

Ident. No. 65-23443

RECEIVED

NOV 18 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Marsters Subdivision Phone 208-891-4321
Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: 2800 Highway 52 City Payette
State ID Zip 83461 Email: thx1138@a.com2. 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 #
<u>8N</u>	<u>SW</u>	<u>12</u>			<u>NW</u>	<u>SE</u>	<u>Payette</u>	<u>Ground Water</u>	

4. Water will be used for the following purposes:

Amount .10 ~~1000~~ ~~10~~ for Domestic 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)

Amount .10 ~~1000~~ ~~10~~ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) .10 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. Well with pump
plumbed to 4 homes

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 ☒ Noc. Proposed well diameter is 6 inches; proposed depth of well is 400 feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? 8/1; drilling firm _____;Well was drilled for (well owner) Marsters Subdivision; 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 4

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	
6N	5W	12																	

Total number of acres to be irrigated: 0

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

10. a. Who owns the property at the point of diversion? see list attached
- b. Who owns the land to be irrigated or place of use? see list attached
- 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. original want Dey

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.

See attached
Signature of Applicant

Print Name (and title, if applicable)

[Signature]
Signature of Applicant

JEROME GOETTSCH
Print Name (and title, if applicable)

For Department Use:

Received by SB Date 11-18-10 Time 12:40 Preliminary check by [Signature]
Fee \$ 100.00 Received by SB Receipt No. W038862 Date 11-18-10

Application for Well Permit/Water Rights

Owners in the Martsters Subdivision

*Designated
Contact* — Jerome and Sue Goettsch:

2800 highway 52 payette Id-83661

Jon and Linda Otto

2820 Highway 52 Payette Id-83661

Robert and Jennifer Lewis

2808 Highway 52 Payette Id- 83661

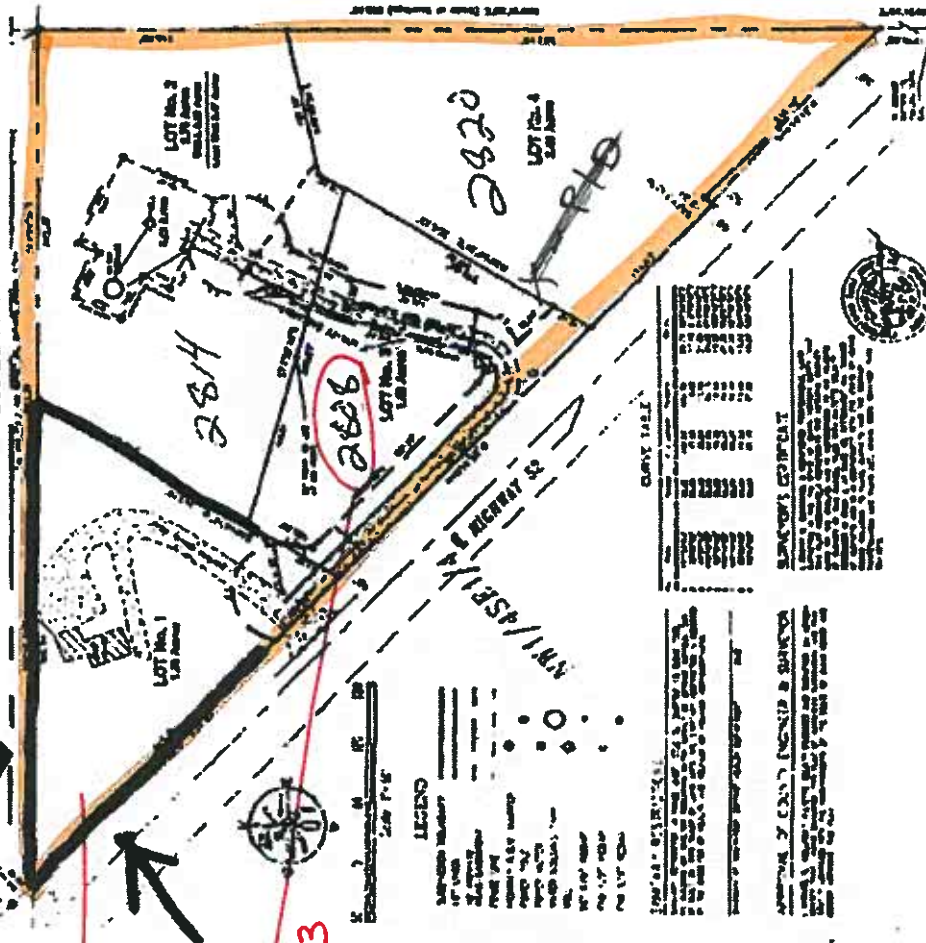
P/D
JFW 12/1/10.

Robert and Melinda Sherman

15750 Parkview Dr Wilder Id-83676

all that portion of the NW1/4SE1/4 of
Section 12, Twp. 8 N., R. 5 W., B.M., Payette County, Idaho,
lying Northerly of Highway 52 Right of Way

\$09'29.06"E



P/u
Lots 1-4

POD _____
Lot. # 3

Point of Diversion Location

Payette County, Idaho

Patti Nitz, Assessor / Donna D. Peterson, Treasurer



Address
1 of 1

Parcel

Parcel Number	AIN	Situs Address	Current Total Value	Data as of
01455000030	0066070000	2808 HWY 52, PAYETTE	\$229,070	04/06/2010

Print View

Land

Improvements
Value History
Tax Record

Owner Name
Owner Address
Transfer Date

Owner Information
FEDERAL NATIONAL MORTGAGE ASSOCIATIO
13455 NOEL RD TWO GALLERIA
DALLAS TX 75240-5003
01/08/2010

Searches

Address

Parcel Number
Owner
Legal Desc.

Location / Description
Legal Desc.

MARSTERS SUB LT 3 08N05W12SE

Functions

County Home
Welcome Page
Login / Logout
Property Search
Help
Contact Us
Subscriptions

Parcel Type

Property Class Code
Neighborhood Code

512- Rural residential tracts
13010 R-1

Assessment Information

Appraisal Date	01-01- Current Year - 2010	0	Prior Year - 2009	0
Market Value Land	\$53,000	Homeowners Eligible Amt Land	\$0	Homeowners Eligible Amt Land
Market Value Improvement	\$133,770	Homeowners Eligible Amt Imp	\$0	Homeowners Eligible Amt Imp
				\$43,900
				\$169,190

260701

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of Leo Marathe
Time 10:47 P.M. Date March 28, 1966 Instrument # 260701 - Mac
Laura L. Stiles, Ex-Officio Recorder by Patricia J. P. Deputy Fee \$6.00

**KANSTERS SUBDIVISION
RESTRICTIVE COVENANTS**

1. ROADS

Property owners understand that project road is not a county road and the county will not take responsibility to maintain or plow the project road.

Each property owner is responsible to build and maintain their own roadway from project road to their home.

All property owners in the project are to share equally in the cost of maintenance and snow plowing of the project road.

2. WELL MAINTENANCE AND USAGE

All property owners shall share equally in the maintenance and repair or replacement of the project well, pump, and main line.

All property owners are to share equally the cost of electricity for the project well. Otherwise the water is free.

Each property owner shall maintain their own water line off the main line and shall install an individual shutoff valve. A property owner may shut off the main line long enough to install their own individual shutoff into the main line.

No grass or other ground cover shall be allowed in the subdivision. Only trees and shrubs shall be allowed.

Each property owner may use water from the project well for irrigation purposes once a week for not more than four hours using a 3/4" or smaller hose.

3. UNDERGROUND POWER LINES

Pursuant to an agreement with Idaho Power Company, all electrical service in the project shall be underground.

4. TEMPORARY STRUCTURES

No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

260701

5. LIVESTOCK AND POULTRY

No animals, livestock, or poultry of any kind shall be raised or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for commercial purposes.

6. SIGNS

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than five feet square advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

7. DWELLING SIZE AND STRUCTURE

Dwellings and additional structures must be "stick built" on the property and only when all governmental approvals have been obtained. The ground floor area of the main structure, exclusive of one-story, open porches and garages, shall be not less than 1,450 square feet for a one-story dwelling; not less than 1,000 square feet for a dwelling of more than one story.

8. TERM

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from date of recordation, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the owners of the lots has been recorded, agreeing to change said covenants in whole or part.

STATE OF IDAHO
COUNTY OF PAYSON
On this 27 day of July, 1996, in the year 1996, I, Notary Public, personally appeared Leo Marsters and Lucille Marsters, known or identified to me by the signing of their names and subscribed to the above instrument and acknowledged to me that they executed the same.
260701
Notary Public
Residing at Payson, Idaho
My commission expires: 12-1-98

Leo Marsters
Leo Marsters: Owner

Lucille Marsters
Lucille Marsters: Owner

Drilling Permit No. _____
Drilling Permit I.D. Tag No. _____
Water Right Permit No. _____
Injection Permit No. _____

00057898
Pending 65-23443

State of Idaho
Department of Water Resources
APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

(Marsters)

1. Property Owner (please print): Marsters Subdivision
2. Current Mailing Address: 2800 Highway 52
City: Payette State: ID Zip Code: 83661 Telephone: (208) 891-4321
3. Proposed Well Location: Twp. 8N, Rge. 5W, Sec. 12, 1/4 NW 1/4 SE 1/4
Gov't Lot No. _____ County Payette Lat. _____ Long. _____
Street Address of Well Location _____ City _____
Lot, block and subdivision _____
Give at least name of road + Distance to Nearest Road or Landmark

4. Proposed Use of Well: (Note: Any well drilled for a Public Water Supply requires prior DEQ approval.)

☒ DOMESTIC (42-111a): The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd.

☐ DOMESTIC (42-111b): Any other use if the diversion rate does not exceed 0.04 cfs (18 gpm) and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☐ Irrigation ☐ Commercial ☐ Municipal ☐ Other _____ ☐ Industrial ☐ Public Water Supply
(Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required. No. of proposed wells: _____

5. Well Construction Information:

A. ☐ New well ☐ Modify ☐ Deepening ☒ Replace Previous Well # _____

B. Proposed Casing Diameter 6 inch Proposed Maximum Depth 400

C. Anticipated bottom hole temperature:

☒ 85°F or less
(Cold Water Well)

☐ 85°F to 212°F
(Low Temp. Geo. Well)

☐ 212°F or more
(Geothermal Well)

6. Construction Start Date: 11/22/10

7. Drilling Company Name: Daniel McLeran Driller's Lic. No. 701

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: [Signature] Date: 11/18/10

Title: JEROME GOETSCH

Address (if different than owner): _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

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WATER RESOURCES
WESTERN REGION

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is APPROVED Date 11/18/10

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. **READ CAREFULLY!**

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one(1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare, which may be required before construction of the well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit and the well ID tag at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state, or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho. If the well being drilled is associated with approved water right(s) use of the well must comply with conditions of said water right(s).
7. If the depth of this well exceeds 500 feet or the well is in an area known to have LTG water, bottom hole temperature must be measured and recorded on the Driller's Log, and reported on the Well Driller's Report.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller shall contact the Department immediately.
9. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "DigLine" Number for your area is 1-800-342-1585.
10. The stainless steel I. D. tag must be securely and permanently attached to the well casing by the Driller upon completion of the well, and prior to removing the drill rig from the drill site and must remain permanently attached above ground level for the life of the well. The well tag shall be attached by welding at least 3 sides or using four (4) stainless steel, closed-end pop rivets.
11. Any well being replaced by a new well shall be properly abandoned by the well driller prior to removing the drilling equipment, unless otherwise authorized by the department.

SPECIFIC CONDITIONS:

12. **THIS WELL SHALL NOT BE USED IN CONNECTION WITH A "PUBLIC WATER SYSTEM" UNLESS APPROVED BY IDEQ.**
13. *The domestic use is limited to 13,000 gallons/day pending approval of the associated water right application*

J. Westra MANAGER
Signature of Authorized Department Representative WESTERN REGIONAL OFFICE
Title

Receipt No. WD38862 Received by SB Fee 200.00 Date 11.18.10

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

Drilling Permit ID Tag No. _____

Injection Well Permit Application ID _____

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

Marsters Subdivision, The Property Owner
(Applicant), requests issuance of a Drilling Permit prior to obtaining the required water
right. The request is made by the applicant for the following reason(s):

old well failed and we didn't
realize we didn't have water rights.

The Applicant understands that the approval of a drilling permit and subsequent
construction of a well does not constitute an approval of a water right or intent to
authorize diversion or use of water from the well in any way.

Additionally, the Applicant acknowledges that by obtaining a drilling permit and
constructing the well, the Applicant accepts all risk(s) associated with completing the
well prior to obtaining the associated water right. If the water right is not ultimately
approved for use, the applicant understands that the Department may require
decommissioning of the well.

Date

11/18/2010

Applicant Signature

JEROME GOETTSCHE

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, December 09, 2010 12:49 PM
To: Independent Enterprise
Subject: LEGAL NOTICE
Attachments: Payette Co. Cover Letter.Doc; Payette Co. Ads.doc

Attached please find (1) legal notice being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

December 9, 2010

LEGAL NOTICE DEPARTMENT

INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE, ID 83661

RE: Application For Permit No(s).: 65-23443

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 1/3/2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

65-23443

MARSTERS SUBDIVISION

C/O JEROME &/OR SUE GOETTSCHE

2800 HWY 52

PAYETTE, ID 83661

Point of Diversion NWSE S12 T08N R05W PAYETTE County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 11/18/2010

Place Of Use: DOMESTIC

T08N R05W S12 NWSE

A new well is needed for 4 existing homes.

Permits will be subject to all prior water rights. 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, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 1/3/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 12/15 & 12/22/2010



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 9, 2010

FEDERAL NATIONAL MORTGAGE ASSOCIATION
13455 NOEL RD TWO GALLERIA
DALLAS TX 75240-5003

Re: Application No(s). 65-23443

To Whom It May Concern:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s).

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by January 3, 2011.

Please contact this office at 208-334-2190 if you have any questions regarding the application(s), or you may visit our website at www.idwr.idaho.gov.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

December 3, 2010

MARSTERS SUBDIVISION
C/O JEROME &/OR SUE GOETTSCHE
2800 HWY 52
PAYETTE ID 83661

Re: Application for Permit No. 65-23443

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is expediting your water right application for a new well to serve the four homes in your subdivision. An additional step is needed before application processing can be completed.

The applicant must show possessory interest in the proposed place of use, the four homes. The application does not include any document authorizing you to sign on behalf of the other home owners. To provide the necessary possessory interest information, please see the enclosed consent form. An owner for each lot should sign the form. The completed form should be returned to me within the next thirty (30) days to keep the application in good standing.

More IDWR information is available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

APPLICATION 65-23443
MARSTERS SUBDIVISION CONSENT FORM

I am the current owner of the property listed below. Application 65-23443 includes a new well to be drilled on Lot 3 to provide domestic water to Lots 1 through 4.

I consent to the following items regarding the water right application:

1. The applicant is Marsters Subdivision.
2. Jerome Goettsch has authority to sign for the applicant for the purpose of seeking a new water right.
3. The owners of Lots 1 through 4, Marsters Subdivision, have equal shares in the application and in any subsequent approval of the application by the Idaho Department of Water Resources.

One or more current owner signatures are needed below for each subdivision lot.

LOT

CURRENT OWNER(S)

1

Signature(s)

Date

2

Signature(s)

Date

3

Signature(s)

Date

4

Signature(s)

Date

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: December 3, 2010

RE: Expediting Application 65-23443

See the 11/18/2010 memo about the origin of this application to replace a failed well for 4 homes. Water right coverage for the site is needed since it was not previously obtained.

The only recorded domestic rights for the site are a few single-family domestic wells. One of those is in the name of Marsters (as in subdivision name) but is for a different street address than the application homes.

Based on the expedited drilling permit and this application, the new well will be about 400 feet deep. The site is about 1.5 miles northeast of the Payette River. It is unlikely the new well will intercept shallow ground water tributary to the river. Payette River Watermaster issues are not applicable.

The application includes a copy of the 1996 recorded subdivision covenants. The covenants are binding for 30 years, with automatic renewals for subsequent 10 year periods unless a majority of the owners act to change the covenants.

As noted in the prior memo, the homeowners have not formally organized their association in any way (no information in IDSOS website search). Jerome Goettsch signed the application on behalf of all the owners. ArcMap tax lot shapes match the application map. Other tax lot information does not completely match the application: lots 1-3 are listed under other names, lot 2 does not show a local street address, and lot/subdivision information is not listed in the tax lot layer. Additionally, a 12/1/2010 county assessor printout is part of the application. It covers lot 3 and lists a mortgage company owner (also identifies Marsters Subdivision to match the application). Payette County tax lot information is not routinely updated in ArcMap due to long-standing problems obtaining that information without paying the county for it.

Based on the above information, it is not clear that Goettsch can sign for other owners. It is probable but not totally clear that the applicant demonstrates possessory interest in the POU. A reasonable solution to that while processing continues is as follows:

- send a form to the applicant and require all the current owners to sign it
- send a comment letter to the mortgage company to see if there are concerns about lot 3
- proof of ownership of the lots is not needed.

The application seeks domestic water for internal use. The question of yard irrigation is explained as follows. The site is within the service area of the Lower Payette Ditch Company. The applicant stated no other rights serve the site, although some or all the homes might have exempted domestic wells for minor yard use. The covenants allow trees and shrubs but not grass or other ground cover. External use for the homes is not a concern for this application.

Approval of the expedited drilling permit included these details:

- limited use while water right application is pending
- tag # D0057898
- \$200 fee paid.

Memorandum

Marsters Subdivision Application for Permit

From: J. Westra

Date: 11/18/10

On Thursday 11/18/10, I met with Jerome Goettsch at our office. Mr. Goettsch is the designated representative/contact person for the subdivision homeowners (4 parcels). The subdivision well had failed earlier and there has been no water available for about a week to the residents. A consultant was hired with sonic technology to locate the best well location as the parcels are on a hill. Data results should be in by week end to determine the exact well location.

The homeowners group is very informal with no officers. A copy of their convents/agreement is attached. The group also provided a list of homeowners and their addresses.

-An application for permit and fees were submitted for processing.

The domestic use is for in-house use only—No irrigation of lawns/etc per Mr. Goettsch. It my understanding property owners may have individual shallow wells for minimal irrigation of trees/bushes

-An application for drilling permit was submitted with request to expedite issuance. I approved the drilling permit for a domestic well under IC42-111 exemption conditioned for 13, 000 gal/day max. to expedite drilling. Water bearing zone will be available on the well log.

12/1/10

The driller filed the well location; It will be at 2808 Hwy 52 Lot #3 (Lewis)

The well driller will provide the GPS coordinates once the weather clears and the site is again accessible.