

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09196

Priority: September 23, 2002

Maximum Diversion Rate: 0.32 CFS

This is to certify, that MARVIN GARDENS LLC
C/O MARVIN ERICKSON
4095 E ERICKSON DR
COEUR D ALENE ID 83815

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	0.14 CFS
IRRIGATION	03/15 to 11/15	0.18 CFS
FIRE PROTECTION	01/01 to 12/31	0.32 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SE¼SW¼	Sec. 30, Twp 51N, Rge 03W, B.M., KOOTENAI County
GROUND WATER	SE¼SW¼	Sec. 30, Twp 51N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC & FIRE PROTECTION

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 03W 30																	X		X	

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 03W 30																	4.0		5.0	9.0

Total Acres: 9

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2008**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 9 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. 95-09196

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. The applicant shall comply with applicable planning and zoning ordinances of local and state government jurisdictions.
8. 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 12th day of November, 2004.


KARL J DREHER, Director

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 95-9196 IN THE)
NAME OF MARVIN GARDENS, LLC)
_____)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources ("Department") in the form of a protested application for permit and the Department having held a conference and a hearing in the matter, the hearing officer enters the following Findings of Fact, Conclusions of Law and Preliminary Order:

FINDINGS OF FACT

1. On September 23, 2002, Marvin Gardens, LLC. ("applicant") submitted Application for Permit No. 95-9196 ("application") to the Department proposing the total diversion rate of 0.32 cubic feet per second ("cfs") of ground water to be used year-round for domestic and fire protection purposes and from March 15 to November 15 for the irrigation of 9 acres. The location of the points of diversion (2 wells) is within SE1/4SW1/4 Section 30, T51N, R3W, B.M., Kootenai County, Idaho and the proposed place of use is within the E1/2SE1/4 Section 30, T51N, R3W, B.M. Domestic water is sought for 9 homes.

(Note: The "1/4" designations will be omitted from subsequent legal descriptions in this order).

2. The Department published notice of the application that was subsequently protested by the city of Dalton Gardens ("city" or "protestant") and by Scott and Marilyn Jordan ("protestant").

3. On September 28, 2004, the Department conducted a hearing in the matter in Coeur d'Alene, Idaho. The applicant was present and was represented by Marvin Erickson. Protestant city of Dalton Gardens was represented by Cheri Howell, the Planning Administrator for the city of Dalton Gardens. Protestant Scott and Marilyn Jordan did not appear at the hearing.

5. Issues the Department can consider in this matter are as follows:
 - a. Whether the proposed use will reduce the quantity of water under existing water rights;
 - b. Whether the water supply itself is insufficient for the purpose for which it is sought to be appropriated;
 - c. Whether the application is made in good faith, or is made for delay or speculative purposes;
 - d. Whether the applicant has sufficient financial resources with which to complete the work involved therein;
 - e. Whether the proposed use will conflict with the local public interest,
 - f. Whether the proposed use is contrary to conservation of water resources within the state of Idaho; and
 - g. Whether the proposed use will adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates.
6. Exhibits premarked, offered or accepted as a part of the record are as follows:

Applicant's Exhibits:

1. Well Driller Report for Marvin Erickson
2. Well Driller Report for Scooter Jordan
3. NOT OFFERED
4. Map showing property owned by Marvin Erickson

Protestant's Exhibits:

NONE OFFERED

7. On August 7, 2003, the Department issued Permit 95-9148 to Marvin R. Erickson and Sharon N. Erickson as follows:

Source:	Ground water
Priority:	July 23, 2002
Rate of diversion:	0.14 cfs for domestic use year-round for 9 homes 0.09 cfs for irrigation use from March 15 to November 15 Total diversion rate = 0.20 cfs
Point of diversion:	SESW Section 30, T51N, R3W, B.M.
Place of use:	SE Section 30, T51N, R3W, B.M.
Proof due date:	August 1, 2008

The 9 lots on this permit are different from the 9 lots proposed on application 95-9196.

8. The well log for the well constructed by the applicant shows that water was first encountered at 243 feet below land surface with a total well depth of 385 feet. The well was test pumped at 60 to 70 gallons per minute for 4 hours. The well log of protestant Scott Jordan shows that water was first encountered at 388 feet below land surface with a total well depth of 425 feet. The distance between the wells is approximately three-quarters to one mile. (See applicant's exhibits 1 and 2).

9. The water sources used by protestant city of Dalton Gardens are approximately 2 miles from the applicant's wells.

10. Of the issues the Department can consider in the contested matter, the only issue of the city was the zoning of the land on which the well(s) are or will be constructed as related to the local public interest. The protestant stated that if the applicant distributes or sells water, the applicant must either change the zoning of the land associated with the water source to a Public Utility District or apply for a special use permit for a Public Utility.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest as defined in section 42-202B, Idaho Code, or (f) that it is contrary to conservation of water resources within the state of Idaho, or (g) that it will adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. ...

2. Use of water as proposed in the application will not reduce the quantity of water under existing water rights.

3. The water supply itself is sufficient for the purposes intended.

4. The application is made in good faith and not for delay or speculative purposes.

5. The applicant has sufficient financial resources with which to complete the project.
6. The application will not conflict with the local public interest if the applicant complies with applicable planning and zoning ordinances of local and state government jurisdictions.
7. The application is not contrary to the conservation of water resources within Idaho.
8. The Department should approve the application with certain conditions.

ORDER

IT IS THEREFORE hereby ORDERED that the protest of Scott and Marilyn Jordan be **SET ASIDE** for failure to appear at the hearing and will not be further considered by the Department in the matter.

IT IS FURTHER hereby ORDERED that Application for Permit No. 95-9196 is **APPROVED** subject to the following conditions:

1. Proof of application of water to beneficial use shall be submitted on or before **November 1, 2008**.
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. Domestic use is for 9 homes. Irrigation of lawns, gardens and landscaping associated with the homes 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 of water per acre nor more than 3.0 acre feet per acre per year at the field headgate for irrigation of the lands above.
7. The applicant shall comply with applicable planning and zoning ordinances of local and state government jurisdictions.

8. 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.

Signed this 19th day of October, 2004.



L. GLEN SAXTON, P.E.
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of October, 2004, the foregoing PRELIMINARY ORDER was served by placing a copy of the same in the United States Mail, properly addressed and postage prepaid to the following:

MARVIN GARDENS LLC
4095 E ERICKSON DR
COEUR D ALENE ID 83815

CITY OF DALTON GARDENS
6360 N 4TH STREET
DALTON GARDENS ID 83815-9254

SCOTT & MARILYN JORDAN
2496 E HANLEY AVE
DALTON GARDENS ID 83315


Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources

70699

Ident. No. 95-9196

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant MARVIN Gardens LLC Phone 208 762-0718
Mailing address 4095 E. Erickson Drive, Coeur d'Alene, ID 83815
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is Township S1N. Range 3W Sec. 30, in the _____ 1/4,
SE 1/4, SW 1/4, Govt. Lot _____, B.M., KOOTENAI County;
additional points of diversion if any: 2 PTS OF DIVERSION
4. Water will be used for the following purposes:
Amount .14 for DOMESTIC purposes from 4 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .18 for IRRIGATION purposes from 3/15 to 12/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .32 for FIRE PROTECTION purposes from 4 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)
5. Total quantity to be appropriated is (a) 0.32 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 2 WELLS - 2 40,000
GALLON STORAGE TANKS & SERVICE LINES
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 8" inches; proposed depth of well is 300 feet, each
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? _____; Drilling firm MCCARTY WELL DRILLING
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 9 HOMES
 - e. Other; describe fully. _____

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	
51N	30	30													4			5	
															D			D	
															F			F	

Total number of acres to be irrigated Place of use will be in the Service Area of
MARVIN Gardens L.L.C.

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? Harden & Hannah Young "APPLICANT"
 b. Who owns the land to be irrigated or place of use? "APPLICANT"
 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: After wells are developed ownership will be transferred to MARVIN & Sharon Erickson through a Lot Line Adjustment MARVIN Erickson & Sharon Erickson, H+W are the fee owners president & Vice president of MARVIN Gardens L.L.C.

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.

Sharon N. Erickson

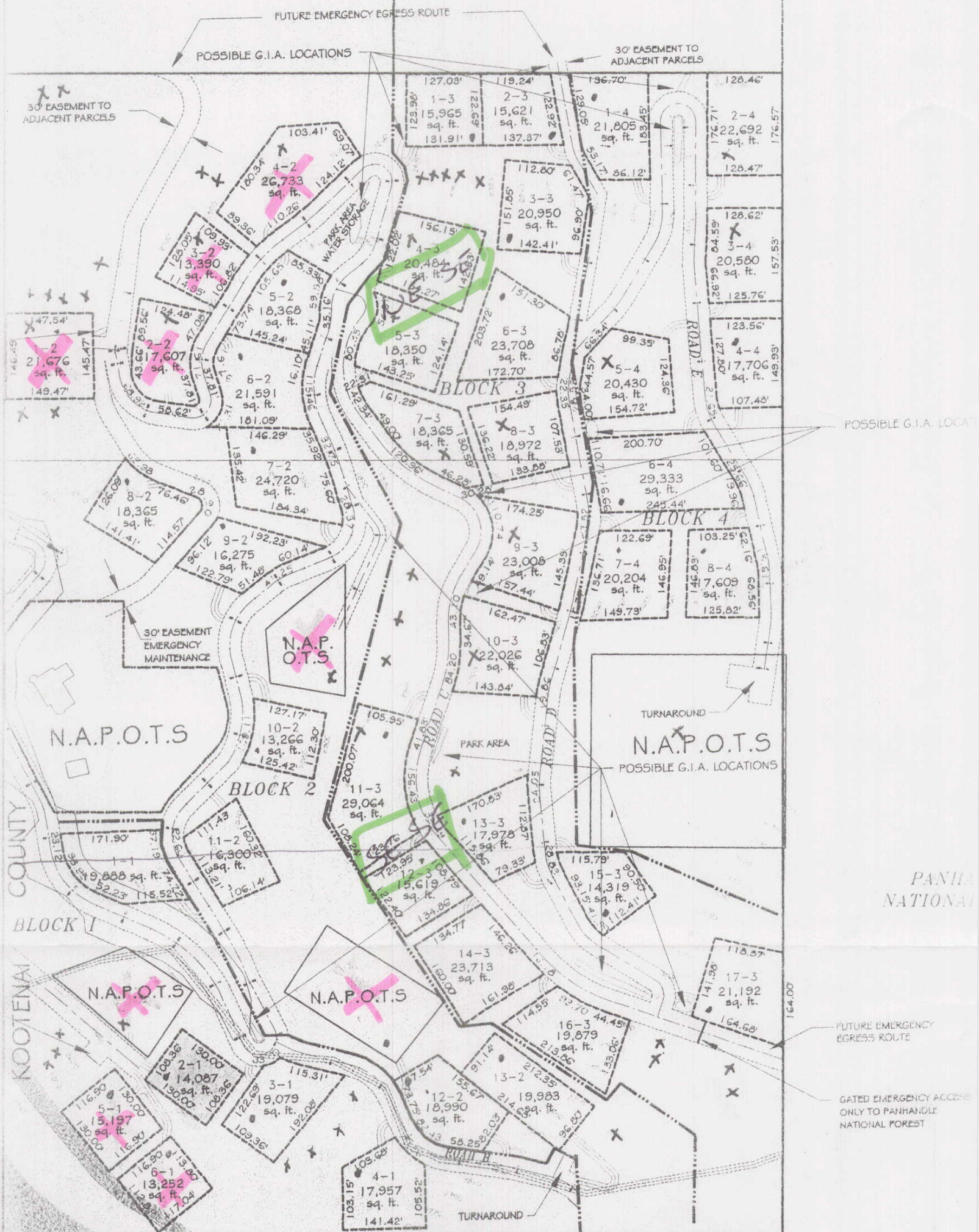
Marvin R. Erickson

Signature of Applicant (and title, if applicable)

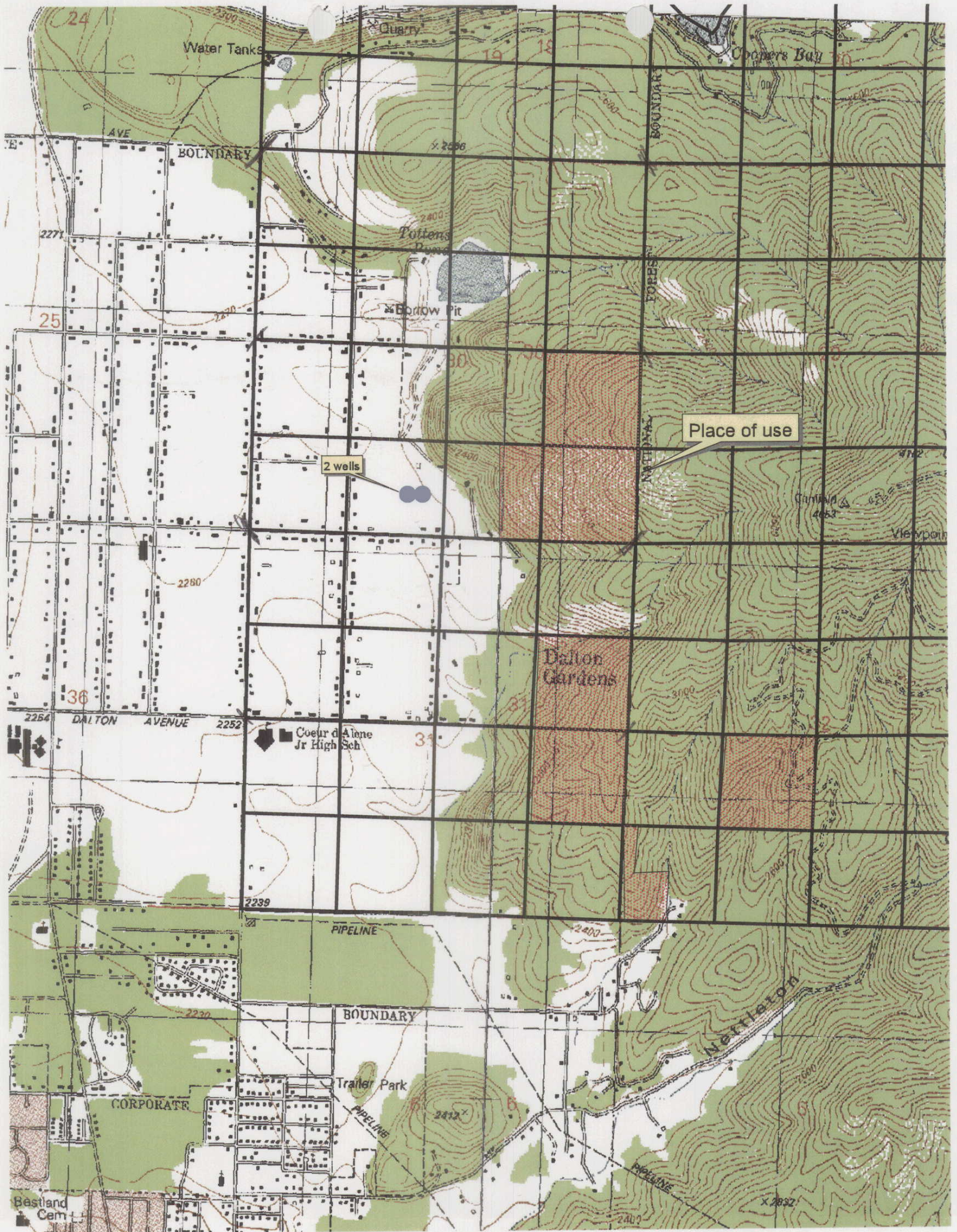
Received by JB Date 9-23-02 Time 3:17 Preliminary check by JB
 Fee \$ 250 Receipted by JB # ND/S290 Date 9-23-02
 Publication prepared by cb Date 8/13/03 Published in Colo Press 8/21+28/03
 Publication approved cb Date 9/8/03

N.A.P.O.T.S

PLACE OF USE



9 x



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

November 16, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARVIN GARDENS LLC
4095 E ERICKSON DR
COEUR D'ALENE ID 83815

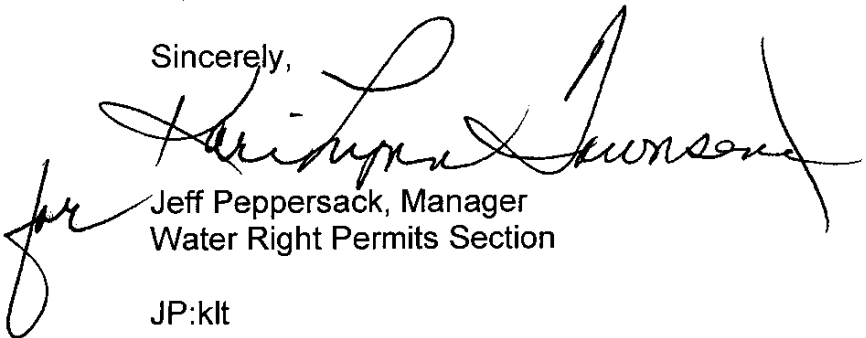
RE: Permit 95-9196

Dear Interested Parties:

The enclosed permit is issued by the department in conjunction with the **Preliminary Order** dated October 19, 2004

If you have any questions regarding this matter, please call me at 208-287-4948.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: Northern Region office



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 19, 2004

Re: In the matter of Application for Permit No. 95-9196 in the name of Marvin Gardens, LLC

Dear Interested Parties:

The Department of Water Resources (department) has issued the enclosed **Preliminary Order** pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Contact any office of the department or visit our homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at (208) 287-4803.

Sincerely,

Victoria Wigle
Administrative Assistant to the Director

Enclosures

c: IDWR - Regional Office

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service.

Note: the petition must be received by the Department within this fourteen (14) day period. The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 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.



Idaho Secretary of State Viewing Business Entity

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MARVIN GARDENS, L.L.C.

4095 E ERICKSON DR
COEUR D'ALENE, ID 83815

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 01 Oct 2004

State of Origin: IDAHO

Date of 20 Dec 1996

Origination/Authorization:

Current Registered Agent: JOHN B. GEDDES
147 W ORCHARD
HAYDEN, ID 83835

File Number: W3271

Date of Last Annual Report: 16 Oct 2003

Amendments:

Amendment filed 20 Dec 1996 ARTICLES OF
ORGANIZATION

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Amendment filed 06 Jun 2001 REINSTATEMENT

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Annual Reports:

Report for year 2003 ANNUAL REPORT

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Report for year 2001 REINSTATEMENT

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

**IN THE MATTER OF APPLICATION FOR PERMIT NO.
95-9196 IN THE NAME OF MARVIN GARDENS, LLC**

*** * Please Print * ***

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Department of Water Resources			
APPLICANT'S			
Exhibit	Twp	Rge	Sec
Date Admitted <u>9-28-04</u>			

1. WELL TAG NO. D 0028131 RECEIVED
DRILLING PERMIT NO. 293015
Water Right or Injection Well No. MAP

2. OWNER:
Name Marvin Erickson DWF North
Address 4095 E. Erickson Dr.
City Coeur d'Alene State ID Zip 83814

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 51 North ☒ or South ☐
Rge. 3 East ☐ or West ☒
Sec. 30 1/4 SW 1/4 SW 1/4
Gov't Lot _____ County Kootenai

Lat: _____ Long: _____
Address of Well Site E. end of Hanley, N. of
17th & Hanley Intersection, Dalton

(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

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 Material	From	To	Weight / Volume	Seal Placement Method
Bentonite	0	25	200#	dry granular

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) ring bit

Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	243	250	Steel	☒	☐	☒	☐
4"	85	365	160	PVC	☐	☒	☒	☐
4"	365	385	200	PVC	☐	☒	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☐ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method saw cut 6" slot

Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
365	385	1/8	60	4"	PVC	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

250 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

12. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
60-70			4 hrs.

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: water very cloudy

Depth first Water Encounter 250

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
8	0	3	Sand, topsoil		
	3	11	Gravel, sand, silt		
	11	26	Gravel, Medium		
	26	31	Gravel, sand		
	31	58	Gravel, coarse		
	58	73	Sand, medium		
	73	116	Gravel, coarse		
	116	138	Cobbles		
	138	139	Boulder		
	139	166	Gravel, coarse, cobbles		
	166	190	Sand, medium to fine		
	190	232	Gravel, silt, sand		
	232	240	Shale, broken, silt, tan		
	240	243	Shale, hard, grey		
6	243	268	Shale, medium, grey/rose	x	
	268	286	Shale, light grey, medium		
	286	289	Shale, white		
	289	296	Shale, grey, broken 20 gpm	x	
	296	316	Shale, grey, rose		
	316	321	Shale, rose, grey, broken	x	
	321	328	Shale, brown		
	328	334	Shale, grey, broken	x	
	334	355	Shale, white, grey		
	355	361	Shale, grey, broken 20 gpm	x	
	361	368	Shale, grey, rose, hard		
	368	371	Shale, grey, broken	x	
	371	378	Shale, brown, broken	x	
	378	385	Shale, grey, rose		

Completed Depth 385' (Measurable)

Date: Started 02/21/03 Completed 02/23/03

14. DRILLER'S CERTIFICATION

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

Company Name McCarty Drilling & Pump Inc Firm No. 586

Principal Driller Burt McCarty Date 3-3-03

Driller or Operator II _____ Date _____

Operator I _____ Date _____

Principal Driller and Rig Operator Required.

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL IDENTIFICATION

Name SCOOTER JORDAN

Address 3118 N. 18TH

Owner's Permit No. COAL D. ALABE

7. WATER LEVEL

Static water level _____ feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

Describe artesian or temperature zones below.

2. NATURE OF WORK 95-87-N-46

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>1.2</u>	<u>425'</u>	<u>4</u>

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal

☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water Yes No
	From	To		
6"	0	112	GRAVEL	X
6"	111	160	HARD SHALE	X
11"	160	165	SOFT SPT	X
11"	165	260	HARD SHALE	X
11"	260	280	BROKEN HARD SHALE	X
11"	280	290	SOFT SHALE	X
11"	290	300	QUARTZ (WHITE)	X
11"	300	388	SHALE (SAND LAYERS)	X
11"	388	410	SOFT BROKEN SHALE	X
11"	410	425	HARD SHALE	X
			T.D. 425'	

4. METHOD DRILLED

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary

☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
12.50 inches	6"	inches + 1	feet 111
200.40 inches	4"	inches - 125	feet 425

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number 320' 4" PVC From 564 To 200

100 perforations 325 feet 425 feet

perforations _____ feet _____ feet

perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 200' Material used in seal: ☐ Cement grout

☒ Bentonite ☐ Pudding clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld _____

☐ Cemented between strata

Describe access port _____

RECEIVED

JUL 17 1987

Department of Water Resources
Northern District Office

Department of Water Resources
APPLICANT'S
2
9-28-04
Exhibit
Date Admitted

10. Work started 6-30-87 finished 7-15-87

11. DRILLERS CERTIFICATION

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

Firm Name 120 Well Service Firm No. 448

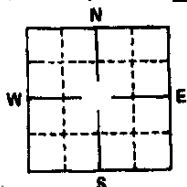
Address 582 W. Hayden Ave Date 7-15-87

Signed by (Firm Official) John W. Baker

and
(Operator) W. L. Baker

6. LOCATION OF WELL

Sketch map location must agree with existing location.



Subdivision Name MAR 14 1988

Lot No. _____ Block No. _____

County _____

N/E % S/E % Sec. 29, T. 51 S., R. 3 E. 10

SEE N

Department of Water Resources

APPLICANT'S

Exhibit

84

Date Admitted

9-28-04

W

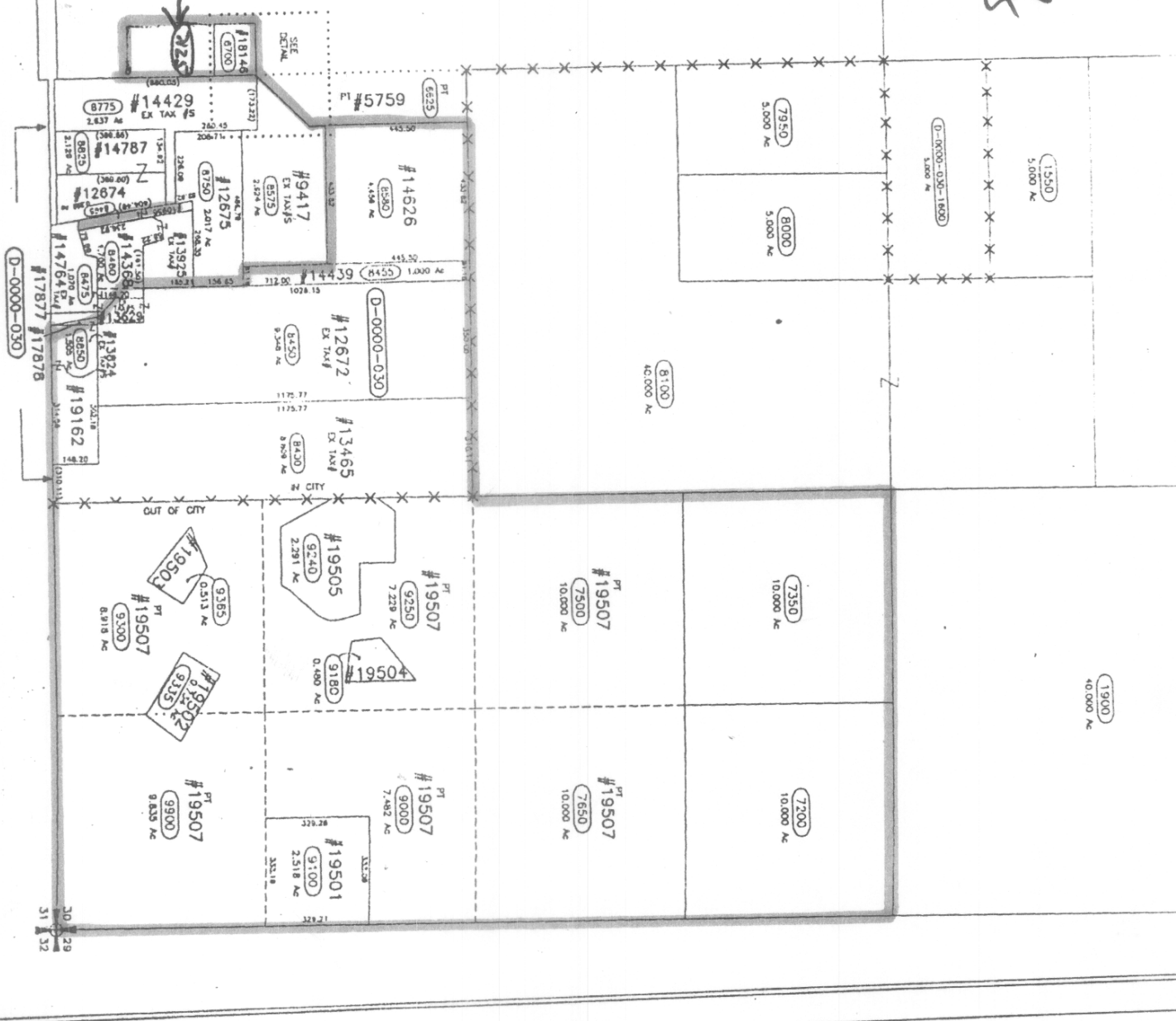
SEE SW 1/4 SECTION MAP

Well site



SCALE: 1 INCH = 400 FEET

HANLEY AVE



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF DALTON GARDENS
OFFICE OF THE MAYOR
6360 N 4TH STREET
DALTON GARDENS ID 83815

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Marcia Wingfield* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Marcia Wingfield 8/16/04

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

RECEIVED

AUG 17 2004

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 1140 0003 8448 8403

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARVIN GARDENS LLC
4095 E ERICKSON DR
COEUR D ALENE ID 83815

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Marvin Erickson* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

MARVIN ERICKSON AUG 17 2004

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

RECEIVED
AUG 18 2004
IDWR/North

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 1140 0003 8448 8410

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SCOTT & MARILYN JORDAN
2496 E HANLEY AVE
DALTON GARDENS ID 83815

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Scott Jordan* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

RECEIVED
AUG 24 2004
IDWR/North

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 1140 0003 8448 8427

PS Form 3811, August 2001

Domestic Return Receipt

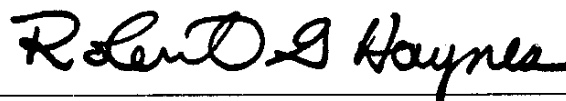
102595-02-M-1540

NOTICE OF CORRECTION OF HEARING DATE

YOU ARE HEREBY NOTIFIED that the hearing date for MARVIN GARDENS LLC was incorrectly listed as September 27, 2004 at 9:00 am, whereas it correctly should have been listed as **SEPTEMBER 28, 2004** at 9:00 am.

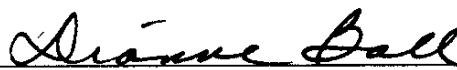
The location remains the same.

Dated this 13th day of August 2004.



Robert G. Haynes, Regional Manager

I hereby certify that on the 13th day of August 2004, I mailed a true and correct copy of this document postage prepaid, to the applicant(s) and protestant(s) listed below:



Dianne Ball, Administrative Assistant

CERTIFIED MAIL

MARVIN GARDENS LLC

Card received 8/18/04

SCOTT & MARILYN JORDAN

Card received 8/21/04

CITY OF DALTON GARDENS

Card received 8/17/04

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARVIN GARDENS LLC
4095 E ERICKSON DR
COEUR D'ALENE ID 83815

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Sharon Erickson

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

SHARON ERICKSON

C. Date of Delivery

8-2-04

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

RECEIVED
AUG 03

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 1140 0003 8448 8373

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF DALTON GARDENS
6360 N 4TH ST
DALTON GARDENS ID 83315-9254

RECEIVED
AUG 04 2004
IDWR/North

COMPLETE THIS SECTION ON DELIVERY

A. Signature

De Franklin

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

DE FRANKLIN

C. Date of Delivery

AUG 03 2004

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 1140 0003 8448 8397

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SCOTT & MARILYN JORDAN
2496 E HANLEY AVE
DALTON GARDENS ID 83815

COMPLETE THIS SECTION ON DELIVERY

A. Signature

M Jordan

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

M JORDAN

C. Date of Delivery

7-31

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

RECEIVED
AUG 02 2004

IDWR/North

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 1140 0003 8448 8380

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 95-9196)
IN THE NAME OF MARVIN GARDENS LLC)

NOTICE OF HEARING

On September 23, 2002, MARVIN GARDENS LLC, (applicant) filed with the Department of Water Resources, (department), application for permit No. 96-9196. The application was protested by the CITY OF DALTON GARDENS and SCOTT & MARILYN JORDAN.. The conference held by the department on June 17, 2004, did not resolve the matter of protest.

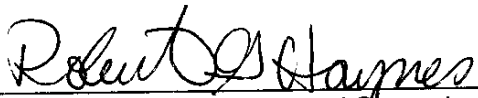
The department has scheduled the matter for hearing on **September 27, 2004 at 9:00 a.m. at the Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID.** The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 30th day of July, 2004.


Robert G. Haynes, Regional Supervisor

I hereby certify that on the 30th day of July, 2004, I mailed a true and correct copy of this document, postage prepaid, to the applicant(s) and protestant(s) listed below:


Dianne L. Ball, Administrative Assistant

Certified Mail

✓ MARVIN GARDENS LLC
✓ SCOTT & MARILYN JORDAN
✓ CITY OF DALTON GARDENS

card read 8/3/03
card received 8/2/04
8/4/04

Post-it® Fax Note	7671	Date	# of pages <u>2</u>
To <u>Glen Saxton</u>	From <u>Bob Haynes</u>	Co./Dept.	Co.
Phone #	Phone #	Fax #	Fax #

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (120) days prior to the hearing.

CONFERENCE

File: 95-9196
MARVIN GARDENS LLC

Date: JUNE 17, 2004

Time: 9:00 AM

Place: DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD SUITE 210
COEUR D'ALENE ID 83814

ROSTER OF ATTENDANCE

NAME

ADDRESS

SCOTT, ~~John~~
Marvin Erickson
Sharon Erickson

2496 S. HANLEY AVE DAITON GARDENS
4095 E. ERICKSON DR. COEUR D'ALENE
9095 E. ERICKSON DR. COEUR D'ALENE 83815

CONFERENCE SCHEDULE

Northern Region

Location	DEPARTMENT OF WATER RESOURCES 1910 NORTHWEST BLVD., SUITE 210 COEUR D ALENE ID 83814
----------	--

Date	June 17, 2004
------	---------------

9:00 A.M.	95-9196 MARVIN GARDENS LLC
-----------	-------------------------------

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARVIN GARDENS
4095 E ERICKSON DR
COEUR D ALENE ID 83815

RECEIVED

JUN 01 2004

IDWR/North

2. Article Number

(Transfer from service label)

7001 1140 0003 8448 8182

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

6/1/04

C. Signature

Sharon E. Eubank

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SCOTT & MARILYN JORDAN
2496 E HANLEY AVE
DALTON GARDENS ID 83815

RECEIVED

JUN 02 2004

IDWR/North

2. Article Number

(Transfer from service label)

7001 1140 0003 8448 8199

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

6-1-04

C. Signature

Scott Jordan

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF DALTON GARDENS
6360 N 4TH ST
DALTON GARDENS ID 83815

RECEIVED

JUN 01 2004

IDWR/North

2. Article Number

(Transfer from service label)

7001 1140 0003 8448 8205

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Kathy van Kester

6/5/04

C. Signature

Kathy van Kester

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 95-9196	)	
IN THE NAME OF MARVIN GARDENS LLC	)	NOTICE OF CONFERENCE
_____	)	

On September 23, 2002, MARVIN GARDENS LLC filed with the Department of Water Resources (department) Application for Permit No. 95-9196. The application was protested by the CITY OF DALTON GARDENS and SCOTT & MARILYN JORDAN.

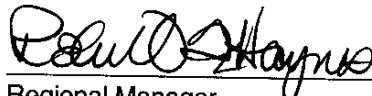
The department has scheduled the matter for conference on June 17, 2004 at 9:00 am at the Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference will be Robert Haynes, P.E., Regional Manager.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

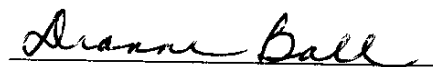
The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within ten (10) days prior to the conference.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 27th day of May, 2004.


Regional Manager

I hereby certify that on the 27th day of May, 2004, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Administrative Assistant

Certified Mail
MARVIN GARDENS LLC
4095 E Erickson Drive, Coeur d'Alene, ID 83815

SCOTT & MARILYN JORDAN
2496 E Hanley Ave., Dalton Gardens, ID 83815

CITY OF DALTON GARDENS
6360 N 4th St, Dalton Gardens, ID 83815-9254

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

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CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

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3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

**Marvin R. and Sharon N. Erickson
4095 East Erickson Drive
Coeur d'Alene, ID 83815
September 25, 2003
Phone (208) 762-0718**

**RECEIVED
SEP 26 2003
IDWR/North**

**Robert G. Haines
Regional Manager
State of Idaho Dept. Of Water Resources
Northern Division
Suite 210
1910 Northwest Boulevard
Coeur d'Alene, Idaho 83814 -2615**

RE: Application to Permit #95-9196

Dear Mr. Haines:

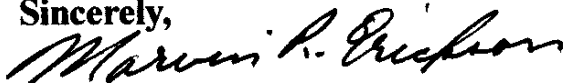
Please accept this formal request to schedule a conference/ and or hearing as deemed necessary.

We supplied letters to the two protesters as per your suggestion and gave them 10 days to respond.

The Certified letter to Scott and Marilyn Jordan was signed for on September 13, 2003. We have not received a response from them and their 10 days notice of time has lapsed.

The City of Dalton Gardens Mayor Roland Koontz did respond with a letter and we have enclosed a copy of the letter. Mayor Roland Koontz demands are impractical. It is not economically practical to meet his demands. They don't seem to be valid objections to a water right.

Sincerely,

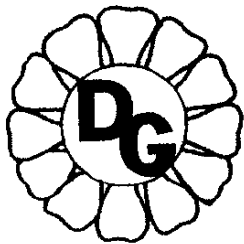


Marvin R. Erickson



Sharon N. Erickson

enclosure



City of Dalton Gardens

208-772-3698
6360 North Fourth Street
Dalton Gardens, Idaho 83815-9254

RECEIVED
SEP 26 2003
IDWR/North

September 17, 2003

Marvin R. and Sharon N. Erickson
4095 East Erickson Drive
Coeur d' Alene, ID 83815

RE: Water Rights Application to Permit # 95-91-96

Dear Mr. Erickson:

The city is in receipt of your letter of September 11, 2003 concerning the above water right.

The subject water right was originally submitted for 44 homes and had been changed to 9 homes at the time of issuance, therefore the City felt that it was a part of your PUD application.

Based upon the September 5, 2003 letter from Department of Environmental Quality, we have questions with regards to water right 95-91-96 and 95-91-48 serving eighteen lots which are not a part of the subdivision/PUD.

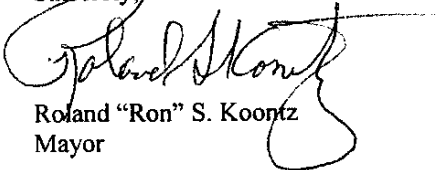
We are unsure of the exact location of the wells and a schematic of the current and future water lines and their routing to potential sites. We would ask for the following information:

1. The location of the sixteen parcels that you address, their exact location in relationship to the current city limits (by site plan).
2. The exact location of the wells (metes and bounds location)
3. A schematic of the current and future water lines and their routing to existing and potential sites.

The record must be clear. Based upon your own statement, you intend to develop these sixteen lots plus the two (2) you intent to purchase and these lots are not at all part of the PUD/Subdivision that is pending in front of the County.

To ensure timely negotiation, please provide us the above information at your earliest convenience.

Sincerely,



Roland "Ron" S. Koontz
Mayor

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
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 Return Receipt Fee (Endorsement Required) 175
 Restricted Delivery Fee (Endorsement Required) 465
 Total Postage & Fees \$ 465

Sent To Marilyn Scott Jordan
 Street, Apt. No., or PO Box No. 2496 E Hawley Ave
 City, State, ZIP+4[®] Dalton Gardens, ID 83815

PS Form 3800, June 2002 See Reverse for Instructions

RECEIVED
 SEP 26 2003
 IDWR/North

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Scott Jordan
Marilyn Jordan
2496 E Hawley Ave.
Dalton Gardens
ID 83815

2. Article Number 7003 1010 0000 2273 5713
 (Transfer from service label) 7003 1010 0000 2273 5713

PS Form 3811, August 2001 UNITED STATES POSTAL SERVICE

COMPLETE THIS SECTION ON DELIVERY

A. Signature X M. Jordan ☐ Agent ☐ Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 9-13

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

24CPRI-02-P-4061

• Sender: Please print your name, address, and ZIP+4 in this box •

MARVIN + Sharon Erickson
4095 E Erickson Drive
Coeur d'Alene
ID 83815

First-Class Mail
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 USPS
 Permit No. G-10

CITY OF DALTON GARDENS

6360 North Fourth Street
Dalton Gardens, Id. 83815-9254
Telephone (208) 772-3698
Fax (208)762-5156

FAX TRANSMISSION COVER SHEET

Date: 9/22/03

To: Bob Haynes, Ken Jacobsen, Scott Poorman, Scott Jamar (Jamar & Associates

Company:

Fax Number:

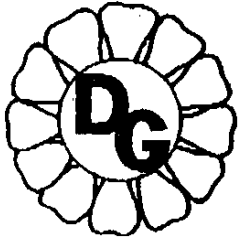
Sender: Marcia Wingfield, Deputy Clerk

Number of pages (including cover page): 2

This document is intended solely for the person whose name appears above. If it is received by you in error, or if all pages are not received, please call 208/772-3698

Comments:

The attached is a copy of the letter dated Sept 17, 2003 from Mayor Roland Koontz to Marvin R. Erickson concerning the Water Rights Application permit # 95-91-96



City of Dalton Gardens

208-772-3698
6360 North Fourth Street
Dalton Gardens, Idaho 83815-9254

September 17, 2003

Marvin R. and Sharon N. Erickson
4095 East Erickson Drive
Coeur d' Alene, ID 83815

RE: Water Rights Application to Permit # 95-91-96

Dear Mr. Erickson:

The city is in receipt of your letter of September 11, 2003 concerning the above water right.

The subject water right was originally submitted for 44 homes and had been changed to 9 homes at the time of issuance, therefore the City felt that it was a part of your PUD application.

Based upon the September 5, 2003 letter from Department of Environmental Quality, we have questions with regards to water right 95-91-96 and 95-91-48 serving eighteen lots which are not a part of the subdivision/PUD.

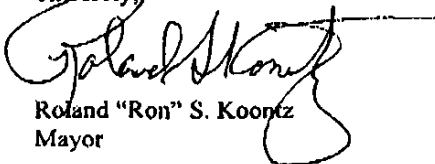
We are unsure of the exact location of the wells and a schematic of the current and future water lines and their routing to potential sites. We would ask for the following information:

1. The location of the sixteen parcels that you address, their exact location in relationship to the current city limits (by site plan).
2. The exact location of the wells (metes and bounds location)
3. A schematic of the current and future water lines and their routing to existing and potential sites.

The record must be clear. Based upon your own statement, you intend to develop these sixteen lots plus the two (2) you intent to purchase and these lots are not at all part of the PUD/Subdivision that is pending in front of the County.

To ensure timely negotiation, please provide us the above information at your earliest convenience.

Sincerely,



Roland "Ron" S. Koontz
Mayor

Marvin R. and Sharon N. Erickson
4095 East Erickson Drive
Coeur d'Alene, ID 83815
September 11, 2003

RECEIVED
SEP 12 2003
IDWR/North

Robert G. Haynes, P.E.
Regional Manager
State of Idaho
Department of Water Resources
Northern Region
Suite No. 210
1910 Northwest Boulevard
Coeur d'Alene, Idaho 83814-2615

RE: Application to Permit # 95-9196

Dear Mr. Haynes:

We have responded to the two (2) protests to our permit application as per your suggestion in your letter dated September 09, 2003 and we have enclosed copies of those responses.

We are attempting to resolve the protesters issues and have given them 10 days to respond.

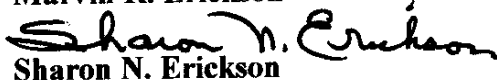
We will schedule a meeting with Mayor Ron Koontz of Dalton Gardens.

Mr. and Mrs. Scott Jordan are very hostile and a meeting with them is probably not practical.

Sincerely,



Marvin R. Erickson



Sharon N. Erickson

Enclosures

COPY

Marvin R. and Sharon N. Erickson
4095 East Erickson Drive
Coeur d'Alene, ID 83815
September 11, 2003

*Sent Certified mail
Return Receipt Requested
7003 1010 0000 2273 5713*

Scott and Marilyn Jordan
2496 East Hanley Avenue
Dalton Gardens, Id 83815

RECEIVED
SEP 12 2003
IDWR/North

RE: Water Right Application to Permit # 95-91-96

Responses to your concerns sent to Idaho Department of Water Resources.

- # 1. *Will the proposed appropriation injure other water rights?*
The well for this water right draws from the Rathdrum Prairie Aquifer and the supply is virtually unlimited. Your well does not draw from the aquifer.
- #2. *Is the water supply sufficient for the purpose for which it is sought to be appropriated?*
The well is for nine (9) homes plus irrigation for the lawns of the nine (9) homes and irrigation for trees, plants and shrubs on three (3) miles of private road and for fire control.
- #3. *Was the application made in good faith or for delay or speculative purposes?*
The typical four (4) bedroom home utilizes three-hundred-fifty (350) gallons per day plus lawn and irrigation. The total water right is for more than just homes. It is also for fire suppression and irrigation.
This water right does not supply water to any of the proposed PUD/Subdivision homes. The proposed PUD/Subdivision is for forty-four (44) homes not seventy (70).
- #4. *Does the applicant have sufficient financial resources which to complete the proposed project.*
Yes, the applicants do have sufficient financial resources to complete the project.
- #5. *Will the proposed use conflict with local public interest?*
This water right does not cover any of the proposed forty-four (44) PUD/Subdivision and there has been no installation of water lines in anticipation of the future development of the PUD/Subdivision.
The PUD/Subdivision will require the installation of its own wells and water lines.
We are not proposing a usage of Ten Thousand (10,000) gallons per day per home. This application covers fire suppression and irrigation in addition to

5. continued

the home usage.

The majority of this water is for irrigation and fire suppression which is not considered a pollution to the aquifer.

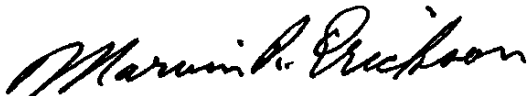
Septic issues are handled by Panhandle Health and presently I have approval for (seventy)70 septic systems, however I do not have any intention of using all seventy. Further more my septic system approvals are approximately one half mile from the aquifer unlike your septic system and swimming pool which are very close to the aquifer and likely drain directly into it. Panhandle Health requires a setback of one hundred (100) feet between a well and a septic system. My septic system will be nearly one-half a mile from your well.

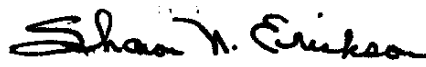
#6. *Will the proposed use be contrary to the conservation of water resources within the State of Idaho?*

The proposed use is not contrary to the conservation of water resources of the State of Idaho.

The State of Idaho Department of Water Resources has suggested that we contact protesters directly to see if it is possible to resolve the matter without action by the Department. Please respond to this letter within ten days or we will schedule a hearing with the State of Idaho Dept. of Water Resources.

Sincerely;


Marvin R. Erickson


Sharon N. Erickson

cc: Robert G. Haynes, P.E.

**Marvin R. and Sharon N. Erickson
4095 East Erickson Drive
Coeur d'Alene, Idaho 83815
September 11, 2003**

COPY

**RECEIVED
SEP 12 2003
IDWR/North**

**Roland S. Koontz, Mayor
City of Dalton Gardens
6360 North 4th Street
Dalton Gardens, ID 83815**

RE: Water Right Application to Permit # 95-91-96

Dear Mayor Koontz;

In response to your letter of protest of our water right application dated September 5, 2003 which you sent to Mr. Bob Haines at The Idaho State Department of Water Resources.

Presently we have sixteen (16) lots and plan to purchase two (2) more and none of those lots are part of our proposed forty-four 44 lot PUD/Subdivision.

Enclosed is a letter from Mr. Gary J. Gaffney, P.E. of The State of Idaho Department of Environmental Quality stating that a nine (9) home water system is a private water system and therefore a zone change is not required. Water for the proposed PUD/Subdivision will be addressed as a separate issue when the PUD/Subdivision Plat is approved.

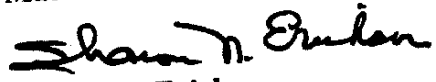
Regarding your letter of approximately Jan 24, 2003 to Bob Haines. Our present application does not provide water to the proposed forty-four (44) lot PUD/Subdivision, but is a private well to serve 9 home sites plus irrigation for lawns for those home sites, plus irrigation of trees, shrubs, and plants along approximately three (3) miles of road way plus water storage for fire suppression.

We were instructed by Mr. Bob Haines to contact you to see if we could resolve your issues. Please respond within ten (10) days and let us know if there any other issues and if we can resolve them those avoiding a formal proceeding.

Enclosed is a copy of Mr. Gaffneys' letter from DEQ which might further clarify your understanding of the water rights and issues.

Sincerely,


Marvin R. Erickson


Sharon N. Erickson

Enclosures

**cc: Bob Haynes
Ron Jacobsen, Attorney
Dalton City Council Members
Jim Howard
Dan Franklin
Robert Wright
Steven Roberge
Scott Poorman, Attorney
Scott Jamar, Jamar and Associates
Cheri Howell, Dalton Gardens City Planner**



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 09, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARVIN GARDENS LLC
C/O MARVIN ERICKSON
4095 E ERICKSON DR
COEUR D ALENE ID 83815

Application to Permit No. 95-9196

Dear Applicant(s):

Enclosed are copies of two protests filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 09, 2003

SCOTT JORDAN
2496 E HANLEY AVE
DALTON GARDENS, ID 83815

Application to Permit No. 95-9196 - MARVIN GARDENS, LLC

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

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3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

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**

September 09, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF DALTON GARDENS
HON. ROLAND KOONTZ, MAYOR
6360 N 4TH ST
DALTON GARDENS ID 83815-9254

Application to Permit No. 95-9196 - MARVIN GARDENS, LLC

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

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

Robert G. Haynes, P.E.
Regional Manager

Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

RECEIVED
SEP 08 2003
IDWR/North

RE: MARVIN ERICKSON - WATER RIGHTS APPLICATION #95-91-96 LOCATED
IN SECTION 30 TOWNSHIP 51 NORTH RANGE 3 WEST

We would like to voice our concerns regarding the following issues:

1. **Will the proposed appropriation injure other water rights?**

We feel it would impact other water rights because the actual supply versus allocated water rights is unknown. Also how will this effect our well now or in the future.

2. **Is the water supply sufficient for the purpose for which it is sought to be appropriated?**

No, because supposedly it will only be supplying water for (9) homes and this is an excessive amount for only (9) homes.

3. **Was the application made in good faith or for delay or speculative purposes?**

We believe this application is for speculative purposes because the use will be expanded for other homes rather than the specific (9) homes identified. It provides for 10,094 gallons per day per home for (9) homes, but the typical homes utilizes only 200 gallons per day. We feel this request is excessive for the number of homes indicated. The speculation is that he will expand this use for his 40 to 70 lot subdivision.

4. **Does the applicant have sufficient financial resources with which to complete the proposed project?**

No comment.

5. **Will the proposed use conflict with local public interest?**

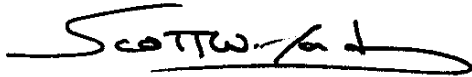
Local public interest is defined as affairs of the people in the areas affected by the proposed use. This applicant proposes a 40 to 70 lot subdivision and has drilled several wells and installed water lines in anticipation of future development. The proposed volume of water requested is obviously not only for the (9) homes but could serve up to 70 homes. The proposal of 10,000 gallons per day is excessive. The applicant should be required to provide a Master Plan for projected use of the site including water and wastewater issues. Another issued relating to the diversion is that it will be discharged as wastewater and trucked back to the aquifer and will impact the well; therefore, the use of the water and wastewater is a direct recharge for the Rathdrum Prairie Aquifer. The use is in a critical recharge area to the aquifer that receives the septic tank effluent and will create additional loading and possible violations of the State Drinking Water Standards in the sole source aquifer. Once again, how will this effect our well now and in the future.

See 2015896

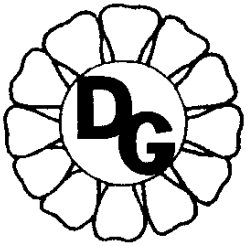
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

Currently, a study is being performed on the Rathdrum Prairie Aquifer. The stated amount of 0.32 cfs up to 0.64 cfs (considering fire protection) is excessive for diversion and allocation of water possibly from an over-allocated aquifer.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott & Marilyn Jordan", with a stylized flourish at the end.

Scott & Marilyn Jordan
2496 E Hanley Ave
Dalton Gardens, ID 83815



City of Dalton Gardens

208-772-3698
6360 North Fourth Street
Dalton Gardens, Idaho 83815-9254

September 5, 2003

RECEIVED
SEP 08 2003
IDWR/North

Mr. Bob Haines
Idaho Department of Water Resources
1910 NW Blvd., Suite 210
Coeur d'Alene, Idaho 83814

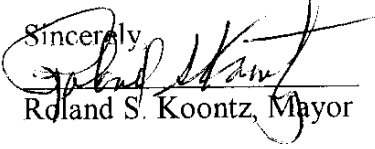
Re: Applications Number 95-9148 and 95-9196
Marvin Erickson-Water Rights

Dear Mr. Haines,

It has come to the city's attention that an additional water right 95-9196 has been granted to Mr. Marvin Erickson for a total of nine (9) homes. This coupled with water right 95-9148 which was for nine (9) homes brings his total proposed services to 18 homes.

Our concern with granting of water right 95-9196 are the same as those expressed in our letters of January 24, 2003 and February 25, 2003. Copies of that correspondence are enclosed for your review.

At such time as the water rights are used to service residences in the proposed PUD it will be necessary for Mr. Erickson to apply for a zone change from residential to a Public Utility District. If you have any questions or need for further information please contact me at 772-3698.

Sincerely,

Roland S. Koontz, Mayor

Attd. 2

Rec. # N015895

City of Dalton Gardens
6360 4th Street
Dalton Gardens, ID
(208) 772-3698

Jan 24 - 2003

Bob Haines
Idaho Department of Water Resources
1910 NW Blvd Suite 210
Coeur d'Alene, ID 83814

Re: Application Number 95-9148 – Marvin Erickson - Water Rights

Dear Mr. Haines

The City of Dalton Gardens has reviewed the water rights application for Marvin Erickson to place a well for nine home connections. We have not received, or are unaware of any amendments to the application, and as such, our comments are limited to this application.

1. Mr. Erickson has applied for a planned unit development of 44 lots within the Area of City Impact of Dalton Gardens/County.
2. Mr. Erickson states in his PUD application that his water system will be located on his City lot and will be pumped uphill.
3. Upon review of the DEQ letter (attached) on the water system for the proposed PUD, DEQ states that two sources of water will be necessary for the project.
4. The City of Dalton Municipal Code requires that public water systems (per DEQ criteria) must be zoned in a Public Utility District. The current zoning for Mr. Erickson's parcel that the well is located on is Residential. Mr. Erickson will be required to apply for a zone change to Public Utility District to provide a public water supply to his subdivision.

If you have any questions or need further information, feel free to contact me at 772-3698 or our planning consultant, Cheri Howell at 704-2041.

Sincerely,

Roland "Ron" S. Koontz
Mayor

Receipt # N015895

Water Rights Comment Letter on Erickson Application



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

Dirk Kempthorne, Governor
C. Stephen Allred, Director

September 19, 2002

Marvin Erickson
4095 E Erickson Dr
Coeur d'Alene, ID 83815

Dear Mr. Erickson:

This letter serves to notify you that the system called **Marvin Gardens P.U.D.** is now listed in the State of Idaho drinking water management system. The assigned public water system number is: **1280295**. This number should be put on all documents relating to this system, including correspondence and lab reports.

Marvin Gardens P.U.D. will be under the jurisdiction of DEQ in Coeur d'Alene, as the potential connections are greater than 25. I can be reached at the address and phone number in the letterhead.

Our records reflect that you will be the owner of this water system. Idaho DEQ and Panhandle Health Districts hold water system owners as the responsible party for compliance with the rules.

When this system becomes an active public water system, you will need to have an Idaho certified operator.

Our records show the location of this community system is in the Dalton area, on Canfield Mountain. The system consists of two proposed wells with no current connections, with a total of 46 connections possible. If this is incorrect, please notify me of any changes needed for our records.

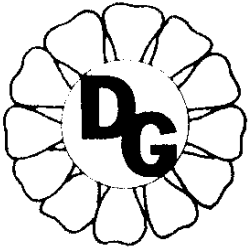
Our records show a well site approval was granted on June 26, 2002, and well construction plans have been submitted by Scott Jamar, P.E. These must be approved before construction can begin. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Anthony P. Davis".

Anthony P. Davis
Water Quality Science Officer

c: Anthony Davis/Steve Tanner/Gary Gaffney/Suzanne Pettit/Dan Remmick, DEQ/CDA



City of Dalton Gardens

208 - 772 - 3698

6360 North Fourth Street

Dalton Gardens, Idaho 83815

RECEIVED
FEB 04 2003
IDWR/North

Bob Haines
Idaho Department of Water Resources
1910 N.W. Blvd., Suite 210
Coeur d'Alene, ID 83814

RE: Application Number 95-9148 - Marvin Erickson - Water Rights

Dear Mr. Haines:

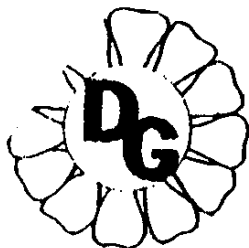
My understanding is that our letter of January 24, 2003, regarding the above matter has caused some concern. We understand you have before you an application requesting nine water hookups. Our problem has been that in reviewing the Erickson Estates PUD Application, it appears there are approximately forty-four lots being proposed.

The application you have is confusing as to whether this well will actually service the PUD property, i.e.- 44 lots. If in fact the well is intended to service the lots as a utility, then of course, the well would be located in a zone which does not allow for such utilities. The lack of clarity in the application creates the situation at hand. Our understanding is that the well is not now being utilized, thus no zone change would be required immediately.

If we can be of further help in this matter please contact me.

Sincerely,

Ronald "Ron" S. Koontz
Mayor



City of Dalton Gardens

208 - 772 - 3698
6360 North Fourth Street

Dalton Gardens, Idaho 83815

Feb 25, 2003 ?

Bob Haines
Idaho Department of Water Resources
1910 N.W. Blvd., Suite 210
Coeur d'Alene, ID 83814

RE: Application Number 95-9148 - Marvin Erickson - Water Rights

Dear Mr. Haines:

My understanding is that our letter of January 24, 2003, regarding the above matter has caused some concern. We understand you have before you an application requesting nine water hookups. Our problem has been that in reviewing the Erickson Estates PUD Application, it appears there are approximately forty-four lots being proposed.

The application you have is confusing as to whether this well will actually service the PUD property, i.e.- 44 lots. If in fact the well is intended to service the lots as a utility, then of course, the well would be located in a zone which does not allow for such utilities. The lack of clarity in the application creates the situation at hand. Our understanding is that the well is not now being utilized, thus no zone change would be required immediately.

If we can be of further help in this matter please contact me.

Sincerely,

Ronald "Ron" S. Koontz
Mayor

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

RECEIVED
AUG 29 2003

IDWR/North

Kattie Hays 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 *21* day of *August* 20 *03*, and ending on the *28* day of *August* 20 *03*, 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.

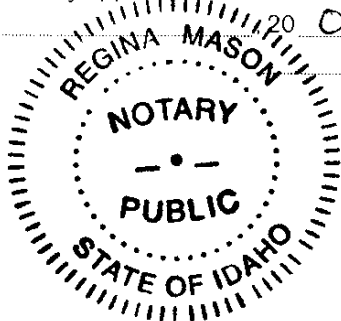
Kattie Hays

Personally appeared before me this *28* day of *August* 20 *03*

Regina Mason

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

MY COMMISSION EXPIRES 6/18/09



NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

95-9196

MARVIN GARDENS LLC
C/O MARVIN ERICKSON
4095 E ERICKSON DR
COEUR D ALENE ID 83815
Point(s) of Diversion(2) SESW S30 T51N R03W
KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.18 CFS
Use: DOMESTIC 01/01 To 12/31 0.14 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.32 CFS
Total Diversion 0.32 CFS

Date Filed: 09/23/2002
Place Of Use: IRRIGATION
T51N R03W S30 NESE SESE
Number of Acres: 9
Place of Use: DOMESTIC and FIRE PROTECTION same as IRRIGATION
Remark: Domestic use is for 9 homes.

95-9198

CITY OF HUETTER
4670 W FERREL RD
COEUR D ALENE ID 83814
Point(s) of Diversion: SWSW S4 T50N R04W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.55 CFS
Total Diversion 0.55 CFS

Date Filed: 10/11/2002
Remark: Place of use is within the service area of the City of Huetter.

95-9199

NORTH KOOTENAI WATER DIST
PO BOX 2290
HAYDEN ID 83835
Point(s) of Diversion: NWSE S18 T52N R03W
Point(s) of Diversion: NWSW S24 T51N R04W
Point(s) of Diversion: NESE(2) SESW SWSE S23 T51N R04W
Point(s) of Diversion: SESE(2) S17 T52N R04W
Point(s) of Diversion: L1 (SENE) S6 T52N R04W
Point(s) of Diversion: NWNWNE NWNE S11 T51N R04W
Point(s) of Diversion: SESWSW S2 T51N R04W
Point(s) of Diversion: NWNE S14 T51N R04W
Point(s) of Diversion: SENE S7 T52N R03W
Point(s) of Diversion: SWNW S8 T52N R03W
Point(s) of Diversion: NESE S28 T52N R04W
Point(s) of Diversion: NESW SESW S32 T51N R05W
Point(s) of Diversion: SESE S23 T51N R05W
Point(s) of Diversion: L7 (SWSE) S15 T51N R04W
ALL OF THE ABOVE POINTS OF DIVERSION ARE IN KOOTENAI County
Source of all points of diversion - GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 8.83 CFS
Total Diversion 8.83 CFS

Date Filed: 03/03/2003
Remark: Municipal use is within the service area of the applicant.
Permits will be subject to all prior water rights. Protests must 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 09/08/2003. The protestant must also send a copy of the protest to the applicant.

Legal 3654
August 21, 28, 2003

KARL J. DREHER, Director



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**

PLEASE FAX PROOF PRIOR TO PUBLICATION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 2003

LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

FAXED TO MISTI AT 664-0212

RE: Application for Permit No. 95-9196, 95-9198 and 95-9199

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 21 and 28, 2003, (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 09/08/2003. Your cooperation is GREATLY appreciated, as always

Thanks B

☺

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

95-9196

MARVIN GARDENS LLC

C/O MARVIN ERICKSON
4095 E ERICKSON DR
COEUR D ALENE ID 83815

Point(s) of Diversion (2) SESW S30 T51N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.18 CFS

Use: DOMESTIC 01/01 To 12/31 0.14 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.32 CFS

Total Diversion: 0.32 CFS

Date Filed: 09/23/2002

Place Of Use: IRRIGATION

T51N R03W S30 NESE SESE

Number of Acres 9

Place Of Use: DOMESTIC and FIRE PROTECTION same as IRRIGATION

Remark: Domestic use is for 9 homes.

95-9198

CITY OF HUETTER

4670 W FERREL RD
COEUR D ALENE ID 83814

Point(s) of Diversion SWSW S4 T50N R04W KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.55 CFS

Total Diversion: 0.55 CFS

Date Filed: 10/11/2002

Remark: Place of use is within the service area of the City of Huetter.

95-9199

NORTH KOOTENAI WATER DIST

PO BOX 2290
HAYDEN ID 83835

Point(s) of Diversion NWSE S18 T52N R03W

Point(s) of Diversion NWSW S24 T51N R04W

Point(s) of Diversion NESE(2) SESW SWSE S23 T51N R04W

Point(s) of Diversion SESE(2) S17 T52N R04W

Point(s) of Diversion L1 (SENE) S6 T52N R04W

Point(s) of Diversion NWNWNE NWNE S11 T51N R04W

Point(s) of Diversion SESWSW S2 T51N R04W

Point(s) of Diversion NWNE S14 T51N R04W

Point(s) of Diversion SENE S7 T52N R03W

Point(s) of Diversion SWNW S8 T52N R03W

Point(s) of Diversion NESE S28 T52N R04W

Point(s) of Diversion NESW SESW S32 T51N R05W

Point(s) of Diversion SESE S23 T51N R05W

Point(s) of Diversion L7 (SWSE) S15 T51N R04W

ALL OF THE ABOVE POINTS OF DIVERSION ARE IN KOOTENAI County

Source of all points of diversion - GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 8.83 CFS

Total Diversion: 8.83 CFS

Date Filed: 03/03/2003

Remark: Municipal use is within the service area of the applicant.

CONTINUED ON NEXT PAGE

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 09/08/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 21 and 28, 2003.



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

August 13, 2003

MARVIN GARDENS LLC
C/O MARVIN ERICKSON
4095 E ERICKSON DR
COEUR D ALENE ID 83815

RE: Application for Permit No 95-9196

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 21 and 28, 2003. 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



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 29, 2003

LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

FAXED TO KATTIE HOY - 7/29/03

*** PLEASE FAX PROOF PRIOR TO PUBLICATION ***

3 pages total

RE: Application for Permit No. 95-9193, 95-9194, 95-9195, 95-9196, 95-9197, and 96-9143

Dear Kattie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 7 and 14, 2003, (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 08/25/2003. Your cooperation is GREATLY appreciated.

Shane B.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

95-9193

CRAIG SINGER
11463 W RIVERSIDE DR
POST FALLS ID 83854

Point(s) of Diversion SESE S33 T52N R04W KOOTENAI County
Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 1.4 CFS
Total Diversion: 1.4 CFS

Date Filed: 08/30/2002
Place Of Use: IRRIGATION
T54N R04W S33 SWSE SESE
Number of Acres 70

95-9194

GLENN SYLTE
6444 W DIAGONAL RD
RATHDRUM ID 83858

Point(s) of Diversion NESE S20 T52N R04W KOOTENAI County
Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.2 CFS

Date Filed: 09/06/2002
Place Of Use: IRRIGATION
T52N R04W S20 NESE
Number of Acres 10
Place Of Use: DOMESTIC - same as IRRIGATION
Remark: Domestic use is for one home.

95-9195

DIAGONAL ROAD WATER DISTRICT 1
6444 W DIAGONAL RD
RATHDRUM ID 83858

Point(s) of Diversion NESE S20 T52N R04W KOOTENAI County
Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.09 CFS
Use: DOMESTIC 01/01 To 12/31 0.13 CFS
Total Diversion: 0.13 CFS

Date Filed: 09/06/2002
Place Of Use: IRRIGATION
T52N R04W S20 NESE
T52N R04W S21 NESW NWSW
Number of Acres 3
Place Of Use: DOMESTIC - same as IRRIGATION
Remark: Domestic use is for 6 homes.

Continued on next page

95-9196

MARVIN GARDENS P U D
4095 E ERICKSON DR
CODUR D ALENE ID 83815

Point(s) of Diversion (2) SESW S30 T51N R03W KOOTENAI County
Source GROUND WATER

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

Date Filed: 09/23/2002

Place Of Use: MUNICIPAL - T51N R03W S30 NESE SESE

Remark: Municipal use is within service area of Marvin Gardens P.U.D.

95-9197

MICHAEL R ANDREWS
PO BOX 1474
HAYDEN ID 83835

Point(s) of Diversion NENE S19 T51N R04W KOOTENAI County
Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.20 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.20 CFS

Date Filed: 09/25/2002

Place Of Use: IRRIGATION

T51N R04W S19 NENE

Number of Acres 10

Place Of Use: DOMESTIC - same as IRRIGATION

Remark: Domestic use is for one home.

96-9143

CARAVELLE WATER ASSN
PO BOX 786
ATHOL ID 83801

Point(s) of Diversion NESW S7 T53N R02W KOOTENAI County
Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Use: DOMESTIC 01/01 To 12/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 08/06/2002

Place Of Use: IRRIGATION

T53N R02W S7 NWSE SWSE

Number of Acres 3

Place Of Use: DOMESTIC - same as IRRIGATION

Remark: Domestic use is for 6 homes.

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 08/25/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in Coeur d'Alene Press on August 7 and 14, 2003.

*advertise @ later date
w/ changes b*

*advertising for
this wk pulled -
did not
run 1/7/29*



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 29, 2003

MARVIN GARDENS P U D
4095 E ERICKSON DR
CODUR D ALENE ID 83815

RE: Application for Permit No 95-9196

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 7 and 14, 2003. 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

JAMAR ASSOCIATES, INC. WR App # 95-9196

TRANSMITTAL

ATTN.:	Idaho Dept. of Water Resources	DATE:	September 30, 2002
CO:		RE:	Drilling Permits
FROM:	R. Scott Jamar, PE		
	Project Engineer	PRJ#:	1047-Erickson

ITEMS TRANSMITTED ☒ ATTACHED ☐ UNDER SEPARATE COVER, VIA _____

COPIES	DATE	DESCRIPTION	
2	-	Application for Drilling Permit (One for each well)	<i>I assume a new WR will be filed - old ones are in different T/R/S.</i>
1	9/19/02	Letter from DEQ	
1	9/26/02	\$400.00 Check for Application Fees (Ck #6939)	

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | |
|--|---|---|
| ☒ FOR APPROVAL | ☐ NO EXCEPTIONS TAKEN | ☐ RETURNED AFTER LOAN TO US |
| ☐ FOR YOUR USE | ☐ MAKE CORRECTIONS NOTED | ☐ REJECTED - SEE REMARKS |
| ☐ AS REQUESTED | ☐ REVISE AND RESUBMIT | ☐ RETURN ____ CORRECTED PRINTS |
| ☐ FOR YOUR REVIEW AND COMMENT | ☐ _____ | |

COMMENTS:

10-1-02

Don - for your review approval - Dianne said (see note above) that new WR should / would be filed?

well #1

Form 235-1
12/16/96 (LDT)

Drilling Permit No. _____
Drilling Permit I.D. Tag No. _____
Water Right Permit No. _____
Injection Permit No. _____

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): Marvin Erickson
2. Mailing Address: 409.5 E Erickson Drive
City: Coeur d'Alene State: ID Zip Code: 83815 Telephone 208-762-0718
3. Proposed Well Location: Twp. 51N, Rge. 3W, Sec. 30, NE 1/4 SE 1/4 SW 1/4:
Gov't Lot No. _____ County Kootenai Lat. _____ Long. _____
Street Address of Well Site 600' North of Hanley Ave at 17th St. City Dalton Border
Lot, block and subdivision APN #51N03W-30-7125
Give at least name of road + Distance to Road or Landmark

4. Proposed Use of Well:

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☐ Irrigation ☒ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Over 1,000 Head) (Describe)

☐ INJECTION

- ☐ MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. Well Construction Information:

- A. ☒ New well ☐ Modify ☐ Replace
- B. Proposed Casing Diameter 8 Proposed Maximum Depth 380
- C. Anticipated bottom hole temperature:
☒ 85°F or less (Cold Water Well) ☐ 85°F to 212°F (Low Temp. Geo. Well) ☐ 212° F. or more (Geothermal Well)

6. Construction Start Date: Pending

7. Anticipated Well Driller: McCarty Drilling Driller's Lic. No. 586
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: Marvin Erickson Date Sept 26, 02

Address (if different than owner): _____

City: _____ State: _____ Zip Code: _____ Telephone _____

Title: _____
(Owner, Firm Representative, Other)

well #2

Form 235-1
12/16/96 (LDT)

Drilling Permit No. _____
Drilling Permit I.D. Tag No. _____
Water Right Permit No. _____
Injection Permit No. _____

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): Marvin Erickson
2. Mailing Address: 4095 E Erickson Drive
City: Coeur d'Alene State: ID Zip Code: 83815 Telephone: 208-762-0718
3. Proposed Well Location: Twp. 51N, Rge. 3W, Sec. 30, NE 1/4 SE 1/4 SW 1/4;
Gov't Lot No. _____ County: Bootenai Lat. _____ Long. _____
Street Address of Well Site: 600' North of Hanley Ave at 17th St. City: Dalton Garden
Lot, block and subdivision: APN # 51N03W-30-725
Give at least name of road + Distance to Road or Landmark

4. Proposed Use of Well:

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☐ Irrigation ☒ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Over 1,000 Head) (Describe)

☐ INJECTION

- ☐ MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. Well Construction Information:

- A. ☒ New well ☐ Modify ☐ Replace
- B. Proposed Casing Diameter 8 Proposed Maximum Depth 380
- C. Anticipated bottom hole temperature:
☒ 85°F or less (Cold Water Well) ☐ 85°F to 212°F (Low Temp. Geo. Well) ☐ 212°F or more (Geothermal Well)

6. Construction Start Date: Pending

7. Anticipated Well Driller: McCarthy Drilling Driller's Lic. No. 586
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: Marvin Erickson Date Sept 26, 02

Address (if different than owner): _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Title: _____

(Owner, Firm Representative, Other)



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

Dirk Kempthorne, Governor
C. Stephen Allred, Director

September 19, 2002

Marvin Erickson
4095 E Erickson Dr
Coeur d'Alene, ID 83815

Dear Mr. Erickson:

This letter serves to notify you that the system called **Marvin Gardens P.U.D.** is now listed in the State of Idaho drinking water management system. The assigned public water system number is: **1280295**. This number should be put on all documents relating to this system, including correspondence and lab reports.

Marvin Gardens P.U.D. will be under the jurisdiction of DEQ in Coeur d'Alene, as the potential connections are greater than 25. I can be reached at the address and phone number in the letterhead.

Our records reflect that you will be the owner of this water system. Idaho DEQ and Panhandle Health Districts hold water system owners as the responsible party for compliance with the rules.

When this system becomes an active public water system, you will need to have an Idaho certified operator.

Our records show the location of this community system is in the Dalton area, on Canfield Mountain. The system consists of two proposed wells with no current connections, with a total of 46 connections possible. If this is incorrect, please notify me of any changes needed for our records.

Our records show a well site approval was granted on June 26, 2002, and well construction plans have been submitted by Scott Jamar, P.E. These must be approved before construction can begin. Please contact me if you have any questions.

Sincerely,

Anthony P. Davis
Water Quality Science Officer

c: Anthony Davis/Steve Tanner/Gary Gaffney/Suzanne Pettit/Dan Remmick, DEQ/CDA