

AFFIDAVIT OF PUBLICATION — COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO, }
County of Kootenai, } ss.

NOV 7 1973

CAROL J. HEDGE

Department of Water Administration
being first duly sworn,

poses and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the APPLICATION FOR
WATER PERMIT # 96-7233

which a printed copy is annexed hereto, was published in all the regular Wednesday

weekly issues of said newspaper for 2 consecutive weeks, commencing

the 25th day of OCT., 19 73, and ending on the

1st day of NOV., 19 73

Subscribed and sworn to, before me, this 3rd day of NOV.

73

Carol J. Hedge
Patrick King

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

96 7233

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Roland L. &/or Toby Curtis, Box 82, Bayview, Idaho have on October 18, 1973 submitted Application No. 96-7233 for a permit to appropriate 0.04 cubic feet per second of water from Lake Pend Oreille by means of pump, motor, and pipeline within Gov't. Lot 4, Sec. 36, T. 54N, R. 2W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic purposes within Gov't. Lot 4, Sec. 36, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before November 12, 1973.

R. KEITH HIGGINSON
Director

Oct. 25, Nov. 1, 1973

26

10.08

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7233 Priority Oct. 18, 1973 Amount 0.04 cfs

THIS IS TO CERTIFY, that ROLAND L. &/or TOBY CURTIS
of Bayview, Idaho, has complied with the terms and conditions of Permit
No. 96-7233 issued pursuant to Application for Permit dated October 18, 1973,
and has submitted proof to the Department of Water Resources on November 19, 1974,
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 Lake Pend Oreille,
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</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 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~~ Gov't. Lot 4 of Sec. 36,
Twp. 54 N, Rge. 2 W, 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	
54 N	2 W	36																	

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8 day of
September, 19 75.

Director

Identification No. 96-7233

Application No. _____

LICENSE ISSUED FOR 104 SEC. FL.
LICENSE PAGE NO. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Roland L. &/or Toby Curtis
post office address Box 82, Bayview, Idaho

2. Source of water supply Lake Pend Oreille which is a tributary of _____
Gov't. Lot 4

3. a. Location of point of diversion is 1/4 of Section 36 Township 54N
Range 2W B.M. Kootenai County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 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, motor, 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 1 years. (completed)

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: Gov't. Lot 4
1/4 of Section 36 Township 54N
Range 2W B.M.

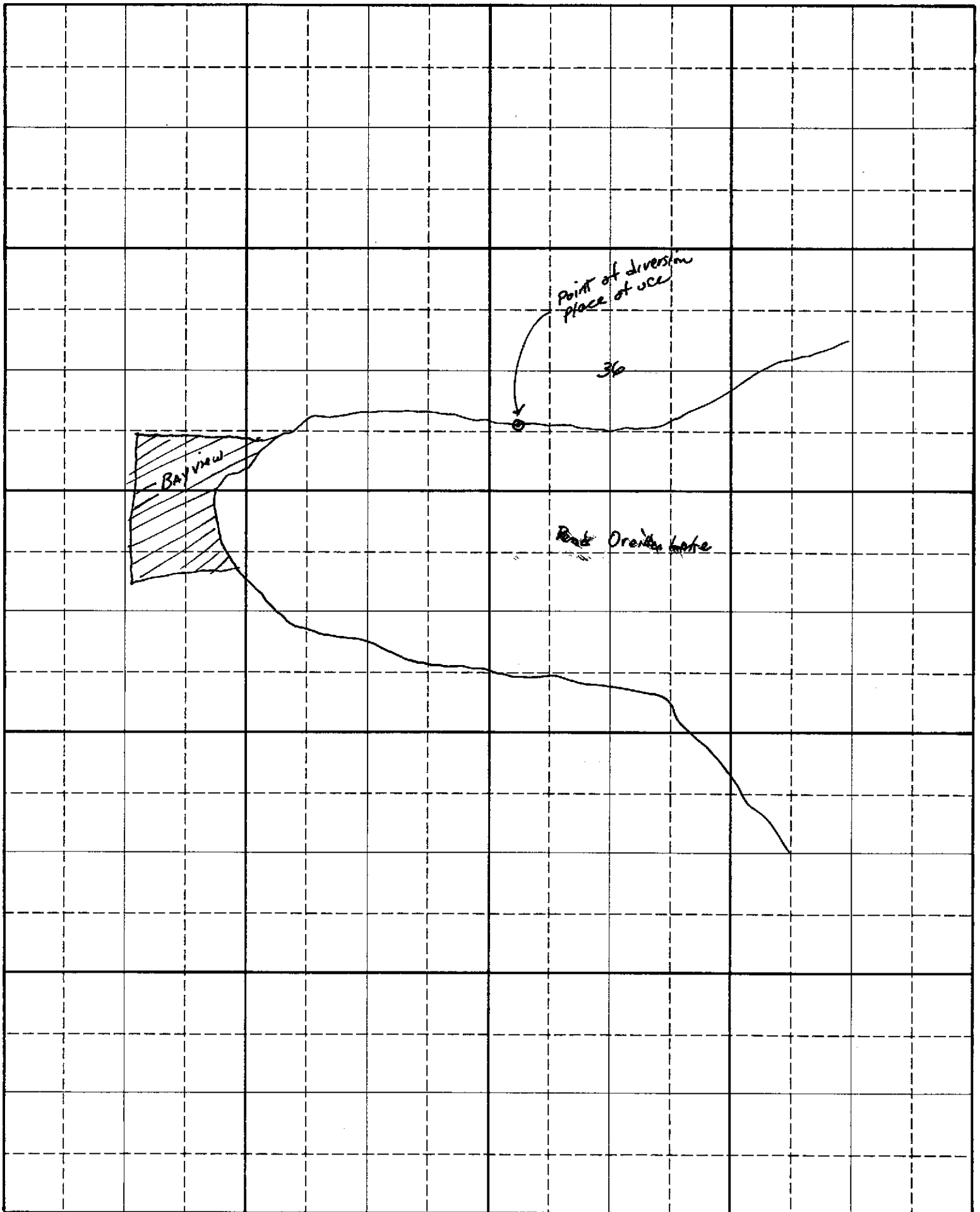
(2) Amount of power to be generated: _____ hp under _____ feet of head.

(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: _____

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.

John P. Curtis
(Applicant)

96 7233

Proposed Priority 10-18-1973

Received by FE Date 10/18/73 Time 10:00 am

Preliminary check by FE Fee \$ 10.00

Receipted by FE Date 10/18/73 # 82216

Publication prepared by CP Date 10-19-73

Published in Coeur d'Alene Press

Publication dates 10-25 & 11-1-73

Publication approved CP Date 11-8-73

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by N JDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

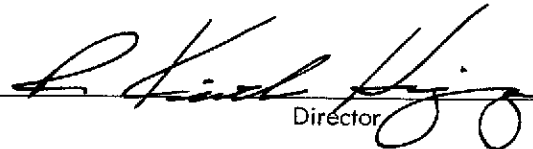
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7233, and said application is hereby APPROVED.

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 December 1, 19 74.
- c. Other: _____

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

Witness my hand this 20th day of November 19 73.


Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>ZE</u>	<u>12/18/73</u>	Application No. <u>96-7233</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>ZE</u>	<u>12/18/73</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>ZE</u>	<u>12/18/73</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>CP</u>	<u>11-8-73</u>	Affidavit of Publication received (date) <u>NOVEMBER 7, 1973</u>
(11)	<u>CP</u>	<u>10-19-73</u>	Final date for protests <u>NOVEMBER 12, 1973</u> Protests received: yes _____ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____ _____
(13)	<u>ZE</u>	<u>11/13/73</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	<u>ZE</u>	<u>11/13/73</u>	Action recommended: ☒ Approve Priority <u>10/18/73</u> ☐ Deny Reason for Reduction _____ ☐ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>Northern</u>	By <u>Paul E. Smith</u>	Date <u>11/13/73</u>

AFFIDAVIT OF PUBLICATION COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO, }
County of Kootenai, } ss.

CAROL J. HEDGE, being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the APPLICATION FOR
WATER PERMIT # 96-7233

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for 2 consecutive weeks, commencing on the 25th day of OCT., 19 73, and ending on the 1st day of NOV., 19 73

Subscribed and sworn to, before me, this 3rd day of NOV.

19 73

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

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Roland L. &/or Toby Curtis, Box 82, Bayview, Idaho have on October 18, 1973 submitted Application No. 96-7233 for a permit to appropriate 0.04 cubic feet per second of water from Lake Pend Oreille by means of pump, motor, and pipeline within Gov't. Lot 4, Sec. 36, T. 54N, R. 2W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic purposes within Gov't. Lot 4, Sec. 36, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before November 12, 1973.

R. KEITH HIGGINSON
Director

Oct. 25, Nov. 1, 1973

Carol J. Hedge
Patrick King

96 7233

10.08

COPY

Roland L. &/or Toby Curtis
Box 82
Bayview, ID 83803

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

Enc.



RECEIVED
DEC 6

DEC 6 1974

Department of Water Resources
Northern District Office

3. Water will be used for the following purposes:

Other uses: _____

- Other Points of Diversions: _____

6. Lands to be irrigated or place of use.

[illegible]

MICROFILMED

TOTAL ACREAGE

DATE OF EXAM 8/22/75

ACREAGE

Found 1/4 acre (1000)
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 1/1 to 12/31
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 0.04 cfs Method of measurement estimated

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

Total V recommended 1.2 a.f. / year

Recommended Amendments:

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

MEASUREMENT CALCULATION:

estimated by pump and motor capacity

SYSTEM DESCRIPTION:

Jet Pump
1 hp motor
1 1/2" plastic pipe into lake approx 120'

REMARKS:

Domestic Purge for 1 household
Pump and motor located in basement of house
Pipeline runs out into lake
House located 100' from lake

Examiner's Signature [Signature] Date 8/22/75

Checked by Bob Daynes Date 8/29/75

Approved by _____ Date _____

November 25, 1974

Re: Permit No. 96-7233

Roland L. &/or Toby Curtis
Box 82
Bayview, ID 83803

Dear Mr. & Mrs. Curtis:

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. _____

Permit No. 96-7233

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
NOV 19 1974
Department of Water Resources
OK jg

1. a) Name of Permit Holder ROLAND L. FOR TOBY CURTIS
b) Post Office Address Box 82 BAYVIEW IDAHO 83803
2. Permit Number 96-7233
3. Date of Priority that you are prepared to establish OCT 18, 1973
4. a) Source from which water was appropriated LAKE PEND OREILLE
b) Location of the point of diversion: CAN'T LOT 4 $\frac{1}{4}$, Section 36
Township 54N, Range 2W KOOTENAI COUNTY 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 _____ 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 CFPS 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: FILLED 5 GALLON CANS TO MEASURE MAX RATE OF FLOW BY ROLAND CURTIS
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) JET PUMP WITH 1 HP. MOTOR TOTAL LIFT OF 61 FEET VIA 1 1/2 INCH PRESSURE PIPE AND 2 INCH Suction PIPE LENGTH OF Suction 120 FT
b) Describe the type and size of measuring device which you have installed at your point of diversion: 5 GALLON CANS VIA 3/4 INCH PIPE
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: DOMESTIC USED FOR ONE FAMILY

Exam typed 11/26/74 by lg

MICROFILMED

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: MFR. RATINGS FOR PUMP STATE 8.3 GALLONS PER MIN
WITH A LIFT OF 60 FT AND DISCHARGE PRESSURE OF 40 PSI

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

5 Nov 74 (Date) *Robert J. Smith* (Signature)

State of Idaho)
County of Boatman) ss.

On this 18 day of November, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Donald W. [Signature]
Notary Public residing at Coeur d'Alene

My commission expires June 2 1975

● SENDER: Complete items 1 and 2.

Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
- ☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

John B. Carter

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

26130

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4.

DATE OF DELIVERY

10-2-

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

EB

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

**DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**POSTAGE
PAID**

September 30, 1974

CERTIFIED MAIL

26130

Re: Permit No. 96-7233

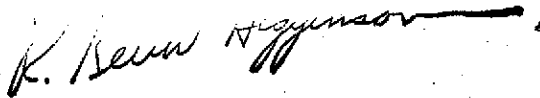
Roland L. &/or Toby Curtis
Box 82
Bayview, ID 83803

Dear Mr. & Mrs. Curtis:

One of the conditions of approval of your water Permit No. 96-7233 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before December 1, 1974. Enclosed is an affidavit form which must 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 affidavit 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.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

MICROFILMED

November 23, 1973

Re: Permit No. 96-7233

Roland L. &/or Toby Curtis
Box 82
Bayview, Idaho 83803

Dear Mr. & Ms. Curtis:

Enclosed is a copy of your approved Application for Permit No. 96-7233 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

96 7233

October 19, 1973

Re: Application No. 95-7363 95-7392 96-7233
" " 95-7389 95-7393 95-4163
" " 95-7390 96-7231 96-4102

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

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 11-8-73 by cl

FE: CP

Enc: Legal Notices (9)

96 7233

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by means of pump, motor, and pipeline
within ~~the~~ Gov't. Lot 4, Sec. 36, T. 54N, R. 2W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31
for domestic purposes

within ~~the~~ Gov't. Lot 4, Sec. 36, T. 54N, R. 2W, B.M.

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R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho
on Oct. 25 and Nov. 1, 1973

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R. KEITH HIGGINSON
Director

Oct. 25, Nov. 1, 1973

OK.
10-25-73
CP

96 7233