

78519

RECEIVED**APR 02 2013****IDWR/NORTHERN**

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

Ident. No. 96-9514

1. Name of applicant(s) Tom McGarragh Phone 281-298-1173
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 63 S. Longspur Dr. City Woodlands

State TX Zip 77380 Email: thomas.g.mcgarraagh@exxonmobil.com

2. Source of water supply Pend Oreille River which is a tributary of Lake Pend Oreille

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
56N	3W	20	n/a	SE	NW	SE	Bonner	Pend Oreille River	n/a

4. Water will be used for the following purposes:

Amount 0.32 cfs for irrigation purposes from 4/1 to 10/31 (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) 0.32 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. A 6" dia. slotted well case, 6" dia. well case with pump and 1.25" dia. galvanized pipe will be connected to a proposed dock supplying an upland pressure tank (see plan).

b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a 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 n/a inches; proposed depth of well is n/a feet.

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

e. If well is already drilled, when? n/a; drilling firm n/a;
Well was drilled for (well owner) n/a; Drilling Permit No. n/a

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. n/a

b. Stockwatering; list number and kind of livestock. n/a

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. n/a

d. Domestic; show number of households n/a

e. Other; describe fully. The applicant is requesting to appropriate Lake Pend Oreille River water for irrigating ±16 acres of adjacent pasture.

8. Description of place of use:

- 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	
56N	3W	20													±6	±10			±16

Total number of acres to be irrigated: ±16

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

10. a. Who owns the property at the point of diversion? Applicant (Tom McGarragh)
b. Who owns the land to be irrigated or place of use? Applicant (Tom McGarragh)
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. The applicant desires to irrigate about 16 acres of equine pasture adjacent to the Pend Oreille River. Attached is the 3/7/13 two sheet plan depicting the water line intake structure that will be hung from a proposed dock (IDL and Corps permits for the dock and water intake line are being sought concurrently with this water right).

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.

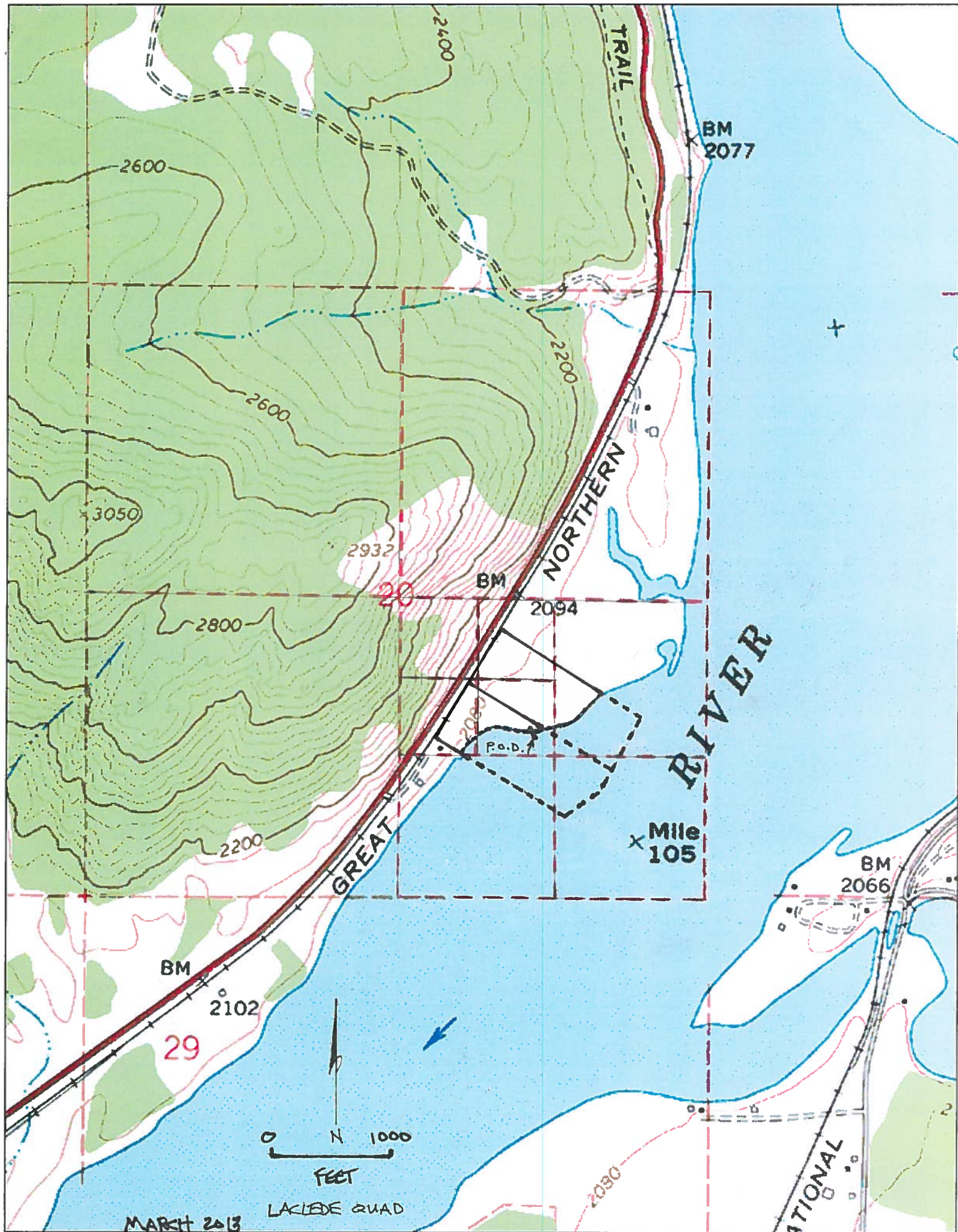
Tom McGarragh 3/27/13
Signature of Applicant
Tom McGarragh
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by do Date 4/2/13 Time _____ Preliminary check by _____
Fee \$ 250.00 Receipted by do Receipt No. N 029717 Date 4/2/13



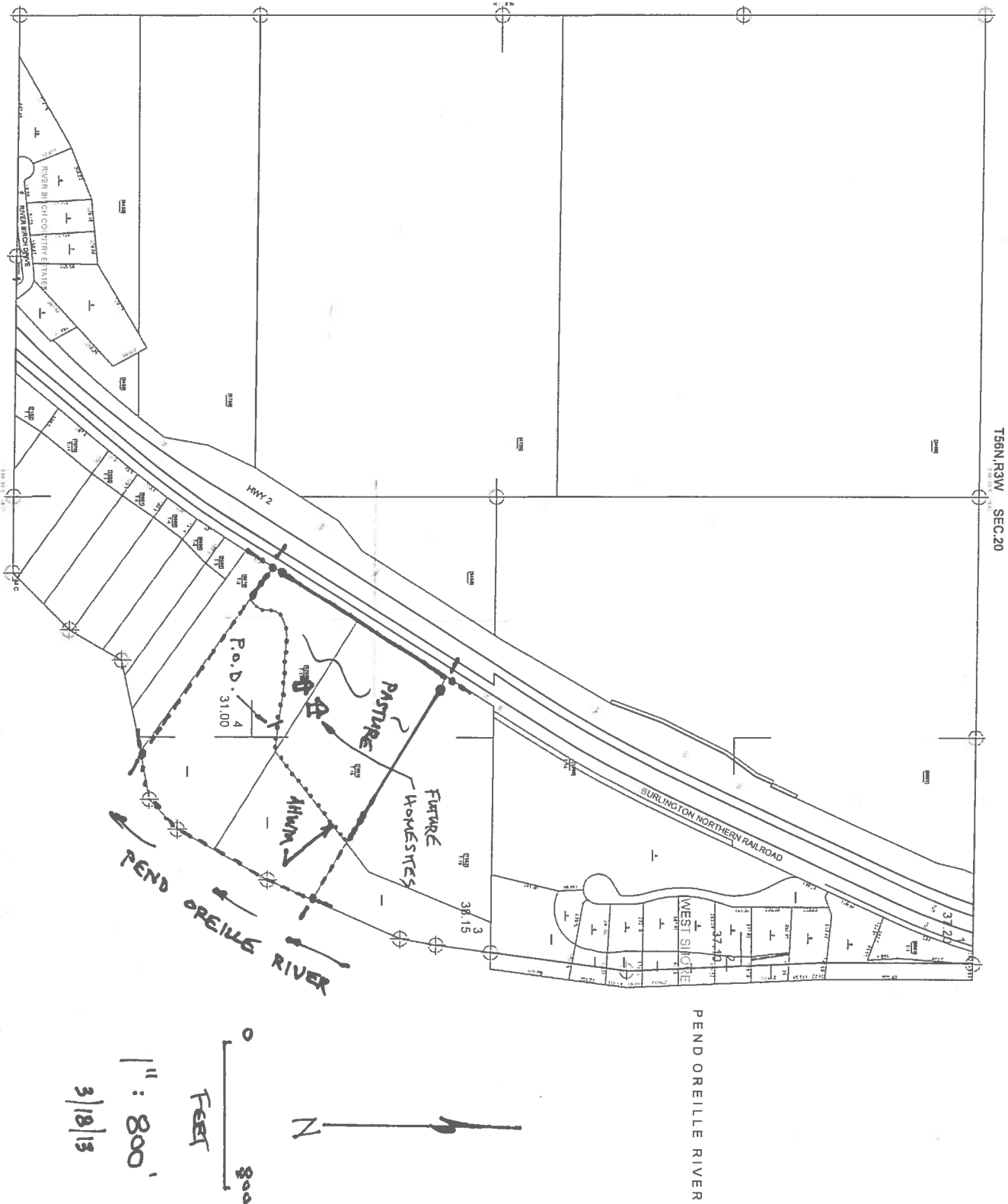
BONNER COUNTY

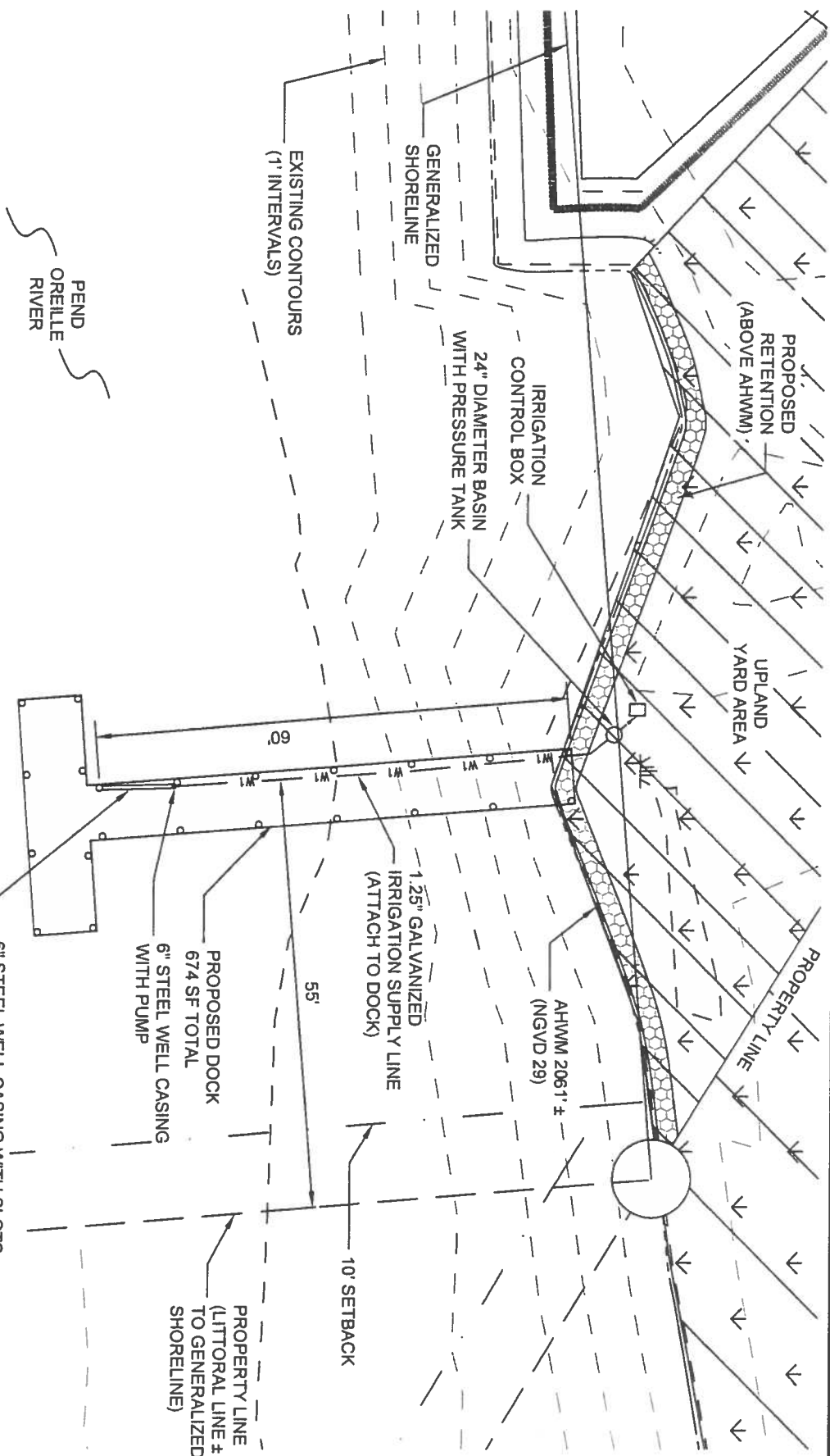


14



6	5	4	3	2	1
7	8	9	10	11	12
13	17	16	15	14	13
19	20	21	22	23	24
29	28	25	27	26	25
31	32	33	34	35	36

[illegible]



TRUE NORTH



IRRIGATION LINE PLAN VIEW

DOCK LOCATION: SECTION 20, T 56 N, R 3 W, B.M.
 WATERBODY: PEND OREILLE RIVER
 NEAR: LACLEDE, IDAHO

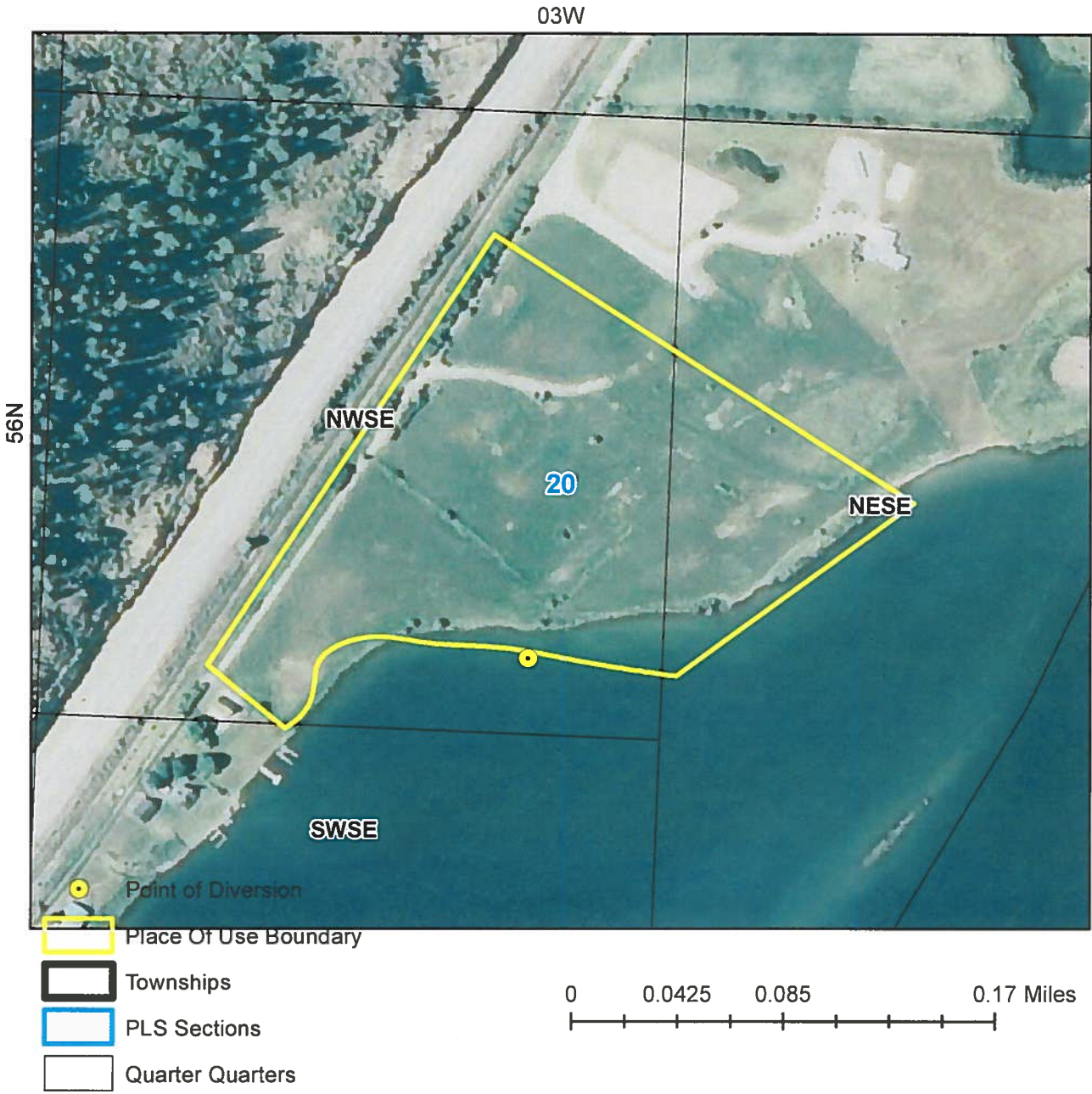
SHEET TITLE:	
IRRIGATION LINE PLAN VIEW	
DATE: 03-07-13	SCALE: AS SHOWN
CHECKED: JPL	DRAWN: JPL
PROJ. NO. 13128-11-001	MET
SHT. 1 OF 2	

Jones & Sorell and Associates, LLC

1205 HIGHWAY 2, SUITE 101

SANDPOINT, IDAHO 83864, (208) 263-4160

State of Idaho
Department of Water Resources
Application For Permit
96-9514



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
Mr. and Mrs. Thomas McGarragh
63 S. Longspur Drive
Woodlands, TX 77380

Instrument # 839036

BONNER COUNTY, SANDPOINT, IDAHO

1-29-2013 10:38:34 No. of Pages: 3

Recorded for : FATCO

MARIE SCOTT

Fee: 16.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **435817-S (llp)**

Date: **January 10, 2013**

For Value Received, **Jeffrey E. Christiaansen and Gaynor C. Christiaansen, Trustees of the Christiaansen Living Trust**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Thomas McGarragh and Doris McGarragh, husband and wife**, hereinafter called the Grantee, whose current address is **63 S. Longspur Dr, Woodlands, TX 77380**, the following described premises, situated in **Bonner County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

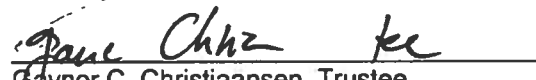
Date: 01/10/2013

Warranty Deed
- continued

File No.: 435817-S (llp)

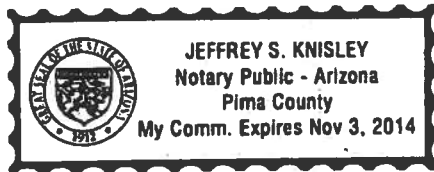
Jeffrey E. Christiaansen and Gaynor C.
Christiaansen, Trustees of the Christiaansen
Living Trust


Jeffrey E. Christiaansen, Trustee


Gaynor C. Christiaansen, Trustee

STATE OF Arizona)
SS.
COUNTY OF Pima)

On this January 17, 2013, before me, a Notary Public in and for said State, personally appeared **Jeffrey E. Christiaansen and Gaynor c. Christiaansen**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **Christiaansen Living Trust** Trust, and acknowledged to me that they executed the same as such Trustees.



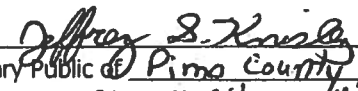

Notary Public of Pima County, Arizona
Residing at: 9100 N. Silverbell Tucson, AZ
Commission Expires: 11/3/14

EXHIBIT A

A parcel of land lying in a portion of the South Half (S1/2) of Section 20, Township 56 North, Range 3 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

From the West quarter corner of said Section 20, South 88°32'41" East, 3730.91 feet along the East-West centerline of said section to the intersection with the Southeasterly right-of-way of the BNSF Railway Company; thence leaving said East-West centerline South 32°16'45" West, 879.43 feet along said right-of-way to the true POINT OF BEGINNING; thence continuing along said right-of-way the following two (2) described courses:

- 1) South 32°16'45" West, 527.63 feet,**
- 2) 16.22 feet along a spiral arc to the Northwest corner of a parcel of land described in Instrument No. 472628, records of Bonner County, Idaho;**

thence leaving said right-of-way South 53°38'15" East, 214.52 feet along the Northerly line of said parcel to the shore line of the Pend Oreille River; thence continuing South 53°38'15" East, 1006.9 feet, more or less, to the intersection of the original high water line of said Pend Oreille River, said intersection is hereafter referred to as Point A; thence Northeasterly along said high water line to a point being North 55°30'52" East, 712.83 feet from said Point A; thence leaving said high water line North 58°53'39" West, 869.6 feet, more or less, to the present shore line of said river; thence North 58°18'05" West, 630.16 feet to the true POINT OF BEGINNING.

3/20/13

PAO410 - PARCEL MASTER INQUIRY

12:47:16

PARCEL: RP 56N03W208260 A

F9=MS

F17=DD F19=SP

*TREND

LEGAL DESCRIPTION

MC GARRAGH, THOMAS & DORIS
TRUSTEES

20-56N-3W
TAX 17

63 S LONGSPUR DR

ProVal Area Number 1

CODE AREA 87-0000 OWNER CD

PARC TYPE 8N LOC CODE 3206

WOODLANDS TX 77380

EFFDATE 1252006 EXPDATE

539 THISTLE DOWN LN 83856

PREV PARCEL RP56N03W207220A

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2009	4930	AC	5375				
18	2009	13807	AC	69				

TOTALS 18737

5444

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit
F8=CT F13=TM

F6=NM F7=LG
F18=HS F20=SrcH

Ball, Dianne

From: Ball, Dianne
Sent: Friday, April 19, 2013 4:36 PM
To: Legal Notices-Priest River Times (prtimes@priestrivertimes.com); Legal Notices-PRT Shannon Foote (sfoote@priestrivertimes.com)
Subject: Application for Permit No. 96-9511, 96-9514
Attachments: LegalNotice 04-19-11 PRT e-mail 96-9511, 9514.doc

Good afternoon, Shannon,

Please publish the enclosed legal notice on the dates indicated, May 1 and 8, 2013, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this goes to press. I'm trusting it's right at press ready – 2 column, 8 point, CenturyOldStyle font, and assuming you're still publishing on Wednesdays. If any changes from that, please let me know.

We should have plenty of leeway on this, as far as time goes.

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 5/20/2013. Your cooperation is appreciated.

Thanks for all your great help, and hoping you'll 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:

96-9511

SCOTT MacDONNALD
250 CHAPARRAL COURT SE
CALGARY, AB T2X3M3

Point of Diversion L1(NENE) S34 T57N R03W BONNER CO
Source PEND OREILLE RIVER tributary COLUMBIA RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 3/7/2013

Place of Use: DOMESTIC T57N R03W S34 L1(NENE)

Domestic use is for 1 home.

96-9514

TOM McGARRAGH
63 S LONGSPUR DR
WOODLANDS, TX 77380

Point of Diversion NWSE S20 T56N R03W BONNER CO

Source PEND OREILLE RIVER tributary LAKE PEND OREILLE

Use: IRRIGATION 04/01 to 10/31 0.32 CFS

Total Diversion: 0.32 CFS

Date Filed: 4/2/2013

Place of Use: IRRIGATION T56N R03W S20 NESE NWSE

Total Acres: 16

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 5/20/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/1/2013 and 5/8/2013

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, April 23, 2013 12:25 PM
To: mary.terra-berns@idfg.idaho.gov; JBrunner@idl.idaho.gov; jbrady@idl.idaho.gov
Subject: RE: Application for Permit No. 96-9511 MacDonald, and 96-9514 McGarragh
Attachments: 96-9511_MacDonald.pdf; 96-9514_McGarragh.pdf

Dear Mary and Jamie ~ and Jim:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is attached for your reference.

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.

These are being prepared for publication in the Priest River Times on May 1 and 8, 2013 with May 20, 2012 being the last day for protests to be received in our office.

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



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 19, 2013

TOM McGARRAGH
63 S LONGSPUR DR
WOODLANDS, TX 77380

Application For Permit No. 96-9514

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 BONNER COUNTY DAILY BEE, PRIEST RIVER TIMES on 5/2/2013 and 5/9/2013. 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,

Eric J. Davis
Sr. Water Resource Agent

Encl. Receipt No. N029717

Ball, Dianne

From: Marty Taylor [mtaylor@jasewell.com]
Sent: Thursday, April 18, 2013 8:56 AM
To: Davis, Eric; Ball, Dianne
Subject: RE: McGarragh water right proof of ownership

Thanks for the quick response, Eric. No hurry.

Diane:
When do you figure the application will be advertised?

Marty

Martin E. Taylor, AICP
Member – *American Institute of Certified Planners*
Land Use Planning, Design and Entitlements
Wetland Delineations
Project Management



James A. Sewell & Associates, LLC

ENGINEERING • SURVEYING • LAND USE PLANNING

1205 Highway 2, Suite 101

Sandpoint, Idaho 83864

Phone: (208) 263-4160

Fax: (208) 263-5229

Cell: (208) 610-0465

www.jasewell.com

From: Davis, Eric [<mailto:Eric.Davis@idwr.idaho.gov>]
Sent: Thursday, April 18, 2013 8:31 AM
To: Marty Taylor
Cc: Ball, Dianne
Subject: RE: McGarragh water right proof of ownership

This application will need to be advertised before we can issue the water permit. Dianne Ball can inform you when this should be done. Thanks

Eric Davis
IDWR
Senior Water Resource Agent
Northern Regional Office
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
PHONE: (208)-762-2800
FAX: (208)762-2819

From: Marty Taylor [<mailto:mtaylor@jasewell.com>]
Sent: Thursday, April 18, 2013 8:20 AM

To: Davis, Eric

Subject: RE: McGarragh water right proof of ownership

When do you figure the water right will be issued, Eric?

Thanks.

Marty

Martin E. Taylor, AICP

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Cell: (208) 610-0465

www.jasewell.com

From: Davis, Eric [<mailto:Eric.Davis@idwr.idaho.gov>]

Sent: Friday, April 12, 2013 11:15 AM

To: Marty Taylor

Subject: RE: McGarragh water right proof of ownership

This water right application number is 96-9514. You can use this number to review the water right soon on www.idwr.idaho.gov.
Thanks

Eric Davis

IDWR

Senior Water Resource Agent

Northern Regional Office

7600 North Mineral Drive, Suite 100

Coeur d'Alene, ID 83815

PHONE: (208)-762-2800

FAX: (208)762-2819

From: Marty Taylor [<mailto:mtaylor@jasewell.com>]

Sent: Friday, April 12, 2013 11:03 AM

To: Davis, Eric

Subject: RE: McGarragh water right proof of ownership

Here's the deed, too, for your records, Eric.

Thanks.

Marty

Martin E. Taylor, AICP

Member – *American Institute of Certified Planners*
Land Use Planning, Design and Entitlements
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Project Management



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Sandpoint, Idaho 83864
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Fax: (208) 263-5229
Cell: (208) 610-0465
www.jasewell.com

From: Marty Taylor
Sent: Friday, April 12, 2013 11:00 AM
To: 'eric.davis@idwr.idaho.gov'
Subject: McGarragh water right proof of ownership

Eric:

Attached is a current assessor's print out confirming that the McGarragh's own the subject property.

Thanks.

Marty

Martin E. Taylor, AICP

Member – *American Institute of Certified Planners*
Land Use Planning, Design and Entitlements
Wetland Delineations
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JAMES A. SEWELL & ASSOC., LLC
1205 Highway 2, Suite 101
Sandpoint, ID 83864
(208) 263-4160 Fax: (208) 263-5229

LETTER OF TRANSMITTAL

TO: Idaho Dept. of Water Resources
Address: 7600 N. Mineral Dr., Suite 100
Coeur d'Alene, Idaho 83815

Date: 3/29/13	Job No: 13159-11-001
Attn: Eric Davis	

WE ARE SENDING YOU:

- X Attached ☐ Under separate cover via X the following items:
☐ Shop Drawings ☐ Prints ☐ Drawings ☐ Samples
X Copy of App. ☐ Change Order ☐ Specifications ☐

Copies	Date	No.	Description
1	3/27/13		McGarragh water right application

THESE ARE TRANSMITTED AS CHECKED BELOW:

- X For approval ☐ Approved as submitted ☐ Resubmit copies for approval
☐ For your signature ☐ Approved as noted ☐ Submit copies for distribution
☐ For your response ☐ Returned for correction ☐ Return corrected prints
☐ For review ☐ For bids due ☐ Prints returned after loan to us

REMARKS:

Attached please find the subject water right request.
Please forward all correspondence and issued permit to my attention as the project representative.
Thank you for your assistance.

COPY TO: File

SIGNED: Martin E. Taylor, AICP
Certified Land Use Planner

RECEIVED

APR 02 2013

IDWR / NORTH