

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09240

Priority: May 21, 2004

Maximum Diversion Rate: 1.00 CFS

This is to certify, that WESTVIEW PROPERTY OWNERS ASSOCIATION
12875 S FLICKER LN
HARRISON ID 83833

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>
IRRIGATION	03/15 to 11/15	0.40 CFS
DOMESTIC	01/01 to 12/31	0.60 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L1 (NE¼NW¼) Sec. 31, Twp 49N, Rge 03W, B.M., KOOTENAI County

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 03W 31					30.0												30.0
					L 1												

Total Acres: 30

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 03W 31					X												
					L 1												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 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. Point of diversion is located within Lot 5, Blk. 1, West View Property Owners Association.
5. Domestic use is for 21 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09240

6. Place of use is located within Lots 1-4, Blk. 1; Lots 1-17, Blk. 2; West View Property Owners Association
7. 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.
8. 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 21st day of January, 2005.


FOR KARL J DREHER, Director

RECEIVED
OCT 13 2004

DEPARTMENT OF WATER RESOURCES

71504
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 95-9240

RECEIVED
MAY 21 2004
IDWR/North

1. Name of Applicant West view Property Owners Association Phone 208 689 3725
Mailing address 12875 South Flicker Ln. Harrison, Idaho 83833
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 49N Range 3W Sec. 31, in the _____ NW ¼,
_____ NE ¼, _____ NW ¼, Govt. Lot _____, B.M. Kootenai County;
additional points of diversion if any: N/A
4. Water will be used for the following purposes:
Amount 0.40 cfs for Irrigation purposes from April 1 to October 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.60 cfs 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)
5. Total quantity to be appropriated is (a) 1.0 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: well and storage reservoir
a. Describe type and size of devices used to divert water from the source 8" well
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity 27,000 gal acre-feet
c. Proposed well diameter is 8" inches; proposed depth of well is 250-300 feet
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? N/A; 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 1.0 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. 20
e. Other; describe fully. _____

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	
49N	3E	31					15	15											30
							D	D											

Total number of acres to be irrigated 30

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? Westview Property Owners Association

b. Who owns the land to be irrigated or place of use? West View 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: _____

12. Remarks: _____

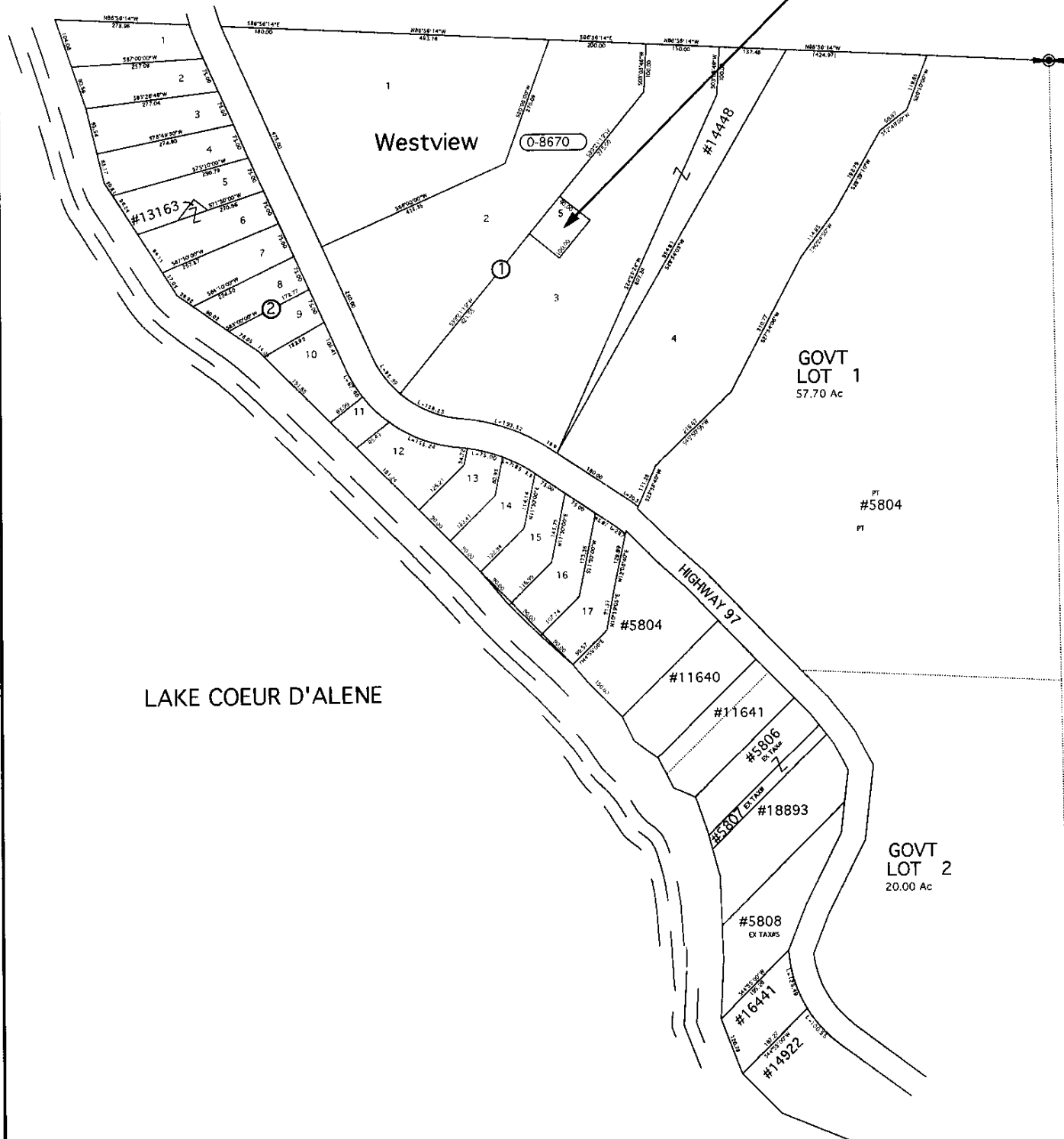
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Douglas J. Allman President
Signature of Applicant (and title, if applicable)

Received by cm Date 5-21-04 Time 1:32pm Preliminary check by _____
 Fee \$ 250.00 Receipted by cm # AD16291 Date 5-21-04
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

Well to be located on dedicated well lot owned by West View Property Owners Association



QUANTUM Engineering and Geologic Consulting*

ENGINEER: Jim De Smet
DRAWN BY: Jim De Smet
DATE: 4/08/04
SCALE: 1"=300'
SHEET NO:

Plat of
Westview Property
Owners Association
Harrison, Idaho



QUANTUM Engineering and Geologic Consulting

ENGINEER: Jim De Smet
DRAWN BY: Jim De Smet
DATE: 4/08/04
SCALE: 1"=2000'
SHEET NO:

Proposed Well Location
Westview Property
Owners Association
Harrison, 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

January 24, 2005

WESTVIEW PROPERTY OWNERS ASSOCIATION
12875 S FLICKER LN
HARRISON ID 83833

RE: Permit No. 95-9240

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.

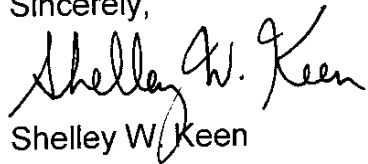
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized "S" and "K".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

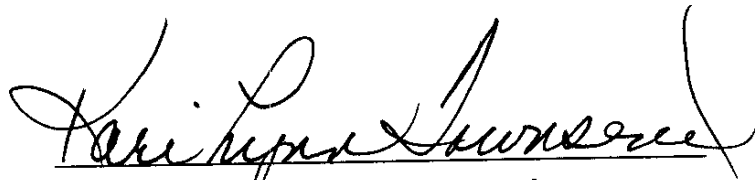
CERTIFICATE OF SERVICE

I hereby certify that on January 24, 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.

95-9240

**WESTVIEW PROPERTY OWNERS ASSOCIATION
12875 S FLICKER LN
HARRISON ID 83833**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**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

95-9240

1. dball 8/31/2004 Legal Notice Remarks

Comment: Domestic use is for 21 homes.

2. kwalker 1/20/2005 Permit Review

Comment: Application does not fall within any problem areas. Place of use is all located in Gov. Lot 1 which covers NENW and NWNW but ArcView only identifies with the NENW and/or Gov. Lot 1. Have updated place of use to be consistent with ArcView shape. No place of use overlap for irrigation use. Season of use is recommended as standard for area. Recommend approval.

D'ALLEN

K

k

M

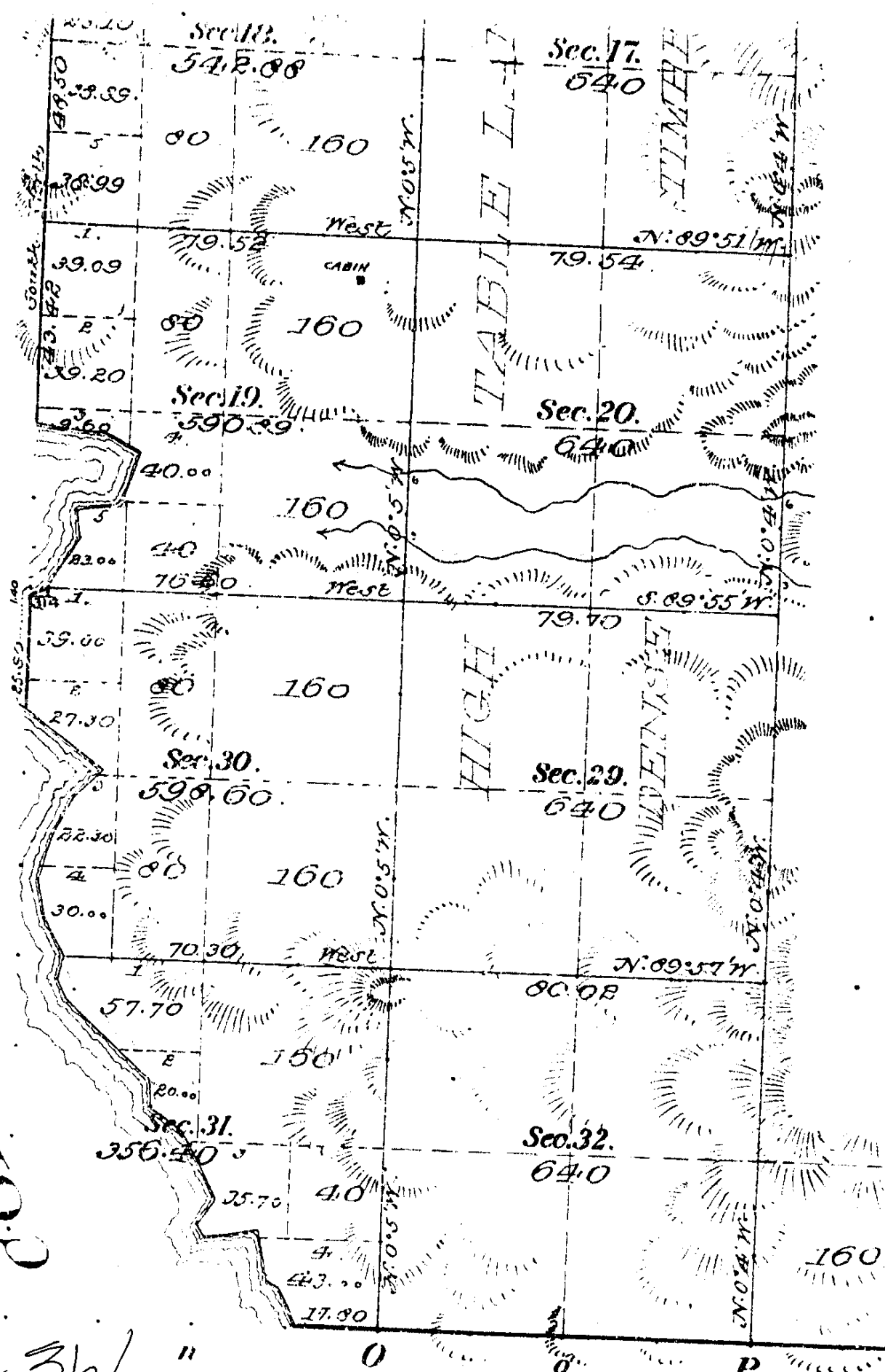
m

N

COEUR

49N-3W

(1893)



Surveys Designated		By Whom Surveyed		Date of Contract		Amount of Surveys		Total number
Township lines		W. Coeur, Miller		June 10th 1891		M. Ch ^s Lk ^s		



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]

[[Get a certificate of existence for WESTVIEW PROPERTY OWNERS ASSOCIATION, INC.](#)]

WESTVIEW PROPERTY OWNERS ASSOCIATION, INC.

12861 STORMY POINT LANE
HARRISON, ID 83833

Type of Business: CORPORATION, HOMEOWNERS ASSOCIATION

Status: GOODSTANDING 15 Dec 2004

State of Origin: IDAHO

Date of Origination/Authorization: 15 Dec 2004

Initial Registered Agent: DOUGLAS ALLMAN
12861 STORMY POINT LANE
HARRISON, ID 83833

Organizational ID / Filing Number: C157776

Number of Authorized Stock Shares:

Date of Last Annual Report:

Amendments:

Amendment filed 15 Dec 2004 INCORPORATION

[View Document Online](#)
[Download \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us



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

MEMORANDUM

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TO: File 95-9240

FROM: KAY WALKER

RE: Qualification with Sec. of States office

Date: December 1, 2004

.....

I had not heard from Westview Property Owner's Assn. in regard to their qualification with the Secretary of States office so I contacted Cal Meierbachtol this afternoon for an update. Mr. Meierbachtol told me that they had submitted their application for qualification last week and it had been rejected. Their attorney is resolving issues identified with the rejection. Mr. Meierbachtol will let me know when the association is qualified.



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

October 21, 2004

WESTVIEW PROPERTY OWNERS ASSOCIATION
12875 S FLICKER LN
HARRISON ID 83833

Re: Application for Permit No. 95-9240

Dear Applicants:

We are reviewing the above referenced application for final action and find we need to request additional information from you. In order for the department to issue a permit for a water users association we like to know that the association is qualified to do business in the State of Idaho for the water users protection. We have looked at the Secretary of State's listing of businesses qualified and find that your corporation status is shown as "forfeited in December of 1989".

Please submit a current document showing that you are qualified to do business in Idaho **within 30 days of the date of this letter** and we will process the application for permit.

The Department will hold further processing of this application for the 30-day period mentioned above. The Department may grant additional time if it is requested and you have sufficient justification for an extension of the 30-day period. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions in regard to this matter, please feel free to contact me at (208)287-4953 or our office in Coeur d'Alene.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

Cc: IDWR, Northern Region

10/25/04
Cal Meierbachtel called
me in regard to this
letter - He stated to DEQ
had brought this to their
attention also. They
are pursuing qualification.
phone # 208-689-3725
KW



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]

WESTVIEW PROPERTY OWNERS ASSOCIATION, INC.

1618 EAST HAYDEN AVENUE
HAYDEN LAKE, ID 83835

Type of Business: CORPORATION, HOMEOWNERS ASSOCIATION

Status: FORFEITED 01 Dec 1989

State of Origin: IDAHO

Date of 21 Feb 1989

Origination/Authorization:

Current Registered Agent: WILLIAM D. HOHMAN
1618 EAST HAYDEN AVENUE
HAYDEN LAKE, ID 83835

Organizational ID / Filing C88692

Number:

**Number of Authorized Stock
Shares:**

Date of Last Annual Report: 21 Feb 1989

Amendments:

Amendment filed 21 Feb 1989 INCORPORATION

[View Document Online](#)
[Download \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

AFFIDAVIT OF PUBLICATION

RECEIVED

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 *Thursday* issue of said newspaper for *2* consecutive *weeks* commencing on the *16* day of *September* 20 *04* and ending on the *23* day of *September* 20 *04* 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

Personally appeared before me this *23* day of *September* 20 *04*

Regina Mason

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

MY COMMISSION EXPIRES 6/18/09

SEP 24 2004

IDWR/North

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

95-9240

WESTVIEW PROPERTY OWNERS ASSOCIATION

12875 S FLICKER LN

HARRISON ID 83833

Point(s) of Diversion NENW S31 T49N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.4 CFS

Use: DOMESTIC 01/01 To 12/31 0.6 CFS

Total Diversion: 1.0 CFS

Date Filed: 05/21/2004

Place Of Use: DOMESTIC T49N R03W S31 NENW NWNW

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 30

Remark: Domestic use is for 21 homes.

95-9241

GARY A SPENCE

ANNE A SPENCE

2020 S MELLECK RD

POST FALLS ID 83854

Point(s) of Diversion L2 (NWSW) S15 T50N R05W KOOTENAI County

Source UNNAMED STREAM Tributary To SPOKANE RIVER

Use: POWER 01/01 To 12/31 0.20 CFS

Use: POWER STORAGE 01/01 To 12/31 0.1 AFA

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

Use: DOMESTIC STORAGE 01/01 To 12/31 0.1 AFA

Total Diversion: 0.20 CFS

Date Filed: 08/26/2004

Place Of Use: POWER T50N R05W S15 NWSW Lot 2

Place Of Use: DOMESTIC and all other uses same as POWER

Remark: Domestic use is for 1 home.

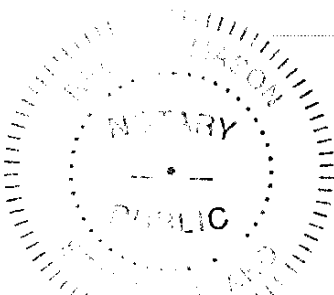
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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 10/04/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 5909

Sept. 16, 23, 2004





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

September 08, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WESTVIEW PROPERTY OWNERS ASSOCIATION
12875 S FLICKER LN
HARRISON ID 83833

RE: Application for Permit No 95-9240

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 September 16 and 23, 2004. 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 cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N016291



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

September 08, 2004

**KATTIE HOY & KRISTY PEAK
LEGAL NOTICE DEPARTMENT**
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-9240 and 95-9241

Dear Kattie and Kristy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, September 16 and 23, 2004, (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 10/04/2004. Your cooperation is, as always, GREATLY appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 08, 2004 4:06 PM
To: Legal Notices-CdA Press (E-mail); Kristy Peak (E-mail)
Subject: Legal notice for publication September 16 and 23, 2004

Good afternoon, ladies,

Attached is our cover letter requesting publication of a legal notice on September 16 and 23, 2004. Also attached is the legal notice.

Any problems, please call me at 769-1450.

PLEASE FAX PROOF PRIOR TO PUBLICATION. I know that TABS often do crazy things when doing "copy and paste", but "copy and paste" at least keeps you from having to re-type the legal from scratch.

Thanks for all your help, and have a glorious day and evening.

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

9/8/2004

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

95-9240

WESTVIEW PROPERTY OWNERS ASSOCIATION

12875 S FLICKER LN

HARRISON ID 83833

Point(s) of Diversion NENW S31 T49N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.4 CFS

Use: DOMESTIC 01/01 To 12/31 0.6 CFS

Total Diversion: 1.0 CFS

Date Filed: 05/21/2004

Place Of Use: DOMESTIC T49N R03W S31 NENW NWNW

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 30

Remark: Domestic use is for 21 homes.

95-9241

GARY A SPENCE

ANNE A SPENCE

2020 S MELLECK RD

POST FALLS ID 83854

Point(s) of Diversion L2 (NWSW) S15 T50N R05W KOOTENAI County

Source UNNAMED STREAM Tributary To SPOKANE RIVER

Use: POWER 01/01 To 12/31 0.20 CFS

Use: POWER STORAGE 01/01 To 12/31 0.1 AFA

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

Use: DOMESTIC STORAGE 01/01 To 12/31 0.1 AFA

Total Diversion: 0.20 CFS

Date Filed: 08/26/2004

Place Of Use: POWER T50N R05W S15 NWSW Lot 2

Place Of Use: DOMESTIC and all other uses 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 10/04/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on September 16 and 23, 2004.

Transmittal

QUANTUM Engineering

and Geologic Consulting

South 2641 Silver Beach Loop Coeur d'Alene, Idaho 83814
208.765.2308 (phone) 208.667.2988 (fax)
quantumeng@adelphia.net

April 28, 2004

Allen Beardslee
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

RECEIVED
MAY 21 2004
IDWF North

Attachments:

Water right application for Westview Property Association

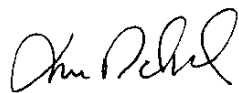
- ☐ For Your Records ☐ Sign and Forward ☐ As Requested
☐ Sign and Return ☒ Review and Respond ☐ Hard Copy to Follow

Remarks:

If you have any questions, please call.

Call if you did not receive the above described contents or have questions.

Sincerely: _____



James S. De Smet, PE, PG

**Westview Property Owners Association
Board of Directors**

Minutes: August 2, 2003

The meeting was called to order by President Doug Allman at 11:20AM

Directors present include:

Steve Johnson
Ken Dean

Doug Allman
Dennis Landberg

Cal Meierbachtol

RECEIVED

MAY 21 2004

IDWF North

Water System: The directors discussed the water system. It was recommended that a review of the water system and our options be completed by January 2004, with presentation to the association in August of 2004. The review would include:

1. Discussion with consultants and DEQ
2. Review of current water options
3. Quality of Water
4. Anticipated volume requirements of the associations
5. Estimated costs

Cal and Doug will be responsible for initial investigation and preparation of options and recommendations.

Propane Tank on Lot 9, Doug Allman has agreed to contact the propane company as well as homeowner Eric Smith to determine extent of safety concern.

CC&R-Volunteers will be asked to review the CC&R, and provide the association with recommendations.

A discussion was made regarding the possibility to encourage additional homeowners to be involved with the association through the development of limited terms for officers. This suggestion will be forwarded to the CC&R committee for further consideration.

Election of Officers: Steve Johnson moved and Ken Dean seconded that the following slate of officers be nominated for 2003-2004. Doug Allman, president, Dennis Landberg, vice president, Linda Johnson, secretary and Sharon Landberg treasurer. The motion was voted upon and passed.

Meeting was adjourned at 11:50am.

ARTICLES OF INCORPORATION

OF

WESTVIEW PROPERTY OWNERS ASSOCIATION

In compliance with the requirements of the laws of the State of Idaho relating to non-profit corporations and acts amendatory and supplemental thereto, including particularly Section 30-301, et. seq., Idaho Code, the undersigned natural person, who is full age and a resident of the United States, in order to form a non-profit corporation for the purposes hereinafter stated, does hereby, as incorporator, adopt the following Articles of Incorporation and certify:

ARTICLE I

The name of the Corporation is WESTVIEW PROPERTY OWNERS ASSOCIATION, hereinafter called "Corporation".

RECEIVED

ARTICLE II

MAY 2 1971

Purpose and Powers of Corporation

IDWR North

The purpose of this Corporation shall be to own, provide for maintenance, preservation and control of any common areas, sewage systems, water systems, within the WESTVIEW SUBDIVISION as the same is now platted or being a portion of Government Lots 1 and 2, in Section 32, Township 49 North, Range 3 W.B.M., Kootenai County, Idaho, and any addition thereto as may hereafter be brought within the jurisdiction of this Corporation by annexation or otherwise, and to promote the recreation, health, safety and welfare of the stockholders hereof, and for this purpose to:

(a) Exercise all of the powers and privileges and to perform all of the duties and obligations of the Corporation as set forth in that certain Declaration of Covenants, Conditions and Restrictions hereafter called "Declaration", applicable to the property and recorded, or to be recorded, in the office of the County Recorder of Kootenai County, Idaho, and as the same may be amended from time to time as herein provided, said Declaration being incorporated as if set forth at length.

(b) Fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Corporation including all licenses, taxes, or governmental charges imposed against the property of the Corporation;

(c) Acquire (by gift, purchase or otherwise) own, sell, hold, improve, build upon, operate, maintain, convey, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Corporation.

(d) Borrow money, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred, subject to those restrictions contained in the Declaration and any amendments thereto;

(e) Dedicate, sell or transfer all or any part of the Common Area or facilities to any public agency, authority, utility or other legally formed entity for such purpose and subject to such conditions as may be agreed to by the stockholders, subject to those restrictions contained in the Declaration and any amendments thereto;

(f) Participate in mergers and consolidations and other non-profit corporations organized for the same purposes or annex additional property and common area, subject to those restrictions contained in the Declaration and any amendments thereto; and

(g) Have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Idaho by law may now or hereafter have to exercise..

ARTICLE IV

Stockholder and Shares of Stock

Every person, or entity, who is a record owner (including contract sellers) of a fee or undivided fee interest in any improved lot located within said property shall, by virtue of such ownership, be a stockholder of the Corporation. When more than one person holds such interest in any lot, all such persons shall be stockholders. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligations. Stock ownership shall be appurtenant to and may not be separated from ownership of any such lot subject to assessments by the Corporation. Such ownership shall be the sole qualification for becoming a stockholder, and shall automatically commence upon a person becoming such owner, and shall automatically terminate and lapse when such ownership in said property shall terminate or be transferred. The Corporation shall maintain a

stockholder list and may require written proof of any stockholders' lot ownership interest.

The number of shares to be issued shall be Twenty-One (21) shares of no par, assessable, common stock.

ARTICLE V

Voting Rights

The Corporation shall have one (1) class of voting stock. Each stockholder shall be entitled to cast one (1) vote or fractional vote as set forth herein for each improved lot in which they shall hold the interest required for stock, and the vote for such lot shall be exercised as they, among themselves, determine, but in no event shall more than one (1) vote be cast with respect to any improved lot. Voting by proxy shall be permitted; provided, proxies shall not be valid for a period in excess of eleven (11) months from their date of execution and shall automatically terminate if the grantor of the proxy ceases to be a stockholder of the Corporation.

ARTICLE VI

Board of Directors

The affairs of the Corporation shall be managed by a board of at least three (3) directors, who need not be stockholders of the Corporation, at meetings duly held pursuant to the By-Laws and at which a quorum is present in person or by proxy. A quorum shall consist of a majority of the directors present in person or by proxy. The board, by majority vote, may remove an officer of the Corporation. Each director shall be elected for a term of one (1) year.

ARTICLE VII

Dissolution

The Corporation may be dissolved only upon compliance with one of the following conditions:

(a) One or more public agencies assuming all duties and responsibilities of the Corporation; or

(b) Merger or consolidation with a similar non-profit corporation to carry out the duties and responsibilities of the Corporation including the specific financial accounts as required by the By-Laws and/or the Declaration.

Upon compliance with the above requirements, the Corporation may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of the stockholders. Upon dissolution of the Corporation, other than incident to a merger or consolidation, the assets of the Corporation shall be dedicated to the appropriate public agency, or agencies, to be used for purposes similar to those for which the Corporation was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, trust or other organization to be devoted to such similar purposes. This Corporation will in no event be dissolved without the consent of Kootenai County or Panhandle Health District.

The organization will refund excess earnings to members upon dissolution or when the amount of the retained earnings is in excess of the organizations reasonable needs to meet losses and expenses. The excess earnings shall be returned to members in proportion to the amount of business done with the organization.

Records will be kept showing the amount of business done by the members on the basis of its annual accounting period and the excess earnings derived shall not be forfeited.

If a person's membership is terminated, his equitable interest in the organization shall not be forfeited.

Upon dissolution, all funds derived from the sale of assets, together with any other funds, shall be distributed to all members and former members on the basis of the amount of business done with the organization after the payment of all debts and obligations.

ARTICLE VIII

Duration

The Corporation shall exist perpetually.

ARTICLE IX

The name and post office address of the incorporator is.

WILLIAM D. HOHMAN, 1618 E. Hayden Ave., Hayden Lake, ID 83835

and William D. Hohman is hereby appointed the initial registered agent of this Corporation at the above address.

ARTICLE X

The names and addresses of the initial Directors are:

WILLIAM D. HOHMAN, 1618 E. Harrison Ave., Hayden, Idaho 83425
KATIE BRODIE, 1618 E. Harrison Ave., Hayden, Idaho 83425

ARTICLE XI

Amendments

Amendments to these Articles shall require the assent of those stockholders casting two-thirds (2/3) of the votes of the Corporation stock at any regular stockholders' meeting called specifically for that purpose. The By-Laws may be amended by the same procedure.

IN WITNESS WHEREOF, for the purpose of forming this Corporation under the laws of the State of Idaho, the undersigned has executed these Articles of Incorporation, this 27th day of January, 1989.

William D. Hohman
William D. Hohman

STATE OF IDAHO)
County of Kootenai) ss.

On this 27th day of January, 1989, before me, the undersigned Notary Public, personally appeared WILLIAM D. HOHMAN, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Richard H. Hickey
Notary Public for Idaho
Residing at Coeur d'Alene
My Commission expires: 8-27-92