

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-09258

Priority: January 11, 2005

Maximum Diversion Rate: 0.20 CFS

This is to certify, that DENNY RYERSON
7250 N 16TH ST SUITE 410
PHOENIX AZ 85020-5264

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
IRRIGATION	03/15 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (SW¼NE¼) Sec. 10, Twp 49N, Rge 04W, B.M. KOOTENAI 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	
49N 04W 10		X	X											X			
			L 1											L 4			

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N 04W 10		1.0	4.0											1.0			
			L 1											L 4			6.0

Total Acres: 6

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2007**.
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.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-09258

CONDITIONS OF APPROVAL CONTINUED

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 12 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
7. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of June, 2005.

Karl J Dreher
for KARL J DREHER, Director

71817

Ident. No. 95-9258

RECEIVED

MAY 6 2005

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

RECEIVED

JAN 11 2005

IDWR/North

DEPARTMENT OF
WATER RESOURCES

DEPARTMENT OF
WATER RESOURCES

MAY 10 2005

Name of Applicant Denny Ryerson Phone 602 216 9000

Mailing address 7250 N. 16th St., Suite 410 Phoenix, AZ 85020-5264

Source of water supply Groundwater which is a tributary of N/A

Location of point of diversion is Township 49N Range 4W Sec. 10 in the SE 1/4

SE 1/4 NE 1/4 Govt. Lot _____ B.M. _____ County: Kootenai

Additional points of diversion if any: N/A

Water will be used for the following purposes:

☒ Amount 20 cfs for DOMESTIC purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

☐ Amount 12 for IRRIGATION purposes from 3/15 to 11/15 (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 cfs
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 Well

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is 6 or 8 inches; proposed depth of well is 250 feet

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

e. If well is already drilled, when? No; Drilling firm To be determined
Well was drilled for (well owner) N/A; Drilling Permit No. N/A

7. Time required for completion of works and application of water to proposed beneficial use is 1-2 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. Association to be formed of property owners (approximately 12)

d. Domestic; show number of households. _____

e. Other; describe fully. _____

3. 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	
44N	4W	10		D						D									1.0
					D												D		5.0

Total number of acres to be irrigated 6.0

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? Denny Ryerson with transfer to an association

b. Who owns the land to be irrigated or place of use? Property owners association

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: Attached map shows location of subdivision and point of diversion

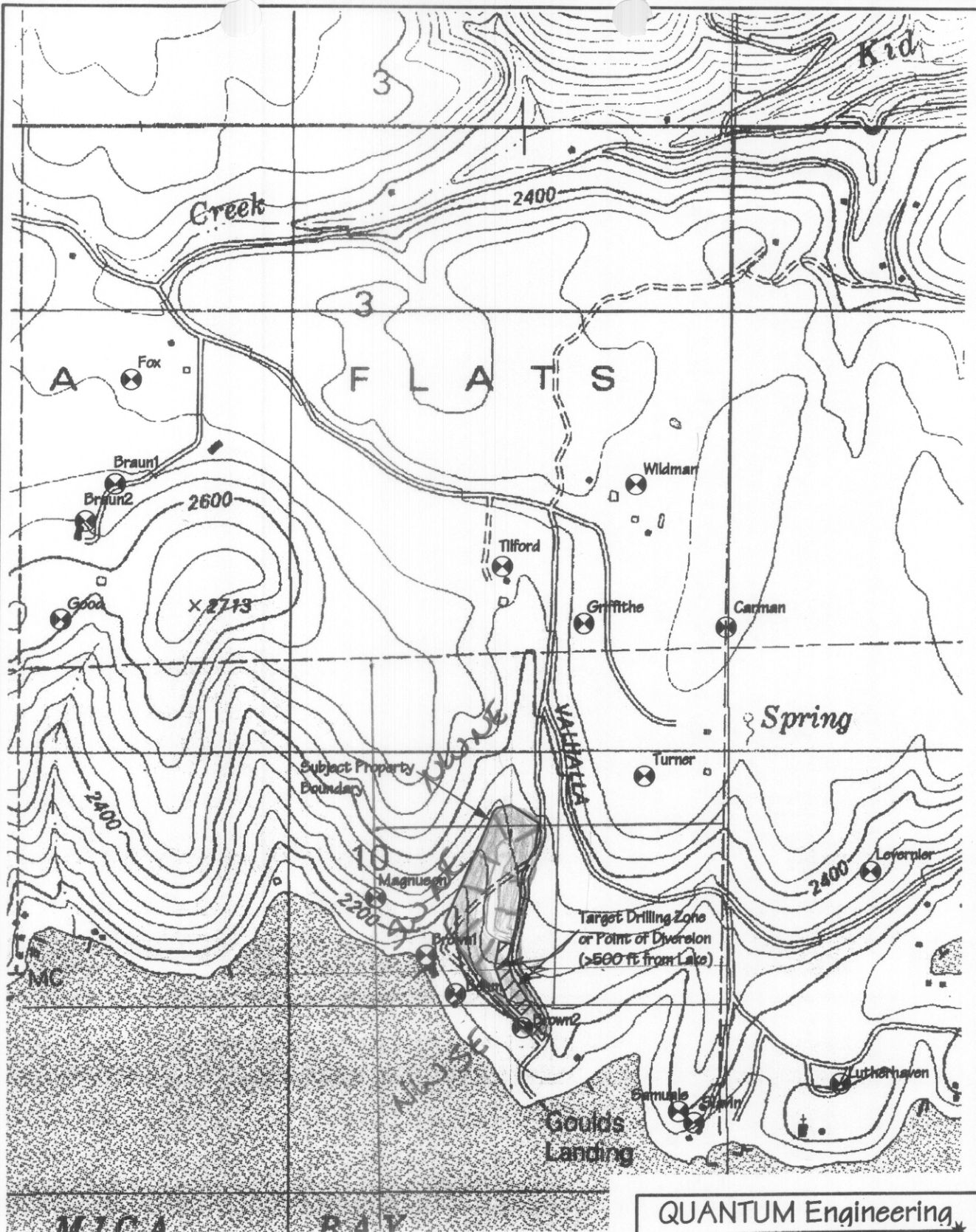
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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 AS Date 01-11-05 Time 11:00 Preliminary check by AS
 Fee \$ 100.00 Receipted by AS # 2016666 Date 12/13/04
 Publication prepared by AS Date 3/30/05 Published in Idaho News 4/7 + 14/05
 Publication approved AS Date 4/19/05

* NOTE TO FILE: APPLICANT & FEES SUBMITTED ON 12/13/04
 AND WERE NOT ACCEPTABLE UNTIL 01-11-05.



QUANTUM Engineering*
and Geologic Consulting

ENGINEER: Jim De Smet
DRAWN BY: Jim De Smet
DATE: 12/02/04
SCALE: 1"=1000'
SHEET NO:

Mica View Estates
T49N, R4W, Sec 10
Kootenai County, Idaho

**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

June 2, 2005

DENNY RYERSON
7250 N 16TH ST SUITE 410
PHOENIX AZ 85020-5264

RE: Permit No. 95-9258

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.

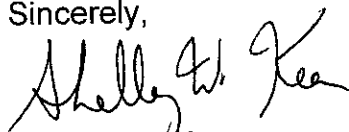
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

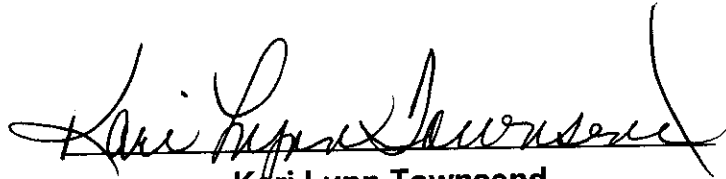
CERTIFICATE OF SERVICE

I hereby certify that on June 2, 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.

95-9258

**DENNY RYERSON
7250 N 16TH ST SUITE 410
PHOENIX AZ 85020-5264**



**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.

RECEIVED

APR 18 2005

AFFIDAVIT OF PUBLICATION

IDWR/North
STATE OF IDAHO,
County of Kootenai, } ss.

Kattie Hoy

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.

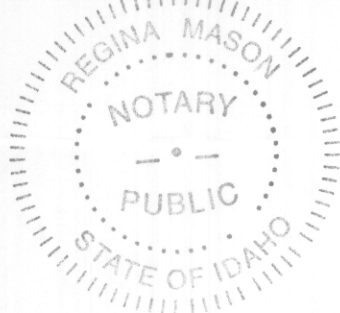
3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 7 day of April 2005, and ending on the 14 day of April 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 Hoy

On this 14 day of April in the year of 2005, before me, a Notary Public, personally appeared Kattie Hoy, 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

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

95-9258

DENNY RYERSON

7250 N 16TH ST SUITE 410

PHOENIX AZ 85020-5264

Point(s) of Diversion SWNE S10 T49N R04W

KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.2 CFS

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

Total Diversion: 0.2 CFS

Date Filed: 01/11/2005

Place Of Use: DOMESTIC T49N R04W S10

NWNE SWNE NWSE

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 6

Remark: Domestic use is for 12 homes.

95-9263

DAVE OWENS

17258 N WRANGLER RD

RATHDRUM ID 83858

Point(s) of Diversion (2) SESE S24 T52N R04W

KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.5 CFS

Use: DOMESTIC 01/01 To 12/31 0.1 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.54 CFS

Total Diversion: 1 CFS

Date Filed: 03/09/2005

Place Of Use: DOMESTIC T52N R04W S24 SESE

Place Of Use: IRRIGATION and FIRE PROTECTION same As DOMESTIC

Number of Acres 25

Remark: Domestic use is for 5 homes.

95-9264

JAMES W SPANOS

14898 SHENANDOAH DR

HAYDEN ID 83835

Point(s) of Diversion L3 (NWNW) S3 T51N R03W

KOOTENAI County

Source HAYDEN LAKE Tributary To HAYDEN CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 03/14/2005

Place Of Use: DOMESTIC T51N R03W S3 NWNW Lot 3

Remark: Domestic use is for 1 home.

95-9265

CHARLES C SAWYER

JO ANN L SAWYER

W 4881 HIGHWAY 53

RATHDRUM ID 83858

Point(s) of Diversion SWSW S28 T52N R04W

KOOTENAI County

Source GROUND WATER

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

Total Diversion: 0.04 CFS

Date Filed: 03/15/2005

Place Of Use: DOMESTIC T52N R04W S28 SWSW

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 04/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 6977

April 7, 14 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

March 30, 2005

DENNY RYERSON
7250 N 16TH ST SUITE 410
PHOENIX AZ 85020-5264

RE: Application for Permit No 95-9258

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 April 7 and 14, 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

March 30, 2005

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

RE: Application for Permit No. 95-9258, 95-9263, 64 and 65

Dear Kattie and Sandy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (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 04/25/2005. Your cooperation is GREATLY appreciated, as always.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, March 30, 2005 4:05 PM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press-Sandy Kibler- (E-mail)
Subject: Legal notice for publication on 4/7 and 4/14/05 - WRs 95-9258,63,74 and 65

Good afternoon, Kattie and Sandy,

Once again I am attaching our cover letter requesting publication of a legal notice, also attached.

We request publication on April 7 and 14, 2005, and in the usual manner, I would appreciate a **PROOF PRIOR TO PUBLICATION.**

This being a pretty long one, I know you will appreciate not having to re-type the whole thing. I know tabs can do crazy things, because I got one back today from another paper, that the tabs had really scrambled. I know it helps greatly if I can check to see layout ahead of time.

Thanks for all your help. You are always super to work with, and I appreciate you both.

 *Dianne*

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

3/30/2005

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

95-9258

DENNY RYERSON
7250 N 16TH ST SUITE 410
PHOENIX AZ 85020-5264
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Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 01/11/2005
Place Of Use: DOMESTIC T49N R04W S10 NWNE SWNE NWSE
Place Of Use: IRRIGATION same as DOMESTIC
Number of Acres 6
Remark: Domestic use is for 12 homes.

95-9263

DAVE OWENS
17258 N WRANGLER RD
RATHDRUM ID 83858
Point(s) of Diversion (2) SESE S24 T52N R04W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.5 CFS
Use: DOMESTIC 01/01 To 12/31 0.1 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.54 CFS
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Date Filed: 03/09/2005
Place Of Use: DOMESTIC T52N R04W S24 SESE
Place Of Use: IRRIGATION and FIRE PROTECTION same
As DOMESTIC
Number of Acres 25
Remark: Domestic use is for 5 homes.

95-9264

JAMES W SPANOS
14898 SHENANDOAH DR
HAYDEN ID 83835
Point(s) of Diversion L3 (NWNW) S3 T51N R03W KOOTENAI County
Source HAYDEN LAKE Tributary To HAYDEN CREEK
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Place Of Use: DOMESTIC T51N R03W S3 NWNW Lot 3
Remark: Domestic use is for 1 home.

95-9265

CHARLES C SAWYER
JO ANN L SAWYER
W 4881 HIGHWAY 53
RATHDRUM ID 83858
Point(s) of Diversion SWSW S28 T52N R04W KOOTENAI County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 03/15/2005
Place Of Use: DOMESTIC T52N R04W S28 SWSW
Remark: Domestic use is for 1 home.
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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 04/25/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director Published on April 7 and 14, 2005