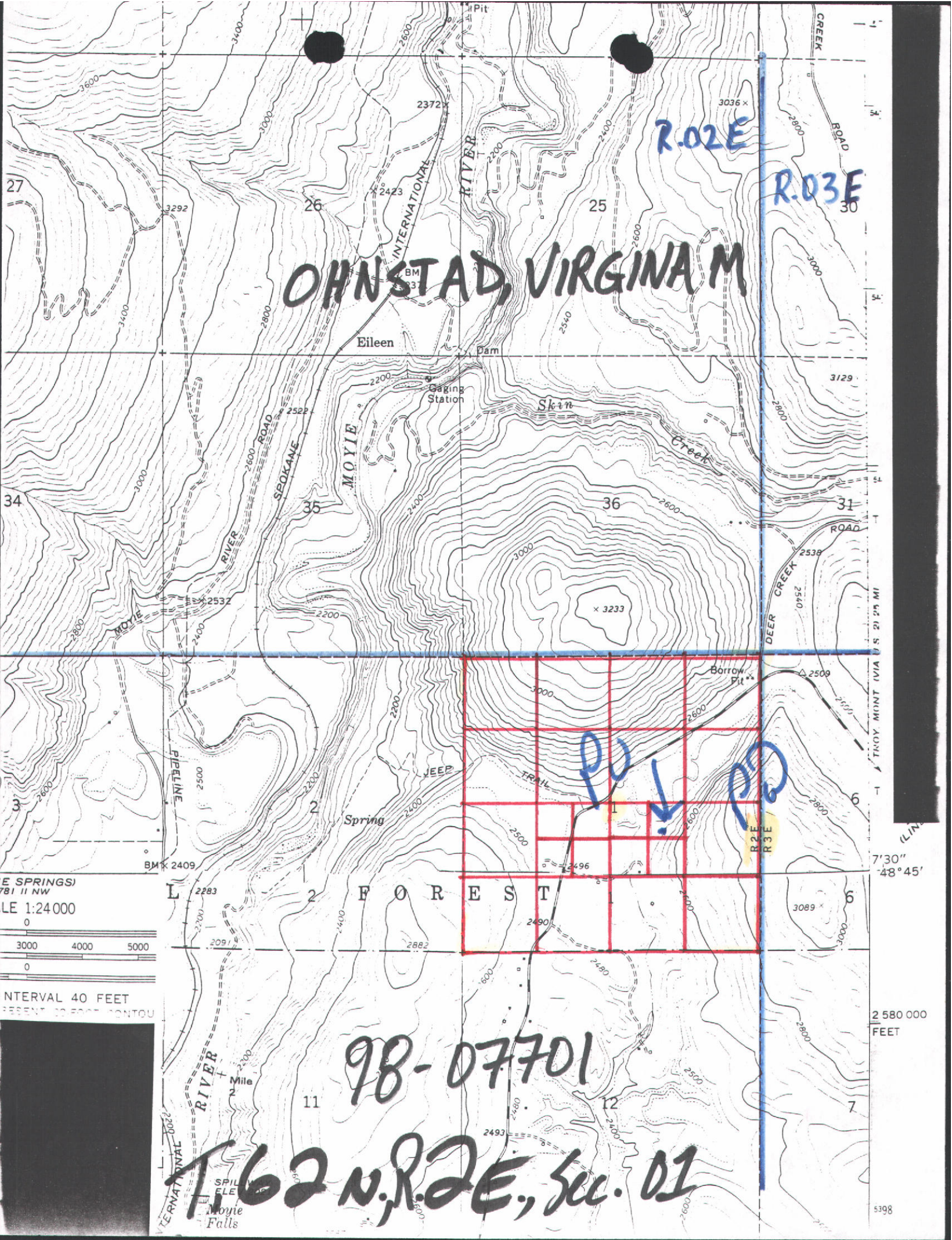




OHNSTAD, VIRGINIA M

R.02E

R.03E

R2E
R3E

98-07701

T.62 N.R.2E, Sec. 01

E SPRINGS)
781 II NW
LE 1:24 000

0 3000 4000 5000

INTERVAL 40 FEET
PRESENT 20 FOOT CONTOUR

7'30"
48°45'

2 580 000
FEET

PERMIT # 98-07701

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



5/10/05
5/10/05

5/10/05
5/10/05

IN THE MATTER OF PERMIT NO. 98-07701)
)
) **ORDER OF**
IN THE NAME OF JOEL R. OHNSTAD AND) **REINSTATEMENT**
VIRGINIA M. OHNSTAD)
)

FINDINGS OF FACT

5. On May 19, 1995, the permit holder submitted an acceptable proof along with two (2) affidavits confirming that water had been put to beneficial use during the authorized

SEP 18 1995

development period. The permit holder further explained that due to a move, they had not received the proof due or lapse notice.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

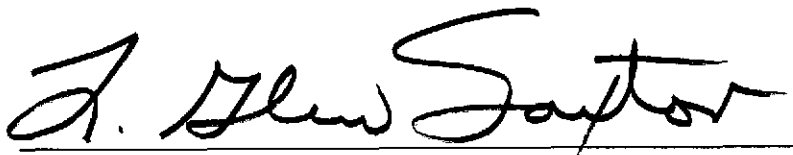
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 98-07701 is **REINSTATED** and the priority is advanced to May 19, 1995.

Dated this 15th day of August, 1995.



L. GLEN SAXTON

Chief, Water Allocation Bureau

RECEIVED
SEP 18 1995

RECEIVED

MAY 22 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 98-07701 Telephone No. 1-209-486-7634
2. Name(s) of Permit Holder(s): JOEL R. OHNSTAD & VIRGINIA M. OHNSTAD
3. Mailing Address: 4656 S. CHESTNUT AVE FRESNO, CALIF 93725
4. Source of Water: DUNNING CREEK & RAINWATER RUN-OFF

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater 100 HEAD (No. and type of stock)

Irrigation _____ (No. of acres)

Other STOCKWATER, STORAGE
for FIRE PROTECTION

6. Total rate and/or volume for which proof is submitted _____ cfs OR 17.7 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes X No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes _____ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name JOEL OHNSTAD Telephone No. 1-209-486-0280 DAYS / 1-209-486-7634 EVES

Address 4656 S. CHESTNUT AVE FRESNO, CALIF. 93725

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

5-18-95
Date

Signature (and title, if on behalf of a company or organization)

SEP 18 1995

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

Doris J. Block
Person Recreating File

May 24, 95
Date

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 98-07701

Proposed Priority: September 4, 1992 Maximum Storage Volume: 17.7 AF

This is to certify, that JOEL R OHNSTAD
VIRGINIA M OHNSTAD
PO BOX 5
MOYIE SPRINGS ID 838450005
has applied for a permit to appropriate water from:

DUNNING CREEK tributary of KOOTENAI RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		17.7 AF
RECREATION STORAGE	01/01 to 12/31		17.7 AF
	Totals		17.7 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE, Sec. 1, Township 62N, Range 02E
BOUNDARY County

PLACE OF USE: STOCKWATER STORAGE
TWN RGE SEC

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 3, 1994.
2. Subject to all prior water rights.
3. Stockwater storage use is for 100 range cattle.
4. Recreation storage use is for non-commercial, recreational fish propagation.
5. An intake screen of 1/4 inch or smaller mesh shall be installed at the point of diversion to prevent any negative impact on juvenile fish.
6. Prior to diversion under this right, the permit holder shall provide for fish passage around the diversion structure.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

25th day of November, 1992

R. Keith Higginson
for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 98-7701

To appropriate the public waters of the State of Idaho

1. Name of applicant JOEL R. & VIRGINIA M. OHNSTAD Phone 208-267-5197
Post office address P.O. Box 5 Moyie Springs IDAHO 83845-0005
2. Source of water supply DUNNING CREEK which is a tributary of Kootenai River
3. Location of point of diversion is _____ $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 1 Township 62N Range 2E B.M. BOUNDARY County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 17.7 for STORAGE FOR STOCKWATER purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 17.7 for STORAGE FOR RECREATION purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 17.7 cubic feet per second and/or (b) 17.7 acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 4' DAM WITH ROADWAY ACROSS STREAM
 - b. Height of storage dam 4 feet; active reservoir capacity 20 acre-feet; total reservoir capacity 20 acre-feet; period of year when water will be diverted to storage: JAN 1 to DEC 31 inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

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. 100 HEAD
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. RECREATION / FISH PROPAGATION

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	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
62N	2E	1														SS	SR		

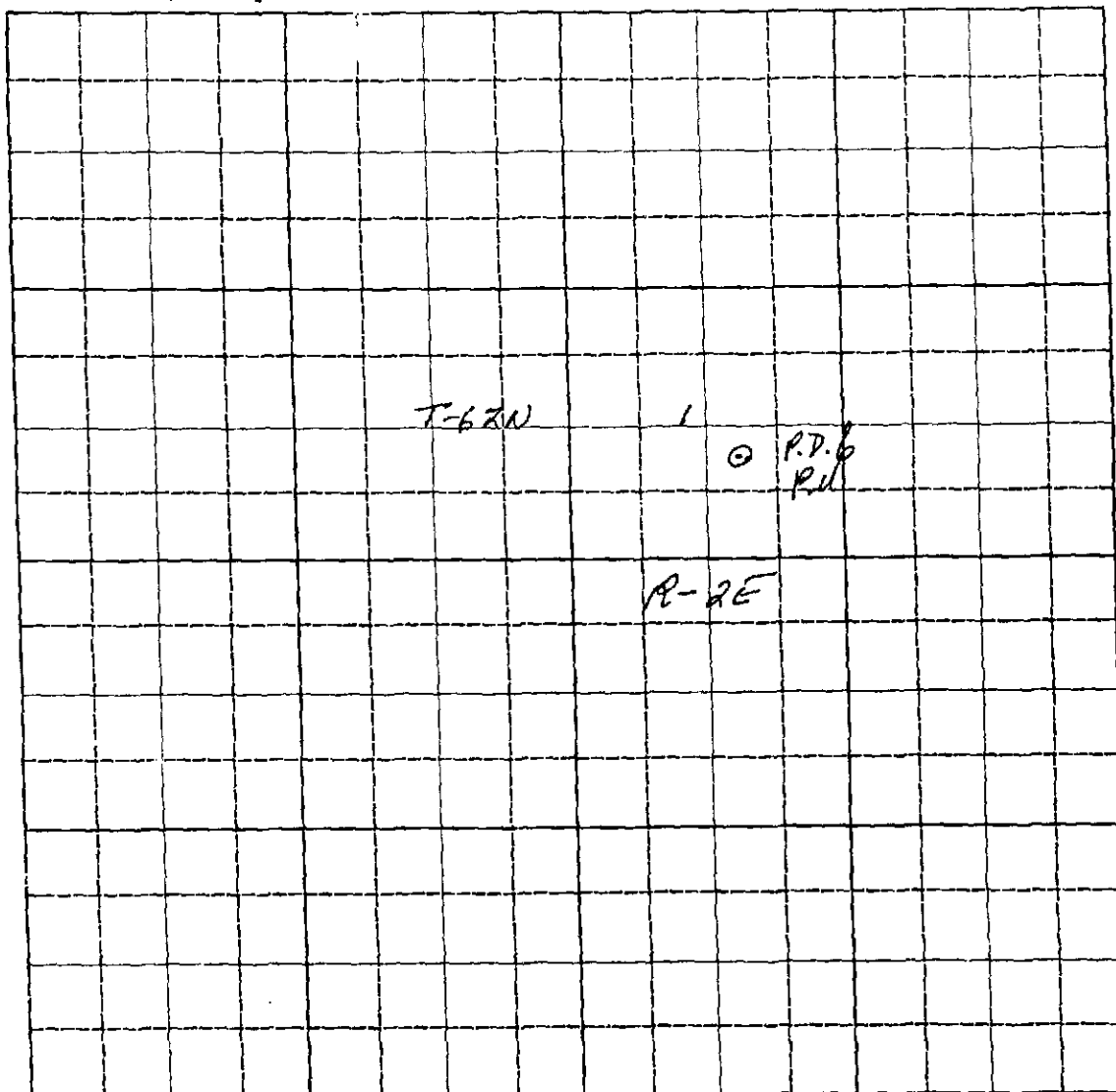
Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. FILING FOR STORAGE THAT EXCEEDS AMOUNT ON 98-7598

- Who owns the property at the point of diversion? APPLICANT
- Who owns the land to be irrigated or place of use? _____
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Virginia M. Christ
(Applicant)

Received by Kew Date 9/4/92 Time 2:35 p Preliminary check by _____
Fee \$ 30.00 Receipted by Kew # N5921 Date 9/4/92
Publication prepared by pm Date 7/5/92 Published in 9/4/92
Publication approved pm Date 10/5/92

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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 _____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

A. GENERAL INFORMATION

Permit No.

98-07701

1. Owner: Virginia M. Anslack Phone No. 98-07701

Current Address: 14656 S. Chestnut Ave. Fresno Calif. 93725

2. Accompanied by: Unaccompanied - with EXAM DATE: 8-21-99

Address: Owners Permission Phone No. _____

Relationship to Permit Holder: _____

3. Source: Dunning Creek tributary to Poolana River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination

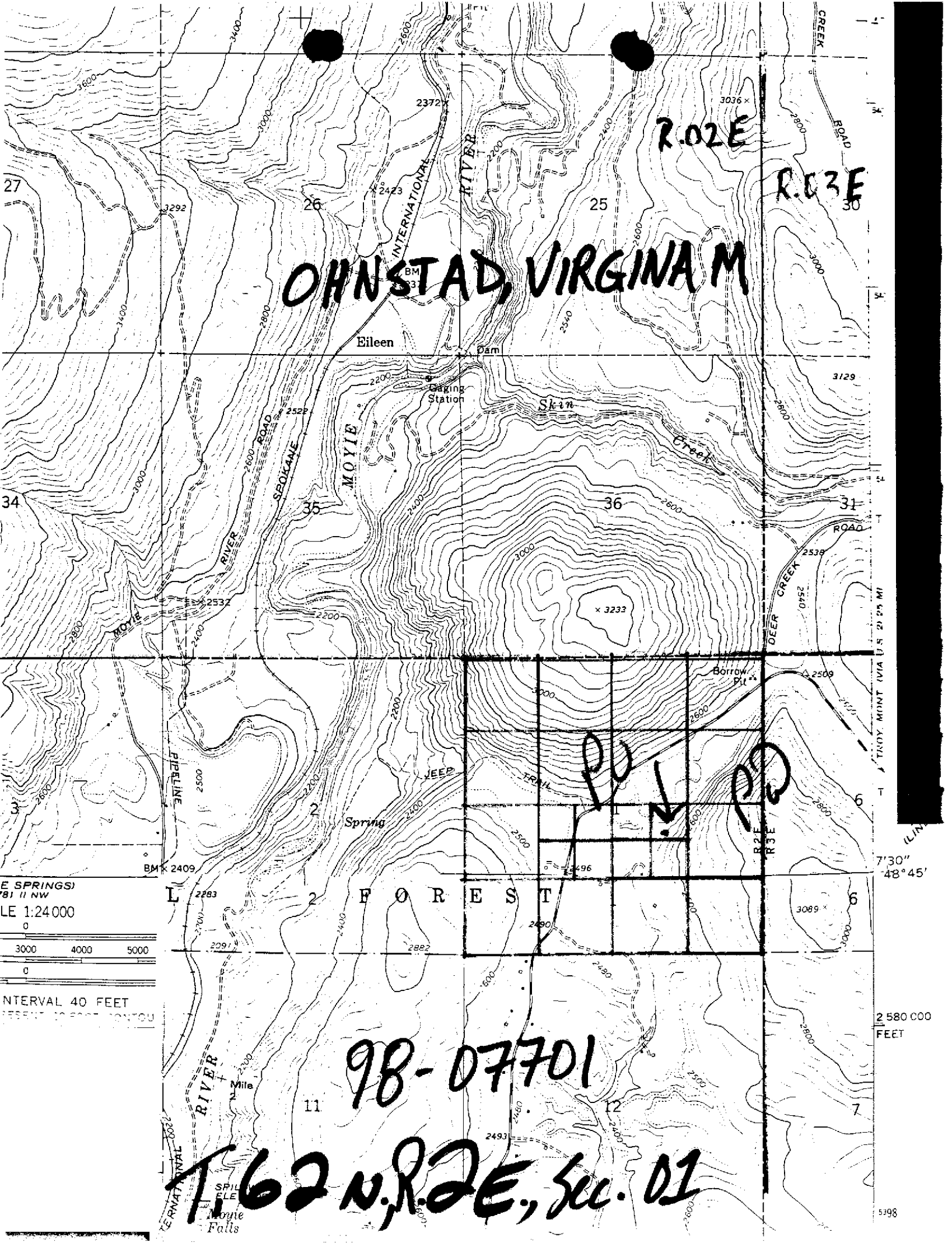
[illegible]

Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____



OHNSTAD, VIRGINIA M

R.02E

R.03E

MOYIE RIVER

INTERNATIONAL RIVER

Skin Creek

Deer Creek

Eileen

Dam

Gaging Station

ROAD

ROAD

PIPELINE

JEOP

TRAIL

Spring

Borrow Pit

E SPRINGS
81 11 NW
LE 1:24 000
0 3000 4000 5000
0
INTERVAL 40 FEET
PRESENT TO 5000' CONTOUR

9B-07701

T.62N, R.02E, Sec. 01

7'30" 48°45'

2580 000
FEET

PERMIT # 98-07701

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



5700 ft
5700 ft
5700 ft
5700 ft



5700 ft
5700 ft



E. NARRATIVE/REMARKS/COMMENTS

Cam was lone unaccompanied
because owner lives in Calif and
didn't know if she would be able
to come up this year.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

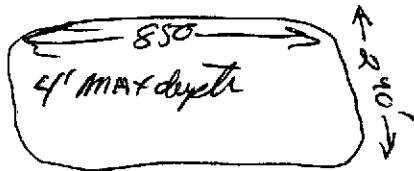
1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:



$$\frac{850' \times 240' \times 4' \times .4}{43560} = 7.49 = 7.5 \text{ AF}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Stockwater Stor</i>	<i>01-01</i>	<i>12-31</i>		<i>70.5</i>
<i>Rec Storage</i>	<i>01-01</i>	<i>12-31</i>		<i>70.5</i>
Totals:				<i>70.5</i>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name *Wayne Saldier* Date *9-14-99*

Reviewer _____ Date _____

SEAL

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 98-07701 Reviewed by [Signature] Date 8-15-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no Address same as permit?
no Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50⁰⁰ Amount Submitted
yes Correct?
no Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received 5-19-95
Date proof due 1-3-95 -
No. of days late 60 + =
Priority Date _____ +
New Priority Date _____

5/19/95

DEFICIENCIES OR ACTION ITEMS

Reinstate & advance priority to May 19, 1995.
Proof accepted

DATA ENTRY

New Address 4656 S. Chestnut ave. Proof Made 5-19-95
Buise, Id. 83725



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 15, 1995

JOEL & VIRGINIA OHNSTAD
4656 S CHESTNUT AVE
FRESNO CA 93725

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 98-07701

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to May 19, 1995.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, please feel free to contact the NORTHERN Regional Office in Coeur d'Alene at (208) 769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

MAILED

SEP 18 1995

5-19-95

DEAR IOWA,

PLEASE REINSTATE THIS FILING (98-07701),
AS WE ARE NOW SUBMITTING PROOF OF
BENEFICIAL USE.

PLEASE SEE AFFIDAVITS PROVING POND WAS
DEVELOPED PRIOR TO JAN. 3, 1994.

THANK YOU,

Joel Johnston
Virginia Christ

RECEIVED
SEP 18 1995

IN THE MATTER OF:

PROOF of BENEFICIAL USE
PERMIT # P98-07701

AFFIDAVIT

State of Idaho

County of Baundary

Joel R. Ohnstad

being first duly sworn,

deposes and says:

Construction was completed
by the undersigned in full prior
to Jan 3, 1994. Completion date was
Sept 30th 1991.

There is not now nor have there
ever been any fish in this creek.
Dunning Creek is intermittent and has
been this way for as long as I
have owned this property (17 years)
There can be no recreational fish propagation
if there is no fish. This is for
Stockwater Storage, Wildlife & Fire Protection
use.

Joel R. Ohnstad
(signature)

Subscribed and sworn to before me this 18th day of May 19 95.

SEP 18 1995

Sharlene Delaney
(notary public)

Residing at Bonnars Ferry
My commission expires 10/7/97

IN THE MATTER OF:

JOEL OHNSTAD
PROOF OF BENEFICIAL USE
PERMIT # P98-07701

AFFIDAVIT

State of Idaho

County of Boundary

Leonard Kucen

being first duly sworn, deposes and says:

Prior to Jan 3, 1994 my cattle
were using this pond for water.

Dunning Creek is and has been
classified as an intermittent stream
since I have lived next to it - (40 years)

RECORDED

SEP 18 1995

Leonard Kucen

(Signature)

Subscribed and sworn to before me this 18th day of May, 1995.

Shaileene Delaney

(Notary Public)

Residing at Bonners Ferry

My Commission Expires 10/7/97



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 25, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Joel R. Ohnstad
Virginia M. Ohnstad
4656 S. Chestnut Ave.
Fresno, CA 93725

RE: Lapsed Permit No. 98-07701

Dear Permit Holder:

The Department received your proof of beneficial use statement for the above referenced permit on May 22, 1995.

Because you failed to file the proof of beneficial use in a timely manner, and pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can be reinstated only if you submit the following:

- a) Two pieces of evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date, and
- b) Reasonable cause why the proof of beneficial use was filed late.

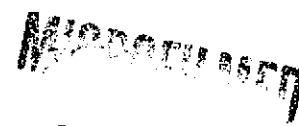
You have submitted the required proof of use, however, you will need to submit reasonable cause why the proof was submitted late before the department can consider reinstating the permit. Your proof of beneficial use statement along with any information which may have been submitted with it, will remain on file in this office for **60 days** to allow you the opportunity to submit the additional required information.

You should also be aware, that since the proof was filed late, your priority date has been penalized. Provided you supply the requested information, your priority date of September 4, 1992, will be advanced to May 22, 1995.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,


JULIE L. YARBROUGH
Senior Secretary


SEP 18 1995

MEMORANDUM

TO: File No. 98-07701
FROM: Julie Yarbrough
RE: Reinstatement
DATE: August 15, 1995

I spoke with the permit holder (Virginia Ohnestad) to determine the reason proof was submitted late. She informed me that she was in the process of moving from Idaho to California and the papers were lost in the shuffle.

RECEIVED
SEP 18 1995

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

Doris J. Black
Person Recreating File

May 24, 95
Date

I certify that file No. 98-7701

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

C. Zimmerman
Reviewer

5/31/94
Date

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/30/94 00:48:23
Page 1

Water Right Number - 98-07701

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
OHNSTAD

JOEL R

1 - PO BOX 5
2 -
3 -

City- MOYIE SPRINGS
Phone - 208-267-5197

State- ID Zip- 838450005

OHNSTAD

VIRGINIA M

1 - PO BOX 5
2 -
3 -

City- MOYIE SPRINGS
Phone - 208-267-5197

State- ID Zip- 838450005

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/04/1992 18 NORTHERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
DUNNING CREEK KOOTENAI RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rfig County Diversion Name Diversion Rate Diversion No.
62N 02E 1 NW SE (21) BOUNDARY

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
05 - STOCKWATER STORAGE 01/01 12/31 17.70
47 - RECREATION STORAGE 01/01 12/31 17.70

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
17.70

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
62N 02E 1 NW SE 05 STOCKWATER STORAGE (21) BOUNDARY

+ - - Diversion Means - DAM.

+ - - Non-Irrigation Use -

+ - - Other Rights for Some Use - Filing for storage that exceeds amount of 98-7598.

+ - - - - Remarks - - - - - +

Stockwater storage use is for 100 range cattle.
Recreation storage use is for non-commercial, recreational fish propagation.
An intake screen of 1/4 inch or smaller mesh shall be installed at the point of diversion to prevent any negative impact on juvenile fish.
Prior to diversion under this right, the permit holder shall

WR58084P
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/30/94 00:48:23
Page 2

Water right number - 9B-07701

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +
provide for fish passage around the diversion structure.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - - + - - - - Decree Defendant - - - - + - - - - Decree Date - - - - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 09/08/1992 User Id: STYPA Subject: EXAMINER NOTE
4" dam with roadway across stream. Reservoir capacity = 20 AF.
Date: 01/07/1994 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - Audit Fields - 09/08/92 STYPA 11/20/92 MILLER 11/24/92 MILLER 01/07/94 COMMENTS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 01/03/1994	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 11/25/1992	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - W005921	Water District -
Licensed Date - 00/00/0000	Appl Received - 09/04/1992	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

January 7, 1994

Joel R. and Virginia Ohnstad
P.O. Box 5
Moyie Springs, ID 83845-0005

RE: Permit No. 98-07701

Dear Permit Holder:

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed. The department provided the proper forms to you in our proof due notice dated October 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable Proof of Beneficial Use or an acceptable Request for Extension of Time showing reasonable cause for the delay. Either the completed Proof of Beneficial Use Submittal including the examination fee, or a completed field examination report; or the extension request form together with the \$15 fee, must be received by this department within sixty (60) days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted, unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which brings title to the water in question.

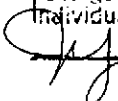
Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 1-7-94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 31, 1993

JOEL R OHNSTAD
VIRGINIA M OHNSTAD
PO BOX 5
MOYIE SPRINGS ID 838450005

PROOF DUE NOTICE

RE: PERMIT NO. 98-07701

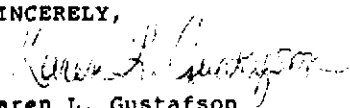
Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,


Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

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U.S. POSTAGE
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RECEIVED
DEC 01 1993
Department of Water Resources

NOV-23-1993

October 31, 1993

JOEL R OHNSTAD
VIRGINIA M OHNSTAD
PO BOX 5
MOYIE SPRINGS ID 838450005

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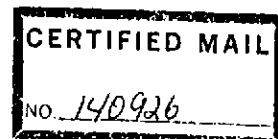
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Karen L. Gustafson
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Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

November 25, 1992

JOEL R OHNSTAD
VIRGINIA M OHNSTAD
PO BOX 5
MOYIE SPRINGS ID 838450005

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P98-07701

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Miller".

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures



IDAHO FISH & GAME
REGION 1
2320 Government Way
Coeur d'Alene, ID 83814-3683
(208) 765-3111

*Please file with
98-7701*

October 8, 1992

RECEIVED

OCT 13 1992

NORTHERN REGION
IDWR

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Blvd. Suite 210
Coeur d'Alene, ID 83814

Dear Bob:

REFERENCE: 97-07329 BICKFORD/PRIEST LAKE TRIBUTARY
98-07701 OHNSTAD/DUNNING CREEK

We have reviewed these proposed water right diversions. The applicants should be required to screen their diversions to prevent fish losses and provide for fish passage around any diversion structure, unless they can demonstrate no fishery resource will be affected.

Thanks for the opportunity to comment on these applications.

Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Bureau of Program Coordination

Cecil D. Andrus / Governor
Jerry M. Conley / Director
Equal Opportunity Employer



98-07701

OHNSTAD, JOEL R
OHNSTAD, VIRGINIA M
PO BOX 5
MOYIE SPRINGS, ID 838450005

Source: DUNNING CREEK

Tributary: KOOTENAI RIVER

Diversion Pt: NWSE Sec 1 T 62N R 02E in BOUNDARY County.

Use: STOCKWATER STORAGE	(17.70 AF)
RECREATION STORAGE	(17.70 AF)
Total Diversion:	(17.70 AF)

Date Filed: 9/ 4/1992

In: BOUNDARY County
T62N R02E S01 NWSE

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

BOB MILLER being first duly sworn on oath
deposes and says that he/she is MANAGER
of the Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho; that
the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

LEGAL # 2322

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 16 day of September 1992
and ending on the 23 day of September 1992
and that said notice was published in said newspaper.

Dated: 10/2/92

[Signature]
Subscribed and sworn to before me this 6 day
of October 1992

Kenneth A. Haworth
Notary Public for Idaho

Residing at BONNERS FERRY

My Commission expires: 11/08/97

NOTICE OF APPLICATION
OF WATER RIGHT

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

98-07701

OHNSTAD, JOEL R
OHNSTAD, VIRGINIA M

PO BOX 5
MOYIE SPRINGS, ID 83845-0005
Source: DUNNING CREEK
Tributary: KOOTENAI RIVER
Diversions Pt. NWSE Sec 1 T 62N
R 02E in BOUNDARY County.
Use: STOCKWATER STORAGE
(17.70 AF)
RECREATION STORAGE (17.70
AF)

Total Diversion: (17.70 AF)
Dated Filed: 9/4/1992

In: BOUNDARY County
T62N R02E S01 NWSE
98-07702

WITTGENSTEIN, GARY J
PO BOX 87
BONNERS FERRY, ID 83805
Source: GROUNDWATER
Diversions Pt. LOT 3 (NWNW) Sec
6 T 61N R 02E in BOUNDARY
County.

Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 9/4/1992
In: BOUNDARY County
T61N R02E S04 NWNW

For additional information
concerning the property location,
call the Northern Regional Office at
765-4639.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, Northern Region,
2010 Northwest Blvd., Suite 210,
Coeur d'Alene, Idaho 83814 on or
before OCTOBER 5, 1992.
R. KEITH HIGGINSON, Director
SNP#2322 Sep 16, 23, 1992

RECEIVED

OCT 08 1992

NORTHERN REGION
IDWR