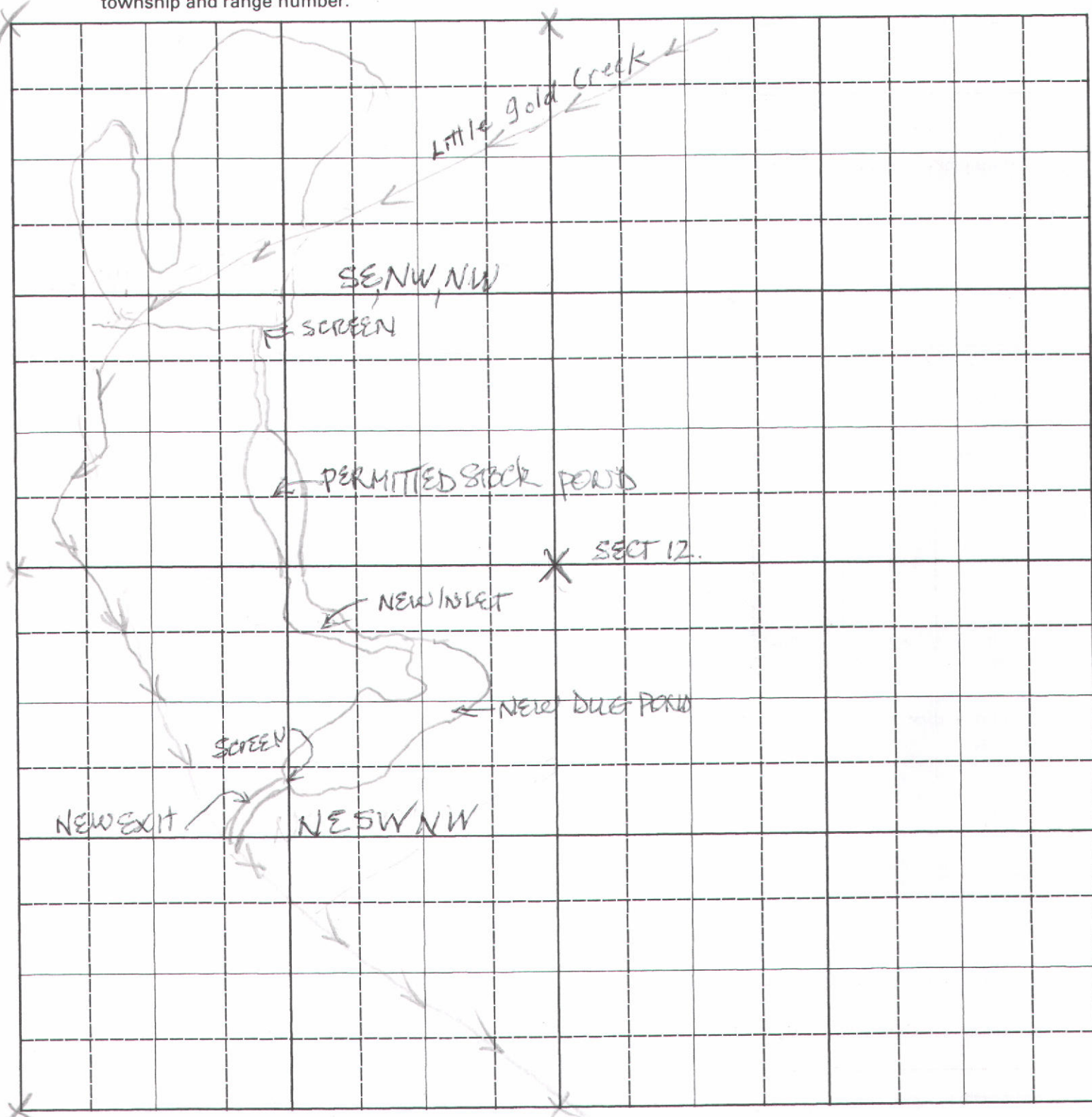


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13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MICROFILMED
DEC 03 2003

Heidi Read *Robert Read*
(Applicant)

N 89° 45' W



The Cannon Printers, Ltd., Caldwell, No. 6-98745

43N 89° 47'

MICROFILMED
DEC 03 2003
Banc

Henrikson

Department of Water Resources
APPLICANT'S

Exhibit 1

Date Admitted 7/23/03

READ

READ

READ

application
#96-08985

NW

NE

WUERST

WUERST

HARVEY

HARVEY

MICROFILMED

DEC 03 2003

READ

Licensed
diversion pond
#96-08497

READ

Licensed
diversion pond
#96-08497

application
#96-08986

READ

DULLEA

HARVEY

T58N R1W

Section 12

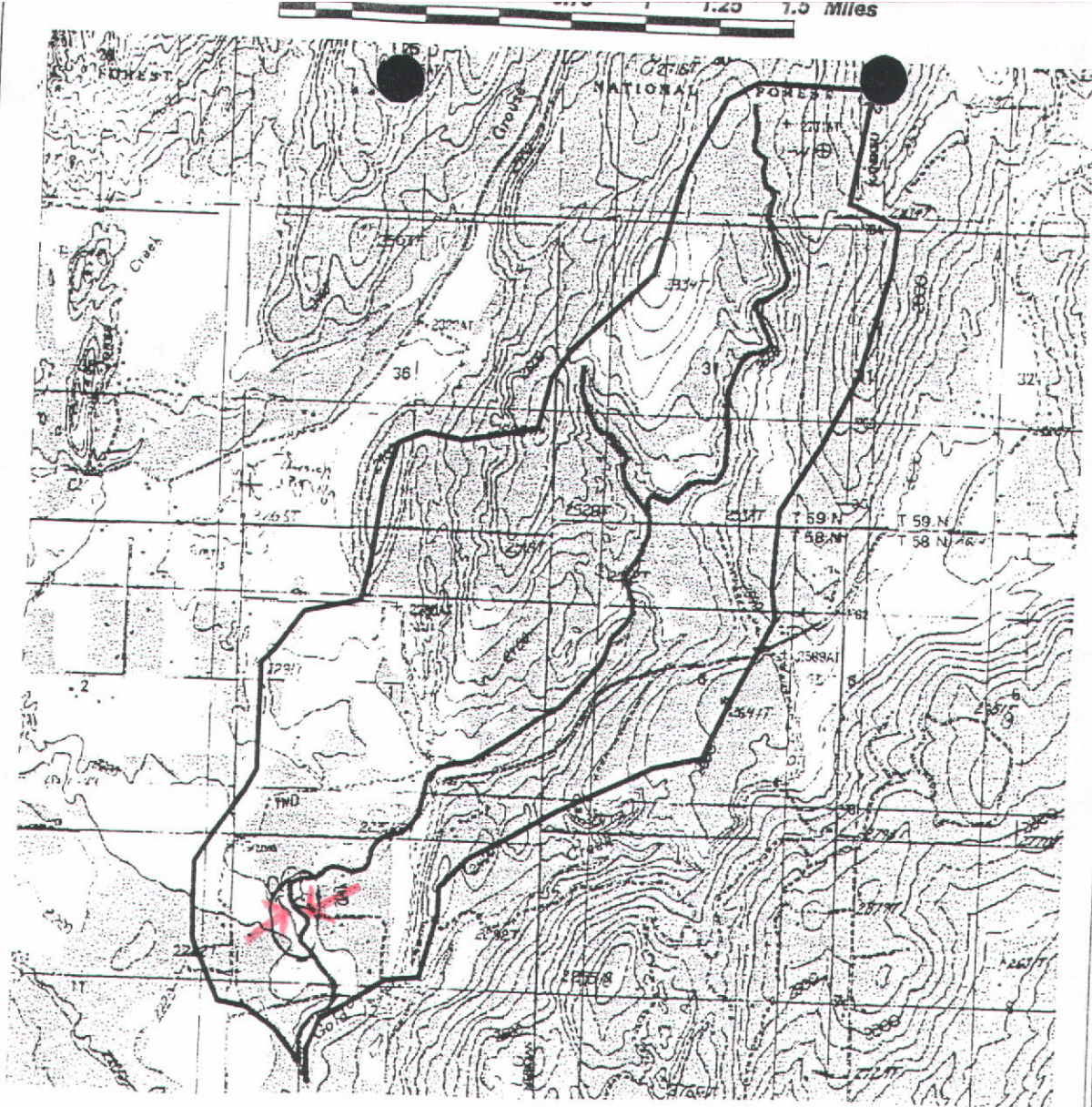
Portion of NW 1/4

10 ACRE GRIDS

→ creek
→ Harvey
→ Read

→ contested property
→ licensed diversions
→ ponds

• survey points 1977



USGS 7.5 minute Quadrangle -

Little Gold Creek Watershed Topography

Department of Water Resources
PROTESTANT'S
Exhibit D
Date Admitted 4/23/03

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Exhibit D

2 1
11 12

NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

READ

Found $\frac{3}{8}$ " rebar

SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

Little

N 00°00'19" W 457.80'

MAN-MADE DITCH

Bridge

Found $\frac{3}{8}$ " rebar

Bridge

NATURAL DRAINAGE

EAST LINE OF HARVEY IS TO THE CENTERLINE OF THE MAIN TRIBUTARY TO GOLD CREEK.

HARVEY

MAN-MADE DITCH

NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$

NATURAL DRAINAGE

Found $\frac{3}{8}$ " rebar & cap, PE 1947

Pump house

Department of Water Resources
PROTESTANT'S

Exhibit E

Date Admitted 4/23/03

MICROFILMED

DEC 03 2003

Exhibit E

R.1W

1951 Elmira Quad

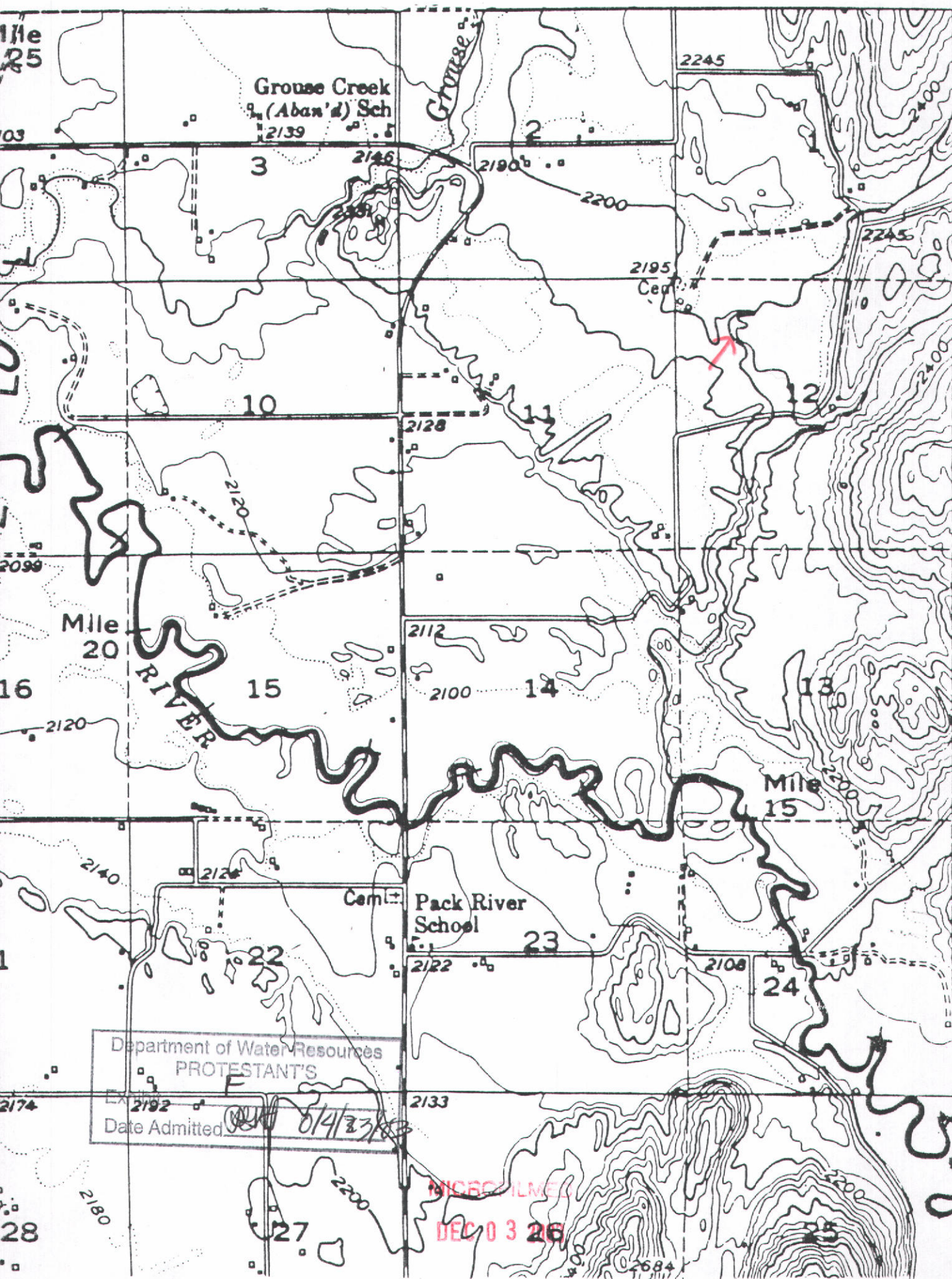


Exhibit F

1989 Elmira Quad

Grave

Creek

Gold 12

MERIDIAN

BOISE

Department of Water Resources
PROTESTANT'S
Exhibit G
Date Admitted 4/23/03 RJA

MICROFILMED

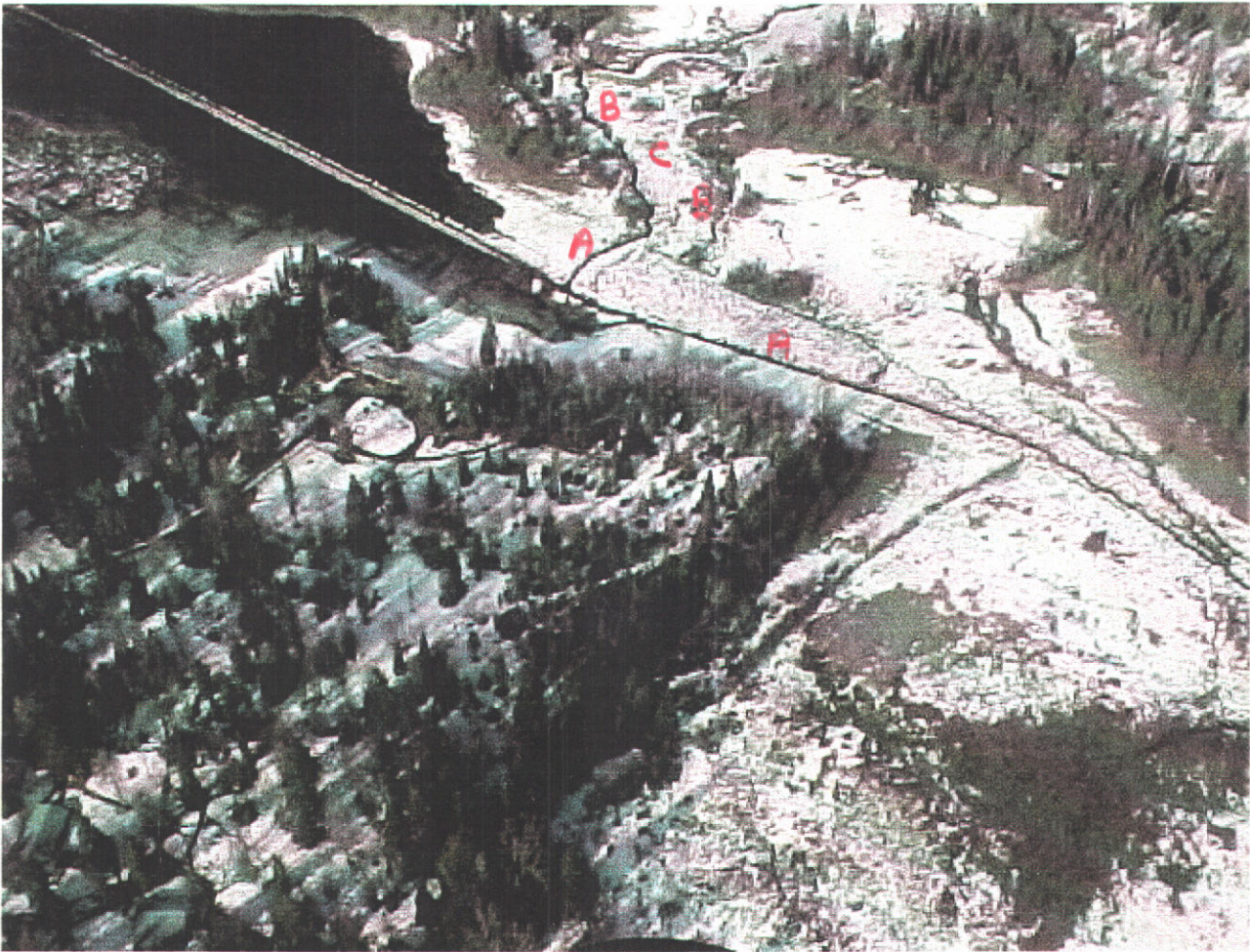
DEC 03 2003

Exhibit G

Source: Idaho Dept. of Lands

6-10-2002

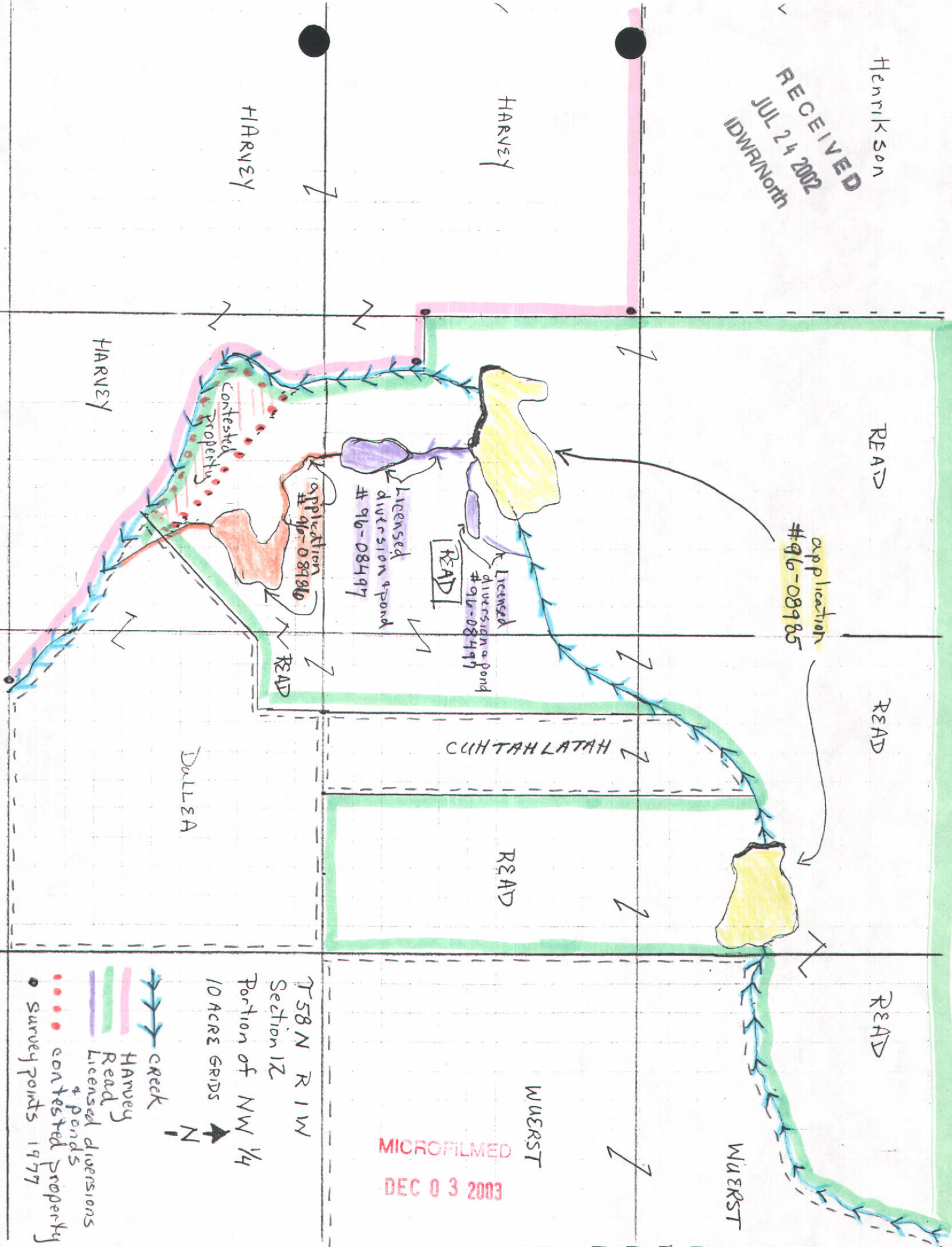
2



Department of Water Resources
PROTESTANTS
Exhibit <u>H</u>
Date Admitted <u>4/23/03</u> <i>RAH</i>

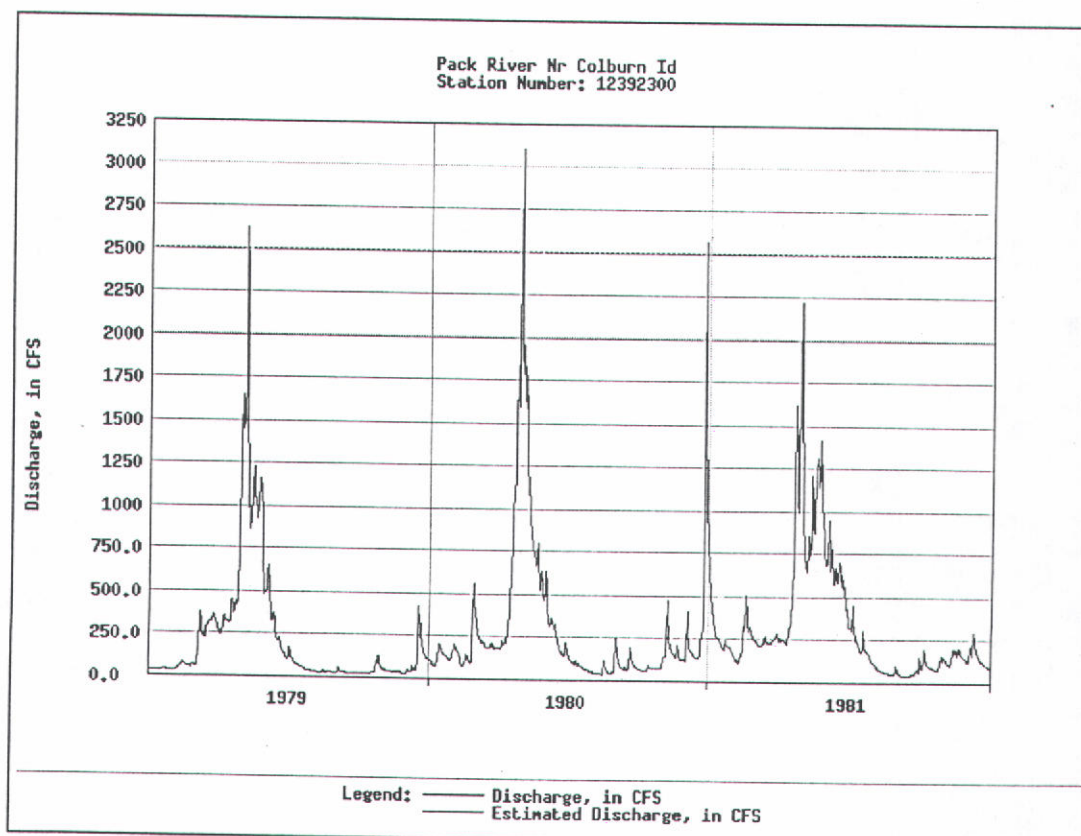
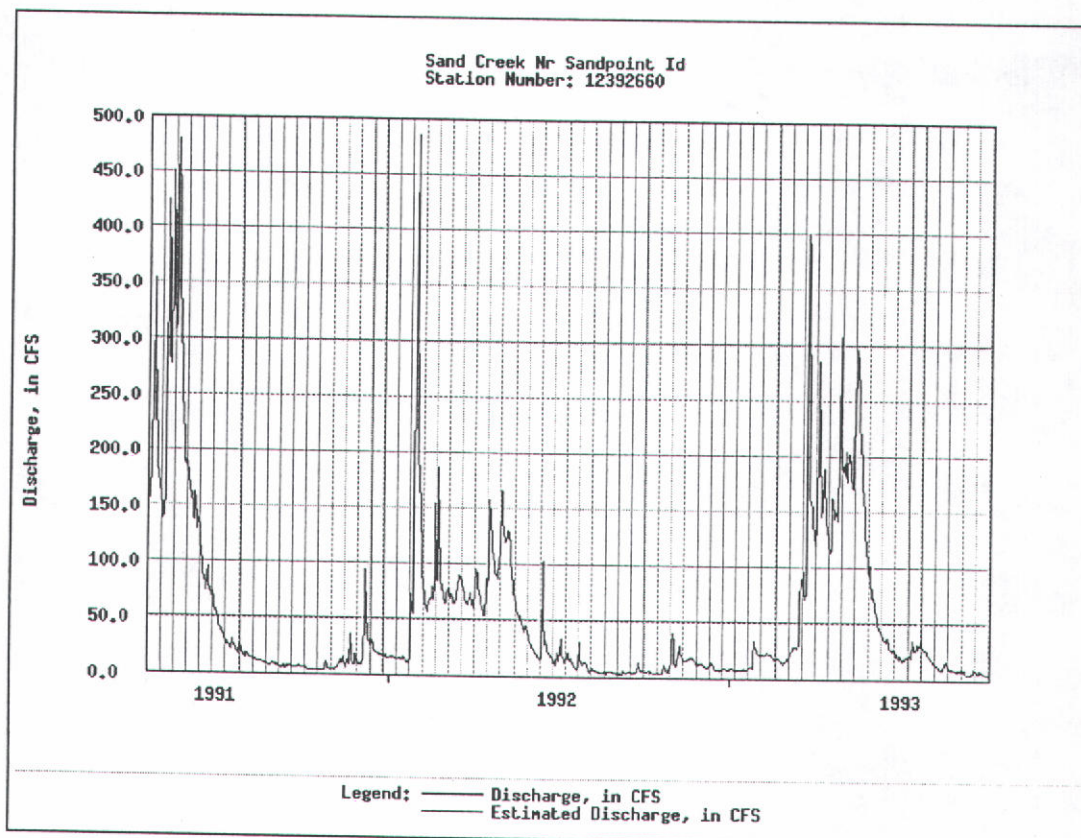
Exhibit H

Henrikson
RECEIVED
JUL 24 2002
IDWR/North



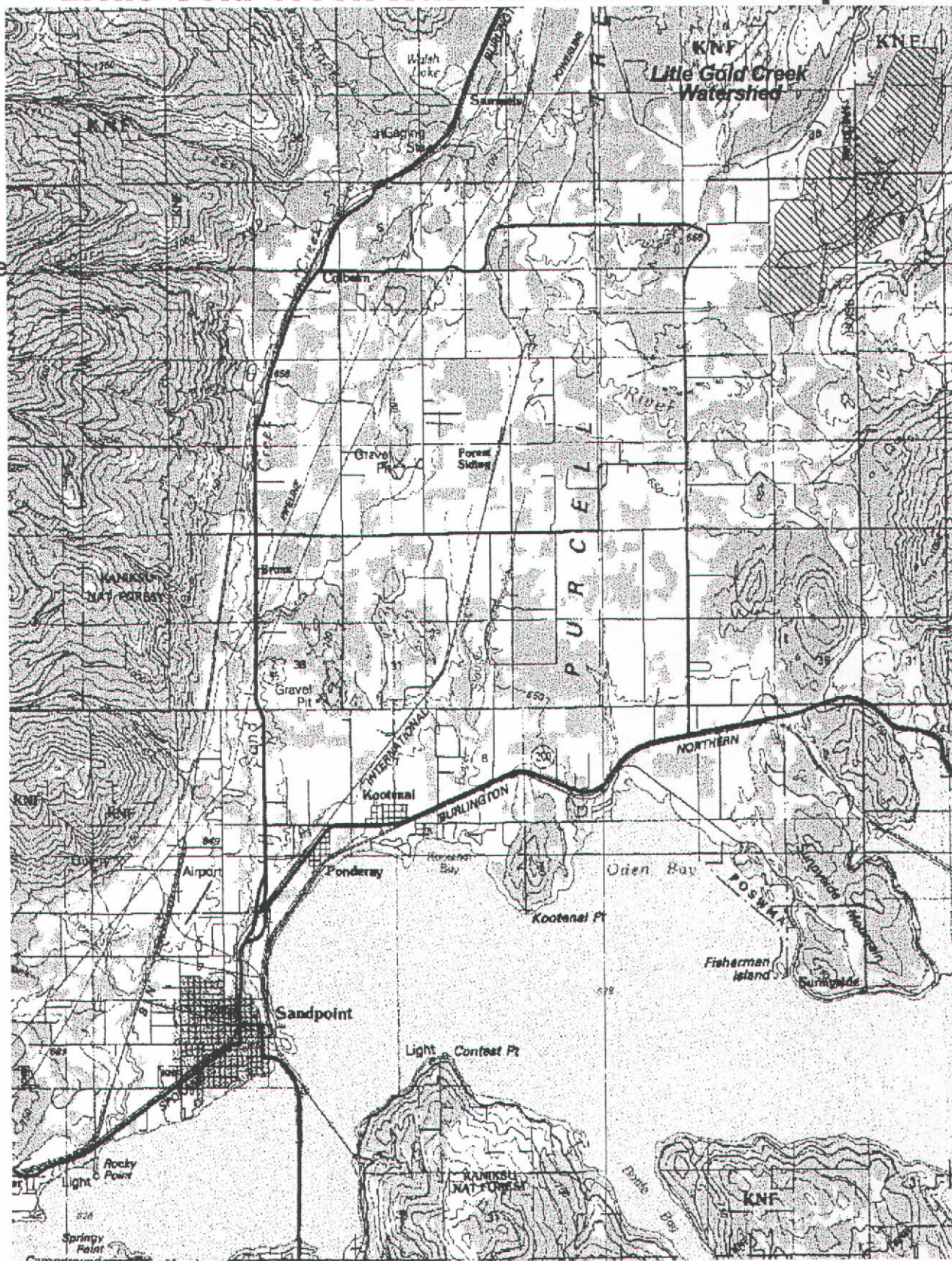
T58N R1W
Section 12
Portion of NW 1/4
10 ACRE GRIDS
N
creek
Read
licensed diversions
contested property
survey points 1977

MICROFILMED
DEC 03 2003



Little Gold Creek Watershed Location Map

scale



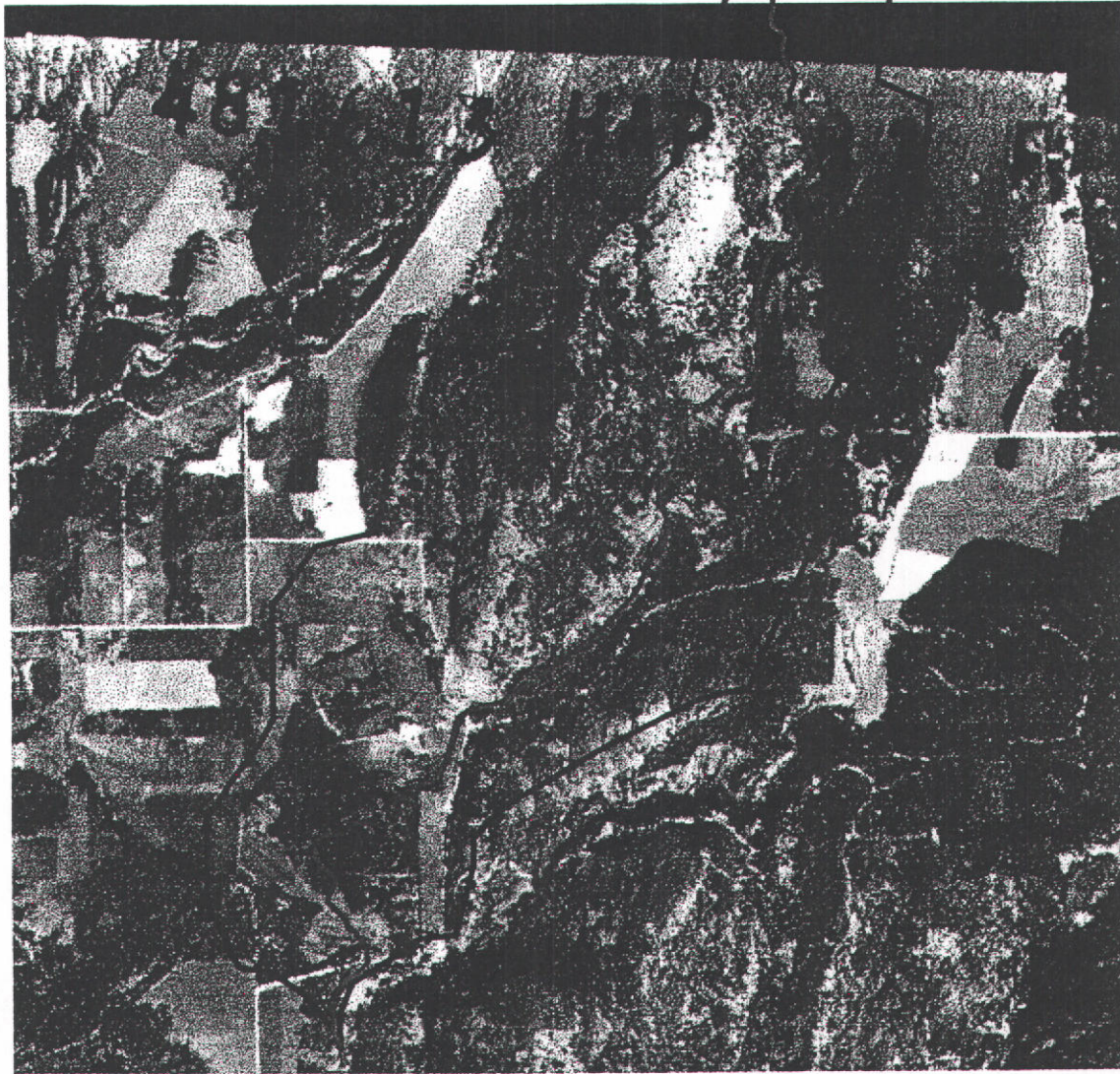
1 0 1 2 3 4 5 Miles

MONKS
HYDRO-GEOSCIENCE

MICROFILMED

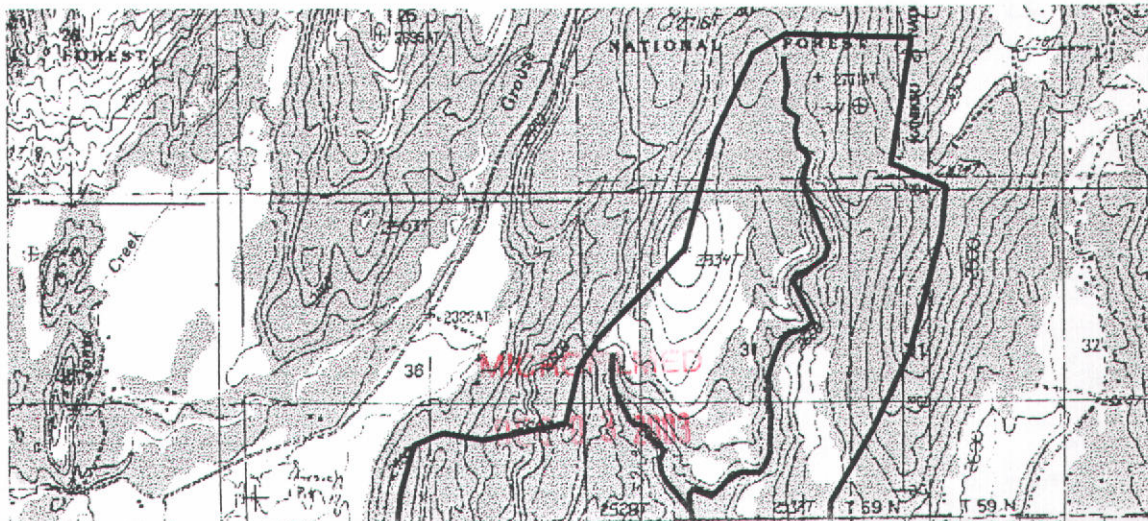
DEC 03 2003

Land Use and Topography - Little Gold Creek Watershed, Bonner County, Idaho

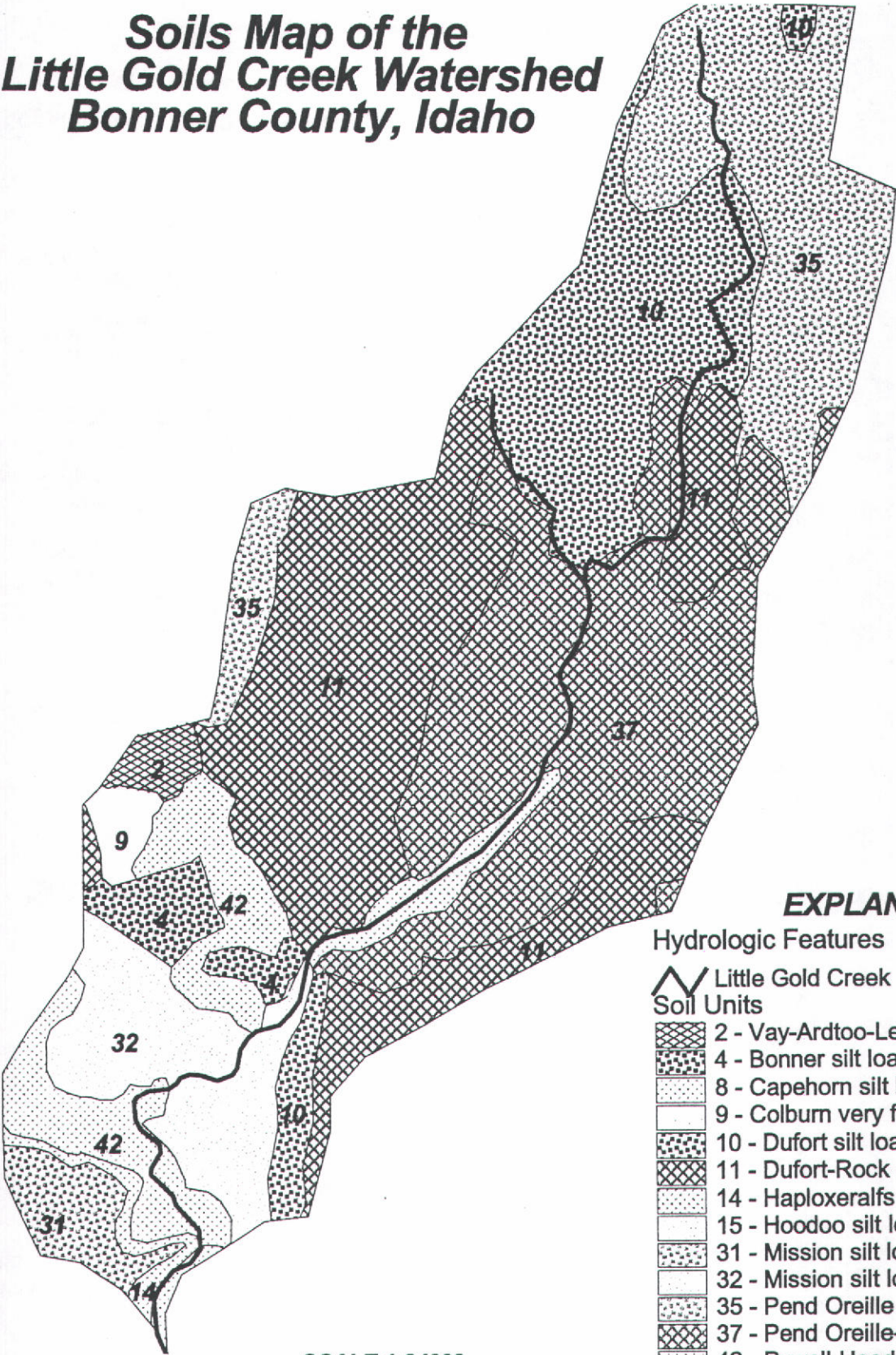


USGS Color Infrared Aerial Photo - Little Sand Creek Watershed Land Use

0.25 0 0.25 0.5 0.75 1 1.25 1.5 Miles



Soils Map of the Little Gold Creek Watershed Bonner County, Idaho



EXPLANATION

Hydrologic Features

Little Gold Creek

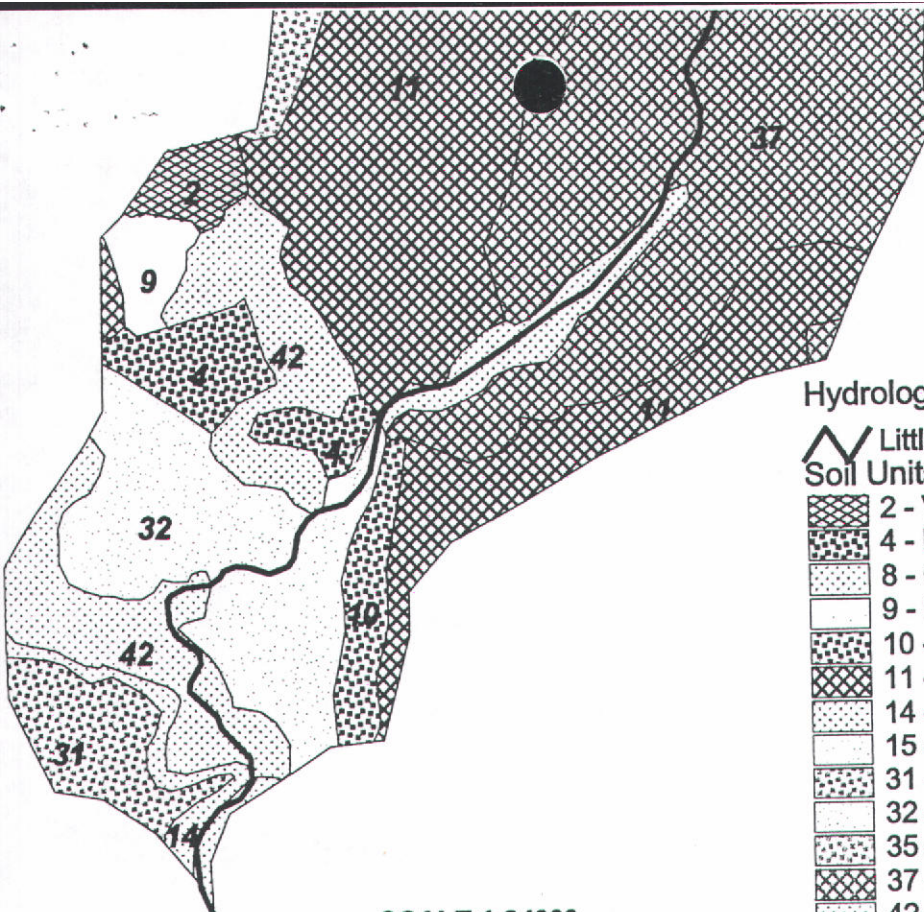
Soil Units

- 2 - Vay-Ardtoo-Lenz
- 4 - Bonner silt loam
- 8 - Capehorn silt loam
- 9 - Colburn very fine sandy loam
- 10 - Dufort silt loam
- 11 - Dufort-Rock outcrop complex
- 14 - Haploxeralfs and Xerochrepts
- 15 - Hoodoo silt loam
- 31 - Mission silt loam
- 32 - Mission silt loam, 2 to 12% slopes
- 35 - Pend Oreille silt loam, 5 to 45% slopes
- 37 - Pend Oreille-rock outcrop complex
- 42 - Pywell-Hoodoo complex

SCALE 1:24000



DEC 03 2003



EXPLANATION

Hydrologic Features

Little Gold Creek

Soil Units

- 2 - Vay-Ardtoo-Lenz
- 4 - Bonner silt loam
- 8 - Capehorn silt loam
- 9 - Colburn very fine sandy loam
- 10 - Dufort silt loam
- 11 - Dufort-Rock outcrop complex
- 14 - Haploxeralfs and Xerochrepts
- 15 - Hoodoo silt loam
- 31 - Mission silt loam
- 32 - Mission silt loam, 2 to 12% slopes
- 35 - Pend Oreille silt loam, 5 to 45% slopes
- 37 - Pend Oreille-rock outcrop complex
- 42 - Pywell-Hoodoo complex

SCALE 1:24000

0.25 0 0.25 0.5 0.75 1 1.25 Miles

Table 1. Little Gold Creek Watershed soils characteristics.

SOIL NAME	DRAINAGE CHARACTERISTICS	TOPOGRAPHY	ACRES	% WATERSHED
Bonner silt loam, cool, 0 to 4 percent slopes	very deep, well drained	terraces	13.576	0.710
Bonner silt loam, cool, 0 to 4 percent slopes	very deep, well drained	terraces	31.885	1.856
Pywell-Hoodoo complex, 0 to 1 percent slopes	very deep, very poorly drained	basins and flood plains	81.374	3.207
Mission silt loam, 2 to 12 percent slopes	somewhat poorly drained	terraces	148.105	7.836
Dufort silt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	28.333	1.481
Capehorn silt loam, 0 to 2 percent slopes	very deep, poorly drained	valley bottoms & flood plains	30.155	1.576
Pywell-Hoodoo complex, 0 to 1 percent slopes	very deep, very poorly drained	basins and flood plains	72.129	3.770
Haploxeralfs and Xerochrepts, 30 to 35 percent slopes	very deep, well to moderately dr	terrace escarpments	17.933	0.937
Mission silt loam, 0 to 2 percent slopes	shallow, somewhat poorly drained	terraces	45.134	2.359
Pend Oreille-Rock outcrop complex, 5 to 45% slopes	very deep, well drained	foothills and mountainsides	4.115	0.215
Colburn very fine sandy loam, 0 to 4 % slopes	very deep, somewhat poorly drain	alluvial fans and low terraces	18.307	0.957
Hoodoo silt loam, 0 to 1 percent slopes	very deep, poorly drained	drainageways and bottomlands	0.020	0.001
Capehorn silt loam, 0 to 2 percent slopes	very deep, poorly drained	valley bottoms & flood plains	5.900	0.308
Dufort rock complex, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	318.814	16.662
Pend Oreille silt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	32.486	1.698
Vay-Ardtoo-Lenz	moderately deep, well drained	side slopes and ridges	17.762	0.928
Dufort rock complex, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	98.907	5.169
Pend Oreille-Rock outcrop complex, 5 to 45% slopes	very deep, well drained	foothills and mountainsides	425.376	22.231
Dufort rock complex, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	48.222	2.520
Dufort silt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	241.741	12.634
Pend Oreille silt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	250.379	13.085
Dufort silt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	5.007	0.262
TOTALS:			1813.460	100.002
TOTAL FOOTHILLS & MOUNTAINSIDES:			1471.142	78.885
TOTAL TERRACES AND FLOOD PLAINS:			442.318	23.117

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Figure 2
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MONKS
HYDRO-GEOSCIENCE

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-08986

Priority: March 27, 1998

Maximum Diversion Rate: 0.10 CFS

This is to certify, that ROBERT READ And/Or
ALEXIS READ
375 N SLEEPY HOLLOW
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: LITTLE GOLD CREEK **Tributary:** GOLD CREEK

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>
IRRIGATION FROM STORAGE	3/15 to 11/15		3.2 AF
DIVERSION TO STORAGE	1/01 to 12/31	0.10 CFS	
WILDLIFE STORAGE	1/01 to 12/31		3.2 AF
RECREATION STORAGE	1/01 to 12/31		3.2 AF
IRRIGATION STORAGE	3/15 to 11/15		3.2 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE GOLD CREEK SW¼NW¼ Sec. 12, Twp 58N, Rge 01W, B.M. BONNER County

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	01W	12								6.0									6.0

Total Acres: 6

PLACE OF USE: WILDLIFE STORAGE, same as Irrigation Storage

PLACE OF USE: RECREATION STORAGE, same as Irrigation Storage

PLACE OF USE: IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	01W	12								X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2006**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

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DEC 03 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-08986

CONDITIONS OF APPROVAL

4. The issuance of this permit does not grant any right-of-way or easement across the land of another and does not constitute a determination of the ownership of the contested tract of land adjacent to the properties of the applicant and protestant.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of May, 2003.


for KARL J DREHER, Director

MICROFILMED
DEC 03 2003

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 96-8985 AND)
96-8986 IN THE NAME OF ROBERT)
AND ALEXIS READ)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources ("Department") in the form of a protested application for permit and the Department having held a conference and a hearing in the matter, the hearing officer enters the following Findings of Fact, Conclusions of Law and Preliminary Order:

FINDINGS OF FACT

1. On March 27, 1998, Robert and Alexis Read ("applicant") submitted Application for Permit No. **96-8985** ("application") to the Department proposing the diversion of 0.12 cubic feet per second ("cfs") of water from Little Gold Creek tributary to Gold Creek to be used for irrigation of 6 acres from March 15 through November 15 and for wildlife and recreation purposes year-round. The applicant plans to store 8.53 acre feet ("AF") of water in two small ponds. The proposed points of diversion are located in NE1/4NW1/4 and NW1/4NW1/4 Section 12, T58N, R1W, B.M., Bonner County, Idaho.

(Note: The "1/4" designations will be omitted from subsequent legal descriptions in this order).

2. On March 27, 1998, the applicant also submitted Application for Permit No. **96-8986** ("application") to the Department proposing the diversion of 0.10 cfs of water from Little Gold Creek tributary to Gold Creek to be used for irrigation from March 15 through November 15 and for wildlife and recreation purposes year-round. The applicant plans to store 3.2 AF of water in a small pond. The proposed point of diversion and place of use are located in SWNW Section 12, T58N, R1W, B.M.

3. The Department published notice of the applications that were subsequently protested by Jennifer Harvey. The protestant's concern is that the property boundary between the applicant and protestant needs to be determined.

4. On April 23, 2003, the Department conducted a hearing in the matters. The applicant was present and represented herself. The protestant was present and represented herself. At the hearing, the protestant withdrew her protest against application 96-8985.

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DEC 03 2003

5. Issues the Department can consider in this matter are as follows:
 - a. Whether the appropriation will reduce the quantity of water under existing water rights;
 - b. Whether the water supply itself is insufficient for the purpose for which it is sought to be appropriated;
 - c. Whether the application is made in good faith, or is made for delay or speculative purposes;
 - d. Whether the applicant has sufficient financial resources with which to complete the work involved therein;
 - e. Whether the proposed appropriation will conflict with the local public interest; and
 - f. Whether the proposed appropriation is contrary to conservation of water resources within the state of Idaho.
6. Exhibits premarked, offered or accepted as a part of the record are as follows:

Applicant's Exhibits:

1. Schematic map showing features in the vicinity of the application

Protestant's Exhibits:

- A. Notice of Appeal, Case No. CV - 99 - 00830 (1 page only)
- B. Notice of Transcript Lodged dated April 8, 2003
- C. Letter dated January 19, 2003 to Jennifer Harvey from Richard C. Tucker
- D. Photocopy of part of USGS 7.5 minute quadrangle showing the Little Gold Creek Watershed topography
- E. Schematic showing vicinity of the Read and Harvey properties
- F. Photocopy of part of 1951 Elmira USGS quadrangle
- G. Photocopy of part of 1989 Elmira USGS quadrangle
- H. Aerial photograph of vicinity of the application for permit

Among other information, the hearing officer officially noticed the Department's water right file in this matter and the documents in it.

7. The protestant did not claim any right to the use of water in Little Gold Creek. Applicant's testimony that the appropriation would not reduce the quantity of water to existing water rights was undisputed by the protestant.

8. A November 16, 1998 report titled Hydrologic Evaluation of the Little Gold Creek Watershed, Bonner County, Idaho prepared by Monks Hydro-Geoscience, concludes, among other conclusions, that Little Gold Creek is a perennial stream that has the capacity to meet the appropriation sought by the applicant.

9. The applicant's statement that the application was made in good faith and that the applicant intended to proceed with the project upon approval of the application was undisputed by the protestant.

10. The testimony that the applicant has sufficient financial resources with which to complete the project also was undisputed by the protestant.

11. The Idaho Department of Lands supports the application, stating that ponds of the type proposed by the applicant would be useful in fighting uncontrolled wildfire.

12. The appropriation sought is of a nature typically accepted as beneficial uses of water in Idaho.

ANALYSIS

The protest has nothing to do with the six issues described in Section 42-203A, Idaho Code, that the department can consider in connection with a protested application for permit and has everything to do with the disputed ownership of a piece of property that touches land owned by the applicant and land owned by the protestant.

The parties have been to court over the contested ownership in a case titled Robert C. Read and Alexis M. Read v. Jennifer Harvey. On April 2, 2002, the Bonner County District Court issued a Summary Judgment in the case quieting title to the disputed land in favor of the plaintiffs, Robert C. Read and Alexis M. Read.

A water right cannot be established in trespass and a water right issued by the Department does not grant any right-of-way across the land of another person. Any approval of the application by the Department should be conditioned with disclaimer language relative to ownership of property and rights-of-way that may be needed in connection with development of the appropriation authorized by the permit.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to

conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor... .

2. Use of water as proposed in the application will not reduce the quantity of water under existing water rights.
3. The water supply itself is sufficient for the purposes intended.
4. The application is made in good faith and not for delay or speculative purposes.
5. The applicant has sufficient financial resources with which to complete the project.
6. The application does not conflict with the local public interest.
7. The application is not contrary to the conservation of water resources within Idaho.
8. The Department should approve the application with certain conditions.

ORDER

IT IS THEREFORE hereby ORDERED that Application for Permit No. 96-8986 in the name of Robert and Alexis Read is **APPROVED** subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before **June 1, 2006**.
2. The issuance of this permit does not grant any right-of-way or easement across the land of another and does not constitute a determination of the ownership of the contested tract of land adjacent to the properties of the applicant and protestant.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

Signed this 7th day of May, 2003.


L. GLEN SAXTON, P.E.
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of May, 2003, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

JENNIFER HARVEY
213 WINTERBERRY WAY
SANDPOINT ID 83864

BOB HAYNES – NORTHERN REGION
IDAHO DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD STE 210
COEUR D' ALENE ID 83814-2615

ROBERT READ
ALEXIS READ
1700 GOLD CREEK RD
SANDPOINT ID 83864



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert and/or Alexis Read Phone 208/265-4162
Post office address 1700 Gold Creek Rd., Sandpoint, ID 83864

2. Source of water supply Little Gold Creek which is a tributary of Gold Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of NW SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 12 Township 58N Range 1W B.M. Bonner County; additional
points of diversion if any: N/A

4. Water will be used for the following purposes:

- ⁵⁵ Amount .10 cfs for storage for Divers on to purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE
- ⁰¹ Amount 3.2 for WILDLIFE purposes from 4/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE FOR
- ⁰¹ Amount 3.2 for RECREATION purposes from 4/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE FOR
- ⁰³ Amount 3.2 for IRR FROM STOR purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum) IRR STORAGE

5. Total quantity to be appropriated is (a) 0.10 cubic feet per second and/or (b) one 3.2 acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. exit ditch from permitted stock pond
to feed new dug pond, exit ditch to Little Gold Creek, Screened at head
and tail for fish containment.

b. Height of storage dam one feet; active reservoir capacity 3.2 acre-feet; total
reservoir capacity 3.2 acre-feet; period of year when water will be diverted to storage:
Jan. 1 to Dec 31 inclusive.

c. Proposed well diameter is n/a inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? n/a; Drilling firm _____;

Well was drilled for (well owner) _____

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

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a. Hydropower; show total feet of head and proposed capacity in KW. n/a

b. Stockwatering; list number and kind of livestock. n/a

c. Municipal; show name of municipality. n/a

d. Domestic; show number of households. n/a

e. Other; describe fully. wildlife, fish production

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

[illegible]

55
2
3
7

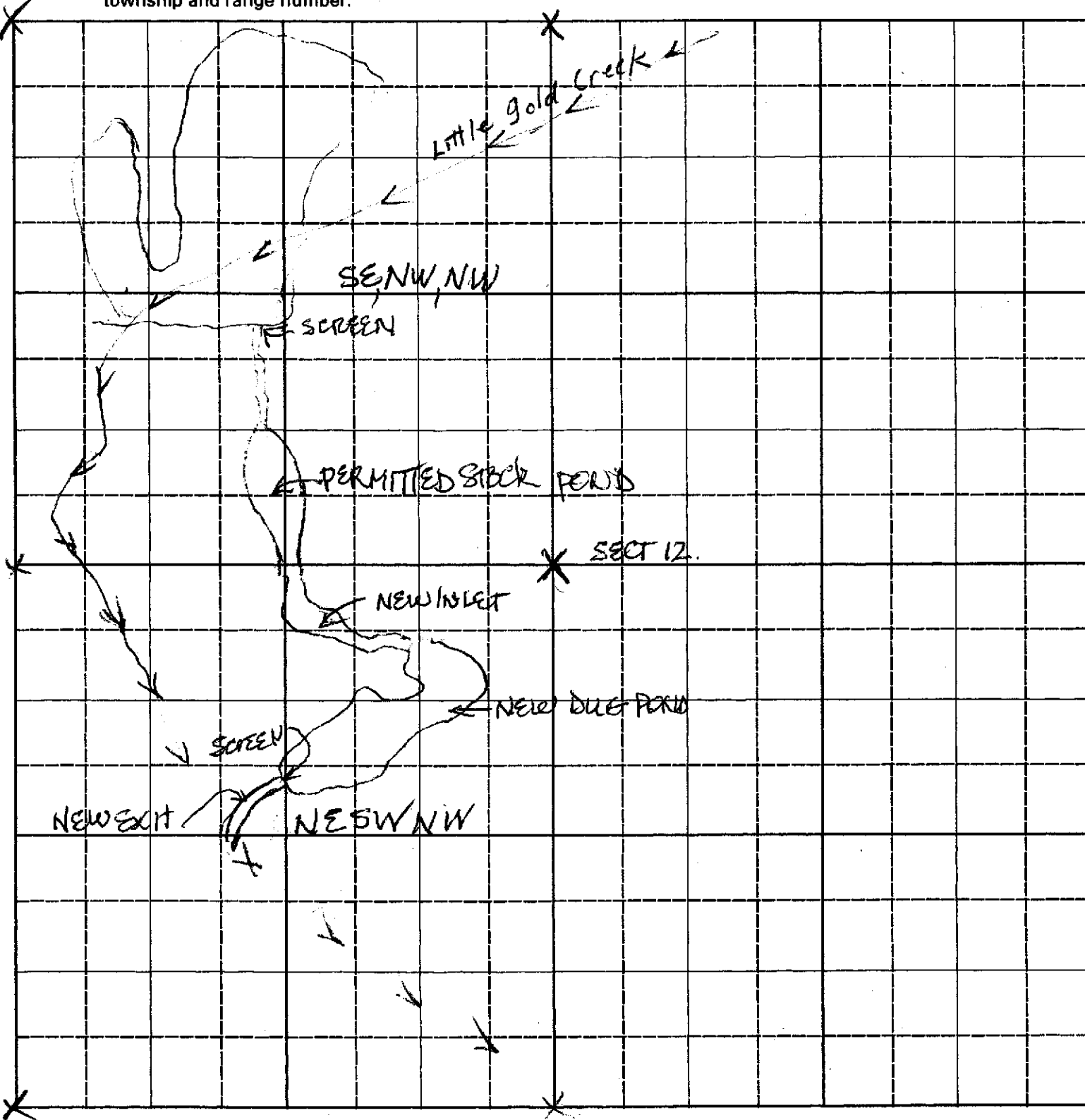
1 DIVISION 50 STORAGE
STORAGE FOR IRR
IRR FROM STORAGE
STORAGE FOR WILDLIFE

11. a. Who owns the property at the point of diversion?	Robert & Alexis Read
b. Who owns the land to be irrigated or place of use?	Robert & Alexis Read

12. Remarks: This pond's inlet to be from outlet of licensed stock pond

DEC 03 2003

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.

MICROFILMED

DEC 03 2003

Heidi Read *Rodney Read*
(Applicant)

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DEC 03 2003

e. Other:

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.

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.

19

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

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

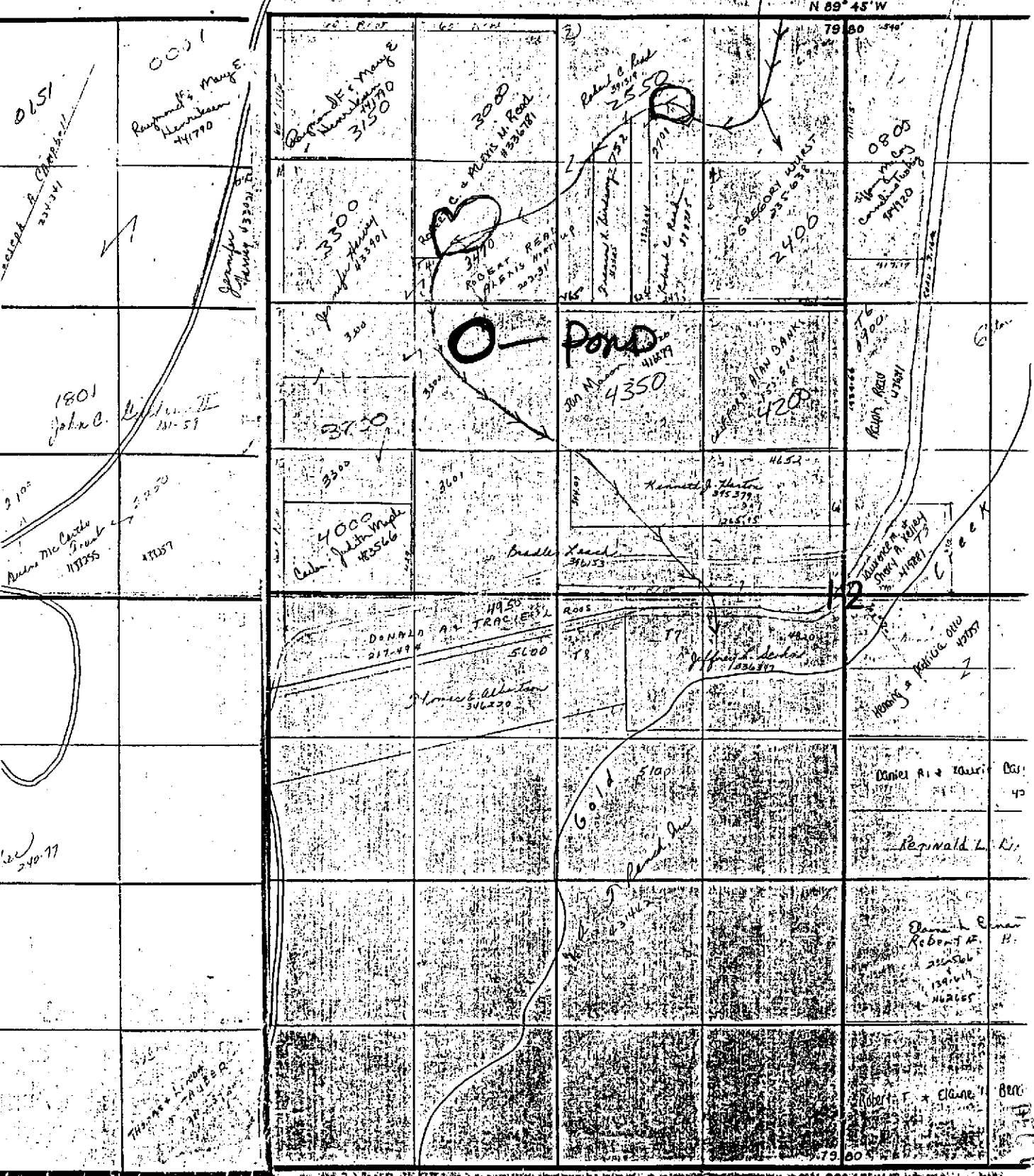
Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by	<i>dp</i>	Date	3/27/98	Time	11:15a	Preliminary check by	<i>dp</i>
Fee \$	50.00	Received by	<i>dp</i>	Date	5/13/98	Published in	<i>Idaho Water Resources Review</i>
Publication prepared by	<i>dp</i>	Date	5/13/98	Published in	5/21/98		
Publication approved	<i>dp</i>	Date	6/5/98				

SECTION No. 12 SUBDIVISION



MICROFILMED

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 96-8986

Reviewed By: dgibson

Date: February 7, 2006

	<u>Yes</u>	<u>No</u>	
Request received timely?	X		Is delay by a government agency?
Appropriate fee	X		Is supporting documentation needed to support the file?
Additional Amount Due:			
Receipt No.:		C080216	Has the permit been involved in litigation?
Name and signature same as permit?	X		Is supporting documentation needed to support the file?
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?
Has adequate work been completed to demonstrate due diligence?	X		

Priority Calculation

Extension request received	02/01/2006	New proof due date	06/01/2009
Date proof due	- 06/01/2006		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 03/27/1998		
New priority date	= 03/27/1998		

Action Taken

Grant extension of time for filing proof based on due diligence until June 1, 2009.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 28, 2003

ROBERT READ
ALEXIS READ
375 N SLEEPY HOLLOW
SANDPOINT ID 83864

RE: Permit # 96-8986

Dear Water Right Holder(s):

Enclosed please find a copy of the above referenced approved permit.

If you have any questions regarding this matter, please call me at 327-5452.

Sincerely,

Sharla R. Curtis
Sr. Water Resource Agent

SRC:klt

Enclosure

MICROFILMED

DEC 03 2003

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NNIFER HARVEY
3 WINTERBERRY WAY
INDPOINT ID 83864

96-8986

2. Article Number (Copy from service label)

7000 1670 0011 3313 9192

PS Form 3811, July 1999

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Name) B. Date of Delivery

Samantha Harvey 5/12/93

C. Signature

X

Samantha Harvey

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ NoMICHO FILMED
DEC 03 2000

3. Service Type

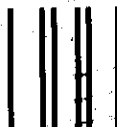
☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-00-M-0952

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. 8386

- Sender: Please print your name, address, and ZIP+4 in this space.

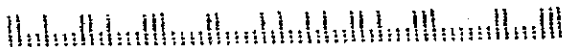
IDAHO DEPT OF WATER
RESOURCES
ATTN DEBORAH GIBSON
1301 N ORCHARD ST
BOISE ID 83706

MICROFILM

DEC 6 2003

MAY 18 2003

Department of Water Resources



SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROBERT READ
ALEXIS READ
1700 GOLD CREEK RD
SANDPOINT ID 83864

MICROFILMED

DEC 3 3 2003

96-8986

2. Article Number (Copy from service label)

7500 1670 0011 3313 9185

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Name) B. Date of Delivery

ROBERT READ

9/1/99

C. Signature

X Robert Read

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-00-M-0952

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

IDAHO DEPT OF WATER
RESOURCES
ATTN DEBORAH GIBSON
1301 N ORCHARD ST
BOISE ID 83706

MICROFILMED

DEC 6 2007



U.S. Postal Service
CERTIFIED MAIL RECEIPT

(U.S. Domestic Mail Only; No Insurance Coverage)

5916 ETEE TTNH M'97 MNNH

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total = 100

5/7/03

Postmark
Here

dg

Sent To

ROBERT READ

Street

ALEXIS READ

City, S

1700 GOLD CREEK RD
SANDPOINT ID 83864

Certified Mail Provides:

- A mailing receipt
- Unique identifier for your mailpiece
- Signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(For Domestic Mail Only; No Insurance Coverage)

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

5/7/03

Postmark
Here

MICROFILMED

MAY 7 2003

Se

St

City

JENNIFER HARVEY
213 WINTERBERRY WAY
SANDPOINT ID 83864

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is **not** available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mail piece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
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IMPORTANT: Save this receipt and present it when making an inquiry.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 7, 2003

Re: In the matter of Application for Permit No. 96-8985 in the name of Robert and
and/or Alexis Read

Dear Interested Parties:

The Department of Water Resources (department) has issued the enclosed **Amended Preliminary Order** pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit our homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office Manager

MICROFILMED

DEC 03 2003

**RESPONDING TO PRELIMINARY ORDERS ISSUED
BY THE IDAHO DEPARTMENT OF WATER RESOURCES**

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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DEC 03 2003

CERTIFICATE OF SERVICE

All exceptions, briefs, request for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
DEC 8 3 2003

Henrikson

Department of Water Resources

APPLICANT'S

Exhibit

Date Admitted

7/23/03

READ

READ

READ

application
#96-08985

WUERST

NW

NE

WUERST

HARVEY

READ

licensed
diversion pond
#96-08497

READ

licensed
diversion pond
#96-08497

7

HARVEY

MICROFILMED

DEC 03 2003

DALLEA

HARVEY

T58N R1W

Section 12

Portion of NW 1/4

10 ACRE GRIDS

→ creek

Harvey

Read

contested property

licensed diversions

ponds

• survey points 1977

NE

Exhibits

111

JENNIFER HARVEY
PRO SE
213 WINTERBERRY WAY
SANDPOINT ID 83864
Telephone: (208) 255-7222

Department of Water Resources
PROTESTANT'S
Exhibit <u>A</u>
Date Admitted <u>4/23/03</u> <u>READ</u>

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2002 AUG 12 P 3:53

IN THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

ROBERT C. READ and ALEXIS M. READ, Plaintiffs, vs. JENNIFER HARVEY, Defendant.	Case No. CV - 99 - 00830
JENNIFER HARVEY, Counter Plaintiff, vs. ROBERT C. READ and ALEXIS M. READ, Counter Defendants.	NOTICE OF APPEAL

TO: THE ABOVE NAMED RESPONDENT, ROBERT C. READ and ALEXIS M. READ,
AND CHARLES DEAN, ATTORNEY, AND THE CLERK OF COURT OF THE
ABOVE ENTITLED COURT:

NOTICE IS HEREBY GIVEN:

1. The above named Appellant, JENNIFER HARVEY, appeals against the above
named Respondents, ROBERT C. READ and ALEXIS M. READ, to the Idaho Supreme Court
from the final Judgment and the order denying the Defendant's motions for reconsideration and
for relief from final judgment all entered on July 1, 2002 by the Honorable John T. Mitchell.

NOTICE OF APPEAL - 1

MICROFILMED

DEC 03 2003

Exhibit A

IDAHO SUPREME COURT



IDAHO COURT OF APPEALS

Clerk of the Courts
(208) 334-2210

APRIL 8, 2003

P. O. Box 83720
Boise, Idaho 83720-0101

JENNIFER HARVEY
213 WINTERBERRY WAY
SANDPOINT ID 83864

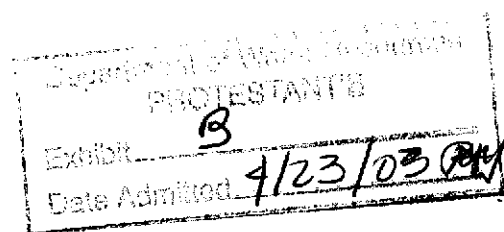
FILED "NOTICE OF TRANSCRIPT LODGED"

Docket No. (Res) READ, ROBERT C.
V.
28841 (App) HARVEY, JENNIFER

BONNER
DC Docket #
99-00830

We have filed the reporter's "NOTICE OF TRANSCRIPT LODGED" indicating that the Transcript for the above-entitled case has been lodged with the Clerk of the District Court, who has or will soon serve a copy of of the Clerk's Record and Transcript. If there are multiple parties, they shall determine by stipulation which party shall be served and the manner and time of use. See Rule 24, I.A.R.

You will have 28 days thereafter to settle the Record and Transcript. Any objections must be filed with the District Court and accompanied by a notice of setting the objection for hearing. See Rule 29, I.A.R.



A01/61913 N30 / DB 11:23:00

For the Court:
FREDERICK C LYON
Clerk of the Courts

MICROFILMED

DEC 03 2003

Handwritten signature and "Exhibit B"

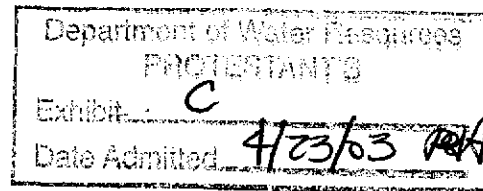
TUCKER CONTRACTING COMPANY

2735 Samuels Road, Sandpoint, Idaho 83864 - (208)263-5357 - FAX (208)263-5357

EXCAVATION - ROAD CONSTRUCTION - LOGGING

January 19, 2003

Jennifer Harvey
213 Winterberry Way
Sandpoint ID 83864



Re: Harvey vs. Read
Section 12, T58N, R1W BM

The history of our involvement in these properties dates to a survey made by Tucker Engineering Consultants in 1977 for Don Schull. The purpose of the survey was to locate the corners and sidelines of a parcel Don Schull had acquired.

Don Schull directed us to set the easterly corners of the tract on the edge of the existing drainage ditches. The northerly point was set on the westerly edge of a manmade diversion channel and the southerly point was set on the westerly edge of an old drainage ditch. The survey crew did not attempt to locate the centerline of Little Gold Creek along the easterly edge of the property because Mr. Schull believed the additional work to locate the channel to be unnecessary.

In 1997 we were asked to locate Robert Read's south property line and we ran the line and set a point on the easterly edge of the main drainage ditch (later referred to as Channel A).

After the 1997 survey for Robert Read, the question came up regarding the location of Little Gold Creek because it is called out on the deed as the boundary between the Harvey and Read properties. We sent a surveyor out to try and find a creek channel through the meadow, and as near as he could determine, the creek entered the meadow from the north in the old diversion ditch and then spread out through the heavy meadow grasses and eventually ended up in the main drainage ditch (Channel A). If a creek channel ever existed through the meadow, it was pretty much obliterated by historic agricultural use and overgrown with heavy grass, so that no definite channel could be found. Our efforts to locate a creek channel were inconclusive. We never did locate the creek boundary between the Read and Harvey properties.

Tucker Brown & Vermeer Consulting Engineers

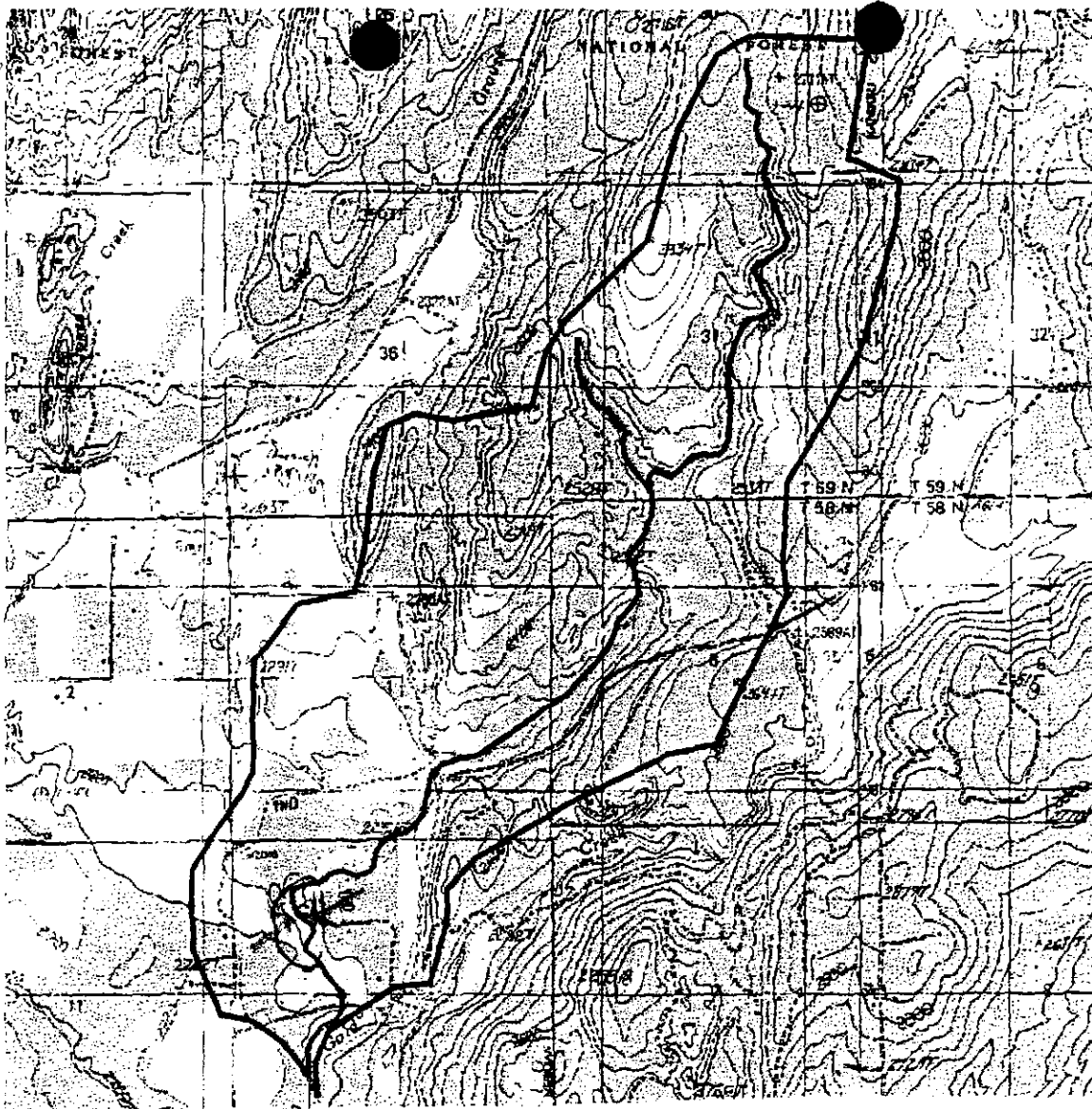
Handwritten signature of Richard C. Tucker.

Richard C. Tucker, P.E./L.S.
Civil Engineer & Land Surveyor

MICROFILMED

DEC 03 2003

Exhibit C



USGS 7.5 minute Quadrangle -

Little Gold Creek Watershed Topography

Department of Agriculture	PROTESTANTS
Exhibit	D
Date Admitted	4/23/03 <i>AK</i>

MICROFILMED

REC D 3 2003

Exhibit D

2 1
11 12

NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

READ

SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

Little

Found $\frac{3}{8}$ " rebar

N 00°00'19" W 437.80'

Bridge

Found $\frac{1}{2}$ " rebar

Bridge

NATURAL DRAINAGE

Found Disc

HARVEY

MAN-MADE DITCH

EAST LINE OF HARVEY IS TO THE CENTERLINE OF THE MAIN TRIBUTARY TO GOLD CREEK.

NATURAL DRAINAGE

Pump house

NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$

Found $\frac{3}{8}$ " rebar & corr. PE 1947

Department of Water Resources
PROTESTANTS

Exhibit

E 4/23/03

Date Admitted

MICROFILM

DEC 03 2003

Exhibit E

R.IW

1951 Elmira Quad

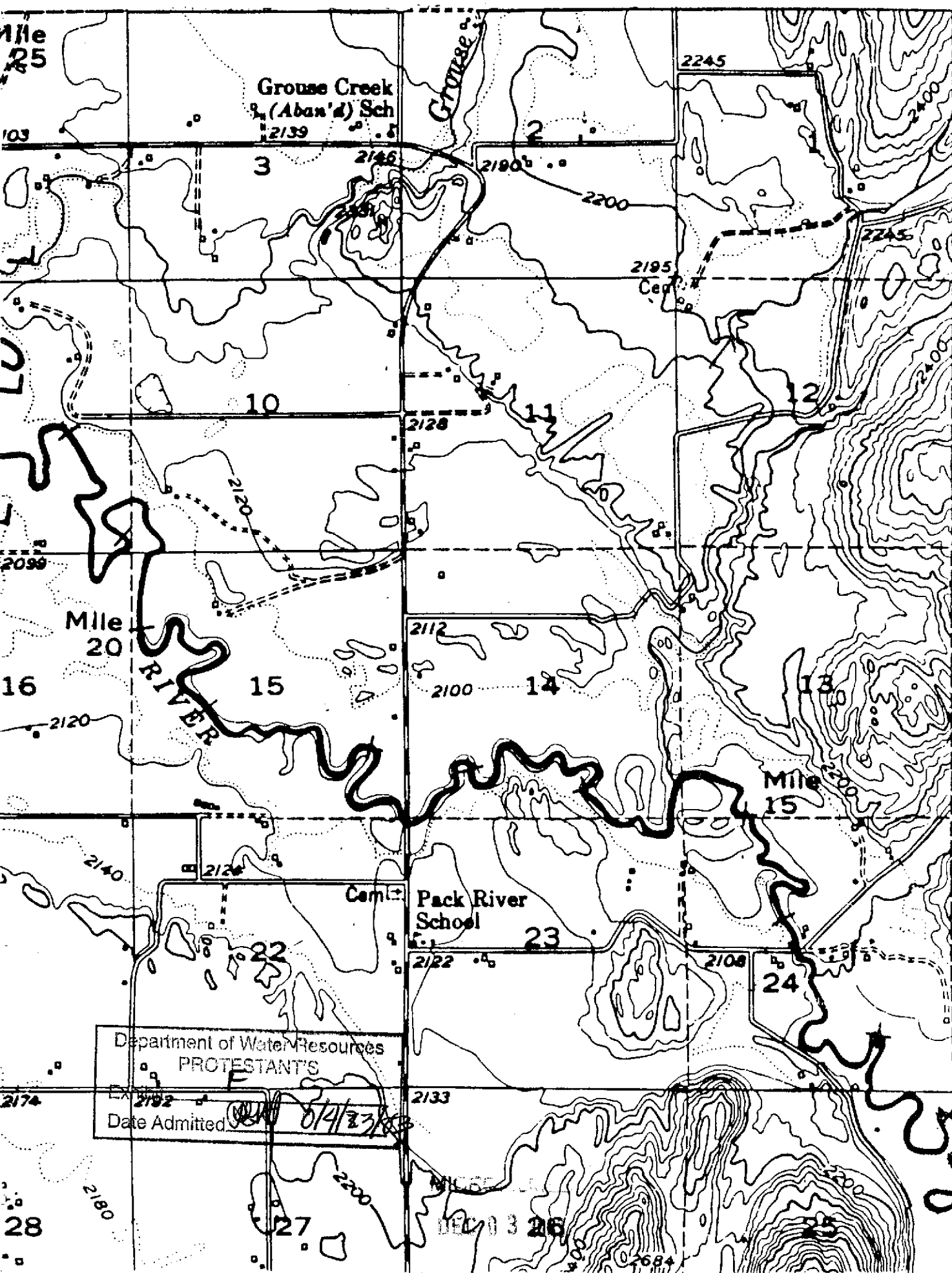


Exhibit F

1989 Elmira Road

Grave

Creek

Gold 12

Department of Water Resources
PROTESTANT'S

Exhibit

Date Admitted

G
4/23/03 RAR

MICROFILMED

SEP 9 3 2003

Source: Idaho Dept. of Lands

6-10-2003

Exhibit G



Department of Water Resources	
PROTESTANTS	
Exhibit	H
Date Admitted	9/23/03 RPH

Exhibit H

EXHIBITS REFERENCE LOCATION OF LITTLE GOLD CREEK ON THE LAND FOR WHICH PERMITS ARE REQUESTED. THE LOCATION OF LITTLE GOLD CREEK IS THE SUBJECT OF THE APPEAL.

Exhibit A: Notice of Appeal

Exhibit B: Notice of Transcript Lodged

Exhibit C: Contrary to Plaintiffs contention, documentary evidence in a letter dated January 19, 2003 from original surveyor, Tucker, provides proof that the center line of Little Gold Creek was not identified on the any of the surveys submitted to the court by Plaintiffs. His final sentence reads: "We never did locate the creek boundary between the Read and Harvey properties." He specifically notes that in both the Schull and Read surveys the crews set points on manmade drainage ditches.

Exhibit D: Little Gold Creek Watershed Topographical map confirms the existence of two waterways. (Neither was mentioned by Plaintiffs in their action.) It clearly shows Little Gold Creek as the EAST waterway (USGS 7.5 minute Quadrangle). **The location of the permits is to be between these waterways.** The location of the waterways in the Plaintiffs assertion is not located on any government maps.

Exhibit E: The Glahe survey submitted in the suit as part of the affidavit by Bordenave names the **eastern waterway as natural** and the one to the west as manmade.

Exhibit F: 1951 Elmira Quad shows Little Gold Creek to the EAST prior to Plaintiffs property purchase. This matches the USGS topographical map in Exhibit D.

Exhibit G: 1989 Elmira Quad shows Little Gold Creek to the west AFTER Plaintiffs property purchase in the 1980s.

Exhibit H: Aerial photo from Bordenave affidavit showing:

- A. Plaintiffs assertion of the location of Little Gold Creek after digging the channel.
- B. The two waterways shown on USGS topographical maps.
- C. Proposed area of water permits.

RECEIVED
JAN 23 2003

State of Idaho
Department of Water Resources



ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATION FOR PERMIT NO. 96-89854 96-8986
IN THE NAME OF ROBERT AND ALEXIS READ

Date: April 23, 2003
Time: 1:00 P.M.
Location: Sandpoint, ID

Hearing Officer: L. Glen Saxton

** Please Print **

NAME	ADDRESS	REPRESENTING (Applicant, Protestant)
Jennifer Harvey	213 Winterbury Wy	Sdpt - Prot.
Bob Read	375 N Sleepy Hollow	Sandpt, ID
Alexis Read	375 N Sleepy Hollow	Sdpt Applicant
Charles R Dean Jr	2020 Lakewood #212	Coeur d'Alene ID 83814 Applicant

MICROFILMED

DEC 03 2003

READ
Application No. 96-08986

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	Jennifer Harvey	213 Winterberry Way, Sandpoint	83864 6/8/98
2			
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 3/27/98

PROTEST DUE DATE: 6/8/98

ISSUES: Insufficient water, boundary clarification

Applicant

ATTORNEY

ADDRESS

DATE

Protest Date Entered on Computer

6/8/98

Acknowledgment Letters Sent

6/8 to Protestant 6/9 to Applicant

Conf/ Hearing Date

7/6/99

4/23/03

(Other Dates)

Other Information: _____

Protest information submitted to computer (following hearing): _____

MICROFILMED

DEC 03 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 2003

ROBERT &/OR ALEXIS READ
1700 GOLD CREEK RD
SANDPOINT ID 83864

RE: Water Right applications 96-8985 and 96-8986

Dear Mr. and Mrs. Read:

Per your conversation with Mr. Bob Haynes of our office, enclosed is a copy of a letter addressed to Ms. Jennifer Harvey, dated August 17, 1999.

Sincerely,

A handwritten signature in cursive script that reads "Dianne Ball".

Dianne Ball
Administrative Assistant

Enclosure

MICROFILMED

DEC 03 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-8985 and 96-8986)
IN THE NAME OF ROBERT &/OR ALEXIS READ)

NOTICE OF HEARING

On March 27, 1998, Robert &/or Alexis Read (applicant) filed with the Department of Water Resources (department), application for permit No. 96-8985 and 96-8986. The application was protested by JENNIFER HARVEY. The conference held by the department on July 6, 1999, did not resolve the matter of protest.

The department has scheduled the matter for hearing on **April 23, 2003**, at the **GSA BUILDING Conference Room, 1500 Highway 2 (Dover Highway), Sandpoint, Idaho at 1:00 PM**. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be L. Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 31st day of March, 2003.



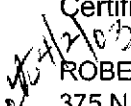
Robert G. Haynes, Regional Supervisor

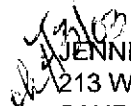
I hereby certify that on the 31st day of March, 2003, I mailed a true and correct copy of this document, postage prepaid, to the applicant(s) and protestant(s) listed below:



Dianne L. Ball, Administrative Assistant

Certified Mail


ROBERT &/OR ALEXIS READ
375 N SLEEPY HOLLOW
SANDPOINT ID 83864


JENNIFER HARVEY
213 WINTERBERRY WAY
SANDPOINT ID 83864


CHUCK DEAN
DEAN & KOLTZ
2020 LAKEWOOD, SUITE 212
COEUR D ALENE ID 83814

MICROFILMED

DEC 03 2003

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (120) days prior to the hearing.

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DEC 03 2003

attorney for Reads:

Chuck Dean of Dean & Kolter

2020 Lakewood Suite 212

208/664-7794

Reads current address -

375 N Sleepy Hollow

Sandpoint, ID 83864

208/265 - 4162

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DEC 03 2003

COPY

JUL 09 2002

BY:

Charles R. Dean, Jr.
Dean & Kolts
2020 Lakewood Dr., Suite 212
Coeur d'Alene, Idaho 83814
(208) 664-7794/(208) 664-9844 FAX
ISB# 5763

STATE OF IDAHO
County of Bonner
FILED 07/01/02
AT _____ Clock _____ M
CLERK, DISTRICT COURT
jm
Deputy

Attorney for Plaintiffs

RECEIVED
JUL 25 2002
IDWR/North

DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNER

ROBERT C. READ and ALEXIS M. READ,
husband and wife,

Plaintiffs,

vs.

JENNIFER HARVEY, an unmarried woman,

Defendant

Case No.: CV-99-00830

ORDER DENYING MOTIONS FOR
RECONSIDERATION AND FOR RELIEF
FROM FINAL JUDGMENT

Defendant's Motion for Reconsideration and for Relief from Final Judgment came on regularly for hearing before the Court on June 18, 2002, the Honorable John Mitchell, Judge of the District Court, presiding. Charles R. Dean, Jr. appeared for the plaintiffs and Edwin B. Holmes appeared for the defendant. The Court, having considered the pleadings and records on file herein, the arguments of counsel, and the admissible evidence submitted in support of and in opposition to said motion and good cause appearing,

IT IS HEREBY ORDERED that defendant's motions be, and hereby are, denied.

Dated:

July 1, 2002

John Mitchell, Judge of the District Court

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DEC 03 2002

ORDER DENYING MOTIONS - 1

ROBERT & ALEXIS READ
375 N SLEEPY HOLLOW
SANDPOINT, ID 83864
208/265-4162

RECEIVED
JUL 24 2002
IDWR/North

July 23, 2002

Robert Haynes, Regional Manager
State of Idaho Dept. of Water Resources
Northern Region
1910 Northwest Blvd. Suite 210
Coeur d'Alene, ID 83814

RE: Applications for Permit to Appropriate Water – 96-8985 & 96-8986

Dear Mr. Haynes:

Thank you for your letter of July 12. Enclosed is a map which should clarify the location of the ponds and property boundaries which I drew up in response to your request. I used the Bonner County plat map along with survey maps drawn by Tucker Engineering to create this location map of the ponds and contested property. As you can see the two ponds for impoundment included in application 96-08985 are clearly not involved in a property dispute. These are, in fact, both old beaver dams that date back to the oldest aerial photos available. We wish to repair the dams and restore the ponds they created before the beaver do.

The diversion and impoundment applied for in application 96-08986 is also not in the contested property area. We believe this application also qualifies for a hearing at this time.

According to my notes of the July 6, 1999, conference there were six issues for consideration in connection with an application for permit. Of these six only issue #2 *"Is the water supply sufficient for the purpose for which it is sought to be appropriated?"* was not satisfied at that time. Ms. Harvey agreed she would be satisfied on that point if the stream and flow were found to be adequate by the Department. Al Beardslee and Chip Corsi of Idaho Fish & Game examined the site on July 16, 1999 and found there to be adequate supply.

At the conference you and Mr. Beardslee made it quite clear that the Department of Water Resources has no jurisdiction over property line issues. You stated that if a property line adjustment affected any project that the permit would then be void. Our ownership of the property to the creek was **confirmed** by Summary Judgement (a copy of which you have) and further **upheld** by the denial of Ms. Harvey's Motions for Reconsideration and for Relief from Final Judgement on June 18, 2002.(copy of Order enclosed). So there is no question of ownership.

Please inform us if Ms. Harvey has filed an application for water rights.

It was my understanding at the time of the conference that if all issues were satisfied the Department would not hold a hearing but simply act on the applications. Since the only questioned issue has been satisfied and since there is no question of our ownership a hearing may not be necessary. If there must be a hearing please schedule it as soon as possible.

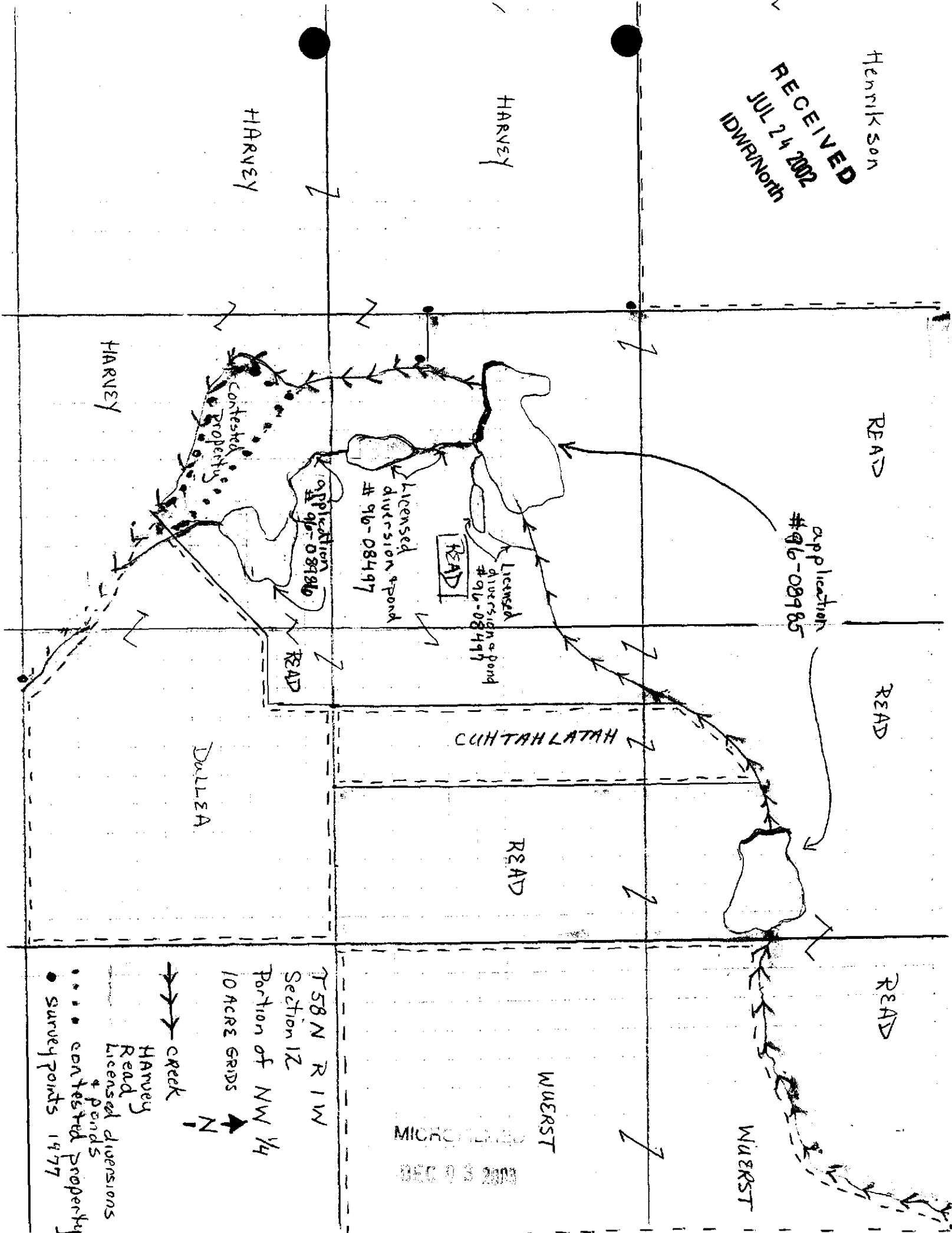
If you need any further information or need to meet with us in person to go over the map please let me know.

Sincerely,


Alexis Read

MICHAEL
DEC 03 2002

Henrikson
RECEIVED
JUL 24 2002
IDWR/North



MICROFILMED
DEC 03 2003

July 12, 2002

Alexis Read
375 N Sleepy Hollow
Sandpoint ID 83864

Re: Applications for Permit to Appropriate Water – 96-8985 & 96-8996

Dear Ms. Read:

Enclosed is a copy of our letter to Jennifer Harvey and her response. I have discussed holding a hearing on the application that is not affected by the property ownership dispute with the person who holds most of our hearings. He agrees that it would be appropriate to hold a hearing on that one provided we are sure that ownership will not be raised as an issue. In reviewing the information in the file, I wasn't able to find anything that clearly indicated the location of the ponds and property boundaries. Would you please provide me some maps that show the location of the ponds relative to the property boundaries. If you think it would be a good idea to for us to meet to go over this, give me a call and we'll set something up.

Sincerely,

Robert G Haynes, PE
Regional Manager

MICRO-TECH
REC 03 2003

213 Winterberry Way
Sandpoint ID 83864

RECEIVED

JUN 14 2002

IDWF/North

June 13, 2002

State of Idaho
Department of Water Resources
Suite No. 210
1910 Northwest Blvd.
Coeur d'Alene ID 83814-2615

Attention: Mr. Robert Haynes

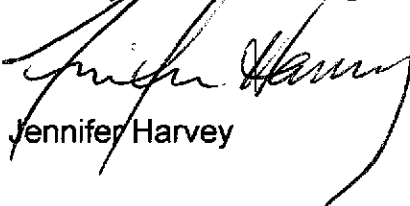
RE: Applications for Permits Nos. 96-8985 and 96-8986

Dear Mr. Haynes:

The judgment you received has not been finalized. It is in for reconsideration at this time and if necessary, there will be an appeal.

Please do not act on this matter until it has been finalized in the court system.

Thank you for contacting me,



Jennifer Harvey

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DEC 03 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 11, 2002

JENNIFER HARVEY
213 WINTERBERRY WAY
SANDPOINT ID 83864

RE: Applications for Permits Nos. 96-8985 and 96-8986

Dear Ms. Harvey:

We received a copy of a judgment in the lawsuit between you and the Reads concerning ownership of the property adjacent to Little Gold Creek.

It is my understanding that at least a portion of the protest that you filed against the approval of these two applications was based on your belief that they did not own the property. As I read the judgment, I believe it was the court's determination that the Reads do, in fact, own the property.

My reason for writing to you is to determine whether you still wish to pursue your protests on these two applications.

Please contact either Al Beardslee or me at 769-1450 concerning this.

If I have not heard from you by June 25th, I will proceed to schedule a conference and/or hearing on the matter.

Sincerely,

A handwritten signature in cursive script that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

RGH:db

MICROFILMED
DEC 03 2003

Charles R. Dean, Jr.
 Dean & Kolts
 2020 Lakewood Dr., Suite 212
 Coeur d'Alene, Idaho 83814
 (208) 664-7794/(208) 664-9844 FAX
 ISB# 5763

Attorney for Plaintiffs

COPY

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DISTRICT

2002 APR -2 A 10:36

MARIE SCOTT
 CLERK DISTRICT COURT
 Jm
 DEPUTY

DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
 STATE OF IDAHO, COUNTY OF BONNER

ROBERT C. READ and ALEXIS M. READ,	)	Case No.: CV-99-00830
husband and wife,	)	
	)	SUMMARY JUDGMENT
Plaintiffs,	)	
	)	
vs.	)	
	)	
JENNIFER HARVEY, an unmarried woman,	)	
	)	
Defendant	)	

The Court, having granted the Motion for Summary Judgment of plaintiffs, Robert C. Read and Alexis M. Read, against defendant Jennifer Harvey, finds and adjudges:

FINDINGS:

1. Plaintiffs, Robert C. Read and Alexis M. Read, are the fee owners of the real property located in Bonner County, Idaho formally described on Exhibit A hereto (the "Read Property").
2. Defendant, Jennifer Harvey, is the fee title owner of the contiguous real property located in the Bonner County, Idaho formally described on Exhibit B hereto (the "Harvey Property").
3. The common boundary between the Read Property and the Harvey Property is the centerline of the main tributary of Gold Creek (also known as Little Gold Creek).

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DEC 03 2001

ORDER FRANTING MOTION FOR SUMMARY JUDGMENT - 1

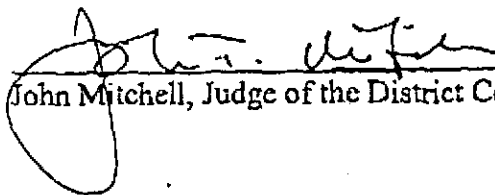
4. The location of the centerline of the main tributary of Gold Creek has not changed, other than by accretion, since 1972 when the legal descriptions of the common boundary between the Read Property and the Harvey Property were created.

ACCORDINGLY, IT IS HEREBY ADJUDGED AND DECREED that the common boundary between the Read Property and the Harvey Property is the centerline of the main tributary of Gold Creek as it is found and located as of the date of this order in Channel A as depicted on Exhibit C hereto.

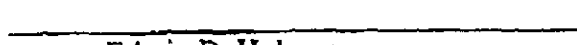
IT IS FURTHER ADJUDGED AND DECREED that title to the real property in Bonner County, Idaho lying to the east of said common boundary and within the legal description of the Read Property is hereby quieted in plaintiffs, Robert C. Read and Alexis M. Read, to the exclusion of defendant, Jennifer Harvey, and all persons unknown claiming any right, title or interest in the real property described in this complaint adverse to plaintiffs or claiming a cloud on plaintiffs' title thereto.

Costs are awarded to plaintiffs.

Dated: April 2, 2002


John Mitchell, Judge of the District Court

APPROVED AS TO FORM:


Edwin B. Holmes

MITCHELL

DEC 9 3 2003

ORDER FRANTING MOTION FOR SUMMARY JUDGMENT - 2

Charles R. Dean, Jr.
Dean & Kolts
2020 Lakewood Dr., Suite 212
Coeur d'Alene, Idaho 83814
(208) 664-7794/(208) 664-9844 FAX
ISB# 5763

COPY

STATE OF IDAHO)
County of Bonner)"
FILED 03/26/02
AT _____ O'Clock _____ M
CLERK, DISTRICT COURT
J.M.
Deputy

Attorney for Plaintiffs

DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNER

ROBERT C. READ and ALEXIS M. READ,	)	Case No.: CV-99-00830
husband and wife,	)	
	)	ORDER GRANTING MOTION FOR
Plaintiffs,	)	SUMMARY JUDGMENT
	)	
vs.	)	
	)	
JENNIFER HARVEY, an unmarried woman,	)	
	)	
Defendant	)	

Plaintiffs' Motion for Summary Judgment came on regularly for hearing before the Court on March 13, 2002, the Honorable John Mitchell, Judge of the District Court, presiding. Charles R. Dean, Jr. appeared for the plaintiffs and Edwin B. Holmes appeared for the defendant. The Court, having considered the pleadings and records on file herein, the arguments of counsel, and the admissible evidence submitted in support of and in opposition to said motion and good cause appearing,

IT IS HEREBY ORDERED that the evidence before this Court is uncontroverted as to the location of the creek dividing the parties properties in 1972 when the properties were subdivided and that the centerline of said creek has not changed since then.

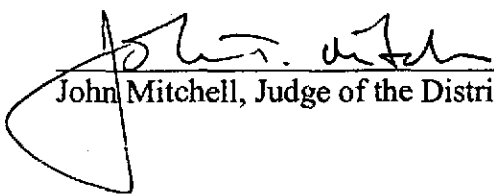
IT IS FURTHER ORDERED that plaintiffs' Motion for Summary Judgment be and hereby is granted. Judgment shall be entered herein declaring the common boundary between

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DEC 8 3 2003

the properties at issue to be the centerline of Gold Creek (also known as Little Gold Creek) as that centerline exists as of the date of this order and further quieting title to the disputed property to the east thereof in plaintiffs.

Dated: March 26, 2002



John Mitchell, Judge of the District Court

APPROVED AS TO FORM:

Edwin B. Holmes

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DEC 6 3 2003

CERTIFICATE OF MAILING

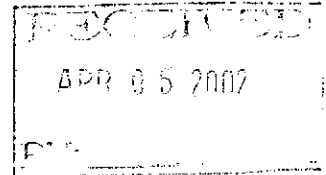
STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

I hereby certify that a true and correct copy of the Order Granting Motion for Summary Judgment and Summary Judgment was mailed, postage prepaid this 2nd day of April, 2002 to:

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY *JM*

Charles R Dean Jr
202 Lakewood Dr., Ste 212
Coeur d'Alene ID 83814

Edwin Holmes
PO Box 909
Coeur d;Alene ID 83816



Joann Mollenkopf
Joann Mollenkopf
Deputy Clerk

MICROFILMED

DEC 03 2003

File: 96-08985 and 96-08986

Date: Tuesday, July 6, 1999

Time: 9:00 a.m.

Place: State of Idaho, Department of Water Resources
1910 Northwest Blvd, Suite 210
Coeur d Alene ID 83814

[illegible]

MISSION STATEMENT

DEC 03 2000

213 Winterberry Way
Sandpoint ID 83864

September 24, 1999

RECEIVED

SEP 27 1999

IDWR/North

Mr. Allen Bearslee
State of Idaho
Department of Water Resources
Suite 210
1910 Northwest Boulevard
Coeur d' Alene ID 83814-2615

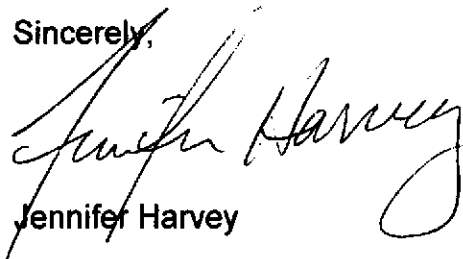
Dear Al:

As reviewed in our conversation last week, I am countersuing Reads for the property they are attempting to appropriate as well as property more upland which appears to have been appropriated at an earlier date.

As I made clear at our informal meeting with Candy Read, I do not have a clear picture of the intended locations of the several diversions the Reads want to create. I made every effort at that meeting to have her show me the locations on the numerous photos I provided of the general area but she was less than helpful. Because I have never been permitted onto their property to view the current pond locations, I must mentally format the layout based on the view from my porch, aerial photographs, and maps. I would gladly have accompanied you during your visit to the site had I been invited and available.

I am sure that the intended areas of diversion lie within the litigated property and ask that you suspend action on the permits until a court resolution has been reached.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Harvey".

Jennifer Harvey

MICROFILMED

DEC 23 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

August 17, 1999

Dirk Kempthorne
Governor

Ms. Jenifer Harvey
213 Winterberry Way
Sand Point ID 83864

KARL J. DREHER
Director

RE: Little Gold Creek

Dear Ms. Harvey:

We are writing in regard to the agreement to make a field visit to the Read's property with Mr. Chip Corsi of Idaho Fish and Game Department.

As discussed during our Water Right Conference held on July 6, 1999, it was agreed between you and Mrs. Read that a certain amount of water should remain flowing Little Gold Creek, in conjunction with the Read's storage.

While we were there, it was estimated that there was approximately 450 gallons per minute flowing in the stream.

Mr. Corsi felt that 200 gallons per minute, or 1/2 flow of the natural flow in the stream would be reasonable to maintain the integrity of the fishery and wild life values. Mrs. Read was agreeable to that amount.

We understand that you are pursuing the property line issues in District Court with the Read's.

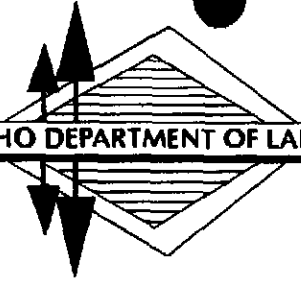
If the flows listed above are acceptable and you have no further reason to protest the Read's water right filing, please write us a letter withdrawing your protest.

If you wish to discuss this further, or have any questions, please feel free to contact me at this office.

Sincerely,

Allen Bearslee
Sr. Water Resource Agent

MICROFILMED
DEC 02 2002



IDAHO DEPARTMENT OF LANDS

PEND OREILLE FOREST PROTECTIVE DISTRICT

2550 Highway 2 West
Sandpoint, Idaho 83864
Phone (208) 263-5104 Fax (208) 263-0724

STANLEY F. HAMILTON - DIRECTOR

July 2, 1999

RECEIVED

JUL 07 1999

IDWR/North

Department of Water Resources
1910 Northwest Boulevard
Coeur d'Alene, Idaho 83814

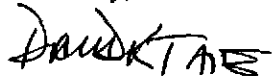
Re: Proposed Water Right, Landowner Robert Read, Sec. 12 T58N R1W

Dear Sir,

Please consider this letter in support for the application of water right on property owned by Robert Read. Ponds of this type in that vicinity would be useful in the event of uncontrolled wildfire as a water source for the Idaho Department of Lands and possibly the Northside Rural Fire Department.

Thank you for your consideration.

Sincerely,



David K. Tate
Resource Manager Senior

Cc: Robert Read

MAILED

JUL 13 2000

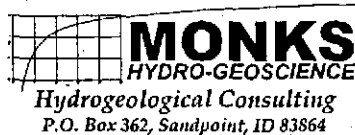
KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

Hydrologic Evaluation of the Little Gold Creek Watershed, Bonner County, Idaho

Prepared for:
Robert and Alexis Read

November 16, 1998



MICROFILMED

DEC 03 2000

Hydrologic Evaluation of Little Gold Creek

Introduction

Robert and Candy Read of 1700 Gold Creek Road, Sandpoint Idaho have filed two water right applications for their property along lower Little Gold Creek, in the NE corner of the NW corner of section 12, township 58N, range 01W, Bonner County (see location map, figure 1). The Reads property is located near the lower end of the Little Gold Creek watershed. A protest of the Water Right Application was filed by Ms. Jennifer Harvey of 213 Winterberry Way, Sandpoint Idaho. Ms. Harvey owns property adjacent to the Read property. Little Gold Creek forms the boundary between the Harvey and Read properties. The Reads hired Monks Hydro-Geoscience to conduct a hydrologic evaluation of Little Gold Creek watershed to determine if sufficient water is available to meet their needs.

The Reads have applied for two water rights. Water right application 96-08985 seeks to appropriate a total diversion of 0.120 CFS for 8.53 acre-feet of storage in historic beaver ponds. Water right application 96-08986 seeks to appropriate a total diversion of 0.10 CFS for 3.20 acre-feet of storage in a new pond.

Topography

The Little Gold Creek watershed has an area of approximately 1900 acres and is located between Grouse Creek and Gold Creek. Little Gold Creek flows in a south-southwesterly direction. Elevation in the watershed ranges from 2834 feet above sea level (asl) to about 2180 asl at the confluence with Gold Creek. Slope varies from approximately 45 degrees on steeper areas at higher elevations to 0 degrees on benches, terraces and bottomlands at lower elevations.

Soils

The USDA Soil Conservation Service (USDA, 1982) has mapped fourteen soil types in twenty-two soil units in the Little Gold Creek watershed (refer to figure 2). The drainage characteristics, topographic occurrence, acreage, and percentage of the watershed of these soils are summarized in table 1 on figure 2. Deep and very well drained soils are found on the hillslopes and mountainsides at higher elevations. Deep to very deep soils that are very poorly drained to well drained occur at lower elevations on terraces, terrace escarpments and in bottomlands and floodplains. The well drained soils tend to be found on terraces and terrace escarpments. The very poorly drained soils tend to occur in bottomlands and floodplains.

Climate

Bonner County has a cool and temperate climate characterized by long winters and a short growing season. The annual precipitation measured at the University of Idaho Research Center in Sandpoint for the years 1951 to 1978 was 33.13 inches. Most of the precipitation in the county falls in the winter months from October to March. Much of the precipitation at higher elevations falls as snow (USDA, 1982).

Geology

The Little Gold Creek watershed is located along the eastern side of the Purcell Trench. The bedrock underlying the area is Cretaceous granite and granodiorite (Savage, 1967). Resistant bedrock forms the hills and low mountains in the watershed. Outcrops usually occur at higher

elevations. The bedrock of the hills and low mountains is mostly covered by well drained, deep soils. North-northeast oriented faults are mapped north and west of the watershed (Harrison, et al., 1972), and topographic and photo linears in the watershed indicate that faults with a similar orientation pass through the watershed.

The terraces and lowlands at lower elevations are composed of unconsolidated valley fill deposits. There are three general types of valley fill deposits: sand and gravel deposited by streams; clay, silt and fine-grained sand deposited in glacial lakes; and glacial till deposited directly by the ice (Walker, 1964).

Hydrology

Little Gold Creek is a perennial stream with a thalweg length of approximately 25,820 feet (USGS, 1993). The stream flows south-southwest from its beginning in the low mountains between Gold Creek and Grouse Creek. Little Gold Creek flows through a series of beaver ponds after it leaves the mountains and enters lowlands. Two historic beaver ponds are present on the Read property. Water right application 96-08986 seeks to appropriate water to re-establish the beaver ponds. The stream ends at its confluence with Gold Creek.

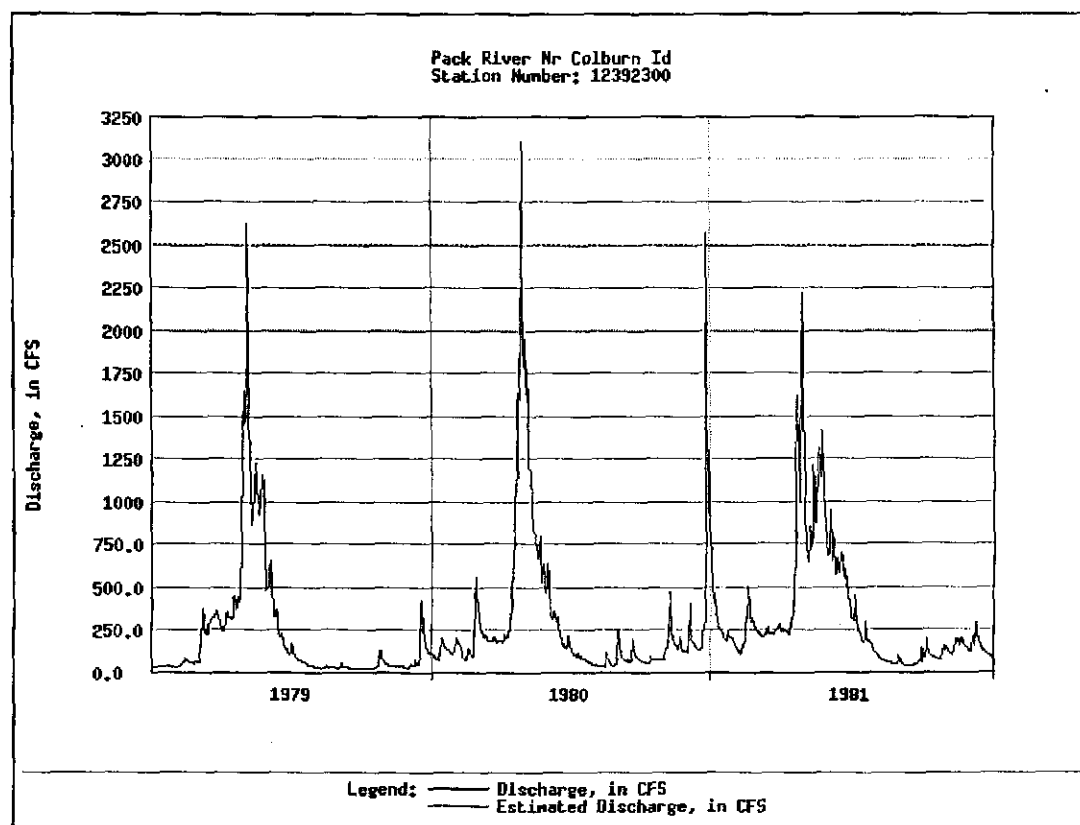
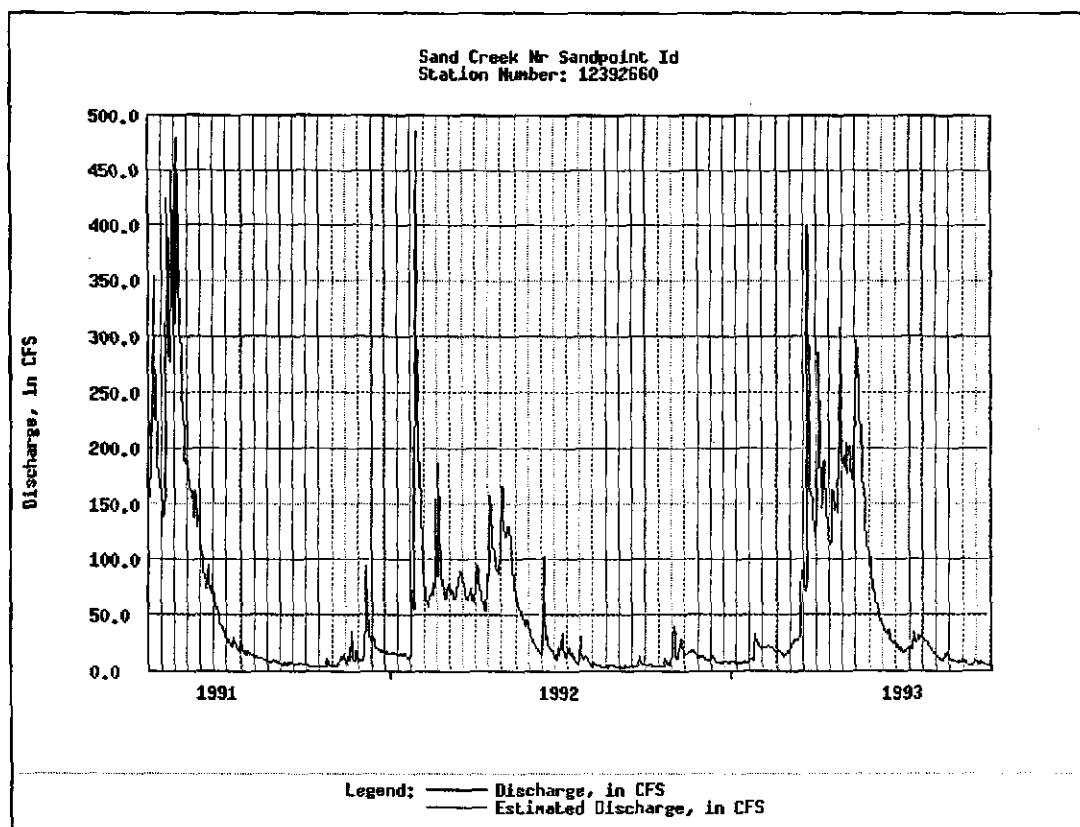
Little Gold Creek is recharged by runoff from precipitation events, snow melt, and ground water. Rain and snow that falls on the well drained soils on hillslopes and mountainsides reaches Little Gold Creek by two paths: 1) overland run off into Little Gold Creek, and 2) infiltration into the well drained soils to ground water which flows downslope to discharge in springs and gaining reaches of the stream. Springs occur at lower elevations where ground water flowing through the well drained soils encounters lower hydraulic conductivity, poorly drained soils. This contribution from ground water maintains the flow in Little Gold Creek during the late summer and fall when direct precipitation and snowmelt contribute little to the stream flow.

Most of the direct precipitation and snowmelt that occurs directly on the poorly drained soils runs off directly to Little Gold Creek. Some portion of the precipitation to poorly drained soils is lost to evapotranspiration. Recharge to ground water from direct precipitation and snowmelt on the poorly drained soils is unlikely due to the low permeability of the soils and shallow ground water levels.

Precipitation supplies approximately 22,760,000 cubic feet (170,244,800,000 gallons; 5,225 acre-feet) of water to the Little Gold Creek watershed annually. Some portion of this total is lost to evapotranspiration and recharge to ground water. Using a conservative value of 50% for losses to evapotranspiration and recharge to ground water that does not flow into the creek, Little Gold Creek discharges an average of 2612.5 acre-feet annually. This is equal to an average flow of 3.634 cubic feet per second. Discharge from Little Gold Creek, however, is not evenly distributed throughout the year. Peak discharges occur in the springtime when snow melts and during high precipitation events in the winter. Minimum discharges occur in the late summer and fall. Streamflow hydrographs shown in the figures below illustrate the pattern of discharge from nearby streams with historical flow data. Sand Creek near Sandpoint has a drainage area of 36.6 mi², and the Pack River at Colburn has a drainage area of 124 mi². Little Gold Creek has a drainage area of approximately 3 mi².

MICROFILMED

DEC 8 3 2693 Page 2 of 4



Conclusions

Little Gold Creek has the capacity to meet the appropriations requested by the Reads. The amount of water diverted to storage is approximately 0.4% of the conservatively estimated annual discharge from the watershed. High flows in the winter and spring will fill the ponds on the Read property, and recharge to the stream from springs and ground water in late summer and fall should maintain flow in the stream.

Specifically, I also conclude that the application by the Reads to appropriate the waters of the State of Idaho:

1. Will not reduce the quantity of water under existing water rights;
2. The proposed water supply is sufficient for the intended purpose;
3. The application is made in good faith;
4. The proposed use does not conflict with local public interest;
5. The proposed use is not contrary to the conservation of water resources within the State of Idaho.

John Monks, P.G.
November 16, 1998

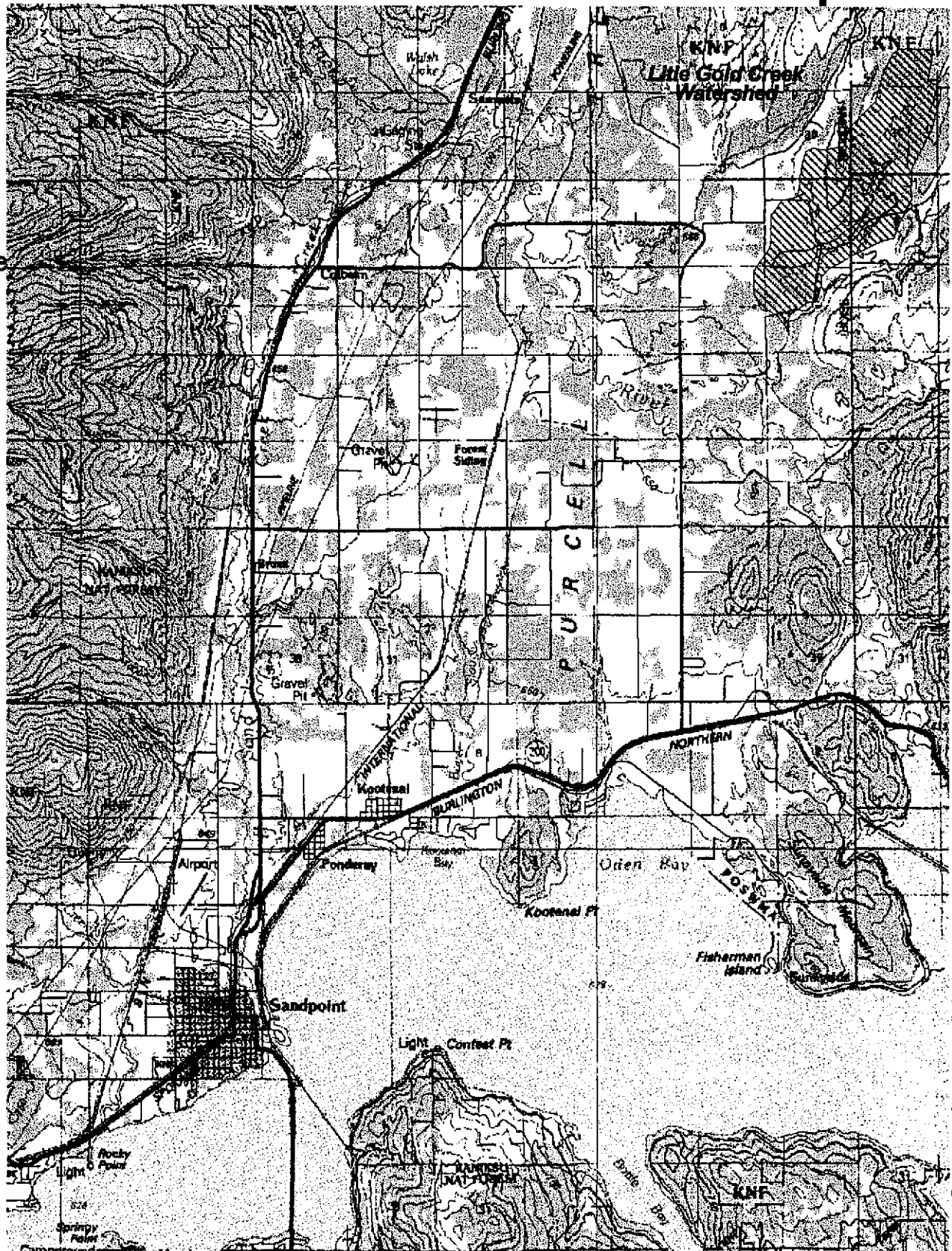
References

- Harrison, Jack E., M. Dean Kleinkopf, and John D. Obradovich, 1972, Tectonic Events at the Intersection of the Hope Fault and the Purcell Trench, Northern Idaho: U.S. Geological Survey Professional Paper 719, 24 p.
- Walker, Eugene H., 1964, Ground Water in the Sandpoint Region Bonner County, Idaho: U.S. Geological Survey Water-Supply Paper 1779-I, 29 p.
- U.S.D.A. Soil Conservation Service, 1982, Soil Survey of the Bonner County Area, Idaho, 201 p.
- U.S. Geological Survey, 1993, 1:100,000-Scale DLG Data Hydrography and Transportation: Area 13, Northwestern States, CD-ROM.

MICROFILM

Little Gold Creek Watershed Location Map

scale



1 0 1 2 3 4 5 Miles

MONKS
HYDRO-GEOSCIENCE

MILWAUKEE

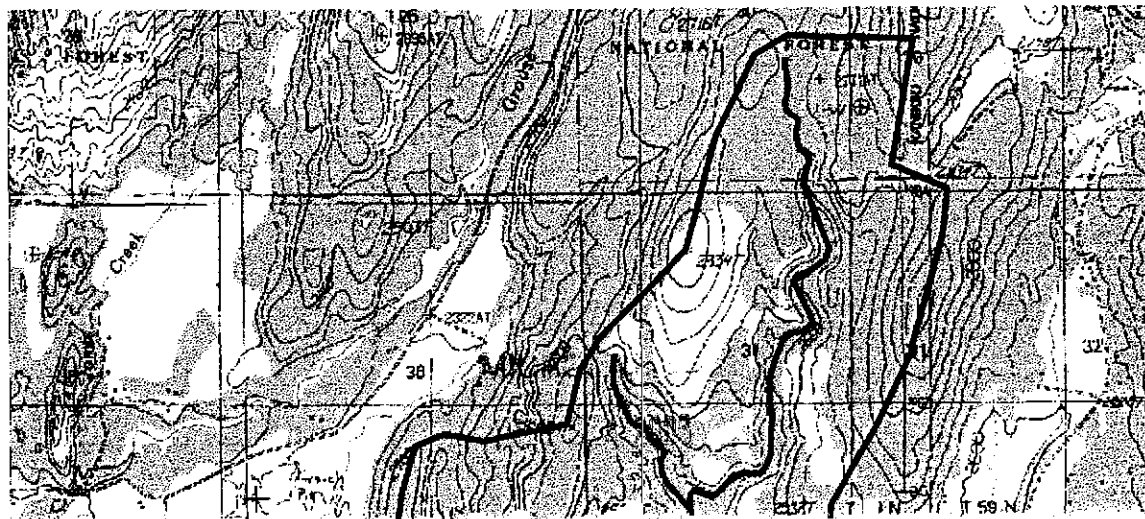
DEC 03 2003

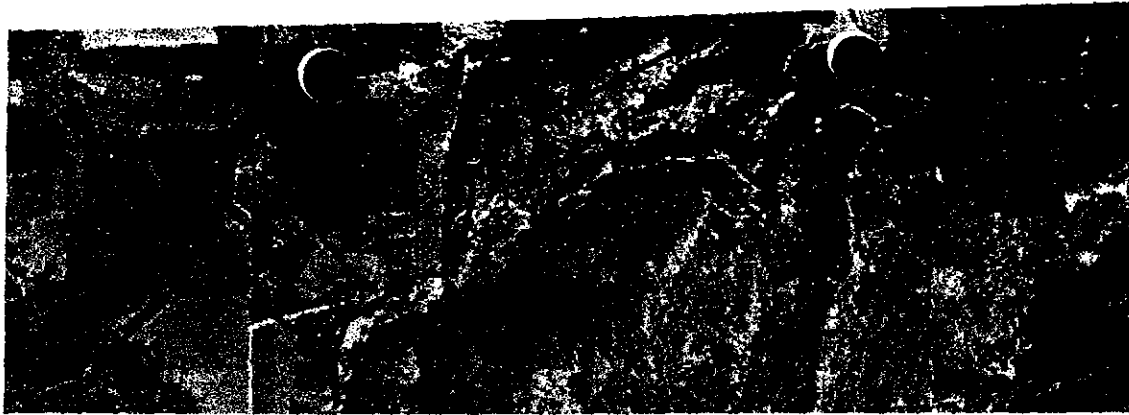
Land Use and Topography - Little Gold Creek Watershed, Bonner County, Idaho



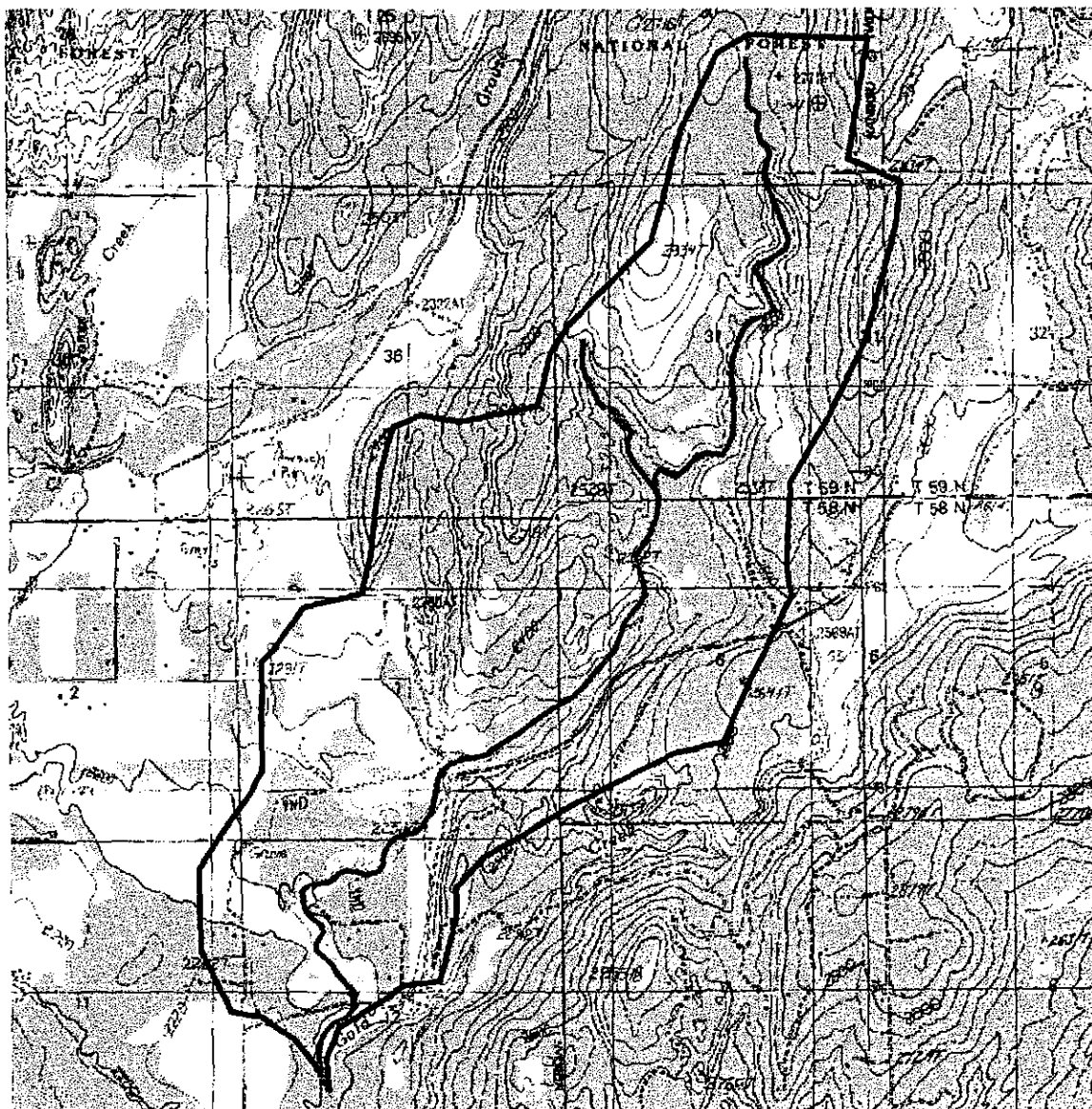
USGS Color Infrared Aerial Photo - Little Sand Creek Watershed Land Use

0.25 0 0.25 0.5 0.75 1 1.25 1.5 Miles





USGS Color Infrared Aerial Photo - Little Sand Creek Watershed Land Use

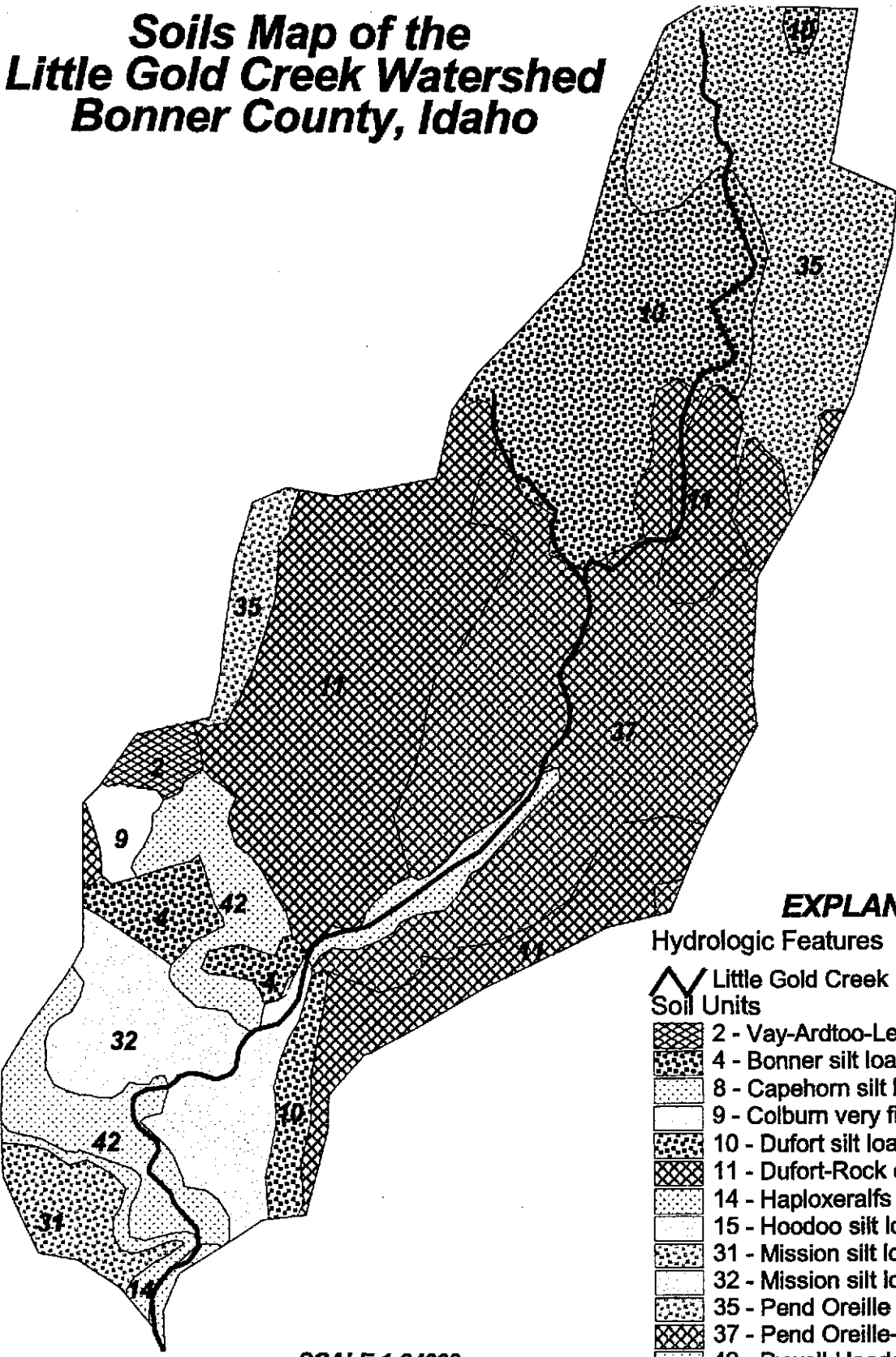


USGS 7.5 minute Quadrangle - Little Sand Creek Watershed Topography

MICROFILM

DEC 13 2003

Soils Map of the Little Gold Creek Watershed Bonner County, Idaho



EXPLANATION

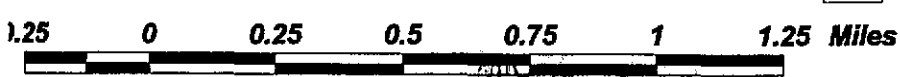
Hydrologic Features

Little Gold Creek

Soil Units

- 2 - Vay-Ardtoo-Lenz
- 4 - Bonner silt loam
- 8 - Capehorn silt loam
- 9 - Colburn very fine sandy loam
- 10 - Dufort silt loam
- 11 - Dufort-Rock outcrop complex
- 14 - Haploxeralfs and Xerochrepts
- 15 - Hoodoo silt loam
- 31 - Mission silt loam
- 32 - Mission silt loam, 2 to 12% slopes
- 35 - Pend Oreille silt loam, 5 to 45% slopes
- 37 - Pend Oreille-rock outcrop complex
- 42 - Pywell-Hoodoo complex

SCALE 1:24000



SEP 9 3 2003

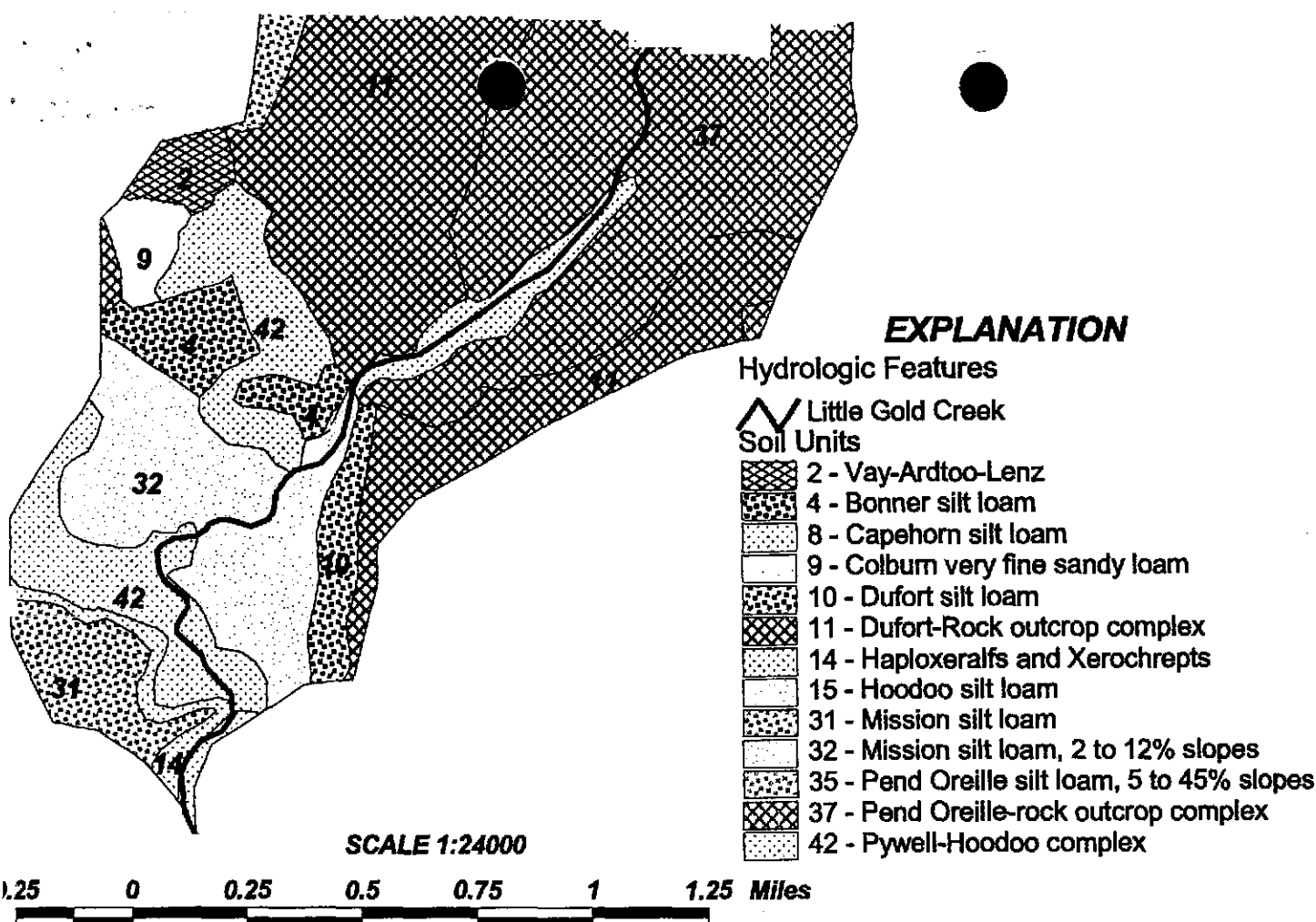


Table 1. Little Gold Creek Watershed soils characteristics.

SOIL NAME	DRAINAGE CHARACTERISTICS	TOPOGRAPHY	ACRES	% WATERSHED
Bonner silt loam, cool, 0 to 4 percent slopes	very deep, well drained	terraces	13.678	0.710
Bonner silt loam, cool, 0 to 4 percent slopes	very deep, well drained	terraces	31.685	1.656
Pywell-Hoodoo complex, 0 to 1 percent slopes	very deep, very poorly drained	basins and flood plains	61.374	3.207
Mission silt loam, 2 to 12 percent slopes	somewhat poorly drained	terraces	146.105	7.636
Dufortsilt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	28.333	1.481
Capehorn silt loam, 0 to 2 percent slopes	very deep, poorly drained	valley bottoms & flood plains	30.155	1.576
Pywell-Hoodoo complex, 0 to 1 percent slopes	very deep, very poorly drained	basins and flood plains	72.129	3.770
Haploxeralfs and Xerochrepts, 30 to 35 percent slopes	very deep, well to moderately dr	terrace escarpments	17.633	0.937
Mission silt loam, 0 to 2 percent slopes	shallow, somewhat poorly drained	terraces	45.134	2.359
Pend Oreille-Rock outcrop complex, 5 to 45% slopes	very deep, well drained	foothills and mountainsides	4.115	0.215
Colburn very fine sandy loam, 0 to 4 % slopes	very deep, somewhat poorly drain	alluvial fans and low terraces	18.307	0.957
Hoodoo silt loam, 0 to 1 percent slopes	very deep, poorly drained	drainageways and bottomlands	0.020	0.001
Capehorn silt loam, 0 to 2 percent slopes	very deep, poorly drained	valley bottoms & flood plains	5.900	0.308
Dufort rock complex, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	318.814	16.662
Pend Oreille silt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	32.486	1.698
Vay-Ardtoo-Lenz	moderately deep, well drained	side slopes and ridges	17.782	0.928
Dufort rock complex, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	98.907	5.169
Pend Oreille-Rock outcrop complex, 5 to 45% slopes	very deep, well drained	foothills and mountainsides	425.376	22.231
Dufort rock complex, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	48.222	2.520
Dufortsilt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	241.741	12.634
Pend Oreille silt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	250.379	13.085
Dufortsilt loam, 5 to 45 percent slopes	very deep, well drained	foothills and mountainsides	5.007	0.262
TOTALS:			1913.460	100.002
TOTAL FOOTHILLS & MOUNTAINSIDES:			1471.142	76.885
TOTAL TERRACES AND FLOOD PLAINS:			442.318	23.117

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NOS. 96-08985 AND 96-08986	)	NOTICE OF CONFERENCE
IN THE NAME OF ROBERT &/OR ALEXIS READ	)	AND/OR HEARING
	)	

On March 27, 1998, Robert and/or Alexis Reed filed with the Department of Water Resources (department) Application for Permit Nos. 96-08985 and 96-08986. The applications were protested by Jennifer Harvey.

The department has scheduled the matter for conference &/or hearing on Tuesday, July 6, 1999 at 9:00 a.m. at the Idaho Department of Water Resources, 1910 Northwest Blvd, Suite 210, Coeur d Alene ID 83814. The conference &/or hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference &/or hearing will be Allen Beardslee.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within ten (10) days prior to the conference &/or hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 10th day of June, 1999.

Robert D. Haynes
Regional Manager

I hereby certify that on the 10th day of June, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:

Dianne Ball
Administrative Assistant

Certified Mail

Robert and/or Alexis Read
Jennifer Harvey

Card received 6/15/99

*See file
96-8985*

MICROFILMED
REC 03 2003

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

213 Winterberry Way
Sandpoint ID 83864

June 29, 1998

Bob and Candy Read
1700 Gold Creek Road
Sandpoint ID 83864

RECEIVED
JUL 02 1998
NORTHERN REGION
IDWR

Dear Bob and Candy,

I am writing with hopes to get together with you to resolve some of the issues that are before us. Those issues include:

1. determining the proper and true course of Little Gold Creek
2. agreeing upon the location of the property boundaries that we share
3. understanding completely your two Applications to Appropriate Public Waters

The answers to the above will generate more things for us to discuss and act upon but at least we will be moving forward.

It was unfortunate timing that the analysis performed by InterMountain Resources was provided to me so close to the protest date required by the Department of Water Resources. I would have preferred to review that document and accompanying aerial photographs from the past 50 years with you before moving on to the question of protest.

I understand that the permits are a one time request for a permanent change. It would be nice to experience the water flow created by last year's backhoeing for a longer period of time before agreeing to having the water removed and wondering if I will be left with an empty trench.

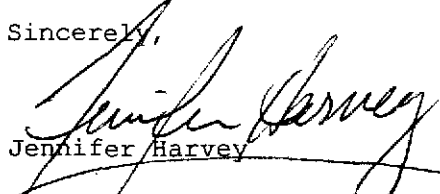
This year has had an unusual amount of rainfall and may not be an accurate representation of what will happen in the future. On the other hand it may be a great year to fill your ponds.

A meeting with the Department of Water Resources will provide us with a mediator as well as another point of view. I have been reluctant to contact Army Corps any more than necessary but do feel that the areas we are discussing are wetlands and fall under their jurisdiction. It seems that regardless of whether land has been used agriculturally, its care is still subject to their blessing. Perhaps Army Corps should attend as well or maybe they should be contacted prior to any hearing to give us time to consider their views.

I'm happy to try to work this out between just us if you'd rather. My feelings that the property line runs from the creek behind the hill and continues straight without corners and on through the remaining riparian vegetation has not changed since I spoke with you. Daily I experience a great frustration and disturbance that my view no longer has the feeling of privacy from your yard that it held until you removed the vegetation last fall. These two problems are of greater concern to me than are the other issues. Of course, down the road in time I don't want to be left with a large empty trench nor do I want to jepordize the health of the remaining vegetation by removing underground water that may have fed them.

So, please let me know your views. I'm not trying to prevent you from enjoying your land; I just want my land to be made whole again.

Sincerely,


Jennifer Harvey

cc Department of Water Resources

MICROFILMED
DEC 03 2003

June 9, 1998

Robert and Alexis Read
1700 Gold Creek Road
Sandpoint ID 83864

Re: Applications to Appropriate Public Waters Nos. 96-08985 and 96-08986

Dear Mr. and Mrs. Read:

Enclosed is a copy of a protest filed against the approval of the above referenced applications for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH:db

Enclosure

MICROFILMED

DEC 03 2003

June 8, 1998

Jennifer Harvey
213 Winterberry Way
Sandpoint ID 83864

Re: Applications to Appropriate Public Waters Nos. 96-08985 and 96-08986
for Robert and/or Alexis Read

Dear Ms. Harvey:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant, and we are enclosing Receipt No. N012121 for your records.

The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db

MICROFILMED

DEC 6 3 2003

213 Winterberry Way
Sandpoint ID 83864

June 8, 1998

Director
Department of Water Resources
Northern Region
1910 Northwest Boulevard
Coeur d'Alene, ID 83814

Dear Sir:

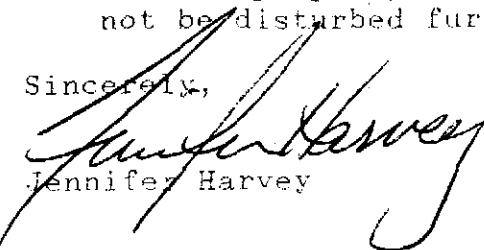
Attached please find check #883 for \$50.00 to protest two
Applications for Water Rights:

96-08985 and 96-08986 submitted by Robert and Alexis Read

My objections are as follows:

1. More information needs to be provided to establish that the amount of water requested is really needed.
2. There has been a history of the stream and channel drying up; removal of additional waters could cause residual effect downstream that has not yet been determined.
3. There has been a new routing of the stream channel as confirmed in the attached letter from Intermountain Resources dated May 29, 1998. The new routing has created a property line dispute which has not yet been resolved. Riparian vegetation has been removed and destroyed from the original creek site and the remaining vegetation stands to suffer from any further disruption of the creek.
4. A thorough evaluation by your agency to determine how much water the applicant should get to allow some to remain for others has not been made.
5. The new channel created by the backhoe under Read's direction has been in place for less than one year. Not enough time has elapsed to determine the amount of water that will continue to flow through it or if I will be left with a wide, deep, unsightly channel across my property.
6. Both the Read and Harvey deeds state that the property lines are to the center of the creek. Until the dispute is resolved and the property boundaries are redefined, the creek should not be disturbed further.

Sincerely,


Jennifer Harvey

MICROFILMED

DEC 03 2003

INITIAL SITE EVALUATION

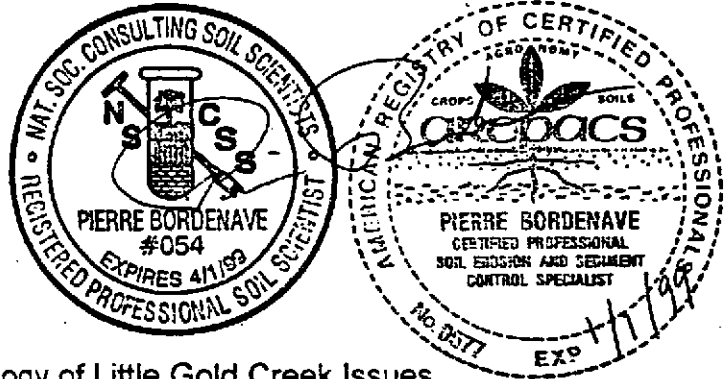


DATE: 29 May 1998

FOR: Jennifer Harvey
213 Winterberry Way
Sandpoint, ID 83864

BY: Pierre Bordenave, Principal
InterMountain Resources

RE: Historic Fluvial Geomorphology of Little Gold Creek Issues



BACKGROUND

I was hired by Jennifer Harvey to evaluate the fluvial geomorphology indicators of Little Gold Creek as it flows to and through her property located at the above address, more specifically in portions of T58N, R1W, Section 12, Bonner County, Idaho.

Apparently, the property boundaries within this land subdivision are defined as the "centerline of Little Gold Creek."

Ms. Harvey provided to me several aerial photographs, historic and existing maps, and plat maps which indicate the historic main channel, as well as natural meanders, of the creek in the vicinity of her house.

She contends the historic creek channel was artificially altered and redirected to an agricultural drainage on her property. Subsequent to this alteration of the stream bed, the adjacent property owner had the altered property lines surveyed and recorded by a local survey firm which resulted in her loss of the land between the natural channel and the artificially created channel.

EVALUATION APPROACH

My method and materials included utilizing aerial photograph interpretation techniques, reviewing both historic and contemporary maps, reviewing real time photos of backhoe work in the stream, comparing soil survey orthophotoquads and USGS topographic maps, and personal on-site evaluation of surficial features, soil exposures and vegetative indicators.

INVESTIGATIVE FINDINGS

The creek has obviously been moved at some time in near past from it's historic channel.

This conclusion is based on:

1. It is very atypical for a stream of the flow volume and velocity I witnessed on my site visit to make a 110 degree turn to the west then a 90 degree turn to the south, when the natural gradient of the land is to the south. Photos of the backhoe in the stream indicated these turns were originally artificially produced and additionally artificially maintained.
2. The riparian scrub-shrub vegetation (hawthorn complex) running in a generally south direction from the point where the stream makes it's unusual 110 degree "right hand turn," and the channels within that area, some of which appear to have been recently disturbed or filled, indicate the natural channel is further to the east. Additionally, the newer channel to the west does not have the characteristic riparian vegetation found upstream and downstream along the creek, again indicating this is not the historic creek bed.
3. The creek bed and cuts do not have the characteristics of a stable, long-term, historic channel. The meander channels to the east have these characteristics. In fact, there is a large main channel, well to the east, which was dry and shows all the indications of being the original historic channel of Little Gold Creek. Though I was not able to traverse this channel as it runs onto the adjacent property, it appears this channel has been completely dried up from interception and diversion. Removing all the water from a natural channel is not allowed under State of Idaho water right and use permits.
4. The historic photo and map record indicates the stream in the location to the east. Photos of machinery altering the stream channel, my evaluation that the original channel has been disturbed and filled, and photos showing the burning of the riparian vegetation, appears to indicate an attempt to change the natural indicators of the stream channel and meanders.

CONCLUSIONS AND RECOMMENDATIONS

Though this evaluation is not a definitive analysis of all the hydrologic and soil morphological conditions of the area in dispute, it is clear the channel, as it exists today, is not a natural meander or the historic condition of even the recent past.

It appears the Little Gold Creek channel has been either purposefully, or inadvertently, altered to create an incorrect property line which was then recorded by a survey team, while Ms. Harvey was out of the area. Recent attempts to change, alter, and fill channels, as well as the burning of the riparian vegetation for no apparent reason, could be construed as attempts to eliminate the evidence of the historic creek path.

Surficially, the present stream path does not appear natural. Defining the stream system in detail and determining the exact location of the historic channel location(s), will require soil cores taken at 5 foot intervals along several transects running west to east. This would require the permission of both property owners for the sampler to have free movement and access to perform this work.

A more reasonable, and much less expensive, approach would be to consider the historic creek channel to be the riparian vegetation line, and re-survey and re-record the property line at that location.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

WR1
WPA
BC

APPLICATION # 96-8986

INITIAL REVIEW

APPLICANT: READ

BY: AB

DATE: 3/27/98

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
 - (X) Signature
 - (X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes) (No)

- X Field check: by _____
- t Field report attached
- t Analysis Supp. attached(>5cfs/500af)
- t Water delivered by water master?
- Water District # _____

PROCESSING

(Yes) (No) PRIORITY DATE: 3/27/98

X (Include Moratorium Remark)

X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

BC/Thum/ok

ADVERTISE IN: BONNER County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()

- t Groundwater management area
- t Critical ground water area
- t Well Drilling Permit required
- t Well Drilling Application and Fees received
- t Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- 6/4 Notice of pending void order issued. Final order response date: _____/_____/_____
- 6/5/98 Further information required from applicant
- 6/5/98 Affidavit of publication received
- 6/5/98 Application published correctly. If not, record action taken: _____

5/12/98 Publication dates and paper recorded on application

6/08/98 Protests received, Final protest date: _____

✓ Measuring device required

✓ Measuring port required

✓ Special conditions:

✓ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: ABP/A

Date: 6/8/98

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

App for water
rights

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 21 day of May, 1998
and ending on the 28 day of May, 1998
and that said notice was published in said newspaper.

On this 28 day of May in the year
of 1998, before me, a Notary Public, personally
appeared Sherilyn Plunk,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Carolyn L. Inge
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 6/1/00

RECEIVED

JUN 04 1998

NORTHERN REGION
DWR

STORAGE (0.100 CFS) ✓
Total

Diversion: (0.100 CFS) ✓

Date Filed: 3/27/1998

In: BONNER County

T58N R01W S12 SWNW

96-08987

HAMMEL, WILLIAM G

HAMMEL, RABIA M

PO BOX 555

SANDPOINT, ID 83864

Source: UNNAMED STREAM

Tributary: JOHNSON CREEK

Diversion Pt: NENE Sec 32 T 57N
R 03W in BONNER County.

Use: IRRIGATION (0.200 CFS)

STOCKWATER (0.020 CFS)

FIRE PROTECTION (0.200 CFS)

Total Diversion: (0.200 CFS)

Date Filed: 3/2/1998 - 2/27/98

In: BONNER County

T57N R03W S32 NENE

10.0 ACRES TOTAL

96-08988

COCOLALLA LAKE BIBLE CAMP

PO BOX 106

COCOLALLA, ID 83813

Source: GROUNDWATER

Diversion Pt: NESW Sec 5 T 55N R
02W in BONNER County.

Use: DOMESTIC (0.200 CFS)

Total Diversion: (0.200 CFS)

Date Filed: 4/13/1998

In: BONNER County

T55N R02W S05 NESW NWSW

96-08989

LAKEVIEW LANE CONDOMINI-
UM ASSN

FRANK B EVANS, MANAGER

500 LAKEVIEW LANE

SANDPOINT, ID 83864

Source: PEND OREILLE LAKE

Tributary: COLUMBIA RIVER

Diversion Pt: SWSWSE Sec 22 T
57N R 02W in BONNER County.

Use: IRRIGATION (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 4/27/1998

In: BONNER County

T57N R02W S22 SWSE

0.4 ACRES TOTAL

96-08991

BROWN, BILL

108 S SECOND AVENUE

SANDPOINT, ID 83864

Source: PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: LOT 8 (SWSE) Sec
31 T 57N R 02W in BONNER
County.

Lot 9 (SESE) Sec 31 T 57N R 02W
in BONNER County.

Use: IRRIGATION (0.200 CFS)

Total Diversion: (0.200 CFS)

Date Filed: 4/29/1998

In: BONNER County

T57N R02W S31 Lot 8 (SWSE) Lot
9 (SESE)

5.0 ACRES TOTAL

For additional information con-
cerning the property location, call
the Northern Regional office at (208)
769-1450.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and with the
Director, Dept. of Water Resources,
Northern Region, 1910 Northwest
Blvd., Suite 210, Coeur d'Alene,
Idaho 83814, together with a protest
fee of \$25.00 on or before JUNE 8,
1998.

KARL J. DREHER, Director
SNP#9188 May 21, 28, 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

96-08985

READ, ROBERT

READ, ALEXIS

1700 GOLD CREEK ROAD

SANDPOINT, ID 83864

Source: LITTLE GOLD CREEK
Tributary: GOLD CREEK

Diversion Pt: NENW Sec 12 T 58N

R 01W in BONNER County.

NWNW Sec 12 T 58N R 01W in
BONNER County.

Use: IRRIGATION

(0.120 CFS) ok

IRRIGATION

STORAGE (8.53 AF)

IRRIGATION FROM

STORAGE (8.53 AF)

WILDLIFE STORAGE (8.53 AF)

RECREATION

STORAGE (8.53 AF)

DIVERSION TO

STORAGE (0.100 CFS) ✓

Total Diversion:

(0.120 CFS)

Date Filed: 3/27/1998

In: BONNER County

T58N R01W S12 NENW NWNW

96-08986

READ, ROBERT

READ, ALEXIS ok

1700 GOLD CREEK ROAD

SANDPOINT, ID 83864

Source: LITTLE GOLD CREEK

Tributary: GOLD CREEK

Diversion Pt: SWNW Sec 12 T 58N
R 01W in BONNER County.

Use: IRRIGATION

STORAGE (3.20 AF) ✓

IRRIGATION FROM

STORAGE (3.20 AF) ✓

WILDLIFE

STORAGE (3.20 AF) ✓

RECREATION

STORAGE (3.20 AF) ✓

DIVERSION TO

MICROFILMED

DEC 03 2003

96-08986

READ, ROBERT
READ, ALEXIS
1700 GOLD CREEK ROAD
SANDPOINT, ID 83864

Source: LITTLE GOLD CREEK

Tributary: GOLD CREEK

Diversion Pt: SWNW Sec 12 T 58N R 01W in BONNER County.

Use: IRRIGATION STORAGE	(	3.20 AF)
IRRIGATION FROM STORAGE	(	3.20 AF)
WILDLIFE STORAGE	(	3.20 AF)
RECREATION STORAGE	(	3.20 AF)
DIVERSION TO STORAGE	(	0.100 CFS)
Total Diversion:	(	0.100 CFS)

Date Filed: 3/27/1998

In: BONNER County
T58N R01W S12 SWNW

MICROFILMED

DEC 8 3 2002

April 29, 1998

Robert and/or Alexis Read
1700 Gold Creek Road
Sandpoint ID 83864

Re: Water Appropriation Application No. 96-08985 for Ponds A & B,
and No. 96-08986 for ditch from permitted pond to feed new dug pond

Dear Mr. and Mrs. Read:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Applications for Permits to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced numbers in all future matters concerning these water right applications. Enclosed for your file are Receipt Numbers N011913 and N011912 for the respective applications..

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED

DEC 03 2003

Water Right Number - 96-08986

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - - - - First Name - - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

READ

ROBERT

1 - 1700 GOLD CREEK ROAD

2 -

3 -

City- SANDPOINT

Phone - 208-265-4162

State- ID Zip- 83864

ALEXIS

1 - 1700 GOLD CREEK ROAD

2 -

3 -

City- SANDPOINT

Phone - 208-265-4162

State- ID Zip- 83864

+ - - Priority Date - - +

03/27/1998

+ - - Region - - - +

18 NORTHERN

+ - - Stage - - - +

A - APPLICATION

+ - - Status - - - +

+ - - Source - - - +

LITTLE GOLD CREEK

+ - - Tributary - - - +

GOLD CREEK

+ - - Point of Diversion - - - +

TwN Rng Sec Tract Lot Rflg County

58N 01W 12 SW NW (17) BONNER

+ - - Diversion Name - - - +

Diversion Rate

Diversion No.

+ - - Description - - - +

Code

02 - IRRIGATION STORAGE

03 - IRRIGATION FROM STORAGE

17 - WILDLIFE STORAGE

47 - RECREATION STORAGE

55 - DIVERSION TO STORAGE

+ - - Total Div. Rate - - +

0.100

+ - - Total Div. Volume - - +

3.20

+ - - Total Div. Capacity - - +

0.0

+ - - Total Consumptive Use - - +

0.0

+ - - KM Usage - - +

+ - - Place of Use - - - +

TwN Rng Sec Tract Lot Acres

58N 01W 12 SW NW

58N 01W 12 SW NW

58N 01W 12 SW NW

58N 01W 12 SW NW

+ - - Description - - - +

02 IRRIGATION STORAGE

03 IRRIGATION FROM STORAGE

17 WILDLIFE STORAGE

47 RECREATION STORAGE

55 DIVERSION TO STORAGE

+ - - County - - - +

(17) BONNER

(17) BONNER

(17) BONNER

(17) BONNER

(17) BONNER

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

WR5808NP
(00-26)

Prefix Translation: WATER RIGHT

Water right number - 96-08986

..... Remarks

GEN Recreation storage use is for fish.

----- 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: 04/09/1998 User Id: DBALL Subject: Examiner's notes.
Exit ditch from permitted stock pond to feed new dug pond, exit
containment.
reservoir capacity 3.2 AF.
Time required 5 years.
ditch to Little Gold Creek, screened at head and tail for fish
Height of pond 1 ft, active reservoir capacity 3.2 AF, total
Inlet to be from outlet of licensed stock pond 96-08497.

+ - - Audit Fields - 04/09/98 DBALL

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	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	- M01912	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 03/27/1998	Transfer/Amended	- Y
Presumption Flag	-	Name Connector	- AND/OR	PQU Ownership Flag	-
SRBA Decreed Flag	-				