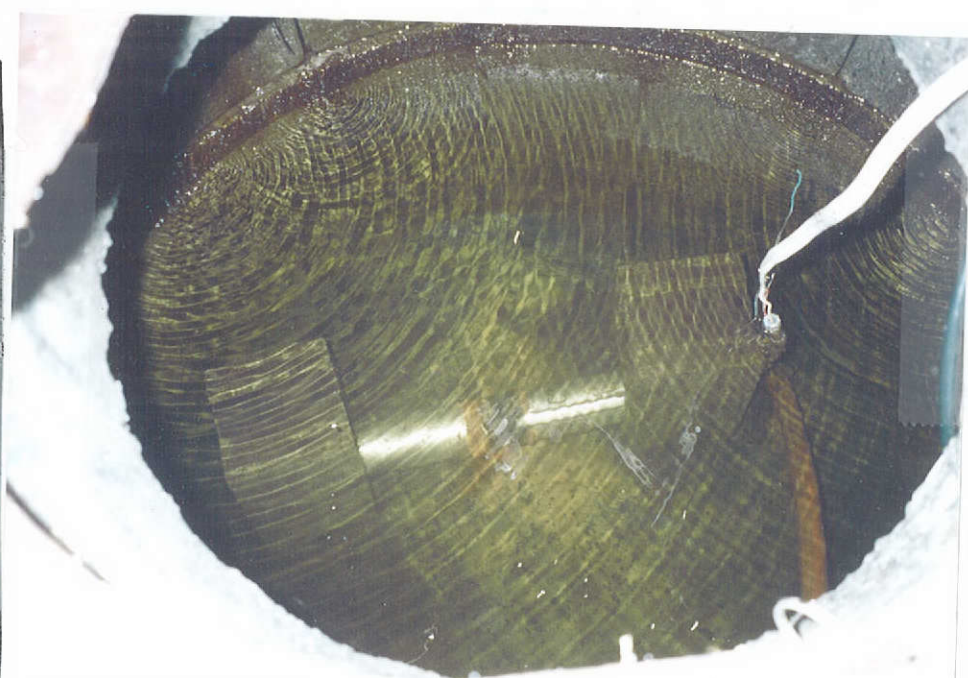




Pressure Tank on Back
of House
Cistern

APR 10 1998



$\frac{1}{2}$ HP Submersible pump
Cistern next to Cistern

DATE OF ID
IT OF VARI
REPORT SUPP
PROGRAM 1



PERMIT # 96-08532

PERMIT # 96-08532

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS

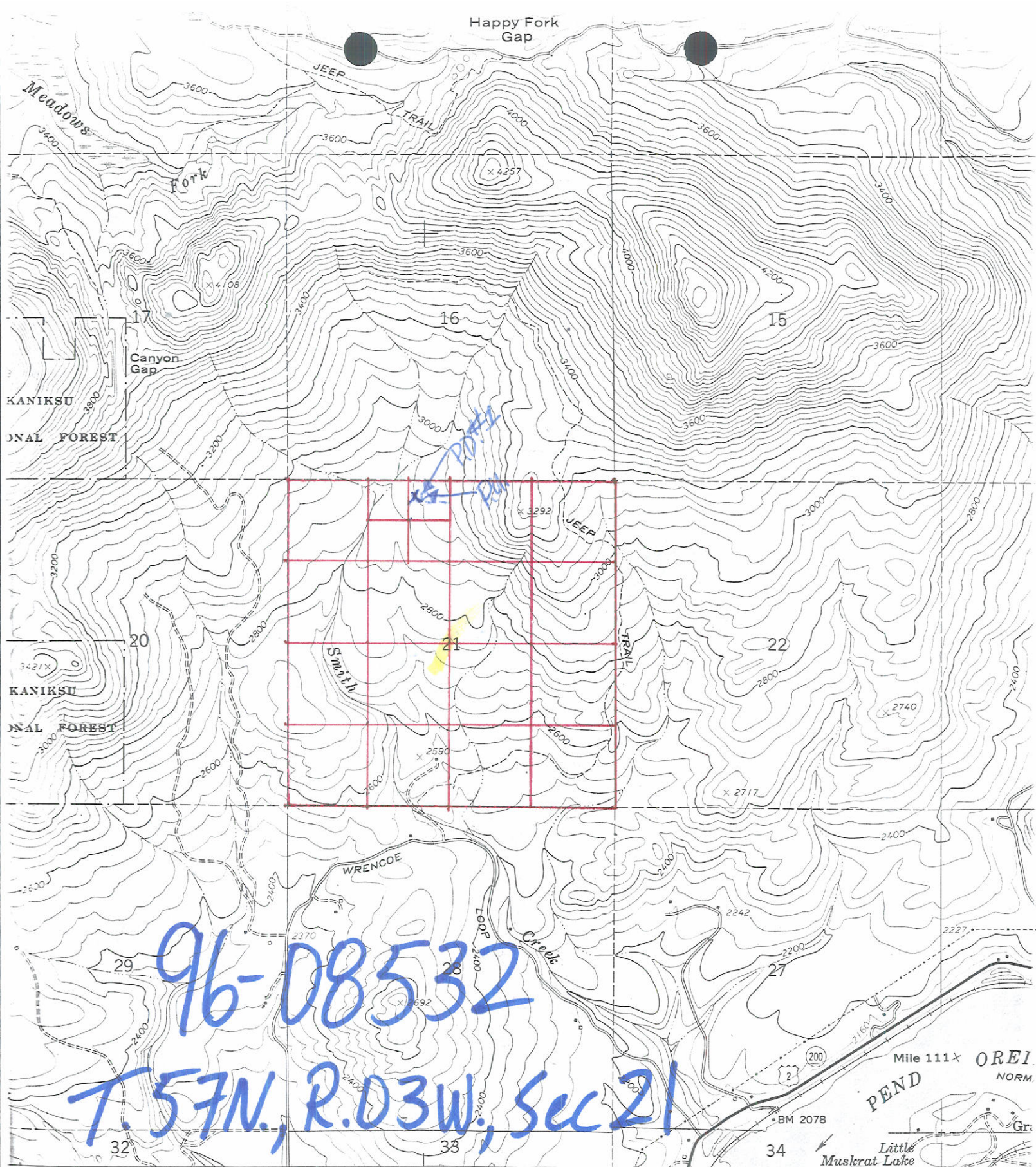


CONCRETE CISTERN



PLACE OF USE

MICROFILMED
APR 10 1998



260 000 FEET

d by the Geological Survey

methods from aerial
checked 1968

th American datum
coordinate system,

Mercator grid ticks,

42°30"

521

522

LACLEDGE 7 MI
PRIEST RIVER 15 MI.

(MORTON)
2680 II NW

SCALE 1:24 000

0 1000 2000 3000 4000 5000 6000 7000 FEET

1 0.5 0 1 KILOMETER

CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

0°14' 4 MILS

21° 373 MILS

APR 10 1998

15 oct 12 met 30 dec 1985



Smith Cr.

96-08532

Township = 57 north Range = 2 west. Base Meridian Long

T. 57N., R. 03W

Keck, Roberta
DER, SUSAN.



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

June 21, 1996

Roberta Keck
Susan Der
692 Wrenco Loop #12
Sandpoint, ID 83864

RE: Lapsed Permit No. 96-08532

Dear Roberta & Susan:

I am in receipt of the Assignment of Permit form which assigns the above referenced permit to you. However, Permit No. 96-08532 lapsed in April of 96 and is of no further force nor effect unless it is reinstated. In order to reinstate this permit you will need to submit proof of beneficial use (form & instructions enclosed) and 2 pieces of evidence showing that this permit was developed and in use prior to it lapsing in April. The former permit holder was sent the necessary documents to file proof, however, the proof was never filed and the permit lapsed.

I will hold this file without action for sixty (60) days to allow you time to submit the reinstatement information. If you chose not to reinstate this permit, the department will refund the \$25.00 filing fee submitted with the Assignment of Permit.

Please contact me directly at (208)327-7953 if you have any questions or need assistance in this matter.

Sincerely

JULIE L. YARBROUGH
Senior Secretary

Enclosures

7/26 - left msg
for her to call
Re forms

RECEIVED

SEP 12 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08532

Priority: August 15, 1996

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.3 AF

This is to certify, that ROBERTA KECK
SUSAN DER

692 WRENCO LOOP ROAD #12

SANDPOINT ID 83864

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 28, 1988; and has submitted Proof of Beneficial Use on August 15, 1996. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from:

UNNAMED STREAM

tributary to SMITH CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 21, Township 57N, Range 03W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

57N 03W 21

NENW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Water shall be used for in-house domestic use at a rate not to exceed 100 gallons per day per person. All water diverted under this permit for in-house domestic use shall be returned to the Smith Creek drainage basin via the property's sewage disposal system.
6. Domestic use is for 1 home.

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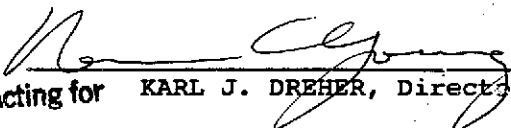
APR 10 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08532

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 28TH
day of FEBRUARY, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

APR 10 1998

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	96-08532	Richard W. Fugle	.04
Full Assignment	96-08532	Steve Allmann Kimberly Allmann	.04
Full Assignment	96-08532	Roberta Keck Susan Der	.04

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SEP 12 1996

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MAY 31 1995

STATE OF IDAHO

ORDER OF REINSTATEMENT

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On April 4, 1995, the Department issued Permit No. 96-08532 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1996.

2. On January 31, 1996, the Department sent a proof due notice to the permit holder of record by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On April 8, 1996, the Department sent a lapse notice to the permit holder of record since an acceptable proof of beneficial use or extension of time had not been received.

4. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

5. On June 10, 1996, Roberta Keck submitted an Assignment of Permit which assigned the permit to Susan Der ~~and herself~~. On August 15, 1996, the permit holder submitted an acceptable proof of beneficial use statement along with an affidavit confirming that

SEP 12 1996

the water was in use prior to April 1, 1996. Ms. Keck further explained that the previous permit holder did not forward the proof due or lapse notices to her, therefore, she was not aware that the permit has lapsed.

CONCLUSIONS OF LAW

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

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

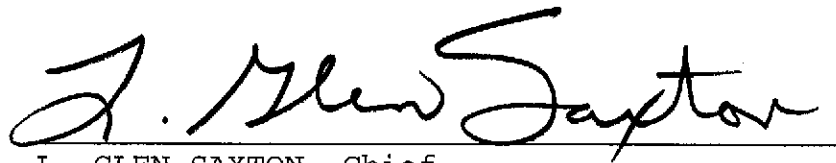
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 96-08532 is REINSTATED.

IT IS FURTHER ORDERED that the priority date is advanced to August 15, 1996.

Dated this 3rd day of September, 1996.



L. GLEN SAXTON, Chief
Water Allocation Bureau

SEP 12 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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AUG 16 1996

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. 96-08532 Telephone No. 208-263-1572

2. Name(s) of Permit Holder(s): Roberta KECK (Bobbi) + SUSAN DER

3. Mailing Address: 692 WRENCO Loop Rd #12 - SANDPOINT, ID 83864

4. Source of Water: unnamed stream If GROUNDWATER (well), Date Drilled: mo. / yr.
tributary of Smith Creek

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): 1 Stockwater (No. and type of stock): N/A

Irrigation (No. of acres): N/A Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR acre feet

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 ✓

Has the measuring device been installed?

Yes or No

Flow Measurement Port: Is a flow measurement port required?

Yes or No ✓

Has the measurement port been installed?

Yes or No

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

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

Name: Bobbi KECK (Roberta) Telephone Number: 208-263-1572

Address: 692 Wrenco loop Rd #12 - Sandpoint, ID 83864

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:

Roberta Keck

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

Date: 9-1-96

SEP 12 1996

* (Please see reverse)

This permit, # 96-08532 Lapsed due to
the forms being sent to previous owner, NAN
ALLMAN. She did NOT forward to me - or call
to let me know it was about to expire!

Roberta Kave

RECEIVED
SEP 12 1996

RECEIVED

JUN 10 1996

For Office Use Only

\$25 Filing Fee

Receipt# 6035781

Date 6/11/96

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

I, Kimberly Van Allmann, hereby assign to Roberta Keck + Susan Der
of, 692 Wrenco Loop Rd #12 Sandpoint, ID 83864 208-263-1572
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 96-8532 to
appropriate the public waters of the State of Idaho.

Q (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. 96-8532 to appropriate the public waters of the State of
Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 4th day of December, 19 95.

Kimberly Van Allmann
Permit Holder

State of Idaho)
County of Bonner) ss

On this 4th day of December, 19 95, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

seal :

[Signature]
Notary Public residing at
Bonner Co

My commission expires: 7/31/2001

RECEIVED
SEP 12 1996

#25 filing fee must
be submitted with
each assignment.

Mail to:

[Handwritten signature]

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

SEP 12 1996

NAN, Steve & C. Fugate
Need to sign

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08532

Proposed Priority: July 28, 1988

Maximum Diversion Rate:

0.04 CFS

This is to certify, that STEVE ALLMANN

KIMBERLY ALLMANN

692 WRENCO LOOP RD #12

SANDPOINT ID 83864

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of SMITH CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENENW , Sec. 21, Township 57N, Range 03W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

57N 03W 21

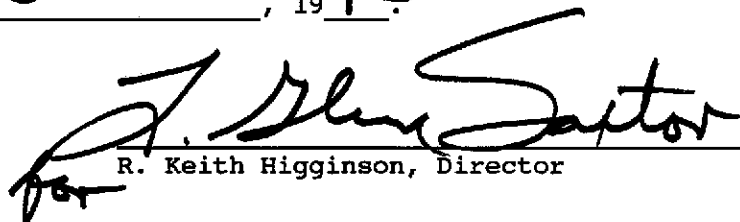
NENW

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

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

4th day of April, 1995


R. Keith Higginson, Director

MICROFILMED

MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 96-08532 IN THE NAME OF)
STEVE AND KIMBERLY ALLMANN.)
_____)

FINAL ORDER

On June 17, 1994, the hearing officer for the Department of Water Resources (department) issued a Recommended Order in connection with Application for Permit No. 96-08532 in the name of Steve and Kimberly Allmann. None of the parties filed a request for reconsideration in connection with the Recommended Order.

Based upon his understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

1. Richard W. Fugle filed Application for Permit No. 96-08532 on July 28, 1988, which proposes diversion of 0.04 cubic foot per second (cfs) from an Unnamed Stream, which is tributary to Smith Creek with a point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 57N, Range 3W, BM, for domestic use for one home from January 1 to December 31, yearly, within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 57N, Range 3W, BM.

2. The department advertised the application in the Sandpoint Daily Bee on September 1st and 8th, 1988, and subsequently received a protest from William D. Ellermeier on August 17, 1988.

3. The department scheduled this matter for a conference on August 4, 1993, in Sandpoint, Idaho, at which time the department received an Assignment of Application for Permit No. 96-08532 from Richard W. Fugle to Steve and Kimberly Allmann. Steve Allmann and William D. Ellermeier were present at said conference; however, the conference failed to resolve the matter.

4. The department then scheduled this matter for a hearing on April 26, 1994, in Coeur d'Alene, Idaho, at which both the applicant and the protestant were present.

5. The only issue identified by the protestant was the injury to existing water rights.

6. Exhibits offered and accepted at the hearing as part of the record include the following:

a. Ellermeier Exhibit No. 1 - A statement signed by W.D. Ellermeier and

MAY 31 1995

computations relating seepage and evaporation losses from the storage ponds constructed by Tim Allen Stone.

- b. Allmann Exhibit No. 1 - A vicinity map of the area.
 - c. Allmann Exhibit No. 2 - A Reforestation, Inc. map of T57N, R3W, Section 21.
 - d. Allmann Exhibit No. 3 - A contour map of the Smith Creek Area.
 - e. Allmann Exhibit No. 4 - A map ownerships of T57N, R3W, Section 21.
 - f. Allmann Exhibit No 5 - A videotape of Smith Creek and the Unnamed tributary of Smith Creek.
7. At the hearing the hearing officer officially noticed the following:
- a. Application for Permit No. 96-08534.
 - b. Past decisions of the department, including 96-07293, in the name of Tim Allen Stone.
 - c. Water measurements taken on Smith Creek and its tributaries numbered Department's Exhibits 1 thru 6.
 - d. The director's report and the subsequent decree of water rights in the Smith Creek drainage basin.

8. The system for this application was constructed and was used by Mr. Fugle and also by the Allmanns without receiving a permit to appropriate water from the department.

9. Mr. Ellermeier's water rights are described in the Partial Decree of Contested Matters, dated April 5, 1993, in Bonner Civil Case No. 27289. Those rights, both from Smith Creek, are No. 96-04013A for 0.04 cfs for domestic purposes from January 1 to December 31 and 0.02 cfs for stockwater purposes from January 1 to December 31 with a priority date of January 1, 1960, and 96-04013B for 0.08 cfs for irrigation purposes from March 15 to November 15 for the irrigation of five (5) acres with a priority date of July 20, 1970. Ellermeier's irrigation system consists of a pump and sprinklers.

10. Other prior water rights on Smith Creek include water right number 96-04017B, which is also described in the Partial Decree of Contested Matters, dated April 5, 1993, in Bonner County Civil Case No. 27289. This right is held by Max and Nancy Singleton for 1.06 cfs for the irrigation of 53 acres from March 15 to November 15 and 0.03 cfs for stockwater from March 15 to November 15 with a priority date of July 7, 1970. The point of diversion for this right is downstream from the Ellermeier's diversion. The diversion system for this right consists of a gravity feed ditch.

RECORDED
MAY 31 1995

11. This Unnamed tributary of Smith Creek flows into Smith Creek below the point of diversion for Ellormeier's right and above the point of diversion for Singleton's right.

12. Measurements have been taken at various places at different times on Smith Creek. In the reach of Smith Creek where this diversion is proposed and where previously cited prior water rights are located, measurements taken in the month of August ranged from 0.17 cfs to 0.19 cfs.

13. Unrefuted testimony was given at the hearing that the Unnamed tributary ceased flowing in every year since 1978 except for 1993.

14. Water used for in-house domestic purposes is non-consumptive if waste water is treated in an on-site septic system or some similar system.

15. Stockwater uses are non-consumptive if the use is limited to that reasonably required for the stock.

CONCLUSIONS OF LAW

1. The director's consideration of this application is governed by the provisions of Section 42-203A (5), Idaho Code, which reads, in part, as follows:

In all applications ... where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director ... may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. The department's Water Appropriation Rules (IDAPA 37.03.08, Rule 40.04.b.i) provide that the burden of proof is upon the applicant to show there is no injury to prior water rights.

3. Water from the Unnamed tributary of Smith Creek is unavailable for appropriation for consumptive uses during the period of the year that it is needed except during times that water from the stream does not reach Smith Creek.

4. Water may be appropriated for non-consumptive uses.

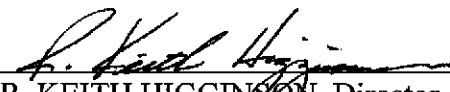
ORDER

IT IS THEREFORE HEREBY ORDERED that Application for Permit No. 96-08532 is **APPROVED**, subject to the following conditions and limitations:

MAY 31 1995

1. Use of water under this permit is subject to all prior water rights.
2. Proof of construction of works and the application of water to a beneficial use shall be submitted to the Department of Water Resources on or before April 1, 1996.
3. The issuance of this permit does not grant any right of way or easement across the land of another.
4. Water shall be used for in-house domestic use at a rate not to exceed 100 gallons per day per person and stockwater use at a rate not to exceed 50 gallons per day, unless the stream has ceased to flow into Smith Creek. All water diverted under this permit for in-house domestic use shall be returned to the Smith Creek drainage basin via the property's sewage disposal system.

DATED this 4TH day of April, 1995.



R. KEITH HIGGINSON, Director

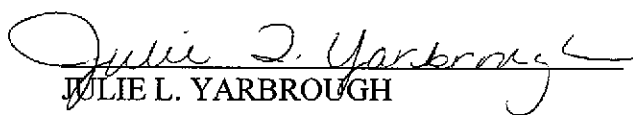
RECEIVED
MAY 31 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 5th day of April, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the following:

Steve Allmann
Kimberly Allmann
692 Wrenco Loop Rd. # 12
Sandpoint, ID 83864

William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, ID 83864


JULIE L. YARBROUGH
Senior Secretary

MICROFILMED
MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT TO APPROPRIATE WATER)
NO. 96-8532 IN THE NAME OF STEVE AND) RECOMMENDED ORDER
KIMBERLY ALLMANN.)
_____)

Protests having been filed against Application No. 96-8532, and a hearing having been held, the hearing officer as a representative of the Director of the Department of Water Resources (Department), proposes the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Richard W. Fugle filed application for permit no. 96-8532 on July 28, 1988, which proposes diversion of 0.04 cubic foot per second (cfs) from an Unnamed Stream, which is tributary to Smith Creek with a point of diversion located in the NENENW, Section 21, Township 57N, Range 3W, Boise Meridian for Domestic use for one home from January 1 to December 31, yearly, within the NENW, Section 21, Township 57N, Range 3W, Boise Meridian.

2. The application was advertised in the Sandpoint Daily Bee on September 1 and 8, 1988.

3. The department received a protest from William D. Ellermeier on August 17, 1988.

4. The department scheduled this matter for a conference on August 4, 1993, in Sandpoint, Idaho, at which time the department received an Assignment of Application for Permit No. 96-8532 from Richard W. Fugle to Steve and Kimberly Allmann. Steve Allmann and William D. Ellermeier were present at said conference; however, the conference failed to resolve the matter.

5. The department then scheduled this matter for a hearing on April 26, 1994, in Coeur d'Alene, Idaho, at which both the applicant and protestant appeared.

6. The only issue identified by the protestant was injury to existing water rights.

7. Exhibits offered and accepted at the hearing as part of the record include the following:

a. Ellermeier Exhibit No. 1 - A statement signed by W. D. Ellermeier and computations relating seepage and evaporation losses from ponds constructed by Tim Allen Stone.

b. Allmann Exhibit No. 1 - A vicinity map of the area.

ORDER - 96-08532

1

RECORDED

MAY 31 1995

c. Allmann Exhibit No. 2 - A Reforestation, Inc. map of T57N, R3W, Sec 21.

c. Allmann Exhibit No. 3 - A contour map of the Smith Creek area.

d. Allmann Exhibit No. 4 - A map ownerships of T57N, R3W, Sec 21.

e. Allmann Exhibit No. 4 - A videotape of Smith Creek and the unnamed tributary of Smith Creek.

8. At the hearing the hearing officer officially noticed the following:

a. Application for permit file No. 96-08532.

b. Past decisions of the department, including 96-7293, in the name of Tim Allen Stone.

c. Water measurement taken on Smith Creek and its tributaries numbered Department's Exhibits 1-6.

d. The director's report on and the subsequent decree of water rights in the Smith Creek drainage basin.

9. The system for this application was constructed and was used by Mr. Fugle and also used by the Allmann's without receiving a permit to appropriate water from the department.

10. Mr. Ellermeier's water rights are described in the Partial Decree of Contested Matters, dated April 5, 1993, in Bonner County Civil Case No. 27289. Those rights, both from Smith Creek, are No. 96-04013A for 0.04 cfs for domestic purposes from January 1 to December 31 and 0.02 cfs for stockwater purposes from January 1 to December 31 with a priority date of January 1, 1960, and 96-04013B for 0.08 cfs for irrigation purposes from March 15 to November 15 for the irrigation of five acres with a priority date of July 20, 1970. Ellermeier's irrigation system consists an pump and sprinklers.

11. Other prior water rights on Smith Creek include water right number 96-04017B, which is also described in the Partial Decree of Contested Matters, dated April 5, 1993, in Bonner County Civil Case No. 27289. This right is held by Max and Nancy Singleton for 1.06 cfs for the irrigation of 53 acres from March 15 to November 15 and 0.03 cfs for stockwater from March 15 to November 15 with a priority date of July 7, 1970. The point of diversion for this right is downstream from Ellermeier's diversion. The diversion system for this right consists of a gravity feed ditch.

12. This unnamed tributary of Smith Creek flows into Smith Creek below the point of diversion for Ellermeier's right and above the point of diversion for Singleton's right.

13. Measurements have been taken at various places at different times on Smith Creek. In the reach of Smith Creek where previously cited prior water rights are located, measurements taken in the month of August ranged from 0.17 cfs to 0.19 cfs.

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MAY 31 1995

14. Unrefuted testimony was given at the hearing that the unnamed tributary ceased flowing in every year since 1978 except for 1993.

15. Water used for in-house domestic purposes is non-consumptive if waste water is treated in an on site septic system or some similar system.

16. Stockwater uses is non-consumptive if the use is limited to that reasonably required for the stock.

CONCLUSIONS OF LAW

1. The director's consideration of this application is governed by the provisions of I.C. 42-203A(5) which reads, in part, as follows:

In all applications ... where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director ... may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. The department's water appropriation rules (IDAPA 37.03.08, Rule 40.04.b.i) provide that the burden of proof is upon the applicant to show there is no injury to prior water rights.

3. Water from the unnamed tributary of Smith Creek is unavailable for appropriation for consumptive uses during the period of the year that it is needed except during times that water from the stream does not reach Smith Creek.

4. Water may be appropriated for non-consumptive uses.

ORDER

Based on the foregoing findings of fact and conclusions of law, IT IS HEREBY ORDERED that application for permit No. 96-8532 in the name of Steve and Kimberly Allmann is hereby APPROVED subject to the following conditions and limitations:

1. Use of water under this permit is subject to all prior water rights.

2. Proof of construction of works and the application of water to beneficial use shall be submitted to the department of water resources on or before the date specified in the final order.

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MAY 31 1995

easement across the land of another.

4. Water shall be used only for in-house domestic use at a rate not to exceed 100 gallons per day per person and stockwater use at a rate not to exceed 50 gallons per day, unless the stream has ceased to flow into Smith Creek. All water diverted under this permit for in-house domestic use shall be returned to the Smith Creek drainage basin via the property's sewage disposal system.

DATED this 17 day of June, 1994.

Norman C Young by RTH

RECEIVED
MAY 31 1995

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 1994, I mailed a true and correct copy, postage paid, of the foregoing ~~FINAL ORDER~~ to the following: *Recommended order (pse)*

Richard W. Fugle
692 Wrenco Loop Rd. #12
Sandpoint, ID 83864

William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, ID 83864

Rhonda J. Childers
RHONDA J. CHILDERS
Senior Secretary

RECORDED

MAY 31 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, RICHARD W. FUGLE, hereby assign to Steve & Kimberly ALLANBY
(Applicant)
 of 692 WRENCH Loop Rd. #12. SANDPOINT, ID. 83864
(Full Address)

All my right, title, and interest in and to Application for Permit
 No. 96-08532 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Application for Permit No. _____ to appropriate the public waters of the
 State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 27th day of July, 1993.

Richard W. Fugle
Applicant(s)

State of Idaho)
 County of Bonner) SS

On this 27th day of July, 1993, personally appeared before me the
 signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Cathie M. Biggerstaff
 Notary Public

SEAL

Cathie M. Biggerstaff
 Signature

My commission expires: 10/24/96

MAY 31 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant RICHARD W FUGLE Phone —
Post office address 692 WRENCO LOOP RD #12 SANDPOINT ID
83864
2. Source of water supply UNNAMED STREAM which is a tributary of SMITH CREEK
3. Location of point of diversion is NW 1/4 of NE 1/4 of NW 1/4, Govt. Lot —
Sec. 21 Township 57N Range 3W B.M. BONNER County; additional
points of diversion if any: —
4. Water will be used for the following purposes:
Amount 2.04 for DOMESTIC purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b) —
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. WELL BESIDE CREEK
PUMP & PIPELINE
 - 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
1 years (minimum 1 year).

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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. 1
- Other; describe fully. _____

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	
57N	34W	21					D												

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? APPL

b. Who owns the land to be irrigated or place of use? APPL

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: _____

MAY 31 1995

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

PPH

Sec 21 T5N
R3W

MAY 31 1995

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.

Richard Wingle
(Applicant)

Received by JK Date 7/28/88 Time 8:15AM Preliminary check by _____
Fee \$ 30.00 Received by JK # N-789 Date 7/28/88
Publication prepared by [Signature] Date 8/24/88 Published in 9/1-8/88
Publication approved [Signature] Date 10/7/88

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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MAY 31 1995

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

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

heretofore notice

as it was published in the regular and entire issue of the
said paper for a period of two consecutive
weeks, commencing on 1st day of Sept, 19 88
and ending on the 8th day of Sept, 19 88
and that said notice was published in said newspaper.

Brenda Berger

Subscribed and sworn to before me this 14th day
of Sept, 19 88

Notary Public for Idaho

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

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

96-08531

IRELAND, BARRY
670 WRENCO LOOP RD.
SANDPOINT, ID 83864
Source: SPRING Tributary: SINKS
Diversion Pt: SWNESW Sec 21 T 57N
R 03W
Use: DOMESTIC (.040 CFS)
Dated Filed: 7/28/1988
In: T57N R03W S21 NESW

96-08532

FUGLE, RICHARD W.
692 WRENCO LOOP RD. #12
SANDPOINT, ID 83864
Source: UNNAMED STREAM
Tributary: SMITH CREEK
Diversion Pt: NENENW Sec 21 T
57N R 03W
Use: DOMESTIC (.040 CFS)
Dated Filed: 7/28/1988
In: T57N R03W S21 NENW

96-08534

STONE, TIM ALLEN
646 WRENCO LOOP
SANDPOINT, ID 83864
Source: SMITH CREEK
Tributary: PEND OREILLE
RIVER
Diversion Pt: SWSWNW Sec 21 T
57N R 03W
Use: IRRIGATION (.020 CFS)
WILDLIFE STORAGE (3.00 AF)
FISH PROP. STORAGE (3.00 AF)
DOMESTIC (.010 CFS)
RECREATION STORAGE (3.00 AF)
AESTHETIC STORAGE (3.00 AF)
Date Filed: 8/16/1988
In: T57N R03W S21 SWNW
0.5 ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, Northern Region,
Government Way Suite 9, Coeur
d'Alene, Idaho 83814 on or before
SEPTEMBER 18, 1988

R. KEITH HIGGINSON,
Director

#2282 September 1, 8, 1988

RECEIVED

Department of Water
Northern District

MICROFILMED

MAY 31 1995

0787



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERTA KECK
SUSAN DER
692 WRENCO LOOP ROAD #12
SANDPOINT ID 83864

RE: WATER RIGHT NO. 96-08532

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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APR 10 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

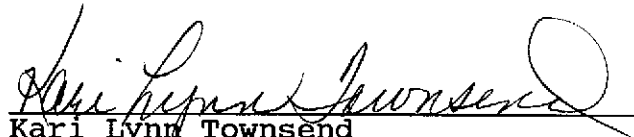
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of March, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 96-08532

ROBERTA KECK
SUSAN DER
692 WRENCO LOOP ROAD #12
SANDPOINT ID 83864


Kari Lynn Townsend
Secretary

MICROFILMED
APR 10 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-08532

DATE 2/26/98

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U
Overlap file pulled & reviewed —

RATE OF DIV

Permitted Rate	<u>.04</u> cfs
Fee limit	<u>.20</u> cfs \$50 ⁰⁰
Measured	<u>.01</u> cfs
Theoretical	<u>.02</u> cfs

Recommended Total Div Rate .02 cfs

ANNUAL VOLUME/
NATURE OF USES —

<u>✓</u>	Use <u>Dom</u>	cfs <u>.02</u>	Volume Calc <u>2.6</u> af
			<u>in house</u> af
			<u>only</u> af
			af
	SUBTOTAL	<u>.02</u>	<u>.6</u> af

Flow rate .02 cfs X 365 days X 1.98 = 14.5 af

Total volume recommended .6 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WBS(1)

CONDITIONS

— Watermaster Control WD# —
— GW Measurement/Measuring Device
— Overlap
— Use-specific conditions ✓

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA
Adjustment Memo rate/volume

1st Amend Letter NA
2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 27 1998

Department of Water Resources

96-08532

A. GENERAL INFORMATION

Permit No. _____

1. Owner: Roberta Keck & Susan Der Phone No. (208)-263-1572
Current Address: 692 WRENCO LOOP RD. #12 SANDPOINT, ID 83864
2. Accompanied by: Roberta Keck & Susan Der EXAM DATE: July 1, 1997
Address: SAME AS ABOVE Phone No. SAME AS ABOVE
Relationship to Permit Holder: Permit Holder's
3. Source: Unnamed stream tributary to Smith Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	~~ADW~~ Gov't	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
PD #1	N 1/2	NE	NE	NW	21	57N	03W	Bonner	USGS 7.5' QUAD; SITE VISIT: <u>Assessor</u>

2. Place(s) of Use:

Indicate Method of Determination USGS 7.5' QUAD; Assessor

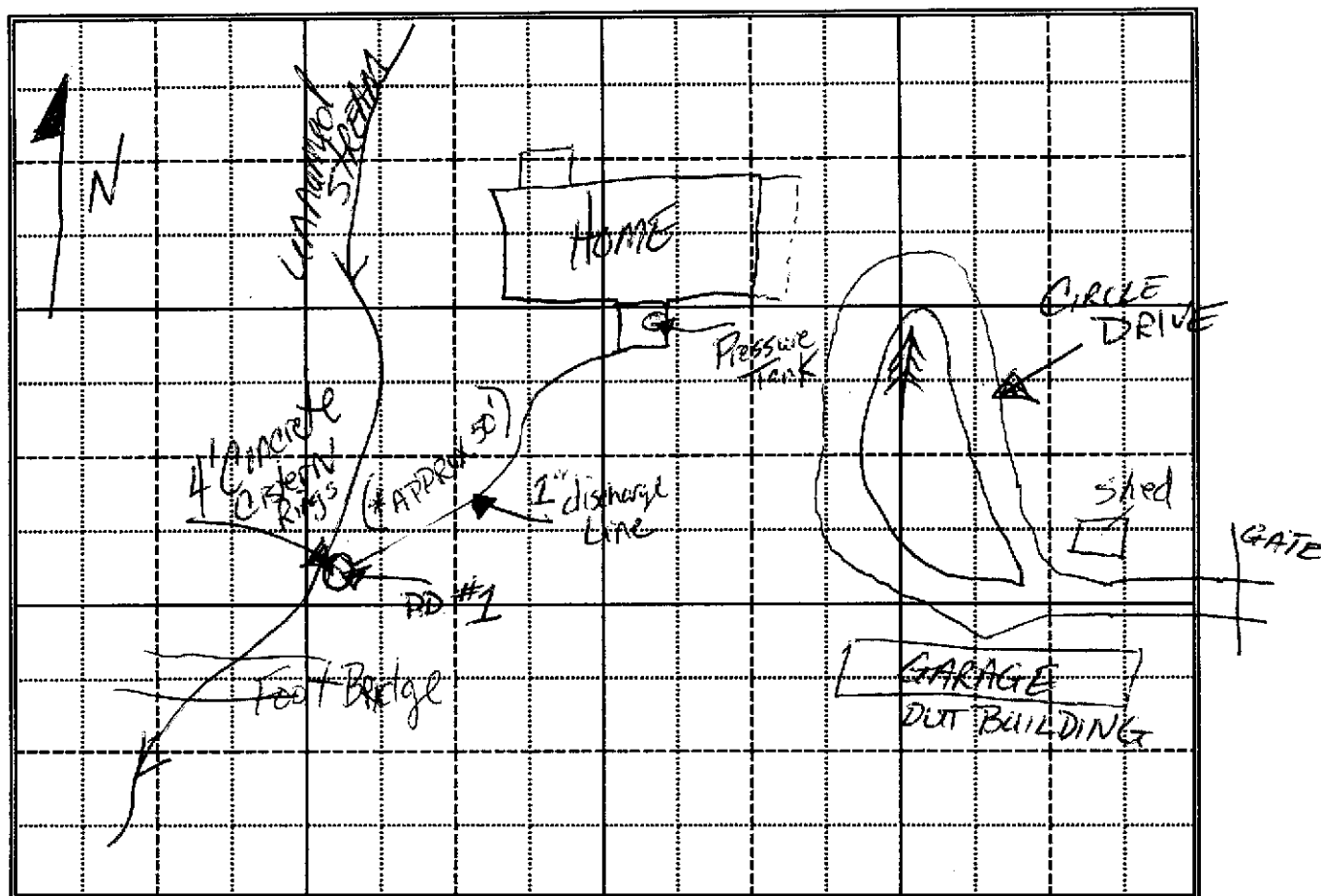
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	03W	21					D												Domestic

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APR 10 1998

IN House Domestic ONLY

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



Scale: 1" = 125'

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Model # No. Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P.D. #1	Sears	1/2	390-280020	Submersible	(1) one inch.

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: ** See theoretical Calculation*

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E. NARRATIVE/REMARKS/COMMENTS

System consist of $\frac{1}{2}$ HP Sears Submersible pump which is located adjacent to unnamed stream. Pump is located in approx. 6' of water in a 4' ft diameter concrete Cistern Rings. There are 2 Rings with the lower Ring slotted for water to infiltrate. From here water is pumped to a Sears 85 Gallon Pressure Tank located in the "pumphouse". A distance from The Point of Diversion to the pumphouse is approx 50' ft. A 1" inch main line serves the Pressure tank. From Pressure Tank $\frac{1}{2}$ " Copper pipe serves the 2-Bedroom Home.

No stockwater is recommended for Licensing.

Water is for IN-House Domestic USE ONLY.

(100 gpd per person - 2 people living in 2-Bedroom Home.)

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

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APR 10 1998

F. FLOW CALCULATIONS

Measured Method:

~~X~~ Additional Computation Sheets Attached*See Theoretical Calculation***G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\quad 0 \quad}$$

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

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

2. Volume Calculations for Other Uses:

Rate
 $\frac{200 \text{ gpd}}{24 \text{ HRS}} = \frac{8.33 \text{ gph}}{60} = \frac{.138 \text{ gpm}}{448.8} = .0003 \text{ cfs}$

In-house Domestic Only

Duty
 $2 \text{ people @ } 100 \text{ gpd} \times 365 \text{ days} = \frac{73,000 \text{ gpd}}{325,850} = .224 \text{ ACRE FEET}$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
<i>In-House Domestic Only</i>	<i>1-01</i>	<i>12-31</i>	<i>.0003</i>	<i>.224</i>
Totals:			<i>.0003</i>	<i>.224</i>

2. Recommended Amendments

☐ Change P.D. as reflected above☐ Add P.D. as reflected above☒ None☐ Change P.U. as reflected above☐ Add P.U. as reflected above☐ Other**I. AUTHENTICATION**

Field Examiner's Name

Date

Reviewer

Date

SEAL

MICROFILMED

APR 10 1998

THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 96-08532

DATE: 2-JUL-97

COMPLETE BY: HERM

HORSEPOWER = .5

PUMP EFFICIENCY = 70%

DYNAMIC LIFT = 30 FEET

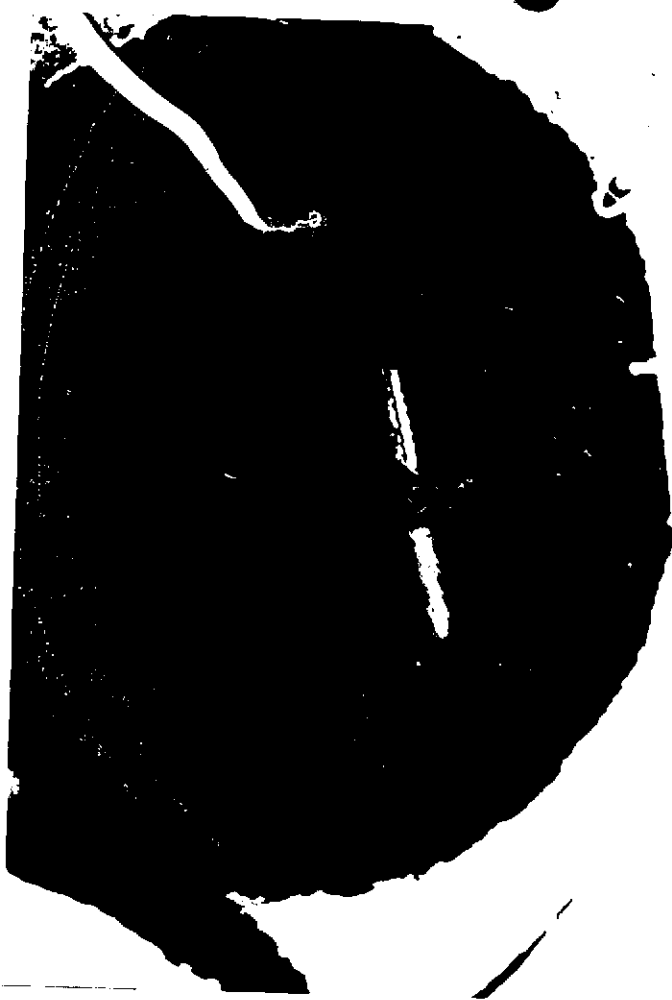
SYSTEM PRESSURE = 56 PSI

QUANTITY = 0.02 CFS

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APR 10 1998

PERMIT # 96-08532

DATE OF ID
T OF WA
REPORT SUPP
O G R



1/2 HP Submersible pump
Cistern next to Chained



Pressure Tank on Deck
of House
Cistern

APR 10 1998

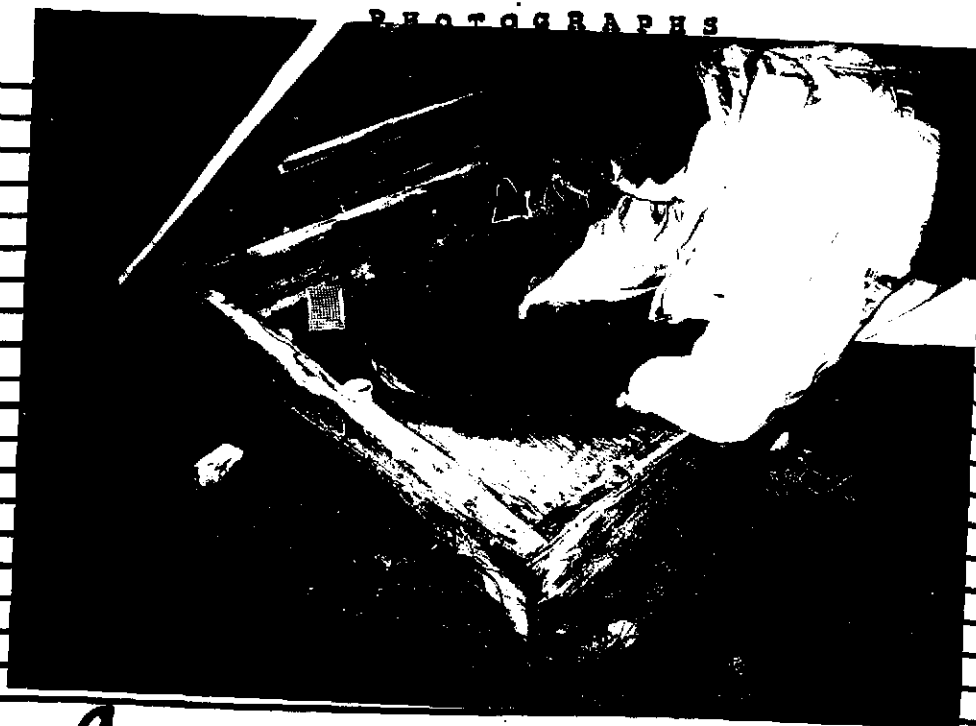


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT #

96-08532

PHOTOGRAPHS



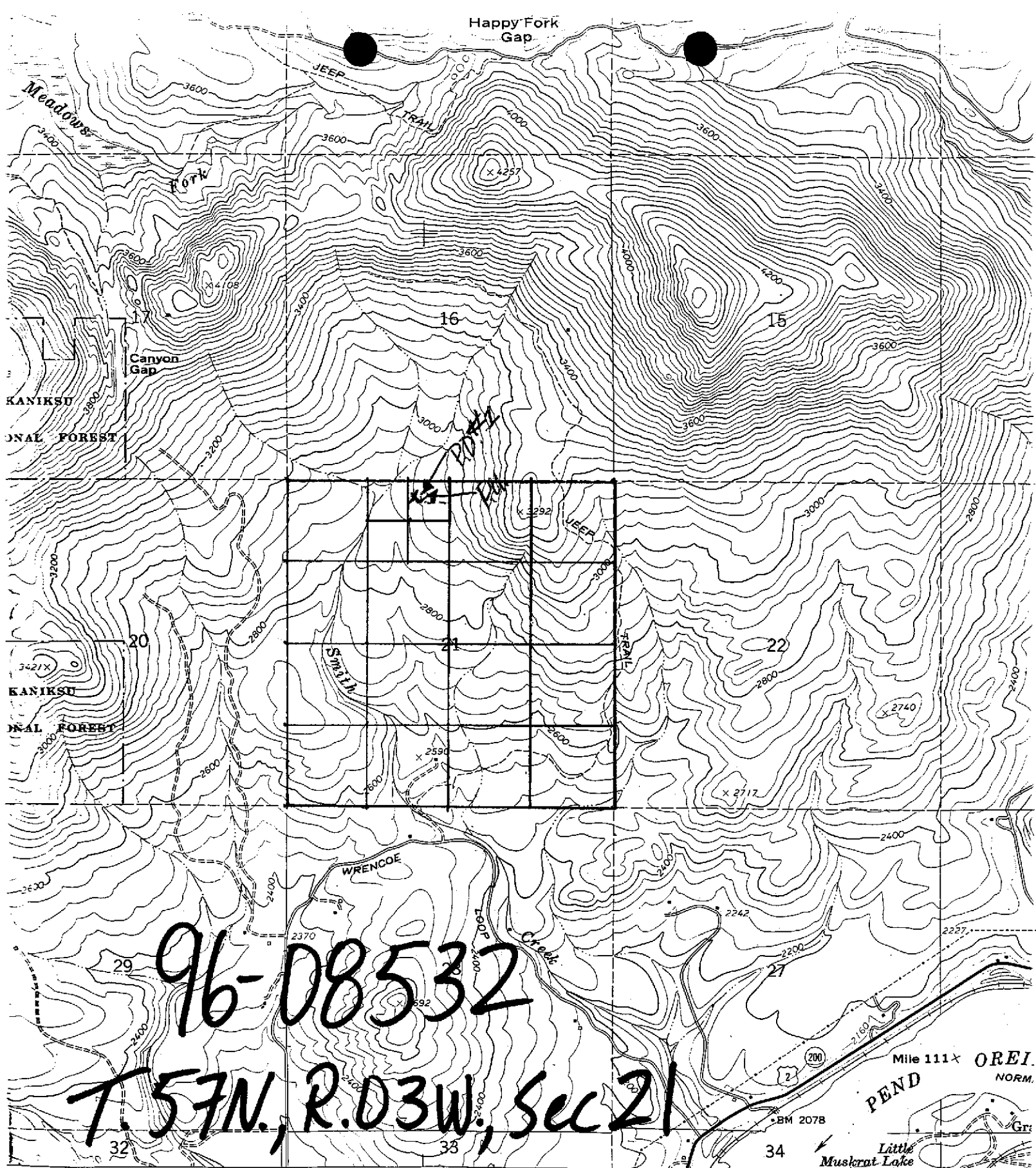
CONCRETE CISTERN



PLACE OF USE

MICROFILMED

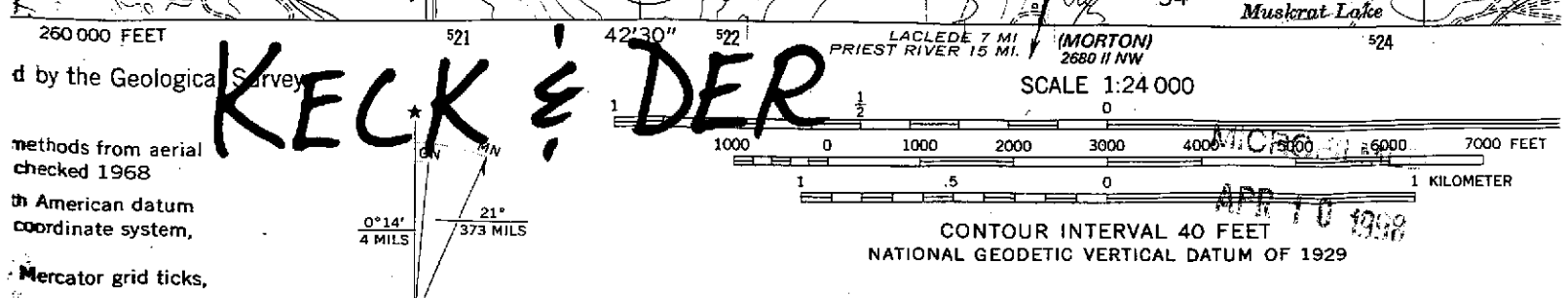
APR 10 1998



96-08532

T. 57N, R. 03W, Sec 21

KECK & DER



by the Geological Survey

methods from aerial

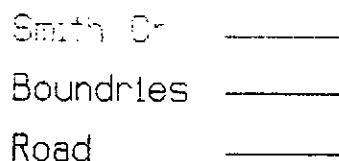
checked 1968

th American datum

coordinate system,

Mercator grid ticks,

15 dec 13 nr. 38 was voor



KECK, ROBERTA
DER, SUSAN.

Section 21 96-08532
Township 57 north, Range 12 west, Boise Meridian, Idaho
T. 57N., R. 03W

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-08532 Reviewed by [Signature] Date 9-3-96

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required? no Required?
50- Amount Submitted
yes Correct? + Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received 8-15-96
Date proof due 4-1-96 -
No. of days late past 60 days =
Priority Date _____ +
New Priority Date _____

> 8-15-96

DEFICIENCIES OR ACTION ITEMS

late Reinstatement + advance priority to August 15, 1996.
Proof acceptable

DATA ENTRY

New Address 692 Wrenco Loop Rd. #12 Proof Made 8-15-96
Sandpoint, ID. 83864



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

September 3, 1996

ROBERTA KECK
SUSAN DER
692 WRENCO LOOP RD # 12
SANDPOINT ID 83864

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 96-08532

Dear Permit Holder:

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

Enclosed is an order reinstating your permit since proof was submitted after the proof due date of April 1, 1996. Please note that the priority date has been advanced to August 15, 1996.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, contact the **NORTHERN** Regional Office in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

SEP 12 1996

DNA Enterprises
1624 W Main Street
208-263-0810

State of Idaho
Department of water Resources

This serves as evidence that the well designated by Permit #96-08532 was in use prior to April 1st 1996, by Roberta (Bobbi) Keck. The address of Bobbi Keck upon which the well is located is,
692 Wrenco Loop Rd #12
Sandpoint Idaho 83804

Daniel Hinsley Sr

Daniel Hinsley Sr

Anne K Hinsley

Anne K. Hinsley

State of Idaho BONNER County

DANIEL HINSLEY, SR. AND

ANNE K. HINSLEY

Personally appeared, subscribed and sworn

to before me this 5th day of

August 19 96

Shirley A. Mitchell

Notary Public, residing

exp. 4-16-98

at Boise, Idaho

SEP 12 1996



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

June 21, 1996

Roberta Keck
Susan Der
692 Wrenco Loop #12
Sandpoint, ID 83864

RE: Lapsed Permit No. 96-08532

Dear Roberta & Susan:

I am in receipt of the Assignment of Permit form which assigns the above referenced permit to you. However, Permit No. 96-08532 lapsed in April of 96 and is of no further force nor effect unless it is reinstated. In order to reinstate this permit you will need to submit proof of beneficial use (form & instructions enclosed) and 2 pieces of evidence showing that this permit was developed and in use prior to it lapsing in April. The former permit holder was sent the necessary documents to file proof, however, the proof was never filed and the permit lapsed.

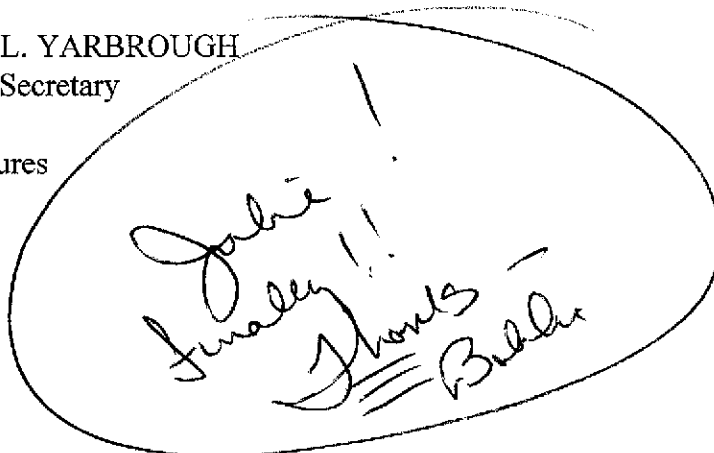
I will hold this file without action for sixty (60) days to allow you time to submit the reinstatement information. If you chose not to reinstate this permit, the department will refund the \$25.00 filing fee submitted with the Assignment of Permit.

Please contact me directly at (208)327-7953 if you have any questions or need assistance in this matter.

Sincerely

JULIE L. YARBROUGH
Senior Secretary

Enclosures



7/26-Left Mary
for her to call
Re: Permit 2

RECEIVED

SEP 12 1996



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

June 21, 1996

Roberta Keck
Susan Der
692 Wrenco Loop #12
Sandpoint, ID 83864

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Sincerely

JULIE L. YARBROUGH
Senior Secretary

Enclosures

SEP 12 1996

#56518

QUITCLAIM DEED

For Value Received STEVEN HUGO ALLMANN husband of Kimberly Nan Vautrain

do hereby convey, release, remise and forever quit claim unto KIMBERLY NAN VAUTRAIN, a married woman as her sole and separate property

whose current address is

the following described premises, to-wit:

The North Half of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 21, Township 57 North, Range 3 West, Boise Meridian, Bonner County, Idaho.

FILED BY Alman
95 DEC 4 PM 2 55
MARIE SCOTT
RECORDER OF BONNER
COUNTY ID. PS DEP.

together with their appurtenances.

Dated: 11-10-95

Steven H. Allmann
STEVEN HUGO ALLMANN

Nov. 10, 1995

STATE OF IDAHO, COUNTY OF LONDON, ENGLAND

On this 10th day of November, 1995, before me, a notary public in and for said State, personally appeared

Steven Hugo Allmann

known to me to be the person who name subscribed to the within instrument, and acknowledged to me that he executed the same.

P. Baker

Notary Public

Residing at

Comm. Expires 7/10/96

PETER HEYWOOD BAKER, Idaho
NOTARY PUBLIC
2037 HOLLOWAY ROAD

LONDON N7 6HG

Nov 22

Furnished by the

Refer to:

ALLIANCE
TITLE & ESCROW CORP.

SEP 12 1996

Shelly -

Attached is the quit claim from Steve Aelmann to his wife Kimberly Ann Vautrain (Aelmann) for the Property on Wrenes loop road in Sandpoint - Along with Nan's Permit form (# 96-8532). She bought the property in her maiden name, Vautrain.

Thank you for taking care of this for Susan and me.

Boblin Keck (Roberta)

RECEIVED 692 Wrenes loop Rd #12

SEP 12 1996

Sandpoint, ID 83864

208-263-1572

P.S. I will be out of town until the end of June.

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

April 8, 1996

STEVE ALLMANN
KIMBERLY ALLMANN
692 WRENCO LOOP RD #12
SANDPOINT ID 83864

LAPSE NOTICE

RE: PERMIT NO. 96-08532

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated January 31, 1996. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

SEP 12 1996

CERTIFICATION OF MAILING

I hereby certify that on 4-8-96
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

January 31, 1996

STEVE ALLMANN
KIMBERLY ALLMANN
692 WRENCO LOOP RD #12
SANDPOINT ID 83864

PROOF DUE NOTICE

RE: PERMIT NO. 96-08532

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

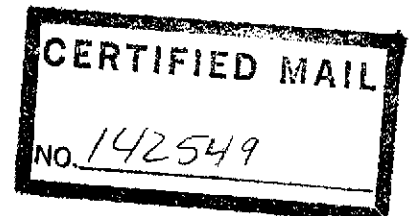
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

SEP 12 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 5, 1995

RE: In the Matter of Application for Permit No. 96-08532 in the name of Steve and Kimberly Allmann

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

MAY 31 1995

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.

(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 67-5246(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

MAY 31 1995

- 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,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

MAY 31 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 17, 1994

RE: In the matter of Application for Permit No. 96-08532 in the name of
Steve and Kimberly Allman.

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 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 shall have twenty-one (21) days to respond.

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.

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MAY 31 1995

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 hearing 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,



BOB HAYNES, P.E.
Regional Manager

Enclosures

MAY 31 1995

INITIAL REVIEW BY: _____ DATE: _____ APPLICATION: 96-08532

☒ Name: (If applicant is a corporation or partnership, names must be provided for the director, officers, and other partners.)

☒ Address:

☒ Source: (See USGS Quad for names of water sources)

☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)

☒ County:

☒ Quantity: (flow and/or volume)

☒ Period of use:

☒ Nature of proposed use: (Include description of use)

☒ Description of diverting works:

☒ Time required for beneficial use of water:

☒ Place of use or acres irrigated:

☒ Map:

☒ Signature: (If applicant is corp., partnership, or municipality title of signator is required)

☒ Fee:

☒ Yes No* In form to receipt:

YES NO

☒ Overlapping place of use: (Describe source & relationship to present application on the back.)

☒ Overlapping point of diversion:

☒ Field check required: Field check by: _____

☒ Field report attached:

☒ Critical groundwater area:

☒ Groundwater management area:

☒ Send dam safety information:

☒ Send power requirement letter:

☒ Send fish farm requirement letter:

☒ Power residency affidavit:

☒ Power efficiency form:

☒ Within trust water boundry: (If yes, attach Trust Water Supplementary Analysis Sheet.)

☒ Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)

☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Additional information on reverse side:

PROCESSING

YES NO

✓ In form for advertising:

~~Statewide advertising:~~

✓ Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

U.S. BLM

U.S. Forest Svc.

Water District #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

☒	Protests received,	Final date for protest

Protests, dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter: (see additional info. below)

See Below For Additional Information

Recomended Date of Priority

Recomended by: _____ Date _____

STATE OFFICE REVIEW

See below for additional information. By	Date

ADDITIONAL INFORMATION

96-08532

FUGLE, RICHARD W.
692 WRENCO LOOP RD. #12
SANDPOINT, ID 83864

Source: UNNAMED STREAM

Tributary: SMITH CREEK

Diversion Pt: NENENW Sec 21 T 57N R 03W

Use: DOMESTIC (.040 CFS)

Date Filed: 7/28/1988

In: T57N R03W S21 NENW

RECORDED

MAY 31 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region Office
1910 Northwest Blvd - Suite 200
Coeur d'Alene, ID 83814-2000

CERTIFIED MAIL

No. 48280

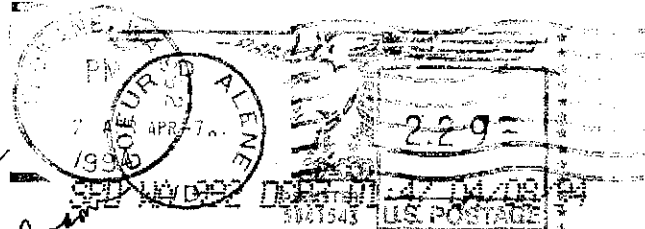
RETURN RECEIPT REQUESTED

REASON CHECKED
Forward Expired
Insufficient Address
Attempted-Not Known
No Such Street Number
No Such Box Number
No Mail Receipt
Moved-Left N Address
Not Deliverable As Add.
Unable To Forward

MR RICHARD W FUGLE

692 WRENCO LOOP RD #12

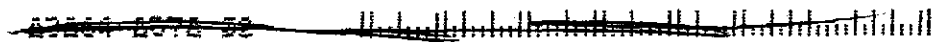
SANDPOINT ID 83864



*Letter to
Mr. Stone Allen
on 4/11/94*

4-8

RECEIVED
MAY 31 1995



Is your RETURN ADDRESS
completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MR RICHARD W FUGLE
692 WENDICO LOOP RD #12
SANDPOINT ID 83864

4a. Article Number

48280

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using
Return Receipt Service.

96-8532

~~96-8534 - Tim Allen Stone~~

Tuesday, April 26, 1994, 1:00 PM

IDWR, 1910 Northwest Blvd., Coeur d'Alene, Id.

ROSTER OF ATTENDANCE

ADDRESS

400 Wrenco L.P. Rd. Sandpoint Id. 83864

646 WAWICO 2nd sdpt

694 Wrenco Loop Idpt

William Elmer 700 WRENCO Loop RD Sopt

Gene Ochori 680 Wrenco Loop Rd Sandpoint, ID

Steven A. Allman 692 WREXBO LOOP RD. #12 SANDPOINT

696 Wrenco Loop Rd. #15 Sandpoint

MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-8532) NOTICE OF HEARING
IN THE NAME OF RICHARD W. FUGLE.)

On July 28, 1988, Richard W. Fugle filed with the Department of Water Resources (department) application for permit no. 96-8532. The application was protested by William D. Ellermeier on August 17, 1988. The conference held by the department on August 4, 1993, did not resolve the matter of protest.

The department has scheduled the matter for hearing on Tuesday, April 26, 1994, at 1:00 PM, in the Department of Water Resources Northern Regional Office Conference Room, 1910 Northwest Blvd. Ste. 210, Coeur d'Alene, Id. 83814. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Gary Spackman.

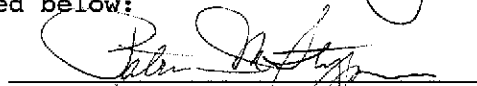
The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

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

Dated this 7th day of April, 1994.


Regional Supervisor

I hereby certify that on the 7th day of April, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Secretary

Certified Mail

Mr. Richard W. Fugle
692 Wrenco Loop Rd. #12
Sandpoint, Id. 83864

Mr. William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, Id. 83864

Non-Certified Mail

Mr. Paul Vogel
P.O. Box 907
Sandpoint, Id. 83864

MICROFILMED

MAY 31 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

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

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

BURDEN OF PROOF

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

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

PROCEDURE

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

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MAY 31 1995

CONFERENCE

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

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

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

MICROFILMED
MAY 31 1995

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive
following services (for an
fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MR AND MRS STEVE ALLMANN
692 WRENCO LOOP RD
SANDPOINT ID 83864

4a. Article Number

48286

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

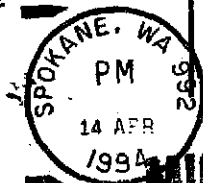
7. Date of Delivery

MM 4-14-94

5. Signature (Addressee)**6. Signature (Agent)****8. Addressee's Address (Only if requested and fee is paid)**

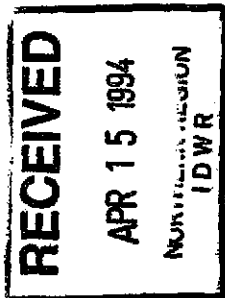
UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE, \$300

MAY 31 1995



Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814



For Accountable Mail

Name and Address of Sender DEPARTMENT OF WATER RESOURCES 1910 NORTHWEST BLVD. - SUITE 210 COEUR D'ALENE, IDAHO 83814		Indicate type of mail ☐ Registered ☐ Insured ☐ COD ☒ Certified ☐ Return Receipt For Merchandise ☐ Int'l Recorded Del. ☐ Express Mail		Check appropriate block for Registered Mail: ☐ With Postal Insurance ☐ Without Postal Insurance		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT							
Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Dom. Sender If COD	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	48286	MR AND MRS STEVE ALLMANN 692 WRENCO LOOP RD #12, SANDPOINT ID 83864	29¢	\$1.00					\$1.00				96-8532
2													
3													
4													
5													
6													
7													
8													
9													
10													
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14													
15													
Total Number of Pieces Listed by Sender 1		Total Number of Pieces Received at Post Office 1		POSTMASTER, PER (Name of receiving employee) <i>L. Turner</i>		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual 913 and 914 for limitations of coverage on insured and CO mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to third and fourth class parcels.							

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MR WILLIAM D ELLERMEYER
700 WRENCO LOOP RD
SANDPOINT ID 83864

4a. Article Number

48274

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

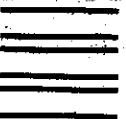
7. Date of Delivery

4-8-94

8. Addressee's Address (Only if requested and fee is paid)**5. Signature (Addressee)****6. Signature (Agent)**

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE, \$300.

RECEIVED

APR 13 1994

COMMUNICATION

1 DWR

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

1910 NORTHWEST BLVD. SUITE 210

COEUR D'ALENE, IDAHO 83814



Name and Address of Sender		DEPARTMENT OF WATER RESOURCES 1911 NORTHWEST BLVD. - SUITE 210		Indicate type of mail ☐ Registered ☐ Return Receipt ☐ Insured ☐ For Merchandise ☐ COD ☐ Int'l Recorded Del. ☐ Certified ☐ Express Mail		Check appropriate block for Registered Mail: ☐ With Postal Insurance ☐ Without Postal Insurance		Affix stamp here if issued as certificate of mailing or for additional copies of this bill.			
Name of Addressee, Street, and Post Office Address		Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If COD	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee
Line	Article Number	COEUR D'ALENE, IDAHO 83814									
1	48271	MR & MRS BRIAN L DOCKINS RT 2 BOX 372A, OLDTOWN ID 83822	.29	1.00				1.00			96-8736
2	48272	MRARLEY LAWRENCE RT 4 BOX 145 OLDTOWN ID 83822	"	"				"			"
3	48273	SUMMER MAE FOX 694 WRENCO LOOP #14 SANDPOINT ID 83864	"	"				"			96-8550
4	48274	MR WILLIAM D ELLERMEIER 700 WRENCO LOOP RD, SANDPOINT ID 83864	.75	"				"			96-8550-8534
5	48275	MR TIM ALLEN STONE 646 WRENCO LOOP RD, SANDPOINT ID 83864	.29	"				"			96-8532
6	48276	MS RUTH E KEMP 696-15 WRENCO LOOP RD, SANDPOINT ID 83864	"	"				"			96-8534
7	48277	MS PENELOPE WOOD 660 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"			96-8538
8	48278	MR AND MRS MAX SINGLETON 400 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"			96-8535
9	48279	MS IRENE SCHORI 680 WRENCO LOOP RD #10 SDPT ID 83864	"	"				"			96-8555
10	48280	MR RICHARD W FUGLE 692 WRENCO LOOP RD #12 SDPT ID 83864	"	"				"			96-8529
11											96-8532
12											
13											
14											
15											

Total Number of Pieces Listed by Sender

10

Total Number of Pieces Received at Post Office

POSTMASTER, PER (Name of receiving employee)

611 Grant

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual 913 and 914 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to third and fourth class parcels.

ROSTER OF ATTENDANCE

ADDRESS

670 Wrenco Loop ^{last} early morning

Microsoft 1997

MAY 31 1995

Paul Vogel called -

7/16/93

He has no forwarding address for Long & for Angle.
He sent a letter to each applicant & asked
if they still want him to represent them, to
advise him. During course of this protest,
the applicants have not given ~~any~~ ^{Vogel} any
direction, so he will not be at conference
unless applicants ask him to.

If ~~none~~ shows up at the conference - he
suggests that we approved the applications since
they paid for them.

pm 3:30 PM

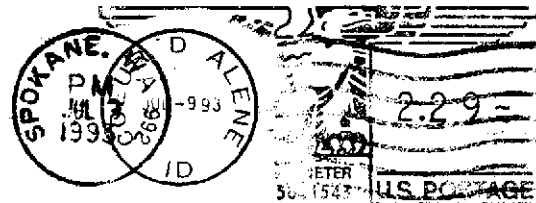
UNRECORDED

MAY 31 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region Office
1910 Northwest Blvd - Suite 210
Coeur d'Alene, ID 83814-2615

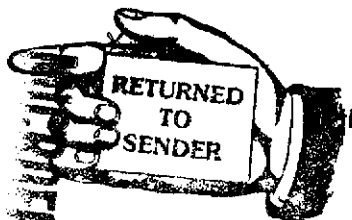
CERTIFIED MAIL

NO. 48228



RETURN RECEIPT REQUESTED

MAY 31 1995



REASON CHECKED

Forward Expired ☒
Insufficient Address ☒
Unclaimed ☐ Refused ☐
Attempted-Not Known ☐
No Such Street Number ☐
No Such Box Number ☐
No Mail Receptacle ☐

L.H.

MR RICHARD W FUGLE

692 WRENCO LOOP RD #12

SANDPOINT ID 83864

1st NOTICE

2nd NOTICE

RETURN

Is your **RETURN ADDRESS** completed on the reverse side?

SENDER: Complete Items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: MR RICHARD W FUGLE 692 WRENCO LOOP RD #12 SANDPOINT ID 83864 96-8532	4. Article Number 48228
	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
Always obtain signature of addressee or agent and DATE DELIVERED .	
5. Signature — Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery	

Thank you for using
Return Receipt Service.

MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-8532 IN THE)
NAME OF RICHARD W. FUGLE)
_____)

NOTICE OF CONFERENCE

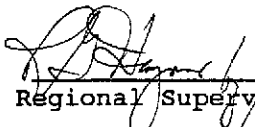
On July 28, 1988, Richard W. Fugle filed with the Department of Water Resources (department) application for permit no. 96-8532. The application was protested by William D. Ellermeier.

The department has scheduled the matter for conference on Wednesday, August 4, 1993, at 9:00 AM, in the Federal Building Conference Room No. 103, 1500 Hwy. 2, Sandpoint, Id. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference will be Robert G. Haynes, Northern Regional Manager.

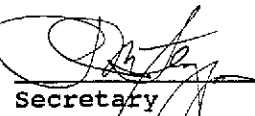
The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

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

Dated this 9th day of July, 1993.


Regional Supervisor

I hereby certify that on the 9th day of July, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Secretary

CERTIFIED MAIL

Mr. Richard W. Fugle
692 Wrenco Loop Rd. #12
Sandpoint, Id. 83864

Mr. William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, Id. 83864

NON-CERTIFIED MAIL

Mr. Paul Vogel
P.O. Box 907
Sandpoint, Id. 83864

RECEIVED
MAY 31 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

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

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?

BURDEN OF PROOF

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

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

PROCEDURE

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

CONFERENCE

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

RECEIVED
MAY 31 1995

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

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

RECEIVED MED
MAY 31 1995

DEPARTMENT OF WATER RESOURCES

NAME AND ADDRESS OF SENDER

1300 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

Indicate type of mail

- ☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have

- ☐ Commercial Insurance
☐ A deductible clause of \$

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

POSTMARK AND DATE OF RECEIPT

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

PS Form 3877, July 1978

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	48225	MS IRENE SCHORI 680 WRENCO LOOP RD #10, SANDPOINT, ID 83864	29¢	1.00				1.00				96-8529
2	48226	MR WILLIAM D ELLERMEIER 700 WRENCO LOOP RD SANDPOINT ID 83864	75¢	"				"				96-8530
3	48227	MR BARRY IRELAND 670 WRENCO LOOP RD SANDPOINT ID 83864	29¢	"				"				96-8531
4	48228	MR RICHARD W FUGLE 692 WRENCO LOOP RD #12 SANDPOINT ID 83864	"	"				"				96-8532
5	48229	MR TIM ALLEN STONE 646 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"				96-8534
6	48230	MS PENELOPE WOOD 660 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"				96-8535
7	48231	MR & MRS MAX SINGLETON 400 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"				96-8535-4 96-8546
8	48232	MS RUTH E KEMP 696-15 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"				96-8538
9	48233	GLOCK FAMILY / CHARLES AND MARGARET GLOCK TRUSTEES 319 S 4 TH AVE SANDPOINT ID 83864	"	"				"				96-8546
10	48234	MS SUMMER MAE FOX 694 WRENCO LOOP #14 SANDPOINT ID 83864	"	"				"				96-8550
11	48235	MR & MRS RONALD L WHEELER 4347 SIERRA AVE NORCO CA 91760	"	"				"				96-8552
12												
13												
14												
15												

MICROFILMED

MAY 31 1995

TOTAL NUMBER OF
PIECES LISTED BY
SENDER

11

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

11

POSTMASTER, PER (Name of receiving employee)

[Signature]

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1978 270-037



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 9, 1993

Mr. Don Young
Federal Building
1500 Hwy. 2
Sandpoint, Id. 83864

Re: 96-8529, 96-8531, 96-8532, 96-8534, 96-8535, 96-8538, 96-8546, 96-8550,
96-8552.

Dear Mr. Young:

This is to confirm reservations for a conference &/or hearing to be held by this Department on Wednesday, August 4, 1993, at 9:00 AM in your Federal Building Conference Room #103.

If this is not the case, please advise immediately.

Sincerely,

PATRICIA M. STYPA
Secretary/Office Coordinator

MICROFILMED
MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-8532 IN THE)
NAME OF RICHARD W. FUGLE)
_____)

NOTICE OF CONFERENCE

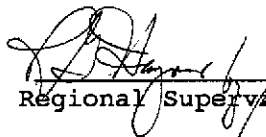
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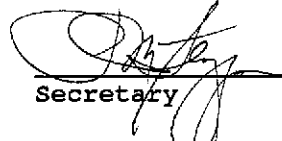
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Dated this 9th day of July, 1993.


Regional Supervisor

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Secretary

CERTIFIED MAIL

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692 Wrenco Loop Rd. #12
Sandpoint, Id. 83864

Mr. William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, Id. 83864

NON-CERTIFIED MAIL

Mr. Paul Vogel
P.O. Box 907
Sandpoint, Id. 83864

RECEIVED
MAY 31 1995

CONFERENCE AND HEARING PROCEDURE

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RECEIVED
MAY 31 1995

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RECORDED

MAY 31 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 8, 1991

Mr. Paul Vogel
Attorney at Law
P. O. Box 907
Sandpoint, Id. 83864

Re: Smith Creek; Your clients: Wood, 96-8535; Fugle, 96-8532; Ireland, 96-8531; Kemp, 96-8538; Schori, 96-8529; and Stone, 96-8534.

Dear Mr. Vogel:

Enclosed are the copies you requested for the above-referenced water right applicants.

Please remit the sum of \$0.50 for these copies at your earliest convenience. If we can be of any further assistance, please contact us.

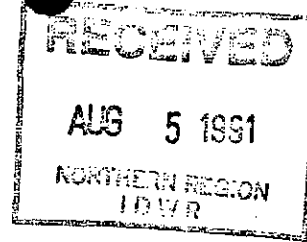
Sincerely,

PATRICIA M. STYPA
Secretary/Office Coordinator

Enclosures

RECEIVED
MAY 31 1995

PAUL WILLIAM VOGEL
Attorney-at-Law



In Association with
PHILIP H. ROBINSON, P.A.
JAMES E. HUNT
ALYSSA C. SWARTZ
JOHN R. TOPP

1323 Michigan
P.O. Box 907
Sandpoint, Idaho 83864-0852
(208) 263-0534
Fax: (208) 263-5344

July 30, 1991

Idaho Department of Idaho Resources
ATTN: BOB HANES
Northern Region
1910 Northwest Boulevard
Suite 210
Coeur d'Alene, ID 83814

RE: Smith Creek; My clients: Wood, Fugle, Ireland, Kemp,
Schori, and Stone.

Dear Bob:

Thank you for your time on July 24, 1991 concerning the
Smith Creek adjudication.

The purpose of this letter is to request that your
Department provide me with copies of all objections filed to my
clients' applications for water rights. My clients names and
water rights numbers are as follows:

Penelope Wood, 96-08535;
Richard W. Fugle, 96-08532;
Barry Ireland, 96-08531;
Irene Schori, 96-08529;
Ruth E. Kemp, 96-08538;
Tim and Jane Stone, water right number unknown.

In relation to Mr. and Mrs. Stone, could you please send to
me, in addition to any objections filed, a copy of the Water
Rights Claim Proof Reading Report.

Again, thank you very much for your time and attention to
this matter.

Sincerely,

Paul Vogel/lat
PAUL VOGEL

PV/lat

cc: Tim and Jane Stone
Ruth Kemp
Irene Schori
Penny Wood
Richard Fugle
Barry and Roxy Ireland

MICROFILMED
MAY 31 1995

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor
March 3, 1989

R. Keith Higginson
Director

Mr. Richard W. Fugle
3232 Broadway
Santa Monica, Ca. 90404

Re: Smith Creek Adjudication Application for Permit #96-08532

Dear Mr. Fugle:

On September 22, 1988 this department sent to your address in Sandpoint, a copy of a protest filed against the approval of the above referenced application for a permit to appropriate the public waters of the State of Idaho. I have enclosed another copy of the protest for your files. The Department would like to suggest that you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

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

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

You will be notified at a later date of the time and place of the conference and/or hearing.

Since you do not as yet have water rights, it is not necessary for you to file a notice of claim. If I can be of any assistance, please contact me at this office.

Sincerely,

Tom D. King
Sr. Water Resource Agent

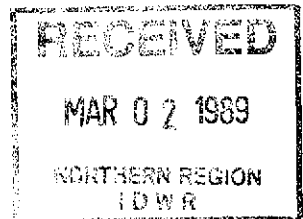
RECEIVED

MAY 31 1989

February 24, 1989

Ref: General Adjudication of Water Rights from Smith Creek Water System, Bonner County, Id. Civil No. 27289.

IDWR, Northern Reagion.
1910 Northwest Blvd.,
Suite 210,
Couer d' Alene, Id. 83814



Dear Sirs:

I am in receipt of the COMMENCEMENT NOTICE concerning A General Adjudication of Water Rights Of The Smith Creek Water System.

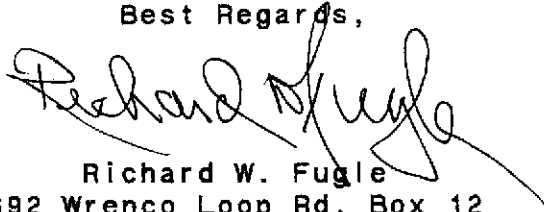
I am writting to verify with your office, the fact that I did, on July 27, 1988, file for Water Rights in the Smith Creek Water System. Since I received neither conformation or denial of my Claim, I am not sure if I am required to file another Water Claim to fill my obligation to this Notice "Civil #27289".

If I must file again, please send proper forms and notice of fee's so I may comply in a prudent manner.

I am currently visiting in Los Angeles and will not return to Sandpoint until about June. My temporary address is as follows:

Richard W. Fugle
3232 Broadway Apt B
Santa Monica, Ca. 90404

Best Regards,


Richard W. Fugle
692 Wrenco Loop Rd. Box 12
Sandpoint, Id. 83864


MAY 31 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 22, 1988

Mr. Richard Fugle
692 Wrenco Loop Rd. #12
Sandpoint, Id. 83864

Re: 96-8532

Dear Mr. Fugle:

Enclosed is a copy of a protest filed against the approval of a permit pursuant to the above-referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

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

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

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms
Enclosure

Handwritten: HIGGINSON

MAY 31 1995

Celebrate
IDAHO
1880 - CENTENNIAL - 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 22, 1988

Mr. William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, Id. 83864

Re: 96-8531, 96-8532 and 96-8534

Dear Mr. Ellermeier:

Your protests against the approval of the above-referenced applications have been received and a copy has been sent to the applicants. The Department suggests that you contact the applicants directly in an effort to determine what is proposed by the applications and to attempt to resolve the protests.

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

1. Will the proposed uses reduce the quantity of water under existing water rights?
2. Are the proposed water supplies insufficient for the purposes intended?
3. Are the applications made in good faith or for delay or speculation?
4. Have the applicants sufficient financial resources with which to complete the projects?
5. Will the proposed uses conflict with the local public interest?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

MAY 31 1989



Sandpoint, Id.
August 15, 1988

Idaho Department of Water Resources
4055 Government Way Suite 9
Coeur D'Alene, Idaho 83814

RECEIVED
AUG 17 1988

Department of Water Resources
Northern District Office

Gentlemen:

You have received an Application For Permit from Richard W. Fugle, 692 Wrenco Loop Rd. #12, Sandpoint, Id. 83864 to appropriate .04 CF/Sec. of water from a well beside an unnamed tributary of Smith Creek for domestic purposes, the point of use being in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 21, Township 57N, Range 3W.

We hereby register our protest to the granting of such a permit and to the appropriation of water either directly or indirectly from a tributary of Smith Creek by the applicant.

We are the holders of a current claim to a water right (Claim # 96-4013) to appropriate water from Smith Creek, the point of use and diversion being in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, Township 57N, Range 3W. Our claim is for domestic and irrigation purposes.

At the present time the exact location and/or course of the tributary affected by applicants well, is not known to us. However, in the event the tributary joins Smith Creek either above or below our point of diversion, we believe the claimant's appropriation will have as adverse effect upon our claim by either affecting our upstream flow or by affecting the downstream flow available to Max L. Singleton, who claims to have senior rights under claim # 96-4017, which in turn would have a direct affect upon our rights as a junior appropriator, if in fact the Singleton claim is held to be superior.

Please advise us if any further information or action is required of us in this matter.

Very Truly Yours,

W D Ellermeier
William D. Ellermeier

700 WRENCO LOOP RD

RECEIVED
MAY 31 1995

Water Right Number - 96-08532

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***

FUGLE

RICHARD W.

1 - 692 WRENCO LOOP RD. #12

2 -

3 -

City- SANDPOINT

State- ID Zip-

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/28/1988 A - APPLICATION+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
UNNAMED STREAM SMITH CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

57N 03W 21 NE NE NW (17) BONNER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.040+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

57N 03W 21 NE NW 43 DOMESTIC (17) BONNER

Total Acres:

+ - - Diversion Means - PUMP/PIPELINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Microfilm Rolls -

RECEIVED

MAY 31 1995

Water right number - 96-08532 Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 08/08/88 KING 08/19/88 STYPA

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- N000789	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 07/28/1988	Transfer/Amended	-
Decree Date	- 00/00/0000				

RECEIVED
MAY 31 1988