

75571

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
MAY 01 2009

To appropriate the public waters of the State of Idaho

IDWR / NORTH

1. Name of Applicant See Attached Phone all
Mailing address See Attached Email all
2. Source of water supply Ground water which is a tributary of N/A
3. Location of point of diversion is Township 53N Range 03E Sec. 14, in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot N/A, B.M., Kootenai County;
additional points of diversion if any: 0
4. Water will be used for the following purposes:

Amount <u>0.11</u> (cfs or acre-feet per year)	for <u>Domestic</u>	purposes from <u>01/01</u> to <u>12/31</u>	(both dates inclusive)
Amount <u>0.08</u> (cfs or acre-feet per year)	for <u>irrigation</u>	purposes from <u>04/01</u> to <u>10/31</u>	(both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____	(both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____	(both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____	(both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____	(both dates inclusive)
5. Total quantity to be appropriated is (a) 0.19 cubic feet per second and/or (b) N/A acre feet per year
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
 - 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? NO
 - e. If well is already drilled, when? 12/23/94; Drilling firm H2O Well Services;
Well was drilled for (well owner) 12/23/94 Meyer; Drilling Permit No. 96-94-ND 464-200
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - 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. _____
 - d. Domestic; show number of households. 5 Homes
 - e. Other; describe fully. _____

9. 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	
5N	3W	14									D	D				D			
											1.5	0.5				0.5			2.5

Total number of acres to be irrigated: 2.5

10. 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

11. a. Who owns the property at the point of diversion? Michael Schmieder
- b. Who owns the land to be irrigated or place of use? Applicants
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: See water supply agreement attached

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This point of diversion and water agreements is expected for minimum of 10 years

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" 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.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

See Attached
Signature of Applicant

See Attached
Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 5/1/09 Time Preliminary check by
Fee \$ 100.00 Receipted by [Signature] Receipt No. N020454 Date 5/1/09

Applicant Signature Page

(Michael)

Mike Schmiedel

Print Name

P.O. Box 582

8667 Snowy Ln, Athol, Md 83801

Address

Michael Schmiedel

Signature

208-683-2898 Mkschmied@aol.com

Phone/Email

Terry + Catherine Peterson

Print Name

8288 Snowy Lane, Athol, Md 83801

Address

Terry + Catherine Peterson

Signature

208-683-9131 Cindy082855@gmail.com

Phone/Email

Terry + Catherine Peterson

Print Name

8539 Snowy Lane, Athol, Md 83801

Address

Terry + Catherine Peterson

Signature

208-683-9131 Cindy082855@gmail.com

Phone/Email

MARK BOLLEN

Print Name

9150 E. Snowy Ln, Athol, Md 83801

Address

Mark Bollen

Signature

208-683-2601

Phone/Email

Print Name

Signature

Address

Kathleen Holloway and or

Phone/Email

GAIL KENNEDY / Michael Schmiedel

Print Name

8667 Snowy Lane, Athol, Md 83801

Address

Michael Schmiedel

Signature

208-683-2898 Mkschmied@aol.com

Phone/Email

Water Supply Agreement

This Agreement made by an between NICK MEYER, a single person and TRACY GRAUER, a single person, hereinafter "OWNER" and TERRY PETERSON, a single person, and Catherine Finerty, a single person, hereinafter "BUYER of Athol, ID.

RECITALS

WHEREAS, OWNER currently is the owner of certain real property located in the County of Kootenai, State of Idaho, more particularly described as follows:
NE ¼ NE ¼ SW ¼ T53N R03W Sec14 Boise, Meridian,
County of Kootenai, State of Idaho.

WHEREAS, OWNER currently is the owner of a water well located on the above described real property.

WHEREAS BUYER is purchasing property from owner that is located in the county of Kootenai, State of Idaho, more particularly described as follows:
NW ¼ NE ¼ SW ¼ T53N R03W Sec 14 Boise, Meridian,
County of Kootenai, State of Idaho.

This purchase is for ~~2000~~ and is to include water from the OWNER'S well. BUYER has agreed to pay for said water subject to the terms and conditions contained herein.

NOW, therefore, for valuable consideration, and in consideration of the mutual covenants and conditions contained herein, **IT IS HEREBY AGREED AS FOLLOWS:**

1. The parties agree that OWNER shall provide BUYER with a portion of the water provided by OWNER'S well located on the above-described real property for a monthly service fee of TWENTY-FIVE DOLLARS (\$25.00) per month for the first 10,000 gallons used and an additional \$1.00 per 1000 gallons used thereafter on a monthly basis. Said monthly fee is subject to change and may increase on an annual basis of up to \$1.00 per month due to increases in operating costs and electricity. Monthly payments are to begin the day water flows through the meter.
2. The parties agree that this Agreement shall be forever binding upon the current owner of the following described real property NW ¼ SW ¼ NE ¼ T53N R03W Sec 14 Boise, Meridian, County of Kootenai, State of Idaho, including an successors, assigns, grantees, heirs and/or future owners of said real property. This agreement is intended to "run with the land" and the real property described hereinabove at Paragraph 2.
3. The parties agree that BUYER shall be solely responsible for the installation and maintenance of their own independent water line and/or pipe to be connected to the water line and/or pipe installed by OWNER at their East driveway. Any and all costs of BUYER'S waterline shall be paid exclusively by BUYER. BUYER shall be required to install a water meter at BUYER'S property line. OWNER shall have the right to inspect BUYER'S meter and water line and/or pipe at any time.

BUYER'S INT _____

OWNER'S INT AA NM

Water lines shall be installed no less than four (4) feet deep and each party shall be responsible for their respective costs of installation to their respective real property, and the design of the connection to the water source shall be approved by OWNER prior to installation of said water connection line.

4. The parties agree that unless mutually agreed, that the OWNER and/or their successors, assigns, grantees, heirs, and/or future owners of the above-described real property be exclusively responsible for repairs to the pump and/or well and that said repairs will be completed within ten (10) days, unless prohibited by "Acts of God" or due to circumstances beyond OWNER'S control. PROVIDED, HOWEVER, Owner shall not be responsible for repairing damage to the pump and/or well which results from "Acts of God" or circumstances beyond their control, including but not limited to, the well going dry or water becoming nonpotable.
5. The parties agree that the purpose of this water supply agreement is to provide BUYER with water for their personal use in their home, garden, lawn, hot tub, and not for more than TEN (10) domestic animals and livestock. Further, it is agreed between the parties that said water is NOT to be used for agricultural purposes. Each party shall be responsible for installing at their expense a meter at BUYER'S property line, water pumping system for their personal use to regulate the use of water so that each of the water users shall have equal right to and equal access to water available in the system.
6. OWNER shall have the exclusive right to shut off BUYER'S water in the event the above referenced payment is not made by the 15th day of each month.
7. This agreement constitutes the entire Agreement between the parties. Any other representations not contained within this Agreement shall have no force and effect.

BUYER'S INT _____

OWNER'S INT TA NM

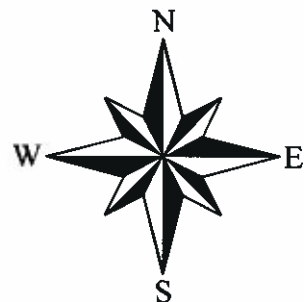
95-10459



0 240 480 960 1,440 1,920 Feet

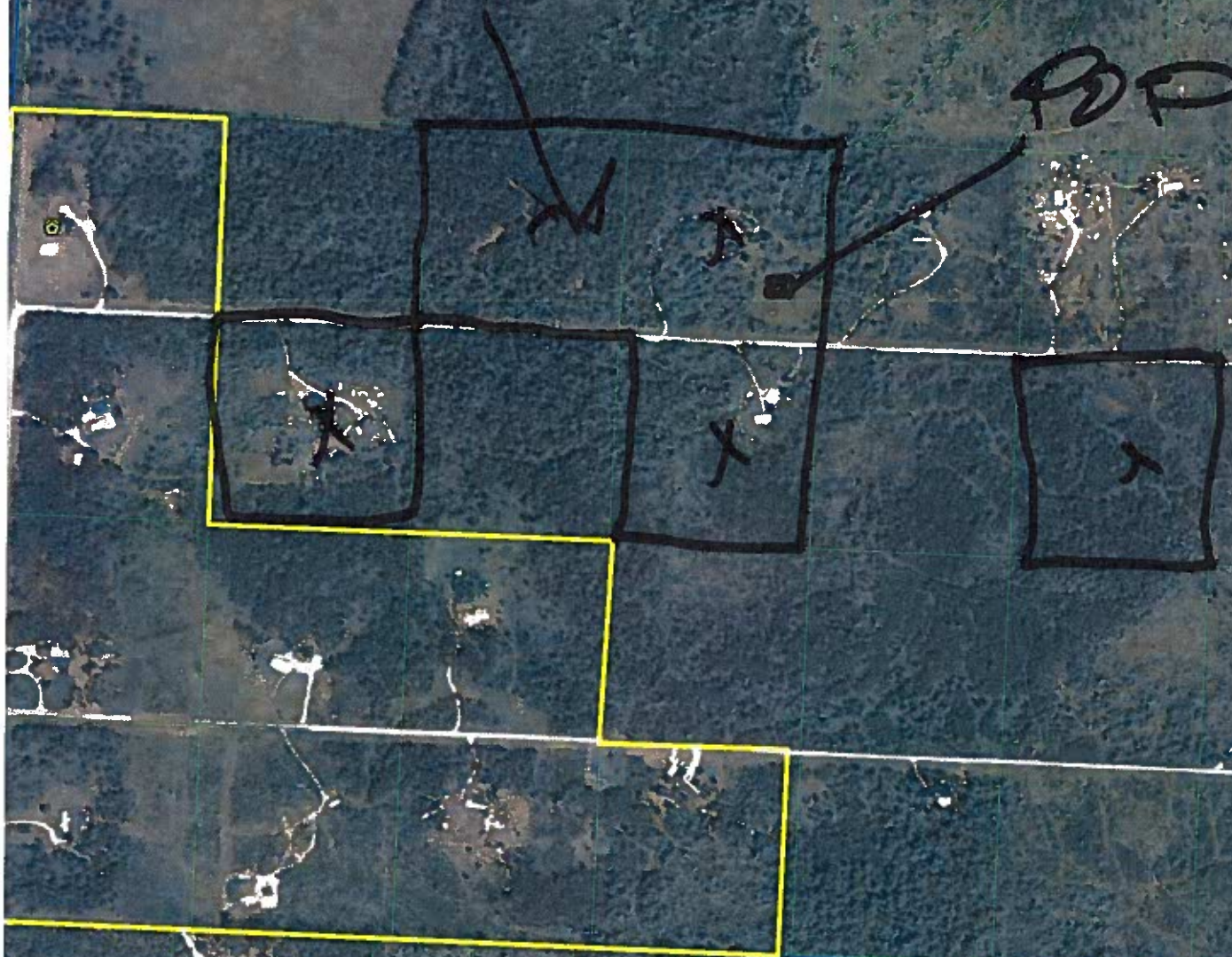
Legend

-  workingpod
-  workingpou
-  Taxlots



ROU

ROD





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

May 21, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

MICHAEL SCHMIEDER
PO BOX 582
ATHOL ID 83801

MARK BOLLEN
9150 E SNOWY LN
ATHOL ID 83801

TERRY PETERSON
CATHERINE PETERSON
8288 SNOWY LN
ATHOL ID 83801

RE: Application for Permit No 95-10459

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on June 4 and 11, 2009. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E Franklin
Senior Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, May 21, 2009 4:51 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kattie Hoy
Subject: BIG Legal Notice to publish June 4 and 11, 2009

Attachments: CoverLetter 05-21-09 CDA e-mail 95-10431,34,52,53,58,59 & 79.doc; LegalNotice 05-21-09 CDA e-mail 95-10431,34,52,53,58,59,79.doc

Good afternoon, Kattie,

I'm trying to get things done early because I'll be out of the office tomorrow (Friday 5/22) and then Monday is a holiday. Additionally, I plan to be out of the office on the 28th and 29th of May for my 43rd anniversary. I need to spend some special quality time with my husband. He's not well.

Attached is our cover letter requesting publication of a legal notice on June 4 and 11, 2009 - and a copy of the legal notice is also attached.



CoverLetter
5-21-09 CDA e-mai.



LegalNotice
5-21-09 CDA e-mai.

This is our standard format - but it is a very large one.

I'll only be in the office Tuesday and Wednesday of next week. I will need a proof/preview copy, but if I don't hear from you before the middle of next week - that should be just fine.

Hopefully we have plenty of lead time on this one for both of our sakes.

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 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Please Fax or e-mail proof/preview copy to me before this goes to press.

Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov

Thanks, Dianne

May 21, 2009

KATTIE HOY
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-10431, 95-10434, 95-10452, 95-10453, 95-10458, 95-10459, & 95-10479

Dear Kattie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, **June 4 and 11, 2009**, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This is our regular format, but a LONG one. Hopefully it can all run in one unit, 2-column wide. I'm trying to get this to you early because of the holiday on Monday, and some days toward the end of next week when I'll be out of the office.

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 06/22/2009. Your cooperation is greatly appreciated.

Thanks for all your super work on our behalf

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

95-10431

WILLIAM J LAMPARD

SYLVIA B LAMPARD

31545 S HWY 97

HARRISON ID 83833

Point of Diversion L1 (NENW) S31 T49N R03W KOOTENAI County

Source COEUR D ALENE LAKE tributary to SPOKANE RIVER

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 04/23/2009

Place Of Use: DOMESTIC

T49N R03W S31 NENW Lot 1

Remark: Domestic use is for 1 home.

95-10434

JOHANNES HERZOG

545 E 12 AVE

SPOKANE WA 99202

Point of Diversion L4 (NWNW) S13 T53N R05W KOOTENAI County

Source UNNAMED STREAM tributary to SPIRIT LAKE

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

Total Diversion: 0.04 CFS

Date Filed: 04/27/2009

Place Of Use: DOMESTIC

T53N R05W S13 NENW Lot 3 NWNW Lot 4

Remark: Domestic use is for 2 homes and 1 RV site.

95-10452

DOMINIQUE R PITMAN

11702 E BUNCO RD

ATHOL ID 83801

Point of Diversion NENW S25 T53N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 04/29/2009

Place Of Use: IRRIGATION

T53N R03W S25 NENW

Number of Acres: 5

95-10453

DUANE R SAASEN

6608 SILVER SPRINGS DR NW

GIG HARBOR WA 98335

Point of Diversion SWSE S10 T50N R05W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.12 CFS

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

Total Diversion: 0.16 CFS

Date Filed: 04/28/2009

Place Of Use: DOMESTIC

T50N R05W S10 SWSE

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 6

Remark: Domestic use is for 2 homes

95-10458

EDITH ROBLES

MICHAEL ROBLES

7326 W SPIRIT LAKE RD

SPIRIT LAKE ID 83869

Point of Diversion L7 (SENE) S7 T53N R04W KOOTENAI County

Source SPIRIT LAKE tributary to SPIRIT CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 05/01/2009

Place Of Use: DOMESTIC

T53N R04W S7 SENE Lot 7

Remark: Domestic use is for 1 home.

95-10459

MICHAEL SCHMIEDER

KATHERINE HALLAREN

GAIL KEENUM

PO BOX 582

ATHOL ID 83801

TERRY PETERSON

CATHERINE PETERSON

8288 SNOWY LN

ATHOL ID 83801
MARK BOLLEN
9150 E SNOWY LN

ATHOL ID 83801

Point of Diversion NESW S14 T53N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.08 CFS

Use: DOMESTIC 01/01 To 12/31 0.11 CFS

Total Diversion: 0.19 CFS

Date Filed: 05/01/2009

Place Of Use: DOMESTIC

T53N R03W S14 NESW NWSW NWSE

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 2.5

Remark: Domestic use is for 5 homes.

95-10479

SCHLABS FAMILY TRUST

PO BOX 38

SPIRIT LAKE ID 83869

Point of Diversion L1 (NENE) S13 T53N R05W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.18 CFS

Use: DOMESTIC 01/01 To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 05/05/2009

Place Of Use: DOMESTIC

T53N R05W S13 NENE Lot 1

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 9

Remark: Domestic use is for 1 home, 45 RV sites and 6 cabins.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 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 06/22/2009.

The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Legal #

Published June 4 & 11, 2009