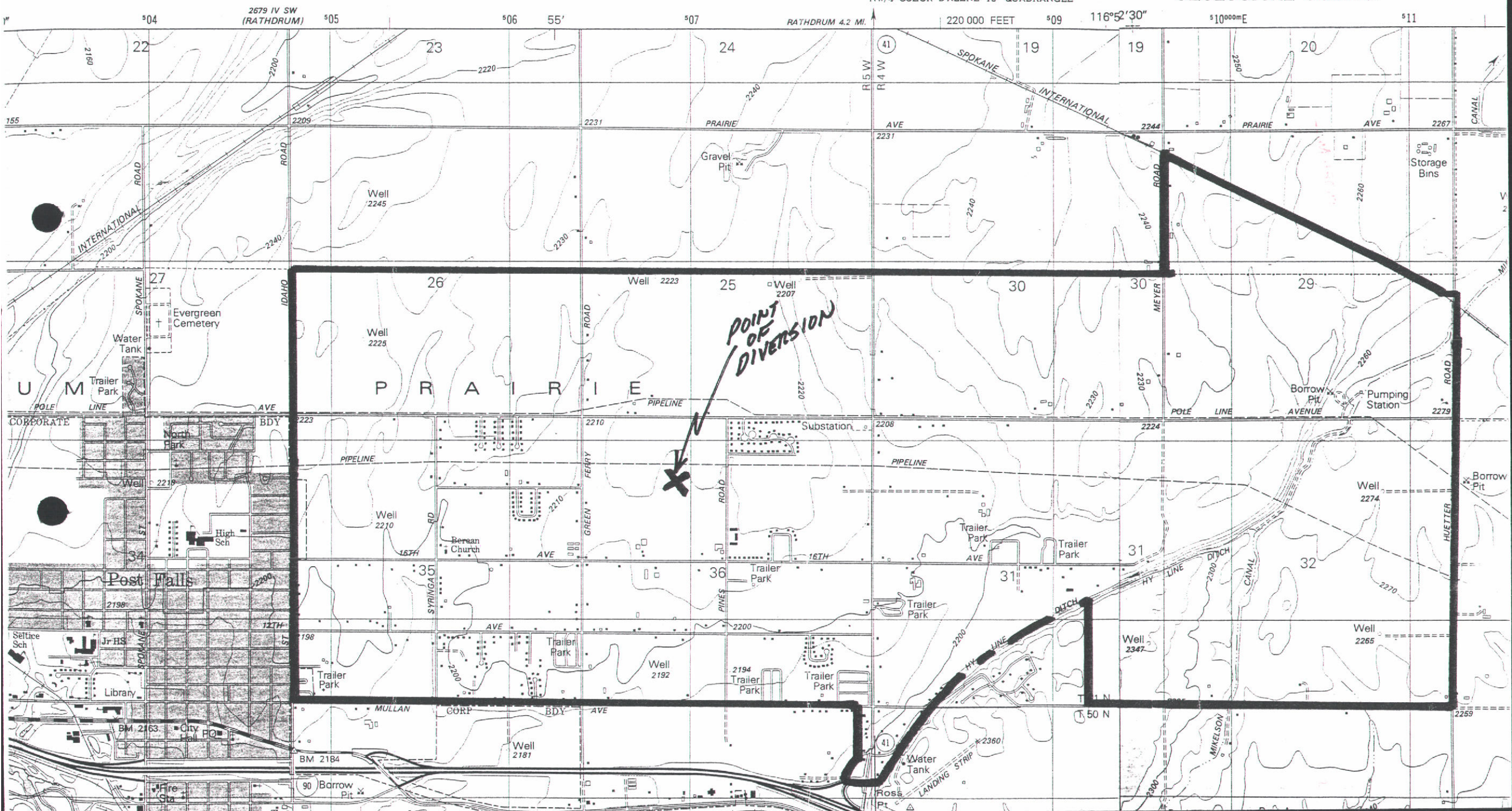


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





95

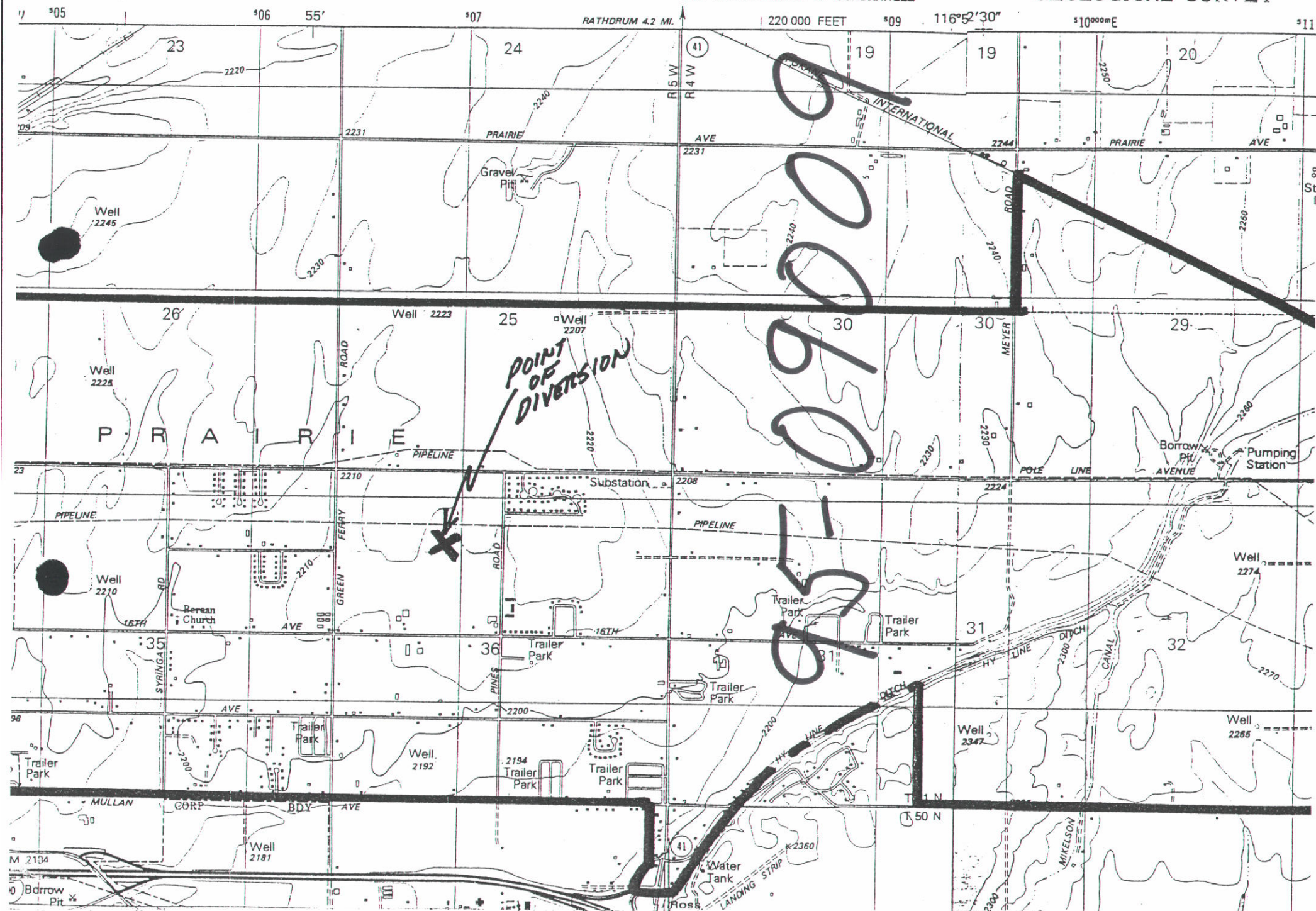
95-09009

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

RATHDRUM 4.2 MI.

| 220 000 FEET

509 . 116°52'30"

 510000 mE 

FOR OFFICE USE ONLY
Amt. of Fee \$: 225.00
Receipt No. 0256730
Receipt By: [Signature]
Date Received: 9-24-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
SEP 24 2001

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 95 9009 Telephone No. (208) 773-1120
2. Name of Permit Holder(s): Ross Point Water District
3. Mailing Address: P.O. Box 70
City Post Falls State ID Zip 83877-0070
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. April / yr. 1999
Well Driller: Holman Drilling Corp. Drilling Permit Number: 95-99-N-0020-000
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: Municipal (City of Post Falls & Kootenai County)
6. Total rate of diversion and/or volume for which proof is submitted: 5.25 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes X or No _____
Has the measuring device been installed? Yes X or No _____
8. Fee Enclosed: \$ 225.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Dan Selden Telephone Number: (208) 773-1120
Address: P.O. Box 70 Post Falls, ID 83877-0070
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Dan Selden - manager Date: 9-19-01
(include your title, if on behalf of company or organization)

MICROFILMED
OCT 1 9 2001

State of Idaho
Department of Water Resources

CORRECTED

Permit To Appropriate Water

CORRECTED

NO. 95-09009

Priority: February 12, 1999

Maximum Diversion Rate:

5.25 CFS

This is to certify, that ROSS POINT WATER DISTRICT

PO BOX 70

POST FALLS ID 83877-0070

has applied for a permit to appropriate water from: GROUND WATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

MUNICIPAL

01/01 to 12/31

5.25 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 1, Township 50N, Range 05W

NWNW , Sec. 31, Township 51N, Range 04W

NESW , Sec. 35, Township 51N, Range 05W

NENW , Sec. 36, Township 51N, Range 05W

KOOTENAI County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2001.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
7. Place of use is within the service area of the Ross Point Water District.
8. This right authorizes 5.25 cfs for reasonably anticipated future needs for a 20 year planning horizon within the service area pursuant to Section 42-202(2), Idaho Code.
9. The full system capacity necessary to provide water for the reasonably anticipated future needs authorized under this right must be constructed by the end of the designated planning horizon.

MICROFILMED

JAN 18 2001

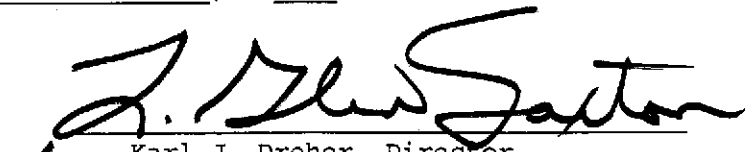
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 95-09009

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

13th day of November, 2000


for Karl J. Dreher, Director



MICROFILMED
JAN 16 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT TO	)	
APPROPRIATE WATER NO. 95-09009	)	ORDER GRANTING PETITION
IN THE NAME OF ROSS POINT	)	FOR RECONSIDERATION
WATER DISTRICT	)	AND CORRECTING PERMIT
_____	)	

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a permit to appropriate water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On October 25, 2000, the Department issued Permit to Appropriate Water No. 95-09009 (permit) to Ross Point Water District (right holder) for the diversion and use of 5.25 cfs from ground water for municipal purposes in Kootenai County.
2. The permit was issued as a preliminary order (order) of the Department pursuant to §67-5243, *Idaho Code*, and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).
3. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) provides in pertinent part as follows:

Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

4. On November 2, 2000, the Department received a petition for reconsideration of the order (petition) from a representative of the right holder. In the petition the right holder's representative asks IDWR to clarify approval condition no. 6 listed on the permit.
5. Condition no. 6 on the permit says, " This right authorizes a single point of diversion."
6. The permit should authorize four points of diversion in accordance with the application submitted by the permit holder.
7. Condition no. 6 was included on the permit in error.

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JAN 18 2001

CONCLUSIONS OF LAW

1. The petition was filed timely.
2. The Department should grant the petition and correct the permit by removing approval condition no. 6.

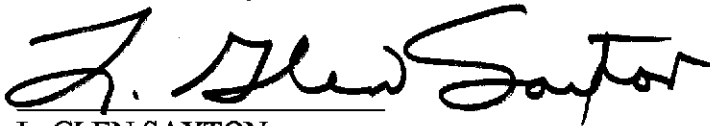
ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order issuing Permit to Appropriate Water No. 95-09009 is **GRANTED** pursuant to §67-5243, *Idaho Code*.

IT IS FURTHER HEREBY ORDERED that Permit to Appropriate Water No. 95-09009 is corrected by removing the approval condition which says, " This right authorizes a single point of diversion."

A corrected Permit to Appropriate Water shall be prepared to incorporate the corrections hereby ordered.

Dated this 13th day of November, 2000.



L. GLEN SAXTON
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 95-09009

Priority: February 12, 1999

Maximum Diversion Rate:

5.25 CFS

This is to certify, that ROSS POINT WATER DISTRICT

PO BOX 70

POST FALLS ID 83877-0070

has applied for a permit to appropriate water from: GROUND WATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

MUNICIPAL

01/01 to 12/31

5.25 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 1, Township 50N, Range 05W

NWNW , Sec. 31, Township 51N, Range 04W

NESW , Sec. 35, Township 51N, Range 05W

NENW , Sec. 36, Township 51N, Range 05W

KOOTENAI County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2001.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. This right authorizes a single point of diversion.
7. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
8. Place of use is within the service area of the Ross Point Water District.
9. This right authorizes 5.25 cfs for reasonably anticipated future needs for a 20 year planning horizon within the service area pursuant to Section 42-202(2), Idaho Code.
10. The full system capacity necessary to provide water for the reasonably anticipated future needs authorized under this right must be constructed by the end of the designated planning horizon.

MICROFILMED

JAN 18 2001

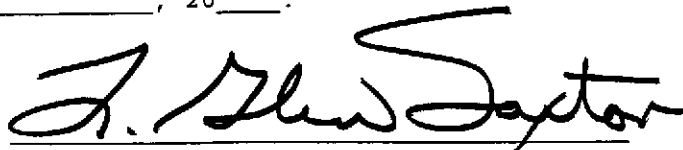
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 95-09009

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

25th day of October, 2000.



Karl J. Dreher, Director

for



MICROFILMED

JAN 18 2001

JAN 18 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant ROSS POINT WATER DISTRICT Phone (208) 773-1120
Mailing address P. O. Box 70, Post Falls, Idaho 83877-0070
2. Source of water supply Rathdrum Prairie Aquifer Groundwater which is a tributary of _____
3. Location of point of diversion is Township 51N Range 5W Sec. 36, in the SW 1/4,
NE 1/4, NW 1/4, Govt. Lot N/A, B.M., Kootenai County;
additional points of diversion if any: NE NE 1-50^N-5W NE SW 35-51^N-5W NW NW 31-51^N-4W
4. Water will be used for the following purposes:
Amount 5.25 CFS for domestic MUNICIPAL purposes from January 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) 5.25 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: 20" cased well
a. Describe type and size of devices used to divert water from the source deep well turbine pump with
250-350 HP motor to distribution mains.
b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is 20 inches; proposed depth of well is 270 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 Holman Drilling Corp.
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 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. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1300 ±
e. Other; describe fully. Mainly domestic for residential with some commercial and some
irrigation at school sites.
- MICROFILMED

~~MICROFILMED~~

JAN 18 2001

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	4W	6						D											
50N	5W	1	D																
51N	4W	29			D	D	D	D	D	D	D	D	D	D	D	D	D	D	
51N	4W	30									D	D	D	D	D	D	D	D	
51N	4W	31	D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	
51N	4W	32	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
51N	5W	25									D	D	D	D	D	D	D	D	
51N	5W	26									D	D	D	D	D	D	D	D	
51N	5W	35	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
51N	5W	36	D	D	D	D	35	35	D	D	D	D	D	D	D	D	D	D	70

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

NOS. 95-04088, 95-07258, 95-08477

11. a. Who owns the property at the point of diversion? School District #273

b. Who owns the land to be irrigated or place of use? School District #273

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Long term lease on well lot.

12. Remarks: This well is being located between the ball fields on School District property in cooperation with their new high school project. Successful well contractor was Holman Drilling Corp. Work will be completed in 1999.

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]
Signature of Applicant (and title, if applicable)

Received by cm Date 2-12-99 Time 12:16 p.m. Preliminary check by Ross Point well
 Fee \$ 200.00 Receipted by cm # 5372-NO12633 Date 2-12-99
 Publication prepared by ds Date 11/10/99 Published in GDAL 11/18+25/99
 Publication approved ds Date 12/7/99

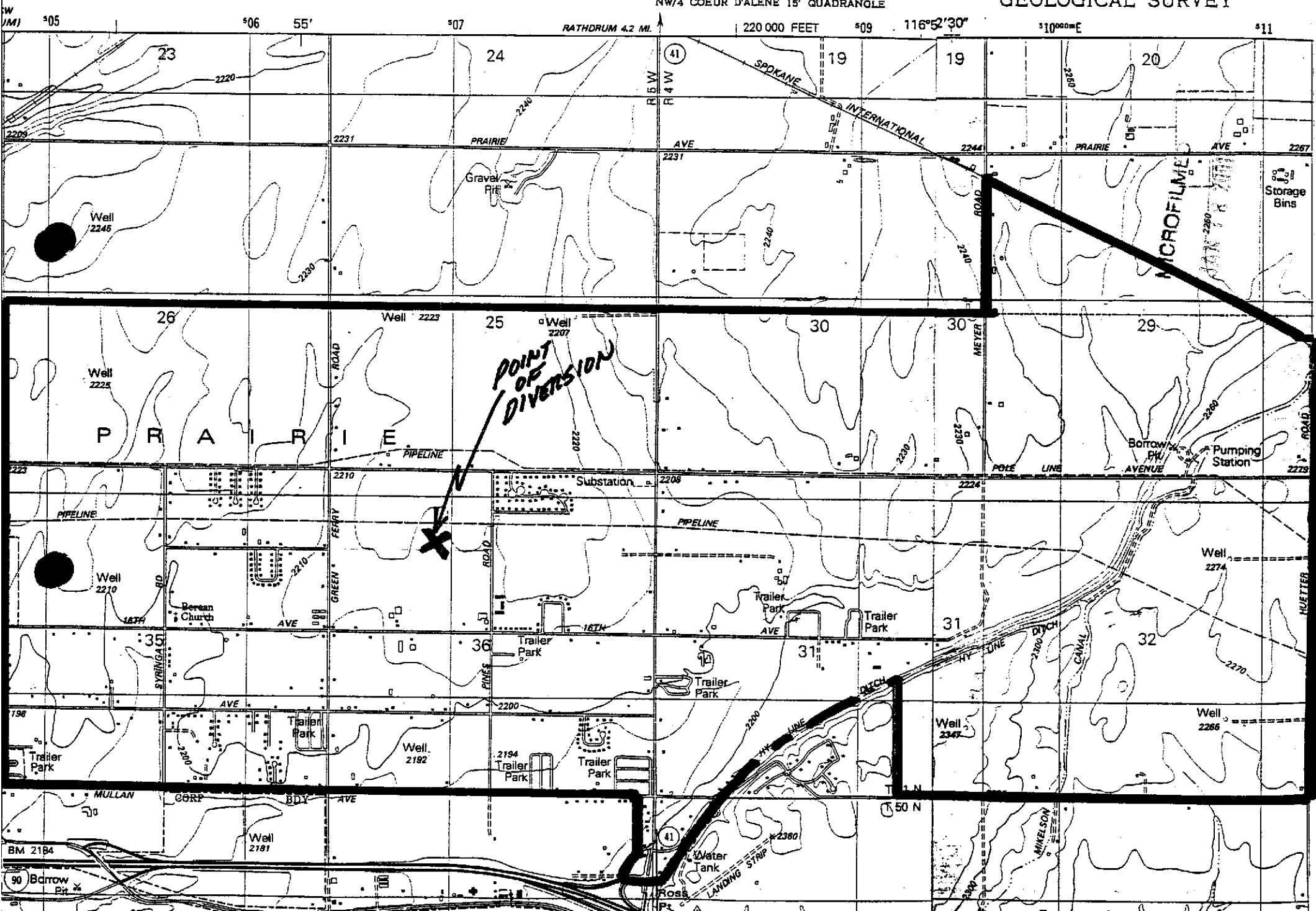
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JAN 12 2001

Place of use is within the service
area of the Ross Point Water District.

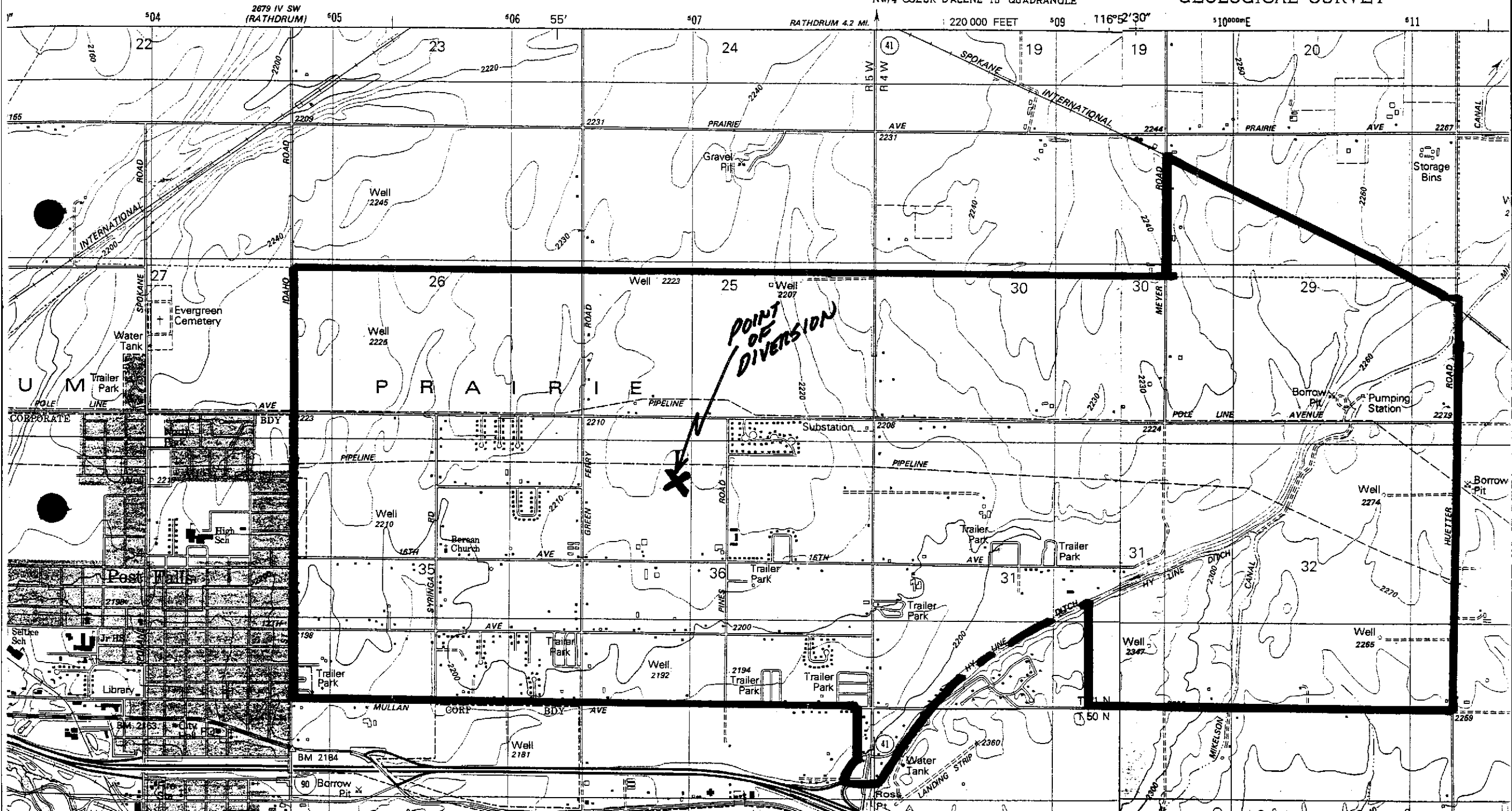
UNITED STATES
c) DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

NW/4 COEUR D'ALENE 15' QUADRANGLE



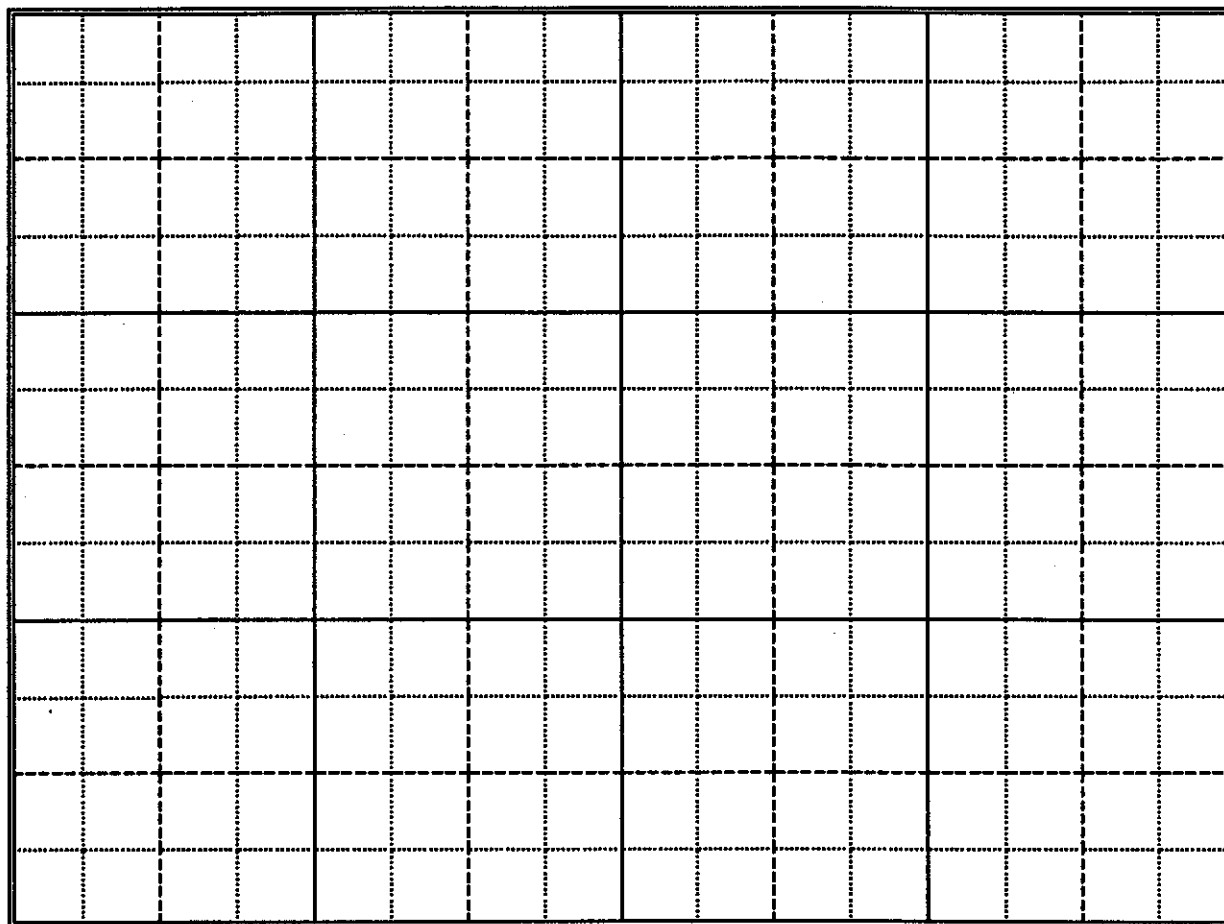
POST FALLS QUADRANGLE
IDAHO-KOOTENAI CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW/4 COEUR D'ALENE 15' QUADRANGLE

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US motor	300	Didn't get serial #	(Hornets)	

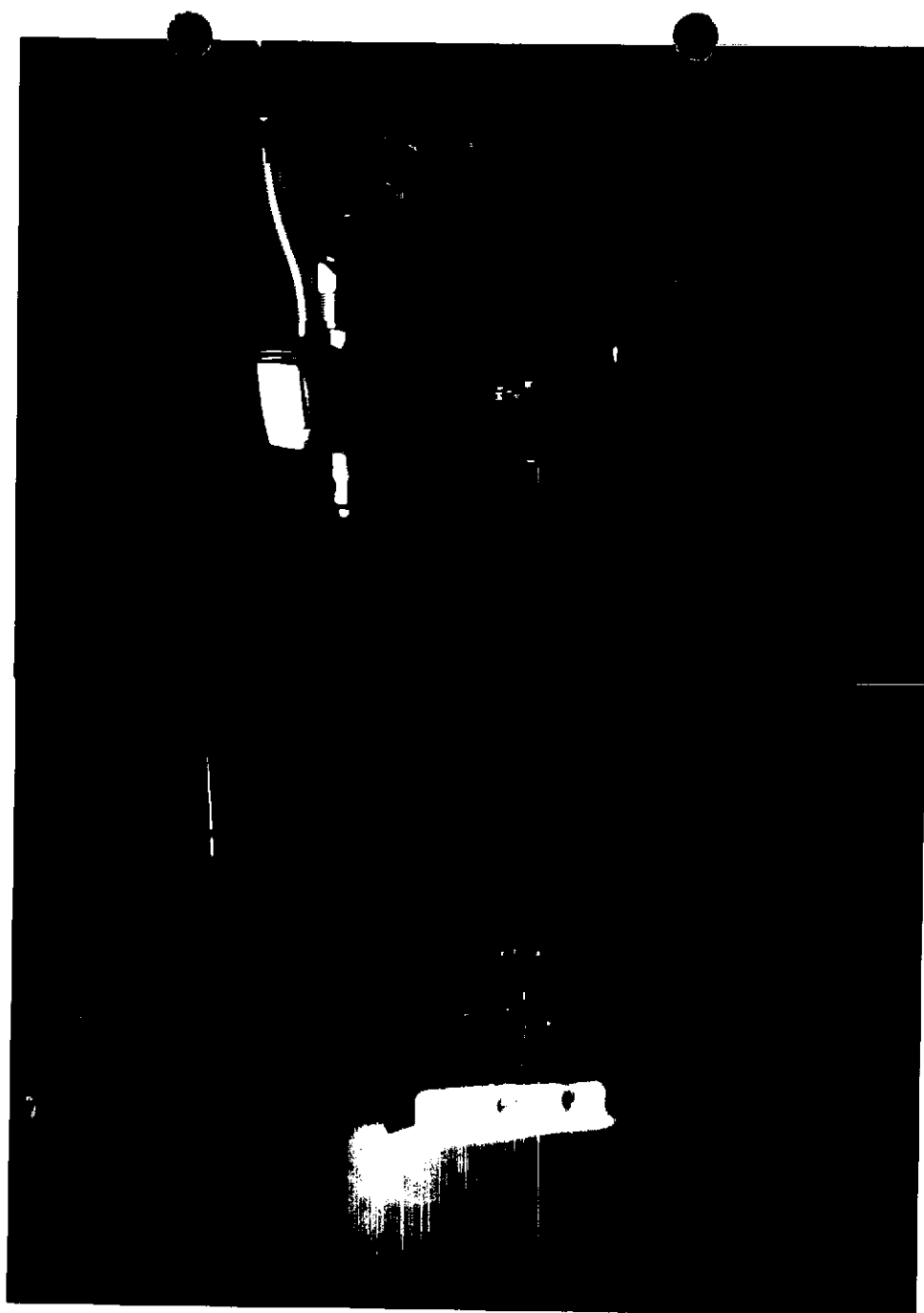
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

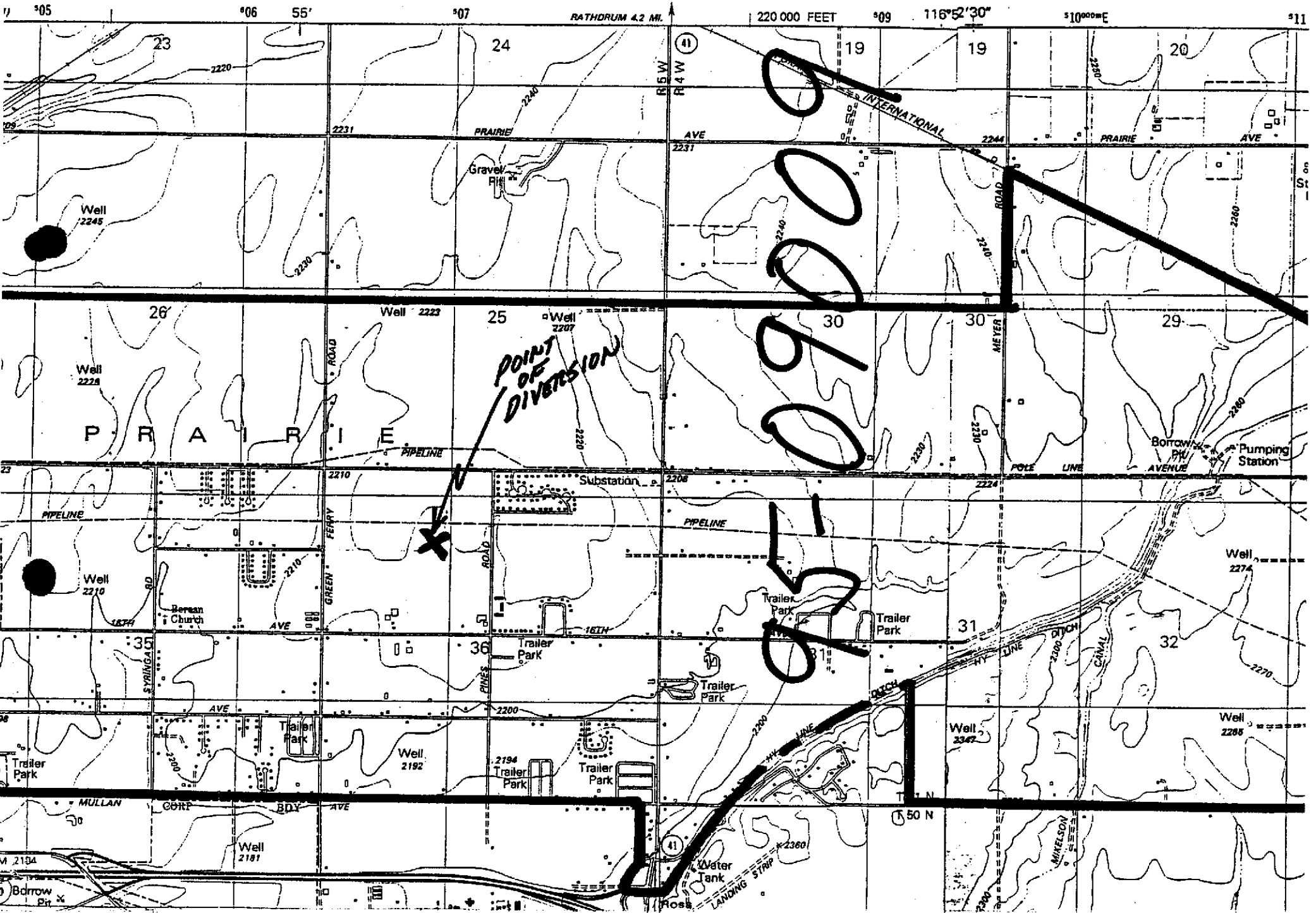


PD

95-09009

POST FALLS QUADRANGLE
IDAHO-KOOTENAI CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW/4 COEUR D'ALENE 15' QUADRANGLE

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



[illegible]

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

Flowmeter 2355 gpm

$$\frac{2355 \times 1.33681}{60} = 5.2469 = 5.25$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Municipal</i>	<i>01-01</i>	<i>12-31</i>	<i>5.25</i>	
Totals:			<i>5.25</i>	

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name *Wayne Baldwin* Date *9-19-02*

Reviewer _____ Date _____

SEAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 22, 2001

ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS ID 83877-0070

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-09009

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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OCT 19 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 95-9009

Reviewed By: dgibson

Date: October 16, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:	95-99-N-0020-00 0	
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	N012633, C056430		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		09/24/2001
Date proof due	-	10/01/2001
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	02/12/1999
New priority date	=	02/12/1999

Deficiencies of Actions Items

Forward a copy of the proof to drilling permit section to check fees paid to be appropriate. Wait for their response, before acknowledging proof.

*Gave April a copy of the proof. 10/16/01.
Ok to complete, no additional fee for D.P. 10/22/01*

July 31, 2001

ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS, ID 838770070

PROOF DUE NOTICE

RE: PERMIT NO. 95-9009

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

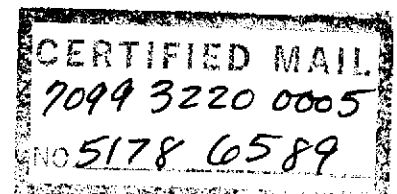
Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures

MICROFILMED

OCT 19 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN A SMETANA
FRAME & SMETANA PA
603 NORTH 4TH ST
COEUR D'ALENE ID 83814

RE: Water Appropriation Permit 95-09009

Dear Mr. Smetana:

Thank you for sending me a copy of your 10/31/2000 letter to Dan Selden concerning Permit 95-09009 issued to Ross Point Water District (RPWD). I will address a couple of the concerns expressed in your letter.

One item you questioned is the reference to a single point of diversion in condition no. 6 when four separate points of diversion are listed on the permit. The condition is an error. I am sending RPWD a corrected permit. The corrected permit is an amended preliminary order of the Department issued pursuant to Section 67-5243, *Idaho Code*, and Rule 730 of the Department's Rules of Procedure. **A preliminary order issued by the Department can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Another item you wanted to have clarified is the proof of beneficial use due-date in relation to the 20-year planning horizon stated in condition no. 9 (condition no. 8 on the corrected permit). Under the provisions of §42-204, *Idaho Code*, IDWR can allow up to five years for construction of works and application of water to the authorized beneficial use. Under of §42-204(5), *Idaho Code*, IDWR may grant one extension of time for up to five additional years. In most cases, when the water right is licensed it is limited to that amount of water actually diverted and used prior to the time that proof of beneficial use is submitted. The "reasonably anticipated future needs" concept, however, allows municipalities to obtain a water right license for the entire permitted amount of water even if the actual use is less than the permitted amount at the time proof of beneficial use is submitted. In other words, unlike other categories of water right holders, municipalities may reserve part of their permit for future development and use if they can substantiate the need to do so.

RPWD is required to submit proof of beneficial use for Permit 95-09009 by October 1, 2001, because it indicated on the application that it would require one year to construct the diversion

MICROFILMED

JAN 18 2001

John A. Smetana
November 13, 2000
Page 2

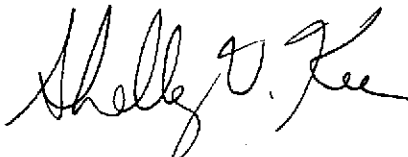
works and apply some water to beneficial use. However, as stated in conditions 9 and 10 (condition 8 and 9 on the corrected permit), RPWD does not have to develop the entire permitted amount of 5.25 cfs until the planning horizon of 20 years has concluded. Note, however, that under §42-217, *Idaho Code*, a revised estimate of the planning horizon, reasonably anticipated future needs, and service area must be submitted with the proof of beneficial use statement.

Proof of beneficial use for the entire permitted amount will be deemed sufficient if there is evidence of substantial planning, design, and investment in the unconstructed capacity of the complete system. With sufficient proof of beneficial use, a water right license will be issued for the entire amount of the permit, including the amount reserved for reasonably anticipated future needs.

For additional information on the subject of reasonably anticipated future needs, please refer to the enclosed copy of a letter from our director, Karl Dreher, to Christopher H. Meyer.

If you have any questions, please contact me at 208-327-7946.

Sincerely,



Shelley Walter Keen
Water Rights Supervisor

Enclosure

Cc: Ross Point Water District

MICROFILMED

JAN 18 2001

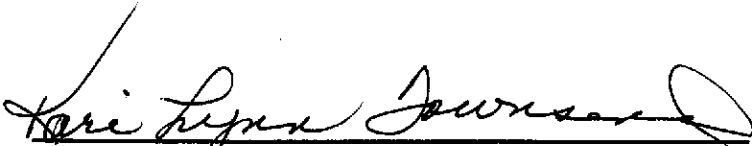
CERTIFICATE OF MAILING

I hereby certify that on the **14th** day of **November, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER (Approved Permit)** to the person(s) listed below:

RE: Permit 95-09009

**JOHN A SMETANA
FRAME & SMETANA PA
603 NORTH 4TH ST
COEUR D'ALENE ID 83814**

**ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS ID 83877-0070**


**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 18 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

MICROFILMED

JAN 18 2001

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.

JOHNSON & SMETANA, P.E.

CONSULTING ENGINEERS

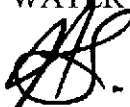
603 North 4th Street

Phone 664-2121 - Fax 765-5502

COEUR D'ALENE, IDAHO 83814

RECEIVED
NOV 02 2000
IDWR/North

TO: DAN SELDEN, ROSS POINT WATER DISTRICT (RPWD)

FROM: JOHN A. SMETANA, P.E. 

SUBJECT: IDAHO DEPARTMENT OF WATER RESOURCES (IDWR)
PERMIT NO. 95-09009 – APPROVAL NOTICE DATED 10/26/00

DATE: OCTOBER 31, 2000

I have reviewed the subject information faxed from your office 10/30/00 and offer the following comments:

1. Referring to the Conditions of Approval and Remarks section of the IDWR document titled "Permit to Appropriate Water No. 95-09009", Conditions/Remarks #9 and #10 indicate that RPWD has been successful in not only permit approval for increased diversion but in satisfying the requirements of Idaho Code Section 42-202(2) to appropriate for reasonably anticipated future needs beyond five years. (Subject of August 28, 2000 submittal.)
2. It is not clear why the proof of application of water to beneficial use is to be submitted on or before 10/1/01 (Condition/Remark #1) when the planning horizon is estimated at 20 years. It appears to me that Condition/Remark #1 may be in conflict with Condition/Remark #9 and #10.
3. Four separate points of diversion are listed in the above referenced permit yet Condition/Remark #6 states that only a single point of diversion is authorized. Again, it appears this condition may be in conflict with the approved permit.

By copy of this letter to IDWR, I am requesting clarification, on behalf of RPWD, of items 2 and 3 above. I also take this opportunity to thank IDWR in advance for their consideration in this matter. Please contact me should you have any questions.

JAS:kc

xc: Shelley W. Keen, Water Rights Supervisor, IDWR

MICROFILMED

JAN 18 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 2000

ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS ID 83877-0070

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-09009

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater 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 change of 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 reporting form.

MICROFILMED

JAN 18 2001

If you have any questions, please call me at 208-327-7946.

Sincerely,

for 
Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

JAN 18 2001

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of October, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 95-09009

ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS ID 83877-0070


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 18 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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MICROFILMED

JAN 18 2001

FINAL ORDER

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- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

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- 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.

MICROFILMED
JAN 18 2001

FRAME & SMETANA, P.A.

CONSULTING ENGINEERS

603 North 4th Street

Phone 664-2121 - Fax 765-5502

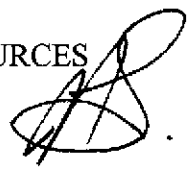
COEUR D'ALENE, IDAHO 83814

RECEIVED

SEP - 5 2000

Department of Water Resources

TO: SHARLA CURTIS
SR. WATER RESOURCE AGENT
IDAHO DEPARTMENT OF WATER RESOURCES

FROM: JOHN A. SMETANA, P.E. 

SUBJECT: ROSS POINT WATER DISTRICT (RPWD)
APPLICATION FOR PERMIT NO. 95-09009

DATE: AUGUST 28, 2000

Thank you for sending the support documents requested in my memo to you dated August 7, 2000.

In your letter to RPWD dated August 1, 2000, you recited statements by Gary Frame (letter to Al Beardslee dated April 8, 1999) relating to the back-up features of the new well, especially during periods of high use and the consumption rate of the current 1300 ± users. In addition to those statements, Mr. Frame's letter states that another purpose of the new well is "to serve the as yet undeveloped area to the north of Poleline Avenue" and that the well will supplement the existing supply. He also states that "the 20" diameter casing will allow the pump to be increased in size in the future to 400 hp if necessary, which would provide an appropriation of 6.9 CFS".

When considering the potential for expansion of the service area as well as increasing the size of equipment, the District will need to appropriate additional water per the filed application. Furthermore, the new appropriation will certainly be for reasonably anticipated future needs beyond five years.

In accordance with Section 42-202(2) Idaho Code, please consider the following information:

1. The RPWD is an association which supplies water for municipal purposes through a water system regulated by the State of Idaho as a public water supply

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JAN 18 2001

2. The RPWD provides water for residential, commercial, industrial and minimal irrigation purposes within its service area.
3. The attached service area plan illustrates current and potential future service area in accordance with surrounding City and County comprehensive plans. The plan does not include areas overlapping surrounding municipal providers. The referenced comprehensive plans as well as the RPWD plan is a tool which looks at a planning horizon 10 to 20 years in the future. Therefore, the anticipated future needs will be beyond five years.

While we appreciate your concern regarding the appropriateness of a new water right application to accomplish our intentions, for the reasons stated above we believe that this indeed is the appropriate process. To that end, please continue processing our request for increased diversion.

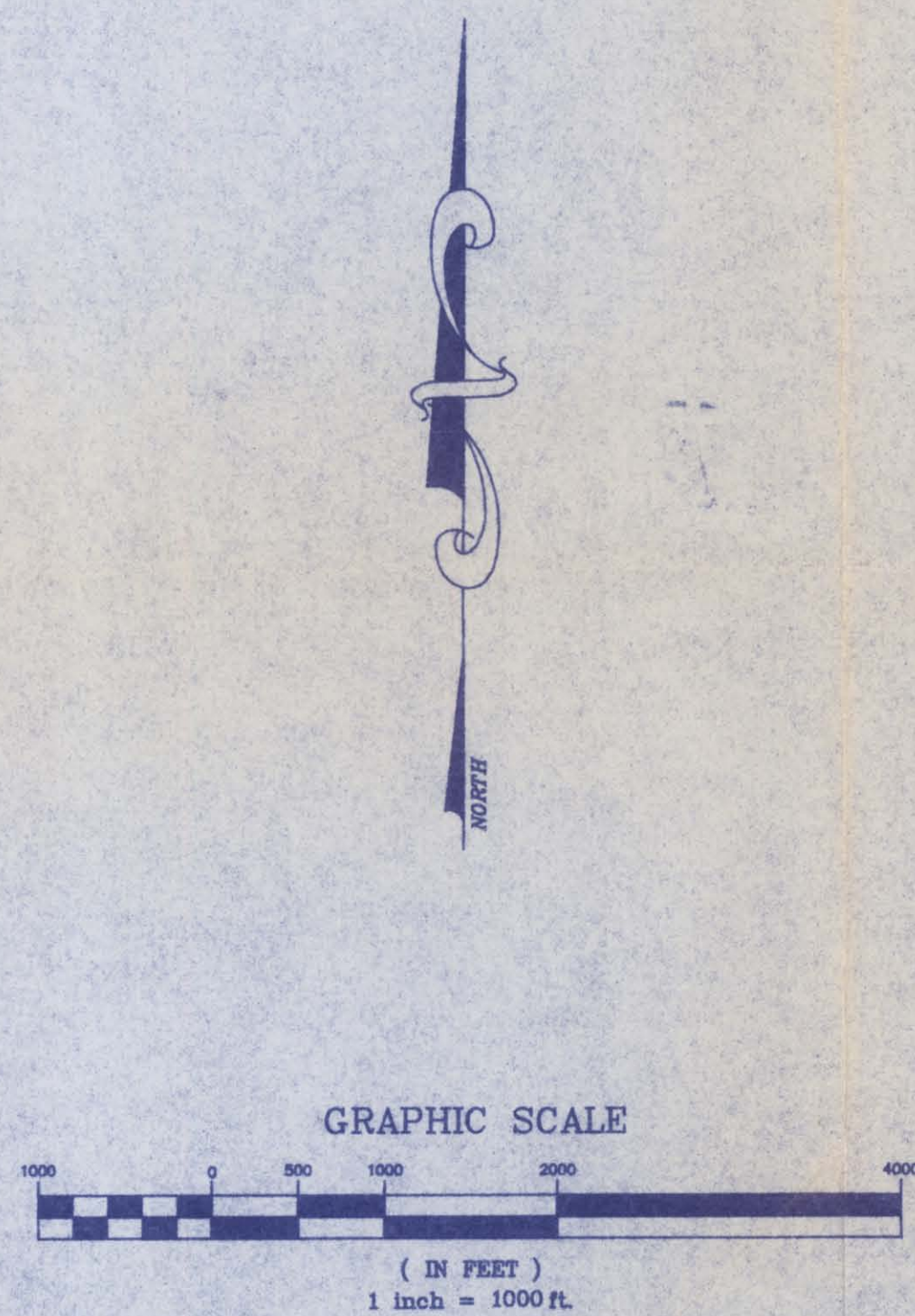
Please contact me if you have any questions or need additional information. Thank you for your consideration in this matter.

JAS:gg
xc: Dan Selden, RPWD, with plan

MICROFILMED
JAN 18 2001

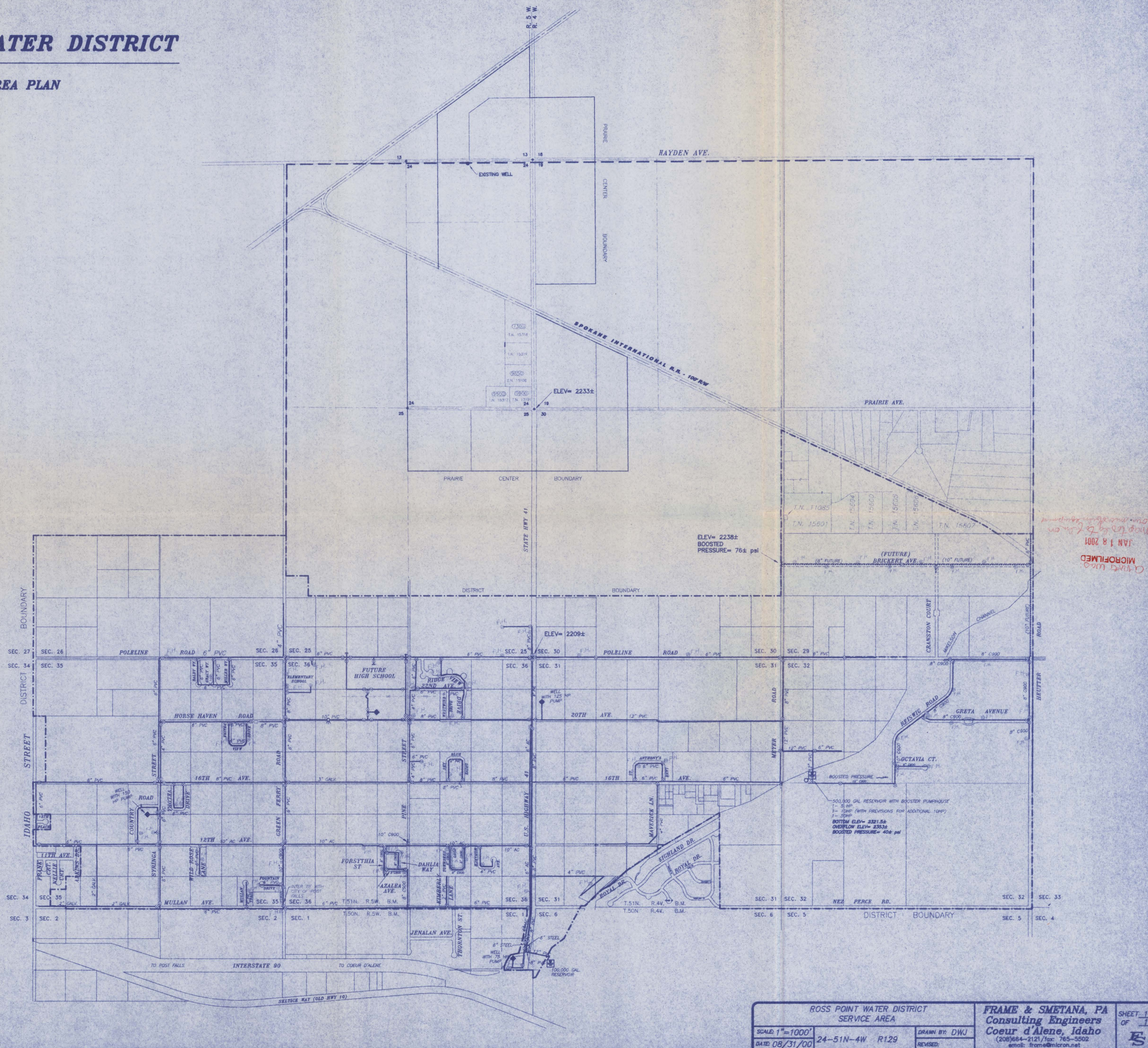
ROSS POINT WATER DISTRICT

SERVICE AREA PLAN



LEGEND

-  **VALVE**
 **FIRE HYDRANT**
 **WELL**
 **RESERVOIR**
 **DISTRICT BOUNDARY**
 **POTENTIAL SERVICE AREA EXPANSION**



ROSS POINT WATER DISTRICT
SERVICE AREA

SCALE: 1"=1000'

DRAWN BY: DWJ

FRAME & SMETANA, PA
Consulting Engineers
Coeur d'Alene, Idaho
(208)664-2121/fax: 765-5502
email: frame@micron.net

SHEET 1
OF 1

ES

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 1/19/00

No. 95-09009 Name: RPW Dist. Corp. Officers _____ Ad ok ☒ Govt Lots _____

AREA OF CONCERN: ☒ No/Yes _____ Moratorium _____ ~~GWMA~~ ~~TRUST/NON-TRUST~~

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
~~Supp irr (irr = only use)~~ - 065-104
~~Supp irr (+ other uses)~~ - 100-105
~~≤ 0.24 cfs/5 acres~~ - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - ~~P84-20-70-11-36~~
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH/PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 10/01/2001

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
~~Non-consumptive~~ - 027
~~Water Quality~~ - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

~~POWER~~ - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075 N/A
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

IRRIGATION SEASON _____ - _____ (Per updated map)

OTHER CONDITIONS/REMARKS

Theo. Calc = ~~1170 gpd~~ 5.27 w/ info from app

COMMENTS

assume 500,000 gal storage

FRAME & SMETANA, P.A.

CONSULTING ENGINEERS

603 North 4th Street

Phone 664-2121 - Fax 765-5502

COEUR D'ALENE, IDAHO 83814

RECEIVED

AUG 10 2000

Department of Water Resources

RECEIVED
AUG 08 2000
IDWR/North

TO: SHARLA CURTIS
SR. WATER RESOURCE AGENT, IDWR

FROM: JOHN A. SMETANA, P.E. *AS.*

SUBJECT: ROSS POINT WATER DISTRICT,
APPLICATION FOR PERMIT NO. 95-09009

DATE: AUGUST 7, 2000

I am in receipt of a copy of your letter dated August 1, 2000 to the Ross Point Water District. You have referenced information required in Section 42-202(2), Idaho Code if the anticipated future needs extend beyond a five-year development period. It appears that neither this section nor the transfer application were enclosed with your letter as indicated. We would appreciate it if you could re-send this information for our use in formulating a response.

Thank you for your assistance in this matter.

sent documents 8/11
SC

xc: Dan Selden, RPWD

Faxed to Sharla 8/8/00 *LB*

MICROFILMED

JAN 18 2001

wft



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

August 1, 2000

ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS ID 83877-0070

RE: Application for Permit No. 95-09009

Gentlemen:

While reviewing the above referenced application, I became concerned that an application for a new water right may not be the appropriate action to accomplish your intentions.

In a letter dated 4/8/99, Gary Frame of Frame & Smetana Engineers stated that the new well identified in the application was being constructed to provide sufficient water if any other major pump went down during a high use period and to provide service to the northwest end of the district as pressurization for the system. The letter further indicates that approximately 1300 users are served by the district with a summer peak demand of approximately 50,000 gal/mo. per user for a continuous flow of 3.35 cfs. Ross Point Water District has three existing water rights on file with this department totaling 4.54 cfs.

If the well is needed only for the purposes stated above and no additional diversion rate is required to meet anticipated growth, an application for transfer should be filed to add the new well as a point of diversion to the three existing rights. The application for a new water right could then be withdrawn.

If the district does intend to appropriate additional water, then the application needs to make clear whether the new appropriation will be developed and used within five years or whether it is for reasonably anticipated future needs beyond five years. If the application is for reasonably anticipated future needs beyond a five-year development period, the application must be accompanied by the information required in Section 42-202(2), *Idaho Code* (copy enclosed).

MICROFILMED

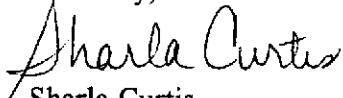
JAN 18 2001

Page 2

I will hold the application for permit for 30 days allowing you to replace the application for permit with an application for transfer of the existing rights (transfer application enclosed) or to submit documentation to justify the development of increased diversion. If I have not heard from you within the 30 days, I will initiate action to void the application under Section 42-204, Idaho Code, for failure to submit requested additional information.

If you have any questions, give me a call.

Sincerely,



Sharla Curtis
Sr. Water Resource Agent

Enclosure

MICROFILMED

JAN 18 2001

ROSS POINT WATER DISTRICT

RECEIVED

MAY 25 2000

May 23, 2000

Department of Water Resources

State of Idaho
Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83720-0098

RE: Application Permit No. 95-09009

Dear Sharla Curtis:

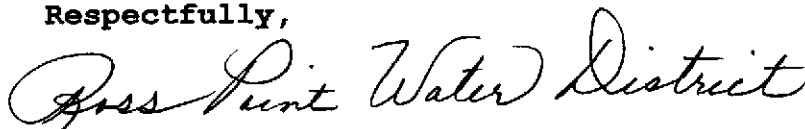
This letter is in response to your letter requesting evidence that Ross Point Water District qualifies as a public water supplier of the State of Idaho, Dept. of Health and Welfare. We have enclosed copies of letters from the DEQ, Coeur d' Alene, Id. Office. We hope that this will verify that we are in accordance with the Idaho Rules for Public Drinking Water Systems. If you require further information, we suggest that you contact DEQ directly.

In addition, you requested a list of corporate officers of the District. The current names of the Board of Directors are:

Tom Taylor - Chairman
Max Wilson - Director
Ted Cummings - Director

We hope that this information satisfies your requests.

Respectfully,



Ross Point Water District
MICROFILMED

Enc. (2)

MAY 24 2000

P.O. Box 70 • Post Falls, Idaho 83877 • (208) 773-1120 Fax (208) 773-7474



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

Dirk Kempthorne, Governor
C. Stephen Alfred, Administrator

October 7, 1999

John Smetana
Frame & Smetana, P.A.
603 North 4th Street
Coeur d'Alene, ID 83814

RE: Ross Point Water District - Horsehaven Avenue Well Pump and Well House

Dear Mr. Smetana:

Plans and specifications submitted by you on July 27, 1999 for the above referenced project have been reviewed. The project includes installation of a turbine pump in the new Horsehaven Avenue well, construction of a well house containing all necessary discharge valving, piping, and appurtenances, and connection of the well to the existing Ross Point Water District distribution system. The plans and specifications were found to be in accordance with Idaho Rules for Public Drinking Water Systems and are approved for construction purposes in accordance with Section 39-118 of Idaho Code. This approval is contingent upon the following:

1. The well casing must be vented. The vent end in a down-turned position, at least 18 inches above the well house floor, and be screened with 24-mesh, non-corrosive screen.
2. A screen must be provided in the pipe leading from the pump control valve to the dry well (pump-to-waste line). The reason for this requirement is to prevent contamination of the well discharge line in the event that a vacuum is created in pump-to-waste line.
3. The sump serving the floor drain for the well house must be located at least 30 feet from the well.

Inspection of construction activities approved herein must be done by an Idaho registered Professional Engineer. If major modifications to this accepted design are necessary, approval by this office must be secured prior to implementation of the changes.

Section 39-118 of Idaho Code requires that as-built plans reflecting actual construction completed and certified by the inspecting engineer be submitted to this office for review and approval within thirty (30) days of completion of construction. If construction activities are not completed within one year of the date of this letter, this construction approval expires.

Sincerely,

Troy A. Thrall
Troy A. Thrall, EIT
Engineering Specialist

MICROFILMED

SEP 18 1999

c: Dan Selden, Ross Point Water District, P.O. Box 70, Post Falls, ID 83877-0070



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway, Coeur d'Alene, ID 83814-2648, (208) 769-1422

Dirk Kempthorne, Governor

January 29, 1999

Mr. Keith Dixon
Architects West
409 Coeur d'Alene, ID 83814

RE: Ross Point Water District / Post Falls High School

Dear Mr. Dixon:

I am writing in regard to a letter that was copied to us by Gary Frame, the Ross Point Water District's engineer, on January 27, 1999. One of the issues discussed in the letter was the Water District's acceptance of the proposed backflow preventer and booster pump with the condition that the Ross Point Water District is not responsible for the system beyond the water meter.

With the Water District's acceptance, and the flow requirements of the irrigation system in mind, we also approve the installation of the booster pump and backflow prevention device as long as the owner maintains them properly and in accordance with the Idaho Rules for Public Drinking Water Systems.

Another issue that was brought up in the referenced letter was the proposed well construction. While I have not been involved with the proposed well project, I thought this would be a good opportunity to mention our requirements in regard to well construction. The following items are required to be completed/submitted before well construction is initiated:

1. The proposed well site must be inspected and approved by our office. If this has not yet been done, please coordinate with Tony Davis (DEQ) to have the site inspected.
2. Plans and specifications for well drilling must be approved through this office, prior to construction.
3. The proper well drilling permit must be acquired through the Idaho Department of Water Resources

If you have any questions concerning these issues, please call us at (208) 769-1422.

Sincerely,

Michael B. Klaus

Michael B. Klaus, EIT
Engineering Specialist

- c: Gary Frame, P.E., Frame & Smetana, 603 North 4th Street, CDA
Tony Davis/Gary Gaffney, DEQ-CDA
Ross Point Water District, P.O. Box 70, Post Falls, ID 83854
Post Falls School District 273, 206 W. Mullan Ave., Post Falls, ID 83854
Rob Wright, J-U-B Engineers, 1250 Ironwood Dr., Suite 220, CDA



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS ID 83877-0070

RE: Application for Permit 95-09009

Dear Applicant(s):

We have received no response to our letter of February 22, 2000 requesting additional information required for the processing of your Application for Permit. In the event that the original letter has been misplaced, a copy is enclosed for your convenience.

In addition to the information requested in the original letter, we ask that you also furnish us with a list of the corporate officers for Ross Point Water District.

Please submit the above information within 30 days. If we do not receive the requested information within that time frame, we will initiate action to void the application under Section 42-204, Idaho Code, for failure to submit requested additional information.

If you have any questions regarding this matter, please call me at 208-327-5452.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

SC:klt

Enclosure

MICROFILMED

JUN 1 8 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 22, 2000

ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS ID 83877-0070

RE: Application for Permit No. 95-09009

Dear Applicant:

The application for permit to appropriate water that you recently submitted describes your proposed use of water as municipal use.

Section 42-202B(3)(c), Idaho Code, defines a municipal provider as a "corporation or association which supplies water for municipal purposes through a water system regulated by the state of Idaho as a "public water supply" . . .". Section 39-103(15), defines a public water supply as "all mains, pipes and structures . . . actually used or intended for use for the purpose of furnishing water for drinking or general domestic use in incorporated municipalities; or unincorporated communities where ten (10) or more separate premises or households are being served or intended to be served; or any other supply which serves water to the public and which the Department of Health and Welfare declares to have potential health significance.

It appears that the water delivery system you propose in the water right application may qualify as a municipal provider as described above. In order for us to complete our review for permit approval, we need some documentation to show that the Ross Point Water District water system qualifies as a public water supply by the State of Idaho, Dept. of Health and Welfare.

Please submit evidence of your qualification as a municipal provider within 30 days. Once we receive sufficient documentation to this effect, our review for permit approval can be completed. If you have any questions, please call me.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

MICROFILMED

JAN 18 2000

Analysis of System Capacity for Subdivisions

Operator: S. Curtis

Date: 1/20/00

Right No.: 95-09009

Existing or Proposed System

Storage capacity in gallons	500000	gal
Pump horsepower	250	hp
Dynamic lift	200	ft
Pump discharge pressure	40	psi
Theoretical pumping capacity	5.27	cfs 2363.7 gpm
Measured pumping capacity	5.25	cfs 2356.2 gpm

Requirements

Number of homes	1300	homes
Gallons per day per home	1650	gal
Area irrigated	0	acres
Peak demand period	60	min

Calculations

Peak instantaneous demand	0.15	cfs	69.1	gpm
Suggested pump capacity	0.05	cfs	20.7	gpm
Peak demand volume	4147	gal		
Max potential daily diversion vol.	3392928	gal		
Total daily volume required	2145000	gal	6.5828	af
Time required to pump daily vol.	15.2	hr	910	min
Time required to refill storage	0.0	hr	2	min

Key Questions

Does existing storage capacity exceed peak demand volume?	Yes
Does existing pumping capacity meet or exceed the suggested pumping capacity?	Yes
Can the system produce the required daily volume in under 24 hours?	Yes

Notes:MICROFILMED
JAN 18 2001

IDAHO DEPARTMENT OF WATER RESOURCES
 APPROVATION APPLICATION ANALYST SHEET

RECEIVED

JAN 18 2000

WRI
 WRA
 BCA

APPLICATION # 95 - 09009

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: Ross Point Water District

BY:

DATE: 02/12/99

ITEM REQUIRED INFORMATION

RECEIVED

PROCESSING

JAN 18 2000

(Yes) (No)

PRIORITY DATE: 02/12/99

Department of Water Resources

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

CA/shurs/ok

ADVERTISE IN:

Kootenai

County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
 () Power Information () Other:

INFORMATION RECEIVED:

() Dam Information () Fish Information
 () Power Information () Other:

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes) (No)

Field check: by _____
 Field report attached _____
 Analysis Supp. attached(>5cfs/500af) _____
 Water delivered by water master? _____
 Water District # _____

GROUNDWATER SECTION

WD Permit No.'s: D5807 Type:

Fees

Receipt No.

Upgrade Needed?

95 99 N 20 Dom. Non-Dom. X Paid \$ 200.00
 Dom. Non-Dom. Paid \$ _____
 Dom. Non-Dom. Paid \$ _____

N012650

Y () N (✓)
 Y () N ()
 Y () N ()

Groundwater management area _____
 Critical ground water area _____
 Well Drilling Permit required _____
 Well Drilling Application and Fees received _____
 Well Drilling Application approved? _____

Remarks:

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

Notice of pending void order issued. Final order response date: ____/____/____
 Further information required from applicant _____
 Affidavit of publication received _____
 Application published correctly. If not, record action taken: _____

Publication dates and paper recorded on application _____ Sr. Agent initial _____

Protests received, Final protest date: 12/6/99

Measuring device required _____

Measuring port required _____

Special conditions: _____

Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

B. R. A.

Date: 10/7/99

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

STACIE WALKER

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.

3. The LEGAL NOTICE

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 18 day of NOVEMBER 1999, and ending on the 25 day of NOVEMBER 1999, and such publication was made as often during said period as said daily 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.

Stacie Walker

Subscribed and sworn to before me this 25 day of November 1999.

Regina Mason

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

RECEIVED

DEC 07 1999

IDWR/North

NOTARY COMMISSION EXPIRES 6/18/01

NOTICE OF APPLICATION FOR WATER RIGHT

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

94-07383

CITY OF HARRISON

PO BOX 73
HARRISON, ID 83833

Source: GROUNDWATER

Diversion Pt: LOT 7 (NENE)

Use: MUNICIPAL

Sec 1 T 47N R 04W in KOOTENAI County.

(0.330 CFS)
(0.330 CFS)

Total Diversion:

Date Filed: 10/14/1999

Place of use is within the service area of the City of Harrison.

95-09009

ROSS POINT WATER DISTRICT

PO BOX 70

POST FALLS, ID 838770070

Source: GROUNDWATER

Diversion Pt:

NENE

NWNW

NESW

SWNENW

Sec 1 T 50N R 05W in KOOTENAI County.

Sec 31 T 51N R 04W in KOOTENAI County.

Sec 35 T 51N R 05W in KOOTENAI County.

Sec 36 T 51N R 05W in KOOTENAI County.

(5.250 CFS)

(5.250 CFS)

Use: MUNICIPAL

Total Diversion:

Date Filed: 2/12/1999

Place of use is within the service area of the Ross Point Water District.

95-09033

ILICH, THOMAS J

1306 E BLACKWOOD LANE

SPOKANE, WA 992236399

Source: COEUR D'ALENE

Diversion Pt: LOT 6 (SESE)

Use: DOMESTIC

Tributary: SPOKANE RIVER

Sec 25 T 48N R 05W in KOOTENAI County.

(0.040 CFS)

(0.040 CFS)

Date Filed: 9/30/1999

In: KOOTENAI County

T48N R05W S25

Lot 6 (SESE)

95-09034

HOYT, BRAD

HOYT WATER COMPANY LLC

8610 E MARINGO DR

SPOKANE, WA 99210

Source: GROUNDWATER

Diversion Pt: SWSE

SESE

Use: MUNICIPAL

Total Diversion:

Date Filed: 3/26/1999

Place of use is located within the service area of Hoyt Water Company LLC.

Sec 8 T 51N R 05W in KOOTENAI County.

Sec 8 T 51N R 05W in KOOTENAI County.

(1.000 CFS)

(1.000 CFS)

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before DECEMBER 6, 1999.

Legal 181

November 18, 25, 1999

KARL J. DREHER, Director

RECEIVED

DEC 07 1999

IDWR/North

MICROFILMED

JAN 18 2000

95-09009

ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS, ID 838770070

Source: GROUNDWATER

Diversion Pt:	NENE	Sec 1 T 50N R 05W in KOOTENAI County.
	NWNW	Sec 31 T 51N R 04W in KOOTENAI County.
	NESW	Sec 35 T 51N R 05W in KOOTENAI County.
	SWNENW	Sec 36 T 51N R 05W in KOOTENAI County.

Use: MUNICIPAL	(	5.250 CFS)
Total Diversion:	(	5.250 CFS)

Date Filed: 2/12/1999

Place of use is within the service area of the Ross Point Water District.

MICROFILMED

JAN 18 2001

November 10, 1999

Ross Point Water District
PO Box 70
Post Falls ID 83877-0070

Re: Water Appropriation Application No. 95-09009

Gentlemen:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED

JAN 18 2001

FRAME & SMETANA, P.A.

CONSULTING ENGINEERS

603 North 4th Street

Phone 664-2121 - Fax 765-5502

COEUR D'ALENE, IDAHO 83814

RECEIVED

APR 09 1999

IDWR/North

April 8, 1999

Mr. Al Beardslee
Idaho Department of Water Resources
1910 Northwest Boulevard #210
Coeur d'Alene, ID 83814

RE: ROSS POINT WATER DISTRICT WELL EXPANSION

Dear Al:

After our telephone conversation last week, I reviewed the flows that may be obtained from this new well and discussed it with Dan Selden, the District Watermaster. If we install a 300 HP pump, we will produce approximately 5.25 CFS so we are submitting the Rule 4,5,3 information below as noted in the guidelines that you faxed to us.

As we discussed, this well is being constructed to provide sufficient water such that if any District major pump went down during a high use period, service could be continued in a normal manner. The well is also located to provide service to the northwest or most remote area of the District from the 500,000 gallon storage reservoir, thereby holding adequate pressures during periods of high use, and to serve the as yet undeveloped area to the north of Poleline Avenue. The District has approximately 1300 users that consume an average of approximately 50,000 gal/mo. during peak summer periods. This computes to 3.35 CFS or a continuous flow of 1505 GPM with adequate storage for equalization. Winter use can drop to 10% of this.

This well will supplement and back up the existing supply from the three smaller District wells. The new well and all three existing wells draw water from the Rathdrum Prairie Aquifer, which has a static water level approximately 210 to 220 feet below ground surface at the location of the new well. The well is being drilled 70 to 80' into the aquifer to allow adequate cover for the screen during periods of low water level. The 20" diameter casing will allow the pump to be increased in size in the future to 400 HP if necessary which would provide an appropriation of 6.9 CFS.

MICROFILMED
JAN 18 2001

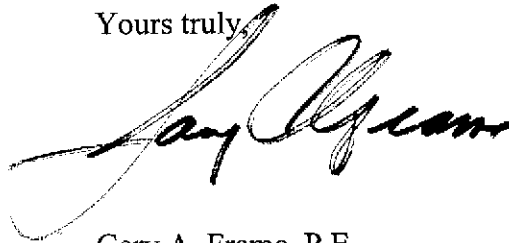
Mr. Al Beardslee
April 8, 1999
Page 2

The well is being constructed in cooperation with School District #273 on a parcel of their property at the new Post Falls High School site. A copy of this long-term lease agreement is attached.

The project is being financed using existing funds from user fees. The well is being drilled by the Holman Drilling Corporation and will run approximately \$85,000. The pump, pumphouse and appurtenances will run a like amount. As a part of this project new mains are being installed along Pine Street and through the school site to the north side of Poleline Avenue.

As can be seen, this project is not controversial in nature and no problems have arisen. On the contrary, the users should greatly benefit from the present backup and future service capabilities of this project.

Yours truly,

A handwritten signature in black ink, appearing to read "Gary A. Frame". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Gary A. Frame, P.E.

GAF:kc
Enclosure (Long Term Lease Agreement)
xc: Ross Point Water District

MICROFILMED
JAN 18 2001

RECEIVED

APR 09 1999

1579545

LEASE AGREEMENT

IDWR/North

After due consideration and resolution by the respective boards of the parties hereto, this Lease Agreement is entered into by and between Post Falls School District No. 273, a school district organized and existing under the laws of the State of Idaho, 206 W. Mullan, P.O. Box 40, Post Falls, Idaho 83877-0040, (School District), and Ross Point Water District, a water district organized and existing under the laws of the State of Idaho, E 3900 Primrose, P.O. Box 70, Post Falls, Idaho 83877-0070, (Water District).

RECITALS

1. School District is the owner of the parcel of land described as set forth in Exhibit "A" attached hereto and made a part hereof (the well site).

2. The well site, as well as other School District lands and public schools, lies within the boundaries of the Water District.

3. Water District supplies potable water to the School District lands lying within the boundaries of the Water District for all School District purposes and needs including, without limitation, fire flows and irrigation water requirements.

4. School District is in the process of constructing a new high school building and facilities on School District land adjoining the well site and will require an additional water hook up and additional water service from the Water District.

5. Water District requires an additional well site for public water supply and its operations as public water purveyor.

6. Water District desires to lease from the School District the well site on a long term basis for construction and operation of a well, pump, controls and pumphouse.

7. In addition to other exchanges as per covenants set out below, the parties desire to exchange the lease of the well site by the School District for a two inch (2") water meter and waiver by the Water District of the water hookup fee for the two inch (2") potable water service (hookup) for the new high school building, facilities, grounds and other School District lands adjoining the well site.

8. School District is transferring to the Post Falls Highway District a strip of land adjoining the well site on the south for public roadway purposes, which planned public roadway is referred to by various public entities as "Horse Haven Avenue"; the strip of land to be transferred to the highway district is more particularly described as follows:

South thirty feet (30.00') of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4), Section 36, Township 51 North, Range 5 West, Boise Meridian, Kootenai County, Idaho.

9. Water District will work out with Post Falls Highway District any requirements it may have for roadway access to and from the well site and water pipeline or utility easements.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES OF THE PARTIES, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES AGREE:

MICROFILM

JAN 18 2001

SECTION ONE SUBJECT AND PURPOSE

School District leases the well site as described in Exhibit "A" to Water District for Water District's use as a water well site and construction of a water well, pump, controls and pumphouse and for no other use. As used herein the term "well site" refers to the land described in Exhibit "A" and to any improvements located thereon from time to time during the term of this lease. The well site, well, pump, controls and pumphouse shall be constructed by Water District at its own cost and expense except as otherwise specifically provided below. The construction of the pumphouse shall be architecturally compatible with the planned high school building to be built on School District land adjoining the well site. The well site shall be landscaped and maintained by the Water District so as to be compatible with the adjoining School District land and so as to avoid a weedy or unkempt appearance or insect infestation. Water District shall neither use nor occupy the demised premises or any part thereof for any unlawful or ultrahazardous purpose nor in a manner constituting a nuisance of any kind. Water District shall immediately, on discovery of any unlawful or ultrahazardous use or nuisance, take action to halt such activity.

SECTION TWO EXCHANGE AND TERM

School District demises the well site for a term of ninety-nine years commencing on March 8, 1999, and terminating on March 8, 2098, or sooner as provided herein, in exchange for a two inch (2") water meter and waiver of the Water District hookup fee for the two inch (2") water service for potable water for the new high school buildings, facilities, grounds and other School District lands adjoining the well site.

It is understood that School District will pay to Water District the usual, regular and customary water rates, as may be adopted and implemented by Water District from time to time, for the water used by the School District through the two inch (2") water service, but shall not be required to pay any other fee to the Water District for the two inch (2") water service hookup. Water District shall provide to the School District, through this two inch (2") water service hookup, good quality potable water to meet state standards and in sufficient quantity to meet School District's requirements up to the maximum two inch (2") water service and Water District shall comply with all applicable laws and regulations related thereto. It is understood, however, that, in addition to rights to water service provided by this lease, water service to the School District is provided by virtue of School District's status as landowner and patron of Water District. School District does not waive or release any of its rights or entitlement to water service from Water District under the law and the policies and regulations of the Water District.

MICROFILMED
JAN 18 2001

SECTION THREE OTHER IMPROVEMENTS

School District, at its sole cost and expense, will grade the well site as a part of the overall grading plan for the new high school building and facilities, but, in any event, School District's grading of the well site will provide for a minimum forty foot (40') square area surrounding the well to be constructed of native mineral soil compacted to ninety-five percent (95%) of standard proctor density to allow for the structural support of the pumphouse building.

School District, at its sole cost and expense, will install a five foot (5') high chain link fence along the north right-of-way line of the future roadway of Horse Haven Avenue. School District will install a twelve foot (12') vehicular swing gate in said fence centered on the south side of the well site. Water District shall, within (30) thirty days of receipt of the reasonable costs of materials and installation of the swing gate, reimburse School District in the amount of these costs.

Water District will install, at its sole cost and expense, along the west, north and east sides of the well site, a five foot (5') high chain link fence compatible with the fence installed by School District as provided above.

The time for completion of the well site, well, pump, controls, pumphouse and the other improvements provided for herein shall be a reasonable time, but in any event, to be completed no later than July 1, 2000. All work shall be done in good and workmanlike manner and in accordance with state and local regulations. All work and improvements, upon completion, shall be free and clear of all liens and encumbrances.

In the event School District should fail to complete the improvements (partial fence, one gate and grading) to the demised premises required of School District as provided herein, Water District may, but is not required to, make the said improvements and submit the reasonable costs and expenses thereof to School District. School District in such event shall reimburse Water District in such amount within thirty (30) days of receipt of the statement of costs and expenses for the partial fence, one gate and grading.

All improvements, alterations and additions on or in the demised premises shall become part of the demised premises and the sole property of the School District at the termination of the lease. Water District shall, at all times during the lease and at its own cost and expense, repair, replace and maintain in a good, safe and substantial condition all improvements on the demised premises and shall use all reasonable precaution to prevent waste, damage or injury to the demised premises.

MICROFILMED
SECTION FOUR
PUBLIC WATER SUPPLY 2031

School District will allow no activities on School District land adjoining the well site on

the west, north, and east within fifty feet (50') of the well site that would conflict with state regulations for domestic water wells and public water supply.

SECTION FIVE UTILITIES

All applications and connections for necessary utility services on the demised premises shall be made in the name of Water District only, and Water District shall be solely liable for utility charges as they become due, including but not limited to those for electricity and sewer, gas and telephone, if applicable.

SECTION SIX TAXES

It is not anticipated that taxes will be imposed upon either Water District or School District with respect to the well site and improvements or activities thereon, but if taxes or assessments of any type should be imposed, then, in such event, Water District shall pay on or before the last day on which payment may be made without penalty or interest, all taxes, assessments, or other governmental charges that shall or may during the lease term be imposed on, or arise in connection with the use of, the demised premises or any part thereof.

SECTION SEVEN INDEMNITY

School District shall not be liable to Water District or to any person or entity whatsoever for any injury to, or death of, any person, for loss of or damage to, property (including property of Water District) occurring in or about the premises from any cause whatsoever other than from the actions or negligence of School District, its agents, invitees or contractors.

Water District agrees to indemnify and save School District harmless from all loss, damage, liability or expense (including expenses of litigation and attorney fees) arising out of or resulting from any actual or alleged injury to, or death of, any person, or from any actual or alleged occurrence on or about the premises, or caused by, or resulting from, any act or omission, whether negligent or otherwise, of Water District in or about the premises. Water District shall, at its own expense, maintain at all times during the lease term proper liability insurance with a reputable insurance company or companies in the minimum amount of one million dollars (\$1,000,000.00) per accident for property damage, in the minimum amount of one million dollars (\$1,000,000.00) per person and two million (\$2,000,000.00) per accident or occurrence for bodily injuries to indemnify both School District and Water District against such claims, demands, losses, damages, liability and expense as against which Water District has herein agreed to indemnify and hold School District harmless. Such policy or policies shall name School District as an insured. The minimum amounts specified in this paragraph may be adjusted at School District's sole discretion, but such adjustment in minimum amounts shall not exceed an increase equal to two percent (2%) per year times each minimum amount ($\$1,000,000.00 \times .02 =$

\$20,000.00 increase per year at most and $\$2,000,000.00 \times .02 = \$40,000.00$ increase per year at most, respectively).

SECTION EIGHT FIRE INSURANCE

Water District shall keep in force at all times during the term hereof fire and extended coverage insurance, including coverage against vandalism and malicious mischief, on all improvements on the premises. Such policy or policies shall name School District as an insured as its interest may appear. Water District shall furnish School District with a copy of said policy or policies or other acceptable evidence that the insurance is in effect.

SECTION NINE WAIVER OF SUBROGATION

School District and Water District hereby mutually release each other from liability and waive all right of recovery against each other for any loss from perils insured against under their respective fire insurance policies, including any extended coverage and endorsements thereof; provided, however, that this paragraph shall be inapplicable if it would have the effect, but only to the extent that it would have the effect, of invalidating any insurance coverage of School District or Water District.

SECTION TEN INSPECTION

School District and its agents shall have the right to inspect the premises at all reasonable times and to enter the same whenever it is reasonably necessary for the exercise of any of its rights or privileges hereunder; provided, however, School District shall enter the pumphouse only in the presence of an electrical expert familiar with high voltage electrical equipment.

SECTION ELEVEN DEFAULT OR BREACH

Each of the following events shall constitute a default or breach of this lease by Water District:

(1) If Water District, or any successor or assignee of Water District while in possession, shall file a petition in bankruptcy or insolvency or for reorganization under any bankruptcy act, or shall voluntarily take advantage of any such act by answer or otherwise, or shall make an assignment for the benefit of creditors.

(2) If involuntary proceedings under any bankruptcy law or insolvency act shall be instituted against Water District, or if a receiver or trustee shall be appointed of all or substantially all of the property of Water District, and such proceedings shall not be dismissed or the receivership or trusteeship vacated within sixty (60) days after the institution or appointment.

(3) If Water District shall fail to perform or comply with any of the terms, provisions or conditions of this lease and if the nonperformance shall continue for a period of sixty (60) days after notice thereof by School District to Water District or, if performance cannot be reasonably had within the sixty (60) day period, Water District shall not in good faith have commenced performance within the sixty (60) day period and shall not diligently proceed to completion of performance.

(4) If Water District shall vacate or abandon the demised premises.

(5) If this lease or the estate or substantially all the property or interests and activities of Water District shall be transferred to or shall pass to or devolve on any other person, entity or party, except in the manner herein permitted.

SECTION TWELVE EFFECT OF DEFAULT

In the event of any default hereunder, the rights of School District shall be as follows:

(1) School District shall have the right to cancel and terminate this lease, as well as all of the right, title, and interest of Water District hereunder, by giving to Water District not less than sixty (60) days' notice of the cancellation and termination. On expiration of the time fixed in the notice, this lease and the right, title and interest of Water District hereunder, shall terminate in the same manner and with the same force and effect, except as to Water District's liability, as if the date fixed in the notice of cancellation and termination were the end of the term herein originally determined.

(2) School District may elect, but shall not be obligated, to comply with any agreement, term or condition required hereby to be performed by Water District, and School District shall have the right to enter the demised premises for the purpose of correcting or remedying any such default and to remain until the default has been corrected or remedied, but any expenditure or action for the correction by School District shall not be deemed to waive or release the default of Water District or the right of Water District to take any action as may be otherwise permissible hereunder in the case of any default.

(3) School District may re-enter the premises immediately and remove the property and personnel of Water District, and store the property in a public warehouse or at a place selected by School District, at the expense of Water District. After re-entry School District may terminate the lease on giving sixty (60) days written notice of termination to Water District. Without the notice, re-entry will not terminate the lease. On termination School District may recover from Water District all damages proximately resulting from the breach, including the cost of recovering the premises together with all attorney fees and any court costs.

(4) Upon default School District shall recover from Water District reimbursement for all its reasonable costs and expenses together with all attorney fees and any court costs related to the default of Water District.

JAN 18 2001

SECTION THIRTEEN CONDEMNATION

If the demised premises, or any part thereof, or the whole or any part of the improvements situated on the demised premises, shall be taken by any lawful authority under the power of eminent domain, or shall during the continuance of this lease be destroyed by action of public authorities, then this lease and the term demised shall thereupon terminate. Any resulting award of damages shall be equitably divided between School District and Water District. Water District shall be entitled to participate in all condemnation proceedings. School District shall not settle any such proceedings, or sell or transfer the demised premises or any part thereof under threat of such proceedings without the prior written consent of Water District.

SECTION FOURTEEN WAIVERS

The failure of School District to insist on a strict performance of any of the terms and conditions hereof shall be deemed a waiver of the rights or remedies that School District may have regarding that specific instance only, and shall not be deemed a waiver of any subsequent breach or default in any terms and conditions.

SECTION FIFTEEN NOTICE

All notices to be given with respect to this lease shall be in writing. Each notice shall be sent by registered or certified mail, postage prepaid and return receipt requested, to the party to be notified at the address set forth herein or at such other address as either party may from time to time designate in writing.

Every notice shall be deemed to have been given at the time it shall be deposited in the United States mails in the manner prescribed herein. Nothing contained herein shall be construed to preclude personal service of any notice in the manner prescribed for personal service of a summons or other legal process.

SECTION SIXTEEN ASSIGNMENT, MORTGAGE, OR SUBLEASE

Neither Water District nor its successors or assigns shall assign, mortgage, pledge, or encumber this lease or sublet the demised premises in whole or in part, or transfer any interest herein, or permit the premises to be used or occupied by others, nor shall this lease be assigned or transferred by operation of law, without the prior consent in writing of School District, its successors or assigns, in each instance; which consent shall not be unreasonably withheld. The consent of School District to an assignment, mortgage, pledge, or transfer shall not be construed to relieve Water District nor its successors or assigns from obtaining the express written consent of School District, its successors or assigns, to any future transfer of interest. No assignment,

subletting, mortgage or transfer of any interest shall relieve Water District of its obligations hereunder.

SECTION SEVENTEEN SURRENDER OF POSSESSION

Water District shall, on the last day of the term, or on earlier termination of the lease, peaceably and quietly surrender and deliver the demised premises to school District free of subtenancies, including all improvements constructed or placed thereon, all in good standing, good condition and repair. Any personal property not used in connection with the operation of the demised premises and belonging to Water District, if not removed at the termination or default, and if School District shall so elect, shall be deemed abandoned and become the property of School District without any payment or offset therefor. School District may remove such property from the demised premises and store them at the risk and expense of Water District if School District shall not so elect. Water District shall repair and restore all damage to the demised premises caused by removal of any personal property.

The voluntary or other surrender of this lease by Water District, or a mutual cancellation of this lease, shall not work a merger, and shall, at the option of School District, terminate all or any existing subleases or subtenancies, or may, at the option of School District, operate as an assignment to it of any or all such subleases or subtenancies.

SECTION EIGHTEEN REMEDIES OF SCHOOL DISTRICT

In the event of a breach or a threatened breach by Water District of any of the terms, provisions or conditions hereof, School District shall have the right of injunction to restrain Water District and the right to invoke any remedy allowed by law or in equity, as if the specific remedies of indemnity or reimbursement were not provided herein, and School District shall recover all attorney fees and costs incurred.

The right and remedies given to School District in this lease are distinct, separate and cumulative, and no one of them, whether or not exercised by School District, shall be deemed to be in exclusion of any of the others herein, by law, or by equity provided.

No receipt of money by School District from Water District after default or cancellation of this lease in any lawful manner shall (1) reinstate, continue, or extend the term or affect any notice given to Water District, (2) operate as a waiver of the right of School District to enforce payment due, or (3) operate as a waiver of the right of School District to recover possession of the demised premises by proper suit, action, proceeding or other remedy. After (1) service of notice of termination and forfeiture as herein provided and the expiration of the time specified therein, (2) the commencement of any suit, action, proceeding or other remedy, or (3) final order or judgment for possession of the demised premises, School District may demand, receive, and collect any monies due, without in any manner affecting such notice, order or judgment.

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**SECTION NINETEEN
TOTAL AGREEMENT; APPLICABLE TO SUCCESSORS**

This lease contains the entire agreement between the parties and cannot be changed or amended except by a written instrument subsequently executed by the parties hereto. This lease and the terms, provisions and conditions hereof apply to and are binding on the heirs, legal representatives, successors, and assigns of both parties.

**SECTION TWENTY
QUIET ENJOYMENT**

Water District shall, upon complying with and performing its obligations, covenants and conditions hereunder, have and quietly enjoy the premises for the term set forth herein. School District warrants that it has good title to the premises.

**SECTION TWENTY-ONE
HOLDING OVER**

If Water District, its successors or assigns, remains in possession of the premises after the expiration of this lease or any extension thereof without a written lease, it shall be deemed to be occupying the premises as a tenant from month-to-month, subject to all of the conditions, provisions and obligations of this lease insofar as they may be applicable to such month-to-month tenancy.

**SECTION TWENTY-TWO
RECORDING OF LEASE**

The parties shall place this Lease Agreement of public record with the Office of the Recorder, County of Kootenai, State of Idaho.

**SECTION TWENTY-THREE
TIME OF THE ESSENCE**

Time is of the essence in all provisions of this lease.

**SECTION TWENTY-FOUR
SECTION CAPTIONS**

The captions appearing under the section number designations of this lease are for convenience only and are not a part of this lease and do not in any way limit or amplify the terms and provisions of this lease.

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JAN 18 2001

IN WITNESS WHEREOF, the parties have executed this lease at Post Falls, Idaho the day and year indicated in the respective acknowledgements below.

POST FALLS SCHOOL DISTRICT NO. 273

BY Kevin C. Schneidmiller
KEVIN SCHNEIDMILLER, CHAIRMAN
BOARD OF TRUSTEES

ROSS POINT WATER DISTRICT

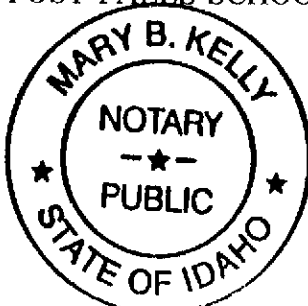
BY Tom Taylor
TOM TAYLOR, CHAIRMAN
BOARD OF DIRECTORS

ATTEST: Janie Anderson
JANIE ANDERSON, CLERK
BOARD OF TRUSTEES

ATTEST: Max W. Wilson
MAX WILSON, VICE CHAIRMAN,
BOARD OF DIRECTORS

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 9th day of March, 1999, before me, a Notary Public, personally appeared KEVIN SCHNEIDMILLER and JANIE ANDERSON, known or identified to me, to be the CHAIRMAN and CLERK of the BOARD OF TRUSTEES, respectively, of POST FALLS SCHOOL DISTRICT NO. 273 that executed the said instrument, and acknowledged to me that such POST FALLS SCHOOL DISTRICT NO. 273 executed the same.



Mary B. Kelly
Notary Public for Idaho
Residing at Hayden Lake
Commission expires: 03/30/2003

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 4th day of March, 1999, before me, a Notary Public, personally appeared TOM TAYLOR and MAX WILSON, known or identified to me, to be the CHAIRMAN

and the VICE CHAIRMAN of the BOARD OF DIRECTORS, respectively, of ROSS POINT WATER DISTRICT that executed the said instrument, and acknowledged to me that such ROSS POINT WATER DISTRICT executed the same.

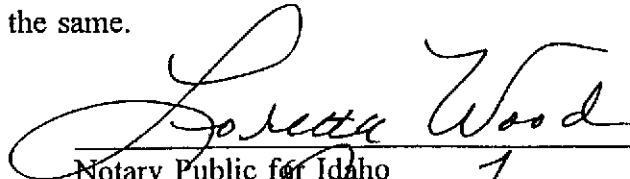

Notary Public for Idaho
Residing at Post Falls, Id.
Commission expires: 05-24-2001

EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST QUARTER NORTHWEST QUARTER (NE 1/4 NW 1/4) OF SECTION 36, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 36; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1288.90 FEET; THENCE N 89°32'15" W, 791.50 FEET ALONG A LINE WHICH LIES 30 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, WHICH LINE WILL BE THE NORTH RIGHT-OF-WAY LINE OF THE FUTURE ROADWAY OF HORSE HAVEN AVENUE, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING N 89°32'15" W, 100.00 FEET; THENCE N 00°27'45" E, 100.00 FEET; THENCE S 89°32'15" E, 100.00 FEET; THENCE S 00°27'45" W, 100.00 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING APPROXIMATELY 0.23 ACRES.

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JAN 18 2001

Ident. No. 95-99-N-0020-000
Well Tag No. D0005807
Water Right No. 95-09009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

1. Name: ROSS POINT WATER DISTRICT
Address: PO BOX 70
POST FALLS ID 83877-0070

O 208-773-1120

Name: FRAME & SMETANA PA
Address: 603 N FOURTH ST
COEUR D ALENE ID 83814

R 208-664-2121



2. Proposed Well Location: Township 51N, Range 05W, Sec. 36, SWNENW
KOOTENAI County

Street Address of Well Site: 800' WEST INTERSECTION OF PINES RD & HORSEHAVEN AVENUE
POST FALLS ID

3. Proposed Use of Well: Non-Domestic Municipal

4. Well Construction Information:

A. NEW WELL

B. Proposed Surface Diameter 20 In. Proposed Maximum Depth 270 Ft.

C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)

(NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. Construction Start Date: 2/24/1999

6. Anticipated Well Driller: HOLMAN DRILLING CORPORATION (No. 0108)

NOTE: The actual well driller must be identified to IDWR prior to drilling commencement.

7. Applicant's Signature _____ Date _____

Title _____
(Owner, Firm Representative, Other)

Fee \$ _____ Received by _____ No. N012650 Date _____

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(Continued)

JAN 18 2001

Ident. No.
Well Tag No.

95-99-N-0020-000
D0005807

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is **APPROVED**

Date: **2/23/1999**

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. **READ CAREFULLY!**

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1-800-428-4950.
9. Applicant requests issuance of this Drilling Permit prior to approval of a Water Right or Transfer of a Water Right. Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the diversion of water from this well may not ultimately be approved for use.

Signature of Authorized Dept. Representative

Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____
Expires On: _____

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132 1 W 2035