or more. District may reject any and all bids, and if it shall appear that the district can perform the work or secure materials for less than the lowest bid, it may proceed to do so;
- (5) To borrow money and incur indebtedness and evidence the same by certificate, note or debentures, and to issue bonds in accordance with the provisions of the Idaho Code;
- (6) To acquire, dispose of and encumber real and personal property, water, water rights, water and sewage systems and plants, and any interest therein, including leases and easements within or without said district;

RESOLUTION NO. 96-1

A RESOLUTION PROVIDING RATES TO BE CHARGED FOR WATER AND SEWER SERVICE BY THE FERNWOOD WATER AND SEWER DISTRICT, BENEWAH COUNTY, IDAHO; PRESCRIBING THE RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE WATER SYSTEM OF SAID DISTRICT AND CONNECTION THEREWITH; REGULATING AND GOVERNING THE USE OF WATER FROM SAID SYSTEM; PROVIDING PENALTIES FOR NONPAYMENT OF WATER/SEWER SERVICE AND FOR VIOLATION OF THIS RESOLUTION; PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS RESOLUTION; DECLARING AN EMERGENCY; AND PROVIDING FOR OTHER MATTERS RELATING PROPERLY RELATING THERETO

FERNWOOD WATER AND SEWER DISTRICT
Benewah County, Idaho

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE FERNWOOD WATER AND SEWER DISTRICT OF BENEWAH COUNTY, IDAHO as follows:

WHEREAS, the Fernwood Water and Sewer District (the "District"), is a duly existing water and sewer district organized and operating under the laws of the State of Idaho; and

WHEREAS, the Board of Directors of the District (the "Board") is responsible for operation of the water/sewer system within the boundaries of the District; and

WHEREAS, the District desires to provide a comprehensive regulatory scheme relating to water use and services to be provided to users within the boundaries of the District, or otherwise utilizing the services of the District's water/sewer system.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE BOARD OF DIRECTORS OF FERNWOOD WATER AND SEWER DISTRICT, as follows:

Section 1: PURPOSE AND APPLICABILITY

The District hereby determines and declares that a fair regulatory scheme should be implemented to deal with water and sewer services to be provided by the District to those Users and parcels in the District who shall be benefited by the acquisition, construction and operation of the District's water system, as defined herein.

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JUN 12 1998

Section 2: RULES AND REGULATIONS

- A. Short Title.** This resolution shall be known as "Rates, Rules and Regulations for the Operation of the Water System of the Fernwood Water and Sewer District, Benewah County, Idaho", and may be so cited and pleaded.
- B. Scope.** The District and all customers receiving services from the District shall abide by these rules and regulations and others which may be promulgated in the future.

Section 3: DEFINITIONS OF GENERAL TERMS

As used herein, capitalized terms shall have the meanings provided in this Section. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders, and vice versa. Words imparting the singular number shall include the plural numbers and vice versa, unless the context shall otherwise indicate.

Applicant shall mean the person or persons, firm or corporation, making application for water service from the District under the terms of these regulations.

Board or Board of Directors shall mean the legally elected group of members composing the Board of the Fernwood Water and Sewer District, Benewah County, Idaho, as the same shall be constituted from time to time.

Customer or User shall mean an applicant who has been accepted under the terms of these regulations and who receives water services from the District.

District shall mean the legally constituted municipal government of the Fernwood Water and Sewer District, Benewah county, Idaho.

Parcel shall mean a piece of property now existing or hereafter created as a separate legal parcel, having dimensions which would legally allow such Parcel to be improved with a residence or other structure for human use and/or occupancy, or which otherwise could reasonably be deemed benefited by the availability of water service provided by the District.

Superintendent or Manager shall mean the person appointed by the Board of Directors to superintend the work and/or business of the District and manage the day to day operations of said district.

Water System shall mean the water collection and distribution system of the District, as it now exists and as it may later be added to, extended and improved, and shall include buildings, structures, utilities or other income providing facilities from the operation of or in connection with which revenues for the payment of any obligation of the District will be derived, and the lands appertaining thereto, including, without limitation, any facilities to be later acquired.

Section 4: SERVICE AREA

The area served by the District shall be all that area included within the corporate limits of the Fernwood Water and Sewer District. The area served may be expanded by annexation into the Fernwood Water and Sewer District or by the execution of appropriate agreements between the District and those seeking services from the District, as the Board may determine.

Section 5: DESCRIPTION OF SERVICES

A. Supply.

The District will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the Customer at a reasonable pressure and to avoid, so far as reasonably possible, any shortage or interruption in delivery.

The District shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the District for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

B. Quality.

The District will exercise reasonable diligence to supply safe and potable water at all times.

C. Ownership of System.

All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines", as defined in Section 8, subsection (A) herein, shall be the property of the District.

D. Classes of Service.

The classes of service shall be Residential, Commercial, and Contract as further qualified by the number after the class as follows:

(1) Residential Service.

Residential services shall consist of all services for domestic purposes, single family dwellings, homes and municipal purposes.

(2) Commercial Service.

Commercial services shall consist of those services where water is used for commercial services, such as businesses and multi-family dwellings.

(3) Contract Service.

Contract services shall consist of those services for industrial or independent water usage purposes under contracts as determined and authorized by the District.

Said rates and charges are, and shall continue to be, uniform as to all persons or properties which are of the same class.

E. Special Contracts.

When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the District by authorization of the Board, reserves the right to make a special contract, the provisions of which are different from and have exceptions to the regularly published water rates, rules and regulations. This special contract shall be in writing, signed by the applicant and approved by the District Board of Directors and signed by the Chairman of the Board and the Secretary of the District.

F. Resale of Water.

Resale of water shall be permitted only under special contract, in writing, between the Board of Directors and the persons, parties or corporation selling the water.

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JUN 12 1998

G. Service Preference.

In case of shortage of supply, the District reserves the right to give preferences in the matter of furnishing services to customers and interests of the District from the standing of public convenience or necessity.

Section 6: APPLICATION FOR SERVICE

A. Application Form.

Each Applicant for water service shall sign an application form provided by the District giving the date of application, location of premises to be served, the date Applicant desires services to begin, purpose for which service is to be used, the owner of the property, address for mailing of the billings, the class and size of the meter service and such other information as the District may reasonably require.

In signing the application, the applicant agrees to abide by the rules and regulations of the District. The application is merely a written request for service and does not bind the District to provide any service or access to the Water and/or Sewer System.

B. Establishment of Credit.

At the time application for service is made, the Applicant shall establish credit with the District.

C. Application Amendments.

Customers desiring a change in the size, character or extent of equipment or operation which would result in a significant change in the amount of water used shall give the District written notice of such change two weeks prior to the change and the application for service shall be amended. Customers desiring a change in the size, location or number of services shall fill out an amended application.

Section 7: MAIN EXTENSIONS

Water main extensions to areas within the District limits not presently served with water shall be installed under procedures to be established by the Board. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the Board, and must be done consistent with the rules and regulations of the District. The District will make water main extensions only on right-of-ways, easements or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of Fernwood Water and Sewer District, along with all right and title to the main at the time the service is provided to the customers paying for the extension.

Section 8: SERVICES

A. Definition.

The "service connection" shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box. The "Customer service line" shall be that part of the piping on the Customer's property that connects the service to the Customer's distribution system.

B. Ownership, Installation and Maintenance.

The District shall own, install and maintain all services and installation and maintenance shall only be performed by authorized employees of the District. The Customer shall own, install and maintain the customer service line.

C. Service Connection Charges.

At the time the Applicant files for service where no service previously existed or if he is filing for a change in service size or location, he shall submit with his application the service connection charge. This charge is to cover the actual cost to the District to install the service from the main to, including the meter and the meter housing. Additionally, the District may also charge at cost to dig up and repair streets and rights-of-way to the standards of other municipalities. The service connection charge shall be as determined by the District in the current published water rate schedule.

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JUN 12 1998

D. Size of Service.

The District will furnish and install a service of such size and at such locations as the Applicant requests, provided such requests are reasonable and that the size requested is acceptable to the District. The minimum size of service shall be three-fourths inch. The District may refuse to install a service line which is undersized or oversized as determined by the District.

E. Change in Service Size.

Permanent changes in the size of the service line requested by the Customer shall be paid by the Customer on the basis of actual cost to the District for making the change.

F. Length of Service.

Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service line does not exceed the width of the right-of-way.

Where the main is on an easement or publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public alley property by the District, provided the length of service does not exceed thirty (30) feet.

If, in either case cited above, the length of service to the meter location exceeds the maximum stated, the Applicant shall pay the extra cost of the line on the basis of actual cost to the District for labor, materials and equipment plus fifteen percent (15%).

G. Joint Service Connections.

The District may, at its option serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.

Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residents be permitted to receive service through one meter except under special considerations approved by the Board in advance.

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JUN 12 1968

H. Number of Service Connections on Premises.

The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of the policies, rules and regulations established by the District.

I. Standby Fire Protection Service Connections.

("Later")

J. Fire Service Connections Other than Standby.

("Later")

K. Temporary Service Connections.

For water service of a temporary nature, applications shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and materials furnished by the district. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

(1) Time Limit.

Temporary service connections shall be disconnected and terminated within three (3) months after installation unless an extension of time is granted in writing by the District.

(2) Charge for Water Served.

Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

(3) Installation Charge and Deposits.

The applicant for temporary service will be required.

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JUN 12 1938

- a. To pay the District, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.
- b. To deposit an amount sufficient to cover bills for water and/or sewer during the entire period such temporary service may be used, or to otherwise establish credit approved by the District.
- c. To deposit with the utility an amount equal to the value of any equipment loaned by the District to such applicant under the terms of Section 8, Sub-section K (4) hereinafter.

(4) Responsibility for Meters and Installation.

The Customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the District. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit funds. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

L. Customer's Plumbing.

(1) Plumbing Code.

The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the State of Idaho and other regulations which may be adopted from time to time by the Board.

(2) Customer's work.

Customer's plumbing installation and/or repairs may or may not be inspected by the district, but in no event shall the District perform any installation or repair of customer's plumbing.

(3) Control Valves.

Customers shall install a suitable control valve in the customer service line in an easily accessible location, the operation of which will control the entire water supply to the premises served.

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JUL 12 1968

It shall be a violation of these rules and regulations for the customers to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

M. Reimbursement to District for Costs.

If any repairs, change in service or new service requires that any streets, rights-of-way or sidewalks need to be disrupted or torn up, the District reserves the right to pass on to the user the cost of taking up the asphalt, concrete or other covering and the cost of repairing or replacing the same to the standards of the municipality owning or controlling the street, right-of-way or sidewalk.

Section 9: METERS

A. Ownership.

The District will own and maintain all water meters. The district will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.

B. Installation.

Installation of water meters shall be performed only by authorized employees of the District. All meters shall be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

C. The Size and Type of Meter.

Applicants may request and receive any size meter regularly stocked or furnished by the District, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the Water Superintendent. The District reserves the right to determine the type of meter to be installed.

D. Location of Meters.

Meters shall normally be placed at the curb or property lines; the meter will be installed wherever the applicant desires within reason, but the location must be approved by the District. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.

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JUN 12 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Fernwood Water District
PO Box 215
Fernwood ID 83830-0215

RE: Application for Permit No. 92-07231

Dear Sirs:

I received the above application for permit for municipal use for final review. However, prior to issuing a permit on this application, I need you to provide some additional information.

Please supply documentation or evidence that Fernwood Water District meets the definition of a municipal provider as defined in 42-202B(3), Idaho Code (copy enclosed).

Also, due to the requirement of Water Allocation Rule 035.03.b.i., I need a list of the names, titles, and addresses of all the officers and/or partners of Fernwood Water District.

I will hold further processing on your application for 30 days pending your response. Please submit this information as quickly as possible within the 30-day period to prevent any further undue delay in processing your application.

If you have any questions, you may contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent

Fax: 208 245-3554

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JUN 12 1998

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WRI
wRA
bc

APPLICATION # 92-0723

MAR 19 1998

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: FERNWOOD

BY: AB

DATE: 1/29/98

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
- (X) Signature
- (X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

- (Yes) (No)
- X Field check: by _____
- _____ Field report attached
- _____ Analysis Supp. attached (>5cfs/500af)
- _____ Water delivered by water master?
- _____ Water District # _____

PROCESSING

- (Yes) (No) PRIORITY DATE: 1/29/98
- _____ X (Include Moratorium Remark)
- _____ X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BEDONAH County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: NA

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: NA

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>92 96 10025-200</u>	Dom. Non-Dom. <u>X</u>	Paid \$ <u>75-</u>	<u>10010689</u>	Y (X) N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()

- _____ Groundwater management area
- _____ Critical ground water area
- _____ Well Drilling Permit required
- _____ Well Drilling Application and Fees received
- _____ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

- (Yes) (No)
- _____ Notice of pending void order issued. Final order response date: _____/_____/_____
- _____ Further information required from applicant
- 2/26 _____ Affidavit of publication received
- 2/26 _____ Application published correctly. If not, record action taken: _____
- 2/11 _____ Publication dates and paper recorded on application | Sr. Agent initial AB
- _____ X Protests received, Final protest date: 3/9/98
- _____ X Measuring device required
- _____ X Measuring port required
- _____ X Special conditions:
- _____ X Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB

Date: 3/11/98

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

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

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 18th day of Feb., 1998 and the last on the 25th day of Feb., 1998.

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

Dated this 25th day of Feb., 1998.

Cynthia Ann Hammes

STATE OF IDAHO)
COUNTY OF BENEWAH)

On this 25th day of Feb., in the year of 1998 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Sharon D. Blackburn

Notary Public for Idaho

Residing at St. Maries, Idaho

My commission expires: November 4, 1998

RECORDED
JUN 1 1998

**Notice of application
NOTICE OF APPLICATION
FOR WATER RIGHT**

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

92-07231

Fernwood Water District
P.O. Box 215

Fernwood, ID 83830-0215

Source: GROUNDWATER

✓ Diversion Pt: SWNE Sec. 6 T43N
R01E in BENEWAH COUNTY.

✓ NWSE Sec. 6 T43N R01E in
BENEWAH County.

Use: MUNICIPAL (1.000 CFS)

Total Diversion: (1.000 CFS)

Date Filed: 1/29/1998

Place of Use is located within the boundaries/service area of the Fernwood Water and Sewer District.

For additional information concerning the property location, call the Northern Regional Office at (208) 789-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with protest fee of \$25.00 on or before March 9, 1998.

KARL J. DREHER, Director
3864--Feb. 18-25

RECEIVED

FEB 26 1998

NORTHERN REGION
IDWR

92-07231

FERNWOOD WATER DISTRICT
PO BOX 215
FERNWOOD, ID 83830-0215

Source: GROUNDWATER

Diversion Pt: SWNE Sec 6 T43N R01E in BENEWAH County.
NWSE Sec 6 T43N R01E in BENEWAH County.

Use: MUNICIPAL (1.000 CFS)
Total Diversion (1.000 CFS)

Date Filed: 1/29/1998

Place of Use is located within the boundaries / service area of the Fernwood Water and Sewer District.

MICROFILMED
JUN 12 1998

February 11, 1998

Mrs. Sheryl Sullivan, President
Fernwood Water District
PO Box 215
Fernwood ID 83830

Re: Water Appropriation Application No. 92-07231

Dear Mrs. Sullivan:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N011785.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

MICROFILMED

JUN 12 1998

AB:db

SD-0201-1

Date: 02/05/98

Time: 13:34:55

Receipt No: N010689 AR No: _____ Date: 09/19/1996 Payoff Part of Acct? N
From: H2O WELL SERVICE _____ Payment Type: CK CHECK Doc No: 30640_
Remarks:

Description	Fund	FD	PCA	Obj	Subsid	
WD PERMITS 96N260, 96N261, 92N24_____	229	21	65134	1205	_____	225.00
92N25-300, 94N36, 95N149, 96N259_____	229	21	65134	1205	_____	300.00
92-96-N-25-300 (Adm Rev'd)						
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
				Total Amount:		525.00

(Enter=Inq) (GOLD1=Add/Print) (GOLD2=Change) (GOLD3=Void) (GOLD5=Laser Print)
(GOLD6=Print 2nd Copy) (GOLD7=Enter WR Nos) (GOLD8=Cancel) (Menu)

MICRO.

JUN 12 1944

District Boundaries

The boundaries of the Fernwood Water and Sewer District are as follows:

Fernwood;

First addition to Fernwood;

Milwaukee Land Company's First Addition to Fernwood;

Blackwell Acres;

Riverview Tracts;

Meadow Tracts;

First Addition to Meadow Tracts;

All that part of Section 36, Township 44 North, Range 1 West, lying East of the St. Maries River: North Half of the Northwest Quarter, southwest Quarter of the Northwest Quarter and the West Half of the Southeast Quarter of the Southwest Quarter of Section 31, Township 44 North, Range 1 East or such portions thereof as are not included in the above platted sub-divisions, Benewah County, Idaho.

and

Lot 3, Section 6, Township 43 North, Range 1 East, Benewah County, Idaho.

and

Lots 4 and 5, section 6, Township 43 North, Range 1 East; the Northeast Quarter of the Southwest Quarter and Lots 4 and 5, Section 30, Township 44 North, Range 1 East; the Southeast Quarter of the Southeast Quarter of Section 31, township 44 North, Range 1 East; Lot 4 of Section 32, Township 44 North, Range 1 East; all of Lot 3, Section 30, Township 44 North, Range 1 East, except 7.08 acres within said Lot 3, described as follows: Beginning at the Northwest corner of Lot 3, thence East along North line of said lot a distance of 10 chains, thence due South a distance of 7.08 chains, thence due West a distance of 10 chains to the West line of Section 30, thence North along West line of said Section 30 a distance of 7.08 chains to the point of beginning, Benewah County, Idaho.

MICROFILMED

JUN 12 1998

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES

JAN 27 1998

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

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

NORTHERN REGION

1. DRILLING PERMIT NO. 92-96-N-024-000

Other IDWR No.

2. OWNER

Name FERNWOOD #1

Well Number:

462

Address PO BOX 215

City FERNWOOD State ID Zip 83830

3. LOCATION OF WELL by legal description

sketch map location must agree with written location

N	
W	X
E	
S	

Twp. 43 ☒ North or ☐ South
Rge. 01 ☒ East or ☐ West
Sec. 06 1/4 SW 1/4 NW 1/4
Gov't Lot _____ County BENEWAH
Lat. : : Long. : :
Address of Well Site ADAMS CREEK ARE
City FERNWOOD

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

Lt. _____ Blk. _____ Sub. Name _____

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	
BENTONITE	0	60	6 SACK	CRUMBLES

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 170Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+2	170	.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

2 ft. below ground Artesian pressure _____ lb.

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

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
60+			8 HRS

Water Temp. COLD Bottom Hole Temp. COLD

Water Quality test or comments: CLEAN

Depth first Water encountered 6'

12. LITHOLOGIC LOG:(Describe repairs or abandonment)

Bore Diam	From	To	Remarks: Lithology, Water Quality, Temperature	Water	
				Y	N
8	0	1	Topsoil Brown Soft	☐	☒
8	1	5	Clays Brown Soft	☐	☒
8	5	8	Gravels Clays	☒	☐
8	8	80	Silty Clays Brown	☒	☐
8	80	90	Silty Clays Medium	☒	☐
8	90	130	Silty Clays Black	☒	☐
8	130	160	Silty Quartz Clay Light	☒	☐
8	160	170	Silty Clays W/Wood Black	☒	☐
8	170	200	Basalt Fractured	☒	☐
8	200	220	Basalt Fractured W/Sand	☒	☐
	0	0	1x Gate Valve 8 Hours Development ti	☐	☐
	0	0	1x6" bolt on Well Seal/ 1x150lbs Guag	☐	☐

Completed Depth 220' (Measurable)

Date: Started 09/18/96 Completed 09/18/96

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 Service, Inc. Firm No. 448

Firm Official _____ Date 10-8-86

and Supervisor or Operator _____ Date 10/9/96

(Sign Once if Firm Official and Operator)

RECEIVED

Form 238-7

3/95

Starships Consulting and
Management Services

JAN 27 1998

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

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

NORTHERN REGION

1. DRILLING PERMIT NO. 92-96-N-025-300

Other IDWR No. _____

2. OWNER

Well Number: _____

Name FERNWOOD #2

463

Address PO BOX 215

City FERNWOOD State ID Zip 83830

3. LOCATION OF WELL by legal description

sketch map location must agree with written location

N		Twp. 43		☒ North or ☐ South
W		Rge. 01		☒ East or ☐ West
E		Sec. 06		1/4 SW 1/4 NW 1/4
S		Gov't Lot _____		County BENEWAH
		Lat: : : Long: : :		

Address of Well Site FERNWOOD

ADAMS CREEK AREA City FERNWOOD

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

Lt. _____ Bk. _____ Sub. Name _____

4. USE:

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

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

☒ New Well ☐ Modify ☒ Abandonment ☐ Other Abandoned

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	20	5 SACK	3/8 HOLE PLUG

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 150Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
10	+2	150	.250	STEEL	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method OPEN BOTTOM
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

2 ft. below ground Artesian pressure _____ lb.

Depth flow encountered 6 ft. Describe access point or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
100+			2 HR

Water Temp. COLD Bottom Hole Temp COLD

Water Quality test or comments: SANDY

Depth first Water encountered 6'

12. LITHOLOGIC LOG:(Describe repairs or abandonment)

Bore Diam	From	To	Remarks: Lithology, Water Quality, Temperature	Water	
14	0	2	Topsoil Brown Soft	☐ Y	☐ N
14	2	6	Gravels Sands Brownish	☐ Y	☐ N
10	6	150	Silty Clay Brown	☐ Y	☐ N
14	6	12	Clays Brown Medium	☐ Y	☐ N
14	12	20	Silty Clay Grayish Brown	☐ Y	☐ N
10	20	60	Silty Clay Grayish Brown	☐ Y	☐ N
	0	0	W/Tremmie Pipe & Cement Pump	☐ Y	☐ N
	0	0	Abandonment Cemented well up	☐ Y	☐ N
	0	0	WELL INCOMPLETE	☐ Y	☐ N
	0	0	1x10" Well Seal	☐ Y	☐ N

Completed Depth 150' (Measurable)

Date: Started 09/19/96 Completed 09/19/96

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 Service, Inc. Firm No. 448

Firm Official _____ Date 10-9-96

and _____

Supervisor or Operator _____ Date 10/9/96

(Sign Once if Firm Official and Operator)



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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

January 23, 1998

Mrs. Cheryl Sullivan
Fernwood Water District
PO Box 215
Fernwood ID 83830

RE: Application for Permit

Dear Mrs. Sullivan:

We are returning your Application for Permit for clarification of the legal description of where your new well will be located.

The legal description on Item Number 4. and the location of where the "New Source" is listed on the map do not match.

Please review and change Item 4., or where the source is marked on the map.

In addition, the Well Drilling Permit Number that you have listed on your filing indicates that the well is located in Section 5, T.43N., R1E. I have printed a list of Well Drilling Permits under the name of Fernwood Water District. (92-96-N-25-200 = replacement) Domestic \$75

If you have any questions, or if I can be of further assistance, please feel free to contact me at this office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

Enc Receipt # N011785

MICROFILMED

JUN 12 1998

SD-0602-2 Last Name: FERNWOOD WATER

S Basin Number: Year:

L	Name Last, First	Permit Number	Twp	Rng	Sec	1 /4	1 /4	1 /4	Lt	A		S		O	Approval Date
										c	U	T	G		
FERNWOOD WATER DISTRICT															
	⁷⁵	92-96-N-0024-000	43N	01E	05				SW	NW	L	D	F	L	09/24/1996
		92-96-N-0025-000	43N	01E	05				SW	NW	V	D	X		00/00/0000
	Replacement	92-96-N-0025-200	43N	01E	05				SW	NW	L	D	P	L	00/00/0000
	Abandonment 75	92-96-N-0025-300	43N	01E	05				SW	NW	L	D	Z	L	09/24/1996
	Cancelled-not drilled	92-96-N-0027-000	43N	01E	05				SW	NW	V	D	C		00/00/0000

*All
Domestic*

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

92-96-N-25-000 X Suffix ~~changed~~
 92-96-N-25-300 Abandoned no fee
 92-96-N-25-200 replacement original fee
 applied to this # NO 10689-75

CCBW

9/19/1996

H2O WELL SERVICE

WD PERMITS 96N260, 96N261, 92N24 65134 229 21 1205 225.00
 92N25-300, 94N36, 95N149, 96N259 65134 229 21 1205 300.00

abandonment Domestic \$15 *ferwood Domestic \$15*
no fee for -300.

CHECK 30640

\$ 525.00

Should be 92N25-200

Region: NORTHERN

Signature: _____