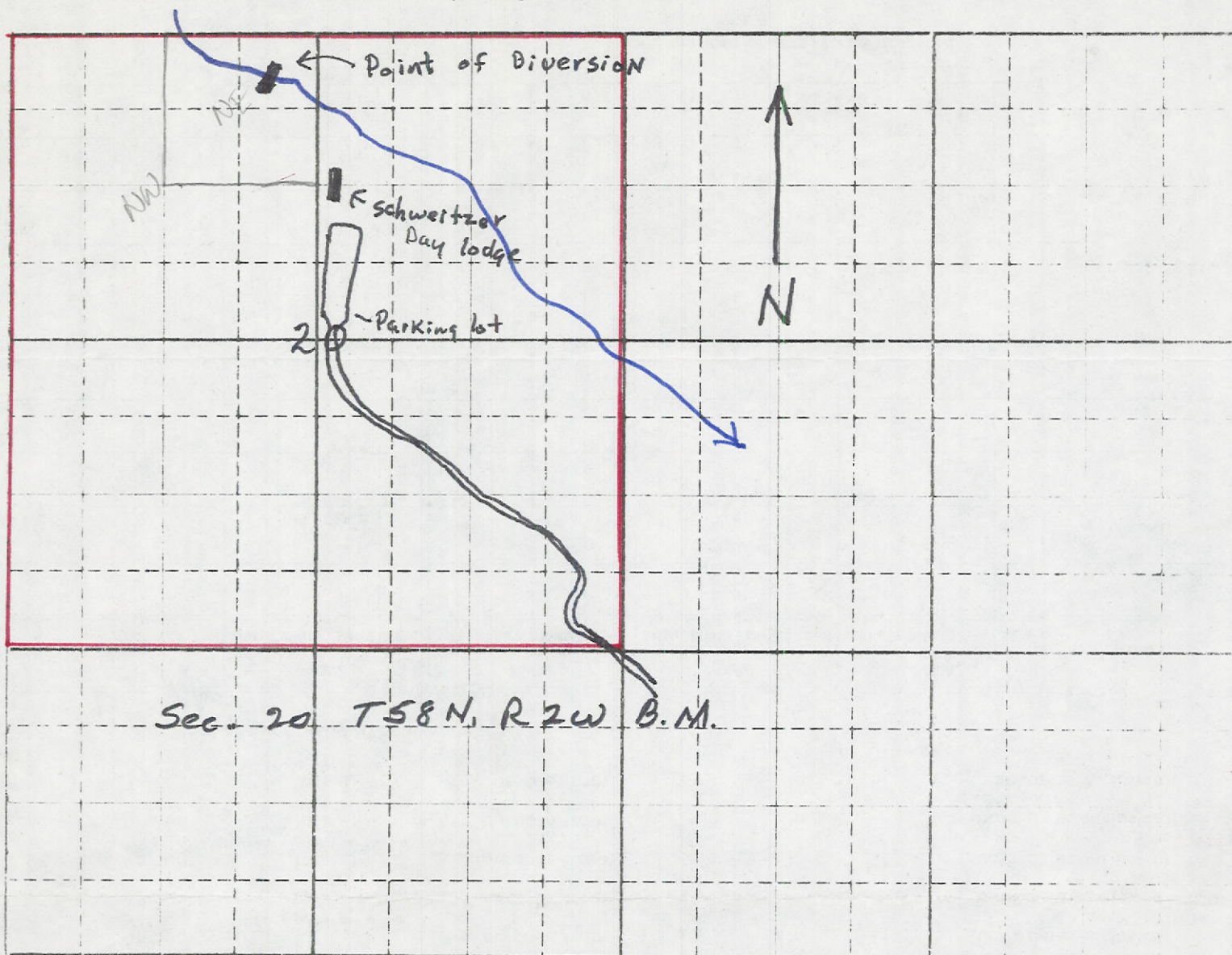


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk

Signed at Sandpoint, Idaho, this _____ day of _____, 19____

Rach River Properties Inc
by *Kene Hunsen*
(Signature)
Mgr.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

Operations Division

I, A. KENNETH DUNN, Administrator, Director of the Department of Water Administration

hereby approve the above application for amendment on Permit No. 96-7127

Witness my hand this 5 day of November, 19 75

A. Kenneth Dunn
Director

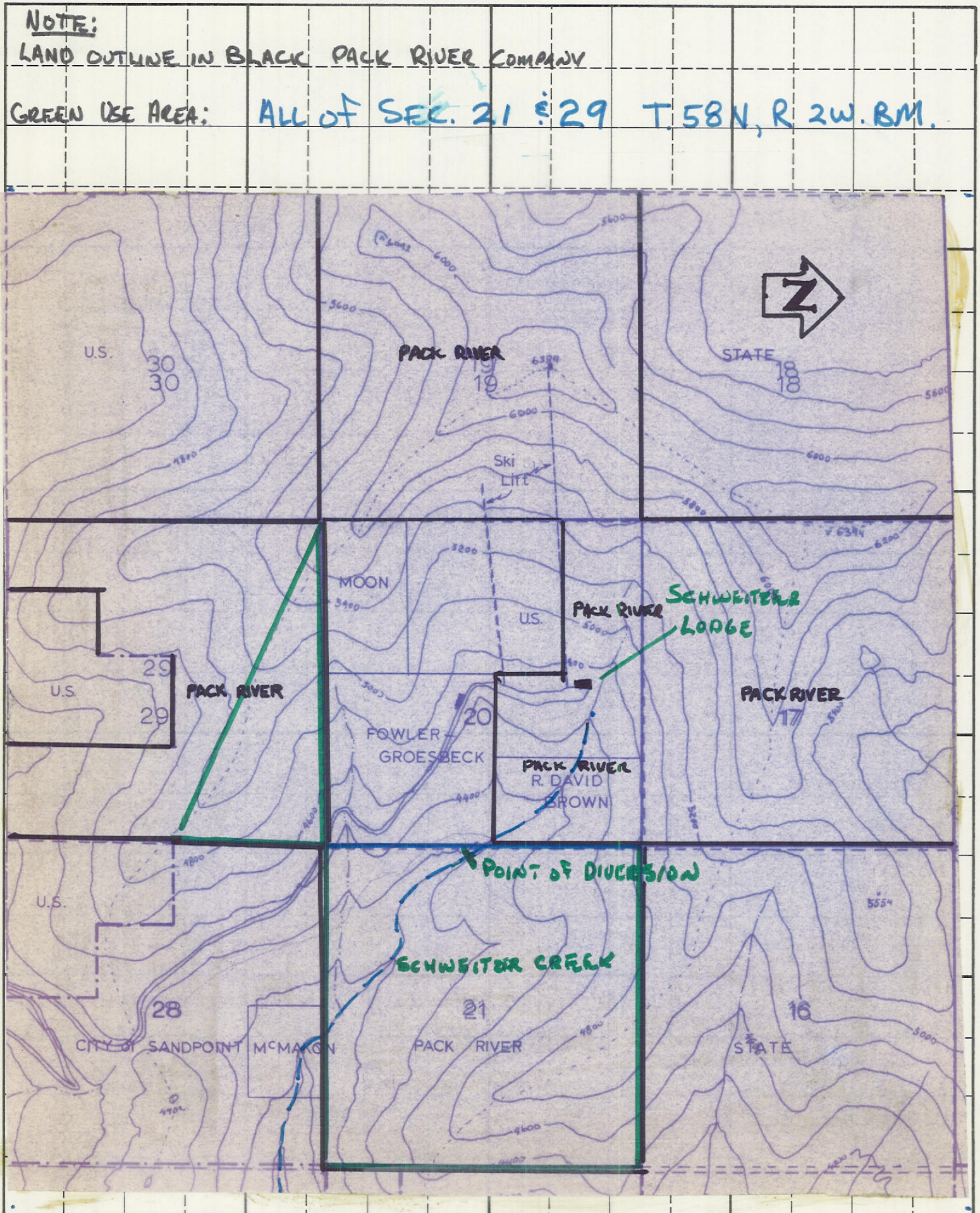
A. KENNETH DUNN, Administrator
Operations Division

RECEIVED

NOV 3 1975

RECEIVED

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.

PACK RIVER PROPERTIES INC
By Elizabeth L. Hazzard
(Applicant)
Eric L. Pres

96 7127

2680 / NW
(MOUNT CASEY)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

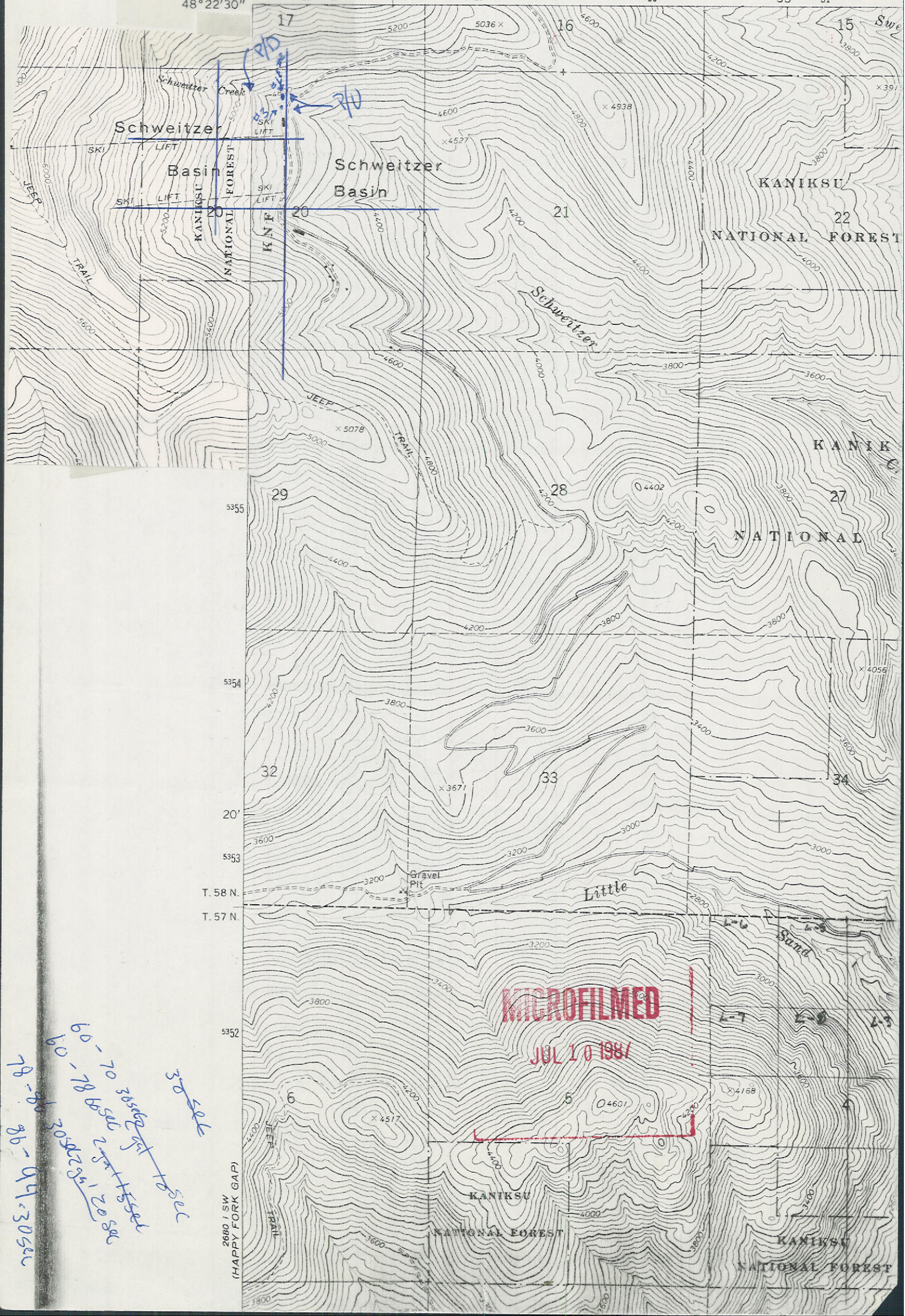
116°37'30" 528000m E.
48°22'30"

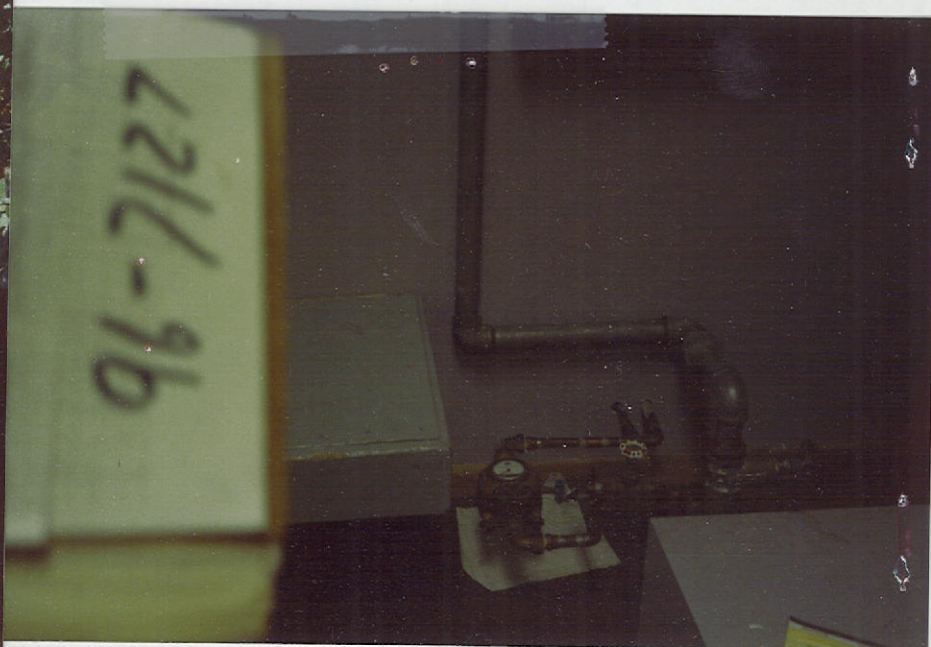
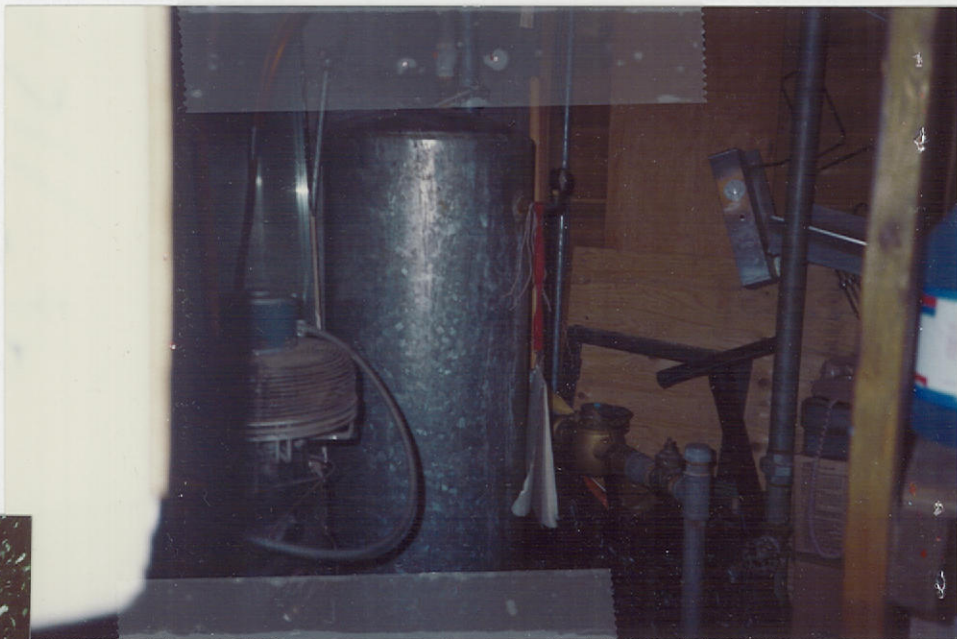
529

530

35'

531





MICROFILMED
JUL 10 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 334-4440

July 11, 1980

Pack River Management Co.
(a partnership of TAF C-25)
Z Edward J. Parry Attorney at Law
Suite 604, Fidelity Building
Spokane, Washington 99201
Permit #'s 96-7046 96-7128 96-7127 96-7179

Dear Wateruser:

This office acknowledges receipt of the assignment conveying the above referenced permit to you.

This assignment has been entered into the Departments records. Enclosed for your records is a copy of the permit.

Sincerely,

Jan Grover
JAN GROVER
Supervisor, Water Rights

JG:jg

Enclosures

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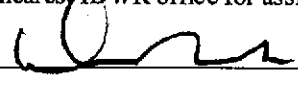
MAY 20 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 96-07127
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Pack River Management Co.
218 Cedar Street, Sandpoint, ID 83864
4. New Owner/Claimant(s) Resort Water Co., Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 500 Union Street
City, State and ZIP Code Seattle, WA 98101
New Telephone Number (206) 623-0916
5. Date you acquired the property December 8, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. N/A
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s)  Date 5-14-99
DAVID D. BUCK, Secretary Date _____
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
See attached Incumbency Certificate list of Directors.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

MICROFILMED

JUN 10 1999

RECEIVED

MAY 20 1999

Department of Water Resources
SANDPOINT TITLE INSURANCE

FILED BY

Space for Recorder's Use

1998 DEC -8 P 4:25

MARIE SCOTT
BONNER COUNTY RECORDER

DEPUTY

16417

535983

Filed for Record at
the Request of:Ford Elsaesser
Receiver, U.S. District Court
District of Idaho, CV 96-478-N-EJL
123 South 3rd
Sandpoint, Idaho 83864

AFTER RECORDING MAIL TO:

Resort Holdings, Inc.
Tom Pantalion
U.S. Bank Place-MPFP2518
601 Second Avenue South
Minneapolis, Minnesota 55402-4302

RECEIVER'S DEED

THIS INDENTURE, made effective as of the 8th day of December, 1998, between Ford Elsaesser, as Receiver for Schweitzer, Inc. ("Schweitzer") and Pack River Ltd. Co. ("PRLC"), and as Disbursing and Disposition Agent under the Plan (as defined below), having his place of business at 123 South 3rd, Sandpoint, Idaho 83864 ("Grantor"), and Resort Holdings, Inc., a Minnesota corporation, having an office and principal place of business at 601 Second Avenue South, MPFP2518, Minneapolis, Minnesota 55402-4302 ("Grantee").

RECITALS

A. Grantor was appointed and continues to serve as Receiver for certain defendants, including Schweitzer and PRLC, in that certain action pending in the United States District Court for the District of Idaho (the "Receivership Court") captioned U.S. Bank of Washington National Association v. Pack River Ltd. Co. et al., Case No. CV 96-178-N-EJL (the "Receivership Action").

B. Schweitzer is the debtor in a Chapter 11 proceeding pending in the United States Bankruptcy Court for the District of Idaho (the "Bankruptcy Court"), In re Schweitzer, Inc., d/b/a Schweitzer Mountain Resort, No. 9720916, and PRLC, which is an affiliate of Schweitzer and a successor to Pack River Management Company, is the debtor in a companion Chapter 11 proceeding pending in the Bankruptcy Court, In re Pack River Limited Company, No. 9720917 (collectively, the "Chapter 11").

C. By Order dated and filed in the Chapter 11 on October 5, 1998, the Bankruptcy Court confirmed the First Amended Plan of Reorganization submitted by the Unsecured Creditors Committee, together with the Supplement, and the Second and Third Supplements thereto (collectively, the "Plan"), which provides for the sale of Schweitzer and PRLC's assets by the receiver.

D. By Order dated and filed in the Receivership Action on October 29, 1998, the Receivership Court, among other things, authorized Grantor to sell Schweitzer and PRLC's assets in accordance with the Plan.

RECEIVER'S DEED - I

MICROFILMED
JUN 10 1999

535983

E. By Order dated and filed in the Chapter 11 on December 8, 1998, the Bankruptcy Court confirmed the sale to Grantee of, among other things, the below-described property.

F. Grantor, having complied in all respects with the Plan and the Court Orders identified above, offered and sold to Grantee, among other assets, the below-described property.

CONVEYANCE

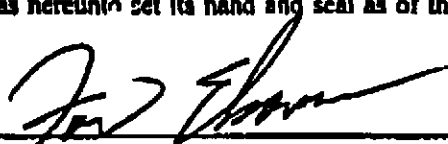
Grantor, as Receiver for Schweitzer and PRLC and as Disbursing and Disposition Agent under the Plan by virtue of the powers vested in him by law and the Orders entered in the Chapter 11 and the Receivership Actions, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, sell, and convey to Grantee, and its successors and assigns forever, all of Schweitzer, PRLC, and the Receiver's right, title, and interest in and to that certain property situated in the County of Bonner, State of Idaho, and more particularly described in Exhibit A attached hereto which is, by this reference, incorporated herein as if set forth in full.

TOGETHER WITH all and singular the tenements, hereditaments, privileges, easements and appurtenances thereunto belonging or in any manner appertaining, all reversions, remainders, rents, issues, and profits thereof, including, but not limited to, all water and mineral rights, and all easements, rights of way, and other appurtenances used in, or in connection with, the same and any, every and all right, title and interest after acquired by Grantor and Grantor's heirs and assigns through and by operation of law or otherwise.

Grantor's conveyance of the above-described real property is subject to the encumbrances and other matters set forth in Exhibit B which is, by this reference, incorporated herein as if set forth in full.

TO HAVE AND TO HOLD all and singular the said premises unto the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal as of the 8th day of December, 1998.

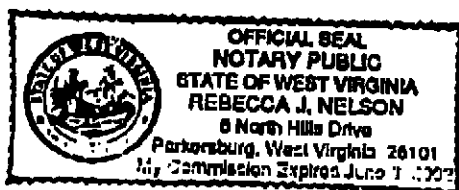


Ford Elsassner
Receiver for Schweitzer and PRLC in the
U.S. District Court for the District of Idaho,
Case Number CV 96-478-N-EJL, and as Disbursing
and Disposition Agent under the Plan

STATE OF IDAHO, WVA)
)ss.
County of Bonner. WOOD)

On this 7th day of December, in the year 1998, before me, the undersigned, a notary public in and for said county and state, personally appeared FORD ELSAESSER, known or identified to me to be the person whose name is subscribed to the within instrument as the Receiver for Schweitzer and PRLC in the U.S. District Court for the District of Idaho, Case Number CV 96-478-N-EJL, and as Disbursing and Disposition Agent under the Plan, and acknowledged to me that he executed the same as such Receiver for Schweitzer and PRLC in the U.S. District Court for the District of Idaho, Case Number CV 96-478-N-EJL, and as Disbursing and Disposition Agent under the Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.



Rebecca J. Nelson
Notary Public

Residing at G.N. Hills Dr Parkersburg WV
Comm. Expires 6/3/2002 20101

0098266.01

RECEIVER'S DEED - J

MICROFILMED

JUN 10 1999

Order No. 16417-1

EXHIBIT "A"

IN THE STATE OF IDAHO, COUNTY OF BONNER:

PARCEL 1:

The North half of the Northwest quarter of Section 20, Township 58 North, Range 2 West of the Boise Meridian, Bonner County, Idaho.

EXCEPTING THEREFROM a tract of land located in the Northwest quarter of Section 20, Township 58 North, Range 2 West of the Boise Meridian, Bonner County, Idaho, more fully described as follows:

Beginning at the East 1/16th corner of the Northwest quarter of Section 20, the true point of beginning;

thence North, 70.7 feet;

thence West, 70.7 feet;

thence South, 70.7 feet;

thence East, 70.7 feet to the true point of beginning.

MICROFILMED

JUN 10 1999

**UNANIMOUS CONSENT
OF THE
SHAREHOLDER AND DIRECTORS OF
RESORT WATER CO., INC.**

The undersigned, constituting the Shareholder and all of the Directors of Resort Water Co., Inc. (the "Company"), in lieu of a meeting and in accordance with the Articles of Incorporation and Bylaws of the Company, hereby unanimously consent to the following actions:

1. Resignation of Directors and Officers.

The resignations of the following directors and officers are hereby accepted:

Vaughn B. Rasmussen, II	President, Chief Executive Officer and Director
Richard J. Mikos	Vice-President, Treasurer and Director
David C. Larsen	Vice-President and Director
Joseph H. Andersen	Vice-President
Thomas A. Pantalion	Vice-President and Secretary
Kristi L. Broderick	Assistant Secretary

2. Election of New Directors.

The Shareholder of the Company hereby elects the Directors listed below to the positions shown, with such power and authority as provided in the Articles of Incorporation and Bylaws of the Company and as may be delegated by the Shareholder, to serve until they are removed in accordance with the Articles of Incorporation and Bylaws of the Company or successors are elected:

Robert J. Holmes
Robert W. Cook

MICROFILMED
JUN 10 1999

3. Election of Officers.

The Directors of the Company hereby appoint the Officers listed below to the positions shown, with such power and authority as provided in the Articles of Incorporation and Bylaws of the Company and as may be delegated by the Directors, to serve until they are removed in accordance with the Articles of Incorporation and Bylaws of the Company or successors are appointed:

President
Vice President
Secretary
Treasurer

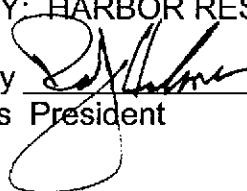
Robert J. Holmes
Ronald W. Cook
David D. Buck
Ronald W. Cook

This unanimous consent of the Shareholder and Directors of Resort Water Co., Inc. is hereby dated effective as of December 31, 1998.

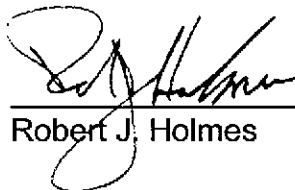
SHAREHOLDER:

NEW SCHWEITZER LLC

BY: HARBOR RESORT LLC

By 
Its President

DIRECTORS:


Robert J. Holmes

Robert W. Cook

MICROFILMED

3. Election of Officers.

The Directors of the Company hereby appoint the Officers listed below to the positions shown, with such power and authority as provided in the Articles of Incorporation and Bylaws of the Company and as may be delegated by the Directors, to serve until they are removed in accordance with the Articles of Incorporation and Bylaws of the Company or successors are appointed:

President
Vice President
Secretary
Treasurer

Robert J. Holmes
Ronald W. Cook
David D. Buck
Ronald W. Cook

This unanimous consent of the Shareholder and Directors of Resort Water Co., Inc. is hereby dated effective as of December 31, 1998.

SHAREHOLDER:

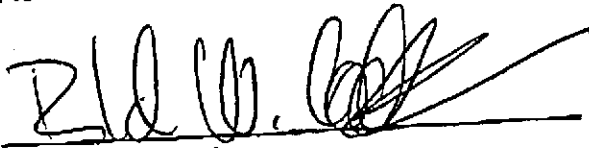
NEW SCHWEITZER LLC

BY: HARBOR RESORT LLC

By _____
Its President

DIRECTORS:

Robert J. Holmes



Robert W. Cook

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-7127

Priority: March 11, 1973 Amount: .22 CFS 6.8 AFA

This is to certify, that PACK RIVER MANAGEMENT CO.
218 CEDAR ST.

SANDPOINT, ID 83864 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated February 23, 1973, and has submitted proof to the Department of Water Resources on November 9, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .22 cfs of water from;

SCHWEITZER CREEK tributary to SAND CREEK

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>
Commercial	01/01 to 12/31	.22 cfs	6.8 afa

LOCATION OF POINT OF DIVERSION(S): NENW , Sec. 20, Township 58N, Range 2W
Bonner County

PLACE OF USE: Commercial

TWN RGE SEC

58N 2W 20 NENW

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.
4. Commercial use is for 2 restaurants, a lounge, ski shop, convenience store, daycare center, maintenance shop, offices & restrooms.

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 18th day of JUNE, 1987.

MICROFILMED

Acting for the Director

Norman Young

JUL 10 1987

State of Idaho
Department of Water Resources

RECEIVED

JUN 04 1987

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-7127

Department of Water Resources

APPROVED

Date of Priority: March 11, 1973

Comes now PACK RIVER MANAGEMENT CO.
218 CEDAR ST.
SANDPOINT, ID 83864

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 96-7127, and requests that the permit be changed as follows:

Source: SCHWEITZER CREEK

tributary to: SAND CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Commercial	01/01 to 12/31	.22 cfs	6.8 afa

LOCATION OF POINT OF DIVERSION(S): NENW, Sec. 20, Township 58N, Range 2W
Bonner County

PLACE OF USE: Commercial

TWN RGE SEC

58N 2W 20 NENW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Sandpoint, this 2nd day of June, 1987.

MICROFILMED

JUL 10 1987

Barbara Hannon CEO
(Signature)
Pack River Management Co.

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-7127

FOR DEPARTMENT USE ONLY

Preliminary check by EW Fee = \$20.00 ☒ Received by sf Date 6-4-87 # 42526

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. Kenneth Dunn, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 96-7127 with the following;

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.
4. Commercial use is for 2 restaurants, a lounge, ski shop, convenience store, daycare center, maintenance shop, offices & restrooms.

Witness my hand this 18th day of June, 1987

Norm Young
Acting for the (Director)

MICROFILMED

JUL 10 1987

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT #	NAME	AMOUNT C.F.S.
~~App. for Permit~~	~~96-7127~~	~~Pack River Properties, Inc~~	~~2.0~~
Assignment	967127	Pack River Management Co.	2.0

RECEIVED
JAN 10 1964

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 96-7127 IN THE
NAME OF PACK RIVER MANAGEMENT CO.

ORDER OF REINSTATEMENT

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before November 1, 1983; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on November 1, 1983, the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on November 9, 1983;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-7127 be REINSTATED and the priority advanced to March 11, 1973.

Dated this 22nd day of November, 1983.


L. GLEN SAXTON

Chief, Operations Bureau

RECEIVED
NOV 11 1983
WATER RESOURCES
DIVISION

RECEIVED

JUL 7 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES Department of Water Resources
ASSIGNMENT OF PERMIT

THE PACK RIVER COMPANY, a Washington corporation authorized to do business in Idaho, successor in interest to PACK RIVER PROPERTIES, INC., by merger, hereby assigns to PACK RIVER MANAGEMENT COMPANY, a partnership of TAF C-25, Spokane, Washington 99220;

/XX/ All right, title, and interest in and to Permit No. 96-7127 to appropriate the public waters of the State of Idaho.

/ The following described portion of my right, title and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 2nd day of July, 1980.

THE PACK RIVER COMPANY

By: Chester Chastek
Chester Chastek, President

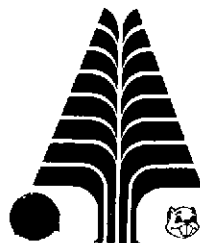
By: Wayne Osborn
~~Richard Chastek~~, Secretary
WAYNE OSBORN ASST.

STATE OF WASHINGTON)
County of Spokane) ss

On this 2nd day of July, 1980, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same as the free and voluntary act of said corporation, and were duly authorized so to do.

Edward J. [Signature]
Notary Public residing at Spokane.

My commission expires:
9/11/83



Pack River Properties, Inc.

222 Cedar St. — P. O. Box 1427
Sandpoint, Idaho 83864

STATE OF IDAHO
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED

NOV 9 1978

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of Idaho)

County of Bonner)

Permit No. 96-7127

Pack River Properties, Inc. of Box 1427, Sandpoint, Idaho 83864
(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. 96-7127.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before 11/1/78, 19 .

That he has heretofore performed the following work described under said permit:

Dam has been constructed with buried pipelines for domestic and
commercial users. The dam is six feet high and acts only as a
gathering or collection area. In September we installed approximately
400 feet of 6" water lines for the newly constructed addition to
Schweitzer Day Lodge and new ski shop.

Costing \$30,000.00

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: At the present time, the work is not completed.

We do have plans for future development, there is construction going
on now at Schweitzer -- with construction of addition to the Day Lodge
and a new ski shop.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to 11/1/83, 19 .

(signature) *

Subscribed and sworn before me this 27th day of October, 1978.

seal

Janice E. Rago
Notary Public residing at Sandpoint

My commission expires 10/20/80

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 of water is extended
to November 1, 1983.

IT IS FURTHER ORDERED that the permit be reinstated and the priority advanced to
March 3, 1973.

Witness my hand this 15th day of November, 1978.

L. Glen Saxton
Chief, Operations Bureau

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

NOV 3 1975

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR AMENDMENT

Permit No. 96-7127

1427

Comes now Pack River Properties, Inc. of (address) P.O. Box 2
Sandpoint, Idaho 83864, and represents to the State Reclamation
Department of Water Administration

No. 96-7127, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 58 N
R. 2 W, B.M. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day

mo. - day

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)

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)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

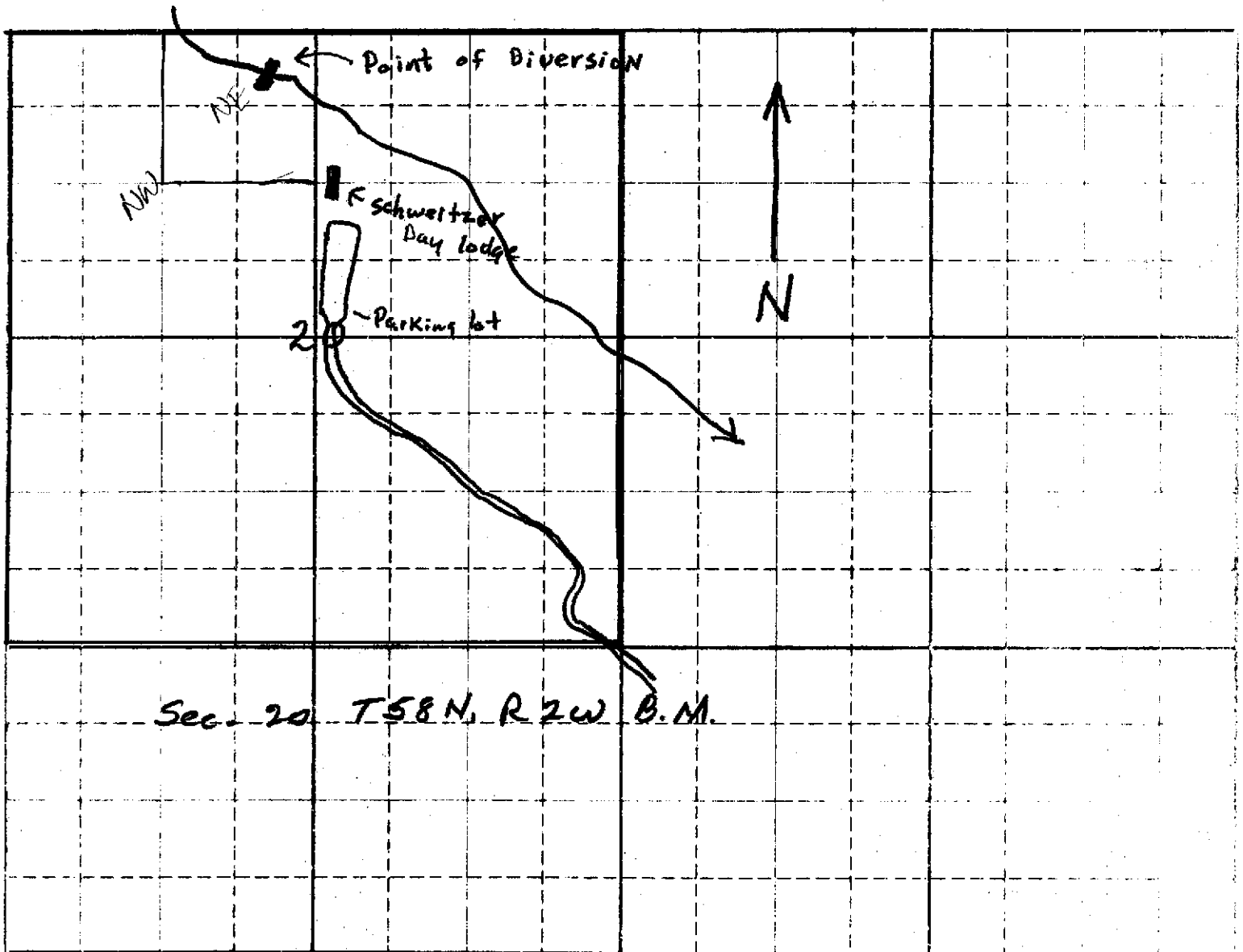
3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

MIKROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Sandpoint, Idaho this _____ day of _____ 19____

Pack River Properties Inc
(signature)
Kurt H. Hunsen
Mgr.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

Operations Division

I, A. KENNETH DUNN, Administrator, Director of the Department of Water Administration

hereby approve the above application for amendment on Permit No. 96-7127

Witness my hand this 5 day of November, 19 75

A. Kenneth Dunn
Director

A. KENNETH DUNN, Administrator
Operations Division

NATHAN HAS LEGAL FILE

Appeal dismissed 4/18/75
see Nathan.

96 7127

de
6-30-75

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Application for)
Permit No. 96-7127 in the name of)
PACK RIVER PROPERTIES, INC.)
_____)

MEMORANDUM DECISION
AND ORDER

On February 23, 1973, Pack River Properties, Inc. filed with the Department of Water Administration an application for permit to appropriate 40.0 cubic feet per second of water from Schweitzer Creek, tributary to Sand Creek. The water is to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 58N, Rge. 2W, B.M., Bonner County, and used for year-round domestic purposes, for 1000 families, within the S $\frac{1}{2}$, Sec. 17, 20, 21, and 29, Twp. 58N, Rge. 2W, B.M. Notice of this application was published in the Sandpoint News-Bulletin, Sandpoint, Idaho, on March 1 and March 8, 1973.

The Department received protests from Francis A. Malone, John Weatherly, Charles and Lorna Waddington, and from Gary A. Finney, attorney, on behalf of Roger Gregory, Genevieve Gregory, William E. Finney, Doris Nettlingham, Allene Mathis, Charles A. Finney, and Dan Deshon.

On April 13, 1973, prior to the hearing, the requested rate of diversion of the water, was reduced from 40.0 to 2.00 cubic feet per second.

As a result of the protests, a hearing was held on April 13, 1973, in Coeur d'Alene, Idaho.

Based upon the information in the file, the statements made at the hearing, and the Department's understanding of the law, the Director of the Department of Water Administration makes the following Findings of Fact, Conclusions of Law, and Order:

Findings of Fact

- (1) All of the water rights claimed by the protestants are based upon the diversion and beneficial use of the water for domestic or stockwatering purposes, except that of Mr. William Finney, who is the owner of License No. 96-2242 for the diversion of 0.20 cubic feet per second of water, to be used for the irrigation of 17 acres of land.
- (2) The proposed point of diversion is approximately three (3) miles upstream from that of License No. 96-2242.
- (3) The minimum flow during most years is greater than the existing water rights on the source.

(4) Pack River Properties, Inc. is a subsidiary of Pack River Co. Inc., which has assets totaling more than the estimated cost of this project.

(5) The plat of the development has been submitted to and approved by the county.

(6) Bids have not been let for the construction of this project.

(7) Water is available at the source, a sufficient amount of time, for the purpose intended without reducing the amount of water available to existing water rights.

(8) The applicant has proceeded with the other phases of this project that is to be served by this water system. The fact that bids have not been let seems logical in the face of protests against the water system.

(9) The applicant has shown to the satisfaction of the Department of Water Administration that it has the financial resources with which to complete the project.

Conclusions of Law

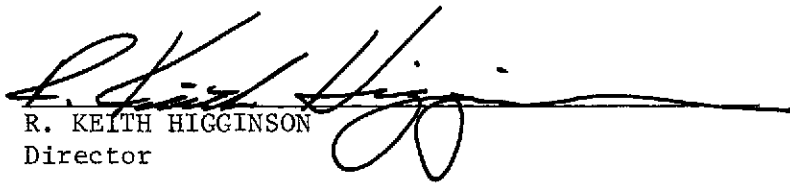
(1) The applicant has met the requirements of Section 42-203, Idaho Code, and is therefore entitled to a permit as requested.

Order

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 96-7127 is APPROVED subject to the following limitations and conditions:

1. That said permit shall be subject to all prior water rights.
2. That proof of construction of works and application of water to beneficial use, shall be submitted to the Department on or before November 1, 1978.
3. That a measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Dated this 9th day of November, 1973.


R. KEITH HIGGINSON
Director

BDF/RKH:jc

ASSIGNED TO:
Pack River Management Co.
% Edward J. Parry Attorney at Law
Suite 604 Fidelity Building
Spokane, Washington 99201
July 7, 1980

Identification No. 96-7127

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 Pack River Properties, Inc. (Attn: Glen Ostrom)
post office address E. 14208 Sprague Ave., Spokane, WA 99216
2. Source of water supply Schweitzer Creek which is a tributary of Sand Creek, which is trib. of Pend Oreille River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 58N
Range 2W B.M. Bonner County; additional points of diversion if any: _____

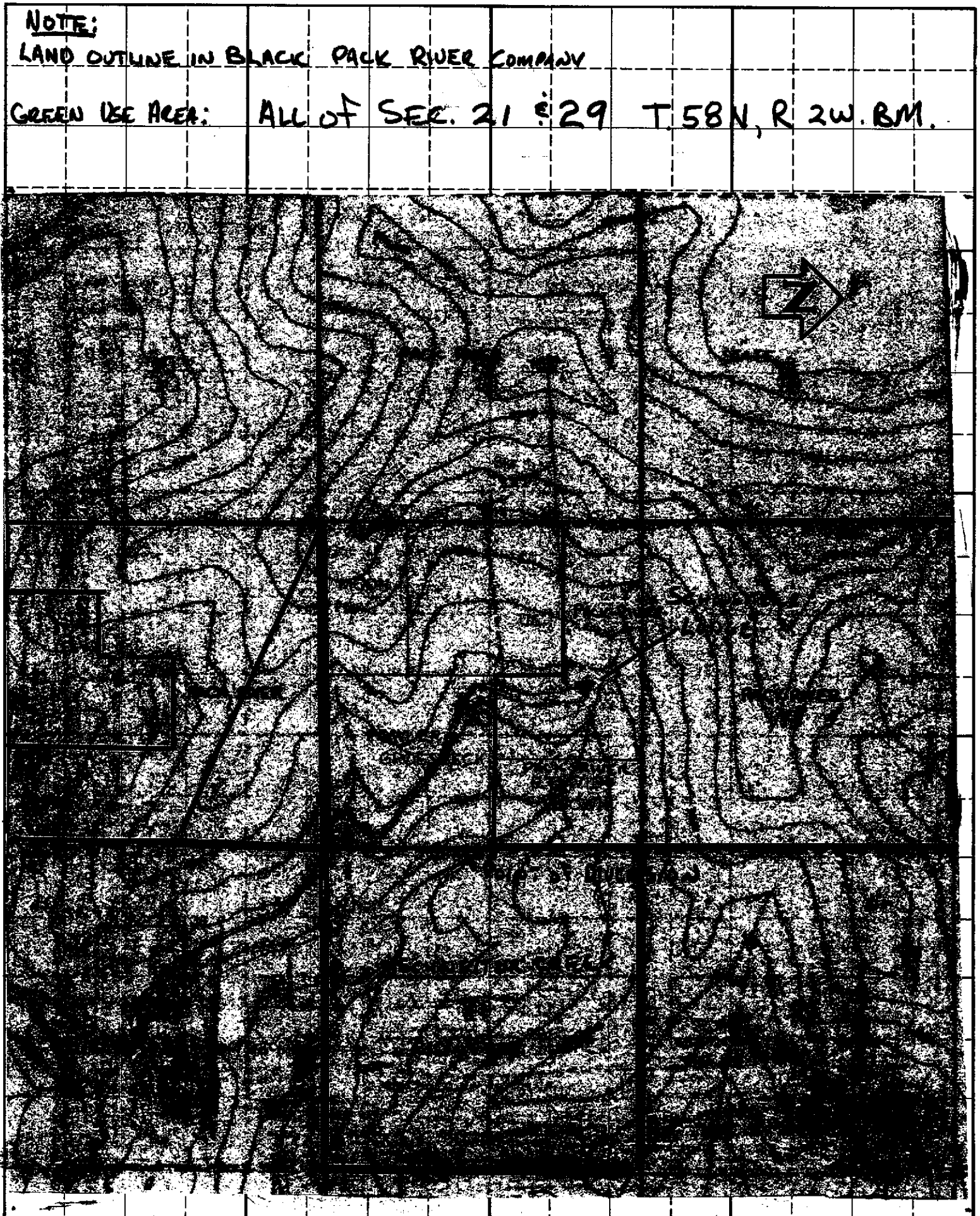
b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes: *200 cfs / second 4-13-93 LCA & exp. to Pack River Properties Inc.*
Amount 40.0 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for COMMERCIAL USE 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. 40.0 2.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Dam with buried pipelines and storage tank, pipe to domestic and commercial users. Dam to be from 4 to 6 feet high and will act only as a gathering or collection area. Storage will be separate.

b. Height of storage dam _____ feet, active reservoir capacity minimal acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: concrete
Period of year during which storage will occur Jan. 1 to Dec. 31 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. Additional water lines will be added yearly but source facilities will be constant.
b. Estimated construction cost is \$ 20,000.00 dam & storage; \$100,000.00 to \$400,000.00 water lines
8. Description of proposed uses:
a. If water is **not** for irrigation: SEE REMARKS
(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 Schweitzer Basin Ski Resort ^{Area}, or number of families to be supplied with domestic water 1,000.
(5) If water is to be used for other purposes describe: _____

96 7127

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.

Pack River Properties Inc
By Ernest A. Hersh
(Applicant)
Eric A. Hersh

96 7127

Received by RE Date 2/23/73 Time 10:30
Preliminary check by RE Fee \$ 315.00
Receipted by RE Date 2/23/73 # 8556
Publication prepared by cr Date 2-23-73
Published in Sandpoint News-Bulletin
Publication dates 3-1 & 3-8-73
Publication approved cr Date 3-19-73
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
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. 96-7127, 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 November 1, 19 78.
- c. Other: Pursuant to Memorandum Decision of this date.

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

Witness my hand this 9th day of November 19 73.

R. Keith Higin
Director

96 7127

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)			Application No. _____ Name <u>Pack River Properties Inc.</u>
(2)			Check: ☐ Signature <u>Lacks Authority</u> ☒ Point of Diversion ☐ Quantity of Water and Period of Use <u>Period incorrect - Quan. Total only</u> ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U <u>should be syrs</u> ☐ Place of Use <u>Neab 1/4 1/4</u> ☐ Map <u>doesn't show pd or pl</u> ☐ Fee <u>none</u>
(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. <u>? check JMM9 when returned</u> ☐ Request Easement from B.L.M.
(5)			In form for advertising _____
(6)			Affidavit of Publication received _____
(7)			Final date for protests _____ Protests received: yes _____ no _____
(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)			Comments: _____
(13)			Action recommended: ☐ Approve _____ Priority _____ ☐ Deny _____ Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(14)			District _____ By _____ Date _____ Title _____

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>FE</u>	<u>2/23/73</u>	Application No. <u>96-7127</u> Name <u>Pack River Properties, Inc.</u>
(2)	<u>FE</u>	<u>2/23/73</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)	<u>FE</u>	<u>2/23/73</u>	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>2/23/73</u>	In form for advertising <u>OK</u>
(6)	<u>cl</u>	<u>3-19-73</u>	Affidavit of Publication received <u>MARCH 16, 1973</u>
(7)	<u>cl</u>	<u>2-23-73</u>	Final date for protests <u>MARCH 19, 1973</u> Protests received: yes ☒ no ☐
(8)	<u>cl</u>	<u>3-13-73</u>	Date and Place of hearing <u>APRIL 13, 1973 - BONNER COUNTY COURTHOUSE</u> 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)			Comments: _____ _____ _____
(13)			Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(14)			District _____ By _____ Date _____ Title _____

RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____
- _____
- _____

RECOMMENDEDCONDITIONS OF APPROVAL

☒ measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

☒ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☒ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☐ Other: _____

Affidavit of Publication

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

L. E. Pietsch being first duly sworn on oath deposes and says that he is Publisher of The Sandpoint News-Bulletin, a weekly newspaper printed and published at Sandpoint, Bonner County, Idaho; that the said Sandpoint News-Bulletin has been continuously and uninterruptedly published in said Bonner County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice for publication in the case of Notice of Application For Water Permit, submitted by Pack River Properties, Inc., 14208 E. Sprague, Spokane, Wash., Application No. 96-7127.

as it was published in the regular and entire issue of the said paper for a period of two consecutive weeks, commencing on the 1st day of March, 1973, and ending on the 8th day of March, 1973, and that said notice was published in said newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

15th day of March, 1973.

Olyvia Grant

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Pack River Properties, Inc., 14208 East Sprague, Spokane, Washington has on February 23, 1973 submitted Application No. 96-7127 for a permit to appropriate 40.0 cubic feet per second of water from Schweitzer Creek, tributary of Sand Creek, which is tributary of Pend Oreille River by means of dam, pipelines, and storage tank within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 58N, R. 2W, B.M., Bonner County to be stored from Jan. 1 to Dec. 31 and used from Jan. 1 to Dec. 31 for domestic purposes for 1,000 families (Schweitzer Basin Ski Resort Area) within Sections 21 and 29, T. 58N, 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 March 19, 1973.

R. KENT HIGGINSON
Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho on March 1 and March 8, 1973. M1-8

96 7127



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RESORT WATER CO INC
500 UNION ST
SEATTLE WA 98101

RE: Water Right 96-07127

Dear Water Right Holder(s):

The Department is in receipt of the correspondence changing the ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer-generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Jim Johnson'.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

JUN 10 1999

RECEIVED

MAY 20 1999

Department of Water Resources

May 17, 1999

Ms. Sally Sherman
Adjudication Department
Idaho Department of Water Resources
1301 No. Orchard Street
Boise, Idaho 83706

Re: Resort Water Co., Inc.
License No.: 96-07127
Permit Nos.: 96-08428, 96-08413, 96-07841 and 96-08725

Dear Ms. Sherman:

Please find enclosed herewith an executed Notice of Change of Water Rights Ownership Form, assigning license No. 96-07127 from Pack River Management Co. to Resort Water Co. Inc. ("Resort"), along with the attached related deed, Resort's Unanimous Consent of the Shareholders and Directors (list of Directors) and related IDWR Profile Report.

On December 9, 1998, Resort, through its former attorneys Moss & Hart, LLC, requested that permit nos. 96-08428, 96-08413, 96-07841 and 96-08725 be assigned to Resort from Recreation Utilities Co. Inc. Please revise these permits to reflect Resort's new address:

500 Union Street, Ste. 200
Seattle, WA 98101
(206) 623-0916

If you have any questions or require additional information, please contact me. Thank you for your assistance.

Attorneys

1001 Fourth Avenue Plaza
Suite 4500
Seattle, WA
98154-1065
Tel (206) 624 3600
Fax (206) 389 1708

Direct tel
(206) 389 1693

Internet
rmaylor@gj.com

Affiliated Offices

Los Angeles
New York
Orange County
Palo Alto
Sacramento
San Francisco
Washington, DC

Beijing
Tokyo

London
Milan

MICROFILMED

JUN 10 1999

Ms. Sally Sherman

May 17, 1999
Page 2

Sincerely,

GRAHAM & JAMES LLP/RIDDELL WILLIAMS P.S.



By
Robert P. Naylor
Legal Assistant

cc: David D. Buck, Esq.
Enclosures

MICROFILMED
JUN 10 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

January 14, 1999

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

US BANK NATIONAL ASSN
JOE ANDERSEN
US BANK PLACE MPFP2518
MINNEAPOLIS MN 55402

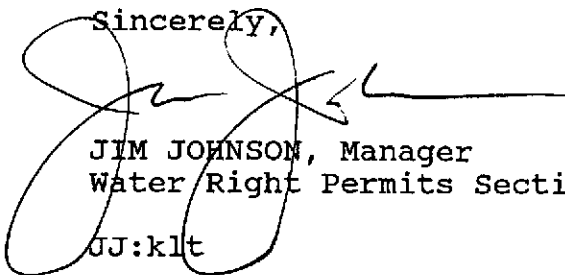
RE: Confirmation of Receipt of Letter

Dear Mr. Andersen:

This letter is to confirm that copies of the letter of December 31, 1998 from Resort Water Co., Inc. (copy enclosed) have been placed in the files as requested.

If you have any questions regarding this matter, you may phone me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

UJ:klt

Enclosure

MICROFILMED

JUN 10 1999

RECEIVED

JAN 4 1999

DEPARTMENT OF WATER RESOURCES

RESORT WATER CO., INC.
U.S. Bank Place - MPFP2516
Minneapolis, MN 55402

December 31, 1998

By Federal Express

Mr. Jim Johnson
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706-2237

Dear Mr. Johnson:

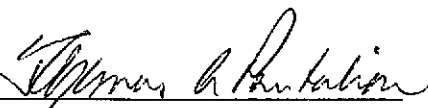
Resort Water Co., Inc., for and in consideration of \$11,491,297, has granted a security interest in all water applications, permits, licenses, claims, decreed rights or other rights or interests currently belonging to Resort Water Co., Inc. to U.S. Bank National Association, including Permits 96-08428, 96-08413, 96-07841, 96-08725, License 96-07127 and Decree 95-4139.

Pursuant to instructions from your office, we request that a copy of this letter be placed in each of the above referenced water right files. When this has been accomplished, please provide a letter of acknowledgments to Joe Andersen, U.S. Bank National Association, U.S. Bank Place, MPFP2518, Minneapolis, Minnesota 554022.

thank you for your assistance.

Sincerely,

RESORT WATER CO., INC.

By 
Thomas A. Pantalion
Vice President and Secretary

cc: Joe Andersen, Esq.
David D. Buck, Esq. (by fax)
Mr. Ronald W. Cook (by fax)
Mr. Richard J. Mikos
Larry E. Prince, Esq. (by fax)

MICROFILMED

JUN 10 1999

INTER-DEPARTMENT MEMO — 1

FROM *T. King*

DATE *3/8/88*

TO *File*

SUBJECT *ADDRESS CHANGE*

*ATTACHED CARD FOR 96-8428, 8426, 8425, 8413, 7715
& 96-7127*

Jack Monks
Manager

RECREATIONS' UTILITY COMPANY INC.



218 Cedar Street
Sandpoint, Idaho 83864
(208) 263-3331

JK

SIGNATURE

MICROFILMED

JUN 10 1988

June 24, 1987

PACK RIVER MANAGEMENT CO.
218 CEDAR ST.
SANDPOINT, ID 83864

RE: Permit No. 96-7127

Dear Permit Holder(s):

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
JUL 10 1987



PACK RIVER MANAGEMENT COMPANY

218 CEDAR ST. • SANDPOINT, ID 83864 • (208) 263-3184

RECEIVED

JUN 04 1987

June 2, 1987

Department of Water Resources

Jim Johnson
Water Right Supervisor
Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: Permit No. 96-7127

Dear Mr. Johnson:

Please find enclosed a signed Application for Amendment, Water Right No. 96-7127 for the above permit. Also enclosed is a check in the amount of \$20.00 for filing fee.

Sincerely,

PACK RIVER MANAGEMENT CO.

Dan L. Larsen, by cgr

Dan L. Larsen

DL:cgr
Ref:Letter13



MICROFILMED

JUL 10 1987

PACK RIVER MANAGEMENT CO.
218 CEDAR ST.
SANDPOINT, ID 83864

May 28, 1987

RE: Permit No. 96-7127

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 10 1987



PACK RIVER MANAGEMENT COMPANY

218 CEDAR ST. • SANDPOINT, ID 83864 • (208) 263-3184

May 19, 1987

RECEIVED
MAY 21 1987

Mr. Glen Saxton
I.D.W.R.
State House
Boise, Idaho 83720

Department of Water Resources

RE: Permit Amendment 96-7127

Dear Glen:

Pursuant to our telephone conversation today I am listing the commercial uses of the water that existed on July 7, 1986, when Jennifer Hargraves and our staff member, Gerald Ward, examined the water permit for beneficial use.

Building #1 - 2 restaurants ✓
- 1 lounge ✓
- restrooms ✓
- offices ✓

Building #2 - ski shop ✓
- offices ✓
- convenience store ✓
- daycare center ✓

Building #3 - maintenance shop ✓

At your advice we will not return the signed application for amendment for 96-7127 until the record is set straight to our mutual satisfaction.

If you have any further questions, do not hesitate to contact me.

Sincerely,

PACK RIVER MANAGEMENT CO.

Dan Larsen, by cgr
Dan Larsen

cc: Tim Hinderman
Ref: Letter11

MICROFILMED
JUL 10 1987



FROM

Glen

DATE

5-19-87

TO

File 96-7127

SUBJECT

- Dan Larsen called today
& will send a letter relative
to our cond #4. His concern
is that cond #4 may limit
the use more than actually
found during the field
exam.

MICROFILMED

JUL 10 1987

SIGNATURE

VZ

4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. **Measurement Calculations**

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

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}} \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}} \end{aligned}$$

- c) Volume Calculations for Other Uses:

(#1 & #2) V for ski lodge/restaurant/restrooms = allow 50.2 gpd.
est. 100 people per day $\times$ 365 days/yr.
(#3) V for ski shop = allow 1.2 AFA/yr.

$$\begin{aligned} \text{(#1 \& \#2)} &= \frac{365 \text{ days} \times 100 \text{ patrons} \times 50 \text{ gpd}}{325,850} = 5.6 \text{ AFA} \end{aligned}$$

2. **Overlap Review**

- a) Other water rights with same place of use: none per examiner -

- b) Other water rights with same point of diversion: none per VAX -

- c) Analysis:

I am allowing 100 patrons for 365 days per year at 50 gal. per person per day due to lack of info. from examiner... could be in winter they have 300 people a day but in summer could be they have none -

$$\begin{aligned} \text{total AFA} &= 5.6 - \text{ski lodge} \\ &\quad 1.2 - \text{ski shop} \\ &\hline &6.8 - \text{total AFA} \end{aligned}$$

MICROFILMED

JUL 10 1987

30 day
"use of water"

- Allowable Maximums: 0.22 cfs 6.8 MPA

- JUL 10 1987

- Date 5-11-87

PACK RIVER MANAGEMENT CO.
218 CEDAR ST.
SANDPOINT, ID 83864

May 14, 1987

RE: Permit No. 96-7127

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 10 1987

Department of Water Resources

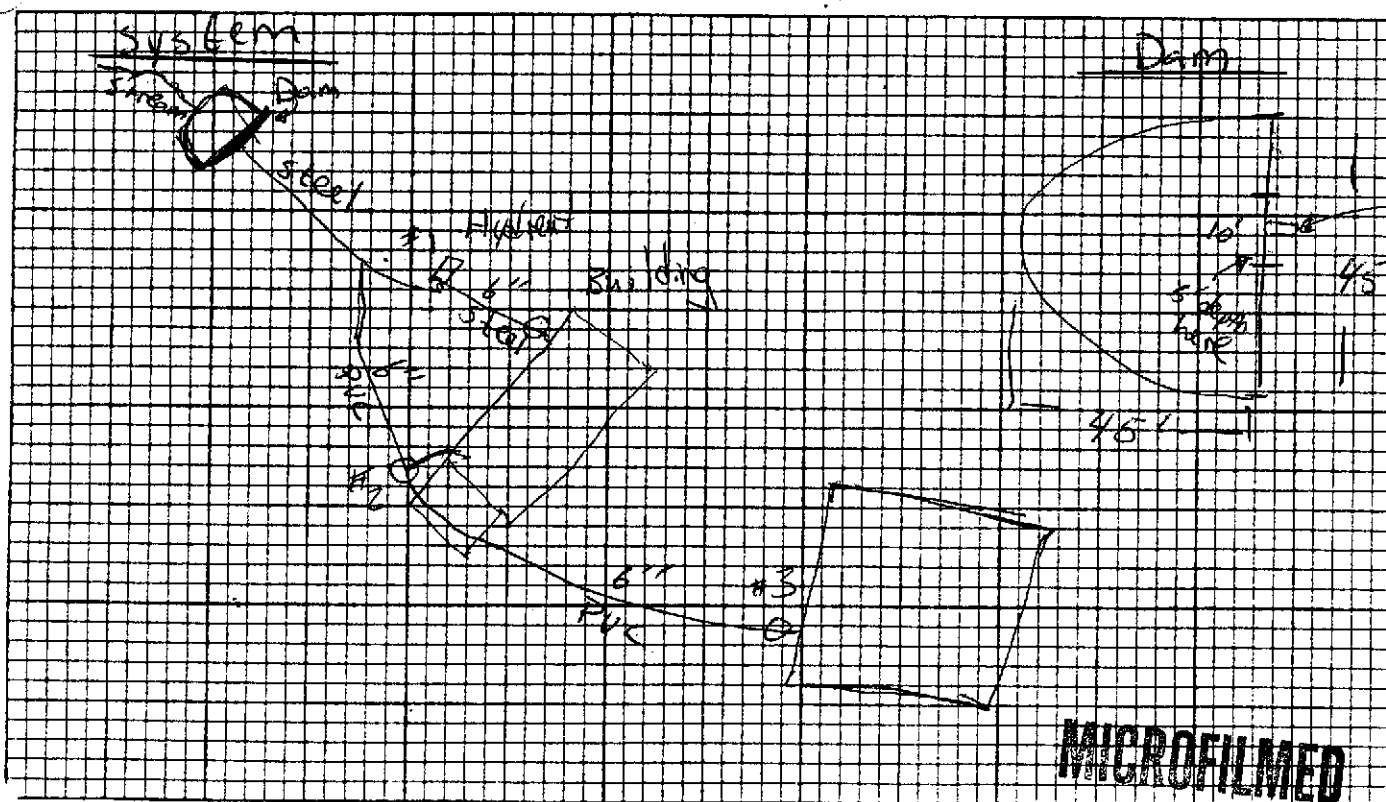
Permit No. 96-7127

- Phone No. (208) 263-3184

1. Other water rights with same place of use: 96-7775, 96-8413, 96-8425, 96-8426

2. Other water rights with same point of diversion: NONE
- ☐ Copies Attached ☐ Copies of Field Exam's Attached

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NIS

JUL 10 1987

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

6" line From Resv. ^{step} PVC "T" to 6" steel (to building #1)
 and 6" PVC to another "T" to 6" PVC (to building #2) and
 6" PVC to building #3 (#1 & #2 is the Ski lodge, #3 is the
 Ski Shop)
 Dam - Fed by spring depth at dam 5', $\approx$ 45' long,
 6" wide concrete

Commercial includes ^{NE} Restaurant, Restrooms and 2 small offices

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
—	—	—	—	—	—

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks

6. Place(s) of Use:

Indicate Method of Determination Map

Twp.	Rge.	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	
58N	2W	20																	

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JUL 10 1987

Do not use this space

FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

	Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
#1	Flowmeter (installed)	Corad				2"	
#2	Flowmeter (installed)	Corad				1"	
#3	Flowmeter (installed)	Arad			547197	1"	
#3	Flowmeter (installed)	Rockwell International			32426895	3/4"	

2. Measurements:

#1	Dried Reading	$Q = 24 \text{ gal} / 30 \text{ sec} \times 100 = 48 \text{ gal} / \text{min} \times 100 = 4,800 \text{ gpm}$
#2		$Q = .07 \text{ cfs}$
#3		$Q = .04 \text{ cfs}$

FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

$$Q_{\text{Total}} = \text{Combo of three meter readings} = .11 + .07 + .04 = .22 \text{ cfs} \quad \text{cal. attached}$$

2. Alternate Method for Checking Purposes:

$$Q = .5 \text{ cfs via permit}$$

PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{_____}$ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \text{_____}$ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \text{_____}$

2. Volume Calculations for Other Uses:

$$V_{\text{Com.}} = 365 \frac{\text{day}}{\text{yr}} \times .22 \text{ cfs} \times \frac{24 \text{ hr}}{\text{day}} \times \frac{60 \text{ min}}{\text{hr}} \times \frac{60 \text{ sec}}{\text{min}} \times \frac{\text{AF}}{43,560 \text{ ft}^3} = 159.3 \text{ AF}$$

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JUL 10 1987

H. REMARKS AND OVERLAP REVIEW ANALYSIS

96-7775, 96-8425, 96-8426 are for the same area but are under dom. use, 96-8413 is for Dom & Com, but is not for the same buildings covered in this permit. The point of diversion covered in this permit is only used to service the p/u in this permit.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	1/1	12/31	.22 cfs	159.3 AF
Totals:			.22 cfs	159.3 AF

2. 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

J. AUTHENTICATION

Field Examiner's Name Jennifer L. ArgravesSignature Jennifer Argraves

Certification Date _____

Field Report Preparation Date _____

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

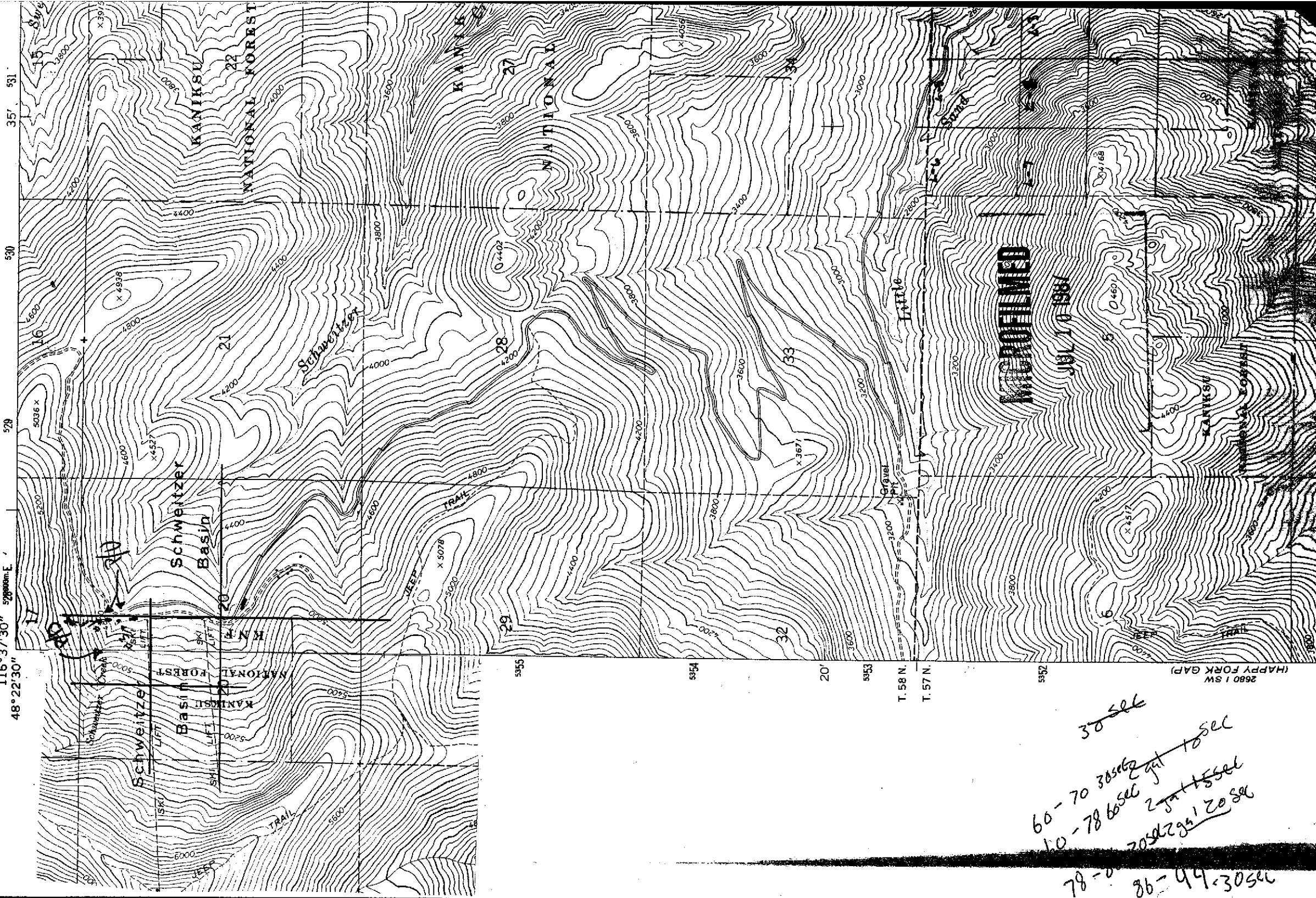
MICROFILMED

JUL 10 1987

2680 / NW
(MOUNT CASEY)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

116°37'30" 529000m E
48°22'30"



30 sec
60-70 30 sec
10-78 60 sec
78-0 30 sec
86-44-30 sec

48 x 100

#1

23

55 - 78 30 SEC

~~78 - 106 30 SEC~~

21

6 - 27 30 SEC

$\pi \left(\frac{2}{12} \right)^2$

24

27 - 51 30 SEC

24

51 - 75 30 SEC

23

75 - 98 30 SEC

24

98 - 122 30 SEC

24

22 - 46 30 SEC

4

cal. Bymeter

#1 $48 \text{ gal/min} = .11 \text{ cfs}$

#2 $33.2 \text{ gal/min} = .07 \text{ cfs}$

#3 $19 \text{ gal/min} = .04 \text{ cfs}$

.22 cfs

MICROFILMED

JUL 10 1987

meter
cal.

Field Notes

#1 Rest, Office & Test, Bar & Cafe

$\frac{.5 \text{ cfs}}{\text{sec}} \times 100 \text{ gpm}$

#2 Office & 2 Restrooms
X 10

2.23 cfs

~~500~~

$\approx 10.7 \text{ cfs}$

4800

~~#~~ 10 + 7 30 sec

18 30 sec

17 30 sec

15 30 sec $\approx 16.6 \text{ gal/sec}$

15 30 sec $\approx 33.1 \text{ gal/min}$

16 30 sec $\approx .07 \text{ cfs}$

16 $+ 16.6 \text{ gal/sec}$

17 33.1 gal/min

18 $+ 16.6 \text{ gal/sec}$

$\approx 33.1 \text{ gal/min}$

$\approx .74 \text{ cfs}$

#3 Services: 2 Rest., 2 small Rest,

9.5 30 sec

9.5 30 sec

9.5 30 sec

9.5 30 sec

9.5 30 sec

9.5 30 sec

9.5 30 sec

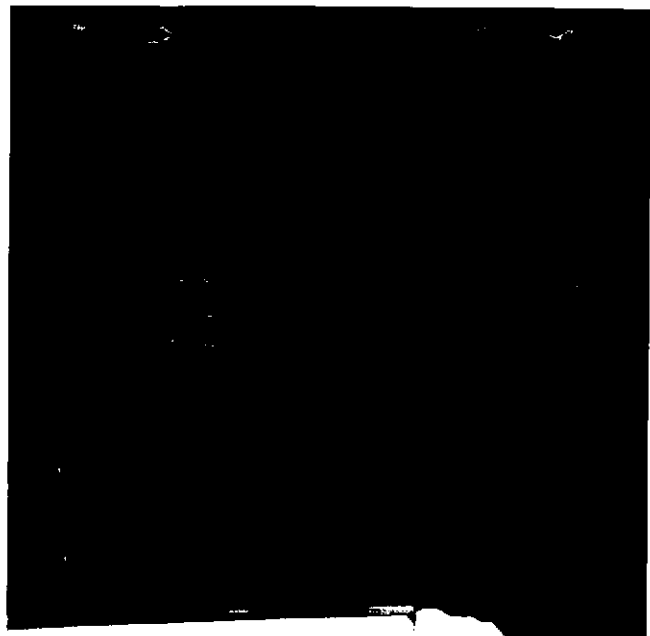
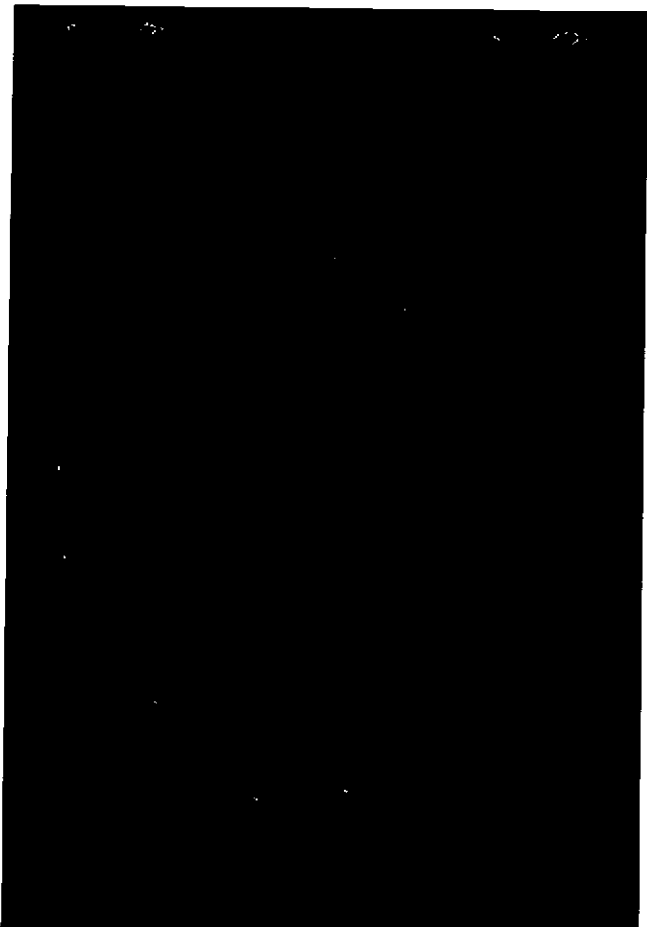
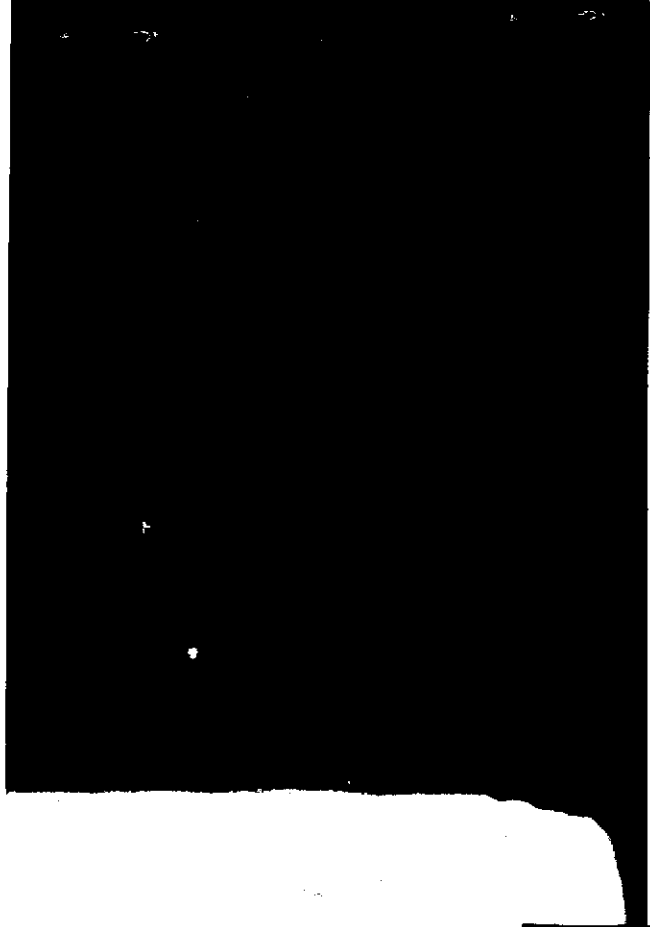
9.5 30 sec

$\approx 19 \text{ gal/min}$

$\approx .04 \text{ cfs}$

MICROFILMED

JUL 10 1987



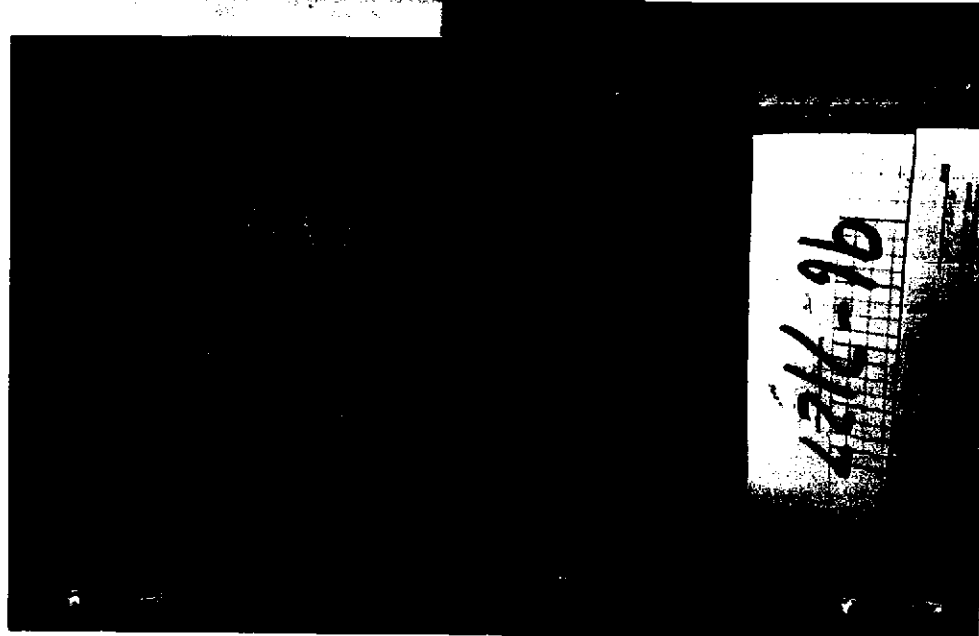
MICROFILMED

JUL 10 1987

4216-9b



4216-9b



4216-9b

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

96-7127
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED
AUG 1 1986

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with conditions of approval
☐ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of Government Plat
Check of P/D index J.A. 7/4 (Initial and date)
No overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index J.A. 7/14 (Initial and date)

- Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: Cover the same area but are
not specified for the buildings in this permit

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
☐ Photographs of Point of Diversion and Place of Use
☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Jennifer Argraves (Signature of examiner and date) 7/14/86
Exam Reviewed by Senior Water Resource Agent 7/16/86 (Initial and date)
Exam Reviewed by Manager of Regional Office 7/28/86 (Initial and date)
Exam Date Entered in Computer 7/29/86 (Initial and date)
Exam sent to State Office 7/30/86 (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

MICROFILMED

JUL 10 1987

4/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received RGH \$100.00
Date 5/30/86 per
Receipt # 30103 Pat-
Receipt by RGH kw
Sent to S.O. 6/2/86

RECEIVED

JUN 4 1986

1. Permit No. 96-7127

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE.

Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: PACK RIVER MANAGEMENT CO.

3. Post Office Address: 218 CEDAR ST, SANDPOINT, ID. 83864

NOTICE: NEW ADDRESS Telephone No. (208) 263-3184

4. Source of Water: TRIBUTARY TO SCHWEITZER CK.

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (acres) Other/Remark COMMERCIAL - RESTROOMS

RESTAURANT.

6. Total rate &/or volume for which proof is submitted 0.50 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

NOV. 1983

8. Person to contact to accompany the department representative during the field examination:

GERALD WARD

(Name)

MICROFILMED

JUL 10 1987

OFF - 218 CEDAR ST, SANDPOINT, ID. 263-3184
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

5-27-86
Date

Paul Larsen - Planner
Signature of Permit Holder (and title, if appropriate)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

96-7127
PACK RIVER MANAGEMENT CO.
P.O. BOX 993
SANDPOINT, ID 83864

Mailing address:
Statehouse
Boise, Idaho 83720

138481

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. **RECEIVED** you cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

JUL 10 1987

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

JUL 10 1987

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

NOVEMBER 29, 1983

PACK RIVER MANAGEMENT CO.
POB 993
SANDPOINT ID 83864

RE: Permit No. 96-7127

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Enclosed please find a copy of an order involving your permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

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

Enclosure

MICROFILMED

JUL 10 1987

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. 96-7127

Name(s) of Permit Holder: PACK RIVER PROPERTIES INC. /

PACK RIVER MANAGEMENT COMPANY (SUCCESSOR)

Post Office Address: PO, BOX 993, SANDPOINT IDAHO

83864

Tel. No. 208-263-3185

Source of Water: NE⁴ NW⁴ SEC 20, T88N, R24W B.M.

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☒ Other COMMERCIAL - SCHWEITZER DAY LODGE,

SKI SCHOOL BLDG + MILL 100 SKI RENTAL + SHOP BLDG +

Measuring Device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No HAINT BLDG

Access Port: 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.

10-28-1983

Date

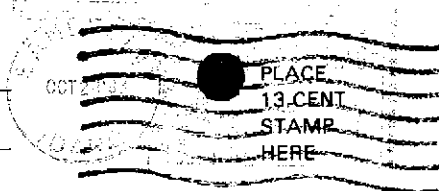
William C. ... MOR

Signature of Permit Holder

Pack River Hunt Co

P.O. BOX 993

STANDPOINT ID 83864



RECEIVED



NOV 9 1983

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

PACK RIVER MANAGEMENT CO.
C/O EDWARD J. PARRY
FIDELITY BLDG. #604
SPOKANE, WA 99201

138984

PROOF DUE NOTICE

AUGUST 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 96-7127 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

UNRECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

July 11, 1980

Peak River Management Co.
(a partnership of TAF C-25)
Edward J. Parry Attorney at Law
Suite 604, Fidelity Building
Spokane, Washington 99201
Permit #'s 96-7046 96-7128 96-7127 96-7179

Dear Wateruser:

This office acknowledges receipt of the assignment conveying the above referenced permit to you.

This assignment has been entered into the Departments records. Enclosed for your records is a copy of the permit.

Sincerely,

Jan Grover
JAN GROVER
Supervisor, Water Rights

JG:jg

Enclosures



STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 15, 1978

Pack River Properties, Inc.
Box 1427
Sandpoint, ID 83864

Gentlemen:

Re: Permit No. 96-7127

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 ~~November 1, 1980~~ 11/1/83.

Sincerely,

Jan Grover
Water Rights Supervisor

MICROFILMED

November 6, 1978

Re: Permit No. 96-7127

Pack River Properties, Inc.
Box 1427
Sandpoint, Idaho 83864

Gentlemen:

We have received your Application for Extension of Time submitted for Permit No. 96-7127.

However, you did not complete the portion of this Application which requests the amount of work completed to date.

Please complete this Application as requested and return it to this office as soon as possible so this Permit may remain in good standing.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

CERTIFIED MAIL

100488

August 31, 1978

Re: Permit No. 96-7127

Pack River Properties, Inc.
Sandpoint,
Idaho 83864

Gentlemen:

One of the conditions of approval of your water Permit No. 96-7127 (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 November 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

November 5, 1975

Re: Permit No. 96-7127

Pack River Properties, Inc.
Box 1427
Sandpoint, Idaho 83864

Gentlemen:

Enclosed herewith is a copy of the approved application for amendment issued on the above referenced permit along with Receipt No. 3154 in the amount of \$10.00.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosure

RECEIVED
NOV 10 1975
IDAHO DEPT. OF LAND
MANAGEMENT

December 3, 1973

Re: Permit No. 96-7127

Coast to Coast Stores
Attn: Roger Gregory, Owner
Priest River, Idaho 83856

Dear Mr. Gregory:

We received your recent letter concerning Permit No. 96-7127, in the name of Pakk River Properties.

Prior to May 20, 1971, a permit was not required to establish a water right from Schweitzer Creek. Therefore, the other users that you mentioned may have established a right to the use of the Schweitzer Creek water.

The Department has no jurisdiction over the mud in the stream, but you, of course, always have a recourse to the court for any damage or injury to your property caused by the actions of other parties.

As for a minimum stream flow requirement, legislation has been considered, and rejected, during the last two sessions of the legislature. During the next session it will probably be considered again.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

96-7127

December 3, 1973

Re: License No. 96-2242 & Permit No. 96-7127

Gary A. Finney
101 North First Ave.
Sandpoint, Idaho 83864

Dear Mr. Finney:

You are correct in your November 29, 1973, letter that License No. 96-2242 was issued to Frank Finney. However, I thought that William Finney was how the owner of the land covered by the license, and therefore, the owner of the license. If this is not the situation, please let me know so that the Findings of Fact may be amended.

You also are correct, in that William Finney has filed a claim to a water right. This claimed right is still based upon the diversion and beneficial use of the water, as noted in the Findings of Fact(1).

Enclosed is the certified copy of Permit No. 96-7127 that you requested. The charge for this copy is \$2.00, which you may remit to this office, as soon as possible.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc
Enc: Certified copy of Permit No. 96-7127

96 7127

96 7127

LAW OFFICES OF

STEPHEN BISTLINE

101 NORTH FIRST AVENUE

SANDPOINT, IDAHO 83864

November 29, 1973

STEPHEN BISTLINE
GARY A. FINNEY

TELEPHONE
CONGRESS 3-2105

Re: Schweitzer water rights - Our File 4003
Permit No. 96-7127

Mr. Bobby D. Fleenor
Assistant Director
State Department of Water Adm.
Statehouse - Annex 2
Boise, Idaho 83720

Dear Mr. Fleenor:

I am writing concerning the memorandum decision and order of November 9, 1973, by Mr. Higginson, Director.

I understand, in reference to the findings of fact (1), that license #96-2242 was issued to Mr. Frank Finney, not William Finney. Would you please recheck your records to see if I am not correct. Additionally, I understand that William Finney does have a claim of right to Schweitzer water under another number. If this is so, I assume the findings may need to be amended to so show.

Also, would you please send me a certified copy of application #96-7127. I will pay any charge upon your billing me for the same.

Yours very truly,

Gary A. Finney
Gary A. Finney

SC

CS 7127

November 20, 1973

Re: Permit No. 96-7127 - Pack River Properties, Inc.

Francis A. Malone
Box 8403
Manito Station
Spokane, WA 99203

Dear Mr. Malone:

Enclosed are the following items:

- (1) Copy of Section 42-203, Idaho Code
- (2) Addresses of Protestants
- (3) Copy of Permit No. 96-7127
- (4) Memorandum Decision and Order

We cannot find any recorded stream flow data for Schweitzer Creek at this time. If there are any records, we will forward them to you later.

We will also contact our main office in Boise to check the possibility of making a recording of the hearing records. It may not be possible to make a clear reproduction from the original tape; however, if this is possible, we will contact you concerning this matter and also of the charges involved.

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

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosures

cc: IDWA - Boise ✓

96-7127

Coast to Coast Stores

Your Furniture Headquarters

Roger Gregory, Owner

Priest River, Idaho 83856

NOV 10 1973

Department of Water Administration NOV 16, 73

TO Mr. Higginson

I received your letter,
going against us life time
residents of Bannock County and
for Park River Properties.

Permit 96-7127.

I understand that the
main Schenitzer Lodge, the Key
& the Butterfly, all Schenitzer
Basin all are drawing
water out of Schenitzer
Creek. Do they have
permits.

Also there has been
occasions this last Sept
& before where the creek
is dry (only)

96-7127

has been nothing but mud,
and they do anything
up at the ski lodge
that they damn well
please?

also what are the
possibilities of some
legislation for a scenic
value and protection
for fisheries on these
streams. All this seems
to be now is for water
rights.

STATE OF IDAHO
DEPT. OF WATER ADMIN.
614 STATE STREET
BOISE, IDAHO 83720
L27L 96

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

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

November 14, 1973

Re: Permit No. 96-7127

Pack River Properties, Inc.
E. 14208 Sprague Ave.
Spokane, Washington 99216

ATTENTION: Glen Ostrom

Dear Mr. Ostrom:

Enclosed is a copy of your approved Application for Permit No. 96-7127. We direct your attention to the conditions of approval as listed on the fourth page. Also enclosed is a copy of the Memorandum Decision and Order for this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

cc: Protestants
Edward J. Parry
W. W. Nixon
Gary A. Finney

Enc: Copy of Memorandum
Decision and Order

96 7127

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 26, 1973

Re: Application for Permit No. 96-7127 - Pack River Properties, Inc.

Gary A. Finney
Attorney at Law
101 North First Avenue
Sandpoint, ID 83864

Dear Mr. Finney:

No decision has been issued on the above referenced application at this time. You will be notified as soon as a final decision is made.

Please contact us if we may be of any further assistance.

Very truly yours,

Corda Roberts
Secretary
Northern District

96-7127

LAW OFFICES OF
STEPHEN BISTLINE
101 NORTH FIRST AVENUE
SANDPOINT, IDAHO 83864

STEPHEN BISTLINE
GARY A. FINNEY

TELEPHONE
CONGRESS 3-2105

June 22, 1973

RECEIVED

JUN 25 1973

Department of Water Administration
Northern District Office

Department of Water Administration
410 Front Avenue
Coeur d'Alene, Idaho 83814

ATTENTION: Fred Eisenbarth

RE: Permit 96-7127

Dear Mr. Eisenbarth;

It has been some time now since the April 13, 1973 hearing concerning application for appropriation by Pack River Properties, Inc.

As I have heard nothing, I assume no decision has been made as neither myself or my clients have had notification. I am writing to make sure that you will notify me and my clients of your decision when rendered.

Sincerely,

Gary A. Finney

Gary A. Finney
Attorney at Law

GAF:ln

96-7127

LIST OF PROTESTANTS

Roger Gregory
Box 428
Priest River, ID 83856

Genevieve Gregory
Route #1
Sandpoint, ID 83864

William E. Finney
Route #1
Sandpoint, ID 83864

Doris Nettlingham
Space 30
2415 Harrison
Centralia, Washington

Allene Mathis
688 Walkup Drive
Orlando, Florida 32808

Charles A. Finney
Route #1
Sandpoint, ID 83864

Dan Deshon
215 Pacific Avenue
Sandpoint, ID 83864

Francis A. Malone
West 2929 Thorpe Road
Spokane, WA 99204

John Weatherly
E. 1628 Hartson
Spokane, WA 99202

Charles and Lorna Waddington
WADDINGTON REPAIRS
P.O. Box 152
Aspen, Colorado 81611

Also send copy of Notice
of Hearing to:

Gary A. Finney
101 North First Avenue
Sandpoint, ID 83864

96 7127

Mr. Nixon
Party

Applicants

Mr. Finney

Protest

Mr. Cook

John Weatherly

Johnson

Gregory

Issues

1. Not sufficient water available -
2. Injury to existing rights -

3. Speculation

4. Financial Resources

~~300,000 gpd~~
~~1000~~

Mr. Nixon

→ Mr. Lewis - Manager

- Speculation Pack River Does 70, millions worth of business
- No other feasible source -
- Plats have been approved by county
- Plans will be drawn this summer for the system

X - Exam

Development will take place ~~for~~ during 5 years -
Bids have not been taken on con

Charles W Lamb

C.E.

Spokane, Washington

~~Bozay~~
~~Dave~~ Engr. Inc.

Did not reach the point of diversion -

Estimate - 2.0 to feasible -

Adequate - water available -

96 7127

(2)

Availability of water calculated by using
empirical formula - low flow = 0.5 cfs -
for about one month time -

Mr Johnson - X-Exam of Mr. Lamb

What effect would diversion have in Sept. & Oct.
in Dry Years ³ Possible slight noticeable effect.

Mr William Finney

Used water from S Ck 7 acres since 12 yrs

8 hp pump operates 20 to 25 heads

Domestic - 2 homes - 8 people

Stockwater -

Water shortage months Oct., Sept.

About four users besides Mr Finney on Schweitzer Ck

5 hp pump could pump creek dry

Licensed right - Frank Finney

Would additional water taken above reduce Q

Yes in ^{very} dry years

S Ck doesn't go dry in Winter

Mr. Gregory

— Determine water flow —

✓

— Speculative in that exact q and number residences are estimated. —

— Mr Gregory uses water for domestic & stock watering

Mr Johnson

Statement

Use — Domestic & watering of garden — 2 years

Mr. Gregory — in behalf of Mr & Mrs Waddington 1961

Mr Weatherly —
speculation

"Pack River Properties Application"

000 - - - - 020	Bob's introduction of application
"Recess" (15 min.)	
020 - - - - 096	Nixon questions Leon Lewis (manager of P.R. Properties)
096 - - - - 184	Mr. Finney cross examines Mr. Lewis
184 - - - - 196	Thomas Johnson cross examines Mr. Lewis
196 - - - - 216	John Weatherly cross examines Mr. Lewis
216 - - - - 228	Roger Gregory cross examines Mr. Lewis
228 - - - - 230	Nixon Questions Mr. Lewis again
230 - - - - 278	Nixon Questions Mr. Charles W. Lamb
278 - - - - 334	Finney cross examines Mr. Lamb.
334 - - - - 349	Mr. Johnson questions Mr. Lamb.
349 - - - - 364	Mr. Weatherly questions Mr. Lamb.
364 - - - - 405	Mr. Finney questions William Finney
405 - - - - 418	Nixon cross examines W. Finney
418 - - - - 421	Johnson questions W. Finney
421 - - - - 426	Weatherly questions W. Finney
426 - - - - 440	Roger Gregory's testimony
440 - - - - 450	Nixon cross examines Mr. Gregory
450 - - - - 461	Thomas Johnson's testimony
461 - - - - 465	Roger Gregory submits evidence & in behalf of Charles Waddinton
465 - - - - 485	Weatherly's Testimony

96-7127 - Pack River Properties, Inc.

Bonner County Courthouse, Sandpoint, Idaho

April 13, 1973 - 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Edward J. Kury	302 Fidelity Bldg Spokane, Wash. 99201	Attorney - Pack River Properties, Inc.
W. W. Hinton	P.O. Box 1013 C d A, Idaho 83814	" att. rep. P.R. Properties.
Gary Finney	N 101 First, Sandpoint	ATTORNEY FOR PROTESTORS
J. E. Cook	Pratt River, Id	Co-Counsel for protestors
Roger Gregory	Box 428 Pratt River, Idaho	self for Protestors property owner
Tonna & Charles Madanigton by Roger Gregory attorneys in fact	P.O. Box 152 Aspen, Colorado	self for Protestors property owner
Jesusa Gregory	Rt 1 Sandpoint Idaho	Self
John Weatherly	E 1628 Hartson Spokane, Wash. 99202	self
Thomas Johnson	E 2027 18 th Spokane wa 99203	Francis Arnoldson
Francis A. Malore	W 2929 Thorpe Spokane wa 99203	
William E. Finney	At one Sandpoint Ida Box 129	Self
Charles W. Lamb	Barney Eng. Inc. Spokane.	"
Thomas I. Hillman	"	"

CONVERSATION MEMORANDUM

FILE _____

NAME OF PARTY Roger Gregory

EMPLOYEE Ervin E. Ballou

RE: Letter received March 26, 1973 from Roger Gregory and James F. Stoicheff,
State Senator.

I called Mr. Gregory in reference to his letter. In his letter to Senator
Stoicheff, he wanted information regarding stream channel protection. His reference
to Schweitzer Creek was due to an application for permit filed by Pack River Properties,
Inc., 96-7127, which he has protested. He thought that they might be in violation
of the Act.

I believe Mr. Gregory is now satisfied with the information I gave him and
will be present at the hearing to discuss the matters of protest against the
application, No. 96-7127. *Ervin*

96 7127

JAMES F. STOICHEFF
DISTRICT NO. 1
BOUNDARY AND BONNER COUNTIES

HOME ADDRESS
615 LAKEVIEW BLVD.
SANDPOINT, IDAHO 83864



COMMITTEES
LOCAL GOVERNMENT AND TAXATION
HEALTH, EDUCATION AND WELFARE
COMMERCE AND LABOR

RECEIVED

Idaho State Senate

CAPITOL BUILDING
BOISE

March 13, 1973

Department of Water Administration

Mr. Keith Higginson, Director
Department of Water Administration
Boise, Idaho

Dear Mr. Higginson:

I am enclosing a complaint I recently received from one of my constituents. It appears that an attempt may be made to dam Schweitzer Creek in Bonner County.

Would you please have one of your men who are stationed in that area investigate this possible violation of the Stream Channel Protection Law. Would you also please send me a copy of any of your communications to Mr. Gregory in regard to this matter.

Thank you very much.

Sincerely,

A handwritten signature in cursive script, reading "Jim Stoicheff".

James F. Stoicheff
State Senator
District 1

JFS:mc

cc: Mr. Roger Gregory
P.O. Box 428
Priest River, Idaho 83856

FROM

COAST TO COAST

Memo

RECEIVED

RECEIVED

MAR 26 1973

Dear Jim

Department of Water Administration
Northern District Office

Department of Water Administration

Would there ~~some type~~
of law passed prohibiting
damming of creeks - etc.
I have property on Schweitzer
creek & there are people
who want to put a
dam in the creek
for water.

I thought there were
some types of laws
prohibiting this.

Please advise.

Thomas -

- Roy

96 7127

WADDINGTON REPAIRS

Precision Machine Work - Welding

P. O. BOX 152 ☐ PH: 925-3520

ASPEN, COLORADO 81611

Dear Roger:

I am taking the liberty of sending you this power-of-attorney in the hope that our absence from the permit hearing may be taken care of by you and Mrs Gregory.

Sincerely,

Cliff Waddington

96 7127

97

Aspen, Colo.
6 April 1972

To whom it may concern:

This instrument empowers Roger and/or Genevieve Gregory to act in our behalf at the hearing protesting Permit Application No. 96-7127 in the name of Pack River Properties.

Lorna Waddington

Lorna Waddington

Charles Waddington

Charles Waddington

STATE OF COLORADO) ss
COUNTY OF PITKIN)

Subscribed and sworn to before me this

9th day of April 1973.

Peggy E. Smith
Notary Public

My Commission Expires Dec 26, 1976

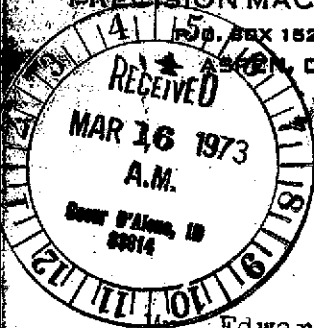
96 7127

WADDINGTON REPAIRS

PRECISION MACHINE WORK-WELDING

P.O. BOX 152 ☐ PHONE 925-3520

ASPEN, COLORADO 81611



IDAHO DEPT. OF WATER ADMINISTRATION
401 Front Ave. Rm. 209
Coeur d'Alene, Idaho 8381

Mr. Edward Finney

**AIR MAIL
SPECIAL DELIVERY**

96

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Mrs. William E. Fanning

②

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to addressee

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CERTIFIED NO.

520482

①

Allene Mathis

②

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DATE DELIVERED

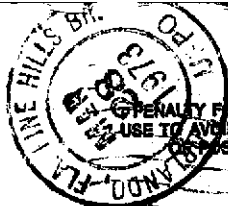
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MAR 28 1973

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96 7127

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COEUR D'ALENE, ID 83814

96 7127

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②

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

96 7127

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(Additional charges required for these services)

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where delivered

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to addressee

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

CERTIFIED NO.

520484

INSURED NO.

1

2

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DATE DELIVERED

3/24/73

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

3

96

7122

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



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SENDER INSTRUCTIONS

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

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- Moisten gummed ends and attach to back of article.



**RETURN
TO**

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

96 7127

SENDER: Be sure to follow instructions on other side

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(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

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REGISTERED NO.

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

CERTIFIED NO.

520485

①

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

②

INSURED NO.

X *[Signature]*

DATE DELIVERED

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

3/26/73

③

96 7127

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DEPARTMENT OF WATER ADMINISTRATION

401 FRONT AVE., ROOM 209

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96 7127

SENDER: Be sure to follow instructions on other side

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CERTIFIED NO.

520486

①

②

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

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

3-26-73

③

96 7127

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96 7127

SENDER: Be sure to follow instructions on other side

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1

L. Waddington

520487

2

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INSURED NO.

DATE DELIVERED

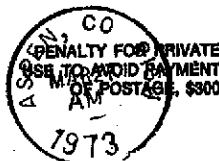
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3-27-73

3

96-7125

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**RETURN
TO**

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

96 7123

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520488

①

J. Cupan

②

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DATE DELIVERED

3-28-73

③

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95-712

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OF POSTAGE, \$350



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**RETURN
TO**

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

96 7127

96 7127

5 MAR 26 1973
1 **SENDER:** Be sure to follow instructions on other side

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

(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

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to addressee

RECEIPT

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CERTIFIED NO.

520489

①

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

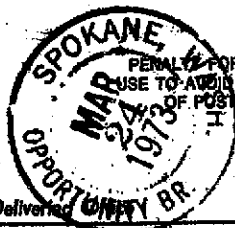
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324-13

③

96 7127

U.S. POSTAL SERVICE
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SENDER INSTRUCTIONS

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

RETURN
TO

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

96 7222

NAME AND
ADDRESS
OF SENDER

DEPARTMENT OF WATER ADMN. (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.

POSTMARK AND DATE OF RECEIPT H E A R I N G S

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	520478 Roger Gregory, Box 428, Priest River, Idaho 83856	0.08	0.30			0.15			96-7127
2	520479 Genevieve Gregory, Route #1, Sandpoint, ID 83864	"	"			"			"
3	520480 William E. Finney, Route #1, Sandpoint, ID 83864	"	"			"			"
4	520481 Doris Nettlingham, 2415 Harrison, Centralia, Wash.	"	"			"			"
5	520482 Allene Mathis, 688 Walkup Drive, Orlando, Florida	"	"			"			"
6	520483 Charles A. Finney, Route #1, Sandpoint, ID 83864	"	"			"			"
7	520484 Dan Deshon, 215 Pacific Ave., Sandpoint, ID 83864	"	"			"			"
8	520485 Francis A. Malone, c/o Thomas R. Johnson, E. 2027 -								
9	----- 18th Avenue, Spokane, WA 99204	"	"			"			"
10	520486 John Weatherly, E. 1628 Hartson, Spokane, WA 99202	"	"			"			"
11	520487 Charles & Lorna Waddington, Box 152, Aspen Colorado	"	"			"			"
12	520488 Gary A. Finney, 101 N. First Ave., Sandpoint, ID 83864	"	"			"			"
13	520489 Pack River Properties, Inc., E. 14208 Sprague Avenue,								
14	----- Spokane, WA 99216	"	"			"			"
15									
16									
17									
18									
19									
20									
TOTAL NUMBER OF PIECES LISTED BY SENDER TWELVE (12)		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.			

PS Form 3877-A—July 1958

U. S. GOVERNMENT PRINTING OFFICE

C48-16-72948-2

96 7127

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 96-7127 in)
the name of PACK RIVER PROPERTIES, INC.)

NOTICE OF CONFERENCE
AND/OR HEARING

On February 23, 1973, Pack River Properties, Inc. filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. The Department received protests against approval of said application from the following individuals: Roger Gregory, Genevieve Gregory, William E. Finney, Doris Nettlingham, Allene Mathis, Charles A. Finney, Dan Deshon, Francis A. Malone, John Weatherly, and Charles and Lorna Waddington.

The Department has set the matter of protests for conference and/or hearing for Friday, April 13, 1973, at 1:00 p.m. in the Bonner County Courthouse, Sandpoint, 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 protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 22nd day of March, 1973.


Fred Eisenbarth
Northern District Technician

March 22, 1973

Doris L. Kenney
Bonner County Courthouse
Sandpoint, ID 83864

Dear Ms. Kenney:

This is to confirm the use of either the Court Room or the Jury Room for conference and/or hearing to be held by this office on Friday, April 13, 1973 at 1:00 p.m.

That you for your cooperation in this matter.

Very truly yours,

Fred Eisenbarth
Water Resource Technician
Northern District

FE:CR

96 7127

Francis A. Malone
West 2929 Thorpe Road
Spokane, Washington
99204
March 20, 1973

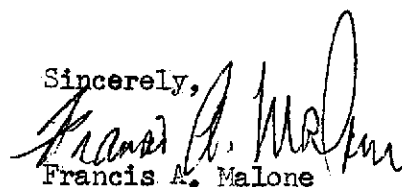
Gentlemen,

I have protested Pack River Properties' application for Permit No. 96-7127. Due to other commitments I will not be able to act in person during conferences and hearings. I therefore designate Mr. Thomas R. Johnson my representative and give him my power-of-attorney to act for me during conferences and hearings concerning any application for water permits in Bonner County Idaho and specifically concerning Application for Permit No. 96-7127.

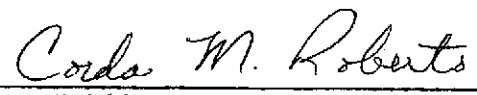
Please conduct further correspondence on these matters through the following address:

Francis A. Malone
c/o Thomas R. Johnson
East 2027 18th Avenue
Spokane, Washington
99204

Sincerely,


Francis A. Malone

Subscribed and sworn before me this 20TH day of MARCH, 1973.


Corda M. Roberts
Notary Public
Residing at COEUR D'ALENE ID

My commission expires SEPT. 11, 1976.

96 7127

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

March 19, 1973

Re: Application for Permit No. 96-7127

Pack River Properties, Inc.
E. 14208 Sprague Avenue
Spokane, WA 99216

ATTN: Glen Ostrom

Gentlemen:

We are enclosing a copy of a protest filed by Charles and Lorna Waddington against the issuance of a permit pursuant to your application No. 96-7127.

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 assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Technician
Northern District

FE:CR

Enc: copy

bcc: State Office

96 7127

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

March 19, 1973

Re: Application for Permit No. 96-7127 - Pack River Properties, Inc.

Charles and Lorna Waddington
WADDINGTON REPAIRS
P.O. Box 152
Aspen, Colorado 81611

Dear Mr. & Mrs. Waddington:

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.

96 7127

Page 2

Re: 96-7127

Charles and Lorna Waddington

March 19, 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, please contact this office.

Very truly yours,

Fred Eisenbarth
Water Resource Technician
Northern District

FE:CR

bcc: State Office

96 7127

WADDINGTON REPAIRS

Precision Machine Work - Welding

P. O. BOX 152 □ PH: 925-3520

ASPEN, COLORADO 81611

13 Mar 1973

RECEIVED

MAR 16 1973

Mr. Edward Finney

Department of Water Administration
Northern District Office

Idaho Dept. of Water Administration

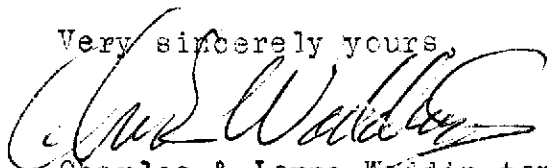
Dear Mr. Finney:

As the owner of record of the property lying to the West of the Northern Pacific right-of-way in the NW¹/₄ of the NE¹/₄, SEC 35, Twn 58 N, Range 2 W, located along Schweitzer Creek, I wish to protest the application of 'Pack River Properties' for a water appropriation of 40 second feet from Schweitzer Creek. Application #96-7127

It is my feeling that, even during the time of heavy run-off, Schweitzer creek cannot support the 1000 families prospected and certainly not 40 second feet without seriously endangering my water own prior rights.

Please excuse my tardy letter, I did not hear of this hearing until last Saturday and it took some time to obtain what I hope are the facts of the application.

Very sincerely yours,



Charles & Lorna Waddington

96 7127

OK.
18.
3/16/73

SANDPOINT NEWS-BULLETIN

COMPLETE COVERAGE OF THE SANDPOINT TRADE AREA

P.O. Box 218, Sandpoint, Idaho 83864

To Whom Billed:

Name Idaho Dept. of Water Administration No. 6997

Address _____

Name of Advertiser _____

Ad No. _____ Ad Size: _____ x _____

Caption Notice of Application for

Water Permit

Insertion Dates: March 1, 8

Copy:

DATE 3-1-73

Type of Advertising

☐ National Display

☐ Local Display

☐ Classified Display

☐ Classified

☐ Reader

☐ Card of Thanks

☒ Legal

☐ _____

Pack River Properties, Inc.

Application No. 96-7127

I hereby certify that the foregoing amount 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.

SANDPOINT NEWS-BULLETIN

Blayne Grant

Total Space 39 lines x 36¢ = \$ 14.04
(Col. Inches/Words) (rate) (Billing)

96 7127

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

March 12, 1973

Re: Application for Permit No. 96-7127

Pack River Properties, Inc.
E. 14208 Sprague Avenue
Spokane, WA 99216

ATTN: Glen Ostrom

Gentlemen:

We are enclosing copies of protests filed by John Weatherly and Francis A. Malone against the issuance of a permit pursuant to your application No. 96-7127.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss these matters of protest.

If we may be of any assistance, please contact this office.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enclosures

bcc: State Office

96 7127

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

March 12, 1973

Re: Application for Permit No. 96-7127 - Pack River Properties, Inc.

Francis A. Malone
West 2929 Thorpe Road
Spokane, WA 99204

Dear Mr. Malone:

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.

96 7127

Page 2

Re: 96-7127

Francis A. Malone

March 12, 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, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

bcc: State Office

96 7127

RECEIVED

MAR 7 1973

Department of Agriculture
National Forest Office

Francis A. Malone

West 2929 Thorpe Road

Spokane, Washington

99204

Gentlemen:

I am sending this letter to protest the Pack River Properties Application No. 96-7127 to appropriate 40 cubic feet of water per second from Schweitzer Creek.

Schweitzer Creek runs through property of mine in Bonner County. That property has used the water of the creek for purposes of agriculture, husbandry and domestic consumption since before the turn of the century.

My experience with the amount of water available has indicated that:

- 1) Any substantial diminution of Schweitzer Creek's flow will make it impossible for my property to receive water necessary for its customary maintenance.
- 2) During several periods of the year Schweitzer Creek's flow is less than the amount of the Application.

Pack River Properties seems to be speculating with this Application; it is extremely problematical that they will be able to attract one thousand families to dwellings on their property. It would appear more reasonable that their aim is to preclude competing developments from using Schweitzer Creek's water.

Finally, construction of one thousand units is a large undertaking for which they may well lack funds.

Sincerely,

Francis A. Malone
Francis A. Malone

Subscribed and sworn to before me this

7th day of March 1973

H. H. Deering
Notary Public at Cheney, Wash.

96 7127

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

March 12, 1973

Re: Application for Permit No. 96-7127 - Pack River Properties, Inc.

John L. Weatherly
E. 1628 Hartson
Spokane, WA 99202

Dear Mr. Weatherly:

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.

96 7127

Page 2
Re: 96-7127
John L. Weatherly
March 12, 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, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

bcc: State Office

RECEIVED

MAR 9 1973

Department of Water Administration
Spokane District Office

Gentlemen:

I am sending this letter to protest the Pack River Properties Application No. 96-7127 to appropriate 40 cubic feet of water per second from Schweitzer Creek.

Schweitzer Creek runs through property of mine in Bonner County. That property has used the water of the creek for purposes of agriculture, husbandry and domestic consumption since before the turn of the century.

My experience with the amount of water available has indicated that:

- 1) Any substantial diminution of Schweitzer Creek's flow will make it impossible for my property to receive water necessary for its customary maintenance.
- 2) During several periods of the year Schweitzer Creek's flow is less than the amount of the Application.

Pack River Properties seems to be speculating with this Application; it is extremely problematical that they will be able to attract one thousand families to dwellings on their property. It would appear more reasonable that their aim is to preclude competing developments from using Schweitzer Creek's water.

Finally, construction of one thousand units is a large undertaking for which they may well lack funds.

Sincerely,

John M. Mathuly

E 1628 HARTSON

SPOKANE, WASH. 99202

MAR 7, 1973

Subscribed and sworn to before me this

10th day of March 19 73

H. M. Newmyer
Notary Public at Cheney, Wash.

96 7127

John L. Weatherly

E 1628 Hartson

Spokane, Washington 99202

ZIP CODE

IDAHO DEPARTMENT OF WATER
ADMINISTRATION
401 Front Avenue
Coeur d'Alene, Idaho
83814

**RETURN RECEIPT
REQUESTED**

VIA AIR MAIL



**REGISTERED
NO.**

674

96 7127

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

March 8, 1973

Re: Application for Permit No. 96-7127

Pack River Properties, Inc.
E. 14208 Sprague Avenue
Spokane, WA 99216

ATTN: Glen Ostrom

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 96-7127. 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?

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.

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

96 7127

Page 2

Re: 96-7127

Pack River Properties, Inc.

March 8, 1973

at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enclosure

bcc: State Office

96 7127

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

March 8, 1973

Re: Application for Permit No. 96-7127 - Pack River Properties, Inc.

Roger Gregory
Box 428
Priest River, ID 83856

Dear Mr. Gregory:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. As we assume you are aware, 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?

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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 government lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

96 7127

Page 2

Re: 96-7127
Roger Gregory
March 8, 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, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

cc: Gary A. Finney
101 North First Avenue
Sandpoint, ID 83864

Genevieve Gregory
Route #1
Sandpoint, ID 83864

William E. Finney
Route #1
Sandpoint, ID 83864

Doris Nettlingham
Space 30
2415 Harrison
Centralia, Washington

Allene Mathis
688 Walkup Drive
Orlando, Florida 32808

Charles A. Finney
Route #1
Sandpoint, ID 83864

Dan Deshon
215 Pacific Avenue
Sandpoint, ID 83864

bcc: State Office

96 7127

LAW OFFICES OF
STEPHEN BISTLINE
101 NORTH FIRST AVENUE
SANDPOINT, IDAHO 83864

STEPHEN BISTLINE
GARY A. FINNEY

TELEPHONE
CONGRESS 3-2105

March 6, 1973

Re: Protest against granting permit to Application
No. 96-7127

Mr. R. Keith Higginson, Director
Idaho Dept. of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

Dear Sir:

This letter is a written protest, pursuant to Idaho Code § 42-203, against granting a permit to application No. 96-7127. Those persons protesting the granting of this application are:

- (1) Roger Gregory
Box 428
Priest River, Idaho
- (2) Genevieve Gregory
Route 1
Sandpoint, Idaho
- (3) William E. Finney
Route 1
Sandpoint, Idaho
- (4) Doris Nettlingham
Space 30
2415 Harrison
Centralia, Washington
- (5) Allene Mathis
688 Walkup Drive
Orlando, Florida 32808
- (6) Charles A. Finney
Route 1
Sandpoint, Idaho
- (7) Dan Deshon
215 Pacific Avenue
Sandpoint, Idaho

96 7127

R. Keith Higginson, 3/6/73, p. 2

This protest is made for the reasons that the proposed use will reduce the quantity of water under existing water rights, the water supply itself is insufficient for the purpose for which it is sought, and the application is made for speculative purposes.

Yours very truly,

Gary A. Finney
Gary A. Finney

SC

96 7127

LAW OFFICES OF
STEPHEN BISTLINE
101 NORTH FIRST AVENUE
SANDPOINT, IDAHO 83864

STEPHEN BISTLINE
GARY A. FINNEY

RECEIVED

MAR 8 1973

TELEPHONE
CONGRESS 3-2105

March 6, 1973

Department of Water Administration
Coeur d'Alene, Idaho

Re: Protest against granting permit to Application
No. 96-7127

Mr. R. Keith Higginson, Director
Idaho Dept. of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

Dear Sir:

This letter is a written protest, pursuant to Idaho Code §
42-203, against granting a permit to application No. 96-7127.
Those persons protesting the granting of this application are:

- (1) Roger Gregory
Box 428
Priest River, Idaho
- (2) Genevieve Gregory
Route 1
Sandpoint, Idaho
- (3) William E. Finney
Route 1
Sandpoint, Idaho
- (4) Doris Nettlingham
Space 30
2415 Harrison
Centralia, Washington
- (5) Allene Mathis
688 Walkup Drive
Orlando, Florida 32808
- (6) Charles A. Finney
Route 1
Sandpoint, Idaho
- (7) Dan Deshon
215 Pacific Avenue
Sandpoint, Idaho

96 7127

R. Keith Higginson, 3/6/73, p. 2

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Yours very truly,

Gary A. Finney
Gary A. Finney

sc

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

February 23, 1973

Re: Application for Permit No. 96-7127 Pack River Properties, Inc.
" " " " 96-7128 - " " " "

Jack C. Ross
PANHANDLE DISTRICT HEALTH DEPARTMENT
P.O. Box 734
Sandpoint, ID 83864

Dear Mr. Ross:

We are enclosing copies of applications that may be of interest to your agency. Please review the applications and if you have any comments, please submit them to our office as soon as possible. We normally complete the processing of an application within a four-week period, and we are required to take final action shortly thereafter.

If we may be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copies

96 7127

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

February 23, 1973

Re: Application for Permit No. 96-7127 - Pack River Properties, Inc.

David Ortmann
Fish & Game Department
Box 549
Coeur d'Alene, ID 83814

Dear Mr. Ortmann:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our office as soon as possible. We normally complete the processing of an application within a four-week period, and we are required to take final action shortly thereafter.

If we may be of any further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy

96 7127

February 23, 1973

Re: Application No. 96-7127 - Pack River Properties, Inc. '
" " " 96-7128 - " " "
Claim No. 96-4043 - Kenneth J. Olson

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

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
Water Resource Supervisor
Northern District

Bill submitted 3-19-73 by cl

96 7127

FE:CR

Enc: Legal Notices (3)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Pack River Properties, Inc.,

14208 East Sprague, Spokane, Washington

has on February 23, 1973 submitted Application No. 96-7127

for a permit to appropriate 40.0 cubic feet per second ~~acre feet per annum~~

of water from Schweitzer Creek, tributary of Sand Cr., which is trib. of Pen Oreille R.

by means of dam, pipelines, and storage tank

within the NW 1/4, Sec. 20, T. 58N, R. 2W, B.M., Bonner County

stored

to be ~~used~~ ~~xxxxx~~ from Jan. 1 to Dec. 31 and used from Jan. 1 to Dec. 31 for domestic
~~xxxx~~ purposes for 1,000 families (Schweitzer Basin Ski Resort Area)

within ~~the~~ ~~xxx~~ Sections 21 and 29, T. 58N, 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 March 19, 1973.

R. KEITH HIGGINSON

Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho

on March 1 and March 8, 1973

January 8, 1973

Pack River Properties, Inc.
E. 14208 Sprague Avenue
Spokane, WA 99216

ATTN: Leon B. Lewis

Gentlemen:

We are returning your application for permit for clarification of several items. Before we can accept any application, it must be completed correctly, signed by an elected official of the company (stating his title) or an authorized agent submitting a power of attorney, and must also be accompanied by the proper filing fee.

To insure that your application will meet the minimum requirements, please complete or correct the following items:

- Item #4: Amount of water to be diverted in cubic feet per second, and the period of use during the year which the water will be used (Jan. 1 to Dec. 31).
- Item 6b: If the dam is ten feet or greater in height, it will be necessary to conform to Chapter 17, Section 42-1711 of the Idaho Code (refer to Rules and Regulations for Safety of Dams enclosed).
- Item #7a: Time required for completion of work. We can allow up to five years for the completion of your project. Any expansion beyond the time requested would require additional applications.
- Item #8a: This should state parts of each section by 40-acre tracts, by completing the enclosed sheet.
- Item #8a(4): Please estimate the number of families to be served.
- Item #8c: Please give any existing rights or water users.

Page 2

Re: Application for Permit
Pack River Properties, Inc.
January 8, 1973

Please complete Items #9a, 9b, and 9c.

Items#10: If you have any information that would be beneficial to further explain the purpose of your application, this item may be completed.

Item #11: Please draw a map showing the location of the point of diversion and the location of the place of use by 40-acre tracts.

After completing all of the above items, please return the application to this office along with the proper filing fee and we shall begin its processing. The fee can be determined from the enclosed fee schedule.

If you should have any questions, please feel free to contact us.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

Enclosures

96 7127