

84238

STATE OF IDAHO

Ident. No.

95-17974

JUL 15 2020

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

IDWR / NORTH

- Name of applicant(s) BDH Properties LLLP Phone 208 667-3431
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address P O Box 6200 City Coeur d'Alene
State ID ZIP 83816 Email bhagadone@hagadone.com
- Name of representative, if any Robert G Haynes Phone 208 660-4861
Mailing address 2571 S Reynolds RD City Coeur d'Alene
State ID ZIP 83814 Email bob@idahowaterengineering.com
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 Coeur d'Alene Lake which is a tributary of Spokane River
- 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	20	5		NE	SE	Kootenai	Lake Coeur d'Alene	

- Water will be used for the following purposes:
Amount 0.04 cfs for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per year)
Amount 0.1 cfs for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per year)
Amount 0.1 cfs for Aesthetic 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)
- Total quantity to be appropriated is (a) 0.1 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. Pump & pipeline
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 \$ 1000 Received by ja Receipt No. N036260 Date 7-15-2020

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. Aesthetic water features

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	
48N	4W	20													0.6				0.6
48N	4W	20													D				
48N	4W	20													J				

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? None

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

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. PaThe amount of water requested for irrigation is in excess of the amount normally approved by IDWR because of the applicants desire to limit the irrigation to night time hours and water on alternate days. Irrigation scheduling will be done by a "Smart Irrigation Controller" which limit circuit run times to what is needed. Parcel Numbers are 0-0620-000-005-C & 0-0620-000-005-D.

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

Bradley D Hagadone, Manager, B Pointe LLC

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

To Whom It May Concern:

BDH Properties LLLP has secured the services of Robert G Haynes to assist in the process of acquiring water rights. By this letter we authorize him to sign our application and provide additional information to the Department of Water Resources which may be required to complete the application for permit.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Hagadone", is written over a horizontal line.

Bradley D Hagadone, Manager, B Pointe LLC

BDH Properties LLLP

T48N R4W Sec 20





0003757807

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003757807

Date Filed: 1/30/2020 12:11:12 PM

Entity Name and Mailing Address:

BDH PROPERTIES LLLP

The file number of this entity on the records of the Idaho Secretary of State is: 0003406606

Address

PO BOX 7156
BOISE, ID 83707-1156

Entity Details:

Entity Status

Active-Current

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:

The registered agent on record is:

Registered Agent

D JOHN THORNTON
Registered Agent

Physical Address

3101 W MAIN STE 200
BOISE, ID 83702

Mailing Address

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Partnership General Partners

Name	Business Address
B POINTE LLC	BRADLEY D. HAGADONE PO BOX 6200 COEUR D'ALENE, ID 83814-1937

The annual report must be signed by an authorized signer of the entity.

D John Thornton

Sign Here

01/30/2020

Date

Job Title: Registered Agent

B0475-7367 01/30/2020 12:11 PM Received by ID Secretary of State Lawrence Denney



0003757803

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0003757803

Date Filed: 1/30/2020 12:09:37 PM

Entity Name and Mailing Address:

B Pointe LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0003406576

Address

PO BOX 7156
BOISE, ID 83707-1156

Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:

The registered agent on record is:

Registered Agent

D JOHN THORNTON
Registered Agent

Physical Address

3101 W MAIN STE 200
BOISE, ID 83702

Mailing Address

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	Title	Business Address
<input checked="" type="checkbox"/> D John Thornton		3101 W MAIN ST STE 200 BOISE, ID 83702
<input checked="" type="checkbox"/> Bradley D Hagadone	Manager	PO BOX 6200 COEUR D'ALENE, ID 83816

The annual report must be signed by an authorized signer of the entity.

D John Thornton

Sign Here

01/30/2020

Date

Job Title: Registered Agent

B0475-7359 01/30/2020 12:09 PM Received by ID Secretary of State Lawrence Denney



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

July 30, 2020

BDH PROPERTIES LLLP
PO BOX 6200
COEUR D ALENE, ID 83816-1937

RE: Application for Permit No. 95-17974

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 COEUR D ALENE PRESS on 8/6/2020 and 8/13/2020. 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

CC:
ROBERT G HAYNES
2571 S REYNOLDS RD
COEUR D ALENE, ID 83814-7965

Alleman, Tammy

From: Alleman, Tammy
Sent: Thursday, July 30, 2020 12:35 PM
To: 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'; 'Horsmon,Merritt'; 'Mike Ahmer'
Subject: Request for Comments for 95-17974

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 August 24, 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

From: Alleman, Tammy
Sent: Thursday, July 30, 2020 11:15 AM
To: 'LEGALS@CDAPRESS.COM'
Subject: Legal Notice
Attachments: Legal Notice for 95-17968, 95-17972 to 95-17978.docx

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **August 6th & August 13th, 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 **August 24, 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:

95-17968

TERRY L PETERSON
8288 E SNOWY LN
ATHOL, ID 83801-8674
Point of Diversion NESW
S14 T53N R03W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 07-06-2020
Place Of Use: DOMESTIC
T53N R03W S14 NWSW

95-17972

ANTHONY BREITKREUTZ
CASSANDRA BREITKRUEZ
13662 N RAGGED RIDGE RD
HAUSER, ID 83854-5606
Point of Diversion L2(SWNNWNE)
S1 T51N R06W
KOOTENAI County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 07-14-2020
Place Of Use: DOMESTIC, STOCKWATER
T51N R06W S1 NESW

95-17973

PHILIP L DAMIANO
LESLIE E DAMIANO
8850 E FERNAN LAKE RD
COEUR D ALENE, ID 83814-7782
Point of Diversion SESW
S10 T50N R03W
KOOTENAI County
Source GROUND WATER
Point of Diversion SESW
S10 T50N R03W
KOOTENAI County
Source GROUND WATER
Use: AESTHETIC STORAGE
01/01 to 12/31 11 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 11 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 11 AF
Use: RECREATION STORAGE
01/01 to 12/31 11 AF
Total Diversion: 11 AF
Date Filed: 07-16-2020
Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE
T50N R03W S10 SESW

95-17974

BDH PROPERTIES LLLP
PO BOX 6200
COEUR D ALENE, ID 83816-1937
Point of Diversion NESE
S20 T48N R04W
KOOTENAI County
Source COEUR D ALENE LAKE
Tributary SPOKANE RIVER

Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
03/15 to 11/15 0.1 CFS
Use: AESTHETIC
01/01 to 12/31 0.1 CFS
Total Diversion: 0.1 CFS
Date Filed: 07-15-2020
Place Of Use: AESTHETIC
T48N R04W S20
NESE,L5(NESE)
Place Of Use: DOMESTIC,IRRIGATION
T48N R04W S20 NESE
Place Of Use: IRRIGATION
T48N R04W S20
L5(NESE)
Total Acres: 0.6

95-17975

PHILIP L DAMIANO
LESLIE E DAMIANO
8850 E FERNAN LAKE RD
COEUR D ALENE, ID 83814-7782
Point of Diversion SESWSW
S10 T50N R03W
KOOTENAI County
Source SPRING
Tributary FERNAN CREEK
Use: IRRIGATION
04/01 to 10/31 0.85 CFS
Total Diversion: 0.85 CFS
Date Filed: 07-16-2020
Place Of Use: IRRIGATION
T50N R03W S10
NESW,NWSE,SWSW,SWSE,SESW
Total Acres: 42.8

95-17976

PHILIP L DAMIANO
LESLIE E DAMIANO
8850 E FERNAN LAKE RD
COEUR D ALENE, ID 83814-7782
Point of Diversion SESW
S10 T50N R03W
KOOTENAI County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31 0.11 CFS
Total Diversion: 0.11 CFS
Date Filed: 07-16-2020
Place Of Use: IRRIGATION
T50N R03W S10
NESW,NWSE,SWSE,SESW
Total Acres: 3.7

95-17977

RANDY UCHYTIL
8072 S UPPER TWIN LAKE SHR
RATHDRUM, ID 83858-3200
Point of Diversion L4(SWSW)
S31 T53N R04W
KOOTENAI County
Source TWIN LAKES
Tributary RATHDRUM CREEK
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.4 CFS
Date Filed: 07-17-2020
Place Of Use: DOMESTIC
T52N R04W S6

L3(NWNW)
Place Of Use: DOMESTIC
T52N R05W S1
L1(NENE)
Place Of Use: DOMESTIC
T53N R04W S31
L4(SWSW)
Place Of Use: DOMESTIC
T53N R05W S36
L1(SESE)

95-17978

STEVE PETERS
PO BOX 762
SPIRIT LAKE, ID 83869-0762
Point of Diversion NENW
S13 T53N R05W
KOOTENAI County
Source SPIRIT LAKE
Tributary SPIRIT CREEK
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 07-17-2020
Place Of Use: DOMESTIC
T53N R05W S13
L3(NENW)

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 8/24/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on 8/6/2020 and 8/13/2020

MEMORANDUM

To: Water Right Permit 95-17974

From: Luke Bates

JSB

Date: 7/17/2020

Re: Application for Water Permit and associated Government Lot Designation

An application for permit was received for domestic, irrigation, and aesthetic uses in the name of BDH Properties LLLP. During application processing, IDWR staff identified that while the applicant had designated $\frac{1}{4}$ $\frac{1}{4}$ location of NESE for the place of use (POU), the POU shape on applicant's map also included $\frac{1}{4}$ $\frac{1}{4}$ location of NESE5. POU data entry was adapted to include both NESE & NESE5, to account for the government lot designator as depicted on applicant's map.

Additionally, applicant had assigned the point of diversion (POD) location as NESE5, but applicant map shows the POD in the NESE location not in the government lot 5. POD data entry was adapted to remove the government lot designator from POD during application processing.