

RECEIVED

APR 10 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

Page 1 of 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho
No. 11-9966

1. Applicant(s)

KALEN PHELPS
36 CEMETARY RD
BENNINGTON ID 83254-5148
208-390-3008

AND

BRANDI PHELPS
36 CEMETARY RD
BENNINGTON ID 83254-5148
phelpsbroslc@yahoo.com

2. Representative(s)

ETHAN RAWLINGS (Representative)
24 N STATE ST
PO BOX 191
PRESTON ID 83263-0191
208-852-2680, ERAWLINGS@FULLERLAWONLINE.COM

AMENDED

3. Source of Water Supply:

Source : SPRINGS

Tributary:

SINKS

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1	Point of Diversion # 2
Source	SPRINGS	SPRINGS
Tributary of	SINKS	SINKS
Township	12S	12S
Range	44E	44E
Section	16	16
Govt. Lot		
QQQ/QQ/Quarter	NE¼NE¼NE¼	SW¼NE¼NE¼
County	BEAR LAKE	BEAR LAKE
Diversion Type		
Local name or Tag#		
Type and size of devices	Springs captured in catch basins and piped into storage tank. A two inch line runs approximately 2400 feet from the tank to the house.	Springs captured in catch basins and piped into storage tank. A two inch line runs approximately 2400 feet from the tank to the house.
Height of storage dam		
Active/ Total Reservoir capacity		
Dam Application required?	No	No
Proposed well diameter/ depth		
Water Temp > 85°F?		
Drilled Date		
Drilling firm		
Property Owner	Phelps Brothers, LLC	Phelps Brothers, LLC
Access Arrangement Description	Applicants are members of the LLC	Applicants are members of the LLC

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
DOMESTIC	01/01 to 12/31	0.04 CFS		1 Home(s)

6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) Not Stated acre-feet / year (af).

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 50.00 Received by M. Pettis Receipt No. E049948 Date 4/10/2024
\$ 25 ONLINE T117313 11/8/2023
\$ 25 ONLINE T117314 11/8/2023

11-9966

7. Proposed diverting works:

- a. Springs captured in catch basins and piped into storage tank. A two-inch line runs approximately 2400 feet from the tank to the house.

8. Describe other proposed water uses : N/A**9. Description of place of use:**

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12S	44E	16			X															

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?
No other water rights used for domestic purposes at the place of use. We would like to use water for up to a half-acre of lawn and garden but can limit use to inside the home if necessary.

11.

- a. Who owns the land to be irrigated or place of use? Applicants and Phelps Brothers, LLC
b. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicants are members of the LLC

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

Two springs have been used for domestic use for a shop and a single family residence built in 1979.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant



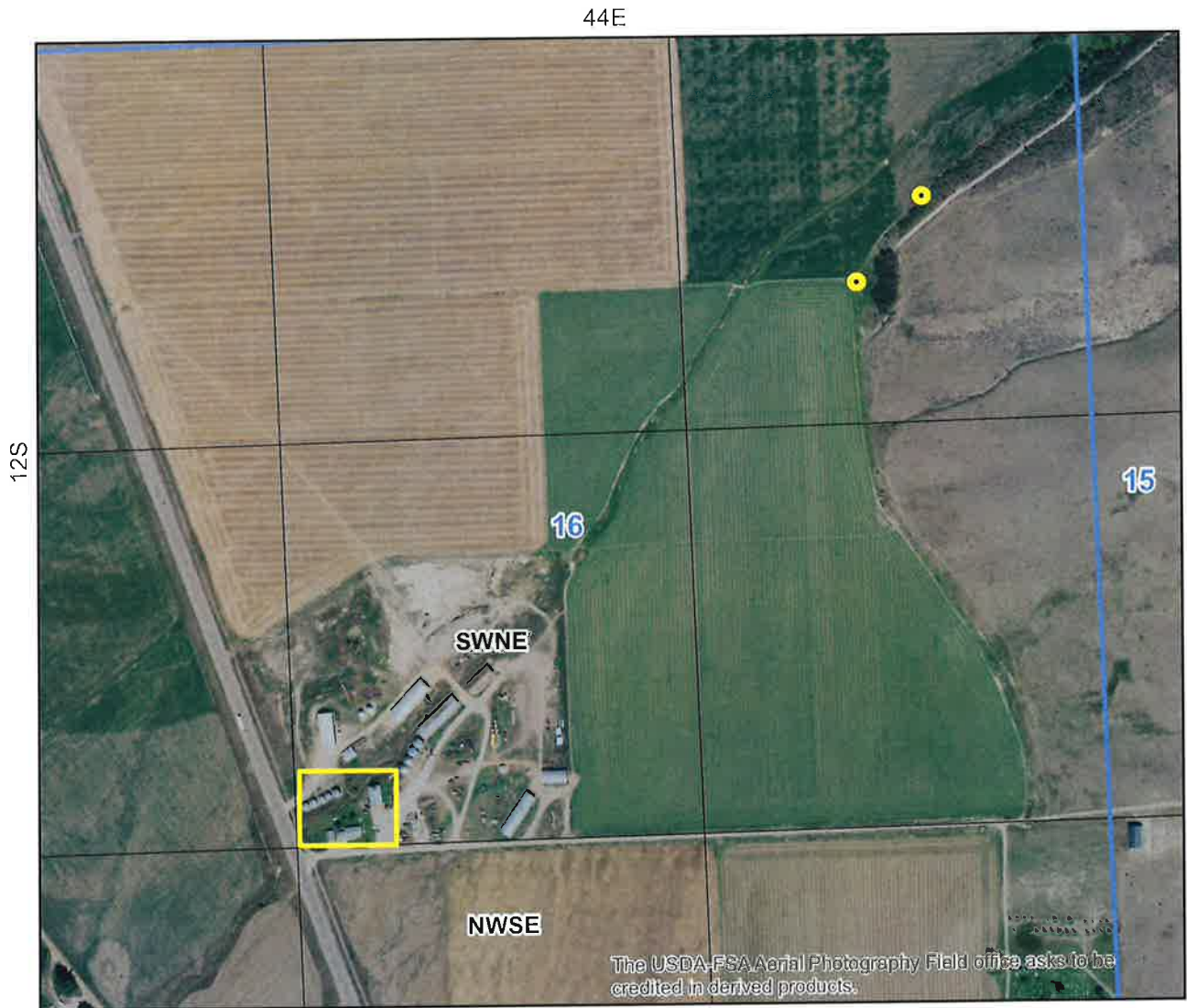
KALEN PHELPS

Signature of Applicant



BRANDI PHELPS

State of Idaho
Department of Water Resources
Application For Permit
11-9966



0 0.05 0.1 0.2 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  State Outline



11-9966

RECEIVED

MAR 26 2024

DEPT. OF WATER RESOURCES

FULLER & FULLER, PLLC

Attorneys and Counselors at Law
24 North State ♦ P.O. Box 191 ♦ Preston, Idaho 83263

www.fullerlawonline.com

STEVEN R. FULLER†
LYLE J. FULLER*
ETHAN RAWLINGS*
PRESTON OLSEN‡

*Licensed in Idaho and Utah

‡ Licensed in Utah

† Of Counsel

Telephone: (208) 852-2680

Fax: (208) 852-2683

Ethan Rawlings
erawlings@fullerlawonline.com

March 22, 2024

TO: Idaho Department of Water
Resources
PO Box 83720
Boise, ID 83720

Please Note:

This form letter is used to expedite communications. You need direct your attention **only** to the items marked.

RE: *Application for Permit & Request for Withdrawal of Claim*

____ Enclosed is information/pleadings relating to the above matter.

____ For your information.

____ Please review and file in your records.

____ Please record in the county records and return.

____ Please file in the court record of the above case.

____ Please review and call us to discuss over the telephone.

____ Please sign and return.

____ Enclosed is the information you requested.

Enclosures: Application for Permit for 1st & 2nd Springs. Request for Withdrawal of Claim for Claim #'s: 37-23456 & 11-8646

Message: Contact our office if you have any questions.

11-9966

Name of Claimant: Kalen & Brandi Phelps

Mailing Address: 36 Cemetery Rd. Bennington, ID 83254

Amount: \$25.00 Receipt No.: T117314

Claim No(s): 11-8646

For Individuals:

Valen Phepe

03 / 21 / 2024

(Signature of Claimant)

(Date)

~~7/12~~ Phelps

03 / 21 / 2024

(Signature of Claimant)

(Date)

For Organizations:

(Signature of Authorized Agent)

(Date)

(Title)

(Name of Organization)

Return to: Idaho Dept. of Water Resources
7600 N. Mineral Dr. Suite 100
Coeur d'Alene, ID 83815

or

Idaho Dept. of Water Resources
Adjudication Section
P.O. Box 83720
Boise, ID 83720-0098

For IDWR Use

Initials

Date _____

Region Approval
State Office Data Entry
Data Entry

Form 25a(1)(NIA) - 11/10/2021

11-9966

Doc ID: 1417b22423bf220c1f62d5b422c2c0c2260d1001

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. _____

RECEIVED

APR 01 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

1. Name of applicant(s) Kalen and Brandi Phelps Phone 208-317-7243
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 36 Cemetery Rd. City Bennington
 State Idaho ZIP 83254 Email _____
2. Name of representative, if any Ethan Rawlings, Esq. Phone 208-852-2680
 Mailing address 24 N. State Street City Preston
 State Idaho ZIP 83263 Email erawlings@fullerlawonline.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Spring which is a tributary of Sinks
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12S	44E	16			NE	NE	Bear Lake	Spring	

5. Water will be used for the following purposes:
- Amount 0.04 cfs 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)
6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Catch basin that is piped into a storage tank. tank then runs a two inch line approx. 2400' to house
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- 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? ☐ Yes ☒ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

11-9966

Doc ID: 444752242255000-450245422-25-2-220041004

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households Single home
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
12S	44E	16			D														D
12S	44E	16																	

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? Would like to use water for lawn and garden but can limit use to inside the home if necessary.

- Who owns the property at the point of diversion? Phelps Brothers, LLC
- Who owns the land to be irrigated or place of use? Brandi and Kalen Phelps
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Brandi and Kalen are members of the LLC

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Spring has been used for domestic use for single family residence since home was built in 1979. Two springs are present at this location, a second spring was developed later to ensure adequate water supply. This claim is for the 2nd spring.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Kalen Phelps

Signature of Applicant

Kalen Phelps

Print Name (and title, if applicable)

Brandi Phelps

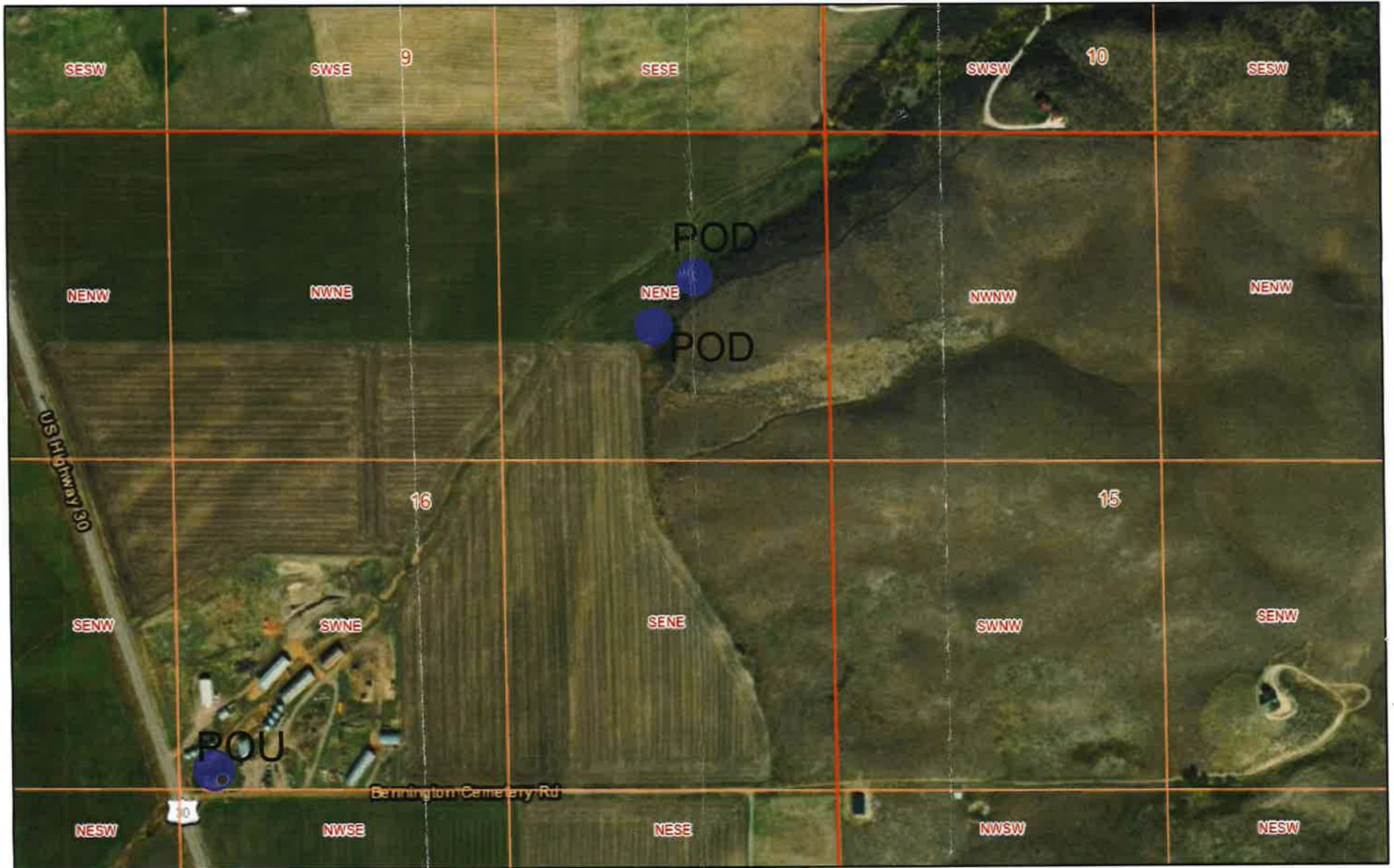
Signature of Applicant

Brandi Phelps

Print Name (and title, if applicable)

11-9966

ArcGIS Web Map



11-9966

3/22/2024, 9:43:45 AM



Counties



PLS Sections

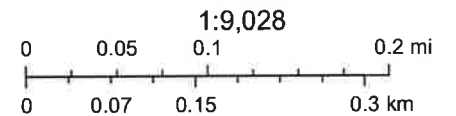


Quarter Quarters



Townships

SUPERCEDED



Esri, HERE, IPC, Maxar

ArcGIS Web AppBuilder

Maxar | IDWR | Idaho Department of Water Resources (IDWR)

RECEIVED

MAR 26 2024

DEPT. OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED

APR 01 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

1. Name of applicant(s) Kalen and Brandi Phelps Phone 208-317-7243
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 36 Cemetery Rd. City Bennington
State Idaho ZIP 83254 Email _____
2. Name of representative, if any Ethan Rawlings, Esq. Phone 208-852-2680
Mailing address 24 N. State Street City Preston
State Idaho ZIP 83263 Email erawlings@fullerlawonline.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Spring which is a tributary of Sinks
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12S	44E	16			NE	NE	Bear Lake	Spring	

5. Water will be used for the following purposes:
- Amount 0.04 cfs 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)
6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Catch basin that is piped into a storage tank. tank then runs a two inch line approx. 2400' to house
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- 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? ☐ Yes ☒ No
- e. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

11-9966

Doc ID: 444752242254222-452254222-2-0-22224224

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; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households Single home
- 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	
12S	44E	16			D														D
12S	44E	16																	

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? Would like to use water for lawn and garden but can limit use to inside the home if necessary.

11. a. Who owns the property at the point of diversion? Phelps Brothers, LLC
- b. Who owns the land to be irrigated or place of use? Brandi and Kalen Phelps
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Brandi and Kalen are members of the LLC

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Spring has been used for domestic use for single family residence since home was built in 1979. Two springs are present at this location, a second spring was developed later to ensure adequate water supply. This claim is for the 1st spring

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Kalen Phelps

Signature of Applicant

Kalen Phelps

Print Name (and title, if applicable)

Brandi Phelps

Signature of Applicant

Brandi Phelps

Print Name (and title, if applicable)

11-9966



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 24, 2024

KALEN PHELPS
BRANDI PHELPS
36 CEMETARY RD
BENNINGTON, ID 83254-5148

RE: Application for Permit No. 11-9966

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the THE NEWS EXAMINER on 5/1/2024 and 5/8/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
ETHAN RAWLINGS
24 N STATE ST
PO BOX 191
PRESTON, ID 83263-0191

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 24, 2024 2:28 PM
To: ne_legals@news-examiner.net
Subject: Legal Notice for News Examiner
Attachments: 11-9966 News Examiner.docx

LEGAL NOTICE DEPARTMENT
THE NEWS EXAMINER
PO BOX 278
MONTPELIER, ID 83254-0278

RE: Application for Permit No. 11-9966

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (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 5/20/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

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

11-9966

KALEN PHELPS & BRANDI PHELPS, 36 CEMETARY RD, BENNINGTON, ID 83254-5148

Point of Diversion NENENE S16 T12S R44E BEAR LAKE County

Source SPRINGS Tributary SINKS

Point of Diversion SWNENE S16 T12S R44E BEAR LAKE County

Source SPRINGS Tributary SINKS

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 04-10-2024

Place Of Use: DOMESTIC

T12S R44E S16

SWNE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>.

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 5/20/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 5/1/2024 and 5/8/2024

Holliday, Michael

From: Holliday, Michael
Sent: Tuesday, April 2, 2024 11:50 AM
To: phelpsbrosllc@yahoo.com
Cc: erawlings@fullerlawonline.com
Subject: Phelps amended application for permit
Attachments: phelps draft app.pdf

Kalen and Brandi,

As we discussed this morning, attached is a draft application for permit that combines the water use from the 2 springs for your home and shop. Please review the application and map. If they look good to you please sign and mail to my attention along with a check made payable to IDWR for \$50. The total cost is \$100, but you already paid \$50 when you submitted the two adjudication claims. Please feel free to call if you have any questions.



IDAHO DEPARTMENT OF
WATER RESOURCES

Michael Holliday | Water Rights Supervisor
900 N Skyline Dr, Ste A, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov