

RECEIVED

NOV 14 1968

Department of Reclamation

	RECL. ENGR.	
	DEPUTY	
	WATER RIGHTS	
✓	APPROP.	
	DIST.	
	ADJ.	
	INVESTIGATION	
	WELLS	
	DAMS	
	ACCOUNTING	
	FILE	
	RETURN TO	
	DISCARD	

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,

Gordon Dolan or B. P. Heidrick

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 6th
day of November, 1968, and end-
ing on the 13th day of November,
1968, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

13th day of November, 1968.

Chellis Borate

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Gordon Dolan or B. P. Heidrick, Blanchard, Idaho has on October 24, 1968 applied for permit under application No. 96-7019 to store 400 acre feet of water from Blanchard Creek, tributary of Fish Lake. Water will be diverted by a dam and reservoir within the SE 1/4 NE 1/4, sec. 19, T. 54 N., R. 5 W., B.M., Bonner County and is to be used from January 1 to December 31 for recreational use in the SE 1/4 NE 1/4, sec. 19, 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 Engi-
neer.

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho, on November 7 and November 14, 1968.

96-7019

96-7019

filed sub 11-18-68



66 7019



96 7015

The parties were informed that testimony could be heard on the following questions:

1. Is there water available which is subject to appropriation?
2. Is the water supply sufficient for the purposes intended?
3. Will prior rights be injured by the proposed appropriation?
4. Is the application made in good faith, or for speculative or delay purposes?
5. Does the applicant have the financial ability to complete the project?

The applicant made a prima facie showing as to each of the five points. The protestants cross-examined the applicants regarding their ability to complete the project and whether or not the application was made for speculative or delay purposes. The protestants also contended that the design and construction of the dam was such that it would not allow the natural flow of the creek, or water released from an upper storage dam, to be passed through the reservoir to downstream right holders without large losses or delay.

The applicant adequately showed that the dam was almost complete and that the majority of the money required for the project had been expended. The amount of work remaining to be done was insignificant, compared to the total. The applicant explained plans for the development and use of the water at the reservoir site. Testimony indicated that, during periods of high flow in the spring, water passed through the channel and was not being used by the protestants. The applicant also provided testimony through his witnesses that geologic and soil studies have been made of the site and the reservoir losses were not deemed to be excessive.

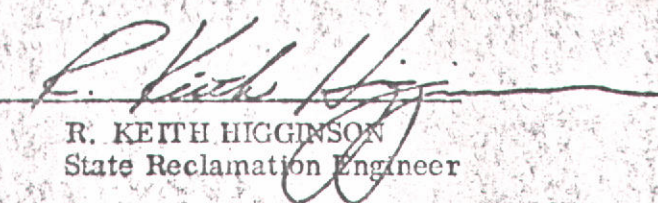
At the request of the protestants, the hearing was continued until January 27, 1969, in order that they might thoroughly study the applicant's plans and make comments concerning the dam and reservoir and its ability to pass water for downstream prior rights. The applicant was to have a chance to reply to the protestant's comments. Both the applicant and protestant's statements were received by the Department of Reclamation on February 7, 1969. These indicated that the reservoir spillway and/or outlet works were capable of supplying at least the 15 cubic feet per second of water claimed by the applicants under reasonable hydraulic head.

The State Reclamation Engineer having reviewed the proceedings enters the following decision:

1. That the applicant has shown that there is water available in sufficient quantities during most years for the appropriation.
2. That he intends to complete the project and, in fact, has essentially finished the reservoir and has financial resources to complete the remaining work on the reservoir.
3. That with proper safe guards prior rights will not be injured by such appropriation.
4. That application for permit 95-7019 should be approved subject to the following conditions:
 - a. That an adequate permanent measuring device acceptable to the Department of Reclamation be placed upstream from the reservoir, capable of recording the flow into the reservoir during those periods of the year when water will be demanded downstream by prior right holders.
 - b. That an adequate permanent measuring device acceptable to the Department of Reclamation be installed downstream from the reservoir in the creek channel capable of measuring releases from the reservoir during those periods of time when the water is demanded downstream by prior right holders.
 - c. That a staff gauge be installed within the reservoir site capable of reasonably measuring the level of water held in the reservoir.
 - d. That the applicant be required to release water downstream in such quantities not to exceed that amount of water coming into the reservoir at such times when called for by prior right holders to satisfy prior rights.
 - e. That in the event that the outlet works of the dam are not capable of releasing from the reservoir that amount necessary for downstream prior rights, the applicant will provide adequate pumping facilities or other means with which to make up the deficiency.

f. That the applicant provide personnel reasonably accessible to the protestants or other downstream holders who can regulate and control the outlet works of the reservoir upon notice.

Dated this 27th day of March, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

CSA:kh

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(Late Proof)

License of Water Right No. 96-7019 Priority December 14, 1968 Amount 394.0 Acre Feet

THIS IS TO CERTIFY, that Gordon Dolan or B. P. Heidrick
of Blanchard, ID, has complied with the terms and conditions of Permit
No. 96-7019 issued pursuant to Application for Permit dated October 28, 1968,
and has submitted proof to the Department of Water Resources on August 20, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 394.0 Acre Feet of water from Blanchard Creek,
tributary to Fish Lake, 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
Storage for Recreation	from <u>January 1</u> to <u>December 31</u> at <u>N/A</u> cfs and <u>394.0 Acre Feet</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 394.0 Acre Feet 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
394.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19,
Twp. 54 N., Rge. 5 W. in the County of Bonner

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				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	19				X									X	X	X	X	
		20																	
		29					X												
		30	X																

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6 day of

Sept, 19 83.

H. J. [Signature]
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 96-7019
IN THE NAME OF GORDON DOLAN &/or B. P. HEIDRICK } ORDER OF REINSTATEMENT

WHEREAS, on October 28, 1968, Gordon Dolan &/or B. P. Heidrick filed with the Department of Water Resources an application for permit to appropriate 400 acre feet per annum of water from Blanchard Creek tributary to Fish Lake to be diverted from a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Twp. 54N, Rge. 5W B.M., Bonner County, to be used for recreational purposes; and,

WHEREAS, on June 20, 1969, the Department approved said application and issued Permit No. 96-7019 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1970; and,

WHEREAS, on May 1, 1974, the Department notified the permit holders by certified mail that proof of beneficial use of water was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on July 3, 1974, the Department notified the permit holders that Permit No. 96-7019 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on August 20, 1974;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-7019 be REINSTATED and the priority advanced to December 14, 1968.

Dated this 6th day of October, 1978.

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

Identification No. 96-7019

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 GORDON DOLAN or B. P. HEIDRICK
post office address Blanchard, Idaho
2. Source of water supply Blanchard Cr. which is a tributary of Fish Lake
3. a. Location of point of diversion is SE ¼ of NE ¼ of Section 19 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 Blanchard Creek at a point in SE ¼
of NE ¼ of Section 19 Township 54 N Range 5 W B.M. _____
4. Water will be used for the following purposes:
Amount 400 for Recreation purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(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. _____ cubic feet per second and/or
b. 400 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. See attached drawings and specifications.

b. Height of storage dam 30 feet, active reservoir capacity _____ acre feet; total reservoir capacity 391 @ Elev. 91.5' acre feet, materials used in storage dam: Earth fill
Period of year during which storage will occur Jan 31 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 1 years.
b. Estimated construction cost is \$ 100,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____
Range _____ B.M. See attached location map.
(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: Reservoir formed by dam to be used for recreation purposes only.

96-7019

11. Map of proposed project:

Temp. 54 N.

Rqs. 5 W. B. m.

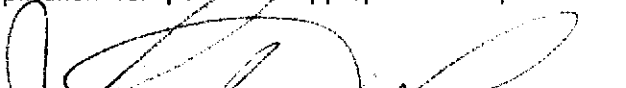
19

PD

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.

Application for permit to appropriate the public


(Applicant)

96-7019

Deputy State Reclamation Engineer

J. A. B...

Witness my hand this 20th day of June, 1969.

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

Decision dated June 20, 1969).
type approved by the Department of Reclamation (4a and 4b of the Memorandum
reasonable diligence to construct permanent adequate measuring devices of a
discharge point of the reservoir. 3) The applicant is to proceed with all
reservoir. One device to be installed above the reservoir and one device at the
measuring devices that will adequately measure the inflow and discharge of the
20, 1969. 2) The applicant is hereby ordered to immediately install temporary
c. Other: 1) Subject to the conditions listed in the memorandum decision date June
before July 1, 1970.

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

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

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of
Idaho No. 96-8019, and said application is hereby APPROVED

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

Recommended for approval denial by *for*

Hearing held by _____ Date _____

Protests filed by *Mr. & Mrs. Leonard*
and Mrs. Eugene G. King
of Shoshone, Idaho
Copies of protests forwarded by *Mr. & Mrs. Leonard*
and Mrs. Eugene G. King *July 12-4-68*

Priority reduced to _____ Reason _____

Publication approved _____ Date *July 11*

Publication dates *11-7-68 11-14-68*

Published in *Shoshone News-B*

Publication prepared by *for* Date *10-31-68*

Received by *for* Date *10-24-68*

Preliminary check by *for* Fee \$ *35.00* Date *10-24-68*

Received by *for* Date *10-24-68* Time *9:00 am*

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF APPROVAL OF
EXTENSION OF TIME ON PERMIT NO.
96-7019 in the name of GORDON DOLAN
OR B. P. HEIDRICK

ORDER

WHEREAS, on October 21, 1968, Gordon Dolan and B. P. Heidrick, Blanchard, Idaho, applied to the Department of Reclamation for a permit to divert 400 acre feet of water for recreational purposes from January 1 to December 31 of the waters of Blanchard Creek tributary of Fish Lake in Section 19, Twp. 54 N., Rge. 5 W., B.M., Bonner County, Idaho; and,

WHEREAS, on June 20, 1969, the department approved said application with the condition that proof of construction of works and application of the water to beneficial use be submitted on or before July 1, 1970; and,

WHEREAS, on June 9, 1970, the department received application for extension of time submitted by D. K. Ellersick, agent for the permit holders; and,

WHEREAS, the applicant has shown adequate cause why Permit No. 96-7019 should be extended;

IT IS, THEREFORE, ORDERED, that proof of construction of works and application of the water to beneficial use is hereby extended and due on or before July 1, 1974.

Dated this 26TH day of JUNE, 1970.


R. KEITH HIGGINSON
State Reclamation Engineer

96-7019

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 96-7019; in the name of)
GORDON DOLAN OR B. P. HEIDRICK)

EXCERPT FROM TRANSCRIPT
OF HEARING

A hearing was held on January 7, 1969, at Blanchard to discuss the protest against the issuance of Permit No. 96-7019 in the name of Gordon Dolan and B. P. Heidrick. The following is an excerpt from that hearing.

F. L. Poirier Jr.: I am wondering how my name got on your application. It stated in the application that part of the reservoir was to be on my property and I am wondering how my name got on there. I mean what authority you had for putting it on there.

Gordon Dolan: I don't know. I couldn't answer that. I don't know who put it on.

Steve Allred: I might clarify the question. Your referring to his comments as to the arrangement enabling the applicant to make the filing.

Mr. Poirier: Yes, and something you read at the beginning there my name is mentioned as being part of the reservoir site, some property that is in my name. That was done with no formal agreement with me. I was wondering just how that could be on there.

Mr. Dolan: The only way I know your name could get on there is when they made the survey, they might have put some stakes over on that property and found out that the property belonged to you. Whether the water is going to come up there or not I do not know.

Mr. Poirier: Well, I don't know either.

Mr. Dolan: There is a lot of stakes down in that country, in fact, I imagine you'll find about four sets of stakes. If we don't have to determine the height of the dam, how are we going to build the dam. I am sure that if you go down there you will find three or four stakes there.

Mr. Poirier: No further questions.

Mr. Allred: Are there any other applicants (protestants) that might wish to ask questions? I have several questions I would like to ask to clarify the application as submitted. On the application you failed to fill in the question as to the storage period that you wish to use.

Mr. Dolan: As to what?

Mr. Allred: The period of storage or the portion of the year that you would attempt to store water, by this I don't mean, maybe I should say appropriate water. Would this be in the winter in the high water period.

Gordon Dolan: Probably take maybe a month to three weeks in the spring. We have had that dam almost full a couple of times already just from the runoff we have had so far.

Mr. Allred: Did you wish to include that in your application, as to respective dates, or do you wish it to be year round?

Mr. Dolan: No, we are not going to store water year round.

Mr. Allred: Would you like to set forth some dates at this time, in order to complete the application? Do you understand what I am talking about?

Mr. Dolan: I don't believe I do.

Thomas A. Mitchell: I do, being somewhat conversant with storage rights from Twin Lake down south of here. The storage will occur in holding back flood waters. During what period of the year will your reservoir be completely empty? Any period?

Mr. Dolan: No

Mr. Mitchell: You plan to maintain it basically at that height subject to lowering it to catch flood waters when they are anticipated, things of that nature.

Mr. Allred: Do you wish that to show then from January 1st to December 31st?

Mr. Mitchell: I think that is the way it should be filled in.

Don Ellersick: We plan on keeping it full unless there is a prior water right that has to be fulfilled below.

Mr. Mitchell: That pulls you down.

Mr. Ellersick: Right

Mr. Mitchell: So that it would be January 1st to December 31st.

Mr. Allred: Mr. Dolan, how much money would you estimate that you would have to expend in order to apply the water to the intended beneficial use and complete the licensing of this permit?

Mr. Dolan: I don't think I understand that either.

Mr. Mitchell: You have spent \$150. to date.

Mr. Dolan: We have a little better than that to date.

Mr. Mitchell: You have about \$10,000. to go, right?

Mr. Dolan: I would say approximately.

Mr. Mitchell: Then approximately \$175,000. would surely cover

Mr. Dolan: Your talking about what was covered in the permit or are you talking about the development?

Mr. Allred: Whatever attempts to apply that water to beneficial use. If this takes the whole development, what other facilities will you have to build up there to apply this water to the intended beneficial use, or in other words, to see that it is used for recreation? Do you have any estimate of this?

Mr. Dolan: Ten thousand, I guess, should do it.

Mr. Mitchell: Ten thousand in addition to what he has already spent.

Mr. Allred: This is to complete the reservoir. Do you have to expend additional money to provide so that the reservoir can be used by the people that you sell lots to?

Mr. Dolan: We have to see to that, yes. Do you mean for construction of roads?

Mr. Allred: Access and boat ramps.

Mr. Dolan: Oh, I would say that would probably run another \$50,000, approximately, for the roads, water system, and power.

Mr. Allred: Do you feel you have the financial resources available?

Mr. Dolan: Definately

Mr. Allred: Do you intend to prove up or make final proof on this permit yourself or would this be done after the property was sold and the permit assigned to someone else.

Mr. Dolan: No, we would make final proof, I guess wouldn't we? Yes.

Mr. Allred: You stated on your application that you have a mutual beneficial agreement with Mr. Poirier. Could you explain that agreement?

Mr. Dolan: A which?

Mr. Allred: To quote under 9c of the application the question asks, if the property owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Your application states "A mutual beneficial agreement has been made between Mr. Poirer and the applicant."

Mr. Dolan: We have made no agreement with nobody.

Mr. Allred: Could you explain the statement on your application?

Mr. Mitchell: Will there be an encroachment up there?

Mr. Dolan: We don't even know if the water will be up there. We don't have any idea in the world if the water will be up there or not.

Mr. Allred: Well Mr. Dolan you signed the application, didn't you know what it contained?

Mr. Dolan: I guess I didn't. I guess I read it and missed it.

Mr. Allred: You have no agreement then for any lands that might be covered with a right-of-way, as far as flood rights?

Mr. Dolan: Did we?

Mr. Poirier: I will get you off the hook a little bit. . . .

Mr. Ellersick: It seems to me that you talked to somebody about a pump or some water down at your house.

Mr. Dolan: He ask for some water down to the house but it wasn't in conjunction with anything else for sure.

Mr. Allred: You might wish to call him (Mr. Poirier), he's not under oath and we can't accept testimony.

Mr. Mitchell: Let's put him under oath, if he would like to explain briefly what agreements or discussions he had.

Mr. Poirier sworn in.

Mr. Allred: Will you state your name and address?

Mr. Poirier: F. L. Poireir Jr., Blanchard, Idaho.

Mr. Mitchell: Mr. Poirier in relation to this discussion that's been going on concerning any mutual agreements concerning benefits from this reservoir, you indicated that you might want to get them off the hook, what was it that you wanted to say?

Mr. Poirier: Well to say this, that when Mr. Dolan first started clearing land, I went up to talk to him one day and I think it was that day, at one time or another when I conversed with him, anyhow, he mentioned the possibility of water going up there and I made the statement that I wouldn't object to that, but we didn't enter into any agreement so I mean I wasn't meaning to get ornery about it or anything but I didn't especially appreciate finding that it was as though we had an agreement because we haven't.

Mr. Mitchell: I see, Briefly, what this would be is that if the elevation of the water got high enough it would cover a little corner of a piece of your ground, is that correct?

Mr. Poirier: That's apparently possible but I had no idea how much or I don't even know exactly where the corner is down there.

Mr. Mitchell: Is this terrain that is otherwise usable to you, if not covered by his water or what? What kind of terrain are we speaking of?

Mr. Poirier: I don't really know.

Mr. Mitchell: You haven't entered into any written agreement absolving him of any damages for flooding that, if it does flood and if it does damages, is that correct?

Mr. Poirier: Yes

Mr. Mitchell: But you did agree orally saying that you wouldn't object to the fact that corner might be covered, was that the essence of it but no actual agreement?

Mr. Poirier: Yes, of course I would like to look it over with him at least and consult to see just what's involved because the corner is that particular corner that's involved is a potential building site and analyze it to at least know what is going on.

Mr. Mitchell: Well, we could stipulate into the record on the part of the applicant that we don't consider that Mr. Poirier has in any way waived any claims for damages or anything of that nature and in the event any portion of his land were flooded he advertently or inadvertently by the rights of the waters from this dam.

Fred Kondo: I was wondering whether or not too, I don't know whether I am in order here or not, but by your statement then, Mr. Poirier, do you mean then that you have consented to Mr. Dolan flooding this land, is that what you mean?

Mr. Poirier: I wouldn't say that exactly.

Mr. Allred: I think maybe we are getting into something here there is no need to. This permit, as if issued, is not conveying any right-of-ways. The point I was trying to make is to clarify the statement on the application. I don't think we need to go into whether there is a right-of-way. Are there any other questions of either one of these witnesses?

I hereby certify that I, Kaye Henderson, transcribed the above excerpt from transcript of hearing as held in Blanchard Grange Hall, Blanchard, Idaho, on January 7, 1969.

Kaye Henderson
Secretary

96-7019

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)

PERMIT NO. 96-7019; GORDON DOLAN)

MEMORANDUM DECISION

OR B. P. HEIDRICK)

Application for permit 96-7019 was filed with the Department of Reclamation on October 24, 1968, by Mr. Gordon Dolan and B. P. Heidrick, Blanchard, Idaho and proposed to appropriate 400 acre feet of water from Blanchard Creek, a tributary of Fish Lake, with the point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 54 N., R. 5 W., B. M., Bonner County. The water is to be used for recreation purposes from January 1 to December 31 and is to be impounded by a 30 foot high earth dam creating a reservoir with a total capacity of 391 acre feet. The applicant stated that he owned the property at both the point of diversion and the place of use and that he had an agreement for easements for part of the reservoir area not owned by him. 400 acre feet of water would be required to initially fill the reservoir and each year thereafter 150 acre feet of water would be required to compensate for reservoir losses and evaporation.

Notice of the application was published in the Sandpoint News-Bulletin on November 7th and November 14th, 1968. Protests were received from several individuals in the Blanchard, Idaho area.

Prior to submitting the application, the applicant had received department approval of plans and specifications for construction of the dam.

A hearing was held on January 7, 1969, at 7:30 p.m. at the Blanchard Grange Hall, Blanchard, Idaho. Mr. C. Stephen Allred, Assistant State Reclamation Engineer, acted as hearing examiner. Mr. Thomas A. Mitchell, attorney at law, Coeur d'Alene, Idaho represented the applicant. Mr. Fred Kondo, attorney at law, Priest River, Idaho represented the protestants Alice K. Rusho and Leigh E. Hansen both of Blanchard, Idaho. The following protestants each appeared in their own behalf: Mrs. Guy L. Geaudreau, J. A. Saunders, Douglas Yergens, and F. L. Poirier Jr.

96-7019

The parties were informed that testimony could be heard on the following questions:

1. Is there water available which is subject to appropriation?
2. Is there water supply sufficient for the purposes intended?
3. Will prior rights be injured by the proposed appropriation?
4. Is the application made in good faith, or for speculative or delaying purposes?
5. Does the applicant have the financial ability to complete the project?

The applicant made a prima facie showing as to each of the five points. The protestants cross-examined the applicants regarding their ability to complete the project and whether or not the application was made for speculative or delaying purposes. The protestants also contended that the design and construction of the dam was such that it would not allow the natural flow of the creek, or water released from an upper storage dam, to be passed through the reservoir to downstream right holders without large losses or delay.

The applicant adequately showed that the dam was almost complete and that the majority of the money required for the project had been expended. The amount of work remaining to be done was insignificant, compared to the total. The applicant explained plans for development and use of the water at the reservoir site. Testimony indicated that, during periods of high flow in the spring, water passed through the channel and was not being used by the protestants. The applicant also provided testimony through his witnesses that soil and geological studies have been made of the site and the reservoir losses were not deemed to be excessive.

At the request of the protestants, the hearing was continued until January 27, 1969, in order that they might thoroughly study the applicant's plans and make comments concerning the dam and reservoir and its ability to pass water for downstream prior rights. The applicant was to have a chance to reply to the protestant's comments. Both the applicant and the protestant's statements were received by the Department of Reclamation on February 7, 1969. These indicated

that the reservoir spillway and/or outlet works were capable of supplying at least the 15 cubic feet per second of water claimed by the protestants under reasonable hydraulic head.

The State Reclamation Engineer having reviewed the proceedings enters the following decisions:

1. That the application has shown that there is water available in sufficient quantities during most years for the appropriation.

2. That he intends to complete the project and, in fact, has essentially finished the reservoir and has financial resources to complete the remaining work on the reservoir.

3. That with proper safe guards prior rights will not be injured by such appropriations.

4. That the application for permit 96-7019 should be approved subject to the following conditions:

a. That an adequate permanent measuring device acceptable to the Department of Reclamation be placed upstream from the reservoir, capable of recording the flow into the reservoir during those periods of the year when water will be demanded downstream by prior right holders.

b. That an adequate permanent measuring device acceptable to the Department of Reclamation be installed downstream from the reservoir in the creek channel capable of measuring releases from the reservoir during those periods of the time when the water is demanded downstream by prior right holders.

c. That a staff gauge be installed within the reservoir site capable of reasonably measuring the level of water held in the reservoir.

d. That the applicant be required to release water downstream in such quantities not to exceed that amount of water coming into the reservoir at such time when called for by prior right holders to satisfy prior rights.

e. That in the event that the outlet works of the dam are not capable

of releasing from the reservoir that amount necessary for downstream prior rights, the applicant will provide adequate pumping facilities or other means with which to make up the deficiency.

f. That the applicant provide personnel reasonably accessible to the protestants or other downstream holders who can regulate and control the outlet works of the reservoir upon notice.

Dated this 20th day of June, 1969.


JACK A. BARNETT
Deputy State Reclamation Engineer

RECEIVED

NOV 22 1968

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

November 20, 1968

Kieth Higginson
State Reclamation Engineer
Boise, Idaho

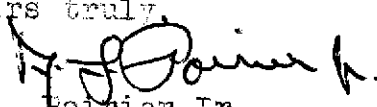
SUBJECT Letter of protest to the application of Gordon Dolan or B.P. Heidrick, Blanchard, Idaho to build a dam on Blanchard Creek Bonner County Idaho under application no. 96-7019 legal notice published in the Sandpoint News Bulletin November 14, 1968.

FROM F.L. Poirier Jr. Blanchard, Idaho holder of permit no. 32236 dated Feb. 15, 1965 to irrigate from Fish lake Blanchard, Idaho.

The construction of this dam and its' operation could very easily be harmful to our irrigation operation--especially in dry years. My water comes mostly from the early spring run off which is stored in Fish lake. Most years the supply is more than adequate in early spring and water is wasted. However in the 1968 season the lake didn't fill nearly as high as usual and if the original filling of this dam were to occur in such a season I could be damaged materially. Also if the seepage loss from this dam should be excessive it could waste water that I (and other water right holders) have been utilizing during the dry season. I feel that this dam should only be allowed if it can be guaranteed that it will in no way hinder our prior rights.

I would like to see a public meeting held in our area with a representative from your office present so that this matter might be properly explained to all those affected by it. Also I would very much appreciate an opportunity to talk with you or one of your men the next time they are in the area. I see no reason why adequate protective measures can't be taken so that this dam will be feasible but right now there is a crying need for a thorough airing of the matter so that everyone concerned can be assured that these protective measures will be taken.

Yours truly,


F.L. Poirier Jr.

96-7019

RECEIVED

NOV 20 1968

Department of Reclamation

Mon. Nov. 18-68

Attention;

R. Keith Higginson;
State Reclamation Engineer,
Boise, Idaho

LAB

Dear Sir,

I am filing a protest at this time
against a Dam being constructed on
Blanchard Creek by; Gordon Olsen, and
B. P. Heidrick.

This Dam is in direct violation of
our (Farmers in the lowland) rights as it
would prohibit our regulating our Dam for
the flow of water down here. As our Dam
was built for irrigation and the creek is
a dug canal for irrigation it has control
of the water.

These men are promoting their Dam
for Recreational and Housing Developments.

A week ago their Dam partially ~~flushed~~
washed out, flooding a portion of the lowland.

We would appreciate your immediate
attention to this protest.

Sincerely,

Mr. & Mrs. Douglas Yergens
Box 495

Blanchard, Idaho

96-7019

83804

NOV 21 1968

Blanchard, Idaho
November 18, 1968

[illegible]

Dear Mr. Higginson:

Their plans to build a reservoir between our fields and our storage reservoir would interfere with our obtaining a sufficient head of water for flood irrigation during the dry part of the wummer when we need it most unless such a gate arrangement is allowed for. I explained this fully in my letter to you on October 26 which you have not acknowledged.

Fred Kondo, Attorney-at-Law in Priest River, now has my abstract of title showing the copy of the water certificate on file in Boise and also my copy of the original map showing the canals, land eligible for irrigation, etc. as well as my carbon copy of my letter to you October 26. Therefore, I cannot repeat exact figures, etc. given in these papers. However, by referring to my letter you can locate the details there on record in Boise.

In August the water of Blanchard Creek is so stagnant it smells when applied to fields for irrigation, no one locally would consider using it for swimming, the fish are soft and muddy tasting and have worms under their skins because of the warm water temperature, and it would seem that such a reservoir as planned by Mr. Dolan and Mr. Heidrick would be unfit for recreational use.

Very truly yours,

Alice K. Rusho
(Mrs.) Stanley Rusho
or Alice K. Rusho

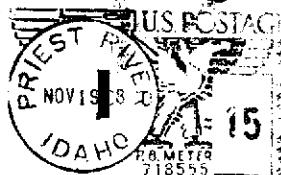
96-7019

Mrs. Stanley Rusho
Blanchard, Idaho

CERTIFIED

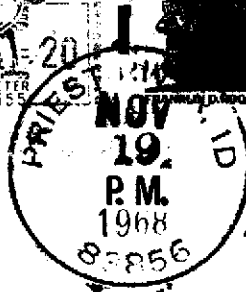
No. 498004

MAIL



U.S. POSTAGE

6c



Mr. R. Keith Higginson
State Reclamation Engineer
Boise, Idaho

NOV 21 1968

Nov 18 1968
ECL. ENGR.
CERTITY

Baird, Ida

Dear Sir,

I - along with Mr.

Yengans and Mrs. Stanley
(Alice) Rush has been advised
in regards to application
of permit, by a Mr. Bolans
to establish a certain amount
of water for recreational
purposes on Blanchard
Creek, and wish to protest
at this time, until a legal
assertion may be arrived at
that we, who have irrigation
rights may establish, or know
~~that~~ what procedure we should
take to maintain it.

As to our irrigation license
number which was valid in
1910 - but as laws change, I
am not sure, and wish to

W ✓ *1968*

_____	CIVIL ENGR.
_____	DEPUTY _____
_____	WATER RIGHTS
_____	AEROP
_____	DIST.
_____	ADJ
_____	INVESTIGATION
_____	WELLS
_____	PLANS
_____	COGS IN FIVE
_____	FIVE
_____	ART JRN

with Mr -

~~To~~ know - Should we
renew that, or our
~~license~~ at present -

Thank you

Yours truly

Mrs. G. L. (Maude) Keandean

Blanchard, Ida.

Blanchard, Ida.
Nov. 19, 1968

R. Keith Higginson
State Reclamation Engineer
Boise, Ida.

RECEIVED

NOV 20 1968

Dear Sir;

Department of Reclamation

I wish to protest permit under Application # 96-7019 to store 400 acres of water from Blanchard Creek for stream and reservoir, for recreational purposes, in Bonner Co; by Gordon Halan or B. P. Heidrick, as advertised in Sandpoint Bulletin to be void ~~after~~ 10 days after 14th or last publication.

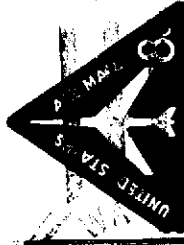
I have written a day or so ago, but am away from home, and have just received directions for protesting same. I understand Mrs. (Alice) Stanley Rush and Douglas Yeagers are protesting, also.

We as farmers have used water from the same source since 1910, as our permit shows, and hope to not loose our privilege, and do not care to obstruct recreational purposes either. \$

I am in receipt of a letter from Mr. Halan assuring me of their intentions, and hope all can be worked out to the satisfaction of all concerned. Yours truly, Mrs. Guy L. Grandjean
96-7019

96-7019

Mr. Guy L. (Maude) Meade
Blanchard, Idaho. 83804



R. Keith Higgins
State Reclamation Engineer

Boise
Idaho.

RETURN RECEIPT REQUESTED

CERTIFIED

No. 412147

MAIL

NOV 22 1968

Department of Reclamation

R. Keith Higginson
State Reclamation Engineer
Boise, Idaho

Dear Sir:

I am writing to you concerning the building of a dam on Blanchard Creek near the town of Blanchard, Idaho.

While I, myself, have no water rights on this stream, I rent the farms of Maude Beaudeau who does have water rights.

When renting these two pieces of land it was understood that the water usage was mine and last year I had a sprinkler system installed on one place and plan to have one put on the other place this summer.

Route 1
Newport, Washington
Nov. 30, 1968

[illegible]

96-7019

This property is many times
more valuable to me when I
have access to the water, so
for that reason I am sending
you my protest.

Very truly,
J. A. Saunders

Rt. 2 Box 55
Newport, Washington

J. Saunders
Rt. 2
Newport, Wn. 99156



6102-96

R. Keith Higginson
State Reclamation Engineer
Boise, Idaho

RETURN RECEIPT REQUESTED

RECEIVED

NOV 22 1968

Department of Reclamation

FRED F. KONDO

ATTORNEY-AT-LAW

Telephone Building

PRIEST RIVER, IDAHO 83856

November 21, 1968

Phone Hillcrest 8-7371
Area Code 208

✓
✓
✓
EVA
Della

Mr. Keith Higginson
State Reclamation Engineer
Boise, Idaho

Re: Application No. 96-7019

Dear Mr. Higginson:

This is to advise that I am representing three persons living at Blanchard, Idaho, namely, Alice K. Rusho, Doug Yergens and Leigh E. Hansen.

Therefore, please find enclosed herewith the protests of each of the above named parties. The protests of Mrs. Rusho and Mr. Yergens are derivative from their rights under state water permit No. 3016. Mr. Hansen's protests are because of a possible flooding of his lands if present plans are followed. It is anticipated that these protests will reach you by November 22 and no later than November 25, 1968, which should be within the 10 day period required by the notice of application published in the Sandpoint News-Bulletin on November 7 and November 14.

Request is hereby made that you furnish me with a copy of the said application No. 96-7019. The reason I would like to have a copy is that I would like to examine the plans in detail and submit same to an engineer for further advice as to feasibility from an engineering standpoint.

As you will note from the protest of Mrs. Rusho and Mr. Yergens, I would like to reserve the right to file an amended protest after receiving this engineering advice. However, it may be difficult to obtain the services of an engineer, have him examine the plans, and visit the site of the new dam before snow comes.

Therefore, I am wondering if there is any possibility that we may be granted an extension of time within which to file amended protests, and if possible to delay any hearing on these protests or amended protests, until such engineering advice is received, which may extend beyond the 60 day period of time within which, I understand, you must hear protests filed to such applications.

Very truly yours,

Fred F. Kondo

FRED F. KONDO

FFK:hib
Enclosures

96-7019

BEFORE THE STATE RECLAMATION ENGINEER

STATE OF IDAHO

Department of Reclamation

In the matter of the application)

-of-)

PROTEST OF

Gordon Dolan and B. P. Heidrick)
for Permit to Appropriate public)
waters of the State of Idaho.)

ALICE K. RUSHO

Comes now ALICE K. RUSHO, and respectfully represents to
R. KEITH HIGGINSON, State Reclamation Engineer as follows:

1. That this protestant is a widow; and that her mailing address is: Blanchard, Idaho.

2. That she is the owner of the following described real property situated in Bonner County, Idaho, to-wit:

- a) $E\frac{1}{2}$ of $SE\frac{1}{4}$, and $SW\frac{1}{4}$ of $SE\frac{1}{4}$, of Section 18, Township 54, North, Range 5, W. B. M.;
- b) $W\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 17, Township 54, North, Range 5, W. B. M.;
- c) Those portions of Section 20, Township 54, North, Range 5, W. B. M. described as follows:

$NW\frac{1}{4}$ of $NW\frac{1}{4}$;
That part of $SW\frac{1}{4}$ of $NW\frac{1}{4}$ lying North of
Blanchard Creek;
That part of $SE\frac{1}{4}$ of $SW\frac{1}{4}$ lying North of
Blanchard Creek;
Portion of $Ne\frac{1}{4}$ of NW.

3. That she is one of the co-owners or permit holders under State of Idaho Water Permit No. 3016, bearing date of priority of July 3, 1907, recorded Book 9 of Permits, Page 3016, in the office of the State Reclamation Engineer, State of Idaho, authorizing diversion and use of 15 cubic feet per second of the waters of Blanchard Creek, for irrigation and domestic purposes.

4. That the various proportionate interests under said State Water Permit No. 3016 are held as follows:

- a) Alice K. Rusho-----15-1/3 / 46;
- b) Doug Yergens-----5/46;
- c) Maude Geaudreau-----12-2/3 / 46;
- d) Others-----13/46.

5. The proportionate interests of the various co-owners under said Permit No. 3016 are evidenced by that certain written agreement dated December 21, 1912, recorded Book 4 of Miscellaneous, Page 308, records of Bonner County, Idaho.

6. That the holders of the various interests at this time have been derived from the said original owners of said Permit No. 3016, and the proportionate interests are the same as were originally agreed upon, except that it is now believed that the original interests of J. H. Presnell and L. Poierier have now been consolidated into one ownership.

7. That as a part of the said waterworks system, said owners are also co-owners of a reservoir site, upon which is located a concrete dam, 20 feet high and 65 feet long, said site being located in the NW $\frac{1}{4}$ of Section 29, Township 54, North, Range 5, W. B. M., and extending through the center of Section 30, Township 54, North, Range 5, W. B. M., and being approximately 43.27 acres.

8. That since the establishment of Permit No. 3016, this protestant and the predecessors in interest of the premises owned by her have continuously and without interruption used said waters of Blanchard Creek to flood irrigate these lands owned by her. That the particular usage developed by this protestant has been substantially as follows: In the summer or when her lands are in need of water, the dam is opened and with the large head of water that has been stored and created, the released waters will flood irrigate all of the lands of this protestant.

9. A small head of water is of no benefit to this protestant because it will sink in the ground before it completely irrigates the lands needing water.

WHEREFORE, said Alice K. Rusho, objects to the approval of the application of said Gordon Dolan and/or B. P. Heidrick, under application No. 96-7019, for the following reasons:

1. That if these applicants are permitted to construct a dam downstream from the original dam, she will never be able to flood irrigate her lands again, as it is understood that the only opening from the proposed new dam will be an 18" culvert of corrugated pipe coming from the bottom of the dam.

2. That said dam as presently constructed has no gate for said 18" culvert, and there will be no way to control the flow of water.

3. That said 18" culvert will not permit the flow of 15 cubic feet per second without at least a 66 foot head, and even at that size will permit such flow only if a straight pipe, and the one that has been placed in this dam is of corrugated material, with greater friction and therefore loss in flow.

4. That applicants have already scalped the land lying between the present dam and the site of the proposed new dam for purposes of clearing for reservoir site; and as a result, there is great danger of Blanchard Creek sinking completely in that area and never to return, or if it does not completely sink, the creek may be reduced to a trickle of water when released from the upper dam. In other words, irreparable damage may have already been committed by the scalping of the course of the creek.

5. The water is not now usable for the purpose of watering livestock because of the "muddy" condition of the water created by the scalping of the land above the new dam being constructed by the applicants.

6. The proposed plan of applicants to construct a dam

create a reservoir from the waters of Blanchard Creek, and sell "water-front" lots therefrom is speculative, not made in good faith and is frivolous. The possible resultant benefits to be derived from such a plan will not compensate for the economic losses to the downstream land owners under Permit No. 3016.

7. The waters behind the dam to be constructed by the applicants would not be desirable for recreational purposes for the following reasons, to-wit:

a) Flow of water in Blanchard Creek during the summer months is so minimal that the water in the dam becomes smelly and green with algae and is fit only for irrigation purposes. The body of water to be created by applicants by this proposed dam would be the same during the summer months and totally unfit for either drinking purposes or swimming.

b) The fish in the water behind present dam during the summer months are soft and wormy, and muddy tasting; and the fish in the water in the reservoir planned by applicants would be the same.

c) The reservoir created by this proposed dam would be too small to permit water skiing or boating of any consequence.

8. The sale of such lots on this reservoir to be created by applicants would be a fraud upon the general public and result in numerous dissatisfied land purchasers with resultant extensive litigation.

9. This protestant has been informed and therefore alleges on information and belief that the dam is not feasible from an engineering standpoint.

10. That applicants do not have sufficient financial

resources with which to complete the plans.

11. That applicants be prohibited from proceeding any further with their plans until it is determined that Blanchard Creek is not sinking in the reservoir area created by them in scalping the land upstream from the proposed dam.

12. That applicants should not be permitted to proceed any further without insuring the State Reclamation Engineer through the posting of a bond or indemnification agreement that they will reimburse the present owners under Permit No. 3016 that their water rights will not be diminished by applicants' actions.

13. That the waters of Blanchard Creek are best adapted for providing irrigation waters to the owners under said Permit No. 3016, rather than for recreational purposes.

WHEREFORE, protestant respectfully prays that there be entered herein an Order denying the applicants the right to appropriate and store 400 acre feet of water from Blanchard Creek; that she be granted an extension of time to enter a further amended protest after she has received a copy of the applicants' application and has submitted same for competent engineering advice; and for such other and further relief as may be necessary in the premises.

Dated: November 20, 1968.

Alice K. Rusho
Alice K. Rusho

Presentd by:

Fred F. Kondo
Fred F. Kondo
Attorney for protestant.
Residence and PO Address:
PriestRiver, Idaho

RECEIVED

NOV 22 1968

BEFORE THE STATE RECLAMATION ENGINEER Department of Reclamation

STATE OF IDAHO

In the matter of the application)

-of-)

PROTEST OF

Gordon Dolan and B. P. Headrick)
for Permit to Appropriate public)
waters of the State of Idaho.)

LEIGH E. HANSEN

Comes now LEIGH E. HANSEN, and respectfully represents and objects to R. KEITH HIGGINSON, State Reclamation Engineer as follows, to-wit:

1. That this protestant is resident of Bonner County, Idaho; that his mailing address is: Rt. #2, Newport, Washington.

2. That he is the owner of the larger portion of the following described tract situated in Bonner County, Idaho:

The NE $\frac{1}{4}$ of Section 30, Township 54,
North, Range 5, W. B. M.

3. That he objects to the approval of the application of said Gordon Dolan and/or B. P. Headrick, under application No. 96-7019, for the reason that if the present plans and grade stakes in the field are used, same will result in the flooding of a portion of the lands owned by this protestant. That he has never granted a license or easement to any person whomsoever for such flooding purposes.

WHEREFORE protestant prays that said application be denied, or in the alternative, if same is granted, that same be modified so as to prohibit applicants from flooding these lands owned by protestant.

Dated: November 20, 1968.


Attorney for Leigh E. Hansen
Residence and PO Address:
Priest River, Idaho

FRED F. KONDO
ATTORNEY-AT-LAW
Telephone Building
PRIEST RIVER, IDAHO 83856

CERTIFIED
No. 498005
MAIL

RECEIPT
REQUEST

POSTAGE DUE 6M

Mr. Keith Higginson
State Reclamation Engineer
Boise, Idaho

[Redacted]

[Redacted]

6102-96

RECEIVED

NOV 14 1968

Affidavit of Publication

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

Department of Reclamation

L. E. Pletsch 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

Notice is hereby given that
Gordon Dolan or B. P. Heidrick,
Blanchard, Idaho has on October
24, 1968 applied for permit under
application No. 96-7019 to store
400 acre feet of water from
Blanchard Creek, tributary of
Fish Lake. Water will be divert-
ed by a dam and reservoir with-
in the SE 1/4 NE 1/4, sec. 19, T. 54
N., R. 5 W., B.M., Bonner County
and is to be used from January
1 to December 31 for recrea-
tional use in the SE 1/4 NE 1/4, sec.
19, T. 54 N., R. 5 W., 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 Engi-

Witnessed in the Sandpoint
News-Bulletin, Sandpoint, Idaho,
on November 7 and November
14, 1968.
N6-13

Notice of Application for Water,
Gordon Dolan or B. P. Heidrick

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 6th
day of November, 1968, and end-
ing on the 13th day of November,
68
1968, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pletsch

Subscribed and sworn to before me this

13th day of November, 1968.

Chas. Corbitt
Notary Public for Idaho,
Residing at Sandpoint, Idaho.

96-7019

Will Sub 11/14/68

BOISE, IDAHO 83720

BOISE, IDAHO 83720

Reason:
 District:
 Address:
 Telephone:
 No. of seats:
 No. of seats:
 Do not remain in this envelope

Gordon Dolan & / or B. P. Heidrick
Blanchard, ID

DECLASSIFIED

001-7133

October 7, 1983

Gordon Dolan &/or B. P. Heidrick
Blanchard, ID

RE: Permit No. 96-7019

Gentlemen:

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson", with a long horizontal flourish extending to the right.

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED

AUG 2 1983

INTER-DEPARTMENT MEMO — 1

FROM

Dave Tutthill

TO

Bob Hays

SUBJECT

96-7019 -

Field Exam

Department of Water Resources
Northern District Office

DATE

7/26/83

The measuring devices are
there. Sorry my exam did not explicitly say
56.
(Attached)

Because this Permit is:

- Previously protested & approved via memorandum decision, and
- Within an adjudicated area (Blanchard Creek), and
- Apparently devoid of any measuring device,

We need a memo to the file from you with your
recommendation regarding the disposition of
the meas device condition of approval prior to issuing the license.
SIGNATURE Dave

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

FEB 22 1981

Department of Water Resources

RECEIVED

96-7019

Permit No.

AUG 22 1983

CONTACT WITH PERMIT HOLDER

DATE

INITIALS

Department of Water Resources

REMARKS

☐ Appointment letter mailed:

☐ Telephone call made:

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 12/29/80

Accompanied by None

Total Q measured None

If source is surface water, estimate total flow of source

Methods of measurement

Meets Permit requirements? Yes

Measurement calculations: No stage capacity curves exist for this structure

Volume estimated from $V = H A (.35)$

H & A determined from plans = $(30A)(37.5Ac)(.35)$

and specs for dam which can be found in the dam file = $393.75 \approx 394 Ac \cdot Ft$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS

System Description 30 foot Dam impounds water for recreation

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE Recreation

Irrigation requirement =

AFA/Acre

Q (cfs)

None

V (afa)

394AF ✓

FROM

Jan 1

TO

Dec 31

Total

Remarks

Permit requires measuring devices above and below dam in place. Much information regarding the structure can be found in the dam file.

See dam safety file for more information.
(Stoneridge)

Examiner's Signature

Date _____

08/62/21

☐ None

☐ Add F.D. as reflected above

Change F.D., as reflected above

Recommended Amendments:

[illegible]

Place(s) of Use

Point(s) of diversion: SEANE# Sec 19 T 54 N R 5 W

(Include distance from pump to measuring device, if applicable.)

SCHEMATIC DIAGRAM OF SYSTEM

[illegible]

MAP (Attach Aerial Photo)

FROM Dave Tullhett

DATE 7/26/83

TO Rob Hargreaves

SUBJECT 96-7019 - Field Exam (Attached)

Because this Permit is:

- a. Previously protested & approved via memorandum decision,
- b. Within an adjudicated area (Blanchard Creek), and
- c. Apparently devoid of any measuring device,

We need a memo to the file from you with your recommendation regarding the disposition of the meas device condition of approval prior to issuing the license

SIGNATURE

Dave

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

FEB 12 1981

Department of Water Resources

96-7019

Permit No.

CONTACT WITH PERMIT HOLDER

DATE INITIALS REMARKS

☐ Appointment letter mailed:

☐ Telephone call made:

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 12/29/80 Accompanied by None Total Q measured None

If source is surface water, estimate total flow of source _____

Methods of measurement _____ Meets Permit requirements? Yes

Measurement calculations: No stage capacity curves exist for this structure

Volume estimated from $V = H A (.35)$

$H \& A$ determined from plans = $(30' \times 37.5 \text{ Ac}) (.35)$

and specs for dam which can be found in the dam file = $393.75 \approx 394 \text{ Ac-Ft}$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS

System Description 30 foot Dam impounds water for recreation

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = _____ AFA/Acre

USE
Recreation

Q (cfs)
None

V (afa)
394 AF

FROM
Jan 1

TO
Dec 31

Total

Remarks Permit requires measuring devices above and below dam. Much information regarding the structure can be found in the dam file.

See dam safety file for more information.

MAP (Attach Aerial Photo)

[illegible]

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE 1/4 Sec 19 T 54 N R 5 W

Place(s) of Use

[illegible]

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

Examiner's Signature _____

Checked by _____

Approved by _____

Date 12/29/80

Date 2-17-81

Date 5-2-83



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

June 27, 1983

Gordon Dolan &/or B. P. Heidrick
Blanchard, ID

Gentlemen:

A representative of ~~96-7019~~ department has made an examination of the works covered by your Permit No. ~~96-7019~~, and has found the following:

Amount of water ~~394.0~~ can be recognized ~~Blanchard Creek~~ used under Idaho law: Source:

394.0

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

SENE Sec. 19, T. 54 N., R. 5 W.

Point(s) of diversion:

Storage for recreation within the SE $\frac{1}{4}$, S $\frac{1}{4}$ W, Sec. 19, B $\frac{1}{4}$ SW, Sec. 20, N $\frac{1}{4}$ W, Sec. 29, NENE, Sec. 30, T. 54 N., R. 5 W.

12-14-1968

Priority date established:

Conditions (if any):

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

PLEASE NOTE

PLEASE REFER TO

The Blanchard Creek Decree

Before Issuing a License on this Permit

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Se [redacted] se
Boise, Idaho 83720

RECEIVED

OCT 16 1978

Department of Water Resources

Gordon Dolan
or B. P. Heidrich
2732 West Weile
Spokane, WA 99208

Re-sent to:
W. Carter Brown
(see address in files)
(he at one time messg.
Mr. Dolan & told
him to forward
the copies to Dolan)
10/25/78
B. Heidrich

VERIFIED
RESSED
TO FORWARD
TO SENDER



October 9, 1978

Re: Permit No. 96-7019

Gordon Dolan
or B. P. Heidrich
2732 West Weile
Spokane, WA 99208

Gentlemen:

In reviewing our files we noted that the proof of beneficial use affidavit you submitted on August 21, 1974, in conjunction with the above referenced permit has not been acknowledged.

This letter acknowledges receipt of this proof affidavit and enclosed you will find the Order which reinstates your permit and advances the priority date to December 14, 1968. A field examination will be conducted of your system, but we cannot tell just when it will be made. The field examiner will contact you prior to making the exam so that you may show him the systems.

If you have any questions concerning this field examination, please contact our Northern Regional Office in Coeur d'Alene.

Sincerely,

Jan Grover
Water Rights Supervisor

Enclosure

cc: John Gates

September 12, 1978

Re: Permit No.'s 96-7019 & 96-7085

John Gates
Snow, Christensen & Martineau
Continental Bank Bldg.
Salt Lake City, UT 84302

Dear Mr. Gates:

Enclosed are the copies of Permit No.'s 96-7019 and 96-7085. These are the rights which are mentioned in the Blanchard Creek decree of which you have a copy.

The proof of beneficial use affidavit submitted for Permit No. 96-7019 has not been accepted as there was no beneficial use of the water taking place at the time of the filing. No action was taken pending the outcome of the Blanchard Creek decree. However, action can now be taken and a copy of the correspondence involved in this action can be forwarded to you.

If you have any questions concerning this matter, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosures

LAW OFFICES

SNOW, CHRISTENSEN & MARTINEAU

SEVENTH FLOOR CONTINENTAL BANK BUILDING

SALT LAKE CITY, UTAH 84101

TELEPHONE 521-9000

AREA CODE 801

RECEIVED

SEP 15 1978

THURMAN & SUTHERLAND

THURMAN, SUTHERLAND & KING

THURMAN, WORSLEY & SNOW

SKEEN, THURMAN, WORSLEY & SNOW

WORSLEY, SNOW & CHRISTENSEN

1886

1888

1906

1923

1952

1967

Department of Water Resources

JOHN H. SNOW
HAROLD G. CHRISTENSEN
REED L. MARTINEAU
STUART L. POELMAN
RAYMOND M. BERRY
H. JAMES CLEGG
MERLIN R. LYBBERT
DAVID W. SLAGLE
A. DENNIS NORTON
ALLAN L. LARSON
JOHN E. GATES
R. BRENT STEPHENS
KIM R. WILSON
MICHAEL R. CARLSTON

GEORGE A. HUNT
ELLIOTT J. WILLIAMS
SCOTT DANIELS
RICHARD K. CRANDALL
DAVID G. WILLIAMS
REX E. MADSEN
DEE V. BENSON
PAUL J. GRAF

September 7, 1978

RECEIVED

SEP 11 1978

Department of Water Resources
Northern District Office

Mr. Robert G. Haynes
Department of Water Resources
Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Bob:

With reference to our meeting on August 24, 1978, I would appreciate receiving copies of all applications and permits concerning water and well rights held by Stoneridge, including the Geaudreau water rights and storage rights in the upper lake. As I indicated to you, it is important to us that we preserve all of these rights, have them transferred to the proper entity and to file the necessary extensions in order that we may prove up beneficial use. I would appreciate it if you would send copies of these documents as soon as possible, together with the necessary forms for changing points of diversion, extension of time, and for new well permits.

In addition, you were going to check on the dam certification and send a copy to me.

I appreciated being able to meet you and our conversation was most helpful. We are very anxious to clear up water use and storage problems and do all we can to have the Blanchard Creek System work efficiently.

Sincerely,

SNOW, CHRISTENSEN & MARTINEAU

John E. Gates

JEG:cn

cc: Mr. Ken Bean
Mr. Keith E. Garner

Called Jan Grover 9-11-78
RHH



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

October 7, 1976

Please file

Re: Permit No. 96-7019

George T. Gay, Jr.
Engineering Coordinator
Chicago Title Ins. Co.
111 W. Washington Street
Chicago, IL 60602

Dear Mr. Gay:

Pursuant to the request of our Northern Regional Office, we are sending you a copy of the Order on the above referenced permit.

Sincerely,

MARGIT E. FRALICK
Senior Clerk

MEF

Enc.

MICROFILM

FROM *Ken L.*

DATE 9-17-74

TO *Bob Fleenor*

SUBJECT 96-7019

Proof cannot be accepted. There was an extension of time granted June 26, 1970.

MICROFILMED

*Hold
per RKH
in*

Ken

SIGNATURE

RECEIVED

SEP 11

Department of the Interior

MEMO

TO: KEN DUNN, BOB FLEENOR
FROM: Fred Eisenbarth
DATE: September 6, 1974
SUBJECT: Permit No. 96-7019

On the morning of August 20, 1974, Mr. Gordon Dolan came into our office requesting assistance in re-instating his water right permit. At that time I was not certain if a Beneficial Use Proof should be filed or whether Mr. Dolan should apply for an Extension of Time in which to submit Proof.

I called Bob Fleenor and asked what should be submitted, and he thought that since the dam had once been completed and water beneficially used, a Beneficial Use Proof could be accepted. I then told Bob that we would submit Proof and if it was not acceptable, to notify me before the deadline and we would submit an Extension of Time.

Because of the aforementioned circumstances, I believe Mr. Dolan was acting under our Department's advice and therefore, he should be allowed extra time in which to re-instate his permit.

Please notify me of a decision so I can contact Mr. Dolan personally. A Mr. Baxter Brown is currently handling Mr. Dolan's correspondence which I believe may be part of the problem.


Fred
Northern District

Bob:

I believe we can accept the beneficial use for Stoneridge's permit due to the fact that the dam was once there and there exists plenty of evidence that his development is completed. If not, please notify me so I can contact Mr. Potem to arrange another alternative before his permit lapses.

RECEIVED

RECEIVED

AUG 21 1974

Identification No. _____

Permit No. 96-7019STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

EXAMINED BY _____
FOR THE DEPARTMENT OF RECLAMATION

1. a) Name of Permit Holder Stoneridge Inc.
 b) Post Office Address 76 Gordon Doleen 2732 West Weile Spokane, 99208
 2. Permit Number 96-7019
 3. Date of Priority that you are prepared to establish 10-24-1968
 4. a) Source from which water was appropriated Blanchard Creek
 b) Location of the point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19
 Township 54N, Range 5W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
 amount 400 a.f. for initial storage for recreational purposes from 1/1 to 12/31 incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount 100 a.f. for Replenish per year storage for recreational purposes from 1/1 to 12/31 incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated 400 a.f. 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: Capacity of reservoir. 2 weirs have been installed to measure water entering & leaving reservoir.

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) Earth dam 30' high 200' long and with at bottom 180' Capacity of reservoir is approx 400 a.f.
 b) Describe the type and size of measuring device which you have installed at your point of diversion: (2) 4' rectangular weir
 c) Give well drillers name and address and date the well was completed _____

Exam sent 10/6/78
JG

SEP 11, 1976 My commission expires

Charles M. Roberts
Notary Public residing at 2227

On this 20th day of August, 1974, personally appeared before me the

State of INDIANA)
County of ELKHART) ss.

(Date) 8/20/7

~~(Signature)~~

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

10. Remarks:

Total number of acres irrigated

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
TOTALS			NE¼				NW¼				SW¼				SE¼			

Quoi

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-

of use

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place

W. BAXTER BROWN
ATTORNEY AT LAW
118 N. 7th Street P. O. Box 1313
COEUR D'ALENE, IDAHO 83814
Phone 667-9516

RECEIVED

SEP 20 1974

Department of Water Resources

September 19, 1974

BD

Mr. James A. Sewell & Associates
Consulting Engineers
Box 160
Newport, Washington 99156

Re: IN THE MATTER OF UNAUTHORIZED CONSTRUCTION WORK AT STONERIDGE DAM:
STONERIDGE, INC., PERMIT #96-7019

Dear Mr. Sewell:

I represent Stoneridge, Inc., and Gordon Dolan, its President, and Mr. Dolan has requested I write this letter to you on his and the corporation's behalf.

As you already know from previous discussions with Gordon Dolan, the Department of Water Resources of the State of Idaho has issued an order dated the 29th day of August, 1974, ordering that Stoneridge, Inc., breach the Stoneridge Dam or rebuild the dam to conform to plans and specifications approved by the Department, and that one of the two actions must be completed prior to October 1, 1974. Stoneridge, Inc., hereby gives you this written demand to obtain approval from the State for completion of the dam and for you to obtain the required dam permit. As you know, Stoneridge, Inc., hired you after the dam washed out in January of 1974 to design, plan and supervise construction of the replacement dam in accordance with the specifications and requirements of Idaho law. You undertook to rebuild the dam accordingly and have instructed Stoneridge, Inc., as to its construction, which is approximately ninety percent complete. You have failed to obtain the State's approval for completion of the dam and have failed to justify the design and construction of the dam as has been stated in the order of August 29, 1974, a copy of which is enclosed herewith, and previous orders of the Department, all of which you are aware.

Stoneridge, Inc., hereby makes formal written claim against you and your firm for damages it has suffered by reason of the dam not being able to be completed in the spring of 1974 and further makes claim against you for any damages that may arise in the future if the dam is breached and for any other damages suffered by Stoneridge, Inc., because of your failure to obtain approval for the completion of the dam as it now exists. Neither Stoneridge, Inc., nor Gordon Dolan will take any action on the order of August 29, 1974,

Mr. James A. Sewell & Associates
September 19, 1974
Page 2

and place the entire responsibility for complying with that order upon you as engineer for the Stoneridge dam. Mr. Dolan would appreciate your keeping him informed as to your progress in obtaining the final approval for the dam and in complying with the orders of the Department of Water Resources and the laws of the State of Idaho concerning the Stoneridge dam.

Very truly yours,

W. Baxter Brown

WBB/jff
encls.

cc: Gordon Dolan
Department of Water Resources

RECEIVED

SEP 9 1974

Department of Water Resources

MEMO

TO: KEN DUNN, BOB FLEENOR
FROM: Fred Eisenbarth
DATE: September 6, 1974
SUBJECT: Permit No. 96-7019

DF

On the morning of August 20, 1974, Mr. Gordon Dolan came into our office requesting assistance in re-instating his water right permit. At that time I was not certain if a Beneficial Use Proof should be filed or whether Mr. Dolan should apply for an Extension of Time in which to submit Proof.

I called Bob Fleenor and asked what should be submitted, and he thought that since the dam had once been completed and water beneficially used, a Beneficial Use Proof could be accepted. I then told Bob that we would submit Proof and if it was not acceptable, to notify me before the deadline and we would submit an Extension of Time.

Because of the aforementioned circumstances, I believe Mr. Dolan was acting under our Department's advice and therefore, he should be allowed extra time in which to re-instate his permit.

Please notify me of a decision so I can contact Mr. Dolan personally. A Mr. Baxter Brown is currently handling Mr. Dolan's correspondence which I believe may be part of the problem.


Fred
Northern District

RECEIVED

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 address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

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

GORDON DOLAN

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

James M. Burgess

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

7/11/74

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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



Postmark of Delivering Office

SENDER INSTRUCTIONS

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

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

**RETURN
TO**

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PS Form 3811
June 1973

July 8, 1974

Certified Mail # 25565

Mr. Gordon Dolan
Blanchard, Idaho 83804

Dear Mr. Dolan:

I was greatly surprised that you have allowed your permit, #96-7019, to lapse for failure to submit a request for an Extension of Time or Proof of Completion of Works and Application of Water to Beneficial Use as required under Idaho law. Since this is the case, I have no choice but to require you to take immediate steps to remove the dam from the stream channel. I'm certain that you understand that you have no right whatever to store any water behind the dam, and that the only way such right can be obtained is to re-apply requesting a permit, which must be advertised and a hearing held in the event there are protests.

Please advise this office as soon as you have made arrangements for the dam's removal, giving us your plans.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjr

cc: Baxter Brown
Attorney at Law
Box 1313
Coeur d'Alene, Idaho 83814

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

STATE OF IDAHO
DEPARTMENT OF WATER ~~ADMINISTRATION~~
STATE OFFICE

RESOURCES



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83720
(208) 384-2215

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

July 3, 1974

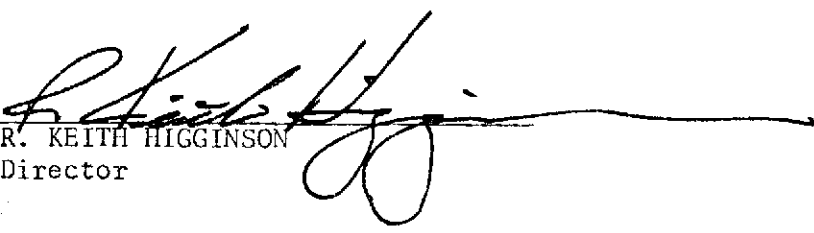
Re: Permit No. 96-7019

Gordon Dolan or B. P. Heidrick
Blanchard,
Idaho 83804

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 96-7019 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

cc: James A. Sewell & Associates
Attn: Donald K. Ellersick, P.E.
Newport, Washington 99156

Baxter Brown
Attorney at Law
Box 1313
Coeur d'Alene, ID 83814

RECEIVED
JUL 10 1974
WATER ADMINISTRATION

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 address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

GORDON DOAN

CERTIFIED NO.

25364

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

James Burgers

DATE DELIVERED

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

5/2/74

P.O.

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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



Postmark of Delivering Office

SENDER INSTRUCTIONS

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



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

**RETURN
TO**



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

May 1, 1974

CERTIFIED MAIL

#25364

Re: Permit No. 96-7019

Gordon Dolan or B. P. Heidrick
Blanchard,
Idaho 83804

Gentlemen:

One of the conditions of approval of your water Permit No. 96-7019 (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 July 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

cc: James A. Sewall & Associates
Attn: Donald K. Ellersick, P.E.
Newport, Washington 99156

96-7019

November 10, 1971

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

Dear Mr. Poirier:

We have received your November 5th letter and request for the complete record of the hearing held January 7, 1969. These records are put on tape and are kept for only a six-month period unless there is an appeal of the decision. Therefore, the excerpt from the transcript of hearing is the only permanent record available.

Also, pursuant to your request, we are enclosing six application for permit forms along with three sets of instructions for filing an application.

If there are other questions regarding this matter or if we may be of further assistance, please let us know.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:dr
Enclosures

96 7019

F. L. POIRIER, Jr.

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

November 5, 1971

Idaho Dept. of Water Administration
Statehouse Annex 2
Boise, Idaho 83707

ATTENTION STEVE ALLRED

Dear Mr. Alred;

I am addressing this to you to correct a misunderstanding. The letter of Oct. 19, which you answered on Nov. 2, was from my father Fielden Poirier Sr. Your answer was put in our mail by mistake as the postmaster automatically assumes that letters from your office are for me. I wasn't even aware that Dad had written to you until he mentioned it sometime after he had written. He was writing strictly on his own initiative and his comments no doubt reflected the sense of frustration quite a few people in our community have been feeling as they watch an unjust situation continue on our creek with nothing seeming to be done to stop it. You (and others from your office) have explained to me many times your limitations as a law enforcing body and I realize that you folks have spent much time considering our problems. I also remember quite vividly the fair manner in which you conducted the hearing here--even stopping the proceedings so that you could instruct me in the proper way of presenting my case.

We now have four lawsuits started on this situation which will likely result in adjudicating the water on the creek. Please don't drop our adjudication petition however as that route might still work out the best. These court affairs are painfully slow and you might be able to get to it first. Also, so far at least, our lawsuits don't directly request adjudication of all the water rights.

Gordon
Dolan
Permit
Could you give me an approximate cost for a transcript of the entire hearing of Jan. 7, 1969 at Blanchard on the Dolan dam? I have a portion of it already but the complete record might be helpful.

Would you please send me up to date forms and regulations for filing for both surface and well water rights. In my irrigation sales business I frequently get requests for helping in filing applications so would appreciate several copies if possible.

I wish to thank you and your department again for the help you have been able to give us on this problem. I know we have made many phone calls and written many letters to your office that probalby weren't necessary but this situation has created more turmoil in our community than we have ever known before. Please be patient with us as ~~extra~~ ^{ordinarily} we are quite easy to get along with.

Yours truly,

F. L. Poirier Jr.
F.L. Poirier Jr.

98 7019

9/25/71 AM

CONVERSATION MEMORANDUM

FILE 96-7019

NAME OF PARTY

Doug Yurgens

EMPLOYEE _____

RE:

Doug Yurgens called to state that he was unable to obtain water through Mr Dolans Dam. He said that gates had been closed and posted. He stated water was flowing into reservoir and into and out of upper reservoir also - Said he needed water badly

— Called back Mr Yurgens and related that any action we could take would take 2 to 3 weeks and briefly described that we would proceed against permit for failure to observe prior rights - Advised him that he may wish to see his attorney re: an injunction.

96 7019

September 24, 1971

Mr. Gordon Dolan
Blanchard,
Idaho 83804

Dear Mr. Dolan:

We have been advised that you have had several wells drilled lately in the Blanchard area. In checking our files, we fail to find any evidence of a valid permit that may cover these wells. If the wells are used for other than the domestic needs for one family, then an application for permit must be filed on each. We are enclosing five (5) application for permit forms, with one set of instructions for your convenience.

If you should have any questions in completing these forms, please feel free to contact this Department.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cs

Enclosures

September 20, 1971

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

Dear Mr. Poirier:

Please excuse the delay in responding to your letter regarding the activities of Mr. Dolan.

In checking our files we are unable to find any permits granted for wells drilled under Mr. Dolan's name. You are correct in assuming that any well drilled without benefit of a permit would be illegal. We are corresponding with Mr. Dolan regarding these wells. If you have any further information as to the location of the wells and their use I would appreciate obtaining that data.

With regard to the small dam evidently placed in the creek, we do not have any solution to removing the dam and obtaining your water. This type of stream alteration is exempted from the new stream channel protection legislation since evidently Mr. Dolan is claiming that he is diverting the water under his water right. I would suggest that you discuss a solution with your attorney. He may have some ideas. The only long term solution is a completion of an adjudication of the water rights on the creek and the appointment of a water master. We evidently have been successful in finally getting weirs installed above and below the dam and I think can now control the reservoir but I doubt that we would have any authority on down the creek.

We hope that in the near future we will be able to open an office at Coeur d'Alene. This should greatly facilitate a solution of problems in North Idaho.

We will keep you informed as to any further developments.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:pk

Stene:

9-3-71

Is this a stream
channel alteration.

Kam

96-7019 Reservoir

No underground filling

96-7019



98 2019

F. L. POIRIER, Jr.

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

September 2, 1971

Idaho Water Administration Dept.
Boise, Idaho

Attention Mr. Dunn

Dear Mr. Dunn;

I am enclosing a picture (rather a poor one but I have several others) showing how Mr. Dolan has been plugging Blanchard creek this summer on the Maude Geaudreau place. This is at the site of a board and cement irrigation dam which in former years was always used in a way that didn't shut off the entire flow of the creek. This year Mr. Dolan has repeatedly stopped the creek flow completely. (Alvin Strange living below this spot has repeatedly had to open it enough to get water for his stock as Dolan made no provision for this.) Dolan has told several people that he is not going to let a drop of water into Fish lake and will make a lake out of the Geaudreau place to accomplish this if necessary. The last time he plugged the creek he filled it with dirt completely for twenty feet or more and then cut a channel to run water out in the field to waste (it is definitely not running out in a way to irrigate anything). At present (after Mr. Strange talked to Dolan in no uncertain terms) they have installed a three inch pipe through the fill so that stock water can get through. It seems to me that attempting to divert a creek in this manner should be completely illegal and also that dumping dirt in in this manner would also be illegal as the creek is really going to be muddy from this when higher water comes. So far this summer Dolan has wasted very little water by running it out in the field as he has just barely been letting enough out of his new reservoir to keep Doug Yergen irrigation pump in water (and not enough for that lots of times)

Also I would like information on any plans Dolan may have filed for the dike he has installed at the upper end of his reservoir to keep from flooding my land. It seems to me that this operation should be illegal also.

Could you tell me when Dolan filed for permits for the irrigation wells he has on his place and where they are to be located as I have never seen these advertised. He has one well in operation and has started at least two more.

What steps can be taken to require Dolan to follow his reservoir permit? He has used the entire flow of the creek (except for small amount to Yergens) all summer plus all the stored water in the old reservoir. His dam leaks so badly that it is still pretty nearly dry even after all this. He is definitely using water far in excess of any rights he might have and this is water that should have been flowing into Fish lake to maintain it's level.

I would certainly like to talk with you if you get up this way.

Yours truly,

F. L. Poirier Jr.
F.L. Poirier Jr.

7019

F. L. POIRIER, Jr.
Sprinkler Irrigation Equipment
BLANCHARD, IDAHO 83804



IDAHO DPARTMENT OF WATER ADMINISTRATION
STATEHOUSE ANNEX 2
BOISE, IDAHO

96 7019

Aug 25, 26, '71

NAME OF PARTY

T. H. Mitchell (C. d. A.)

FILE

EMPLOYEE

P M Barber

RE:

Dolan dam - Blanchard Creek
controversy — on 25th called
Mitchell, informed him we'd had
complaints that Dolan wasn't
allowing water down to fill
prior rights & warned him
that Dept was considering deeming
Dolan Permit lapsed upon failure
of a condition (respect for prior rts.).
He stated he'd get in touch with
his client, convey our warning & ~~order~~
tell him to release water.

On *26th I called
Mitchell & informed him we'd
been informed that Dolan was
in compliance & that the Dept'd
take no further action.

Phz

August 19, 1971

Mr. Leigh E. Hansen
Priest River, Idaho 83856

Dear Mr. Hansen:

Regarding your August 9, 1971 letter concerning the construction of a dike by Gordon Dolan on Blanchard Creek. The dike, as it was originally proposed, was to be constructed so as to have corrugated metal pipes of sufficient capacity to pass flood flows through the dike and through the reservoir. In addition, during low flows, the intention was to pump the flow in the creek over the dike and into the reservoir. This pumping was to be accomplished by the use of large Parma water lifters.

There is no provision for fish ladders in this type of development. Fish ladders are only provided on streams where anadromous fish are found. Because of the type of fishing in Blanchard Creek, which would normally be trout, the fish do not move upstream to spawn; therefore, fish ladders are not necessary.

Sincerely,

A. KENNETH DUNN
Assistant Director

AKD:mjl

96 7019

Aug 9 - 1971

Mr Dunn

I have some more questions about this dike Nolan is constructing. Can this be built across the stream so as to completely block the flow? Also what pumps have been specified for lifting the water from Blanchard Creek over this dike?

Will there be fish ladder for the fish to travel back and forth?

Yours Truly
Leigh E. Hansen

Great River

Idaho 83856

96 7019

THOMAS A. MITCHELL
ATTORNEY AT LAW
316 ELDER BUILDING
COEUR D'ALENE, IDAHO 83814

August 11, 1971

State of Idaho
Department of Water Administration
Statehouse Annex 2
Boise, Idaho 83707

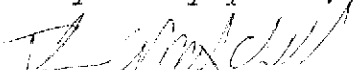
Gentlemen:

Re: Permit 96-7019

In response to your letter of August 5, 1971, which I received August 9, I spent yesterday, August 10, with my clients explaining the situation with them. I have been guaranteed by them that the measuring devices upstream and downstream and the staff gage, will all be installed and operational not later than August 17, 1971, and they are to photograph these as installed and I will forward the photos for your files.

If there are any objections on the part of your administration as to the outlined procedure, please call me collect.

Very truly yours,


Thomas A. Mitchell

TAM:lg

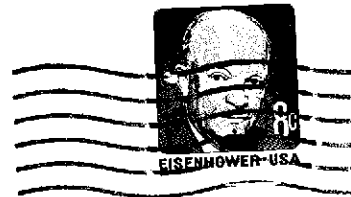
96 7019

THOMAS A. MITCHELL

ATTORNEY AT LAW

316 ELDER BUILDING

COEUR D'ALENE, IDAHO 83814



State of Idaho
Department of Water Administration
Statehouse Annex 2
Boise, Idaho 83707

98 7019

FILE 96-7019

8-5-71

NAME OF PARTY Doug. YergensEMPLOYEE A.K. DunnRE: Blanchard Dam -

Mr. Yergens said he was getting some water however it was not as much as in the past and not adequate to keep his pump covered. He has Mr. Dolan's permission to regulate the dam outlet works; however he stated that Dolan or his hired help readjust the gate when he leaves.

Yergens said that Tom Harris, Mrs. Renshaw's ~~son~~ ^{son-in-law}, had requested water a week ago and did not receive any. Harris has since talked to his attorney, results unknown. Yergens said Dolan was diverting all water below Yergens onto Dolan's fields ~~to grow~~ and refuses to allow any water to reach Fieldon ~~or~~ ^{Boatman's} Boatman's land.

Inflows to Blanchard dam are considerably greater than outflows.

August 5, 1971

Re: Permit No. 96-7019, Gordon Dolan or B. P. Heidrick

Mr. Thomas A. Mitchell
Attorney-at-Law
316 Elder Building
Coeur d'Alene, Idaho 83814

Dear Mr. Mitchell:

"Reference is made to your petition for hearing received by the department on July 14, 1971."

This request for hearing is made as a result of an order issued by the department which required the applicants for Permit No. 96-7019, Gordon Dolan or B. P. Heidrick, to install adequate measuring devices upstream and downstream from the reservoir covered under the above-referenced permit, including a staff gage within the reservoir and requires the applicants to immediately make releases of downstream water, such quantities not to exceed the amount of water coming into the reservoir at such time when called upon by prior right holders to satisfy prior rights.

The conditions covered under the above-mentioned order are conditions upon which the permit to appropriate water was approved. These conditions are required to be met at such time as water is put to beneficial use. In addition, the permit required that temporary measuring devices be installed immediately upon the approval of the permit. These conditions are not the proper subject of the hearing, but are conditions which must be met to avoid cancellation of the water right.

Having considered your request of the petition for hearing and reviewing the requirements of the permit to appropriate water, said request is hereby denied.

Please notify the department as to the date you intend to comply with our order dated June 30, 1971. Failure of the applicants to notify the department of their compliance with our order will be considered cause for cancellation of the permit.

If you have any further questions, please contact me.

Sincerely,

A. KENNETH DUNN
Assistant Director

AKD:mjl

96 7019

RHA

BEFORE THE STATE RECLAMATION

ENGINEER

STATE OF IDAHO

IN THE MATTER OF BLANCHARD DAM :
:
in the name of GORDON DOLAN and : PETITION FOR HEARING
B. P. HEIDRICK :

Comes now Thomas A. Mitchell, attorney for Gordon Dolan and B. P. Heidrick, and, having on the 12th day of July 1971 been furnished a copy of the Director's order of June 30, 1971, petitions for a hearing concerning the subject matter contained in said order, and represents to the Engineer as follows:

1. The order was receipted for by Gordon Dolan at Blanchard Idaho on Friday night at 6 p.m. July 9, 1971, and he brought the same to petitioner on the following Monday, petitioner being that day involved the entire day before the U.S. District Court bankruptcy referee.

2. Said order is presently physically impossible of compliance, due to the present water level, and the danger to downstream property if sufficient water were released from the dam to lower the water level where compliance could be had.

3. Petitioner's clients are currently releasing water upon request to all permit holders downstream, and in fact, no such requests have been made and in the immediate future we have been advised by the users of said permits they do not anticipate making any requests for irrigation water. Alice Rusho, one of the permittees, has leased out her land and the lessee informs us that he does not wish irrigation water for his grain crop. A small portion is allotted to one Doug Yurgens, who has made no requests. Petitioner is therefore extremely anxious to examine at a hearing anyone making complaints to the Department, since none of those

holding permits indicate any unfulfilled needs for water.

The applicants named above were under the belief that the ORDER of June 29, 1970, extending time to July 1, 1974, extended the time for the installation of the described measuring devices.

Dated at Coeur d'Alene, this 13th day of July 1971



Thomas A. Mitchell
Attorney for applicants
Dolan and Heidrick

THOMAS A. MITCHELL

ATTORNEY AT LAW

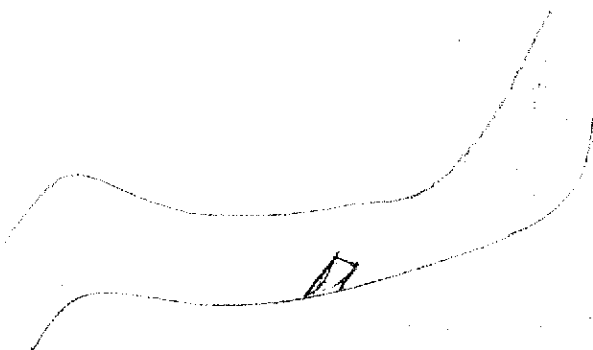
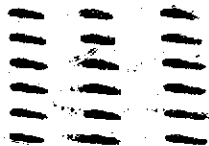
316 ELDER BUILDING

COEUR D'ALENE, IDAHO 83814



State Reclamation Engineer
Statehouse - Annex 2
Boise, Idaho 83707

96 7019



August 5, 1971

Mr. Hugh E. Hansen
Box 157
Priest River, Idaho 83856

Dear Mr. Hansen:

The Department of Water Administration does not have an application for the construction of a second dam by Gordon Dolan on Blanchard Creek.

It is my understanding that Mr. Dolan intended to construct a dike on the upper end of the existing Blanchard Dam for the purpose of preventing reservoir water from inundating land which was not in his ownership. This dike was to be less than 10' in height and therefore did not classify as a dam under the Idaho statutes. If this is the case, this structure also did not increase the storage as contemplated under the permit for the first Blanchard Dam; therefore, a permit would not be required.

I will have an examiner from our department inspect the site at his earliest opportunity.

If you have any further questions, please contact me.

Sincerely,

A. KENNETH DUNN
Assistant Director

AKD:mjl

96 7019



July 20 1971
RECEIVED

Dear Sir:

Am enclosing a picture
of the second dam being
constructed by Gordon Dolan
on Blanchard Creek. This is
in Bonner County TWP 54 N
5 W section 20. I would like
to know if a permit has been
issued for this dam. It is
flooding some of my property.

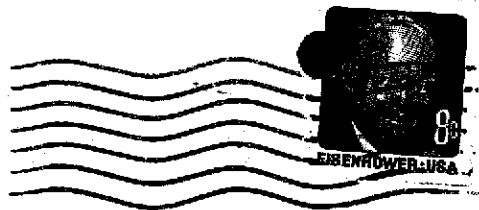
Yours Truly

Lugh E Hansen

Box 157 96 7019

Forest River
Idaho

Box 157
Prest River
Idaho



Dept of Reclamation
Boise
Idaho

96 7019

June 30, 1971

Gordon Dolan or B. P. Heidrick
Blanchard, Idaho 83804

Gentlemen:

Enclosed is an Order relative to your Permit No. 96-7019 for a dam constructed by you on Blanchard Creek. This order requires that you install measuring devices on or before July 13, 1971, and that you immediately take action to make releases downstream from the reservoir sufficient to satisfy downstream rights but not in excess of inflows to the reservoir.

The department will make an inspection to ascertain that this Order has been complied with no later than the July 13 date. Should we find that measuring devices have not been installed, our only recourse will be to take action against the approved permit for failure to meet its requirements.

Very truly yours,

R. KEITH HIGGINSON
Director

AKD:RKH:mjl

Enclosure

96 7019

In the Matter of Installation)
of Measuring Devices and Re-)
leases of Water on Permit No.)
96-7019 in the name of)
Gordon Dolan or B. P. Heidrick)

O R D E R

WHEREAS, Application No. 96-7019, in the name of Gordon Dolan or B. P. Heidrick, was approved by the Department of Water Administration and a permit was issued to appropriate water subject to the installation of adequate measuring devices and subject to all prior water rights; and,

WHEREAS, a Memorandum of Decision issued by the Department of Water Administration on June 20, 1969, further required the installation of adequate measuring devices both upstream and downstream from the reservoir site covered by Permit No. 96-7019 and required releases of water downstream sufficient to satisfy prior rights; and,

WHEREAS, the dam to be constructed under said permit has been essentially completed and water is being stored in the reservoir as provided in the permit; and,

WHEREAS, measuring devices have not been installed as required by said permit; and,

WHEREAS, the Department of Water Administration has received complaints that releases from the reservoir are not being made sufficient to satisfy prior water rights.

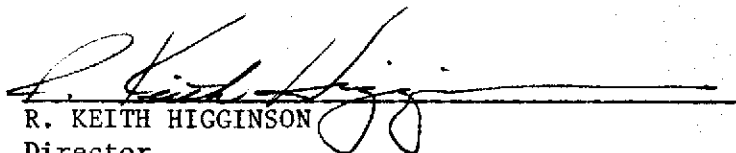
NOW, THEREFORE, IT IS HEREBY ORDERED that measuring devices of a type approved by the department be installed on or before July 13, 1971. Such measuring devices shall be placed upstream and downstream from the reservoir and be capable of measuring flows into and releases from the reservoir during those periods of the year when water is demanded downstream by prior water rights.

IT IS FURTHER ORDERED that a staff gage be installed within the reservoir site capable of measuring the level of water held in the reservoir.

IT IS FURTHER ORDERED that the applicant immediately make releases of water downstream, such quantities not to exceed the amount of water coming into the reservoir at such time when called for by prior right holders to satisfy prior rights.

IT IS FURTHER ORDERED that the applicant notify the department when the above required measuring devices have been installed. Failure to notify the department and to install the required measuring devices and to release the water as required will be considered as intent to violate the requirements of Idaho law and the terms and conditions of Permit No. 96-7019, and will result in action by this office to cancel said permit and require removal of the storage dam.

DATED this 30th day of June, 1971.


R. KEITH HIGGINSON
Director

96 7019

Blanchard, Idaho 83804
June 26, 1971

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

Dear Mr. Higginson:

We know you are busy with many problems throughout the state but hope you are still keeping our water right problem in mind and that progress will soon be possible on our request for adjudication.

The inconveniences to farmers have been many in the past three summers and this summer promises to be worse than the rest as Mr. Dolan is finally getting ready to sell lots and plans on keeping his lake level high regardless of cost and inconvenience to the farmers. As an example, the past few days he has kept his outlet gate closed down so tightly that what little water escapes sinks before it reaches Doug Yergens and his dairy ranch. Each morning Doug has to go up and hunt up some of Mr. Dolan's henchmen to open up the gate before he starts milking his forty or fifty cows. Some mornings the gate is closed again almost immediately.

There is not enough flow in the creek to maintain his wanted water level so he has now opened the gate on our irrigation water reservoir and the water level there has lowered two inches in 31 hours. If he continues in this manner, there will be no water by the time we need it for irrigation. When faced with problems such as the gate being shut so no water comes down the creek, he is utterly innocent....will even jump on any nearby workers, scolding them.

What we'd especially like during the summer months is that any of your staff who are in this neighborhood, would contact some of us...probably Doug Yergens or Fielden Poirier, Jr., as I'll not be home most of the summer. A first-hand look at the situation and, if possible, measurements of the creek before entering our reservoir, again before entering his "lake" and again as it leaves his land, all would be most appreciated.

Very truly yours,

Alice K. Ruscho
(Mrs.) Alice K. Ruscho 96 7019

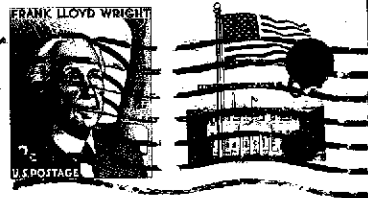
Mrs. Stanley Rusho
Blanchard, Idaho



Department of Reclamation
Statehouse -- Annex 2
Boise, Idaho 83707

96-7019

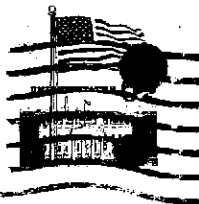
Mrs. Alice K. Rusho
Blanchard, Idaho 83804



Mr. R. Keith Higginson, Director
Idaho Dept. of Water Administration
State House
Boise, Idaho

96 7019

Mrs. Alice K. Rusho
Blanchard, Idaho 83804



Mr. R. Keith Higginson, Director
Idaho Dept. of Water Administration
State House
Boise, Idaho

96 7019

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

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

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3

SHOW WHERE DELIVERED (*only if requested*)

96 7019

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to
 restrict delivery, or to have the address of delivery
 shown on this receipt, check block(s) on other side.
 Moisten gummed ends and attach this card to back of
 article.



RETURN
TO

96 7019

Dolan's Man
at Blanchard
is

John Watson —

he evidently
has authority to
regulate the
gates.

96-7019

FOUNDER H. A. SEWELL 1892 - 1967

ROBT. E. McLEAN E. E.
BRANCH OFFICE
610 HUTTON BLDG.
SPOKANE, WASH. 99204
509-747-5794

JAMES A. SEWELL & ASSOCIATES
FELLOW A. S. C. E.
CONSULTING ENGINEERS
NEWPORT, WASHINGTON 99156
509-447-3626

D. K. ELLERSICK P. E.
STRUCTURAL ENGR.
NEWPORT, WASH.

PKH
10/1/70

June 8, 1970

Mr. R. Keith Higginson
State Reclamation Engineer
State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Subject: Permit No. 96-7019

Dear Mr. Higginson:

This letter is written to request an extension of time for Permit No. 96-7019 as the applicants cannot prove application of the water to beneficial use prior to July 1, 1970.

As your office is aware, an injunction has been filed against the applicants prohibiting them from backing water on adjacent property owner's land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T. 54 N., Range 5 W.B.M. Therefore the applicants will build a small dam across Blanchard Creek on their property in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, T. 54 N., R. 5 W.B.M. During the spring runoff the applicants will lower their reservoir so that the spring runoff will flow through culverts in their small dam. The culverts will be of sufficient capacity to prevent encroachment on adjacent landowner's property in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 30, T. 54 N., R. 5 W.B.M. After the spring runoff the applicants will close their gates and raise their reservoir to the desired elevation. The pumps they install will prevent any encroachment, as previously mentioned.

The applicants are unable to install a gaging device south of the reservoir as the adjacent property owner will not consent to the installation on their property. The applicants are surmounting this problem by installing a flow meter on the common discharge line of the two pumps which they are installing.

An extension of time is necessary since they cannot start construction of this small dam until the spring runoff has occurred. This means the project may not be completed until August or September, 1970.

96-7019

Our understanding of the Idaho Code is that the Department of Reclamation will only allow one extension. We are therefore asking for a five year (maximum) extension to cover any unforeseen items and to insure the applicants adequate time to complete the project in a satisfactory manner.

If you have any questions please contact our office or the applicants.

Sincerely,

JAMES A. SEWELL & ASSOCIATES
Consulting Engineers

By 
Donald K. Ellersick P. E.

DKE:ey
cc: Gordon Dolan
Paul Heidrick

96-7019

June 29, 1970

Re: Permit No. 96-7019

Gordon Dolan or B. P. Heidrick
Blanchard,
Idaho 83804

Gentlemen:

Enclosed herewith is an Order extending your time within which
to submit evidence of construction of works and application of the
water to beneficial use until July 1, 1974.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosure

cc. James A. Sewell & Associates
Consulting Engineers
Attn: D. K. Ellersick
Newport, Washington 99156

96-7019

C
O
P
Y

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.

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

655-16-71548-10

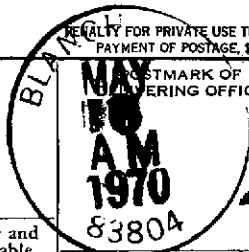
Apr. 1967

POD Form 3811

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.**

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

POSTMARK OF
MAILING OFFICE



**RETURN
TO**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

~~Department of Reclamation~~

Annex #2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

May 1, 1970

Re: Permit No. 96-7019

Gordon Dolan or B. P. Heidrick
Blanchard
Idaho 83804

Gentlemen:

One of the conditions of the approval of your permit no. 96-7019 was that proof of application of the water to beneficial use be submitted to this office on or before July 1, 1970.

Enclosed is an affidavit form which must be used to submit this proof. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code Amended.

Either the proof or a request for 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.



State Reclamation Engineer

Enc: Proof form
dr

CERTIFIED MAIL

21842

96-7019

Ed -
check # 3187

June 16, 1969

Re: Application for Permit 96-7019

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

Dear Mr. Poirier:

Enclosed you will find an excerpt from the transcript of hearing held January 7, 1969, as you requested. The fee for this transcript is \$15.00 based upon the preparation time. Please remit this fee as soon as possible.

If we can be of further assistance to you, please feel free to call upon us.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

96-7019

C
O
P
Y

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

ATTENTION Steve Allred

**REFERENCE TO APPLICATION FOR PERMIT
96-7019 by GORDON DOLAN**

**Dept. of Reclamation
Boise, Idaho**

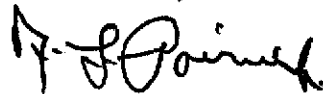
Dear Mr. Allred:

I wish to report that Mr. Dolan has still not installed any weirs as your office required and shows no evidence of intending to. He recently opened the gate on his dam fully but due to his lower spillway being so high in the dam he is still backing up a quite a little lake which seems to be sinking at least 2/3 of the water entering it. As the lowest water season approaches this could easily mean that now water would get thru the dam at all with out pumping. Mr. Dolan has left the community so this could leave those below the dam in critical shape very easily.

I called your office awhile back and talked to Mr. Johnson about this. I think that Mr. Dolan should be forced to immediately put in weirs at least and if not I think it is time that he was forced to remove the dam as he isn't anywhere near living up to his obligations. He seems to think he can't put in the upper weir except on Leigh Hansen's land but this is not true at all.

I would appreciate it if your office would get on this situation or if you can not do anything about it please let us know so that we can get a court action started if that is what is required.

Yours truly,



F.L. Poirier Jr.

96-7019

August 19, 1969

Re: Permit No. 96-7019

Alice K. Rusho
Blanchard,
Idaho 83804

Dear Mrs. Rusho:

Thank you for your letter of August 13, 1969. Enclosed you will find a letter which I have recently written to Mr. F. L. Poirier. I think perhaps it explains the situation, as clearly as possible. I see no way whereby this office, under the present statutes, can require that anything be done to the dam itself or whereby we could force Mr. Dolan to provide pumping facilities. As you will read in the attached letter, it is possible that we could take action against the permit, however, this would not accomplish the things that you need done, since Mr. Dolan would have other alternatives.

I think the only way he could be forced to immediately provide pumping facilities would be through some type of court action. I am still hoping that, through Mr. Dolan's attorney, we can reach a solution. I feel that if measuring devices could be installed above and below the reservoir the question as to the amount of water passing through the reservoir would be solved. I think it would be desirable that a device be installed so that it could be used to measure both the water being released from the upper dam and that flowing into Mr. Dolan's dam. I understand that there are problems obtaining a right-of-way in order to install the upper measuring device.

I hope that the above information will be of value to you. If I can be of further service, please contact me.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh
Enclosure

96-7019

RECEIVED

AUG 15 1969

Department of Reclamation

Blanchard, Idaho
August 13, 1969

Department of Reclamation
Statehouse -- Annex 2
Boise, Idaho 83707

Attention: Steve Allred, Loy Johnson, Mr. Dunn

Re: Permit No. 96-7019

Gentlemen:

The critical time of the year is here for meeting our irrigation water needs and I feel you should be apprised of the fact that we are beginning to feel a pinch due to the loss of water in Mr. Dolan's dam.

After having opened our outlet gate to release water for my use, there is no noticeable increase in flow through Mr. Dolan's outlet nor in the raised level of his "lake" so it appears that our stored irrigation water is sinking around the edges of his lake. The outlet from his reservoir is ten feet above the base of his dam on the upper side so we have to raise the surface of quite a large water area in order to get any of our water through the outlet and downstream.

Having put the boards in my diversion dam, I am getting a small flow of water at the expense of the farmers downstream but not enough to actually accomplish much in the irrigation of my land. In fact, rather than interfere with the sprinkler systems operating below me, I feel I had better not try for a thorough job of irrigation at this time; especially since my renter canceled his lease due to the water problem.

The renter had almost two hundred head of cattle pastured on my land. He would get the water high enough to divert it into my irrigation ditch for his cattle to drink and come back a few days later (he lived several miles away) and find Mr. Dolan's outlet gate closed down to where no water was flowing into my field for his cattle. As a result, the renter moved his cattle home and I am taking an \$800.00 loss for this year.

In granting Permit No. 96-7019, your department set up certain conditions for Mr. Dolan and Mr. Heidrick as follows:

a. That an adequate permanent measuring device acceptable to the Department of Reclamation be placed upstream from the reservoir, capable of recording the flow into the reservoir during those periods of the year when water will be demanded downstream by prior right holders. This has not been done.

96-7019

b. That an adequate permanent measuring device acceptable to the Department of Reclamation be installed downstream from the reservoir in the creek channel capable of measuring releases from the reservoir during those periods of the time when the water is demanded downstream by prior right holders. This has not been done.

c. That a staff gauge be installed within the reservoir site capable of reasonably measuring the level of water held in the reservoir. This has not been done.

d. That the applicant be required to release water downstream in such quantities not to exceed that amount of water coming into the reservoir at such time when called for by prior right holders to satisfy prior rights. (Since his "lake" has sunk all of his stored water, we are now releasing enough water to maintain his lake at a level high enough to get an adequate flow through the outlet for sprinkler irrigation needs.)

e. That in the event that the outlet works of the dam are not capable of releasing from the reservoir that amount necessary for downstream prior rights, the applicant will provide adequate pumping facilities or other means with which to make up the deficiency. (Mr. Dolan has only been seen briefly once by his closest neighbors during the past several weeks and we wonder how well this condition will be met when our reservoir is exhausted and the creek flow is insufficient to keep his reservoir surface above the mouth of the outlet).

f. That the applicant provide personnel reasonably accessible to the protestants or other downstream holders who can regulate and control the outlet works of the reservoir upon notice. (If he has provided any such personnel, we have not been notified who they are. The dam is posted with "No Trespassing" signs so when he did close his outlet gate earlier in the season, it hardly seemed advisable for any of us to operate said gate.)

Since Mr. Dolan has ceased all activity on his dam and made no effort to meet any of the above conditions....in fact, seems to be out of the area entirely except for an occasional brief trip once every few weeks, I felt your department should be made aware of this as well as the fact that the prior water right holders are suffering considerable financial loss due to Mr. Dolan's activities.

If it is possible for any of you to come to Blanchard in the near future, we'd certainly appreciate it.

Very truly yours,

Alice K. Ruske

July 31, 1969

Re: Permit No. 96-7019

Mr. Thomas A. Mitchell
316 Elder Bldg.
Coeur d'Alene, Idaho 83814

Dear Mr. Mitchell:

Enclosed you will find departmental receipt No. 3411 in
the amount of \$1.00 covering the fees for a copy of an excerpt
from the transcript of hearing held concerning the above
numbered permit.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

96-7019

July 10, 1969

Re: Permit No. 96-7019

Mr. Thomas A. Mitchell
316 Elder Bldg.
Coeur d'Alene, Idaho 83814

Dear Mr. Mitchell:

Enclosed you will find a copy of an excerpt from the transcript of hearing, which you requested in your letter of July 2, 1969.

The fee for this copy is \$1.00, payable to this office upon receipt of this copy.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

C
O
P
Y

96-7019

July 10, 1969

Re: Permit No. 96-7019

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

Dear Mr. Poirier:

Enclosed is your excerpt from transcript of hearing. We appreciate very much your returning it to us in order that we could make a copy of it. We are sorry for any inconvenience that we have caused you.

The following are the measurements that our field man found which we thought you might be interested in knowing:

Stream flow measurement above upper reservoir - 11.16 c.f.s.

Stream flow measurement below upper reservoir - 14.51 c.f.s.

Stream flow below Mr. Dolan's dam - 2.75 c.f.s.

If we can be of any further service to you, please don't hesitate to call upon us.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh
Enclosure

96-7019

THOMAS A. MITCHELL
ATTORNEY AT LAW
316 ELDER BUILDING
COEUR D'ALENE, IDAHO 83814

RECEIVED

JUL 7 1969

[Handwritten initials]

July 2, 1969
Department of Reclamation

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Gentlemen:

Could you please prepare for me and bill me
for a transcript of the testimony of Mr. F. L.
Poirer given at the hearing last January in Blanchard,
Idaho.

Very truly yours,

[Handwritten signature of Thomas A. Mitchell]
Thomas A. Mitchell

TAM:jm

96-7016

APR. 1967

005-10-71848-10

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS
1969
9156

RENTAL FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE

POST OFFICE

AM
1969

RETURN
TO

NAME OF SENDER

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.

STREET AND NO. OR P.O. BOX

Department of Recitation

Address #3 State use

1 OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

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.

1

Mr. Douglas Yergens

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

6-24-69

3

96-7019

NAME AND
ADDRESS
OF SENDER

Dept. of Reclamation

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

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
1/21072	Mr & Mrs Douglas Higgins	12	10	-	30				92-7019
2	Box 485 Blanchard Idaho								
3/21043	Mrs. Alice K. Ruoho, Blanchard Id								
4/21044	Mrs. Mary Claudreau Blanchard								
5/21045	Mr. H. J. Anderson, Route 22,								
6	Box 55 Newport Washington								
7/21046	Mrs. John E. Hansen, Blanchard								
8/21047	Mr. Harold K. Kondo Attorney at								
9	Law, Telephone Building,								
10	Priddy River, Idaho								
11/21048	Mr. Gordon Dalgas Blanchard								
12/21049	Mr. B. P. Heidrichs Blanchard.								
13/21080	Mr. Thomas B. Mitchell								
14	Attorney at Law, 316 Elder								
15	Building Council Bluffs								
16									
17									
18									
19									
20									

BOISE IDAHO
 JUN 1969
 BORAH STA.

TOTAL NUMBER OF PIECES LISTED BY SENDER	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.
9	nine	[Signature]	

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.

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

Thos. A. Smith

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

[Signature]

SHOW WHERE DELIVERED (only if requested)

REGISTERED NO.

CERTIFIED NO.

01080

INSURED NO.

DATE DELIVERED

6 25 69

3

2

1

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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



**POSTMARK OF
DELIVERING OFFICE**

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.**

**RETURN
TO**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

**Department of Reclamation
Annex #2 Statehouse**

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

655-16-71848-10

POB Form 3811 Apr 1967

June 23, 1969

Re: Permit No. 96-7019

Mr. Gordon Dolan
Blanchard, Idaho 83804

Dear Mr. Dolan:

The Department will appreciate it if you would return to the Department the memorandum decision which was issued previous to this date. The memorandum which was issued contained many clerical and typographical errors and has been voided in our records.

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:TC

96-7019

June 23, 1969

Re: Permit No. 96-7019

Mr. Gordon Dolan
Blanchard, Idaho 83804

Dear Mr. Dolan:

The Department should appreciate it if you would return to the Department the memorandum decision which was issued previous to this date. The memorandum which was issued contained many clerical and typographical errors and has been voided in our records.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

96-7019

June 23, 1969

Re: Permit No. 96-7019

Mr. and Mrs. Douglas Yergens
Box 495
Blanchard, Idaho 83804

Dear Mr. and Mrs. Yergens:

Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing and has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decisions and conditions of approval. A copy of each is enclosed for your reference. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:tg

Enc: copy of memorandum decisions
copy of conditions of approval

96-7019

June 23, 1969

Re: Permit No. 96-7019

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

Dear Mr. Poirier:

Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing and has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decision and conditions of approval. A copy of each is enclosed for your reference. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: copy of memorandum decisions
copy of conditions of approval

96-7019

June 23, 1969

C
Re: Permit No. 96-7019

O
Mrs. Alice K. Rusho
Blanchard, Idaho 83804

P
Dear Mrs. Rusho:

Y
Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing hand has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decision and conditions of approval. A copy of each is enclosed for your reference. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:tg

Enc: copy of memorandum decision
copy of conditions of approval

96-7019

Mr

June 23, 1969

Re: Permit No. 96-7019

Mrs. Guy Geaudreau
Blanchard, Idaho 83804

Dear Mrs. Geaudreau:

Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing and has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decision and conditions of approval. A copy of each is enclosed for your reference. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: copy of memorandum decisions
copy 66 conditions of approval

96-7019

June 23, 1969

Re: Permit No. 96-7019

Mr. J. A. Saunders
Route 22, Box 55
Newport, Washington

Dear Mr. Saunders:

Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing and has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decision and conditions of approval. A copy of each is enclosed for your reference. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:tg

enc: copy of memorandum decision

cc copy of conditions of approval

96-7019

June 23, 1969

C
Re: Permit No. 96-7019

O
Mr. Leigh E. Hansen
Blanchard, Idaho 83804

P
Dear Mr. Hansen:

Y
Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing and has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decision and conditions of approval. A copy of each is enclosed for your reference. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: copy of memorandum decision
copy of conditions of approval

96-7019

June 23, 1969

C
Re: Permit No. 96-7019

Mr. Fred F. Kondo
Attorney at Law
Telephone Building
Priest River, Idaho 83856

Dear Mr. Kondo:

P
Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing and has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decisions and conditions of approval. A copy of each is enclosed for your reference. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McIlldowney
Appropriation Examiner

DWM:tg

Enc: copy of memorandum decision
copy of conditions of approval

96-7019

June 23, 1969

Re: Permit No. 96-7019

Mr. Gordon Dolan
Blanchard, Idaho

Dear Mr. Dolan:

Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing and has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decision and conditions of approval. A copy of each is enclosed along with a copy of the approved application. We have also enclosed a letter advising you as to the types of measuring devices which are available.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: copy of permit
copy of memorandum decision
copy of informational letter
Receipt No. 2244

96-7019

June 23, 1969

C
Re: Permit No. 96-7019

Mr. B. P. Heidrick
Blanchard, Idaho 83804

O
Dear Mr. Heidrick:

P
Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing and has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decision and conditions of approval. A copy of each is enclosed along with a copy of the approved application. We have also enclosed a letter advising you as to the types of measuring devices which are available.

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

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:tg

Enc: copy of permit
copy of memorandum decision
informational letter

96-7019

June 23, 1969

C
Re: Permit No. 96-7019

O
Mr. Thomas A. Mitchell
Attorney at Law
316 Elder Building
Coeur d'Alene, Idaho 83814

Dear Mr. Mitchell:

P
Please be advised that the State Reclamation Engineer has taken under advisement the matters of protest and the hearing and has rendered final action. Application for Permit No. 96-7019 has been APPROVED pursuant to the memorandum decision and conditions of approval. A copy of the permit along with these two articles is enclosed for your reference. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:tg

Enc: copy of permit
copy of memorandum decision

96-7019

FRED F. KONDO

ATTORNEY-AT-LAW

Telephone Building

PRIEST RIVER, IDAHO 83856

Phone 448-7371
Area Code 208

June 18, 1969

RECEIVED

JUN 20 1969

Mr. C. Stephen Allred, Assistant
State Reclamation Engineer
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Department of Reclamation

Re: Permit Application No. 96-7019

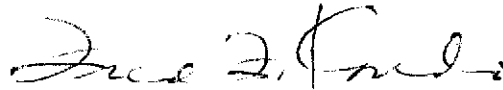
Dear Mr. Allred:

I have received your letter of June 16, 1969, in reference to the above described Permit Application No. 96-7019.

I note that you state that the Permit has been approved subject to certain special conditions; and that I should advise my clients.

It would be very much appreciated if you would send me a copy of your Order approving this application so that I may review the special conditions as have been imposed by your office.

Yours very truly,



Fred F. Kondo

FFK/ks

cc: Alice Rusho
Leigh Hansen
Fielden Poirier, Jr.

96-7019

June 16, 1969

Re: Permit Application No. 96-7019

Mrs. Guy L. Geaudreau
Blanchard,
Idaho 83804

Dear Mrs. Geaudreau:

This letter is to inform you that the State Reclamation Engineer has entered a decision concerning the approval of the above numbered permit. The State Reclamation Engineer finds that the application should be approved subject to special conditions.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

96-7019

C
O
P
Y

June 16, 1969

Re: Permit No. 96-7019 (Application)

Mr. J. A. Saunders
Newport,
Washington

Dear Mr. Saunders:

This letter is to inform you that the State Reclamation Engineer has entered a decision concerning the approval of the above numbered permit. The State Reclamation Engineer finds that the application should be approved subject to special conditions.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

96-7019

C
O
P
Y

June 16, 1969

Re: Permit Application No. 96-7019

Mr. Fred Kondo
Attorney at Law
Priest River, Idaho 83856

Dear Mr. Kondo:

This letter is to inform you that the State Reclamation Engineer has entered a decision concerning the approval of the above numbered permit. The State Reclamation Engineer finds that the application should be approved subject to special conditions. Please advise your clients of this decision.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

96-7019

C
O
P
Y

June 16, 1969

Re: Permit Application No. 96-7019

Mr. Douglas Yergens
Blanchard,
Idaho 83804

Dear Mr. Yergens:

This letter is to inform you that the State Reclamation Engineer has entered a decision concerning the approval of the above numbered permit. The State Reclamation Engineer finds that the application should be approved subject to special conditions.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

96-7019

June 16, 1969

Re: Permit Application No. 96-7019

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

Dear Mr. Poirier:

This letter is to inform you that the State Reclamation Engineer has entered a decision concerning the approval of the above numbered permit. The State Reclamation Engineer finds that the application should be approved subject to special conditions.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

96-7019

C
O
P
Y

June 16, 1969

Re: Application for Permit 96-7019

Gordon Dolan or B. P. Heidrick
Blanchard,
Idaho 83804

Dear Sirs:

Enclosed you will find a memorandum decision setting forth the conditions for approval of your pending application for permit No. 96-7019.

We will proceed to process your application and you will receive a copy of the approved application in the near future.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

cc. Thomas Mitchell
316 Elder Bldg.
Coeur d'Alene, Idaho 83814

C
O
P
Y

96-7019

June 16, 1969

Re: Application for Permit 96-7019

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

Dear Mr. Poirier:

Enclosed you will find an excerpt from the transcript of hearing held January 7, 1969, as you requested. The fee for this transcript is \$15.00 based upon the preparation time. Please remit this fee as soon as possible.

If we can be of further assistance to you, please feel free to call upon us.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

96-7019

C
O
P
Y

RECEIVED

JUN 3 1969

F. L. POIRIER, Jr.

DEALER IN NEW AND USED SPRINKLER IRRIGATION EQUIPMENT

Department of Reclamation
BLANCHARD

BLANCHARD, IDAHO 83804

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

June 2, 1969

RE Record of the hearing held Jan. 7, 1969 on the Dolan Hedrick application
96-7019

State Department of Reclamation
Boise, Idaho

Gentlemen:

If practical I would like a copy of a portion of the hearing records on the above application. It would be nice to have a copy of all of it if it is not too expensive but I especially would like that portion concerning how my name got on their original application. As I recall it I asked how my name got on the application and this led to cross examination by Mr. Allred which established that Mr. Dolan and I had no agreement. I am willing to pay a reasonable fee for this copy.

I would also like to comment that in rebuilding their dam they have put their drain pipe much higher in the dam than the original one and in my opinion they are quite apt to have to use a pump to get water thru their dam for prior water right holders in a low water year. I feel that if this is the case that it will be completely unsatisfactory over a period of years and I don't believe such an installation should be allowed by the state.

Yours truly,

F. L. Poirier Jr.
F.L. Poirier Jr.

96-7019

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

RECEIVED

APR 8 1969

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

POSTMARK OF
DELIVERING OFFICE

APR
8
AM
1969

RETURN
TO

INSTRUCTIONS: Stamp 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

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

655-10-71549-10

POD Form 3811 Apr. 1967

Dept of Reclamation

State House

Burl Lake 83707

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)*

CERTIFIED NO.

20920

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

4-7-69

SHOW WHERE DELIVERED *(only if requested)*

3

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

POSTMARK OF
DELIVERING OFFICE

JUN
27
AM
1969

RETURN
TO SENDER

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, 1000 E. 10th St.

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

55-16-71549-10

Apr. 1967

POD Form 3811

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.

1

Alice K. Rusho

21043

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

6-27-69

3

96-7019

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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



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

STREET AND NO. OR P.O. BOX

Department of Education

Annex

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83727

055-16-71648-10

Apr. 1967

POD Form 3811

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.

1

Mr. G. Sanderson

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

3

SHOW WHERE DELIVERED *(if not to addressee)*

6/25/69

RECEIVED

96-7019

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

POSTMARK OF
DELIVERING OFFICE

HAB
JUN 28
PM
1969

RETURN
TO

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

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP

Department of Information
Annex 1000
Box 50, 1000 00007

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.

1

Larry Hansen

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

June 26

96-7019

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

055-10-71548-10

POD Form 3811 Apr. 1967

POSTMARK OFF
DELIVERING OFFICE

JUN
28
AM
1969

RETURN
TO

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

STREET AND NO. OR P.O. BOX

Department of Reclamation

POST OFFICE, STATE, AND ZIP CODE

Annex # 2 3rd House

Boise, Idaho 83707

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.

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

POSTMARK
DELIVERING OFFICE

JUN 26
A.M.
1969
8-856

RETURN
TO:

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

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

Department of Information
Annex # 2
Boise, Idaho 83707

655-16-71649-10

Apr. 1967

POD Form 3811

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.

1

Fred F. Kondo

21044

2

SIGNATURE OF ADDRESSEE'S AGENT IF ANY

INSURED NO.

Kenneth S. Lutter

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

JUN 25 1969

3

96-7019

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)*

CERTIFIED NO.

20919

INSURED NO.

1
2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

4-7-69

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

RECEIVED

APR 8 1969

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

POSTMARK OF
DELIVERING OFFICE

APR
7
AM
1969

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

8 14
RETURN
TO

NAME OF SENDER

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE AND ZIP CODE

055-16-71548-10

POD Form 3811 Apr. 1967

Dep of Reclamation
State House
Bismarck Idaho 8707

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.

01045

1

Mr. J. A. Saunders

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

—
—
—

96-7019

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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

POSTMARK OF
DELIVERING OFFICE

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.**

**RETURN
TO**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

Department of Education

Annex 1111 1111 1111

POST OFFICE, STATE, AND ZIP CODE

BOISE, IDAHO 83707

April 3, 1969

Mr. Gordon Dolan
Blanchard, Idaho 83804

Mr. B. P. Heidrick
Blanchard, Idaho 83804

Dear Mr. Heidrick:

Enclosed is an order concerning Blanchard Dam being constructed by you and Mr. Gordon Dolan. This being the second time the dam has failed, because the diversion works had insufficient capacity to carry stream flows, my order requires that you not only submit plans for the reconstruction of the dam but details as to the method proposed to divert the stream flow during construction.

In addition you are ordered to stop all construction until the plans are approved with exception of relocating the spillway to the right abutment.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH/AKD/ejw

cc: Donald K. Ellersick
H. A. Sewell & J. A. Sewell & Assoc.
Consulting Engineers
Newport, Washington 99156

Enclosure

96-7019

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF BLANCHARD DAM)

In the name of GORDON DOLAN and)
B. P. HEINDRICK)
_____)

ORDER

WHEREAS, Blanchard Dam which is currently under construction under plans and specifications approved by the State Reclamation Engineer, has failed because of high stream flow which was in excess of the uncompleted spillway capacity, and;

WHEREAS, this is the second failure of the structure during construction due to streamflow in excess of diversion capacity. Such failures represent a danger to persons and property downstream,

NOW THEREFORE IT IS HEREBY ORDERED, that Gordon Dolan and B. P. Heidrick submit to the Department of Reclamation detailed plans for the repair and construction of Blanchard Dam prepared by a registered professional engineer qualified to practice engineering in Idaho. Included with the plans shall be a detailed method of diverting stream flows during construction and an estimated time schedule for execution and completion of construction,

IT IS FURTHER ORDERED, that until such plans are submitted to the Department of Reclamation all construction work on the dam is to be stopped with exception of relocating the spillway to the dam right abutment. Construction of the spillway shall be in conformance to plans and specifications approved by the State Reclamation Engineer on October 23, 1968.

Dated this 3rd day of April, 1969.

R. KEITH HIGGINSON
State Reclamation Engineer

ERH/AKD/ejw

96-7019

FRED F. KONDO

ATTORNEY-AT-LAW

Telephone Building

PRIEST RIVER, IDAHO 83856

February 6, 1969

Phone 448-7371
Area Code 208

Mr. C. Stephen Allred
Assistant State Reclamation Engineer
Boise, Idaho

Re: Application for Permit No. 96-7019

Dear Mr. Allred:

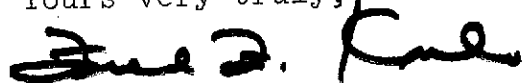
I have now received the report of Engineer Donald Largent of Sandpoint, Idaho, and I enclose herewith a copy of this 7 page report. As you will note therefrom, page 7 covers Mr. Largent's conclusions and his recommendations.

This report was submitted to Mr. Thomas Mitchell, Attorney for the applicants, and he in turn forwarded this report to the offices of Sewell and Sewell, Engineers, Newport, Washington. The copy of the reviewing report of Engineer Donald Ellersick is also enclosed herewith.

Mr. Mitchell and I have stipulated that the report of Mr. Largent's and the reviewing comments of Engineer Ellersick dated January 30, 1969, may be entered without any further examination or cross-examination on the part of either side. I enclose a copy of a letter from Mr. Mitchell dated January 31, 1969, in which he agrees that the report and letter would conclude the testimony for each side.

As far as the protestants that I am representing are concerned, the submission of these materials will complete our presentation. I am sure that the hearing was successful, if for no other reason than the fact that it did bring forth much information to the public as to the intentions of the applicants.

Yours very truly,



FRED F. KONDO

FFK:hib

cc: Thomas Mitchell, Attorney
Alice Rusho
Leigh Hansen
Fielden Poirier, Jr.

96-7019

Donald W Largent 1/20/69

Sheet 1 of 7

RESERVOIR

FLOW ANALYSIS

BLANCHARD CREEK DAM

FFS 7 10

Department of the Interior

Blanchard Water Assn. is entitled to the use of 15 cubic feet per second of water from Blanchard Creek. For many years the practice has been for each member, in turn, to use the full permissible quantity for a sufficient period of time to flood irrigate his property twice annually, usually in June and August. Since the flow of Blanchard Creek drops below the required flow, the Association owns a dam and storage reservoir upstream from the properties of the Association members. By agreement, periodic releases are made from the Assn. reservoir and the water flows down the stream bed to the intake structure of the member whose turn it is to irrigate.

A new dam, Blanchard Creek Dam, has been constructed between the Assn. reservoir and the intake structures of some of the members. The owner of the dam now seeks permission to fill and maintain a reservoir for recreation purposes.

Since the design and construction of Blanchard Creek Dam has been supervised by competent Civil Engineers, this analysis will not concern itself with questions of Dam stability, cresting, or seepage but will be limited to consideration of those features necessary to pass the flow to meet downstream water requirements, namely, the pipe-arch spillway and the 18" C.M.P. reservoir drain.

The only tools available for analysis at this time are formulae which are normally used for design; therefore, the results contained herein can only be a reasonable estimate of the flows to be expected under varying heads. The only true investigation of flows through these sections would be through field gaging.

FLOW ANALYSIS
BLANCHARD CREEK DAM

SPILLWAY SECTION - 112" x 75" Pipe Arch - Slope = 0.0592

d Water depth in Pipe-Arch in feet	A Area in Square Feet	P Wetted Per- imeter in Feet	R Hydraulic Radius
0.10	0.22	2.8	0.078
0.20	0.64	4.0	0.16
0.30	1.01	4.9	0.21
0.40	1.59	5.6	0.28
0.50	2.25	6.4	0.35
0.60	2.99	7.0	0.43
0.70	3.75	7.4	0.51
0.80	4.56	7.6	0.60

Use Manning Formula, $n = 0.021$

$$V = \frac{1.486}{n} R^{2/3} S^{1/2} = \text{Velocity} = 17.188 R^{2/3}$$

$$Q = AV = \text{Flow}$$

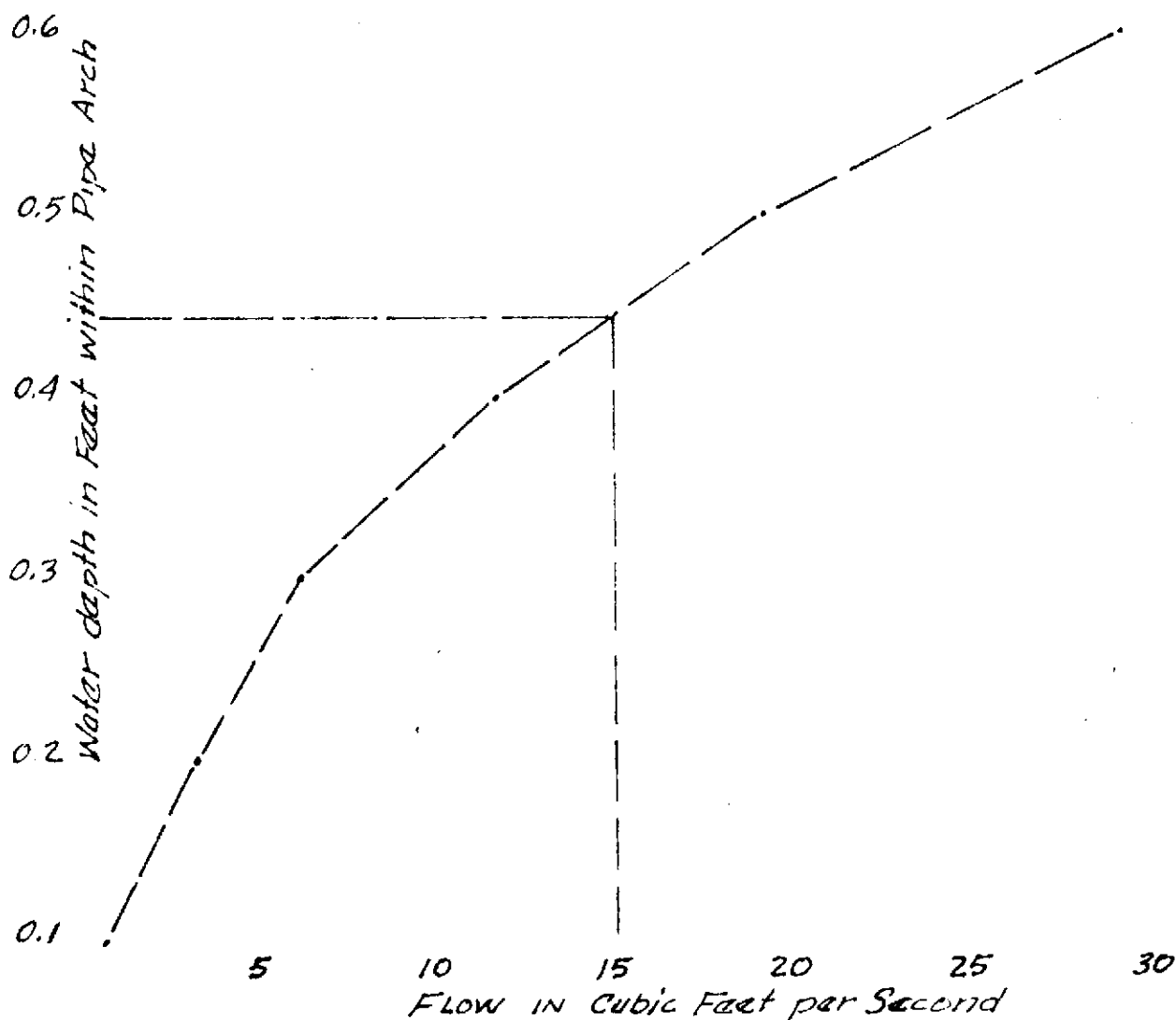
depth ft.	$R^{2/3}$	V ft./sec	Q cu. ft./sec.
0.10	0.186	3.20	0.70
0.20	0.295	5.07	3.24
0.30	0.353	6.07	6.13
0.40	0.428	7.36	11.70
0.50	0.497	8.54	19.22
0.60	0.570	9.80	29.29

The above results are shown graphically on the next sheet.

FLOW ANALYSIS
BLANCHARD CREEK DAM

SPILLWAY SECTION - 112"x 75" Pipe Arch

RESULTS OF APPLICATION OF MANNINGS FORMULA



The application of Manning's Formula to the physical conditions encountered in the spillway analysis has shown a close relationship to actual flows produced in laboratory and Field tests. If the spillway is constructed in accordance with the plans presented, the dam will be passing 15 cu. ft per second when the spillway depth in the Pipe Arch is greater than 0.45 feet. At less spillway depth, the 18" CMR drain must be used to provide additional flow past the dam.

FLOW ANALYSIS

BLANCHARD CREEK DAM

RESERVOIR DRAIN SECTION - 18" C.M.P.

Since culvert sections are not primarily pressure conduits, the application of heads greater than 5 or 6 feet is not usual; therefore, it is somewhat difficult to select a friction head-loss formula which might give an indication of flows which might be expected. The application of the most dependable formulae for analysis of non-laminar flow through pressure conduits depends upon the selection of tabulated coefficients resulting from laboratory tests. Since the 18" Drain represents a non-typical use of culvert material, no published information appears available as a guide in selecting a coefficient for any of the design formulae normally used for pressure conduits. On smooth conduit, the Manning Formula usually furnishes results similar to the more preferred formulae for velocities up to 10 feet per sec. Since the coefficient for use in the Manning Formula for C.M.P. is well established, the Manning Formula will be used to calculate friction loss in the drain.

Available Head = Entrance loss + friction loss + exit loss + Vel. head

$$H = h_e + h_f + h_o + \frac{V^2}{2g}$$

$$h_e = K_e \frac{V^2}{2g}, \text{ use } K_e = 0.48, h_e = .00745 V^2$$

$$h_f = 2.87 n^2 \frac{L V^2}{D^{4/3}}, \text{ use } n = .021, h_f = .11955 V^2$$

$$h_o = K_o \frac{V^2}{2g}, \text{ use } K_o = 0.50, h_o = .00776 V^2$$

$$\frac{V^2}{2g} = .0155 V^2$$

$$H = 0.00745 V^2 + 0.11955 V^2 + 0.00776 V^2 + 0.01552 V^2$$

$$H = 0.15028 V^2$$

$$V = \sqrt{H / 0.15028}$$

$$Q = AV, \text{ effective Area (A)} = 1.77 \text{ sq. ft}$$

FLOW ANALYSIS
BLANCHARD CREEK DAM
RESERVOIR DRAIN SECTION - 18" C.M.P.

H head above exit in Feet	V Velocity in Ft./Sec.	Q Flow in cu. Ft./Sec.
4.4	5.41	9.58
5.0	5.77	10.21
6.0	6.32	11.18
7.0	6.82	12.08
8.0	7.30	12.91
9.0	7.74	13.70
10.0	8.16	14.44
11.0	8.56	15.14
12.0	8.94	15.82
13.0	9.30	16.46
14.0	9.65	17.08
15.0	9.99	17.68

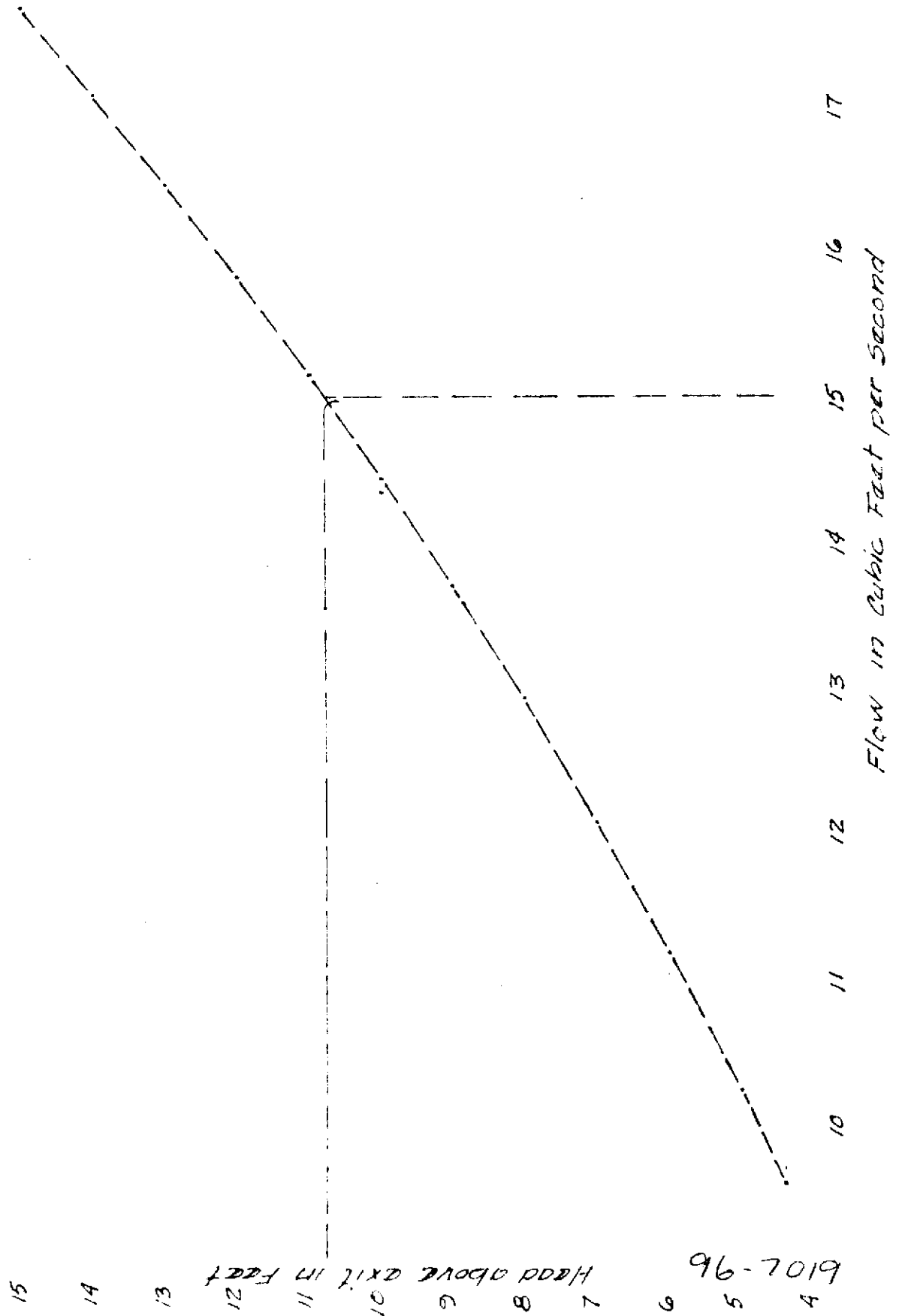
the above results are shown graphically on the
next sheet.

FLOW ANALYSIS

BLANCHARD CREEK DAM

RESERVOIR DRAIN - 18" C.M.F.

Donald W. Largent 1/21/69
Sheet 6 of 7



FLOW ANALYSIS BLANCHARD CREEK DAM

CONCLUSIONS

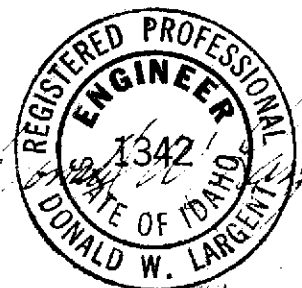
This analysis is no substitute for field gaging the outlets involved. If actual questions of Flow distribution occur during operation, they can only be settled by an adequate field investigation. Since design procedure is generally conservative we can conclude the following:

1. Any time the 112" x 75" Pipe Arch spillway is discharging a flow whose depth is 0.45 feet in the Pipe Arch section the flow is at least 15 cubic feet per second.
2. Any time the 18" C.M.P. drain is discharging at full gate under 10.8 feet of head the flow is at least 15 cubic feet per second.

RECOMMENDATIONS

1. That a slope board be established within view of the top of the dam to allow reservoir surface elevations to be read.
2. That channels be cast in the outlet of the concrete flume section of the spillway that would allow a metering weir to be dropped in if necessary.
3. That the irrigators be allowed access to the reservoir drain gate any time that the gate of the Association Dam is open and the flow through the Pipe Arch spillway section of Blanchard Creek Dam is less than 0.45 feet in depth.

dated- 1/23/69



96-7019

THOMAS A. MITCHELL
ATTORNEY AT LAW
316 ELDER BUILDING
COEUR D'ALENE, IDAHO 83814

January 31, 1969

Mr. Fred F. Kondo
Attorney at Law
Telephone Building
Priest River, Idaho 83856

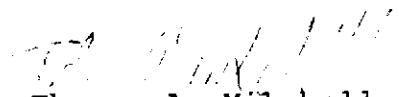
Re: Blanchard Creek Dam

Dear Fred:

Our engineer has reviewed your engineer's report. Enclosed is a letter I received concerning it. I am enclosing a copy for you to attach to the report for submission to the Department of Reclamation in Boise. That way they will know that your report and this letter conclude the testimony we all are submitting.

Please send me a copy of your transmittal letter, so I can close my files.

Very truly yours,


Thomas A. Mitchell

TAM:bms

cc: Dolan

96-7019

ROBT. E. McLEAN E. E.
BRANCH OFFICE
810 HUTTON BLDG.
SPOKANE, WASH. 99204
509-747-5794

H. A. SEWELL AND J. A. SEWELL & Assoc.

FELLOWS A. S. C. E.
CONSULTING ENGINEERS
NEWPORT, WASHINGTON 99156
509-447-3626

D. K. ELLERSICK P. E.

January 30, 1969

Mr. Thomas A. Mitchell, Attorney
Elder Building
Coeur d'Alene, Idaho

Subject: Blanchard Creek Dam

Dear Tom:

After reviewing the report prepared by the protesters engineer, we would like to make some comments. These comments are made to clarify some of the wording or terminology used in this report. These comments are outlined as follows:

1. This report was not prepared for the Blanchard Water Association as Mr. Dolan is a member of said association. Mr. Dolan has proportionate rights in said existing reservoir.
2. Mr. Dolan is not asking permission to fill and maintain a reservoir but is in fact applying for a water right of 400 acre-feet to fill said reservoir and 100 acre-feet annually to compensate for reservoir losses.
3. We concur with the report that only field measurements of the two conduits would be adequate to determine the flows accurately. The State of Idaho, Department of Reclamation, may require Mr. Dolan to install two weirs, one between the existing concrete reservoir and the new reservoir, and the other below the new reservoir, for determining seepage and evaporation losses, etc. These weirs would eliminate the need of a slope board or the installation of channels in the flume section of the spillway as the weir below the new reservoir can be used to determine a rating curve for each conduit.
4. We feel that the irrigators should not be allowed access to the new reservoir drain. Mr. Dolan is well aware that the water rights of each person below his new reservoir must be fulfilled. If these rights are not fulfilled Mr. Dolan can be sued for damages.
5. We should again reiterate that the amount of water to be passed through the new reservoir is not 15 CFS but approximately 10 CFS as Mr. Dolan has approximately 1/3 of this 15 CFS association water right.

If you have any questions on the above, please feel free to telephone our office.

Very truly yours,

H. A. SEWELL AND J. A. SEWELL & ASSOC.
Consulting Engineers

By Donald K. Ellersick
Donald K. Ellersick, P. E.

DKE:nh
CC - Mr. Gordon Dolan

96-7019

MAR 10 1969

March 8 1969

Dear Sir: Department of Pollution

I am enclosing a drawing
prepared for me by Mr
Largent of Sandpoint.

It shows there will be five
feet of water on my property
at the section corner, at the
level of the bottom of the spill
way of this new dam on
Blanchard Creek.

As there is eight feet of
dirt above this point there
will be considerable more than
five feet of water on my place

96-7019

I do not intend to give or sell
any land for flooding so feel
these people should lower their
dam by eight feet at least.

We have a very large runoff
on this stream every year.

The spillway they have is
too small will be running
full for a long time each year.
So will you please see to it
that this dam is lowered.

Lugh Hansen

Blanchard

Idaho

March 26, 1969

Re: Permit Application No. 96-7019

Mr. Leigh Hansen
Blanchard,
Idaho 83804

Dear Mr. Hansen:

Please forgive the delay in answering your letter of March 8th. I had hoped that I might have had a decision finished on the Blanchard Reservoir application, however, it appears that there still will be a short delay before it is forthcoming. As to your letter of March 8th, as I stated at our hearing at Blanchard, the owners of the reservoir must arrange with the adjacent land owners for any right-of-way that they might need. The water right application in no way can take into consideration whether or not these right-of-ways have been obtained, and it appears that in order to stop Mr. Dolan from backing water on your land that you should consult an attorney as to the alternatives. There is no way in which this department can take any action to settle the problem. It may be necessary for you to file a civil action in the District Court against the owners of the reservoir.

If I can be of further assistance, please contact me.

Very truly yours,

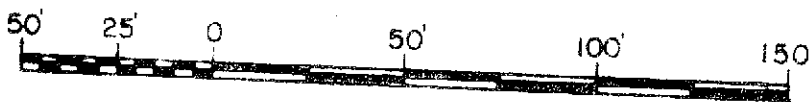
C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

96-7019

Proposed Reservoir Encroachment in Sec. 30, Twp. 54N., R. 5W.B.M.

Scale 1" = 50'



I hereby certify that this plot truly represents a topographic survey with a theodolite of a portion of the NE. 1/4 of the NE. 1/4 of Sec. 30, Twp. 54N., R. 5W. B. M. in Bonner County, Idaho.

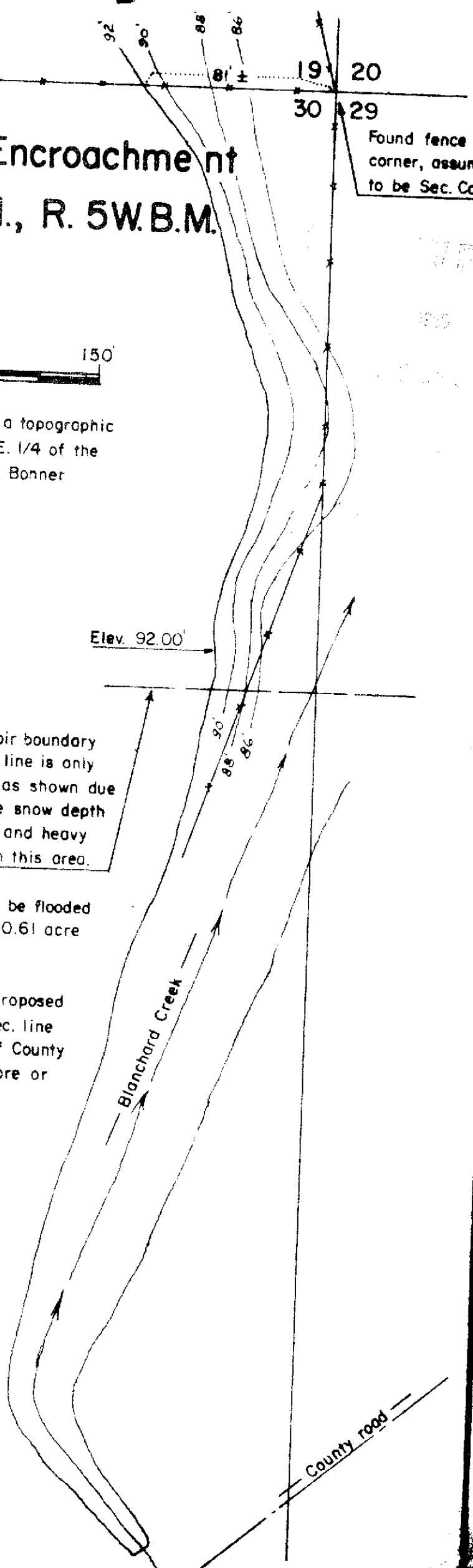
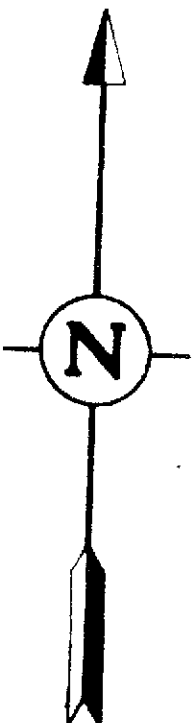
Survey completed Feb. 21, 1969.

Found fence corner, assumed to be Sec. Cor.

Note: Reservoir boundary South of this line is only approximate as shown due to an average snow depth of 27 inches and heavy underbrush in this area.

Note: Area to be flooded in Sec. 30 = 0.61 acre more or less.

Note: Area East of proposed reservoir, West of Sec. line and Northwesternly of County road = 0.30 acre more or less.



The parties were informed that testimony could be heard on the following questions:

1. Is there water available which is subject to appropriation?
2. Is the water supply sufficient for the purposes intended?
3. Will prior rights be injured by the proposed appropriation?
4. Is the application made in good faith, or for speculative or delay purposes?
5. Does the applicant have the financial ability to complete the project?

The applicant made a prima facie showing as to each of the five points. The protestants cross-examined the applicants regarding their ability to complete the project and whether or not the application was made for speculative or delay purposes. The protestants also contended that the design and construction of the dam was such that it would not allow the natural flow of the creek, or water released from an upper storage dam, to be passed through the reservoir to downstream right holders without large losses or delay.

The applicant adequately showed that the dam was almost complete and that the majority of the money required for the project had been expended. The amount of work remaining to be done was insignificant, compared to the total. The applicant explained plans for the development and use of the water at the reservoir site. Testimony indicated that, during periods of high flow in the spring, water passed through the channel and was not being used by the protestants. The applicant also provided testimony through his witnesses that geologic and soil studies have been made of the site and the reservoir losses were not deemed to be excessive.

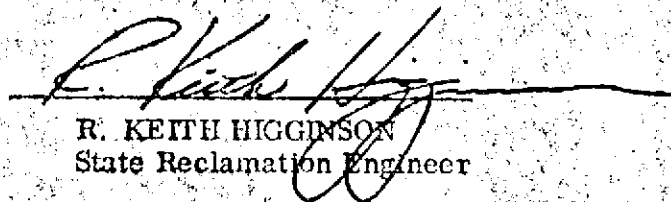
At the request of the protestants, the hearing was continued until January 27, 1969, in order that they might thoroughly study the applicant's plans and make comments concerning the dam and reservoir and its ability to pass water for downstream prior rights. The applicant was to have a chance to reply to the protestant's comments. Both the applicant and protestant's statements were received by the Department of Reclamation on February 7, 1969. These indicated that the reservoir spillway and/or outlet works were capable of supplying at least the 15 cubic feet per second of water claimed by the applicants under reasonable hydraulic head.

The State Reclamation Engineer having reviewed the proceedings enters the following decision:

1. That the applicant has shown that there is water available in sufficient quantities during most years for the appropriation.
2. That he intends to complete the project and, in fact, has essentially finished the reservoir and has financial resources to complete the remaining work on the reservoir.
3. That with proper safe guards prior rights will not be injured by such appropriation.
4. That application for permit 95-7019 should be approved subject to the following conditions:
 - a. That an adequate permanent measuring device acceptable to the Department of Reclamation be placed upstream from the reservoir, capable of recording the flow into the reservoir during those periods of the year when water will be demanded downstream by prior right holders.
 - b. That an adequate permanent measuring device acceptable to the Department of Reclamation be installed downstream from the reservoir in the creek channel capable of measuring releases from the reservoir during those periods of time when the water is demanded downstream by prior right holders.
 - c. That a staff gauge be installed within the reservoir site capable of reasonably measuring the level of water held in the reservoir.
 - d. That the applicant be required to release water downstream in such quantities not to exceed that amount of water coming into the reservoir at such times when called for by prior right holders to satisfy prior rights.
 - e. That in the event that the outlet works of the dam are not capable of releasing from the reservoir that amount necessary for downstream prior rights, the applicant will provide adequate pumping facilities or other means with which to make up the deficiency.

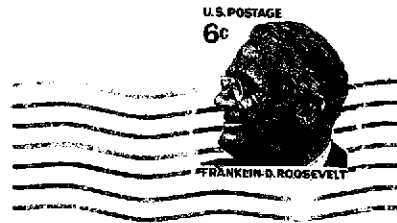
f. That the applicant provide personnel reasonably accessible to the protestants or other downstream holders who can regulate and control the outlet works of the reservoir upon notice.

Dated this 27TH day of March, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

CSA:kh

L. E. 96 answer
Blanchard
Idaho



Mr C. S. Alfred
Assistant State Reclamation Engineer
Boise
Idaho

96-7019

February 6, 1969

Re: Permit Application No. 96-7019

Mr. Fred Kondo
Attorney at Law
Priest River, Idaho 83856

Dear Mr. Kondo:

In our hearing on January 7, 1969 at Blanchard, Idaho, regarding application for permit 96-7019, you requested additional time in which to have your engineer study the plans of the applicant and make comments. At that hearing I gave you until January 27th to submit a statement to the department and to the applicant's attorney. As of yet, I have not received such and I would appreciate receiving that information as soon as possible. I will withhold action for ten days pending receipt of that statement.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

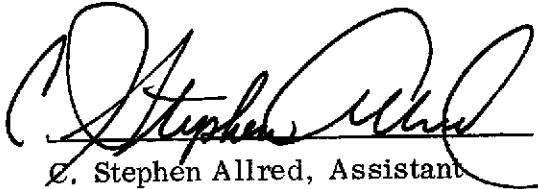
cc. Thomas A. Mitchell
Elder Bldg.
Coeur d'Alene, Idaho 83814

96-7019

MEMORANDUM

Re: Permit No. 96-7019

A conference and formal hearing was convened at the Blanchard Grange Hall, Blanchard, Idaho, on January 7, 1969, to consider application for permit 96-7019. The applicants seek to divert water for recreational purposes by means of a storage reservoir on Blanchard Creek. The primary point of contention appeared to be whether or not the reservoir and dam were constructed in such a manner that the natural flow rights could be supplied down stream during periods of low flow. Testimony indicated that the applicants had sufficient financial resources to complete the project, that there was a sufficient amount of water for these purposes during high flow, and that they were not speculating and had every intention of completing the project. The only remaining point in question seemed to be whether or not there would be an injury to other existing water rights. In addition to the testimony submitted, the protestants sought time in order to have their engineer analyze the design of the dam and outlet works. They were given until the 27th of January 1969 to submit a statement to the department and to the applicants as to their findings. That statement was to be limited to comments on the design of the dam with regard to its ability to conduct natural flow rights through the reservoir and dam. The applicants will be given an opportunity for written rebuttal. It would appear that the problem would be one of distribution and enforcing terms of the permit if issued. The applicant should be made aware in the event that the application be approved that the permit in no way conveys any right-of-ways and that it will be necessary for them to observe all prior rights and provide an amount equal to that entering the reservoir to those rights down stream. They should also be fully informed that he will be required to install measuring devices up stream and down stream of the reservoir in the creek channel.


C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

96-7019

Hearing Blanchard Idaho

1-7-68

96-7019 Gordon Dolan or B.P. Heidrick

001 Steve Allred

38 Ellersick

62 Condo

117 - Mitchell

122 Mitchell

answer Ellersick

129 Condo

130 $\frac{1}{2}$ Dolan said $\frac{3}{4}$ "

136 Pourier

139 Not to ^{practical} ~~practise~~ - Strike from record

144 Ellersick

162 Mitchell - Dolan

165 Condo - Dolan

210 Pourier

227 Allred

228 Dolan Ma 3 wks in spring

~~232~~

233 Ellersick Mitchell

~~234~~

241 Dolan - we would make final proof.

249 Ellersick

257 Condo

259 Allred

262 - Condo - Rusho

Mitchell Rusho

96-7019

295 Poirier

298 5 min fees

300 Condo

300 Poirier.

308 Dunn

325 Mitchell cross-examining Dunn

327 Kondo

330 Hansen

338 Condo

342 $\frac{1}{2}$ Poirier

Poirier - Mitchell

~~388~~ - Mitchell

395 - Allred

399 Mitchell

414 All yes to Warner

416 STOP

96-7019 - Gordon Dolan or B. P. Heidrick

Blanchard Grange Hall

January 7, 1969 at 7:30 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Walter James	Spirit Lake	FISH + GAME
* Mrs. Guy L. Gaudreau	Blanchard - ①	
Frederick R. Bourcier		
Claude B. Blanchard	Blanchard	
Robert Matheson	Priest River Ida.	
John T. Heimer	Coeur d'Alene	Fish + Game
* Irene Z. Ford	(Priest River) ②	Rusho + Hansen
Wagold Rusho	Bonner's Ferry	
Kita Rusho	Bonner's Ferry	
* Alvin Rusho	Blanchard ③	
Michael L. McGlothlin	Blanchard	
Edward T. Hopfinger	Blanchard	
Wayne Zuehl	RT 1 Elk	Renter of Rusho farm.
* Leroy Hansen	Blanchard ④	
Elmer Rusho	Blanchard	
* Tony Ferguson	Blanchard ⑤	
Robt. L. Hansen	Spokane	
Jim Paisley	Spirit Lake	
W. D. Paisley	Spirit Lake	
* F. L. POIRIER JR	Blanchard ⑥	
J. T. Peshelhorn	BLANCHARD	
Don Ellsworth	Newport	
* L. A. Mitchell	Coeur d'Alene Idaho ⑦	G. Dolan
Grace Arneson	Newport Wash.	
G. M. Arneson	Newport Wash ⑧	Renter of Gaudreau farm.
* James Gaudreau	Blanchard	
Gordon Dolan		

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.

CERTIFIED NO.

20620

INSURED NO.

DATE DELIVERED

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

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (only if requested)

3

96-7019

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

POSTMARK FOR
DELIVERING OFFICE

DEC
26
AM

1968

RETURN
TO SENDER

INSTRUCTIONS: Show name and address below and
complete instructions on other side, where applicable.
When 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 Twin Falls

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

c58-18-71648-10

POD Form 3811 Apr. 1967

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.

CERT. NO.

20617

INSURED NO.

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

1

Alice K. Rusko

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

3

SHOW WHERE DELIVERED *(only if requested)*

12-26-68

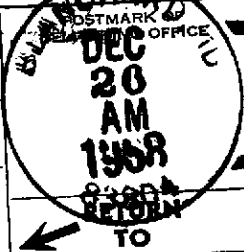
c55-18-71548-10

GPO

96-7019

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. When 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

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

POD Form 3811 Apr. 1967 685-16-71548-10

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.

20618

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

12-26-68

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

POSTMARK OF
DENVER, COLORADO

DEC
26
AM
1968

83804
RETURN
TO

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

NAME OF SENDER

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

Department of Reclamation
Annex # 2 Statehouse
Boise, Idaho 83707

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)*

CERT. NO.

1

x Maude Seandean

20616

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

3

SHOW WHERE DELIVERED *(only if requested)*

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

POSTMARK OF
DELIVERING OFFICE

DEC
26
AM
1968

RETURN
TO

INSTRUCTIONS: Show name and address below and
complete instructions on other side, where applicable.
When 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

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

655-10-71548-10

POD Form 3811 Apr. 1967

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.

CERTIFIED NO.

20615

INSURED NO.

DATE DELIVERED

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

1

X J. A. Saunders

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

X Mrs. Saunders

SHOW WHERE DELIVERED *(only if requested)*

3

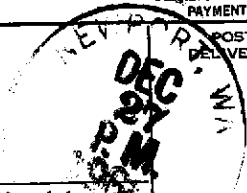
12-27-68

06-7019

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

**POSTMARK OF
DELIVERING OFFICE**



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

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

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.

CERTIFIED NO.

INSURED NO.

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

1

Fred Kondo

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Helen Brockway

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

3

12-26-68

POD Form 3811 Apr. 1967 c55-16-71548-10

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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

POSTMARK OF
DELIVERING OFFICE

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

 **RETURN
TO**

NAME OF SENDER

Department of Transportation

STREET AND NO. OR P.O. BOX

Annex # 2 Stateh. v. 30

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

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.

CERTIFIED NO.

20613

INSURED NO.

DATE DELIVERED

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

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

2

SHOW WHERE DELIVERED *(only if requested)*

3

96-7019

H-27-18

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300POSTMARK OF
DELIVERING OFFICEDEC 27
P.M.
1968

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

**RETURN
TO**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

Department of Reclamation
Annex #2 Sandhollow

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

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.

20619

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

96-7019

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

POSTMARK OF
DELIVERING OFFICE

**JAN
3
AM
1969**

**RETURN
TO**

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

NAME OF SENDER

**Department of Reclamation
Annex #2 Statehouse**

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE
Loise, Idaho 83707

e55-16-71548-10

POD Form 3811 Apr. 1967

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.

CERTIFIED NO.

21049

INSURED NO.

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

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

DELIVERED TO ADDRESSEE

96-7019

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

**POSTMARK OF
DELIVERING OFFICE**

**JUN
26
AM**

1969

**RETURN
TO**

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

NAME OF SENDER

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

c55-16-71548-10

POD Form 3811 Apr. 1967

NAME AND
ADDRESS
OF SENDER

Dept. of Reclamation

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

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	20602 James W Ingalls attorney at law	.06	30			10			95-7016
2	Coleman d'Alene, Idaho								
✓ 3	20603 Herbert Nagel 305 Johnston Bldg.	.06	30			10			95-7016
4	Coleman d'Alene, Idaho								
✓ 5	20604 Franko + Ruth M. Maffett, Box 203	.06	30			10			95-7016
6	Route 3, Leman, Idaho								
✓ 7	20605 E. L. + Margaret M. Swenson, Rt. 3	.06	30			10			95-7016
8	Box 222 Leman, Idaho								
✓ 9	20606 R.C. + Marion Carlson, Rt. 3 Box 220	.06	30			10			95-7016
10	Leman, Idaho								
✓ 11	20607 James B Bering Rt. 3 Leman Idaho	.06	30			10			95-7016
✓ 12	20608 Ralph Johnson Rt. 3 Box 184 Leman Ida	.06	30			10			95-7016
✓ 13	20609 Marquette Johnson Leman, Idaho	.06	30			10			95-7016
✓ 14	20610 Louise Langstaff Leman Ida	.06	30			10			95-7016
✓ 15	20611 W. J. Leckler Leman Ida	.06	30			10			95-7016
✓ 16	20612 Archie Lockstetter Box 241 Coleman d'	.06	30			10			95-7016
17	Alene, Ida.								
18	20613 Leigh C. Hansen, Rt. 2, Newport Wash.	.06	30			10			96-7019
19	20614 Fred L. Kondo attorney at law	.06	30			10			96-7019
20	Pratt Ruth Ida.								

TOTAL NUMBER OF
PIECES LISTED
BY SENDERTOTAL 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.

NAME AND
ADDRESS
OF SENDER

Dept of Reclamation

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

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 20615	J. A. Saunders Newport Wash.	.06	30			10			96-7019
✓ 2 20616	Mrs. Guy L. Staudreau Blanchard Ida.	.06	30			10			96-7019
✓ 3 20617	Alice K. Rusho Blanchard Ida.	.06	30			10			96-7019
✓ 4 20618	Mr. & Mrs. Douglas Yergens Blanchard Ida.	.06	30			10			96-7019
✓ 6 20619	Lordon Dolan or B. P. Heidrick Blanchard Idaho	.06	30			10			96-7019
✓ 8 20620	L. L. Poirier Jr. Blanchard Ida.	.06	30			10			96-7019
✓ 9 20621	Helen J., A. L. H., Oison J., & Pearl H. Zollinger, Dublett Route, Malta, Idaho	.06	30			10			29588
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
TOTAL NUMBER OF PIECES LISTED BY SENDER	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.					

POD Form 3877-A—July 1958

December 24, 1968

Mrs. Stanley Rusho
Route 2, Box 90
Newport, Washington 99156

Dear Mrs. Rusho:

We are in receipt of your letter of October 29, 1968. Under the existing Idaho Water Law, no party may establish a water right that injures other water rights as indicated by the existing Idaho Constitution and Statutes. Everyone's right to the use of the water is by diversion and by application of the water to a specific beneficial use, subject to all earlier priorities.

With this understanding and with the verification of your own water right and should the need arise, you will have the evidence to proceed to court and protect your property rights which may have been established by permit, license, or a court decree.

You should also bear in mind that a water right in Idaho must either be established under the constitutional provisions by diversion and application to beneficial use and with the condition that the right be subject to all prior rights, be perfected by court decree before it actually becomes an established right or a water right must be established under the statutes of the state. Under the statutes of the State of Idaho, a person can obtain a permit and perfect a permit into a water license. Once a water license is issued, prima facie evidence of a water right exists. All other deeds, personal agreements, and contracts are only classes of evidence that some type of a water right exists and in themselves do not perfect a water right.

It is therefore recommended that the interested parties consolidate their water rights and try once again to contact the owners of the new reservoir and advise them as to the use that has been established for years and advise them of the existing water rights and the total requirements on the stream in question.

96-7019

Mrs. Stanley Rusho

2

December 24, 1968

It is possible, however, that additional appropriations of water could be made on the stream in question. We do not have enough information to determine whether the stream is fully appropriated. The one thing that should be in everyone's mind is that water rights, whether old or new, are subject to all prior rights and should anyone damage these real property rights, such as court decree rights or licensed water permits, you have protection in the courts and property damages. However, evidence of a water right before it is perfected is only personal property and may or may not eventually indicate a specific water right.

We have submitted a copy of your letter to our dam safety engineer and he will review any and all aspects concerning the safety of the dam in question. If you wish to correspond with us again, please feel free to do so. We would like to be kept advised of any situation in connection with the safety of the public.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

96-7019

RECEIVED

OCT 23 1968

Department of Reclamation

Blanchard, Idaho
Mailing address: Route 2, Box 90, Newport, WA
October 26, 1968 99156

Mr. R. Keith Higginson
State Reclamation Engineer
Boise, Idaho

Dear Sir:

Farmers in this valley are becoming very concerned about a dam that is being erected between our farms and the storage reservoir for our irrigation water.

When my husband and I bought our farm in 1933 we received title to a "one-third interest in all the waters of Blanchard Creek, Bonner County, Idaho flowing through said lands and which is used, to irrigate same... Together with ditches, flumes, and canals, said water right being evidenced by permit No. 3016 issued by the State Engineer of State of Idaho under date of October 19, 1912 to said Chas..L. Heitman, James H. Fresnell, Louis M.. Poirier, Frank Rusho, and Earl Rusho and recorded in Book 9 of Permits page 3016 State Engineer's Office at Boise, Idaho, and also Rec. Book 1 of Water Rights, page 142 in office of County Recorder of Bonner County, Idaho and further evidenced by agreement dated December 21, 1912, between James H. Fresnell and wife, Louis M. Poirier and wife, Frank J. Rusho and wife, and Earl J. Rusho and wife, and Chas. L. Heitman and wife, Recorded Book 4 Misc. Page 308, Bonner County, Idaho." In other places in my abstract this reads as 15 cubic water per second.

My farm is still irrigated according to the original plan using the ditches, flumes, canal, etc. for flood irrigation. This means opening the large gate at the base of the storage reservoir to allow a full flow of water. Otherwise the water would all sink within a few yards of entry on the fields rather than flooding to the lower end. The men building the 20-foot high earthen dam have put in an 18-inch culvert at the base of their dam and assure us we can have all the water that flows over the top. What water? Will there be any coming over the top in August when we need it?

The owners of the Poirier farm with its 3/46 portion of the water right came quietly into our community last summer and applied for a water right to build this dam and no one here was aware of their intention until they began operations. I then left word that they should meet with the farmers to discuss this. No result. They go in front of my house I am sure to come to Blanchard but to my knowledge have never stopped.

They have changed the location of the canal, scalped the vegetation of a thirty-acre area as a new canal bed, muddied the creek to where the Yergens dairy herd dropped off about 100 pounds a day in milk production because his cows refused to drink the muddy water, and caused us all a great deal of concern.

96-7019

The soil in our area is extremely porous and my father-in-law tells me that engineers told them in the early 1900's not to build a dam where these men are building as it would probably not hold. If a twenty-foot dam with a 30-acre reservoir of water gives way it is going to be somewhat of a hazard to the fields below!

Also, this porous soil will probably sink most of the creek flow for a year or so leaving the valley farmers with no water for irrigation... Earl Rusho put in fish-rearing ponds in the 1940's and it took two years to "puddle" these to where they would hold water.

The storage reservoir has been kept empty until spring flood time. Allowing it to fill during flood stage kept most of the water off our farm land so it would be dry enough to work early enough to assure a crop. These builders have the dam shut down tight and in addition have broken the gate so it cannot be opened. This means the dam is now full when it should be empty.

It seems that our water rights are being pretty much canceled out and the State of Idaho should be using some of its authority to protect these rights.

Very truly yours,

Alice K. Rusho
(Mrs.) Stanley Rusho

P.S. I am away from home weekdays as I teach school in Newport, Washington. Therefore, if you want to reach me by telephone, my school number is Newport, Washington, Gibson 7-3520. I am at the Sadie Halstead School. If you are in the area, I should be happy to talk with you and be of any help possible. By contacting me at school, I can plan on meeting you there immediately after school hours or here in Blanchard at my home by four o'clock. I have an abstract of title giving a great deal of information and history on this water system which has always been considered of vital importance to farmers here. In fact, loss of this water for irrigation purposes would probably cut the value of our farms about in half.

December 24, 1968

Blanchard Trading Company
Blanchard,
Idaho 83804

Gentlemen:

Enclosed you will find a notice of a meeting to be held by the Department of Reclamation regarding an application for permit filed by Gordon Dolan and B. P. Heidrick, Blanchard, Idaho, requesting authority to store water for recreation purposes on Blanchard Creek.

Would you please post the enclosed notice in a conspicuous place in order for as many people as possible to be informed. Any assistance that you can give us in notifying such people of the meeting will be appreciated.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

96-7019

PRESS RELEASE

The Department of Reclamation, State of Idaho, announced today that Mr. Stephen Allred and Mr. Kenneth Dunn of the department's staff in Boise, Idaho, will conduct a public meeting on January 7, 1969, to discuss the construction and operation of a reservoir being constructed on Blanchard Creek for recreation purposes. The reservoir is being constructed by Mr. Gordon Dolan and Mr. B. P. Heidrick of Blanchard, Idaho. The department has received numerous protests against the construction of the reservoir and issuance of a permit to store water.

Mr. Dunn who is Assistant State Reclamation Engineer in charge of dam safety will discuss the construction of the dam and the requirements placed upon such by the state to insure its safe construction and operation.

Mr. Allred who is Assistant State Reclamation in charge of water rights will discuss the application for permit to appropriate water received by the department and the related protests.

A public meeting will be convened at 7:30 p.m. on January 7th, 1969, in the Blanchard Grange Hall, Blanchard, Idaho, with a formal hearing to follow if necessary. The meeting is open to all those interested, however, testimony at the hearing will be limited to only those who have submitted a formal protest.

December 24, 1968

C
O
P
Y

Spokane Chronicle
Spokane,
Washington

Gentlemen:

Enclosed you will find an article which may be of interest to
your readers.

Any assistance that you can give us in providing notice to people
concerning this meeting would be appreciated.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

96-7019

December 24, 1968

COPY
Newport Miner
Newport,
Washington

Gentlemen:

Enclosed you will find an article which may be of interest to
your readers.

Any assistance that you can give us in providing notice to people
concerning this meeting would be appreciated.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

96-7019

December 24, 1968

**Spokane Review
Spokane,
Washington**

Gentlemen:

**Enclosed you will find an article which may be of interest to
your readers.**

**Any assistance that you can give us in providing notice to people
concerning this meeting would be appreciated.**

Very truly yours,

**C. Stephen Allred, Assistant
State Reclamation Engineer**

CSA:kh

Enclosure

96-7019

December 24, 1968

Priest River Times
P.O. Box 398
Priest River, Idaho 83856

Gentlemen:

Enclosed you will find an article which may be of interest to
your readers.

Any assistance that you can give us in providing notice to people
concerning this meeting would be appreciated.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

96-7019

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 96-7019 in the name of GORDON DOLAN OR)
B. P. HEIDRICK)

NOTICE OF CONFERENCE
AND/OR HEARING FOR PROTEST

On October 24, 1968, Gordon Dolan and/or B. P. Heidrick filed with the Department of Reclamation an application to appropriate the public waters of the State of Idaho. On November 20, 1968, the Department of Reclamation received protests filed by Mrs. Guy L. Geaudreau of Blanchard, Idaho, and from Mr. & Mrs. Douglas Yergens of Blanchard, Idaho. On November 22, 1968, the Department of Reclamation received protests filed by J. A. Saunders, Newport, Washington, by F. L. Poirier Jr., Blanchard, Idaho, and by Fred F. Kondo in behalf of Alice K. Rusho, Blanchard, Idaho, and Leigh E. Hansen, Newport, Washington.

The Department of Reclamation has set the matter of protest for conference and/or hearing on January 7, 1969 at 7:30 p.m. at the Blanchard Grange Hall, Blanchard, Idaho.

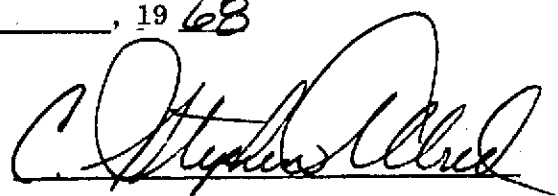
Any hearing will be held in accordance with the rules and regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Reclamation.

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.

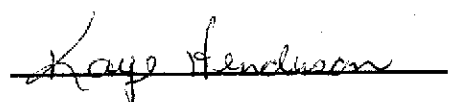
Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department of Reclamation without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 20 day of December, 19 68



C. Stephen Allred, Assistant
State Reclamation Engineer

Mailed this 23rd day of December, 19 68 to Leigh E. Hansen, Rte. 2
Newport, Washington certified no. 20613, Fred F. Kondo, Attorney at Law, Priest River, Idaho,
certified no. 20614; J. A. Saunders, Newport, Washington certified no. 20615; Mrs. Guy L.
Geaudreau, Blanchard, Idaho certified no. 20616; Alice K. Rusho, Blanchard, Idaho certified no.
20617; Mr. & Mrs. Douglas Yergens, Blanchard, Idaho certified no. 20618; Gordon Dolan or B. P.
Heidrick, Blanchard, Idaho certified no. 20619; Mr. F. L. Poirier Jr. Blanchard, Idaho, certified
no. 20620.



December 6, 1968

Re: Application No. 96-7019
Gordon Dolan or B. P. Heidrick

Mr. James Simpson
Director of Fisheries
Idaho State Department of Fish and Game
Building

Dear Mr. Simpson:

Pursuant to our telephone conversation of today's date, we are forwarding a copy of Application No. 96-7019. This application was filed on the waters of Blanchard Creek, Bonner County, Idaho.

In addition to the copy of the application, we are enclosing a copy of the portion of the drawings that indicate the area of inundation of the reservoir from our dam investigation section. Please forgive the poor quality of the copy of the maps as we are not able to make copies greater than 11 inches.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS

enclosure: Copy of application
Copy of map

96-7019

December 4, 1968

Re: Application No. 96-7019
Gordon Dolan or B. P. Heidrick

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

Dear Mr. Poirier:

Thank you for your letter of concern dated November 20, 1968.
A copy of your letter has been forwarded to the applicants, and the
original has been filed with the application as public record.

The Department of Reclamation will schedule a conference and/or
hearing at a later date to review the protests submitted in connection
with the application and to explain the situation. If it is your
desire, the department will notify you when the conference is scheduled.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS

96-7019

December 4, 1968

Re: Application No. 96-7019

Messrs Gordon Dolan or B. P. Heidrick
Blanchard,
Idaho

Dear Gentlemen:

Enclosed is a copy of a letter of concern received by the Department of Reclamation in connection with the above referenced application. The letter will be filed with the application and will become public record.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS

enclosure: Letter of Concern

96-7019

December 4, 1968

Re: Application No. 96-7019
Gordon Dolan or B. P. Heidrick

Mr. Fred F. Kondo
Attorney at Law
Priest River, Idaho 83856

Dear Mr. Kondo:

Pursuant to your letter of November 21, 1968, we are enclosing a copy of the Dolan - Heidrick application for permit. Please be advised that the department is unable to forward a copy of the plans as we do not have the reproduction equipment to make such large copies. Possibly you could contact the consulting engineers, Sewell and Sewell, Newport, Washington, Attention: Mr. Ellersick.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kS
enclosure: Copy of application

C
O
P
Y

96-7019

December 3, 1968

Re: Application No. 96-7019

Messrs. Gordon Dolan and B. P. Heidrick
Blanchard,
Idaho

Gentlemen:

Enclosed are copies of the protests which the Department of Reclamation has received in connection with the above referenced application.

The Department of Reclamation will advise you at a later date as to the time, place, and date of a conference and/or hearing to review the matters of the protest.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS

enclosure: Copies of protests

96-7019

December 3, 1968

Re: Application No. 96-7019
Gordon Dolan or B. P. Heidrick

Mr. Fred Kondo
Attorney at Law
Priest River, Idaho 83856

Dear Mr. Kondo:

Please be advised that we have received the protests filed in behalf of Alice K. Rusho and Naigh E. Hansen. Copies of the protests have been forwarded to the applicants.

The Department of Reclamation will advise the protestants, the applicants, and yourself at a later date as to the time, place, and date of a conference and/or hearing to review the matters of the protests.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS
enclosure: none

96-7019

December 3, 1968

Re: Application No. 96-7019
Gordon Dolan or B. P. Heidrick

Mr. Leigh E. Hansen
Route #2
Newport, Washington

Dear Mr. Hansen:

Please be advised that the Department of Reclamation has received your protest filed in connection with the above referenced application. A copy of your protest has been forwarded to the applicants.

The Department of Reclamation will advise you at a later date as to the time, place, and date of a conference and/or hearing to review the matters of protest.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: none

96-7019

December 3, 1968

Re: Application NO. 96-7019
Gordon Dolan or B. P. Heidrick

Mr. J. A. Saunders
Route #2, Box 55
Newport, Washington

Dear Mr. Saunders:

Please be advised that the Department of Reclamation is in receipt of your protest submitted in connection with the above referenced application. A copy of the protest has been forwarded to the applicant.

The Department of Reclamation will advise you at a later date as to the time and place of a conference and/or hearing to review the matter of the protests.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS

96-7019

December 3, 1968

Re: Application No. 96-7019
Gordon Dolan or B. P. Geidrick

C
O
P
Y
Mrs. Guy L. Geaudreau
Blanchard,
Idaho

Dear Mrs. Geaudreau:

Please be advised that the Department of Reclamation is in receipt of your protests filed in connection with the above referenced application. A copy of your protest has been forwarded to the applicants.

The Department of Reclamation will advise you at a later date as to the time, place, and date of a conference and/or hearing to review the matters of the protest.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS

96-7019

December 3, 1968

C
O
P
Y
Mrs. Stanley Rusho
Blanchard,
Idaho

Dear Mrs. Rusho:

Please be advised that the Department of Reclamation has received your protest filed in opposition to application for permit No. 96-7019 filed by Gordon Dolan or B. P. Heidrick. A copy of the protest has been forwarded to the applicant.

The Department of Reclamation will advise you at a later date as to the time, place, and date of a conference and/or hearing to review the matters of the protest.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS

96-7019

December 3, 1968

Re: Application No. 96-7019
Gordon Dolan or B. P. Heidrick

Mr. and Mrs. Douglas Yergens
Box 495
Blanchard, Idaho 83804

Dear Mr. and Mrs. Yergens:

Please be advised that the Department of Reclamation is in receipt of your protest filed in connection with the above referenced application for permit. A copy of the protest has been forwarded to the applicant.

The Department of Reclamation will advise you at a later date as to the time, place, and date of a conference and/or hearing to review the matters of the protest.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: none

96-7019

December 3, 1968

Re: Application No. 96-7019
Gordon Dolan or B. P. Heidrick

C
Mr. Fred F. Kondo
Attorney at Law
Priest River,
Idaho 83856

Dear Mr. Kondo:

P
Pursuant to your letter of November 23, 1968, the Department of Reclamation is returning the protest which you filed in behalf of Mr. Doug Yergens. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

Y
DWM:ks
enclosure: Protest

96-7019

FILED 1933

1933

BEFORE THE STATE RECLAMATION ENGINEER, State of Reclamation

STATE OF IDAHO

In the matter of the application)

-of-)

PROTEST OF

Gordon Dolan and B. P. Heidrick)
for Permit to Appropriate public)
waters of the State of Idaho.)

DOUG YERGENS

Comes now DOUG YERGENS, and respectfully represents to
R. KEITH HIGGINSON, State Reclamation Engineer as follows:

1. That this protestant is married; and that his mail-
ing address is: Blanchard, Idaho.

2. That he is the owner of the following described real
property situated in Bonner County, Idaho, to-wit:

SW $\frac{1}{4}$ of NE $\frac{1}{4}$; and NW $\frac{1}{4}$ of NE $\frac{1}{4}$, of
Section 20, Township 54, North,
Range 5, W. B. M.

3. That he is one of the co-owners or permit holders
under State of Idaho Water Permit No. 3016, bearing date of prior-
ity of July 3, 1907, recorded in Book 9 of Permits, Page 3016, in
the office of the State Reclamation Engineer, State of Idaho,
authorizing diversion and use of 15 cubic feet per second of the
waters of Blanchard Creek, for irrigation and domestic purposes.

4. That the various proportionate interests under said
State Water Permit No. 3016 are held as follows:

- a) Alice K. Rusho-----14-1/3 / 46;
- b) Doug Yergens-----5/46;
- c) Maude Geaudreau-----12-2/3 / 46;
- d) Others-----13/46.

5. The proportionate interests of the various original
co-owners under said Permit No. 3016 are evidenced by that certain
written agreement dated December 21, 1912, recorded Book 4 of Mis-
cellaneous, Page 308, records of Bonner County, Idaho.

6. That the interests of this protestant have been derived from the original ownership of Earl Rusho of a 5/46's interest in said State Water Permit No. 3016.

7. That as a part of said waterworks system, said owners are also co-owners of a reservoir site, upon which is located a concrete dam, 20 feet high and 65 feet long, said site being located in the NW $\frac{1}{4}$ of Section 29, Township 54, North, Range 5, W. B. M., and extending through the center of Section 30, Township 54, North, Range 5, W. B. M., and being approximately 43.27 acres.

8. That since the establishment of Permit No. 3016, this protestant and his predecessors in interest have continuously and without interruption used said waters of Blanchard Creek for irrigation and domestic uses, including but not limited to the use of said waters for watering livestock.

WHEREFORE, said Doug Yergens, objects to the approval of application No. 96-7019 made by Gordon Dolan and B. P. Heidrick, for the following reasons:

1. That said dam to be constructed by applicants and as presently partially constructed has no control gate or gates in it, which will not allow this protestant or any other holder under said Permit No. 3016 to control the flow of water, which control protestant and other permit holders must have, in order to properly farm and irrigate their lands.

2. That even though this protestant and the other owners under said Permit No. 3016 can control the flow of water in Blanchard Creek down to their dam, such control will be of no use and benefit if there is a lower dam under the sole control and supervision of the applicants, which can prevent the flow of water onto the lower lands owned by the various holders under Permit No. 3016.

3. That applicants have already scalped the land lying between the present dam and the site of the proposed new dam for purposes of clearing for reservoir site; and as a result, there is great danger of Blanchard Creek sinking completely in that area and never to return, or if the water does not completely sink, the creek may be reduced to a trickle of water when released from the upper dam. ^{IN} other words, irreparable damage may have already been committed by the scalping of the course of the creek.

4. That the water that now reaches the lands of this protestant is muddy and not fit for consumption by livestock, which condition is known to applicants as they have furnished him with watering troughs from which the cows are now watered. That said condition of the water was created by the complete scalping of the land lying between the two dams.

5. The proposed plan of applicants to construct a dam, create a reservoir from the waters of Blanchard Creek, and sell "water-front" lots therefrom is speculative, not made in good faith and is frivolous. The possible resultant benefits to be derived from such a plan will not compensate for the economic losses to be suffered by this protestant and other owners under said Permit No. 3016.

6. The waters behind the dam to be constructed by the applicants would be undesirable for recreational purposes for many reasons.

7. This protestant is informed and believes and therefore alleges the fact to be that the building of a dam on that particular site is not feasible from an engineering standpoint.

8. That applicants do not have sufficient financial resources with which to complete the plans.

9. That applicants should not be permitted to continue working on this project until it is determined that there will be no harm done to the interests of the owners under said State Water Permit n0. 3016.

10. That the waters of Blanchard Creek are best adapted for providing irrigation and domestic waters to the said owners under Permit No. 3016 rather than for recreational purposes as proposed by said applicants.

WHEREFORE, protestant respectfully prays that there be entered herein an Order denying the application of Gordon Dolan and/or B. P. Heidrick, or if approved, to be approved under terms and conditions that will ^{not} cause any interference with the prior rights of this protestant; that he be granted an extension of time to enter a further and amended protest after he has received a copy of the applicants' application and has submitted the same for competent engineering advice; and for such other and further relief as may be necessary in the premises.

Dated: November 21, 1968.

Fred F. Kondo

Attorney for protestant,
Doug Yergens,
Residence and PO Address:
Priest River, Idaho

FRED F. KONDO

ATTORNEY-AT-LAW

Telephone Building

PRIEST RIVER, IDAHO 83856

RECEIVED

NOV 27 1968

Phone Hillcrest 8-7371
Area Code 208

Department of Reclamation

Nov. 23, 1968

RMA

Mr. R. Keith Higginson,
State Reclamation Engineer,
State of Idaho,
Boise, Idaho

Dear Mr. Higginson:

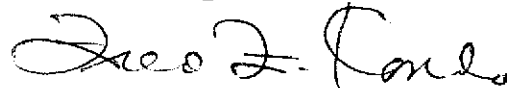
Request is hereby made that there be returned to this office the Protest of Doug Yergens filed in your office on Nov. 22, 1968, for the reason that Mr. Yergens wishes to have same withdrawn.

It is his opinion that same does not truly reflect his position in this controversy and he does not wish to be held responsible for the protest in the form presented.

However, he would like to have remain as his protest the letter that he has sent to you previously under the date of approximately Nov. 19 or 20. I do not hve hhe exact date this was sent to you, but it was around that time. It was in his own handwriting.

Therefore, please return this protest that I filed for Mr. Yergens, as his attorney, dated Nov. 21, 1968.

Yours very truly,



Fred F. Kondo

96-7019

October 31, 1968

Re: Application No. 96-7019 - Gordon Dolan or B. P. Heidrick
Claim No. 96-4001 - Dan Robinson

Sandpoint News-Bulletin
Sandpoint,
Idaho 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 date. If you can not 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:ks
enclosure: legal notices (2)

96-7019

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Gordon Dolan or B. P. Haidrick, Blanchard,

Idaho has on October 24, 1968

applied for permit under application No. 96-7019 to ~~divert~~ ^{store} ~~store~~

400 ~~1 cubic foot per second~~ acre feet of water from Blanchard

Creek, tributary of Fish Lake. Water will be diverted by a dam

and reservoir within the section,

sec. 19, T. 54 N, R. 5 W, B.M., Bonner County

and is to be used from January 1 to December 31 for

recreational use

in the SE 1/4, sec. 19, 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 November 7 and November 14, 1968.

96-7019

ROBT. E. McLEAN E. E.
BRANCH OFFICE
610 HUTTON BLDG.
SPOKANE, WASH. 99204
509-747-5794

H. A. SEWELL AND J. A. SEWELL & Assoc.

FELLOWS A. S. C. E.
CONSULTING ENGINEERS
NEWPORT, WASHINGTON 99156
509-447-3626

D. K. ELLERSICK P. E.

RECEIVED

October 23, 1968

OCT 24 1968

Department of Reclamation

Mr. Donald W. McEldowney
Appropriation Examiner
State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Subject: Application for Permit
Gordon Dolan and B. P. Heidrick
Blanchard Creek Dam

Dear Mr. McEldowney:

Please find enclosed a check for \$35.00 to cover the
filing fee for the subject job as outlined in your
letter of October 21, 1968.

Very truly yours,

H. A. SEWELL AND J. A. SEWELL & ASSOC.
Consulting Engineers

By 
Donald K. Ellersick, P. E.

DKE:mh
Enc.
CC - Mr. Gordon Dolan

96-7019