

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Earl W. Herbert, East 7910 Princeton, Spokane, Washington has on February 15, 1977 submitted Application No. 96-7502 for a permit to appropriate 0.04 cubic feet per second of water from Pend Oreille River by means of pump and pipeline within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 56N, R. 3W, B.M., Bonner County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 56N, R. 3W, 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 March 14, 1977.

R. KEITH HIGGINSON
Director

Published in the Sandpoint Daily Bee, Sandpoint, Idaho on Feb. 23 and March 2, 1977

O.K.
3-1-77
P

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7502 Priority February 15, 1977 Amount .04 cfs

THIS IS TO CERTIFY, that EARL W. HERBERT
of Spokane, Washington, has complied with the terms and conditions of Permit
No. 96-7502 issued pursuant to Application for Permit dated February 15, 1977,
and has submitted proof to the Department of Water Resources on March 26, 1980,
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 .04 cfs of water from Pend Oreille River,
tributary to Columbia 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 (1 unit)	from January 1 to December 31	at .04 cfs and	1.2 acre feet
	from to	cfs and	
	from to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than .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 confined 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Twp. 56N,
Rge. 3W, B.M. in the County of Bonner

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 $\frac{1}{4}$	
56N	3W	9													

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 day of
September, 19 80.

Director

Identification No. 96-7502

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Earl W. Herbert Phone: _____
post office address East 7910 Princeton, Spokane, Washington 99206

2. Source of water supply Pend Oreille River which is a tributary of _____

3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9 Township 56N
Range 3W B.M. Bonner County; additional points of diversion if any: _____

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 3 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: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9 Township 56N
Range 3W 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: _____

APPROVED

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

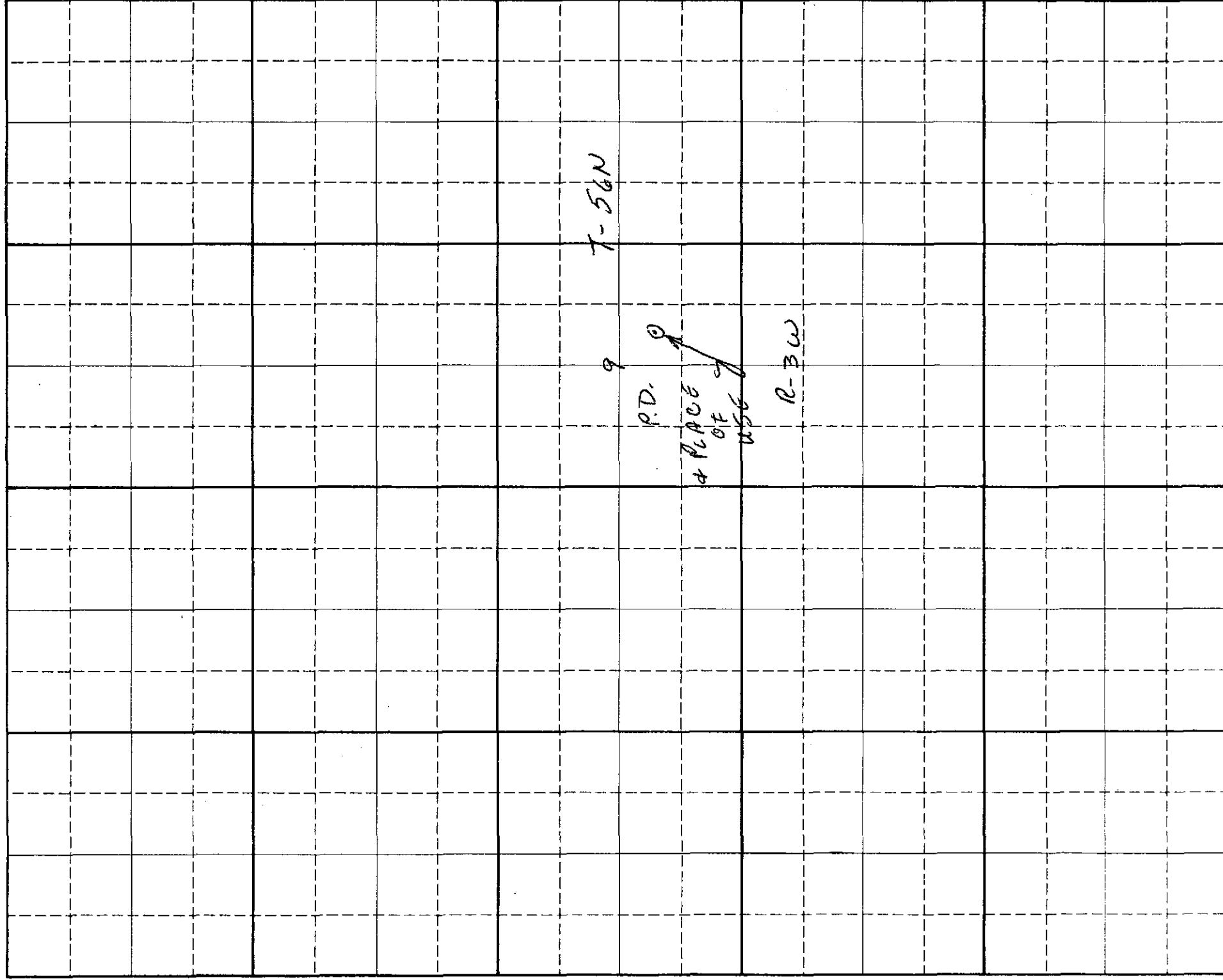
9. a. Who owns the property at the point of diversion Applicant

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 _____

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.

Paul W. Herbert
(Applicant)

Proposed Priority 2/15/77

Received by KK Date 2/15/77 Time 11:30

Preliminary check by RGH Fee \$ 10.00

Receipted by KK Date 2/15/77 # 4902

Publication prepared by CP Date 2-18-77

Published in Sandpoint Daily Bee

Publication dates 2-23 & 3-2-77

Publication approved CP Date 3-7-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RGH

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. 96-7502, 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 April 1, 19 80.

c. Other: _____

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

Witness my hand this 28th day of March, 19 77.


Director

RECEIVED

MAR 4 1977

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Department of Water Resources
Northern District Office

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

as it was published in the regular and entire
issue of the said paper for a period of 2
consecutive weeks, commencing on the 23
day of Feb, 19 77 and ending on the 2
day of March, 19 77 and that said notice
was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this

2 day of March, 19 77.

Adell M Thompson

Notary Public for Idaho,
Residing at Sandpoint, Idaho

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FOR WATER PERMIT

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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 March 14, 1977.

R. KEITH HIGGINSON
Director

Published in the Sandpoint Daily Bee, Sandpoint, Idaho on Feb. 23 and March 2, 1977

UNRECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

HERBERT, EARL W.
E. 7910 PRINCETON
SPOKANE, WA 99206

SEPTEMBER 24, 1979

RE: 96-7502

DEAR WATER USER:

ENCLOSED IS A COPY OF THE WATER RIGHT LICENSE ISSUED ON THE
ABOVE REFERENCED PERMIT.

SINCERELY,

JIM JOHNSON
WATER DISTRIBUTION SUPERVISOR

ENCLOSURE

MICROFILMED

MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: NWSE, 9, 56N, 3W ✓

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
56N	3W	9														X			

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☒ Other

Examiner's Signature

Checked by Bob Haynes

Approved by Robyn

Date

Date 8/5/80

Date 9/18/80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

April 29, 1980

Mr. Earl Herbert
E. 7910 Princeton
Spokane, Washington 99206

RE: 96-7502

Dear Mr. Herbert:

We acknowledge receipt of your statement of completion of water development and use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination, however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/pms

cc: IDWR - State Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES

96-7502

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. 96-7502.

Name(s) of Permit Holder:

Earl W. Herbert

Post Office Address:

East 7910 Princeton AveSpokane, Wa, 99206Tel. No. (509) 926-5957

Source of Water:

End O'rielle River-Lake

Extent of Use:

☒ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☐ Irrigation

(acres)

☐ Other

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.

3-24-80

Date

Earl W. Herbert

Signature of Permit Holder

RECEIVED

MAR 26 1980

Department of Water Resources

Dr. Earl W. Herbert
E. 7910 Princeton Ave.
Spokane, WA 99206



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



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

January 31, 1980

101765

Earl W. Herbert
East 7910 Princeton
Spokane, WA 99206

Dear Mr. Herbert:

One of the conditions of approval of your water Permit No. 26-7502 was that evidence of the extent of development must be submitted to this office on or before April 1, 1980. (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

MICROFILMED

April 1, 1977

Re: Permit No. 96-7502

Earl W. Herbert
East 7910 Princeton
Spokane, WA 99206

Dear Mr. Herbert:

Enclosed is a copy of your approved Application for Permit No. 96-7502. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 90-7502

Herbert

☒ 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) RWA 2-15-77
(2) RWA 2-15-77

In form to receipt

Send Copies to:

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

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

(3) _____
(4) RWA 2-15-77

In form for advertising

(5) _____
(6) _____
(7) _____
(8) _____

Platted on Map No. _____

Located within Water District No. _____

Critical groundwater area: yes _____ no _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____
(10) _____

Other rights on the same place of use none platted

Comments: _____

(11) cp 3/7
(12) cp 2/12

Affidavit of Publication received(date) MARCH 4, 1977

Final date for protests MARCH 14, 1977
Protests received: yes _____ no ☒

(13) _____
(14) _____

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

Action recommended:

☒ Approve _____ Deny

Proposed Priority 2-15-77

Reason for Reduction _____

Measuring device required _____

See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern By Bob Haynes Date 3-15-77

MICROFILMED

February 22, 1977

Re: Application for Permit No. 96-7502 - Earl W. Herbert

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. Mr. Herbert has applied to appropriate 0.04 cubic feet per second of water from the Pend Oreille River for domestic purposes.

Feel free to contact us if we may be of any further assistance.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:CP

Enclosure

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Carl D. Andrus
Governor

R. Keith Higginson
Director

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

February 18, 1977

Re: Application No. 96-7502 - Earl W. Herbert
" " 96-7503 - Daniel Cline
Claim No. 96-4179 - Lloyd Rosenvold

Sandpoint Daily Bee
P.O. Box 579
Sandpoint, ID 83864

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: 3-7-77-0

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Earl W. Herbert,

East 7910 Princeton, Spokane, Washington

has on February 15, 1977 submitted Application No. 96-7502

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

of water from Pend Oreille River

by means of pump and pipeline

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 56N, R. 3W, B.M., Bonner County

to be used from Jan. 1 to Dec. 31

for domestic purposes

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 56N, R. 3W, 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 March 14, 1977.

R. KEITH HIGGINSON
Director

Published in the Sandpoint Daily Bee, Sandpoint, Idaho

Feb. 23 and March 2, 1977

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that
Earl W. Herbert, President,
Princeton, Idaho, is

Washington has on February 15,

1977 submitted application No. 96-7502 for a permit to use

propriate 96-7502 public record per

second of water from Grand

Oreille River by means of pump

and pipeline within the

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 56N, R.

3W, B.M., Blaine County to be

used from Jan. 1 to Dec. 31 for

domestic purposes within the

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 56N, R.

3W, B.M.

If issued, the permit will be

subject to all public water rights.

Protests against granting of

the permit must be filed with

the Idaho Department of Water

Resources, 2055

Way, Coeur d'Alene, Idaho

83814, on or before March 2,

1977.

R. KEITH HIGGINSON

Idaho, Director

published in the Sandpoint

Daily Bee, Sandpoint, Idaho on

Feb. 23 and March 2, 1977

O.K.
3-1-77
P