

75241

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
NOV 14 2008

IDWR/North

1. Name of Applicant James and Geraldine Wilson Phone 208-666-9615
Mailing address 7782 Eusser Dr. Coeur d'Alene, ID 83814 Email jgwilson1@verizon.net

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is Township 49 N Range 4 W Sec. 5 in the NW $\frac{1}{4}$,
SE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., Kootenai County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 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 _____ 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) .04 and/or (b) _____
cubic feet per second 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? _____

e. If well is already drilled, when? 5/27/93; Drilling firm H2O Well Service;

Well was drilled for (well owner) Dave Dabell (former owner); Drilling Permit No. 95-93-N-87

7. Time required for completion of works and application of water to proposed beneficial use is 1 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

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	
49N	4W	5								D									

Total number of acres to be irrigated: _____

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? KC Hansen, subsequently sold to Daniel Silvas
 b. Who owns the land to be irrigated or place of use? Jim & Geraldine Wilson
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Contract

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

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.

James B. Wilson
Signature of Applicant

James B. Wilson
Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 11/14/08 Time 10:20a Preliminary check by _____
 Fee \$ 100 Received by [Signature] Receipt No. N019686 Date 11/14/08

1768707

WELL AGREEMENT

RECEIVED
NOV 14 2008
IDWR/North

THIS INSTRUMENT, is made and entered into this 10th day of December, 2002 by Kendall C. & Mary K. Hansen, husband and wife, and James B. & Geraldine C. Wilson, husband and wife

RECITALS

WHEREAS Hansens are the owners in fee simple of the following described tracts of real property located within Kootenai County, Idaho:

Parcel 2845 (11.60 acres comprised of tax numbers #15642, #9676 and #15987) in the northwest quarter of Section 5, Township 49N, Range 4W, BM according to the plat recorded in the Office of County Recorder, Kootenai County, Idaho (see Exhibit A)

AND, WHEREAS Wilsons are the owners in fee simple of the following described tracts of real property located within Kootenai County, Idaho:

Parcels 0-3290-001-001-0, 0-3290-001-002-0 and 0-3290-001-003-0 (10 acres each) in the northwest quarter of Section 5, Township 49N, Range 4W, BM according to the plat recorded in the Office of County Recorder, Kootenai County, Idaho (see Exhibit A)

AND, WHEREAS there is a well located on Parcel 2845 of the Hansen property.

AND, WHEREAS the parties desire to use said well for the benefit of the parcels above described.

AND, WHEREAS, the parties to this agreement desire to make a matter of public record the rights, interest and further responsibilities of the parties to this Agreement as it concerns the maintenance, repair and use of the well and the water distribution lines to each of the parties' respective parcels of real property described above.

NOW, THEREFORE, it is hereby established as follows:

(1) The water well located on Parcel 2845 of the Hansen property shall be for the exclusive domestic use on the parcels of real property described above. The water system shall only be used for domestic purposes serving one residential dwelling on each of said parcels of real property. Neither the well or water supply system can be expanded to other properties or other uses without prior written consent of all parties to this agreement, their heirs, assigns or successors.

Each property owner grants to the others an easement for the installation and maintenance of the water well and any necessary distribution lines connecting present or future residences to the water well.

1768707

(2) Wilson's shall pay the sum of \$5,000 at the time this agreement is signed and an additional \$10,000 at the time of connection. Should other connections be made to this well at a later date, provided the well has sufficient capacity to support the additional usage, a fee equal to \$30,000 divided by the total number of connections shall be charged. Refund adjustments will be made to earlier parties such that their connection fee equals the amount as calculated above.

Each individual lot owner shall be responsible for the costs of hooking up and maintaining the water distribution system to their respective household.

(3) In the event any naturally occurring shortage of water, such as drought or seismic activity, reduces the well output, each lot owner shall be entitled to equal use of the available diversion amount and water pressure available from the source.

(4) All costs for the upkeep and maintenance for the well and share water distribution line shall be shared equally by the parties to this agreement using the water at that time.

(5) The water shall only be used for domestic purposes.

(6) In the event either party to this agreement fails to pay their respective costs for repair, operation or maintenance of the well, or in any other way defaults or violates any term or provision of this agreement, then in that event, the non-defaulting party may make written demand that the defaulting party contribute or pay as required by this agreement, or cure the default or violation. If after fifteen (15) days, the defaulting party fails to cure the default, then the non-defaulting party may institute legal action against the defaulting party for an order compelling the defaulting party to comply with the terms of this agreement. The defaulting party shall also be responsible for payment of all costs and fees incurred through the enforcement of this agreement.

The parties agree that as to any delinquent payments, a lien shall exist on their respective properties for said delinquent payments until paid in full.

(7) In the event any legal action is necessitated for the enforcement of the terms of this agreement, attorney's fees and costs shall be allowed to the prevailing party.

(8) Should any provision of this agreement be declared invalid or in conflict with any applicable law, statute, regulation, or ordinance, the validity of all the other provisions of this agreement shall remain unaffected and in full force and effect.

(9) The terms and conditions of this agreement shall constitute covenants and encumbrances and shall run with the land and shall be perpetually binding upon the parties hereto, their heirs and assigns, and any party acquiring any right, title or interest in or to any portion of the real property described above.

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ENTERED INTO of the date first above written.

Kendall C. Hansen
Kendall C. Hansen

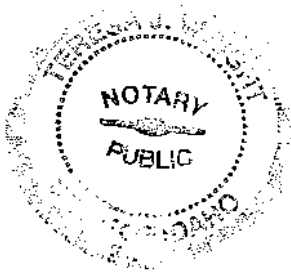
Mary K. Hansen
Mary K. Hansen

James B. Wilson
James B. Wilson

Geraldine C. Wilson
Geraldine C. Wilson

STATE OF Idaho)
County of Kootenai) ss.

On this 9th day of December, 2002, before me, a notary public in and for said State, personally appeared Kendall C. & Mary K. Hansen known to me to be the persons whose names are subscribed to the instrument, and acknowledged to me that they executed the same.



Notary Jessie Wright

Residing 2900 N. Gov't Way Coeur d'Alene

Commission expires 8-10-2006

STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OF
Jim Wilson

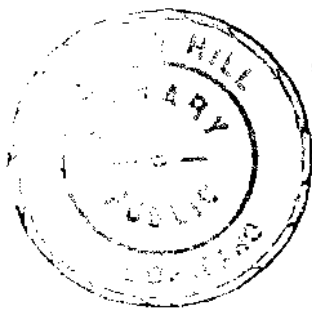
2002 DEC 10 A 9:22

DANIEL J. ENGLISH
DEP

DEPUTY 120
FEES

STATE OF Idaho)
County of Kootenai) ss.

On this 10th day of December, 2002, before me, a notary public in and for said State, personally appeared James B. & Geraldine C. Wilson known to me to be the persons whose names are subscribed to the instrument, and acknowledged to me that they executed the same.



Notary Wendy Hill

Residing Coeur d'Alene

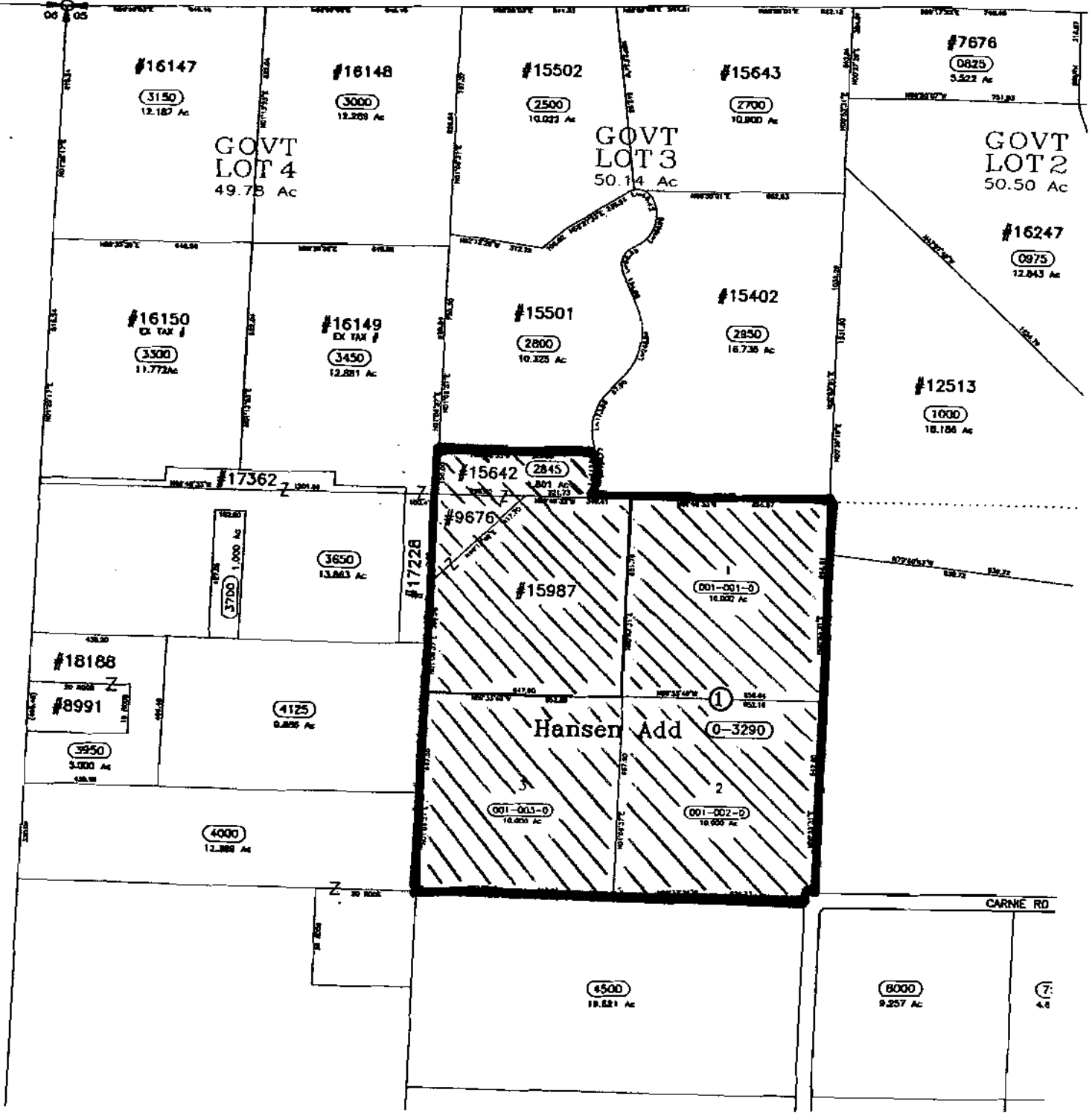
Commission expires 8/25/04

1768707

EXHIBIT A

49N04W-05

Twp. 49 N. R. 4 W.B.M.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 19 1993

USE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

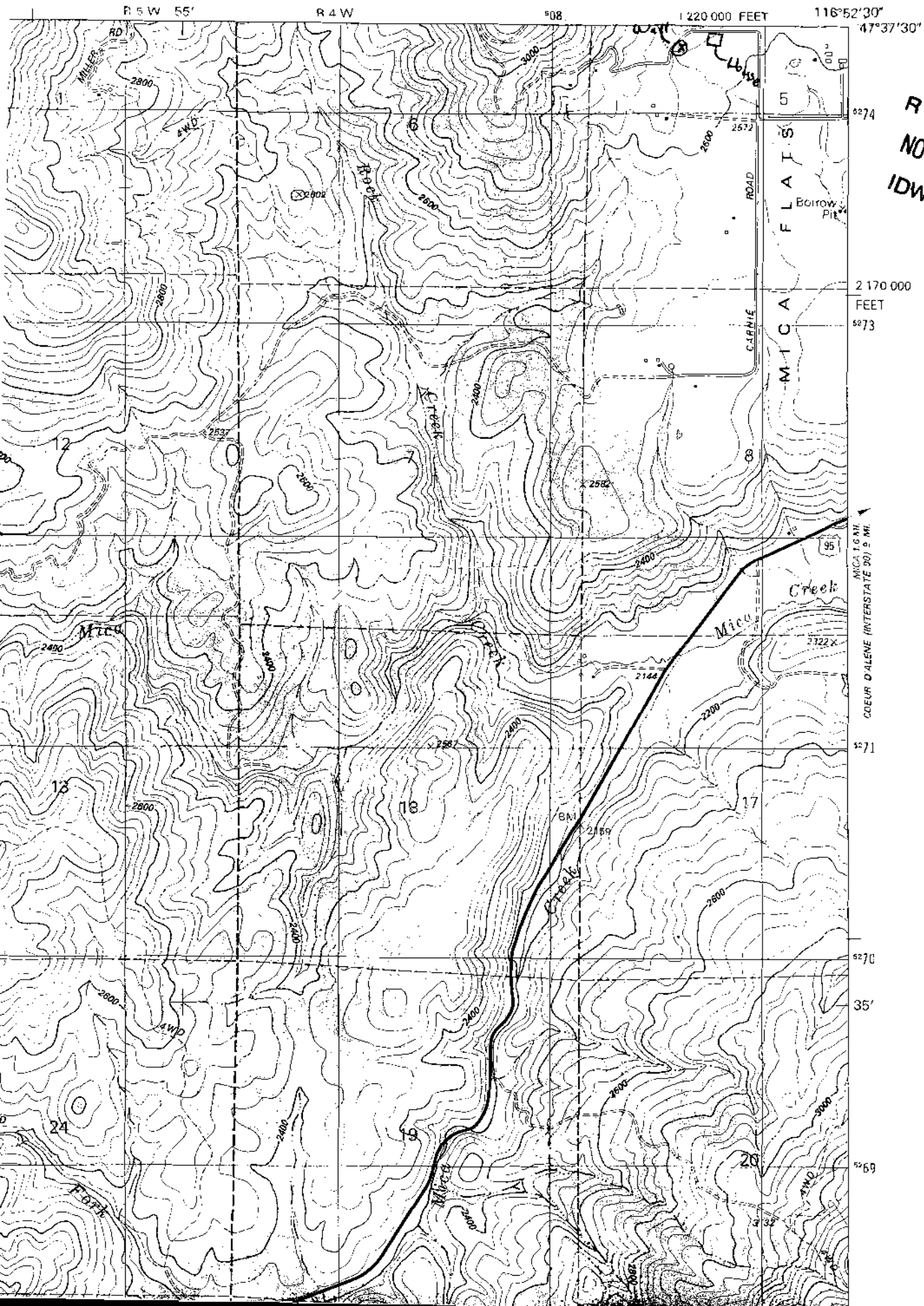
1. WELL OWNER Name <u>MR DAVE DABOLL</u> Address <u>505 FRONT AVE COEUR D'ALENE ID 83814</u> Drilling Permit No. <u>95-23-N-87-000</u> Water Right Permit No. _____	7. WATER LEVEL Static water level <u>45</u> feet below land surface. Flowing? ☐ Yes ☐ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☒ Valve ☐ Cap ☐ Plug Temperature <u>cold</u> °F. Quality <u>Good</u> Describe artesian or temperature zones below.																																																																						
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Modification ☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 8.)	8. WELL TEST DATA ☐ Pump ☐ Bailer ☒ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td>60 GPM</td><td></td><td></td></tr></tbody></table>	Discharge G.P.M.	Pumping Level	Hours Pumped	60 GPM																																																																		
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Monitor ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	8. LITHOLOGIC LOG <u>89394</u> <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>8</td><td>0</td><td>5</td><td>SAND & GRAVEL FILL</td><td></td><td>X</td></tr><tr><td>8</td><td>5</td><td>19</td><td>DECOMPOSED GRANITE BROWN</td><td></td><td>X</td></tr><tr><td>6</td><td>19</td><td>24</td><td>DECOMPOSED GRANITE BROWN</td><td></td><td>X</td></tr><tr><td>6</td><td>24</td><td>30</td><td>GRANITE BLACK & GREEN SOFT</td><td></td><td>X</td></tr><tr><td>6</td><td>30</td><td>70</td><td>GRANITE TAN MEDIUM</td><td></td><td>X</td></tr><tr><td>6</td><td>70</td><td>111</td><td>GRANITE SALT & PEPPER W/GREEN SCALES</td><td></td><td>X</td></tr><tr><td>6</td><td>111</td><td>157</td><td>GRANITE PEPPER W/GREEN MED W/WATER APPROXIMATELY SALT</td><td>X</td><td></td></tr><tr><td>6</td><td>157</td><td>170</td><td>GRANITE GREEN & WHITE SOFT</td><td></td><td>X</td></tr><tr><td>6</td><td>170</td><td>176</td><td>GRANITE BLACK FRACTURED W/ WATER 60GPM</td><td>X</td><td></td></tr><tr><td>6</td><td>176</td><td>180</td><td>GRANITE BLACK W/GREEN HARD</td><td></td><td>X</td></tr></tbody></table> NOTE: 153' OF 160psi PVC	Bore Diam.	Depth		Material	Water		From	To	Yes	No	8	0	5	SAND & GRAVEL FILL		X	8	5	19	DECOMPOSED GRANITE BROWN		X	6	19	24	DECOMPOSED GRANITE BROWN		X	6	24	30	GRANITE BLACK & GREEN SOFT		X	6	30	70	GRANITE TAN MEDIUM		X	6	70	111	GRANITE SALT & PEPPER W/GREEN SCALES		X	6	111	157	GRANITE PEPPER W/GREEN MED W/WATER APPROXIMATELY SALT	X		6	157	170	GRANITE GREEN & WHITE SOFT		X	6	170	176	GRANITE BLACK FRACTURED W/ WATER 60GPM	X		6	176	180	GRANITE BLACK W/GREEN HARD		X
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4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Auger ☐ Reverse rotary ☐ Cable ☐ Mud ☐ Other _____ (backhoes, hydraulic, etc.)																																																																							
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness <u>250</u> inches Diameter <u>6</u> inches + <u>1.5</u> feet <u>20</u> feet pvc <u>160psi</u> inches <u>4</u> inches <u>7</u> feet <u>160</u> feet inches inches feet feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☒ Yes ☐ No Perforated? ☒ PVC ☐ Yes ☐ No Skill Saw How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation? <u>1/4</u> inches by <u>4</u> inches Number _____ From _____ To _____ <u>80</u> perforations <u>140</u> feet <u>180</u> feet perforations feet feet perforations feet feet Well screen installed? ☐ Yes ☒ No Manufacturer _____ Type _____ Top Packer or Headpipe _____ Bottom of Tailpipe _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>19</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between struts Describe access port _____																																																																							
6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Kootenai</u> Address of Well Site <u>Sausser Drive</u> (give at least name of road) <u>49</u> T. <u>4</u> N ☒ or S ☐ <u>SE</u> 1/4 NW 1/4 Sec. <u>5</u> R. <u>4</u> E ☐ or W ☒	10. Work started <u>05/27/93</u> finished <u>05/27/93</u>																																																																						
11. DRILLER'S CERTIFICATION I/We certify that all minimum well construction standards were completed with at the time the rig was removed. Firm Name <u>H2O WELL SERVICE</u> Firm No. <u>8448</u> Address <u>502 W HAYDEN AVE</u> Date <u>05/27/93</u> Signed by Drilling Supervisor <u>[Signature]</u> and <u>[Signature]</u> (Operator) <u>[Signature]</u> (if different than the Drilling Supervisor)																																																																							

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

Well ID 273,738
Permit ID 753514

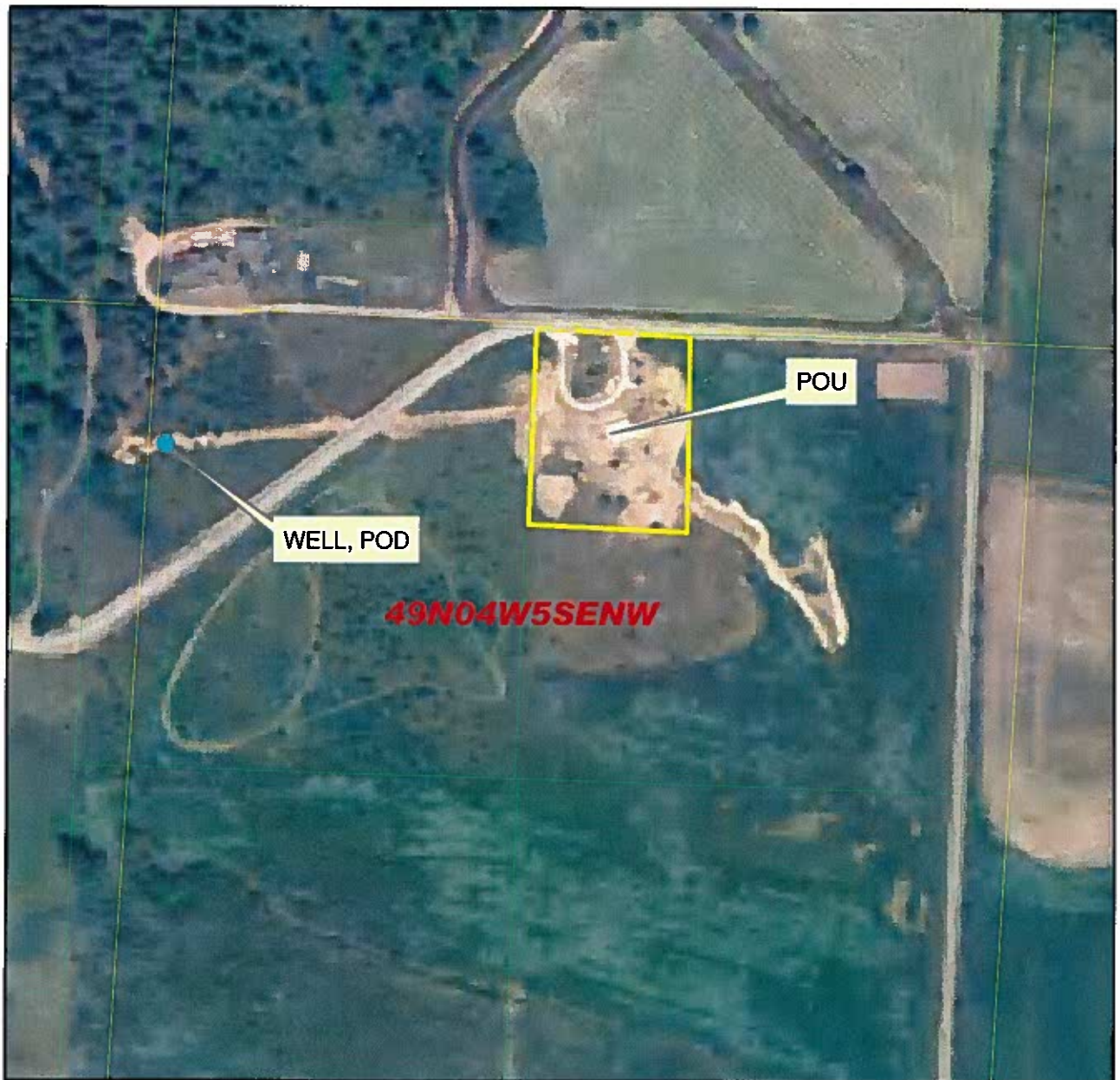
57/4 COEUR D'ALENE 15' QUADRANGLE

2579 III AIE
(COEUR D'ALENT)



RECEIVED
NOV 14 2008
IDWR/North

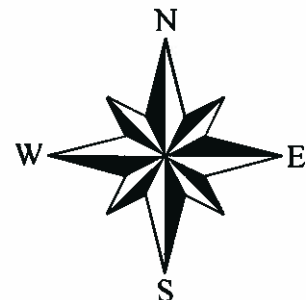
95-9555



0 100 200 400 600 800 Feet

Legend

-  workingpod
-  workingpou
-  QQ
-  Taxlots





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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RECEIVED
NOV 21 2008
IDWR/NORTH

November 17, 2008

James Wilson
7782 Sausser Dr.
Coeur d'Alene, ID 83814

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. Wilson:

The Idaho Department of Water Resources is currently processing your application and needs additional information.

First, Item #7 on the application was left blank; where it asks how many years it will take you to complete the works. An applicant has between 1 and 5 years by which to put the water to beneficial use. Let me know your preference and I will adjust the application.

1 year
(already completed)

Second, the well was constructed as a single domestic, which means the driller purchased the well drilling permit for \$35.00 back in 1993.. If a well is used for any purpose other than a single domestic, including multiple hookups, the drilling permit would have cost \$200.00. Before a permit can be issued for this application, an upgrade fee is required in the amount of \$165.00, made payable to the Idaho Department of Water Resources.

Jim

Once the department has received the additional information and the well upgrade fee, processing can continue on the application. If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Debo11

COPY



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 26, 2008

JAMES WILSON
GERALDINE WILSON
7782 SAUSSER DR
COEUR D ALENE ID 83814

RE: Application for Permit No 95-9555

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 December 4 and 11, 2008. 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, November 26, 2008 11:48 AM
To: Legal Notices-CdA Press; Legal Notices-CdA Press Glenda Jefferson
Subject: Legal notice for publication December 4 and 11, 2008
Attachments: CoverLetter 11-26-08 CdA e-mail 95-9555,56.doc; LegalNotice 11-26-08 CdA e-mail 95-9555,56.doc

Good morning, Kerry and Glenda,

Attached is our cover letter requesting publication of a legal notice on December 4 and 11, 2008. The Legal Notice is also attached.

Please send a *proof/preview copy* for my review, before this goes to press.

If you have any questions, I will be out Thanksgiving day and the day after, but back in the office on Monday, December 1.

Thanks for all your help.

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

11/26/2008



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*

November 26, 2008

KERRY TUCKER & GLENDA JEFFERSON
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-9555 and 95-9556

Dear Kerry & Glenda:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, December 4 and 11, 2008, (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 12/22/2008. Your cooperation is greatly appreciated.

Thanks for all your efforts 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:

95-9555

JAMES WILSON

GERALDINE WILSON

7782 SAUSSER DR

COEUR D ALENE ID 83814

Point of Diversion NWSENW S5 T49N R04W KOOTENAI CO

Source GROUND WATER

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

Date Filed: 11/14/2008

Place Of Use DOMESTIC

T49N R04W S5 SENW

Remark: Domestic use is for 1 home.

95-9556

DANIEL SEAVER

WANDA SEAVER

PO BOX 324

HARRISON ID 83833

Point of Diversion L2 (SWNE) S28 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE tributary to SPOKANE RIVER

Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 11/17/2008

Place Of Use: IRRIGATION

T48N R04W S28 SWNE Lot 2

Number of Acres 1

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 12/22/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director