

RECEIVED

STATE OF IDAHO

Ident. No. 65-23752

DEC 26 2017

DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) HUGO & KATHERINE SCHELLENBERG Phone 208-939-0675
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address 1498 S. BLUE JAY PLACE City EAGLE
 State IDAHO ZIP 83616 Email hugoschellenberg@gmail.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 Ground Water 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 #
09N	09E	17			SW	NE	Boise	Ground Water	D0015405

5. Water will be used for the following purposes:

Amount 0.04 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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 0.04 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. Shared well with WR No. 65-22902 (D0015405). See enclosed well agreement and well log.
 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? 8/29/2000; drilling firm SOS Well Drilling & Pump Company; well was drilled for (well owner) Alan Tell; Drilling Permit No. _____

For Department Use

Received by BS Date 12/26/17 Time 4:50 Preliminary check by RS
 Fee \$ 100 Received by BS Receipt No. W045940 Date 12/26/17

65-23752

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. NA
 - Stockwatering; list number and kind of livestock. NA
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households 1
 - 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	
09N	09E	17			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? _____
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? NA
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA
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 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.

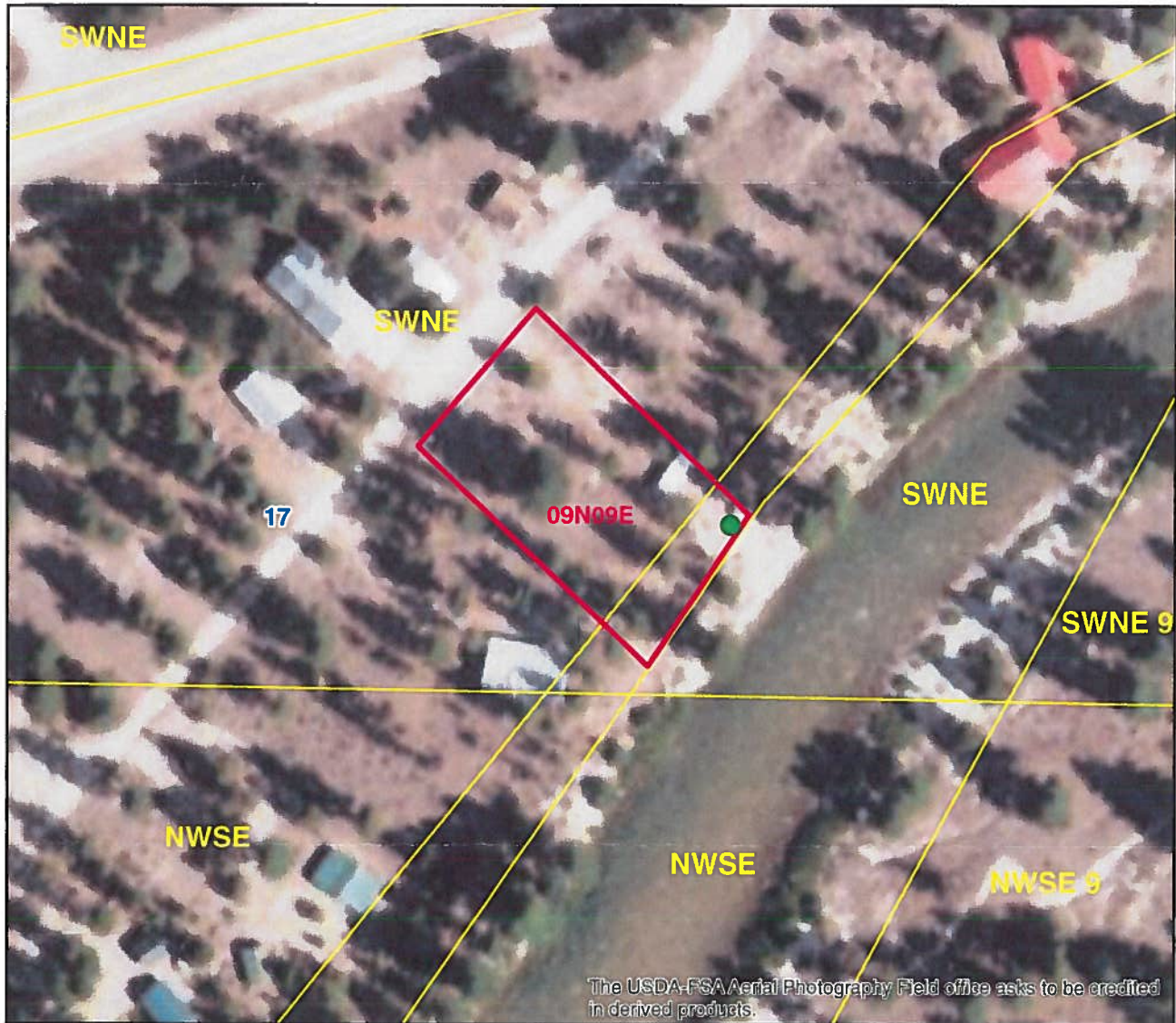
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

H. Schellenberg
Signature of Applicant
HUGO SCHELLENBERG
Print Name (and title, if applicable)

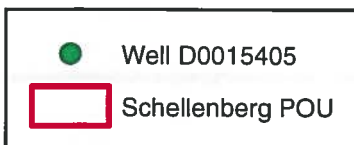
Katherine Schellenberg
Signature of Applicant
Katherine Schellenberg
Print Name (and title, if applicable)

State of Idaho
Department of Water Resources
Point of Diversion and Place of Use

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.01 0.02 0.04 Miles





Instrument # 235818
IDAHO CITY, BOISE COUNTY, IDAHO
07-11-2012 12:44:09 PM No. of Pages: 1
Recorded for: TITLEONE BOISE
MARY T. PRISCO Fee: \$10.00
Ex-Officio Recorder Deputy shirley george
Index to: DEEDS
Electronically Recorded by Simplifile

Order Number: 12208842

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE
INCORPORATED AS PART
OF THE ORIGINAL DOCUMENT

Warranty Deed

For value received,

Linda Tell, an unmarried person, and Linda Ann Tell, as Personal Representative of the Estate of Alan Reed Tell, deceased, as appointed under Ada County Probate File No. CVIE 1009353

the grantor, does hereby grant, bargain, sell, and convey unto

Hugo Schellenberg and Katherine Mary Schellenberg, Husband and Wife *U.S.*

whose current address is 1498 S. Blue Jay Place, Eagle, ID 83616

the grantee, the following described premises, in Boise County, Idaho, to wit:

Lot 37 in Block 2 of the Amended Plat of Branson's EightMile Subdivision, according to the Plat thereof, filed May 14, 1964, as Instrument No. 69114, official records of Boise County, Idaho.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Linda Tell
Linda Tell

Linda Ann Tell PR of the Estate of Alan Reed Tell
Linda Ann Tell, as Personal Representative of the Estate of Alan Reed Tell, Deceased

State of Idaho, County of Ada, ss.

On this 9 day of July in the year of 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tell and Linda Ann Tell, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

William J. Stork
Notary Public

My Commission Expires:

(seal) Residing in Meridian, Idaho

My commission expires: 1/23/14

State of Idaho, County of Ada, ss.



4-23752

462-3250

dma # 212331

WELL USER'S AGREEMENT

THIS AGREEMENT is made this 8 day of February, 2007 by Alan Tell and Linda Tell, husband and wife of 333 McGuffin Lane, Boise, Idaho 83712 hereinafter referred to as "Tells"

WITNESSETH:

WHEREAS, the purpose of this agreement is that from this day forth the owners of the adjacent real property known as parcel RP012010020370A and more particularly described as follows, to wit:

See Attached Exhibit "A"

And parcel RP012010020360A and more particularly described as follows

See Attached Exhibit "B"

have equal access and duty to maintain the well located on parcel RP012010020370A.

THEREFORE, it is agreed as follows:

1. Tells do reserve, grant and convey an easement to Tells over, across, under, and through the property described above for the purpose of ingress, egress, and access to that certain drilled water well located upon the described easement so that the said well, pump, pressure tank, the water pipeline, and associated fixtures running along said easement way may be maintained by the Tells.
2. The owners of the adjacent parcels described above do covenant and agree to bear the costs of the maintenance, and repair, and operation equally.
3. It is further agreed that ownership rights to all pipes, pumps and miscellaneous equipment shall irrevocable vest equally in the owners of all of the real property hereinabove-described.
4. Duty to share in the costs of the maintenance, operation and repair of the system shall arise at such time as any of the parties hereto either is supplied any water from the system or when a home located on the described property it occupies, whether or not the residents therein use water or not.
5. No party hereto may affix more than two hook-ups to any transmission pipes carrying water into either or the party's property on which water is used. THE INTERPRETATION OF THIS PARAGRAPH GOES TO MEAN: NOT MORE THAN 2 HOSES PER TRANSMISSION LINE AT ANY ONE TIME.
6. Use of water is limited to reasonable domestic purposes.
7. THAT THE RIGHTS AND OBLIGATIONS HEREIN SET FORTH SHALL RUN WITH THE LANDS HEREIN-ABLE DESCRIBED AND SHALL PASS WITHOUT, EXPRESSLY MENTIONING THEM TO THE GRANTEEES OF THE PARTIES, AND ALL PERSONS, FIRMS OR

Instrument # 212331

IDAHO CITY, BOISE COUNTY, IDAHO

2007-02-09

03:23:24 No. of Pages: 5

Recorded for : MTN VIEW TITLE

CONSTANCE SWEARINGEN

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: AGREEMENT

65-23752

CORPORATIONS ACCEPTING TITLE TO OR RIGHTS IN SAID REAL
PROPERTY DESCRIBED IN THIS INSTRUMENT.

8. That no person, firm or corporation owning lands outside of the tracts herein-
above described shall be entitled to use water from said water system located
on any of the real property herein-above described.
9. That this Agreement, when recorded shall be notice to all the world of the
rights and obligations of the persons, firms, or corporations acquiring title or
interest in the land described in the above paragraphs hereof and all such
persons, firms, or corporations shall be bound by the terms of this Agreement.
10. In the event that any landowner or tenant of any landowner, shall fail to pay
his prorate share of the cost of upkeep and maintenance of said water system
heretofore referred to and located on the land hereinabove-described any other
party as above provided for, may file an affidavit of cost thereof, after (10)
days written notice to the nonpaying party, setting forth the cost thereof, and
the prorate share of said nonpaying party, and the prorate cost thereof shall be
a lien on the land of the nonpaying party, foreclosable in the manner provided
for labor liens in the State of Idaho, in the office of the County Recorder or
Boise County, Idaho, but no liability of lien shall attach until the filing of such
Affidavit of Cost, as herein provided. In addition to the usual cost of
foreclosure, the defaulting party shall pay the cost of a title for suit purposes
and a reasonable attorney's fee.
11. This agreement shall inure to the benefit of and be binding upon the heirs,
devisees, successors, and assigns of the parties to this agreement.

IN WITNESS WHEREOF we have executed this Well User's Agreement as of
the date first Above-stated.


Alan Tell


Linda Tell

State of **Ada**, County of **Idaho**, ss.

On this 8 day of **February** in the year of **2007**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Alan Tell and Linda Tell** known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.



Notary Public

Residing at: Ada County

My Commission Expires: 4-18-08



EXHIBIT "A"

Lot 37, Block 2 of THE AMENDED PLAT OF BRANSON'S SUBDIVISION,
ACCORDING TO THE PLAT THEREOF, FILED MAY 14, 1964, AS INSTRUMENT
NO.69114, Official Records of Boise County, Idaho.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 11, 2017

HUGO SCHELLENBERG AND/OR
KATHERINE SCHELLENBERG
1498 S BLUE JAY PL
EAGLE, ID 83616

RE: Application for Permit

Dear Hugo and Katherine:

Enclosed is an Application for Permit. I've tried to help you along by adding the information I do know based about your property. Please look over what I've filled in for you and complete the following number that correlated with the form accordingly;

1. Whose name do you want on the permit?
2. Skip
3. Ground water; no tributary for groundwater
4. Verify that I completed this correctly. The legal description is on the map that I've included with this letter.
5. 0.04 cfs is standard for domestic use for one home.
6. Total diversion is 0.04 cfs
7. Verify that I've described the use correctly. Water Right Permit No. 65-22902 is the right under Alan Tell and the D0015405 is the well tag number on the well casing.
8. 8d – Domestic use for one home. Skip A, B, C, and E
9. Same description as the Point of Diversion.
10. Currently, there are no other water rights overlapping, but didn't know if you wanted to include irrigation for a lawn, garden, and/or landscaping.
11. Verify
12. Describe how you pump water to the well and are connected the garage and/or trailer
13. I suggest 1 year here since you are already developed. As soon as the permit is approved, you can submit the Proof of Beneficial Use form. This tells the Department the permit is developed accordingly. We can then perform an in-office exam and issue a license.
14. Return the enclosed map with the application.

Once the above is complete, sign the application and mail it back to the address in the header above. Please include the well agreement, well driller's report, map, and conveyance document if available. If you have any questions, please feel free to contact me at (208) 334-2190.

Sincerely,

Aaron Skinner
Water Resource Agent

Enclosure(s): Application for Permit Form
Map
Well Driller's Report

67-23752



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 15, 2018

HUGO SCHELLENBERG
KATHERINE SCHELLENBERG
1498 S BLUE JAY PL
EAGLE, ID 83616

Application for Permit No. 65-23752

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 WORLD on 3/21/2018 and 3/28/2018. 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,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 15, 2018 8:44 AM
To: 'Idaho World Editor'
Subject: Boise Legal Ad
Attachments: Boise Cover Letter.docx; Boise Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 3/21/2018 & 3/28/2018.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

March 15, 2018

LEGAL NOTICE DEPARTMENT
IDAHO WORLD
PO BOX 50248
BOISE, ID 83705

RE: Application for Permit No. 65-23752

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 4/9/2018. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

65-23752

HUGO SCHELLENBERG

KATHERINE SCHELLENBERG

1498 S BLUE JAY PL

EAGLE, ID 83616

Point of Diversion SWNE S17 T09N R09E BOISE County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/26/2017

Place of Use: DOMESTIC

T09N R09E S17 SWNE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 4/9/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/21/2018 and 3/28/2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 15, 2018

THOMAS SCOFIELD
WENDY SCOFIELD
1108 N 15TH ST
BOISE ID 83702

Re: Application for Permit No. 65-23752

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho World* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **April 9, 2018**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'RN' or 'Neely', is written above the typed name.

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures