

SUSAN R. WILSON

ATTORNEY AT LAW, PLLC

208 S. Main St., Ste 2, Moscow, ID 83843
Ph: 208-882-8060 ~ Fx: (866) 221-9397 ~ sw2@moscow.com

December 27, 2017

VIA EMAIL: pam.skaggs@idwr.idaho.gov
VIA FAX: 208.287.6700

Idaho Department of Water Resources
c/o Pamela Skaggs
322 East Front Street
Boise, Idaho 83720-0098

RECEIVED

DEC 29 2017

DEPARTMENT OF
WATER RESOURCES

RE: Petition to Modify Place of Use Boundary for Stockwater Water Right License
Permit No. 87-10073

Dear Ms. Skaggs,

Thank you for your time on the phone this afternoon. I represent Michelle and Francis Spain, who submitted the water right application for domestic and stockwater for their property in Latah County. Attached is the application that was submitted. I understand that you may have additional maps that were prepared in-office.

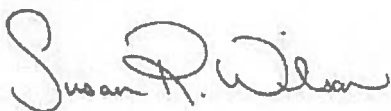
It was always the intent that this water right be associated with all three parcels belonging to my clients. I recently received your December 15, 2017 letter which approves the Water Right License for domestic and stockwater use. Thank you. However, your map highlights only two of my clients' parcels for its Place of Use Boundary. It is unclear to me how or why the third parcel was eliminated from the place of use. All three parcels are within the place of use (SWNE and SENE Section 6, Twp 40 N, Rge 05 W. B.M. Latah County) as identified in the Water Right License. However, the illustration provided with the license includes only two parcels owned by the Spains; not the third parcel. The third parcel has been used by the Spains for stock and supplied with water from the well represented by the point of diversion. The point of diversion represented on the illustration is slightly off, but I understand it is for illustrative purposes only.

My clients respectfully request that you modify the Place of Use Boundary shown on the Attachment to Water Right License to reflect all three parcels owned by my clients and used for stockwater from the well subject to the water right.

Attached for your reference, in addition to the original application, is a GIS image which shows all three parcels that should be represented in the Attachment to Water Right License.

Thank you for your time and consideration. Please let me know if you have any questions at all regarding this request or if additional information is needed. I can be reached at sw2@moscow.com or 208-882-8060.

Respectfully,



Susan R. Wilson
Attorney at Law, PLLC

Enclosures

SUSAN R. WILSON

ATTORNEY AT LAW, PLLC

208 S. Main Street, Ste 2, Moscow, ID 83843
Ph: 208-882-8060 ~ Fx: (866) 221-9397 ~ sw2@moscow.com

March 30, 2012

Idaho Department of Water Resources
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815

RE: APPLICATION FOR WATER PERMIT

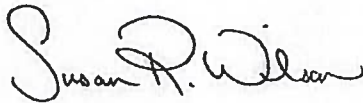
To Whom It May Concern:

I represent Francis and Michelle Spain and have assisted them in preparing the enclosed Application for Permit for a water right for domestic purposes for their property in Latah County. Please review the enclosed application and let me know if you have any questions, concerns, or if you require additional information.

Enclosed you will also find the \$100.00 filing fee.

Please do not hesitate to contact me at 208-882-8060 or via email at sw2@moscow.com to discuss your review of the application.

Sincerely,



Susan R. Wilson
Attorney at Law

cc: Francis and Michelle Spain

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

Ident. No. _____

1. Name of applicant(s) Francis and/or Michelle Spain Phone 208-882-1863
Name connector (check one) ☐ and ☐ or ☒ and/or

Mailing address: 2405 Kathy Ave. City MoscowState ID _____ Zip 83843 Email: fmcspain@moscow.com2. Source of water supply groundwater which is a tributary of n/a

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
40N	5 W	6		SE	NE		Latah County	Groundwater	D0046351

4. Water will be used for the following purposes:

Amount .04 cfs for domestic purposes from present to indefinite (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)5. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. 6" well casing, 4.5" pvc liner in well
3/4 horse pump, 1" pipeline in ditch, 1.25" pipeline from pump house to barn, 1" from well to holding tank.b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity
NA acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.For dams 10 feet or more in height OR reservoirs with a total 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 ☐ Noc. Proposed well diameter is 6 inches; proposed depth of well is 400 feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? 10/29/2006; drilling firm Uhlenkott Well DrillingWell was drilled for (well owner) Francis Spain; Drilling Permit No. 843155

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households 1 household with up to 19 horses (will not exceed 2500 gallons per day)

e. Other; describe fully. _____

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
40N	5 W	6			D	D													

Total number of acres to be irrigated: _____

9. 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? This is for domestic purposes and will be used to irrigate the lawn, garden and/or landscaping, as well as for up to 19 horses; however the use will not exceed 2500 gallons per day.
10. a. Who owns the property at the point of diversion? Francis and Michelle Spain
- b. Who owns the land to be irrigated or place of use? Francis and Michelle Spain
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Francis and Michelle Spain are building a barn on their property currently and intend to build their home on the property in the future. They have diverted groundwater via a well and are planning to put it to beneficial use as soon as the barn is completed and their horses can be located on the property. Once their home is built, they will be using the well to provide water to the home and the water will be used for other domestic purposes such as watering the lawn, potentially gardening and other landscaping.
12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Michelle Spain
Signature of Applicant
Michelle Spain
Print Name (and title, if applicable)

Francis Spain
Signature of Applicant
Francis Spain
Print Name (and title, if applicable)

For Department Use:

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



Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties



Idaho Department of Water Resources

Listing of Driller Reports

Contact	Use	TWP	RNG	SEC	Tract	Gov. Lot	Well Address	Sub	BL	L	Gallons Per Minute	Static Water Level	Total Depth	Casing Depth	CSG. DIA.	Construction Date	Permit Number	Tag Number
BONAK, CHRIS	Domestic-Single Residence	40N	05W	6	NENE		1 MILE NORTH OFF CHANEY ROAD	THATUNA HILLS		3	1	185	400	400	6	9/29/2008	853635	D0055316
<u>Related Documents</u>																		
WEITZ, DUSTIN	Domestic-Single Residence	40N	05W	6	SWNE		1/2 NORTH OF VIOLA ON 4 MILES ROAD				7	1	125	125	6	7/31/2008	852606	D0054735
<u>Related Documents</u>																		
SPAIN, FRANCIS	Domestic-Single Residence	40N	05W	6	SWNE		1.5 MI ON FOUR MI RD FROM VIOLA				3	12	400	400	6	10/29/2006	843155	D0046351
<u>Related Documents</u>																		
BOGGS, CHUCK	Domestic-Single Residence, Domestic-Single Residence	40N	05W	6	SENE		FOUR MILE CREEK RD				8	0	230	230	8	5/25/2001	769112	D0017155
<u>Related Documents</u>																		
MUSICK, HOWARD	Domestic-Single Residence	40N	05W	6	SWNW				1	2	9	50	120	85	8	7/25/1969	747053	
<u>Related Documents</u>																		
FREELAND, JACK	Domestic-Single Residence	40N	05W	6	SWNW		CHANEY & FOUR MILE				3	112	305	305	8	8/15/2006	841418	D0046019
<u>Related Documents</u>																		
STENLUND, ROY, STENLUND, TRACY	Domestic-Single Residence	40N	05W	6	SENE		1045 FOUR MILE RD				2.5	33	255	-20	8	10/23/2000	767132	D0013879
<u>Related Documents</u>																		
ROGERS, DAN	Domestic-Single Residence	40N	05W	6	NWSE		1 MI E VIOLA ON 4 MI RD				2	8	378	378	8	6/12/2004	816122	D0033813
<u>Related Documents</u>																		

Bill drilled

Dan Uhlenkott 208-507-1886 (cell)

JP - 208-962 3279 - Cottonwood

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR
FILING AN APPLICATION FOR PERMIT**

All waters of Idaho, when flowing in their natural rivers, springs, lakes, and aquifers, are the property of the state. A right to divert and use Idaho water can be established only by obtaining a permit from the Department of Water Resources. To apply for a permit, prospective water users must complete the "Application for Permit" form and submit it to the Department of Water Resources with the required filing fee. The Department of Water Resources will review and process the application in accordance with applicable statutes and rules and either issue a permit or deny the application. The only water uses authorized to begin without a permit are: 1) use of ground water for single ownership homes, campgrounds, or stock watering up to 13,000 gallons per day, 2) other uses of ground water up to 2,500 gallons of water per day, and 3) stockwater use where the animals drink directly from the water source.

COMPLETE THE APPLICATION FORM AS FOLLOWS:

1. Print the full name, mailing address, telephone number, and email address of each applicant.
2. Identify the source of water supply and the major stream to which it is tributary.

EXAMPLES:

Source of water supply	<u>Trail Creek</u>	which is tributary to	<u>Snake River</u>
Source of water supply	<u>unnamed stream</u>	which is tributary to	<u>Grimes Creek</u>
Source of water supply	<u>ground water</u>	which is tributary to	<u>n/a</u>

3. Locate the point of diversion within each 40-acre tract and/or the U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10-acre tract. Identify the county where the point of diversion is located.

EXAMPLE:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
10S	14E	14	4	SW	NE	NW	Twin Falls	ground water	D0077250

Note: When both the government lot and the 10-acre or 40-acre tract are shown, the government lot is considered to be the principal legal description.

4. Estimate the rate of diversion in cubic feet per second (cfs) or the amount of storage in acre-feet (af) to be used for each purpose shown. Describe the intended use of the water and state the annual beginning and ending dates for the diversion of water. The maximum rate needed for each purpose should be requested. For instance, the normal maximum rate of diversion for irrigation is 0.02 cubic feet per second per acre. The customary diversion rate for watering range cattle is 0.00022 cubic feet per second per animal, rounded to the nearest hundredth of a cubic foot per second.

EXAMPLES:

Amount 6.4 for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
cubic feet per second

Amount 100 for Irrigation Storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
acre-feet per year

Amount 6.4 for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
cubic feet per second

Note: If the proposed use is fish propagation, heating, cooling, or power, or if the proposed flow rate exceeds 5.0 cfs, or if proposed irrigation exceeds 200 acres, additional information will be required. Contact a department office to determine the requirements.

5. State the total rate of diversion after accumulating flows for each use. The amount entered in Item #5 may be less than the total of the amounts listed in Item #4. However, it must be at least equal to the largest amount in line Item #4. The acre-foot amount need not be shown unless water will be stored.

EXAMPLE:

Total quantity to be appropriated is (a) 64 cubic feet per second (cfs) and/or (b) 100 acre-feet per year (af).

Note: If the project proposes storage of water and also a direct flow diversion, both the storage and direct flow components can be shown on the same form.

6. a. Describe the complete diversion system. List the pump, motor, ditch, pipeline or diversion structure sizes.
 b. If applying to store water, complete this information. Depending on your proposal, a separate dam construction permit may be required. Please indicate "yes" or "no" in the space provided.
 c. & d. If applying to develop a well, complete this information. A separate drilling permit will also be required.
 e. If applying to develop a new use from an existing well, complete this information.
7. a. If applying for power generation, estimate both total head in feet and the anticipated installed power generation capacity in kilowatts. Include an affidavit of residency. Form No. 205/206 may be used.
 b. If stockwater has been listed under Item #4, state the total number of each kind of livestock, i.e. horses, beef cattle, dairy cattle, etc.
 c. If municipal water use is listed under Item #4, state the name of the municipality, subdivision, or other service area and provide documentation of the applicant's qualifications as a municipal provider.
 d. If domestic use is listed under Item #4, state the maximum number of households to be served. If more than one domestic unit is described and water is used for irrigation, identify acres that will be irrigated. List the acres under the irrigation use.
 e. Describe any other uses not fully explained above.

EXAMPLE: If for industrial, fish propagation, etc., give details to support the amount of water requested.

8. Locate all water uses by writing in the townships, ranges and sections. Identify the uses within each 40-acre tract with the symbols shown on the table below. The number of acres to be irrigated in each 40-acre tract must be shown.

EXAMPLE:

TWN	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	21	40		4	4					4			40		40	40		172
		21	S		S	S	D				S			S					

Use Symbols:

Aesthetic – J
 Domestic – D
 Ground Water Recharge – E
 Mining – X
 Recreation – R

Commercial – C
 Fire Protection – F
 Heating – G
 Municipal – M
 Stockwater – S

Cooling – L
 Fish Propagation – H
 Industrial – I
 Power – P
 Wildlife – W

*Domestic may describe uses where the total use does not exceed 2,500 gal/day nor 0.04 cfs

9. Describe all other water rights used for the same purpose as sought in the application. If possible, identify the right with the number assigned by the Department of Water Resources.

10. a. Identify the landowner of record even if the land is being purchased, rented, or leased.
 - b. Follow the same instructions as above in Item #10a.
 - c. Explain the contract, lease, desert land entry, or other arrangement by which land not owned by applicant will be developed. If any federal lands must be accessed as part of the development, include with the application evidence that an application has been filed with the federal government for a right-of-way or special use permit. If developing water from a pond of less than five acres in surface area or from a spring wholly contained within a single land ownership and not flowing therefrom, submit evidence that the land owner consents to the proposed development.
11. The narrative should provide a detailed word-picture of your proposal. It should also relate any additional pertinent information that will be useful to the Department. For example, list unique features such as treatment of industrial waste, name of well drillers, number of raceways, or total weight of fish anticipated to be grown for a fish propagation filing.
12. Estimate the time required for completion of work and application of water to the proposed use. The minimum term of a permit is one year. A development period of up to five years may be requested. The Department will only grant, however, a development period equal to the time necessary to complete the project with due diligence.
13. The map must locate the point of diversion from the source of water and the location of the lands to be irrigated or the place where the water will be used. The map must also show townships, ranges, sections, and government lots. Important landmarks such as rivers, streams, roads and highways should be shown on the map. If the place of use is located in a recorded subdivision, submit a copy of that portion of the subdivision plat which contains the place of use lot. See example map.

Note: Using a scale of two inches equaling one mile, the smallest square shown on the map under Item #13 is a forty (40) acre tract. A copy of the U.S. Geological Survey map which identifies the point of diversion and place of use may be submitted for the map under Item #13.

SIGNATURE:

Sign the application exactly as the name appears in Item #1, unless the applicant is a corporation, municipality, partnership or other entity.

An application in more than one name must be signed by each applicant unless the names are joined "and/or".

If the applicant is a corporation, municipality, or partnership, the person signing the application must be an officer or elected official of the corporation or municipality and must show the position below the signature. The applicant must submit a list of corporate or partnership officers, directors and partners and corresponding addresses to the Department with the application.

If someone other than the applicant or a company officer signs the application, evidence must be included with the application that the person signing has authority to sign and holds a current "Power of Attorney" authorizing the action. (Power of Attorney forms are available from the Department upon request.)

Measurement Units

One cubic foot per second (cfs) = 448.8 gallons per minute or 50 miner's inches (Idaho)

One cubic foot per second flowing 24 hours = 1.9835 acre-feet

One acre-foot = the volume necessary to cover one acre to a depth of one foot (43,560 cubic feet)

One miner's inch = a continuous flow equal to 1/50 cubic feet per second or 0.02 cubic feet per second

FEE SCHEDULE

Application fees (CFS = cubic feet per second – AF = acre-feet)

CFS	AF	Fee	CFS	AF	Fee
0.00 – 0.20	0 – 20	\$100.00	11.01 – 12.00	1101 – 1200	\$690.00
0.21 – 1.00	21 – 100	\$250.00	12.01 – 13.00	1201 – 1300	\$730.00
1.01 – 2.00	101 – 200	\$290.00	13.01 – 14.00	1301 – 1400	\$770.00
2.01 – 3.00	201 – 300	\$330.00	14.01 – 15.00	1401 – 1500	\$810.00
3.01 – 4.00	301 – 400	\$370.00	15.01 – 16.00	1501 – 1600	\$850.00
4.01 – 5.00	401 – 500	\$410.00	16.01 – 17.00	1601 – 1700	\$890.00
5.01 – 6.00	501 – 600	\$450.00	17.01 – 18.00	1701 – 1800	\$930.00
6.01 – 7.00	601 – 700	\$490.00	18.01 – 19.00	1801 – 1900	\$970.00
7.01 – 8.00	701 – 800	\$530.00	19.01 – 20.00	1901 – 2000	\$1,010.00
8.01 – 9.00	801 – 900	\$570.00	20.01 – 100.00	2001 – 10000	*
9.01 – 10.00	901 – 1000	\$610.00	101.01 – 500.00	10001 – 50000	**
10.01 – 11.00	1001 – 1100	\$650.00	500.01 & over	50001 & over	***

* \$1,010.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20 cfs or 2,000 acre-feet.

** \$2,610.00 plus \$10.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100 cfs or 10,000 acre-feet.

*** \$6,610.00 plus \$2.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.

Your application and fee may be submitted to one of the following offices:

Northern Region

Idaho Dept. of Water Resources
7600 N Mineral Dr., Suite 100
Coeur d'Alene, ID 83815

Tel. – 762-2800
FAX – 762-2819

Eastern Region

Idaho Dept. of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

Tel. – 525-7161
FAX – 525-7177

Southern Region

Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

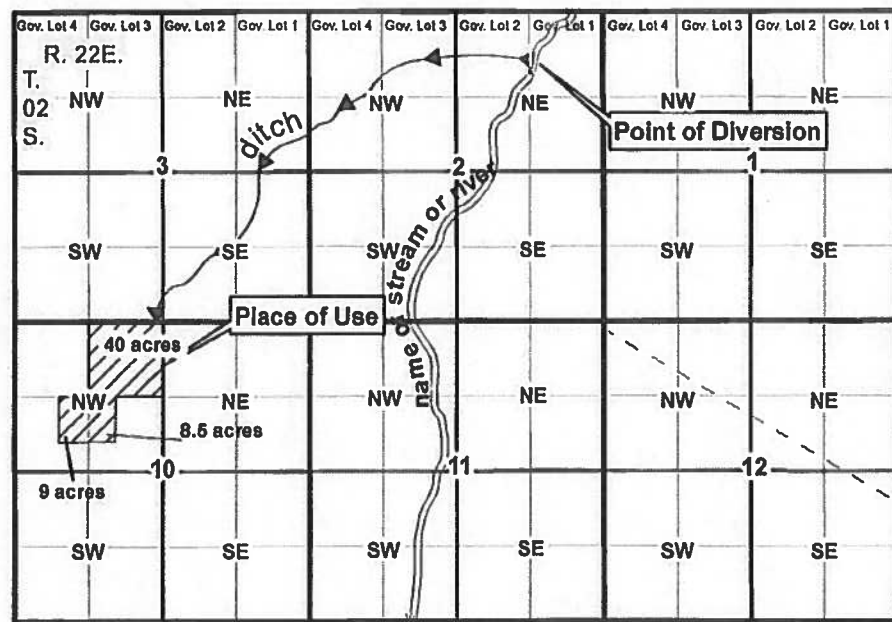
Tel. – 736-3033
FAX – 736-3037

Western Region

Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

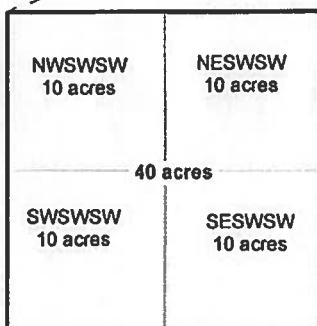
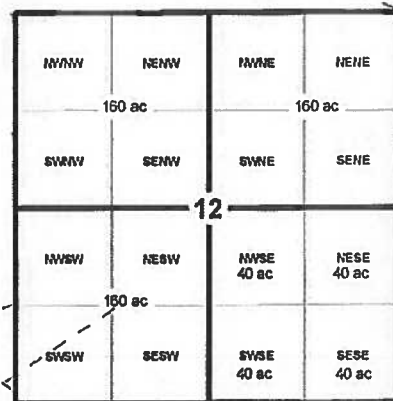
Tel. – 334-2190
FAX – 334-2348

Water Diversion and Delivery System Map Example



Sample Symbols for map

- canals & ditches
- dams
- pipelines
- place of use
- point of diversion 5
- reservoirs, ponds
- springs
- streams, rivers
- other wells not part of system (



K



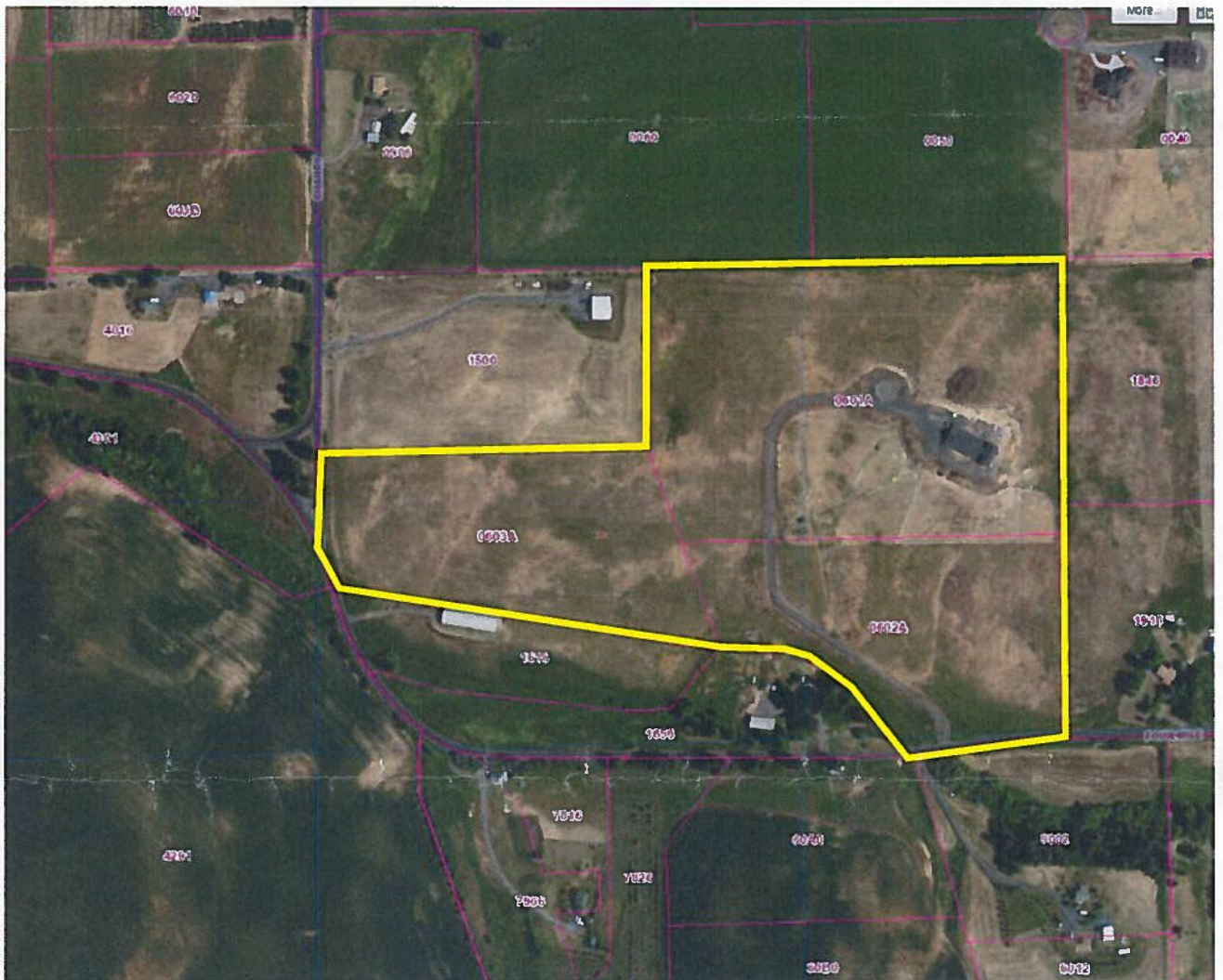


License No. 87-10073

Francis and Michelle Spain

Property for Water Right License

Petition to modify Place of Use Boundary to the following:



Skaggs, Pam

From: Kleffner, Tara
Sent: Wednesday, December 27, 2017 4:25 PM
To: Skaggs, Pam
Subject: FW: Fax Forward
Attachments: Fax.pdf

I received a fax for you Pam!

-----Original Message-----

From: idwr.fax@idwr.idaho.gov [mailto:idwr.fax@idwr.idaho.gov]
Sent: Wednesday, December 27, 2017 3:30 PM
To: IDWR Fax <IDWR.Fax@idwr.idaho.gov>
Subject: Fax Forward

Three steps above stone tablets, I present to you a fax from days gone by.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: Water Rights 8R904
Device Name: Copier_507

FAX COVER SHEET

TO

COMPANY

FAXNUMBER 12082876700

FROM Susan R. Wilson

DATE 2017-12-27 23:13:57 GMT

RE WaterRightLicense87-10073

COVER MESSAGE

Dear Ms. Skaggs,

Attached is a Petition to Modify the Place of Use Boundary for Water Right License No. 87-10073. Please review and let me know if you have any questions.

Thank you,

Susan

Susan R. Wilson
Attorney at Law, PLLC
208 S. Main St. Ste 2
Moscow, ID 83843
sw2@moscow.com
208-882-8060
866-221-9397 (fx)

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Skaggs, Pam

From: Susan R. Wilson <sw2@moscow.com>
Sent: Wednesday, December 27, 2017 4:13 PM
To: Skaggs, Pam; Front Desk
Cc: 12082876700@myfax.com
Subject: Water Right License 87-10073
Attachments: 2017-12.27 Letter to IDWR with Petition to Modify Place of Use.pdf; 2012-3-30 Application for Water Permit.pdf; Place of Use Boundary Modification.pdf

Dear Ms. Skaggs,

Attached is a Petition to Modify the Place of Use Boundary for Water Right License No. 87-10073. Please review and let me know if you have any questions.

Thank you,

Susan

Susan R. Wilson
Attorney at Law, PLLC
208 S. Main St. Ste 2
Moscow, ID 83843
sw2@moscow.com
208-882-8060
866-221-9397 (fx)

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