

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 96-09204

Priority: October 26, 2004

Maximum Diversion Rate: 0.20 CFS

This is to certify, that KOOTENAI HEIGHTS WATER SYSTEM  
C/O FLOYD MC GHEE  
PO BOX 1925  
SANDPOINT ID 83864

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> |
|-----------------------|----------------------|--------------------------|
| MUNICIPAL             | 01/01 to 12/31       | 0.20 CFS                 |

**LOCATION OF POINT OF DIVERSION:**

GROUND WATER NW¼SW¼ Sec. 1, Twp 57N, Rge 02W, B.M., BONNER County

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **January 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. Place of use is within the area served by the public water supply system of Kootenai Heights Water System Inc. The place of use is generally located within W½SW¼, Section 1, Township 57N, Range 2W.
6. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12<sup>th</sup> day of January, 2005.

  
for KARL J DREHER, Director

Ident. No. 96-9204

RECEIVED

JAN - 4 2005

DEPARTMENT OF WATER RESOURCES

71596

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

RECEIVED

OCT 26 2004

IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant Kootenai Heights Water System Phone 208 265-4440  
Mailing address 90 Hoyd McGhee PO Box 1925 Sandpoint ID 83864

2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_  
3. Location of point of diversion is Township 57N Range 2W Sec. 1, in the \_\_\_\_\_ 1/4,  
NE 1/4, SE 1/4, Govt. Lot \_\_\_\_\_, B.M., Bonner County;

additional points of diversion if any:

4. Water will be used for the following purposes:  
Amount 2 cfs for Municipal purposes from 1/1 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)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works: \_\_\_\_\_

a. Describe type and size of devices used to divert water from the source Well, pump & pipe

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 250 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 Bronson #360  
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 3 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. Kootenai Heights Water System
- d. Domestic; show number of households. \_\_\_\_\_
- 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 |        |
| 57N | 2W  | 1   | X  |    |    |    |    |    |    |    | m  | m  |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated \_\_\_\_\_

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? App 1

b. Who owns the land to be irrigated or place of use? App 1

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

12. Remarks: \_\_\_\_\_

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

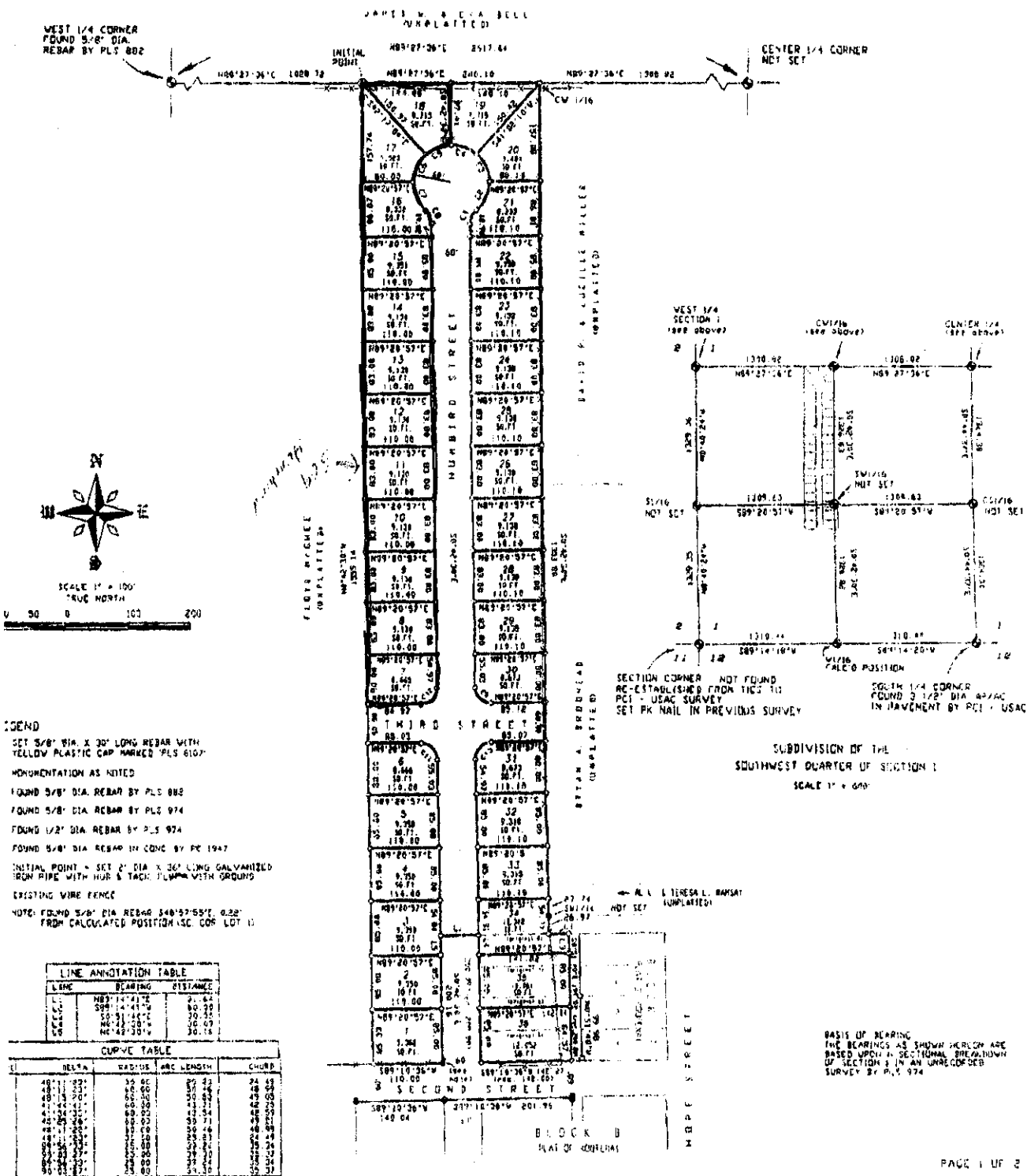
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

  
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 10/26/04 Time 9:20 a Preliminary check by [Signature]  
 Fee \$ 100.00 Received by [Signature] # N016605 Date 10/26/04  
 Publication prepared by [Signature] Date 10/26/04 Published in Banner Coalfield See 11/4 x 10/04  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_

AND A REPLAT OF LOTS 5--8, BLOCK 7, PLAT OF KOOTENAI

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH,  
RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO, AND A PORTION OF BLOCK 7, OF THE  
PLAT OF KOOTENAI, AS RECORDED IN BOOK 1 OF PLATS, PAGE 94, RECORDS OF BONNER COUNTY, IDAHO.



1910. N. W. 3rd.

INTERNATIONAL

1

2131

NWSW

WBU

NESW

2120

Kootenai

SWSW

SWSW

2120

2118

BM

PACIFIC

Koot



**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](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 13, 2005

KOOTENAI HEIGHTS WATER SYSTEM  
C/O FLOYD MC GHEE  
PO BOX 1925  
SANDPOINT ID 83864

RE: Permit No. 96-9204

**Permit Approval Notice**

Dear Permit Holder:

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

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

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

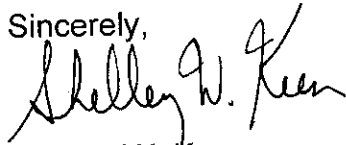
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

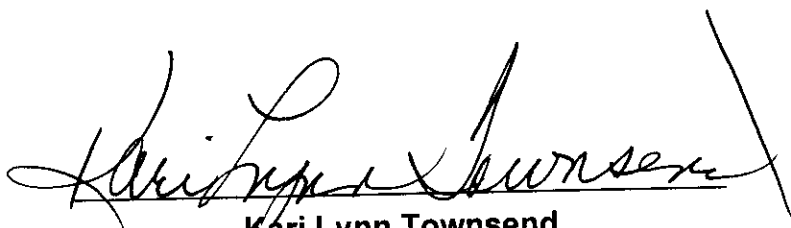
Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO. 96-9204**

**KOOTENAI HEIGHTS WATER SYSTEM  
C/O FLOYD MC GHEE  
PO BOX 1925  
SANDPOINT ID 83864**



**Kari Lynn Townsend  
Secretary**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

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

**REQUEST FOR HEARING**

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

**ORAL ARGUMENT**

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

## **CERTIFICATE OF SERVICE**

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

## **FINAL ORDER**

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

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

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

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

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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

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

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

## **Comment Report**

**96-9204**

1. dball 10/26/2004 Legal Notice Remarks

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

2. kwalker 1/12/2005 Application Review

Comment: Application for municipal purposes. Not located in any problem areas. Applicant has been in contact with IDEQ and is qualified to do business in Idaho. Recommend approval.



## Idaho Secretary of State Viewing Business Entity

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[ [Get a certificate of existence for KOOTENAI HEIGHTS WATER SYSTEM, INC.](#) ]

### **KOOTENAI HEIGHTS WATER SYSTEM, INC.**

PO BOX 1925  
SANDPOINT, ID 83864

**Type of Business:** CORPORATION, GENERAL BUSINESS

**Status:** GOODSTANDING 01 Dec 2004

**State of Origin:** IDAHO

**Date of Origination/Authorization:** 01 Dec 2004

**Initial Registered Agent:** F N MCGHEE  
34215 HWY 200  
SANDPOINT, ID 83864

**Organizational ID / Filing Number:** C157537

**Number of Authorized Stock Shares:** 500000

**Date of Last Annual Report:**

#### **Amendments:**

**Amendment filed 01 Dec 2004** INCORPORATION

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Comments, questions or suggestions can be emailed to: [sosinfo@idsos.state.id.us](mailto:sosinfo@idsos.state.id.us)

**ID # 40 DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 96-9204

APPLICATION ID # 71596  
INITIAL REVIEW

ENT 10/26 BCA 10/26 OK to Publish 10/27

APPLICANT: Kootenai Heights Water System BY: RJA DATE: 10/26/04

- ITEM REQUIRED INFORMATION RECEIVED**
1. ☐ Name and Address
  2. ☐ Source
  3. ☐ Point of Diversion & County
  4. ☐ Quantity
  5. ☐ Nature of Proposed Use
  6. ☐ Period of Use
  7. ☐ Total Quantity
  8. ☐ Description of diverting works
  9. ☐ Time required for b/u
  10. ☐ Proposed use
  11. ☐ Place of use or acres irrigated
  12. ☐ Other water Rights
  13. ☐ Ownership
  14. ☐ Map
  15. ☐ Signature
  16. ☐ Fee (Amt, receipt, acknowledgement)

**JAN - 4 2005**

DEPARTMENT OF WATER RESOURCES

**PROCESSING**  
(Yes)(No)

PRIORITY DATE: 10/26/04

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

Bonner County

**LETTERS SENT REQUESTING:**

- ☐ Dam Information ☐ Fish Information  
☐ Power Information ☐ Other: \_\_\_\_\_

**INFORMATION RECEIVED:**

☐ Dam Information ☐ Fish Information

☐ Power Information ☐ Other: \_\_\_\_\_

**ADDITIONAL INFORMATION**

(Yes)(No)

- ☐ Shape File Created Date \_\_\_\_\_ By: \_\_\_\_\_  
☐ Field check: by \_\_\_\_\_  
☐ Field report attached  
☐ Analysis Supp. attached(>5cfs/500af)  
☐ Water delivered by water master? Water District # \_\_\_\_\_

**GROUNDWATER SECTION**

| WD Permit No.'s: | Tag # | Type:               | Fees          | Receipt No. | Upgrade Needed? |
|------------------|-------|---------------------|---------------|-------------|-----------------|
| _____            | _____ | Dom. Non-Dom. _____ | Paid \$ _____ | _____       | Y( ) N( )       |
| _____            | _____ | Dom. Non-Dom. _____ | Paid \$ _____ | _____       | Y( ) N( )       |
| _____            | _____ | Dom. Non-Dom. _____ | Paid \$ _____ | _____       | Y( ) N( )       |

- ☐ Groundwater management area  
☐ Critical ground water area  
☐ Well Drilling Permit required  
☐ Well Drilling Application and Fees received  
☐ Well Drilling Application approved?

Remarks: \_\_\_\_\_

**FINAL REGIONAL PROCESSING/REVIEW**

(Yes)(No)

- ☐ Notice of pending void order issued. Final order response date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
☐ Further information required from applicant  
☐ Affidavit of publication received  
☐ Application published correctly. If not, record action taken: \_\_\_\_\_

11/26 Publication dates and paper recorded on application

Sr. Agent initial \_\_\_\_\_

☒ Protests received, Final protest date: 11/22/04

☒ Measuring device required

☒ Measuring port required

☒ Special conditions: \_\_\_\_\_

☒ Special conditions of approval supplement and/or cover letter attached: \_\_\_\_\_

Approval Recommended by: \_\_\_\_\_

Date: 12/29/04

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Jones

being first duly sworn on oath

deposes and says that he/she is

Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Notice of App

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 4 day of Nov., 20 04

and ending on the 11 day of Nov., 20 04

and that said notice was published in said newspaper.

On this 11 day of Nov. in the year

of 2004, before me, a Notary Public, personally

appeared Sherilyn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true and acknowledged to me that he executed the same.

Carolyn L. Inge  
Notary Public for Idaho

Sandpoint  
Residing at

Commission expires: 8/06

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

96-9201

JOHN T POWERS  
PO BOX 2193  
SANDPOINT ID 83864  
Point(s) of Diversion L3 (NENW) S2 T56N R02W BONNER County  
Source FRYE CREEK Tributary To LAKE PEND OREILLE  
Use: IRRIGATION 04/01 To 10/31 0.01 CFS  
Total Diversion: 0.01 CFS  
Date Filed: 08/10/2004  
Place Of Use: IRRIGATION T56N R02W S2 NENW Lot 3  
Number of Acres 0.25

96-9202

LINDA MUSKOPF  
RONALD MUSKOPF  
PO BOX 127  
COCOLALLA ID 83813  
Point(s) of Diversion L6 (NENW) S18 T55N R02W BONNER County  
Source COCOLALLA LAKE Tributary To COCOLALLA CREEK  
Use: IRRIGATION 03/15 To 11/15 0.04 CFS  
Total Diversion: 0.04 CFS  
Date Filed: 09/21/2004  
Place Of Use: IRRIGATION T55N R02W S18 NENW Lot 6  
Number of Acres 3.3

96-9204

KOOTENAI HEIGHTS WATER SYSTEM  
C/O FLOYD MC GHEE  
PO BOX 1925  
SANDPOINT ID 83864  
Point(s) of Diversion NWSW S1 T57N R02W BONNER County  
Source GROUND WATER  
Use: MUNICIPAL 01/01 To 12/31 0.2 CFS  
Total Diversion: 0.2 CFS  
Date Filed: 10/26/2004  
Place Of Use: MUNICIPAL T57N R02W S1 NWSW SWSW  
Remark: Municipal use is within the service area of applicant.  
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.  
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 11/22/2004. The protestant must also send a copy of the protest to the applicant. KARL J DREHER, Director  
Legal 5598  
November 4, 11, 2004

OK RA

5598



**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 26, 2004

KOOTENAI HEIGHTS WATER SYSTEM  
C/O FLOYD MC GHEE  
PO BOX 1925  
SANDPOINT ID 83864

RE: Application for Permit No 96-9204

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 Bonner County Daily Bee on November 4 and 11, 2004. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

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

Robert G. Haynes, P.E.  
Regional Manager



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

Fax (208) 769-1454

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

October 26, 2004

**PLEASE FAX PROOF PRIOR TO PUBLICATION  
TO ATTENTION OF BOB HAYNES**

**SHERI JONES**  
**LEGAL NOTICE DEPARTMENT**  
BONNER COUNTY DAILY BEE  
PO BOX 159  
SANDPOINT ID 83864

RE: Application for Permit No. 96-9201, 96-9202 and 96-9204

**Dear Sheri:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, November 4 and 11, 2004, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/22/2004. Your cooperation is, as always, GREATLY appreciated.

Sincerely

*Dianne*

Dianne Ball  
Administrative Assistant

**Ball, Dianne**

---

**From:** Ball, Dianne  
**Sent:** Tuesday, October 26, 2004 2:59 PM  
**To:** Legal Notices-Bonner Co Daily Bee (E-mail)  
**Subject:** Legal notice for publication on November 4 and 11, 2004

Good afternoon, Sheri,

Attached is a copy of our cover letter requesting publication of a legal notice, also attached. Publication is requested for November 4 and 11, 2004.

**PLEASE FAX PROOF PRIOR TO PUBLICATION - TO BOB HAYNES. I will be out of the office on medical leave starting Thursday of this week and probably through the end of the year, due to surgery. [\*Unless you could get this set and faxed to me tomorrow, then I will still be here.\*]**

**Bob Haynes, our Regional Manager will be handling follow-up on this.**

**Thanks very much for all your good work.** I should be back the first part of January [unless the doctor releases me a couple weeks earlier.]

 *Dianne*

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

10/26/2004

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

**96-9201**

JOHN T POWERS  
PO BOX 2193  
SANDPOINT ID 83864

Point(s) of Diversion L3 (NENW) S2 T56N R02W BONNER County

Source FRYE CREEK Tributary To LAKE PEND OREILLE

Use: IRRIGATION 04/01 To 10/31 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 08/10/2004

Place Of Use: IRRIGATION T56N R02W S2 NENW Lot 3

Number of Acres 0.25

**96-9202**

LINDA MUSKOPF  
RONALD MUSKOPF  
PO BOX 127  
COCOLALLA ID 83813

Point(s) of Diversion L6 (NENW) S18 T55N R02W BONNER County

Source COCOLALLA LAKE Tributary To COCOLALLA CREEK

Use: IRRIGATION 03/15 To 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 09/21/2004

Place Of Use: IRRIGATION T55N R02W S18 NENW Lot 6

Number of Acres 3.3

**96-9204**

KOOTENAI HEIGHTS WATER SYSTEM  
C/O FLOYD MC GHEE  
PO BOX 1925  
SANDPOINT ID 83864

Point(s) of Diversion NWSW S1 T57N R02W BONNER County

Source GROUND WATER

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

Total Diversion: 0.2 CFS

Date Filed: 10/26/2004

Place Of Use: MUNICIPAL T57N R02W S1 NWSW SWSW

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

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 11/22/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on November 4 and 11, 2004



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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

Dirk Kempthorne, Governor  
Toni Hardesty, Director

October 14, 2004

Mr. Floyd McGhee  
PO Box 1925  
Sandpoint, ID 83864

**RE: Kootenai Heights Subdivision; City of Kootenai**

Dear Mr. McGhee:

Thank you for taking the time to meet with me today. This letter will briefly summarize our discussion today, and provide a direction for you and your consultants to pursue toward completion of the Kootenai Heights subdivision.

Today we discussed your current plan to develop an approved public water system to provide lots 7 through 18 with an adequate water supply. The plan you submitted would generally meet requirements, and items which need to be completed are described below. The DEQ would like to reiterate that our preference would be to have water service provided to these lots by the City of Sandpoint, and we would encourage your continued negotiation with the City toward that solution.

Based on the plan submitted for an independent public water system (PWS), the following steps would need to be completed prior to drilling of a well and subsequent construction of the infrastructure. Idaho Rules for Public Drinking Water Systems is referenced and can be found at:

<http://www2.state.id.us/adm/adminrules/rules/idapa58/0108.pdf>

1. We have received a written well site approval from Mike Nelson at Panhandle Health District in Sandpoint. Your plan indicates a lease of 17 feet of lot 9 to provide the 50-foot radius needed for the well proposed to be located on lot 10. This lease would need to be executed and recorded on the plat prior to approval of as-builts of the well. The lease needs to be for the useful life of the well. [IDAPA 58.01.08.550.03.o] (page 35)
2. Complete and submit to our office the capacity development report. Information regarding this was provided to your engineer recently by e-mail. This must be completed prior to creation of a new PWS. [See IDAPA 58.01.08.549 (page 30-31)]
3. Complete and submit a well site evaluation report. Information pertaining to the existing well serving lots 5 and 6 may be useful in preparing this report. [IDAPA 58.01.08.550.03a] (page 31 and 32)
4. In reviewing your proposed well construction plan, the well casing would need to extend a minimum of 12 inches, and the well cap would need to be above that, with the vent a minimum of 18 inches above ground surface. Additionally, the well test specification needs to be revised to meet current regulations. [IDAPA 58.01.08.550.f.] (page 33)

Based on our conversation today, it appears that your intention is to complete a well as soon as possible, and construct the remaining infrastructure after the well is completed. This is acceptable to us, and we would offer that the proposed construction plans for the well house and distribution system would need to contain considerably more detail than what has been currently submitted. The Idaho Rules for Public Drinking Water Systems, *Ten State Standards*, and the engineering checklists will all be useful in determining the level of detail required.

Once the items described above are addressed, we will be able to continue our review. Again, it would be our preference, based on public health protection, that Sandpoint City supply water service to these lots and that a new PWS **not** be created.

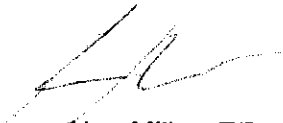
**As-Built Plan Approval Kootenai Heights Subdivision**

In our September 22, 2004 letter to you we stated no as-built plans for the original subdivision construction had been submitted. Your engineer has submitted the as-builts as prepared October 15, 1995. These as-built plans were compared to the original approved construction plans and are hereby approved per Section 39-118 of Idaho Code as the record drawings for this project.

Our records will reflect responsibility for ownership, operation, and maintenance of the completed water and sewer system is assigned to Sandpoint City and Kootenai-Ponderay Sewer District, respectively, with the understanding that, at this time, Sandpoint City supplies water to lots 1-3 and 19-36 only. However, service laterals were installed to all lots as shown on the as-built plans.

This satisfies Idaho Code 39-118 with regards the as-builts for those 36 lots.

Sincerely,



Alan Miller, EIT  
Associate Engineer

c: Lou Vermeer, 11647 Baldy Mountain Rd, Sandpoint, ID 83864  
Margaret Mjelde, Mayor City of Kootenai, PO Box 566, Kootenai 83840  
Kody Van Dyk PE, City of Sandpoint, 1123 Lake St, Sandpoint 83864  
Tim Closson, Kootenai-Ponderay SD  
Mike Nelson, PHD Sandpoint  
Gary Gaffney, Steve Tanner, Roger Tinkey; DEQ-CdA  
File: PHD-Kootenai Heights construction file (#8295\_L-2)



Public Health

# PANHANDLE HEALTH DISTRICT

*Healthy People in Healthy Communities*

322 MARION AVENUE  
SANDPOINT, IDAHO 83864  
(208) 265-6384  
<http://www2.state.id.us/phd1>

October 13, 2004

Floyd McGhee  
Kootenai Heights  
PO Box 1925  
Sandpoint, ID 83864

Re: Well site evaluation

Dear Mr. McGhee:

Thank you for the opportunity to inspect the proposed well site to serve the Kootenai Heights Subdivision. The proposed well site is located near the center of lot 10, in Sec 1, T57N, R02W. The site appears to be in accordance with Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08 (rules), and is approved for construction contingent on the following:

1. The well must be located a minimum of 50 feet from any potential source of contamination, and no closer to specific sources than;

|                |          |                           |         |
|----------------|----------|---------------------------|---------|
| Sewer line     | 50 feet  | Livestock                 | 50 feet |
| Septic tank    | 100 feet | Lakes, ponds, streams,    | 50 feet |
| Disposal Field | 100 feet | canals, ditches, & tanks  |         |
| Seepage Pit    | 100 feet | used to store non-potable |         |
| Privies        | 100 feet | substances                |         |

2. The well must be located on a dedicated well lot. The well lot must be large enough to provide a minimum of 50 feet to the nearest property line; and must be owned in fee simple, or controlled through a long term lease, by the owner of the water system. The proposed well site would be closer than 50 feet to the property line with lot 9. Therefore, ownership or lease of the area of lot 9 within 50 feet of the well must be secured by the owner of the water system for the expected life of the proposed well.
3. Observe all other applicable setbacks.
4. Obtain a drilling permit from the Idaho Department of Water Resources, 1910 Northwest Boulevard, Coeur d'Alene, Idaho 83814.

Bonnars Ferry (208) 267-5558, Coeur d'Alene (208) 667-9513, Kellogg (208) 786-7474, St. Maries (208) 245-4556

Po 1925  
Sandpoint  
83864

5. In accordance with Idaho Code 39-118; plans and specifications for the construction of the well, stamped by a professional engineer registered in Idaho, must be submitted to the Idaho Department of Environmental Quality (DEQ), 2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814. These plans must be reviewed and approved prior to drilling.
6. After the well is completed, as constructed drawings of the well, must be submitted to DEQ in accordance with section 550.03 of the rules.

Please call me at (208) 265-6384, if you have any questions.

Sincerely,



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Mike Nelson, R.E.H.S.  
Sr. Environmental Health Specialist

cc: Steve Tanner, IDEQ – Coeur d'Alene  
Tom King, IDWR – Coeur d'Alene  
Lou Vermeer, 11647 Baldy Mtn Rd, Sandpoint, ID 83864