

74992
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 94-7445

APPLICATION FOR PERMIT

RECEIVED

JUL 16 2008

IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant Louis Webster and James George
Pete Webster and Vickie George Phone 208-773-8818
Mailing address 113'E 3rd Post Falls, Id. 83854 Email UDT7738818@AOL.COM
2. Source of water supply Eagle Creek (East Fork) which is a tributary of Pineboard Creek
3. Location of point of diversion is Township 50 North Range 4 East Sec. 25 in the Eagle Creek 1/4,
SE 1/4, NW 1/4, Govt. Lot _____, B.M., Shoshone County;
additional points of diversion if any: 2 points of diversion

4. Water will be used for the following purposes:

- Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount 0.12 for Irrigation purposes from 4/1 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.16 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 2 PUMPS
PIPED TO IRRIGATION SITE, OR TO 200 GAL HOLDING TANKS PUMPED TO
2 HOME SITES
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. _____

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): N/A

- 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. 2 home sites
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	
50N	1E	25				~~4~~				0									
						~~4~~				4									4

Total number of acres to be irrigated: 4

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? 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. _____

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.

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 7/17/08 Time 8:20a Preliminary check by _____
 Fee \$ 100.00 Receipted by [Signature] Receipt No. NO19412 Date 7/17/08

Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____ Dates Published _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
415 Seventh Street, Suite 1
Wallace, ID 83873

439286

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **219388-WA (JS)**

Date: **July 17, 2007**

For Value Received, **David F. Zabel, Trustee of the David and Eloise Zabel Living Trust, dated September 7, 1993**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **James C. George and Valerie J. George, husband and wife AND Peter B. Wechsler and Lois J. Wechsler, husband and wife**, hereinafter called the Grantee, whose current address is 113 E. 3rd, Post Falls, ID 83854, the following described premises, situated in **Shoshone County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

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 parties 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.

1139280

Date: 07/17/2007

Warranty Deed
- continued

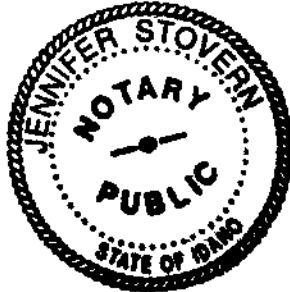
File No.: 219388-WA (JS)

David and Eloise Zabel Living Trust, dated
September 7, 1993

David F. Zabel - Trustee
David F. Zabel, Trustee

STATE OF Idaho)
SS.
COUNTY OF Shoshone)

On this 25 day of July, 2007, before me, a Notary Public in and for said State, personally appeared **David F. Zabel**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of the **David and Eloise Zabel Living Trust, dated September 7, 1993** Trust, and acknowledged to me that he executed the same as such Trustee.



Jennifer Stovern
Notary Public of Idaho

Residing at:

Commission Expires:

Kelllogg
May 23, 2011

EXHIBIT A

A portion of H.E.S. No. 554 which lies in Section 25, Township 50 North, Range 4 East, B.M., Shoshone County, State of Idaho described as follows:

Beginning at Corner No. 1, from which the Quarter Corner to Sections 25 and 26 in Township 50 North and Range 4 East, B.M., bears S 68°57' W 16.96 chains distant; thence

N 1°31' W 3.38 chains to Corner No. 2; thence

N 45°17' W 60 links to Corner No. 3; thence

N 63°40' E 27.18 chains to Corner No. 4; thence

S 42°26' E 14.18 chains to Corner No. 5; thence

S 66°55' W 17.57 chains to Corner No. 6; thence

S 63°53' W 7.99 chains to Corner No. 7; thence

N 74°4' W 5.90 chains to Corner No. 8; thence

S 64°4' W 3.97 chains to Corner No. 9; thence

N 9°17' W 5.20 chains to Corner No. 1, the place of beginning.

EXCEPTING therefrom:

A portion of H.E.S. No. 554 which lies in Section 25, Township 50 North, Range 4 East, B.M., Shoshone County, State of Idaho described as follows:

Beginning at Corner No. 1 of Homestead Entry Survey No. 554 from whence the ¼ corner common to Sections 25 and 26, Township 50 North, Range 4 East, B.M., bears South 68°57' West, a distance of 1119.36 feet; running thence

N 1°31' W a distance of 223.08 feet to Corner No. 2; thence

N 45°17' W a distance of 39.60 feet to Corner No. 3; thence

S 63°40' E on and along line 3-4 of said H.E.S. No. 554, a distance of 685.92 feet; thence

S 26°20' E a distance of 300 feet; thence

N 63°40' W a distance of 785.11 feet to a point on line 9-1 of said Survey; thence

N 9°17' W on and along said line 9-1 of said Survey, a distance of 62.84 feet to Corner No. 1 and the place of beginning.

439286

Instrument # 439286

WALLACE, SHOSHONE COUNTY, IDAHO

2007-07-26

04:04:00 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE CO.

PEGGY DELANGE-WHITE

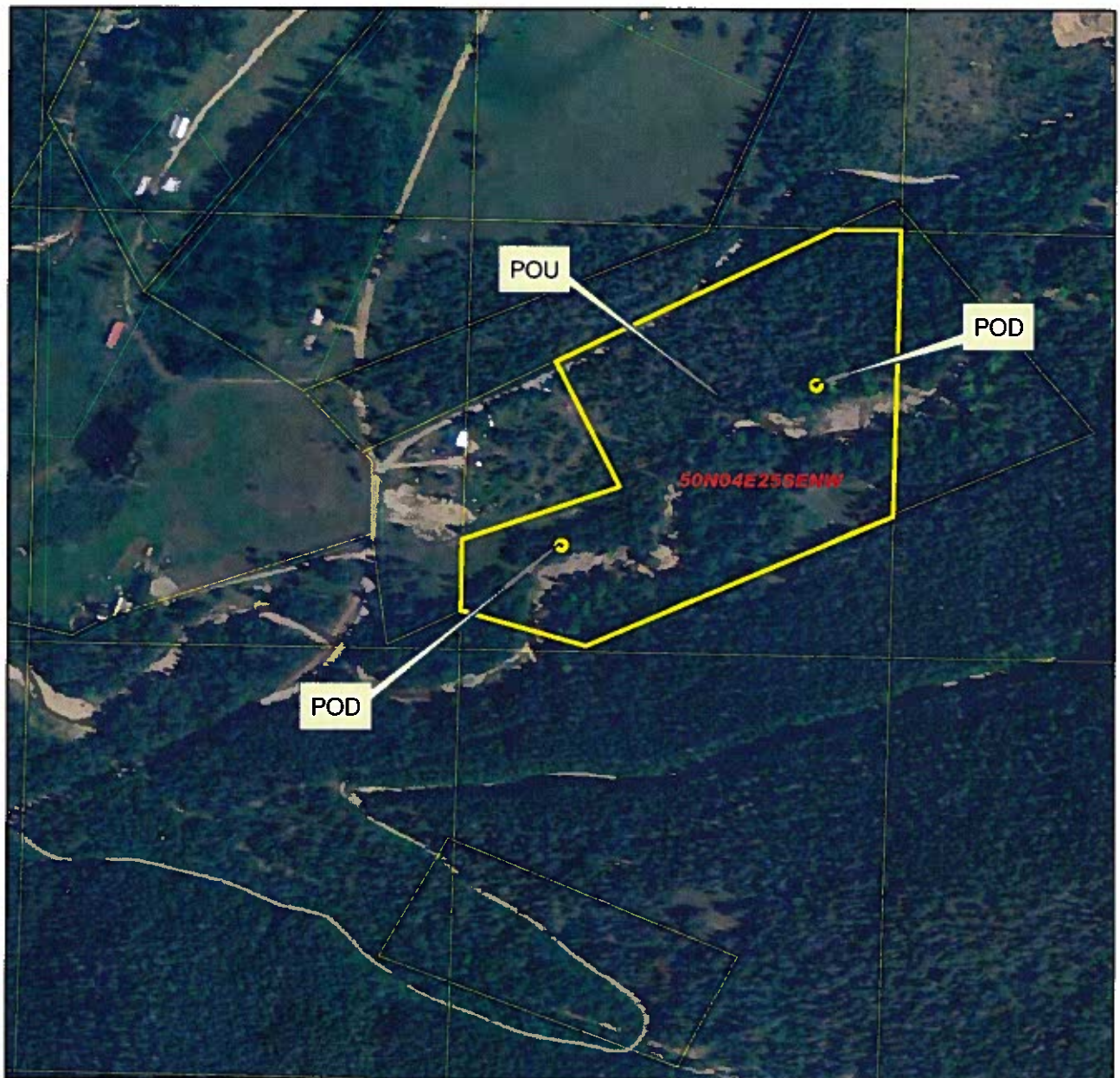
Fee: 9.00

Ex-Officio Recorder Deputy *[Signature]*

Index to: WARRANTY DEED

2507 JUL 26 PM 4 04

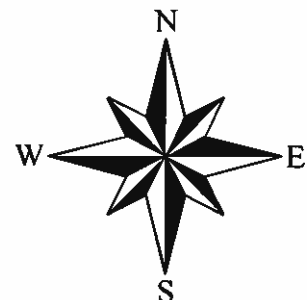
94-7445

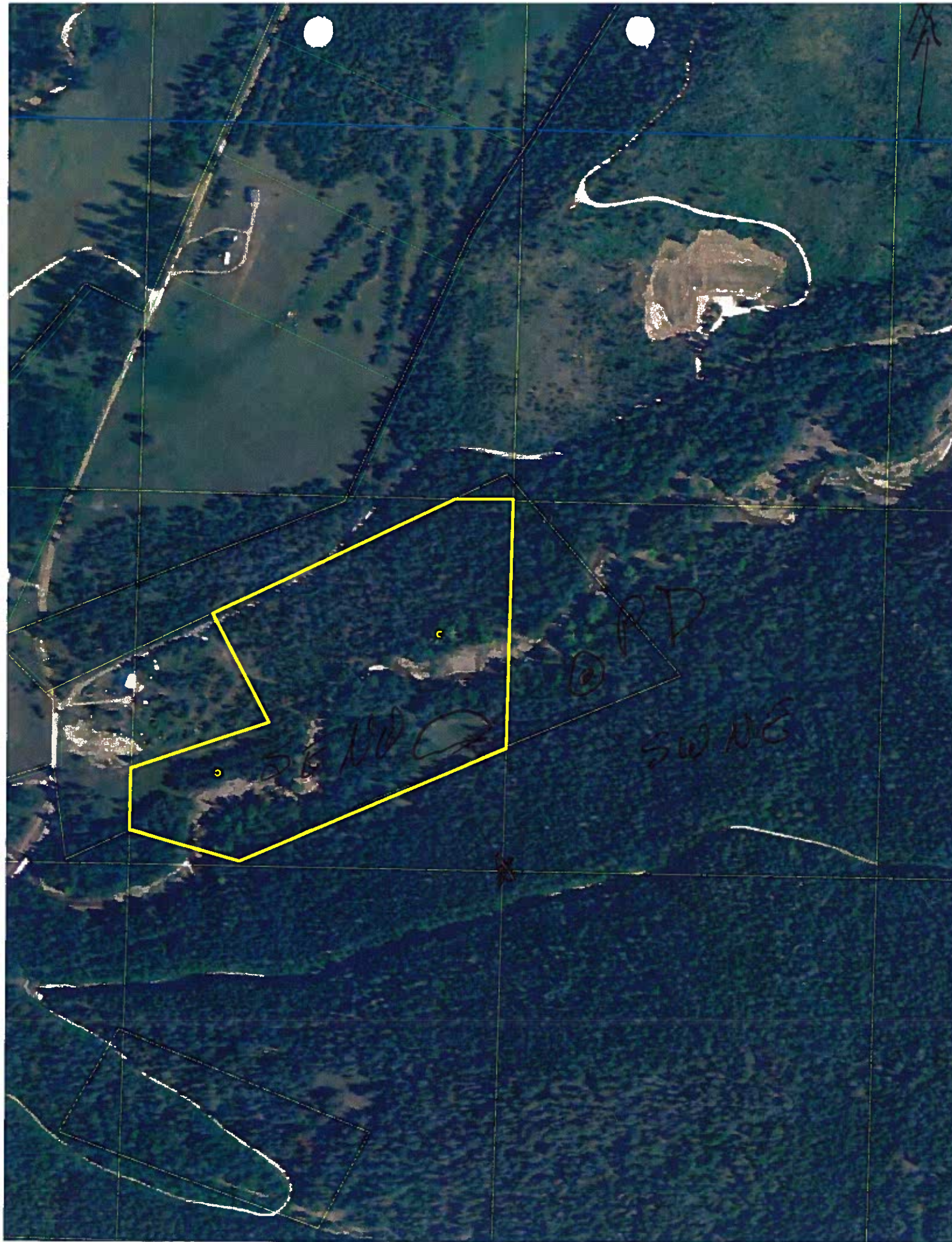


0 200 400 800 1,200 1,600 Feet

Legend

- QQ
- Taxlots
- workingpod
- workingpou







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

August 13, 2008

PETE WECHSLER, LOIS WECHSLER
JAMES GEORGE, VALERIE GEORGE
113 C 3RD
POST FALLS ID 83854

RE: Application for Permit No 94-7445 and 94-7446

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 August 21 and 28, 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



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

August 13, 2008

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2885 W KATHLEEN AVE.
COEUR D'ALENE, ID 83815

Re: Water Permit Application No. 94-7445 AND 94-7446

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 each of the applications follows for your reference.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **September 8, 2008**. 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.

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 is scheduled for publication on August 21 and 28, 2008.

You may send comments by regular mail to the address above, by **FAX to 762-2819**, or by e-mail to Keith.Franklin@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

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, August 13, 2008 4:25 PM
To: mterrabe@idfg.idaho.gov
Subject: Letter requesting comments - 2 additional WR application
Attachments: 94-7445.pdf; 94-7446.pdf

Good afternoon

Two more for which we need your comments by September 8, 2008. Attachments include our request letter.

Thanks, Mary, and have a great evening. (It's almost that time)

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

8/13/2008



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

August 13, 2008

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

RE: Application for Permit No. 94-7445

Dear Tina:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 21 and 28, 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 09/08/2008. Your cooperation is GREATLY appreciated.

It's a pleasure to work with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, August 13, 2008 4:31 PM
To: Legal Notices-Shoshone Co NP1 Tina Christmann; snpbilling@cdapress.com
Subject: Legal notice for publication August 21 and 28, 2008
Attachments: CoverLetter 08-13-08 NP e-mail 95-7445,46.doc; LegalNotice 08-13-08 NP e-mail 95-7445,46.doc

Good afternoon, Tina,

Attached is our cover letter requesting publication on August 21 and 28, 2008 of a legal notice. The legal notice is also attached.

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

Thanks for your super help – it's a pleasure to be working 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

8/13/2008

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

94-7445

PETE WECHSLER
LOIS WECHSLER
JAMES GEORGE
VALERIE GEORGE

113 C 3RD

POST FALLS ID 83854

Points of Diversion(2) SENW S25 T50N R04E SHOSHONE CO
Source E FORK EAGLE CREEK tributary to EAGLE CREEK

Tributary To EAGLE CREEK

Use: IRRIGATION 04/01 To 10/31 0.12 CFS

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

Total Diversion: 0.16 CFS

Date Filed: 07/16/2008

Place Of Use: DOMESTIC T50N R01E S25 SENW

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 4

Remark: Domestic use is for 2 homes

94-7446

PETE WECHSLER
LOIS WECHSLER
JAMES GEORGE
VALERIE GEORGE

113 C 3RD

POST FALLS ID 83854

Point of Diversion NWSWNE S25 T50N R04E SHOSHONE CO

Source SPRING tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 07/16/2008

Place Of Use: DOMESTIC T50N R04E S25 SENW

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 09/08/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published August 21 and 28, 2008