

UNITED STATES GOVERNMENT

Memorandum

TO : A. J. Webber, Assistant State Conservationist
SCS, Boise, Idaho

FROM : Harry A. Vogt, Area Conservationist
SCS, Moscow, Idaho

Harry A. Vogt MNW

SUBJECT: OPERATIONS - ACProgram - M.A. Roberts dam, Bonner SCD

The preliminary investigation was started by SCS Engineers in 1961. There was a question on the suitability of materials in the foundation; however, to give you a indicator of the situation, Mr. Roberts has a dozed up embankment on the upper reaches of the watershed that has been in operation for 6 or 7 years by which he bases all dam construction. It was felt that a suitable structure could be constructed on the site by using good engineering principles, such as, de-watering the foundation with tile, some embankment, and limiting the barrow excavation depth within the reservoir area. This was discussed with the cooperator prior to preparation of plans and specifications.

This past summer when the dam site was staked, Mr. Roberts was given complete explanation of the specifications. He was concerned over the concrete encasement of the conduit through the embankment, which in most cases is standard on a Class I job. After explaining the value of this encasement, he seemed to be in agreement.

In late July, Mr. Roberts indicated that he would not construct the dam according to SCS specifications. On August 2, 1963, Joe Harrer SCS Agricultural Engineer advised Mr. Roberts by letter, of our position on the matter, herewith quote in part of Mr. Harrer's letter:

"This is to confirm our discussion on July 29, 1963, in relation to the construction of the irrigation dam you are installing. It is my understanding that you do not wish to follow the plans and specifications furnished by the Soil Conservation Service because you do not believe they are necessary for the construction of a serviceable irrigation reservoir, and that to follow these plans would entail the expenditure of materials and labor which would about double your estimated cost.

You may, without State Department of Reclamation approval, build an earth fill dam if it is not over ten feet high, impounds less than 100 acre feet of water, and will not endanger life or property in case of failure.

Your decision not to follow plans and specifications as agreed to makes it necessary for the Service to withdraw all technical assistance in the construction of the irrigation dam and as such cannot recommend that it be cost-shared under the Government ACProgram."

Meadar has a set of plans on file in the State Office for this dam.

cc: Tom Wilson, Sandpoint
Meadar H. Wilkins, Boise
Homer C. Moore, Moscow

State of Idaho
Department of Water Administration
WATER RIGHT LICENSE

License of Water Right No. R-1139/96-2323 Priority Oct. 16, 1962 Amount 23 acre feet

THIS IS TO CERTIFY, that MARSHALL ROBERTS
of Newport, Washington, has complied with the terms and conditions of Permit
No. R-1139/96-2323 issued pursuant to Application for Permit dated October 16, 1962,
and has submitted proof to the Department of Water Administration on August 9, 1973,
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 23 acre feet of water from an unnamed stream,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Dairy & Stockwater	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.05</u> cfs and	<u>3.0 acre feet</u>
Recreation	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>n/a</u>	<u>23.0 acre feet</u>
Irrigation	from <u>April 1</u> to <u>Nov. 1</u>	at <u>0.02</u> cfs and	<u>3.0 acre feet</u>
Storage for the above uses	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>n/a</u> cfs and	<u>23.0 acre feet</u>

(both dates inclusive)

Subject, however, to the condition that no more than 0.07 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
23.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12,
Twp. 54 N, Rge. 6 W, B. M. in the County of Bonner

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				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 $\frac{1}{4}$	
54 N	6 W	12															X		One

Total number of acres irrigated One

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6th day of
September, 19 74.

Director

By: A. KENNETH DUNN, Administrator

MICROFILMED

Receipt # 7-7

RECEIVED

SEP 3 1974

Department of Water Resources

Permit No. R-1139/96-2323

Comes now Marshall Roberts of (address) _____

NO CHANGE

1. Point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Sec. _____ Twp. _____
Rge. _____, B. M., County of _____. Other points of diversion:

Amount <u>3.0 af</u> for <u>Stockwater</u> purposes from	<u>Jan. 1</u> to <u>Dec. 31</u>	(both dates inclusive)
Amount <u>3.0 af</u> for <u>Irrigation</u> purposes from	<u>April 1</u> to <u>Nov. 1</u>	(both dates inclusive)
Amount <u>23 af</u> for <u>Recreation</u> purposes from	<u>Jan. 1</u> to <u>Dec. 31</u>	(both dates inclusive)
Amount <u>23 af</u> for <u>Storage for the above</u> purposes from	<u>Jan. 1</u> to <u>Dec. 31</u>	(both dates inclusive)
(cfs or acre feet per annum)	TOTAL:	23 acre feet

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

CONFIDENTIAL

QUESTIONS

Scale: 2 inches equal 1 mile

Signed at Box 52, Walnut St., this 30th day of August, 1974.

Manohar Patel
(signature)

I, A. KENNETH DUNN, Administrator, Department of Water Administration,
Resources

[Signature]
Administrator
Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. R-1139/96-2323)

in the name of MARSHALL ROBERTS)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

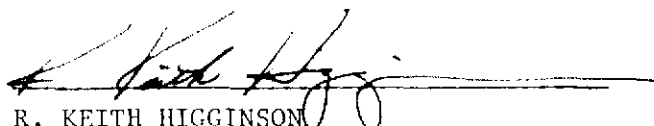
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. R-1139 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 9TH day of December, 1970.


R. KEITH HIGGINSON
Director

96 2323

RECEIVED

Affidavit of Publication

FEB 3 1971

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

Department of Water Administration

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Marshall Roberts, Route 2, Newport, Washington, has received an approved Permit No. R-1139/96-2323 issued by the Idaho Department of Water Administration authorizing the storage of 23 acre feet per annum of water from an unnamed stream. The priority to be established under this permit is October 16, 1962, and the permit was approved October 17, 1962.

Water is to be diverted by pipe, dam and ditch from a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T. 54N, R. 6W, B.M., Bonner County, to be used for irrigation in the N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 54N, R. 6W, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 17, 1973. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON,
Director,
Idaho Dept. of Water
Administration,

STATEHOUSE, Boise, Idaho
Published in the Sandpoint News-Bulletin, Sandpoint, Idaho, on December 31, 1970, and January 7, 1971.

L.E. Pietsch being first duly sworn on oath deposes and says that he is Publisher of The Sandpoint News-Bulletin, a weekly newspaper printed and published at Sandpoint, Bonner County, Idaho; that the said Sandpoint News-Bulletin has been continuously and uninterruptedly published in said Bonner County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice for publication in the case of NOTICE OF EXISTING WATER PERMIT in the matter of Roberts, Marshall.

as it was published in the regular and entire issue of the said paper for a period of two consecutive weeks, commencing on the 31 day of December, 1970, and ending on the 7 day of January, 1971, and that said notice was published in said newspaper, and not in supplemental form.

L.E. Pietsch

Subscribed and sworn to before me this

29th day of January, 1971.

Phyllis Orndt

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

36 2327

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

Application No. R 38849
Permit No. R 1139

96 - 2323

1. Name of Applicant: Marshall Roberts

Post office address: Rt. 2, Newport, Washington County State

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: (b) Amount of Capital Stock: \$
(c) Amount paid in: \$ (d) Names and addresses of directors:

II. The financial resources of the corporation are:

- (a) Cash on hand: \$ (b) Treasury Stock: \$
(c) Bonds to be issued: \$ (d) Other resources:

2. Quantity of water to be stored: 23 (Twenty Three) acre feet per annum.

3. Source of water supply is Un-named Stream ~~xxxxxx~~ (Spring), a tributary of Blanchard Creek, tributary to ~~xxxxxx~~.

4. The outlet of the proposed reservoir is located Approx. N35E, 1100 feet, distant from the S $\frac{1}{4}$ corner of Section 12, Township 54N, Range 6W, B.M. and is in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, Township 54N, Range 6W, B.M. County of Bonner

5. Fill out either (a) or (b).

- (a) The reservoir is located in the channel of small intermittent drainage way ~~xxxxxx~~ (Creek) (River).
(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located feet distant from the corner of Section, Township, Range, B.M., and is in the (bearing) $\frac{1}{4}$ of $\frac{1}{4}$ of Section, Township, Range, B.M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second

6. (a) The area of the high water line of the reservoir is 7 (seven) acres.

(b) The reservoir capacity is 23 (twenty three) acre feet.

7. Height of reservoir dam 13.5 feet, length at top 380 feet, length at bottom 300 feet, size of outlet feet by 8" diameter. The dam is to be constructed of materials as follows: Zoned section with core of "CL", low plasticity clay and shell section of "ML" and "SP", low plasticity silt and poorly graded sand. (If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

Un-named Stream ~~xxxxxx~~ Yes

- (b) Water stored in reservoir will be carried in the channel of (Creek) (River) a distance of miles to point of diversion located (bearing) feet, distant from the corner of Section Township, Range, B.M., and in the $\frac{1}{4}$ of $\frac{1}{4}$ of Section Township, Range, B.M.

9. (a) Area of watershed above dam site 2.58 square miles.

(b) Estimated maximum flow of stream 25 year frequency 132 cubic feet per second.

10. Water is to be used for supplemental irrigation of hay and pasture purposes.

11. If for mining, milling, power or manufacturing purposes give:

- (a) Point of use of water feet, distant from Corner of Section, Township, Range (bearing) B.M., and is in the $\frac{1}{4}$ of $\frac{1}{4}$ of Section, Township, Range, B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to (Creek) (River) (Spring) at a point feet distant from the corner of Section, Township, Range (bearing) B.M. in the $\frac{1}{4}$ of $\frac{1}{4}$ of Section, Township, Range, B.M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. 15546, which is hereby referred to and made a part hereof.

13. Kind of diversion works: 8" pipe outlet thru dam into existing ditch (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 12 $\frac{1}{2}$ feet, length at top 370 feet, length at bottom 250 feet. The dam is to be constructed of materials as follows: earth fill

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width 8" control / ~~8"~~ on pipe feet, Height feet.
16. Diversion Canal: Width at bottom 1 1/2 feet, width at water line 3 feet, depth of water 2 feet, Dimensions of Flume none
Diameter of Pipe 8" inches; Length of Conduit 70 ft. pipe- ~~XXXX~~ 1 mile ditch. Average grade per mile .5 feet.
17. Estimated Cost of Works: Storage Works: \$ 6500 Diversion Works: \$ 500
18. Time required for completion of work 5 (five) years.
19. Time required for complete application of water to proposed beneficial use is 6 (six) years.
20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
54 N	6 W	12													40	20			60

Total Number of Acres to Be Irrigated 60

21. Existing rights and/or valid permits appurtenant to lands described above are Water License #15546, Water District #97, issued to Cora B. Roberts, Blanchard, Idaho, Recorded 2-4-54 in Book 6, Licenses, Page 3146, Transferred by Warranty Deed dated Mar. 21, 1939, to Marshall A. & Amelia B. Roberts, Recorded 4-4-39, in Book 59 of Deeds, Page 639, Bonner Co.

REMARKS: Plans have been approved by Carl E. Tappen, Acting State Reclamation Eng. 10-3-62.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and appropriate and store the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

s/ Marshall Roberts, Applicant.

By _____, Agent.

Date of first receipt at Department of Reclamation: 3:00 P.M. October 16, 1962

Returned to applicant for correction:

Corrected application received:

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 1139

Recorded in book R 5, page 1139. Approved October 17, 1962

This is to certify that I have examined the within application for a permit to construct a reservoir and appropriate and store the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____, to be filed on or before

Work to begin on or before December 17, 1962

uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control. and to continue diligently and

One-fifth of the work above specified to be completed on or before April 17, 1965

The whole of said work to be completed on or before October 17, 1967

Beneficial use of water stored in accordance herewith, to be made on or before October 17, 1973

Witness my hand this 17th day of October, 1962.

s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE

_____, Governor of the State of Idaho, and ARNOLD WILLIAMS

Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th day of October, 1962.

COUNTERSIGNED

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYLIE

Governor.

(SEAL)

LICENSE ISSUED FOR 3 1/2 ACRES
LICENSE PAGE NO. _____

Permit No. R-1139 +_{KS}
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that MARSHALL ROBERTS of Newport, County of -- and State of Washington, the holder of Permit No. R-1139, issued upon Application No. R-38849, bearing date of priority of October 16, 1962 authorizing the construction of a reservoir, with the right to appropriate and store 23 acre feet per annum of the waters of unnamed stream, a tributary of Blanchard Creek, in the County of Bonner, State of Idaho, for supplemental irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 23 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 54 N, Range 6 W, and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 54 N, R. 6 W, B.M.

Proof of Completion of Works made: July 31, 1967.

Witness my hand this 3rd day of August, 1967.

S/ JACK A. BARNETT
Deputy State Reclamation Engineer

September 9, 1974

Re: Permit No. 96-2323

Mr. Marshall Roberts
Route 2, Box 56
Newport, Washington 99156

Dear Mr. Roberts:

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

We are also enclosing a copy of the approved amendment on this permit along with Receipt No. 22.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:ffr

Enclosure

MICROFILMED



GRANGE INSURANCE

ILLOWA FARM

M. A. ROBERTS

Route 2

Newport, Washington

99156

Aug. 30, 1974

RECEIVED

SEP 3 1974

Department of Water Resources

State Of Idaho
Dept. of Water Resources
Boise, Id.

Attention: Bobby D. Fleenor

Dear Sir:

I am enclosing check for \$10.00 as per your request in your letter. I have signed the form also as you request.

I did not draw the plat of the dam because that is still the same as the original plat shows including overflow ditch and gate in dam and the pump we use to deliver the water is located at the point of the outlet gate.

Yours truly,

M.A. Roberts
R#2, Bx. 56
Newport, Wa. 99156



August 28, 1974

Marshall Roberts
Route 2, Box 56
Newport, Washington 99156

Dear Mr. Roberts:

A representative of this Department has made an examination of the works covered by your Permit, No. ~~R-1139/96-2323~~ and has found the following:

Quantity of water diverted: 23 acre feet Source: unnamed stream

Amount of water that can be recognized as beneficially used under Idaho law: 23 acre feet

The maximum quantity diverted shall not exceed 23.0 acre feet per year.

Beneficial use: For storage for dairy, stockwater, recreation and irrigation of one acre in the SW 1/4, Sec. 12, Twp. 54N, Rge. 6W

Point of diversion: SW 1/4, Sec. 12, Twp. 54N, Rge. 6W, B.M.

Priority date established: October 16, 1962

The place of use and nature of use was found by our examiner to differ from that listed under your permit, therefore, it will be necessary for you to amend the permit before a water license can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee within 20 days of the date of this letter in order that we may issue a water license as set forth above.

If you do not concur with these findings, please contact this office within the 20-day period.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

AUG 22 1973

1. Name of permit holder Marshall Roberts
- Postoffice address Route #2, Box 56, Newport, Washington 99156 Department of Water Administration
Northern District Office
- Person to contact _____ Phone _____
2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed stream (trib. to Blanchard Cr.)
(name spring, stream, etc.)
Tributary to Fish Lake

3. Water will be used for the following purposes:

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

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

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

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

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

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

Other uses: _____

Permit No. R-1139/96-2323
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion _____ cubic feet per second and annual volume 23 AF/Annum.

5. Location of Point(s) of Diversion:

Township 54N N/S, Range 6W E/W, B.M., Section 12, Subdivision SW $\frac{1}{4}$ SE $\frac{1}{4}$, Bonner County

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

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

Other Points of Diversions: _____

Description of diverting works: A 13' dam with a $\frac{1}{2}$ hp Dayton pump for irrigation, and 5 hp pump for stockwatering, with a pipeline to the place of use. (NOTE to examiner: the proof affidavit states stockwater as a use of the water also, although the permit is for irrigation, only.)

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or 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	6W	12													40	20			60

RECORDED

TOTAL ACREAGE 60

T
54
N

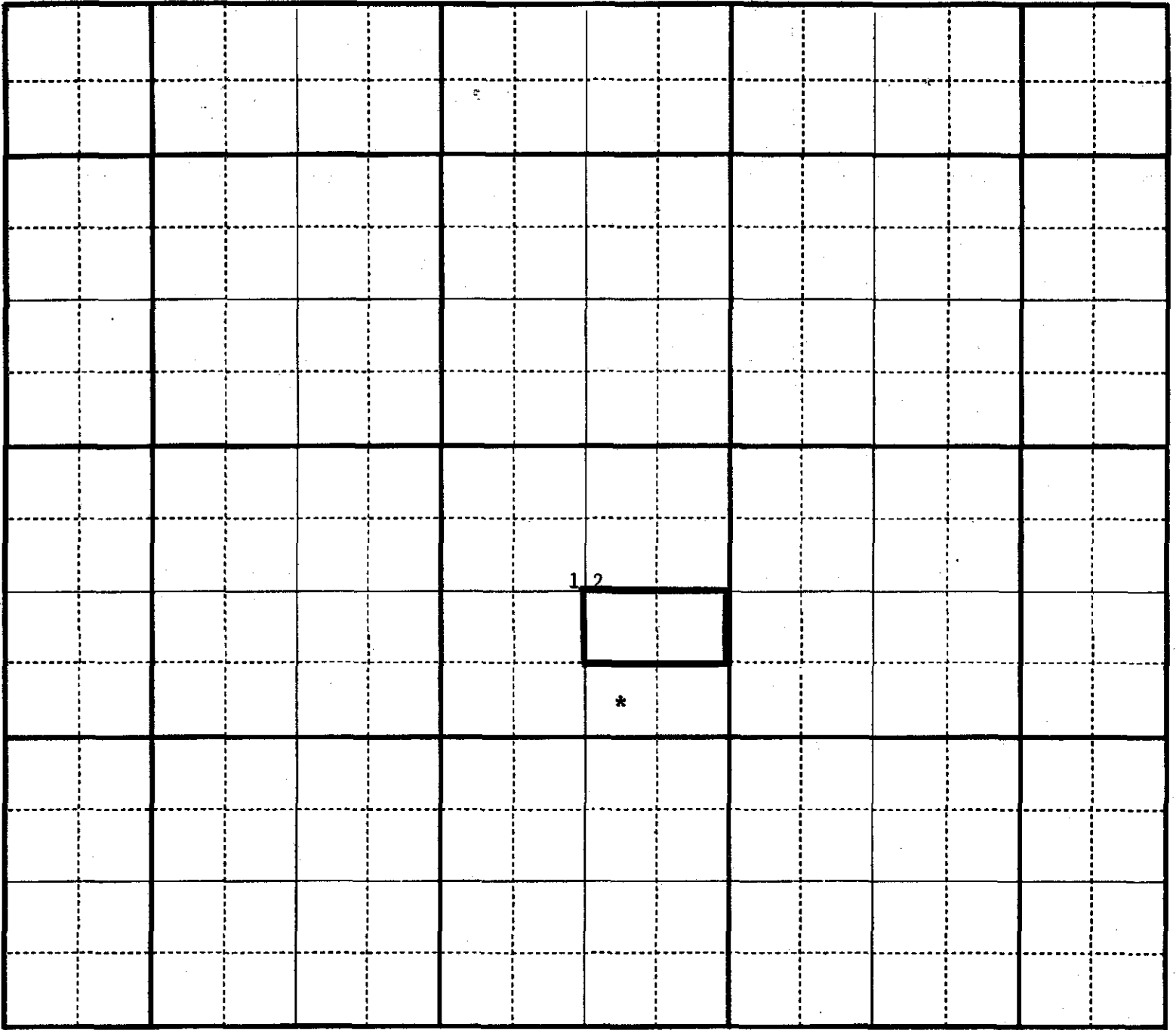
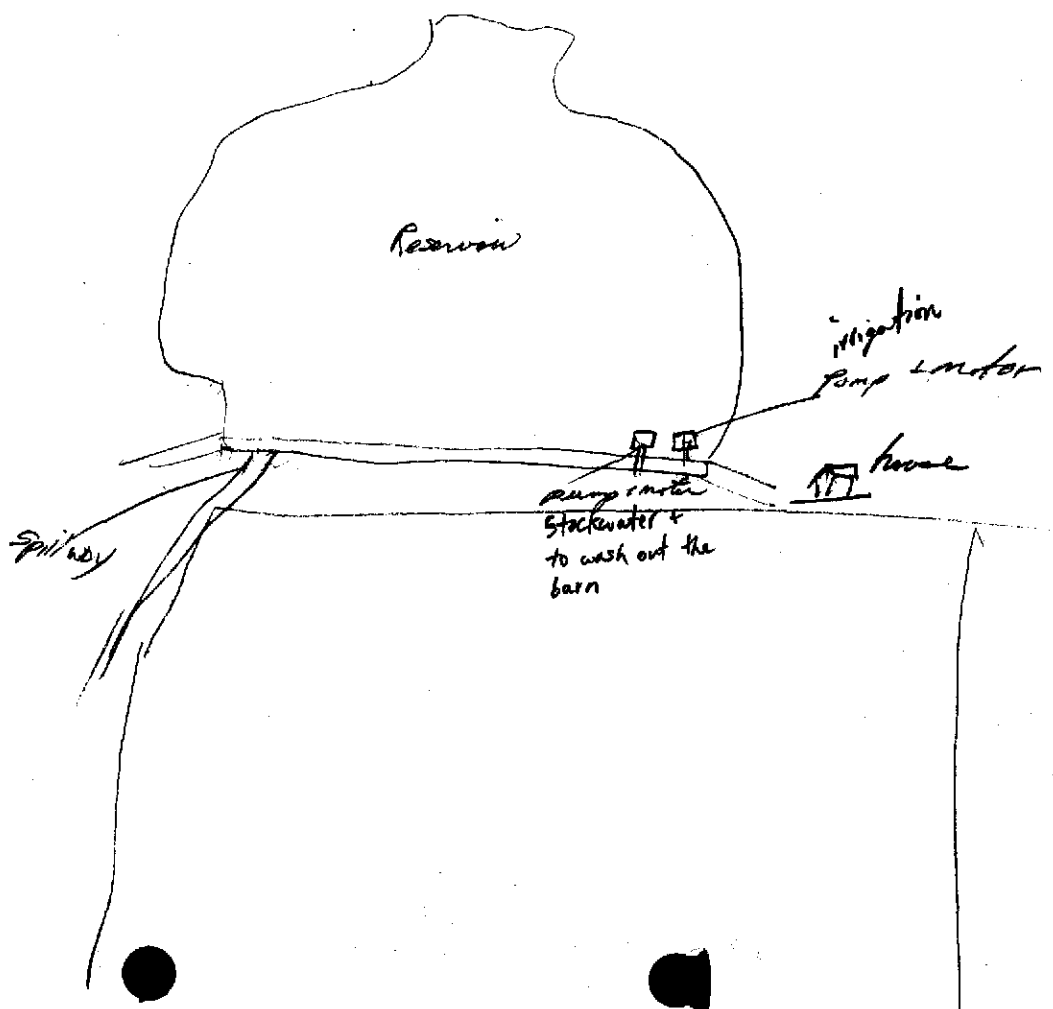


Diagram of System



437-3375

DATE OF EXAM 6/12/74

ACREAGE
Found 1 acre. (lawn + garden)
Recommended 1 acre. (lawn + garden)

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = .02 c.f.s. V = 3.0 AF/Ann. from Apr. 1 to Nov 1.
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = .05 c.f.s. V = 2.95 AF/Ann. from 4/1 to 12/31
Recreation V = 23.0 AF/Ann. from 4/1 to 12/31

Is water co-mingled? yes no ✓

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

Exchange? yes no ✓

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

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

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

Total Q measured 23 a.f. Storage Method of measurement reservoir capacity

Total Q recommended .07 cfs Meter No. Type Condition

Total V recommended 23 a.f.

Recommended Amendments:
P.D.
Place of Use ✓
Other Nature of use.
None

MEASUREMENT CALCULATION:
Reservoir capacity is computed to be 23 a.f.
lawn = 35 gal/day X 365 days X 58 cows ÷ 525850 = 2.28 a.f.
livestock = 12 gal/day X 365 days X 50 cows ÷ 225850 = .67 a.f.
Irrigation = 3.0 a.f.
Recreation = 23.0 a.f.
total = 23.0 a.f.

SYSTEM DESCRIPTION:
Dom 13 high impounds approx 23 a.f. of water
which is used for irrigation and stockwater + recreation
1 hp motor feed pump 5 h.p. for washing out the barn
No seal & a Dr: 6020 (No Number)

REMARKS:
(wash out the barn (irrigation of lawn + garden)
stockwater for 58 milk cows) and 50 calves.
Place of use for stockwater, irrigation, & recreation is located
in the SW 1/4 Sec 12, 54N-6W

Examiner's Signature [Signature] Date 6/12/74
Checked by [Signature] Date 6/13/74
Approved by Date

MICROFILMED

August 15, 1973

Re: Permit No. R-1139/96-2323

Marshall Roberts
Route #2, Box 56
Newport, Washington 99156

Dear Mr. Roberts:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field exam, please contact our Northern District Office at 401 Front Ave., Room 209, Coeur d'Alene, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JC

96 2323

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

AUG 9 1973

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Administration
Northern District Office

1. a) Name of Permit Holder Marshall Roberts
b) Post Office Address Route #2, Box 56, Newport, Wash. 99156
2. Permit Number R-1139/96-2323
3. Date of Priority that you are prepared to establish October 16, 1962
4. a) Source from which water was appropriated Unnamed Stream
b) Location of the point of diversion: SW 1/4 SE 1/4, Section 12
Township 54N, Range 6W Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
amount 3 AF/A for Irrigation purposes from March 15 to Nov. 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount 20 AF/A for Stockwater purposes from Jan. 1 to Dec. 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 23 AF/A 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: Estimated by the Soil Conservation Service.

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) A 13 foot dam with a 1/2 h.p. Dayton pump for irrigation, and 5 h.p. Demino pump for stockwatering, with a pipeline to the place of use.

b) Describe the type and size of measuring device which you have installed at your point of diversion: None

c) Give well drillers name and address and date the well was completed _____

Exam typed 8/15/73 by jc

96 2323

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use. For stockwatering and washing out dairy.

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.

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

CERTIFIED NO.

24671

1

Marshall Roberts

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

8-3-73

3

Marshall Roberts
SHOW WHERE DELIVERED (*only if requested*)

96 2323

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83702

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

6 2323

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 1, 1973 **CERTIFIED MAIL**

#24671

Re: Permit No. **R-1139/96-2323**

Marshall Roberts
Route # 2
Newport, Washington

Dear Mr. Roberts:

One of the conditions of approval of your water Permit No. **R-1139/96-2323** (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 **October 17, 1973**. 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

96 2323

March 19, 1971

Re: Permit No. 96-2323 .

Mr. M. A. Roberts
Route #2, Box 56
Newport, Wash. 99156

Dear Mr. Roberts:

Possibly some of the confusion that apparently exists in connection with the structure you have built and your water right filing no. 96-2323 could be solved if you would refer back to the original document approved by the Department and returned to you October 23, 1962. As indicated in our October letter on the fourth page, under approval of the State Reclamation Engineer, certain conditions were imposed.

Under these conditions, you had to complete your diversion structure and storage facility and evidence of this was to be submitted to the Department on or before October 17, 1967. Approximately 60 days prior to this date, we sent you notice of this requirement. The next notification that was to be sent to you by the Department would be October 17, 1973. Sixty days before this date, the Department would notify you of further requirements under the permit. The exception to this is the changes in Idaho's water laws which took place in 1968. At the time these changes were adopted under your permit, the Department issued a letter to you, informing you of this on December 11, 1970. Should the modifications not have been made during the 1968 session of the Legislature, we probably would not have bothered you with the 1970 series of correspondence. You can tell that it is not a case of interest or lack of interest, but statutory requirement that prompted our contacting you.

You should also be advised that the standards and specifications for dam safety are under different provisions of law than the water right appropriation which you filed under permit no. 96-2323. The inspection that is to be conducted under the dam safe-

Page 2

Mr. M.A. Roberts

Permit No. 96-2323

March 19, 1971

ty provision has little or no connection with the water right investigation that will be conducted after you submit your proof of beneficial use on or before the 1973 date. Our dam safety section advises that they will contact you for an inspection during the 1971 field season.

If you have any questions on the matter, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/bb

96 2323

Steve:

We feel you should review Mr. Robert's letter of February 10, 1971 in detail.

Also please review letter of Nov. 22, 1963 from the ASC and letter of Nov. 29 from Carl Tappan. This dam has been built to specifications other than those approved. Keith has indicated that we could process some action to correct or clarify the dam's conditions.

Don

96 2323

Return to Don

Tell Mr. Roberts' that as part of our routine inspection program, we will try to schedule an inspection of his dam for next summer to see if it meets the approved standards. W.G.



GRANGE INSURANCE

ILLOWA FARM

M. A. ROBERTS

Route 2

Newport, Washington

99136

February 10, 1971

State of Idaho
Dept. Water Adm
Boise, Ida.

Re: Permit No. R-1139/96-2323
Attention: D.W. McEldowney

Dear Sir:

Feb 5/71

Your letter received concerning receipt of affidavit of publication of notice.

I cant understand the workings of your department at all. I fulfilled all requirements in 1963 to permit me to go ahead and build my storage pond. After I started I found the engineer assigned to me by the SCS was impossible to work with as he planned a 6 months job and I had only a few weeks before incoming water would have stopped me from finishing. I thanked him for his work and told him I didnt need him as I never would have finished.

I proceeded to build the dam and finished it in the fall of 1963. I received no help from ASC or any further help from SCS and the longer I live the more thankful I am that I didnt.

As I told you in my first communication in this series, I have used this pond for irrigation and recreation every since with no problems. It hasnt leaked, the overflow part has been adequate at all times, and as there is no one above me on the creek in Idaho (the start of the creek is in Washington) and in the 51 years I have owned this farm the creek has always dried up on my farm, with only the spring flood running onto the next farm.

After I finished the dam, your inspector was in Bonner county and Tom Wilson of the SCS at Sandpoint told him he should inspect this project and the inspector absolutely refused to do so. I had, before this, been in touch with your department and asked for an inspection which you refused to do until you got darn good and ready, which was all right with me as I had what I wanted, I was using it, and it was performing fully as I expected at all times.

I am willing to comply with the laws and I am sure my 51 years in this locality will prove that, but why do you suddenly show so much interest in my project after 7 or 8 years of lack of interest in it.

I received a water right in 1920 or 1921 from your Dept. and always have used this water since altho I used to do mostly flooding in the spring as the creek was too low in the summer to get any benefit. That is why I built this pond to conserve the spring water for later use in the summer. This it has done without depriving anyone else of anything they didnt have before.

I have had many compliments on the construction of this dam from people in the know who have seen it. I have had engineers look at it and they have approved. The plans called for a dam 70 ft wide at the ground level and it is 100 ft wide at that point.

It is built of gumbo soil altho the so-called engineers that inspected the site before building it told me it was silt. Water does not penetrate this soil to any extent only making it a bit greasy at the surface.

It has been ready for inspection for 7 years so why does your office suddenly get so interested? I have never refused to allow anyone in authority to examine this dam, but also I was never informed before that I was required to consult anyone as long as I made proper use of the water, which I have for many years.

I did not build the overflow at the height the engineer mapped out as if I had the overflow would have been 2 feet lower than

96 2323



GRANGE INSURANCE

ILLOWA FARM

M. A. ROBERTS

Route 2

Newport, Washington

99156

Page 2

necessary to allow 2 feet of freeboard on the dam and if I had done so I would have had 4 feet of dam above the level of the water.

I understand that the SCS engineer has since retired and I would say he should have retired sooner and not caused me so much trouble in the first place.

Please, lets get down to business and complete any necessary forms soon as I am getting old and dont want to leave this for my heirs to settle.

When I see the dam some promoter built at Blanchard on that creek and you approved, I cant help but wonder what is going on about mine.

An early reply to this letter will be appreciated.

Yours truly,

M.A. Roberts
R#2, Box 56
Newport, Wa.
99156

2323

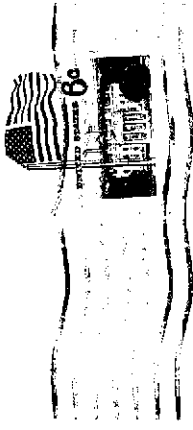
ILLOWA FARM

M. A. ROBERTS

Route 2

Newport, Washington

99156



State of Idaho
Dept. of Water Administration
State House - Annex 2
Boise
Idaho 83707



GRANGE INSURANCE

96 2323

February 5, 1971

Re: Permit No. R-1139/96-2323

**Mr. Marshall Roberts
P.O. Box 56, Route #2
Newport, Washington**

Dear Mr. Roberts:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Since proof of beneficial use of the water is not required until **October 17, 1973**, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof any time prior to the above date.

Very truly yours,

**Donald W. McEldowney
Appropriation Supervisor**

DWM/DG

December 16, 1970

Re: Application for Permit No. R-1139/96-2323

Mr. Marshall Roberts
Post Office Box # 56
Route # 2
Newport, Washington

Dear Mr. Roberts:

The legal notice for the above-referenced permit is being published in the
Sandpoint News-Bulletin, Sandpoint, Id., on December 31, 1970
and January 7, 1971.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:CM

December 16, 1970

Re: Application for Permit No. R-1139/96-2323

The Sandpoint News-Bulletin
Post Office Box # 218
Sandpoint, Idaho 83864

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Marshall Roberts, Route # 2, Box # 56, Newport, Washington, to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:CM

Enc: Legal Notice

96 2323

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Marshall Roberts, Route 2, Newport,
Washington, has received an approved Permit No.

R-1139/96-2323 issued by the Idaho Department of Water Administration authorizing the 44444444 storage of 23 44444/44444/44444/44444 acre feet per annum of water from an unnamed stream.

The priority to be established under this permit is October 16, 1962, and the permit was approved October 17, 1962.

Water is to be diverted by pipe, dam and ditch from a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T. 54N, R. 6W, B.M.,
Bonner County,

to be used for irrigation in the N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 54N, R. 6W, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 17, 1973. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Sandpoint News Bulletin, Sandpoint, Idaho,
on December 31, 1970, and January 8 7, 1971.

Permit No. R-1139/96-2323

Director:

You are hereby authorized to have the above notice published at my expense in the Sandpoint News Bulletin of Sandpoint, Idaho; published in the county in which the works are situated.

Marshall Roberts
(Signature)
Dec. 12, 1970
(Date)

R2, Bx 56, Newport, Wa.
(Address)



GRANGE INSURANCE

ILLOWA FARM

M. A. ROBERTS

Route 2

Newport, Washington

99156

Dec. 12, 1970

D.W. McElowney
Boise, Ida.

Re: Permit #R-1139 (New # 96-2323)

Dear Sir:

I received your forms today and am returning them with my signature as requested. The pond has been used since it was built in 1963 for irrigation and wild life use and has been satisfactory in every way. The supply is not an all year flowing creek as I have lived here since 1920 and got the water right about that time and it has always dried up on my place during the summer each year.

Yours truly,

M.A. Roberts
R#2, Box 56
Newport, Wa.
99156

RECEIVED

DEC 15 1970

Department of Ecology

96 2323

December 11, 1970

Re: Permit No. R-1139 (New No. 96-2323)

Mr. Marshall Roberts
Route 2
Newport, Washington

Dear Mr. Roberts:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department: previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order
Advertising package

96 2323

August 3, 1967

Re: Permit R-1139

Marshall Roberts
Route 2
Newport, Washington

Dear Mr. Roberts:

Enclosed is the Certificate of Completion of Works on the above referenced permit.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:nw

Enclosure: Certificate

R-1139

PERMIT NO. R. -1139

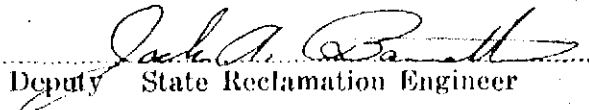
Certificate of Completion of Works

To All Whom It May Concern:

This is to certify that MARSHALL ROBERTS
of Newport, County of -- and State of
Washington, the holder of Permit No. R. -1139, issued upon
Application No. R-38849, bearing date of priority of October 16, 1962
authorizing the construction of a reservoir, with the right to appropriate and store 23
acre feet per annum of the waters of un-named stream
a tributary of Blanchard Creek, in the County of Bonner,
State of Idaho, for supplemental irrigation purposes,
has fully complied with the provisions of the laws of the State of Idaho relating to the proof
of completion of the works set out and described in said Permit; that said works include a
dam and reservoir adequate for the storage of 23 acre feet of water per
annum, with adequate diversion works and conduit to the reservoir, and a conduit capable
of conducting said water to the place of intended use; that the point of outlet of said res-
ervoir is located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township
54 N, Range 6 W, and that the place of use, or the lands proposed
to be irrigated by the use of said water, are described as follows, to-wit: N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12,
T. 54 N, R. 6 W, B.M.

Proof of Completion of Works made: July 31, 1967.

Witness my hand this 3rd day of August, 19 67.


Deputy State Reclamation Engineer

R-1139

Permit No. R-1139STATE OF IDAHO
Department of ReclamationRECEIVED
AUG 2 1967

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Bonner

SS.

Marshall Roberts, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. R-1139, and that his postoffice address is R#2, Newport, Wash.
State of IdahoSecond: That the name of the stream from which said water is to be diverted is
unnamedThird: That the point of diversion of said water is SW corner Sec. 12, Twp 54
N. Range 6 WBM.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Oct. 17, 1967.Fifth: That the use for which said water is intended is Stock water & IrrigationSixth: That on the date above mentioned, the works constructed under said permit were (~~not~~ fully completed and consisted of the following:I. Kind of Works: Dam and pond

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam 12 feet, length of dam at top 370 feet, length of dam at bottom 350 feet. Material used in construction Clay

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir 23.5 acre feet.(c) Size of headgate: Width _____ feet, height _____ feet. 8" valve

(d) Conduit _____ width at bottom _____ feet, width at water line _____

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh: That said works are capable of conducting to the place of intended use
2 second feet of water.Eighth: That water appropriated under said permit is available for 60 acres of land described as follows: N $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 12, TWP 54, Range 6 WBM.Ninth: Remarks:—That we have been using this dam and water for 3
years and that there is no seepage and it is very successfulSubscribed and sworn to before me this 31day of July1967Marshall Roberts
(SIGN HERE)
Charles B. Blanchard
NOTARY PUBLIC

My commission expires

MY COMMISSION EXPIRES NOV. 1, 1967

R-1139

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

August 1, 1967

Boise, Idaho

Re: Permit No. R-1139

Mr. Marshall Roberts
Route 2
Newport, Washington

Dear Mr. Roberts:

Under the terms of your Permit No. R-1139 you are required to complete your diversion works on or before Oct. 17, 1967. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the said permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

State Reclamation Engineer

Enc. Form 6

R-1139

November 29, 1963

Harold Kiebert, ASCA Office Mgr.
Bonner ASC County Committee
P. O. Box 271
Sandpoint, Idaho

Dear Mr. Kiebert:

We have your letter of November 22nd, asking for a review of Marshall Robert's design for his dam, as specified in Permit R-1139.

The plans for this dam were submitted to this office for approval and were so approved on October 3, 1962. Since then Mr. Roberts has asked this office for approval on the dam he has constructed, which does not comply with the specifications required by the Soil Conservation Service. Mr. Roberts could have forwarded to this office plans of the dam he built, showing the modifications or changes in the plans. Referring to correspondence in our file indicates that the dam is built in Section 20, Township 54 North, Range 6 West. The plans and permit locate the structure as being in Section 12, same township and range. Perhaps this difference might be an error in typing.

The one item we consider especially important, that is, the toe drain in dams of this kind, has been omitted. Our experience indicates that a toe drain is a really important part of a structure such as this. Your request that we determine what requirements of the Soil Conservation Service are unnecessary is particularly difficult because we consider that proper gate openings, proper cut-off walls, proper sizes of spillway, effective trash racks are all important and even necessary. Dams are built to remain in place indefinitely. Possibly, when a dam is an off-stream structure such as this one, an attempt should be made to have an adequate spillway capacity for a maximum flood which may occur as set out in the flood frequency tabulation for determining the spillway design and free-board.

Finally, I think until we have more information as to the construction of this dam and the elements of it omitted, we must withhold approval for the present.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:ew

R-1139

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Committee
Bonner ASC County Committee
Box 271, Sandpoint, Idaho

November 22, 1963

RECEIVED
NOV 26 1963

State Department of Reclamation
Boise
Idaho

Department of Reclamation

Dear Sirs:

We are requesting information on the minimum specifications necessary on the dam constructed by Marshall A. Roberts, of Route 2, Newport, Washington.

Mr. Roberts made a request for Federal Cost-share on this project through the Agricultural Conservation program and has filed a request for payment with us.

There was some misunderstanding between Mr. Roberts and the Soil Conservation Service Engineer, Joe Harrer, of Coeur d'Alene, Idaho, over the design of the dam, and the dam was constructed without their supervision.

Mr. Roberts claims that the SCS engineer's plans for this dam were over-designed, and involved unnecessary expense on his part. He claims the only specification of the original design not done was some drains which he did not believe necessary for the dam's function.

The Soil Conservation Service technician states he cannot approve the dam, as their plans were not followed and supervision of the work was not performed during construction. Can this dam be certified by private engineers at cooperator's expense to satisfy your requirements?

Please review their design for this dam to see if some of the requirements were unnecessary for a dam of this size. The dam as now constructed looks good, and appears to be well constructed.

Payment for this practice requires that the project be certified to by the SCS as to need and completion on the farm. The local technician will review the determinations made if some of the requirements by their engineer for a dam of this size are deemed unnecessary under the laws of the State of Idaho for the impoundment of water.

Sincerely,

Harold Kiebert
Harold Kiebert, ASCS Office Manager

HK:rt

R-1139

Harry Vogt, Area Conservationist, SCS,
Moscow, Idaho

October 15, 1963

A. J. Webber, Assistant State Conservationist,
SCS, Boise, Idaho

OPERATIONS - AC Program

We received a telephone call today from Carl Tappan, State Reclamation Engineer regarding a letter he had received from a Mr. M. A. Roberts of Newport, Washington.

It seems that our Service designed a dam for Mr. Roberts and prepared plans and specifications for the structure, however when it was constructed the plans were not followed. Mr. Roberts had applied to the Bonner County ASC Committee for cost sharing and the committee had informed him that unless SCS or the State Reclamation Engineer approved the structure he could not receive any cost sharing assistance. Mr. Roberts indicated to Carl Tappan that our specifications were too strict and consequently he did not build the dam according to them. He wrote to Carl Tappan requesting his approval of the structure and included with his letter a copy of our plans. He did not indicate however how the dam was constructed.

Mr. Tappan inquired of our office regarding what we knew about this case.

Meador is out of the office so I am writing to you for any information you might furnish to us that we can pass along to Mr. Tappan.

The location of the structure is in Sec. 20 T 54N, R6W.

cc:
Tom Wilson, Sandpoint
Meador Wilkins, Boise
Carl Tappan, Statehouse, Boise

A. J. Webber

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

11-21-63
2

UNITED STATES GOVERNMENT

Memorandum

TO : A. J. Webber, Assistant State Conservationist
SCS, Boise, Idaho

FROM : Harry A. Vogt, Area Conservationist
SCS, Moscow, Idaho

Nancy A. Vogt MMSW

SUBJECT: OPERATIONS - ACProgram - M.A. Roberts dam, Bonner SCD

The preliminary investigation was started by SCS Engineers in 1961. There was a question on the suitability of materials in the foundation; however, to give you a indicator of the situation, Mr. Roberts has a diked up embankment on the upper reaches of the watershed that has been in operation for 6 or 7 years by which he bases all dam construction. It was felt that a suitable structure could be constructed on the site by using good engineering principles, such as, de-watering the foundation with tile, some embankment, and limiting the harrow excavation depth within the reservoir area. This was discussed with the cooperator prior to preparation of plans and specifications.

This past summer when the dam site was staked, Mr. Roberts was given complete explanation of the specifications. He was concerned over the concrete encasement of the conduit through the embankment, which in most cases is standard on a Class I job. After explaining the value of this encasement, he seemed to be in agreement.

In late July, Mr. Roberts indicated that he would not construct the dam according to SCS specifications. On August 2, 1963, Joe Harrer SCS Agricultural Engineer advised Mr. Roberts by letter, of our position on the matter, herewith quote in part of Mr. Harrer's letter:

"This is to confirm our discussion on July 29, 1963, in relation to the construction of the irrigation dam you are installing. It is my understanding that you do not wish to follow the plans and specifications furnished by the Soil Conservation Service because you do not believe they are necessary for the construction of a serviceable irrigation reservoir, and that to follow these plans would entail the expenditure of materials and labor which would about double your estimated cost.

You may, without State Department of Reclamation approval, build an earth fill dam if it is not over ten feet high, impounds less than 100 acre feet of water, and will not endanger life or property in case of failure.

Your decision not to follow plans and specifications as agreed to makes it necessary for the Service to withdraw all technical assistance in the construction of the irrigation dam and as such cannot recommend that it be cost-shared under the Government ACProgram."

Header has a set of plans on file in the State Office for this dam.

cc: Tom Wilson, Sandpoint
Header H. Wilkins, Boise
Homer C. Moore, Moscow

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

P. O. Box 1247
Boise, Idaho 83701

October 23, 1963

Mr. Carl Tappan
State Reclamation Engineer
Statehouse, Room 107
Boise, Idaho

Dear Carl:

Recently you inquired about a dam built by Marshall Roberts, Bonner County, with plans prepared by the SCS. Attached is a copy of a letter from Mr. H. A. Vogt, our Area Conservationist for Northern Idaho. The letter explains that Mr. Roberts decided not to build the dam according to our plans and consequently our assistance to him was withdrawn.

I have no excuse for not notifying you, according to our policy, of the cooperator's failure to construct according to plans. I will try to prevent a recurrence. I regret that Mr. Roberts did not build according to the plans as he had an opportunity to have a very good small dam which would meet Idaho State and Soil Conservation Service Standards for safety, permanence, and utility.

Sincerely yours,


Header H. Wilkins
State Conservation Engineer

cc: A. J. Zebbar
Harry Vogt, Moscow
Homer C. Moore, Moscow

P-1073

October 15, 1963

Re: Permit No. R-1139

M. A. Roberts
Route #2, Box 56
Newport, Washington

Dear Mr. Roberts:

We received your letter of October 12 asking permission for Sewell Engineers of Newport, Washington, to act for this office for inspection of your dam.

Your letter of October 7th showed you had omitted the drain along the toe of the dam to intercept seepage. The drain was considered necessary on account of the type of soil. Decreasing the depth of water above the dam will help to decrease seepage.

Construction of your dam cannot be approved until inspected after it has been filled in order to determine whether there is seepage which will endanger the dam. The seepage rate may be quite slow and not show on the lower edge of the dam for the first year or two.

This office cannot approve the dam if the Soil Conservation Service engineers do not believe it is constructed properly.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

R-1139

Holstein Milk



Vitality!

HOLSTEIN-FRIESIAN CAT

ILLOWA STOCK FARM

M. A. ROBERTS

NEWPORT, WASHINGTON

Oct 12, 1963

RECEIVED

OCT 14 1963

Department of Reclamation

Re: Permit No. R-1139
Mr. Ralph Thomas
State Reclamation Engineer
Boise, Idaho

Dear Sir:

Your answer of Oct 10th. received. Would you accept a report from Sewell Engineers of Newport, Wash. They are licensed in Idaho. If you would, what do you require for a report. If you will give me the necessary things to report and will accept their report I will contact them and see if I can afford it, but I want to be sure you will allow them to substitute now before I go ahead.

If I can get the O.K. on the dam I can get about \$1500 from the ASC in cost sharing and I could use it.

Yours truly,

M.A. Roberts
R#2, Box 56
Newport, Wash.
99156

R-1139

October 10, 1963

Re: Permit No. R-1139

Marshall Roberts
Route #2
Newport, Wash, 99156

Dear Mr. Roberts:

We received your letter of October 7th, in regard to inspection of your dam in Section 20, Twp. 54 N., Rge. 6 W., E. M.

Your description of minor changes in the approved plans includes omission of the drain tile near the toe of the dam. The Soil Conservation Service engineers have had considerable experience with different soils and they thought the drain necessary to divert the expected seepage.

The dam cannot be approved without a field examination which cannot be finished this year. The field examiner makes one trip north each year in late August, or early September. Our budget will not allow an extra trip this year.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

R-1139

Holstein Milk



Vitality!

HOLSTEIN-FRIESIAN CATTLE

ILLOWA STOCK FARM

M. A. ROBERTS

NEWPORT, WASHINGTON

Oct 7, 1963

RECEIVED
OCT 9 1963

Department of Reclamation

State Reclamation Engineer
Boise, Idaho

Subject: Earth Dam constructed by Marshall Roberts
Location ~~SS~~ 1/4, Sec. 20, Twp. 54 N. Range 6WBM

Dear Sir:

I would like a check on the construction of the dam by your office as soon as possible. I have the dam completed. I have a permit from your office to build this dam. I did dispense with the SCS engineers because they had too many engineers with different ideas and they loaded the plans up with so many ideas I couldn't afford them. The Bonner County ASC office informs me that if your office will approve this dam as built that they can share the cost with me. The SCS engineer told me he would come back when the dam was finished and check but now they tell me they cant and I have to have your approval before contacting the ASC. I had Sewell Engineers of Newport look it over but it seems it is your office that gives final approval.

I do not have my permit at hand to give you the number but your engineer approved this ^{SCS} plan on 10/3/62. Now as I have modified the plans it will be necessary for new examination to be made. In the main I followed the plans with only a few minor modifications such as a lower spillway so I now had about 6 ft. freeboard to hold about 8 ft of water. I did not build a drain tile below the dam either as this soil is impervious to water and will not leak. Please advise when your inspector can come see me or if you need any other information.

Yours truly,

Marshall Roberts
R#2, Newport, Wash.
99156

R-1139

R-1139

October 23, 1962

Re: Permit No. R-1139

Mr. Marshall Roberts
Rt. 2,
Newport, Washington

Dear Mr. Roberts:

We enclose Permit No. R-1139 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 31290 which was issued covering payment in the amount of \$ 5.00 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

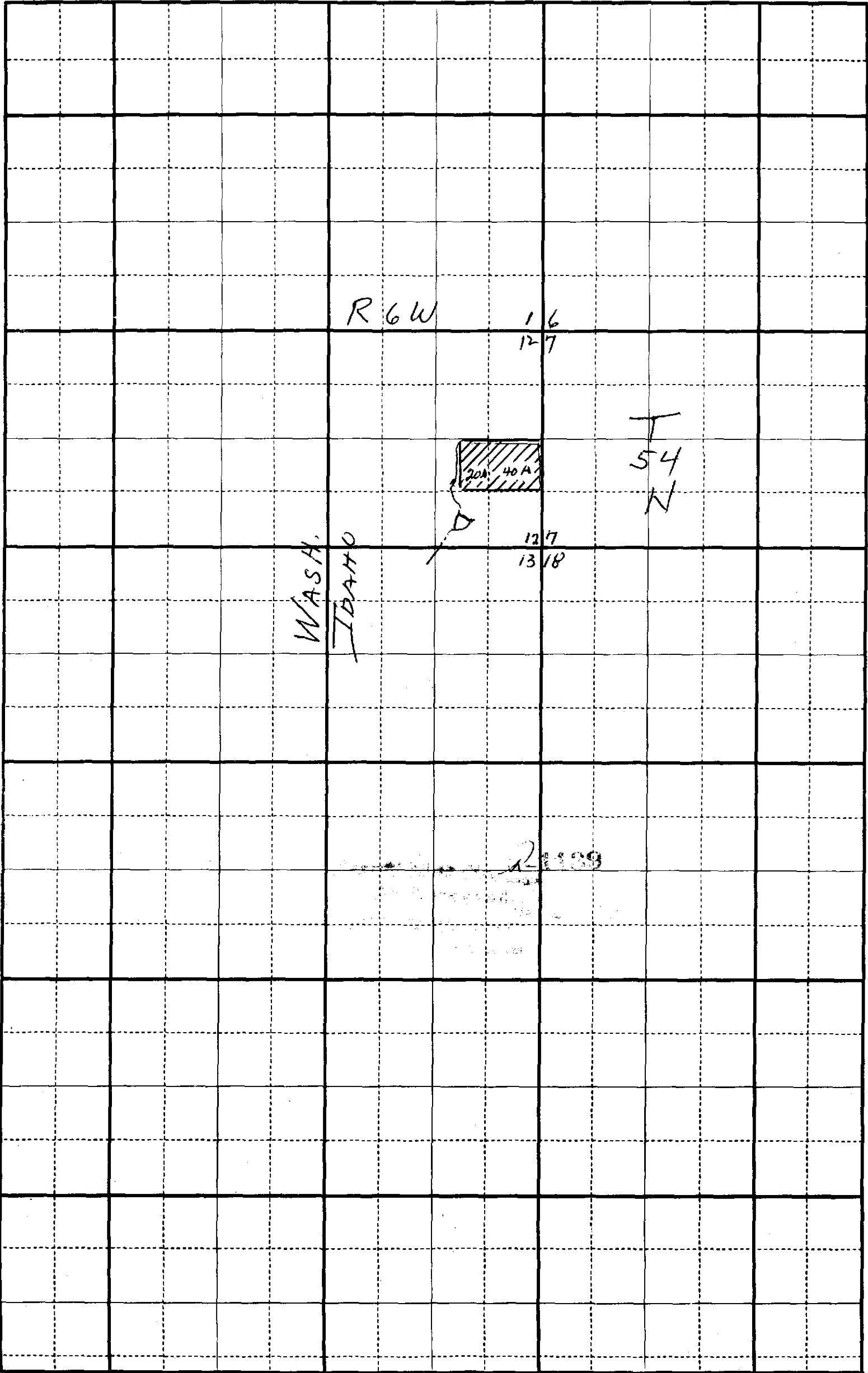
(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Encl.

R-1139

NAME OF APPLICANT Marshall Roberts

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

R-1139

October 5, 1962

Re: Application for Permit

Marshall Roberts
Blanchard, Idaho

Dear Mr. Roberts:

Returned herewith is your application for permit with attached check for \$5.00 for correction and for maps.

The answer under 3. Source of water supply is ____ should be name of stream, which is apparently "unnamed stream".

You should answer 13, 14, 15, 16 and the second half of 17 certainly would cost something or had cost something in the past if the ditches are in place.

Kindly complete the two blank sketch maps enclosed, showing the course of the channel, location of dam and reservoir, ditches and lands to be irrigated. Note that plans must be approved by this department before start of construction.

Return the completed application at your earliest convenience, also the necessary plans.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

R-1139