

80846

Ident. No. 91-7918

AMENDED

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

RECEIVED
JUN 27 2016

IDWR/NORTHERN

1. Name of applicant(s) CAPAU-CLUTTER, LLC Phone (208) 661.6367
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 5079 N PINEGROVE DR City COEUR D'ALENE
State ID Zip 83815 Email CAPAUCLUTTER@HOTMAIL.COM
2. Source of water supply ST. JOE RIVER which is a tributary of COEUR D'ALENE LAKE
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
46N	01W	16	12		NE	SE	BENEWAH	ST. JOE RIVER	

4. Water will be used for the following purposes:
Amount 0.04 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)
5. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
6. Proposed diverting works:
- Describe type and size of devices used to divert water from the source. .75 HP SUBMERSIBLE IRRIGATION PUMP TO 1.5 INCH PIPE TO WATER RECREATION LOT LESS THAN .5 ACRE.
 - 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 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 ☐ No
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
 - If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.
7. Description of proposed uses (if irrigation only, go to item 8):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households (1) ONE RECREATIONAL RV / CAMPSITE
 - Other; describe fully. _____

8. Description of place of use:

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- 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	
46N	01W	16													D				
															G12				

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?

10. a. Who owns the property at the point of diversion? IDAHO DEPARTMENT OF LANDS
b. Who owns the land to be irrigated or place of use? CAPPAUL-CLUTTER LLC
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.

WE ARE LOOKING TO PUT IN A SMALL IRRIGATION SYSTEM TO WATER THE LAWN ON OUR RECREATIONAL LOT. THE LOT IS 0.8 ACRES AND IS SEASONAL. AREA IRRIGATED WILL BE LESS THAN 0.5 ACRE. PUMP MAY BE USED OUTSIDE IRRIGATION SEASON FOR MISC. DOMESTIC PURPOSES.

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.

Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by Jm Date 06/27/2016 Time _____ Preliminary check by Jm
Fee \$ 50.00 Received by _____ Receipt No. N031994 Date 06/27/2016
Republication

AMENDED

State of Idaho
Department of Water Resources
Application For Permit
91-7918



- PLS Sections
- Taxlots

0 0.01 0.02 0.04 Miles



Ball, Dianne

From: Ball, Dianne
Sent: Thursday, June 30, 2016 1:00 PM
To: Legal Notices-SMGazette Benewah Co (bri@smgazette.com)
Cc: Maxey, Shaun; Case, Morgan
Subject: Application for Permit No. 91-7918
Attachments: LegalNotice 06-30-16 SM e-mail 91-7918.doc

Hi Bri,

This is the second legal notice I mentioned would be forthcoming for publication on the same day as your legal # 9436 July 6 – 13, for Ritchie.

Please publish the enclosed legal notice on the dates indicated, July 6 and 13, 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, 8pt, Utopia font.

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 7/25/2016. This legal notice can be billed together with the earlier legal notice for Ritchie.

Your cooperation is appreciated, and it's a pleasure working with you. Thanks,

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 is an amendment to an application filed to appropriate the public waters of the State of Idaho:

91-7918

CAPAUAL - CLUTTER LLC

5079 N PINEGROVE DR

COEUR D ALENE, ID 83815

Point of Diversion L12(NESE) S16 T46N R01W BENEWAH
County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

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

Total Diversion: 0.04 CFS

Date Filed: 4/25/2016

Place of Use: DOMESTIC T46N R01W S16 L12(NESE)

Domestic use is for 1 RV/Recreational Campsite with up to
1/2 acre irrigation.

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 7/25/2016. The
protestant must also send a copy of the protest to the
applicant.

GARY SPACKMAN, Director

Published on 7/6/2016 and 7/13/2016



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

June 30, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CAPAUAL - CLUTTER LLC
5079 N PINEGROVE DR
COEUR D ALENE , ID 83815

Application For Permit No. 91-7918

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 7/6/2016 and 7/13/2016. 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,

Shaun M Maxey
Senior Water Resource Agent

CONVERSATION MEMO

OV- Office Visit T-Telephone M-Meeting O- Other

TO Right No. 91-7918

FROM Shaun Maxey, IDWR

☒ OV ☒ T ☒ M ☐ Other _____ DATE 6/27/16 RE Encroachment Permit and Corrected Application

Justin Capaul visited IDWR 6/27/16 and brought in a corrected Application for Permit and check (\$50) for republication fee. I told Mr. Capaul during our meeting that I needed the encroachment permit number from Idaho DEPT OF Lands for his water intake. Mr. Capaul telephoned me later with the # number (L-95-S-5356).

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ RE _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ RE _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ RE _____



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

June 23, 2016

Justin Capul OR Rick Clutter
Capul Clutter, LLC
5079 N Pinegrove DR
Coeur d'Alene, ID 83815

Re: Re-publication fee Application for Permit 91-7198 Benewah County parcel RP006600000040A

Dear Mr. Capul or Mr. Clutter:

Idaho Department of Water Resources (IDWR) was reviewing your Application for Permit (91-7198) when errors for the location of the Point of Diversion (POD) and Place of Use (POU) were found. Incorrect legal descriptions were published in newspaper legal notices before the error was detected.

Idaho Code 42-221 requires IDWR to collect a \$50 fee for re-publication of the correct legal descriptions. Please include the fee with the corrected 91-7918 Application for Permit and note in the check memo block that the fee is for '91-7918 Re-publication'.

A corrected Application for Permit for signature and IDWR Map are being mailed to you separately. Please review the corrected Application for Permit and Map carefully. The corrected Application, map, and the required \$50 fee must be returned to the IDWR Northern Region office.

I can be reached at (208) 762.2816 if you have any questions.

Respectfully,

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 Mineral DR, Ste. 100
Coeur d'Alene, ID 83815

Enclosure

Copy of incorrect Application for Permit with map

Maxey, Shaun

From: Maxey, Shaun
Sent: Wednesday, June 22, 2016 4:35 PM
To: 'CAPULINATOR@HOTMAIL.COM'
Subject: Corrected Water Right Application (91-7918)
Attachments: CAPAUL-CLUTTER-CORRECTED-APP.pdf

M. Capul:

Attached is a copy of the corrected water Right Application that we discussed on the phone earlier today. I have also mailed this to you via U.S. mail. Please review the enclosed material carefully. Please sign and have Mr. Clutter sign the corrected Application and return it to my attention at IDWR.

I'm also sending a separate envelope with a copy of your current Application and a letter about the \$50 re-publication fee.

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

Maxey, Shaun

From: postmaster@cio.idaho.gov
Sent: Wednesday, June 22, 2016 4:35 PM
To: Maxey, Shaun
Subject: Delivery Status: Corrected Water Right Application (91-7918)
Attachments: deliverystatus.txt; Corrected Water Right Application (91-7918)

--- The following addresses had delivery problems ---

<CAPULINATOR@hotmail.com> (Requested action not taken: mailbox unavailable)