

SEP 30 2020

IDWR / NORTH

84424

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

COPY  
CJH

Ident. No. 95-18016

1. Name of applicant(s) Donald Andrews Marilyn Andrews Phone 801-318-6106  
 Mailing address 745 Cherry Dr City Orem  
 State Utah ZIP 84058 Email parkinsona1@gmail.com  
 Name connector (check one): ☒ and ☐ or ☐ and/or
2. Name of representative, if any \_\_\_\_\_ Phone \_\_\_\_\_  
 Mailing address \_\_\_\_\_ City \_\_\_\_\_  
 State \_\_\_\_\_ ZIP \_\_\_\_\_ Email \_\_\_\_\_
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR  
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Coeur d'Alene Lake which is a tributary of Spokane R
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
48N	4W	1	1		SE	NE	Kootenai	Coeur d'Alene Lake	

5. Water will be used for the following purposes:  
 Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).
7. Proposed diverting works:  
 a. Describe type and size of devices used to divert water from the source. pump and pipe from lake
- b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? \_\_\_\_\_; drilling firm \_\_\_\_\_; well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_.

## For Department Use

Received by 1000 Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ \_\_\_\_\_ Receipted by Jky Receipt No. N036465 Date 9-30-2020

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
  - Stockwatering; list number and kind of livestock. \_\_\_\_\_
  - Municipal; must complete and attach the Municipal Water Right Application Checklist.
  - Domestic; show number of households 1
  - Other; describe fully. < 1/2 ac landscape
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
  - 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	
48W	4N	1				D													
						1													

Total number of acres to be irrigated: \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? \_\_\_\_\_
11. a. Who owns the property at the point of diversion? State of Idaho
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Encroachment Permit from ID Lands
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. \_\_\_\_\_
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Donald G. Andrews  
 Signature of Applicant  
Donald G. Andrews  
 Print Name (and title, if applicable)

Marilyn T. Andrews  
 Signature of Applicant  
Marilyn T. Andrews  
 Print Name (and title, if applicable)





## Parkinson Application



**Pioneer Title Co.**  
GOING BEYOND

100 Wallace Avenue  
Coeur d'Alene, ID 83814

**ELECTRONICALLY RECORDED-DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT**

File No. 705669 CK/TJ

JIM BRANNON 3 P 2747699000  
KOOTENAI COUNTY RECORDER  
DAP 4/24/2020 3:22 PM  
REQ OF PIONEER TITLE KOOTENAI  
COUNTY  
RECORDING FEE: \$15.00 DD  
Electronically Recorded

### **WARRANTY DEED**

For Value Received TML Investments, LLC, a Washington Limited Liability Company  
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Donald G. Andrews and Marilyn Andrews, husband and wife, as community property with right of  
survivorship

hereinafter referred to as Grantee, whose current address is:

745 South Cherry Drive Provo, UT 84604

The following described premises, to-wit:

**See Legal Description marked as Exhibit "A" attached hereto and incorporated herein by this  
reference.**

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and  
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the  
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are  
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those  
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,  
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,  
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,  
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: April 22, 2020

TM Investments, LLC, a Washington Limited Liability Company

By: 

Thomas A. McLaughlin, Member

State of Washington, County of Spokane

This record was acknowledged before me on April 22<sup>nd</sup>, 2020, by Thomas A. McLaughlin, as Member of TML Investments, LLC, a Washington Limited Liability Company .

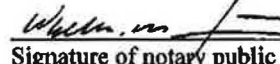
  
Signature of notary public  
Commission Expires:



EXHIBIT A

A parcel of land being a portion of the property shown on Record of Survey recorded in Book 26 of Surveys, at Page 71, under Instrument Number 2185903000, records of Kootenai County, Idaho, lying in the North Half of Section 1, Township 48 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, and being more particularly described as follows:

COMMENCING: At the East Quarter corner of said Section 1, being a round 3.5" aluminum cap per CP&F Instrument Number 772247; from which the meander corner of Section 1, Township 48 North, Range 4 West, Boise Meridian, bears, North 01°33'27" West a distance of 2008.54 feet to a found 1/2" iron rod and PLS 3451 cap; thence North 47°15'18" West a distance of 1291.33 feet to a found 1" iron pipe on the Northerly Right-of-Way of Highway 97 and the TRUE POINT OF BEGINNING;

Thence, North 18°07'51" West a distance of 438.58 feet to a found 1/2" rebar and PLS 3814 cap on the approximate high-water line of Coeur d'Alene Lake;

Thence, along said approximate high-water line, North 69°23'09" East a distance of 75.33 feet to a set 1/2" rebar and PLS 9367 cap;

Thence, leaving said high-water line, South 18°07'51" East, a distance of 94.75 feet to a set 1/2" rebar and PLS 9367 cap;

Thence, North 65°07'22" East a distance of 8.21 feet to a set 1/2" rebar and PLS 9367 cap;

Thence, South 24°52'38" East a distance of 43.00 feet to a set 1/2" rebar and PLS 9367 cap;

Thence, South 65°07'22" West a distance of 13.30 feet to a set 1/2" rebar and PLS 9367 cap;

Thence, South 18°07'51" East a distance of 278.75 feet to the intersection with the South line of the property as shown on the aforementioned Record of Survey in Book 26 of Surveys at Page 71 on the Northerly Right-of-Way of Highway 97;

Thence, along said Northerly Right-of-Way, South 53°28'19" West a distance of 79.31 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH the Easement and Maintenance Agreement for Driveway and Utilities, recorded on April 17, 2020 as Instrument No.: 2746128000, records of Kootenai County, Idaho.



State of Idaho

## DEPARTMENT OF WATER RESOURCES

NORTHERN Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763  
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

October 7, 2020

DONALD ANDREWS  
MARILYN ANDREWS  
745 CHERRY DR  
OREM, UT 84058-6004

RE: Application for Permit No. 95-18016

Dear Applicants:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 10/15/2020 and 10/22/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads 'Tammy Alleman'.

Tammy Alleman  
Administrative Assistant



**Alleman, Tammy**

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**From:** Alleman, Tammy  
**Sent:** Wednesday, October 7, 2020 11:17 AM  
**To:** 'Mike Ahmer'; 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'; merritt.horsmon@idfg.idaho.gov  
**Subject:** Request for Comments on WR# 95-18016

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right applications. You can find copies of the applications at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is November 2<sup>nd</sup>, 2020.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the applications.

Thank you,

Tammy

*Tammy Alleman  
Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815-7763  
Phone: (208) 762-2800  
Fax (208) 762-2819*



**Alleman, Tammy**

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**From:** Alleman, Tammy  
**Sent:** Wednesday, October 7, 2020 11:16 AM  
**To:** 'LEGALS@CDAPRESS.COM'  
**Subject:** Legal Notice  
**Attachments:** Legal Notice 95-18015 & 95-18016.docx

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **October 15<sup>th</sup> & October 22<sup>nd</sup>, 2020** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. Please send a proof once you have the article ready for print for our review.

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 **November 2, 2020**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman  
Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815-7763  
Phone: (208) 762-2800  
Fax (208) 762-2819*

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

**95-18015**

FOREST C BROOKS  
CATHERINE S BROOKS  
475 S PRESTIGE CT  
POST FALLS, ID 83854-0123  
Point of Diversion L4(NWSW)  
S8 T50N R05W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 10-02-2020  
Place Of Use: DOMESTIC  
T50N R05W S8 L4(NWSW)

**95-18016**

DONALD ANDREWS  
MARILYN ANDREWS  
745 CHERRY DR  
OREM, UT 84058-6004  
Point of Diversion L1(SENE)  
S1 T48N R04W  
KOOTENAI County  
Source COEUR D ALENE LAKE  
Tributary SPOKANE RIVER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 09-30-2020  
Place Of Use: DOMESTIC  
T48N R04W S1 L1(SENE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 11/2/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
10/22/2020

Published on 10/15/2020 and

## MEMORANDUM

**To:** Water Right Permit 95-18016

**From:** Luke Bates 

**Date:** 10/6/2020

**Re:** Application for a Permit to Appropriate Water within the State of Idaho.

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An application for permit for domestic use in the name(s) of Donald Andrews and Marilyn Andrews was received on 9/30/2020. During initial review question No. 12 was found to be blank. IDWR staff contacted the applicant and notified them of the requirement to fill in their proposal in narrative form; the applicants responded by email on 10/6/2020 providing a project narrative, which was used to process the application. The email correspondence was added to the application prior to advertising review.

**From:** Amy Parkinson <parkinsona1@gmail.com>  
**Sent:** Tuesday, October 6, 2020 2:22 PM  
**To:** Bates, Luke  
**Subject:** Re: IDWR application for water permit

Hello,

Please add this statement to question #12 on the application.

At this time our primary water source is from a deeded spring and has been that way since sometime in the 1930's. We are requesting a lake water permit as a backup to this system to pipe water from the lake to service one home for domestic use and for up to 1/2 acre of irrigation for landscaping around the home.

Thank you!

Amy Parkinson (daughter)  
Don and Marilyn Andrews

On Tue, Oct 6, 2020 at 8:30 AM Bates, Luke <[Luke.Bates@idwr.idaho.gov](mailto:Luke.Bates@idwr.idaho.gov)> wrote:

Good morning Mr. and Mrs. Andrews,

Referencing the application PDF enclosed, you will note that Pg 2, question 12 is blank. This question is required by IDWR, and it can be a simple statement that speaks to your project in narrative form. It can be generic i.e. "applicant would like to pipe water from the lake in order to service one home for domestic use and for up to ½ acre of irrigation for landscaping around the home".

Please consider a narrative, and reply by email with that statement. I will add it to your application at that time.

Thank you,

Luke Bates

Water Resource Agent

Idaho Dept. of Water Resources

Northern Regional Office

P: (208) 762-2800

F: (208) 762-2819

[Luke.bates@idwr.idaho.gov](mailto:Luke.bates@idwr.idaho.gov)