

RECEIVED

FORM 202 03/10 Print form as a 2 page, single-sided document

JUL 06 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 13-7854

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Bill & Tammy Thomas / Weston & Stacy Baker Phone 208-995-4189 (Weston)
 Name connector (check one) ☐ and ☐ or ☒ and/or 530-710-4834 (Bill)
- Mailing address: 388 S. Spring Creek Rd / 344 S. Spring Cr Rd City Preston
 State ID Zip 83263 Email: tammydthomas@gmail.com / w.baker@comcast.net
2. Source of water supply ground water 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 #
15	40	26		NE			Franklin	ground water	D0036096

4. Water will be used for the following purposes:
- Amount .08 cfs for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount .08 cfs 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)

5. Total quantity to be appropriated is (a) .16 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? 4/05; drilling firm Westlake Drilling
 Well was drilled for (well owner) Stuart Burbank; Drilling Permit No. D0036096

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 (2) households
- e. Other, describe fully. _____

13- 7854

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	
15	40	26			3														3
					D														

Total number of acres to be irrigated: 3

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? No other water rights are available. Use is Domestic for 2 homes to irrigate lawn, garden, landscaping & property.
- 10 a. Who owns the property at the point of diversion? Bill & Tammy Thomas
- b. Who owns the land to be irrigated or place of use? Bill & Tammy Thomas / Weston's Stacy Baker
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Shared well water agreement between the 2 lots (See Attached)
- 11 Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Well was drilled with intent to provide both lots Domestic use of well water between lot #4 & lot #5. Lot #4 is current user of well; Lot 5 will begin construction this fall & will need it's share to be able to pump from well with separate pump.
12. Time required for completion of works and application of water to proposed beneficial use is 1 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.

Bill Thomas

Signature of Applicant

Bill Thomas

Print Name (and title, if applicable)

Weston Baker

Signature of Applicant

Weston Baker

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 100.00 Received by SK Receipt No. E037795 Date 7-16-12

15S40E22

15S40E23

Franklin

15S40E26

Well location
Lot # 11
West of State Bank
Lot # 11
Lot # 11
Cub River Rd
Spring Rd



ALLEN LAND SURVEYING, P.C.

23 NORTH STATE STREET
PRESTON, IDAHO 83263
(208)852-2839

REVISIONS:		RECORDING INFORMATION	
1)		RECORDING NUMBER:	229,559
2)		DATE & TIME:	4-20-05 4:45 PM
3)		RECORDED FOR:	ALLEN LAND SURVEYING, P.C.
		DRAWING NAME:	5008-1.DWG
		FIELD WORK BY:	BJA
		OFFICE WORK BY:	BJA
		FIELD BOOK:	5-A
		COMPLETION DATE:	APRIL 2005
		COUNTY:	FRANKLIN
		FEE:	10.00

Lot #

~~PRELIMINARY & FINAL PLAT OF~~

STUART BURBANK SUBDIVISION # 2

RECORDED 4/20/05 AS INSTRUMENT NO. 229559 LOCATED IN:

THE EAST ONE-HALF OF SECTION 26,
TOWNSHIP 15 SOUTH,

RANGE 40 EAST,
BOISE MERIDIAN,

FRANKLIN COUNTY, IDAHO

A RE-SUBDIVISION OF

LOT 2, STUART BURBANK SUBDIVISION
INSTRUMENT NUMBER 200226

AND

STUART BURBANK SUBDIVISION
INSTRUMENT NUMBER 215253

PUBLIC UTILITIES EASEMENT NOTE:

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING ELECTRIC SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREE AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE AT THE LOT OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNERS EXPENSE. AT NO SUCH TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES IN THE PUE.

LINE LEGEND

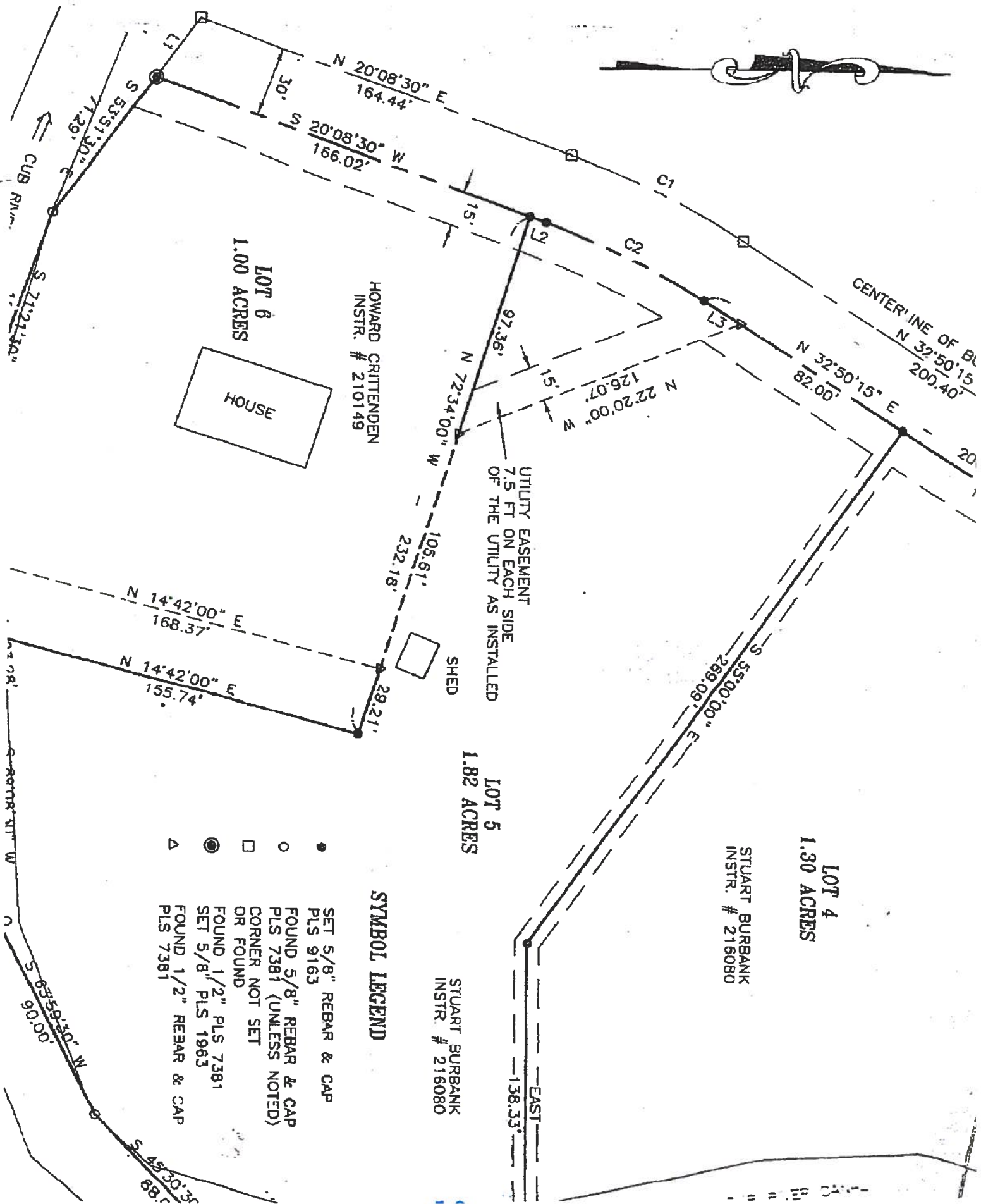
---	PR
---	SEC
---	UTL
---	RO
---	RO
---	DE

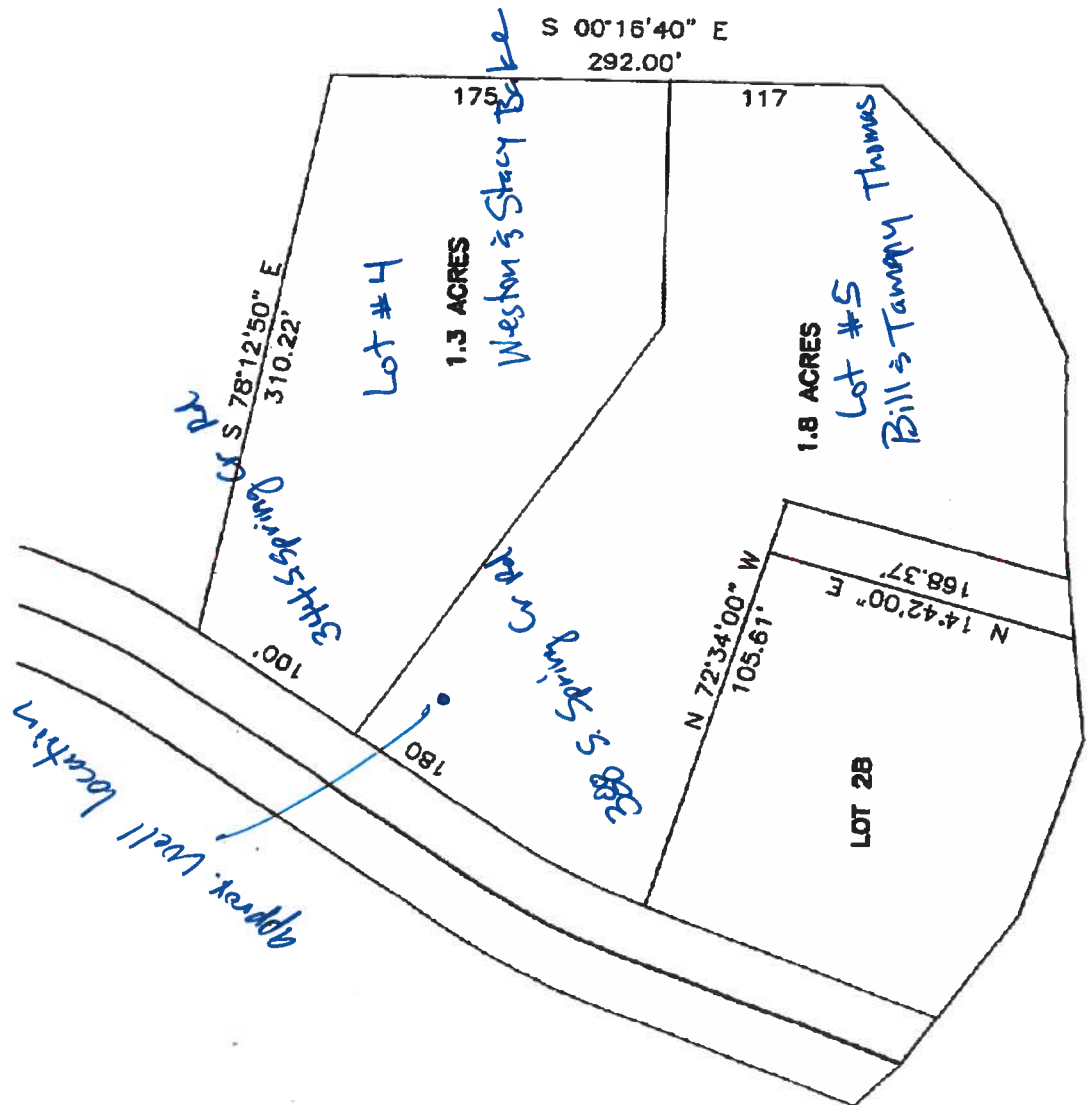
GRAPHIC SCALE



GERHARD STRACKE
INSTR. # 200230

NORTHEAST CORNER
LOT 2, STUART BURBANK





Recorded at the request of
Weston Bake
Time 9:30

JUL 05 2012

1 of 3

255356 1-3

SHAUNA T GEDDES, RECORDER
BY C. Gaudin Deputy
FRANKLIN COUNTY IDAHO

Shared Well Water Agreement

This agreement made and entered in to this 4th day of July 2012, for the well located on:

Lot No. 5 (Five) of the Stuart Burbank Subdivision #2, recorded April 20, 2005 as Instrument No. 229559. Located in the East one-half of Section 26, Township 15 South, Range 40 East, Boise Meridian, Franklin County, Idaho.

Current owners Bill & Tammy Thomas her by grant a water right and easement, right of way for well, pump and power maintenance of said well located on their property to:

Lot 4 (Four) of the surveyed plat of Stuart Burbank Subdivision #2 recorded on April 20, 2005 as Instrument No. 229559 and being a portion of Lot 2 (Two) of the Stuart Burbank Subdivision recorded October 1, 1997 as Instrument No. 200226.

Property is commonly known as 344 S. Spring Creek Rd. Preston, ID 83623; current owners Weston & Stacy Bake.

Whereas, the undersigned parties agree to have an equally shared expense for well and casing for the well; which has Idaho Dept. of Water Resources tag/permit #D0036096 assigned to it. Each property owner shall be responsible for their individual pump & power to be located and maintain at the individuals parties own expense. If during any maintenance or installation one party damages the other parties pump or power it shall be that parties responsibility to repair, fix or replace the damaged equipment in a timely manner and make notification of such damage.

Whereas, it is the intention and purpose of the undersigned parties that the well and water distribution shall be used and operated to provide an adequate supply of water for each of the properties, and to assure the continuous and satisfactory operation and maintenance of the well and water for the benefit of the present and future owners, their heirs, successors and assigns of the properties connected there to; and

Whereas, the said well is deemed by the parties hereto to be of adequate capacity to supply a single family dwelling on each of the properties described herein with water for the well for all domestic uses of a single family residing therein.

Each of the parties hereby agrees that they will promptly repair, maintain and replace all water pipes, power and pumps serving their respective dwellings at their own expense plus any damages done in the process to the landscaping in the easement area and also to the other parties water pipes, power and/or pump if damage is done.

BT
[Signature]

WS
SB

That each of the parties to this agreement does hereby grant to the other, his heirs, successors and assigns, such easements over, across and through the respective properties as shall be reasonable necessary for the construction to the well, maintenance of water pipes, pumping equipment, mains, electrical wiring and conduit consistent with the purposed of this agreement. The easement shall include any areas where the above said equipment currently lies plus access to well through the "least destructive direction". If the two parties cannot agree upon the "least destructive direction" the maintenance person servicing the equipment shall deem what is the "least destructive direction" and shall proceed to perform his/her duties.

That no party may install landscaping or improvements that will impair the use of said easements.

That only those properties hereinabove described and the dwellings located thereon shall be permitted to receive water from said well; and each of the parties hereto does hereby covenant and agree that he/she will not allow or permit other persons, other than household guests, to take, draw, use or receive water from the well; nor permit other persons to connect to the pipes or mains serving his/her respective property.

That in the event the referenced well shall become contaminated and shall no longer supply water suitable for domestic consumption, or shall no longer supply water adequate for the needs of all relevant parties; or in the event that another source of water shall become available to the respective properties, then the rights and obligations of the parties created by this Agreement shall cease and terminate; and the individual parties shall be responsible for their own well/water source.

That the terms of this Agreement shall be perpetual, except as herein limited.

That the benefits and burdens of this Agreement shall constitute a covenant running with the properties herein described and shall be binding upon the heirs, successors in title and assigns of the parties hereto.

Shall prohibit any party from locating or relocating any element of an individual sewage disposal system within 100 feet of shared well.

Shall specify required costs sharing for:

- a) System maintenance including repairs, testing, inspection and disinfection's of well
- b) System improvement to increase the service life of material or component, to restore well yield, or to provide necessary system protection.

IN WITNESS WHEREOF, the parties have here unto set their hands and seal the day and year first above written:

By: Bill Thomas
Bill Thomas
Date: 7/4/12

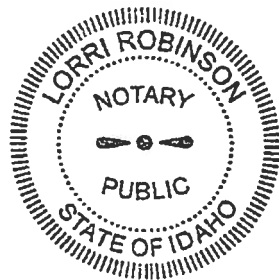
By: Tammy Thomas
Tammy Thomas
Date: 7/4/12

By: Weston Bake
Weston Bake
Date: 7/4/12

By: Stacy Bake
Stacy Bake
Date: 7/4/12

State of Idaho

7-4-2012



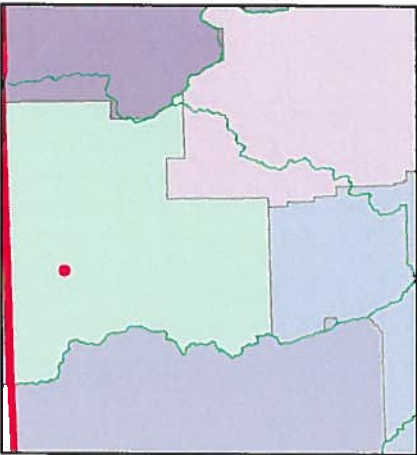
Lorri Robinson
Lorri Robinson
Rockland
exp 7-23-2016



Idaho Department of Water Resources

Application
13-7854
(DOMESTIC)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Franklin County
IDWR Basin 13
Prepared by Kidman, Denise
2009 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

July 26, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

TAMMY THOMAS
BILL THOMAS
388 S SPRING CREEK RD
PRESTON, ID 83263

STACY BAKE
WESTON BAKE
344 S SPRING CREEK RD
PRESTON, ID 83263

Application For Permit No. 13-7854

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 PRESTON CITIZEN on August 2 and 9, 2012. 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,

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

July 25, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
444 HOSPITAL WAY #300
POCATELLO, ID 83201

Application to Permit No. 13-7854, 13-7855

STATE OF IDAHO:

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 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 this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, July 26, 2012 8:30 AM
To: 'Preston Citizen (copy@prestoncitizen.com)'
Subject: Legal Notice for your paper
Attachments: Preston Citizen E-Mail.doc

Contacts: Preston Citizen

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

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

13-7854

TAMMY THOMAS
BILL THOMAS
388 S SPRING CREEK RD
PRESTON, ID 83263
STACY BAKE
WESTON BAKE
344 S SPRING CREEK RD
PRESTON, ID 83263
Point of Diversion SWNE
S26 T15S R40E
FRANKLIN County
Source GROUND WATER Tributary
Use: DOMESTIC
01/01 to 12/31 0.16 CFS
Total Diversion: 0.16 CFS
Date Filed: 7/6/2012
Place Of Use: DOMESTIC – 2 homes
T15S R40E S26 SWNE

13-7855

HANS K MUSSLER
RUTH MUSSLER
13909 N CLEVELAND RD
PRESTON, ID 83263
Point of Diversion NENESE
S24 T12S R40E
FRANKLIN County
Source SPRING Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 7/18/2012
Place Of Use: DOMESTIC
T12S R40E S24 NESE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 20, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on August 1 and 8, 2012