

No Color

Documents

In File

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7196 Priority July 16, 1973 Amount 0.77 cfs

THIS IS TO CERTIFY, that Armand H. &/or Jean G. Anderson
of Lancaster, California, has complied with the terms and conditions of Permit
No. 96-7196 issued pursuant to Application for Permit dated July 16, 1973,
and has submitted proof to the Department of Water Resources on May 11, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.77 cfs of water from Sage Creek,
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>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>0.77</u> cfs and	<u>140</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 0.77 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
140 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 53N,
Rge. 2W, B. M. in the County of Kootenai

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 $\frac{1}{4}$	
53N	2W	32					35	5											40

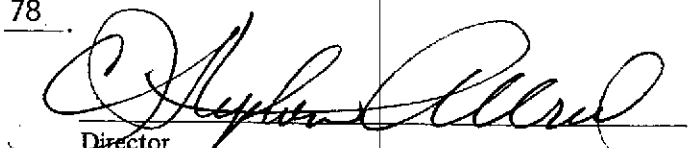
Total number of acres irrigated 40

A measuring device of a type approved by this Department shall be maintained as
part of the diverting works.

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 23 day of
_____, 19 78.


Director

Identification No. 96-7196

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant Armand H. &/or Jean G. Anderson
post office address 8717 West Ave. "L", Lancaster, Calif. 93534
2. Source of water supply Sage Creek which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32 Township 53N
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 _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.8 for Irrigation purpose from March 15 to Nov. 15 (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. 0.8 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 for
spinkler irrigation.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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 _____.
(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 40

c. Describe any other water rights used for the same purposes as described above. Constitutional water right for 15 acres of the above listed land from Sage Creek.

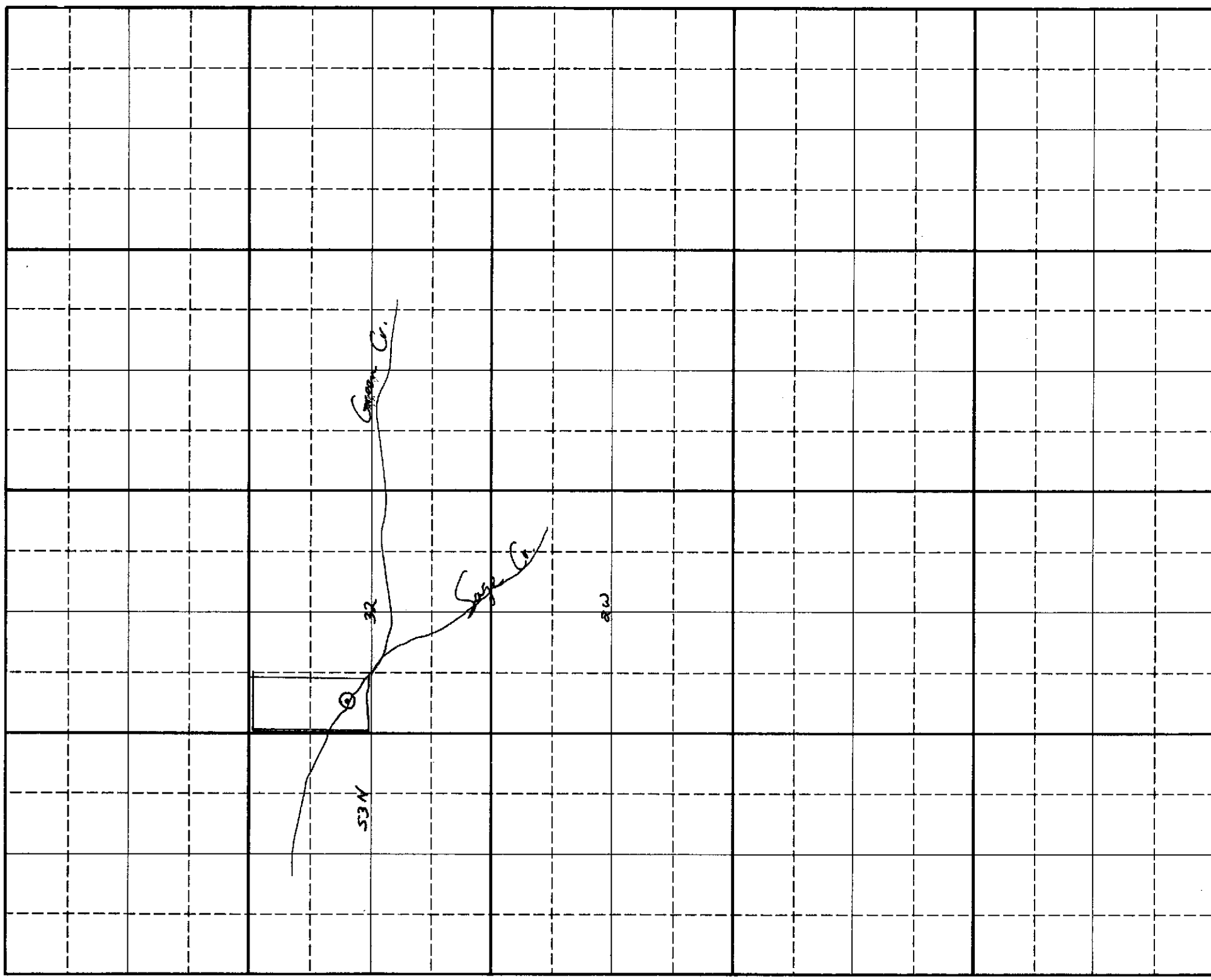
9. a. Who owns the property at the point of diversion_____Applicant

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.

James H. Anderson
(Applicant)

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16 (see date rec'd)
7-06-1973
Proposed Priority 7-06-1973

Received by FB Date 7/16/73 Time 2:00 p.m.

Preliminary check by FB Fee \$ 25.00

Received by FB Date 7/16/73 # 10725

Publication prepared by cr Date 7-20-73

Published in Coeur d'Alene Press

Publication dates 7-26 & 8-2-73

Publication approved cl Date 8-13-73

Priority reduced to _____ Reason _____

Protests filed by: Robert Rickel and Ivan Rickel

Copies of protests forwarded by cr

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

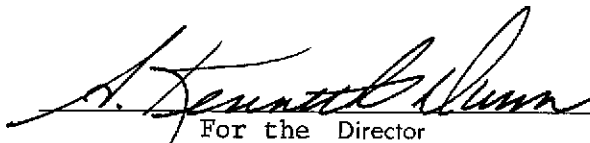
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7196, and said application is hereby APPROVED.

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 August 1, 19 79.
- c. Other: Subject to the conditions of the Order issued on August 27, 1974
A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 29 day of August, 19 74.


For the Director

BY: A. KENNETH DUNN, Administrator

In the Matter of Application)
for Permit No. 96-7196, in)
the name of Armand H. and/or)
Jean G. Anderson)

O R D E R

WHEREAS, Armand H. and/or Jean G. Anderson, 8717 West Avenue "L", Lancaster, California, made Application for a Permit to Appropriate the Public Waters of the state of Idaho on July 16, 1973. Such application was to appropriate 0.8 c.f.s. of Sage Creek, with a point of diversion located in the SW1/4NW1/4, Section 32; Township 53 North, Range 2 West, B.M., Kootenai County. The use of water is for the irrigation of 40 acres from March 15 to November 15 of each year; and,

WHEREAS, the department received from Robert Rickel and Ivan Rickel on August 8, 1973, a protest to the above application. The protest reasons stated were as follows:

- (1) There is not adequate water to supply our established prior water rights (License No. 96-2023).
- (2) Any further appropriation of water from Sage Creek will injure our present and existing water rights.

WHEREAS, the Department of Water Resources (then the Department of Water Administration), upon proper notice to all parties, held a hearing to consider the protest on December 12, 1973, at 3:00 p.m., in the Community Room of the First Federal Savings & Loan Building, 401 Front Street, Coeur d'Alene, Idaho.

WHEREAS, having taken testimony from the protestant and the applicant and having considered that testimony and all information available to the department, there does not appear substantial evidence to justify denial of the permit.

THEREFORE, IT IS HEREBY ORDERED that Application for Permit No. 96-7196 be approved, subject to the following conditions:

- (a) subject to all prior water rights;
- (b) subject to the total diversion of 0.8 c.f.s. when combined with all other prior existing water rights.

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- (c) applicant shall cease to divert water at any time there is any insufficient flow to meet other prior water rights using the same source of water.
- (d) subject to any and all conditions stated on the approved permit.

DATED this 27th day of August, 1974.



A. KENNETH DUNN
Administrator
Operations Division

AKD:mjr

UNRECORDED

AFFIDAVIT OF PUBLICATION - COEUR D'ALENE PRESS

(WEEKLY)

AUG 7 1973

STATE OF IDAHO,

County of Kootenai,

ss.

Department of Water Administration

Northern District Office

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

Water Permit

Armand H. & Jean Anderson

8717 West Ave, Lancaster Calif

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 26th day of July 1973, and ending on the

2nd day of August 1973

Carol J Hedge

Subscribed and sworn to, before me, this 6th day of August

1973

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

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Armand H. &/or Jean G. Anderson, 8717 West Ave. "L," Lancaster, California have on July 16, 1973 submitted Application No. [96-7196] for a permit to appropriate 0.8 cubic feet per second of water from Sage Creek by means of pump, motor, pipeline, and sprinklers within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 53N, R. 2W, B.M., Kootenai County to be used from March 15 to Nov. 15 for the irrigation of 40 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 32, T. 53N, 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 August 13, 1973.

R. KEITH HIGGINSON
Director

July 26, Aug. 2, 1973

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March 31, 1978

Re: Permit No. 96-7196

Armand H. &/or Jean G. Anderson
8717 West Avenue "L"
Lancaster, CA 93534

Dear Mr. &/or Mrs. Anderson:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

RECEIVED
MAY 1 1978



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 6, 1978

Re: Permit No. 96-7196

Armand H. &/or Jean G. Anderson
8717 West Avenue "L"
Lancaster, CA 93534

Dear Mr. and Mrs. Anderson:

A representative of this Department made an examination of the works covered by your Permit No. 96-7196 on May 16, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.77 cfs Source: Sage Creek

The maximum quantity diverted shall not exceed 140 acre feet per
year.

Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 53N, Rge. 2W, B. M.

Beneficial use: Irrigation of 40 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 32,
Twp. 53N, Rge. 2W, B. M.

Priority date established: July 16, 1973

If you do not concur with these findings please contact us within 10 days, otherwise a
water license will be issued as set forth above.

Sincerely,

GROVER
Water Rights Supervisor

101 kw

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1. Name of permit holder Armand H. and/or Jean G. Anderson

Person to contact Douglas Peterson Phone

- Tributary to _____

- Other uses: _____

- Max Rate of Diversion .80 cubic feet per second and annual volume _____ AF/Annum.

- County

Other Points of Diversions: _____

Description of diverting works: Diesel engine and 5" sprinkler pipe and pump

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 40

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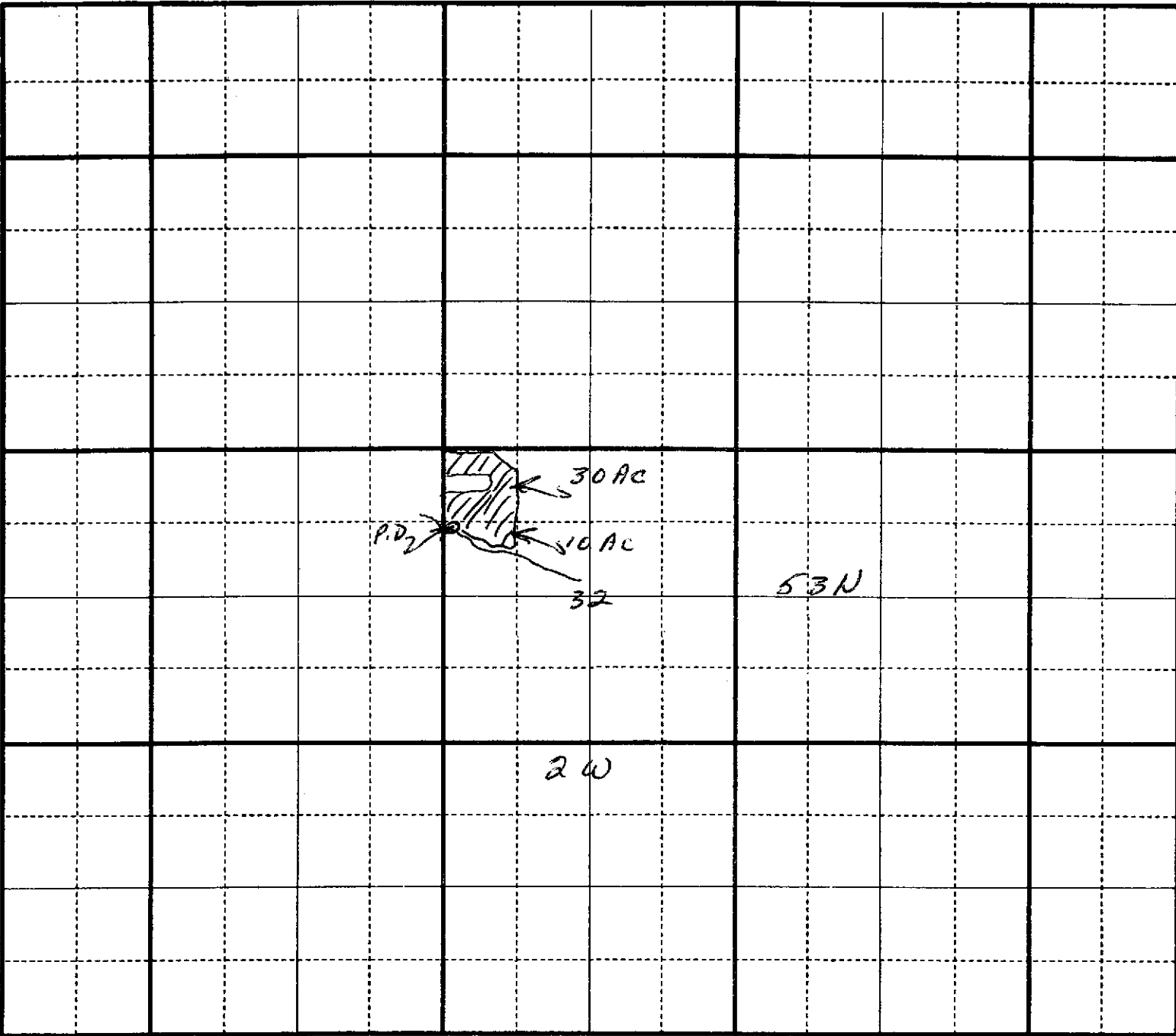


Diagram of System

DATE OF EXAM 5/16/77

ACREAGE
Found 40
Recommended 40

Irrigation Requirement 3.50 Ac Ft/Ac

USE
Irrigation Q= 0.77 c.f.s. V= 140 AF/Ann. from MAR 15 to NOV 15
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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 0.77 Method of measurement METER

Total Q recommended 0.77 Meter No. MD647287 Type BADGER Condition GOOD
4"

Total V recommended 140 AF/ANN

Recommended Amendments:

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

MEASUREMENT CALCULATION:

300 gpm in 52 SEC.
$$\frac{(\frac{300}{52})(60)}{448.8} = 0.77 \text{ cfs}$$

SYSTEM DESCRIPTION:

PACIFIC PUMP 3CLC DIP 15319
HERCULES DIESEL MOTOR SERIAL 2200671
60-MODEL 30 RAINBIRDS 3/16 X 3/32-7°

REMARKS:

Examiner's Signature 7 E. H. H. H. H. H. Date 5/16/77

Checked by Bob Haynes Date 7/8/77

Approved by _____ Date _____

Identification No. _____

Permit No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

MAY 11 1977

Department of Water Resources
Northern District Office

1. a) Name of Permit Holder Armand H. and/or Jean S. Anderson
b) Post Office Address 8717 West Avenue "E", Lancaster, Ca. 93534
2. Permit Number 96-7196
3. Date of Priority that you are prepared to establish 7-16-73
4. a) Source from which water was appropriated Sage Creek
b) Location of the point of diversion: SW 1/4 NW 1/4, Section 32
Township 53 N, Range 2 West Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
Amount 0.8 for irrigation purposes from March 15 to Nov. 15 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 0.8 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: flow meter (4" Beacon Meter purchased from Dept. of Water Administration) Poirier Irrigation Equipment

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) diesel engine and 5" sprinkler pipe and pump

- b) Describe the type and size of measuring device which you have installed at your point of diversion: flow meter 4" Beacon Meter set up for 5" 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: _____

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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	
53N	2W	32					35	5											40

Total number of acres irrigated 40

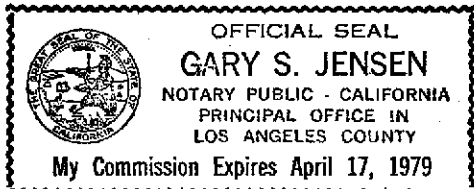
10. Remarks: _____

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

5-8-77 (Date) Armand H. Guelerson (Signature)

State of CALIFORNIA)
County of LOS ANGELES) ss.

On this 8th day of MAY, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~) (~~they~~) executed the same.



Gary S. Jensen
Notary Public residing at LOS ANGELES
CA.

My commission expires APRIL 17, 1979



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 3, 1974

Re: Permit No. 96-7196

Armand &/or Jean Anderson
8717 West Avenue L
Lancaster, California 93434

Dear Mr. & Mrs. Anderson:

Enclosed is a copy of the approved Application for Permit No. 47-7254 along with a copy of the Order. We direct your attention to the conditions of approval as listed in the Order.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

cc: Ivan & Robert Rickel
James Tweedy

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WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

MEMO

TO: BOB FLEENOR
FROM: Northern District
DATE: May 10, 1974
SUBJECT: Application No. 96-7196 (Anderson) PROTESTED

Could you please give us the status of the above application? A decision was to have been made after the hearing which was held on December 12, 1973.

Just wondering what was happening!

CORDA JUNE

Corda June

Ken

Has anything happened on this application?

Bob

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Exhibit A
7-12-73
3:50 P.M.

Affidavit
County of Tosteno
State of Idaho

I, Anthony Bubb, do hereby declare that the property described in the application for permit to appropriate the public waters of the state of Idaho No. 96-7196 filed by Arnold H. and or from G. Anderson, as Prop 53N, R2W Sec 32 being 35 acres of NW 1/4 of the NW 1/4 and 5 acres of the SW 1/4 of the NW 1/4, was owned and used on by my parents Fred and Joyce Bubb from approximately 1905 to 1960 or 1961 when it was sold to Cy. Thompson, up until approximately 1955 all of the subject property was irrigated annually from Sage Creek.

Thereafter, fifteen acres of the subject property was irrigated until the time it was sold on approximately 1960 or 1961

Anthony Bubb

Subscribed and sworn to before me this 12th day of December 1973

Doris M. Higgins
Notary Public for Idaho
residing at Coeur d'Alene
My Comm expires 2-16-76
96-7196

Irrig 15 acres

40 acre parcel of 160 AC.

40 in permanent pasture

Homesteaded by Fred & Joyce Bubb

Cy Thornecroft

Armen H Anderson

120 ac. Timberland

Irrig for many years.

1905 - 1961 Affidavit of use right.

1955 began irrig 15 acres

Continuously flowing stream

Accept fact that right is junior.

Change method of irrig from flood to sprinkler

Robert Rickel

Beneficial use.

— James Tweedy —

Robert Rickel - not observed water being used.

Driven by property frequently.

James Tweedy - Real method flood
Ditches still there

Robert Rickel - object because of water shortage

Only on protest.

96-7196-

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

December 6, 1973

Re: Application for Permit No. 96-7196 - Armand H. &/or Jean G. Anderson

Robert and Ivan Rickel
Route #1, Box 104-A
Athol, ID 83801

Gentlemen:

To confirm our telephone conversation of December 5, 1973, the time of conference and/or hearing in connection with the above referenced application has been changed from 10:00 a.m. to 3:00 p.m. (December 12, 1973).

Thank you for your cooperation in this matter.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

cc: IDWA - Boise ✓
APPLICANT'S ATTORNEY

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P R O T E S T D A T A

1-213-986-6050
Mr. Tweedy

Robert Ricket
683-2385

96-7196

96-7196 - Armand H. &/or Jean G. Anderson

Community Room, First Federal Savings & Loan Building
Coeur d'Alene, Idaho

DECEMBER 12, 1973 - 11:00 A.M.

~~November 9, 1973 - 11:00 a.m.~~

ROSTER OF ATTENDANCE

Name	Address	Representing
James R. Sweed	16661 Ventura	Applicant
Hel Anderson	Encino 8717 Wavel LANCASTER CALIF	"
Joan Y. Richel	RA 1, Althol Idaho	Richel Ranch
Robert H. Pick	" " "	" "

96-7196

OK.
25.
9/8/73

RECEIVED

August 8, 1973

AUG 8 1973

Department of Water Administration
Northern District Office

Department of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, ID 83814

Gentlemen:

We, Robert Rickel and Ivan Rickel, hereby wish to file protest to issuance of a permit under Application No. 96-7196 in the name of Armand and/or Jean G. Anderson, who have applied for a permit to appropriate 0.8 cubic feet per second of water from Sage Creek, with point of diversion in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, Township 53 North, Range 2 West, for the following reasons:

1. There is not adequate water to supply our established water rights (license No. 96-2023).
2. Any further appropriation of water from Sage Creek will injure our present and existing water rights.

Very truly yours,

Robert Rickel
ROBERT RICKEL
Ivan Rickel
IVAN RICKEL

Address:

RT 1 Box 104 D, Athol, Idaho

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 14, 1973

Re: Application for Permit No. 96-7196

Armand H. &/or Jean G. Anderson
8717 West Avenue "L"
Lancaster, CA 93534

Dear Mr. & Mrs. Anderson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 96-7196. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 42-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

MICROFILMED

Page 2

Re: 96-7196

Armand H. &/or Jean G. Anderson

August 14, 1973

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

bc: Boise

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 14, 1973

Re: Application for Permit No. 96-7196 - Armand H. &/or Jean G. Anderson

Robert and Ivan Rickel
Route #1, Box 104-A
Athol, ID 83801

Gentlemen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

MICROFILMED

Page 2

Re: 96-7196

Robert & Ivan Rickel

August 14, 1973

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

bci Boise

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application for Permit No. 96-7196 in
the name of ARMAND H. &/OR JEAN G. ANDERSON

NOTICE OF CONFERENCE
AND/OR HEARING

On July 16, 1973, Armand H. &/or Jean G. Anderson filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On August 8, 1973, the Department received a protest against approval of said application from Robert Rickel and Ivan Rickel.

The Department has set the matter of protest for conference and/or hearing for Friday, November 9, 1973, at 11:00 a.m., in the Community Room of the First Federal Savings and Loan Building, 401 Front Avenue, Coeur d'Alene, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 10th day of October, 1973.


FRED EISENBARTH, JR.
Northern District Manager

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

December 6, 1973

Re: Application for Permit No. 96-7196 - Armand H. &/or Jean G. Anderson

James R. Tweedy
TWEEDY, PINHEY & HOWARD
Attorneys at Law
16661 Ventura Boulevard, Suite 224
Encino, CA 91316

Dear Mr. Tweedy:

To confirm our telephone conversation of December 5, 1973, the time of conference and/or hearing in connection with the above referenced application has been changed from 10:00 a.m. to 3:00 p.m. (December 12, 1973).

Thank you for your cooperation in this matter.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

December 6, 1973

Re: Application for Permit No. 96-7196 - Armand H. &/or Jean G. Anderson

Robert and Ivan Rickel
Route #1, Box 104-A
Athol, ID 83801

Gentlemen:

To confirm our telephone conversation of December 5, 1973, the time of conference and/or hearing in connection with the above referenced application has been changed from 10:00 a.m. to 3:00 p.m. (December 12, 1973).

Thank you for your cooperation in this matter.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

cc: IDWA - Boise

MICROFILMED

October 29, 1973

Re: Application for Permit No. 96-7196 - Armand H. &/or Jean G. Anderson

James R. Tweedy
TWEEDY, PINHEY & HOWARD
Attorneys at Law
16661 Ventura Boulevard, Suite 224
Encino, CA 91316

Dear Mr. Tweedy:

Pursuant to your request, we wish to advise you that the conference and/or hearing on the above referenced application for permit scheduled for Friday, November 9, 1973, at 11:00 a.m., has been postponed.

The new date and time for ^{3:00 (changed)} this conference and/or hearing is scheduled for Wednesday, December 12, 1973, at 10:00 a.m. It will be held in the Community Room of the First Federal Savings and Loan Building, 401 Front Avenue, Coeur d'Alene, Idaho, as originally stated.

If you should have any questions in this matter, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

cc: IDWA - Boise

MICROFILMED

October 29, 1973

Re: Application for Permit No. 96-7196 - Armand H. &/or Jean G. Anderson

Robert and Ivan Rickel
Route #1, Box 104-A
Athol, ID 83801

Gentlemen:

Pursuant to our telephone conversation, we wish to advise you that the conference and/or hearing on the above referenced application for permit which was scheduled for Friday, November 9, 1973, at 11:00 a.m., has been postponed.

The new date and time for this conference and/or hearing is scheduled for Wednesday, December 12, 1973, at 10:00 a.m. It will be held in the Community Room of the First Federal Savings and Loan Building, 401 Front Avenue, Coeur d'Alene, as originally stated.

If you should have any questions in this matter, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:ep

cc: IDA - Boise

MEMO

TO: BOB FLEENOR
FROM: Corda June
DATE: October 24, 1973
SUBJECT: Hearing for Application No. 96-7196 (Anderson)
Scheduled for November 9, 1973 at 11:00 a.m.

I contacted the protestants of the above application. They stated that the second week in December would be a more convenient time for re-scheduling the hearing, rather than the last week in November.

However, because of the rumor of our Training Conferences again being held this year around the second week in December, will this conflict with the activities of the Department?

Any information you can give me on this would be greatly appreciated so that we can schedule our meetings accordingly.

CORDA JUNE
Corda June
NORTHERN DISTRICT

MICROFILMED

*Cordia:
See if we can re-schedule
this hearing
7.8.*

TWEEDY, PINHEY & HOWARD

JAMES R. TWEEDY
EDWARD L. PINHEY
RICHARD G. HOWARD
ROBERT A. NEHER

ATTORNEYS AT LAW
16661 VENTURA BOULEVARD, SUITE 224
ENCINO, CALIFORNIA 91316

986-6050
872-0680

October 15, 1973

RECEIVED

OCT 17 1973

Department of Water Administration
Northern District Office

State of Idaho
Department of Water Administration
Northern District Office
401 Front Avenue, Rm. 209
Coeur D'Alene, Idaho 83814

Attention: Mr. Fred Eisenbarth

Re: Application for Permit No. 96-7196
Filed by Armand H. and/or Jean G.
Anderson

Dear Mr. Eisenbarth:

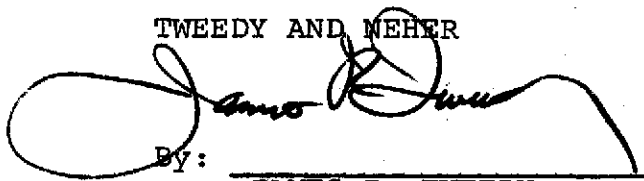
Pursuant to our conversation this date, I am writing to request a continuance on the conference and/or hearing scheduled in the above captioned matter for Friday, November 9, 1973 at 11:00 A.M.

As I explained to you I am starting a trial on the 8th of November and will be unavailable at that time. I would therefore respectfully request that a new date and time be set preferably around the last week in November sometime subsequent to the Thanksgiving holidays. Another convenient time would be the second week of December.

If you have any questions, please feel free to call me collect at the above number. Thank you very much for your courtesy and cooperation.

Very truly yours,

TWEEDY AND NEHER


By: JAMES R. TWEEDY

JRT:jam

MICROFILMED

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

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Show address
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to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

745711

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

3

96-7196

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



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



Postmark of Delivering Office

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



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



DEPT. OF WATER ADMIN.
401 FRONT AVE., ROOM 209
COEUR D'ALENE, ID 83814

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

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Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

1

745710

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

3

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10-11-73

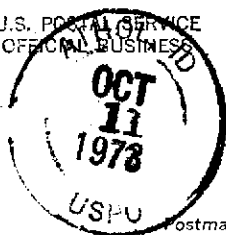
96-7196

3811

PS Form

Sep. 1972

65-16-61377-2

U.S. POSTAL SERVICE
OFFICIAL BUSINESSPENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

Postmark of Delivering Office

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- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

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TO

DEPT. OF WATER ADMIN.
401 FRONT AVE., ROOM 209
COEUR D'ALENE, ID 83814

NAME AND
ADDRESS
OF SENDER

WATER ADMINISTRATION - Northern District

Indicate type of mail

☐ INSURED☐ C. O. D.☒ CERTIFIEDAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill. H E A R I N G S

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. M. FEE ²	RESTRICTED DELIVERY FEE REMARKS
1	745703 William K. &/or Geraldine Russell, St.Rt., Elk City	.08	.30			.15			82-7019
2	745704 Orogrande Water Association, 2401 - 7th, Lewiston	"	"			"			"
3	745705 Thomas C. Morris, Courthouse, St. Maries, Idaho	"	"			"			92-7014
4	745706 Emmett Tow, Route #1, St. Maries, ID 83801	"	"			"			"
5	745707 James F. Judd, P.O. Box 686, Post Falls, Idaho	"	"			"			95-7339
6	745708 Ben Williams, Route 7, Spokane, Washington	"	"			"			"
7	745709 Robert W. &/or Constance V. Coles, Box 666, Post Falls	"	"			"			"
8	745710 Robert & Ivan Rickel, Rt. 1, Box 104-A, Athol, Idaho	"	"			"			96-7196
9	745711 Armand H. &/or Jean G. Anderson, 8717 W. Avenue "L",								
10	----- Lancaster, CA 93534	"	"			"			"
11	745712 William & Betty Moody, Rt.1, Box 75, Sandpoint, ID	"	"			"			96-7204
12	745713 Elmer D. &/or Verna May Kalar, Rt. 1, Box 73, Sandpt.	"	"			"			"
13	745714 Cleve D. Shearer, Box 173, Bonners Ferry, Idaho	"	"			"			98-7083
14	745715 Kenneth E. Irons, Rt. 1, Bonners Ferry, Idaho	"	"			"			"
15									
16									
17									
18									
19									
20									
TOTAL NUMBER OF PIECES LISTED BY SENDER (13) THIRTEEN		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." ² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.			

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

October 10, 1973

Carolyn Hanks
First Federal Savings & Loan Association
401 Front Avenue
Coeur d'Alene, ID 83814

Dear Carolyn:

This is to confirm the use of the Community Room for conference and/or hearing to be held by this office on Friday, November 9, 1973, at 9:00 a.m. and 11:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>EL</u>	<u>7/14/73</u>	Application No. <u>96-7196</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)			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>EL</u>	<u>7/14/73</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>cl</u>	<u>8-13-73</u>	Affidavit of Publication received (date) <u>August 7, 1973</u>
(11)	<u>cl</u>	<u>7-20-73</u>	Final date for protests <u>August 13, 1973</u> Protests received: yes ☒ no _____
(12)			Date and Place of hearing _____ Decision reached at hearing _____ _____
(13)			All requested information received from agencies or applicant yes _____ no _____
(14)			Action recommended: ____ Approve _____ Priority _____ ____ Deny _____ Reason for Reduction _____ ____ Measuring device required _____ ____ See attached sheet for additional conditions of approval _____ ____ No additional conditions for approval _____
(15)	District	By	Date

MICROFILMED

July 20, 1973

Re: Application No.	95-7322	95-7326	95-4104
"	" 95-7323	96-7196	96-4072
"	" 95-7324	95-4103	96-4074

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

FE:CR

Enc: Legal Notices (9)

Bill submitted 8-13-73 by cl

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Armand H. &/or Jean G. Anderson,
8717 West Ave. "L", Lancaster, California

~~have~~
~~xxx~~ has on July 16, 1973 submitted Application No. 96-7196

for a permit to appropriate 0.8 cubic feet per second ~~acre feet per annum~~

of water from Sage Creek

by means of pump, motor, pipeline, and sprinklers

within the SW¹/₄ NW¹/₄, Sec. 32, T. 53N, R. 2W, B.M., Kootenai County

to be used from March 15 to Nov. 15

for the irrigation of 40 acres

within the W¹/₂ NW¹/₄, Sec. 32, T. 53N, 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 August 13, 1973.

R. KEITH HIGGINSON

Director

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

on July 26 and August 2, 1973

MICROFILMED

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Armand H. &/or Jean G. Anderson, 8717 West Ave. "L," Lancaster, California have on July 16, 1973 submitted Application No. [96-7196] for a permit to appropriate 0.8 cubic feet per second of water from Sage Creek by means of pump, motor, pipeline, and sprinklers within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 53N, R. 2W, B.M., Kootenai County to be used from March 15 to Nov. 15 for the irrigation of 40 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 32, T. 53N, 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 August 13, 1973.

R. KEITH HIGGINSON
Director

July 26, Aug. 2, 1973

OK.
7-27-73
OK