

JUN 08 2016

IDWR / NORTH

80981

Ident. No. 95-17173

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) David L. Keyes and Cathy J. Keyes Phone 208-689-3177
Name connector (check one): ☒ and ☐ or ☐ and/or
Mailing address 21994 S. Stargazer Ln City Harrison
State ID Zip 83833 Email davkeyes48@gmail.com
2. Source of water supply Lake Coeur d' Alene which is a tributary of _____
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
48N	04W	34	2		SW	NE	Kootenai	Lake Coeur d' Alene	

4. Water will be used for the following purposes:
- Amount 0.06 cfs for irrigation purposes from Mar 15 to Oct 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) 0.06 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. 2 hp submersible electric pump 100 ft from the shoreline in about 8 feet of water mounted on a custom skid for easy removal for maintenance. With control circuit
- 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 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
- 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. _____
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; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- 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	
48N	04W	34		2	0.1														2.1
				GL1	GL2														

Total number of acres to be irrigated: 2.1

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?

I intend to use this water to irrigate my personal garden

10. a. Who owns the property at the point of diversion? John Z. Gibson and Andrea C. Gibson
- b. Who owns the land to be irrigated or place of use? David L. Keyes and Cathy J. Keyes
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: I have a recorded easement for the placement of a water line down to the Lake. (Attached)

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

I plan to bury a 2" 180 psi poly line along with power line and low voltage control circuits, for about 200 ft @ 2' below the surface (from my property line to the high water mark at the lake shore over a recorded easement- attached).

From that point I plan to run the 2" line and power line over the surface into the lake waters to a point about 100' offshore at a depth of about 8' where I will place a 2 hp submersible pump inside a protected poly shield for intake and screening of the water. This will be placed on a skid that can be removed easily for service.

12. Time required for completion of works and application of water to proposed beneficial use is 5 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.

David Keyes
Signature of Applicant

Signature of Applicant

David Keyes
Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 6/8/16 Time _____ Preliminary check by _____
Fee \$ 100.00 Received by [Signature] Receipt No. N031961 Date 6/8/16

APPLICATION MAP



Legend

-  Taxlots
-  Sections
-  QQ

0 0.0325 0.065 0.13 Miles





00-007-0
0.411 Ac

000-006-0
0.411 Ac

000-005-0
0.411 Ac

000-004-0
0.448 Ac

000-002-A
0.902 Ac

000-001-0
0.451 Ac

1250
1.000 Ac

139.45

81.45

240.64

150.59

7

6

5

4

3

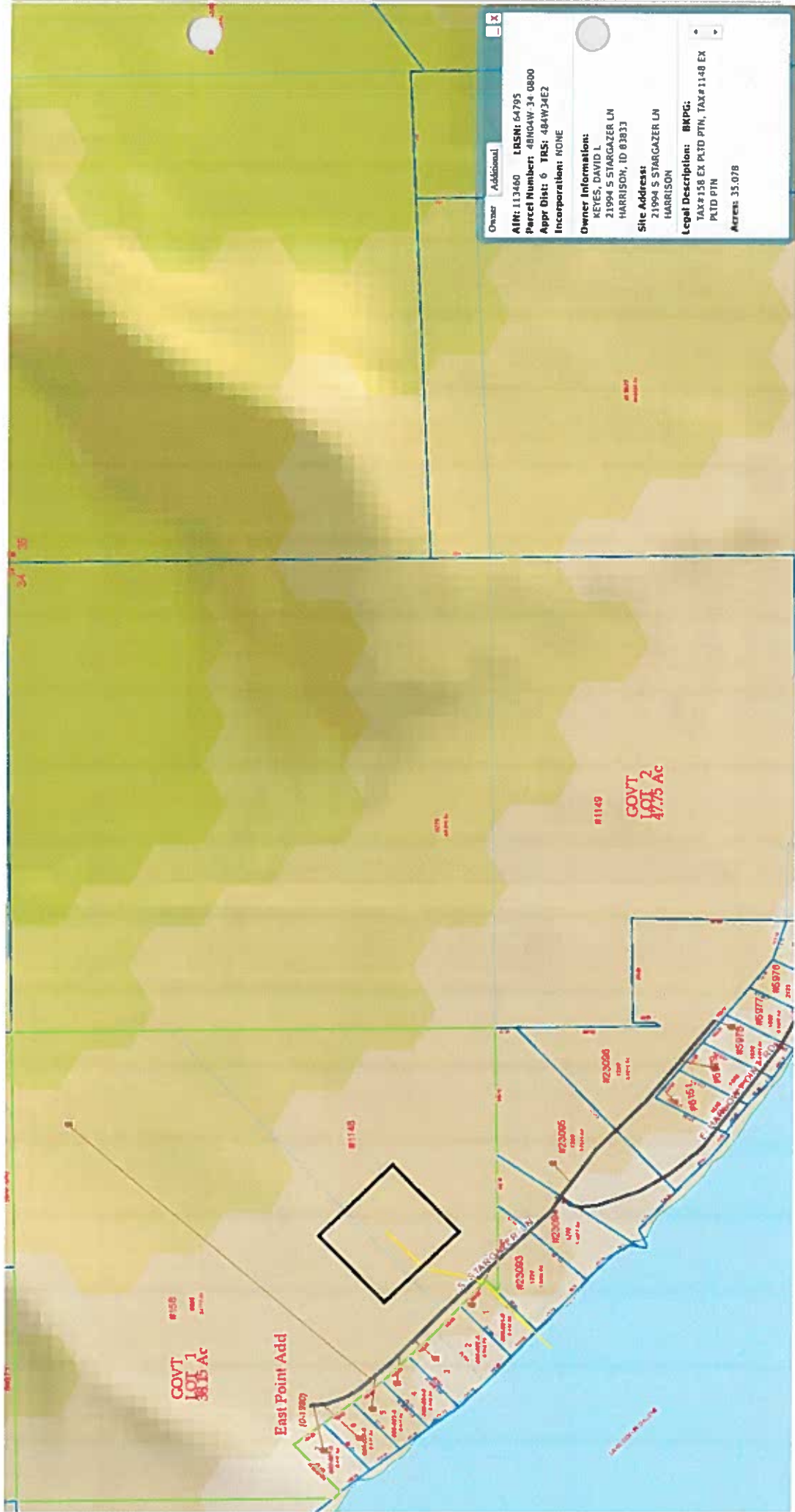
2

1

Garden 300 X 300



#23093



Owner Additional

AIN: 113460 LRSN: 64795
Parcel Number: 4804W 34 0800
Appt Dist: 6 TRS: 484W34E2
Incorporation: NONE

Owner Information:
KEYES, DAVID L
21994 S STARGAZER LN
HARRISON, ID 83833

Site Address:
21994 S STARGAZER LN
HARRISON

Legal Description: BKPG:
TAX#158 EX PLOT PTN, TAX#1148 EX
PLOT PTN
Acres: 35.078

GOVT
LOT 1
38.15 Ac

East Point Add

(0.1 1987)

#1148

#1149

GOVT
LOT 2
47.75 Ac

#23008

#23005

#23004

#23003

#23002

#23001

#23000

#23000

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Recorded at the Request of:

CHILD AND FISHER
Attorneys at Law
Mullan Professional Building
212 South 11th Street, Suite 1
Coeur d'Alene, ID 83814
Telephone: (208) 667-4571
Facsimile: (208) 664-6648

DANIEL J. ENGLISH 3P I 2254127000
KOOTENAI CO. RECORDER Page 1 of 3
BBB Date 02/18/2010 Time 15:55:17
REC-REQ OF CHILD AND FISHER
RECORDING FEE: 9.00
2254127000 DE 10

COPY

WATER LINE EASEMENT

THIS EASEMENT is granted this 17 day of September, 2009,
by JOHN ZACHARY GIBSON and ANDREA C. GIBSON, Husband and Wife,
GRANTORS, record owners of the following described real property
(the "burdened property"):

Lot 1, Block 1, Eastpoint Addition, according to the Plat
recorded in Book "E" of Plats at page 2, records of Kootenai
County, Idaho.

UNTO DAVID L. KEYES and CATHY J. KEYES, Husband and Wife,
whose current address is 21994 N. Stargazer Ln., Haverson, ID 83833
GRANTEES, record owners of the following described real property
(the "benefited property"):

BEGINNING 23 rods and 17 links due South on the one-eighth
line, from the Northeast corner of the Northwest quarter of the
Northeast quarter of Section 34, Township 48 North, Range 4
West, Boise Meridian, Kootenai County, State of Idaho;

thence running due South on said one-eighth line 80 rod;

thence at right angles in a Southwesterly direction 10 rods;

thence at right angles in a Westerly direction 200 feet;

thence in a Southwesterly direction 9 rods;

thence in an Easterly direction 50 feet;

thence at right angles in a Southerly direction to the meander
of the Coeur d'Alene Lake;

thence at right angles following the meander of said Lake in a
Westerly direction about 38 rods to a lava rock with cross
marked in it, buried in the ground;

thence in a Northeasterly direction 80 rods and 18 links, to
Place of Beginning.

AND a parcel of land commencing at the Northwest corner of the
Northeast Quarter of Section 34, Township 48 North, Range 4
West, Boise Meridian, Kootenai County, State of Idaho;

thence running due South 48 rods to the meander line of Lake
Coeur d'Alene;

thence in an Easterly direction and Southerly direction along
said meander line 50 rods and 16 links to a large granite rock
buried in the ground on Lot Two;

thence running on a straight line in a Northeasterly direction
80 rods and 18 links, to the one-eighth line in Lot One,
between the Northeast quarter of the Northeast quarter of

Section 34. Said corner is marked with a lava rock with a cross marked on top;

thence North 23 rods and 17 links to the Northwest corner of the Northeast quarter of the Northeast quarter of Section 34;

thence 80 rods, on the Section line to Place of Beginning, being a portion of Lot 2 and Lot 1 in Section 34, Township 48 North, Range 4 West, Boise, Meridian.

EXCEPT that portion lying within Government Lot 2 (the South half of the Northeast quarter) of said Section 34.

AND EXCEPT all that portion contained within the plat of EAST POINT ADDITION, recorded in Book E of Plats at Page 2, records of Kootenai County, Idaho.

GRANTORS grant unto Grantees, their successors and assigns an easement across and under the following described portion of Grantors' real property:

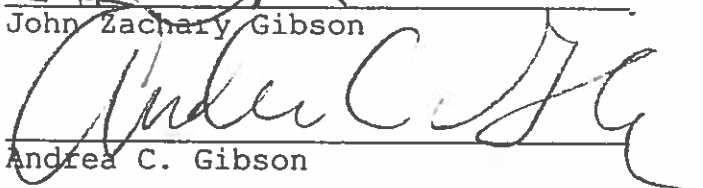
The Southeast 10 feet of Lot 1, Block 1, EAST POINT ADDITION, according to the plat filed at Book "E" of Plats, page 2, records of Kootenai County, Idaho, situate in Government Lots 1 and 2, Section 34, Township 48 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.

FOR THE SOLE PURPOSES of constructing, maintaining and using a private water transmission line and associated equipment, including specifically an electrical power transmission line upon the following conditions:

1. This easement is perpetual, and shall run with the land, to the perpetual benefit of the benefited property and to the perpetual burden of the burdened property.
2. This easement shall be limited to use for private irrigation purposes associated with a single residence currently located on the benefited property.
3. Grantees shall at Grantees' sole expense secure all necessary permits for the construction and use of the water transmission line, including any permits required by all government agencies.
4. Grantees shall be solely responsible for construction of the improvements allowed under this easement in such a manner as to allow vehicle traffic upon and over said easement area, including the locating of any materials at a minimum of EIGHTEEN INCHES (18") below the existing surface depth and encasing such materials in such a manner as to endure vehicle traffic.
5. Grantees hereby indemnify and hold and save Grantors, their successors and assigns harmless from any and all claims arising from Grantees, their guests and invitees use of or presence on said easement, including mechanics' and materialmens' liens.

IN WITNESS WHEREOF, the said GRANTORS have hereunto set their hands this 17th day of September, 2009.

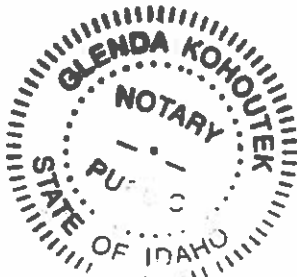

John Zachary Gibson


Andrea C. Gibson

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

On this 17th day of September, 2009, before me the undersigned, a Notary Public for Idaho, personally appeared JOHN ZACHARY GIBSON and ANDREA C. GIBSON, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

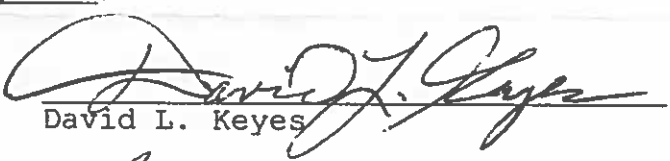
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

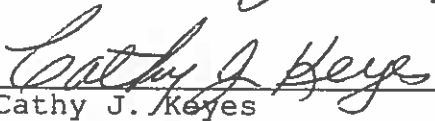



Notary Public for Idaho

My Commission Expires: 7-16-15

IN WITNESS WHEREOF, the said GRANTEES have hereunto set their hands this 3 day of Sept, 2009.

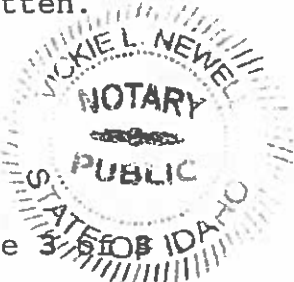

David L. Keyes

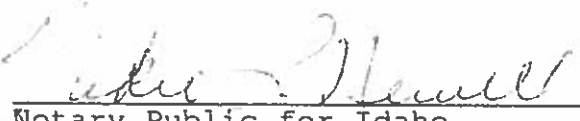

Cathy J. Keyes

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

On this 3rd day of September, 2009, before me the undersigned, a Notary Public for Idaho, personally appeared DAVID L. KEYES and CATHY J. KEYES, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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




Notary Public for Idaho

My Commission Expires: 8/13/15

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, June 14, 2016 12:32 PM
To: 'Fredericks, Holly'
Cc: Case, Morgan; Frederick, Adam
Subject: Application for Permit No. 95-17173
Attachments: LegalNotice 06-14-16 CDA e-mail 95-17173.doc

Hi, Holly,

Please publish the enclosed legal notice on the dates indicated, June 16 and 23, 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, Century Old Style 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. Helps me check dates etc.

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 7/5/2016. Your cooperation and special help on this legal notice is greatly appreciated.

It's always a pleasure to work with you. Thanks for your extra effort on this particular legal.

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:

95-17173

DAVID LEE KEYES

CATHY J KEYES

21994 S STARGAZER LN

HARRISON, ID 83833

Point of Diversion L2(SWNE) S34 T48N R04W KOOTENAI CO

Source COEUR D'ALENE LAKE tributary SPOKANE RIVER

Use: IRRIGATION 03/15 to 10/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/8/2016

Place of Use: IRRIGATION T48N R04W S34 L1(NWNE) L2(SWNE)

Total Acres: 2.1

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 7/5/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/16/2016 and 6/23/2016



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 14, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DAVID LEE KEYES
CATHY J KEYES
21994 S STARGAZER LN
HARRISON, ID 83833

Application For Permit No. 95-17173

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 6/16/2016 and 6/23/2016. 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,

Adam Frederick

Adam Frederick
Senior Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, June 14, 2016 1:56 PM
To: kiira.siiitari@idfg.idaho.gov; Mike Ahmer (mahmer@idl.idaho.gov)
Subject: RE: Application for Permit No. 95-17173
Attachments: 95-17173 Keyes App, Maps & easement.pdf

Dear Kiira and Mike:

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 application is attached for your reference.

This is scheduled for publication in the CDA Press starting this Thursday, 6/16/2016, to publish 6/16 and 6/23/16.

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