

RECEIVED
FEB 28 2007
IDWR/North

WITHDRAWAL OF APPLICATION FOR TRANSFER

TO WHOM IT MAY CONCERN:

I hereby withdraw Application for Transfer of Water
Right No(s). 95-7691
Transfer No. 70395
Permit No. 95-0930

I understand that the withdrawal does not adversely
affect the above-referenced water right(s).

Signed this 26 day of Feb., 2007.

Robert N. Turnipski (Bar Circle S Water)
Signature of Applicant

ROBERT N TURNIPSKI
Printed Name of Applicant

February 26 2007

RECEIVED
FEB 28 2007
IDWR/North

Robert N Tumipseed
Diamond Bar Estates Water Co
Bar Circle 'S' Water Co
PO Box 1870
Hayden ID 83835
208 665 9200

ATTN: Robert Haynes, PE
Dept of Water Resources
State of Idaho
7600 Mineral Drive, Ste 100
Coeur d'Alene ID 83815
208 762 2800

RE: Withdrawal of application for transfer

70395

Per our conversation on this day February 26 2007 I am sending the two withdrawals of application for transfer on Bar Circle 'S' Water Co and Diamond Bar Estates Water Co.

I understand that this will not interfere with my water rights during adjudication.

Respectfully



Robert N Tumipseed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70395

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

SCANNED
MAY 17 2004

Name of applicant Robert N. Turnipseed 40 Bar Circle's Water, Inc. Phone 772-5060
Post Office address PO Box 971 Hayden, ID 83835

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Incorporate additional source of public water supply per section 550 - Design Standards for Public Drinking Water System paragraph §30 of Idaho Administrative Code DEQ IDAPA - Idaho Rules for Public Drinking Water Systems - ADD WELL TO EXISTING SYSTEM AND CHANGE NATURE OF USE TO MUNICIPAL.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 95-7691 Priority Jan. 17, 1977 Amount (cfs/ac-ft) 1.160/80.40 Nature of Use Municipal Period of Use Jan. 1 to Dec. 31
2. Total amount of water being transferred 1.160 cubic feet per second and/or 80.40 acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	26	52N	4.W	Kootenai	Garwood Rd & Circle 5 Trail (well)
		NW	NW	25	52N	4W	KOOTENAI	RANNA AERO WELL

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			WITHIN SERVICE AREA BOUNDARIES																

Total acres 41-1,800 AC.

WITHDRAWN

WITHDRAWN
02-28-2007

Transfer No. _____

SCANNED

MAY 17 2004

PART 1

ormation:

tion of diversion system Garwood Rd & Circle S Trail Well (8" ϕ Bore @ +/- 380' Depth
1 60 Hp Pump), well and pump improved as necessary for regular
ation and maintenance to serve existing and future customers.

lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or
s? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of
rtgage or contract agreeing to the proposed changes.

the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

veloped land - to - low density residential @ 1 du, per 5 ac.

ULC WATER SUPPLY NUMBER 128-0010

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I hereby certify that I have examined Application for Transfer of Water Rights No. 70011

ation is hereby _____, subject to the following limitations and conditions:

and this _____ day of _____, 19_____

WVA 13 5004
REVISED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

SCANNED
MAY 17 2004

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

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MAY 17 2004

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Not Applicable

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

SCANNED
MAY 17 2004

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

The grid is a large rectangular area with a dashed line border. On the left side, there is a circular stamp that reads "STATE OF IDAHO" at the top, "PUBLIC" in the center, and "MOTION WATER RESOURCES" at the bottom. At the bottom right of the grid, there is a rectangular stamp that reads "SCANNED" and "MAY 17 2004".

PART 3**SCANNED****MAY 17 2004****B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Municipal usage by Bar Circle's Water Co.	1.160/80.40		Jan. 1 to Dec. 31
				to

2. Quantity and quality of return flows and location of discharge:

~ 1/3 loss through runoff and evaporation $\Rightarrow$ 53.6 Ac-ft @ $\approx$ 48,000 gpd

3. Describe effects on other water uses resulting from the proposed change:

Not Applicable

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 28th day of MARCH, 2002



Robert M. Lummip
(Signature of Applicant)

Allen Beardslee
(Notary Public)

My commission expires 8-8-06**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by AB Date 3/28/02 2014716

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MAY 13 2004
SCANNED

BAR CIRCLE S

FILING TO INCREASE RATE TO 2,000 GPM.

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-7691

02/06/2002

SCANNED

MAY 17 2004

WATER RIGHT NUMBER: 95-7691

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	AVONDALE REALTY
	, ID
Current Owner	BAR CIRCLE S RANCH INC
	2951 GOVERNMENT WAY
	COEUR D ALENE, ID 83814

Priority Date: 01/17/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

521 GPM

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	12/31	1.160 CFS	80.40 AF
	<u>Total Diversion:</u>		1.160 CFS	80.40 AF

Location of Point(s) of Diversion

GROUND WATER

KOOTENAI County

NE1/4NW1/4

Sec. 26, Twp 52N, Rge 04W, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
52N	04W	28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X	X	X	X	X	X	X	X	X	X	X	X					

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

1720737

ROUGH AERO
WELLSCANNED
MAY 17 2004

QUITCLAIM DEED

FOR VALUE RECEIVED, Carol Tramner, individually and as Personal Representative of the Estate of Charles Tramner, and Larry Gilman and Sharon Gilman, husband and wife, Grantors, do hereby convey, release, remise and forever quit claim unto Bar Circle 'S' Water, Inc., an Idaho Corporation, whose address is P.O. Box 1870, Hayden, Idaho 83835, Grantee, the following described premises, to-wit:

Water well and all above and below ground pipe and apparatus, together with all easements, both underground and above ground owned, retained, or reserved by the Grantors for purposes of a water system, including water well and water lines and storage, and all rights thereto, located within the GARWOOD BUSINESS CENTER, according to the plat recorded in Book I, Page 1, of Plats, records of Kootenai County, Idaho.

TOGETHER with their appurtenances.

DATED this _____ day of September, 2001.

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
AT THE REQUEST OF
~~ROBERT TURNER~~ TRAMNER

FEB 27 1 28 PM '02

DANIEL J. ENGLISH

DEPUTY 6.00
FEES

Carol Tramner
Carol Tramner, Individually
and as Personal Representative
of the Estate of Charles
Tramner

Larry Gilman
Larry Gilman

Sharon Gilman
Sharon Gilman

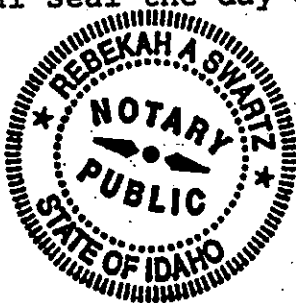
1720737

SCANNED
MAY 17 2004

STATE OF IDAHO)
ss.
County of Kootenai)

On this 24th day of September, 2001, before me, the undersigned Notary Public, personally appeared LARRY GILMAN and SHARON GILMAN, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

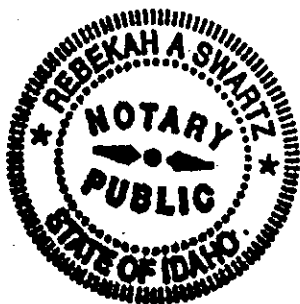


[Signature]
Notary Public for Idaho
Residing at Hyden, Idaho
My Commission expires: 12/5/01

STATE OF IDAHO)
ss.
County of Kootenai)

On this 25th day of September, 2001, before me, the undersigned Notary Public, personally appeared CAROL TRAMNER, individually and as Personal Representative of the Estate of Charles Tramner, deceased, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same individually and as Personal Representative of the Estate of Charles Tramner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public for Idaho
Residing at Hyden Id
My Commission expires: 12/5/01

SCANNED
MAY 17 2004

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that on this 24 day of September, 2001, CAROL TRAMNER, individually and as Personal Representative of the Estate of Charles Tramner, and LARRY GILMAN and SHARON GILMAN, husband and wife, whose address is P.O. Box 129, Coeur d'Alene, Idaho 83816, the Parties of the First Part, for and in consideration of the sum of One (\$1.00) Dollar and other valuable consideration, lawful money of the United States of America, to them in hand paid by BAR CIRCLE 'S' WATER, INC., and Idaho corporation, whose address is P.O. Box 1870, Hayden, Idaho 83835, the Party of the Second Part, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said Party of the Second Part, its executors, administrators and assigns, all of the following described property, to-wit:

See Exhibit "A" attached hereto and
by reference incorporated herein.

TO HAVE AND TO HOLD the same unto the said Party of the Second Part, his executors, administrators and assigns forever.

And we hereby covenant with the said Party of the Second Part that we are the lawful owners of said goods and chattels; that they are free from all encumbrances except the following: NONE.

SCANNED
MAY 17 2004

That we have good right to sell the same as aforesaid, and that we will, and our executors and administrators shall, warrant and defend the title thereto unto the said Party of the Second Part, his executors, administrators and assigns against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, we have set our hands and seals this 24 day of September, 2001.

Carol Tramner

Carol Tramner, Individually
and as Personal Representative
of the Estate of Charles
Tramner

Larry Gilman

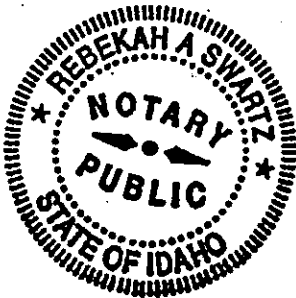
Sharon Gilman
Sharon Gilman

SCANNED
MAY 17 2004

STATE OF IDAHO)
 ss.
County of Kootenai)

On this 24th day of September, 2001, before me, the undersigned Notary Public, personally appeared LARRY GILMAN and SHARON GILMAN, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

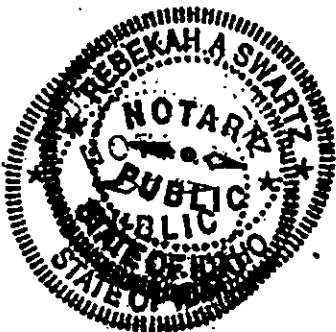


Rebekah A. Swartz
Notary Public for Idaho
Residing at Hayden, Idaho
My Commission expires: 12/5/01

STATE OF IDAHO)
 ss.
County of Kootenai)

On this 25th day of September, 2001, before me, the undersigned Notary Public, personally appeared CAROL TRAMNER, individually and as Personal Representative of the Estate of Charles Tramner, deceased, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same individually and as Personal Representative of the Estate of Charles Tramner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Rebekah A. Swartz
Notary Public for Idaho
Residing at Hayden, Id
My Commission expires: 12/5/01

SCANNED
MAY 17 2004

EXHIBIT "A"

All that portion of Section 24, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, lying West of Highway 95 and South of the following described line:

Beginning at a point 600 feet North of the West Quarter corner of said Section 24; thence, South 83°55'38" East 3,059.36 feet; thence, South 81°03'59" East 590.0 feet to the terminus point of said line.

Also all that portion of the South half of Section 24, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, lying East of Highway 95, EXCEPTING THEREFROM the East half of the East half of said South half.

Also the North half of Section 25, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, EXCEPTING THEREFROM the East half of the East half of said North half.

Also all that portion of the South half of Section 25, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, lying West of the precipitous edge of what is commonly referred to as the Rimrock.

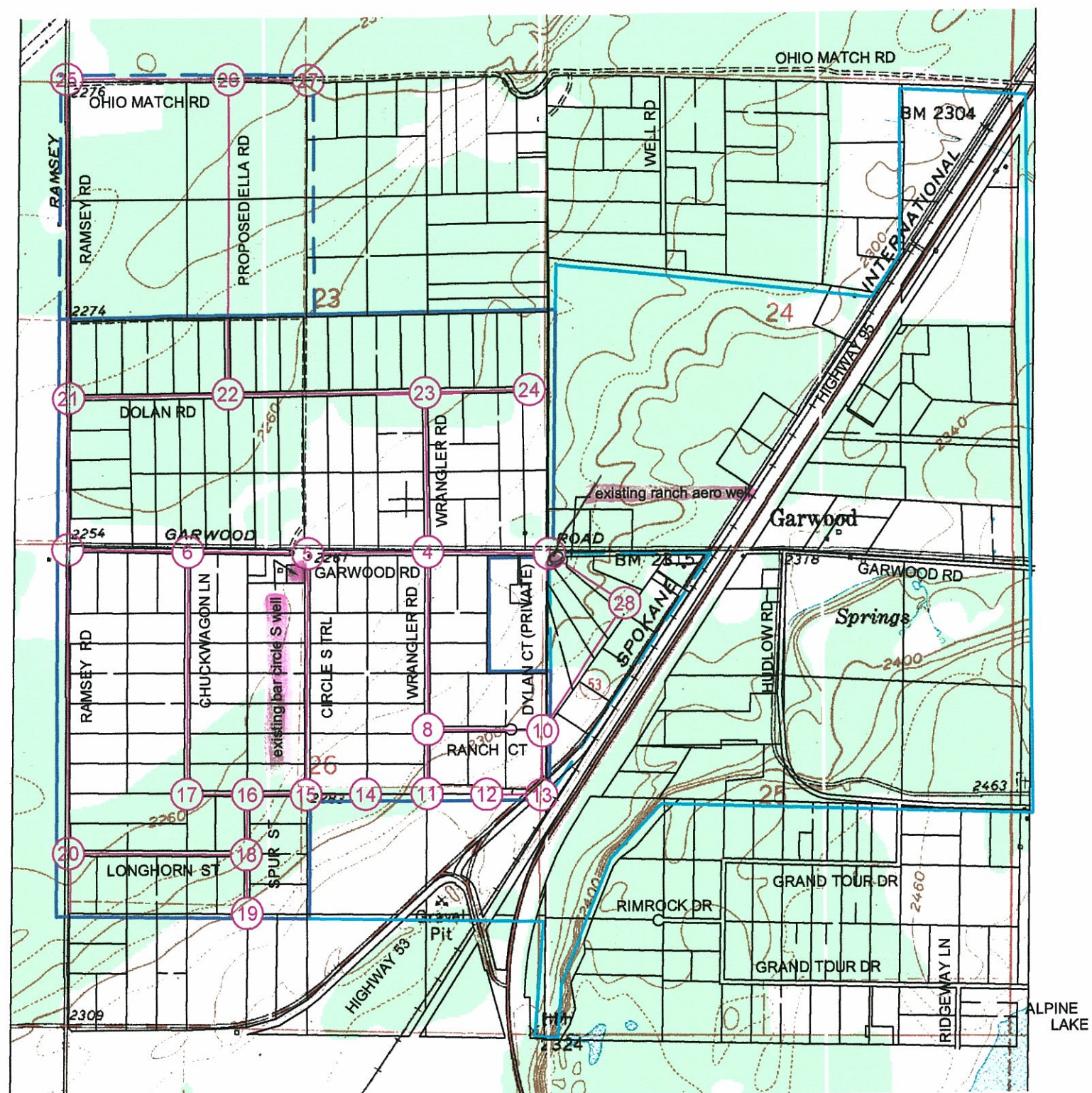
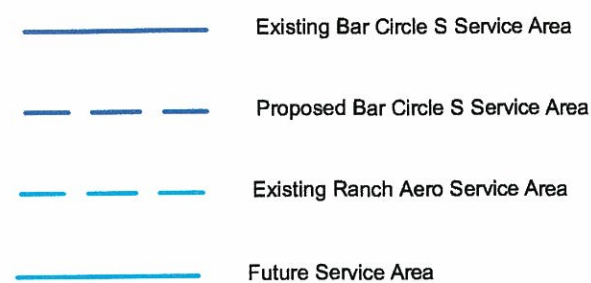
Also all that portion of the Northeast Quarter of Section 35, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, lying East of Government Way, as presently located.

THUR D ETUX TRUSTEES DAVIS, MICHAEL C ETUX GRAYSON RIDGE INVESTMEN
TUX WADE, RANDALL M ETUX
DIANNE C MONTECALVO, GAIL P WOLSFELT, RAYMOND D ETAL
YUREK, TED J ETUX MAZUREK, RONALD E ETUX
CK MASON, ANNA M LEWIS, DANIEL A ETUX PRIDEMORE, MARVIN V
ETUX LUOMA, BRIAN E ETUX GERBER, GUY E ETUX PIVA, DANNY R ETUX
MARSH, KEVIN R ETUX INTOLUBBE, DALE C ETUX
THOMAS, COLIN B ETUX HOLLANDSWORTH, EMORY L E
MOED, HENDRIK M
GH A ETUX MERTENS, GREGORY J MITCHELL, JAMES A MCCABE, EDWARD ET
HY S ETUX REHMS, JOYCE G KAPLAN, IRVAN ETUX THIEI
MORRISON, WAYNE L ETUX FRESHOUR, LARI
BECK, JACK R ETUX DEFFENBAUGH, JAMES L ANDERS
TURNIPSEED, ROBERT T ETUX QUILLIN, MELVIN B ETUX SYLTE, C
PRICE, ALFRED C ETUX JOHNSON, GARRY ETUX SMALL, JAMES G ETUX GILMAN, LAR
MCCALL, ROBERT H ETUX KEYES, FLOYD M .
DOLAN, TIMOTHY G ETUX CALLAHAN, JOHN J
ASTER, KEVIN A ETUX GREEN, DANIEL H ETUX MAGEE, PAUL K ETUX
SANDERS, ALBERT M ETUX
HOWLETT, GARY G
TAYLOR, MITCHELL R ETUX TAYLOR, MARK ETUX
EY THEODORE R ETUX STANFORD, PATRICK D ETUX
ROMAN, RICHARD R ETUX HOLBERT, DENNIS L ETUX SULPIZIO, RONALD F ETUX
USER, ROBERT E JR ETUX SMITH, THOMAS J ETUX
DWIN, TED M ETUX DAVIS, LARRY & MARIJKE H/
DREW, LARRY A ETUX
FLOREA, EMMETT T ETUX
BASSETT, JOHN L ETUX DIEMERT, RANDY K ETUX WILCO
ROSSGLAUSER, RICK ETUX
MCVAY, THOMAS G ETUX GILMAN, LARRY ETAL
ANN, MARTY J ETUX WOLFE, DAVID F ETUX ETHERTON, WII
DANIEL JR. ETUX BORLEY, JACK V ETUX HOPKINS
MOREY, RONALD ETUX
NACCARINI, LUANNE D ETAL MONTEE, SHAWN
BIN, MARK H ETUX HOCEVAR, JOSEPH A WILEY
K, HARVE D TRUSTEE BASSET
CLAUSEN, ARNOLD H ETAL STARK

SCANNED
MAY 17 2004

MAP OF PLACE OF USE
TRANSFER # 70395

SCANNED
MAY 17 2004



Scale: 1' = +/- 1500'

Bar Circle S Water Co.
PO Box 1870
Hayden, ID 83835
Phone: 208-665-9200

Designed By:	JDB	Jeffrey D. Block, P.E. & Associates, Inc. 9751 North Government Way, Suite 4 Hayden, ID 83835 jdblock@nidlink.com Phone: 208-762-9760 Fax: 208-772-9231
Drawn By:	JDB	
Checked By:	JDB	
Approved By:	JDB	
Date:	Mar. 19, 2002	

Project No.
1425

Bar Circle S Water System
(Consolidation with Ranch Aero Water System)
Master Plan
Kootenai County, Idaho

Figure 1

				Date:	Revisions and Record of Issue	No.	By	Ck	App



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 5, 2007

Bar Circle S Water Inc.
PO Box 971
Hayden, ID 83835

Re: Application For Transfer of a Water Right, Transfer No. 70395.

Gentlemen:

Review of the above mentioned transfer application, by the Idaho Department of Water Resources (IDWR); to change the nature of use and add a point of diversion for Water Right License No. 95-7691 revealed the changes have already taken place.

The 2005 Idaho Legislature amended Idaho Code 42-1425, to take into account the pending Northern Idaho Adjudication (NIA). Enclosed is a copy of the legislation for your review.

Because of this legislation, you may be able to file a Notice of Claim in the NIA based on an accomplished transfer. Therefore, if you wish, you may withdraw your transfer application and wait for the commencement of the NIA. If you choose to withdraw your application, please complete the enclosed form and return it to this office within 30 days and we will begin the process to refund the filing fee. If you do not wish to withdraw the transfer application, the department will continue processing it however, you will still need to file a Notice of Claim when the NIA is commenced.

If you have any questions, don't hesitate to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Encl/kf

Cc: Robert Haynes, P.E., Northern Regional Manager

C O P Y

BAR CIRCLE S

FILING TO INCREASE RATE TO 2,000 GPM.

Page 1

02/08/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-7691

WATER RIGHT NUMBER: 95-7691

Owner Type
Original OwnerName and Address
AVONDALE REALTY

Current Owner

, ID
BAR CIRCLE S RANCH INC
2851 GOVERNMENT WAY
COEUR D'ALENE, ID 83814

Priority Date: 01/17/1977

Basis: License

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

DOMESTIC

From To

1/01 to 12/31

Diversion Rate

1.160 CFS

Annual Volume

80.40 AF

Total Diversion:

1.160 CFS

80.40 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4

Sec. 26, Twp 52N, Rge 04W, 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	
52N	04W	28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

MICROFILMED
APR 2 1 2004FILE TRANSFER
TO CHANGE USE FROM
DOMESTIC TO MUNICIPALFILE NEW APP. FOR
REMAINING DIV. RATE
1479 GPM / 3.30 CFS

521 GPM

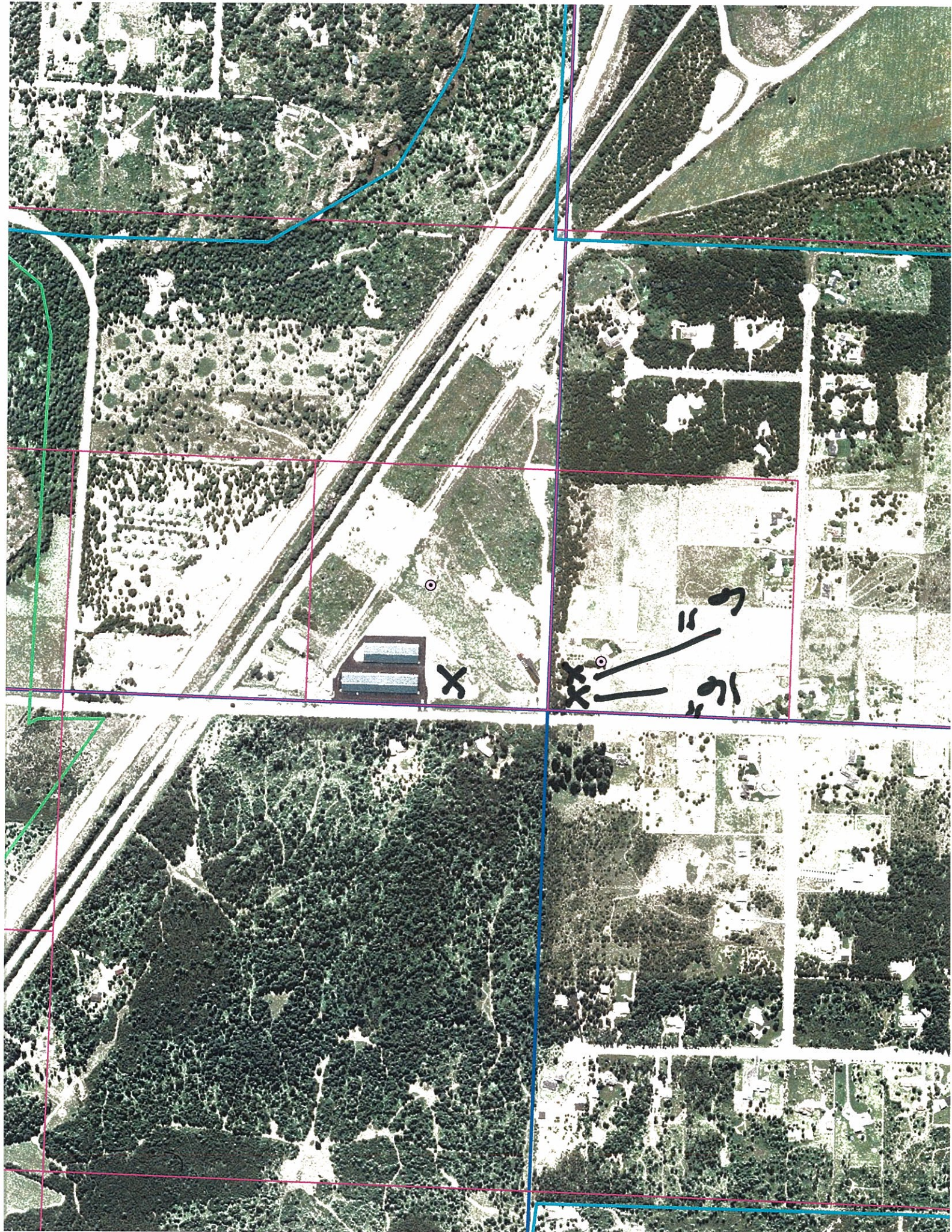
- Began development in 1974.
- Drilled 16-inch Bar Circle S Well with 2000 gpm screen, Initial Water Distribution System, and Stand Pipe Reservoir in 1977.
- First phase of Bar Circle S Development came online in 1978, reference Mater Plat.
- Between 1978 and 2002, eight different phases brought online that equate to a total of 163 5-acre single family residences.
- Instructed by DEQ (Tony Davis) in 1998 to develop an addition well and storage reservoir.
- In 2001 acquired Ranch Aero Water System including 14 commercial hookups, 185000 gallon reservoir, and booster pumping station.
- In 1978 it was calculated that the average residence used 350 gpd.
- In 2002 DEQ recommends a conservative value of approximately 1,500 gpd.
- In 2002 further improvements were made to consolidate the Ranch Aero and Bar Circle Water System, including 6-inch dedicate supply line and 10-inch inter-tie line plus miscellaneous appurtenances and controls. Said improvement increase fire flow capabilities and system pressures through the two water systems.
- Estimated eastern boundary of the Rathdrum Aquifer is generally accepted to be approximately at State Hwy 95.
- Idaho PUC requires the establishment of a sphere of influence so as to project future expansion requirements that serve projected development.
- Mr. Turnipseed has secured a first right of refusal to purchase and develop the property to the north owned by Mrs. Rose that contains approximately 172 acres.
- The Bar Circle S Water System is the only known Idaho PUC regulated water system in the vicinity of Hwy 53, Hwy 95, and Burlington Northern Railroad tracks.

MICROFILMED
APR 21 2004

- In summary, people are moving into North Idaho for a way of life regardless of what we do on the Rathdrum Aquifer moratorium. The highest and best use for this land within the sphere of influence is residential housing consistent with past Bar Circle S projects. **It is prudent for developers to make a place for these people and this requires the acquisition of future water rights to conform with Idaho PUC and DEQ requirements.** Furthermore, for prior proper planning we respectfully request an addition to our existing water rights as per our application.
- At this time I will call on Mr. Jeffrey Block, P.E., my consulting engineer for technical questions as well as Mr. Ken Jacobson Attorney at Law.

MICRONIZED

APR 21 2004



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-7691

WATER RIGHT NUMBER: 95-7691

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	AVONDALE REALTY
	, ID
Current Owner	BAR CIRCLE S RANCH INC 2951 GOVERNMENT WY COEUR D ALENE, ID 83814

Priority Date: 01/17/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	1.160 CFS	80.40 AF
	<u>Total Diversion:</u>	1.160 CFS	80.40 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 26, Twp 52N, Rge 04W, 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	
52N	04W	26	X	X	X	X	X	X	X	X	X	X	X						

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-7691

Licensed Date: 10/13/1982
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 95-9130

WATER RIGHT NUMBER: 95-9130

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT N TURNIPSEED PO BOX 971 HAYDEN, ID 83835 (208)772-5060
Current Owner	BAR CIRCLE S WATER INC PO BOX 971 HAYDEN, ID 83835 (208)772-5060

Priority Date: 03/28/2002

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	3.300 CFS	
	<u>Total Diversion:</u>	3.300 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 26, Twp 52N, Rge 04W, B.M.
KOOTENAI County		

Place of Use

MUNICIPAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Conditions of Approval:

1. 130 This right shall be subject to the provisions of the Rathdrum Prairie Ground Water Management Plan.
2. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. 128 Place of use is within the area served by the public water supply system of Bar Circle S Water Inc. The place of use is generally located within Sections 23, 24, 25, and 26, Township 52N, Range 4W.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 95-9130

Comments:

Dates and Other Information:

Permit Proof Due Date: 3/1/2004
Permit Proof Made Date: 1/20/2004
Permit Approved Date: 3/6/2003
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 9/15/2004
Date Sent to State Office: 12/10/2004
Date Received at State Office: 12/15/2004
State or Federal:
Owner Name Connector: And/Or
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

TRANSFER REVIEW SHEET

70395

Trans # 70395

Date Reviewed _____

Right No(s). * 15-7691Bar Circle S Water IncSplit? Y N Y N Y N Y N Y N Y NAREA OF CONCERN: No/Yes NO

PURPOSE OF TRANSFER FOR EACH RIGHT:

- ☒ Change p/d Change use period Change p/u
☒ Add p/d Change nature of use

RightID's of From & To records correct? X Y N (resolve with S.O.)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U _____ Lien Holder Release _____

GROUNDWATER:

DRILLING PERMIT - 046
 DP upgrade req'd Y N (contact GW)

WMD - North/East/West
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 067

WMD
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL - 065-104 (where irrigation is the only use)
 SUPPLEMENTAL - 100-105 (where there are other uses besides irrigation)

SURFACE WATER:

WD - R05 (WD# _____) WM comments rec'd _____
 ≤ 0.20 cfs/others - R02, 01P or No MD
 > 0.20 cfs - R43
 WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)

STANDARD VOLUME _____ af/ac

CONSUMPTIVE USE VOLUME _____ af/ac

WITHIN ESPA - 113-114-116 (mitigation)
 - 115 (meas. Device for non-irrig uses or new irrig systems)
 - 131 (existing irrig systems)

USES:

STORAGE - 18C-R02-01P-18B-NA
 IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
 Volume only - R58/R59/R60/R61
 STOCKWATER - R37 (all BLM/USFS)
 MINING - 054-106
 FISH PROP - 029 (70's basins only)-007-122-106
 HEAT/COOL - R07 (injection well)
 FIRE PROT. - 077
 DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
 MUNICIPAL
 Restricted area - 022-075 RAFN - 007-109-X64
 Irr., GW supp to SW - 102
 DOMESTIC
 Surface water - WB5 (Big Wood or Boise above Star Bridge)
 - 27A (Payette River)
 > 1 in restricted area - 070-071-075 (no parks/common areas, etc)
 Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
 T08 - comply or rescind
 T17 - > 1 pd, measure all (use w/ WB4)
 T18 - Special T17 & R43 combined -
 multiple pds in WD

Protested - 020-X19
 Water Quality - 106-R07

X27 - Number of acres/season in ppu
 X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
 X51 - 2+ yrs to develop
 X53 - Use ltd to orig. source availability
 X54 - forfeited ac/rate (used rarely)
 X55 - (transfer shrinks total water to less ac)
 004 - no right-of-way
 X58 - pending claim (statutory or AJ b/u claim)
 X61 - extended irr season
 X62 - replaces N11 and N13
 X63 - replaces C12
 WB4 - + p/ds, cfs & afa (used with T17)
 083 - replaces C11 (enlargement rights)
 WD8 - land application of waste water
 01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:
 T09 - on-going SRBA (no Dir Rpt yet)

T19 - replaces C18
 (if at Directors Report or Partial Decree stage)

T20 - use only on unchg'd rts
 not subject to SRBA

OTHER CONDITIONS/REMARKS _____

COMMENTS Transfer WithdrawnDatabase files updated 2/25/09 Approval form printed _____ Shape files created _____

Special Mailing Instructions (cc's, etc) _____

Final database update after approval _____ *Comment to WR No(s). _____