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FORM 202 REV. 09/12

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MAY 24 2018

IDWR / NORTH

82530

JUN 26 2018

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Ident. No. 81-12017

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Larry R. Herod Phone (208) 926-4256
 Mailing address 154 Wild Plum Lane City Kooskia
 State Idaho ZIP 83539 Email _____
 Name connector (check one): ☐ and ☐ or ☐ and/or
2. Name of representative, if any W. Jeremy Carr Phone (208) 743-9516
 Mailing address P.O. Drawer 285 City Lewiston
 State Idaho ZIP 83501 Email jcarr@clarkandfeeney.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 groundwater which is a tributary of Leitch Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
32N	5E	29		SE	NW	NE	IDAHO	Leitch Creek	

5. Water will be used for the following purposes:
- Amount .04 cfs for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount .04 cfs for Domestic purposes from 01/01 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) .04 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. A well and piping will be used to divert water to two single family residences. The parties have a shared well agreement between them that is attached.
- 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? 10/10/96; drilling firm Stuivenga-Vessey Drilling
 well was drilled for (well owner) Dale Pickering; Drilling Permit No. 996553-742550

Received by JA Date 5-24-18 Time _____ Preliminary check by _____
 Fee \$ 100.00 Receipted by JA Receipt No. N033435 Date 5-24-18

For Department Use

RECEIVED

82530

JUN 26 2018

FORM 202 REV. 99/1

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MAY 24 2018

IDWR / NORTH

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

Ident. No. 81-12017

- Name of applicant(s) Larry R. Herod Phone (208) 926-4256
Mailing address 154 Wild Plum Lane City Kooskia
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Name connector (check one): ☐ and ☐ or ☐ and/or
- Name of representative, if any W. Jeremy Carr Phone (208) 743-9516
Mailing address P.O. Drawer 285 City Lewiston
State Idaho ZIP 83501 Email jcarr@clarkandfeeney.com
 - ☐ Send all correspondence for this application to the representative and not to the applicant OR
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Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
32N	5E	29		SE	NW	NE	IDAHO	Leitch Creek	
								groundwater	use

- Water will be used for the following purposes:
 Amount .04 cfs for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount .04 cfs for Domestic purposes from 01/01 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)
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- Total quantity to be appropriated is (a) .04 cfs cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
- Proposed diverting works:
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 - 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
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 - Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
 - If well is already drilled, when? 10/10/96; drilling firm Stuivenga-Vessey Drilling
well was drilled for (well owner) Dale Pickering; Drilling Permit No. 996553-742550

Received by Ja For Department Use
 Date 5-24-18 Time _____ Preliminary check by _____
 Fee \$ 100.00 Receipted by Ja Receipt No. N033435 Date 5-24-18

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 CPH
 - 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	
32N	5E	29		D															<u>CPH</u> .04 cfs
<u>CPH</u> 32N	<u>CPH</u> 5E	<u>CPH</u> 29		<u>CPH</u> D															<u>CPH</u> .04 cfs

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? Larry Herod
- b. Who owns the land to be irrigated or place of use? Larry Herod and Whitecaps, Inc.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Attached is a Shared Water Use Agreement that allows both parties to use the well and water system.
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. An existing well and pipe structure provides domestic water to two single family residences. The well is located on the applicants property but is also used by an adjoining landowner to provide domestic water to her home. The well and water system have been in existence since 1996. The homes were built shortly after the well and water system was constructed.
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.

Signature of Applicant

Larry Herod

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

State of Idaho
Department of Water Resources
Application For Permit
81-XXXXX



-  PLS Sections
-  Taxlots

0 0.0275 0.055 0.11 Miles

X = well

O = Domestic Place of use



Tax parcel information provided by Idaho County.

RECEIVED

Form 230-1
9/95

OCT 17 1996

NORTHERN REGION

1. DRILLING PERMIT NO. 81 - 96 - N - 28

Other IDWR No. _____



IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

096558

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: _____ Long: _____
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

2. OWNER:

Name Dale Pickering
Address General Delivery
City Kooskia State ID Zip 83539

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
W X E
S
Twp 32 North ☒ or South ☐
Rge 5 East ☒ or West ☐
Sec 29 SE 1/4 NW 1/4
Gov't Lot _____ County Idaho
Lat: _____ Long: _____

Address of Well Site Leitch Creek
City Kooskia

(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Bk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK				AMOUNT	METHOD
Material	From	To	Sacks or Pounds		
Bentonite	0	18	4 s	Overbore	

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____

Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8	+2	18	250	steel	☒	☐	☐	☐
4 1/2	-5	355	250	pvc	☐	☒	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method SAW
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
310	355	1/4	6	70 4	1/2 pvc	☐	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

180 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or

control devices: Well Seal

11. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time
15		355'	1 hr.

Water Temp. 54° Bottom hole temp. _____

Water Quality test or comments: Good

Depth first Water Encountered 335'

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10	0	8	Fractured Basalt		X
10	8	42	Firm Basalt		X
8	42	70	Clay		X
8	70	190	Lava		X
8	190	345	Soft Basalt	X	
8	345	355	Fractured Basalt	X	
10" Hole to 18'.					

Completed Depth 355' (Measurable)
Date: Started 10/10/96 Completed 10/11/96

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Stuivenga-Vessey Drilling Firm No. 545

Firm Official Maternal Date 10/13/96

Supervisor or Operator _____ Date 10/13/96

(Sign once if Firm Official & Operator)

SE NW 29 32N SE

FORWARD WHITE COPY TO WATER RESOURCES

390139

SHARED WELL AGREEMENT

COMPUTER
INDEXED
THRU
FILMED
ABERSON

THIS AGREEMENT, made and entered into on this 7th day of October, 1996, by and between DALE PICKERING and CHRISTINA PICKERING, husband wife, of General Delivery, Kooskia, Idaho 83539, hereinafter referred to as the Pickerings, and WHITECAPS, INC., of RR1 Box 169 Kooskia Idaho 83539, hereinafter referred to as Whitecaps.

WITNESSETH:

WHEREAS, concurrently with the execution of this agreement the Pickerings are selling to Whitecaps real property shown and described in Exhibit A hereto which is known as Parcel D-1 located in Idaho County, State of Idaho, according to the recorded plat thereof; and,

WHEREAS, the Pickerings have retained that property described in Exhibit B hereto which is known as Parcel D-2 also in Idaho County, Idaho. Located upon Parcel D-2 is a water well and the parties desire to reach a written agreement relating to the shared use of that well on Parcel D-2 so that Parcel D-1 will be able to benefit from the use of the water produced on Parcel D-2 and Whitecaps, Inc., and their successors and assigns, will likewise benefit from the use of the water and the parties now desire to reduce their agreements to writing.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

That immediately prior to the recording of this document a Deed was recorded from the Pickerings to Whitecaps of Parcel D-1 in Idaho County, Idaho. By this agreement, it is intended that in addition to the Parcel D-1 property conveyed by Deed the Pickerings also will grant and do grant by this agreement to Whitecaps, its successors and assigns, the joint right to use the well that will be located on Parcel D-2 and the right to connect said well by appropriate piping to the place of use on Parcel D-1 and the right of joint maintenance, so that the water that is produced by the well on Parcel D-2 can be successfully and jointly used by the owners of Parcel D-1, their successors and assigns.

SHARED WELL AGREEMENT - 1

It is further understood that Whitecaps, Inc. shall have the ability to do reasonable maintenance and repairs on its exclusive piping from the well to its property and shall have the right to do work on the common parts of the system that benefit both parcels. For definition purposes, the common parts of the system run from the "well head to the tee" which separately splits the water off to Parcel D-1.

It is understood that any subsurface work that is accomplished and requires excavation shall require Whitecaps, and its successors and assigns, the duty to replace the ground surface to a condition as nearly the same as it was prior to excavation.

It is understood that the parties shall equally share the production of the water and in times of shortage they shall equally share the shortfall. Either party or both parties jointly may opt, at a future time, to add additional storage for water. If additional storage is decided upon it shall be allowed to be constructed on Parcel D-2 as close as practicable to the existing storage facilities so that the two parcels can be served as beneficially as possible by the beneficial elevation which Parcel D-2 provides.

It is further understood that all maintenance and repairs shall be equally shared by the parties when maintenance and repairs are required. In order to share the responsibility of maintenance, repairs and custody of the well, it is understood that the owners of Parcel D-1 shall act as custodians and make arrangements for repairs as required in odd numbered years and the owners of Parcel D-2 shall assume the responsibility in even numbered years. It is understood that there shall be an electric meter specifically for the well and that the rotating annual system for custody of the well will include the duty of management of the electrical bill, so that for example during odd numbered years the custodians and owners of Parcel D-1 will read the meter and allocate the electricity expenses between both parcels equally as well as the other expenses above mentioned. In all instances, common parts of the system, including the electricity bill, shall be equally split

by the parties. As electricity expenses increase, of course the increased rate shall be shared between the parties.

It is understood that this agreement shall be binding upon the heirs, successors, administrators and assigns of the respective parties hereto as if in each covenant they were specifically mentioned.

This easement shall be perpetual and may be passed on to future and subsequent owners of Parcel D-1 as a benefit to that parcel and a burden to Parcel D-2.

It is understood that the easement herein granted shall be easement rights to the complete system to operate the well on the part of both parties, including well production, access to the well, separate pipelines, electricity purposes, and the right of reasonable access for those purposes, both initially and in the future perpetually.

Furthermore, in the event the current owners, or future owners, to this agreement would disagree over the maintenance and operation of the well system or any portion of its future operations, those parties agree to submit such disagreement to arbitration with one arbitrator being picked by the sitting Magistrate in and for Idaho County, Idaho, who shall solve the dispute and any award shall be final and binding upon all the parties in each instance. Costs of arbitration shall be equally split by the parties in the event of such arbitration, and the arbitrator shall have the ability to award attorney fees to any party unreasonably and frivolously contesting or making a claim. The Idaho Arbitration Act shall be applicable where not in conflict with this agreement.

ADDITIONAL PROVISIONS:

It is further understood and agreed, that Whitecaps and the Pickerings will equally share the costs of well drilling and casing the well located upon Parcel D-2. Such cost information shall be timely shared with Whitecaps as it becomes available and payment shall be made when due to any well drilling contractor.

IN WITNESS WHEREOF, the parties hereto have set their hands
and seals the day and year first above written.

Dale Pickering
DALE PICKERING

Christina Pickering
CHRISTINA PICKERING

WHITECAPS, INC.

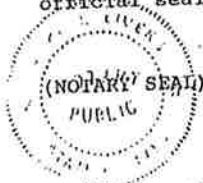
By Georgia White Rencher
GEORGIA WHITE RENCHER,
Sole Director and Manager

STATE OF IDAHO)

County of Idaho)

On this 7th day of November, 1996, before me, a Notary
Public in and for said County and State, personally appeared DALE
PICKERING and CHRISTINA PICKERING, husband and wife, known to me to
be the persons whose names are subscribed to the within instrument
and they acknowledged to me that they freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year first above written.



J. Paul E. Innes
Notary Public for the State of Idaho,
Residing at Bozemanville, therein.
My commission expires 6-24-99.

STATE OF Idaho)
County of Idaho)

On this 7th day of November, 1996, before me, a Notary
Public in and for said County and State, personally appeared
GEORGIA WHITE RENCHER, Sole Director and Manager, of Whitecaps,
Inc., known to me to be the person whose name is subscribed to the
within instrument and she acknowledged to me that she freely
executed the same for and on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year first above written.



J. Paul E. Innes
Notary Public for the State of Idaho,
Residing at Bozemanville, therein.
My commission expires 6-24-99.

EXHIBIT A

LEGAL DESCRIPTION
Parcel "D-1"

A parcel of land situated in the NW1/4 NE1/4 of Section 29, Township 32 North, Range 5 East, Boise Meridian, Idaho County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said NW1/4 NE1/4, being the TRUE POINT OF BEGINNING;
Thence N.89°57'31"W. along the southerly boundary of said NW1/4 NE1/4 a distance of 736.78 feet, from which point the Southwest corner of said NW1/4 NE1/4 bears N.89°57'31"W. a distance of 597.44 feet;
Thence N.58°44'26"E. a distance of 133.26 feet;
Thence N.32°28'03"E. a distance of 96.96 feet;
Thence N.25°19'48"E. a distance of 123.15 feet;
Thence N.25°19'48"E. a distance of 46.37 feet;
Thence N.49°31'41"E. a distance of 200.00 feet;
Thence S.38°32'29"E. a distance of 555.54 feet to the TRUE POINT OF BEGINNING.

Containing 3.616 Acres, more or less.

Subject to any easements, recorded or unrecorded, written or unwritten.

Including the right of use of an existing 20 foot wide easement adjacent to and along the northwesterly boundary of the herein before described parcel and continues West from the Southwest corner of said parcel along the South boundary of the NW1/4 NE1/4 and the NE1/4 NW1/4 of said Section 29 to the easterly right-of-way line of the county road.

All based on a Record of Survey filed at the Idaho County Recorder's Office as Instrument Number 386360, on April 19, 1996.

EXHIBIT B

LEGAL DESCRIPTION

Parcel "D-2"

A parcel of land situated in the NW1/4 NE1/4 of Section 29, Township 32 North, Range 5 East, Boise Meridian, Idaho County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said NW1/4 NE1/4, being the TRUE POINT OF BEGINNING;
Thence N.38°32'29"W. a distance of 555.54 feet;
Thence N.49°31'41"E. a distance of 256.80 feet;
Thence N.62°49'07"E. a distance of 157.35 feet;
Thence N.00°46'55"E. a distance of 93.59 feet;
Thence N.89°58'11"E. a distance of 20.00 feet, marking the easterly boundary of said NW1/4 NE1/4, from which point the Northeast corner of said NW1/4 NE1/4 bears N.00°46'55"E. a distance of 563.49 feet;
Thence S.00°46'55"W. along said easterly boundary a distance of 766.75 feet to the TRUE POINT OF BEGINNING.

Containing 2.924 Acres, more or less.

Subject to any easements, recorded or unrecorded, written or unwritten.

Including the right of use of an existing 20 foot wide easement adjacent to and along the northwesterly boundary of Parcel "D" and which continues West from the Southwest corner of Parcel "D" along the South boundary of the NW1/4 NE1/4 and the NE1/4 NW1/4 of said Section 29 to the easterly right-of-way line of the county road.

All based on a Record of Survey filed at the Idaho County Recorder's Office as Instrument Number 386360, on April 19, 1996.

7-2-96

FILED IN IDAHO
County of Idaho
Recorded in Book of
IDAHO COUNTY TITLE C
at 25 minutes past 3 o'clock P.
this 13 day of Nov, 1996
ROSE E. GEHRING
Sandy L. Laine
18.00

WILLIAM JEREMY CARR
PAUL THOMAS CLARK
RUBE G. JONES *
DAVID R. KRACKE
KATE A. HAWKINS **

THOMAS W. FEENEY (1922-2007)

* LICENSED IN WASHINGTON & OREGON ONLY
** LICENSED IN IDAHO & WASHINGTON

LAW OFFICES OF
CLARK AND FEENEY, LLP
THE TRAIN STATION, SUITE 102
1229 MAIN STREET
P.O. DRAWER 285
LEWISTON, IDAHO 83501

TELEPHONE: (208) 743-9516
TOLL FREE: (800) 865-9516
MAIN FAX: (208) 746-9160
ALTERNATE FAX: (208) 798-5399
EMAIL: cflaw@lewiston.com
WEBSITE: www.clarkandfeeney.com

June 25, 2018

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JUN 26 2018

IDWR / NORTH

IDAHO DEPT OF WATER RESOURCES
NORTHERN REGION
ATTN SHAUN MAXEY
7600 N MINERAL DR STE 100
COEUR D' ALENE ID 83815-7763

re: Application for Permit by Larry Herod

Dear Sirs:

Enclosed please find the original and one copy of the revised Application for Permit completed by Larry R. Herod. Please process in your usual manner and return a conformed copy to my office in the enclosed envelope.

If you have any questions, do not hesitate to contact me.

Sincerely,

CLARK and FEENEY



By: W. Jeremy Carr

WJC:jm

enc.

cc: Larry Herod w/enc.

WILLIAM JEREMY CARR
PAUL THOMAS CLARK
RUBE G. JONES *
DAVID R. KRACKE
KATE A. HAWKINS **

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MAIN FAX: (208) 746-9160
ALTERNATE FAX: (208) 798-5399
EMAIL: cflaw@lewiston.com
WEBSITE: www.clarkandfeeney.com

May 22, 2018

IDAHO DEPT OF WATER RESOURCES
NORTHERN REGION
7600 N MINERAL DR STE 100
COEUR D' ALENE ID 83815-7763

RECEIVED
MAY 24 2018
IDWR / NORTH

re: Application for Permit by Larry Herod

Dear Sirs:

Please process the enclosed original and one copy of the Application for Permit completed by Larry R. Herod in your usual manner. Please conform the enclosed copy and return it to my office in the enclosed envelope.

Also enclosed is a \$100 check for the filing fee. If you have any questions, do not hesitate to contact me.

Sincerely,

CLARK and FEENEY



By: W. Jeremy Carr

WJC:jm

enc.

cc: Larry Herod w/enc.

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IDWR / NORTH

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

Ident. No. _____

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 (cfs or acre-feet per year)
- Amount .04 cfs for Domestic purposes from 01/01 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) .08 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. A well and piping will be used to divert water to two single family residences. The parties have a shared well agreement between them that is attached.
- 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? 10/10/96; drilling firm Stuivenga-Vessey Drilling;
 well was drilled for (well owner) Dale Pickering; Drilling Permit No. 096553

For Department Use

Received by Ja Date 5-24-18 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by Ja Receipt No. N033435 Date 5-24-18

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	
32N	5E	29		D															.04 cfs
32N	5E	29		D															.04 cfs

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? Larry Herod
- b. Who owns the land to be irrigated or place of use? Larry Herod and Whitecaps, Inc.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Attached is a Shared Water Use Agreement that allows both parties to use the well and water system.
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. An existing well and pipe structure provides domestic water to two single family residences. The well is located on the applicants property but is also used by an adjoining landowner to provide domestic water to her home. The well and water system have been in existence since 1996. The homes were built shortly after the well and water system was constructed.
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.

Larry Herod
Signature of Applicant

Larry Herod

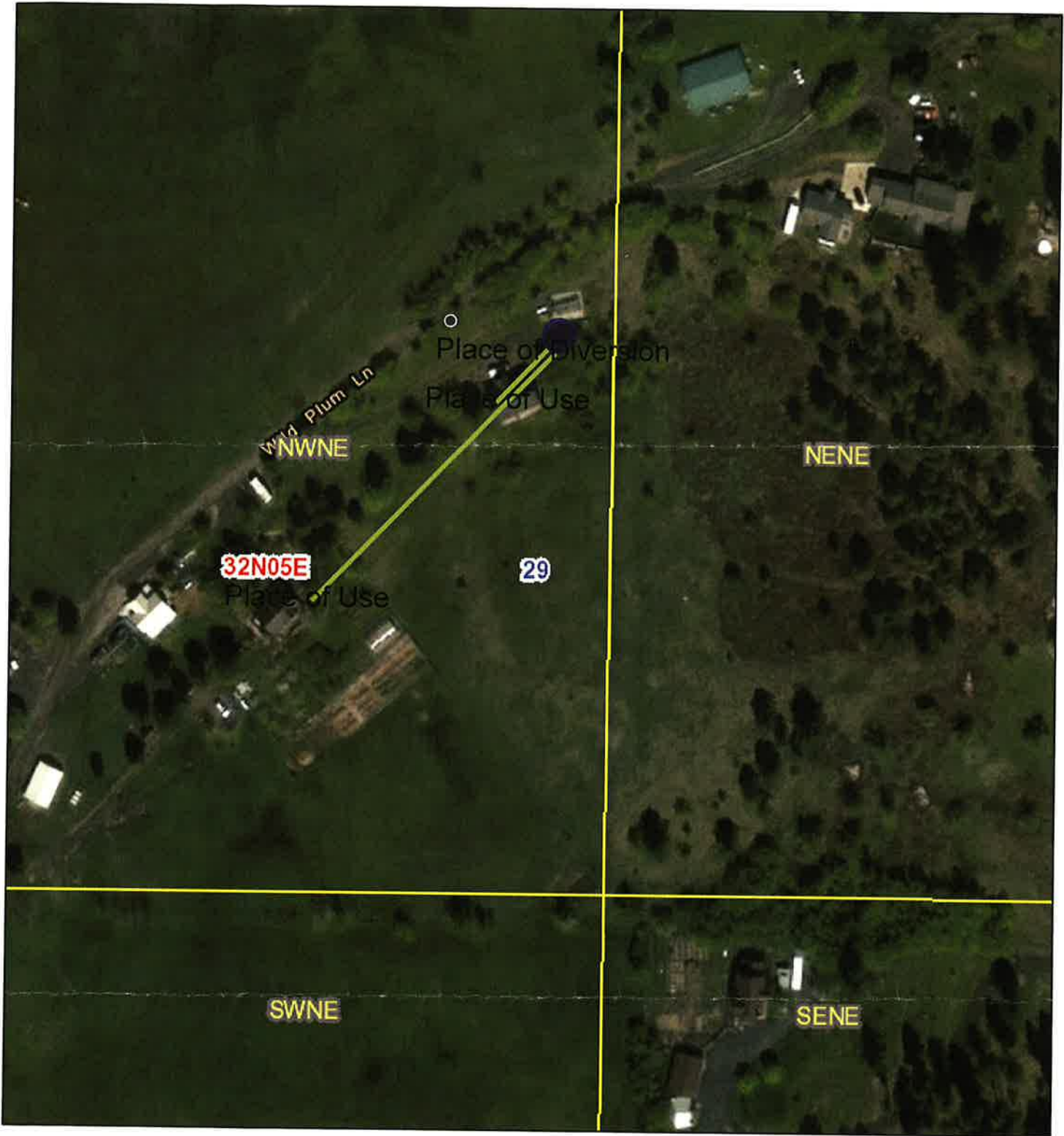
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

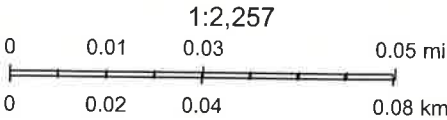
FORWARD WHITE COPY TO WATER RESOURCES

Application for Water Right



May 14, 2018

- | | | | |
|--|-----------------|---|----------------|
|  | Override 1 |  | Section |
|  | Override 1 |  | Township/Range |
|  | Counties |  | Idaho Outline |
|  | Quarter Quarter |  | Idaho Mask |



Esri, HERE, Garmin, © OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Maxey, Shaun

From: Shannon Gallina <shannon@clarkandfeeney.com>
Sent: Thursday, July 19, 2018 10:41 AM
To: Maxey, Shaun
Subject: RE: Herod Water Right Permit Application correction to Pg.1
Attachments: HEROD Water Right APP Pg.1.pdf

Please see attached.

From: Maxey, Shaun [mailto:Shaun.Maxey@idwr.idaho.gov]
Sent: Thursday, July 19, 2018 9:13 AM
To: Shannon@clarkandfeeney.com
Subject: Herod Water Right Permit Application correction to Pg.1

Hi:

Attached is an image showing Pg 1. of the Herod Application.

Please write in 'groundwater' underneath the crossed out 'Leitch Creek' on Line 4 so that it matches the 'groundwater' on line 3. Please e-mail or fax me at (208) 762.2819 when this has been done.

Mr. Herod indicated the representative (Clark & Feeney) can submit information on his behalf so this won't have to go all the way back to him for approval.

Thanks,

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

Maxey, Shaun

From: Julie Marvel <julie@clarkandfeeney.com>
Sent: Tuesday, May 29, 2018 3:54 PM
To: Maxey, Shaun
Subject: RE: Herod Water Right Permit Application

Okay thank you

From: Maxey, Shaun [mailto:Shaun.Maxey@idwr.idaho.gov]
Sent: Tuesday, May 29, 2018 3:52 PM
To: Julie Marvel
Subject: RE: Herod Water Right Permit Application

Julie:

I made a mistake on the deadline date specified in the letter mailed today. It should say July 1, 2018 instead of June 1, 2018.

Shaun Maxey

From: Julie Marvel [mailto:julie@clarkandfeeney.com]
Sent: Tuesday, May 29, 2018 3:40 PM
To: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Subject: RE: Herod Water Right Permit Application

Thank you

From: Maxey, Shaun [mailto:Shaun.Maxey@idwr.idaho.gov]
Sent: Tuesday, May 29, 2018 3:37 PM
To: [Julie@clarkandfeeney.com](mailto:julie@clarkandfeeney.com)
Subject: Herod Water Right Permit Application

Hi:

Attached are copies of letters I have ready to be mailed later today to your firm and to Mr. Herod. They are nearly identical except for the address and first paragraph.

I didn't get a shared well use agreement with the current Application. I recommend that the two users of the well file separate Applications for Permit.

I recommend that you have Mr. Herod use the substitute IDWR map I have provided. The labeled well location and a small labeled circle around the Domestic Place of Use are required.

Thanks,

Shaun Maxey

Shaun M. Maxey

MEMORANDUM

Date: July 19, 2018
To: Water Right File 81-12017
From: smaxey
Re: PRIORITY DATE

<u>APPLICATION VERSION</u>	<u>IDWR DATE RECVD</u>	<u>IDAPA37.03.08 STATUS</u>	<u>PRIORITY</u>
ORIGINAL APPLICATION	5/24/2018	RECEIEVED IDWR NORTH	
INITIAL REVIEW	5/29/2018	REVIEW IDWR NORTHERN UNACCEPTABLE FOR FILING. IDWR SENT LETTERS TO APPLICANT & REPRESENTATIVE.	
COMPLETED APPLICATION	6/26/2018	IDWR RECEIVED APPLICATION	6/26/2018
AMENDED APPLICATION	7/19/2018	IDWR RECEIVED CORRECTION TO LINE 4 SOURCE (CHANGED TO MATCH LINE 3)	6/26/2018

CONVERSATION MEMO

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

TO Right No. _____

FROM Shaun Maxey (TOWR)

☐ OV ☒ T ☐ M ☐ Other _____ DATE 5/29/18 WITH Larry HEROD

Telephoned Mr. HEROD to inform him that date for
corrected application due is 7/1/18 instead of 6/1/18 shown
in TOWR letter mailed today. Also informed him that
representative has already been informed & may be contacting
him.

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 29, 2018

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

Larry R. Herod
154 Wild Plum LN
Kooskia, ID 83539

Re: Application for Permit (Idaho County parcel RP32N05E291066) (Rule 35 Application Requirements))

Dear Mr. Herod:

Idaho Department of Water Resources (IDWR) received your Application for Permit on May 22, 2018, from your representative, to divert water in Idaho County. IDWR contacted your representative's office on May 29, 2018 because the Application contains errors that must be corrected before the Application is acceptable for filing. A copy of your current Application with a color replacement IDWR map is enclosed.

Please review the IDWR map and phone me at (208) 762.2816 if you need assistance to correct your Application by reviewing and correcting the following information:

- Application Map & Driller's Report (well report location doesn't match map)
- Line 1 & 11(c) Applicant & ownership information (shared use agreement)
- Line 3 & Line 4 incorrect information about source (groundwater usually = well)
- Line 5 & Line 6 (separate place of use ownership) (incorrect CFS quantity)

Please telephone me about your Application. Your **corrections must be received no later than June 1, 2018**. IDWR will take steps to terminate your 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 Unacceptable for filing Application, IDWR map, Pickering well information



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 29, 2018

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

Ms. Julie Marvel or W. Jeremy Carr
Clark And Feeney LLP
1229 Main ST Ste 102
PO Drawer 285
Lewiston, ID 83501

Re: Application for Permit (Idaho County parcel RP32N05E291066) (Rule 35 Application Requirements))

Dear Ms. Marvel or Mr. Carr:

Idaho Department of Water Resources (IDWR) received your Application for Permit on May 22, 2018, for Larry R. Herod, to divert water in Idaho County. IDWR contacted your office on May 29, 2018 because the Application contains errors that must be corrected before the Application is acceptable for filing. A copy of the Application with a color replacement IDWR map is enclosed.

Please review the IDWR map and phone me at (208) 762.2816 if you need assistance to correct your Application by reviewing and correcting the following information:

- Application Map & Driller's Report (well report location doesn't match map)
- Line 1 & 11(c) Applicant & ownership information (shared use agreement)
- Line 3 & Line 4 incorrect information about source (groundwater usually = well)
- Line 5 & Line 6 (separate place of use ownership) (incorrect CFS quantity)

Please telephone me about your Application. Your **corrections must be received no later than June 1, 2018**. IDWR will take steps to terminate your 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 Unacceptable for filing Application, IDWR map, Pickering well information



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 23, 2018

LARRY R HEROD
154 WILD PLUM LN
KOOSKIA, ID 83539

Application For Permit No. 81-12017

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 IDAHO COUNTY FREE PRESS on 8/1/2018 and 8/8/2018. 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:

CLARK AND FEENEY LLP
ATTN: W. JEREMY CARR
PO DRAWER 285
LEWISTON, ID 83501

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, July 23, 2018 3:13 PM
To: 'IFP Legals'
Subject: Legal Notice for Water Right #81-12017
Attachments: 81-12017 Legal Notice.doc

Please publish the enclosed legal notice in the Idaho County Free Press on the dates indicated August 1st & August 8th (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 8/20/2018. 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:

81-12017

LARRY R HEROD

154 WILD PLUM LN

KOOSKIA, ID 83539

Point of Diversion NWNE

S29 T32N R05E

IDAHO County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/26/2018

Place Of Use: DOMESTIC

T32N R05E S29 NWNE

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 8/20/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/1/2018 and 8/8/2018