

Ident. No. 94-7496
RECEIVED
MAR 18 2009

75470
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

IDWR / NORTH
208-659-7294
208-691-8315
208-772-7821
Email mjtjwaldo@roadrunner.com

1. Name of Applicant Michael J & Therest J. Waldo Phone 83839
Mailing address 2833 E Grand Tour Dr Hayden Id Email mjtjwaldo@roadrunner.com
2. Source of water supply Springs which is a tributary of tepee creek
3. Location of point of diversion is Township 51N Range 1E Sec. 12 in the NE. NW SE Govt. Lot --- B.M., Shoshone County;
additional points of diversion if any: NE NE of SE Twn 51 08 E Range Sec 12

4. Water will be used for the following purposes:

Amount 0.02 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount 0.02 for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount 0.03 for IRR purposes from 4/15 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) 0.05 ^{cubic feet per second} and/or (b) --- acre feet per year

6. Proposed diverting works: Gravity flow from spring

a. Describe type and size of devices used to divert water from the source pipe size

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? ---

e. If well is already drilled, when? ---; Drilling firm ---

Well was drilled for (well owner) ---; Drilling Permit No. TJW

7. Time required for completion of works and application of water to proposed beneficial use is 1.5 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. 1 cabin
- e. Other; describe fully. 1 ac Irr

Leq 7250 269349 Part of SE 1/4 Parcel SINOIE 12 725

9. Description of place of use:

Domestic use at cabin

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	
																D			
																F			
																I			I

Total number of acres to be irrigated: 1

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?

11. 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:

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Line run down to cabin for domestic use & irrigation purposes, 2 points, 1 on each side of our property. Each side of the Forest Service road #812

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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.

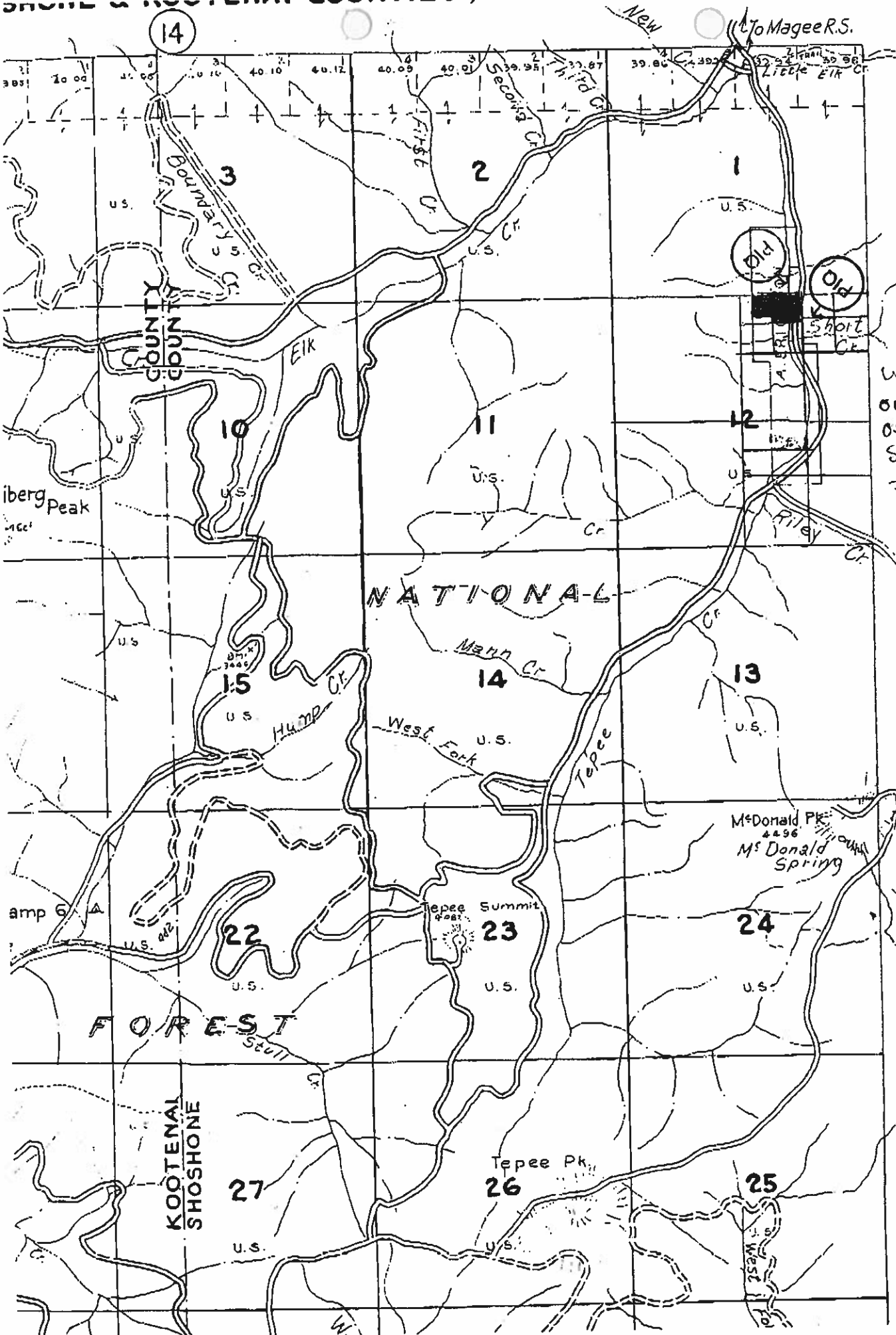
Theresa J. Waldo
Signature of Applicant

Theresa J. Waldo
Print Name (and title, if applicable)

For Department Use:

Received by DB Date 3/18/09 Time _____ Preliminary check by _____

Fee \$ 100.00 Received by DB Receipt No. N02 0086 Date 3/18/09



SURVEY 2797-1
MINING &
SURVEY 2766-M
SURVEY 2557-L1

We have a spring
on each side
of the forest
service road
#812

C52269-88 Shoshone #204032160

409293

WARRANTY DEED

For Value Received Richard W. Burdette and Young K. Burdette, as Trustees of the Burdette Family Trust, dated April 12, 2000

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Michael J. Waldo and Theresa J. Waldo, husband and wife

whose address is: 17598 W. Lirae Dr., Hauser, ID 83854

Hereinafter called the Grantee, the following described premises situated in Shoshone County, Idaho, to-wit:

See Exhibit "A" attached hereto and made a part hereof for legal description

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 undersigned 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.

Dated: April 24, 2003

Burdette Family Trust Dated April 12, 2000

Richard W. Burdette, Trustee

Young K. Burdette, Trustee

STATE OF Idaho

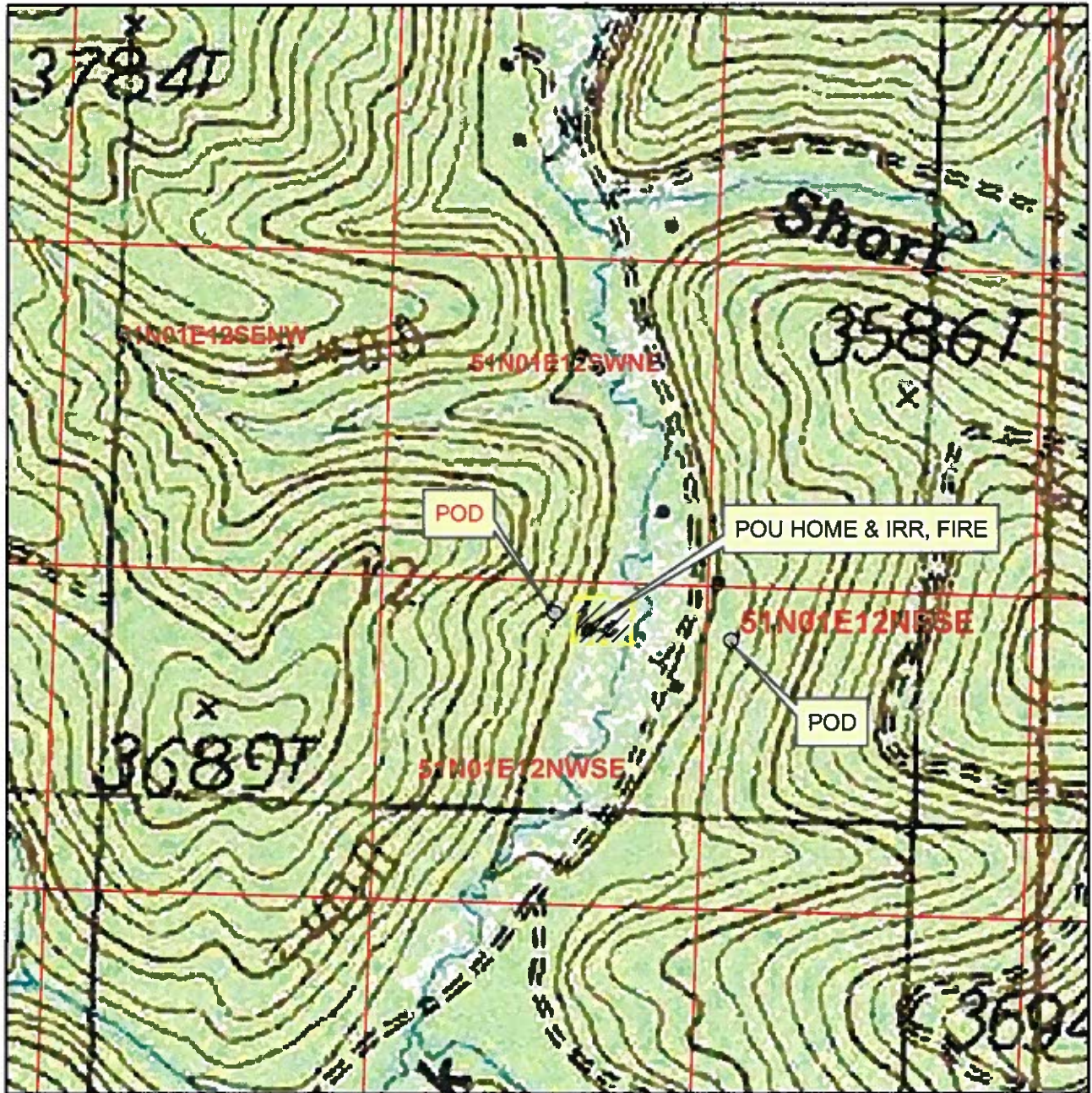
COUNTY OF KOOTENAI

On this 04/24/2003, before me Rhonda Bomar, personally appeared Richard W. Burdette and Young K. Burdette, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as trustees and acknowledged to me that they executed the same as such trustees.

Notary Public of Idaho
Residing at CDA, ID
Commission Expires: 7/11/2006



94-7496



Legend

○ Application POD

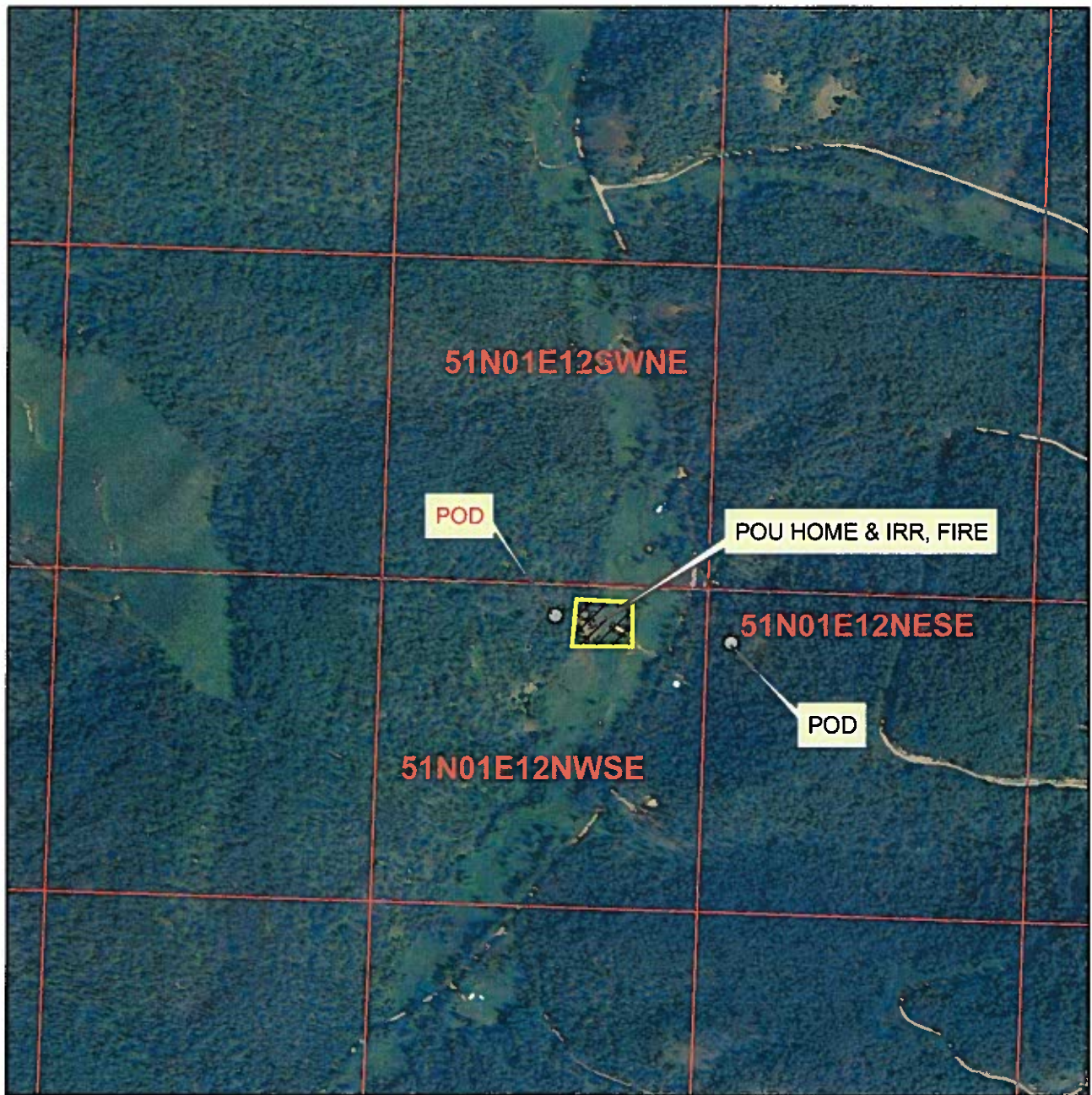


Application POU

0 250 500 1,000 1,500 2,000 Feet



94-7496



Legend

- Application POD
-  Application POU

0 250 500 1,000 1,500 2,000 Feet



Ball, Dianne

From: Ball, Dianne
Sent: Thursday, March 19, 2009 4:09 PM
To: mterrabe@idfg.idaho.gov
Cc: Davis, Eric
Subject: Agency Comment Request re WR App for Waldo - 94-7496 - Springs
Attachments: 94-7496 Waldo.pdf; Agency Comment Request Ltr.doc

Good afternoon, Mary,

Attached is our cover letter requesting your comments on WR Application for Waldo 94-7496. Copy of application with maps also attached.

Source on this one is two springs, one on either side of their property.

If you have any comments, check with Eric Davis, and please respond to his attention on this one, with copy to me.

Thanks, and have a wonderful evening.

Happiness in life depends on the quality of your thoughts.

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

3/19/2009



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

March 19, 2009

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2885 W KATHLEEN AVE.

Re: Water Permit Application No. 94-7496

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 follows 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, and by sending a copy of your protest to the applicant. This will be scheduled for publication on April 2 and 9, 2009 in the Shoshone County News Press

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **April 20, 2009**. That is also the final date for protests to be received in our office.

If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819, or by e-mail to Eric.Davis@idwr.idaho.gov.

We request that you send a copy of your comments regarding, and/or notice that you intend to protest this application to the applicant as well as to our office.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant



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

March 25, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

MICHAEL J WALDO
THERESA J WALDO
2833 E. GRAND TOUR DR
HAYDEN ID 83839

RE: Application for Permit No 94-7496

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 Shoshone County News Press on April 2 and 9, 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: Wednesday, March 25, 2009 2:07 PM
To: Legal Notices-Shoshone Co NP1 Tina Christmann; snpbilling@cdapress.com
Subject: Legal notice for publication on April 2 and 9, 2009, re Water Right Application No. 94-7496
Attachments: CoverLetter 03-25-09 NP e-mail 94-7496.doc; LegalNotice 03-25-09 NP e-mail 94-7496.doc

Good afternoon, Tina,

Attached is our cover letter requesting publication of a legal notice on April 2 and 9, 2009. The legal notice is also attached.

If you have any questions, please call me or reply to this e-mail.

Thanks for your super help. It's always a pleasure to work with you.

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

3/25/2009



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*

March 25, 2009

TINA CHRISTMANN
LEGAL NOTICE DEPARTMENT
SHOSHONE COUNTY NEWS PRESS
PO BOX 149
KELLOGG ID 83837-0149

RE: Application for Permit No. 94-7496

Dear Tina:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, April 2 and 9, 2009, (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 04/20/2009. Your cooperation is, as always, greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

94-7496

MICHAEL J WALDO

THERESA J WALDO

2833 E. GRAND TOUR DR

HAYDEN ID 83839

Points of Diversion (2) NENWSE, NWNSE S12 T51N R01E

SHOSHONE County

Source SPRINGS tributary to TEPEE CREEK

Use: IRRIGATION	04/15 To 10/31	0.03 CFS
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Use: DOMESTIC	01/01 To 12/31	0.02 CFS
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Use: FIRE PROTECTION	01/01 To 12/31	0.02 CFS
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Total Diversion:	0.05 CFS
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Date Filed: 03/18/2009

Place Of Use: DOMESTIC

T51N R01E S12 NWSE

Place Of Use: IRRIGATION & FIRE PROTECTION same as DOMESTIC

Number of Acres 1

Remark: Domestic use is for 1 home.

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 04/20/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published April 2 & 9, 2009