

Ident. No. 77-14328

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Superior Water Users Association #2
SCOTT ACKER Phone 634-6711
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: P.O. Box 70 City McCall
State ID Zip 83638 Email: sasackesh@citlink.net

2. Source of water supply South Fork Salmon River which is a tributary of Salmon River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
23N	8E	6	-	-	NE	NE	Idaho	As Above	

4. Water will be used for the following purposes:

Amount .14 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount .15 for Irrigation purposes from 3/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) .20 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. collection gully in cobble
below highwater mark, electric/solar pump + pipelines for distribution

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12.

c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? N/A

e. If well is already drilled, when? N/A; drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households. 9 homes internal use, associated irrigation

e. Other; describe fully. limited separately

RECEIVED

SEP 10 2009

WATER RESOURCES
WESTERN REGION

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
23N	8E	6	D			4.5													4.5
24N	8E	31															D	0.5	0.5

Total number of acres to be irrigated: 5

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? SEE ATTACHED

11. a. Who owns the property at the point of diversion?

b. Who owns the land to be irrigated or place of use? MEMBERS OF ASSOCIATION

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

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

PROPERTY ALIA COPENHAVER SUBD LOTS 15-23, WITHIN N.E.S. #701.

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.

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 rejection of the application or cancellation of an approval.

Scott Acier

Signature of Applicant

SCOTT ACIER

Print Name (and title, if applicable)

DIRECTOR COPENHAVER WATER USERS ASSOCIATION #2

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by gmh Date 9-10-09 Time 12:39 Preliminary check by R

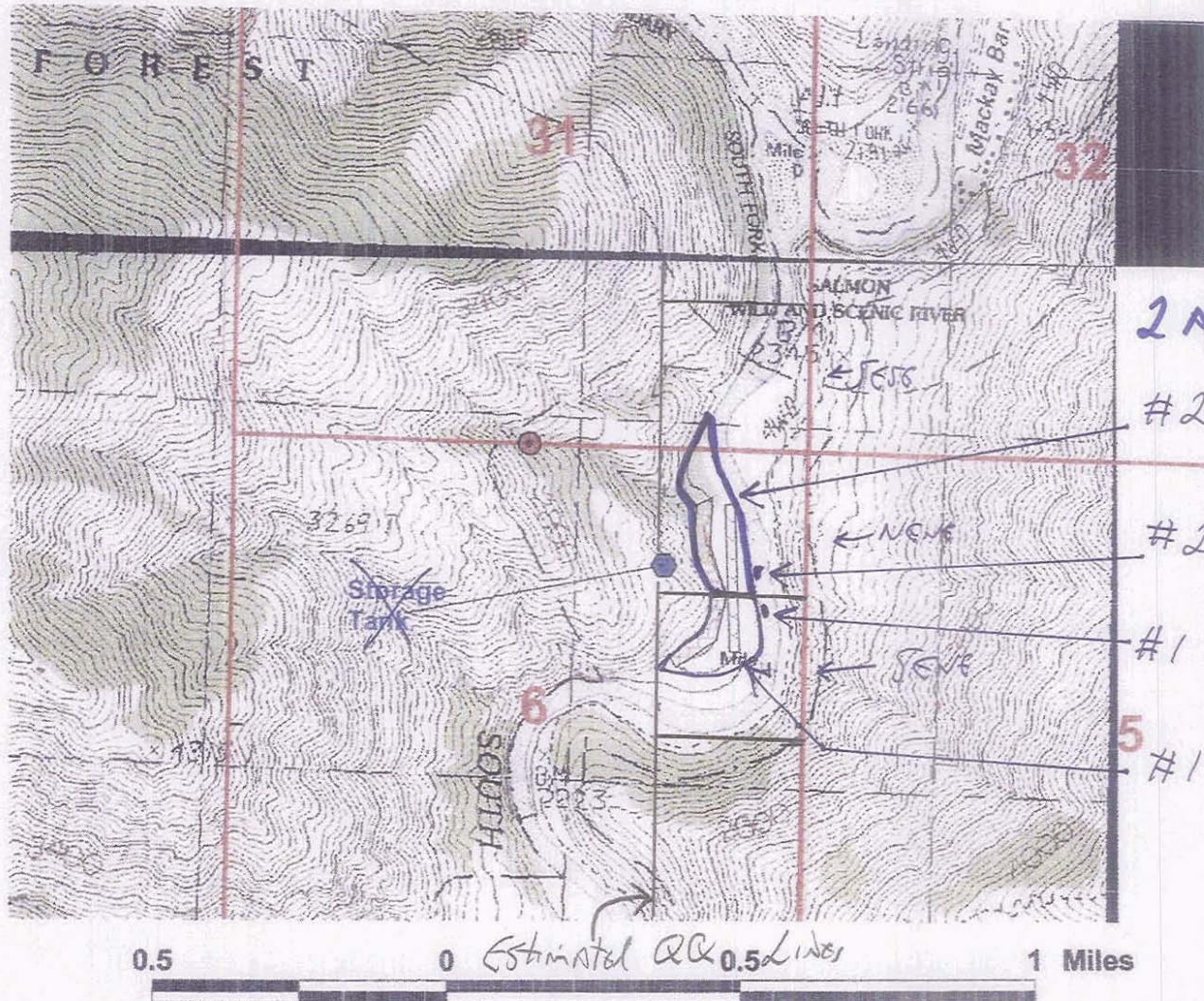
Fee \$ 100 - Received by DB Receipt No. W037875 Date 9-10-09

Application for permit Attachment Question 10

Some Water Rights for Domestic purposes either exist or have been applied for on lots 15-23. We understand that individuals cannot duplicate Water Rights for the same purpose. We are proposing, as has been suggested by Water Resources, that the owners of lots 15-23 who choose to participate in Water User Association # 2 and utilize this Water Right, surrender any preexisting Water Right upon issuance of this Water Right permit.

77-14328

Copenhaver Subdivision



2 systems, 2 App's. 77-14327 → #1 P/L Excludes Subd. lot 10
 All in AES 701
 1/4 mile e 8/10 inch 77-14328 → #2 P/L Excludes Subd. lots 11-14, 24

- Air strip
- Sub lots
- Spring P/D
- Sections 1/41/4



MICROFILMED
 MAR 20 2003

Base map copied from
 IOWA maps. Nonrevised
 AREA R6 PLS details.

77-14328

77-14328

NO 7001 LOT 7

7237 RBE Set 6 S-39

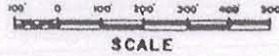
7/7/08/04/1997

COPENHAVER SUBDIVISION

1986

ALL OF H.E.S. NO. 701

LOCATED WITHIN UNSURVEYED SECTION 5, T.23N., R.8E.
& SECTION 31, T.24N., R.8E., B.M., IDAHO COUNTY, IDAHO



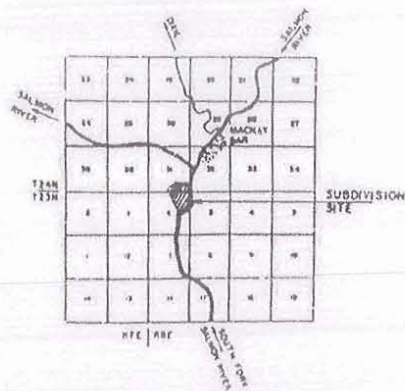
LEGEND

- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEANDER CORNER, NOT SET
- LOT CORNER, SET 2" X 30" G.I.P. W/B.C.
- LOT CORNER, SET 5/8" X 30" REBAR W/SERV. CAP
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
- EASEMENT CORNER, SET 5/8" X 30" REBAR W/SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

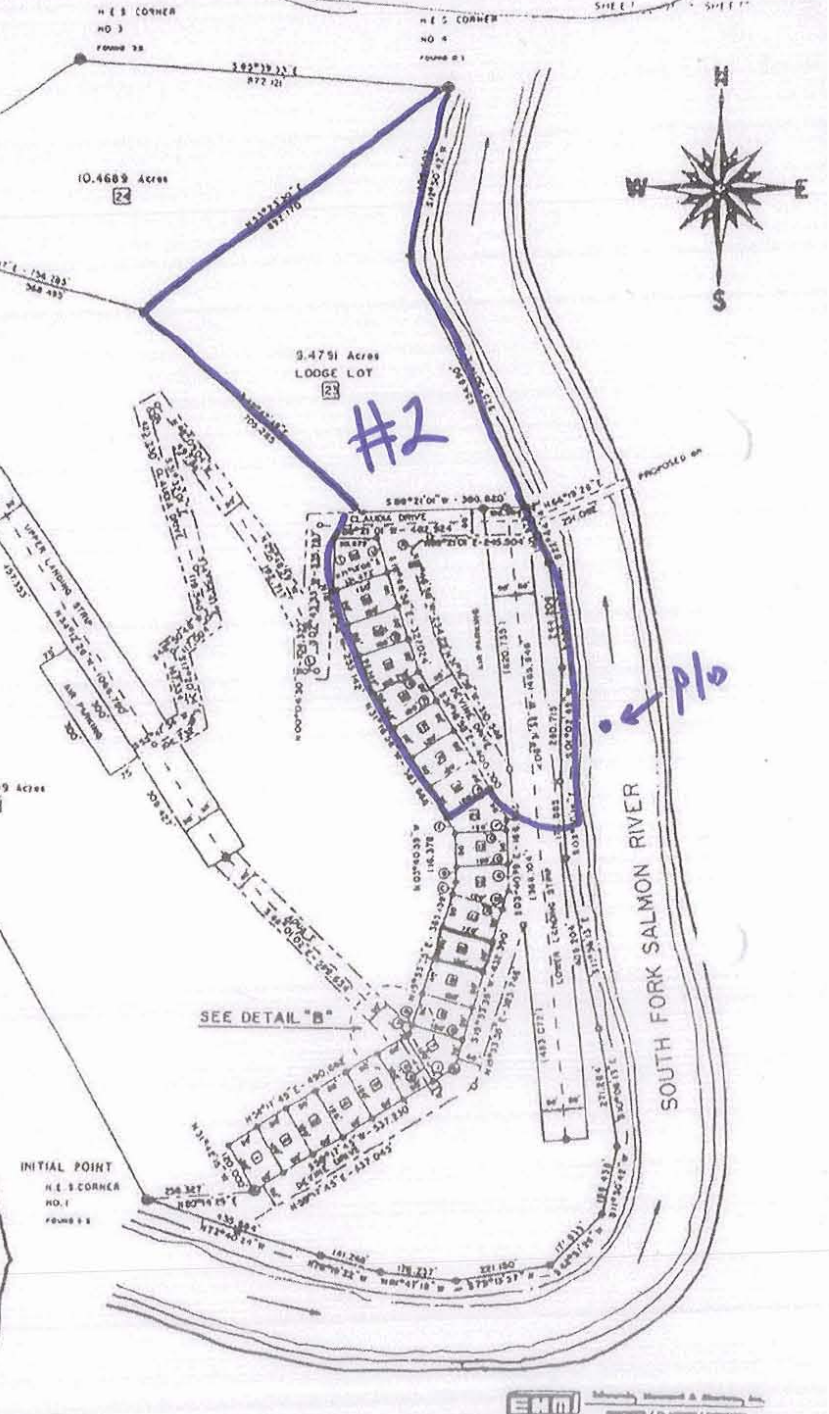
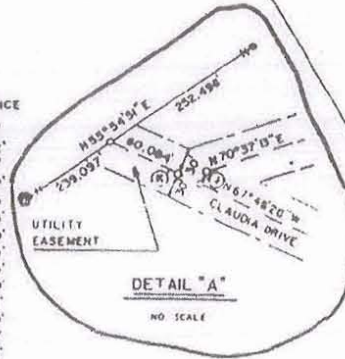
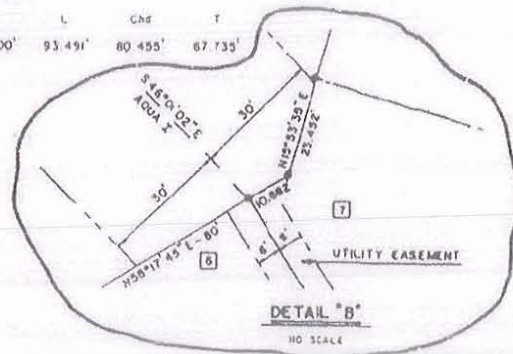
COPENHAVER SUBDIVISION RESTRICTIVE
COVENANTS ARE FILED AS INSTRUMENT
NO 324731

VICINITY MAP

Scale 1" = 1 Mile



○ TANGENT	BEARING	DISTANCE
A	N 58°17'45" E	10.662'
B	N 15°53'35" E	23.492'
C	N 15°53'35" E	21.667'
D	N 03°40'59" W	44.444'
E	N 31°16'58" W	50.516'
F	S 03°40'59" E	29.475'
G	S 03°40'59" E	57.080'
H	S 15°53'35" W	42.390'
I	S 58°17'45" W	57.230'
J	N 23°04'00" E	20.000'
K	N 57°48'28" W	60.084'
L	N 85°34'03" W	20.000'
M	S 50°42'56" W	20.000'
N	S 74°06'25" E	120.000'
O	N 86°19'01" E	120.000'
P	S 58°43'02" W	120.000'
Q	S 64°58'02" W	120.718'
R	S 71°13'02" W	120.000'
S	N 31°42'13" W	120.000'
T	S 02°43'33" W	122.249'
U	S 18°46'58" E	87.024'
○ CURVE	A	B
A	107°07'59"	50.000'



Water Appropriation Rules 40.05.c through 40.5.g

Response:

40.5.ci

The South Fork of the Salmon River, the diversion source, has in excess of five existing users.

40.5.cii

The diversion source is surface water.

40.5.ciii

There will be little or no impact on existing water rights. This system will replace several existing and future water rights for domestic use for this area. The infiltration gallery, to be placed under the cobble, will have no impact on stream flows, have no impact on fish, wildlife, or sedimentation rates and will be a vast improvement over the currently permitted systems allowing surface diversions through pipes and hoses.

40.5.di

The water system will supply the domestic use for nine homes and the irrigation of 5.0 acres of Lot 25 for a fire buffer. This will be a year around system with no irrigation needs from Nov 1 to April 1. The total diversion rate will be 0.2cfs and a total maximum diversion volume of 20.4 af.

40.5.dii

Abundant water is available from the South Fork of the Salmon River.

40.5.ei

None needed. Distribution system to be placed on Lot 25 of the Copenhaver subdivision in the existing utility easements.

40.5.eii

Infiltration gallery to be permitted by the Army Corps of Engineers. This permit cannot be issued prior to the application for this water right.

40.5.f

This project will require an expenditure of \$4950.

40.5g

Included is comment from Idaho D.E.Q. Comment from Idaho F&G has been requested and their response will be forwarded to Water Resources by them.

77-14328

Dr Howard

From: Allen,Dale [dale.allen@idfg.idaho.gov]
Sent: Thursday, August 27, 2009 1:57 PM
To: steven.lester@idwr.idaho.gov
Cc: sasecesh@citlink.net; dental@fiberpipe.net
Subject: Copenhaver water user association comments

Steve

I have reviewed plans for water intake galleries for the consolidation of water intakes of the Copenhaver subdivision on the SFSR near the mouth. Per discussions with Scott Acker of Secesh Engineering we have no fish and wildlife concerns on this project given that construction takes place at low water.

Dale Allen
Regional Fishery Manager
555 Deinhard Lane
McCall, ID 83638
208-634-8137
dallen@idfg.idaho.gov

77-14328
IDFG comments

8/27/2009

Dr Howard

From: Leslie.Freeman@deq.idaho.gov
Sent: Tuesday, August 04, 2009 6:02 PM
To: steven.lester@deq.idaho.gov
Cc: dental@fiberpipe.net
Subject: DEQ consultation

Dear Steve,

Dr. Howard contacted me yesterday regarding the application(s) he is putting together for Copenhaver Water User Association #1 and #2A. He discussed in detail the development of 2 separate water systems for groups of 9 homes. DEQ does not have any concerns regarding this application. Of course, we encourage causing the least disturbance possible in the river to minimize sedimentation.

Leslie Freeman
Senior Water Quality Analyst
DEQ-McCall Satellite Office
PO Box 4654
McCall ID 83638
(208) 634-4900

77-14328
IDEQ comments

8/5/2009

ARTICLES OF ASSOCIATION OF THE COPENHAVER WATER USERS ASSOCIATION #2, INC.

KNOWN ALL MEN BY THESE PRESENTS: That the undersigned, each being a natural person of full age, have voluntarily and do hereby associate ourselves together for the purpose of forming a non-profit association governed by the laws of the State of Idaho, Idaho Code, Title 53, Chapter Seven, of the Uniform Unincorporated Nonprofit Association Act. We do hereby certify, declare and adopt the following Articles of Association.

ARTICLE I

The name of the association is:

COPENHAVER WATER USERS ASSOCIATION #2, INC.

ARTICLE II

The period of existence and the life of this Association shall be perpetual.

ARTICLE III

This Association shall be a non-profit membership association.

ARTICLE IV

The location and address of the registered office of this association shall be:

944 Strawberry
McCall, Idaho 83638

ARTICLE V

A. The matter of business and the object and purpose of this Association shall be as follows:

1. To own, operate, maintain and manage a water collection, storage and distribution system from the South Fork of the Salmon River.
2. To provide water for irrigation of that portion of Lot 25 designated as the north one half of the lower runway as defined on plat S-397, instrument # 324730, dated January 28, 1986. This would also include the portion of lot 25 between the runway and lots 15-23. The total irrigated area being approximately 5 acres.

77-14328

3. To establish a set of rules to administer and operate an efficient and fair water system for the domestic use of the owners or occupants of Lots 15-23 of the Copenhaver Ranch Subdivision.
 4. Copenhaver Water Users Association #2 (CWUA#2) has the right to terminate water service for the non-payment of dues, fees and assessments.
 5. Base water rate for water is considered an assessment by CWUA#2 for each lot owned and serviced.
 6. The CWUA #2 Board of Members may at any time limit the amount of water used by water users.
- B. In pursuit of the forgoing, to exercise and engage such additional authority as is provided under Chapter 7 of Title 53, Idaho Code and at common law.

ARTICLE VI

JOINING THE ASSOCIATION

- A. There shall be one member in the Association for each of the Lots 15-23 of the Copenhaver Ranch Subdivision. The members of the Association must be and remain owners of the lot(s) served by this water system to exercise their membership rights. If title to a lot(s) is held by more than one person, the membership relating to that lot(s) shall be shared by all such persons in the same proportionate interest and the same type tenancy in which the title to the property is held; provided, however, they should designate who among their collective ownership is designated to cast their single vote; a purchaser under a title retaining contract is as deemed as owner. Voting rights may also be exercised by absentee ballot or written proxy for a particular meeting.
- B. No person or entity other than an owner may be a member of the Association. A member shall not assign or transfer his Membership right except in connection with the transfer or sale of a lot; provided however, the rights of membership may be conditionally assigned in conjunction with the grant of a lien or security interest, by owner in such lot. Membership in the Association is declared to be appurtenant to the title of the lot upon which such membership is based and automatically shall pass with the sale or transfer of title.
- C. Members shall be entitled to one vote per lot serviced.
- D. The Association may suspend any owners voting rights in the Association during any period or periods during which owners fail to comply with these Articles, Bylaws or any other action adopted by the Association, or with any other obligations of such owner under the covenants.

ARTICLE VII

The Bylaws of this Association shall be adopted by the membership and therefore altered, amended, or new Bylaws adopted by any regular or special meeting called for that purpose by an affirmative vote of a simple majority.

ARTICLE VIII

The rights, responsibilities, duties and obligations of the officers, employees or agents of the association and the members thereof, including the liability of the members for the payment of assessments, if any, shall be as set forth in the Bylaws.

ARTICLE IX

The business and affairs of the Association shall be managed and controlled by a Board of Members, save as expressly provided in these Articles.

ARTICLE X

The names and post office address of the initial directors and incorporators:

Scott Acker	Brian M Howard
944 Strawberry	2607 S Sienna Dr
McCall, Idaho 83638	Nampa, Idaho 83686

ARTICLE XI

The address of its initial registered office and the name of its initial registered agent at such address are as follows:

Scott Acker
944 Strawberry
McCall, Idaho 83638

BYLAWS OF COPENHAVER WATER USERS ASSOCIATION #2, INC.

ARTICLE I

MEMBERSHIP

SECTION 1 There shall be one membership in the Association for each of the lots 15-23 serviced. The members of the Association must be and remain owners of the lot(s) served by this water system to exercise their membership rights. If title to a lot(s) is held by more than one person, the membership relating to that lot(s) shall be shared by all persons in the same proportionate interest and the same type of tenancy in which the title to the property is held; provided, however, they should designate who among their collective ownerships is authorized to cast their single vote; a purchaser under a title retaining contract is as deemed as owner. Voting rights may be exercised by absentee ballot or written proxy for a particular meeting.

SECTION 2 No person or entity other than the owner may be a member of the Association. A member shall not assign or transfer his Membership right except in connection with the transfer or sale of a lot; provided, however, the rights of membership may be conditionally assigned in conjunction with the grant of a lien or security interest by the owner of such lot. Membership in the Association is declared appurtenant to the title of the lot upon which such membership is based and shall pass automatically with the sale or transfer of title.

SECTION 3 Members are entitled to one vote.

SECTION 4 The Association may suspend any owner's voting right in the Association during any period or periods during which such owner fails to comply with these Bylaws, Articles, or any other action adopted by the Association, or with any other obligations of such owner under the covenants.

ARTICLE II

MEETINGS

SECTION 1 Regular meetings shall be held annually in McCall, Idaho and be scheduled to immediately follow the Regular Meeting of the Copenhaver Homeowners Association. This meeting shall be designated the Annual Meeting.

SECTION 2 Special meetings of the membership may be called upon petition of at least a majority of the membership. Written notice of a Special Meeting, stating the place, day, hour and purpose of such meeting shall be mailed to the members not less than ten (10) days prior to such meeting. No written notice of the Annual Meeting is required.

SECTION 3 The Presence, in person or by proxy, or by absentee ballot, of a simple majority of the members shall constitute a quorum.

ARTICLE III

BOARD OF MEMBERS

SECTION 1 The business and affairs of the Association shall be managed by the Board.

SECTION 2 The Board of Members shall be made up of the full membership, namely each person holding a voting right.

SECTION 3 The Board of Members shall, at each annual meeting, elect from their numbers the following officer; Chairperson, Secretary and Treasurer. In addition the members shall elect a Water Master who does not have to be among the Board of Members. The offices of Secretary and Treasurer may also be held by a direct blood descendant of their spouses of any of the Board of Members who are successor in title of that member, namely the Board of Member's children or their spouses. All officers and the Water Master shall be elected for a term of one (1) year. Elections shall require a simple majority vote of all votes cast. The terms of the officers shall commence upon the adjournment of the Annual Meeting and they shall hold office until the new officers have been elected and assume office. The budget for the next year will also be submitted at the Annual Meeting.

SECTION 4 Meeting of the officers and the Water Master shall be held periodically during the year, at a time and location chosen by them. The officers may authorize expenditures from time to time. Provided they are covered by the previously authorized budget.

SECTION 5 The officers shall provide written notice of agenda items to be voted on at least ten (10) days prior to the Annual Meeting or Special Meetings; included with the notice shall be a proxy form and an absentee ballot for use by non-attending members.

SECTION 6 Approval of noticed items will require a simple majority of the members present plus proxies or absentee ballots returned. New items may be taken up at a meeting with written notice and absentee ballots submitted to non-attending members for their use no later than twenty (20) days following that meeting. This also requires a simple majority approval, as do all other matters submitted to the Board Members.

ARTICLE IV

DUTIES OF THE OFFICERS

SECTION 1 The Chairperson shall preside over all meetings of the Association and shall execute on behalf of the association such documents authorized by the Board of Members.

SECTION 2 The Treasurer shall have custody of all funds of the Association; shall keep a full and accurate account of the receipts and expenditures; and shall make disbursements in accordance with the approved budget, as authorized by the Board. The Treasurer shall present a financial statement at every meeting of the Association and at other times when requested by the Board and shall make a full report at the Annual Meeting. The Treasurer shall be responsible for the maintenance of such books of accounts and records as conform to the requirements of the Bylaws.

SECTION 4 All officers shall deliver to their successors all official material upon their installation.

ARTICLE V

DUTIES OF THE WATER MASTER

SECTION 1 The Water Master shall make an examination of the entire water system including but not limited to the collection, storage, and distribution system. He shall make an estimate as to the cost of the necessary repairs and improvements thereon, and the maintenance for the succeeding season and report these findings to the Board of Members at the Annual Meeting.

SECTION 2 The Water Master shall make periodic examinations of the entire water system to insure its integrity and condition.

SECTION 3 The Water Master shall upon direction of the Board of Members have enforcement authority to terminate the individual supply of water in the event of a violation or non-compliance of the Articles, Bylaws, assessments, or any other agreements adopted by the board of Members.

SECTION 4 For the purpose of inspection, investigation and enforcement of abuse or non-compliance the Water Master shall be allowed on the private lots within the Copenhagen Subdivision owned by the members. The Water Master shall upon the authority of the Board of Members have the authority to terminate the individual water supply for non-compliance of this section.

SECTION 5 The Water Master shall perform and additional duties as directed by the Board of Members.

ARTICLE VI

COMMITTIES

SECTION 1 Each year the Chairperson shall appoint, with the approval of the Board, committees as created and approved by the Board. Length of appointment shall be for one (1) year, unless otherwise specified by the Board.

SECTION 2 Committee Chairpersons shall select from the membership, as many members and/or direct blood descendants and their spouses who are successors in title, namely member's children and their spouses, to serve on the committee as necessary to fulfill the function of the committee.

ARTICLE VII

AMENDMENTS

SECTION 1 These Bylaws may be amended by an affirmative vote of a simple majority, in person, by proxy, or by absentee ballot at an Annual Meeting, provided that written notice of such proposed action has been sent to all members at least ten (10) days prior to the meeting considering the same.