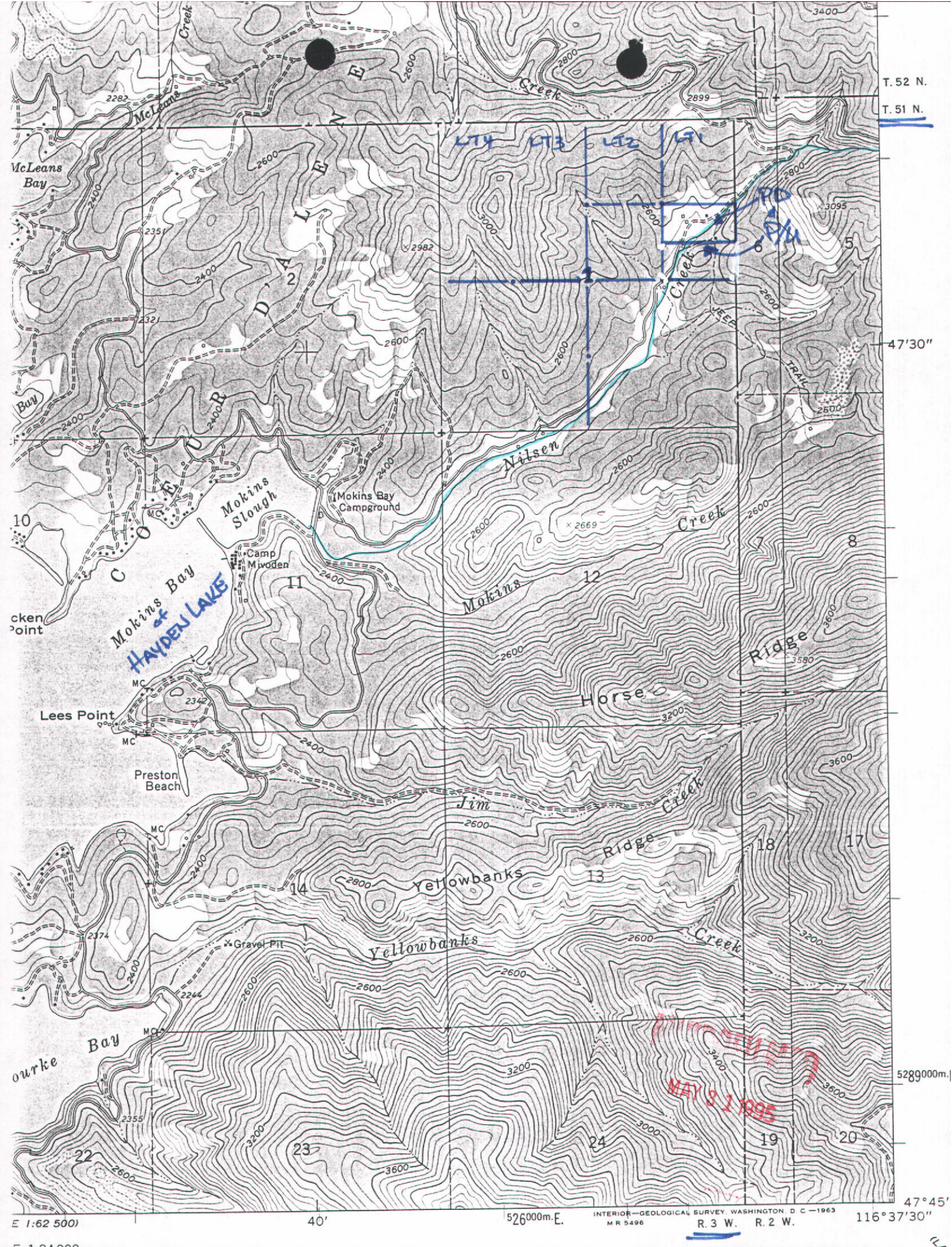
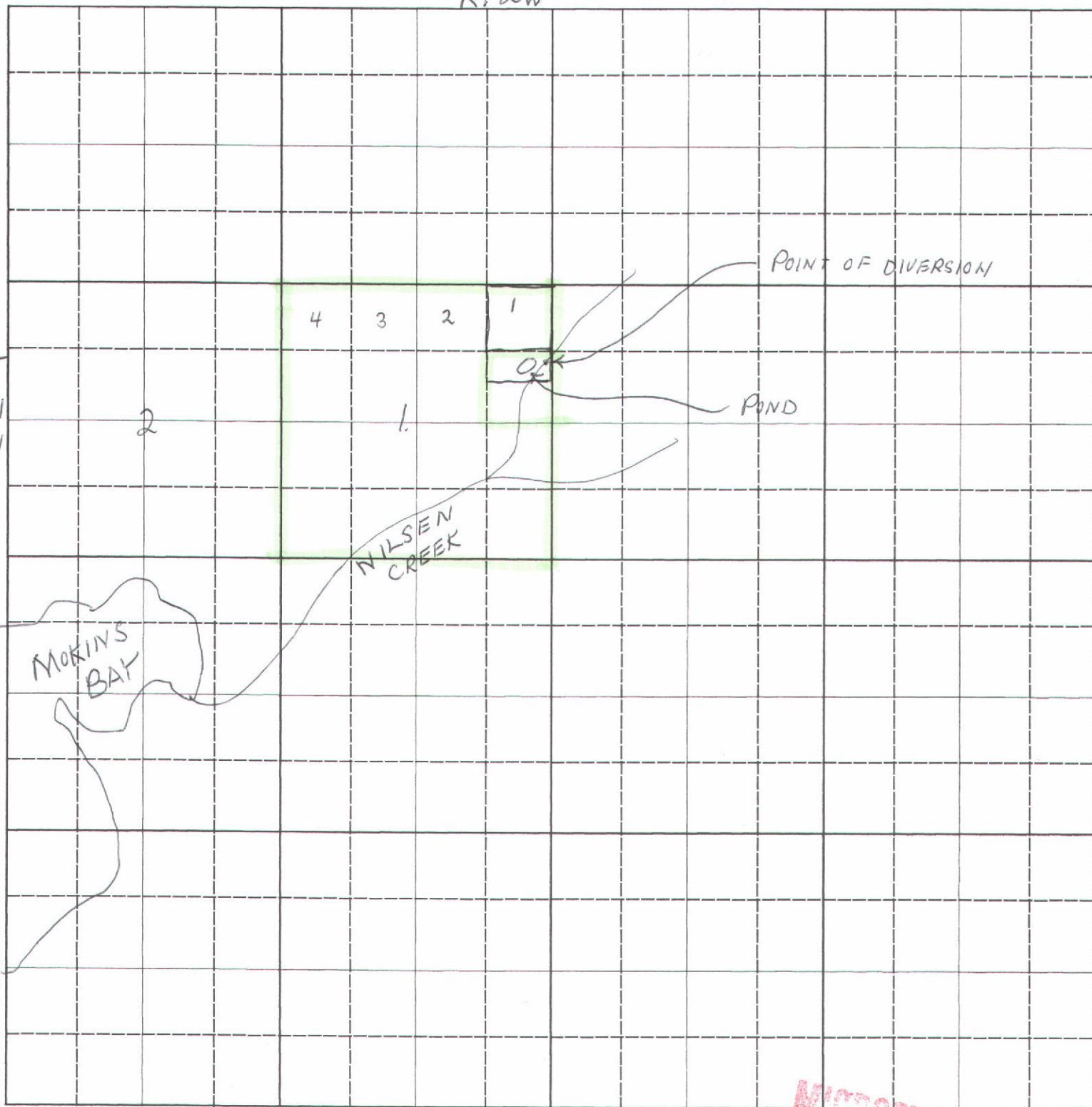




13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R. 2W



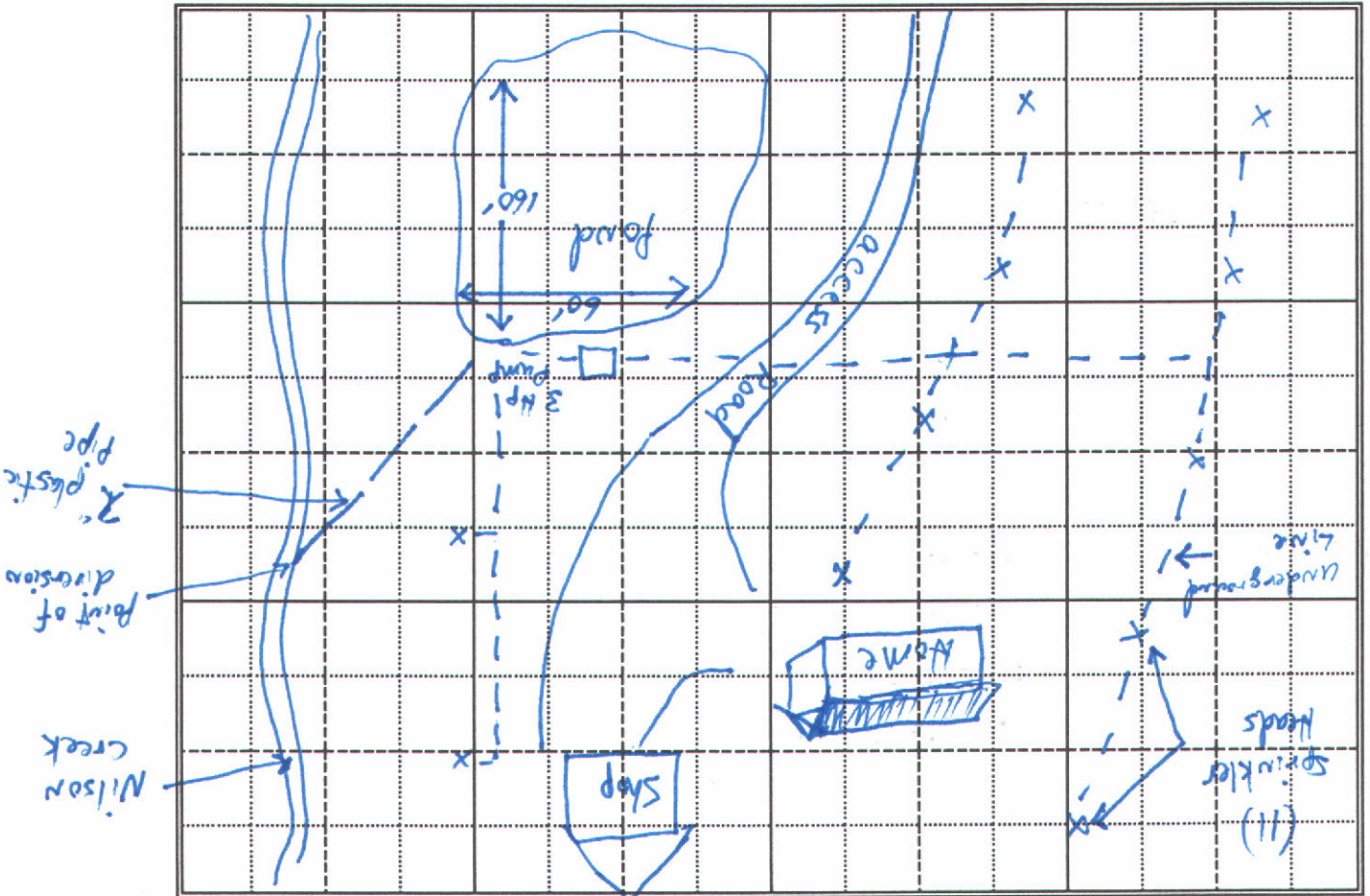
Scale: 2 inches equal 1 mile.

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.

R. C. Rold
(Applicant)
Trea P. Rold

APPROVED
MAY 31 1995

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = 100'
 Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
 Aerial Photo Attached (required for irrigation of 10+ acres)
 Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		2			

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

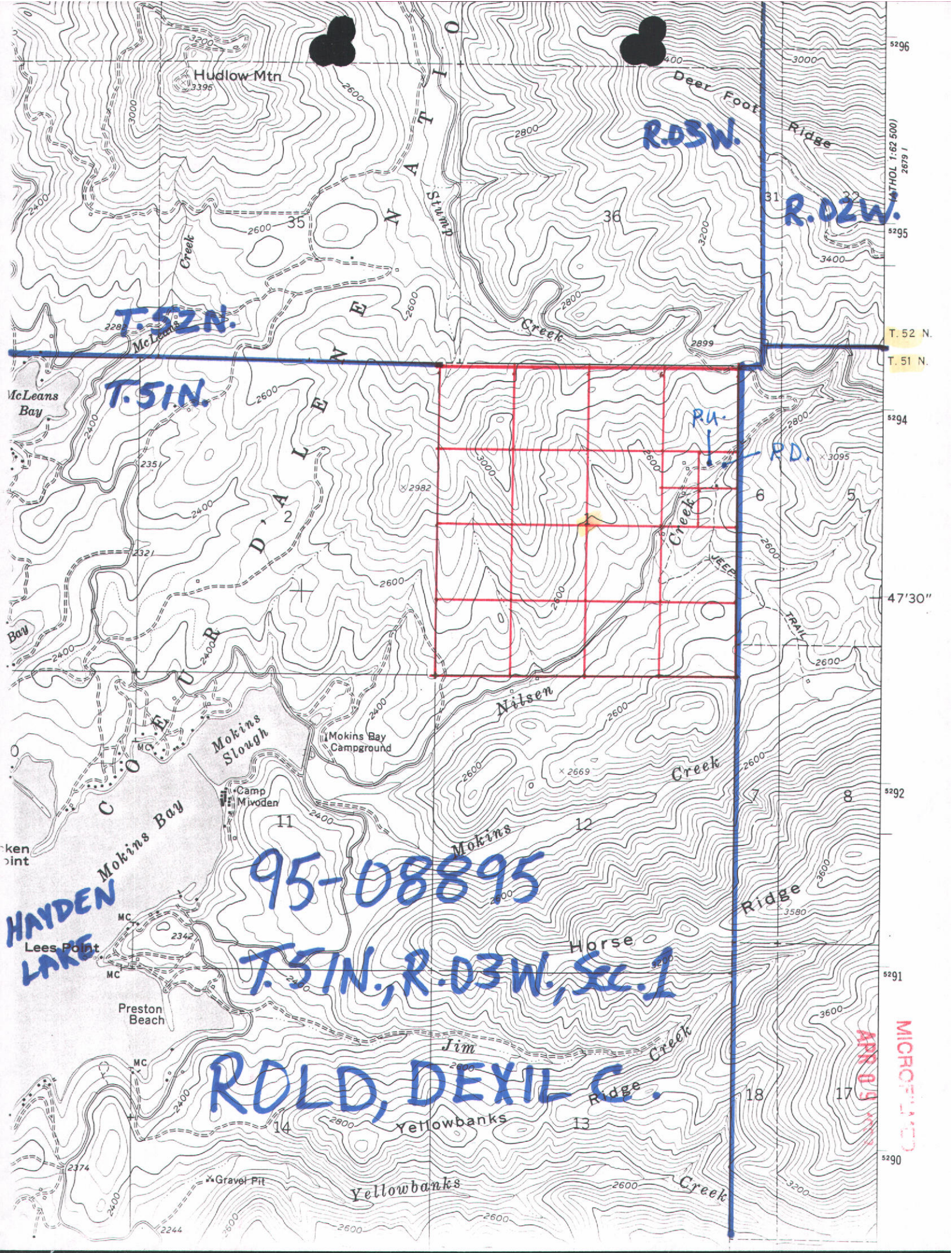
1.

2. Measurements:

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

MICROFILMED
 APR 09 1998

62-08842



78

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APR 9 1964

HAYDEN
LAKE

CHICKEN
POINT

MOKINS BAY

SKINER
BAY

WEST

MOKINS BAY

Sec. 10

Sec. 11

Sec. 12

Sec. 3

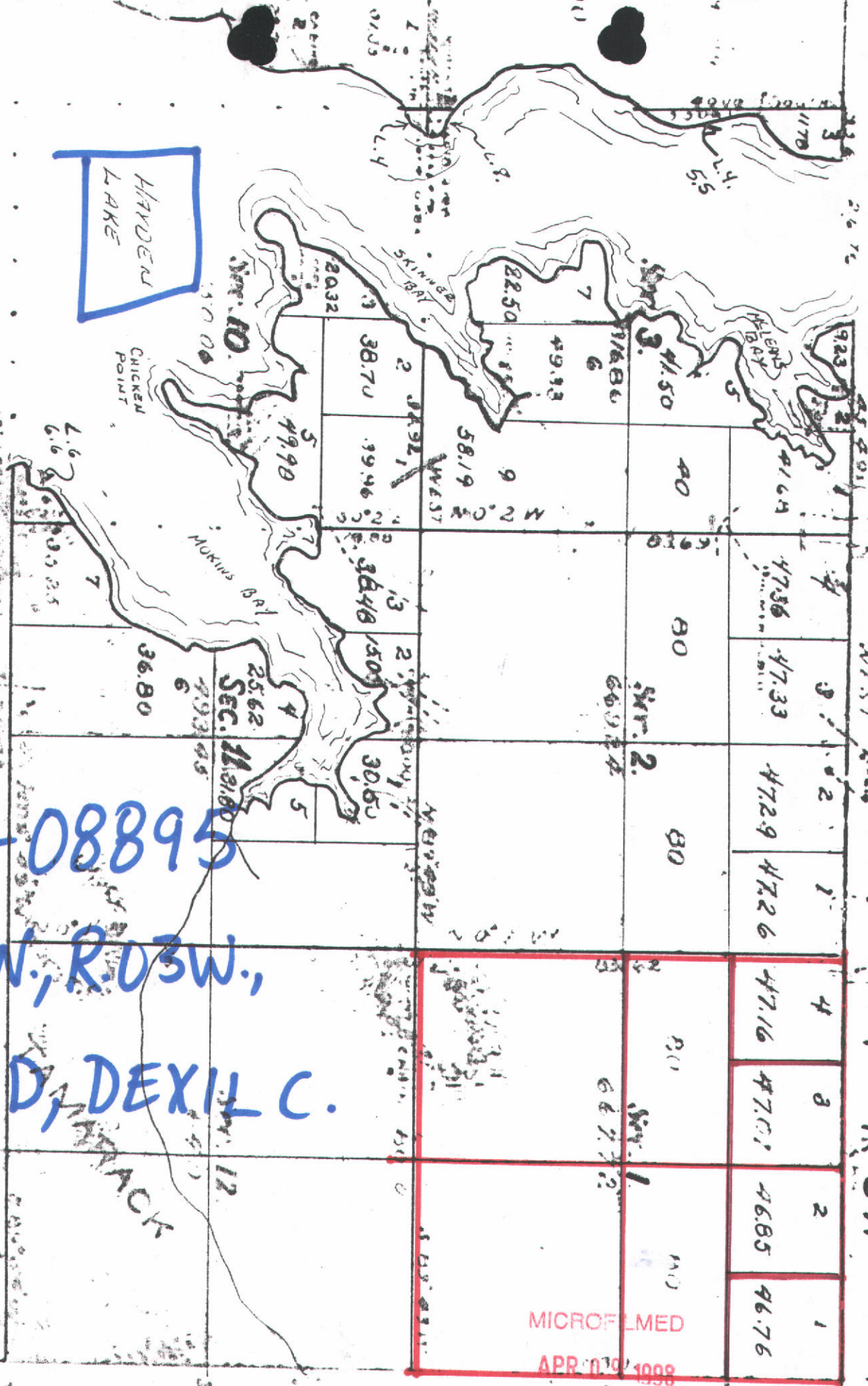
Sec. 2

Sec. 1

T51N
R3W
A

95-08895
T.51N.; R.03W.,
ROLD, DEXIL C.

MICROFILMED
APR 09 1998



PERMIT # 95-08895

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



Storage Pond



Water diverted
to pond



3 hp pump

MICROFILMED
APR 09 1998

PERMIT #

95-08895

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



System operation

(11 sprinkler heads
60 ft. diameter each)

(1)



1-4 = panoramic view
of place of use - irrigated
area

(2)



FILMED
APR 09 1998

95-08895

PERMIT #

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



3



4

MICROFILMED
APR 09 1998

RECEIVED AFFIDAVIT OF PUBLICATION

DEC 29 1994

NORTHERN REGION
IDWR

STATE OF IDAHO,
County of Kootenai,

} ss.

Keri Alexander

being first duly sworn

upon oath deposes and says:

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

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

3. The *Legal Notice*

of which the annexed is a printed copy, was published in the regular *Thurs.* issue of said newspaper for *2* consecutive *weeks* commencing on the *15th* day of *December*, 19*94*, and ending on the *22nd* day of *December*, 19*94*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

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

Keri Alexander

Subscribed and sworn to before me this *22nd* day of *December*

19 *94*

Roberta Manley

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

MAY 31 1995

ROBERTA MANLEY
my commission expires *2-5-99*

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-08895 *OK*

ROLD, DEXIL C
E 10820 MOKINS DRIVE RD
HAYDEN LAKE, ID 83835
Source: NILSON CREEK
Tributary: HAYDEN LAKE
Diversion Pt: SENE Sec 1 T 51N R 03W in KOOTENAI County.

Use: IRRIGATION (100 CFS)
IRRIGATION STORAGE (2.00 AF)
IRRIGATION FROM STORAGE (2.00 AF)
STOCKWATER STORAGE (2.00 AF)
STOCKWATER FROM STORAGE (2.00 AF)
FIRE PROTECTION STORAGE (2.00 AF)
FIRE PROTECT. FROM STORAGE (2.00 AF)
AESTHETIC (100 CFS)
WILDLIFE STORAGE (2.00 AF)
STOCKWATER (100 CFS)
WILDLIFE (100 CFS)
WILDLIFE FROM STORAGE (2.00 AF)
AESTHETIC STORAGE (2.00 AF)
FIRE PROTECTION (100 CFS)
Total Diversion: (100 CFS) (2.00 AF)

Date Filed: 11/9/1994

In: KOOTENAI County

T51N R03W S01 SENE

15.0 ACRES TOTAL

96-08834 *OK*

CITY OF SPIRIT LAKE
P O BOX 309
SPIRIT LAKE, ID 83869
Source: GROUNDWATER
Diversion Pt: NESWSE Sec 5 T 53N R 04W in KOOTENAI County.
Use: MUNICIPAL (2,000 CFS)
Total Diversion: (2,000 CFS)

Date Filed: 11/23/1994

In: KOOTENAI County

Place of use is within the city limits and service area of the city of Spirit Lake.

For additional information concerning 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 JANUARY 3, 1995

R. KEITH HIGGINSON, Director

Legal 139

Dec. 15, 22, 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08895

Priority: November 9, 1994

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

33.2 AF

This is to certify, that DEXIL C ROLD
E 10820 MOKINS DR

HAYDEN LAKE ID 83835

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated November 9, 1994; and
has submitted Proof of Beneficial Use on April 10, 1995. An examination indicates
that the works have a diversion capacity of 0.040 cfs of water from:

NILSON CREEK

tributary to HAYDEN LAKE

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.03 CFS	3.0 AF
IRRIGATION STORAGE	01/01 to 12/31		1.3 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		1.3 AF
WILDLIFE	01/01 to 12/31	0.04 CFS	28.9 AF
WILDLIFE STORAGE	01/01 to 12/31		1.3 AF
FIRE PROTECTION	01/01 to 12/31	0.04 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		1.3 AF
AESTHETIC	01/01 to 12/31	0.04 CFS	28.9 AF
AESTHETIC STORAGE	01/01 to 12/31		1.3 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
Totals		0.04 CFS	33.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 1, Township 51N, Range 03W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
51N	03W	1	SENE	1		1

Total number of acres irrigated: 1

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE:

WILDLIFE, same as IRRIGATION use

PLACE OF USE:

FIRE PROTECTION, same as IRRIGATION use

PLACE OF USE:

AESTHETIC, same as IRRIGATION use

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APR 28 1998

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 95-08895

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 95A.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
8. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
9. Wildlife storage is for nesting waterfowl habitat.
10. Aesthetic storage is for a pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 3RD
day of APRIL, 1998.


KARL J. DREHER, Director

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APR 12 1995

Department of Water Resources 92

Department of Water Resources 92

- Measuring Device:** Is a measuring device required?

Yes or No X

Has the measuring device been installed?

Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required?

Yes or No ☒

Has the measurement port been installed?

Yes _____ or No _____

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: DEXIL C. ROLD Telephone Number: 208-772-6426

Address: E. 10820 MOKINS DR. RD, HAYDEN LAKE, ID 83835

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

Signature of permit holder:  Date: 4-6-95

(include your title, if on behalf of company or organization)

Date: 4-6-95

MAY 31 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 95-08895

Proposed Priority: November 9, 1994 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **DEXIL C ROLD**
E 10820 MOKINS DRIVE RD
HAYDEN LAKE ID 83835
has applied for a permit to appropriate water from:
NILSON CREEK tributary of **HAYDEN LAKE**

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	03/15 to 11/15	0.04 CFS	
IRRIGATION STORAGE	01/01 to 12/31		2.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		2.0 AF
STOCKWATER	01/01 to 12/31	0.04 CFS	
STOCKWATER STORAGE	01/01 to 12/31		2.0 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		2.0 AF
WILDLIFE	01/01 to 12/31	0.04 CFS	
WILDLIFE STORAGE	01/01 to 12/31		2.0 AF
WILDLIFE FROM STORAGE	01/01 to 12/31		2.0 AF
FIRE PROTECTION	01/01 to 12/31	0.04 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		2.0 AF
FIRE PROTECT. FROM STOR	01/01 to 12/31		2.0 AF
AESTHETIC	01/01 to 12/31	0.04 CFS	
AESTHETIC STORAGE	01/01 to 12/31		2.0 AF
AESTHETIC FROM STORAGE	01/01 to 12/31		2.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
Totals		0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 1, Township 51N, Range 03W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
51N	03W	1	SENE	15.0		15.0

Total number of acres irrigated: 15.0

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: STOCKWATER FROM STORAGE, same as IRRIGATION use

PLACE OF USE: WILDLIFE, same as IRRIGATION use

PLACE OF USE: WILDLIFE FROM STORAGE, same as IRRIGATION use

PLACE OF USE: FIRE PROTECTION, same as IRRIGATION use

PLACE OF USE: FIRE PROTECT. FROM STOR, same as IRRIGATION use

RECORDED

MAY 31 1995

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 95-08895

PLACE OF USE: AESTHETIC, same as IRRIGATION usePLACE OF USE: AESTHETIC FROM STORAGE, same as IRRIGATION useCONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 1, 1996**.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 95A.
4. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. Stockwater use is for 20 llamas.

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

30th day of March, 1995

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED

MAY 31 1995

RECEIVED
MAR 07 1995

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 95-08895

To appropriate the public waters of the State of Idaho

1. Name of applicant Dexil C. Rold Phone 208-772-6426
Post office address E. 10820 Mokins Dr. Rd. Hayden Lake, ID 83835
2. Source of water supply Nilsen Creek which is a tributary of HAYDEN LAKE
3. Location of point of diversion is SE 1/4 of NE 1/4, Govt. Lot _____
Sec. 1 Township 51N Range 3W B.M. Kootenai County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>.1 cfs</u> for <u>irrigation</u> purposes from <u>3/15</u> to <u>11/15</u> (both dates inclusive)	<u>3/15</u>	<u>11/15</u>
(cfs or acre-feet per annum) <u>2 AFA</u> for <u>irrigation storage</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive)	<u>1-1</u>	<u>12-31</u>
(cfs or acre-feet per annum) <u>2 AFA</u> for <u>fire protection</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive)	<u>1-1</u>	<u>12-31</u>
(cfs or acre-feet per annum) <u>2 AFA</u> for <u>stock water storage</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive)	<u>1-1</u>	<u>12-31</u>
(cfs or acre-feet per annum) <u>2 AFA</u> for <u>stock water storage</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive)	<u>1-1</u>	<u>12-31</u>
(cfs or acre-feet per annum) <u>2 AFA</u> for <u>wild life, aesthetic</u> purposes from _____ to _____ (both dates inclusive)		
5. Total quantity to be appropriated is (a) .1 cubic feet per second and/or (b) 2 acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing 2" pipe running water into a storage pond and back to Nilsen Creek. Pond also has springs flowing into it from bottom of pond. 3hp pump to sprinkle 10 acres pasture through 2" pipe from pond. Pump is used now for fire protection.
 - b. Height of storage dam 4 feet; active reservoir capacity 2 acre-feet; total reservoir capacity 2 acre-feet; period of year when water will be diverted to storage: 1-1 to 12-31 inclusive. Flows back to creek.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____; Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is existing years (minimum 1 year).

MAY 31 1995

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

b. Stockwatering; list number and kind of livestock. _____ 20 Llamas

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

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

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

15 Total number of acres to be irrigated

11. a. Who owns the property at the point of diversion? Dexil C. Rold

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

applicant to make this filing.

12. Remarks: The existing springs within the pond provide adequate water for the pond, but I want the right to run .lcts from Nilsen Creek to keep the pond fresh. Even if .lcts is used for irrigation the water will still flow back to Nilsen Creek.

Supplemental storage use sheet **DEXIL C. ROLD APPLICATION FOR PERMIT.**

01 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		Irrigation	3/15	11/15
02 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		irr. storage	3/15 ^{4/01}	11/15
03 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		Irr. from storage	3/15	11/15

+49	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		fire protection	1/1	12/31
	Amount	For	Purposes	From	To (Both dates inclusive)
			fire protection storage	1/1	12/31
50 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		fire protection from storage	1/1	12/31

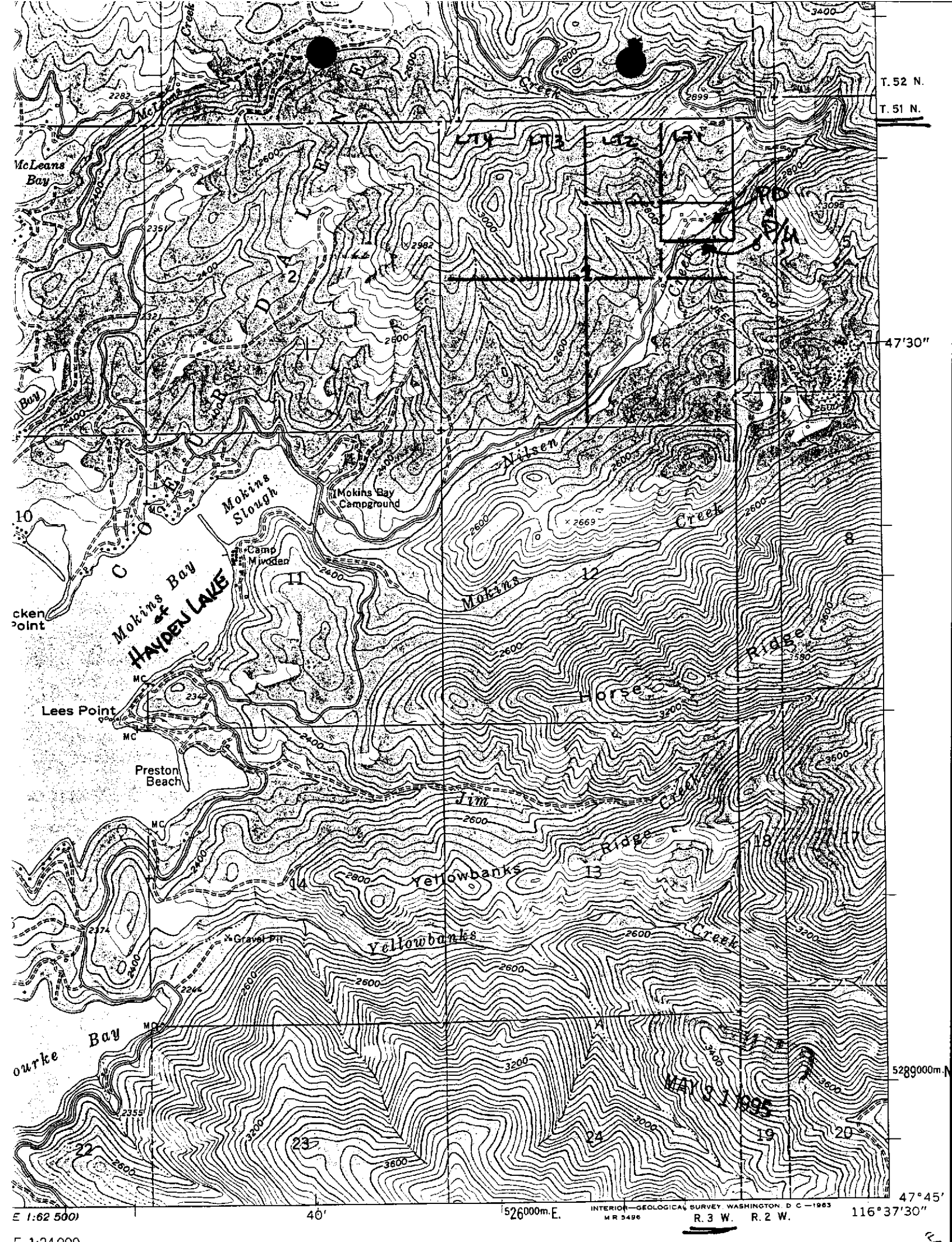
+04	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		stockwater	1/1	12/31
05 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		stockwater storage	1/1	12/31
06 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		stockwater from storage	1/1	12/31

+16	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		wild life	1/1	12/31
17 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		wild life storage	1/1	12/31
+18	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		wild life from storage	1/1	12/31

52 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		aesthetic	1/1	12/31
+53	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		aesthetic storage	1/1	12/31
18	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		wild life from storage	1/1	12/31

RECORDED

MAY 8 1 1995



T. 52 N.

T. 51 N.

47° 30'

5280000m. N

47° 45'

116° 37' 30"

E 1:62 500)

40'

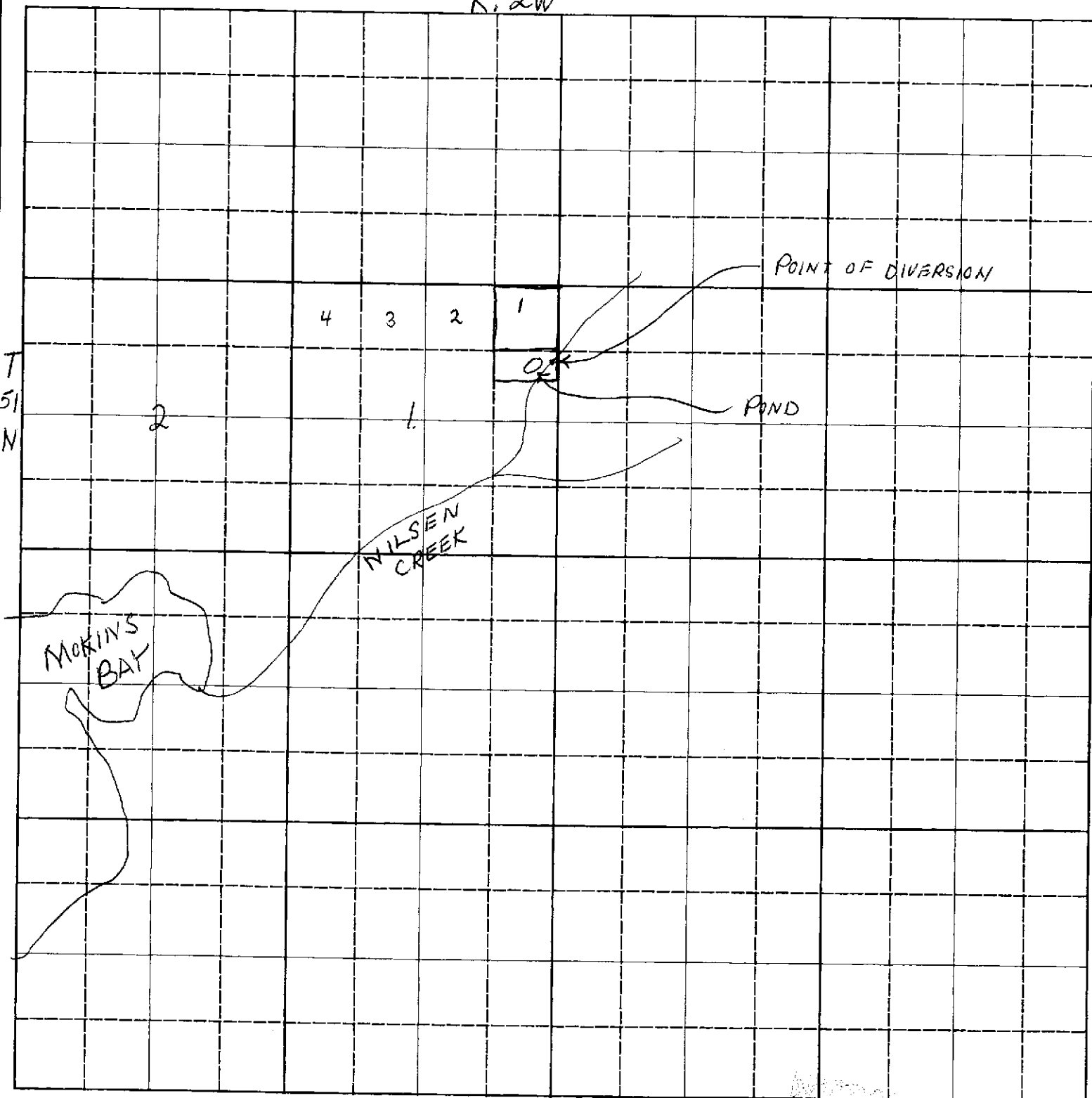
526000m. E.

INTERIOR GEOLOGICAL SURVEY WASHINGTON D C - 1963
MR 5496 R. 3 W. R. 2 W.

E 1:24 000

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

R. 2W



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.

W. E. C. Rold
(Applicant)
Theresa E. Rold

MAY 9 1935

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Idaho No. _____, and said application is hereby _____

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

_____, 19____

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

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

e. Other:

MAY 31 1995
 [Signature]

Received by φ Date 11/9/94 Time 1:15
 Fee \$ 50.00 Received by φ Date 12/17/94 # 1008432 Date 11/9/94
 Publication prepared by φ Date 12/17/94 Published in ADA News 12/15+22/94
 Publication approved φ Date 12/23/94

MEMORANDUM

DATE: April 15, 1998

TO: File 95-08895

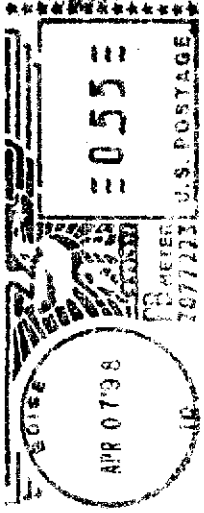
FROM: Kari Lynn Townsend

RE: Returned mail - address correction

The water right license and accompanying paperwork that was mailed on 4-7-98 was returned by the postoffice with a yellow **forward time expired** sticker showing a new address of:

1509 W Courtland Ave
Spokane WA 99205-2608

I have resent the license and paperork to the new address today.



ROLD820 838352013 1C96 09 04/11/98
FORWARD TIME EXP RTN TO SEND
ROLD
1509 W COURTLAND AVE
SPOKANE WA 99205-2608

RETURN TO SENDER



IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

L95-08895
DEXIL C ROLD
E 10820 MOKINS DR
HAYDEN LAKE ID 83835

RECEIVED

APR 15 1998

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

April 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEXIL C ROLD
E 10820 MOKINS DR
HAYDEN LAKE ID 83835

RE: WATER RIGHT NO. 95-08895

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the 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 or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) 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 Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department 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 Department 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 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.

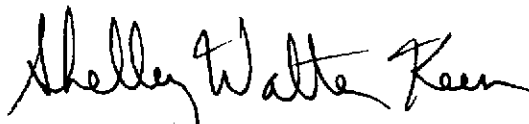
MICROFILMED

APR 9 1982

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.

If you have any questions, please call me at 208-327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

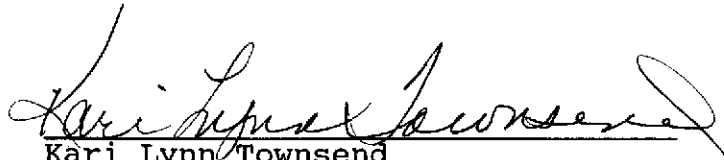
118

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 95-08895

DEXIL C ROLD
E 10820 MOKINS DR
HAYDEN LAKE ID 83835


Kari Lynn Townsend
Secretary

MICROFILMED
APR 09 1998

MEMORANDUM

TO: File 95-08895

FROM: Sharla

DATE: March 17, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 95-08895 are as follows:

H. RECOMMENDATIONS

Irrigation	3/15 - 11/15	0.03 cfs	3.0 afa
Irrigation Storage	1/1 - 12/31		1.3 afa
Irrigation From Storage	3/15 - 11/15		1.3 afa
Wildlife	1/1 - 12/31	0.04 cfs	28.9 afa
Wildlife Storage	1/1 - 12/31		1.3 afa
Fire Protection	1/1 - 12/31	0.04 cfs	n/a
Fire Prot. Storage	1/1 - 12/31		1.3 afa
Aesthetic	1/1 - 12/31	0.04 cfs	28.9 afa
Aesthetic Storage	1/1 - 12/31		1/3 afa
Diversion to Storage	1/1 - 12/31	0.04 cfs	n/a
	TOTALS	0.04 cfs	33.2 afa

Storage and uses from storage are also applicable to this right, as permitted. The capacity of the storage facility is 1.3 af (60' X 160' X 0.4/43560 x 15' = 1.3 af). The volume for wildlife and aesthetic uses is based on continuous diversion, not on the storage facility size and capacity.

Examiner: David Pagel
Exam Date: July 29, 1997

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APR 09 1998

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		NE		NW		SW		SE		NE		NW		SW		SE			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
L9508895	T51N R03W S 1 NILSON CREEK																		
	:					01	:												1
NO MATCHES FOR THIS POU IN AJ-POU																			
9500209	SPRING <i>shukery</i>																		10
~~9508895~~	~~NILSON CRE~~																		~~15~~
NO MAPPING INFO AVAILABLE																			

LICENSE REVIEW CHECKLIST

PERMIT NO. 95-08895

DATE 3/11/98

REVIEWER: SHARLA

NAME Change OK

Address Change no assignment to Kelly still in name of Rold

SOURCE Change OK

Is change clarification of originally intended source? no

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void no
Amendment required no

PLACE OF USE Change OK

Amendment required no

Does map agree with written description? yes no

OVERLAPS P/D P/U
Overlap file pulled & reviewed no

RATE OF DIV

Permitted Rate .04 cfs
Fee limit .20 cfs \$50.00
Measured .04 cfs
Theoretical gravity cfs

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/ NATURE OF USES

Use	cfs	Volume Calc
<u>Storage</u>	<u>.03</u>	<u>1X 3.0-3.0</u> af
<u>Wild</u>	<u>.04</u>	<u>1.3</u> af
<u>Subtotal</u>	<u>.04</u>	<u>28.9</u> af
<u>Flow</u>	<u>.04</u>	<u>1.3</u> af
<u>SUBTOTAL</u>	<u>.04</u>	<u>33.2</u> af

60X160X.4/43.560 X 15 = 1.3 af

Flow rate .04 cfs X 365 days X 1.98 = 28.9 af

Total volume recommended 28.9 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS Watermaster Control WD# 002
GW Measurement/Measuring Device
Overlap
Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed NA
Adjustment Memo volume
uses

1st Amend Letter NA
2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 27 1998

Department of Water Resources

95-08895

A. GENERAL INFORMATION

Permit No.

1. Owner: Eric J. Kelly Phone No. (208) 772-2600Current Address: 10820 E. MOKINS Dr. Hayden, Idaho 838352. Accompanied by: Same EXAM DATE: 7-29-97

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Nilson Creek tributary to Hayden Lake**B. OVERLAP REVIEW**1. Other water rights with the same place of use: NA2. Other water rights with the same point of diversion: N/A**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	1	51N	3W	Kootenai	USGS 7.5' Quad

2. Place(s) of Use:

Indicate Method of Determination

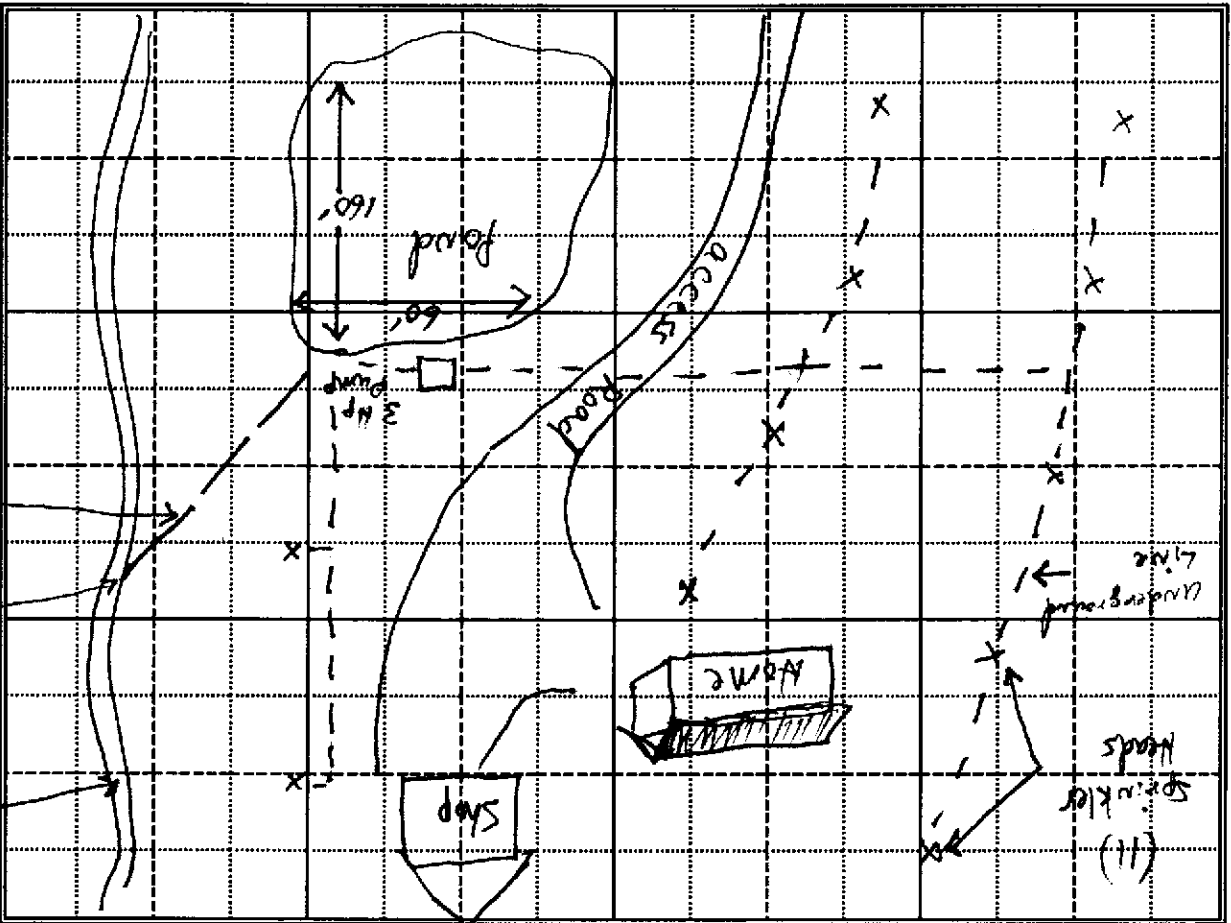
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	3W	01				I-(S,F)													
						W-(S)													
						FP-(S,F)													
						A-(S)													

S = ~~irrigation~~ storage

F = From storage

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SEP 03 1998

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



Scale: 1" = 100'

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
Aerial Photo Attached of (required for irrigation of 10+ acres)
Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		2			

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

APR 0 9 1988

UNCLASSIFIED

E. NARRATIVE/REMARKS/COMMENTS

Water is being diverted from Nilson creek using a gravity flow system. a 2" pipe approx. 100 ft in length is used to divert water to storage pond.

water is diverted from the storage pond for irrigation of 1 acre of land and for fire protection using a 3 HP pump.

At the time of the final inspection, Al Beardslee and myself did discuss w/ Eric Kelly that; if at any time the diversion from Nilson Creek did exceed .04 CFS ~~that~~ Mr. Kelly would be required to install a regulator to restrict the diversion flow to a maximum of .04 CFS.

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

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APR 9 9 1998

F. FLOW CALCULATIONS

Measured Method:

See Manning Equation

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$A = \pi r^2 = 3.14 \times 95^2 = 3848.45 \text{ ft}^2$$

$$3848.45 \text{ ft}^2 \times 11 = 42333 \text{ ft}^2 = .97 \text{ acre}$$

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \times 3.0 = 3.0$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .04 \times 345 \times 1.9835 = 19.44$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 3.0$$

2. Volume Calculations for Other Uses:

$$\text{Storage Pond} = 60' \times 160' \times 15' = 144000$$

$$\times .6$$

$$\frac{86400 \text{ ft}^3}{43560 \text{ ft}^2} = 1.98$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	From	To	Rate of Diversion	Annual Volume
Irrigation	03/15	11/15	.04	3.0
Wildlife	01/01	12/31	.04	3.0
Fire protection	01/01	12/31	.04	3.0
Aesthetic	01/01	12/31	.04	3.0
Division to Storage	01/01	12/31	.04	3.0
Totals:			.04	3.0

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name

David M. Foyel

Date

8-4-97

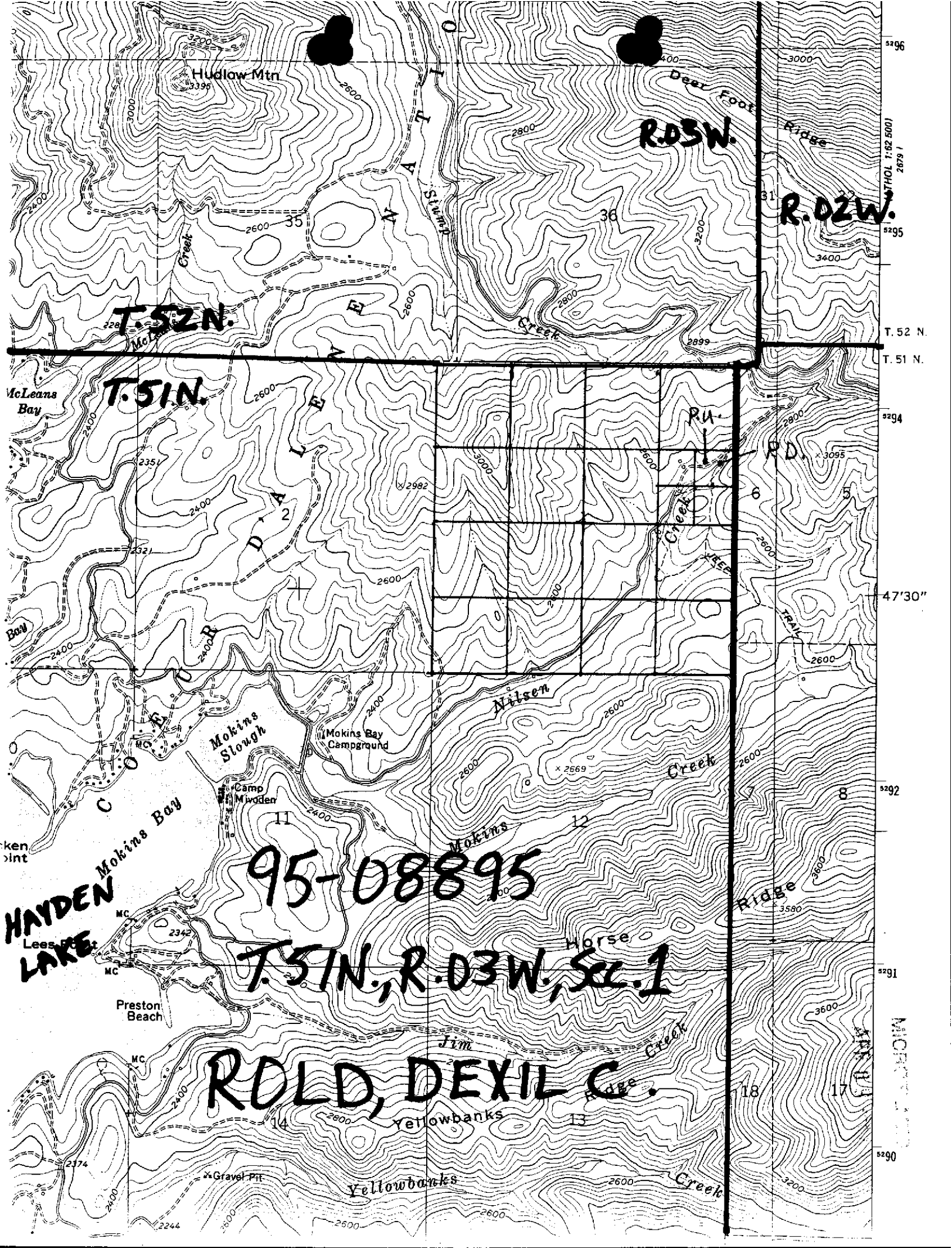
Reviewer

Date

MICROFILMED

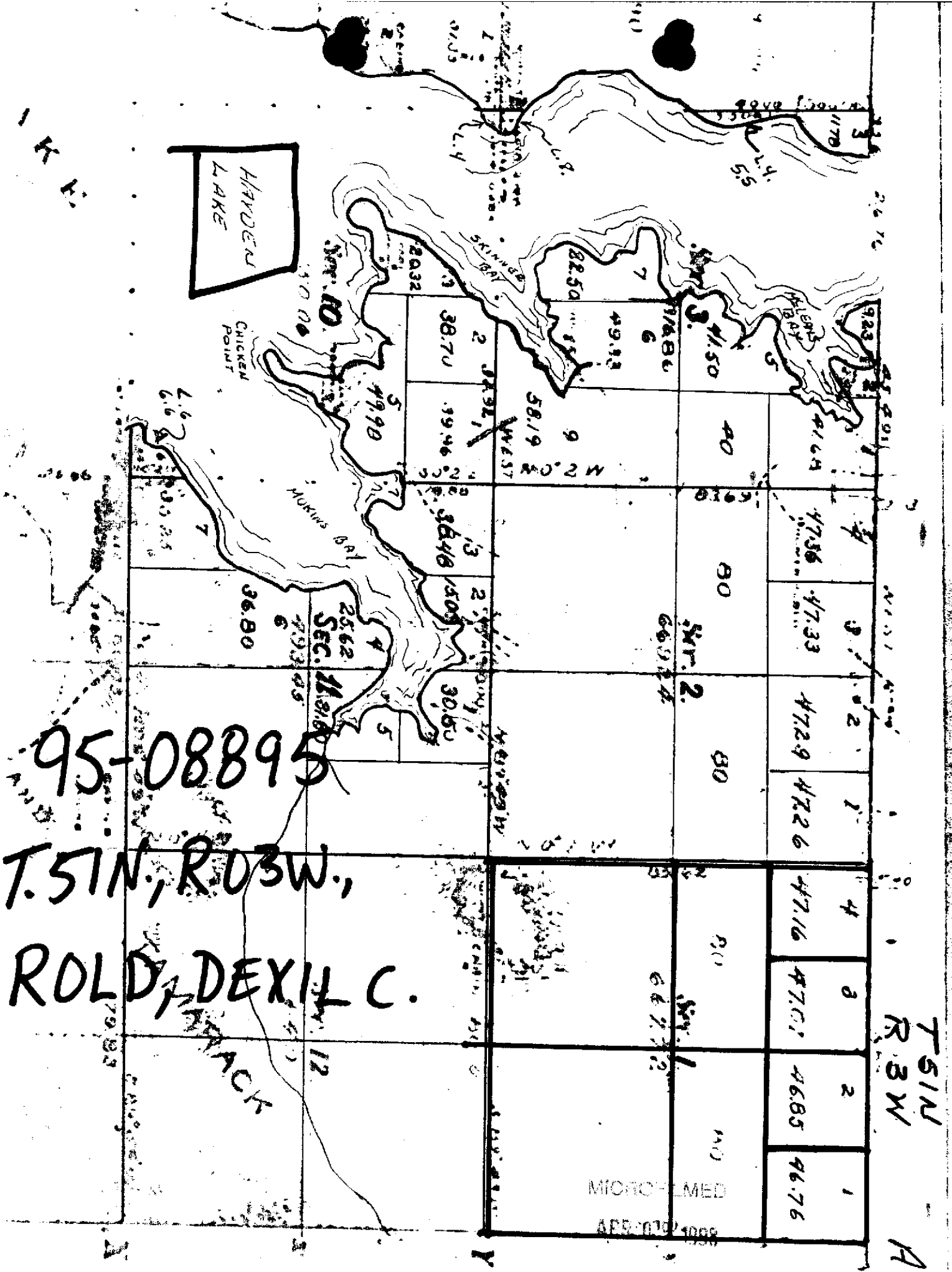
APR 19 1998

SEAL





95-08895
T.51N, R.03W,
ROLD, DEKIL C.



Supplemental storage use sheet DEXIL C. ROLD APPLICATION FOR PERMIT.

01 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		Irrigation	3/15	11/15
02 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		irr. storage	3/15 w/o	11/15
03 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		Irr. from storage	3/15	11/15
44 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		fire protection	1/1	12/31
	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		fire protection storage	1/1	12/31
50 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	2.0 afa		fire protection from storage	1/1	12/31
44 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		stockwater	1/1	12/31
	Amount	For	Purposes	From	To (Both dates inclusive)
05 ✓	2.0 afa		stockwater storage	1/1	12/31
	Amount	For	Purposes	From	To (Both dates inclusive)
06 ✓	2.0 afa		stockwater from storage	1/1	12/31
46 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		wild life	1/1	12/31
	Amount	For	Purposes	From	To (Both dates inclusive)
17 ✓	2.0 afa		wild life storage	1/1	12/31
	Amount	For	Purposes	From	To (Both dates inclusive)
18 ✓	2.0 afa		wild life from storage	1/1	12/31
52 ✓	Amount	For	Purposes	From	To (Both dates inclusive)
	0.10 cfs		aesthetic	1/1	12/31
	Amount	For	Purposes	From	To (Both dates inclusive)
53 ✓	2.0 afa		aesthetic storage	1/1	12/31
	Amount	For	Purposes	From	To (Both dates inclusive)
18 ✓	2.0 afa		wild life from storage	1/1	12/31

MICROFILM

APR 09 1998

Manning Equation, Full Barrel Flow 2" plastic pipe

$$Q = \frac{1.49}{n} A R^{2/3} S^{1/2}$$

where n = Manning roughness coefficient = .01

A = wetted cross sectional area

R = hydraulic radius (A/P)

P = wetted perimeter (circumference)

S = slope = $\frac{10}{1000} = .01$

$$A = \pi r^2 = \pi \left(\frac{1}{2}\right)^2 = 0.0218 \text{ ft}^2$$

$$P = 2\pi r = (2)(\pi)\left(\frac{1}{2}\right) = 0.524 \text{ ft}$$

$$R = \frac{A}{P} = \frac{0.0218}{0.524} = 0.0416$$

$$Q = \frac{1.49}{.01} (.0218) (.0416^{0.67}) (.01^{0.5})$$

$$= 149 (.0218) (.1188) (.1)$$

$$= 0.039 \text{ cfs}$$

MICROFILMED
APR 03 1968

Note to File

Date: February 12, 1995
RE: Protest resolution Application for Permit #95-08895

I called Mrs. Karen Hayse to discuss what Mr. Haynes and I saw on Rold's property during our field visit February 8, 1995. Karen stated she had no protest with Mr. Rold's filling and furthermore withdrew from her position as spokesperson of the protest group.

Karen suggested that I speak with Mrs. Vanderbuilt, as she was still concerned about the amount of water Mr. Rold diverted from Nilson Creek. During our field visit, it was estimated that Mr. Rold's diversion system would deliver 18-20 GPM. Mrs. Vanderbuilt stated she has no problem with the two inch pipe diversion, however did not feel qualified to agree to anything different than the rate of 0.01 CFS, which was agreed upon during a meeting with Rold and concerned citizens prior to my call. I asked Mrs. Vanderbuilt if she could discuss with protest group if reducing the rate to 0.04 CFS (18 GPM) and we could issue the permit with a condition that would not allow Rold to dry up Nilson Creek. Mrs. Vanderbuilt agreed that she would contact the other people concerned and they would let me know by the end of the week get me something in writing from them.

MICROFILMED
APR 09 1998

95-08895

PERMIT #

95-08895

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS

Storage Pond

Water diverted
to pond

3 Hp pump

MICROFILMED

APR 18 1958

PERMIT # 95-08895

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



System operation

(11 sprinkler heads
60 ft. diameter each)

①

1-4 = panoramic view
of place of use - irrigated
area



②



FILED

DEC 8 1998

PERMIT #

95-08895

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



(3)



(4)

RECORDED

APR 09 1956

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 95-08895 Reviewed by [Signature] Date 4-21-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

stock, irr, fire

yes Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

_____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

yes Required?

50.00 Amount Submitted

no Installed?

yes Correct?

no Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

_____	-	_____
_____	=	_____
_____	+	_____
_____		_____

DEFICIENCIES OR ACTION ITEMS

advise of lockable device condition.
Proof acceptable

DATA ENTRY

New Address _____

Proof Made 4-10-95



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 28, 1995

DEXIL C ROLD
E 10820 MOKINS DR RD
HAYDEN LAKE ID 83835

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 95-08895

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that one of the conditions of your water right permit requires that the permit holder install a lockable device, to allow the watermaster suitable control of the diverting works (refer to condition # 4 of your permit). This condition must be complied with before the license exam, or you can request in writing, a waiver of the condition.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

MAY 3 1 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 31, 1995

DEXIL C ROLD
E 10820 MOKINS DRIVE RD
HAYDEN LAKE ID 83835

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-08895

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

RECEIVED

MAY 31 1995

SK:rl

Enclosures

WR0749NP
No. P95-08895

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/29/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DEXIL C ROLD E 10820 MOKINS DRIVE RD HAYDEN LAKE ID 83835 (208) 772-6426	11/09/1994	IRRIGATION	03-15 11-15	0.040 CFS	
			IRRIGATION STORAGE	01-01 12-31		2.00 AFA
			IRRIGATION FROM STORAGE	03-15 11-15		2.00 AFA
			STOCKWATER	01-01 12-31	0.040 CFS	
			STOCKWATER STORAGE	01-01 12-31		2.00 AFA
			STOCKWATER FROM STORAGE	01-01 12-31		2.00 AFA
			WILDLIFE	01-01 12-31	0.040 CFS	
			WILDLIFE STORAGE	01-01 12-31		2.00 AFA
			WILDLIFE FROM STORAGE	01-01 12-31		2.00 AFA
			FIRE PROTECTION	01-01 12-31	0.040 CFS	
			FIRE PROTECTION STORAGE	01-01 12-31		2.00 AFA
			FIRE PROTECT. FROM STOR	01-01 12-31		2.00 AFA
			AESTHETIC	01-01 12-31	0.040 CFS	
			AESTHETIC STORAGE	01-01 12-31		2.00 AFA
			DIVERSION TO STORAGE	01-01 12-31	0.040 CFS	
TOTAL DIVERSION:					0.040 CFS	

Water Source: NILSON CREEK

Tributary to: HAYDEN LAKE

Stage: PERMIT

Point(s) of Diversion: T51N R03W S01 SENE KOOTENAI County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	:
51N	03W	1	:				15	:				:				15.0
															TOTAL ACRES	15.0

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for STOCKWATER FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for WILDLIFE is the same location as described for: IRRIGATION

Place of use location for WILDLIFE FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for FIRE PROTECTION is the same location as described for: IRRIGATION

Place of use location for FIRE PROTECT. FROM STOR is the same location as described for: IRRIGATION

Place of use location for AESTHETIC is the same location as described for: IRRIGATION

WR0749NP
No. P95-08895

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/29/95
PAGE: 2

Pou County: KOOTENAI

Other Water Rights with Same Point(s) of Diversion and Source:
95-08895

Other Water Rights Listing Overlapping Place(s) of use:
95-00209 95-08895

Conditions of Approval:

- 005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 95A.
- 01H - A lockable device, subject to the approval of the Department,
- shall be installed on the diverting works in a manner that will
- provide the watermaster suitable control of the diversion prior
- to diversion of water under this right.
- 01M - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the
- information to the department.
- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Remarks: Stockwater use is for 20 llamas.

Dates:	App. Received: 11/09/1994	Priority Date: 11/09/1994
	Proof Due Date: 04/01/1996	Proof Made Date:
	Exam Made Date:	Exam Sent to S.O.:
	Licensed Date:	

Misc: Water District Number: 95A Field Exam Fee:

Comments: Date: 11/28/1994 User-ID: DBALL Subject: DIVERSION DESCRIPTION
Existing 2" pipe into storage pond and back to Nilsen Creek.
Springs flow into pond from bottom.
3hp pump to sprinkle 10 acres pasture.
Pump now used for fire protection.

Audit: 03/29/95 CZIMMERM

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 03/29/95
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
9508895	T51N R03W S 1 WILSON CREEK																	15
																		:
9500209	SPRING <i>Wilson Cr.</i> <i>decreases picking</i> NO MAPPING INFO AVAILABLE																	10
																		:

15 :

:

:

:

15

10 : 0.04 cfs for 2 homes & 0.22 cfs on 10 A (0.02 cfs/A) (no file)

:

10

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 95-8895 Name: Rold Date: 3/29/95 Ad OK? ☒
Correct Fee? ☒ Receipt #: NOOR432 Priority: 11/9/94 ☒ Gvmt Lts: ☒

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Prehearing agreement) or W19(See Order)
SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17
GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
- 0.2 cfs - No MD
+ 5 a. (POU cmp) - 01M, 803(if GW use SW 1st)
Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)
SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink):
Water District (~~dem~~) - 005 (req) WD # 9SA <SEE MAP & LISTING>
+ 0.2 cfs - 01J-P08 or 01M
- 0.2 cfs - 01H-P01 or No MD
+ 5 a. irr. - 01M (POU cmp)
~~In~~ WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
+ 5 a. irr. - 01M (POU cmp)
RIVER BASINS (*Surface water):
Snake R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(consump. use), 047-P04(Payette Lake), NA
USE:
Domestic (surface) - 021(Boise R ↑ L Peak); 064(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
LOCATION:
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. (P52) - ~~030~~ (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA
OWNERSHIP: Non-land owner - 004 (PD/PU) _____
OTHER CONDITIONS: _____
STANDARD REMARKS: 01002/20 dams
BENEFICIAL USE DUE: 4-1-1996
COMMENTS: _____

RECEIVED
MAR 07 1995
Department of Water Resources

March 1, 1995

Mr. Bud Vanderbilt
Rt. 2 Box 247A
Hayden Lake, ID 83835

Dear Mr. Vanderbilt:

We hereby acknowledge receipt of your letter of February 28, 1995 withdrawing your protest. Mr. Rold has received a copy of the letter and agreed to the conditions contained therein.

Should you have any further questions, or if I can be of further assistance, please do not hesitate to call me at (208) 769-1450.

Sincerely,

Allen Beardslee
Senior Water Resource Agent

AB:db

cc: Dr. Karen Hayes
Dexil C. Rold

RECEIVED
MAY 31 1995

NOTE TO FILE 95-08895

DATE: February 28, 1995
FROM: BEARDSLEE

The protest issues were resolved between the applicant and the protestants through clarification of the applicants intentions.

After a meeting with Mr. Rold and the protestants, it was agreed upon that Mr. Rold would lower his diversion rate on his Application for Permit and at no time would he dry up Nilsen Creek.

IDWR conducted a field visit to Rold's property on February 8, 1995. We estimated that the 2 inch PVC pipe would deliver approximately 18 GPM.

On February 28, 1995, IDWR Received a letter from Bud Vanderbuilt stating that they would withdraw their protest if Mr. Rold agreed to the conditions contained on their letter.

A copy of that letter was faxed to Mr. Rold and he agreed with the letter submitted by Mr. Vanderbuilt.

The conditions listed on Mr. Vanderbuilt's letter should be imposed on the Water Right Permit when issued.

RECEIVED
MAY 2 1995

February 28, 1995

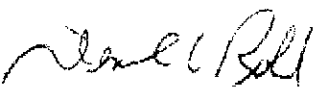
Mr. Robert G. Haynes, P.E.
Regional Manager
Department of Water Resources, Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

RE: Application No. 95-08895

Dear Mr. Haynes:

I am in agreement with the letter you faxed me today from
Bud Vanderbilt, dated February 28, 1995.

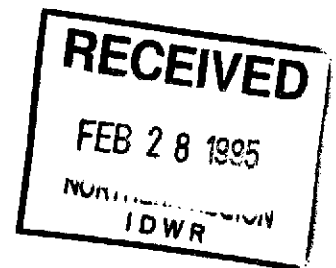
Sincerely,



Dexil C. Rold
E. 10820 Mokine Dr. Rd.
Hayden Lake ID 83833

RECEIVED

MAY 31 1995



Rt. 2, Box 247A
Hayden Lake, ID 83835
February 28, 1995

Mr. Robert G. Haynes, P.E.
Regional Manager
Department of Water Resources, Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

Ref: Application No. 95-08895

Dear Mr. Haynes:

This is in response to a request from your office regarding our January 3, 1995 community protest to the diversion of water from Nilsen Creek by Mr. Dexil Rold.

It is our understanding that Mr. Rold will be allowed to divert water from Nilsen Creek with the following limitations:

1. Only a 2" pipe will be permitted with an approximate capacity of 18 gpm.
2. The 2" pipe will be gravity fed; i.e., no pumps will be permitted to take water from Nilsen Creek.
3. In the event that the 18 gpm diversion will at any time exceed the flow in Nilsen Creek, the diversion will cease until such time as a greater flow in Nilsen Creek resumes.

We have no objection to the diversion of water from Nilsen Creek to Mr. Rold's pond provided that the above conditions are met.

Sincerely,

Bud Vanderbilt

Bud Vanderbilt

RECEIVED
MAY 31 1995

Note to File

Date: February 12, 1995

RE: Protest resolution Application for Permit #95-08895

I called Mrs. Karen Hayse to discuss what Mr. Haynes and I saw on Rold's property during our field visit February 8, 1995. Karen stated the she had no protest with Mr. Rold's filing and furthermore withdrew from her position as spokesperson of the protest group.

Karen suggested that I speak with Mrs. Vanderbuilt, as she was still concerned about the amount of water Mr. Rold diverted from Nilson Creek. During our field visit, it was estimated that Mr. Rold's diversion system would deliver 18-20 GPM. Mrs. Vanderbuilt stated she has no problem with the two inch pipe diversion, however did not feel qualified to agree to anything different than the rate of 0.01 CFS, which was agreed upon during a meeting with Rold and concerned citizens prior to my call. I asked Mrs. Vanderbuilt if she could discuss with protest group if reducing the rate to 0.04 CFS (18 GPM) and we could issue the permit with a condition that would not allow Rold to dry up Nilson Creek. Mrs. Vanderbuilt agreed that she would contact the other people concerned and they would let me know by the end of the week get me something in writing from them.

MAY 3 1995

From the TelePort of:

Dr. Karen Hayes

Date: Wednesday, February 1, 1995

Number of Pages: 1

To: Al Beardslee, Water Resources

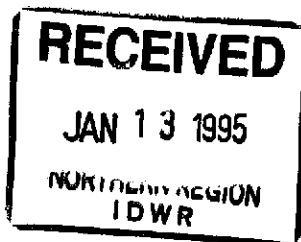
Fax Number: 769-1454

Memo:

Hello, Al. This is to confirm our phone conversation regarding the protest against permit application #95-08895 by Mr. Rold. As we discussed, a town meeting was held on 1-20-95, and all concerns were satisfied with the exception of the request for .1 cfs from Nilsen Creek. Mr. Rold indicated he meant to take that rate from his pond, not the creek, and when asked if he would amend his request to 0.01 cfs, he readily agreed. If that change is made in the application, none of the community members expressed any further concerns, and the protest would be withdrawn. Please let me know if I can be of further assistance. I apologize for the delay--I'd been told two other community members were going to contact you with this information before this time.

--Karen Hayes

MAY 3 1 1995



January 12, 1995

Dexil & Thea Rold
E. 10820 Mokins Dr. Rd.
Hayden Lake, ID 83835

Mr. Robert G. Haynes, P.E.
Regional Manager
State of Idaho
Department of Water Resources, Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615

REPLY TO NOTICE OF PROTEST

Application No. 95-08895

Dear Mr. Haynes:

On January 4, 1995, we received a Notice of Protest that was mailed from Spokane, Washington, January 3, 1995, in an anonymous envelope.

Following is our response to clarify information contained in the Protest and to explain the misunderstandings described in the document.

There are approximately 800 to 900 acres in the area where we live surrounded by Forest Service land which extends all the way to Canada and Montana. This land has both Mokins and Nilsen Creeks traversing them. This acreage was owned for years by absentee owners, so we understand that the people signing the Protest used this private property as their own for motorcycling, snowmobiling and hunting. About 4-5 years ago Idaho Forest Industries (IFI) bought this property and in 1992 we purchased 80 acres from them. The Baker family also owns approximately 50 acres in front of our property. We were the first property owners to live here for years and so the first to exercise normal property rights. IFI, until this summer, when they logged this property, did not exercise any restrictive rights because they had no reason to. Since they have logged and are preparing to reforest this area they are exercising their right to close off their land to the extent appropriate for their needs. We are enclosing copies of letters they have written specifically related to Bud Vanderbilt's cows in the area. We are also affected by the same cows so IFI has kept us informed.

We feel that the reason these people seem to be vindictive is we have altered their playground. If any of these people would have taken the time to come see us and find out who we are they probably would have seen things differently.

MAY 31 1995

We have never discussed the cow situation with the VanderBilt's ourselves. The only contact related to cows we have had is this past summer when some of his cows came through our fence (they have done it several times before) we called Bud and asked him if there was anything he would do to help. His only short answer was that it was our problem not his. We have not had the opportunity to discuss it with him since.

We moved to our property in September, 1992 and constructed the subject pond in October, 1992. One of the things which attracted us to this area and makes it pleasant to live here is the quality of people we meet whether it be business, shopping, etc. We have lived in several states and Thea has lived in several countries and have never experienced a better group of people than those we have met in North Idaho.

Going over the names on this list, there are only four people on this list that have visited us since we have been here. Bruce Christensen of Camp MiVoden came up to ask if he and others at the church camp could drive their snowmobiles through our property. We did not give him a definite answer either way, but shortly after the visit he called us back and said they found another path so he no longer wanted to go through. Not long after we moved in Bud VanderBilt asked for permission to go through to move his cows to another location. We had no problem with this and he and Mary spent two or three days driving through our property moving the cows. Mary invited us to dinner at their house and we reciprocated several weeks later. The next year Bud ask permission to again move his cows. This was after our very wet, cool summer. He decided that the path was far too wet to drive on. This year he did not ask to come through to move cows. In fact, he was the last one to lock the gate which is referred to on Page 2, item f. No one has opened or closed that gate since. This gate existed for many years before we bought the property. We have done nothing to alter it in any way.

Dexil stopped by to meet Brad Ehrlich one time and understood from this meeting they were going to ride their horses up to see us some time, but never did. Dexil also went to visit and introduce himself to Martin Mueller and his wife.

Tony Venturino stopped by December 22, 1994 at our gate with his brother-in-law to meet me and discuss the road abandonment. He was very nice, sounded very cooperative and invited us up to see them and I did the same. That is the only time I have met him, so I surely could not say I know him. I was surprised to see his name on this list. We did not even discuss the pond. I am sure he was not aware of this issue at that time.

There are very few people on this list to whom we could put a name and face. We are used to neighbors coming over and introducing themselves when we move into a new area. This did not happen here and since we are not the outgoing types we do not know these people and they could not know us. We can understand people being interested in assuring that a water diversion does not compromise their interests. Our experiences with the quality of people in Northern Idaho have been pleasant and positive so the personal attack in this protest is quite a surprise.

RECEIVED
MAY 31 1995

Since none of these people, to our knowledge, (unless they inspected it when we were not home) have not seen how this pond is built; following is a clarification:

This pond is not built in the creek bed and we are not aware of any requirements that you must ask permission to build a pond with your existing springs. We were not aware that we could not run water through our pond. We were aware that we could not use the water for irrigation without a permit and that is why we are applying. If we are wrong, please correct us. We have lived here through, what we are told has been, a record dry year. During the minimum flow on Nilsen Creek, most of the source of water above the pond does not produce enough water to reach Hayden Lake. Most of the dry year water source for Nilsen Creek comes from springs between our pond and Hayden Lake which is about two miles.

There is a 12-14" culvert that has been in this creek for years between our pond and Hayden Lake that has about a 2 foot drop to the water line at its exit which would prevent any fish from spawning above this point unless there were exceptional runoff so the fish could get through this culvert. Obviously this creek does not produce much water at the pond location since this culvert, approximately a half-mile down stream, has been handling the entire flow (including excess runoff) for years. If 100% of the flow were eliminated at the pond location this would not have any measurable effect at Mokins Slough. In fact, Nilsen Creek runs into Mokins Creek (a larger creek) before Mokins Creek enters Hayden Lake. Mokins Creek is the main source of water at this Lake entrance.

(The following numbers refer to the numbered items in the Protest letter).

No. 2 on Page 1 shows the Protestants are not aware of the pond's construction. As mentioned in the application we do not need to use 45 gallons per minute of water from the creek. The springs provide all the water we want for fire protection and irrigation. We only want a very small portion of the creek diverted through a 2" pipe to run through the pond, which is 170 ft. long, and exit back into the creek. This does not affect the creek's flow. This 2" pipe is about 200 ft. long and would only take the gravity flow of water. The only purpose for this flow is to run through the pond and keep it fresh as a natural pond. This is all we are asking for.

Since most of the people have not even seen this pond they do not understand that the pond is not in the stream bed. It is not in a 100 year flood plain. The pond is constructed near the creek not in it. The water exiting the pond travels about 100 feet before it goes back into the creek. The pipe inlet is about 200 feet from the pond. In fact, the pipe has a removable cap which can prevent the flow of water into the pond.

RECEIVED
MAY 3 1 1995

No. 3, Page 1. This pond has no effect on the flow of water into Hayden Lake at any time, unless we assume that the use of an underground spring that was not flowing before excavation affects the creek. In fact, the excavation of this spring probably enhances the stream flow as it exits the pond. If this water were ever to be used for irrigation it would be for short periods of time. We have a pump in the pond for fire protection and have run the pump for several hours to see what effect it had on the flow exiting the pond. After several hours of pumping there is still about the same flow exiting. This is the only pump that would be used for irrigation. There is very little need for dry irrigation on this property. We only want the ability to use it if and when there is a need.

No. 4. We do not know what is meant by a 4 foot dam (whether they are referring to the height or width) but since none of them have had a tour of the dam, to our knowledge, they have no idea to what they were referring. If this figure is referring to the width of the dam, there is no place where the top of the dam is less than 14 feet across. Since the bottom of the pond is almost 100% clay the base is, in effect, 20 to 30 feet across. The clay could not be moved that easily with a bulldozer so it is much wider just below the water line than originally planned. In our opinion, the only way the dam could leak is to purposely destroy it. This pond is totally immune to excess water flow from any runoff. The water source is underground springs and a 2" pipe. As mentioned before the pond is not in the creek path so excess runoff cannot get into the pond from any source. The way this pond is built is it not subject to sediment inflow at all.

No. 5. There are screens on the inlet and outlet of the pond. We have seen no evidence of spawning in the pond but we do keep a small size screen on in the summer, just in case. There is a larger screen (1/2" square) which is a permanent part of the exit. This pond works just like a natural pond. We are not aware of natural ponds polluting streams.

No. 6. This paragraph has us completely baffled. We have never greeted anyone at our property boundaries with a gun of any type. We welcome our neighbors and the few who have asked to fish or use our property have not been denied access. We do not allow hunting or motorized vehicles on our property but this applies to anyone, including our relatives. We first constructed a 3-wire fence around about 12 acres of meadow (which is the only fence we own) to keep the cows from further damaging and polluting Nilsen Creek running through our property. The fence now keeps our llamas from roaming to other peoples' property. It is not even good enough to keep Bud Vanderbilt's cows out. The gate entering our property is in the same location of the gate that was there before we bought the property. It opens and closes by pushing an electric button and is never locked.

No. 6a,b,c are correct, just worded differently than we would have hoped from neighbors.

RECEIVED
MAY 31 1995

No. 6d is completely false. We have never solicited anyone to do anything to the creek. We would not allow anyone to alter the creek in any way. It would not make much sense to ask someone else to do something we know is incorrect.

Everything we have done we felt and still feel is legal and environmentally correct. We are aware that we need a permit to use the diverted water from the creek and that is why we are applying for this permit.

No. 6e. This is, in our opinion, the only reason these people have decided to attack us as they have in this Protest. It just happened that the legal notice for this application appeared in the paper right after a public hearing to abandon the last .6 of a mile of Mokins Drive Road (we live on the end of the road). The last .6 of the road goes only through private property, Idaho Forest Industries, Bakers' and ends with us. It was not our idea to abandon the road. The Bakers are trying to split their property so their families can each build a house on their 50 acres. The Lakes Highway Dept. requires them to either convert this portion of road to private or expend a substantial sum to improve it as a county road. The Baker's asked us and IFI if we would go along with making this a private road and we both concurred. We expected no opposition since all the access to public land precedes this location. At this hearing is where the negative feelings came out. We found out that the ones who started this protest wanted access, at will, to our private properties. Even though the access involved Bakers' and IFI properties, we are the only ones living on this road at this time so we get all the blame. We are sure if the public notice would have preceded this road abandonment meeting there would have been no protest.

The signs (This Road Dead Ends on Private Property) were put there after discussing them with Mike Welling of IFI and Bruce Christensen of Camp MiVoden and, at that time, they agreed it was an excellent idea. We also discussed the signs with the Lakes Highway Dept. (and if I remember correctly I talked with Mark Soderling) who thought it was a good idea since they are not allowed to put up a dead end sign at the main road because the dead end is beyond the half-mile requirement. Mr. Welling and Mr. Christensen gave us permission to place the signs on their properties.

No. 6f. If we understand this correctly this is the cable gate referred to previously. It looks like it has been there at least 20 years or so. This is a logging road that starts a few feet on Forest Service then continues through our and IFI's property. As stated before, Bud VanderBilt was the last one to lock this gate about 18 months ago. We think he used our lock but have not verified it.

This pond enhances the natural surroundings as well as the natural habitat. It attracts and is utilized by various birds, such as great blue herons, cedar waxwings, and kingfishers. Many different types of ducks and other wildlife visit. Since we do not allow hunting and came here to appreciate the wildlife the animals are not disturbed.

RECEIVED
MAY 31 1995

We have no interest in circumventing the law or obviously we would not have applied to a public agency explaining what we have done. We are sure you will find that the pond does not affect anyone adversely and only enhances the natural surroundings. We did not move here to establish a public park but anyone who knows us (and the people on this list do not) can attest that we welcome neighbors and are happy to share what we have.

We would appreciate it if you can tell us what we need to do (if anything) to consummate this application. We welcome anyone from your group to come and see the pond so you can see the situation yourself. We apologize for the length of this reply but feel these things must be explained and placed in the public record.

We can understand why these people may be concerned about the ecological effects of diverting water related to Hayden Lake, especially when they are not aware of the construction details of this pond. We also think we understand why they are personally attacking us without knowing us. All we want is to resolve this issue.

Sincerely,



Dexil C. Rold



Thea R. Rold

cc: Allen Beardslee
Bud VanderBilt
Mike Welling, IFI

RECEIVED
MAY 31 1995

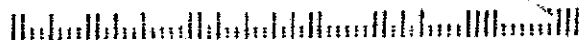
Dexil & Thea Rold
E. 10820 Makins Dr. Rd.
Hayden Lake, Id 83835



Mr. Allen Beardslee
Senior Water Resource Agent
Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615

MAY 31 1995

83814-2615 02



Application No. 95-08895

SPECIAL NOTE: \$25.00 Cash received / Receipt by do # N8525

PROTEST INFORMATION SHEET

Protestant(s)

*Spokespersons
for
list*

	NAME	ADDRESS	PROTEST DATE
1	<u>Karen Haines</u>	<u>14300 E Hayden Lake Rd</u>	<u>Hayden Lake 1/3/95</u>
2	<u>Bud VanderBilt</u>	<u>Rt 2 Box 247A Hayden Lake</u>	<u>✓</u>
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 11/7/94 PROTEST DUE DATE: 1/3/95

ISSUES: Retrospective application; depiction of low rate; diminished property values

Applicant

ATTORNEY

ADDRESS

Protest Date Entered on Computer

Acknowledgment Letters Sent

Hearing Date

DATE

1/3/94
1/6/94

(Other Dates)

Other Information: _____

Protest information submitted to computer (following hearing):

MAY 31 1995

No. a
4/87-06/92n

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # 95-08895

***** INITIAL REVIEW *****

APPLICANT: ROLD BY: AB DATE: 11/9/94

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No

PRIORITY DATE: 11/9/94

☒ (Include Moratorium Remark)

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

ADVERTISE IN: ROSTENAL 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 *****

(Yes) (No)

Checked by: _____ Date: 11/9/94

Remarks: _____

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

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes) (No)

Notice of pending void order issued. Final order response date: 11/9/94

Further information required from applicant

☒ Affidavit of publication received

☒ Application published correctly, If not, record action taken: _____

Publication dates and paper recorded on application | Sr. Agent initial _____

Protests received. Final protest date: 11/9/94

Measuring device required

Measuring port required

Special conditions: _____

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

Approval Recommended by: _____ Date: 11/9/94



1/20/95 Rold CDA
Presse

Financial consultant **Dexil C. Rold** of Hayden Lake has earned a master of science in financial services degree from the graduate school of financial services of The American College in Bryn Mawr, Pa.

The program prepares those with life insurance and financial services careers with advanced courses in pension, estate and financial planning, executive compensation, business and personal estate planning, security analysis and portfolio management and financial statement analysis.

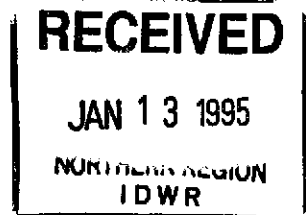
Rold spent 20 years in the independent telephone business, including as owner of his own business in New Mexico. He entered financial services in 1984, first owning a casualty agency and later specializing in financial and estate planning and income tax. He recently passed the Enrolled Agent exam.

He and his wife, **Thea**, have operated a financial services office from their home since 1985.

January 12, 1995

Dexil & Thea Rold
E. 10820 Mokins Dr. Rd.
Hayden Lake, ID 83835

Mr. Robert G. Haynes, P.E.
Regional Manager
State of Idaho
Department of Water Resources, Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615



REPLY TO NOTICE OF PROTEST

Application No. 95-08895

Dear Mr. Haynes:

On January 4, 1995, we received a Notice of Protest that was mailed from Spokane, Washington, January 3, 1995, in an anonymous envelope.

Following is our response to clarify information contained in the Protest and to explain the misunderstandings described in the document.

There are approximately 800 to 900 acres in the area where we live surrounded by Forest Service land which extends all the way to Canada and Montana. This land has both Mokins and Nilsen Creeks traversing them. This acreage was owned for years by absentee owners, so we understand that the people signing the Protest used this private property as their own for motorcycling, snowmobiling and hunting. About 4-5 years ago Idaho Forest Industries (IFI) bought this property and in 1992 we purchased 80 acres from them. The Baker family also owns approximately 50 acres in front of our property. We were the first property owners to live here for years and so the first to exercise normal property rights. IFI, until this summer, when they logged this property, did not exercise any restrictive rights because they had no reason to. Since they have logged and are preparing to reforest this area they are exercising their right to close off their land to the extent appropriate for their needs. We are enclosing copies of letters they have written specifically related to Bud Vanderbilt's cows in the area. We are also affected by the same cows so IFI has kept us informed.

We feel that the reason these people seem to be vindictive is we have altered their playground. If any of these people would have taken the time to come see us and find out who we are they probably would have seen things differently.

MAY 3 1 1995

We have never discussed the cow situation with the VanderBilt's ourselves. The only contact related to cows we have had is this past summer when some of his cows came through our fence (they have done it several times before) we called Bud and asked him if there was anything he would do to help. His only short answer was that it was our problem not his. We have not had the opportunity to discuss it with him since.

We moved to our property in September, 1992 and constructed the subject pond in October, 1992. One of the things which attracted us to this area and makes it pleasant to live here is the quality of people we meet whether it be business, shopping, etc. We have lived in several states and Thea has lived in several countries and have never experienced a better group of people than those we have met in North Idaho.

Going over the names on this list, there are only four people on this list that have visited us since we have been here. Bruce Christensen of Camp MiVoden came up to ask if he and others at the church camp could drive their snowmobiles through our property. We did not give him a definite answer either way, but shortly after the visit he called us back and said they found another path so he no longer wanted to go through. Not long after we moved in Bud VanderBilt asked for permission to go through to move his cows to another location. We had no problem with this and he and Mary spent two or three days driving through our property moving the cows. Mary invited us to dinner at their house and we reciprocated several weeks later. The next year Bud ask permission to again move his cows. This was after our very wet, cool summer. He decided that the path was far too wet to drive on. This year he did not ask to come through to move cows. In fact, he was the last one to lock the gate which is referred to on Page 2, item f. No one has opened or closed that gate since. This gate existed for many years before we bought the property. We have done nothing to alter it in any way.

Dexil stopped by to meet Brad Ehrlich one time and understood from this meeting they were going to ride their horses up to see us some time, but never did. Dexil also went to visit and introduce himself to Martin Mueller and his wife.

Tony Venturino stopped by December 22, 1994 at our gate with his brother-in-law to meet me and discuss the road abandonment. He was very nice, sounded very cooperative and invited us up to see them and I did the same. That is the only time I have met him, so I surely could not say I know him. I was surprised to see his name on this list. We did not even discuss the pond. I am sure he was not aware of this issue at that time.

There are very few people on this list to whom we could put a name and face. We are used to neighbors coming over and introducing themselves when we move into a new area. This did not happen here and since we are not the outgoing types we do not know these people and they could not know us. We can understand people being interested in assuring that a water diversion does not compromise their interests. Our experiences with the quality of people in Northern Idaho have been pleasant and positive so the personal attack in this protest is quite a surprise.

MAY 31 1995

Since none of these people, to our knowledge, (unless they inspected it when we were not home) have not seen how this pond is built; following is a clarification:

This pond is not built in the creek bed and we are not aware of any requirements that you must ask permission to build a pond with your existing springs. We were not aware that we could not run water through our pond. We were aware that we could not use the water for irrigation without a permit and that is why we are applying. If we are wrong, please correct us. We have lived here through, what we are told has been, a record dry year. During the minimum flow on Nilsen Creek, most of the source of water above the pond does not produce enough water to reach Hayden Lake. Most of the dry year water source for Nilsen Creek comes from springs between our pond and Hayden Lake which is about two miles.

There is a 12-14" culvert that has been in this creek for years between our pond and Hayden Lake that has about a 2 foot drop to the water line at its exit which would prevent any fish from spawning above this point unless there were exceptional runoff so the fish could get through this culvert. Obviously this creek does not produce much water at the pond location since this culvert, approximately a half-mile down stream, has been handling the entire flow (including excess runoff) for years. If 100% of the flow were eliminated at the pond location this would not have any measurable effect at Mokins Slough. In fact, Nilsen Creek runs into Mokins Creek (a larger creek) before Mokins Creek enters Hayden Lake. Mokins Creek is the main source of water at this Lake entrance.

(The following numbers refer to the numbered items in the Protest letter).

No. 2 on Page 1 shows the Protestants are not aware of the pond's construction. As mentioned in the application we do not need to use 45 gallons per minute of water from the creek. The springs provide all the water we want for fire protection and irrigation. We only want a very small portion of the creek diverted through a 2" pipe to run through the pond, which is 170 ft. long, and exit back into the creek. This does not affect the creek's flow. This 2" pipe is about 200 ft. long and would only take the gravity flow of water. The only purpose for this flow is to run through the pond and keep it fresh as a natural pond. This is all we are asking for.

Since most of the people have not even seen this pond they do not understand that the pond is not in the stream bed. It is not in a 100 year flood plain. The pond is constructed near the creek not in it. The water exiting the pond travels about 100 feet before it goes back into the creek. The pipe inlet is about 200 feet from the pond. In fact, the pipe has a removable cap which can prevent the flow of water into the pond.

RECEIVED
MAY 31 1995

No. 3, Page 1. This pond has no effect on the flow of water into Hayden Lake at any time, unless we assume that the use of an underground spring that was not flowing before excavation affects the creek. In fact, the excavation of this spring probably enhances the stream flow as it exits the pond. If this water were ever to be used for irrigation it would be for short periods of time. We have a pump in the pond for fire protection and have run the pump for several hours to see what effect it had on the flow exiting the pond. After several hours of pumping there is still about the same flow exiting. This is the only pump that would be used for irrigation. There is very little need for dry irrigation on this property. We only want the ability to use it if and when there is a need.

No. 4. We do not know what is meant by a 4 foot dam (whether they are referring to the height or width) but since none of them have had a tour of the dam, to our knowledge, they have no idea to what they were referring. If this figure is referring to the width of the dam, there is no place where the top of the dam is less than 14 feet across. Since the bottom of the pond is almost 100% clay the base is, in effect, 20 to 30 feet across. The clay could not be moved that easily with a bulldozer so it is much wider just below the water line than originally planned. In our opinion, the only way the dam could leak is to purposely destroy it. This pond is totally immune to excess water flow from any runoff. The water source is underground springs and a 2" pipe. As mentioned before the pond is not in the creek path so excess runoff cannot get into the pond from any source. The way this pond is built is it not subject to sediment inflow at all.

No. 5. There are screens on the inlet and outlet of the pond. We have seen no evidence of spawning in the pond but we do keep a small size screen on in the summer, just in case. There is a larger screen (1/2" square) which is a permanent part of the exit. This pond works just like a natural pond. We are not aware of natural ponds polluting streams.

No. 6. This paragraph has us completely baffled. We have never greeted anyone at our property boundaries with a gun of any type. We welcome our neighbors and the few who have asked to fish or use our property have not been denied access. We do not allow hunting or motorized vehicles on our property but this applies to anyone, including our relatives. We first constructed a 3-wire fence around about 12 acres of meadow (which is the only fence we own) to keep the cows from further damaging and polluting Nilsen Creek running through our property. The fence now keeps our llamas from roaming to other peoples' property. It is not even good enough to keep Bud VanderBilt's cows out. The gate entering our property is in the same location of the gate that was there before we bought the property. It opens and closes by pushing an electric button and is never locked.

No. 6a,b,c are correct, just worded differently than we would have hoped from neighbors.

MAY 31 1995

No. 6d is completely false. We have never solicited anyone to do anything to the creek. We would not allow anyone to alter the creek in any way. It would not make much sense to ask someone else to do something we know is incorrect.

Everything we have done we felt and still feel is legal and environmentally correct. We are aware that we need a permit to use the diverted water from the creek and that is why we are applying for this permit.

No. 6e. This is, in our opinion, the only reason these people have decided to attack us as they have in this Protest. It just happened that the legal notice for this application appeared in the paper right after a public hearing to abandon the last .6 of a mile of Mokins Drive Road (we live on the end of the road). The last .6 of the road goes only through private property, Idaho Forest Industries, Bakers' and ends with us. It was not our idea to abandon the road. The Bakers are trying to split their property so their families can each build a house on their 50 acres. The Lakes Highway Dept. requires them to either convert this portion of road to private or expend a substantial sum to improve it as a county road. The Baker's asked us and IFI if we would go along with making this a private road and we both concurred. We expected no opposition since all the access to public land precedes this location. At this hearing is where the negative feelings came out. We found out that the ones who started this protest wanted access, at will, to our private properties. Even though the access involved Bakers' and IFI properties, we are the only ones living on this road at this time so we get all the blame. We are sure if the public notice would have preceded this road abandonment meeting there would have been no protest.

The signs (This Road Dead Ends on Private Property) were put there after discussing them with Mike Welling of IFI and Bruce Christensen of Camp MiVoden and, at that time, they agreed it was an excellent idea. We also discussed the signs with the Lakes Highway Dept. (and if I remember correctly I talked with Mark Soderling) who thought it was a good idea since they are not allowed to put up a dead end sign at the main road because the dead end is beyond the half-mile requirement. Mr. Welling and Mr. Christensen gave us permission to place the signs on their properties.

No. 6f. If we understand this correctly this is the cable gate referred to previously. It looks like it has been there at least 20 years or so. This is a logging road that starts a few feet on Forest Service then continues through our and IFI's property. As stated before, Bud VanderBilt was the last one to lock this gate about 18 months ago. We think he used our lock but have not verified it.

This pond enhances the natural surroundings as well as the natural habitat. It attracts and is utilized by various birds, such as great blue herons, cedar waxwings, and kingfishers. Many different types of ducks and other wildlife visit. Since we do not allow hunting and came here to appreciate the wildlife the animals are not disturbed.

MAY 31 1995

We have no interest in circumventing the law or obviously we would not have applied to a public agency explaining what we have done. We are sure you will find that the pond does not affect anyone adversely and only enhances the natural surroundings. We did not move here to establish a public park but anyone who knows us (and the people on this list do not) can attest that we welcome neighbors and are happy to share what we have.

We would appreciate it if you can tell us what we need to do (if anything) to consummate this application. We welcome anyone from your group to come and see the pond so you can see the situation yourself. We apologize for the length of this reply but feel these things must be explained and placed in the public record.

We can understand why these people may be concerned about the ecological effects of diverting water related to Hayden Lake, especially when they are not aware of the construction details of this pond. We also think we understand why they are personally attacking us without knowing us. All we want is to resolve this issue.

Sincerely,



Dexil C. Rold



Thea R. Rold

cc: Allen Beardslee
Bud VanderBilt
Mike Welling, IFI

MAY 31 1995

AUG 23 1994



IDAHO FOREST INDUSTRIES, INC.

August 24, 1994

Don Bright
District Ranger
Fernan Ranger District
Coeur d'Alene, Idaho 83814

RECEIVED

JAN 13 1995

NORTHWESTERN
IDWR

Re: Vanderbilt Grazing Lease

Dear Don,

Attached is a letter that was sent to Buddy Vanderbilt concerning his grazing lease with the Forest Service in the Nilsen and Hudlow Creek drainages. The letter is pretty self-explanatory.

We do not know the size of his lease in the Hudlow area, but it is extensive. The Nilsen portion produces very little forage. In fact, the cows spend almost the entire time on IFI ground and in the neighboring fields. They have become a nuisance, and we have got very little cooperation from Mr. Vanderbilt. There is very little forage on this Forest Service ground and it is becoming less productive as the timber in the area continues to decay which results in more travel restrictions throughout the area.

Could you please inform us of the avenues we must take to attempt to discontinue this lease in the Nilsen Creek area? We are aware of open range laws, and we are aware that his family has leased this area for many years. We, the neighbors, recognize this and some have even taken the extra precautions to protect themselves, but to no avail as the cows storm through their fences. Of course, IFI's major concern is our plantations. Even if we can discontinue the lease in this area until our trees reach a manageable height, we would be satisfied.

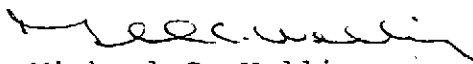
We are now in the process of salvaging the south side of the creek. There is another 300 acres in this area, where we are going to have to interplant to restock with healthy species. We cannot have these cows continuing to cause havoc with these trees. The Forest Service's ground in Nilsen Creek is not of major importance to his major lease and should be either eliminated or modified to protect the surrounding landowners.

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IFI is not against grazing leases. We actually have leases on some of our properties, but we do control these leases when we anticipate problems with plantations, creeks or other management objectives. If we have special areas, our lease holders are required to fence the cows into areas where forage is available to prevent interference with other management objectives.

Again, please inform us of the necessary steps we must take.

Sincerely,
IDAHO FOREST INDUSTRIES, INC.


Michael C. Welling
Vice President-Resource

cc: Buddy Vanderbilt
Jim English
Dexil Rold

MAY 31 1995

AUG 26 1994



IDAHO FOREST INDUSTRIES, INC.

August 24, 1994

Buddy Vanderbilt
Rt. 2 Box 247A
Hayden Lake, Idaho 83835

Re: Grazing IFI Land

Dear Buddy,

We had a little problem that has grown into a much bigger problem. We have discussed with you several times about your cows wandering onto IFI lands, which has been replanted this spring. As you are aware, we salvaged the dead and dying timber from some of the old Kirking property last year. The rate of harvest was higher than our normal levels because of the high rate of root rot mortality. In order to counter this we planted thousands of root rot resistant species to restock this land. We spoke to you last year, even before we logged, and asked you to control your cows in order to give the seedlings a chance to grow. We thought we had a positive response from you.

Nonetheless, this spring you trucked 8-10 cows over the cattle guard which separates your property from the Forest Service and turned them loose. For a while they maintained themselves in the pastures along the road, which is almost entirely IFI ground, but then they gravitated up into the logged areas and did severe damage to our plantations, to our roads and culverts, and to the areas around the creek. This is not a good neighbor policy.

It has now got to the point that they have even busted through the fence at the Rold ranch and caused severe problems there. This also seems to be a yearly occurrence. I know that Mr. Rold and the other neighbors up there have also asked for but not received much cooperation with these cows.

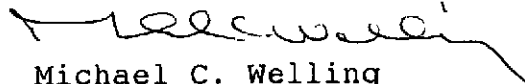
In our case, we only asked for a little help and received none. We are aware of the open range policy, but there has to be some cooperation in this matter.

We know you hold the major Forest Service lease in the Hudlow area. This is good summer range for your cows and you really don't need the 320 acres that you got leased in Nilsen Creek. Frankly there is little or no feed on this area and the only good range is on IFI ground. But if you can't control the cows, we can't have them on our ground.

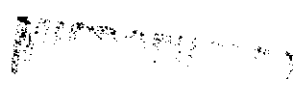
MAY 31 1995

With this in mind, we have no choice but to petition the Forest Service to discontinue your lease on the 320 acres. We did not notice any of your cows on this 320 acres during the entire year. You seem to be using this lease only as an avenue to get to the better forage on our ground. We do not mind the cows using this pasture forage, but uncontrolled, the loss of our plantations and the damage to the roads and creeks is something we cannot accept, especially when we thought we would get some cooperation this year.

Sincerely,
IDAHO FOREST INDUSTRIES, INC.


Michael C. Welling
Vice President-Resource

cc: Jim English
Don Bright
Dexil Rold


MAY 31 1995



IDAHO FOREST INDUSTRIES, INC.

November 14, 1994

Buddy Vanderbilt
Rt 2, Box 247A
Hayden Lake, Idaho 83835

Re: Grazing IFI Land

I'm sorry that I did not get back to you quicker than this. But I'm glad we had a chance to discuss our problems with reference to your cows and our trees. As you know we finished logging all the Kirking property this fall and this spring we will be planting about another 100,000 seedlings to facilitate the future forest. Again because of the decadent and stagnated condition of the old existing stand we had to cut this stand heavily than usual which required the heavy planting program.

As we discussed we have to do something to control the cows, or we will be in a situation where neither one of us want to be.

You had a great idea. It was your idea to finish fencing the 160 that we own to the west of the Forest Service and confine your cows in this area for the period of time necessary for the seedlings to prosper. This may well be 3-5 years.

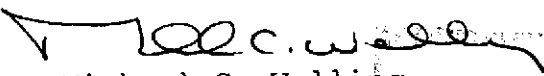
We thought this was a good compromise and we agreed that if you will do the actual fencing of this property that IFI will furnish part of the cost of the materials.

Hopefully this will correct the situation that we have in this area with the cows wandering on the adjacent ownerships.

We are aware that you still have this property leased for several years yet, so it is important to work out solutions like this in the future for the sake of all of us concerned.

I have now talked to Mr. Rold and the Forest Service, and they feel that this is a step in the right direction. We are looking forward to working with you on this project.

Sincerely,
IDAHO FOREST INDUSTRIES, INC.


Michael C. Welling
Vice President-Resource

cc: Dexil Rold
Don Bright-Fernan Ranger Station

MAY 31 1995



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 6, 1995

Dexil C. Rold
E. 10820 Mokins Drive Road
Hayden Lake, ID 83835

Re: Application to Appropriate Public Waters No. 95-08895 - Dexil Rold:

Dear Mr. Rold:

Enclosed is a copy of a protest filed against the approval of the above referenced application 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

MAY 3 1 1995



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 6, 1995

Dr. Karen Hayes
14300 E. Hayden Lake Road
Hayden Lake, ID 83835

and

Mr. Bud VanderBilt
Rt. 2 Box 247A
Hayden Lake, ID 83835

Re: Application to Appropriate Public Waters No. 95-08895

Dear Dr. Hayes and Mr. VanderBilt:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. 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):

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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

MAILED
MAY 31 1995

State of Idaho
Department of Water Resources
NOTICE OF PROTEST

Received 1/3/95
Receipt # N 008525
\$25.00 Cash

Matter being protested:

Permit application number 95-08895, in the name of Dexil C. Rold, a retrospective application for water rights already taken

Name of protestant:

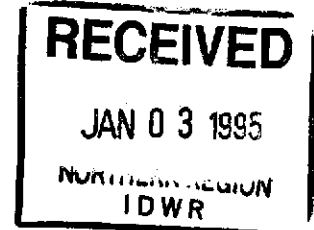
See signature page (pages 3 and 4 of 4) for complete list, which includes but is not limited to the following names, listed alphabetically:

Tom and Angela Alexander
Bruce Christensen, manager, Camp MiVoden
Brad and Josie Ehrlich
Jim and Sandy Haskins
Cecil and Marialys Hathaway
Dan and Karen Hayes

Bud and Mary VanderBilt
Bill Vineyard

Ross and Sheryn Welburn

*(deleted names of
individuals not
available for signatures
in time for the deadline)*



Designated spokesperson for the group:

Dr. Karen Hayes
14300 E. Hayden Lake Road
Hayden Lake, ID 83835
772-0856

alternate: Mr. Bud VanderBilt
Rt 2 Box 247A
Hayden Lake, ID 83835
772-7297

Basis of protest:

We feel that the intent of this retrospective application is not consistent with the public interest, that it interferes with existing water rights, and that the water supply is not sufficient for both the intended diversion's flow rate and continued year-round existence of Nilsen Creek. The following observations support these issues.

•1. Nilsen Creek is a spawning creek, supporting Cutthroat and Rainbow Trout and other species. Diversion of waters sufficient to significantly deplete flow rate, diversion of fish into the illegally excavated pond, and increased sediment and suspended organic material in the creek waters distal to the illegally excavated pond, all threaten to interfere with spawning activities as well as water quality in downstream Nilsen Creek and Hayden Lake.

•2. The flow rate applied for, which amounts to a maximum of 45 gallons of water per minute, could completely deplete Nilsen Creek during the dry months of normal rainfall years, drought conditions notwithstanding, and significantly curtail the flow rate during higher water times of the year, both of which have a negative impact on, and possibly eliminate, wildlife habitat, including (but not limited to) the spawning Cutthroat and Rainbow Trout and other species of fish indigenous to that actively spawning stream.

•3. Residents at Mokins Slough face diminished property values if flow of water into Hayden Lake decreases sufficiently to cause receding of the shoreline from their residences, and any diversion of Nilsen Creek is not in their best interest.

•4. We have reason to doubt that the excavation and construction of the pond itself, with its 4 foot dam made with added fill, is mechanically sufficient, or even properly engineered, to withstand the forces of an above-average precipitation year or spring thaw flooding (both of which are common to this area). Failure of the structure would place

JAN 31 1995

private and public lands, the county road, and Hayden Lake at risk of acute and significant damage from erosion and/or increased sedimentation and/or increased fertilizer load.

•5. We have reason to believe Mr. Rold has illegally stocked this non-permitted pond with fish. If these fish are capable of reproducing, their fry may already have infiltrated the existing population of Hayden Lake, to its detriment. Furthermore, any fish populations in that pond, whether from illegal stocking or from naturally present fish diverted into the pond from Nilsen Creek, will cause accumulation of fertilizer that further threatens the health of downstream waters, including Hayden Lake.

•6. Numerous reports suggest that the applicant has a penchant for fences, padlocks, and greeting people who are within shouting distance of his boundaries with a 9 mm pistol. We have no quarrel with Mr. Rold's desire for privacy and seclusion. However, previous incidences of uncooperative or hostile behavior suggest that it could be difficult to ascertain whether the current, illegal water diversion system and the excavated pond have been properly constructed, and it also makes it difficult to monitor their maintenance, regarding the safety and health of the environment. Nevertheless, Mr. Rold's history in this community would suggest that such monitoring would be in the public's best interest, to wit:

a. The permit application was not made until two years after the pond was constructed.

b. The permit states that the illegal pond totals 2 acre-feet. However, Rold has boasted that the pond is 15 feet deep, which would call the permit's figures into question.

c. No permit was sought from Fish and Game before stocking the pond with fish, and Mr. Rold has boasted to several local residents that they are encouraged to fish from his pond, as the fish have become "way too big."

d. Mr. Rold previously solicited the service of a local heavy machinery operator to excavate and widen Nilsen Creek in order to increase the flow rate, and when the operator indicated that the Soil Conservation District might object, Mr. Rold responded to the effect that nobody would know until it was too late.

e. Mr. Rold recently attempted to have Mokins Drive Road, a public, county road that leads to his property, closed to the public in an attempt to further sequester public lands for his own private use at the exclusion of the public. He has posted large signs along this public, county road on property belonging to Camp MiVoden and on National Forest land, stating, "This road dead ends on private property," in an attempt to intimidate public use of this public road.

f. Mr. Rold has erected barriers on properties that he does not own, such as a cable and padlock blocking access to Ohio Match Road via Forest Road 206.

Relief being sought:

1. Removal of the offending pond and water diversion system. If a pond is still desired by the applicant, we request that the applicant make a re-application following the proper and legal channels prior to construction, solicit and adhere to USDA Soil Conservation Service design specs, and utilize existing ground springs for water source rather than the limited and public waters of Nilsen Creek.

2. Alternatively, immediate inspection of the existing pond and water diversion system by the following individuals selected and approved by the protestants:

- a. a certified soil conservation technician and surface water hydrodynamics expert
- b. a representative of the Idaho Division of Environmental Quality
- c. a fish and wildlife biologist
- d. a designated representative of the above named protestants;

and the correction within 30 days by Mr. Rold, at his own expense, of deficiencies found in the system by these individuals, subject to their written approval; and follow-up inspections every year during the spring thaw, the late summer-early fall dry period, and at two other times at the protestants' discretion, to ensure that Nilsen Creek's flow rate

MAY 31 1995

downstream of Mr. Rold's facility is sufficient to support its indigenous wildlife, that the pond's structure is physically capable of withstanding the pressures of high water from spring thaw and heavy rainfall, and that the screening system to protect spawning fish is functioning properly; and, further, a written affidavit from Mr. Rold stating that any public or private lands damaged as a result of his pond and water diversion system will be repaired to original condition at Mr. Rold's expense; and that any further exploitation of public resources by Mr. Rold be sought via proper and legal channels prior to construction so that objections can be considered and resolved as provided for by the law before irreparable damage is done to resources that belong to the public.

We certify that a copy of this protest has been sent to the applicant by the date below. We acknowledge that if our designated representative or a suitable alternate fails to appear at any regularly scheduled conference or hearing in the matter of which said representative has been notified at the address above, the department may issue a notice of proposed default against us in this matter for failure to appear.

Signed this 3rd day of January, 1995.

Karen E. N. Hayes 14300 E. Hayden Lk Rd Hayden Lk, ID
address: 83835

Daniel S. Hayes 14300 E Hayden Lk Rd Hayden Lk, ID
address: 83835

Thomas P. Alexander 14904 N. TRIANGLE 7 RD. HAYDEN LK, ID.
address: 83835

Angie Alexander 14904 N. Triangle 7 Rd Hayden LK, ID
address: 83835

Journal A. Palmer Route 2, Box 210 Hayden Lake Idaho
address:

Bernice Palmer Rte 2 Box 210 Hayden Lake Id
address:

Pamela L.M. Thorne 14900 Triangle 7 Rd, Hayden Id.
address:

Dane J. Hossley 15200 Triangle 7 Rd Hayden Lake ID
address:

Kay L. Hossley address:

Marilyn S. Morris 13900 E. HAYDEN LAKE CO.
address:

Brad Ehrlich 13550 E. Hayden Lake Rd
address:

Jane Ehrlich address:

MAY 31 1995

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<u>Ross Welburn</u> ROSS WELBURN	12345 Gem shore Rd Hayden lake address:
<u>Sheryn Welburn</u> SHERYN WELBURN	12345 Gem shores Rd. Hayden 83835 address:
<u>Roger J Henderson</u> (Henderson)	12295 N Hayden Rd Hayden Id 83835 address:
<u>James E Haskins</u> JAMES E HASKINS	RR2 Box 256 Hayden Lake, ID 83835 address: (8620 E. HAYDEN LK Rd)
<u>Sandra J Haskins</u> SANDRA J HASKINS	" " address:
<u>Blair L Christensen</u>	12295 N. Hayden Rd. Hayden Id. 83835 address:
<u>Archie R Bohn</u> ARCHIE R BOHN	RT 2 Box 257-A Hayden Lake Id address:
<u>Sally E Bohn</u> SALLY E BOHN	Rt 2 Box 257-A Hayden Lake 83835 address:
<u>Emil W. Hathaway</u>	12442 E. Hayden Lake Rd, Hayden 83835 address:
<u>Mary Alice Hathaway</u>	12442 E. Hayden Lk. Rd., Hayden address: LK. 83835
<u>James J Boyes</u>	14455 E Hayden Lake Rd., Hayden Lake address: Idaho 83835
<u>Robert J Hammond</u>	E 14455 Hayden Lake Rd. Hayden Lake address: Id. 83835
<u>William F Vineyard</u>	E 12500 Hayden Lake Rd Hayden Lake Id address: 83835
<u>Charles R Mitten</u>	10455 Hillview Dr. Hayden LK. ID address: 83835
<u>William R Vineyard</u>	E553 Cloverleaf Dr. Hyd n LK ID address: 83835
<u>Thomas R Vineyard</u>	1800 Lake View Ln. 83814 address:
<u>Lena Mitten</u>	10455 N. Hillview Dr. H.L. ID. address: 83835

MAY 31 1995

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MAY 31 1995



IDAHO FISH & GAME

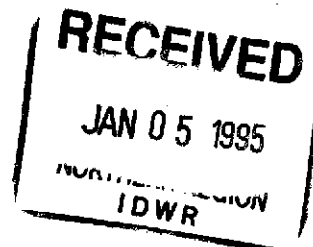
PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho
83814

Phone (208) 769-1414 • Fax (208) 769-1418

Phil Batt / Governor
Jerry M. Conley / Director

January 3, 1995

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



Dear Bob:

REFERENCE: 95-08895 ROLD/NILSEN CREEK

On December 6, 1994 we sent a letter to you regarding the above referenced water right application. Since that time, new information about the proposed diversion has been provided to us. Neighboring property owners have indicated a pond and diversion structure have already been constructed, and that fish have been stocked in the pond. Neighbors have also indicated a reduction in stream flow during irrigation seasons since construction of the pond.

Given the nature of this information, we believe postponement of a decision to grant this permit is appropriate. Delaying the decision would allow us and other appropriate agencies to assess the current situation to determine whether it actually presents a significant threat to the Hayden Lake fishery or the lake's water quality.

If in fact the pond has been stocked, for instance, there is potential for disease being transferred to wild fish, hybridization, or introduction of undesirable fish. No fish pond permit has been applied for or approved for Mr. Rold by this Department. Fish pond permits are issued to ensure private fish will not negatively impact publicly owned fishery resources. Failure to attain a fish pond permit prior to stocking a pond is a violation of Idaho Code.

Please advise us if our request for a postponement can be granted, as we would like the opportunity to review and investigate the new information.

Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: CO Walker
Ned Horner

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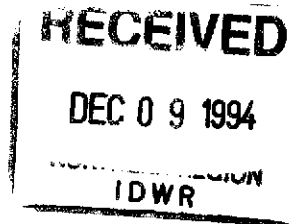


IDAHO FISH & GAME

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83814

Phone (208) 769-1414 • Fax (208) 769-1418

Cecil D. Andrus / Governor
Jerry M. Conley / Director



December 6, 1994

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

Dear Bob:

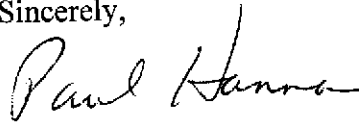
REFERENCE: 95-08895 ROLD/NILSEN CREEK

We have reviewed Mr. Rold's water right application to divert 0.1 cfs from Nilsen Creek.

We have no objection to this proposal provided diversion structures are in compliance with Idaho Code Section 36-906, which requires screening to prevent loss of juvenile fish from the stream to the diversion, and that upstream migration not be impeded by diversion structures. Nilsen Creek is a spawning tributary for fish from Hayden Lake.

Thanks for the opportunity to comment.

Sincerely,

for 
David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Natural Resource Policy Bureau

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MAY 31 1995



RECEIVED AFFIDAVIT OF PUBLICATION

DEC 23 1994

NORTHERN REGION
IDWR

STATE OF IDAHO, } ss.
County of Kootenai, }

Ken Alexander

being first duly sworn upon oath deposes and says:

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

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

3. The *Legal Notice*

of which the annexed is a printed copy, was published in the regular *THURS.* issue of said newspaper for *2* consecutive *WEEKS* commencing on the *15th* day of *December*, 19*94*, and ending on the *22nd* day of *December*, 19*94*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

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

Ken Alexander

Subscribed and sworn to before me this *22nd* day of *December*

19 *94*

Roberta Manley

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

ROBERTA MANLEY

Commission expires *2-5-99*

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-08895 *OK*

ROLD, DEXIL C
E 10820 MOKINS DRIVE RD
HAYDEN LAKE, ID 83835
Source: NILSON CREEK
Tributary: HAYDEN LAKE
Diversion Pt: SENE Sec 1 T 51N R 03W in
KOOTENAI County.

Use: IRRIGATION (100 CFS)
IRRIGATION STORAGE (2.00 AF)
IRRIGATION FROM
STORAGE (2.00 AF)
STOCKWATER STORAGE (2.00 AF)
STOCKWATER FROM
STORAGE (2.00 AF)
FIRE PROTECTION
STORAGE (2.00 AF)
FIRE PROTECT. FROM
STORAGE (2.00 AF)
AESTHETIC (100 CFS)
WILDLIFE STORAGE (2.00 AF)
STOCKWATER (100 CFS)
WILDLIFE (100 CFS)
WILDLIFE FROM
STORAGE (2.00 AF)
AESTHETIC STORAGE (2.00 AF)
FIRE PROTECTION (100 CFS)
Total Diversion: (100 CFS) (2.00 AF)

Date Filed: 11/9/1994

In: KOOTENAI County

T51N R03W S01 SENE

15.0 ACRES TOTAL

95-08834 *OK*

CITY OF SPIRIT LAKE
P O BOX 309
SPIRIT LAKE, ID 83869
Source: GROUNDWATER
Diversion Pt: NESWSE Sec 5 T 53N R
04W in KOOTENAI County.

Use: MUNICIPAL (2.000 CFS)
Total Diversion: (2.000 CFS)

Date Filed: 11/23/1994

In: KOOTENAI County

Place of use is within the city limits and service area of the city of Spirit Lake.

For additional information concerning 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 JANUARY 3, 1995.

R. KEITH HIGGINSON, Director

Legal 139

Dec. 15, 22, 1994

MESSAGE CONFIDENTIAL

NO DISTRIBUTE

DEC-29-'94 FRI 09:22

MAY 3 1 1995

Post-It® Fax Note	7671	Date	12/9/94	# of pages	1
To	Robert	From	Dianne Ball		
Co./Dept.	CAA Press Composing	Co./Dept.	Id. Dept. Water Res.		
Phone #	664-8176	Phone #	769-1450		
Fax #	664-0211	Fax #	769-1454		

208 759 1454
208 769 1454

1-888

ID	DEFI	105-1
208 654 0212	105-1	105-1

to add Tot. Div (2.00 AF)

95-08895

ROLD, DEXIL C
E 10820 MOKINS DRIVE RD
HAYDEN LAKE, ID 83835

Source: NILSON CREEK

Tributary: HAYDEN LAKE

Diversion Pt: SENE Sec 1 T 51N R 03W in KOOTENAI County.

Use: IRRIGATION	(.100 CFS)	
IRRIGATION STORAGE		(2.00 AF)
IRRIGATION FROM STORAGE		(2.00 AF)
STOCKWATER STORAGE		(2.00 AF)
STOCKWATER FROM STORAGE		(2.00 AF)
FIRE PROTECTION STORAGE		(2.00 AF)
FIRE PROTECT. FROM STOR		(2.00 AF)
AESTHETIC	(.100 CFS)	
WILDLIFE STORAGE		(2.00 AF)
STOCKWATER	(.100 CFS)	
WILDLIFE	(.100 CFS)	
WILDLIFE FROM STORAGE		(2.00 AF)
AESTHETIC STORAGE		(2.00 AF)
FIRE PROTECTION	(.100 CFS)	
Total Diversion:	(.100 CFS)	(2.00 AF)

Date Filed: 11/ 9/1994

In: KOOTENAI County
T51N R03W S01 SENE

15.0 ACRES TOTAL

MAY 31 1995



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 28, 1994

Dexil C. Rold
E. 10820 Mokins Dr. Rd.
Hayden Lake, ID 83835

Subject: Water Appropriation Application for Permit Number 95-08895

Dear Mr. Rold:

The Idaho Department of Water Resources hereby acknowledges receipt of the above-referenced Application for Permit to appropriate the Public Waters of the State of Idaho. Enclosed is Receipt Number N008432. Please refer to your Application for Permit Number in future matters concerning this water right application.

Your Application for Permit is currently being prepared for advertising in the local county newspaper. The advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for submittal of protests.

If your application is not protested, it will be forwarded to Boise for processing. Normal processing time is approximately 3 to 4 months, if the application is not protested. If your Application for Permit is protested, 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 your Application for Permit can be approved. If the protest is not resolved, 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 your Application for Permit is for a well (groundwater) that was constructed after July 1, 1987, you must apply for a well drilling permit upon approval of your Application for Permit if no permit was obtained by previous owners to construct the well. Well Drilling Permits can only be issued by this office to holders of approved Applications for Permit.

If I can be of further assistance, please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resource Agent
Enc. - Receipt

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NOV 29 1995

DEXIL C. ROLD
THEA R. ROLD

3280

WR#95-08895

DATE	INVOICE NO	COMMENT
11/07/94	110794	

AMOUNT
50.00

PAID
MAY 31 1995

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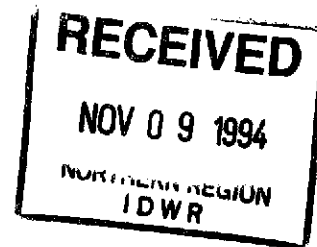
NOV 09 1994

NOV 09 1994
IDWR

CHECK: 003280 11/07/94 Idaho Dept. of Water Resources

CHK TOTAL:

50.00



November 7, 1994

Mr. Al Beardslee
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

Dear Mr. Beardslee:

Enclosed is my application for permit and a check for \$50.00 for the fee.

Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dexil C. Rold".

Dexil C. Rold
E. 10820 Mokins Dr. Rd.
Hayden Lake ID 83835

772-6426

Enclosures

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