

RECEIVED

JUL 23 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. _____

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Shaun and/or Leah Henry Phone 208-794-5563
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 7490 El Paso Road City Caldwell
 State ID ZIP 83607 Email leah@henryranch.net
2. Name of representative, if any Leah Henry Phone 208-585-6015
 Mailing address 21941 Lansing Ln. City Middleton
 State ID ZIP 83644 Email shaun@henryranch.net
- 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 ground water which is a tributary of n/a
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
06N	03W	33		SE	SE		GEM	groundwater	D0085468

5. Water will be used for the following purposes:
 Amount 0.10 for irrigation purposes from 3/15 to 11/15 (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) 0.10 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. Well
- 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 6 inches; proposed depth of well is 200 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? Scheduled Aug. 2020; drilling firm Coonse Well Drilling & Pump Co.
 well was drilled for (well owner) Shaun and Leah Henry; Drilling Permit No. D0085468

For Department Use

Received by LE Date 07/23/2020 Time 10:00 AM Preliminary check by YH
 Fee \$ 100 Receipted by LE Receipt No. W048538 Date 07/23/2020

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 _____
 - Other; describe fully. _____

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	
06N	03W	33															1.45	3.55	5

Total number of acres to be irrigated: 5

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? No other water rights.

We intend to use this water to irrigate pasture grass for livestock including horses, cattle and goats.

- Who owns the property at the point of diversion? Shaun and Leah Henry
- Who owns the land to be irrigated or place of use? Shaun and Leah Henry
- 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 to irrigate 5 acres of our 8.5 acre parcel for pasture for our horses, goats and cattle.

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

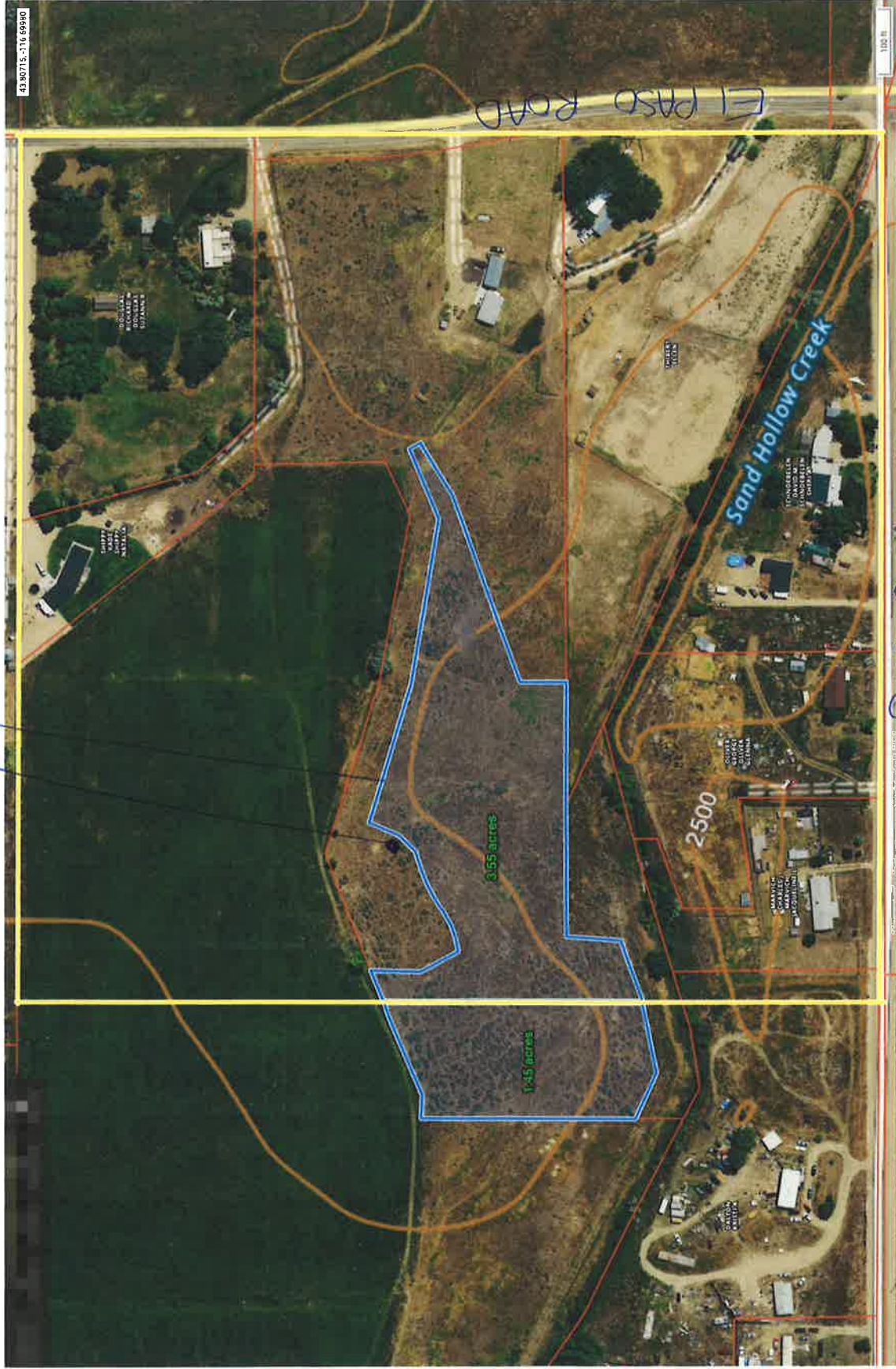
Shaun Henry
Print Name (and title, if applicable)

Signature of Applicant

Leah Henry
Print Name (and title, if applicable)

Sec 33
Twp 06N
Rge 03W

Well, Point of Diversion.
Blue Area is place of use.



Well. Point of Diversion

Green Area is place of use

Book 5 Page 23

Echevarria Estates Subdivision

A MAP SUBDIVISION OF A TRACT OF LAND SITUATED IN THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 34, T6N, R3W, S4E, IDAHO COUNTY, IDAHO, MAP 10-002, MAY 18, 2002.

2016

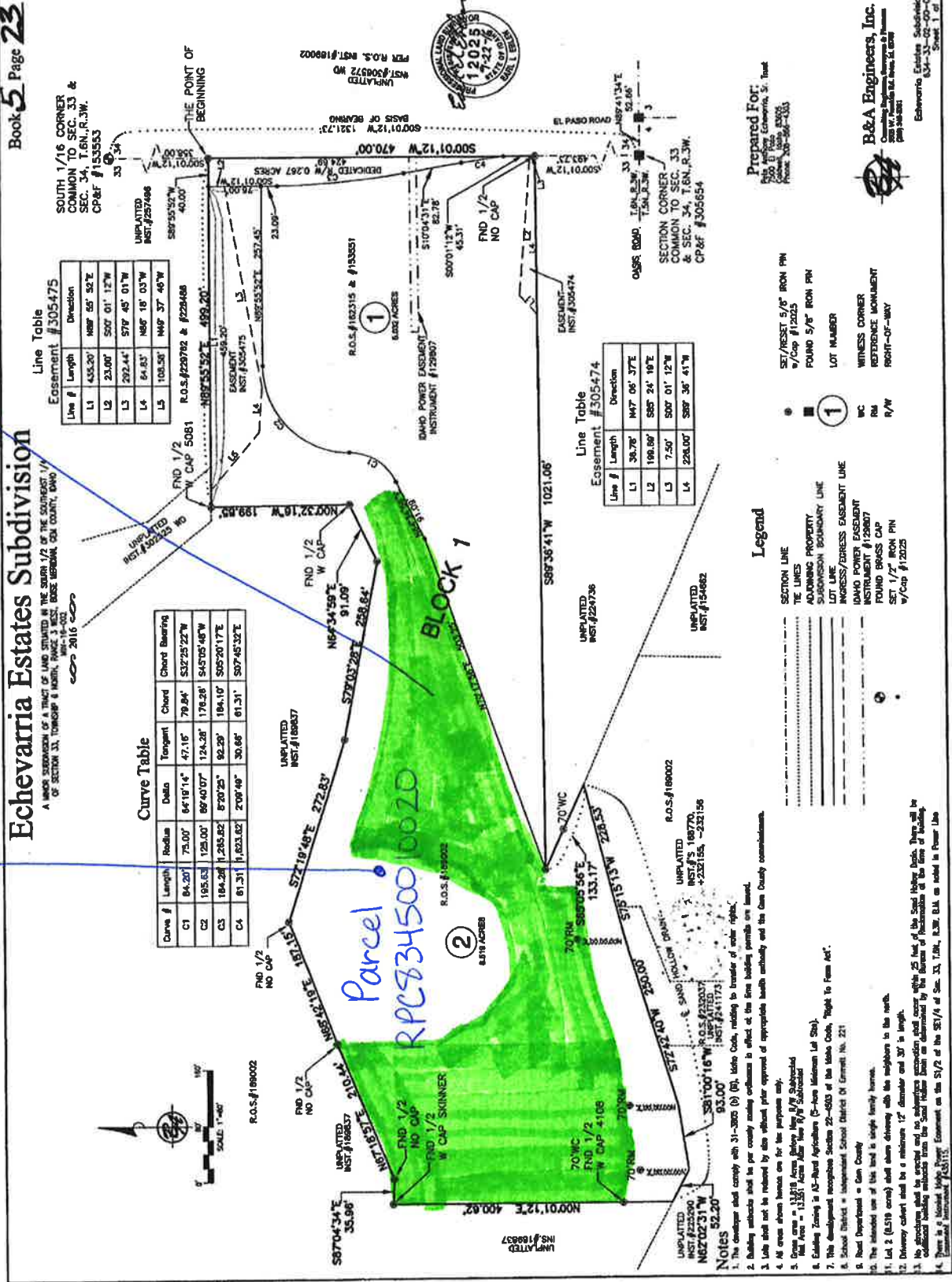


Curve Table

Curve #	Length	Radius	Delta	Tangent	Chord	Chord Bearing
C1	84.20'	75.00'	64°19'14"	47.16'	79.84'	S32°25'22"W
C2	185.63'	125.00'	89°40'07"	124.28'	178.28'	S45°05'48"W
C3	184.28'	125.00'	89°40'07"	124.28'	178.28'	S45°05'48"W
C4	81.31'	75.00'	64°19'14"	47.16'	79.84'	S32°25'22"W

Line Table

Line #	Length	Direction
L1	435.30'	N89°50'52"E
L2	23.00'	S00°01'12"W
L3	202.44'	S79°45'01"W
L4	64.83'	N86°18'03"W
L5	108.58'	N49°37'46"W



Line Table

Line #	Length	Direction
L1	38.76'	N47°05'37"E
L2	199.89'	S85°24'19"E
L3	7.50'	S00°01'12"W
L4	226.00'	S89°38'41"W

Legend

- SECTION LINE
- THE LINES
- PROPERTY
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- AGGRESSIVE/DEPRESS EASEMENT LINE
- DANHO POWER EASEMENT
- FOUND BRASS CAP
- FOUND 1/2" IRON PIN
- SET/RESET 5/8" IRON PIN
- FOUND 5/8" IRON PIN
- LOT NUMBER
- WITNESS CORNER
- REFERENCE MONUMENT
- RIGHT-OF-WAY

Notes

- The developer shall comply with 31-2005 (b) (1), Idaho Code, relating to transfer of water rights.
- Building setbacks shall be per county zoning ordinance in effect at the time building permits are issued.
- Lot area shall not be reduced by this subdivision prior approval of appropriate health authority and the local health department.
- All covenants shall remain in full force and effect.
- Open area = 13.51 Acres (Below Hwy 47) Subdivided
- Existing Zoning is AG-Agriculture (C-High Medium Lot Size).
- This development conforms to the requirements of the Idaho Code, "Right To Farm Act".
- School District = Independent School District Of Carleton No. 221
- Record Drawings = Gen County
- The intended use of this land is single family homes.
- Lot 2 (0.519 acres) shall share driveway with the neighbors to the north.
- Driveway culvert shall be a minimum 12" diameter and 30' in length.
- No structures shall be erected and no subdivisions, partition and acre with 25 feet of the road right of way. The right of way shall be dedicated to the public and the right of way shall be dedicated to the public and the right of way shall be dedicated to the public.
- There is a 2" ground water depth of 10 feet.

Prepared For:

EMMETT, GEM, IDAHO

B & A Engineers, Inc.

Surveying, Engineering & Planning

200 W. Main St. Suite 100

Idaho Falls, ID 83401

Instrument # 308376

EMMETT, GEM, IDAHO

10-4-2016

12:17:24 PM No. of Pages: 2

Recorded for: B & A ENGINEERS INC

SHELLY TILTON

Ex-Officio Recorder Deputy

Index to: PLAT

Fee \$11.00

Shelly Stewart

Echevarria Estates Subdivision

Book 5 Page 23

Certificate of Owners

KNOW ALL MEN BY THESE PRESENTS, that the undersigned does hereby certify that it is the owner of a certain tract of land to be known as ECHAVARRIA ESTATES SUBDIVISION, and that it intends to include the following described land in this plat:

A tract of land situated in a portion of the South 1/2 of the Southeast 1/4 of Section 33, Township 8 North, Range 3 West, El Paso County, Texas, and being more particularly described as follows:

Commencing at the South 1/2th corner corner to Section 31 and 32, T.8N., R.3W., marked by a found corner cap monument from which the South 1/2th corner corner to Section 31 and 32, T.8N., R.3W., is measured by a found 3/16 inch diameter iron pipe 12.17 feet long, and continuing thence by the East line of the SE 1/4 of Section 33 to the Point of Beginning.

Thence the following courses and distances:

- S80°11'17"N, 470.00 feet;
- S80°36'41"W, 1,021.05 feet;
- S80°05'35"E, 133.17 feet;
- S79°15'17"W, 228.53 feet;
- S77°07'47"E, 523.00 feet;
- S77°05'19"W, 523.00 feet;
- S82°02'31"W, 523.00 feet;
- N80°01'17"E, 400.82 feet;
- S80°04'25"E, 35.89 feet;
- N87°16'37"E, 210.44 feet;
- S77°07'47"E, 523.00 feet;
- S77°16'48"E, 273.83 feet;
- S77°07'38"E, 254.64 feet;
- N87°54'38"E, 91.09 feet;
- N82°32'18"W, 168.85 feet;
- N82°32'37"E, 482.29 feet to the Point of Beginning.

The above-described parcel contains 13.818 acres, more or less.

El Paso County, Texas, is the owner of this plat of ECHAVARRIA ESTATES SUBDIVISION, is hereby dedicated to the use of the public. Easements included on this plat are not intended to be conveyed to the public, but are intended to be conveyed to the owner of the land for the use of the public. Said Easements shall include along a portion of the boundary boundary and the right of the conveying party to use and maintain said drain is recognized.

Wells Code 95-1334 The individual who described in this plat will not be served by any water-system common to one (1) or more of the lots, but will be served by individual wells.

IN WITNESS WHEREOF, I have hereunto set my hand on this 26th day of September, 2016.

Paul H. Schaefer
President, PMA Anthony Echevarria, Sr. Trust



Acknowledgment

State of Texas
County of El Paso

On this 26th day of September, 2016, before me the undersigned, a Notary Public in and for said state, personally appeared Paul H. Schaefer, known to me to be the President of the PMA Anthony Echevarria, Sr. Trust, and acknowledged this instrument to be his act and deed, and that he intended to execute the same for the purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have set my hand and seal the day and year in this certificate first above written.

Notary Public for Texas
My Commission Expires 4-21-2017

Certificate of Surveyor

I, Paul H. Schaefer, do hereby certify that I am a Professional Land Surveyor licensed by the State of Texas, and that this plat of ECHAVARRIA ESTATES SUBDIVISION, as described in the Certificate of Owners and as shown on the plat, was drawn from an actual survey made on the ground under my personal supervision, and that the same is in accordance with the State of Texas Code relating to plats and surveys.



Paul H. Schaefer, L.S. No. 812025

Certificate of County Surveyor

I, the undersigned, County Surveyor, for El Paso County, Texas, do hereby certify that I have examined this subdivision plat and that it is in compliance with the provisions of the Texas Code of Civil Procedure, Chapter 13, relating to the plat and surveys and conforms to the then County Subdivision Ordinance in effect on the date of this plat.

Paul H. Schaefer
County Surveyor
LARRY R. KNEER, P.E. S.E.T.
Date 9/26/16

Approval of El Paso County Assessor

El Paso County, Texas, do hereby certify that this plat is acceptable for recording.

Paul H. Schaefer
County Assessor
Date 9/26/2016

Approval of Board of County Commissioners

The plat of ECHAVARRIA ESTATES SUBDIVISION and the declaration of El Paso County, Texas, is hereby accepted and approved by the Board of County Commissioners of El Paso County, Texas, on 9/26/2016.

Paul H. Schaefer
Chairman, El Paso County Commissioners
Date 9/26/2016

Certificate of County Treasurer

I, the undersigned, County Treasurer, do hereby certify that the County of El Paso, Texas, do hereby certify and affirm that the property described herein is for the property described herein, and that the same is in compliance with the provisions of the Texas Code of Civil Procedure, Chapter 13, relating to the plat and surveys and conforms to the then County Subdivision Ordinance in effect on the date of this plat.

Paul H. Schaefer
County Treasurer
Date 9/26/2016

Approval of Southwest District Health Department

Swearing affidavits as required by Public Code, Title 24, Chapter 13, are in force. No owner or contractor of building, dwelling or other structure shall be permitted to occupy or use the same until the building is in compliance with the health department requirements and sanitary restriction requirements are satisfied.

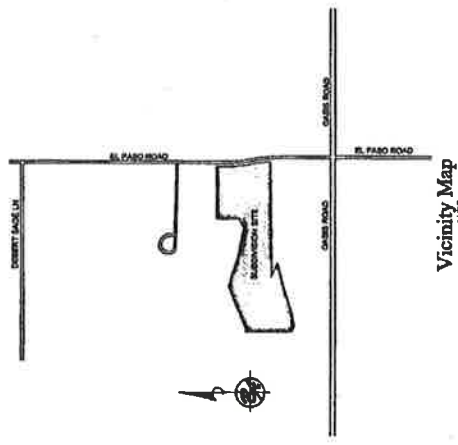
Paul H. Schaefer
Southwest District Health Department
Date 9/26/2016

Certificate of County Recorder

Paul H. Schaefer
County Recorder
Date 9/26/2016

Developer
B&A Engineers, Inc.
2000 W. Loop West, Suite 1000
Dallas, Texas 75242-2000
Phone: 214-264-1333

Vicinity Map



B&A Engineers, Inc.
Civil Engineering, Surveying & Planning
2000 W. Loop West, Suite 1000
Dallas, Texas 75242-2000
Phone: 214-264-1333
Echevarria Estates Subdivision
834-13-02-00-00
Sheet 2 of 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

August 14, 2020

SHAUN HENRY
7490 EL PASO RD
CALDWELL, ID 83607-7404

LEAH HENERY
21941 LANSING LN
MIDDLETON, ID 83644-5627

RE: Application for Permit No. 63-34938

Dear Applicant(s):

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 MESSENGER INDEX on 8/19/2020 and 8/26/2020. 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,

Kensie Thorneycroft
Administrative Assistant

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, August 13, 2020 10:38 AM
To: IDAHO PRESS-TRIBUNE
Subject: Gem Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 08/19/2020 and 08/26/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant
IDWR Western Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

**Brad Little
Governor**

**Gary Spackman
Director**

August 14, 2020

LEGAL NOTICE DEPARTMENT
MESSENGER INDEX
PO BOX 577
EMMETT, ID 83617

RE: Application for Permit No. 63-34938, 63-34942

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 9/8/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

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

63-34938

SHAUN HENRY

LEAH HENERY

7490 EL PASO RD

CALDWELL, ID 83607-7404

Point of Diversion SESE S33 T06N R03W GEM County Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 07-23-2020

Place Of Use: IRRIGATION

T06N R03W S33 SWSE, SESE

Total Acres: 5

Water bearing zone to be appropriated is from 75 to 200 feet.

63-34942

ROY KIRKLAND

CARLENE KIRKLAND

7500 EL PASO RD

CALDWELL, ID 83607-7419

Point of Diversion SESE S33 T06N R03W GEM County Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 07-27-2020

Place Of Use: IRRIGATION

T06N R03W S33 SESE

Total Acres: 4

Water bearing zone to be appropriated is from 38 to number 275.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; 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, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 9/8/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/19/2020 and 8/26/2020