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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Craig MacPhee and/or John A MacPhee
(Name of Claimant)
53845 Boothe Park Rd, Coeur d'Alene, Id 83814 Telephone No. 667-5106
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Coeur d'Alene Lake tributary to SpoKane River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.08cfs</u>		Use <u>Domestic</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) 0.08cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 NW 1/4, Sec. 33 Twp. 50N Rge. 3W B.M., County of Kootenai
Additional points of diversion: AKA lots 24 & 25 Lakeshore Addition

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pump and pipeline to place of use

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>50N</u>	<u>3W</u>	<u>33</u>								<u>Y</u>									

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for 2 houses in '25

NOTE: Include here the type and number of stock watered: _____
If you are claiming water as a member of an organization, list name of organization: _____

RECORDED

(8) Remarks

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

95-4480

MAC PHEE, CRAIG &/or JOHN A.

S. 3843 BOOTHE PARK RD.,
COEUR D'ALENE, ID 83814

Source: COEUR D'ALENE
LAKE tributary to SPOKANE
RIVER

Priority Date: 01/01/1930

Amount:
0.08 CFS

Diversion Point: SENW Sec 33 T
50N R 03W, KOOTENAI Co.

Use: DOMESTIC

(0.08 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 33 T 50N
R 03W

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 405 Gov't
Way, Coeur d'Alene, ID. 83814.

A. KENNETH DUNN
Director

Legal 676

July 15, 22, 1982

Carol Redge being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

of which the annexed is a printed copy, was published in the regular issue of said newspaper for *2* consecutive *weeks*, commencing on the *15* day of *July*, 19*82*, and ending on the *22* day of *July*, 19*82*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Carol Redge
Subscribed and sworn to before me this *22* day of *July*, 19*82*.

Robert M. Mearley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

RECEIVED

JUL 28 1982

Department of U.S. Resources
Northern District Office LEADER

RECEIVED

AUG 27 1992

NORTHERN REGION
IDWRSTANLEY F. HAMILTON
DIRECTORBOARD OF LAND
COMMISSIONERS
CECIL D. ANDRUS
GovernorPETE T. CENARRUSA
Secretary of StateLARRY ECHOHAWK
Attorney GeneralJ.D. WILLIAMS
State AuditorJERRY L. EVANS
Sup't of Public
Instruction

MEMORANDUM

DATE: August 24, 1992

TO: Idaho Department of Fish and Game
Idaho Department of Health and Welfare, DEQ
Idaho Department of Water Resources
US Army Corps of Engineers
Panhandle Health District 1
Clean Lake Coordinating Council
Kootenai Environmental Alliance
Mrs. Rex Henson - Adjacent Property Owner

FROM: Carl Washburn *aw*
Navigable Waters Specialist

RE: NOTICE OF APPLICATION - L-95-S-3841 - MacPHEE, John A.

Enclosed is an application and plats requesting permission to install waterline & submersible pump extending 195 feet waterward; first 45 feet will be buried 4" deep in Coeur d'Alene Lake.

Please submit your recommendations to me by September 8, 1992, regarding the likely effect of the proposed encroachment upon adjacent property, lake, and streambed value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, or water quality. If you have concerns or are opposed to the project as proposed, please list your specific reasons for concern or opposition and any facts or documentation to support your position.

You should recommend alternate plans if they are economically feasible to accomplish the purpose of the proposed encroachment. You should also recommend any mitigation measures or special restrictions/provisions you would like included as part of the permit if one is issued.

If you do not submit a comment, I will assume you have no objections to the application. If you have questions concerning the application, I suggest you contact the applicant. If the applicant cannot answer your questions, please contact me at 208/765-5235.

mc
enclosures

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO, DEPARTMENT OF LANDS

SEPARATE PERMIT DECISIONS MUST
BE RECEIVED FROM BOTH THE STATE
OF IDAHO AND THE CORPS OF
ENGINEERS PRIOR TO START OF
WORK

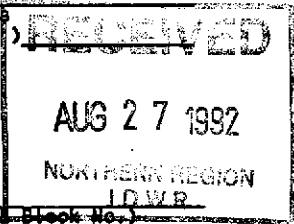
The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

1. Corps of Engineers # _____ Date Received _____	2. State of Idaho # <u>1-95-S-3841</u> Date Received _____
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PLEASE TYPE OR PRINT

The applicant has sent copies of this application to the agencies checked: ID Dept. Water Res. - Boise _____, Coeur d'Alene _____, Twin Falls _____, Idaho Falls _____; ID Dept. Lands - Boise _____, Coeur d'Alene _____; Corps of Engineers - Walla Walla _____.

3. Applicant <u>John & Carol MacPhee</u> Mailing Address <u>S. 3855 Boothe Park Rd</u> <u>Coeur d'Alene Id 83814</u> Work Phone (209) <u>667-2566</u> Home (209) <u>664-4355</u> Fax Number _____ Date of Application <u>August 18, 1992</u>	4. Authorized Agent _____ Mailing Address _____ Work Phone () _____ Home () _____ Area _____
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5. Location where proposed activity exists or will occur.

Waterway CDA Lake
Coeur d'Alene, Id
In or near city or town _____
County Idaho State Id Zip Code 83814

Tributary of: _____
Assessor's Desc. (Tax No. or Subdivision, Lot & Block No.)
* SE 75 feet of Lot 25 *(see instructions)
Addition to Sunnyside
SE NW 33 SON 34
1/4 1/4 Section Township Range

6. Describe the proposed activity, including description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms. If additional space is needed, use a separate sheet or Section 16 (Remarks).

Install a (1) submersible pump and 2 water lines
no greater than 2". The extra line will be used as a
spare should ever be needed.

Describe construction methods and equipment: Will bury 2 water lines during
low water by backhoe. Lines will be buried
approximately 4' deep and extend approx 45' from point of
high water mark to point beyond low water mark

Length of project along the stream or extension into lake or reservoir: 195' from high water mark

Stream gradient: _____

Will material be placed waterward of ordinary high water mark? yes - waterlines and pump

Will material be placed in wetlands? NO

Type of fill material: refill with lake sand, gravel, (i.e. sand, etc.) Material Source: existing lake bed material

Volume of material to be placed: N/A (cubic yards)

Will excavation be required? yes Disposal Location: N/A

Method of diverting flow, if needed: not needed

Method of controlling turbidity: not necessary

7. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles):
(Idaho Department of Water Resources requirement.) _____

8. Preparation of drawings. One set of original or good quality reproducible drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings.

9. Purpose and intended use:

Commercial _____ Public _____ Private X Other _____

Describe Residential water for domestic purposes

10. Proposed Starting Date Late October-early Nov 1992 Estimated Duration One to three days

11. If any portion of the activity is complete, indicate month and year of completion _____
Indicate the existing work on the drawings.

12. Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

Mrs. Mrs. Craig MacPhee
5355 Althea Park Rd
Coconut Grove, FL
667-5106

Mrs. Rex Henson
5355 Althea Park Rd
Coconut Grove, FL
664-6958

13. LEGAL OWNER IF
OTHER THAN APPLICANT _____

MAILING ADDRESS _____

CITY, STATE,
ZIP CODE _____

PHONE _____

AREA
WORK() _____

AREA
HOME() _____

14. List other applications, approvals, or certifications from other Federal, interstate, state, or local agencies for any structures, constructions, discharges, deposits, or other activities described in the application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
<u>Dept. of Water Resources</u>	<u>Permit</u>		<u>August 14, 1992</u>	<u>Pending</u>

15. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes _____ No X (If "Yes" explain)

16. Remarks or additional information: Our parents, Craig & Dorothy MacPhee have signed attached encroachment consents

17. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

August 19, 1992
Date

[Signature]
Signature of Applicant (REQUIRED)

The application must be signed by the applicant. If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

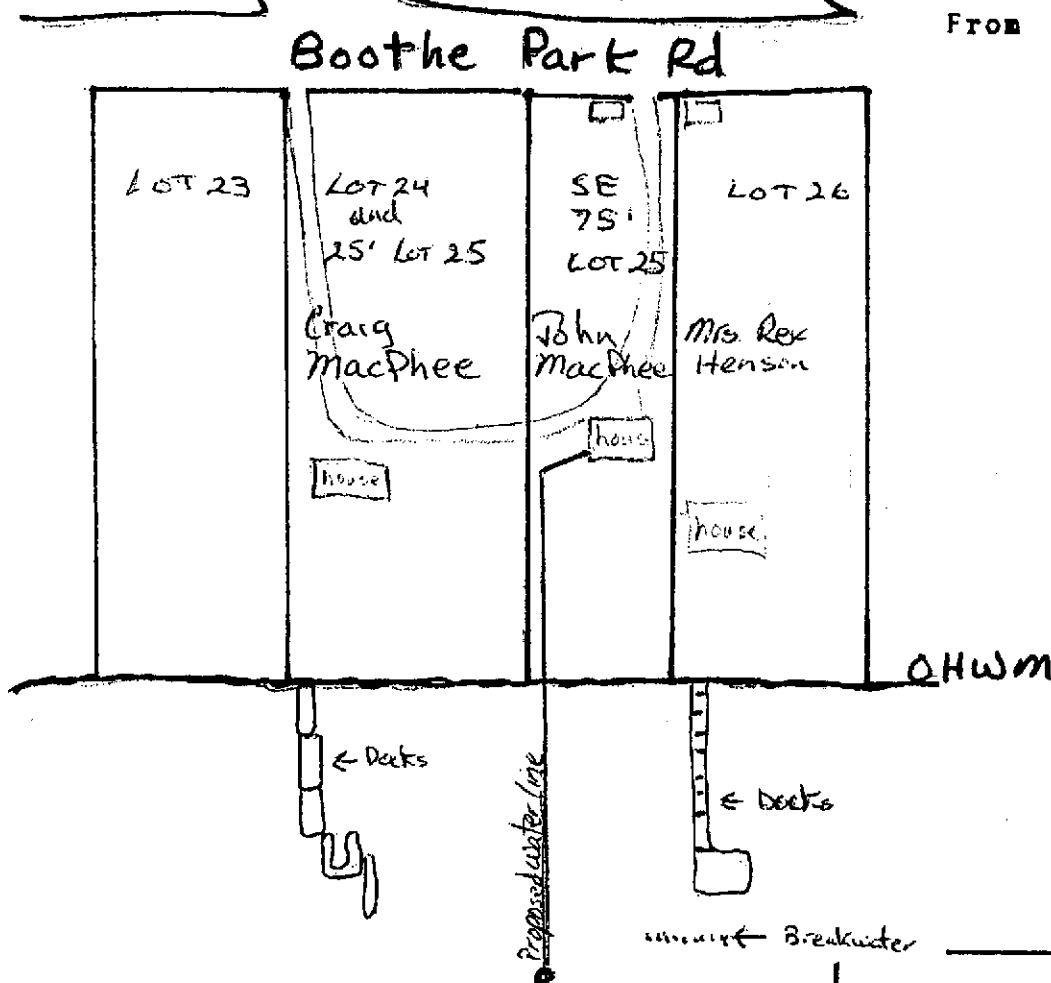
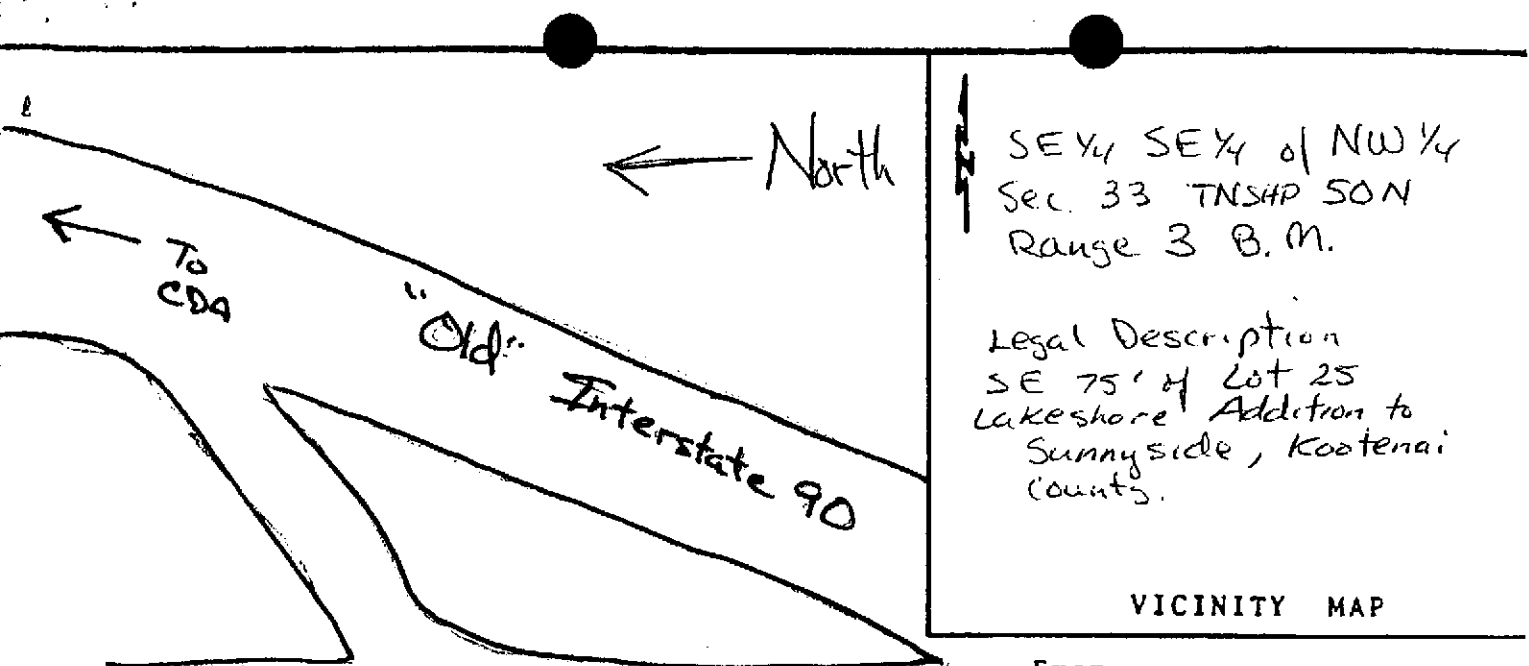
Date _____

Signature of Authorized Agent(if applicable) _____

Signature of Applicant (if applicable) _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Do not send a Federal permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

DO NOT SEND FEDERAL PROCESSING FEE WITH APPLICATION



IN
IN/NEAR

COUNTY,
SHEET 1 OF

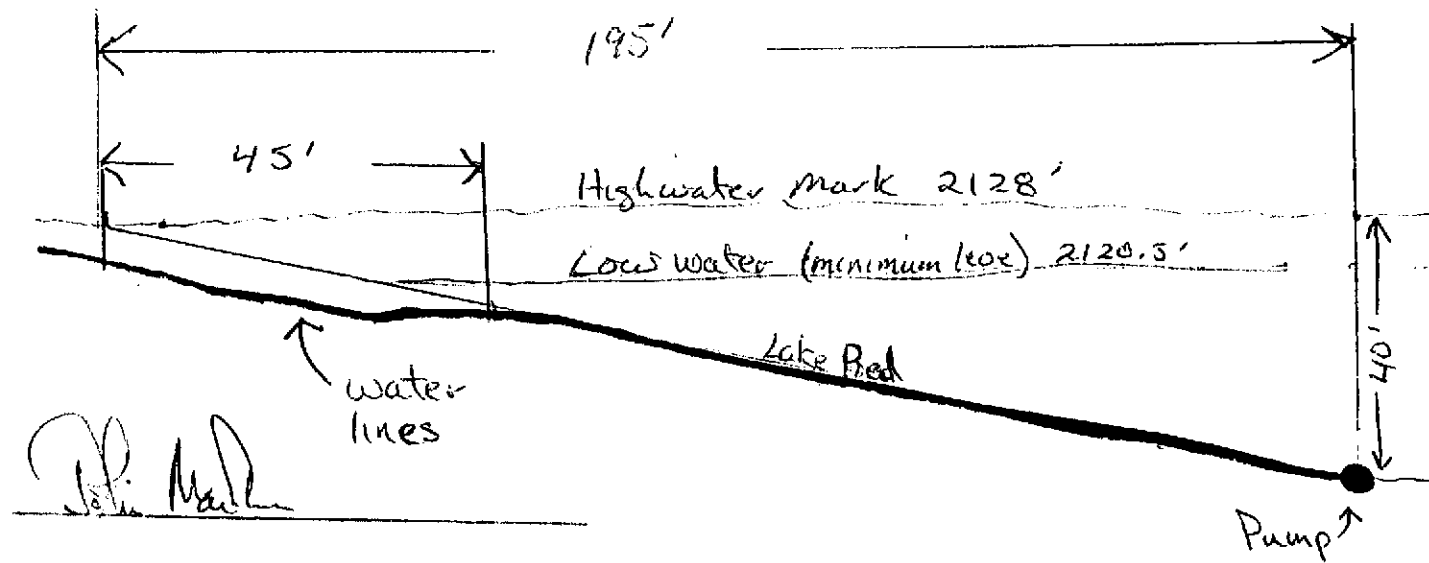
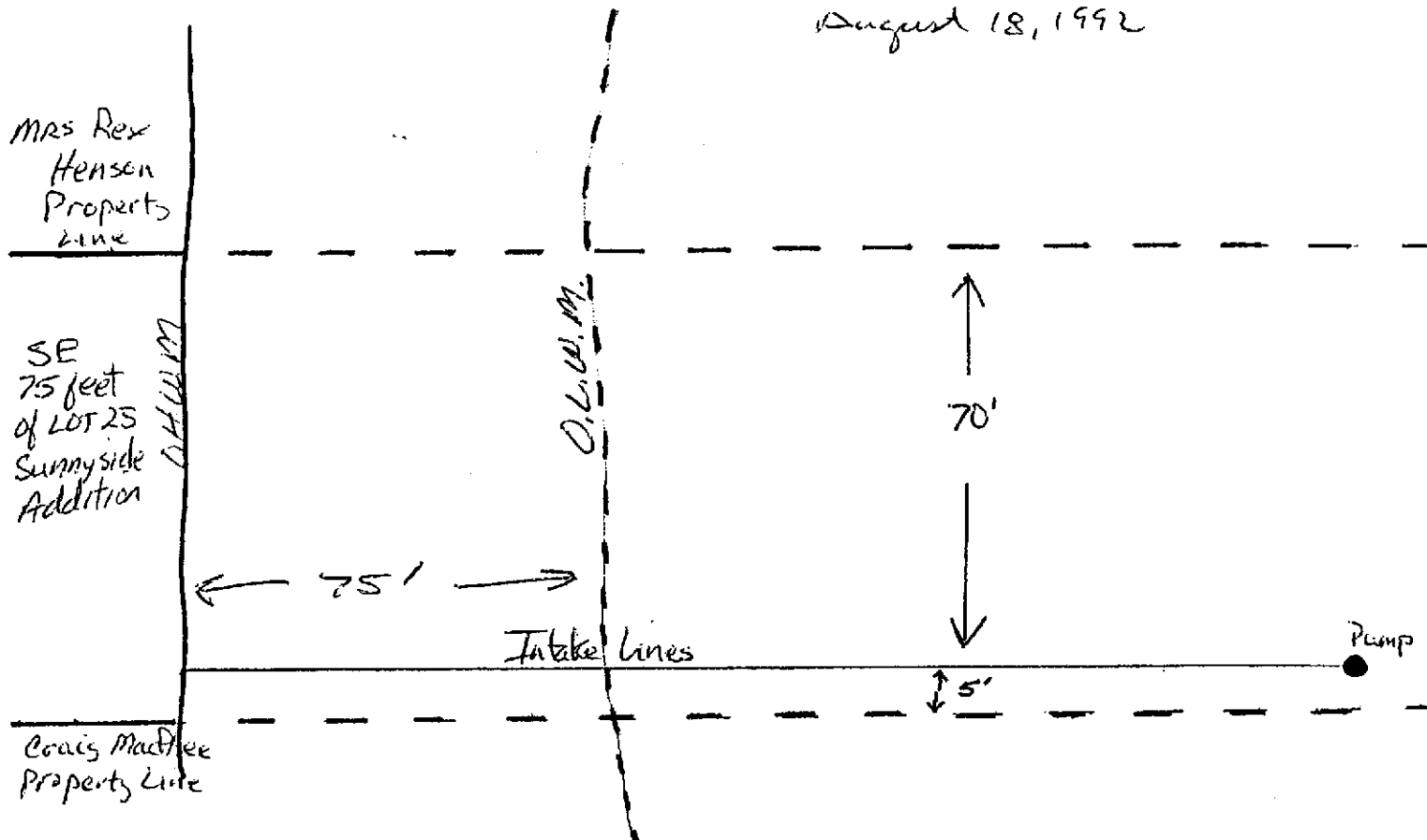
DATE:
APPLICATION BY:

Craig MacPhee, adjacent
property owner

John A. MacPhee, applicant
John A. MacPhee

Waterline Encroachment

John & Carol MacPhee
August 18, 1992



John MacPhee

Craig MacPhee

Scale 1" = 30'

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 954499 Applicant Mac Blue

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By JK Date 7/28/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 8/6/82

RECEIVED
AUG 6 1982

Department of Water Resources

95-4499

MAC PHEE, CRAIG &/or JOHN A.

S. 3845 BOOTHE PARK RD., COEUR D ALENE, ID 83814

Source: COEUR D ALENE LAKE tributary to SPOKANE RIVER

Priority Date: 01/01/1930

Amount: 0.08 CFS

Diversion Point: SENW Sec 33 T 50N R 03W, KOOTENAI Co.

Use: DOMESTIC (0.08 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 33 T 50N R 03W

RECEIVED
JAN 1 1930

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

AUGUST 2, 1982

CRAIG MAC PHEE
JOHN A. MAC PHEE
S. 3845 BOOTHE PARK RD.
COEUR D ALENE ID 83814

RE: Claim No. 95-4499

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure