

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09260

Priority: September 07, 2005

Maximum Diversion Rate: 0.20 CFS

This is to certify, that ROB BEHRENS
1510 B - BULWER
MISSOULA MT 59802

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	0.20 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER NW¼NE¼SW¼ Sec. 13, Twp 56N, Rge 01E, B.M., BONNER County
GROUND WATER NW¼NE¼SW¼ Sec. 13, Twp 56N, Rge 01E, B.M., BONNER 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	
56N 01E 13									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2009**.
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 the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 13 homes.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of January, 2006.


for KARL J DREHER, Director

RECEIVED

JAN 18 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

SEP 07 2005

IDWR/North

1. Name of Applicant ROB BEHRENS Phone 406-360-0666

Mailing address 1510 B BULWER MISSOULA, MT 59802

2. Source of water supply GROUNDWATER which is a tributary of N/A

3. Location of point of diversion is Township 56N Range 1E Sec. 13 in the NW ¼, (x2)
NE ¼, SW ¼, Govt. Lot —, B.M., BONNER County;

additional points of diversion if any: N/A

4. Water will be used for the following purposes:

Amount 0.20 for DOMESTIC 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) 0.20 and/or (b) —
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source —

b. Height of storage dam — feet; active reservoir capacity — acre-feet; total
reservoir capacity — acre-feet

c. Proposed well diameter is 6 inches; proposed depth of well is 150 feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? —; Drilling firm H₂O WELL DRILLING;
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 3 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. RSB DEVELOPMENT

d. Domestic; show number of households. —

e. Other; describe fully. —

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	1E	13									X								
											D								

Total number of acres to be irrigated _____

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

- Who owns the property at the point of diversion? RSB DEVELOPMENT
- Who owns the land to be irrigated or place of use? RSB DEVELOPMENT
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: THE PROPOSED WELL WILL SERVE UP TO 13 POSSIBLE SINGLE FAMILY HOMES.

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.

(SEE ATTACHED)
Signature of Applicant (and title, if applicable)

Received by db Date 9/7/05 Time 11:57 a Preliminary check by _____
 Fee \$ 100.00 Received by db # NO17164 Date 9/7/05
 Publication prepared by db Date 11/22/05 Published in Boyer Co Daily Sun 12/14/05
 Publication approved db Date 12/13/05

3. 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	
56N	1E	13									M								

Total number of acres to be irrigated _____

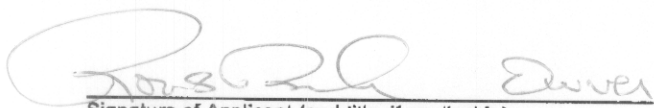
10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? RJB DEVELOPMENT
- b. Who owns the land to be irrigated or place of use? RJB DEVELOPMENT
- 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: THE PROPOSED WELL WILL SERVE UP TO 13 POSSIBLE SINGLE FAMILY HOMES.

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.


Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

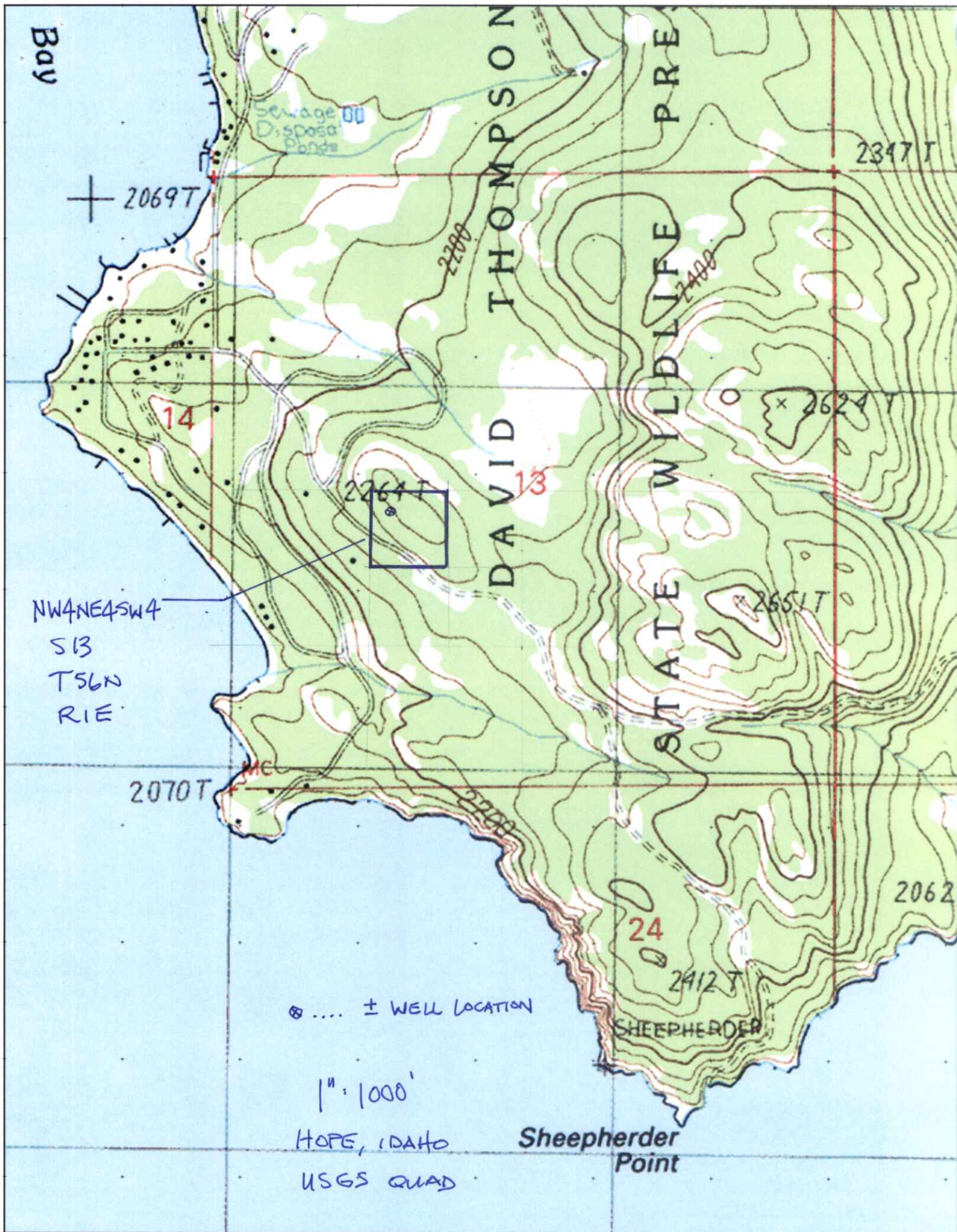
SCANNED

JAN 26 2006

BONNER COUNTY
T56N R1E S13



N
1" = 800'



**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

January 23, 2006

ROB BEHRENS
1510 B - BULWER
MISSOULA MT 59802

RE: Permit No. 96-9260

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.

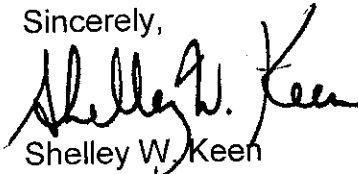
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" being clearly legible.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: JAMES A SEWELL & ASSOCIATES

CERTIFICATE OF SERVICE

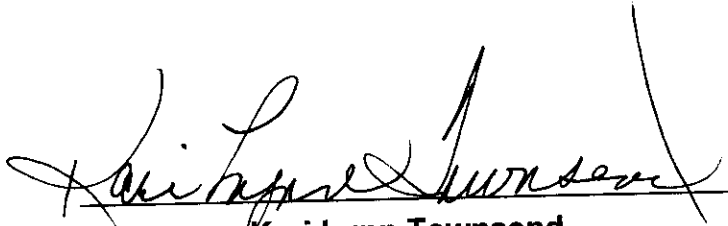
I hereby certify that on January 23, 2006 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9260

**ROB BEHRENS
1510 B - BULWER
MISSOULA MT 59802**

**JAMES A SEWELL & ASSOCIATES
ATTN: MARTIN TAYLOR
1205 W HWY 2
SUITE 101
SANDPOINT ID 83864**



**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:

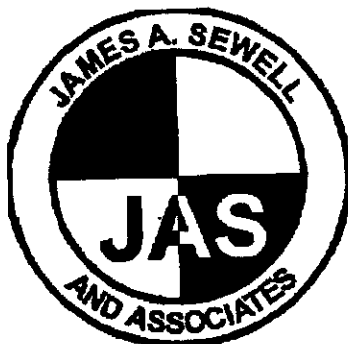
- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

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.



JAMES A. SEWELL & ASSOCIATES

*Civil Engineering *Electrical Engineering *Land Surveying
1205 Highway 2, Suite 101, Sandpoint, ID 83864
Phone (208) 263-4160 Fax (208) 263-5229

Fax

To:

Greg Taylor - IDNR

Fax #:

(208) 769-1454

From:

Marty Taylor

Date:

12/22/05

Subject:

Pages:

(Includes Cover)

DEC-07-2005 WED 01:09 PM Oateo Northwest

FAX NO. 14067281203

P. 01/01



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

cc
Marty
Taylor

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-3648 • (208) 769-1422

Dirk Kempthorne, Governor
Toni Hardesty, Director

November 30, 2005

Rob Behrens
1510 S Bulwar
Missoula, MT 59802

RE: New Well Construction Approval for Two Wells for Behrens Subdivision

Dear Mr. Behrens:

Please read this letter in its entirety. You are responsible for the project to be completed in accordance with this approval. Plans and specifications submitted by Jason Mellin, signed and stamped by Eric Eldenburg, P.E. on November 4 2005 and September 27, 2005 for construction of two new public drinking water wells (well #1 and well #2) have been reviewed.

Our records indicate a well site evaluation was completed by Mike Nelson and these locations approved November 4, 2005 (well #2) and August 11, 2005 (well #1). These wells are proposed to serve a 13 lot residential subdivision located in the NE 1/4 (well #1) and SW 1/4 (well #2) of Section 13, T56N, R1E, B.M. on the southwest quadrant of the Hope Peninsula.

The well construction plans submitted were found to be in accordance with the Idaho Rules for Public Drinking Water Systems and are approved for construction purposes in accordance with Section 39-118 of Idaho Code. All requirements specified in the well site approval letters and specifications listed on the plans must be followed. Failure to do so may result in a well which cannot be approved for use.

It is allowable for sand content to be determined by the laboratory when water quality analysis is completed. Your lab can assist you with this step. The well #2 site will need to be adequately contoured to control runoff from affecting the well head.

Inspection of construction activities approved herein must be done by an Idaho licensed Professional Engineer (P.E.). If major modifications to this accepted design are necessary, approval by this office must be secured prior to implementation of the changes.

Section 39-118 of Idaho Code requires that as-built plans as certified by the inspecting engineer be submitted to this office for review and approval within thirty (30) days of completion of construction. This approval is good for one year from the date of this letter.

Sincerely,


Alan Miller, EIT
Associate Engineer

c: Jason Mellin, Sewell & Assoc, 800 Fourth St W, Newport, WA 98156
Tom King, IDWR-Coeur d'Alene
Mike Nelson, Panhandle Health District, 322 Marion, Sandpoint 83864
File: Behrens Subdivision PHD (# 8958 _B-19)

FAXED
DEC 01 2005
Per.....



Public Health

PANHANDLE HEALTH DISTRICT

Healthy People in Healthy Communities

ENVIRONMENTAL HEALTH
322 MARION AVENUE
SANDPOINT, IDAHO 83864
(208) 265-6384
<http://www2.state.id.us/phd1>

November 4, 2005

Mr. Rob Behrens
1510 B. Bulwer
Missoula, MT 59802

Re: Well site evaluation, Behrens Subdivision

Dear Rob:

Thank you for the opportunity to inspect the proposed second well site to serve the Behrens Subdivision. The proposed well site is located approximately 400 feet southeast of the boat building; in the NE ¼ of the SW ¼ of Section 13, Township 56N, Range 1E, B.M. The site appears to be in accordance with Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08 (rules), and is approved. **Drilling may not be started until the following conditions are met and, approval is given by the Idaho Department of Environmental Quality (DEQ).**

1. The well must be located a minimum of 50 feet from any potential source of contamination, and no closer to specific sources than;

Sewer line	50 feet
Septic tank	100 feet
Disposal Field	100 feet
Seepage Pit	100 feet
Privies	100 feet

Livestock	50 feet
Lakes, ponds, streams, canals, ditches, & tanks used to store non-potable substances	50 feet

2. Observe all other applicable setbacks.
3. Obtain a drilling permit from the Idaho Department of Water Resources, 1910 Northwest Boulevard, Coeur d'Alene, Idaho 83814.
4. In accordance with Idaho Code 39-118; plans and specifications for the construction of the well, stamped by a professional engineer registered in Idaho, must be submitted to DEQ, 2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814. **These plans must be reviewed and approved prior to drilling.**

Please call me at (208) 265-6384, if you have any questions.

Sincerely,

Mike Nelson

Mike Nelson, R.E.H.S.
Sr. Environmental Health Specialist

cc: Steve Tanner, IDEQ-Coeur d'Alene
Bob Haynes, IDWR-Coeur d'Alene
Greg Calvert, PHD-Sandpoint
Marty Taylor, Sewell & Associates



Public Health

PANHANDLE HEALTH DISTRICT

Healthy People in Healthy Communities

ENVIRONMENTAL HEALTH
322 MARION AVENUE
SANDPOINT, IDAHO 83864
(208) 265-6384
<http://www2.state.id.us/phd1>

August 11, 2005

Mr. Rob Behrens
1510 B. Bulwer
Missoula, MT 59802

Re: Well site evaluation, Behrens Subdivision

Dear Rob:

Thank you for the opportunity to inspect the proposed well site to serve the Behrens Subdivision. The proposed well site is located in the northwest area of the property; in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, Township 56N, Range 1E, B.M. The site appears to be in accordance with Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08 (rules), and is approved. **Drilling may not be started until the following conditions are met and, approval is given by the Idaho Department of Environmental Quality (DEQ).**

1. The well must be located a minimum of 50 feet from any potential source of contamination, and no closer to specific sources than;

Sewer line	50 feet	Livestock	50 feet
Septic tank	100 feet	Lakes, ponds, streams,	50 feet
Disposal Field	100 feet	canals, ditches, & tanks	
Seepage Pit	100 feet	used to store non-potable	
Privies	100 feet	substances	

2. Observe all other applicable setbacks.
3. Obtain a drilling permit from the Idaho Department of Water Resources, 1910 Northwest Boulevard, Coeur d'Alene, Idaho 83814.
4. In accordance with Idaho Code 39-118; plans and specifications for the construction of the well, stamped by a professional engineer registered in Idaho, must be submitted to DEQ, 2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814. **These plans must be reviewed and approved prior to drilling.**

Please call me at (208) 265-6384, if you have any questions.

Sincerely,

Mike Nelson

Mike Nelson, R.E.H.S.
Sr. Environmental Health Specialist

cc: Steve Tanner, IDEQ-Coeur d'Alene
Bob Haynes, IDWR-Coeur d'Alene
Greg Calvert, PHD-Sandpoint
Marty Taylor, Sewell & Associates

RECEIVED
DEC 13 2005
IDWR/North

LEGAL NOTICE

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

96-9260

ROB BEHRENS

1510 B - BULWER

MISSOULA MT 59802

Point(s) of Diversion (2) NWNESW S13 T56N R01E

BONNER County

Source GROUND WATER

Use:DOMESTIC 01/01 To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 09/07/2005

Place Of Use: DOMESTIC

T56N R01E S13 NESW

Remark: Domestic use is for up to 13 single family homes.

96-9265

PAUL M HERNDON

DEBRA K HERNDON

526 S FLORENCE

SANDPOINT ID 83864

Point(s) of Diversion NENE S27 T56N R03W BONNER
County

Source GROUNDWATER

Use:IRRIGATION04/01 To 10/31 0.02 CFS

Use:DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/14/2005

Place Of Use: DOMESTIC

T56N R03W S27 NENE

Place Of Use: IRRIGATION - same as DOMESTIC

Number of Acres 1

Remark: Domestic use is for 1 home.

96-9266

JOSEPH GAWEL

LAURIE GAWEL

2627 TWIN CREEK RD

CLARK FORK ID 83811

Point(s) of Diversion L4 (NWNW) S1 T54N R02E BONNER
County

Source DELYLE CREEK Tributary To TWIN CREEK

Use:POWER 01/01 To 12/31 0.33 CFS

Use:DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.37 CFS

Date Filed: 11/18/2005

Place Of Use: POWER

T54N R02E S1 NWNW Lot 4

Place Of Use: DOMESTIC same as POWER

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 12/19/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal SNP#7448

December 1, 8, 2005

*See reverse for
Affidavit of Publication*

AFFIDAVIT OF PUBLICATION

RECEIVED
DEC 13 2005
IDWR/North

STATE OF IDAHO)

) ss.

County of Bonner)

Sharilyn Jones, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Notice of App. My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 1 day of Dec, 2005, and ending on the 8 day of Dec, 2005.

Sharilyn Jones

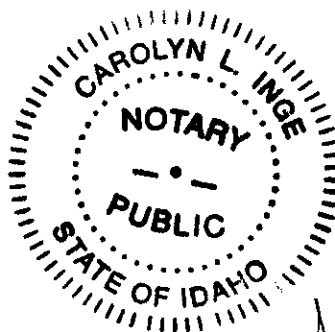
SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 8 day of Dec, 2005.

Carolyn L. Inge

Notary Public

Residing at: Sandpoint

Comm. Exp.: 8/06



*See reverse for
page notice*

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, November 22, 2005 11:07 AM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication on December 1 and 8, 2005

Good morning, Sheri,

Attached is our cover letter requesting publication on December 1 & 8, 2005 of a legal notice, also attached.

If you cannot publish on the dates requested, or if you have ANY questions, please call me at 208-769-1450.

PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION - AT 208-769-1454.

Thank you - it's always a pleasure to work with you.

Have a very happy day and a blessed Thanksgiving.

Dianne

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



CoverLetter
I-22-05 BCDB e-ma.



LegalNotice
I-22-05 BCDB e-ma.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 22, 2005

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

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

RE: Application for Permit No. 96-9260, 96-9265 and 96-9266

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, December 1 & 8, 2005, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/19/2005. Your cooperation is GREATLY appreciated, as always.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

96-9260

ROB BEHRENS
1510 B - BULWER
MISSOULA MT 59802
Point(s) of Diversion (2) NWNESW S13 T56N R01E
BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 09/07/2005
Place Of Use: DOMESTIC
T56N R01E S13 NESW
Remark: Domestic use is for up to 13 single family homes.

96-9265

PAUL M HERNDON
DEBRA K HERNDON
526 S FLORENCE
SANDPOINT ID 83864
Point(s) of Diversion NENE S27 T56N R03W BONNER County
Source GROUNDWATER
Use: IRRIGATION 04/01 To 10/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.04 CFS

Date Filed: 11/14/2005
Place Of Use: DOMESTIC
T56N R03W S27 NENE
Place Of Use: IRRIGATION – same as DOMESTIC
Number of Acres 1
Remark: Domestic use is for 1 home.

96-9266

JOSEPH GAWEL
LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811
Point(s) of Diversion L4 (NWNW) S1 T54N R02E BONNER County
Source DELYLE CREEK Tributary To TWIN CREEK
Use: POWER 01/01 To 12/31 0.33 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.37 CFS

Date Filed: 11/18/2005
Place Of Use: POWER
T54N R02E S1 NWNW Lot 4
Place Of Use: DOMESTIC same as POWER
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 12/19/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director - Published on December 1 & 8, 2005



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

November 22, 2005

ROB BEHRENS
1510 B - BULWER
MISSOULA MT 59802

RE: Application for Permit No 96-9260

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on December 1 & 8, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Gregory J. Taylor
Senior Water Resource Agent

Enclosure(s) – Receipt No. No17164

RSB Development
1510 Bulwer B
Missoula, MT 59802

November 7, 2005

Idaho Dept of Water Resources
Attn: Greg Taylor
1910 NW Boulevard, Suite 210
Coeur d'Alene, ID 83814

RECEIVED
NOV 08 2005
IDWR/North

Reference #: 96-9260

Dear Greg,

Attached is the original signature for our Water Rights Application. Please let us know if you need anything else.

Thanks,

Rob Behrens

Taylor, Greg

From: Marty Taylor [mtaylor@jasewell.com]
Sent: Thursday, September 15, 2005 12:28 PM
To: Behrens, Rob; IDWR (Greg Taylor) (E-mail)
Subject: RE: Behrens Hope Peninsula Project Water Right

Greg:

Two wells will be drilled. Thus, a public water system will not be construction. Hence, please amend the water right application to read "domestic" versus "municipal."

Thanks.

Marty

Martin E. Taylor, AICP
Land Use Planning, Design and Entitlements
Member -- American Institute of Certified Planners

James A. Sewell & Associates
Consulting Engineers, Surveyors and Land Use Planners
1205 Highway 2, Suite 101
Sandpoint, Idaho 83864
Office: 208-263-4160
Fax: 208-263-5229
Cell: 208-610-0465

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

From: Behrens, Rob [mailto:rob.behrens@stryker.com]
Sent: Thursday, September 15, 2005 12:01 PM
To: Marty Taylor
Subject: RE: Behrens Hope Peninsula Project Water Right

Two wells will be used. And yes you are my representative.
Rb

Sent with Wireless Sync from Verizon Wireless

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

From: "Marty Taylor" <mtaylor@jasewell.com>
Date: 9/15/05 12:10 pm
To: "IDWR (Greg Taylor) (E-mail)" <greg.taylor@idwr.idaho.gov>; "Behrens, Rob" <rob.behrens@stryker.com>
Subj: Behrens Hope Peninsula Project Water Right
Rob:
Greg at the Dept. of Water Resources needs you to mail to him your original signed application page. What I submitted was your faxed signature.
Idaho Dept. of Water Resources
1910 NW Boulevard, Suite 210
Coeur d'Alene, ID 83814

Also, please confirm if you in fact intend to drill two wells. If so, each well will serve 9 or fewer connections, and thus a "public water system" number will not be necessary. If we stick with one well serving 10 or more connections, we'll need the PWS number, to be issued by DEQ. We sent the well plans to DEQ 8/15/05 for review and approval. Haven't heard back from them yet.

Lastly, I need you to confirm for Greg that I am your representative. You can do so via your e-mail response to Greg.

9/15/2005

Greg:

Should Rob confirm that two wells will be drilled, thus negating the need for a PWS number (in fact, DEQ will not issue a PWS number for a non-PWS well), please amend the water right application that I filed to indicate "domestic" well, versus "municipal" well.

Thanks.

Marty

Martin E. Taylor, AICP
Land Use Planning, Design and Entitlements
Member -- American Institute of Certified Planners

James A. Sewell & Associates
Consulting Engineers, Surveyors and Land Use Planners
1205 Highway 2, Suite 101
Sandpoint, Idaho 83864
Office: 208-263-4160
Fax: 208-263-5229
Cell: 208-610-0465

9/15/2005

Taylor, Greg

From: Behrens, Rob [rob.behrens@stryker.com]
Sent: Thursday, September 15, 2005 12:03 PM
To: greg.taylor@idwr.idaho.gov
Cc: marty taylor
Subject: Wells#2

greg marty is my rep and yes two well will be used with less than 9 ea.
Rb

Sent with Wireless Sync from Verizon Wireless

9/15/2005

JAMES A. SEWELL & ASSOCIATES

Consulting Engineers, Land Surveyors & Land Use Planners

Newport

600 4th Street West
Newport, Washington 99156
(509) 447-3626 (208)437-2641
(509) 447-2112 Fax

Sandpoint

1205 West Highway 2, Suite 101
Sandpoint, Idaho 83864
(208)263-4160
(208)263-5229 Fax

Spokane

9 South Washington, Suite 708
Spokane, Washington 99201
(509) 747-5794
Fax (509) 747-5798

*Civil Engineering *Electrical Engineering *Land Surveying *Building Inspection * Land Use Planning

September 1, 2005

Idaho Department of Water Resources - Northern Region
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, Idaho 83814

SUBJECT: RSB Development (Rob Behrens) Water Right Application

Dear staff:

Enclosed please find the referenced application requesting to appropriate 0.2 cfs of groundwater intended to serve a residential subdivision of not more than 13 lots. As Mr. Behrens' representative, please forward all correspondence to my attention at the Sandpoint office noted above.

I appreciate your assistance.

Sincerely,

JAMES A. SEWELL & ASSOCIATES



Martin E. Taylor, AICP
Certified Land Use Planner

Enclosure: Application for Permit
\$100.00 filing fee

FORM 202
12/98Ident. No. 96-9260

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant ROB BURENS Phone 406-360-0666
Mailing address 1510 B BULWER MISSOULA, MT 59802
2. Source of water supply GROUNDWATER which is a tributary of N/A
3. Location of point of diversion is Township 56N Range 1E Sec. 13 in the NW $\frac{1}{4}$; NE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot —, B.M., BONNER County;
additional points of diversion if any: N/A
4. Water will be used for the following purposes:
 Amount 0.20 for MUNICIPAL 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) 0.20 and/or (b) _____
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source _____
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 6 inches; proposed depth of well is 150 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? _____; Drilling firm H2O WELL DRILLING; 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 3 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. RSB DEVELOPMENT
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

AUG 31 2005 9:36AM JA WELL & ASSC.

20826: 29

P. 2

3. 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	
56N	1E	13									M								

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. N/A11. a. Who owns the property at the point of diversion? RES DEVELOPMENTb. Who owns the land to be irrigated or place of use? RES DEVELOPMENT

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: THIS PROPOSED WELL WILL SERVE UP TO 13 POSSIBLE
SINGLE FAMILY HOMES.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.



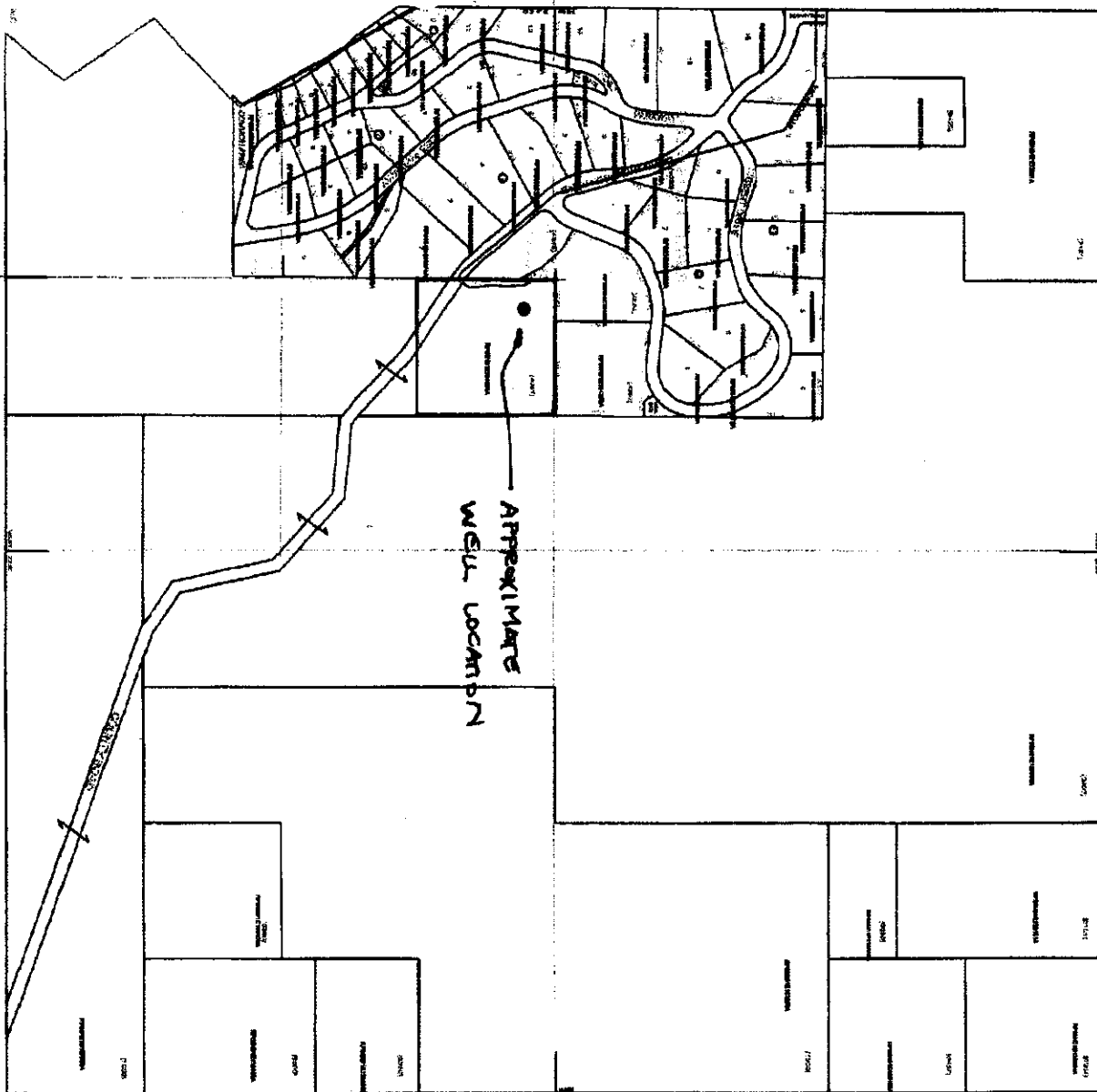
Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____

Fees \$ _____ Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____



BONNER COUNTY
T56N R16 S13

1" = 800'
N