

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09356

Priority: August 14, 2006

Maximum Diversion Rate: 0.07 CFS

This is to certify, that ASPEN CREEK WATER ASSOCIATION INC
1100 E LAKESHORE DR STE 301D
COEUR D ALENE ID 83814

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>
MUNICIPAL	01/01 to 12/31	0.07 CFS
STOCKWATER	01/01 to 12/31	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 4, Twp 49N, Rge 04W, B.M. KOOTENAI County

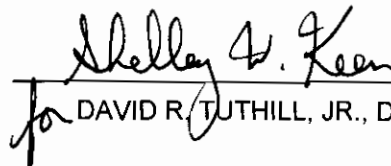
PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
49N 04W 4						X											
						L 4											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 15, 2008**.
2. Subject to all prior water rights.
3. A map depicting the place of use boundary for the municipal portion of this water right at the time of this approval is attached to this document for illustration purposes.
4. Municipal place of use is within the area served by the public water supply system of Aspen Creek Water Association, Inc. The place of use is generally located within Section 4, Township 49N, Range 4W.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Stockwater use is for 40 horses.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of July, 2007.


for DAVID R. TUTHILL, JR., Director

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-09356

Digital Boundary for Aspen Creek Water Association Inc

July 19, 2007



0.3 0 0.3 0.6 Miles



-  Digital Boundary for Aspen Creek Water Association, Inc. 95-9356
-  Township/Range
-  QQ
-  Sections

RECEIVED

OCT 17 2006

FORM 202
12/99

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO

Ident. No. 95-9356
RECEIVED

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

AUG 14 2006

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant Aspen Creek Water Association, Inc. Phone 208-667-7650
Mailing address 1100 E. Lakeshore Drive, Suite 301D, Coeur d'Alene, Idaho 83814

2. Source of water supply Groundwater which is a tributary of N/A

3. Location of point of diversion is Township 49 N Range 4 W Sec. 4, in the NW $\frac{1}{4}$,
NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot 3, B.M., Kootenai County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

0.064 cfs for Municipal purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
0.0015 for Stock Water 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)

5. Total quantity to be appropriated is (a) 0.064 0.07 and/or (b) 19.05
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 Submersible pump in well,
pump to reservoir and distribution system.

b. Height of storage dam 8 feet; active reservoir capacity 30,000 gallons acre-feet; total
reservoir capacity 30,000 gallons acre-feet

c. Proposed well diameter is 8 inches; proposed depth of well is 200 feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? 6/13/03; Drilling firm H2O Well Service;

Well was drilled for (well owner) M. Newell; Drilling Permit No. 803125/ D0028488

7. Time required for completion of works and application of water to proposed beneficial use is 1 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. N/A

b. Stockwatering; list number and kind of livestock. N/A

c. Municipal; show name of municipality. Aspen Creek Water Association, Inc.

d. Domestic; show number of households. 15 homes

e. Other; describe fully. Equestrian center with horse stables for approximately 40 horses

RECEIVED
AUG 18 2006
IDWR/North

9. 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	
49N	4W	4					M	M	M	M									
							S												

Total number of acres to be irrigated _____

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? Aspen Creek Water Association
- b. Who owns the land to be irrigated or place of use? Property owners/stables
- c. If the property is owned by a person other than the applicant, describe the property. N/A

12. Remarks: This application is for an existing subdivision (15 lots) and equestrian center.
The existing water right for this project (IDWR # 95-9180) was issued but
cancelled due to an oversight in the paperwork.

PWS#1280304

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)

Received by cm Date 8-14-06 Time 11:03 am Preliminary check by _____
 Fee \$ 100.00 Receipted by cm # N017817 Date 8-14-06
 Publication prepared by db Date 9/14/06 Published in CDA Perm 9/21 + 28/06
 Publication approved db Date 10/4/06

9. 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	

Total number of acres to be irrigated _____

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

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

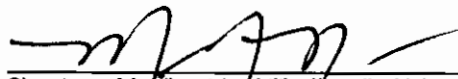
b. Who owns the land to be irrigated or place of use? _____

c. If the property is owned by a person other than the applicant, describe th _____

12. Remarks: _____

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.)

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 of Applicant (and title, if applicable)

Received by CM Date 8-14-06 Time 11:03 am Preliminary check by _____
 Fee \$ 100.00 Received by CM # 1017817 Date 8-14-06
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

95-9356



0.3 0 0.3 0.6 Miles

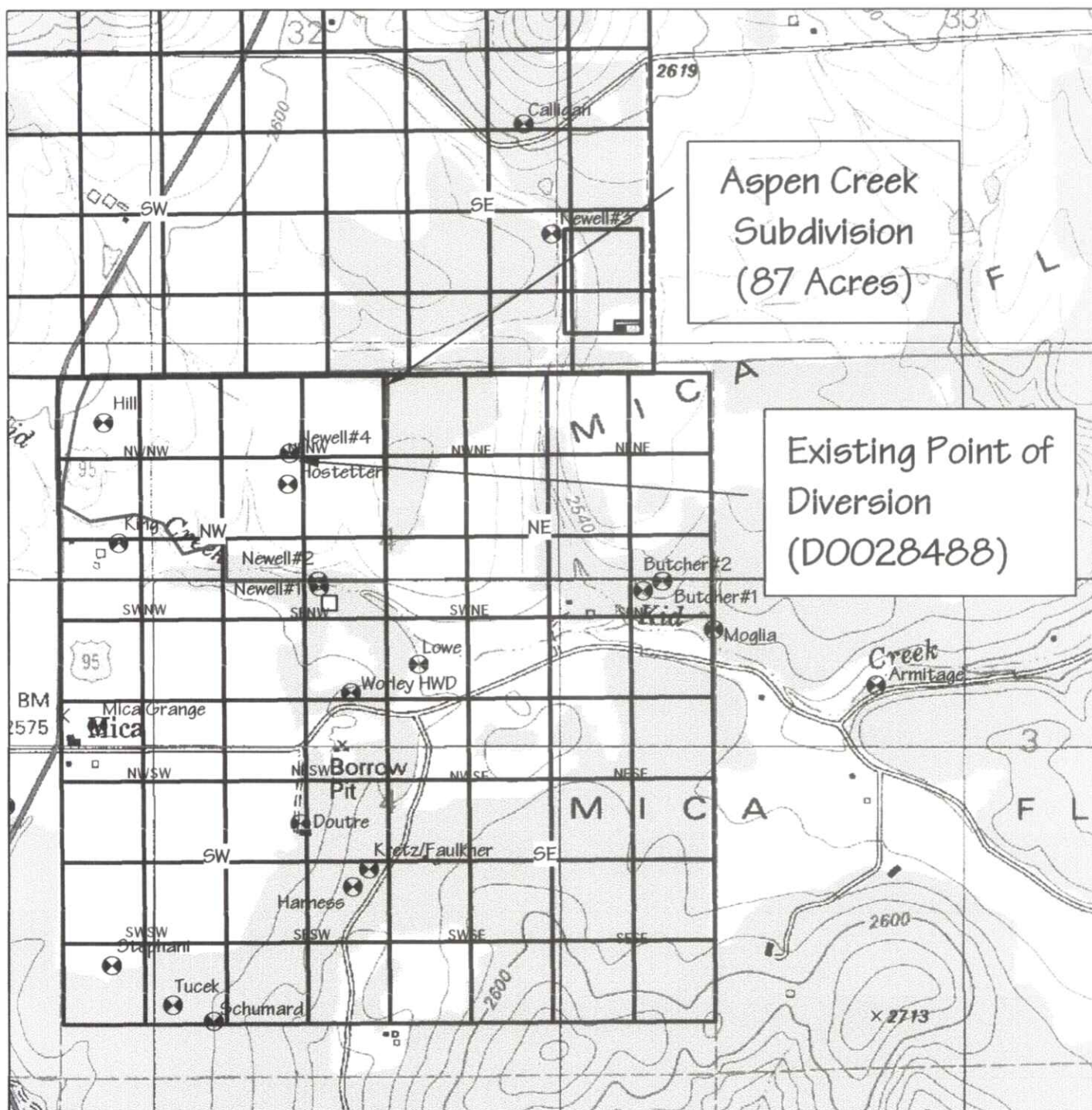
- Kootenai taxlots
- GCDB49N04W GCDB
- Pou.shp
- Pod.shp
- Administrative BasinsAdminbas.shp

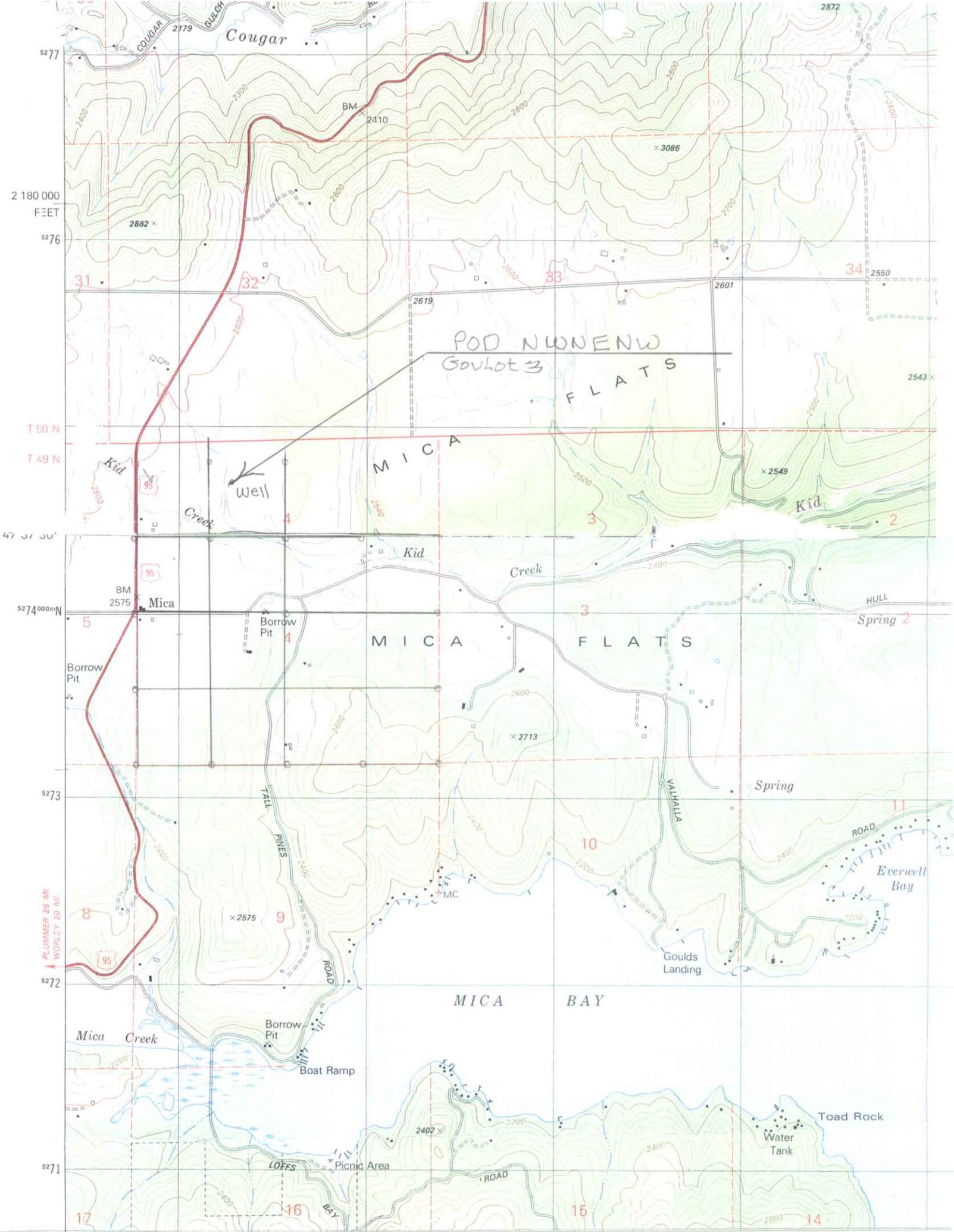


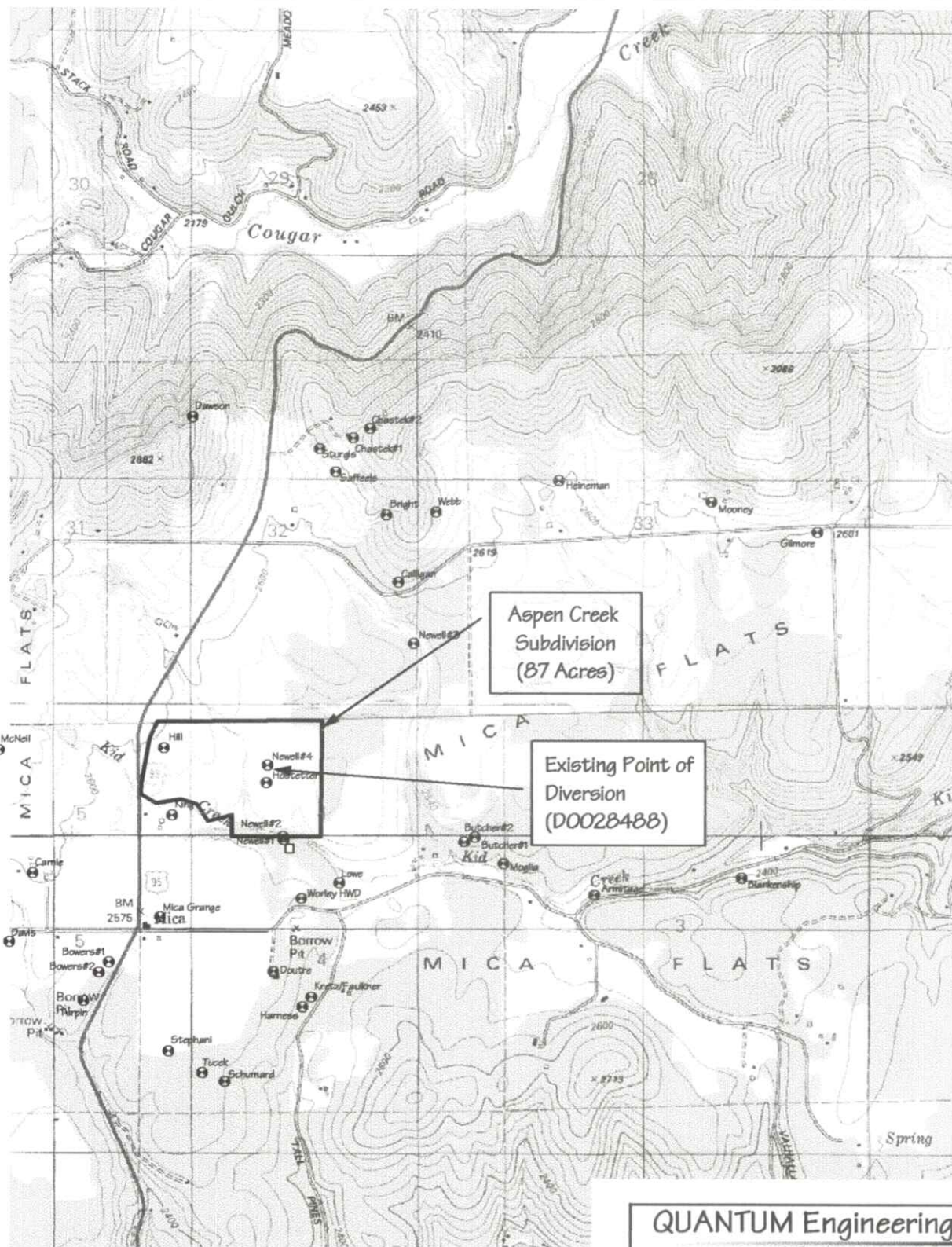


NW NW
Gov. 10 + 4)

NE NW
Gov. 10 + 3







QUANTUM Engineering and Geologic Consulting*

ENGINEER: Jim De Smet
DRAWN BY: Jim De Smet
DATE: 7/3/06
SCALE: 1"=2000'
SHEET NO:

Vicinity Map
Aspen Creek
Ranch at Mica Meadows
Kootenai County, Idaho

**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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

July 27, 2007

ASPEN CREEK WATER ASSOCIATION INC
1100 E LAKESHORE DR STE 301D
COEUR D ALENE ID 83814

RE: Permit No. 95-9356

Permit Approval Notice

Dear Permit Holder:

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

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

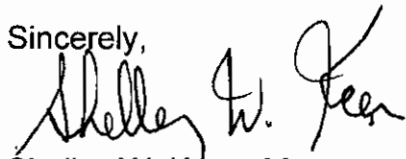
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent part.

Shelley W. Keen, Manager
Water Right Permits Section

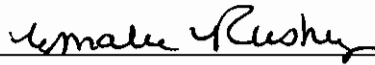
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 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. 95-9356

**ASPEN CREEK WATER ASSOCIATION INC
1100 E LAKESHORE DR STE 301D
COEUR D ALENE ID 83814**

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: July 19, 2007
To: Water Right File 95-9356
From: cpadilla
Re: Permit Review

No WD
No protests
Overlap analysis: None
Permit 95-9357 processed in tandem. There will be two separate systems between this permit and 95-9357.
PSW# 1280304

From: Franklin, Keith
Sent: Tuesday, July 17, 2007 9:17 AM
To: Padilla, Cherie
Subject: RE: Permit 95-9356 and 95-9357

If my memory serves me correctly, at the time of the applications, the intent was for two systems. If it would have been otherwise the applicant would have combined the points of diversions for both rights. If they want to have this as one whole system, I suggest they file to amend the permits by combining the points of diversion. Also, since Aspen Creek Water Association is the holder of both 95-9356 and 95-9357, DEQ would have issued just one PWS number.

Keith.

From: Padilla, Cherie
Sent: Monday, July 16, 2007 1:13 PM
To: Franklin, Keith
Subject: Permit 95-9356 and 95-9357

Cherie Padilla
Water Resource Agent
Water Allocation Bureau
Idaho Department of Water Resources
Phone (208) 287-4944
Fax (208) 287-6700
email: cherie.padilla@idwr.idaho.gov

Can I make
all those young to be
the whole place over
*
to get the complex?
to get the whole school
? UK# enough?

§ HW-11? More Holes

RECEIVED
OCT 04 2006
IDWR/Notary

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai, }
Amy McCre being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county

Legal Notice

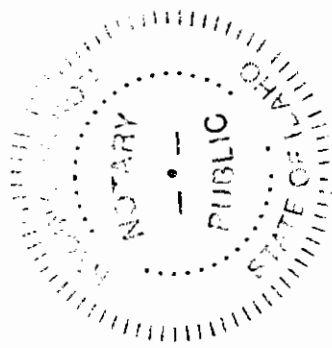
3. The of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 21 day of September 2006, and ending on the 23 day of September 2006, and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 23 day of September in the year of 2006, before me, a Notary Public, personally appeared Amy McCre, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Régina Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 6/18/09



LEGAL NOTICE
The following applications have been filed to appropriate the public waters of the State of Idaho:

95-9856
ASPEN CREEK WATER ASSOCIATION INC
1100 E LAKESHORE DR STE 301D
COEUR D'ALENE ID 83814
Point(s) of Diversion L3 (NWNENW) S4 T49N R04W KOOTENAI County
Source GROUND WATER
Use: STOCKWATER 01/01 To 12/31 0.01 CFS
Use: MUNICIPAL 01/01 To 12/31 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 08/14/2006
Place Of Use: MUNICIPAL
T49N R04W S4 NENW Lot 3 NWNW Lot 4
Place Of Use: STOCKWATER same as MUNICIPAL
Remark: Municipal use is within service area of applicant.
Stockwater use is for stable for approximately 40 horses

95-9857
ASPEN CREEK WATER ASSOCIATION INC
1100 E LAKESHORE DR STE 301B
COEUR D'ALENE ID 83814
Point(s) of Diversion NESENW S4 T49N R04W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.24 CFS
Total Diversion: 0.24 CFS
Date Filed: 08/14/2006
Place Of Use: MUNICIPAL
Remark: Municipal use is within service area of applicant.
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, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/09/2006.
The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director
Legal 9905
September 21, 28, 2006

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

95-9356

ASPEN CREEK WATER ASSOCIATION INC

1100 E LAKESHORE DR STE 301D

COEUR D'ALENE ID 83814

Point(s) of Diversion L3 (NWNENW) S4 T49N R04W KOOTENAI County

Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 0.01 CFS

Use: MUNICIPAL 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 08/14/2006

Place Of Use: MUNICIPAL

T49N R04W S4 NENW Lot 3 NWNW Lot 4

Place Of Use: STOCKWATER same as MUNICIPAL

Remark: Municipal use is within service area of applicant.

Stockwater use is for stable for approximately 40 horses

95-9357

ASPEN CREEK WATER ASSOCIATION INC

1100 E LAKESHORE DR STE 301B

COEUR D'ALENE ID 83814

Point(s) of Diversion NESENW S4 T49N R04W KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.24 CFS

Total Diversion: 0.24 CFS

Date Filed: 08/14/2006

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

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, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/09/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on Sept. 21 & 28, 2006



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

AMY McCREE & GLENDA JEFFERSON
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

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

RE: Application for Permit No. 95-9356 and 95-9357

Dear Amy and Glenda:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, September 21 and 28, 2006, (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 10/09/2006. Your cooperation is GREATLY appreciated.

Thank you,
Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, September 14, 2006 11:30 AM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press2 Glenda Jefferson (E-mail);
Legal Notices-CdA Press3 Amy (E-mail)
Subject: Legal notice for publication on September 21 and 28, 2006

Good morning Amy and Glenda,

Attached is our cover letter requesting publication of a legal notice on September 21 and 28, 2006. The legal notice is also attached.

Please FAX a proof copy to our **new FAX Number, 208-762-2819** - prior to publication.

If you have any questions, please call me at 208-762-2800.

Thanks for all your help. It's a pleasure to work with you.

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
9-14-06 CDA e-mai.



LegalNotice
9-14-06 CDA e-mai.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

September 14, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

ASPEN CREEK WATER ASSOCIATION INC
1100 E LAKESHORE DR STE 301D
COEUR D ALENE ID 83814

RE: Application for Permit No 95-9356 and 95-9357

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 Coeur d'Alene Press on September 21 and 28, 2006. 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

State of Idaho

Office of the Secretary of State

CERTIFICATE OF EXISTENCE

OF

ASPEN CREEK WATER ASSOCIATION, INC.

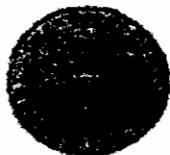
File Number C-152101

I, BEN YSURSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named non-profit corporation was incorporated under the laws of Idaho on 15 Dec 2003.

I FURTHER CERTIFY That the non-profit corporation is in good standing on the records of this office.

Dated: 18 Jun 2006



Ben Yursa
SECRETARY OF STATE

Authentic Access Idaho Document (<http://www.accessidaho.org/public/portal/authenticate.html>)
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ARTICLES OF AMENDMENT (Non-profit)

To the Secretary of State of the State of Idaho
Pursuant to Title 30, Chapter 3, Idaho Code, the undersigned
non-profit corporation amends its articles of incorporation as
follows:

FILED EFFECTIVE
JAN 26 2004

1. The name of the corporation is:

ASPEN CREEK WATER ASSOCIATION, INC.

2. The text of each amendment is as follows:

ARTICLE IV - Purpose and Powers

The Corporation is organized for the sole purpose of delivering domestic and irrigation water to its members on the real property described below. The Corporation shall not sell, distribute or offer water for profit. In furtherance of such purpose, the Corporation shall have the power to acquire, construct, develop, operate, maintain and administer a private irrigation water source and distribution system, and to engage in all other lawful activities and functions consistent with its primary purpose and authorized under the Idaho Nonprofit Corporation Act.

3. The date of adoption of the amendment(s) was: January 26, 2004

4. Manner of adoption (check one):

☒ Each amendment consists exclusively of matters which do not require member approval pursuant to section 30-3-80, Idaho Code, and was, therefore, adopted by the board of directors. (Please fill spaces below)

a. The number of directors entitled to vote was: Three

b. The number of directors that voted for each amendment was: Three

c. The number of directors that voted against each amendment was: None

☐ The amendment consists of matters other than those described in section 30-3-80, Idaho Code, and was therefore adopted by the members. (Please fill spaces below)

a. The number of members entitled to vote was: _____

b. The number of members that voted for each amendment was: _____

c. The number of members that voted against each amendment was: _____

Certified As to:

if incorporated outside

Secretary of State use only

Dated: 1-27-2004

Signature: Cheryl Howell

Typed Name: Cheryl Howell

Capacity: Incorporator & Director

THIS SECRETARY OF STATE
OFFICE HAS FILED THIS DOCUMENT
ON JAN 26 2004 IN THE
CLERK OF DISTRICT COURT
IN THE COUNTY OF ADAMS

C152101

FILED EFFECTIVE

DEC 15 4H 9:10

STATE
OF IDAHO

**Articles of Incorporation
of**

STATE
OF IDAHO

Aspen Creek Water Association, Inc.

We, the undersigned, adopt the following Articles of Incorporation for the purpose of forming a nonprofit, incorporated Water User's Association under the Idaho Nonprofit Corporation Act.

Article I - Name

The name of the corporation is "Aspen Creek Water Association, Inc."

Article II - Duration

The duration of the Corporation shall be perpetual.

Article III - Authority

The Corporation is created pursuant to the Idaho Nonprofit Corporation Act, Idaho Code Title 30, Chapter 3, and shall be a Water User's Association under Idaho Code Section 30-804.

Article IV - Purpose and Powers

The Corporation is organized for the sole purpose of delivering irrigation water to its members on the real property described below. The Corporation shall not sell, distribute or offer water for profit. In furtherance of such purpose, the Corporation shall have the power to acquire, construct, develop, operate, maintain and administer a private irrigation water source and distribution system, and to engage in all other lawful activities and functions consistent with its primary purpose and authorized under the Idaho Nonprofit Corporation Act.

Article V - Membership and Voting

1. **Membership.** Members of the Corporation shall consist of those persons who are the fee simple owners of [legal description].
2. **Voting.** Members in good standing shall be entitled to cast one (1) vote per lot owned, regardless of the number of individuals holding title to each lot. Voting rights shall be further defined in the Bylaws of the Corporation.
3. **Transfer of Membership.** Membership shall be appurtenant to each lot described above and shall automatically pass with title to each lot.

IDAHO SECRETARY OF STATE
12/15/2003 05:28:00
Doc 127 Cl: 17487 Reg 73462
10 20.00 = 20.00 RC 2000-12

Articles of Incorporation: Aspen Creek Water Association, Inc.

c 152101 Page - 1

Article VI – Registered Office and Agent

The initial registered office and registered agent of the Corporation is:

Mike Newell
1100 E Lakeshore Drive
Suite 102B
Coeur d'Alene, Idaho 83814

Article VII – Board of Directors

The business of the Corporation shall be managed by a Board of Directors numbering not less than three (3) or more than five (5). The Board of Directors shall be elected by the Members in the manner set forth in the Bylaws of the Corporation.

The incorporators and initial Directors of the Corporation are:

Mike Newell 1100 E Lakeshore Drive Suite 102B, Cda, Idaho 83814
Cheri Howell 1711 E Jenny Lynn Lane, Cda, Idaho 83814
Cindy Page 714 Davidson Ave, Cda, Idaho 83814

Article VIII – Indemnification

No Director, Officer or Member of the Corporation shall be held personally liable for any action, debt, obligation or other liability of the Corporation. The Corporation will defend and indemnify any person who serves as an Officer or Director for claims arising out of or related to any action taken or decision made on behalf of the Corporation and within the scope of the person's authority as an Officer or Director of the Corporation.

Article IX – Assessments and Fees

The Corporation is organized for the mutual benefit of its members and shall have no profit. The cost of acquiring, constructing, managing and operating the corporate irrigation water system shall be paid by fees and charges assessed to the members of the Corporation. Whenever the Board of Directors deems it necessary and advisable to establish or change the fees and charges for water, such fees and charges shall be established by the Board at a meeting called for that purpose in accordance with the provisions of the Bylaws of the Corporation. All assessments received by the Corporation will be used only for the payment of corporate debts, and to operate and maintain the irrigation water system owned by the Corporation. After all expenses of the Corporation are paid each year, and a reasonable reserve set aside as determined by the Board of Directors, any excess income of the Corporation shall be used to reduce or offset future fees and charges assessed by the Corporation.

Article X - Lien on Shares

The Corporation shall have a lien on the Membership Certificate held by the members for all assessments levied, and shall have the right to enforce such lien as set forth in the Bylaws of the Corporation.

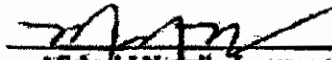
Article XI - Dissolution

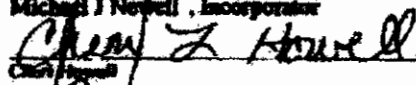
Upon the winding up of the corporate affairs and dissolution of the Corporation, any remaining assets shall be distributed to a qualified nonprofit fund, foundation or other organization in accordance with the provisions of the Bylaws of the Corporation.

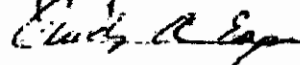
Article XII - Amendment

These Articles of Incorporation may be amended by a vote of at a meeting of the members having voting rights. The proposed amendment shall be adopted by the approval of not less than two-thirds (2/3rds) of the members present at such meeting in person or by proxy and entitled to vote under the terms of the Bylaws of the Corporation.

Approved and adopted this 22nd day of October, 2003.



Michael J. Newell, Incorporator


Cheryl L. Howell


Cindy R. Egan

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT
RECEIVED

Office Use Only			
Inspected by			
Twp	Rge	Sec	
1/4	1/4	1/4	
Lat:	:	Long:	:

1. WELL TAG NO. D0028488
Drilling Permit No: 803126
Other IDWR No. 95-9180

JUL 09 2003

IDWR/North

2. OWNER Well Number:

Name MIKE NEWELL / ASPEN CRK LLC 583

Address 1100 E. LAKESHORE 102B

City COEUR D'ALENE State ID Zip 83814

3. LOCATION OF WELL by legal description

sketch map location must agree with written location

Twp. 49 North or South
Rge. 4 East or West
Sec. 4 NW 1/4 NE 1/4 NW 1/4

Gov't Lot County KOOTENAI

Lat: Long:

Address of Well Site OFF MICA &

KIDD ISLAND RD. City CDA

(Give at least name of road + Distance to Road or Landmark)

Lt. Blk. Sub. Name ASPEN CRK

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement, etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
DRY GRANULE				
BENTONITE	0	45	36 BAGS	OVERBORE

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 278

Was drive shoe seal tested? ☐ Y ☒ N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8	+2	278	.322	STEEL	☒	☐	☒	☐
6	-250	390	.250	STEEL	☒	☐	☒	☐

Length of Headpipe Length of Tailpipe

9. PERFORATIONS/SCREENS

☒ Perforations Method TORCH

☐ Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
-370	390	1/8 X 6	48	6	STEEL	☒	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

240 ft. below ground Artesian pressure lb.

Depth flow encountered 385 ft. Describe access port or control devices:

49N 4W 4

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
50			1 HR

Water Temp. COLD Bottom Hole Temp. COLD

Water Quality test or comments: CLEAR

Depth first Water encountered 260

12. LITHOLOGIC LOG:(Describe repairs or abandonment)

				Water	
Bore Diam	From	To	Remarks: Lithology, Water Quality, Temperature	Y	N
14	0	9	Clay	☐	☐
12	9	45	Basalt	☐	☐
10	45	210	Basalt	☐	☐
10	210	260	Brown Clay	☐	☐
10	260	278	Clay w/ Brown Sand	☒	☐
8	278	380	Basalt	☐	☐
8	380	385	Fractured Basalt	☒	☐
8	385	390	Basalt	☐	☐

Paid \$200.00

Completed Depth 390 (Measurable)
Date: Started 6/5/03 Completed 6/13/03

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name H2O WellService, Inc. Firm No. 448

Firm Official *Todd Morgan* Date 6-16-03

and Supervisor or Operator *Todd Morgan* Date 6-16-03

(Sign Once if Firm Official and Operator)

(Todd Morgan)