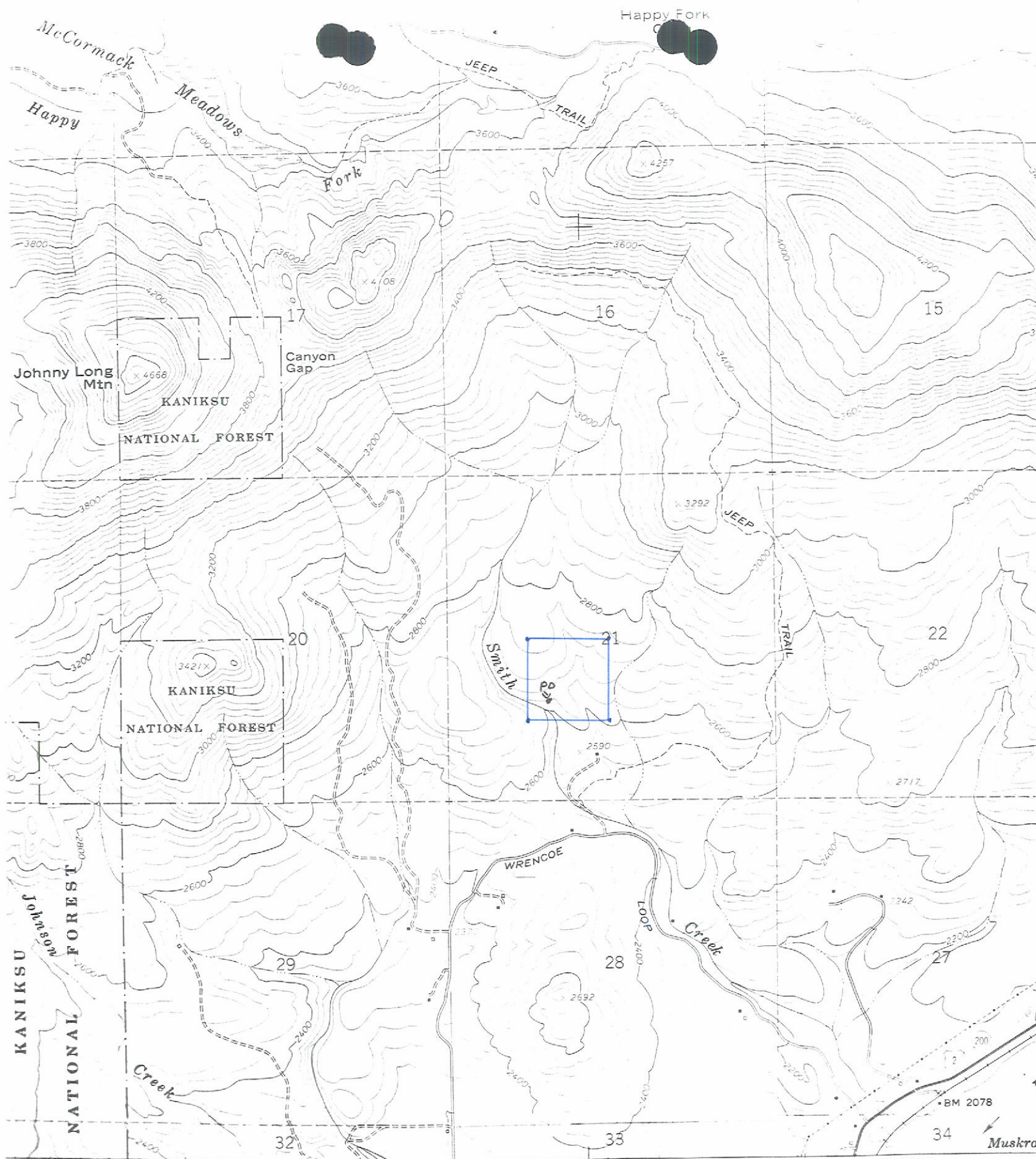
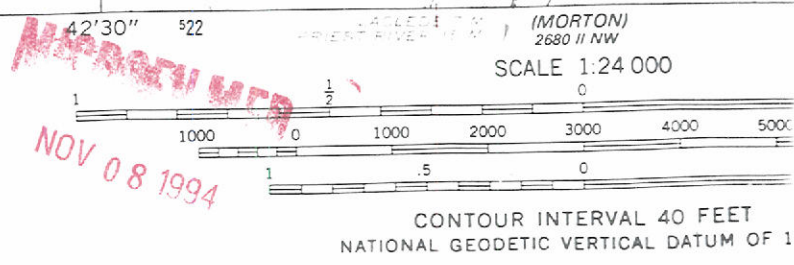




ed, edited, and published by the Geological Survey
 l by USGS and USC&GS

aphy by photogrammetric methods from aerial
 graphs taken 1966. Field checked 1968

nic projection. 1927 North American datum
 0-foot grid based on Idaho coordinate system,
 one
 meter Universal Transverse Mercator grid ticks,
 1 shown in blue





← P.D.



← P.D.



← P.D.
OVERFLOW

MICROFILMED
NOV 08 1994



← P.D.

← P.D.



← P.D.
OVERFLOW

MICROFILMED
NOV 08 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08531

Priority: July 28, 1988

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that BARRY IRELAND
670 WRENCO LOOP RD
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 June 3, 1994. An examination indicates
that the works have a diversion capacity of .040 cfs of water from:

SPRING

tributary to SINKS

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	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: DOMESTIC

TWN RGE SEC

57N 03W 21

NESW

CONDITIONS/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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home and includes stockwater for 3 horses.

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 18TH
day of SEPTEMBER, 1994.

Acting for

R. Keith Higginson, Director

NOV 08 1994

Am't. of Fee \$ NA.
Date 6-3-94
Receipt No. C030435
Received by ju

STATE OF IDAHO

RECEIVED
MAY 19 1994
Department of Water Resources

DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JUN 3 1994
Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 96-08531 Telephone No. 208 263-8242

2. Name(s) of Permit Holder(s): BARRY + ROXY IRELAND

3. Post Office Address: 670 Wrenco Loop Rd. Sandpoint, Id.

4. Source of Water: sink / spring 83864

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: 1 Pressure (psi): 50 lbs. Dynamic pumping level (ft.): 26

5. Extent of Use:

Domestic 1 (No. of households) Irrigation 1/2 (No. of acres)

Stockwater 3 (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 0.04 cfs _____ acre/feet

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

Measuring device: Required? Yes ✓ No Installed? Yes ✓ No

OR

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

8. Fee Enclosed: \$ NA. (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

BARRY IRELAND

208 263-8242

Name

Telephone No.

670 Wrenco Loop Sdpt. Id. 83364

Address

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

MAY 16, 1994
Date

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

NOV 08 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08531

Proposed Priority: July 28, 1988

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **BARRY IRELAND**
670 WRENCO LOOP RD
SANDPOINT ID 83864
has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

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

PLACE OF USE: DOMESTIC

TWN RGE SEC

57N 03W 21

NESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1995.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

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

25th day of April, 1994.

R. Keith Higginson

for R. Keith Higginson, Director

NOV 08 1994

RECEIVED
APR 12 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 96-08531

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant BARRY IRELAND Phone 263-8242
Post office address 670 Wrenco Loop Sandpoint, Id. 83861
2. Source of water supply SPRING which is a tributary of SINKS
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, 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 .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. SPRING/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).

RECEIVED
NOV 08 1994

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	
<u>57N</u>	<u>3W</u>	<u>21</u>									<u>D</u>								

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: _____

RECORDED

NOV 08 1994

21T57NR3W

NOV 1967

NOV 08 1994

x Barry Ireland
(Applicant)

Received by JK Date 7/28/88 Time 8:15 AM Preliminary check by AB
Fee \$ 30.00 Receipted by JK # N-790 Date 7/28/88
Publication prepared by [signature] Date 8/24/88 Published in [signature]
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:

NOV 08 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 15, 1994

BARRY IRELAND
670 WRENCO LOOP RD
SANDPOINT ID 83864

RE: WATER RIGHT NO. 96-08531

Dear Water Right Holder(s):

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:dc

Enclosure

NOV 08 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

96-08531

RECEIVED

AUG 29 1994

A. GENERAL INFORMATION

Permit No. 96-08531 Department of Water Resources

1. Owner: BARRY IRELAND Phone No. (208) 263-8242

Current Address: 670 WRENCO LOOP RD SANDPOINT, ID. 83864

2. Accompanied by: BARRY IRELAND EXAM DATE: 7-5-94

Address: SAME AS ABOVE Phone No. 263-8242

Relationship to Permit Holder: _____

3. Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	SW	21	57N	03W	BONNER	USGS 7.5 MIN QUAD

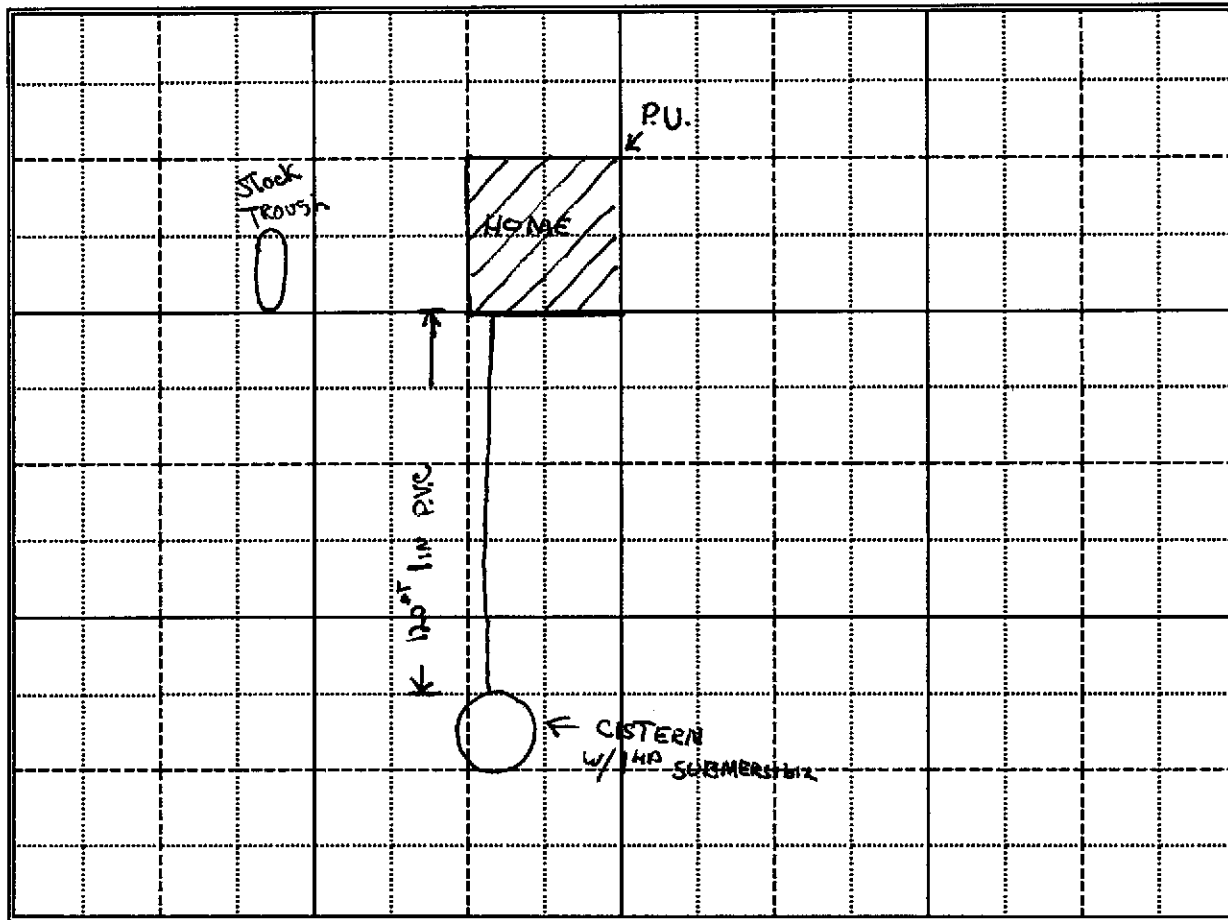
2. Place(s) of Use:

Indicate Method of Determination

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

NOV 08 1994

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



Scale: 1" = NTS

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

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

____ Photo of Diversion and System Attached

4.

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

*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:

NOV 08 1994

E. NARRATIVE/REMARKS/COMMENTS

PUMP IN CISTERN IN SPRING SUPPLIES HOUSE
AND 3 HORSES

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

RECEIVED

NOV 08 1994

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

STOCK WATER 3 HORSES (12 gpd $\times$ 365 days / 325,850 = .04 AFA**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* DOMESTIC	01-01	12-31	.04	1.2
* STOCK	01-01	12-31	.02	.04
Totals:			.04	1.24

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. AUTHENTICATIONField Examiner's Name TED McCracken Date 7/5/94

Reviewer _____ Date _____

SEAL

* SEE attached explanation memo. BC

NOV 8 1994

MEMORANDUM

TO: File 96-08531 / Barry Ireland
FROM: Brenda Chapman
DATE: August 31, 1994
RE: Adjustments Made

=====

The final recommendations for the following portion(s) of the field exam were based on the information below.

G. VOLUME CALCULATIONS

Included stockwater for 3 horses in the domestic use.
(per Section 42-111, Part A, Idaho Code)

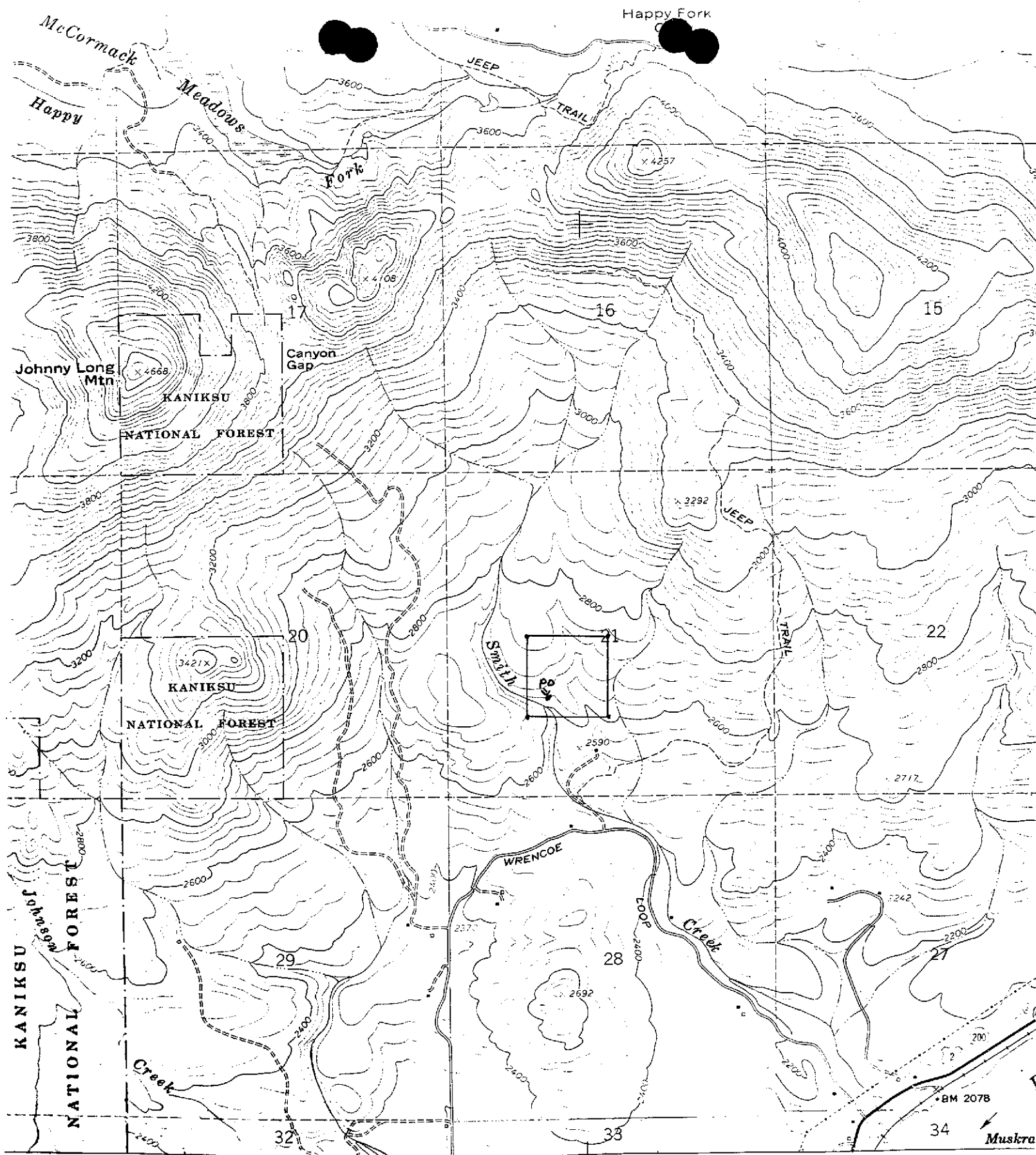
H. RECOMMENDATIONS

1. Recommended Amounts

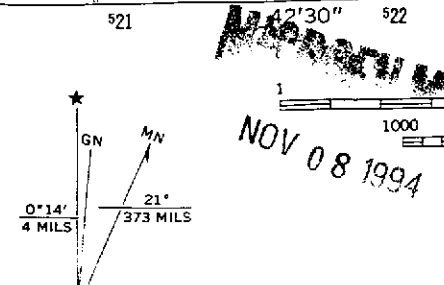
Beneficial Use	Period of Use	Rate of Div	Annual Vol
Domestic	1-01 to 12-31	.04	1.2

Did not list a recommendation for stockwater.
Included in the domestic use. (see Part G)

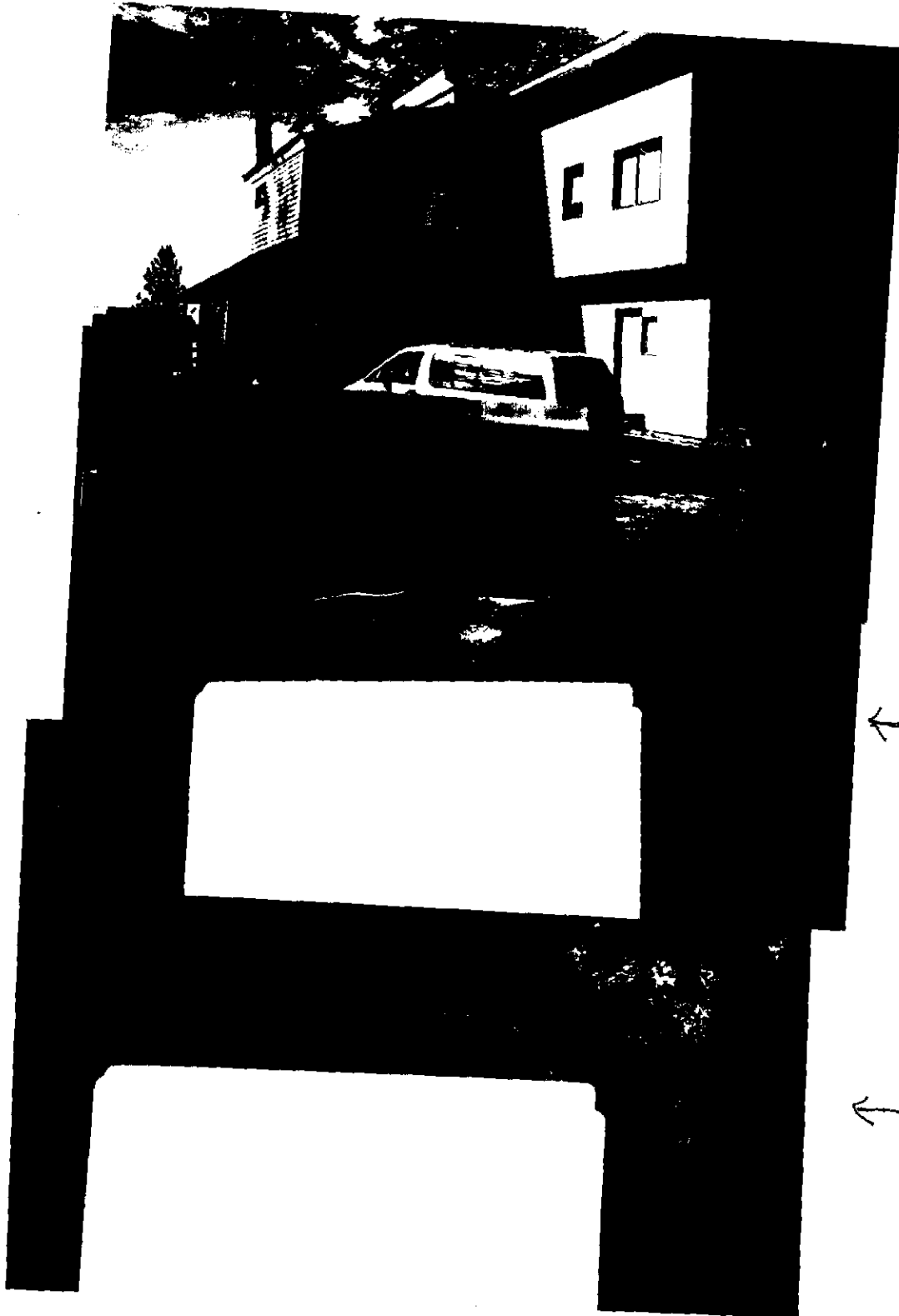
NOV 08 1994



ed, edited, and published by the Geological Survey
 by USGS and USC&GS
 aphy by photogrammetric methods from aerial
 graphs taken 1966. Field checked 1968
 nic projection. 1927 North American datum
 0-foot grid based on Idaho coordinate system,
 one
 meter Universal Transverse Mercator grid ticks,



12'30" 522
 (MORTON)
 2680 II NW
 SCALE 1:24 000
 0 1000 2000 3000 4000 5000
 1 .5 0
 CONTOUR INTERVAL 40 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1



← P.U.

← P.D.

← P.D.
OVERFLOW

RECEIVED

NOV 08 1994

← P.D.

← P.D.

← P.D.
OVERFLOW

RECEIVED
NOV 08 1994

June 6, 1994

BARRY IRELAND
670 WRENCO LOOP RD
SANDPOINT ID 83864

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08531

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

NOV 08 1994

May 26, 1994

Barry Ireland
670 Wrenco Loop Rd.
Sandpoint, ID 83864

RE: Permit No. 96-08531

Dear Permit Holder:

Returned is the proof of beneficial use you submitted in connection with the above referenced permit. Unfortunately, it can not be accepted as filed.

The Department has determined, from pertinent sections of the Idaho Code, that the permit holder must meet two requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater (well) source.
2. The rate of diversion must be .04 cfs or 4.0 AF or less.

As you can see, you do not meet requirement #1 since you use a spring (surface) for your source. Therefore, a license examination fee of \$50.00 applies to the permit.

Additionally, you indicate on the proof that you are irrigating one (1) acre. Be advised that your water right permit (copy enclosed) only authorizes domestic use which only includes irrigation of up to a $\frac{1}{2}$ an acre.

Please return the original proof and license exam fee within thirty (30) days of receipt of this letter.

If you have any questions or if I can be of any further assistance, please feel to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

RECEIVED
NOV 08 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 28, 1994

BARRY IRELAND
670 WRENCO LOOP RD
SANDPOINT ID 83864

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08531

Dear Permit Holder:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

MAILED

NOV 08 1994

Sandpoint, Idaho
April 1, 1994

RECEIVED

APR 04 1994

PLANNING REGION
IDWR

State Department of Water Resources
Suite 210
1910 Northwest Blvd.
Coeur d'Alene, Id 83814-2615

Attn: Mr Al Beardsley

Gentlemen:

On August 1988 we submitted an objection to the Department regarding the possible granting of an approval of application no 96-08531 submitted by Barry Ireland.

Based upon further information provided us by the Department, it is our understanding that this diversion should have negligible effect upon Smith Creek.

We are therefore withdrawing our objection to the approval of this application.

Sincerely

H. D. ELLERMEIER
[Signature]

NOV 08 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-8531 IN THE)
NAME OF BARRY IRELAND)
_____)

NOTICE OF CONFERENCE

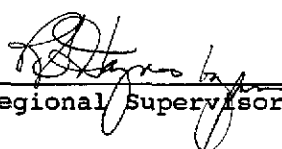
On July 28, 1988, Barry Ireland filed with the Department of Water Resources (department) application for permit no. 96-8531. The application was protested by William D. Ellermeier on August 17, 1988.

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.

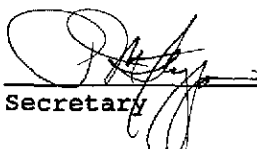
The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

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. Barry Ireland
670 Wrenco Loop Rd.
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

NOTICE OF CONFERENCE - PAGE 1.

NOV 08 1994

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.

NOV 08 1994

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

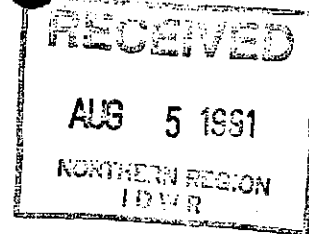
A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

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.

NOV 08 1994

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



NOV 08 1994



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

NOV 08 1991

36
INSTRUCTIONS: Complete Items 1 and 2 when additional services are desired, and complete Items

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 BARRY IRELAND
670 WRENCO LOOP RD
SANDPOINT ID 83864

96-8531

4. Article Number

48227

5. Type of Service:

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

Always obtain signature of addressee
Agent and DATE DELIVERED.

6. Signature - Address

X

6. Signature - Agent

X

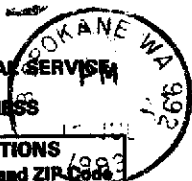
7. Date of Delivery

MA 7-12-93

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

NOV 08 1994

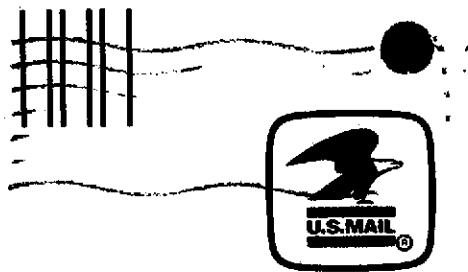
UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

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



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

PS Form 3877, July 1978

NAME AND
ADDRESS
OF SENDER

DEPARTMENT OF WATER RESOURCES

1814 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

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	"	"				"				96-8536
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	"	"				"				96-8540
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												
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		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.						
11		11										

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~~ 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

NOV 08 1994

Paul Vogel called -

7/14/93

He has no forwarding address for Long & for Angles.
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 word shows up at the conference - he
suggests that we approved the applications since
they paid for them.

[Signature] 3:30 PM

NOV 08 1994

July 27, 1993

William D Ellermeier
700 Wrenco Loop Road
Sandpoint ID 83864

Re: 96-08529, 96-08531, 96-08532, 96-08534, 96-08535, 96-08538, 96-08550, 96-08552

Dear Mr. Ellermeier:

As you a protestant of record against the issuance of permits for the above referenced Applications for Permits to Appropriate the Public Waters of the State of Idaho, your attendance at the conference scheduled for Wednesday, August 4, 1993, is essential. Because a number of the participants in this conference are from out of state, cancelling it could result in a hardship for them. I would hope that, if you are called, the court would see it's way to excuse you for that day.

If I can be of any assistance, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

NOV 08 1994

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:

Legal 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

RECEIVED

Department of Water Resources
Northern District

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

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)

Date Filed: 7/28/1988

In: T57N R03W S21 NESW

NOV 08 1994



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. Barry Ireland
670 Wrenco Loop
Sandpoint, Id. 83864

Re: 96-8531

Dear Mr. Ireland:

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





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



Sandpoint, Id.
August 15, 1988

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

Gentlemen:

You have received an Application For Permit from Barry Ireland, 670 Wrenco Loop Rd., Sandpoint, Id. 83864 to appropriate .04 CF/Sec. of water from a spring which applicant claims begins on his property and terminates in a sink on the same property. The location of the property being the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 by the applicant from the spring until such time as it is proven that the spring does not contribute to the flow of Smith Creek either directly or through a tributary.

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 of the spring and sink or their relationship to any tributary of Smith Creek is not known to us. However in the event the spring does contribute either directly or indirectly to Smith Creek either above or below our point of diversion, we believe the claimant's appropriation will have an 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.

RECEIVED
AUG 17 1988
Department of Water Resources
Northern District Office

Yours Very Truly,

W D Ellermeier
William D. Ellermeier

700 WRENCO LOOP RD

NOV 08 1994