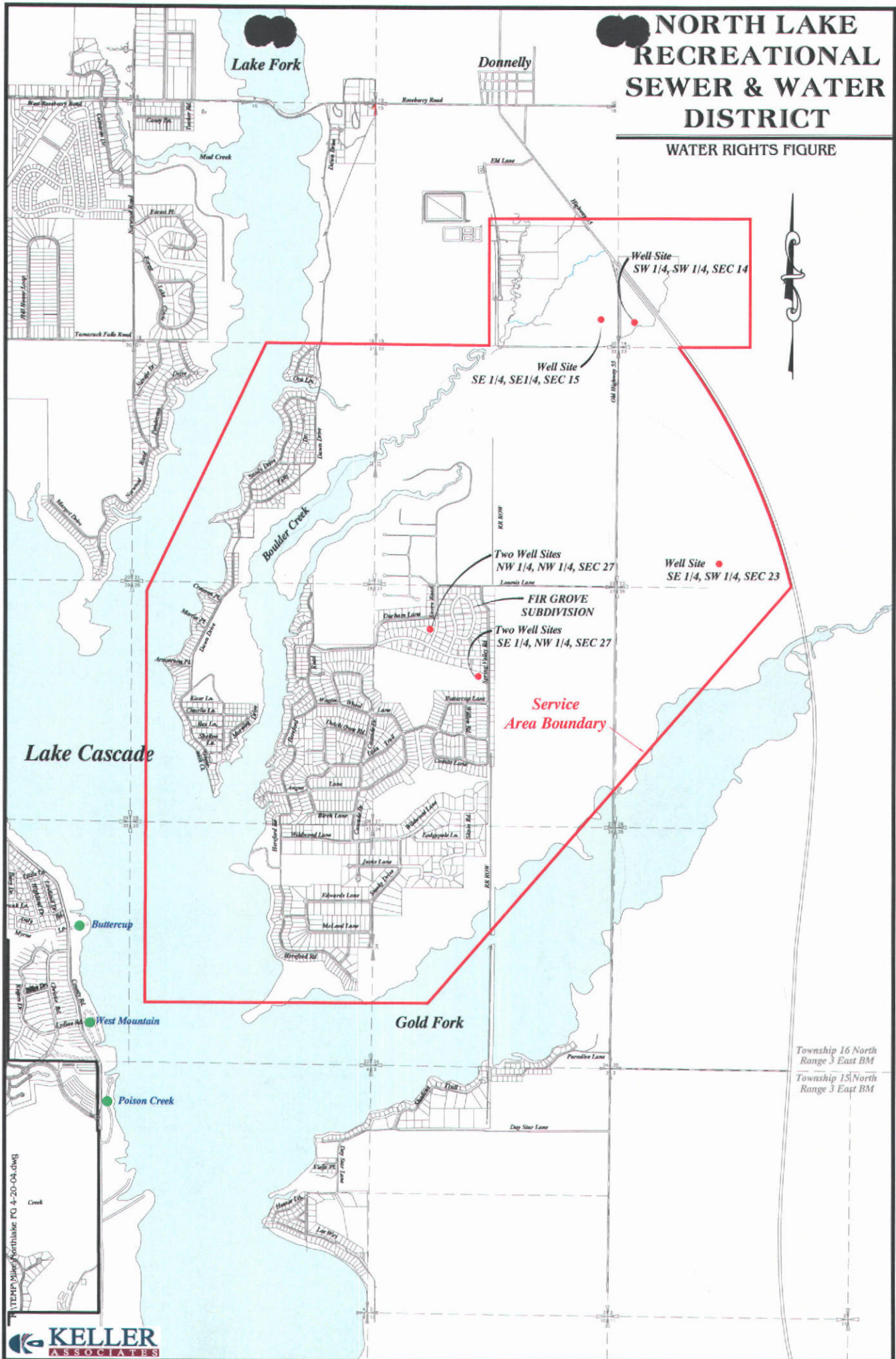


6/8/04
63

NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT

WATER RIGHTS FIGURE



TEMP\line\Northlake PG 4-20-04.dwg

Publisher's Affidavit of Publication

STATE OF IDAHO

County of Valley

} .SS

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began June 3, 2004 and ended June 10, 2004.

Carol J. Wright

Subscribed and sworn before me this the 10th day of June, 2004.
STATE OF IDAHO

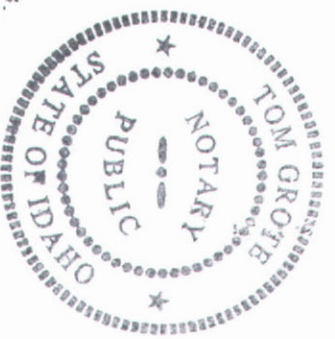
COUNTY OF VALLEY

}

On this 10th day of June, in the year of 2004, before me, a Notary Public, personally appeared Carol J. Wright, 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 she executed the same.

Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/06



THE FOLLOWING APPLICATION(S)
HAVE BEEN FILED TO APPROPRIATE
THE PUBLIC WATERS OF THE STATE
OF IDAHO:

65-22882
NORTH LAKE RECREATIONAL
SEWER & WATER DIST
PO BOX 729, DONNELLY ID 83615
Point(s) of Diversion SWSW
S14 T16N R03E VALLEY County
Source GROUND WATER
Point(s) of Diversion SESE S15 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion SESW S23 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion SENW S27 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion SENW S27 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion NWNW S27 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion NWNW S27 T16N
R03E VALLEY County Source GROUND
WATER
Use: MUNICIPAL 01/01 To 12/31 5
CFS
Total Diversion: 5 CFS
Date Filed: 04/16/2004
Remark: Applicant agrees to mitigate con-
sumptive use in the future as needed.
Municipal use is for applicants service
area.
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 ap-
plication must be filed with the Director, Dept.
of Water Resource, Western Region,
2735 Airport Wy, Boise ID 83705 together
with a protest fee of \$25.00 for each applica-
tion on or before 06/21/2004. The protestant
must also send a copy of the protest to the
applicant.
KARL J DREHER, Director 2tc6/10

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22882

Priority April 16, 2004

Maximum Diversion Rate. 5.00 CFS

This is to certify, that NORTH LAKE RECREATIONAL SEWER & WATER DIST
PO BOX 729
DONNELLY ID 83615

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	5.00 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SW¼SW¼	Sec 14, Twp 16N, Rge 03E, B M., VALLEY County
GROUND WATER	SE¼SE¼	Sec. 15, Twp 16N, Rge 03E, B M , VALLEY County
GROUND WATER	SE¼SW¼	Sec 23, Twp 16N, Rge 03E, B M., VALLEY County
GROUND WATER	SE¼NW¼	Sec. 27, Twp 16N, Rge 03E, B.M , VALLEY County
GROUND WATER	SE¼NW¼	Sec. 27, Twp 16N, Rge 03E, B M , VALLEY County
GROUND WATER	NW¼NW¼	Sec 27, Twp 16N, Rge 03E, B M., VALLEY County
GROUND WATER	NW¼NW¼	Sec. 27, Twp 16N, Rge 03E, B.M., VALLEY County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2009.**
- 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 the permit holder had no control.
- 4 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- 5 Place of use is within the service area of North Lake Recreational Sewer & Water District as provided for under Idaho law. The place of use is generally described as Sections 14, 15, 21, 22, 23, 26, 27, 28, 33 and 34, Township 16N, Range 3E.
- 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22882

- 7 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 15th day of September, 2004.


FOR KARL J DREHER, Director

RECEIVED
JUN 30 2004
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name of Applicant North Lake Recreational Sewer & Water District Phone (208) 325-8858
Post Office address P.O. Box 729, Donnelly, ID 83615
2. Source of Water Supply Groundwater
3. Location of point of diversion is 16N Range 3E Sec. 14, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Govt. Lot _____ B.M. _____ County _____
additional points of diversion if any SESE of Section 15, SESW of Section 23, and two points of
diversion in both the SENW and the NWNW of Section 27, all within T16N R3E.
4. Water will be used for the following purposes:
Amount 5.0 cfs for Municipal Purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet annum)
Amount _____ for _____ Purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet annum)
Amount _____ for _____ Purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet annum)
Amount _____ for _____ Purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet annum)
5. Total Quantity to be appropriated is (a) 5.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flume, pumps, headgate, etc. Up to seven wells with electric pumps

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
_____ to _____ inclusive.
c. Proposed well diameter is 16 inches; proposed depth of well is 600 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 Well No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. North Lake Recreational Sewer and Water District
d. Domestic; show number of households. _____
e. Other, describe fully. _____

9. Description of place of use

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	3E	14									M	M	M	M					
		15													M	M	M	M	
		21	M	M	M	M							M	M	M	M	M	M	
		22	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		23			M		M	M	M	M	M	M	M	M		M	M		
		26		M	M		M	M	M	M		M	M						
		27	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		28	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		33	M	M	M	M	M	M	M	M	M	M			M	M			
		34	M	M	M		M	M	M	M	M	M							

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? Well sites will be conveyed to the District.

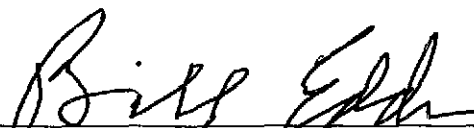
b. Who owns the land to be irrigated or place of use? Patrons of the District.

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

12 Remarks Applicant proposes construction of a new public water system to provide water for domestic, fire protection, and other municipal purposes. Applicant anticipates approximately 800 customer connections within service area during 5-year permit development period.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range (A photocopy of a USGS 7 5 minute topographic quadrangle map is preferred.)

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


Signature of Applicant (and title, if applicable)

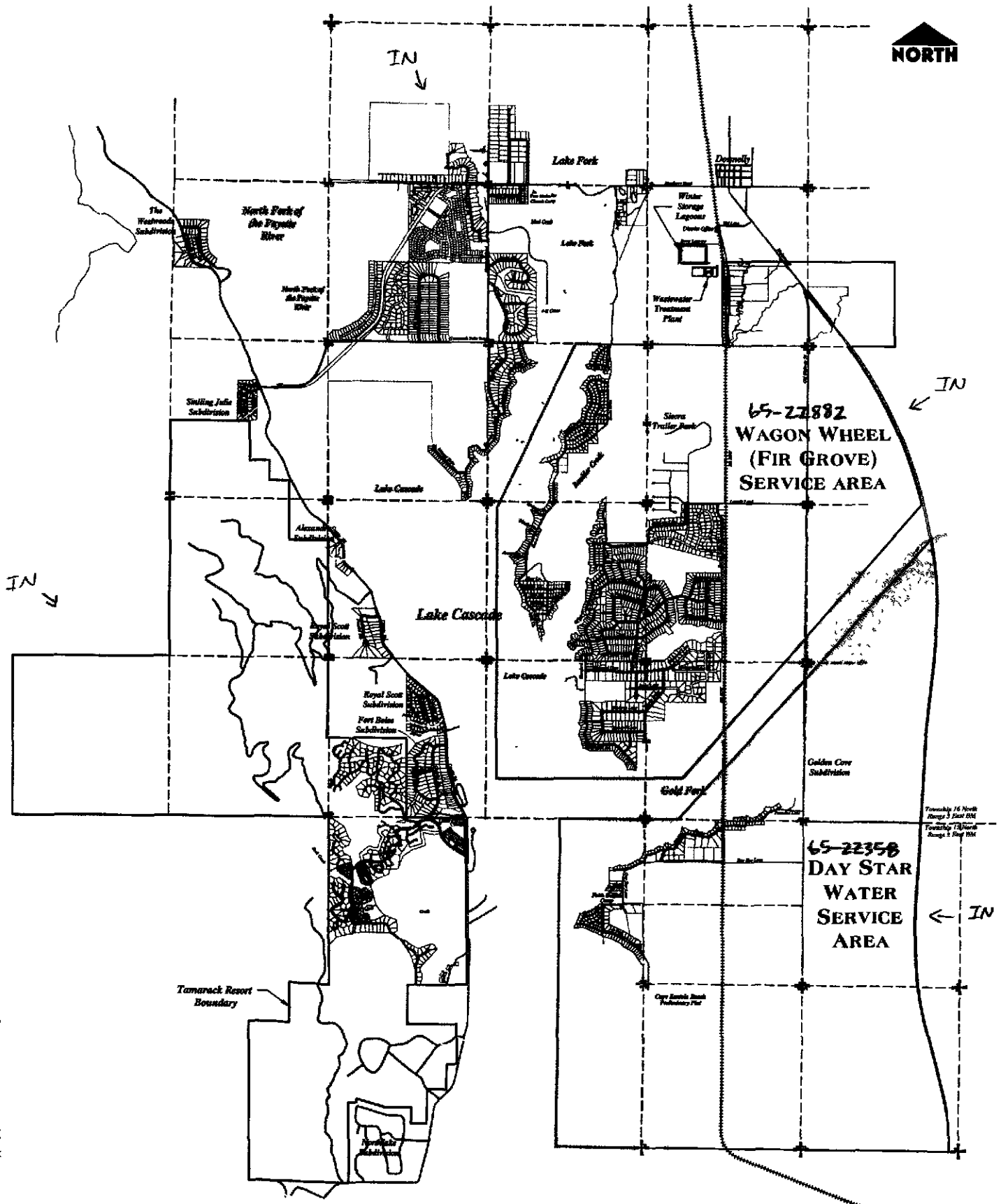
Received by FLG Date 4/16/04 Time 10:37 Preliminary check by g
* Fee \$ 45000 Receipted by FLG # W031597 Date _____
Publication prepared by sk Date 6-3-10-04 Published in _____
Publication approved sk Date 6-18-04 **STAR NEWS**

* fee = \$410. \$40 refund requested 5/14/04. g

SERVICE AREA = RED on east side + YELLOW on north-west sides *per Mike Anderson with Keller & Assoc 6/8/04*

North Lake Recreational Sewer And Water District

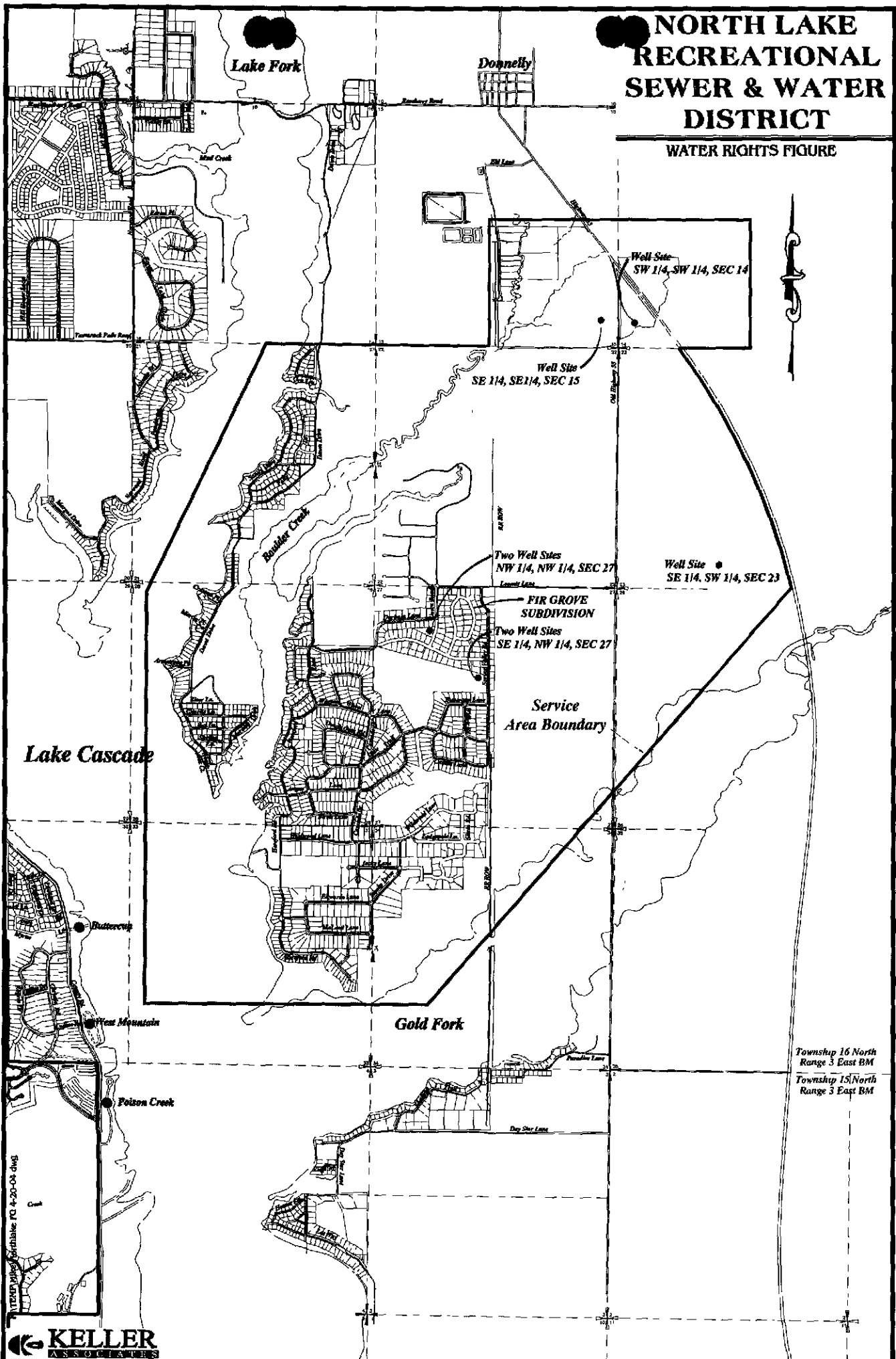
DISTRICT WATER SERVICE AREAS



W:\Work\North Lake BasinMapping\District Service Areas.dwg

NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT

WATER RIGHTS FIGURE



12000 Miles Per Minute PC 4-20-04 dwg

RECEIVED

MAY 17 2004

WATER RESOURCES
WESTERN REGION**REQUEST TO PROCESS**

**COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW**

Name of Applicant North Lake Recreational Sewer & Water District
Mailing Address P.O. Box 729
Donnelly, ID 83615
Application No. 65-22882
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 X **WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY**

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Bill Eddy

Date

5-12-2004

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

FAX**Scanlan Engineering**600 East River Park Lane, # 105
Boise, Idaho 83706**Date:** May 13, 2004**Tel:** 208 383-4140**Fax:** 208 383-4156**To:** Lori Graves**Fax No:** 334-2348**From:** Terry Scanlan**Reference:****Subject:** North Lake**No. of Pages:** 2
(including cover)

Lori -

List of directors follows.

I noticed a typo on the permit application. The telephone number for North Lake is 325-8958 (rather than 325-9858).

Terry

If you do not receive all pages, or if there are any problems with this transmission, please call at 208 383-4140

**NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT
P.O. BOX 729
DONNELLY, ID 83615**

FAX TRANSMITTAL

FAX NUMBER: 208/325-8017 TELEPHONE NUMBER: 208/325-8068

DATE: May 13, 2004

FAX TO #: 208-383-4156

TO:

ATTN: Terry Scanlan

FROM: Linda Eddy

OF PAGES (1) (including cover page)

List of current Directors for the North Lake Recreational Sewer & Water District:

Ronald V. Zarbisky	-	Chairman
Glenn L. Loomis	-	Vice Chairman
James E. Bruce, Jr.	-	Secretary
Dorothy Rising	-	Treasurer
Mary E. Kolsky	-	Member

Thanks, Linda

CONFIDENTIALITY NOTICE: This transmission is intended only for the use of the individual(s) named as recipients. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents, or take any action in reliance on the information it contains.



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 16, 2004

NORTH LAKE RECREATIONAL SEWER & WATER DIST
PO BOX 729
DONNELLY ID 83615

RE: Permit No. 65-22882

Permit Approval Notice

Dear Permit Holder:

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

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

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

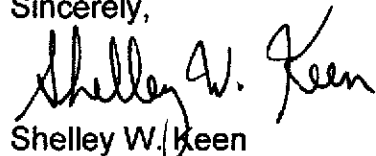
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

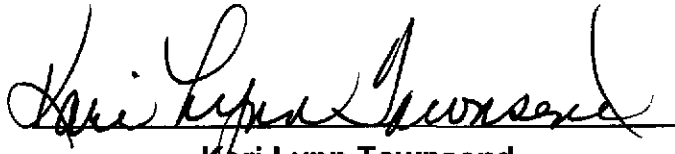
CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2004 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. 65-22882

**NORTH LAKE RECREATIONAL SEWER & WATER DIST
PO BOX 729
DONNELLY ID 83615**

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706**


Kari Lynn Townsend
Secretary

**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.

Comment Report

65-22882

1. scurtis 5/17/2004 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

Municipal use is for applicants service area.

2. Igraves 5/17/2004 Comment/Analysis

Comment: Applicants also have license 65-22358 for municipal use within their service area. This application is for an additional 5.0 cfs and up to 7 wells serving 800 homes. The proposed system is not physically connected to the licensed system because of the Gold Fork water barrier, however, both systems are located within applicants service area.

A refund request was made 5/14/04 for \$40 paid in excess of the \$410 application fee.

3. kwalker 9/10/2004 Permit Review

Comment: Recommend approval of this application. Not within any problem areas.



Letter of Transmittal

Date: September 7, 2004

To: Kay Walker
Sr. Water Resource Agent
Department of Water Resources
1301 North Orchard
Valley County Engineer
Boise, ID 83706

RECEIVED
SEP 08 2004
DEPARTMENT OF
WATER RESOURCES

Subject: Water Right Application – Permit No. 65-22882

Enclosed are the following items:

Date	Copies	No.	Description
	1	1	Governor's Proclamation for the District formation
	1	2	Resolution to form the District
	3	3	Plan submittal pages to DEQ

These are transmitted:

☐ For your files ☐ For action specified above ☐ For review and comment ☐ For your use ☒ As requested

Sincerely,

KELLER ASSOCIATES, INC.

Michael Anderson, P.E.

Enclosure(s)

cc:

Project No: 104013



Executive Department
State of Idaho

The Office of the Governor
Proclamation

State Capitol
Boise

WHEREAS, there is a threat to the public health and the overall water quality of Cascade Lake; and

WHEREAS, citizens owning property in the affected area have, under appropriate Idaho law, voted to form the North Lake Recreational Sewer and Water District; and

WHEREAS, the expressed purpose of such a district is to eliminate the threat to the public health and to appropriately improve water quality; and

WHEREAS, the district was officially authorized on August 23, 1994; and

WHEREAS, the August 23, 1994, date does not allow the district to meet the State of Idaho annual budget requirements, procedures and property tax certification for the fiscal year beginning October 1, 1994; and

WHEREAS, the district board is now charged with the responsibility of carrying out the purpose of the district but is without the fiscal resources to perform their necessary duties;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me by Section 57-1601 of the Idaho Code do hereby proclaim and declare:

That in accordance with the June 22, 1993, Governor's Office Policy - Administration of Emergency Fund ID Code #57-1601, the Chief of Staff be authorized to:

1. Direct, by memorandum, the Division of Financial Management to proceed with the steps necessary to transfer to the North Lake Recreational Sewer and Water District, Robert Jones, chairman, \$6,200 from the Governor's Emergency Fund for the express purpose of funding \$2,500 for errors, omissions and liability insurance; \$1,200 for telephone expense; \$500 for financial auditing; and \$2,000 for general office and meeting expenses.
2. File this proclamation with the Secretary of State.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this twenty-fifth day of August in the year of our Lord nineteen hundred ninety-four and of the Independence of the United States of America the two hundred nineteenth and of the Statehood of Idaho the one hundred fifth.


CECIL D. ANDRUS
GOVERNOR


PETE T. CENARRUSA
SECRETARY OF STATE

RESOLUTION NO. 94-1

A RESOLUTION OF THE NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT, VALLEY COUNTY, IDAHO, PROVIDING FOR THE ADOPTION OF BYLAWS PURSUANT TO IDAHO CODE SECTION 42-3212(m)

WHEREAS, on August 2, 1994, an election was held pursuant to Idaho Code § 42-3201 et seq. for the formation of a recreational sewer and water district, wherein the majority of votes were cast in favor in the proposed sewer and water district; and

WHEREAS, on August 23, 1994, an order declaring the creation of the Northlake Recreational Sewer and Water District was entered in the Fourth Judicial District of the State of Idaho, in and for the County of Valley; and

WHEREAS, the Board of Directors ("Board") elected on August 2, 1994, are authorized pursuant to Idaho Code § 42-3212(m) to adopt and amend bylaws not in conflict with the Constitution and laws of the State for carrying on the business, objects and affairs of the Board and of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of the North Lake Recreational Sewer and Water District, Valley County, Idaho, as follows:

Section 1: That the Bylaws attached hereto as Exhibit "A" are hereby adopted as the Bylaws of the North Lake Recreational Sewer and Water District.

Section 2: This Resolution shall take affect and be in force immediately upon its passage and approval.

DATED this 2 day of September, 1994.

NORTH LAKE RECREATIONAL SEWER
AND WATER DISTRICT
Valley County, Idaho


Chairman

ATTEST:


Secretary



1410 North Hilton • Boise, ID 83706-1255 • (208) 373-0502

RECEIVED

JUN 16 2004

LD
Dev

DEPARTMENT OF
ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE

GENERAL PLAN AND SPECIFICATION REVIEW CHECKLIST

Revision: June 2004

A. ADMINISTRATIVE COMMENTS

All applicable checklists shall be completed and submitted with the application unless a particular Regional Office follows a different routine for particular types of projects. Contact the Engineering Manager for the DEQ Regional Office in your area for direction on this issue of required use.

Particular Regional Offices may also have additional information available for use by developers and consultants. Some of this information is in the form of "Design File Notes" (DFN's) or other guidance, which include explanations for filling out some of the checklists, guidance on particular issues, etc. These Design File Notes can be obtained from your local Regional Office Engineering Manager if they are applicable to your Region.

B. GENERAL PROJECT INFORMATION

1. Project Name: Fir Grove Estates
2. Location: 2 miles south of Donnell, - Loomis Lane and Spring Valley Rd.
City: _____ County: Valley
3. Project Description: Subdivision Development
4. Project includes modifications to, or plans for a new:
Public drinking water system _____ ☒
Public sewer system _____ ☒
Storm water disposal system _____ ☐
Pressure Irrigation system _____ ☐
5. Design Engineer: Michael Anderson ☒ - PE
Firm: Keller Associates, Inc
Address: 131 SW 5th Ave City: Meridian State: ID ZIP: 83642
STE A

E-mail Address: manderson@kellerassociates.com
Phone: 288-1992
FAX: 288-1999

6. Project Owner or Developer: (Please provide exact name of owner or authorized representative)

Name: Jim Chambers, Vice President
Firm: Royal Fork Restaurant Corporation
Address: 6874 Fairview City: Boise State: ID ZIP: 83704
E-mail Address: royalfork@guest.net

7. Name of entity that will operate and maintain completed systems (Please provide exact name of owner or authorized representative)

Name: Bill Eddy
Firm: North Lake Recreational Sewer and Water District
Address: P.O. Box 729 City: Donnelly State: ID ZIP: 83615
E-mail Address: beddy@spro.net

8. Drinking water system is "Investor Owned" (Investor owned includes "C" or "S" Corporations, sole proprietorships, partnerships, LLC's, etc) ☐ Yes ☒ No

(If yes, your system may also be regulated by the Idaho Public Utility Commission Please contact the Idaho Public Utility Commission about your regulatory status)

C. REQUIRED SUBMITTALS AND CERTIFICATIONS

Projects will not be accepted unless all necessary submittals have been attached, or an explanation for their omission has been provided.

I Submittals.

- a. All pertinent DEQ checklists included?----- ☐
- b. City Council or County approval attached? ----- ☐
- c. If the project will be part of an existing water or sewer system, certifications that the existing systems will not be overloaded are provided: (check all that apply)
- ☐ - Calculations from a registered professional engineer
- ☒ - A letter(s) of certification from the owner(s)
- d. Engineering inspection and as-built certification contract is attached. (This contract must cover pressurized irrigation systems, if part of the project.) ----- ☐



NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT

P.O. Box 729 • Donnelly, Idaho 83615

June 15, 2004

RECEIVED

JUN 16 2004

DEPARTMENT OF
ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE

Charles Ariss, P.E.
Regional Engineering Manager
Idaho Department of Environmental Quality
Southwest Idaho Regional Office
1445 N. Orchard
Boise, Idaho 83706

**Re: Fir Grove Estates Subdivision Utility Service and Plan Approval by North Lake
Recreational Sewer & Water District**

Dear Mr. Ariss

This letter is to certify that the North Lake collection system and treatment plant capacity is adequate for the addition of 121 single dwelling units for Fir Grove Estates, a subdivision within the North Lake Recreational Sewer and Water District boundaries. By this letter, the District is also providing their approval of the construction plans for the sewer collection and pumping station and for the water distribution system.

The District will provide construction inspection under the direction of a licensed engineer at Keller Associates. The District will operate the water and sewer systems after construction is completed according to the approved plans.

Sincerely,

**NORTH LAKE RECREATIONAL SEWER
AND WATER DISTRICT**

By Bill Eddy
Name Bill Eddy
Title District Administrator
Date 6-15-04

KELLER ASSOCIATES

By Mike Anderson
Name Michael Anderson, P.E.
Title District Engineer
Date 6/15/04



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

Fax

To: Mike Anderson From: Kay - IDWR
Fax: 288-1999 Date: 8-16-2004
Phone: 288-1992 Pages: 1 + 1 cover
Re: _____ CC: _____

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

for your information -
we will wait until 9/15 for
a response to this request.

Thanks.

Kay



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

July 1, 2004

NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT
PO BOX 729
DONNELLY ID 83615

RE: Permit 65-22882

Dear Permit Holders:

We are in the process of reviewing the above referenced application for permit and find that we need additional information from you before we can proceed. We need a copy of correspondence that shows you have been in contact with the Idaho Department of Environmental Quality (IDEQ) regarding this system. Since this application is for municipal purposes we need to know that IDEQ has been notified that this project is being developed. A copy of correspondence between IDEQ and you will be sufficient for us to document our files.

We also need to have a copy of the Order, issued by Valley County, establishing the Sewer and Water District. This Order is needed so we can verify that the sewer and water district is authorized to do business in Idaho as a municipal provider.

The Department will hold further processing of this application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. If we do not receive the required information we will assume you are not interested in pursuing the application for municipal purposes and will take action to reject or void the application for lack of required information.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944 or our regional office at 334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

Cc: IDWR, Western Region

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Comments
REC-
JUN 30 2004
DEPARTMENT OF
WATER RESOURCES

Initial review by g Date 5/13/04 Application # 65-22882

REQUIRED INFORMATION

☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
☒ Address
☒ Source (see USGS quad for source names)
☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
☒ County
☒ Quantity (flow & /or volume)
☒ Period of use
☒ Nature of use (list details in appl. Item 8 if non-irrigation)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ P/U
☒ Map (show T, R, S, QQ &/OR QQQ)
☒ Subdivision plat (if > 1 home restricted area ≥ 5 homes non-restricted area)
☒ Signature (if corporation, partnership, municipality, need title of signatory)
☒ Correct fee paid too much - refund request 5/14/04

Government Lots
N P/D
Y P/U *N/A for muni service area*

ADDITIONAL INFORMATION

ADVERTISE REMARKS

☒ YES ☐ NO

YES NO

☒ P/D overlap (explain) *N/A - municipal*
☒ P/U overlap (explain)
☒ Critical groundwater area (send letter)
☒ Ground water management area (send letter)
☒ Drilling concern area (send letter)
☒ 1992 moratorium (send letter)
☒ Surface water source, IDFG comment letter
☒ Protected river or minimum flow reach, notify water planning bureau
☒ E-mail to Dam Safety staff (if any storage)
☒ Mitigation plan: "request to process form" in file:
 ☐ Immediate = closed areas, acceptable plan required & submitted
 ☐ Future = open areas, plan not required
☒ Send power requirement letter &/or fish farm requirement letter
☒ Power residency affidavit
☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)

☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

request to process list of differences

Date Requested 5/13/04 Date Response Received 5/13/04

PROCESSINGAPPLICATION # 65-22882

YES NO

☒ ☐ In form for advertising
☒ ☐ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES NO

☒ ☐ IDEQ
☐ ☒ IDFG
☐ ☒ IDL
☐ ☒ IDWR Water Planning
Bureau

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist #
☐ ☒ Other – list here or attach information

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken

☒ ☐ Publication dates & paper recorded on application
☐ ☐ Final date for protest 6-21-04
☐ ☒ Protests received
☐ ☐ Recommendations attached
☐ ☐ Measuring device required
☐ ☐ Water delivered by water master? District #
☐ ☐ Special conditions of approval or cover letter

Std. Municipal conditionsRecommended Date of Priority 4/16/04Recommendation ☒ Approve ☐ Deny by J. Westra Date 6/28/04**ADDITIONAL INFORMATION**☒ See attached proof report, note Legal Notice Remarks &/or Comments☒ Shapefile completed (optional: attach with proof report)

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Carol J Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho, that said newspaper is in general circulation in the county of afore said and is a legal newspaper, that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement, and that publication of such notice began June 3, 2004 and ended June 10, 2004

Carol J. Wright

Subscribed and sworn before me this the 10th day of June, 2004
STATE OF IDAHO

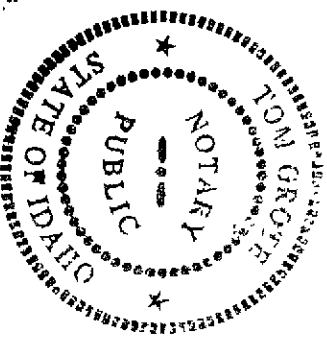
COUNTY OF VALLEY

}

On this 10th day of June, in the year of 2004, before me, a Notary Public, personally appeared Carol J Wright, 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 she executed the same

Tom Grothe

Tom Grothe
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/06



THE FOLLOWING APPLICATION(S)
HAVE BEEN FILED TO APPROPRIATE
THE PUBLIC WATERS OF THE STATE
OF IDAHO:

65-22882
NORTH LAKE RECREATIONAL
SEWER & WATER DIST
PO BOX 729, DONNELLY ID 83615
Point(s) of Diversion SWSW
S14 T16N R03E VALLEY County
Source GROUND WATER
Point(s) of Diversion SESE S15 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion SESW S23 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion SENW S27 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion SENW S27 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion NWNW S27 T16N
R03E VALLEY County Source GROUND
WATER
Point(s) of Diversion NWNW S27 T16N
R03E VALLEY County Source GROUND
WATER
Use MUNICIPAL 01/01 To 12/31 5
CFS

Total Diversion 5 CFS
Date Filed 04/16/2004
Remark Applicant agrees to mitigate con-
sumptive use in the future as needed.
Municipal use is for applicants service
area.
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 ap-
plication must be filed with the Director, Dept.
of Water Resource, Western Region,
2735 Airport Wy, Boise ID 83705 together
with a protest fee of \$25.00 for each applica-
tion on or before 06/21/2004. The protestant
must also send a copy of the protest to the
applicant
KARL J DREHER, Director 2tc6/10

Kreger (Taylor), Sue

To: srae@deq.state.id.us
Subject: comment letters

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

May 27, 2004

ID DEPT ENV QUALITY
STEVE RAE
1445 N ORCHARD
BOISE ID 83706-2239

Dear Mr. Rae:

Attached are copies of one or more applications that may be of interest to you and/or to a local District Health office should you choose to delegate review of the application(s) to that organization. Please contact the applicant if your agency and/or District Health have concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency and/or a local District Health office desires to file a formal protest against approval of any of these applications, a written protest along with the \$25.00 protest fee for each application protested must be received in this office by June 21, 2004.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
skreger@idwr.state.id.us



65-22882.pdf

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

May 26, 2004

Legal Notice Department
STAR NEWS
1000 1ST ST
MC CALL ID 83638

RE. Application for Permit No 65-22882

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 06/21/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

65-22882

NORTH LAKE RECREATIONAL SEWER & WATER DIST
PO BOX 729
DONNELLY ID 83615

Point(s) of Diversion	SWSW	S14	T16N R03E	VALLEY County	Source GROUND WATER
Point(s) of Diversion	SESE	S15	T16N R03E	VALLEY County	Source GROUND WATER
Point(s) of Diversion	SESW	S23	T16N R03E	VALLEY County	Source GROUND WATER
Point(s) of Diversion	SENW	S27	T16N R03E	VALLEY County	Source GROUND WATER
Point(s) of Diversion	SENW	S27	T16N R03E	VALLEY County	Source GROUND WATER
Point(s) of Diversion	NWNW	S27	T16N R03E	VALLEY County	Source GROUND WATER
Point(s) of Diversion	NWNW	S27	T16N R03E	VALLEY County	Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 5 CFS

Total Diversion. 5 CFS

Date Filed: 04/16/2004

Remark Applicant agrees to mitigate consumptive use in the future as needed
Municipal use is for applicants service area

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, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 06/21/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on June 3 and 9, 2004.

MEMORANDUM

DATE: 5/14/04

FROM: Lori Graves

TO: Debbie Allen

RE: Refund

COPY

Hi Debbie, please refund \$40 of the \$450 paid per receipt no.W031547 to:

SPF Water Engineering LLC
Attn: Terry Scanlan
600 E River Park Ln Ste 105
Boise ID 83706

The fee for 5.0 cfs is only \$410.

Thank you.

**SPF**

Water Engineering, LLC
water resource consultants

April 16, 2004

RECEIVED

APR 16 2004

WATER RESOURCES
WESTERN REGION

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Water Right Permit – North Lake Recreational Sewer & Water District

Enclosed on behalf of North Lake Recreational Water and Sewer District is an *application for water right permit associated with a proposed public water system in Valley County*. The water systems would be operated by the North Lake Recreational Water and Sewer District. Water would be supplied for domestic, irrigation, fire protection, and other municipal purposes.

The proposed water system is located south of Donnelly and north of Gold Fork. ^{Seven} ~~Five~~ points of diversion are proposed. The first two wells would be located within or adjacent to Fir Grove Subdivision, and the District anticipates obtaining well site agreements from land owners within the next few weeks. The District will negotiate agreements for the other well sites during the permit development period. Approximately 800 customer connections are anticipated during the 5-year permit development period. A diversion rate of 5 cfs is proposed.

A check for \$450 is enclosed to the cover filing fee for the 5 cfs water right permit. Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

Cc: Bill Eddy – North Lake Recreational Water and Sewer District
Mike Anderson – Keller Engineers