

JUN 03 2019

IDWR / NORTH

83307  
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 86-12062

1. Name of applicant(s) KELLY L GRABER TRUST DATED: JUNE 20, 2012 Phone 208-835-5511  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address 1751 WALLEN RD City TROY  
 State ID \_\_\_\_\_ ZIP 83871 Email MRACTIVE1234@YAHOO.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 GROUNDWATER which is a tributary of \_\_\_\_\_

4. Location of point(s) of diversion:

| TwP | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source      | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------|-------------|---------------------|
| 39N | 04W | 9   |          |     | SW  | NE  | LATAH  | GROUNDWATER | D0022423            |
|     |     |     |          |     |     |     |        |             |                     |
|     |     |     |          |     |     |     |        |             |                     |
|     |     |     |          |     |     |     |        |             |                     |

5. Water will be used for the following purposes:

Amount 0.02 CFS for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)  
 Amount 0.02 for STOCKWATER 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)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 0.02 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. APPLICANT HAS WELL AND PUMP TO HOME AND STOCK  
 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? 2002; drilling firm WITT WELL DRILLING;  
 well was drilled for (well owner) KELLY GRABER; Drilling Permit No. 781818

## For Department Use

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ \_\_\_\_\_ Received by \_\_\_\_\_ Receipt No. \_\_\_\_\_ Date \_\_\_\_\_

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. 10 HEAD OF MIXED STOCK
  - Municipal; must complete and attach the Municipal Water Right Application Checklist.
  - Domestic; show number of households 1
  - Other; describe fully. DOMESTIC FOR 1 HOME WITH IRRIGATION UP TO 1/2 ACRE

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 |        |
| 39N | 04W | 9   |    |    | D/S |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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? \_\_\_\_\_

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. APPLICANT HAS WELL TO SERVE DOMESTIC FOR HOME WITH IRRIGATION UP TO 1/2 ACRE AND FOR STOCKWATERING PURPOSES.

13. Time required for completion of works and application of water to proposed beneficial use is 1 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.**

Kelly L. Graber TTEE 5-29-19

Signature of Applicant

KELLY L GRABER TTEE OF THE GRABER TRUST

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

# APPLICATION MAP



## Legend

-  Parcels
-  Township/Range
-  Sections
- QQ

0 0.015 0.03 0.06 Miles



*Wally S. Miller* TEE  
5-29-19

MAY 28 2019

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

Ident. No. \_\_\_\_\_

IDWR / NORTH

1. Name of applicant(s) KELLY L. GRABER TRUST DATED: JUNE 20, 2012 Phone 208-835-5511  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address 1751 WALLEN RD City TROY  
 State IDAHO ZIP 83871 Email mractive1234@yahoo.com
2. Name of representative, if any KELLY L. GRABER TTEE Phone 208-835-5511  
 Mailing address 1751 WALLEN RD City TROY  
 State IDAHO ZIP 83871 Email mractive1234@yahoo.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.
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 | ¼  | ¼  | ¼ | County | Source       | Local name or tag # |
|------|-----|-----|----------|----|----|---|--------|--------------|---------------------|
| 39 N | 4   | 9   |          | SW | NE |   | LATAH  | GROUND WATER | RP39N04W091208A     |
|      |     |     |          |    |    |   |        |              |                     |
|      |     |     |          |    |    |   |        |              |                     |
|      |     |     |          |    |    |   |        |              |                     |

5. Water will be used for the following purposes:
- Amount 0.01 CFS for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount 0.01 CFS for STOCKWATER purposes from JAN 1 to DEC 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)
6. Total quantity to be appropriated is (a) 0.02 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.  
4" 10 H.P. SUBMERSIBLE PUMP IN WELL. DRILLED DEPTH 403 FEET AT 1751 WALLEN RD TROY, ID 83871
- 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? 8-2-2002; drilling firm WITT WELL DRILLING FIRM NO. 58;  
 well was drilled for (well owner) KELLY L. GRABER TRUST; Drilling Permit No. D0022423

## For Department Use

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 100.00 Received by NS Receipt No. N034664 Date 5-28-19

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 ONE
  - 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 |        |
| 39N | 4   | 9   | D  | D  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: 0

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? \_\_\_\_\_  
WATER TO BE FOR DOMESTIC USE AND FOR A SMALL GARDEN.
11. a. Who owns the property at the point of diversion? KELLY L. GRABER TRUST
- b. Who owns the land to be irrigated or place of use? \_\_\_\_\_
- 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. \_\_\_\_\_
13. Time required for completion of works and application of water to proposed beneficial use is \_\_\_\_\_ years (minimum 1 year).
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**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.**

Kelly L. Graber TTEE KELLY L. GRABER TRUST  
 Signature of Applicant

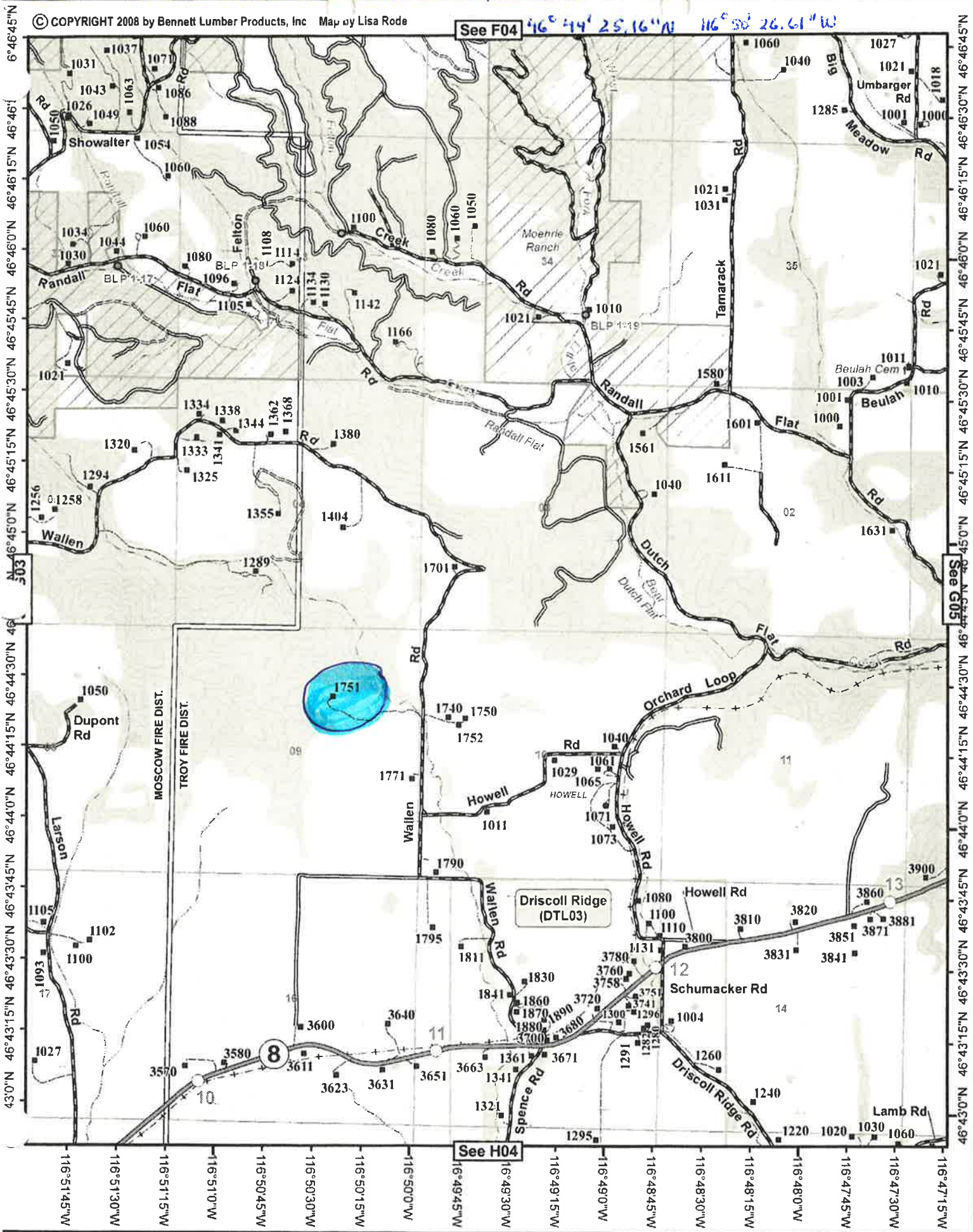
KELLY L. GRABER TTEE OF THE GRABER TRUST

Print Name (and title, if applicable)

SIGNED MAY 24, 2019

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Print Name (and title, if applicable)



Google Maps

KELLY LE GRABER TRUST  
1751 WALLER ROAD  
TROY, IDAHO 83871

LOCAL  
TAC # RP 39N, 04W091208A

GPS 46°44'25.16"N 116°50'20.61"W



Imagery ©2019 Google, Map data ©2019 Google 50 ft





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](http://idwr.idaho.gov) • Email: [northerninfo@idwr.idaho.gov](mailto:northerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 12, 2019

KELLY L GRABER TRUST  
1751 WALLEN RD  
TROY, ID 83871-9634

Application For Permit No. 86-12062

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 MOSCOW PULLMAN DAILY NEWS on 6/20/2019 and 6/27/2019. 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,

Tammy Alleman  
Administrative Assistant

CC:  
TERRY L GRABER  
1751 WALLEN RD  
TROY, ID 83871-9634

## Alleman, Tammy

---

**From:** Alleman, Tammy  
**Sent:** Wednesday, June 12, 2019 3:42 PM  
**To:** 'commisioners'; 'Kara Egan'; 'Michelle Fuson'  
**Subject:** Request for Comments  
**Attachments:** 86-12062 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 July 8, 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](mailto:Tammy.Alleman@idwr.idaho.gov)  
208-762-2800 Phone  
208-762-2819 Fax*

## Alleman, Tammy

---

**From:** Alleman, Tammy  
**Sent:** Wednesday, June 12, 2019 1:32 PM  
**To:** legals  
**Subject:** Legal Notice for June 20th & 27th  
**Attachments:** Legal Notice 86-12062, 87-10407, 87-10453, 87-10454, 87-10486, 87-10575.doc

Please publish the enclosed legal notice in the **Moscow Pullman Daily News** on the dates indicated **June 20<sup>th</sup> and June 27<sup>th</sup>, 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 July 8, 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](mailto: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:

**86-12062**

KELLY L GRABER TRUST

1751 WALLEN RD

TROY, ID 83871-9634

Point of Diversion SWNE

S9 T39N R04W

LATAH County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.02 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 6/3/2019

Place Of Use: DOMESTIC

T39N R04W S9 SWNE

Place Of Use: STOCKWATER

T39N R04W S9 SWNE

**87-10407**

LARRY B LACY

BETTY J LACY

1145 HEADRICK RD

POTLATCH, ID 83855-9646

Point of Diversion SWSESW

S29 T41N R04W

LATAH County

Source SPRING

Tributary SINKS

Point of Diversion SENENW

S32 T41N R04W

LATAH County

Source SPRING

Tributary SINKS

Point of Diversion SWSESW

S29 T41N R04W

LATAH County

Source SPRING

Tributary SINKS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: STOCKWATER

01/01 to 12/31 0.03 CFS

Total Diversion: 0.07 CFS

Date Filed: 5/23/2019

Place Of Use: DOMESTIC

T41N R04W S29 SESW

Place Of Use: STOCKWATER

T41N R04W S29 SESW

T41N R04W S32 NENW

**87-10453**

CAROL THOMPSON

1387 DEEP CREEK RD

POTLATCH, ID 83855-9777

Point of Diversion SESW

S2 T42N R05W

LATAH County

Source GROUND WATER

Point of Diversion SESW

S2 T42N R05W

LATAH County

Source GROUND WATER

Use: IRRIGATION

01/01 to 12/31 0.35 CFS

Use: STOCKWATER

01/01 to 12/31 0.07 CFS

Total Diversion: 0.4 CFS

Date Filed: 5/31/2019

Place Of Use: IRRIGATION

T42N R05W S2

NESW SESW NWSE SWSE  
Place Of Use: STOCKWATER  
T42N R05W S2  
NESW SESW  
**87-10454**  
KATHLEEN LAFORTUNE  
GREGORY SCORSONE  
PO BOX 66  
VIOLA, ID 83872-0066  
Point of Diversion SENE  
S20 T41N R05W  
LATAH County  
Source UNNAMED STREAM  
Tributary PALOUSE RIVER  
Use: AESTHETIC STORAGE  
01/01 to 12/31 1.2 AF  
Use: FIRE PROTECTION STORAGE  
01/01 to 12/31 1.2 AF  
Use: WILDLIFE STORAGE  
01/01 to 12/31 1.2 AF  
Total Diversion: 1.2 AF  
Date Filed: 5/28/2019  
Place Of Use: AESTHETIC STORAGE  
T41N R05W S20 SENE  
Place Of Use: FIRE PROTECTION STORAGE  
T41N R05W S20 SENE  
Place Of Use: WILDLIFE STORAGE  
T41N R05W S20 SENE  
**87-10486**  
JOHN ROY  
JILL ROY  
1034 LESTER LN  
PRINCETON, ID 83857-6000  
Point of Diversion NESE  
S7 T41N R03W  
LATAH County  
Source SURFACE RUNOFF  
Tributary SINKS  
Point of Diversion NWSW  
S8 T41N R03W  
LATAH County  
Source SURFACE RUNOFF  
Tributary SINKS  
Point of Diversion NESE  
S7 T41N R03W  
LATAH County  
Source SURFACE RUNOFF  
Tributary SINKS  
Point of Diversion NESE  
S7 T41N R03W  
LATAH County  
Source SURFACE RUNOFF  
Tributary SINKS  
Point of Diversion NWSW  
S8 T41N R03W  
LATAH County  
Source SURFACE RUNOFF  
Tributary SINKS  
Point of Diversion NWSW  
S8 T41N R03W  
LATAH County  
Source SURFACE RUNOFF  
Tributary SINKS  
Use: FIRE PROTECTION STORAGE  
01/01 to 12/31 8.2 AF  
Use: IRRIGATION FROM STORAGE  
04/01 to 10/31 1.2 AF  
Use: IRRIGATION STORAGE  
01/01 to 12/31 1.2 AF  
Use: STOCKWATER FROM STORAGE

01/01 to 12/31 0.5 AF  
Use: STOCKWATER STORAGE  
01/01 to 12/31 8.2 AF  
Total Diversion: 9.9 AF  
Date Filed: 5/30/2019  
Place Of Use: STOCKWATER STORAGE  
T41N R03W S7 NESE  
T41N R03W S8 NWSW  
Place Of Use: STOCKWATER FROM STORAGE  
T41N R03W S7 NESE  
T41N R03W S8 NWSW  
Place Of Use: FIRE PROTECTION STORAGE  
T41N R03W S7 NESE  
T41N R03W S8 NWSW  
Place Of Use: IRRIGATION STORAGE  
T41N R03W S7 NESE  
T41N R03W S8 NWSW  
Place Of Use: IRRIGATION FROM STORAGE  
T41N R03W S8 NWSW

**87-10575**

COPE R GALE JR  
3930 MOSCOW MOUNTAIN RD  
MOSCOW, ID 83843-8114  
Point of Diversion NENW  
S24 T40N R05W  
LATAH County  
Source GNAT CREEK  
Tributary SOUTH FORK PALOUSE RIVER  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Total Diversion: 0.04 CFS  
Date Filed: 6/4/2019  
Place Of Use: STOCKWATER  
T40N R05W S24 NENW  
Place Of Use: DOMESTIC  
T40N R05W S24 NENW

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 7/8/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/20/2019 and 6/27/2019