

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09215

Priority: January 16, 2004

Maximum Diversion Rate: 2.00 CFS

This is to certify, that VINCENT PATRICK HUGHES & JOAN CATHERINE HUGHES LIVING TRUST
7074 W PRAIRIE AVE
POST FALLS ID 83854

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	2.00 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼NE¼ Sec. 30, Twp 51N, Rge 04W, 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	
51N 04W 30	34.0	40.0	22.0	4.0													100.0

Total Acres: 100

CONDITIONS OF APPROVAL

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

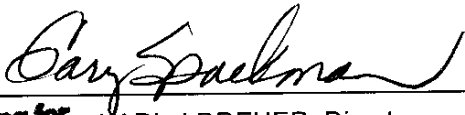
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-09215

7. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of any management plan approved by the director for the RPGWMA. If the director determines that the ground water supply in the RPGWMA is insufficient to meet the demands of prior water rights within the RPGWMA, the director may order the diversion and use of water under this right to be reduced or curtailed until the director determines that there is sufficient ground water available for this right.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2nd day of April, 2004.


Acting for KARL J DREHER, Director

RECEIVED

MAR 12 2004

Department of Water Resources

71029

Ident. No. 95-9215

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

JAN 16 2004

IDWR/North

To appropriate the public waters of the State of Idaho

VINCENT PATRICK HUGHES AND JOAN CATHERINE

1. Name of Applicant HUGHES, LIVING TRUST Phone 772-2584

Mailing address 7074 W. PRAIRIE AVE / POST FALLS, ID 83854

2. Source of water supply GROUND WATER which is a tributary of _____

3. Location of point of diversion is Township S1N Range 4W Sec. 30 in the NW ¼, NE ¼, _____ ¼, Govt. Lot _____, B.M., KOOTENAI County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2 CFS for IRRIGATION purposes from MAR 15 to NOV 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2 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 + PUMP
WHEEL LINE, HAND LINE SPRINKLER SYSTEM

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

c. Proposed well diameter is 12 inches; proposed depth of well is 350 feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; 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 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- 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	
51N	4W	30	34	40	22	4													100

Total number of acres to be irrigated 100

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? SAME AS ABOVE

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

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

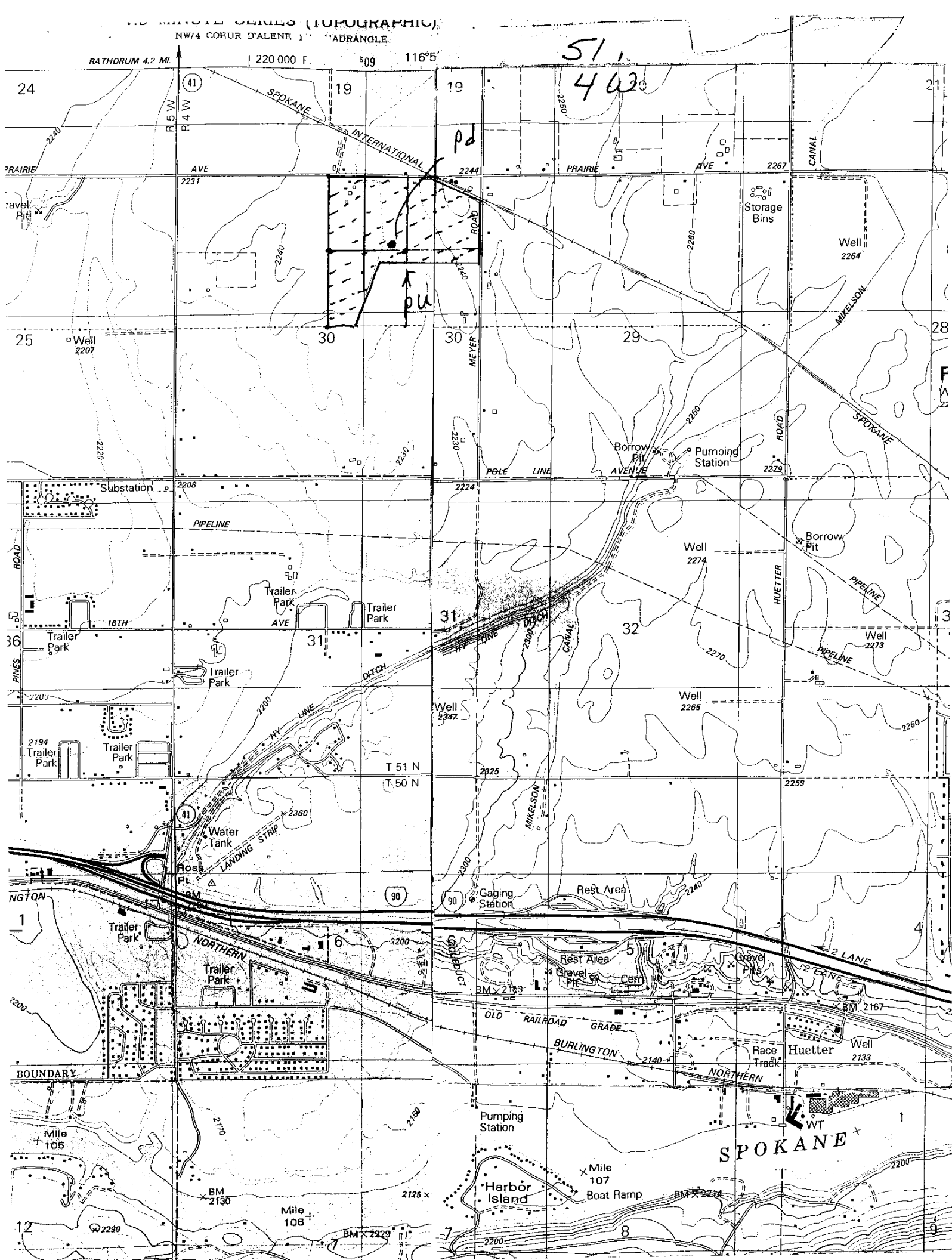
12. Remarks: PROPOSED WELL DRILLER: C.J. WARREN, SPOKANE
IRRIGATION SYSTEM INSTALLER: DICKERSON PUMP, "
FARMER FOR PAST 27 YRS: FRANK HUGHES, SON OF
LANDOWNERS.

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.

V. Patrick Hughes
 Signature of Applicant (and title, if applicable)

Received by [Signature] Date 1/16/04 Time 11:30am Preliminary check by [Signature]
 Fee \$ 290- Received by [Signature] # NO 16060 Date 1/16/04
 Publication prepared by [Signature] Date 2/12/04 Published in IDAHO NEWS 2/19+26/04
 Publication approved [Signature] Date 2/27/04



④ 7.3

TSIN
R4W

19

SEC 30

554

T 79

① 24.2

T 79

③ 31.6

② 28.8

PROPOSED
WELL SITE

257

T 591

① 29.7

② 19.6

④ 13.5

③ 9.0

④ 39.6

Now
Starting
Right Side
of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 2, 2004

VINCENT PATRICK HUGHES &
JOAN CATHERINE HUGHES LIVING TRUST
7074 W PRAIRIE AVE
POST FALLS ID 83854

RE: Permit No. 95-9215

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 208-327-7946.

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

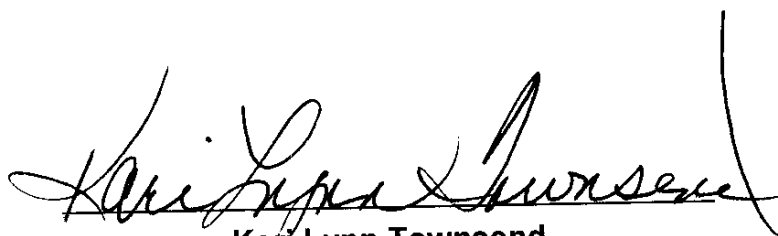
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2004 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. 95-9215

**VINCENT PATRICK HUGHES &
JOAN CATHERINE HUGHES LIVING TRUST
7074 W PRAIRIE AVE
POST FALLS ID 83854**



**Karl 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.

SCANNED

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

FEB 27 2004

AFFIDAVIT OF PUBLICATION

IDWR/North

STATE OF IDAHO, } ss.
County of Kootenai,

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.

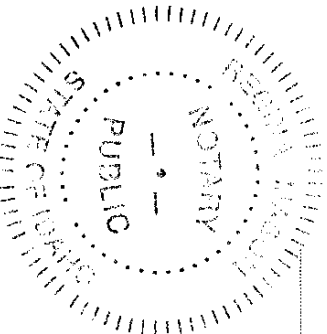
3. The Legal Notice

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 19 day of February 20 04, and ending on the 26 day of February 20 04, and such publication was made as often during said period as said 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.

Personally appeared before me this 26 day of February 20 04

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



MY COMMISSION EXPIRES 6/18/09

NOTICE OF APPLICATION FOR WATER RIGHTS

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

95-9215

VINCENT PATRICK HUGHES &
JOAN CATHERINE HUGHES, LIVING TRUST
7074 W PRAIRIE AVE
POST FALLS ID 83854

ok

Point(s) of Diversion: NWNE S30 T51N R04W KOOTENAI County
Source: GROUND WATER
Use: IRRIGATION 08/15 to 11/15 2 CFS

Total Diversion: 2 CFS

Date Filed: 01/16/2004

Place Of Use: IRRIGATION T51N R04W S30 NENE NWNE SWNE SENE

Number of Acres 100

95-9216

FORTRESS LLC
850 W IRONWOOD DR SUITE 101
COEUR D'ALENE ID 83814

Point(s) of Diversion: SENE S36 T50N R04W KOOTENAI County

Source: COEUR D'ALENE LAKE Tributary To SPOKANE RIVER

Use: MUNICIPAL 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 01/21/2004

Remark: Municipal use is with service area of applicant.

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 03/08/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 4674

February 19, 26, 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 12, 2004

VINCENT PATRICK HUGHES &
JOAN CATHERINE HUGHES, LIVING TRUST
7074 W PRAIRIE AVE
POST FALLS ID 83854

RE: Application for Permit No 95-9215

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 February 19 and 26, 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, reading "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N016060



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

February 12, 2004

--PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION

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

e-mailed to legals@cdapress.com

RE: Application for Permit No. 95-9215 and 95-9216

Dear Kattie and Kristy:

Along with this cover letter you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 19 and 26, 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 03/08/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

A handwritten signature in cursive script, appearing to read 'Dianne Ball'.

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 12, 2004 9:58 AM
To: Legal Notices-CdA Press (E-mail)
Subject: Legal Notice for publication on February 19 and 26, 2004

Good morning, Kattie and Kristy,



This is to let you know that Spring is just around the corner - even if it is frosty and snowy today.

Attached you will find our cover letter requesting publication of a legal notice on February 19 and 26, 2004. Also attached is the legal notice.

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

Also, **PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION.**

Many thanks - it's a pleasure to work with you.

 *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

2/12/2004

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

95-9215

VINCENT PATRICK HUGHES &
JOAN CATHERINE HUGHES, LIVING TRUST
7074 W PRAIRIE AVE
POST FALLS ID 83854

Point(s) of Diversion NWNE S30 T51N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 2 CFS

Total Diversion: 2 CFS

Date Filed: 01/16/2004

Place Of Use: IRRIGATION T51N R04W S30 NENE NWNE SWNE SENE

Number of Acres 100

95-9216

FORTRESS LLC
850 W IRONWOOD DR SUITE 101
COEUR D ALENE ID 83814

Point(s) of Diversion SESE S36 T50N R04W KOOTENAI County

Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER

Use: MUNICIPAL 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 01/21/2004

Remark: Municipal use is with service area of applicant.

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 03/08/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 19 and 26, 2004

Ball, Dianne

From: Curtis, Sharla
Sent: Tuesday, February 03, 2004 7:39 AM
To: Ball, Dianne
Subject: RE: Got a question for you

Hi there! Yes it has been a long time since we "talked". I hope you and your husband are doing well. My family is doing fine. I really like working here at Western; I have no contact with the public so that means I come in and do my job without interruptions and it's great. Of course, I'd love to be working at Northern too, but maybe someday.

It's snowing again today and I have officially decided that I'm sick of winter. But when it's 105 degrees this summer I'll be sick of that too. So I might as well quit complaining I guess.

Now to business - I believe that Vincent and Joan's name are part of the living trust designation and therefore I would enter the entire thing in the Organization name as: VINCENT PATRICK HUGHES & JOAN CATHERINE HUGHES LIVING TRUST

Current entry practices are to put any trust into the organization name rather than splitting it up into last names and first names &/or organization name. If the application had listed the trust and then stated that VP and JC were trustees, then I would have entered their names separately as you did with the owner code of trustee. But since it appears that's not the case, I would go with the entire entry in organization. Let me know if you have difficulty getting that entry in there.

Tell everybody up there hello for me, especially my buddy Al. And all of you take care. We'll "talk" again soon.

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

From: Ball, Dianne
Sent: Monday, February 02, 2004 6:02 PM
To: Curtis, Sharla
Subject: Got a question for you

Hellooooo there pretty lady. Long time no contact so I just though I ask this question of the most knowledgeable person I know when it comes to Water Rights.

Will you take a look at App. ID No. 71029 - 95-9215.

The name on the application reads as follows:

VINCENT PATRICK HUGHES AND JOAN CATHERINE HUGHES, LIVING TRUST

I want to make sure I have data entered it correctly and the information I have regarding living trusts is very sketchy.

Your input would be GREATLY appreciated - even if you won't come to work up here at Northern!!

Have a wonderful day,



May your day be filled with wonder and beauty.
Dianne