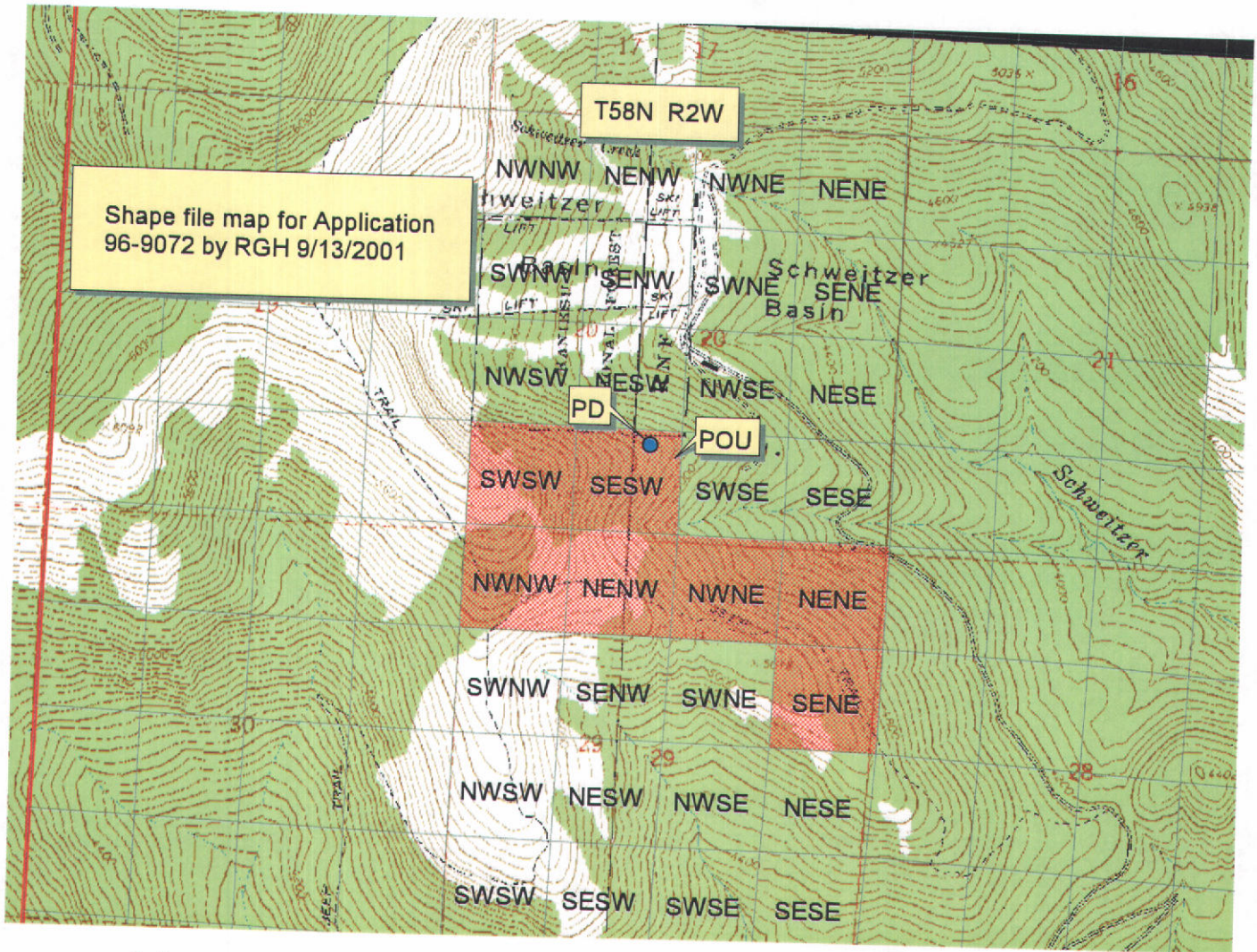


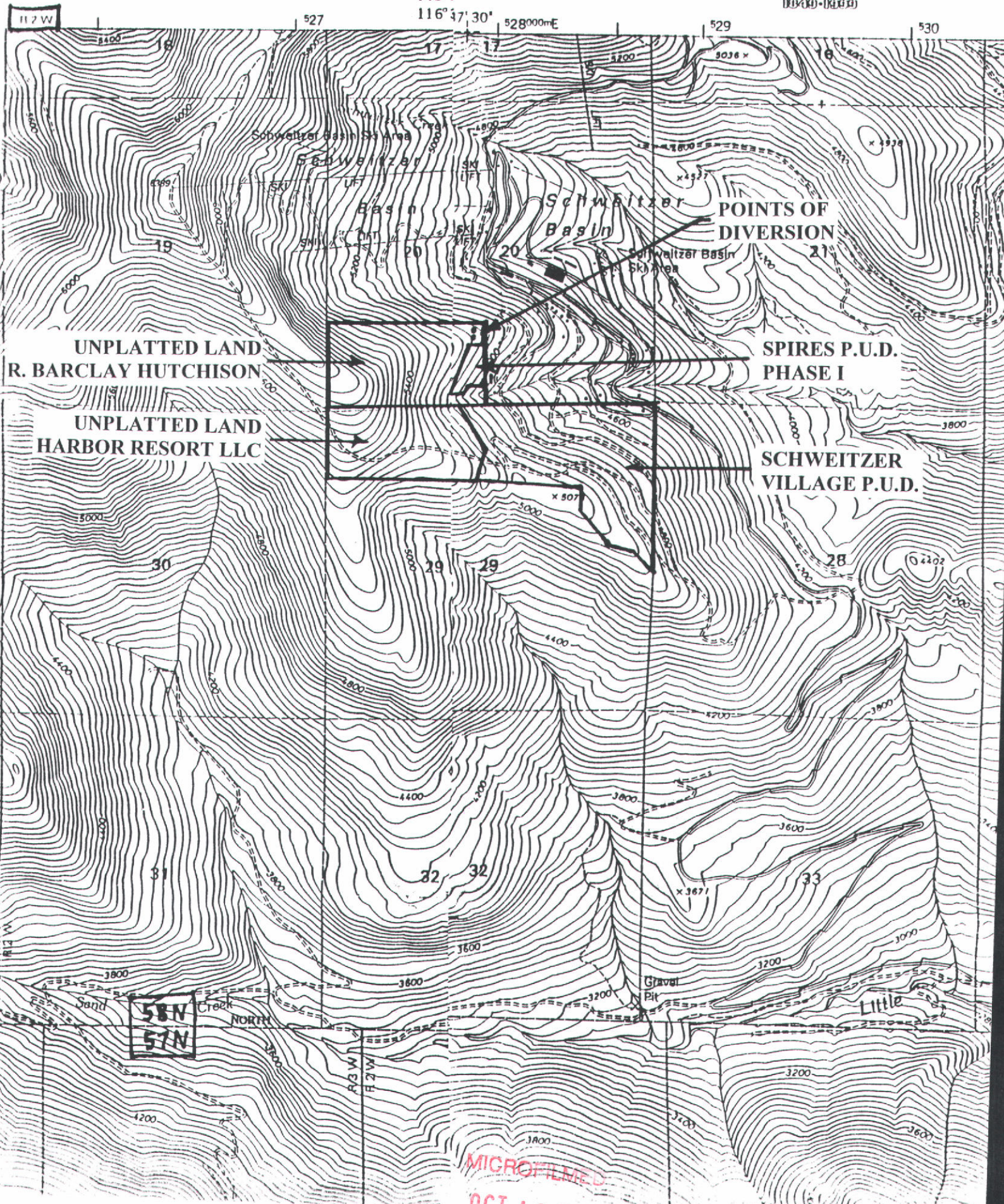


- GCDBT58N02W.shp
- POD- Application Application POD
- Application POU
- Townships



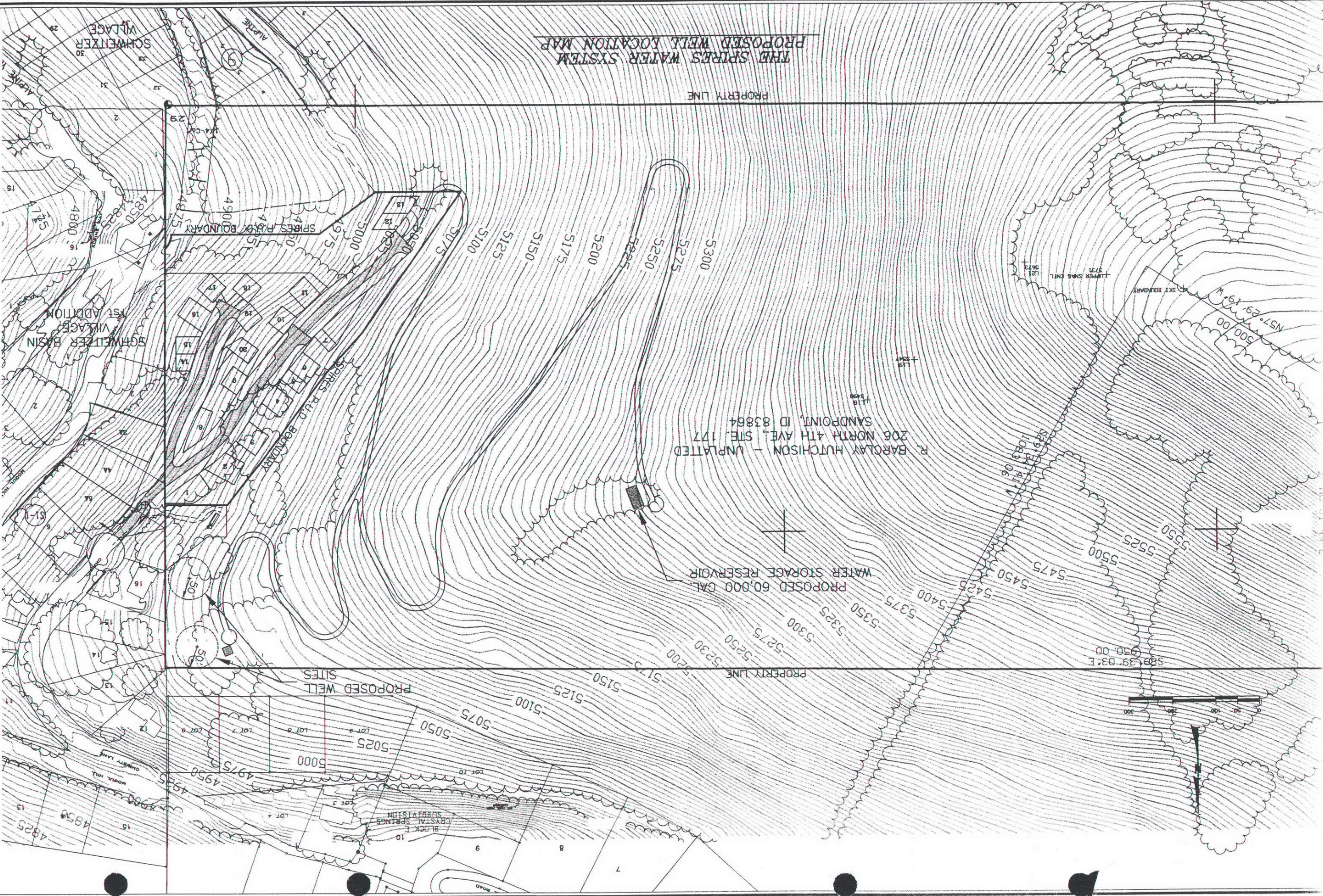
MICROFILMED
OCT 19 2001

HAPI
ARTMENT OF THE INTERIOR
7.5- GEOLGICAL SURVEY



MICROFILMED

OCT 19 2001



THE SPIRES WATER SYSTEM
PROPOSED WELL LOCATION MAP

PROPERTY LINE

R. BARCLAY HUTCHISON - UNPLATTED
206 NORTH 4TH AVE., STE. 177
SANDPOINT, ID 83864

PROPOSED 60,000 GAL.
WATER STORAGE RESERVOIR

PROPERTY LINE

PROPOSED WELL
SITES

TOOTHMAN-ORTON
ENGINEERING COMPANY
W. 280 PRAIRIE AVENUE
COEUR D'ALENE, IDAHO 83815

CLEARWATER ENGINEERING
PROFESSIONAL ENGINEER
P. O. BOX 851
SANDPOINT, IDAHO 83864
PHONE/FAX: (208) 883-8398
DESK: (208) 883-8398
DATE: 04/03/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME RECEIVED
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT DEC - 5 2003
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 96-9072
Name(s) of Permit Holder: The Spire Water Co
Address: 206 N. 4th Ave Ste 177 City Sandpoint State ID Zip 83864
Telephone No. 208 263 9806 Date Proof is Due: 10/1/03

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Well has been drilled - Drilling Permit No 783922
Testing is ongoing for water quality & capacity.
Water distribution system is under construction
Approx 1200 feet of distribution lines have been installed
& Roadway network to reach a service well. Costing \$ 15,000 to well
75,000 to distribution

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Water distribution, Storage and Control System
is still under construction.
Need more time - short construction season and
difficult terrain.

Permit holder(s) request an extension to 10/1/2005

R. Barclay Whitman
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

REINSTATED with the priority advanced to June 9, 2001. **IT IS FURTHER ORDERED** that the time within which to submit proof of beneficial use is extended to October 1, 2005.

Signed this 12th day of December, 20 03

Gary Spackman
GARY SPACKMAN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale -- storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

***NOTE** that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.*

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09072

Priority: 04/05/2001

Maximum Diversion Rate: 0.45 CFS

This is to certify, that SPIRES WATER CO
206 N 4TH AVE STE 177
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	0.45 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, Twp 58N, Rge 02W, B.M. BONNER County

PLACE OF USE:

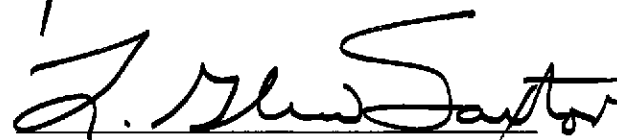
Place of use within area served by the public water supply system of Spires Water Company. Place of use generally located within T58N, R2W, Sections 20 and 29.

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2003**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of

the Director, affixed at Boise, this 20th day of September, 2001.


for KARL J DREHER, Director

MICROFILMED

OCT 19 2001

69123

Ident. No. 96-9072

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

SEP 14 2001

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Spire Water Company Phone (208) 263-9806
Mailing address 206 N. 4th Ave., Suite 177, Sandpoint, ID 83864
2. Source of water supply Groundwater which is a tributary of n/a
3. Location of point of diversion is Township 58N Range 2W Sec. 20, in the SE 1/4,
SW 1/4, 1/4, Govt. Lot , B.M., Bonner County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 0.45 for Municipal purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.35 for Commercial 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) 0.45 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 8" groundwater wells with
6" submersible pumps
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet
 - c. Proposed well diameter is 8 inches; proposed depth of well is 200 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. 350 Equivalent Households
 - e. Other; describe fully. Commercial use for 100 Equivalent Residential Units

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OCT 19 2001

b. 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	
58N	2W	20											D	D					
58N	2W	20											C	C					
58N	2W	29	D	D			D	D											
58N	2W	29	C	C			C	C											

Total number of acres to be irrigated _____

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

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

b. Who owns the land to be irrigated or place of use? R. Barclay Hutchison, Private Owners

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Subdivisions of Land served by a public water system

12. Remarks: Spires Water Company will serve the Spires P.U.D., Schweitzer Village P.U.D., and portions of the unplatted land to the south and west of the Spires P.U.D.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

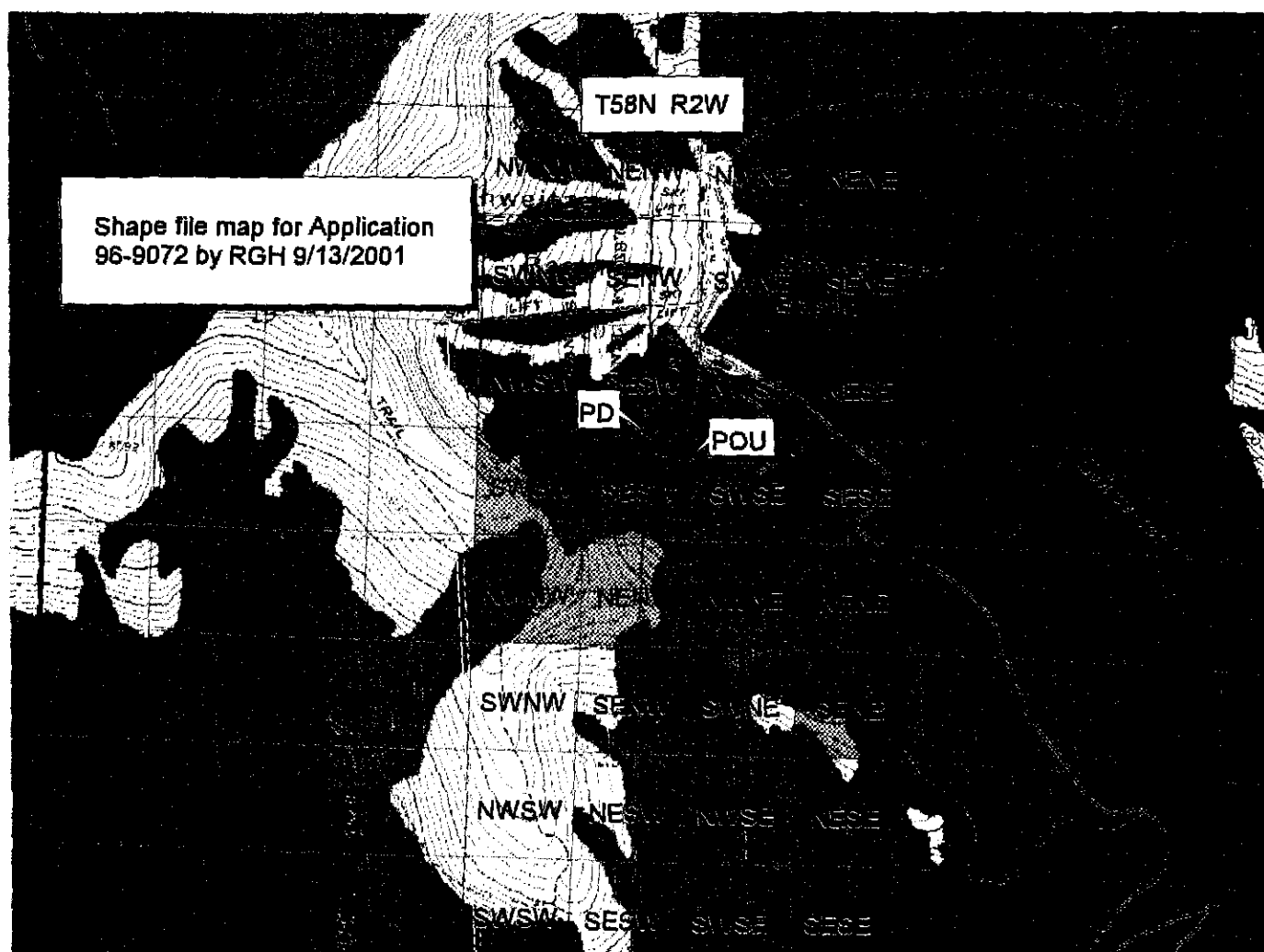
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

R. Barclay Hutchison, owner
Signature of Applicant (and title, if applicable)

Received by db Date 4/5/01 Time 1:20P Preliminary check by db
Fee \$ 100.00 Receipted by db # N014248 Date 4/5/01
Publication prepared by db Date 5/9/01 Published in Bonny County, Idaho, Dec. 5/17+24/01
Publication approved db Date 6/5/01

MICROFILMED

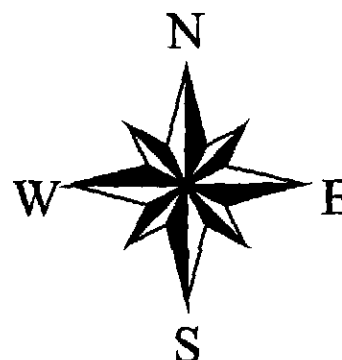
OCT 18 2001



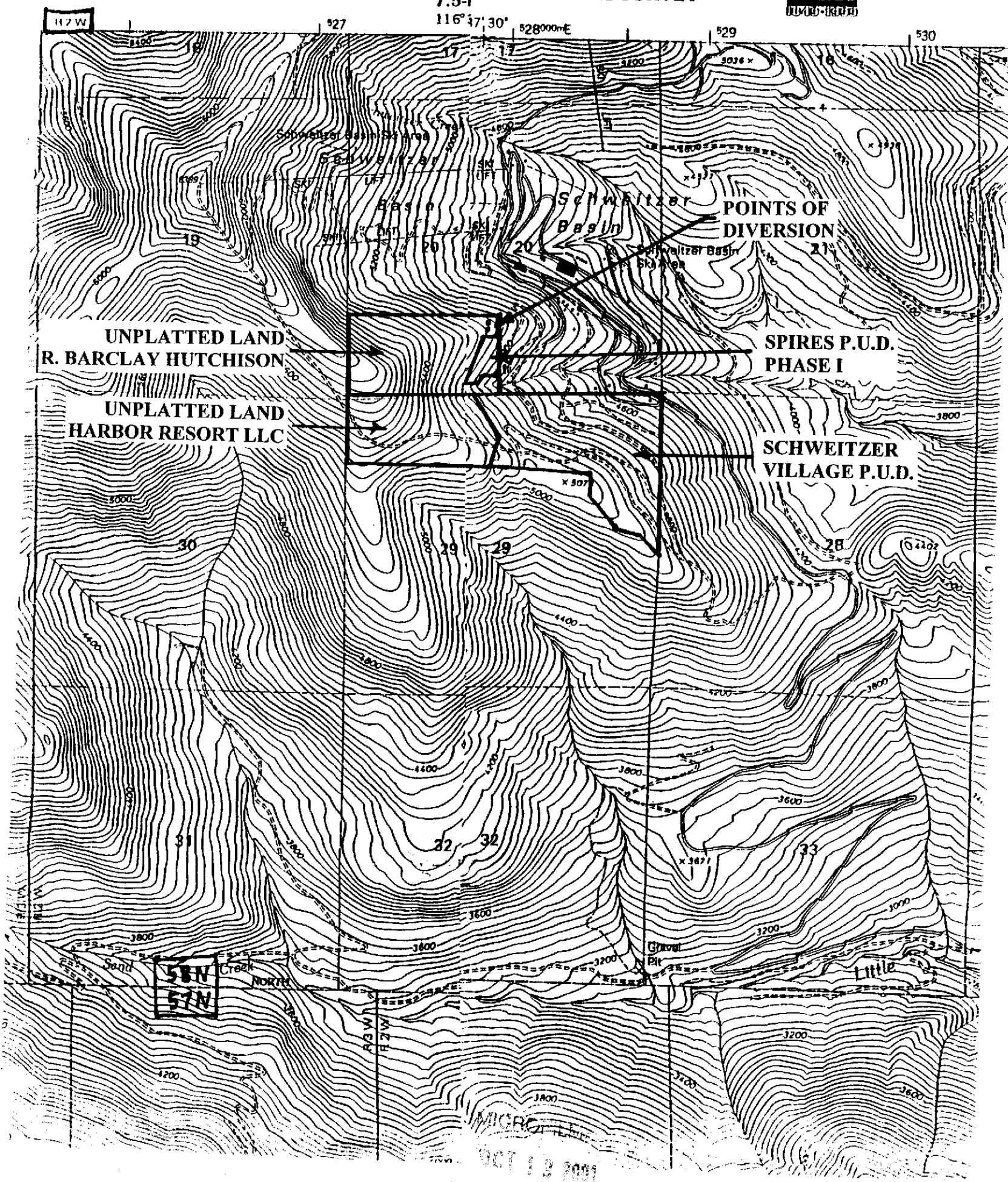
0.4 0 0.4 0.8 Miles

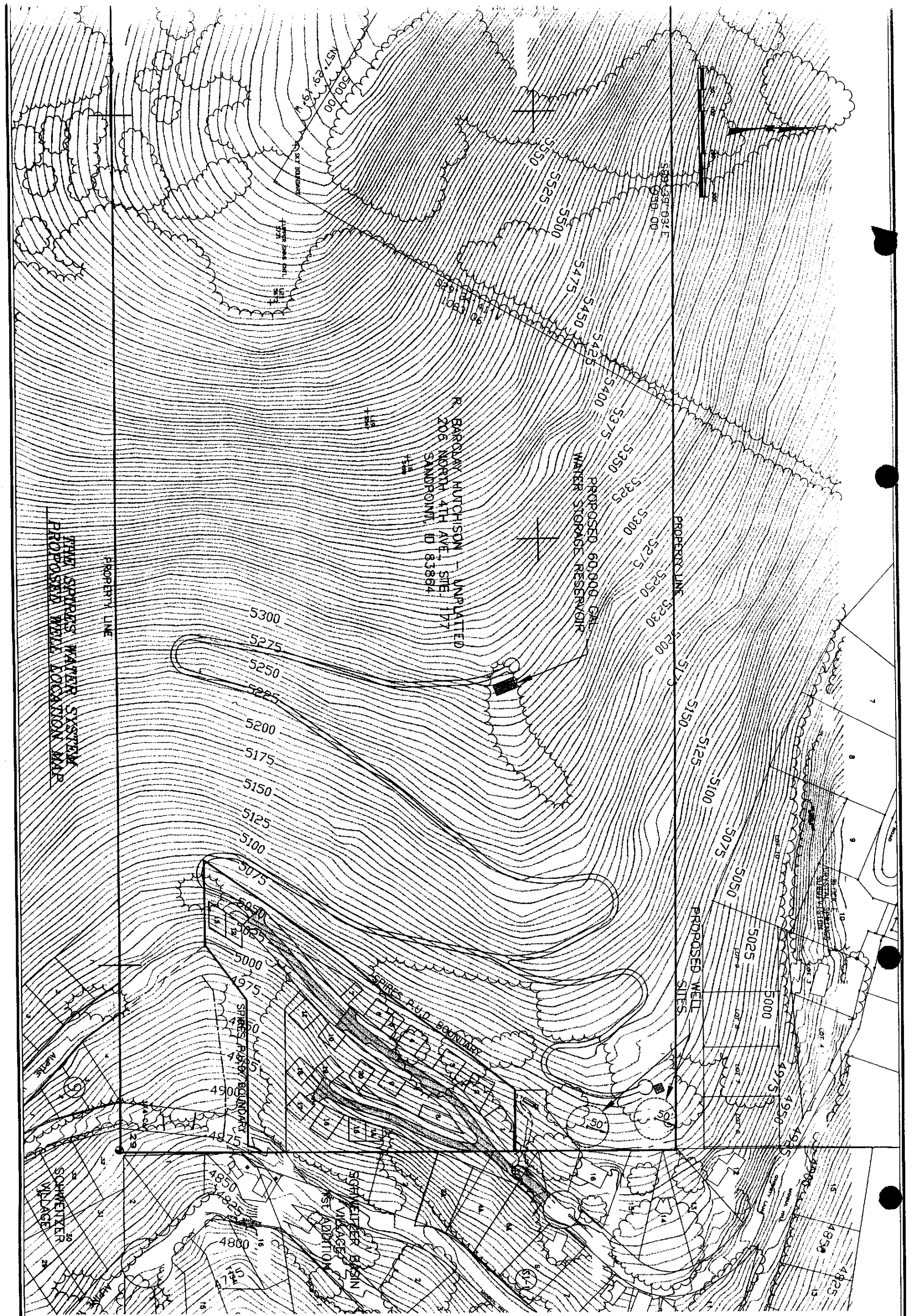
- GCDBT58N02W.shp
- POD- Application Application POD
- Application POU
- Townships

MICROFILMED
OCT 10 2001



150
1549.1000





WATER STORAGE SYSTEM
PROPOSED WELL LOCATION MAP

PROPERTY LINE

PROPERTY LINE

PROPOSED WELL
SITES

R. BARODAN HUTCHISON UNPLATTED
206 NORTH 4TH AVE, SITE 177
SANDPOINT, ID 83884

SPIRES P.U.D. BOUNDARY

SCHWEITZER BASIN
VILLAGE
1ST ADDITION

SCHWEITZER
VILLAGE

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

SPIRES WATER CO
206 N 4TH AVE STE 177
SANDPOINT, ID 83864

RE: PERMIT NO. 96-9072

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated July 31, 2005. No further construction or additional development is authorized under this permit unless it is reinstated.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Enclosures

10/13/05

July 31, 2005

SPIRES WATER CO
206 N 4TH AVE STE 177
SANDPOINT, ID 83864

PROOF DUE NOTICE

RE: PERMIT NO. 96-9072

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, 2005. (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.

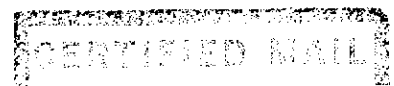
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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, Administrative Assistant
Water Allocation Bureau

Enclosures



7003 0500 0003 1969 4168





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

December 15, 2003

SPIRES WATER CO
206 N 4TH AVE STE 177
SANDPOINT ID 83864

Re: Permit No. 96-9072

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **October 1, 2005**. Please note that the approved request reinstates the permit, however, since your request was submitted after the proof due date the priority of the permit advances to June 9, 2001, as referenced in Section 42-218a, Idaho Code.

Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department may not be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 96-9072

Reviewed By: dgibson

Date: December 12, 2003

	<u>Yes</u>	<u>No</u>	
Request received timely?		X	Is delay by a government agency?
Appropriate fee	X		Is supporting documentation needed to support the file?
Additional Amount Due:			
Receipt No.:	N014248, C071887		Has the permit been involved in litigation?
Name and signature same as permit?	X		Is supporting documentation needed to support the file?
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?
Has adequate work been completed to demonstrate due diligence?	X		

Priority Calculation

Extension request received	12/05/2003	New proof due date	10/01/2005
Date proof due	- 10/01/2003		
Lapse notice sent	- 10/07/2003		
No. of days late	= 65		
Holiday allowance	+		
Priority date	+ 04/05/2001		
New priority date	= 06/09/2001		

Action Taken

Acknowledge request and reinstate since request was received on the 59th day, advance priority to 6/9/01 .
Extend proof deadline to 10/1/2005.

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 96-9072 Reviewed by dy Date 12/12/03

BASIC INFORMATION

12/5/03 Date stamp received
No Extension received timely
Yes Fee received and receipted
Yes Name and signature same as permit
No Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?
 _____ Has the permit been involved in litigation?
 Is supporting documentation needed to complete the file? _____ Requested? _____
 _____ Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____ Requested? _____
 _____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Reinstate & accept request because it was filed before 60-day from lapse notice. Advance priority & ext. to 10/1/05.

PRIORITY CALCULATION

Date extension received	<u>12/5/03</u>	=	<u>339</u>	<i>Lapse Notice 10/1/05: 280 = 59</i>
Proof due date	<u>10/1/03</u>	=	<u>274</u>	
Number of days late		=	<u>65</u>	
Priority date	<u>4/5/01</u>	=	<u>95</u>	
New Priority Date	<u>6/9/01</u>	=	<u>160</u>	

DATA ENTRY

New Address No
 Change Proof Due Date 10/1/05
 Change Priority Date 6/9/01

RECEIVED

DEC - 5 2003

Department of Water Resources

Printed 08/19/2002
Drilling Permit No. 783922
Well Tag No. D0022719
Well ID # 354985
Water Right No. 98-9072
Receipt # N016217
Approved Date 08/19/2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT

Relationship: Owner/Operator
Name: SPIRES WATER CO
Address: 206 N 4TH AVE STE 177
SANDPOINT ID 83864

Phone: (208)263-9806

Proposed Well Location: Township 58N, Range 02W, Section 20, SE, SW
COUNTY BONNER

Street Address of Well Site: NONE GIVEN
SANDPOINT ID

Proposed Use of Well: Municipal

Well Construction Information:

- A. New Well
- B. Proposed Surface Diameter: 10 Inches. Proposed Depth Feet.
- C. Anticipated Bottom Hole Temperature: 85F and less

Construction Start Date: Aug 19 2002

Anticipated Well Drilling Company: UNITED DRILLING INC (No. 414)

Applicant's Signature: _____ Date _____

Title: _____

Post-it® Fax Note	7671	Date	11/13	# of Pages	2
To	Clay	From	Scott		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	263-7341	Fax #			

Well ID # 354985

Well Tag No. D0022719

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved on Monday, August 19, 2002.

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 ft. from any drainfield and 50 ft. from any septic tank. Public Water Supply wells must not be drilled closer than 100 ft. 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 &DIG-LINE-NUMBER
9. Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Department for reconsideration pursuant to Section 87-5243, Idaho Code.
10. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.



Signature of Authorized Dept. Representative

REGIONAL MANAGER

Title

October 7, 2003

SPIRES WATER CO
206 N 4TH AVE STE 177
SANDPOINT, ID 83864

LAPSE NOTICE

RE: PERMIT NO. 96-9072

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated July 31, 2003. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

Gary Spackman, Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 10/7/03
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

_____ 

July 31, 2003

SPIRES WATER CO
206 N 4TH AVE STE 177
SANDPOINT, ID 83864

PROOF DUE NOTICE

RE: PERMIT NO. 96-9072

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, 2003. (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.

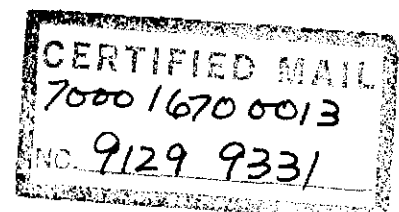
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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, Administrative Assistant
Water Allocation Bureau

Enclosures





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

September 21, 2001

SPIRES WATER CO
206 N 4TH AVE STE 177
SANDPOINT ID 83864

RE: Permit No. 96-9072

Permit Approval Notice

Dear Permit Holder:

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

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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

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

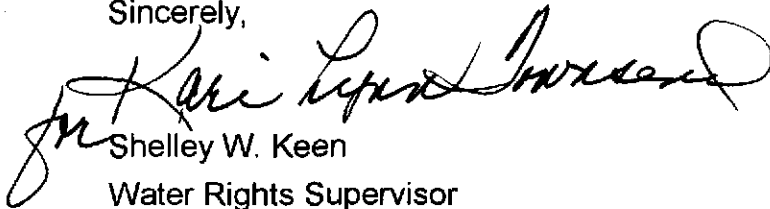
MICROFILMED

OCT 3 8 2001

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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

OCT 12 2001

CERTIFICATE OF MAILING

I hereby certify that on September 21, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9072

SPIRES WATER CO
206 N 4TH AVE STE 177
SANDPOINT ID 83864


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 15 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).

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.

RECEIVED
JUL 15 2009

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 9/10/01

No. 96-9072 Name: Spire Water Co. Corp. Officers ✓ Ad ok ✓ Govt Lots

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 74 - 084 (if necessary)
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
Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-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/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 10/01/2003

MISC CONDITIONS/REMARKS:

~~Protected~~ - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

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

SPRINGS/SINK, INACTIVE WD or WB

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

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102 N/A
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
DOMESTIC
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS Plu = n/in service area of Spire Water Co. located
in T58N, R2W, S20 & 29.

COMMENTS No irr. rds overlap

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION ANALYSIS SHEET**

69123
APPLICATION # 96-9072

WRA
BCA

INITIAL REVIEW

APPLICANT: SPIRES BY: [Signature] DATE: 4/5/01

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
 - (X) Signature
 - (X) Fee (Amt, receipt, acknowledgement)

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

ADDITIONAL INFORMATION

- (Yes) (No)
- X Field check: by _____
- X Field report attached
- X Analysis Supp. attached (>5cfs/500af)
- X Water delivered by water master?
- Water District # _____

PROCESSING

- (Yes) (No) PRIORITY DATE: 4/5/01
- X (Include Moratorium Remark)
- X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BONNER RECEIVED

SEP 14 2001

LETTERS SENT REQUESTING:

Department of Water Resources

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>X</u>	<u>X</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>X</u>	<u>X</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>X</u>	<u>X</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

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

Remarks: WELL NOT DRILLED PRIOR TO APPLICATION FOR PERMIT.

FINAL REGIONAL PROCESSING/REVIEW

- (Yes) (No)
- X Notice of pending void order issued. Final order response date: _____/_____/_____
- X Further information required from applicant
- X Affidavit of publication received
- X Application published correctly. If not, record action taken: _____
- X Publication dates and paper recorded on application | Sr. Agent initial [Signature]
- X Protests received, Final protest date: 6/4/01
- X Measuring device required
- X Measuring port required
- X Special conditions:
- X Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: [Signature]

Date: 9/13/01

**Toothman-Orton Engineering Co.
W. 280 Prairie Avenue
Coeur d'Alene, Idaho 83815**

OFFICE — (208) 762-3644

FAX — (208) 762-3708

FAX TRANSMISSION COVER SHEET

DATE: 8/31/01
TO: Alan Beardslee
COMPANY: IDWR
FAX: 769-1454
SUBJECT: Spires Water Co. - Water Right
SENDER: Scott McNie

YOU SHOULD RECEIVE 2 PAGES IN FAX, INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (208) 762-3644. TRANSMITTING FACSIMILE MACHINE IS A HEWLETT-PACKARD FAX-900.

COMMENTS:

The public water supply number is 1090252.
The Company manager is R. Barclay Hutchison.
I have attached a copy of the LHC application.
Can you please fax a copy of the permit to me.
So I can attach it with well drilling plans to DEQ.

Thanks.

DOCUMENT1

Scott

MICROFILMED

OCT 13 2001

FROM : PAUL WILLIAM VOGEL, P.A.

FAX NO. : 208 265-6775

Aug. 30 2001 09:48AM P1

251



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

01 MAY 10 AM 10:13

SECRETARY OF STATE
STATE OF IDAHO

- The name of the limited liability company is: The Spires
- The address of the initial registered office is: Northwest Passage Road Glades 2-B,
Sandpoint, ID 83864 and the name of the initial registered agent at that address is: R. Barclay Hutchison
- The mailing address for future correspondence: 206 North Fourth Avenue, Suite 177,
Sandpoint, ID 83864
- Management of the limited liability company will be vested in:
Manager(s) ☒ or Member(s) ☐ (please check the appropriate box)
- If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

NameAddressR. Barclay Hutchison206 North Fourth Avenue, Suite 177,
Sandpoint, ID 83864

- Signature of at least one person responsible for forming the limited liability company:

Signature R. Barclay HutchisonTyped Name R. Barclay HutchisonCapacity Manager

Signature _____

Typed Name _____

Capacity _____

Secretary of State use only
IDHO SECRETARY OF STATE

05/10/2001 09:00

CR: 4193 CT: 84959 BH: 396420

FEE 100.00 = 100.00 ORGAN LLC # 2

MAY 10 2001

HATCH

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 05 2001

DWR/North

State of Idaho

SS.

County of Bonner, Sheryl Lynn Jones

_____ being first duly sworn on oath

deposes and says that he/she is Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Legal Notice

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 17 day of May, 2001

and ending on the 24 day of May, 2001

and that said notice was published in said newspaper.

On this 24 day of May in the year

of 2001, before me, a Notary Public, personally

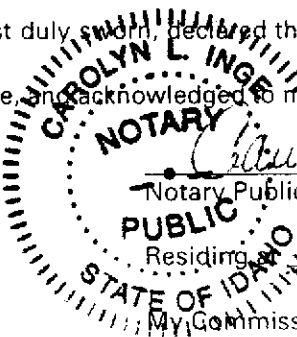
appeared Sheryl Lynn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.



Notary Public for Idaho

Residing at

My Commission expires: 5/2/02

MICROFILMED

OCT 19 2001

LEGAL NOTICE

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

96-9071

JULIE R MEYER
437 LAKEVIEW BLVD
SANDPOINT ID 83864
Point(s) of Diversion NWE S22
T57N R02W BONNER County
Source PEND OREILLE RIVER
Point(s) of Diversion SWSW S27
T57N R02W BONNER County
Source PEND OREILLE RIVER
Use: IRRIGATION
03/15 To 11/15 0.03 CFS
Total Diversion; 0.03 CFS

Date Filed: 04/24/2001
Place Of Use: IRRIGATION
T57N R02W S27 SWSE

Number of Acres 1

96-9072

SPIRES WATER COMPANY
206 N 4TH AVE SUITE 177
SANDPOINT ID 83864

REARCLAY HUTCHISON
206 N 4TH AVE SUITE 177
SANDPOINT ID 83864
Point(s) of Diversion SESW S20
T58N R02W BONNER County
Source GROUND WATER

Use: MUNICIPAL
01/01 To 12/31 0.45 CFS
Total Diversion: 0.45 CFS

Date Filed: 04/05/2001
Remark: Municipal use is for applicant's service area

97-7406

ROBERT D ORMSBY
808 S 299TH PLACE
FEDERAL WAY WA 98003
Point(s) of Diversion NWE S9
T61N R04W BONNER County
Source PRIEST LAKE

Use: DOMESTIC
01/10 To 12/31 0.02 CFS
total Diversion: 0.02 CFS

Date Filed: 04/25/2001
Place Of Use: DOMESTIC T61N
R04W S9 NWSE

Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur d'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 06/04/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Legal SNP#2579
May 17, 24, 2001

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

96-9071

JULIE R MEYER
437 LAKEVIEW BLVD
SANDPOINT ID 83864

Point(s) of Diversion NWNE S22 T57N R02W BONNER County Source PEND OREILLE RIVER
Point(s) of Diversion SWSW S27 T57N R02W BONNER County Source PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 04/24/2001
Place Of Use: IRRIGATION
T57N R02W S27 SWSE
Number of Acres 1

96-9072

SPIRES WATER COMPANY
206 N 4TH AVE SUITE 177
SANDPOINT ID 83864
R BARCLAY HUTCHISON
206 N 4TH AVE, SUITE 177
SANDPOINT ID 83864

Point(s) of Diversion SESW S20 T58N R02W BONNER County Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.45 CFS
Total Diversion: 0.45 CFS
Date Filed: 04/05/2001
Remark: Municipal use is for applicant's service area

97-7406

ROBERT D ORMSBY
808 S 299TH PLACE
FEDERAL WAY WA 98003

Point(s) of Diversion NWSE S9 T61N R04W BONNER County Source PRIEST LAKE
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 04/25/2001
Place Of Use: DOMESTIC T61N R04W S9 NWSE
Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 06/04/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 5/17 and 24, 2001

RECORDED

JUN 13 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 09, 2001

Legal Notice Department
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

RE: Applications for Permit Nos. 96-9071, 96-9072 and 97-7406

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 06/04/2001. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read 'Dianne Ball', with a small smiley face drawn at the end of the signature.

A handwritten signature in cursive script, appearing to read 'Dianne Ball'.

Dianne Ball
Administrative Assistant

MICROFILMED

OCT 18 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

May 09, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SPIRES WATER COMPANY
206 N 4TH AVE SUITE 177
SANDPOINT ID 83864

RE: Application for Permit No 96-9072

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application. Receipt No. N014248 is enclosed for your records.

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on May 17 and 24, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to ten weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Al Beardslee
Senior Water Resource Agent

Enclosure

MICROFILMED

OCT 13 2001

TOOTHMAN-ORTON ENGINEERING COMPANY

Consulting Engineers and Planners

W. 280 Prairie Avenue
COEUR d'ALENE, IDAHO 83815
PHONE: (208) 762-3644
FAX: (208) 762-3708

LETTER OF TRANSMITTAL

Date
04/04/01

Job No.
00109

ATTENTION
Alan Beardslee

RE:
Spires Water Company - Water Right Application

RECEIVED
APR 05 2001
IDWR/North

TO:

Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

WE ARE SENDING

☒

Attached

☐

Under separate cover _____ the following

☐

Shop drawings

☐

Prints

☐

Plans

☐

Samples

☐

Specifications

☐

Copy of letter

☐

Change

☐

COPIES	DATE	NO.	DESCRIPTION
1	4/3/01		Application for Permit to Appropriate Public Waters

THESE ARE TRANSMITTED as checked below

☒

For approval

☐

Approved as submitted

☐

Resubmit _____ copies for approval

☐

For your use

☐

Approved as noted

☐

Submit _____ copies for distribution

☐

As requested

☐

Returned for corrections

☐

Return _____ corrected prints

☐

For review comment

☐☐

FOR BIDS DUE

20

☐

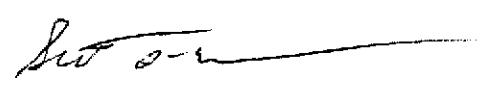
PRINTS RETURNED AFTER LOAN TO US

REMARKS:

Alan:

Please see the attached application and maps for a water right permit for the Spires Water Company. The well locations shown are based on preliminary recommendations from a local hydro-geologist. Further investigation will be conducted after the snow has melted to determine final locations, but the wells will be located somewhere in the SE ¼ of the SW ¼. Please feel free to contact me if you have any questions or need further information.

COPY TO Clay Hutchison

SIGNED:  Scott G. McNee, P.E.

DOCUMENT1

If enclosures are not as noted, kindly notify us at once.

04/11/01