

FORM 202 Rev. 09/16

81834

Ident. No. 95-17349

RECEIVED
AUG - 2 2017
IDWR/NORTHERN

IDWR/NORTHERN

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

1. Name of applicant(s) Wagner Properties, LLC Phone 208 743-0516
Mailing address 6838 Cougar Ridge Drive City Lewiston
State ID ZIP 83501 Email kerry@rbcpx.com
Name connector (check one): ☐ and ☐ or ☐ and/or
2. Name of representative, if any Kerry Wagner Phone 208 743-0516
Mailing address Same as above 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 N/A
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>14N</u>	<u>04W</u>	<u>04</u>	<u>6</u>		<u>NE</u>	<u>SE</u>	<u>Kootenai</u>	<u>ground water</u>	
			<u>KW 1-3-17</u>						

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 _____ 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) .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. proposed well to be drilled; shared well with Mike & Diana Schumacher
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 6 inches; proposed depth of well is 150 feet.
d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by CM Date 7-17-17 Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by cm Receipt No. N032-794 Date 7-17-17

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 1
- e. Other; describe fully. _____

9. 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	
47N	04W	04													D				
															616				
															KW				
															2-317				

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? 95-13578

11. a. Who owns the property at the point of diversion? Applicant / Mike & Diana Schuer
- b. Who owns the land to be irrigated or place of use? applicant (00780001017A)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: This will be a shared well with the adjoining lot owners

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We plan to drill a domestic well which will be shared with the adjoining lot owners, Mike & Diana Schuer

13. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

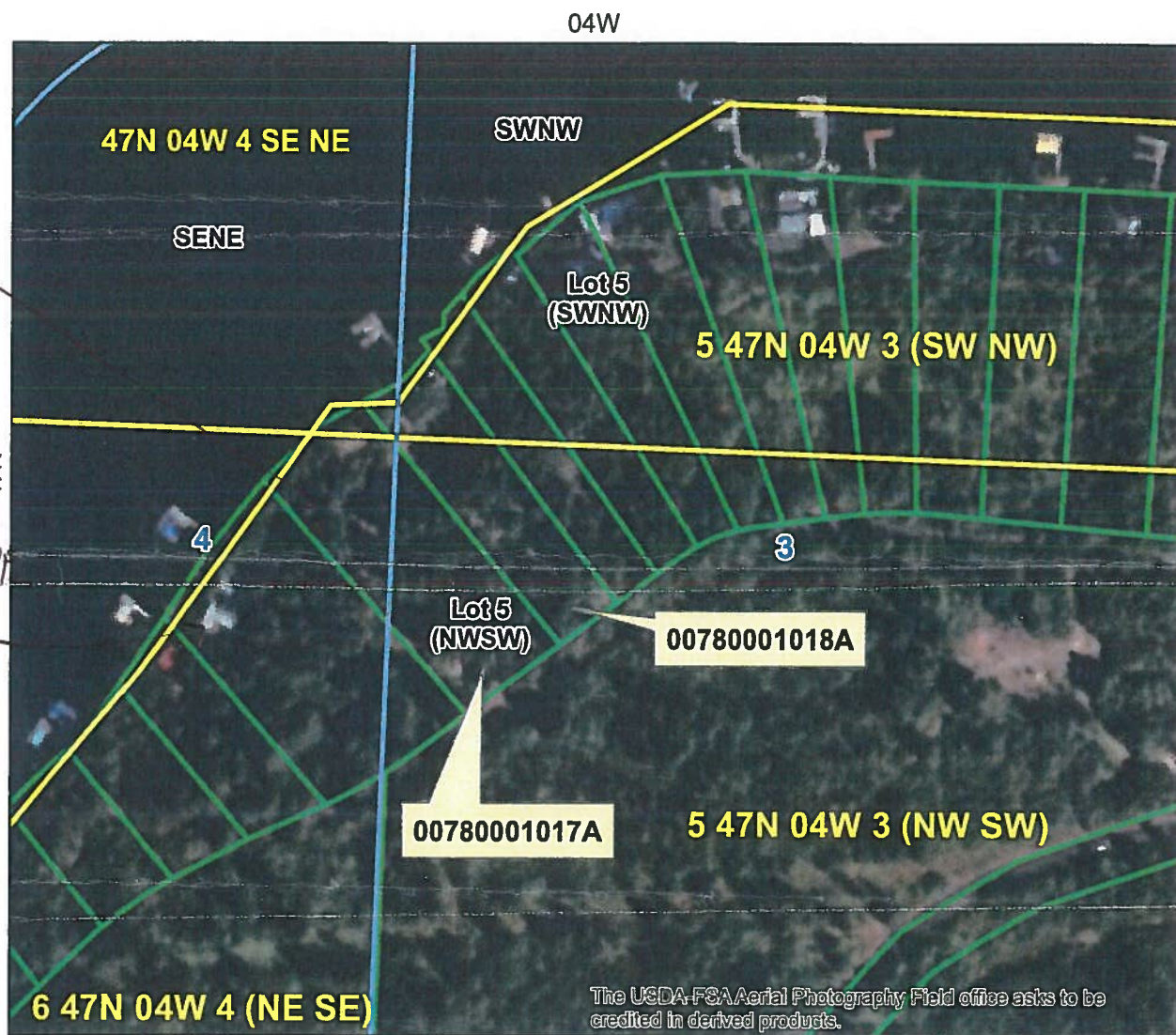
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Wagner Properties LLC
by: Kerry A. Wagner, manager
Signature of Applicant
Kerry A. Wagner, manager
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
95-XXXXXX



0 0.025 0.05 0.1 Miles

- PLS Sections
- Taxlots



Tax parcel information provided by Kootenai County.

FORM 202-R (9/16)

Ident. No. _____

JUL 17 2017

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

IDWR/NORTHERN

1. Name of applicant(s) Wagner Properties, LLC Phone 208 743-0516
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Name connector (check one): ☐ and ☐ or ☐ and/or
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Mailing address Same as above City _____
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<u>4N</u>	<u>04W</u>	<u>04</u>			<u>NE</u>	<u>SE</u>	<u>Kootenai</u>	<u>ground water</u>	

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For Department Use

Received by cm Date 7-17-17 Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by cm Receipt No. N032794 Date 7-17-17

SCANNED
SEP 20 2017

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>45N</u>	<u>04W</u>	<u>04</u>													<u>D</u>				

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Wagner Properties LLC
by: Kerry A. Wagner, manager
Signature of Applicant
KERRY A. Wagner, manager
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
95-XXXXXX



0 0.025 0.05 0.1 Miles

- PLS Sections
- Taxlots

Tax parcel information provided by Kootenai County.

I marked well
with black dot
- look at it against
light

Jones, Doug

From: Jones, Doug
Sent: Friday, August 11, 2017 12:07 PM
To: 'kerry@rbcox.com'
Subject: Application for permit 95-17349

Kerry,

This office is reviewing the application in preparation for advertising. During our review we noted that the well is planned to be constructed on a neighboring lot and you described that the well would be shared.

Although it is not strictly required to be submitted, IDWR recommends an easement to the well or shared well agreement be written and recorded with the county to protect participants in accessing and operating/maintaining the well on into the future. If an easement or agreement is in place then you are welcome to include it in the water right record for reference if you wish.

Once advertising is complete (you will be notified when that will take place) and the protest period has passed, or if a protest is filed then it is resolved, IDWR would be approving the application with a condition stating "approval does not authorize right-of-way or trespass on another person's property". Alternatively, the application can be modified at this time to describe the well construction as being located on your lot.

Thank you for your attention to this matter and please contact us if you have any questions about this or other water right issues.

Douglas Jones
Northern Region Manager
Idaho Dept of Water Resources
7600 Mineral Dr, Ste 100
Coeur d'Alene ID 83815

(208)762-2800

No. W 7741	Due no later than Jan 31, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. WAGNER PROPERTIES, LLC SCOTT WAGNER % COX & WAGNER, PLLC P. O. BOX 446 LEWISTON ID 83501		SCOTT WAGNER 2791 GRELLE LEWISTON ID 83501			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MEMBER	SCOTT WAGNER	2791 GRELLE	LEWISTON	ID		83501
MEMBER	KERRY A. WAGNER	P. O. BOX 446	LEWISTON	ID	USA	83501
MEMBER	CAROLE WAGNER TRUST	P. O. BOX 446	LEWISTON	ID	USA	83501
5. Organized Under the Laws of: ID W 7741		6. Annual Report must be signed.* Signature: Kerry A. Wagner Name (type or print): Kerry A. Wagner Date: 11/21/2016 Title: Member				
Processed 11/21/2016		* Electronically provided signatures are accepted as original signatures.				

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/11/2017

Adjudication Recommendation 95-13578 V1

Owner Type **Name and Address**
Current Owner WAGNER PROPERTIES LLC
6838 COUGAR RIDGE DR
LEWISTON, ID 83501
(208) 743-0516

Priority Date: 6/1/1960

Basis: Beneficial Use

Status: Active

Source
COEUR D ALENE LAKE

Tributary
SPOKANE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion

COEUR D ALENE LAKE L6(NESE) Sec. 4, Twp 47N, Rge 04W, KOOTENAI County

Place Of Use

DOMESTIC within KOOTENAI County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
47N	04W	4													X				
															L6				

Conditions of Approval:

- | | | | |
|----|-----|----------------|---|
| 1. | C18 | General | This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code. |
| 2. | N11 | General | The quantity of water decreed for this water right is not a determination of historical beneficial use. |
| 3. | N13 | Quantity | The quantity of water under this right shall not exceed 13,000 gallons per day. |
| 4. | X01 | Purpose of Use | Domestic use is for 1 home. |
| 5. | PIN | Explanatory | Parcel No. 00780001015A. |
| 6. | J01 | Explanatory | Property is also known as Lots 15 & 16, Block 1, Blacks Homesites. |

Comments:

Dates and Other Information

Mitigation Plan: False



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

August 29, 2017

WAGNER PROPERTIES LLC
6838 COUGAR RIDGE DR
LEWISTON, ID 83501

Application For Permit No. 95-17349

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 9/7/2017 and 9/14/2017. 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 the Northern Region office at (208) 762-2800 if you have any questions regarding the application.

Sincerely,

Shaun Maxey
Senior Water Resource Agent

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, August 29, 2017 2:53 PM
To: 'LEGALS@CDAPRESS.COM'
Cc: Hersley, Jean
Subject: Application for Permit No. 95-17349, 95-17359
Attachments: Kootenai County Public Notices 95-17349 & 95-17359.docx

Please publish the enclosed legal notice on the dates indicated 9/7/17 and 9/14/17 (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 9/25/2017. 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 applications have been filed to appropriate the public waters of the State of Idaho:

95-17349

WAGNER PROPERTIES LLC

6838 COUGAR RIDGE DR

LEWISTON, ID 83501

Point of Diversion L6(NESE) S4 T47N R04W KOOTENAI County

Source GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 7/17/2017

Place Of Use: DOMESTIC

T47N R04W S4 L6(NESE)

95-17359

PINE RIDGE DEVELOPMENT LLC

PO BOX 28807

SPOKANE, WA 99228

Point of Diversion SWSW S32 T53N R04W KOOTENAI County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/15/2017

Place Of Use: DOMESTIC

T53N R04W S32 SWSW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. 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 together with a protest fee of \$25.00 for each application on or before **9/25/2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/07/2017 and 9/14/2017



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

July 26, 2017

Time Sensitive Response Required 8/ 28/2017

Kerry Wagner
Wagner Properties, LLC
6838 Cougar Ridge DR
Lewiston, ID 83501

RE: Rule 35 Incomplete Application for Permit—Wrong Township shown on Application for Permit

Dear Mr. Wagner:

Idaho Department of Water Resources (IDWR) received your incomplete Application for Permit on July 17, 2017 for .04 Cubic Feet per Second (CFS) using Groundwater for Domestic purposes at Kootenai County parcel 00780001015A. Your incomplete Application is enclosed. Completion of the Application with the correct Township (47N), matching the Application map, is required before IDWR can publish accurate legal notices.

Idaho Administrative Code (Rule 35 Water Appropriation Rules IDAPA 37.03.08) requires that the map describing the correct legal description for the Point of Diversion (POD) and Place Of Use (POU) match the Application. Your Application does not include the correct Government Lot (GL6) for the POD or POU.

Please telephone me for assistance to submit the completed Application with the correct information or contact me for an appointment at the IDWR Northern Region office by August 28, 2017. I can describe how to correct the Application if you need help. Please submit a written request if you need additional time to provide the information. IDWR can grant additional time upon a showing of good cause for the delay.

I can be reached at (208) 762-2816.

Respectfully,

Shaun M. Maxey
Senior Water Resource Agent
Idaho Department of Water Resources, Northern Region

Enclosures
Incomplete Application with labeled IDWR Map