

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 96-7177

Name(s) of Permit Holder(s): John / Robert Mott

Post Office Address: Rt 1 Box 8100 Archa, Id

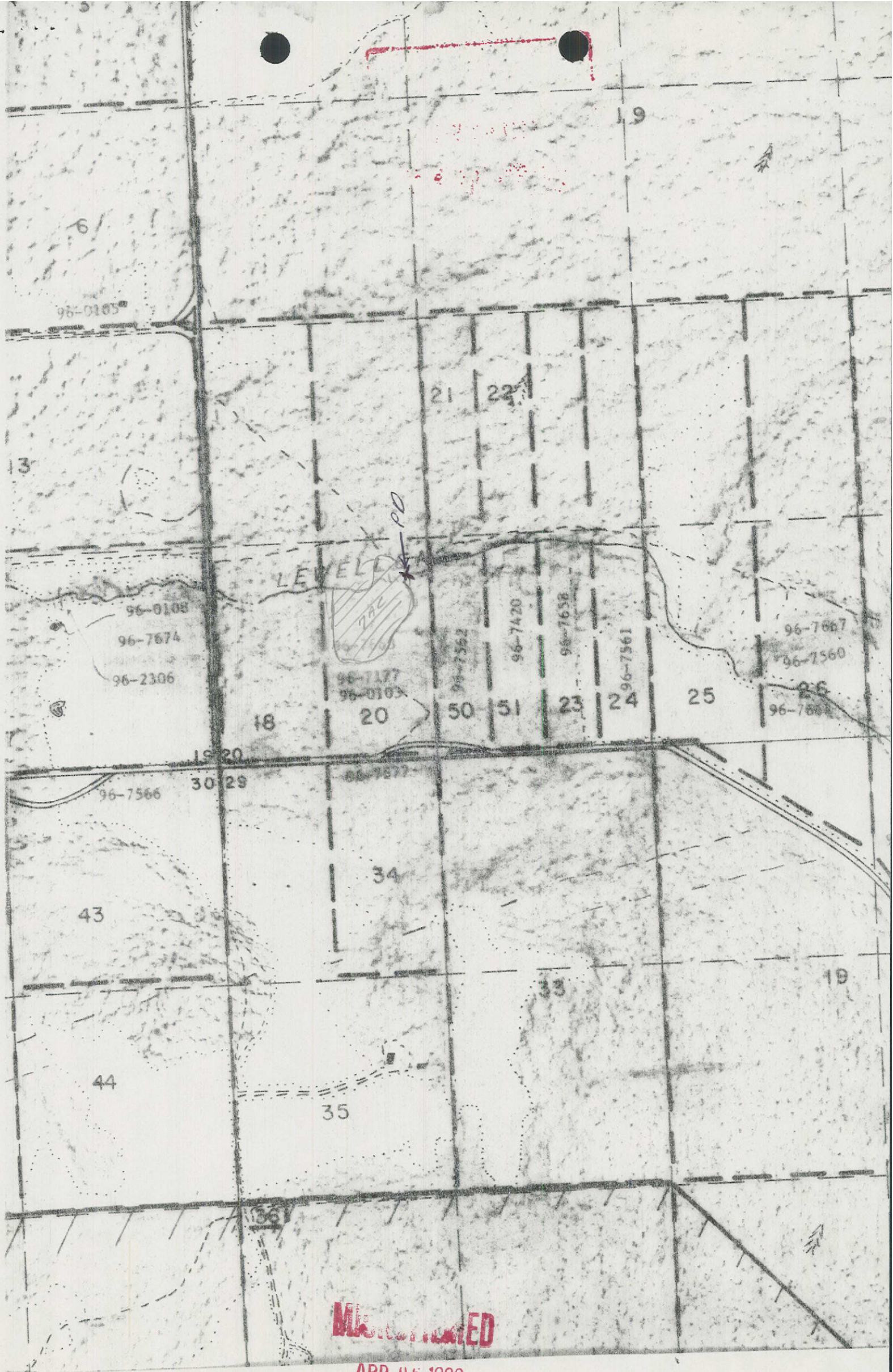
Tel. No. 683-2996

- ☐ I hereby certify that construction of diversion works for the above referenced permit began on 1979 (date) I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

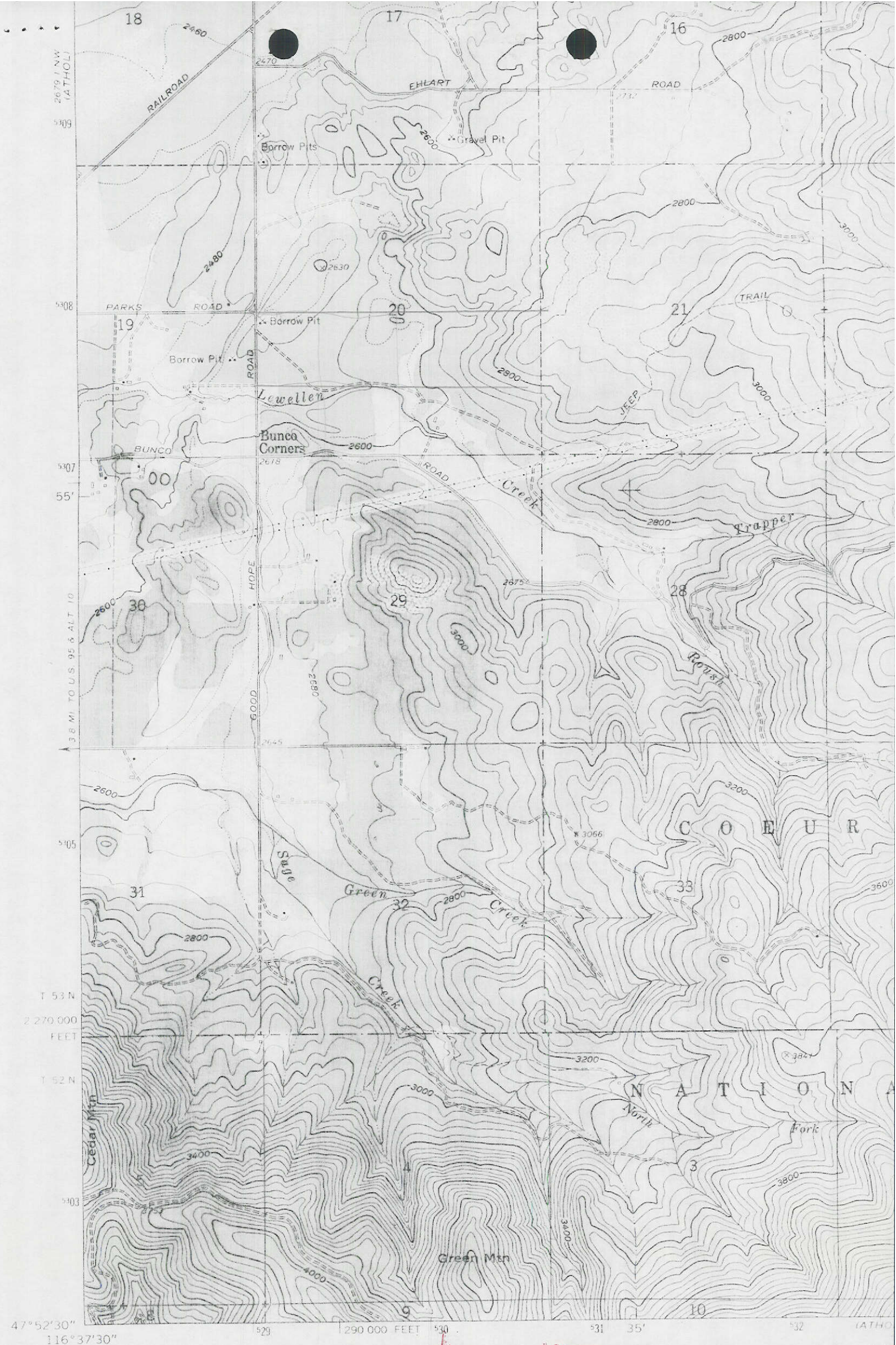
*Note: A financing difficulty is
not an acceptable reason.

7-2-82
Date

R. J. Mott
Signature of Permit Holder



TWP. 53N RGE. 2W SEC. 20 MAP # AD MAP SCALE 1"=660'
DATE OF FIELD EXAM 9/11/84 FIELD REPORT MAP PERMIT # 96-7177



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1958 and planetable surveys 1961 North half and southwest quarter revised from aerial photographs taken 1965 and 1966. Field checked 1967

Selected hydrographic data compiled from USC&GS Chart 6170 (1958)

This information is not intended for navigational purposes

Horizontal projection 1927 M. S. A. datum

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APR 06 1988

0.19 6 MILES 21 173 MILES

96-7177

CONTOUR IS DOTTED LINES REF. DATUM IS DEPTH CURVES AND SOUNDINGS IN F

DEN LAKE 2679 1 SW



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APR 06 1988

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✓ 96-2

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI.

Washington State Sugar Company,
a corporation,
Plaintiff,

vs.
JUDGMENT

Jacob Goodrich, Samuel Sheppard and
Anna L. Sheppard, his wife, John
Ford and Grace Ford, his wife, Fred
Herring, Peter Putz, Joseph Putz,
William Putz, Henry Hockett, Bert
Hockett, Thomas Hockett, James Gregg,
James Gregg, Walter Brown, Squire
Wier, O. M. Olson, William Brown, M.
C. King, John Teddy, Lester Kimbriek
and Ralph Ward,
Defendants.

RECEIVED
JUN 13 1914
OFFICE OF STATE ENGINEER

This cause having come on regularly for hearing and
trial before the Court without a jury, on the 25th day of

June, A.D. 1913, the plaintiff appearing by its
attorneys, Allen and Allen of Spokane, Washington, and Charles
L. Heitman of Spirit Lake, Idaho, and defendants appearing by
their attorneys, M. C. King and Black & Bernette; Witnesses
were duly sworn, examined and testified on behalf of both
plaintiff and defendants, and after the introduction of evidence
by both plaintiff and defendants, both oral and documentary, and
arguments of counsel for both plaintiff and defendants, the
court made a personal inspection of the lands, premises and
waters in dispute, and in controversy in the above entitled
action. Said inspection being made by the Court on agree-
ment and stipulation of the respective parties through their
attorneys, there being with the Court at said time of inspec-
tion, Albert Allen, one of the attorneys for plaintiff, and
M. C. King and R. L. Black, attorneys for defendants; and

the Court being fully advised in the premises, and having heretofore made and filed its findings of fact and conclusions of law, and ordered judgment to be entered accordingly.

NOW, THEREFORE, It is hereby ordered, adjudged and decreed:

1. That the water right initiated by one D. C. Hall first by the construction of said Hall ditch described in the findings of fact, and later by the posting and recording of a notice of water right as required by law, and which notice of water right was recorded in the office of the County Recorder of Kootenai County, Idaho, on the 19th day of June, 1897, was a good and valid appropriation of the waters of Levellyn Creek (sometimes called Collins Creek, being in Kootenai County, Idaho,) to the extent hereinafter named, made by said D. C. Hall, and his successors in interest for the lands described as the NE $\frac{1}{4}$ of Section 26, Twp. 33 N. R. 3 W.B.M., in Kootenai County, Idaho.

96 0001

That the defendant, M. C. King who was at the time of the trial of this action the owner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 26, is hereby adjudged and decreed a water right for 1 1/5 cubic feet of water per second of time from the waters of Levellyn Creek as a riparian to the said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, T. 33 N. R. 3 W.B.M., in Kootenai County, Idaho, conveyed to said land by means of said Hall ditch, which said water right is hereby confirmed;

It is further ordered, adjudged and decreed that at least 1 1/5 cubic feet of water per second of time of the waters of said Levellyn Creek shall be permitted to enter the intake of said Hall ditch, which intake is near the east line of Section 24, T. 33 N. R. 3 W.B.M., at all seasons of the year for said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 26.

Feb 18 1947

PD. change -

It is further ordered, adjudged and decreed that said water right is established as of the date of June 12, 1897.

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It is further ordered, adjudged and decreed that
IV. O.M.
defendants Mac S. Olson who were at the time of the commencement
and trial of this action, the owners of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of
said Section 26, T. 53 N. R. 3 N.D.M. are hereby adjudged and
decreed a water right for 6/50 of a cubic foot of water per
second of time from the waters of Lovellyn Creek as appurte-
nant to the said S $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section 26, T. 53 N. R. 3
N.D.M., in Kootenai County, Idaho, to be conveyed to said land
by means of said Hall ditch, which said water right is hereby confir-
med;

96-0002

It is further ordered, adjudged and decreed that at
least 6/50 of a cubic foot of water per second of time of the
waters of Lovellyn Creek shall be permitted to enter the intake
of said Hall ditch, which intake is near the east line of
Section 24, Twp. 53 N. R. 3 N.D.M., at all seasons of the
year for said land.

It is further ordered, adjudged and decreed that the
said water right is established as of the date of June 12, 1897.

8. It is further ordered, adjudged and decreed that
the water right initiated by one Jacob Goodrich and Jefferson
Brown, by the posting of a notice of water right at the intake
of said Hall ditch, which posting of said notice was done by
said Goodrich and said Brown on December 17, 1900, and which
notice of water right was thereafter on to-wit, December 31,
1900, recorded in the office of the County recorder of Kootenai
County, Idaho, at 1 o'clock P.M. in Book A of Water Rights at
page 204, was a good and valid notice of water right and
appropriation of the waters of Lovellyn Creek for the lands
described as the S $\frac{1}{2}$ of Section 24, Twp. 53 N. R. 3 N.D.M., in
Kootenai County, Idaho, and that the defendants and owners
of said S $\frac{1}{2}$ of said Section 24, T. 53 N. R. 3 N.D.M., are

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Trans #101

adjudged and decreed a good and valid water right to the waters of said Lovelllyn Creek for the use of and in connection with said lence to the extent and amount as hereinafter named for each subdivision thereof.

It is hereby ordered, adjudged and decreed that defendant, William Behn be and he is hereby adjudged and decreed a water right for one-fiftieth of a cubic foot of water per second of time from the waters of said Lovelllyn Creek as appurtenant to the NE $\frac{1}{4}$ of D $\frac{1}{2}$ of said Section 24, T. 33 N. R. 2 E. B.M., to be conveyed to said land by means of said Hall ditch, the said land being at the time of the trial of this action owned by one E. Z. Stoddard; which said water right is hereby confirmed.

It is further ordered, adjudged and decreed that at least 1/50 of a cubic foot of water per second of time of the waters of said Lovelllyn Creek shall be permitted to enter the intake of said Hall ditch, which intake is near the East line of said Section 24, T. 33 N. R. 2 E. B.M., at all seasons of the year for said land.

It is further ordered, adjudged and decreed that said water right of 1/50 of a cubic foot of water per second of time from said Lovelllyn Creek for said land is established as of the date of December 17, 1900.

It is further ordered, adjudged and decreed that defendant, Jacob Stoddard, the owner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 24, Twp. 33 N. R. 2 E. B.M., in Boone County, Idaho, at the time of the commencement of this action, be and he is hereby adjudged and decreed a water right for 2/50 of a cubic foot of water per second of time from the waters of Lovelllyn Creek as appurtenant to the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 24, T. 33 N. R. 2 E. B.M., to be conveyed to said land from said Lovelllyn Creek by means of said Hall ditch, which said water right is hereby confirmed.

96 0003

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* Nov 7

It is further ordered, adjudged and decreed that at least $1/50$ of a cubic foot of water per second of time of the waters of said Lovelllyn Creek shall be permitted to enter the intake of said Hall ditch, which intake is near the east line of Section 24, T. 53 N. R. 3 W. B. N., at all seasons of the year for said lands.

It is further ordered, adjudged and decreed that said water right of $1/50$ of a cubic foot of water per second of time of the waters of said Lovelllyn Creek shall be permitted to enter the intake of said Hall ditch, which intake is near the east line of Section 24, T. 53 N. R. 3 W. B. N., at all seasons of the year for said lands.

It is further ordered, adjudged and decreed that said water right of $1/50$ of a cubic foot of water per second of time from the waters of said Lovelllyn Creek for said land is established as of the date of December 17, 1900.

It is further ordered, adjudged and decreed that defendant, Peter Ratz, who was at the time of the commencement and trial of this action, the owner of the $1/2$ of $1/4$ of SW $1/4$ of said Section 24, T. 53 N. R. 3 W. B. N., in Kootenai County, Idaho, and he is hereby adjudged and decreed a water right for $5/50$ of a cubic foot of water per second of time of the waters of Lovelllyn Creek as appurtenant to the SW $1/4$ of SW $1/4$ of Section 24, T. 53 N. R. 3 W. B. N., in Kootenai County, Idaho, to be conveyed to said lands by means of said Hall ditch.

It is further ordered, adjudged and decreed that at least $5/50$ of a cubic foot of water per second of time of the waters of Lovelllyn Creek shall be permitted to enter the intake of said Hall ditch which intake is near the east line of Section 24, Twp. 53 N. R. 3 W. B. N., at all seasons of the year for said land;

96 0004

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It is further ordered, adjudged and decreed that said water right to said 5/50 of a cubic foot of water per second of time from the waters of said Lovelllyn Creek for said land, is hereby established as of the date of December 17, 1900.

It is further ordered, adjudged and decreed that said water right of 5/50 of a cubic foot of water per second of time from the waters of said Lovelllyn Creek for use on said land is hereby confirmed.

It is further ordered, adjudged and decreed that ^{the works of} the defendant, Peter Buta, who was at the time of the commencement

of this action the owner of the SE 1/4 of SE 1/4 of Section 24, Twp. 23 N. R. 3 E. B.M. in Kosciusko County, Idaho, ~~be and he~~

~~is hereby adjudged and decreed that the works for diverting~~

water to his land namely, said half ditch, are capable of

diverting more water than has been beneficially applied to

said land for ^{irrigation} ~~beneficial~~ purposes at the time of the awards

made by this court herein; and it is ordered, adjudged and

decreed that ~~the works are hereby established by the court that~~

said works are capable of carrying at least 7/50 of a cubic foot of water per second of time from the waters of said Lovelllyn

Creek to the land of said defendant for use upon said land for

irrigation purposes in addition to the said 5/50 of a cubic

foot of water per second of time hereinbefore mentioned, and

It is further ordered, adjudged and decreed that defendant has

prepared by clearing of timber, brush and otherwise, 7 acres

of said land, being a part of the said SE 1/4, NE 1/4 of Section

24, T. 23 N. R. 3 E. B.M., belonging to him, on which there has

not yet been applied for irrigation purposes waters from

Lovelllyn Creek, appropriated and covered by said Goodrich-Brown

notice of water right, which covered the said lands of defend-

ant, as well as the other said lands of defendant; and said

defendant is adjudged and decreed entitled to 7/50 of a cubic

foot of water per second of time from the waters of said Levellyn Creek, to be conveyed to said land by means of said Hall ditch, for said additional 7 acres of land, as appurtenant to said land, (which said 7 acres of land is additional to the 3 acres of land for which 5/50 of a cubic foot of water per second of time from the waters of Levellyn Creek have been awarded as herein mentioned.) when said amount of water is beneficially applied in the manner and within the time herein prescribed, and it is further ordered, adjudged and decreed that said defendant have two years from the date of this decree for the beneficial application of said 7/50 of a cubic foot of water per second of time of the waters of said Levellyn Creek in addition to said 5/50 of a cubic foot per second of time as heretofore mentioned, to make beneficial application and use thereof on said 7 acres of land, and make proof of said use, and that when said proof is made, said water right is confirmed for said additional 7/50 of a cubic foot of water per second of time for said land, and said water right therefor when the water has been applied at the time and in the manner herein provided, is established as of the date of December 17, 1900.

It is further ordered, adjudged and decreed that defendant Fred Herring who was at the time of the commencement of this action, the owner of the NE 1/4 of the SE 1/4 of Section 24, Twp. 53 N. R. 3 W. 2 E., in Hot Springs County, Idaho, is hereby adjudged and decreed a water right of 5/50 of a cubic foot of water per second of time from the waters of said Lemmon Creek be appurtenant to the said NE 1/4 of SE 1/4 of Section 24, T. 53 N. R. 3 W. 2 E., to be conveyed to said land by means of said Hall ditch, the said land being at the time of the trial of this action owned by one A. L. Paulin, who is the plaintiff.

1. L. Dullin, who testified at the trial of this action;

#161
 1/20/08

It is further ordered, adjudged and decreed that the said amount of 5/50 of a cubic foot of water per second of time of the waters of said Lovelllyn Creek at least shall be permitted to enter the intake of said Hall ditch, which intake is near the east line of said Section 34, T. 53 N. R. 3 W. N. W. at all seasons of the year, for said land, and that said water right of said 5/50 of a cubic foot of water per second of time from the waters of said Lovelllyn Creek is hereby established as of the date of December 17, 1900.

It is further ordered, adjudged and decreed that said water right of 5/50 of a cubic foot of water per second of time from the waters of said Lovelllyn Creek for use on said land is hereby confirmed.

3. It is further ordered, adjudged and decreed that the rights of plaintiff to the waters of said Lovelllyn Creek or to any portion of the waters thereof, whatever said rights or claims may be, are hereby adjudged and decreed as subsequent and inferior to the rights of defendants, and their successors in interest, to the lands and water rights appertaining to said lands heretofore decreed in this judgment and decrees to the extent and amount herein named.

4. It is further ordered, adjudged and decreed that neither plaintiff nor any assignees nor successors in interest of plaintiff nor any agent, servant, or employee of plaintiff, or its successors or assigns, shall at any time divert or in any manner take the waters of Lovelllyn Creek for any use or purpose, above the intake of said Hall ditch which

intake is near the east line of said Section 34, T. 53 N. R. 3 W. N. W., or any other place, from said Creek so there shall not at all times been flowing from said Lovelllyn Creek into said intake of said Hall ditch at least 1.37/50 of a cubic foot of water per second of time of the waters of said Lovelllyn Creek

for the use of and in connection with the said lands of
defendants, their successors in interest, to the extent of the
amount of the waters decreed to said lands by this judgment
and decree. That the said lands entitled to said waters
are described as the NE¹/₄ of Section 20 and the SE¹/₄ of Section
24, all in Township 33 N. R. 3 W.B.M., in Scotland County,
Idaho, the same being the lands described in the said D. C.
Bill water right and notice thereof, and in the said Goodrich-
Proven water right and notice thereof.

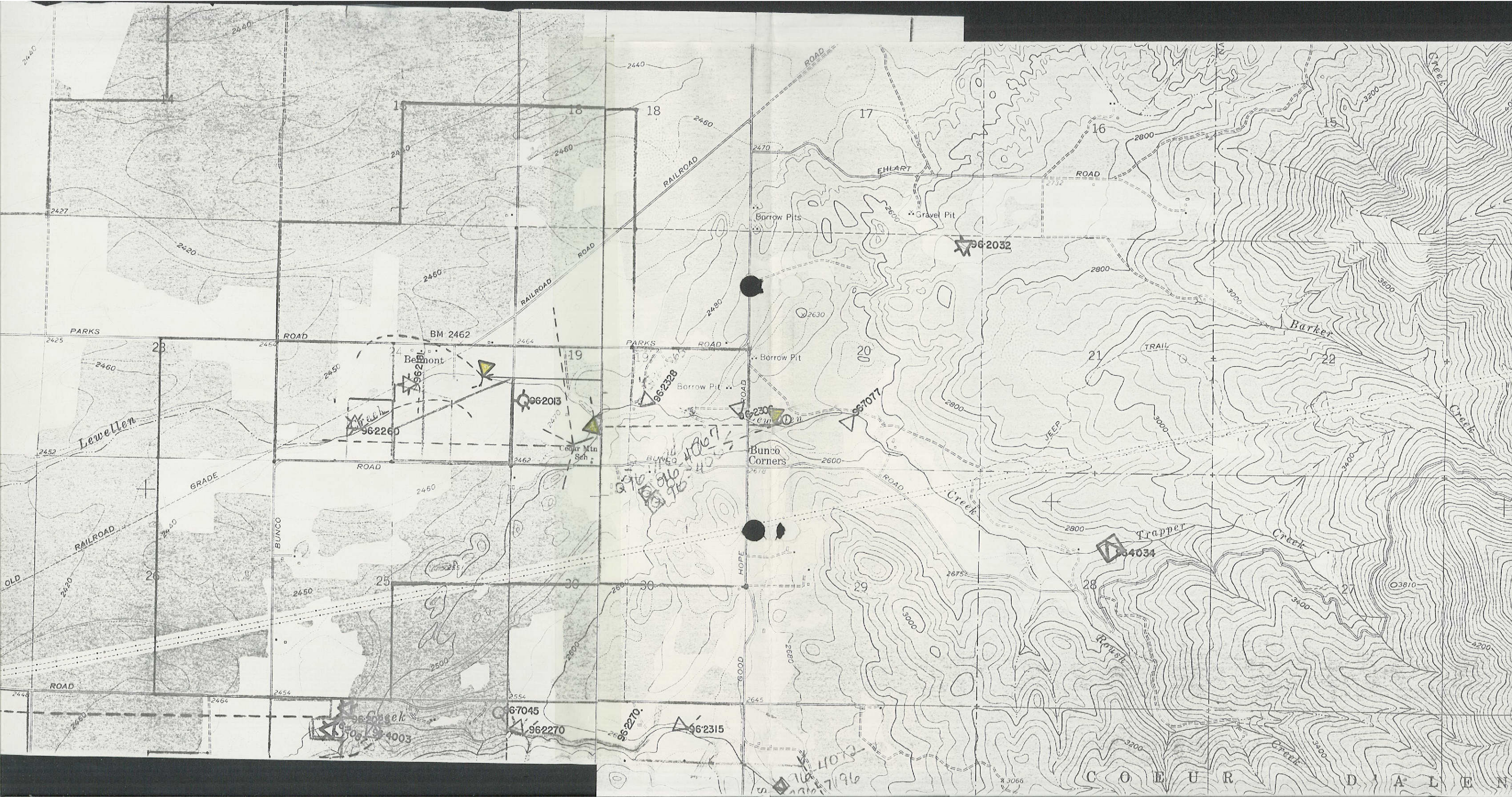
Dated and signed this 10th day of June, A.D. 1914.

R. W. Dunn

DISTRICT JUDGE.

*Oh are you done, Mr. Dunn
Or have you only just begun
to turn some water into the "ditch
of Mr. Hall?"*

?



State of Idaho
Department of Water Resources

CONFORMED COPY

WATER RIGHT LICENSE

WATER RIGHT NO. 96-7177

Priority: May 21, 1973 Amount: .08 CFS 14.6 AFA

This is to certify, that JOHN H. MOTT
REBECCA J. MOTT

RT. 1 BOX 81-A
ATHOL, ID 83801

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 21, 1973, and has submitted proof to the Department of Water Resources on July 12, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .08 cfs of water from;

LEWELLEN CREEK tributary to SINKS

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	05/01 to 08/01	.08 cfs	14.6 afa
<u>LOCATION OF POINT OF DIVERSION(S):</u>		SWSW , Sec. 20, Township 53N, Range 2W Kootenai County	
<u>PLACE OF USE:</u> Irrigation			
<u>TWN</u> <u>RGE</u> <u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u> <u>TOTAL</u>
53N 2W 20	SWSW 7		7
Total number of acres irrigated:			7

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. 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 license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 16th day of October, 1987.

NOT FILMED

APR 06 1988

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING }
DEVICE REQUIREMENT FOR PERMIT NO. 96-7117 }

ORDER

WHEREAS, it has been determined by the Department of Water Resources that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from said permit.

Dated this 28th day of August, 1978.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

PLEASE NOTE

This water right is currently involved in an adjudication procedure. Insure that the regional office is notified of any changes or correspondence.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

RECEIVED
AUG 17 1978
Department of Water Resources
Northern District Office

State of Idaho)
County of Kootenai)

Permit No. 77

John H & Rebecca Matt of Rt #1, Box 81-A ATHOL
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 96-7177.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Sept 1, 19 78.

That he has heretofore performed the following work described under said permit:
Have installed 1 hp pump & 250' of underground pipe
with 2 outlets for surface laterals. Have approx
250 ft of surface laterals which can cover about
2 acres of land. Costing \$ 1000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Need more time to complete
project.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to Sept 1, 19 83.

x John Matt
(signature) *

Subscribed and sworn before me this 17 day of August, 19 78.

seal

Alma Banta
Notary Public residing at
Boothman, Id.

My commission expires Lifetime

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use be extended to
September 1, 1983.

Witness my hand this 22 day of August, 19 78.

Betty D. Fleener
Chief, Regional Office Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

MICROFILMED

Identification No. 96-7177

Application 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 John H. and/or Rebecca J. Mott PH: 683-2425
post office address Route #1, Box 81-A, Athol, Idaho
2. Source of water supply Lewellen Creek which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 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 0.4 for Irrigation purpose from May 1 to August 12^m (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. 0.4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 3 h.p. pump from river with pipes
to sprinklers.

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 \$ 1,200.00.
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: _____

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

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	
53N	2W	20										18	2						20

Total number of acres to be irrigated 20

c. Describe any other water rights used for the same purposes as described above.

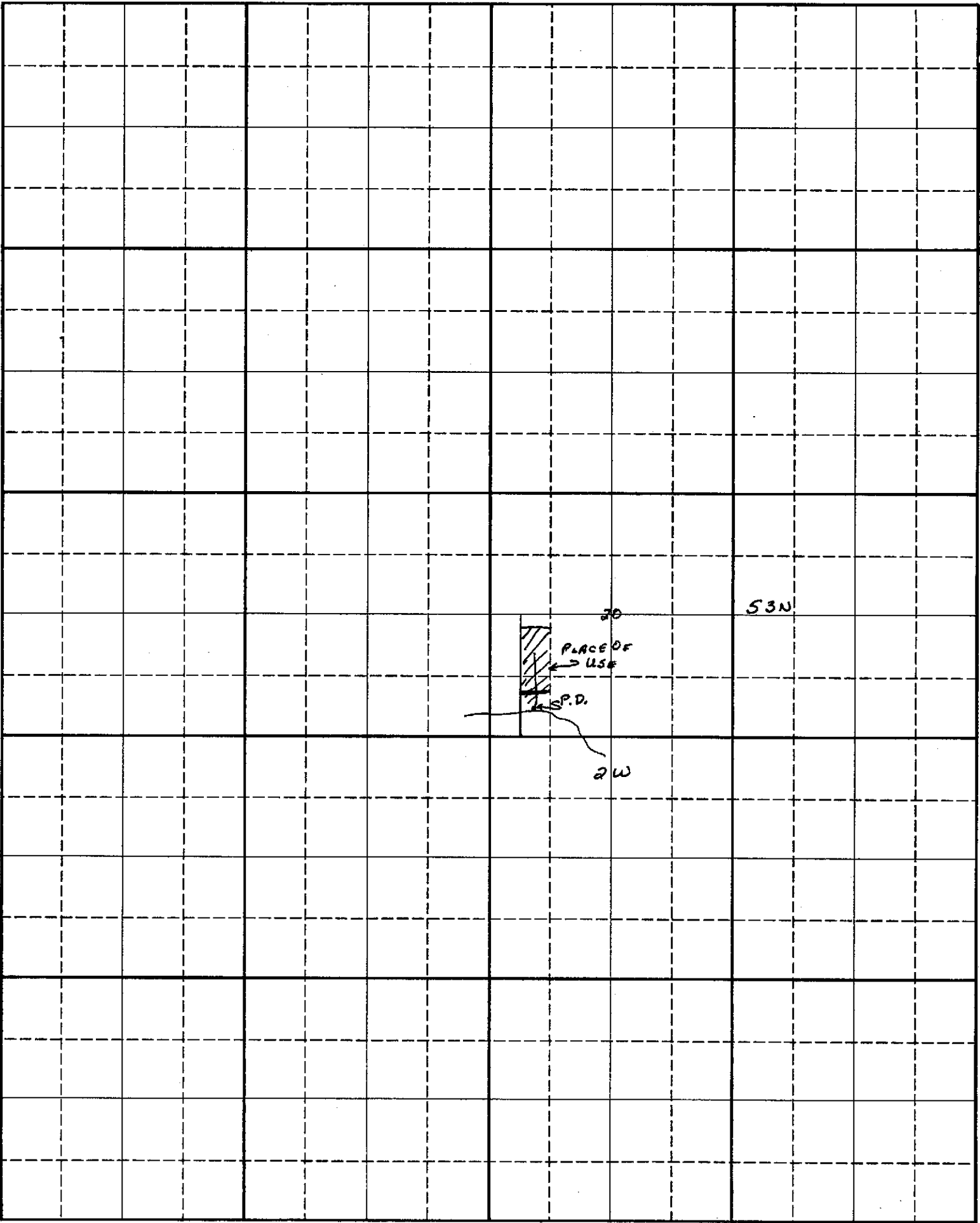
9. a. Who owns the property at the point of diversion Applicant

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.

Shirley J. Matt
(Applicant)

Received by KK Date 5/21/73 Time 10:30 A.M.
 Preliminary check by KK Fee \$ 25.00 # 10673
 Receipted by KK Date 5/21/73
 Publication prepared by CR Date 5-25-73
 Published in Coeur d'Alene Press
 Publication dates 5-31 & 6-7-73
 Publication approved cl Date 7-9-73
 Priority ~~reduced to~~ 5-21-73 Reason _____

CORRECTION!

CdA. PRESS

JUNE 21 + 28

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DDF

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. 96-7177, 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 September 1, 1978.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
The period of use for this permit shall be May 1 to August 1.

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

Witness my hand this 7 day of September 1973.

R. Keith Higgins
 Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>FE</u>	<u>5/24/73</u>	Application No. <u>96-7177</u> Name <u>John H. and Rebecca I. Mott</u>
(2)	<u>FE</u>	<u>5/24/73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)			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.
(5)	<u>FE</u>	<u>5/24/73</u>	In form for advertising <u>O.K.</u>
(6)	<u>CR</u>	<u>6-8-73</u>	Affidavit of Publication received <u>JUNE 8, 1973</u>
	<u>CR</u>	<u>6-15-73</u>	<u>CORRECTION: JULY 9, 1973</u>
(7)	<u>CR</u>	<u>5-25-73</u>	Final date for protests <u>JUNE 18, 1973</u> Protests received: yes <u>/</u> no <u> </u>
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)	<u>FE</u>	<u>8/27/73</u>	Comments: <u>Hearing was held on 8/23/73. Protest was</u> <u>withdrawn on condition that water not be used after</u> <u>August 1</u>
(13)	<u>FE</u>	<u>8/27/73</u>	Action recommended: ☒ Approve Priority <u>5/21/73</u> ☐ Deny Reason for Reduction _____ <u>FE</u> <u>8/27/73</u> See attached sheet for conditions of approval <u>(period of use</u> <u>MAY 1 to Aug. 1)</u> No conditions for approval <u>and measuring device</u>
(14)	<u>FE</u>	<u>8/27/73</u>	District <u>North</u> By <u>Paul E. Smith</u> Date <u>8/27/73</u> Title <u>Tech III</u>

AFFIDAVIT OF PUBLICATION - COEUR D'ALENE PRESS

(WEEKLY)

JUN 8 1973

STATE OF IDAHO,

County of Kootenai,

ss.

Department of Water Administration

Northern District Office,
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

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

weekly issues of said newspaper for two consecutive weeks, commencing

on the 31 day of May, 19 73, and ending on the

7 day of June, 19 73

Subscribed and sworn to, before me, this 7 day of June

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 John H. &/or Rebecca J. Mott, Route No. 1, Box 81-A, Athol, Idaho have on May 21, 1973 submitted Application No. 96-7177 for a permit to appropriate 0.4 cubic feet per second of water from Lewellen Creek by means of pump, pipelines, and sprinklers within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 53N, R. 2W, B.M., Kootenai County to be used from May 1 to Oct. 31 for the irrigation of 20 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, T. 53N, R. 2 W, 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 June 18, 1973.

R. KEITH HIGGINSON

Director

May 31, June 7, 1973. X

96 7177

RECEIVED

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY) JUL 3 1973

STATE OF IDAHO,
County of Kootenai,

ss.

Department of Water Administration
Northern District Office

Callie Painter

....., 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

Notice of Correction

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for *two* consecutive weeks, commencing on the *21* day of *June*, 19*73*, and ending on the *28* day of *June*, 19*73*.

Subscribed and sworn to, before me, this *28* day of *June*

19 *73*

Callie Painter

Patrick King

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

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. ~~96-7177~~ in the name of John H. &/or Rebecca J. Mott was advertised incorrectly on May 31 and June 7, 1973. The amount of water to be diverted from Lewellen Creek was advertised as being .04 cubic feet per second. Whereas, the actual amount of water to be diverted is 0.4 cubic feet per second.

Any protest to this correction may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814 within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
Director

June 21, 28, 1973.

96 7177

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 96-7177

Name(s) of Permit Holder(s): John / Robert Mott

Post Office Address: Rt 1 Box 864 Arbo 2.0

Permit No. 683-3996

☐ I hereby certify that construction of diversion works for the above referenced permit began on 1979 (date) and I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

7-2-82
Date

R. J. Mott
Signature of Permit Holder

R. J. Watt
Rt 1 Box 81-A
Athol, SD 57801

Department of Water Resources

JUL 9 1982



MICROFILMED 982

DEC 22 1988

83801

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

JUL 20 1982
USA



JOHN H. & REBECCA J. MOTT
RT. 1 BOX 81-A
ATHOL, ID 83801

October 19, 1987

RE: Permit No. 96-7177

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

APR 06 1988

JOHN H. & REBECCA J. MOTT
RT. 1 BOX 81-A
ATHOL, ID 83801

September 15, 1987

RE: Permit No. 96-7177

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
APR 06 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

10-DAY

RECEIVED

SEP 24 1984

96-7177
Permit No.

Department of Water Resources

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

SEE 219A #7 Est. cap. as 0.08 cfs

- b) Volume Calculations for Irrigation: SEE 219-A

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 7(3.5) \quad 24.5 \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .08(92)1.9835 = 14.6 \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \quad 14.6 \end{aligned}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: _____

- b) Other water rights with same point of diversion: _____

- c) Analysis:

RECEIVED

APR 06 1988

RECOMMENDED AMOUNTS

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
96-7177	5-21-73	0.08	5-21-73	7-12-83	0.08

4. Permit Holder: John H. &/OR REBECCA J. MOTT

Address: Rt. 1, Box 81-A - Athol, Id. 83801

5. Source: Lewellen Cr. tributary to Sinks

6. Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
<u>IRRIGATION</u>	<u>5-1</u>	<u>8-1</u>	<u>0.08</u>	<u>14814.6</u>

Allowable Maximums: 0.08 ~~14.8~~ 14.6

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
53 N	2 W	20											7					7	
Total Acres																		7	

9. Recommended Conditions/Remarks: _____

MICROFILMED

APR 06 1988

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature [Signature]

Checked in Regional Office by Bob Haynes

Approved in State Office by Kon Howerton

Date 9/17/84

Date 7/29/87

Date 19 Aug 87

SEP 24 1984

Department of Water Resources

Permit No. 96-7177 Resource.

Phone No. 683-2996

1. Owner: John & Rebecca Mott Phone No. 683-2996
Current Address: Rt 1 Box 81-A Athol, Id.
2. Accompanied by: J. Mott EXAM. DATE: 9/11/84
Address: _____ Phone No. _____
Relationship to Permit Holder: SAME
3. Source: _____ tributary to _____

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	MUARDOS	1	D62	MU	3/4

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
~~Pump~~ 3/4" line in creek w/ pump & water to 3/4" PVC to 3
 steel pipes and 3/4" hose with me 9 1/2 me/hor 4.0 (Rt) @ 4.0

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>None</i>						

7. Measurements ☐ Additional data/computation sheets attached

$\rightarrow \text{sp (4gpm)} = 0.08 \text{ cfs}$
 $0.08(1.9835)^{1.3} = 14.8 \text{ AF}$

448.8

$MAY = 31$
 $JUN = 30$
 $JUL = 31$
 $AUG = 31$

123
 93

- 75
8. Point(s) of Diversion: _____ Indicate Method of Determination MAP

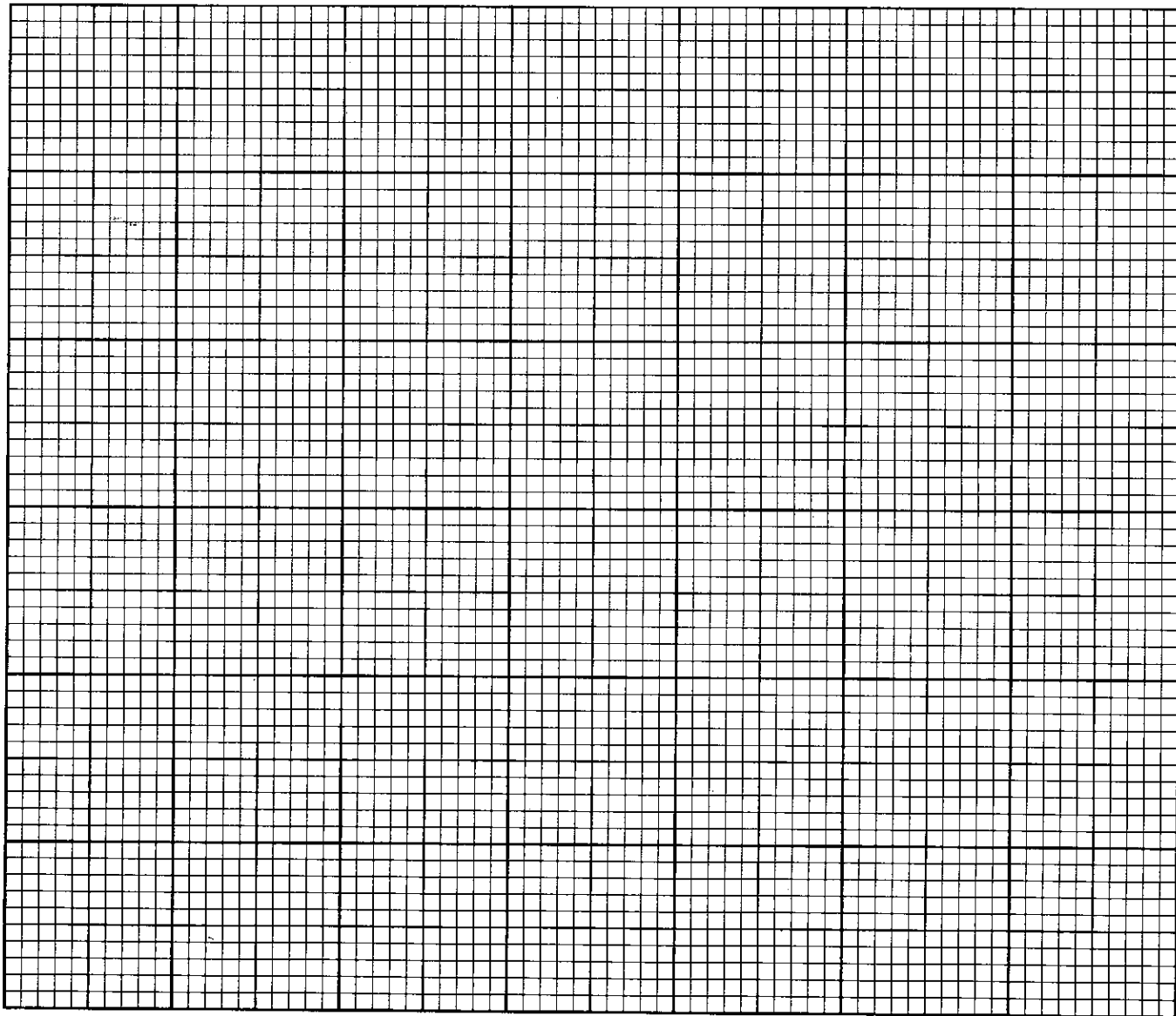
[illegible]

- | | |
|------------------|--|
| Place(s) of Use: | Irrigation - give acres served by system at time of exam.
Indicate Method of Determination <i>MAD</i> |
|------------------|--|

[illegible]

10. Other water rights on these lands Domestic - House Removed 96-7663 - 96-7177 - 960103 Domestic
11. Other water right diverted from same p.d. U U

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. Recommended Amendments
- | | | |
|--|---|--------------------------------|
| ☐ Change P.D. as reflected above | ☐ Add P.D. as reflected above | ☐ None |
| ☒ Change P.U. as reflected above | ☒ Add P.U. as reflected above | ☐ Other |

16. Examiner's/Consultant's Signature Johny Date 8/11/84

Consultant's License Number _____

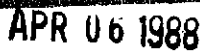
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____

Date

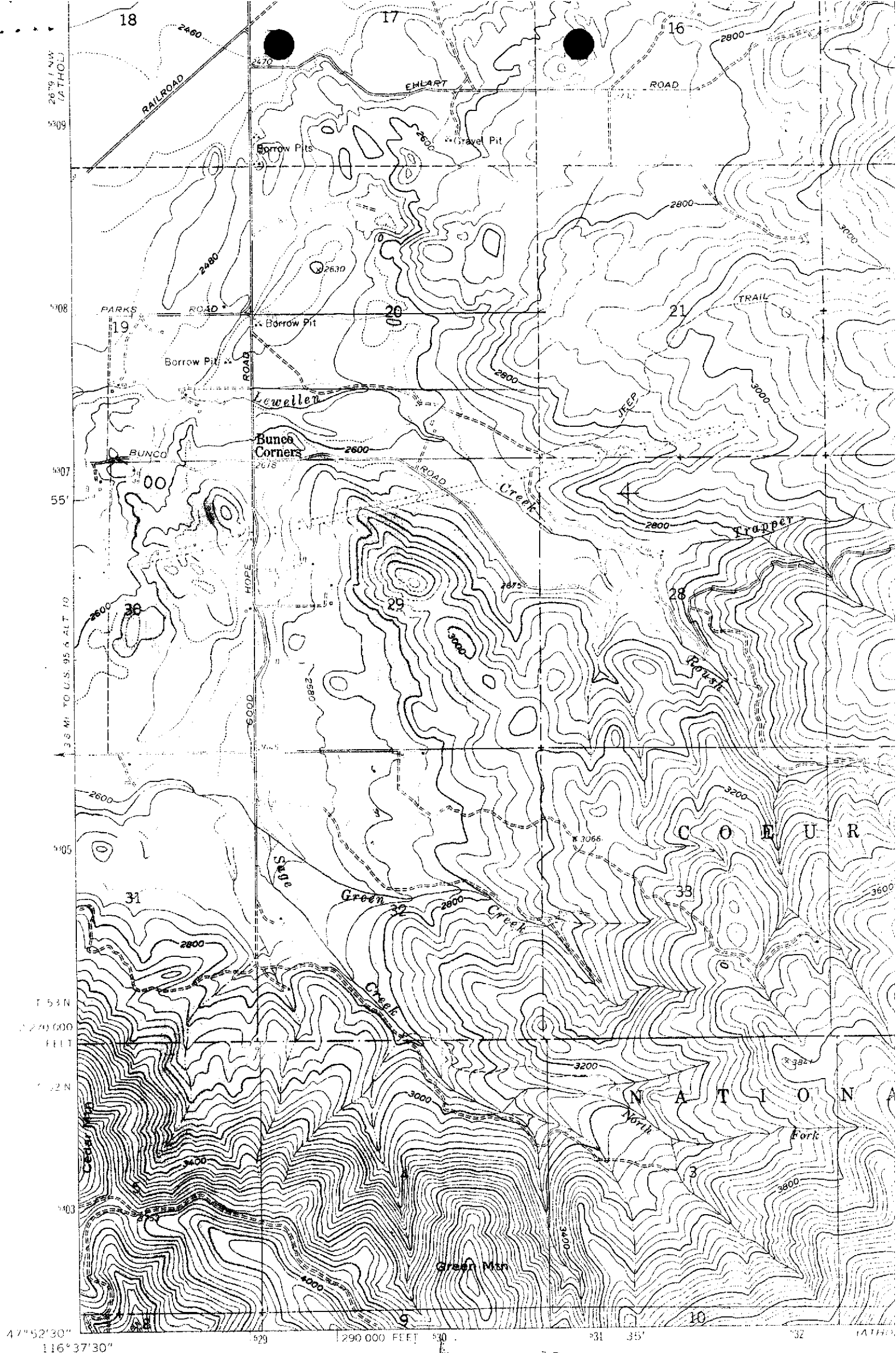
MICROFILMED

CONSULTANT SEAL

APR 06 1988



FIELD REPORT MAP PERMIT # 96-1177



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1958 and plane-table surveys 1961
 North half and southwest quarter revised from aerial photographs taken 1965 and 1966. Field checked 1967

Selected hydrographic data compiled from USC&GS Chart 6170 (1958)

This information is not intended for navigational purposes

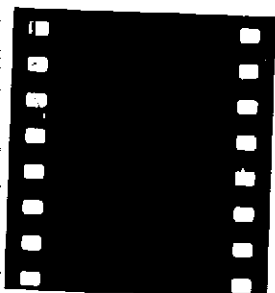
Horizontal projection 1927 NAD 83 datum

FILED

APR 06 1988

96-7177

COEUR D'ALENE LAKE



MICROFILMED

APR 06 1988

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

SEPTEMBER 6, 1983

JOHN & REBECCA MOTT
RT. 1 BOX 81-A
ATHOL ID 83801

RE: Permit No. 96-7177

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 667-6484 or in person at our office.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 96-7577.

Name(s) of Permit Holder: John & Rebecca Mott

Post Office Address: Rt 1 Box 81-A

Athol, Idaho Tel. No. 683-2996

Source of Water: Swollen Creek

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 1 acre (acres)
☐ Other

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

7-6-83
 Date

John Mott
 Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE

MICROFILMED



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

JUL 12 1983

Don't miss the new book

7-6-83

John Mott
Rt 1 Box 81-A
Bethel, Id.
83801

RECEIVED

JUL 10 1983

Dear Sirs,

Regarding Permit # 96-7177

I have just talked with
Bob Haynes. We were advised
by him to file for proof
of work for this permit.

We have fenced in the
land and provided watering
pipes for 1 acre of land.

He suggested we ~~ask~~ ask
for a dismissal of the
requirement of a measuring
device. We have 2 other
rights and would use only
 $\frac{1}{2}$ of ours + $\frac{1}{2}$ (acre) of
Henry & John's permit.

I hope you'll be able
to remove the measuring
device requirement. Thank you.
John Mott

MICROFILMED

Matt

1

Athol Id

83801



Idaho Dept. of Water
Resources

State house

Boise Idaho

MICROFILMED

83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 20, 1983

Dear Water user:

The enclosed Order removes the measuring device requirement as a condition of approval from your permit.

If you have already installed the measuring device, the field examination can be more quickly conducted by the Department's field examiner. You will also derive benefit from water management information which may be obtained from the installed meter.

If you have questions regarding this matter, please contact this office or one of our regional offices.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosure

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

MOTT, JOHN H. & REBECCA J.
RT. 1 BOX 81 A
ATHOL, ID 83801

138768

PROOF DUE NOTICE

JUNE 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 96-7177 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

ETA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

August 23, 1978

Re: Permit No. 96-7177

John H. & Rebecca Mott
Route 1, Box 81-A
Athol, ID 83801

Dear Mr. & Mrs. Mott:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to Sept. 1, 1983.

Sincerely,

Jan Grover
Water Rights Supervisor

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

C. STEPHEN ALLRED
Director

CERTIFIED MAIL

1383

June 30, 1978

Re: Permit No. 96-7177

John P. & Rebecca J. Mott
Route 1, Box 81A
Athol, ID 83801

Dear Mr. & Mrs. Mott:

One of the conditions of approval of your water Permit No. 96-7177 (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 September 1, 1978. 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.


RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED

September 10, 1973

Re: Permit No. 96-7177

John H & Rebecca J. Mott
Route #1, Box 81-A
Athol, ID 83801

Dear Mr. & Mrs. Mott:

Enclosed is a copy of your approved Application for Permit No. 96-7177 . We direct your attention to the conditions of approval as listed on the fourth page.

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
Assistant Director

BDF:cd

Enclosures

96 7177

96-7177

20 acres of pasture

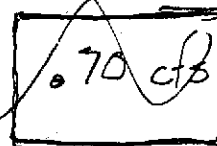
A

96-2181

0.46

96-2260

0.24



Usually not enough water in August & Sept.

Memorandum

To: File No 96-7177

From: Bob Fleenor

Subject: Conference Results

A conference was held in Couer d'Alene on August 23, 1973 to consider the protests against approval of Application 96-7177.

The applicants and the protestants both represent themselves.

The protestants were concerned about interference with their existing licensed rights during the later portion of the irrigation season.

After some discussion the applicants and protestants agreed that the matter could be resolved if the season were reduced to the period May 1 to August 1 of each year.

96 7177

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 2, 1973

30F

Re: Application for Permit No. 96-7177

John H. &/or Rebecca J. Mott
Route #1, Box 81-A
Athol, ID 83801

Dear Mr. and Mrs. Mott:

Pursuant to our telephone conversation of August 2, 1973, the date set for conference and/or hearing to discuss the matters of protest against the above referenced application has been re-scheduled as follows:

DATE: Thursday, August 23, 1973

PLACE: Community Room,
First Federal Savings and
Loan Building
401 Front Avenue
Coeur d'Alene, Idaho

TIME: 10:00 a.m.

We were unable to schedule this conference and/or hearing for the week of August 13 as specified in our conversation. Please contact this office if you should have any questions.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

cc: Fred R. and Evalyn M. Moore
Route #1, Box 73
Athol, ID 83801

bc: Boise ✓

96 7177

We the undersigned hereby withdraw our protest if the season of use is reduced ~~from~~ to the period May 1st to August 1st

Fred R. Moore

Evelyn M. Moore

Signed this 23rd day of August 1973 at Coeur d'Alene, Idaho

96-7177 - John H. &/or Rebecca J. Mott

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

August 23, 1973 - 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Fred Moore	Rt 1 Box 73	Athol Idaho
Evelyn Moore	Rt 1 Box 73	Athol. Myself
John Mott	Rt 1 Box 81 A	Athol Idaho
Mrs. John Mott	Rt. 1 Box 81-A	Athol, & Myself

96 7177

PROTEST DATA

96 7177

Dec 28
46
96-R
IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI.

Washington State Sugar Company,
a corporation,
Plaintiff,

vs.

Jacob Goodrich, Samuel Sheppard and
Anna L. Sheppard, his wife, John
Ford and Grace Ford, his wife, Fred
Herring, Peter Rutz, Joseph Rutz,
William Rutz, Henry Hockett, Bert
Hockett, Thomas Hockett, James Gregg,
Jesse Gregg, Walter Erwin, Squire
Wier, _____ Hurt, Chuck Streeter, F. W.
Eae, O. M. Olson, William Bowen, M.
C. King, John Teedy, Lester Kimbrik
and Ralph Ward,

Defendants.

JUDGMENT

and

DECEMBER
RECEIVED

JUN 13 1914

OFFICE OF STATE ENGINEER

.....
This cause having come on regularly for hearing and
trial before the Court without a jury, on the 25th day of
June, A.D. 1913, the plaintiff appearing by its
attorneys, Allen and Allen of Spokane, Washington, and Charles
L. Beitman of Spirit Lake, Idaho, and defendants appearing by
their attorneys, M. C. King and Black & Bernette,; Witnesses
were duly sworn, examined and testified on behalf of both
plaintiff and defendants, and after the introduction of evidence
by both plaintiff and defendants, both oral and documentary, and
arguments of counsel for both plaintiff and defendants, the
court made a personal inspection of the lands, premises and
waters in dispute, and in controversy in the above entitled
action. Said inspection being made by the Court on agree-
ment and stipulation of the respective parties through their
attorneys, there being with the Court at said time of inspec-
tion, Albert Allen, one of the attorneys for plaintiff, and
M. C. King and R. L. Black, attorneys for defendants; and

96 7177

the Court being fully advised in the premises, and having heretofore made and filed its findings of fact and conclusions of law, and ordered judgment to be entered accordingly,

NOW, THEREFORE, It is hereby ordered, adjudged and decreed:

1. That the water right initiated by one E. C. Hall first by the construction of said Hall ditch described in the findings of fact, and later by the posting and recording of a notice of water right as required by law, and which notice of water right was recorded in the office of the County Recorder of Kootenai County, Idaho, on the 19th day of June, 1897, was a good and valid appropriation of the waters of Lewellyn Creek (sometimes called Collins Creek, being in Kootenai County, Idaho,) to the extent hereinafter named, made by said E. C. Hall, and his successors in interest for the lands described as the NE $\frac{1}{4}$ of Section 26, Twp. 33 N. R. 3 E.B.M., in Kootenai County, Idaho.

96 0001

That the defendant, E. C. King who was at the time of the trial of this action the owner of the $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 26, is hereby adjudged and decreed a water right for 1 1/5 cubic feet of water per second of time from the waters of Lewellyn Creek as appurtenant to the said $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, T. 33 N. R. 3 E.B.M., in Kootenai County, Idaho, conveyed to said land by means of said Hall ditch, which said water right is hereby confirmed;

It is further ordered, adjudged and decreed that at least 1 1/5 cubic feet of water per second of time of the waters of said Lewellyn Creek shall be permitted to enter the intake of said Hall ditch, which intake is near the east line of Section 24, T. 33 N. R. 3 E.B.M., at all seasons of the year for a said $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 26.

It is further ordered, adjudged and decreed that said water right is established as of the date of June 12, 1897.

96 717

It is further ordered, adjudged and decreed that
T.V. O.M.
defendants Roe & Olson who were at the time of the commencement
and trial of this action, the owners of the $\frac{1}{2}$ of NE $\frac{1}{4}$ of
said Section 26, T. 53 N. R. 3 W.B.M. are hereby adjudged and
decreed a water right for $\frac{8}{50}$ of a cubic foot of water per
second of time from the waters of Lewellyn Creek as appurte-
nant to the said $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section 26, T. 53 N. R. 3
W.B.M., in Kootenai County, Idaho, to be conveyed to said land
by means of said Hall ditch, which said water right is hereby confirm-
ed;

96 0002

It is further ordered, adjudged and decreed that at
least $\frac{8}{50}$ of a cubic foot of water per second of time of the
waters of Lewellyn Creek shall be permitted to enter the intake
of said Hall ditch, which intake is near the east line of
Section 24, Twp. 53 N. R. 3 W.B.M., at all seasons of the
year for said land.

It is further ordered, adjudged and decreed that the
said water right is established as of the date of June 12, 1897.

2. It is further ordered, adjudged and decreed that
the water right initiated by one Jacob Goodrich and Jefferson
Brown, by the posting of a notice of water right at the intake
of said Hall ditch, which posting of said notice was done by
said Goodrich and said Brown on December 17, 1900, and which
notice of water right was thereafter on to-wit, December 31,
1900, recorded in the office of the County recorder of Kootenai
County, Idaho, at 1 o'clock P.M. in Book A of Water Rights at
page 204, was a good and valid notice of water right and
appropriation of the waters of Lewellyn Creek for the lands
described as the $\frac{1}{2}$ of Section 24, Twp. 53 N. R. 3 W.B.M., in
Kootenai County, Idaho, and that the defendants and owners
of said $\frac{1}{2}$ of said Section 24, T. 53 N. R. 3 W.B.M., are

33 7177

adjudged and decreed a good and valid water right to the waters of said Lovellyn Creek for the use of and in connection with said lands to the extent and amount as hereinafter named for each subdivision thereof.

96 0003 It is hereby ordered, adjudged and decreed that defendant, William Eohn be and he is hereby adjudged and decreed a water right for one-fiftieth of a cubic foot of water per second of time from the waters of said Lovellyn Creek as appurtenant to the $\frac{1}{2}$ of $\frac{1}{4}$ of said Section 24, T. 55 N. R. 3 E.B.M., to be conveyed to said land by means of said Hall ditch, the said land being at the time of the trial of this action owned by one E. A. Stoddard; which said water right is hereby confirmed.

Trans * 707 It is further ordered, adjudged and decreed that at least $\frac{1}{50}$ of a cubic foot of water per second of time of the waters of said Lovellyn Creek shall be permitted to enter the intake of said Hall ditch, which intake is near the East line of said Section 24, T. 55 N. R. 3 E.B.M., at all seasons of the year for said land.

It is further ordered, adjudged and decreed that said water right of $\frac{1}{50}$ of a cubic foot of water per second of time from said Lovellyn Creek for said land is established as of the date of December 17, 1900.

It is further ordered, adjudged and decreed that defendant, Jacob Goodrich, the owner of the $\frac{1}{2}$ of $\frac{1}{4}$ of said Section 24, Twp. 55 N. R. 3 E.B.M., in Rootenai County, Idaho, at the time of the commencement of this action, be and he is hereby adjudged and decreed a water right for $\frac{1}{50}$ of a cubic foot of water per second of time from the waters of Lovellyn Creek as appurtenant to the $\frac{1}{2}$ of $\frac{1}{4}$ of said Section 24, T. 55 N. R. 3 E.B.M., to be conveyed to said land from said Lovellyn Creek by means of said Hall ditch, which said water right is hereby confirmed.

It is further ordered, adjudged and decreed that at least $1/50$ of a cubic foot of water per second of time of the waters of said Levellyn Creek shall be permitted to enter the intake of said Hall ditch, which intake is near the east line of Section 24, T. 53 N. R. 3 E.B.M., at all seasons of the year for said lands.

96 0004

It is further ordered, adjudged and decreed that said water right of $1/50$ of a cubic foot of water per second of time of the waters of said Levellyn Creek shall be permitted to enter the intake of said Hall ditch, which intake is near the east line of Section 24, T. 53 N. R. 3 E.B.M., at all seasons of the year for said lands.

It is further ordered, adjudged and decreed that said water right of $1/50$ of a cubic foot of water per second of time from the waters of said Levellyn Creek for said land is established as of the date of December 17, 1900.

Trans #707

It is further ordered, adjudged and decreed that defendant, Peter Mats, who was at the time of the commencement and trial of this action, the owner of the $1/2$ of $1/2$ of $32\frac{1}{2}$ of said Section 24, T. 53 N. R. 3 E.B.M., in Kootenai County, Idaho, do and he is hereby adjudged and decreed a water right for $5/500$ of a cubic foot of water per second of time of the waters of Levellyn Creek as appurtenant to the $1/2$ of $1/2$ of $32\frac{1}{2}$ of Section 24, T. 53 N. R. 3 E.B.M., in Kootenai County, Idaho, to be conveyed to said lands by means of said Hall ditch.

It is further ordered, adjudged and decreed that at least $3/50$ of a cubic foot of water per second of time of the waters of Levellyn Creek shall be permitted to enter the intake of said Hall ditch which intake is near the east line of Section 24, Twp. 53 N. R. 3 E.B.M., at all seasons of the year for said land;

96 0005

It is further ordered, adjudged and decreed that said water right to said 5/50 of a cubic foot of water per second of time from the waters of said Lowelllyn Creek for said land, is hereby established as of the date of December 17, 1900.

It is further ordered, adjudged and decreed that said water right of 5/50 of a cubic foot of water per second of time from the waters of said Lowelllyn Creek for use on said land is hereby confirmed.

It is further ordered, adjudged and decreed that *the works of* the defendant, Peter Ruts, who was at the time of the commencement of this action the owner of the $E\frac{1}{2}$ of $E\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 24, Twp. 33 N. R. 2 E. S. 2 E. in Coconino County, Idaho, ~~be and he is hereby adjudged and decreed that the works for diverting~~ water to his land namely, said Fall ditch, are capable of diverting more water than has been beneficially applied to said land for ^{irrigation} ~~beneficial~~ purpose at the time of the awards made by this court herein; and it is ordered, adjudged and decreed ~~that there is hereby determined by the court that~~ said works are capable of carrying at least 7/50 of a cubic foot of water per second of time from the waters of said Lowelllyn Creek to the land of said defendant for use upon said land for irrigation purposes in addition to the said 5/50 of a cubic foot of water per second of time heretofore mentioned, and it is further ordered, adjudged and decreed that defendant has prepared by clearing of timber, brush and otherwise, 7 acres of said land, being a part of the said $E\frac{1}{2}$, $E\frac{1}{2}$, $SE\frac{1}{4}$ of Section 24, T. 33 N. R. 2 E. S. 2 E., belonging to him, on which there has not yet been applied for irrigation purposes waters from Lowelllyn Creek, appropriated and covered by said Goodrich²Brown notice of water right, which covered the said lands of defendant, as well as the other said lands of defendant; and said defendant is adjudged and decreed entitled to 7/50 of a cubic

96 0006
96 0008
5/50
+ 7/50
foot of water per second of time from the waters of said
Lewellyn Creek, to be conveyed to said land by means of said
Hall Ditch, for said additional 7 acres of land, as appurtenant
to said land, (which said 7 acres of land is additional to
the 3 acres of land for which 5/50 of a cubic foot of water per
second of time from the waters of Lewellyn Creek have been
awarded as herein mentioned.) when said amount of water is
beneficially applied in the manner and within the time herein
prescribed, and it is further ordered, adjudged and decreed that
said defendant have two years from the date of this decree for
the beneficial application of said 7/50 of a cubic foot of
water per second of time of the waters of said Lewellyn Creek
in addition to said 5/50 of a cubic foot per second of time
as hereinbefore mentioned, to make beneficial application and
use thereof on said 7 acres of land, and make proof of said
use, and that when said proof is made, said water right is
confirmed for said additional 7/50 of a cubic foot of water
per second of time for said land, and said water right therefor
when the water has been applied at the time and in the manner
herein provided, is established as of the date of December 17,
1900.

It is further ordered, adjudged and decreed that
defendant Fred Marring who was at the time of the commencement
of this action, the owner of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 24,
Twp. 33 N. R. 3 E.B.M., in Blaine County, Idaho, is hereby
adjudged and decreed a water right of 5/50 of a cubic foot of
water per second of time from the waters of said Lewellyn Creek
as appurtenant to the said E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 24, T. 33 N. R.
3 E.B.M., to be conveyed to said land by means of said Hall
Ditch, the said land being at the time of the trial of this
action owned by one A. L. Paullin, who is the identical
A. L. Paullin, who testified at the trial of this action;

96 6007

#101
Trans

It is further ordered, adjudged and decreed that the said amount of $5/50$ of a cubic foot of water per second of time of the waters of said Lovelllyn Creek at least shall be permitted to enter the intake of said Hall ditch, which intake is near the east line of said Section 24, T. 53 N. R. 3 E.B.M. at all seasons of the year, for said land, and that said water right of said $5/50$ of a cubic foot of water per second of time from the waters of said Lovelllyn Creek is hereby established as of the date of December 17, 1900.

It is further ordered, adjudged and decreed that said water right of $5/50$ of a cubic foot of water per second of time from the waters of said Lovelllyn Creek for use on said land is hereby confirmed.

3. It is further ordered, adjudged and decreed that the rights of plaintiff to the waters of said Lovelllyn Creek or to any portion of the waters thereof, whatever said rights or claims may be, are hereby adjudged and decreed as subsequent and inferior to the rights of defendants, and their successors in interest, to the lands and water rights appurtenant to said lands heretofore decreed in this judgment and decrees to the extent and amount herein stated.

4. It is further ordered, adjudged and decreed that neither plaintiff nor any assignees nor successors in interest of plaintiff nor any agent, servant, or employee of plaintiff, or its successors or assigns, shall at any time divert or in any manner take the waters of Lovelllyn Creek for any use or purpose, above the intake of said Hall ditch which intake is near the east line of said Section 24, T. 53 N. R. 3 E.B.M., or any other place, from said Creek so there shall not at all times been flowing from said Lovelllyn Creek into said intake of said Hall ditch at least $1\ 37/50$ of a cubic foot of water per second of time of the waters of said Lovelllyn Creek

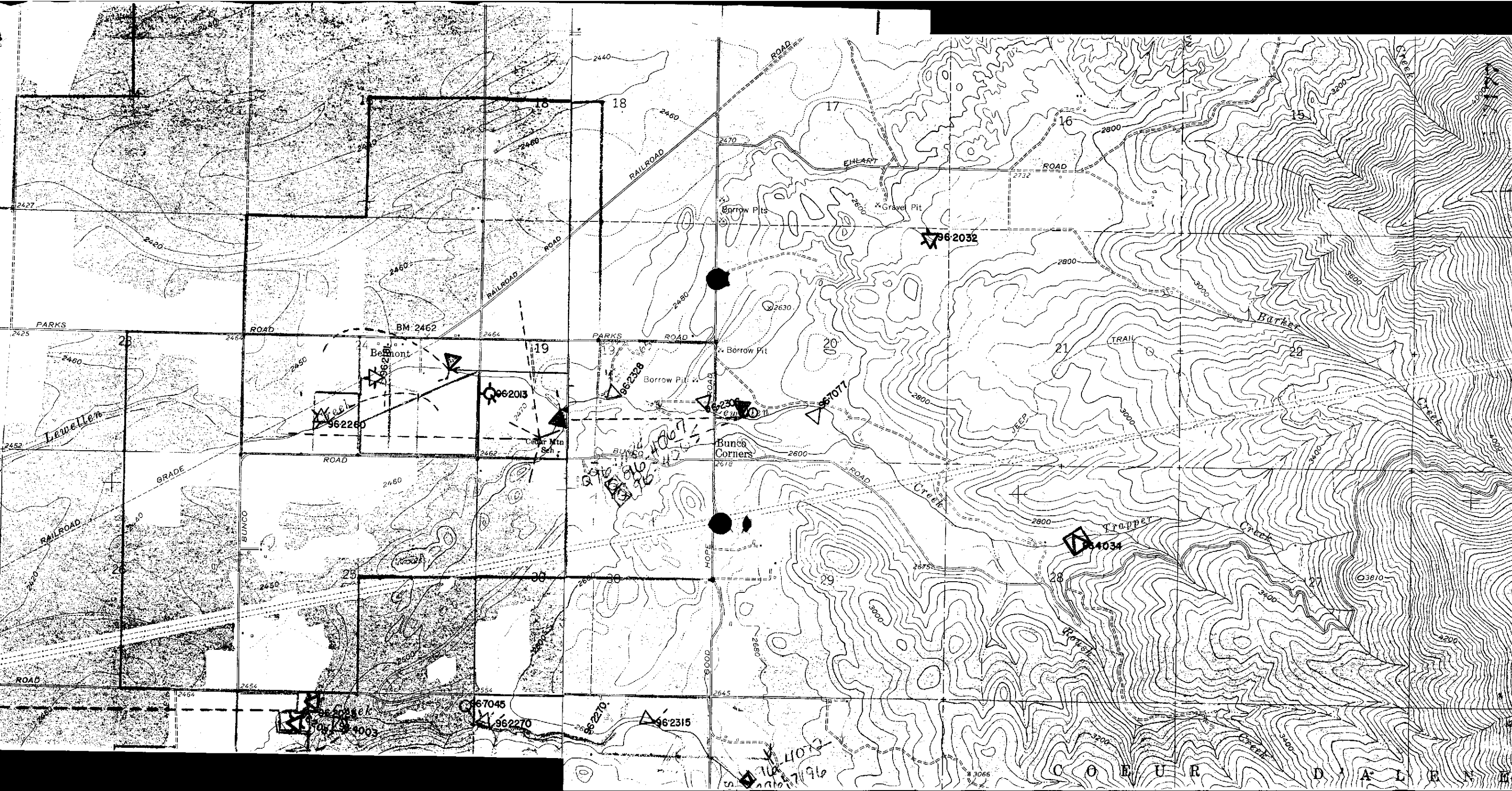
for the use of and in connection with the said lands of
defendants, their successors in interest, to the extent of the
amount of the waters decreed to said lands by this judgment
and decree. That the said lands entitled to said waters
are described as the NE $\frac{1}{4}$ of Section 20 and the SE $\frac{1}{4}$ of Section
24, all in Township 33 N. R. 3 E. S. 14, in Scottsbluff County,
Idaho, the same being the lands described in the said E. C.
Hall water right and notice thereof, and in the said Goodrich-
Brown water right and notice thereof.

Dated and signed this 10th day of June, A.D. 1914.

R. N. Dunn

DISTRICT JUDGE.

*Oh are you done, Mr. Dunn?
Or have you only just begun
to turn some water into the "ditch"
of Mr. Hall?*



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 2, 1973

Re: Application for Permit No. 96-7177

John H. &/or Rebecca J. Mott
Route #1, Box 81-A
Athol, ID 83801

Dear Mr. and Mrs. Mott:

Pursuant to our telephone conversation of August 2, 1973, the date set for conference and/or hearing to discuss the matters of protest against the above referenced application has been re-scheduled as follows:

DATE: Thursday, August 23, 1973

PLACE: Community Room,
First Federal Savings and
Loan Building
401 Front Avenue
Coeur d'Alene, Idaho

TIME: 10:00 a.m.

We were unable to schedule this conference and/or hearing for the week of August 13 as specified in our conversation. Please contact this office if you should have any questions.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

cc: Fred R. and Evalyn M. Moore
Route #1, Box 73
Athol, ID 83801

bc: Boise

96 7177

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CERTIFIED NO.

745670

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

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401 FRONT AVE., ROOM 209
COEUR D'ALENE, ID 83814

96 7177

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745671

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INSURED NO.

2

X *Fred Moore*

DATE DELIVERED

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08-07-73

3

96 7177

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CERTIFIED NO.

520499

1

2

X Evelyn Moore
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

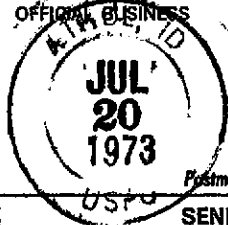
DATE DELIVERED

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COEUR D'ALENE, ID 83814

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CERTIFIED NO.

520498

1

John Mott

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

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

07-21-73

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RETURN
TODEPARTMENT OF WATER ADMINISTRATION
401 FRONT AVE., ROOM 209
COEUR D'ALENE, ID 83814

96 7177

NAME AND
ADDRESS
OF SENDER

DEPARTMENT OF WATER ADMINISTRATION (Northern Dist)

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 July 19, 1973

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. H. FEE ²	RESTRICTED DELIVERY FEE REMARKS
1	520490 Clefton P. Holm, Rt. #2, Box 604, Lower Twin Lakes, ID	0.08	0.30			0.15			95-7302
2	520491 Norman H. Moon, Bureau of Reclamation, Boise, ID	"	"			"			"
3	520492 Thomas A. Mitchell, 316 Elder Bldg., Cd'Al., Idaho	"	"			"			"
4	520493 Gordon L. Streicher, 3107 E. 11th Ave., Spokane, WA	"	"			"			"
5	520494 Homer F. Pointer, W. 3408 Hartson, Spokane, WA	"	"			"			"
6	520495 Upper Twin Lakes Water Co., Route #2, Rathdrum, ID	"	"			"			"
7	520496 Leonard R. Kyer, Box 994, Coeur d'Alene, Idaho	"	"			"			96-7174
8	520497 George B. Marshall, Spirit Lake, Idaho	"	"			"			"
9	520498 John H. &/or Rebecca J. Mott, Rt. 1, Box 81-A, Athol,	"	"			"			96-7177
10	520499 Fred R. & Evalyn M. Moore, Rt. 1, Box 73, Athol, Id	"	"			"			"
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TOTAL NUMBER OF PIECES LISTED BY SENDER (TEN) 10		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.			

POB Form 5577-A—July 1958

NAME AND
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OF SENDER

DEPARTMENT OF WATER ADMIN. (Northern District)

Indicate type of mail

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certificate of mailing or for
additional copies of this bill.

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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. H. FEE ²	RESTRICTED DELIVERY FEE REMARKS
1	745668 Leonard R. Kyer, Box 994, Coeur d'Alene, ID 83814	0.08	30			.15			96-7174
2	745669 George B. Marshall, Spirit Lake, Idaho 83869	"	"			"			"
3	745670 John H. &/or Rebecca J. Mott, Rt. 1, Box 81-A, Athol	"	"			"			96-7177
4	745671 Fred R. & Evalyn M. Moore, Rt. 1, Box 73, Athol, ID	"	"			"			"
5	745672 Edwin P. Keegan, W. 2338 Euclid Ave., Spokane, Wash.	"	"			"			95-7305 & 95-7306
6	745673 James E. Routt, 13805 E. 32nd, Spokane, Wash.	"	"			"			" " "
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TOTAL NUMBER OF PIECES LISTED BY SENDER (SIX) 6		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.			

PD Form 3877-A--July 1958

2212 96

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application for Permit No. 96-7177 in
the name of John H. &/or Rebecca J. Mott

NOTICE OF CONFERENCE
AND/OR HEARING

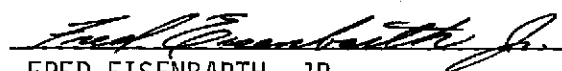
On May 21, 1973, John H. and/or Rebecca J. Mott filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On June 5, 1973, the Department received a protest against approval of said application from Fred R. Moore and Evalyn M. Moore.

The Department has set the matter of protest for conference and/or hearing for Monday, August 6, 1973, at 1:00 p.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 19th day of July, 1973.


FRED EISENBARTH, JR.
NORTHERN DISTRICT MANAGER

96-7177 - John H. and/or Rebecca J. Mott

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

August 6, 1973 - 1:00 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
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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

July 19, 1973

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

Gentlemen:

This is to confirm the use of the Community Room for conference and/or hearing to be held by this office on Monday, August 6, 1973.

Thank you for your assistance in this matter.

Very truly yours,

Corda Roberts
Secretary
Northern District

RECEIVED

JUN 5 1973

OK
18
June 5, 1973

Department of Water Administration
Northern District Office

We wish to file a ^{protest} ~~complaint~~ against Mr. & Mrs. Mott getting an
irrigation right on Llewellen Creek to irrigate 20 acres.

In July and August there isn't enough water to permit this.

Many times at this time of year there isn't enough water to
handle our own sprinkling needs.

Irvin R. Moore

Evelyn M. Moore

Rt. 1 Box 73

Athol, Idaho 83801

Phone 683-2359

96 7177

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

June 6, 1973

Re: Application for Permit No. 96-7177 - John H. &/or Rebecca J. Mott

Fred R. & Evalyn M. Moore
Route #1, Box 73
Athol, ID 83801

Dear Mr. & Mrs. Moore:

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.

Page 2

Re: 96-7177

Fred R. & Evalyn M. Moore

June 6, 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 further assistance, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

bcc: State Office

96 7177

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

June 6, 1973

Re: Application for Permit No. 96-7177

John H. &/or Rebecca J. Mott
Route #1, Box 81-A
Athol, ID 83801

Dear Mr. & Mrs. Mott:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 96-7177. 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.

96 7177

Page 2

Re: 96-7177

John H. &/or Rebecca J. Mott

June 6, 1973

You will be notified at a later date as to the time and place set for a 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 further assistance, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

bcc: State Office

96 7177

June 15, 1973

Re: Application No.	94-7035	Claim No.	95-4091
"	" 95-7301	"	" 95-4092
"	" 95-7302	"	" 96-4065
"	" 96-7177		

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 (7)

Bill submitted 7-9-73 by CR

96 7177

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 96-7177 in the name of John H. &/or Rebecca J. Mott was advertised incorrectly on May 31 and June 7, 1973. The amount of water to be diverted from Lewellen Creek was advertised as being .04 cubic feet per second. Whereas, the actual amount of water to be diverted is 0.4 cubic feet per second.

Any protest to this correction may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814 within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho on June 21 and June 28, 1973.

96 7177

NOTICE OF
CORRECTION

Notice is hereby given that Application for Permit No. 96-7177 in the name of John H. &/or Rebecca J. Mott was advertised incorrectly on May 31 and June 7, 1973. The amount of water to be diverted from Lewellen Creek was advertised as being .04 cubic feet per second. Whereas, the actual amount of water to be diverted is 0.4 cubic feet per second.

Any protest to this correction may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814 within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
Director

June 21, 28, 1973.

o.k.
6-21-73
CR

96 7177

May 25, 1973

Re: Application No. 95-7292
" " 95-7293
" " 95-7294
" " 95-7295

95-7296
95-7297
96-7177

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 _____ by _____

FE:CR

Enc: Legal Notices (7)

96 7177

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that John H. &/or Rebecca J. Mott,
Route #1, Box 81-A, Athol, Idaho
have xxxx
has on May 21, 1973 submitted Application No. 96-7177
for a permit to appropriate 0.4 cubic feet per second ~~acre feet per annum~~
of water from Lewellen Creek
by means of pump, pipelines, and sprinklers
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 53N, R. 2W, B.M., Kootenai County

to be used from May 1 to Oct. 31
for the irrigation of 20 acres

within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, 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 June 18, 1973.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho
on May 31 and June 7, 1973
96 7177