

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09645

Priority: September 27, 2016

Maximum Diversion Rate: 0.60 CFS

This is to certify, that RESORT WATER CO INC
165 VILLAGE LN STE A
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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.60 CFS	
COMMERCIAL	01/01 to 12/31	0.60 CFS	
COMMERCIAL STORAGE	01/01 to 12/31		15.3 AF
COMMERCIAL FROM STORAGE	01/01 to 12/31		13.8 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		15.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NW1/4 Sec. 20, Twp 58N, Rge 02W, B.M. BONNER County

PLACE OF USE: COMMERCIAL AND COMMERCIAL FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N 02W 18													X			X	
58N 02W 19	X	X		X													
58N 02W 20		X	X	X	X	X	X	X									

PLACE OF USE: COMMERCIAL STORAGE AND FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N 02W 18													X			X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2017**.
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.

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4. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
5. Commercial use is for snowmaking machines.
6. Right 96-9645 authorizes a total annual storage volume of 15.3 acre-feet to be used for the initial filling of the reservoir, for the replacement of losses caused by evaporation, and for the storage of water for fire protection and commercial purposes.
7. The reservoir established by the storage of water under this right shall not exceed a total capacity of 13.72 acre-feet or a total surface area of 1.4 acres.
8. In connection with the proof of beneficial use statement for this permit, the permit holder shall also submit a report with either monthly diversion volumes or a pump curve with total pumping hours. Submittal of a proof of beneficial use statement without the required report will not be accepted by the Department and may result in lapsing or cancellation of the permit. After specific notification by the Department, the right holder shall provide to the Department any data used to compile the report.
9. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 21st day of November, 20 16.

Morgan Case
MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9645

This map depicts the COMMERCIAL STORAGE and FIRE PROTECTION STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.125 0.25 0.5 Miles



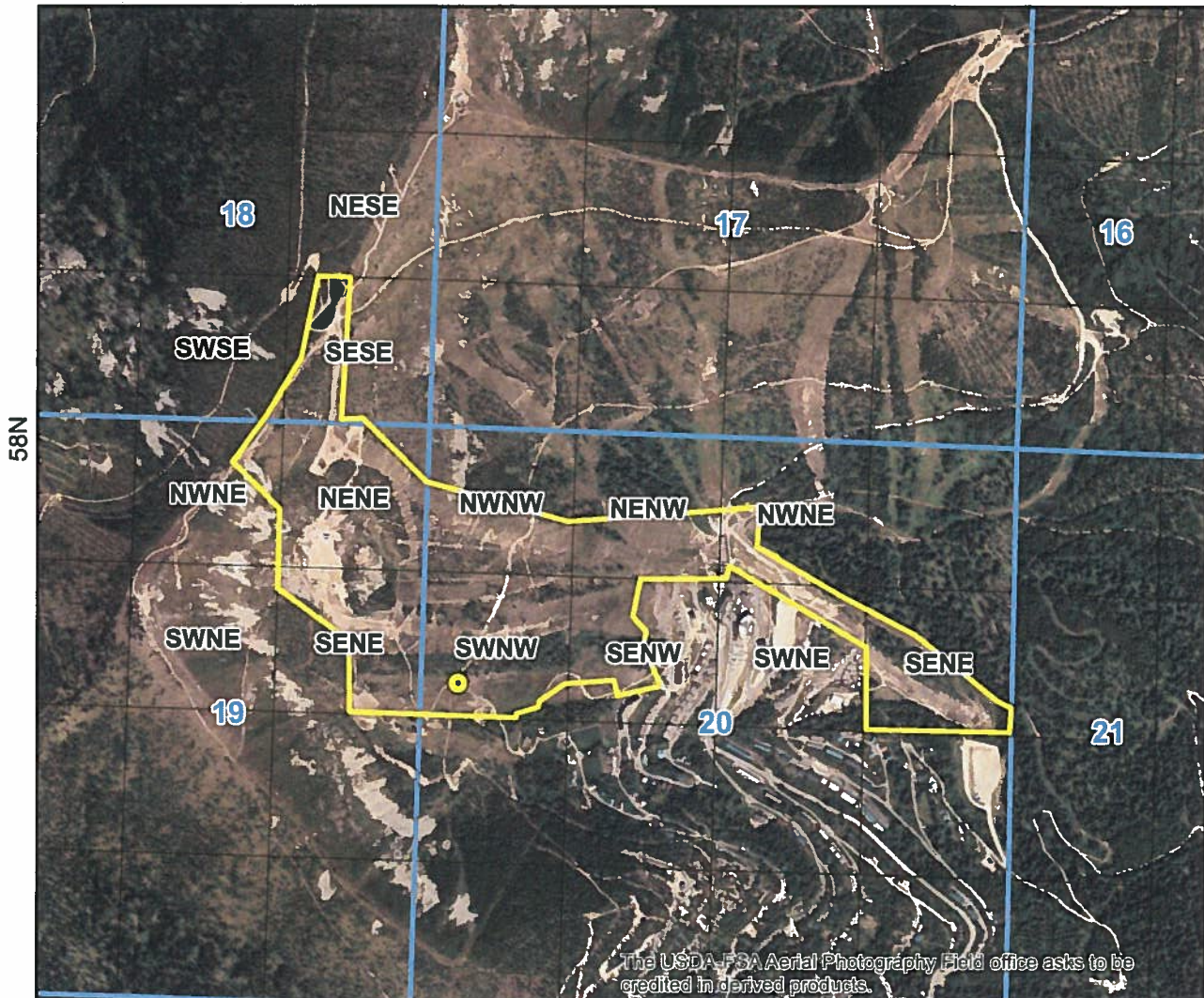
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9645

This map depicts the COMMERCIAL FROM STORAGE and COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

02W



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.2 0.4 0.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

November 23, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

RESORT WATER CO INC
165 VILLAGE LN STE A
SANDPOINT ID 83864

RE: Permit No.96-9645

Permit Approval Notice

Dear Permit Holder:

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

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

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

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

If you have any questions, please contact me at (208) 762-2800.

Sincerely,



Morgan Case
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2016 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.

96-9645

**RESORT WATER CO INC
165 VILLAGE LN STE A
SANDPOINT ID 83864**



**Dianne L. Ball
Administrative Assistant**

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 service date 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.

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 31 2016
IDWR / NORTH

STATE OF IDAHO)

) ss.

County of Bonner)

Katie Eddy, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Legal Notice.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legal Clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 20 day of October, 2016, and ending on the 27 day of October, 2016.

Katie Eddy

State of Idaho, county of Bonner ss.

On this 27 day of October, in the year of 2016, before me, Katrina George, Notary Public, personally appeared

Katie Eddy, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public

Residing at: Kootenai County

Comm. Exp.: MY COMMISSION EXPIRES 8/29/17



RECEIVED
OCT 31 2016
IDWR / NORTH

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

96-9645

RESORT WATER CO INC

165 VILLAGE LN STE A

SANDPOINT, ID 83864

Point of Diversion SWNW S20 T58N R02W BONNER County

Source GROUND WATER

Use: COMMERCIAL

01/01 to 12/31 0.6 CFS

Use: COMMERCIAL from Storage

01/01 to 12/31 13.8AF

Use: COMMERCIAL Storage

01/01 to 12/31 15.3AF

Use: DIVERSION to Storage

01/01 to 12/31 0.6CFS

Use: FIRE PROTECTION Storage

01/01 to 12/31 15.3 AF

Total Diversion:

0.6 CFS

Date Filed: 9/27/2016

Place of Use: COMMERCIAL T58N R02W S18 NESE SESE

T58N R02W S19 NENE NWNE SENE

T58N R02W S20 NWNE SWNE SENE NENW NWNW SWNW

SENE

Place of Use: COMMERCIAL from Storage T58N R02W S18

NESE SESE

T58N R02W S19 NENE NWNE SENE

T58N R02W S20 NWNE SWNE SENE NENW NWNW SWNW

SENE

Place of Use: COMMERCIAL Storage T58N R02W S18 NESE

SESE

Place of Use: FIRE PROTECTION Storage T58N R02W S18

NESE SESE

Commercial use is to provide water for snowmaking machines located on ski slopes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRAApplicationResult>

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 11/7/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/20/2016 and 10/27/2016

01/01 to 12/31 0.6 CFS

LEGAL 4195

OCTOBER 20, 27, 2016