

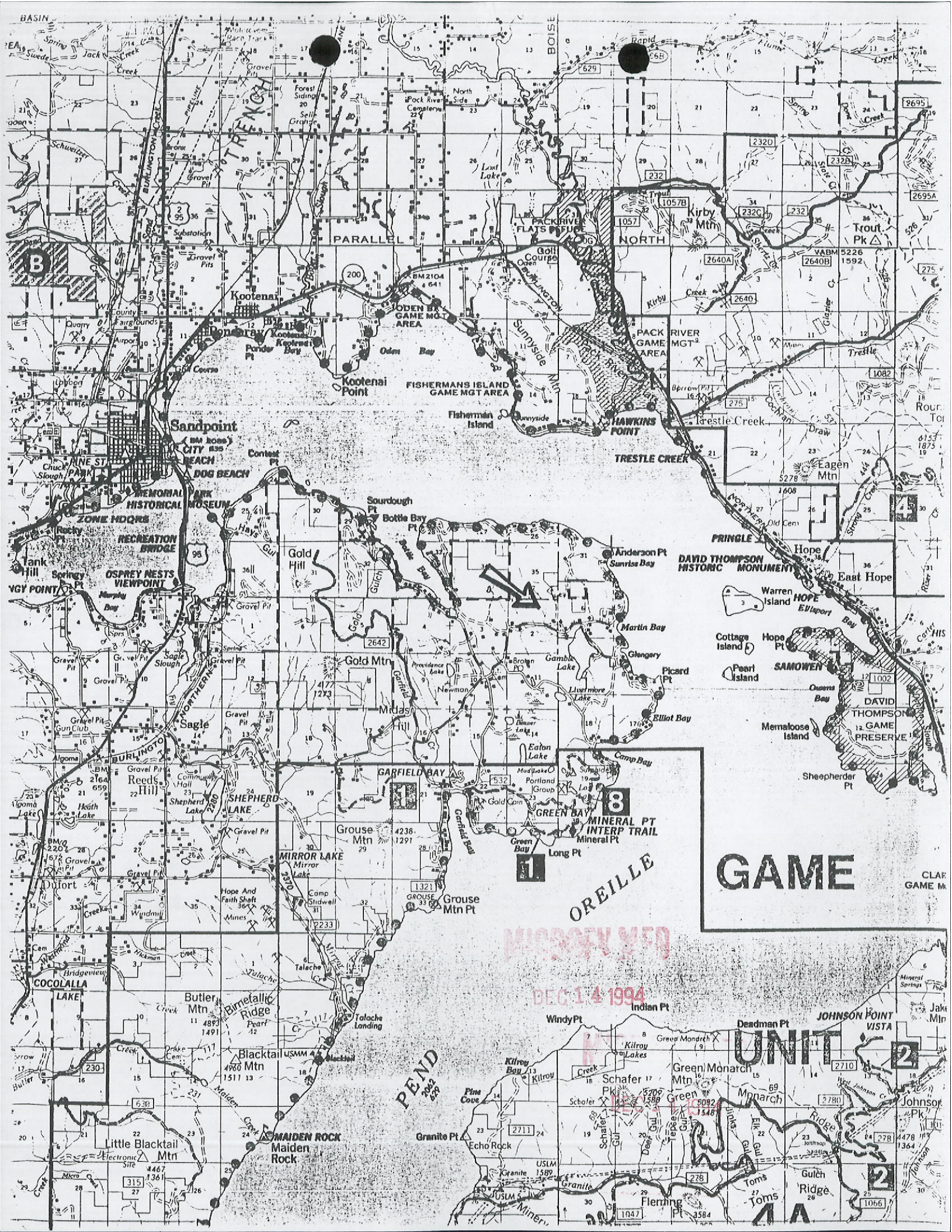
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Omid Sattarwala 6/24/93
(Applicant)

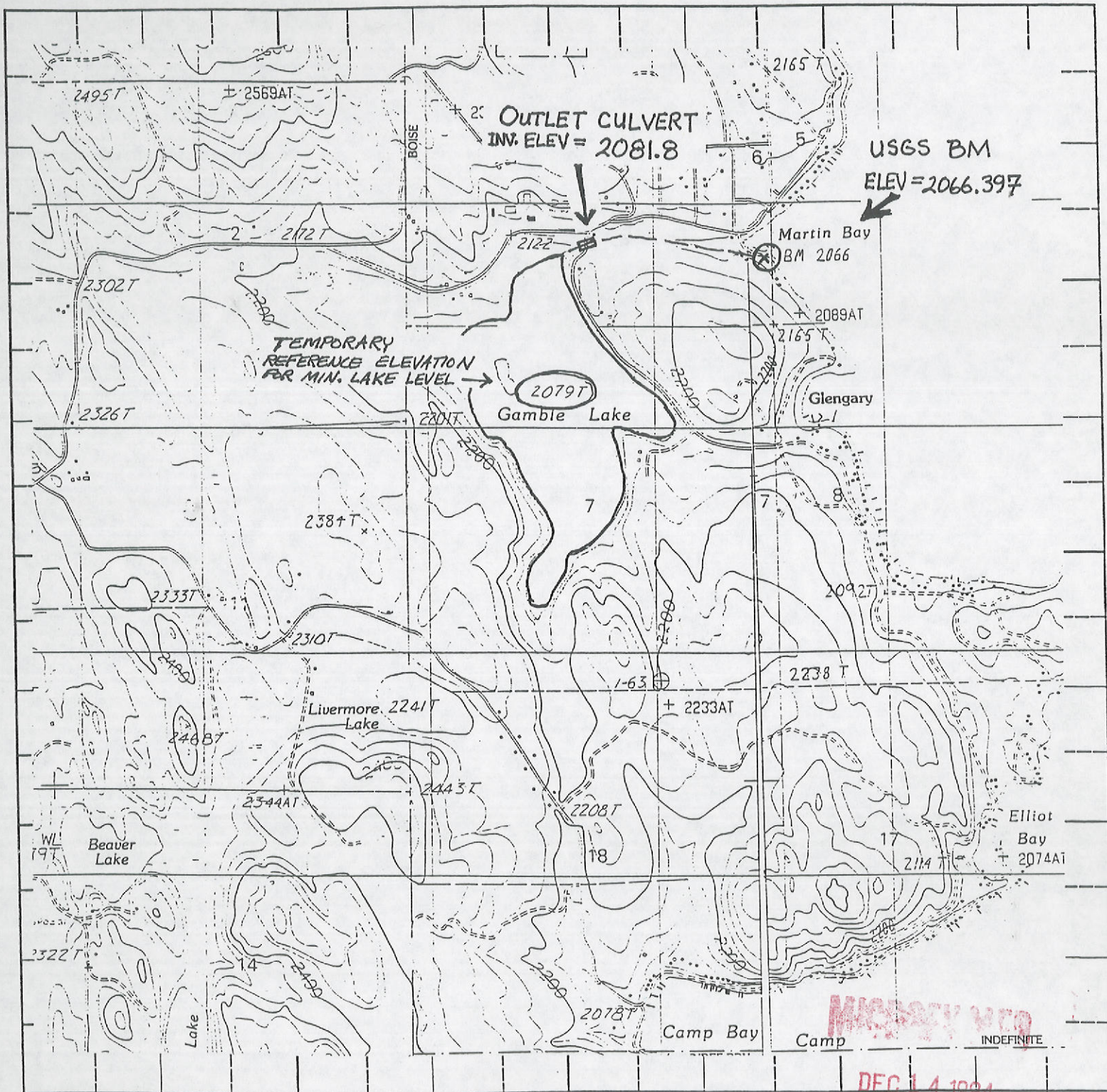


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

116° 22' 30"
48° 15'
5344,000mN 547,000mE



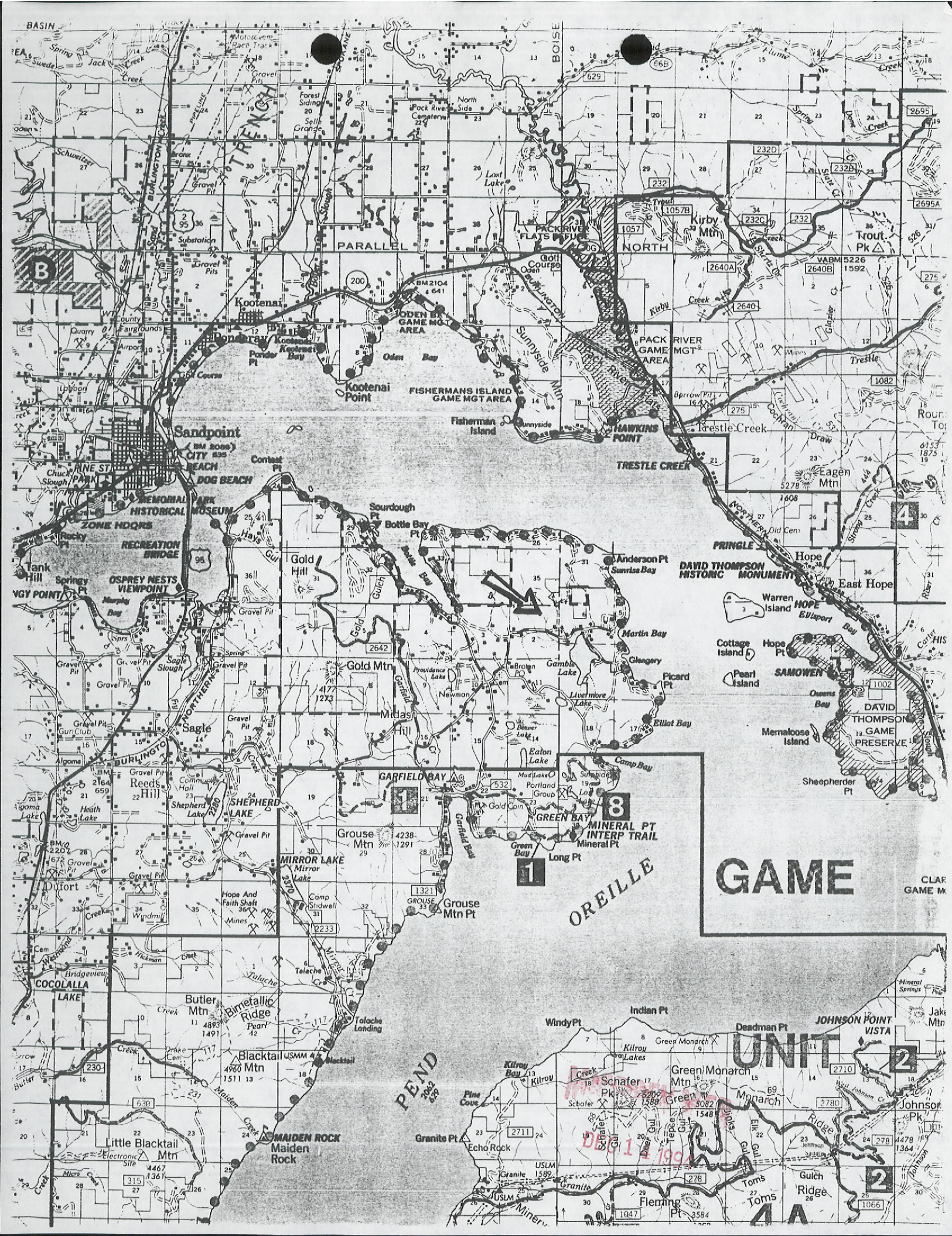
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BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Omid Sattarwala 6/24/93
(Applicant)



GAME

CLAR
GAME M

OREILLE

UNIT

PEND

UNIT

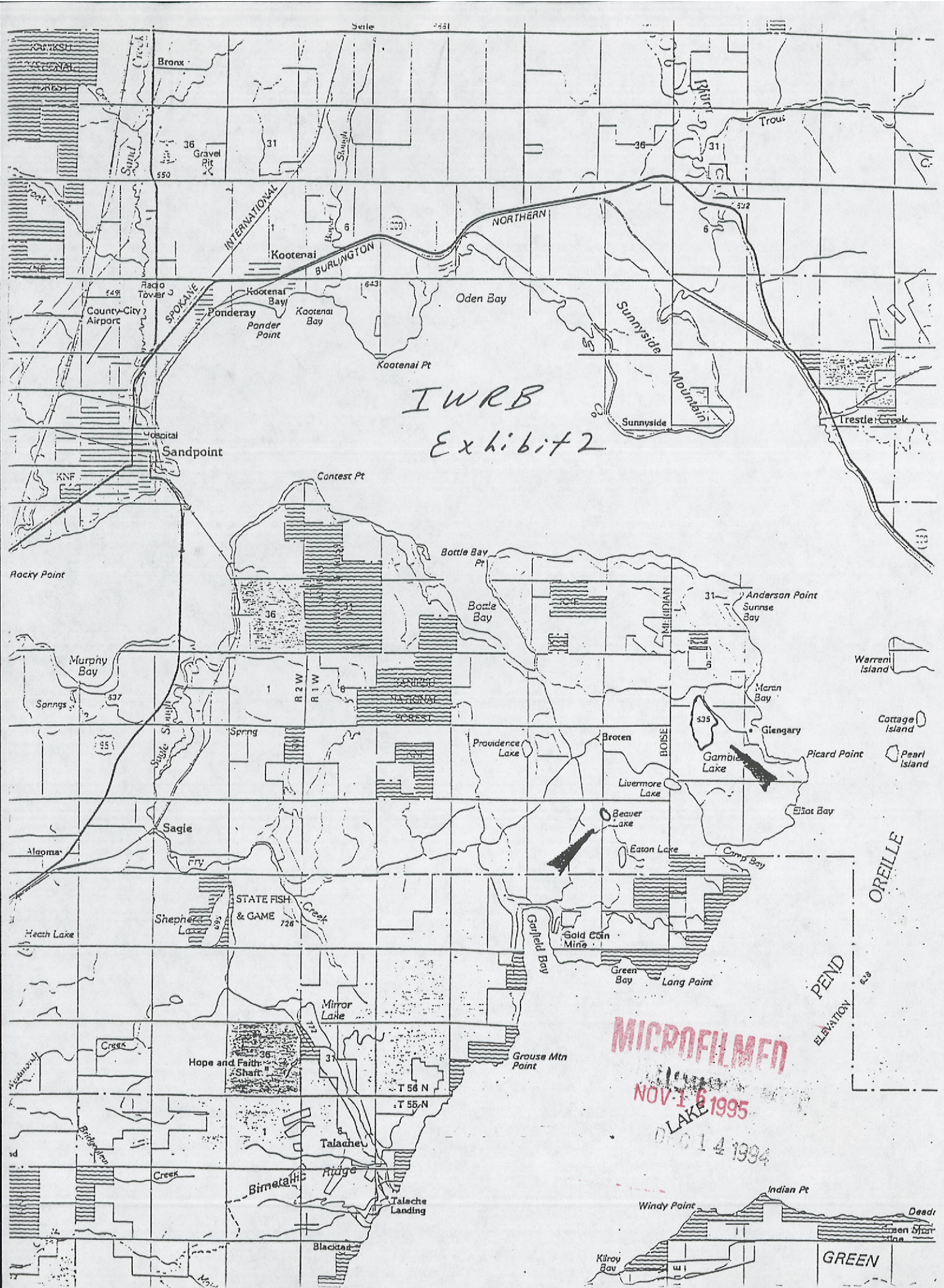
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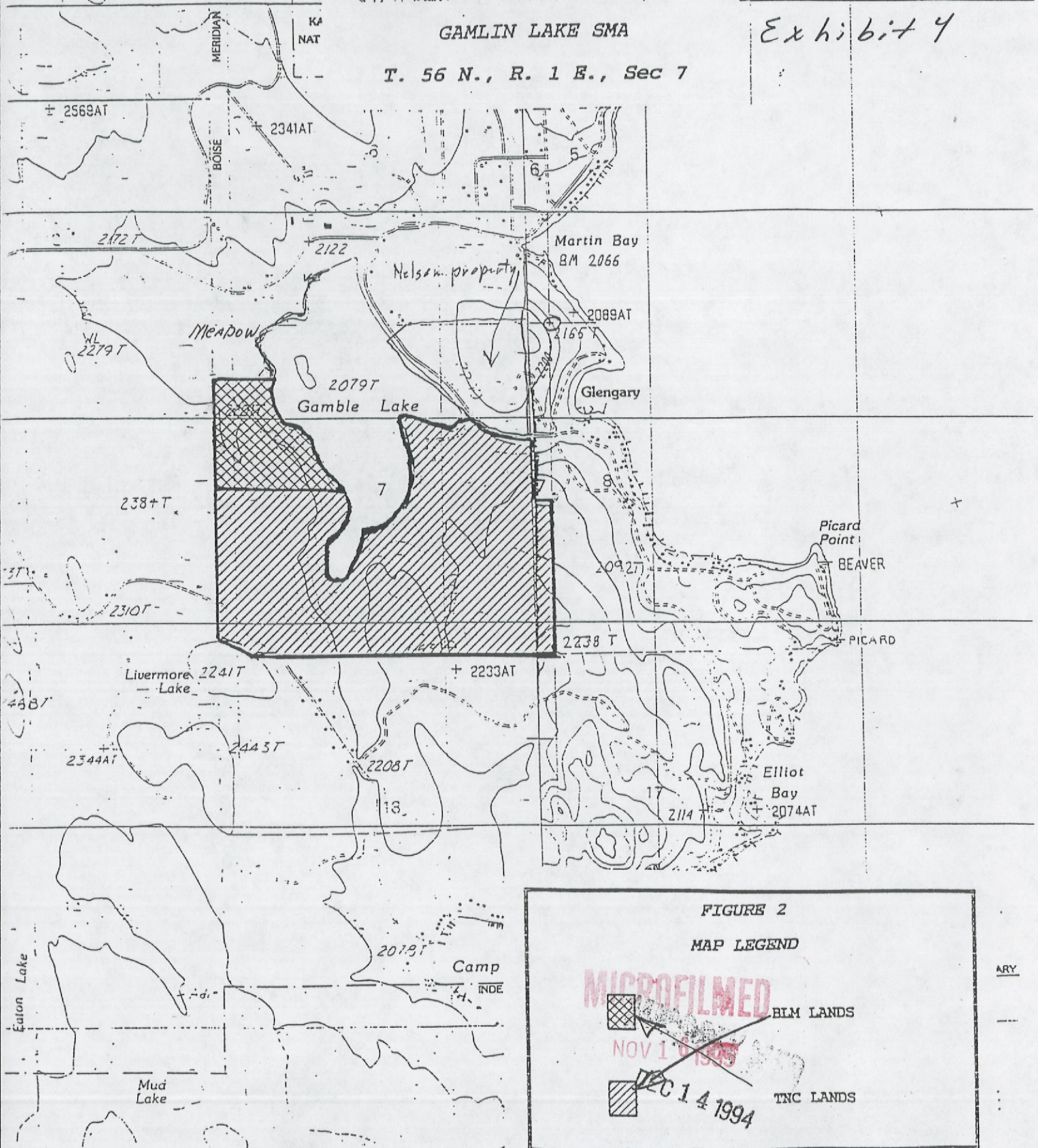
* Mile
130

TWRB

Exhibit 4

GAMLIN LAKE SMA

T. 56 N., R. 1 E., Sec 7



field sketch of Gamlin Lake outlet culvert
with attached plate. 9/30/94

9/30/94 Steinson

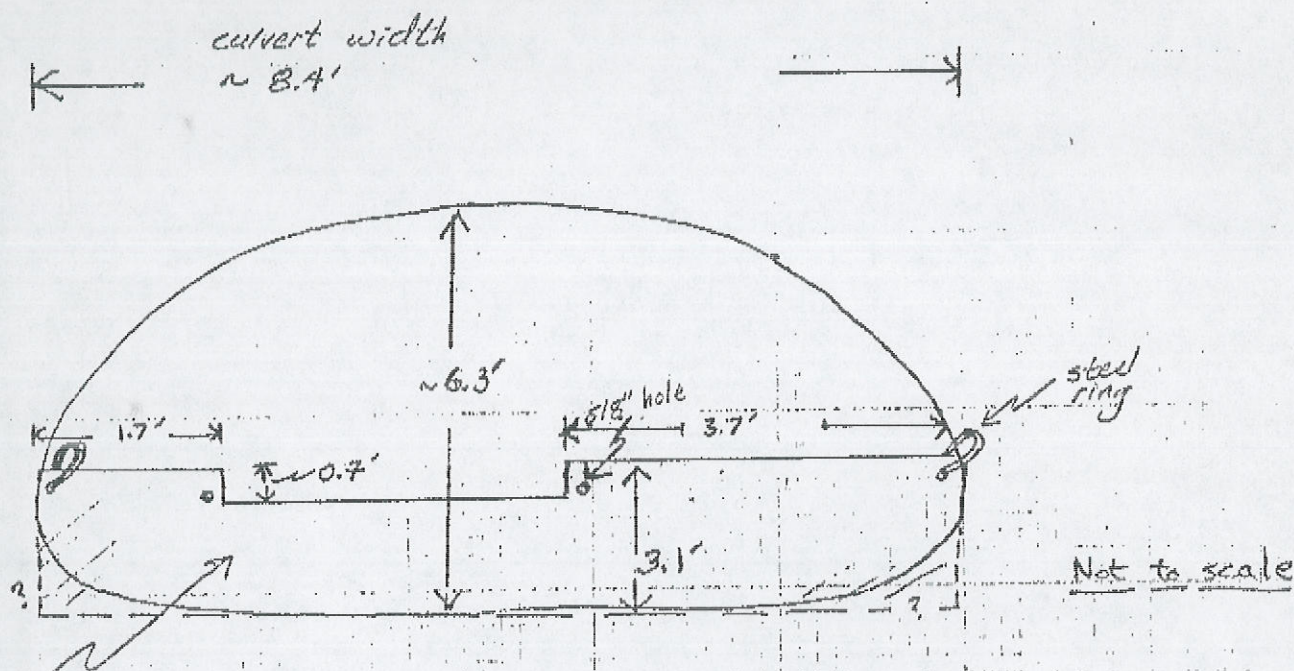
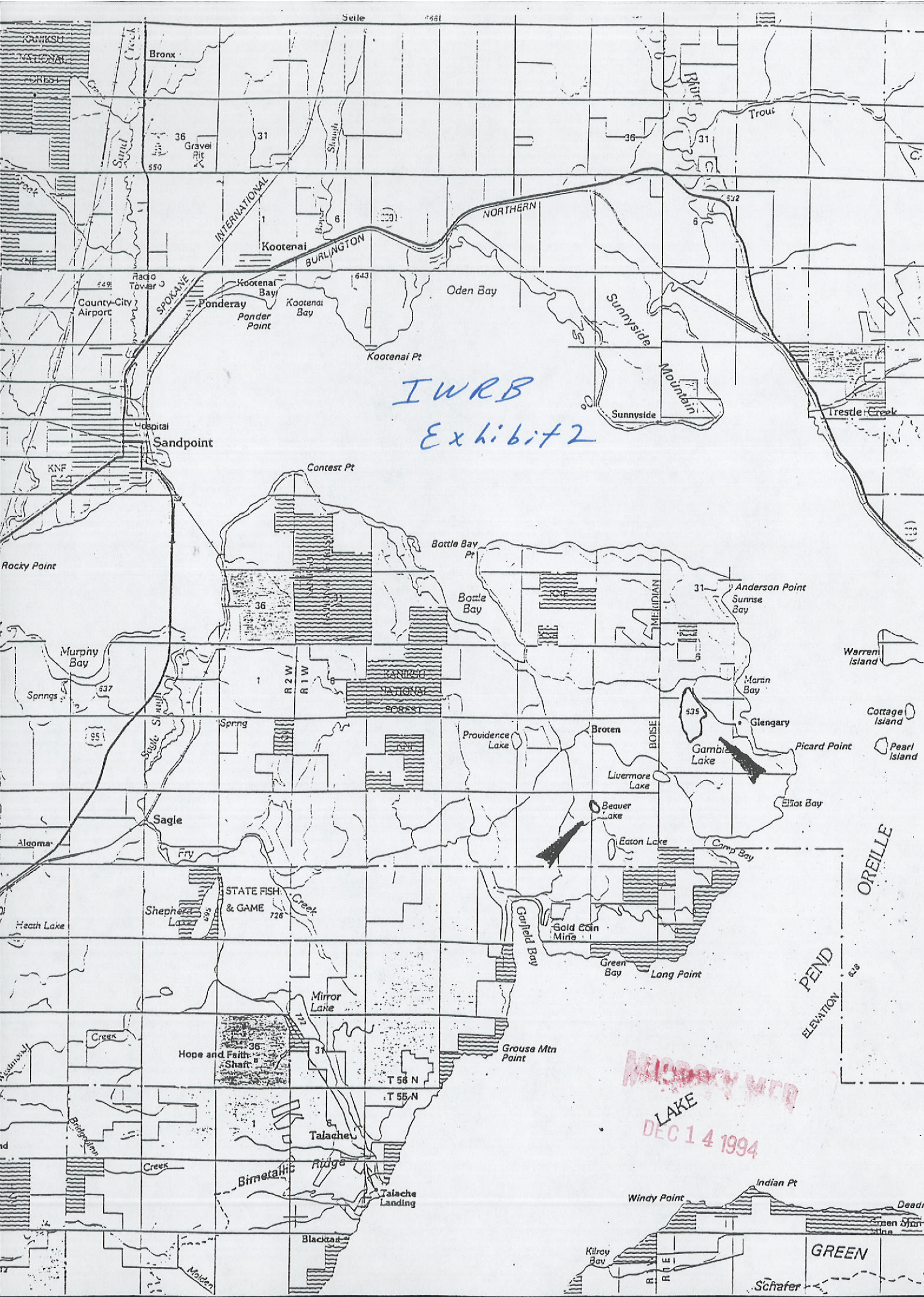


plate is $\frac{1}{2}$ " steel,
with rings attached on both ends,
apparently to allow for removal

plate is $\sim 3.1'$ above the culvert inlet;
the notch is off-centered and $\sim 0.7'$ deep $\times$ $3.0'$ wide

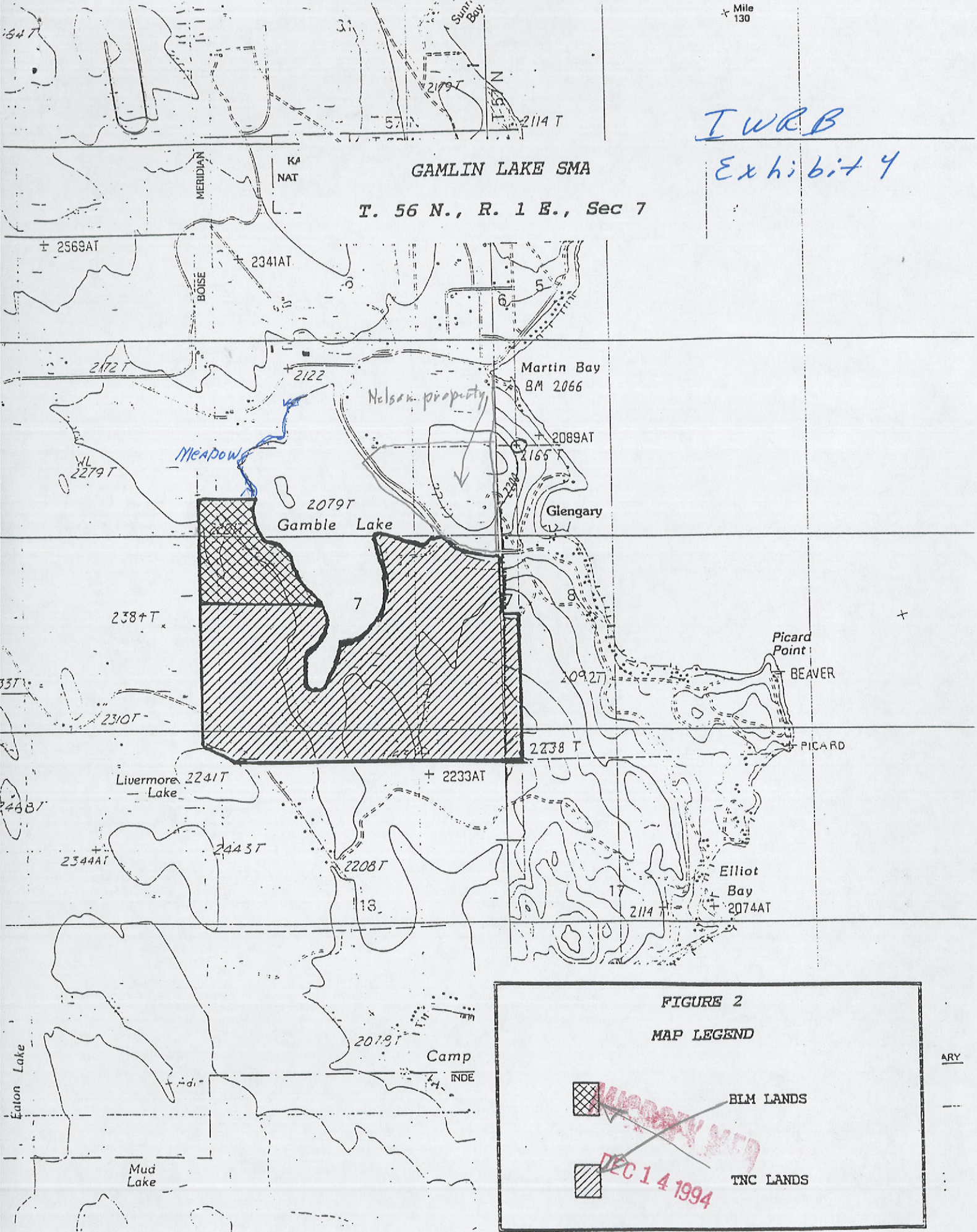
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DEC 14 1994



IWRB
Exhibit 4

T. 56 N., R. 1 E., Sec 7



Proposal to
change lake level
from 2079.0 to
2081.8 - per memo
of 3/11/54 (Beal)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08764

Priority: June 24, 1993

Minimum Lake Level: 2081.8 FT

This is to certify, that STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE

BOISE ID 83720-0098 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 24, 1993; and
has submitted Proof of Beneficial Use on August 16, 1995. A minimum lake level for

GAMBLE LAKE

tributary to SINKS

has been established as follows:

BENEFICIAL USE

LAKE LEVEL MAINTENANCE

PERIOD OF USE

01/01 to 12/31

MINIMUM LAKE LEVEL

2081.8 FEET ABOVE SEA LEVEL

LOCATION:

Sec. 6, Township 56N, Range 01E

Sec. 7, Township 56N, Range 01E

BONNER County

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. This minimum lake level of 2081.8 feet above mean sea level shall be subject to future domestic and stockwater development from groundwater sources tributary to the lake for use within the surface water drainage area of Gamble Lake, where such domestic and stockwater use is within the limitations of Section 42-111, Idaho Code.
3. Upon further finding and order of the Director that gauging stations or additional elevation markers are required to maintain the approved minimum lake level, such measuring devices or markers shall be permanently installed and maintained as specified by the Director.
4. The Director retains jurisdiction, as described herein, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

NOV 16 1995

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

WATER RIGHT NO. 96-08764

CONDITIONS OF APPROVAL AND REMARKS

5. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than 06/24/1993.
6. This minimum lake level is for preserving aesthetics, recreational opportunities, and wildlife values.
7. This minimum lake level is for Gamble Lake, located in Sections 6 and 7, T56N, R1E.

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 24TH
day of OCTOBER, 1995.

Acting for

KARL J. DREHER, Director

NOV 2 6 1995

RECEIVED

AUG 16 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 96-08764 Telephone No. 208-327-7910

2. Name(s) of Permit Holder(s): Idaho Water Resource Board

3. Mailing Address: 1301 N. Orchard St., P.O. Box 83720-0098, Boise, ID 83720-0098

4. Source of Water: Gamble Lake If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____

b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): _____ Other: Minimum Stream Flow (Lake Level)

6. Total rate of diversion and/or volume for which proof is submitted: 2081.8 ft³ cfs OR _____ acre feet
MSL

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No X
Has the measurement port been installed? Yes _____ or No X

8. Fee Enclosed: \$ _____ (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: N/A Telephone Number: _____

Address: _____

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: *Carol Ann* (include your title, if on behalf of company or organization) 6-1-95

NOV 16 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08764

Proposed Priority: June 24, 1993

Minimum Lake Level: 2081.8 FT

This is to certify, that **STATE OF IDAHO**
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

has applied for a minimum lake level in:

GAMBLE LAKE

tributary of **SINKS**

and a permit is **APPROVED** as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>MINIMUM LAKE LEVEL</u>
LAKE LEVEL MAINTENANCE	01/01 to 12/31	2081.8 FEET ABOVE SEA LEVEL

LOCATION: Sec. 6, Township 56N, Range 01E
Sec. 7, Township 56N, Range 01E

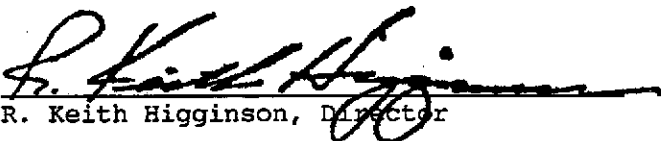
BONNER County

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1999**.
2. See conditions of approval listed in Recommended Order dated 11/07/94.

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

6th day of December, 19 94.


R. Keith Higginson, Director

RECEIVED

DEC 14 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 96-08764 (GAMBLE LAKE))
TO ESTABLISH A MINIMUM LAKE LEVEL)
IN THE NAME OF THE IDAHO WATER)
RESOURCE BOARD)
_____)

FINAL ORDER ADOPTING
RECOMMENDED ORDER

WHEREAS, a Recommended Order in the above-captioned matter
has been issued and a copy served on the parties;

WHEREAS; more than twenty-one days have passed since the
service of the Recommended Order; and,

WHEREAS; no exception to that Recommended Order has been
received,

IT IS, THEREFORE, HEREBY ORDERED that said Recommended Order
be adopted and issued as the Final Order, and Application for
Permit No. 96-08764 is APPROVED.

Dated this 6th day of December, 1994.



R. KEITH HIGGINSON,
Director

RECEIVED

DEC 14 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
PERMIT NO. 96-08764 GAMBLE	)	
LAKE TO ESTABLISH A MINIMUM	)	RECOMMENDED
LAKE LEVEL IN THE NAME OF THE	)	ORDER
IDAHO WATER RESOURCE BOARD	)	
	)	

On September 22, 1994, the Idaho Department of Water Resources (department) conducted a hearing to determine whether an application for permit to appropriate water, numbered in the department records as 96-08764, should be approved or rejected. The application seeks to establish a minimum lake level of 2081.8 feet above mean sea level for Gamble Lake, located in Bonner County, Idaho.

Notice of the application for minimum lake level and the hearing was published locally in the Sandpoint Daily Bee and statewide in newspapers published in Lewiston, Boise, Twin Falls, and Idaho Falls. Letters were sent to the holders of water rights from Gamble Lake and tributaries advising them of the application and the hearing. Department staff presented information at the hearing explaining the Board's application for permit.

The following persons or entities filed notices of appearance and participated in the hearing as parties:

- Idaho Department of Fish and Game through its attorney, Dallas Burkhalter, and employees Cindy Robertson and Pat Cole
- U.S. Bureau of Land Management through Mike Stevenson
- Mrs. Ray (Sue) Goodner

The following individuals provided public interest testimony:

- Mrs. Scott Engstrom
- Mr. Harvey Nelson
- Mrs. Harvey Nelson
- Mr. Don Davis

The hearing record was left open until October 3, 1994, for submission of written public interest comments. Eight letters were received, all supporting approval of the application.

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The evidence having been taken, and the record having closed, the hearing officer, as a representative of the Director of the Department of Water Resources, proposes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Application for permit No. 96-08764 proposes establishment of a minimum lake level as follows:

Minimum Lake Level	2081.8 feet above mean sea level
Location	Gamble Lake, located in Sections 6 and 7 of Township 56 North, Range 1 East, Boise Meridian, Bonner County, Idaho.
Purpose	Minimum lake level to preserve aesthetics, recreational opportunities, and wildlife values.
Location of elevation control	Upstream end of culvert on outlet located in the SE1/4, SW1/4 of Section 6, Township 56 North, Range 1 East, Boise Meridian.
Priority Date	June 24, 1993

2. Gamble Lake is a natural body of water covering an area of about 170 acres. The lake is located approximately one-half mile west of Pend Oreille Lake. Water from Gamble Lake flows to Pend Oreille Lake through a small, unnamed stream that enters Pend Oreille Lake at Martin Bay. Gamble Lake is also locally known as "Gamlin" and "Gamblin" Lake. Several public witnesses expressed a preference for "Gamlin" because that was the name of an owner of land surrounding the lake at the time the area was first settled. The department recognizes the geographical names as designated by the U.S. Geological Survey as shown on the topographic maps, and will use "Gamble" until officially changed by the USGS.

3. The U.S. Bureau of Land Management (BLM) administers several hundred acres of land encompassing most of the southern end of Gamble Lake. BLM requested the Board to request a minimum lake level for Gamble Lake to preserve the lake for public use.

4. The application as initially filed indicated that the minimum lake level requested was the bottom of the culvert located on the outlet channel at the north end of the lake. The application indicated that this point was at elevation 2079 feet above mean sea level. A subsequent survey conducted on behalf of BLM determined that this point had an elevation of 2081.8 feet above mean sea level and a permanent elevation reference marker was established about 50 feet northwest of the culvert. By letter dated February 24,

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1994, BLM asked that the application be clarified to include the accurate elevation and further requested that because the intent of the application had not changed that this clarification not require a new filing or an amendment to the initial application.

5. The natural elevation of the outlet of Gamble Lake has been extensively altered. The outlet channel was deepened to lower the water level and drain the surrounding land. Beaver dams in the channel have been removed periodically, and the culvert in the outlet channel over which the county road passes has altered the level of the lake. Most recently, a metal plate has been placed in front of the culvert to raise the lake level above the bottom of the culvert. The requested minimum lake level is about 2.4 feet lower than a notch in the plate blocking the culvert inlet.

6. Representatives from BLM, Idaho Department of Fish and Game, and several public witnesses testified that maintaining the level of the lake as requested is important to protect fish and wildlife values, public and private recreation and aesthetic purposes. The testimony indicated that Gamble Lake is a popular fishery for mixed warm water species. The lake provides water fowl hunting opportunities and is a popular wildlife viewing area. In addition to the warm water fishery and waterfowl habitat, the lake supports furbearers, shorebirds and song birds.

7. Mrs. Ray Goodner expressed concern that the lake has been operated at a level that floods surrounding property. She supported maintenance of the lake level at the bottom of the outlet culvert (the requested level), but objected to having the level increased by the plate across the bottom of the culvert. This plate was installed several years ago by a wateruser.

8. Harvey Nelson testified that lake levels above that requested adversely affect maintenance of the county road on the north end of the lake. Mr. Nelson also requested that the lake level be lowered temporarily to allow a survey marker submerged in the northwest part of the lake to be located.

9. Agency personnel testified that the requested lake level would result in somewhat less habitat, particularly wetlands, than exist with the plate in place across the culvert, but the habitat would be adequate for the purposes requested.

10. Seven water rights are listed in the department records with Gamble Lake or a tributary indicated as the source. The total diversion under these rights is 0.40 cfs. All of the rights have priorities earlier than the application for minimum lake level.

CONCLUSIONS OF LAW

1. Section 42-1501, Idaho Code, provides that stream flow preservation for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation,

DEC 14 1994

and water quality, when made pursuant to the minimum stream flow statutes, is in the public interest and is declared to be a beneficial use of such water.

2. Section 42-1502, Idaho Code defines minimum stream flow as follows:

(f) "Minimum stream flow" means the minimum flow of water in cubic feet per second of time or minimum lake level in feet above mean sea level required to protect the fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of a stream in the public interest;

(emphasis added)

3. Section 42-1503, Idaho Code, sets forth the criteria to be considered by the department in reviewing an application for minimum stream flow (lake level):

Upon the conclusion of the hearings and completion of any investigation conducted by the Director, he shall enter his findings in writing approving the application in full, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon the findings that such appropriation of minimum stream flow:

- (a) will not interfere with any vested right, permit, or water right application with priority of right earlier than the date of receipt in the office of the Director of a complete application for appropriation of minimum stream flow filed under provisions of this act;
- (b) is in the public, as opposed to the private interest;
- (c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;
- (d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and
- (e) is capable of being maintained as evidenced by records of stream flows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

4. Any right acquired under this application is for instream (in lake) nonconsumptive use and is subject to all vested water rights, permits, or water right applications having dates of priority earlier than the filing date of the application set forth in the Findings of Fact.

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5. A limited amount of additional use for domestic and stockwater purposes within the basin is anticipated and should not be prevented by the establishment of a minimum lake level. Such uses will not adversely affect the public values for which the minimum lake level is sought.

6. Establishment of a minimum lake level for Gamble Lake is in the public interest. Public and agency witnesses stated that the requested level is necessary to protect public values. Without such protection, there is a possibility of future applications for water rights to withdraw water from below elevation 2081.8 feet which would not be in the public interest.

7. The minimum lake level sought is necessary for the preservation of fish and wildlife habitat, aquatic life, and recreation values.

8. The minimum lake level sought is the minimum lake level necessary to protect the public purposes described in the application and is not the ideal or most desirable level. It is apparent that higher levels would produce more habitat, but the higher levels could contribute to flooding of adjacent private lands and could adversely affect maintenance of the county road.

9. The minimum lake level sought is capable of being maintained.

10. The minimum lake level sought will not interfere with any vested water right, permit, or water right application.

ORDER

IT IS HEREBY ORDERED that application for permit No. 96-08764 is APPROVED subject to the following conditions:

1. This minimum lake level shall be subject to future domestic and stockwater development from ground water sources tributary to the lake for use within the surface water drainage area of Gamble Lake, where such domestic and stockwater use is within the limitations of Section 42-111, Idaho Code.

2. The Director retains jurisdiction, as described herein, to review and amend any and all parameters of this permit and any subsequent license. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the permit or subsequent license should be amended in the public interest. The burden of proof at the

DEC 14 1994

hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the permit or license would be in the public interest.

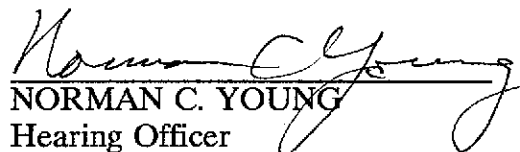
3. Use of water under this permit shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than June 24, 1993, for application for permit No. 96-08764.

4. Use of water under this permit shall be nonconsumptive.

5. Upon further finding and order of the Director that gauging stations or additional elevation markers are required to maintain the approved minimum lake level, such measuring devices or markers shall be permanently installed and maintained as specified by the Director.

6. Proof of instream beneficial use of the minimum lake level may be submitted immediately upon legislative approval of the permit, but shall be submitted no later than March 1, 1999.

DATED this 7TH day of November, 1994.


NORMAN C. YOUNG
Hearing Officer

DEC 14 1994

RECEIVED
JUN 24 1993
Department of Water Resources

Ident. No. 96-8764

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone 327-7910

Post office address Statehouse, Boise, ID 83720

2. Source of water supply Gamble Lake which is a tributary of Sinks
Minimum Lake Level

3. Location of point of diversion is _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____

Sec. 6 & 7 Township 56N Range 1E B.M. Bonner County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount _____ for Minimum Lake purposes from 01-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) Level - Estimate 2079.0 feet above sea level.

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

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

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

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? NO

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

Well was drilled for (well owner) _____

JUN 14 1994

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

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Minumum lake level to preserve aesthetics, recreational opportunities, and wildlife values.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
56N	1E	6											*	*					
56N	1E	7		*	*		*	*	*	*	*			*		*			

* RWJ

Total number of acres to be irrigated _____

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

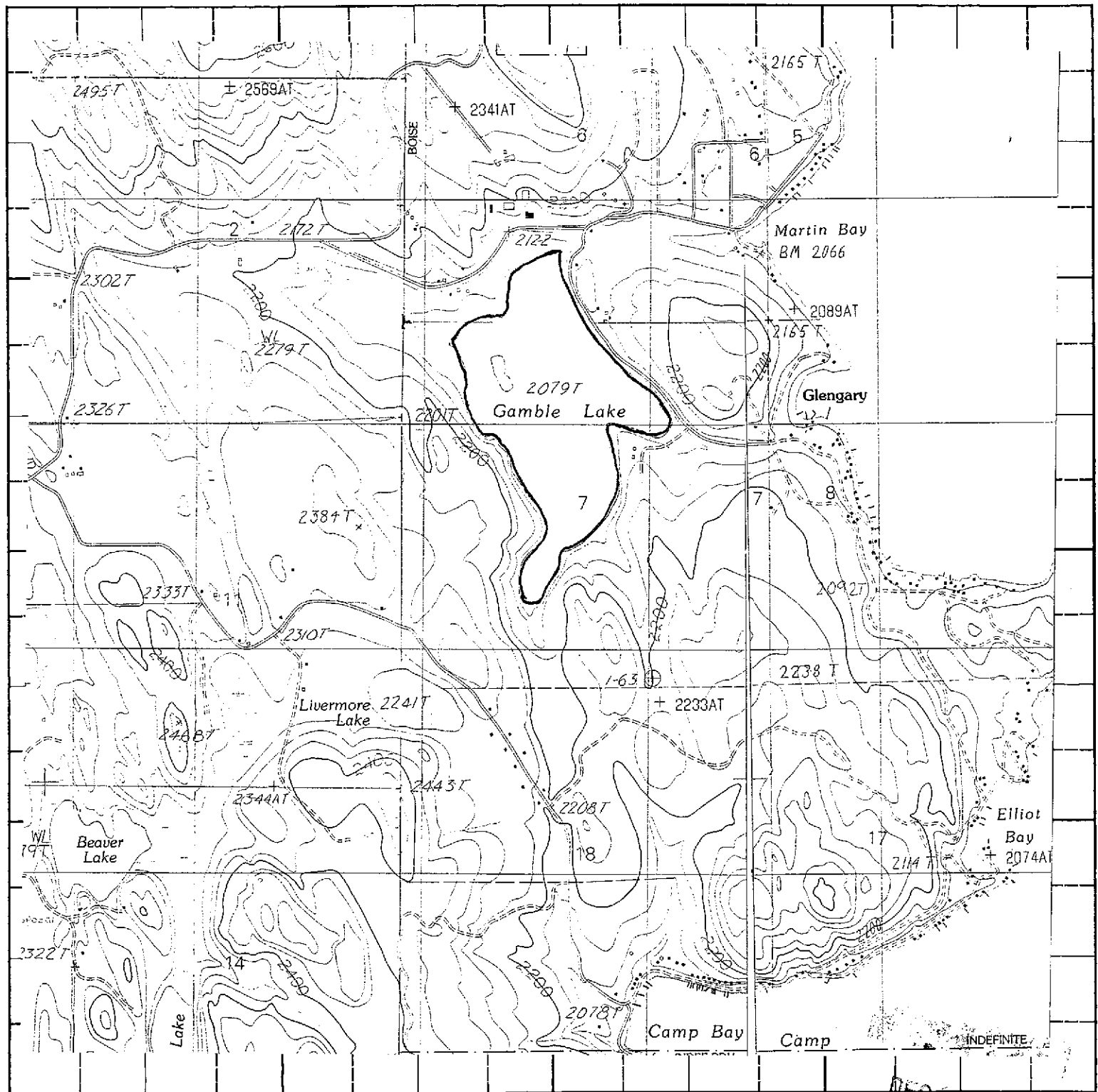
11. a. Who owns the property at the point of diversion? _____

b. Who owns the land to be irrigated or place of use? N/A

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

12. Remarks: The USDI Bureau of Land Management, with the support of the ID Dept. of Fish and Game and the Nature Conservancy, requested a minimum lake level to preserve the recreational wildlife and aesthetic aspects of Gamble Lake for present and future generations.

DEC 14 1994



~~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.

Omid Sattarwala 6/24/93
(Applicant)

Received by VH Date 6-24-93 Time 11:00^{am} Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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:

DEC 14 1994

ATTACHMENT TO APPLICATION FOR PERMIT
TO APPROPRIATE A MINIMUM STREAM FLOW

14. Provide evidence that the appropriation will not interfere with any vested water right, permit, or water right application of earlier date of priority.

BLM seeks no infringement upon vested water rights 96-04266/Lawrence
Tassie, 96-7716/Forest and Mary Bird or any other existing rights located
upon Gamble Lake or its sources.

15. Provide evidence to show that the appropriation would be in the public interest as opposed to private interest.

The 1976 Memorandum Decision and Order from the Director of IDWR states
"there is uncontested testimony that the protection of natural lake levels
in Gamble Lake (also known as Gamblin Lake) is in the local public
interest." The Idaho Department of Fish and Game also feels establishing
a legal minimum lake level would be in the public interest. The BLM
is currently working on a management plan, incorporating recreational use,
for the BLM administered land adjacent to Gamble Lake

16. Provide evidence or justification that the appropriation is necessary for the purposes shown in Item 4.

Visitors come to Gamble Lake for water-based recreation opportunities as
well as bird watching and nature trails. Maintaining a minimum lake level
is necessary to provide adequate swimming, fishing and boating
opportunities. The Lake supports a wetland ecosystem which provides
important habitat for wildlife, waterfowl and several rare aquatic plants.
Drawing the lake below the requested minimum would: 1) reduce the surface
area for boating and fishing 2) cause fishing to deteriorate 3) cause
boat dock sections to rest on land and 4) promote algae growth harmful to
public, fish and wildlife

17. Provide evidence that the minimum flow or lake level is minimum and not the ideal or most desirable flow or lake level.

This minimum lake level request is based upon the level at which surface
water ceases to flow out of the lake, based upon observations at the outlet
culvert.

DEC 14 1994

DEC 14 1994

18. Provide evidence that the flow or lake level requested is capable of being maintained as evidenced by records of stream flows and water levels.

No known records

19. Describe the location of existing gaging stations that can be used in the administration of this appropriation.

None

20. Do you intend to install additional gaging stations? Describe the location.

The BLM intends to install a gage at the outlet culvert or near the planned boat access on the BLM parcel located in the SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 7.

21. List any additional remarks related to this minimum stream flow application.

Since Bonner County is continuing to experience rapid residential development, there is a risk of future additional water rights claims on the lake. Excessive withdrawals would have a particularly harmful effect on a shallow lake such as this one, possibly resulting in rapid eutrophication and fish kills.

Recreational use of Gamble Lake and the public lands within the watershed will increase and the protection of the lake will remain an important issue

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

IN THE MATTER OF PROTESTS AGAINST THE APPROVAL
OF APPLICATION FOR PERMIT NO. 96-7716 IN THE
NAME OF FORREST M. AND/OR MARY P. BIRD

MEMORANDUM DECISION
AND ORDER



On September 15, 1978, Forrest M. and/or Mary P. Bird of Sandpoint, Idaho filed with the Department of Water Resources an application for permit to appropriate 0.24 cubic feet per second for irrigation from April 1 to October 31; 0.04 cubic feet per second for domestic use from January 1 to December 31; 15.00 acre-feet of storage for irrigation, fire protection, wildlife watering, recreation and domestic use. The reservoir will be filled with a rate of diversion of 0.24 cubic feet per second from January 1 to December 31. Water is proposed to be diverted from an unnamed stream, (outlet of Gamble Lake) a tributary of Pend Oreille Lake at a point within Government Lot 7, Sec. 6, Twp. 56N, Rge. 1E B.M., Bonner County.

Notice of the application was published in the Sandpoint Daily Bee, Sandpoint, Idaho on September 27 and October 4, 1978. The Department received protests against approval of said permit from the following: Rosemary Henrickson, Victor and Cynthia Susnis, Stanley Henrickson, Martin Hendrickson, Herbert A. Lassen, Steve Goodner, Harriette H. Peterson, Charles H. Hoffman, James and Vivian Frame, Harvey F. and Dorothy L. Nelson, Pamela Blass, Mr. and Mrs. Leslie King, Alice M. Lassen, Edson L. and Louise E. Senft, Mr. and Mrs. Cecil R. Campbell, Charles T. Peterson, Michael S. Dwany, Helen M. Peterson, Lawrence R. and Jewel S. Tassie, Scott Reed, attorney representing Sue and Ray Goodner, Jane and John Collins, Mrs. Jessie Levey, Tom Mehler and Mr. and Mrs. Anthony W. Wayne.

A hearing on the matter was held at Sandpoint, Idaho on January 17, 1979.

The primary issue raised by the protestants is that it is against the

DEC 14 1978

local public interest to allow the level of Gamble Lake to be drawn below the elevation to which it would naturally recede following the spring runoff.

One protestant also uses the water from the same stream the applicants seek to use. Her point of diversion is downstream from the applicants' proposed point of diversion.

The attorney for part of the protestants, Scott Reed, moved to have the Director dismiss the application on the grounds that the applicants, Forrest M. and Mary P. Bird, were not present at the time of the hearing as required by the

RECEIVED
JAN 14 1984

Practice and Procedure Rules and Regulations, adopted April 12, 1978.

The applicants were represented by their legal counsel, Jon Hammarberg. In addition, the applicants have given a specific power of attorney to Robert LaFore who was also present at the hearing. It is the position of the Director that the applicants were adequately represented and therefore the motion to dismiss the application is denied.

After reviewing all the evidence and testimony submitted at the hearing and pertinent information contained in the Department's files, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- 1) There is uncontested testimony that protection of natural lake levels in Gamble Lake (also known as Gamblin Lake) is in the local public interest.
- 2) It is possible for the applicants to divert water from the unnamed stream without affecting levels of Gamble Lake if the point of diversion is located downstream from the stream reach which affects control on Gamble Lake levels.
- 3) The record of what physically controls the lake levels is contradictory but it is either the culvert where the stream crosses the road or it is the beaver dam which is located downstream from the culvert.
- 4) The flow in the stream was measured at 1.10 cubic feet per second on January 11, 1979.
- 5) In excess of 1000 acre-feet per year flows from Gamble Lake outlet.

CONCLUSIONS OF LAW

- 1) The applicants are entitled to a permit from the State of Idaho to appropriate public water from the unnamed stream only if the point of diversion is located so that the level of the water surface of Gamble Lake is not affected.
- 2) There are times at which there is water in the unnamed stream which is in excess of any prior water rights and is sufficient for the applicants' intended purposes.

DEC 14 1984

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 96-7716
is APPROVED subject to the following conditions:

- 1) This permit is subject to all existing prior water rights.
- 2) The applicants' point of diversion must be located downstream from
the beaver dam and in such a manner as to not affect the water level of Gamble Lake.

~~Signature~~ DATED 27 MARCH 1979

MEMORANDUM DECISION AND ORDER -- PAGE 2

DEC 14 1994



IDAHO FISH & GAME

REGION 1

2320 Government Way
Coeur d'Alene, ID 83814-3683
(208) 765-3111

May 20, 1993

Mr. Mike Stevenson
USDI Bureau of Land Management
1808 North Third Street
Coeur d'Alene, ID 83814

Dear Mike:

REFERENCE: GAMBLE LAKE MINIMUM POOL

We support the Bureau of Land Management's request to establish a minimum pool level at Gamble Lake.

We believe establishing a minimum pool, which will essentially maintain existing conditions, will provide long term protection for the mixed species warmwater fishery, waterfowl, furbearers, shorebirds and song birds presently found at Gamble Lake. If the application were not approved, and additional water withdrawals were allowed, these valuable resources would decline. Gamble Lake is a popular fishery. Waterfowl production contributes to local hunting opportunities and wildlife viewing is also a popular activity. All of these activities are dependent on maintaining adequate water in the lake.

It is our understanding the proposed minimum pool would not interfere with any existing water rights. We believe it would be in the public interest to maintain the lake level with a legal minimum level.

Sincerely,

David W. Ortmann

for David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Natural Resource Policy Bureau

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

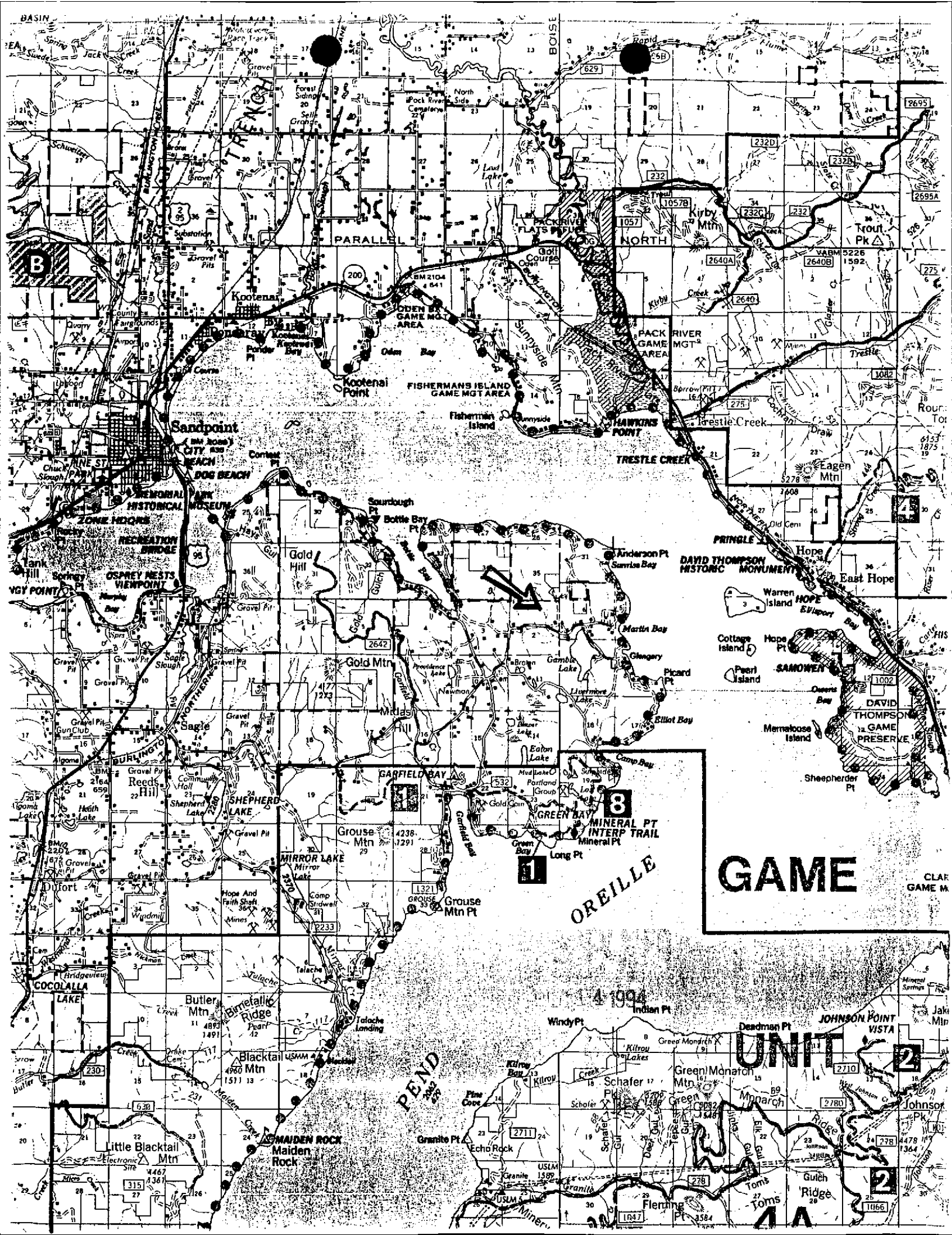
Equal Opportunity Employer



Working for wildlife - since 1938

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DEC 14 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 24, 1995

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 837200098

RE: WATER RIGHT NO. 96-08764

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

NOV 16 1995

LICENSING REVIEW
MINIMUM STREAM FLOW

RIGHT NO. 96-08764

Proof of beneficial use rec'd 8/16/95

Was flow data submittal a requirement
with proof submittal? Yes ☐ No ☒

If yes, has data been reviewed and a determination
made that minimum flow is capable of being
maintained? Yes ☐ No ☐ N/A

Data submitted fully complies with permit condition/
(i.e. # of years of flow data sufficient) N/A

Data Entry for License:

Name Standardized

Total cfs & div. capacity listed as highest flow

P/D(s) beginning and ending descriptions listed

Use flows defined for entire year

P/U left blank (description in remarks)

Remarks/non-standard conditions

Non-consumptive

Watermaster control

Jurisdiction retains to amend

Description of ~~reach(es)~~ lake level maintained

All other applicable permit conditions
carried forward

☒
UM - n/a
lake deser.
☒
☒
☒
☒
☒
☒

Comments/adjustments _____

Printed license hand-edited _____

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-08764 Reviewed by [signature] Date 8-16-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

minimum flow

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?

☒ Copy in the file? Drilling Permit No. _____

☒ Amount paid for permit

☒ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

no Required?

/ Amount Submitted

/ Correct?

MEASURING DEVICE

no Required?

/ Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 8-16-95



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 17, 1995

IDAHO WATER RESOURCE BOARD
1301 N ORCHARD ST
P O BOX 83720
BOISE ID 83720-0098

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NOS. 81-07160, 81-07161, 81-07162, 96-08764 ✓

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits.

The next step in the process of recommending a minimum stream flow is for the department to review the information submitted and make a recommendation.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

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NOV 16 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 10, 1995

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Senator Jerry Twiggs
Senate Pro Tem
Statehouse Mail
Boise, ID 83720

RE: Water Right Applications for Permit for Minimum Streamflow
Nos. 81-07160, Selway River; 81-07161, Lochsa River; 81-
07162, Clearwater River, Middle Fork; and Water Right
Application for Permit for Minimum Lake Level Maintenance
No. 96-08764, Gamble Lake

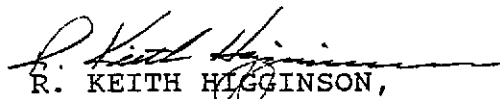
Dear Senator Twiggs:

Enclosed please find copies of the above referenced applications for permit. Enclosed with the applications are the decisions and orders which conclude the administrative processing of the applications.

As you are aware, Section 42-1503, Idaho Code, requires that the applications be reviewed by the legislature. As defined by statute, each application "(i) shall not become finally effective until affirmatively acted upon by concurrent resolution of the Idaho Legislature; or (ii) except that if the legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved."

This letter constitutes submittal of the applications to the legislature for approval. Please advise me if you desire further information or presentation on the nature of the applications.

Sincerely,


R. KEITH HIGGINSON,
Director

RKH:sc

Enclosures

cc: Legislative Council

NOV 16 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 10, 1995

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Representative Michael K. Simpson
Speaker of the House
Statehouse Mail
Boise, ID 83720

RE: Water Right Applications for Permit for Minimum Streamflow
Nos. 81-07160, Selway River; 81-07161, Lochsa River; 81-
07162, Clearwater River, Middle Fork; and Water Right
Application for Permit for Minimum Lake Level Maintenance
No. 96-08764, Gamble Lake

Dear Representative Simpson:

Enclosed please find copies of the above referenced applications for permit. Enclosed with the applications are the decisions and orders which conclude the administrative processing of the applications.

As you are aware, Section 42-1503, Idaho Code, requires that the applications be reviewed by the legislature. As defined by statute, each application "(i) shall not become finally effective until affirmatively acted upon by concurrent resolution of the Idaho Legislature; or (ii) except that if the legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved."

This letter constitutes submittal of the applications to the legislature for approval. Please advise me if you desire further information or presentation on the nature of the applications.

Sincerely,


R. KEITH HIGGINSON,
Director

RKH:sc

Enclosures

cc: Legislative Council

NOV 18 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 6, 1994

RE: In the matter of Application for Permit No. 96-08764 in the name of Idaho Water Resource Board

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) 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.

DEC 14 1994

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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(4) Idaho Code.

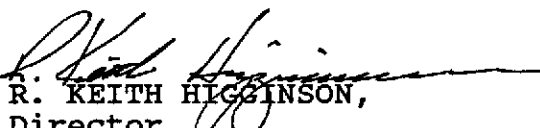
APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,


R. KEITH HIGGINSON,
Director

RKH:sc
Enclosure

DEC 14 1964

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of December, 1994, I mailed a true and correct copy, postage prepaid, of the Final Order Adopting Recommended Order to the parties listed below:

Idaho Water Resource Board
Statehouse Mail
Boise ID 83720

Dallas Burkhalter
Cindy Robertson
Pat Cole
State of Idaho
Dept. of Fish & Game
P.O. Box 25
Boise, ID 83707-0025

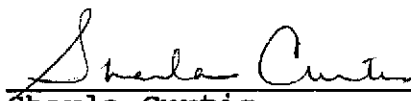
Mike Stevenson
US Dept. of Interior
Bureau of Land Mgmt.
1808 N. 3rd St.
Coeur d'Alene, ID 83814

Mrs. Ray Goodner
18508 Glengary Rd.
Sagle, ID 83860

Mrs. Scott Engstrom
7148 Garfield Cutoff Rd.
Sagle, ID 83860

Mr. & Mrs. Harvey Nelson
2155 Glengary Rd.
Sagle, ID 83860

Don Davis
2202 Hoyt
Everett, WA 98201



Sharla Curtis
Secretary

DEC 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 14, 1994

RE: In the matter of Application for Permit No. 96-08764 in the
name of Idaho Water Resource Board

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243 (3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties within have twenty-one (21) days to respond.

DEC 14 1994

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

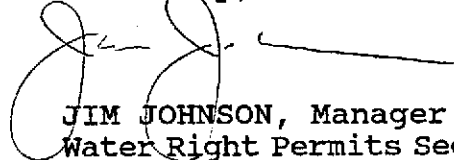
FINAL ORDER

The Director 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 agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc
Enclosure

DEC 14 1994

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of November, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing document to the parties listed below:

Idaho Water Resource Board
Statehouse Mail
Boise ID 83720

Dallas Burkhalter
Cindy Robertson
Pat Cole
State of Idaho
Dept. of Fish & Game
P.O. Box 25
Boise, ID 83707-0025

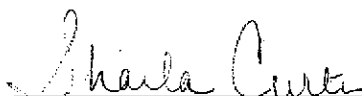
Mike Stevenson
US Dept. of Interior
Bureau of Land Mgmt.
1808 N. 3rd St.
Coeur d'Alene, ID 83814

Mrs. Ray Goodner
18508 Glengary Rd.
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Mrs. Scott Engstrom
7148 Garfield Cutoff Rd.
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Mr. & Mrs. Harvey Nelson
2155 Glengary Rd.
Sagle, ID 83860

Don Davis
2202 Hoyt
Everett, WA 98201


Sharla Curtis
Secretary

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DEC 14 1994

Hearing NOTES - SANDPOINT 9/22/94 9:00am
96-8764 GAMBGE LAKE

Parties Present -

IWRB - John Beak

BLM - Mike Stevenson

F+G - Dallas Burkhalter, Cindy Robertson, Pat Gle

MRS Ray (Sue) Goodner

Opening - official notice

John Beak

- ① Name GAMBGE, Gamin, Gambline
- ② Explained change from 2079 to 2081.8 ft
- ③ Reviewed location
- ④ Reviewed water rights - total diversion of 20.5 cfs.
- ⑤ Noted earlier condition on a water right 96-07716 =
- ⑥ More than 1/2 of lake shore in public ownership
- ⑦ Can be maintained.
- ⑧ Admitted exhibits 1 thru 4

DEC 14 1994

Mike Stevenson - BLM

- ① Nature conservation
- ② Director's order of 1979 - in local public interest
- ③ Plate in culvert northern level -
- ④ 60" culvert - plate about 24" thick
- ⑤ Plate installed to allow bird to have water

to draft.

- ⑧ Has seen plate out
- ⑨ Dr. Bird installed plate - agreed with county to remove before spring high water.
- ⑩ Entire plate correct -
- ⑪ Beaver dams downstream maintain level are not removed but blow out in high water.
- ⑫ Had BLM #1 created - admitted
- ⑬ Note that Plate in Calvert is a separate issue -

Cindy Robertson -

Read 5/20/93 ORT memo water

Sue Goodner

- ① Graham - title abstract shows a meadow "Combin" so prefer the name
- ② Concerned for flooding of lake shore
- ③ Concerned for plate in the pond -
- ④ Wish to maintain & hold a level
- ⑤ Question how a person can back up the lake.
- ⑥ Need to clear out the north area of the lake -
- ⑦ Sources of water to lake - Spring & stream in canyon

X-EXAM Paul

DEC 14 1994

- ① Would encroachment occur if lake were at bottom of culvert -
Not as much

Mike Stevens (R)

- ② Would not object to maintaining lake @ bottom of culvert if lake can free flow rest of year. i.e. no plate to remove channel obstructions.
- ③ Flooded road -

Scott Engstrom

- No agreement in County road dept files for Dr. Bird.
- Supports the lake level.

Harvey Nelson -

- Owns property on East side of Gamlin Lake
- Registered Land surveyor.
- E-W lake across lake of 1896 - Menden corner at east & west side - West side marker destroyed by county road. West has been flooded for many years - need to find - need to lower the lake to levels to confirm local surveys
- Recently placed monument here been submerged
- Flooding is mostly by beaver activity
- Farmers closed the outlet years ago

DEC 14 1994

- Been in over 35 years
- Been earlier was upstream from culvert but it is downstream - when too much water in area

- Present @ recent BMM survey - Described how inaccurate the plot measurement was.
- illegal plot - County should clear out
- Need to remove beaver dams - F&G's job don't let BCR raise level to create wetland out of meadows
- Damage to the road - can't keep paved.

Burhalter X-Exam -

- When was ditch dug, don't know.
- Ditch was @ original outlet location
- Location of survey marker is of public road
- Estimate lake would have to be lowered 4 feet from today - would require pumping or a new outlet

Stevenson X-Exam

- If lake were kept @ current water level free drainage would be OK.
- Survey closed within 0.1 ft
- NW of culvert - 50 ft - concrete with drum cap - "BMM"

DEC 14 1994

Mrs Nelson -

① Name should be "Gamlin" -

② Supporting documents -

- abstract of title

- Original surveyors named "Gamble"

③ Include newspaper article on name
in record

④ Ditch for outlet was dug in about
1901.

Don Davis - 2202^{4th} Everett, Washington

① Couple of meetings - wondering
how level could be taken down to
requested level.

Stevenson - X-Exam by Buckhannon

- What will be effect of lowering level
on wildlife habitat - if it never got
up to above bottom of culvert, some wetland
loss would occur -

- ~~Exit culvert~~ Lake level @
main will satisfy the main habitat
requirement.

Pat Cole -

Filing very slowly with admin -

DEC 14 1994

RECEIVED

OCT 6 1994

Department of Water Resources

Fields W. & Octavia S. Cobb

2362 Lakeshore DRIVE

Sagle, Idaho 83860

October 1, 1994

Norm Young
Idaho Dept of Water Resources
STATE HOUSE
BOISE, IDAHO 83726

DEAR SIR:

We are residents and property owners of Bonner County in an area near both Gamblin and Beaver Lakes. We are TOTALLY in support of the recommended minimum lake levels for both lakes. In spite of the increased human population of the County, wildlife abounds in the area around these lakes and others in the vicinity. However, increased development will surely place stress on the system and could easily result in decreased lake levels, wetland destruction, and seriously reduce wildlife habitat. In addition, recreational values of Gamblin lake could be substantially affected.

We sincerely believe that now is the time to take action to protect these lakes and the values associated with them. Please establish the minimum lake levels at the levels recommended by the BLM and the Idaho Dept of Fish and Game.

DEC 14 1994

Sincerely yours,

Fields W. Cobb
Octavia S. Cobb

3
Chris Bessler
1227 Lake Street
Sandpoint, ID 83864

September 20, 1994

John Beal
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

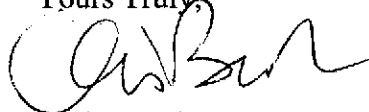
Dear Mr. Beal:

I would like to provide comment on the following minimum lake levels proposed for two lakes in Bonner County where I like to fish.

- **Gamble Lake:** I support the minimum lake level request proposed by the Idaho Water Resource Board of 2,081.8 feet above sea level. This spring my five-year-old son caught a very nice bass in Gamble Lake. This lake level minimum is necessary to protect the fishery, along with other beneficial uses of the lake such as waterfowl habitat.
- **Beaver Lake:** I also support the IWRB's minimum lake level request for this lake, of 2,281.43 feet above sea level. Once again, this minimum level is necessary to protect the beneficial uses of the lake, most particularly its fishery.

I hope I am not too late to comment on two more minimum streamflows proposed for a couple rivers very near and dear to my heart: The Lochsa and the Selway. On the Selway, I support the request for 1,500 cfs from March 1 to July 31, and 760 cfs from Aug. 1 to Feb. 28. This is necessary to protect the river's fishery. I am also a whitewater kayaker and first kayaked the Selway in spring 1983. I would like the IWRB to apply for an additional 2,000 cfs from May 1 to June 15 to protect boating opportunities on the Selway, which is surely one of the finest whitewater experiences on the continent. I have also boated the Lochsa on five or six different Memorial Day weekends, plus numerous other occasions. I support the IWRB's request of 1,140 cfs from March 1 to July 31 and 563 cfs from August 1 to February 28 to protect the fishery, and request the IWRB to apply for an additional 2,000 cfs from May 1 to June 15 to provide for boaters such as myself. Thanks for considering my comments.

Yours Truly,


Chris Bessler

DEC 14 1994

John Beal
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706

RECEIVED September 13, 1994
SEP 19 1994
Department of Water Resources

Dear John Beal and Members of the Idaho Water Resource Board:

I am writing to give you my comments on your minimum lake level request of 2,081.1 feet above sea level for Gamble Lake, of 2,281.43 feet above sea level for Beaver Lake and on your streamflow requests for a minimum of 2,640 cfs from March 1 - July 31 and 1,323 cfs from Aug 1 through Feb. 28 for the Middle Fork of the Clearwater, for 1500 cfs from March 1 to July 31 and 760 cfs from August 1 to Feb. 28 for the Selway River and for 1,140 cfs from March 1 to July 31 and 563 cfs from Aug 1 to Feb 28 for the Lochsa River. I wholeheartedly support these requests and I would like to see an additional 1,000 to 2,000 cfs from May 1 through July 1 to allow for non-motorized recreational boating during these months. As an Idaho citizen and an outdoors-person I think it is essential to protect the health and abundance of wildlife as well as the water quality of rivers and lakes in this state. These places not only afford wonderful recreational experiences for humans in the area, they are absolutely necessary for the protection and preservation of Idaho wild life, human life and wetlands and must be protected from excess diversion.

Thank you.

Roxane George

Roxane George

PO Box 9970

Moscow, ID 83843

DEC 14 1994



RECEIVED

SEP 26 1994

Department of Water Resources

Kootenai Environmental Alliance

P.O. Box 1598 Coeur d'Alene, ID 83816-1598

September 23, 1994

Mr. John Beal
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83701

Dear Mr. Beal:

I realize that the date is past for commenting on minimum stream flows. I just returned from an extended trip and somehow missed the announcements before leaving. I hope you will consider our comments even though they are late.

In general, Kootenai Environmental Alliance supports your suggested minimum stream flows for the streams in northern Idaho listed below. These minimum flows are needed to adequately support fish and wildlife. We would favor additional water in the Spring, however, to support recreational boating on the Rivers. Stream by stream these are the recommendations developed by KEA, with our additions highlighted.

- * Middle Fork Clearwater River from the confluence of the Lochsa and Selway Rivers downstream to the confluence with the South Fork of the Clearwater:

We support the requested minimum of 2,640 cfs from March 1 through July 31 and 1,323 cfs from August 1 through February 28. An additional 1,000 cfs from May 1 through July 1 would protect recreational boating on the River.

- * Lochsa River from the confluence with Boulder Creek downstream to the confluence with the Selway River:

We support your request of 1,140 cfs from March 1 to July 31 and 563 cfs from August 1 to February 18. An additional 2,000 cfs from May 1 to June 15 would protect recreational boating on the River.

- * Selway River from the confluence with Meadow Creek downstream to the confluence with the Lochsa River:

We support the request for 1,500 cfs from March 1 to July 31 and 760 cfs from August 1 through February 28. An additional 2,000 cfs from May 1 through June 15 would protect recreational boating on the River.

DEC 14 1994

Beal, Page 2

We also support your requests for minimum water levels on Gamble (2,081.1 feet) and Beaver (2,281.43 feet) Lakes. These levels will protect and fish and wildlife values, foster waterfowl production and safeguard wetlands while protecting the beauty of the lakes.

Again, we apologize for this late submission. We would appreciate being added to your mailing list so that we may get notices of future hearings in a timely fashion. The full address is:

Kootenai Environmental Alliance
P.O. Box 1598
Coeur d'Alene, ID 83816-1598

Thank you for your consideration in this matter.

Respectfully,



George Brabb
President

RECEIVED
DEC 14 1994

PAM AUNAN
P. O. Box 234
Sandpoint, Idaho 83864
208-263-9341

RECEIVED
SEP 19 1994
Department of Water Resources

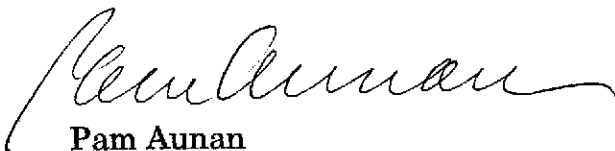
Idaho Water Resource Board
John Beal
Idaho Dept of Water Resources
1301 Orchard
Boise, Idaho 83706

Ladies and Gentlemen,

Wildlife and fish values must be protected on ALL Idaho waters. This is submitted as part of the procedural record for MINIMUM LAKE LEVEL for GAMBLE LAKE near Sandpoint. I support the requested minimum which I believe should read 2,281.1 ft above sea level. It appears to me that the published figure of 2,2081.1 is incorrect. In any case, whatever the number, I would like to see this lake and its shoreline undisturbed by human activity as much as possible. Please protect fish and wildlife, including waterfowl on this beautiful little lake and its adjacent wetlands. It has been a very special "spot" for many of us for a very long time.

Thank you for considering public input.

Sincerely,



Pam Aunan

DEC 14 1994

NOTICE OF HEARING
FOR APPLICATION FOR
MINIMUM LAKE LEVEL
MAINTENANCE

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for minimum lake level maintenance in Gamble Lake. The application is further described as follows:

Source: Gamble Lake
Application No.: 96-08764

Proposed Priority: June 24, 1993

Amount and Period of Use: Lake level of 2081.8 feet above sea level from 1/1 through 12/31

Purpose of Minimum Lake Level: Preserve aesthetics, recreational opportunities and wildlife values.

Place of Use: Gamble Lake, situated in Sections 6 and 7, T56N, R1E, Bonner County

The Department of Water Resources will hold a public hearing at the Federal Bldg., 1500 Hwy. 2, Sandpoint, Idaho at 9:00 a.m. on September 22, 1994 for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, Boise, ID 83720, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department ten (10) days prior to the hearing. The hearing will be conducted by Norm Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, ID 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON
Director, Idaho Dept. of Water Resources.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

OCT 04 1994

No 26351

I, Linda Capps McGuire, being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for three consecutive weeks, commencing with the issue dated September 1, 19 94, and ending with the issue dated September 15, 19 94.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 28 day of Sept in the year of 1994, before me, a Notary Public, personally appeared Linda Capps McGuire, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheva R. Fellman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

Proof of Publication
The Post-Register

RECEIVED

SEP 21 1994

Department of Water Resources

State of Idaho, }
County of Bonneville } ss

I, S. BOB BRIGHT or TED DELEZENE....., first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for Three..... consecutive weeks, first publication having been made on the 31st..... day of August....., 1994..., last publication having been made on the 14th..... day of September....., 1994..., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 14th day of September....., 1994...

Susan Reagan
Notary Public

My commission expires July 1....., 1997...

B10

SEP 14 1994

**NOTICE OF
HEARING FOR
APPLICATION FOR
MINIMUM LAKE
LEVEL MAINTENANCE**

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for minimum lake level maintenance in Gamble Lake. The application is further described as follows:

Source: Gamble Lake

Application No.: 96-08764

Proposed Priority: June 24, 1993

Amount and Period of Use: Lake level

of 2081.8 feet above sea level from 1/1 through 12/31

Purpose of Minimum Lake Level: Preserve aesthetics, recreational opportunities and wildlife values

Place of Use: Gamble Lake, situated in Section 6 and 7, T56N, R1E, Bonner County

The Department of Water Resources will hold a public hearing at the Federal Bldg., 1500 Hwy. 2, Sandpoint, Idaho at 9:00 a.m. on September 22, 1994 for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, Boise, ID 83720, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department ten (10) days prior to the hearing. The hearing will be conducted by Norm Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON
Director, Idaho Dept.
of Water Resources

Published: Aug 31, Sept 7, 14, 1994

RECEIVED 1994
DEC 14 1994

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

RECEIVED

SEP 19 1994

TRANSIENT
208-327-7900

LEGAL ADVERTISING INVOICE

Amount Due
\$124.68

Account Number Order No.: 841798		Identification Idaho Department of Water Resources Gamble Lake	
Ordered By R. Keith Higginson	P.O. Number	Rate NT	Run Dates September 1, 8 & 15, 1994
Idaho Dept. of Water Resources 1301 North Orchard Street Statehouse Mail Boise, Idaho 83720-9000		Estimated Inches.	Real Inches
		# Affidavits 1	Legal Number 8360

LEGAL NOTICE

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL MAINTENANCE

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for minimum lake level maintenance in Gamble Lake. The application is further described as follows:

Source: Gamble Lake
Application No.: 96-08764
Proposed Priority: June 24, 1993

Amount and Period of Use:
Lake level of 2081.8 feet above sea level from 1/1 through 12/31

Purpose of Minimum Lake Level: Preserve aesthetics, recreational opportunities and wildlife values

Place of Use: Gamble Lake, situated in Sections 6 and 7, T56N, R1E, Bonner County

The Department of Water Resources will hold a public hearing at the Federal Bldg., 1500 Hwy. 2, Sandpoint, Idaho at 9:00 a.m. on September 22, 1994 for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross-examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, Boise, ID 83720, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please

LINDA PORTER

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for three

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of September 1, 1994

and ending with the issue of September 15, 1994

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 15th day of SEPTEMBER in the year of 1994, before me, a Notary Public, personally appeared LINDA PORTER

, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Linda Porter
Notary Public for Idaho
Residing at Boise, Idaho

My commission expires: 11-22-98

DEC 14 1994

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 09/15/94

INVOICE NO. 509939

Account No. 964770

Description 509939NOTICEOFHEARINGF

**LEGAL ADVERTISING
INVOICE**

Times 3

Lines 39

Tab. Lines 78

\$ 127.14

SEP 10 1994

SOLD TO: ID DEPT OF WATER RESOURCES
1301 N ORCHARD ST
BOISE ID 83720

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

509939

**NOTICE OF HEARING FOR
APPLICATION FOR MINIMUM LAKE LEVEL MAINTENANCE**

OF IDAHO, ss.
Nez Perce

Notice is hereby given that the Idaho Water Resources Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for minimum lake level maintenance in Gamble Lake. The application is further described as follows:

Source: Gamble Lake

Application No.: 96-08764

Proposed Priority: June 24, 1993

Amount and Period of Use: Lake level of 2081.8 feet above sea level from 1/1 through 12/31

Purpose of Minimum Lake Level: Preserve aesthetics, recreational opportunities and wildlife values

Place of Use: Gamble Lake, Situated in Sections 6 and 7, T56N, R1E, in Bonner County

The Department of Water Resources will hold a public hearing at the Federal Building, 1500 Hwy. 2 in Sandpoint at 9:00 a.m. on September 22, 1994 for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

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If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON

Director, Idaho Dept. of Water Resources

Published in Lewiston Morning Tribune on 9/1, 9/8 and 9/15/94.

I, , being duly sworn, deposes and says, I am Clerk of the Tribune Publishing Company, a corporation and existing under and by virtue of the laws of the Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho. The said Lewiston Morning Tribune is an established newspaper published regularly and issued regularly at least once a day for an 21 consecutive years next immediately preceding the first of this notice, and has been so published uninterrupted for that the 509939NOTICEOFH attached hereto and which is made is affidavit was published in the said Lewiston Morning Tribune, (s). Publication being on 09/01, or once a WEEK consecutive WEEK, the first publication thereof being on 94, and the last publication thereof being on 94, and said 509939NOTICEOFH was so published in the entire issue of said newspaper and was not in a supplement and was so published in every issue and number of the said. During the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of 1994

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires

DEC 14 1994

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 09/15/94

INVOICE NO. 509939

Account No. 964770

Description 509939NOTICEOFHEARINGF

**LEGAL ADVERTISING
INVOICE**

Times 3

Lines 39

Tab. Lines 78

\$ 127.14

RECEIVED

SEP 10 1994

SOLD TO: ID DEPT OF WATER RESOURCES
1301 N ORCHARD ST
BOISE ID 83720

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

**NOTICE OF HEARING FOR
APPLICATION FOR MINIMUM LAKE LEVEL**

Notice is hereby given that the Idaho Water Resources Commission is proposing to appropriate water to the Department of Water Resources for minimum lake level Lake. The application is further described as follows:

Source: Gamble Lake
Application No.: 96-08764

Proposed Priority: June 24, 1993

Amount and Period of Use: Lake level of 2081.8 feet through 12/31

Purpose of Minimum Lake Level: Preserve aesthetic ties and wildlife values

Place of Use: Gamble Lake, Situated in Sections 6 and 7, T2N, R12E, S10E, Nez Perce County

The Department of Water Resources will hold a public hearing at the Department of Water Resources Building, 1500 Hwy. 2 in Sandpoint at 9:00 a.m. on September 15, 1994, for the purpose of hearing evidence in regard to the application pursuant to the provisions of Section 42-1503, Idaho Code. Any party who wishes to formally appear in the proceeding and present evidence or cross examining of witnesses shall appear with the Director of the Department of Water Resources, Boise, ID 83720, five (5) days prior to the hearing. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any party who wishes to formally appear in the proceeding and present evidence or cross examining of witnesses shall appear with the Director of the Department of Water Resources, Boise, ID 83720, five (5) days prior to the hearing. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. Please advise the department ten (10) days prior to the hearing. The hearing will be conducted by Norm Young, Idaho Dept. of Water Resources, Boise, ID 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

Published in Lewiston Morning Tribune on 9/1, 9/8 and 9/15/94.

Director, Idaho Dept. of Water Resources

3 BR, Beal yard, luscious JENNIFER

Investment Each 2 beds \$172,000.

2 BR. Beal Double garage 799). PAT

4 BR. Green carpet. Big SALLY 750

3 BR. Classroom Professor \$127,000

5 BR. Over view. Day in town. \$2

3 BR. Cozy hardwood \$113,500

4 BR, 2 fireplaces 1180) RAL

3 BR. Green temporary 640). WAL

VERY NIC ment. \$72 PIN#0155

2 BR. New roof, garage 758-7514.

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 509939NOTICEOFH attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 3 time(s). Publication being on 09/01, or once a WEEK for 3 consecutive WEEK, the first publication thereof being on the 09/01/94, and the last publication thereof being on the 09/15/94, and said 509939NOTICEOFH was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 1994

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

DEC 14 1994

GUEST COMMENTARY

Let's get real name of 'Gamble Lake' straight

By DOROTHY NELSON

In the interest of an accurate report on the history of Gamlin Lake, often called "Gamble Lake" (the little lake at Glengary), I must disagree with some of the information reported in your item, "Area pioneer provides history of local lake," found on page five of the Saturday, July 9, 1994 Bonner County Daily Bee. A copy of that newspaper item with errors highlighted is attached.

I feel that historic declarations should be supported with generally accepted documentation. The following paragraphs will do so.

The old gentleman for whom the lake was named spelled his name "Gamlin" not "Gamblin" as reported in the July 9 newspaper item. To document this fact, I was privileged to examine the abstract of title for the Israel Gamlin property; which, by the way, was located northwest of the lake, not south of it as reported in your item. A map is attached. The abstract contains records of documents dated from Jan. 29, 1900 to Jan. 26, 1924. Each record shows one of the parties to the transaction to be Israel Gamlin (no "b"). The abstract records are of 22 documents (deeds, mortgages, releases of mortgages, judgments, etc.) over a 24-year period of time and nowhere is there any evidence that Mr. Gamlin spelled his name with a "b". A copy of one abstract page is attached. It is the record of a release of mortgage. Also attached is a copy of a Dec. 13, 1910 mortgage as it is recorded in the Bonner County Courthouse. That mortgage was signed by Israel Gamlin.

I disagree, also, with the report

that Walt and Bonetta Boulka, in or about 1932, had anything to do with the Forest Service showing on their maps that "Gamble" was the name of the lake. The lake was erroneously called "Gamble Lake" in 1896 by the land surveyor who did the original survey of section lines at Gamlin Lake. Documented proof is in that surveyor's field notes. Copies of six pages of those original field notes are attached. Names from the original survey notes were copied by the U.S. Geological Survey as they made the early maps. Other agencies have since copied these early maps. "Gamble" appeared on maps long before the Boulkas came to Glengary. As the Boulkas prepared for their sale and placed a "Gamble Lake" sign by their property, they probably knew more about the history of the lake than we realize.

I appreciate the fact that Mrs. Bourbon is a long-time resident of this area and that her daughters are great granddaughters of Mr. Gamlin. I also realize that it is easy to make mistakes in detail (such as in the spelling of a name) when one must reach back into one's ancestry for information.

My grandparents, Mr. and Mrs. H.D. Payne, were pioneers in this area. They came to Glengary in 1906, having come to Pend Oreille Lake, at Granite Creek, in 1893. My mother was raised on a farm near Glengary and I was raised at Glengary. The little lake — Gamlin Lake — has always been an important part of our lives.

Dorothy Nelson is a resident of Sandpoint.

Copies of Original Survey Notes

Subdivisions of T. 56 N. R. 18 E. Cont'd.

Chain at the cor. of secs. 1, 6, 7 and 12, on the Prairie Meridian, which is a post, firmly set by ~~the surveyor~~ market and witnessed as described by the surveyor general.

Thence I run:

East, on a true line, bet. secs. 6 & 7.

Over level bottomland, through dense & high undergrowth.

3.75 Leave dense undergrowth and enter meadowland, course N.W. & S.E.

8.40 Leave meadowland, and enter dense, high undergrowth.

19.05 Fence, course N.W. & S.E.

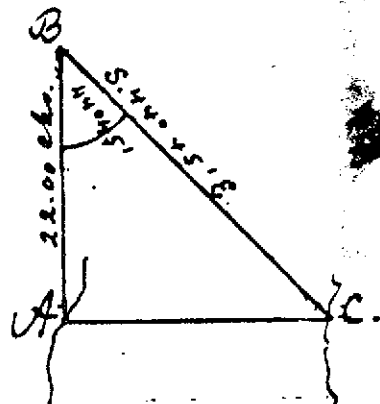
19.86 West bank of Gambles Lake, set a granite stone, 14 2 1/2 x 6 ins., 9 ins. in the ground, for meander cor. of fratch. secs. 6 and 7, marked H.C. on E. face, with 5 grooves on S. face, dug a pit 36 x 36 x 12 ins., 8 ft. W. of

Subdivisions of T. 56 N. R. 18 E. - Continued.

Chain. Cor., and raised a mound of earth, 4 ft. base, 2 ft. high, W. of cor. -

From this meander cor. I saw a flag across the lake and set it on line. Then I measure a baseline N. 22° 00' 00" W. to a point, from which the flag on the opposite bank of the lake bears S. 44° 45' 00" E.

From the flag on E. bank of lake the North end of the base line bears N. 44° 45' 00" W.



Therefore the distance across

IDAHO DEPARTMENT OF WATER RESOURCES HEARING

Gamble Lake, Minimum Lake Level

September 22, 1994

Federal Building, Sandpoint

Please Print Legibly

Check Box If
You Wish To
Comment

Name	Address	Representing	Comment
John Beal	1301 N Orchard Boise ID 83706	Water Resources	✓
Donald J. BETZLER	925 S.W. 106th Seattle WA 98146-1461		
Dallas Burkhalter	IDF+G P.O. Box 25 Boise, 83709	ID Fish and Game	
Cindy Robertson	P.O. Box 25 Boise ID 83707	Fish and Game	
Don Davis	2202 NOY Everett, WA 98201	-	
Sue Goodner	1850 Glenary Rd Sagle ID 83860	Self- adjacent landowner	✓
Jim Stoicheck	615 LAKEVIEW Sdpt.	Self	
Pat Gale	285 Talache Rd. Sagle, ID 83860	ID Fish + Game	✓
DAVE STEW	2225 GLENARY SAGLE, ID 83860		
Luth & L. Ky	7528 Martin Bay Rd	Landowner	
Scott Engstrom	7148 Fairfield Cutoff, Sagle	Landowner	✓
Fred's Cobb	2362 Lakeshore Drive	"	?
Don & Harvey Nelson	2155 GLENARY Rd 2225	SA "	✓
Mike Stevenson	BLM 1808 North Third, Coeur d'Alene ID 83814	Bureau of Land Management	✓
		DEC 14 1994	



September 13, 1994

RECEIVED

SEP 15 1994

Department of Water Resources

Norm Young
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Dear Mr. Young:

Idaho Rivers United, a statewide river conservation group dedicated to preserving, protecting, and enhancing our water resources and riverine environments, is pleased to comment on proposed Minimum Streamflows and Lake levels for three North Idaho rivers and two lakes.

SPECIFIC RECOMMENDATIONS

Middle Fork Clearwater River - No. 81-07162

We support the requested minimums of 2,640 CFS from March 1 through July 31 and 1,323 CFS from August 1 to February 28/29. This flow regime, based on Tennants method (aka Montana method) will provide the bare minimum for survival of fish and wildlife species, habitat and maintenance of water quality.

We recommend that the Idaho Water Resource Board file a supplemental application immediately to appropriate an additional 1,000 CFS from May 1 through July 1 to protect the minimum needed for safe recreational float boating, kayaking and canoeing. This recommendation is based on personal experience and information obtained from "Idaho Whitewater, the Complete River Guide ", by Don McClaran and Greg Moore, 1989.

Selway River - No. 81-07160

We support the requested minimums of 1,500 CFS from March 1 to July 31 and 760 CFS from August 1 to February 28/29. This flow regime, based on Tennants method (aka Montana

EXECUTIVE DIRECTOR

Wendy L. Wilson
Boise

BOARD OF DIRECTORS

Gail Ater
Gooding

Bill Davidson
Pocatello

Maria Eschen, Ph.D.
Boise

Alan Hamilton
Eagle

M. Keene Huehlt, Ed.D.
Pocatello

Bruce Johnstone
Boise

Mary McGown, Ph.D.
Boise

Jerry Myers
Salmon

Dr. Charles Pezeshki
Troy

Gerald Sehlke
Idaho Falls

Tom Stuart

Wlodek Szczepanowski

Curtis Webb
Twin Falls

DEC 14 1994

method) will provide the bare minimum for survival of fish and wildlife species, habitat and maintenance of water quality.

We recommend that the Idaho Water Resource Board file a supplemental application immediately to appropriate an additional 2,000 CFS from May 1 to June 15 to protect the minimum needed for safe recreational float boating, kayaking and canoeing. This recommendation is based on personal experience and information obtained from "Idaho Whitewater, the Complete River Guide", by Don McClaran and Greg Moore, 1989.

Lochsa River - No. 81-07161

We support the request for minimum flows of 1,140 CFS from March 1 through July 31 and 563 CFS from August 1 through February 28/29. This flow regime based on Tennants method will provide the bare minimum necessary for survival of fish and wildlife and to protect water quality.

We recommend that the Idaho Water Resource Board file a supplemental application immediately to appropriate an additional 2,000 CFS to maintain the minimum needed for safe recreational float boating, kayaking and canoeing. This recommendation is based on personal experience (I am a licensed river guide on this river reach) and information obtained from "Idaho Whitewater, the Complete River Guide", by Don McClaran and Greg Moore, 1989.

Gamble Lake and Beaver Lake

We support the minimum lake level request for Gamble Lake of 2,081.1 feet above sea level and 2,281.43 feet above sea level for Beaver Lake. Minimum lake levels for these two small lakes will protect fish and wildlife values, foster waterfowl production, safeguard wetlands, and preserve the lake's beauty. These small lakes provide valuable habitat relatively free from mans influence.

DEC 14 1994

GENERAL COMMENTS

Idaho Rivers United and our members wholeheartedly support efforts by the Idaho Water Resource Board to legally recognize the value of instream flows and lake protection. Meeting surface water ecological needs is a key ingredient for sustainable water resource management. The Board, in its capacity, appears to be fulfilling its obligation and duty to protect public trust values for all the citizens of Idaho. We appreciate their continued efforts and will support them in those efforts.

In the future we'd like the board to consult with us, the Idaho Whitewater Association and the Idaho Dept. of Parks and Recreation to discuss recreational flow needs. Tennants method does not adequately address those needs. In many cases we have data or recommendations available for minimum flow levels needed for recreational float boating, kayaking and canoeing. The Idaho Outfitters and Guide Association is also an excellent resource on rivers which they offer commercial services. Including these seasonal flow requirements in the initial request to appropriate the state's waters will prevent the need for an additional request (as we have recommended).

We remain curious how the the Department and IWRB will mesh these minimum flow requests with competing requests by the Nez Perce Nation who have claimed these waters. The US Forest Service has presumably filed federal reserved water rights claims since all three river segments are federally designated Wild and Scenic Rivers. These requests will be senior to the boards' request.

Although this may raise a question of state sovereignty, we hope the board will err on the side of protection even if it is overlapping between Tribal claims and federal claims.

Thank you for the opportunity to comment on this very important issue.

Sincerely,

Marti L. Bridges

Marti L. Bridges
Water Policy Director

DEC 14 1994

96
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SEP 14 1994

Id. Dept. of Water Resources

Julie Dalsaso
1834 Thomas Ln
Coeur d'Alene, ID 83814

Id. Dept of Water Resources
1301 N. Orchard
Boise, ID 83706

Mr. John Beal,

Since I'll be unable to attend the 9/22 meeting in Sandpoint regarding minimum stream flows on both Gamble and Beaver Lakes, I'd like to recommend a few specifics :

GAMBLE LAKE: I support minimum level of 2,081.1 ft. above sea level.

BEAVER LAKE: I support minimum level of 2,281.43 ft. above sea level.

As an outdoor enthusiast, my observations of bird life and fish habitats around these two nearby lakes is important to the quality of life here in the Northern Panhandle area. I strongly support and urge the Id. Water Resource Board and others with the Dept. of Water Resources to make every effort to give these lakes the protection deserved. I'm concerned about the new population growth in the area, especially from those wanting to divert water to benefit privately, while the very water they may be using has never been observed from its natural source in the context of its magnificent ecosystem. Again, you positively have my support to adopt the above stated minimum lake levels.

Sincerely,

Julie Dalsaso

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DEC 14 1994



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Coeur D'Alene District
1808 N. Third Street
Coeur D'Alene, Idaho 83814



IN REPLY REFER TO:

7250 (063)

RECEIVED
SEP 15 1994
Department of Water Resources

Mr. Norm Young
Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Mr. Young:

Please be advised that Mike Stevenson, our District Hydrologist, wishes to be a formal party as a representative of the USDI-Bureau of Land Management, in the September 22, 1994 hearings to appropriate water for minimum lake level maintenance in both Gamble and Beaver Lakes. Both lakes are situated in Bonner County, Idaho.

If you need any additional information, please contact Mike at (208) 769-5024.

Sincerely,

*for
acting*

John B. O'Brien III
Area Manager,
Emerald Empire Resource Area

DEC 14 1994

RONNEE McGEE
23305 EAST HIGHWAY 3
ROSE LAKE, ID 83810

RE: GAMBLE & BEAVER LAKES
I support your minimum lake
level requests of 2,081.1 and 2,281.43
ft. above sea level for these two beautiful
little lakes. I believe it will help protect
the fish, waterfowl and other wildlife in
the area and preserve the beauty I've
enjoyed while canoeing there.

Thank you for your efforts.
Ronnee McGee
9/7/94

DEC 14 1994

Regarding the hearing on September 22
on the level maintenance for
Lamble (Hamlin) Lake.

Our property lies on the edge
of the lake, and we are concerned
as to the varying, and at times
exceedingly high level. I would
like to formally present our
view. Would this be the A. M.
or the evening meeting.

Thank you

Mrs Ray Goodner
1850 Slengary Road
Sandpoint Id 83864
phone (208) 2639079

RECEIVED

SEP 8 1994

Department of Water Resources

9/9

I called and gave Mrs Goodner
the needed information I had

Guy Hopkins
Kootenai Tribe of Idaho
P.O. Box 1269
Bonners Ferry ID 83805

For Beaver and Gamble Lake

Susan Martin
U. S. Fish & Wildlife Service
4696 Overland Road, Room 576
Boise ID 83705

Forest Service
Give to Bill Graham

Cindy Robertson
IF&G
Statehouse Mail
Boise ID 83720

Kenneth E. Hungerford
2005 Orchard Ave.
Moscow ID 83843

Mary Luckachick
IP&R
Statehouse Mail
Boise ID 83720

Bonner County Commissioners
215 South First
Sandpoint ID 83631

Marti Bridges
Idaho Rivers United
P.O. Box 633
Boise ID 83701

Rep. Monica Beaudoin
602 Lakeview Blvd.
Sandpoint ID 83864

Gwen Burr
Idaho Dept of Health & Welfare
DEQ
2110 Ironwood Parkway
Coeur d'Alene ID 83814

Rep. Jim Stoicheff
615 Lakeview
Sandpoint ID 83864

Dave F. Rydalch
Route 2, Box 108
St. Anthony ID 83445

Senator Tim Tucker
HCR 60, Box 227
Porthill ID 83853

Mike Stevenson
BLM
1808 North Third Street
Coeur d'Alene ID 83814

Rep. Wally Wright
P.O. Box 388
Bayview ID 83803

The following are the property
owners around Beaver Lake

Senator Barbara Chamberlain
E. 4555 Ohio Match Ave.
Post Falls ID 83854

George E. Strong
120 Camp Bay Road
Sagle ID 83860

Rep. Hilde Kellogg
P.O. Box 1479
Post Falls ID 83854

Donald H. Betzler
925 SW 106th
Seattle WA 98146

Senator Mary Lou Reed
10 Giesa Road
Coeur d'Alene ID 83814

DEC 14 1994

Dwight & Mary Robinson
235 Talache Road
Sagle ID 83860

Red Riche
301 Rberian Way
Sandpoint ID 83864

Fields W. Cobb Jr.
2362 Lakeshore Dr.
Sagle ID 83860

Dave F. Rydalch
Route 2, Box 108
Sagle, ID 83445

Mike Satterwhite
327 Skyline Drive
Lewiston, ID 83501

BRETT SWIFT
LEWIS & CLARK LAW SCHOOL
10015 SW TERWILLIGER BLVD
PORTLAND OR 97219

MICHAEL & JOANN MCGUCKIN
7220 GARFIELD BAY CUTOFF RD
SAGLE ID 83860

VIC & JUDY WRIGHT
111 N 7TH
YAKIMA WA 98909

KAREN MOORE
211 S 3RD AVE
SANDPOINT ID 83864

McGuckin I Trust
c/o John Cottrell, Trustee
P.O. Box 874
Sandpoint ID 83864

Garfield Bay Water-Sewer Dist.
Box 343
Sagle ID 83860

The following attended the PIM
in December 1993

Jo Rublee
7562 Martin Bay Road
Sagle ID 83860

Scott Engstrom
7148 Garfield Bay Cutoff
Sagle ID 83860

Jay Smith
215 S. First
Sandpoint ID 83864

Marlene & Robert Wallen
7544 Martin Bay Road
Sagle ID 83860

Barbara & John Vlahavich
7524 Martin Bay Road
Sagle ID 83860

Tom Mehler
7536 Martin Bay Road
Sagle ID 83860

Tom Trulock
2185 Glengary Road
Sagle ID 83860

Herrick Heitman
2185 Glengary Road
Sagle ID 83860

96-07309
CHARLES DAVID HUTCHIN
100 CAMP BAY RD.
SANDPOINT ID 83864

96-07716
FORREST M. BIRD
P.O. BOX 817
SANDPOINT ID 83864

96-08011
JOHN SALGADO
160 CAMP BAY RD.
SANDPOINT ID 83864

96-08054
RAY GOODNER
HCR 66 BOX 604
SANDPOINT ID 83864

96-08205
G. M. KENWORTHY
HCR 66 BOX 436
SAGLE ID 83860

96-08345
JAMES SHEA
3757 1/2 WESTON PLACE
LONG BEACH CA 90807

96-08461
FRED A. ZOLLER
165 CAMP BAY RD.
SANDPOINT ID 83864-0000

USER: LOCAL
LINE2LINE2LINE2LINE2LINE2LINE2LIN
LINE3LINE3LINE3LINE3LINE3LINE3LIN
LINE4LINE4LINE4LINE4LINE4LINE4LIN
LINE5LINE5LINE5LINE5LINE5LINE5LIN

96-04088
ALMA M. WRIGHT
STAR RT.
SANDPOINT ID 83864

96-04089
ALMA M. WRIGHT
STAR RT. BOX 206B
SANDPOINT ID 83864

96-04211
JESSIE C. LEVEY
HCR 66 BOX 754
SANDPOINT ID 83864

96-04266
LAWRENCE R. TASSIE
HCR 66 BOX 800
SAGLE ID 83860

96-04293
RAY GOODNER
HCR 66 BOX 604
SANDPOINT ID 83864

96-04302
RAYMOND H. RICARD
HCR 66 BOX 438
SANDPOINT ID 83864

DEC 14 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 22, 1994

Post Register
Box 1800
Idaho Falls, ID 83401

Gentlemen:

Enclosed you will find legal notices which we wish to have published in your newspaper. We have inserted the required publication dates. If you cannot publish the notices on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill. Please direct the affidavit of publication and bill to my attention.

Sincerely,

SHARLA CURTIS
Secretary

Enclosures

DEC 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 22, 1994

Sandpoint Daily Bee
310 Church St.
Sandpoint, ID 83864

Gentlemen:

Enclosed you will find legal notices which we wish to have published in your newspaper. We have inserted the required publication dates. If you cannot publish the notices on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill. Please direct the affidavit of publication and bill to my attention.

Sincerely,

SHARLA CURTIS
Secretary

Enclosures

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DEC 14 1994

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 22, 1994

Lewiston Morning Tribune
Box 957
Lewiston, ID 83501

Gentlemen:

Enclosed you will find legal notices which we wish to have published in your newspaper. We have inserted the required publication dates. If you cannot publish the notices on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill. Please direct the affidavit of publication and bill to my attention.

Sincerely,


SHARLA CURTIS
Secretary

Enclosures

DEC 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 22, 1994

The Idaho Statesman
Box 40
Boise, ID 83707

Gentlemen:

Enclosed you will find legal notices which we wish to have published in your newspaper. We have inserted the required publication dates. If you cannot publish the notices on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill. Please direct the affidavit of publication and bill to my attention.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".

SHARLA CURTIS
Secretary

Enclosures

DEC 14 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 22, 1994

Times News
Box 548
Twin Falls, ID 83301

Gentlemen:

Enclosed you will find legal notices which we wish to have published in your newspaper. We have inserted the required publication dates. If you cannot publish the notices on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill. Please direct the affidavit of publication and bill to my attention.

Sincerely,

SHARLA CURTIS
Secretary

Enclosures



DEC 14 1994

NOTICE OF HEARING FOR
APPLICATION FOR MINIMUM LAKE LEVEL MAINTENANCE

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for minimum lake level maintenance in Gamble Lake. The application is further described as follows:

Source: Gamble Lake

Application No.: 96-08764

Proposed Priority: June 24, 1993

Amount and Period of Use: Lake level of 2081.8 feet above sea level from 1/1 through 12/31

Purpose of Minimum Lake Level: Preserve aesthetics, recreational opportunities and wildlife values

Place of Use: Gamble Lake, situated in Sections 6 and 7, T56N, R1E, Bonner County

The Department of Water Resources will hold a public hearing at the Federal Bldg., 1500 Hwy. 2, Sandpoint, Idaho at 9:00 a.m. on September 22, 1994 for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the hearing officer will also receive informal testimony from the public beginning at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, Boise, ID 83720, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department ten (10) days prior to the hearing. The hearing will be conducted by Norm Young, Idaho Dept. of Water Resources, Statehouse Mail, Boise, Id 83720, telephone (208) 327-7900.

If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON

Director, Idaho Dept. of Water Resources

Published in The Idaho Statesman, Lewiston Morning Tribune, and Times News on 9/1, 9/8 and 9/15/94.

Published in Sandpoint Daily Bee and Post Register on 8/31, 9/7 and 9/14/94.

DEC 14 1994

MINIMUM STREAMFLOW APPLICATION

PROCESSING CHECKLIST

<u>Action</u>	<u>Assigned to</u>	<u>Initials/date</u>
1. Min flow app filed	IWRB	✓
2. Review app in S.O.	Permit Sec Sup	<i>WJA</i>
3. Index app in S.O. Make copy for W.A. Bur Make copy for Wtr Plan Bur	Records Chief	<i>CA</i>
4. Update summary report	Records Chief	<i>CW</i>
5. Send orig app to region and copy to Pub. Info Off.	Records Chief	<i>CA</i>
6. Advise S.O. of ident no.	Region	<i>pm 7/15/93</i>
7. Send copy of app to F&G, H&W, Parks & Rec. (mandatory)	Region	<i>pm 7/15/93</i>
8. Send press release that app has been filed	PIO	<i>SEE #11</i>
9. Contact riparian land owners	Requestor	<i>Da</i>
10. Prepare visual aids (Location, water rts, hydrol)	Wtr Plan Bur	
11. Provide notice of Bd's public meeting by legal notice and press release-PIO ✓	Wtr Plan Bur	<i>Da</i>
12. Send copy of press release of Bd's public meeting to:	Wtr Plan Bur	<i>Da</i>
a. IDWR Board members		
b. Local legislators		
c. Watermaster		
d. Water right holders		
e. Riparian owners		
13. Send notice to each water right holder on MSF reach of the Board's public info mtg	Wtr Plan Bur	<i>Da</i>
14. Hold Bd's public meeting	IWRB and Wtr Plan Bur	
15. Advertise legal notice of Director's hearing (S.O. prepare notice, region advertise)	Permit Sec Sup Region	<i>Da</i>

DEC 14 1994

16. Provide copy of press rel
to:
a. IDWR Board members
b. Local Legislators
c. Watermaster
d. Water right holders
e. Riparian owners

Permit Sec Sup

17. Hold hearing (mandatory)

Permit Sec Sup

18. Prepare and issue PMDO

Permit Sec Sup

19. Prepare and issue FMDO

Permit Sec Sup

20. Send info to legislature
by the 5th legislative day.

Permit Sec Sup

21. Document water right file
of legislative action

Permit Sec Sup

DEC 14 1994

MEMORANDUM

To: Gary Spackman *MS*
Glen Saxton *MS*
Norm Young *MS*
Bob Haynes
Water Right File 96-08764

From: John Beal *John Beal*

Date: March 3, 1994

Re: Gamble Lake - Minimum Lake Level
Lake Level

RECEIVED

MAR 24 1994

NORTHWEST REGION
IDWR

When water appropriation application 96-08764 was filed the minimum lake level requested was 2079.0 feet. This elevation was taken from the USGS quad map of the area. The elevation was clearly marked on the application as an 'estimate'. Item 17 of the application states 'This minimum lake level request is based upon the level at which surface water ceases to flow out of the lake, based upon observations at the outlet culvert'.

A recent BLM survey measured the culvert invert and lake level at elevation 2081.8 feet not at 2079.0 feet.

I recommend that this change not require a new or amended application. The original application and the discussion at the public meeting in December, 1993 were clear that the bottom of the existing outlet culvert was the requested minimum lake level. We are leaving the lake level at the outlet elevation.

I searched the water right files today and found no applications or other rights with newer priority dates than the Board's application.

See the attached items from the BLM dated February 24.

The original application should be modified to show elevation of 2081.8 feet and the hearing advertisement, when published, should indicate elevation 2081.8 feet.

DEC 14 1994



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
COEUR D'ALENE DISTRICT
1808 N. Third Street
Coeur D'Alene, Idaho 83814



IN REPLY REFER TO:

RECEIVED

MAR 02 1994

Department of Water Resources

7250 (062)

FEB 24 1994

Mr. John Beal, WR Engineer
Idaho Department of Water Resources
Planning Bureau
1301 N. Orchard Street
Boise, ID 83706

Dear Mr. Beal:

As you are aware, on December 14, 1993, a public information meeting was held in Sandpoint to discuss the proposed minimum lake level for Gamble Lake. Referring to the current Gamble Lake water right application, please note that at the time of the meeting, a temporary description for the desired minimum lake level, "estimated 2079 feet above sea level," was listed on the permit application under item 4. This was further described under item no. 14 as "the level at which water ceases to flow out of the lake, based upon sightings at the outlet culvert."

We request that the temporary elevation of 2079.0 be amended on the water right application (item 4.) to read "an elevation of 2081.80." The new elevation was surveyed in from an established USGS benchmark located near Martin Bay, approximately one-quarter mile east of the Gamble Lake outlet culvert. A description of the USGS benchmark, with a detailed elevation, is attached. For future reference, the BLM has established a new benchmark close to, and within clear sight of, the culvert.

Several factors may explain the approximately 3-foot difference in the estimated elevation (2079) and the surveyed elevation:

1. The existing culvert was replaced about 10-20 years ago, according to local landowners. They have also stated that placement of the new culvert raised the lake level relative to the previous control by several feet. The lake elevation shown on the USGS map may have been based upon the previous (lower) lake level.

DEC 14 1993

2. The 2079 estimate was simply a map elevation for the lake, and would not be expected to be as accurate as a benchmark.
3. The lake level fluctuates several feet in most years. It is not known in which season of the year the 2079 elevation was estimated for the USGS map.

We contend that, irrespective of the requested elevation amendment to the application, the effective minimum lake level in the water right would remain unchanged.

At the public information meeting, in his presentation on behalf of BLM, Mike Stevenson showed slides of the subject culvert and ensured that all parties involved understood that the requested minimum lake level was based on the elevation of the bottom of the outlet culvert-- with the corresponding, surveyed elevation to be determined in the near future. It was also emphasized at the meeting that this was the same lake level control referenced in the permit application.

We appreciate your help in this process. If you need any additional information, please contact Mike Stevenson at (208) 769-5024.

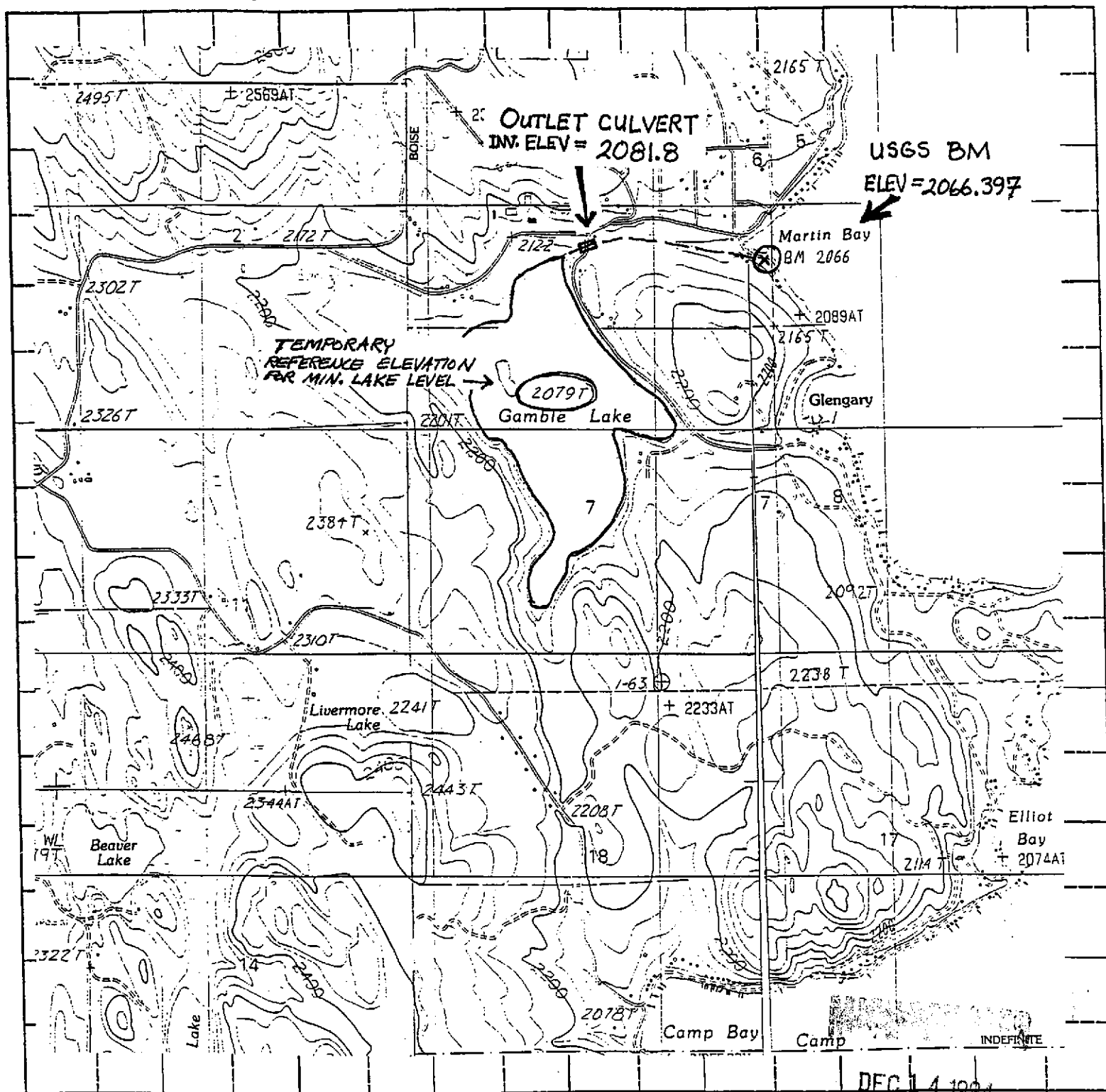
Sincerely,

for *John B. O'Brien III*
Fritz U. Rennebaum
District Manager

Enclosure

DEC 14 1994

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



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.

Omide Satterwhite 6/24/93
(Applicant)

U.S. DEPT. OF THE INTERIOR
GEOLOGICAL SURVEY
FORM 5-1155
REV 1-81

REPORT ON CONDITION OF SURVEY MARK

MAPPING CENTER

STATE Idaho COUNTY Bonner QUAD NAME Packsaddle NW
STATION NAME and/or NUMBER JHF 6 1947 2067 QUAD NUMBER 09443
LATITUDE _____ TYPE of MARK: BM ☒ TRAV. ☐ TRIANG ☐ DOPPLER ☐
LONGITUDE _____ YEAR ESTABLISHED 1947
ELEVATION 2066.397 ft/meter By: USGS ☒ NGS ☐ OTHER _____
CONDITION Good MARK STAMPED: JHF 6 (Name of agency)

REMARKS or REVISED DESCRIPTION:

Sample NR. X-ing, 11.8 miles east on the road to Martin Bay, at
Martin Bay, 0.1 miles south of the fork on the Martin Bay Road,
21 feet west of the center of the road and 50 feet west of the south
end of a summer breakwater, set in concrete post; standard tablet
stamped "JHF 6 1947 2067".

SUBMITTED BY Pamela Lovely AGENCY USGS DATE 9-1-87
Marks found in good condition need not be reported unless description is inadequate. Please prepare in triplicate. GSC 174



Field Office:
Information
On Back Of
This Card

U.S. Geological Survey
National Mapping Division

(303) 236-5812
Donald E King

02/09/94

Rocky Mountain Mapping Center
P.O. Box 26046 DFCMS-509
Denver, CO 80225-0046

DEC 14 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

~~(208) 765-4639 • Fax (208) 765-2088~~

Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 15, 1993

Idaho Dept. of Fish & Game
2320 Government Way
Coeur d'Alene, Id. 83814

Re: 96-8764

Gentlemen:

Enclosed is a recent filing with this Department that may be of interest to
your agency.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

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State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

~~(208) 769-1450~~ ~~Fax (208) 769-1454~~

Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 15, 1993

Idaho Divn. of Environment
2110 Ironwood Parkway, #101
Coeur d'Alene, Id. 83814

Re: 96-8764

Gentlemen:

Enclosed is a recent filing with this Department that may be of interest to your agency.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

DEC 14 1994



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CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 15, 1993

Id. Dept. of Parks & Recreation
2951 N. Government Way
Coeur d'Alene, Id. 83814

Re: 96-8764

Gentlemen:

Enclosed is a recent filing with this Department that may be of interest to your agency.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

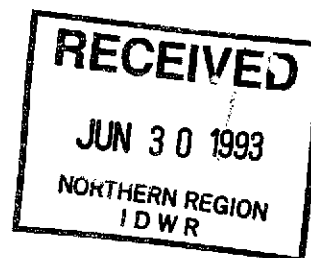
RGH/pms

REC 14 1994

MEMORANDUM

To: Gamble Lake File - Minimum Lake Level
From: L. Glen Saxton *LS*
RE: REPLACEMENT APPLICATION
Date: June 25, 1993

The attached application is intended to replace the previous application filed by the Idaho Water Resource Board for a minimum lake level on Gamble Lake. It is not intended as an amendment of the prior filing. Hence we should consider the prior application as withdrawn and should assign a new identification number (with a later priority) to the application filed on June 24, 1993.



[Faint, illegible stamp]
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MAY 24 1993

Ident. No.

96-8764

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone (208) 334-4440
Post office address Statehouse Mail, Boise, Idaho 83720-9000
2. Source of water supply unnamed streams which is a tributary of Gamble Lake
3. Location of point of diversion is no diversion of 1/4 of 1/4, Govt. Lot
Sec. 6 and 7 Township 56N Range 1E B.M. Bonner County; additional
points of diversion if any:
4. Water will be used for the following purposes: *temporary estimate 2079.0 feet above sea level for
Gamble Lake recreation, aesthetics, and wildlife.
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) NA and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works: NA
 - a. Description of ditches, flumes, pumps, headgates, etc.
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet; period of year when water will be diverted to storage:
 to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is feet.
 - d. Is ground water with a temperature of greater than 90°F being sought?
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. Gamble Lake is wholly contained within Sections 6 and 7, T56N, R1E. It has historically been used for recreation and aesthetics.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
56N	1E	6											RWJ	*					
56N	1E	7		RWJ	*		*	RWJ	*	*	*	*		RWJ	*		RWJ	*	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? _____

- b. Who owns the land to be irrigated or place of use? N/A

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

12. Remarks: The USDI Bureau of Land Management, with the support of the Idaho Dept. of Fish and Game and the Nature Conservancy, seeks minimum lake level to preserve the the recreational wildlife and aesthetic aspects of Gamble Lake for present and future generations.

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[illegible]

DEC 14 1994

Omilia Sutton White
(Applicant) 5/21/93

ATTACHMENT TO APPLICATION FOR PERMIT
TO APPROPRIATE A MINIMUM STREAM FLOW

11. Provide evidence that the appropriation will not interfere with any vested water right, permit, or water right application of earlier date of priority.

BLM seeks no infringement upon vested water rights 96-04266/Lawrence Tassie,
96-07716/Forest and Mary Bird or any other existing rights located upon
Gamble Lake or its sources.

12. Provide evidence to show that the appropriation would be in the public interest as opposed to private interest.

The 1976 Memorandum Decision and Order from the Director of IDWR states "there is

uncontested testimony that protection of natural lake levels in Gamble Lake
(also known as Gamblin Lake) is in the local public interest." The Idaho
Dept. of Fish and Game also feels establishing a legal minimum lake level would be
in the public interest. The BLM is currently working on a management plan,
incorporating recreational use, for the BLM administered land adjacent to Gamble Lake

13. Provide evidence or justification that the appropriation is necessary for the purposes shown in Item 4.

Visitors come to Gamble Lake for water-based recreation opportunities as well as
bird watching and nature trails. Maintaining a minimum lake level is necessary to
provide adequate swimming, fishing, and boating opportunities. The lake supports
a wetland ecosystem which provides important habitat for wildlife, waterfowl and
several rare aquatic plants. Drawing the lake below the requested minimum would:
1) reduce the surface area for boating and fishing. 2) cause fishing to deteriorate
3) cause boat dock sections to rest on land. 4) promote algae growth harmful to
public/fish/wildlife.

14. Provide evidence that the minimum flow or lake level is minimum and not the ideal or most desirable flow or lake level.

This minimum lake level request is based upon the level at which surface
water ceases to flow out of the lake, based upon sightings at the outlet culvert.

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15. Provide evidence that the flow or lake level requested is capable of being maintained as evidenced by records of stream flows and water levels.

No known records.

16. Describe the location of existing gaging stations that can be used in the administration of this appropriation.

None

17. Do you intend to install additional gaging stations? Describe the location.

Yes, the BLM intends to install a gage at the outlet culvert or near
the future boat access on the BLM parcel located in the SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Sec 7.

18. List any additional remarks related to this minimum stream flow application.

Since Bonner County is continuing to experience rapid residential development, there is a risk of future additional water rights claims on the lake. Excessive withdrawals would have a particularly harmful effect on a shallow lake such as this one, possibly resulting in rapid eutrophication and fish kills.

Recreational use of Gamble Lake and the public lands within the watershed will increase and the protection of the lake will remain an important issue.

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Received by pm Date ^{6/14/93} 5-24-93 Time ^{12:30 pm} 8:00^a Preliminary check by WJ
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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:

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IDAHO FISH & GAME

REGION 1

2320 Government Way
Coeur d'Alene, ID 83814-3683
(208) 765-3111

May 20, 1993

Mr. Mike Stevenson
USDI Bureau of Land Management
1808 North Third Street
Coeur d'Alene, ID 83814

Dear Mike:

REFERENCE: GAMBLE LAKE MINIMUM POOL

We support the Bureau of Land Management's request to establish a minimum pool level at Gamble Lake.

We believe establishing a minimum pool, which will essentially maintain existing conditions, will provide long term protection for the mixed species warmwater fishery, waterfowl, furbearers, shorebirds and song birds presently found at Gamble Lake. If the application were not approved, and additional water withdrawals were allowed, these valuable resources would decline. Gamble Lake is a popular fishery. Waterfowl production contributes to local hunting opportunities and wildlife viewing is also a popular activity. All of these activities are dependent on maintaining adequate water in the lake.

It is our understanding the proposed minimum pool would not interfere with any existing water rights. We believe it would be in the public interest to maintain the lake level with a legal minimum level.

Sincerely,

Ned Horner

for David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Natural Resource Policy Bureau

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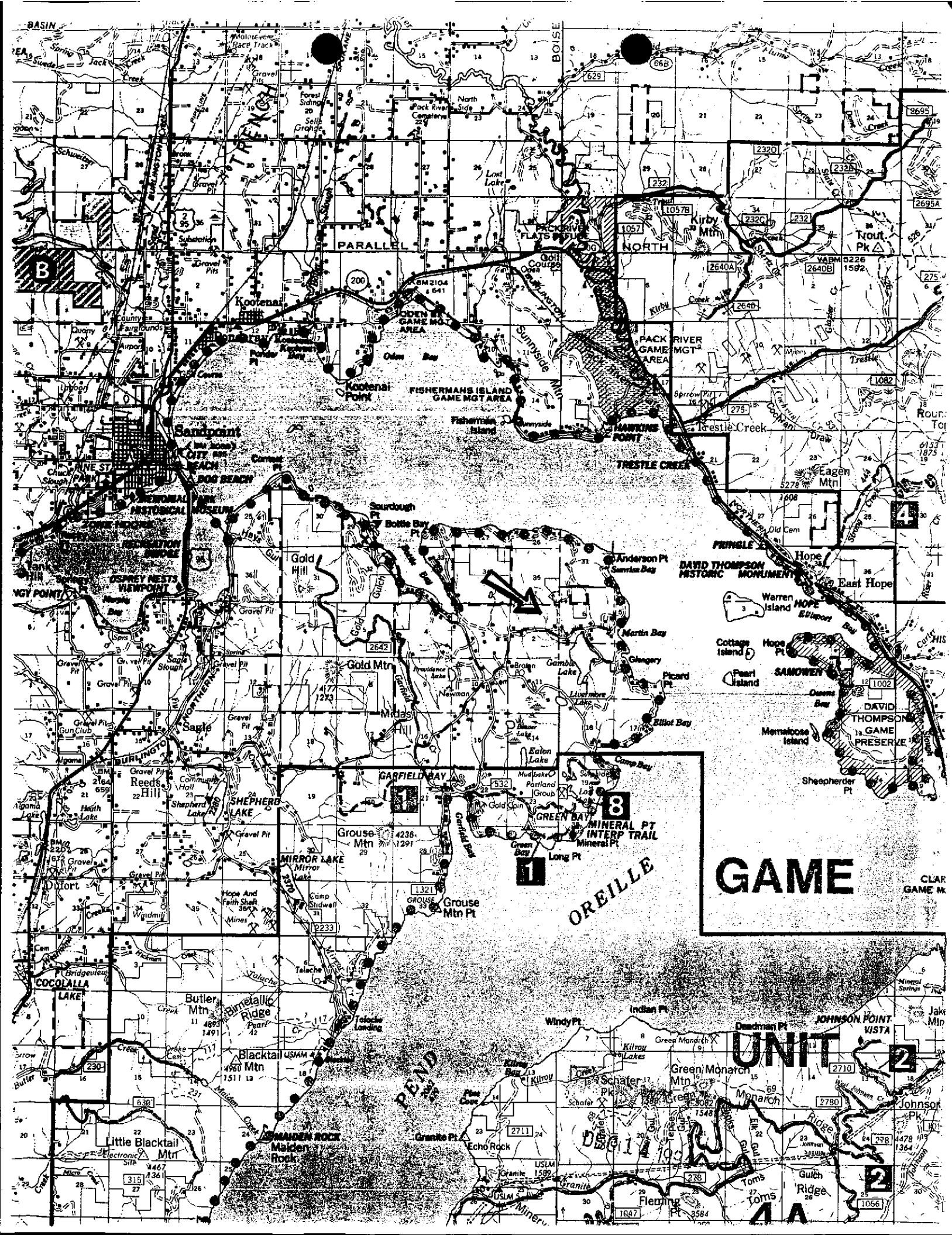
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Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife - since 1938



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

IN THE MATTER OF PROTESTS AGAINST THE APPROVAL
OF APPLICATION FOR PERMIT NO. 96-7716 IN THE
NAME OF FORREST M. AND/OR MARY P. BIRD

MEMORANDUM DECISION
AND ORDER

*

On September 15, 1978, Forrest M. and/or Mary P. Bird of Sandpoint, Idaho filed with the Department of Water Resources an application for permit to appropriate 0.24 cubic feet per second for irrigation from April 1 to October 31; 0.04 cubic feet per second for domestic use from January 1 to December 31; 15.00 acre-feet of storage for irrigation, fire protection, wildlife watering, recreation and domestic use. The reservoir will be filled with a rate of diversion of 0.24 cubic feet per second from January 1 to December 31. Water is proposed to be diverted from an unnamed stream, (outlet of Gamble Lake) a tributary of Pend Oreille Lake at a point within Government Lot 7, Sec. 6, Twp. 56N, Rge. 1E B.M., Bonner County.

Notice of the application was published in the Sandpoint Daily Bee, Sandpoint, Idaho on September 27 and October 4, 1978. The Department received protests against approval of said permit from the following: Rosemary Henrickson, Victor and Cynthia Susnis, Stanley Henrickson, Martin Hendrickson, Herbert A. Lassen, Steve Goodner, Harriette H. Peterson, Charles H. Hoffman, James and Vivian Frame, Harvey F. and Dorothy L. Nelson, Pamela Blass, Mr. and Mrs. Leslie King, Alice M. Lassen, Edson L. and Louise E. Senft, Mr. and Mrs. Cecil R. Campbell, Charles T. Peterson, Michael S. Dwany, Helen M. Peterson, Lawrence R. and Jewel S. Tassie, Scott Reed, attorney representing Sue and Ray Goodner, Jane and John Collins, Mrs. Jessie Levey, 4 1994 Tom Mehler and Mr. and Mrs. Anthony W. Wayne.

A hearing on the matter was held at Sandpoint, Idaho on January 17, 1979.

The primary issue raised by the protestants is that it is against the

Practice and Procedure Rules and Regulations, adopted April 12, 1978.

The applicants were represented by their legal counsel, Jon Hammarberg. In addition, the applicants have given a specific power of attorney to Robert LaFore who was also present at the hearing. It is the position of the Director that the applicants were adequately represented and therefore the motion to dismiss the application is denied.

After reviewing all the evidence and testimony submitted at the hearing and pertinent information contained in the Department's files, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1) There is uncontested testimony that protection of natural lake levels in Gamble Lake (also known as Gamblin Lake) is in the local public interest.

2) It is possible for the applicants to divert water from the unnamed stream without affecting levels of Gamble Lake if the point of diversion is located downstream from the stream reach which affects control on Gamble Lake levels.

3) The record of what physically controls the lake levels is contradictory but it is either the culvert where the stream crosses the road or it is the beaver dam which is located downstream from the culvert.

4) The flow in the stream was measured at 1.10 cubic feet per second on January 11, 1979.

5) In excess of 1000 acre-feet per year flows from Gamble Lake outlet.

CONCLUSIONS OF LAW

1) The applicants are entitled to a permit from the State of Idaho to appropriate public water from the unnamed stream only if the point of diversion is located so that the level of the water surface of Gamble Lake is not affected.

2) There are times at which there is water in the unnamed stream which is excess of any prior water rights and is sufficient for the applicants' intended purposes.

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local public interest to allow the level of Gamble Lake to be drawn below the elevation to which it would naturally recede following the spring runoff.

One protestant also uses the water from the same stream the applicants seek to use. Her point of diversion is downstream from the applicants' proposed point of diversion.

The attorney for part of the protestants, Scott Reed, moved to have the Director dismiss the application on the grounds that the applicants, Forrest M. and Mary P. Bird, were not present at the time of the hearing as required by the

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ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 96-7716
is APPROVED subject to the following conditions:

- 1) This permit is subject to all existing prior water rights.
- 2) The applicants' point of diversion must be located downstream from
the beaver dam and in such a manner as to not affect the water level of Gamble Lake.

~~SECRET~~
MEMORANDUM DECISION AND ORDER -- PAGE 2

DATED 27 MARCH 1979

DEC 14 1994

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Coeur d'Alene District
1808 N. Third Street
Coeur d'Alene, Idaho 83814

October 3, 1994

In Reply Refer To:
7250 (063)

Mr. Norm Young
Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Mr. Young:

Thank you for the opportunity to present, on behalf of BLM, the application for establishing a minimum lake level on Gamlin Lake. As promised at the September 22 public hearing, I collected field measurements at the outlet culvert, including the attached plate structure.

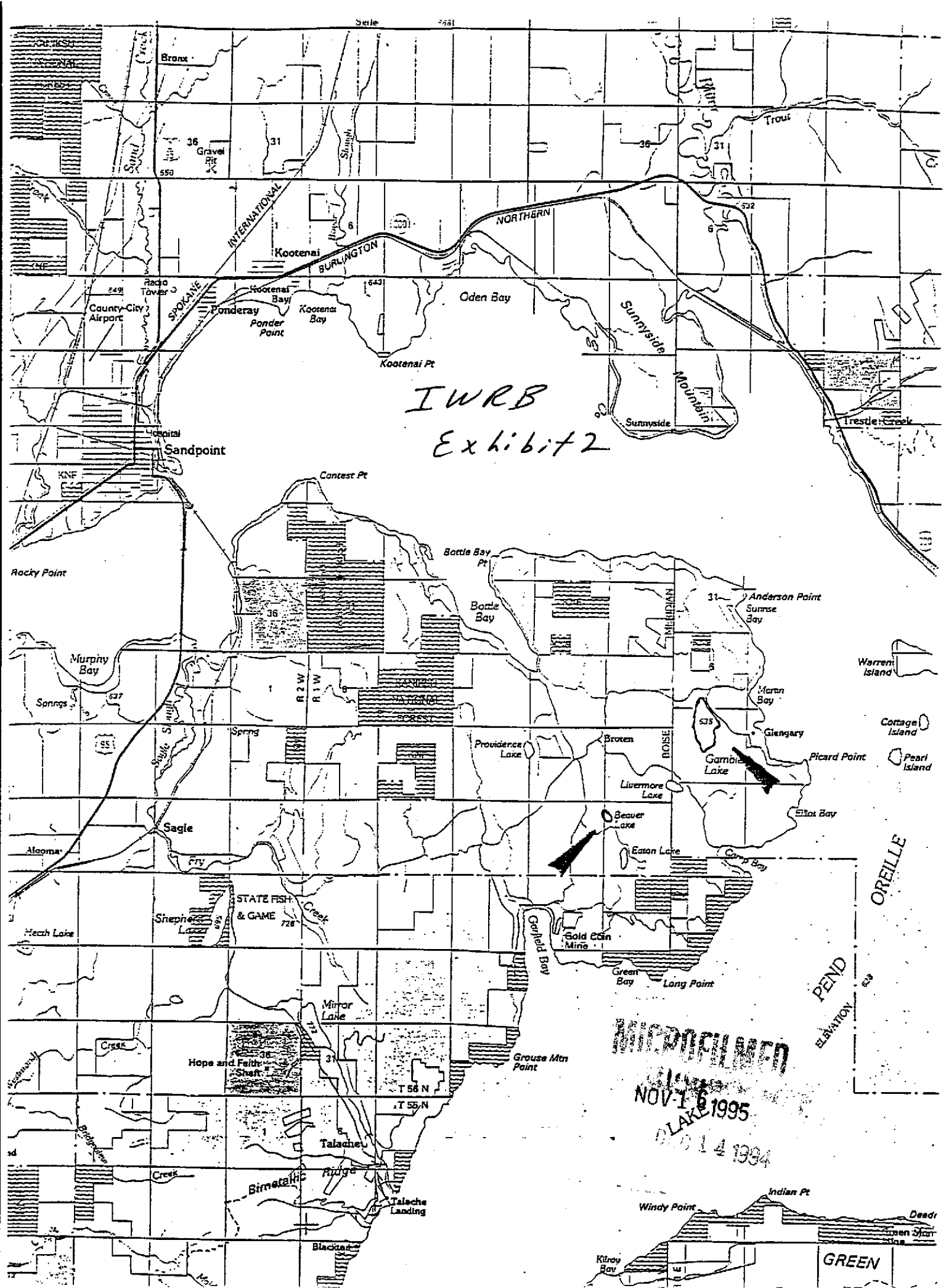
Again, I would like to emphasize our contention that the requested minimum lake level is totally independent of the "culvert blockage" issue, as we are seeking a level based upon the elevation at the bottom (invert) of the outlet culvert. Therefore, whether downstream beaver dams are currently influencing the lake level, as we believe, or the attached plate is the primary lake level control, please consider the attached sketch as supplementary information only. It may be helpful to the Water Resource Board members that have not had an opportunity to visit the site.

Sincerely,



Mike Stevenson
District Hydrologist

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* Mile
130

TWRB

Exhibit 4

GAMLIN LAKE SMA

T. 56 N., R. 1 E., Sec 7

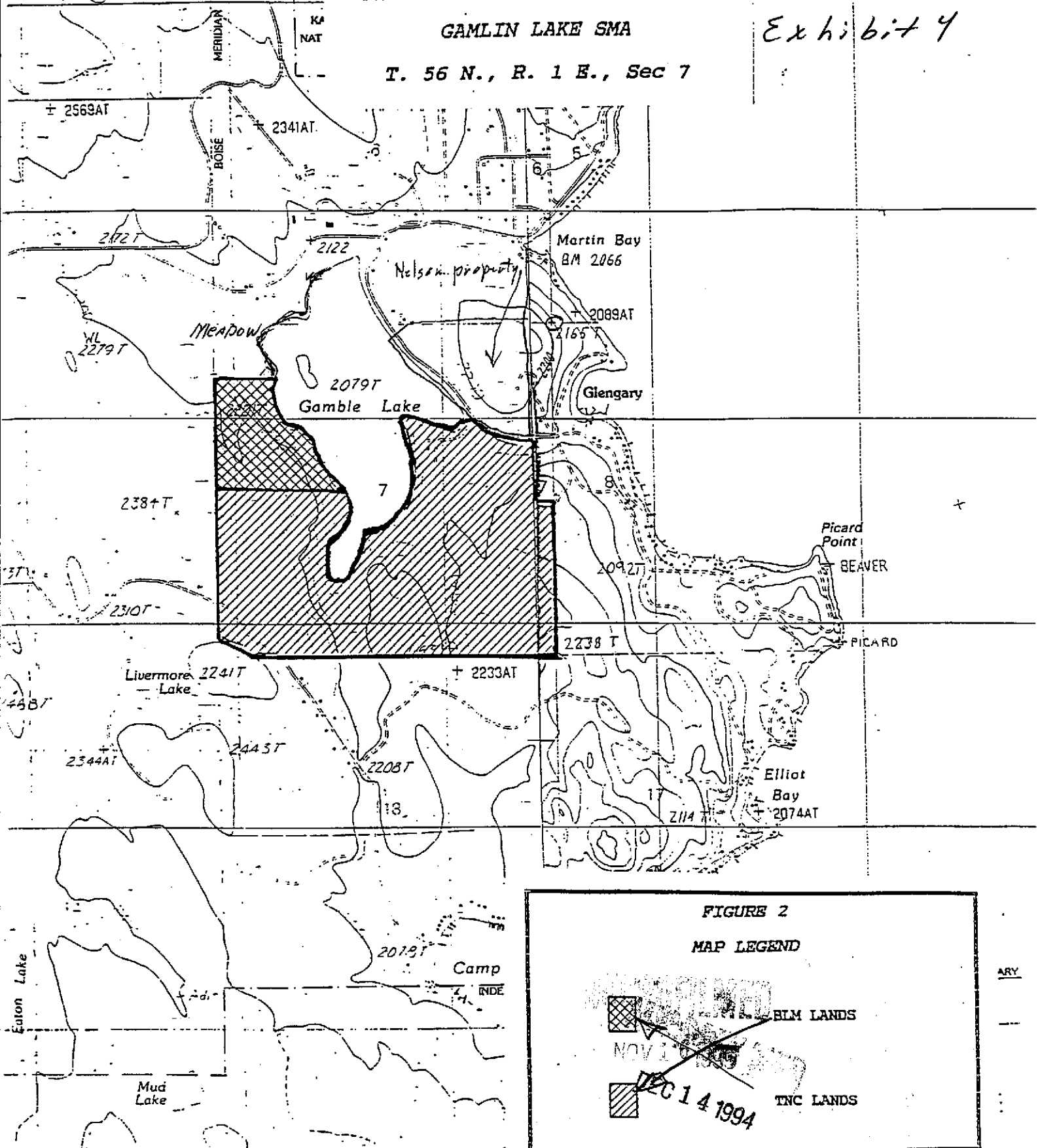
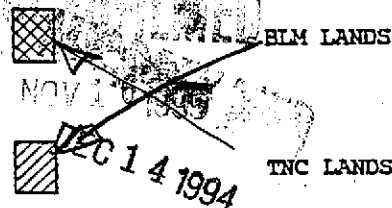


FIGURE 2

MAP LEGEND



field sketch of Gamlin Lake outlet culvert
with attached plate.

9/30/94 Stevenson

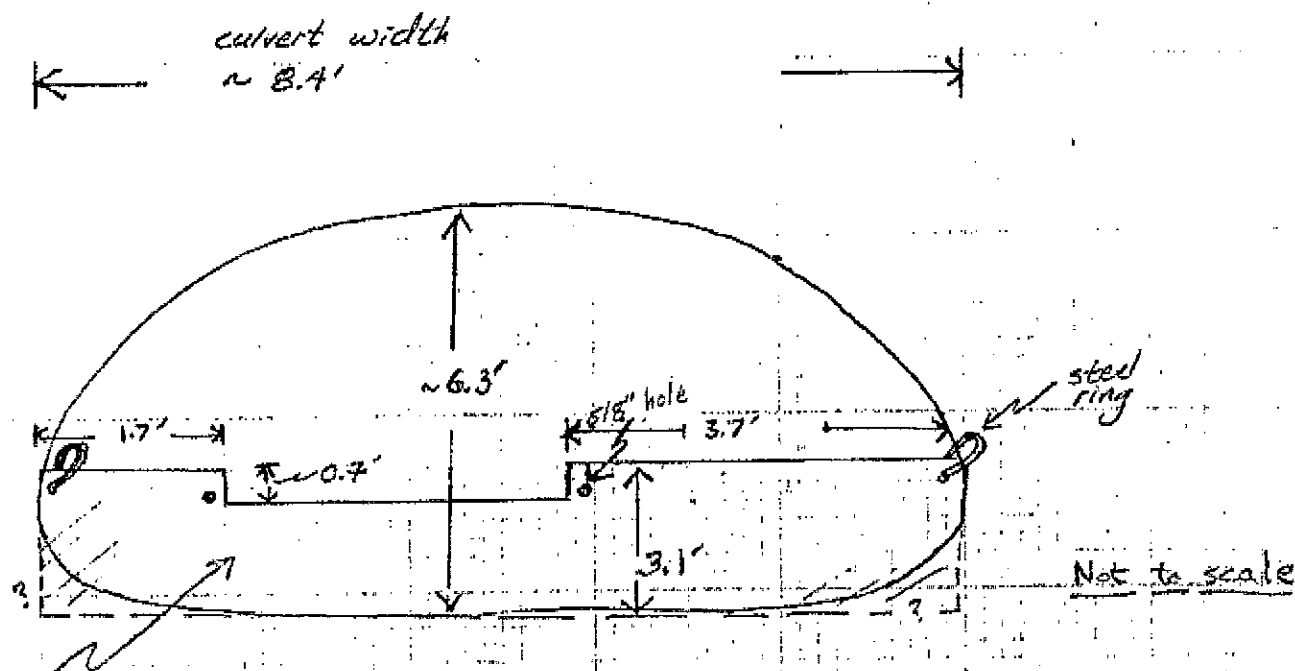


plate is $\frac{1}{2}$ " steel,
with rings attached on both ends,
apparently to allow for removal

plate is ~ 3.1' above the culvert inlet;
the notch is off-centered and ~ 0.7' deep x 3.0' wide

IWRB
Exhibit 1

GAMBLE LAKE

Application

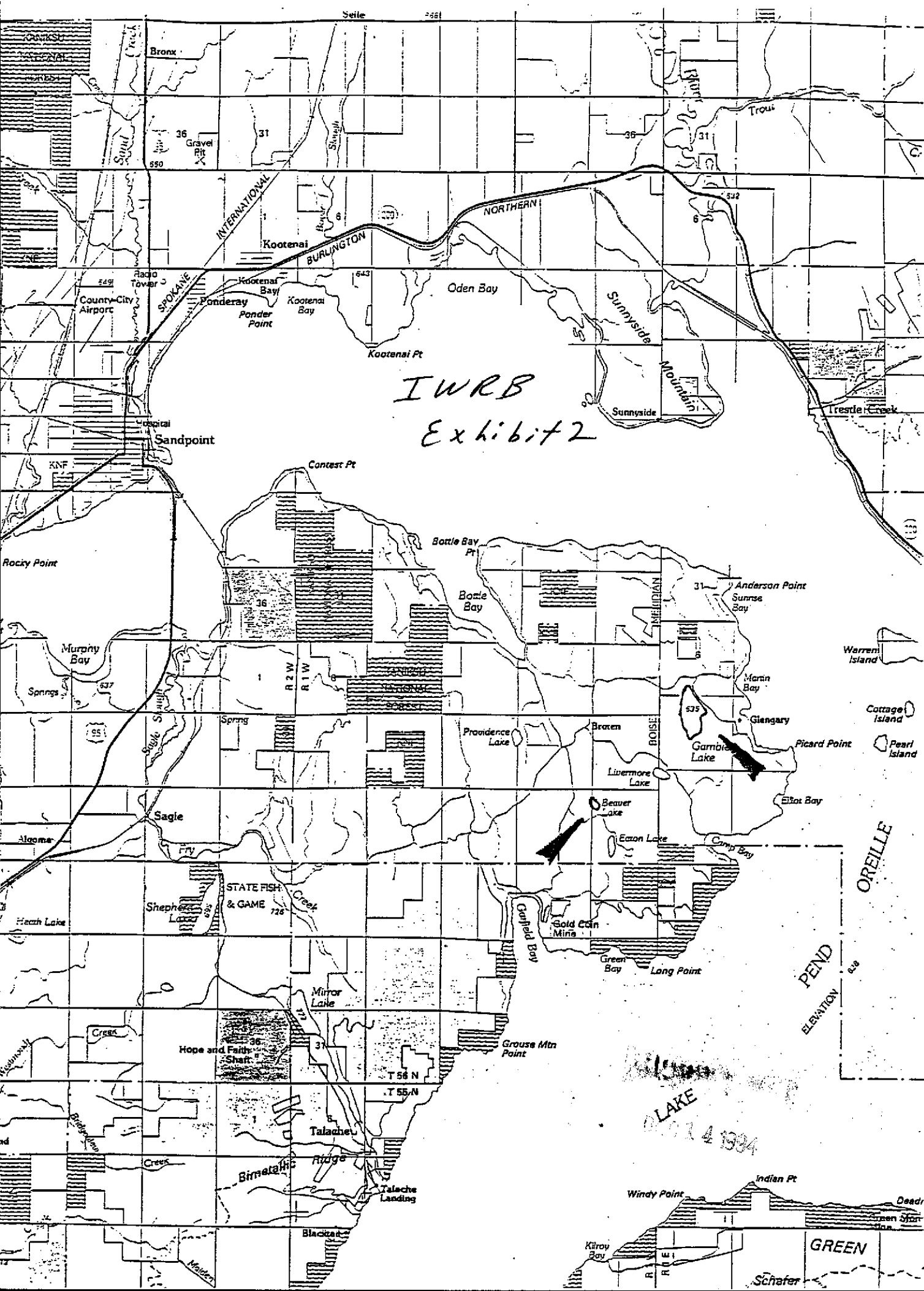
Location : Sections 6 & 7, Township 56 North,
Range 01 East, B.M., Bonner County.

**Requested
Minimum
Lake Level** : ~~2079.0~~ Estimate
2081.80 MSL Surveyed

Purpose : To preserve aesthetics, recreational
opportunities and wildlife values.



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IWRB
Exhibit 3

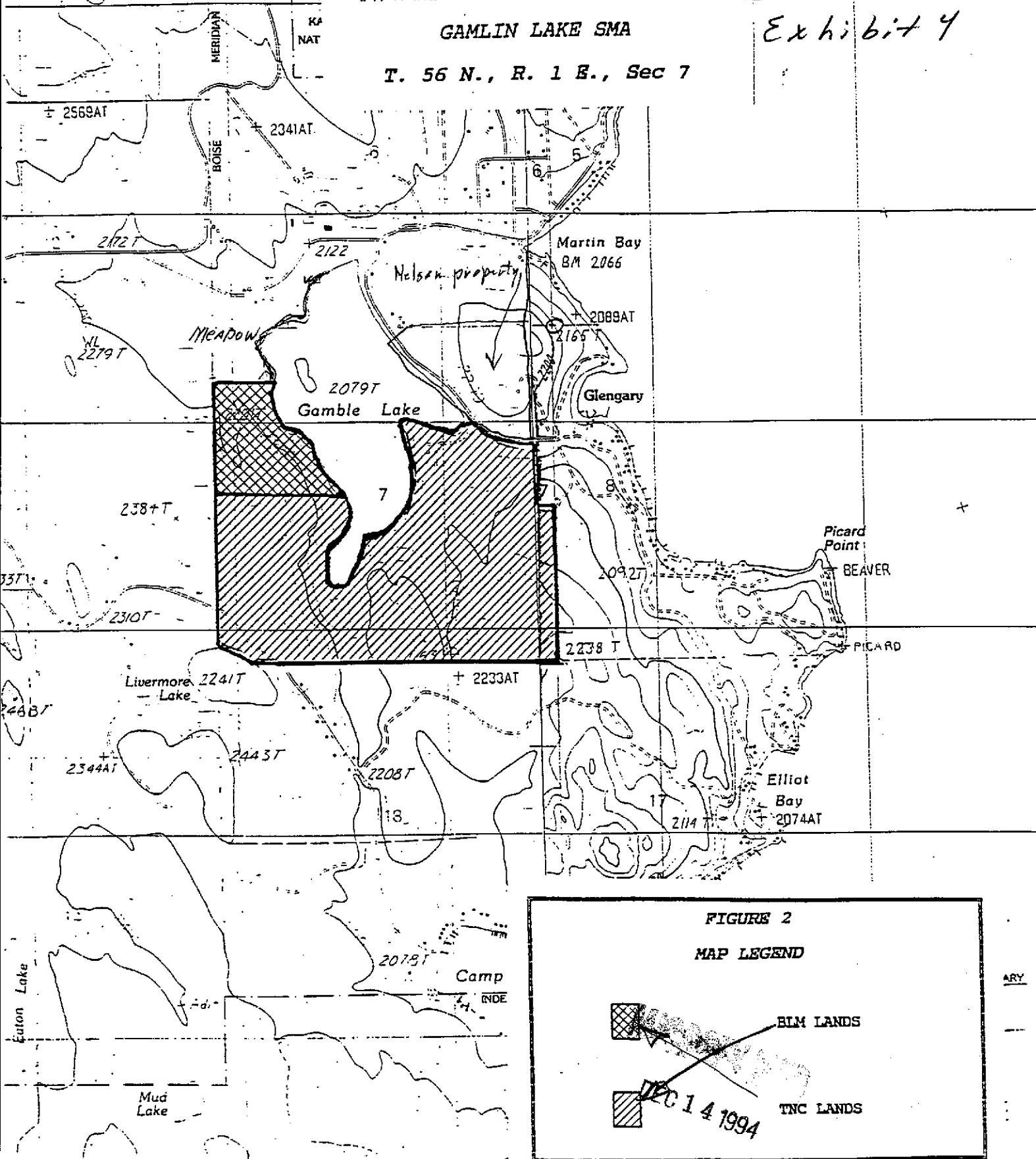
GAMBLE LAKE

Water Rt No.	Use	Diversion Rate (CFS)	Source	Tributary To
96-04088	Irrig	0.04	Spring	Sinks
96-04089	Dom	0.02	Groundwater	
96-04293	Dom Stockwater	0.12	Spring	Gamble Lake
96-08054	Dom	0.04	Spring	Gamble Lake
96-04211	Irrig	0.02	Unnamed Stream	Gamblin Lake
96-04266	Irrig	0.02	Gamblin Lake	Pend Oreille Lake
96-07716	Fire Prot Domestic Recreation Irrig	0.24 15 (AFA)	Unnamed Stream	Pend Oreille Lake

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TWRB
Exhibit 4

T. 56 N., R. 1 E., Sec 7



HEARING NOTES - SANDPOINT - Sept 22, 1994 9:00am
GAMBLE (GAMBLIN?) LAKE - (96-8764)

- Priority - 6/24/93
- ELEV. - 2079.0 (2881.8 ?) Yeararound
- Purpose - aesthetics, recreational, + wildlife values
- Public Meeting 12/14/1993
- ELEV. correction requested 3/2/94

Parties

IWRB - John Peel
F&G - Cindy Robertson + Dallas Buskhalter
BLM - Mike Stevenson
MRS. ~~Rae~~ Goodner

Don Betzler, Don Davis, Sue Goodner, Rep. Staichelt

Support Letters

Dave Orfman - IDFG
Kennea McGee - Rose Lake
Julie Dalsao - CDA
IRU - Mark Bridges

Issues -

Level of Lake

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