

# CAPE HORN WATER USERS ASSOCIATION

25130  
36 31  
NEW NEW  
1921

14,000 GAL. EPOXY LINED STEEL TANK.  
253' ABOVE MEAN HIGH WATER LEVEL  
OF LAKE PEND O' REILLE.

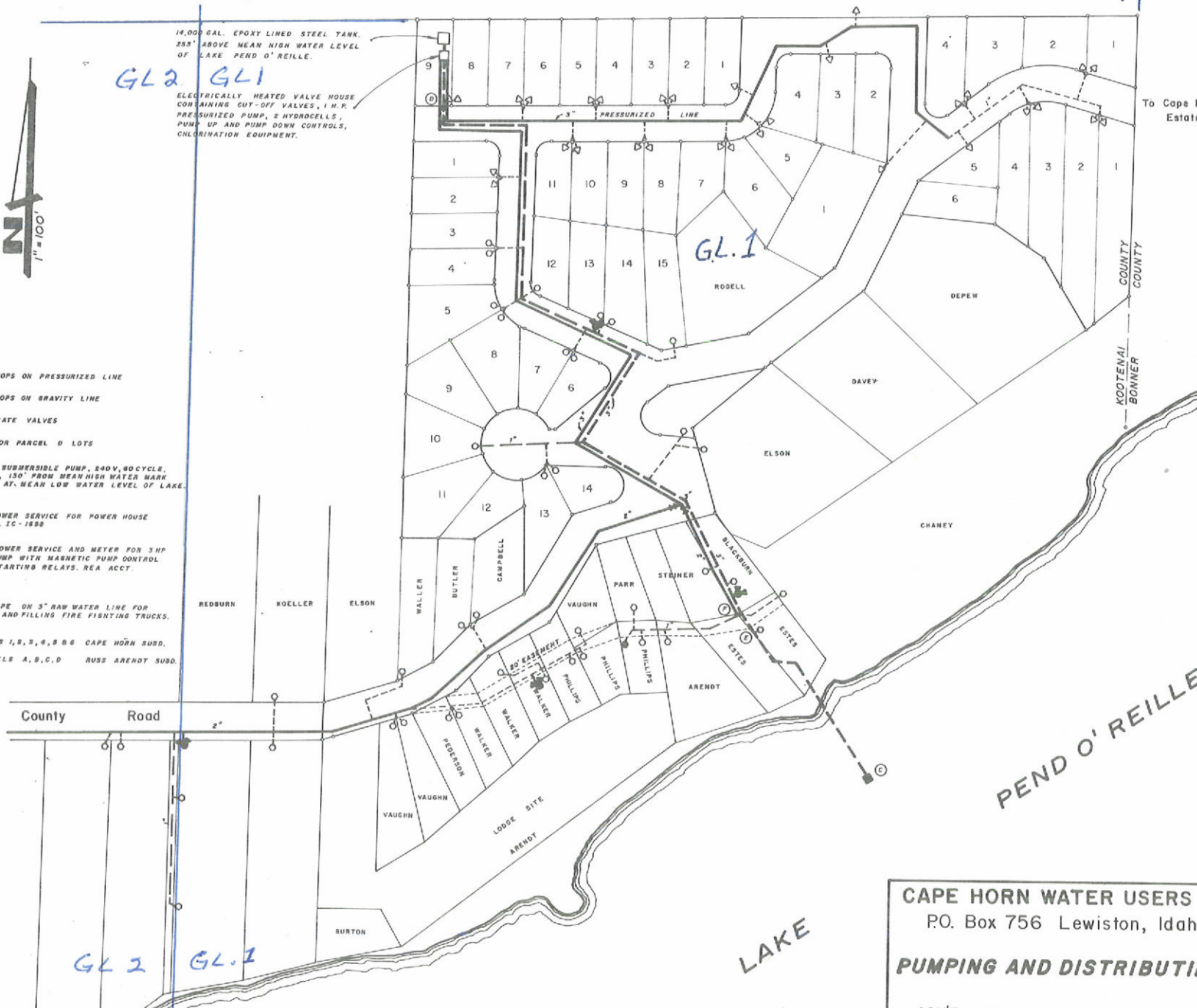
GL2 GL1

ELECTRICALLY HEATED VALVE HOUSE  
CONTAINING CUT-OFF VALVES, 1 M.P.  
PRESSURIZED PUMP, 2 HYDROCELLS,  
PUMP UP AND PUMP DOWN CONTROLS,  
CHLORINATION EQUIPMENT.



- ▲ FIRE HYDRANT
- △ 3/4" CURB STOPS ON PRESSURIZED LINE
- 3/4" CURB STOPS ON GRAVITY LINE
- M 2" CUT-OFF RATE VALVES
- CURB STOP FOR PARCEL D LOTS
- ⊙ 3 HP JACUZZI SUBMERSIBLE PUMP, 240V, 60 CYCLE, SINGLE PHASE, 150' FROM MEAN HIGH WATER MARK AND 40' DEEP AT MEAN LOW WATER LEVEL OF LAKE.
- ⊙ ELECTRICAL POWER SERVICE FOR POWER HOUSE REA ACCT. NO. 1C-1880
- ⊙ ELECTRICAL POWER SERVICE AND METER FOR 3 HP RAW WATER PUMP WITH MAGNETIC PUMP CONTROL SWITCH AND STARTING RELAYS. REA ACCT. NO. 1C-1897.
- ⊙ 1 1/2" STAND PIPE ON 3" RAW WATER LINE FOR FIRE FIGHTING AND FILLING FIRE FIGHTING TRUCKS.

BLOCKS 1, 2, 3, 4, 5 & 6 CAPE HORN SUBD.  
PARCELS A, B, C, D RUSS ARENDT SUBD.



PEND O' REILLE

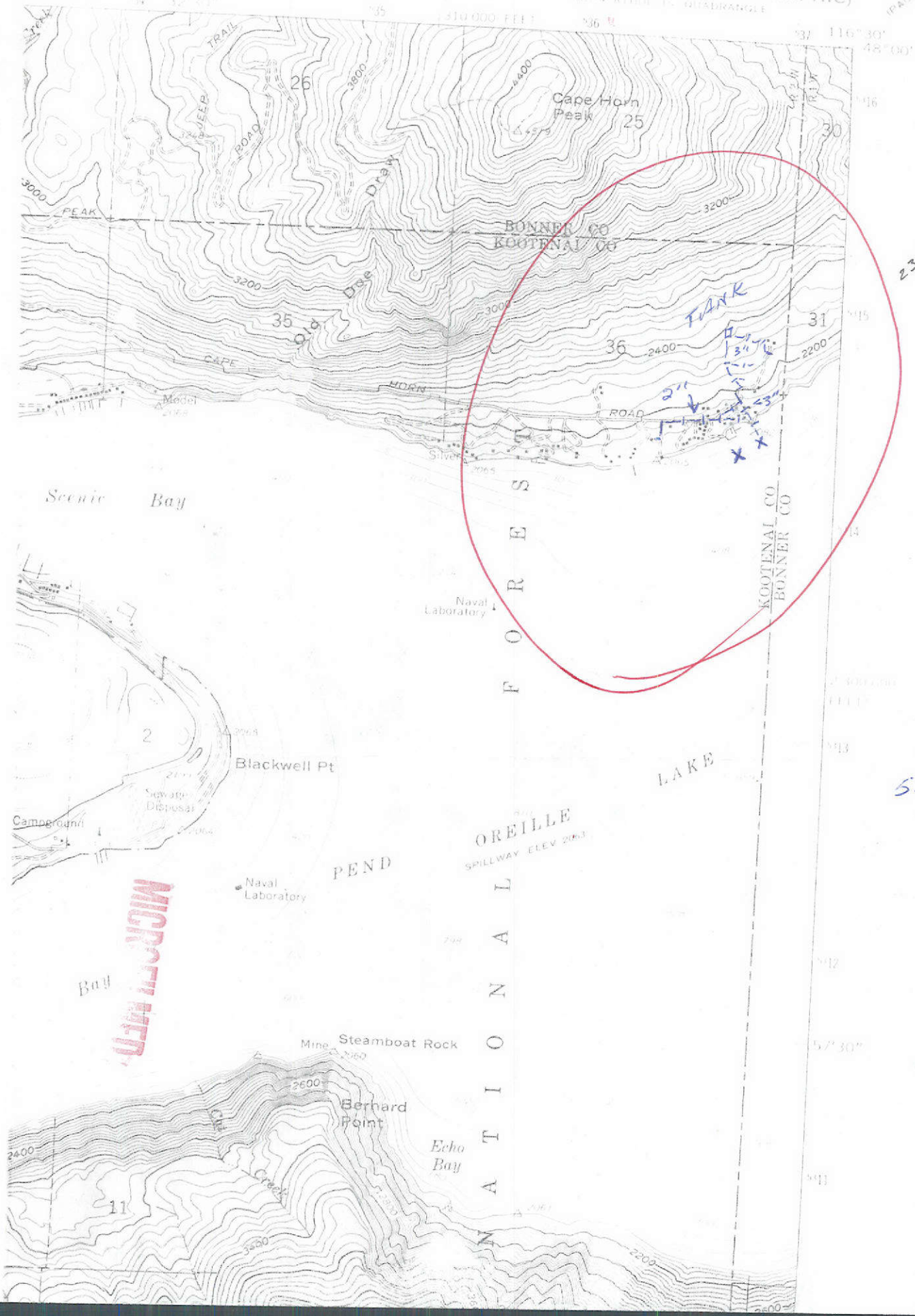
LAKE

GL2 GL1

**CAPE HORN WATER USERS ASSN, INC.**  
P.O. Box 756 Lewiston, Idaho 83501  
**PUMPING AND DISTRIBUTING LINES**

60V'T. LOTS 1 & 2 OF SEC. 36, T. 54N., R. 2W., B.M  
KOOTENAI COUNTY, IDAHO

IDAHO  
7.5 MINUTE SERIES (TOPOGRAPHIC)  
M-4 A100 15 QUADRANGLE



State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7585 Priority July 20, 1977 Amount 0.05 cfs

THIS IS TO CERTIFY, that Cape Horn Water Users Association  
of Athol, Idaho, has complied with the terms and conditions of Permit  
No. 96-7585 issued pursuant to Application for Permit dated July 20, 1977,  
and has submitted proof to the Department of Water Resources on July 26, 1982,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 0.06 cfs of water from Pend Oreille Lake,  
tributary to Pend Oreille River, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use         | Period of Use                               | Rate of Diversion      | Annual Volume         |
|------------------------|---------------------------------------------|------------------------|-----------------------|
| Domestic (55 units)    | from <u>January 1</u> to <u>December 31</u> | at <u>0.05</u> cfs and | <u>43.4</u> acre feet |
|                        | from _____ to _____                         | _____ cfs and          | _____                 |
|                        | from _____ to _____                         | _____ cfs and          | _____                 |
| (both dates inclusive) |                                             |                        |                       |

Subject, however, to the condition that no more than 0.05 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
43.4 acre feet per year, said waters to be diverted within the Government Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ),  
Section 36, Twp. 54N, Rge. 2W in the County of Kootenai

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | Totals           |                  |                  |                  |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |
| 54N  | 2W    | 36   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |

Total number of acres irrigated \_\_\_\_\_

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30<sup>TH</sup> day of  
November \_\_\_\_\_, 19 82.

Acting for the Director

*Norman C. Young*

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING  
DEVICE REQUIREMENT FOR PERMIT NO. 96-7585

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1<sup>st</sup> day of June 1981.

*Glen Saxton*

GLEN SAXTON  
Chief, Operations Bureau

RECEIVED

Identification No. \_\_\_\_\_

Application No. 96-7585

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
**APPLICATION FOR PERMIT**

**APPROVED**

To Appropriate the Public Waters of the State of Idaho  
(TYPE OR PRINT IN INK)

1. Name of applicant Cape Horn Water Users Association  
post office address P. O. Box 756, Lewiston, ID 83501
2. Source of water supply Lake Pend O'Reille which is a tributary of \_\_\_\_\_
3. a. Location of point of diversion is Government Lot 1 Section 36 Township 54N.  
Range 2 W B.M. Kootenai County; additional points of diversion if any: none
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  
of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 1.14 for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. 1.14 cfs  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. 3 HP Jacuzzi submersible pump  
240 V, 60 cycle, single phase 130' from mean high water mark and  
45' deep at mean low water level of lake; 3" pipe from pump to  
storage tank
- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
capacity 14,000 Gallons, materials used in storage dam: steel tank lined with epoxy  
Period of year during which storage will occur January 1 to December 21 inclusive.  
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 5 years.  
b. Estimated construction cost is \$17,021.00.
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: Government Lots 1 & 2 Section 36 Township 54 N  
Range 2 W B.M., Kootenai, County  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered none
- (4) Name of municipality to be served Cape Horn Water Users Assoc or number of families to be  
supplied with domestic water 57
- (5) water is to be used for other purposes describe: Domestic use only - plus  
fire hydrants

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

| TWP. | RANGE | SEC. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTALS |
|------|-------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|      |       |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |

Total number of acres to be irrigated \_\_\_\_\_

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

9. a. Who owns the property at the point of diversion State of Idaho

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

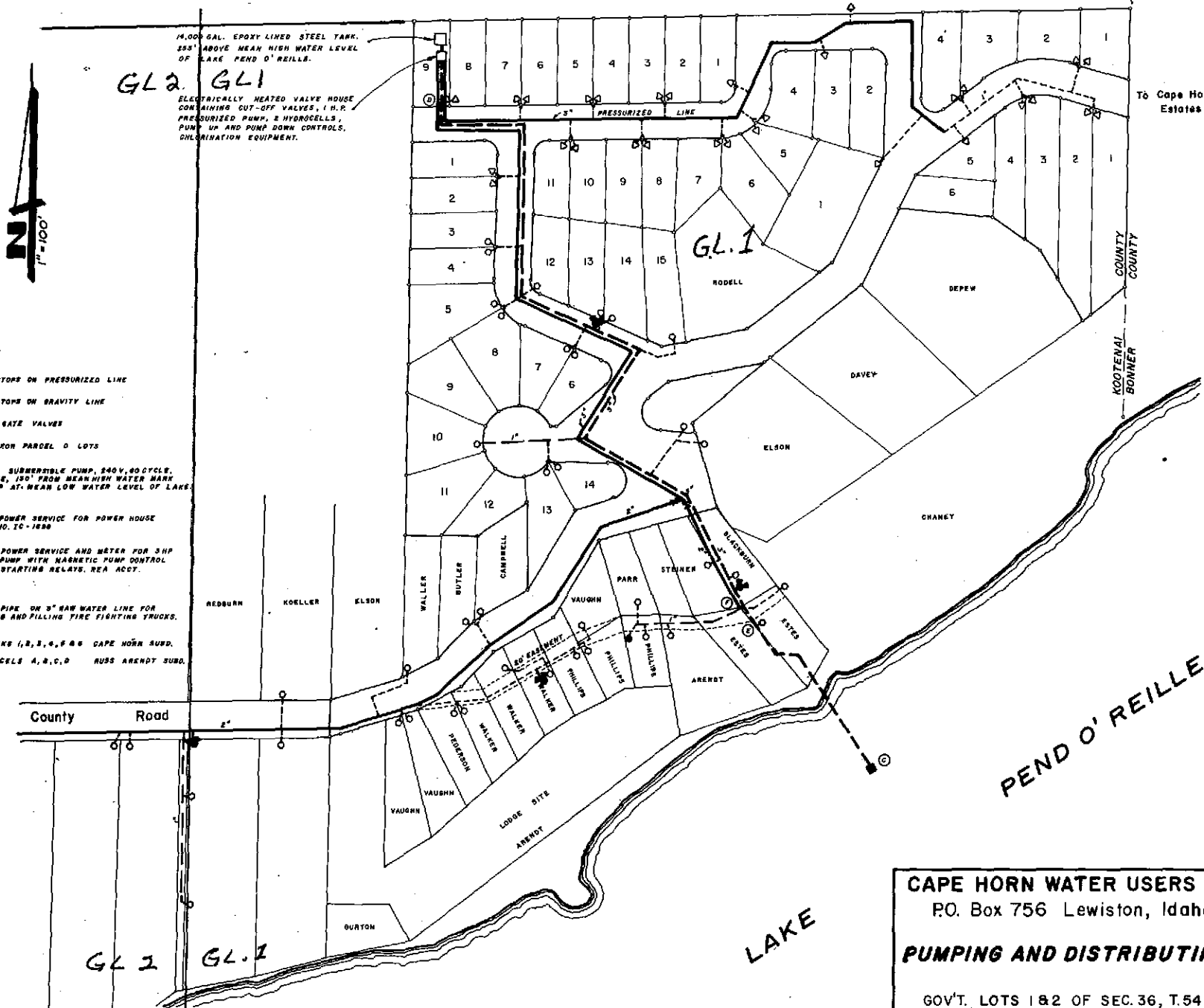
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing All persons owning land in proposed area of use are entitled to membership in the association

10. Remarks This system is an enlargement of a system previously in existence, in which Harley E. Steiner and Vista C. Steiner, husband and wife, filed a claim on in March, 1971, and which Clair Parr and Lucille Parr, husband and wife, filed a claim for at about the same time. Both of these families are members of the association and were instrumental in the formation of the association.

RECEIVED

# CAPE HORN WATER USERS ASSOCIATION

25130  
36 31  
N 6 1/2 W 1/4  
1320'



GL. 2 GL. 1

14,000 GAL. EPOXY LINED STEEL TANK.  
255' ABOVE MEAN HIGH WATER LEVEL  
OF LAKE PEND O' REILLE.  
ELECTRICALLY HEATED VALVE HOUSE  
CONTAINING CUT-OFF VALVES, I.H.P.  
PRESSURIZED PUMP, 2 HYDROCELLS,  
PUMP UP AND PUMP DOWN CONTROLS,  
CHLORINATION EQUIPMENT.

1"=100'

- ◆ FIRE HYDRANT
- △ 3/4" CURB STOP ON PRESSURIZED LINE
- 3/4" CURB STOP ON GRAVITY LINE
- M 2" CUT-OFF GATE VALVES
- CURB STOP FOR PARCELS & LOTS
- ① 3HP JAWZEE SUBMERSIBLE PUMP, 240V, 60 CYCLES,  
SINGLE PHASE, 150' FROM MEAN HIGH WATER MARK  
AND 40' DEEP AT MEAN LOW WATER LEVEL OF LAKE.
- ② ELECTRICAL POWER SERVICE FOR POWER HOUSE  
REA ACCT. NO. 10-1888
- ③ ELECTRICAL POWER SERVICE AND WATER FOR 3HP  
RAW WATER PUMP WITH MAGNETIC PUMP CONTROL  
SWITCH AND STARTING RELAYS, REA ACCT.  
NO. 10-1897.
- ④ 1 1/2" STAND PIPE ON 3" RAW WATER LINE FOR  
FIRE FIGHTING AND FILLING FIRE FIGHTING TRUCKS.

BLOCKS 1, 2, 3, 4, 5 & 6 CAPE HORN SUBD.  
PARCELS A, B, C, D RUSS ARENDT SUBD.

PEND O' REILLE

LAKE

**CAPE HORN WATER USERS ASSN, INC.**  
P.O. Box 756 Lewiston, Idaho 83501  
**PUMPING AND DISTRIBUTING LINES**  
GOV'T. LOTS 1 & 2 OF SEC. 36, T. 54 N., R. 2 W., B. M.  
KOOTENAI COUNTY, IDAHO

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

SEE ENCLOSED ENGINEERS DRAWING

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.

CAPE HORN WATER USERS ASSOCIATION

BY:

(Applicant)

Vice-President

Proposed Eject, 7-20-1977

Received by ls Date 7/20/77 Time 8:30  
Preliminary check by SK Fee \$ 35.92-313  
Receipted by SK Date 7-25-77 (5079)  
Publication prepared by SK Date 7-26-77  
Published in Coeur d'Alene Press  
Publication dates 8-4-11, 1977  
Publication approved SK Date 8-19-77  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: \_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by SK jo

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7585, 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 September 1, 19 82.
  - c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.
2. Denial of said application is for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this 22 day of September 19 77.

RECEIVED

[Signature]  
Deputy Director

# AFFIDAVIT OF PUBLICATION

## NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Cape Horn Water Users Association P.O. Box 756, Lewiston, ID has on July 25, 1977 submitted Application No. 96-7585 for a permit to appropriate 1.14 cubic feet per second of water from Lake Pend Oreille by means of pump and storage tank within Gov't Lot 1, Sec. 36, T54N, R2W B.M. Kootenai County to be used from Jan. 1 to Dec. 31 (1.14 cfs) for domestic purposes within the Gov't lots 1 & 2, Sec. 36, T54N, R2W B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before August 22, 1977.

C. STEPHEN ALLRED  
Director

August 4, 11, 1977  
Legal 413

OK  
SDW  
8-19-77

STATE OF IDAHO,  
County of Kootenai,

ss.

Carol Hedge being first duly sworn  
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Notice

of which the annexed is a printed copy, was published in the regular Thurs  
issue of said newspaper for 2 consecutive weeks  
commencing on the 4 day of August 1977 and  
ending on the 11 day of August 1977, and such  
publication was made as often during said period as said daily  
newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Carol Hedge

Subscribed and sworn to before me this

11 day of August

1977

Roberta Manley

Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

10.08

LEADER

December 10, 1982

RE: Permit No. 96-7585

Cape Horn Water Users Association  
Route #1, Box 266  
Athol, ID 83801

Gentlemen:

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

Sincerely,



JIM JOHNSON  
Water Distribution Supervisor

JJ:kw  
Enclosure

RECEIVED  
DEC 11 1982



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

November 16, 1982

RE: Permit No. 96-7585

Cape Horn Water Users Association  
Route #1, Box 266  
Athol, ID 83801

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. ~~96-7585~~, and has found the following:

Amount of water that can be recognized as beneficially used under  
Idaho law: 0.05 cfs Source: Pend Oreille Lake

The maximum quantity diverted shall not exceed 43.4 acre feet  
per year.

Point(s) of diversion: Gov. Lot 1(SE $\frac{1}{4}$ SE $\frac{1}{4}$ ), Sec. 36, Twp. 54N, Rge. 2W,  
Kootenai County

Beneficial use: Domestic use for 55 units within the Gov. Lot 2(SW $\frac{1}{4}$ SE $\frac{1}{4}$ ),  
Gov. Lot 1(SE $\frac{1}{4}$ SE $\frac{1}{4}$ ), Sec. 36, Twp. 54N, Rge. 2W

Priority date established: July 20, 1977

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise  
a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:kw



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
NORTHERN REGION

John V. Evans  
Governor

~~A. C. Stephen Alfred~~  
Director

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

October 6, 1982

Cape Horn Water Users Assn.  
P. O. Box 756  
Lewiston, Id. 83501

Re: 96-7585

Dear Men:

We wish to acknowledge receipt of your Statement of Beneficial Use for the above-referenced permit.

The examination of your system has already been done and a license will subsequently be issued by our State Office in Boise in the near future.

If you have any questions, please contact this office.

Sincerely,

TOM D. KING  
Senior Water Resource Agent

Pms

cc: IDWR - State Office

PLACE  
TEN CENT  
STAMP  
HERE

RECEIVED

JUL 23 1982



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

RECEIVED

JUL 26 1982

Department of Water Resources  
Northern District Office

# 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. 96-7585.

Name(s) of Permit Holder: Cape Horn Water Users Assn.

Post Office Address: Rt #1 - Box 146, Archa, Idaho 83401

Tel. No. 688-2357

Source of Water: Lake Pend O' Rille

Extent of Use:

|                                              |           |                            |
|----------------------------------------------|-----------|----------------------------|
| <input checked="" type="checkbox"/> Domestic | <u>33</u> | (number of households)     |
| <input type="checkbox"/> Stockwater          |           | (number and type of stock) |
| <input type="checkbox"/> Irrigation          |           | (acres)                    |
| <input type="checkbox"/> Other               |           |                            |

|                   |           |                                                                     |            |                                                          |
|-------------------|-----------|---------------------------------------------------------------------|------------|----------------------------------------------------------|
| Measuring Device: | Required? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Installed? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Access Port:      | Required? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Installed? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

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

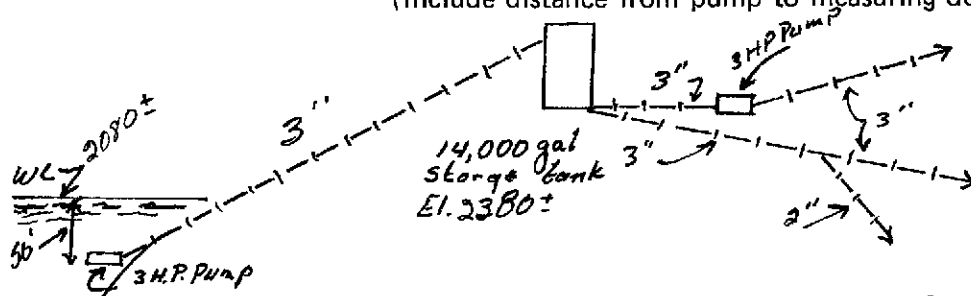
7/26/82  
Date

Craig Dean  
Signature of Permit Holder



[illegible]

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: GL 1 (SESE) Sec 36, T54N, R2W

Place(s) of Use

[illegible]

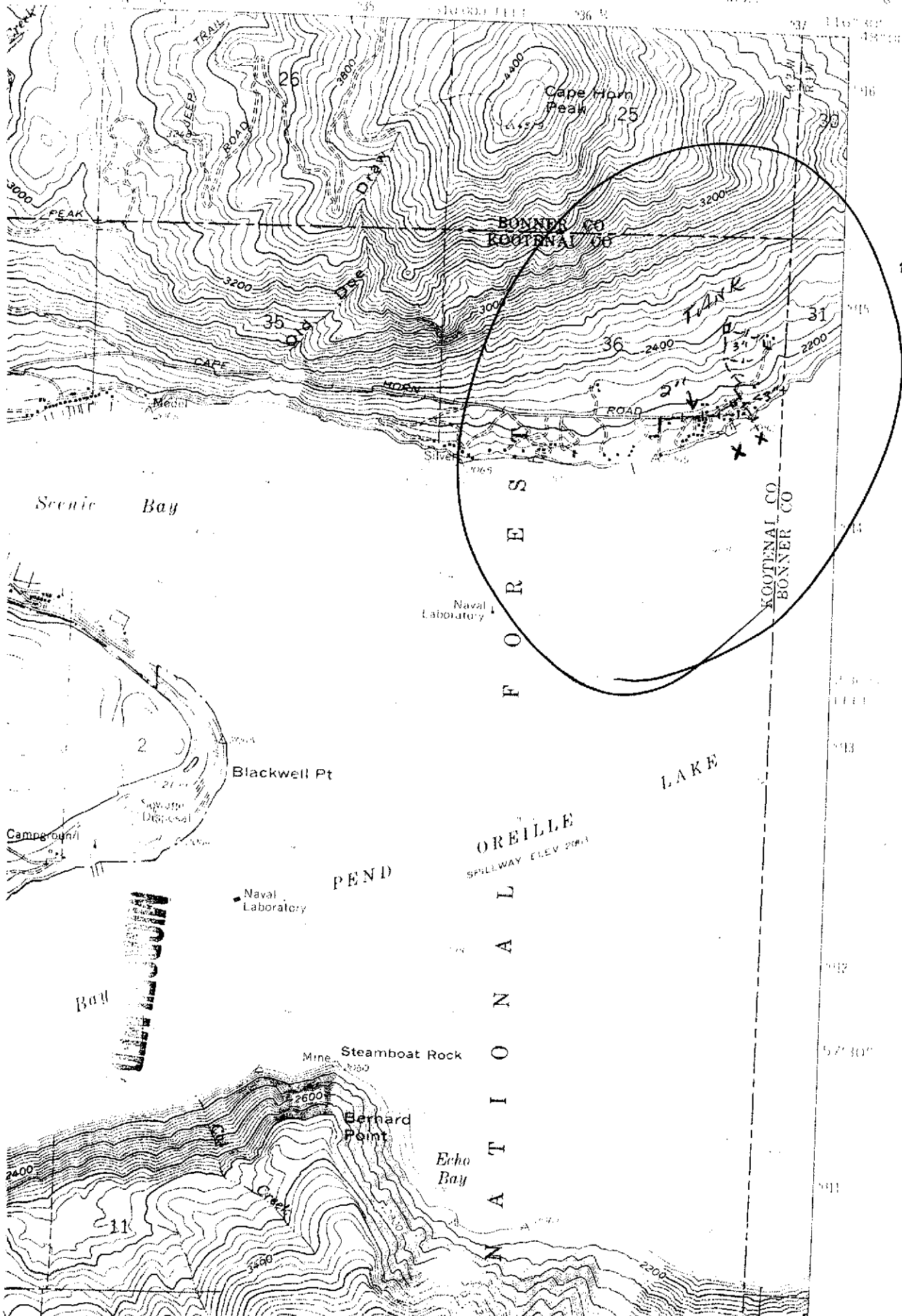
☐ Change P.D. as reflected above      ☐ Add P.D. as reflected above      ☒ None  
☐ Change P.U. as reflected above      ☐ Add P.U. as reflected above      ☐ Other

Examiner's Signature: *[Signature]*  
Checked by: *[Signature]*  
Approved by: *[Signature]*

Date 9-3-82  
Date 9/14/82  
Date 10/27/82

CF 1-1-  
□, →  
□ boxes  
↓

2.5 MINUTE SERIES (TOPOGRAPHIC)



59/60mas

Pita:

From Bob Haynes' letter, it looks like a M.D. may not be needed. On these, we waive the M.D. requirement as a part of the licensing coverletter.

Dave



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NORTHERN REGION

John V. Evans  
Governor

A. C. Kenneth Dunn  
Director

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

July 27, 1982

*Clear  
file*

Cape Horn Water Users Association  
Rt. 1 Box 266  
Athol, Id. 83801

Re: 96-7585

Gentlemen:

Based on information which we received relating to the amount of water your system is presently capable of producing, I believe the Department will waive the measuring device requirement.

If you have any questions, please contact this office.

Sincerely,

ROBERT G. HAYNES, P.E.  
Regional Supervisor

RGH/pms

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

---

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

138367

CAPE HORN WATER USERS ASSN.  
P.O. BOX 756  
LEWISTON, ID 83501

JUNE 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 96-7585 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK  
SR. SECRETARY

ENC: 1

RECEIVED



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

February 24, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

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

DRT:jg

Enclosures

NORTHERN REGION OFFICE  
Route #5, Box 203, Government Way  
Coeur d'Alene, Idaho 83814  
Telephone 667-6484

EASTERN REGION OFFICE  
150 Shoup Avenue  
Idaho Falls, Idaho 83401  
Telephone 525-7161

SOUTHERN REGION OFFICE  
1041 Blue Lake Boulevard North  
Twin Falls, Idaho 83301  
Telephone 734-3578

WESTERN REGION OFFICE  
92 South Cole Road  
Boise, Idaho 83709  
Telephone 334-2190

RECEIVED  
FEB 25 1982  
WATER RESOURCES

INTER-DEPARTMENT MEMO — 1

DATE 10-24-77

FROM Bob Haynes

TO Water Rights Section

SUBJECT Please change mailing address on 96-1585 to:

Cape Horn Water Users Assn.

Rt 1 Box 266

Arhol Idaho 83801

Bob

SIGNATURE

October 4, 1977

Re: Permit No. 96-7585

Cape Horn Water Users Association  
P.O. Box 756  
Lewiston, ID 83501

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 96-7585. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR  
Chief, Operations Bureau

BDF/cah

Enclosure

RECEIVED

August 24, 1977

RE:

Application for Permit No. 16-7585 - Cape Horn Water Users Association

Mr. David Johann  
Department of Health & Welfare  
P.O. Box 608  
Coeur d'Alene, ID 83814

Dear Mr. Johann:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. We normally complete the processing of an application within a 6-week period and we are required to take final action shortly thereafter.

If we may be of further assistance, please contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.  
Regional Supervisor

DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

Application No. Cape Han

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

(1) JK 7-25-77

In form to receipt

(2) RJA 8-24-77

Send Copies to:

☒ Idaho State Health Department  
☐ Idaho Fish and Game Department  
☐ Bureau of Land Management  
☒ Dept Lands  
☐ Request Special Use Permit from U.S.F.S.  
☐ Request Easement from B.L.M.  
☐ Request Information from Applicant  
☐ Request Dam Safety Information

(3) \_\_\_\_\_

(4) JK 7/25/77

In form for advertising

(5) \_\_\_\_\_

Platted on Map No. \_\_\_\_\_

(6) \_\_\_\_\_

Located within Water District No. \_\_\_\_\_

(7) \_\_\_\_\_

Critical groundwater area: yes \_\_\_\_\_ no \_\_\_\_\_

(8) \_\_\_\_\_

Groundwater levels:

\_\_\_\_\_ Declining, \_\_\_\_\_ Stable, \_\_\_\_\_ Increasing

(comment) \_\_\_\_\_

(9) \_\_\_\_\_

Other rights on the same place of use

(10) \_\_\_\_\_

Comments: \_\_\_\_\_

(11) SLW 8-19-77

Affidavit of Publication received(date) 8-19-77

(12) \_\_\_\_\_

Final date for protests 8-22-77  
Protests received: yes \_\_\_\_\_ no ☒

(13) \_\_\_\_\_

All requested information received from agencies or applicant: yes ☒ no \_\_\_\_\_

(14) \_\_\_\_\_

Action recommended:

☒ Approve \_\_\_\_\_ Deny

7-20-77 Proposed Priority

Reason for Reduction \_\_\_\_\_

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District Northern

By Bob Hayes

Date 8-6-77

RECEIVED



# STATE OF IDAHO

## DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY  
DIRECTOR

### STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS  
GOVERNOR AND PRESIDENT  
PETE T. CENARRUSA  
SECRETARY OF STATE  
WAYNE L. KIDWELL  
ATTORNEY GENERAL  
JOE R. WILLIAMS  
STATE AUDITOR  
ROY TRUBY  
SUPT OF PUBLIC INSTRUCTION

9 November 1977

Robert G. Haynes  
Department of Water Resources  
Northern District  
Route #5, Box 203, Suite 1  
Coeur d'Alene, ID 83814

RECEIVED  
NOV 15 1977  
Department of Water Resources  
Northern District Office

RE: Cape Horn Water Users Association  
96-7585

Dear Bob:

The Department of Lands has issued Encroachment Permit No. L-96-S-27 and Temporary Permit No. 1453 for the installation proposed in the above-numbered diversion application.

The Department of Lands has no objections to the work described in the application. Copies of our permits are attached for your information.

Very truly yours,

DIVISION OF EARTH RESOURCES

  
WILLIAM A. SCRIBNER, Chief  
Bureau of Navigable Waters

WAS:ph

Attachments



# STATE OF IDAHO

## DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY  
DIRECTOR

ENCROACHMENT PERMIT NO. L-96-S-27

(Temporary Permit No. 1453)

Permission is hereby granted to CAPE HORN WATER USERS ASSOCIATION  
of Route 1, Athol, ID 83801 to construct and maintain  
a domestic waterline and pump on the bed of the Pond Oreille Lake,  
to be located as follows: Adjacent to Cape Horn Estates in Lot 1, Section 36, Township  
54 North, Range 2 West, B.M., as shown on the attached plat.

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

FOR THE DIRECTOR

BY: William J. Sanitius  
TITLE: Chief, Bureau of Navigable Waters

DATE: 8 November 1977

N  
 NE 4 NW 4  
 1380' 36 31  
 25130





# STATE OF IDAHO

## DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY  
DIRECTOR

### STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS  
GOVERNOR AND PRESIDENT  
PETE T. CENARRUSA  
SECRETARY OF STATE  
WAYNE L. KIDWELL  
ATTORNEY GENERAL  
JOE R. WILLIAMS  
STATE AUDITOR  
ROY TRUBY  
SUPT OF PUBLIC INSTRUCTION

### TEMPORARY PERMIT

NO. 1453

Permission is hereby granted to CAPE HORN WATER USERS ASSOCIATION of P.O. Box 756, Lewiston, ID 83501, to install and maintain an intake line and pump on and across the following described land:

The bed of Lake Pend Oreille adjacent to the Cape Horn Estates in Lot 1, Section 36, Township 54 North, Range 2 West, B.M., as shown on the attached plat.

This permit is subject to the following terms and conditons:

1. This authorization is effective upon signature by the Director and payment of the required fee by the permittee.
2. This permit shall expire on December 31, 1981, but may be extended for an additional five (5) year period upon request of the permittee, subject to such terms and conditions as imposed by the Director, Department of Lands.
3. This permit is granted in consideration of the receipt of Ten Dollars (\$10.00).
4. Any excavation performed under this permit shall be back-filled and smoothed to the profile and cross-section of the pre-existing riverbed.
5. The permittee shall indemnify and hold harmless the State of Idaho and its representatives against and from any and all demands, claims or liabilities of every nature whatsoever, arising directly or indirectly from or in any way connected with the use authorized under this permit.
6. This permit may be cancelled after written notice to the permittee of non-compliance with the terms herein and failure of the permittee to correct noted non-compliance.

CAPE HORN WATER USERS ASSOCIATION

Temporary permit

Page 2

7. This permit may be assigned by the permittee during the term of the permit by giving written notice of the name and mailing address of the assignee to the Director, Department of Lands.

Dated this 30<sup>th</sup> day of Aug., 1977.

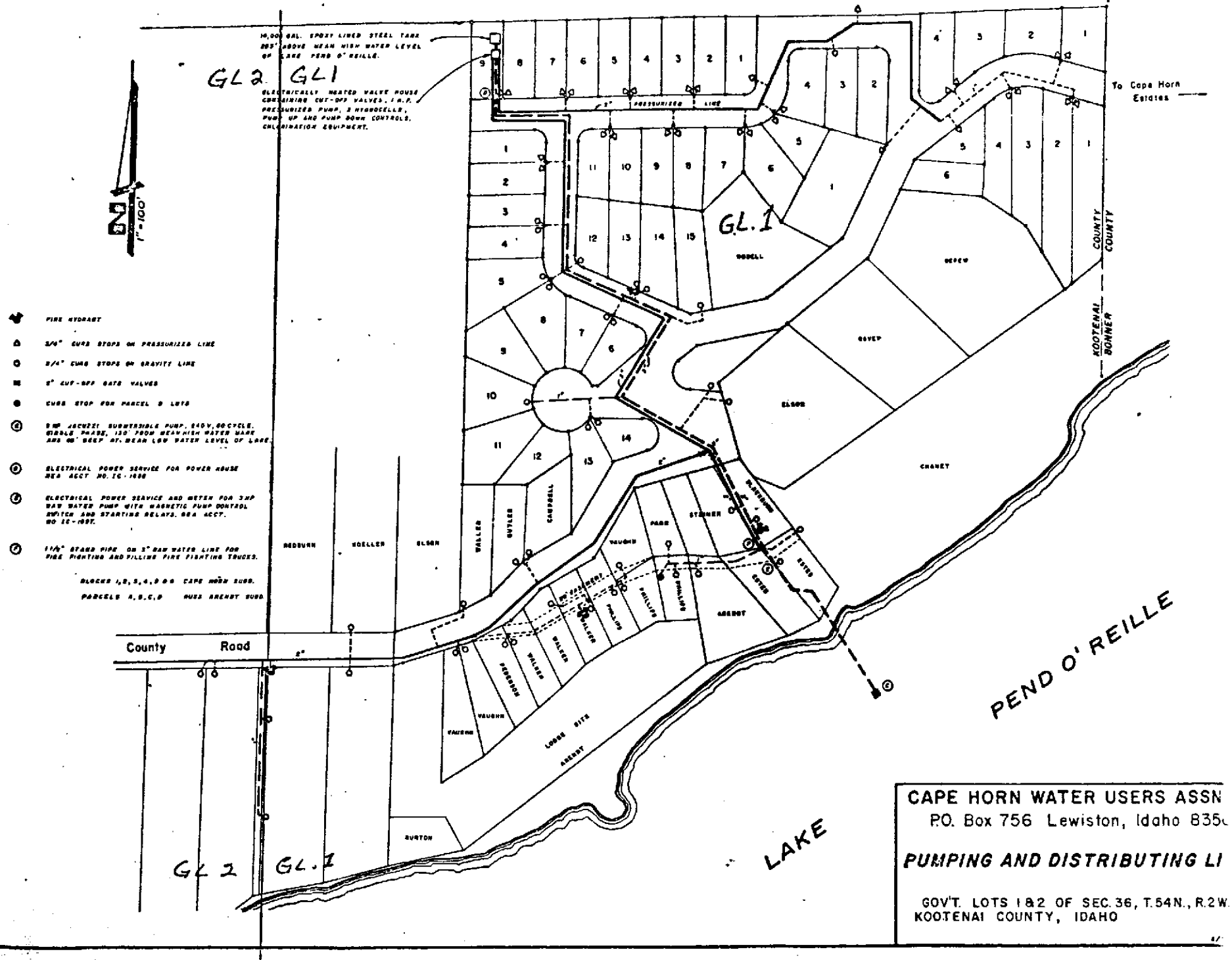
CAPE HORN WATER USERS ASSOCIATION

By:

C. J. J. Chan  
8/30/77  
Date

  
G.C. THOMBLEY, Director  
Department of Lands

# CAPE HORN WATER USERS ASSOCIATION



CAPE HORN WATER USERS ASSN  
P.O. Box 756 Lewiston, Idaho 83501

**PUMPING AND DISTRIBUTING LI**

GOV'T LOTS 1 & 2 OF SEC. 36, T.54N., R.2W.  
KOOTENAI COUNTY, IDAHO



# STATE OF IDAHO

## DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY  
DIRECTOR

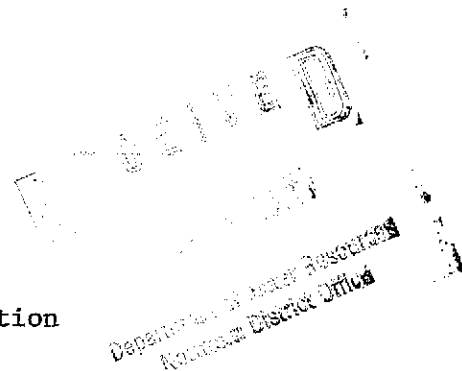
### STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS  
GOVERNOR AND PRESIDENT  
PETE T. CENARRUSA  
SECRETARY OF STATE  
WAYNE L. KIDWELL  
ATTORNEY GENERAL  
JOE R. WILLIAMS  
STATE AUDITOR  
ROY TRUBY  
SUPT OF PUBLIC INSTRUCTION

2 August 1977

Robert G. Haynes  
Department of Water Resources  
Northern District  
Route #5, Box 203, Suite 1  
Coeur d'Alene, ID 83814

RE: Cape Horn Water Users Association  
96-7585



Dear Bob:

Thank you for the copy of the above numbered water diversion application. The installation will require an encroachment permit and easement or temporary permit from the Department of Lands.

The applicant is being advised of the additional permits required.

Very truly yours,

DIVISION OF EARTH RESOURCES

*Patti A. Harris*

for: WILLIAM A. SCRIBNER, Chief  
Bureau of Navigable Waters

WAS:ph

cc: Bureau of Navigable Waters - CdA

RECEIVED  
AUG 10 1977  
DEPARTMENT OF LANDS  
BOISE, IDAHO

EQUAL OPPORTUNITY EMPLOYER



# 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 28, 1977

RE: Applications No. 95-7756 & 96-7585

Coeur d'Alene Press  
Second & Lakeside  
Coeur d'Alene, Id 83814

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  
8-19-77  
OK SDW*

JOSEPH C. ADAMS  
ATTORNEY AT LAW  
450 THAIN ROAD  
LEWISTON, IDAHO  
83501

July 19, 1977

RECEIVED

JUL 20 1977

Department of Water Resources

State of Idaho  
Department of Water Administration  
Statehouse, Annex 2  
Boise, ID 83707

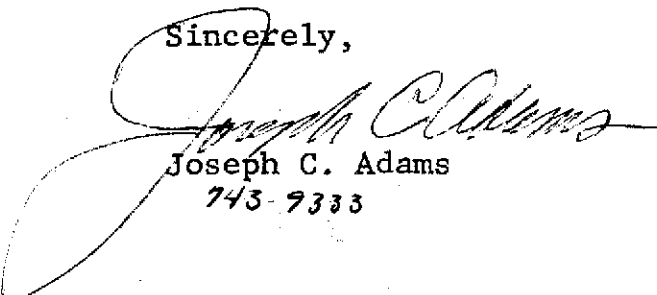
Dear Sirs:

re: Cape Horn Water Users Assoc.

Enclosed herewith, please find the application for a permit from the Cape Horn Water Users Association for a water rite on Lake Pend O' Reille, together with my check in the sum of \$35.00 for the filing fee. If this is not the right amount, please let me know and I will promptly forward a check in the correct sum.

Thank you.

Sincerely,

  
Joseph C. Adams  
743-9333

JCA/sj

Encls. 2



# STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
NORTHERN DISTRICT  
4055 Government Way  
667-6484

COEUR D' ALENE, IDAHO 83814

July 26, 1977

Re: 96-7585 - Application for Permit.

Cape Horn Water Users Association  
P.O. Box 736  
Lewiston, ID 83501

Gentlemen:

Attached is your receipt No. 5679 in the amount of \$35.00 for the filing fee on the above referenced item which was received in this office.

Sincerely,

Alea Beito  
Secretary

AB

Attachment

ENCLOSURE

July 26, 1977

Re: Application for Permit No. 96-7585

Mr. William A. Scribner  
Idaho Department of Lands  
Statehouse  
Boise, ID 83720

Dear Bill:

Enclosed is a copy of the above referenced application which may be of interest to your agency. This filing involves waters which appear to be navigable.

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

Very truly yours,

ROBERT G. HAYNES, P.E.  
Regional supervisor

RGH/sdw

Enclosure

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Cape Horn Water Users Association  
P.O. Box 756, Lewiston, ID  
has on July 25, 1977 submitted Application No. 96-7585  
for a permit to appropriate 1.14 cubic feet per second ~~XXXXXX feet per second~~  
of water from Lake Pend Oreille  
by means of pump and storage tank  
within ~~the~~ Gov't Lot 1, Sec. 36, T54N, R2W B.M. Kootenai County

to be used from Jan 1, to Dec. 31 (1.14 cfs) for domestic purposes.

~~for~~

within the Gov't lots 1 & 2, Sec. 36, T54N, R2W B.M.

If issued, this permit will be subject to all prior water rights. Protests  
against the granting of the permit must be filed with the Idaho Department of  
Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before  
August 22, 1977.

C. STEPHEN ALLRED  
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, ID  
on August 4 and August 11, 1977