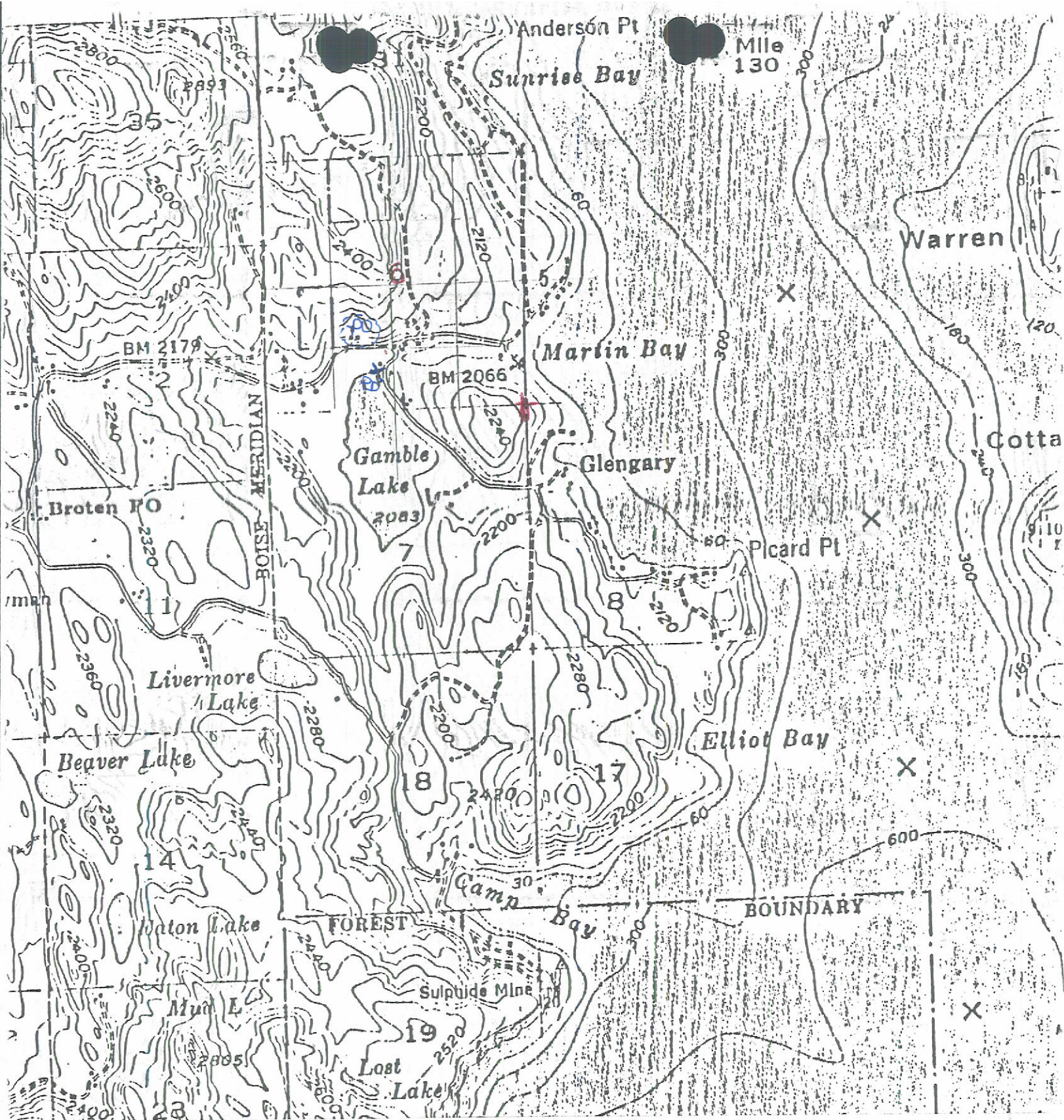




PERMIT HOLDER FORREST M. BIRD

PERMIT # 96-7716

P D TWP 56N RGE 1E SEC 6 SESW (L.G.)

P/U TWP 56N RGE 1E SEC 6 N²SW, SESW (L.G.)

MICROFILMED

JAN 10 1997

SOURCE UNNAMED STREAM
GAMBLE LAKE

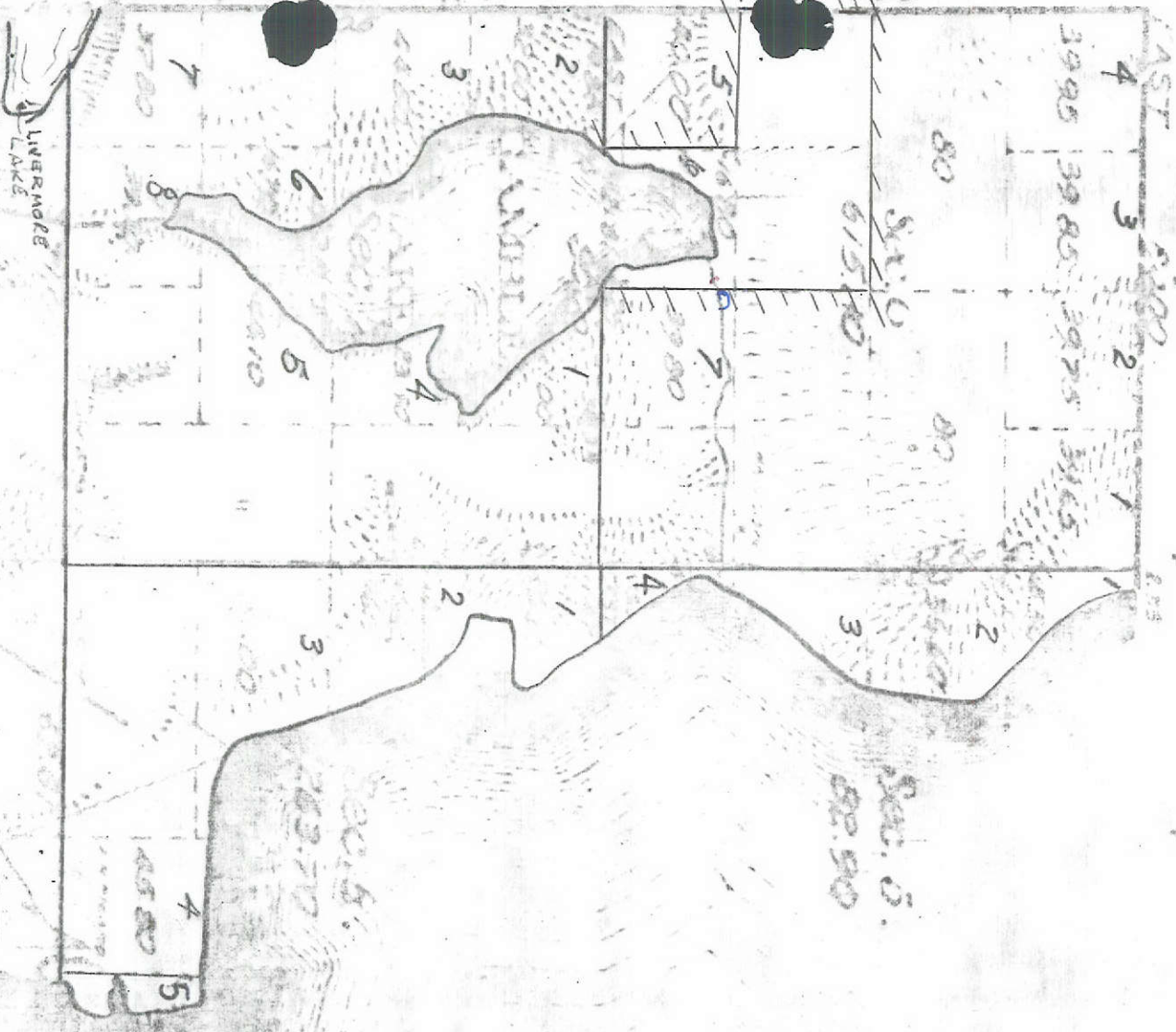
TRIBUTARY TO PEND OREILLE L.

MAP PLOT 31 IRR. ACRES 12

USGS QUAD D-7

SCALE 2"=1MI

MERIDIAN



Sec. 0. 62.90
PEARL IS.



WILBERT
BILAS

FILMED
14 JUN 10 1997

T6413
R1E13
96-7716

542 543 25' 340 000 FEET 545 546 116° 22' 30" 40° 15'



MAILED
JAN 19 1997



GAMBLE LAKE DRAINAGE AREA

3.62 Sq. Miles





This is a protest to the Permit No 96-2716 in the name of Forrest M. and son Mary P. Bird in the Gambelin Lake Area

My wife and I own 65 acres of land adjacent^{to} and eastward of Gambelin Lake. We have two trailer houses which use well water downstream of said Permit.

According to your Memorandum Decision and Order of March 27, 1959
the point of diversion must be located downstream from the Beaver Dam
and in such a manner as to not affect the water level of Gambler Lake.

The recently constructed sump and pump are upstream of a full-span beaver dam which controls the water level for several hundred feet of the outlet creek at Gambelin Lake. There is a small-span beaver dam ^{in a small} ~~at one~~ channel at the lake outlet, but the major portion of the outlet is a muddy and grass tufted ^{wide} area where the water seeps around the small-span beaver dam. The Bird Sump is adjacent to the creek in this area, is dug much deeper than the creek bottom, and therefore pumping from this sump could lower the water table ^{at the outlet area}, thereby causing a greater ^{than} normal flow of water out of ~~Gambelin~~ ^{the} Lake and lower it.

On August 23rd 1979 the evidence on the upstream face of the full-span beaver dam shows that the water level above this dam has recently receded about 10 inches from its former level. The creek channel bottom at a point about 500 feet downstream of this dam has no water in it and the soil is only slightly moist, indicating that in the summer months this creek has practically dried up.

(To permit Mr. & Mrs. Bird or any one else ^{The} ~~to~~ ^{diversion of} ~~water at the constructed~~
sump location and depth
at 0.24 cubic feet per second through the dry summer months (with
no enforcement of strict controls) is ^{so severely} ~~is~~ detrimental to property owners, the
public who enjoy the use of this area, and the natural wild life. ~~so severe~~
that your office should refuse any water usage permit
in the Gambelin Lake outlet area.

MICROFILMEN

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-07716

Priority: September 15, 1978 Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 30.4 AF

This is to certify, that FORREST M BIRD
MARY F BIRD

PO BOX 817
SANDPOINT ID 83864 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 15, 1978; and
has submitted Proof of Beneficial Use on January 24, 1984. An examination indicates
that the works have a diversion capacity of 0.100 cfs of water from:

UNNAMED STREAM tributary to PEND OREILLE LAKE

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.10 CFS	15.0 AF
IRRIGATION STORAGE	01/01 to 12/31		15.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		15.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.4 AF
STOCKWATER STORAGE	01/01 to 12/31		0.4 AF
WILDLIFE STORAGE	01/01 to 12/31		15.0 AF
RECREATION STORAGE	01/01 to 12/31		15.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.10 CFS	
	Totals	0.10 CFS	30.4 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 6(SESW), Sec. 6, 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	6	NESW	5		5

Total number of acres irrigated: 5

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>
56N	01E	6	NESW

MICROFILMED

JAN 10 1987

State of Idaho
Department of Water Resources

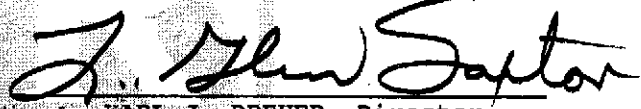
WATER RIGHT LICENSE

WATER RIGHT NO. 96-07716

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. This permit authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.
7. The point of diversion for this right must be located between the culvert and the upstream beaver dam in such a manner as to have no effect on the water level of Gemble Lake.

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 25 day of November, 1996.


Acting for KARL J. DREHER, Director

MIOPD-07716

JAN 18 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-07716

Date of Priority: September 15, 1978 Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 30.4 AF

Comes now FORREST M BIRD
MARY F BIRD

PO BOX 817
SANDPOINT ID 83864

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 96-07716, and requests that the permit be changed as follows:

Source: UNNAMED STREAM tributary to PEND OREILLE LAKE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.10 CFS	15.0 AF
IRRIGATION STORAGE	01/01 to 12/31		15.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		15.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.4 AF
STOCKWATER STORAGE	01/01 to 12/31		0.4 AF
WILDLIFE STORAGE	01/01 to 12/31		15.0 AF
RECREATION STORAGE	01/01 to 12/31		15.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.10 CFS	
	Totals	0.10 CFS	30.4 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 6(SESW), Sec. 6, 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	6	NESW	5		5

Total number of acres irrigated: 5

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
56N	01E	6

NESW

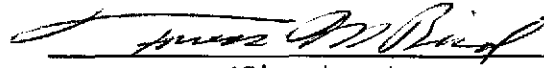
MICROFILMED
JAN 10 1987

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-07716

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Paul R. Sledge, this 16th day of June, 1994.


(Signature)

MICROFILMED
JAN 10 1987

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-07716

FOR DEPARTMENT USE ONLY

Preliminary check by BC Fee = 20⁰⁰ Receipted by dw # 0030630 Date 6/23/94

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 96-07716 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. This permit authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.
7. The point of diversion for this right must be located between the culvert and the upstream beaver dam in such a manner as to have no effect on the water level of Gamble Lake.

Witness my hand this 25th day of November, 1996.

K. J. Dreher

for **KARL J. DREHER, Director**

MICROFILMED

JAN 10 1997

4/86

RECEIVED

MAY 2 1986

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received ☒
Date 4/30/86
Receipt # 32018
Receipt by Mr
Sent to S.O. 4/30/86

RECEIVED

APR 29 1986

1. Permit No. 96-7716

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Forrest M. Bird, M.D.

3. Post Office Address: P.O. Box 817, Sandpoint, ID 83864

Telephone No. (208)263-2549

4. Source of Water: Gamblin Lake

5. Extent of Use:

Domestic _____ (No. of households) Stockwater X _____ (No. and type of stock)

Irrigation 5 _____ (acres) Other/Remark _____

Stock: 30 Black Angus, Irrigation: Fruits & vegetables

6. Total rate &/or volume for which proof is submitted .05-.20cfs 5-20 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:
Dependent on rainfall

June, 1978

8. Person to contact to accompany the department representative during the field examination:

Robert C. LaFore

(Name)

P.O. Box 817, Sandpoint, ID 83864

(Address)

(208)263-2549

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner, Michael Smith, verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

4/28/86

Date

Forrest M. Bird, M.D. Owner
Signature of Permit Holder (and title, if appropriate)

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

Practice and Procedure Rules and Regulations, adopted April 12, 1978.

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.

RECEIVED
JAN 11 1979
WATER RESOURCES
DIVISION

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

UNRECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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 P0 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 Goy 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

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	6									6	5		Gov 1	Lot 7				12

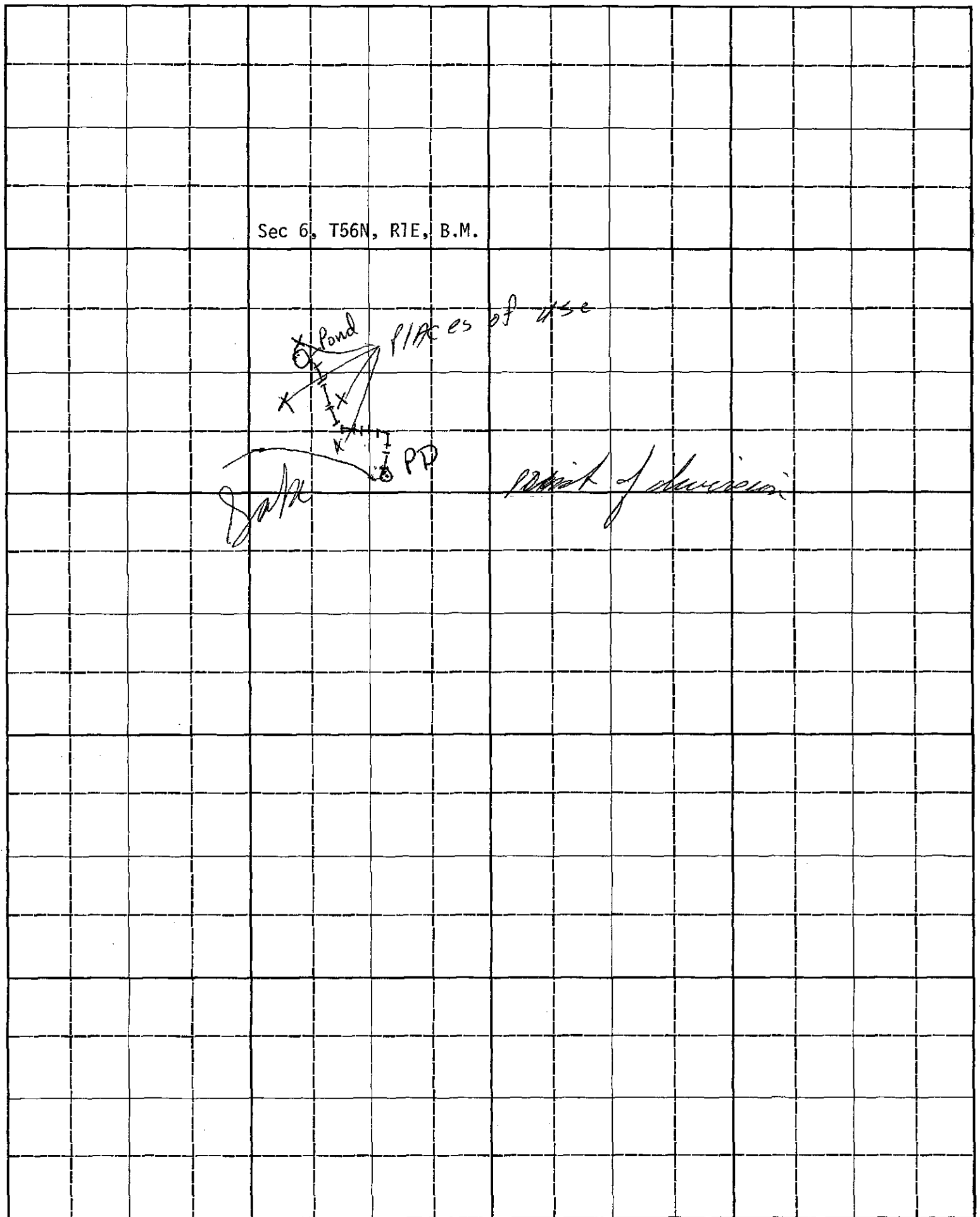
Total number of acres to be irrigated 12

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.



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 LaFore
(Applicant)

RECEIVED
MAY 10 1967
IDAHO DEPT. OF AGRICULTURE

Received by B Date 9-15-78 Time 11 AM
 Preliminary check by TR Fee \$ 3500
 Receipted by B Date 9-15-78 (10095)
 Publication prepared by B Date 9-20-78
 Published in Sandpoint 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 DA

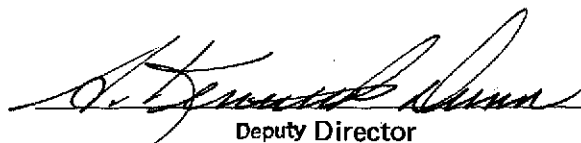
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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.

Rita Elert

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.

David A. Tutthill

Notary Public
Residing at Boise ID

My Commission expires Sept 10, 1980

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

The undersigned holder(s) of Permit/Application No. _____ of the
Department of Water Resources of the State of Idaho hereby nominates _____
Robert Charles LaFore, whose address is Route 2 Box 49A Spt. Idaho
as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all
matters pertaining to the above numbered permit or application. Such acts shall include,
but not be limited to, the filing of application, receiving of all notices, the signing and
filing of applications for extension of time and for amendments of said permits, and the
submission of proofs of completion of works and beneficial use of water.

Dated this 29th day of August, 19 78.

James M. Bird

STATE OF IDAHO)
) ss.
County of Bonner)

On this 29th day of August, 19 78, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he ~~(she)~~ ~~(they)~~ executed the same.



Carol F. Waggoner
Notary Public
Residing at Sandpoint,

My Commission expires:
July 25, 1982

MICROFILMED

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 Permit

Application # 96-7716

as it was published in the regular and entire issue of the said paper for a period of 2 consecu-

tive weeks, commencing on 27th day of

Sept, 1978 and ending on the 4th day of Oct

19 78 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 6th day of Oct, 19 78.

Adell 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:

96-7716

Name: Forrest M &-or Mary P Bird

Address: Box 817, Sandpoint, Id

Date Filed: Sept 15, 1978

Amount: 0.24 cubic ft-sec

Source: unnamed creek, outlet of Gamble Lake

Means: pump & pipe

Diversion Pt: Gov Lot 7 Sec 6 T56N R1E BM Bonner Co

Places of Use: N $\frac{1}{2}$ SW, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ & Gov Lot 7 Sec 6 T56N R1E BM

Use: diversion to storage (0.24 cfs) & storage for irrigation, fire protection wildlife, recreation, & domestic (15 AF)

& domestic from storage (1.2 AF) and domestic (0.04 cfs) from Jan 1 to Dec 31 & Irrigation from storage (15AF) and irrigation (0.24cfs) from April 1 to Oct 31 for 12 acres.

If issued, any of the above referenced permits(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 Government Way, Coeur d'Alene, Idaho, 83814, on or before October 16, 1978.

CSTEPHEN ALLRED

Director

Published in the Sandpoint Daily Bee, Sandpoint, Id on September 27 and October 4, 1978.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 25, 1996

FORREST M BIRD
MARY F BIRD
PO BOX 817
SANDPOINT ID 83864

RE: WATER RIGHT NO. 96-07716

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment. Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

1000-1100
11/16/96



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

June 8, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FOREST M BIRD
MARY F BIRD
PO BOX 817
SANDPOINT ID 83864

RE: PERMIT NO. 96-07716

Dear Water Right Holder(s):

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

The enclosed application for amendment contains information that will be included on the license when it is issued. The amendment reflects not only a correction in the point of diversion location, but also a change in the nature of one of the uses. Because the examiner found no domestic use, that use and fire protection were deleted. However, stockwater use was found and will be included on the license. The amendment now reflects a more accurate description of your system and its uses.

Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 14 days. If you do not concur with this information, please contact me as soon as possible.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

Enclosure

100-1111
JUN 10 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 96-7716
Phone No. 263-7091
1. Owner: Forest M and/or Mary Bird
Current Address: PO Box 817, Sandpoint, Id 83864
2. Accompanied by: Loren Spielmen EXAM. DATE: _____
Address: 8795 rapid lightening Sandpoint, Id Phone No. 265-4231
Relationship to Permit Holder: groundsman
3. Source: unnamed creek tributary to Pond Oreille Lake

B. OVERLAP REVIEW

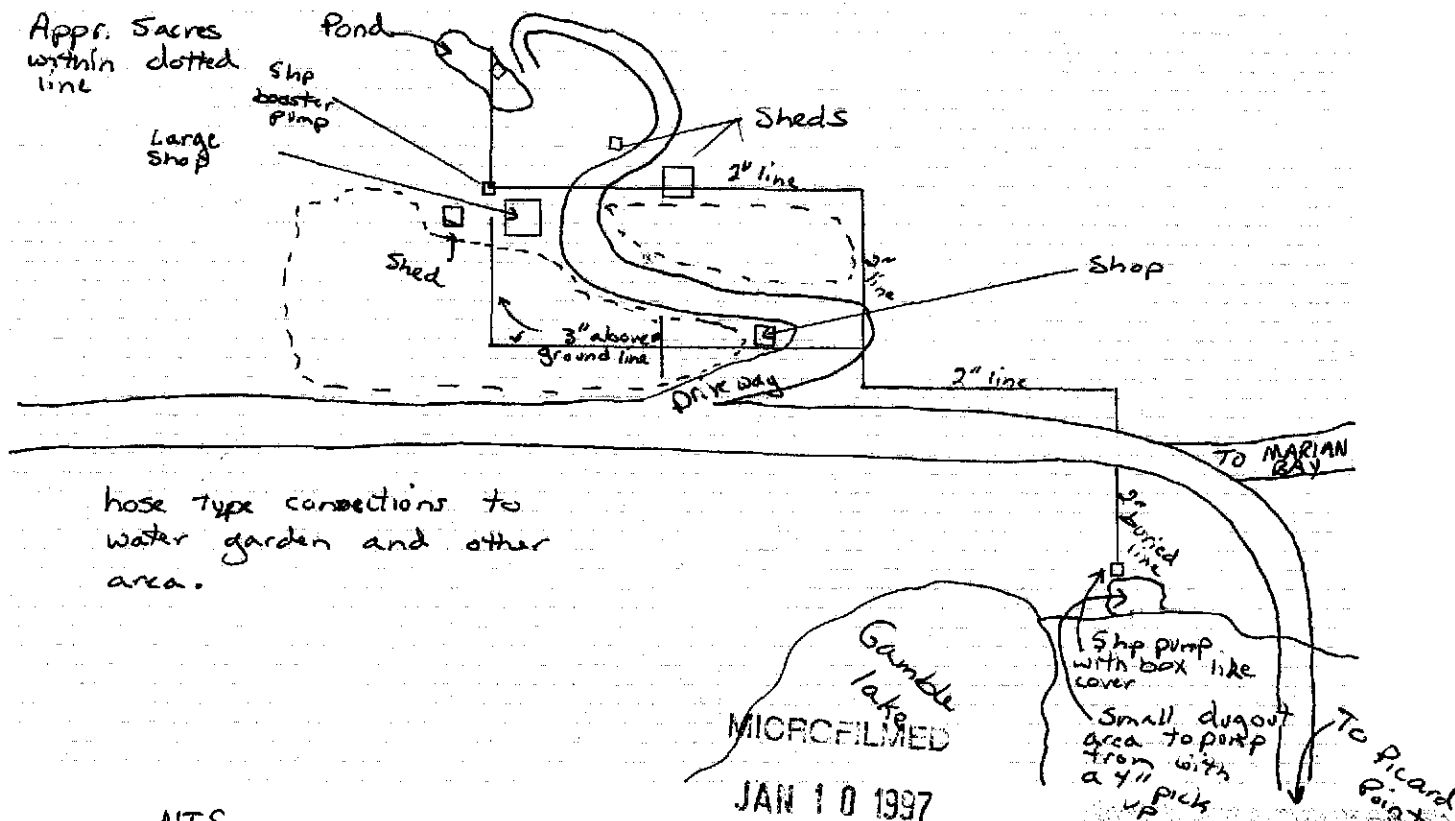
1. Other water rights with same place of use: NONE

☐ Copies Attached
2. Other water rights with same point of diversion: NONE

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more)

System Description (continued)

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

5hp pump diverts water from outlet of Gamble lake and pumps it to the pond with a 15th booster pump. On the way up the hill to the pond hose connections are available for ~~the~~ irrigation of $\approx$ 5 acres.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Century	5	9H7PT14	JUCUZZI	1 1/2"
	"	"	9H7PT15	"	"

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

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
AK 6	~~37~~		SE	SW	6	56N	1E	Bonner	NAD

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

Indicate Method of Determination NAD

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	6									5								5
											5								

UNRECORDED

JAN 10 1967

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Flow into pond $\frac{5 \text{ gal}}{6 \text{ sec}} = 27.3 \text{ gal/min} = .06 \text{ cfs}$
 Spinning sprinkler (5 gal method) = $\frac{5 \text{ gal}}{6 \text{ sec}} = 4.5 \text{ gal/min}$ (5 spinners)
 4-3/16 nozzle - @ 20 psi, 20 psi, 25 psi and 40 psi
 $Q = 6.4 \text{ gpm} + 2(7.3 \text{ gpm}) + 5 \text{ gpm} + 5(4.5 \text{ gpm}) = 42.6 \text{ gpm}$
 $Q = .095$ or $.1 \text{ cfs}$

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

$Q = .1 \text{ cfs}$

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head: (1) + (2) = _____ (3) : Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 15 \text{ ata}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 48.6 \text{ ata}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 15 \text{ ata}$

2. Volume Calculations for Other Uses:

STORAGE = $14 \times 300 \times 150 = 15 \text{ ata}$
 STOCK = .02 cfs or .7 ata

149 10 1957

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Needs to change # From Domestic to STOCK (That is make an amendment)

POINT OF DIVERSION IS LOCATED IN SUCH A MANNER THAT USE OF THIS RIGHT WILL NOT AFFECT THE WATER LEVEL OF GAMBLE LAKE

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* IRRIGATION	April 1	Oct 31	0.1 cfs	15 afa
IRRIGATION FROM STORAGE	April 1	Oct 31	.1 cfs	15 afa
STOCK FROM STORAGE	1/1	12/31	.02 cfs	1.2 afa
DIVERSION TO STORAGE	1/1	12/31	.06 cfs	15 afa
STOCK	1/1	12/31	.02 cfs	.5 afa
	Totals:		.1	30.7 afa

2. Recommended Amendments

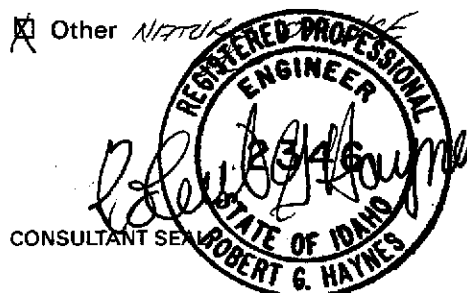
- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above

☐ None

☒ Other *NITR*

J. AUTHENTICATION

Field Examiner's Name LOUIS SUKOVATY
 Signature [Signature]
 Certification Date 5/15/88
 Field Report Preparation Date 7/7/88



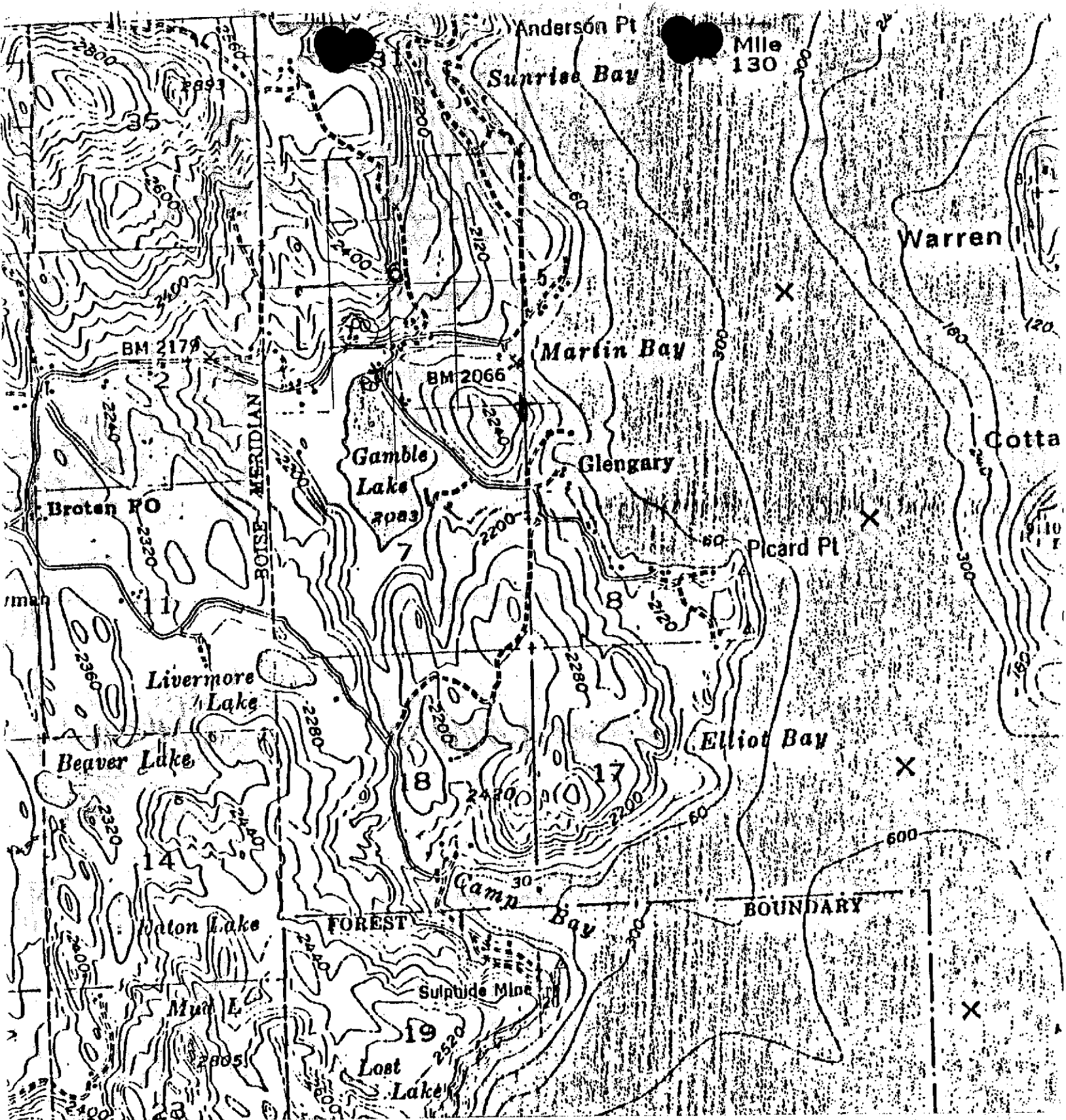
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

* See attached "Adjustments to Exam" memo for explanation of uses & rates. BC

* Changes were made to complete the listing of water uses

MICROFILMED

JAN 10 1987



PERMIT HOLDER FORREST M. BIRD

PERMIT # 96-7716

P D TWP 56N RGE 1E SEC 6 S E S W (L.G.)

P/U TWP 56N RGE 1E SEC 6 N² S W, S E S W (L.G.)

MICROFILM

JAN 10 1997

SOURCE UNNAMED STREAM
GAMBLE LAKE

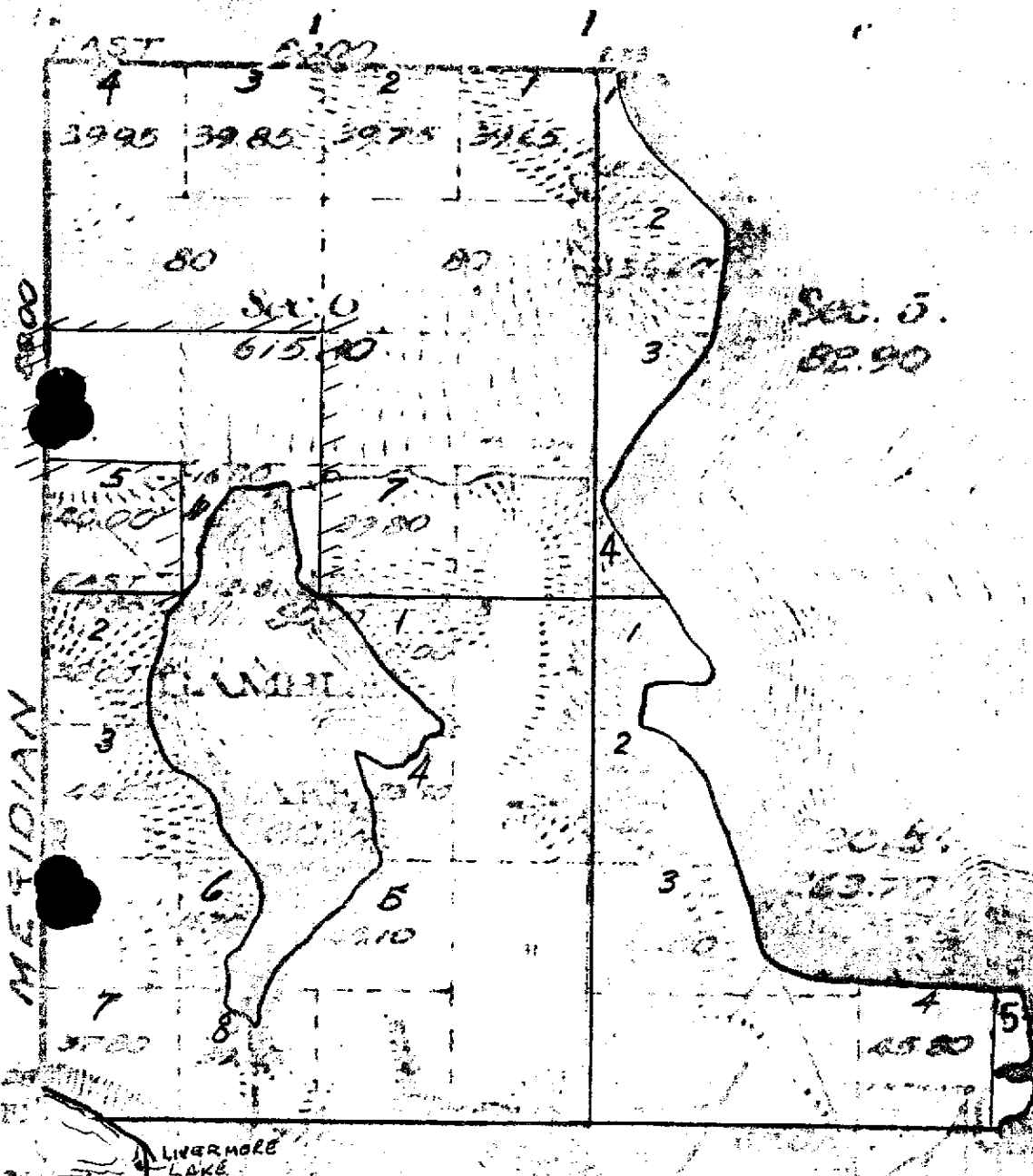
TRIBUTARY TO PEND OREILLE L.

MAP PLOT 31 IRR. ACRES 12

USGS QUAD D-7

SCALE 2"=1MI

9122-96



WARRIOR
HILL



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

1. 25

PEARL IS

July 2, 1991

Mr. Forrest Bird
Box 817
Sandpoint, Id. 83864

Re: 96-07716

Dear Mr. Bird:

Today this office received the required statement and as-built drawing of your diversion structure as submitted by Louis B. Vermeer R.L.S., P.E., State of Idaho. The information appears to meet all the criteria of the approval conditions and a license should be forthcoming.

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

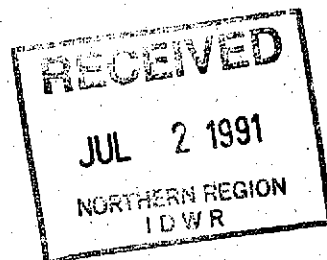
Sincerely,

Tom D. King
Sr. Water Resource Agent

RECEIVED
JAN 10 1997

VERMEER ENGINEERING

July 1, 1991



Mr. Bob Haynes
1910 Northwest Blvd., Suite 210
Coeur d'Alene, Idaho 83814

Re: Permit No. 96-7716

Dear Mr. Haynes:

Enclosed please find an as-built drawing of the point of diversion and surrounding area for Dr. Forrest Bird's water right application. Please note the point of diversion is located between the culvert and the upstream beaver dam as called for in the Department of Water Resources Order No. 2.

Order No. 3 states that the pump shall not extend below the bottom of the existing culvert. The controlling factor for this application is not the pump elevation, but the 8 inch diameter pipe leading to the pumping pond. Since the invert elevation of the 8 inch intake pipe is one & one-half feet (1-1/2') above the flow line of the culvert, Order No. 3 has also been complied with. Even if the 8 inch supply pipe were lowered to the flow line of the creek, the point of diversion would still be above the elevation of the culvert flow line.

If you have any questions, please call.

Very Truly Yours,

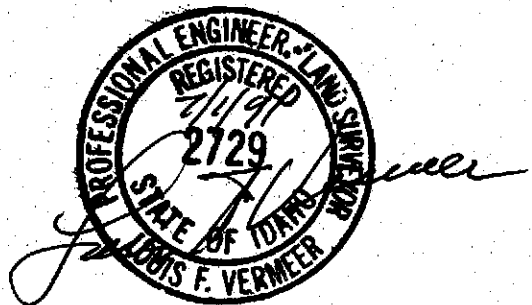
A handwritten signature in cursive script that reads "Louis F. Vermeer".

Louis F. Vermeer, P.E.
VERMEER ENGINEERING

LFV:mb

Enclosures

CC: Dr. Bird



MICROFILMED

JAN 10 1997

IDAHO DEPARTMENT OF WATER RESOURCES
PERMIT NO. 96-7716
FOR: DR. FOREST M. BIRD

2" GALV. IRRIGATION PIPE

PUMPING POND
(POINT OF DIVERSION)
INVERT ELEV. = 101.50

8" DIAM. SUPPLY PIPE
CREEK FLOWLINE ELEV. = 100.30

INVERT ELEV. = 101.20

INVERT ELEV. = 100.00

FLOW

1" = 20'



BEAVER DAM

GAMBLE LAKE

COUNTY

ROAD

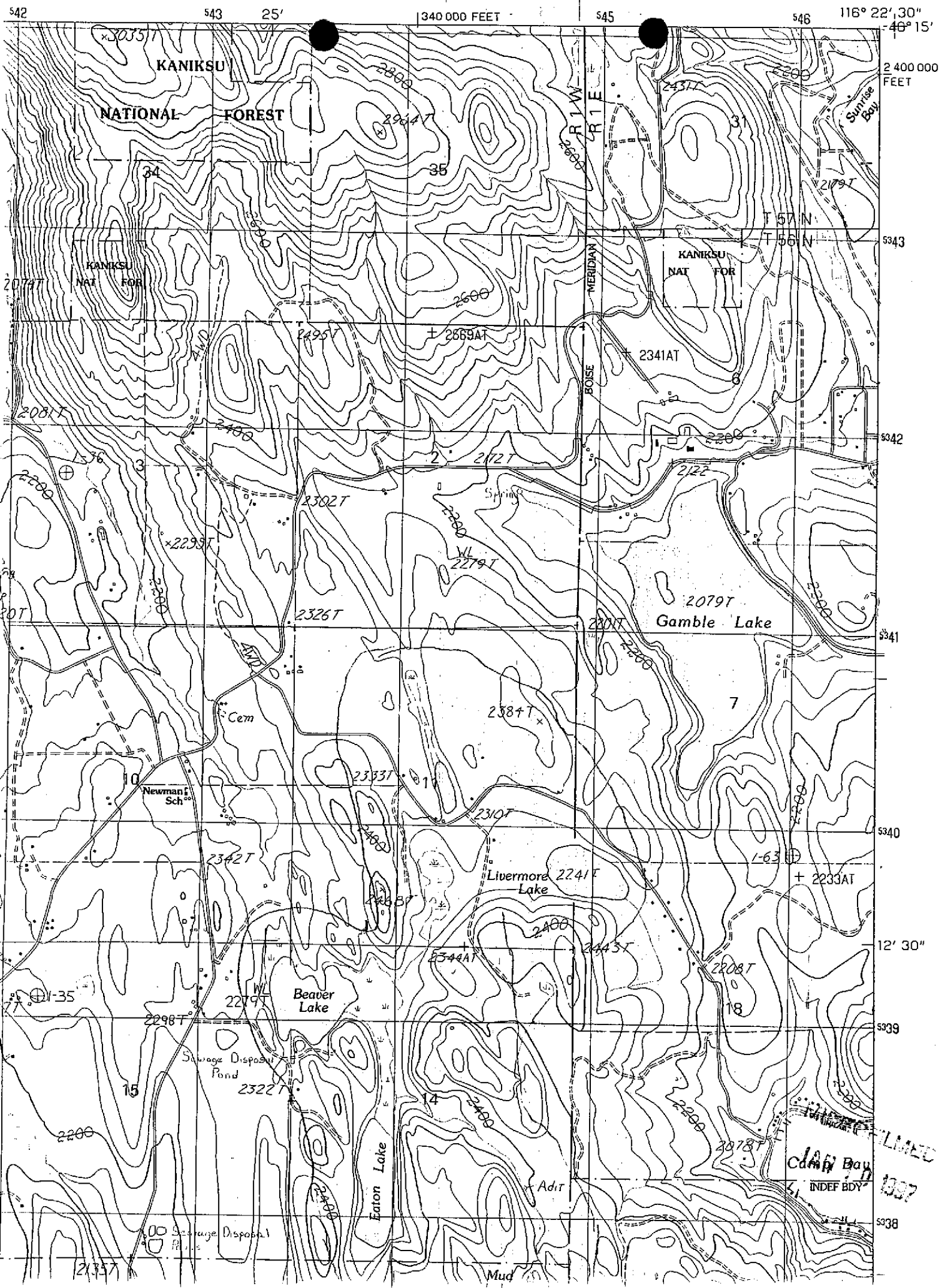
8' DIAM. CMP
CULVERT

RECEIVED
JUL 2 1991
NORTHERN REGION
IDWR

VERMEER ENGINEERING
102 S. FOURTH AVE.
SANDPOINT, IDAHO

JULY 1, 1991

SH 1051



CDMP Bay
INDEF BDY
1997

May 24, 1991

Mr. Forrest M. Bird
Box 817
Sandpoint, Id. 83864

Re: 96-07716

Dear Mr. Bird:

One of the conditions of approval of the above referenced permit is that you must provide a statement from a registered engineer of land surveyor showing the relative elevations of the pump inlet and the culvert invert. Since this was to be done prior to March 1, 1984, and I still have not received the document as of this date, I have no choice but to recommend the cancellation of your permit.

If you can deliver the document to this office within 30 days of the above date I will be able to recommend licensing of your permit. If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

Tom D. King
Sr. Water Resource Agent

MICROFILMED
JAN 10 1997

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region Office

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

Cecil D. Andrus
Governor

R. Keith Higginson
Director

January 8, 1991

Mr. Forrest M. Bird
Box 817
Sandpoint, Id. 83864

Re:96-07716

Dear Mr. Bird:

One of the conditions of approval of the above referenced permit was that "The intake of the applicants' pump shall not extend below the level of the bottom of the presently existing culvert inlet and before any water is diverted, the applicants must provide a statement from a registered engineer or land surveyor showing the relative elevations of the pump inlet and the culvert invert."

The required examination for licensing of the above referenced permit has been conducted by a departmental field examiner. However a license can not be issued until the approval requirement has been met.

This statement must be submitted before any further water is diverted, or prior to April 1, 1991

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

Sincerely,

Tom D. King
Sr. Water Resource Agent

MICROFILMED

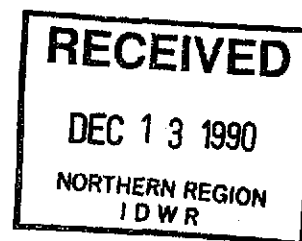
JAN 10 1997

MEMORANDUM

TO: Northern Region .
FROM: Sharla ✓ *g*
DATE: December 7, 1990
RE: Returned Field Exam Report (Permit No. 96-7716)

The field examination report for the above referenced right is being returned for additional information. Attached to the report is a copy of conditions stipulated as part of the approval of an amendment processed in February, 1980. The field report contains no information as to whether these conditions were complied with.

Documentation for compliance with the conditions of approval is needed before we can continue with license processing.



MICROFILMED

JAN 10 1997

May 21, 1990

FORREST M. BIRD
MARY F. BIRD
P.O. BOX 817
SANDPOINT, ID 83864

RE: PERMIT NO. 96-07716

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

MICROFILMED

JAN 10 1997



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 30, 1986

Forest M. Bird, M.D.
P.O. Box 817
Sandpoint, Id. 83864

Re: 96-7716

Dear Dr. Bird:

This is to acknowledge receipt of the Examination Fee Information sheet for the above-referenced permit.

Also, enclosed is your Receipt No. 32018 in the amount of \$50.00 which represents the fee for the examination of your permit.

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

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Receipt

MICROFILMED

JAN 10 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

96-7716
BIRD, FORREST M.
BIRD, MARY F.
P.O. BOX 817
SANDPOINT, ID 83864

Mailing address:
Statehouse
Boise, Idaho 83720

138503

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. MICROFILMED

JAN 10 1997

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

JAN 10 1987

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

FEBRUARY 16, 1984

FORREST &/OR MARY BIRD
P.O. BOX 817
SANDPOINT ID 83864

RE: Permit No. 96-7716

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 667-6484 or in person at our office.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MICROFILMED

JAN 10 1997

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. 96-7716

Name(s) of Permit Holder: Forrest M. and/or Mary P. Bird

Post Office Address: P.O. Box 817, Sandpoint, Idaho 83864

Tel. No. 263-2549

Source of Water: unnamed creek-outlet of Gamble Lake

Extent of Use:

☒ Domestic	<u>2</u>	(number of households)
☒ Stockwater	<u>30 cows/horses</u>	(number and type of stock)
☒ Irrigation	<u>125</u>	(acres)
☒ Other	<u>Fish pond</u>	

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.

January 20, 1984

Date



Signature of Permit Holder

Forrest Bird

P.O. Box 817

Sandpoint, Id 83864

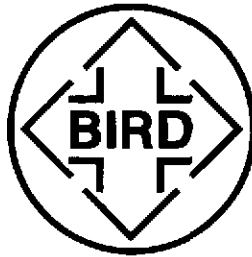
RECEIVED

JAN 24 1984



IDAHO DEPARTMENT OF WATER RESOURCES
Department of Water Resources STATEHOUSE
BOISE, IDAHO 83720

Basic Research Center
blrd Airlodge
P.O. Box 817
Sandpoint, Idaho 83864
(208)263-2549



MARK 3 respirator lane
palm springs
california • 92262

RECEIVED

AUG 27 1982

Department of Water Resources

August 24, 1982

Jim Johnson
State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Dear Jim:

Thank you very much for explaining to me over the telephone our situation with regard to the existing water claim 96-4225 from Lake Pend Oreille and the water right permit 96-7716 from Gamble Lake. I will make a big fat note for the files so that, hopefully, you will be spared another explanation on either of these.

Enclosed is another blue card for 96-7716; we did send one earlier but, perhaps, it was not received by the appropriate officer.

Thanks again.

No response req'd
DRT

Sincerely,

Pam Aunan
Sandpoint

THANK YOU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138348

BIRD, FORREST M. & MARY F.
P.O. BOX 817
SANDPOINT, ID 83864

PROOF DUE NOTICE

DECEMBER 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 96-7716 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). 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 IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, 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

August 12, 1982

Forrest M. Bird
P.O. Box 817
Sandpoint, ID 83864

Dear Mr. Bird:

Enclosed we are returning the Commencement of Works card that we received from you July 15, 1982. We note that the water right number that you have placed on the card is 96-7225. This number pertains to a licensed water right in the name of William D. Wausser that you do not appear to have an interest in.

It appears that the water right you were referring to is Claim No. 96-4225, which represents an existing domestic use that dates back to June, 1968. The water right for which the card must be submitted, however, is permit No. 96-7716, which you filed on, September 15, 1978. This is the permit for which you submitted the Application for Amendment that was approved on February 28, 1980.

Also enclosed we are sending another Commencement of Works card that must be submitted on/or before June 30, 1983 to retain the validity of this permit.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

Enclosures

JRT:gm



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

ok to file
SDr

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

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 Water 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.

Robert G. Hayne P. E.
Department of Water Resources
11 June 1979
Page Two

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?

Robert G. Haynes, P. E.
Department of Water Resources
11 June 1979
Page Three

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

Robert G. Haynes, P. E.
Department of Water Resources
11 June 1979
Page Four

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

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

Practice and Procedure Rules and Regulations, adopted April 12, 1978.

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 263-7091Post office address PO Box 817, Sandpoint, Id. 838642. Source of water supply unnamed creek which is a tributary of Pend Oreille Lakeoutlet of Gamble Lake3. Location of point of diversion is Gov Lot 4 of 7 % of Section 6 Township 56NRange 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 storageb. 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
SW NW(1) Give the place of use of water: N $\frac{1}{2}$ % of SW % of Section 6 Township 56NRange 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:

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	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

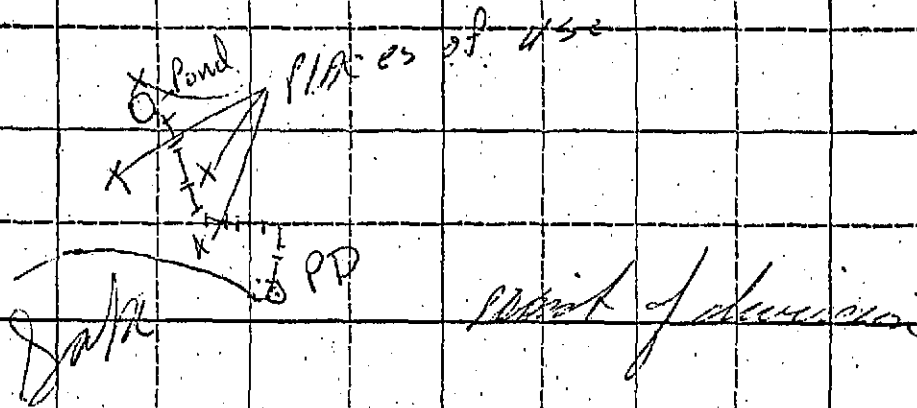
1.2 AF for domestic from storage from Jan 1 to Dec 31

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 LaFore
(Applicant)

Received by TR Date 9-15-78 Time 11 AM
Preliminary check by TR Fee \$ 3500
Receipted by B Date 9-15-78 (10085)
Publication prepared by B Date 9-20-78
Published in Sandpoint Daily Bee
Publication dates 9-27-78 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

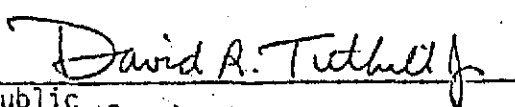
Lawrence R. and Jewel S. Tassie
75 Birch Hill
Fort Richardson, AK

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

May 24, 1979

RE: Permit No. 96-7716 (Forrest M. &/or Mary P. Bird)

Jon Hammarberg
Attorney-At-Law
Riverside Building, Suite 6
P. O. Box 216
Sandpoint, ID 83864

Dear Mr. Hammarberg:

Pursuant to your request please find enclosed an amendment form. The completed form together with the \$20.00 amendment fee should be sent to our Northern Region office located at Route 5, Box 203 Government Way, Coeur d'Alene, Idaho. 83814.

If you have additional questions, please contact this office or our Northern Regional office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:alw
Enclosure
cc: Northern Region

100-100000

RECEIVED

Boise
③
Jan
JON K. HAMMARBERG
Attorney-At-Law

Glen E. Bandelin
Of Counsel

MAY 17 1979

Department of Water Resources

Riverside Building
Suite 6
P.O. Box 816
Sandpoint, ID 83864
(208) 868-8139

May 15, 1979

Mr. L. G. Saxton
Chief, Operations Bureau
Department of Water Resources
State Office
373 W. Franklin Street
Boise, Idaho 83720

RE: Application for Permit No 96-7716

Dear Mr. Saxton:

Please be advised that Dr. Bird intends, upon the expiration of the time for Appeal to amend the application with regard to the point of diversion in that he does not own the property down stream from the beaver dam and the beaver dam has been removed by either the State or the County. Since the beaver dam has been removed there can be no question but that the culvert is the controlling factor on the level of the lake and therefore such a change in the point of diversion should not affect the level of the lake and therefore comply with the memorandum decision issued by your department. This amended application is requested pursuant to Idaho Code 42-211 and I request that the forms be sent to me in order that such an application can be submitted to you as soon as the Appeal has run. If you have any questions please contact me.

Sincerely,

Jon Hammarberg
Jon Hammarberg

Jh/ds

JON K. HAMMARBERG

Attorney-At-Law

Post Office Box 216
Sandpoint, ID 83864



Mr. L. G. Saxton
Chief, Operations Bureau
Department of Water Resources
State Office
373 W. Franklin Street
Boise, Idaho 83720

MICROFILMED

April 19, 1978

Vivian Frame
ECR 66, Box 876
Sandpoint, ID 83864

Dear Mrs. Frame:

Re: Permit No. 96-7716 -- Forrest M. and/or Mary P. Bird

This office acknowledges receipt of your letter dated April 8, 1979 in connection with the above referenced permit.

I would suggest that if in fact, the diversion of water under the permit is not in compliance with the conditions of approval that you contact our Northern Regional office in Coeur d'Alene in order that the matter can be further examined for potential Department action.

If the conditions of approval of the permit are not adhered to, specifically condition 2 as referred to in your letter, the Department could take action against the permit holder.

I hope I have satisfactorily answered your inquiry.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Northern Region

Glenn
HCR 66, Box 876,
Sandpoint, Idaho 83864.
April 8, 1979.

RECEIVED

APR 13 1979

Department of Water Resources

Mr. C. Stephen Allred, Director,
Dept. of Water Resources,
Statehouse,
Boise, Idaho 83720

Re: Your decision, Permit No. 96-7716, Forrest M. and/or Mary P. Bird.

Dear Mr. Allred:

I had protested the Bird's application to divert water from Gamlin (Gamble) Lake for their own selfish use. I just finished reading a letter from Mr. L. Glen Saxton, Chief, Operations Bureau and the Memorandum Decision and Order, signed by A. Kenneth Dunn, Deputy Director permitting the Bird's to divert this water.

I am very sure that the level of this lovely lake will go down appreciably when this large amount of water is taken from it. In your conclusions you say, "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 is not affected. (The underline is mine.)

Further, "The applicants' point of diversion must be located downstream from the beaver dam and in such a manner as not to affect the water level of Gamble Lake."

Now, this summer when I am fishing at Gamlin Lake and discover that the water level is way down from its normal, as I am positive it will be-- who is going to stop the Bird's from further diversion? Will it be you, Mr. Allred, or do we contact you, Mr. Saxton or should we complain to Mr. Dunn? Will it be necessary to go to court to make them stop diverting?

I feel that in view of the many protests against approval of this application your decision to approve the application was very short-sighted and faulty.

Sincerely yours,

Vivian Frame

Vivian Frame (Mrs. James E. Frame)



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

March 29, 1979

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

Dear Mr. and Mrs. Bird:

Re: Application for Permit No. 96-7716

Enclosed is a copy of your approved Application for Permit No. 96-7716 along with the copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the order.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: App. for Permit
Mem. Dec. & Order
Cert. of Mailing

cc: Protestants and Attorney
(See Cert. of Mailing)
(Mem. Dec. & Order
Cert. of Mail. only)

February 12, 1979

Mr. and Mrs. Forrest M. Bird
P. O. Box 817
Sandpoint, Idaho 83864

Re: 96-7716

Dear Mr. and Mrs. Bird:

Enclosed find Receipt No. 13429 in the amount of \$15.00 which represents the cost of duplicate cassette tapes of the conference and/or hearing held on January 17, 1979.

If the Department can be of any further assistance, please contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

Enc. - Receipt

RECEIVED
FEB 14 1979
FBI - MIA

ROUTING SLIP

DA.

NAME

TO: *Pat*

REF. No. (if any)

FROM: (show title)

FOR YOUR:

- ☐ Information
- ☐ Approval
- ☐ Signature

REVIEW AND:

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

PER:

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

Please let Roberta
know when you
receive payment
for the tapes.
So she can clear her
records.
Thanks

[Handwritten signature]

February 6, 1979

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

Dear Mr. and Mrs. Bird:

Re: Permit No. 96-7716

Pursuant to your request, enclosed are duplicate cassette tapes of the conference and/or hearing held on January 17, 1979. Please be advised that there is a \$5.00 charge for each tape for a total of \$15.00. Your remittance may be sent to our Coeur d'Alene office at Route 5, Box 203, Government Way, Coeur d'Alene, Idaho 83814 or this office, at Statehouse Mail, Boise, Idaho 83820.

If the Department can be of further assistance, please contact us.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: 3 cassette tapes

cc: Northern Region

RECEIVED
FEB 14 1979
MICROFILMED



PROTESTANTS

EX. 5, + #2

accepted

1/17/79

January 17, 1979

GAMBLE LAKE WATER STUDY

1. Basic Data. -

Lake Surface Area - 105 Acres

Drainage Area 3.6 sq. miles

Outflow (1-11-79) 1.1 c.f.s.

2. Drainage Area. -

The drainage area feeding into Gamble Lake consists of mostly tree covered terrain. The land slopes northward from the lake which has an elevation of 2083 to an elevation of 2893 at the crest of the hills north of the lake. No runoff measurements have been made of the area.

3. Comparative Analysis. -

To obtain a runoff relationship for the area a search of the Idaho water records was made to find a comparable drainage for which runoff records are available. The only area with records that was in any way comparable was Hayden Creek near Hayden Lake. Hayden Creek has a drainage area of 22 sq. miles and has mostly a south and westerly exposure. The following comparison has been made based on a direct proportion of drainage area:

	<u>Gamble Lake</u>	<u>Hayden Creek</u>
Drainage Area	3.62 sq. miles	22.0 sq. miles
Average Annual Runoff	3743 Ac.-ft.	22750 Ac.-ft.
Minimum Annual Runoff	1810 Ac.-ft.	11000 Ac.-ft.
Minimum Discharge	0.50 cfs.	3.0 cfs

The above information does give an approximate indication of what volumes of water can be expected from the Gamble Lake area.

The flow measurement taken January 11, 1979 should give a minimum discharge since it follows several dry months plus two weeks of extremely cold weather.

MICROFILMED

Applicant's
Ex. B.
Rec'd 1/17/79

The water balance for Gamble Lake made using the average rainfall and precipitation data for the area and a seepage value of 1/8 in. per day is tabulated as follows:

WATER BALANCE

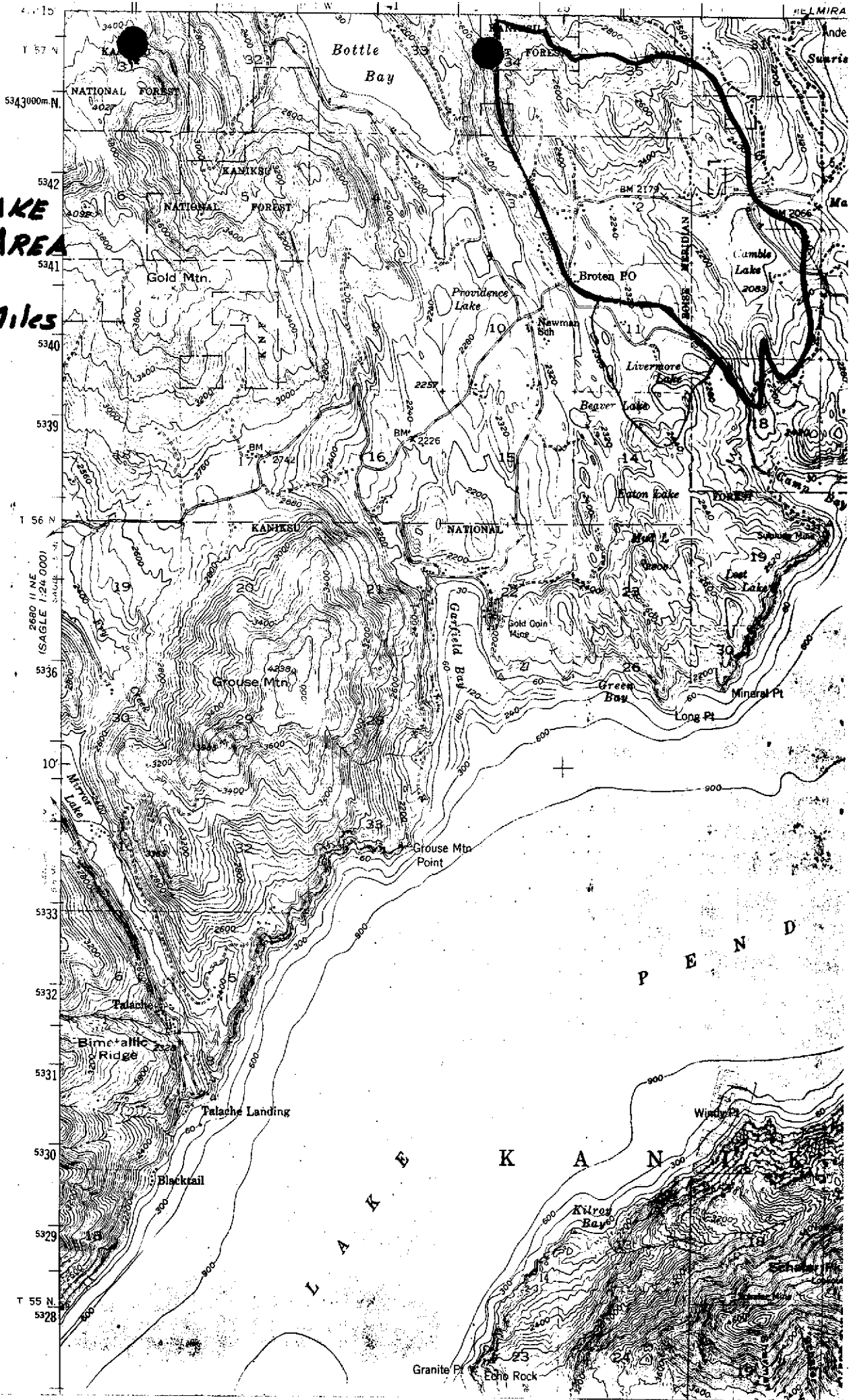
Inflow to Lake	1810 Ac.-ft./yr.
Precipitation - 32.68 in./yr.	286 Ac.-ft./yr.
Evaporation - 38.13 in/yr.	(334 Ac.-ft./yr.)
Seepage - 45.63 in./yr.	(399 Ac.-ft./yr.)
Outflow from Lake	1363 Ac.-ft./yr.

4. Conclusions. -

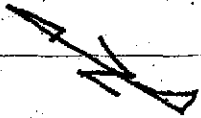
The above data indicates that even on a dry year there will be over 1,000 Ac.-ft. of excess water from Gamble Lake. In addition we would expect that the minimum outflow would rarely drop below 1.0 cfs even on a dry year.

GAMBLE LAKE DRAINAGE AREA

3.62 Sq. Miles



Applicant's
EX-16.1A
Rec'd 11/17/78



B

D

B

B

D

10150000
5000000
10000000
15000000
20000000
25000000
30000000
35000000
40000000
45000000
50000000
55000000
60000000
65000000
70000000
75000000
80000000
85000000
90000000
95000000
100000000
105000000
110000000
115000000
120000000
125000000
130000000
135000000
140000000
145000000
150000000
155000000
160000000
165000000
170000000
175000000
180000000
185000000
190000000
195000000
200000000
205000000
210000000
215000000
220000000
225000000
230000000
235000000
240000000
245000000
250000000
255000000
260000000
265000000
270000000
275000000
280000000
285000000
290000000
295000000
300000000
305000000
310000000
315000000
320000000
325000000
330000000
335000000
340000000
345000000
350000000
355000000
360000000
365000000
370000000
375000000
380000000
385000000
390000000
395000000
400000000
405000000
410000000
415000000
420000000
425000000
430000000
435000000
440000000
445000000
450000000
455000000
460000000
465000000
470000000
475000000
480000000
485000000
490000000
495000000
500000000
505000000
510000000
515000000
520000000
525000000
530000000
535000000
540000000
545000000
550000000
555000000
560000000
565000000
570000000
575000000
580000000
585000000
590000000
595000000
600000000
605000000
610000000
615000000
620000000
625000000
630000000
635000000
640000000
645000000
650000000
655000000
660000000
665000000
670000000
675000000
680000000
685000000
690000000
695000000
700000000
705000000
710000000
715000000
720000000
725000000
730000000
735000000
740000000
745000000
750000000
755000000
760000000
765000000
770000000
775000000
780000000
785000000
790000000
795000000
800000000
805000000
810000000
815000000
820000000
825000000
830000000
835000000
840000000
845000000
850000000
855000000
860000000
865000000
870000000
875000000
880000000
885000000
890000000
895000000
900000000
905000000
910000000
915000000
920000000
925000000
930000000
935000000
940000000
945000000
950000000
955000000
960000000
965000000
970000000
975000000
980000000
985000000
990000000
995000000
1000000000

MICROFILMED

LAKE

pond

E

A

HEARING NOTES #96-7716 ①
SANDPOINT City Council
FORREST BIRD — January 17, 1979

1 Mr. Hammerby

2) Goodner
Collins
Lalvey
Mehler
Wing] Reed

Chittick
✓ Hendrichson
✓ Hendrichson
✓ Campbell
Sustains
✓ Swift

3) Applicant

- a) Judicial notice of water user's handbook
- b) Described application
- c) Rule 9.2 → Birds not present

Reed moved to dismiss — I noted
his motion — will rule on in
the decision — application defective

② LaFace

- ① applicant owns property except
- ② Reed — 1/2 av. surface area — 12 feet deep

APP. EXHA → ③ Sketch map of project — excepted
④ Bird will pay for
⑤ Sufficient water
⑥ Mrs. Leary has a recorded right
⑦ Divert below culvert — not from lake

X-Exam - (need)

- ① Flow @ present time - [1.1 cfs]
- ② What will be irrigated - apples, garden
hay field
- ③ Orchard been there 20 yrs without
irrig.
- ④ New hayfield - 3 acres
- ⑤ Garden or new essentially
- ⑥ Domestic water - now available from
drilled well
- ⑦ Private recreation
- ⑧ Wildlife
- ⑨ Natural pond - 1/2 acre - source is
from springs + runoff.
- ⑩ Bird's own prop. @ point of diversion
- ⑪ 24 animals (cows) now on property -
- ⑫ Structures that control lake level
- culvert and beaver dam -
- ⑬ Always been a flow in stream thru
culvert
- ⑭ Beaver dam are below culvert but
may be above P.D. or below - (near emergency)
- ⑮ Top of beaver dam is above level
of bottom of culvert - dam comes &
goes with beaver dam activity

Redeem

- ① Fine protection - present sources are not
adequate
- ② Rate from present well is 28 39 per
has gone dry -
- ③ Willing to put above or below as directed
by dept.
- ④ New dam reconstructed this year

MICROFILMED

- ③ Pond is narrow - just fill it up
 ④ use water from pond keep full as needed from the source.

— Richard C. Tucker - P.E.

qualification based on water report design
 + on water right studies

- ① Studied the project -
 ② No records of measurements or elevations of lake
 ③ 3.6 mi² drainage area
 ④ 1/11/79 - outflow - 1.1 cfs @ pond. gravelly cobbles
 ⑤ Feels this is a "minimum" flow because of cold & low precip
 ⑥ South exposure for drainage - No really comparable - best would be Hayden CK - somewhat same exposure - but higher & larger - compare 3700 A-F and 1800 A-F and 0.5 cfs min inflow
 ⑦ Water balance of lake - Net outflow min $\approx$ 1388 A-F - (round to 1000 min)
 ⑧ Considerable amount of unlined water flowing to Podoreille lake
 ⑨ Rare times every. could stop flow from lake
 ⑩ Impact will depend upon timing of pumping - 15 A-F out of 1000 is not significant - 0.24 cfs out of 1.1 (as today) no effect
 ⑪ No effect on other water right
 ⑫ Seepage from pond will get back the lake & CK -
 ⑬ 15 ft of water would be 2" off a

MICROFILMED

(4)

(M) No effect on lake so long as outflow exists

(N) Adverse effect on wildlife? No -

(O) Creek flows not still -

Applicant's Exhibit B - ~~written~~ written record & map -

(P) Band on before testimony - 3 A-R
res. capacity

X - Exam -

(1) Research started 2 weeks ago -

(2)

Problem with Chittens not being a participant
fully Hendrickson -

1977 - Sunday -

Redirect -

If no water in ch below culvert
can't pump out -

Protestants

Mr. Reed

(1) Concern with the lake itself - don't
want the level to drop - wildlife
sanctuary - affects private property interest
Local public interest.

Mr. Mobley -

(1) Live east of Bud ranch, north of ch
& own property along the ch -

(2) Anthony Wayne is his step father

(3) Timing of irrig need parallels timing
that creek is dry or low - insufficient
water

→ enlarged to 4 ft -
(Summer of 1917?)

- ④ Culvert lowered 6" about 2 yrs ago
- ⑤ Beaver dam controls outflow - jumps above will lower lake level.
- ⑥ adverse consequences of lowering the level of the lake - beaver spawning gear resting - 70% of Canadian Geese -
- ⑦ Taking water from C.A. could injure Mrs. Levy's water
- ⑧ Would affect his well along side of lake if back water didn't exist because of lake level.
- ⑨ Felt that monument made by Taden would be large because of upper stream Pond + point of monument.
- ⑩ Drawing of a survey performed by Alan Robert Zie. survey - did for Mr. Muller as agent for Mr. Wayne -

Photostatic
20 #1
accepted

X-EXAM

Culvert "seemed" to be lowered - don't know that -

Water backed up by beaver dam to about 3 ft above culvert bottom

May be a "trickle" below the dam - haven't looked at recently.

any spring flooding - once - never has flooded over road surface -

Mrs. Levy get her water from C.A. during runoff - out of Lake Pond & cattle in July + August as it backs up.

If lake level stays the same ~~with~~ there be no problem -

If artificial means were available to maintain or improve the lake - OK. if possible.

THOMSON

⑥

Fill res. during runoff - are during low runoff.

Victor Secor's -

Purchased property - but he owns property

Plot is based upon effect on lake -

Culvert - helped put in - 5' x 6' oval - new one is 26" - lowered about 6" -

Control is beaver dam, not culvert could lower it up to 3' by removing beaver dam -

1977 water level of lake was below bottom of culvert - none occurred.

Concern for effect on fish & wildlife & his well -

X-EXAM

No objection to taking water from creek if level is controlled by the culvert

Mr. Hendrichsen -

Lives along creek and at the lake - owns land along the Double Lake -

Since 1954 he has lived there

Reason for protest - lowering of

Lake will reduce property value

~~Withdraw~~ - Objection that private property values are not public interest - problems of mud flats - lose cattle -

Beaver dam will have to go - flooding three fields -

MCR

Lake is @ flood level now -
because of beaver dam -

X-EXAM - Culvert control level
of lake

Morton Herdich

on a dry year - 1977 - 20 years
was taking the inflow -

- Ground requires a lot of water -
= Mistake to take water from the lake -
- Bad year would be the only time
it would effect.

Leave the balance as it is -

- Twenty or thirty people an average
sunday to see the goose -

Suggesting that circulation is needed -

Musquito - Don't like almost

Protestant's exhibit #2 (Accepted)

X-EXAM

Objection to improve environment
of a lake - No but only seems that more
water is needed.

Applicants - Closing Statement -

- Protestants only want lake level to
stay the same -

Protestants - Closing statement

Timing is a concern

Ask for restrictions to prevent disturbing
the lake level - ① Put below the beaver
dam but not as good as a control on
the culvert.

Name: Forrest M. and/or Mary P. Bird
 File: 96-7716
 Place: Sandpoint City Council Chambers
 Date: Wednesday, January 17, 1979 - 8:00 a.m.

PAGE 1.

ROSTER OF ATTENDANCE

Name	Address	Representing
K. Thomas Mehler	P.O. Box 139, Sagle	
Diane Mehler	"	
Walter Henderson	Rt 2 Box 72 Harfield Wyo.	
Janet Jensen	918 Cedar	SPT Ida.
Stan Henderson	1700 66 Box 736	"
Mary M. Henderson	"	"
Kay Goodner	502708 Timberline Dr. Unadilla, Ia.	
Sue Goodner	"	"
Jana Olson	P.O. Box 523	BDPT
Cynthia B. Swann	"	"
Gene E. Chubb	Clongary P.O. Box 786 Sandpoint Ida.	
Eril R. Campbell	Hick 66 Box 770 Sandpoint Idaho	
Thera Campbell	"	"
Mrs. Edson Lentz	621 Superior St. Sandpoint + Martin Bay	"
Sam W. Reed	P.O. Box A Coeur d'Alene	Various Parties
James Hamberg	P.O. Box 216 Sandpoint	Dr. Bird
Richard C. Truher	107 5th Ave Sandpoint	Dr. Bird
Robert C. LaFore	Rt. 2 Box 494 Spt. Ida.	Dr. Bird

RECORDED

Name: Forrest M. and/or Mary P. Bird Page 2.
File: 96-7716
Place: Sandpoint City Council Chambers
Date: Wednesday, January 17, 1979 - 8:00 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------

JAN 18 1979

301 South Ferry St.
Monroe, WA 98272
Jan. 12, 1979

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

Dear Mr. Haynes:

I am not able to make the long trip to Sandpoint, Idaho to testify at the January 17, 1979 hearing on Application No. 96-7716 by Forrest M. and/or Mary P. Bird.

If I could be there I would testify exactly as stated in my letter of protest on this application which was sent to your office on October 6, 1978.

Please consider said letter as my testimony in protest to the issuing of the water right in Application No. 96-7716.

Sincerely yours,

Harvey F. Nelson

Harvey F. Nelson, P.E.

RECEIVED

JAN 15 1979

Department of Water Resources
Northern District Office

MICROFILMED

HCR 66, Box 876,
Sandpoint, Idaho 83864.
January 2, 1979.

RECEIVED

JAN 8 1979

Department of Water Resources
Northern District Office

Mr. Robert G. Haynes, P. E.,
Regional Supervisor,
Idaho Dept. of Water Resources,
Route 5, Box 203, Suite #1,
Coeur D'Alene, Idaho 83814.

Re: Protest against approval of Application for Permit No. 96-7716
in the name of Forrest M. Bird and/or Mary P. Bird.

Dear Mr. Haynes:

I received your notice of the hearing in the above matter, scheduled to be held at 8:00 a/m at the City Council Chambers, City Hall, Sandpoint.

I am presently out of state and will not be able to attend the meeting. I had mailed you my original protest with twenty-seven names on it, in September, 1978. Later, you sent me a questionnaire which I filled out completely and returned to you.

I request that the written protest of all of us be considered. Surely a sincere written protest should be given as much weight in the hearing as a personal appearance.

In your notice you state: "Opportunity shall be afforded ALL parties to respond and present evidence and argument on all issues involved." But then you go on to state: "Failure to APPEAR at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests on the application." (The capitalization is mine.) I prefer to believe the first quotation.

I am enclosing a photostat of two articles that appeared in the Sandpoint News Bulletin, December 20, 1978. It appears now that the Bird matter will be settled in the courts. The second article is one I wrote, stating the same protest that I wrote you in more detail.

Very sincerely yours,

Vivian Frame

Vivian Frame (Mrs. James E. Frame)

cc: Mr. Tom Mehler, Sandpoint.
encl: Photostat, articles.

RECEIVED

Landowners file suit *Sandpoint* *News Bulletin* against county, Bird *Dec. 20, 1978*

By TOM NEWSOME

The Glengary-Gamlin Protective Association filed suit Tuesday against the Bonner County Commission and Forrest M. Bird seeking to overturn the commissioners' Nov. 22 decision granting Bird a limited special use permit for his research center near Glengary Bay.

Sandpoint realtor Tom Mehler claims 140 persons belong to the association. The exact number has never been verified. The suit says the association is a cooperative of land owners in the Glengary Bay and Gamlin Lake area. It was incorporated in September, 1976, to protect the interests of people in that vicinity, the suit added. The association also advocates orderly development of the area that complies with laws and regulations.

Bird applied for a special use permit on Aug. 30. The commission unanimously recommended denial of the application to the county commissioners on Oct. 12, the suit said. However, planning commission chairman Herrick "Swede" Heitman abstained from voting because he owns property near Bird.

The county commissioners held a public hearing on the application Oct. 23. The suit alleges that, after the hearing, one or more of the county commissioners "solicited and obtained additional comment and testimony from persons known and unknown at unannounced or secret times and occasions." The alleged action violated the county zoning ordinance and the Local Planning Act of 1975, the suit said.

County commission chairman Jim Brockway said Wednesday, "that's a lot of malarkey." He said all decisions on the Bird application were made in public, except for some consultations with the county prosecuting attorney.

The commissioners' Nov. 22 decision allowing Bird to use helicopters at his research center was "arbitrary and capricious and erroneous," the suit alleged. The following reasons were cited:

- Bird's application is void and neither the planning commission or the county commissioners had the power to act upon it.

- The use of helicopters is not an identified or permitted use for recreation open space under the county zoning ordinance and the commissioners could not vote to approve it on their own.

- Neither Bird nor the commissioners followed the proper procedure for creation of new and unlisted conditional land uses established in the zoning ordinance.

- The use of helicopters is "obviously" a use of air space, not of land use. Low level flights over property not owned by Bird infringes on the rights of landowners represented by the association without due process of law.

- The commissioner's reversal of the planning commission's recommendation was arbitrary and capricious and without a showing that they had considered all the pertinent facts of Bird's application.

- Published comments attributed to Brockway established that evidence or testimony was received in violation of the zoning ordinance, the planning act and the Idaho Open Public Meeting Act.

- "I'd have to say that's a false statement," Brockway said. "They're off base." He said the commissioners processed the Bird application in a wide-open atmosphere.

- The commissioners violated the doctrine of apparent fairness as applied to zoning law.

- Granting the application in the guise of a conditional use permit is in effect an alleged illegal rezoning of Bird's property from open space recreation to manufacturing without following requirements of the zoning ordinance.

The suit said Bird has constructed an industrial, manufacturing and commercial complex on his property that is not allowed with a recreation open space zone.

Although the zoning ordinance and other laws require it, the suit says Bird has never applied or been granted building permits for the various structures at the research center.

The industrial, manufacturing and commercial complex constitutes a nuisance that should be stopped, the suit charges.

Although the representatives of the association have tried to get action from the county commissioners to enforce the zoning ordinance since May, the suit said, they have refused to do so.

Bird allegedly "willfully and maliciously" flaunted county laws, the suit said. It asked for punitive damages of at least \$100,000.

The association asks that the county commission's Nov. 22 decision be declared null and void. A permanent injunction is being sought against Bird requiring him to remove any and all buildings, tanks, pads, structures and fences either started or finished since June, 1977. The facilities will only have to be removed if they do not conform to permitted uses for recreation open space or if a building permit has not been issued.

Appropriate injunctive relief is requested requiring the county commissioners to enforce the zoning ordinance against Bird.

Coeur d'Alene attorneys Scott W. Reed and Peter C. Wagstaff represent the property association.

Sandpoint attorney Jon Hammarberg, representing Bird, declined comment until he has time to study the suit.

Bird was in Palm Springs, Calif. and unavailable for comment.

Bird and Gamlin

Our home is not so near to Glengary Bay that we will be personally disturbed by Forrest M. Bird's activities, though we are offended by his hostile signs, electrified fence, etc. We are very upset by his attempts to divert the water in Gamlin (Gamble) Lake for his selfish interests.

Gamlin Lake is a shallow, jewel-like lake with just about the best bass, sunfish, perch and crappie fishing in all of northern Idaho. Many times, each summer, we bring over a small boat and spend pleasant hours, fishing. Many families go to Gamlin Lake for wholesome recreation, fishing and observing the many birds nesting on shore. This lake is so shallow that we do not eat the fish from Gamlin Lake during the hottest part of the summer as they are muddy tasting then. This lake has no water to lose. Surely one individual shouldn't be allowed to drain water from a lake that belongs to all of us!

I recall Bird's original legal notice and I don't remember any mention of manufacturing, but now it appears that he wants to begin manufacturing in a recreational area.

It seems to me that given an inch, Bird may try to take a mile. Once he gets a variance for light manufacturing, he may continue to expand his operations and soon, what was a beautiful recreational area will become an industrial complex.

It is frightening to see one arrogant individual forcing his way, regardless of the fact that about a hundred individuals attended the hearing in October to protest Bird's petition, and regardless of the fact that the Bonner County commissioners voted unanimously to deny Mr. Bird's petition, and still he persists. What will stop him?

Vivan Frame
Sandpoint

Microfilm

January 4, 1979

Mr. John Hammarberg
Attorney at Law
Box 216
Sandpoint, Idaho 83864

Re: 96-7716

Dear Mr. Hammarberg:

Enclosed is a copy of Application for Permit #96-7716, per
your request today's date.

We have searched our Departmental records and cannot find any
recorded water rights in the area.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Application

MICROFILMED

PS Form 3811, Apr. 1977

● 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
☐ 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. and Mrs. Edson Senft
 621 Superior St
 Sandpoint, Ida 83864

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 19407 INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY 12/23/78 POSTMARK

5. ADDRESS (Complete only if requested)
 1003
 Northern District Office

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977-O-234-337

PS Form 3811, Apr. 1977

● 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
☐ 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. and Mrs. Leslie King &
 Ms. Alice Lasse
 HCR 66, Box 768
 Sandpoint, Ida 83864

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 19408 INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY 12/23/78 POSTMARK

5. ADDRESS (Complete only if requested)
 1003
 Northern District Office

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977-O-234-337

PS Form 3811, Apr. 1977

● 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
☐ 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. Martin Hendrickson
 M.S. Hendrickson Ranch
 Rt 2, Garfield, Wash. 99130

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13399 INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY 12-22-78 POSTMARK
 1978 DEC 22 GARFIELD

5. ADDRESS (Complete only if requested)
 1003
 Northern District Office

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977-O-234-337

PS Form 3811, Apr. 1977

● 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
☐ 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. Scott Reed
 P. O. Box A
 Coeur d'Alene, Ida 83814

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13403 INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY 12/23/78 POSTMARK

5. ADDRESS (Complete only if requested)
 1003
 Northern District Office

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977-O-234-337

13403 96-7716

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 5, BOX 203, SUITE #1
COEUR D'ALENE, ID 83814
(Name of Sender)

(Street or P.O. Box)

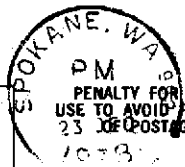
(City, State, and ZIP Code)

96-7716

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 5, BOX 203, SUITE #1
COEUR D'ALENE, ID 83814
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

(City, State, and ZIP Code)

96-7716

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

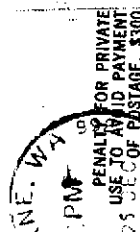


RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D'ALENE, ID 83814
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)



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.

RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D'ALENE, ID 83814
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977

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:
Ms. Rosemary H. Henrickson
Rathdrum
Idaho 83858

3. ARTICLE DESCRIPTION:
REGISTERED NO. 13401 INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
DEC 22 1978
POSTMARK
Clerk's Initials

5. ADDRESS (Complete only if requested)
DEC 23 1978
Department of Motor Resources
Northern District Office

6. UNABLE TO DELIVER BECAUSE:
Clerk's Initials

96-7716

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Apr. 1977

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:
Mrs. Pamela Blass
57 Longview Ct.
San Francisco, Ca 94131

3. ARTICLE DESCRIPTION:
REGISTERED NO. 19409 INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
DEC 26 1978
POSTMARK
Clerk's Initials

5. ADDRESS (Complete only if requested)
DEC 26 1978
Department of Motor Resources
Northern District Office

6. UNABLE TO DELIVER BECAUSE:
Clerk's Initials

96-7716

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Apr. 1977

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. and Mrs. Stanley Henrickson
HCR 66, Box 736
Sandpoint, Idaho 83864

3. ARTICLE DESCRIPTION:
REGISTERED NO. 13400 INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
JAN 23 1979
POSTMARK
Clerk's Initials

5. ADDRESS (Complete only if requested)
JAN 23 1979
Department of Motor Resources
Northern District Office

6. UNABLE TO DELIVER BECAUSE:
Clerk's Initials

96-7716

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Apr. 1977

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. and Mrs. Cecil Campbell
HCR 66, Box 770
Sandpoint, Idaho 83864

3. ARTICLE DESCRIPTION:
REGISTERED NO. 19406 INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
DEC 26 1978
POSTMARK
Clerk's Initials

5. ADDRESS (Complete only if requested)
DEC 26 1978
Department of Motor Resources
Northern District Office

6. UNABLE TO DELIVER BECAUSE:
Clerk's Initials

96-7716

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Apr. 1977

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 Hammarberg
Box 216
Sandpoint, Ida 83864

3. ARTICLE DESCRIPTION:
REGISTERED NO. 13402 INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
DEC 26 1978
POSTMARK
Clerk's Initials

5. ADDRESS (Complete only if requested)
DEC 26 1978
Department of Motor Resources
Northern District Office

6. UNABLE TO DELIVER BECAUSE:
Clerk's Initials

96-7716

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Apr. 1977

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. and Mrs. Victor Susnis
P. O. Box 523
Sandpoint, Idaho 83864

3. ARTICLE DESCRIPTION:
REGISTERED NO. 13398 INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
DEC 26 1978
POSTMARK
Clerk's Initials

5. ADDRESS (Complete only if requested)
DEC 26 1978
Department of Motor Resources
Northern District Office

6. UNABLE TO DELIVER BECAUSE:
Clerk's Initials

96-7716

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

96-7716

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.

27 DEC 1978
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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.

JAN 10 1979
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

96-7716

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 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977

96-7716

★ GPO : 1977-O-234-337

1. The following service is requested (check one):
☒ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Herbert A. Lassen, Ph.D.
 7559 McConnell Avenue
 Los Angeles, Calif. 90045

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13397 INSURED NO.

4. DATE OF DELIVERY 12-27-78
 SIGNATURE *Herbert A. Lassen*
 I have received the article described above.
☐ Addressed ☐ Authorized agent

5. ADDRESS (Complete only if requested)
 1978
 1978
 1978

6. UNABLE TO DELIVER BECAUSE:

PS Form 3811, Apr. 1977

96-7716

★ GPO : 1977-O-234-337

1. The following service is requested (check one):
☒ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Mr. and Mrs. Harvey F. Nelson
 301 S. Ferry
 Monroe, La. 98272

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 19410 INSURED NO.

4. DATE OF DELIVERY 12-26-78
 SIGNATURE *Harvey F. Nelson*
 I have received the article described above.
☐ Addressed ☐ Authorized agent

5. ADDRESS (Complete only if requested)
 1978
 1978
 1978

6. UNABLE TO DELIVER BECAUSE:

PS Form 3811, Apr. 1977

96-7716

★ GPO : 1977-O-234-337

1. The following service is requested (check one):
☒ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Mr. Steve Goodner
 S. 3107 Division
 Spokane, Washington 99203

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13396 INSURED NO.

4. DATE OF DELIVERY 12-23-78
 SIGNATURE *Steve Goodner*
 I have received the article described above.
☐ Addressed ☐ Authorized agent

5. ADDRESS (Complete only if requested)
 1978
 1978
 1978

6. UNABLE TO DELIVER BECAUSE:

PS Form 3811, Apr. 1977

96-7716

★ GPO : 1977-O-234-337

1. The following service is requested (check one):
☒ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Mr. and Mrs. Forrest Bird
 P. O. Box 817
 Sandpoint, Idaho 83864

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13404 INSURED NO.

4. DATE OF DELIVERY 12-23-78
 SIGNATURE *Forrest Bird*
 I have received the article described above.
☐ Addressed ☐ Authorized agent

5. ADDRESS (Complete only if requested)
 1978
 1978
 1978

6. UNABLE TO DELIVER BECAUSE:

PS Form 3811, Apr. 1977

96-7716

★ GPO : 1977-O-234-337

1. The following service is requested (check one):
☒ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
☐ RESTRICTED DELIVERY
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Mr. and Mrs. Lawrence Tassie
 75 Birch Hill
 Ft Richardson, Ak 99505

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 19405 INSURED NO.

4. DATE OF DELIVERY 12-23-78
 SIGNATURE *Lawrence Tassie*
 I have received the article described above.
☐ Addressed ☐ Authorized agent

5. ADDRESS (Complete only if requested)
 1978
 1978
 1978

6. UNABLE TO DELIVER BECAUSE:

96-7716

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 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Street or P.O. Box)

(City, State, and ZIP Code)

96-7716

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 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

96-7716

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 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Street or P.O. Box)

(City, State, and ZIP Code)

Certified Receipt

RECEIVED

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 ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE	REMARKS
1	13396 12/27 Steve Goodner, S. 3107 Division, Spokane 99203	15	80			45				
2	13397 1/3/79 Herbert A. Lassen, 7559 McConnell Ave, Los Angeles 90045									
3	13398 12/27 Mr. and Mrs. Victor Susnis, PO Box 523, Sandpoint									
4	13399 12/27 Martin Hendrickson, Rt 2, Garfield, Wa. 99130									
5	13400 1/11/79 Mr. and Mrs. Stanley Henrickson, HCR 66, Bx 736, Sdpt.									not received as of 1/10/79 per Post 1/11/79
6	13401 12/27 Rosemary H. Henrickson, Rathdrum, Idaho 83858									
7	13402 12/27 John Hammarberg, Box 216, Sandpoint									
8	13403 12/27 Scott Reed, P.O. Box A, CDA									
9	13404 12/28 Mr. and Mrs. Forrest Bird, PO Box 817, Sandpoint									
10	13405 1/4/79 Mr. and Mrs. Lawrence Tassie, 75 Birch Hill, Ft. Richardson, AK									
11	13406 12/27 Mr. and Mrs. Cecil Campbell, HCR 66, Box 770, Sandpoint									
12	13407 12/27 Mr. and Mrs. Edson Senft, 621 Superior St., Sandpoint									
13	13408 12/27 Mr. and Mrs. Leslie King & A. Lassen HCR 66 Bx 768, Sdpt									
14	13409 12/27 Pamela Blass, 57 Longview Ct, San Francisco 94131									
15	13410 12/27 Mr. and Mrs. Harvey Nelson, 301 S. Ferry, Monroe, Wa 98272									
16	13411 Mr. & Mrs. James Frame, Mr. & Mrs. Charles Peterson,									
17	Mr. and Mrs. Charles Hoffman, Mr. Michael Dwany and	28								
18	Ms. Helen M. Peterson, all at HCR 66, Box 876, Sdpt.									
19										
20										

TOTAL NUMBER OF PIECES LISTED BY SENDER
16

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE
16

POSTMASTER, PER (Name of receiving employee)
J. Hansen

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.

POD Form 3877-A—July 1958

U. S. GOVERNMENT PRINTING OFFICE C49-16-72948-2

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 96-7716 in)
the name of FORREST M. and/or MARY P. BIRD)

NOTICE OF CONFERENCE
AND/OR HEARING

On September 15, 1978, Forrest M. and/or Mary P. Bird filed with the Department of Water Resources an application for Permit No. 96-7716. The Department received protests against approval of said permit from:

Rosemary Henrickson
Victor & Cynthia Susnis
Stanley Henrickson
Scott Reed
Martin Hendrickson
Herbert A. Lassen
Steve Goodner
Harriette H. Peterson
Charles H. Hoffman
James & Vivian Frame

Harvey F. & Dorothy L. Nelson
Pamela Blass
Mr. and Mrs. Leslie King
Alice M. Lassen
Edson L. & Louise E. Senft
Mr. and Mrs. Cecil R. Campbell
Charles T. Peterson
Michael S. Dwany
Helen M. Peterson
Lawrence R. and Jewel S. Tassie

The Department has set the matter of protests for conference and/or hearing for Wednesday, January 17, 1979, at 8:00 a.m., at the City Council Chambers, City Hall, Sandpoint, Idaho 83864. 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 protestants 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 20 day of December, 1978.


ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILM

HCR 66, Box 876,
Sandpoint, Idaho 864.
October 30, 1978.

RECEIVED

NOV 6 1978

Department of Water Resources
Northern District Office

Robert G. Haynes, P. E., Regional Supervisor
Dept. of Water Resources,
Suite No. 1, 4055 Government Way,
Coeur d'Alene, Idaho 83814.
Dear Mr. Haynes,

Re: Application No. 96-7716 (Forrest M. Bird)

I received your form letter dated October 17, 1978 in response to my protest as well as that of other concerned citizens.

It appears that the issuance of a permit for Mr. Bird to take water from Gamlin (Gamble) Lake depends on how the following 5 questions are answered.

1. Will the proposed use reduce the quantity of water under existing water rights?
Answer: Absolutely! Gamlin Lake is a small, shallow lake and has no water to spare.

2. Is the proposed water supply insufficient for the purpose intended? Answer: Nobody seems to know exactly why Mr. Bird wants to take this water. He has applied to the Bonner County Planning & Zoning Commission Oct. 12th, to operate helicopters and fixed wing aircraft from a location on the north end of Gamlin Lake. (After a hot meeting that lasted until after midnight, attended by 130 people, the Commission recommended that the special use permit be denied.)

3. Is the application made in good faith or for delay or speculation?
Answer: It is my opinion that this application is made for strictly selfish reasons. I feel that Mr. Bird has little regard for the feelings of those of us who live nearby.

4. Has the applicant sufficient financial resources with which to complete the project? Answer: I have no doubt that he has the financial resources to continue to further harm our lovely way of life in northern Idaho. He is a millionaire.

5. Will the proposed use conflict with the local public interest?
Answer: Absolutely! Mr. Bird has been getting a lot of publicity in the Spokane and Sandpoint newspapers, and to read the glowing reports, he is such a public benefactor that we just can't get along without his services. At the Thursday hearing that 130 people attended, Bird's application was placed last on an agenda of 18 items, and the people felt so strongly about this matter that 93 stayed until after midnight, on a week night, to voice their objections. Apparently ~~they~~ think they can get along without Mr. Bird's services!

Please deny this application.

Sincerely yours,

Vivian Frame

Vivian Frame (Mrs. James E. Frame)

October 18, 1978

RE: Application No. 96-7716

Leo A Payne
E10821 4th Ave
Spokane, Wa 99200

Dear Mr Payne,

The period for receiving protests on the above referenced application for Forrest Bird ended October 16, 1978. Your letter of protest was not received until October 18, 1978. Therefore, we are unable to take it into consideration in reviewing the application.

One course of action open to you, however, is to apply for status as an intervener. I have enclosed a copy of our manual "Practice and Procedures", which will tell you how to do this.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ah

Enclosure

MICROFILMED

E 10821-4th Ave.
Spokane, Wash.
Oct 5 1978

RECEIVED

OCT 18 1978

Department of Water Resources
Northern District Office

State of Idaho dept. of Water resources.
c/o Robert Haynes
Coeur d'Alene
Idaho.

Dear Sir:

Regarding of Forest Bird application
Permit No 967-714 to take water from
the drain ditch from the lake known as
Gamlin Lake. I wish to protest this
application.

Many people here depend on the present
water level or table. They have gone to
expense for it.

Environmentally it would be a disaster if that
lake were drained of that much water.

It is now used for fishing some boating
it would become a swamp.

Mr Bird lives on lake Pend d'Ouille. He
can take water from there.

I can not believe that the Planning Com.
will approve his moving inland.

Thank you sincerely. Leo A Faye

Our lot is recorded
Book 144 of deeds 389.

RECEIVED



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

October 17, 1978

RE: Application No. 96-7716

Rosemary H Hendrickson
Rathdrum, Id 83858

Dear Ms Hendrickson,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

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

October 17, 1978

RE: Application No. 96-7716

Victor & Cynthia B Susnis
PO Box 523
Sandpoint, Id 83864

Dear Mr & Mrs Susnis,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

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

October 17, 1978

RE: Application No. 96-7716

Stanley Henrickson
HCR 66 Box 736
Sandpoint, Id 83864

Dear Mr Henrickson,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

RECORDED
INDEXED
OCT 22 1978
FBI - COEUR D'ALENE



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

October 17, 1978

RE: Application No. 96-7716

Vivian & James E Frame, et al
HCR 66 Box 876
Sandpoint, Id 83864

Dear Concerned Citizens,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

RECEIVED
OCT 19 1978
REGIONAL SUPERVISOR



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

October 17, 1978

RE: Application No. 96-7716-Bird

Scott Reed
Attorney at Law
PO Box A
Coeur d'Alene, Id 83814

Dear Mr Reed,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

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

October 17, 1978

RE: Application No. 96-7716

M S Hendrickson Ranch
Rt 2
Garfield, Wa 99130

Dear Mr Hendrickson,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

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

October 17, 1978

RE: Application No. 96-7716

Herbert A Lassen
7559 McConnell Ave
Los Angeles, Ca 99045

Dear Mr Lassen,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

RECEIVED
OCT 19 1978
IDAHO DEPT. OF WATER RESOURCES



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

October 17, 1978

RE: Application No. 96-7716

Steve Goodner
S 3107 Division
Spokane, Wa 99203

Dear Mr Goodner,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab





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

October 17, 1978

RE: Application No. 96-7716

Harvey F & Dorothy L Nelson
301 S Ferry
Monroe, Wa 98272

Dear Mr & Mrs Nelson,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab





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

October 17, 1978

RE: Application No. 96-7716

Pamela Blass
57 Longview Court
San Francisco, Ca 94131

Dear MS Blass,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab



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

October 17, 1978

Re: Application No. 96-7716

Mr & Mrs Leslie King
Alice M Lassen
HCR 66 Box 768
Sandpoint, Id 83864

Dear Concerned Citizens,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

10/19/78
10/19/78
10/19/78



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

October 17, 1978

RE: Application No. 96-7716

Edson L & Louise E Senft
621 Superior St
Sandpoint, Id 83864

Dear Mr & Mrs Senft,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

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

October 17, 1978

RE: Application No. 96-7716

Mr & Mrs Cecil R Campbell
HCR 66 Box 770
Sandpoint, Id 83864

Dear Mr & MRS Campbell,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

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

October 17, 1978

RE: Application No. 96-7716

Forrest M &/or Mary P Bird
PO Box 817
Sandpoint, Id 83864

Enclosed is a copy of a protest filed against the issuance 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 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 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?

If this office can be of any further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

MIC

October 17, 1978

RE: Application No. 96-7716

Mr & Mrs Lawrence Tassie
Mr & Mrs Gary Mettler
HCR 66 Box 800
Sagle, Id 83860

Dear Mr & Mrs Tassie & Mr & Mrs Mettler,

The period for receiving protests on the above referenced application of Forrest Bird's ended October 16, 1978. Your letter of protest was not received until today, October 17, 1978. Consequently, we are unable to take it into consideration in reviewing the application.

One course of action open to you, however, is to apply for status as interveners. I have enclosed a copy of our manual, "Practice and Procedures", which will tell you how to apply for such status.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

AM 10/18/78

RECEIVED

October 14, 1978

OCT 17 1978

Dear Mr. Allred -

Department of Water Resources
Northern District Office

I am writing this letter in reply to the legal notice published in the Daily Bee Oct 4, 1978 re: Application for water right

Forrest Bird permit #96-7716

We are opposed to taking of water from the creek connected to Gamlin Lake. The amount of water he wishes is much too large an amount. Gamlin Lake is a small shallow lake 15' at the deepest. There are many kinds of wildlife in this area that we feel taking of water would interfere with their natural habitat.

It is not necessary for Mr Bird to have a pond filled by Gamlin Lake. In case of fire in the area he could at that time draw water from Bend Orielle or Gamlin but to maintain a pond on his property with all the available water nearby is totally unnecessary.

Mr & Mrs. Lawrence Lassic (C.M.)
Mr & Mrs. Gary Mettler
H.C.R. 66 Box 800
Sagle, Id. 83860

NOT RECORDED

can apply for
status as interveners

RECEIVED

OCT 16 1978

Rathdrum, Idaho
October 14, 1978

Department of Water Resources
Northern District Office

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

Dear Mr. Haynes:

As a property-owner on the shores of Gamlin Lake near Pend Oreille Lake, I wish to go on record as opposing Dr. Bird's request for water from the creek that runs out of Gamlin Lake into the big lake. This is in reference to application for Permit No. 96-7716.

I object on the basis of the fact that the existing water rights should not be encumbered.

I object on the basis of the fact that there will be little, if any, water in that creek during the months when Dr. Bird's tree crop will require the most water.

I object on the basis of the fact that there ARE alternatives to that particular water supply for watering his own private plantings. He could always dig a well.

I object on the basis of the possibility that it may establish a precedent causing endless water-use complications.

Thank you for considering my opinions.

Very truly yours,

Rosemary H. Henrickson

Rosemary H. Henrickson

RECORDED

LEGAL NOTICES—LEGAL NOTICES—LEGAL NOTICES

LEGAL NOTICE

NOTICE IS HEREBY GIVEN

ORDINANCE NO. 117

Sandpoint, Ida. Oct 13 1978

H. C. R. 66 BOX 736-83864

We protest this application
of Forrest M. and Mary P. Bird
yours truly,

By any of Henrickson

Stanley Henrickson

STANLEY HENRICKSON
H. C. R. 66 BOX 736
SANDPOINT, IDAHO 83864

RECEIVED
OCT 13 1978
Department of Water Resources
Northern District Office

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:

93-7716

Name: Forrest M & or Mary P Bird

Address: Box 817, Sandpoint, Id

Date Filed: Sept 15, 1978

Amount: 0.24 cubic ft-sec

Source: unnamed creek, outlet of Gamble Lake

Means: pump & pipe

Diversion Pt: Gov Lot 7 Sec 6

T56N R1E BM Bonner Co

Places of Use: N $\frac{1}{2}$ SW,

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ & Gov

Lot 7 Sec 6 T56N R1E BM

Use: diversion to storage (0.24

cfs) & storage for irrigation,

fire protection wildlife,

recreation, & domestic (15 AF)

& domestic from storage (1.2

AF) and domestic (0.04 cfs)

from Jan 1 to Dec 31 &

Irrigation from storage (15AF)

and irrigation (0.24cfs) from

April 1 to Oct 31 for 12 acres.

If issued, any of the above

referenced permits(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 Government

Way, Coeur d'Alene, Idaho,

83214, on or before October 16,

1978.

C STEPHEN ALLRED

Director

Published in the Sandpoint

Daily Bee, Sandpoint, Id on

September 27 and October 4,

1978.

Herbert A. Lassen, PhD
7559 McConnell Ave.
Los Angeles, CA 90045

October 12, 1978

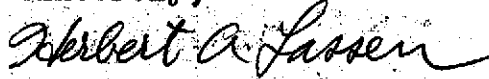
Director of the Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Sir;

I would like to add my objection to that of Alice M. Lassen, Ruth Lassen King and Leslie C. King, Jr. (letter of October 1, 1978) about the granting of water rights from the outlet of Gamble Lake (0.24 cubic feet per second or 0.5 acre feet per day) to Forrest M. Bird (application 96-7716).

Any attempt to draw this much water would seriously lower the level of the lake and destroy recreational and property values.

Sincerely,



Herbert A. Lassen, PhD

Copies of both letters have been sent to Senator Frank Church.

TRW

HERBERT A. LASSEN, Ph. D.
Special Assistant to the Director of Systems Engineering
Space Systems Division

DEFENSE & SPACE SYSTEMS GROUP OF TRW INC.
One Space Park, Redondo Beach, California 90278 536-2330

RECEIVED
OCT 16 1978
Department of Water Resources
Northern District Office
MICROFILMED

October 13, 1978

SUSNIS
P.O. Box 523
SANDPOINT, IDA
83864

State of Idaho
Department of Water Resources
Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814

Attn: Robert G. Haynes, P.E.
Regional Supervisor

Re: Application No. 96-7716

Dear Mr. Haynes:

I am writing in protest to the permit application No. 96-7716 in which Dr. and Mrs. Bird are requesting 0.24 cubic feet per second of water from the outlet creek of Gamble Lake.

I have been renting property for four years along this same creek and am now a contract purchaser for this property.

I protest this on the grounds that there is no water in this creek during certain parts of the year, and the ecology of Gamble Lake is too delicate to fool with.

If this somehow should affect the level of Gamble Lake my exisisting water rights could be affected.

Sincerely Yours,


Victor Susnis


Cynthia Susnis

RECEIVED
OCT 24 1978
Department of Water Resources
Bozeman District Office

MICROFILMED

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

October 12, 1978

RECEIVED

OCT 18 1978

Department of Water Resources
Northern District Office

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

Re: Application for Permit #96-7716

Dear Bob:

In response to your letter of September 20, 1978, directed to concerned citizens, please be advised that objections are made to the application for permit by Dr. and Mrs. Bird for 0.24 cubic feet per second of water from the outlet creek of Gamble Lake. I have been asked to file objections on behalf of several persons, all of whom are property owners in the immediate area. These are:

1. Sue and Ray Goodner who own property adjacent to Gamble Lake. The Goodners filed protest to the original application on their behalf and on behalf of their parents, Stanley and Mary Henrickson and this protest may be regarded in a like category.
2. Jane and John Collins who own property adjacent to Gamble Lake. Mrs. Collins is the granddaughter of the Henricksons and has received a deed to some of the land around the lake.
3. Mrs. Jessie Levey who owns a house and property adjacent to the creek from which Bird proposes to take the water. Mrs. Levey has been using water from the creek for garden irrigation since at least 1937. She has filed a claim for water right being your identification #96-4211.

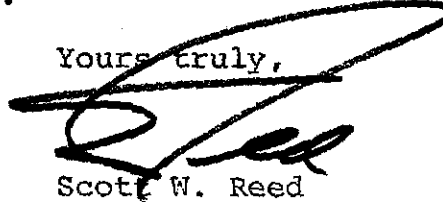
Robert G. Haynes, P.E.
Dept. of Water Resources

October 12, 1978

RE: Application for Permit #96-7716

4. Tom Mehler who is a property owner adjacent to Dr. Bird who also protested on the earlier application and appeared at the hearing at that time.
5. Mr. & Mrs. Anthony W. Wayne who are likewise property owners in the area.

Yours truly,



Scott W. Reed

SWR:gs

CC: All Parties

RECEIVED

MRS. JAMES E. BLASS
57 LONGVIEW COURT
SAN FRANCISCO, CA. 94131

October 9, 1978

Robert G. Haynes, P. E., Regional Supervisor
State of Idaho Dept. of Water Resources
Suite #1
4055 Government Way
Coeur d' Alene, Idaho 83814

RECEIVED
OCT 12 1978
Department of Water Resources
Regional District Office

Dear Sir:

As a Bonner County (Sec. 6) property owner and taxpayer, I hereby submit my strong objection to granting permit #96-7716... (Forrest Bird)... to appropriate water from Gamlin Lake creek.

First of all, I shall always call it Gamlin Lake as it was named originally and I wonder if you could tell me who renamed the lake "Gamble"?

If you will take a moment to read the enclosed copies of letters I have written to the Bonner County Planning Commission I would greatly appreciate it. There are pertinent facts in those letters I would like you to know and will not repeat them in this letter.

As you will see by the public hearing on Oct. 12, Forrest Bird has many other plans for this same property than listed on his request for water rights. I truly fail to understand why he should list "provide water for wildlife" when his property is so close to Gamlin Lake and his entire property is enclosed by a high chain link fence with barbed wire on top of that. For many years before he came to that country the wildlife has been making use of that lake and the little creek he wishes to drain. HE HAS NOT TOLD THE COMPLETE STORY CONCERNING HIS EVENTUAL USE OF THE WATER.

One of my deep concerns is that the water he takes may affect the water table and the efficiency of my well. My well is just a few hundred feet from the creek and midway between Gamlin Lake and Lake Pend Oreille. I've seen many deer go to drink at that creek.

When my grandfather helped dig that creek in the early part of the century it was to help relieve spring run-off and keep Gamlin Lake from flooding surrounding meadows. During the summer there is just a small stream of water in the creek and if Bird drains it at the Gamlin Lake outlet the creek will be dry.

Please do not grant his request for those water rights.

Most sincerely,

Pamela Blass
Pamela Blass

c: C. Stephen Allred

BONNER COUNTY PLANNING AND ZONING COMMISSION'S
REGULAR MEETING HELD THURSDAY, SEPTEMBER 28, 1978
AT 7:00 P.M. AT THE BONNER COUNTY COURTHOUSE

REGULAR AGENDA

~~SEPTEMBER 28, 1978~~

PAGE 4

Rescheduled - Oct 12, 1978

18. Public Hearing: Special Use Permit
To allow rotary and fixed wing aircraft services for
1.) Recreational sightseeing and transport, instruction,
maintenance and charters; 2.) Aerial spraying, fertilization
and seeding, including weather modification; 3.) Aerial
lumbering and crane service; 4.) Aerial medical transport
5.) Government contract services; 6.) General research
and development.
Portion of Sec. 6. T56N, R1E, B.M.
Located N. of Gamble Lake on County Rd.
Zoned: Recreational Open Space
Owner: Forrest Bird

MRS. JAMES G. BLASS
57 LONGVIEW COURT
SAN FRANCISCO, CA. 94131

September 19, 1978

Herrick Heitman, Chairman
Bonner County Planning & Zoning Commission
Bonner County Courthouse
Sandpoint, Idaho 83864

Dear Sirs:

1st letter attached →

Since writing the enclosed letter for the purpose of submitting it to you last spring my family and I spent the summer at my property described in that letter. My feelings are strongly the same as stated previously and compounded by what I experienced during the summer.

I was deeply outraged by the continual and blatant "buzzing" of my property and disruption of the peace and tranquility by the Forrest Bird helicopter flights. There were times I witnessed this helicopter barely clearing the tree tops allowing me to plainly see the name BIRD on the bottom of the aircraft. The noise was deafening on those occasions causing wildlife I was feeding to flee. The danger to all property owners and their families beneath these low flights is obvious. More flights of the nature he plans will compound these dangers.

Forrest Bird has desecrated that beautiful country with his presence. He illegally built an enormous building out into Glengary Bay on Lake Pend Oreille making it impossible to walk along the beach. (This type of obstruction was never tolerated when I lived there as a girl.) He then brought in seaplanes endangering swimmers, waterskiers and fishing boats; noisy 'swampbuggies'; loud, disturbing bells and on the narrow winding county road, unending dangerously speeding trucks of all nature.

The past two summers Bird has changed a once beautiful and serene hill, sloping down toward Gamlin Lake, into an ugly, gashed piece of property holding enormous, unsightly buildings. This property he wants rezoned to permit more of his disruptive and undesirable activities.

Many days during this summer when I'd pass Gamlin Lake, a huge tanker truck would be parked beside the lake sucking up untold gallons of water (and undoubtedly quantities of fish). I watched the truck go up to Bird's property and unload its contents each time.

On this same lake are nesting osprey, wild geese and blue heron within 200 yards of Bird's property. What will "aerial spraying, fertilization and seeding, including weather modification" and all the continuous flights of the sort he wants to put into operation do to these valuable creatures?

PLEASE don't let this man destroy the country any more than he has! Those of us who grew up there and played in those woods, fished and

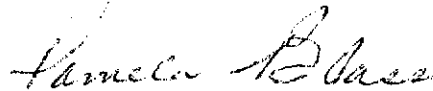
MICROFILMED

MRS. JAMES E. BLASS
57 LONGVIEW COURT
SAN FRANCISCO, CA. 94131

skated on those waters as children hold that country nearly sacred. We want to return for summers and retirement to quiet contentment away from the noise and pollution of the cities and feel this request by Bird to permit more of his noise and pollution in that country outrageous and unfeeling for others and completely unthinkable!

I STRONGLY oppose his entire list of requests of the Bonner County Planning & Zoning Commission at the Public Hearing on September 28, 1978.

Respectfully yours,



Pamela (Mrs. James E.) Blass

cc: Cedil D. Andrus
Rep. Steven D. Symms
Sen. James A. McClure
Sen. Frank Church
Mr. Tom Mehler
Sierra Club, Northern Plains Office
Sierra Club, Northern Rockies Chapter
National Audubon Society

RECEIVED
SEP 29 1978

MRS. JAMES E. BLASS
57 LONGVIEW COURT
SAN FRANCISCO, CA. 94131

May 2, 1978

TO WHOM IT MAY CONCERN;

It has come to my attention that there has been a request to zone, or rezone, the area in the vicinity of Gamlin Lake, Bonner County, Idaho for other than recreational and residential purposes.

I own property on the county road between Gamlin Lake and Martin Bay, Lake Pend Oreille. This property is my summer refuge and future permanent home. I am deeply concerned about air, water or noise pollution which could be inflicted upon me, my family and my property by any land use change. I am also extremely troubled regarding the possibility of having my well water contaminated or poisoned because of possible run-off and underground seepage.

As a native Idahoan, property owner and taxpayer, I vehemently oppose any change in the present zoning or land use whatsoever.

Very Sincerely,

Pamela (Mrs. James E.) Blass

cc: Cecil D. Andrus, SECRETARY
DEPT. of the INTERIOR

cc: REP. Steven D. Symms
cc: SEN. James A. McClure
cc: SEN. Frank Church

M. S. HENDRICKSON RANCH

ROUTE 2 PHONE 635-3889

GARFIELD, WASHINGTON 99130

Oct 10 - 1978

Re application of Forest Birds.

Stephen Allred, Director
State Dept of Water Resources

Dear Mr Allred:

Just this last weekend I spent several days near Gamble Lake and drove by the lake in early morning before the fog lifted. The lake is a sanctuary for approximately eighty to one hundred large Canada Geese and I counted as many.

More and more have nested there in the last few years and I presume more than half were raised on the lake.

Hunting is discouraged by us all and we may hope to have an approved state Sanctuary in time.

RECEIVED
OCT 12 1978
Department of Water Resources
Northern District Office

RECEIVED
OCT 12 1978

M. S. HENDRICKSON RANCH

ROUTE 2 PHONE 635-3889

GARFIELD, WASHINGTON 99130

Gamble Lake is novel in providing a home for this little colony - where they may be enjoyed by everyone including adults and children - most have never had the experience of observing these majestic birds except in migration probably half a mile high -

I have no ax to grind, I am appearing as an advocate for the wildlife of Gamble Lake a poor little body of water struggling to keep alive

Any change in the environment even as insignificant as is requested and we may have a dead lake on our hands - I beg you for now and in the future do not allow any application

Please note
backside of
picture

Hopefully
Martin J. Hendrickson

RECEIVED
MUSEUM



It is where the
water will have to be
drawn from — taken

Big Shot

MAY, 1978

this picture

Subject

about June 8, 1978
what will Mr Bird do
in a dry year?

Location

U.S. Patent No. 3,875,881



paper and equipment used
to produce this picture.

Steve Goodner
S. 3107 Division
Spokane, Wash 99203

October 7, 1978

Robert G. Haynes,
Regional Supervisor
Dept. of Water Resources
State of Idaho

Thank you for your letter concerning withdrawal of Dr. Bird's water permit request #96-7619. The purpose of this letter is to protest the submission of Dr. Bird's application for permit #96-7716.

It appears that Dr. Bird is attempting to apply for a new permit seeking less water and thereby reduce the level of protest against his application.

I, for one, see no less reason to protest his application for water permit. The amount of water being sought in this new application is still excessive for the uses he has listed in his permit.

To list the use of water in his application is for wildlife is preposterous. Only a few stray birds will be able to penetrate his tall fences which are labeled "Bird Sanctuary". The sanctuary is for himself only. The lake was put where it was by nature and can best serve wildlife as it is.

The potential effects of withdrawal of the amount of water listed could be disastrous to the fish and game which inhabit the Gamble Lake. The fish and wildlife resource is what has made northern Idaho such a paradise to those who occupy it. Major consideration must be given to protection of the fish and wildlife.

In addition, the amount of water being sought by Dr. Bird would detract from the prior water rights from the same source.

I thus here register my official protest to the granting of water use to Dr. Bird under application # 96-7716.

RECEIVED

OCT 12 1978

Thank you,

Steve Goodner

Department of Water Resources
Northern District Office

Director Idaho Dept. of Water Resources
4055 Govt. Way,
Coeur d'Alene, Idaho 83814

Oct. 4, 1978

Gentlemen:

In regard to application 96-7716 in the name of Forrest M. &-or
Mary P. Bird, Martin Bay area.

My wife and I oppose this application for the following reasons:

1. The applied for rate of 0.24 cfs at the end of each pumping day represents a column of water one foot deep, one foot wide, over 3.5 miles long, and in point of fact probably represents more than the actual flow out of Gamble Lake, since the in-flow comes from three small springs on the Stanley Henrickson property.
2. The Idaho Fish and Game Department seems to take no action in regard to Gamble Lake since the fish there are natural spawners., therefore the department does no stocking there. The bass fishing there is reputed to be the best in the Sandpoint area, not to mention crappie, perch and red-ear.
3. Reducing the level of this delicately balanced lake will endanger the spawning which takes place in the shallows near the shoreline. Since the gas shortage many people in the Bonner County area make much use of this near-by lake.
4. The use this water is to be put, in accordance with an application to the Bonner County Planning Commission includes commercial use in connection with helicopter flights from the property which is the subject of the present water application. The north end of the lake from which said water will be appropriated has been used for many years by numerous families of ducks and geese. Lowering the water level, and-or the noisy over-flights of helicopters will certainly change the pattern of this annual migration.
5. Prior use through grandfather rights and a recent re-application to the Water Resources Board in Coeur d'Alene have established the rights to Mrs. Jessie Levey in Martin Bay.

For these reasons and especially because the water is to be used for Commercial purposes in an Agricultural and Recreational Zone, we oppose this application.

Thera L. Campbell
Cecil R. Campbell

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

RECEIVED

OCT 10 1978

Department of Water Resources
Northern District Office

RECEIVED

301 S. Ferry St.
Monroe, WA 98272
Oct. 6, 1978

RECEIVED
OCT 10 1978

Director of the Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814

Department of Water Resources
Northern District Office

Dear Sir:

I wish to protest the issuing of a water right No. 96-7716 as applied for by Forrest M & Mary P Bird.

I am the owner of a mobile home located within 200 feet of the outlet creek of Gamblin Lake. My water supply is from a well within 50 feet of the home and subject to the water table of the valley along said creek.

Last July in this wetter than usual summer, I observed the flow in said creek to be about one pint in ten seconds which equals 0.00167 cubic feet per second.

The Bird application asks to appropriate 0.24 cubic feet per second which is 144 times greater than the flow I estimated last July.

To permit anybody to suck the creek dry near the lake's outlet will rob all downstream users of their rightful share of the water at its existing water table.

To issue a permit to one user (proposed) in the amount of 0.24 cubic feet per second, which is so much greater than the actual summer flow, will encourage such permit holder to acquire that large volume of water by any means whatever, such as digging sumps, altering the outlet dam, or in any other way drawing down the level of Gamblin Lake to the detriment of other property owners, recreationalists, fish, and wildlife.

Sincerely yours,

Harvey F. Nelson
Harvey F. Nelson, P.E.

MICROFILMED

RECEIVED

Department of the
Northern District

301 South Ferry
Monroe, Washington 98272
October 5, 1978

State of Idaho
Department of Water Resources
Northern Region
Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814

Attention: Mr. Robert G. Haynes, P. E., Regional Supervisor

Gentlemen:

Subject: Application for Permit No. 96-7716

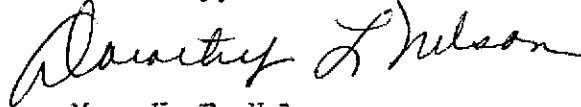
This is to register my objection to removal of water from the outlet creek of Gamlin Lake (not Gamble Lake).

Any removal of water from that creek will ultimately lower the lake, because there really is very little water in the creek, and of course there is no stream flowing into the lake. The lowering of the lake will make the shoreline unsightly and will disrupt the natural feeding and nesting area of wildlife. Wildlife is already on the lake, just as it is. I fail to understand how removing the water from the lake and pouring it on Mr. Bird's hillside will do anything for wildlife as he states in his application.

Removal of water from the creek will also deprive it from the people downstream who have had the use of it for years. The pumping of that much water from the area will also lower the water table and jeopardize other wells of people along the creek valley.

I own approximately 68 acres of land bordering the east side of Gamlin Lake and feel that changes brought on by taking that much water from the lake will decrease the value of my property.

Sincerely,



Mrs. H. F. Nelson

621 Superior St.
Sandpoint, Idaho 83864
Oct. 4, 1978

RECEIVED

OCT 5 1978

Department of Water Resources
Northern District Office

Robert G. Haynes, P. E.
Regional Supervisor
State of Idaho
Department of Water Resources
4055 Government Way
Coeur d'Alene, Id.

Re: Application #96-7716

Dear Sir:

Thank you for notifying us of the above application for a permit by Mr. and Mrs. Bird to draw water from the outlet of Gamblin Lake for use on their property in that area.

We have owned our property in Martin Bay since 1941 and altho it is not adjacent to their property we feel that the taking of any amount of water from that source has the possibility of disrupting the natural rise and fall of the lake proper. As this is a very popular lake as a fishery, also a sanctuary for much wildlife as well as a great addition to Idaho's fantastic beauty, this is to protest the granting of that permit.

We are personally acquainted with the former owner of that property and know that there are many good springs on it, also it is not so very far from Lake Pend O'Reille so why should they be allowed to tamper in any way with a lake as fragile as Gamblin?

Sincerely,

Edson R. Sengft
Louise E. Sengft

RECEIVED

Director of the Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Department of Water Resources
Northern District Office

Dear Sir:

We request that Forrest Bird be refused any use of water from the outlet creek of Gamble Lake (application #96-7716) for the following reasons:

- 1) Bird's land already has a spring which feeds a small lake of his own. This water source was adequate to irrigate the orchards & gardens cultivated by the previous owner.
- 2) Because Bird has commercial plans for his property for which his own source of water is inadequate, the size of his request, however much reduced from his first application (96-7619), would mean the eventual destruction of Gamble Lake. If Bird needs that much water, he will find a way to take it, regulations to the contrary. His past record of building without permits, defying the Idaho Fish & Game authorities & the Army Corps of Engineers & the Bureau of Lands, make his word of little value.
- 3) Bird requests 0.24 cfs for diversion to storage, etc. 0.24 cfs is equivalent to 20,736 cf/day--enough water to fill an excavation 8' deep, 25' wide, and over 100' long. At that rate it wouldn't take long to transfer Gamble Lake to his own private lake. The pipes are already laid and the lake excavated to receive it. ("Do it first and ask later" is Bird's motto).
- 4) Gamble Lake is enjoyed by week-end jaunters, photographers, boaters and fishermen from the Sandpoint, Coeur d'Alene and Spokane areas as well as by local residents. Fishermen claim it furnishes the best bass fishing of any of the small lakes around.
Gamble Lake is not primarily a water source. It is a natural scenic feature of major importance. Bird's planned commercial operation should not have priority over such legitimate recreational and open space uses as this lake represents.
- 5). Gamble Lake is a refuge for geese, ducks, heron, osprey, etc. They, too, should have priority over Bird's operations.
- 6) There are other property owners bordering on Gamble Lake and the outflow creek. If Bird is allowed his request, there will be no surplus for the future use of those owners.

Sincerely, *Alce*

Butch Lassen King
Leslie C. King Jr.

We request that this letter be read at the hearing & recorded in the minutes. We are property owners in the Martin's Bay area.

MICROFILMED

HCR 66, Box 876,
Sandpoint, Idaho 83864.
September 28, 1978.

Director, Idaho Dept. of Water Resources,
4055 Government Way,
Coeur d'Alene, Idaho 83814.
Attn: Mr. C. Stephen Allred, Director.
Dear Mr. Allred:

Re: Protest against granting Forrest M. and on Mary P. Bind a permit to appropriate the public waters of the State of Idaho (96-7716):

Name: Forrest M. and on Mary P. Bind, Box 817, Sandpoint Idaho.

Date filed: Sept. 15, 1978. Amount: 0.24 cubic feet a second.

Source: unnamed creek, outlet of Gamble (Gamlin) Lake.

Means: pump & pipe.

Diversion Pt: Gov Lot 7 Sec 6 T56N R1E B1M Bonner Co.

Places of Use: N $\frac{1}{2}$ SW SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ & Gov Lot 7 S $\frac{1}{2}$ Sec 6 T56N R1E B1M

Use: diversion to storage (0.24 cfs) & storage for irrigation, recreation, & domestic (15 AF) & domestic from storage (1.2 AF) and domestic (0.04 cfs) from Jan 1 to Dec 31 & Irrigation from storage (15 AF) and irrigation (0.24 cfs) from April 1 to October 31 for 12 acres. Etc.

Gamlin (Gamble) Lake is known all over Northern Idaho as one of the best lakes for fishing bass, crappie, perch and sunfish (Blue Gills). Many people trailer small boats and canoes to fish on this lake. In addition to providing a place for wholesome family recreation, it is also a source of delicious food. Gamlin Lake, however, is a shallow lake. During the hot month of July we do not eat any fish from the lake as it would have a muddy taste. This lake has no water to lose by being drained off by any selfish individuals who own nearby property.

In addition to the excellent fishing at Gamlin Lake, it is also an excellent place to observe wild ducks, geese and other birds pausing during their migrations. It is a breeding ground for ducks, geese and osprey. This wildlife refuge should be maintained at any cost.

Sincerely yours,

Charles T Peterson
Harriette H. Peterson
Michael P. Degany
Charles T. Hoffman
Helin M. Peterson

Vivian Frame

Vivian Frame

James E. Frame

James E. Frame

RECEIVED
OCT 3 1978
Department of Water Resources
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

October 2, 1978

RE: Application No. 96-7716

Forrest W &/or Mary P Bird
PO Box 817
Sandpoint, Id 83864

Dear Mr & Mrs Bird,

Enclosed is a copy of a protest filed against the issuance 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 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 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?

If this office can be of any further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

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

October 2, 1978

RE: Application No. 96-7716

Jewel S & Lawrence R Tassie
75 Birch Hill
Fort Richardson, Ak 99505

Dear Mr & Ms Tassie,

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 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?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

75 Birch Hill
Fort Richardson, AK 99505
29 September 1978

RECEIVED
OCT 2 1978
Department of Water Resources
Northern District Office

State of Idaho
Department of Water Resources
Suite No. 1
Coeur d'Alene, Idaho 83814

Re: Application for Permit No. 96-7716

Dear Sir:

The purpose of this letter is to protest the referenced application and ask that it be denied.

The Gamlin Lake is a marginally healthy body of water. The vegetation presently in the lake extends from the banks a considerable distance. When the water level is reduced, the vegetation grows out farther into the lake center and could eventually cover the lake. This was experienced when the beaver dams were removed from the outlet.

Mr. Bird has developed commercial/industrial activities on the north end of Gamlin Lake. The water he has requested is to support those activities. There is a separate action to deny his request for rezoning the area. The residents in the area are protesting that action also.

It should be noted that Dr. Bird is presently pumping water from the lake and hauling it in large tankers to the construction site. Although he knows the neighbors object to his commercial buildup in the area and ignores the fact that he has no permit at this time, he persists in taking the water.

The referenced application should be denied.

Lawrence R Tassie
LAWRENCE R. TASSIE

Jewel S Tassie
JEWEL S. TASSIE

Copies Furnished:

Bonner County Commissioner
Bonner County
Sandpoint, Idaho 83864

Bonner County Planning & Zoning Commissioner
Courthouse
Sandpoint, Idaho 83864

Honorable John Evans
Governor of Idaho
Boise, Idaho 83702

Mr. Herrick Heitman
Glengary Bay
Sandpoint, Idaho 83864

Mr. K. Thomas Mehler
501 Church
P. O. Box 1465
Sandpoint, Idaho 83864

Regional Administrator
U. S. Environmental Protection Agency
Seattle, Washington 98104

Honorable James A. McClure
333 Russell Building
Washington, D. C. 20510

RECEIVED
JUN 11 1964

96-7716

Forrest M &/or Mary P Bird

Box 317, Sandpoint, Id

Date Filed: Sept 15, 1978

Amount: 0.24 cubic ft/sec

Source: unnamed creek, outlet of Gamble Lake

Means: pump & pipe

Diversion Pt: Gov Lot 7 Sec 6 T56N R1E BM Bonner Co

Places of Use: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ & Gov Lot 7, Sec 6, T56N, R1E, BM

Use: **diversion** to storage (0.24 cfs) & storage for irrigation, fire protection, wildlife, recreation, & domestic, (15 AF) & domestic from storage (1.2 AF)

and and domestic (0.04 cfs) from Jan 1 to Dec 31 & Irrigation from storage (15 AF) and irrigation (0.24 cfs) from April 1 to Oct 31 for 12 acres.

Sandpoint Daily Bee

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

September 21, 1978

Sandpoint Daily Bee
PO Box 579
Sandpoint, Id 83864

RE: Application No. 96-7716
Claim No. 96-4224 & 96-4225

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Bill Received
10-12-78
\$



legal notice--water rights

**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:

96-7716

Name: Forrest M &-or Mary P Bird

Address: Box 817, Sandpoint, Id

Date Filed: Sept 15, 1978

Amount: 0.24 cubic ft-sec

Source: unnamed creek, outlet of Gamble Lake

Means: pump & pipe

Diversion Pt: Gov Lot 7 Sec 6

T56N R1E BM-Bonner Co

Places of Use: N $\frac{1}{2}$ SW,

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ & Gov

Lot 7 Sec 6 T56N R1E BM

Use: diversion to storage (0.24

cfs) & storage for irrigation,

fire protection wildlife,

recreation, & domestic (15 AF)

& domestic from storage (1.2

AF) and domestic (0.04 cfs)

from Jan 1 to Dec 31 &

Irrigation from storage (15AF)

and irrigation (0.24cfs) from

April 1 to Oct 31 for 12 acres.

If issued, any of the above

referenced permits(s) will be

subject to all prior water rights.

Protests against the granting of

any permit must be filed with

the Director the Idaho

Department of Water

Resources, 4055 Government

Way, Coeur d'Alene, Idaho,

83814, on or before October 16,

1978.

CSTEPHEN ALLRED

Director

Published in the Sandpoint

Daily Bee, Sandpoint, Id on

September 27 and October 4,

1978.

OK
10-2-78
\$

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:

If issued, any of the above referenced 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 Government Way, Coeur d'Alene, Idaho, 83814, on or before October 16, 1978.

C STEPHEN ALLRED
Director

Published in the Sandpoint Daily Bee, Sandpoint, Id
on September 27 and October 4, 1978

MICROFILMED

August 15, 1978

Bob LaFore
Bird Airlodge
Box 817
Sandpoint, Id 83864

Dear Mr LaFore,

Please find enclosed two copies of Power of Attorney as you requested. We will fill in the permit number requested when we have received the application and assigned it a number.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

Alea Beito
Secretary

AB

Enclosure

MICROFILMED

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

IN THE MATTER OF APPLICATION FOR AMENDMENT
OF PERMIT NO. 96-7716 IN THE NAME OF
FORREST M. AND MARY P. BIRD

ORDER ADOPTING
PROPOSAL FOR DECISION

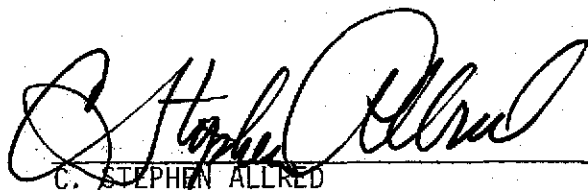
WHEREAS, C. Stephen Allred, Director of the Department of Water Resources having issued and served a copy on the parties thereto on February 11, 1980 a Proposal for Decision in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have past 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 Amendment be APPROVED.

Dated this 20 day of February.


C. STEPHEN ALLRED
Director

RECORDED

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

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

PROPOSED
MEMORANDUM DECISION
AND ORDER

On July 26, 1979, Forrest M. and Mary P. Bird applied to the Department of Water Resources for an amendment of Permit No. 96-7716 to change the point of diversion from an outlet of Gamble Lake located in Government Lot 7, Sec. 6, Twp. 56N, Rge. 1E B.M., Bonner County, to a point west (upstream) of a culvert located in Government Lot 6, Sec. 6, Twp. 56N, Rge. 1E B.M., Bonner County, Idaho.

Notice of the application for amendment of permit was published in the Sandpoint Daily Bee, Sandpoint, Idaho on August 8 and 15, 1979.

The Department received protests against approval of said application for amendment of Permit No. 96-7716 from Steve Goodner and Sam Wentz on August 20, 1979; from Scott W. Reed, attorney for Glengary-Gamblin Protective Association, on August 21, 1979; from Harvey and Dorothy L. Nelson represented by Ray A. Goodner and Jessie C. Levey on August 26, 1979; and from Pamela Blass, Ray A. and Sue M. Goodner, Gerald E. Chittick, Stanley and Mary M. Henrickson and Laurence R. and Jewell S. Tassie on August 27, 1979.

A hearing on the matter was held at Sandpoint, Idaho on October 23, 1979 with the following people in attendance:

Peter C. Wagstaff, attorney, representing Glengary-Gamblin Protective Association
Jon Hammarberg, attorney, representing Forrest M. and Mary P. Bird
Robert LaFore
Mary Bird
Keith L. Hawn, representing the Idaho Department of Fish and Game
Samuel J. Wentz
Gerald E. Chittick
Wanda Hertman
Laurence R. Tassie
Jewell S. Tassie
Cynthia B. Susnis
Vic Susnis
Thera Campbell
Sue Goodner
Stanley Henrickson
Mary Henrickson
Thomas Mehler
Michael C. Stewart

The issue raised was that approval of the amendment would lead to lower levels of Gamble Lake, also known as Gamblin Lake.

After reviewing all the evidence and testimony submitted at the hearing

MICROFILMED

and pertinent information contained in the Department's files, the Hearing Officer of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1) Finding No. 5 in the Memorandum Decision and Order on Application for Permit No. 96-7716 was that in excess of 1,000 acre feet per year flows from the Gamble Lake outlet. This finding is confirmed. However, it is noted that the major portion of this volume of water flows from the lake during spring runoff.

2) Finding No. 3 in the Memorandum Decision previously referred to was that the record of what physically controls lake levels was contradictory. This finding is still valid. However, a new element is introduced, namely, that a beaver dam above the culvert may also serve to control the level of Gamble Lake.

3) In the spring of 1979, the beaver dam below the culvert was breached resulting in evacuation of water from the area between the lower beaver dam and the upper beaver dam. The level of the lake proper was not affected by the breaching of the lower beaver dam.

4) The protestants contend that the culvert located between the two beaver dams controls the level of the lake.

5) It is possible to have a pump installation between the culvert and the lake without adversely affecting the level of Gamble Lake if the water level is not pumped below the bottom of the culvert.

6) The application for amendment does not constitute an enlargement of the original permit.

7) Approval of the amendment will not reduce the quantity of water available to existing water right holders.

CONCLUSIONS OF LAW

1) The applicants are entitled to move the point of diversion to a point above the county road culvert.

2) The installation of the diversion works must be done in a manner such that the level of Gamble Lake will not be adversely affected.

ORDER

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

1) The conditions of approval for Permit No. 96-7716 remain in effect with the exception of Condition No. 2 which is removed.

2) The applicants' point of diversion must be located between the culvert and the upstream beaver dam and in such a manner as to not affect the water level of

Gamble Lake.

3) The intake of the applicants' pump shall not extend below the level of the bottom of the presently existing culvert inlet and before any water is diverted, the applicants must provide a statement from a registered engineer or land surveyor showing the relative elevations of the pump inlet and the culvert invert.

Dated this 11 day of February, 1980.


BOBBY D. FLEENOR
HEARING OFFICER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

DEPARTMENT OF WATER RESOURCES
Northern District Office

Comes now Forrest M. Bird and Mary P. Bird, husband and wife
of (address) P.O. Box 817, Sandpoint, Idaho 83864, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 96-7716, and requests that the permit and permit map be changed as follows:

West of culvert and East of earthen fill on unnamed Creek outlet of Gamlin Lake
1. Point of diversion: +++++ 1/4 +++++ 1/4, Section 6, Township 56N, Range 1E, B.M.,
Government Lot 6
County of Bonner. Other points of diversion: N/A

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) see original application
and permit
NO CHANGE
Amount .24 for Irrigation purposes from April 1 to Oct. 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount .04 for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount 15AF for storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

NO CHANGE - see original application and permit

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	6									6	5		1					12

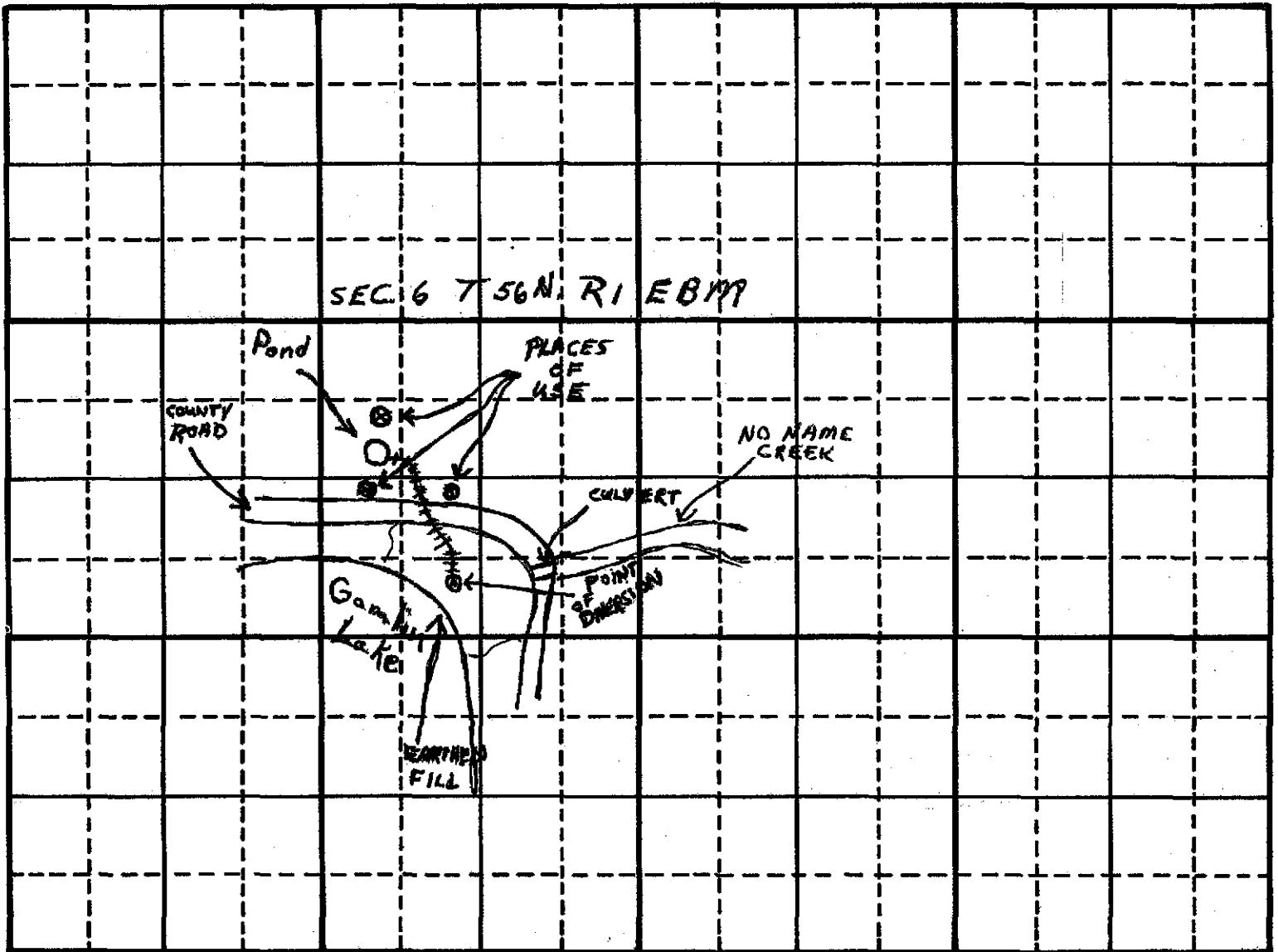
Total number of acres to be irrigated = 12

4. a. Who owns the property at the point of diversion? Forrest M. Bird and Mary P. Bird
b. Who owns the land to be irrigated or the place of use? Forrest M. Bird and Mary P. Bird
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing:

MICHAEL J. BIRD

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Sandpoint, Idaho, this 24th day of July, 19 79.

Thomas M. Birch
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by if Fee = \$20.00

Received by me Date 7/27/79 (14/29)

Publication prepared by me Date 8/2/79

Published in Sandpoint Daily Star

Publication dates 8/8 & 15/79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby
APPROVE this Application for Amendment to Permit No. 96-7716 pursuant to the Memorandum
Decision and Order.

Witness my hand this 20 day of

February, 19 80

C. Stephen Allred
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR AMENDMENT
OF PERMIT NO. 96-7716 IN THE NAME OF FORREST
M. BIRD AND MARY P. BIRD

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 3rd day of March, 1980, true and correct
copies of the foregoing ORDER ADOPTING PROPOSAL FOR DECISION, were mailed, post-
age prepaid to:

Steve Goodner
S. 3107 Division
Spokane, WA 99206

Sam Wentz
P. O. Box 1604
Sandpoint, ID 83864

Laurence R. Tassie
HCR 66, Box 800
Sagle, ID 83856

Harold E. Chittick
HCR 66, Box 786
Sandpoint, ID 83864

Mr. and Mrs. Stanley Henrickson
HCR 66, Box 736
Sandpoint, ID 83864

Mrs. James E. Blass
57 Longview Ct.
San Francisco, CA 94131

Mr. and Mrs. Harvey Nelson
301 S. Ferry
Monroe, WA 98272

Mr. and Mrs. Ray Goodner
S. 2708 Timberline Drive
Veradale, WA 99037

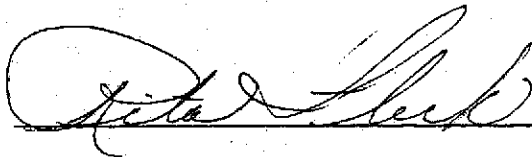
Mr. Jessie C. Levey
Box 754, HCR 66
Sandpoint, ID 83864

Dr. and Mrs. Forrest M. Bird
P. O. Box 817
Sandpoint, ID 83864

Mr. Jon Hammerberg
P. O. Box 216
Sandpoint, ID 83864

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

K. Thomas Mehler
Glengary Gamlin Protective Assoc.
P. O. Box 1465
Sandpoint, ID 83864



MICROFILMED

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

IN THE MATTER OF)
APPLICATION FOR AMEND-)
MENT OF PERMIT NO. 96-)
7716 IN THE NAME OF)
FORREST & MARY P. BIRD)

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, Bobby D. Fleenor, 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 October 23, 19 79, 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.



STEPHEN ALLRED
Director
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR AMENDMENT
OF PERMIT NO. 96-7716 IN THE NAME OF
FORREST M. BIRD AND MARY P. BIRD

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 11th day of February, 1980, true and correct copies of the foregoing ORDER ISSUING PROPOSAL FOR DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

Steve Goodner
s. 3107 Division
Spokane, WA 99206

Laurence R. Tassie
HCR 66, Box 800
Sagle, ID 83856

Mr. and Mrs. Stanley Henrickson
HCR 66, Box 736
Sandpoint, ID 83864

Mr. and Mrs. Harvey Nelson
301 S. Ferry
Monroe, WA 98272

Mr. Jessie C. Levey
Box 754, HCR 66
Sandpoint, ID 83864

Mr. Jon Hammarberg
P. O. Box 216
Sandpoint, ID 83864

K. Thomas Mehler
Glengary Gamlin Protective Assoc.
P. O. Box 1465
Sandpoint, ID 83864

Sam Wentz
P. O. Box 1604
Sandpoint, ID 83864

Harold E. Chittick
HCR 66, Box 786
Sandpoint, ID 83864

Mrs. James E. Blass
57 Longview Ct.
San Francisco, CA 94131

Mr. and Mrs. Ray Goodner
S. 2708 Timberline Drive
Veradale, WA 99037

Dr. and Mrs. Forrest M. Bird
P. O. Box 817
Sandpoint, ID 83864

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


RITA I. FLECK

RECORDED

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 _____

Amendment of Permit

as it was published in the regular and entire issue of the said paper for a period of 2 consecu-

tive weeks, commencing on 8 day of

Aug 1979 and ending on the 15 day of Aug,

19 79 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 14 day of Sept, 19 79.

Adell M. Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION
FOR AMENDMENT
OF A PERMIT

Notice is hereby given that Forrest M. Bird and Mary P. Bird have filed with the Department of Water Resources on July 26, 1979, an Application for Amendment of Permit No. 96-7716 changing the point of diversion. The point of diversion on the original permit was an outlet of Gamble Lake located in Government Lot 7, Section 6, Township 56N, Range 1E B.M., Bonner County, Idaho. Applicants now wish to amend said original Permit No. 96-7716 to show the point of diversion as follows: West (upstream) of culvert located in Government Lot 8, Section 6, Township 56N, Range 1E B.M., Bonner County, Idaho.

Any protest to the proposed amendment may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before August 27, 1979.

C. STEPHEN ALLRED
Director

Published in the Sandpoint Daily Bee, Sandpoint, Idaho, on August 8 and 15, 1979.

RECEIVED

SEP 17 1979

Department of Water Resources
Northern District Office

MICROFILMED

OK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 96-7716

Name(s) of Permit Holder(s): Forrest M. and Mary P. BIRD

Post Office Address: P. O. Box 817, Sandpoint,

Idaho 83864 Tel. No. 208/263-2549

☒ I hereby certify that construction of diversion works for the above referenced permit began on receipt of permit . I understand that I must
(date)

continue to develop the water system with due diligence to maintain a valid permit. Completed by April 30, 1979.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is
not an acceptable reason.

7/13/82
Date

Forrest M. Bird
Signature of Permit Holder

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 96-7716

Name(s) of Permit Holder(s) Forrest M. and Mary P. BIRD

Post Office Address: P. O. Box 817, Sandpoint

Idaho 83864 Tel. No. 208/263-2549

☒ I hereby certify that construction of diversion works for the above referenced permit began on receipt of permit . I understand that I must
(date)
continue to develop the water system with due diligence to maintain a valid permit. Completed by April 30, 1979.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is
not an acceptable reason.

8/24/1982

Date

Forrest M. Bird

Signature of Permit Holder

Box 817

Sandpoint, Idaho 83864

PLACE
STAMP

RECEIVED HERE

AUG 27 1982

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

1441 4 6 1987
STATEHOUSE



Airlodge

Box 817 • Sandpoint • Idaho 83864

Department of Water Resources

JUL 15 1982

REGISTERED

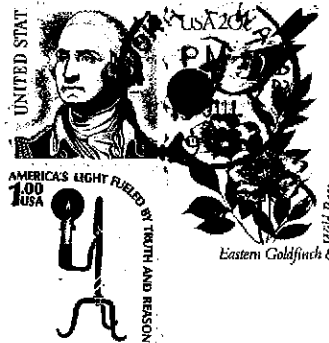
96-116
96-1235



PROFILMED

JAN 10 1997

RETURN RECEIPT REQUESTED



Idaho Dept of Water Resources
Statehouse
Boise, Idaho 83720

March 3, 1980

Dr. and Mrs. Forrest M. Bird
P. O. Box 817
Sandpoint, ID 83864

Dear Mr. and Mrs. Bird:

Re: Permit No. 96-7716 -- Amendment

Enclosed is a copy of the approved Application for Amendment 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 days from the date of the mailing of this decision.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGSSrf

Enclosures

cc: (see Certificate of Mailing)

MICROFILMED

MRS. JAMES G. BLASS
57 LONGVIEW COURT
SAN FRANCISCO, CA. 94131

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

November 20, 1979

RECEIVED

NOV 23 1979

Department of Water Resources
Northern District Office

Dear Mr. Haynes:

Re your recent letter "Order to Show Cause" concerning application for permit # 96-7716 - Bird-Oct 23, 1979 meeting & my failure to appear.

Since it is necessary that I spend the winter months in San Francisco & can only spend part of June & all of July & August on my property in Idaho, it was impossible for me to make the trip for that meeting in October.

Your first notice ^(certified letter) of the conference set for Oct 8 & 9 was not received by me until Oct 19th or 20th. I can't recall the exact date I signed for it - but I believed at the time that it was too late to respond before the meeting since there was a limit of 5 days previous to the meeting for responses.

My feelings as expressed in my letter to you on August 27, 1979 (and previous letters to you) regarding Bird's desire to destroy Lynlin Lake & the creek running from it (I feel certain his plan to divert water from this creek & lake will end in nothing but destruction of a beautiful little recreational lake) have not changed and I vehemently oppose the approval of his application for the permit.

I respectfully submit this letter as my explanation for failure to appear & request that my protest not be set aside.

Very Sincerely,
Dorena Blass

MICROFILMED

66185 Roma Ave
Desert Hot Springs
Cal 92240

Robert Haynes,
Sir,

The reason I wasn't at the meeting on Oct. 23, 79 to protest the approval of application for the (No 96-7716) permit in the name of Forrest Bird & Mary Bird.

I wasn't in Sandpoint on the date of said meeting as I'm in Desert Hot Springs for the winter.

As long as you had my letter protesting this amendment I supposed that was all you

MICROFILMED

(over)

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

Oct 22, 1979

This letter concerns Permit #967716.

My name is James Davis & I am a resident of the Gamble Lake Glengary Bay area. I feel that the amendment to the Water rights should be granted.

On Sept 1, 1979 I flew with Forest Bird in his helicopter over the Gamble Lake area and the outlet to the lake. While flying over this area Forest Bird took pictures which were developed into slides and accompany this letter. These slides are a true and accurate picture of how this area looked on Sept 1, 1979.

The following is a brief description of each of the slides.

#1 Taken from above Gamble Lake looking North toward Bird property as of Sept 1, 1979

#2 This is looking down on the marsh area West of County road & N.E. corner of Gamble Lake as of Sept 1, 1979

UNRECORDED

- #3. Above the North End of Gamble Lake looking East toward Marsh area, County road, & Culvert as seen on Sept 1, 1979
- #4 Same as above only closer to Marsh area
- #5 Same as #3 only slightly North & East as seen on Sept 1, 1979
- #6 Taken above marsh showing fence line & Beaver Dam at the outlet of Gamble Lake as seen on Sept 1, 1979
- #7 This is a picture of the Culvert & County road at Gamble Lake as it appeared on Sept 1, 1979
- #8 Taken from above County road looking East at The small Beaver dam on the outlet creek located downstream from the Culvert as seen on Sept 1, 1979
- #9 This is a picture looking down on outlet creek to Gamble Lake downstream at small Beaver dam below the Culvert as it appeared on Sept 1, 1979
- #10 Same as #9 only further downstream as seen on Sept 1, 1979

#11 This is a picture of where
the outlet creek enters Lake Pend
Oreille as seen on Sept 1, 1979

All of these slides accurately
portray what I observed on Sept 1, 1979.

I support Forest Bird in this
action and would like to see the
permit granted.

Yours truly
James M. Davis

THREE FALS
RELEASE
ATTORNEY GENERAL

James W. Davis

P. O. BOX 241

SANDPOINT, IDAHO

SAGLE,

83860

RECEIVED
JUN 11 1960
SANDPOINT, IDAHO

● 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. Jessie C. Levey
 Box 754 HCR 66
 Sandpoint, Idaho 83864

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13467	

 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Judy White

4. DATE OF DELIVERY *11-9-79* POSTMARK *NOV 9 1979*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

7716

☆ GPO: 1978-272-382

● 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:
 Mrs. James E. Blass
 57 Longview Ct.
 San Francisco, Ca. 94131

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13466	

 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Mrs. James E. Blass

4. DATE OF DELIVERY *NOV 9 1979* POSTMARK *NOV 9 1979*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS
 Department of Water Resources
 Northern District Office

96-7716

☆ GPO: 1978-272-382

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**



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814
(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

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**



R E C E I V E D

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814
(Name of Sender)

NOV 13 1979

Department of Water Resources
Northern District Office

(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.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE REMARKS
1	13466 Mrs. James E. Blass, 57 Longview Ct., San Francisco 94131	"15	"80			"45			11-9-79
2	13467 Mr. Jessie C. Leyey, Box 754 HCR 66, Sandpoint, Id.	"15	"80			"45			11-10-79
3	13468 Mr.								
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									

ID
NOV 10 1979
SANDPOINT, ID

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER, PER (Name of receiving employee)
2	2	[Signature]

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.

POD Form 3827-A—July 1958

U. S. GOVERNMENT PRINTING OFFICE

C48-16-72948-2

D

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

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

ORDER TO SHOW CAUSE

WHEREAS, on July 27, 1979, Forrest M. and Mary P. Bird applied to the Department of Water Resources for an Amendment of Permit No. 96-7716 to change the point of diversion from an outlet of Gamble Lake located in Government Lot 7, Section 6, Township 56N, Range 1E, Boise Meridian, Bonner County, Idaho; to a point West (upstream) of culvert located in Government Lot 6, Section 7, Township 56N, Range 1E, Boise Meridian, Bonner County, Idaho.

WHEREAS, on August 8 and 15, 1979, notice of this proposed appropriation was published in the Sandpoint Daily Bee, Sandpoint, Idaho; and,

WHEREAS, the Department received protests against approval of said Amendment on August 20, 1979, from Steve Goodner and Sam Wentz; from Scott W. Reed, attorney for Glengary-Gamblin Protective Association, on August 21, 1979; from Harvey and Dorothy L. Nelson and Jessie C. Levey on August 26, 1979; and from Pamela Blass, Ray A. and Sue M. Goodner, Gerald E. Chittick, Stanley and Mary M. Henrickson and Laurence R. and Jewel S. Tassie on August 27, 1979; and,

WHEREAS, on October 5, 1979, a notice of a conference and or hearing was sent by certified mail to all concerned parties; and,

WHEREAS, on October 23, 1979, a hearing concerning this matter was held at Sandpoint, Idaho, at which the protestants, Pamela Blass, and Jessie C. Levey failed to appear.

IT IS, THEREFORE, HEREBY ORDERED that the above protestants show cause on or before November 25, 1979, why their protest should not be set aside for failure to appear at the hearing.

DATED: This 5th day of October, 1979.


ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

Bird - 96-7716

Attorney - John Jon Hammarberg

Protestant

Gamblin Lake Protective Pete Wagstaff -

- The question what is the control of Gamblin -
Issue would the change cause injury -

→ This is an enlargement -

Protestant not represented

→ ~~Mr. Wentz~~
→ Mr. Wentz →

1 - Obej. - taken under -

→ Exhibit Letter from Davis ^{working} - Evidence } Objections reserved
Slides - taken Sept. 1 1979 } (

→ Object - to admission of letter → Admitted for illustration

- Opening argument statement

1000 acre flow out finding - in previous

Mary Bird →

Slide ~~11~~ Taken in May - Not one of the 11 slide

3rd slide show drawdown above culvert caused by destruction of
downstream beaver (earthen) dam

- Slides admitted

- Prior to destruction of beaver dam water was higher photo #12

- No difference in ^{Gamblin} lake level

MICROFILMED

Question — Mr Wentz

Question — Mr Wagstaff

■ Mrs. Bird feel the upper beaver dam controls the lake
Lower beaver dam =

Mr. Hawn — IDF #6

Conservation Office 25 years →

Slide No 4 — In the Center of Slide 4 in upper beaver dam

Slide No 5 — Shows beaver dam at outlet on right of slide

Two Cabins on Gamlin Lake —

Has Lake level increased →

* The lake level increased about 5 years ago by
the beaver dams —

~~Was the~~ → Was the ^{Gamlin} lake level lowered when the lower dam destroyed (No)
Water lowered about 1 foot by destruction of ^{lower} beaver dam

X-exam of Mr Hawn

No Water level measurements taken

No recent beaver activity at the beaver dam

Upp

X-exam Mr. Stewart →

Mr. Bob LaFore —

12 years with Bird Technology

Culvert claimed to be controlling works at previous hearing
 When lower beaver dam destroyed upper beaver dam
 exposed and which controls Gamlin Lake -

Downstream water right would not be injury - only
 one right downstream

X-exam

Mr La Fore hasn't seen the entire stream

Property purchased at proposed PD about 1 year ago -

- Protestants - Mr Wagstaff

Direct

Sue Goodner - Owns 200 acres adjacent to Birds -

Oppose amendment → →

Type - of impact on the Lake - unknown -

Protestants Exhibit No 1

Direct

Mr. Hendrickson - lived there 30 years

will effect lake level

Culvert replaced 5 years ago - lowered the lake level
 therefore culvert controls lake level.

X-exam

Upper beaver dam

Mr. Wentz

Larry Tassie

Opposed -

Spring time lake flood

Summer time level drops 12 to 18 inches

Outflow ceases during summer -

Impact - on Levy water right

Upper beaver dam holds back the lake level

-

X-exam

Question by Bob thynes

Direct

Gerald Chittick - has seen area since 1970 - lives about 1/2 miles away

Depth has decreased about 10" this year

County tried to blow the upper beaver dam out -

No
Not True
Hydrologically

Culvert must control because water seeps thru beaver dam -

X-exam

This year runoff lasted thru June

No sudden drop of a foot during May -

Direct

Victor ~~Susnia~~ ^{Susnia} - lives next to creek - owns property
at lower beaver dam -

County dynamiting upper beaver dam ~~draw~~ drew water down immediately

Channel from beaver dam to the lake. -

X-exam

The ^{new} culvert is

Direct

Tom Mehler - lives about 300 feet north

~~Oppose~~ - Since water draw

important → The beaver dam restricts the flow from the lake
→ Explanation of 1 foot draw down -

X-exam

The Lake is now controlled by the culvert he

Statement by Mr. Wentz

Concerned about pumping from the sump.

Concerned about timing of the with

Statement by Mr. Stewart

Where the lake ends or begins is the determining factor

The culvert should be chosen as the controlling works -

Final Statement -

Can we run elevations on low water level of Gamblin Lake,
Water level downstream of upper beaver dam
Culvert invert
Water level at lower beaver dam -

*Exam

~~The culvert~~ now controls

No need to
Pump inlet at elevation of culvert

This is a protest to the Permit No. 96-7716 in the name of Forrest M. and Mary P. Bird in the Gambelin Lake Area.

My wife and I own 65 acres of land adjacent ^{to} and eastward of Gambelin Lake. We have two trailer houses which use well water downstream of said Permit.

According to your Memorandum Decision and Order of March 27, 1979 the point of diversion must be located downstream from the beaver dam and in such a manner as to not affect the water level of Gambelin Lake.

The recently constructed sump and pump are upstream of a full-span beaver dam which controls the water level for several hundred feet of the outlet creek of Gambelin Lake. There is a small-span beaver dam ^{in a small} channel at the lake outlet, but the major portion of the outlet is a muddy and grass tufted ^{wide} area where the water seeps around the small-span beaver dam. The Bird Sump is adjacent to the creek in this area, is dug much deeper than the creek bottom, and therefore pumping from this sump could lower the water table ^{at the outlet area}, thereby causing a greater ^{than} normal flow of water out of ^{the} Gambelin Lake and lower it.

On August 23rd 1979 the evidence on the upstream face of the full-span beaver dam shows that the water level above this dam has recently receded about 10 inches from its former level. The creek channel bottom at a point about 500 feet downstream of this dam has no water in it and the soil is only slightly moist, indicating that in the summer months this creek has practically dried up.

(To permit Mr & Mrs. Bird or any one else ^{The} to divert ^{the} water at the constructed ^{sump location and depth} at 0.24 cubic feet per second through the dry summer months (with no enforcement of strict controls) is ^{so severely} detrimental to property owners, the public who enjoy the use of this area, and the natural wild life ~~as severe~~ that your office should refuse any water usage permit in the Gambelin Lake outlet area.

MICROFILMEN

Name: Forrest M. Bird
 File: 96-7716
 Place: Sandpoint City Hall Chambers, City Hall Sandpoint, ID
 Date: October 23, 1979 1:30 pm

ROSTER OF ATTENDANCE

Name	Address	Representing
Jon Hammarberg	P.O. Box 216	Forrest M. Bird
Robert LaFore	Sandpoint, Id 83864 Rt. 2 Box 49A SPT.	Forrest M. Bird
Mary Bird	Box 517 Sandpoint, Idaho	Forrest Bird
- Keith T. Haum	RT 2 BOX 152 SANDPOINT, IDA	I. F. & G.
Samuel J. Wentz	P.O. Box 1604 Sandpoint	
James E. Chittick	HCR 66 Box 784 Glengary, Sandpoint IDA.	
- Vance Sexton	" " "	Member 99 LPA
Laurence R. Tassin	HCR 66 Box 800 Sagle.	Glengary, Glengary / Hamlin Protective Assoc.
Jewel S. Tassin	" "	" "
- Cynthia B. Swain	HCR 66 Box 799 Sagle	Member, Glengary, Hamlin Protective Assoc.
- VIL SUSNOS	HCR 66 BOX 799 SAGLE	MEMBER, GLENGARY, HAMLIN PROTECTIVE ASSOC.
- Ann Campbell	HCR 66 BOX 770 Sandpoint	
Sue Lordner	~~2708~~ 2708 Timberland Verobale Wa 99037	Member S.P.A.
Stanley Harrison	HCR 76 BOX 36 Sandpoint Ida	
Mary Harrison	H-C R 736 BOX / Sandpoint Ida	
P. Thomas Welch	P.O. Box 137 Sagle Ida	MICROFILMED
- Michael C. Stewart	P.O. Box 1269 SANDPOINT, ID 83864	
Patricia C. Wengert	P.O. Box 709 Crum & Alms, Id 83814	

The Nelsons asked
the Goodners to
~~to~~ represent
them. Should I
retype the
OSC & delete
their name?

301 S. Ferry
Monroe, WA 98272
October 15, 1979

Dear Mr^{and} Mrs Goodner -

We're sorry not to be able
to come to the October 23 hearing
on Bid's application for amendment
of Permit No. 96-7716 and hope that
you will speak against it in
our behalf. We're sending along
the rough draft of the letter Harvey
wrote to Dept. of Water Resources
on August 25, 1979. It explains why
we feel that Bid should not be
allowed to pump water from
the outlet area.

Good luck -

Dorothy & Harvey Nelson

MICROFILMED

October 16, 1979

301 S. Ferry St.

Mpnrroe, WA 98272

Dept. of Water Resources

4055 Government Way

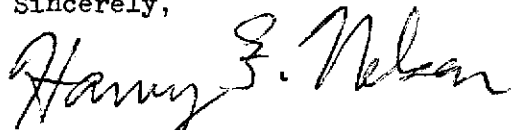
Coeur d'Alene, ID 83814

Gentlemen:

My wife, Doroty L. Nelson and I wrote letters of protest to the issuing of a permit to Mr. and Mrs. Bird to take water at the outlet of Gamblin Lake on August 25th.

Neither of us can get away at this time to make the 800 mile round trip to attend the hearing on October 23rd in Sandpoint to repeat the information that is already stated in our letters.

Sincerely,



Harvey F. Nelson

RECEIVED

OCT 18 1979

Department of Water Resources
Northern District Office

RECEIVED

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

October 11, 1979

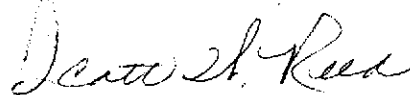
Mr. Robert C. Haynes, Regional Director
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Re: Permit No. 96-7716

Dear Bob:

Peter Wagstaff will be appearing instead of me on behalf
of the protestants at the hearing at Sandpoint on October 23rd.

Yours truly,



Scott W. Reed

SWR:gs

cc: Tom Mehler
Peter Wagstaff

RECEIVED

OCT 12 1979

Department of Water Resources
Northern District Office

RECEIVED

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	REMARKS
1	13447 Steve Goodner, S. 3107 Divn. Spokane, Wa. 99206	15	80			45	X	10-11-79		
2	13448 Sam Wentz, P. O. Box 1604 Sandpoint, Idaho 83864	"	"			"	X	10-11-79		
3	13449 Laurence R. Tassie, HCR 66, Box 800, Sagle, Id. 83856	"	"			"	X	10-11-79		
4	13450 Harold E. Chittick, HCR 66 Box 786 Sandpoint, Id. 83864	"	"			"	X	10-11-79		
5	13451 Mr. & Mrs. Stanley Henrickson, HCR 66 Box 736 Sdpt.	"	"			"	X	10-16-79		
6	13452 Mrs. James E. Blass, 57 Longview Ct., San Francisco 94131	"	"			"	X	10-22-79		
7	13453 Mr. & Mrs. Ray Goodner, S. 2708 Timberline Dr. Veradale	"	"			"	X	10-18-79		
8	13454 Mr. and Mrs. Harvey Nelson, 301 S. Ferry, Monroe, Wa.	"	"			"	X	10-12-79		
9	13455 Mr. Jessie C. Levey, Box 754 HCR 66, Sandpoint, Id.	"	"			"	X	10-18-79		
10	13456 Dr. & Mrs. Forrest M. Bird, P.O. Box 817, Sandpoint	"	"			"	X	10-12-79		
11	13457 Mr. Jon Hammarberg, P.O. Box 216 Sandpoint, Ida.	"	"			"	X	10-16-79		
12	13458 Mr. Scott W. Reed, P.O. Box A, Coeur d'Alene	"	"			"	X	10-10-79		
13	13459 Ms. Sylvia Stone, Rt. 1 Box 86 Athol, Id. 83801	"	"			"				
14	13460 Richard C. Lewis, 2408 S. Tacoma, Kennewick, Wa.	"	"			"				
15	13461 Mr. and Mrs. thomas Little, Rt. 1 Box 78J, Cataldo, Id	"	"			"				
16	13462 Mr. Harold D. Garner, Box 143, Cataldo, Id	"	"			"				
17	13463 Mr. Bobbie E Tyson, Rt. 1 Box 73, Cataldo, Id.	"	"			"				
18	13464 Mr. Clarence H. Lend, Rt. 1 Box 81, Cataldo	"	"			"				
19	13465 Mr. Milton E. Dean, Rt. 1 Box 82, Cataldo, Id	"	"			"				
20										

TOTAL NUMBER OF PIECES LISTED BY SENDER

36

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

36

TOTAL

POSTMASTER PER (Name of receiving employee)

J. Jones

* 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."

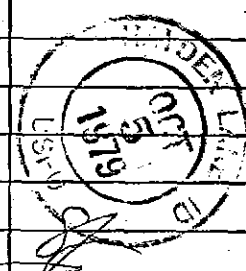
* Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

92-7716

92-7814

94-7142

POB Form 3877-A July 1959



PS Form 3811, Aug. 1978

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. Steve Goodner
 S. 3107 Division
 Spokane, WA 99206

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13447 INSURED NO. 13447

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY *10/10/79*

5. ADDRESS (Complete only if requested)
 96-7716

6. UNABLE TO DELIVER BECAUSE:
 CLERK'S INITIALS

WASH. STATE
 OCT 10 1979
 MANTO STA

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Aug. 1978

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. & Mrs. Laurence R. Tassie
 HCR 66 Box 800
 Sagle, ID 83856

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13449 INSURED NO. 13449

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY *10/10/79*

5. ADDRESS (Complete only if requested)
 96-7716

6. UNABLE TO DELIVER BECAUSE:
 CLERK'S INITIALS

WASH. STATE
 OCT 10 1979
 MANTO STA

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Aug. 1978

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:
 Mrs. James E. Blass
 57 Longview Court
 San Francisco, CA 94117

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13452 CERTIFIED NO. 22 INSURED NO. 1079

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY *10/17/79*

5. ADDRESS (Complete only if requested)
 96-7716

6. UNABLE TO DELIVER BECAUSE:
 CLERK'S INITIALS

WASH. STATE
 OCT 17 1979
 MANTO STA

96-7716

☆ GPO: 1978-272-382

PS Form 3811, Aug. 1978

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. & Mrs. Ray A. Goodner
 S. 2708 Timberlane Dr.
 Veradale, WA 99037

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13453 CERTIFIED NO. INSURED NO.

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY *10/6/79*

5. ADDRESS (Complete only if requested)
 96-7716

6. UNABLE TO DELIVER BECAUSE:
 CLERK'S INITIALS

WASH. STATE
 OCT 6 1979
 MANTO STA

96-7716

☆ GPO: 1978-272-382

PS Form 3811, Aug. 1978

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. Jessie C. Lovey
 Box 754 HCR 66
 Sandpoint, ID 83864

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13455 CERTIFIED NO. INSURED NO.

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY *10/15/79*

5. ADDRESS (Complete only if requested)
 96-7716

6. UNABLE TO DELIVER BECAUSE:
 CLERK'S INITIALS

WASH. STATE
 OCT 15 1979
 MANTO STA

96-7716

☆ GPO: 1978-272-382

PS Form 3811, Aug. 1978

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. & Mrs. Stanley Henrickson
 HCR 66 Box 736
 Sandpoint, ID 83864

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 13451 CERTIFIED NO. INSURED NO.

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 DATE OF DELIVERY *10/17/79*

5. ADDRESS (Complete only if requested)
 96-7716

6. UNABLE TO DELIVER BECAUSE:
 CLERK'S INITIALS

WASH. STATE
 OCT 17 1979
 MANTO STA

96-7716

☆ GPO: 1978-272-382

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.

RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Street or P. O. Box)

(City, State, and ZIP Code)

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

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

Department of Water Resources
Northern District Office

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

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

Department of Water Resources
Northern District Office

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

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)



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.

RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

OCT 11 1979

(Street or P. O. Box)

(City, State, and ZIP Code)

Department of Water Resources
Northern District Office

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.

RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

OCT 11 1979

(Street or P. O. Box)

(City, State, and ZIP Code)

Department of Water Resources
Northern District Office

PS Form 3811, Aug. 1978

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

2. ARTICLE ADDRESSED TO:
**Mr. Jon Hammarberg
 Attorney at Law
 P. O. Box 216, Sandpoint, ID 83864**

3. ARTICLE DESCRIPTION:
 REGISTERED NO. **13457** CERTIFIED NO. INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY **OCT 16 1979** POSTMARK **SANDPOINT, ID**

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

96-7716

PS Form 3811, Aug. 1978

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

2. ARTICLE ADDRESSED TO:
**Dr. & Mrs. Forrest M. Bird
 P. O. Box 817
 Sandpoint, ID 83864**

3. ARTICLE DESCRIPTION:
 REGISTERED NO. **13456** CERTIFIED NO. INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY **OCT 16 1979** POSTMARK **SANDPOINT, ID**

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

96-7716

PS Form 3811, Aug. 1978

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

2. ARTICLE ADDRESSED TO:
**Mr. Sam Wentz
 P. O. Box 1604
 Sandpoint, ID 83864**

3. ARTICLE DESCRIPTION:
 REGISTERED NO. **13448** CERTIFIED NO. INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY **OCT 10 1979** POSTMARK **SANDPOINT, ID**

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

96-7716

PS Form 3811, Aug. 1978

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

2. ARTICLE ADDRESSED TO:
**Mr. Scott W. Reed
 Attorney at Law
 P. O. Box A, Coeur d'Alene, ID 83814**

3. ARTICLE DESCRIPTION:
 REGISTERED NO. **13458** CERTIFIED NO. INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY **OCT 9 1979** POSTMARK **COEUR D'ALENE, ID**

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

96-7716

PS Form 3811, Aug. 1978

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

2. ARTICLE ADDRESSED TO:
**Mr. & Mrs. Harvey Nelson
 301 S. Ferry
 Moscow, ID 83842**

3. ARTICLE DESCRIPTION:
 REGISTERED NO. **13454** CERTIFIED NO. INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY **OCT 10 1979** POSTMARK **MOSCOW, ID**

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

96-7716

PS Form 3811, Aug. 1978

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

2. ARTICLE ADDRESSED TO:
**Mr. Gerald E. Chittick
 HCR 66 Box 786
 Sandpoint, ID 83864**

3. ARTICLE DESCRIPTION:
 REGISTERED NO. **13450** CERTIFIED NO. INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY **OCT 10 1979** POSTMARK **SANDPOINT, ID**

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

96-7716

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS OCT

- 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

RECEIVE

OCT 11 1979

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

Department of Water Resources

Northern District Office

(Street or P. O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS OCT

- 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

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS OCT

- 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

RECEIVE

OCT 12 1979

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

Department of Water Resources

Northern District Office

(Street or P. O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS OCT

- 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

RECEIVE

OCT 11 1979

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

Department of Water Resources

Northern District Office

(Street or P. O. Box)

(City, State, and ZIP Code)

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

RECEIVE

OCT 12 1979

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

Department of Water Resources
Northern District Office

(Street or P. O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS OCT

- 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

RECEIVE

OCT 17 1979

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

Department of Water Resources
Northern District Office

(Street or P. O. Box)

(City, State, and ZIP Code)

MICROFILMED

Certified true and
correct

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

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

On July 26, 1979, Forrest M. Bird and Mary P. Bird filed with the Department of Water Resources an Application for Amendment of Permit No. 96-7716. The Department received protests against approval of said Application for Amendment of Permit No. 96-7716 from Steve Goodner and Sam Wentz on August 20, 1979; from Scott W. Reed, attorney for Glengary-Gamblin Protective Association, on August 21, 1979; from Harvey and Dorothy L. Nelson and Jessie C. Levey on August 26, 1979; and from Pamela Blass, Ray A. and Sue M. Goodner, Gerald E. Chittick, Stanley and Mary M. Henrickson and Laurence R. and Jewel S. Tassie on August 27, 1979.

The Department has set the matter of protests for conference and/or hearing for Tuesday, October 23, 1979, at 1:30 p.m., in the Sandpoint City Council Chambers, City Hall, Sandpoint, Idaho 83864. 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 applicants or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all costs incurred by reason of such non-appearance may be assessed against such non-appearing parties.

DATED: This 5th day of October, 1979.


ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

October 4, 1979

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

Dear Mrs. Carter:

Re: 96-7716 Amendment

This is to confirm reservations for a conference and/or hearing to be held by this Department on Tuesday, October 23, 1979, at 1:30 p.m. in the City Council Chambers.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

MICROFILMED

RECEIVED

JONK. HAMMARBERG
Attorney-At-Law

Glen E. Bandelin
Of Counsel

SEP 20 1979

Department of Water Resources
Northern District Office

Riverside Building
Suite 6
P.O. Box 216
Sandpoint, ID 83864
(208) 263-3189

September 18, 1979

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

Re: 96-7716

Please be advised that I'm unable to resolve any of the protests since, as far as I know, the protestants are members of the Glengary Gamlin Protective Association, Inc. which is represented by Mr. Scott Reed. I therefore, ethically, cannot contact those people in order to resolve any protests.

It would appear however that a hearing is still unnecessary since the principle considerations in either approving or denying the application for amendment listed in your letter of August 27, 1979, are as follows:

1. Are other water rights injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

According to your Memorandum Decision and Order dated March 27, 1979, the Deputy Director, A. Kenneth Dunn, specifically found that one thousand acre feet per year flows from Gamlin Lake outlet. Dr. Bird's application is for fifteen acre feet per annum. This would indicate that there is more than a sufficient amount of water flowing from Gamlin Lake outlet to protect any prior water rights since there is only one other water right located down stream from Dr. Bird. Also the permit is subject to all existing prior water rights and therefore no other water rights would be injured by the amendment. The amount of water requested has not changed in any manner. Also the amendment does not request an enlargement in the use of the original permit. It is strictly requesting a new point of diversion and does not constitute an enlargement in the use of the original permit. Since

MICROFILMED

RECEIVED

SEP 20 1979

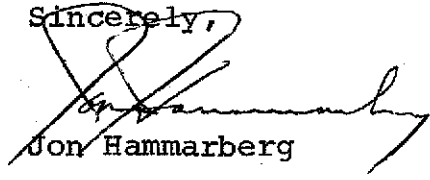
Robert G. Haynes
Re: 96-7716

Department of Water Resources
Northern District Office

September 18, 1979
Page Two

the two considerations which are principle in your determining whether to approve or deny the amendment are satisfied it would seem that a hearing is unnecessary and the amendment should be granted. If you have any questions please let me know.

Sincerely,


Jon Hammarberg

JH/kt

RECEIVED

SEP 6 1979

Department of Water Resources
Northern District Office
SCOTT W. REED, Attorney at Law/P. O. Box A/Coeur d'Alene, Idaho/MOHawk 4-2161

September 5, 1979

Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene, Id. 83814

Re: Permit No. 96-7716

Attention: Robert G. Haynes P.E.
Regional Supervisor

Dear Bob:

On behalf of the Glengary-Gamlin Protective Association, I made protest on August 20, 1979, to the amendment of the permit filed by Forrest M. Bird. You have now provided me with a copy of the application for amendment. The permit granted March 27, 1979, required that the diversion be located downstream from the Beaver Dam and in such a manner as not to affect the water level of Gamble Lake.

My clients would probably not have any objection to the amendment to the permit if they can be assured that the change of the point of diversion will not affect the water level of the lake.

The problem is that under the original permit there would have been a natural control to insure protection of the lake level. Allowing the change of the point of diversion will eliminate that natural protection. Based on prior history, they have no particular reason to have any great faith or trust in the applicant. If the Department can provide some guarantee that the change of the point of diversion will not affect the lake level, we would withdraw our objection.

Incidentally on a related matter, in your letter of August 18, 1979, to Tom Mehler concerning the pumping from the excavation, you mentioned the water would be exempt as being used for domestic purposes. As his applications indicated, the major

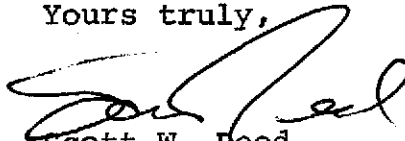
MICROFILMED

Idaho Department of Transportation
9/5/79

Attn: Robert G. Haynes

portion of the water use is for irrigation and for storage which would not be exempt. If it is not exempt, would Bird not be required to have a permit?

Yours truly,



Scott W. Reed

SWR/f

cc: Tom Mehler

RECEIVED

SEP 6 1979

Department of Water Resources
Northern District Office

RECEIVED

AUG 27 1979

HCR6 Box 800
Sagle, Id. 83856

Department of Water Resources
Northern District Office

23 Aug '79.

Idaho Dept of Water Resources

4065 Gov't Way

Coeur d'Alene, Id 83814

Reference # 96-7716

Sir:

I protest the request from Forest & Mary Bird to move the water intake point on Samlin Lake. The quantity of water is excessive & cannot be supported by the available water. The Samlin Lake

water level is down, my
22' well is nearly dry, &
there is no other water
sources at this level to
maintain a minimum water
supply for our use.

This new request of Bird's
is simply a variation of
his earlier one that was
turned down. His request
must be denied.

Laurence R. Passie
Jewett S. Passie

300 South Ferry
Monroe, WA. 98272

Aug. 24, 1979

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

RECEIVED

AUG 26 1979

Department of Water Resources
Northern District Office

Gentlemen:

This is a protest to the Permit No. 96-7716 in the name of Forrest M. ^{and} Mary P. Bird in the Gamblin Lake area.

My wife and I own 65 acres of land adjacent to and eastward of Gamblin Lake. We have two trailer houses which use well water downstream of said permit location.

According to your Memorandum Decision and Order of March 27, 1979 the point of diversion must be located downstream from the beaver dam and in such a manner as to not affect the water level of Gamblin Lake. The recently constructed sump and pump are upstream of a full-span beaver dam which controls the water level of several hundred feet of the outlet creek of Gamblin Lake.

There is a small-span beaver dam in a small channel at the lake outlet, but the major portion of the outlet is a muddy, grass-tufted wide area where the water seeps around the small-span beaver dam. The Bird sump is adjacent to the creek in this area, is dug much deeper than the creek bottom, and therefore pumping from this sump could lower the water table of the outlet area, thereby causing a greater than normal flow of water out of the Lake and lower it.

On August 23rd 1979 the evidence on the upstream face of the full-span beaver dam shows that the water level above this dam has recently receded about 10 inches from its former level.

MICROFILMED

The creek channel bottom at a point about 500 feet downstream from this dam has no water in it and the soil is only slightly moist, indicating that during the summer months this creek has practically dried up.

The diversion of water at the constructed sump location and depth at 0.24 cubic feet per second through the dry summer months is so severely detrimental to property owners, the public who enjoy the use of this area, and the natural wild life; that your office should refuse any water usage permit in the Gambelin Lake outlet area.

Sincerely,

Harvey Nelson, P.E.

August 22, 1979

Mr. Stanley W. Thomas, Director
Idaho Institute of Christian Education
University of Idaho
822 Elm Street
Moscow, Idaho 83843

Dear Mr. Thomas:

This is to acknowledge receipt of your letter of August 20, 1979,
regarding recent developments at the outlet of Gamlin Lake by
Forrest M. Bird.

I have made an on-site inspection of the hole made by Dr. Bird or
his agents. It is my understanding that the water pumped from this
excavation is being used for domestic purposes and as such is exempt
from the provisions of the Idaho Code requiring permits (Section
42-227).

Thank you for your concern in this matter. If you have any questions
or if we can be of any further assistance, please feel free to contact
us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

MICROFILMED

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

August 20, 1979

Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

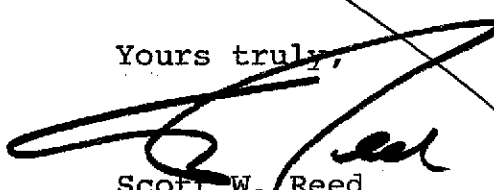
Re: Permit No. 96-7716

Dear Sirs:

Please be advised that on behalf of the Glengary-Gamlin Protective Association protest is made to the application for amendment of Permit No. 96-7716 filed by Forrest M. Bird as advertised in the Sandpoint Bee on August 8, 1979.

Would you please send me a copy of the application so that I may make a more specific protest.

Yours truly,


Scott W. Reed

SWR/f

cc: Thomas Mehler

RECEIVED

AUG 21 1979

Department of Water Resources
Northern District Office

MICROFILMED

*no actual protest
sent letter explaining situation*

IDAHO INSTITUTE OF CHRISTIAN EDUCATION

UNIVERSITY OF IDAHO
822 ELM STREET
MOSCOW, IDAHO 83843
STANLEY W. THOMAS, PH.D.
DIRECTOR

August 20, 1979

Mr. Robert Haynes
Idaho Department of Natural Resources
4055 Government Way 1
Coeur d'Alene, Idaho 83814

Dear Mr. Haynes:

I am writing out of concern for the future of this beautiful state and in regard to recent developments in the area of Glengary Bay on lake Pend Orielle. Although I live in Moscow, Idaho I have been going to Glengary for recreation and relaxation for over twenty years. It has been disturbing to me to see the huge development by Mr. Bird on the south side of the bay and even more disturbing to see his encroachment upon Gamlin lake which appears to go by the name of Gamble lake nowadays.

On my way home last night I stopped to look at the outlet to Gamlin lake where it appears that Mr. Bird is putting in a well to drain water for his own development. I'm a layman on these matters but it appears to me that there is little or no water draining from the lake and that the result of a vigorous user of a well at that point would only draw down the lake itself posing a serious threat to a beautiful natural habitat.

It is hard for me to believe that Mr. Bird has concern for these matters because of the style of activity that he has brought to the bay including helicopters, air boats, planes, etc. His helicopter activity itself is enough to disrupt osprey, deer and other wildlife natural to the area. I'm not against economic activity but I hardly think that a recreational lakeshore is the place to carry it out. I hope that you and your office will continue to hold a hard line against this kind of infringement upon one of the great assets of the State of Idaho, its relatively protected natural environment.

I am not writing to you as Director of the Institute but as an interested citizen of the State of Idaho.

Sincerely,

Stanley W. Thomas
Stanley W. Thomas

RECEIVED

AUG 21 1979

Idaho Department of Water Resources
Northern District Office

CAMPUS CHRISTIAN CENTER

MICROFILMED

August 18, 1979

Clengary Gamblin Protective Assn.
P. O. Box 1465
Sandpoint, Idaho 83864

Attention: Mr. K. Thomas Mehler, President

Gentlemen:

I have made an on-site inspection of the hole made by Forrest Bird or his agents.

You are correct in assertion that Mr. Bird does not have a permit to take water from the excavation, however, none is required. It is my understanding that the water pumped from the excavation is used for domestic purposes and as such is exempt from the provisions of the Idaho Code requiring permits (Section 42-227).

The water quality matter referred to in your Item #3 is administered by the Idaho Department of Health and Welfare and it is my understanding that they will be responding to it.

If you have any questions or if we can be of any further assistance, please feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

MICROFILMED

Glengary Gamlin Protective Assoc.
P.O. Box 1465
Sandpoint, Idaho 83864

July 26, 1979

State of Idaho
Department of Water Resources
Coeur d'Alene, Idaho 83814

ATTENTION: Robert G. Haynes, P.E.

Dear Mr. Haynes:

I am writing in reference to a hole, Forrest Bird or his agents excavated on May 25, 1979. The hole and the excavation is described in a letter to you dated June 11, 1979. A copy is hereto attached.

We the Glengary Gamlin Protective Association object to the hole for the following reasons:

- 1.) Forest Bird does not have a permit or a water right for drawing water from this hole. (A pervious application by him was granted in a location approximately 300 feet East of this hole.) This hole is above the culvert on a different parcel of land.
- 2.) The bottom or walls of the hole have been penetrated, to allow water from Gamlin Lake, to flow into it. This will allow Bird to draw-down the level of Gamlin Lake.
- 3.) The blue clay material taken from the hole has been piled aside the hole in such a manner that it is clouding all waters down stream from the hole, including a back water area in Lake Pend Oreille.

We believe some action by the Department of Water Resources and the Department of Health and Welfare is warranted, as pertaining to this possible illegal diversion and contamination of Public Water.

Respectfully


K. Thomas Mehler

Glengary Gamlin Protective Assoc. President

RECEIVED

JUL 27 1979

Department of Water Resources
Coeur d'Alene, Idaho

RECORDED

REPLY TO:

box 817 • sandpoint
idaho • 83864



COPY

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

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.

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?

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

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

August 27, 1979

Dr. and Mrs. Forrest M. Bird
P. O. Box 817
Sandpoint, Idaho 83864

RE: 96-7716

Dear Dr. and Mrs. Bird:

Enclosed is a copy of a protest filed against the approval of a amendment 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 amendment (Section 42-211, IDAHO CODE):

1. Are other water rights injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit.

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: fms

Enclosure

MICROFILMED

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

August 27, 1979

Mr. Jessie C. Levey
Box 754 HCR 66
Sandpoint, Idaho 83864

RE: 96-7716

Dear Mr. Levey:

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 hearings. 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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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: rms

MICROFILMED

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

August 27, 1979

Mrs. Dorothy L. Nelson
301 S. Ferry
Monroe, Washington 98272

RE: 96-7716

Dear Mrs. Nelson:

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 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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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

Monroe, WA

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

August 27, 1979

Mr. and Mrs. Ray A. Goodner
S. 2708 Timberlane Dr.
Veradale, Washington 99037

RE: 96-7716

Dear Mr. and Mrs. Goodner:

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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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: fms

MAILING LABEL

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

August 27, 1979

Mrs. James E. Blass
57 Longview Court
San Francisco, Ca. 94131

RE: 96-7716

Dear Mrs. Blass:

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 hearings. 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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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

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

August 27, 1979

Mr. and Mrs. Stanley Henrickson
HCR 66 Box 736
Sandpoint, Idaho 83864

RE: 96-7716

Dear Mr. and Mrs. Henrickson:

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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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

MAILED

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

August 27, 1979

Mr. Gerald E. Chittick
HCR 66 Box 786
Sandpoint, Idaho 83864

RE: 96-7716

Dear Mr. Chittick:

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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: PMS

ENCLOSURE

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

August 27, 1979

Mr. and Mrs. Laurence R. Tassie
HCR 66 Box 800
Sagle, Idaho 83856

RE: 96-7716

Dear Mr. and Mrs. Tassie:

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 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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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

MAILING LABEL

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

August 27, 1979

Mr. Harvey Nelson, P.E.
301 South Ferry
Monroe, Washington 98272

RE: 96-7716

Dear Mr. Nelson:

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 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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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: fms

MICROFIL

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

August 22, 1979

Mr. Sam Wentz
P. O. Box 1604
Sandpoint, Idaho 83864

RE: 96-7716

Dear Mr. Wentz:

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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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: fms

Michael

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

August 22, 1979

Mr. Steve Goodner
S. 3107 Division
Spokane, Washington 99206

RE: 96-7716

Dear Mr. Goodner:

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 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 amendment (Section 42-211, IDAHO CODE):

1. Are other water right injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit?

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

MICROFILMED

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

August 22, 1979

Dr. and Mrs. Forrest M. Bird
P. O. Box 817
Sandpoint, Idaho 83864

RE: 96-7716

Dear Dr. and Mrs. Bird:

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

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for amendment (Section 42-211, IDAHO CODE):

1. Are other water rights injured by the amendment?
2. Does the change constitute an enlargement in the use of the original permit.

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

Enclosure

MICROFILMED

16-7716

Dept Water Resource State of Idaho

RECEIVED

AUG 20 1979

Dear Sir,

Department of Water Resources
Northern District Office

The application requested by Mr. Bud to take water from a hole in the drainage way of Gamble Lake should be denied for the following reasons:

1. The hole made by Mr. Bud is below the lake level and he is therefore illegally taking water from a State body of water and no action should be taken until this situation is corrected.

2. Mr Bud has made a practice of first breaking the law and then applying for permits. This is well documented and should ~~be~~ not be allowed to continue. Again no action should be taken until the present pumping system is removed.

3. In Mr. Bud's last permit, your findings show that Gamble Lake has no out flow during certain months of the summer, and that it is in the best local interest to not take any water from the lake, other than the overflow.

The present system of pumping violates those findings and the conditions put forth in Bud's present permit.

4. People from many states come here to enjoy the beauty, abundant wildlife and quietude of Gamble Lake.

It is in the best interest of everyone that one man not be allowed to adversely effect a natural system that many species of life use and enjoy.

(over)

MICROFILMED

It is also in the best interest of the State of Idaho that people obey its laws.

5th There can be no question that the water being pumped from the hole is from Grapple Lake and the Mr. Bird is in ~~and~~ violation of ~~the~~ the laws of the State of Idaho.

6th It is a mockery of the laws of Idaho and the permit process of your office that no action has been taken by the State and that this amended application is being processed.

Please notify me of the hearing date

Sam Wentz
P.O. Box 1604
Sandpoint ID
83864

Steve Goodner
S. 3107 Division
Spokane, Wash. 99206

August 17, 1979

Robert Haynes,
Director Dept. Water Resources
Couer D/Alene, Idaho.

Dear Mr. Haynes:

It appears that Forrest Bird is again taking matters into his own hands in regard to appropriating water from Gamble Lake. He has dug a basin and is using water from this site which is not the area approved by your department.

I don't understand how Bird is able to get by with proceeding with water appropriation without prior approval. It seems that he does it simply by assuming he can do what he wants to before being given permission.

He apparently has applied for another permit, #96-7716, to amend his previous permit. I would like to register my opposition to this latest permit application or ammendment. I fear, as do many others, that the level of Gamble Lake will be affected by his withdrawal of water from this site.

I would also like to know if the Dept. of Water Resources will inspect this unauthorized water withdrawal site, since it was dug before any application for use was granted by your agency. Technically, the use of water from this site should not be allowed without prior approval of application per normal procedure.

Many of us who oppose Bird's actions have spent countless hours driving many miles to attend hearings as required by your agency (none of which Bird himself has attended). It has become very tiring to have to follow along and watch after Bird's efforts to withdraw water.

RECEIVED

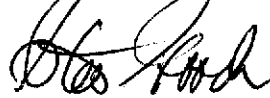
AUG 20 1979

Department of Water Resources
MICROFILMED

Some have expressed the fear that Bird has actually passed a pipe on into Gamble Lake itself to fill his water basin, since a number of Bird's employees surrounded the site where the hole was dug in one day. However, the hole is in fact extremely close to the lake itself (within several feet) and we fear the impact on the level of Gamble Lake.

Thank you for your time.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Steve Goodner", written in a cursive style.

Steve Goodner

MICROFILMED

● Landpoint Ldg 8-23-99

Portmen

We are opposed to the
request of Forest + May Bird,
to take water from

Gambier Lake out let
above the county road.
also to the recent piracy
that is occurring of these
waters.

Stanley Hewrickson,
Mary M. Hewrickson.

Bird application No 96-7716

RECEIVED

AUG 27 1979

Department
Northern

MICROFILMED

STANLEY HENRICKSON
H. C. R. 66 BOX 736
SANDPOINT, IDAHO 83864

RECEIVED



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

RECEIVED

AUG 27 1979

Department of Water Resources
Northern District Office

301 S. Ferry

Monroe WA 98272

August 23, 1979

Mr Robert L. Haynes, P.E.
Regional Supervisor
Idaho State Department of Water Resources
Suite #1
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Mr Haynes:

This letter is to register
my objection to the granting
of water right #96-7716 to Forrest
and Mary Bird. Their application
is apparently to make permanent
a "so-called" temporary —
illegally placed — pump
near the outlet of the
lake and the pumping
of water from La

MICROFILMED

Lake by way of this sump.

The subsequent lowering of Gamblin Lake will adversely affect my property which borders Gamblin Lake for approximately $\frac{1}{4}$ mile on the east.

The lowering of the lake would expose mud and adversely affect all property owners and users of the lake.

It would also disturb present habitats of our wildlife such as ducks, geese, eagles, osprey and fish.

Sincerely
(Mrs) Dorothy L. Nelson

Box 754 HCR 66
Sandpoint, Idaho 83864
August 26, 1979

Robert Haynes
Regional Supervisor
Dept of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

RECEIVED

AUG 26 1979

Department of Water Resources
Northern District Office

Dear Mr Haynes

I protest water right
96-7716 in name of Forrest
M &/or Mary P. Bird.

The sump they have
constructed near the outlet
of Gambelin Lake is draining
water from Gambelin Lake
and endangering my water
supply which is downstream.

Sincerely,

Jessie C. Levy

Thursday 23, 1979

Dear Sir;

I Protest to the proposed amendment of Permit NO. 96-7716 (changing the point of diversion on the original permit).

There is uncontroverted testimony that protection of natural lake lands in Gambelin Lake is in the public interest, if the point of diversion is located above the bennue dam East of the culvert it will effect the natural flow of the lake. Any water taken from the lake must be located downstream from the bennue dam.

RECEIVED

AUG 27 1979

Thank You
Gerald E. Chittick
Gerald E. Chittick

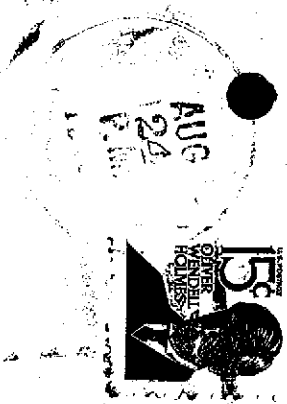
Department of Water Resources
Northern District Office

MICROFILMED

E. E. Ch. Hick
Here 46 Box 786
Elmport, Spauld Co. Ida.
83864

Idaho Department of Wildlife Resources
4055 Governorment Way
Care of Home, Idaho

83864
RECEIVED



Regional Supervisor
Dept. of Water Resources

RECEIVED
Aug 23 1979
AUG 27 1979

State of Idaho

C. Stephen Allred, Director

Department of Water Resources
Northern District Office

Re application for water rights by
Forest + Mary Bird Permit No 96-7716
the original and the revised

As landowners next to Bird's
property we oppose granting
of this permit

1- We object strongly to his
"temporary diversion" and ask
that a thorough investigation
be made of the hole he has
dug and ^{whether} ~~is~~ pumping from.
Does not this flaunt all rules
and regulations?

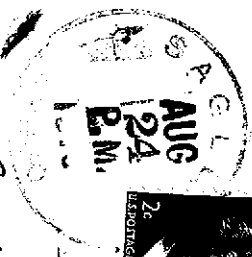
2- We oppose any diversion
of water from the creek or
the lake.

Thank you

Respectfully
MICHAEL
Dore M. Goodner
Ray G. Goodner

Ray Hoodner
22708 Embellene Dr
Merced, Ca 95337

Mr Robert J. Meyner
Regional Supervisor
State of Alaska, Dept Water Resources
4055 Government Way
Corvallis, Ore 97331



MICROFILM

MRS. JAMES E. BLASS
57 LONGVIEW COURT
SAN FRANCISCO, CA. 94131

RECEIVED

AUG 27 1979

August 23, 1979

Department of Water Resources
Northern District Office

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

Dear Mr. Haynes:

As a Bonner Co. (Sec. 6) property owner and taxpayer, I, AGAIN, hereby submit my strong objection to granting water application #96-7716 to Jarrest & Mary Bird.

I vehemently object ~~to~~ to the fact that Jarrest Bird has blatantly disregarded the previous order from your office - dated 27 March 1979. He was ordered at that time not to affect the level of Hamlin Lake and any water was to be taken from the creek downstream from the Beaver Dam. This spring he excavated an enormous hole 3' from the creek above the culvert & beaver dam. The water from Hamlin Lake & the creek naturally overflow into this hole & he is pumping this water to his property.

I oppose his diverting this water from the creek for his own selfish wants. I spend each summer at my property between Hamlin Lake & Lake Pend Oreille. The creek from Hamlin runs nearby. As I stated in my former letter to you dated 9 October 1978 - deer graze on my meadow and drink from the creek. This summer that creek is ~~completely~~ dry.

I am also appalled by the sight (clearly

MRS. JAMES E. BLASS
57 LONGVIEW COURT
SAN FRANCISCO, CA. 94131

visible from the County road) of the ungodly mess he has made in the form of enormous mounds of clay piled beside his water hole.

As I stated in my former letter, I'm extremely concerned about the effect on the water table and the efficiency of my well should Bird continue to divert this water.

I strongly urge that you or a member of your office personally visit this site of Bird's excavation so you can see the full extent of his operations and how they can affect this County-side detrimentally in the future.

Thank you.

Respectfully,

Pamela Blass
HCR 66 Box 788 (until Aug 30)
Sandpoint ID 83864

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: PyH

Right Number 96-7716

Applicant BIRD

Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

☒ Description of amended point(s) of diversion.

☒ Amount, nature and period of use. If increased, delay date of priority.

☒ Description of amended places of use. If expanded, delay date of priority.

☒ Ownership of point of diversion and place of use.

☒ Map.

☒ Signature (must be permit holder).

☒ Fee.

☐ Existing water rights from the same source, amended place of use.

☐ Right number(s) _____

☒ Yes ☐ No Should amendment be advertised?

☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received.

☒ Amendment published correctly.

☒ Protests processed.

☒ Approve.

☐ Deny.

Conditions Pursuant to Memorandum Decision

By PyH

Date 12-21-79

STATE OFFICE PROCESSING:

☐ Amendment correct and complete. By _____ Date _____

☐ Approved copy sent to applicant and to Region. By _____ Date _____

RECEIVED

JON K. HAMMARBERG
Attorney-At-Law

Glen E. Bandelin
Of Counsel

Riverside Building
Suite 6
P.O. Box 216
Sandpoint, ID 83864
(208) 268-3139

July 24, 1979

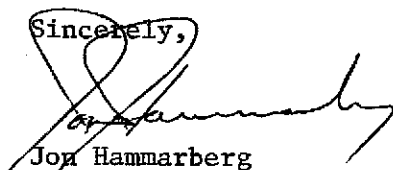
Northern Region Office
Department of Water Resources
Route 5 Box 203 Government Way
Coeur d'Alene, Idaho 83814

RE: Permit No. 96-7716 (Forrest M. and/or Mary P. Bird)
Our File 140E

Dear Mr. Haynes:

Enclosed herein please find our application for amendment of a permit together with our fee in the amount of \$20.00 dollars. Will you please keep me advised as to the processing of this application for amendment of a permit. If you have any questions please let me know.

Sincerely,


Jon Hammarberg

JH/ds
Enclosures

77
Glen E. Bandelin, Attorney
Northern District Office

MICROFILMED

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

August 2, 1979

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

RE: 96-7716 Forrest Bird

Dear Mr. Hammarberg:

Enclosed is Receipt No. 14127 in the amount of \$20.00 which was received by this office for the filing fee on the above-referenced item.

Sincerely,

Patricia M. Styrpa

PMS

Enclosure

MICROFILMED

NOTICE OF APPLICATION FOR AMENDMENT OF A PERMIT

Notice is hereby given that Forrest M. Bird and Mary P. Bird have filed with the Department of Water REsources on July 26, 1979, an Application for Amendment of Permit No. 96-7716 changing the point of diversion.

The point of diversion on the original permit was an outlet of Gamble Lake located in Government Lot 7, Section 6, Township 56N, Range 1E B. M., Bonner County, Idaho. Applicants now wish to amend said original Permit No. 96-7716 to show the point of diversion as follows: West (upstream) of culvert located in Government Lot 6, Section 6, Township 56N, Range 1E B. M., Bonner County, Idaho.

Any protest to the proposed amendment may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before August 27, 1979.

C. STEPHEN ALLRED

Director

Published in the Sandpoint Daily Bee, Sandpoint, Idaho, on August 8 and 15, 1979.

for 8/2/79

MICROFILMED