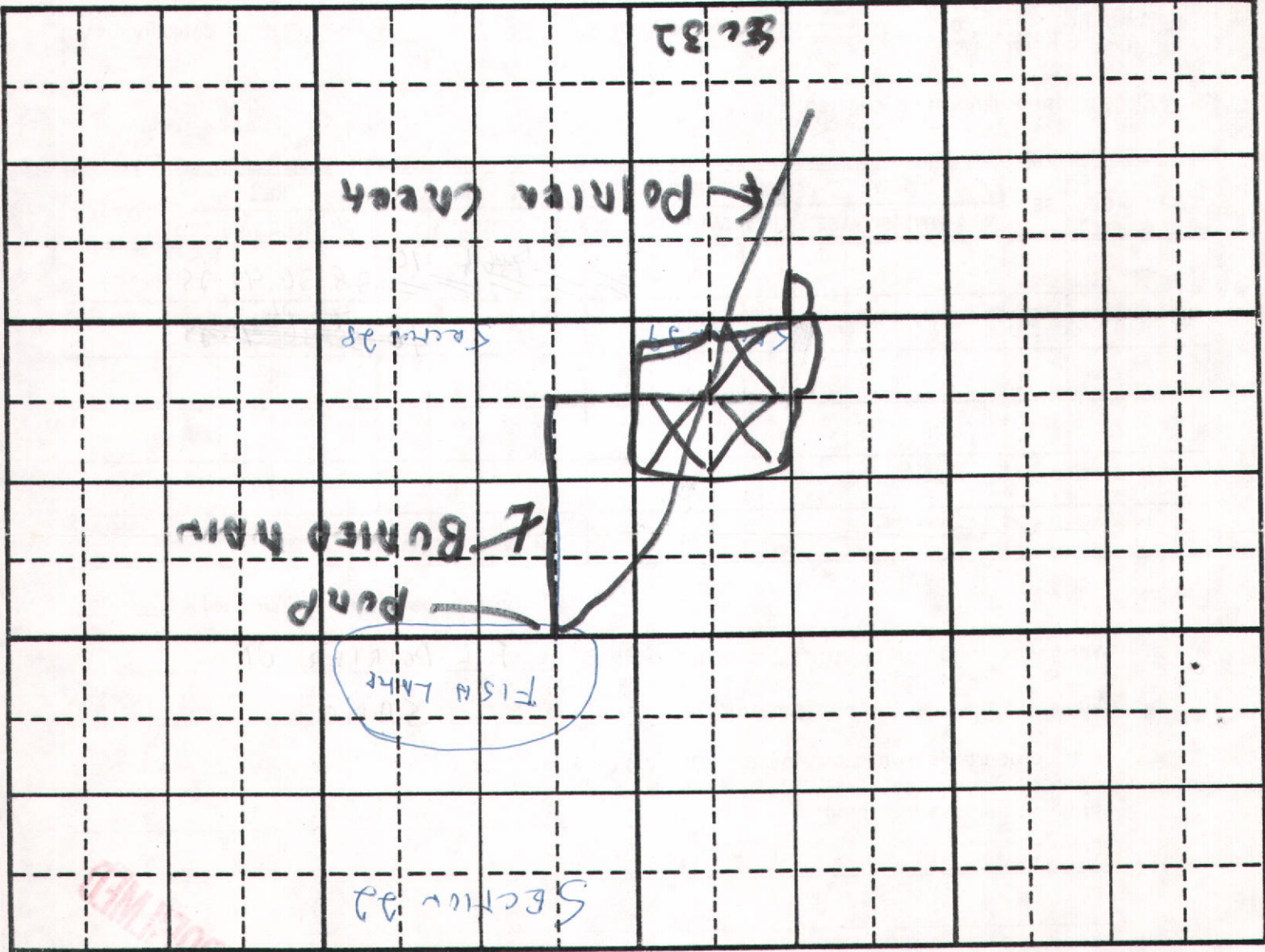


Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show 40-acre subdivisions, townships, ranges and ditches.



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

Signed at BLANCHARD, IOWA, this 14 day of JULY, 1980.

[Signature]
 (Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00
 Received by 14 Date 07-22-80
15897

Publication prepared by _____ Date _____
 Published in _____
 Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby
 APPROVE the above referenced Amendment for Permit No. 96-7027.

Witness my hand this 29 day of August

[Signature]
 Director

by: _____

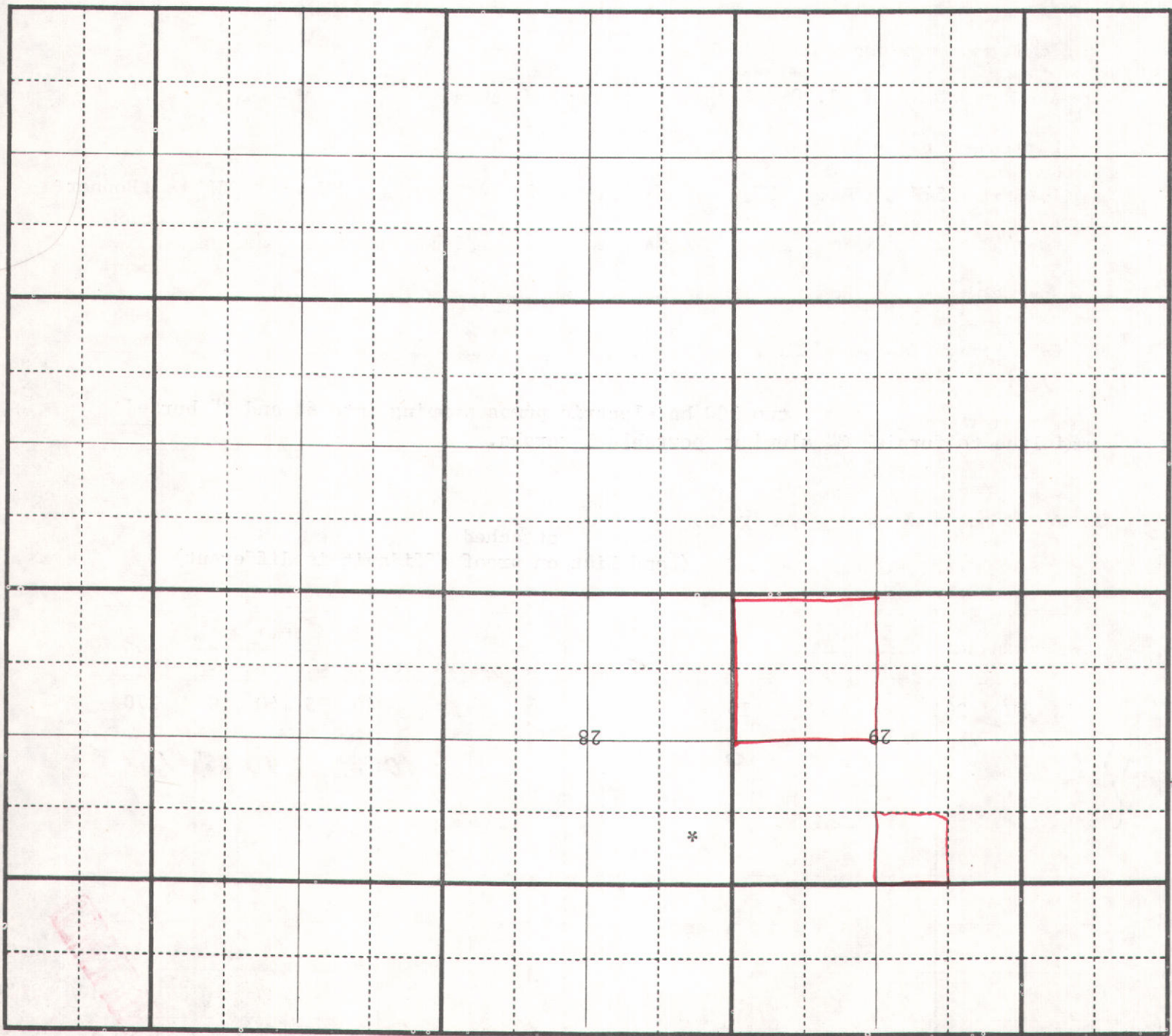
by: _____

by: _____

by: _____

DATE 6/29/77
 EXAMINATION RECORDS
 NOT VERIFIED THIS YEAR
 BECAUSE OF INSUFFICIENT
 by: KK

Diagram of System



T
54
N

RECEIVED

JUN 3 1969

F. L. POIRIER, Jr.

DEALER IN NEW AND USED SPRINKLER IRRIGATION EQUIPMENT

Department of Reclamation

NEWPORT - GI 7-3371

ELECTRIC MOTORS & CONTROLS
FARM EQUIPMENT & SUPPLIES

BLANCHARD, IDAHO 83804

LOCATED 1 MILE S. OF BLANCHARD
ON S.W. CORNER OF LAKE

June 2, 1969

Department of Reclamation
Boise, Idaho

32236

IN REGARDS TO APPLICATION 96-7027 and the protest of Gordon Dolan
Blanchard, Idaho to this application.

Answers to provisions which can be evaluated in connection with official
protests as given in your letter of May 28, 1969

1. Water source is same as permit no 33266 which the department has
already classed as public water on that permit.
2. Judging from past experience water should be available unless Mr.
Dolan's project exceeds the water useage he requested in his application
for storage. If Mr. Dolan's project is filled late in any season it
is quite possible there won't ~~even~~ even be enough water to meet the permit
we already have. The intended use of this application is to supplement
water that we use from Poirier creek on another water right during the
dry time of the year when Poirier creek is low. It seems reasonable
that at least once in five years there would be sufficient water for this
purpose.
3. We have the land and most of the pipe line already in that would serve
this application which demonstrates that this is not speculative.
4. The main cost will be in a new pump which will cost about 1000.00
as we have most of the pipe for the job already. I have clear title
to five sections of land among other things so my resources are quite
ample for this job.
5. As stated in point 2 above part of this land is under another water
right but as this new application is to supplement that I don't believe
there will be any conflict between the rights.

Yours truly,

F. L. Poirier Jr.

F.L. Poirier Jr.

32236
96-7027

F. L. POIRIER, Jr.

DEALER IN NEW AND USED SPRINKLER IRRIGATION EQUIPMENT

Department of Reclamation

NEWPORT - GI 7-3371

ELECTRIC MOTORS & CONTROLS
FARM EQUIPMENT & SUPPLIES

BLANCHARD, IDAHO 83804

LOCATED 1 MILE S. OF BLANCHARD
ON S.W. CORNER OF LAKE

August 4, 1969

Department of Reclamation
Boise, Idaho

Gentlemen:

IN ANSWER TO PROTEST OF GORDON DOLAN on permit no 32236 and application for permit 96-7027

As I already answered this protest on June 2, 1969 I will not repeat those answers but would like to add the following in answer to his revised protest.

Mr. Dolan's water right under permit no. 3016 will prove to be far less than he thinks as the bulk of the land he owns was in the soil bank for ten years and no water used on it. Also prior to being in the soil bank at the most only about one cu' per sec was used on all of his land as it was only partially covered with a small sprinkler system. These figures should be quite easy to verify when our water rights are adjudicated.

Even in the event that Mr. Dolan's rights should be all he imagines and all the users were using their full rights Fish Lake (which is definitely not a slough area as it averages better than ten feet deep in high water) would still receive most of the spring run off which would enable my irrigation system to be used early in the season in any event.

No matter what should happen there is no way I could damage Mr. Dolan or the other prior water right holders as I am the last party on the stream so I still donot see where he as any basis whatsoever for his protest.

F. L. Poirier Jr.

F.L. Poirier Jr.

96-7027

NAME	
ADDRESS	
CITY	
STATE	
ZIP	
DATE	
INITIALS	

JUN 3 1969

F. L. POIRIER, Jr.

Department of Reclamation

DEALER IN NEW AND USED SPRINKLER IRRIGATION EQUIPMENT

NEWPORT - GI 7-3371

ELECTRIC MOTORS & CONTROLS
FARM EQUIPMENT & SUPPLIES

BLANCHARD, IDAHO 83804

LOCATED 1 MILE S. OF BLANCHARD
ON S.W. CORNER OF LAKE

June 2, 1969

Department of Reclamation
Boise, Idaho

Gentlemen:

Enclosed is an affidavit of publication on permit no 32236.
The paper failed to send me the proof on application 96-7027 but I will
forward it as soon as I get it from them.

IN REGARDS TO THE PROTEST OF GORDON DOLAN I would like to make the following
comments which I believe leaves him no basis of protest at all so I see
no need of even having a conference on the matter.

On permit no 32236 under item 1 of provisions which can be evaluated in
connection with official protests: We have had the water in full useage
for two seasons already.

Item 2 Mr. Dolans water application hasn't even been approved and was
dated Oct. 24, 1968 as opposed to mine dated Feb. 5, 1965 so he doesn't
have a prior right to mine as a basis of protest.

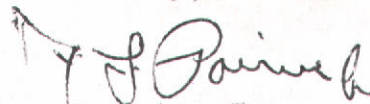
Item 3 As stated above we have been using the water fully for two years
just as our permit called for.

Item 4 I have done everything your department has requested so I don't
see how there can be any conflict with Idaho law.

Also all of Mr. Dolans property is above us so it is impossible for us to
damage his rights inadvertantly.

By the way you failed to enclose a copy of Dolan's protest in your letter
of May 28, 1969. Apparently the secretary stuck in the copy of the
memorandum decision on Dolan's application and didn't notice that the
copy of the protest was also to be enclosed. In a call from your office
the protest was read to me and I am basing this answer on that information.

Yours truly,


F.L. Poirier Jr.

96-7027

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7027 Priority April 10, 1969 Amount 1.0 cfs

THIS IS TO CERTIFY, that FIELDEN L. POIRIER JR.
of Blanchard, Idaho, has complied with the terms and conditions of Permit
No. 96-7027 issued pursuant to Application for Permit dated April 10, 1969,
and has submitted proof to the Department of Water Resources on November 13, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.83 cfs of water from Fish Lake,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>October 1</u> at <u>1.0</u> cfs and <u>312</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 1.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
312 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 54N,
Rge. 5W, B.M. in the County of Bonner

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$								Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
54N	5W	29				9								10	32	36	40	28	161
		32				5													5

Total number of acres irrigated 166

CONDITION: The rate of diversion of water for irrigation under this license
and all other water rights on the same land shall not exceed 0.02
cubic feet per second for each acre of land.

This right when combined with Right No. 96-2289 shall not exceed
3.83 cfs.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
August, 19 80.

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

LICENSE AMENDMENT

JUL 18 1980

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now Fielden L. Poirier, Jr.of (address) Box K, Blanchard, Idaho 83804, 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. 96-7027, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 NW 1/4, Section 28, Township 54N, Range 5W, B.M.,
County of Bonner. Other points of diversion: _____

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

Amount ^{1,00}~~0.94~~ for Irrigation purposes from 4-15 to 10-1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

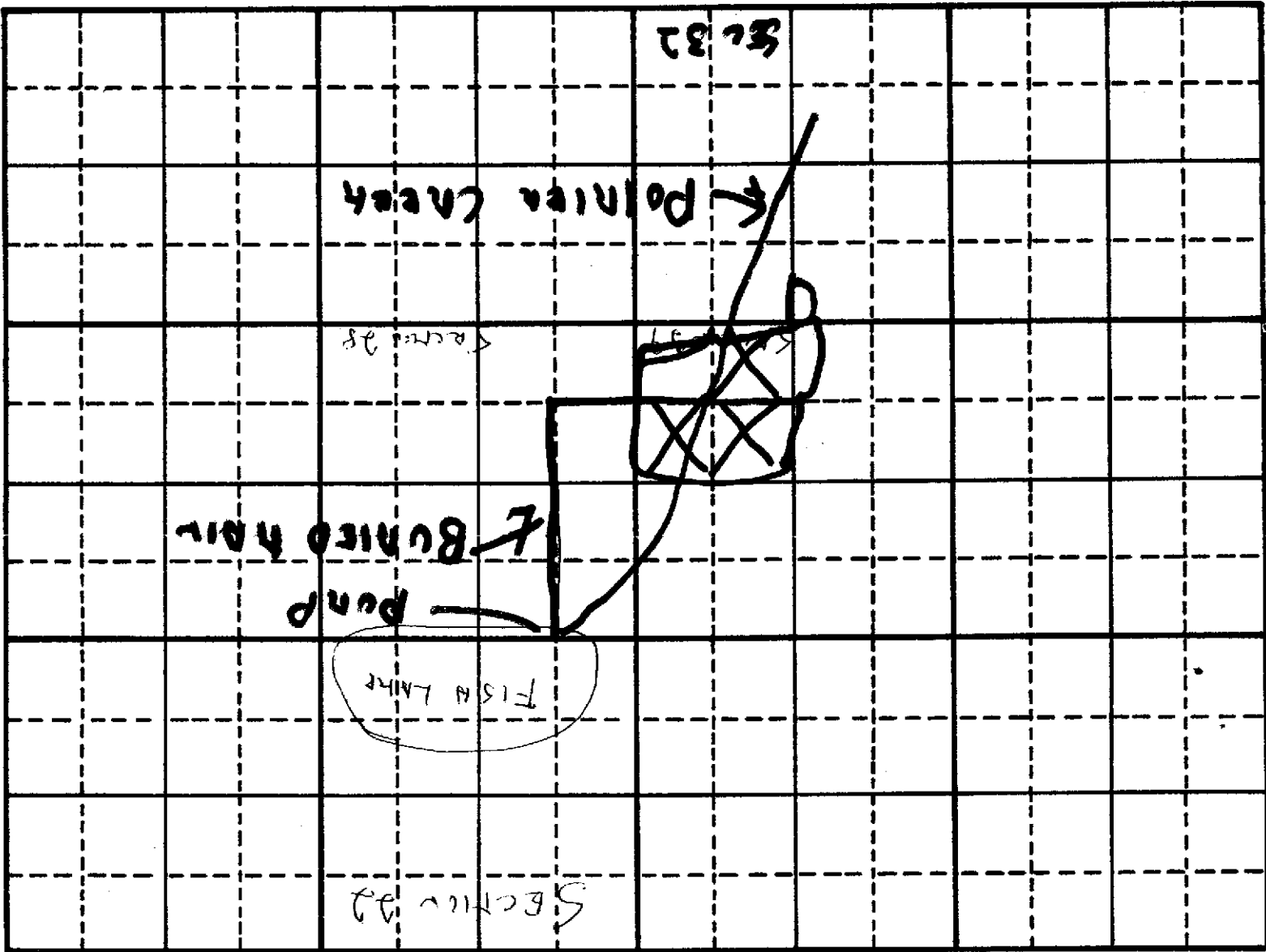
TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
54N	5W	29					9			~~10~~	~~38~~	~~36~~	~~40~~	~~28~~	38	36	40	28	161
		32					5							~~10~~	~~38~~	~~36~~	~~40~~	~~28~~	5

Total number of acres to be irrigated = 166

4. a. Who owns the property at the point of diversion? F. L. POIRIER JR.
b. Who owns the land to be irrigated or the place of use? SAME
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

MICROFILMED

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



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

Signed at Blanchard, Idaho, this 14 day of July, 1980.

(Signature)

[Handwritten Signature]

FOR DEPARTMENT USE ONLY

15897

Fee = \$20.00

Received by *[Signature]*

Date 07-22-80

Published in _____

Date _____

Publication prepared by _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby

APPROVE the above referenced Amendment for Permit No. 96-7027.

Witness my hand this 29 day of August

Director

[Handwritten Signature]

WARNING

After Licensing, take the following steps:

- DONE
8/22/80
Jm* → 1) Correct the Blanchard Creek Decree to show any changes made at licensing and to show the right is now licensed.
- 2) Attach copy of page 1, Blanchard Creek Decree.
- 3) Attach copy of page of Blanchard Creek Decree which describes this right.
- 4) Prepare a file replacement card which states:

RIGHT NO.

DECREE

- 5) Microfilm new entries and destroy this file.

RECEIVED
JAN 10 1981

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Bonner)

Permit No. 96 7027

F.L. Poirier Jr. of Blanchard, Idaho 83804

(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 7027.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Dec 1, 19 74.

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

Increased my pumping capacity to 2 100 Hp pumps to handles this permit and my license permit. Have used the water thru temporary mian line on part of it.

Costing \$ 3000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: We hope to get the rest of our buried main in this

fall and I would rather have it finished before I prove up as we will be able to maintain better pressure thruout the system with this new main thus allowing me to completely utilizr the water in this permit.

I have the pipe on hand but just in case the weather stops us before it is completely installed I'd like an extension.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to Dec 1, 19 75.

F.L. Poirier Jr.
(signature) *

Subscribed and sworn before me this 19 day of OCT, 19 74.

seal

My commission expires Sept 30 1976

Ruth E. Clausen
(notary public)

Residing in Blanchard, Id.
83804

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

Operations Division

I, A. KENNETH DUNN, Admin., ~~Director~~ of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 96-7027 to December 1, 1975.

Witness my hand this 28th day of October, 19 74.

A. Kenneth Dunn
Administrator ~~Director~~ Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

MICROFILMED

Identification No. 96-7027
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Fielden L. Poirier Jr.
post office address Blanchard, Idaho 83804
2. Source of water supply Fish Lake which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 54 N
Range 5 W B.M. Bonner County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1 cfs for irrigation purpose from April 15 to Oct. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pump into buried main line
to portable sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ \$5000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

96-7027

●

© 2000 Blackwell Science Ltd

8

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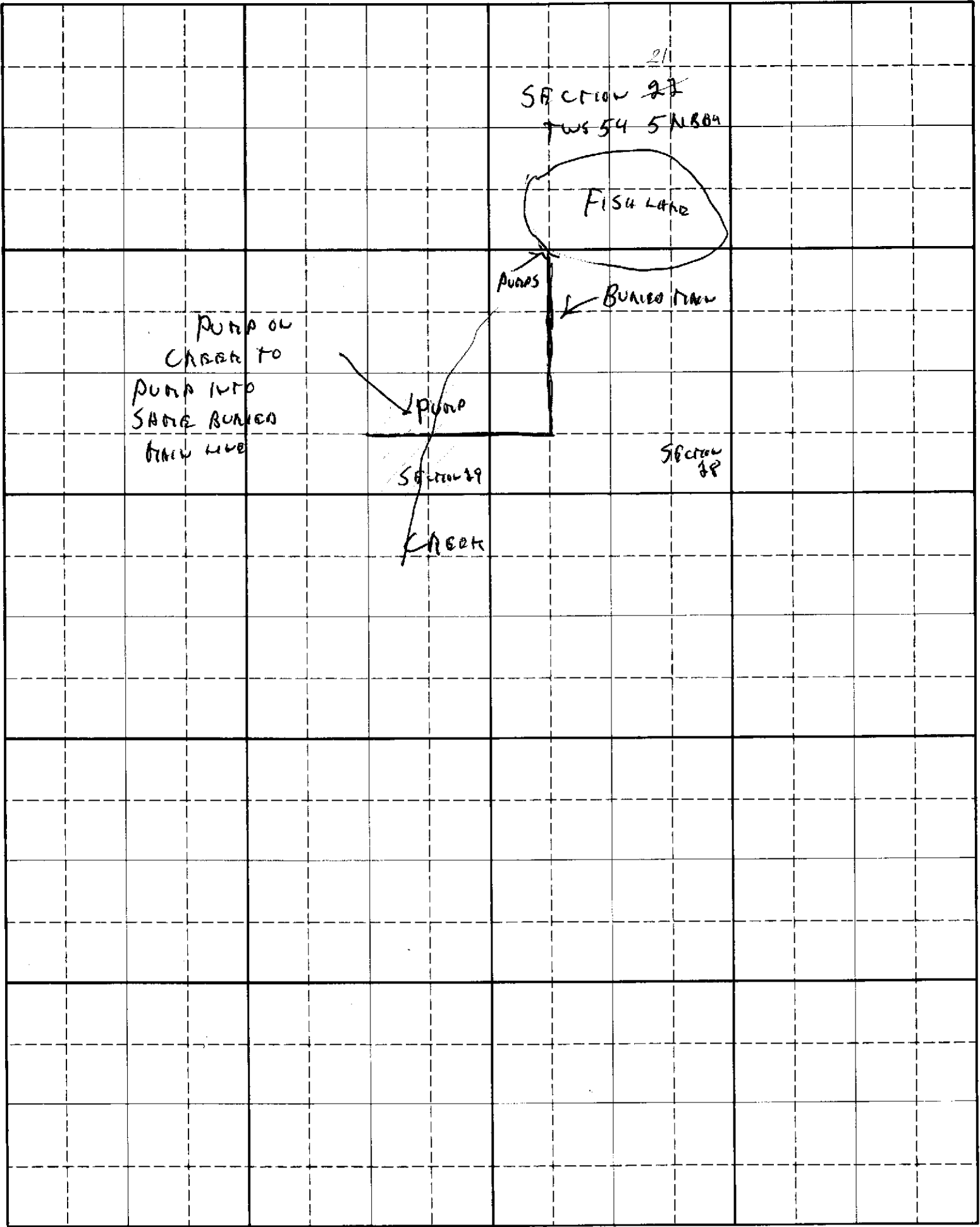
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21

21

21

11. Map of proposed project:



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.

W. J. Pinner
(Applicant)

96-7027

Received by W Date 9-10-69 Time 10:00
Preliminary check by W Fee \$ 20.00 Date 4-11-69

Received by W Date 4-11-69

Publication prepared by W Date 4-24-69

Published in Landpoint News - Bulletin

Publication dates May 8th and May 15, 1969

Publication approved W Date 4-11-69

Priority reduced to W Reason W

Protests filed by: London O'Leary

Copies of protests forwarded by W

Hearing held by W Date 10-29-69

Recommended for approval denial by W

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7027, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 74.

c. Other: The applicant shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 9th day of December, 19 69.

State Reclamation Engineer

Department of Fish and Game

PROTEST

Re: Application for Permit No. 96-7027

STATE OF IDAHO :

ss.

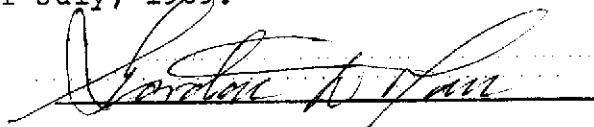
AFFIDAVIT

County of Bonner:

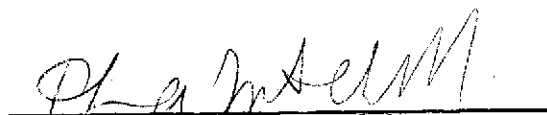
GORDON DOLAN, being first duly sworn, deposes and says:

That he is one of the parties holding a beneficial interest under water permit No. 3016, concerning use of the waters of Blanchard Creek, and that he is one of the parties interested in connection with permit No. 96-7019, concerning use of the waters of Blanchard Creek, all in Bonner County, Idaho. That the beneficial users of permit No. 3016, when all are using the amounts of water therein provided, will completely exhaust the waters of Blanchard Creek, so that none of the water thereof will be deposited in the slough area commonly known as Fish Lake.

Dated this 10 day of July, 1969.



Subscribed and sworn to before me this 10 day of July, 1969.



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

96-7027

PROTEST

Re: Application for Permit No. 96-7027

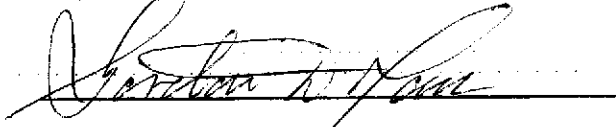
STATE OF IDAHO :
ss.
County of Bonner:

AFFIDAVIT

GORDON DOLAN, being first duly sworn, deposes and says:

That he is one of the parties holding a beneficial interest under water permit No. 3016, concerning use of the waters of Blanchard Creek, and that he is one of the parties interested in connection with permit No. 96-7019, concerning use of the waters of Blanchard Creek, all in Bonner County, Idaho. That the beneficial users of permit No. 3016, when all are using the amounts of water therein provided, will completely exhaust the waters of Blanchard Creek, so that none of the water thereof will be deposited in the slough area commonly known as Fish Lake.

Dated this 10 day of July, 1969.



Subscribed and sworn to before me this 10 day of July, 1969.


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

96-7027

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 unin-
terruptedly 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,

Fielden L. Poirier Jr.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 8th
day of May, 1969, and end-
ing on the 15th day of May,
1969, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

26th day of May, 1969.

Chas. Good

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that
Fielden L. Poirier, Jr., Blanchard,
Idaho has on April 10, 1969 ap-
plied for permit under applica-
tion No. 96-7027 to divert 1.0
cubic feet per second of water
from Fish Lake. Water will be
diverted by pump and sprinklers
within the NW 1/4 NW 1/4, Sec. 28,
T. 54 N., R. 5W., B.M., Bonner
County and is to be used from
April 15 to October 1 for irri-
gation in the NE 1/4 NW 1/4, Sec.
28, T. 54 N., R. 5W., B.M.
Any protest against this ap-
plication must be filed with the
Department of Reclamation
within ten days from the last
date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in the Sandpoint
New-Bulletin, Sandpoint, Idaho,
on May 8 and May 15, 1969. M8-15

96-7027

bill submitted 6-16-68

RECEIVED

MAY 16 1969

Department of Reclamation

15/69
R. Keith Higginson
State Reclamation Eng.
Dear Sir:

We hereby want
to protest water rights
by F. L. Poirier Jr.
under application number
96,7027 and permit
number 32236.

As Mr Poirier has
stated that under
these permits we
would be forced
to release water from
Blanchard Creek.

Sincerely,
Gordon D. Ford

96-7007

5-26-69

Gordon D. Ford

502



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

September 8, 1980

Fielden L. Poirier, Jr.
Box K
Blanchard, Idaho 83804

Dear Mr. Poirier,

RE: License No. 96-7027

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

Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 15897 in the amount of \$ 20.00 .

Sincerely,

JAN GROVER
JYM JOHNSON
Water Rights Supervisor

JG/kw
Enclosure

MICROFILMED



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 10, 1980

Fielden L. Poirier, Jr.
Box K
Blanchard, Idaho 83804

Dear Mr. Poirier,

A representative of this Department made an examination of the works covered by your Permit No. 96-7027 on June 16, 1980, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.94 cfs Source: Fish Lake

The maximum quantity diverted shall not exceed 312 acre feet
per year.

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 54N, Rge. 5W, B.M.

Beneficial use: Irrigation of 161 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 29,
and 5 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 54N, Rge. 5W.

Priority date established: April 10, 1969.

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

CONDITION: The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

JAN GROVER
JIM JOHNSON
Water Rights Supervisor
Water Distribution Supervisor

JG:j
Enclosure

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

RECEIVED

NOV 20 1975

1. Name of permit holder Fielden L. Poirier, Jr.

Post office address Box K, Blanchard, ID 83804

Person to contact _____

Department of Water Resources
Northern District Office
Phone 437-3371

2. Source of water supply: Groundwater ☐ Surface water ☒ Fish Lake
(name spring, stream, etc.)
Tributary to Blanchard Lake

3. Water will be used for the following purposes:

Amount 1.00 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from April 15 to Oct. 1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 96-7027
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 1.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 54N N/S, Range 5W E/W, B.M., Section 28, Subdivision NW $\frac{1}{4}$ NW $\frac{1}{4}$, Bonner County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: two 100 hp electric pumps pumping into 6" and 8" buried mainline to furnish 3" aluminum portable laterals.

Measuring device required: yes ☒ no ☐

attached

6. Lands to be irrigated or place of use. (Land list on proof affidavit is different)

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
54N	5W	29					15								40	35	40	40	170
"	"	29					9								10	38	36	40	161
"	"	32					5												5

TOTAL ACREAGE

166

RECORDED

57
J

Reg. 5W

Diagram of System

DATE EXAMINATION RECORDS

6/29/77 Not Ignoring This Year
Because Of Insufficient.

23/10

210

-153-

10

1. If the land is irrigated, describe the lands irrigated by giving the acreage irrigated within each 40 acre suballotment.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
~~54N~~	~~8W~~	29					~~15~~								~~40~~	~~35~~	~~40~~	~~40~~	~~150~~
54N	5W	29					9								10	38	36	40	28
54N	8W	32					5												5

8901.

Total number of acres irrigated ~~150~~ 166

10. Remarks: This permit is to supplement license 32236/96-2289 and license 16897. We don't always run all the sprinklers so it would be desirable to call before you come to check. Ordinarily we are running everything the first part of July.

Land irrigated is less than total on permit but some of the description is changed.
The above information is a true statement of the extent to which the above numbered permit has been developed.

Nov 10, 1975
(Date)

Fred J. Point
(Signature)

State of Idaho)
County of Bonner) ss.

On this 10th day of November, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Mary L. Pinkham
Notary Public residing at Blanchard Idaho

My commission expires Oct 1978





SINCE 1883

POIRIER RANCH & TREE FARM

BLANCHARD, IDAHO 83804

TELEPHONE: 208-437-3371

July 20, 1976

INFORMATION FOR PROVING UP ON WATER RIGHTS 96 7027 & 96 7041

7041 for 2 Cu ' per second on north side of Fish lake

60HP Cornell 3 YB pump intalled which will pump 700GPM at 106# pressure

59 6 gal per minute sprinklers now in operation =350 Gpm

Have burined main line installed parallel to lake with aluminum main to extend to our east property line. In the fall of the year we intend to irrigate the land east of the lake which would utilize the full 700 gal per minute capacity of the pump.

Buried main is 6" PVC east of pump 4" west of pump

96 7027 1 cu ft per second addition to old water right (old right 2.89 cu'sec)
96 2289
Total 1750GPM

2-1pp two ~~100~~ 100 h.p. cornell pumps installed 4 YB

these pumps will pump 900 gpm at 140# pressure (each pump)

We have 390 6 gal sprinklers on this system which comes to 2262 gpm (5.8 spr.)

We also pump into this system from Poirier creek on water right 96 2121

All the mainline on this system is buried. starting with 8" ending up with 3 and 4 inch.

DATE OF EXAM 6-16-80

ACREAGE

Found 166
Recommended 166

Irrigation Requirement 3.5 Ac Ft/Ac

USE

Irrigation Q = 0.94 c.f.s. V = 340.60 AF/Ann. from Apr 15 to Oct 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

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

Exchange? yes _____ no ✓

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

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1720 gpm & 421.8 gpm Method of measurement Meter & pressure
Total Q recommended 0.94 cfs Meter No. MO405287 - MDIM6 "Badger" good
Type MO644689 - MDIM8 "Badger" good Condition _____

Total V recommended 340.60

Recommended Amendments:

P.D. _____
Place of Use See Front page for acreage
Other _____
None _____

$$\frac{0.94(1.98)(168)}{(183-15)} = 312.7 \text{ A.F.}$$

MEASUREMENT CALCULATION:

6" meter = 450 gpm } 1720 gpm } 3.83 cfs
8" meter = 1270 gpm } 448.8 } 2.89 cfs from License 96-2289
0.94
74 Rain Bird WS30 @ 45 psi = 5.7(74) = 421.8 gpm = 0.939 cfs
448.8

SYSTEM DESCRIPTION:

8" well with 100hp cone pump motor #9543942 Mod 4VB100-2 and 6" well with 100hp cone pump motor #1147474 Mod 4VB100-2 with 6" mains & 3/4" lined laterals

REMARKS:

Total to be reduced by 2.89 cfs from 96-2289 not to exceed when Comb.
Acc. by F. Palmer

Examiner's Signature J. K. [Signature] Date 6-16-80

Checked by Bob [Signature] Date 6/23/80

Approved by _____ Date _____

PLEASE NOTE

PLEASE REFER TO

The Blanchard Creek Decree

Before Issuing a License on this Permit

MICROFILMED

November 17, 1975

Re: Permit no. 96-7027

Fielden L. Poirier, Jr.
Box K
Blanchard, Idaho 83804

Dear Mr. Poirier:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Coeur d'Alene.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

NOT RECORDED

Identification No. _____

Permit No. 96-7027

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 13 1975 *OK'g*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources
Northern District Office

1. a) Name of Permit Holder Fielden L. Poirier Jr.
b) Post Office Address Box K Blanchard, Idaho 83804
2. Permit Number 96-7-27
3. Date of Priority that you are prepared to establish April 10, 1969
4. a) Source from which water was appropriated Fish Lake (Blanchard Lake)
b) Location of the point of diversion: NW ¼ NW ¼, Section 28
Township 54N, Range 5 W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 1 cfs for irrigation purposes from April 15 to Oct. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1 cfs cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: by Badger irrigation meter
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) two 100 H.P. electric pumps pumping into 6" and 8" buried main line to furnish 3" aluminum portable laterals.
b) Describe the type and size of measuring device which you have installed at your point of diversion: one 6" Badger meter and one 8" Badger meter
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

11-17-75 *g*

mtb

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
~~54N~~	~~56W~~	~~29~~				~~15~~									~~40~~	~~35~~	~~40~~	~~40~~	~~150~~
54N	56W	29				9								10	38	36	40	28	161
54N	56W	32				5													5

Total number of acres irrigated ~~150~~ 166

10. Remarks: This permit is to supplement license 32236/96-2289
and license 16897. We don't always run all the sprinklers so it
would be desirable to call before you come to check. Ordinarily
we are running everything the first part of July.

Land irrigated is less than total on permit but some of the description
is changed.

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

Nov 14, 1975

(Date)

F. J. Point

(Signature)

State of Idaho)

County of Bonner) ss.

On this 10th day of November, 19 75, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Mary E. Pinkham
Notary Public residing at Blanchard, Idaho

My commission expires Oct. 1978

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

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

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

MICROFILMED

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

27316

(Always obtain signature of addressee or agent)

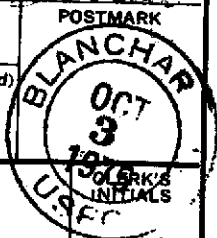
I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

4. *Latorna B. Quinn*
DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



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



SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

October 1, 1975

CERTIFIED MAIL *27316*

Re: Permit No. 96-7041 & 96-7027

Mr. Fielden L. Poirier, Jr.
Blanchard,
Idaho 83804

Dear Mr. Poirier:

One of the conditions of approval of your water Permit No. 96-7041, 96-7027 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before December 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg

Enc: Proof affidavit (2)

November 5, 1974

Re: Permit No. 96-7027 & 96-7041

Fielden L. Poirier, Jr.
Blanchard,
Idaho 83804

Dear Mr. Poirier:

Enclosed are copies of the approved applications for extension of time submitted in connection with the above referenced permits.

The time within which to submit proof of beneficial use for these permits has been extended to December 1, 1975.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosures

MICROFILMED

- **SENDER:** Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

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

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

2. ARTICLE ADDRESSED TO:

F. L. Courier, Jr.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	26126	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

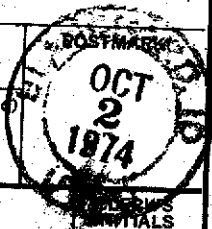
4. DATE OF DELIVERY

10-2-74

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

96-7027



UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

September 30, 1974

CERTIFIED MAIL

26126

Re: Permit No. 96-7027 & 96-7041

Fielden L. Poirier, Jr.
Blanchard,
Idaho 83804

Dear Mr. Poirier:

One of the conditions of approval of your water Permit No 96-7027 & 96-7041 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before December 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit (2)

MICROFILMED

when working
with this
permit pull

32236/96-2289

96-7027

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 96-7027 in the)
name of FIELDEN L. POIRIER, JR.)

MEMORANDUM DECISION

Application for permit 96-7027 was received by the Department of Reclamation, on April 10, 1969, from Mr. Fielden L. Poirier, Jr. The application seeks a right to divert 1.0 c.f.s. of water from Fish Lake in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, T. 54 N., R. 5 W., B.M., in Bonner County. The water is to be diverted by means of a pump and sprinkler system for irrigation of 170 acres of land in Sec. 29, T. 54 N., R. 5 W., B.M., from April 15 to October 1 of each year.

Notice of the application for permit was published on May 8th and 15th, 1969, in the Sandpoint News-Bulletin. A protest was received against the issuance of the permit from Mr. Gordon Dolan, on July 14, 1969. Mr. Dolan claimed that he held an interest in license 3016 and permit No. 96-7019 for storage and use of the waters of Blanchard Creek. He further claimed that the use of water under license 3016 would completely exhaust the waters of Blanchard Creek and there would not be water available for diversion from Fish Lake of which Blanchard Creek is a major tributary.

An informal conference was held, on October 20, 1969, at Coeur d'Alene, Idaho. The applicant was represented by himself and the protestant was represented by Thomas A. Mitchell, attorney at law, Coeur d'Alene, Idaho. The parties stipulated, in writing, that they would submit the matter to the State Reclamation Engineer for determination without benefit of a formal hearing.

The State Reclamation Engineer having considered the information available to him and the protest against approval of the permit hereby finds:

1. That Fish Lake is a closed lake with no surface outlet and stores water from spring runoff which would be available for use by pumping during the summer months.

96-7027

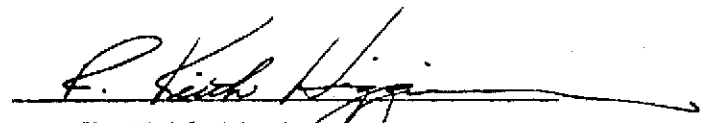
2. That the utilization of this water, flowing into the lake during those periods of the year when prior right holders do not demand water under their rights, will not interfere with any right established under license 3016 or any other prior right.

3. The diversion works specified under this permit have already been established and lands are now irrigated. The use of water under this permit would be supplemental to waters beneficially used from both this source and other sources.

4. There appears to be unappropriated public water available in Fish Lake at times which can be diverted and used as proposed by the applicant without interference with prior rights.

The State Reclamation Engineer hereby finds that the criteria established by law for the issuance of a permit has been satisfied, that unappropriated public water is available at the point of diversion, and that the issuance of this permit would not interfere with or damage prior water rights and therefore should be approved. It is therefore ordered, and application for permit No. 96-7027, is hereby APPROVED.

Dated this 10th day of December, 1969.


R. Keith Higginson
State Reclamation Engineer

RKH:CSA:kh

96-7027

December 11, 1969

Re: Permit Nos. 96-7027 and 96-7041

Mr. Fielden L. Poirier Jr.
Blanchard,
Idaho 83804

Dear Mr. Poirier:

We are enclosing copies of your approved applications for permit Nos. 96-7027 and 96-7041. We direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer. Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permits. We are enclosing an informational letter regarding different types of measuring devices.

We are also enclosing a Memorandum Decision issued by this office concerning Permit No. 96-7027.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

Enclosures: Copies of permits
Memorandum Decision
Receipt No. 3380 for \$25
Receipt No. 2911 for \$20
1 informational letter

96-7027

December 9, 1969

Re: Permit No. 96-2289
Permit Application Nos. 96-7027 and 96-7041

Mr. Fielden L. Poirier Jr.
Blanchard,
Idaho 83804

Dear Mr. Poirier:

This letter is to inform you that we would be unable to approve an application to amend the acreage irrigated under Permit No. 96-2289, since more land would be brought under the permit than the original permit listed. We cannot approve an amendment for more land than the permit was originally issued for.

Permit application No. 96-7027, which has a tentative priority date of April 10, 1969, will be approved in the near future. A copy of the approved permit will be forwarded to you at that time.

Permit application No. 96-7041, as of yet, has not been approved. The approval of this permit is being held up pending the outcome of the protest on permit application No. 96-7027. As soon as permit application No. 96-7027 is approved, your permit application No. 96-7041 will be approved. We note that on a letter in file 96-7041 you ask about the measuring device requirement. This requirement is being placed on all new appropriations of water for irrigation purposes. We are enclosing a letter listing different measuring devices which this office accepts. You will note that a pump curve is not considered an adequate measuring device. A pump curve does not accurately measure the amount of water being diverted.

96-7027

Page Two
December 9, 1969
Fielden L. Poirier Jr.

I hope I have answered your questions satisfactorily. I am enclosing your pump curves. A copy of these curves has been placed in your Permit file 96-2289.

If you desire a copy of your permit applications at this time, please notify us and we will promptly send them to you; otherwise, you will receive a copy at the time of approval.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

Enclosures: 2 pump curves

96-7027

November 6, 1969

Re: Application for Permit No. 96-7027
Permit No. 96-2289

Mr. Thomas Mitchell
Attorney at Law
Coeur d'Alene, Idaho 83814

Dear Mr. Mitchell:

At our conference on October 20, 1969, you and your client stipulated verbally that you would submit the matter of protest against application no. 96-7027 and permit no. 96-2289 to the department for a decision without benefit of a formal hearing. As of this date, I have received Mr. Poirier's written stipulation, but I have not received any correspondence from you or your client. I still believe the matter can best be settled without a formal hearing based upon an inspection of the property and matter of the law.

As you still have the right to demand and receive a formal hearing if you so desire, I would appreciate being advised prior to November 14, 1969, as to whether or not you still intend to submit the matter to the department for a decision. If not, we will schedule another hearing as soon as possible.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh
cc: Gordon Dolan
Blanchard, Idaho 83840

96-7027

RECEIVED

JUN 3 1969

F. L. POIRIER, Jr.

DEALER IN NEW AND USED SPRINKLER IRRIGATION EQUIPMENT

Department of Reclamation

NEWPORT - GI 7-3371

ELECTRIC MOTORS & CONTROLS
FARM EQUIPMENT & SUPPLIES

BLANCHARD, IDAHO 83804

LOCATED 1 MILE S. OF BLANCHARD
ON S.W. CORNER OF LAKE

June 3, 1969

Department of Reclamation
Boise, Idaho

32236

IN REGARDS TO APPLICATION 96-7027 and the protest of Gordon Dolan Blanchard, Idaho to this application.

Answers to provisions which can be evaluated in connection with official protests as given in your letter of May 28, 1969.

1. Water source is same as permit no 32866 which the department has already classed as public water on that permit.
2. Judging from past experience water should be available unless Mr. Dolan's project exceeds the water usage he requested in his application for storage. If Mr. Dolan's project is filled late in any season it is quite possible there won't even be enough water to meet the permit we already have. The intended use of this application is to supplement water that we use from Poirier creek on another water right during the dry time of the year when Poirier creek is low. It seems reasonable that at least once in five years there would be sufficient water for this purpose.
3. We have the land and most of the pipe line already in that would serve this application which demonstrates that this is not speculative.
4. The main cost will be in a new pump which will cost about \$1000.00 as we have most of the pipe for the job already. I have clear title to five sections of land among other things so my resources are quite ample for this job.
5. As stated in point 2 above part of this land is under another water right but as this new application is to supplement that I don't believe there will be any conflict between the rights.

Yours truly,

F. L. Poirier Jr.

F. L. Poirier Jr.

32236

96-7027

96-7027

POIRIER

WATER FROM FISH LAKE
1 CPS

Would prefer to submit for
DETERMINATION

96-7027

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

21349

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

10-6-69

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

REPLY FOR BUSINESS USE TO AVOID
PAYMENT OF A FINE OF \$300

**RETURN
TO**

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moistened gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN**

NAME OF SENDER

S. AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

Leg timent of Regl. nation

**1969
AM
6
30**

3807

**MARK OF
REGISTERING OFFICE**

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

21348

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

10-4-69

3

BLANCHARD, IDAHO

96-7027

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

e55-16-71548-10

POD Form 3811 Apr. 1967

POSTMARK OF
DELIVERING OFFICE

OCT
4

AM

1858

STP

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

Boise, Idaho 83707

POST OFFICE, STATE, AND ZIP CODE

NAME AND ADDRESS OF SENDER

Dept. of Reclamation

Indicate type of mail

☐ INSURED

☐ C. O. D.

☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT ¹	R. R. FEE	S. O. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE REMARKS
1	21342 James E. Lavin, P. O. 3, Coeur d'Alene, Idaho	.06	.30			15			95-7037
2									
3	21343 Peter B. Wilson, Wilson + Walth, P.O. Box 1148, Coeur d'Alene	.06	.30			15			95-7037
4									
5	21344 Thomas A. Mitchell, 316 Eldin Bldg., Coeur d'Alene, Idaho	.06	.30			15			95-7037
6									
7	21345 East Buenavista Irrigation Dist, Coeur d'Alene, Idaho	.06	.30			15			95-7037
8									
9	21346 Lewin Lakes Improvement Assn. Inc., Coeur d'Alene, Idaho	.06	.30			15			95-7037
10									
11	21347 Sidney E. Smith, Attorney at Law, 117 S. 4 th St., Coeur d'Alene, Idaho	.06	.30			15			95-7037
12									
13									
14	21348 L. L. Pairier, Jr., Blanchard	.06	.30			15			96-7027
15	21349 Gordon Nolan, Blanchard	.06	.30			15			96-7027
16									
17	21350 L. L. Pairier, Jr., Blanchard, Idaho	.06	.30			15			96-2289
18	21351 Gordon Nolan, Blanchard, Idaho	.06	.30			15			96-2289
19									
20									

POD Form 3877-A—July 1958

TOTAL NUMBER OF PIECES LISTED BY SENDER ten

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE (10)

POSTMASTER, PER (Name of receiving employee)
Quinlan

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 charges.

7-7027-96

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE -- ANNEX 2
BOISE, IDAHO 83707

October 3, 1969

Kootenai County Court House
Clerk's Office
Coeur d'Alene, Idaho 83814

Dear Sir:

This letter is to confirm the reservation of your community room for hearings to be held October 20, 1969, by this office. Said hearing are to be held at 4:00 p.m. and 7:00 p.m. Thank you for your kind assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

96-7027

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

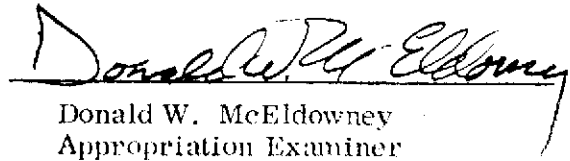
IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 96-7027 in the name of)
FIELDEN L. POIRIER, JR.)
_____)

PREHEARING CONFERENCE

On April 10, 1969, Fielden L. Poirier, Jr., filed with the Department of Reclamation an application to appropriate the public waters of the State of Idaho. On July 14, 1969, the Department of Reclamation received a protest filed by Mr. Gordon Dolan, Blanchard, Idaho.

The Department of Reclamation has set the matter of protest for a prehearing conference on October 20, 1969, at 7:00 p.m., in the community room at the Kootenai County Court House, Coeur d'Alene, Idaho. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 2 day of October, 1969.

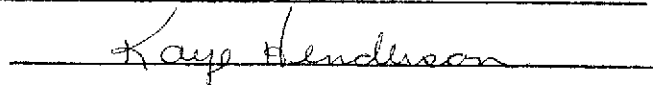

Donald W. McEldowney
Appropriation Examiner

Mailed this 3rd day of October, 1969, to _____

F. L. Poirier, Jr., Blanchard, Idaho by certified mail no. 21348; Gordon Dolan, Blanchard,

Idaho by certified mail no. 21349

Copy of protest included with Mr. Poiriers'



96-7027

F. L. POIRIER, Jr.

DEALER IN NEW AND USED SPRINKLER IRRIGATION EQUIPMENT

Department of Reclamation

NEWPORT - GI 7-3371

**ELECTRIC MOTORS & CONTROLS
FARM EQUIPMENT & SUPPLIES**

BLANCHARD, IDAHO 83804

**LOCATED 1 MILE S. OF BLANCHARD
ON S.W. CORNER OF LAKE**

August 4, 1969

Department of Reclamation
Blaine, Idaho

Gentlemen:

IN REPLY TO LETTER OF DONALD DOLAN on permit no 32836 and application
for permit 96-7027

As I already answered this protest on June 2, 1969 I will not repeat those
answers but would like to add the following in answer to his revised protest.

Mr. Dolan's water right under permit no. 4018 will prove to be far less
than he thinks as the bulk of the land he owns was in the soil bank for
ten years and no water used on it. Also prior to being in the soil bank
at the most only about one cubic sec was used on all of his land as
it was only partially covered with a small sprinkler system. These figures
should be quite easy to verify when our water rights are adjudicated.

Even in the event that Mr. Dolan's rights should be all he imagines and
all the users were using their full rights Fish Lake (which is definitely
not a slough area as it averages no far than ten feet deep in high water)
would still receive most of the spring run off which would enable my
irrigation system to be used early in the season in any event.

No matter what should happen there is no way I could damage Mr. Dolan or the
other prior water right holders as I am the last party on the stream so
I still cannot see where he or any heirs whatsoever for his protest.

F. L. Poirier Jr.

F.L. Poirier Jr.

96-7027

July 29, 1969

C Re: Permit No. 32236
Application for Permit No. 96-7027

O Mr. F. L. Poirier, Jr.
Blanchard, Idaho

Dear Mr. Poirier:

P We have enclosed a copy of a protest submitted to each of the above
by Mr. Gordon Dolan. Please contact the Department if we may be of
further assistance,

Very truly yours,

Y Donald W. McEldowney
Appropriation Examiner

DWM:TC

Enc: copy of protest (2)

96-7027

June 11, 1969

C
Re: Permit No. 32236
Application for Permit No. 96-7027

O
Mr. F. L. Poirier, Jr.
Blanchard, Idaho 83804

P
Dear Mr. Poirier:

Y
Please be advised that the Department of Reclamation will obtain the
affidavit of publication for application no. 96-7027 and wish to thank you for
your cooperation. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:TG

96-7027

RECEIVED

JUN 3 1969

F. L. POIRIER, Jr.

DEALER IN NEW AND USED SPRINKLER IRRIGATION EQUIPMENT

Department of Reclamation

NEWPORT - GI 7-3371

ELECTRIC MOTORS & CONTROLS
FARM EQUIPMENT & SUPPLIES

BLANCHARD, IDAHO 83804

LOCATED 1 MILE S. OF BLANCHARD
ON S.W. CORNER OF LAKE

June 2, 1969

Department of Reclamation
Boise, Idaho

IN REGARDS TO APPLICATION 96-7027 and the protest of Gordon Dolan
Blanchard, Idaho to this application.

Answers to provisions which can be evaluated in connection with official
protests as given in your letter of May 28, 1969

1. Water source is same as permit no 32266 which the department has
already classed as public water on that permit.
2. Judging from past experience water should be available unless Mr.
Dolan's project exceeds the water useage he requested in his application
for storage. If Mr. Dolan's project is filled late in any season it
is quite possible there won't ~~even~~ even be enough water to meet the permit
we already have. The intended use of this application is to supplement
water that we use from Poirier creek on another water right during the
dry time of the year when Poirier creek is low. It seems reasonable
that at least once in five years there would be sufficient water for this
purpose.
3. We have the land and most of the pipe line already in that would serve
this application which demonstrates that this is not speculative.
4. The main cost will be in a new pump which will cost about \$1000.00
as we have most of the pipe for the job already. I have clear title
to five sections of land among other things so my resources are quite
ample for this job.
5. As stated in point 2 above part of this land is under another water
right but as this new application is to supplement that I don't believe
there will be any conflict between the rights.

Yours truly,



F.L. Poirier Jr.

96-7027

JUN 3 1969

E. L. POIRIER, Jr.

Department of Reclamation

DEALER IN NEW AND USED SPRINKLER IRRIGATION EQUIPMENT

NEWPORT - GI 7-3371

ELECTRIC MOTORS & CONTROLS
FARM EQUIPMENT & SUPPLIES

BLANCHARD, IDAHO 83804

LOCATED 1 MILE S. OF BLANCHARD
ON S.W. CORNER OF LAKE

June 2, 1969

Department of Reclamation
Boise, Idaho

Gentlemen:

Enclosed is an affidavit of publication on permit no 32236.
The paper failed to send me the proof on application 96-7027 but I will
forward it as soon as I get it from them.

IN REGARDS TO THE PROTEST OF GORDON DELAN I would like to make the following
comments which I believe leaves him no basis of protest at all so I see
no need of even having a conference on the matter.

On permit no 32236 under item 1 of provisions which can be evaluated in
connection with official protests: We have had the water in full useage
for two seasons already.

Item 2 Mr. Delans water application hasn't even been approved and was
dated Oct. 24, 1968 as opposed to mine dated Feb. 5, 1965 so he doesn't
have a prior right to mine as a basis of protest.

Item 3 As stated above we have been using the water fully for two years
just as our permit called for.

Item 4 I have done everything your department has requested so I don't
see how there can be any conflict with Idaho law.

Also all of Mr. Dolans property is above us so it is impossible for us to
damage his rights inadvertently.

By the way you failed to enclose a copy of Delan's protest in your letter
of May 28, 1969. Apparently the secretary stuck in the copy of the
memorandum decision on Delan's application and didn't notice that the
copy of the protest was also to be enclosed. In a call from your office
the protest was read to me and I am basing this answer on that information.

Yours truly,

E. L. Poirier Jr.
E.L. Poirier Jr.

96-7027

May 28, 1969

Re: Application for Permit No. 96-7027
Permit No. 32236

Mr. Fielden L. Poirier, Jr.
Blanchard, Idaho 83804

Dear Mr. Poirier:

Enclosed you will find a copy of a protest filed against the issuance of a license pursuant your permit no. 32236 by Mr. George Dolan and a copy of the protest filed against the issuance of a permit pursuant to your application no. 96-7027. The following are the only provisions which can be evaluated in connection with official protests:

APPROVED PERMITS

1. That the permit holder has failed to show the availability of unappropriated public water in such quantity as to make his project feasible.
2. That the operation of the proposed water right under this permit has cause injury to a prior existing water right.
3. That the permit holder has not placed the water to beneficial use in accordance with the terms and conditions of his permit.
4. That the proposed licensing action of the Department of Reclamation is contrary to existing Idaho Statutory Law.

APPLICATIONS

1. Whether or not the source of water supply is public water and is subject to appropriation.

96-7027

Page 2

Mr. Fielden L. Poirier, Jr.

May 28, 1969

2. Whether or not there is sufficient water supply at anytime during a five (5) year period for this application under its proposed priority.
3. Whether or not the application is made in good faith or for delay or speculative purposes.
4. Whether or not the applicant possesses sufficient financial resources to complete the project.
5. Whether or not the lands to be irrigated are covered by a perfected water right which provides 1/50 cubic foot per second of water per irrigated acre and/or 5 acre feet per annum per irrigated acre.

It will be necessary in the hearing for you to make a minimum showing concerning each of these points. Legal council is not mandatory, although you may desire to employ an attorney. You may also, if you so desire, submit a written answer to the protest within then (10) days.

The State Reclamation Engineer may reject such application and refuse issuance of permit therefor, or may partially approve and grant permit for a less quantity of water than applied for or may grant permit upon conditions.

A permit issued by this office does not in anyway convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by individuals concerned through action outside of the water rights proceedins.

If you have any questions, please contact the Department.

Very truly yours,

C. Stephen Allred, P. L.
Assistant State Reclamation Engineer

CSA:tg

Enc: copy of protest

copy of memorandum decision for Application
No. 96-7027 pending approval of amended plans
and specifications

96-7027

May 28, 1969

Re: Application for Permit No. 96-7027
Permit No. 32236

Mr. Gordon Dolan
Blanchard, Idaho

Dear Mr. Dolan:

We are in receipt of your correspondence concerning the above referenced. The following are the only provisions which can be evaluated in connection with official protests:

APPLICATIONS

1. Whether or not the source of water supply is public water and is subject to appropriation.
2. Whether or not there is sufficient water supply at anytime during a five (5) year period for this application under its proposed priority.
3. Whether or not the application is made in good faith or for delay or speculative purposes.
4. Whether or not the applicant possesses sufficient financial resources to complete the project.
5. Whether or not the lands to be irrigated are covered by a perfected water right which provides 1/50 cubic foot per second of water per irrigated acre and/or 5 acre feet per annum per irrigated acre.

APPROVED PERMITS

1. That the permit holder has failed to show the availability of unappropriated public water in such quantity as to make his project feasible.

96-7027

Page 2

Mr. George Dolan

May 28, 1969

2. That the operation of the proposed water right under this permit has caused injury to a prior existing water right.
3. That the permit holder has not placed the water to beneficial use in accordance with the terms and conditions of his permit.
4. That the proposed licensing action of the Department of Reclamation is contrary to existing Idaho Statutory Law.

C If you cannot substantiate an official protest based on the above reasons, you may wish to file a letter of concern which could be evaluated in final action on the above referenced. A letter of concern should identify a specific appropriator, and the water right document by number. It must also set forth in detail your reasons for concern as connected with this water right document. Also in order for your letter of concern to be properly evaluated at anytime in the future, it should take affidavit form.

O Also, if you do decide to submit protests on the above referenced, please submit them separately for each of the concerned so that they may be evaluated properly by the Department.

P Please bear in mind that the State Reclamation Engineer may reject such application and refuse issuance of permit therefor, or may partially approve and grant a permit for a less quantity of water than applied for or may grant a permit upon conditions.

Y A permit issued by this office does not in anyway convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the individuals concerned through action outside of the water right proceedings.

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

Very truly yours,

C. Stephen Allred, P. E.
Assistant State Reclamation Engineer

CSA:tg

96-7027

May 22, 1969

C
Re: Application for Permit No. 96-7027-Fielden L. Poirier, Jr.

O
Sandpoint News-Bulletin
Sandpoint, Idaho

Gentlemen:

P
Y
As of this date, we have not received the affidavit of publication
nor the certified bill of publication for the above referenced legal notice.
Please forward these articles to the Department as soon as possible so that
we may continue processing this application.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TC

96-7027

April 24, 1969

Re: Application for Permit No. 96-7027-Fielden L. Poirer, Jr.
Application for Permit No. 96-7028-Stella M. Phippard
Application for Permit No. 96-7029-Clarence E. Wilson

Sandpoint News-Bulleting
Sandpoint, Idaho

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 date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid,

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: Legal notices (3)

96-7027

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Fielden L. Poirier, Jr., Blanchard, Idaho

April 10, 1969

has on

applied for permit under application No. 96-7027 to divert store

1.0 cubic feet per second acre feet of water from store

at Fish Lake. Water will be diverted by store

pump, and sprinklers within the

NW¹/₄ NW¹/₄, Sec. 28, T. 54 N, R. 5 W, B. M., Bonner County

and is to be used from April 15, to October 1, for irrigation

in the NE¹/₄ NW¹/₄, SE¹/₄, Sec. 29, T. 54 N, R. 5 W, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho,

on May 8 and May 15, 1969.

96-7027