

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Kermit S &/or Dorothy Black, Star Rt. 1, Moyie Springs, Idaho, has on June 28, 1978, submitted Application No. 98-7266 for a permit to appropriate 0.04 cubic feet per second of water from Curley Creek by means of a gravity flow pipeline within the NE 1/4 SE 1/4 Sec 10, T61N, R3E, B.M., Boundary County to be used from Jan. 1 to

Dec. 31 for domestic purposes for 2 households within the SE 1/4 Sec 10, T61N, R3E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814, on or before July 24, 1978.

C. STEPHEN ALLRED
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Id., on July 6 and July 13, 1978.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for Pete Thompson being
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

Publisher
of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

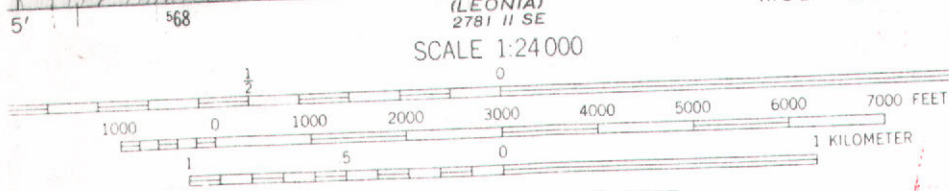
a Notice of Application #98-7266

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated July 6, 1978, and ending with the issue dated July 13, 1978.

Echo Turnbull
Subscribed and sworn to before me this 18 day of July, 1978.

James E. Allred
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

MICROFILMED



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

MICROFILMED

MAR 30 1990



Heavy-duty
Medium-duty

CURLEY

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



MICROFILMED

MAR 30 1990

STATE OF IDAHO)
) ss.
County of Boundary)

AFFIDAVIT

I, DAVID W. HUNRICHS, being first duly sworn on oath, depose and say:

That I sign this Affidavit individually and as president of Curley Q, Inc., an Idaho corporation.

I am a single man and have been single for the past 8 years.

That I have agreed to the right to tap the flow of water in Curley Creek on the southwest side of the culvert near Milepost #79 to the following described properties, and no one else has authority to obtain water from said source, except those named herein.

Said water has been promised, or actually is being delivered, to Lots 18, 15, 13 and 14 of the Kootenai River Properties, copy of map attached hereto and made a part hereof, in Section 10, Township 61 North, Range 3 East, B.M.

That said water is to be applied to beneficial uses on said real properties and is for domestic purposes only and does not contemplate any other use for the same, and would be approximately .02 cfs for each of the four (4) lots.

Said water lines are to be no larger than one-inch inside pipe diameter, and that the owners of said water lines have the right to enter upon Lots 16 and 17 to reasonably maintain the same.

That the rights-of-way for roads through Lots 16 and 17 have been laid out on the ground, and that the layouts of these rights-of-way have been shown and agreed to the owners of the other lots involved.

That I agree to show the buyers the lay-out of the said pipe lines.

Attached hereto is copy of Warranty Deed describing the property involved herein.

I agree to hold Power Associates Company harmless from any and all claims that might arise from my occupation of the one-acre and the existing party staying in the big barn during the time I am a tenant or occupying the property.

AFFIDAVIT - 1

JF LYONS & JR DOUGLAS
ASSOCIATES IN THE PRACTICE OF LAW
(FORMERLY JF LYONS, HIRSH & LYONS)
1111 2nd Floor
BONNEVILLE CITY, UTAH 84005
(208) 267-3133

MICROFILMED
MAR 30 1980

DATED this 4th day of November, 1981.

David W. Hunrichs
DAVID W. HUNRICHS, personally

CURLEY Q, INC.,

BY: David W. Hunrichs
DAVID W. HUNRICHS, president

Subscribed and sworn to before me this 4th day of November,
1981.

Bonny C. Douglas
Notary Public for State of Idaho
Residing at Bonners Ferry
My comm. exp.: 5-20-85

STATE OF IDAHO ss 0136841
County of Boundary

Filed for record at the request of
Kaniku Land & Title
on the 4 day of Nov 1981 at 4:35
o'clock P.M. and recorded in Book 41
of Inst. on page 380

By K. Conkling County Recorder
Fee \$ 4.00 Deputy
Mail to Kaniku

RECEIVED
INDEXED
FILED
DELIVERED
MAILED

MICROFILMED

MAR 30 1990

AFFIDAVIT - 2

OF LYONS & J.R. DOUGLAS
ASSOCIATES IN THE PRACTICE OF LAW
FORMERLY NIXON, NIXON & LYONS
P.O. BOX 166
BONNERS FERRY, IDAHO 83405
(208) 267-5133

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07266

Priority: June 28, 1978

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.04 CFS
0.6 AF

This is to certify, that HAROLD NEWBY
ALIDA NEWBY

P.O. BOX 577

MOYIE SPRINGS, ID 83845

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 28, 1978; and has submitted Proof of Beneficial Use on November 23, 1981. An examination indicates that the works have a diversion capacity of .040 cfs of water from:

CURLEY CREEK

tributary to MOYIE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 10, Township 61N, Range 03E
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

61N 03E 10

NESW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

MICROFILMED

MAR 30 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 98-07266

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 6th
day of FEBRUARY, 1990.

Acting for


R. Keith Higginson, Director



MICROFILMED

MAR 30 1990

RECEIVED

DEC 6 1989

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-07266

Department of Water Resources

Date of Priority: June 28, 1978

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 0.6 AF

Comes now

HAROLD NEWBY
ALIDA NEWBY

P.O. BOX 577
MOYIE SPRINGS, ID 83845

and represents to the Director of the

APPROVED

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 98-07266, and requests that the permit be changed as follows:

Source: CURLEY CREEK

tributary to MOYIE RIVER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

DOMESTIC

01/01 to 12/31

0.04 CFS

0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW, Sec. 10, Township 61N, Range 03E
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

61N 03E 10

NESW

MICROFILMED

MAR 30 1990

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

Signed at Moyie Springs, ID, this 4th day of December, 1989.

Harold Newby
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-07266

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓ Received by CW Date 1/4/90 #C013823

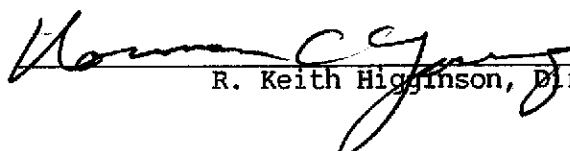
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 98-07266 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

Witness my hand this 6TH day of February, 19 90.


R. Keith Higginson, Director

MICROFILMED

MAR 30 1990

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
MAY 21 1989

I, Dorothy Black, hereby assign to Harold and Alberta Newby
of P.O. Box 577 Moyie Springs, Idaho 83845
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 98-7266
to appropriate the public waters of the State of Idaho.



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

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

Made this 10 day of Sept., 19 88.

Dorothy Black
Permit Holder

Spouse of Permit Holder

Vermont
State of Idaho)
County of Rutland) ss.

On this 3rd day of October, 19 88, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Judith S. Coolidge
Notary Public residing at

Pawlet

My commission expires:
2-10-91

MICROFILMED

MAR 30 1990

Identification No. _____

Application No. 98-7266

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Kermit S &/or Dorothy Black Phone: _____
post office address Star Rt 1, Moyie Springs, Id 83845

2. Source of water supply Curley Creek which is a tributary of _____

3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10 Township 61 N
Range 3E B.M. Boundary C County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 0.04 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
gravity flow to place of use

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ _____.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10 Township 61N
Range 3E B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 2

(5) If water is to be used for other purposes describe: _____

MICROFILMED

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above.
concurrent application No. 98-7267

9. a. Who owns the property at the point of diversion David Hunricks

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing
Recorded easement

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Sec 10, 6th N, R3E

X---point of diversion
X---places of use

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.

Kim F. Black
(Applicant).

Proposed Priority 6-28-78

Received by RJA Date 6-28-78 Time 9:00 AM
Preliminary check by JK Fee \$ 10.00
Received by RJA Date 6-28-78 # 10964
Publication prepared by B Date 6-28-78
Published in Banner-Terry Herald
Publication dates 7-6 & 13-78
Publication approved B Date 9-19-78
Priority reduced to _____ Reason _____

Protests filed by: Charles & Carolyn Brittenham
withdrawn 1/18/79

Copies of protests forwarded by _____
Hearing held by NCY Date 1/18/79
Recommended for approval denial by RJA SS.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7266, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1984.
- c. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

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

Witness my hand this 30th day of January, 19 79.

J. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 98-7266 in the name of Kermit S. &/or Dorothy Black was advertised incorrectly on July 6 & July 13, 1978. The point of diversion was advertised as being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 10, T61N, R3W, B.M. Whereas, the actual point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10, T61N, R3W, B.M.

Any protest to the above correction must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id., 83814, on or before August 21, 1978.

Published in the Bonners Ferry Herald, Bonners Ferry, Id., on August 3 and August 10, 1978.

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for Pete Thompson being
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)
Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Correction (#98-7266)

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Aug. 3, 1978, and ending with the issue dated Aug. 10, 1978.

Subscribed and sworn to before me this 25 day of August, 1978.

Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kermit S &/or Dorothy Black, Star Rt. 1, Moyie Springs, Idaho, has on June 28, 1978, submitted Application No. 98-7266 for a permit to appropriate 0.04 cubic feet per second of water from Curley Creek by means of a gravity flow pipeline within the NE 1/4 Sec 10, T61N, R3E, B.M., Boundary County to be used for 1 to

Dec. 31 for domestic purposes for 2 households within the SE 1/4 Sec 10, T61N, R3E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814, on or before July 24, 1978.

C. STEPHEN ALLRED

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Id., on July 6 and July 13, 1978.

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for Pete Thompson being first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Application #98-7266

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated July 6, 1978, and ending with the issue dated July 13, 1978

Subscribed and sworn to before me this 18 day of July, 1978

James Coleman
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 98-7266 in the name of Kermit S. &/or Dorothy Black was advertised incorrectly on July 6 and July 13, 1978. The point of diversion was advertised as being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T61N, R3E, B.M. Whereas, the actual point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, T61N, R3E, B.M.

Any protest to the above correction must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id., 83814, on or before Sept. 25, 1978.

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on Sept. 7 and Sept. 14, 1978.

Echo Turnbull, bkpr. for Pete Thompson being first duly sworn upon his oath, deposes and says that he is the publisher (or foreman) Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Correction #98-7266

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Sept. 7, 1978, and ending with the issue dated Sept. 14, 1978.

Subscribed and sworn to before me this 15th day of Sept. 1978

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 27, 1990

RE: Water Right No. 98-7266

Joyce E. Holm
HCR 62 Box 142
Moyle Springs, ID 83845

Dear Ms. Holm:

We are in receipt of the correspondence concerning ownership of the above referenced water right license.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right license, if the previous land owner did not exclude the water right from the sale. Therefore, we will place your correspondence in the file for future reference only and no further action will be taken.

If you have any questions, please let us know.

Sincerely,

Sharla Curtis

SHARLA CURTIS
Clerical Specialist

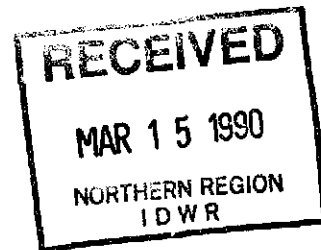
SC:js

MICROFILMED

MAR 30 1990

RECEIVED
MAR 19 1990

Department of Water Resources



HCR 62 Box 142
Moyie Springs, Id. 83845

March 15, 1990

Department of Water Resources
1910 Northwest Blvd. #210
Coeur d'Alene, Id. 83814

Re: 98-7266

Gentlemen:

The above-referenced Water Right has been licensed and therefore there is no provision in the law to change it to my name as the new owner.

Therefore, please send any future correspondence to my attention at the above address.

Sincerely,

Joyce E. Holm

Joyce E. Holm

MICROFILMED

MAR 30 1990

February 7, 1990

HAROLD NEWBY
ALIDA NEWBY
P.O. BOX 577
MOYIE SPRINGS, ID 83845

RE: PERMIT NO. 98-07266

Dear Permit Holder(s):

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
MAR 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 19, 1989

RE: Permit No. 98-7266

Harold & Alida Newby
P.O. Box 577
Moyie Springs, ID 83845

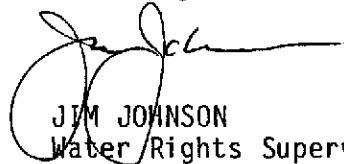
Dear Permit Holders:

Thank you for returning the licensing Amendment, however you did not include the \$20.00 filing fee.

I will hold the amendment form here for twenty (20) days without further action. Please return the \$20.00 filing fee for the amendment by November 5, 1989.

If you have any questions, please contact me at 327-7947.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:sc

FILED

MAR 30 1990

November 8, 1989

HAROLD NEWBY
ALIDA NEWBY
P.O. BOX 577
MOYIE SPRINGS, ID 83845

RE: PERMIT NO. 98-07266

Dear Permit Holder(s):

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

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECORDED

MAR 30 1990

Peter B. Wilson
ATTORNEY AT LAW

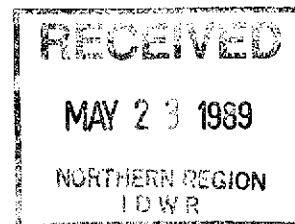
205 W. KOOTENAI
PHONE 267-3127
267-3128
P.O. BOX 749
BONNERS FERRY, IDAHO 83805

November 29, 1988

RECEIVED

MAY 31 1989

Department of Water Resources



Mr. and Mrs. Harold Newby
Box 577
Moyie Springs, Idaho 83845

Re: Black - Newby C-7588

Dear Mr. and Mrs. Newby:

Enclosed is the Assignment of Permit for the water rights
relative to the purchase from Dottie Black.

You should file this with the Department of Water Resources.
Their address is: Route 5, Box 203 - Suite 1
Coeur d'Alene, Idaho 83814

We have now recorded all the documents pertaining to the sale;
delivered the papers to Boundary Abstract for setting up the
escrow, and closed our file.

Thank you for the opportunity to be of service in this regard.

Very truly yours,

Roberta Bowen

Roberta Bowen
Legal Assistant

la
encl

MICROFILMED

MAR 30 1990

August ¹⁶/₁₂, 1988

KERMIT S. BLACK
DOROTHY BLACK
STAR RT. 1
MOYIE SPRINGS, ID 83845

RE: PERMIT NO. 98-07266

Dear Permit Holder(s):

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

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 30 1990

INTER-DEPARTMENT MEMO — 1

FROM Jodi

DATE 8/31/88

TO file # 98-7266

SUBJECT

Application For Amendment

Re-mailed to new address on envelope:

Kermit S. & Dorothy Black

N. 602 Adams Rd.

Spokane, WA 99206

RECORDED

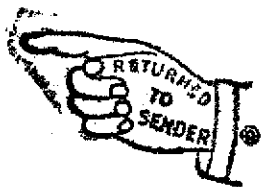
MAR 30 1990

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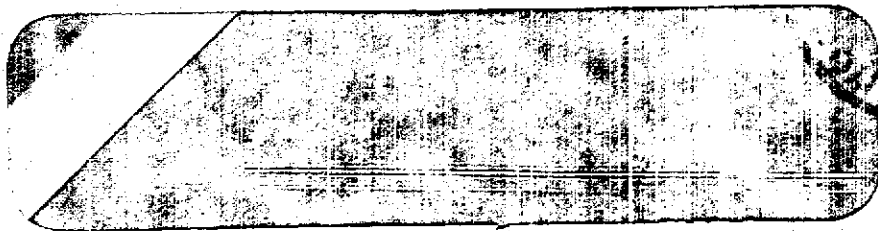
SIGNATURE

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720



AUTHORIZED TIME FOR
FORWARDING HAS EXPIRED



RECEIVED

AUG 22 1988

Department of Water Resources

N 602 Adams Rd.
Spokane, wa. 99206

AUTHORIZED TIME FOR
FORWARDING HAS EXPIRED



Shorla



48 METERS
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U.S. POSTAGE

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FILMED

MAR 30 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

SEP 13 1985

98-7266
Permit No.

Department of Water Resources

1. **Measurement Calculations**

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

ONE HOME 0.04
540 STOCK

b) Volume Calculations for Irrigation:

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

c) Volume Calculations for Other Uses:

ONE HOME 0.6 AF
540 STOCK

2. **Overlap Review**

a) Other water rights with same place of use: 98-7267

b) Other water rights with same point of diversion:

c) Analysis: 98-7267 FOR HUMAN CONSUMPTION

98-7266 NOT FOR HUMAN CONSUMPTION

MICROFILMED

MAR 30 1990

Rate Proof Submitted	System Capa

- MICROFILMED**
MAR 30 1990

Department of Water Resources

Permit No. 98-7266**Phone No.**

1. Owner: KERMIT S. BLACK Phone No. _____
Current Address: ~~21~~ STAR RT 1 MOYIE SPRINGS ID. 83845
2. Accompanied by: STEPHANIE BLACK EXAM. DATE: 8/7/85
Address: SAME Phone No. _____
Relationship to Permit Holder: DAUGHTER
3. Source: CURLEY CREEK tributary to MOYIE R.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

- 5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)**

1200' GRAVITY FLOW PIPE IN STREAM TO 15' DIA POND @ 4' DEEP
E HOME FOR CLOTHS WASHING NON-CONSUMPTIVE DOMESTIC USE

6.	Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

7. Measurements *1 Home* ☐ Additional data/computation sheets attached

SHD STOCK
USED FOR WASHING CLOTHS IRR

8. Point(s) of Diversion: Indicate Method of Determination *MAP*

[illegible]

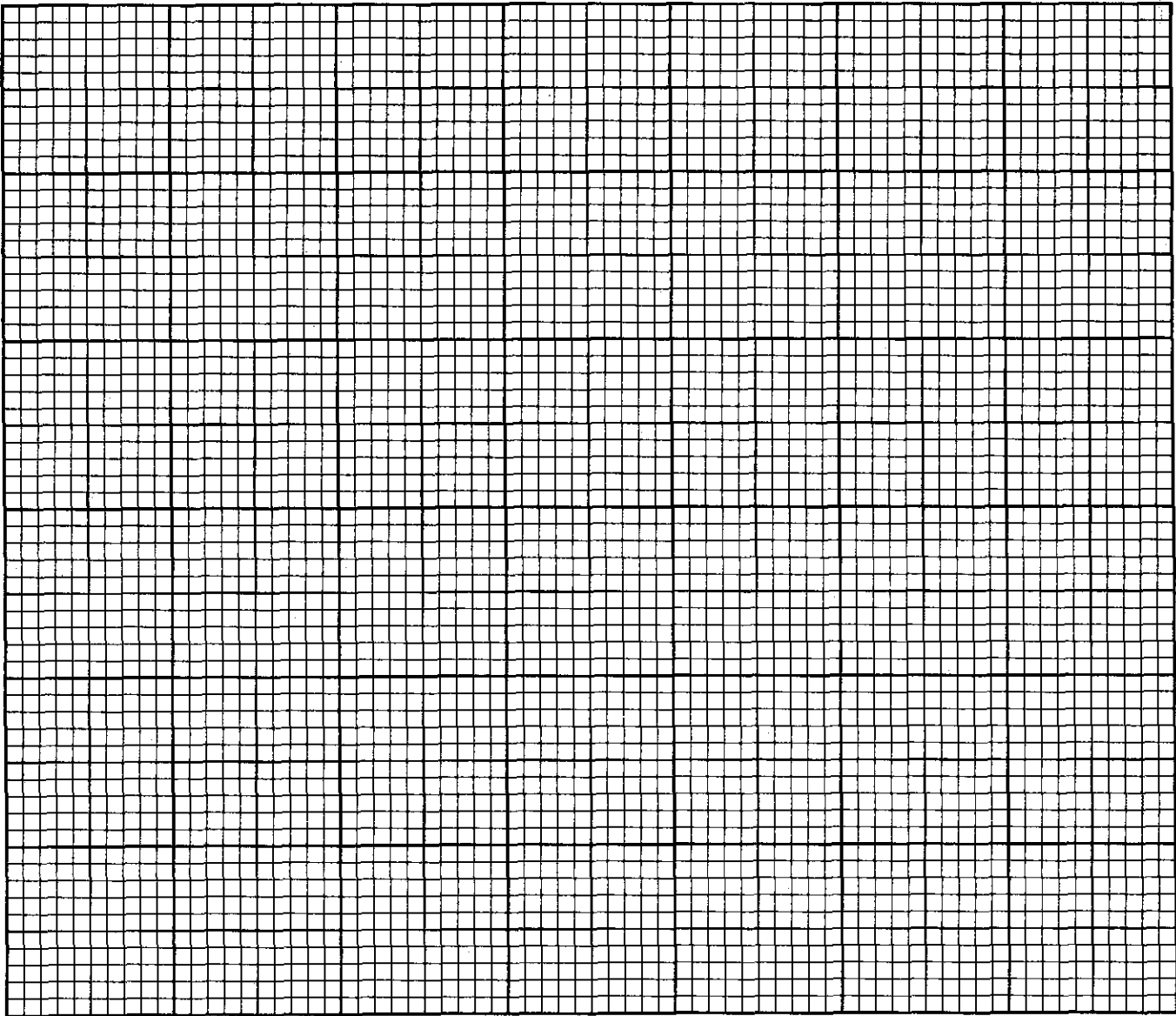
9. **Place(s) of Use:** Irrigation - give acres served by system at time of exam.
Indicate Method of Determination _____

[illegible]

10. Other water rights on these lands 98-7266 GW HOME

11. Other water right diverted from same p.d. NONE

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



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

14. Remarks NOT FIT FOR HUMAN CONSUMPTION

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

16. Examiner's/Consultant's Signature [Signature] Date 8/7/85
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____

Date

MICROFILMED
CONSULTANT SEAL
MAR 30 1990





RECEIVED
MAR 30 1930

MAR 30 1930

RECEIVED

AUG 23 1982

Department of Water Resources
Northern District Office

August 18, 1982

Mr. James F. Lyons, Attorney
P. O. Box 368
Bonners Ferry, Idaho 83805

RE: Permit No. 98-7266 in the name of Kermit S. or Dorothy Black

Dear Mr. Lyons:

We have received a response from Mr. William K. Bayert regarding your suggestion that the above referenced permit be terminated. Mr. Bayert's letter indicates that you were sent a carbon copy so I will assume that you have seen it.

It appears that the controversy over Mr. Black's easement centers on certain language in the affidavit signed by Mr. Hunrichs on November 4, 1981. The affidavit in general appears to enable the owners of Lots 13, 14, 15 and 18 of Kootenai River Properties to obtain domestic water supplies from Curley Creek via Lots 16, and 17 of the same subdivision. Paragraph 7 of the affidavit indicates that "the owners of said water lines have the right to enter upon Lots 16 & 17 to reasonably maintain the same". It is apparently the contention of Mr. Hunrichs via his affidavit dated May 4, 1982 that he, as the original purchaser of the water line, is still the owner of the line and therefore he, and not the Blacks, has been given the easement to maintain the water lines as provided by his November 4, 1981 affidavit.

The Department will not render a judgement in this easement dispute. However, our legal staff has reviewed the matter and has found no reason to delay licensing of Permit No. 98-7266 based on lack of easement, since it appears that the existence of an easement of some type was confirmed by the November 4, 1981 affidavit.

To allow you an opportunity to respond, Mr. Lyons, the Department will take no action on this Permit for at least 30 days following the date of this letter.

Sincerely,

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

DRT:jg cc: William Bayert
Northern Regional Office

RECEIVED

MAR 30 1990

June 29, 1982

RECEIVED

JUL 1 1982

Department of Water Resources
Northern District Office

Mr. Kermit S. Black
Star Route #1
Moyie Springs, Idaho 83845

RE: Permit No. 98-7266

Dear Mr. Black:

Please be advised that this office has received information from Mr. James F. Lyons, Attorney at Law, Bonners Ferry, Idaho, which indicates that you currently do not have an easement to divert and pipe water to satisfy the above referenced permit.

We note that you have already submitted a Statement of Beneficial Use for the Permit. We note also that the date by which beneficial use must be reported is January 1, 1984. Therefore, it appears that you have two options. First, you can revoke your statement of beneficial use and pursue aquisition of an easement. Second, if you already have the easement you have the opportunity to prove this to the Department.

Please advise this office of your intended actions no later than July 30, 1982 to enable our timely resolution of the issue in question.

Sincerely,

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

DRT:jg

cc: Mr. James F. Lyons
Bob Haynes, Northern Regional Office

MICROFILMED

MAR 30 1990

RECEIVED

DEC 16 1982



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

December 10, 1982

Mr. James F. Lyons
Attorney at Law
Box 368
Bonners Ferry, Id. 83805

Re: Kermit Black and Michael Naumann

Dear Jim:

Please be advised that amendments to Idaho Code 42-201 passed by the 1982 session of the Idaho Legislature changed time allotted for commencement of work to one year.

In addition, the way the new language was written, the amendment allows until July 1, 1983 for work to be commenced on all permits outstanding at the time the law was passed.

If you have any questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: IDWR - State Office 98-7266, 98-7395 and 98-7207

MICROFILMED

MAR 30 1990

J.F. LYONS
OF COUNSEL
W.J. NIXON
W.W. NIXON

J.F. LYONS
ATTORNEY AT LAW
225 MAIN STREET
P.O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

RECEIVED

November 24, 1982

NOV 26 1982

Department of Water Resources
Northern District Office

Mr. Robert C. Haynes
District Supervisor
Dept. of Water Resources
Suite #1, 4055 Government Way
Coeur d'Alene, Idaho 83814

RE: Kermit Black and Michael Nauman

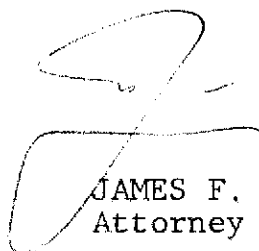
Dear Mr. Haynes:

On the subsequent water permits of these two gentlemen to that of Power Associates, protest is hereby entered for their failure to comply with IC 42-201. Neither of these people have commenced work within 60 days of the granting of their permit.

A hearing is requested on this.

Thank you.

Yours truly,



JAMES F. LYONS
Attorney at Law

JFL:ds

cc: Dan Larsen;
W. W. Nixon

MICROFILMED

MAR 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

August 18, 1982

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

Mr. James F. Lyons, Attorney
P. O. Box 368
Bonners Ferry, Idaho 83805

RE: Permit No. 98-7266 in the name of Kermit S. or Dorothy Black

Dear Mr. Lyons:

We have received a response from Mr. William K. Bayert regarding your suggestion that the above referenced permit be terminated. Mr. Bayert's letter indicates that you were sent a carbon copy so I will assume that you have seen it.

It appears that the controversy over Mr. Black's easement centers on certain language in the affidavit signed by Mr. Hunrichs on November 4, 1981. The affidavit in general appears to enable the owners of Lots 13, 14, 15 and 18 of Kootenai River Properties to obtain domestic water supplies from Curley Creek via Lots 16, and 17 of the same subdivision. Paragraph 7 of the affidavit indicates that "the owners of said water lines have the right to enter upon Lots 16 & 17 to reasonably maintain the same". It is apparently the contention of Mr. Hunrichs via his affidavit dated May 4, 1982 that he, as the original purchaser of the water line, is still the owner of the line and therefore he, and not the Blacks, has been given the easement to maintain the water lines as provided by his November 4, 1981 affidavit.

The Department will not render a judgement in this easement dispute. However, our legal staff has reviewed the matter and has found no reason to delay licensing of Permit No. 98-7266 based on lack of easement, since it appears that the existence of an easement of some type was confirmed by the November 4, 1981 affidavit.

To allow you an opportunity to respond, Mr. Lyons, the Department will take no action on this Permit for at least 30 days following the date of this letter.

Sincerely,

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

DRT:jg cc: William Bayert
Northern Regional Office

MICROFILMED

MAR 30 1990

WILSON & WALTER
ATTORNEYS AT LAW

PETER B. WILSON
NEIL O. WALTER
WILLIAM K. BAYERT
ASSOCIATE

205 W. KOOTENAI
PHONE 267-3127
267-3128
P. O. BOX 749
BONNERS FERRY, IDAHO — 83805

July 9, 1982

RECEIVED

JUL 26 1982

Department of Water Resources

David R. Tuthill, Jr., P. E.
Water Allocation Section
Department of Water Resources
Statehouse
Boise, Idaho 83720

98-7266 DET

Re: Petition for Cancellation of Permit No. ~~98-7207~~

Dear Mr. Tuthill:

Enclosed for filing in regard to the above matter are
two affidavits of Kermit S. Black.

Thank you.

Very truly yours,

WILSON & WALTER

William K. Bayert

William K. Bayert

wkb:rb
encl

cc: James F. Lyons

MICROFILMED

MAR 30 1990

RECEIVED

JUL 26 1982

Department of Water Resources

WILSON & WALTER
ATTORNEYS AT LAW
P. O. BOX 749
BONNERS FERRY, IDAHO
83805
TELEPHONE: 267-3127

A F F I D A V I T

STATE OF IDAHO)
) ss.
County of Boundary)

KERMIT S. BLACK, being first duly sworn, deposes and
says:

I.

That this affidavit is in response to the allegations
of David Hunrichs and by Power Associates Company that I
have no right to cross the latter's property "to obtain
water or maintain the pipeline"; this statement appears
in Mr. Hunrichs' affidavit of May 4, 1982.

II.

That Mr. Hunrichs also executed a prior affidavit dated
November 4, 1981, which was recorded in Boundary County on
November 4, 1981, at Book 41 of Instruments at page 380,
Instrument No. 0136841; and that a true and correct copy of
same is attached hereto.

III.

That in said earlier affidavit Mr. Hunrichs expressly
recited that the owner of Lot 14 (and others) "have the
right to enter upon Lots 16 and 17 to reasonably maintain"
water lines; and that he "agreed to the right to tap the flow
of water in Curley Creek" by the owner of Lot 14.

MICROFILMED

MAR 30 1990

IV.

That I am the owner of Lot 14; that Lots 16 and 17 are those purchased by Power Associates Company and which are bisected by Curley Creek.

V.

That this affidavit was apparently prepared regarding the Curley Q to Power Associates transaction.

VI.

That although there are many incorrect statements in this earlier affidavit, one correct statement is my clear right to access to Curley Creek across Lots 16 and 17.

Kermit S. Black
Kermit S. Black

SUBSCRIBED and sworn to before me this 9th day of July, 1982.

Roberta Behm
Notary Public for Idaho
Residing at Bonners Ferry

MICROFILMED

MAR 30 1990

STATE OF IDAHO)

County of Boundary)

AFFIDAVIT

I, DAVID W. HUNTER, first duly sworn on oath, depose and say:

That I sign this Affidavit individually and as president of Curley O, Inc., an Idaho corporation.

I am a single man and have been single for the past 8 years.

That I have agreed to the right to tap the flow of water in Curley Creek on the southwest side of the culvert near Milepost #79 to the following described properties, and no one else has authority to obtain water from said source, except those named herein.

Said water has been promised, or actually is being delivered, to Lots 18, 15, 13 and 14 of the Kootenai River Properties, copy of map attached hereto and made a part hereof, in Section 10, Township 61 North, Range 3 East, B.M.

That said water is to be applied to beneficial uses on said real properties and is for domestic purposes only and does not contemplate any other use for the same, and would be approximately .02 cfs for each of the four (4) lots.

Said water lines are to be no larger than one-inch inside pipe diameter, and that the owners of said water lines have the right to enter upon Lots 16 and 17 to reasonably maintain the same.

That the rights-of-way for roads through Lots 16 and 17 have been laid out on the ground, and that the layouts of these rights-of-way have been shown and agreed to the owners of the other lots involved.

That I agree to show the buyers the lay-out of the said pipe lines.

Attached hereto is copy of Warranty Deed describing the property involved.

I agree to indemnify the buyers from any and all claims or damages of the one-acre tract of the barn during the time the same is used for the purpose of the said water lines.

AFFIDAVIT

DATED this 4th day of November, 1981.

David W. Hunrichs
DAVID W. HUNRICHS, personally

CURLEY Q, INC.,

BY: David W. Hunrichs
DAVID W. HUNRICHS, president

Subscribed and sworn to before me this 4th day of November,
1981.

Barthelme Smith
Notary Public for State of Idaho
Residing at Bonners Ferry
My comm. exp.: 5-20-85

0136841

Kanika Land Title
in the 4th lot 81 4:35
of ... Pinet. 4
380

By K. Conkling
Ex. 400
Kanika

WILSON & WALTER
ATTORNEYS AT LAW
P. O. BOX 749
BONNERS FERRY, IDAHO
83805
TELEPHONE: 267-3127

A F F I D A V I T

STATE OF IDAHO)
 ss:
County of Boundary)

KERMIT BLACK, being first duly sworn, deposes and says:

I.

Affiant is Kermit Black, permit holder in the above matter and submits this affidavit in response to an allegation by Power Associates Company of no legal access to cross their property to divert the water subject of this permit;

II.

That attached hereto is a true and correct copy of pages 1 & 7 of my sale contract with Curley-Q, Inc., who also is the seller to Power Associates Company; and that our properties are parallel one to another;

III.

That as reflected in my contract, I do have and do claim the permanent right to cross Power Associates' property to reach Curley Creek; that was the distinct understanding and intent of our contract and formed a substantial aspect of our agreement.

IV.

Water and access to same has always been a fundamental selling point and representation of David Hunrichs as President of Curley-Q, Inc.;

V.

That due to priority of contract with the same seller, and also due to the above-ground location of my pipe on the Power Associates property at the time of their purchase, Power Associates cannot now claim to disallow me "permission"

to cross their property; I have a permanent legal right to do so and not merely some consensual arrangement or license;

VI.

That to my east and west there are no less than three other sales of property by Curley-Q, Inc., that have sale contracts with water provision clauses similar to mine; that two of these owners cross my property for access to Curley Creek; that no easement deeds were prepared for these purchases either;

VII.

That Mr. Hunrichs always represented the importance of providing water to purchasers as a selling point; that with me and others in my area, this provision clearly includes the right to cross Curley-Q's and now Power Associates' property to reach that water; otherwise, the provision clause in my contract would be meaningless.

VIII.

That I request no delay in issuing my license for such permit.

Kermit S. Black
Kermit Black

SUBSCRIBED and SWORN to before me this 9 day of July, 1982.

Roberta B. Bohn
Notary Public for Idaho
Residing at Bonners Ferry

MICROFILMED

MAR 30 1990

CONTRACT - REAL ESTATE

THIS AGREEMENT made and entered into as of this
JUNE 27 1977 day of ~~July~~ 1977, by and between CURLEY-Q, INC., an
Idaho Corporation, of Bonners Ferry, Idaho, hereinafter
referred to as Seller, and KERMIT S. BLACK and DOROTHY A.
BLACK, Husband and Wife, of Guerneville, California, here-
inafter referred to as Purchaser.

I.

For and in consideration of the mutual covenants and
agreements herein contained, to be kept and performed by the
parties hereto,

IT IS HEREBY AGREED AS FOLLOWS:

1. Seller hereby agrees to sell to Purchaser, and
Purchaser covenants and agrees to purchase from the Seller,
the following described real property situate in the County
of Boundary, State of Idaho, to wit:

Commencing at the Southeast Corner of Section
Fifteen (15), Township Sixty-one (61) North, Range
Three (3) East, Boise Meridian; Thence North along
the Section Line 773.09 feet more or less to the
Southwesterly Right-of-Way of U. S. Highway #2;
Thence along said Southwesterly Right-of-Way Line
6589.9 feet to the Southeast Corner of Parcel
Fourteen (14) which shall be a Point of Beginning;
Thence continuing along said right-of-way line 512.4
feet to a point which point is the Northeast Corner
of Parcel Fourteen (14); Thence South 62 degrees 30'
West 1830.6 feet to a point along the northerly
bank of the Kootenai River; Thence in a Southeasterly
direction along the said north bank of the Kootenai
River 442.0 feet to the Southwest Corner of Parcel
Fourteen (14); Thence North 62 degrees 30' East
2020.0 feet to the Point of Beginning.

ALONG WITH an Easement over existing roads in the
area platted as Kootenai River Properties as necessary
for access to Parcel Fourteen (14).

LESS the reservation for a Right-of-Way across Parcel
Fourteen (14) on roads now existing for the purpose of
Kootenai River Properties.

enforce the performance of this contract, or to recover damages for breach thereof,

d. In the event it becomes necessary for either of the parties hereto to place this agreement in the hands of the attorney for enforcement of their rights hereunder, then the defaulting party agrees in such case to pay a reasonable attorney's fee incurred by the prevailing party, and shall further pay the costs of preparation of any default notice, which sum shall be added to the balance due under the terms of this agreement, and payment of which shall be necessary to cure any default specified in such notice.

IX.

No trees shall be removed from the property for any purpose without Seller's permission during the life of this contract. This paragraph shall not prevent the falling of trees on the property if they are used on the property.

X.

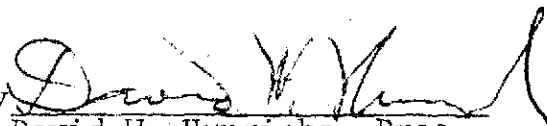
Seller shall provide a water pipe running from Curley Creek to the property which pipe shall be at least 3/4" inside diameter.

XI.

This agreement shall inure to the benefit of and bind the heirs, personal representatives, and assigns of the respective parties.

IN WITNESS WHEREOF, the parties have caused their names to be subscribed, all as of the date herein first above written.

CURLEY-Q, INC.

By 
David W. Hunrichs, Pres.

J.F. LYONS
OF COUNSEL
W.J. NIXON
W.W. NIXON

Done

J.F. LYONS
ATTORNEY AT LAW
225 MAIN STREET
P.O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

July 16, 1982

RECEIVED

JUL 19 1982

Department of Water Resources
Northern District Office

Mr. Robert Haynes, P.E.
District Supervisor
Department of Water Resources
Suite #1, 4055 Government Way
Coeur d'Alene, Idaho 83814

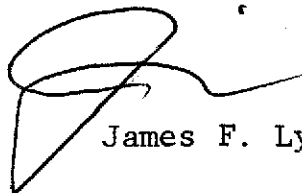
RE: Permit No. 98-7266

Dear Mr. Haynes,

I believe Mr. Black will do nothing in regard to
your letter of June 29th, 1982.

It will be necessary for your Department to take
appropriate action as Power Associates will not
authorize an easement.

Yours truly,



James F. Lyons

fh

MICROFILMED

MAR 30 1990

Copy

June 29, 1982

Mr. Kermit S. Black
Star Route #1
Moyle Springs, Idaho 83845

RE: Permit No. 98-7266

Dear Mr. Black:

Please be advised that this office has received information from Mr. James F. Lyons, Attorney at Law, Bonners Ferry, Idaho, which indicates that you currently do not have an easement to divert and pipe water to satisfy the above referenced permit.

We note that you have already submitted a Statement of Beneficial Use for the Permit. We note also that the date by which beneficial use must be reported is January 1, 1984. Therefore, it appears that you have two options. First, you can revoke your statement of beneficial use and pursue acquisition of an easement. Second, if you already have the easement you have the opportunity to prove this to the Department.

Please advise this office of your intended actions no later than July 30, 1982 to enable our timely resolution of the issue in question.

Sincerely,

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

DRT:jg

cc: Mr. James F. Lyons
Bob Haynes, Northern Regional Office

RECEIVED
JUL 1 1982
NORTHWESTERN REGIONAL OFFICE

J.F. LYONS
OF COUNSEL
W.J. NIXON
W.W. NIXON

J.F. LYONS
ATTORNEY AT LAW
225 MAIN STREET
P.O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

June 1, 1982

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

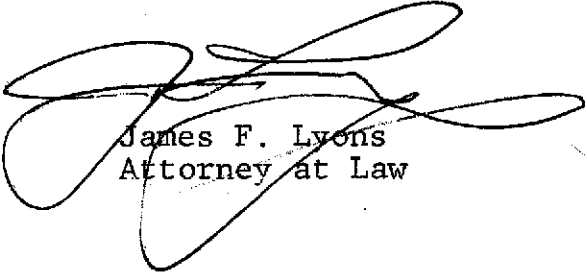
Re: Kermit Black permit

Dear Mr. Haynes:

Mr. Black's application for permit contains an untrue statement claiming access. He does not and this is why I have submitted the documents. His permit was invalidly granted. As such I am requesting that the permit be denied and stricken.

Thank you.

Yours truly,



James F. Lyons
Attorney at Law

JFL:ph

MICROFILMED

RECEIVED

JUN 3 1982

Department of Water Resources
Northern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

May 27, 1982

Mr. Kermith Black
Star Rt. 1
Movie Springs, Id. 83845

RE: 98-7266

Dear Mr. Black:

We acknowledge receipt of your statement of completion of water development and 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 do not know at this time when he will be able to conduct the examination, however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/pms

cc: IDWR - State Office

MICROFILMED

J.F. LYONS
OF COUNSEL
W.J. NIXON
W.W. NIXON

J.F. LYONS
ATTORNEY AT LAW
225 MAIN STREET
P.O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

RECEIVED

April 30, 1982

MAY 6 1982

Department of Water Resources
Northern District Office

Mr. Robert C. Haynes, P.E.
District Supervisor
Department of Water Resources
Suite #1, 4055 Government Way
Coeur d'Alene, Idaho 83814

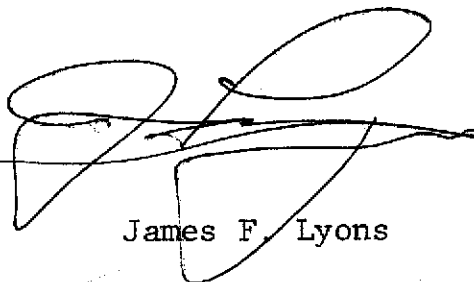
Re: Kermit Black Water Permits on Curley Creek

Dear Mr. Haynes:

Be advised that Kermit Black does not have the right to cross Power Associates property and his existing pipeline was installed through permissive use. The permissive use has now been terminated as of November 5, 1981, when the property was purchased by Power Associates. It is now in trespass and he has no right to enter the property.

I am requesting that his water rights be terminated since he does not have any access to Curley Creek. Please see enclosed Affidavit of Dave Hunrichs who sold the property to Power Associates.

Yours truly,



James F. Lyons

JFL:kim

MICROFILMED

STATE OF IDAHO)
County of Boundary)

ss.

AFFIDAVIT

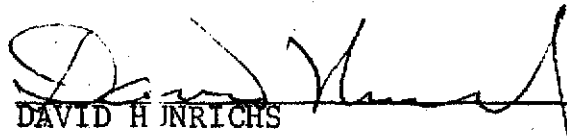
I, DAVID HUNRICHS, being first duly sworn, on oath depose and say:

That in the Contract for Sale with Kermit and Dorothy Black, I agreed to provide a water pipe running from Curley Creek, said pipe to be a minimum of 3/4" inside diameter. The actual pipe is 1 1/2" in diameter. This pipe remains my property and I installed it. I bought the pipe and installed it along with Kermit Black. He has no authority to take any water from Curley Creek from myself or Curley Q, Inc. He has no authority to cross the property to obtain water or maintain the pipeline whatsoever. As far as I am concerned this is my pipe and he uses it by permission only.

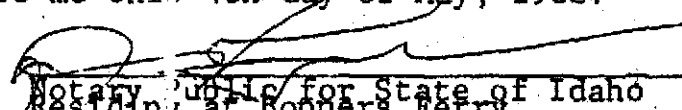
When I subdivided Kootenai River Properties, I only sold to people who were compatible with my philosophy and life style. He is now incompatible with my original intent and has been for a couple of years.

Kermit Black has no recorded easement or right-of-way of any kind whatsoever for access to Curley Creek for water or a pipeline from Curley Q, Inc., or myself. I am president of Curley Q, Inc., and have been since 1976.

Kermit Black has no interest of any kind whatsoever in the property that I formerly owned and have sold to Power Associates Company, Inc. His permissive use of my property ended when I sold the property on November 4, 1981.


DAVID HUNRICHS

Subscribed and sworn to before me this 4th day of May, 1982.


Notary Public for State of Idaho
Residing at Bonners Ferry

My comm exp. 10/20/84

J.F. LYONS ~~XXXXXXXXXX~~
ASSOCIATES IN THE PRACTICE OF LAW
(FORMERLY NIXON, NIXON & LYONS)
P.O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

.....
AFFIDAVIT

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 19, 1982

Re: 98-7397
98-7267
98-7266

Mr. James F. Lyons
Attorney at Law
P. O. Box 368
Bonners Ferry, Id. 83805

Dear Jim:

This is in response to your letter of April 13, 1982, requesting re-opening of the Kermit Black applications. Please be advised that all advertising required by law on Mr. Black's applications has been completed and there is no provision in the law to re-open those matters.

Also, at the request of Dan Larsen, I am enclosing copies of all licenses, claims, permits and applications on Curley Creek and its tributaries. The cost of the copies is \$21.25.

Please note that those which are still in application form do not have information filled out under "Action of the Director" on page 4 of the form.

Sincerely,

15/
ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: IDWR - State Office
Enc. - Licenses
Claims
Permits
Applications

MICROFILMED

J.F. LYONS
J.R. DOUGLAS
OF COUNSEL
W.J. NIXON
W.W. NIXON

J.F. LYONS & J.R. DOUGLAS

ASSOCIATES IN THE PRACTICE OF LAW
(FORMERLY NIXON, NIXON & LYONS)
225 MAIN STREET
P.O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

April 13, 1982

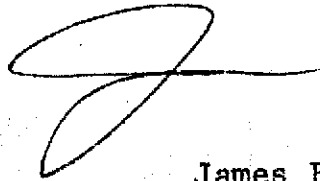
Idaho Department of Water Resources
Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814

Gentlemen:

Be advised that Power Associates Company, Inc.,
hereby desires to reopen for hearing matters involving
the Kermit Black permits on Curley Creek.

Thank you.

Yours truly,



James F. Lyons

JFL:ds

RECEIVED

APR 15 1982

Department of Water Resources
Northern District Office

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DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 98-7266.

Name(s) of Permit Holder: KERMIT S. BLACK

Post Office Address: STAR RT. 1, MOYIE SPRINGS, ID 83845

Tel. No. 267-7660

Source of Water: CURLEY CREEK

Extent of Use:

☒ Domestic	<u>1</u>	(number of households)
☐ Stockwater		(number and type of stock)
☐ Irrigation		(acres)
☐ Other		

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

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

Nov. 16 '81

Date

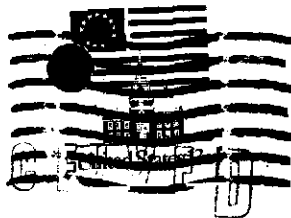
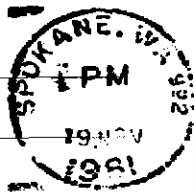
Kermit S. Black
Signature of Permit Holder

KERMIT B.

STAR Rty 1

MOYIE SPRINGS ID.

83845



NOV 23 1981



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

(With Earnest Money Provision)
THIS CONTRACT CONTROLS THE TERMS OF SALE OF PROPERTY
READ CAREFULLY BEFORE SIGNING: IF ANY QUESTION CONSULT YOUR ATTORNEY

Moyie Springs, Idaho June 16 1977

Kermit S. Black (hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" located in the City of _____, County of Boundary, State of Idaho, commonly known as Parcel 14, Kootenai River Properties legally described as: A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at time of signing, or to correct the legal description previously entered if erroneous or incomplete.) (See Back)

1. TOTAL PURCHASE PRICE IS Fifteen Thousand and 00/100 DOLLARS (\$ 15,000.00) payable as follows:
 - A. Earnest Money.
 - a. Buyer hereby deposits and a receipt is hereby acknowledged of Two Hundred and 00/100 Dollars (\$ 200.00) evidenced by _____ Cash, _____ Personal Check, _____ Cashiers Check, _____ Note due, or _____ paid or delivered as earnest money in part payment of the purchase price for the premises.
 - b. Buyer further agrees on or before _____ day of _____, 19 77, to pay or deliver as additional earnest money in part payment of the purchase price for the premises _____ Dollars, (\$ _____) evidenced by _____ Cash, _____ Personal Check, _____ Note due _____, or _____.
 - c. All Earnest Money and this agreement shall be held by Talbot Shelton Jr for the benefit of the parties hereto.
 - B. Balance of purchase price to be paid as follows: \$175.00 (One Hundred Seventy-Five and 00/100 Dollars) per month for approximately twelve years, including 9% interest.
2. Buyers offer is made subject to the acceptance of Seller on or before twelve o'clock midnight of June 16 1977. If Seller does not accept this agreement within the time specified, the earnest money shall be refunded to Buyer on demand.
3. Title of Seller is to be conveyed by Warranty deed and is to be marketable and insurable except for the following liens, encumbrances or defects: (a) Any liens, encumbrances or defects which are elsewhere in this agreement to be discharged or assumed by the Buyer or title is taken subject to: Underlying Contract

- and rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing.
4. The Seller shall within a reasonable time after closing furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that _____ Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title of said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, the earnest money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any.
 5. It is hereby agreed that the "closing agent" for the transaction represented by this agreement shall be Talbot Shelton Jr. Where not otherwise provided by law, the parties shall each pay one half of said closing agents fee.
 6. Within _____ days from acceptance, or upon removal of any liens, encumbrances or defects to title by Seller, as provided herein, whichever is later, Buyer and Seller shall deposit with the "closing agent" all funds and instruments to complete the sale in accordance with terms and conditions hereof. Upon receipt of the items specified in the preceding sentence the closing agent shall close this transaction.
 7. All attached floor coverings, attached television antenna, attached plumbing, bathroom and lighting fixtures, window screens, screen doors, storm windows, storm doors, shades, venetian blinds, curtain rods, trees, plants, shrubbery, water heating apparatus and fixtures, fireplace equipment, awnings, ventilating, cooling and heating systems including built in and "drop in" ranges, (but excepting all other ranges) fuel tanks and irrigation fixtures and equipment, all water and water rights, and ditches and ditch rights appurtenant thereto that are now on or used in connection with the premises shall be included in the sale unless otherwise provided herein.

The following items of property now on the premises are specifically excluded from the sale: None

The following items of property are specifically included in the sale: None

8. Taxes and water assessments (using the last available assessment as a basis) rents, insurance premiums, interest and reserves on liens, encumbrances or obligations assumed and utilities shall be pro-rated as of the 16th day of June, 1977 or on the date of closing which ever shall last occur.
Buyer shall pay for fuel in tank, the amount to be determined by the supplier at Seller's expense.
9. Seller shall deliver possession of the premises to Buyer on or before the 16 day of June, 1977 or on the date of closing which ever shall last occur.
10. The parties agree that this agreement contains the following additional terms and conditions: (See back)

11. In addition to the provisions contained on this page, the parties agree that the provisions contained on the reverse side of this page shall also constitute part of the agreement of the parties. Each of the parties acknowledges reading this agreement in full.

Listing Broker: None Selling Broker: None By _____

BUYER _____ BUYER'S ADDRESS _____

BUYER _____ BUYER'S PHONE _____

On this date, _____ I/We hereby approve and accept the sale set forth in the above agreement and

agree to carry out all the terms thereof on the part of the Seller and the undersigned further agrees to pay a commission of _____% of selling price or, _____ DOLLARS (\$ _____) to the above broker for services. In the event earnest money is forfeited, it shall be apportioned to the Seller and Brokers equally after payment of costs

set out in the above agreement provided the amount to brokers does not exceed the agreed commission. I/We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises inserted and signed by both parties.

SELLER Curley Q Inc SELLER'S ADDRESS P.O. Box 555, Moyie Springs ID

SELLER Dana Munn SELLER'S PHONE 208-263-4731-7319

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises,

is hereby received on this 9th day of June, 1977

STATE OF KUAMOX California

County of Sonoma

On this 9th day of June, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared _____

Kermit S. Black and Dorothy A. Black

known to me to be the person who signed the foregoing instrument as Seller and acknowledged to me that he executed the same.

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

Diana J. Culazzo 17150 Archway Av., Chatsworth, Ca 91311
Notary Public for State of California

OFFICIAL SEAL
DIANA J. CULAZZO
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SONOMA COUNTY
17150 Archway Av.,
Chatsworth, Ca 91311

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Dated: June 16, 19 77

12. If financing is required, the Buyer agrees to make a best effort to procure same and further agrees to make application therefor within five (5) days after Seller's acceptance of this agreement. If VA or FHA financing is contemplated, additional provisions pertaining thereto may be attached hereto and are hereby incorporated herein by reference. The Buyer and Seller hereby authorize the party designated in Paragraph 1A(c) hereof to advance such portion of the earnest money deposited as may be required to pay initial loan charges attributable to Buyer's financing. The parties agree that the earnest money (less credit report fees, appraisal and other loan charges, if any) may be refunded in the event financing contemplated by the Buyer is not obtainable.
- If this agreement is conditioned upon buyer obtaining FHA or VA financing, it is expressly agreed that notwithstanding any other provisions of this contract, the Buyer shall not be obligated to incur any penalty by forfeiture of earnest money, or otherwise be obligated to complete the purchase of the property described herein, unless seller has delivered to Buyers a written statement issued by the FHA or VA as applicable, setting forth an appraised value of the property (excluding closing costs) of not less than the purchase price. Seller hereby agrees to deliver said statement to the buyer promptly after it is made available to seller. The Buyer shall however, have the privilege and option of proceeding with the consummation of the contract without regard to such appraised value, provided the difference in excess of the appraised value is paid in cash.
13. Should the improvements on the premises be materially damaged by fire or other causes, prior to closing this sale, this agreement shall be voidable at the option of the Buyer.
14. If seller executes this agreement, and title to said premises is marketable and insurable and the Buyer neglects or refuses to comply with the terms or any conditions of sale within five (5) days from the date on which said term or condition is to be complied with, then the earnest money shall be forfeited, and considered as liquidated damages to Seller.
15. In the event of default by either of the parties in their performance of the terms and conditions of this agreement, the defaulting party agrees to pay all attorney fees and costs incurred by the non-defaulting party.
16. The undersigned Buyer hereby acknowledges further that he has not received or relied upon any statements or representation by the undersigned broker or his representatives or by the Seller which are not herein expressed. The Buyer has entered into this agreement relying solely upon information and knowledge obtained from his own investigation or personal inspection of the premises. This agreement constitutes the whole agreement between the parties and that no warranties, agreements or representations have been made or shall be binding upon either party unless herein set forth.
17. This agreement shall be binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto.
18. Time is of the essence of this agreement.

1. There shall be no penalty for prepayment
2. Seller shall provide a pipe from Curley Creek
3. Buyer agrees that trees cut on the property shall be used on the property
4. Mutual road easements shall allow neighbors to cross property and buyer is granted easement across neighbors land.

Property Description:

Commencing at The southeast corner of section 15 Township 61 North, Range 3 East B.M. Thence north along the section line 773.09 feet more or less to the southwesterly right of way of U.S. Highway #2, Thence along said southwesterly right of way line 6589.9 to the southeast corner of parcel #14 which shall be a point of beginning. Thence continuing along said right of way line 512.4 feet to a point which point is the northeast corner of parcel #14 - Thence south 62° 30' west 2400 ← 1830.6 feet to a point along the northerly bank of the Kootenai River, Thence in a south easterly direction along the said north bank of the Kootenai River 442.0 feet to the southwest corner of parcel #14, Thence North 62° 30' East 2020.0 feet to the point of beginning.

BROKER:

SELLER:

SELLER:

SELLER:

BUYER:

BUYER:

MICROFILMED

January 31, 1979

Re: Permit No.'s 98-7267 & 98-7266

Kermit &/or Dorothy Black
Star Route 1
Moyie Springs, Idaho 83845

Dear Mr. or Mrs. Black:

Enclosed are copies of your approved Applications for Permit. We direct your attention to the conditions of approval as listed on the fourth pages.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

Enc: 2

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Protest
Data

98-7266

STAFF REVIEW - STATE OFFICE

1. ☒ Name vs. Signature
2. S.W. Source
3. ☒ Point of Diversion
4. .04 Amnt. & Period of Use
5. ☒ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. SE^{1/4} Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. ☒ Property Owner at Pt. of Div. & ^{other} Pl. of Use Acres
10. ☒ Map
11. 10 Fee & Rec't. No. 6-28-78

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u>NO</u> Idaho Fish & Game Dept.	<u>NO</u> Dept. of Lands
<u>NO</u> Bureau of Land Management	<u>NO</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ☒ noOther rights on same land N/AWithdrawals of all ^{Britt ea ham} protests received X yes no

Conditions:

ID Power Co. Letter - Snake R. NOID Power Co. Letter - G.W. & Tribs. NOSnake River Condition NOPayette River Letter NOPriority Date 6/28/78Water Quality #16 NOWater Quality #10 NOintrastate NO interstate NOMeas. Dev. or Sc. Meas. NOTotalizing meter NOSupplemental NORight-of-Way Cond. yesWatermaster Cond. NOWtr. Dist No. NOMeas. Dev. Cond. for apps within a Water Dist. NOReviewer JainDate 1/29/79

MICROFILMED

1/18/79

Conf. Notes - # 98-7266

Protest withdrawn

NCT

MICROFILMED

98-7266

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one). ●
- ☒ Show to whom and date delivered \$
- ☐ Show to whom, date, and address of delivery \$
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered \$
- ☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery . \$
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. and Mrs. Kermit Black
Star Route 1
Moyie Springs, Idaho 83845

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13359	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Kermit Black

4.

DATE OF DELIVERY

DEC 26 1978

ADDRESS (Complete only if requested)

DEC 26 1978



UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

LB

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

IN THE MATTER OF
APPLICATION FOR
PERMIT # 98-7266
98-7267, KERMIT S
AND/OR DOROTHY BLAKE

WITHDRAWAL
OF
PROTEST

I, the undersigned, hereby
withdraw my protest against
issuance of permit on the above
referenced applications.

Signed at Bonners Ferry Idaho
this 18th DAY OF January 1979.

Carolyn Bitterman

Chelo Bitterman

MICROFILMED

Conference on Application 98-7266
98-7267, and 98-7279
Kermit S. Black & Curley Co Inc

Bonnets Ferry, Idaho 1/12/79

① Protestant - Mrs. Brittenham

No drinking water now
4 fifteen foot wells scattered
over 10 acres are the source
Dried up in April 1978 - 4 days
after the ground in
Property went on tax sales in
1956 probably some of wells dry
then.

Allie, A.J. & Ruth - former
owners - developed three properties
40 ft well on one of these
properties -

24 ft well on other @ Roundup
restaurant.

Domestic use for one family -
died use for additional mobile home

Further development may or may not
take water from the wells -

Two successful deep (175 to 213 ft
deep) wells in the area -

Some unsuccessful deep wells -

Ed - Funkhansen

② Round Kish - representing Mrs Black
domestic - yard livestock livestock
Two households - some on each opp.
Property is over 1 mile from Mrs.
Brittenham opposite side of ~~Microphall~~ with
canyon between - 60 feet lower than Brittenham

Well has been hand dug to about 20 feet at this time - has 3 feet of water in the well now well down -

Cureley - Q -

Three miles northwest of Bitterman same side - well was drilled last fall - 305 ft deep - but water @ 50 to 100 ft level - \$12,000 for 3 1/2 to 5 gpm - total string of 6000 gal. - Now looks like 5 or 7 families - have opportunity to drill own wells or take from community supply. - American drilling drilled well -

Name: Kermit S. and/or Dorothy Black 98-7267
Kermit S. and/or Dorothy Black 98-7266
Arthur F. and Ann L. Gidel 98-7278
Curley-Q Inc. 98-7279
Place: Boundary County Courthouse
Date: Thursday, January 18, 1979 - 11:00 a.m.

Name	Address	Representing
------	---------	--------------

Carolyn Brittenham	Star Rt Moyie Springs Id 83845	self
--------------------	-----------------------------------	------

Donnell J. Fish for and in the presents of Dotty Black.
Dorothy Black Star Rt / Moyie Sp Id.

David Hummel Curley-Q Inc Box 535 Moyie Sp.

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NAME AND
ADDRESS
OF SENDER

Indicate type of mail

☐ INSURED

☐ C. O. D.

☒ CERTIFIED

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

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE REMARKS
1 13356	Mr. Archie Bredars, S.R.1, Bonners Ferry	15	80			45			
2 13357	L. R. Richardson, SR1, Box 44, Bonners Ferry	"	"			"			
3 13358	Jms A Ansley & Bill Hayden, SR 1, Box 1076, Bonners F.	"	"			"			
4 13359	Mr. and Mrs. Kermit Black, SR 1, Boyie Springs, ✓	"	"			"			
5 13360	Lawson Farms Inc, Box 31, T&koa, Wa	"	"			"			
6 13361	Robert D. Dellwo, 1016 Old Nat'l. Bank Bldg, Spokane	"	"			"			
7 13362	Marvin A. Willadsen, Rt 1, Box 646, Rathdrum	"	"			"			
8 13363	Mr. and Mrs. Kenneth MacLaughlan, rt 3, Box 9, Rathdrum	"	"			"			
9 13364	Mr. George O. Johnston, 1315 E. 10th, Anchorage, Alas.	"	"			"			
10 13365	Susan Marmon, Rt 1, Box 73, Athol	"	"			"			
11 13366	David E. Jeffcoat, Rt 1, Athol	"	"			"			
12 13367	Don Merkeley, Rt 1, Box 81, Athol	"	"			"			
13 13368	Paul N. Tallman, P. O. Box 385, Clark Fork,	"	"			"			
14 13369	Larry Tucker, Gen. Del, Clark Fork	"	"			"			
15 13370	Paul Weber, 11703 E. 8th, Spokane, 99106	"	"			"			
16 13371	E. D. Clark, Rt 5, Box 148-A, Priest Lake, 83856	"	"			"			
17 13372	Mr. and Mrs. Forrest Ault, Rt 1, Box 30C, Colbert Wa 99005	"	"			"			
18 13373	Nonna Sommerfeld, 101 N. 1st, Sandpoint	"	"			"			
19 13374	John T. Tordoff, RR 5, Box 49-1A, Priest River	"	"			"			
20 13375	Jms. Parker Redmond, Box 153, Newport, Wa. 99156	"	"			"			
TOTAL NUMBER OF PIECES LISTED BY SENDER 20		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE 20		POSTMASTER, PER (Name of receiving employee) S. Jones		* 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." * Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.			

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Alle Received Oct 11/57

NAME AND
ADDRESS
OF SENDER

Indicate type of mail

☐ INSURED ☐ C. O. D.
☒ CERTIFIED

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

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1 13376	Randall Day, P. O. Box 385, Bonners Ferry	15	80			45			
2 13377	Kenneth Irons, Rt 1, Bonners Ferry								
3 13378	Tom Cowley, Rt 1, Box 517, Bonners Ferry								
4 13379	Don Amoth, Rt 1, Box 503, Bonners Ferry								
5 13380	Cleve D. Shearer, Box 173, Bonners Ferry								
6 13381	John Graham, Rt 1, Box 508, Bonners Ferry								
7 13382	Robert K. Norwood, Rt 1, Box 512, Bonners Ferry								
8 13383	Greg Smith, Box 1237, Bonners Ferry								
9 13384	James Lyons, B0 Box 368, Bonners Ferry								
10 13385	Glen Erickson, Rt 1, Box 506, Bonners Ferry								
11 13386	Curley-Q Inc, P.O. Box 555, Moyie, Springs								
12 13387 12/28	Mr. and Mrs. Arthur F. Gidel, POBox 683, Helena, Mt.								
13 13388 1/5/79	Mr. and Mrs. Charles Brittenham, SR, Moyie Springs								
14 13389	Mr. and Mrs. Clifford Sauer, #. 1515 Central, Spokane								
15 13390	Fred Palmer, 314 N. 1st Sandpoint								
16 13391	Raymond Greene, Jr., 310 N. Second Ave. Sandpoint								
17 13392	Mr. and Mrs. Tom Taylor, Box 757, Priest River								
18 13393	North Bench Water Assn, Bonners Ferry								
19 13394	Mr. and Mrs. Fay Eby, SR 1, Box 219, Bonners Ferry								
20 13395	David Neider, Dept. of F. & Game, 2320 Gov't. Way, CDA								

TOTAL NUMBER OF
PIECES LISTED
BY SENDER

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

* 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."
* Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

MICROFILMED

all received 12/10/79

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit #98-7266 & 98-7267 in) NOTICE OF CONFERENCE
the name of KERMIT S. and/or DOROTHY BLACK,) AND/OR HEARING

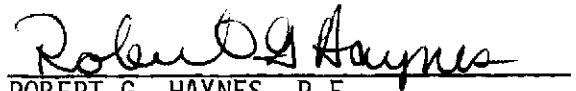
On June 28, 1978, Kermit S. and/or Dorothy Black filed with the Department of Water Resources an application for Permit No. 98-7266 & 98-7267. The Department received protests against approval of said permit from Charles and Carolyn Brittenham.

The Department has set the matter of protests for conference and/or hearing for Thursday, January 18, 1979, at 11:00 a.m., at the Boundary County Courthouse, Bonners Ferry, Idaho 83805. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

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

Dated this 21 day of December, 1978.


ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

RECEIVED

SEP 25 1978

Department of Water Resources
Northern District Office

We protest the application and the
corrected application # 98-7266 of Kermit &
Dorothy Black on grounds there is insufficient
water for the needs of those already holding water rights
in the area.

Carolyn Brittenham & Charles
CAROLYN BRITTENHAM
Star Route, Magic Springs
Idaho 83845

(208) 267-3296

MICROFILMED

We, Charles and Carolyn Brittenham
Star Route Mayju Springs Idaho 83845 protest
Application for Permit # 98-7266 in the name
of Kenneth S. +/or Dorothy Black re: Notice of Connection
published Aug 3, 1978. for reason that there is
insufficient water on this water table for expanded use.

Carolyn Brittenham
Aug 4, 1978

RECEIVED
AUG 7 1978
Department of Water Resources
Northern District Office

MICROFILMED

July 13, 1973

RE: Applications No. 98-7266 & 98-7267

Carmelton I Charles Brittenham
Star Pt 1
Tule Springs, ID 83643

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

MICROFILMED

July 13, 1978

RE: Applications No. 98-7266 & 98-7267

Kenneth & Dorothy Black
Star Rt 1
Moxie Springs, Id 83845

Dear Mr & Mrs. Black,

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

If this office can be of any further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

MICROFILMED

We protest water applications numbers
#98-7267 and 98-7266 filed by Kermit S. &/or
Dorothy Black Star Rt. 1 Mayer Springs
as there is already an existing water shortage
from that water table.

Filed July 11, 1978

Carolyn Bittenham and/or
Charles Bittenham
Star Rt. 1

Mayer Springs, Idaho 83845
267-3296

RECEIVED
JUL 11 1978
Department of Water Resources
Water Resources District Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Blank

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1)

SK

6/29/78

In form to receipt

(2)

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3)

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant
Request Dam Safety Information

(4)

SK

6/28/78

In form for advertising

(5)

Platted on Map No. _____

(6)

Located within Water District No. _____

(7)

Critical groundwater area: yes _____ no _____

(8)

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9)

Other rights on the same place of use

(10)

Comments: Protest withdrawn

(11)

Affidavit of Publication received(date) 9-19-78

(12)

Final date for protests 7-24-78 8-21-78

Protests received: yes ☒ no _____

(13)

All requested information received from agencies or applicant: yes ☒ no _____

(14)

Action recommended:

☒ Approve

_____ Deny

RECEIVED

JAN 24 1979

Department of Water Resources

6-28-78 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15)

District

Northern

By

Bob Haynes

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 31, 1978

RE: Applications f No 98-7277 & 98-7278
Correction No. 98-7266

Bonnors Ferry Herald
PO Box 539
Bonnors Ferry, Id 83805
Gentlemen:

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

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

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Bill received
9-19-78
[Signature]

MICROFILMED

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 98-7266 in the name of Kermit S &/or Dorothy Black was advertised incorrectly on July 6 & July 13, 1978. The point of diversion was advertised as being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 10, T61N, R3E, B.M. Whereas, the actual point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10, T61N, R3E, B.M.

Any protest to the above correction must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id 83814, on or before September 25, 1978

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on ~~September 7 and September 14, 1978~~

Our error--rebill.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 27, 1978

RE: Application No. 98-7270
Correction No. 98-7266

Bonnars Ferry Herald
PO Box 539
Bonnars Ferry, Id 83805

Gentlemen:

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

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

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

MICROFILMED

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 98-7266 in the name of Kermit S &/or Dorothy Black was advertised incorrectly on July 6 & July 13, 1978. The point of diversion was advertised as being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 10, T61N, R3W, B.M. Whereas, the actual point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10, T61N, R3W, B.M.

Any protest to the above correction must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id 83814, on or before August 21, 1978.

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 3 and August 10, 1978.

Our error--rebill.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 29, 1978

RE: Applications No. 98-7265, 98-7266, & 98-7267.
Claim No. 98-4098

Bonnors Ferry Herald
PO Box 530
Bonnors Ferry, Id 83305
Gentlemen:

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

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

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Bill Muciel
7-21-78
[Signature]

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kermit S &/or Dorothy Black
Star Rt 1, Moyie Springs, Id
has on June 28, 1978 submitted Application No. 98-7266
for a permit to appropriate 0.04 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Curley Creek
by means of a gravity flow pipeline
within the NE 1/4 Sec 10, T61N, R3E, B.M., Boundary County

to be used from Jan 1 to Dec 31
for domestic purposes for 2 households

within the SE 1/4 Sec 10, T61N, R3E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before July 24, 1978.

C. STEPHEN ALLRED
Director

Published in the Bonniers Ferry Herald, Bonners Ferry, Id
on July 6 and July 13, 1978

RECEIVED