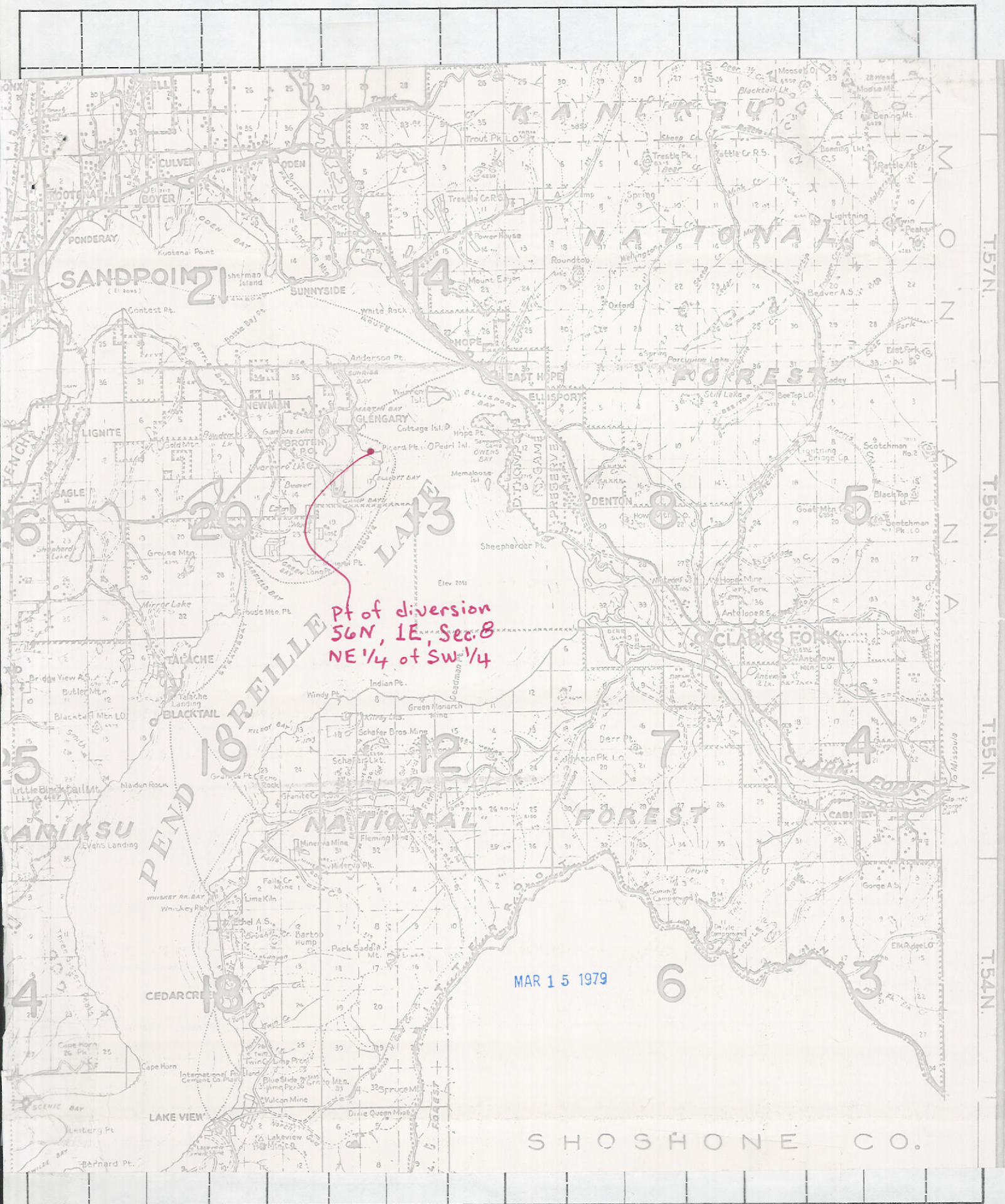


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



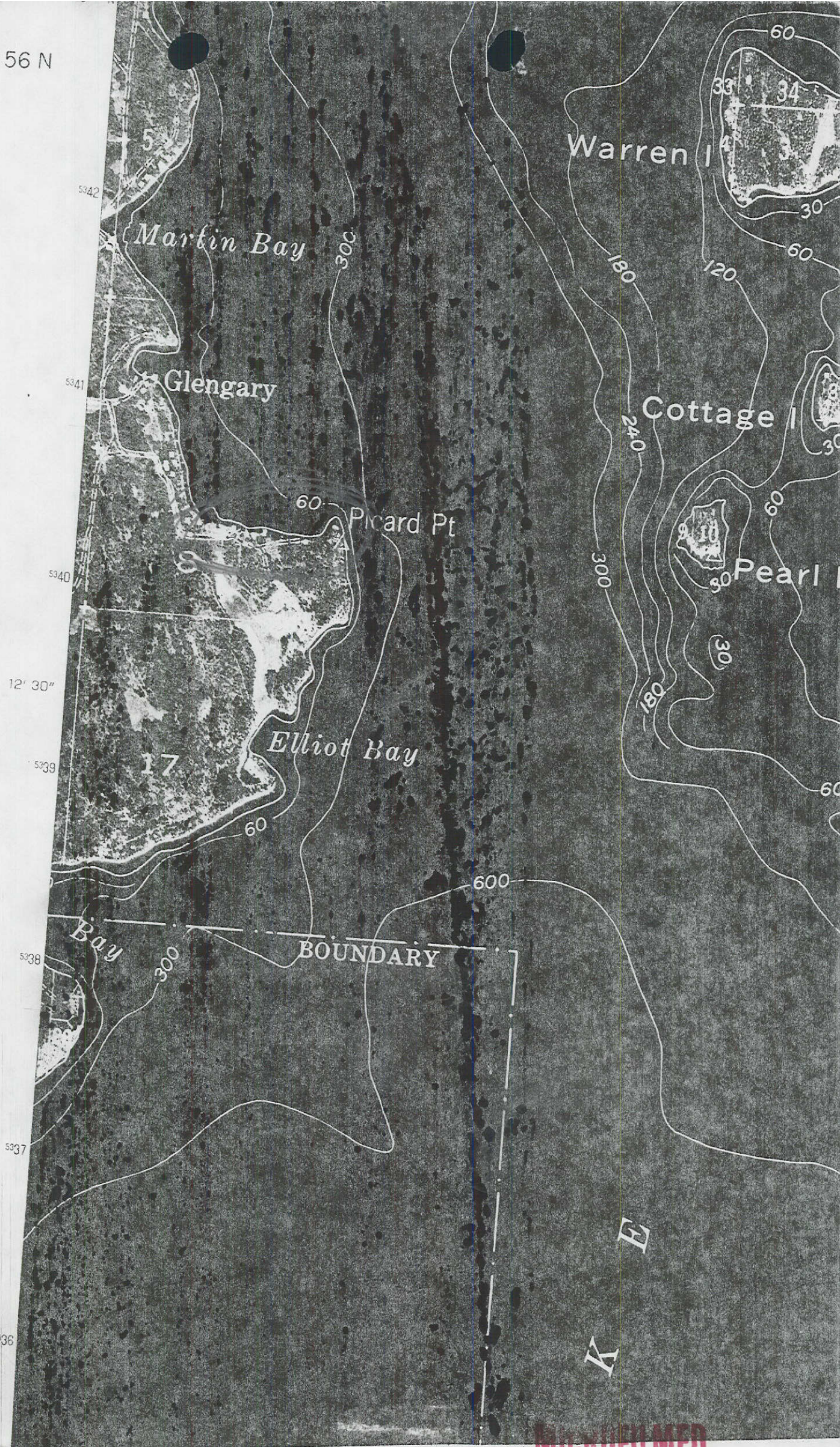
STATES
OF THE INTERIOR
LAND SURVEY



JAN 11 1989

TWP. 56N RGE. 1E SEC. 8 MAP # D-7 MAP SCALE _____
DATE OF FIELD EXAM 5/16/85 FIELD REPORT MAP PERMIT # 96-7764

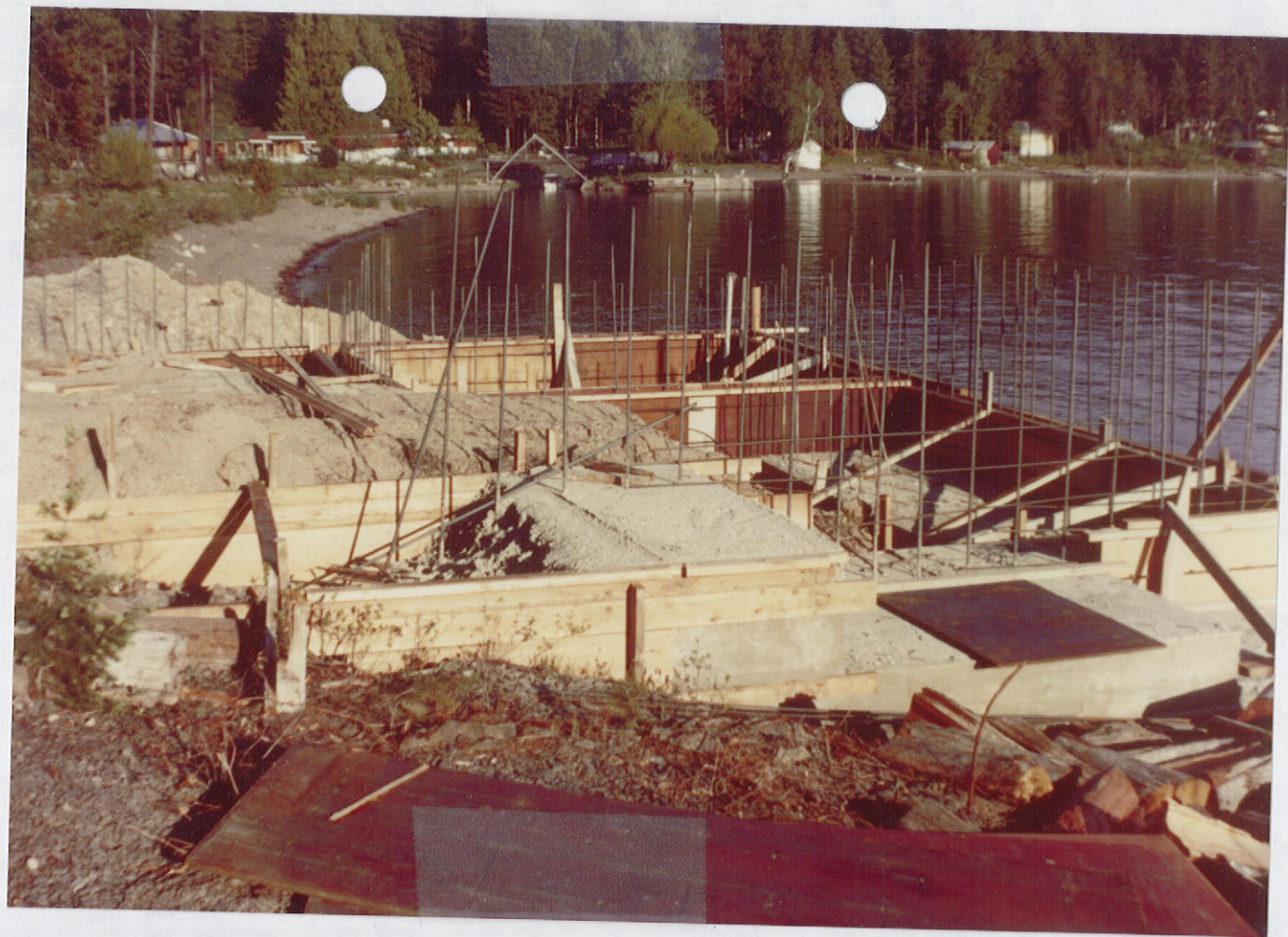
T 56 N



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JAN 11 1989

TWP. 56N RGE. 1E SEC. 8 MAP # D-8 MAP SCALE _____
DATE OF FIELD EXAM 5/16/85 FIELD REPORT MAP PERMIT # 96-7864

















Skier pauses midst rime laden trees on Schweitzer's rim  *Photo: Ross Hall*

PANHANDLE HEALTH DISTRICT I
INDIVIDUAL SEWAGE DISPOSAL INSTALLATION PERMIT

PERMIT FEE \$40.00

PERMIT NO. 430 PAID 40.00 CASH ☐ CHECK ☒ NO FEE ☐ DATE 8-14-78
INSTALLATION FOR (NAME) HENRY L. POHNDORF SIZE OF LOT 100 FT. X 232.5 FT.
LEGAL DESCRIPTION OF PROPERTY LOT 14 & 15 PEACEFUL HAVEN

ADDRESS OF INSTALLATION Geengary Bay

NO. LIVING UNITS 1 BEDROOMS 2 BATHS 1 PEOPLE SERVED 2 OTHER

SEPTIC TANK See attached GALS. - DISTANCE TO DWELLING FOUNDATION WELL WATER LINE
SURFACE WATER TYPE OF TANK: CEMENT METAL OTHER MOUND SYSTEM / INCINERATOR TOILET

DISPOSAL AREA: DRAINFIELD ABSORPTION BED OTHER ☒ DIMENSIONS 70' x 68.5'

PERK RATE 1.00 MIN/IN. SOIL PROFILE CLAY

DISTANCE: PROPERTY LINES:
FRONT 722 FT. BACK 5 FT. SIDE 5 FT. DWELLING FOUNDATION 20 FT.

WELL NONE FT. SURFACE WATER 222 FT. SEPTIC TANK 15 FT. NEIGHBOR'S WELL 100' FT.

DEPTH TO GROUND WATER 6 1/2 FT. WELL LOG. YES NO

I UNDERSTAND THAT THIS PERMIT IS NON-TRANSFERABLE AND IS VALID FOR ONLY 90 DAYS FROM THE DATE OF APPLICATION. DRAIN FIELD MUST NOT EXCEED 3 FEET IN DEPTH.

APPLICANT'S SIGNATURE Jackson Clark APPLICANT IS: OWNER ☐ CONTRACTOR ☒ OTHER ☐

MAILING ADDRESS 413 S. 2nd St apt PHONE NO. 974-4444

REMARKS:

COPY TO: Fm. HA ☐ Fed. HA ☐ VA ☐ OTHER

PLOT PLAN SUBMITTED 8/14/78 Date APPROVED 8/16/78 Date DISAPPROVED Date

PERMIT ISSUED BY Ken Babin REMARKS CONDITIONAL

VICINITY MAP
(Show How To Get There From This Office)

PLOT PLAN
(Show House, Other Buildings, Proposed Sewage Layout, Wells, Water Lines, Roads, Streams, Lakes and Distances Between).

SEE ATTACHED

Plot plan as drawn by
Henry L. Pohndorf is to be used.
(see attached)

THIS OFFICE MUST BE NOTIFIED FOR FINAL INSPECTION BEFORE COVERING SYSTEM!

INSPECTION. SYSTEM COVERED APPROVED Date NOT APPROVED Date

INSPECTED BY Name INSTALLED BY Name DATE

REMARKS

Researcher's Eye Of

By DEBORAH MCBRIDE

Spokesman-Review staff writer

The age-old battle of landowner rights versus the will of the majority muddied the waters of Lake Pend Oreille last year and some say sediment may never clear.

Lost in the silt will be the Idaho federal laws aimed at protecting lakes and streams from the unceasing influx of people into semi-wilderness areas.

That loss appears to be the one about which nearly everyone involved agrees — either on the record or

While the outcome isn't certain, stage is set for conflict. Suits, countersuits have been filed in Idaho courts.

Shouting matches have erupted into public hearings. The "letters to editor" columns of the Sandpoint Idaho Bee have bristled with the controversy. Some people even have posted legal notices in the local newspaper to clarify their position on the controversy.

Protagonists in the Pend Oreille drama are, for the most part, landowners on the west banks of the lake near Glengary Bay.

But the central character throughout it all is Forrest M. Bird, a California businessman who bought land on the lake 12 years ago because he wished to maintain family traditions that are several generations old.

Bird's extensive development of property — both for personal use and to further his research in emergency helicopter rescue equipment — has raised the ire of their neighbors.

A lawsuit to stop Bird's helicopter test flights over the lake has been filed by the Glengary-Gamble Protection Association, a group of 150 landowners in the area. (President Tom Melor stressed his membership figures "firm" and don't include the families who published legal notices of their withdrawal from the group.)

Melor's group also is upset about a concrete retaining wall built on Bird's property to protect fuel storage tanks buried below the lake water level. They fear tragic consequences if thousands of gallons of fuel are leaked.

Bird's failure to obtain proper permits for some of the construction, particularly the bulkhead protecting the fuel tanks, precipitated court action by the Idaho Department of Lands.

"If the state loses this case, it probably would undermine the law. It would make people skeptical of our ability to enforce it," David Johann, a specialist in the state Division of Environmental

Johann admits he's not entirely objective about the situation. He or



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land in the Pend Oreille area. But then, so does Judge Dar Cogswell who is slated to hear the case.

Like many of the people involved in the Bird cases, Johann fears Pend Oreille "could be like a second Lake Tahoe with a shoreline hidden by man-made encroachments."

Already, property owners emboldened by the Bird situation are planning and building permanent and floating docks, jetties, retaining walls and filling in tiny inlets to expand their beach area and increase its use.

"People are saying 'If Bird can do it, I damn well can too,'" Johann said.

One state official who doesn't believe the Bird case has undermined enforcement of the state laws, Marvin Vanderberg, said this is "just another case."

Vanderberg, who works in the state Department of Lands office in Coeur d'Alene, said the Bird case "isn't all that important. It's nothing extraordinary. Each case must be tried on its own merits and this one is in the courts now."

To prove his point, Vanderberg noted that even Bird has submitted his latest proposal — for a concrete bulkhead to shore up his Bird Lodge — to the proper authorities for permission to build. A public hearing on the controversial project was held in Sandpoint last week. A decision from the state Board of Lands is expected within 30 days.

Controversy in the Bird case has been heightened by Bird's reputation as chief designer of Bird resuscitators used throughout the world in hospitals and clinics.

Some claim nothing should stand in the way of an inventor who has done so much good in the medical field.

Henry L. "Hank" Pohndorf, a former business partner with Bird and an adjacent landowner in Glengary Bay, questioned that publicly for the first time in a recent interview he requested with The Spokesman-Review.

"I don't want to minimize Bird's contributions, but there were other people involved," Pohndorf said. He provided documents indicating several other researchers contributed key elements to the Bird resuscitators which Pohndorf and Bird manufactured.

Pohndorf credited Joe Coors, the Colorado brewer, with providing the expertise in porcelain hardware that made the baby Bird resuscitators possible.

A physician working in Florida also contributed key elements to the resuscitators, Pohndorf said. He challenged reports about Bird's work in North Idaho that intimate most of the research and development was done at Bird's facilities on Lake Pend Oreille.



HENRY POHNDORF
Once Bird's business associate

Pohndorf said he decided to "come out of the closet" on his business relationship with Bird because he believes he has been maligned by rumors and often-quoted remarks that Bird fired him six years ago.

Pohndorf presented documents showing he was 40 percent owner of the Bird Corp., and 60 percent owner of Bird Space Technology, Inc. He showed original copies of patents naming himself as co-inventor with Bird.

"I still receive royalties from the sale of the companies and our patents to 3M Co.," Pohndorf said, producing copies of certificates of deposit to his account for quarterly payments from 3M.

The laws protecting the lake "haven't been taken seriously" in Bird's case, Pohndorf said. "The outrageous nature (of Bird's encroachments), the magnitude of the violations disguises the offense."

"The laws have been given so little publicity, they aren't taken as seriously as they should be," he said. "Clearly, state law prohibits storage of fuels near state waters where it could pollute if an accident occurred. And accidents do occur."

"Fifty years from now, if not sooner, that fuel tank will be in the lake," Pohndorf said. "That is my viewpoint as a professional engineer specializing in materials and design."

"The 'little' people living on the lake cannot even drive a piling in that lake with state permission. There are so many peripheral fights in this case, the main issue has been lost," he complained.

"The entire water protection act of

the state of Idaho will be wiped out if this (Bird's fuel tanks) is allowed. It will be disastrous," Pohndorf said.

"It also sets a dangerous precedent for the destruction of our democratic system of government because no public hearings were held before the tanks and the bulkhead were built," he said.

"It's not only an insult, it's a blow, to our individual freedoms. It's a question of who he (Bird) is, who he says he is and who people think he is," Pohndorf said.

"I've been bombarded with balderdash in this case," Pohndorf said. He denied rumors that the Glengary-Gamble Protective Association is "a front" for his personal vendetta against Bird.

"I was in California when the group formed. They asked me to join." He admits paying 10 percent of the association's first attorneys' bill and \$200 later — for a total of \$335.42.

But he denies any personal vendetta against Bird. Their partnership was severed six years ago after a serious dispute over sales tactics, he said. Pohndorf said he dropped the lawsuit he filed to protest payoffs in the company's distribution system because he "didn't want to destroy the company." Instead, he sold his interest to Bird.

Pohndorf's claims and his allegations that other there are no records of Bird earning degrees in bio-medicine at the University of California, as Bird has stated in past interviews, add fuel to the fire of suspicions among Pend Oreille property owners.

On the one hand, opponents accuse him of developing his land there as a tax shelter rather than a research center. On the other hand, they protest his research and manufacturing plans as inappropriate uses of shoreline property zoned for recreational use.

Bird's attorney and spokesman for him in connection with this situation, Jon Hammarberg of Sandpoint, said there was "no intentional avoidance of the law" on Bird's part when he built the fuel storage on his lakefront property.

"To me, the best thing would be let it (the controversy) die," Hammarberg said, but he noted his client still maintains the state statutes are unconstitutional because they attempt to control privately owned land.

No court dates have been set for the lawsuits against Bird.

But eventually, the issues of law will be settled.

As for the rumors, the personality conflicts, the future enforcement of the law, the slurried reputations and the feelings of many that wealth can be an effective buffer from conformance with laws — that is another matter.

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HENRY L POHNDORF
professional engineer
1227 Brewster Drive
El Cerrito California 94530
415 233 0435 529 1500

May 15, 1978

Mr. Jim Brockway
Bonner County Commissioner
Sandpoint, Idaho 83864

Dear Jim:

I guess you have been wondering when you would hear from me again. Well, I'm sorry this BIRD thing is the reason for this communication, because it is a nasty mess that I wish you could avoid Jim, but we have to face it together with the mass of public opinion on our side.

For your reference, I am enclosing a copy of my May 15 letter to Jim Walsh of the Army Corps in Seattle. Please do me the favor of circulating this letter widely so that all can be informed of the details of what Mrs. Pohndorf terms an "ENVIRONMENTAL OVERKILL." Jim, all of Mrs. Pohndorf's neighbors are petitioning against the construction of two helicopter airports in your district, and it is a movement at the grass roots that will go the full course available to a free society.

Mrs. Pohndorf wishes me to ask you, "would you have suggested that Mrs. Brockway suffer to live near these airports, and to raise Jackie there?" Then why wish it on Mrs. Pohndorf, Mrs. Steen, Mrs. Marcus, Mrs. Walston, Mrs. Sellers, Mrs. Gleason, Mrs. Davis, Mrs. Larsen, Mrs. Gresham, Mrs. Mehler, Mrs. Hendricson and all the other countless fine mothers in the area who have sacrificed so much and asked for so little? You are going to be overwhelmed by mothers in your district if intransigence persists..... certainly you would not feel it to be reasonable to trade off unneeded heliports for their concern for their families, their twilight years of enjoyment they justly deserve, their right to peace and quiet, their inheritance, if you will, of the traditional American right to be free from nuisance and harrassment. No Jim, the mothers are here to stay, and the confrontation is taking form.

After talking to other mothers in the area, Mrs. Pohndorf gave the collected thoughts to Tom Mehler and Scott Reed for proper editing to be done by the Citizen's Corporation. Scott represents the citizen's group as you know. I'm sure Scott will send you a copy when the remarks are refined well enough. I trust we can count on your sense of fairness and love for the wilderness to prevail.

cc: Jim Walsh
Brian Moe
Tom Mehler
Scott Reed

Sincerely,

Hank

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

April 25 1979

RECEIVED

APR 30 1979

Department of Water Resources
Northern District Office

Mr. Robert G. Haynes, P.E.
Regional Supervisor
Idaho Dept. of Water Resources
4055 Government Way
Couer d'Alene, Idaho 83814

RE: 96-7764, Application for Water Permit

Thank you for your letter of Apr. 17, 1979 w/enclosures.

I have indexed the paragraphs 1 thru 5 and 6 thru 11 for referring to the Bird letters of Apr. 2 and Apr. 10 respectively.

The Peaceful Haven Subdivision was established some 30 yrs. ago. I own 6 lots along the lake. From W. to E. there are lots 14, 15, 16, 17, 18 and Tax lot 7. The first 5 are 50' wide, the latter, 150'. There is a building on the 150' lot, the other 5 lots are vacant. Lots 14 and 15 are separate from the rest, and 96-7764 concerns only lots 14 and 15.

Now, referring to Bird's 11 paragraphs:

1. There is no "water intake capacity" presently on lots 14 and 15. The "subdivision" is more than 30 yrs. old.

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Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

#2. Bird has offered no evidence that lots 14 and 15 will pollute the lake. J-U-B Engineers of Coeur d'Alene designed the sewage system for lots 14 and 15. I do not have my records on Maui, however, I recall various borings taken and test holes made, and proper health dept. inspections made. Between J-U-B and Peyton Schell, my cost was about \$450. for this design approval. Considerable fill, sand and gravel are required, to complete the system. Bird is not a P.E. and apparently his claim in the Spokesman Review to have "earned a doctorate in bio-medicine" cannot be supported for "there is no record of him at the Univ. of Cal. where he claimed to attend. I'm sorry to find it necessary to point this out, but it is somewhat relevant to the non-academic nature of his remarks.

Sewage permit issued by Jack Ross - dwgs on file.

#3. Bird refers to Tax lot 7. This is irrelevant.

#4. Bird offers no proof. J-U-B is more competent to develop a drainage system. Besides, my permit request is for water. Sewage is handled by another agency.

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

#5. There is no present source of pollution on lots 14 and 15. I would suggest that he has given us a lot of balderdash and has demonstrated chutzpah in this letter.

#6. Thus far there are no adverse facts reported and evidenced by Bird to support a public hearing. This demand simply shows narcissistic tendencies. Recently Bird sued to obtain a right-of-way across lot 14. Judge Dar Cogswell rejected his claim and instructed Bird to pay my legal expenses. Bird's complaints could be "termed sour grapes."

#7. No proof submitted. J-U-B, a professional group is rather experienced in disposal systems - so are the regulatory agencies. Only gray water is to be treated - some 200', more or less from the shore - from a 1024 ^{sq} residence, w/one bath. Here, Bird again poses as an expert. In fairness to the writer, Bird the critic, does not apparently have the credentials of an expert. No one, even his family, can give the name of his college that he claims to have attended, alledgedly. I say

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

this because his letters are signed "Dr." and all of us are endeavoring to determine if he has any college transcripts, and thus far we have failed. The use of "Dr." could be misleading.

#8. Again, no proof - frivolous.

#9, again, an unsubstantiated statement. The writer conformed to all laws and permit procedures. Bird, on the other hand is being sued by the State of Idaho for not following permit procedures.

#10. Lots 14 and 15 have no boat harbor as Bird suggests. The remarks he makes about other properties are irrelevant to 14 and 15. It is not within his province to determine where the intake for 14 and 15 should be located. The marina to which he refers presently is inhabited by a family of beavers. Runoff water enters the marina from a culvert that collects water from a cattle ranch and a good portion of County road gutters. This was installed at the request of the County in 1969.

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

#11. This argument does not relate to lots 14 and 15 and the need for water from Lake Pend Oreille. Again Bird has no knowledge of improvements made on Tax lot 7. Bird derides natural rock walls, as he does things he does not understand.

If I recall, the lake flow averages some 27,000 cfs, ample for another domestic connection. In 1972, the coliform count, reported by the County in the Sandpoint Bee, was 29 adjacent to Tax lot 7. Bird is obviously hostile towards all his neighbors who have formed an association against his land uses. Again, Judge Dar Cogswell ruled against him in his fight with the association, and the State of Idaho denied two Bird requests recently.

After you have had an opportunity to review this letter, please advise which of Bird's paragraphs, 1 thru 11, bear on any of the 1 thru 5 items listed in your letter. I would like then to further investigate his allegations.

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

Should you then feel a hearing or conference is in order, I insist that Bird be there so that his academic claims can be verified.

I will be on Maui until May 23, then two weeks in California before departing for Idaho. May I suggest the hearing for late June or July?

It may well be that Bird will be alone in his protest. He could very well be dismissed as misinformed and hostile. May I state once more, all my permits are in good order.

Very truly yours
Henry L. Pohndorf
Henry L. Pohndorf, P.E.

cc: Gordon Trombley
Tom Mehler, Pres.
Glengary-Gamblin Protective asso. Inc.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-07764

Priority: March 19, 1979 Amount: 0.06 CFS 2.1 AFA

This is to certify, that HENRY L. POHNDORF
P.O. BOX 448
SAGLE, ID 83860

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated March 19, 1979, and
has submitted proof to the Department of Water Resources on January 10, 1985, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .060 cfs of water from:

PEND OREILLE LAKE tributary to PEND OREILLE RIVER

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	0.02 CFS	1.5 AFA
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AFA
	Totals	0.06 CFS	2.1 AFA

LOCATION OF POINT OF DIVERSION(S): LOT 3(NESW), Sec. 8, Township 56N, Range 01E
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	01E	8	LOT 3(NESW)	0.5		0.5

Total number of acres irrigated: 0.5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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JAN 11 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

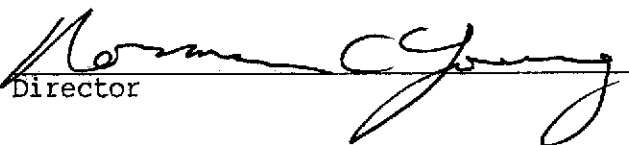
WATER RIGHT NO. 96-07764

CONDITIONS/REMARKS:

4. Place of use also known as Glengary Bay, Peaceful Haven, Lots 14 & 15.

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 12th day of DECEMBER, 1988.

Acting for the Director



MICROFILMED

JAN 11 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE
DATE IN CONNECTION WITH PERMIT NO. 96-7764
IN THE NAME OF HENRY L. POHNDORF

ORDER

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before February 1, 1985; and,

WHEREAS, notice was not given to the permit holder sixty days prior to the date that proof of beneficial use was due pursuant to Section 42-204 of the Idaho Code;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use be extended to March 1, 1985.

Dated this 28th day of December, 1984.



L. GLEN SAXTON
Chief, Operations Bureau

IDENTIFICATION
STAMP

RECEIVED
FEB 1 1985

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 96-7764 IN THE NAME
OF HENRY L. POHNDORF

ORDER ADOPTING
PROPOSAL FOR DECISION

WHEREAS, C. Stephen Allred, Director of the Department of Water Resources having issued and served a copy on the parties thereto on February 14, 1980, a Proposal for Decision in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposal for Decision; and,

WHEREAS, no exceptions to that Proposal for Decision have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposal for Decision be adopted and issued as the Final Decision and Order and that the Application for Permit be APPROVED.

Dated this 18 day of March, 1980.


C. STEPHEN ALLRED
Director

MICROFILMED

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. 96-7764 IN
THE NAME OF HENRY L. POHNDORF

PROPOSED
MEMORANDUM DECISION
AND ORDER

On March 19, 1979, Henry L. Pohndorf filed with the Department of Water Resources an application for permit to appropriate 0.06 cubic feet per second of water from Lake Pend Oreille within Government Lot 3, Sec. 8, Twp. 56N, Rge. 1E, B.M., Bonner County; 0.04 cubic feet per second to be used from January 1 to December 31 for domestic purposes and 0.02 cubic feet per second to be used from March 15 to November 15 for irrigation.

Notice of the application was published in the Sandpoint Daily Bee, Sandpoint, Idaho on April 4 and 11, 1979. On April 13, 1979, the Department received a protest against approval of said application from Forrest M. Bird.

A hearing on the matter was held at Sandpoint, Idaho on June 25, 1979. The applicant was present and represented by Scott Reed, attorney at law. The protestant was not present but was represented by Jon Hammarberg, attorney at law.

The issues raised by the protestant relate to local public interest and speculation. The attorney for the applicant, Scott Reed, moved to have the protest dismissed on the grounds that the protest was defective because it related to water quality which is a regulatory function handled by a different agency of government.

It is the decision of the hearing officer that the issues raised by the protestants are proper issues and deserve to be heard and, therefore, the motion to dismiss the protest is denied.

The attorney for the protestant, Jon Hammarberg, objected to participation in the hearing by Scott Reed on the basis of a conflict of interest because of Scott Reed's membership on the Idaho Water Resource Board.

The objection does not go to the merits of this determination. Such an issue is properly raised before the Idaho State Bar Commission. It is noted, however, that the Director of the Idaho Department of Water Resources has sole administrative jurisdiction over this application for a water right. The Idaho Water Resource Board, of which Mr. Reed is an appointed member, has no jurisdiction which could affect this matter. Therefore, no conflict of interest appears to exist.

After reviewing all the evidence and testimony submitted at the hearing and pertinent information contained in the Department's files, the hearing officer of the

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Department of Water Resources makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1) The diversion of water at the rate of 0.06 cubic feet per second will have no discernable effect on the water of Lake Pend Oreille.

2) The applicant requests a water right for a single family, the house for which is presently under construction, and irrigation for landscaping of the homesite.

3) The applicant has the financial resources available with which to complete the project.

4) The applicant has obtained a building permit for the dwelling and the other permits that are necessary in connection with the proposed usage of water including a permit from the Panhandle Health District for the septic tank and a permit from the Idaho Department of Lands to construct and maintain a domestic water line and pump. The hearing officer, therefore, finds that the proposed use of water does not conflict with the local public interest.

CONCLUSIONS OF LAW

1) The proposed use of water will not reduce the quantity of water available to fill existing water rights.

2) The proposed water supply is sufficient for the domestic use by one family and the irrigation of about 0.6 of an acre of land.

3) The applicant is not speculating since he is proceeding with the project.

4) The applicant is entitled to a permit for the proposed use of water.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 96-7764 is APPROVED subject to the following conditions:

1) The permit is subject to all existing water rights.

2) The proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before February 1, 1985.

3) The issuance of this permit in no ways grant any right of way or easement across the land of another.

Dated this 14 day of February, 1980.



DAVID B. SHAW, P.E.
Hearing Officer

①

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

MAR 03 1979

To appropriate the public waters of the State of Idaho

1. Name of applicant Henry L. Pohndorf Phone 263 6968
Post office address P.O. Box 448, Sage, Id 83860
2. Source of water supply Lake Pend Oreille which is a tributary of _____
- * 3. Location of point of diversion is Gov. Lot 3 of Section 8 Township 56N
Range 1E B.M. Bonner County, additional points of diversion if any: Glengary Bay, Peaceful Haven lots 14/15 Section 8, 56N, 1E
4. Water will be used for the following purposes:
Amount .04 cfs for domestic purposes from Jan 1 to Dec 31 Aug 79 to thereafter (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 cfs for irrigation purposes from Mar 15 to Nov 15 Aug 79 to thereafter (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .06 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. galvanized iron pipe leading 200' into the water w/foot valve
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: Township 56N, 1E, Section 8
a. If water is not for irrigation:
(1) Give the place of use of water: NE 1/4 of SW 1/4 of Section 8 Township 56N
Range 1E B.M. S.E. Cor of US Gov Lot 3
(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 one family.
(5) If water is to be used for other purposes describe: Water is to be used for residence of 1024 sq. ft and lakeside landscaping of an area 100' wide x 260' long

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	
56N	1E	8									.6	(6.4.3)							0.6

Total number of acres to be irrigated 0.6

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 State of Idaho

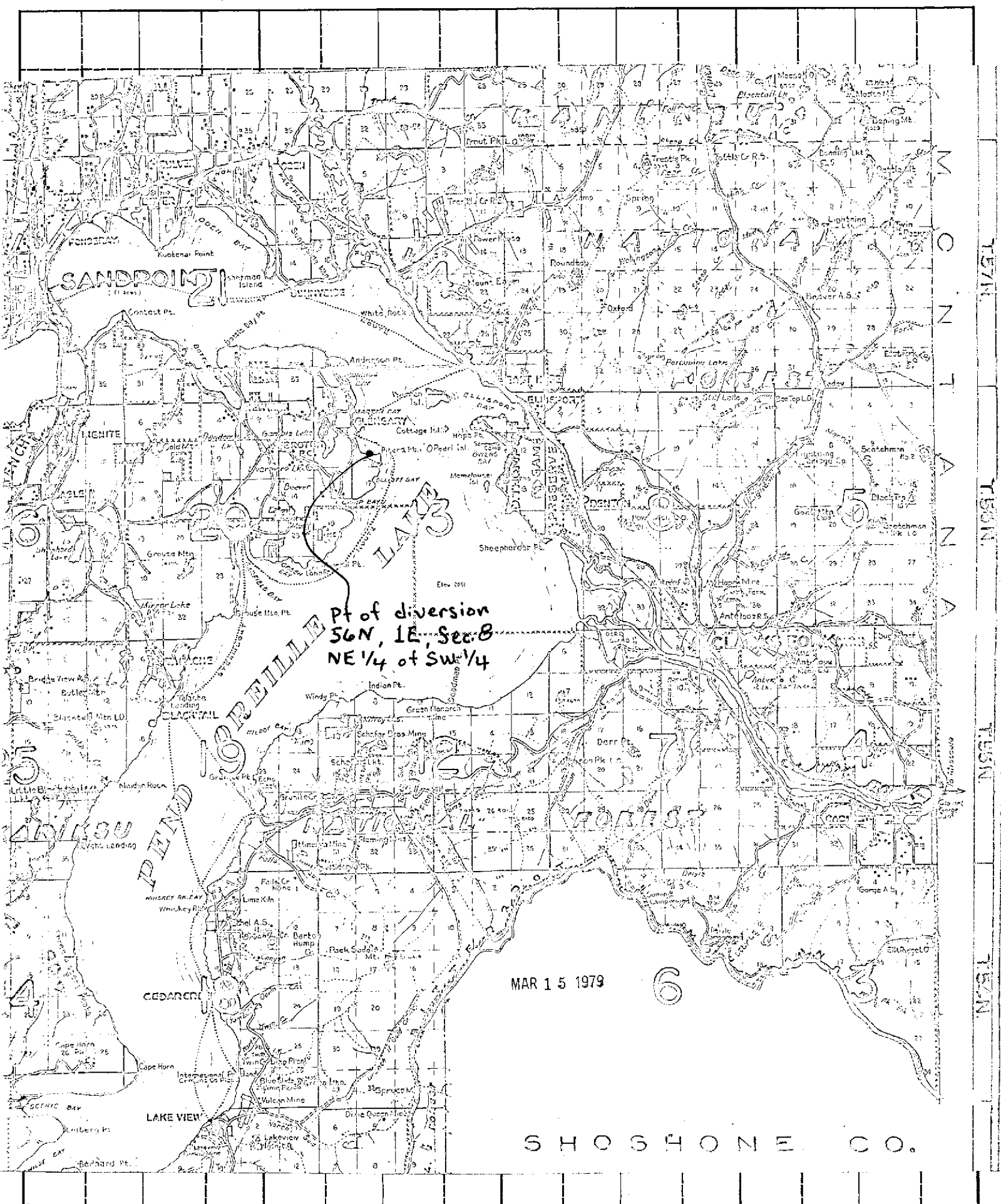
b. Who owns the land to be irrigated or place of use Henry L. Pohndorf

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

10. Remarks Attached is a copy of the Bonner County permit No. 78-348 dated 08-25-78 for the construction of a house. The pipe extension ~~to~~ into the lake is scheduled for April 15, 1979 if approval is granted by the department of lands. Should you require additional information, I may be reached at the following address:

Henry L. Pohndorf
Professional Engineer
1227 Brewster Drive
El Cerrito, CA. 94530

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



Scale: 2 inches equal 1 mile.

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

MAR 03 1979

H. Pahndorf
(Applicant)

Henry L. Pahndorf

*From Map - TK - 8-18-79

Received by RAH Date 3/19/79 Time 11:15 AM
Preliminary check by MC Fee \$ 20⁰⁰
Receipted by pm Date 3/27/79 # 13475
Publication prepared by pm Date 3/28/79
Published in Sandpoint Daily Bee w
Publication dates 4/4-11/79
Publication approved _____ Date _____
Protests filed by: Sandpoint Bee - 4/13/79

Copies of protests forwarded by pm
Hearing held by DBS & Ryff Date 6-28-79
Recommended for approval denial by Ryff

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. 96-7764, 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 February 1, 19 85.
- 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: PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER

Witness my hand this 18 day of March, 19 80.

Stephen Allred
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 96-7764
IN THE NAME OF HENRY L. POHNDORF

CERTIFICATE OF MAILING

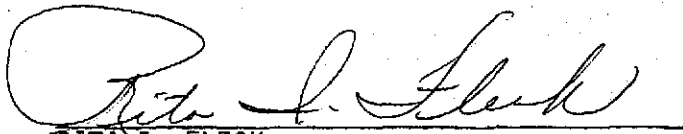
I HEREBY CERTIFY That on March 19, 1980, true and correct a copy of the foregoing ORDER ADOPTING PROPOSAL FOR DECISION, was mailed, postage prepaid to:

Henry L. Pohndorf
P. O. Box 448
Sagle, ID 83860

Forrest M. Bird
Box 817
Sandpoint, ID 83864

John K. Hammarberg
Riverside Building
Suite 6, P. O. Box 216
Sandpoint, ID 83864

Scott W. Reed
P. O. Box A
Coeur d'Alene, ID 83814


RITA I. FLECK

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 96-7764 IN
IN THE NAME OF HENRY L. POHNDORF

CERTIFICATE OF MAILING

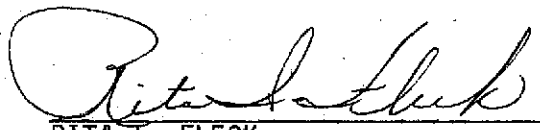
I HEREBY CERTIFY That on February 14, 1980, true and correct copies of the foregoing ORDER ISSUING PROPOSAL FOR DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

Henry L. Pohndorf
P. O. Box 448
Sagle, ID 83860

Forrest M. Bird
Box 817
Sandpoint, ID 83864

Jon K. Hammarberg
Riverside Building
Suite 6
P. O. Box 216
Sandpoint, ID 83864

Scott W. Reed
P.O. Box A
Coeur d'Alene, ID 83814


RITA I. FLECK

MICROFILMED

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

IN THE MATTER OF)
APPLICATION FOR PERMIT)
NO. 96-7764 IN THE NAME)
OF HENRY L. POHNDORF)

ORDER ISSUING
PROPOSAL FOR DECISION
I.C. SECTION 67-5211

C. Stephen Allred, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, David B. Shaw, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, Section 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on June 25, 1979, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code Section 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.

EXCEPTIONS

- A. To be considered by the Director, exceptions must:
1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision, and

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.

BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.

ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party shall have the right to present oral arguments in response to the exceptions filed, provided that party files a request with the Director on or before the 15th day following the day the last exceptions by any other party were served upon that party.

C. After all exceptions, briefs and requests for oral arguments have been received by the Director and if oral arguments have been properly requested, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place,

date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

DATED this 8 day of February, 1980



C. STEPHEN ALLRED
Director
Department of Water Resources

1

Construction Permit

BONNER COUNTY IDAHO BUILDING DEPARTMENT

Permit No. 78-348 8-25-78
(DATE)

Job Address: Glengary Bay

Location _____

Permission is hereby granted to:

HENRY PEHNDOFF SAVAGE-CLARK
(OWNER) (CONTRACTOR)

Erect ☒ Enlarge ☐
to Alter ☐ Repair ☐
Move ☐ Demolish ☐ a house
(DESCRIPTION OF WORK)

provided he conforms to the plans, specifications and the statements certified to in the application on file in this office and that all work is done in accordance with the laws and ordinances of Bonner County and the State of Idaho, pertaining to the work described herein.

(TYPE)	(OCCUPANCY)	(FIRE ZONE)	(ZONE)
Valuation: \$ <u>25,000</u>		Plan Checking Fee: \$ <u>—</u>	
Permit Fee: \$ <u>112.00</u>		Total Fee Paid: \$ <u>112.00</u>	
(SIGNATURE OF APPLICANT)	By: <u>DJ</u>	BUILDING OFFICIAL	
(ADDRESS)			

Call 263-6841 Ext. 38 For Inspection

Footings	_____	_____
Foundations	_____	_____
Framing	_____	_____
Wall Covering	_____	_____
Finished Building	_____	_____

Called For Inspection and Rules

No structural portion of any part of any building or structure shall be covered or concealed in any manner whatsoever, without first obtaining approval of the Building Inspector.

FOOTING and FOUNDATION INSPECTION to be made after trenches are excavated and the necessary forms and reinforcements are erected.

FRAME INSPECTION to be made after the roof is in place; all framing, fire-blocking and bracing are in place and all pipes, chimneys and vents are complete.

WALL BOARD INSPECTION to be made after interior and exterior wallboard is in place, but before any plastering is applied or before joints and fasteners are taped and finished.

FINAL INSPECTION to be made after the building is completed and ready for occupancy.

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Inspector.

No reinforcing steel or structural framework of iron or steel shall be covered without first obtaining the written approval of the Building Inspector.

This permit is issued with the understanding that all work performed will comply with all Building Code requirements, and will be completed within a reasonable period of time.

All materials used must be of good quality and workmanship so as to make a presentable finished appearance when completed.

Additional permits are required for plumbing, electrical, gas and sign or marquee installations.

These are basic requirements and will be strictly enforced.

Permit (Not) Valid Unless Posted ON Premises

ANY UNAUTHORIZED PERSON REMOVING

THIS CARD WILL BE PROSECUTED

PENALTIES CHAPTER (C) U.D.C.

MICROFILMED

MAR 03 1979

Henry H. Halimant
Professional Engineer
1227 Brewster Drive
El Cerrito, CA. 94530

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 Water

Right Application

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 4th day of

April 1979 and ending on the 11th day of April

1979 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 10 day of May, 1979.

Adrian M. Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT
Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

96-7764
POHNDORF, HENRY L.
P.O. BOX 448, SAGLE, ID 83860
Source: LAKE PEND OREILLE
Date Filed: 3-19-1979
Amount: 0.06 CFS
Diversion Point: LOT 03 Sec 08 T 56N R 01E, BONNER Co.
Use: DOMESTIC (0.04 CFS) from 01-01 to 12-31
IRRIGATION (0.02 CFS) from 03-15 to 11-15
Place of Use: NESW Sec. 08 T 56N R 01E FOR 1 ACRES
Diversion Means: PIPE & VALVE.
If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id., 83814 on or before APRIL 23, 1979.
C. STEPHEN ALLRED
Director
Apr. 4, 11, 1979

OK
4/11/79

RECEIVED

MAY 14 1979

Department of Water Resources
Northern District Office

MICROFILMED

December 13, 1988

HENRY L. POHNDORF
P.O. BOX 448
SAGLE, ID 83860

RE: PERMIT NO. 96-07764

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED MED

JAN 11 1989

November 17, 1988

HENRY L. POHNDORF
P.O. BOX 448
SAGLE, ID 83860

RE: PERMIT NO. 96-07764

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECORDED

JAN 11 1989

RECEIVED

Department of Water Resources

Permit No. 96-7764

Phone No. 263-1968

1. Owner: HENRY L. POHNDORF Phone No. 263-6968
Current Address: POB 448, SAGLE ID. 83860
2. Accompanied by: NONE EXAM. DATE: 5/16/85
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: LAKE PEND ORIELLE tributary to PEND ORIELLE R.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	MEYERS	1	MODEL SSM 25A7	1 AC 11221	~~1 1/2~~ 2" 8E7206387

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
1 1/2" SUCTION WITH PUMP & 2" MAIN TO HOME

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

7. Measurements ONE HOME 1/2 ACRE LAWN ☐ Additional data/computation sheets attached

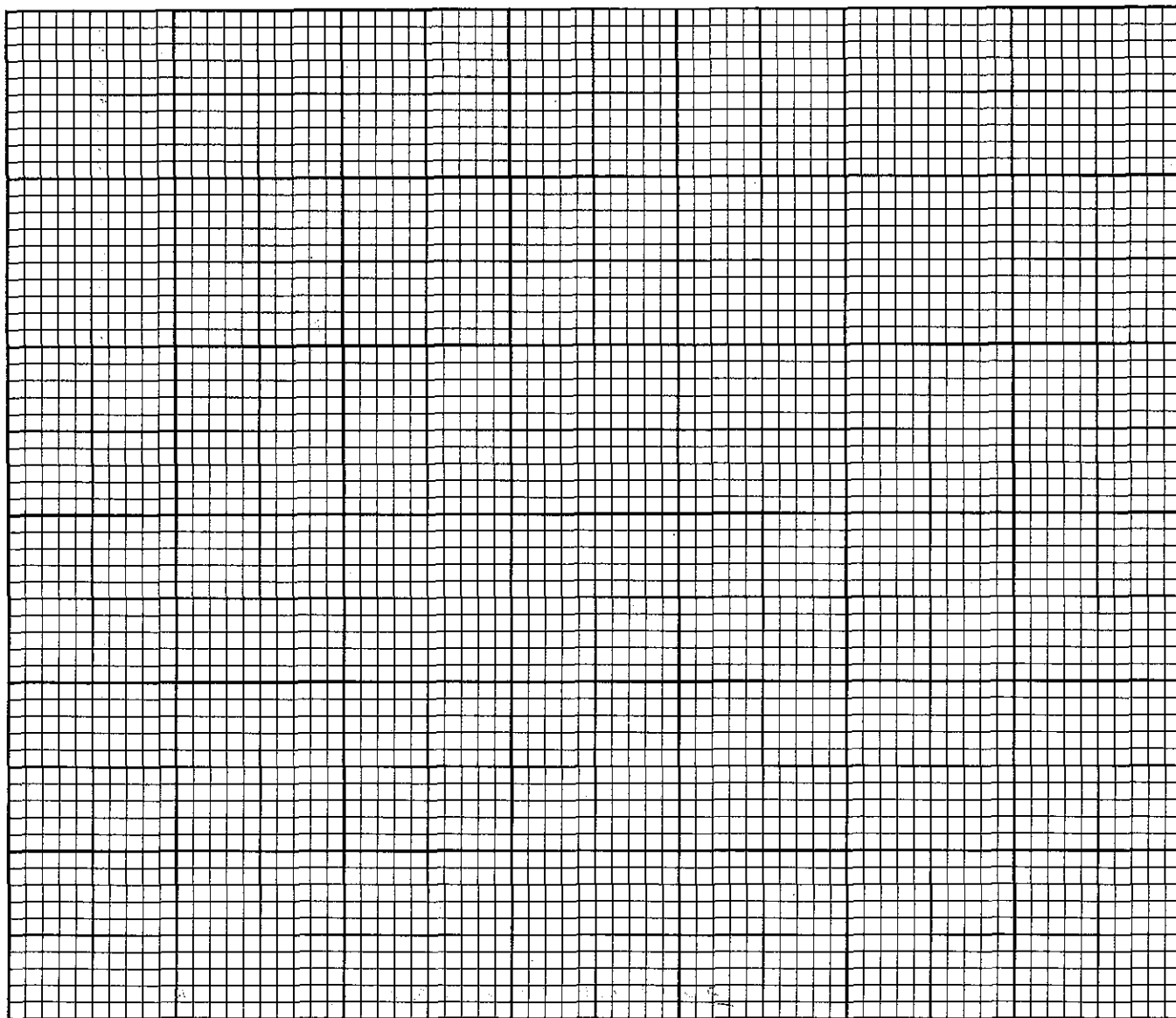
8. Point(s) of Diversion: Indicate Method of Determination *MAP*

[illegible]

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.
Indicate Method of Determination MAP

[illegible]

10. Other water rights on these lands None
11. Other water right diverted from same p.d. None
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ ~~Photo of Diversion & System Attached~~ ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks ~~PHOTO~~ CAMERA MALFUNCTION
THIS IS FOR CARETAKER CABIN AT PUT MARINA

15. 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

16. Examiner's/Consultant's Signature [Signature] Date 5/16/85

Consultant's License Number _____

IDWR Director's Authorization to Conduct Beneficial Use Examination _____

Date

MICROFILMED

CONSULTANT SEAL

JAN 11 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LICENSING REPORT

RECEIVED

AUG 26 1985

96-7764
Permit No.

1. Measurement Calculations

Department of Water Resources

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

one HOME 0.04 cfs
IRR 0.02 cfs

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3 \left(\frac{1}{2} \right) = 1.5$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.18 \times 1.5$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 0.18 \times 1.5$

c) Volume Calculations for Other Uses:

One home 0.6 AF

2. Overlap Review

a) Other water rights with same place of use: none

b) Other water rights with same point of diversion: none

c) Analysis:

MICROFILMED

JAN 11 1989

RECOMMENDED AMOUNTS

- | Permit No. | Priority | Amount | App. Date | Date Proof Submitted | System Capacity |
|------------|----------|--------|-----------|----------------------|-----------------|
| 96-7764 | | 0.06 | | | |

4. Permit Holder: Henry C. Potendorf

Address: POB 448, Sagle, ID 83860

5. Source: Pendoreille Lake tributary to Pendoreille R.

6. Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		

IRR	3-15	11-15	0.02	~~1.8~~ 1.5
-----	------	-------	------	--------------------

Dam (1) 1-1 12-31 0.04 0.6

Allowable Maximums: 0.06 2.4 2.1

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

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	
56N	1E	8									X 1/2								1/2
Total Acres																			1/2

9. Recommended Conditions/Remarks: _____

10. 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

11. Examiner's Signature *[Signature]*

Checked in Regional Office by B. J. Haynes

Approved in State Office by _____

Date 8/15/85

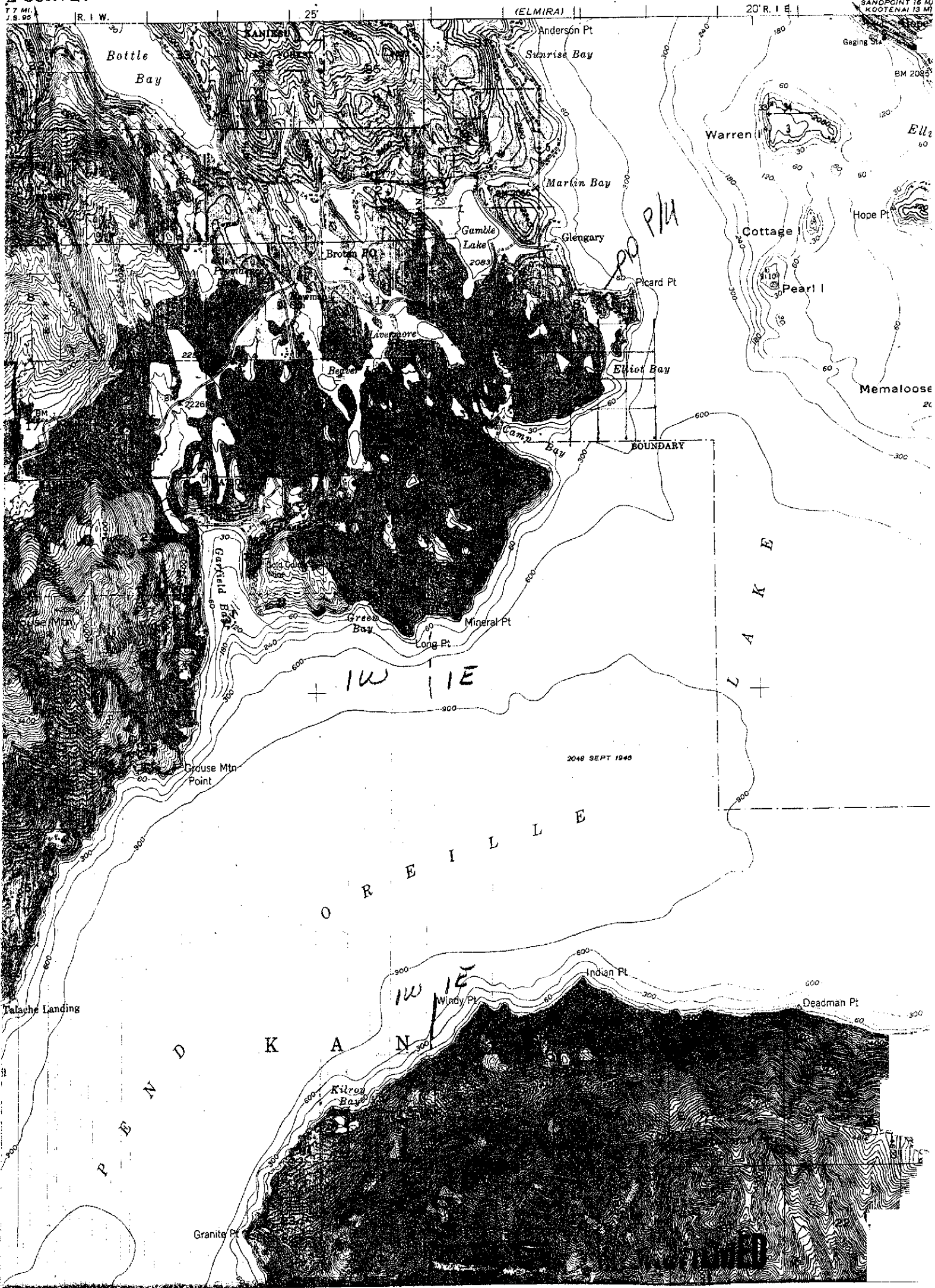
Date 8/2/83

Date _____

MICROFILMED

JAN 11 1989

STATES
OF THE INTERIOR
LAND SURVEY



JAN 11 1989

TWP, 56N RGE, 1E SEC, 8 MAP # D-7 MAP SCALE
DATE OF FIELD EXAM 5/16/85 FIELD REPORT MAP PERMIT # 96-7764

T 56 N



MICROFILMED

JAN 11 1989

TWP. 56 N RGE. 1 E SEC. 8 MAP # D-8 MAP SCALE

DATE OF FIELD EXAM 5/16/85 FIELD REPORT MAP PERMIT # 96-7864

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

MARCH 4, 1985

HENRY L. POHNDORF
P.O. BOX 448
SAGLE ID 83860

RE: Permit No. 96-7764

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 765-4639 or in person at our office.

Sincerely,

/s/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MICROFILMED
JAN 11 1989

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 96-7764

Name(s) of Permit Holder: Henry L and Irene M. Pohndorf

Post Office Address: P.O. Box 448 208 263 6968
Sagle, Id 83860 415 529 1500
808 879 3477

Source of Water: Glengary Bay, Lake Pend Oreille

Extent of Use: ☒ Domestic 1 (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 2 (acres)

~~Other~~ Project finished and in use since the
spring of 1980. This is a confirmation.

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

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

JAN 06 1985
Date

MICROFILMED

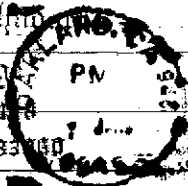
Henry L. Pohndorf
HENRY L. POHNDORF
Signature of Permit Holder

Henry M. Haffner

Stonehedge

P.O. Box 478

Sagle, Idaho 83400



RECEIVED

JAN 10 1985

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MAILED

Department of Water Resources

December 28, 1984

Henry L. Pohndorf
P. O. Box 448
Sagle, ID 83860

CERTIFIED MAIL

138606

Dear Mr. Pohndorf:

Re: Permit No. 96-7764

PROOF DUE NOTICE

One of the conditions of approval of your water permit No. 96-7764 was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1985. This date, however, has been changed to March 1, 1985 by the enclosed order. Also enclosed is a postcard which 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 provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a government agency or by litigation, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either the beneficial use postcard or a 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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 20, 1979

Mr. Scott Reed
Attorney at Law
P. O. Box A
Coeur d'Alene, Idaho 83814

Re: 96-7764 - Pohndorf

Dear Mr. Reed:

Pursuant to our previous letter of July 19, 1979, we have not received payment to date for the set of tapes of the heading on the above-referenced Application for Permit.

Please remit the amount of \$10.00 at your earliest convenience.

Sincerely,


Patricia M. Stypa
Senior Secretary

MICROFILMED

Received
\$10 check
8/22/79
Receipt #14190

RECEIVED

AUG 23 1979

Department of
Northern District Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 24, 1979

Mr. Scott Reed
Attorney at Law
P.O. Box A
Coeur d'Alene, ID 83814

Re: 96-7764 - Pohndorf

Dear Mr. Reed:

We have received your check for the amount of \$10.00 for the set of tapes of the heading on the above-referenced Application for Permit.

Enclosed are your receipt No. 14190 in the amount of \$10.00.

Sincerely,

Janet S. Breithaupt
Senior Clerk
Enc: Receipt No. 14190

MICROFILMED

7764
96-~~2210~~

March 8, 1979

Mr. Henry L. Pohndorf
1227 Brewster Drive
El Cerrito, Calif. 94530

Dear Mr. Pohndorf:

We are returning your Check No. 11-8 in the amount of \$50.00 and your two Applications for further information.

Applications 1 & 2

Item 4: The period of use should indicate the months of the year the water would be used. For year-around domestic, it would be from January 1, to December 31. For irrigation in that area, it would be from March 15 to November 15.

Items 3,

8a, 8b: The points of diversion and place of use must be identified by 40-acre subdivision (or U.S. Government Lot), Section, Township and Range as established by the Public Land Survey System.

Item 11: A sketch or map must accompany all Applications.

I am enclosing a set of instructions to aid you in these points, especially Item 8b. Please check the Applications over making the necessary corrections and return the Applications to this office with a \$40.00 filing fee.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

EDK/pms
Enc. - Check, Applications (2), Instructions

MICROFILMED

96-~~7764~~ 7764

April 12, 1979

Mr. Henry L. Pohndorf
1227 Brewster Drive
El Cerrito, California 94530

Dear Mr. Pohndorf:

We are returning your Check No. 11-8 in the amount of \$20.00,
your claim and supportive evidence.

Please compare Item 4A and Item 6A with the man since they do
not agree.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Check
Claim
Supportive evidence

MICROFILMED

STAFF REVIEW - STATE OFFICE

1. OK Name vs. Signature
2. Lake Source
3. ✓ Point of Diversion
4. ✓ Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. _____ Place of Use for other than irrig.
8. _____ Place of Use for irrigation (add acres)
9. Other Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 20 Fee & Rec't. No.

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u>NO</u> Idaho Fish & Game Dept.	<u>No copy sent by Region</u> Dept. of Lands
<u>NO</u> Bureau of Land Management	<u>NO</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area _____ yes ✓ noOther rights on same land NoneWithdrawals of all protests received ✓ yes X no See memorandum Decision

Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. _____

Snake River Condition _____

Payette River Letter _____

Priority Date 3/7/79Water Quality #16 NO

Water Quality #10 _____

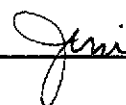
intrastate _____ interstate _____

Meas. Dev. or Sc. Meas. NOTotalizing meter NOSupplemental NORight-of-Way Cond. OKWatermaster Cond. NO

Wtr. Dist No. _____

Meas. Dev. Cond. for apps within a Water Dist. NO

MICROFILMED



Reviewer

1/11/80

Date

IDENT. NO. 96-7764

WATER RIGHT
DATA ENTRY LOG

[illegible]

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Pohndorf 96-7764

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) SK 9/19/79

In form to receipt

(2) _____

Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) _____

Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

Request Dam Safety Information

(4) SK 9/19/79

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received (date) _____

(12) _____

Final date for protests _____
Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

3-7-79 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of
approval

☒ No special conditions for approval

(15) District Northern

By Bob Haynes Date 12/20/79

MICROFILMED

March 19, 1980

Henry L. Pohndorf
P. O. Box 448
Sagle, ID 83860

Dear Mr. Pohndorf:

Re: Permit No. 96-7764

Enclosed is a copy of the approved Application for Permit No. 96-7764 along with a copy of the Proposed Memorandum Decision and Order and a copy of the Order Adopting the Proposal for Decision. We direct your attention to the conditions of approval as set forth in the Proposed Memorandum Decision and Order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within sixty (60) days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: John K. Hammarberg
Forrest M. Bird
Scott W. Reed

MICROFILMED

ACTION REQUIRED

2/12/80

FROM: Dave

TO: Rita

I would like to have findings of fact #2 reworded to include the irrigation use since it is in excess of the normal domestic amount. I suggest:

- 2) The ^{applicant}~~application~~ requests a water right for a single family, the house for which is presently under construction, and ~~the~~ irrigation for landscaping of the homesite. OK ~~DF~~

If Bob agrees please re-type & I will sign when I am over on Thursday. Thanks

MICROFILMED

RECEIVED

FEB 11 1980

Department of Water Resources

Please file

16 January 1980

Mr. Henry L. Pohndorf
226 Waiohuli Beach Hale
49 Lipoa St.
Kihei, HI 96753

RE: 96-7764

Dear Mr. Pohndorf:

The memorandum decision is in our state office in Boise for final review. One of the individuals involved in that review is Glen Saxton, whom you have had correspondence with. It is my understanding that the decision will be issued in a matter of days.

If you have any further questions, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES
Regional Supervisor

RGH:nh

MICROFILMED

226 Waiohuli Beach Hale
49 Lipoa St.
Kihei, HI 96753

STONEHEDGE
P. O. Box 448
Sagle, Id 83860

HENRY L. POHNDORF
Professional Engineer
1227 Brewster Dr.
El Cerrito, Ca 94530

RECEIVED

January 7, 1980
Reply to Maui

FEB 13 1980

Department of Water Resources

SECOND
REQUEST

Mr. Robert G. Haynes, P.E.
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Mr. Haynes:

For your reference I am attaching copies of Mr. Saxton's letters of November 26 and December 28, 1979 and my letter dated December 17, 1979.

The domestic water permit requested will serve a single family dwelling on the edge of Lake Pend Oreille already constructed in accordance with all applicable regulations.

More than six months ago a formal hearing was held in Sandpoint on my permit request. The objections made by a single individual, who was not present, in my opinion were frivolous, and were presented at great expense to the State.

I would appreciate receiving a prompt denial or approval of this permit application so that I will be enabled to proceed accordingly.

Thank you for your consideration.

Very truly yours,

Henry L. Pohndorf

HENRY L. POHNDORF
El Cerrito

HLP/pe
attach.

RECEIVED
JAN 10 1980
Department of Water Resources
Northern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 26, 1979

Warren E. Baxter
Permit Section
Seattle Dist. Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124

RE: 071-0YB-1-006041
Henry L. Pohndorf

Dear Mr. Baxter:

The State of Idaho has reviewed the above referenced public notice and this letter conveying the following comments represent the position of the State.

The Departments of Water Resources, Fish and Game, and Lands have no objections to the above referenced project. The Department of Lands has issued encroachment permit No. L-96-S-72 for the project.

To insure protection of water quality, the Department of Health and Welfare recommends the following conditions be incorporated into the Department of the Army permit on this proposed activity.

1. Excavation and installation of the buried portion of the line shall be performed during low water.
2. As the excavation is filled in, gravel and rock shall be placed on top of the fill to reduce the resuspension of clay particles in the water.

If construction is completed in accordance with the described work plan and above conditions, Health and Welfare certifies under Section 401 that the construction will comply with applicable requirements of Sections 301, 302, 303, 306 and 307 of PL 92-500 and will not violate Idaho Water Quality Standards and Wastewater Treatment Requirements.

Sincerely,

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

LGS:LDT

CC: F&G, Lands, H&W

MICROFILMED

314 A/C

226 Waiohuli Beach Hale
49 Lipoa St.
Kihei, HI 96753

STONEHEDGE
P. O. Box 448
Sagle, Id 83860

HENRY L. POHNDORF
Professional Engineer
1227 Brewster Dr.
El Cerrito, Ca 94530

December 17, 1979
Reply to El Cerrito

Mr. L. Glen Saxton, Chief
Operations Bureau
Department of Water Resources
Statehouse
Boise, Idaho 83720

Reference: 071-0YB-1-006141
Corps of Engineers

Dear Mr. Saxton:

The two items of construction listed in your November 26, 1979 letter to the Corps have been discussed with Jackson Clark, Craig Savage and Ernie's Backhoe Excavating for compliance.

Would you be kind enough to indicate if you wish any revisions made in the drawing submitted. Mr. Spearman's letter of December 5 is attached for your further reference. I'm sure that the Seattle District would welcome your comments. Your interest in this project is appreciated.

Very truly yours,

Henry L. Pohndorf, Maui

HLP:llf

Attach.

cc: Robert R. Spearman
Savage & Clark w/2 Encl.
413 So. 2nd Street
Sandpoint, ID 83864



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

December 28, 1979

Henry L. Pohndorf
1227 Brewster Drive
El Cerrito, CA 94530

Dear Mr. Pohndorf:

In response to your letter of December 17, 1979, revised drawings will not be required, assuming the location has not changed.

Thank you for your interest in completion of all the details relative to your project.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Robert Spearman

JAN 07 1980

JAN 07 1980

Apparently Mr Saxton
has approved my
response to his advice.

App: Henry L. Pohndorf
96-7764
Scott Reed.

6/25/79

1:30 p.m. Sandpoint

Prot: Jon Hammarberg representing Forrest Bird.

{ Request from Mr. Reed to dismiss protest.
Mr. Hammarberg - Local public interest
Mr. Reed - no jurisdiction over water quality
Mr. H. - has existing water right.

{ Mr. Hammarberg - Objects to Mr. Reed's participation as an advocate. - Asks Mr. Reed not participate
Mr. Reed - Board is planning board with no appeal from this action.

Reed. Lives on property - ^{stone hedge} tax lot 7 - 1969-70
App is for lots 14 & 15
- Building permits & all other permits are in good order.
- New House is for cave taken.
- Has building permit
- Has Lands permit for pipeline
- Sewage permit.

Present house uses septic & drain field

Applicant Exhibit #1 - app for sewage permit.

Hammarberg -

Prot. 1-7 ex. photos

#2 - new house about center of photo.

MICROFILMED

Area filled was on area flooded by C of E dam in 1941. Was permitted after the start of construction.

Reed -

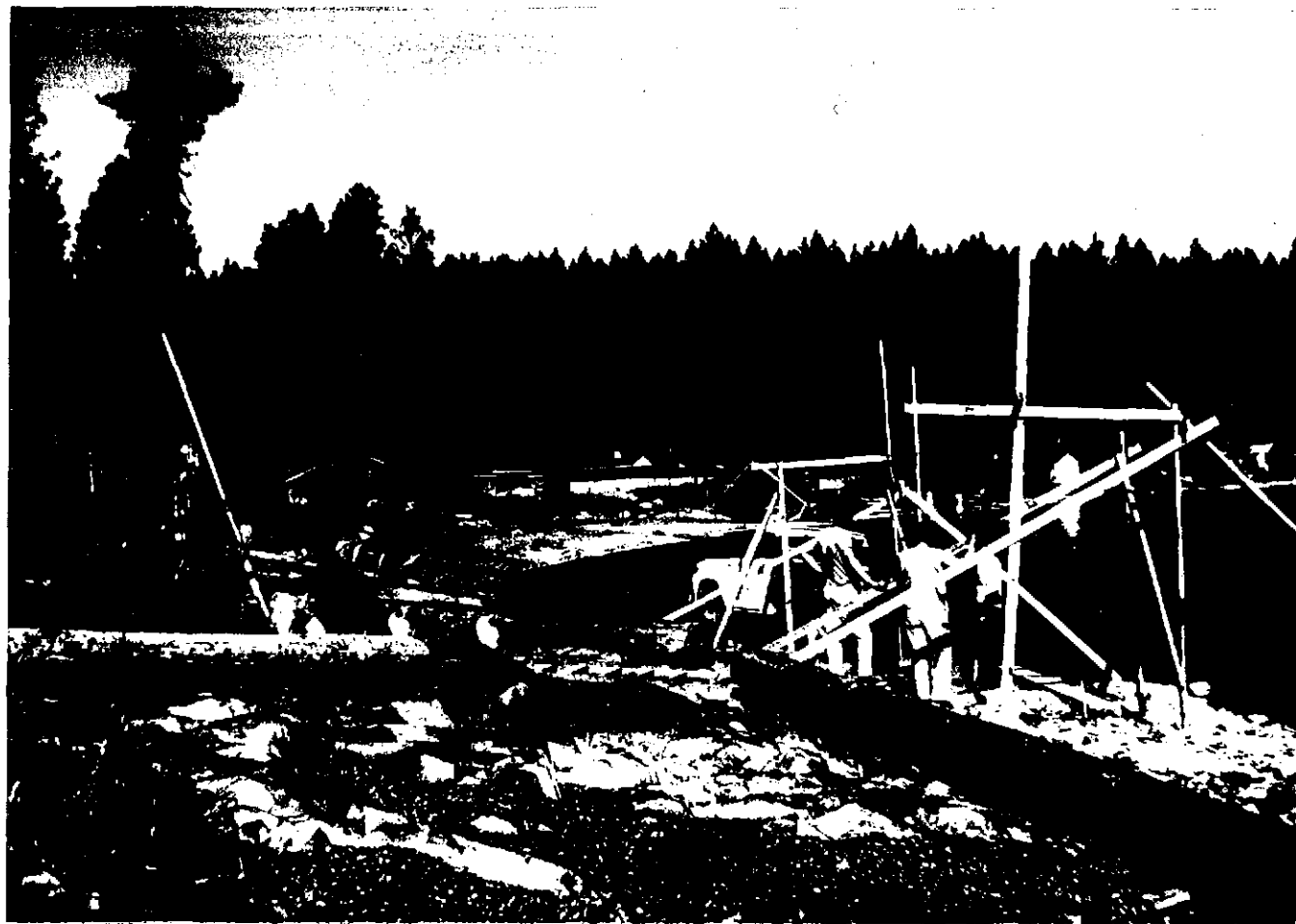
App Ex #2 - letter from C of E

Hammarberg - objects to excessive amount for irrigation

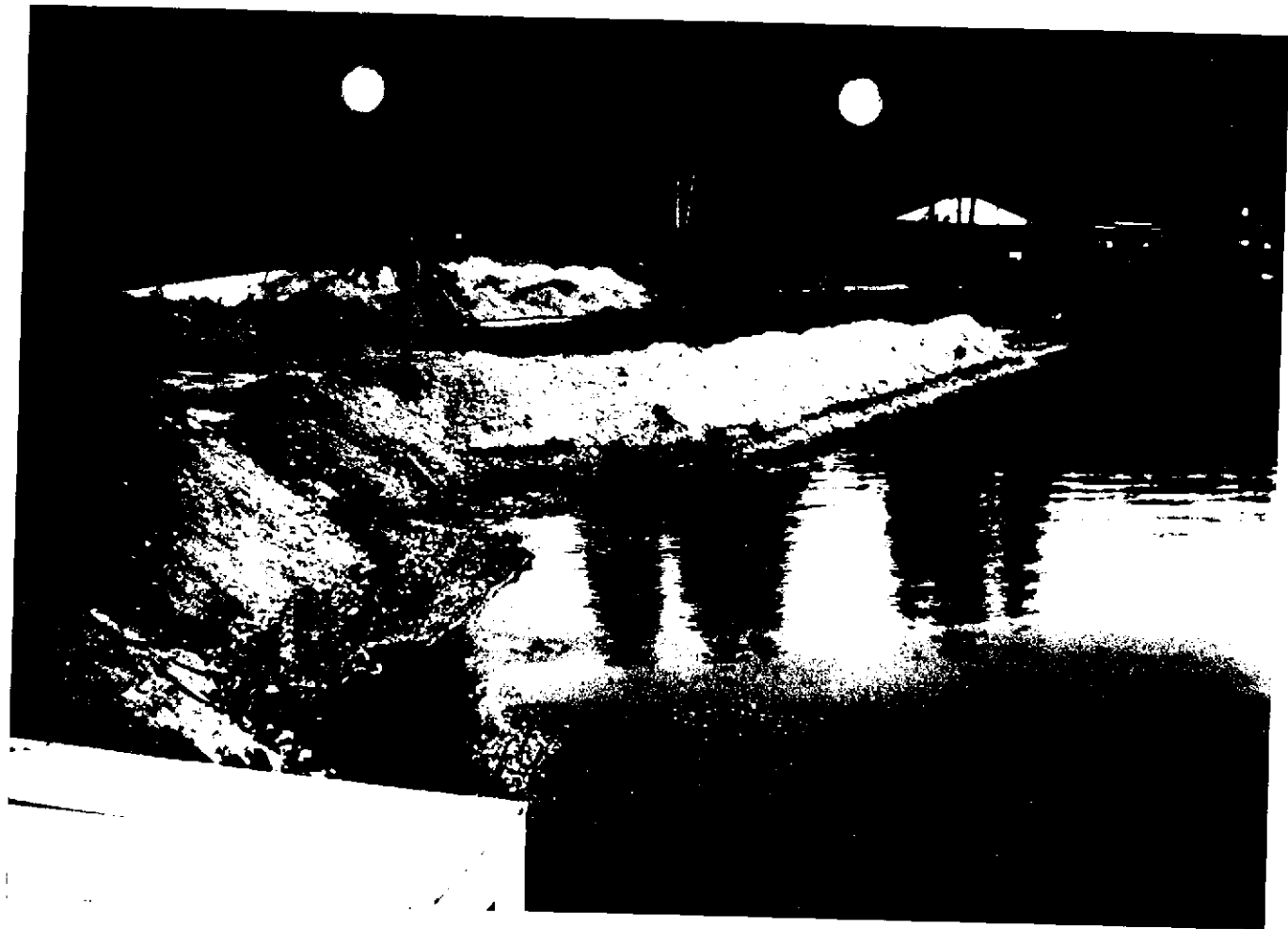
- speculative - may want to sell lots.
- lacks necessary permits.
- water quality

















Skier pauses midst rime laden trees on Schweitzer's rim

Photo: Ross Hall



RECEIVED

NOV 6 1979

Department of Water Resources
Northern District Office

Mr Robert J. Haynes, PE

Regional Supervisor

Dept of Water Resources

4055 Government Way

Coeur d'Alene, Id 83814

Dear Mr Haynes,

Can you tell me how much longer the state will deliberate on my water application which was the subject of a hearing June 25, in Adpto

Thank you for following up on this matter

Stonehedge

Sincerely

Blank Pohndorf

P. O. Box 448
Sagle, Idaho 83860

THESE ALPINE FIRS BECOME ENCRUSTED WITH HOARFROST, a silvery-white deposit of ice needles formed during still, clear nights. Subsequent periods of fog continues to build beautiful, massive, ghostly shapes. The view of Lake Pend Oreille from Schweitzer would stop any skier. Average annual snow depth exceeds 120 inches. Some ski runs are more than a mile long.

46354-D

Pub. by Ross Hall Scenics, Route 1, Sandpoint, Idaho 83864

Name: Henry L. Pohndorf
File: 96-7764
Place: Sandpoint Cith Hall Council Chambers
Date: Monday, June 25, 1979, at 1:30 pm

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Jon Hammarborg	PO-Box 216 Sandpoint, Id. 83864	Dr. F. M. Bird
Scott W. Neel	PO Box A Coon Lake, Id	Henry Pohndorf
Henry L. Pohndorf	POB 448 Sagle, Id 83860	

MICROFILMED

3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☒ Show to whom and date delivered. \$

☐ Show to whom, date, and address of delivery. \$

☐ RESTRICTED DELIVERY

Show to whom and date delivered. \$

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. Henry L. Pohndorf

P. O. Box 448

Sagle, Idaho 83860

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

13436

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☒ Addressee

☐ Authorized agent

H. Pohndorf

4.

DATE OF DELIVERY

RECEIVED

POSTMARK

5. ADDRESS (Complete only if requested)

JUN 11 1979

6. UNABLE TO DELIVER

Depot of
Northern District Office

CLERK'S
INITIALS

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 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 TO AVOID PAYMENT
OF POSTAGE, \$300**



**RETURN
TO**



IDEALS DEPT. OF COMMUNITY RELATIONS

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☒ Show to whom and date delivered. _____☐ Show to whom, date, and address of delivery. _____☐ RESTRICTED DELIVERY

Show to whom and date delivered. _____

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery. _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. Jon Hammargerg

P. O. Box 216

Sandpoint, Idaho 83864

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

13437

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE



Addressee



Authorized agent

4.

DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and 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 TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



IDAHO DEPARTMENT OF VETERANS
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 200, COEUR D'ALENE
COEUR D'ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☒ Show to whom and date delivered. _____☐ Show to whom, date, and address of delivery. _____☐ RESTRICTED DELIVERY

Show to whom and date delivered. _____

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. Jon Hammargerg

P. O. Box 216

Sandpoint, Idaho 83864

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

13437

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE



Addressee



Authorized agent

4.

DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

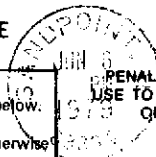
MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 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 TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



INDIAN DEPARTMENT OF WATER RESOURCES

INDIAN DEPARTMENT OF WATER RESOURCES

INDIAN DEPARTMENT OF WATER RESOURCES

INDIAN DEPARTMENT OF WATER RESOURCES

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

● SENDER: Complete items 1, 2, and 3.
 If you are not the addressee, use the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered. \$
☐ Show to whom, date, and address of delivery. \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. \$
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Dr. Forrest M. Bird
 Box 817
 Sandpoint, Idaho 83864

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13434	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and 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 TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 8, BOX 224, COYNEVILLE
COLEER DISTRICT, ID 83304

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

NAME AND ADDRESS OF SENDER

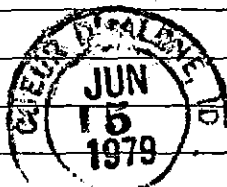
Indicate type of mail

☐ INSURED ☐ C. O. D.
☒ CERTIFIED

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

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1	13430 Dr. & Mrs. Larry DeLane, 3326 4th Lewiston, Id. 83501	15	80			45			
2	13431 Mr. Harold G. Smith, Rt. 2-Box 5-H, Lenore, Id. 83541	"	"			"			
3	1685 Redbird Road, Lewiston, Id. 83501								
4	13432 Mr. James M. English, Box 386, CDA, Idaho 83814	"	"			"			
5	13433 Mr. & Mrs. Phillip Neddo, Rt 3, Box 12, Rathdrum, Id.	"	"			"			
6	13434 Dr. Forrest M. Bird, Box 817, Sandpoint, Idaho	"	"			"			
7	13435 Mr. Scott Reed, P. O. Box A, CDA, Idaho 83814	"	"			"			
8	13436 Mr. Henry L. Pohndorf, P. O. Box 448, Sagle, Idaho 83860	"	"			"			
9	13437 Mr. Jon Hammarberg, P. O. Box 216, Sandpoint, Idaho 83864	"	"			"			
10									
11									
12									
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15									
16									
17									
18									
19									
20									



TOTAL NUMBER OF PIECES LISTED BY SENDER

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

Eight

POSTMASTER, PER (Name of receiving employee)

R. Guller

¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up."
² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

MICROFILM

9/1.00

96-7764

POD Form 3877-A—July 1958

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. 96-7764 IN)
THE NAME OF HENRY L. POHNDORF.)

NOTICE OF CONFERENCE
AND/OR HEARING

On March 19, 1979, Henry L. Pohndorf filed with the Department of Water Resources an application for Permit No. 96-7764. The Department received a protest against approval of said permit on April 13, 1979, from Forrest M. Bird.

The Department has set the matter of protests for conference and/or hearing for Monday, June 25, 1979, at 1:30 p.m. in the council chambers of the Sandpoint City Hall, 110 Main, Sandpoint, Idaho. Any hearing will be held in accordance with the Rules and Regulations 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.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

DATED: This 1st day of June, 1979.



ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED



DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
1519 ALASKAN WAY SOUTH
SEATTLE, WASHINGTON 98134

9 FEB 1970

NPSOP-00

Keep for HLP
desk file -

Mr. Henry Pohndorf
Mark 3 Respirator Lane
Palm Springs, California 92262

Dear Mr. Pohndorf:

Reference is made to your letter of 22 January 1970 requesting permission to install a boat ramp in Glengary Bay of Pend Oreille Lake, Bonner County, Idaho.

The Department of the Army will interpose no objection to the modification of work approved by Department of the Army permit, dated 20 November 1969, to include the installation of a boat ramp within the work area, as shown on the inclosed print.

Sincerely yours,

H. W. MUNSON
Major, Corps of Engineers
Deputy District Engineer

1 Incl
Print

3.8.70

MICROFILMED

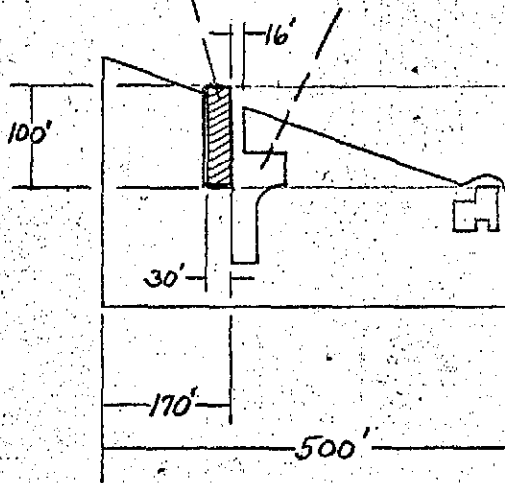
App Exhibit #2

datum: H.W. = elevation of 2062.5'

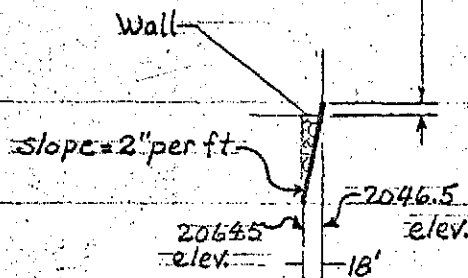
concrete ramp 30'x100' as shown... toe is at same elev. as approved basin area, that is, 16' below H.W., and top is 2' above H.W. ... 18" thick rock walls are to be used on each side of ramp.

Ramp extends 10' into water beyond wall

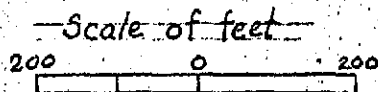
project approved
20 Nov. 1969



Plan View



Elevation View



Addendum No. 2 (shaded area)

Proposed addition of boat ramp
Glerigary Bay, Lake Pend Oreille
County of Bonner, State of Idaho
Application by Henry L. Pohndorf, P.E.
Date: July 23, 1969

MICROFILMED

PANHANDLE HEALTH DISTRICT
INDIVIDUAL SEWAGE DISPOSAL INSTALLATION PERMIT

PERMIT FEE \$1000

PERMIT NO. 4000 PAID 4000 CASH ☒ CHECK ☐ NO FEE ☐ DATE 7-14-78
INSTALLATION FOR (NAME) HENRY L POHNDORF SIZE OF LOT 1.21 FT. X 2.52 FT.
LEGAL DESCRIPTION OF PROPERTY LOT 14 & 15 DEERFIELD HAVEN

ADDRESS OF INSTALLATION Seagrave Bay

NO. LIVING UNITS 1 BEDROOMS 2 BATHS 1 PEOPLE SERVED 2 OTHER

SEPTIC TANK See attached GALS. - DISTANCE TO DWELLING FOUNDATION WELL WATER LINE

SURFACE WATER TYPE OF TANK: CEMENT METAL OTHER MOUND SYSTEM / INCINERATOR TREAT

DISPOSAL AREA: DRAINFIELD ABSORPTION BED OTHER ☒ DIMENSIONS

PERK RATE MIN/IN. SOIL PROFILE CLAY

DISTANCE: PROPERTY LINES:

FRONT FT. BACK 5 FT. SIDE 5 FT. DWELLING FOUNDATION 200 FT.

WELL FT. SURFACE WATER 222 FT. SEPTIC TANK 15 FT. NEIGHBOR'S WELL 100 FT.

DEPTH TO GROUND WATER 6 1/2 FT. WELL LOG. YES NO

I UNDERSTAND THAT THIS PERMIT IS NON-TRANSFERABLE AND IS VALID FOR ONLY 90 DAYS FROM THE DATE OF APPLICATION. DRAIN-FIELD MUST NOT EXCEED 3 FEET IN DEPTH.

APPLICANT'S SIGNATURE John L. Clark APPLICANT IS: OWNER ☐ CONTRACTOR ☒ OTHER ☐

MAILING ADDRESS Box 5, Zula, 82401 PHONE NO. 491-1111

REMARKS:

COPY TO: Fm. HA ☐ Fed. HA ☐ VA ☐ OTHER

PLOT PLAN SUBMITTED 8/1/78 Date 8/16/78 APPROVED 8/16/78 Date 8/16/78 DISAPPROVED Date

PERMIT ISSUED BY Ken Babin REMARKS CONDITIONAL

VICINITY MAP
(Show How To Get There From This Office)

PLOT PLAN
(Show House, Other Buildings, Proposed Sewage Layout, Wells, Water Lines, Roads, Streams, Lakes and Distances Between).

SEE ATTACHED

Plot plan as shown by
Henry L Pohndorf is to be used.
(see attached)

THIS OFFICE MUST BE NOTIFIED FOR FINAL INSPECTION BEFORE COVERING SYSTEM!

INSPECTION. SYSTEM COVERED APPROVED Date NOT APPROVED Date

INSPECTED BY INSTALLED BY DATE

REMARKS

REFERENCE: RULES AND REGULATIONS FOR INDIVIDUAL AND SUBSURFACE SEWAGE DISPOSAL SYSTEMS
Idaho Department of Health, Environmental Improvement Division, August 1971

MICROFILMED

Applicant Exhibit 1

November 7, 1979

Mr. Henry Pohndorf
P. O. Box 448
Sagle, Idaho 83860

Dear Mr. Pohndorf:

I apologize for the delay in issuing a decision on your Application for Permit. The press of other things has forced the delay. However, since the weather has closed down and our field season has essentially come to an end, I anticipate that a decision will be forthcoming shortly. I cannot say exactly when because the decision will be issued by our State Office in Boise.

Again, I apologize for any inconvenience caused you.

Sincerely,

ROBERT E. HAYNES, P.E.
Regional Supervisor

RGH/pms

ENCLOSURE

August 20, 1979

Mr. Jon K. Hammarberg
Attorney at Law
P. O. Box 216
Sandpoint, Idaho 83864

Re: 96-7764 - Pohndorf

in Bob's Office

Dear Mr. Hammarberg:

Pursuant to our previous letter of July 19, 1979, we have not received payment to date for the Xerox copies and set of tapes of the hearing on the above-referenced Application for Permit.

Please remit the amount of \$26.50 at your earliest convenience.

Sincerely,

Patricia M. Stypa
Senior Secretary

MICROFILMED

August 20, 1979

Mr. Scott Reed
Attorney at Law
P. O. Box A
Coeur d'Alene, Idaho 83814

Re: 96-7764 - Pohndorf

Dear Mr. Reed:

Pursuant to our previous letter of July 19, 1979, we have not received payment to date for the set of tapes of the heading on the above-referenced Application for Permit.

Please remit the amount of \$10.00 at your earliest convenience.

Sincerely,

Patricia M. Stypa
Senior Secretary

MICROFILMED

July 19, 1979

Mr. Scott W. Reed
Attorney at Law
P. O. Box A
Coeur d'Alene, Idaho 83814

Re: 96-7764 - Henry Pohndorf

Dear Mr. Reed:

Pursuant to your request, enclosed is a set of tapes of the
hearing held in the above-referenced matter on June 25, 1979.

Please remit the sum of \$10.00 for these tapes.

Sincerely,

Patricia M. Stypa
Senior Secretary

Enc. - Tapes (2)

MICROFILMED

July 19, 1979

Mr. Jon K. Hammarberg
Attorney at Law
P. O. Box 216
Sandpoint, Idaho 83864

Re: 96-7764

Dear Mr. Hammarberg:

Pursuant to your letter of July 5, 1979, enclosed find copies of pertinent correspondence in the above-referenced matter. Also enclosed is the set of tapes of the hearing held on June 25, 1979.

Please remit the following amount:

\$16.50 - Xerox copies - 66 copies @ 25¢ each
10.00 - Set of tapes

\$26.50 - Total

Sincerely,

Patricia M. Stypa
Senior Secretary

Enc. - Xerox Copies (66)
Tapes (2)

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 6, 1979

Forrest M. Bird, M.D.
Box 817
Sandpoint, Idaho 83864

Re: 96-7716

Dear Dr. Bird:

This is in response to your letter of June 11, 1979.

The third item in the Findings of Fact was developed from testimony presented by both the protestants, your legal counsel and witnesses. No mention was made at that time of any activities of animals or man upstream from the culvert that would serve to regulate the level of Gamble Lake. The "record" referred to in that statement is the hearing record which is the information available to the Director in reaching a decision. It may very well be that there is a control above the culvert that regulates the level of the lake.

With regard to your question of denying you the right to water your garden, I would point out that your representatives indicated on record that it was acceptable to have the point of diversion located below the remnant of the beaver dam or earthen rise, as you call it. If subsequent events have changed the situation, we would be happy to consider a request for an amendment to the location of your point of diversion.

We have no knowledge of who dug the notch in the earthen rise and, therefore, are not in a position to comment on possible motives.

With regard to your statement concerning a possible conflict of interest on the part of the attorney for the protestants, I would only point out to you that the Director of the Department of Water Resources is autonomous from the Water Resource Board in his authority to act upon water right applications. The Board is not involved in making the decision on any water right applications for development

MICROFILMED

Forrest M. Bird, M.D.
Page Two / 96-7716
July 6, 1979

nor does the Board serve as an appeals body for the Director on these matters. Appeals from the Director's decision on water right related matters go directly to the district court.

I hope I have adequately addressed concerns expressed in your letter. If you have any further questions, please do not hesitate to call me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: IDWR - State Office
Mr. David Leroy, Attorney General

ROUGH DRAFT

Forrest M. Bird, M.D.
Box 817
Sandpoint, Idaho 83864

Re: 96-7716 - *BIRD*,

Dear Dr. Bird:

This is in response to your letter of June 11th to Bob Haynes of our Department.

The third item in the Findings of Fact was developed from testimony presented by both the protestants and your legal counsel and witnesses. No mention was made at that time, of any activities of animals or man upstream from the culvert that would serve to regulate the level of Gamble Lake. The "record" referred to in that statement is the hearing record, which is the information available to the Director in reaching a decision. It may very well be that there is a control above the culvert that regulates the level of the lake.

With regard to your question of denying you the right to water your garden, we would remind you that your representatives indicated on record that it was acceptable to have the point of diversion located below the remnant of the beaver dam or earthen rise, as you call it. If subsequent events have changed that situation, we would be happy to consider a request for an amendment to the location of your point of diversion.

We have no knowledge of who dug a notch in the earthen rise and we are not in a position to comment on possible motives.

NOTE: Include something about relation of Water Board members to water rights decisions.

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

MEMORANDUM DECISION

AND ORDER

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

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

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

The primary issue raised by the protestants is that it is against the local public interest to allow the level of Gamble Lake to be drawn below the elevation to which it would naturally recede following the spring runoff.

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

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

MICROFILMED

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

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

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

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

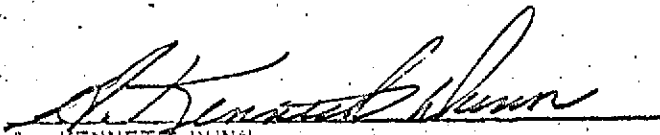
ORDER

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

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

3) Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1984.

Dated this 27 day of March, 1979.


A. KENNETH DUNN
Deputy Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Forrest M &/or Mary P Bird Phone 263-7091

Post office address PO Box 817, Sandpoint, Id. 83864

2. Source of water supply unnamed creek which is a tributary of Pend Oreille Lake
outlet of Gamble Lake.

3. Location of point of diversion is Gov Lot 4 of 7 1/4 of Section 6 Township 56N

Range 1E B.M. Bonner County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

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

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

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

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

5. Total quantity to be appropriated:

a. 0.24 cubic feet per second and/or b. .15 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
pump & pipeline to place of use & to storage

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: SE SW NW
(1) Give the place of use of water: N 1/2 1/4 of SW 1/4 of Section 6 Township 56N

Range 1E 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 _____

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

recreation usage will be in pond used for storage

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

WP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NEX	NW¼	SW¼	SE¼	NEX	NW¼	SW¼	SE¼	NEX	NW¼	SW¼	SE¼	NEX	NW¼	SW¼	SE¼	
5N	1E	6									6	5		GOV 1	LOT 7				12

Total number of acres to be irrigated 12

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

None

9. a. Who owns the property at the point of diversion Applicant & John Duzynski

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

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

10. Remarks Uses

0.24 cfs for Diversion to Storage from Jan 1 to Dec 31

15 AF for Storage for Irrigation, Fire protection, wildlife, recreation, & domestic from Jan 1 to Dec 31

15 AF for Irrigation from Storage from April 1 to Oct 31

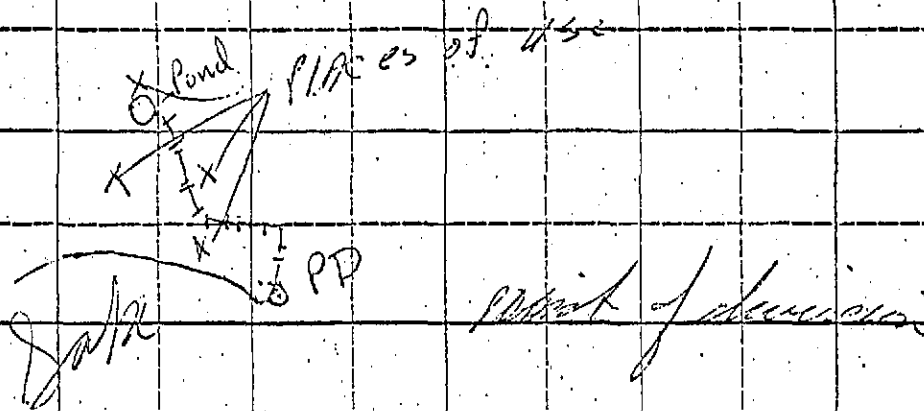
1.2 AF for domestic from storage from Jan 1 to Dec 31

0.24 cfs for irrigation from April 1 to Oct 31

0.04 cfs for domestic from Jan 1 to Dec 31

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

Sec 6, T56N, R1E, B.M.



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.

Robert Charles LaFare
(Applicant)

Received by P Date 9-15-78 Time 11 AM
Preliminary check by TR Fee \$ 3500
Receipted by P Date 9-15-78 (10085)
Publication prepared by B Date 9-20-78
Published in Sandwich Daily Bee
Publication dates 9-27-10-4-78
Publication approved B Date 10-12-78
Protests filed by: See Correspondence

Copies of protests forwarded by _____
Hearing held by NCY Date January 17 1979
Recommended for approval denial by DEA

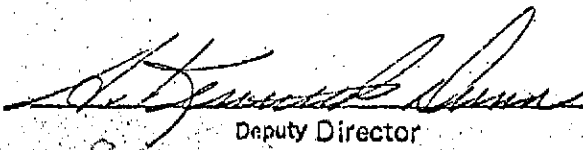
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7716, 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 March 1, 19 84.
- 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: PURSUANT TO MEMORANDUM DECISION AND ORDER OF THIS DATE

Witness my hand this 27 day of March, 19 79.


Deputy Director

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
COUNTY OF ADA

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have on this date served a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER by depositing a copy thereof in the United States mail postage prepaid and addressed to:

Forrest M. and/or Mary P. Bird
P. O. Box 817
Sandpoint, ID 83864

Rosemary Henrickson
Rathdrum,
Idaho 83858

Victor and Cynthia Susnis
P. O. Box 523
Sandpoint, ID 83864

Stanley Henrickson
HCR 66, Box 736
Sandpoint, ID 83864

Martin Henrickson
Route 2
Garfield, WA 99130

Herbert A. Lassen
7559 McConnell Avenue
Los Angeles, CA 90045

Steve Goodner
S. 3107 Division
Spokane, WA 99203

Harriette H. Peterson
HCR 66, Box 876
Sandpoint, ID 83864

Charles H. Hoffman
HCR 66, Box 876
Sandpoint, ID 83864

James and Vivian Frame
HCR 66, Box 876
Sandpoint, ID 83864

Harvey F. and Dorothy L. Nelson
301 S. Ferry
Monroe, WA 98272

Pamela Blass
57 Longview Ct.
San Francisco, CA 94131

Mr. and Mrs. Leslie King
HCR 66, Box 768
Sandpoint, ID 83864

Alice M. Lassen
HCR 66, Box 768
Sandpoint, ID 83864

Edson L. and Louise E. Senft
621 Superior Street
Sandpoint, ID 83864

Mr. and Mrs. Cecil R. Campbell
HCR 66, Box 770
Sandpoint, ID 83864

Charles T. Peterson
HCR 66, Box 876
Sandpoint, ID 83864

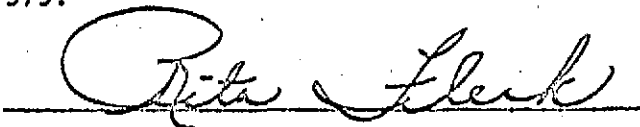
Michael S. Dwany
HCR 66, Box 876
Sandpoint, ID 83864

Helen M. Peterson
HCR 66, Box 876
Sandpoint, ID 83864

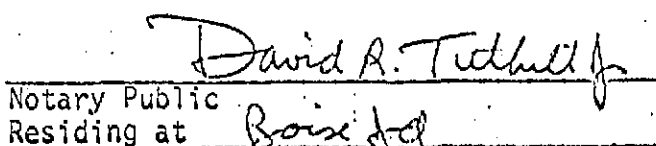
Lawrence R. and Jewel S. Tassie
75 Birch Hill
Fort Richardson, AK

Scott Reed
P. O. Box A
Coeur d'Alene, ID 83814

Dated this 30th day of March, 1979.



On this 30 day of March, 1979, personally appeared before me the signer of the above instrument, who duly acknowledges to me that she executed the same.


Notary Public
Residing at Boise, ID

My Commission expires Sept 10 1980

ROUTING SLIP

DATE

TO:

REF. No. (if any)

FROM: (show title)

FOR YOUR:

- ☐ Information
☐ Approval
☐ Signature

REVIEW AND:

- ☐ Call Me ☐ See Me
☐ Comment & Return
☐ Take Proper Action
☐ Draft a Reply for Me

PER:

- ☒ Our Conversation
☐ Your Request
☐ Boss's Request

RECEIVED

JUL 10 1979

Department of Motor Resources
Northern District Office

TO _____

WHILE YOU WERE OUT

DATE _____ TIME _____

M _____

OF _____

PHONE: _____
AREA CODE NUMBER EXT.

☐ Telephoned

☐ Returned Your Call

☐ Will Call Again

☐ Please Call

☐ Called to See You

96-7764
96-4225

96-4246

RECEIVED

JUL 6 1979

JON K. HAMMARBERG
Attorney-At-Law

Glen E. Bandelin
Of Counsel

Department of Water Resources

July 5, 1979

Riverside Building
Suite 6
P.O. Box 216
Sandpoint, ID 83864
(208) 263-8189

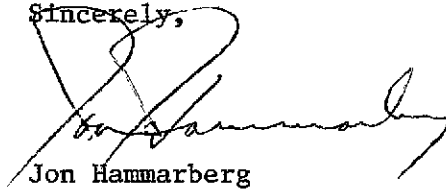
✓ Mr. Kenneth Dunn
Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

Please consider this letter a request for information concerning any applications, decisions, investigations, or correspondence by Mr. Henry Phondorf with regard to any of his personal activities on Lake Pend Oreille or with regard to the activities of Dr. Forrest M. Bird on Lake Pend Oreille. We agree to pay all expenses of photo copying and processing of this request for information.

If there is any problem with this request or further information which you need please let me know. Thank you for your prompt attention to this matter.

Sincerely,


Jon Hammarberg

JH/ds

RECEIVED

JUL 10 1979

Department of Water Resources
Northern District Office

Put J.H. everything
that has a seal (✓)
in the corner
Also put copy of app for Bandelin + Bird
+ claim for Bandelin

MICROFILMED

June 18, 1979

RECEIVED

JUN 20 1979

Department of Water Resources
Northern District Office

Robert G. Haynes P.E.
Regional Supervisor
for Director of Idaho Water Resources

Subject: Application for
Permit #96-7764
Henry L. Pohndorf

Dear Mr. Haynes,

There remains many ambiguities relative to the direct affects of this application. It is not the intent of this challenge to deny the applicant access to Personal Domestic water source but to develop a base of rational after a study of secondary effluent considerations. Reference my letters of April 2nd. and 10th. 1979 to your offices.

The following questions in my opinion are relevant in developing logic for consideration of requests.

1. Why is an additional source of water intake required when parallel intakes now exist?
2. Building permits are for a supplemental house not a Subdivision or Commercial operation. Why is a junction into existing service systems not rational? Would this not be a logical method?
3. Is the long range intent to sub divide this property as individual services could imply?
4. Is Mr. Pohndorf not concerned with pollution and environment as he has publically stated in his compositions against Bird. Reference.
 - A. May 15, 1978 to James Brockway. What is Environmental Overkill? Did Mr. Pohndorf not fill in much of Lake Pend Oreille Lagoon and a section of Lake Pend Oreille illegally (before a permit) that he is now requesting additional water rights for? Did Mr. Pohndorf not pollute the area of Lake Pend Oreille by dredging and filling? Evidenced by photographs. Is preservation of wilderness abolishing wild life refuge by filling, erecting buildings on site then serving the facilities with water as affluent and sewage as effluent?
 - B. May 15, 1978 to James Walsh. Again the term in the words of Mrs. Pohndorf "Environmental Overkill in a Wilderness Area"

MICROFILMED

Is the multiple building of structures on acres of ground filled by thousands of cubic feet of fill to be served by new water requests not in conflict with Pohndorfs position taken against Bird?

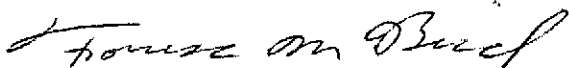
- C. May 15, 1978 to Maxey B. Carpenter Jr. Again "Environmental Overkill". The Bird construction in our Lake is neither an economic necessity nor economically sound. Why is the Pohndorf sub division as an economic necessity different then those actions Pohndorf condemned concerning Bird? Is Pohndorf not building on land that may be illegally claimed by misinterpreting the after the fact permit? Why does Pohndorf need additional water sources to his claimed property paralleling those he now has. Would this not be "Environmental Overkill"?
- D. May 16, 1978 letter to Col. Maxey B. Carpenter Jr. Expressing grave concern for pollution. Why will the additional induced water employed for domestic and irrigation not add to local pollution? Is the settled layer of fill ground not highly resistant to filtration causing water to pool atop ground level many months of the year? Does the Pohndorf ornamental breakwater lack a filter blanket causing erosion at the interface behind the wall? Will induced surface water delivered to the site not predominately flow over the surface through the nearest preferential conduits into Lake Pend Oreille through connections such as the Walston Watering Hole, the Pohndorf Harbor or the laticed breakwater without benefit of percolation through filtration materials?
- E. May 17, 1978 Pohndorf reply to Dr. Gerald H. Lewis. In the matter of nuisance, harrassment and Environmental Overkill, there is no priviledged group. Mr. Pohndorf already has the largest house on Glengary Bay with the only Penthouse in the sky. Isn't building an additional site of "effluent source" in conflict with your statments relating to Bird? Again why do you need parallel water sources to your property when you already have a major untaxed source?

In the Review Article written by Henry L. Pohndorf and submitted by Deborah McBride early in 1978 Pohndorf states his major concern for pollution of Lake Pend Oreille. Ten years earlier Pohndorf without a permit bulldozed hundreds of cubic yards of dirt directly into Lake Pend Oreille (documented). He installed a breakwater out in Lake Pend Oreille without a filter blanket. (The Corps. of Engineers after the fact permit did NOT state the exact location of the breakwater or authorize him to appropriate specific wet lands. Therefore, does Pohndorf now have Legal Title to these former wet lands? Does Pohndorf have a Corps. of Engineers Permit to install a water line 200' into Lake Pend Oreille? Will such a Permit authorize excavation for winter freeze protection below the existing sand bar?

Should not legal ownership of the potentially illegal wet lands fill aquisition be established or denied by the Courts before water rights are issued for this questionable aquisition? Should not the impact of additional effluent into Glengary Bay be determined "in terms of ordering a filter blanket installation" before authorizing additional affluent with secondary effluent? Will the permit for additional irrigation water not compound an existing major source of pollution on Glengary Bay?

I believe Mr. Pohndorf should answer these questions as well as those previously presented before additional water rights are considered.

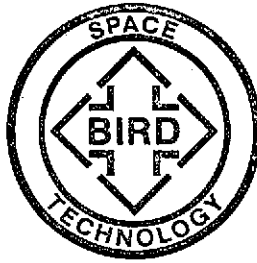
Sincerely,

A handwritten signature in cursive script, reading "Forrest M. Bird".

Dr. Forrest M. Bird

REPLY TO:

box 817 • sandpoint
idaho • 83864



MARK 3 respirator lane
palm springs
california • 92262

11 June 1979

Robert G. Haynes, P.E.
Department of Natural Resources
State of Idaho
4055 Government Way
Coeur d'Alene, Idaho 83814

RECEIVED

JUN 18 1979

Department of Natural Resources
Northern District Office

Re: Forrest M. and/or Mary P. Bird
Idaho Water Rights
Harrassment and Discrimination

Dear Mr. Haynes:

On 27 March 1979 water rights were issued to Forrest M. and/or Mary P. Bird. A definition in FINDINGS OF FACT, paragraph 3, has denied access to these water rights:

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

The fact is that at present an Earthen Rise in Stream Bed downstream of the culvert controls water levels regressively to the ACTUAL beaver workings, elevated fence line and weed bed located about 500 feet upstream with the culvert serving as a passive vehicle for transport. Therefore, the definition in paragraph 3 could easily be corrected by changing "...beaver dam which is located downstream...." to read "...beaver workings, elevated fence line and weed bed upstream...." This would then be a meaningful document.

On Friday, 25 May 1979, Bird excavated a circular hole measuring approximately 20 feet across and 10 feet deep at the base level of the Bird 100-acre land holding (North) above Gamble Lake. A nominal bridge of land was left between undefined water overflowing from the "no-name creek" accommodating outflow from Gamble Lake. After the excavation was completed the clay bottom was violated allowing water to rise from the underlying gravel strata.

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Inflow was predominant from the uphill side and bottom with major weeping from all sides. The water hole reached capacity (about 20,000 gallons) within a few hours. Saturday morning revealed a full water hole with the water level slightly above that of Gamble Lake. Above the water hole surface water was observed seeping into the two foot trench excavated to house the transmission pipe.

The hole containing water was fenced Friday evening and legally posted shallow escapement banks were made to protect small wildlife inadvertently entering the water hole. Plans are to install a water pump to irrigate the approximate one-half acre of garden on a hillside above the Bird low lands until resolution of water rights.

On Sunday morning, 27 May 1979, while traversing the county road (crossing the Gamble Lake outlet culvert), observation lakeward revealed a notable drop in water level (from 12" to 15"). Investigation revealed the main component of Gamble Lake was still at its normal level; however, an area of approximately 150,000 square feet of marsh, etc. was either dry or marginally wet. It was later discovered that the EARTHEN RISE IN STREAM BED downstream of the culvert had been partially dug out, lowering the natural barrier to outflow by twelve to fifteen inches. This act removed the EARTHEN BARRIER from control over outflow and reverted TOTAL CONTROL OF OUTFLOW to the ACTUAL upstream restrictions.

In total an estimated 350,000 gallons of water were released from the segment of marsh between the upstream restrictions and the Earthen Rise in Stream Bed. (This would have been sufficient to water a half-acre garden for weeks on end.) If the actual upstream restrictions had not controlled the water level of the MAIN LAKE the entire lake would have been dropped by over one foot. This would have amounted to over fifty million gallons of water being wasted!

Shortly after the draw down was discovered the act was reported to the Bonner County Sheriffs Office. Investigation allegedly may have revealed that one, Victor Susnis (who owns land adjacent to the Earthen Rise in Stream Bed), took it upon himself to dig out a segment of the earthen barrier and waste the water. This waste could have amounted to over 50,000,000 gallons just as easily as 350,000 gallons if the ACTUAL upstream restrictions had not protected the lake. This act raises the following questions:

1. Why did Mr. Susnis waste the water by the partial removal of the earthen barrier just hours after Forrest Bird excavated his water hole?

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2. Was this possibly intended as an act of deception to convince those individuals less informed that Bird was going to drastically lower Gamble Lake water levels by taking water as was earlier broadcast by the Pohndorf/Mehler interests who probably would claim Mr. Susnis as a member of their Glengary Gamlin Protective Association?
3. Is it coincidence that Victor Susnis is listed as one of those who opposed the Bird petition for water rights?
4. Did Mr. Susnis give the reason for lowering the Earthen Barrier and wasting water as wanting to lower the lake level below that of his well that is located out in Gamble Lake? If so, in order to accomplish his mission of lowering the level of water above his well located in Gamble Lake he would have to destroy the ACTUAL upstream barrier and waste over fifty million gallons of lake water.

I am sure, Mr. Haynes, after conducting the hearings, you are aware of the "sub homo sapien" behavior and harrassment my family and colleagues have been exposed to over the past two years in an attempt to obtain legal water rights (which we still do not have). In itself this deed does not directly harm Forrest Bird and in a few weeks floating debris will naturally repair the void in the earthen outlet barrier but it does demonstrate the constant harrassment the Pohndorf/Mehler interests have generated against the Bird family.

Do you and your colleagues honestly believe it is fair to deny my family the right to water our garden that supplies food for our table when Mr. Susnis is apparently able to draw down Gamble Lake and waste water whenever he so desires and then protest your issuing my family water rights?

Further, it is my understanding that Mr. Scott Reed is a member of the Idaho Water Resources Board and is also counsel for the Glengary Gamlin Protective Association, Inc. (of which I believe Mr. Susnis and other named protesters are members). Mr. Reed is also listed as a protester on the Bird water rights document. Is Mr. Reed not in conflict of interest?

By copy of this letter to the Idaho Attorney General, United States Department of Justice and other duly elected legislators I am asking them for their legal opinions relative to my civil rights as an American citizen and taxpayer. I believe my family and colleagues have been the object of

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planned harrassment and discrimination in several associated State and Federal actions of which this issue is a component.

Respectfully submitted,

Forrest M. Bird

Enclosure: Memorandum Decision and Order

cc: The Honorable David H. Leroy
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720

U.S. Department of Justice
Civil Rights Division
550 - 11th Street, Todd Bldg.
Washington, D. C. 20530

The Honorable Frank Church
United States Senate
Washington, D. C. 20510

The Honorable James A. McClure
United States Senate
Washington, D. C. 20510

The Honorable Steven D. Symms
House of Representatives
Washington, D. C. 20515

Jon Hammarberg, Esq.
Attorney at Law
Riverside Building, Suite 6
Sandpoint, Idaho 83864

Editor
Sandpoint Daily Bee
Sandpoint, Idaho 83864

U.S. Department of Justice
Land & Natural Resources Div.
Constitution Avenue
Washington, D. C. 20530

The Honorable Alan Cranston
United States Senate
Washington, D. C. 20510

The Honorable S. I. Hayakaya
United States Senate
Washington, D. C. 20510

The Honorable Jerry Lewis
House of Representatives
Washington, D. C. 20515

Carl Leonard, Esq.
Morrison & Foerster
Attorneys at Law
One Market Plaza
San Francisco, California 94105

Editor
The Spokesman Review
Spokane, Washington 99202



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 1, 1979

Mrs. Carter
City Administrator's Office
Sandpoint City Hall
110 Main
Sandpoint, Idaho 83864

Dear Mrs. Carter:

Re: 96-7764 - Henry L. Pohndorf

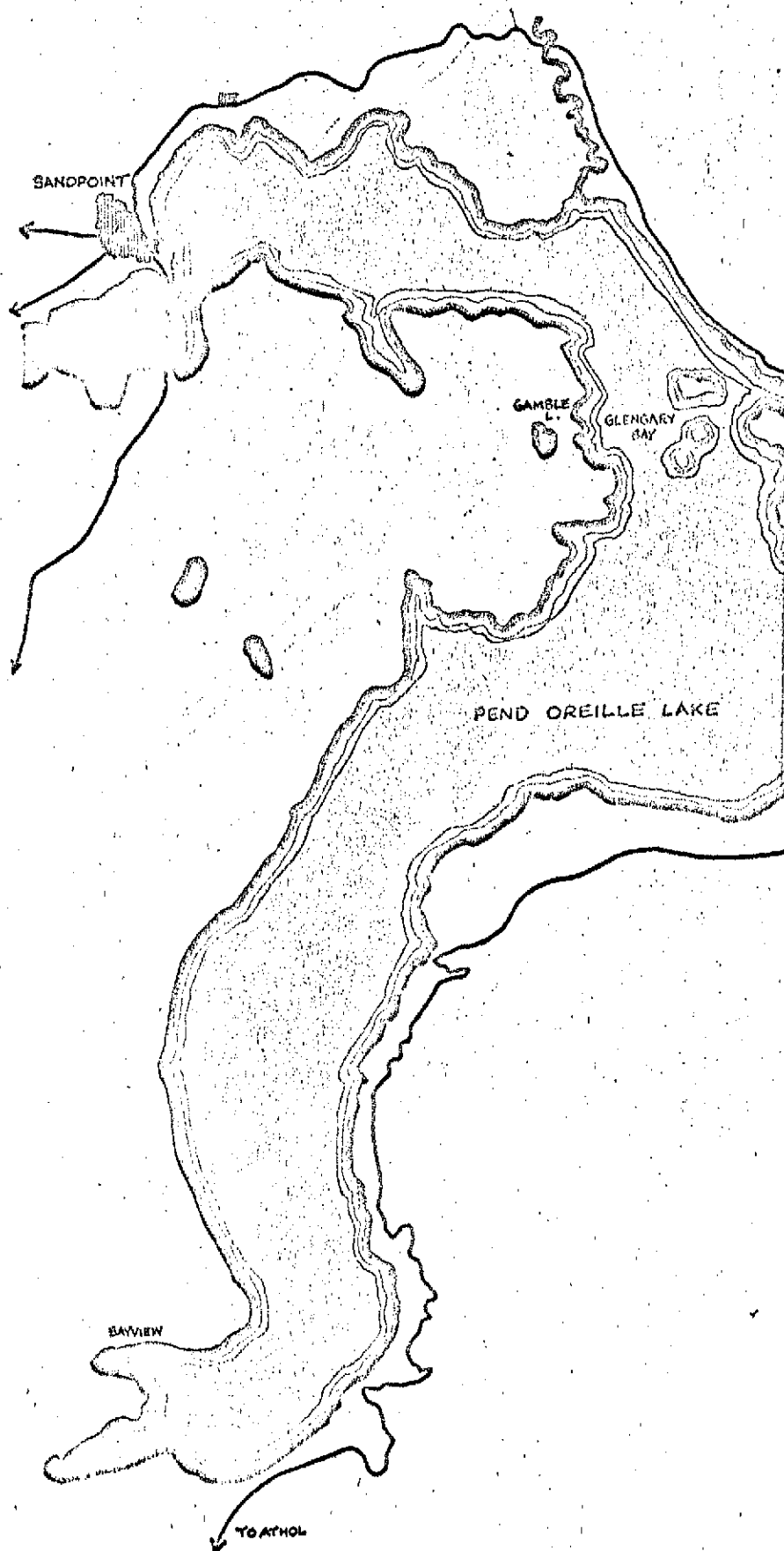
This is to confirm reservations for a conference and/or hearing to be held by this Department in the City Council Chambers on Monday, June 25, 1979, beginning at 1:30 p.m. and continuing to approximately 5:00 p.m.

Very truly yours,

Patricia M. Stypa
Secretary

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By DEBORAH MCBRIDE

Spokesman-Review staff writer

The age-old battle of landowner rights versus the will of the majority muddied the waters of Lake 1 Oreille last year and some say sediment may never clear.

Lost in the silt will be the Idaho federal laws aimed at protecting 1 and streams from the unceasing in of people into semi-wilderness ar

That loss appears to be the one t about which nearly everyone invo agrees — either on the record or

While the outcome isn't certain stage is set for conflict. Suits, countersuits have been filed in 11 courts.

Shouting matches have erupted public hearings. The "letters to editor" columns of the Sandp Idaho, Bee have bristled with the troversy. Some people even have for legal notices in the local news er to clarify their position on the troversy.

Protagonists in the Pend Or drama are, for the most part, 1 owners on the west banks of the near Glengary Bay.

But the central character thro out it all is Forrest M. Bird, a Cal nia businessman who bought 1am the lake 12 years ago because his wished to maintain family con tions that are several generations.

Bird's extensive development of property — both for personal use to further his research in emerge helicopter rescue equipment — ra the ire of their neighbors.

A lawsuit to stop Bird's helico test flights over the lake has been i by the Glengary-Gamble Protec Association, a group of 150 landow in the area. (President Tom Mel stressed his membership figures "firm" and don't include the families who published legal notie their withdrawal from the group.)

Mehlor's group also is upset abo concrete retaining wall built on Bi property to protect fuel storage ta buried below the lake water le They fear tragic consequences if thousands of gallons of fuel e leaked.

Bird's failure to obtain proper 1 mits for some of the construct particularly the bulkhead protect the fuel tanks, precipitated court tion by the Idaho Department Lands.

"If the state loses this case, it p ably would undermine the law. It make people skeptical of our abilit enforce it," David Johann, a specia in the state Division of Environm said.

Johann admits he's not entirely jective about the situation. He on

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land in the Pend Oreille area. But then, so does Judge Dar Cogswell who is slated to hear the case.

Like many of the people involved in the Bird cases, Johann fears Pend Oreille "could be like a second Lake Tahoe with a shoreline hidden by man-made encroachments."

Already, property owners emboldened by the Bird situation are planning and building permanent and floating docks, jetties, retaining walls and filling in tiny inlets to expand their beach area and increase its use.

"People are saying 'If Bird can do it, I damn well can too,'" Johann said.

One state official who doesn't believe the Bird case has undermined enforcement of the state laws, Marvin Vanderberg, said this is "just another case."

Vanderberg, who works in the state Department of Lands office in Coeur d'Alene, said the Bird case "isn't all that important. It's nothing extraordinary. Each case must be tried on its own merits and this one is in the courts now."

To prove his point, Vanderberg noted that even Bird has submitted his latest proposal — for a concrete bulkhead to shore up his Bird Lodge — to the proper authorities for permission to build. A public hearing on the controversial project was held in Sandpoint last week. A decision from the state Board of Lands is expected within 30 days.

Controversy in the Bird case has been heightened by Bird's reputation as chief designer of Bird resuscitators used throughout the world in hospitals and clinics.

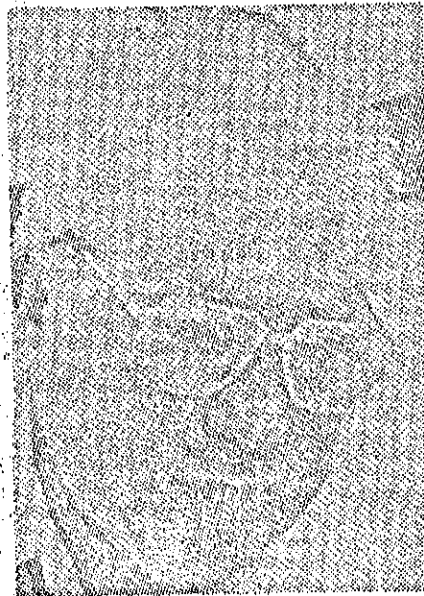
Some claim nothing should stand in the way of an inventor who has done so much good in the medical field.

Henry L. "Hank" Pohndorf, a former business partner with Bird and an adjacent landowner in Glengary Bay, questioned that publicly for the first time in a recent interview he requested with The Spokesman-Review.

"I don't want to minimize Bird's contributions, but there were other people involved," Pohndorf said. He provided documents indicating several other researchers contributed key elements to the Bird resuscitators which Pohndorf and Bird manufactured.

Pohndorf credited Joe Coors, the Colorado brewer, with providing the expertise in porcelain hardware that made the baby Bird resuscitators possible.

A physician working in Florida also contributed key elements to the resuscitators, Pohndorf said. He challenged reports about Bird's work in North Idaho that intimate most of the research and development was done at Bird's facilities on Lake Pend Oreille,



HENRY POHNDORF
Once Bird's business associate

Pohndorf said he decided to "come out of the closet" on his business relationship with Bird because he believes he has been maligned by rumors and often-quoted remarks that Bird fired him six years ago.

Pohndorf presented documents showing he was 40 percent owner of the Bird Corp., and 60 percent owner of Bird Space Technology, Inc. He showed original copies of patents naming himself as co-inventor with Bird.

"I still receive royalties from the sale of the companies and our patents to 3M Co.," Pohndorf said, producing copies of certificates of deposit to his account for quarterly payments from 3M.

The laws protecting the lake "haven't been taken seriously" in Bird's case, Pohndorf said. "The outrageous nature (of Bird's encroachments), the magnitude of the violations disguises the offense."

"The laws have been given so little publicity, they aren't taken as seriously as they should be," he said. "Clearly, state law prohibits storage of fuels near state waters where it could pollute if an accident occurred. And accidents do occur."

"Fifty years from now, if not sooner, that fuel tank will be in the lake," Pohndorf said. "That is my viewpoint as a professional engineer specializing in materials and design."

"The 'little' people living on the lake cannot even drive a piling in that lake with state permission. There are so many peripheral fights in this case, the main issue has been lost," he complained.

"The entire water protection act of

the state of Idaho will be wiped out if this (Bird's fuel tanks) is allowed. It will be disastrous," Pohndorf said.

"It also sets a dangerous precedent for the destruction of our democratic system of government because no public hearings were held before the tanks and the bulkhead were built," he said.

"It's not only an insult, it's a blow, to our individual freedoms. It's a question of who he (Bird) is, who he says he is and who people think he is," Pohndorf said.

"I've been bombarded with balderdash in this case," Pohndorf said. He denied rumors that the Glengary-Gamble Protective Association is "a front" for his personal vendetta against Bird.

"I was in California when the group formed. They asked me to join." He admits paying 10 percent of the association's first attorneys' bill and \$200 later — for a total of \$375.42.

But he denies any personal vendetta against Bird. Their partnership was severed six years ago after a serious dispute over sales tactics, he said. Pohndorf said he dropped the lawsuit he filed to protest payoffs in the company's distribution system because he "didn't want to destroy the company." Instead, he sold his interest to Bird.

Pohndorf's claims and his allegations that other there are no records of Bird earning degrees in bio-medicine at the University of California, as Bird has stated in past interviews, add fuel to the fire of suspicions among Pend Oreille property owners.

On the one hand, opponents accuse him of developing his land there as a tax shelter rather than a research center. On the other hand, they protest his research and manufacturing plans as inappropriate uses of shoreline property zoned for recreational use.

Bird's attorney and spokesman for him in connection with this situation, Jon Hammarberg of Sandpoint, said there was "no intentional avoidance of the law" on Bird's part when he built the fuel storage on his lakefront property.

"To me, the best thing would be let it (the controversy) die," Hammarberg said, but he noted his client still maintains the state statutes are unconstitutional because they attempt to control privately owned land.

No court dates have been set for the lawsuits against Bird.

But eventually, the issues of law will be settled.

As for the rumors, the personality conflicts, the future enforcement of the law, the slurped reputations and the feelings of many that wealth can be an effective buffer from conformance with laws that is another matter.

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Henry L. Pohndorf
Stonehedge
P.O. Box 448
Sagle, Idaho 83860

Re: Gerald H. Lewis, D.V.M., letter of May 17 on Bird

After reviewing this letter to my fellow property owners, I would like to present for consideration some differences of opinion as follows:

1) The "careful study and research" is incomplete because no discussions were held with Mrs. Marcus, Mrs. Steen, Mrs. Sellers, Mrs. Pohndorf, Mrs. Gleason, Mrs. Davis, Mrs. Walston, Mrs. Mehler, Mrs. Hendricksen, Mrs. Lassen or any of the other effected parties.

2) The Lewis family is not effected by overflight and landing patterns of Bird aircraft. Mrs. Lewis probably would not vote for a heliport 150' from her bedroom. It might be surmised that the opposite is true. In February, 1976, to circumvent the residential development of homesites adjacent to the Lewis property, they purchased some 10 acres for further insulation.

3) The letter is more of a business letter. Dr. Lewis is the beneficiary of donations of Bird anesthesia and respiratory equipment, some of which was placed by the writer. The letter seems to be in the form of an IOU. Naturally he would feel obligated.

4) The letter states that I am a former "employed" of Bird. For the record, I was founder and President and trustee of the Bird-Pohndorf Foundation dedicated to the relief of respiratory distress, co-founder and President of Bird Space Technology, co-founder, Vice President and Treasurer of Bird Corporation, co-inventor of the Bird respirator, and Chief Engineer, Vice President Of National Welding Equip. Co. and Veriflo, the manufacturer of the respirator product for many years. I mention this to lend more authenticity to my remarks.

5) Dr. Lewis "found" an article which he enclosed. Note the recent update typed in the lower left hand corner and the trademark R in the little circle. Dr. Lewis does not have this special typewriter key. I believe I was the first to circulate these emotional reprints which the people in medicine call "pulp" - now this does not downgrade the product, but such articles are used to gain sympathy and admiration.

6) The letter seems to imply that Bonner County is establishing, or should consider establishing a privileged class based on the vocation of the citizen - sort of an elitest group. Those who develop life-saving equipment would belong, and they would be entitled to more privileges in the community than the lower class. To keep them happy, concessions would be made, but denied to the logger, the merchant or the just plain retired citizen. In the matter of nuisance, harrassment and ENVIRONMENTAL OVERKILL, there is no privileged group.

7) Dr. Marcus, who is the next door neighbor of Bird, probably outranks him because he is a doctor of medicine - and he asks for no special privileges. For that matter, all the physicians in Bonner County, dedicated to the saving of lives would not ask, or take these privileges.

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8) To impute that there is a bargaining advantage based on vocation brings discredit to the mass of property owners in the Gamlin-Glengary area who are protesting this latest assault on the environment.

9) The violations of the law by Bird seem to be avoided in the letter. This would appear to be an approval by omission.

10) Referring to the trip to the Bird Airlodge, "found".....
 ..."(8) fuel tanks being put underground" does not square with the facts. These tanks were buried completely on May 8 to hide them from view.

11) "Careful study and research" by Dr. Lewis into the safety, explosion and fire hazards connected with Bird operations fails to research into the record, as follows:

A) A Bird aircraft on its way to Vermont sprung a leak in the oil system and required emergency repairs.

B) A Bird aircraft bound for Mazatlan sprung a serious oil leak and the flight was turned back to base.

C) A Bird aircraft on its way south sprung a massive oil leak, a piston and cylinder self-destructed and was "swallowed" by the engine and a forced landing was made on Janette Island, Alaska.

D) A Bird aircraft caught fire on takeoff and crash landed, shearing a home TV antenna, frightening the residents of the area, and resulting in total destruction and burning of the aircraft.

E) A Bird aircraft landed with its wheels up, due to a mechanical failure, and belly landed at the Memphis Airport, tying up the landing strip until a crane could remove this obstruction.

And take note that Bird desires to construct, operate and control an airport within a radius of 150', more or less, from the bedrooms of Mrs. Steen, Mrs. Marcus and Mrs. Pohndorf.

F) At a Bird medical research center, a very substantial fire and oxygen cylinder explosion took place during a routine test of a respirator. The silver safety bursting disc on an oxygen cylinder burst under the added pressure caused by the fire and added to the destruction.

G) A large Bird maintenance and warehouse building was completely leveled to the ground in an accidental fire originating in the cleaning and washing of parts in, around or about a vehicle, despite all that could be done by the Palm Springs fire department, and having a direct line fire detector system with all Bird buildings. One can say that such accidental fires or test failures might be expected with experiments, more than in connection with the ordinary use of well proven devices, with the exception of aircraft because of the unknowns to be encountered in the Pend Oreille "basin" such as lightening storms, flooding and other acts of God. And of course there is the proven frailty of man who causes accidents by oversight, forgetfulness, lack of training, laziness, medication, preoccupation and lack of communication and instruction. Air-crash lawsuits appear daily in the press and involve well maintained and serviced aircraft as well as well as pleasure or sporadically operated aircraft.

- 11) The environmental trade-off, on the face of it, would seem to be a bad bargain. The public in the Gamlin-Glengary area get two fuel dumps and two heliports and the pristine wilderness gets assaulted in trade for the convenience and pleasure of one individual. The Palm Springs and Sandpoint airports are set aside for aircraft. The County is being asked to OK and finance two airports, using funds equivalent to the loss in property tax revenues resulting from reduced property values of land near aircraft landings and takeoffs.
- 12) It would be logical for Bird to build one, not two adjacent installations, thereby cutting the OVERKILL in half. But even one is too many.
- 12) The early designation of the Bird Airport on Glengary has never received the value of public debate or approval, and should be shut down while the democratic process takes place. As explained to me, anyone can request to be an airport if he fills out a simple form. The suffix word AIRPORT, descriptive of Bird, and self-ascribed by Bird, suffers when compared to the description of an airport to be entitled to be claimed as such, operated as such, and supported by the public as such. This is probably the first BEDROOM airport in Bonner County, or anywhere, with the exception of armed forces installations. Within a radius of 175', more or less, there are 36 beds, more or less.
- 13) Within a radius of 25', more or less, there is a Lycoming power plant and an oil-fired boiler with power panels, switch blades, relays, power lines, high EMF and amperage. Spillages of gas could enter the enclosure, vaporize and mix with air in the explosive range of 1.5 to 6%.
- 14) Within a radius of 25', more or less, there are in the middle of the apron, at a distance of 37' from the water's edge, a plural number of fuel pumps which may be sheared off by errant aircraft or vehicular traffic.
- 15) At the apron there is provision for marine fueling with the ever present danger of exploding engine compartments.
- 16) The airport apron is used as a pedestrian walkway to other buildings.
- 17) The small apron is a motor cycle pathway.
- 18) The small apron is a driveway for campers, visiting cars, repair trucks and casual callers.
- 19) The apron serves as a hanger entrance, a maintenance area for engine warmups and washdowns and various repairs.
- 20) The same apron is used as a transfilling zone, a taxi run, a turn around and an emergency landing area.
- 21) This same apron is used for landing and taking off by student pilots in training with expected hazards. If one operates a public airport and is designated on the charts used by all pilots, the landings of all sorts of aircraft is invited. The official listing in the pilot's charts cannot be qualified to include services only for an elitest group. This is probably one of the greatest existing hazards and reasons for suspending operations under the guise of an approved airport.
- 22) Within 50', more or less, are tall trees and two story buildings.

23) Within 150' of the airport, more or less is a three story residence some estimate to be worth about one million dollars. It is rare indeed that this, and the intervening home of Dr. and Mrs. Marcus, and the adjacent land of the Steens be placed on the sacrificial altar by any governing body or by administrative commission or omission.

24) And yet, Bird wants to combine his aircraft record itemized in A,B,C,D and E with his experimental and research record listed in F and G and construct an airport in Peaceful Haven Subdivision, co-mingled with maintenance and experimental facilities in a crowded space that is in the middle of a bedroom community. As noble as the concept might be, the site chosen is wrong.

25) The new seawall like the old could fail. This is common when concrete is poured and cured in the wintertime when 32 degrees F are sometimes reached. Engineers will not guarantee a concrete wall that could have frozen after pouring....this impairs its physical characteristics, lowering its compression, tension and shear strength. Normally, such a wall would be maintained at 40 deg. F or above during the curing process. And if the 145' wall were not poured all at once there probably are cold shots and laminations as well. When frost gets behind this wall, it will be under tremendous forces moving in the direction of the lake. Ice expands to 110% of its water content by volume, and the exertion of this force tears apart steel ships.

26) Underwater storage tanks joined by piping in a massive array, side by side, leaves a lot to be desired. Such storage in remote areas is above ground and fenced in for protection and the surveillance is easy and maintenance convenient. In the Bird installation, the buoyancy factor could cause large forces to take over. At pool level, for every 1000 gals. removed from any tank, there would be a corresponding upward thrust of some 4 tons. The reverse is true when the lake is down and filling takes place. These forces occurring simultaneously on the left and right banks in opposite directions can gradually destroy a wall poured in the wintertime. An underwater or underground installation however is preferred to an above ground storage area because of the greater hazards, I presume. But in the case of Bird, the use of a 37 x 145 fill in the lake on a mud bottom should not have been considered as an alternate to underground or above ground in a bedroom area because of zoning restrictions and Federal law.

27) When a helicopter stalls, it goes into immediate vertical descent with no chance to select an uninhabited crash site. Contrary to the belief of many, the aircraft game allows no margin for error and there is no "forgiveness" as they say. Aircraft are designed by compromising strength against weight. The usual factor of safety could be less than one because excess weight decreases payload and increases fuel consumption. Therefore some of the finest engineering talent is applied to aircraft and the most advanced testing procedures are employed to insure reliability. Bird and all other operators try to buy the best and rely on others to build the product.

But with helicopters and other aircraft, there is a certain known small percentage of failures and the finest craft having the best maintenance is still subject to mechanical and human failures. The Bird safety record is a case in point. Helicopter blades can and do fail. These blades go thru a bending cycle with the surface metal experiencing alternate compression and tension.....as do certain of the other aircraft parts. The blades and other parts are subject to fatigue failure when surface endurance limits are reached. Such fractures in metal are said to be caused by "crystallization" but actually the metal lets go along the grain boundaries and the fractured faces work harden as the split deepens, giving the appearance of a crystal structure. Failures of this nature are hastened by the notch-sensitivity effect at surface defects such as dents, scratches and corrosion, or hidden weaknesses in the metal which are inherent to a certain small percentage because of the limitations imposed in the manufacture of steel in the mill.....and once the hairline fracture begins, it accelerates along the grain boundaries. Even though such blades are magna-fluxed, gamma rayed, and etc. slight imperfections can avoid detection. Metal hardness variations and inconsistency in heat treating may also cause stress concentrations. No aircraft in the world is foolproof, and helicopters are less foolproof, especially under the maintenance conditions at Glengary Bay and Gamlin lake. That is why the public and its governing bodies keep airports away from residential zones and confine aircraft operations to areas removed from the people.

It would seem to be in the public interest to prohibit aircraft operations in the Gamlin-Glengary area and confine them to the Sandpoint airport.

Very truly yours.

Henry L. Pohndorf
Henry L. Pohndorf

Original given to Tom Mehler for mailing to citizens group and others.

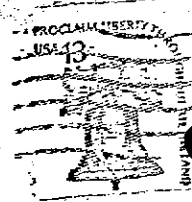
cc; Jim Brockway
Swede Heitman
Corps of Engineers



Pend Oreille Realty

501 Church Street, Box 1465

Sandpoint, Idaho 83864



Jerry Lewis, D.V.M.
HCR66, Box 568
Sandpoint, Idaho 83864

HENRY L. POHNDORF
professional engineer
1227 Brewster Drive
El Cerrito California 94530
415-233 0435 529 1500
May 16, 1978

Lt. Colonel Maxey B. Carpenter, Jr.
Deputy District Engineer, Corps of Engineers
Department of the Army
P.O. Box C-3755
Seattle, Washington 98124

Re: 071-OYB-2-004889-C BIRD

Dear Colonel Carpenter:

Your letter of May 10, 1978 covers several classifications of subject matter which for the sake of clarity might include the following subdivisions:

- (A) The discovery of a violation,
- (B) The issuance of a written stop work directive,
- (C) Evaluation of the violation, and
- (D) Forwarding your files to the normal channels of prosecution for a judicial decision on penalties to be imposed, including removal of the source of violation.

May I offer the following information on these four subdivisions.

A) Tom Mehler phoned Eagleton in April and Coffman phoned Mehler stating that BIRD was merely repairing an existing wall. After a few days Coffman measured a 37X145 violation and visited Pohndorf at Stonchedge for two hours on May 1 describing the violation and called on Mehler May 2 to make explanations. He gave a press interview which led to the front page news article in Jim Walsh's files. On May 8 BIRD placed 72 additional yds. of fill on the 1/9 acre in the water. License plate numbers, names and photos are matters of record and you may ask Scott Reed of Couer d'Alene for this evidence.

B) My observation on the stop work order is set forth in the May 15 attached letter to one of Jim Walsh's assistants. Without the corresponding horizontal reference point, a datum point is floating in space on a spherical surface, and the same datum point may appear on thousands of typographical renditions.

C) In your evaluation I suggest you obtain the serial number of each underground pressure vessel, the manufacturer, date of manufacture, wall thickness, type of material used, type of welding rod, stress relief treatment, corrosion resistance, certifications of the welders, test samples of the pressure vessels (these must be kept on file), x-ray or gamma ray film on all welded seams,

explosion test results with identical pressure vessels in accordance with the Hartford or applicable federal codes, the permissible hoop stress vs yield point of the metal, factor of safety of all parts, condition of the bottom hole before placing any rock bed on the bottom, test samples of the mud bottom to determine the ability to support filled fuel pressure vessels on a mud floor, taking into account the added lubricity of the mud as the lake rises, thickness of the supporting rock bed layed on the slippery mud-clay bottom, calculations by a professional engineer verifying that the weight of the tanks, the rock, the fill, the overhead concrete slab, snow load, aircraft traffic, and huge highway tankers can be supported without shifting any of the vessels away from permanently attached piping, the airport grounding system for the prevention of gas vapor and air mixture explosions, the accreditation of ground personnel who handle the transfer of fuel, an approved list of safety standards, the vacuum system for removing gas vapors, (explosions take place when gas vapors from 1.5 to 6% concentration in air exist - the concentration is so small, and the detonation so violent, that extreme care and training is needed in the presence of bulk fuel - the flammability is even greater with aviation and jet fuels because of their high vapor pressures or so called volatility), a professional civil engineers report on the long term effects of expansion and contraction of the concrete shell when subjected to the extreme differentials of temperatures and the repeated effects of the tremendous force applied by frost and ice on the 145 foot span. This is a partial suggested list of technical factors to evaluate the extent and nature of the violation and the risk, which the public now faces. Mrs. Steen, Mrs. Marcus and Mrs. Pohndorf sleep in their bedrooms within a 150 foot radius, more or less, of this fuel cache placed clandestinely under the water when observation is difficult. A county inspector was disallowed entrance to the helicopter site on Gamlin lake - but that is another ongoing controversy.

D) Tom Mehler and the writer wish to be notified when your files are turned over to the prosecuting attorney so that we may exercise our right to participate in the proceedings. It is my hope that there will be little delay in this procedure.

Your letter to BIRD rightfully does not state that a permit will be given consideration. Should you change your mind on this, would you first consult our attorney for the concerned citizens corporation, Scott Reed of Coeur d'Alene. I'm rather certain that he would insist that your May 10 letter be implemented as it is written, that is allowing the judiciary interpret the law while your group administrates it.

cc: Jim Walsh
Jim Brockway
Tom Mehler
Brian Moe
Scott Reed

Very truly yours,

Henry L. Pohndorf
Henry L. Pohndorf

HENRY L POHNDORF

professional engineer
1227 Brewster Drive
El Cerrito California 94530
415 233 0435 529 1500

May 15, 1978

Maxey R. Carpenter, Jr.
Lt. Colonel, Corps of Engineers
Deputy District Engineer
Department of the Army
P.O. Box C-3755
Seattle, Washington 98124

Reference: 071-OYB-2-004889-C
BIRD

Dear Colonel:

We are in receipt of your official stop work order and demands relating to the 37 x 145 massive fuel dump fill placed under the lake adjacent to our residential development on Lake Pond Oreille.

For your files on BIRD I am taking the liberty of forwarding two letters on this subject both dated today and addressed to Jim Walsh and Jim Brockway.

It is the consensus of the area property owners that a heliport is not the most desirable land use for expensive beach front property and that huge underwater caches of fossil fuel is an unwarranted hazard in a residential area and its transfer over a period of time leads to the exposure of all of us to potential bodily harm. When a North Storm approaches Glengary the action can be violent. There are recent instances of severe flooding.

The BIRD violation and construction in our lake is neither an economic necessity nor economically sound. This is especially the case since BIRD now has large facilities in a hanger at the Palm Springs airport and BIRD has full access to the Sandpoint airport.

Should this, in the words of Mrs. Pohndorf, "ENVIRONMENTAL OVERKILL" be permitted, then the public might react understandably against other ecological trade-offs of a more worthy nature. The Kootenai Dam project, for instance.

Unfortunately, your written notice seems to be another betrayal of the public trust if I understand the english language correctly. You direct no work to be done waterward of the 2062.5 mark....the 72 yds. okayed by Ken Coffman after the May 1 stop order and the May 5 press notice places the 37x145 pad above 2062.5. Please contact Tom Mehler and explain this. Your directions, I sense, signals a pyrrhic victory coming.

cc: Jim Walsh, Jim Brockway

Brian Moe, Tom Mehler, Scott Reed

Henry L. Pohndorf

means below

HENRY L. POHNDORF
professional engineer
1227 Brewster Drive
El Cerrito California 94530
415-233 0435 529 1500

May 15, 1978

Mr. Jim Walsh, Chief Counsel
U.S. Army Corps of Engineers
P.O. Box C 3755
Seattle, Washington 98124

Dear Mr. Walsh:

It is our hope that you will promptly implement the May 1 stop order given BIRD, received from Ken Coffman. Ken visited Stonehedge directly afterwards and described the violation in detail. He said that a volume of lake water was being displaced without a permit. He had reason to believe it was merely a repair job, but when he paced off 37 feet by 145 feet, he was chagrined, and more so when he found out that underlying objective of BIRD is to hide a massive underwater fuel dump.

When you and I discussed this violation the afternoon of the May 5 publication of the Brian Moe interview with the principal newsmakers, you explained that BIRD is in violation of sec. 10-'89, but more significantly, sec. 404-'72 which sets forth a penalty of \$25,000 per day.....and I think I heard you correctly. You agreed that if Tom Mehler forwarded for your files, a copy of the news story, the story appearing in the public press would constitute written notice of the violation and stop order, inasmuch as BIRD, as interviewee, was aware of the official public nature of the printed story. Jim, you and I have been acquainted for some nine years, and I was the first to work with Ken in the BIRD vicinity, and I realize how difficult it is to administrate legislative acts, but your length of distinguished service to the Corps makes you the dean so to speak, and we look to our "dean" to take an active part in protecting the public interest. You need not fear that the great mass of the public will not back you up, they surely will. Would any one in the Corps vote for a helicopter airport to be constructed next to his home?

Mrs. Pohndorf and her neighbors feel that the subsequent 72 yds. of filling by BIRD on May 8 was a breach of faith by all parties, but I explained that Ken could have been hoodwinked a second time. As a fellow engineer, Ken is a great person, with a most difficult assignment. But Mrs. Pohndorf feels that the present violations reported in the press amount to an ENVIRONMENTAL OVERKILL in a wilderness area, and what is done can be undone.

cc: Bonner County Commissioners
Brian Moe
Tom Mehler

Sincerely,

Hank

HENRY L. POHNDORF
professional engineer
1227 Brewster Drive
El Cerrito California 94530
415 233 0435 529 1500

May 15, 1978

Mr. Jim Brockway
Bonner County Commissioner
Sandpoint, Idaho 83864

Dear Jim:

I guess you have been wondering when you would hear from me again. Well, I'm sorry this BIRD thing is the reason for this communication, because it is a nasty mess that I wish you could avoid Jim, but we have to face it together with the mass of public opinion on our side.

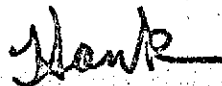
For your reference, I am enclosing a copy of my May 15 letter to Jim Walsh of the Army Corps in Seattle. Please do me the favor of circulating this letter widely so that all can be informed of the details of what Mrs. Pohndorf terms an "ENVIRONMENTAL OVERKILL." Jim, all of Mrs. Pohndorf's neighbors are petitioning against the construction of two helicopter airports in your district, and it is a movement at the grass roots that will go the full course available to a free society.

Mrs. Pohndorf wishes me to ask you, "would you have suggested that Mrs. Brockway suffer to live near these airports, and to raise Jackie there?" Then why wish it on Mrs. Pohndorf, Mrs. Steen, Mrs. Marcus, Mrs. Walston, Mrs. Sellers, Mrs. Gleason, Mrs. Davis, Mrs. Larsen, Mrs. Gresham, Mrs. Mehler, Mrs. Hendricson and all the other countless fine mothers in the area who have sacrificed so much and asked for so little? You are going to be overwhelmed by mothers in your district if intransigence persists..... certainly you would not feel it to be reasonable to trade off unneeded heliports for their concern for their families, their twilight years of enjoyment they justly deserve, their right to peace and quiet, their inheritance, if you will, of the traditional American right to be free from nuisance and harrassment. No Jim, the mothers are here to stay, and the confrontation is taking form.

After talking to other mothers in the area, Mrs. Pohndorf gave me collected thoughts to Tom Mehler and Scott Reed for proper filing to be done by the Citizen's Corporation. Scott represents the citizen's group as you know. I'm sure Scott will send you a copy when the remarks are refined well enough. I trust we can count on your sense of fairness and love for the wilderness to prevail.

cc: Jim Walsh
Brian Moe
Tom Mehler
Scott Reed

Sincerely,



box 817 • sandpoint
Idaho • 83864



MARK 3 respirator lane
palm springs
california • 92262

Subject: Water Pollution on Glengary Bay
Lake Pend Oreille, Idaho

Gentlemen:

For over ten years I have been the owner of the Bird Airlodge Medical Research Center on Glengary Bay, Lake Pend Oreille, Bonner County, Idaho.

Some years back a Mr. Henry Pohndorf became a Glengary Bay property owner, landfilling an existing lagoon on Lake Pend Oreille and constructing a seawall at the controlled low water level (at or about 2050' elevation). By filling lakeward behind this seawall a major component of the existing lagoon was converted to land mass above 2062.5' elevation in Mr. Pohndorf's favor.

Over the years whenever lake water was transitioning during water management operations or when a North wind or boat wakes cause wave action the area of Glengary Bay influenced by the seawall can become polluted with soil, sand and general dirt from fill erosion behind the seawall.

The seawall consists of a massive bulkhead formed by the lay-up and interlocking (by gravity and friction) of semi-flat stones. These stones are laterally laced with a cement band about every four to six feet. In areas the wall may be 14' from base to top. Behind the wall shattered debris (loose grout) in the form of rock chips was installed. This forms an excellent wave suppressing seawall for energy absorption.

The open lattice of the rock wall voids allow lake water to flow through the seawall with a force proportionate to the overrunning wave action. This results in turbulent water action behind the seawall eroding the landfill interface, thus releasing vast amounts of fill dirt because of the sloughing action with ultimate discharge into Glengary Bay. This silt

and dirt then pollutes the seawall area and can be entrained through local water intakes, polluting the drinking water and fouling the water systems.

Over the years Mr. Pohndorf, acknowledging his landfill erosion behind his seawall, has repeatedly backfilled the eroded areas behind the wall causing additional associated pollution with the dirt fill. Further, he has cemented over certain areas immediately behind his seawall to prevent overrunning (wall topping) waves from percolating dirt through the seawall into the lake. This helped to a degree; however, the major wash out of dirt behind the wall is probably from lateral wave action during violent North winds on Lake Pend Oreille or simply from routine boat wakes.

In the writer's opinion, one method of practically ending this source of lake pollution on Glengary Bay would be to excavate the area landward behind the seawall to the base and pour a reinforced cement bulkhead erosion seal.

If the lakeward face of the seawall were sealed by capping (with cement) the seawall could lose its effective energy absorbing quality and totally defeat the very purpose of design. Additionally, the abrupt dissipation of wave energy against the solid surface of a cemented rock wall could serve to weaken and collapse the total structure, releasing massive landfill into the lake. The repeated "sledge hammer" blows of normal wave actions can easily be visualized.

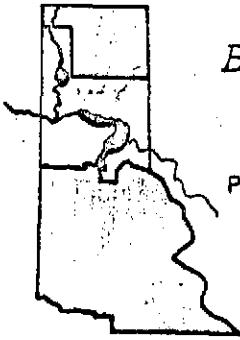
I respectfully request any help your agency can legally provide in bringing about a permanent resolution of what, in my opinion, is a major source of unnecessary water pollution on Glengary Bay, Lake Pend Oreille, Bonner County, Idaho.

Sincerely,



Forrest M. Bird

mr



*Bonner County Shoreline Property Owners and
Taxpayers Protective Association, Inc.*

Post Office Box 1065

Sandpoint, Idaho 83864

Open letter to the Public:

There seems to be some confusion as to the status of the shoreline around Lake Pend Oreille, with several local, state and federal agencies all claiming jurisdiction and control.

The following is a copy of one of the easements taken by the Army Corps of Engineers when the lake was raised twenty-five years ago. As you will note all property rights were retained by the owners of the shoreline and most of these owners are still paying property taxes on this land.

"Said right of way and easement are for the following purposes and in accordance with the following terms and conditions:

The full perpetual right, power privilege and easement to intermittently overflow, flood and submerge those portions of the hereinabove described lands lying above elevation 2062.5 feet above mean sea level, United States Coast and Geodetic Survey Datum, with waters of Lake Pend Oreille, the Pend Oreille River and their tributaries and for any length of time to impound upon, overflow, flood and submerge those portions of the hereinabove described lands lying below elevation 1062.5 feet above mean sea level with the waters of Lake Pend Oreille, the Pend Oreille River and their tributaries, all in the construction, operation and maintenance of the Albeni Falls Dam, its appurtenances, reservoir and over flow.

Also the perpetual right, power, privilege and easement to enter upon said lands to inspect and improve water flow conditions and to remove any natural or artificial obstructions, which in the opinion of the representative of the United States in charge may be detrimental to the operation and maintenance of the project, including underbrush or debris, as may be necessary from time to time, and to clear, improve and maintain existing water courses, lakes, streams and drainage channels and for the further purpose of exercising any other rights and privileges herein.

Also the perpetual right, power, privilege and easement to enter upon adjacent lands of Grantors for the purpose of obtaining ingress to or egress from the above described lands.

The Grantor in consideration of the specified sum above written do hereby release the United States of America, and its assigns, from all claims for damages that have accrued or may hereafter accrue to any or all of the above described lands by reason of the overflow of water occasioned by the construction and operation

Open Letter to the Public --continued

of the said Albeni Falls Project on the Pend Oreille River, Idaho, or by the exercise of any or all of the rights, powers, privileges and easements hereinabove granted.

The United States of America, and its assigns, by the acceptance of this grant, do agree that there is hereby reserved to Grantors, their heirs or assigns, all such rights and privileges in and to the above described lands as may be used and enjoyed without interfering with or abridging the rights and easements herein granted, provided that no dwelling or other structure maintained for human habitation or occupancy on the above described lands shall have a first floor elevation of less than 1067.5 feet above mean sea level."

This means, of course, that the shoreline owners still own the beach down to the old high water mark of approximately 2049 feet above mean sea level.

Board of Directors

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

by R. G. Cramer, Vice President

SCOTT W. REED, Attorney at Law/P. O. Box A/Coeur d'Alene, Idaho/MOhawk 4-2161

May 2, 1979

Robert G. Haynes
Regional Supervisor
Department of Water Resources
4055 Government Way
Coeur d'Alene, Id. 83814

Re: No. 96-7764

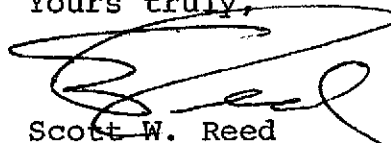
Dear Bob:

Reference is made to your letter of April 17, 1979, directed to Henry M. Pohndorf including copies of a protest lodged by Forrest M. Bird against the granting of any water rights to Mr. Pohndorf. It appears to me that Mr. Bird is under the impression that the legislation proposing the merger of the division of environment to the Department of Water Resources has become law. Even if it had, his complaints are still more properly directed to the Panhandle Health District which has issued a septic tank permit.

Regardless, it will come as no surprise to you that the likelihood of resolution of the protest is remote given the past history of the relationship between the parties.

Please be advised that I will be representing Mr. Pohndorf and you may serve any notice concerning hearings upon me.

Yours truly,



Scott W. Reed

SWR/f

cc: Henry M. Pohndorf

cc: Tom Mehler

RECEIVED

MAY 3 1979

Department of Water Resources
Northern District
MICROFILMED



STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY
DIRECTOR

96-7764 ✓

ENCROACHMENT PERMIT NO. L-96-S-72

Permission is hereby granted to Henry L. Pohndorf
of Glengary Bay, Sagle, ID 83860 to construct and maintain
a domestic water line and pump
to be located as follows: Adjacent to Lot 14, Peaceful Haven Subdivision, Section 8,
Township 56 North, Range 1 East, B.M., as shown on the attached drawing.

1. Construction will follow details and specifications shown on the approved drawings, and made a part hereof, together with any special conditions, procedures or endorsements required by the Department appearing on attached pages 1 through 1 .
2. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.
3. Acceptance of this permit constitutes permission by the permittee for representatives of the Department of Lands to come upon permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
4. The permittee assumes all liability for damages which may result from the exercise of this permit.
5. All applicable provisions of the Rules for Regulation of Beds, Waters and Airspace Over Navigable Lakes and Streams in the State of Idaho, are incorporated herein by reference and made a part hereof.
6. This permit does not relieve the permittee from obtaining additional local or Federal permits as required.
7. The Director of the Department of Lands may cancel this permit for cause upon notice and hearing as provided for in the adopted rules.

FOR THE DIRECTOR

BY: William A. Harrison

DATE: May 1, 1979

TITLE: Chief, Bureau of Navigable Waters

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY
DIRECTOR

STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
DAVID H. LEROY
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
JERRY L. EVANS
SUP'T OF PUBLIC INSTRUCTION

May 3, 1979

Robert Haynes
Dept. of Water Resources
Northern District
Rt. 5, Box 203, Suite 1
Coeur d'Alene, ID 83814

RE: L-96-S-72

Dear Bob:

Enclosed is the above numbered encroachment for a domestic water line and pump.

Very truly yours,

WILLIAM A. SCRIBNER, Chief
Bureau of Navigable Waters

WAS:bv
Encl.

RECEIVED

MAY 7 1979

Department of Water Resources
Northern District Office

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

April 25 1979

RECEIVED

APR 30 1979

Department of Water Resources
Northern District Office

Mr. Robert G. Haynes, P.E.
Regional Supervisor
Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

RE: 96-7764, Application for Water Permit

Thank you for your letter of Apr. 17, 1979 w/enclosures.

I have indexed the paragraphs 5 and 6 thru 11 for referring to the Bird letters of Apr. 10 and Apr. 10 respectively.

The Peaceful Home was established some 30 yrs. ago. I own 6 lots along the shore. From W. to E. there are lots 14, 15, 16, 17, 18, 19. The first 5 are 50' wide, the latter, 150'. There is a building on the 150' lot, the other 5 lots are vacant. Lots 14 and 15 are separate from the rest, and 96-7764 concerns only lots 14 and 15.

Now, referring to Bird's 11 paragraphs:

1. There is no "water intake capacity" presently on lots 14 and 15. The "subdivision" is more than 30 yrs. old.

MICROFILMED

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

#2. Bird has offered no evidence that lots 14 and 15 will pollute the lake. J-U-B Engineers of Coeur d'Alene designed the sewage system for lots 14 and 15. I do not have my records on Maui, however, I recall various borings taken and test holes made, and proper health dept. inspections made. Between J-U-B and Peyton Schell, my cost was about \$750. for this design approval. Considerable fill, sand and gravel are required, to complete the project. Bird is not a P.E. and apparently his claim in the Review to have "earned a doctorate in bio-med" is not supported for "there is no record of him at the University he claimed to attend. I'm sorry to find it necessary to point this out, but it is somewhat relevant to the non-academic nature of his remarks.

~ Sewage permit issued by Jack Ross - dwgs on file.

#3. Bird refers to Tax lot 7. This is irrelevant.

#4. Bird offers no proof. J-U-B is more competent to develop a drainage system. Besides, my permit request is for water. Sewage is handled by another agency.

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

#5. There is no present source of pollution on lots 14 and 15. I would suggest that he has given us a lot of balderdash and has demonstrated chutzpah in this letter.

#6. Thus far there are no adverse facts reported and evidenced by Bird to support a public hearing. This demand simply shows narcissistic tendencies. Recently Bird sued to obtain a right-of-way across lot 14. Judge Dan Cogswell rejected his claim and instructed Bird to pay his legal expenses. Bird's complaints could be "turned around" on him.

#7. No proof shown that O-B, a professional group is rather experienced in assessing pollution - so are the regulatory agencies. Only gray water can be treated - some 200', more or less from the shore - from a 1024 sq. ft. residence, w/one bath. Here, Bird again poses as an expert. In fairness to the writer, Bird the critic, does not apparently have the credentials of an expert. No one, even his family, can give the name of his college that he claims to have attended, allegedly. I say

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

this because his letters are signed "Dr." and all of us are endeavoring to determine if he has any college transcripts, and thus far we have failed. The use of "Dr." could be misleading.

#8. Again, no proof - frivolous.

#9, again, an unsubstantiated statement. The writer conformed to all laws and permit procedures. Bird, on the other hand is being sued by the State of Idaho for not following permit procedures.

#10. Lots 14 and 15 have no boat harbor as Bird suggests. The remarks about other properties are irrelevant to 14 and 15. It is within his province to determine where the marina for 14 and 15 should be located. The marina to which he refers presently is inhabited by a family of beavers. Runoff water enters the marina from a culvert that collects water from a cattle ranch and a good portion of County road gutters. This was installed at the request of the County in 1969.

Napili Kai Beach Club

NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

#11. This argument does not relate to lots 14 and 15 and the need for water from Lake Pend Oreille. Again Bird has no knowledge of improvements made on Tax lot 7. Bird derides natural rock walls, as he does things he does not understand.

If I recall, the lake flow averages some 27,000 cfs, ample for another domestic collection. In 1972, the coliform count, reported by the  Sandpoint Bee, was 29 adjacent to Tax Lot 7. Bird is obviously hostile towards all his neighbors who have an association against his land uses. Again, Judge D. Cross ruled against him in his fight with the association, and the State of Idaho denied two Bird requests recently.

After you have had an opportunity to review this letter, please advise which of Bird's paragraphs, 1 thru 11, bear on any of the 1 thru 5 items listed in your letter. I would like then to further investigate his allegations.

Napili Kai Beach Club

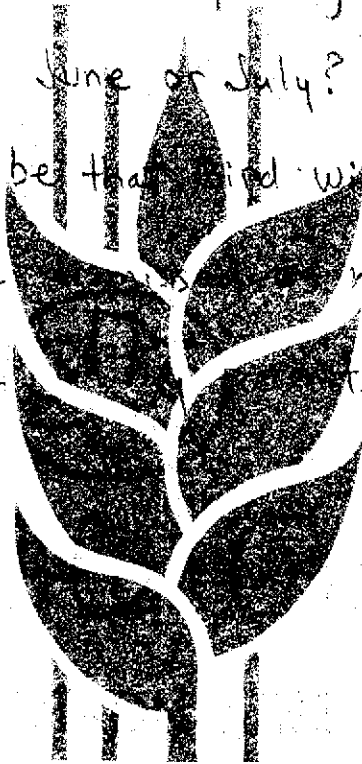
NAPILI BAY

ISLAND OF MAUI, HAWAII
96761

Should you then feel a hearing or conference is in order, I insist that Bird be there so that his academic claims can be verified.

I will be on Maui until May 23, then two weeks in California before departing for Idaho. May I suggest the hearing for late June or July?

It may well be that Bird will be alone in his protest. He could very well be misinformed and hostile. May I state once more that all is in good order.



Very truly yours
Henry L. Pohndorf
Henry L. Pohndorf, P.E.

cc: Gordon Trombley
Tom Mehler, Pres.
Glengary-Gamblin Protective asso. Inc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

April 17, 1979

Dr. Forrest M. Bird
Bird Airlodge
Box 817
Sandpoint, Idaho 83864

RE: 96-7764

Dear Dr. Bird:

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

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S
N o r t h e r n R e g i o n

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

April 17, 1979

Mr. Henry L. Pohndorf
1227 Brewster Drive
El Cerrito, California 94530

RE: 96-7764

Dear Mr. Pohndorf:

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 hearings. At such a conference and/or hearings, 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 hearings. If we can be of any assistance, please contact us.

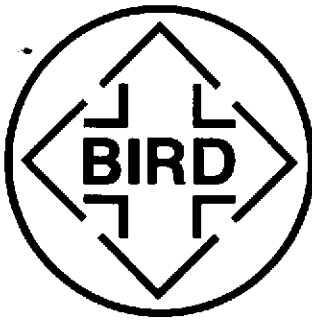
Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

Enclosure

MICROFILMED



Airlodge

Box 817 • Sandpoint • Idaho 83864 • (208) 263-2549

April 10, 1979

RECEIVED

APR 13 1979

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814

Attn: 96-7764
Pohndorf Water Rights

Department of Water Resources
Northern District Office

Dear Sir,

Enclosed find a copy of correspondence dated April 2, 1979 stating our position on the subject water rights. This copy shall become a component of the body of this letter. We are formally requesting a Public Hearing on this request in Sandpoint following standard procedure.

Our objections are based primarily on the fact that additional induced water will serve as a transport medium for potentially pathogenic materials from the Pohndorf claimed property into the immediate vicinity that could contaminate water sources of adjacent properties.

Pohndorf in his application could well have confirmed his effusion of organisms and other offensive materials into Lake Pend Oreille and surrounding wetlands from his premises. Why? does he want to project his inlet 200' into Lake Pend Oreille? Is this not to escape the potential withdrawal of noxious materials introduced into the immediate environment through his open lattice "ornamental stone wall" that is employed as a non filtered "breakwater"?

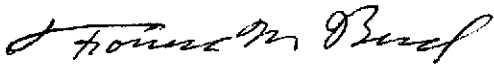
In addition to his questionable primary septic tank facilities now on the property he has received a questionable permit for a "Wisconsin Mound" for the evaporation of domestic discharge containing soaps, detergents and general household wastes (except human feces and urine). The design of such an evaporator upon a sealed underlayment such as Pohndorf has proposed will serve to contaminate the local environment by run off caused by induced surface water with the secondary liquidation and floatation of soaps, detergents and other potentially pathogenic materials and organisms.

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Pohndorf in earlier years as a compromise with the Fish and Wildlife Agencies agreed to replace in part the spanning ground he destroyed when he filled Glengary Lagoon. He was to have liberally distributed a bed of special size gravel over the bottom of his man made (all season) harbor. I believe if one would have the bottom surveyed at present one would find no trace of such gravel in fact most probably a dirty bottom littered with rock chips, corroded construction debris and dirt. If Pohndorf as he has implied maintains a "clean harbor" why does he not withdraw all his domestic and irrigation water from this close by source instead of seeking a remote virgin source 200' from his own premises (sandbar exempted)?

In summary, I am opposed to Pohndorfs request for a permit until such time he corrects his current sources of design induced (or altered) pollution including installation of a filter blanket behind the full length of his "ornamental stone breakwater" and the correction of his existing septic system to initial proposed configuration. Without question any additional waters introduced upon the Pohndorf claimed property will serve to compound and contribute to existing sources of environmental degradation.

Sincerely,



Dr. Forrest M. Bird

CC: Dept. of Lands

nb

box 817 • sandpoint
idaho • 83864



REPLY TO:

MARK 3 respirator lane
palm springs
california • 92262

2 April 1979

Mr. G.C. Trombley
Director
Department of Lands
Statehouse
Boise, Idaho 83720

RECEIVED

13 APR 1979

Department of Water Resources
Northern District Office

Subject: Henry L. Pohndorf
Water Rights

Dear Mr. Trombley:

I object to Mr. Pohndorf's proposal for his installation of additional water intake capacity to his property. This correlates with Mr. Pohndorf's request for sewage and building permits on 8-14-78 for additional buildings upon his fill land created in 1969-70 for probable subdivision.

My objections are based upon the premise that a major source of Lake pollution was created by the Pohndorf open lattice stone bulkhead employed as a fill container purposefully designed as an energy absorber for wave action without provisions for a filter blanket. Any additional surface or subsurface water introduced upon or into the fill area will compound the natural nutrient and solid materials delivered through the open lattice (devoid of a filter blanket) directly into Lake Pend Oreille that is now a major problem.

Additionally, Mr. Pohndorf installed a sewage treatment tank between 50 to 60 feet from pool level, 2062.5', that was a component of a sewage treatment system he was to have completed in 1970. He later abandoned the air filtration and settlement chamber components of the system and converted the tank to a simple septic system (after receiving a permit). Even then I believe a septic tank and field had to be a linear distance from pool level of 100'.

Now he is planning on introducing additional soaps, detergents and other potentially septic materials into soil that is predominantly clay layers providing minimal filtration capacity that will serve (when water covers the surface as it does for many weeks of the year) to float those materials to the surface. The natural drainage from this area is across the County road into the Walston

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Mr. G. C. Trombley

2 April 1979

Page Two

(deep) watering hole employed to water cattle. From the watering hole overflow exists via a conduit into the Pohndorf harbor and then into Lake Pend Oreille.

My belief is that Pohndorf should correct his present and proposed sources of pollution before allowing an additional induced pollution transport vehicle in the form of (water) to be delivered to his property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Forrest M. Bird".

Forrest M. Bird

mr

NOTICE OF APPLICATION

Pursuant to Section 58-142 et seq., Idaho Code (The Lake Protection Act) and rules of the State Board of Land Commissioners, notice is hereby given that Henry L. Pohndorf of Box 448, Sagle, Idaho 83860 has made application to construct or install a domestic water line in Lake Pend Oreille adjacent to Subdivision Lots 14 & 15 Peaceful Haven, Section 8, Township 56 North, Range 1 East B.M. in Bonner County.

Written objections to or requests for hearing in this matter must be on file with the Director, Department of Lands, Statehouse, Boise, ID 83720 within thirty (30) days after the first appearance of this notice.

Specific information regarding this application may be obtained from the Director, Department of Lands.

G.C. TROMBLEY

Director

Department of Lands

Mar. 29 & Apr. 5

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96-2264

POHNDORF, HENRY L.

P. O. BOX 448, SAGLE, ID 83860

Source: LAKE PEND OREILLE

Date Filed: 03/19/1979

Amount: 0.06 CFS

Diversion Point: LOT 03 Sec 08 T 56N R 01E, BONNER Co.

Use: DOMESTIC	(0.04 CFS)	from 01/01 to 12/31
IRRIGATION	(0.02 CFS)	from 03/15 to 11/15

Place of Use: NESW Sec 08 T 56N R 01E FOR 1 ACRES

Diversion Means: PIPE & VALVE

WATER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

March 28, 1979

Mr. Henry L. Pohndorf
1227 Brewster Drive
El Cerrito, Calif. 94530

RE: 96-7764

Dear Mr. Pohndorf:

Enclosed is Receipt No. 13475 in the amount of \$20.00 which was received by this office for the filing fee on the above-referenced item.

Sincerely,

Patricia M. Stypa

PMS

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

March 8, 1979

Mr. Henry L. Pohndorf
1227 Brewster Drive
El Cerrito, Calif. 94530

Dear Mr. Pohndorf:

We are returning your Check No. 11-8 in the amount of \$50.00 and your two Applications for further information.

Applications 1 & 2

Item 4: The period of use should indicate the months of the year the water would be used. For year-around domestic, it would be from January 1, to December 31. For irrigation in that area, it would be from March 15 to November 15.

Items 3,

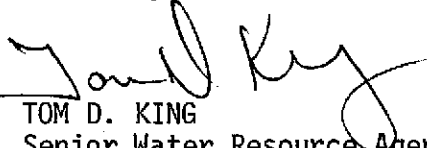
8a, 8b: The points of diversion and place of use must be identified by 40-acre subdivision (or U.S. Government Lot), Section, Township and Range as established by the Public Land Survey System.

Item 11: A sketch or map must accompany all Applications.

I am enclosing a set of instructions to aid you in these points, especially Item 8b. Please check the Applications over making the necessary corrections and return the Applications to this office with a \$40.00 filing fee.

If you have any questions, please contact me at this office.

Sincerely,


TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Check, Applications (2), Instructions

Dear Mr King,

Thank you for your letter of instructions.

Would you be kind enough to have a "Claim to Water Right" form sent to me for my 1969 installation. Thank you.

Sincerely,
H. Pohndorf

MAR 15 1979

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