

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09161

Priority: October 08, 2003

Maximum Diversion Rate: 0.20 CFS

This is to certify, that PINE RIDGE DEVELOPMENT LLC
PO BOX 572
ATHOL ID 83801

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	0.12 CFS
IRRIGATION	04/01 to 10/31	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼NE¼ Sec. 7, Twp 53N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N 03W 7	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	
53N 03W 7	4.5																4.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2009**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Domestic use is for 9 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09161

CONDITIONS OF APPROVAL CONTINUED

5. 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.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
8. Place of use includes Lots 1-4, Wheat Ridge North Subdivision, and five additional lots to be developed on adjacent land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of January, 2004.


KARL J DREHER, Director

20863
STATE OF IDAHO

Permit No.

96-9161
RECEIVED

RECEIVED

DEC 10 2003

DEPARTMENT OF WATER RESOURCES

OCT 08 2003

APPLICATION FOR PERMIT

IDWR/North

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Pine Ridge Dev LLC / George Whitmire Phone 687-5212 FAX 687-5108 WORK

Mailing address PO Box 572 Athol Id 83801

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

3. Location of point of diversion is Township 53N Range 03W Sec. 7, in the _____ 1/4,

NE 1/4, NE 1/4, Govt. Lot _____, B.M., Kootenai County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.12 for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)

Amount 0.09 for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.20 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source _____

7.5 HP well pump

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 525' ± feet

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

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

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

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 Households plus landscaping + stock use

e. Other; describe fully. _____

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	5W	7	4.5																4.5
			D																

Total number of acres to be irrigated 4.5

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? Pine Ridge Dev LLC

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

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

12. Remarks: GEORGE WHITMIRE managing member
SANDY WHITMIRE "

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Pine Ridge Dev LLC by
George Whitmire - managing member
Signature of Applicant (and title, if applicable)

Received by AB Date 10-08-03 Time 3:30 Preliminary check by AS
Fee \$ 100.00 Received by AS # 1015962 Date 10-08-03
Publication prepared by AS Date 10/29/03 Published in IDA Press 11/6 + 13/03
Publication approved AS Date 11/14/03

Sec. 7 Twp. 53 N. R. 3 W.B.M.

53N03W-07

06 05
07 08

2700
20.000 Ac

2850
20.000 Ac

0750
20.000 Ac

1000
20.000 Ac

0100

• well
SITE

1200
20.000 Ac

PLACE OF
USE

1950
19.394 Ac

4650
20.000 Ac

1500
20.000 Ac

1800
19.394 Ac

4
001-004-0
0.145 Ac

5
001-005-0
0.129 Ac

7850
0.000 Ac

7200
4.811 Ac

3
001-003-0
0.132 Ac

6
001-006-0
0.136 Ac

7950
20.000 Ac

7350
20.000 Ac

7300
4.811 Ac

7800
0.000 Ac

7650
4.811 Ac

2
001-002-0
0.140 Ac

7
001-007-0
0.144 Ac

0-6315

2
002-002-0
0.147 Ac

5
002-005-0
0.147 Ac

Ponderosa Country Estates

This sketch is furnished
for information purposes
only to assist in property
location with reference to
streets and other parcels.
No representation is made
as to accuracy and the
Company assumes no li-
ability for any loss occur-
ing by reason of reliance
thereon.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 26, 2004

PINE RIDGE DEVELOPMENT LLC
PO BOX 572
ATHOL ID 83801

RE: Permit No. 96-9161

Permit Approval Notice

Dear Permit Holder:

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

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

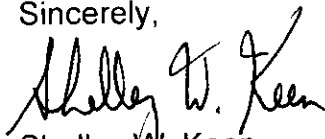
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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

If you have any questions, please contact me at 208-327-7946.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

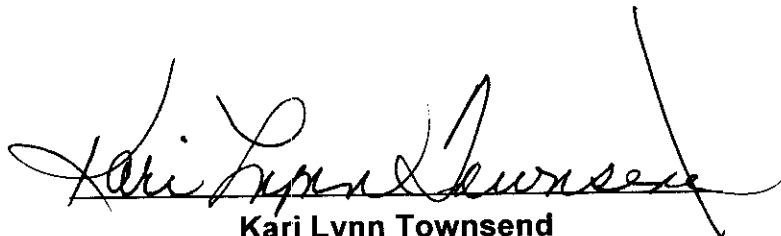
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9161

**PINE RIDGE DEVELOPMENT LLC
PO BOX 572
ATHOL ID 83801**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

PINE RIDGE DEVELOPMENT, LLC
LAND DEVELOPMENT • CUSTOM HOMES
P.O. Box 572, Athol, ID 83801

Office: 208-687-5108
Fax: 208-687-5212
Cell: 208-661-2262 (George)
208-661-2787 (Sandy)
e-mail: PineRidgeDev@aol.com

1/20/04

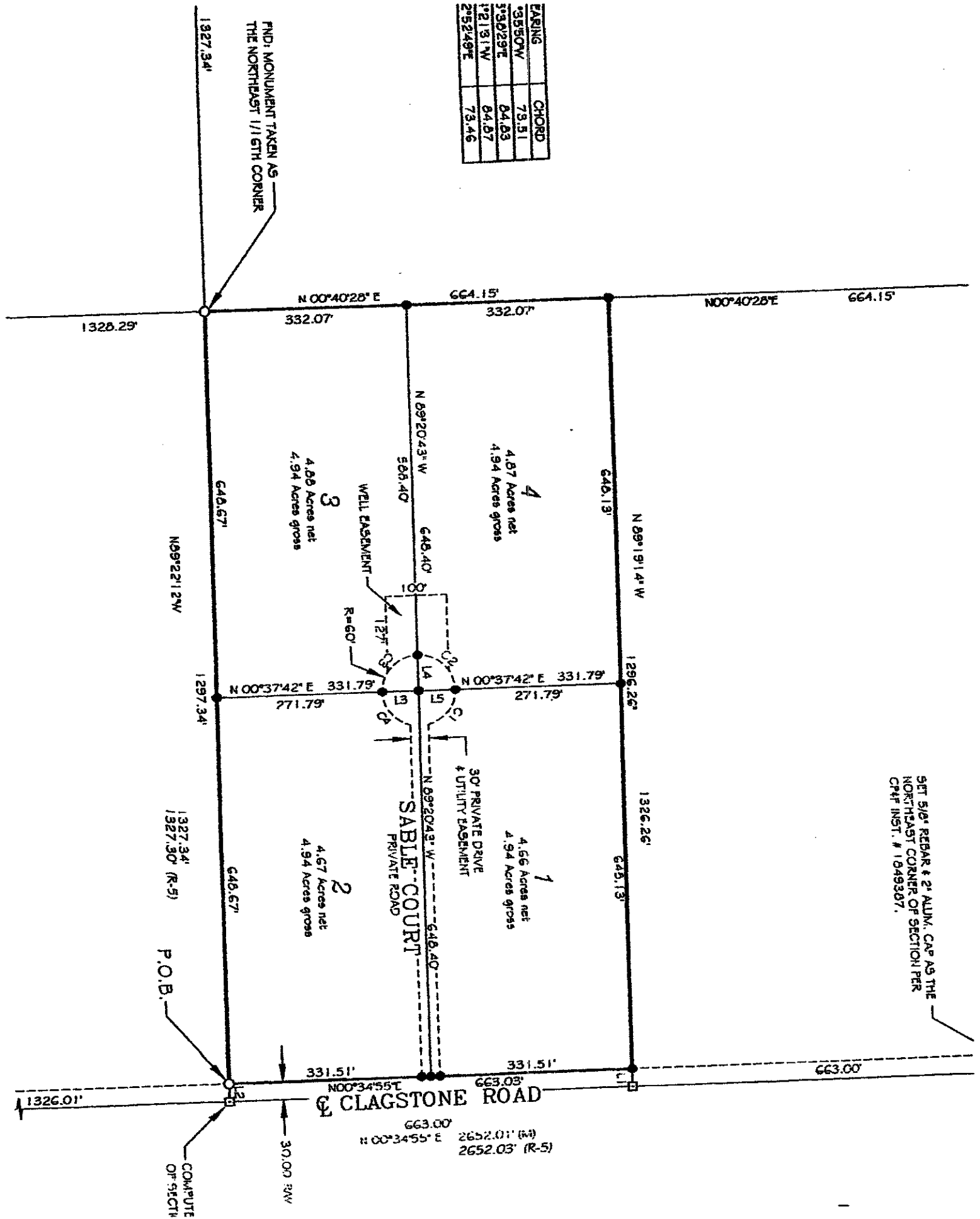
RECEIVED
JAN 21 2004
Department of Water Resources

Hello Shelley Keen,

Enclosed is a site plan you
REQUESTED FOR Application #96-9161.

Thank you
George Whitman

BEARING	CHORD
3°35'00"W	73.51
3°30'29"E	84.83
1°21'31"W	84.87
2°52'49"E	73.46



MEMORANDUM

Date: December 10, 2003
To: Water Right File 96-9161
From: Shelley Keen *SK*
Re: Permit Review

LEGAL NOTICE -- Accurate

PLACE OF USE COMPARISON -- No other rights with the same place of use or point of diversion.

IRRIGATION SEASON -- Changed to standard for the area.

APPLICANT -- This afternoon I spoke via telephone with George Whitmire. He told me that he signed as the managing member, but the permit holder should be Pine Ridge Development LLC.

IRRIGATED PLACE OF USE -- When I spoke with George Whitmire, he told me that he envisions 9 lots, with each lot having up to half an acre of irrigation. He does not foresee the irrigation of any common area.

SUBDIVISION PLAT -- George Whitmire told me that his engineers should be finished with a preliminary plat for the first four lots soon. He will send it to me as soon as he has it. The remaining lots will be created and developed in the coming years.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

NOV 14 2003

DWFR/NORTH

being first duly sworn

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 13 day of November 2003, and ending on the 13 day of November 2003, 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.

Personally appeared before me this

20

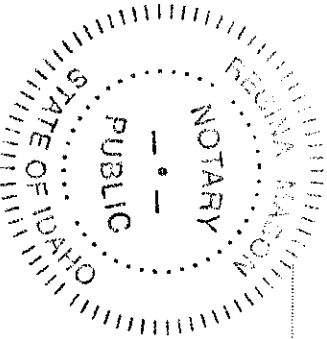
03

day of November

Katie H. Hay

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:

95-9207

GRAYDON D JOHNSON
3827 W MEADOWBROOK LOOP
COEUR D'ALENE ID 83814
Point(s) of Diversion: NWSWE S21 T50N R04W KOOTENAI County
Source SPRING Tributary To UNNAMED STREAM
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion 0.02 CFS
Date Filed: 10/09/2003
Place Of Use: DOMESTIC T50N R04W S21 SWNE NWSE
Remark: Domestic use is for 1 home.
95-9208

PILOT ROCK ASSOCIATION INC
C/O JACK FLUME
5608 SO HELENALIN
SPOKANE WA 99223
Point(s) of Diversion: L1 (NENE) S3 T48N R04W KOOTENAI County
Source GROUND WATER 01/01 To 12/31 0.2 CFS
Use: MUNICIPAL 01/01 To 12/31 0.2 CFS
Total Diversion 0.2 CFS
Date Filed: 10/08/2003
Remark: Municipal use is within service area of applicant.
96-9161

GEORGE WHITMIRE
PINE RIDGE DEVELOPMENT LLC
PO BOX 572
ATHOL ID 83801
Point(s) of Diversion: NENE S7 T53N R03W KOOTENAI County
Source GROUND WATER 03/15 To 11/15 0.09 CFS
Use: IRRIGATION 01/01 To 12/31 0.12 CFS
Use: DOMESTIC 01/01 To 12/31 0.20 CFS
Total Diversion 0.20 CFS
Date Filed: 10/08/2003
Place Of Use: IRRIGATION and DOMESTIC T53N R03W S7 NENE
Number of Acres: 4.5
Remark: Domestic use is for 9 homes.

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 11/24/2003. The protestant must also send a copy of the protest to the applicant.

Legal 4152
Nov. 6, 13, 2003
KARL J. DREHER, Director

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

95-9207

GRAYDON D JOHNSON
3827 W MEADOWBROOK LOOP
COEUR D ALENE ID 83814

Point(s) of Diversion NWSWNE S21 T50N R04W KOOTENAI County
Source SPRING Tributary To UNNAMED STREAM
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 10/09/2003
Place Of Use: DOMESTIC T50N R04W S21 SWNE NWSE
Remark: Domestic use is for 1 home.

95-9208

PILOT ROCK ASSOCIATION INC
C/O JACK FLUME
5608 SO HELENA LN
SPOKANE WA 99223

Point(s) of Diversion L1 (NENE) S3 T48N R04W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 10/08/2003
Remark: Municipal use is within service area of applicant.

96-9161

GEORGE WHITMIRE
PINE RIDGE DEVELOPMENT LLC
PO BOX 572
ATHOL ID 83801

Point(s) of Diversion NENE S7 T53N R03W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.09 CFS
Use: DOMESTIC 01/01 To 12/31 0.12 CFS
Total Diversion: 0.20 CFS
Date Filed: 10/08/2003
Place Of Use: IRRIGATION and DOMESTIC
T53N R03W S7 NENE
Number of Acres 4.5
Remark: Domestic use is for 9 homes.

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

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KARL J DREHER, Director

Published on November 6 and 13, 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

October 29, 2003

---PLEASE FAX PROOF PRIOR TO PUBLICATION---

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

FAXED TO KATTIE HOY 10/29/03
Two Pages Total

RE: Application for Permit No. 95-9207, 95-0208 and 96-9161

Dear Kattie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, November 6 and 13, 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 11/24/2003. Your cooperation is GREATLY appreciated, as always.

Have a really great day!!

Sincerely

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

Dianne Ball
Administrative Assistant



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

October 29, 2003

GEORGE WHITMIRE
PINE RIDGE DEVELOPMENT LLC
PO BOX 572
ATHOL ID 83801

RE: Application for Permit No 96-9161

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 November 6 and 13, 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