

00485

OWNER CERTIFICATE

Herbert Warren and Estell E. Warren, husband and wife, hereby certify that they are the owners of the land embraced by the herein plat of Warren's Lake Shore Lots, and had the same platted into lots as shown by the herein plat, the boundaries of which are more specifically described as follows: Beginning at a 2" pipe on shore of Bottle Bay from which the Meador Corner between section 4-T54N-R1W and section 35-T57N-R1W B.M. bears N56°39'W-436.0ft distance, thence S45°21'E-200.0ft, thence S48°46'E-300.0ft, thence S45°21'E-300.0ft, thence S60°57'E-200.0ft, thence S76°05'E-100.0ft, thence S74°06'W-92.0ft, thence N48°31'W-435.0ft, thence N48°37'W-127.0ft, thence N60°50'W-53.0ft, thence N63°31'W-308.0ft, thence N35°03'E-360.0 to point of beginning.

Dated this 20th day of December 1951.
Signed Herbert A. Warren
Estell E. Warren

ACKNOWLEDGEMENT

COUNTY OF BONNER } S.S.
STATE OF IDAHO }

On this 20th day of December 1951 before me a Notary Public, appeared Herbert Warren and Estell E. Warren, husband and wife, personally known to me to be the persons who subscribed their names to the foregoing Owners Certificate of Warren's Lake Shore Lots and acknowledged to me that they executed the same as their own free and voluntary act for the purposes therein stated. Signed and officially sealed on date above given.
My commission expires Feb. 20, 1955 Signed A. C. Spedman
Notary Public in and for State of Idaho.

SURVEYOR'S CERTIFICATION

I hereby certify that this is a correct plat of Warren's Lake Shore Lots, that all monuments as shown thereon have been placed by me by actual survey in Dec. 1954, and that the marks and bounds description as given in the owners certificate is correct.
Dated this 17th day of December 1954.
Signed Charles H. Ingalls
Licensed Surveyor

COUNTY SURVEYOR'S AFFIDAVIT

I hereby certify that I have examined the herein plat of Warren's Lake Shore Lots and checked the computations involved sufficiently to determine that it complies with the requirements of the laws relating to the filing of plats. Dated this 20th day of December 1954.
Signed Robert Ingalls
County Surveyor

COUNTY COMMISSIONS ACCEPTANCE AND APPROVAL

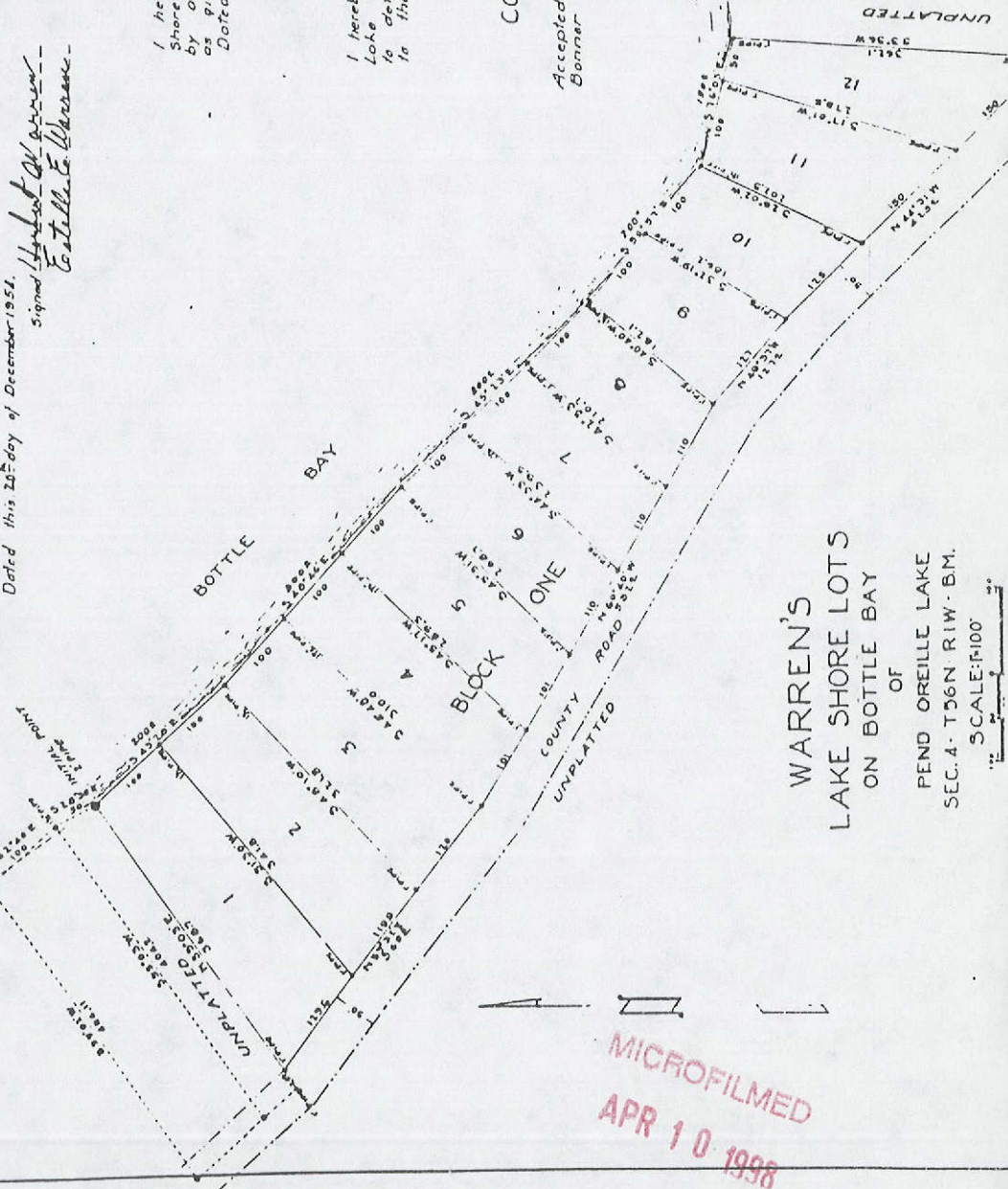
Accepted and approved by the Board of County Commissioners of Bonner County, Idaho, on this 20th day of Dec. 1955.
Signed Elmer Reed
Chairman of Board of County Commissioners

SURVEYOR'S AFFIDAVIT

I hereby certify that this is a exact copy of the final plat of Warren's Lake Shore Lots, 1954. Signed Charles H. Ingalls
Dated this 20th day of Dec. 1954. Licensed Surveyor
Sandpoint - Idaho.

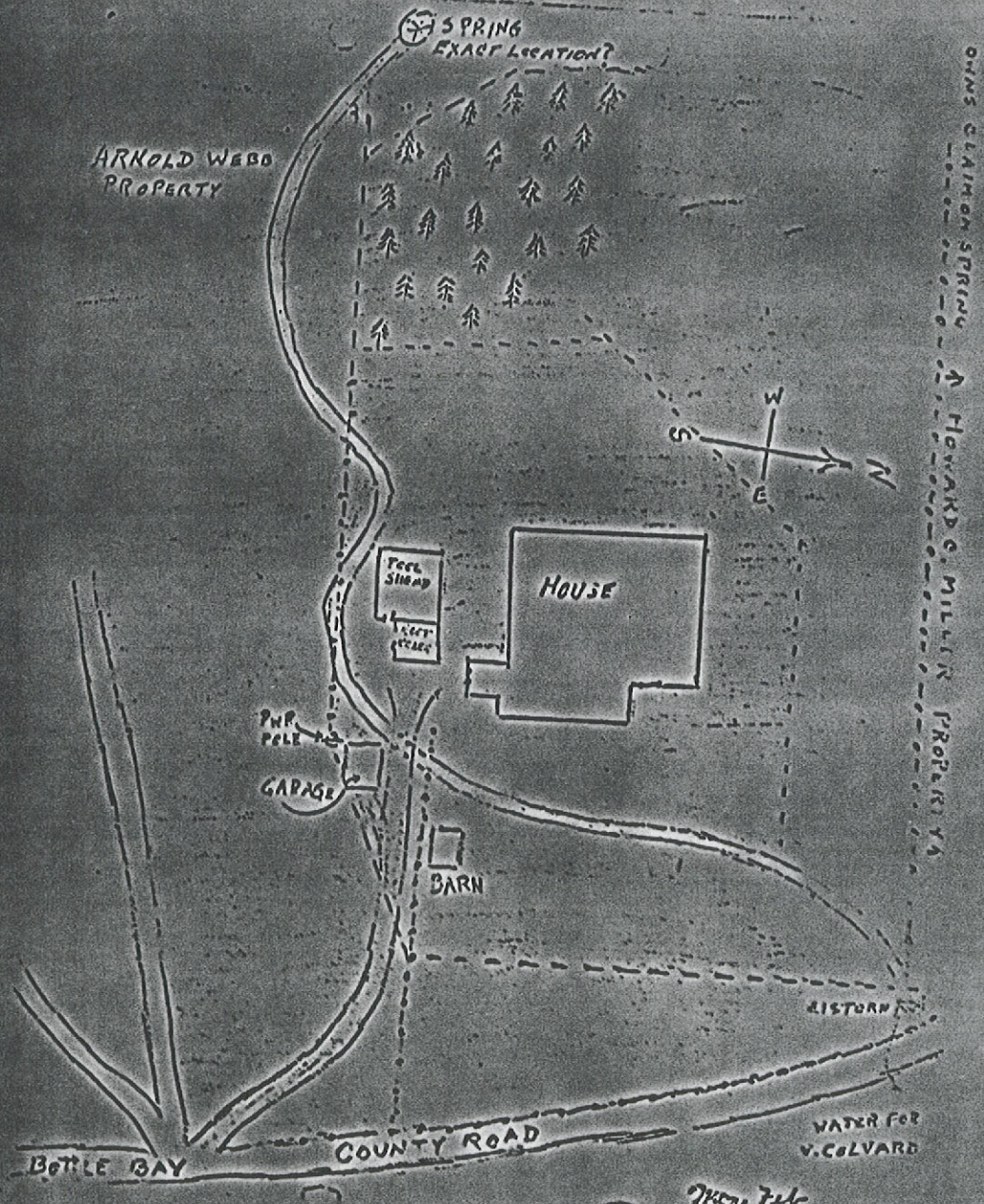
52175
DATE OF IDAHO, 1955
County of Bonner.

Filed for record at the request of
Herbert A. Warren
on the 25th day of January, 1956
at 2:10 o'clock P.M. and



WARREN'S
LAKE SHORE LOTS
ON BOTTLE BAY
OF
PEND OREILLE LAKE
SEC. 4-T56N-R1W-BM.
SCALE: 1"=100'

MICROFILMED
APR 10 1958



APR 10 1998

96-2458 P1A

539

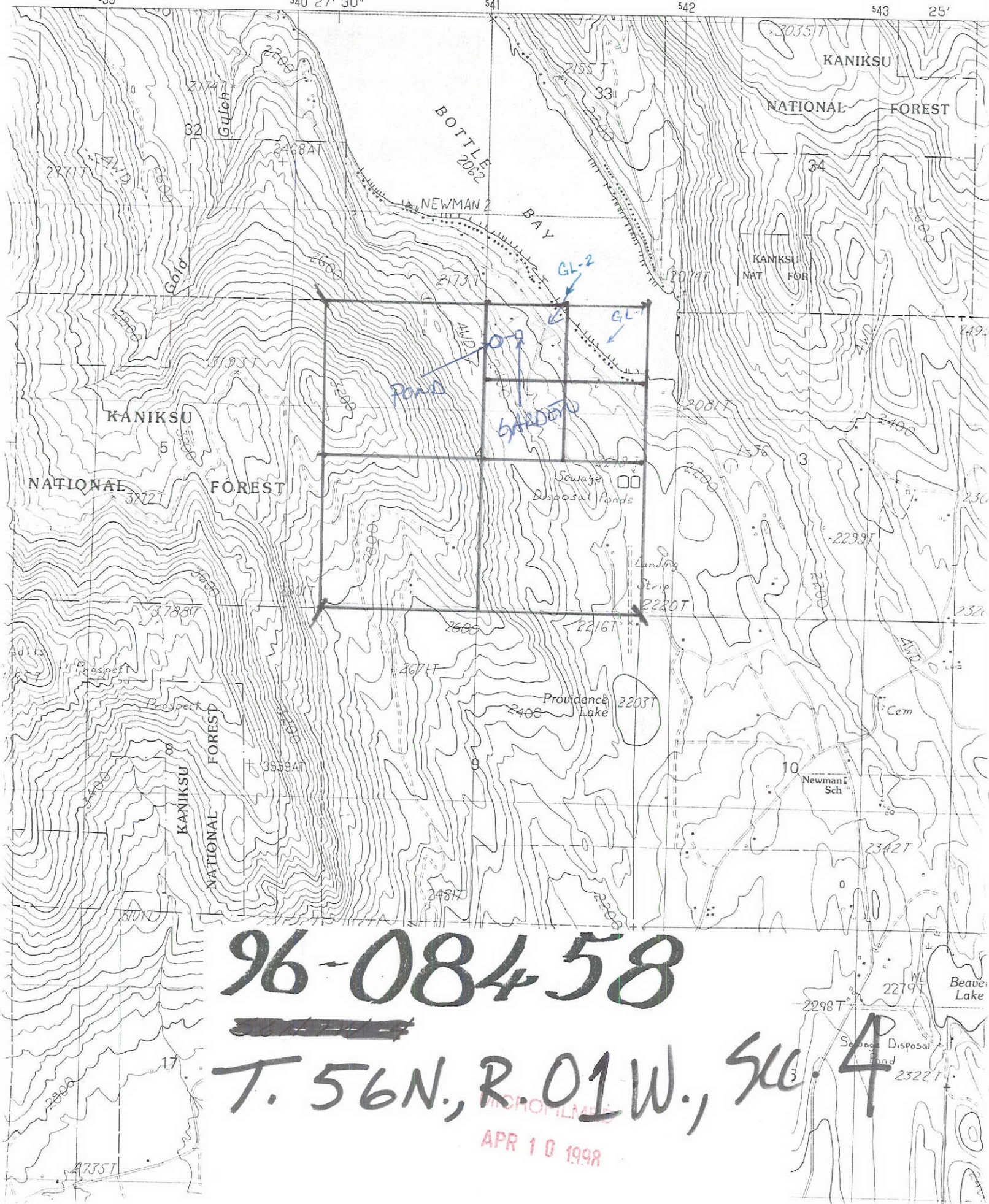
540 27' 30"

541

542

543

25'



96-08458

T. 56N., R. 01W., SEC. 4

APR 10 1998

T56N
R.01W

Range No 1 West of the Boise Meridian



96-08458

T 56N, R.01W

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APR 10 1998

96-08458

PERMIT #

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



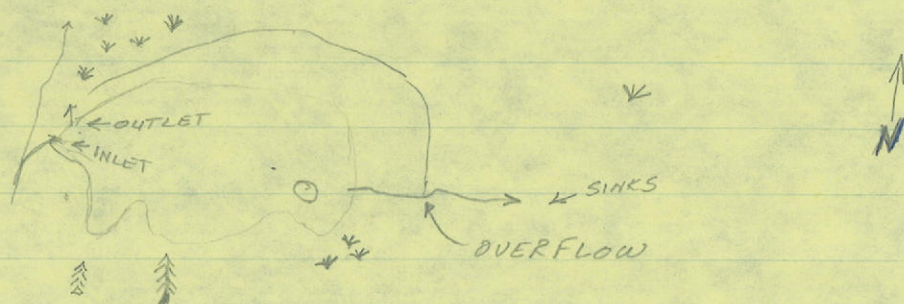
Pond

APR 10 1998
MICROFILMED



12/2/86

POND FROZEN $\frac{1}{32}$ " - $\frac{1}{16}$ " OVERFLOW NOT GOING OUT
OUT LET ~ OVER FLOW MAY CAUSE DAM TO BREACH



MEASUREMENT @ MILLER SPRING $\frac{56 \text{ GAL}}{87 \text{ SEC}} (60) = \frac{3.456 \text{ GPM}}{448.8} = .008$
" " CULVERT $\frac{56 \text{ GAL}}{28 \text{ SEC}} (60) = \frac{10.76 \text{ GPM}}{448.8} = .024$

MEASUREMENTS AT MILLER SPRING DO NOT REFLECT
ACTUAL FLOW ~ SYSTEM LEAKS MORE AT EACH EXAMINATION

1/15/87 POND FROZEN UNABLE TO DETERMINE DEPTH OF ICE
OVERFLOW HAS BREACHED EASTERN MOST
PORTION OF DAM. THIS CAUSES A DIVERSION OF THE
CREEK ~ WATER FLOWING THROUGH POND WEST
TO EAST MAY CAUSE PROBLEMS IN SPRING
RUN-OFF OVER FLOW LOWER THAN OUTLET
UNABLE TO MEASURE AT SPRING @ CULVERT
 $4 \text{ GAL} / 45 \text{ SEC}$ 1.3 GPM ~ WATER FLOW @ CULVERT LOCATED
ON FARGO PROPERTY MINUTE WATER MEASURED
APPEARS TO BE FROM SPRING @ ABANDONED
CISTERN

MAR 07 1988

S ~ 37

S ~ 14

96-8458 P4



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 98-8458

DATE

INITIALS

9/12/86



DIVERSION HOSE GRAVITY FLOW TO GARDEN

2

9/12/86

INLET →



MAR 07 1988

RECEIVED

← OUTLET

VIEW OF INLET / OUTLET



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PERMIT # 98-8458

DATE

9/12/86

INITIALS

VIEW OF
POND STANDING
ON DYKE



RECEIVED
MAR 07 1988

7



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 98-8458

DATE

9/12/86

INITIALS



VIEW OF DYKE

k

9/12/86



VIEW OF POND FROM INLET/OUTLET

P/U ON DYKE

k

RECEIVED
MAR 07 1988





STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 96-8458

DATE

8/6/86

ALS



MAR 07 1988

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 96-8458

DATE

8/6/86

INITIALS

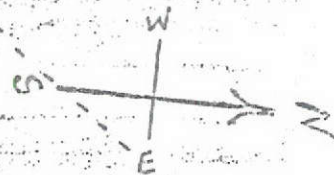


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ARNOLD WEBB
PROPERTY

SPRING
EXACT LOCATION?



TOOL
SHED

W.C. COLVARD

HOUSE

P.W.
POLE

GARAGE

BARN

EASTERN

WATER FOR
V. COLVARD

COUNTY ROAD

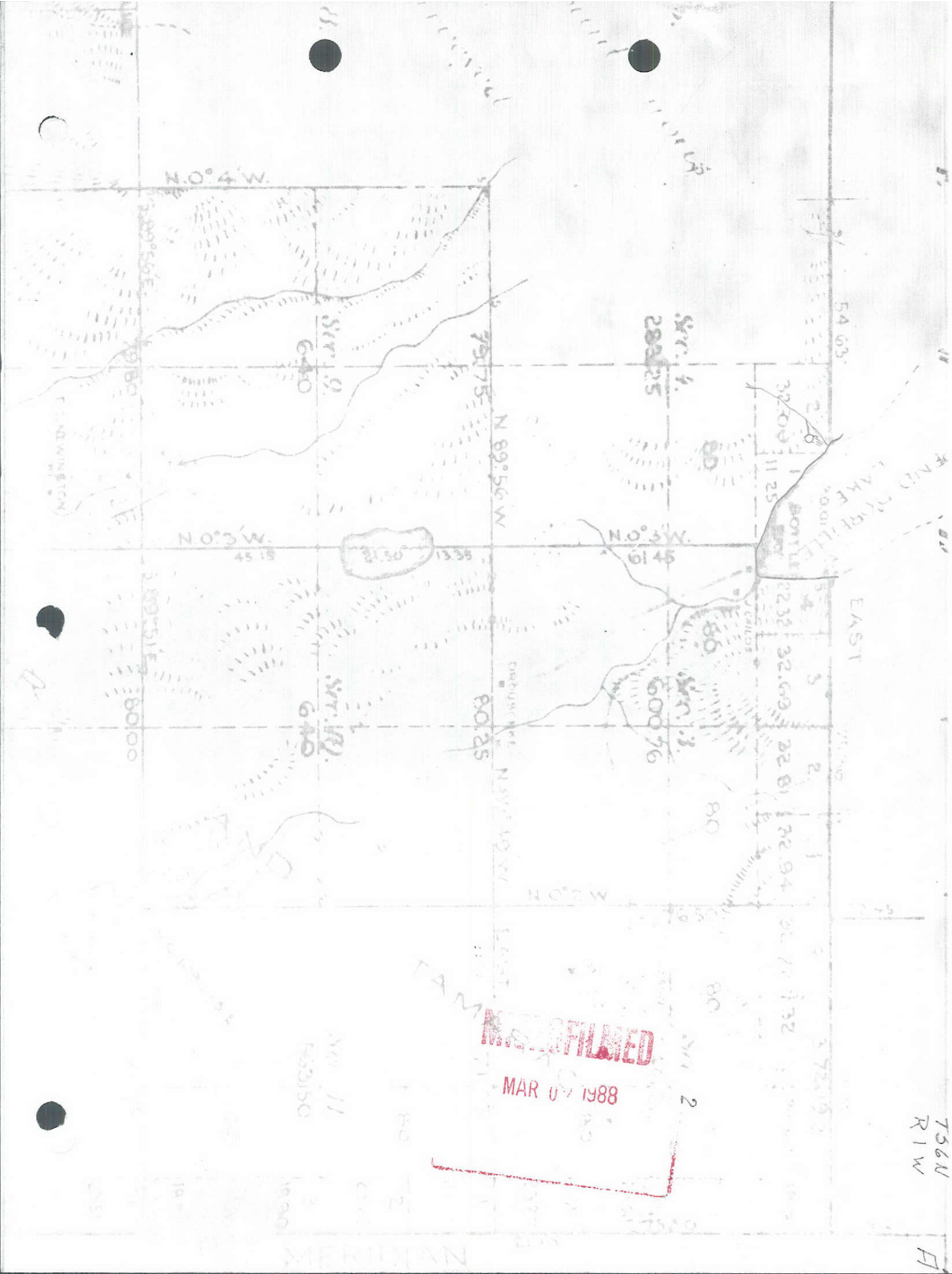
BOTTLE BAY

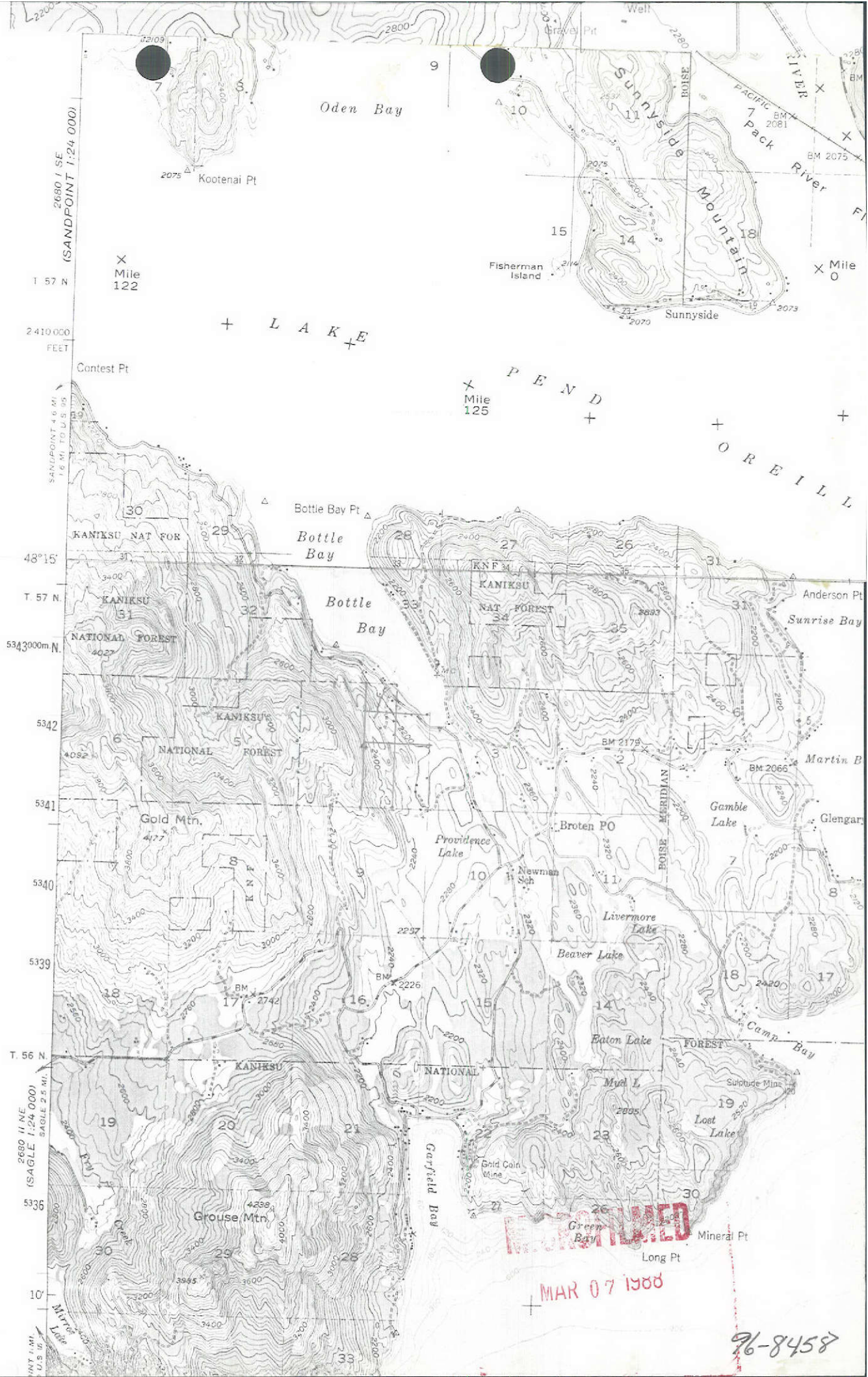
Mon Feb

MAR 07 1908

96-8458 P 1 A

OWNS CLAIM ON SPRING A HOWARD C. MILLER PROPERTY





State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08458

Priority: May 27, 1986

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 2.5 AF

This is to certify, that FINN JENSEN
WENDY JENSEN

C/O LARRY WOLFE
1338 BOTTLE BAY RD
SANDPOINT ID 83864

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 27, 1986; and
has submitted Proof of Beneficial Use on September 21, 1988. An examination indicates
that the works have a diversion capacity of 0.020 cfs of water from:

UNNAMED STREAM tributary to PEND OREILLE LAKE

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.02 CFS	1.5 AF
IRRIGATION STORAGE	01/01 to 12/31		1.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		1.0 AF
RECREATION STORAGE	01/01 to 12/31		1.0 AF
	Totals	0.02 CFS	2.5 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 2 (NWNE), Sec. 4, Township 56N, Range 01W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
56N	01W	4	Lot 2(NWNE)	0.5		0.5

Total number of acres irrigated: 0.5

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

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.

MICROFILMED
APR 10 1998

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

WATER RIGHT NO. 96-08458

CONDITIONS OF APPROVAL AND REMARKS

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. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 1.5 afa at the field headgate for irrigation of the land described above.
6. Recreation storage is for a pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 31ST
day of MARCH, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

APR 10 1998

RECEIVED

SEP 23 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 17 1988

For office use only
 Fee Received _____
 Date _____
 Receipt # _____
 Receipt by _____
 Reviewed by 92
 Sent to region _____

Department of Water Resources

PROOF OF BENEFICIAL USE

Department of Water Resources
 Northern District Office

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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.

Permit No. 96-9458Name(s) of Permit Holder: FINN OR WENDY JENSEN & LARRY WOLFEPost Office Address: 1338 BOTTLE BAY ROAD SANDPOINT, ID. 83864

Telephone No. _____

Source of Water: UNNAMED STREAM

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 1 (acres)Other/Remark 10Total rate and/or volume for which proof is submitted 002 cfs 1.0 acre-feet

Show the date water was first diverted and beneficially used under this permit: _____

Measuring Device: Required? ☐ Yes ☒ No
 Installed? ☐ Yes ☒ No

Fee enclosed \$ -0-
 (See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
 Installed? ☐ Yes ☒ No

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

LARRY W. WOLFE

(Name)

none

(Telephone Number)

1338 BOTTLE BAY ROAD, SANDPOINT, ID 83864
 (Address)

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.

OCT 17 1988

8 Sept 88
 Date

Larry W. Wolfe
 Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

FINN OR WENDY JENSEN

1. Name of applicant Larry W. and Cheryl A. Wolfe Phone none

Post office address 1338 Bottle Bay Road, Sandpoint, Idaho 83864

2. Source of water supply Unnamed stream which is a tributary of Pend Oreille Lake

3. Location of point of diversion is 1/4 of NW 1/4 of NE 1/4, Govt. Lot 2

Sec. 4 Township 56N Range 14W B.M. BONNER County; additional
points of diversion if any: Pipe diversion

4. Water will be used for the following purposes:

Amount 1 AF for Storage for Irrig purposes from Mar 15 to Nov 15 (both dates inclusive)
(~~acre-feet~~ acre-feet per annum) Storage for

Amount 1 AF for Recreation purposes from Jan 1 to Dec 31 (both dates inclusive)
(~~acre-feet~~ acre-feet per annum) STORAGE FOR

Amount 1 AF for STOCK purposes from 1-1 to 12-31 (both dates inclusive)
(~~acre-feet~~ acre-feet per annum) IRRIGATION

Amount 1 AF for FROM STORAGE purposes from Mar 15 to Nov 15 (both dates inclusive)
(~~acre-feet~~ acre-feet per annum) MAR 15 NOV 15

5. Total quantity to be appropriated is (a) 0.02 cubic feet per second and/or (b) 1 acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 135' x 65' x 9' DEEP POND
EXCAVATED POND IN STREAM BED.

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? No

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

MAR 07 1988

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. 10 RANGE
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- 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	
56N	1W	4		GLZ SS 1 Qs															1

Total number of acres to be irrigated 1

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

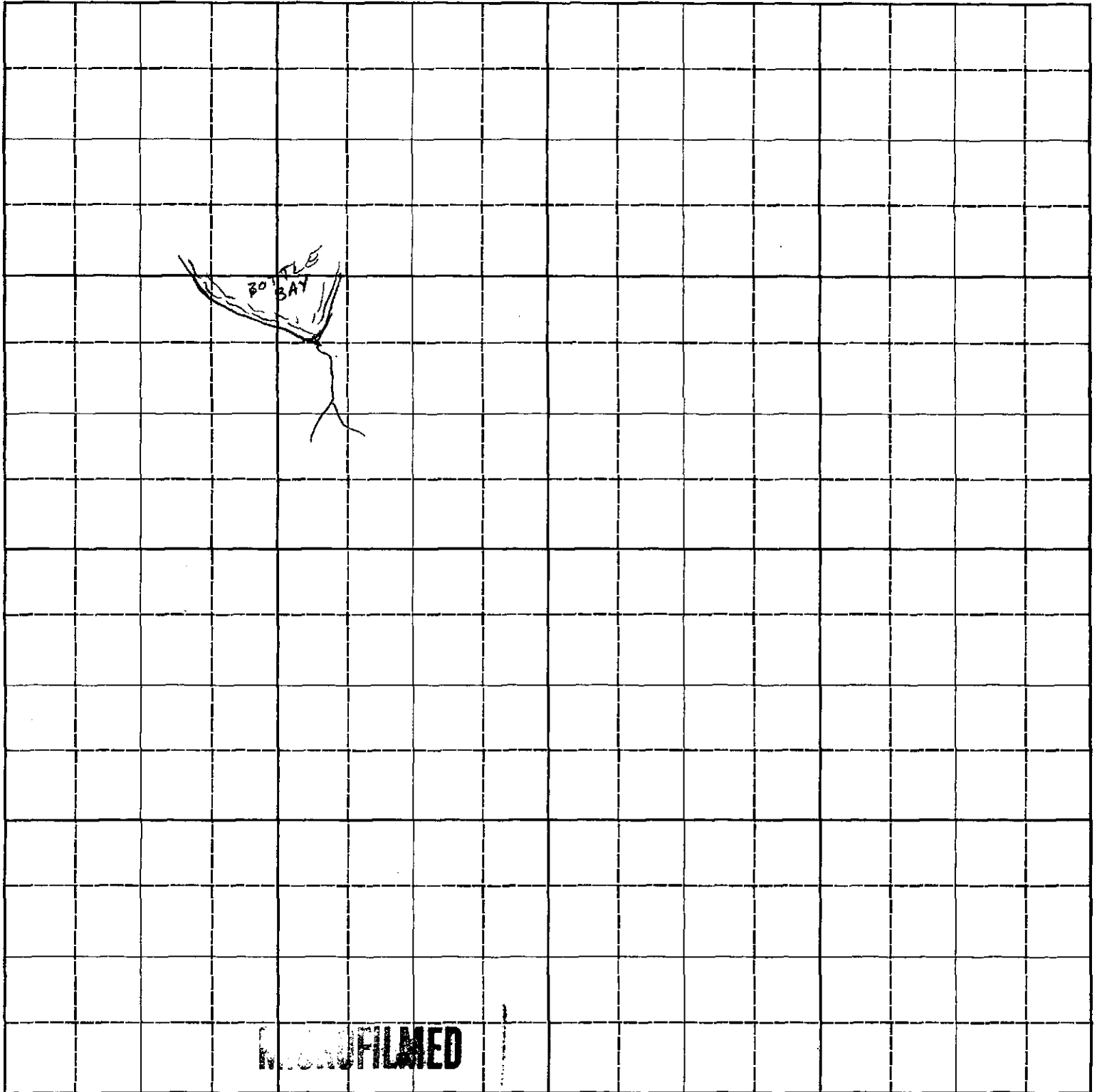
- Who owns the property at the point of diversion? FINN AND WENDY JENSEN
- Who owns the land to be irrigated or place of use? Finn and Wendy Jensen
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Owners live out of the United States and have given authority to Larry W. and Cheryl A. Wolfe to use and improve property .

12. Remarks: _____

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MAR 07 1988

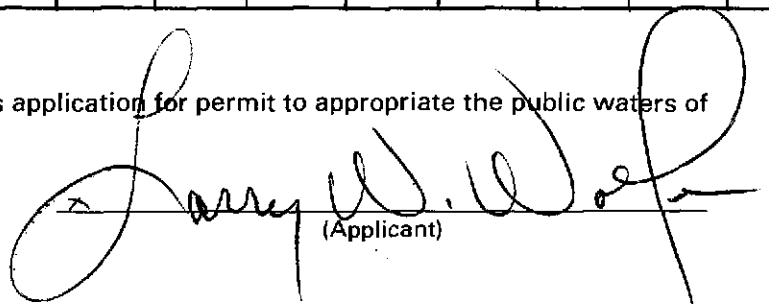
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

MAR 07 1988

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.


(Applicant)

Proposed Priority 5/27/86

Received by E Date 5/27/86 Time 1:30 PM Preliminary check by RGH.

Fee \$ 30.00 Received by E # 32088 Date 5/27/86

Publication prepared by pm Date 5/29/86 Published in 6/11/86

Publication approved pm Date 7/9/86

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. 96-8458, and said application is hereby APPROVED.

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 December 1, 19 88.

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: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 16TH day of November, 1987.

R. Keith Higgins
Director

MICROFILMED
MAR 07 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL OF APPLICATION FOR PERMIT)
NO. 96-8458 IN THE NAME OF)
FINN OR WENDY JENSEN)

ORDER

WHEREAS, on May 27, 1986, Larry W. &/or Cheryl A. Wolfe, by power of attorney for Finn or Wendy Jensen, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho; and,

WHEREAS, on June 4 and 11, 1986, notice of this proposed appropriation was published in the Sandpoint Daily Bee, Sandpoint, Idaho; and,

WHEREAS, On June 23, 1986, the Department received a protest against the approval of the application from Edward F. Tuohy; and,

WHEREAS, on April 16, 1987, the Department sent notice of a hearing &/or conference by certified mail to all concerned parties; and,

WHEREAS, on May 6, 1987, a hearing &/or conference concerning this matter was held at Coeur d'Alene, Idaho, ~~at which~~ the protestant failed to appear; and,

WHEREAS, on July 10, 1987, the protestant was ordered to show cause on or before July 31, 1987, why his protest should not be dismissed for his failure to appear at the hearing &/or conference; and,

WHEREAS, the protestant failed to show adequate cause why his protest should not be dismissed; and,

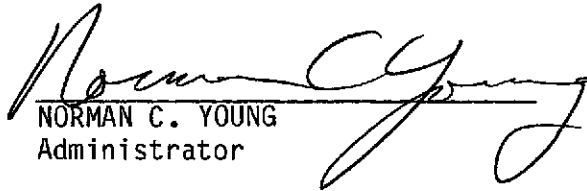
MICROFILMED

MAR 07 1988

WHEREAS, Rule 9,2. of the adopted Rules and Regulations of Practice and Procedure provides the Director may dismiss a protest for failure to appear at the time and place set for hearing;

IT IS, THEREFORE, HEREBY ORDERED that the protest of Edward F. Tuohy is dismissed for failure to appear at the hearing &/or conference.

Witness my hand this 24TH day of September, 1987.


NORMAN C. YOUNG
Administrator

MICROFILMED

MAR 07 1988

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JUL 31 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Northern District Office

POWER OF ATTORNEY

The undersigned holder(s) of Permit / Application No. 96-8458 of the
Department of Water Resources of the State of Idaho hereby nominates LARRY W. OR CHERYL
A. WOLFE, whose address is 1338 BOTTLE ROCK RD.
SANDPOINT, ID. 83864
as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all
matters pertaining to the above numbered permit or application. Such acts shall include,
but not be limited to, the filing of application, receiving of all notices, the signing and
filing of applications for extension of time and for amendments of said permits, and the
submission of proofs of completion of works and beneficial use of water.

Dated this 21st day of July, 1986.

Irma Johnson

Wendy Jensen

PROVINCE OF ALBERTA
STATE OF IDAHO)
CITY) ss.
County of CALGARY)

On this 21st day of JULY, 1986, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Irma Johnson
Notary Public
Residing at CALGARY ALBERTA

My Commission expires:

MICROFILMED

MAR 07 1988

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Kim Johnson 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 4 day of June, 19 86
and ending on the 11 day of June, 19 86
and that said notice was published in said newspaper.

Kim Johnson

Subscribed and sworn to before me this 12 day
of June, 19 86

Linda A Morrow

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:

96-8458

JENSEN, FINN &/or WENDY
c/o Larry W. & Cheryl A. Wolfe, 1338
Bottle Bay Road, Sandpoint, ID
83864

Source: UNNAMED STREAM trib
to PEND OREILLE LAKE

Diversion Pt.: LOT 02 (NWNE) Sec
04 T 56N R 01W

Use: IRRIGATION (0.020 CFS)

IRRIGATION STORAGE (1.0 AF)

IRRIGATION FROM STORAGE
(1.0 AF)

STOCKWATER STORAGE (1.0 AF)

RECREATION STORAGE (1.0 AF)

Date Filed: 05/27/1986

In: LOT 02 (NWNE) Sec 04 T 56N R
01W FOR 1 ACRES

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, Northern Region,
4055 Government Way, Suite 9,
Coeur d'Alene, Idaho 83814 on or
before JUNE 23, 1986.

KEN DUNN, Dir.

#780 June 4, 11, 1986

RECEIVED
JUN 11 1986
Department of Water Resources
Northern District Office

Mineral Land

MAR 07 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 1, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FINN JENSEN
WENDY JENSEN
C/O LARRY WOLFE
1338 BOTTLE BAY RD
SANDPOINT ID 83864

RE: WATER RIGHT NO. 96-08458

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.

MICROFILMED

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, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

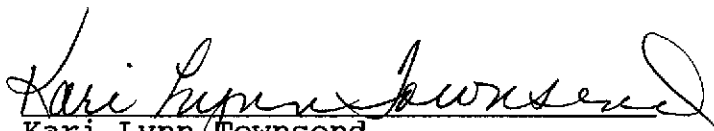
APR 10 1992

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 96-08458

FINN JENSEN
WENDY JENSEN
C/O LARRY WOLFE
1338 BOTTLE BAY RD
SANDPOINT ID 83864


Kari Lynn Townsend
Secretary

MICROFILM

APR 10 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-08458

DATE 3/19/98

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	—	✓	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	—	✓	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	—	✓	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 .02 cfs
Fee limit .04 cfs NO FEE PD.
Measured — cfs
Theoretical .02 cfs

Recommended Total Div Rate .02 cfs

ANNUAL VOLUME/ NATURE OF USES

5 X .03 = .15 ~ .02

1.6 af storage, ltd by permit

Use	cfs	Volume Calc
<u>Dr</u>	<u>.02</u>	<u>3.0 x .5 = 1.5</u> af
<u>• stor</u>	<u>—</u>	<u>1.0</u> af
<u>fun "</u>	<u>—</u>	<u>1.0</u> af
<u>Rel stor</u>	<u>—</u>	<u>1.0</u> af
SUBTOTAL	<u>.02</u>	<u>3.7 2.5</u> af

Flow rate .02 cfs X 246 days X 1.98 = 9.7 af

Total volume recommended 1.5 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

Rs/pond

2.57 W31 (1.5 af)

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 —

1st Amend Letter NA
2nd Amend Letter —

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 27 1998

Department of Water Resources

A. GENERAL INFORMATION

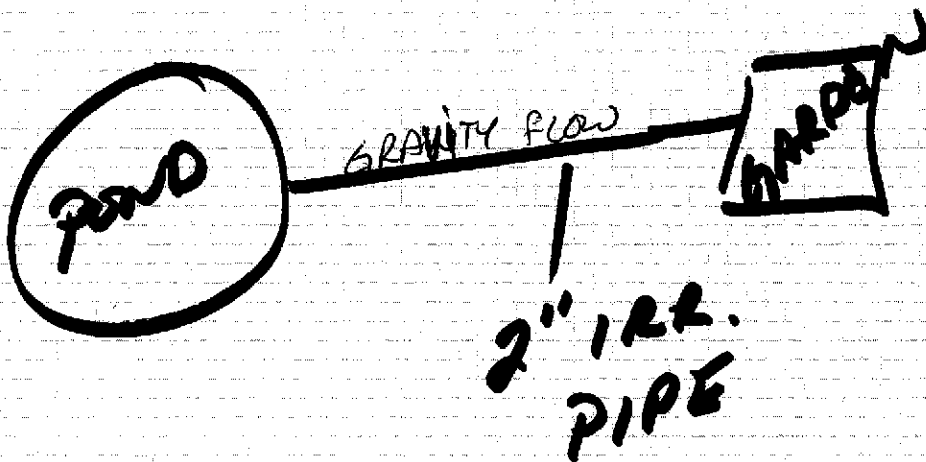
1. Owner: Finn or Wendy Jensen Permit No. 960 8458
Larry W. & Cheryl A. Wolfe Phone No. none
Current Address: 1338 Bottle Bay Rd, SAGE, ID 83864
2. Accompanied by: _____ EXAM. DATE: 6/11/97 - (SEE MEMO)
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Unnamed Stream tributary to Pond Oreille Lake

B. OVERLAP REVIEW

1. Other water rights with same place of use: N/A ☐ Copies Attached
2. Other water rights with same point of diversion: N/A ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

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

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APR 10 1998

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

ON-STREAM POND (100'x100'x7' deep), A 2" PLASTIC PIPE IS USED TO BYPASS WATER FROM POND TO 150'x150' GARDEN. 1 RAINBIRD TYPE SPRINKLER IS USED TO IRRIGATE GARDEN.

☐ See Remarks on page 4 for continuation

4.

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

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	2		NW	NE	4	S6N	1W	BOULDER	USGS 7.5' TOPO / CO. PLAT MAP

6. **Place(s) of Use:**

Indicate Method of Determination CO. PLAT & USGS MAPS

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
S6N	1W	4		.5															
				S. 1/2															

MICROFILMED

Do not use this space

APR 10 1998

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

NONE

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

2. Measurements:

A THEORETICAL "MANNING'S FORMULA" WAS USED TO CALCULATE
DIVERSION RATE FROM 2" PVC PIPE.
FRICTION FACTOR - 0.010, SLOPE 0.208' / ft

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$\frac{0.000614}{0.010} \times 1.5^{8/3} \times 0.20^{1/2}$$

FORMULA USED
 $Q = \frac{0.000614}{N} d^{8/3} S^{1/2}$

2. Alternate Method for Checking Purposes:

$$0.004 \times 4 \times 0.10 = 0.02456 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N / _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5) / (7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5 \text{ ACRES}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.02$$

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

2. Volume Calculations for Other Uses:

POND -

$$100' \text{ WIDE} \times 100' \text{ LONG} \times 7' \text{ DEPTH} = 70,000 \text{ cu ft}$$

$$\frac{70,000}{43,560} = 1.61 \text{ AC}$$

APR 10 1977

[illegible]

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
STORAGE FOR IRR.	3/15	11/15		1.0
STORAGE FOR REC.	3/15	11/15		1.0
IRR FROM STORAGE	3/15	11/15		1.0
IRRIGATION	3/15	11/15	0.02	1.5
Totals:			0.02	2.5

☐ 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

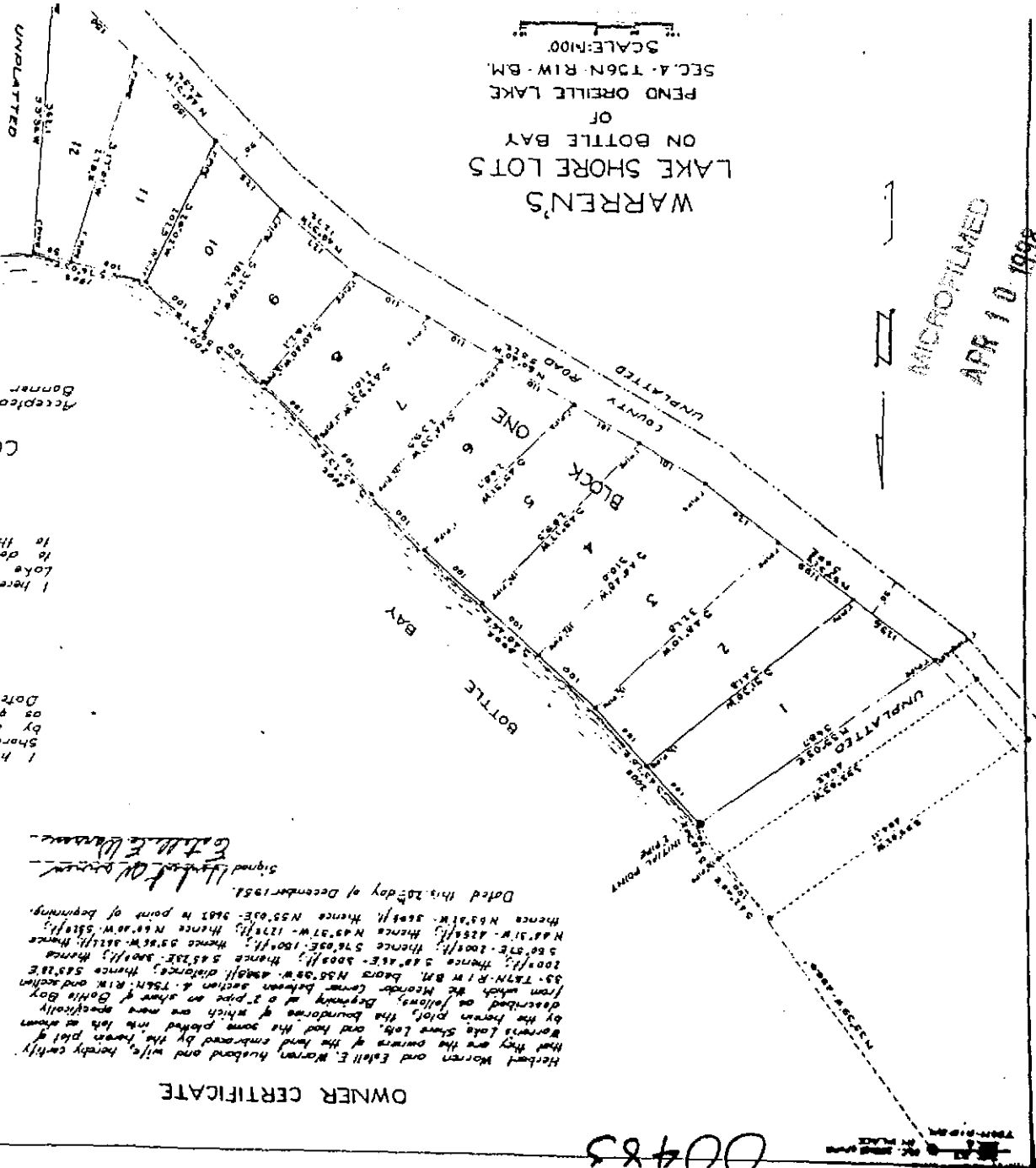
Field Examiner's Name ALLEN BEAROSLEE
Signature Allen Bearoslee
Certification Date 6/11/97
Field Report Preparation Date _____

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

APR 10 1998

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58600



OWNER CERTIFICATE

[illegible]

ACKNOWLEDGEMENT

before me a Notary Public, appeared Herbert Harman and Edith Harman, husband and wife, personally known to me to be the persons who subscribed their names to the foregoing Ordinance Certificate of Harman Lake Shore Lots and acknowledged to me that they executed the same as their own free and voluntary act for the purpose therein stated. Signed and officially sealed on date above given.
My commission expires _____
Don Feb 20 1955
Signed _____
Notary Public in and for
State of Idaho.

COUNTY SURVEYORS AFFIDAVIT

I hereby certify that this is a correct plot of Morris Lake
Shore Lots, that all measurements as shown thereon have been placed by me
by actual survey in Dec. 1954 and that the notes and bounds description
as given in the owners certificate is correct.
Dated this 17th day of December 1954.
Signed
Glen H. Haglund,
Licensed Surveyor.

COUNTY SURVEYORS AFFIDAVIT

I hereby certify that I have examined the herein plot of Morris
Lake Shore Lots and checked the computations involved sufficiently
to determine that it complies with the requirements of the laws relating
to the filing of plots. Dated this 20th day of December 1954.
Signed
Edwin J. Smith,
County Surveyor.

COUNTY COMMISSIONS ACCEPTANCE AND APPROVAL

Accepted and approved by the Board of County Commissioners of
Banner County, Idaho, on this 6th day of ---, 1988.

John R. Reed
Signed _____
Chairman of Board of
County Commissioners

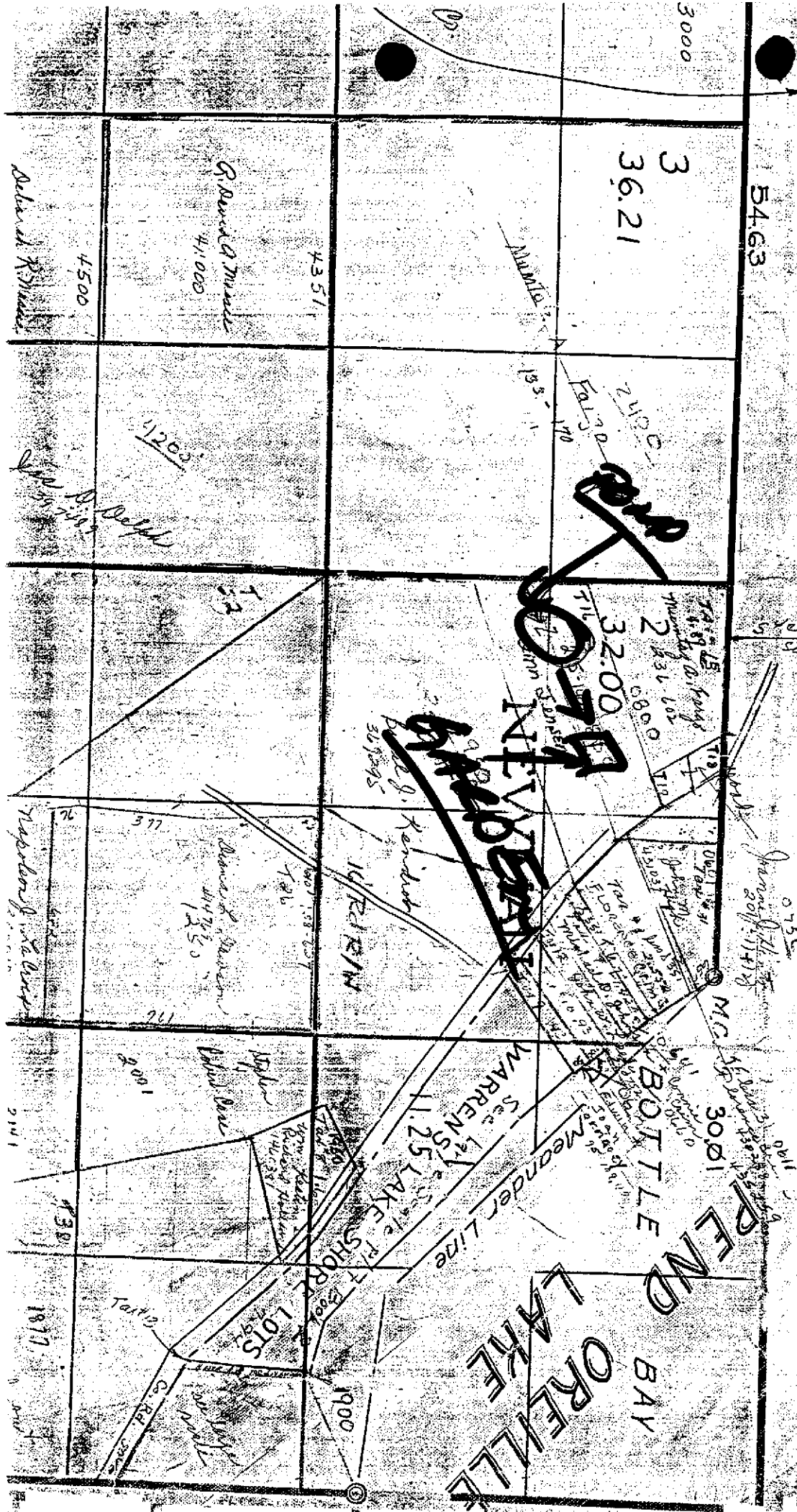
SURVEYOR'S AFFIDAVIT

I hereby certify that this is a exact copy of the final plot of Morris Lake Shore Lbr.
Dated this 22nd day of Dec. 1954.
Signed *Chas. J. [Signature]*
Licensed Surveyor
Sandpoint - Idaho.

STAYS
DATE OF IDAHU. } ss.
County of Bonner.
Filed for record at the request of
William J. [Signature]
on the 14th day of *August*, 1954.
at 2:10 P.M., and

56, NORTH, RANGE No. 1, WEST, BOISE MERIDIAN, IDAHO

SECTION No. 4, SUBDIVISION



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APR 10 1992

Exam

96-8458

Larry Wolfe -

Situation remains the same.

He would like to have
the exam done the
Summer 1992-93.

MICROFILMED
APR 10 1998

AM MNT SUF
MIN
RA1 SIL
RA2 CRU
REC FMO
WLDg SAD
File

APPENDIX A

1. Regional Permit No. 17
2. Name of Agency: Bureau of Land Management
~~Mailing Address:~~ Rt. 3 Box 181, Cottonwood, Idaho 83522
Telephone Number: 208 - 962 - 3245
3. Location of Activity: Stream South Fork Clearwater Section 29,
Township 29 N, Range 8 E, County Idaho
4. A sketch showing the location, type of development including dimensions, and a typical section. See attached Joint Application for Permit
5. Proposed Completion Date: August 15, 1989

Signature: Gay A. Johnson

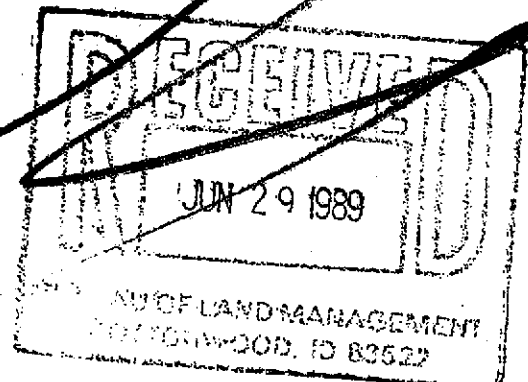
Date: June 15, 1989

The project has been reviewed by the Idaho Department of Fish and Game and meets with their approval.

Name: Jerry Shigler

Title: Regional Supervisor

Date: 6/28/89



June 22, 1992

Larry Wolfe
1313 Bottle Bay RD.
Sandpoint, ID 83864

RE: PERMIT NO. 96-08458

Dear Mr. Wolfe:

In conversation with my regional manager, he felt that an appointment was not necessary. He did not feel there would be a problem in waiting until next year to complete the exam. Before the exam, someone will contact you by letter for an update on the situation.

If you feel that you still need to talk to someone about this situation, you can write or call to arrange an appointment.

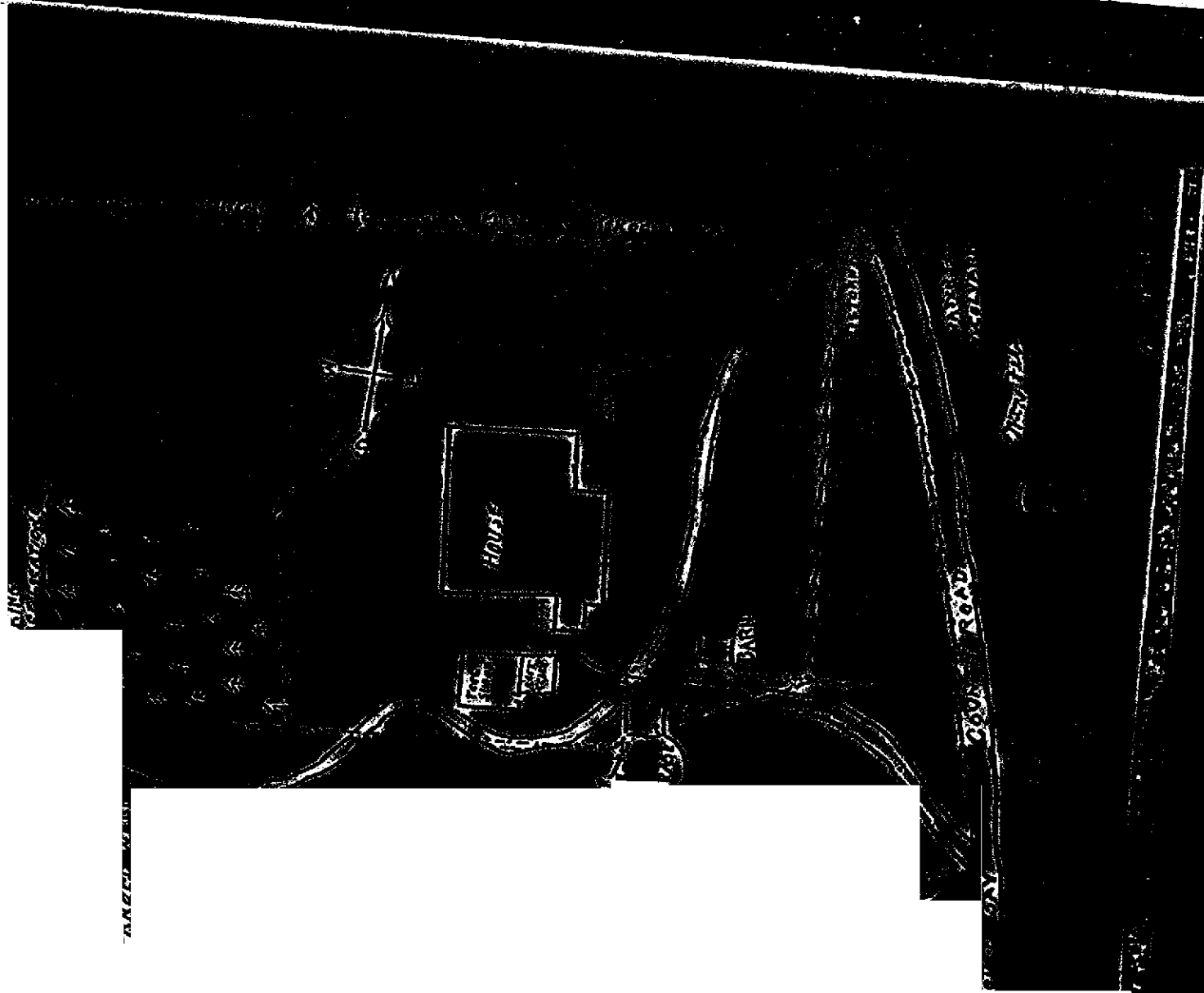
Sincerely,

Robert Knoblock
Field Agent/Department of Water Resources

6/28/92 Mr. Wolfe has had troubles with dealers of controlled substances. ~~on~~ His diversion is next to their property and does not feel it wise to do work up there. Mr. Wolfe thinks the situation will clear up in the next year

Rob

MICROFILMED
APR 10 1998



Memo to File

Date: June 12, 1997

From: Beardslee

RE: 96-08458 Beneficial Use Field Report

~~~~~  
In an effort to expedite the process of "Licensing" this Permit, the Beneficial Use Field Report was written based partially on information contained in the file from previous field visits by IDWR staff.

A Manning's Formula was used to calculate diversion rate, however, our field staff did verify that the pond, irrigation system and garden do exist within the correct legal description.

Through phone conversations, Mr. Wolfe described the size of the pond, garden and also stated that there were no stock on this property.

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APR 10 1998



State Idaho

# DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

June 27, 1990

Larry W. Wolfe  
1313 Bottle Bay Road  
Sandpoint, ID 83864

RE: Permit No. 96-08458

Dear Mr. Wolfe:

I recently made a trip to conduct a field examination of a pond for which you are the permitholder. I was unable to find either your home or the pond. Please contact me so that we can schedule an appointment for the exam.

Sincerely,

Theresa J Bright

set up appt.  
by writing  
any time-in June



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APR 10 1998

539

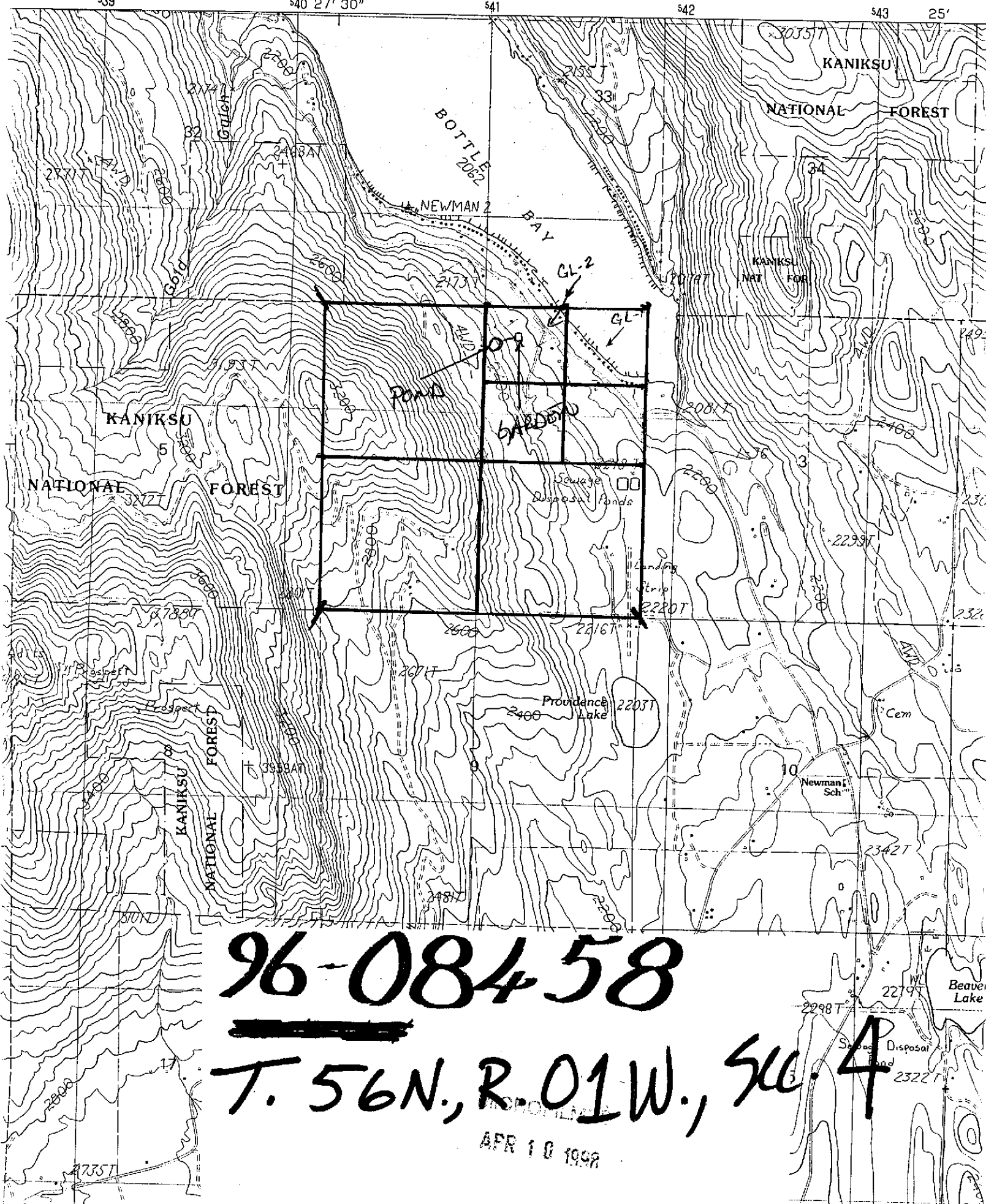
540 27' 30"

541

542

543

25'

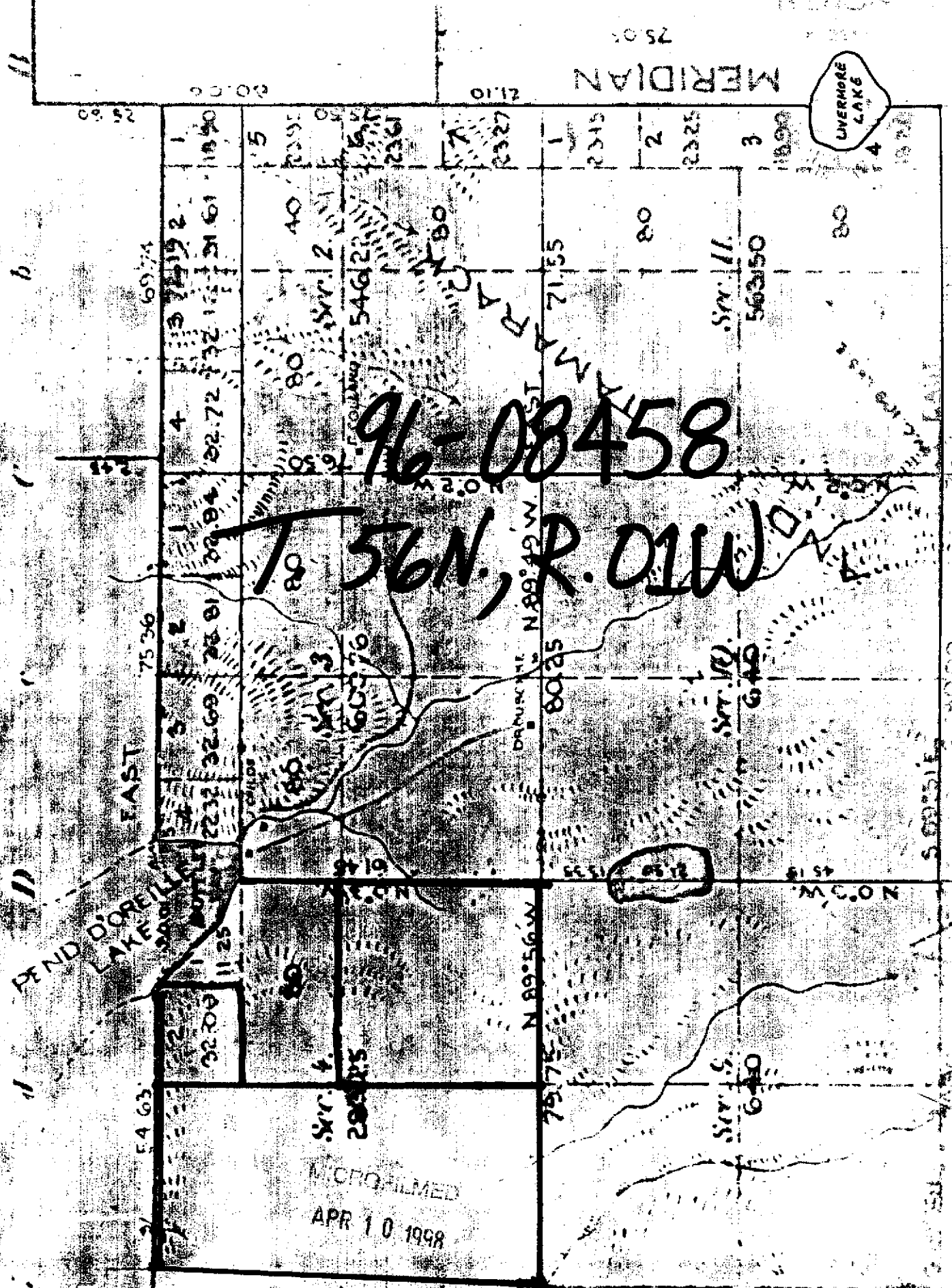


96-08458

T. 56N, R. 01W, SEC. 4

APR 10 1998

Tric. No 1 West of the Boise Meridian



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APR 10 1998

PERMIT 46-08458

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



Pond

APR 10 1968  
WATER RESOURCES

May 29, 1997

Mr. Larry Wolfe  
1338 Bottle Bay Rd  
Sandpoint ID 83864

RE: Water Right Permit 96-08458

Dear Mr. Wolfe:

We are writing to schedule a field examination for the above listed Water Right Permit.

Proof of Beneficial Use was submitted in 1988 for this filing. We have attempted several times to contact you to complete the field examination, without ever getting together and finishing the examination.

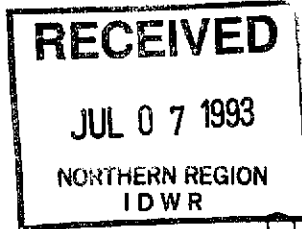
Please contact Herman Spangle at this office within the next 30 days to set up a date for him to conduct a field visit. If we do not hear from you by that time, we will move to cancel this Water Right Permit.

We look forward to hearing from you and if you have any questions, feel free to contact Mr. Spangle, or myself at this office.

Sincerely,

Allen Beardslee  
Sr. Water Resources Agent

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APR 10 1998



1338 Bottle Bay Road  
Sandpoint, Idaho  
83864  
6 July 1993

RE: Permit # 96-08458  
Wolfe / Jensen

Dear Tom,

Would you set us up  
an appointment to see you  
this summer about proving up  
our water right on the property  
at Bottle Bay.

As you know we put in  
the pond and stocked it with  
crayfish - that are doing well - and  
raised sheep and a beautiful garden  
year after year - until the drug  
growers moved in. We have  
been forced to stay away from  
the property for the past couple  
of years, but because of the increased  
growth and population of Bottle Bay  
we hear that the drug growers  
are moving out. You know that  
we worked hard to prove up  
that property. We don't want to  
lose our water rights, but we don't  
want to lose our life either.  
If you could prove up our

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APR 10 1998

water rights based on what  
you have seen in the  
past we would appreciate  
it. If not, would you  
just send us a note  
as to when we can drive  
to CDA and meet with  
you.

Thank you very much.

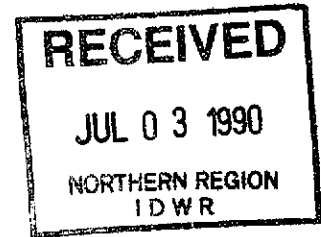
Sincerely,  
Larry and Cheryl  
Wolfe

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APR 10 1998

1338 Bottle Bay Rd,  
Sandpoint, ID 83864  
July 1990

Theresa J. Brought  
Dept of Water Res.

1910 Northwest Blvd.  
Coeur d'Alene, Id 83814



Dear Theresa,

96-8458

Thank you for coming to  
see me, but sorry you could  
not find neither myself nor the  
pond.

I will be in Coeur d'Alene  
this month and I will stop by  
and make an appointment and  
show you a map. Thanks again.

Sincerely,

MICROFILMED  
APR 10 1998

Larry W. Wolfe



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

November 4, 1988

Mr. Finn Jensen  
c/o Mr. Larry Wolfe  
1338 Bottle Bay Rd.  
Sandpoint, Id. 83864

Re: 96-8458

Dear Permitholder:

We acknowledge receipt of your statement of completion of water development use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination; however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Sincerely,

/s/  
TOM D. KING  
Senior Water Resource Agent

TDK/pms

MICROFILMED

APR 10 1998



1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 96-8458

Date: 10/5/88

General Considerations:

Y Name same as permit  
Y Signature the same as permit holder  
N Address change \_\_\_\_\_ If yes, prepare a data entry  
Y Proof received timely  
\_\_\_\_\_ Reinstated

Source of Water:

Y Surface water  
\_\_\_\_\_ Groundwater  
\_\_\_\_\_ 1. well log in file  
\_\_\_\_\_ 2. drilling permit  
\_\_\_\_\_ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses  
Y Is rate or volume and fee appropriate?  
N Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

\_\_\_\_\_ Is a measuring device or access port required?  
N/A Has one been installed?  
\_\_\_\_\_ Waiver or modification of measuring device requested

Remarks:

*Proof Acceptable*

N/A

Priority Calculation:

|                     |       |         |
|---------------------|-------|---------|
| Date proof received | _____ | _____   |
| Date proof due      | _____ | _____   |
| No. of days late    | _____ | = _____ |
| Priority date       | _____ | + _____ |
| NEW PRIORITY DATE   | _____ | = _____ |

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

1338 Bottle Bay Rd  
Sandpoint, ID 83864  
21 Sep 88

RECEIVED

SEP 23 1988

Tom King  
Dept of W Res  
CDA, ID 83864

Department of Water Resources

RECEIVED

RECEIVED

Department of Water Resources  
Northern District Office

Dear Tom,

I am returning form 217 03/86.

I have fenced the pasture, have 2 sheep and brought water from the un-named stream to water pasture in a  $1\frac{1}{2}$ " black plastic p.p.e. I stocked 300 *pacifastacus leniusculus* (fresh water crayfish) in the pond last year and they are growing and reproducing. I watered the stock from the pond in a water trough and watered the garden 3 years from the pond. On form 217 03/86, should the sheep (stock water) (numbers type of stock) be put on this form? ~~MAILED~~

Thanks for the great help and service.

Sincerely  
Larry W. Wolf

SEP 27 1988

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
NOVEMBER 22, 1987

JENSEN, FINN & WENDY  
C/O LARRY W. & CHERYL A. WOLFE  
1338 ECILE BAY RD.  
SANDPOINT, ID 83864

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-8458

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED 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 FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE FORM THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

GARY SPACKMAN  
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC  
ENCLOSURES

**MICROFILMED**

MAR 07 1988



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

October 28, 1987

RE: Application for Permit No. 96-8458

Finn or Wendy Jensen  
c/o Larry W. & Cheryl A. Wolfe  
1338 Bottle Bay Rd.  
Sandpoint, ID 83864

Dear Mr. and Mrs. Jensen:

Enclosed is a copy of an order dismissing the protest of Edward F. Tuohy against approval of the above referenced application. We will now proceed with review of the application for approval.

If you have any questions concerning this matter, please feel free to contact our office.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

cc: Edward F. Tuohy

**MICROFILMED**

MAR 07 1988

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: RJA

APPLICATION NUMBER: 96-8458

CHECK:

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Quantity of water and period of use.  
☒ Description of diverting works.  
☒ Time required for beneficial use of water.  
☒ Place of use or acres irrigated.  
☒ Map.  
☒ Signature.  
☒ Fee.  
☐ Yes ☒ No Field check required.  
☐ Yes ☒ No Critical groundwater area.  
☐ Yes ☒ No Request dam safety information. Sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☒ Yes ☐ No\* In form to receipt.

Field check by: \_\_\_\_\_  
Date: \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_

Need Power of Attorney  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SEND COPIES TO:

- ☐ Idaho State Health Department.  
☐ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☐ Other \_\_\_\_\_

Copies sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROCESSING:

- ☐ Yes ☐ No Platted by: \_\_\_\_\_ Map No. \_\_\_\_\_  
☐ Yes ☐ No Other rights on same place of use. \_\_\_\_\_  
☒ Yes ☐ No\* In form for advertising.  
Final date for protests: 6/23/86  
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: \_\_\_\_\_  
☐ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☒ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.  
☐ Yes ☒ No Measuring device required.  
☐ Yes ☒ No Access port required.  
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? \_\_\_\_\_  
☒ Date of priority recommended. 5/27/87  
☐ Special conditions of approval or cover letter. \_\_\_\_\_

see  
order  
rejecting  
protest-

file copy  
destroyed  
kw

allow 1 yr. for B/U development - file  
indicates project is completed -

By: RJA Date: 8/12/87

STATE OFFICE REVIEW:

L16

04

RECEIVED

- ☐ See attached sheet for more information.

By: kw Date: 8/24/87

AUG 17 1987

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |

SPECIAL NOTE: \_\_\_\_\_  
\_\_\_\_\_PROTEST INFORMATION SHEETProtestant(s)

|    | NAME            | ADDRESS                                               |
|----|-----------------|-------------------------------------------------------|
| 1  | Edward F. Tuohy | Bottle Bay Resort, 1360 Bottle Bay Rd., Sdpt. 6/23/86 |
| 2  |                 |                                                       |
| 3  |                 |                                                       |
| 4  |                 |                                                       |
| 5  |                 |                                                       |
| 6  |                 |                                                       |
| 7  |                 |                                                       |
| 8  |                 |                                                       |
| 9  |                 |                                                       |
| 10 |                 |                                                       |

|  | ATTORNEY NAME | ADDRESS |
|--|---------------|---------|
|  |               |         |

Date Filed: 6/23/86 Protest Due Date: 6/23/86

Issues: Protestant has superior water rights to applicant. He is worried that  
applicant will pollute his secondary water source by raising crawfish (applicant  
did NOT apply for fish propagation). Applicant feels there is not enough water to  
go around.

Applicant

|  | ATTORNEY NAME | ADDRESS |
|--|---------------|---------|
|  |               |         |

|                                  | DATE    |
|----------------------------------|---------|
| Protest Date Entered on Computer | 6/26/86 |
| Acknowledgement Letters Sent     | 5/6/87  |
| Hearing Date                     |         |
|                                  |         |
|                                  |         |
|                                  |         |

(Other Dates)

Other Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MAR 07 1988

Protest information submitted to computer (following hearing): \_\_\_\_\_

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. If 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 address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Mr. Ed Tuohy  
Bottle Bay Resort  
1360 Bottle Bay Rd.  
Sandpoint, Id. 864

4. Article Number

14718

Type of Service:

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

7-17-87

8. Addressee's address ONLY if requested and fee paid

JUL 1987

Department of Water Resources

Northern **DOMESTIC RETURN RECEIPT**

**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.

**IDAHO DEPARTMENT OF WATER RESOURCES**

**NORTHERN DISTRICT OFFICE**

**4055 GOVERNMENT WAY, SUITE #9**

**COEUR D' ALENE, ID 83814**

**MAR 07 1988**

**MICROFILMED**

PS Form 3877, July 1978 ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND  
ADDRESS  
OF SENDER

IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT OFFICE

4055 GOVERNMENT WAY, SUITE #9

COEUR D'ALENE, ID. 83814

Indicate type of mail

- ☐ Registered  
☐ Insured  
☐ COD  
☒ Certified

I certify that we have

- ☐ Commercial Insurance  
☐ A deductible clause of  
 \$

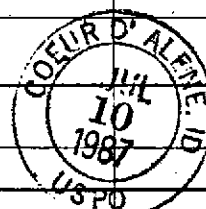
Affix stamp here if issued as  
certificate of mailing or for  
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

| LINE<br>No. | NUMBER OF<br>ARTICLE | NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS                           | POSTAGE | FEE | Handling<br>Charge | Actual Value<br>(If Registered) | DUE SENDER<br>IF C.O.D. | R. R.<br>FEE | S.D.<br>FEE | S. H.<br>FEE | REST. DEL. FEE | REMARKS                                   |
|-------------|----------------------|------------------------------------------------------------------------------|---------|-----|--------------------|---------------------------------|-------------------------|--------------|-------------|--------------|----------------|-------------------------------------------|
| 1           | 14718                | Mr. Ed Tuohy, Bottle Bay Resort<br>1360 Bottle Bay Rd., Sandpoint, Id. 83864 | 22c     | 75c |                    |                                 |                         |              |             |              |                | 96-8458                                   |
| 2           |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                | 2nd mailing of<br>Order to show<br>Cause. |
| 3           |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                |                                           |
| 4           |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                |                                           |
| 5           |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                |                                           |
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| 15          |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                |                                           |

MAILED

MAR 07 1988

TOTAL NUMBER OF  
PIECES LISTED BY  
SENDER

1

TOTAL NUMBER OF  
PIECES RECEIVED  
AT POST OFFICE

1

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.

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

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

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

IN THE MATTER OF PROTESTS AGAINST APPROVAL )  
OF APPLICATION FOR PERMIT NO. 96-8458 IN THE ) ORDER TO SHOW CAUSE  
NAME OF FINN OR WENDY JENSEN. )

WHEREAS, on May 27, 1986, Larry W. &/or Cheryl A. Wolfe, by power of attorney for Finn or Wendy Jensen, filed with the Department of Water an application to appropriate the public waters of the State of Idaho; and

WHEREAS, on June 4 and 11, 1986, notice of this proposed appropriation was published in the Sandpoint Daily Bee, Sandpoint, Idaho; and,

WHEREAS, on June 23, 1986, the Department received a protest against the approval of said application from Edward F. Tuohy; and,

WHEREAS, on April 16, 1987, notice of a hearing &/or conference was sent by certified mail to all concerned parties; and,

WHEREAS, on May 6, 1987, a hearing &/or conference concerning this matter was held at Coeur d'Alene, Idaho, at which the protestant failed to appear.

IT IS, THEREFORE, HEREBY ORDERED that the protestant show cause on or before July 31, 1987, why his protest should not be dismissed for failure to appear at the hearing.

DATED: This 9 day of July, 1987.

INDEXED

MAR 07 1988

*Robert G. Haynes*

ROBERT G. HAYNES, P.E.  
Regional Supervisor

# PART VI

POSTAL CUSTOMER: In response to your inquiry regarding the article described below, the following information is furnished.

- ☐ THE ARTICLE WAS RECEIVED BY THE ADDRESSEE.
- ☐ WE WERE UNABLE TO LOCATE THE ARTICLE. IF LATER FOUND YOU WILL BE ADVISED. THIS INFORMATION HAS BEEN REFERRED TO THE POSTAL INSPECTION SERVICE FOR REVIEW AND IF ADDITIONAL INFORMATION IS NEEDED, YOU WILL BE CONTACTED.
- ☒ WE DID NOT LOCATE THE ARTICLE AND THE ADDRESSEE FAILED TO REPLY TO OUR INQUIRY. YOU MAY WISH TO CONTACT THE ADDRESSEE, REQUESTING COOPERATION IN THIS MATTER.

DATE OF REPLY  
**JUL 31 1987**

OFFICE **COEUR D'ALENE, IDAHO 83814-9998**

POSTMASTER  
**GEO. SMITH**

PS Form 1510 July 1982

Do Not Detach

## PART II-C

U.S. POSTAL SERVICE

### MAIL LOSS/RIFLING REPORT

|                                                                                                                                                                                                                         |                       |                                                                                                                                                                                                                  |                                                                                                        |                                                                                                                     |                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 1. COMPLAINT DATE<br><b>7-6-87</b>                                                                                                                                                                                      |                       | 2. OFFICE ACCEPTING COMPLAINT (City and State)<br><b>COA ID 83814</b>                                                                                                                                            |                                                                                                        | 3. COMPLAINT<br><input checked="" type="checkbox"/> LOSS <input type="checkbox"/> RIFLING                           |                             |
| 4. ARTICLE WAS MAILED BY                                                                                                                                                                                                |                       |                                                                                                                                                                                                                  | 5. ARTICLE WAS ADDRESSED TO                                                                            |                                                                                                                     |                             |
| A. NAME<br><b>Idaho Dept. of Water Resources</b>                                                                                                                                                                        |                       |                                                                                                                                                                                                                  | A. NAME<br><b>Mr. Ed E. Tucky</b> <b>Boyle Bay Resort</b>                                              |                                                                                                                     |                             |
| B. RETURN ADDRESS AS ON ARTICLE MAILED<br><b>4055 Government Way Suite 9</b>                                                                                                                                            |                       |                                                                                                                                                                                                                  | B. ADDRESS ON ARTICLE<br><b>1360 Boyle Bay Rd</b>                                                      |                                                                                                                     |                             |
| C. CITY<br><b>Coeur d'Alene</b>                                                                                                                                                                                         | D. STATE<br><b>ID</b> | E. ZIP CODE<br><b>83814</b>                                                                                                                                                                                      | C. CITY<br><b>Sandpoint</b>                                                                            | D. STATE<br><b>ID</b>                                                                                               | E. ZIP CODE<br><b>83861</b> |
| F. DAY TELEPHONE NUMBER (Include Area Code)<br><b>(208) 765-4639</b>                                                                                                                                                    |                       |                                                                                                                                                                                                                  | F. DAY TELEPHONE NUMBER (Include Area Code)                                                            |                                                                                                                     |                             |
| 6. ARTICLE MAILED                                                                                                                                                                                                       |                       | 7. ARTICLE WAS SENT                                                                                                                                                                                              |                                                                                                        | 8. TYPE OF MAIL                                                                                                     |                             |
| A. DATE<br>MONTH <b>06</b> DAY <b>05</b> YEAR <b>87</b>                                                                                                                                                                 |                       | B. TIME <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM<br>(Hour) <input checked="" type="checkbox"/> 1ST-CLASS <input type="checkbox"/> PARCEL POST <input type="checkbox"/> OTHER (Specify) |                                                                                                        | <input checked="" type="checkbox"/> LETTER <input type="checkbox"/> PARCEL <input type="checkbox"/> OTHER (Specify) |                             |
| 9A. SPECIAL SERVICES<br><input type="checkbox"/> SPECIAL HANDLING <input type="checkbox"/> SPECIAL DELIVERY <input checked="" type="checkbox"/> CERTIFIED NO. <b>14709</b>                                              |                       |                                                                                                                                                                                                                  | 9B. CANADIAN MAIL ONLY<br><input type="checkbox"/> INSURED NO. <input type="checkbox"/> REGISTERED NO. |                                                                                                                     |                             |
| 10. PLACE OF MAILING<br><input checked="" type="checkbox"/> MAIN POST OFFICE<br><input type="checkbox"/> STATION OR BRANCH<br><input type="checkbox"/> COLLECTION BOX<br><input type="checkbox"/> RESIDENCE OR BUSINESS |                       | NAME AND/OR ADDRESS OF LOCATION CHECKED<br><br>CITY AND STATE<br><b>COA</b>                                                                                                                                      |                                                                                                        |                                                                                                                     |                             |
|                                                                                                                                                                                                                         |                       | ZIP CODE FOR LOCATION CHECKED<br><b>83814</b>                                                                                                                                                                    |                                                                                                        |                                                                                                                     |                             |
| 11. CONTENTS OF ARTICLE (Describe in detail, size, color, brand name, serial no., check no., and amount, etc.)<br><b>LEGAL PAPERS</b>                                                                                   |                       |                                                                                                                                                                                                                  |                                                                                                        |                                                                                                                     | 12. VALUE<br>\$             |

**AUG 8 1987 MAR 07 1988**

Department of Water Resources  
Northern District Office

PS Form 1510 July 1982

PS Form 3877, July 1978  
ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAILNAME AND  
ADDRESS  
OF SENDERIDAHO DEPARTMENT OF WATER RESOURCES  
NORTHERN DISTRICT OFFICE  
4055 GOVERNMENT WAY, SUITE #9  
COEUR D'ALENE, ID 83814Indicate type of mail  
☐ Registered  
☐ Insured  
☐ COD  
☒ CertifiedI 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

| 1<br>No | NUMBER OF<br>ARTICLE | NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS                           | POSTAGE | FEE | Handling<br>Charge | Actual Value<br>(If Registered) | DUE SENDER<br>IF C.O.D. | R. R.<br>FEE | S.D.<br>FEE | S. H.<br>FEE | REST. DEL. FEE | REMARKS |
|---------|----------------------|------------------------------------------------------------------------------|---------|-----|--------------------|---------------------------------|-------------------------|--------------|-------------|--------------|----------------|---------|
| 1       | 14709                | Mr. Ed Tuohy, Bottle Bay Resort<br>1360 Bottle Bay Rd., Sandpoint, Id. 83864 | 22¢     | 75¢ |                    |                                 |                         |              | 70¢         |              |                | 96-8458 |
| 2       |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                |         |
| 3       |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                |         |
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| 11      |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                |         |
| 12      |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                |         |
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| 15      |                      |                                                                              |         |     |                    |                                 |                         |              |             |              |                |         |

COEUR DALENE ID  
JUN 1987

MICROFILMED

MAR 07 1988

|                                                        |                                                               |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TOTAL NUMBER OF<br>PIECES LISTED BY<br>SENDER<br><br>1 | TOTAL NUMBER OF<br>PIECES RECEIVED<br>AT POST OFFICE<br><br>1 | POSTMASTER, PER (Name of receiving employee)<br><br>S. Howe | 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

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

IN THE MATTER OF PROTESTS AGAINST APPROVAL )  
OF APPLICATION FOR PERMIT NO. 96-8458 IN THE ) ORDER TO SHOW CAUSE  
NAME OF FINN OR WENDY JENSEN. )

WHEREAS, on May 27, 1986, Larry W. &/or Cheryl A. Wolfe, by power of attorney for Finn or Wendy Jensen, filed with the Department of Water an application to appropriate the public waters of the State of Idaho; and

WHEREAS, on June 4 and 11, 1986, notice of this proposed appropriation was published in the Sandpoint Daily Bee, Sandpoint, Idaho; and,

WHEREAS, on June 23, 1986, the Department received a protest against the approval of said application from Edward F. Tuohy; and,

WHEREAS, on April 16, 1987, notice of a hearing &/or conference was sent by certified mail to all concerned parties; and,

WHEREAS, on May 6, 1987, a hearing &/or conference concerning this matter was held at Coeur d'Alene, Idaho, at which the protestant failed to appear.

IT IS, THEREFORE, HEREBY ORDERED that the protestant show cause on or before June 30, 1987, why his protest should not be dismissed for failure to appear at the hearing.

DATED: This 5 day of June, 1987.

RECEIVED

MAR 07 1988

*Robert G. Haynes*

ROBERT G. HAYNES, P.E.  
Regional Supervisor

96-8458

May 6, 1987

Applicant

Finn or Wendy Jensen

C/o Larry & Cheryl Wolfe power of attorney

Protestant

Edward Tuohy

Protestant did not appear -

**MICROFILMED**

**MAR 07 1988**

Summer & Winter Flows at Wolfe's  
Pond Condition  
Interconnection of stream & pond

**MICROFILMED**

MAR 07 1988

F or Wendy Jensen / Larry & Che Wolfe  
96-8458  
Northern Regional Office, Coeur d'Alene, Idaho  
Wednesday, May 6, 1987, 9:00 a.m.

Roster of Attendance

| Name              | Address                       | Representing |
|-------------------|-------------------------------|--------------|
| 1. Larry W. Wolfe | 1338 Bottle Bay Rd, Sandpoint | Applicant    |
| 2.                |                               |              |
| 3.                |                               |              |
| 4.                |                               |              |
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| 34.               |                               |              |
| 35.               |                               |              |

RECEIVED

MAR 07 1988

April 22, 1987

Robert Haynes  
Department of Water Resources  
Government Way  
Coeur d'Alene, Idaho 83814

Mr. Haynes:

I am writing this letter to you to state that on April 5, 1986 I took several photographs of the area where Larry Wolfe constructed a recreational pond on his property near Bottle Bay. The purpose of the photography was to document the development of the pond with before and after photographs.

The accompanying photograph is an enlargement of a slide I took illustrating the small pond that was existing on the site prior to the construction of the existing pond. The existing pond developed by Mr. Wolfe encompasses the area which is illustrated in this photo.

Sincerely,

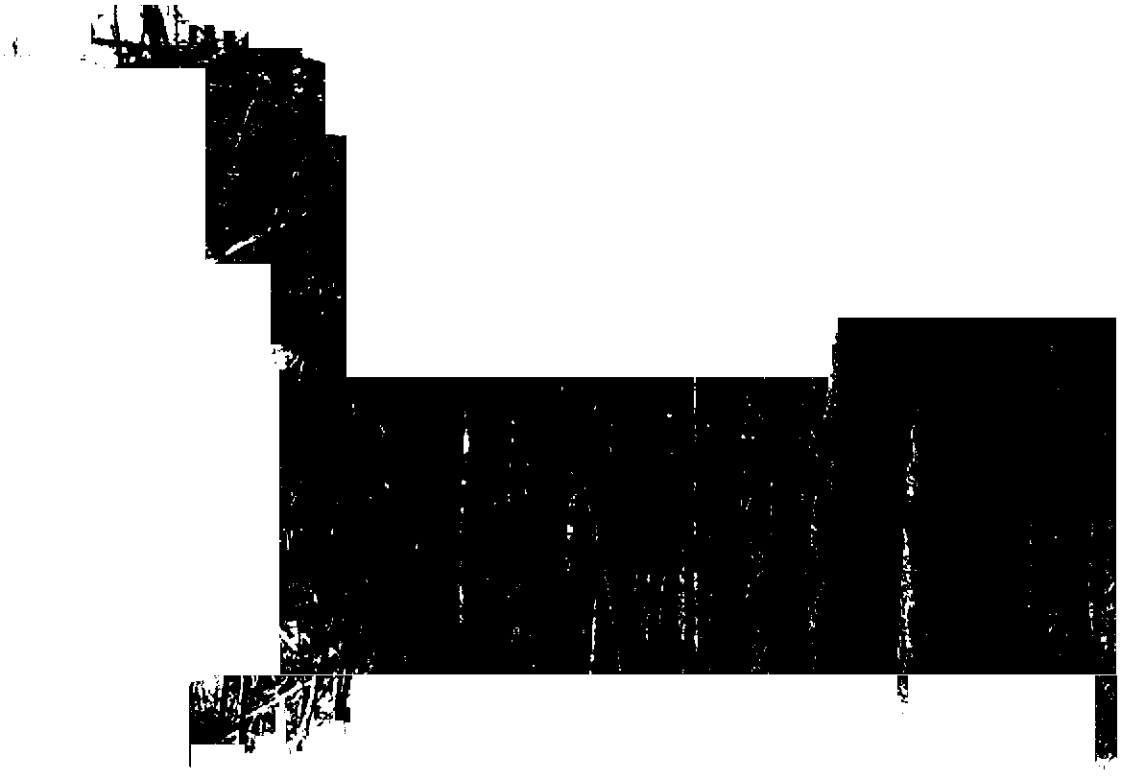
*David M. Thorson*

David M. Thorson  
7661 E. Bottle Bay Road  
Sagle, Idaho 83860

To: Robert Haynes  
From: Larry W. Wolfe  
Subj: Original Pond  
Date: 29 April 1987

**FILED**

APR 07 1988





United States  
Department of  
Agriculture

Soil  
Conservation  
Service

Larry Wolf  
Bottle Bay  
Sagle ID.

April 24, 1987

Dear Larry

I am writing this letter to you for your use in establishing the water rights on your pond.

In a letter written to you on 1-21-86 I referred to a strong flow of underground water. I also referred to this flow of underground water in a letter written to Ken Knoblock on July 29, 1986.

I made an on site investigation of the pond site on June 10, 1985. The reason that I was so sure that a good source of water was there is my observation of a small existing pond. The pond was 5-6 feet deep & 10-15 feet wide. It had 3-4 feet of water in it.

MAR 07 1988



The Soil Conservation Service  
is an agency of the  
Department of Agriculture

I took a stick and made a small muddied area on the uphill side of the pond. In just a few minutes the muddied area moved across the pond and out the downhill side, this told me that the water was moving through the soil in this area.

Sincerely

Vern Bromgard

Soil Conservationist

Sandpoint ID.

**MICROFILMED**

MAR 07 1988



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

1500 Highway 2  
Sandpoint, ID 83864

July 29, 1986

Kenneth Knoblock  
Idaho Department of Water Resources  
4055 Government Way, Suite 9  
Coeur d'Alene, ID 83814

Dear Ken,

I am writing this letter on behalf of Larry Wolfe who constructed a conservation pond on his property near Bottle Bay on Lake Pend Oreille.

Larry contacted me in the spring of 1985 and asked for technical assistance in planning and constructing a small pond. On June 10, 1985, I met with him on his property and did a pond investigation. I found the proposed site to be an excellent site with an abundance of underground water. A small stream was located just north of the proposed pond site, but this water was not needed to supply the pond. The underground water and several small seeps would be capable of supplying the pond with clean cool water.

I recommended to Larry that a pit type pond be constructed, and we discussed tentative layout and design of the pond. I told Larry that since this was a pit type pond, and located entirely on his property, and since it did not involve acquiring water from the stream that a permit would not be needed from the Idaho Department of Water Resources.

During that visit Larry told me that the primary purpose of the pond was to raise freshwater crayfish, and that he would be pursuing information about that use from the Idaho Department of Fish and Game. I said that a permit would probably not be needed for raising crayfish, as this would be a non-consumptive use of this water source. I did suggest that he would probably want to apply for a water permit to water his garden and irrigate his field.

On July 18, 1986, I visited the nearly completed pond which was filled with beautiful clear, cold water. It is well constructed and meets Soil Conservation Service specifications. A small amount of work is needed to improve the aesthetics on the spoil bank, which Larry said will be completed soon. Larry indicated that he also plans to improve the spillway at the outlet of the pond.

**MICROFILMED**

MAR 07 1988



The Soil Conservation Service  
is an agency of the  
Department of Agriculture

In summary, the pond Larry Wolfe constructed for raising crayfish is well constructed and I can see nothing about the location, the construction, nor the planned uses that will be detrimental to anyone or anything. The aesthetics and beauty of the pond, as well as the planned uses will be an enjoyment to Larry and his family for years to come, and the pond is a great improvement to his property. -

Sincerely,

Vern Bromgard  
District Conservationist  
Soil Conservation Service  
U.S. Department of Agriculture  
Sandpoint, ID 83864

**MICROFILMED**

**MAR 07 1988**

1338 Bottle Bay Road  
Sandpoint, Idaho 83864  
23 April 1987

**R E C E I V E D**

**APR 24 1987**

**Department of Water Resources  
Shoshone District Office**

Mr. Tom D. King  
Senior Water Resource Agent  
State of Idaho  
Department of Water Resources  
Suite No. 9  
4055 Government Way  
Coeur d'Alene, Idaho 83814

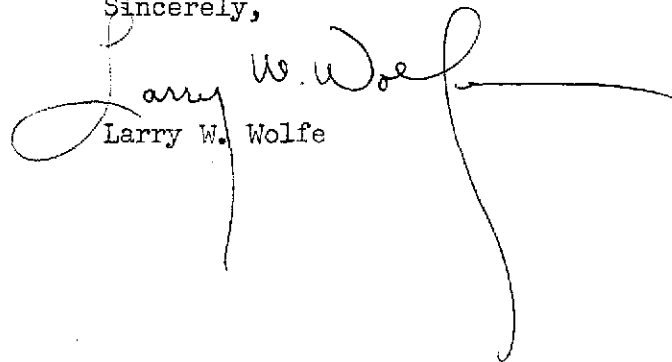
Dear Mr. King:

Thank you for your letter of April 20, 1987.

I will meet you, on the pond site, on April 29, 1987 between  
9:00 a.m. and 9:30 a.m.

Thank you very much, Tom.

Sincerely,

  
Larry W. Wolfe

**MICROFILMED**

MAR 07 1988

April 20, 1987

Mr. Larry W. Wolfe  
1338 Bottle Bay Rd.  
Sandpoint, Id. 83864

Re: 96-8458

Dear Mr. Wolfe:

It is my understanding that you wish to be present at my final pre-permit examination of your proposed water system.

I plan to conduct this examination on April 29, 1987, between 9:00 a.m. and 9:30 a.m.

Sincerely,

TOM D. KING  
Senior Water Resource Agent

IDK/pms

**MICROFILMED**

MAR 07 1988

C  
O  
P  
Y

**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 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. 2. ☐ Restricted Delivery.

|                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3. Article Addressed to:</b><br>Mr. and Mrs. Larry Wolfe and<br>Mr. and Mrs. Finn Jensen<br>1338 Bottle Bay Rd.<br>Sandpoint, Id. 83864 | <b>4. Article Number</b><br>14705<br><b>Type of Service:</b><br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail<br>Always obtain signature of addressee or agent and <b>DATE DELIVERED</b> . |
| <b>5. Signature - Addressee</b><br>X <i>Larry W. Wolfe</i>                                                                                 | <b>8. Addressee's Address (ONLY if requested and fee paid)</b>                                                                                                                                                                                                                                                                           |
| <b>6. Signature - Agent</b><br>X                                                                                                           | Department of Water Resources<br>Northern District Office                                                                                                                                                                                                                                                                                |
| <b>7. Date of Delivery</b><br>5-20-87                                                                                                      | <b>DOMESTIC RETURN RECEIPT</b>                                                                                                                                                                                                                                                                                                           |

PS Form 3811, Feb. 1986

**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 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. 2. ☐ Restricted Delivery.

|                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3. Article Addressed to:</b><br>Mr. Edward Tuohy<br>Bottle Bay Resort<br>1360 Bottle Bay Rd.<br>Sandpoint, Id. 83864<br>96-8458 | <b>4. Article Number</b><br>14706<br><b>Type of Service:</b><br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail<br>Always obtain signature of addressee or agent and <b>DATE DELIVERED</b> . |
| <b>5. Signature - Addressee</b><br>X <i>Maureen Tuohy</i>                                                                          | <b>8. Addressee's Address (ONLY if requested and fee paid)</b>                                                                                                                                                                                                                                                                           |
| <b>6. Signature - Agent</b><br>X                                                                                                   | Department of Water Resources<br>Northern District Office                                                                                                                                                                                                                                                                                |
| <b>7. Date of Delivery</b><br>April 22, 1987                                                                                       | <b>DOMESTIC RETURN RECEIPT</b>                                                                                                                                                                                                                                                                                                           |

PS Form 3811, Feb. 1986

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.

RETURN  
TO



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

IDAHO DEPARTMENT OF WATER RESOURCES  
NORTHERN DISTRICT OFFICE  
4055 GOVERNMENT WAY, SUITE #9  
COEUR D' ALENE, ID 83814

MICROFILMED

MAR 07 1988



PENALTY FOR PRIVATE  
USE, \$300



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.

RETURN  
TO



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

IDAHO DEPARTMENT OF WATER RESOURCES  
NORTHERN DISTRICT OFFICE  
4055 GOVERNMENT WAY, SUITE #9  
COEUR D' ALENE, ID 83814

MICROFILMED

MAR 07 1988



PENALTY FOR PRIVATE  
USE, \$300

| NAME AND ADDRESS OF SENDER                                                                       |                   | INDICATE TYPE OF MAIL                                                                                                                                    |         | I CERTIFY THAT WE HAVE                                                                              |                 | AFFIX STAMP HERE IF ISSUED AS CERTIFICATE OF MAILING OR FOR ADDITIONAL COPIES OF THIS BILL.                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |           |           |           |                |         |
|--------------------------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------|-----------|-----------|----------------|---------|
| IDAHO DEPARTMENT OF WATER RESOURCES<br>NORTHERN DISTRICT OFFICE<br>4055 GOVERNMENT WAY, SUITE #9 |                   | <input type="checkbox"/> Registered<br><input type="checkbox"/> Insured<br><input type="checkbox"/> COD<br><input checked="" type="checkbox"/> Certified |         | <input type="checkbox"/> Commercial Insurance<br><input type="checkbox"/> A deductible clause of \$ |                 | POSTMARK AND DATE OF RECEIPT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                      |           |           |           |                |         |
| LINE NO.                                                                                         | 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 |
|                                                                                                  | 14705             | Mr. & Mrs. Larry Wolfe and Mr. & Mrs. Finn Jensen<br>1338 Bottle Bay Rd., Sandpoint, Id. 83864                                                           | 22c     | 75c                                                                                                 |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      | 70c       |           |           |                | 96-8458 |
| 2                                                                                                | 14706             | Mr. Edward Tuohy, Bottle Bay Resort,<br>1360 Bottle Bay Rd., Sandpoint, Id. 83864                                                                        | "       | "                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      | "         |           |           |                | "       |
| 3                                                                                                |                   |                                                                                                                                                          |         |                                                                                                     |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |           |           |           |                |         |
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| 8                                                                                                |                   |                                                                                                                                                          |         |                                                                                                     |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |           |           |           |                |         |
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| 10                                                                                               |                   |                                                                                                                                                          |         |                                                                                                     |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |           |           |           |                |         |
| 11                                                                                               |                   |                                                                                                                                                          |         |                                                                                                     |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |           |           |           |                |         |
| 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. |                      |           |           |           |                |         |



RECEIVED

MAR 07 1988

Station #3  
Coeur d'Alene, Idaho 83814

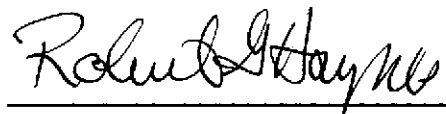
BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF )  
APPLICATION FOR PERMIT NO. 96-8458 IN THE ) NOTICE OF HEARING  
NAME OF FINN &/OR WENDY JENSEN. ) AND/OR CONFERENCE

On May 27, 1986, Larry W. &/or Cheryl A. Wolfe, by power of attorney for Finn &/or Wendy Jensen, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 23, 1986, the Department received a protest against approval of said application from Edward F. Tuohy.

The Department has set the matter of protest for hearing for Wednesday, May 6, 1987, at 9:00 am, in the Department of Water Resources Northern Regional Office, 4055 Government Way, Coeur d'Alene, Idaho. The hearing will be held in accordance with Chapter 2, Title 42 of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 16th day of April, 1987.



ROBERT G. HAYNES, P.E.

Regional Supervisor

APR 16 1987  
LAR 07 1987

2/27/87

POND FROZEN - BREACH WATER FROZEN - OUTLET HIGH  
& DRY. INLET FLOWING BENEATH ICE - BREACH WATER  
ENTERING THRU INLET AND APPARENTLY EXITING UNDER ICE  
THROUGH BREACH & PERHAPS PIPING, THRU BREASTWORKS.  
STREAM FLOWING STRONGLY @ POND.

MILLER SP SHOWS 5 GAL IN 37 SECS

CULVERT SHOWS 5 GAL IN 14 SECS

BLACK HOSE IN CULVERT APPEARS TO ~~BE~~  
HAVE BEEN REPAIRED.

3/24/87

POND THAWED BREACH WATER FORMING NEW  
SWAMP & STREAM FLOW STRONG

MILLER SPRING NOT CLOSELY ENOUGH RELATED TO  
STREAM FLOW

CULVERT = 4 GAL / 3.5 SECS = 0.15 cfs

4/29/87 CULVERT 4 GAL / 5 SEC = 48 GPM = .107 cfs

4 GAL / 19" = .03 cfs

MR WOLF ACCOMPANIED DURING  
THIS EXAM

MICROFILMED

MAR 07 1988

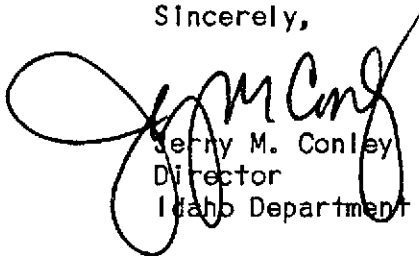
PERMIT TO TRANSPORT

February 11, 1987

Mr. Larry W. Wolfe  
1338 Bottle Bay Road  
Sandpoint, ID 83864

Under Title 36 Section 13.01.007 of the Idaho Code, Mr. Larry W. Wolfe is hereby granted permission to transport up to a maximum of three hundred (300) native crawfish (Pacifastacus leniusculus) from waters within Bonner County, Idaho to his private pond located at the above listed address near Bottle Bay, Lake Pend Oreille, Bonner County, Idaho. This permit will be valid until June 1, 1987.

Sincerely,



Jerry M. Conley  
Director  
Idaho Department of Fish and Game

RECEIVED  
MAR 07 1988



600 South Walnut • Box 25  
Boise, Idaho 83707

January 19, 1987



JAN 21 1987

Department of Water Resources  
Northern District Office

Mr. Larry W. Wolfe  
1338 Bottle Bay Road  
Sandpoint, Idaho 83864

Dear Mr. Wolfe:

Thank you for your letter of January 12th. I am not sure what happened to your letter of August 21st, and I apologize for the delay.

You will need to obtain a commercial fish pond permit from our Region 1 office at 2320 Government Way, Coeur d'Alene. If you contact Greg Tourtlotte at 765-3111, he can help you with this process. Your permit should list Pacifastacus leniusculus as the species being reared.

My previous letter referred to the capture of crayfish. At this time, there are no regulations existing which pertain to the capture and transport of crayfish in-state. However, we do anticipate promulgating regulations within the next few months.

Please let me know if I can be of further assistance.

Sincerely,

Virgil K. Moore  
Resident Fisheries Manager

cc: Mr. Robert G. Haynes, P.E.  
Department of Water Resources  
Greg Tourtlotte, Region 1

VKM:pr

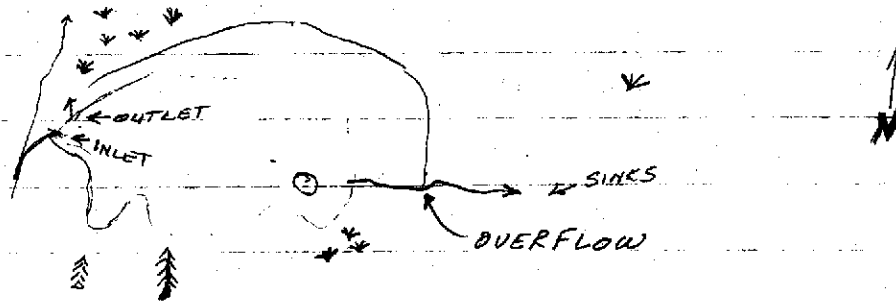
RECEIVED

JAN 27 1988

EQUAL OPPORTUNITY EMPLOYER

12/2/86

POND FROZEN  $\frac{1}{32}$ " -  $\frac{1}{16}$ " OVERFLOW NOT GOING OUT  
OUT. LET. ~ OVER FLOW MAY CAUSE DAM TO BREACH



MEASUREMENT @ MILLER SPRING  $\frac{56\text{ GAL}}{87\text{ SEC}} (60) = \frac{3.456\text{ GPM}}{448.8} = .008$   
" " CULVERT  $\frac{56\text{ GAL}}{88\text{ SEC}} (60) = \frac{10.7\text{ GPM}}{448.8} = .024$

MEASUREMENTS AT MILLER SPRING DO NOT REFLECT  
ACTUAL FLOW ~ SYSTEM LEAKS MORE AT EACH EXAMINATION

1/15/87 POND FROZEN UNABLE TO DETERMINE DEPTH OF ICE  
OVERFLOW HAS BREACHED EASTERN MOST  
PORTION OF DAM. THIS CAUSES A DIVERSION OF THE  
CREEK ~ WATER FLOWING THROUGH POND WEST  
TO EAST MAY CAUSE PROBLEMS IN SPRING  
RUN-OFF OVER FLOW LOWER THAN OUTLET

UNABLE TO MEASURE AT SPRING @ CULVERT  
 $1.3\text{ GPM}$   
 $4\text{ GAL}/45\text{ SEC} \sim$  WATER FLOW @ CULVERT LOCATED  
ON FARGO PROPERTY. MINUTE WATER MEASURED  
APPEARS TO BE FROM ~~WATER~~ ~~WATER~~ @ ABANDONED  
CISTERN

MAR 07 1988

S ~ 37

S ~ 14

96-8458 P4

# PROTEST LOG

96-8458

T. KING

8/14/86 (CONT.)

"MILLER SPRING" AS DESCRIBED IN 96-2011 IS IN FACT UNNAMED STREAM WITH LEACH FIELD IN STREAM-BED

SOME WATER LEACHES FROM CR INTO POND # 96-8458, WITH THE EXCEPTION OF THIS LEACHING THE DIVERSION FROM THE STREAM TO THE POND CAN BE CLOSED.

SOME WATER LEACHES FROM THE STREAM & ~~THE~~ POND <sup>UPSTREAM OF 96-8362,</sup> ~~96-8458~~ INTO A SWAMP. THE WATER THEN REAPPEARS IN THE STREAM BELOW THAT P.D. BUT UPSTREAM FROM 96-2278

9/12/86

MEASUREMENT @ MILLER SP  $\frac{4G}{275 (60)} = \frac{9 GPM}{448.8} = .02 cfs$

" @ " POND NO MEASURABLE OUT FLOW

" @ CULVERT  $\frac{4G}{245 (60)} = \frac{10 GPM}{448.8} = .02 cfs$

MICROFILMED

MAR 07 1988

PICS @ "MILLER SP", 96-8458 DAM, POND, INLET, OUTLET & @ CULVERT FOR 96-2278 & 96-7742

10/7/86

MEAS. @ MILLER SP  $\frac{4G}{448.8} = \frac{129 PM}{448.8} = .009 cfs$

" @ CULVERT  $\frac{4G}{20 (60)} = \frac{129 PM}{448.8} = .03 cfs$

COLLECTION BOX HAS MORE LEAKS UNABLE TO MEASURE BUT THIS APP TO BE ABOUT HALF

96-8458P3



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 98.8458

DATE

INITIALS

9/12/86



DIVERSION HOSE GRAVITY FLOW TO GARDEN

2

9/12/86

INLET →



← OUTLET

MAR 07 1988

RECORDED

VIEW OF INLET / OUTLET



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

PERMIT # 98-8458

DATE

9/12/86

INITIALS

VIEW OF  
POND STANDING  
ON DYKE

RECEIVED  
MAR 10 1987  
DEPT. OF WATER RESOURCES

*k*



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

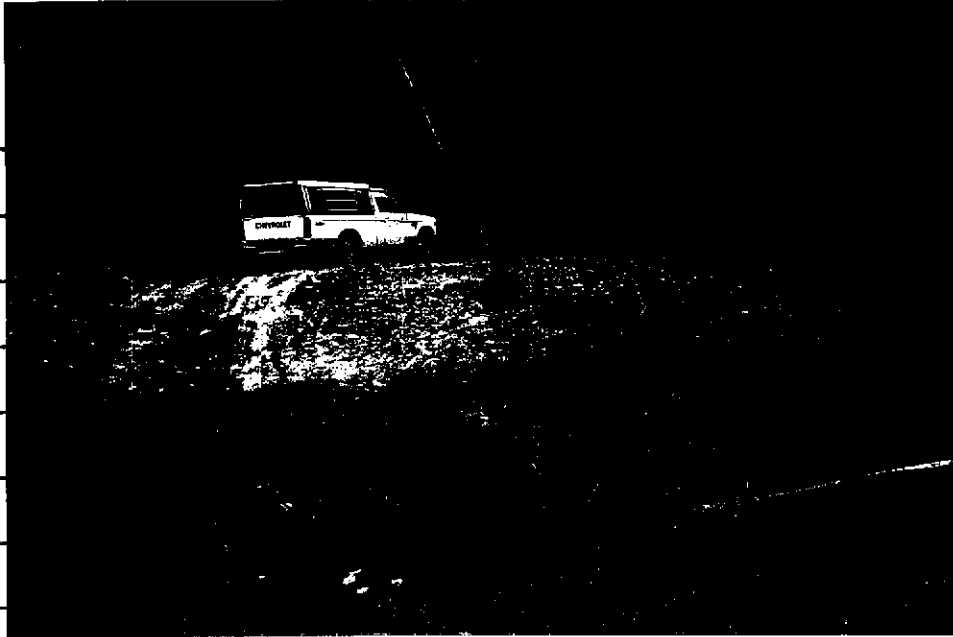
REMARKS / PHOTOS

PERMIT # 98-8458

DATE

9/12/86

INITIALS



VIEW OF DYKE

k

9/12/86



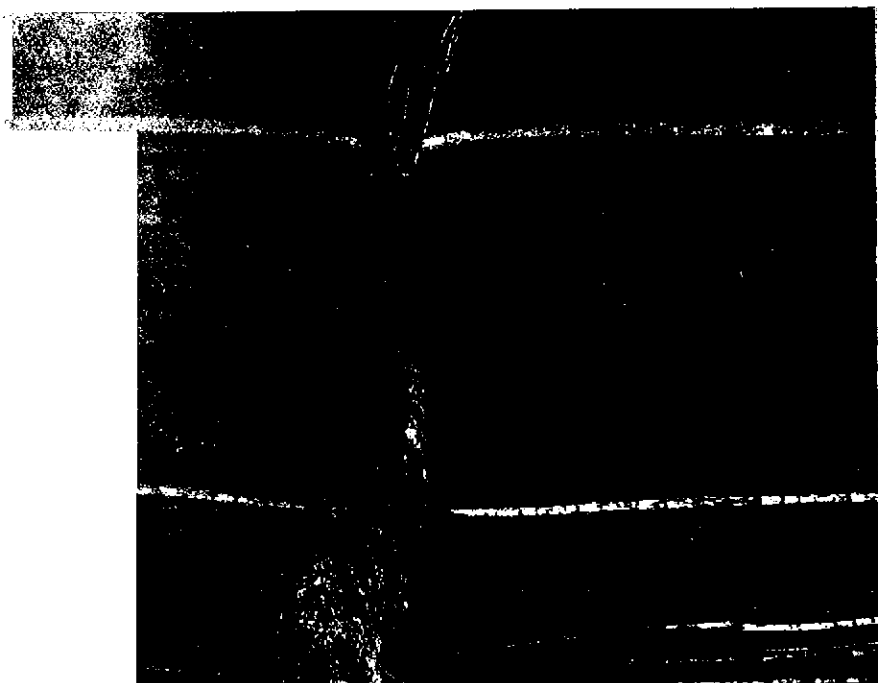
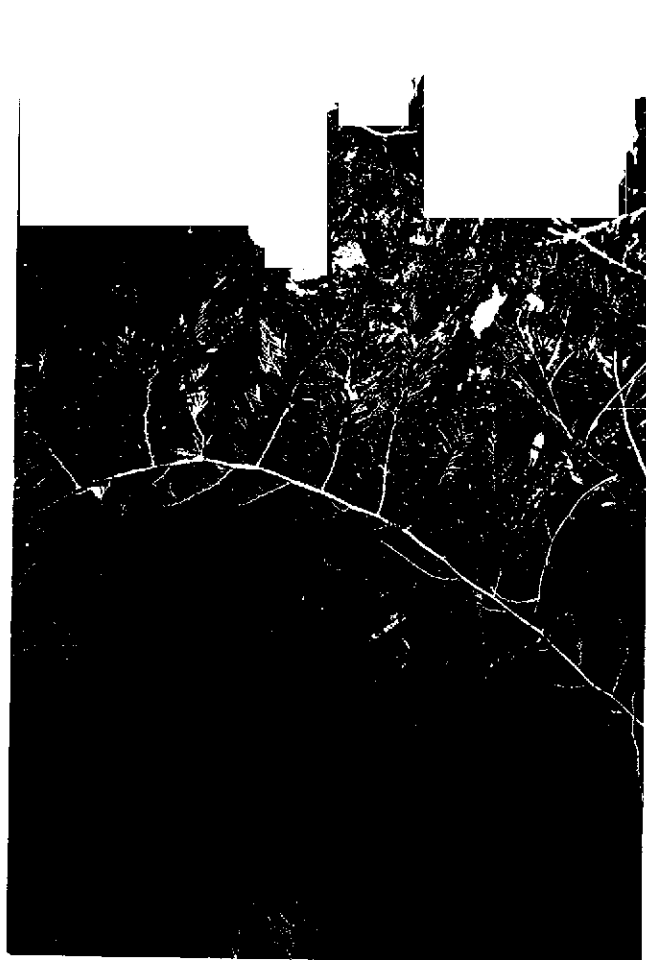
MAR 07 1988

RECEIVED

VIEW OF POND FROM INLET/OUTLET

k

P/U ON DYKE



9/12/86

9/12/86

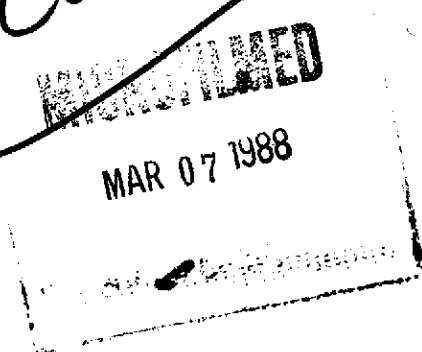
9/12/86

9/12/86

Pictures

RECEIVED

MAR 07 1988



# PROTEST LOG

96-8458

T. KING

8/7/86

BOB HAYNES & MYSELF RETURNED TO POND SITE & CONTACTED MR. LARRY WOLFE & MR. ED TUOHY. THEY HAD AN ALTERCATION THE PREVIOUS EVENING POLICE REPORT FILED.

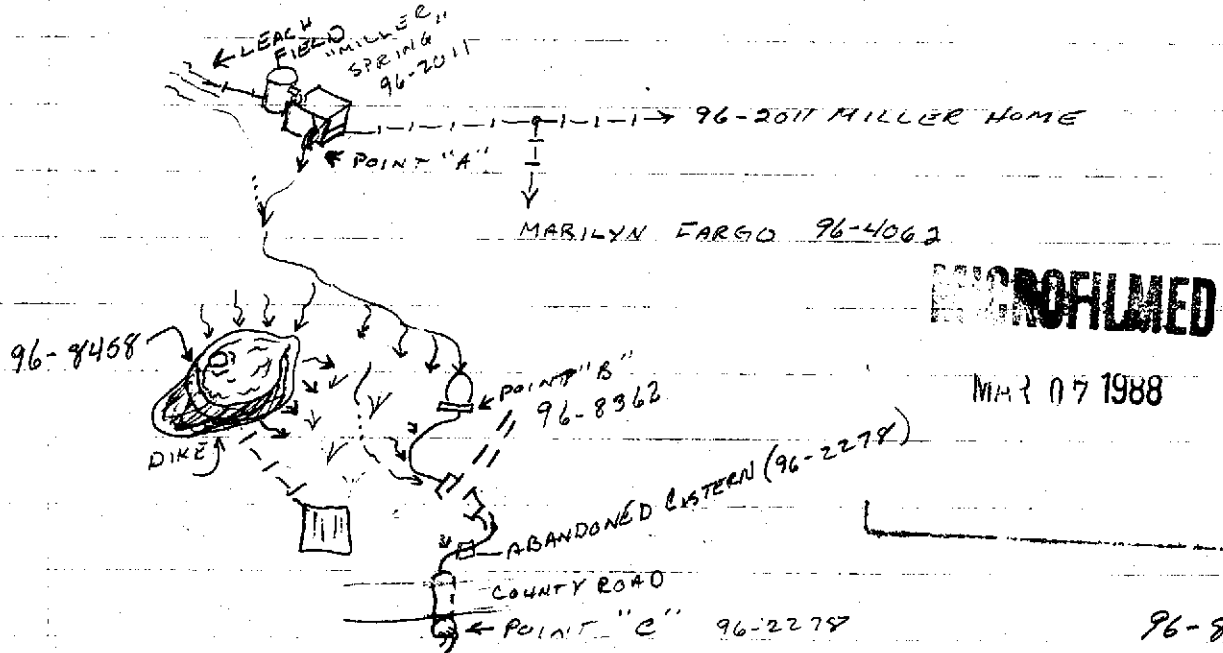
MEASUREMENT BY B. HAYNES  $\frac{3.5 G}{23.67 SEC} = \frac{x}{60} = \frac{9 GPM}{448.4} = .02$

8/14/86

CONTACTED LARRY WOLFE <sup>AT SITE</sup> WHO LOCATED POINTS ON STREAM WHERE MEASUREMENT OF FLOW IS POSSIBLE  
OVERFLOW @ "MILLER SPRING"  $\frac{4 G}{13 SEC} = \frac{x}{60} = \frac{20 GPM}{448.4} = .04 cfs$

OVERFLOW @ "FARGO FISH POND"  $\frac{4 G}{36 SEC} = \frac{x}{60} = \frac{6.67 GPM}{448.4} = .01$

@ CULVERT  $\frac{4 G}{185} = \frac{x}{60} = \frac{13 GPM}{448.4} = .03$



BONNER COUNTY SHERIFF  
VOLUNTARY STATEMENT

Case No. \_\_\_\_\_

Date 6 August 1986 Time Statement Started 8:30 PM Place 1338 Bottle Bay Road  
I, Larry W. Wolfe Address 1338 Bottle Bay Road, Sandpoint, Idaho 83864  
Age 48 Place of Birth Kamiah, Idaho, do hereby make the following statement  
to Deputy David C. Heckelsmiller, he having first identified himself as a Deputy Sheriff.

Knowing that I may have an attorney in my behalf present and that I do not have to make any statement nor incriminate myself in any manner, I made this statement voluntarily, of my own free will, knowing that such statement may later be used against me in any court of law, and I declare that this statement is made without any threat, coercion, offers of benefit, favor or offer of favor, leniency or offer of leniency by any person or persons whomsoever. I have been advised of my rights to an attorney now and at anytime during this interview and also that I do not have to say anything and that anything I say may be used against me in a court of law.

At 5:PM on Wednesday, 6 August 1986, I walked to our pond on Bottle Bay Road to water our garden. I carried with me a pail of tools. At approximately 7:PM I was attaching a wire to a large stone to use as a weight to sink my irrigation pipe, when a motorcycle rapidly approached me and stopped. It was Edward F. Tuohy, owner of the Bottle Bay Marina. He quickly dismounted and threatened me by yelling "You stole my water and I am going to find out where." He was angry and threatening and I said, "Tuohy...Get Off My Property,... you are trespassing...get off of my property." He turned and started rapidly walking toward the back of my property. I yelled..."Tuohy, GET OFF OF MY PROPERTY." He ignored my warning and I walked over to his motorcycle and pushed it over. He came at me with both fists clenched. He looked around and picked up my hack saw. He held it over his head and charged at me swinging the hack saw as if to cut off my head. He clenched his fist in my face and said, "Hit me with the rock...hit me with the rock and I'll kill you. I backed up and yelled, "Tuohy you're crazy...you're crazy." I dropped the wire wrapped rock and ran as fast as I could. He threw the hack saw and it hit the back of my legs. I thought he was finished so I stopped and turned around and he had picked up the large rock and was running toward me with the rock elevated to hit my head. I ducked and the rock flew past me. He grabbed me and started pounding me on the head with his gloved fists. I grabbed his legs. He continued pounding me on the back and left shoulder. I slipped out from under his legs and stepped back, shocked. Tuohy looked around and found the hack saw and came at me again swinging the hack saw. I screamed and ran as fast as I could toward the woods. I knew he would throw the hack saw again, so I put my hands in back of my neck. I heard the hack saw hit the ground near me and I continued running as fast as I could until I ran into the woods. I ran as fast as I could, through the trees and bushes, until I could hide. I waited to hear Tuohy start his motorcycle and leave, but I never heard him start it. I became very fearful. I knew he would kill me if he found me. I was very worried. I then heard a car come up the driveway. It was Jon Smith, driving our car. I ran out from the bushes and told Jon that I had just been beaten up. He said, "I just passed a motorcycle and the man was pushing it. When he saw me he left immediately." We drove to the pond. Tuohy had taken all of my tools and supplies and had thrown them in the pond. I showed Jon Smith the scuffie marks and the rock Tuohy had tried to bash my head with. We looked, but could not find the hack saw. The next day, my wife Cheryl and I located the hack saw. It was very near the opening to the woods where I plunged through. I recovered my tin snips and screwdriver from the water. I may never be able to recover my crescent wrench, pliers or hammer.

RECORDED  
INDEXED

MAR 07 1988

I have read this statement consisting of 1 pages and the facts contained therein are true and correct.

Witness

Jacquelyn A. Smith

Signature

Larry W. Wolfe

Time statement finished 7 August 1986

Page 1 of 1 Pages.

BONNER COUNTY SHERIFF  
VOLUNTARY STATEMENT

Case No. \_\_\_\_\_

Date 6 August 86 Time Statement Started 8:30 PM. Place 1338 Bottle Bay Rd.  
I, Jon M. Smith Address PO BOX 916 NEWARK, CA 94560  
Age 50 Place of Birth CHAMAN OKLA, do hereby make the following statements  
to Heckelsmiller, he having first identified himself as a Deputy Sheriff.

Knowing that I may have an attorney in my behalf present and that I do not have to make any statement nor incriminate myself in any manner, I made this statement voluntarily, of my own free will, knowing that such statement may later be used against me in any court of law, and I declare that this statement is made without any threat, coercion, offers of benefit, favor or offer of favor, leniency or offer of leniency by any person or persons whomsoever. I have been advised of my rights to an attorney now and at anytime during this interview and also that I do not have to say anything and that anything I say may be used against me in a court of law.

On 6 August at early evening, I left the Wolfe Residence to drive to their pond, which is about a quarter of a mile away.

When I reached the pond I noticed Mr. Truhly, running with his motorcycle, just leaving Mr. Wolfe's property. He was obviously in a highly agitated state.

Seconds later I observed Mr. Wolfe and he related to me what had happened.

I continued to the pond and found Mr. Wolfe's tools thrown in the pond and obvious signs of a scuffle had occurred. I observed the rock wrapped with wire some distance from the pond.

We searched for the Hall saw briefly but left before finding it.

We wanted to call the Sheriff & return home as the children & women were alone.

RECORDED & INDEXED

MAR 07 1988

I have read this statement consisting of 1 pages and the facts contained therein are true and correct.

Witness

Cheryl A. Thole  
7 0 1 1 5 1 5 1

Signature

Jon M. Smith

Page

of

Pages

BONNER COUNTY SHERIFF  
VOLUNTARY STATEMENT

Case No. \_\_\_\_\_

Date 6 August 1986 Time Statement Started 9:00 pm Place 1338 Bottle Bay Rd  
I, Cheryl A. Hoeft Address 1338 Bottle Bay Rd Sandpoint, Id  
Age 31 Place of Birth Spokane, Wa 8386, do hereby make the following statements  
to Heckemiller, he having first identified himself as a Deputy Sheriff.

Knowing that I may have an attorney in my behalf present and that I do not have to make any statement nor incriminate myself in any manner, I made this statement voluntarily, of my own free will, knowing that such statement may later be used against me in any court of law, and I declare that this statement is made without any threat, coercion, offers of benefit, favor or offer of favor, leniency or offer of leniency by any person or persons whomsoever. I have been advised of my rights to an attorney now and at anytime during this interview and also that I do not have to say anything and that anything I say may be used against me in a court of law.

On 1 May 1986, my husband, Larry Hoeft, myself and our two daughters drove up to our newly completed pond off Bottle Bay Rd. Upon approaching the pond we noticed a motorcycle parked at the pond site. Upon walking to the pond we encountered Edward Tushy who was walking around the pond. My husband asked Mr. Tushy what he was doing on our property. Mr. Tushy said he was taking pictures of the stream that he had accused Larry of diverting. Larry asked Tushy to leave the property, as he was trespassing, and not to ever come back. Mr. Tushy walked toward us. He called Larry a "liar" and an "asshole". Clinching his fist and shaking it in Larry's face he said "You'll pay for this." Mr. Tushy then got on his motorcycle and left the property.

Don Nelson  
BONNER COUNTY SHERIFF

David C. Heckemiller

DEPUTY

215 SOUTH FIRST • SANDPOINT, IDAHO 83864  
PHONE (208) 263-3136

Aug 11 1988

I have read this statement consisting of 1 pages and the facts contained therein are true and correct.

Witness Jacquelyn A. Smith Signature Cheryl A. Hoeft  
Time statement finished 9:20 pm 7 Aug. 1986 Page 1 of 1 Pages.

PROTEST LOG

APP# 96-8458

T. KING

8/6/86

BOB HAYNES AND MYSELF CONTACTED THE PROTESTANT MR. EDWARD TUOHY AT THE BOTTLE BAY MARINA. HE THEN TOOK US THROUGH HIS ORCHARD TO THE CREEK. HE STATED THAT HE ONLY USED WATER ABOUT EVERY 10 DAYS.

THE OUTLET OF THE CULVERT WHICH CONVEYS THE STREAM BENEATH THE COUNTY ROAD WAS SELECTED AS THE BEST POINT AT WHICH THE STREAM FLOW COULD BE MEASURED. THIS POINT IS  $\approx 100'$  DOWNSTREAM OF THE ORIGINAL P.D. OF 96-2278.

BOB HAYNES MEASURED 3.5 gal. IN 24 SECS

$$\frac{3.5}{24} \times \frac{60}{1} = 8.75 \text{ gpm}$$

WE THEN CONTACTED MRS. WOLFE AND SHE SHOWED THE POND TO US. THERE WAS SURFACE WATER ENTERING THE POND FROM THE CREEK. THERE WAS ALSO A 1" PVC FROM THE STREAM TO THE POND WITH A SMALL AMOUNT OF WATER GOING INTO THE POND. WE COULD LOCATE NO ACCEPTABLE PLACE TO MEASURE THE FLOW NEAR THE POND.

RECEIVED

MAR 07 1988

96-8458P1



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NORTHERN REGION

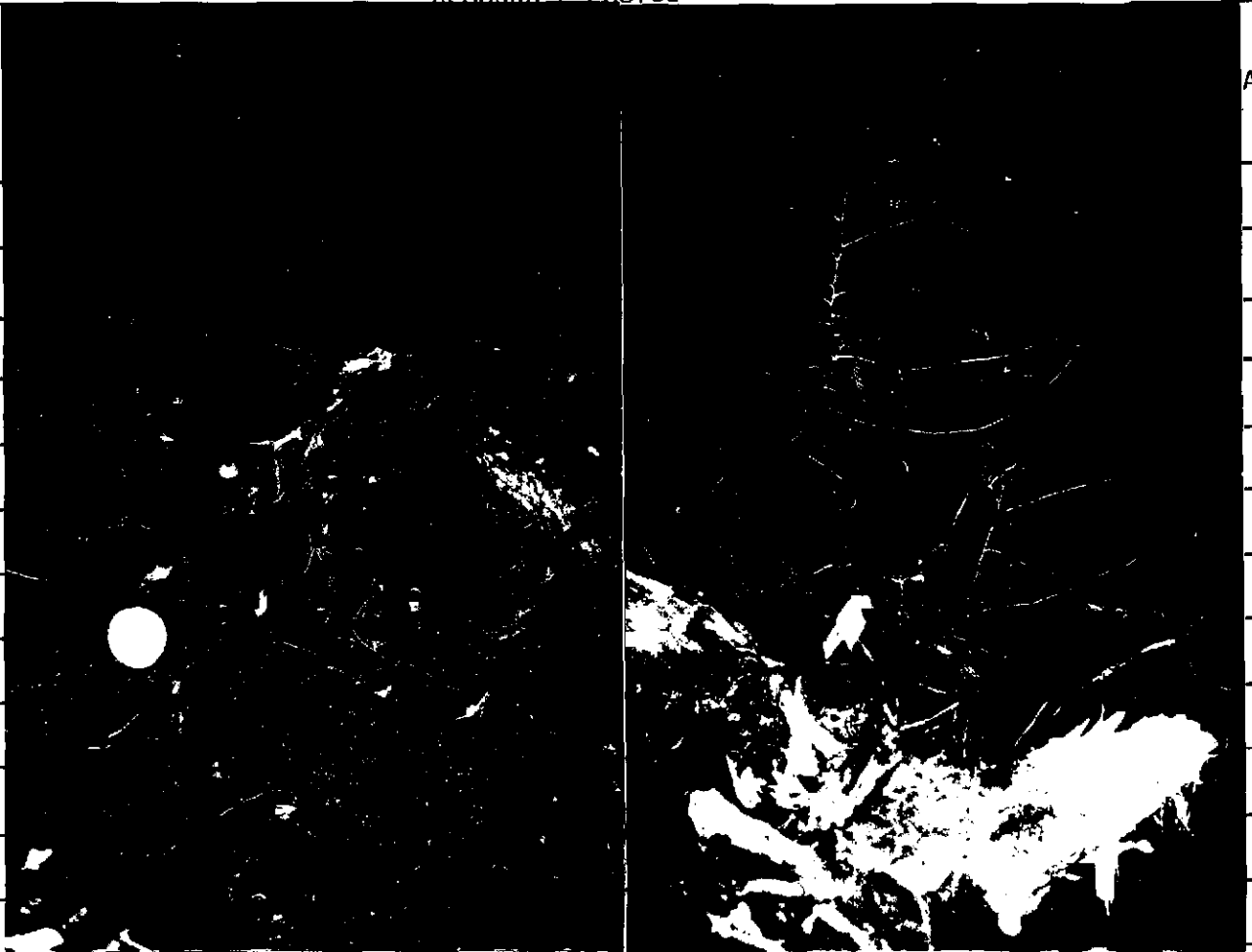
REMARKS / PHOTOS

PERMIT # 96-8458

DATE

8/6/96

ALS



MAR 07 1998

RECEIVED



# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

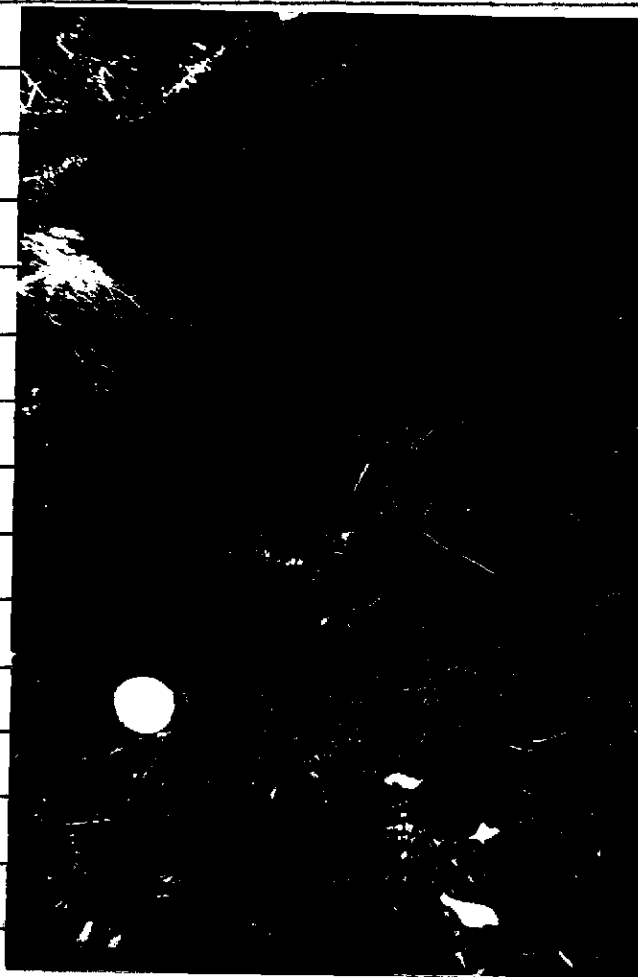
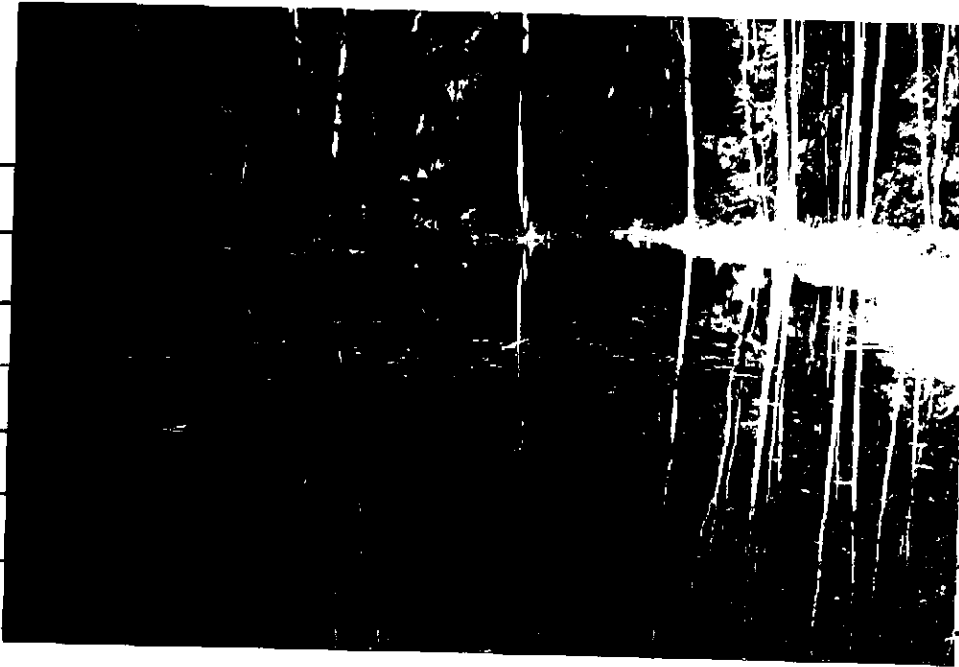
REMARKS / PHOTOS

PERMIT # 96-8458

DATE

INITIALS

8/6/86



MAR 07 1988

ARNOLD WEBB  
PROPERTY

SPRING  
EXACT LOCATION?

P.W.  
POLE

GARAGE

TOOL  
SHED

HOUSE

BARN

EASTERN

WATER FOR  
V. COLVARD

COUNTY ROAD

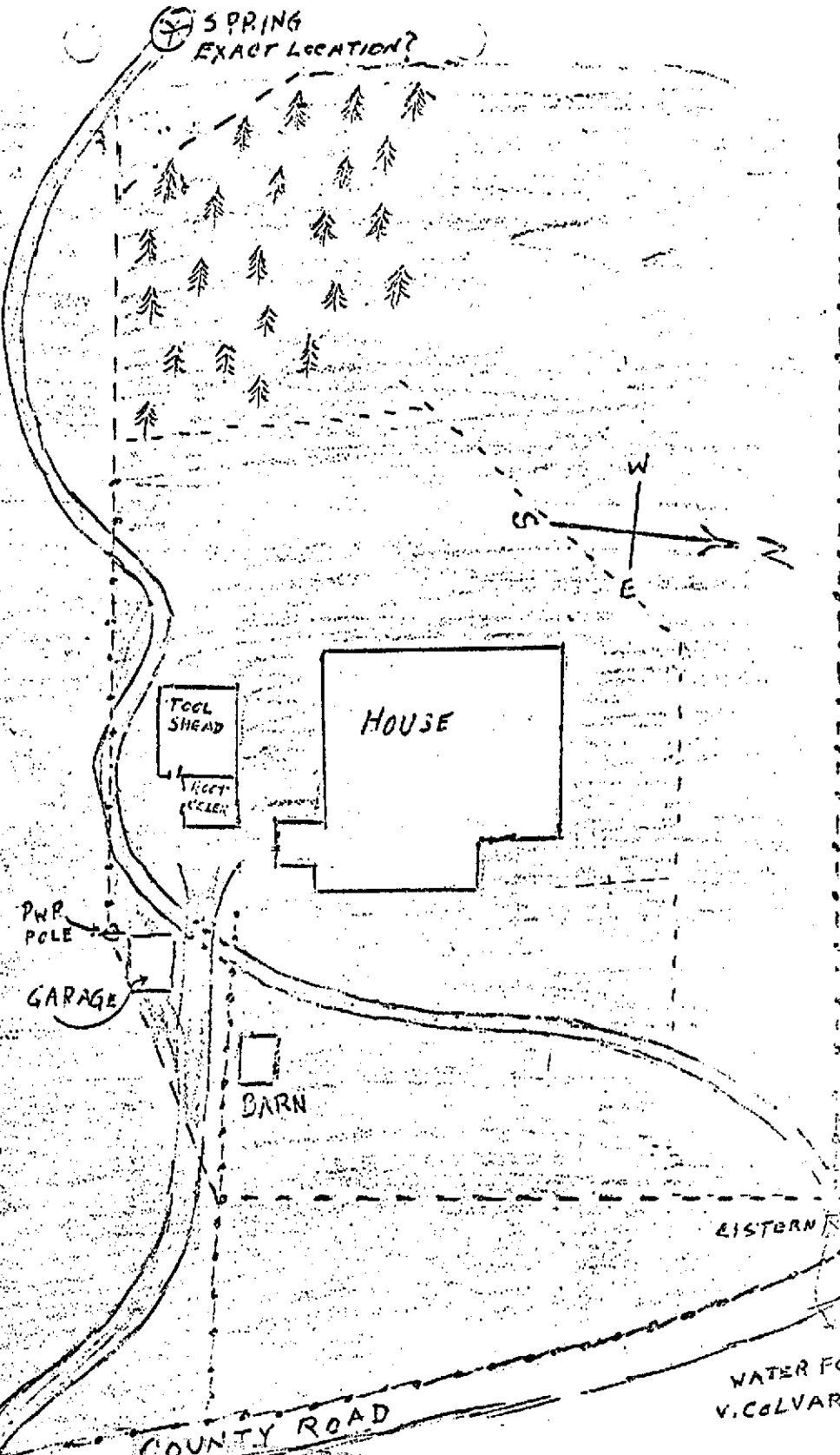
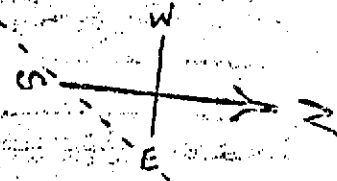
BOTTLE BAY

THOMAS

MAR 07 1908

96-8458 P 1 A

OWNS CLAIM ON SPRING & HOWARD E. MILLER PROPERTY



N.O. 4 W.

283.25

N.O. 5 W.  
61.45

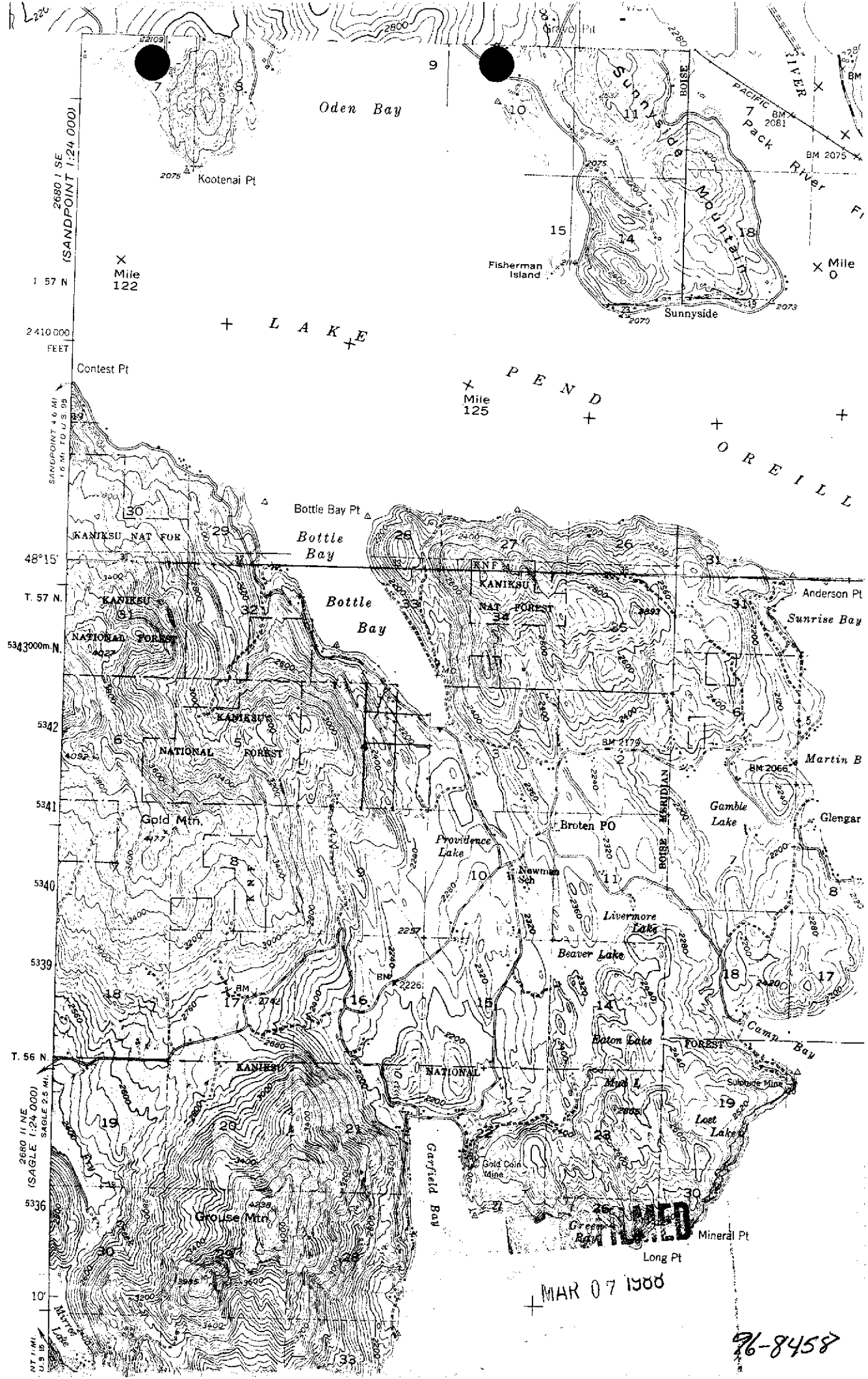
600.76

RECEIVED

MAR 07 1988

756N  
R1W

7



August 4, 1986

Mr. Larry W. Wolfe  
1338 Bottle Bay Rd.  
Sandpoint, Id. 83864

Re: 96-8458

Dear Mr. Wolfe:

I intend to come up to Bottle Bay, Wednesday, August 6, 1986. I expect to be there around 9:30 a.m.

Hope to see you then.

Sincerely,

ROBERT G. HAYNES, P.E.  
Regional Supervisor

RGH/pms

RECORDED

MAR 07 1988

August 4, 1986

Mr. Ed Tuohy  
1360 Bottle Bay Rd.  
Sandpoint, Id. 83864

Re: 96-8458

Dear Mr. Tuohy:

I intend to come up to Bottle Bay, Wednesday, August 6, 1986. I expect to be there around 9:30 a.m.

Hope to see you then.

Sincerely,

ROBERT G. HAYNES, P.E.  
Regional Supervisor

RGH/pms

RECEIVED

MAR 07 1988

96-8458

7-31-86

Applicant

Larry W & Cheryl A. Wolfe in behalf  
of Finn or Wendy Jensen

Protestant

Edward Tushy -

The protestant and applicant disagree on many facts about even the physical location of the pond in relation to the stream.

The dept. will examine the project since the pond has been built and measure the stream flow.

Further hearing will be ~~to~~ held next spring

130600 TTD

MICROFILMED

MAR 07 1988

Name: Finn or Wendy Jensen  
File: 96-8458  
Place: Northern Regional Office, Coeur d'Alene, Id.  
Date: Thursday, July 31, 1986, at 9:00 AM

ROSTER OF ATTENDANCE

| <u>Name</u>          | <u>Address</u>                  | <u>Representing</u> |
|----------------------|---------------------------------|---------------------|
| Edward & Ruby        | 1360 Bottle Bay Rd<br>SANDPOINT | Same                |
| Larry & Cheryl Wolfe | 1338 Bottle Bay Rd<br>Sandpoint | Jensen              |

MICROFILMED

MAR 07 1988



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

1500 Highway 2  
Sandpoint, ID 83864

July 29, 1986

RECEIVED  
JUL 30 1986  
Department of Water Resources  
Northern District Office

Kenneth Knoblock  
Idaho Department of Water Resources  
4055 Government Way, Suite 9  
Coeur d'Alene, ID 83814

Dear Ken,

I am writing this letter on behalf of Larry Wolfe who constructed a conservation pond on his property near Bottle Bay on Lake Pend Oreille.

Larry contacted me in the spring of 1985 and asked for technical assistance in planning and constructing a small pond. On June 10, 1985, I met with him on his property and did a pond investigation. I found the proposed site to be an excellent site with an abundance of underground water. A small stream was located just north of the proposed pond site, but this water was not needed to supply the pond. The underground water and several small seeps would be capable of supplying the pond with clean cool water.

I recommended to Larry that a pit type pond be constructed, and we discussed tentative layout and design of the pond. I told Larry that since this was a pit type pond, and located entirely on his property, and since it did not involve acquiring water from the stream that a permit would not be needed from the Idaho Department of Water Resources.

During that visit Larry told me that the primary purpose of the pond was to raise freshwater crayfish, and that he would be pursuing information about that use from the Idaho Department of Fish and Game. I said that a permit would probably not be needed for raising crayfish, as this would be a non-consumptive use of this water source. I did suggest that he would probably want to apply for a water permit to water his garden and irrigate his field.

On July 18, 1986, I visited the nearly completed pond which was filled with beautiful clear, cold water. It is well constructed and meets Soil Conservation Service specifications. A small amount of work is needed to improve the aesthetics on the spoil bank, which Larry said will be completed soon. Larry indicated that he also plans to improve the spillway at the outlet of the pond.

MICROFILMED

MAR 07 1988



The Soil Conservation Service  
is an agency of the  
Department of Agriculture

In summary, the pond Larry Wolfe constructed for raising crayfish is well constructed and I can see nothing about the location, the construction, nor the planned uses that will be detrimental to anyone or anything. The aesthetics and beauty of the pond, as well as the planned uses will be an enjoyment to Larry and his family for years to come, and the pond is a great improvement to his property.

Sincerely,

Vern Bromgard  
District Conservationist  
Soil Conservation Service  
U.S. Department of Agriculture  
Sandpoint, ID 83864

**MICROFILMED**

MAR 07 1988

1338 Bottle Bay Road  
Sandpoint, Idaho 83864  
July 22, 1986

RECEIVED  
JUL 25 1986  
Department of Water Resources  
Northern District Office

Mr. Kenneth Knoblock  
Department of Water Resources  
Northern Region  
4055 Government Way  
Suite 9  
Coeur d'Alene, Idaho 83814

Dear Mr. Knoblock,

I am in receipt of the Notice of Hearing and/or Conference of Application No. 96-8458 sent to us by Robert G. Haynes, P.B., Regional Supervisor. I also have Mr. Edward Touhy's letter of June 19, 1986 and Mr. Haynes' response dated June 25, 1986.

In June of 1985, Mr. Vern Bromgard of the Soil Conservation Service, USDA, made an on-site investigation of a proposed pond I wished to dig. Mr. Bromgard, after viewing the site, indicated that the site had a strong flow of underground water and assured me that the site was an excellent one for a pit pond. That investigation indicated the pond would have an adequate amount of clear cool water and would be ideal for the purposes I had in mind. Mr. Bromgard also informed me that because my pond would be supplied with groundwater and surface water that no permit would be required.

In the summer of 1985, I wrote the Idaho Department of Fish and Game asking for information regarding the stocking of ponds with crayfish. Virgil Moore, Resident Fisheries Manager, IDFG, informed me that the State of Idaho does not regulate crayfish in the State at this time.

Enclosed are letters confirming this correspondence.

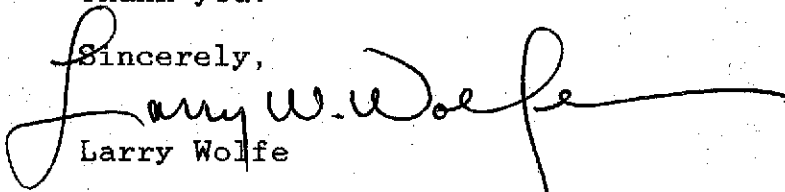
In response to Mr. Touhy's letter of June 19, 1986, his protest and concerns were addressed previously through the above consultations and I feel that his protest is unwarranted.

Our application for water rights from this pond and also from an adjacent unnamed stream is for use for irrigation for pasture and a garden and also for the watering of stock. A right for recreational use is also being applied for.

My wife, Cheryl, and I will attend the hearing on Thursday, July 31, 1986 at 9 AM to respond to Mr. Touhy's concerns and to present for review by the Department of Water Resources our request regarding this application for water rights.

Thank you.

Sincerely,

  
Larry Wolfe

MICROFILMED

MAR 07 1988

- Enc: 1. Letter from Idaho Fish and Game, August 26, 1985  
2. Letter from Soil Conservation Service, USDA, Jan. 21, 1986  
3. Survey of Pond, May 9, 1986

Copy 22 Jan 86



August 26, 1985

Mr. Larry Wolfe  
1338 Bottle Bay Road  
Sandpoint, ID 83864

Dear Mr. Wolfe:

In response to your letter of August 1, 1985, I must inform you that our Department has no authority to regulate crayfish in Idaho at this time.

If you are constructing your pond on an existing stream, you will need a permit from the Idaho Department of Water Resources, and we will want to be sure no fish are in the drainage. Please contact our Region 1 office at 765-3111 to get a determination of this.

Thank you for your interest.

Sincerely,

Virgil K. Moore  
Resident Fisheries Manager

**MICROFILMED**

MAR 07 1988

Enclosure # (2)

POND

Larry W. Wolfe  
1338 Bottle Bay Road  
Sandpoint, Idaho 83864



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

Larry Wolf  
Bottle Bay Road  
Sagle, Idaho 83860

January 21, 1986

Dear Larry,

This letter is being written to document resource facts that we have made during the pond investigation on your property.

In the fall of 1985 I made an on site investigation of a proposed "pit type pond" on your property. I found a strong flow of underground water. The summer of 1985 was one of the driest summers on record. In spite of this the water table was only 2 to 3 feet deep. It is an excellent site for a "pit pond".

As this is a "pit pond" a state license or permit is not required.

If I can be of any further assistance to you, please feel free to contact me.

Good luck on your project.

Sincerely,

Vern Bromgard  
District Conservationist  
Soil Conservation Service

**MICROFILMED**

MAR 07 1988

Enclosure # (B).

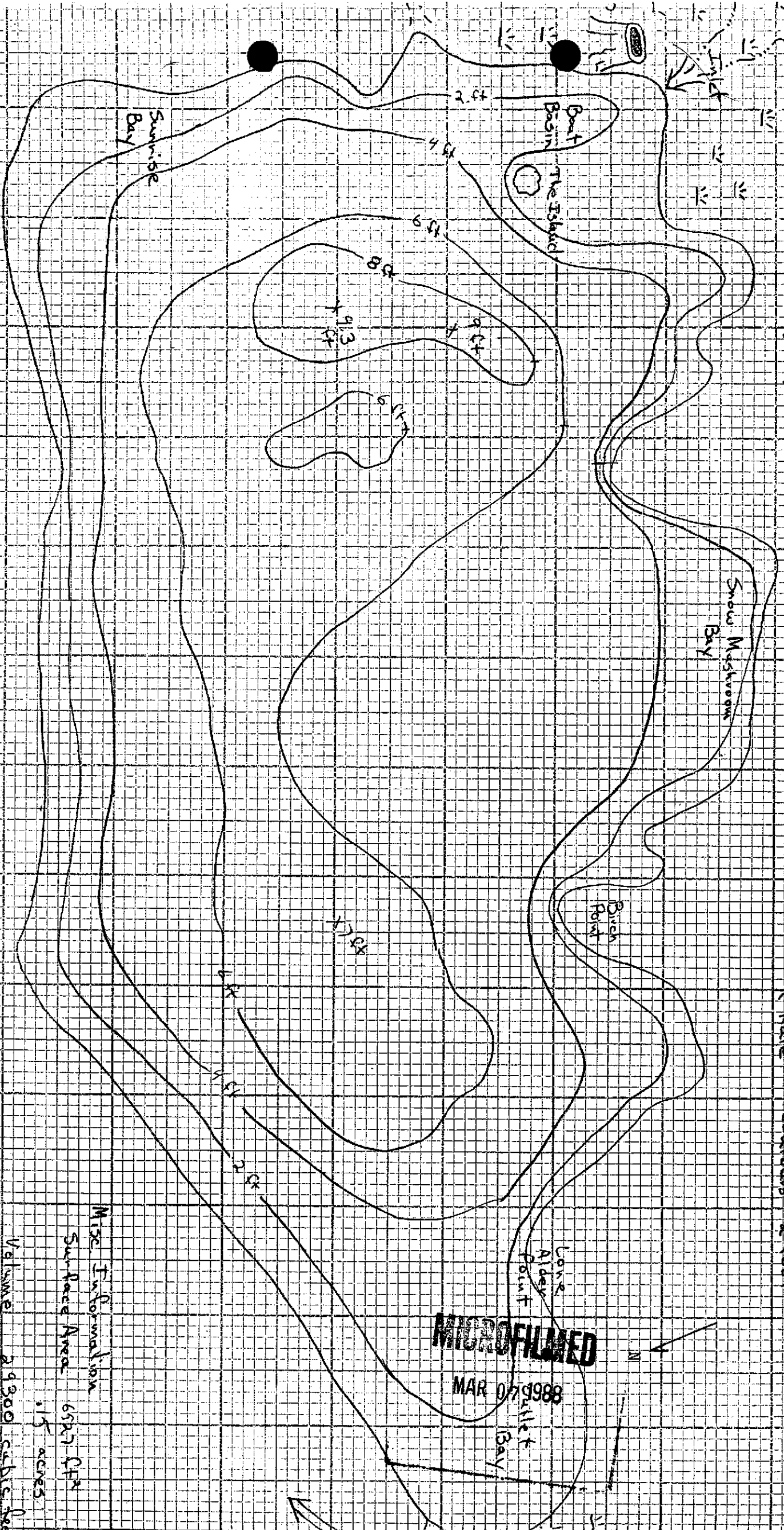
POND  
Larry and Cheryl Wolfe  
1598 Bobbie Bay Road  
Sandpoint, Idaho 83861

5-9-86 - Full Pool

Scale: 1 inch = 10 Feet 1:120

Surveyed by: D. Thovson  
Mapped: D. Thovson  
1:120

Contours - 2 Foot



MICROFILMED  
MAR 07 1988

Misc Information

Surface Area 6527 sq ft

15 acres

Volume 29300 cubic feet

67 acre feet

# UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS 21 JUL

## SENDER INSTRUCTIONS 1986

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.

IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT OFFICE

4055 GOVERNMENT WAY, SUITE #9

COEUR D'ALENE, ID 83814

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

PENALTY FOR PRIVATE USE, \$300



PENALTY FOR PRIVATE USE, \$300

# UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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- 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.

IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT OFFICE

4055 GOVERNMENT WAY, SUITE #9

COEUR D'ALENE, ID 83814

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

MAR 07 1988

RETURN TO MICROFILMED

MAR 07 1988

RETURN TO MICROFILMED

PS Form 3877, July 1978  
ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER

IDAHO DEPARTMENT OF WATER RESOURCES  
NORTHERN DISTRICT OFFICE  
1655 GOVERNMENT WAY, SUITE #9  
COEUR D'ALENE, ID 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    | 14655             | Mr. Edward F. Tuohy, Bottle Bay Resort, 1360 Bottle Bay Rd., Sandpoint, Id. 83864 | 22c     | 75c |                 |                              |                      |           |          |           |                | 96-8458 |
| 2    | 14656             | Mr. and Mrs. Larry Wolfe, 1338 Bottle Bay Rd., Sandpoint, Id. 83864               | "       | "   |                 |                              |                      |           |          |           |                | "       |
| 3    |                   |                                                                                   |         |     |                 |                              |                      |           |          |           |                |         |
| 4    |                   |                                                                                   |         |     |                 |                              |                      |           |          |           |                |         |
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| 12   |                   |                                                                                   |         |     |                 |                              |                      |           |          |           |                |         |
| 13   |                   |                                                                                   |         |     |                 |                              |                      |           |          |           |                |         |
| 14   |                   |                                                                                   |         |     |                 |                              |                      |           |          |           |                |         |
| 15   |                   |                                                                                   |         |     |                 |                              |                      |           |          |           |                |         |

RECEIVED

MAR 07 1988

TOTAL NUMBER OF PIECES LISTED BY SENDER

2

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

2

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

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL )  
OF APPLICATION FOR PERMIT NO. 96-8458 ) NOTICE OF HEARING  
IN THE NAME OF FINN OR WENDY JENSEN. ) AND/OR CONFERENCE  
\_\_\_\_\_ )

On May 27, 1986, Finn or Wendy Jensen  
of Sandpoint, Idaho, filed with the Department of Water  
Resources an application to appropriate the public waters of the State of Idaho.  
On June 23, 1986, the Department received a protest against approval  
of said application from Edward F. Tuohy.

The Department has set the matter of protest for hearing for Thursday,  
July 31, 1986, at 9:00 a.m. in the Idaho Department of  
Water Resources, Northern Regional Office, 4055 Government Way, Ste. #9,  
Coeur d'Alene, Idaho. The hearing will be held in accordance with  
Chapter 2, Title 42 of the Idaho Code and adopted Rules of Practice and Procedure  
of the Department of Water Resources. Opportunity shall be afforded all parties to  
respond and present evidence and argument on all issues involved.

Dated this 17th day of July, 1986.

Robert G. Haynes  
ROBERT G. HAYNES, P.E.  
Regional Supervisor

**MICROFILMED**

MAR 07 1988



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn  
Director

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

June 25, 1986

Mr. and Mrs. Finn Jensen  
and Mr. Larry W. Wolfe  
1338 Bottle Bay Rd.  
Sandpoint, Id. 83864

Re: 96-8458

Dear Applicants:

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 purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
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 Supervisor

RGH/pms

Enclosure

Microfilm

MAR 07 1988



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn  
Director

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

June 25, 1986

Mr. Edward F. Tuohy  
1360 Bottle Bay Rd.  
Sandpoint, Id. 83864

Re: 96-8458

Dear Mr. Tuohy:

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

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

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 Supervisor

RGH/pms

**MICROFILMED**

MAR 07 1988

State of Idaho  
Department of Water Resources  
Suite No. 9  
4055 Government Way  
Coeur d' Alene, Idaho 83814

June 19, 1986

Dear Ken,

This letter is to formally protest the application for water rights by Mr. Finn Jensen c/o Mr. Larry Wolfe for permit number 96-8458.

First there is no way to assure my water rights which are superior to Mr. Wolfe's since he is upstream to me. Secondly Mr. Wolfe has told me and other people around the bay his purpose for wanting the water is to grow freshwater crawfish. According to the Idaho Fish and Game Department it is illegal to introduce anything into the waters of Idaho. With this in mind I would like to point out that this stream is a secondary water source for our resort and should we ever need this water Mr. Wolfe may have polluted it.

In addition there is not enough water to go around as it is from the existing source according to the water rights already allotted. It seems difficult to understand how Mr. Wolfe can be given water rights that do not exist for an illegal purpose. I am sure you have been given a different story, however, this was the original plan. At that time Mr Wolfe told me he would not need nor would he divert this stream and yet he did both shortly thereafter.

I cannot protest this permit too strongly and wish to be notified of any further action on this application so that I may notify council.

Thank you for attention to this matter.

Sincerely,

*Edward F. Tuohy*  
EDWARD F. TUOHY  
BOTTLE BAY RESORT

**MICROFILMED**

MAR 07 1988

**RECEIVED**

JUN 23 1986

Department of Water Resources  
Northern District Office

BOTTLE BAY MARINA/RESORT



State of Idaho  
Department of Water Resources  
4055 Government Way  
Suite # 9  
Coeur d'Alene, Idaho  
83814



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn  
Director

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

June 2, 1986

Mr. Ed. Tuohy  
1360 Bottle Bay Rd.  
Sandpoint, Id. 83864

Dear Ed:

Mr. Larry Wolfe has filed Application for Permit No. 96-8458.

The advertisement will be in the Sandpoint Daily Bee on June 4 and 11, 1986.

If you have any questions, please contact us.

Sincerely,

KENNETH KNOBLOCK  
Senior Water Resource Agent

KK/pms

**MICROFILMED**

MAR 07 1988

96-8458

JENSEN, FINN &/or WENDY

C/O LARRY W. & CHERYL A. WOLFE, 1338 BOTTLE BAY RD., SANDPOINT, ID 83864

Source: UNNAMED STREAM trib. to PEND OREILLE LAKE

Diversion Pt: LOT 02 ( NWNE) Sec 04 T 56N R 01W

|                         |             |
|-------------------------|-------------|
| Use: IRRIGATION         | (0.020 CFS) |
| IRRIGATION STORAGE      | (1.0 AF)    |
| IRRIGATION FROM STORAGE | (1.0 AF)    |
| STOCKWATER STORAGE      | (1.0 AF)    |
| RECREATION STORAGE      | (1.0 AF)    |

Date Filed: 05/27/1986

In: LOT 02 (NWNE) Sec 04 T 56N R 01W FOR 1 ACRES

**MICROFILMED**

MAR 07 1988