

RECEIVED

FORM 202 11/13

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MAY 01 2015

MAY 11 2015

Ident. No.

37-22954

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Elizabeth Fredericksen and/or Justin Howard Phone (208) 994-8365Name connector (check one): ☐ and ☐ or ☒ and/orMailing address P.O. Box 181 City BruneauState ID Zip 83604 Email elizabethfredericksen@yahoo.com2. Source of water supply Spring which is a tributary of n/a.

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>1N</u>	<u>15E</u>	<u>25</u>			<u>NE</u>	<u>SE</u>	<u>Camas</u>	<u>Spring</u>	<u>n/a</u>

4. Water will be used for the following purposes:

Amount .04 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount .02 for stockwater 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)5. Total quantity to be appropriated is (a) .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. spring box with gravity flow to stockwater tank & to household tank (see diagram)

n/a 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

n/a c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

n/a d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

n/a 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. 50 cattlec. Municipal; complete and attach the Municipal Water Right Application Checklist.d. Domestic; show number of households 2 total for property, 1 for this Spring

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	
1N	15E	25													P/S				

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?

n/a. no landscaping

10. a. Who owns the property at the point of diversion? Elizabeth Fredericksen & Justin Howard

b. Who owns the land to be irrigated or place of use? Elizabeth Fredericksen & Justin Howard

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

n/a

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

please see the attached.

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.

Justin Howard
Signature of Applicant

Justin Howard
Print Name (and title, if applicable)

Elizabeth Fredericksen
Signature of Applicant

Elizabeth Fredericksen
Print Name (and title, if applicable)

Received by AS Date 5/1/15 Time 12:20 Preliminary check by _____
Fee \$ 100⁰⁰ Received by AS Receipt No. W043053 Date 5/1/15

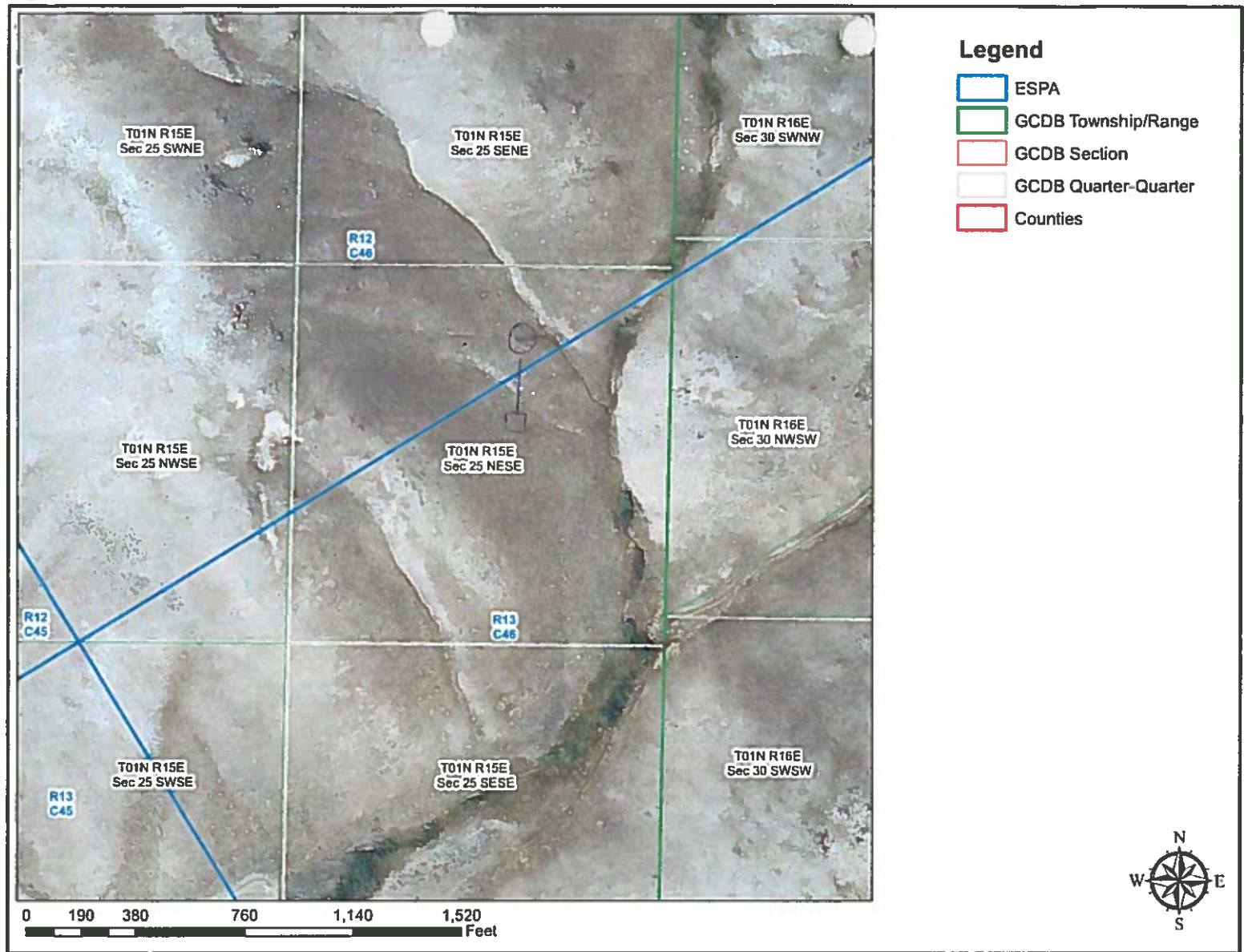
STATE OF IDAHO - DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Elizabeth Fredericksen and/or Justin Howard
P.O. Box 181
Bruneau, Idaho 83604
(208) 994-8365

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

There are two springs on the 80 acre parcel considered in this application for water rights. Spring 1 (also referenced herein as 'south spring) is in the lower portion of the parcel (T01N R15E Sec 25 SESE) and Spring 2 (referenced as north spring) is in the upper portion (T01N R15E Sec 25 NESE). This particular application for permit is for Spring 2/North Spring. We wish to develop both springs using a spring box at each and piping via gravity flow to a stock tank and household tank at each site.

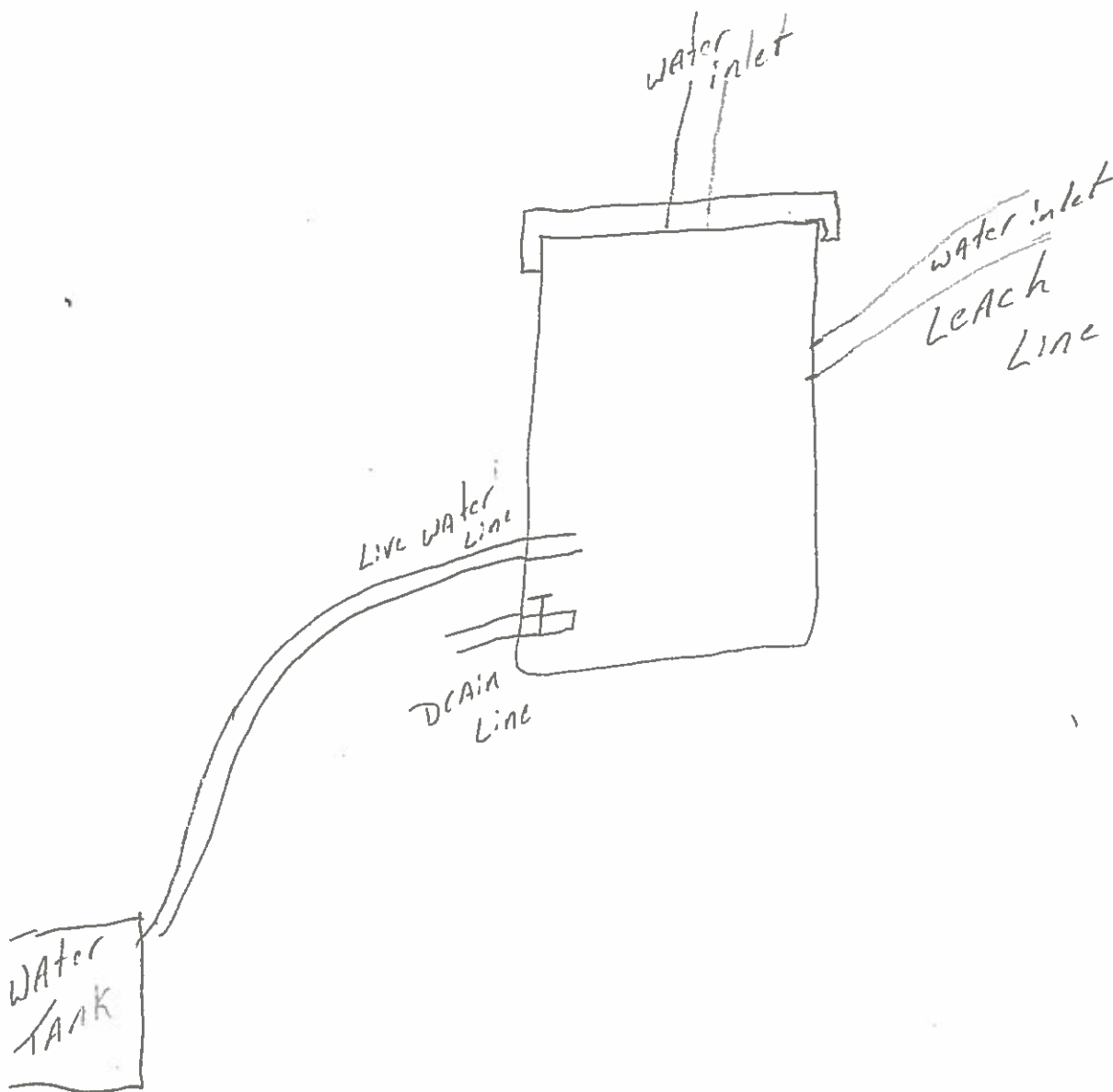
North Spring/Spring 2:	N43° 23' 25.078"	running pipe south from spring box
	W 114° 36' 31.663"	for use in (T01N R15E Sec 25 NESE)



Spring 2: approximate gps $N43^{\circ}23'25.078''$
 (north spring) $W114^{\circ}36'31.663''$

Running pipe from spring box south of spring
 for stock water tank and a household tank
 for use in 1N R15E sec 25 NESE

Fredencksen & Houser
April 2015
Spring box diagram
north spring on 80 acres



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

RANCHO CIELO

WHEREAS, the undersigned are owners of the lands more particularly described as follows:

Township 1 North, Range 15 East, Boise Meridian.

Section 24: E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 25: N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

Township 1 North, Range 16 East, Boise Meridian.

Section 29: S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 30: Lots 1,2,3,4,5,6,7, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

WHEREAS, the owners desire and intend to sell the property described above and to impose on it mutual beneficial restrictions under a general plan of improvement for the benefit of all the lands in the area and of future owners of the lands.

NOW THEREFORE, the undersigned owners hereby declare that all property described above is held and shall be held, conveyed, encumbered, leased, rented, used, occupied and improved subject to the following covenants, conditions and restrictions, all of which are declared and agreed to be furtherance of a plan for the improvement and sale of lands and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of the lands and every part thereof, and all such covenants, conditions and restrictions shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in the described lands or any part thereof.

576619

Recorded at the Request of

Ed Smith

at 4:15 P.M.

November 14th, 2003

In Book 6 Page 656

of Miscellaneous

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By Karen Blodgett

Fees \$ 15.00

COVENANTS, CONDITIONS AND RESTRICTIONS

1. **LAND USE:** All of the subject parcels in the existing property shall be used and occupied solely as single family residential/farm and ranch or for recreational purposes . No parcel shall be split, divided or subdivided into a smaller parcel than indicated on the original parcel map for a period of five (5) years from the date of initial sale of this development (Oct. 1, 2003). Any divisions shall be with the approval of the Camas County Planning and Zoning Commission and County Commissioners. Each parcel and any additional parcels created in the future shall be restricted to one single family residence, a guest home, an attached or detached garage and two more accessory outbuildings. The Sellers and Seller's agents make no representation as to the future development potential, if any, of Rancho Cielo and the parcels contained therein.
2. **BUILDING LOCATION:** No building shall be located on any parcel nearer than 50 feet to any interior side, rear or front lot lines, said distances measured at the closest point of said structure to said lot line. No building will be located closer than 200 feet of Fricke Creek. No structure shall violate the Camas County Ordinance regarding "sky lining".
3. **BUILDING SIZE:** No primary dwelling shall be erected or placed on any building site of less than 1495 square feet (exclusive of one story open porches, terraces and garages). Any structures having in excess of two stories will not be allowed.
4. **BUILDING MATERIALS:** All dwellings and accessory buildings shall be site built. All dwellings and accessory buildings shall be constructed of log, wood, natural stone, stucco or other approved building material. Mobile homes, manufactured homes, domed and Quonset style structures of any nature will not be allowed. Cement block will be permitted if covered with an approved exterior finish material. Colored metal and composition shingle roofing will be the only types allowed. All building materials and colors will be subject to approval of the Architectural Control Committee.
5. **WORK PROSECUTION:** The construction of all dwellings shall be prosecuted diligently and continuously from the time of commencement thereof, and the exterior shall be completed within twelve months after date of commencement of construction unless specifically authorized by Grantor.
6. **ANIMALS:** Horses, cows and all other livestock shall be confined to the owners parcel at all times. Dogs and other pets shall not create a nuisance.
7. **FENCES:** It will be the individual parcel owner's responsibility to fence out livestock belonging to others and the livestock owners assume no responsibility for damage done by livestock not adequately fenced out. It is not a requirement of the parcel owner to fence their property if they have no livestock. It will be the responsibility of the parcel owner to maintain any existing perimeter fences located on their property.

X _____

8. EXCAVATION: No excavation for stone, gravel, earth or minerals shall be made upon a parcel unless such excavation is necessary for the construction of a building thereon in accordance with plans approved by the Architectural Control Committee. No property shall be used for the purpose of mining, quarrying, drilling, boring or exploring for, or removing oil, gas, or other hydrocarbons, minerals, rocks, stones, gravel or earth. The provisions of this subparagraph (8) shall not apply to Grantors.

9. TEMPORARY STRUCTURES: No structure of a temporary character, trailer, tent, shack, garage, shed or other temporary outbuilding of this kind shall be allowed, except that a trailer, fifth wheel, camper or motor home may be used for recreational purposes for a period of two weeks per calendar year or during construction of a dwelling for a period of time not to exceed twelve months.

10. SEWAGE DISPOSAL: Drainage from any septic tank shall be kept within the building limits of each building site. Approval for a septic system shall be obtained from the South Central District Health Department located in Hailey, Idaho. No waste material shall be permitted to enter into any streams and all sanitary facilities must conform with the requirements of Camas County and the State of Idaho. No drain system or other disposal system shall be allowed nearer than 200 feet to a stream and shall not, in any way, contribute to the pollution of said stream.

11. REFUSE AND DUMPING: No parcel or building site shall be used as a dumping ground for rubbish. Trash, garbage or other waste materials shall be deposited only in sanitary containers which meet the requirements of the sanitation ordinances and regulations of Camas County and the State of Idaho health authorities. No "burn barrels" for burning of household garbage will be allowed.

12. PUBLIC UTILITY EASEMENTS: Grantor reserves the right to convey and /or dedicate rights of way and easements for public utilities and /or another communication cables over a ten foot wide strip of land within and along all side and rear lot lines of each and every parcel in the ranch development. This right shall run with the land for the time herein provided and as may be extended.

13. ROADS: All roads within the development are private, not public, roadways; intended for the use and convenience of property owners and grantors. The maintenance and snow removal of the roadway will be the responsibility of the property owners in Rancho Cielo and it is understood that Camas County Road and Bridge is in no way responsible for said maintenance and snow removal. The jeep trail is not a road as defined herein. In as much as grantors own additional property situated behind this development, all roads herein shall constitute a general easement for the use and benefit of grantors, their successors and assigns.

14. HOMEOWNERS ASSOCIATION: Nothing herein prevents the respective parcel owners from organizing a Homeowners Association to deal with roads, easements, maintenance or any other legitimate common issues.

Y

15. NUISANCES: No noxious or offensive trade or activity shall be carried on upon any parcel, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighboring parcel owners. No broken down machinery, broken down cars or material commonly designated as "junk" shall be maintained on any parcel unless fully enclosed by a permanent building. Land must be kept "neat" in appearance and all noxious weeds controlled.

16. CODES: No building shall be constructed upon any parcel unless it is constructed in compliance with the State and County building codes of Idaho and approval of the Camas County Building Inspection Department.

17. WATER RIGHTS: It is understood by the parcel owners that there are no surface water rights from Fricke Creek being transferred to new parcel owners by sellers. There may be various spring rights transferred to those owners who purchase parcels with filed spring rights. No parcel owner shall obstruct or divert the natural flow of any stream or drainage located within the development.

18. COUNTY ORDINANCES: In the event there is or becomes a conflict between any provision of these Declarations and any ordinances duly established by the board of County Commissioners of Camas County, Idaho, the more restrictive document shall prevail.

19. LOT GRADING: All dwellings shall be built on lots minimizing disruption of existing plant and animal life, grading and site preparation to be kept to a minimum.

20. APPROVAL OF CONSTRUCTION PLANS: No building or other structure shall be erected or placed or altered on any parcel until the construction plans, specifications and the plot plan showing the location of the structure on the parcel, have been approved by the Architectural Committee as to quality of workmanship and materials and location with respect to topography. The Architectural Committee shall be composed of Michael Jessen, John Whitney and Ed Smith providing that any vacancy of said committee, caused by death, resignation or disability shall be filled by the remaining members of said committee or their successors in interest in the real property.

The committee's approval or disapproval as required in these covenants shall be in writing. The committee shall respond to an application within 15 days or sooner of receiving said application.

21. VIOLATION OF COVENANTS: If the parties hereto, or any of them or their heirs, or assigns, shall violate or attempt to violate any of the covenants herein; it shall be lawful for any other person or persons owning any real property situated in said development to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenants or to prevent him or them from so doing or to recover damages or other dues for such violating or for either both remedies.

proceeding at law or in equity against the person or persons violating or attempting to violate any such covenants or to prevent him or them from so doing or to recover damages or other dues for such violating or for either both remedies.

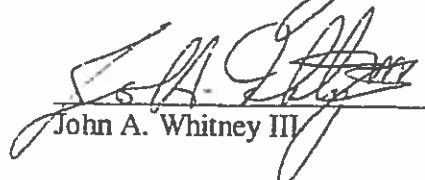
22. ENFORCEMENTS: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain or to recover damages.

23. SEVERABILITY: Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in force and effect.

24. TERM: These protective restrictions and covenants shall run with the land described herein and shall be binding upon the Grantees and all successors in title or interest to said property or any part thereof, until July 15, 2018, at which time said protective restrictions and covenants shall be automatically extended for successive periods of ten (10) years, unless the owner or owners of the legal title to not less than two thirds (2/3) of the parcels, by an instrument in writing, duly signed and acknowledged by them, shall then terminate or amend said protective restrictions and covenants, and such termination or amendment shall become effective only upon the filing of such instrument for the record in the office of the Camas County Recorder.

IN WITNESS WHEREOF, This Declaration of Covenants, Conditions and Restrictions is executed as of the date first above written.


Michael Jessen


John A. Whitney III

STATE OF IDAHO)

COUNTY OF CAMAS)

On this 9th day of October in the
year 2013, before me, a Notary Public, personally appeared
Michael Jessen & John A. Whitney III
known or identified to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that he/she executed the same.


Kelli Bluscher
Clerk of the District Court
Presiding at Fairfield, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 29, 2015

ELIZABETH FREDERICKSEN
JUSTIN HOWARD
PO BOX 181
BRUNEAU, ID 83604

RE: Application For Permit No. 37-22952, 37-22953, 37-22954

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 **CAMAS COURIER on 6/3/2015 and 6/10/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**June 22, 2015**).

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 "Denise Maline".

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2015 3:17 PM
To: Camas Courier
Subject: LEGAL NOTICE
Attachments: Camas Courier Cover Letter.docx; Camas Courier Ad.doc

Attached please find (1) legal notice being submitted for publication on June 3rd & 10th, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 28, 2015

LEGAL NOTICE DEPARTMENT
CAMAS COURIER
PO BOX 339
FAIRFIELD, ID 83327

RE: Application For Permit No.(s): 37-22952, 37-22953, 37-22954

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 June 22, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

37-22952

ELIZABETH FREDERICKSEN

JUSTIN HOWARD

PO BOX 181

BRUNEAU, ID 83604

Point of Diversion NENESE S25 T01N R15E CAMAS County Source FRICKE CREEK Tributary CAMAS CREEK

Point of Diversion SESESE S25 T01N R15E CAMAS County Source FRICKE CREEK Tributary CAMAS CREEK

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

Total Diversion: 0.02 CFS

Date Filed: 5/1/2015

Place Of Use: STOCKWATER

T01N R15E S25 NESE SESE

37-22953

ELIZABETH FREDERICKSEN

JUSTIN HOWARD

PO BOX 181

BRUNEAU, ID 83604

Point of Diversion SESESE S25 T01N R15E CAMAS County Source SPRING Tributary SINKS

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: 5/1/2015

Place Of Use: DOMESTIC, STOCKWATER

T01N R15E S25 SESE

Application for permit proposes to divert up to 0.06 cfs for domestic and stockwater uses from a spring, tributary to sinks, located approximately 9.0 miles east and 2.9 miles north of the Intersection of Hwy 20 and Soldier Road in Fairfield.

37-22954

ELIZABETH FREDERICKSEN

JUSTIN HOWARD

PO BOX 181

BRUNEAU, ID 83604

Point of Diversion NESE S25 T01N R15E CAMAS County Source SPRING Tributary SINKS

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: 5/1/2015

Place Of Use: DOMESTIC, STOCKWATER

T01N R15E S25 NESE

Application for permit proposes to divert up to 0.06 cfs for domestic and stockwater uses from a spring, tributary to sinks, located approximately 9.2 miles east and 3.3 miles north of the Intersection of Hwy 20 and Soldier Road in Fairfield.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. 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, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before June 22, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on June 3rd & 10th, 2015



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 28, 2015

RUSTY KRAMER
WATER DISTRICT #37-B
PO BOX 591
FAIRFIELD, ID 83327

RE: Application For Permit No.(s): 37-22952, 37-22953, 37-22954

Dear Mr. Kramer:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)