

SEP 10 2020

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

DWR / NORTH

- Name of applicant(s) Justin L. Bybee Tracey M. Bybee Phone 402-980-3716
Mailing address 11483 Katy Ct City Sandy
State UT ZIP 84092 Email cloudchaser76@gmail.com
Name connector (check one): ☒ and ☐ or ☐ and/or
- 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.
- Source of water supply Spirit Lake which is a tributary of Spirit Creek
- Location of point(s) of diversion: 10 Sep 2020

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
53N	4W	8	2		NW	SW	Kootenai	Spirit Lake	

- Water will be used for the following purposes:
Amount .06 for Domestic purposes from 01-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per year)
Amount .02 for Stock Water purposes from 01-01 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)
- Total quantity to be appropriated is (a) .08 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
- Proposed diverting works:
a. Describe type and size of devices used to divert water from the source. Submersible or out of water pump to be connected to 2 homes and livestock facility
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 _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by Jer Receipt No. N036413 Date 9-10-2020

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. 50 Head mixed Stock
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 2 (includes up to .5 acres Irrigation)
- 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	
<u>S3N</u>	<u>4W</u>	<u>8</u>										<u>D</u>							
<u>S3N</u>	<u>4W</u>	<u>8</u>										<u>S</u>							

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? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We want water to be able to live in our home on the property

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.

Signature of Applicant

JUSTIN L BYBEE

Print Name (and title, if applicable)

Signature of Applicant

TRACEY M BYBEE

Print Name (and title, if applicable)

State of Idaho
Department of Water Resources
Application For Permit



- PLS Sections
- Quarter Quarters
- Taxlots

0 0.0125 0.025 0.05 Miles

- x - Point of diversion
- o - Domestic
- o - Stock water



Tax parcel information provided by Kootenai County.



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. 732689 KK/SS

JIM BRANNON 2 P 2775602000
KOOTENAI COUNTY RECORDER
MRR 9/4/2020 1:28 PM
REQ OF PIONEER TITLE KOOTENAI
COUNTY
RECORDING FEE: \$15.00 DD
Electronically Recorded

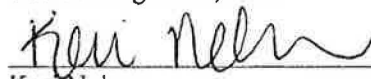
WARRANTY DEED

For Value Received Keri Nelson, an unmarried woman
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
Justin Bybee and Tracey Bybee, husband and wife
hereinafter referred to as Grantee, whose current address is 11483 S. Katey Ct., Sandy, UT 84092
The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

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: August 31, 2020


Keri Nelson

State of WA, County of Whitman

This record was acknowledged before me on 1st day of September, 2020 by Keri Nelson

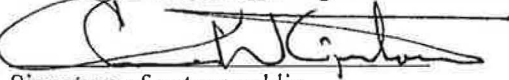

Signature of notary public
Commission Expires: 12/28/23



EXHIBIT A

The North 150 feet of the South 950 feet of the following tracts in Lots 1 and 2, Section 8, Township 53 North, Range 4, W.B.M., Kootenai County, Idaho:

Beginning at the U.S. Government corner on the shore of Spirit Lake, which corner is 56.50 chains North of the Southwest corner of said Section 8, thence

Northward, along the Section line between Sections 7 and 8, 185 feet to a point where said Section line intersects the East line of the Idaho, Washington and Nor. Railway, now the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad Company, thence

Southeasterly along Northeasterly side of said Railroad, 2450 feet more or less to a point which is 1640 feet North of the South line of said Section 8, thence

Westward along a line which lies to the North of, parallel to and 1640 feet from line of the South side of the Southwest quarter of said Section 8, to a point on the East shore of Spirit Lake, thence

Northerly along the East shore of said lake, 2310 feet more or less to the Place of Beginning.

WARRANTY DEED



For Value Received, **TOD KIBLEN and LAURAL KIBLEN**, husband and wife, the grantors,
hereby grant, bargain, sell, convey and warrant unto:

JUSTIN LARON BYBEE and TRACEY MAUREEN BYBEE, husband and wife,

whose current address is: 11483 S. Katey Ct. Sandy, UT 84092-5467

the following described premises, located in Kootenai County State of Idaho to wit:

LEGAL DESCRIPTION AS SHOWN ON ATTACHED EXHIBIT A:

Address associated with this legal description is commonly known as: NKA Spirit Lake, ID
83869

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, including all water and water rights, ditch and ditch rights.

SUBJECT to reservations in United States Patent, restrictive covenants, existing and recorded
rights-of-way and easements, zoning and building ordinances, and taxes and assessments as
prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
successors, heirs and assigns forever. Said hereby covenant to and with said, that in fee simple
of said premises; that said premises are free from all encumbrances except as hereinabove set
forth and that will warrant and defend the same from all lawful claims whatsoever.

Tod Kiblen
Tod Kiblen

Laural Kiblen
Laural Kiblen

3

) SS.

)

WITNESS MY HAND AND OFFICIAL SEAL

x DUG
Notary Public: DOcho
Residing at: Moscow
My commission expires 7/18/24

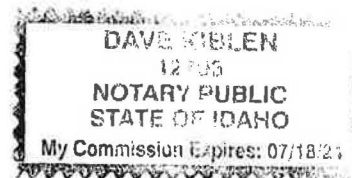


Exhibit "A"

Real property in the County of Kootenai, State of Idaho, described as follows:

THE FOLLOWING DESCRIBED PREMISES LOCATED IN KOOTENAI COUNTY, IDAHO:

THE NORTH 200 FEET OF THE SOUTH 800 FEET OF THE FOLLOWING TRACTS IN LOTS 1 AND 2, SECTION 8, TOWNSHIP 53 NORTH, RANGE 4, W.B.M.: BEGINNING AT THE U.S. GOVERNMENT CORNER ON THE SHORE OF SPIRIT LAKE, WHICH CORNER IS 56.50 CHAINS NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 8, THENCE NORTHWARD, ALONG THE SECTION LINE BETWEEN SECTIONS 7 AND 8, 185 FEET TO A POINT WHERE SAID SECTION LINE INTERSECTS THE EAST LINE OF THE IDAHO, WASHINGTON AND NOR. RAILWAY, NOW THE ABANDONED CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, THENCE SOUTHEASTERLY ALONG NORTHEASTERLY SIDE OF SAID RAILROAD, 2450 FEET MORE OR LESS TO A POINT WHICH IS 1640 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 8, THENCE WESTWARD ALONG A LINE WHICH LIES TO THE NORTH OF, PARALLEL TO AND 1640 FEET FROM LINE OF THE SOUTH SIDE OF THE SOUTHWEST QUARTER OF SAID SECTION 8, TO A POINT ON THE EAST SHORE OF SPIRIT LAKE, THENCE NORTHERLY ALONG THE EAST SHORE OF SAID LAKE, 2310 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

Alleman, Tammy

From: Alleman, Tammy
Sent: Friday, September 25, 2020 11:48 AM
To: 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'; 'Horsmon,Merritt'; 'Mike Ahmer'
Subject: Request for Comments WR#95-18002

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 October 19th, 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*



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

Brad Little
Governor

Gary Spackman
Director

September 24, 2020

JUSTIN L BYBEE
TRACEY M BYBEE
11483 S KATEY CT
SANDY, UT 84092-5467

RE: Application for Permit No. 95-18002

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 10/1/2020 and 10/8/2020. 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,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Thursday, September 24, 2020 1:19 PM
To: 'LEGALS@CDAPRESS.COM'
Subject: Legal Notice
Attachments: Legal Notice for Transfer, Amendment & Water Rights.docx

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **October 1st & October 8th, 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 **October 19th, 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*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84394

ROSS POINT WATER DISTRICT, PO BOX 70, POST FALLS, ID 83877-0070 has filed Application No. 84394 for changes to the following water rights within KOOTENAI County(s): Right No(s). 95-15533, 95-4088, 95-7258, 95-7698, 95-8477, 95-9009; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

This transfer proposes to add a well to the Ross Point Water District's existing groundwater rights in the NWSE of Section 30, Twp 51N, Rge 04W.

For additional information concerning the property location, contact Northern Region office at (208)762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 10/19/2020.

The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/1/2020 and 10/8/2020

The following application has been filed to amend Permit to Appropriate Water:

95-17905

WOODLAND AT FROSTY PINE LLC

3835 BECKON RIDGE RD

COEUR D ALENE, ID 83814-0092

Point of Diversion SWNW

S17 T50N R03W

KOOTENAI County

Source GROUND WATER

Point of Diversion SENW

S17 T50N R03W

KOOTENAI County

Source GROUND WATER

Point of Diversion NENW

S17 T50N R03W

KOOTENAI County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 11/13/2019

Place Of Use: DOMESTIC

T50N R03W S17 SENW

This amendment of permit proposes to add a third point of diversion to the applicants existing permit. The permitted diversion rate, nature of use, and place of use will remain the same.

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

95-18002

JUSTIN L BYBEE

TRACEY M BYBEE

11483 S KATEY CT

SANDY, UT 84092-5467

Point of Diversion NWSW

S8 T53N R04W

KOOTENAI County

Source SPIRIT LAKE

Tributary SPIRIT CREEK

Use: DOMESTIC

01/01 to 12/31 0.06 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.08 CFS

Date Filed: 09-10-2020

Place Of Use: DOMESTIC, STOCKWATER

T53N R04W S8

L2(NWSW)

95-18004

WHITNEY TRUST

814 PACIFIC AVE

MANHATTAN BCH, CA 90266-5850

Point of Diversion NESW

S13 T49N R04W

KOOTENAI County

Source COEUR D ALENE LAKE

Tributary SPOKANE RIVER

Use: DOMESTIC

01/01 to 12/31 0.06 CFS

Use: IRRIGATION

03/15 to 11/15 0.03 CFS

Total Diversion: 0.06 CFS

Date Filed: 09-17-2020

Place Of Use: DOMESTIC
T49N R04W S13
NESW,L2(NESW)
Place Of Use: IRRIGATION
T49N R04W S13
L2(NESW),NESW
Total Acres: 1.7

95-18005

PAUL AND SUSAN FINNEY REVOCABLE INTER VIVOS TRUST
PAUL & SUSAN FINNEY TRUSTEES
7041 S EDDYVILLE RD
HARRISON, ID 83833
Point of Diversion L5(NWSW)
S4 T49N R03W
KOOTENAI County
Source COEUR D ALENE LAKE
Tributary SPOKANE RIVER
Use: IRRIGATION
03/15 to 11/15
Total Diversion: 0.05 CFS
Date Filed: 09-17-2020
Place Of Use: IRRIGATION
T49N R03W S4
L5(NWSW)
Total Acres: 1.5

95-18007

THE SOLOMON FOUNDATION
16965 PINE LN STE 200
PARKER, CO 80134
Point of Diversion L4(ENE)
S36 T51N R05W
KOOTENAI County
Source GROUND WATER
Use: IRRIGATION
03/15 to 11/15
Total Diversion: 0.12 CFS
12 AF
Date Filed: 09-17-2020
Place Of Use: IRRIGATION
T51N R05W S36
L4(ENE)
Total Acres: 4

95-18009

ALFRED SCARTH
SUZAN D SCARTH
302 S MADISON RD
POST FALLS, ID 83854-9458
Point of Diversion L4(NWSW)
S8 T50N R05W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 09-24-2020
Place Of Use: DOMESTIC
T50N R05W S8
L4(NWSW),L3(SWNW)

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/WRAApplicationResults/>. 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 10/19/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on 10/1/2020 and 10/8/2020

Maxey, Shaun

From: Justin Bybee <cloudchaser76@gmail.com>
Sent: Friday, September 11, 2020 9:27 AM
To: Maxey, Shaun
Subject: Re: Authorization to include Deeds & Govt Lot 2 in Water Right Application 95-18002

Hi Shaun,

Sorry for the slow reply, we have been flying. Yes, please just use the deeds that you need to so we can move along on the application process.

Yes, please also include government lot 2 (GL2) so both lots are included in the permit application.

Thank you very much for your help on stepping through this!

Justin L Bybee
Cloudchaser76@gmail.com
402-980-3716

On Thu, Sep 10, 2020 at 5:50 PM Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov> wrote:
Mr. and Mrs. Bybee:

Thanks for the information you provided in your visit to our IDWR office. I have reviewed your application and the deeds. Your Application has been assigned ID number 95-18002.

Please reply to this e-mail with a statement indicating that you wish to include the two Warranty Deeds in the final version of your Application. I don't believe the other two deeds are needed.

Please include in your e-mail authorization for Government Lot 2 to be added to the place of use legal descriptions on Page 2 of your Application. The '...T.53N, R04W, Section 8, NW SW...' is correct but the legal description should also include Govt Lot 2 ('GL 2') as shown in the black text on the map you labeled.

Please give me a call at (208) 762.2816 if you have questions..

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
Coeur d'Alene, ID 83815
(208) 762.2816

MEMORANDUM

Date: September 11, 2020
To: Application For Permit 95-18002 File
From: Shaun Maxey, IDWR Northern Region
Re: DEEDS AND PLACE OF USE LEGAL DESCRIPTION CORRECTION (IDWR APPLICATION PROCESSING MEMO NO. 9).

APPLICANTS JUSTIN L BYBEE AND TRACEY M BYBEE COMPLETED APPLICATION FOR PERMIT 95-18002 AT THE IDWR NORTHERN REGION OFFICE ON SEPTEMBER 10, 2020. THE APPLICANTS SUPPLIED COPIES OF WARRANTY DEEDS SEPARATELY FROM THEIR APPLICATION FOR TWO KOOTENAI COUNTY TAXLOTS (53N04W085600 AND 53N04W085610). THE BYBEES RECENTLY ACQUIRED THE TWO PARCELS THAT ARE THE PLACE OF USE FOR APPLICATION 95-18002.

CO-APPLICANT JUSTIN L. BYBEE INDICATED VIA E-MAIL ON 9/11/2020 THAT THE INTENT FOR THE APPLICATION IS TO INCLUDE TWO WARRANTY DEEDS THAT SHOW THEIR OWNERSHIP OF THE PLACE OF USE TAX PARCELS. MR. BYBEE ALSO INDICATED THAT GOVT LOT 2 SHOULD BE ADDED TO THE PLACE OF USE LEGAL DESCRIPTIONS SHOWN ON PAGE TWO OF THE APPLICATION., THEREFORE, THE PLACE OF USE DATA ENTRY FOR DOMESTIC AND STOCKWATER USE WILL BE CHANGED TO INCLUDE 'GL 2' IN ACCORDANCE WITH IDWR APPLICATION PROCESSING MEMO NO. 9.

Maxey, Shaun

From: Justin Bybee <cloudchaser76@gmail.com>
Sent: Thursday, September 10, 2020 10:47 AM
To: Maxey, Shaun
Subject: Deeds for Justin and Tracey Bybee. Water rights application
Attachments: Alphamax3_Docket_2773459.PDF; Alphamax3_Docket_2773460.PDF; 2775602.pdf; 2775603.pdf

Justin Bybee
402-980-3716
Cloudchaser76@gmail.com
>