

RECEIVED

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IDWR / NORTH

80662

Ident. No. 95-17136

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) CHARLES HUSBAND Phone 208-683-0790
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO BOX 489 City ATHOL
 State ID Zip 83801 Email CHUSBAND@YAHOO.COM
2. Source of water supply SPRING which is a tributary of SINKS
3. Location of point(s) of diversion:

cbh

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>52N</u>	<u>05W</u>	<u>35</u>		<u>SE</u>	<u>SW</u>	<u>SE</u>	<u>KOOTENAI</u>	<u>SPRING</u>	

4. Water will be used for the following purposes:
 Amount 0.04 CFS for DOMESTIC purposes from 1/1 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:
- a. Describe type and size of devices used to divert water from the source. SPRING BOX AND PIPELINE
- 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 1
- e. Other; describe fully. DOMESTIC WITH UP TO 1/2 ACRE OF IRRIGATION

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	
50N	05W	35																D	
52N																			

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? Marina Plastino
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: SPRING USE AGREEMENT (see attached)

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

APPLICANT HAS PROPERTY WITH EASEMENT TO SPRING TO SUPPLY A FUTURE HOME OR MOBILE WITH IRRIGATION UP TO 1/2 ACRES

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 8 1/4" 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

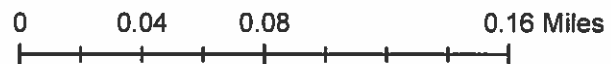
CHARLES HUSBAND

Print Name (and title, if applicable)

Print Name (and title, if applicable)

Received by [Signature] Date 2/4/16 Time _____ Preliminary check by [Signature]
 Fee \$ 100.00 Received by [Signature] Receipt No. N031720 Date 2/4/16

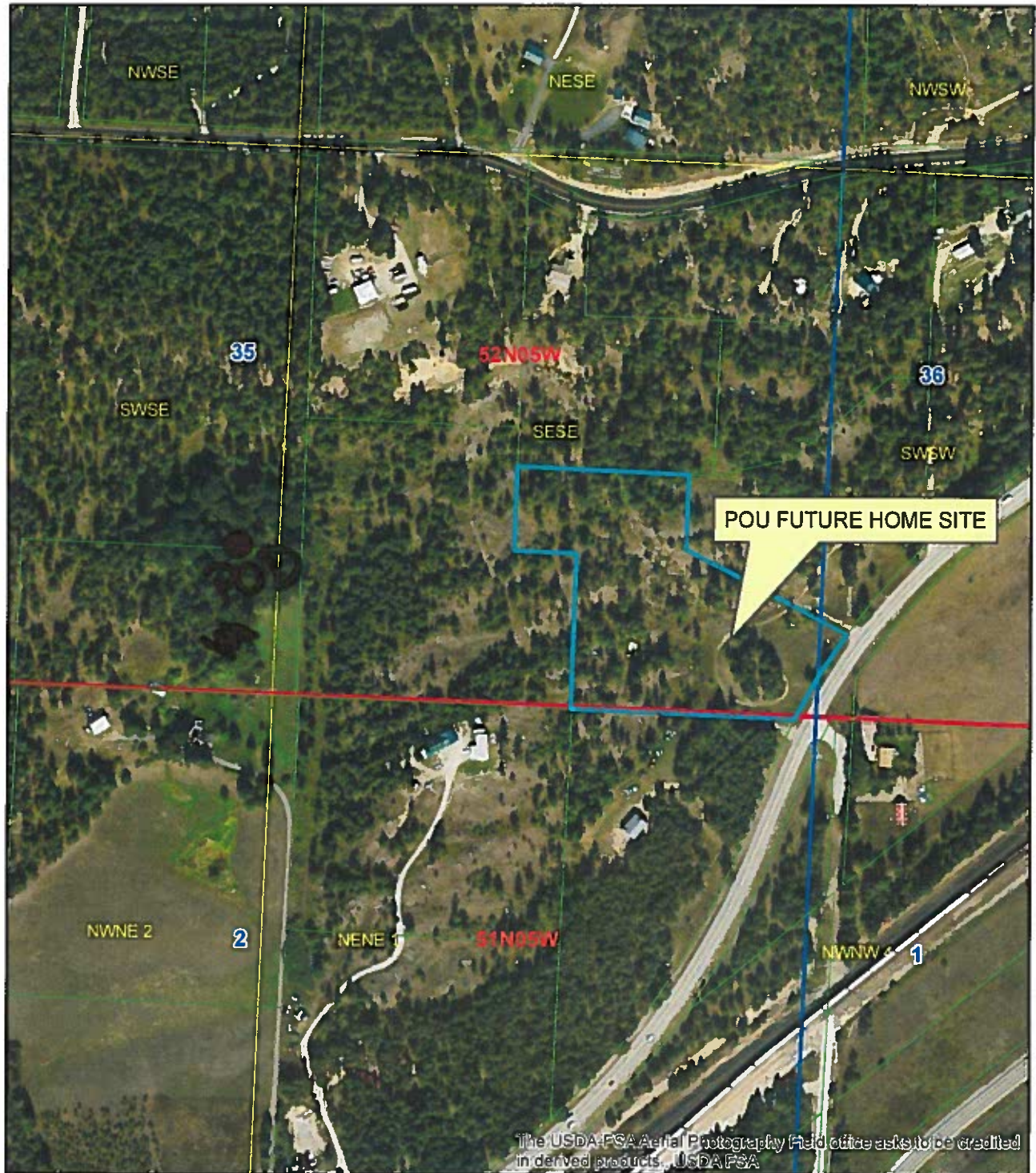
State of Idaho
Department of Water Resources
Application For Permit
95-17136



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



HUSBAND APPLICATION MAP



Legend

- Taxlots
- Sections
- QQ

0 0.04 0.08 0.16 Miles



Book J Page 141A 1929965

LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 35 AND THE SW1/4 OF THE SW1/4 OF SECTION 36 IN T.52N., R.5W., B.M., KOOTENAI COUNTY, IDAHO.

COUNTY SURVEYOR

KOOTENAI COUNTY BOARD OF COMMISSIONERS

DATED THIS 11 DAY OF FEB. 2005.

**CHAIRMAN, BOARD OF COMMISSIONERS,
KOOTENAI COUNTY, IDAHO**

I HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREIN PLAT AND CHECKED THE PLAT COMPUTATIONS THEREON AND HAVE DETERMINED THAT THE REQUIREMENTS OF THE STATE CODE PERTAINING TO PLATS AND SURVEYS HAVE BEEN MET.

DATED THIS 7TH DAY OF FEBRUARY, 2005.

HEALTH DISTRICT APPROVAL

A SANITARY RESTRICTION ACCORDING TO IDAHO CODE 50-1326 TO 50-1329 IS IMPOSED ON THIS PLAT. NO BUILDING, DWELLING, OR SHELTER SHALL BE ERRECTED UNTIL SANITARY RESTRICTION REQUIREMENTS ARE SATISFIED AND LIFTED.

THIS PLAY APPROVED THIS 3rd DAY OF February, 2005.

PAHANDLE HEALTH DISTRICT

Sanitary Restriction Satisfied and Lifted This 3rd Day of February, 2005.

File to
FANHANDLE HEALTH DISTRICT

COUNTY TREASURER'S CERTIFICATE

HEREBY CERTIFY THIS 11th DAY OF February, 2004, THAT THE REQUIRED TAXES
ON THE HEREIN PLATTED LAND HAVE BEEN PAID THROUGH 2/1/2004

Kevin Thomas
FOOTENAI COUNTY TREASURER Jeff Snyder

COUNTY RECORDER'S CERTIFICATE State of Idaho

HEREBY CERTIFY THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER
OF KOOTENAI COUNTY, IDAHO, AT THE REQUEST OF Shirley Ingei and Shirley Ingei
THIS 15 DAY OF Feb, 2005 AT 2:11 P.M.
IN PLAT BOOK 3 PAGE 141 INSTRUMENT NO. 197075
AND DULY RECORDED

Don English
KOOTENAI COUNTY RECORDER
Danie/J. English Feb 11.00

PROFESSIONAL LAND SURVEYOR IN THE STATE OF TENNESSEE
AT THIS IS A TRUE SURVEY OF THE LAND AND ITS BOUNDARIES BY DIRECT SUPERVISION IN COMPLIANCE WITH THE PROFESSIONAL LAND SURVEYING ACT OF 1978.

SURVEYOR'S CERTIFICATE

I, GERALD W. BRIANT, PLS NO. 10698, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS IS A TRUE SURVEY OF THE PLATTED LAND MADE BY ME OR UNDER MY DIRECT SUPERVISION IN COMPLIANCE WITH THE LAWS OF THE STATE OF IDAHO.

R	A	S	W	SELL	PLAT DATE	LTR-O
				PROJECT NO.	ORDERED BY	
				CRASHING NO.	DEVELOPER	

1/4	8	T	A	SCALE	PLAT DATE: L-75-06
35	82	6	5	PROJECT NO.	ORDERED BY: QND
36	N	W	W	COLUING NO.	DRAWN BY: JALH
					DATE: 8-27

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 15825
Water District No. 94

Amount 1/50 of 1 sec. ft
Priority 7-5- 23

THIS IS TO CERTIFY that Harry E. Shirk of Rathdrum, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 5, 1923; that Permit No. 15825 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.1 second feet, was issued thereunder on December 10, 1923, showing that said works were completed on the 22nd day of November, 1923; and that on the 1st day of March, 1924, Harry E. Shirk of Rathdrum, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of an unnamed spring for the purpose of domestic use, under Use Permit No. 15825 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3204, on the 21st day of October, 1924;

The right hereby confirmed dates from July 5, 1923;

The Point of Diversion is located in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 35, Tp. 52 N., R. 5 W., B. M., County of Kootenai.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1/50 of 1 cubic feet per second.

Description and location of use: At home of applicant located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, Twp. 51 N., R. 5 W. B. M., County of Kootenai.

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrig.
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The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 21st day of October, 1924.

(Commissioners Seal)

W. G. Swendsen
Commissioner of Reclamation

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 15825
Water District No. 94

To Harry E. Shirk, Source of Supply, Unnamed Spring, Kootenai County, Am't 1/50 of 1 Sec. ~~West~~, Point of Diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35 T. 52 N., R. 5. W. B. M., Place of Use NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, T. 51 N. R. 5 W. B. M. Purpose, Domestic Use. Date of Priority, 7-5-23.

Recorded Oct. 21, 1924 in Book 6 of Licenses Page 3204, Platted-----Recorded in Dist. Book-----.

State of Idaho }
County of Kootenai } ss:

Filed for record at the request of Mrs. Harry E. Shirk on Sep 10, 1931 at 9 o'clock A. M., and recorded in book 12 of Miscellaneous Record Page 581.

W. C. Quamles, County Recorder
By Jas. A. Foster, Deputy

RIGHT OF WAY DEED

A-- 0 0 --0

THIS DEED, executed the 7th day of January, 1925, by and between the State of Idaho, acting through the State Board of Land Commissioners, as party of the first part, and Harry E. Shirk, of Rathdrum, Idaho, as party of the second part;

WITNESSETH: That for and in consideration of the sum of no dollars and fifteen cents (\$0.15), lawful money of the United States, the receipt whereof is hereby acknowledged; in pursuance of the statutes in such cases made and provided, the party of the first part does hereby grant and convey an easement or right of way for the purpose of maintaining a spring and pipe line, unto said Harry E. Shirk, his successors or assigns, over a tract of land containing fifteen one-thousandths (0.015) acres, described as follows, to-wit:

A tract of ground twenty feet square, together with a right of way 41.6 feet long by six feet in width (being a part of the Southwest quarter of the Southeast quarter of Sec. 35, Township 52 North, Range 5 West of the Boise Meridian) particularly bounded and described as follows:

Commencing at a point on the East boundary line of the Southwest quarter of the Southeast quarter of Section 35, Township 52 North, Range 5 West of the Boise Meridian 448

feet North of the Southeast corner of the said Southwest quarter of the Southeast quarter, which point is marked by Post No. 1; thence running North 73°20' West, a distance of 41.6 feet; thence running West 20 feet; thence running North 20 feet; thence running East 20 feet; thence running South 13.6 feet; thence running South 73°20' East 41.6 feet; thence running South 6.4 feet to the place of beginning containing 649.6 square feet - or 0.015 acres.

In consideration of the above demise, it is hereby understood that the 20 foot tract described in this deed may be fenced, and that the pipe line shall be kept covered but not enclosed by a fence.

IN WITNESS WHEREOF, The State Board of Land Commissioners of the State of Idaho has caused these presents to be executed by its president, the Governor of the State of Idaho, and countersigned by the Secretary of State and the State Land Commissioner on the 8th day of January, A. D. 1925.

(Seal of State Board of)
(Land Commissioners.)

STATE BOARD OF LAND COMMISSIONERS

By C C Moore

Governor

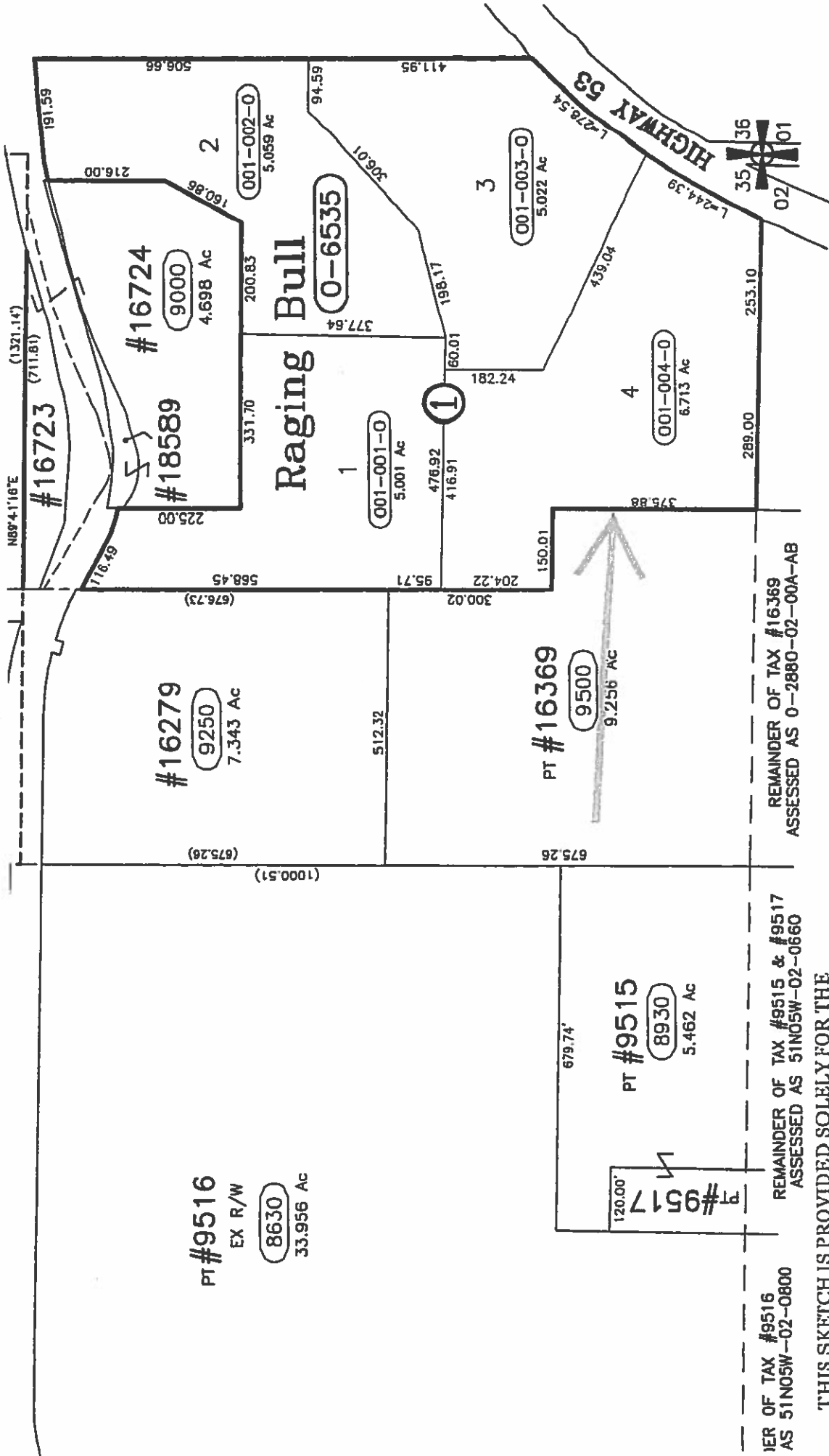
(Great Seal of the State of Idaho)

Countersigned:

F. A. Jeter Secretary of State.

J H Nash State Land Commissioner.
(Seal of State Board of)
(Land Commissioners.)

State of Idaho)
(ss
County of Kootenai)



REMAINDER OF TAX #16369
ASSESSED AS 0-2880-02-00A-AB

THIS SKETCH IS PROVIDED SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID LAND. **PIONEER TITLE OF COEUR D'ALENE** ASSUMES NO LIABILITY FOR ANY MATTER RELATED TO THIS SKETCH. REFERENCE SHOULD BE MADE TO AN ACTUAL SURVEY FOR FURTHER INFORMATION.

N 89°24'35" E
1313.38'

2624.97'(CALC) 2626.45'(R1)

1311.59'

35
36
1356.27'

S
1331.19'

E 1/4 COR.
FD. 2" ALUM. CAP
PLS 3451
REF: CP&F NO. 1017733

BLOCK G

SET CORNER FROM
R.P.'s B.11, PG. 157

N 89°40'54" E
1321.00'
1320.84'(R1)

N 00°40'10" W
1350.58'
2712.55'(R2 & R3)
2713.62'(R1)

N 89°39'09" E

1319.90'

N 89°39'09" E

659.48'

809.48'

S 01°01'10" E

1356.27'

S 89°42'18" E
450.12'

1325.59'

COUNTY ROAD
RIGHT OF WAY

WEST
450'
BLOCK H

S 01°01'10" E

589.42'

S 01°01'10" E

228.10'

S 49°35'22" W

N 49°35'22" E

634.89'

1350.51'(R1)

S 00°40'10" E

512.32'

S 89°48'58" W

300.02'

L2

N 00°40'10" W

376.20'

N 89°57'00" E

1328.65'
1328.49'(R1)

N 89°53'53" E

664.24'

WELL SHT. 2
FOR WATERLINE
BASEMENT DETAIL

663.99'

1328.22'
1328.49'(R1)

1320.01

C2

35

36

1286.62'

2598.32'
2595.13'(R1)
2595.07'(R2)

2595.07'(R2)

FD 2" ALUM. CAP
PLS 3451
REF: CP&F NO. 117735

GOVT LOT 2

GOVT

LOT 1

N 00°13'25" E 1294.72'(R1)

N 00°18'22" E 994.67'

N 89°31'49" E

333.14'

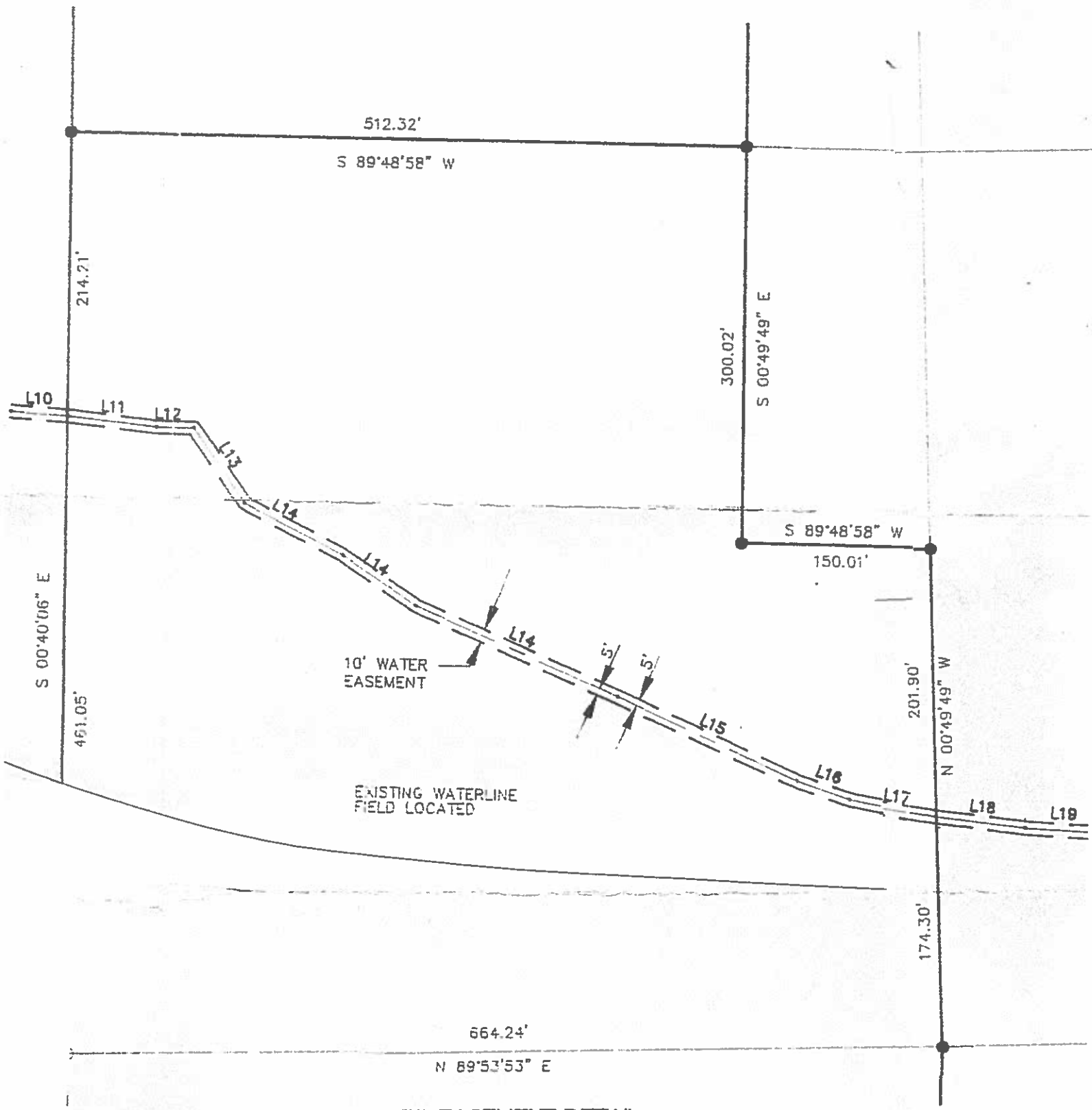
WELL SITE

318.04'

264.12'

RESERVED FOR
15' WATERLINE
EASEMENT

1325.23'



WATER EASEMENT DETAIL

Ball, Dianne

From: Ball, Dianne
Sent: Friday, February 12, 2016 4:41 PM
To: kiira.siitari@idfg.idaho.gov
Subject: RE: Application for Permit No. 95-17136
Attachments: app-maps-95-17136.pdf

Dear 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 application is enclosed for your reference.

This is scheduled for publication in the CDA Press on February 18 and 25, 2016 with March 7, 2016 as final date for protests to be received in our office.

This office can publish notice of the application as soon as the initial review is completed; therefore, 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 Adam Frederick in 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



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

February 12, 2016

CHARLES HUSBAND
PO BOX 489
ATHOL, ID 83801

Application For Permit No. 95-17136

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 2/18/2016 and 2/25/2016. 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 cursive script that reads "Dianne Ball".

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Friday, February 12, 2016 4:28 PM
To: 'VanSickle, Melinda'
Subject: Application for Permit No. , 94-9470, 94-9471, 95-17136
Attachments: LegalNotice 02-12-16 CDA e-mail 94-9470, 94-9471, 95-17136.doc

Hi, Milinda,

This is the one we talked about earlier today.

Please publish the enclosed legal notice in the CDA Press on the dates indicated, February 18 and 25, 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.

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 3/7/2016. Your cooperation is appreciated.

Thanks so much for all your help. It's a pleasure working with you.

Have a 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:

94-9470

TERRY MCMENOMY
JENNIFER MCMENOMY

8800 E TRAYBUR CT
ST MARIES, ID 83861

Point of Diversion NWSE S18 T47N R02W KOOTENAI County

Source: GROUND WATER

Use: COMMERCIAL	01/01 to 12/31	0.03 CFS
Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: IRRIGATION	03/15 to 10/31	0.2 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Total Diversion:		0.2 CFS

Date Filed: 2/11/2016

Place of Use: COMMERCIAL T47N R02W S18 NWSE

Place of Use: IRRIGATION T47N R02W S18 NESW NWSE

Place of Use: DOMESTIC T47N R02W S18 NWSE

Place of Use: STOCKWATER T47N R02W S18 NESW NWSE

Total Acres: 20

Domestic use is for 1 home.

Stockwater use is for 10 head of mixed stock.

Commercial use is for small greenhouse

94-9471

TERRY MCMENOMY
JENNIFER MCMENOMY

8800 E TRAYBUR CT
ST MARIES, ID 83861

Point of Diversion L5(SWNE) S12 T47N R03W KOOTENAI County

Source: GROUND WATER

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: IRRIGATION	03/15 to 10/31	0.05 CFS
Total Diversion:		0.09 CFS

Date Filed: 2/11/2016

Place of Use: DOMESTIC T47N R03W S12 L5(SWNE) L4(SENW)

Place of Use: IRRIGATION T47N R03W S12 L5(SWNE) L4(NENW)
L4(SENW)

Total Acres: 1.6

Domestic use is for 1 home.

95-17136

CHARLES HUSBAND

PO BOX 489

ATHOL, ID 83801

Point of Diversion SESWSE S35 T52N R05W KOOTENAI County

Source: SPRING tributary SINKS

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

Date Filed: 2/4/2016

Place of Use: DOMESTIC T52N R05W S35 SESE

Domestic use is for 1 home and 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:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp

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 3/7/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/18/2016 and 2/25/2016