

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09284

Priority: July 08, 2005

Maximum Diversion Rate: 0.02 CFS

This is to certify, that B RANDY ROLPHE And/Or SANDRA M ROLPHE
11619 W ROCKFORD BAY RD
COEUR D ALENE ID 83814

have 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	0.02 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼SW¼ Sec. 7, Twp 48N, Rge 04W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
48N 04W 7										X							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2006**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of August, 2005.


for KARL J DREHER, Director

RECEIVED
AUG 26 2005
Department of Water Resources

RECEIVED
JUL 08 2005
IDWR/North

Ident. No. 95-9284

RECEIVED
JUN 30 2005
IDWR/North

72144
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant B. RANDY or SANDRA M. ROLPHE Phone (208) 765-8745
Mailing address 11619 W. Rockford Bay Rd., Coeur d'Alene, ID 83814
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 48N Range 04W Sec. 07, in the NW $\frac{1}{4}$,
5W $\frac{1}{4}$, Govt. Lot _____, B.M., KOOTENAI County;
additional points of diversion if any: lying northeasterly of Rockford Bay Rd.
4. Water will be used for the following purposes:
Amount .02 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .02 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: N/A
- a. Describe type and size of devices used to divert water from the source 3 HP / 10 GPM
Jacuzzi Submersible Pump
- b. Height of storage dam N/A feet; active reservoir capacity 3,000 gallons acre-feet; total
reservoir capacity 3,000 gallons acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? 07/2002; Drilling firm United Well Drillers
Well was drilled for (well owner) Rolphe; Drilling Permit No. 00022492
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. N/A
- d. Domestic; show number of households. Single home
- e. Other; describe fully. NONE

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	
48N	04W	7							X				D						

Total number of acres to be irrigated 1/2 or less

10. Describe any other water rights used for the same purposes as described above. NONE

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

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

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

12. Remarks: NONE

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.)

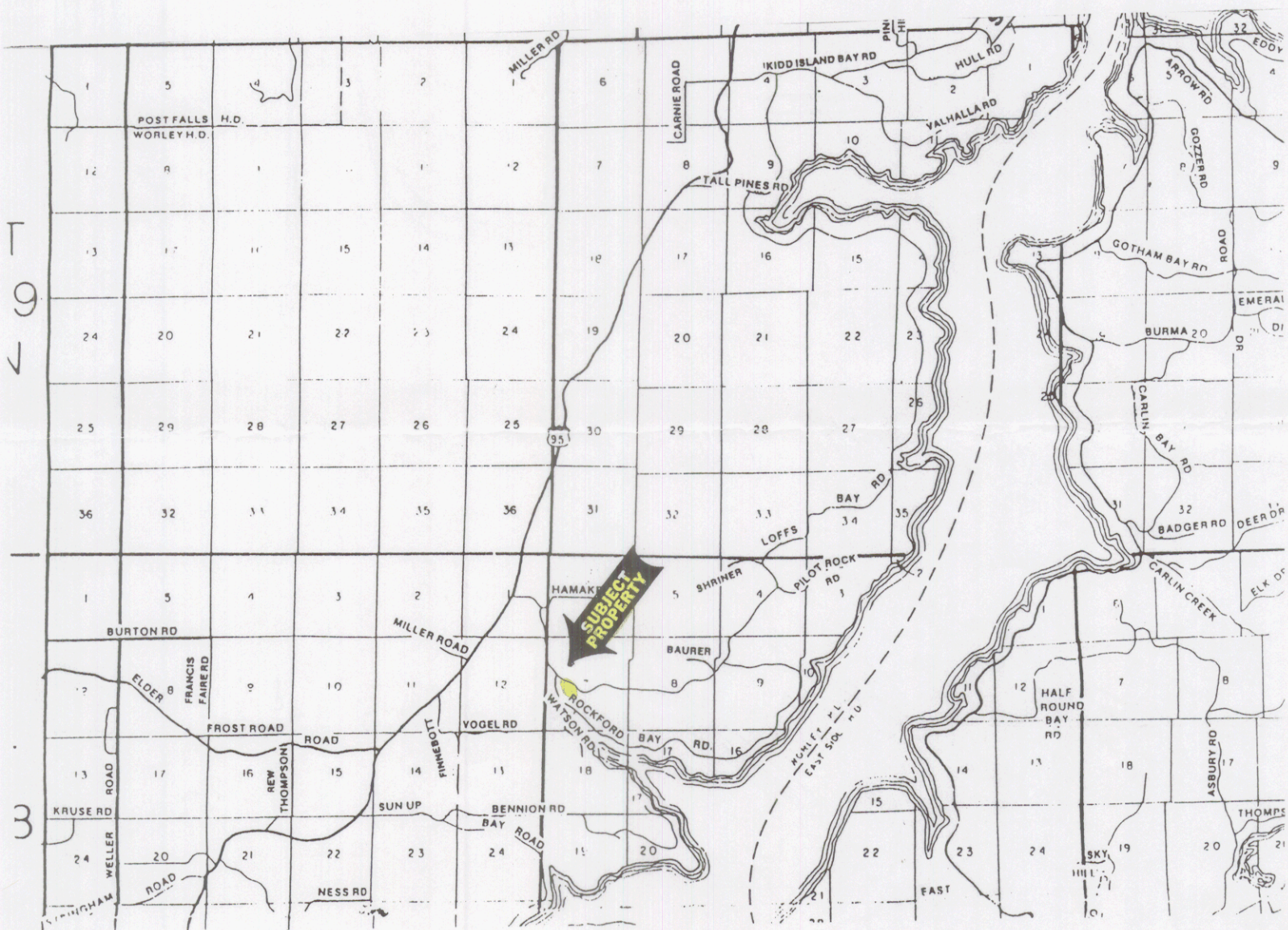
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

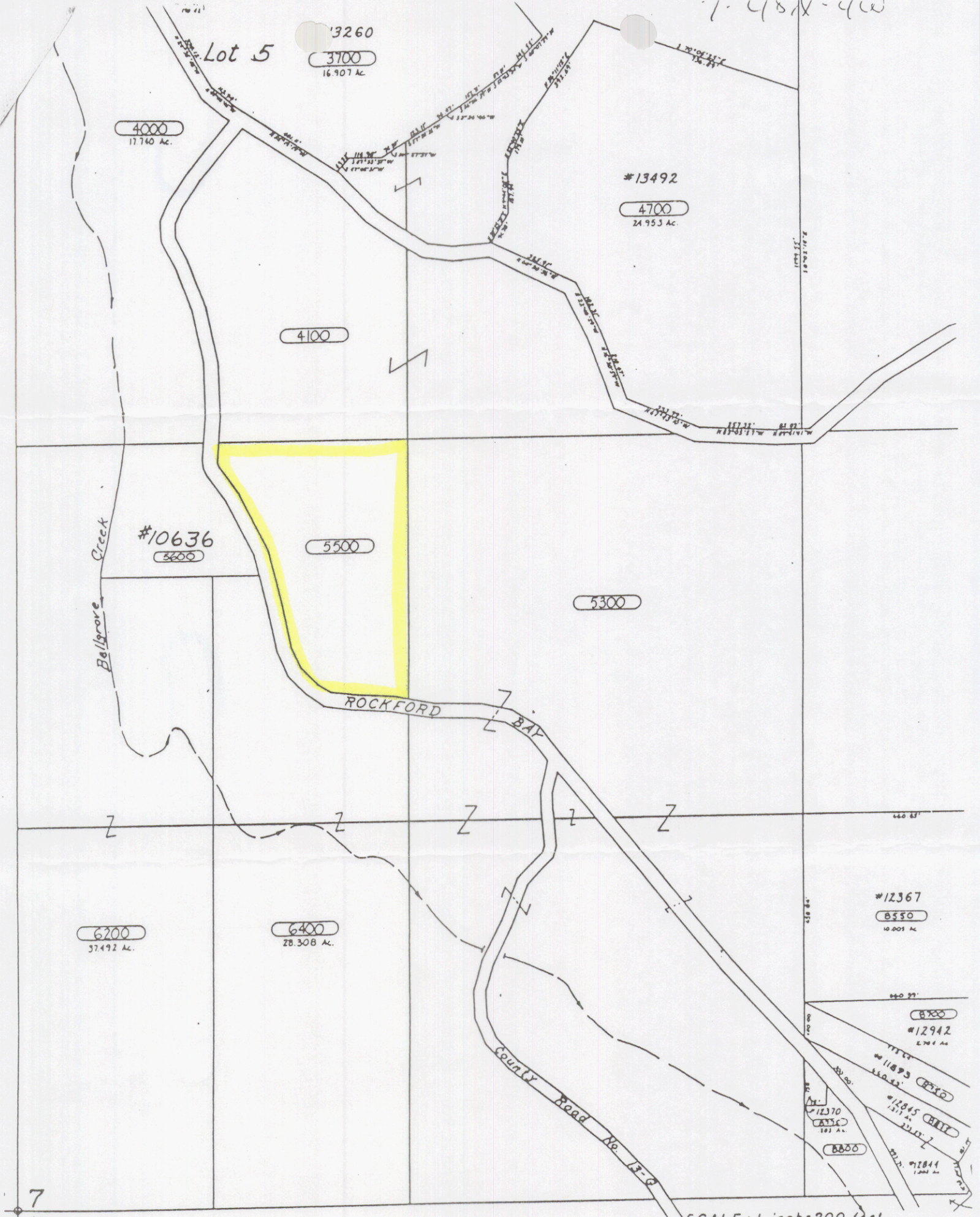
J. Randy Rolphe, Owner
Signature of Applicant (and title, if applicable)

Received by GR/d Date 7/8/05 Time 12:09 Preliminary check by # N017024 Date 7/8/05
Fee \$ 100.00 Received by d Date 7/27/05 Published in Chapman Date 8/16/04
Publication prepared by d Publication approved d

197

3





T48N R4W Section 7



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

August 30, 2005

B RANDY ROLPHE
SANDRA M ROLPHE
11619 W ROCKFORD BAY RD
COEUR D ALENE ID 83814

RE: Permit No. 95-9284

Permit Approval Notice

Dear Permit Holder:

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

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

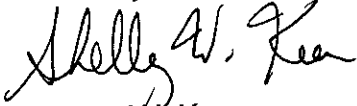
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

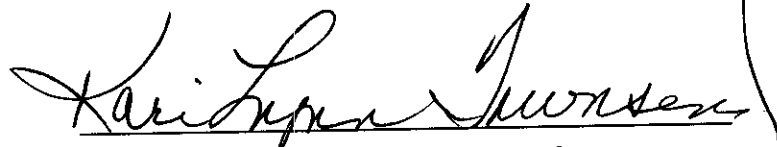
CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-9284

**B RANDY ROLPHE
SANDRA M ROLPHE
11619 W ROCKFORD BAY RD
COEUR D ALENE ID 83814**



**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.

Comment Report

95-9284

1. kwalker 8/29/2005 POD

Comment: Updated shape

2. kwalker 8/29/2005 POU

Comment: Updated Shape

3. dball 7/22/2005 Legal Notice Remarks

Comment: Domestic use is for 1 home.

4. kwalker 8/29/2005 Permit Review

Comment: Application does not fall within any problem areas. Recommend approval.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Kattie Hay

being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular issue of said newspaper for 2 consecutive Thursday weeks commencing on the 4 day of August, 2005, and ending on the 11 day of August, 2005, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Kattie Hay. On this 11 day of August in the year of 2005, before me, a Notary Public, personally appeared Kattie Hay, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

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

MY COMMISSION EXPIRES 6/18/09



RECEIVED
AUG 16 2005
IDWR/North

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

95-9284

B RANDY ROLPHE
SANDRA M ROLPHE
11619 W ROCKFORD BAY RD
COEUR D ALENE ID 83814
Point(s) of Diversion NWSW S7 T48N R04W KOOTENAI County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 07/08/2005
Place Of Use: DOMESTIC T48N R04W S7 NWSW
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 08/22/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director
Legal 7627
August 4, 11 2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 27, 2005

B RANDY ROLPHE
SANDRA M ROLPHE
11619 W ROCKFORD BAY RD
COEUR D ALENE ID 83814

RE: Application for Permit No 95-9284

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on August 4 and 11, 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,

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

Robert G. Haynes, P.E.
Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 27, 2005

PLEASE FAX A PROOF COPY BEFORE PUBLICATION
Thanks, Dianne

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

RE: Application for Permit No. 95-9284 - Rolphe

Dear Kattie and Sandy:

Enclosed you will find a second legal notice which we wish to have published in your newspaper on the dates indicated, August 4 and 11, 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 08/22/2005. Your cooperation is greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 27, 2005 9:58 AM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press-Sandy Kibler- (E-mail)
Subject: Legal Notices for publication on August 4 and 11, 2005

Good morning, Kattie & Sandy:

I have two separate legal notices, both for publication on August 4 and 11, 2005. One legal is for a regular water right notice and the other is for a couple of statutory claims for water usage. Both need to publish separately.

Below attached are our cover letters and legal notices for both.

If you can copy and paste the legal notices, it should make for only minor adjustments in layout.

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

PLEASE FAX A PROOF COPY BEFORE PUBLICATION to 769-1454.

Thanks very much and have a wonderful day.

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



LegalNotice



CoverLetter



LegalNotice

7-27-05 CDA e-mai.7-27-05 CDA e-mai.7-27-05 CDA e-mai.7-27-05 CDA e-mai.

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

95-9284

B RANDY ROLPHE

SANDRA M ROLPHE

11619 W ROCKFORD BAY RD

COEUR D'ALENE ID 83814

Point(s) of Diversion NWSW S7 T48N R04W

KOOTENAI County

Source GROUND WATER

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

Total Diversion: 0.02 CFS

Date Filed: 07/08/2005

Place Of Use: DOMESTIC T48N R04W S7 NWSW

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 08/22/2005.

The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published 8/4 & 8/11/05

WEI DRILLER'S REPORT

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

1. WELL TAG NO. D0022492

DRILLING PERMIT N WELL #1

Other IDWR No 784041

2. OWNER:

Name Randy Rolphe

Address 11619 W Rockford Bay RD

City Coeur d'Alene

State ID

Zip 83814

3. LOCATION OF WELL by legal description:

N		Twp 48N North ☒ or South	
Rge 04W East or West ☒		Sec 07 1/4 NE 1/4 SW 1/4	
Gov't Lot _____		County Kootenai	
Lat _____		Long _____	

Address of Well Site: (see next line)

ROCKFORD BAY RD

City

Lot _____ Blk _____ Sub. Name (see next line)

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/Lbs	
Bentonite	0	40	8 Sacks	Pour in

Drive Shoe Used? ☒ Y ☐ N Shoe Depth(s) 230Drive Shoe Seal Tested? ☒ Y ☐ N How?

8. CASING/LINER

Diam	From	To	Gauge	Material	Casng	Liner	Weld	Thrded
6	+2	230	0.250	Steel	☒	☒	☒	☒
4	160	660	0.160	PVC	☒	☒	☒	☒

Length Headpipe _____ Length Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations? Method _____
☒ Screens? Screen Type PVC

From	To	Slot	Nmbr	Diam	Material	Casng	Liner
540	560	.020	1	4	PVC	☒	☒
580	600	.020	1	4	PVC	☒	☒
620	640	.020	1	4	PVC	☒	☒

10. STATIC WATER LEVEL or ARTESIAN PRESSURE

1 ft. below ground. Artesian pressure _____ lb.

Depth flow encountered 250/490 ft. Describe access port or

control devices: Steel Cap Welded on

11. WELL TESTS:

Pump	Bailer	☒ Air	Flowing Artesian
Yield gal./min.	Drawdown	Pump Level	Time
3-4 GPM	100%	659	1 Hour

Water Temp. _____ Cold Bottom hole temp. _____ Cold

Water Quality test or comments: (below) Depth first Water Encountered 250

Clear, Cold, No Smell

12. LITHOLOGIC LOG (Describe repairs or abandonment)

Bore Diam	From	To	Lithology, Water Quality and Temperature	Water
				Y N
8	0	3	Fill	☒
8	3	6	Clay Brown	☒
8	6	8	Boulder	☒
8	8	10	Wood	☒
8	10	14	Clay Brown	☒
8	14	18	Basalt Black	☒
8	18	62	Basalt Black Broken	☒
6	62	75	Basalt Black Hard	☒
6	75	80	Basalt Black Soft	☒
6	80	90	Clay Black Hard Pan	☒
6	90	95	Clay Brown & Gray	☒
6	95	106	Clay Brown	☒
6	106	116	Clay Orange	☒
6	116	125	Clay Brown	☒
6	125	210	Clay Gray, Beige W/Sand	☒
6		140	Clay Beige	☒
6	140	180	Clay Brown W/Sand	☒
6	180	230	Clay Dark Brown W/Some Sand	☒
6	230	290	Granite Brown, Green, White 2 gpm	☒
6	290	380	Black, White, Quartz Medium	☒
6	380	390	Green White Soft	☒
6	390	450	Purple Black & White Medium	☒
6	450	460	Green White Soft	☒
6	460	470	Purple Black White Medium	☒
6	470	505	White Quartz, Purple Black Med. 1-2 GPM	☒
6	505	545	Purple Black & White Medium	☒
6	545	560	Green & White Soft	☒
6	560	630	Purple Black White Medium	☒
6	630	660	Purple Black White Medium	☒

Completed Depth 660 (Measurable)

Date: Started 7/12/02 Completed 7/16/02

13. DRILLERS CERTIFICATION

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

Firm United Drilling Inc.

Firm No 414

Name

Firm Official

Date 7/15/02

and

Supervisor or Operator Jason C. Beckham

Date 7/15/02

FORWARD WHITE COPY TO WATER RESOURCES

547