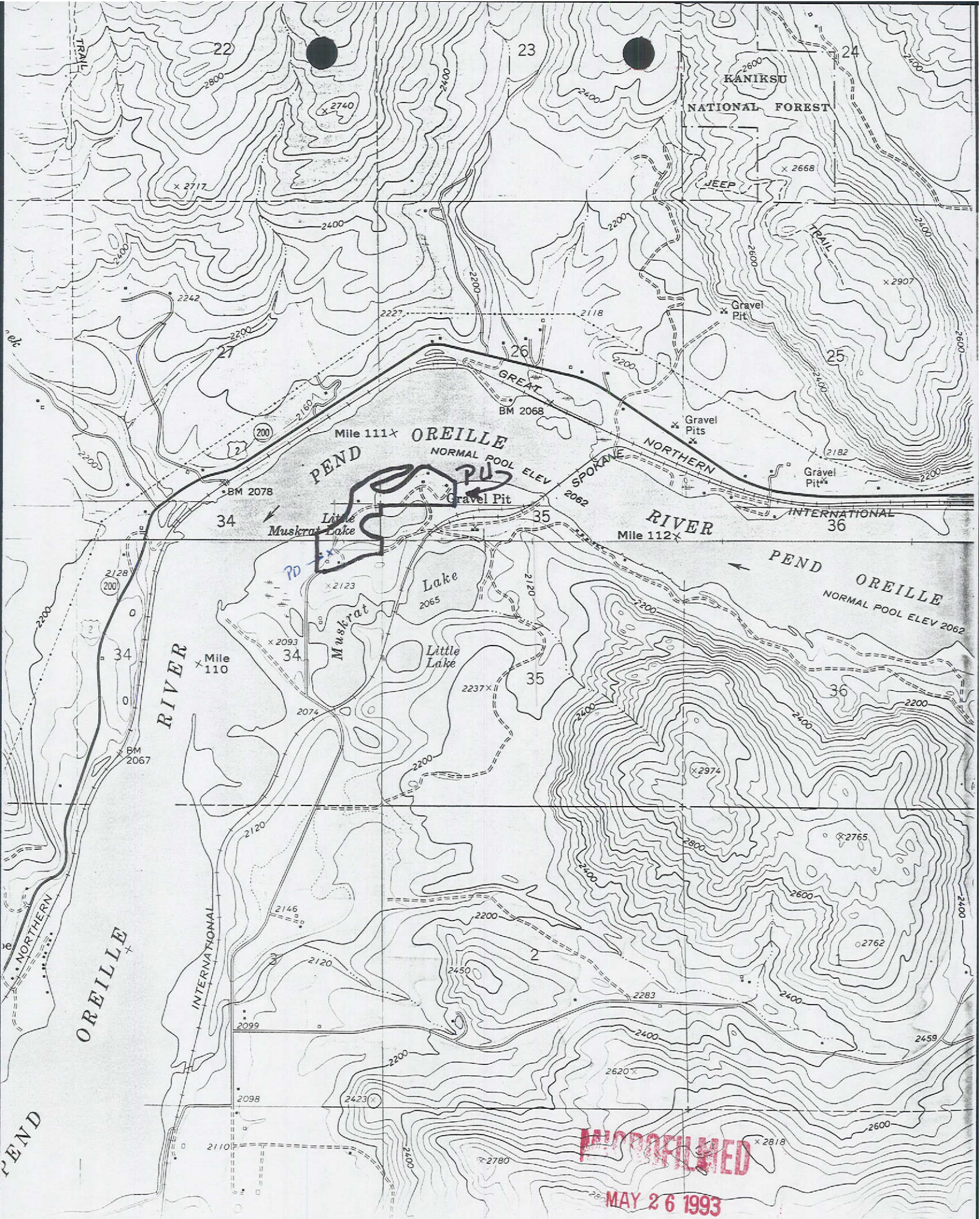
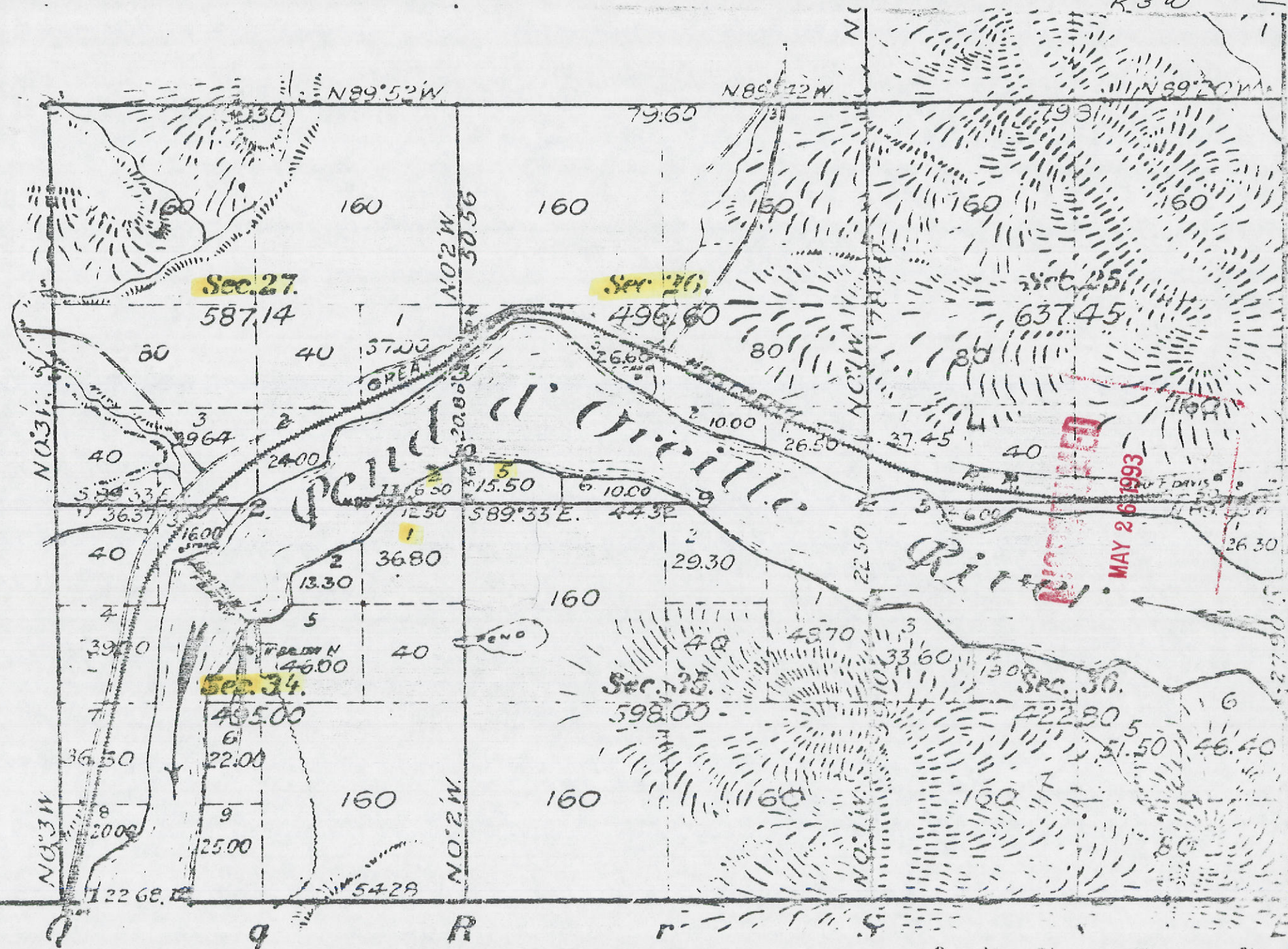


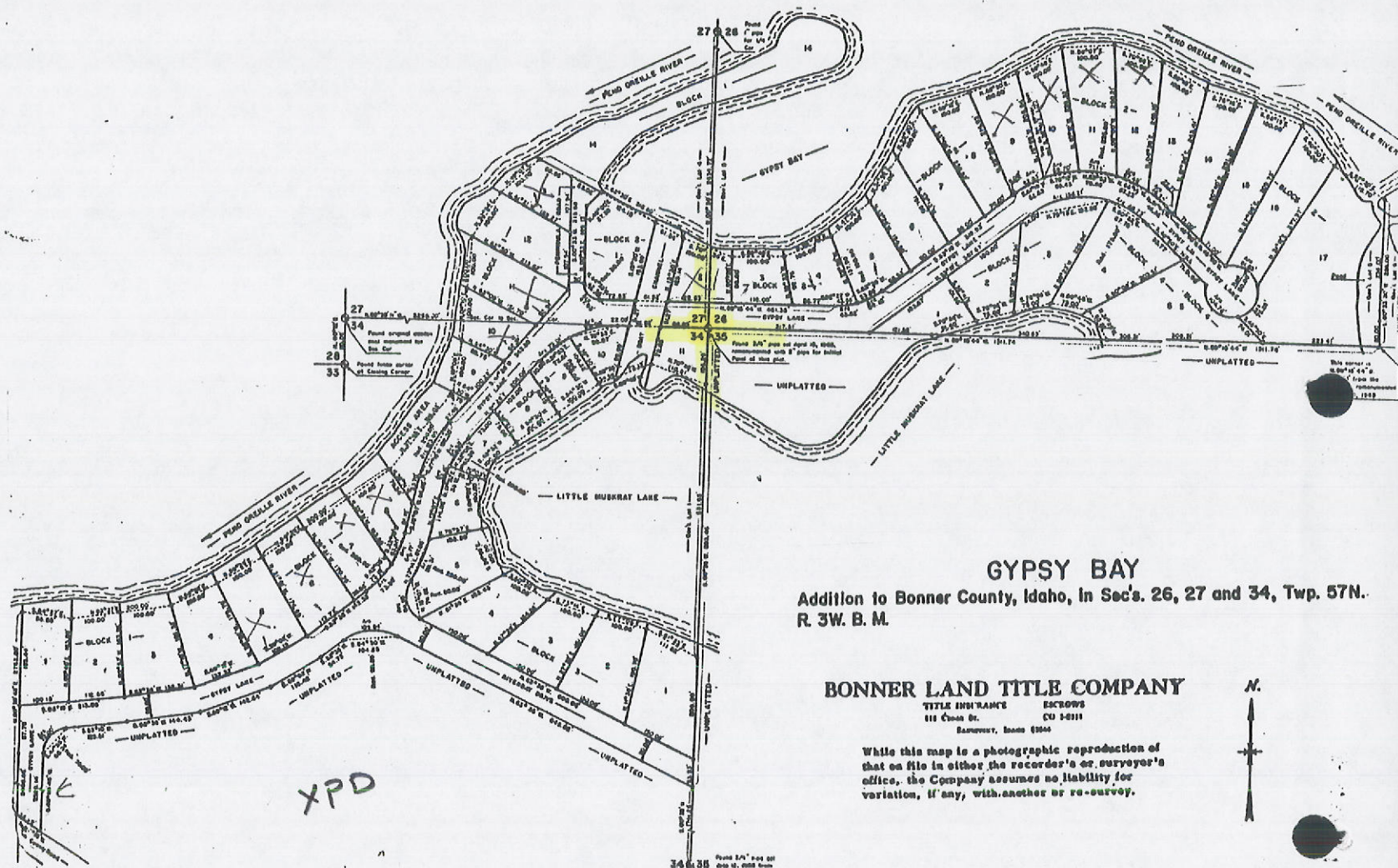


7 57'N
R 3 W E



Area 1150.00

Scale 0 1 2 3 4 5 6 7 8 9 10
Feet



Notice
line is "broken" →

XPD

X indicates P.u.

MICROFILMED
MAY 26 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08275

Priority: June 28, 1983

Maximum Diversion Rate:

0.08 CFS

Maximum Diversion Volume:

19.2 AF

This is to certify, that ELLSWORTH D BROWN
2720 GYPSY BAY RD
SAGLE ID 83860

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 27, 1983; and
has submitted Proof of Beneficial Use on October 24, 1988. An examination indicates
that the works have a diversion capacity of .080 cfs of water from a **GROUNDWATER**
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	0.08 CFS	12.0 AF
DOMESTIC	01/01 to 12/31	0.08 CFS	7.2 AF
Totals		0.08 CFS	19.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 34, Township 57N, Range 03W
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>
57N	03W	26	Lot 5(SWSW)	1		1
		27	Lot 4(SESE)	1		1
		34	Lot 1(NENE)	2		2

Total number of acres irrigated: 4

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

RECORDED

MAY 26 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08275

CONDITIONS/REMARKS:

5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
7. Domestic use is for 19 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 28TH day of APRIL, 1993.

Acting for


R. Keith Higginson, Director

RECEIVED

MAY 26 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 96-8275 IN THE)
NAME OF ELLSWORTH D. BROWN) ORDER OF REINSTATEMENT
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before November 1, 1988; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, on November 1, 1988 the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on November 2, 1988;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-8275 be REINSTATED and the priority advanced to June 28, 1983.

Dated this 9th day of November, 1988.

MICROFILMED

JAN 11 1989

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Ellsworth D. Brown Phone 263-2827
Post office address Rt 1 Box 175 Sagle, Id. 83860
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34 Township 57N
Range 3W B.M. Bonner County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.15 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump & pipeline

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

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 — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW NW Sec 35, T57N, R3W
SENE 1/4 of G11 $\frac{1}{4}$ of Section 34 Township 57N
Range 3W B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 12.

(5) If water is to be used for other purposes describe: _____

RECORDED

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

Total number of acres to be irrigated 14

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

9. a. Who owns the property at the point of diversion App

b. Who owns the land to be irrigated or place of use App & Members of Gypsy Bay Water Users Co.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing App is owner of Gypsy Bay Water Users Co.

10. Remarks

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

Handwritten text on the grid:

- Top row: 7/4 7/4
- Second row: Sec 34 7/4 + P.P. Sec 35
- Third row: T 57N
- Fourth row: R 3W

Scale: 2 inches equal 1 mile.

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

MICROFILMED

X Edmund D Brown
(Applicant)

Proposed Priority 6/27/83

Received by JA Date 6-27-83 Time 1:05 PM

Preliminary check by LB Fee \$ 30⁰⁰

Receipted by JA Date 6-27-83 (28323)

Publication prepared by KK Date 7/1/83

Published in Sandpoint Daily Bee

Publication dates 7/13 - 7/20/83

Publication approved JA Date 10/4/83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RA kw

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. 96-8275, 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 November 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. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 4 day of November, 1983.

David R. Tutthill
ACTING Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pete Thompson being first duly sworn on oath deposes and says that he is publisher of the Sandpoint Daily Bee, and News Bulletin, newspapers printed and published at Sandpoint, in Bonner County, Idaho; that the said newspapers have 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 2 consecutive weeks, commencing on 13 day of 7, 1983 and ending on the 20 day of 7, 1983 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 3 day

of 8, 1983.

NOTICE OF APPLICATION FOR WATER RIGHT

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

96-8267
BRUNER, WILLIAM R. &/or EVELYN M.
121 E. RAWHIDE,
HILBERT, AZ 85234
Source: SPRING trib. to THREE SISTERS CREEK
Date Filed: 06/17/1983
Diversion Pt: NENW Sec 15 T 54N R 02W
Use: IRRIGATION (0.20 CFS)
RECREATION STORAGE (10.0 AF)
STOCKWATER (0.02 CFS)
STOCKWATER STORAGE (10.0 AF)
RECREATION STORAGE (10.0 AF)
DIVERSION TO STORAGE (0.20 CFS)
In: NWNW Sec 15 T 54N R 2W NENW Sec 15 T 54N R 2W For 30 ACRES.

96-8271
MENDENDORP, RICHARD
P.O. BOX 971, SANDPOINT, ID 83864
Source: PEND OREILLE RIVER trib. to COLUMBIA RIVER
Date Filed: 06/23/1983
Diversion Pt: LOT 07 Sec 04 T 56N R 03W
Use: IRRIGATION (0.03 CFS)
In: LOT 07 SESE Sec 04 T 56N R 03W FOR 2 ACRES.
96-8272
MENDENDORP, RICHARD
LANCASTER, LARRY
P.O. BOX 971, SANDPOINT, ID 83864
Source: GROUNDWATER
Date Filed: 06/23/1983
Diversion Pt: LOT 07 Sec 04 T 56N R 03W
Use: DOMESTIC (0.06 CFS)
In: LOT 07 LOT 06 Sec 04 T 56N R 03 W.

96-8273
TOPE, SYLVIA A.
RT. 1 BOX 33, ATHOL, ID 83801
96-8273
TOPE, SYLVIA A.
RT. 1 BOX 33, ATHOL, ID 83801
Source: CAREYWOOD CREEK trib. to SINKS BEAVER CREEK trib. to CAREYWOOD CREEK
Date Filed: 06/24/1983
Diversion Pt: NESE SWSE Sec 18 T 54N R 02W
Use: IRRIGATION (0.20 CFS)
IRRIGATION STORAGE (2.0 AF)
IRRIGATION FROM STORAGE (2.0 AF)
STOCKWATER (0.02 CFS)
STOCKWATER STORAGE (2.0 AF)
STOCKWATER FROM STORAGE (2.0 AF)
DIVERSION TO STORAGE (0.10 CFS)
In: SESW Sec 18 T 54N R 02W SWSE NESE Sec 18 T 54N R 02W FOR 17 ACRES

96-8274
TAYLOR, CHARLES G. &/or BRYAN D.
P.O. BOX 55,
CAREYWOOD, ID 83809
Source: GROUNDWATER
Date Filed: 06/23/1983
Diversion Pt: NWNW Sec 25 T 54N R 03W
Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.14 CFS)
In: NWNW Sec 25 T 54N R 03W
96-8275
BROWN, ELLSWORTH D.
RT. 1 BOX 175, SAGLE, ID 83860
Source: GROUNDWATER
Date Filed: 06/27/1983
Diversion Pt: SENE Sec 34 T 57N R 03W
Use: IRRIGATION (0.20 CFS)
DOMESTIC (0.15 CFS)
In: LOT 01 SENE Sec 34 T 57N R 03W NWNW Sec 35 T 57N R 03W FOR 14 ACRES
96-8277
REISE, JOHN
CLERIAVE, JOHN
P.O. BOX 1165, SANDPOINT, ID 83864
Source: DUNN CREEK trib. to FLUME CREEK
UNNAMED STREAM trib. to FLUME CREEK
Date Filed: 06/27/1983
Diversion Pt: SESE Sec 14 T 58N R 01E
Use: IRRIGATION (0.10 CFS)
STOCKWATER (0.04 CFS)
POWER (0.50 CFS)
DOMESTIC (0.04 CFS)
RECREATION STORAGE (1.0 AF)
In: SESE Sec 14 T 58N R 01E FOR 10 ACRES
96-8278
GRAFF, JAMES D.
RT. 1 BOX 451-A, SANDPOINT, ID 83864
Source: FLUME CREEK trib. to RAPID LIGHTNING CREEK
Date Filed: 06/27/1983
Diversion Pt: SENW Sec 13 T 58N R 01E
Use: IRRIGATION (0.10 CFS)
STOCKWATER (0.02 CFS)
COMMERCIAL (0.02 CFS)
POWER (0.50 CFS)

DOMESTIC (0.04 CFS)
RECREATION STORAGE (1.0 AF)
In: SENW Sec 13 T 58N R 01E FOR 10 ACRES
96-8280
McGLOTHLIN, DENTON D. &/or PATRICIA S.
RT. 1 BOX 184, SAGLE, ID 83860
Source: UNNAMED STREAM trib. to PEND OREILLE LAKE
PEND OREILLE LAKE trib. to PEND OREILLE RIVER
Date Filed: 06/27/1983
Diversion Pt: NWSW SWNW Sec 04 T 57N R 01W
Use: IRRIGATION (0.20 CFS)
In: NWNW SWNW Sec 04 T 57N R 01W FOR 50 ACRES

96-8281
CAROTHERS, ART &/or KATHLEEN
RT. 3 BOX 2, SANDPOINT, ID 83864
Source: MIRROR Lake trib. to PEND OREILLE LAKE
Date Filed: 06/24/1983
Diversion Pt: NWSW Sec 30 T 56N R 01W
Use: IRRIGATION (0.02 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NWSW Sec 30 T 56N R 01W FOR 5 ACRES
96-8282
BIRKHIMER, ONWARD
300 W. BRONX RD., SANDPOINT, ID 83864
Source: SPRING trib. to SAND CREEK
Date Filed: 06/27/1983
Diversion Pt: LOT 01 Sec 34 T 57N R 02W
Use: DOMESTIC (0.02 CFS)
RECREATION (0.20 CFS)
RECREATION STORAGE (2.0 AF)
In: LOT 01 Sec 03 T 57N R 02W
96-8284
KACHEL, SCOTT
RT. 1 BOX 226, SAMUEL, ID 83863
Source: CARIBOU CREEK trib. to PACK RIVER
Date Filed: 06/28/83
Diversion Pt: NWNE Sec 11 T 59N R 02W
Use: IRRIGATION (0.02 CFS)
POWER: (0.20 CFS)
DOMESTIC: (0.04 CFS)
RECREATION: (0.20 CFS)
In: SWSE Sec 11 T 59N R 02W FOR 5 ACRES
96-8286
HAMMER, GARFIELD
HCR 66 BOX 808, SAGLE, ID 83860
Source: SPRING trib. to SINKS
Date Filed: 06/24/1983
Diversion Pt: SESW Sec 11 T 56N R 01W
Use: DOMESTIC (0.02 CFS)
In: SESW Sec 04 T 56N R 01W
96-8287
KOICH, GEORGE B. & PATRICIA
6800 COLBURN-CULVER RD., SANDPOINT, ID 83864
Source: GROUNDWATER
Date Filed: 06/28/1983
Diversion Pt: NWNW Sec 30 T 56N R 01W
Use: IRRIGATION (0.02 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.11 CFS)
In: NENW NWNW Sec 30 T 56N R 01W FOR 20 ACRES
96-8288
BENNER, WAYNE & VICKI
RT 1 BOX 233, SAGLE, ID 83860
Source: GROUNDWATER
Date Filed: 06/28/1983
Diversion Pt: SWSE Sec 14 T 56N R 03W
Use: IRRIGATION (0.02 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.02 CFS)
In: SWSE Sec 14 T 56N R 03W FOR 15 ACRES



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 10, 1993

Ellsworth D. Brown
2720 Gypsy Bay Road
Sagle, Idaho 83860

RE: Water Rights Nos. 96-08275 and 96-08676

Dear Mr. Brown:

Enclosed is a copy of the water right license issued on water right No. 96-08275. Issuance of the water right license completes the permit process and confirms your right to divert and use ground water in accordance with the license. As we discussed earlier this spring, the license has been issued to recognize and include the entire project to the extent it was developed at the time of the examination in July 1990.

In our telephone conversation of March 4, 1993, you indicated that your intent in filing for the second permit (96-08676) was to cover the homes found by the examiner to be in excess of those authorized by the first permit (96-08275). This has been accomplished by the amendment and licensing of the first permit. Therefore, the second permit was an unnecessary filing that can be withdrawn. For this reason, a refund of your filing fees for the second permit (\$30.00) is being made and mailed separately. Permit 96-08676 is considered to be withdrawn and removed from our record as a valid permit.

If you have any questions on this matter, please contact me or Bob Haynes at our Coeur d'Alene office.

Sincerely,

NORMAN C. YOUNG
Administrator

Enclosure

RECORDED

MAY 26 1993

MS

TO: FILES 96-08275 AND 96-08676

FROM: NORM YOUNG *NY*

RE: TELEPHONE CONVERSATION WITH ELLSWORTH BROWN

DATE: MARCH 4, 1993

I discussed these permits with Mr. Brown in a telephone conversation today. He confirmed that he filed the second permit because the Department instructed him to do so. He has no intention of expanding his development. Permit 96-08275 should be licensed for the four acres and 19 domestic uses found by the examiner. Permit 96-08676 should be considered withdrawn and Mr. Brown's fee returned to him. No further paperwork should be required from Mr. Brown on this matter.

RECEIVED
MAY 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

TO: REPRESENTATIVE JAMES STOICHEFF
FROM: NORM YOUNG *NY*
RE: PERMIT 96-08275, ELLSWORTH D. BROWN
DATE: FEBRUARY 16, 1993

Your note regarding Mr. Brown's permit and the check for \$20.00 for the amendment filing fee has been received. A receipt for the check will be forwarded to Mr. Brown as the license is issued on this matter. Mr. Brown did not return the amendment form with his signature, but in this case, I am going to assume that the payment of the fee constitutes his authorization to amend the permit so that the license can be issued to match his present use of water.

Enclosed are copies of the permit issued to Mr. Brown and the field examination done in July 1990 by an agent of the department. This field examination is the basis for asking for the amendment of permit 96-08275. Note that the examination report indicates Mr. Brown accompanied the examiner. The diversion rate is based only upon a theoretical calculation using the size of the pump motors and estimated lifts and pressures. The amount proposed to be licensed is less than 1/2 that applied for and permitted. The request for the amendment that Mr. Brown has now paid the fee for is not related to the rate of diversion, but is to correct the records relative to the legal description of the point of diversion and place of use. This discrepancy between the locations applied for and those actually in place was determined during the July 1990 examination. The examination also found that water was being used for an additional seven homes more than applied for and permitted. Mr. Brown had already filed the second application to cover these homes and some additional irrigation.

It is routine to find that actual development does not exactly match the permitted project. That is the purpose of the field examination and the amendment procedure in the Idaho Code. No one is accusing Mr. Brown of illegally using water. He has complied with the procedures to allow his use of water to be recorded and to create a water right. I appreciate his cooperation, and am sorry if our actions have in any way created confusion and irritation for Mr. Brown.

RECEIVED

MAY 26 1993

Representative James Stoicheff

Page 2

February 16, 1993

The proof of beneficial use submittal on Permit 96-08676 is due from Mr. Brown on or before March 1, 1993. If he has not made any further use of the water or developed a greater diversion rate than that noted during the July 1990 field examination, it may save everyone problems and Mr. Brown the proof of beneficial use fee by issuing a license on 96-08275 for all the uses in place at the time of the examination. This would cover the 19 homes and four acres of irrigation found by the examiner. If the second application was filed at the request of IDWR and is now found not to be needed, the application fee (\$30.00) will be refunded. If, however, it was Mr. Brown's intention to expand the development, as the additional irrigation on the second permit seems to indicate, Mr. Brown should either file the proof of beneficial use to cover the additional development accomplished or seek an extension of time within which to complete the project.

I will be happy to call Mr. Brown to discuss this matter directly with him. I will appreciate any feedback that you can give, and will delay issuing the license on Permit 96-08275 for a few weeks to keep open the above described options.

Encs: Permit
Field Examination Report

RECORDED

-MAY 26 1993

From the desk of . . .

JAMES F. STOICHEFF
Minority Leader

2-3-93
RECEIVED

FEB 5 1993

Department of Water Resources

Dear Norm,

I'm enclosing a check
and a letter I received from
Mr. Brown.

Could you respond to me
in response to Mr. Brown's circled
material & his question (How was this
done?) and his complaint that not
all the water was coming out of his
well and Mr. King's response that
"the state did not have such a gal
working for them" and his comment
about his pumps rated at 9 and 11
gallons per minute.

This is for my own
edification and for talking to Mr.
Brown when he's had some time
to cool off.

Thanks for your help on this
matter.

Jim

MICROFILMED

MAY 26 1993

Jim please read carefully and
pass it on to your friend Mr
Higgins. He can pass it on to the
bureau
Thank

MAILED

MAY 26 1993

Hon. James F. Stoicheff
Page 3
January 21, 1993

RECEIVED

FEB 5 1993

Department of Water Resources

Subsection B limits use to a diversion rate of 0.04 cfs (18 gallons per minute) and a diversion volume of 2,500 gallons per day. Our examination found that the system produces more than these quantities. *How was this done*

Thank you for your help in this matter. If you have any questions please let me hear from you. We have not dispensed with courtesy and common sense in our dealings with people. But we are also trying to follow the Idaho Code in the establishment of water rights. If the Code requires forms to be filed and fees to be paid to obtain the benefits of the law in establishing water rights we don't assume any authority to waive those statutory requirements.

Sincerely,

Norman C Young

for R. KEITH HIGGINSON
Director

RKH:jly

cc: Ellsworth D. Brown

Bob Haynes IDWR/Coeur D'Alene

This ~~map~~ part with the pencil is what started the whole mess evidently they drove around here some day and saw some people ~~irra~~ irrigation, they never stopped to see who was doing what, some of these people are irrigation folks who are pumping water ~~on~~ out of the river. it is not all coming out of my well.

That is what I have been trying to tell them but somehow they can not understand it.

If they would have stopped at the house on their way out i would ~~have~~ have gone with them and explained ~~to~~ who was doing what, but ~~if~~ ~~no~~ they just supposed it was all coming from my well.

I tried to explain this but all i got was more red tape and did not give me any response, only send me more papers for something else.

I am sending you a check for the twenty bucks and i want a permit for all these folks that they claim were mine.

The water belongs to all of us not the state so why should i ~~pay~~ the state for something that does not belong to the state.

After pumping water for these folks for more than twenty years i am sure the state would get one hell of a lot of static from these folks if the state tried to stop pumping water from this well, the well is on my own property that i have owned since 1945

Sincerely
E. Ellsworth D Brown

RECORDED

MAY 26 1993

BONNER COUNTY SHORELINE PROPERTY OWNERS AND
TAXPAYERS PROTECTIVE ASSOCIATION, Inc.

RECEIVED

FEB 5 1993

SANDPOINT, IDAHO 83864

Department of Water Resources

There is two pumps in that well one is a one half horse
and one is a three quarter horse, some gal from the state was her~~d~~
one day and took this information.

When i said something to TOM KING, at C.D.A. he said that the state
did not have such a gal working for them.
more fouled up bueacracy.

These two pumps are rated at about nine and eleven gal. per minute
under the best condition so you see it would be imoossible t o get
much more than the pump is rated for under the best of conditions.

And you wonder why the people get frustated at our buearacrats.

And you notice JIM all the blame is on me the state people never make a
mistake they are all perfect.

Thank you very much f or getting involved

E. Elsworth

Please JIM no more letters from these people that have got their nose
in the public feed ttraugh, come snooping around behind my back then
send me a letter insuating that I am a law kreaking S.O.B. because
of something they THINK is going on and if they had used a little
common sence they would have known better.

I am 78 and cannot take all these false aquasations any more.

RECEIVED

MAY 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 22, 1993

Ellsworth Brown
2720 Gypsy Bay Road
Sagle, ID 83860

RE: Permit 96-08275

Dear Mr. Brown:

Please find enclosed copies of recent correspondence with Representative James Stoicheff regarding your concerns about the above referenced permit and the department's treatment of your property rights. I apologize for the delay in the response and hope that the delayed response has not inconvenienced you. As indicated to Representative Stoicheff, I am not aware of Department of Water Resources staff coming onto your property without first contacting you. If you have information concerning such visits, I would appreciate having the details. While IDWR is given authority to go on private lands to do investigations and surveys, we normally make contact with the landowner before doing so.

I appreciate your cooperation with state law in filing for and obtaining permits to appropriate water for your uses. However, permits only initiate the process of obtaining a water right. Following through with the development of the approved permit, filing proof of beneficial use and obtaining a license is necessary to complete the process assuring you of a continuing right to use water. If the permits are allowed to lapse, you will no longer be authorized to divert and use the water. Unauthorized use of water can result in actions to restrain use and collect civil penalties.

I encourage you to file the necessary form to allow licensing to be completed. If there is any way that I can assist you please let me know.

Sincerely,

NORMAN C. YOUNG
Administrator
Resources Administration Division

cc: Representative Stoicheff
IDWR, Northern Region

RECORDED

MAY 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 21, 1993

TO: REPRESENTATIVE JAMES STOICHEFF
FROM: NORM YOUNG *NY*
RE: WATER PERMIT #96-08275, ELLSWORTH BROWN

As a follow up to our discussion after the House Resources and Environment Committee meeting on Tuesday of this week, I reviewed the department's water right records and correspondence files to understand Mr. Brown's concerns about the department's handling of his water right permit. To my chagrin, I find your November 12, 1992, letter to me on this same matter and a three-page draft response that was apparently never finalized or sent. For this lapse in communication, I sincerely apologize to you and Mr. Brown. Enclosed with this memo is this November letter finalized. A copy is being sent to Mr. Brown.

It appears to me that at least part of Mr. Brown's concern may be from a perception that IDWR personnel trespassed on his property and that the visit resulted in a \$20.00 fee or penalty being assessed. This is not the case. Mr. Brown was advised of and was present at the field examination on his initial permit that we are now trying to license. This field examination was made on July 18, 1990, by Theresa Bright. Ms. Bright's examination identified the need for the amendment to officially correct the described point of diversion and place of use for the right. She requested additional information from Mr. Brown and, a number of months later when the examination was complete, forwarded the file to IDWR's Boise office to issue the license. The Boise office notified Mr. Brown that a license could be issued upon receipt of the needed amendment and the statutory fee. The request for amendment is directly related to the field examination at which Mr. Brown was present.

You need to be aware that proof of beneficial use is due on March 1, 1993, for Mr. Brown's second permit issued to cover additional uses found during the field examination that were not covered by his original permit. This will require Mr. Brown to file a proof of beneficial use form and an examination fee to allow this second license to be issued.

RECORDED

MAY 26 1993

Representative James Stoicheff

Page 2

January 21, 1993

Licensing of a permit completes the water right establishment process. IDWR personnel do not usually monitor use of water by the licensee unless water shortage or interference problems cause a court adjudication to be commenced or other water users to file formal complaints with the department. However, failure to complete the licensing process will cause Mr. Brown's presently valid permits to lapse, putting him in the position of using water without a valid right.

I'm sure it is difficult for Mr. Brown to see the value of a water right license for a use located on the banks of the Pend Oreille River with its seemingly inexhaustible supply. However, you are very aware of the present moratoriums preventing approval of new development from even larger rivers in Oregon and Washington because of the concerns for preserving and restoring endangered species. None of us can know the future, but I believe it is important that Mr. Brown continue doing the things necessary to cover his water uses with state-issued licenses to give them all the protection the state can offer.

If I can provide any further information on this matter, please let me know.

cc: Ellsworth Brown
Bob Haynes, IDWR, Northern Region

RECEIVED

MAY 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 22, 1993

Hon. James F. Stoicheff
House of Representatives
Statehouse
Boise, ID 83720

RE: Permit # 96-8275

Dear Representative Stoicheff:

Thank you for your letter relative to the water right of Mr. Ellsworth D. Brown of Sagle, Idaho which we have been attempting to complete for some time. Apparently we are not communicating well with him, so I am hoping you can assist us in reaching a conclusion of the matter by providing you with the following information.

On June 27, 1983 Mr. Brown applied for a permit to appropriate 0.20 cfs (90 gallons per minute) of water from a well to be used for irrigation of 14 acres of land and domestic use for 12 families in Section 34 and 35 of Township 57 North, Range 3 West. The application was approved and Mr. Brown was given until November 1, 1988 to complete the development and to submit proof of construction of works and application of the water to beneficial use.

We reminded Mr. Brown on August 31, 1988 that the proof of construction and use was due on November 1 or a request for an extension of time needed to be filed if the work was not complete and enclosed forms to be used for that purpose. There was an exchange of correspondence because he apparently did not understand what was required. On January 11, 1989 the Department received the required Proof of Beneficial Use form. Because it was late we had to change the water right priority date.

Upon receipt of the Proof of Beneficial Use we are required by Section 42-217, Idaho Code to:

examine or cause to be examined:

1. The place where such water is diverted and used, and, if the use is for irrigation, he shall ascertain the area and location of the land irrigated and the nature of all the improvements which have been made as a direct result of such use.

RECEIVED

MAY 26 1993

Hon. James F. Stoicheff
Page 2
January 21, 1993

2. The capacities of the ditches or canals or other means by which such water is conducted to such place of use, and the quantity of water which has been beneficially applied for irrigation or other purposes.

Recognizing that the Department and its employees need to have access to the places in the state where individuals are attempting to establish water rights the Legislature has provided the following general authority to the Department and its employees:

- (5) The director and/or employees of the department of water resources may make reasonable entry upon any lands in the state for the purpose of making investigations and surveys, or for other purposes necessary to carry out the duties imposed by law. (Section 42-1701, Idaho Code)

A field examination was conducted by the department on July 18, 1990. That exam found that both the well location and the legal description of the appurtenant place where the water is used were not described correctly in the original application. As a service to Mr. Brown we had prepared forms by which he could secure the necessary permit amendments. We also found that instead of 12 homes the water system was actually serving 19. This expanded use has now been covered by a second permit.

Before we can issue Mr. Brown a license confirming his water right under Permit 96-8275 we need him to file the amendment which he has refused to do. Therefore, we have no choice but to take steps to cancel the permit and remove it from our records. We cannot issue a license for a use which is inconsistent with the permit which he obtained. It needs to be amended and the Legislature has prescribed in Section 42-221, Idaho Code, for the payment of a \$20.00 filing fee for an application for amendment of a permit.

If you could use your influence to convince Mr. Brown to file the application for amendment with the \$20.00 filing fee this matter could be concluded and we could issue the license. If he does not do this, we will have to take steps to void the permit.

You asked if the homes in this subdivision should be exempt from the permit requirements under Section 42-111, Idaho Code. I call your attention to this section which includes this limitation:

For the purposes of these sections, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions,...unless the use meets the diversion rate and volume limitations set forth in subsection B...

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MAY 26 1993

Hon. James F. Stoicheff
Page 3
January 21, 1993

Subsection B limits use to a diversion rate of 0.04 cfs (18 gallons per minute) and a diversion volume of 2,500 gallons per day. Our examination found that the system produces more than these quantities.

Thank you for your help in this matter. If you have any questions please let me hear from you. We have not dispensed with courtesy and common sense in our dealings with people. But we are also trying to follow the Idaho Code in the establishment of water rights. If the Code requires forms to be filed and fees to be paid to obtain the benefits of the law in establishing water rights we don't assume any authority to waive those statutory requirements.

Sincerely,

for 
R. KEITH HIGGINSON
Director

RKH:jly

cc: Ellsworth D. Brown
Bob Haynes IDWR/Coeur D'Alene

RECEIVED

MAY 26 1993

JIM STOICHEFF
DISTRICT 1
BONNER & BOUNDARY
COUNTIES

HOME ADDRESS
615 LAKEVIEW
SANDPOINT, IDAHO 83864
(208) 263-2375



REC'D

NOV 16 1992

Department of Water Resources

COMMITTEES

STATE AFFAIRS

RESOURCES & ENVIRONMENT

LOCAL GOVERNMENT

WAYS & MEANS

House of Representatives
State of Idaho

MINORITY LEADER

November 12, 1992

Dear Norm,

Ellsworth Brown of Eagle, Idaho, sent me a copy of his letter to the Dept. of Water Resources, dated October 22. I called Mr. Brown this morning, and he has still not received a reply. I hope the Department intends to respond to Mr. Brown's complaints soon and that I get a copy of the Department's reply. Mr. Brown said he would be happy to grant permission for me to get that copy.

Based on Mr. Brown's complaints, I have several questions I'd appreciate being answered, either in your response to Mr. Brown or to me.

1. By what authority does the Department have the right to go on a man's land without his permission?
2. Wouldn't the homes in this case be exempt from state involvement under F.C. 42-111, assuming the use doesn't exceed the allowable diversion rate and volume?

Mr. Brown tells me that he doesn't object to the \$50 fee, but to the way the entire matter was handled. I hope the Department hasn't dispensed with courtesy and common sense in its dealings with our citizens.

Please respond at your earliest convenience.

Jim Stoicheff

MAY 26 1993

Celebrate
IDAHO
1890 • CENTENNIAL • 1990

2720 GYPSY BAY ~~HE~~ ROAD
SAGLE IDAHO
83860

JIM STOICHEFF
BOISE

DEAR JIM.

Am send9ng you a copy of the permit as you requested.
You know jim I think that I should receive an appoligie from those folks at the water resources office for all the harasement they have given me in the last six months.

Anyway Jim i thank you very much for taking time to be of assistance to me in this matter.

You fellows have fun in trying to figure out how you are going to spend the taxpayers money for the next year.

We were talking the other day about these folke getting 70,000 bucks a year and crying for more, it came out in sundays paper that Clinton was getting 35,000 bucks per year as governor of Arkansas and these statistic people for years have been telling us what a bunch of cheapskates we are here in the state of Idaho.

This was thrown out at us the other nite ^{at} this meeting on what are we going to do with all our garbage in the future.

The county that Newport Wash .is in has a ^{budget} about five million more than our county and has about ~~them~~ one third the amount of people we have ⁱⁿ our county.

Stevens and Maccloud made sure that point got to us.
And on this thing where the county has sued on this tax revolt thing i am going to make a prediction that the judge will NOT touch it as the people have speke, we will see what happens,

Thanks again Jim for the help and taking time out to read this letter

Sincerely

Please Jim no more new taxes.
Ellsworth O'Brien

RECEIVED
MAY 26 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08676

16-08275

Proposed Priority: October 30, 1991 Maximum Diversion Rate: 0.20 CFS
This is to certify, that ELLSWORTH D BROWN

2720 GYPSY BAY RD
SAGLE ID 83860

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 11/01	0.20 CFS
DOMESTIC	01/01 to 12/31	0.15 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENE, Sec. 34, Township 57N, Range 03W
BONNER County

PLACE OF USE: IRRIGATION
TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

57N 03W 26	SWSW 10		10
34	Lot 1(NENE) 2	SENE 10	12
35	NWNW 2		2

Proposed Priority: October 30, 1991 Total number of acres irrigated: 24
This is to certify, that ELLSWORTH D BROWN

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1993.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. Domestic use is for 7 homes.

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

4TH day of March, 1992

RECORDED

MAY 26 1993

3/19/92

for

R. Keith Higginson, Director

MR BROWN CAME INTO THE OFFICE TODAY & I EXPLAINED
THAT THIS DEPT. WILL CONDUCT ANOTHER
EXAM IN ABOUT 5 YEARS & THAT HE NOW
HAS THE RIGHT TO DELIVER WATER TO 19 HOMES

RECEIVED

NOV 04 1992

Department of Water Resources

2720 GYPSY BAY ROAD SAGLE
IDAHO.

83860

Oct 22-92

Dept. of water resources
Boise
Idaho.

Dear Sir or Madam.

Why is it that anyone who has got their hands in the taxpayers pocket never makes a mistake, if one is made it seems that the mental capability of that person does not give them the power to say (oops i am sorry i goofed).

Remember in your first letter you had sent your GESTAPO AGENTS out to spy on me behind my back and then sent me a letter saying that their was four acres of irrigation going on in gypsy bay so there fore i owe you twenty bucks for the permit for same.

I do not know who does what, what am i supposed to do run a twenty four patrol to see what goes on to make some buearerat happy.

If you had been a decent person you would have contactked me when you done your inspection then i would have has some idea what was what.
Oh no you can not do that you ~~sumam~~ sneak around behind my back then send me a letter telling me i am in violation of some screwy permit.

Suppose i do not ~~as~~ comply with you what are you going to do send your Gestapo man around to hunt down my ~~jam~~ pumpheuse and destroy it???
Remember you are on private property when you get off that county road.
First you say their is ~~sumam~~ irrigation going on thatn i must get a permit for now you say you are trying to get the point of diversion
Come on make up your mind.

Remember i have a domestic permit for all of these homes for the next fove years signed by your man in C.D.L. so perhaps you had better look in idaho code page 42 iii 20

The way my lawyer reads it i am not in violation of any thing, you just want to suck some more money out of me to feed your bueareraey.

SINCERELY.

ACopy to JIM STOICHEFF
STATE ATTORNEY GENERAL

Ellsworth D Brown

*Boy did i goof got carbon paper in
wrong sorry*

RECEIVED

MAY 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 16, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

ELLSWORTH D BROWN
2720 GYPSY BAY RD
SAGLE ID 83860

RE: Permit No. 96-08275

Dear Mr. Brown:

This Department has requested from you in two prior letters to file an application for amendment of Permit No. 96-08275 so that a license could be issued.

I would like to clarify that the reason for the amendment is to change your water right so that it will correctly describe the location of your point of diversion. The license I am attempting to issue is **your water right**. I am not authorized to make any changes to your water right without receiving an application for amendment signed and paid for by you. If I don't receive the amendment I cannot issue your license.

For your convenience, I have enclosed another completed application for amendment of your permit which reflects the correct point of diversion.

Perhaps the need to have a water right may not be clear to you, but it is important. A water right reflecting your water use gives you the same legal protection that a Warranty Deed does in showing that you own your property.

Please be advised that diversion and use water without a valid water right is a violation of Section 42-201, Idaho Code, and the Department may be required to issue an Order to Cease diverting the water.

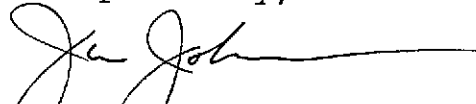
If I don't receive your application for amendment within thirty (30) days, I will have no other alternative but to proceed with voiding your permit.

MICROFILMED

MAY 26 1993

If you have any questions on this matter I encourage you to call me.
My number is 327-7947.

Respectfully,


JIM JOHNSON
Water Right Supervisor

Enclosure

c: Northern Region

RECEIVED
MAY 26 1993

94-8275

RECEIVED

SEP 30 1992

Department of Water Resources

BONNER COUNTY SHORELINE PROPERTY OWNERS AND
TAXPAYERS PROTECTIVE ASSOCIATION, Inc.

~~2720 GYPSY BAY ROAD~~ — SANDPOINT, IDAHO 83864

2720 GYPSY BAY ROAD

SAGLE IDAHO.

83860

PAMELA SKAGGS

Dear LADY.

Received your second letter telling me i owe the state twenth bucks for an irragition permit .

When ever you have someone go snooping around the taxpayer back to see what is going on then send them a letter telling the taxpayer that by your snooping that you feund something that you think puts the taxpayer ja violation of some of your paper work it is just plain ol(harassment)

If you continue your (GESTAPO TACTICS) en every water user in the state of odahe someone is going to take issue ef it and perhaps file a large lawsuit a against our state for harassment and they will collect if they have a peoples jury.

This idea ef the state nit picking the taxpayers for a few mere bucks en every thing imaginable is sure getting under the peoples hide.

I have not the fainst idea who was doing what and whoever your snooper was has no idea ef who does what.

If that sneoper would have called or wrete me saying he would be here on a certain date i would have been glad to show that persen around.

I talked to Jim Stoicheff en this matter and he suggested i forget it.

I n case you do not knew the man he is our REP. from this area in the state legislature.

Sincerely *Elsworth D Brown*

Perhaps you will have to put a twenty four heurb patrolman en duty to patrol that area to make sure none ef these people use a little water to wet down their yards in dry weather and may be you would like to pay fer that man to prove your point.

MICROFILMED

MAY 26 1993

ELLSWORTH D BROWN
2720 GYPSY BAY RD
SAGLE ID 83860

September 18, 1992

RE: WATER RIGHT NO. 96-08275

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

MAILED 1993

MAY 26 1993

ELLSWORTH D BROWN
2720 GYPSY BAY RD
SAGLE ID 83860

August 19, 1992

RE: WATER RIGHT NO. 96-08275

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

MICROFILMED

MAY 26 1993

LICENSE REVIEW CHECKLIST

Permit # 96-8275

Date 08-13-92 28

	Yes	No	
NAME	☐	☒	Address Change?
PRIORITY DATE	☐	☒	Advance?
	☐	☒	Memo to Advance
	☐	☒	Order to Reinstate Needed? <u>DONE</u>
TOTAL CFS	☐	☒	Incorrect Fee for rate recommended?
	☒ <u>NA</u>	☐	Disagree with Actual Measurement?
			<u>.08 cfs (DOM) 4x.03 = .12 / .08 cfs (IRR)</u>
	☐	☒	Disagree with Theoretical? <u>.080</u>
	☒	☐	Limited by Capacity? <u>.08 cfs</u>
TOTAL VOLUME			Rate/ac <u>3.0</u> AFA Irr. Season <u>0</u>
			<u>3-15 to 11-15</u> Standard Irr. Season
			<u>Same per Permit</u> Season Recommended
	☒	☐	Disagree with Examiner's Calculations?
			<u>4x3.0 = 12.0 ac ft (IRR) 12x.6 = 7.2 ac ft (DOM)</u>
	☐	☒	Limited by Flow? <u>.08 x 245 x 1.9835 = 38.9 > 12.0</u>
SOURCE	☐	☒	Changes? Clarification of <u>Originally</u>
			<u>Intended</u> source
	☐	☒	Notice of Intent to Void.
P/D			Verify with Map
	☒	☐	Amendment Needed? <u>change SENE to NENE</u>
	☐	☒	Is Overlap Analysis a Consideration?
P/U			Verify with Map <u>Drop All - Change to</u>
	☒	☐	Amendment Needed? <u>NENE S34, SESE S27 + SWSW S26</u>
	☐	☒	Is Overlap Analysis a Consideration?
USES	☐	☒	Change(s) in Nature of Use?
	☐	☒	Amendment Needed?
REMARKS	☐	☒	Multiple P/Ds in 1/4 1/4?
	☒	☐	Non-Irr. Uses <u>DOM/12 Homes</u>
	☐	☒	Special Overlap Condition
	☐	☒	Other
CONDITIONS	☐	☒	Measuring Device
	☐	☒	W/Master Control
	<u>R29</u>	☐	Overlap
	☐	☒	Water Quality
			DATES/MISC
		☒	Water Dist.
		☒	App Rec'd
		☒	Exam Made
COMMENTS/MEMOS NEEDED:	<u>Reduced Acres, rate Amend P/D & P/U</u>		
	<u>FE used most liberal estimates allowable</u>		

License ☐ 10-Day ☐ 15-Day ☒ Special Correspondence ☐

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

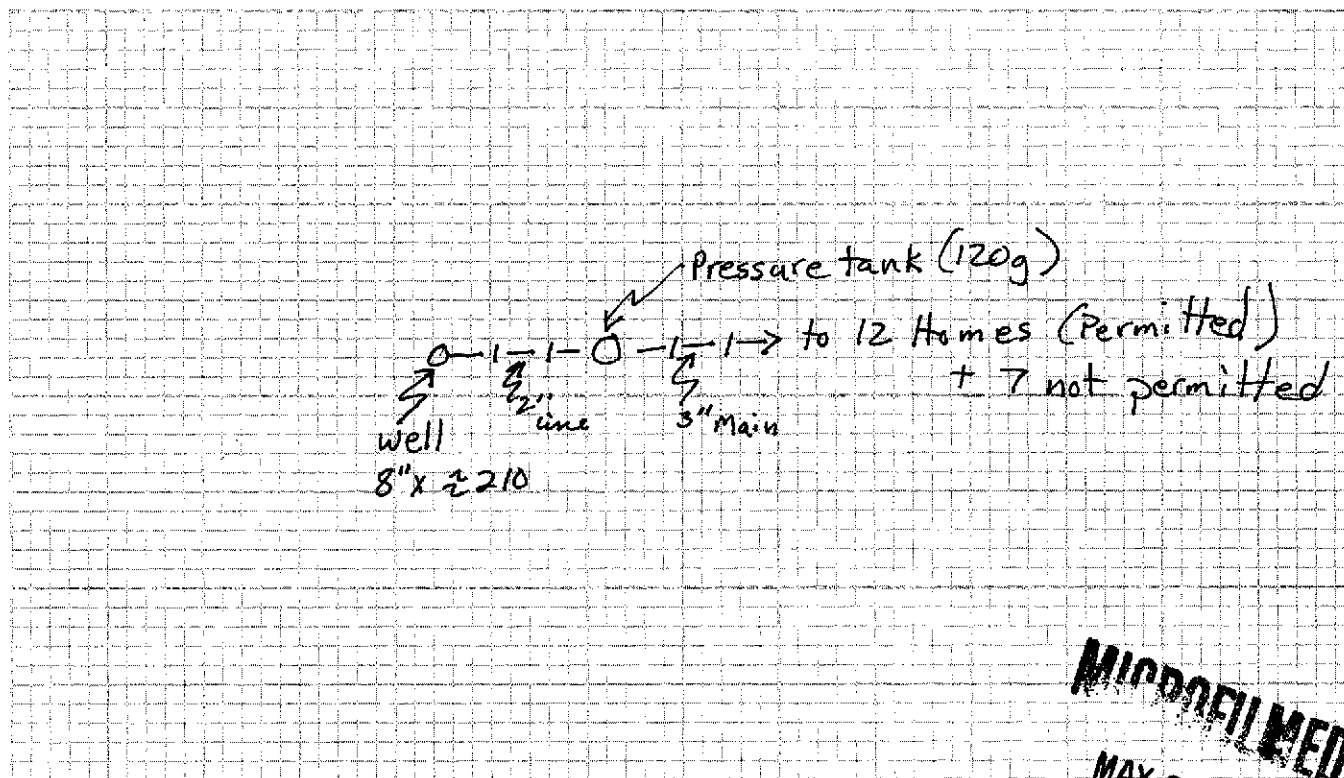
1. Owner: Ells worth D. Brown Permit No. 96-08275
Current Address: 2720 Gypsy Bay Road, Sagle ID 83860 Phone No. 263 2837
2. Accompanied by: _____ EXAM. DATE: 7/18/1990
Address: SAME Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: None ☐ Copies Attached
2. Other water rights with same point of diversion: None ☐ 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). ☐ Aerial Photo Attached N/A (required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

Photo did not develop

MICROFILMED
MAY 26 1993

System Description (continued)

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

8" x 210' (approximate depth) well with 3/4 hp submersible pump and a 1/2 hp booster pump which provide water for 19 homes through a 3 inch mainline. System is pressurized by a 120 gallon air pressure tank.

☐ 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
Submersible		3/4		Franklin	
Booster		1/2		Franklin	

*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
	1		NE	NE	34	57N	34	Bonner	Map

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

Indicate Method of Determination Map

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	
57N	34	34	D ₂ ^{1/4}																2
57N	34	27																D ₁ ^{1/4}	1
57N	34	26											D ₁ ^{1/4}						1
																			X
																			4

TDK
TDK

MICROFILMED

MAY 26 1993

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

None

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Average Static Water level in the area is 50'

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$\frac{3}{4} \text{ hp} + \frac{1}{2} \text{ hp} = 1.25 \text{ hp} \quad \frac{(1.25)(8.8)(70\%)}{(2.31)(20) + 50} = \frac{7.7}{96.2} = 0.08 \text{ system Capacity (limiting factor)}$$

2. Alternate Method for Checking Purposes:

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:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3 \times 3.0 = 9.0 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.08 \times 245 \times 1.9835 = 38.9 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 9.0 \text{ afa}$$

2. Volume Calculations for Other Uses:

12 homes

$$66 \times 12 = 7.2$$

MICROFILMED
MAY 26 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

P. Don Application is SE NE sect. 34, T. 57 N., R. 3 W., But is actually located in the NE NE.

P. of U. (s) Found in NE NE sect. 34 T. 57 N., R. 3 W.; ~~SE NE sect. 34~~
SE SE sect. 27 T. 57 N., R. 3 W.; and SW SW sec 26 T. 57 N. R 3 W.

The Application Lists PU as. ~~NE NE~~ NE NE sec 34 T. 57 N. R 3 W. (ok)
and SE NE ~~sect. 34~~ T. 57 N. R. 3 W. (No Use Found Here) and
NW NW sect. 35 T. 57 N. R. 3 W. (No Use Found Here). See Attached
platte map.

An additional Application has been filed for those
homes not covered under this permit

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic (12) ^{TOK}	1-1	12-31	0.08 cfs	7.2 afa
Irrigation	3-15	11-15	0.08 cfs	9.0 afa
Totals:			0.08 cfs	16.2 afa

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Theresa J. Bright

Signature

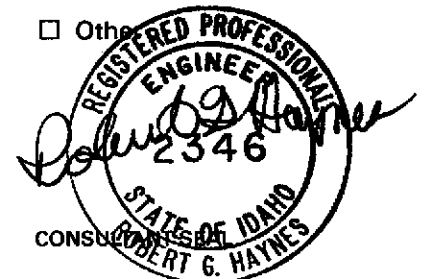
Theresa J. Bright

Certification Date

4/10/91

Field Report Preparation Date

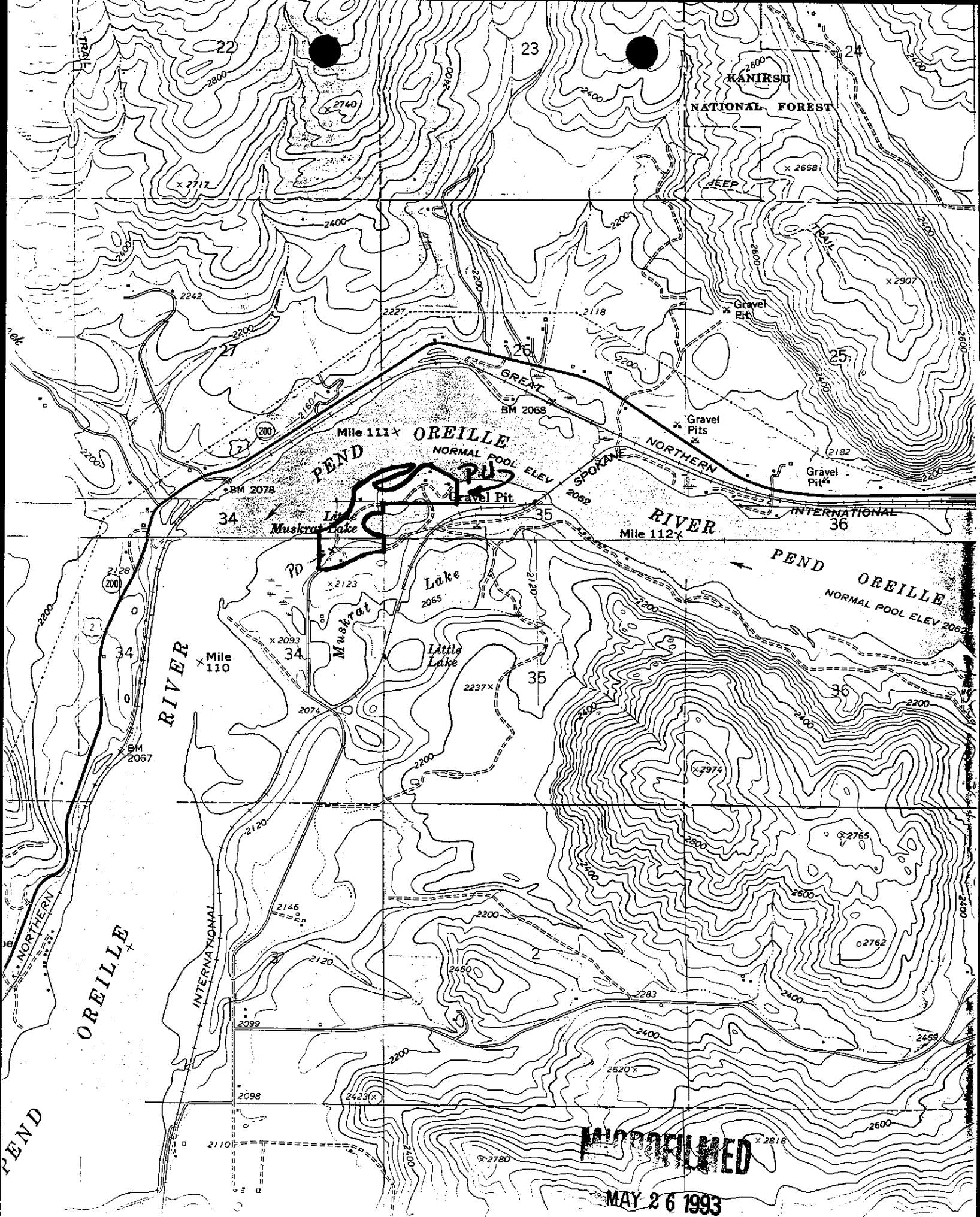
1/14/92



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

MICROFILMED

MAY 26 1993



State of Idaho
Department OF Water Resources
WELL INSPECTION FORM

If well is associated with water right, provide WR Permit No. 96-08275
Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description of Well Location:

Twp. 57 N, Rge. 34 Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Gov. Lot 1

2. Owner: Ellsworth Brown

Address: 2720 Gypsy Bay Rd.

City Sagle, State ID

3. Casing $\geq$ 12 inches above ground: Yes X No

4. Access Port: Y X N
Pressure Gauge: Y X N
Flowing: Y N X

Static Water Level: (450-60) unknown
Casing Diameter: 8"
Temperature: cold

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Y N X

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: well depth is approximately 210 feet

RECORDED

MAY 26 1993

October 23, 1991

Mr. Ellsworth Brown
2720 Gypsy Bay Rd.
Sagle, Id. 83860

Re: 96-08275

Dear Mr. Brown:

Mrs. Theresa Bright has informed me that you are supplying water for 19 homes, but you only applied for water for 12 homes. It is necessary that you file the enclosed application for permit for the additional 7 homes.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

Tom D. King
Sr. Water Resource Agent

Enc: Application/Inst.

MAY 26 1993

September 11, 1991

Ellsworth Brown
2720 Gypsy Bay Road
Sagle ID 83860

RE: Water Right No. 96-08275

Dear Mr. Brown:

Last year after I completed the Field Exam on the above mentioned Water Right, I sent you a copy of the enclosed letter. I never received a response, and therefore I am again requesting that you provide information about the places of use for the Gypsy Bay Water Association. The processing of your Water Right cannot be completed until you provide the location of places of use.

Sincerely,



Theresa J. Bright
Field Examiner

Enc.: Letter, Maps, Env.

MICROFILMED

MAY 26 1993



State of 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

July 26, 1990

Elsworth D. Brown
2720 Gypsy Bay Road
Sagle ID 83860

RE: Permit No. 96-08275

Dear Mr. Brown:

In order to complete the paper work for the field exam on your well, I need a bit more information about the places of use. Enclosed are some maps of the area. Please indicate on these maps where the twelve homesites are which use water from your well. If you have a listing of water users, along with their addresses, and that is easier for you to provide, please feel free to do that.

Thank you for your patience.

Sincerely,

Theresa J. Bright
Field Examiner

Enc: Maps, env.

MAY 26 1993



12 - 19 max

Sold 6fs provides

120 g. pressure tank

1/2 hp Franklin

3/4 hp Franklin

Bridge Lake Shore Drive
left on 7-8 mi Brown & Gypsy
signs 2 mi + RR + Post Boxes
Rt of SW Skrs + Mail house
Rt of SW Skrs + White house
Red Barn

3" line to home

2 2" lines
from well

UNRECORDED

MAY 26 1993



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

December 9, 1988

Mr. Ellsworth Brown
2720 Bypsy Bay Rd.
Sagle, Id. 83860

Re: 96-8275

Dear Mr. Brown:

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 prior to the time the examination is made so that you may demonstrate 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

JAN 11 1989

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 96-8275Date: 11/7/88General Considerations:

☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change _____ If yes, prepare a data entry
☒ Proof received timely
☒ Reinstated

Source of Water:

☐ Surface water
☒ Groundwater
 N 1. well log in file *Not found, due to age of well*
 NA 2. drilling permit
 _____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

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

Measuring Device:

☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable
Reinstate

☒ Priority Calculation:
 Date proof received

Nov. 2, '88 275

Date proof due

Nov. 1, '88 - 274

No. of days late

= 1

Priority date

June 27, '83 + 178

NEW PRIORITY DATE

June 28, '83 = 179

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

OCT 24 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

No \$ enc.
Department of Water Resources

For Office Use Only

Fee Received \$50.00

Date 11/2/88

Receipt # C003161

Receipt by CP

Reviewed by JS

Sent to region

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. 96-8275-

Name(s) of Permit Holder: Ellsworth D Brown -

Post Office Address: 2720 Gypsy Bay Road Sagle Ida -
Zip 83860 Telephone No. 208-263-2837

Source of Water: Well -

Extent of Use:

Domestic 5 full time residents and more in summer (number of households) Stockwater (number and type of stock)

Irrigation (acres) Other/Remark

Volume of water used pretty hard to estimate -
was bailed for 60 gal per minute when drilled.
Total rate and/or volume for which proof is submitted .20 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: about 1970 -

Measuring Device: Required? Yes ☒ No ☒
Installed? Yes ☐ No ☐Fee enclosed \$ 50.00
(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:

Ellsworth D Brown 208-263-2837
(Name) (Telephone Number)2720 Gypsy Bay road Sagle Ida 83860
(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.

JAN 11 1989

Oct 20-1988 Ellsworth D Brown
Date Signature of Permit Holder (and title, if appropriate)

To: File 96-8275

From: Groundwater Protection

Date:

34
57N
34

Drilling Permit: ☒ Not Applicable
☐ Found and in file
☐ Not Found

Well Drillers Report:

☒ Not found, due to reported age of well
probably not available
☐ Found and is in file
☐ Not found

Follow-up

☐ Request from permit holder the well
drillers report and/or the name of the
well driller, *and date drilled.*
☐ Ask permit holder when well was drilled
and notify holder of drilling permit
requirement if after July 01, 1987.

Well drilled 1970 or earlier.

No action recommended

JEB

MICROFILMED

JAN 11 1989

FROM

Bita Fleck

DATE

10-28-88

TO

File 96-8275

SUBJECT

Mr. Brown contacted this office today to discuss whether or not he needed to supply water to other people in his subdivision.

During the conversation, Jim reminded him that a fee was required. Probably the fee would be \$50.⁰⁰ and that it must come to the office by Nov. 1 to keep the permit from **MICROFILMED**.

He stated the check would be "in the mail."

JAN 11 1989

SIGNATURE

I have no way
to determine amount
of water used and it
varies so much
from month to month
so just send me a
bill.

Boy you sure are
good at reading
between the lines
and thank you for
Everything?

Edwards

Do I have the
right to cut some
of these people off
if they do not pay
their bill?

JAN 11 1989

Thank you

11. Classes not filling to three (3) entries will be judged on the Danish system.
12. No persons may enter the space set aside for judging or hold any communication with the judge or examining veterinarian without permission of the ringmaster and/or show management, under penalty of disqualification.
13. A limited number of box stalls will be reserved for stallions first and reservations must be made through the show committee at time of entry. Stalls will be assigned on a first come, first serve basis. A fee of \$10.00 per stall must accompany reservations or stalls will not be reserved. No refunds will be made. No other stabling facilities will be set aside for specific persons. Stalls must be cleaned and manure piled by the door.
14. When the start of any class with no posted order is being delayed by horses not ready to perform, the competition may be closed at the order of the judge or show committee, provided warning is issued and exhibitors are given 3 minutes in which to appear at the in-gate ready to participate, except in Jumper Division and in Hunter classes where a jumping order is specified (in which specific rules prevail). In classes in which horses compete collectively, after warning is issued, the in-gate must be closed 2 minutes after the first horse enters the ring. Judging shall not commence until the gate is closed or at the end of the 2 minute call. An official timer must be appointed to enforce this rule.
15. The use of drugs is not allowed.
16. No whip over 6 feet long, including the snapper, may be used either inside or outside the ring by a handler or assistant when showing a horse. Lashes and appendages of any kind are prohibited.
17. The same horse can be used only once in a class.
18. The warm-up ring is to be used for the incoming class only.
19. Age of youth will be determined as of January 1, 1985.

CLASS 59 - WALK AND TROT: Open to riders 9 years of age and under. To be shown at a walk and trot both ways of the ring. English or western equipment and attire optional.

CLASS 60 - JUNIOR WESTERN PLEASURE: Open to horses 4 years of age and under. To be shown at a walk, jog, and lope both ways of the ring. Horses may be shown in any standard western bit, hackamores, or ring snaffle and may be shown with 1 or 2 hands. Horses to be judged 60% on performance; 30% on conformation; and 10% on appointments. Ponies not allowed.

CLASS 61 - MATCHED PAIRS: Open. English or western equipment and attire optional. To be judged as a pair. To be shown at a walk, jog/trot, and lope/canter both ways of the ring. Paired workouts at judge's discretion. To be judged on uniformity as a pair, performance, quality, and manners. Ponies allowed. PLEASE PUT NAME OF PARTNER ON ENTRY BLANK. Two trophies, two sets of ribbons. Entry fee is \$4.00 per pair.

CLASS 62 - APPALOOSA WESTERN PLEASURE: Open to registered Appaloosas. To be shown at a walk, jog, and lope both ways of the ring on a reasonably loose rein. To stand quietly and back readily. Judged on performance, manners, and conformation.

CLASS 63 - REGISTERED ARABIAN WESTERN PLEASURE: Open to purebred and halfbred registered Arabs. To be shown at a walk, jog, and lope both ways of the ring on a reasonably loose rein. To be penalized for being on the wrong lead. Special emphasis shall be placed on the walk. Extended gaits may be called for by the judge. Horses to back in a straight line. To be judged on performance, conformation, and manners.

CLASS 64 - REINING: Open. Each contestant to perform required pattern individually and separately. Contestant to be called at random and not in numerical order. Horses shall rein and handle easily, fluently, effortlessly, and reasonable speed throughout the pattern. Any horse not following exact pattern will be disqualified. Scoring will be on the basis of 60-80 with 70 denoting an average performance. Each horse will be judged on the neatness, dispatch, ease, calmness, and speed with which the performance of the pattern is executed. Horses 4 years of age and under may be shown in either bit or hackamore at the discretion of the exhibitor.

October 5, 1988

Ellsworth D. Brown
Rt. 1 Box 175
Sagle, ID 83860

Dear Mr. Brown:

Re: Permit No. 96-8275

Thank you for the note you sent to this office on September 29, 1988. However, from your note, I cannot tell just what action you wish the department to take concerning this water right permit.

Since this permit is in your name, you have the option of managing it. From the note, it is my understanding that the system provides five full-time residents and some part-time people in the summer. I also get the impression that you wish to have the other users acquire their own water rights. If this is the case, you may wish to keep your portion of the filing and submit proof of beneficial use on it and assign the remainder to the other residents. They would then be required to fulfill the requirements of their portion of the permit. Or, you can submit the proof of beneficial use for your portion and relinquish the remainder. The other parties would then need to file an application for permit and start the process over.

Enclosed is an assignment form and a proof of beneficial use form. Complete and return the proof form by November 1, 1988 to keep this permit in good standing.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

JAN 11 1989

MICROFILMED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
57N	30W	34	4.1 2			10													12
57N	30W	35					2												2

Total number of acres to be irrigated 14

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

9. a. Who owns the property at the point of diversion App
 b. Who owns the land to be irrigated or place of use App & Members of Gypsy Bay Water Users Co.
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing App is owner of Gypsy Bay Water Users Co.

10. Remarks
 Thank you for jogging my memory sure hope that when you reach the age of 73 that you do not have that problem. There is 5 full time residents on the system and in the summer a few more, has been almost twenty years since the well was put in and a few folks started using the water. If you wish to condemn that well and lock it up, let those people get their own water have right at it. You can bend over backwards to help people and a few years down the road they kick you where it hurts the most.

That is kind of you to dig into your files and send me a copy of same.

That is about the way i feel about it all but of course we cant do that as we would probably be in court tomorrow.

O. Howard D. Brown

MICROFILMED

JAN 11 1989

VERIFIED

STATE OF OREGON

September 20, 1988

Ellsworth D. Brown
Rt. 1 Box 175
Sagle, ID 83860

Dear Mr. Brown:

Re: Permit No. 96-8275

Pursuant to your request, enclosed is a copy of your water right permit.

What the department essentially wants to know is if you have applied the water to a beneficial use. You can notify us by completing and returning the proof of beneficial use form and fee if appropriate. If you need additional time in which to complete this project, complete and return the request for extension of time with the fee.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

JAN 11 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

RECEIVED

SEP 08 1988

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 31, 1988

ELLSWORTH D. BROWN
RT. 1 BOX 175
SAGLE, ID 83860

Department of Water Resources

PROOF DUE NOTICE

RE: PERMIT NO. 96-08275

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JAN 11 1989

(SEE BACK FOR CORRESPONDENCE)

2720 gypsy bay road
Sagle Idaho
Sept 4 1988

Dept. of water resource.
Boise Idaho.

Rita Fleck.

Dear Madam.

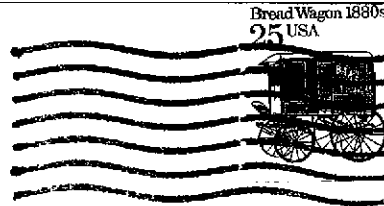
At the age of 73 i really dont know what you are talking about.
S o please send me a copy of whatever you are talking about.

Sincerely

Elsworth D. Brown

RECEIVED
SEP 11 1988

MR. ELLSWORTH D. BROWN
2720 GYPSY BAY RD.
SAGLE, ID 83860



State of Idaho
Dept of Water Resources
1301 Orchard Street
Statehouse Mail
83720 Boise Idaho

ELLSWORTH D. BROWN
RT. 1 BOX 175
SAGLE, ID 83860

138415
August 31, 1988

PROOF DUE NOTICE

RE: PERMIT NO. 96-08275

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JAN 11 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BROWN, ELLSWORTH D.
RT. 1 BOX 175
SAGLE, ID 83860

NOVEMBER 22, 1983

RE: PERMIT NO. 96-8275

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.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: LB

APPLICATION NUMBER: 96-8275

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.

Field check by: _____

Date: _____

Comments: _____

☐ 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.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

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: 8/1/83

☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 9/8/83

☒ 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? _____

☒ 4/21/83 Date of priority recommended.

Special conditions of approval or cover letter. _____

By: RJA Date: 10/5/83

STATE OFFICE REVIEW:

217 26 04

☐ See attached sheet for more information.

By: fw Date: 10/31/83

MICROFILMED

96-8275-

BROWN, ELLSWORTH D.

RT. 1 BOX 175. SAGLE, ID 83860

Source: GROUNDWATER

Date Filed: 06/27/1983

Diversion Pt: SENE Sec 34 T 57N R 03W

Use: IRRIGATION	(0.20 CFS)
DOMESTIC	(0.15 CFS)

In: LOT 01 SENE Sec 34 T 57N R 03W NWNW Sec 35 T 57N R 03W FOR 14 ACRES

MICROFILMED