

RECEIVED

JUN 24 2020

DEPARTMENT OF
WATER RESOURCES

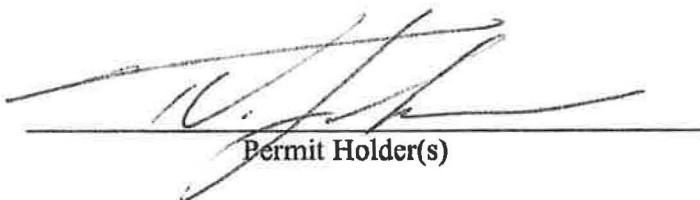
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RELINQUISHMENT OF PERMIT

I, Timothy VanLuijck, hereby relinquish to the State of Idaho,
all my right, title and interest in and to Permit to Appropriate the Public Waters of the
State of Idaho, No. 95-17803.

Signed this 24 day of June, 20 20.



Permit Holder(s)

MAY 20 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee \$	100 ..
Receipt No.	C108787
Received By	km
Date Received	5-20-2020

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 95-17803 Telephone No. 208-660-0205
 2. Name of Permit Holder(s) Timothy and or LeaAnn VanLohuizen
 3. Mailing Address 1250 W. Ironwood Drive Ste 320 City Coeur d'Alene
 State ID Zip 83814 Email vanlot67@icloud.com
 4. Source of Water Well If **GROUND WATER** (well), Date Drilled mo. 02 / yr. 2019
 Well Driller H2O Drilling Permit Number _____

5. Extent of use(s) completed **as authorized by the water right permit:**
 Domestic (No. of households) 1 Stockwater (No. and type of stock) _____
 Irrigation (No. of acres) .5 Other _____

6. Total rate of diversion or storage volume for which proof is submitted .04 cfs **OR** _____ acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
 Refer to the approval conditions on your permit and respond accordingly.

The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If yes, has the measuring device been installed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If yes, has the lockable device been installed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Fish Screen	Is a fish screen required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If yes, has the fish screen been installed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

_____ Completed? Yes ☐ No ☒

8. Fee Enclosed \$ 100 or not applicable ☐. See fee schedule on page 2 of the instructions.
 Proof statements filed without an appropriate fee, will be considered incomplete.

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Tim VanLohuizen Telephone Number 208-660-0205
 Mailing Address 1250 W Ironwood Dr. Ste 320 City Coeur d'alene
 State ID Zip 83814 Email vanlot67@icloud.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder [Signature] Date 5-18-2020
 (Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 2, 2020

TIMOTHY VANLOHUIZEN
LEAANN VANLOHUIZEN
1250 W IRONWOOD DR STE 320
COEUR D'ALENE ID 83814

RE: Relinquishment of Permit No. 95-17803

Dear Theresa:

The Department of Water Resources (Department) acknowledges receipt of the Relinquishment of Permit form received from you on June 24, 2020, for permit to appropriate water no. 95-17803. Your permit is now considered relinquished and is no longer in effect. A refund of \$100 for the Statement of Completion you submitted on May 20, 2020 has been requested and will be sent to you under separate cover from the State Controller's Office.

If you have any questions regarding this matter please call the Department at (208) 287-4800.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosure

MEMORANDUM

TO: Sascha Marston
FROM: Scott Storms
DATE: 6/24/2020
RE: Refund

Timothy VanLohuizen paid \$100 for a statement of completion on May 20, 2020 (receipt ID C108787). This was for a single home domestic right with a diversion rate of less than 0.04 cfs and therefore did not require any fee. Additionally, he has since recognized that his new well can be recognized as the POD on his existing right, and he did not need a new right and has decided to relinquish the permit.

Please issue a \$100 refund as follows:

TO

TIMOTHY VAN LOHUIZEN

TEL. 208-665-9856

RECEIPT

Receipt no. C108787

Copy: Proof Stmt. #95-17803

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: 95-17803Exam Date: < > 6/25/2020

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other
 -

2. Current Owner: Name: Timothy and/or LeaAnn VanLohuizen
 Owner of Record Correct? X Y N
 Address of Record Correct? X Y N
 If No: Address

3. Fees have been paid: X Y N Receipt No: C108787

4. SOURCE TRIBUTARY
 Groundwater N/A
 Method of Determination: Statement of completion and GIS examination
 Change in Source: Y X N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: X NONE

Water Right No.	Source	Purpose of Use	Basis

Comments: No overlap

2. Other water rights with the same point of diversion: X NONE

Water Right No.	Source	Purpose of Use	Basis

Comments: No overlap

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Groundwater			SE	NE	29	50N	02W	B.M.	Kootenai
								B.M.	
								B.M.	

Method of Determination: Permit and GIS examination

Change in POD? Y X N Amendment Required? Y X N

2. PLACE OF USE: Use: Domestic

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	02W	29				X													
		Lot #																	
Total Acres =																			N/A

Method of Determination: Permit and GIS examination

Change in POU? Y X N Amendment Required? Y X N3. Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable. X Aerial Photo Attached (required for irrigation of 10+ acres). Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
D0079298	Goulds Pump	3/4			10 gpm

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None taken**E. FLOW CALCULATIONS** Additional Computation Sheets AttachedMeasured Method:
N/AMeasurement = None cfs
Permit allowed = 0.04 cfs

License recommend for 0.04 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

1.2 AF per memo 22 for 1 household with irrigation of ½ acre included.

G. PURPOSE OF USEIrrigation Y X N # Stock Domestic # of Homes 1

Other:

Change in Purpose of Use? Y X N

Method of Determination: Permit and statement of completion.

If Yes: From Use To Use Amount CFS AFA **H. NARRATIVE/REMARKS/COMMENTS**

Statement of completion for permit 95-17803 was submitted by Timothy and LeaAnn VanLohuizen on May 20, 2020. The application included a well drillers log and indicated that the permit was to use that well as the point of diversion (POD). In reviewing the GPS coordinates on the drillers log and the spatial data point for the well database to that of the permit location of the POD, there was a discrepancy in the location. The spatial data point in the well database was located about 190 feet directly south of the permit POD, but still within the same quarter-quarter (QQ). This well point was derived from the GPS coordinates on the drillers log, however the latitude coordinates on the log had been crossed out and changed and a note at the top of the log stated "GPS amended to match tax lot/well site address". Additionally, when checking the location of the original GPS coordinates, they line up exactly with the permit POD location.

When examining aerial imagery of the place of use (POU) from 2019, there was no structure evidence on the parcel referenced on the permit. Additionally, when reviewing Kootenai county tax assessment information, last updated May 28, 2020, there is only a land assessment and no assessment for "improvements" i.e. structures.

On June 19, 2020, an email was sent to the address listed on the statement of completion requesting further evidence that the domestic use had indeed been developed on the parcel listed on the permit and asking to confirm the true location of the well.

Timothy responded on June 20, 2020 and further explained the exact location of the well and also explained that the well serviced the home on the adjacent parcel. This parcel is also the place of use for WR 95-9165. I followed up by asking Mr. VanLohuizen how the new water right would interact with the existing right, and he explained that the existing right was on a shallow, shared well that could not support both his home and a home built on the neighboring lot. The other home/lot has a separate water right. I then explained to Mr. VanLohuizen that, because the new well was still within the same QQ description, and there was no evidence that it would enlarge the existing right, nor injure any surrounding rights, this new well could simply be considered the new POD for WR 95-9165, and the new water right would not be necessary. He decided to move forward with this idea, and submitted a relinquishment of permit 95-17803. There are no further recommendations for this right.

Have conditions of permit approval been met? X Yes No

I. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
< >	< >	< > CFS	< > AF
		<u>Totals:</u>	< > AF

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ None

Other: < >

J. AUTHENTICATION Scott Storms, Water Resource Agent, Senior

Field Examiner's Name



Date

6/25/2020

Reviewer

Date

Storms, Scott

From: Tim VanLohuizen <vanlot67@icloud.com>
Sent: Wednesday, June 24, 2020 3:24 PM
To: Storms, Scott
Subject: Fwd: Relinquishment of Permit
Attachments: Relinquishment of Permit.pdf

Here is the signed form for the water rights.

Thanks again

Tim

sent from my iPad

Begin forwarded

Date: June 24, 2020 at 2:19:38 PM PDT
To: vanlot67@icloud.com
Subject: Relinquishment of Permit

Storms, Scott

From: Tim VanLohuizen <vanlot67@icloud.com>
Sent: Wednesday, June 24, 2020 3:08 PM
To: Storms, Scott
Subject: Re: License Exam for Water Right 95-17803

That would be great.

I will get the formed signed and out today.

Thanks for the help and assistance

Tim

sent from my iPad

On Jun 23, 2020, at 11:27 AM, Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

Tim,

Under Idaho statute, you can move or replace your point of diversion (POD) on your water right without filing for a transfer, as long as it is still within the legal description found on the face of the right and the new location does not enlarge the right nor cause injury to surrounding rights.

The new well you drilled is still within the legal description found on water right 95-9165: SENE of Sec. 29, T50N, R02W. Additionally, there is defiantly no evidence to suggest this new well would cause injury to any surrounding rights, especially since the permit you filed went through the full public notice period.

As such, this new well can simply be considered a replacement of the old well on right 95-9165, which also allows you to apply the July 21, 1969 priority date to the new well. Since your neighbor has their own right to the old well, nothing needs to be done on their end, they can simply keep using it, or eventually drill a new one in the same vicinity and abandon the old well.

If you would like to move forward with this process, you can relinquish permit 95-17803 by filling out the attached form. I can refund the \$100 you submitted with your proof of beneficial use statement, and I will simply update our spatial database to show the location of the new well as the POD for 95-9165.

Feel free to call me if you have more questions,

Scott

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources

From: Tim VanLohuizen [mailto:vanlot67@icloud.com]
Sent: Monday, June 22, 2020 8:05 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: tim@sagepointadvisor.com; tdesmet@rmehlaw.com
Subject: Re: License Exam for Water Right 95-17803

Dear Scott

The well location is about 50 ft to the northwest of that spot. The map was a bit blurry last time but I walked it off tonight.

The reason for the well servicing the other house is due to 3 different reasons.

1. The existing water right "well" is a shallow "sand spit" and over the last couple of years we were pumping mud at times just for domestic use. This is the reason we applied for irrigation rights since the well could not sustain domestic use and irrigation.
2. It is also has a "shared well Agreement" with the property across the street. Until last year, the property was abandoned with a derelict house. A developer Bought it and put a double wide on it. It could not handle one household; with two it would have been an issue. There was litigation between the previous landholders which Theron could provide you if needed.
3. The last was purely cost. The cost to refurbish / redo Or litigate that water right / well far exceeded the costs of putting in the new well. We also like our neighbor and didn't want to put him in a position that would jeopardize his ability to have water.

With the rules pertaining to the creek, easements and septic system set backs, It just seemed logical to put a well on our other parcel and use it for the house. I wanted to make sure we did everything correctly so I applied for the water rights to that parcel.

I hope this answer the questions you have.

Thanks

Tim

sent from my iPad

On Jun 22, 2020, at 3:17 PM, Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

Tim,

Just to verify, I have attached another map, this one with the well located where I believe you are talking about, as well as the home circled that I believe you are referencing. Can you confirm this information? If this is indeed the home the new well is servicing, it appears there is already a groundwater domestic right for this home, 95-9165, as well as a surface water irrigation right sourced from Wolf Lodge Creek for irrigation around the home. If this home is the one that the new well is connected to, can you please provide some explanation on how these other water rights interact with the new one, particularly the older domestic right, 95-9165.

Thanks again,

Scott

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

From: Tim VanLohuizen [<mailto:vanlot67@icloud.com>]
Sent: Saturday, June 20, 2020 10:31 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: tim@sagepointadvisor.com; tdesmet@rmehlaw.com
Subject: Re: License Exam for Water Right 95-17803

Dear Scott

The well was drilled for our house on the adjacent parcel as a single domestic use with and has been developed.

The well location is almost exactly opposite of where your POD point is. Just move it to the other side of the parcel.

Hope this helps clarify the items you needed.

Thanks

Tim VanLohuizen

sent from my iPad

On Jun 19, 2020, at 12:12 PM, Storms, Scott
<Scott.Storms@idwr.idaho.gov> wrote:

Hello Timothy and LeaAnn,

I am in the process of reviewing your water right permit, domestic use right 95-17803, for final licensing recommendations and I have a couple of questions. They are as follows:

- Can you provide further proof that the domestic use development was completed.
- Can you confirm the location of the well.

To the first question, I have attached a map that outlines the place of use as it was described in the permit application and subsequent permit. The most recent aerial imagery I have for this area is from 2019 (imagery used on the map) and I am unable to see any structure built on this parcel. Additionally, I looked up the Kootenai County parcel tax assessment for parcel 02800002016A (attached) which was last appraised on 5/28/2020, and it also does not list any development (improvement) value for that particular property. Can you provide evidence that your developed use was indeed for this parcel and that you have developed a domestic use on the property. Submitting pictures of the development is the most common way to do this. You can send pictures to me digitally via email if you would like.

To the second question, there appears to be a discrepancy between the location of the well in the Department's well database, which was based on the well drillers report, and where it was stated in the permit application and subsequent permit. The attached map includes the location of the permit point of diversion (POD) and the location of the well according to our well database. There was an update to the GPS coordinates on the drillers log that places the well in the location it is at now, however the original coordinates that were crossed out would have placed it in the same location as the permit POD. I just would like to confirm with you which location is correct?

Please look over this information and feel free to contact me if you have any questions.

Scott

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

<Kootenai County Parcel 02800002016A.pdf>
<Map_95-17803.pdf>

<Well_Home_Location.pdf>
<relinquishment-of-permit.pdf>