

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 23-07102

RECEIVED
JUN 10 2016
Department of Water Resources
Eastern Region

Date of Priority: December 13, 1983

Maximum Diversion Rate: 0.18 CFS

Maximum Diversion Volume: 9.0 AF

Comes now **SALISBURY WATER SYSTEM INC**
2040 MONTICELLO

IDAHO FALLS ID 83404 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 23-07102, and requests that the permit be changed as follows:

Source: SPRING

Tributary: SHEEP CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.18 CFS	9.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW1/4NE1/4 Sec. 8, Twp 01S, Rge 45E, B.M.
BONNEVILLE 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	
01S	45E	8	X	X		X													

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 3 day of JUNE, 2016.


(Signature)
Secretary

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 23-07102

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100- Received by Se # B042157 Date 6/10/16

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 23-07102 with the following:

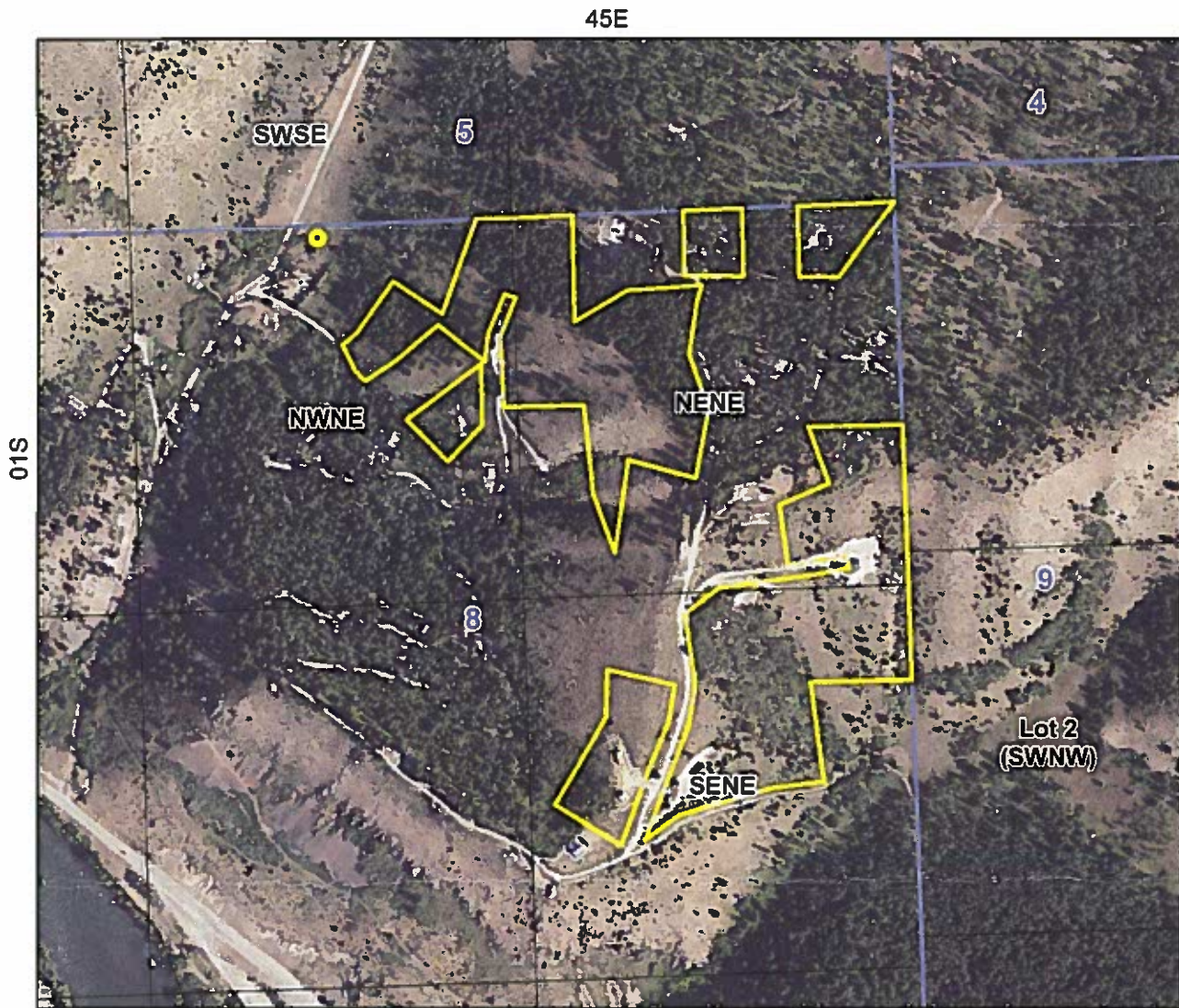
CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Consumptive use of water under this right shall not exceed 2.0 acre feet per day.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.

Witness my hand this 19th day of July, 2016


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Water Right License
23-7102



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

0 0.075 0.15 0.3 Miles



No. C 137476	Due no later than Jan 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. SALISBURY WATER SYSTEMS, INC. TOM VANWITBECK 784 N 4000 E RIGBY ID 83442 USA		STEVE HANSEN 5540 W BROADWAY IDAHO FALLS ID 83402
			3. <u>New</u> Registered Agent Signature:*
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).			
Office Held	Name	Street or PO Address	City State Country Postal Code
TREASURER	TOM VANWITBECK	784 N 4000 E	RIGBY ID USA 83442
SECRETARY	TOM VANWITBECK	784 N 4000 E	RIGBY ID USA 83442
DIRECTOR	GARY HANSEN	410 N. MONTE VISTA	IDAHO FALLS ID USA 83401
PRESIDENT	PATRICK TULLOS	690 BUTTERFLY	IDAHO FALLS ID USA 83401
DIRECTOR	BRENT JOHNSON	393 E CORWIN LANE	INKOM ID USA 83245
DIRECTOR	TOM VANWITBECK	784 N 4000 E	RIGBY ID USA 83442
5. Organized Under the Laws of:	6. Annual Report must be signed.*		
ID C 137476	Signature: Christine C. Gertsch Name (type or print): Christine C. Gertsch		Date: 11/25/2015 Title: outgoing sec/trea
Processed 11/25/2015	* Electronically provided signatures are accepted as original signatures.		

ARTICLE OF INCORPORATION
OF

SALISBURY WATER SYSTEM, INC.

FILED/EFFECTIVE

RECEIVED PM 2:25

STATE OF IDAHO

KNOW ALL MEN BY THESE PRESENTS: That I, the undersigned, being of lawful age and a resident of Bonneville County, State of Idaho, acting as incorporator of a cooperative nonprofit corporation under the Idaho Nonprofit Corporation Act, adopt the following Articles of Incorporation for said nonprofit corporation.

ARTICLE I

NAME OF THE CORPORATION

The name of the nonprofit corporation shall be Salisbury Water System, Inc. (hereinafter referred to as the Corporation).

ARTICLE II

PERIOD OF DURATION

The period of its duration is perpetual.

ARTICLE III

PURPOSE

The purpose or purposes for which the Corporation is organized are for the purposes of designing, developing, owning, and maintaining a water system, including a distribution system for the members of the Corporation and for the transaction of any or all lawful business for which nonprofit corporations may be incorporated under the Idaho Nonprofit Corporation Act and which are defined in the Corporation's bylaws.

- 1

IDAHO SECRETARY OF STATE

01/30/2001 09:00
CK: 8295 CT: 141557 BH: 375807

1 @ 30.00 = 30.00 INC NONP # 2

C137476

ARTICLE IV

INITIAL DIRECTORS

The following individuals shall serve as directors:

Noel A. Talcott, Jr., President
860 Yorktown Road
Poquoson, VA 23662

Steven A. Talcott, Treasurer
3265 Taffrail Lane
Oxnard, CA 93035

Norman D. Dorering, Secretary
2040 Monticello Dr.
Idaho Falls, ID. 83404

ARTICLE V

CORPORATION OFFICE

The principle office of the Corporation shall be at 2040 Monticello Dr., Idaho Falls, ID 83404, County of Bonneville, State of Idaho. The Corporation may have such other offices as may from time to time be designated by its members or its board of directors.

ARTICLE VI

The registered agent is Norman D. Doering, and whose address is 2040 Monticello Dr. Idaho Falls, ID. 83404.

ARTICLE VII

INCORPORATOR(S)

The incorporator for Salisbury Water System, Inc., is Jean Gloria Talcott, 1440 Juniper Dr., Idaho Falls, ID 83404.

ARTICLE VIII

POWERS OF CORPORATION

The powers of the Corporation shall be those as allowed by the Idaho Nonprofit Corporation Act and the Corporation's bylaws.

ARTICLE IX

MEMBERSHIP

The Corporation shall be composed of members as defined by the Corporation's bylaws. The rights, duties, and obligations of membership shall be defined in the Corporation's bylaw's. Membership shall run appurtenant with the land. Membership in the Corporaiton may be terminated voluntarily in accordance with the procedures established by law and the Corporation's bylaws. Distribution of a member's capital account upon voluntary termination shall be made in accordance with Article V herein and the Corporation's bylaws.

The Board of Directors may authorize assessments to be levied upon the members in accordance with the Idaho Nonprofit Corporation Act and the Corporation's bylaws. Assessments are enforceable by civil action or by the forfeiture of membership, or both, upon notice given in writing twenty (20) days before commencement of such action. Notice shall be by certified mail. Assessments against members may be secured by a lien upon real property to which membership rights are appurtenant or upon any monies in the member's capital account. Services by the Corporation and/or a member or members voting privileges may be suspended in accordance with the Corporation's bylaws.

ARTICLE X

BOARD OF DIRECTORS

The board of directors shall initially consist of three (3) or more individuals. The Corporation shall have a president, a secretary, a treasurer, and such other officers as are provided for in the Corporations's bylaws or are appointed by the board of directors. The terms of office and the duties of the board of directors shall be in accordance with the Idaho Nonprofit Corporation Act and the Corporation's bylaws.

As authorized by the Corporation's bylaws, a person or persons who may or may not be members, may be authorized to exercise some or all of the powers which would otherwise be exercised by the board of directors. To the extent so authorized any such person or persons shall have the duties and responsibilities of the directors, and the directors shall be relieved to that extent from such duties and responsibilities.

ARTICLE XI

REMOVAL OF DIRECTORS

The membership may remove a director, either with or without cause, as provide by the Idaho Nonprofit Corporation Act and the Corporations's bylaws.

ARTICLE XII

BYLAWS

The board of directors or members of the Corporation shall adopt the initial bylaws for the Corporation. The bylaws may

contain any provision for regulating and managing the affairs of the Corporation that is not inconsistent with law or the Articles of Incorporation.

ARTICLE XIII

AMENDMENTS

All amendments to either the Articles of Incorporation or the bylaws shall be done in accordance with the Idaho Nonprofit Corporation Act and the Corporation's bylaws.

ARTICLE XIV

OPERATIONS OF CORPORATION

The operations of the Corporation shall be conducted in accordance with the Idaho Nonprofit Corporation Act and the Corporation's bylaws.

ARTICLE V

CAPITAL / DISTRIBUTION

The operations of the Corporation shall be so conducted that all members will, through their membership, furnish capital for the corporation as provided by the Corporation's bylaws. No interest or dividends shall be paid or payable by the Corporation on any capital furnished by its members. The Corporation is obligated to account on a membership basis to all its members for all amounts received and receivable from the furnishing of service and from other sources in excess of operating costs and expenses properly chargeable against the furnishing of service. The Corporation is obligated to pay by credits to a capital account for each member

all such amounts in excess of operating costs and expenses and monies allocated by the board of directors to dedicated funds for any or all of the following purposes: emergencies; future upgrades of equipment and/or facilities including but not limited to furniture and fixtures; testing of the water and/or distribution system; other services and projects as determined to be in the best interests of the Corporation.

The books and records of the Corporation shall be set up and kept in such a manner that at the end of each fiscal year the amount of capital so furnished by each member is clearly reflected and credited in an appropriate record to the capital account of each current member.

In the event of dissolution or liquidation of the Corporation, after all outstanding indebtedness of the Corporation shall have been paid, outstanding capital credits shall be retired without priority on a prorated basis before any payments are made on account of property rights of members.

If, at any time prior to dissolution or liquidation, the board shall determine that if the financial condition of the Corporation will not be impaired thereby, the capital credited to the member's accounts may be retired in full or in part.

ARTICLE XVI

DISSOLUTION OF THE CORPORATION

Dissolution of the Corporation shall be in accordance with the Idaho Nonprofit Corporation Act.

DATED this 28th day of December, 2000.

Norman D. Doering
Norman D. Doering
Incorporator and Director

Noel A. Talcott
Noel A. Talcott, Incorporator

Steven A. Talcott
Steven A. Talcott, Incorporator



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/21/2015

RECEIVED

JUN 10 2016

Department of Water Resources
Eastern Region

SALISBURY WATER SYSTEM INC

112 GREYS RIVER RD

PO BOX 3445

ALPINE WY 83128

784N 4000E
RIGBY ID 83442

RE: Water Right Permit No. 23-7102 Final Notice

Dear Permit Holder(s):

On September 8, 2015 the Department of Water Resources sent you an Amendment of Permit for water right 23-7102 and requested that the amendment be signed and returned within 14 days. The Department has not received the amendment and, therefore cannot move forward and issue a license for the water right. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☐ Point(s) of Diversion

☒ Place(s) of Use

☐ Other

Enclosed please find another Application for Amendment form which depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee by January 16, 2015. If we do not receive the Amendment of Permit by the date mentioned above, then we will take the steps needed to void the permit.

If you have any questions, please call me at (208) 525-7161.

Sincerely,

Blake Jordan
Sr. Water Resource Agent
Enclosure(s)