

RECEIVED

AFFIDAVIT OF PUBLICATION

AUG 16 1976

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Glen Erickson, Route 1, Box 506, Bonners Ferry, Idaho has on July 15, 1976 submitted Application No. 98-7173 for a permit to appropriate 0.90 cubic feet per second of water from Cabin Creek, tributary of Cow Creek by means of dam, pipeline, and sprinklers within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T. 61N, R. 2E, B.M., Boundary County to be used from March 15 to Nov. 15 for the irrigation of 45 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 7, T. 61N, R. 2E, 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 August 16, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on July 29 and August 5, 1976.-idwr

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for W. H. Chubb

first duly sworn upon his oath, deposes and says that he is the ^{Department of Water Resources being} ~~publisher~~ ^{Notary Public for} ~~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 #98-7173

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 29, 1976, and ending with the issue dated Aug. 5, 1976

Subscribed and sworn to before me this 12 day of August, 1976

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

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
R. KENNETH DUNN
Director

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

January 29, 1982

Mr. Glen Erickson
Rt. 1 Box 506
Bonners Ferry, Id. 83805

RE: 98-7173

Dear Mr. Erickson:

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 in all future correspondence concerning this examination.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/fms

cc: IDWR - State Office

MICROFILMED

May 25, 1978

Re: 98-2086 & 98-7173

Mr. Robert K. Norwood
Rt. 1, Box 12
Bonners Ferry, ID 83805

Dear Mr. Norwood:

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

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03/04/81

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: CABIN CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
98-7086C ~~98-7086B~~	See Listing of Rights as amended in decree.							
~~REMARKS: NOT TO EXCEED 2.0 CFS, WHEN COMBINED WITH 98-7086A, WHEN 2.0 CFS, OR LESS IS AVAILABLE FOR APPROPRIATION FROM THIS SOURCE, 98-7086A LICENSE INCORRECTLY DESCRIBES SOURCE AS CABIN CK. TRIB. TO COW CK.~~								
98-7155	ERICKSON, GLEN J. ERICKSON, JACQUELYN RT. 1 BOX 506 BONNERS FERRY ID 83805	12-08-1975	IRRIGATION STORAGE	01-01 12-31	50.00 AFA	SESW S07 T61N R02E	NENW(10) NWNW(30) NESW(05) SESW(30) SWSE(20) SESE(35) S07 T61N R02E	PERMIT
REMARKS: PERMIT INCORRECTLY SHOWS SOURCE AS TRIB. TO COW CK. THIS PERMIT IS NOT DECREED BY THIS ADJUDICATION, & IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.								
					* 50.00* AFA * ---* CFS	* 130 ACRES*		
					IRRIGATION 03-15 11-15 FROM STOR	50.00 AFA	SAME AS OTHER USE	
98-7173	ERICKSON, GLEN J. ERICKSON, JACQUELYN RT. 1 BOX 506 BONNERS FERRY ID 83805	07-15-1976	IRRIGATION	03-15 11-15	.90 CFS	SESW S08 T61N R02E	SWNE(05) SENE(40) S07 T61N R02E	PERMIT
REMARKS: PER. INCORRECTLY DESCRIBES SOURCE AS CABIN CK. THIS PERMIT IS NOT DECREED BY THIS ADJUDICATION, & IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.								
					* 45 ACRES*			
98-7196	ERICKSON, GLEN J. ERICKSON, JACQUELYN RT. 1 BOX 506 BONNERS FERRY ID 83805	05-04-1977	IRRIGATION	03-15 11-15	2.90 CFS	SESW S08 T61N R02E		PERMIT
REMARKS: POND LOCATED IN SWSE, S7, T61N, R02E. PERMIT INCORRECTLY DESCRIBES SOURCE AS CABIN CK. TRIB. TO COW CK. THIS PERMIT IS NOT DECREED BY THIS ADJUDICATION, & IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.								
P/U: T61N R02E S07 NENE(20) SWNE(30) SENE(35) NENW(20) NWNW(35) SWNW(30) SENW(15) NESW(30) SESW(30) NESE(39) NWSE(37) SWSF(30) SESE(35) S08 SWNW(14) NWSW(02) * 402 ACRES*								
					IRRIGATION 01-01 12-31 STORAGE	50.00 AFA	SAME AS OTHER USE	
					IRRIGATION 03-15 11-15 FROM STOR	50.00 AFA	SAME AS OTHER USE	

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF THE APPLICATION FOR AMENDMENT OF PERMIT
NO. 98-7173 IN THE NAME OF GLEN J. ERICKSON

MEMORANDUM DECISION
AND ORDER

On March 29, 1977 Permit No. 98-7173 was issued to Glen J. Erickson for the appropriation of 0.90 cubic feet per second of water from Cabin Creek at a point on the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, Twp. 61N, Rge. 2E B.M., Boundary County for the irrigation of 5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Sec. 7, Twp. 61N, Rge. 2E B.M.

On May 1, 1978 Glen J. Erickson filed with the Department of Water Resources an application for amendment of Permit No. 98-7173. Said amendment would change the place of use (land to be irrigated) to 5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, Twp. 61N, Rge. 2E B.M., Boundary County. The amendment does not request a change in the rate of diversion or the point of diversion.

Notice of the amendment was published in the Bonners Ferry Herald, Bonners Ferry, Idaho on May 11 and 18, 1978. The Department received protests against approval of said amendment on May 15, 1978 from John Graham and on May 25, 1978 from Robert K. Norwood.

A hearing on the matter was held at Bonners Ferry, Idaho on July 26, 1978. The applicant was present and was represented by Mr. Neil Walter, attorney at law. The protestants were present at said hearing. Mr. Graham was represented by Mr. James F. Lyons, attorney at law; and Mr. Norwood was represented by Mr. Randall W. Day, attorney at law.

The issue raised by the protestants was whether the initial permit should have been issued.

After reviewing all the evidence and testimony submitted at the hearing and pertinent information contained in the Department's files, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1) No testimony was presented at the hearing regarding whether other water rights would be injured by the proposed change or whether the change constituted an enlargement of the original use of the right. The testimony of the

RECORDED

protestant was against the original approval of the permit.

- 2) The rate of diversion is not changed.
- 3) The point at which the water is diverted is not changed.
- 4) No additional land will be irrigated than allowed by the original

permit.

CONCLUSIONS OF LAW

- 1) No other water rights are injured by the approval of the amendment.
- 2) The change does not constitute an enlargement in the use of the original permit.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Amendment No. 98-7173 is APPROVED with the same conditions and limitations imposed upon Permit No. 98-7173 as originally issued including an additional condition that states:

Use of water under the permit is subject to control by the watermaster of the state water district.

Dated this 5 day of July, 1979.


S. STEPHEN ALLRED

APPROVED

Permit No. 98-7173

Comes now Glen J Erickson of (address) _____

Rt 1 Box 506, Bonners Ferry, Id 83805, and represents to the Director of
the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 95-7173, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8 Twp. 61N
Rge. 2E, B.M., County of Boundary. Other points of diversion:

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

Amount .90 cfs for irrig purposes from March 15 to Nov 15 (both dates inclusive)
 Amount for purposes from to (both dates inclusive)
 Amount for purposes from to (both dates inclusive)
 Amount for purposes from to (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

45

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Sec 8, T6N, R2E

Point of Diversion

Witness my hand this 5 day of July, 1979.

 Director

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

COUNTY OF ADA

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have on this date served a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER by depositing a copy thereof in the United States mail postage prepaid and addressed to:

Glen J. Erickson
Route 1, Box 506
Bonners Ferry, ID 83805

John and Aurel Graham
Route 1, Box 508
Bonners Ferry, ID 83805

Robert K. Norwood
Route 1, Box 512
Bonners Ferry, ID 83805

Randall Day
P. O. Box 358
Bonners Ferry, ID 83805

Neil Walter
WALTER & WALTER
P. O. Box 749
Bonners Ferry, ID 83805

Dated this 6th day of July, 19 79.



On this 6th day of July, 19 79, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he (she) executed the same.


Notary Public
Residing at Boise, ID

My commission expires 11-25-82

MICROFILMED

AFFIDAVIT OF PUBLICATION

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Application for Permit No. 98-7173 in the name of Glen J. Erickson was filed for the diversion of 0.90 cfs of water from Cabin Creek, with the point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T61N, R2E, B.M., Boundary County to be used for the irrigation of 45 acres from March 15 to Nov. 15 within the W $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7, T61N, R2E, B.M.

The applicant now proposes to amend Application No. 98-7173, requesting the irrigated land be within S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 7, T61N, R2E, B.M.

Any protest to the proposed amending of the application may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814 on or before May 29, 1978.

C STEPHEN ALLRED

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on May 11 and May 18, 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 Amended Application #98-7173

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 May 11, 19 78 and ending with the issue dated May 18, 19 78.

Subscribed and sworn to before me this 31 day of May, 19 78.

[Signature]
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.

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Subscribed and sworn to before me this 31 day of May, 19 78

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

2500
Identification No. 98-7173

Application No. _____

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 Glen Erickson Phone: 267-2547
post office address RT 1, Bx 506 Bonners Ferry, Id. 83805
2. Source of water supply Cabin Cr. which is a tributary of Cow Creek
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8 Township 61 N
Range 2E B.M. Boundary 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 0.90 for Irrigation purpose from Mar 15 to Nov 15 (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. 0.90 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
Diversion dam with pipeline and sprinkler system.

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

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

MICROFILMED

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
61N	2E	7						5	30		10								45

Total number of acres to be irrigated 45

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Bob L. Mastre

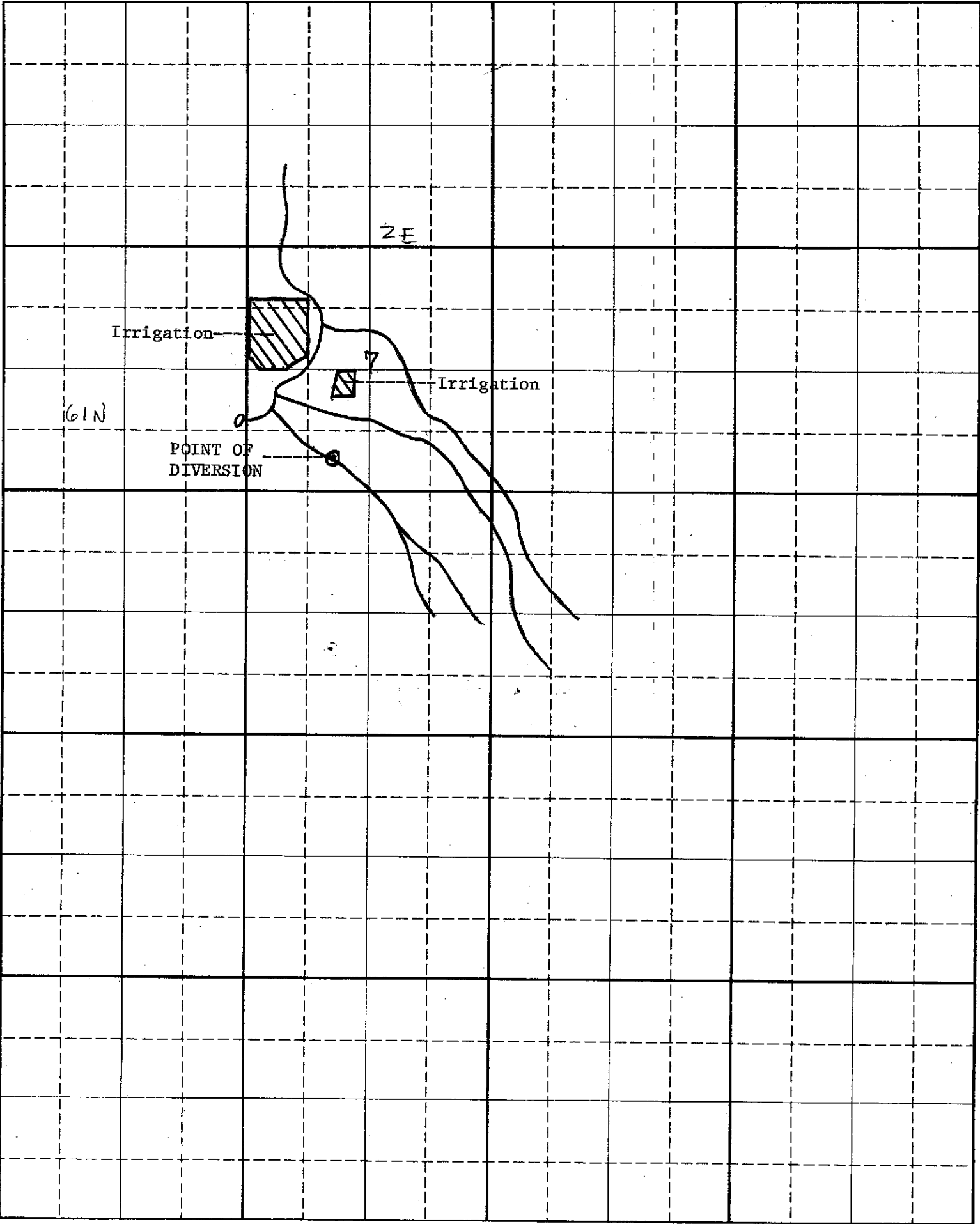
b. Who owns the land to be irrigated or place of use Applicant

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

Easement and Assignment from Bob L. Mastre

10. Remarks

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Glen Crismon
(Applicant)

Proposed Priority 7/15/76

Received by CP Date 7-15-76 Time 11:00 A.M.

Preliminary check by RGH Fee \$25.00

Receipted by CP Date 7-16-76 (Rec. #4310)

Publication prepared by CP Date 7-23-76

Published in Bonniers Ferry Herald

Publication dates 7-29 & 8-5-76

Publication approved CP Date 8-17-76

Priority reduced to _____ Reason _____

Protests filed by: John and Aurel Graham

Copies of protests forwarded by CP

Hearing held by BDF Date 1-27-77

Recommended for approval denial by JS

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. 98-7173, and said application is hereby APPROVED.

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

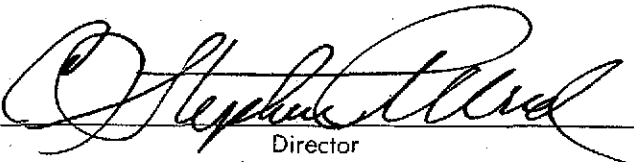
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 82.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works by June 1, 1977. That the flow of water for this permit does not affect the quality nor quantity of all prior water rights.

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

Witness my hand this 29th day of March, 19 77.


Director

RECEIVED

AFFIDAVIT OF PUBLICATION

AUG 16 1976

NOTICE OF APPLICATION FOR WATER PERMIT

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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 August 16, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on July 29 and August 5, 1976.-idwr

STATE OF IDAHO }
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Echo Turnbull, bkpr. for W. H. Chubb Department of Water Resources
first duly sworn upon his oath, deposes and says that he is the Northwest Foreman
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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

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Echo Turnbull, bkpr.

Subscribed and sworn to before me this 12 day of August, 1976.

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

4/86

RECEIVED

JUL 22 1986

Department of Water Resources

For Office Use Only

Fee Received \$102.50

Date 7/15/86

Receipt # 138055

Receipt by [Signature]

Sent to S.O. 7/16/86

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 98-7173

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

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

2. Permit Holder: Glen J Erickson

3. Post Office Address: Rt. 1, Box 506 Bonners Ferry, ID 83805

Telephone No. 267-2547

4. Source of Water: Cabin Creek

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. an

Irrigation 45 (acres) Other/Remark _____

one 6/29

6. Total rate &/or volume for which proof is submitted .90 cfs _____ acre-feet

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

Mar 29 1977

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

same
(Name)

(Address)

(Telephone Number)

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

Date 7-15-86

[Signature]
Signature of Permit Holder (and title, if appropriate)

4/86

RECEIVED

JUL 22 1986

Department of Water Resources

For Office Use Only

Fee Received \$10.00

Date 7/15/86

Receipt # 138055

Receipt by [Signature]

Sent to S.O. 7/16/86

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 98-7173

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

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

2. Permit Holder: Glen J Erickson

3. Post Office Address: Rt. 1, Box 506 Bonners Ferry, ID 83805
Telephone No. 267-2547

4. Source of Water: Cabin Creek

5. Extent of Use:

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

Irrigation 45 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted .90 cfs _____ acre-feet

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

Mar 29 1977

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

same
(Name)

(Address)

(Telephone Number)

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

Date 7-15-86

[Signature]
Signature of Permit Holder (and title, if appropriate)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

98-7173
ERICKSON, GLEN J.
RT. 1 BOX 506
BONNERS FERRY, ID 83805

130210

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

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

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

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

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

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

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

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

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

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

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

Northern Region

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

Eastern Region

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

Southern Region

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

Western Region

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

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
B. KENNETH DUNN
Director

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

January 29, 1982

Mr. Glen Erickson
Rt. 1 Box 506
Bonners Ferry, Id. 83805

RE: 98-7173

Dear Mr. Erickson:

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

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. 98-7173

Name(s) of Permit Holder: Glen J. Erickson

Post Office Address: RT. 1 Box 506 Bonners
Ferry, Idaho Tel. No. 267-2547

Source of Water: Tributary to Cabin Creek

Extent of Use:

☐ Domestic	(number of households)
☐ Stockwater	(number and type of stock)
☒ Irrigation <u>45</u>	(acres)
☐ Other	

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

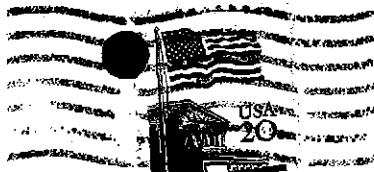
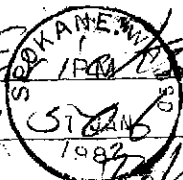
The above information is a true statement of the extent to which the above numbered permit has been developed.

Jan. 5, 1988 Date **MICROFILMED** Glen J. Erickson Signature of Permit Holder

Glen T. Erickson

P.O. Box

Bonnors Ferry, Idaho
83805



RECEIVED



JAN 11 1982

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138106

ERICKSON, GLEN J.
RT. 1 BOX 506
BONNERS FERRY, ID 83805

DECEMBER 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 98-7173 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

July 6, 1979

Glen J. Erickson
Route 1, Box 506
Bonners Ferry, ID 83805

Dear Mr. Erickson:

Re: Application for Amendment on Permit No. 98-7173

Enclosed is a copy of the approved Application for Amendment submitted on Permit No. 98-7173 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 60 days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: App. for Amend.
Memo. Dec. and Order
Certificate of Mailing

cc: Robert K. Norwood
Randall Day
Neil Walter
John and Aurel Graham

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State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: RJA

Right Number 98-7173 Applicant _____

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☐ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☐ Existing water rights from the same source, amended place of use.
- ☐ Right number(s) _____
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☒ Protests processed.
- ☒ Approve.
- ☐ Deny.

Conditions _____

By RJA Date 3-8-79

STATE OFFICE PROCESSING:

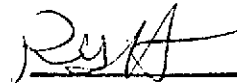
- ☒ Amendment correct and complete. By J.J. Date 5/30/79
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

MICROFILMED

FROM Bob Haynes

DATE 3-2-79

TO Files 98-2086, 98-7173 & 98-7240

SUBJECT Originals of the return receipt cards are in
File 98-7196

SIGNATURE

MICROFILMED

RANDALL W. DAY
ATTORNEY-AT-LAW
P.O. BOX 358
BONNERS FERRY, IDAHO — 83805
TELEPHONE (208) 267-3198

RECEIVED
SEP 22 1978
Department of Water Resources
Northern District Office

September 21, 1978

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

Re: Applications No. 98-2086, 98-7173, 98-7196 & 98-7240.

Dear Mr. Haynes:

Enclosed for your consideration please find the Final
Arguments of Protestants in the above-numbered applications.

Thank you for your time and consideration in this
regard.

Sincerely,


RANDALL W. DAY
Attorney at Law

RWD/kr
Encl.

MICROFILMED

In the Matter of Protests Against
Approval of Application for Amend-
ment of Permit No. 98-7173 in the
name of GLEN J. ERICKSON;

FINAL ARGUMENTS
OF PROTESTANTS

Idaho Code Section 42-203 specifically states, "hearing upon the protests so filed shall be held within sixty (60) days from the date such protest is received." The language of the statute speaks for itself and it can only be construed that it is mandatory upon the department to have a hearing upon a protest within sixty (60) days of

the filing of the protest. It is the position of the Petitioners that hearing was not timely and the Department of Water Resources has no lawful authority to hear any argument after the expiration of this sixty (60) day period. Certainly the Department cannot ignore protests for a period of sixty (60) days after they are received and then proceed to grant the application. It would seem that the only reasonable procedure at this time would be for the Petitioner to refile for his applications and that a hearing be held thereafter within a sixty day period from receiving the protests.

Under Idaho Code Section 42-203, two issues that are before the board for their consideration are the quantity of water under existing water rights, and the quantity of the water supply itself. It would appear reasonable to the Protestants that in light of the water adjudication pending upon the drainage for which Mr. Erickson has applied for water permits, that the Department declare a moratorium on any such applications until the completion of the water adjudication. It is quite apparent that the water adjudication will be despositive of these two issues. It would appear that the best evidence would be the water adjudication rather than testimony of other users of the water and as the Board is well aware, Mr. Erickson has naturally assumed the position that his appropriations will not reduce the quantity of water under existing water rights and that the water supply itself is sufficient for the purpose it is sought to be appropriated, and the Protestants assume the position that the quantity of water under existing rights will be reduced, and that the water supply itself is insufficient. The real answer will lie in the adjudication itself and it would appear logical at this point in time to declare a moratorium upon any further applications to the Department for appropriation of water in this drainage until the water adjudication is completed.

The next area of law which we would like to discuss is that

2. FINAL ARGUMENTS

tioner has not demonstrated sufficient financial resources and at this point I would like to note that we have yet to receive a completed financial statement as the Petitioner indicated he would provide; and, that the Petitioner's use will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use.

In accordance therewith, the Protestants respectfully request that the Department of Water Resources render a decision in the above-entitled matters in accordance with the theories of law and conclusions of facts as expressed herein.

Respectfully submitted this 21st day of September, 1978.


RANDALL W. DAY
Attorney at Law

pertaining to the amendment of Idaho Code Section 42-203 adding the following language: "(5) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use."

Petitioner argues that the Department in considering testimony related to public interest renders Idaho Code Section 42-203 an ex post facto law. Had the hearing for Mr. Erickson's applications been prior to the effective date of the amended statute and after such amendment, the Department reopened the hearing for additional evidence regarding public interests then and only in that event could it be argued that the statute would be an ex post facto law. But as the facts exist at this time, such an argument is without merit. The language quoted by Petitioner relating to the effective date of the statute is language originally appearing in the organic statute referring to the original date of passage and, of course, at that time it was the legislative intent not to disrupt prior applications.

It should not be argued that Idaho Code Section 42-203 as amended does not apply to the public hearing at hand in and for the reason that it was the effective law at the date of the hearing.

The Department has already indicated that they concede the fact that they do not have power or authority to grant a change in the nature of use of water, therefore, the Protestant will not speak to this issue.

In conclusion, the preponderance of the evidence taken at the public hearing indicates that it is more likely than not that there will be a reduction of the quantity of water under existing water rights, that the water supply itself is insufficient for the purposes for which Petitioner seeks to appropriate the water; that the application is made for speculative purposes in that Mr. Erickson is applying for the water so that he can increase the market value to his property for resale at the earliest convenient moment; that the Peti-

September 15, 1978

Randall Day
Courthouse
Bonners Ferry, Id 83805

RE: Applications No. 98-2086, 98-7173, 98-7196 & 98-7240

Dear Randy,

At the hearing July 26, 1978, it was agreed that Neil Walter would be afforded 10 days to present a written final argument and you would provide yours within 10 days of receipt of his. We received Mr Walter's on August 11, 1978, but hav not heard from you as yet. Please be advised that unless your written statement is submitted within 10 days it will not be considered.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

MICROFILMED

September 15, 1978

RE: Applications No. 98-2086, 98-7173, 98-7196 & 98-7240

Jim Lyons
Nixon, Nixon, Lyons & Bell
PO Box 368
Bonners Ferry, Id 83805

Dear Jim,

At the hearing July 26, 1978, it was agreed that Neil Walter would be afforded 10 days to present a written final argument and you would provide yours within 10 days after receipt of his. We received Mr Walter's on August 11, 1978, but have not heard from you as yet. Please be advised that unless your written statement is submitted within 10 days, it will not be considered.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

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PETER B. WILSON
NEIL O. WALTER

RECEIVED

AUG 11 1978

Department of Water Resources

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

RECEIVED
JUN 10 1978
Department of Water Resources
Sacramento District Office

Re: Glen J. Erickson Permit Nos. 98-2086
98-7196
98-7240
98-7173

Enclosed for filing in regard to this matter is the final argument of Petitioner Erickson.

~~WILSON & WALTER~~

Neil Walter

cc: James F. Lyons
Randall W. Day

Michael

RECEIVED

AUG 11 1976

Department of Water Resources

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against
Approval of Application for Transfer
of Water Right No. 98-2086 in the
name of GLEN J. &/or JAQUELYN B.
ERICKSON;

In the Matter of Protests Against
Approval of Application for
Permit No. 98-7196 in the name of
GLEN ERICKSON;

In the Matter of Protest Against
Approval of Application for Permit
No. 98-7240 in the name of GLEN J.
and JACQUELYN B. ERICKSON;

In the Matter of Protests Against
Approval of Application for Amend-
ment of Permit No. 98-7173 in the
name of GLEN J. ERICKSON;

FINAL ARGUMENT
OF PETITIONER ERICKSON

This final argument is not intended to be an exhaustive review of the evidence presented at the hearing; but only an attempt to point out what we believe to be the applicable law at pertains to the petitioner's application.

As, of course, the department is well aware, the applicable statute pertaining to hearing on an application to appropriate public waters of the State of Idaho is 42-203. We will discuss that statute and its applicability first:

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This particular statute was amended effective March 29, 1978, which was prior to the hearing but subsequent to the applications filed by Erickson. The significant change is that one additional criteria to be considered by the board was added. "Will the proposed use conflict with the local public interest?" It is our understanding that the hearing examiner took the position that this additional criteria should be considered in making its decision upon Erickson's applications to appropriate public waters. We, however, respectfully submit that it should not be a factor in the board's determination.

First of all, the statute expressly states: "On and after the passage, approval and effective date of this section, upon receipt of an application to appropriate the waters of this state, ..." Clearly by the plain language of the statute itself, it was not intended to be applicable to those applications filed prior to the effective date of the statute. In addition, it is respectfully submitted that such an interpretation would render the law an ex post facto law prohibited by Article I, Section 16 of the Constitution of the State of Idaho. We would submit that with the testimony of John Graham and Robert Norwood all of the other testimony only addressed this particular issue and as such should not properly be considered by the board in rendering its decision. Of all who testified, only Graham and Norwood had an existing water right on Cabin Creek. Therefore, testimony of others is really quite immaterial to the issues at hand.

The statute pertaining to the applications to transfer the place and nature of use of water is 42-222. As the department is aware, the criteria as stated in that statute is: "Are other water rights injured by this action?" and two, "Does the change constitute an enlargement in the use of the original right?" No testimony or evidence in the affirmative on either item was presented to the examiner and, therefore, it is submitted that the board must find in favor of Erickson on both of these issues since the testimony and evidence presented by Erickson clearly showed that neither would any other water right be injured by the action, or that the change would constitute an enlargement in the use of the original right.

It is, however, our understanding that it is the board's position that they do not have the power or authority to grant a change in the nature of the use of water. The explanation for this position, as we understand it to be, is that 42-222 originally did provide for the change of the nature of the use but that a subsequent amendment to the statute deleted such provision and that, therefore, the legislative intent appears to be to have taken such power away from the department.

We have examined these wordings of the statute clear back to its original enactment, and while we could concede that we could have very possibly overlooked such a change, we did not, in fact, find that there had ever been any change in the statute which appeared to at one time grant the power to change the nature of use and later to take it away.

We would also have to disagree that the statute as presently written is entirely silent. We would call the board's attention to sub-paragraph 3 of that statute which states: "Any person or persons feeling themselves aggrieved by the determination of the Department of Water Resources in approving or rejecting an application to change the point of diversion, place, period of use, or nature of the use of water under an established right" (Emphasis ours.)

We would also point out that 42-221 as in effect at the time Erickson filed his applications, provided for filing fee for a change in the nature of use of water. See paragraph B. Anticipating that it will no doubt be pointed out that this statute has been amended by deleting that portion, we would wish to call the board's attention to what we feel is the final determining factor, and in this regard we call attention to the recently enacted 42-1736(a), which states: "It is legislative intent in the public interest that House Concurrent Resolution No. 48, Second Regular Session, Forty-fourth Idaho Legislature, is hereby recognized as the guide for the State Water Plan of Idaho." We would then direct the board's attention to Policy No. 2 of that resolution:

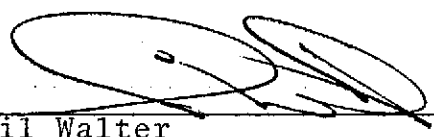
" NATURE OF USE OF WATER RIGHTS "Water users should be allowed to change the nature of use of their own water rights for use within the State of Idaho provided other water rights are not injured thereby"

It is submitted that this should be dispositive of this issue and that the board not only can change the nature of the use, but is, in fact, encouraged to do so when no damage to

any other prior users has been shown, which is certainly the case here.

Respectfully submitted,

WILSON & WALTER

by 

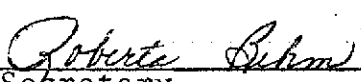
Neil Walter
Attorney for Petitioner
Glen J. Erickson

I hereby certify that a true copy of the foregoing Argument was delivered to:

James F. Lyons
Bonners Ferry, Idaho

Randall W. Day
Bonners Ferry, Idaho

this 9th day of August,
1978.


Secretary

W. J. NIXON
W. W. NIXON
JAMES F. LYONS
STEVE F. BELL

OF COUNSEL
GEORGE M. BELL

NIXON, NIXON, LYONS & BELL
ATTORNEYS AT LAW
225 Main Street
P. O. Box 368
Bonners Ferry, Idaho 83805
(208) 267-3133

200 NORTH FOURTH
P. O. BOX 1577
COEUR D' ALENE, IDAHO 83814
(208) 667-4655

September 20, 1978

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SEP 25 1978

Department of Water Resources
Northern District Office

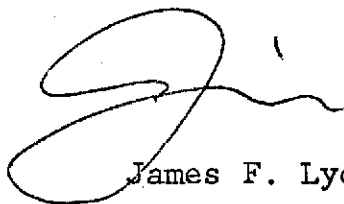
Mr. Robert G. Haynes, P.E.
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

RE: Applications Nos. 98-2086; 98-7173; 98-7196;
and 98-7240

Dear Mr. Haynes:

This is to advise you that Randy Day is submitting
the written final argument on the applications mentioned
in your letter to me of September 15th.

Yours truly,



James F. Lyons

JFL:ds

cc: Mr. Randy Day

RECEIVED

September 27, 1978

RE: Applications No. 98-2086, 98-7173, 98-7196 & 98-7240.

Neil Walter
Attorney at Law
207 W Kootenai
Bonners Ferry, Id 83805

Dear Mr Walter,

Please find enclosed the Final Arguments submitted by Randall W Day on the above referenced applications. You have five days in which to respond to these arguments.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

*Neil Walter indicated verbally that
he intended no response*

Ryff 10-15-78

MICROFILMED

98-7196 - Glen Erickson
98-7232 & 98-7240 & 98-7173 & 98-2086

Courtroom, Boundary County Courthouse, Bonners Ferry, Idaho

July 26, 1978 - 9:00 am

ROSTER OF ATTENDANCE

Name	Address	Representing
Leonard Schulte	Rt 1 Bonners Ferry	
Jim Neumayer	RTI Bonners Ferry	
John Neumayer	" "	
Quinn Jones	" "	
Kenneth E. Jones	Rt - 1 Bonners Ferry	
Carquilyn Erickson	" "	
Estey Nickolausson	Spokane wa.	
David E. Nickolausson	15324 E. Valley Way, Spokane Wa	
Tom Roy Cowley	Rt 1 Bonners Ferry	
Dan Dewey	c/o Herold Bonners Ferry	
Berry C. Douglas	Rt 1 Box 299 Bonners Ferry	Cow Creek Water & self
Mrs Pete Reppong	Rt 1 Box 482 Bonners Ferry	
Pete Reppong	Rt 1 Box 474 Bonners Ferry	
Mrs Albert Lee	" "	
John Graham	Rt 1 Box 508 " "	
Doug Christensen	Rt 1 Box 525 ✓ ✓	
Mrs George (Beta) Reppong	Rt 1 Box 505 ✓	
George Reppong	" " " " " "	
Myrna Amoth	Rt 1 Box 503	
Helen Amoth	" "	
Carole Madison	Box 719 Bonners Ferry	
Caroline Farnsworth	Rt # 1 " "	
Al W. Farnsworth	" "	
Leslie Atkins	Box 902 " "	
Dora Lavoie	Rt # 1 " "	
Arlene Norwood	Rt 1 Box 512	MICROFILMED
Robert P. Norwood	Route 1 Box 512	" "
Frank A. Reynolds Jr.	Rt 1 Box 513	" "
John Plater	RP 13 Box 165	" "

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval }
of Application for Amendment of Permit No. }
98-7173 in the name of GLEN J ERICKSON }

NOTICE OF CONFERENCE
AND/OR HEARING

On May 1, 1978, Glen J Erickson filed with the Department of Water Resources an application for amendment of permit No. 98-7173. The Department received protests against approval of said application on May 15, 1978, from John Graham; and on May 25, 1978, from Robert K Norwood.

The Department has set the matter of protests for conference and/or hearing for Wednesday, July 26, 1978, at 1:00 pm in the Courtroom, Boundary County Court-house, Bonners Ferry, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water 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 10 day of July, 1978.



ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

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 13330	Randall Day, PO Box 358, Bonners Ferry, Id	15	80			45				
2 13331	Hannan, Tourtillot, & Coffman, Rt 1 Box 498, Bonners	15	"			"				
3 13332	Al Farnsworth, Rt 1, Bonners Ferry, Id	15	"			"				
4 13333	Mr & Mrs Earl Merrifield, Rt 1 Box 509, Bonners Ferry	15	"			"				
5 13334	Greg & Lori Smith, Box 1237, Bonners Ferry, Id	28	"			"				
6 13335	John & Aurel Graham, Rt 1 Box 508, Bonners Ferry, Id	28	"			"				
7 13336	Kenneth Irons, Rt 1, Bonners Ferry, Id 83805	28	"			"				
8 13337	Don & Myrna Amoth, Rt 1 Box 503, Bonners Ferry, Id	28	"			"				
9 13338	Cleve D & Robin Shearer, Box 173, Bonners Ferry, Id	28	"			"				
10 13339	Tom Roy Cowley, Rt 1 Box 517, Bonners Ferry, Id	28	"			"				
11 13340	Robert & Arlene Norwood, Rt 1 Box 512, Bonners Ferry, Id	28	"			"				
12 13341	Glen & Jacquelyn Erickson, Rt 1 Box 506, Bonners Ferry,	28	"			"				
13 13342	Charles E & Della Atkins, Rt 1 Box 504, Bonners Ferry,	28	"			"				
14 13343	Jim & JoAnne Neumayer, Rt 1 Box 519, Bonners Ferry, Id	28	"			"				
15 13344	Frank A & Phyllis R Reynolds, Box 513, Bonners Ferry, Id	28	"			"				
16 13345	James Lyons, PO Box 1577, Coeur d'Alene, Id 83814	28	"			"				
17 13346	David Nickolauson, 15324 E Valley Way, Veradale Wa 99037	15	"			"				
18 13347	Morris & Angela A Hefner, Drawer N, Bonners Ferry, Id	15	"			"				
19 13348	George Koppeng, Rt 1 Box 505, Bonners Ferry, Id 83805	15	"			"				
20 13349	Carlee Madsen, Box 719, Bonners Ferry, Id 83805	15	"			"				
21 13350	Betty Douglas, Rt 1 Box 299, Bonners Ferry, Id 83805	17	"			"				
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," 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 inclu- special-handling service.				

POD Form 3877-A—July 1958

NOT RECORDED



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 10, 1978

Auditor's Office
Boundary County Courthouse
Bonners Ferry, Id 83805

Dear Madam,

This is to confirm reservations for conference and/or hearing to be held by this office on Wednesday, July 26, 1978, in your Court Room.

Thank you for your cooperation in this matter.

Sincerely,

Alea Beito
Secretary

MICROFILMED

W. J. NIXON
W. W. NIXON
JAMES F. LYONS
STEVE F. BELL
MARSHALL C. AUNGIER

OF COUNSEL
GEORGE M. BELL

NIXON, NIXON, LYONS & BELL
ATTORNEYS AT LAW
225 MAIN STREET
P. O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

200 NORTH FOURTH
P. O. BOX 1577
COEUR D'ALENE, IDAHO 83814
(208) 667-4655

June 22, 1978

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

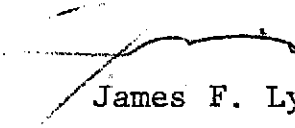
Re: Cow Creek -- Glen J. Erickson et al

Dear Mr. Haynes:

Pursuant to your office's recent telephone call,
this matter will not be heard on June 27th.

I have notified the protestants.

Yours truly,


James F. Lyons

jfl ra

CC: Mr. Neil O. Walter

RECEIVED
JUN 23 1978
DEPARTMENT OF WATER RESOURCES
COEUR D'ALENE, IDAHO

MICROFILMED

Jim Lyons & Randy Day,
attorneys for protestants at
Ericsons Permits, are scheduled
in court all day on the
27th of June. Requests on
extension until late July.
Preferably not on a
Mon. or Tues. Sez he (Lyons)
can call all protestants if
we cancell. Lyons number 267-3133

TR

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Amendment of Permit No.)
98-7173 in the name of GLEN J ERICKSON)

NOTICE OF CONFERENCE
AND/OR HEARING

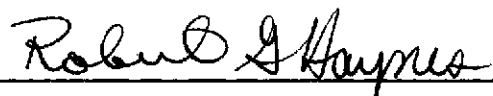
On May 1, 1978, Glen J Erickson filed with the Department of Water Resources an application for amendment of permit No. 98-7173. The Department received protests against approval of said application on May 15, 1978, from John Graham; and on May 25, 1978, from Robert K Norwood.

The Department has set the matter of protests for conference and/or hearing for Tuesday, June 27, 1978, at 1:00 pm in the Courtroom, Boundary County Courthouse, Bonners Ferry, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water 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 6 day of June, 1978.



ROBERT G. HAYNES, P.E.
Regional Supervisor

RECEIVED

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 ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE REMARKS
1 13306	Glen & Jacquelyn Erickson, Rt 1 Box 506, Bonners Ferry	41	80			45			
2 13307	Robert & Arlene Norwood, Rt 1 Box 512, Bonners Ferry, Id	41	80			45			
3 13308	John & Aurel Graham, Rt 1 Box 508, Bonners Ferry, Id	28	80			45			
4 13309	Al W Farnsworth, RR 1 Bonners Ferry, Id 83805	28	80			45			
5 13310	Don & Myrna Amoth, Rt 1 Box 503, Bonners Ferry, Id	28	80			45			
6 13311	Cleve D & Robin Shearer, Box 173, Bonners Ferry, Id	28	80			45			
7 13312	Kenneth E Irons, Rt 1, Bonners Ferry, Id	28	80			45			
8 13313	Tom Roy Cowley, Rt 1 Box 517, Bonners Ferry, Id	28	80			45			
9 13314	Randall W Day, PO Box 358, Bonners Ferry, Id	15	80			45			
10 13315	David Nickolauson, 15324 E Valley Way, Veradale, Wa	28	80			45			
11 13316	Morris & Angela A Hefner, Drawer N, Bonners Ferry, Id	15	80			45			
12 13317	Geroge Koppeng, Rt 1 Box 505, Bonners Ferry, Id	15	80			45			
13 13318	Carlee Madsen, Box 719, Bonners Ferry, Id	15	80			45			
14 13319	Betty Daouglas, Rt 1 Box 299, Bonners Ferry, Id	15	80			45			
15 13329	James F Lyons, PO Box 1577, Coeur d'Alene, Id 83814	28	80			45			
16 13321	Frank A & Phyllis R Reynolds, Box 513, Rt1, Bonners	28	80			45			
17 13322	Mr & Mrs Earl Merrifield, Rt 1 Box 509, Bonners Ferry	15	80			45			
18 13323	Jim & JoAnne Neuymayer, Rt 1 Box 519, Bonners Ferry, Id	28	80			45			
19 13324	Charles E & Dalia Atkinson, Rt 1 Box 504, Bonners Ferry	28	80			45			
20 13325	Greg & Lori Smith, Box 1237, Bonners Ferry, Id	28	80			45			
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." ² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.			

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

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1	13326 Robert G Deitel, Rt 1 Box 510, Bonners Ferry, Id	15	80			45			
2	13327 Curley-Q, Inc, C/o Stateline House, Moyie Springs, Id	15	80			45			
3	13328 Tourtillott, Hannan, Coffman, Rt 1 Box 498, Bonners	15	80			45			
4									
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TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER, PER (Name of receiving employee)	¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." ² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.
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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 12, 1978

RE: Transfer No. 98-2086 & Amendment No. 98-7173

John Graham
Rt 1 Box 508
Bonners Ferry, Id 83805

Dear Mr Graham,

Please be advised that the items we can consider at a conference and/or hearing in either approving or denying an application for transfer or amendment are as follows:

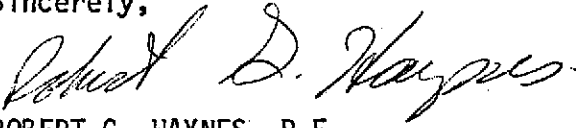
1. Are other water rights injured by this action?
2. Does the change constitute an enlargement in the use of the original right?

The wrong conditions were listed in the original notification of receipt of the protests on these applications. Please make note of this correction and accept our apologies for any inconvenience our error may have caused you.

As you are aware, the hearings for these matters will be held Tuesday, June 27, 1978, at 1:00 pm in the Courtroom, Boundary County Courthouse, Bonners Ferry, Idaho.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,


ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

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 12, 1978

Robert Norwood
Rt 1 Box 512
Bonners Ferry, Id 83805

RE: Transfer No. 98-2086 & Amendment No. 98-7173

Dear Mr Norwood,

Please be advised that the items we can consider at a conference and/or hearing in either approving or denying an application for transfer or amendment are as follows:

1. Are other water rights injured by this action?
2. Does the change constitute an enlargement in the use of the original right?

The wrong conditions were listed in the original notification of receipt of the protests on these applications. Please make note of this correction and accept our apologies for any inconvenience our error may have caused you.

As you are aware, the hearings for these matters will be held Tuesday, June 27, 1978, at 1:00 pm in the Courtroom, Boundary County Courthouse, Bonners Ferry, Idaho.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

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 12, 1978

RE: Transfer No. 98-2086 & Amendment No. 98-7173

Glen J &/or Jacquelyn B Erickson
Rt 1 Box 506
Bonners Ferry, Id 83805

Dear Mr & Mrs Erickson,

Please be advised that the items we can consider at a conference and/or hearing in either approving or denying an application for transfer or amendment are as follows:

1. Are other water rights injured by this action?
2. Does the change constitute an enlargement in the use of the original right?

The wrong conditions were listed in the original notification of protests on this application. Please make note of this correction and accept our apologies for any inconvenience our error may have caused you.

As you are aware, the hearings for these matters will be held Tuesday, June 27, 1978, at 1:00 pm in the Courtroom, Boundary County Courthouse, Bonners Ferry, Idaho.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

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 5, 1978

Auditor's Office
Boundary County Courthouse
Bonners Ferry, Id 83805

Dear Madam,

This is to confirm reservations for conference and/or hearing to be held by this office on Tuesday, June 27, 1978, in your Court Room.

Thank you for your cooperation in this matter.

Sincerely,

ALEA BEITO
Secretary

AB

MICROFILMED

May 25, 1978

Re: 98-2068 & 98-7173

Mr. Glen Erickson
Rt. 1, Box 506
Bonners Ferry, ID 83805

Dear Mr. Erickson:

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

RECEIVED
MAY 26 1978
REGIONAL SUPERVISOR

May 25, 1978

Re: 98-2086 & 98-7173

Mr. Robert K. Norwood
Rt. 1, Box 312
Bonners Ferry, ID 83805

Dear Mr. Norwood:

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

Idaho Dept. Water Resources
Coeur d'Alene, Idaho.

RECEIVED
MAY 23 1978
Department of Water Resources
Northern District Office

Dear Sirs,

I am protesting any changing of
license no. 95-2086 & no. 95-7173 by
Mr. Erickson until hearings can be held
on the Cow Creek drainage.

Robert H. Norwood
Route #1, Box 512
Bonanza Ferry, Idaho 83805

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM BOB FLEENOR

DATE May 24, 1978

TO BOB HAYNES

SUBJECT 98-7173 and 98-2086

The wrong letters were sent to the protestants of Transfer No. 98-2086 and
Amendment of Permit No. 98-7173.

Letters on the injury caused by the change or whether there will be an enlargement
of the right should be sent ~~instated~~.

instead.

MICROFILMED

SIGNATURE



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

May 16, 1978

Re: Application for Amendment No. 98-7173

Mr. Glen Erickson
Rt. 1, Box 506
Bonners Ferry, ID 83805

Dear Mr. Erickson:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 98-7173. The Department suggests you contact the protestant 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/sdw

Enclosure

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

May 16, 1978

Re: Amendment No. 98-7173

Mr. John Graham
Rt. 1, Box 508
Bonners Ferry, ID 83805

Dear Mr. Graham:

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 an application for permit (Section 42-203 Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the 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/sdw

MICROFILMED

C Stephen Allred -
Idaho Dept. of Water Resources -
4055 Fort. Way. Coeur D'Alene
Idaho - 83814.

May 11, 1978.

I write in protest to the the
amended application for permit # 98-7173
as advertised in the Bonners Ferry Herald.
this date in the name of Ellen J. Erickson -

Yours truly
John Graham

John Graham
Rt 1 Box 508
Bonners Ferry Idaho
83805.

RECEIVED

MAY 15 1978

Department of Water Resources
Northern District Office

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

May 4, 1978

RE: Application No. 98-7259
T Transfer No. 98-2036
Amendment No. 98-7173

Bonniers Ferry Herald
PO Box 539
Bonniers 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
7-2-78*

MICROFILMED

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Application for Permit No. 98-7173 in the name of Glen J Erickson was filed for the diversion of 0.90 cfs of water from Cabin Creek, with the point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 8, T61N, R2E, B.M., Boundary County to be used for the irrigation of 45 acres from March 15 to Nov 15 within the W $\frac{1}{2}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 7, T61N, R2E, B.M.

The applicant now proposes to amend Application No. 98-7173, requesting the irrigated land be within the S $\frac{1}{2}$ NE $\frac{1}{4}$ SEC 7, T61N, R2E, B.M.

Any protest to the proposed amending of the application may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id 83814 on or before May 29, 1978

C STEPHEN ALLRED
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Id on May 11 and May 18, 1978

MICROFILMED

NIXON, NIXON, LYONS & BELL
ATTORNEYS AT LAW

225 MAIN STREET
P. O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

May 5, 1977

W.J. NIXON
W.W. NIXON
JAMES F. LYONS
STEVE F. BELL
MARSHALL C. AUNGIER

OF COUNSEL:
GEORGE M. BELL

RECEIVED

MAY 9 1977

Department of Water Resources
200 NORTH FOURTH
P. O. BOX 1577
COEUR D'ALENE, IDAHO 83814
(208) 667-4655

DIRECTOR	
DEPUTY DIR.	
RESO. ADMIN.	
RESO. ANALYSIS	
OPER. BUREAU	
TECH. SER. BUR.	
PROJ. STUD. BUR.	
LEGAL	
FISCAL	
PERSONNEL	
FILES	

File

✓ FRENOR

Answered by conversation
between Bob Haynes & Mr Lyons

Mr. Norman C. Young
Administrator, Resources Adm. Div.
State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Young:

I am advised this date that John Graham's water supply is completely dry. This was specifically to be protected not only in quality but quantity. Mr. Greg Smith's quality and quantity has also been diminished.

Be further advised that we are processing a prior claim of Mr. Smith's for irrigation rights to water in this stream that is prior to Mr. Erickson's.

I do not know the reason for the Department of Water Resources granting a permit sufficient to completely dry out a stream. This is the second such permit granted in this County. I suspect that it is to avoid the oncoming Water Quality Act by creating "grandfather rights".

Your letter did not answer any of the questions I posed in my prior letter.

May I point out to you that the former owner of this irrigation right did not dry up the stream when he irrigated.

Your own employees have advised Mr. Smith that the head-gate installed is not proper.

Yours truly,

James F. Lyons

JFL:ds

MICROFILMED

RECEIVED

APR 13 1977

Department of Water Resources

RECEIVED

MAR 31 1977

Department of Water Resources
Northern District Office

File # 98-7173

OK to file
BDF

Department of Water Resources

Mar. 29, 1977

Dear Sirs,

I wish to register a complaint against John and Laurel Graham and Greg Smith whom I believe conspired on or about the 27th day of March 1977 to interfere with my water rights by maliciously molesting my personal property at the site of my diversion dam and by falsely making complaint to the Department against me.

I point out that I sincerely desire to do no other than to respect their rights as well as my own and even to be friends with them if possible. Nevertheless I cannot afford to have them abuse me and my rights without speaking out against their apparently unethical and unneighborly behavior!

Incidentally a review of your records will reveal that John and Laurel Graham have previously made false accusations against me and therefore I would suggest that consideration be given to that fact when considering any current or future complaints on their part. I'm sorry to predict that their **MICROFILMED** shall continue as part of their personal battle

until or unless perchance they are
successful in wishing me and my
rights into non-existence.

I recognize fully that I am
required by law and by honor not to
violate these water rights or any other
rights and I have lived up to that
measure and shall continue always
to do so!

Respectfully yours,

Glen J. Erickson

I am sending a copy of these
letters for your records-

RECEIVED

APR 6 1977

Department of Water Resources
Northern District Office

MICROFILMED

Dear Mr. and Mrs. Graham,

RECEIVED

APR 8 1977

Department of Water Resources
Northern District Office

April 2, 1977

I would like to recommend that yourselves, the Smiths and I meet together with a representative of the Dept. of Water Resources in the immediate future to consider possible solutions to potential water problems.

I'll be happy to meet with you at any mutually convenient time and place and I believe that the Dept. will cooperate in assisting us.

Respectfully yours,
Glen J. Erickson

MICROFILMED

RECEIVED

APR 6 1977

Department of Water Resources
Northern District Office

Dear Mr. Gregg Smith,

April 2, 1977

I would like to recommend that yourself, the Erskens and I meet together with a representative of the Dept. of Water Resources in the immediate future to consider possible solutions to potential water problems.

I'll be happy to meet with you at any mutually convenient time and place and I believe that the Dept. will cooperate in assisting us.

Respectfully yours,
Glen J. Erskens

May 2, 1977

Re: Permit No. 98-7173 - Glen Erickson

James F. Lyons
NIXON, NIXON, LYONS & BELL
225 Main St., Box 368
Bonners Ferry, Idaho 83805

Dear Mr. Lyons:

We received your April 21st request for an additional hearing on Permit No. 98-7173, Glen Erickson.

We would, however, call to your attention that the protest against the granting of this permit was withdrawn by Mr. Graham on February 25, 1977. The conditions of withdrawal, namely that the permit holder, Mr. Erickson, recognizes the prior water quality and quantity rights of John Graham, the protestant. These conditions were made a part of the approved permit.

As I am sure you are aware, this is a very short water year and therefore, some interferences that might not normally occur could occur this year.

We recall from the conference that was held concerning the protest against this permit that the applicant did not intend to change the existing diversion works but the intent was only to irrigate an additional 45 acres of land. Therefore, we do not feel that any action can be taken under this permit to require him to change the type of headgates that have been installed.

Since there appears to be a conflict between several of the water users on this stream, perhaps the proper form for resolving these conflicts would be a determination of these water rights by the District Court. The determination of the water rights of your client and other users on the stream could be confirmed by the court. A water district could then

MICROFILMED

Page 2
May 2, 1977
Re: Permit No. 98-7173
James F. Lyons:

be established with a watermaster appointed to distribute the water among the users.

We are reminding Mr. Erickson, by copy of this letter, of the need to consider the prior rights in constructing his point of diversion and in taking water from the stream for his project.

If you have any further questions, please contact us.

Sincerely,

NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:BDF:jfr

cc: Glen Erickson
Route 1, Box 506
Bonners Ferry, ID 83805

MICROFILMED

NIXON, NIXON, LYONS & BELL

ATTORNEYS AT LAW

225 MAIN STREET
P. O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

W.J. NIXON
W.W. NIXON
JAMES F. LYONS
STEVE F. BELL
MARSHALL C. AUNGIER

OF COUNSEL:
GEORGE M. BELL

RECEIVED

APR 21 1977

Department of Water Resources
Northern District Office

200 NORTH FOURTH
P. O. BOX 1577
COEUR D'ALENE, IDAHO 83814
(208) 667-4655

April 21, 1977

RECEIVED

APR 25 1977

Department of Water Resources
Northern District Office

Idaho Department of Water Resources
4055 Government Way
Coeur d' Alene, Idaho 83814

Re: Permit # 98-7173 Glen Erickson/John Graham

Gentlemen:

On behalf of John Graham, a prior permit holder on Cabin Creek here in Boundary County, Idaho, and Greg Smith, also a prior permit holder, both permit holders having these for domestic and agricultural uses, we are hereby protesting and request the revocation of the issuance of any permit to Glen Erickson.

First, the type of headgate that has been installed does not meet existing standards and requirements; second, he is abusing the use of this permit in drying the stream below him for prior water permit holders. As stated at the meeting, the reason of protest that was entered was that Mr. Erickson would abuse the granting of the permit.

Both the prior permit holders downstream have had their water supply dried out, lessened, and filled with mud.

Be further advised that we want a full hearing on this matter and the basis for granting this permit.

Further, at this point if this permit to be continued in any manner, then a water master must be appointed on this stream.

Could you please advise as to whether plans for the headgate he has installed along with measuring devices have been submitted to your department and whether or not they have been approved.

If they have been inspected, has Mr. Erickson been sent the appropriate notice under Idaho Code Section 42-701? Further, under said code section we hereby request that the Department of Water Resources remove the headgate as currently installed until

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Idaho Department of Water Resources
Page 2
April 21, 1977

the same is properly constructed and maintained.

The device now installed at the end of the culvert has no by-pass for downstream flow and presents a flood danger or complete washing of the culvert in the event of high water.

I am also representing Greg Smith who is protesting issuance of the permit and requesting revocation of it.

Some sort of by-pass must be placed on the device for proper maintenance of water quality and quantity downstream.

I am further advised by Mr. Graham that his spring, which he has a license on, is diminished in flow when the device is not in place.

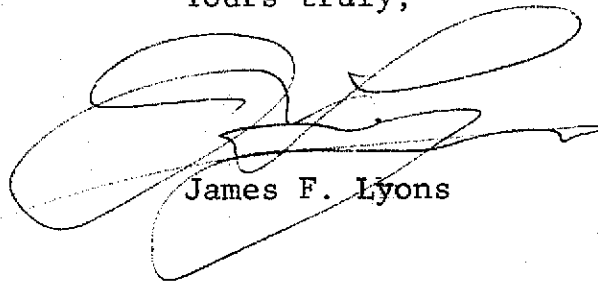
I am also advised that further upstream Mr. Erickson has a pipe installed in the stream which flows continually and dumps water by the road and is not used. It would appear that he should use this water rather than wasting it.

May I point out to you that all the permit holders and permits are not only prior in type of use but prior in time.

Speedy action is immediately needed on this.

Thank you.

Yours truly,

A large, stylized handwritten signature in black ink, appearing to read 'J. Lyons', is written over the typed name.

James F. Lyons

JFL:ds

MICROFILMED

April 1, 1977

Re: Permit No. 98-7173

Glen Erickson
Route #1, Box 506
Bonners Ferry, ID 83805

Dear Mr. Erickson:

Enclosed is a copy of your approved Application for Permit No. 98-7173. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

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March 17, 1977

Re: Permit No. 98-7173

Mr. Glen Erickson
Route 1, Box 506
Bonners Ferry, Idaho 83805

Dear Mr. Erickson:

Enclosed is a copy of the letter setting forth the conditions under which Mr. Graham will withdraw his protest against your application no. 98-7173.

Please review these conditions and if you have any objections to them, please let us know within ten days. If we do not hear from you we will assume you have no objections and final action will be taken on your application.

If you have any questions, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Encl.

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FROM Jim J.

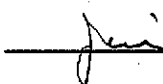
DATE _____

TO Bob F.

SUBJECT APPLICATION # 98-7173

Bob this is the one involving James Lyons &
water quality. Good luck!

MICROFILMED



SIGNATURE

NIXON, NIXON, LYONS & BELL
ATTORNEYS AT LAW

225 MAIN STREET
P. O. BOX 368
BONNERS FERRY, IDAHO 83805
(208) 267-3133

W.J. NIXON
W.W. NIXON
JAMES F. LYONS
STEVE F. BELL
MARSHALL C. AUNGIER

OF COUNSEL:
GEORGE M. BELL

200 NORTH FOURTH
P. O. BOX 1577
COEUR D'ALENE, IDAHO 83814
(208) 667-4655

February 25, 1977

RECEIVED

MAR 3 1977

Department of Water Resources
Northern District Office

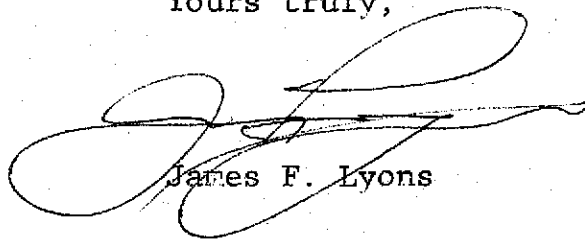
Mr. Robert C. Haynes, P.E.
District Supervisor
Department of Water Resources
Suite No. 1, 4055 Government Way
Coeur d'Alene, Idaho 83814

Re: Application for Permit No. 98-7173
Glen Erickson

Dear Mr. Haynes:

Be advised that on behalf of Mr. John Graham, and pursuant to the agreement at the meeting, that he withdraws his protest to the above application subject to a measuring device being installed by June 1, 1977 as discussed at the meeting and that such downstream water flow be continued by Mr. Erickson so that the quantity and quality of Mr. Graham's water remains the same as he has applied it to use, and further, that Mr. Erickson recognize the prior water quantity and quality rights of John Graham.

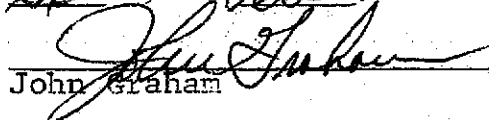
Yours truly,



James F. Lyons

jfl ra

Read and consented to this
26 day of Feb, 1977.



John Graham

MICROFILMED

MEMORANDUM

TO: FILE NO. 98-7173

FROM: BOB FLEENOR

DATE: JAN. 31, 1977

Drafting withdrawal of the protest (James Lyon, Attorney) to be submitted within 15 days. Bob Haynes will contact James Lyon.

MICROFILMED

NIXON, NIXON, LYONS & BELL

ATTORNEYS AT LAW

225 MAIN STREET

P. O. BOX 368

BONNERS FERRY, IDAHO 83805

(208) 267-3133

W.J. NIXON
W.W. NIXON
JAMES F. LYONS
STEVE F. BELL

OF COUNSEL:
GEORGE M. BELL

January 20, 1977

200 NORTH FOURTH
P. O. BOX 1013
COEUR D'ALENE, IDAHO 83814
(208) 667-4655

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

Attention: Mr. Robert G. Haynes, P.E.
District Supervisor

RE: Application for
Permit No. 98-7173
Glen Erickson

Dear Mr. Haynes:

I represent John and Aurel Graham who are protesting the issuance of the above permit. They have a prior permit granted by the State of Idaho with a priority of use for domestic purposes dating to the 1920's or 1930's.

They are concerned about quantity of water being removed and drying Cabin Creek during the low season and even during normal flow times.

At the hearing we will need information as to minimum and maximum flows in this stream in Section 8, Township 61 North, Range 2 East B.M. Until this testimony is determined by the appropriate engineer or hydrologist, I do not see how a hearing can be held. Mr. Graham has attempted to obtain this information from your department but has been refused.

The proposed permit apparently is to take approximately .9 more c.f.s. for a total taking for agricultural purposes of 3.5 c.f.s. Under the existing irrigation use the creek is reduced to a trickle and is completely dry in some portions in Section 8.

Construction of the dam under the other permit issued to Mr. Erickson has shut off the water which normally would have flowed into Cabin Creek and the effect of the loss of this water will not be seen until the summer and fall of 1977.

Mr. Graham has information that under the proposed permit and existing permit, Mr. Erickson intends to take the water from Cabin Creek and put it into a holding pond and if this is going to be done a determination and limitation on the proposed permit needs to be made as to what land the water under the existing and proposed permits would be applied to.

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Department of Water Resources
Page 2
January 20, 1977

Mr. Graham has advised me that he is also concerned about the effects on trout breeding and the result of granting this additional permit and he is also concerned about the prior permit to Mr. Erickson causing the stream to dry out and effect trout fishing and breeding. Could you please advise as to what investigation your department has made in this area and how this existing permit and proposed permit would effect trout fishing and breeding and any state or federal requirements that have been complied with under various environmental laws.

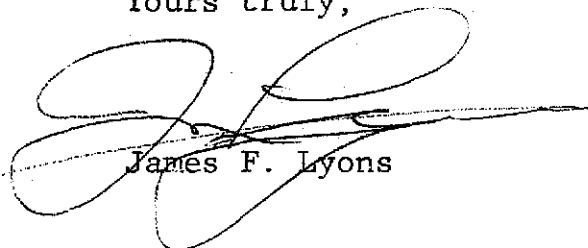
Mr. Graham has no objection to reasonable use of the water resources in this area, however he feels that the limit of Cabin Creek has been exceeded at this point and in drier years he will have to resort to litigation for protection of his domestic water supply.

In addition to the trout breeding and fishing, I believe that there are other environmental standards imposed on granting a permit of this nature and would appreciate copies of any compliances made with the same.

The flow in Cabin Creek at this point has been diminishing because of the flood in January of 1974 since Cabin Creek at that time diverted and flowed into another channel.

Could you please advise. Thank you.

Yours truly,



James F. Lyons

jfl ra

MICROFILMED

February 10, 1977

Re: Application for Permit No. 98-7173 - Glen Erickson

Mr. James Lyons
Box 368
Bonners Ferry, ID 83805

Dear Mr. Lyons:

At the conference held on January 27, 1977, regarding the above referenced application, you indicated that you would transmit a letter on behalf of Mr. John Graham withdrawing his protest to the application and setting forth the conditions of withdrawal. As I recall, these conditions were that a measuring device be installed by June 1 and that this permit be subject to Mr. Graham's Claim No. 98-4022. I have not received that withdrawal to date.

Would you please transmit the withdrawal so that we may take final action on Mr. Erickson's application. Your prompt attention in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:cp

cc: Mr. Glen Erickson
Mr. John Graham

bcc: IDWR - Boise

98-7173 - Glen Erickson

Commissioner's Room - Boundary County Courthouse
Bonners Ferry, Idaho

January 26, 1977 - 10:00 a.m.

ROSTER OF ATTENDANCE

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

Glen J. Erickson	Rt. 1, Box 506 Bonners Ferry, Idaho	
------------------	--	--

John Graham	Rt 1 Box 508 Bonners Ferry Id.	
-------------	-----------------------------------	--

James F. Foy	Box 368 Bonners Ferry, Id.	John Graham
--------------	-------------------------------	-------------

Maryna Arnold	Bonners Ferry	
Della Atkins	RR#1 Bonners Ferry, Ida.	

MICROFILMED

40-7173

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

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☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

John and Aurel Graham
 Route 1, Box 508
 Bonners Ferry, ID 83805

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12598	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

JAN 12 1977

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

UNITED STATES POSTAL SERVICE
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SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
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- Endorse article "Return Receipt Requested" adjacent to number.

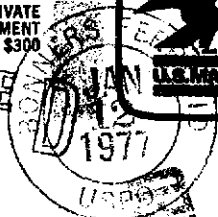
**RETURN
TO**



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

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

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Department of Water Resources
Northern District Office

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

10-7173

- **SENDER:** Complete items 1, 2, and 3.
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☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mr. Glen Erickson
 Route 1, Box 506
 Bonners Ferry, ID 83805

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12597	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

4.

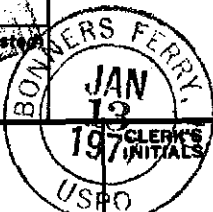
DATE OF DELIVERY

JAN 13 1977

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TO**



JAN 14 1977

IDAHO DEPARTMENT OF WATER RESOURCES
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COEUR D' ALENE, ID 83814

Department of Water Resources
Northern District Office
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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NAME AND ADDRESS OF SENDER

DEPT. OF WATER RESOURCES - Northern Region

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.

NOTICE OF HEARING

POSTMARK AND DATE OF RECEIPT January 11, 1977

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE	REMARKS
1	12597 Glen Erickson, Rt. 1, Box 506, Bonners Ferry, Idaho	13¢	60¢			25¢				98-7173
2	12598 John & Aurel Graham, Rt. 1, Box 508, Bonners Ferry, ID	"	"			"				"
3										
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TOTAL NUMBER OF PIECES LISTED BY SENDER Two (2)		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." ² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.				

PS Form 3877-A—July 1956

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval }
of Application for Permit No. 98-7173 in }
the name of GLEN ERICKSON }

NOTICE OF CONFERENCE
AND/OR HEARING

On July 15, 1976, Glen Erickson filed with the Department of Water Resources an Application to appropriate the public waters of the State of Idaho. On August 2, 1976, the Department received a protest against approval of said application from John and Aurel Graham.

The Department has set the matter of protest for conference and/or hearing for Wednesday, January 26, 1977, at 10:00 a.m., in the Commissioner's Room of the Boundary County Courthouse, Bonners Ferry, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water 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 the protestants may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 11th day of January , 1977.

Robert G. Haynes

ROBERT G. HAYNES
District Supervisor

UNRECORDED

January 11, 1977

Recorder's Office
Boundary County Courthouse
Bonners Ferry, ID 83805

Gentlemen:

This is to confirm the use of the Commissioner's Room for conference and/or hearing to be held by this office on Wednesday, January 26, 1977, at 10:00 a.m.

Thank you for your assistance in this matter.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

11/11/77

MEMO

TO: FILE NO. 98-7173
FROM: Corda Patterson
DATE: December 14, 1976
SUBJECT: Conference and/or hearing

John Graham, the protestant in connection with Application No. 98-7173, was in the office on December 14, 1976, and stated that he would not be able to attend the conference and/or hearing scheduled for December 16, 1976, due to a death in the family. He must be in New Jersey on December 16 for the funeral.

I told him we would cancel the conference and/or hearing and re-schedule it at a later date.

Corda Patterson
(signature)

MICROFILMED

December 10, 1976

Re: Application for Permit No. 98-7173 - Glen Erickson

John and Aurel Graham
Route 1, Box 508
Bonners Ferry, ID 83805

Dear Mr. and Mrs. Graham:

Due to a cancellation of a later conference and/or hearing on December 16, 1976, we have changed the time for the conference and/or hearing on Mr. Erickson's application from 9:30 a.m. to 10:00 a.m. The date and place of this meeting remains the same.

Please contact us if there are any questions.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

bcc: IDWR - Boise

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CONVERSATION MEMORANDUM

DATE December 10, 1976

FILE 98-7173

NAME OF PARTY Mr. Glen Erickson

EMPLOYEE Corda M. Patterson

RE: I called Mr. Erickson to inform him that the conference and/or hearing that
had been scheduled for December 16, 1976, at 9:30 a.m. had been changed to 10:00 am.
He had no objections to this change.

(A letter was sent to the protestants, John and Aurel Graham, to this effect).

Corda M. Patterson

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DEC 14 1976
FBI - MEMPHIS

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.
- Mailed 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.

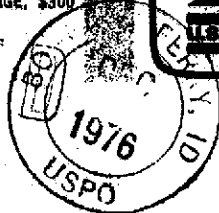
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TO**



DEC 3 1976



Department of Water Resources
Northern District Office

IDAHO DEPARTMENT OF WATER RESOURCES (Name of Sender)

NORTHERN DISTRICT OFFICE

ROUTE 5, BOX 203, SUITE #1

(Street or P.O. Box)

COEUR D' ALENE, ID 83814

(City, State, and ZIP Code)

-7173

PS Form 3811, Mar. 1976

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).

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Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

John & Aurel Graham
Route 1, Box 508
Bonners Ferry, ID 83805

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12589	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Aurel Graham

4. **DATE OF DELIVERY**

POSTMARK

OCT 2 - 1976

5. **ADDRESS** (Complete only if requested)

MICROFILM

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS

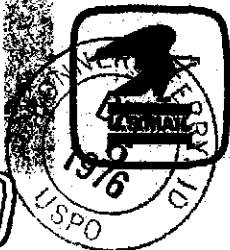
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- Endorse article "Return Receipt Requested" and affix cent to number.

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DEC 8 1976

Department of Water Resources
Northern District Office
(Name of Sender)

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NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

70-7113

- **SENDER:** Complete items 1, 2, and 3.
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☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mr. Glen Erickson
 Route 1, Box 506
 Bonners Ferry, ID 83805

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12588	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE



Addressee



Authorized agent

4.

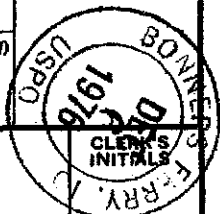
DATE OF DELIVERY
DEC 6 - 1976

POSTMARK

5. ADDRESS (Complete only if requested)

NOT FILLED

6. UNABLE TO DELIVER BECAUSE:



MICROFILMED

NAME AND
ADDRESS
OF SENDER

DEPT. OF WATER RESOURCES - Northern Region

Indicate type of mail

☐ INSURED☐ C. O. D.☒ CERTIFIEDAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill. NOTICES OF HEARINGS

POSTMARK AND DATE OF RECEIPT November 30, 1976

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE REMARKS
1	12584 E. Fae Denham, Porthill, Idaho	13¢	60¢			25¢			98-7169
2	12585 Milton Letha, Porthill, Idaho	"	"			"			"
3	12586 Billy B. Groseclose, St. Rt., Naples, Idaho	"	"			"			98-7171
4	12587 James F. Lyons, P.O. Box 368, Bonners Ferry, Idaho	"	"			"			"
5	12588 Glen Erickson, Rt. 1, Box 506, Bonners Ferry, Idaho	"	"			"			98-7173
6	12589 John & Aurel Graham, Rt. 1, Box 508, Bonners Ferry, ID	"	"			"			"
7	12590 Paradise Valley Water Assoc., Box 383, Bonners Ferry	"	"			"			98-7178
8	12591 Charles E. & Della Atkins, Rt. 1, Box 504, Bonners F.	"	"			"			"
9	12592 Lyle & Edith Swanson, Rt. 1, Box 504-A, Bonners Ferry	"	"			"			"
10	12593 Donald & Myrna Amoth, Rt. 1, Box 503, Bonners Ferry	"	"			"			"
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
TOTAL NUMBER OF PIECES LISTED BY SENDER		Ten (10)		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up." ² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.	
TOTAL: 50									

POD Form 3877-A—July 1958

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98-7173 - Glen Erickson

Commissioner's Room - Boundary County Courthouse
Bonners Ferry, Idaho

December 16, 1976 - 9:30 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
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MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval }
of Application for Permit No. 98-7173 in }
the name of GLEN ERICKSON }

NOTICE OF CONFERENCE
AND/OR HEARING

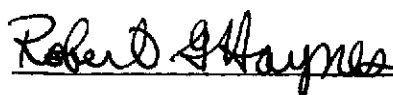
On July 15, 1976, Glen Erickson filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On August 2, 1976, the Department received a protest against approval of said application from John and Aurel Graham.

The Department has set the matter of protest for conference and/or hearing for Thursday, December 16, 1976, at 9:30 a.m., in the Commissioner's Room of the Boundary County Courthouse, Bonners Ferry, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water 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 the protestants may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 29 day of November, 1976.



ROBERT G. HAYNES
District Supervisor

MICROFILMED

August 4, 1976

Re: Application for Permit No. 98-7173

Mr. Glen Erickson
Route 1, Box 506
Bonners Ferry, ID 83805

Dear Mr. Erickson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 98-7173. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 42-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

RECEIVED

Page 2

Re: Application No. 98-7173

Mr. Glen Erickson

August 4, 1976

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosure

bcc: IDWR - Boise

MICROFILMED

August 4, 1976

Re: Application for Permit No. 98-7173 - Glen Erickson

John and Aurel Graham
Route 1, Box 508
Bonners Ferry, ID 83805

Dear Mr. and Mrs. Graham:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The Department may reject an application and refuse issuance of a permit, partially approve the application, approve the application for a quantity of water less than applied for, or approve the application subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

RECEIVED

Page 2

Re: Application No. 98-7173

John and Aurel Graham

August 4, 1976

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, feel free to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

bcc: IDWR - Boise

UNRECORDED

July 29, 1976

RECEIVED

AUG 2 1976

Department of Water Resources
Northern District Office

Idaho Depy. of Water Resources
4055 Government Way
Coeur D'Alene, Idaho 83814

Gentlemen:

SUBJECT #1:

In regards to Water Peemit #98-7173 in the name of Glen Erickson for 0.90 cu. ft. per sec. from Cabin Creek.

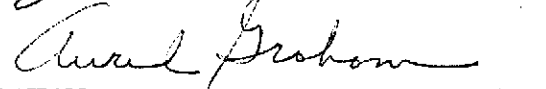
We protest the granting of Permit #98-7173. We feel the capacity of Cabin Creed for irrigation purposes has been exceeded due to its low level when being drained by existing systems.

SUBJECT #2:

Mr. Glen Erickson's purchase of a portion of the Bob Mastre property and the water permit for 2.0 cu. ft. per sec. from Cabin Creek has resulted in the misuse of this system in that water from this permit is being used on adjacent land owned by Glen Erickson.

Sincerely,

JOHN GRAHAM

AUREL GRAHAM

ROUTE 1, Box 508

BONNERS FERRY, IDAHO 83805

267-2449

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DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 98-7173

Glen Erickson

☒ 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) RAH 7-15-76

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

(4) RAH 7-15-76

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) RAH 3-10-77

Other rights on the same place of use NONE PLATTED

(10) _____

Comments: _____

(11) CP 8/17

Affidavit of Publication received(date) Aug. 16, 1976

(12) CP 7/10/23

Final date for protests 8/16/76

Protests received: yes _____ no _____

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

Proposed Priority 7-15-76

Reason for Reduction

See 25, 1977 letter ☒ condition in protest withdrawal

Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District Northern

By Bob Haynes

Date 3-9-77

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

July 23, 1976

Re: Application No. 98-7173 - Glen Erickson
Claim No. 98-4068 - Mrs. Clifford C. Hauck

Bonnors Ferry Herald
P.O. 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:cp

Enc: Legal Notice(s)

MICROFILMED

Bill: 8-17-76-ep

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Glen Erickson,
Route 1, Box 506, Bonners Ferry, Idaho
has on July 15, 1976 submitted Application No. 98-7173
for a permit to appropriate 0.90 cubic feet per second ~~XXXXXX~~
of water from Cabin Creek, tributary of Cow Creek
by means of dam, pipeline, and sprinklers
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 61N, R. 2E, B.M., Boundary County

to be used from March 15 to Nov. 15
for the irrigation of 45 acres

within the W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 61N, R. 2E, 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 August 16, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho
on July 29 and August 5, 1976

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Glen Erickson, Route 1, Box 506, Bonners Ferry, Idaho has on July 15, 1976 submitted Application No. 98-7173 for a permit to appropriate 0.90 cubic feet per second of water from Cabin Creek, tributary of Cow Creek by means of dam, pipeline, and sprinklers within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T. 61N, R. 2E, B.M. Boundary County to be used from March 15 to Nov. 15 for the irrigation of 45 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 61N, R. 2E, 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 August 16, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on July 29 and August 5, 1976.-idwr

O.K.
8-2-76
d

July 16, 1976

Re: Application for Permit No. 98-7173

Mr. Glen Erickson
Route 1, Box 506
Bonners Ferry, ID 83805

Dear Mr. Erickson:

Attached is your receipt No. 4310 in the amount of \$25 for the filing fee on the above referenced application which was received in this office.

Very truly yours,

Corda M. Patterson
Secretary

CP

Attachment

RECORDED