

SHAWN KEOUNG
STATE SENATOR
DISTRICT 1
BONNER & BOUNDARY
COUNTIES

STATEHOUSE (208) 332-1000
(SESSION ONLY)



HQ. ADDRESS
P.O. BOX 101

RECEIVED

MAR 08 2013

DEPARTMENT OF
WATER RESOURCES

Idaho State Se

State Capitol

P.O. Box 83720

Boise, Idaho 83720-0081

3/6/13

Dear Director Spackman,
Attached is a packet from
constituent who has asked
my help.

My hope is that you could
take a look at this & let
me know your thoughts
please. Thank you
for your time!

Sincerely,
Shawn Keoung

Trudy Branson
530730 Highway 95
Bonnerr Ferry, ID 83805

Senator Shawn Keough
PO Box 101
Sandpoint, Idaho 83864

February 21, 2013

Dear Senator Keough,

I am writing to you in an attempt to straighten out an issue that I am having with the Idaho Department of Water Resources.

On 06/28/12 I submitted a request for the transfer of water rights for the stream/spring which is the sole source of water for my house.

On 07/12/12 I was denied that right, the reason given was that the water was not permitted for my home/parcel, but to the house further down the private road. This house/property has never used nor even had access to the water.

I did not understand the denial : the original water rights were given to Richard and Sharlene Grantham on 09/19/89, and on approximately 07/28/03 transferred to John and Sharon Day who were living in my house for about one year before I could move in.

Several changes in circumstances led me to apply for a transfer of rights. I went to the Coeur d'Alene office of IDWR where I met with Kenneth Knoblock. Though he tried to help, Mr Knoblock was unable to tell me why I was denied. He then explained the situation to Senior Water Resource Agent Eric J Davis who said that he would investigate. Mr. Davis did come to my property and we walked to the spring box and verified that the water is for use at my house.

After a couple of phone conversations with Mr. Davis, and another visit to the Coeur d'Alene office, I found out that the original survey done by IDWR used the wrong coordinates, and even though the water does flow to my property: Township 64N, Range 02E, Section 3, NWNE, the paperwork states that that it goes to property in Township 64N, Range 02E, Section 3, SWNE. That property has never had the rights, nor used the water.

Mr. Davis suggested that I write a letter to IDWR which I did on 08/20/12. After several weeks I contacted Mr. Davis who said that he had not had an opportunity to read my letter, nor to pass it on to the Boise office, but would get to it this winter.

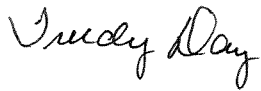
I again called Mr. Davis several weeks ago (approximately eight). I was told that nothing could be done on the department's side, and that I could either file a whole new request for a water right (\$150.), or ask my sister-in-law, Sharon Day, to sign a Quit Claim Deed for her rights (which obviously are incorrect, too). He also told me that since no grievance was filed within the 14 day period after denial, I was basically out of luck.

I feel that I am getting the "run around", and not being helped even though I have done all that has been asked of me... including finding the source of the problem and going through all the bureaucratic hoops.

This issue is not, nor ever has been my mistake. It began in 1989 due to a "typo". All I ask is that an error made by an employee of IDWR be corrected, and I be given the legal water rights from the source to my house.

After at least five phone calls, two letters, and three trips to the Coeur d'Alene office of IDWR (I live close to Eastport), I am asking for your help in resolving this issue. I am enclosing copies of my paperword.

Thank you for any help that you can give,



Trudy Day

530730 Highway 95

Bonnors Ferry, ID 83805

208-267-5477

trudy0250@yahoo.com

RECEIVED

JUL 06 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 02 2012

Department of Water Resources

Notice of Change in Water Right Ownership

IDWR / NORTH

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
98-07193	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

John T. Day, Sharon L. Day
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Gertrude Day
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

398 Amber Lane
Mailing address

Bonnars Ferry
City

Idaho 83805
State ZIP

208-267-5320
Telephone

trudy0250@yahoo.com
Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: Acquired property: 07/08/04

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: Gertrude L. Day
Signature of new owner/claimant

Title, if applicable

06/28/12
Date

Signature: _____
Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by [Signature]

Date 7/2/12

Receipt No. N129325

Receipt Amt \$25.00

Approved by _____

Processed by _____

Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

July 12, 2012

GERTRUDE DAY
398 AMBER LN
BONNERS FERRY, ID 83805

RE: Ownership Change Water Right No. 98-7193

Dear Interested Parties:

The Department of Water Resources received a request for a Notice of Change in Water Right Ownership on July 2, 2012. After reviewing the request, it was determined that the above mentioned water right is not appurtenant to the property describe in the accompanying warranty deed. Your property is located in Township 64N, Range 02E, Section 3, NWNE. Water right 98-7193 is for property located in Township 64N, Range 02E, Section 3, SWNE. Please see the enclosed map and water right report.

We are returning the Notice and its attachments. If you have additional deeds that include the property in the SWNE quarter, please return the deed with the paperwork for processing.

If you have any questions regarding this matter, please call me at (208) 287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist I

Enclosures

TRUDY DAY

398 Amber Lane
Bonners Ferry, Idaho 83805
Phone (208) 267-5320
Trudy0250@yahoo.com

^{error JD}
~~February 18, 2013~~
June 28, 2012

Kenneth Knoblock
Idaho Department of Water Resources
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d' Alene, Idaho 83815

Dear Mr. Knoblock,

Thank you for taking the time to speak with me last Monday.

This letter is in regard to the water rights for 398 Amber Lane, Bonners Ferry, ID.
The current license (Water Right No. 98-07193) requested 07/21/03 is in the name of John T. Day and Sharon L Day.
The Days transferred that property to Andy L. Armes and Trudy Day-Armes on 06/30/04.
The second Quitclaim Deed of 08/18/04 reflects a reconfiguration of the property by the Days and Armes.
The third Quitclaim Deed of 10/19/08 reflects the divorce agreement between Andy L. Armes and Gertrude (Trudy) Day.

I have been the owner/resident of the Amber Lane property since 06/30/04.
The Days have not resided at the place of water use since that date, nor do they have access to any of that water for use at their house or property.

I am requesting that the Water Right License be changed to my name.

Enclosed are copies of the three Quitclaim Deeds, Request for a Change of Water Right Ownership, and a check for the required fee of \$25.00.

Thank you for your help.

Sincerely,

Trudy Day

Identification No. 98-7193

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Richard &/or Sharlene Grantham Phone: _____
post office address Star Route 2, Box 187, Bonners Ferry, Idaho 83805
2. Source of water supply Unnamed Spring which is a tributary of _____
Gov't. Lot 2
3. a. Location of point of diversion is SW of Section 3 Township 64N
Range 2E B.M. Boundary County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.12 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Instream reservoir with pipeline to
place of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is not for irrigation: Gov't. Lot 2
(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3 Township 64N
Range 2E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 500 head of sheep

4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.
5) If water is to be used for other purposes describe: _____

Proposed Priority 4/11/77

Received by TK Date 4-11-77 Time 11:45 am

Preliminary check by RMH Fee \$ 10.00

Receipted by CP Date 4-11-77 (Rec. #5413)

Publication prepared by RA Date 4-15-1977

Published in Bonanza Ferry Road

Publication dates 4-21+28-1977

Publication approved RA Date 5-10-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RAH JG

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7193, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

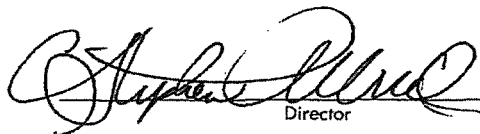
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 82.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 23 day of June, 19 77.


Director

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
64N	2E	3	5	5															10

Total number of acres to be irrigated 10

c. Describe any other water rights used for the same purposes as described above none

9. 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

10. Remarks

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07193

Priority: April 1, 1978

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.04 CFS
1.2 AF

This is to certify, that RICHARD GRANTHAM
SHARLENE GRANTHAM

HCR 85 BOX 70

BONNERS FERRY, ID 83805

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 11, 1977; and has submitted Proof of Beneficial Use on April 14, 1982. An examination indicates that the works have a diversion capacity of .040 cfs of water from:

SPRING

tributary to MOYIE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 2(NWNE), Sec. 3, Township 64N, Range 02E
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

64N 02E 3 SWNE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 19TH day of SEPTEMBER, 19 89.

MICROFILMED

Acting for R. Keith Higginson, Director

Norman C. Young

SEP 20 1989

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 98-7193

WATER RIGHT NUMBER: 98-7193

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SHARLENE GRANTHAM HCR 85 BOX 70 BONNERS FERRY, ID 83805
Original Owner	RICHARD GRANTHAM HCR 85 BOX 70 BONNERS FERRY, ID 83805
Current Owner	JOHN T DAY 377 AMBER LN BONNERS FERRY, ID 83805-5578 (208)267-5759
Current Owner	SHARON L DAY PO BOX 216 EASTPORT, ID 83826

Priority Date: 04/01/1978

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	MOYIE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
<u>Total Diversion:</u>		0.040 CFS	1.20 AF

Location of Point(s) of Diversion

SPRING	L2 (NW1/4NE1/4)	Sec. 3, Twp 64N, Rge 02E, B.M.
BOUNDARY County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64N	02E	3			X														

Conditions of Approval:

- Domestic use is for 1 home.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 98-7193

Comments:

Dates and Other Information:

Licensed Date: 9/19/1989
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: AND/OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

State of Idaho
Department of Water Resources
Water Right License
98-7193
Water Service Area Boundary for John T Day

R02E

T64N



0 0.05 0.1 0.2 Miles

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



08-10-12
RE: Water Right

Trudy Day
License #98-07193
398 Amber Lane
Bonners Ferry, ID 83805
208-267-5320
trudy0250@yahoo.com

Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d' Alene, ID 83815-7763

To Whom it May Concern,

I am writing this letter as a follow up to my request for a change in water rights.

On July 2, 2012 I mailed a request for a Change in Water Right Ownership, along with the required fee. On July 12, 2012 I received notice that "... it was determined that the above mentioned water right was not appurtenant to the property described in the accompanying warranty deed."

On investigation, it was discovered that the original description was mislabeled:
My property is in Township 64N, Range 02E, Section 3, NWNE

The original Water Right Ownership states that the water is for property located in SWNE. This is where the error occurred. The Point of Diversion is in the NW of the NE, and the water is, and always has gone to the home situated in the NW of the NE.

In August of 2012 Senior Water Resource Agent Eric J. Davis came to the property in question, walked the property, took GPS readings and photographs to document the Point of Diversion and the place of water use. As you can see by the supporting documentation, this is the only home that has ever used this water and is the only house that is using water from the POD at this time.

I am asking that the Idaho Department of Water Resources correct this error, change the legal description for this right and change the rights to me, Gertrude Day. If you have any questions, please do not hesitate to contact me at 208-267-5320. or Mr. Davis at 208-762-2800.

Sincerely,

Gertrude (Trudy) Day