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MAR 23 2017

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FORM 202 Rev. 09/16

MAR 13 2017

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

IDWR/NORTHERN

Ident. No. 95-17278

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

IDWR / NORTH

1. Name of applicant(s) MSHS LLC Phone (509) 569.9494
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO BOX 371 City ATHOL
 State ID ZIP 83801 Email _____
2. Name of representative, if any BRIAN BUNKER Phone (509) 569.9494
 Mailing address PO BOX 371 City ATHOL
 State ID ZIP 83801 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 SPRING / UNNAMED STREAM which is a tributary of CANEWOOD CREEK
4. Location of point(s) of diversion: 3-9-17
- | Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | County | Source | Local name or tag # |
|-----|-----|-----|----------|-----|-----|----------|----------------|---------------------|
| 54N | 02W | 17 | | NE | SE | KOOTENAI | SPRING - SINKS | |
| 54N | 02W | 17 | | NE | SE | KOOTENAI | UNNAMED STREAM | |
| | | | | | | | | |
| | | | | | | | | |
5. Water will be used for the following purposes:
- Amount 1.5 for DOMESTIC purposes from 04-01 to 12-31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.03 for DIVERSION TO STORAGE STOCKWATER purposes from 01-01 to 12-31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 1.1 for WILDLIFE STORAGE purposes from 01-01 to 12-31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 2.6 for IRRIGATION STORAGE purposes from 01-01 to 12-31 (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.03 cubic feet per second (cfs) and/or (b) 2.6 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. DEVELOPED SPRING WITH CONCRETE RINGS COLLECTS WATER. WATER WILL BE PUMPED TO SMALL POND. SEPARATE POND ON STREAM.
- 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? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

 Received by db Date 3/13/17 Time _____ Preliminary check by _____
 Fee \$ 100.00 Receipted by db Receipt No. N032438 Date 3/17/16

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 No Home. Irrigation less than 1/2 acre
- e. Other; describe fully. wildlife and fire safety storage. All storage location in same pond.

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	
54N	02W	17																	1.5
54N	02W	17																	
54N	02W	17																	
54N	02W	17																	

Total number of acres to be irrigated: 1.5

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? No other water rights. Irrigation for lawn and landscaping

11. a. Who owns the property at the point of diversion? MSHS LLC
- b. Who owns the land to be irrigated or place of use? MSHS LLC
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Owned by MSHS LLC Brian Benker Manager

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. A DEVELOPED SPRING WITH BURIED CONCRETE RINGS WILL ENCLOSE A SPACE USED TO COLLECT WATER. WATER WILL BE PUMPED FROM INSIDE THE RINGS TO A SMALL POND. A DIFFERENT POND USED FOR WILDLIFE STORAGE WILL BE BUILT ON THE UNNAMED STREAM.

The concrete rings were in place prior to purchase of property. 13 gpm pump to be used.

13. Time required for completion of works and application of water to proposed beneficial use is 3 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.

Brian K Benker 3-9-17
 Signature of Applicant
Brian K Benker Manager
 Print Name (and title, if applicable)

 Signature of Applicant

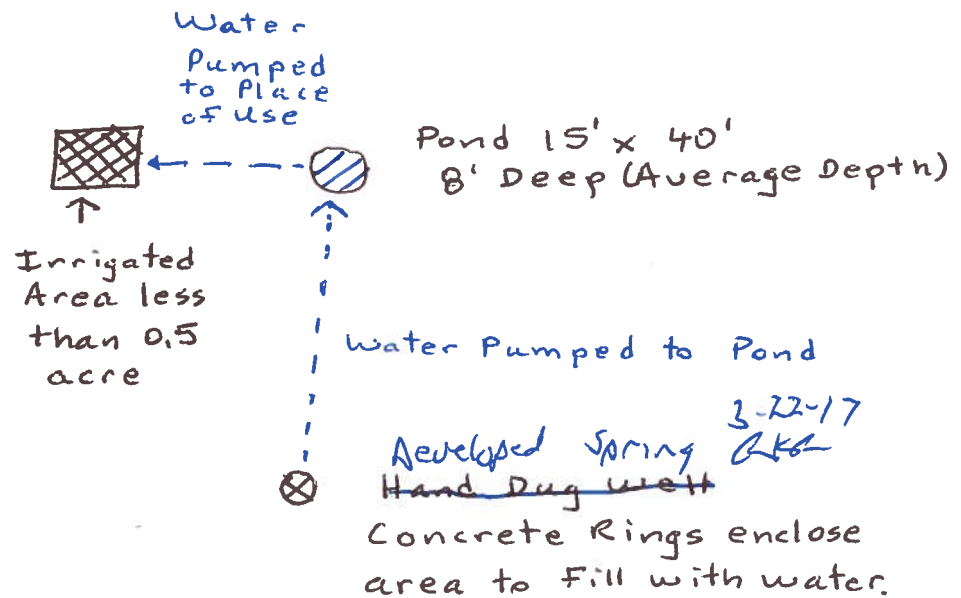
 Print Name (and title, if applicable)

ATTACHMENT

(NOT TO SCALE)

OFF-Stream Pond

Diversion to Storage From ~~Well~~ ^{Developed Spring}
3-22-17



Total Storage Calculations

FILE NUMBER	96-XXXXX
REVIEWER	Shaun Maxey
DATE	2/27/2017

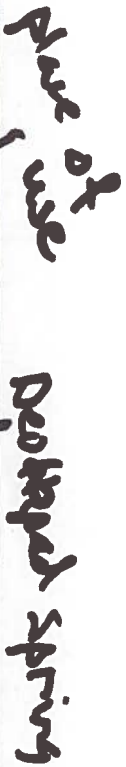
This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.01377	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	8	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	0.11016	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.

Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0.5	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	1.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.0	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	1.6	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Application For Permit
x: Appex Pond location





CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Title 30, Chapters 21 and 25, Idaho Code

Filing fee: \$100 typed, \$120 not typed

Complete and submit the application in duplicate.

**ATTACHMENT
FILED EFFECTIVE**

2016 AUG 26 AM 8:58

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

MSHS LLC

(Remember to include the words "Limited Liability Company," "Limited Company," or the abbreviations L.L.C., LLC, or LC)

2. The complete street and mailing addresses of the principal office is:

381 Baker Road Athol, Idaho 83801

(Street Address)

P.O. Box 371 Athol, Idaho 83801

(Mailing Address, if different)

3. The name of the registered agent and the street address of the registered agent:

Brian Bunker

381 Baker Road Athol, Idaho 83801

(Name)

(Address cannot be a post office box or postal mail box.)

4. The name and address of at least one governor of the limited liability company:

Brian Bunker

P.O. Box 371 Athol, Idaho 83801

(Name)

(Address)

(Name)

(Address)

(Name)

(Address)

(Name)

(Address)

5. Mailing address for future correspondence (annual report notices):

P.O. Box 371 Athol, Idaho 83801

(Address)

Signature of organizer(s).

Signature: Brian Bunker

Printed Name: Brian Bunker

Signature: _____

Printed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE

08/26/2016 05:00

CK:23148106143 CT:328319 BH:1543644

1@ 100.00 = 100.00 ORGAN LLC #2

W171049



After recording mail to: Grantee

WARRANTY DEED

Escrow No.: 64692-VW

FOR VALUE RECEIVED

Michal M. Critchfield, an Unmarried Woman and Michal M. Critchfield, Personal Representative of the Estate of Jack Critchfield, Case NO. CV-16-1575

the grantors, do(es) hereby grant, bargain, sell and convey unto

MSHS, LLC, an Idaho Limited Liability Company

whose current address is P.O. Box 371 Athol, ID 83801

the grantee, the following described premises, in Bonner County, Idaho, TO WIT:

Lot 2 of CRITCHFIELD MINOR SUBDIVISION, according to the plat thereof, recorded in Book 9 of Plats, Page 200, records of Bonner County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he/she the owner in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 116, 2017

Michal M. Critchfield
Michal M. Critchfield

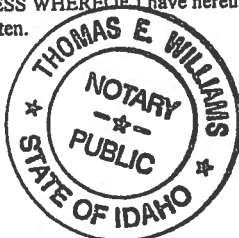
Estate of Jack Critchfield, Case No. CV-16-1575

Michal M. Critchfield
By: Michal M. Critchfield, Personal Representative

STATE OF Idaho)
COUNTY OF Bonner) SS.

On this 6th day of Jan, 2017, before me, the undersigned, a Notary Public in and for said state, personally appeared MICHAEL M. CRITCHFIELD known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument as Personal Representative of the Estate of JACK CRITCHFIELD, CASE NO. CV-16-1575, and acknowledged to me that he/she/they executed the same as such Personal Representative.

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



Thomas E. Williams
Notary Public for the State of Idaho
Residing at: Sandpoint
Commission Expires: 2/10/18



APPROVED & ACCEPTED

mc

Order No. 64692-VW

THIS DEED OF TRUST, Made this 5 day of Jan, ²⁰¹⁷~~2016~~, BETWEEN MSHS, LLC, an Idaho Limited Liability Company, herein called GRANTOR, whose address is P.O. Box 371 Athol, ID 83801 AND Sandpoint Title Insurance, Inc., herein called TRUSTEE, AND Michal M. Critchfield, An Unmarried Woman, herein called BENEFICIARY, whose address is 382 Baker Rd, Athol, ID 83801., herein called BENEFICIARY, WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of Bonner, State of Idaho, described as follows, either located within an incorporated city or village at the date hereof, or containing not more than forty acres:

Lot 2 of CRITCHFIELD MINOR SUBDIVISION, according to the plat thereof, recorded in Book 9 of Plats, Page 200, records of Bonner County, Idaho.

ACCELERATION CLAUSE:

If the Grantor shall convey or alienate said property or any part thereof or any interest therein or shall be divested of his title in any manner or way, whether voluntary or involuntary, any indebtedness or obligation secured hereby, irrespective of the maturity date expressed in any note evidencing the same, at the option of the holder hereof and without demand or notice shall become due and payable, immediately.

TIMBER CLAUSE:

No timber shall be cut or removed from said property for any commercial or resale purposes without prior express written consent of the beneficiary, until property is paid in full.

TOGETHER WITH the rents issues, and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits, for the purpose of securing payment of the indebtedness evidenced by a promissory note, of even dated herewith, executed by Grantor in the sum of EIGHTY THOUSAND NINE HUNDRED NINETY FIVE AND 50/100 DOLLARS, (\$80,995.50), final payment due November ⁰²~~01~~, 2045 and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other investments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties of this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

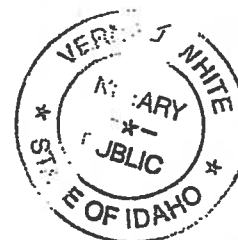
To protect the security of this Deed of Trust, Grantor agrees:

By the execution of this Deed of Trust and the Note hereby secured that provisions 1 to 6 inclusive of Part A and Provision 1 to 9 inclusive of Part B of the Deed of Trust which was recorded February 9, 1999 as Instrument No. 539562 Bonner County, Idaho Mortgage Records shall be and they are hereby incorporated and made an integral part hereof for all purposes as through set forth herein at length.

Request hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

MSHS, LLC

[Signature]
By: Brian Bunker, Manager



STATE OF Idaho }
COUNTY OF Bonner } SS.

On this 5th day of Jan, 2017, before me, a Notary Public in and for said state, personally appeared BRIAN BUNKER known or identified to me to be the Manager in the Limited Liability Company known as MSHS, LLC who executed the foregoing instrument, and acknowledged to me that HE executed the same in said LLC name.

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

[Signature]
Notary Public for the State of Idaho
Residing at: Sandpoint
Commission Expires: 4/28/22

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, March 29, 2017 3:04 PM
To: Legal Notices-CdA Press -Hoklly Frederick (hfredericks@cdapress.com)
Cc: Case, Morgan; Frederick, Adam; Maxey, Shaun
Subject: Application for Permit No. 95-17278, 96-9652
Attachments: LegalNotice 03-29-17 BCDB e-mail 95-17278, 96-9652..doc

Good afternoon Holly,

Please publish the attached legal notice in the Bonner County Daily Bee on the dates indicated, April 6 and 13, 2017, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This should be very close to press ready – for 2-column, 8pt, Arial font, maybe even close enough to just copy and paste, with very little modification.

Please note the area(s) under **USE** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press.

If you have any questions, please contact me as early as possible.

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 4/24/2017. Your cooperation is appreciated.

As always, it is a pleasure working with you. Thanks for all your terrific help.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

95-17278

MSHS LLC

PO BOX 371

ATHOL, ID 83801

Point of Diversion NENESE S17 T54N R02W BONNER County

Source SPRING tributary SINKS

Use: DIVERSION to Storage	01/01 to 12/31	0.03 CFS
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Use: WILDLIFE Storage	01/01 to 12/31	1.1 AF
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Use: FIRE PROTECTION Storage	01/01 to 12/31	1.1 AF
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Use: IRRIGATION Storage	01/01 to 12/31	2.6 AF
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Use: IRRIGATION from Storage	01/01 to 12/31	1.5 AF
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Total Diversion:	0.03 CFS	2.6 AF
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Date Filed: 3/22/2017

Place of Use: DIVERSION to Storage T54N R02W S17 NESE

Place of Use: WILDLIFE Storage T54N R02W S17 NESE

Place of Use: FIRE PROTECTION Storage and IRRIGATION

Storage same as WILDLIFE Storage

Place of Use: IRRIGATION from Storage T54N R02W S17 NESE

Total Acres: 0.5

96-9652

JEFF BARNHART

MELISSA BARNHART

1611 E EDMONDTON AVE

POST FALLS, ID 83854

Point of Diversion NENW S32 T55N R02W BONNER County

Source GROUND WATER tributary COCOLALLA CREEK

Point of Diversion NENW S32 T55N R02W BONNER County

Source UNNAMED STREAM tributary COCOLALLA CREEK

Use: WILDLIFE Storage	01/01 to 12/31	5.1 AF
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Use: RECREATION Storage	01/01 to 12/31	5.1 AF
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Use: STOCKWATER Storage	01/01 to 12/31	0.1 AF
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Use: FIRE PROTECTION Storage	01/01 to 12/31	5.1 AF
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Use: STOCKWATER from Storage	01/01 to 12/31	0.1 AF
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Total Diversion:	5.2 AF
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Date Filed: 3/22/2017

Place of Use: WILDLIFE Storage T55N R02W S32 NENW

Place of Use: RECREATION Storage T55N R02W S32 NENW

Place of Use: STOCKWATER Storage T55N R02W S32 NENW

Place of Use: FIRE PROTECTION Storage T55N R02W S32 NENW

Place of Use: STOCKWATER from Storage T55N R02W S32

NWNE NENW

Recreation use is for fishing.

Stockwater use is for 10 head of mixed stock.

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:

<http://www.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 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 4/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/6/2017 and 4/13/2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 29, 2017

MSHS LLC
PO BOX 371
ATHOL, ID 83801

Application For Permit No. 95-17278

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 BONNER COUNTY DAILY BEE on 4/6/2017 and 4/13/2017. 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 this office if you have any questions regarding the application.

Sincerely,

Shaun M Maxey
Senior Water Resource Agent

CC:

BRIAN BUNKER
PO BOX 371
ATHOL, ID 83801