

79567

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: RUDY V HEICKSEN

PO BOX 193
SANTA ID 82866
(208)245-5615

OR

JUDITH F HEICKSEN
PO BOX 193
SANTA ID 83866
(208)245-5615

2. Source: SHEEP CREEK Tributary to: ST MARIES RIVER

3. Location of Point of Diversion:

#1 SHEEP CREEK NW1/4, SW1/4, Sec. 28, Twp 44N, Rge 01W, B.M., BENEWAH County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01	to 12/31	0.02 CFS
DOMESTIC	01/01	to 12/31	0.04 CFS

5. Total quantity to be appropriated is:

0.04 CFS

0.06 CFS 6/25/16

6. Proposed diverting works:

POINT OF DIVERSION #1

- a. Type and size of devices used to divert water from the source: ~~SPRING FOR DOMESTIC USE~~
ON 2 HOMES

Pump from Sheep Creek 6/20/16

- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;
c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.

- d. Is ground water with a temperature of greater than 85F being sought?

- e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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8.

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N	01W	28																	X

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N	01W	28																	X

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

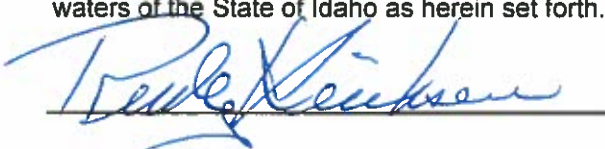
APPLICANT

10. Remarks:

PUMP ON SHEEP CREEK IS TO SERVE 2 DOMESTIC HOMES AND PROVIDE WATER FOR LIVESTOCK.

11. Map of proposed point of diversion and place of use attached? ☐

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Applicant



Received by fm Date 06-28-16 Time 5:35 Preliminary check by _____
 Publication prepared by J Date 06/28/16 Published in _____
 Publication approved _____ Date _____

Receipt No. ~~N030774~~ N030774 fm

Date: 9/11/2014 mlc

Received by: 1

State of Idaho
Department of Water Resources
Application For Permit

92-10962

Rock Water 6/28/16 RWH

01W

44N



-  Point of Diversion
-  Place Of Use Boundary
-  Quarter Quarters
-  Taxlots

0 0.015 0.03 0.06 Miles

*Parcel boundary
improvements
6/28/16 RWH*

*Point of diversion
on our property*



Domestic 6/28/16
PK

44N

NWSW

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

0 0.015 0.03 0.06 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Quarter Quarters
-  Taxlots

Forced
Gandrey
ary upning

Point of deviation
in our projects



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: RUDY HEICKSEN
PO BOX 193
SANTA ID 82866
(208)245-5615
OR

JUDI HEICKSEN
PO BOX 193
SANTA ID 83866
(208)245-5615

2. Source: SPRING Tributary to: SHEEP CREEK

3. Location of Point of Diversion:

#1 SPRING NE1/4NW1/4SW1/4 Sec. 28, Twp 44N, Rge 01W, B.M. BENEWAH County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

5. Total quantity to be appropriated is: 0.04 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

- a. Type and size of devices used to divert water from the source: SPRING FOR DOMESTIC USE
ON 2 HOMES

- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;.

- c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.

- d. Is ground water with a temperature of greater than 85F being sought?

- e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

SUPERSEDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
44N 01W 28										X							

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

SPRING IS TO SERVE 2 DOMESTIC HOMES

11. Map of proposed point of diversion and place of use attached? [X]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

Receipt No. N030774

Date: _____

Received by: _____

SUPERSEDED

State of Idaho
Department of Water Resources
Application For Permit
92-10962



0 0.035 0.07 0.14 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

SUPERSEDED



appi:
7
Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, August 02, 2016 11:30 AM
To: 'Siitari,Kiira'
Cc: Maxey, Shaun; Case, Morgan
Subject: RE: Application for Permit No 92-19862
Attachments: App and maps92-10962.pdf

Hi Kiira:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the attached application and maps for your reference.

This is being prepared for publication in the St Maries Gazette on August 3 and 10, 2016 with August 22 2016 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

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

Ball, Dianne

From: Ball, Dianne
Sent: Friday, July 29, 2016 3:38 PM
To: Legal Notices-SMGazette Benewah Co (bri@smgazette.com)
Cc: Maxey, Shaun; Case, Morgan
Subject: Application for Permit No. 92-10962
Attachments: LegalNotice 07-29-16 SM e-mail 92-10962.doc

Hi, Bri,

Please publish the attached legal notice on the dates indicated, August 3 and 10, 2016, (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, 8.5pt, Utopia font. It might be close enough to just copy and paste, with little modification required.

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 8/22/2016. Your cooperation is appreciated.

It's always a pleasure to work with you. You help make my work worthwhile. Thanks so much.

Have a simply marvelous weekend!

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:
92-10962

RUDY V HEICKSEN
JUDITH F HEICKSEN
PO BOX 193
SANTA, ID 83866

Point of Diversion NWSW S28 T44N R01W BENEWAH CO

Source: SHEEP CREEK tributary ST MARIES RIVER

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

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/28/2015

Place of Use: STOCKWATER T44N R01W S28 NWSW

Place of Use: DOMESTIC T44N R01W S28 NWSW

Domestic use is for 2 homes.

Stockwater use is for 5 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/WRApplicationRe
sults/](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 8/22/2016. The
protestant must also send a copy of the protest to the
applicant.

GARY SPACKMAN, Director

Published on 8/3/2016 and 8/10/2016



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

July 29, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

RUDY V HEICKSEN
JUDITH F HEICKSEN
PO BOX 193
SANTA, ID 83866

Application For Permit No. 92-10962

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 ST MARIES GAZETTE RECORD on 8/3/2016 and 8/10/2016. 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,

A handwritten signature in black ink that reads "Shaun M. Maxey". The signature is fluid and cursive, with a large loop at the end of the last name.

Shaun M Maxey
Senior Water Resource Agent

Memorandum

To: Water Right File No. 92-10962
From: Morgan Case
Date: July 1, 2016
Re: Application for Permit No. 92-10962

According to data entry in the Application Workflow app, Rudy and Judi Heicksen filed Application for Permit No. 92-10962 for the diversion of a spring for domestic purposes on September 11, 2014. Receipt No. N030774 for \$100 corroborates the date and purpose of the filing.

During a recent review of both applications active in the IDWR database and inactive files held by current water resource agents and previous IDWR staff, I became aware that Application No. 92-10962 had not been processed. I could not find the original paper application, only a copy of an amended application with a cryptic Post-It note indicating that the amended application had been prepared and sent to the Heicksens for signature following a phone conversation.

I instructed Adam Frederick, Senior Water Resource Agent, to send a letter requesting a signed amendment or a request for more time to submit the amended application on June 7, 2016. The letter requested the information within 30 days.

The Heicksens came to the IDWR Northern Regional office on the afternoon of June 29th to discuss the pending application. They said that they had also applied for a water right to divert out of Sheep Creek. A query of their last name showed draft Application No. 92-11001 for stockwater and irrigation of 1 acre from Sheep Creek. I could find no record of payment associated with the draft application.

The Heicksens said that they thought that both applications had been processed and were surprised to receive the recent letter and learn that the other application was not complete. They shared that their current use is mainly pumping from Sheep Creek into a dry spring house to store water for non-potable domestic use (hand-carried), watering stock, and watering a garden. They get a minimal amount of potable water from a small spring that produces approximately 5 gallons per day.

To resolve the active application and cover the majority of their water use, the Heicksens decided to amend their application to diversion from Sheep Creek for stockwater and domestic purposes. They do not irrigate more than ½ acre, so the irrigation component of the draft application is not necessary. They are considering a new application to cover the potable drinking water from the spring.



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

June 7, 2016

RUDY & JUDI HEICKSEN
PO BOX 193
SANTA, ID 82866

Re: Application for Permit No. 92-10962 – Amended Applications Request

Dear Rudy and Judi Heicksen:

The Idaho Department of Water Resources (Department) is reviewing pending applications that have not responded to a request for additional information. You applied for a new water right on September 11, 2014. After speaking with a water resource agent, an amended application was sent to you for signature. To date the Department has not received a signed amendment.

If you are still interested in pursuing a water right, please submit the attached amended permit to allow for processing to continue. You may seek additional time to provide the amended applications and additional information by making a written request to interrupt processing for up to six months. **Your response including the amended applications, or a request for more time to submit amended applications, must be received within the next thirty (30) days.** The permit application will be voided without a timely written reply.

Please contact me at 208-762-2800 if you need more information. Thank you for your attention to these matters.

Sincerely,

Adam Frederick
Water Resource Agent, Sr.

Enclosure(s): Amended Application for Permit No. 92-10962

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ 1.46⁵
 Certified Fee 3.30
 Return Receipt Fee (Endorsement Required) 2.70
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$ 6.46⁵



Sent to
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

RUDY & JUDI HEICKSEN
PO BOX 193
SANTA, ID 82866

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RUDY & JUDI HEICKSEN
PO BOX 193
SANTA, ID 82866



9590 9403 0148 5086 1937 10

2. Article Number (Transfer from service label)

7007 1490 0001 6752 4348

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Judith Heicksen* ☐ Agent ☒ Addressee

B. Received by (Printed Name) *Judith Heicksen* C. Date of Delivery *6/13/16*

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

RECEIVED
JUN 15 2016
IDWR/NORTHERN

3. Service Type
- ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☒ Certified Mail[®]
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Registered Mail[™]
 - ☐ Registered Mail Restricted Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation[™]
 - ☐ Signature Confirmation Restricted Delivery
 - ☐ Priority Mail Express[®]

Domestic Return Receipt