

**STARTING  
LEFT  
SIDE OF  
FILE**

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

NO. 96-09319

Priority: March 13, 2007

Maximum Diversion Rate: 0.66 CFS

This is to certify, that LARRY PEAK  
PO BOX 405  
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> |
|-----------------------|----------------------|--------------------------|
| INDUSTRIAL            | 01/01 to 12/31       | 0.66 CFS                 |

**LOCATION OF POINT OF DIVERSION:**

GROUND WATER SE¼ SW¼ Sec. 25, Twp 57N, Rge 03W, B.M. BONNER County

**PLACE OF USE:** INDUSTRIAL

| 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 03W 25  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2010**.
2. Subject to all prior water rights.
3. Industrial use is for dust abatement and concrete rock production.
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. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20<sup>th</sup> day of June, 20 07.

  
\_\_\_\_\_  
DAVID R. TUTHILL, JR., Director

73480

Ident. No. 96-9319

RECEIVED

APR 18 2007

IDWR/North

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

To appropriate the public waters of the State of Idaho

1. Name of Applicant LARRY PEAK Phone 208-255-6111  
Mailing address P.O. BOX 405 SANDPOINT IDAHO 83864
2. Source of water supply GROUND (WELL) which is a tributary of N/A
3. Location of point of diversion is Township 57 N Range 3 W Sec. 25, in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Govt. Lot N/A, B.M., BONNER County;  
additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 1 CFS for INDUSTRIAL purposes from JAN 1 to DEC 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) 1 CFS 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 N/A
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? 1994; Drilling firm HESTER  
Well was drilled for (well owner) LARRY PEAK; Drilling Permit No. 758950
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. \_\_\_\_\_
  - d. Domestic; show number of households. \_\_\_\_\_
  - e. Other; describe fully. INDUSTRIAL (DUST ABATEMENT AND CONCRETE ROCK PRODUCTION)

3) 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 | 3W  | 25  |    |    |    |    |    |    |    |    |    |    |    | 1  |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? LARRY AND PATRICIA PEAK  
 b. Who owns the land to be irrigated or place of use? LARRY AND PATRICIA PEAK  
 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: PRODUCE CONCRETE ROCK  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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.

Larry Peak  
 Signature of Applicant (and title, if applicable)  
 LARRY PEAK

Received by [Signature] Date 4/18/07 Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 250.00 Received by Dianna # NOI 0189 Date 4/19/07  
 Publication prepared by [Signature] Date 4/25/07 Published in Boyer C. Paul/Bur 513 + 10/07  
 Publication approved [Signature] Date 5/13/07

# 96-9319



-  Bonner taxlots
-  GCDB57N03W GCDB
-  GCDB57N02W GCDB
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



Pit

25

2400

avel

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RN

2182

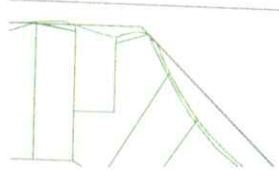
Gravel  
Pit

2

R

INTERNATIONAL

36

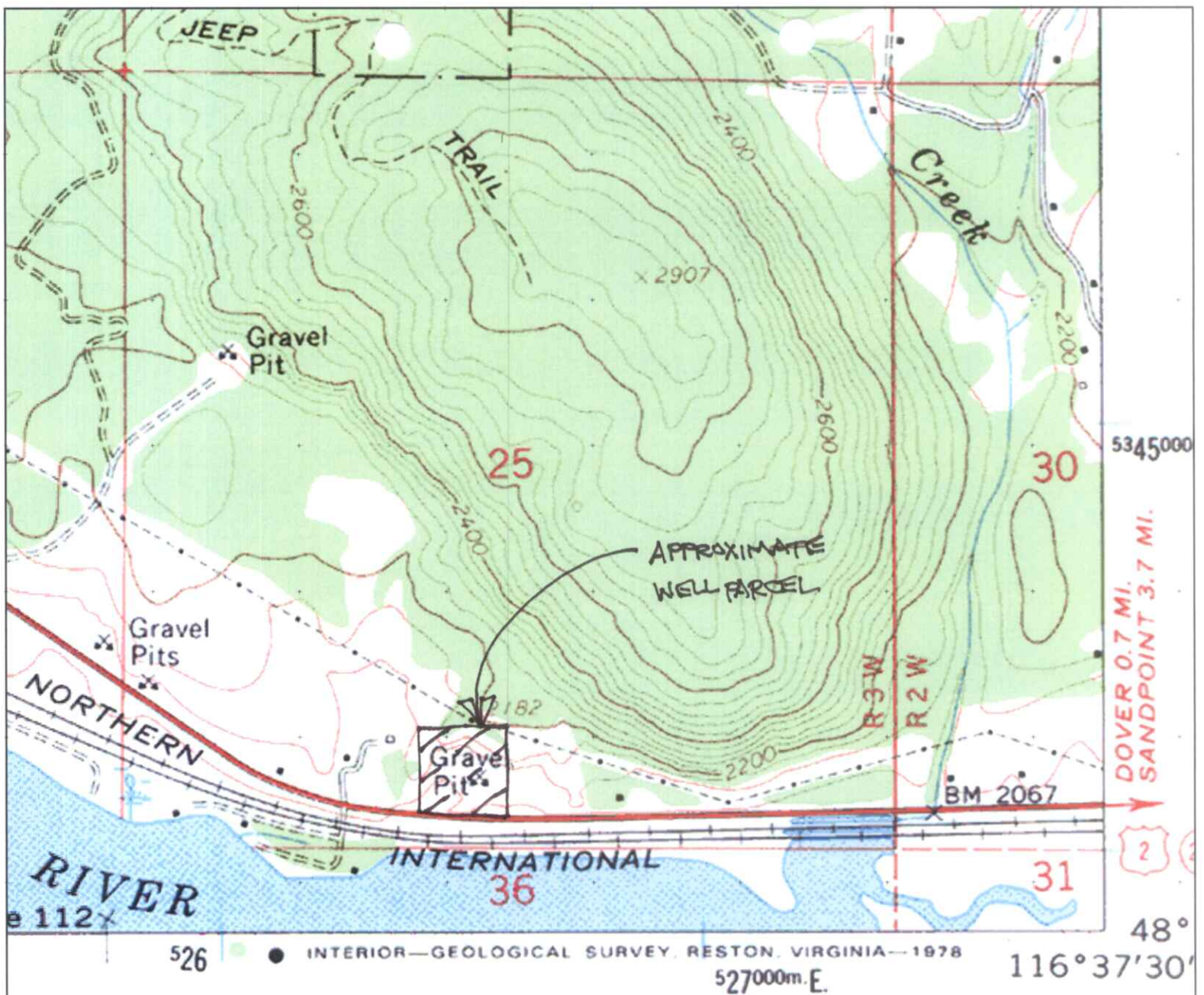




W... APPROX. WELL SITE

1" = 800'

PT. 800'



### ROAD CLASSIFICATION

Primary highway, all weather,  
hard surface —————

Light-duty road, all weather,  
improved surface —————

Unimproved road, fair or dry  
weather - - - - -



U. S. Route



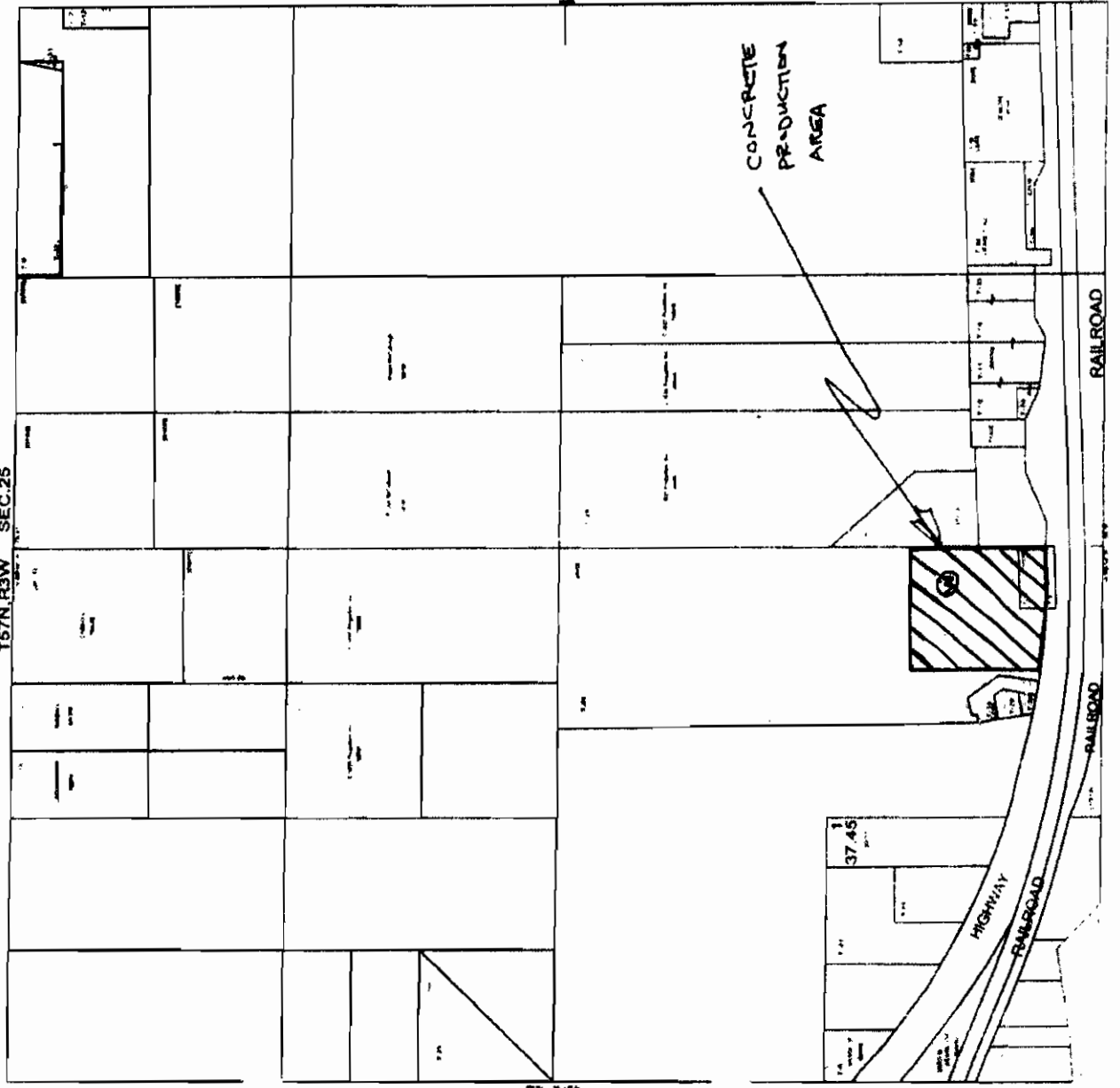
State Route

1" : 1000'

## HAPPY FORK GAP, IDAHO

N4815—W11637.5/7.5

T57N R3W SEC. 25



W... APPROX WELL SITE

1" = 800'

0 500 1000  
FT.



**NOW  
STARTING  
RIGHT  
SIDE OF  
FILE**



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098  
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

June 20, 2007

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

LARRY PEAK  
PO BOX 405  
SANDPOINT ID 83864

RE: Permit No. 96-9319

**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.

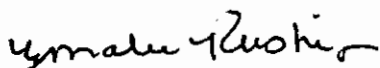
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,



for Shelley W. Keen, Manager  
Water Right Permits Section

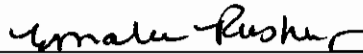
Enclosure(s)

**CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person listed below:

**RE: WATER RIGHT NO.                      96-9319**

**LARRY PEAK  
PO BOX 405  
SANDPOINT ID 83864**

A handwritten signature in cursive script, reading "Emalee Rushing", is positioned above a horizontal line.

**Emalee Rushing  
Technical Records Specialist**

## **Statement of Available Procedures and Applicable Time Limits**

### **RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES** (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 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.

## MEMORANDUM

**Date:** June 19, 2007  
**To:** Water Right File 96-9319  
**From:** eretelle  
**Re:** permit review

---

No WD or moratorium

Permit issued for 0.66 cfs (rather than 1 cfs) based on attached e-mail calculations/narrative from the consultant.

No overlaps  
No protests

Recommend approval 0.66 cfs

**Retelle, Erin**

---

**From:** Marty Taylor [mtaylor@jasewell.com]  
**Sent:** Wednesday, June 13, 2007 3:00 PM  
**To:** Retelle, Erin  
**Cc:** Corky Witherwax (E-mail); Larry Peak (E-mail)  
**Subject:** RE: Water Right 96-9319 (Peak)

Thanks for your diligence and suggestions, Erin.

I was instructed by the Coeur d'Alene IDWR office to make application for 1 cfs, in as much as this would cover anticipated demands, and that we had three years in which to "prove up." If, after three years, we in fact used less than 1 cfs, at that time the appropriation would be corrected. Hence, I was never informed that we had to dial this in right down to the exact cfs upon making the original application.

To clarify, the 0.5 cfs for tanker truck refill to provide dust abatement is in addition to the 0.16 cfs needed to operate the concrete plant. Hence, the anticipated cfs is 0.66.

Marty

Martin E. Taylor, AICP  
Land Use Planning, Design and Entitlements  
Member -- *American Institute of Certified Planners*

James A. Sewell & Associates, LLC  
Consulting Engineers, Surveyors and Land Use Planners  
1205 Highway 2, Suite 101  
Sandpoint, Idaho 83864  
Office: 208-263-4160  
Fax: 208-263-5229  
Cell: 208-610-0465

-----Original Message-----

**From:** Retelle, Erin [mailto:Erin.Retelle@idwr.idaho.gov]  
**Sent:** Wednesday, June 13, 2007 1:46 PM  
**To:** Marty Taylor  
**Subject:** RE: Water Right 96-9319 (Peak)

Marty,

It looks like with this information, we can only justify permitting 0.5 cfs. If you have further information that justifies a higher rate (such as the need to fill multiple trucks at once, requirements for the cement mixing equipment, sprinklers on the property, etc.), please provide it. If not, I'll go ahead with the 0.5 cfs for the permit.

Thanks again,  
Erin

-----Original Message-----

**From:** Marty Taylor [mailto:mtaylor@jasewell.com]  
**Sent:** Wednesday, June 13, 2007 12:34 PM  
**To:** Retelle, Erin  
**Cc:** Larry Peak (E-mail); Corky Witherwax (E-mail)  
**Subject:** RE: Water Right 96-9319 (Peak)

Hi Erin:

200 gpm may be needed on demand to fill a truck at 3500 gallons, at about 17.5 minutes to fill the truck. Rounding up, this equates to about 0.5 cfs.

Does this help you out?

Thanks.  
Marty

Martin E. Taylor, AICP  
Land Use Planning, Design and Entitlements  
Member – *American Institute of Certified Planners*

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1205 Highway 2, Suite 101  
Sandpoint, Idaho 83864  
Office: 208-263-4160  
Fax: 208-263-5229  
Cell: 208-610-0465

-----Original Message-----

**From:** Retelle, Erin [mailto:Erin.Retelle@idwr.idaho.gov]  
**Sent:** Wednesday, June 13, 2007 11:16 AM  
**To:** Marty Taylor  
**Subject:** RE: Water Right 96-9319 (Peak)

Marty,

This analysis justifies an average flow rate of 0.21 cfs over 12 hours (based on daily volume). Do you have any more information about the rate at which the water will need to be used? For instance, how quickly will the trucks be filled, or what rate is required for the equipment in the concrete mixing plant? Based on this analysis, we could only approve 0.21 cfs.

Thanks,  
Erin

-----  
Erin Retelle  
Senior Water Resource Agent

phone: (208) 287-4949  
fax: (208) 287-6700

-----Original Message-----

**From:** Marty Taylor [mailto:mtaylor@jasewell.com]  
**Sent:** Wednesday, June 13, 2007 11:21 AM  
**To:** Retelle, Erin  
**Cc:** Corky Witherwax (E-mail); Larry Peak (E-mail)  
**Subject:** Water Right 96-9319 (Peak)

Erin:

Pursuant to your request today, following is the analysis of the request to appropriate up to 1 cfs of ground water for use in concrete production and associated dust abatement:

Three water trucks/day at 3,500 gallons per truck = 10,500 gpd.

1500 yards cubic yards/day of concrete production @ 35 gallons/cubic yard = 52,500 gallons per day.  
10,500 + 52,500 = 63,000 gpd.  
63,000 gpd ÷ 720 minutes = 87.5 gallons per minute per 12 hour day.  
0.2 cfs = 89.76 gpm. To be prudent, we request the 0.21 to 1.00 cfs.  
Please advise if this analysis is satisfactory.

Thanks.

Marty

Martin E. Taylor, AICP  
Land Use Planning, Design and Entitlements  
Member -- *American Institute of Certified Planners*

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Cell: 208-610-0465



RECEIVED  
MAY 14 2007  
IDWR/North

**LEGAL NOTICE**

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

96-9319

LARRY PEAK

PO BOX 405

SANDPOINT ID 83864

Point(s) of Diversion SESW S25 T57N R03W BONNER County

Source GROUND WATER

Use: INDUSTRIAL 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 03/13/2007

Place Of Use: INDUSTRIAL

T57N R03W S25 SESW

Remark: Industrial use is for dust abatement and concrete rock production.

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, 7600 Miner Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 05/21/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Legal SNP# 8639

May 3, 10, 2007

*See reverse for  
permit publication*

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

**96-9319**

LARRY PEAK  
PO BOX 405  
SANDPOINT ID 83864

Point(s) of Diversion SESW S25 T57N R03W BONNER County

Source GROUND WATER

Use: INDUSTRIAL 01/01 To 12/31 1 CFS

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DAVID R. TUTHILL, JR., Director ~ Published May 3 & 10, 2007



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

---

C.L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR  
Director

*Please FAX proof copy before this goes to press, to 762-2819  
Thanks, Dianne*

April 25, 2007

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

RE: Application for Permit No. 96-9319

**Dear Sheri:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, May 3 & 10, 2007, (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 05/21/2007. Your cooperation is, as always, GREATLY appreciated.

Thanks for all your wonderful help, and have a great day.

Sincerely

*Dianne*

Dianne Ball  
Administrative Assistant

**Ball, Dianne**

---

**From:** Ball, Dianne  
**Sent:** Wednesday, April 25, 2007 11:56 AM  
**To:** Legal Notices-Bonner Co Daily Bee (E-mail)  
**Subject:** Legal notice for publication May 3 & 10, 2997

Good afternoon, Sheri,

Attached is our cover letter requesting publication of a legal notice on May 3 & 10, 2007. The legal notice is also attached.

Please fax a proof before this goes to press, to 762-2819.

If you have ANY questions, please call me at 762-2800.

Thanks for all your good work, and have a simply marvelous day.

*Dianne*

*Dianne Ball  
Administrative Assistant  
Idaho Dept of Water Resources  
7600 Mineral Drive Suite 100  
Coeur d'Alene, ID 83815  
Phone (208)762-2800 FAX (208)762-2819*



CoverLetter  
4-25-07 BCDB e-ma.



LegalNotice  
4-25-07 BCDB e-ma.



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

**NORTHERN REGION**

**C. L. "BUTCH" OTTER**  
Governor

**DAVID R. TUTHILL, JR.**  
Interim Director

April 25, 2007

LARRY PEAK  
PO BOX 405  
SANDPOINT ID 83864

RE: Application for Permit No 96-9319

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 May 3 & 10, 2007. 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,

Keith E. Franklin  
Senior Water Resource Agent

Enclosure(s) – Receipt No. N018189

# JAMES A. SEWELL & ASSOCIATES, LLC

Consulting Engineers, Land Surveyors & Land Use Planners

## Newport

600 4th Street West  
Newport, Washington 99156  
(509) 447-3626 (208)437-2641  
(509) 447-2112 Fax

## Sandpoint

1205 West Highway 2, Suite 101  
Sandpoint, Idaho 83864  
(208)263-4160  
(208)263-5229 Fax

## Spokane

9 South Washington, Suite 708  
Spokane, Washington 99201  
(509) 747-5794  
Fax (509) 747-5798

\*Civil Engineering \*Electrical Engineering \*Land Surveying \*Building Inspection \* Land Use Planning

April 16, 2007

Keith E. Franklin, Senior Water Resources Agent  
Idaho Department of Water Resources - Northern Region  
7600 Mineral Drive, Suite 100  
Coeur d'Alene, Idaho 83815

RECEIVED  
APR 18 2007  
IDWR/North

SUBJECT: *Revised* Interstate Concrete and Asphalt Water Rights Application

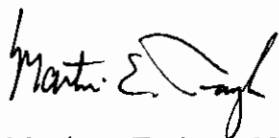
Dear Keith:

Enclosed please find the referenced *revised* application requesting to appropriate groundwater intended to serve a quarry site for the purposes of dust abatement and concrete production. Pursuant to our March 15, 2007, discussion, the application has been revised for "industrial" purposes. As ← the project representative, please forward all correspondence to my attention at the Sandpoint office noted above.

I appreciate your assistance.

Sincerely,

**JAMES A. SEWELL & ASSOCIATES**



Martin E. Taylor, AICP  
Land Use Planning, Design and Entitlements  
Member -- *American Institute of Certified Planners*

Enclosures: *Revised* Application for Permit

73420

Ident. No. 96-9319

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

RECEIVED  
MAR 13 2007  
IDWR/North

1. Name of Applicant INTERSTATE CONCRETE AND ASPHALT Phone 208-765-1144  
Mailing address W. 845 KATHLEEN AVE., COEUR D'ALENE, ID 83815
2. Source of water supply GROUNDWATER which is a tributary of N/A
3. Location of point of diversion is Township 57 N Range 3 W Sec. 25 in the SE  $\frac{1}{4}$ ,  
SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Govt. Lot N/A, B.M., BONNER County;  
additional points of diversion if any: N/A
4. Water will be used for the following purposes:  
Amount 1 cfs for Industrial purposes from JAN 1 to DEC 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) 1 cfs 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 N/A  
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total  
reservoir capacity N/A acre-feet  
c. Proposed well diameter is 8 inches; proposed depth of well is 300 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 \_\_\_\_\_;  
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. \_\_\_\_\_  
d. Domestic; show number of households. \_\_\_\_\_  
e. Other; describe fully. Industrial (DUST ABATEMENT AND CONCRETE PRODUCTION)

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.

[illegible]

10. Describe any other water rights used for the same purposes as described above NA

- 11 a. Who owns the property at the point of diversion? PATRICIA AND LARRY PEAK  
 b. Who owns the land to be irrigated or place of use? PATRICIA AND LARRY PEAK  
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: INTERSTATE HAS A USE AGREEMENT WITH PEAK SAND AND GRAVEL TO  
 12 Remarks: PRODUCE CONCRETE ON PEAK'S PROPERTY.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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]*  
Signature of Applicant (and title, if applicable)  
**CURRY WITHERWAX ENVIRONMENTAL MGR.**

Received by *[Signature]* Date **3/13/07** Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
Fee \$ **250.00** Received by *[Signature]* # **N018189** Date **3/13/07**

Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_

# JAMES A. SEWELL & ASSOCIATES, LLC

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Fax (509) 747-5798

\*Civil Engineering \*Electrical Engineering \*Land Surveying \*Building Inspection \* Land Use Planning

March 8, 2007

Keith E. Franklin, Senior Water Resources Agent  
Idaho Department of Water Resources - Northern Region  
7600 Mineral Drive, Suite 100  
Coeur d'Alene, Idaho 83815

RECEIVED  
MAR 13 2007  
IDWR/North

SUBJECT: Interstate Concrete and Asphalt Water Rights Application

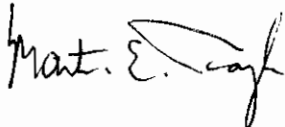
Dear Keith:

Enclosed please find the referenced application requesting to appropriate groundwater intended to serve a quarry site for the purposes of dust abatement and concrete production. Pursuant to our discussion, the application is for "commercial" purposes. As the project representative, please forward all correspondence to my attention at the Sandpoint office noted above.

I appreciate your assistance.

Sincerely,

**JAMES A. SEWELL & ASSOCIATES**



Martin E. Taylor, AICP  
Land Use Planning, Design and Entitlements  
Member -- *American Institute of Certified Planners*

Enclosures: Application for Permit  
\$250.00 filing fee

| No. <b>C 53565</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Due no later than Jun 30, 2006</b><br><b>Annual Report Form</b>                                                                                         |                               | 2. Registered Agent and Address<br><b>(NO PO BOX)</b>                                                     |             |         |                      |      |       |         |     |           |                 |                               |         |    |     |       |           |                      |                               |         |    |     |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------|-------------|---------|----------------------|------|-------|---------|-----|-----------|-----------------|-------------------------------|---------|----|-----|-------|-----------|----------------------|-------------------------------|---------|----|-----|-------|
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1. Mailing Address: Correct in this box if needed.<br>INTERSTATE CONCRETE AND ASPHALT COMPANY<br>375 NORTHRIDGE RD # 350<br>ATLANTA GA 30350               |                               | CT CORPORATION SYSTEM<br>300 N 6TH ST<br>BOISE ID 83702<br><br>3. <u>New</u> Registered Agent Signature:* |             |         |                      |      |       |         |     |           |                 |                               |         |    |     |       |           |                      |                               |         |    |     |       |
| 4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Zip</th> </tr> </thead> <tbody> <tr> <td>SECRETARY</td> <td>GARY P. HICKMAN</td> <td>375 NORTHRIDGE ROAD SUITE 350</td> <td>ATLANTA</td> <td>GA</td> <td>USA</td> <td>30350</td> </tr> <tr> <td>PRESIDENT</td> <td>C. PATRICK MCFARLANE</td> <td>375 NORTHRIDGE ROAD SUITE 350</td> <td>ATLANTA</td> <td>GA</td> <td>USA</td> <td>30350</td> </tr> </tbody> </table> |                                                                                                                                                            |                               |                                                                                                           | Office Held | Name    | Street or PO Address | City | State | Country | Zip | SECRETARY | GARY P. HICKMAN | 375 NORTHRIDGE ROAD SUITE 350 | ATLANTA | GA | USA | 30350 | PRESIDENT | C. PATRICK MCFARLANE | 375 NORTHRIDGE ROAD SUITE 350 | ATLANTA | GA | USA | 30350 |
| Office Held                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Name                                                                                                                                                       | Street or PO Address          | City                                                                                                      | State       | Country | Zip                  |      |       |         |     |           |                 |                               |         |    |     |       |           |                      |                               |         |    |     |       |
| SECRETARY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | GARY P. HICKMAN                                                                                                                                            | 375 NORTHRIDGE ROAD SUITE 350 | ATLANTA                                                                                                   | GA          | USA     | 30350                |      |       |         |     |           |                 |                               |         |    |     |       |           |                      |                               |         |    |     |       |
| PRESIDENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | C. PATRICK MCFARLANE                                                                                                                                       | 375 NORTHRIDGE ROAD SUITE 350 | ATLANTA                                                                                                   | GA          | USA     | 30350                |      |       |         |     |           |                 |                               |         |    |     |       |           |                      |                               |         |    |     |       |
| 5. Organized Under the Laws of:<br><br><b>IDAHO</b><br><b>C 53565</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 6. Annual Report must be signed.*<br>Signature: Gary P. Hickman<br>Name (type or print): Gary P. Hickman<br><br>Date: 06/09/2006<br>Title: Asst. Secretary |                               |                                                                                                           |             |         |                      |      |       |         |     |           |                 |                               |         |    |     |       |           |                      |                               |         |    |     |       |
| Processed 06/09/2006                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | *Electronically provided signatures are accepted as original signatures.                                                                                   |                               |                                                                                                           |             |         |                      |      |       |         |     |           |                 |                               |         |    |     |       |           |                      |                               |         |    |     |       |



**Department of State.**

**CERTIFICATE OF AMENDMENT  
OF**

**PEAK PAVING CO., INC.**

I PETE T. CENARRUSA, Secretary of State of the State of Idaho hereby. certify that duplicate originals of Articles of Amendment to the Articles of Incorporation of PEAK PAVING CO., INC. to change name to INTERSTATE CONCRETE AND ASPHALT COMPANY duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law. I issue this Certificate of Amendment to the Articles of Incorporation and attach hereto a duplicate original of the Articles of Amendment.

Dated January 11 19 88



*Pete T. Cenarrusa*  
SECRETARY OF STATE

*Ray J. Clark*  
Corporation Clerk

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STATE OF WASHINGTON )  
                                  : ss.  
County of Spokane     )

On this 8<sup>th</sup> day of January, 1988, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Michael K. Murphy and Paul D. Salisbury, to me known to be the President and Secretary, respectively, of PEAK PAVING CO., INC., Inc., the corporation that executed the foregoing Articles of Amendment of PEAK PAVING CO., INC., and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Karen R. Christy  
Notary Public in and for the State  
of Washington, residing at Spokane  
My Commission Expires: 2/25/88

(S3:P13;ng)

ARTICLES OF AMENDMENT - 2

ARTICLES OF AMENDMENT RECEIVED  
OF SEC OF STATE  
PEAK PAVING CO., INC.

Articles of Amendment to the Articles of Incorporation of  
PEAK PAVING CO., Inc., are herein executed by said corporation,  
pursuant to the provisions of Idaho Code, as follows:

1. The name of the corporation is Peak Paving Co., Inc.
2. The amendment to the Articles of Incorporation of said  
corporation is as follows:

ARTICLE I, dealing with the name of the corporation,  
is amended to read as follows:

ARTICLE I

The name of this corporation shall be INTERSTATE  
CONCRETE AND ASPHALT COMPANY.

3. The date of the adoption of said amendment by the  
directors of said corporation is December 31, 1987.

4. The number of shares outstanding of said corporation is  
93 shares.

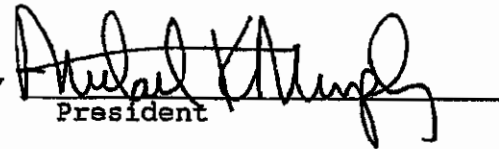
5. The number of shares voted for and against said  
amendment, respectively were as follows:

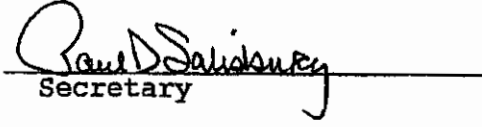
|                    |           |
|--------------------|-----------|
| For Amendment:     | 93 shares |
| Against Amendment: | 0 shares  |

6. The amendment neither provides for a reclassification of  
shares nor does it effect a change in the corporation's stated  
capital.

DATED this 8<sup>th</sup> day of January, 1988.

PEAK PAVING CO., INC.

By   
President

By   
Secretary

ARTICLES OF AMENDMENT - 1

RANDALL & DANSKIN, P.S.  
ATTORNEYS AND COUNSELORS  
1800 SEAFIRST FINANCIAL CENTER  
SPOKANE, WASHINGTON 99201-0653  
(509) 747-8082

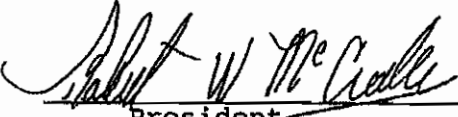
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CONSENT TO USE CORPORATE NAME

ROBERT W. McCRALEY, being the President of INTERSTATE  
CONCRETE AND ASPHALT COMPANY, a Washington corporation authorized  
to transact business in Idaho, and authorized by that corporation  
to execute this Consent on its behalf, does hereby consent to the  
use by PEAK PAVING CO., INC. of the corporate name "INTERSTATE  
CONCRETE AND ASPHALT COMPANY."

INTERSTATE CONCRETE AND ASPHALT COMPANY grants its consent on  
the grounds that it has or will be merged into PEAK PAVING CO.,  
INC. with PEAK PAVING to be the surviving corporation, as a result  
of which there is no danger of confusion of the identity of the  
two corporations.

DATED this 29 day of December, 1987.

  
\_\_\_\_\_  
President

(S3:P13;ng)

CONSENT TO USE CORPORATE NAME - 1

RANDALL & DANSKIN, P.S.  
ATTORNEYS AND COUNSELORS  
1500 SEAFIRST FINANCIAL CENTER  
SPOKANE, WASHINGTON 99201-0853  
(509) 747-2052