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P.
61N

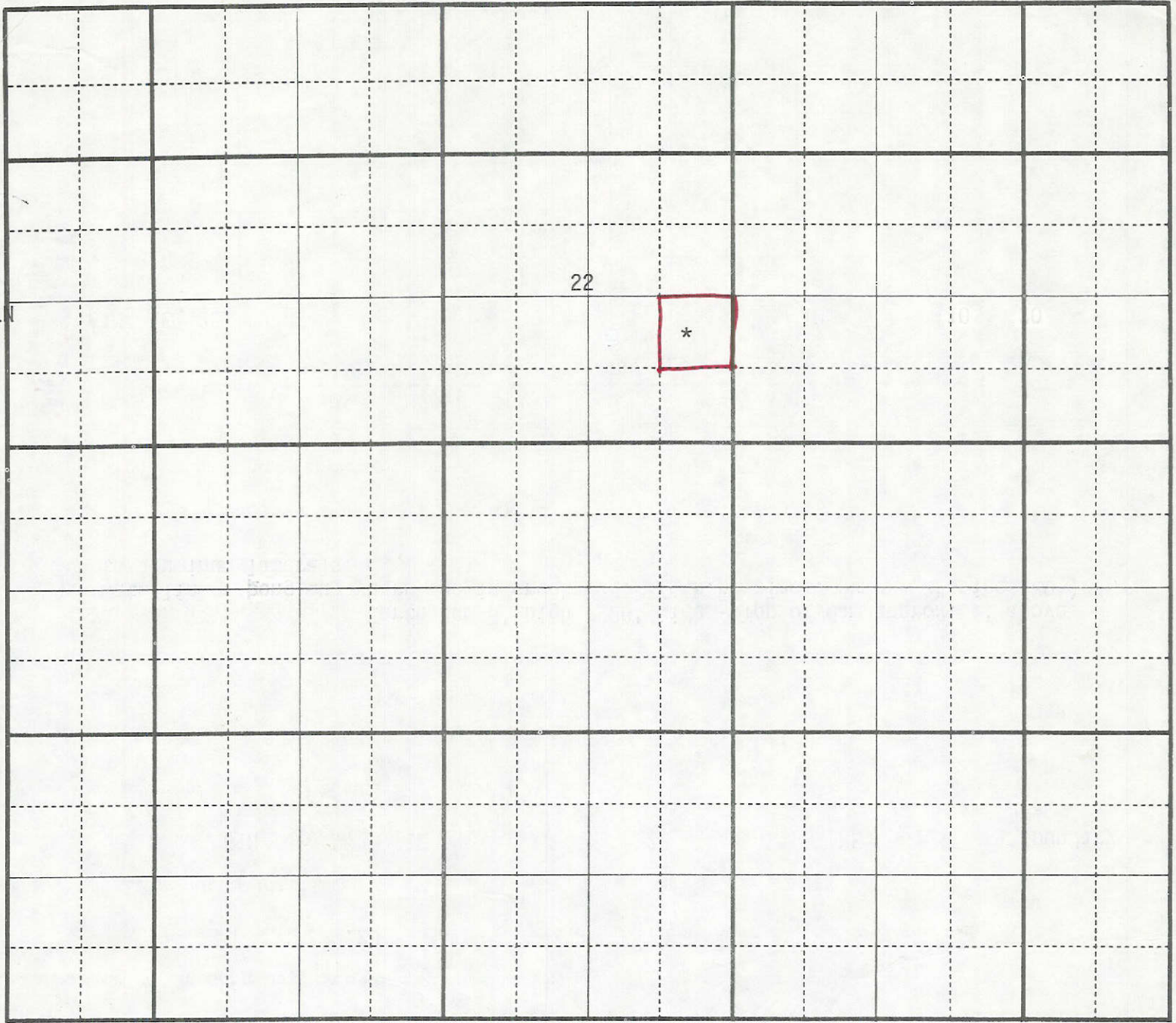


Diagram of System

MICROFILMED



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 98-7132 Priority February 10, 1975 Amount 0.08 cfs

THIS IS TO CERTIFY, that John P. Ghigleri
of Bonnerr's Ferry, Idaho, has complied with the terms and conditions of Permit
No. 98-7132 issued pursuant to Application for Permit dated February 10, 1975,
and has submitted proof to the Department of Water Resources on July 26, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.08 cfs of water from Brown Creek,
tributary to Deep Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>June 1</u> to <u>September 30</u> at <u>0.08</u> cfs and <u>19.2</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.08 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
19.2 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Twp.
61N, Rge. 1E in the County of Boundary

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
61N	1E	22													10

Total number of acres irrigated 10

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of
May, 19 83.

Acting for the Director

Identification No. 98-7132

Application No. _____

APPROVED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

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

1. Name of applicant John P. Mhigley Phone: 267-3606 ^{Office}
post office address Box 901 Bonanza Ferry, Idaho 83805

2. Source of water supply Brown Creek which is a tributary of Deep Creek

3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22 Township 61N
Range 1E 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 20 for Irrigation purpose from June 1 to Sept. 30 (both dates inclusive)
(cfs or acre-feet per annum)

* Amount 10 for Livestock purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated:

a. .20 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Earth Dam - 8 ft.
3/4 horse pump - 2" pipe (20') to aluminum laterals.

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 1 years (IN USE SINCE 1974)

b. Estimated construction cost is \$ 1500.00.

8. Description of proposed uses:

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

(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22 Township 61N
Range 1E 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 _____
* (25) head horse - charcoal cross

(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: _____

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
61N	1E	22													10				10

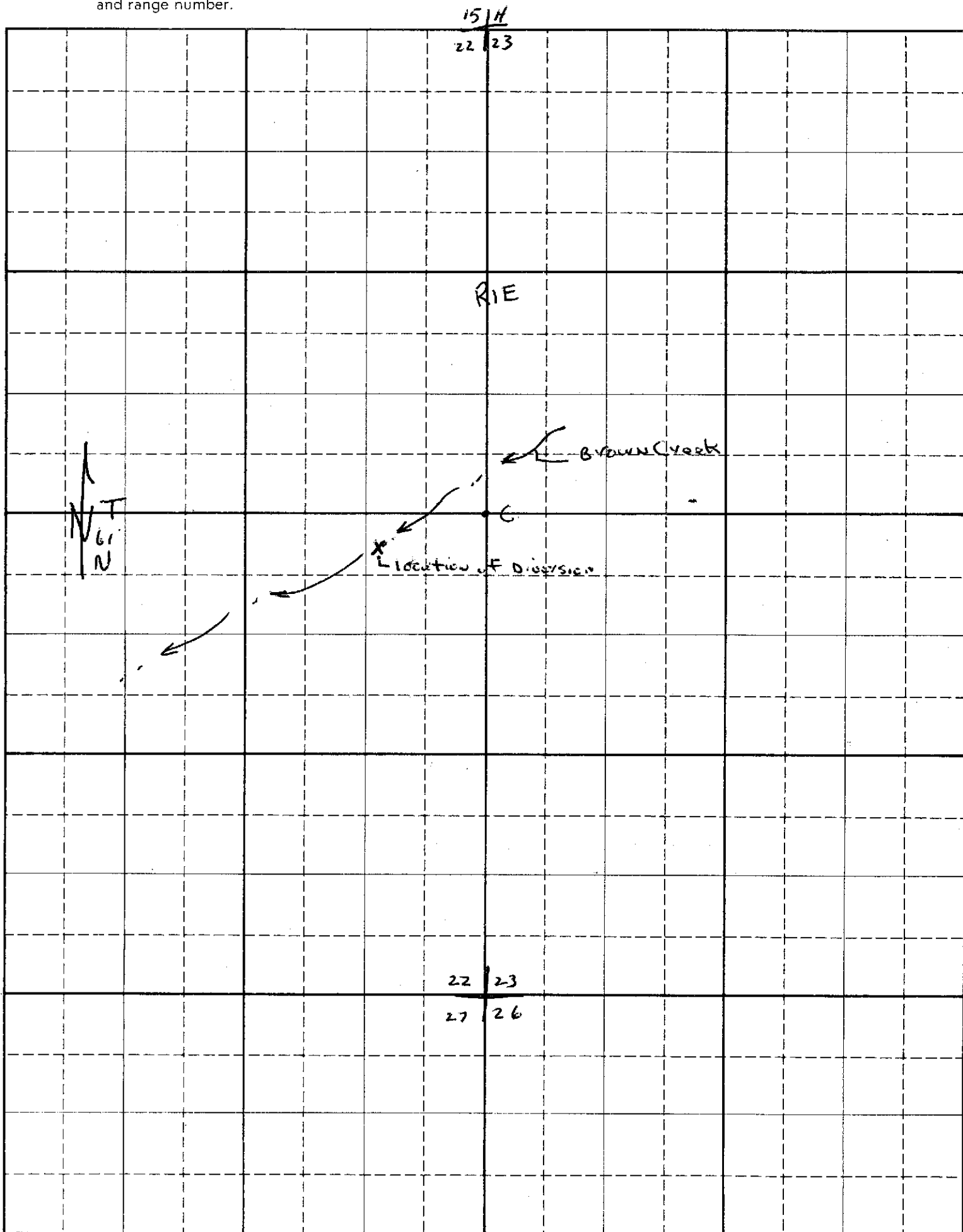
Total number of acres to be irrigated 10 ac.

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 applicant
b. Who owns the land to be irrigated or place of use same
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks A Stock water right has been established through past diversion and beneficial use dating back to the time the land was first settled. This permit will cover the irrigation rights for the land which was first irrigated in 1974.

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



Scale: $\frac{1}{8}$ 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.

John P. F. Higley
(Applicant)

Proposed Priority 2-10-1975

Received by cp Date 2-10-75 Time 1:00 p.m.
Preliminary check by TE Fee \$ 10.00
Receipted by TE Date 2-10-75 # 15178
Publication prepared by cp Date 2-14-75
Published in Bonniers Ferry Herald
Publication dates 2-20 & 2-27-75
Publication approved cp Date 3-4-75
Priority reduced to _____ Reason _____

Protests filed by: Norman Harrington

Copies of protests forwarded by cp
Hearing held by _____ Date _____
Recommended for approval denial by DDE

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. 98-7132, 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 August 1, 19 76.
- c. Other: _____

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

Witness my hand this 15 day of July 19 75.


Director

RECEIVED
FEB 27 1975

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that John P. Ghiglieri, Box 901, Bonners Ferry, Idaho has on Feb. 10, 1975 submitted Application No. 98-7132 for a permit to appropriate 0.20 cubic feet per second of water from Brown Creek, tributary of Deep Creek by means of earth dam, pump, and pipeline within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 61N, R. 1E, B.M., Boundary County to be used from June

1 to Sept. 30 for the irrigation of ten acres within the NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 22, T. 61N, R. 1E, 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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before March 10, 1975.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Feb. 20 and Feb. 27, 1975-ldwr

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for W. H. Chubb 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

Notice of Application #98-7132

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 Feb. 20, 1975, 196, and ending with the issue dated Feb. 27, 1975, 196.

Subscribed and sworn to before me this 29 day of Feb, 1975

Echo Turnbull, bkpr.
W. H. Chubb
Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

UNRECORDED

May 3, 1983

RE: Permit No. 98-7132

John P. Ghigleri
Box 901
Bonners Ferry, ID 83805

Dear Mr. Ghigleri:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 4, 1983

RE: Permit No. 98-7132

John P. Ghiglieri
Box 901
Bonners Ferry, ID 83805

Dear Mr. Ghiglieri:

A representative of this Department has made an examination of the works covered by your Permit No. 98-7132, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.08 cfs Source: Brown Creek

The maximum quantity diverted shall not exceed 19.2 acre feet
per year.

Point(s) of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 61N, Rge. 1E, Boundary County

Beneficial use: Irrigation of 10 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp.
61N, Rge. 1E

Priority date established: February 10, 1978

Conditions (if any):

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

MICROFILMED

RECEIVED

JUL 22 1984

267-3606 office

267-3440 home

Northern District Office

Post office address Box 901, Bonners Ferry, ID 83805

Person to contact

Phone

(name spring, stream, etc.)

Tributary to Deep Creek

Amount .20 c.f.s. for Irrigation
 AF/Annum (nature of use)

Period of Use: from June 1 to Sept. 30
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: _____

Permit No. 98-7132
Examination for b/u

Max Rate of Diversion .20 cubic feet per second and annual volume _____ AF/Annum.

Township 61N N/S, Range 1E E/W, B.M., Section 22, Subdivision NE $\frac{1}{4}$ SE $\frac{1}{4}$, **Boundary**

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____

Other Points of Diversions: _____

Description of diverting works: Earth dam 8' high - 20' wide - Top of dam approx. 4' above
water line - Pond dug years ago in creek bed. 3/4 h.p. elect. pump - 2" pipe (20')
to aluminum laterals.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ **10**

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T
W
P.
61

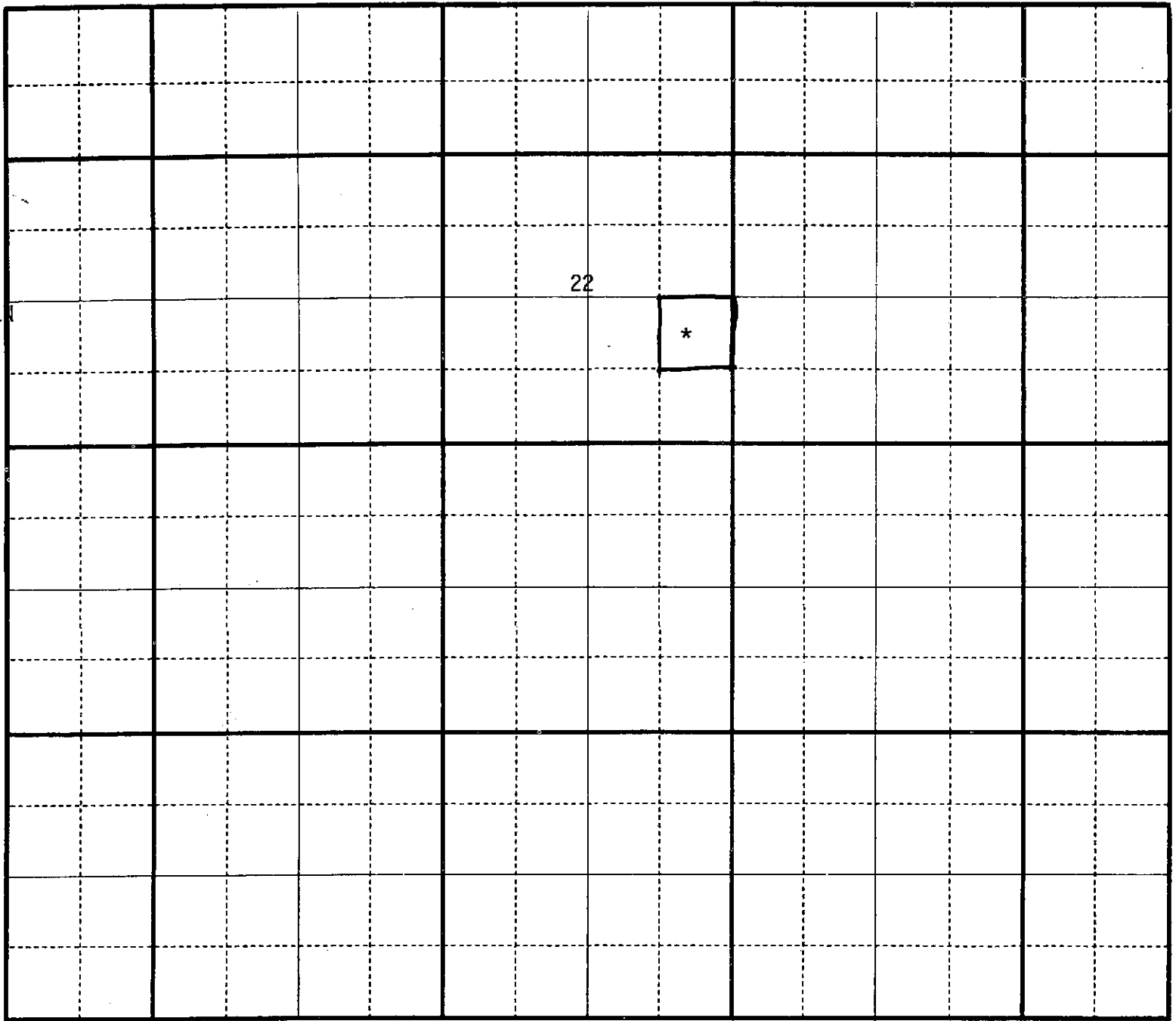


Diagram of System

MICROFILMED



DATE OF EXAM 8/10/78

ACREAGE
Found 10
Recommended 10

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 0.08 c.f.s. V = 35 19.2 AF/Ann. from June 1 to Sept 30
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

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

Exchange? yes _____ no ✓

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

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

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

Total Q measured 35.9 gpm Method of measurement press. gauge ✓

Total Q recommended 0.08 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 20 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION
 $5(RB 30 w/3/16 nozzle) = 35.9 gpm = 0.08$ capacity
 $123 \text{ day} (1.98) 0.08 = 19.48$
 $121 \text{ days} \times 1.98 \times 0.08 \text{ cfs} = 19.2$
 $10 \text{ ac} \times 3.5 = 35.0 \text{ af}$
 $.08 \times 1.9835 \times 121 = 19.2 \text{ af}$

SYSTEM DESCRIPTION:
Division dam (8') with 5hp Jacuzzi nod. # 3c 7047058 to 5-30RB Sphds with 3/16 nozzles

REMARKS:
Contacted Mr. Ghegler Re: Browns Creek defunct due to logging operation.

Note: All protests against issuance of License have been withdrawn

Examiner's Signature J King Date 8/17/78
Checked by Bob Haynes Date 8/17/78
Approved by Relip Date 3-23-83

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12254221

3C 7047858

5 - spnd

810

4.8
2.5
12.0

2.4
2.5
12.0

9.04
5
42.30

50P51

5 - 3/16 - 30 B WTMT.

FD

7.18

35.9

102999

108

W I T H D R A W A L

I, FRANK FOLKENS, do hereby withdraw my objections to the
issuance of License No. 98-7132, in the name of John P. Ghigleri.

DATED: This 1 day of March, 1983.

Frank L. Folkens,
Frank Folkens

MICROFILMED

RECEIVED
MAR 7 1983
Department of Water Resources
Northern District Office

RECEIVED

MAR 9 1983

WITHDRAWAL

Department of Water Resources
Northern District Office

I, INA PORTREY, to hereby withdraw my protest to License No. 98-7132
which is in the name of John P. Ghigleri.

DATED: This 7 day of March, 1983.

Ina Portrey
Ina Portrey

MICROFILMED

Dear Sir

We recently sold our Farm &
~~the~~ Holding in North Idaho & I forgot
to send that in. And it doesn't matter
to me now, as I think it doesn't hurt
the land nor the people we sold it to, & also
when it was brought out we thought it was
something completely different. Sorry I
forgot, here is this signed by me.

Thank you & to Mr. Chigler
I'm sorry to be slow in corresponding
with you. Tell him Hello & to his
nice family. I remain Your Truly
Irene Parrey

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~C. Stephen Adrain~~
Director

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

March 3, 1983

Ms. Ina Portrey
Star Route
Naples, Id. 83847

Re: 98-7132

Dear Ms. Portrey:

On November 24, 1982, I wrote to you concerning Permit No. 98-7132 in the name of John Ghigleri. I am enclosing a copy of that letter.

Mr. Loughry has withdrawn his protest. I spoke with Mr. Folkens on the phone and he indicated that he will also withdraw his protest.

I am enclosing a withdrawal statement for your signature, should you desire to withdraw yours. If I have not heard from you within 45 days, I will assume that you do not intend to withdraw your protest and will re-schedule the matter for hearing.

If you have any questions or if I can be of any assistance, please don't hesitate to contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Withdrawal
Correspondence

MICROFILMED

over



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

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

February 22, 1983

Clense file

Mr. Frank Folkens
Star Route
Naples, Id. 83847

Re: 98-7132

Dear Mr. Folkens:

Enclosed is the withdrawal which we spoke about on the phone last week. Also enclosed is a copy of a Claim to a Water Right in your name.

A review of our records does not show any water right filings on your property from Brown Creek. I am enclosing a Claim to a Water Right form and instructions should you desire to file on Brown Creek.

Please sign the withdrawal and return it to us in the enclosed envelope. Thank you very much for your cooperation.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Withdrawal
Envelope
Claim
Claim Form
Instructions

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

RECEIVED

DEC 23 1982

Department of Water Resources

John V. Evans
Governor

A. Kenneth Dunn
~~Stephen H. Dunn~~
Director

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

December 14, 1982

Mr. William Loughry
Star Route
Naples, Id. 83847

Re: 98-7132

Dear Mr. Loughry:

We wish to acknowledge receipt of your letter withdrawing your protest to the above-referenced matter.

We appreciate the position that you had and hope that we have taken steps to avoid this kind of situation in the future.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: IDWR - State Office (98-7132)

RECEIVED



Please help me PREVENT FOREST FIRES!

DEPARTMENT OF WATER
RESOURCES, STATE OF IDAHO

ROBERT G HAYNES 2/8/82
Regional Supervisor

DEAR Sir:

This is to notify you that that
I as one party to the the objections
in regards to Mr. CHIGLER's proposed
water right DID on April 10, 1980
with draw my complaint at the
hearing as far as I am concerned
the case is closed.

Thanks

William Longhoy

RECEIVED

DEC 10 1982

Department of Water Resources
Northern District Office

MICROFILMED

Please help me PREVENT FOREST FIRES!

RECEIVED

DEC 10 1982

Department of Water Resources
Northern District Office

MR. HAYNES.

A SHORT NOTE OF CONSTRUCTIVE
CRITICISM. If you people would have
given us A HEARING AT THE TIME, IN-
STEAD OF FORCING US TO GO TO COURT TO
GET IT, THIS WHOLE THING WOULD HAVE BEEN
SETTLED 5 YEARS AGO.

THE STATE DEPTS. ARE NOT GESTAPO
AGENCIES & DO NOT IN A NICE WAY TELL
PEOPLE TO GO TO HELL, WITHOUT SOME
REPERCUSSION & I WOULD HAVE GONE TO THE
SUPREME COURT OF THE U.S. IF NECESSARY,
TO GET THAT HEARING. Fortunately JUDGE
GAR COGSWELL SAW THE CASE, AS A RIGHT
OF THE PEOPLE, FOR A HEARING NOT THE RIGHT
OF THE STATE TO TELL, ORDER, OR DEMAND.

AS YOU CAN TELL THE WAY IN WHICH THE
CASE WAS HANDLED LEFT A LITTLE BITTERNESS
IN ME BUT HOPE WE ALL LEARNED SOMETHING.

THANKS

Bill Lapham.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

fil
BDF

John V. Evans
Governor

A. Kenneth Dunn
~~XX Stephen A. Dunn~~
Director

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

November 24, 1982

Ms. Ina Portrey
Star Route
Naples, Id. 83847

Re: 98-7132

Dear Ms. Portrey:

On April 10, 1980, the Department of Water Resources held a hearing concerning a protest of License No. 98-7132 in the name of John P. Ghigleri.

The record of the hearing indicates that after discussion concerning the effects of the license, those parties present protesting the issuance of the license to Mr. Ghigleri, namely: Frank Folkens, William Loughry and Ina Portrey, intended to withdraw their objections to the issuance of the license to Mr. Ghigleri. However, our files do not contain such a withdrawal.

Would you please send us a signed statement withdrawing your objections to the issuance of a license to Mr. Ghigleri.

If you have any questions, please don't hesitate to contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: File 98-7132 (Boise)

MICHAEL L. LIND



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

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

November 24, 1982

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Star Route
Naples, Id. 83847

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Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: File 98-7132 (Boise)

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor
A. Kenneth Dunn
~~Executive Director~~
Director

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

November 24, 1982

Mr. Frank Folkens
Star Route
Naples, Id. 83847

Re: 98-7132

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If you have any questions, please don't hesitate to contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: File 98-7132 (Boise)

MICROFILMED

98-7132

4-10-1980

Applicant

Protestant -

Dennis Kramer - Purchased Whittaker - Property

Jim Lyons - Representing Mr. Folkens

Bill Laughery -

Mrs. Portrey -

Statement by Dr. Ghiglieri

Pond is 45' in diameter

Does Ghiglieri Irrigate - ? How often
1 1/2 horse pump and pipe layed in 1973

→ Pond dug in 1973

→ Dam is three feet high

→ After June

→ Last 10 years Browns Creek dry above pond

→ Pond primarily constructed for fire protection

The water stored after June originated in a draw that
contains ~~water~~ springs

→ Only one irrigating Pete Runyan -

→ Hauck has a flood control dam -

→

X- exam

→ How many people on Paradise Valley System 82 no new people in last
few years -

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Mr. Folkens

Waters 1 1/2 acres has two wells

Used the since 1959 -

Began getting worse in 1971 -

Pumped water from the Creek -

Mr. Portrey

- Got water out of the creek 34 years ago

- Drilled a well to replace the use of Brown Creek

- Browns Creek flow thru ~~B~~ property -

- Browns Creek last used ^{12/21/13} years ago. - 1968

Mr. Loughery

- ~~But~~ doesn't feel this permit if licensed would affect this use -

- In 1968 began irrigating four acres or 4 1/2 acres -

- Portable pump with a 1 inch line

Mr. Kramer

- Doesn't feel the reservoir would have any affect - on downstream

Final Statement by Lyons -

- Priority

MICROFILMED

Prop

Name: John P. Ghiglieri
File: 98-7132
Place: County Commissioners' Room, Boundary Cty. Cthse.
Date: April 10, 1980, 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Dennis Kramm	STAR ROUTE	NAPLES
William Goughery	STAR ROUTE	NAPLES.
Iva Portrey	Star Route	Naples
Jim Lynn	Bonners Ferry	Frank Folkers
Frank L. Folkers	St. Rt.	Naples.
John D. Dwyer	Box 901	Bonns Ferry

MICROFILMED

W. J. NIXON
W. W. NIXON
JAMES F. LYONS
STEVE F. BELL
JOHN R. DOUGLAS
OF COUNSEL
GEORGE M. BELL

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

OFFICE ALSO AT:

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

RECEIVED

March 21, 1980

MAR 24 1980

Department of Water Resources

Mr. Bobbie Fleanor
Department of Water Resources
State of Idaho
Boise, Idaho 83701

Re: Permit No. 98-7201 - Don F. Schied
Permit No. 98-7132 - John P. Ghigleri

As a result of court settlement with other parties on Boundary we agreed to consider their protests as being against the licensing since they were too late to be considered against the application

Dear Mr. Gleanor:

I am in receipt of your proposed Notice of Hearing on the above matters. I am fully aware of the Department of Water Resources routinely granting these applications "subject to all prior rights".

It would appear that holding of these hearings is a waste of time for everyone involved.

In fact, I am unaware of any water permit being denied here in Boundary County, Idaho. This is probably because of the State Constitution requirements.

Please enter this letter as a matter of record in these files.

Yours truly,

James F. Lyons

MICROFILMED

jfl ra



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) 667-6454

March 18, 1980

CERTIFIED MAIL NO. 13480
RETURN RECEIPT REQUESTED

Mr. and Mrs. Frank Folkens
Brown Creek Road
Star Rt.
Naples, Idaho 83847

Re: 98-7132

Dear Mr. and Mrs. Folkens:

Enclosed is a copy of a letter from you protesting the above-referenced permit of Mr. John P. Ghigleri. Along with your letter, you enclosed a signature list of some 19 other people who also wished to protest this permit. However, since no addresses were supplied for these people, we are unable to notify them individually of the upcoming hearing in this matter.

Would you please notify these people so that they will be able to attend the hearing to be held on Thursday, April 10, 1980 at 1:00 p.m., in the County Commissioners' Room in the Boundary County Courthouse, Bonners Ferry, Idaho 83805.

Your cooperation in this matter is much appreciated.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

Enc. - Letter

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Pat

DATE 3/18/80

TO 98-7132

SUBJECT Notice of Hearing

A Copy of the Notice of Hearing was sent only to Jim Lyons, atty., and to Mr. and Mrs. Frank Folkens. The Folkenses submitted a petition with the names of 19 other people, however, no addresses were given. The Notice was sent to Mr. and Mrs. Folkens, et al with a copy of the petition giving all the other names and asking them to notify these other people.

MICROFILMED



SIGNATURE

SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

The following service is requested (check one).

☒ Show to whom and date delivered. _____☐ Show to whom, date, and address of delivery. _____☐ RESTRICTED DELIVERY

Show to whom and date delivered. _____

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. & Mrs. Frank Folkens et al
 Brown Creek Road, Star Rt.
 Naples, Idaho 83847

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

13480

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

DATE OF DELIVERY

3-19-80

ADDRESS (Complete only if requested)

UNABLE TO DELIVER BECAUSE:



**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.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



DEPARTMENT OF WATER
RESOURCES

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

RECEIVED

SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

The following service is requested (check one).

☒ Show to whom and date delivered.☐ Show to whom, date, and address of delivery.☐ RESTRICTED DELIVERY

Show to whom and date delivered.....

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery, \$.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. James F. Lyons

Nixon, Nixon, Lyons & Bell

Box 368

Bonners Ferry, Idaho 83805

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

13477

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐

Addressee

☒

Authorized agent

4. DATE OF DELIVERY

POSTMARK

ADDRESS (Complete only if requested)

5. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

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.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

Microsoft

SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

The following service is requested (check one).

- ☒ Show to whom and date delivered. \$
- ☐ Show to whom, date, and address of delivery. \$
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered. \$
- ☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. John P. Ghiglieri
Box 901

Bonners Ferry, Id. 83805

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13479	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

MAR 19 1980

POSTMARK

SE

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

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.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



MICROFILMED

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



(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

NAME AND
ADDRESS
OF SENDER

Indicate type of mail

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

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FE. REMARKS
1	13476 Don F. Schied, Box 945, Bonners Ferry, Id. 83805	15	80			45			
2	13477 James F. Lyons, Box 368, Bonners Ferry, Id. (Box 48-7132)	"	"			"			Rec'd 3/28
3	~~13478 Frank & Betty Folkens, Star Rt., Naples, Id. 83847~~ ^{DUPLICATE}	"	"			"			
4	13479 John P. Ghigleri, Box 901, Bonners Ferry, Id. 83805	"	"			"			Rec'd 3/28
5	13480 Mr. & Mrs. Frank Folkens et al, Star Rt. Brn. Ck. Rd Naples Id.	28	"			"			Rec'd 3/21
6	13481 Sylvia Stone, P.O. Box 216, Bayview, Id. 83803	"	"			"			
7	13482 Richard C. Lewis, 2408 S. Tacoma, Kennewick, Wa. 99336	"	"			"			
8	13483 Douglas Standridge, 5204 NE 15th Ave., Portland, Ore. 97211	"	"			"			
9	13484 A. L. Halverson, P.O. Box 149, St. Maries, Id. 83864	"	"			"			
10	13485 Mr. & Mrs. James C. Lacy, Star Rt. Box 74, Tensed, Id. 83870	"	"			"			
11	13486 Archie H. Smith, Star Rt. Box 87, Tensed, Id. 83870	"	"			"			
12	13487 Mr. and Mrs. A. E. McDermed, Star Rt. Box 85, Tensed,	"	"			"			
13	13488 Mr. and Mrs. Michael B. Bierce, Star Rt. Box 84, Tensed	"	"			"			
14	13489 Mr. and Mrs. Johnnie Berreth, Sanders Rt., Box 84, Tensed	"	"			"			
15	13490 Ronald Crawford, Star Rt. Box 72, Tensed, Id. 83870	"	"			"			
16	13491 Mr. and Mrs. Louis P. Link, 1539 Hayden View Dr., GDA	"	"			"			
17	13492 Sheet Metal, Inc., Rt. 1 Box 72B, Athol, Id. 83801	"	"			"			
18	13493 Richard R. Lawson, Tensed, Idaho 83870	"	"			"			
19	13494 Dellwo, Rudolph & Schroeder, 1016 Old Nat'l. Bank Bldg, Spokane, Wa. 99201	"	"			"			
20									

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE <i>Eighteen</i>	POSTMASTER, PER (Name of receiving employee) <i>K. Gilioggy</i>	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 included special-handling service.
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U. S. GOVERNMENT PRINTING OFFICE

C48-16-72948-2

All Received

MICROFILMED

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

IN THE MATTER OF PROTESTS AGAINST ISSUANCE)
OF WATER RIGHT LICENSE NO. 98-7132 IN THE) NOTICE OF HEARING
NAME OF JOHN P. GHIGLERI.)

On February 10, 1975, John P. Ghigleri filed with the Department of Water Resources, Application for Permit No. 98-7132. The application was approved and Permit No. 98-7132 was issued on July 15, 1975.

The Department received protests against issuance of Water Right License No. 98-7132 on March 5, 1975, from Mr. and Mrs. Frank L. Folkens, Mr. and Mrs. William M. Loughery, Mr. and Mrs. Clarence Peterson, Mr. and Mrs. Lee Jelinch, Mr. Arnold D. Pherson, Mr. and Mrs. Everett W. Virden, Mr. and Mrs. Jim Musiul, Mr. and Mrs. Weslie Watson, Mr. and Mrs. Clyde W. Portrey, Mr. and Mrs. C. W. Ketner, and Mr. and Mrs. D. Harry Rohr; and on March 27, 1975, from Mr. Norman Harrington.

The Department has set the matter for hearing for Thursday, April 10, 1980, at 1:00 p.m., in the County Commissioners' Room in the Boundary County Courthouse, Bonners Ferry, Idaho 83805. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

DATED: This 17 day of March, 1980.



ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

WATER RIGHT NUMBER 98-7132

OWNER LAST NAME - GHIGLERI
ADDRESS LINE 1 - P.O. BOX 901
ADDRESS LINE 3 -

FIRST NAME - JOHN P.

ORIG OWNER -

ADDRESS LINE 2 -

CITY - BONNERS FERRY

STATE - ID ZIP CODE - 83805

SOURCE - BROWN CREEK

TRIBUTARY OF - DEEP CREEK

STAGE - APPLICATION L STATUS -PRIORITY - 02-10-1975 COUNTY - BOUNDARY TOTAL DIV. RATE - ¹⁰⁸~~2000~~ -CFS

TOTAL DIV. VOLUME - 19.2 .00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - NESE 22 61N 1E

FROM - 06-01 TO - 09-30 USE - IRRIGATION

USE DIV. RATE - 108 ~~2000~~ CFS USE DIV. VOLUME - 19.2 .00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 61N RNG 01E SEC 22 TRACT NESE LOT AC.10

DECREE NAME -

DATE -

TOTAL ACRES 10

REMARKS - PERMIT PROTESTED.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - PERMIT/DENIED -

PROTESTED - 10-20-1978 HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - DAM, PUMP & PIPELINE.

Look @ screen for P/D
X #2, P/D is on line 2

IDENT. NO. 98-7132

WATER RIGHT
DATA ENTRY LOG

[illegible]

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

November 29, 1978

RECEIVED

NOV 29 1978

Department of Water Resources
Northern District Office

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

Dear Bob:

This is to advise you that Mr. Frank Folkens
will not be available until May 1st on your file No.
98-7132.

Yours truly,

James F. Lyons

JFL:ds

INTER-DEPARTMENT MEMO — 1

FROM

TO

Sam
Allee

DATE

10/20/78

SUBJECT

Could we schedule a hearing
somewhere for this one.
RECEIVED
OCT 23 1978
Want

Department of Water Resources
Northern District Office

MICROFILMED

SIGNATURE

Sam

24 November 1978

Mr. James F. Lyons
Nixon, Nixon, Lyon & Bell
P.O. Box 368
Donners Ferry, ID 83605

Dear Jim:

This is to acknowledge your request on behalf of Frank Folkens
for a hearing on 98-7132.

The request for an adjudication on Browns Creek is still being
considered.

As soon as I have tentative dates for hearings set up with our
state office, I will advise you.

Sincerely,

ROBERT G. HAYNES,
Regional Supervisor

RGH:nh

C
O
P
Y

MICROFILMED

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

October 24, 1978

RECEIVED

OCT 26 1978

Department of Water Resources

RECEIVED

NOV 15 1978

Department of
Northern District

Mr. Jan Grover
Water Rights Supervisor
Statehouse
Boise, Idaho 83720

Re: Permit No. 98-7132

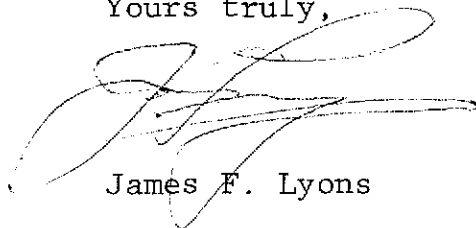
Dear Mr. Grover:

In regard to the above Permit, Frank Folkens has advised me that he would like a hearing on this and also an adjudication as to the water rights in the stream.

Could you please advise as to available hearing dates.

Thank you.

Yours truly,



James F. Lyons

jfl ra

Bob H. Please reply
The adjudication request is still
being considered.

Bob F.

987132

March 17, 1980

Clerk of the District Court
Boundary County Courthouse
Bombers Ferry, Idaho 83805

Dear Madam:

This is to confirm reservations for a conference and/or hearing to be held by this Department in the County Commissioners' Room in the Boundary County Courthouse on April 10, 1980, beginning at 9:30 a.m. and lasting all day.

Sincerely,

Patricia M. Stypa
Senior Secretary

16 Oct 1978

Jan Grower
Water Rights Supvr
Dept of Water Resources
Boise, Idaho

RECEIVED

OCT 20 1978

Department of Water Resources

Sometime last year I had a telephone conversation with a representative of your Dept, based in Coeur d'Alene. He told me that the Idaho law as written permitted diversion of many times the stream flow of any stream in Idaho. That sometimes 3 or 4 times the flow of a particular stream was already allotted, and still more allotments were being processed and approved. That if all these water rights were exercised, many stream beds in Idaho would be as dry as a bone. That no provision had been made in the law to guarantee and maintain a minimum stream flow, to protect the fish, and ~~XXXXXX~~ waterfowl, and sub-irrigation of the green meadows downstream.

I think this law, this action by Idaho legislators, is insane, stupid folly. It hardly seems possible any group of men could be stupid enough to allow the drying up of a stream, for whatever reason/ Perhaps to garner a few votes, to put a few dollars in the pockets of a few favored constituents?

I realize you civil servants have no other choice but to follow the water laws of the state of Idaho, as written.

But I still protest any further diversion of water from Brown Creek. Upper Brown Creek is already bone dry in summer. A community water project already takes 100% of that water. What little water I still receive on lower Brown Creek comes from a tributary of Brown Creek. I think its called 20 Mile Creek. But Brown Creek in August is already just a mere trickle by time it reaches my property. Barely sufficient to maintain life for the few brook trout in it. I certainly dont want to see Brown Creek dried up. It would reduce the value of my land by 30% or more. I have half a mile of Brown Creek on my property.

Norman E. Harrington
Norman E. Harrington
Box 342
Mitchell, Nebraska ~~XXXX~~ 69357

Re: Permit No. 98-7132

RECEIVED

October 11, 1978

Re: Permit No. 98-7132

To: Protestants

You have protested the licensing of Permit No. 98-7132 in the name of John P. Ghigleri.

The Department has conducted a field examination of the diversion and use of water covered under that permit and has found that a license can be issued as follows if there is no injury to existing water rights:

Amount of water that can be recognized as beneficially used under Idaho law: 0.08 cfs or 36 gallons per minute. Source: Brown Creek

The maximum quantity diverted shall not exceed 19.2 acre feet per year.

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 61N, Rge. 1E, B. M.

Beneficial use: Irrigation of 10 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 61N, Rge. 1E, B. M.

Priority date established: February 10, 1975

If you do not wish to continue with your protest against the licensing of this permit, please send us a letter withdrawing your protest. If we do not hear from you we will assume you wish to continue with your protest and a hearing will be scheduled.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

cc: See attached sheet

MICROFILMED

CARBON COPY:

John P. Ghigleri

James F. Lyons, Attorney

Jack S. Gjording

PROTESTANTS:

Mr. Norman Harrington

Mr. & Mrs. William Laughery

Mr. & Mrs. Clarence Peterson

Mr. & Mrs. Lee Jelinch

Mr. & Mrs. Everett Virden

Mr. & Mrs. Jim Musiul

Mr. & Mrs. W. Watson

Mr. & Mrs. Clyde Portrey

Mr. & Mrs. C. W. Ketner

Mr. & Mrs. Harry Rohr

Mr. & Mrs. F. L. Folkens

DATE 9/24/75

FROM SHARON

TO FILE -- 98-7132

SUBJECT

A LEGAL FILE HAS BEEN MADE -- WHITTAKER -vs- IDAHO
WATER RESOURCE BOARD (see Nathan for further information).

SIGNATURE

ELAM, BURKE, JEPPESEN, EVANS AND BOYD

ATTORNEYS AND COUNSELORS AT LAW

SUITE 1010 BANK OF IDAHO BUILDING

POST OFFICE BOX 1559

BOISE, IDAHO 83701

TELEPHONE 208-343-5454

CABLE-EBJEB

LAUREL E. ELAM (1888-1974)
CARL A. BURKE (1898-1961)
CARL F. BURKE
KARL JEPPESEN
BLAINE F. EVANS
PETER J. BOYD
ROBERT J. KOONTZ
M. ALLYN DINGEL, JR.
JOHN S. SIMKO
JACK S. GJORDING
LARRY D. RIPLEY
JOHN MAGEL

DAVID B. LINCOLN
PHILLIP M. BARBER
ROBERT S. ERICKSON
DONALD E. KNICKREHM
RICHARD C. MELLON, JR.
ROBERT M. TYLER, JR.
JAMES D. LARUE

August 11, 1976

Mr. Nathan Higer
Attorney at Law
Department of Water Resources
Statehouse
Boise, Idaho 83702

Re: Whittaker, Folgens and Loughery
v. Idaho Water Resources Board

Dear Nathan:

A week or so ago you inquired concerning the settlement negotiations in the above cases. Please be advised that it appears that a settlement will not be reached in any one of these three cases.

I believe the best course of action at this point is for us to file a motion for summary judgment. The basis for our motion would be that the state, and your department in particular, followed all the necessary procedures in allowing for a hearing for those concerned to oppose the granting of a license to construct a dam on this particular stream. If we can show that your department followed the procedure to the letter of the law, then I believe we would be exempt from liability under Section 6-904(1), Idaho Code, which shields the state from any liability in cases where a state employee is attempting to follow the provisions of a statute or regulation or is performing a discretionary function on the part of the governmental entity, whether or not the discretion be abused. As I am sure you are much more familiar with the procedures followed by your people than am I, I would appreciate very much your discussing this matter with the appropriate people in your department and perhaps drafting some affidavits for these people to sign that will show conclusively that we did, in fact, follow the statutory procedures.

Mr. Nathan Higer
Page 2
August 11, 1976

Those affidavits and the statute I have referred to would be the basis for our summary judgment motion.

About the only thing I can think of that the plaintiffs could respond with is the statement made by one of them that someone in our department told them over the phone that nothing would be done until such time as another hearing was held. If you would, please inquire of your people about that allegation.

As I am sure Lyons will be setting this matter for trial soon now that he realizes we are not going to settle, I really need to file this motion for summary judgment in the very near future. Therefore, if you could provide me with these affidavits right away, I would very much appreciate it.

Very truly yours,

ELAM, BURKE, JEPPESEN, EVANS & BOYD

By


Jack S. Gjording

JSG/ch

STATEMENT OF FACTS IN THE APPROVAL OF APPLICATION
FOR PERMIT NO. 98-7132 IN THE NAME OF JOHN P. GHIGLERI

Application for Permit No. 98-7132 was filed on February 10, 1975.

Notice of the application was caused to be published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on February 20 and 27, 1975. The publication stated that all protests must be received at the office of the Department of Water Resources on or before March 10, 1975.

On March 3, 1975, we received a letter from Mr. Norman Harrington protesting the approval of the application.

On March 5, 1975, we received a petition from the land owners on Brown Creek requesting denial of the application.

Both Mr. Harrington's and the land owners' letters were not accepted as protests since the issues raised were not those set forth by Section 42-203, Idaho Code, that can be considered in approving or denying a permit.

These letters of protest were rejected by our letter of March 18, 1975, and Mr. Harrington and the land owners were allowed ten days to submit a protest based upon the issues that can be considered.

On March 27, 1975, an adequate protest was received from Mr. Harrington.

On April 2, 1975, the receipt of the protest was acknowledged by letter to Mr. Harrington and a copy of the protest was forwarded to the applicant.

A conference and/or hearing was scheduled for May 21, 1975, in Bonners Ferry, Idaho by notice dated May 6, 1975. That notice was sent to the applicant, the protestant, Mr. Harrington, and to the land owners as interested parties.

On May 13, 1975, a request for a delay in the hearing was received from Mr. Harrington, the protestant. The applicant was contacted by telephone to determine if he objected to a delay and he strongly objected.

On May 19, 1975, Mr. Harrington was informed that the hearing would not be rescheduled. During that conversation he decided not to proceed with the hearing.

Since Mr. Harrington was the only protestant the hearing was cancelled. The applicant was notified of the cancellation but through oversight the land owners who had been sent a notice of the hearing were not notified.

On May 29, 1975, a protest was received from James F. Lyons, attorney at law, in behalf of the land owners.

On July 15, 1975, the protest was rejected as not being timely filed and the request for a hearing was denied.

On July 15, 1975, after considering all the information contained in the file, the permit was issued.

August 20, 1976

Mr. Jack S. Gjording
ELAM, BURKE, JEPPESEN, EVANS
AND BOYD
P.O. Box 1559
Boise, ID 83701

RE: WHITTAKER, FOLKENS AND ROUGHERY -vs- IDAHO WATER
RESOURCE BOARD

Dear Jack:

Enclosed is a statement of the events which led up to the issuance of the permit in question. I believe this is sufficiently detailed to allow for your preparation of affidavit for signature by Bobby D. Fleenor, Chief of Water Rights Bureau. He is the one who has direct control of this matter and who was involved with the problem.

I would also like to remind you that the grounds for damages are not sufficient under Idaho law. If I read the complaint correctly, the Plaintiffs are claiming damage to riparian rights by virtue of an appropriation of water. Riparian rights are absolutely not protected from such an appropriation. Any appropriator can dry up any stream in Idaho without fear of riparian interests. I suggest that this state of the law presents your best grounds for summary judgment. I would be absolutely confident of winning such a motion based upon the law.

I wish to advise you that I am leaving the department effective August 31, 1976. As of this time we have no replacement. If you have inquiries about this case, direct them to Bobby Fleenor and/or the director, R. Keith Higginson.

Very truly yours,

NATHAN W. HIGER
Legal Counsel

NWH/slg

July 26, 1976

Re: Permit No. 98-7132

Mr. John P. Ghigleri
Box 901
Bonners Ferry, ID 83805

Dear Mr. Ghigleri:

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

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

Should you have questions regarding the field examination, please contact our regional office at Coeur d'Alene (667-6484).

Sincerely,

D. Darlene Reich
Water Rights Supervisor

Identification No. 98-7132

Permit No. 98-7132

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 26 1976

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder JOHN A. GHIGLERI
b) Post Office Address Box 901 Bonners Ferry IDAHO 83805
2. Permit Number 98-7132
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated Brown Creek & Springs on my property
b) Location of the point of diversion: NE 1/4 SE 1/4, Section 22
Township G1N, Range 1E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount .20 for irrigation purposes from June 1 to Sept 30 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .20 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Can't make measurement because no water flows in the creek coming onto my property after approx. July 1st most years
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder: N.A.
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: N.A.
b) Describe the agreement or understanding by which you take water from the works: N.A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Earth dam 8' high - 20' wide - Top of dam approx 4' above water line - pond dug years ago in creek bed. 3/4 horse elect. pump - 2" pipe (20') to aluminum 1 1/2" galv.
b) Describe the type and size of measuring device which you have installed at your point of diversion: What water the pump pulls from the pond. No water flows on my place this time of year. Pond is fed by springs which originate on my place.
c) Give well driller's name and address and the date the well was completed: N.A.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: N.A.

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

I use what water is available to
sprinkle my pasture — see
enclosed plan

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
60N	1E	22													10				10

Total number of acres irrigated 10 AC

10. Remarks: This system has been in use since
1974

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

7/20/74
(Date)

John P. Thigley
(Signature)

State of Idaho)
County of Boundary) ss.

On this 21st day of July, 1976, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Roberta Shelman
Notary Public residing at Bonners Ferry

My commission expires 10-1-77

June 1, 1976

CERTIFIED MAIL

138713

Re: Permit No. 98-7132

John P. Ghigleri
Box 901
Bonners Ferry, Idaho 83805

Dear Mr. Ghigleri:

One of the conditions of approval of your water Permit No. 98-7132 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before AUGUST 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

98-7132

December 10, 1975

Mr. James F. Lyons
NIXON, NIXON, LYONS & BELL
P.O. Box 368
Bonners Ferry, ID 83805

Dear Mr. Lyons:

The Department of Water Resources in approving a permit to appropriate water takes no action which comes under the Federal Water Pollution Control Act. A study of the Federal Act will show that its purpose is to prevent degradation of water quality by controlling point and non-point discharges into covered waters.

In approving a permit to appropriate water, the Department only gives its approval to appropriate the water as provided by Idaho law. Any action to actually divert the water must be taken by the applicant who is responsible for compliance with any other applicable laws and/or regulations.

Very truly yours,

A. KENNETH DUNN
Administrator, Operations Division

AKD/slg

NIXON, NIXON, LYONS & BELL

ATTORNEYS AT LAW

225 MAIN STREET

P. O. BOX 368

BONNERS FERRY, IDAHO 83805

(208) 267-3133

RECEIVED

DEC 3 1975

Department of Water Resources

202 FIRST FEDERAL SAVINGS & LOAN BLDG.

P. O. BOX 1013

COEUR D'ALENE, IDAHO 83814

(208) 667-4655

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

December 3, 1975

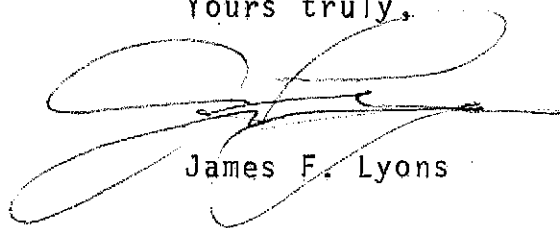
Mr. A. Kenneth Dunn
Administrator
Operations Division
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: John P. Ghiglieri Permit No. 98-7132

Dear Mr. Dunn:

I would like to know on what basis the State of Idaho does not have to comply with environmental impact statements for Federal Water Quality Control Acts. This would be on specific statutory exemptions, if any, or case law deciding the same.

Yours truly,



James F. Lyons

jfl ra

DIRECTOR	
PLANNING	
WATER PLAN	
WATER RESOURCES	
WATER QUALITY	
WATER RIGHTS	
WATER USE	
WATER POLLUTION	
WATER RESOURCES	
WATER QUALITY	
WATER RIGHTS	
WATER USE	
WATER POLLUTION	

November 19, 1975

C Mr. James F. Lyons
NIXON, NIXON, LYONS & BELL
225 Main Street
P.O. Box 368
Bonners Ferry, ID 83805

RE: JOHN P. GHIGLERI PERMIT NO. 98-7132

O Dear Mr. Lyons:

This letter is to inform you that the Department of Water Resources does not have any environmental impact statements or letters of compliance with the Federal Water Quality Control Acts.

P The Department does not comply with those statutes for the simple reason that they are not applicable to the granting or denial of water right applications in the State of Idaho.

Very truly yours,

Y A. KENNETH DUNN
Administrator, Operations Division

AKD:NWH:slg

RECEIVED

RECEIVED

NIXON, NIXON, LYONS & BELL

ATTORNEYS AT LAW

225 MAIN STREET

P. O. BOX 368

BONNERS FERRY, IDAHO 83805

(208) 267-3133

OCT 30 1975

Department of Water Resources

202 FIRST FEDERAL SAVINGS & LOAN BLDG.

P. O. BOX 1013

COEUR D'ALENE, IDAHO 83814

(208) 667-4655

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

October 29, 1975

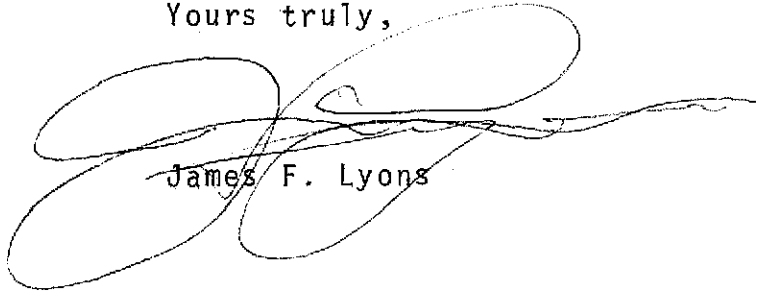
Idaho Department of Water Resources
State House
Boise, Idaho 83701

Gentlemen:

On the John Ghigleri Permit, would you please send me copies of any environmental impact statements you filed in regard to granting this Permit, along with any compliance with the Federal Water Quality Control Acts.

Could you please advise.

Yours truly,


James F. Lyons

jfl ra

98-7132

September 17, 1975

Re: Permit No. 88-7132 - John Ghiglieri

Mr. James F. Lyons, Attorney
Nixon, Nixon, Lyons & Bell
Box 368
Bonners Ferry, Idaho 83805

Dear Mr. Lyons:

Enclosed is a certified copy of the application for permit as you requested in your letter of September 16, 1975.

Please note carefully the conditions under which an appeal can be filed under Section 42-203 of the Idaho Code.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

NIXON, NIXON, LYONS & BELL

ATTORNEYS AT LAW

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

RECEIVED

SEP 17 1975

Department of Water Resources

202 FIRST FEDERAL SAVINGS & LOAN BLDG.

P. O. BOX 1013

COEUR D'ALENE, IDAHO 83814
(208) 667-4655

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

September 16, 1975

State of Idaho
Department of Water Resources
State of Idaho
Boise, Idaho 83720

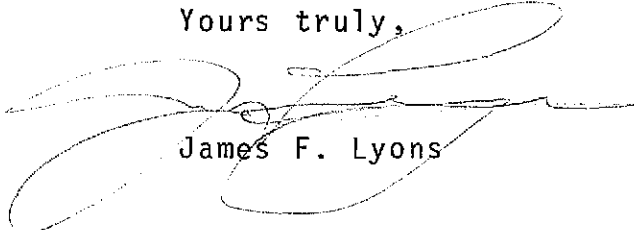
Re: John A. Ghigleri
Permit No. 98-7132

Gentlemen:

Be advised that Charles K. Whittaker hereby demands all necessary papers required under the Idaho Code and in the proper form to appeal the decision granting John A. Ghigleri a water permit.

Delivery of these is requested to be in this office prior to September 22, 1975. Failure to tender these in a timely manner will result in appropriate legal proceedings for damages to the Whittakers.

Yours truly,


James F. Lyons

jfl ra

cc: Coeur d'Alene Water Resource
Board Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

July 16, 1975

Re: Permit No. 98-7132

John A. Ghigleri
Box 901
Bonners Ferry, ID 83805

Dear Mr. Ghigleri:

Enclosed is a copy of your approved Application for Permit No. 98-7132. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

cc: James F. Lyons,
Attorney at Law

WATER RESOURCE BOARD:

John F. Straiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

July 15, 1975

Re: Permit No. 98-7132 - John P. Ghigleri

James F. Lyons, Attorney at Law
Nixon, Nixon, Lyons & Bell
225 Main Street
Bonners Ferry, Idaho 83805

Dear Mr. Lyons:

We received your July 1, 1975, request for a hearing on Permit No. 98-7132, in the name of John P. Ghigleri.

This request cannot be granted since a protest was not filed during the protest period, as set forth by Section 42-203, Idaho Code. At this point, a hearing would serve no useful purpose since we could not consider the information gathered at the hearing as from valid protestants.

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

Sincerely,

A handwritten signature in cursive script, reading "Bobby D. Fleenor".

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

cc: Fred Eisenbarth, Northern District Office



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
SANDY YOUNGHANS

202 FIRST FEDERAL SAVINGS & LOAN BLDG.
P. O. BOX 1013
COEUR D'ALENE, IDAHO 83814
(208) 667-4655

July 1, 1975

Mr. Bobby D. Fleenor
Chief, Water Rights
State of Idaho
State House
Boise, Idaho 83720

Re: Protest on Application for Permit 98-7132
(John Ghigleri)

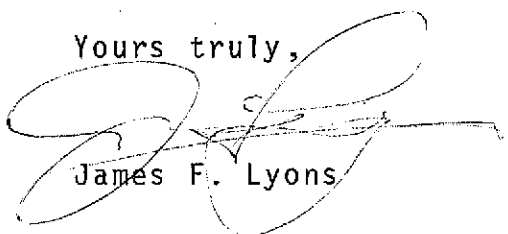
Dear Mr. Fleener:

This is to advise you that the people involved want to formally and officially protest the application of Dr. Ghigleri.

I see further problems here if the stream is dried out of loss of fishing rights, in addition to other losses the people will suffer.

I do not know of any hearing held on this matter and apparently the people are going to have to request one and by this letter they do hereby request a hearing.

Yours truly,



James F. Lyons

jfl ra

June 16, 1975

Re: Protest on Application for Permit 98-7132
(John Ghigleri)

C
O
P
Y

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

Dear Mr. Lyons:

Your letter of May 27, 1975 has been forwarded to us from our Northern District Office for reply.

The people that have contacted you did not officially protest the application of Dr. Ghigleri. This does not mean that they have forfeited any water rights that they may have, but it does make it difficult to consider any evidence and testimony without the opportunity of cross examination by the applicant.

You, of course, also realize that Idaho does not have a minimum flow requirement in the statutes and, therefore, the water in the stream maybe completely diverted if beneficially used.

The problem of damage to the property of the claimants by the drying up of Brown Creek would have to be resolved through civil proceedings.

Therefore, we will take into consideration the information within the files of the Department and take final action on Mr. Ghigleri's application shortly.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

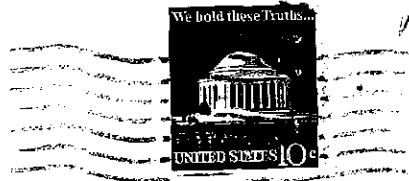
MICROFILMED

NIXON, NIXON, LYONS & BELL

ATTORNEYS AT LAW

P. O. BOX 368

BONNERS FERRY, IDAHO 83805



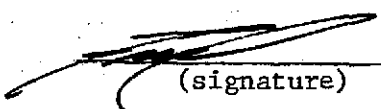
Mr. Bobby D. Fleener
Chief, Water Rights
State of Idaho
State House
Boise, Idaho 83720

MEMO

TO: BOB FLEENOR
FROM: Fred Eisenbarth
DATE: June 11, 1975
SUBJECT: Application No. 98-7132 (John P. Ghiglieri)

Attached is a response to the situation which evolved from the cancelled hearing. I have decided that you should handle the situation because I am biased and if it was up to me, I would not accept this letter as a legal protest. It refers mainly to environmental reasons.

However, if you think we should hold another hearing, let me know and I will schedule it.


(signature)

RECEIVED

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
SANDY YOUNGHANS

May 27, 1975

202 FIRST FEDERAL SAVINGS & LOAN BLDG.
P. O. BOX 1013
COEUR D'ALENE, IDAHO 83814
(208) 667-4655

RECEIVED

MAY 29 1975

Department of Water Resources
Northern District Office

State of Idaho
Department of Water Resources
Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814

Re: Permit No. 98-7132
John Ghigleri

Gentlemen:

In response to your inquiry, the people living downstream from Dr. Ghigleri have contacted me. May I point out the following to you about the proposed permit:

1. The proposed use will reduce the quantity of water under existing water rights for domestic uses. Two families operate from wells which will result in diminishing of their water supply coming from the stream.

2. The proposed water supply is insufficient for the purposes intended particularly with the Paradise Valley Water Association also drawing from this stream.

May I further point out to you that there is a problem of condemnation of the property by the applicant for the permit since the preponderance of the people living downstream purchased so that they could be in an area with a stream on it of the size Brown Creek normally is.

There are further problems in this matter since the dam probably would dry the stream during fishing season and would also effect water quality.

Could you please advise. Thank you.

Yours truly,

James F. Lyons

jfl ra

To Stur
Date 5-21 Time 11:30

WHILE YOU WERE OUT

M r. Whitaker
of Bonners Ferry
Phone 267-3193
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Call as soon as
possible. They
are an hour ahead
of us so you could
call him during
lunch hour.

Operator

L.

Dam in Brown
Acre -

Hamington Potestol
Dr. John Ghiglieri

INTER-DEPARTMENT MEMO — 1

FROM

N C Y

DATE

5/21/75

TO

Bob Fleenor

SUBJECT

HRG on storage application for Brown Creek
NEAR BONNERS FERRY. — DR. John Ghiglieri

MICROFILMED

A MR. WHITAKER CALLED THIS MORNING UPSET BECAUSE HE AND ABOUT A DOZEN OTHER RESIDENTS OF BROWN CK AREA HAD GONE TO BONNERS FERRY FOR A HEARING, WAITED, AND THEN CALLED N.D. OFFICE TO FIND THE HEARING CANCELLED. THESE PEOPLE HAD FILED UNACCEPTABLE PROTESTS AND HAD NOT FOLLOWED UP OUR REPLY.

MR WHITAKER ASSURED ME THAT THEY HAVE VALID USE RIGHTS DIVERTED FROM BROWN CK BELOW THE PROPOSED dam.

SIGNATURE

I suggested they file an affidavit stating their valid protests and any evidence they have that their protests were misbondled with our N.O. office and request a new hearing.

I explained that if this request were denied, their only recourse if injured was district court action.

NCY

MEMO

TO: FILE NO. 98-7132

FROM: Fred Eisenbarth

DATE: May 19, 1975

SUBJECT: Protest by Mr. Norman Harrington

On May 7, 1975, our Department sent by Certified Mail a notification of the hearing which was scheduled for 10:00 a.m., May 21, 1975. On May 13, 1975, we received a letter from the protestant, Mr. Harrington, that he could not appear at the hearing and requested that the hearing be set for a later date.

I telephoned John Ghigleri, the applicant, to see when it would be convenient for him to re-schedule the hearing. Mr. Ghigleri stated that he is a Dentist and had already cancelled all his appointments for May 21st, and that he did not want to have the hearing re-scheduled. I then called Bob Fleenor for suggestions. Bob stated that the alternatives for the protestant were as follows:

1. He may be represented by legal counsel, a friend, or a neighbor at the hearing.
2. He may write a letter describing his water rights, giving all the information and facts pertinent to the case so that we could make a decision.

On May 19, 1975, I telephoned Mr. Harrington, leaving a message with his wife to have him call me concerning the hearing. Later that day, Mr. Harrington called stating that he could not appear at the hearing, and we discussed his alternatives at that time. Mr. Harrington stated that he does not use water from Brown Creek and that his main objection was that he did not want to see the creek dry. We then discussed water rights and water laws as they apply to the State of Idaho. Mr. Harrington stated that according to law he really had no protection and decided not to proceed with the hearing.


(signature)

100-7132-10



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 2, 1975

Re: Application for Permit No. 98-7132

Mr. John P. Ghigleri
Box 901
Bonners Ferry, ID 83805

Dear Mr. Ghigleri:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 98-7132. 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.

MICROFILMED

Page 2

Re: 98-7132

Mr. John P. Ghigleri

April 2, 1975

You will be notified at a later date as to the time and place set for 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.

Please contact us if we may be of any further assistance.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

cc: IDWR - Boise✓



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 2, 1975

Re: Application for Permit No. 98-7132 - John P. Ghiglieri

Mr. Norman E. Harrington
Box 342
Mitchell, NE 69357

Dear Mr. Harrington:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application.

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

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

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

cc: IDWR - Boise ✓

23 Mar 1975

Re: Application for Permit No. 98-7132 - John P. Ghiglieri

RECEIVED

MAR 23 1975

Fred Eisenbarth
Dept of Water Resources
State of Idaho
Coeur d'Alene, Idaho

Department of Water Resources
Northern District Office

I protest the issuance of this water permit because such issuance would reduce the quantity of water available under existing water rights. So much water is already being diverted from Brown Creek under existing water rights that the creek almost goes dry in July and August, already.

I further protest because drying up the flow of water of Brown Creek on my property would do me great financial harm. I have about 17 acres cleared, and it grows good grass all summer, due to sub-irrigation from a flowing Brown Creek. If the creek dries up, this pasture of mine will dry up and die, and be an obvious financial loss to me. Also I plan on running cattle there in the future, and have no well. So the cattle drink from the creek. If the creek goes dry I wouldnt be able to run cattle in there.

Norman E. Harrington
Norman E. Harrington
Box 342
Mitchell, Neb 69357

OK. J.E. 3/31/75

March 18, 1975

Re: Application for Permit No. 98-7132 - John P. Ghiglieri

Mr. Norman Harrington
Box 342
Mitchell, NE 69357

Dear Mr. Harrington:

We have received your letter protesting the approval of the above referenced application. You should be aware that the following are the principle items that our Department can accept as a valid protest (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?

If you feel as though your water rights could be injured by the issuance of Permit No. 98-7132, please return your protest based upon one of the above reasons. We will allow you ten days from the date of this letter in which to return the protest.

If there are any questions in this matter, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

cc: Mr. and Mrs. F. L. Folgens
Star Route
Brown Creek Road
Naples, ID 83847

RECEIVED

26 Feb 1975

MAR 3 1975

Idaho Dept. of Water Resources
401 Front Avenue
Coeur d'Alene, Idaho

Department of Water Resources
Northern District Office

I wish to enter my protest against the granting of a Water Permit to application number 98-7132.

I own $\frac{1}{2}$ mile of Brown Creek, 164 acres, on the lower end of Brown Creek, where it empties into Deep Creek. So much water has already been diverted from Brown Creek that stream flow is barely maintained in August and September. I am afraid if further requests of Brown Creek water are granted, the stream will dry up completely on my property. I have quite a few Brook Trout and beaver that I do not wish to lose.

Furthermore, my meadowlands are kept green in August and September by sub-irrigation from a flowing Brown Creek. They will turn brown and dead if Brown Creek is completely dried up by any more appropriations of Brown Creek Water.

Also, the rainbow trout from Kootenai Lake still spawn in Brown Creek in the spring, and provide fingerling trout for Deep Creek and Kootenai Lake. The ling from the Kootenai River also still spawn in Brown Creek. I have been on the creek in February and have seen the ling in the creek. Whitefish still use Brown Creek for their autumn and winter spawning runs. If Brown Creek is allowed to dry up, these spawning grounds and these fisheries will be destroyed.

So I hope that you will not only deny Mr. Ghigleri's request for water diversion, but that you will permanently close off, and refuse any and all further requests for Brown Creek water from anybody. Brown Creek is almost a dead creek already, it flows only a trickle now in August and September. To kill this stream completely would be a tragic blunder.

Norman Harrington
Norman Harrington
Box 342
Mitchell, Neb 69357
623-2594

cc: State Dept. of Fish & Game, Boise, Idaho
cc: Game Warden, MacArthur Refuge, Bonners Ferry, Idaho

98-7132

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



**RETURN
TO**

**IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
401 FRONT AVENUE, ROOM 209
COEUR D' ALENE, IDAHO 83814**

RECEIVED

MAY 13 1975

**Department of Water Resources
Northern District Office**

RECEIVED

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

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

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

2. ARTICLE ADDRESSED TO:

Mr. Norman E. Harrington
Box 342
Mitchell, Nebraska 69357

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	94238	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4.

DATE OF DELIVERY

5-10-75

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

LB

98-7132

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

Complete items 1 and 2 on reverse side.

Moisten gummed ends and attach to back of article.

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



**RETURN
TO**

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
401 FRONT AVENUE, ROOM 209
COEUR D'ALENE, IDAHO 83814

RECEIVED

MAY 12 1975

Department of Water Resources
Northern District Office

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

2. **ARTICLE ADDRESSED TO:**

Mr. John P. Ghigleri
 Box 901
 Bonners Ferry, ID 83805

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	94237	

(Always obtain signature of addressee or agent)

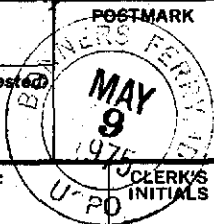
I have received the article described above.
 SIGNATURE

John P. Ghigleri

4. **DATE OF DELIVERY**
 MAY - 9 1975

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

6. **UNABLE TO DELIVER BECAUSE:**



NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES - Northern Dist.

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.

H E A R I N G S

POSTMARK AND DATE OF RECEIPT May 7, 1975

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1	94232 Sunshine Mining Co., P.O. Box 1080, Kellogg, ID 83837	.10	30¢			15¢			94-7060
2	94233 Clarence & Esther Grenfell, Box 204, Kellogg, Idaho	10¢	"			"			"
3	94234 William O. Gairson, Aux. Rt. W. 12th St., Emmett, ID	"	"			"			96-7351
4	94235 Max L. Singleton, Route 2, Sandpoint, Idaho 83864	"	"			"			"
5	94236 Gary L. McClendon, Attorney, Box 578, Emmett, Idaho	"	"			"			"
6	94237 John P. Ghigleri, Box 901, Bonners Ferry, Idaho	"	"			"			98-7132
7	94238 Norman E. Harrington, Box 342, Mitchell, NE 69357	"	"			"			"
8	94239 Colleen L. Robinson, St. Rt. 2, Bonners Ferry, Idaho	"	"			"			98-7124
9	94240 F.A. & Eunice B. Tanner, St. Rt. 2, Bonners Ferry, ID	"	"			"			"
10	94241 Mr. & Mrs. Ronald Weistling, Rt. 4, Box 345-A,	-	-			-			-----
11	----- Escondido, CA 92025	"	"			"			"
12									
13									
14									
15	SENT BY CERTIFIED MAIL, MAY 7, 1975.								
16	Corda M. Patterson								
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."

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

PSD Form 3877-A—July 1958

RECEIVED

10 May 1975

Fred Eisenbarth Jr.
Northern District Manger
Dept of Water Resources
State of Idaho

MAY 13 1975

Department of Water Resources
Northern District Office

I received your letter today about a hearing on May 21st in Bonners Ferry Idaho.

I would like to have the date of the hearing changed to sometime between June 17th and June 26th.

Reasons being I am a working man and cannot be in Idaho on such short notice. However, my vacation this year has already been set for the last two weeks in June. I work for Civil Service here, and you probably know how difficult it is to get these things changed at all, let alone on short notice.

Norman E. Harrington
Norman E Harrington
Box 342
Mitchell, Neb 69361

RECEIVED

98-7132 - John P. Ghigleri

Unemployment Office, Boundary County Courthouse
Bonners Ferry, Idaho

May 21, 1975 - 10:00 a.m.

ROSTER OF ATTENDANCE

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

RECEIVED
MAY 22 1975
BONNERS FERRY, IDAHO

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application for Permit No. 98-7132 in
the name of JOHN P. GHIGLERI

NOTICE OF CONFERENCE
AND/OR HEARING

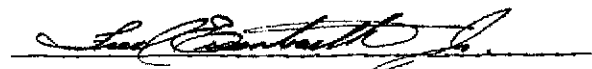
On February 10, 1975, John P. Ghigleri filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 3, 1975, the Department received a protest against approval of said application from Norman Harrington.

The Department has set the matter of protest for conference and/or hearing for Wednesday, May 21, 1975, at 10:00 a.m., in the Unemployment Office 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 protestant 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 6th day of May, 1975.


FRED EISENBARTH, JR.
Northern District Manager

RECEIVED
MAY 21 1975
IDAHO DEPARTMENT OF WATER RESOURCES

May 6, 1975

Clerk of the District Court
Boundary County Courthouse
Bonners Ferry, ID 83805

Dear Sir:

This is to confirm the use of the Unemployment Office for conference and/or hearing to be held by this office on May 21, 1975, at 10:00 a.m. and 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

Corda M. Patterson
Secretary
Northern District

CP

RECEIVED
MAY 14 1975
FBI - BONNERS FERRY

April 2, 1975

Re: Application for Permit No. 98-7132

Mr. John P. Ghigleri
Box 901
Bonners Ferry, ID 83805

Dear Mr. Ghigleri:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 98-7132. 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.

MICROFILMED

Page 2

Re: 98-7132

Mr. John P. Ghiglieri

April 2, 1975

You will be notified at a later date as to the time and place set for 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.

Please contact us if we may be of any further assistance.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

cc: IDWR - Boise

April 2, 1975

Re: Application for Permit No. 98-7132 - John P. Ghigleri

Mr. Norman E. Harrington
Box 342
Mitchell, NE 69357

Dear Mr. Harrington:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application.

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

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

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

cc: IDWR - Boise

RECEIVED

23 Mar 1975

Re: Application for Permit No. 98-7132 - John P. Ghiglieri

RECEIVED

MAR 24 1975

Department of Water Resources
Northern District Office

Fred Eisenbarth
Dept of Water Resources
State of Idaho
Coeur d'Alene, Idaho

I pretest the issuance of this water permit because such issuance would reduce the quantity of water available under existing water rights. So much water is already being diverted from Brown Creek under existing water rights that the creek almost goes dry in July and August, already.

I further protest because drying up the flow of water of Brown Creek on my property would do me great financial harm. I have about 17 acres cleared, and it grows good grass all summer, due to sub-irrigation from a flowing Brown Creek. If the creek dries up, this pasture of mine will dry up and die, and be an obvious financial loss to me. Also I plan on running cattle there in the future, and have no well. So the cattle drink from the creek. If the creek goes dry I wouldn't be able to run cattle in there.

Norman E. Harrington
Norman E. Harrington
Box 342
Mitchell, Neb 69357

OK JE 2/24/75

MICROFILMED

March 18, 1975

Re: Application for Permit No. 98-7132 - John P. Ghigleri

Mr. Norman Harrington
Box 342
Michell, NE 69357

Dear Mr. Harrington:

We have received your letter protesting the approval of the above referenced application. You should be aware that the following are the principle items that our Department can accept as a valid protest (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?

If you feel as though your water rights could be injured by the issuance of Permit No. 98-7132, please return your protest based upon one of the above reasons. We will allow you ten days from the date of this letter in which to return the protest.

If there are any questions in this matter, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

cc: Mr. and Mrs. F. L. Folkens
Star Route
Brown Creek Road
Naples, ID 83847

MEMO

TO: BOB FLEENOR

FROM: Fred

DATE: March 5, 1975

SUBJECT: Protests against Application No. 98-7132 (John P. Ghigleri)

Would you please review ~~this~~ ^{THESE} protests and let me know if it is acceptable. I am slowly reaching the point whereas any protests we receive that even hint at environmental issues will be rejected. Also, I don't believe sub-irrigation is recognized as a water right.

Let me know what you think as soon as possible. Thanks.


FRED

RECEIVED

26 Feb 1975

Idaho Dept. of Water Resources
401 Front Avenue
Coeur d'Alene, Idaho

Department of Water Resources
Northern District Office

I wish to enter my protest against the granting of a Water Permit to application number 98-7132.

I own $\frac{1}{2}$ mile of Brown Creek, 164 acres, on the lower end of Brown Creek, where it empties into Deep Creek. So much water has already been diverted from Brown Creek that stream flow is barely maintained in August and September. I am afraid if further requests of Brown Creek water are granted, the stream will dry up completely on my property. I have quite a few Brook Trout and beaver that I do not wish to lose.

Furthermore, my meadowlands are kept green in August and September by sub-irrigation from a flowing Brown Creek. They will turn brown and dead if Brown Creek is completely dried up by any more appropriations of Brown Creek Water.

Also, the rainbow trout from Kootenai Lake still spawn in Brown Creek in the spring, and provide fingerling trout for Deep Creek and Kootenai Lake. The ling from the Kootenai River also still spawn in Brown Creek. I have been on the creek in February and have seen the ling in the creek. Whitefish still use Brown Creek for their autumn and winter spawning runs. If Brown Creek is allowed to dry up, these spawning grounds and these fisheries will be destroyed.

So I hope that you will not only deny Mr. Ghigleri's request for water diversion, but that you will permanently close off, and refuse any and all further requests for Brown Creek water from anybody. Brown Creek is almost a dead creek already, it flows only a trickle now in August and September. To kill this stream completely would be a tragic blunder.

Norman Harrington
Norman Harrington
Box 342
Mitchell, Neb 69357
623-2594

cc: State Dept. of Fish & Game, Boise, Idaho
cc: Game Warden, MacArthur Refuge, Bonners Ferry, Idaho

RECEIVED

3/10/75

FRED:

BOB SAID THAT HE DOESN'T THINK EITHER PROTEST AGAINST THIS APP. IS ACCEPTABLE. HE SUGGESTED THAT WE WRITE A LETTER LISTING THE 4 ITEMS THAT ARE USUALLY ACCEPTED AS PROTESTS, THEN GIVE THE PROTESTANTS AN ADDITIONAL 10 DAYS TO RE-SUBMIT ANY OBJECTION.

HE IS RETURNING THE OTHER PROTEST WE SENT HIM TO REVIEW.

CORDA JUNE

MICROFILMED

Naples, Idaho
March 3, 1975

Idaho Dept. of Water Resources
401 Front Avenue
Coeur d'Alene, Id. 83814

RECEIVED

MAR 5 1975

Department of Water Resources
Northern District Office

RE: Water Permit Application #98-7132
John P. Shigler
P.O. Box 901
Bonners Ferry, Id. 83805

Dear Mr. Higginson,

We the undersigned, all residents and land owners on Brown Creek Rd. wish to lodge a protest against the granting of the above application for a water permit to John P. Shigler.

We feel that in so far as the Paradise Valley Water Assoc. has drawn down the flow of Brown Creek to the extent that we have a dry creek bed for approximately three months each year, that the further diverting of water by Mr. Shigler, (who incidentally is at the head of Brown Creek), we further downstream would be deprived of an adequate supply of water to afford continued sub-irrigation, plant and small animal and bird life.

We have chosen this area to make our homes for the ecological and aesthetic qualities it has to offer. Please help us protect it.

Very truly yours,
Mr. and Mrs. F. L. Folkens

Signature list Pg. II attached

Page II
Mrs & Mrs William M Langberg
Mrs & Mrs Clarence Peterson
Mrs & Mrs J. J. Link
Amos & Pherson.

Mrs & Mrs. Everett W. Virden

Mr & Mrs Lem Musick

Mr & Mrs W. W. Watson

Mr & Mrs. Clyde W. Portney

Mr & Mrs C. W. Kehoe

Mr & Mrs Dr. Harry Dohr

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 98-7132

☒ 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) AP 2/11/75

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) AP 2/11/75

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) CP 3/4

Affidavit of Publication received (date) FEB. 27, 1975

(12) CP 2/14

Final date for protests MARCH 10, 1975

Protests received: yes ☒ no _____

(13) _____

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

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District _____ By _____ Date _____

UNRECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

February 14, 1975

Re: Application No. 98-7132 - John P. Ghiglieri

Bonnars Ferry Herald
P.O. Box 539
Bonnars Ferry, ID 83805

Gentlemen:

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

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

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

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enc: Legal Notice(s)

RECEIVED

Bill: 3-4-75. w

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that John P. Ghigleri,

Box 901, Bonners Ferry, Idaho

has on Feb. 10, 1975 submitted Application No. 98-7132

for a permit to appropriate 0.20 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~

of water from Brown Creek, tributary of Deep Creek

by means of earth dam, pump, and pipeline

within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 61N, R. 1E, B.M., Boundary County

to be used from June 1 to Sept. 30

for the irrigation of ten acres

within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 61N, R. 1E, 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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before March 10, 1975.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho

Feb. 20 and Feb. 27, 1975

MICROFILMED

February 14, 1975

Re: Application for Permit No. 98-7132

Mr. John P. Ghigleri
Box 901
Bonners Ferry, ID 83805

Dear Mr. Ghigleri:

Attached is your receipt No. 15198 in the amount of \$10 for the filing fee on the above referenced application which was received in this office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Attachment

MICROFILMED