

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15650

Priority: December 09, 2005

Maximum Diversion Rate: 0.04 CFS

This is to certify, that RICHARD L KOLLER
2105 W REGINA AVE
SPOKANE WA 99218

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L5 (NW¼ SW¼) Sec. 29, Twp 37N, Rge 02W, B.M. NEZ PERCE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
37N 02W 29										X							
										L 5							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2008**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of February, 2008.


for KARL DREHER, Director

RECEIVED

FEB 01 2006

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

DEC 09 2005

IDWR/North

1. Name of Applicant RICHARD L KOLLER Phone (509) 467-3748
Mailing address 2105 W. REGINA AVE. SPOKANE, WA 99218
2. Source of water supply GROUND WATER which is a tributary of N/A
3. Location of point of diversion is Township 37N Range 2W Sec. 29, in the 1/4,
NW 1/4, SW 1/4, Govt. Lot 5, B.M., NEZ PERCE County;
additional points of diversion if any:
4. Water will be used for the following purposes:
- | | |
|---|------------------------------|
| Amount <u>.04</u> for <u>Domestic</u> purposes from <u>1/1</u> to <u>12/31</u> (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) .04 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works: _____
- a. Describe type and size of devices used to divert water from the source well w/ pump to P.O.U.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? 1960's; Drilling firm ?
Well was drilled for (well owner) ?; Drilling Permit No. ?
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1 home
- e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
37N	2W	29										~5 D							

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

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

12. Remarks: _____

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

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Richard J. Keller

Signature of Applicant (and title, if applicable)

Received by [Signature] Date 12-9-05 Time 1:45P Preliminary check by _____
 Fee \$ 100.00/20.00 Received by [Signature] # 2017290 Date 12-9-05
 Publication prepared by [Signature] Date 12/28/05 Published in Lewiston Morning Tribune 1/5+12/06
 Publication approved [Signature] Date 1/17/06

Koller

T37N R2W Section 29



Place of Use



Point of Diversion



**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

February 8, 2006

RICHARD L KOLLER
2105 W REGINA AVE
SPOKANE WA 99218

RE: Permit No. 85-15650

Permit Approval Notice

Dear Permit Holder:

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

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

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

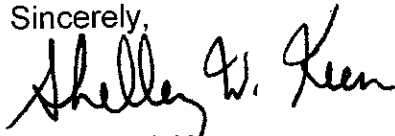
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

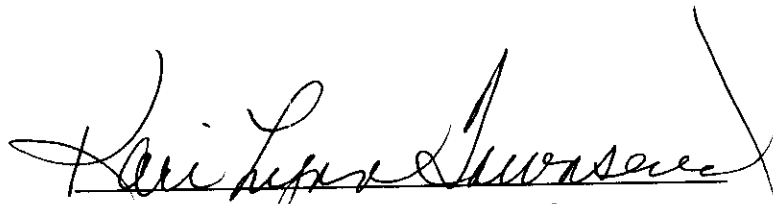
CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2006 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

85-15650

**RICHARD L KOLLER
2105 W REGINA AVE
SPOKANE WA 99218**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

M E M O R A N D U M

Date: February 02, 2006
To: Water Right File 85-15650
From: eretelle
Re: permit review

No WD or moratorium

No protest or overlap

Recommend approval as suggested by IDWR Northern

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING INVOICE

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D'ALENE ID 83814

Date 01/12/2006

INVOICE NO. 412885

Account No. 964750

Description 412885 The following ap

Times 2

Lines 54

RECEIVED

JAN 13 2006

IDWR/North

Tab. Lines

\$ 161.46

PO# 85-7628

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate the public waters of the State of Idaho: ⁴¹²⁸⁸⁵

85-7628

MARK LADOUX
PO BOX 149

PECK ID 83545-0149

Point(s) of Diversion SENE S14 T36N R01W NEZ PERCE County
Source LITTLE CANYON CREEK-Tributary To BIG CANYON CREEK
Use: IRRIGATION 03/15 To 11/15 0.12 CFS
Total Diversion: 0.12 CFS

Date Filed: 11/01/1995

Place Of Use: IRRIGATION T36N R01W S14 NENE
Number of Acres 4

85-15649

RICHARD L KOLLER
2105 W REGINA AVE

SPOKANE WA 99218

Point(s) of Diversion L6 (NESW) S29 T37N R02W NEZ PERCE County
Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 12/09/2005

Place Of Use: DOMESTIC T37N R02W S29 NESW Lot 6 NWSE Lot 7
Remark: Domestic use is for 8 homes.

85-15650

RICHARD L KOLLER
2105 W REGINA AVE

SPOKANE WA 99218

Point(s) of Diversion L5 (NWSW) S29 T37N R02W NEZ PERCE County
Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 12/09/2005

Place Of Use: DOMESTIC T37N R02W S29 NWSW Lot 5
Remark: Domestic use is for 1 home.

85-15651

RICHARD L KOLLER
2105 W REGINA AVE

SPOKANE WA 99218

Point(s) of Diversion L2 (SWNE) S29 T37N R02W NEZ PERCE County
Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 12/09/2005

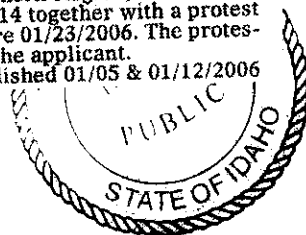
Place Of Use: DOMESTIC T37N R02W S29 SWNE Lot 2
Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 01/23/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published 01/05 & 01/12/2006



Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 412885 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/05, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 01/05/2006, and the last publication thereof being on the 01/12/2006, and said 412885 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 12 day of Jan in the year of 2006, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 1/23/2010

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

85-7628

MARK LADOUX

PO BOX 149

PECK ID 83545-0149

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Total Diversion: 0.12 CFS

Date Filed: 11/01/1995

Place Of Use: IRRIGATION

T36N R01W S14 NENE

Number of Acres 4

85-15649

RICHARD L KOLLER

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SPOKANE WA 99218

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85-15650

RICHARD L KOLLER

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SPOKANE WA 99218

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85-15651

RICHARD L KOLLER

2105 W REGINA AVE

SPOKANE WA 99218

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Source GROUND WATER

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KARL J DREHER, Director Published 01/05 & 01/12/2006

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

December 28, 2005

KAREN LEWIS
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

e-mailed to Karen 12/28/05

Please FAX proof copy before publication, to 208-769-1454
Thanks, Dianne

RE: Application for Permit No. 85-7628, 85-15649, 85-15650 and 85-15651

Dear Karen:

Embodied below you will find a legal notice which we wish to have published in your newspaper on the dates indicated, January 5 and 12, 2006, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. This e-mail will flow on down to a second page.

I am also FAXING a copy for your information – in case something gets scrambled a bit in this e-mail.

If you have ANY QUESTIONS, please call me at 208-769-1450 or e-mail me at Dianne.Ball@idwr.idaho.gov.

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 01/23/2006. Your cooperation is VERY GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

85-7628

MARK LADOUX
PO BOX 149
PECK ID 83545-0149
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85-15651

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The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director Published 01/05 & 01/12/2006

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 28, 2005 11:45 AM
To: Legal Notices-Lewiston Morning Tribune (E-mail)
Subject: CoverLetter 12-28-05 LT e-mail + legal text for 85-7628, 85-15649,50,51.doc

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

December 28, 2005

KAREN LEWIS
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

e-mailed to Karen 12/28/05

Please FAX proof copy before publication, to 208-769-1454
Thanks, Dianne

RE: Application for Permit No. 85-7628, 85-15649, 85-15650 and 85-15651

Dear Karen:

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Sincerely

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Dianne Ball
Administrative Assistant

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

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85-15651

RICHARD L KOLLER

2105 W REGINA AVE

SPOKANE WA 99218

Point(s) of Diversion L2 (SWNE) S29 T37N R02W NEZ PERCE County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 12/09/2005

Place Of Use: DOMESTIC

T37N R02W S29 SWNE Lot 2

Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 01/23/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published 01/05 & 01/12/2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 28, 2005

RICHARD L KOLLER
2105 W REGINA AVE
SPOKANE WA 99218

RE: Application for Permit No 85-15649, 85-15650 and 85-15651

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right applications. Please refer to the above referenced numbers in all future correspondence regarding these applications.

A legal notice of the application has been prepared and is scheduled for publication in the Lewiston Morning Tribune on January 5 and 12, 2006. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Gregory J. Taylor
Senior Water Resource Agent

Enclosure(s) – Receipt No. N017290 – for your records.