

STATE OF IDAHO

Ident. No. 94 96-9641

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 22 2020

1. Name of applicant(s) Brookside Development, LLC Phone 208-753-9171
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 876 Burke Rd City Wallace
 State ID ZIP 83873 Email mindebee@frontier.com
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 Canyon Creek which is a tributary of South Fork of CNA River

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4 NW	1/4 NE	County	Source	Local name or tag #
48N	04E	21a			NW	SE	Shoshone	Canyon Creek	

5. Water will be used for the following purposes:

Amount 1.52 63 for irrigation purposes from 3/15 to 10/31 (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) 1.02 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. Handa WH20 XTAF 2" gas pump / 2" poly p-pipe ran from creek to pump 25' away
- 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 \$ _____ Received by _____ Receipt No. _____ Date _____

MAY 22 2020

IDWR/NORTH

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. _____
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- 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	
48N	04E	26								75						9			75

Total number of acres to be irrigated: 75

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? 94-08754 / 94-4011

11. a. Who owns the property at the point of diversion? Brookside Development, LLC
- b. Who owns the land to be irrigated or place of use? Brookside Development, LLC
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Looking to develop land and plan to use water to water vegetation. Also to put out fire if necessary.

13. Time required for completion of works and application of water to proposed beneficial use is one year (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.

Matt Beehner
Signature of Applicant
Matt Beehner owner
Print Name (and title, if applicable)

Minde Beehner
Signature of Applicant
Minde Beehner owner
Print Name (and title, if applicable)



RECEIVED

MAY 22 2020

IDWR/NORTH

SCHEDULE 1

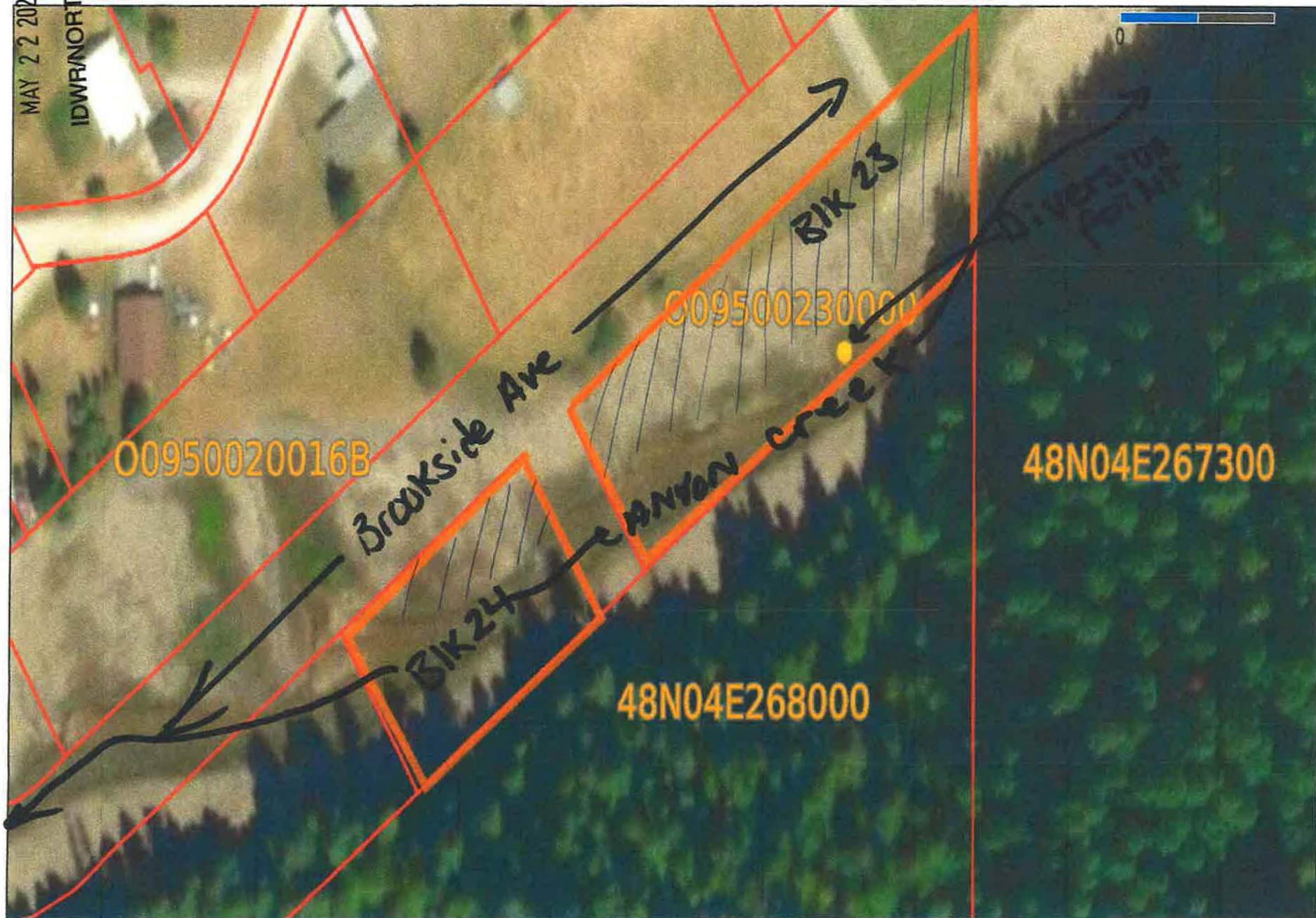
As of August 13, 2019

Member (Name and Address)	Capital Contributions	Percentage Interest
Matthew Beehner 876 Burke Road Wallace, ID 83873		50.00%
Minde Beehner 876 Burke Road Wallace, ID 83873		50.00%

RECEIVED

MAY 22 2020

IDWR/NORTH



Printed on 5 / 18 / 2020



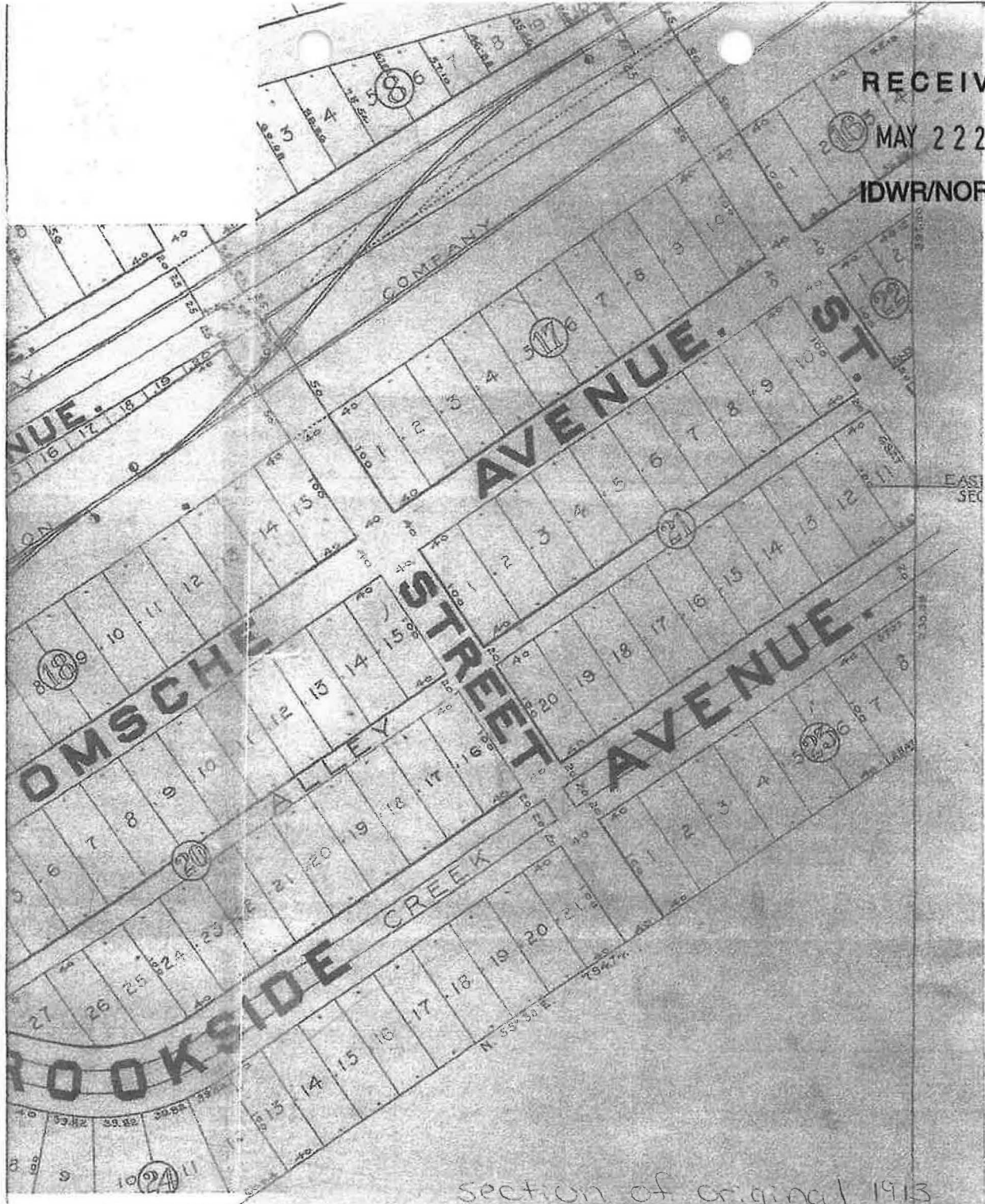
area to be
irrigated

48N 04E 26

RECEIVED

MAY 22 2020

IDWR/NORTH



section of original 1913
subdivision map.

48 N 04E section 26

Block 25 + Lots 18-21
of Block 24

RECEIVED




MAY 22 2020

IDWR/NORTH

MB
5/22/2020

State of Idaho
Department of Water Resources
Application For Permit



-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.0175 0.035 0.07 Miles



Tax parcel information provided by Shoshone County.



0003594953

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$100.00 - Make Checks Payable to Secretary of State

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

File #: 0003594953

Date Filed: 8/13/2019 9:33:35 PM

RECEIVED

Certificate of Organization Limited Liability Company

Select one: Standard, Expedited or Same Day Service (see descriptions below)

Standard (filing fee \$100)

MAY 22 2020**IDWR/NORTH**

1. Limited Liability Company Name

Type of Limited Liability Company

Limited Liability Company

Entity name

Brookside Development, LLC

2. The complete street address of the principal office is:

Principal Office Address

876 BURKE ROAD
WALLACE, ID 83873

3. The mailing address of the principal office is:

Mailing Address

876 BURKE RD
WALLACE, ID 83873-2486

4. Registered Agent Name and Address

Registered Agent

Registered Agent
Matthew Beehner
Physical Address:
876 BURKE RD
WALLACE, ID 83873-2486
Mailing Address:
876 BURKE RD
WALLACE, ID 83873-2486

5. Governors

Name	Address
Matthew Beehner	876 BURKE RD WALLACE, ID 83873-2486
Minde Beehner	876 BURKE RD WALLACE, ID 83873-2486

Signature of Organizer:

Jordan Beehner

Sign Here

08/13/2019

Date

*MB
5/22/2020*

B0323-7945 08/13/2019 9:35 PM Received by ID Secretary of State Lawrence Denney

RECEIVED**MAY 20 2020**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

IDWR/NORTHERN

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 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 876 Burke Rd City Wallace
 State ID ZIP 83873 Email mindebachner@frontier.com
2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
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- 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 Canyon Creek which is a tributary of South Fork of CDA River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
48N	04E	26		NW	SF		Shoshone	Canyon Creek	

5. Water will be used for the following purposes:
- Amount .02 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)
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- 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 Received by [Signature] Receipt No. N036086 Date 5-20-2020

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
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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	04E	26								.75									.75

Total number of acres to be irrigated: .75

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? 94-08754 / 94-4011
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b. Who owns the land to be irrigated or place of use? Brookside Development, LLC
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13. Time required for completion of works and application of water to proposed beneficial use is forever ~~(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.

mat B
Signature of Applicant
member
Print Name (and title, if applicable)

Maricle Beedner
Signature of Applicant
member
Print Name (and title, if applicable)

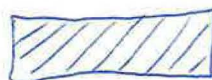
SCHEDULE 1

As of August 13, 2019

Member (Name and Address)	Capital Contributions	Percentage Interest
Matthew Beehner 876 Burke Road Wallace, ID 83873		50.00%
Minde Beehner 876 Burke Road Wallace, ID 83873		50.00%

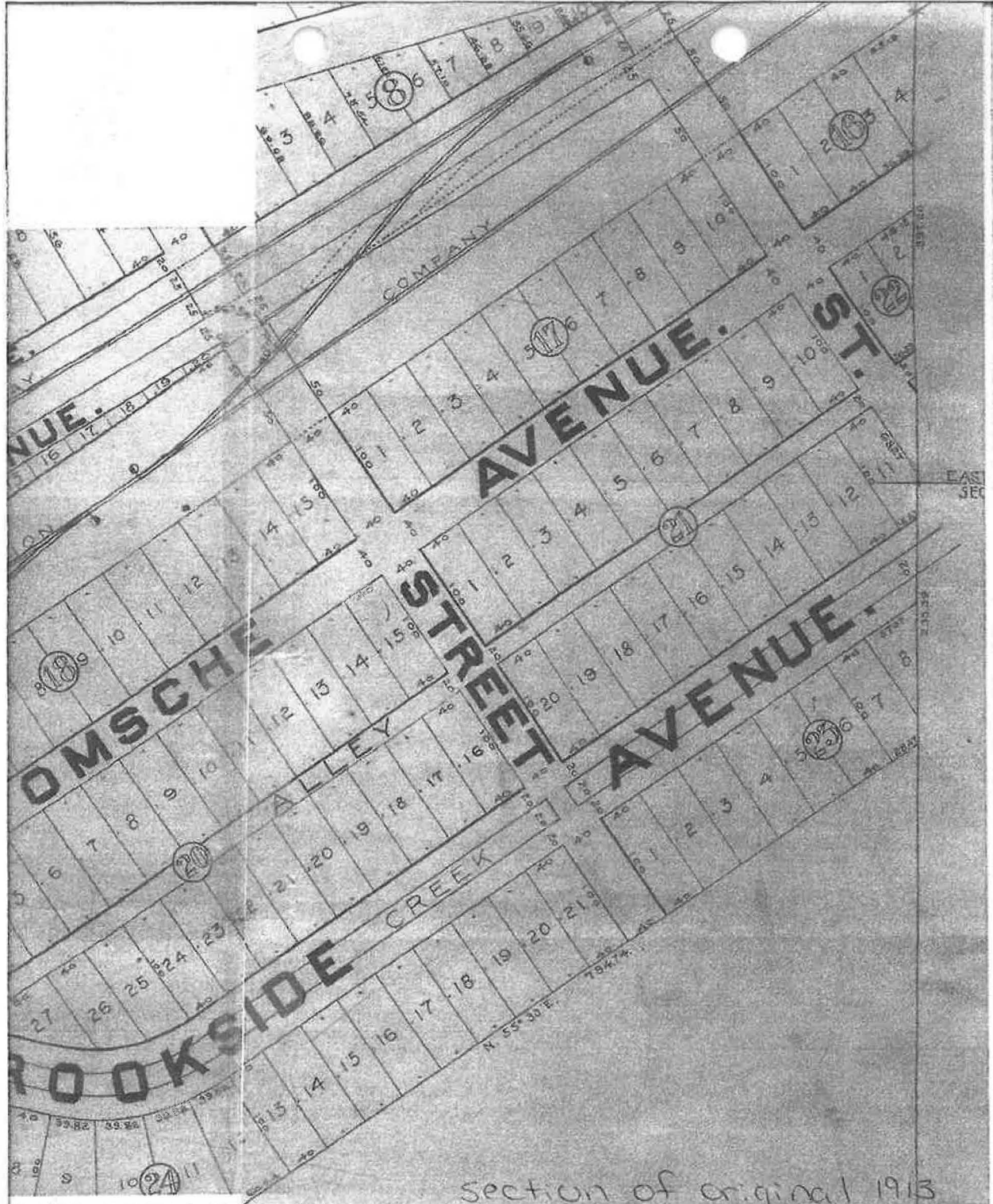


Printed on 5 / 18 / 2020



area to be
irrigated

48N 04E 26



section of original 1913
subdivision map.

48 N 04E section 26

Block 25 & Lots 18-21
of 2 Block 24

SOUTH 1365 FEET



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

May 27, 2020

BROOKSIDE DEVELOPMENT LLC
876 BURKE RD
WALLACE, ID 83873-2486

RE: Application for Permit No. 94-9641

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 SHOSHONE NEWS PRESS on 6/5/2020 and 6/12/2020. 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: Wednesday, May 27, 2020 2:20 PM
To: 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'; 'Horsmon,Merritt'; Skoro, Emily; Golden, Kala
Subject: Request for Comments on WR#94-9641

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 June 22, 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: Wednesday, May 27, 2020 2:15 PM
To: 'LEGALS@CDAPRESS.COM'
Subject: Legal Notice
Attachments: Legal Notice for 92-11102 & 94-9641.docx

Please publish the enclosed legal notice in the **Shoshone News Press** on the dates indicated **June 5th & June 12th, 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 **June 22, 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:

92-11102

BARRY C GREENWALT
KATIE JO GREENWALT
1250 BOND RD
DESMET, ID 83824-9746
Point of Diversion SESW
S5 T42N R02E
SHOSHONE County
Source ST MARIES RIVER
Tributary ST MARIES RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-21-2020
Place Of Use: DOMESTIC
T42N R02E S5 SESW

94-9641

BROOKSIDE DEVELOPMENT LLC
876 BURKE RD
WALLACE, ID 83873-2486
Point of Diversion NWSE
S26 T48N R04E
SHOSHONE County
Source CANYON CREEK
Tributary COEUR D ALENE RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 05-22-2020
Place Of Use: IRRIGATION
T48N R04E S26 NWSE
Total Acres: 0.8

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 6/22/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/5/2020 and 6/12/2020

MEMORANDUM

Date: May 27, 2020
To: Water Right File 94-9641
From: smaxey
Re: TOTAL QUANTITY TO BE APPROPRIATED (.03 CFS) & PRIORITY 5/22/2020

<u>DOCUMENT</u>	<u>PRIORITY DATE</u>	<u>ISSUE</u>
SUPERSEDED APPLICATION	5/20/2020	APPLICATION RECEIVED WITHOUT INFORMATION THAT INDICATES ` AUTHORITY OF SIGNATORS TO SIGN APPLIATION FOR BROOKSIDE DEVLOPEMNT LLC.
CORRECTED APPLICATION RECEIVED	5/22/2020	5/22/2020 APPLICATION RECEIVED AT IDWR NORTHERN.APPLICATION HAS INCREASED CFS AMOUNT (.03 CFS) FOR IRRIGATION, NEW MAP & EVIDENCE OF AUTHORITY FOR SIGNATORS TO SIGN APPLIATION FOR BROOKSIDE DEVLOPEMNT LLC. ACCEPTABLE FOR FILING BUT HAS EXCESSIVE CFS QUANTITY SHOWN FOR 1 HOME DOMESTIC USE.
CORRECTED APPLICATION RECVD	5/22/2020	5/27/2020 IDWR NORTH RECEIVED E-MAIL FROM APPLICATION SIGNER INDICATING THAT CHANGE TO .03 CFS AMOUNT ON LINE 5(A) SHOULD HAVE ALSO BEEN MADE ON LINE 6(A) OFAPPLICATION. PROCESSING RESUMED AND LINE 6(A) CHANGED IN ACCORDANCE WITH IDWR ADMIN MEMO #9.

Maxey, Shaun

From: Maxey, Shaun
Sent: Wednesday, May 27, 2020 11:30 AM
To: 'mindebeehner@frontier.com'
Subject: RE: water right permit

Hi:

The change you have requested is being made to the Application.

Shaun Maxey
IDWR

From: mindebeehner@frontier.com [mailto:mindebeehner@frontier.com]
Sent: Wednesday, May 27, 2020 9:29 AM
To: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Subject: water right permit

Shaun,

When we were in your office making corrections to our application last week, we forgot to change and initial line 6a. Could you please make note that line 6a is suppose to say .03 not match what we put in item 5?

Thank you for your help and if there are any questions please call or email.

Minde Beehner
Brookside Development, LLC
876 Burke Road
Wallace, ID 83873
208-753-9171



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 21, 2020

****Time Sensitive Response Required****

Brookside Development LLC
876 Burke RD
Wallace, ID 83873

Re: Application for Permit (Shoshone County parcel) (Rule 35 Application Requirements)

Dear Applicants:

Idaho Department of Water Resources (IDWR) received your Application for Permit on May 20, 2020 to divert water from Canyon Creek for irrigation use on a Shoshone County parcel (RPO09500230000A). **Please be advised that your Application is currently unacceptable for filing due to a required legal descriptions that is incorrect and an incorrect development period (line 13 of Application).**

The required corrections have been discussed with you in a telephone conversation earlier today. It is my understanding that you will visit the IDWR Northern Region office on May 22 or May 23, 2020 to make the required corrections. Please review the required corrections in the enclosures if you have not already made the corrections at IDWR.

An Application that is acceptable for filing must be received no later than June 19, 2020. IDWR will take steps to terminate the Application, if no response is received, in accordance with Idaho Code § 42-204.

Respectfully,

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region

Enclosures

Copy of Application for Permit for correction & return to IDWR
IDWR Example of corrected Application for Permit & Application Map showing corrections