

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7396 (late proof)
Priority November 25, 1973 Amount 0.056 cfs

THIS IS TO CERTIFY, that STATE OF IDAHO, DEPARTMENT OF HIGHWAYS
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 95-7396 issued pursuant to Application for Permit dated November 2, 1973,
and has submitted proof to the Department of Water Resources on January 24, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.056 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	<u>from January 1 to December 31</u>	<u>at 0.056 cfs and</u>	<u>1.2 acre feet</u>
	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	
	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	

(both dates inclusive)

Subject, however, to the condition that no more than 0.056 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 46N,
Rge. 4W, B.M. in the County of Benewah

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
46N	4W	7									X								

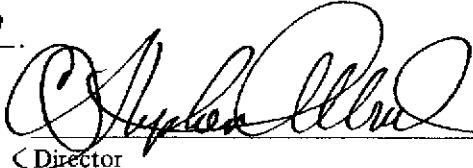
Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of

May, 1979.


(Director)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 95-7396

IN THE NAME OF STATE OF IDAHO,

DEPARTMENT OF HIGHWAYS

REINSTATEMENT ORDER

WHEREAS, on November 2, 1973, the State of Idaho, Department of Highways filed with the Department of Water Resources an application for permit to appropriate 0.056 cubic feet per second of water from a ground water source within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 46N, Rge. 4W, B.M., Benewah County to be used for a domestic purpose; and,

WHEREAS, on January 29, 1974, the Department approved said application and issued Permit No. 95-7396 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1979; and,

WHEREASE, on October 31, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on January 17, 1979, the Department notified the permit holder that Permit No. 95-7396 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on January 24, 1979;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 95-7396 be REINSTATED and the priority advanced to November 25, 1973.

Dated this 12th day of February, 1979.

J. Glen Sayton
CHIEF, OPERATIONS BUREAU

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 95-7396 IN THE NAME OF)
STATE OF IDAHO, DEPT. OF HIGHWAYS)

MEMORANDUM DECISION

AND ORDER

On November 2, 1973, the State of Idaho, Department of Highways filed with the Department of Water Administration an application to appropriate 0.056 cfs of water from a ground water source within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 46N, Rge. 4W, B.M., Benewah County, to be used for domestic purposes. Notice of this proposed appropriation was published in St. Maries Gazette Record on November 15 and November 22, 1973.

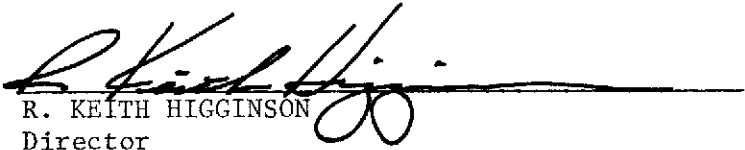
On November 28, 1973, the Department received a protest against approval of said application from Robert D. Dellwo, Attorney for the Coeur d'Alene Indian Tribe. A hearing concerning this matter was held January 10, 1974, at St. Maries, Idaho. Neither the protestants, nor their representative, appeared at that hearing.

Order

IT IS, THEREFORE, ORDERED that the protest be set aside, and Application for Permit No. 95-7396 is hereby APPROVED subject to the following conditions:

- (1) That the permit be and is subject to all prior existing water rights.
- (2) That proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1979.

Dated this 29 day of January, 1974.


R. KEITH HIGGINSON
Director

BDF:JC

95 7396

Identification No. 95-7396

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Plummer Maintenance
Building #5261
Benewah County

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant State of Idaho, Department of Highways
post office address P.O. Box 7129
2. Source of water supply Subterranean which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7 Township 46 N.
Range 4 W. B.M. Benewah County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into the ground at a point in NE $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 7 Township 46 N. Range 4 W. B.M. _____
4. Water will be used for the following purposes:
Amount 0.056 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.056 cubic feet per second ~~XXXXXX~~
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 8 inches; proposed depth of well is 145 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 4,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7 Township 46 N.
Range 4 W. B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: Domestic purposes for the
operation of an Idaho Department of Highways maintenance
shed in the vicinity of Plummer, Idaho.

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion. Idaho Department of Highways

b. Who owns the land to be irrigated or place of use Idaho Department of Highways

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

10. Remarks _____

[illegible]

Os. Lee
(Applicant)

Proposed Priority 11-2-1973

Received by CP Date 11-5-73 Time 1:00 P
Preliminary check by CP Fee \$ 10.00 (voucher submitted on 11/2/73)
Received by --- Date ---
Publication prepared by cp Date 11-9-73
Published in St. Maries Gazette Record
Publication dates 11-14 & 11-21-73
Publication approved CP Date 11-28-73
Priority reduced to --- Reason ---

Protests filed by: ---

Copies of protests forwarded by ---
Hearing held by --- Date ---
Recommended for approval denial by ---

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7396, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 79.
- c. Other: Pursuant to Memorandum Decision of this date.

2. Denial of said application is for the following reasons: ---

Witness my hand this 29 day of January 19 74.

R. Fred Higin
Director

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DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>FE</u>	<u>11/2/73</u>	Application No. <u>95-7396</u>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)			In form to receipt (<i>voucher received on 11/2/73</i>) Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U. S. F. S. ☐ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>FE</u>	<u>11/2/73</u>	In form for advertising
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: ____ Decline (comment) _____ ____ Stable (comment) _____ ____ Increasing (comment) _____
(9)			Comments: _____ _____
(10)	<u>CP</u>	<u>11-28-73</u>	Affidavit of Publication received (date) <u>NOVEMBER 26, 1973</u>
(11)	<u>CP</u>	<u>11-9-73</u>	Final date for protests <u>DECEMBER 1, 1973</u> Protests received: yes ☒ no _____
(12)			Date and Place of hearing _____ Decision reached at hearing _____ _____
(13)			All requested information received from agencies or applicant yes _____ no _____
(14)			Action recommended: ____ Approve _____ Priority _____ ____ Deny _____ Reason for Reduction _____ ____ Measuring device required ____ See attached sheet for additional conditions of approval ____ No additional conditions for approval
(15)	District	By	Date

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

104 2005-03-07

Name of permit holder

Post office address

Person to contact

Phone

Phone

2. Source of water supply: Groundwater ☒ Surface water ☐

(name spring, stream, etc.)

Tributary to

3. Water will be used for the following purposes:

Amount 0.056 c.f.s. for _____
 _____ AF/Annum

(nature of use)

Period of Use: from 1-1 to 12-5
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum

(nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum

(nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses:

Permit No. 10-1070
Examination for b/w

4. Total amount to be appropriated:

Max Rate of Diversion 0.056 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 46N N/S, Range 24W E/W, B.M., Section 7, Subdivision NE 1/4 SW 1/4 Barnewick
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions:

Description of diverting works: 2 HP pump & motor, 8" x 100'

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

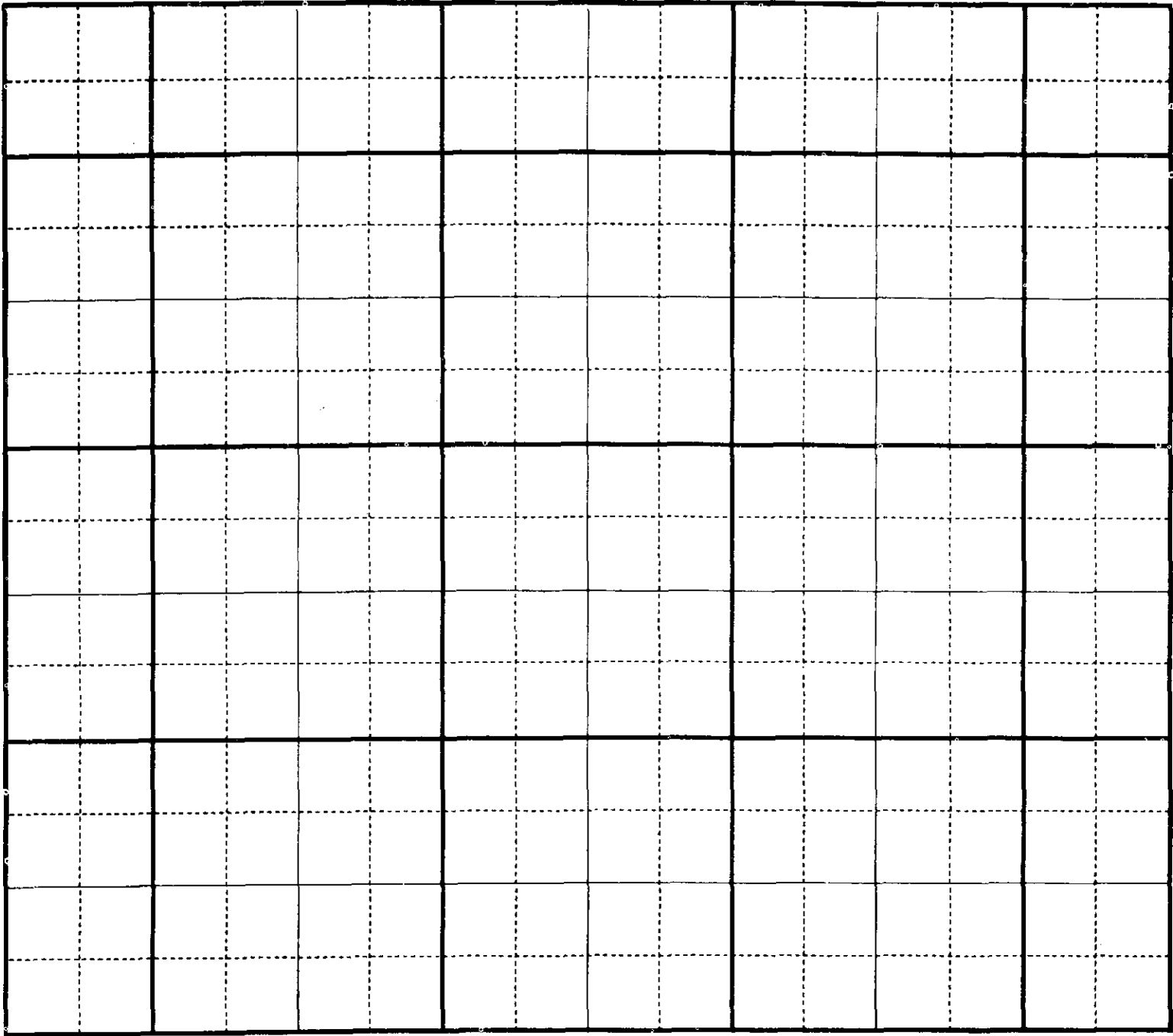


Diagram of System

DATE OF EXAM 3-2-79

ACREAGE

Found _____

Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.056 c.f.s. V= 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured None Method of measurement _____

Total Q recommended 0.056 cfm Meter No. _____ Type _____ Condition _____

Total V recommended 1.2 AF/ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

100' x 8" well with pump & pipe line.

REMARKS:

Well ± 20' S. of Bldg - Bldg. No. Edge Plummer Sign 502 Maint Bldg 05260-1348 sign in window 502.5261

Examiner's Signature [Signature] Date 3-5-79

Checked by [Signature] Date 3-5-79

Approved by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Plummer Mtnce.
Building #5261
Benewah County

**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**

1. a) Name of permit holder I.T.D., Div. of Hwys., formerly Id. Dept. of Hwys.

b) Post office address P.O. Box 7129, Boise 83707

2. Permit number 95-7396

3. Date of priority that you are prepared to establish November 2, 1973

4. a) Source from which water was appropriated Subterranean

b) Location of the point of diversion: NE 1/4 SW 1/4, Section 7

Township 46 N, Range 4 W Boise Meridian. Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

Amount 0.056 for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

b) Total amount appropriated 0.056 cfs and/or acre-feet per annum.

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:

Rate of flow measured through test which measured draw down and
recovery by Jim Winger, P.G., I.T.D., Division of Highways.

6. If the means of diversion and conveyance are owned by someone other than the permit holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

N/A

b) Describe the agreement of understanding by which you take water from the works: _____

N/A

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):

2 hp pump and motor, 8 inch well casing

100 feet deep.

b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)

Access Port

2-7-79

c) Give well driller's name and address and the date the well was completed: Aqua Well

Drilling and Development; Aqua Ave. and Hwy. 95 No. Coeur d'Alene,
Idaho 83814 complete 3/27/74

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

For domestic purpose for the operation of an I.T.D., Division of
Highway maintenance shed in the vicinity of Plummer, Idaho

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

January 24, 1979
(Date)

I.T.D., Div. of Hwys.
by [Signature]
(Signature)
Right of Way Supervisor

State of Idaho)
County of Ada) ss.

On this 24th day of January, 19 79, personally appeared before me the
signer of the above instrument, who duly acknowledged to me that he ~~(signature)~~ executed the same.

Joseph W. Smith, Jr.
Notary Public For The State of Idaho
Residing at Boise

My commission expires Jan. 25, 1982

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

In the Matter of Protest Against
Approval of Application for Permit
No. 95-7396 in the Name of the State
of Idaho, Department of Highways

NOTICE OF CONFERENCE
AND/OR HEARING

On November 2, 1973, the State of Idaho, Department of Highways filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On November 28, 1973, the Department received a protest against approval of said application from Robert D. Dellwo, Attorney for the Coeur d'Alene Indian Tribe.

The Department has set the matter of protest for conference and/or hearing for Thursday, January 10, 1974, at 1:00 p.m., in the Community Room of the Benewah County Courthouse, St. Maries, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 14th day of December, 1973.



FRED EISENBARTH, JR.
Northern District Manager

95 7396



NAME AND ADDRESS OF SENDER

Dept. of Water Administration - Northern District

Indicate type of mail
☐ INSURED ☒ CERTIFIED

Attach stamp here, if issued as certificate of mailing or for additional copies of this bill.

H E A R I N G S

POSTMARK AND DATE OF RECEIPT December 14, 1973

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1	745722 Schweitzer Inn, Inc., Box 531, Sandpoint, ID 83864	.08	.30			.15			96-7230
2	745723 Roger Gregory, Priest River, Idaho 83856	"	"			"			"
3	745724 William E. Finney, Route #1, Sandpoint, ID 83864	"	"			"			"
4	745725 Doris Nettlingham, 2415 Harrison, Centralia, Wash.	"	"			"			"
5	745726 Allene Mathis, 688 Walkup Dr., Orlando, Florida 32808	"	"			"			"
6	745727 Charles A. Finney, Route #1, Sandpoint, ID 83864	"	"			"			"
7	745728 Dan Deshon, 215 Pacific Ave., Sandpoint, ID 83864	"	"			"			"
8	745729 Gary A. Finney, 101 N. 1st Ave., Sandpoint, ID 83864	"	"			"			"
9	745730 Dept. of Highways, P.O. Box 7129, Boise, ID 83707	"	"			"			95-7396
10	745731 Robert D. Dellwo, 1016 Old National Bank Bldg., Spokane	"	"			"			"
11	745732 Max C. Jensen, Route #1, Palouse, WA 99161	"	"			"			87-7016
12	745733 Lyle Gottschalk, R.R., Palouse, WA 99161	"	"			"			"
13									
14									
15									
16									
17									
18									
19									
20									

Best Certified Mail 12/14/73.
Cinda Patterson

POSTMASTER, PER (Name of receiving employee)

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

Twelve

TOTAL NUMBER OF
PIECES LISTED
BY SENDER

1 Mark "P" if "Perishable," "F" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." Special-delivery service also includes special-handling service.

U. S. GOVERNMENT PRINTING OFFICE

C48-16-72348-2

R E S O L U T I O N

Whereas, the St. Joe River which flows through the Coeur d'Alene Reservation is a valuable, tribal esthetic asset and is presently in controversy because of hearings being conducted on whether it should be classified in part as a wild and scenic river and in part as "recreational," and

Whereas, the portion being considered for the "recreational" classification is within the Coeur d'Alene Reservation and is owned by the Coeur d'Alene Tribe, now, therefore,

The Coeur d'Alene Tribe does hereby adopt the following

COEUR D'ALENE TRIBAL STATEMENT REGARDING THE ST. JOE RIVER

The St. Joe River has existed from time immemorial as one of the most beautiful and valuable rivers in the lands owned and occupied aboriginally by the Coeur d'Alene Indian Tribe. The Executive Order of President Ulysses S. Grant forming the Coeur d'Alene Reservation included that portion of the St. Joe River flowing from St. Maries to Coeur d'Alene Lake. Thus, the St. Joe River became a part of the Coeur d'Alene Reservation.

When the State of Idaho was established, title to the St. Joe River, its bed and banks remained in the Tribe, not passing to the State as did other navigable federal waters not stamped with tribal ownership.

Not only does this portion of the St. Joe River remain in tribal ownership but by virtue of the well-known Winters Doctrine of Indian Water Rights the Tribe is entitled to the protection and maintenance of the stream from upriver pollution, depletion or any other act or condition which might lessen or jeopardize the quality and volume of the flow of the stream through the reservation.

The Tribe is therefore vitally concerned about the over-all stream management and especially its protection. It hereby expresses its support for the designation of the river outside the Coeur d'Alene Reservation as Wild and Scenic River. In supporting this concept, it does so not only because of its ownership of the lower portion of the River but as a participating government sovereignty within the political framework and as a community of people vitally concerned about the protection of resources and environment.

The Tribe is firm in its conviction that no governing or political entity other than the tribe itself has any jurisdiction to determine a designation, recreational or otherwise, of that portion of the River owned by the Tribe.

The Tribe, finally, through its governing Council, hereby declares its dedication of that portion of the St. Joe River within the Reservation as a permanent esthetic, recreational tribal resource. As such, it is to be held inviolate and free from any polluting, depleting or destructive use and, as far as possible, it is to flow forever within its present banks as a pure and scenic and unspoiled river.

CERTIFICATION

The foregoing Resolution was adopted by the Coeur d'Alene Tribal Council at a meeting held June 28, 1973 at the Coeur d'Alene Sub-Agency, near Plummer, Idaho, with the required quorum present, by a vote of 5 for and 0 against.

Amos D. L. Smith
Chairman

Blanche L. Smith
Secretary

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Idaho Department of Highways,
P.O. Box 7129, Boise, Idaho
has on November 2, 1973 submitted Application No. 95-7396
for a permit to appropriate 0.056 cubic feet per second ~~acre feet per annum~~
of water from a ground water source
~~XXXXXXXXXX~~
within the NE1/4, Sec. 7, T. 46N, R. 4W, B.M., Benewah County

to be used from Jan. 1 to Dec. 31
for domestic purposes

within the NE1/4, Sec. 7, T. 46N, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before December 1, 1973.

R. KEITH HIGGINSON

Director

Published in the St. Maries Gazette Record, St. Maries, Idaho
on Nov. 14 and Nov. 21, 1973

95 7396