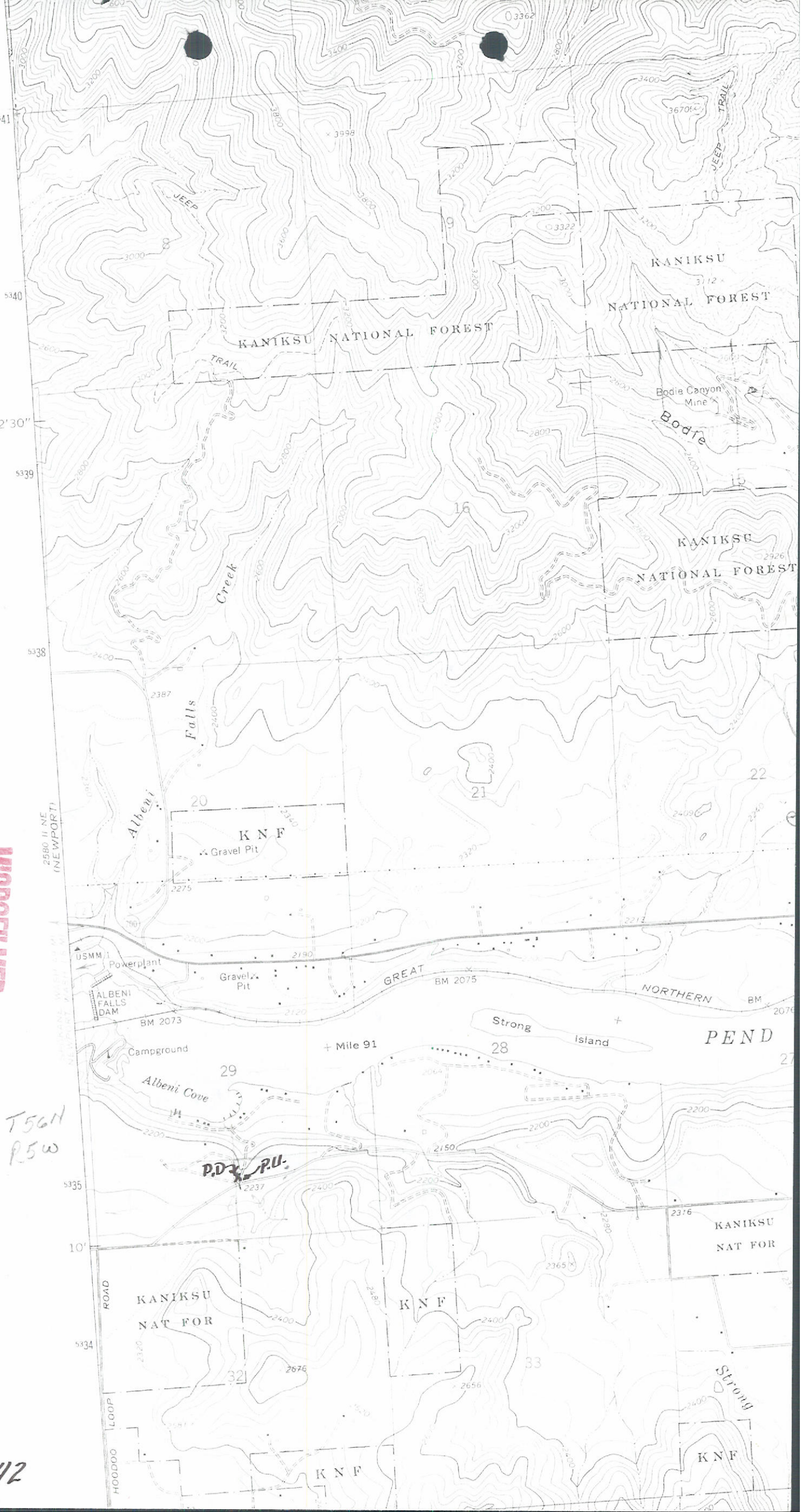


MICROFILMED



96-7442

MICROFILMED

Dalebout Spring
County Road
Dalebout Home
(old Highway)
NTS

Drainage flow

Drainage flow

Wachter Spring
(1977)

Mobile Home

Wachter Spring
(1975±)

Abandoned Spring

Legend

Burmed Highway



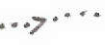
Approximate Contours



Dirt/Gravel Road



Possible Subterranean Flow



Spring



Dwelling



Live Stream



Dry Streambed



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7442 Priority April 20, 1976 Amount .02 cfs

THIS IS TO CERTIFY, that GERALD E. DALEBOUT
of Priest River, Idaho, has complied with the terms and conditions of Permit
No. 96-7442 issued pursuant to Application for Permit dated April 20, 1976,
and has submitted proof to the Department of Water Resources on April 27, 1981,
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 .02 cfs of water from a spring,
tributary to _____, 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> <u>(1 unit)</u>	from <u>January 1</u> to <u>December 31</u>	at <u>.02</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than .02 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, Twp. 56N,
Rge. 1W, 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 $\frac{1}{4}$				SE $\frac{1}{4}$				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 $\frac{1}{4}$	
56N	1W	29																	

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 22 day of
July, 19 81.

Director

Identification No. 96-7442

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)

448-1608

1. Name of applicant Genald E. Dahlbom Phone: 448-7582
post office address Box 81 Priest River, Idaho

2. Source of water supply Spring which is a tributary of _____

3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29 Township 56N
Range 5W B.M. Banner County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into ground at a point in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29 Township 56N Range 5W B.M. _____

4. Water will be used for the following purposes:

Amount 0.02 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. 0.02 cubic feet per second and/or

b. UNKNOWN acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Two 4' concrete rings w/ horse power motor

b. Height of storage dam Approx. 4 feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: concrete CULVERT

Period of year during which storage will occur JAN to Dec. inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 4 ft. inches; proposed depth of well is 4 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 \$ UNKNOWN CONTRACTED BY THE HOUR ABOUT \$250.00

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29 Township 56N
Range 5W 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 FAMILY

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

RECEIVED

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. 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 "

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.

Hand-drawn map on a grid showing the proposed project location. The map includes the following labels and markings:

- Top Right:** "Common" with a circle and arrow pointing to the top right corner.
- Top Right:** "Sandy Road" and "Ground Water" with arrows pointing to the right.
- Center:** "T-56N" and "29" (section number).
- Center:** "P.D." (Point of Diversion) with an arrow pointing to the right.
- Center:** "PLACE OF USE" with an arrow pointing to the right.
- Bottom Right:** "R-5W" (Range).

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.

Serald E. Halebout
(Applicant)

Proposed Priority 4-20-76

Received by KK Date 4/20/76 Time 10:30 A

Preliminary check by RP Fee \$ 10.00

Receipted by KK Date 4/20/76 \$ 4000

FE Publication prepared by RWA Date 4-23-76

Published in Priest River Times

Publication dates 4-29 5-6

Publication approved CP Date 5-11-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RWA DRT

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. 96-7442, and said application is hereby APPROVED.

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

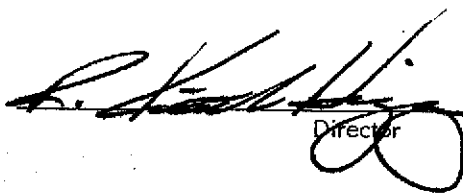
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1981.

c. Other: _____

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

Witness my hand this 25 day of May 1976.


Director

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

RECEIVED

MAY 10 1976

Department of Water Resources
Northern District Office

Marie Rodney.

being duly sworn, says that She is the Co-Publisher of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least seven columns each, printed from typematter or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

Notice of Application for Water Permit

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 29th day of April, 1976, and

ending on the 6th day of May, 1976, and that said notice was published in said newspaper proper, and not in supplemental form.

Marie Rodney

Subscribed and sworn to before me this

6th day of May, 1976

George Connolly
Notary Public for Idaho,
Residing at Priest River, Idaho.

NOTICE OF APPLICATION FOR WATER PERMIT
Notice is hereby given that Gerald E. Dalebout, Box 81, Priest River, Idaho has on 4-20-76 submitted Application No. 96-7442 for a permit to appropriate 0.02 cubic feet per second of water from a spring by means of a spring box within the SW 1/4 SE 1/4 Sec. 29, T56N, R5W, Bonner County to be used from Jan. 1 to Dec. 31 for domestic purposes within the SW 1/4 SE 1/4 Sec. 29, T56N, R5W.
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 May 17, 1976.
R. KEITH HIGGINSON,
Director.
Published in the Priest River Times on April 29 and May 6, 1976. 18-2t



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

~~XXXXXXXXXXXX~~

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

July 29, 1981

Gerald E. Dalebout
Box 81
Priest River, ID 83856

Dear Mr. Dalebout,

RE: Permit No. 96-7442

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

JUN 19 1981

Department of Water Resources
96-7442
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:	6-12-81	JK	No one home but appears to be in use.
☐ Telephone call made: (List Telephone No. used)	6-16-81	JK	437-3085 - wrong number No Listing Sam- 448-1088 - Sameer 437-3095 - Spoke with Mrs. D. - sez Insufficient water
☐ Appointment scheduled for: (Date, time, location)			Well drilled & Tested at 309pm - Capped to await Funds for further development - Spring to be abandoned

EXAMINATION

Date 6-12-81 Accompanied by — Total Q measured —
If source is surface water, estimate total flow of source —
Methods of measurement Est/calc Meets Permit requirements? —

Measurement calculations: one home @ 0.02 & 1.2 AF

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	1/4							Submers.

System Description Two 4' Conc. rings set vertically in spring with pump
& pipeline to home

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

Domestic

Irrigation requirement =

Q (cfs)

0.02

V (afa)

1.2

AFA/Acre

FROM

TO

1-1

12-31

Total

0.02

1.2

Remarks

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

Place(s) of Use

[illegible]

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

☒ None
☐ Other

Examiner's Signature J King
Checked by Bobb Haywood
Approved by [Signature]

Date 6-16-81
Date 6/16/81
Date

M E M O R A N D U M

TO: File

FROM: Kom King *JK*

DATE: August 23, 1977

SUBJECT: File 96-7442

On 8/23/77, I contact Mr. Gerald E. Dalebout (Mr. D.) concerning an "Interference Claim" filed by Attorney Roger E. Lette on behalf of Mr. D in accordance with Idaho Code 42-2376. Mr. D escorted me about the premises and I observed the following:

1. The spring Mr. D had developed under Permit No. 96-7442;
2. The springs developed by Mr. Wachter (Mr. Wachter is the person against whom the interference claim was filed);
3. The general lay of the land, especially a well defined depression running north and south. The depression ran between the spring Mr. W developed in about 1975 and Mr. D's spring. It connected a well defined dry streambed, uphill from Mr. W's 1975 spring, with a live stream downhill from Mr. D's spring. There can be no surface flow between the two springs, since a county road (Old Highway #2) crosses the depression with no culverts or other means of conveying a surface flow across or under the roadbed, without flooding the road.

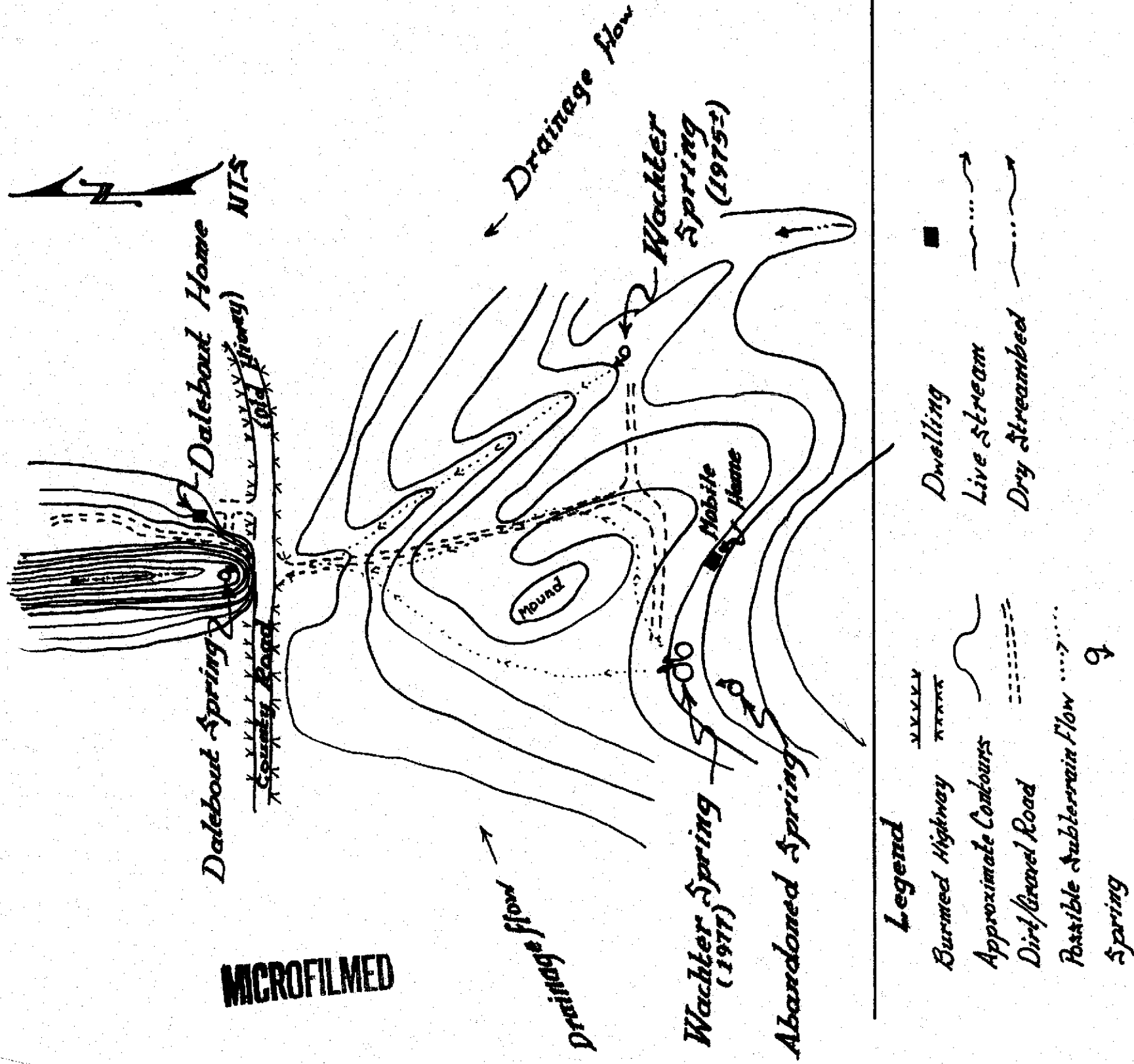
Mr. D informed me that Mr. W's 1975 spring was never used and I noticed that it was now dry. Mr. D claimed that previously his spring did not dry up when Mr. W's 1975 spring did. This seems to indicate that Mr. W's 1977 spring augmented the subterranean flow within the "depression". The topography of the area seems to substantiate this, since the surface runoff would naturally follow this route.

I spoke at some length with Mr. D and explained that since the water would naturally come to the surface at the point of diversion, the water is considered to be surface water and the provisions of Idaho Code 42-2376 did not apply. I explained the alternatives open to him, namely:

1. Seeking another source;
2. Deepening his spring box;
3. Legal action against Mr. W.

I later contacted Mr. Lette to inform him of the examination and subsequent recommendations made by myself.

MICROFILMED



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

May 26, 1981

Mr. Gerald Dalebout
Rt. 1 Box 58R
Priest River, Id. 83856

RE: 96-7442

Dear Mr. Dalebout:

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. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. 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

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. 96-2442.

Name(s) of Permit Holder: GERALD DALEBOUT

Post Office Address: RT 1 BOX 58-R

PRIEST RIVER ID Tel. No. 208-437-3085

Source of Water: _____

Extent of Use:

☒ Domestic	<u>1</u>	(number of households)
☐ Stockwater	_____	(number and type of stock)
☐ Irrigation	_____	(acres)
☐ Other	_____	

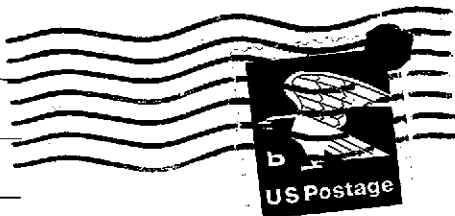
Measuring Device:	Required?	☐ Yes ☒ No	Installed?	☒ Yes ☐ No
Access Point:	Required?	☐ Yes ☒ No	Installed?	☒ Yes ☐ No

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

APR 26 1991
Date

Gerald Dalebout
Signature of Permit Holder

G DALE BOETTCHER
RT BOX 58
PRIEST RIVER, ID 83856



RECEIVED

APR 27 1981



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

DALEBOUT, GERALD E.
P.O. BOX 81
PRIEST RIVER, ID 83856

138023

FEBRUARY 28, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 96-7442 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1981. (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. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

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

ENCLOSURES

ENCLOSURE



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

September 28, 1977

Mr. Gerald Dalebout
Box 81
Priest River, ID 83856

Dear Mr. Dalebout:

We are in receipt of your Claim of Interference with Water Right date August 16, 1977. After reviewing all the facts available to us in your situation we find that both you and Mr. Harold Wachter have developed spring water as a source of water supply. Spring water is considered by the Department of Water Resources as surface water.

The Idaho statute in which you used to submit the claim of interference with water right can only be used when:

"...Any person owning or claiming the right to the use of any surface or groundwater right believes that the use of such right is being adversely affected by one or more users of groundwater rights of later priority, or whenever any person owning or having the right to use a groundwater right believes that the use of such right is being adversely affected by another's use of any other water right which is of later priority ..."
(Emphasis added)

Spring water development, even though part of the development may be an installation of a pipe or casing located below the ground surface, is utilizing a water resource that naturally flows to the surface and therefore, is considered surface water.

On the other hand, a flowing artesian well is considered a groundwater resource because of the location of the subsurface confining barrier that must be penetrated before producing flowing water.

Unfortunately, in the situation that you are presented with there are no water law statutes that would allow intervention of this Department to arbitrate your problem. Your only recourse is to pursue settlement thru the court process.

MICROFILMED

Page 2
Gerald Dalebout
September 28, 1977

I am returning your claim and if you have any questions on this matter, feel free to contact me.

Sincerely,

JIM JOHNSON
Supervisor,
Water Distribution

JJ:jfr

Encl: Claim

REPRODUCED

RE: Adverse Claim (Dalebout)

File

9-27-77

#42-230 defines ground water as "all water under the surface of the ground..." Therefore, I feel Mr. Dalebout's Adverse Claim qualifies under 42-237b.

Upon receipt of Mr. Latte's letter of Sept 23, 1977, I realized there had been a misunderstanding concerning the authority of the Department and the authority specified under 42-237b, i.e. Local Ground Water Boards.

I called Mr Lette, and explained that I had confused the definition of groundwater with the definition of a well, and in light of this, that I must retract my previous statement--that statement being that the claim did not appear to be covered under Sec 42-237b. During our conversation I endeavored to explain that although the Department has a limited authority over surface water, Sec 42-237b specifically relates to groundwater, and groundwater must be involved before this section can be invoked. I explained that, since the "spring" (?) that Mr Watchter developed, was developed and abandoned prior to Mr Watchter's development, I am unable to determine if the development is using groundwater or surface water. I further explained that I felt the water developed was ground water, but, that the decision lies in the hands of my supervisor.

James D. King

9-

FILED

September 23, 1977

C. Stephen Allred, Director
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Mr. Allred,

On August 17, 1977 I filed a claim for interference with a water right on behalf of my client, Gerald E. Dalebout under authority of Idaho Code Section 42-237b. Subsequently, I was contacted by a Mr. T.D. King of your office who told me that your department had no jurisdiction over surface water, i.e. water above 18 feet. I don't understand that because you frequently give permits to appropriate water from streams and springs that are on the surface.

Furthermore, that is in direct contradiction with the express language of 42- 237b which states that any person claiming the right to the use of surface or ground water may file a claim under that section.

Therefore, I request that you set this matter for a hearing before a local ground water board as directed by the statute.

Yours Very Truly,

Roger Lette

Roger Lette, Attorney at Law

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RECEIVED
SEP 23 1977
Department of Water Resources
Northern District Office

August 25, 1977

August 23, 1977 - Contacted Gerald E. Dalebout (96-7442) concerning interference Claim filed in accordance with Idaho Code 42-237b received August 18, 1977 from Roger E. Lette in Mr. Dalebout's behalf.

Mr. Dalebout has developed a spring which went dry at or about the same time Mr. Wachter developed a spring at a higher elevation. I informed Mr. Dalebout that since neither water source was from a well, Idaho Code 42-237b did not apply. He escorted me about the premises, from which I learned that Mr. Wachter developed a spring possibly in 1975. The water has not been put to a beneficial use, and the spring is now dry. It appears that this spring could possibly be in the same water source as Mr. Dalebout's. The topography of the area seems to indicate this, as there is still a fairly well defined "gulch" on the south of the county(?) road (old highway) has been farmed over and now appears as a long depression in the field.

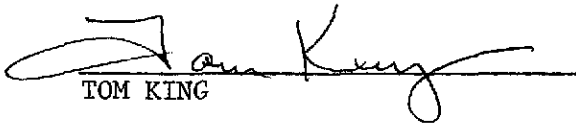
The spring that Mr. Wachter developed in the spring of "77" (about the time Mr. Dalebout's spring dried) could possibly have augmented the flow into Mr. Dalebout's spring since the topography does not appear to ^{allow} run-off in any other direction.

I spoke at some length with Mr. Dalebout and informed him of his possible alternatives, namely seeking another source ^{or} attempting to prove his adverse claim in a court of law.

RECEIVED

August 25, 1977
Page 2.
Dalebout - 96-7442

I later spoke with Roger Lette, the Attorney for Mr. Dalebout to acquaint him with the difference between ground water and surface water, and to inform him of what my examination had revealed.


TOM KING

August 25, 1977

RECEIVED

AUG 18 1977

Department of Water Resources

CLAIM OF INTERFERENCE WITH WATER RIGHT

This claim is made pursuant to Idaho Code Section 42-237b.

1. The claimant herein is Gerald E. Dalebout, of P.O. Box 81, Priest River, Idaho 83856.

2. Claimant has been granted a permit on or about April 20, 1976, to appropriate 00.02 cubic feet per second from a spring by means of a spring box which is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 56N, Range 5, W.B.M., Bonner County, Idaho. Said water is to be used for domestic purposes in the same location.

3. Claimant's water right is being interfered with by Harold W. Wachter, Rt. 1, Box 13-B2, Priest River, Idaho 83856. Mr. Wachter does not possess any water right to the best of claimant's information and belief. Mr. Wachter has just recently subdivided his land and the present person in possession is Gary Kennedy.

4. Claimant believes that his water right is being adversely affected for the following reason:-
the spring from which Mr. Wachter diverts his water by means of holding tanks and pump is along the same draw and is "up stream" from the spring from which the claimant uses to extract his water. Mr. Wachter did during the months of June and July 1977 improve his water diversion system and filled his holding tanks which had hitherto held little water and did divert the resulting overflow in a direction different from the natural flow of the spring. Within a few days of the completion of Mr. Wachter's excavations, the flow of water reaching claimant's spring was greatly reduced to such an extent that claimant does not have water sufficient to meet his bare necessities. The flow of the spring before the said work done by Mr. Wachter was more than adequate to meet the needs of claimant.

MICROFILMED

RECEIVED
AUG 19 1977

Department of Water Resources
Northern District Office

STATE OF IDAHO)
BONNER COUNTY) ss

Gerald E. Dalebout, the claimant named herein, does hereby make solemn oath that the statements contained herein are true according to the best of his knowledge, information and belief.

August 16, 1977

/s/ Gerald E. Dalebout
Gerald E. Dalebout

STATE OF IDAHO)
BONNER COUNTY) ss

On this 16 day of August, 1977, before me, the undersigned, a Notary Public, in and for the state of Idaho, personally appeared Gerald E. Dalebout, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Alan P. Elger
Notary Public, State of Idaho
Residing at Priest River, Id.
My comm. exp. Life

RECORDED

RECEIVED

AUG 1 1977

Department of Water Resources

Roger A. Lette
Attorney At Law
P.O. Box 849
Priest River, Idaho 83856

July 28, 1977

Dear Sir,

Would you please send me a copy of the water permit granted to Gerald Dalebout (Application # 96-7442) on or about April 20, 1976. His property is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, T 56N, R5W, Bonner County. And also a copy of the permit granted to H. W. Wachter whose property is located in the same area and which was applied for in 1975. Your cooperation is appreciated. A check for the copying charge is enclosed.

Yours Very Truly,

Roger Lette

Roger Lette

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May 26, 1976

Re: Permit No. 96-7442

Gerald E. Dalebout
Box 81
Priest River, ID 83856

Dear Mr. Dalebout:

Enclosed is a copy of your approved Application for Permit No. 96-7442 We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 96-7442

☒ 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) FP 4/22

In form to receipt

(2) _____

Send Copies to:

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

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant

(4) FP 4/22

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: No field review

(11) CP 5/11

Affidavit of Publication received (date) MAY 10, 1976

(12) CP 5/16

Final date for protests MAY 17, 1976
Protests received: yes _____ no ☒

(13) _____

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

(14) _____

Action recommended:

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☒ Approve

MAY 20 1976

Proposed Priority 4-20-76

Department of Water Resources

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 5-18-76



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

April 23, 1976

Re: Application No. 96-7442 Gerald E. Dalebout
" " 97-7076 Gloriana Johnson

Priest River Times
Box 398
Priest River, ID 83856

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)

Bill: 5-11-76. 4

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gerald E. Dalebout

Box 81, Priest river, Idaho

has on 4-20-76 submitted Application No. 96-7442

for a permit to appropriate 0.02 cubic feet per second acre feet per annum

of water from a spring

by means of a spring box

within the SW¹/₄SE¹/₄ Sec. 29, T56N, R5W, Bonner County

to be used from Jan. 1 to Dec. 31

for domestic purposes

within the SW¹/₄SE¹/₄ Sec. 29, T56N, R5W.

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 May 17, 1976.

R. KEITH HIGGINSON
Director

Published in the Priest River Times

on April 29 and May 6