

78867

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

Ident. No. 83-11979

1. Name of applicant(s) Jerry E and Susan L O'Neill Phone (206) 419-8324  
Name connector (check one): ☐ and ☐ or ☒ and/or

Mailing address: 221 7th ave S City Kirkland  
State WA Zip 98033 Email: JerryO@accortechology.com

2. Source of water supply Spring which is a tributary of N/A

3. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | ¼  | ¼  | ¼  | County     | Source | Local name or tag # |
|-----|-----|-----|----------|----|----|----|------------|--------|---------------------|
| 38  | 2E  | 29  |          | SW | NE | SE | Clearwater | Spring |                     |
|     |     |     |          |    |    |    |            |        |                     |
|     |     |     |          |    |    |    |            |        |                     |
|     |     |     |          |    |    |    |            |        |                     |

4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from Jan 1 to Dec 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) .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. \_\_\_\_\_

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; show name of municipality or the applicant's qualifications as a municipal provider. \_\_\_\_\_

d. Domestic; show number of households One

e. Other; describe fully. \_\_\_\_\_

SCANNED

OCT 15 2013

## 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 |        |
| 38  | 2E  | 29  |    |    |    |    |    |    |    |    |    |    |    |    | D  |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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? NONE

10. a. Who owns the property at the point of diversion? Applicant
- 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: \_\_\_\_\_
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. \_\_\_\_\_

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.

Signature of Applicant

*Jerry E. O'Neill*

JERRY E. O'NEILL

Print Name (and title, if applicable)

Signature of Applicant

*Susan L. O'Neill*

Susan L. O'Neill

Print Name (and title, if applicable)

## For Department Use:

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Fee \$ 100.00 Receipted by N8teading Receipt No. N0301102 Date 10/10/13

OCT 15 2013

83-11979

To obtain a customized map please contact the Clearwater County Geographic Information Department.



O' Neill

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OCT 15 2013

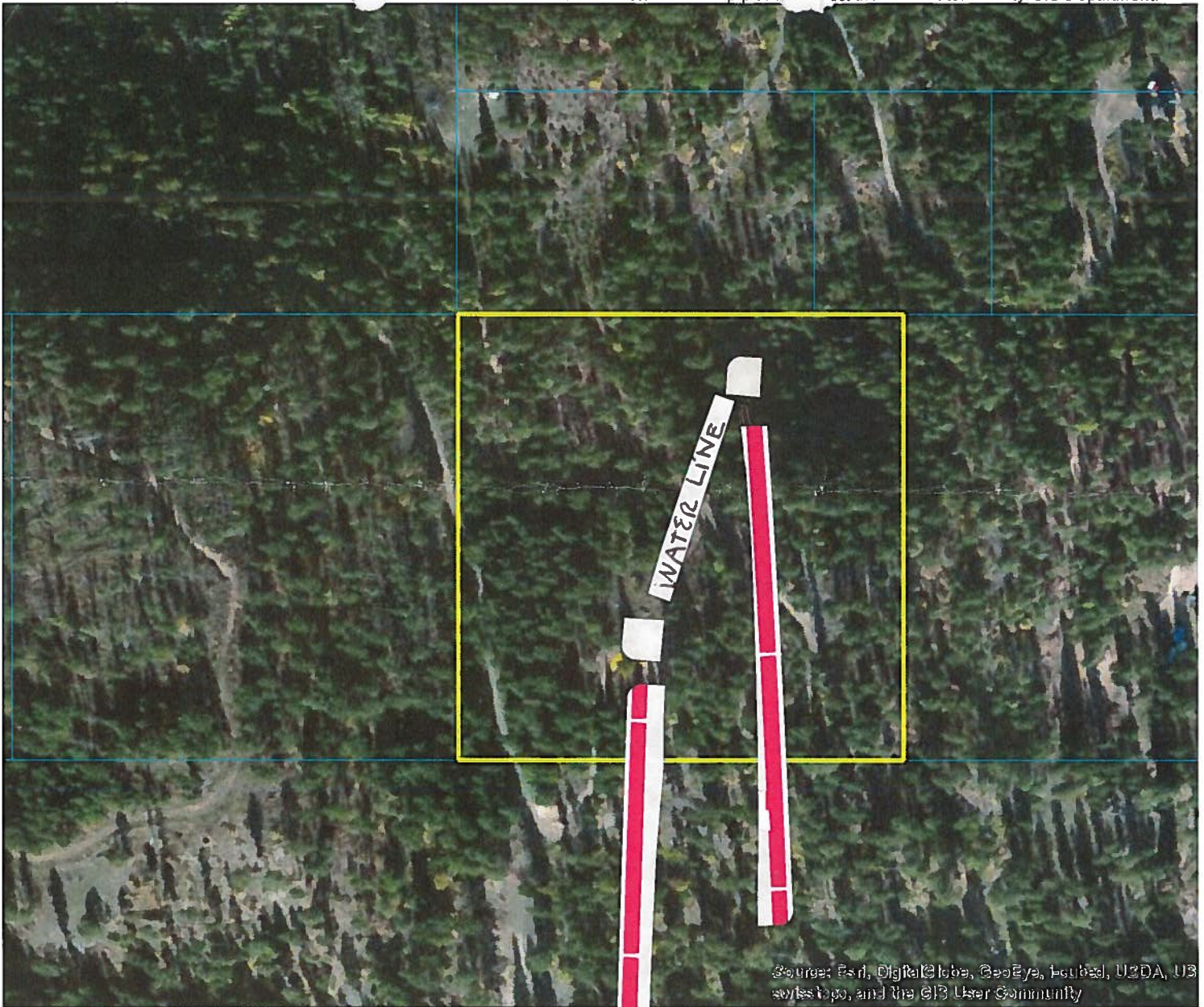
Printed: 10/4/2013

THIS DRAWING IS TO BE USED FOR  
REFERENCE PURPOSES ONLY. THE  
COUNTY IS NOT RESPONSIBLE FOR  
ANY INACCURACIES CONTAINED HEREIN.



83-11979

To obtain a customized map please contact the Clearwater County GIS Department.



O'Neill (5449)

Printed: 9/11/2013

Cabin

Spring/  
STORAGE  
TANK

THIS DRAWING IS T  
REFERENCE PURP  
COUNTY IS NOT RE  
ANY INACCURACIES C

SCANNED  
OCT 15 2013

83-11979



## Legend

- Working\_POD
- Working\_POU
- QQ
- Taxlots

0 0.025 0.05 0.1 Miles



**Ball, Dianne**

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**From:** Ball, Dianne  
**Sent:** Friday, November 08, 2013 12:26 PM  
**To:** Legal Notices-Clearwater Tribune  
**Subject:** Application for Permit No. 83-11978, 83-11979  
**Attachments:** LegalNotice 11-08-13 CT e-mail 83-11978, 11979.doc

Hi, Marcie and Andrea,

Please publish the enclosed legal notice on the dates indicated, November 21 and 28, 2013, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please process for 2-column as attached, and please send me a proof/preview copy for my review before this actually goes to press. We should have enough lead on this.

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 12/9/2013. Your cooperation is appreciated.

If you have any questions, please call me at number listed below, or reply to this e-mail.

Thanks – it's been a while since we've had a notice for you, but you're always great to work with.

*Have a marvelous rest of the day,*

*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:

**83-11978**

MIKE HOWARD  
JUDY HOWARD

PO BOX 80605  
FAIRBANKS, AK 99708

Point of Diversion L2(SWNWSW) S17 T37N R02E

CLEARWATER County

Source SPRING tributary TIE CREEK

Use: Diversion to Storage 01/01 to 12/31 0.2 CFS

Use: Fire Protection Storage 01/01 to 12/31 1 AF

Total Diversion: 0.2 CFS

Date Filed: 10/22/2012

Place of Use: FIRE PROTECTION STORAGE

T37N R02E S17L2(NWSW)

**83-11979**

JERRY ONEIL  
SUSAN ONEIL

221 7TH AVE S  
KIRKLAND, WA 98033

Point of Diversion SWNESE S29 T38N R02E

CLEARWATER County

Source SPRING tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 10/10/2013

Place of Use: DOMESTIC T38N R02E S29 NESE

Domestic use is for 1 home.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. 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 12/9/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/21/2013 and 11/28/2013



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

November 8, 2013

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

JERRY ONEIL  
SUSAN ONEIL  
221 7TH AVE S  
KIRKLAND, WA 98033

Application For Permit No. 83-11979

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 CLEARWATER TRIBUNE on 11/21/2013 and 11/28/2013. 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,

Keith E Franklin  
Program Manager



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370  
www.deq.idaho.gov

C.L. "Butch" Otter, Governor  
Curt Fransen, Director

October 25, 2013

Jerry and Susan O'Neill  
221 7<sup>th</sup> Avenue South  
Kirkland, WA 98033

RECEIVED  
OCT 28 2013  
IDWR/NORTHERN

RE: Application for Permit to Appropriate Waters of the State, #83-11979

Dear Mr. and Ms. O'Neill,

We received your request for comment along with a copy of the application for a water appropriation permit for 0.04 cubic feet per second from a spring located on property in Clearwater County. The appropriated water is for domestic use from 01/01 to 12/31. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Waters of the State which occurs beneath the surface of the earth in a saturated geological formation of rock or soil is considered groundwater (Idaho Code 58.01.02.010.38). It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected. Appropriation of the requested water cannot result in the degradation of surface and ground water beneficial uses.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in black ink, appearing to read "John Cardwell".

John Cardwell  
Regional Administrator

c: Keith Franklin, IDWR  
Ray Hennekey, IDFG

## Cooley-Denney, Suzy

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**From:** Hennekey, Ray [ray.hennekey@idfg.idaho.gov]  
**Sent:** Monday, October 21, 2013 9:18 AM  
**To:** Cooley-Denney, Suzy; john.cardwell@deq.idaho.gov  
**Cc:** Cadwallader, Dave; Kiefer, Sharon  
**Subject:** RE: 83-11979 (O'Neil) - Application for Permit

IDFG has reviewed the O'Neill application (#83-11979) to withdraw 0.04 cfs water from a spring for domestic use. IDFG does not anticipate that the proposed development will have adverse impacts on fish, wildlife or habitat.

### Ray Hennekey

Environmental Staff Biologist  
Idaho Department of Fish and Game  
Clearwater Region  
3316 16<sup>th</sup> Street  
Lewiston, Idaho 83501

(208) 799-5010

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**From:** Cooley-Denney, Suzy [<mailto:Suzy.Cooley-Denney@idwr.idaho.gov>]  
**Sent:** Tuesday, October 15, 2013 10:17 AM  
**To:** [john.cardwell@deq.idaho.gov](mailto:john.cardwell@deq.idaho.gov); Hennekey, Ray  
**Subject:** 83-11979 (O'Neil) - Application for Permit

Gentlemen ~

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 application is scheduled for publication in the Clearwater Tribune on November 7 and 14, 2013 with November 25, 2013 being the 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 this application.

~ Suzy

**Suzy Cooley-Denney, Paralegal**  
**Office of the Attorney General**  
**Idaho Department of Water Resources**  
**7600 N. Mineral Drive, Suite 100**  
**Coeur d'Alene, ID 83815**  
[suzy.cooley-denney@idwr.idaho.gov](mailto:suzy.cooley-denney@idwr.idaho.gov)  
**(208) 762-2811 (T)**  
**(208) 762-2819 (F)**

## **Cooley-Denney, Suzy**

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**From:** Cooley-Denney, Suzy  
**Sent:** Tuesday, October 15, 2013 10:17 AM  
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**Subject:** 83-11979 (O'Neil) - Application for Permit  
**Attachments:** 83-11979\_app.pdf

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

~ Suzy

**Suzy Cooley-Denney, Paralegal**  
**Office of the Attorney General**  
**Idaho Department of Water Resources**  
**7600 N. Mineral Drive, Suite 100**  
**Coeur d'Alene, ID 83815**  
[suzy.cooley-denney@idwr.idaho.gov](mailto:suzy.cooley-denney@idwr.idaho.gov)  
**(208) 762-2811 (T)**  
**(208) 762-2819 (F)**