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Documents
In File

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7253 Priority Feb. 8, 1974 Amount 0.20 cfs

THIS IS TO CERTIFY, that RUSSELL C. KYLE
of Priest River, Idaho, has complied with the terms and conditions of Permit
No. 96-7253 issued pursuant to Application for Permit dated February 8, 1974,
and has submitted proof to the Department of Water Resources on January 6, 1975,
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 0.20 cfs of water from Pend Oreille River,
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> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.04</u> cfs and <u>1.2 acre feet</u>			
<u>Fire Protection</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.20</u> cfs and <u>n/a</u>			
_____ from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 0.20 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, ^{for domestic use} said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3,
Twp. 55 N, Rge. 4 W, 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 $\frac{1}{4}$	
55 N	4 W	3													X				

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 4 day of
October, 19 75.

Director

Identification No. 96-7253

Application No. _____

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

LICENSE ISSUED FOR 20 SEC. FT.
LICENSE PAID

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Russell C. Kyle
post office address Route 1, Box 70M-2, Priest River, Idaho 83856
2. Source of water supply Pend Oreille River which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3 Township 55N
Range 4W 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 0.2 for Fire Prot. 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)
5. Total quantity to be appropriated:
a. 0.2 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 motor with pipeline to
place of use. Fire protection will be furnished by gasoline driven centrifugal
pump.

- 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 1 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: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3 Township 55N
Range 4W 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: _____

96-7253

96-7253

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

SEN 3

AW

⑥ Point of diversion
Place of use

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.

Russell C Kyle
(Applicant)

Proposed Priority 2-8-1974

Received by FE Date 2/8/74 Time 11:00 a

Preliminary check by FE Fee \$ 10.00

Receipted by FE Date 2/8/74 # 12356

Publication prepared by CP Date 2-8-74

Published in Priest River Times

Publication dates 2-14 & 2-21-74

Publication approved CP Date 2-25-74

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by W BDF

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. 96-7253, 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 75.
- c. Other: _____

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

Witness my hand this 11 day of March 19 74.


Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>EP</u>	<u>2/8/74</u>	Application No. <u>96-7253</u>
(2)			☒ 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
(3)	<u>EP</u>	<u>2/8/74</u>	In form to receipt Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S. F. S. ☐ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>EP</u>	<u>2/8/74</u>	In form for advertising
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: ____ Decline (comment) _____ ____ Stable (comment) _____ ____ Increasing (comment) _____
(9)			Comments: _____ _____
(10)	<u>CE</u>	<u>2/25</u>	Affidavit of Publication received (date) <u>FEBRUARY 21, 1974</u>
(11)	<u>CE</u>	<u>2/8</u>	Final date for protests <u>MARCH 4, 1974</u> Protests received: yes _____ no <u>✓</u>
(12)			Date and Place of hearing _____ Decision reached at hearing _____ _____
(13)	<u>EP</u>	<u>3/4/74</u>	All requested information received from agencies or applicant yes <u>✓</u> no _____
(14)	<u>EP</u>	<u>3/4/74</u>	Action recommended: ☒ Approve Priority <u>2-8-74</u> ☐ Deny Reason for Reduction _____ ☐ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>Notation</u>	By <u>[Signature]</u>	Date <u>3/4/74</u>

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Marie Martin,
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 cir-
culation 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 14th day of February, 1974,
and

ending on the 21st day of February, 1974,
and that said notice was published in said newspaper proper, and
not in supplemental form.

Marie Martin

Subscribed and sworn to before me this

21st day of February, 1974

George Connolly
Notary Public for Idaho,

Residing at Priest River, Idaho.

RECEIVED

FEB 21 1974

Department of Water Administration
Boise, Idaho

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Russell C. Kyle, Route 1, Box 70M-2, Priest River, Idaho has on February 8, 1974 submitted Application No. 96-7253 for a permit to appropriate 0.2 cubic feet per second of water from Pend Oreille River by means of pumps, motor, and pipeline within the NE 1/4 SE 1/4, Sec. 3, T. 55N, R. 4W, B.M., Bonner County to be used from Jan. 1 to Dec. 31 for domestic purposes (0.04 cfs) and fire protection purposes (0.2 cfs,) both within the NE 1/4 SE 1/4, Sec. 3, T. 55N, R. 4W, 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 Administration, 401 Front Avenue, Coeur d'Alene, Idaho, 83814 on or before March 4, 1974.

R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Feb. 14 and Feb. 21, 1974.

7-2t

96 7253

October 9, 1975

Re: Permit No. 96-7253

C
O
P
Y

Russell C. Kyler
Route 1, Box 70M-2
Priest River, ID 83856

Dear Mr. Kyler:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:rb

Enc.

UNRECORDED

RECEIVED

1. Name of permit holder Russell C. Kyle

Person to contact _____ Phone _____

3. Water will be used for the following purposes:

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.2 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County _____

Other Points of Diversions: _____

(domestic)

Description of diverting works: 3/4 hp Elec. Centrifugal pump thru 1½ plastic pipe. (fire protection) 4 hp gas engine driving centrifugal pump w/1½ intake pipe.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

The image shows a full page of graph paper. It features a grid of squares defined by solid black lines. Each square is further divided into four smaller quadrants by dashed black lines. The grid covers the entire area of the page, leaving small margins at the top, bottom, left, and right edges. There are no markings, text, or drawings on the grid itself.

DATE OF EXAM 9/26/75

ACREAGE
Found 1/4 acre (lawn and flowers)
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q=_____ c.f.s.	V=_____	AF/Ann. from _____	to _____
Domestic Q= <u>0.04</u> c.f.s.	V= <u>1.2</u>	AF/Ann. from <u>1/1</u>	to <u>12/31</u>
Livestock Q=_____ c.f.s.	V=_____	AF/Ann. from _____	to _____
Fire Protection Q= <u>0.20</u>	<u>As needed</u>	<u>1/1</u>	<u>12/31</u>

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 0.20 cfs Method of measurement estimated

Total Q recommended 0.20 Meter No. _____ Type _____ Condition _____

Total V recommended 1.2 a.d.

Recommended Amendments:

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

MEASUREMENT CALCULATION:

The Domestic system is capable of pumping the 0.04 cfs.
The portable system for fire protection will pump in excess
of 90 gpm according to the specification of the pump.

SYSTEM DESCRIPTION:

<u>"Domestic System"</u>	<u>"Fire Protection System"</u>
<u>Myers Pump and Motor</u>	<u>Portable gas engine mounted on a scooter.</u>
<u>3/4 h.p.</u>	<u>4 h.p. Tecumseh Motor</u>
<u>Seri 768169</u>	<u>1 1/2" intake, 1 1/2" output.</u>
<u>45 gal. pressure tank.</u>	
<u>Pump and motor located under house.</u>	

REMARKS:

Mr. Kyle was present during the exam.

Examiner's Signature [Signature] Date 9/26/75

Checked by [Signature] Date 9/29/75

Approved by _____ Date _____

January 9, 1975

Re: Permit No. 96-7253

Russell C. Kyle
Route #1, Box 70M-2
Priest River, ID 83856

Dear Mr. Kyle:

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 District Office in **Coeur d'Alene.**

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

Identification No. 96-7253

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

JAN 6 1975

Department of Water Resources
Northern District Office

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Russell C. Kyle
b) Post Office Address Rt. 1. Box 70M-2, Priest River, Id. 83856

2. Permit Number _____

3. Date of Priority that you are prepared to establish 12 Jan 1972

4. a) Source from which water was appropriated Pend Oreille River

b) Location of the point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3

Township 55N, Range 4W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 0.04 for Domestic purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount 0.2 for Fire Prot. 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)

b) Total amount appropriated 0.2 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: _____

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) Domestic: 3/4 HP 220V Elect Centrifugal pump through 1 1/2 plastic pipe. Fire Prot: 4 HP Gas engine driving centrifugal pump with 1 1/2 intake pipe.

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

c) Give well drillers name and address and date the well was completed _____

MICROFILMED

Exam typed 1/9/75 by fg

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Domestic Water at domicile and Fire Protection for domicile. Place of domicile,
NE¹/₄ of SE¹/₄ of Sec 3, Township 55N, Range 4W, BM.

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

TWP.	RANGE	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	

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 Jan 75
~~31 December 1974~~
(Date)

Russell C. Byrnes
(Signature)

State of Idaho)
County of Bonner) ss.

On this 3 day of Jan, 1975, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Karen M. Sattler
Notary Public residing at First River Idaho
Id

My commission expires 6-20-75

March, 14, 1974

Re: Permit No. 96-7253

Russell C. Kyle
Route 1, Box 70M-2
Priest River, ID 83856

Dear Mr. Kyle:

Enclosed is a copy of your approved Application for Permit No 96-7253 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosure

96 7253

February 8, 1974

Re: Application No. 96-7253 - Russell C. Kyle

Priest River Times
P.O. Box 398
Priest River, ID 83856

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

~~"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."~~

~~(signature of claimant)~~

Very truly yours,

FRED EISENBARTH
Northern District Manager

Bill submitted 2-25-74 by CP

FE:CP

Enc: Legal Notice

96 7253

NOTICE OF APPLICATION FOR WATER PERMIT

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Route 1, Box 70M-2, Priest River, Idaho
has on February 8, 1974 submitted Application No. 96-7253
for a permit to appropriate 0.2 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Pend Oreille River
by means of pumps, motor, and pipeline
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 55N, R. 4W, B.M., Bonner County
to be used from Jan. 1 to Dec. 31
for domestic purposes (0.04 cfs) and fire protection purposes (0.2 cfs), both
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 55N, R. 4W, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before
March 4, 1974.

R. KEITH HIGGINSON

Director

Published in the Priest River Times, Priest River, Idaho
on Feb. 14 and Feb. 21, 1974

96 7253

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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 Administration, 401 Front Avenue, Coeur d'Alene, Idaho, 83814 on or before March 4, 1974.

R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Feb. 14 and Feb. 21, 1974.

7-2t

OK.
2-13-74
cl

96 7253