

No Color
Documents
In File

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7509 Priority March 11, 1977 Amount 0.04 cfs

THIS IS TO CERTIFY, that E. MARSHALL &/or MARGARET E. GILLINGHAM
of Spokane, Washington, has complied with the terms and conditions of Permit
No. 96-7509 issued pursuant to Application for Permit dated March 11, 1977,
and has submitted proof to the Department of Water Resources on March 11, 1977,
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 0.04 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
<u>Domestic</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 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
1.2 acre feet per year, said waters to be diverted within the Govt. Lot 4, Sec. 35,
Twp. 54N, Rge. 2W, B.M., in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
54N	2W	35				Govt. Lot 4													

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 29 day of
June, 19 79.

Deputy Director

MICROFILMED

Identification No. 96-7509

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant E. Marshall &/or Margaret E. Gillingham Phone: _____
post office address East 11009 Mallon, Spokane, Washington 99206
2. Source of water supply Pend Oreille Lake which is a tributary of Pend Oreille River
3. a. Location of point of diversion is Lot 4 $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 35 Township 54N
Range 2W B.M. Kootenai County; additional points of diversion if any: _____
(Also known as Lots 3 and 4, Block 1, Scenic Bay Tracts)
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
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. 0.04 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump and pipeline.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ 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 \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: Lot 4 $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 35 Township 54N
Range 2W B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.
(5) If water is to be used for other purposes describe: _____

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	

Total number of acres to be irrigated _____

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

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 Also described as Lots 3 and 4, Block 1, Scenic Bay Tracts.

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

Lot 111 : Place of use
PD : 35

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.

C. Marshall Gillingham
(Applicant)

Proposed Priority 3/11/77

Received by RGH Date 3-11-77 Time 4:00 pm

Preliminary check by [signature] Fee \$ 10.00

Receipted by cp Date 3-11-77 (Rec. #4948)

[signature] Publication prepared by cp Date 3-18-77

Published in Coeur d'Alene Press

Publication dates 3-24 & 3-31-77

Publication approved cp Date 4-12-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [signature] jc

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. 96-7509, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 82.
- Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 11 day of May, 19 77.

[signature]
Deputy Director

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that E. Marshall &/or Margaret E. Gillingham, E. 11009 Mallon, Spokane, Washington have on March 11, 1977 submitted Application No. 196-7509 for a permit to appropriate 0.04 cubic feet per second of water from Pend Oreille Lake by means of pump and pipeline within Lot 4, Sec. 35, T. 54N, R. 2W, B.M., Kootenai County (Lots 3 and 4, Block 1, Scenic Bay Tracts) to be used from Jan. 1 to Dec. 31 for domestic purposes within Lot 4, Sec. 35, T. 54N, R. 2W, 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 April 11, 1977.

R. KEITH HIGGINSON
Director

Legal 960
March 24, 31, 1977

STATE OF IDAHO,
County of Kootenai,

ss.

Carole 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 issue of said newspaper for *Thursday* *2* consecutive *weeks* commencing on the *24* day of *March*, 19*77*, and ending on the *31* day of *March*, 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.

Carole Hedge

Subscribed and sworn to before me this

4 day of *April*

19*77*

Roberta Stanley

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

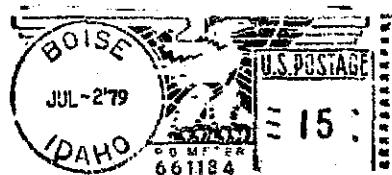
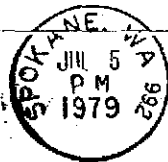
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

*Kootenai County
664-8291
assessors*



*No forwarding
address*

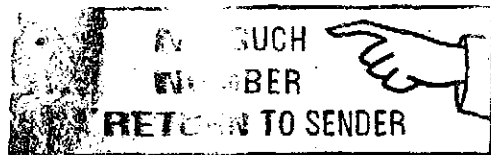
E. Marshall &/or Margaret M. Gillingham
~~E. 1109 Mallon~~
~~Spokane, Washington 99206~~



RECEIVED

JUL 9 1979

Department of Water Resources





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

June 29, 1979

E. Marshall &/or Margaret E. Gillingham
E. 1109 Mallon
Spokane, WA 99206

Dear Mr. & Mrs. Gillingham:

RE: Water Right No. 96-7509

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

Spokane, Wash.

March 17 1979

RECEIVED

Tom D. King
Sr. Water Resource Agent

MAR 19 1979

Dear Sir:

Department of Water Resources
Northern District Office

In reply to your letter concerning
the water system inspection -

96-7509 this is a summer
residence, not a permanent home.
We usually do not open this until
May, and at that time connect the
pump. Marshall works out of town
and is at home on weekends. I
will go with him, and be gone
until the end of April.

May we contact you when the
pump is reconnected & the place
open? Undoubtedly I will have to
make a trip to this property if you
cannot inspect it without our
being there.

The house is on lot #4, and the
water is for summer household use,
with two outside outlets to keep the
trees & shrubs green & wet.

Let me know what you want to do
about examining this system.
Margaret Gillingham

MICROFILMED

March 23, 1979

Mrs. E. Marshall Gillingham
E. 11009 Mallon
Spokane, Washington 99206

Dear Mrs. Gillingham:

I will plan to examine your system during the coming summer.

It will not be necessary for you to be present if I can gain
easy access to your pump.

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

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

*check
legal*

MICROFILMED

96-7509

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

Mr. and Mrs. E. Marshall Gillinsham
E. 11009 Mallon
Spokane, Washington 99206

RE: 96-7509

Dear Mr. and Mrs. Gillinsham:

The final stage of obtaining a water right through the permit process requires that an examination of the water system be conducted by a representative of this Department. I would, therefore, like to conduct the required exam in the near future.

Please inform me what person I can contact for assistance in gaining access to the system and determine which homes are a part of the system.

Thank you for your cooperation.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

NOT RECORDED

~~Alvin~~
Tomlet's

RECEIVED

AUG 10 1971

Department of Water Resources
Northern District Office

Tributary to Pend Oreille River (name spring, stream, etc.)

Permit No. 96-7509
Examination for b/u

[illegible]**TOTAL ACREAGE**

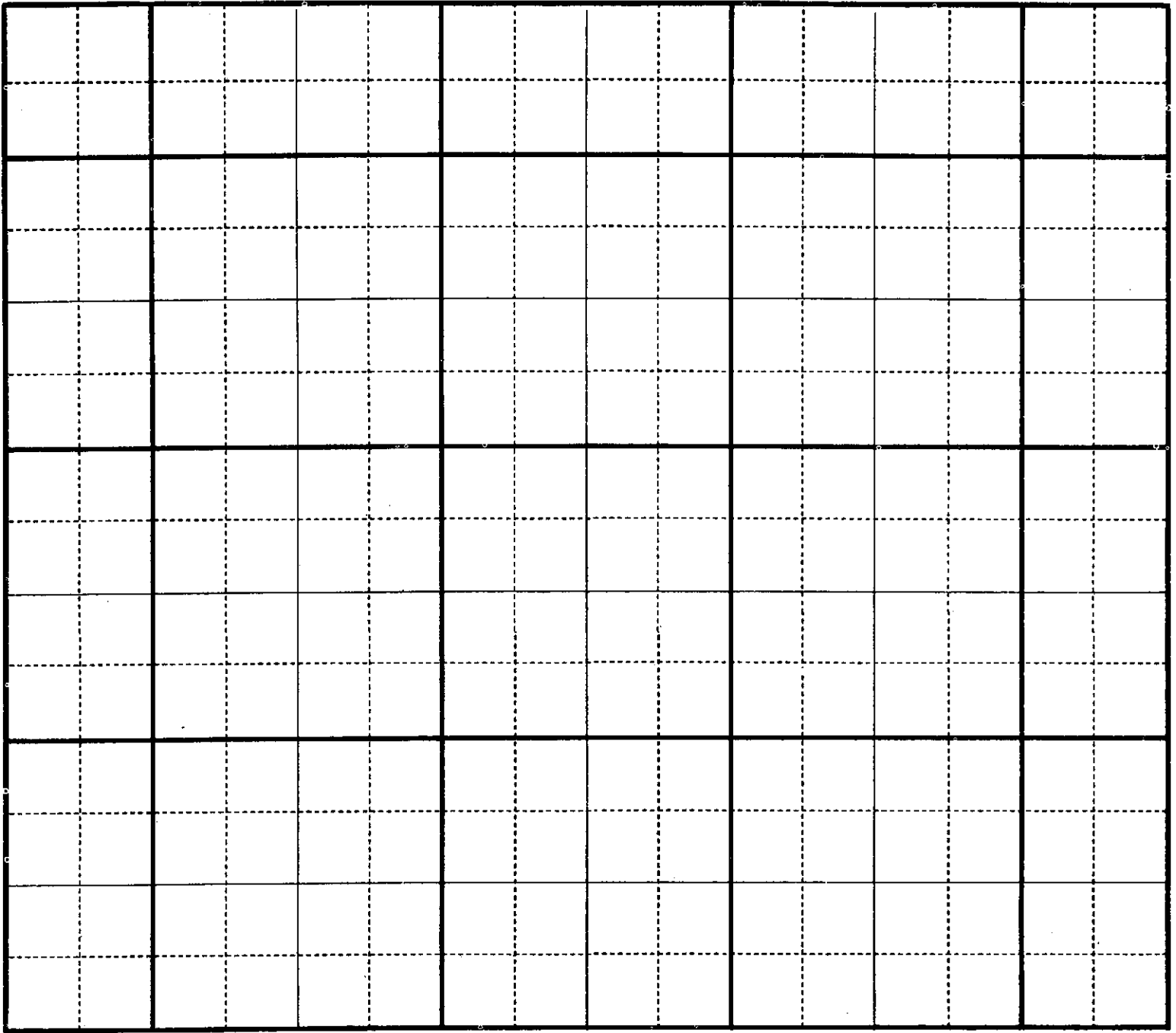


Diagram of System

DATE OF EXAM 4-5-79

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.04 c.f.s. V= 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured _____ Method of measurement _____

Total Q recommended 0.04 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 1.2 AF Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

One home

SYSTEM DESCRIPTION:

Portable pump & pipe line

REMARKS:

#4 Sprink Day Tracts. is it irrigated?
contacted Mrs Gillingham

Examiner's Signature [Signature] Date 4/9/79
Checked by Bob Haynes Date 4-10-79
Approved by _____ Date _____

August 8, 1977

Re: Permit No. 96-7509

E. Marshall &/or Margaret E. Gullingham
E. 11009 Mallon
Spokane, WA 99206

Dear Mr. & Mrs. Gullingham,

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights

jr/ab

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MICROFILMED

Identification No. _____

Permit No. 96-7509

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder E. Marshall &/or Margaret E. Gillingham
b) Post Office Address East 11009 Mallon, Spokane, Washington 99206
2. Permit Number 96-7509
3. Date of Priority that you are prepared to establish March 11, 1977
4. a) Source from which water was appropriated Pend Oreille Lake
b) Location of the point of diversion: Lot 4 ¼ ¼, Section 35
Township 54N, Range 2W Boise Meridian, Other points of diversion: _____
(Also known as Lot 3 and 4, Block 1, Scenic Bay Tracts)
5. a) The amount of water and use to which the water has been applied:
Amount 0.04 cfs for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.04 cfs cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Estimated.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works:

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) pump and pipeline.

b) Describe the type and size of measuring device which you have installed at your point of diversion:

c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Water is used for domestic purposes for one household within Lot 4, Sec. 35,
T. 54N, R. 2W, B.M.

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Exam typed 8/5/77 by j

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

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

3-11-77
(Date)

E. Marshall Lillingham
(Signature)

State of Idaho)
County of Boone) ss.

On this 11 day of March, 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Robert L. Haynes
Notary Public residing at C. A.

My commission expires lifetime

May 12, 1977

Re: Permit No. 96-7509

E. Marshall &/or Margaret E. Gillingham
East 11009 Mallon
Spokane, WA 99206

Dear Mr. and Mrs. Gillingham:

Enclosed is a copy of your approved Application for Permit No. 96-7509 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/cah

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 96-7509

Gillingham

☒ 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) RJA 3-16-77

In form to receipt

(2) cp 3/18

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) _____

☒ LANDS

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant
☐ Request Dam Safety Information

(4) RJA 3-16-77

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) cp 4/12

Affidavit of Publication received (date) APRIL 6, 1977

(12) cp 3/18

Final date for protests APRIL 11, 1977

Protests received: yes _____ no ☒

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ 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 B. E. Haynes

Date 4-13-77

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

STATE BOARD OF LAND COMMISSIONERS

~~FRANK ANDERSON~~ 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

28 March 1977

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

RECEIVED

MAR 30 1977

Department of Water Resources
Northern District Office

RE: E. Marshall and/or Margaret E. Gillingham
96-7509

Dear Bob:

Thank you for your copy of the above numbered application for a water diversion permit. The applicant has been informed that both an encroachment permit and a easement or temporary permit will be required from this Department in addition to your diversion permit.

Very truly yours,

DIVISION OF EARTH RESOURCES


WILLIAM A. SCRIBNER, Chief
Bureau of Navigable Waters

WAS:ph

cc: Bureau of Navigable Waters

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

March 21, 1977

Re: Application No. 83-7020 Application No. 96-7512
 " " 91-7026 " " 98-7191
 " " 96-7509

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

Dear Bill:

Enclosed are copies of the above referenced applications which may be of interest to your agency. Please let us know if we may be of any further assistance.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:CP

Enclosures

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

March 18, 1977

Re: Application No. 95-7706 Application No. 95-7709
 " " 95-7708 " 96-7509

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:cp

Enc: Legal Notice(s)

MICROFILMED

Bill: 4-12-77.2

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that E. Marshall &/or Margaret E. Gillingham,

E. 11009 Mallon, Spokane, Washington

have ~~was~~ on March 11, 1977 submitted Application No. 96-7509

for a permit to appropriate 0.04 cubic feet per second ~~acre feet per annum~~

of water from Pend Oreille Lake

by means of pump and pipeline

within ~~the~~ Lot 4, Sec. 35, T. 54N, R. 2W, B.M., Kootenai County (Lots 3 and 4,
Block 1, Scenic Bay Tracts)

to be used from Jan. 1 to Dec. 31

for domestic purposes

within ~~the~~ Lot 4, Sec. 35, T. 54N, R. 2W, 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 April 11, 1977.

R. KEITH HIGGINSON
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho

March 24

and

March 31, 1977

MICROFILMED