

RECEIVED

83507

FORM 202 Rev. 09/16

AUG 05 2019

AUG 12 2019

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Ident. No. 95-17862

IDWR / NORTH IDWR APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

McCUTCHEON

CORRECTED

1. Name of applicant(s) CAREN FURBEYRE TRUST 1991 Phone 509-701-4555
 Mailing address 2011 S. ABRAMS CT City SPokane
 State WA ZIP 99203 Email _____
 Name connector (check one): ☐ and ☐ or ☐ and/or
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 COEUR D'ALENE LAKE which is a tributary of SPokane RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
T48N	04W	S3	1		NE	NE	KOOTENAI	COEUR D'ALENE LAKE	

5. Water will be used for the following purposes:
 Amount .05 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) .05 cfs 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. 1.5HP SUBMERSIBLE PUMP
WITH WATER TO PLACE OF USE
- 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 23' 8" 1/2 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 Received by ya Receipt No. N035320 Date 8-5-19

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	
~~78N 04W~~	~~S3~~	~~1.8~~																	~~1.8~~
48N 04W	3	0.3				0.8													1.1
48N 04W	3	0.7																	0.7

Total number of acres to be irrigated: 1.8

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? APPLICANT
- 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: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. REMODELING PROPERTY TO INCLUDE NEW IRRIGATION WATER
13. Time required for completion of works and application of water to proposed beneficial use is 2 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

ERLE L. FURBEYRE

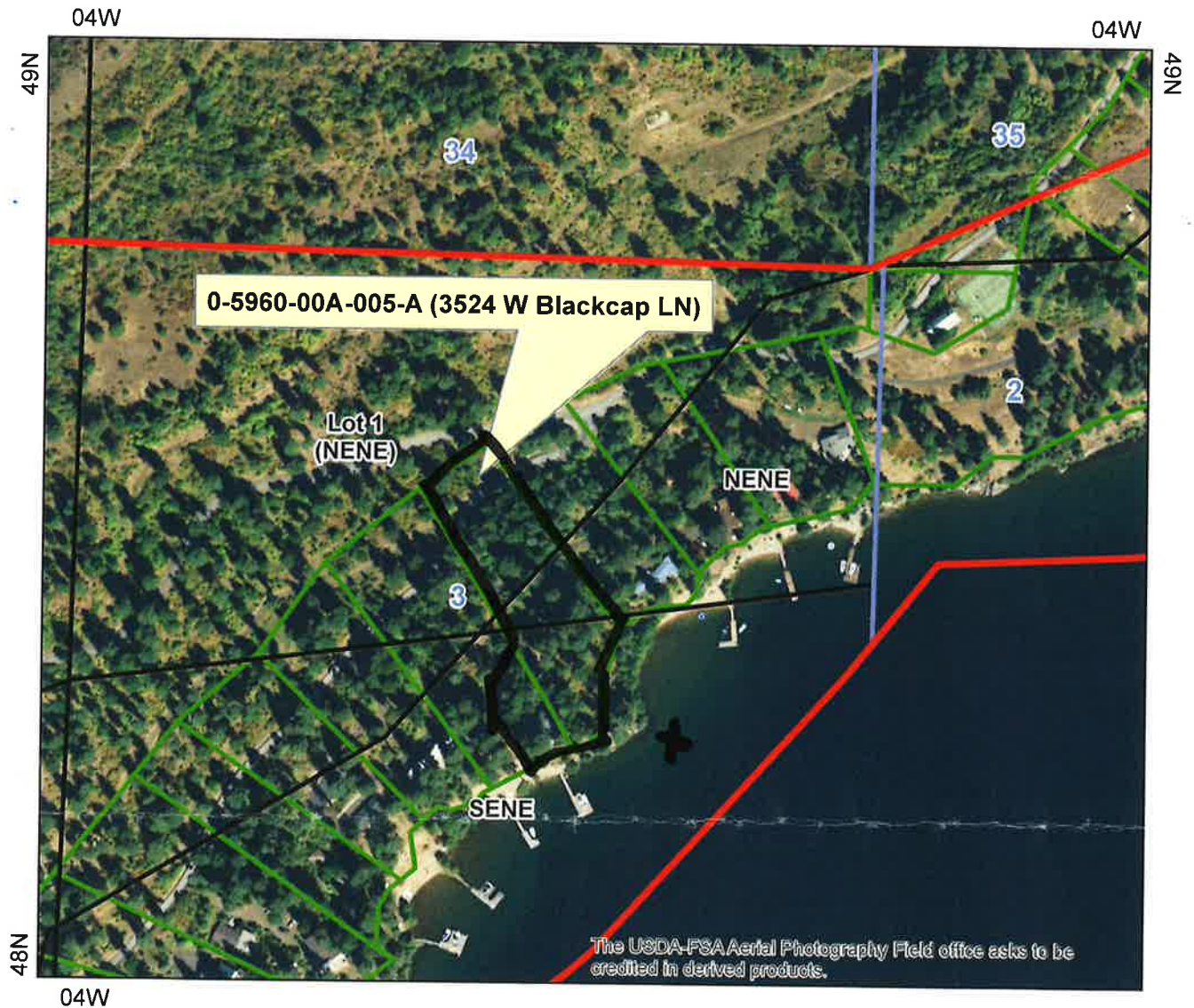
Print Name (and title, if applicable)

ATTORNEY-IN-FACT

Signature of Applicant

Print Name (and title, if applicable)

State of Idaho
Department of Water Resources
Application For Permit



- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.035 0.07 0.14 Miles

X- POINT OF DIVERSION
O- PLACE OF USE
(IRRIGATION)



Tax parcel information provided by Kootenai County.

Kootenai County
Terms of Use

Address: 3524 blackcap ln. Search By: Road Address

Map Layers

3524 W BLACKCAP LN, COEUR D'ALENE

W PILOT ROCK RD

W BLACKCAP LN

S KALVERN RD

Owner: Additional

AIN: 231257 LRSN: 77048
Parcel Number: 0-5860-00A-006-A
Appr Dist: 5 TRS: 484W03N2.PDF
Incorporation: NONE

Owner Information:
CAREN MCCUTCHEON FURBEYRE 1991
2011 S ABRAMS CT
SPOKANE, WA 99203

Site Address:
3524 W BLACKCAP LN
COEUR D'ALENE

Legal Description: BKPG: D098
PILOT ROCK PARK, LT 6 BLK A,
TAX=25426 (1N LT 5) 0348N04W

Acres: 1.8818

RECEIVED

FORM 202, Rev. 09/16
AUG 05 201983507
STATE OF IDAHO

Ident. No. 95-17862

DEPARTMENT OF WATER RESOURCES

IDWR / NORTH

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

ORIGINAL

1. Name of applicant(s) CAREN FURBEYRE TRUST 1991 Phone 509-701-4555
 Mailing address 2011 S. ABRAMS CT City SPOKANE
 State WA ZIP 99203 Email _____
 Name connector (check one): ☐ and ☐ or ☐ and/or
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 COEUR D'ALENE LAKE which is a tributary of SPOKANE RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
T48N	R04E	S33	1		NE	NE	KOOTENAI	COEUR D'ALENE LAKE	

5. Water will be used for the following purposes:
 Amount _____ 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) 05 cfs 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. 1.5HP SUBMERSIBLE PUMP
WITH WATER TO PLACE OF USE
- 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 Ja Receipt No. N035320 Date 8-5-19

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	
P8N	04W	S3	1.8																1.8

Total number of acres to be irrigated: 1.8

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? APPLICANT
- 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: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. REMODELING PROPERTY TO INCLUDE NEW IRRIGATION WATER
13. Time required for completion of works and application of water to proposed beneficial use is 2 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

ERLE L. FURBEYRE

Print Name (and title, if applicable)

ATTORNEY-IN-FACT

Signature of Applicant

Print Name (and title, if applicable)

POWER OF ATTORNEY

The undersigned, Caren Furbeyre, as Trustee of the Caren McCutcheon Furbeyre 1991 Trust dated June 6, 1991 (the "Owner"), being the owner of the real estate commonly known as 3524 West Blackcap Lane, Coeur d'Alene, Idaho 83814 and legally described as set forth on Exhibit "A" attached hereto (the "Property"), hereby appoints Erle Furbeyre as the Owner's attorney-in-fact who may act on behalf of the Owner to (a) complete and submit all applications and other documents with the City of Coeur d'Alene, the County of Kootenai, the State of Idaho, and other governmental agencies to obtain permits and other approvals in connection with all construction, renovation and other work at the Property, (b) enter into contracts with architects, builders, and contractors in connection with the construction, renovation and other work at the Property, and (c) enter into such contracts and take such other actions as he may deem necessary or advisable to maintain and repair the Property.

In consideration of Erle Furbeyre undertaking to act as the Owner's attorney-in-fact, the Owner hereby releases him, and any person who may deal with him in good faith reliance on this power of attorney, from all liability for acts done in good faith under the mistaken belief that this power of attorney has not been revoked by the Owner.

The powers granted by this Power of Attorney to the Owner's attorney-in-fact shall remain in effect from the date hereof until the earlier of December 31, 2020 or the written revocation of this instrument by the Owner.

Sworn to this 5 day of August, 2019.

Caren McCutcheon Furbeyre 1991 Trust dated June 6, 1991

By: Caren Furbeyre
Caren Furbeyre, as Trustee

STATE OF wa)
) SS
COUNTY OF Spokane)

The foregoing instrument was acknowledged before me on this 5 day of August, 2019, by Caren Furbeyre, as Trustee of the Caren McCutcheon Furbeyre 1991 Trust dated June 6, 1991.

Lace Queen
Notary Public

(SEAL)



Exhibit "A"

Legal Description of the Property:

LOT 6, BLOCK A OF THE PLAT OF PILOT ROCK PARK, RECORDED IN THE OFFICE OF THE COUNTY RECORDER IN BOOK "D" OF PLATS, AT PAGE 98, RECORDS OF KOOTENAI COUNTY;

LESS A PORTION OF SAID LOT 6 DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHERLY CORNER OF SAID LOT 6, SAID CORNER BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE ALONG THE BOUNDARY LINE COMMON TO SAID LOT 6 AND LOT 5, BLOCK A OF SAID PLAT, NORTH 35° 14' 27" WEST, 139.00 FEET; THENCE LEAVING THE SAID BOUNDARY LINE COMMON TO LOTS 5 AND 6, SOUTH 37° 07' 27" EAST, 79.99 FEET; THENCE SOUTH 32° 41' 30" EAST, 59.11 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING APPROXIMATELY 182.71 SQUARE FEET, MORE OR LESS;

TOGETHER WITH A PORTION OF PARCEL B OF CORRECTED WARRANTY DEED #2635644000, IN THE PLAT OF PILOT ROCK PARK, BOOK D, PAGE 98, RECORDS OF KOOTENAI COUNTY, IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 4 WEST, B.M, KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER OF LOT 6, BLOCK A OF SAID PLAT BEING THE TRUE POINT OF BEGINNING FOR SAID PARCEL C OF CORRECTED WARRANTY DEED #2635644000, ALSO BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE ALONG THE BOUNDARY LINE OF SAID PARCEL C AND PARCEL B OF SAID CORRECTED WARRANTY DEED #2635644000 THE FOLLOWING COURSES: N 32°36'02" W (RECORD N 32°31'30" W), 59.11 FEET; THENCE N 37°01'58" W (RECORD N 37°07'27" W), 79.99 FEET; THENCE N 35°08'58" W (RECORD N 35°14'27" W), 17.34 FEET; THENCE LEAVING SAID BOUNDARY LINE, S 19°46'39" W, 119.18 FEET; THENCE S 14°01'41" E, 33.53 FEET; THENCE S 41°48'50" E, 80.53 FEET TO THE APPROXIMATE SUMMER POOL OF LAKE COEUR D'ALENE; THENCE ALONG THE SAID APPROXIMATE SUMMER POOL, N 65°31'33" E, 100.14 FEET; THENCE LEAVING THE SAID APPROXIMATE SUMMER POOL, N 32°36'02" W, 42 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING, CONTAINING APPROXIMATELY 0.369 ACRE.

SESE

34

49N04W

NENE 1

NENE

48N04W

3

SENE 5

SENE

X POINT OF
DIVERSION

O PLACE OF USE
IRRIGATION



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

August 28, 2019

CAREN MCCUTCHEON FURBEYRE TRUST 1991
2011 S ABRAMS CT
SPOKANE, WA 99203-3753

Application For Permit No. 95-17862

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 9/5/2019 and 9/12/2019. 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,

A handwritten signature in blue ink, reading 'Tammy Alleman'.

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, August 28, 2019 2:57 PM
To: 'Mike Ahmer'; 'Anna.Moody@deq.idaho.gov'; 'Horsmon,Merritt'
Subject: Request for Comments on WR# 95-17862
Attachments: 95-17862 Application for Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also 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, 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 application is September 23, 2019.**

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the application.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, August 28, 2019 2:35 PM
To: 'LEGALS@CDAPRESS.COM'
Subject: Legal Notice
Attachments: 95-17862 Legal Notice.doc

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **September 5th and September 12th, 2019** (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 **September 23, 2019**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

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

95-17862

CAREN MCCUTCHEON FURBEYRE TRUST 1991

2011 S ABRAMS CT

SPOKANE, WA 99203-3753

Point of Diversion SENE

S3 T48N R04W

KOOTENAI County

Source COEUR D ALENE LAKE

Tributary SPOKANE RIVER

Use: IRRIGATION

03/15 to 11/15 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 8/5/2019

Place Of Use: IRRIGATION

T48N R04W S3

L1(NENE) SENE

Total Acres: 1.8

Permits will be subject to all prior water rights. 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 § 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 9/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/5/2019 and 9/12/2019

MEMORANDUM

Date: August 13, 2019
To: Water Right File 87-11350
From: smaxey
Re: **PRIORITY DATE 8/5/2019**

<u>APPLICATION VERSION</u>	<u>IDWR DATE RECVD</u>	<u>IDAPA 37.03.08 STATUS</u>	<u>PRIORITY</u>
ORIGINAL APPLICATION	8/5/2019	ACCEPTABLE FOR FILING. COMPLETED AT IDWR N. REGION OFFICE. 8/5/2019 WITH CORRECT PLACE OF USE (POU) IRRIGATED ACRES. POU POINT OF DIVERSION (POD) & POU LEGAL DESCRIPTION INCORRECT BECAUSE OUTDATED LOT BOUNDARIES SHOWN IN ARCMAP.	8/5/2019
REVISED APPLICATION	8/12/2019	ACCEPTABLE FOR FILING. APPLICATION RECEIVED WITH NEW MAPS THAT SHOW CORRECT LOT BOUNDARIES & REVISED POU LEGAL DESCRIPTION & MISSING CFS AMOUNT.	8/5/2019

MEMORANDUM

Date: August 7, 2019
To: Water Right File 95-17862
From: smaxey
Re: Correct Place Of Use Legal Descriptions & Irrigation area

The Place Of Use (POU), shown on the original Application Map, was reviewed with the signer of Application 95-17862 (Erle Furbeyre) at the IDWR Northern Region office on August 5, 2019. Mr. Furbeyre labeled the Irrigation POU on the IDWR provided map during his visit to the office.

The original Application Map labeled by Mr. Furbeyre is inaccurate because it does not show current up-to-date Kootenai County property tax parcel boundaries and legal descriptions for Kootenai parcel 0-5960-00A-005-A. The legal descriptions and distribution of irrigated acreage (totaling 1.8 acres) shown on page 2, that are based on the inaccurate map, are also incorrect.

A telephone voicemail message was left for Mr. Furbeyre concerning the error on August 7, 2019. A substitute Application Map and substitute Page 2 for the Application were sent via U.S. mail to Erle Furbeyre on 8/7/2019.

The corrected Point Of Diversion (POD) legal description omitting Govt Lot 1 and the POU Legal Descriptions and irrigated acreage totaling 1.8 acres for Line 9 of the Application will be used for advertising of legal notices in accordance with IDWR Application Processing Memorandum 9.

CONVERSATION MEMO

OV- Office Visit T-Telephone M-Meeting O- Other

TO Right No. 95-17862

FROM Shana Maxey IDWR

☐ OV ☒ T ☐ M ☐ Other _____ DATE 8/7/19 WITH Erle Furber
Left voicemail for Erle concerning substitute
map & pg. 2 legal descriptions informing him u.s.
mail sent to him today.

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____