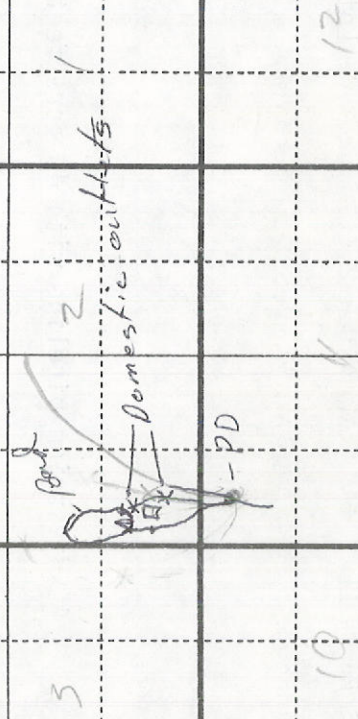




(4-6752)

T61N

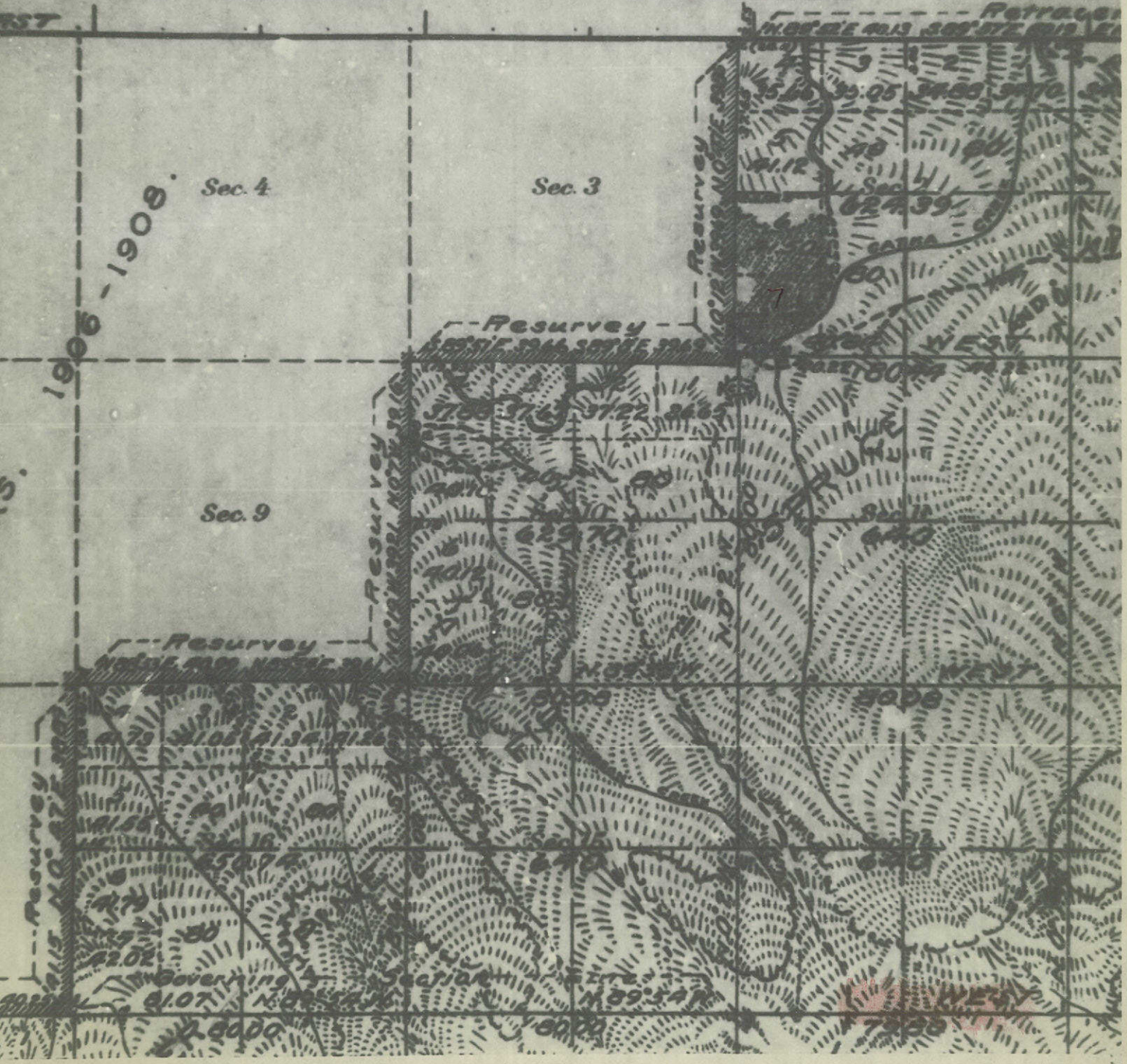
Range No 2 East of the Boise Meridian

Sec. 33
STANDARD

Sec. 34
PARALLEL

Sec. 35

N



State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE
WATER RIGHT NO. 98-07131

AMENDED

Priority: February 4, 1975

Maximum Diversion Rate:

0.08 CFS

Maximum Diversion Volume:

42.4 AF

This is to certify, that STEVEN A EGLAND
JAYNAN C EGLAND

RR 1 BOX 297

BONNERS FERRY ID 83805

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 4, 1975; and has submitted Proof of Beneficial Use on March 28, 1977. An examination indicates that the works have a diversion capacity of 0.080 cfs of water from:

KATKA CREEK

tributary to KOOTENAI RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.08 CFS	2.4 AF
RECREATION STORAGE	01/01 to 12/31		40.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.08 CFS	
	Totals	0.08 CFS	42.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 11, Township 61N, Range 02E
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

61N 02E 2 Lot 6(NWSW) Lot 7(SWSW)

PLACE OF USE:

RECREATION STORAGE, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

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

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SEP 29 1998

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 98-07131

CONDITIONS OF APPROVAL AND REMARKS

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22ND
day of SEPTEMBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

SEP 29 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 98-7131 Priority February 4, 1975 Amount 0.08 cfs & 40 acre feet

THIS IS TO CERTIFY, that R. E. LENKER & CARL WOMMACK
of Bonniers Ferry, Idaho, has complied with the terms and conditions of Permit
No. 98-7131 issued pursuant to Application for Permit dated February 4, 1975,
and has submitted proof to the Department of Water Resources on March 28, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion ^{and storage} of 0.08 cfs & 40 acre ft of water from Katka Creek,
tributary to Kootenai River, 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
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>0.08</u> cfs and	<u>2.4 acre feet</u>
Storage for Recreation	from <u>January 1</u> to <u>December 31</u>	at <u>N/A</u> cfs and	<u>40 acre feet</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.08 cfs and 40 acre feet of water be diverted ^{and stored} at any one time, and
that the amount of water so diverted ^{and stored} 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
42.4 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp. 61N,
Rge. 2E, B.M., in the County of Boundary

Description and location of place of use:

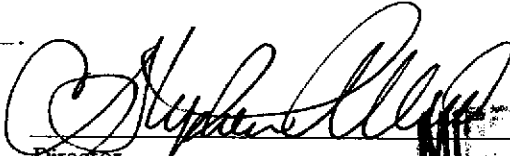
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
61N	2E	11									L.6 X	L.7 X							

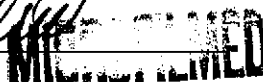
Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
August, 19 79.


Director



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now R. E. Lenker and Carl Wommack

of (address) Bonnerr's Ferry, Idaho, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 98-7131, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW ¼ NW ¼, Section 11, Township 61N, Range 2E, B.M.,
County of Boundary. Other points of diversion: _____

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

NO CHANGE
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: NO CHANGE

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? U.S. Forest Service
b. Who owns the land to be irrigated or the place of use? R.E. Lenker and Carl Wommack
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: N.A.

MICROFILMED

Identification No. 98-7131

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant R.E. Lenker and Carl Wommack Phone: 267-3135
post office address P. Box 179 Bonners Ferry, Idaho 83805
2. Source of water supply Katka Creek which is a tributary of Kootenia River
~~Katka Creek~~
3. a. Location of point of diversion is Lot 7 $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 2 Township 61
Range Two E. B.M. Boundary County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Katka Creek at a point in Lot 6 $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section 2 Township 61 Range Two E. B.M. Boundary County _____
4. Water will be used for the following purposes:
Amount .08 for Domestic purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Storage 40 a. for Recreation purpose from 1/1 to 12/31 (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. .08 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. water diverted from Katka Creek by 4" pipe approximately $\frac{1}{4}$ to 40 acre foot pond to be used for domestic and recreation purpose.

b. Height of storage dam 4 ft feet, active reservoir capacity _____ acre feet; total reservoir capacity 40 acre feet, materials used in storage dam: dirt
Period of year during which storage will occur 1/1 to 12/31 inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 1,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
Lots 6 & 7
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 2 Township 61N
Range 2E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2 (for phone call 4/1/75. R.E.)
(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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres to be irrigated_____

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

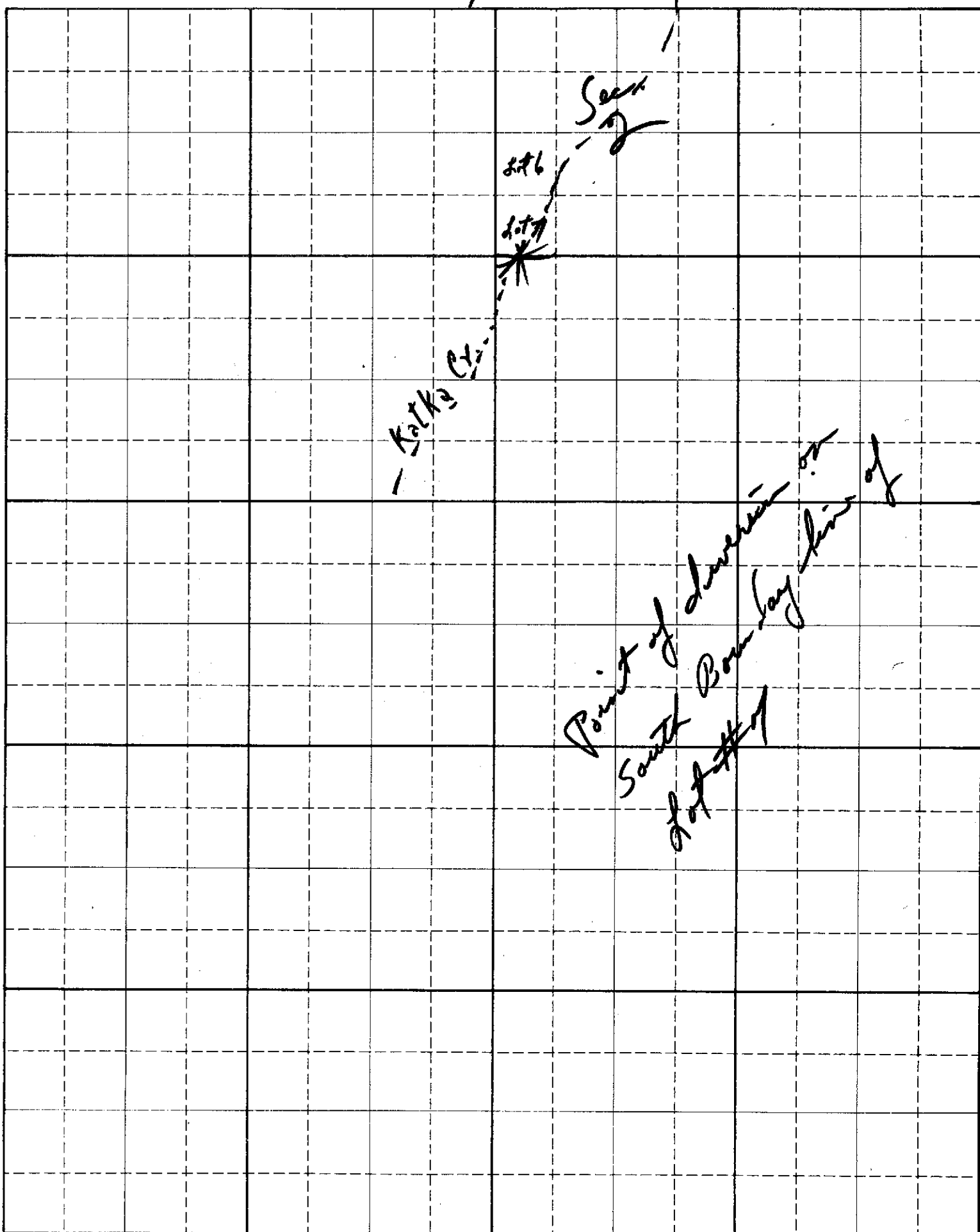
9. a. Who owns the property at the point of diversion Applicants

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

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

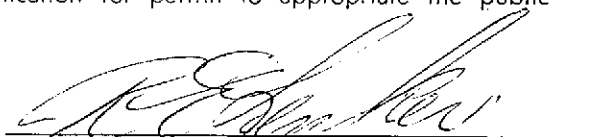
10. Remarks _____

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



Scale: 2 inches equal 1 mile

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


(Applicant)
Carl Wommack

Proposed Priority 2-04-1975

Received by CP Date 2-4-75 Time 1:00 p.m.

Preliminary check by RP Fee \$ 25.00

Receipted by RP Date 2-4-75 # 15195

Publication prepared by CP Date 2-7-75

Published in Bonnors Ferry Herald

Publication dates 2-13 & 2-20-75

Publication approved CP Date 3-4-75

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by BDF

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. 98-7131, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 80.

c. Other: _____

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

Witness my hand this 17 day of _____ March 19 75.

[Signature]
Director

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that R. E. Lenker and Carl Wommack, P. O. Box 179, Bonners Ferry, Idaho have on Feb. 4, 1975 submitted Application No. 98-7131 for a permit to appropriate 0.08 cubic feet per second of water from Katka Creek, tributary of Kootenai River by means of pipeline and pond within Lot 7, Sec. 2, T. 61N, R. 2E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and storage for recreational purposes (40 af/a) within Lots 6 and 7, Sec. 2, T. 61N, R. 2E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before March 3, 1975.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Feb. 13 and Feb. 20, 1975-ldwr

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for W. H. Chubb

first duly sworn upon his oath, deposes and says that he is the ^{Department of Water Resources being} publisher (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 #98-7131

a

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. 13, 1975**, 196, and ending with the issue dated **Feb. 20, 1975**, 196.

Subscribed and sworn to before me this 25 day of Feb, 1975

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEVEN A EGLAND
JAYNAN C EGLAND
RR 1 BOX 297
BONNERS FERRY ID 83805

RE: WATER RIGHT NO. 98-07131

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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SEP 29 1998

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

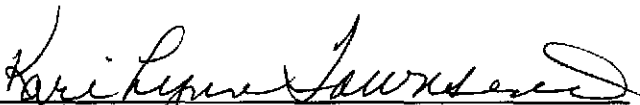
SEP 29 1998

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of **September, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 98-07131

STEVEN A EGLAND
JAYNAN C EGLAND
RR 1 BOX 297
BONNERS FERRY ID 83805


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 29 1998

MEMORANDUM

TO: File 98-07131

FROM: Sharla Curtis

DATE: August 28, 1997

RE: Amended License

An amended license has been prepared for this right due to an error in the place of use descriptions on the original license. The field examiner noted the place of use within Lots 6 & 7, Section 2. The license was issued with the place of use description in Section 11. There are no government lots in Section 11.

MICROFILMED

SEP 29 1998

RECEIVED

AUG 13 1997

Department of Water Resources

**Steven A. Egland
Jaynan C. Egland
RR #1 Box 297
Bonners Ferry, Idaho 83805
208-267-5718**

August 8, 1997

Mr. Shelley Keen
1301 North Orchard Street
Boise, Idaho 83706

Dear Sir,

Thursday, August 7, I talked with you concerning a State of Idaho Water Right License No. 98-7131. On July 31, 1997, my wife and I purchased the property as described in the Warranty Deed (copy enclosed). With this deed, as was explained to me, follows the above stated Water Right License.

My research on this Water Right License reveals an apparent entry mistake stating the point of diversion on federal land to be section 11, and the point to which it is diverted being that same location on federal land, section 11. The point of diversion, section 11, is accurate, however the point to which the water is diverted should read, Lots Six (6) and Seven (7) of Section Two (2), Township Sixty-one (61) North, Range Two (2) East, B.M., Boundary County, Idaho (as highlighted on the Warranty Deed).

I have also talked with Mr. Bob Klareg of the Forest Service in Bonners Ferry (208-267-5561) who understands this to be the case. I ask that your department consider this correction to the existing Water Right License No. 98-7131. Thank you.

Sincerely,



Steven A. Egland

MICROFILMED

SEP 29 1998

128 2100

STATE OF IDAHO }
County of Boundary } SS

Filed for record at the recorder's
Boundary Abstract
on the 23rd day of July 1997 at 2:40
o'clock P.M. Section 15
T. 14 N. R. 15 E. S. 33
Kris Larson
County Recorder
By Judy Deputy
For S. 60 chg
Mail to 154

186082

WARRANTY DEED

Escrow No. 9706005

Title Order No. 9700188

FOR VALUE RECEIVED

ALLEN KARLBERG, A SINGLE PERSON, the Grantor, does hereby grant bargain, sell and convey unto

STEVEN A EGLAND AND JAYNAN C EGLAND, HUSBAND AND WIFE The Grantees, whose current address is: RR 1 Box 297, Bonners Ferry, ID 83805

The following described PREMISES, in Boundary County, Idaho, to wit:

FOR COMPLETE LEGAL DESCRIPTION, SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises, and Reserved oil and/or mining rights; AND Subject to Special Exception(s) No(S)7 through 12, as listed in BOUNDARY ABSTRACT TITLE CO. Preliminary Title Commitment Number 9700188, incorporated herein by this reference; and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 25, 1997

Allen Karlberg
ALLEN KARLBERG

State of Washington
County of BOUNDARY

ss.

I, the undersigned, do hereby certify that I know or have satisfactory evidence that ALLEN KARLBERG is the person(s) who appeared before me, and said person(s) acknowledged that HE signed this instrument and acknowledged it to be HIS free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 7/25/97

[Signature]
Notary Public in and for the State of Washington
residing at Edmonds
My appointment expires 8/22/99

MICROFILMED

SEP 29 1998

ESCROW NO. 9706005
KARLBERG to ECLAND

EXHIBIT A

LEGALLY DESCRIBED AS FOLLOWS:

The West Half of the Southeast Quarter of the Southeast Quarter (W1/2 SE1/4 SE1/4) of Section Three (3), Township Sixty-one (61) North, Range Two (2) East, B.M., Boundary County, Idaho, LESS easements of right of way.

ALSO the East Half of the Northeast Quarter of the Southeast Quarter (E1/2 NE1/4 SE1/4) of Section Three (3), Township Sixty-one (61) North, Range Two (2) East, B.M., Boundary County, Idaho, and Lots Six (6) and Seven (7) of Section Two (2), Township Sixty-one (61) North, Range Two (2) East, B.M., Boundary County, Idaho, and the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW1/4 NE1/4 SE1/4) in Section Three (3), Township Sixty-one (61) North, Range Two (2) East, B.M., Boundary County, Idaho.

TOGETHER with a 15 foot road right of way and also an easement to maintain waterline as it existed as of June 30, 1980, across the East Half of the Southeast Quarter of the Southeast Quarter (E1/2 SE1/4 SE1/4) of Section Three (3), Township Sixty-one (61) North, Range Two (2) East, B.M., Boundary County, Idaho.

AK

MICROFILMED

SEP 29 1998

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STATE OF IDA
County of Boun

Filed

on the 29 day
of Instr on
Snr

MEMORANDUM

DATE: August 6, 1997

TO: Water Right File 98-07131

FROM: Shelley W. Keen *SWK*

RE: Possible Error on License

This afternoon I spoke with Steve Egland (208-267-02894), who represented himself as the new owner of the parcel upon which this right was developed. Steve wanted to know if the place of use on the license could be in error. He believes the POU description should be Govt. Lots 6 & 7, **Section 2**, T61N, R2E, not Govt. Lots 6 & 7, **Section 11**, T61N, R2E.

Based on the field report submitted in 1977, Mr. Egland is right. I asked him to send me a written request to correct the license and evidence to demonstrate that he is the new owner of the water right.

MICROFILMED

SEP 29 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 21, 1988

RE: License No. 98-7131

Stephen & Phyllis Hoff
Box 1445
Sutter Creek, CA 95685

Dear Mr. and Mrs. Hoff:

Our office is in receipt of your correspondence in regards to the above referenced water right. In reviewing the file I find that the water right is a license.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right license, if the previous land owner did not exclude the water right from the sale.

I have put your correspondence into the file for future reference only and no other action will be taken. I have also enclosed a copy of the license for your records.

If you have any questions please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

MICROFILMED

SEP 29 1988

FEB 18 1988

Department of Water Resources

P. O. Box 1445
Sutter Creek, CA 95685
February 10, 1988

CERTIFIED MAIL

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

Dear Sir or Madam:

We are the new owners of Water Right License
Number 98-7131 which is documented in our Deed.

Please amend your records accordingly and send
a copy to us. All future correspondence should be
directed to us at the address below:

Stephen and Phyllis Hoff
P. O. Box 1445
Sutter Creek, CA 95685

Thank you for your attention to this matter at
your earliest opportunity.

Very truly,


Phyllis and Stephen Hoff
Ph. (209)267-0826

PQ

MICROFILMED

SEP 29 1998

September 12, 1979

REE. Lenker & Carl Wommack
P.O. Box 179
Bonners Ferry Idaho 83805

Dear Mr. Lenker & Mr. Wommack,

RE: Permit No. 98-7131

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

Also enclosed is a copy of the approved application for amendment along with receipt no. 14736 in the amount of \$20.00.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:mr

Enclosure

MICROFILMED

August 16, 1979

Re: Permit 93-7131

R.E. Lenker and Carl Wommack
P.O. Box 179
Bonners Ferry, Idaho 83805

Dear Sirs,

On July 16, 1979, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment.

If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

Jan Grover
Water Rights Supervisor

JG:mr

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

July 16, 1979

R. E. Løker and Carl Wommack
P.O. Box 179
Bonnars Ferry, Idaho 83805

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 98-7131 on February 4, 1975, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 40 acre feet 0.08 cfs Source: Katha Creek

The maximum quantity diverted shall not exceed 42.4 acre feet
per year.

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp. 61N, Rge. 2E, B. M.

Beneficial use: Domestic & Storage for recreation within Lots 6 & 7,
Sec. 11, Twp. 61N, Rge. 2E, B.M.

Priority date established: February 4, 1975

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

MICROFILMED

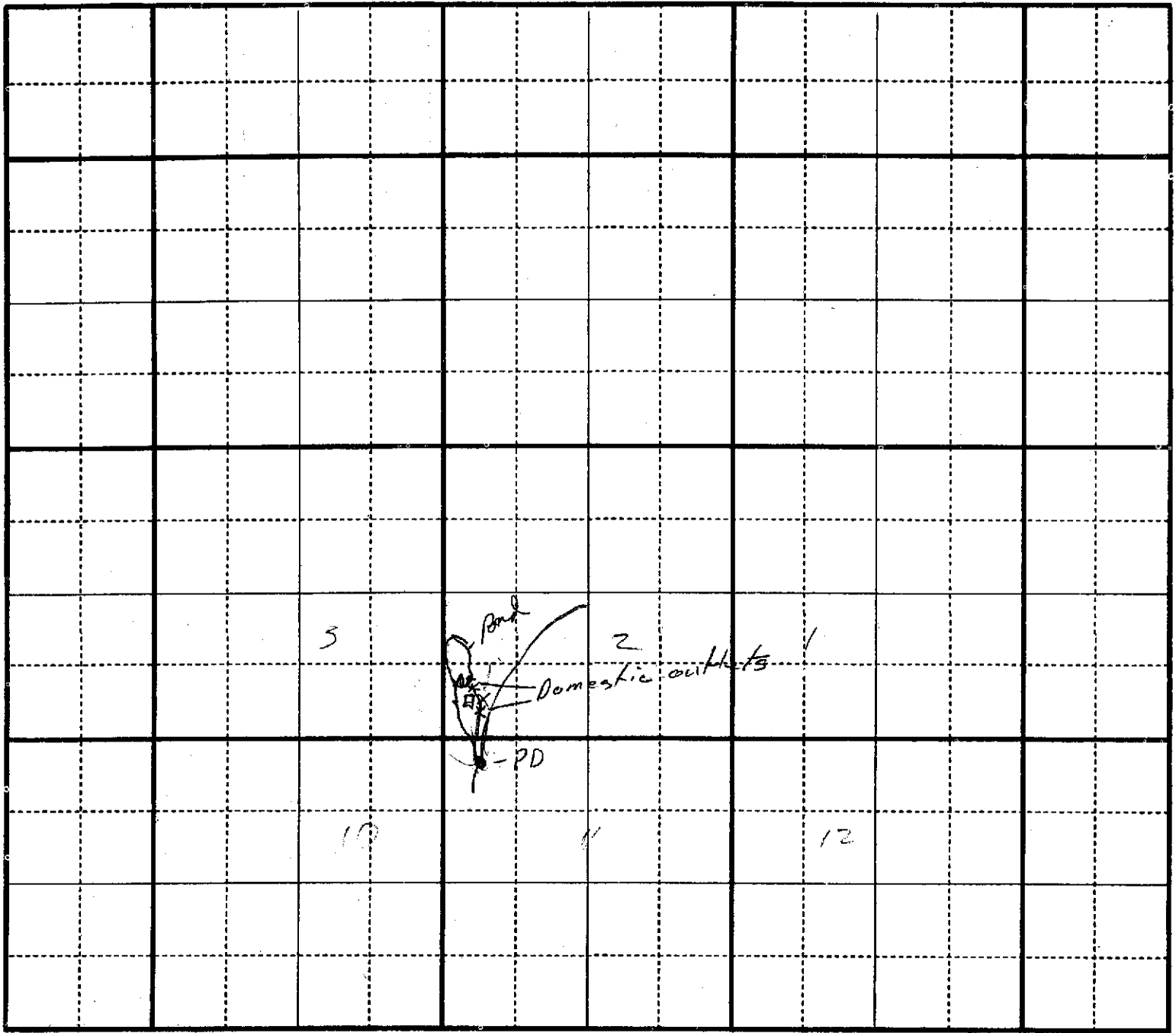
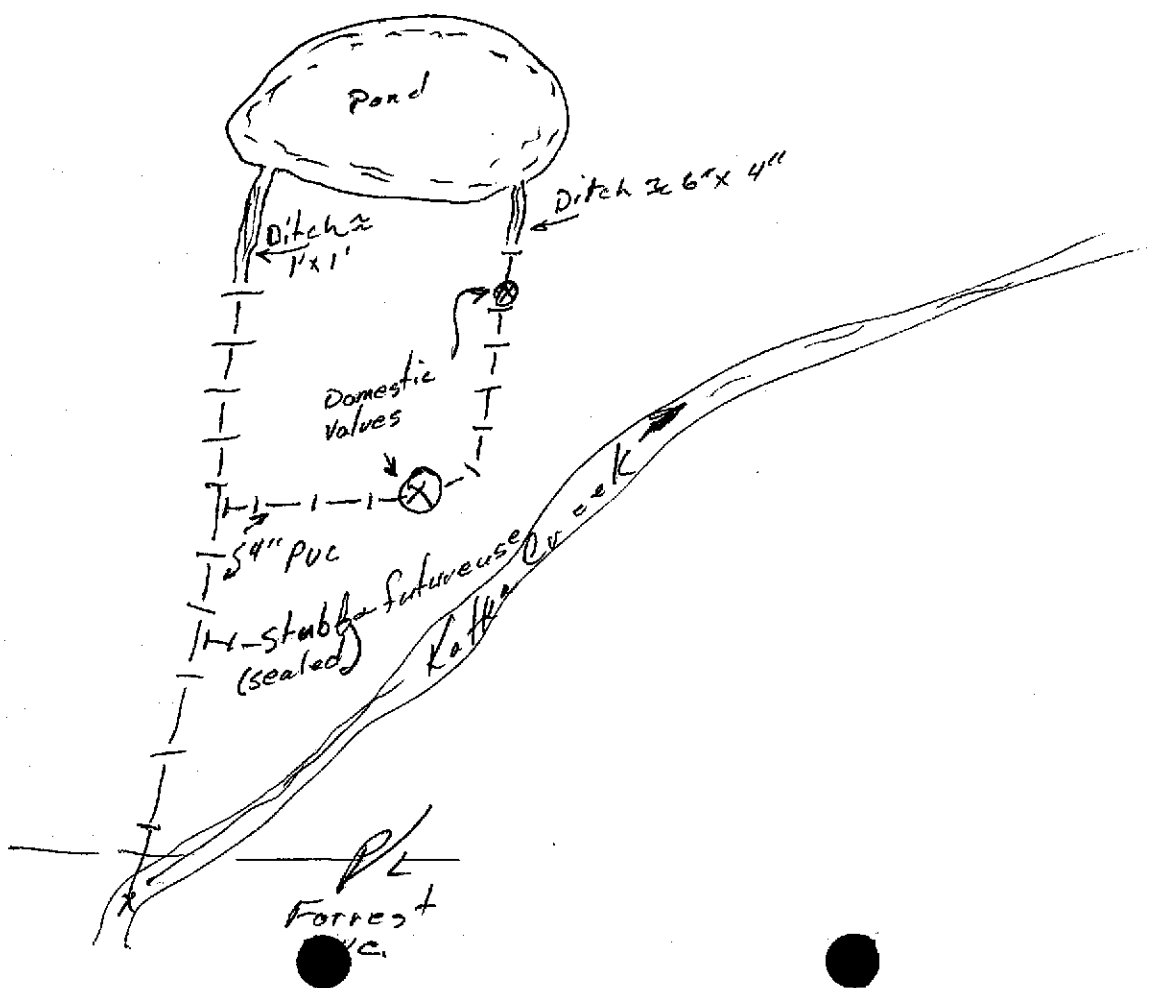


Diagram of System



DATE OF EXAM 5-30-79

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.08 c.f.s. V= 2.4 AF/Ann. from Jan to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
V= 40 AF/Am Storage for

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 _____ Method of measurement Est

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

Total V recommended 42.4

Recommended Amendments:

P.D. Should be NW NW Sec 11, T 61 N, R 2 E
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

Pond 6-7 ft deep fed in two spots by approx 1000' of 4" PVC with 2 200 ft of head - surface area 5-6 Acres

SYSTEM DESCRIPTION:

4" PVC placed in Katka Creek gravity flows to lake & Domestic uses

REMARKS:

Mr. Lenter accompanied me on exam
Pond is surrounded by timber, not sure of surface area. Location established by Quad Sheet. tried piping at end of pipe prior to lake entrance - no go. Domestic by backflow valve
2:15-18:30 pm c.o.

Examiner's Signature FJK Date 5/30/79

Checked by Bob Haynes Date 6/12/79

Approved by _____ Date _____

1527 or 7

Assessor says

where black top stops road to right
follow to top and find lake

3 or 4 ft dir down to lake
from Katke

5
120

100,000 - 57% in 9 1/2 09

M 24 15 28

29 95

3320
3600

4"

$$h = \frac{v^2}{2g}$$

$$280 = \frac{v^2}{64.4} \Rightarrow \sqrt{18632} = 424.3 \text{ ft} \quad (1782)$$

2330.9

STANDARD

PARALLEL

10061
Sec 4

Sec 3

April 6, 1977

Re: Permit No. 98-7131

R. E. Lenker & Carl Wonnack
Box 179
Bonners Ferry, Idaho 83805

Dear Sirs:

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 during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

MICROFILMED

Identification No. _____

Permit No. 98-7131

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
MAR 28 1977
Department of Water Resources
Northern District Office

1. a) Name of Permit Holder R. E. Lenker &/or Carl Wommack
b) Post Office Address Box 179, Bonners Ferry, Idaho 83805
2. Permit Number 98-7131
3. Date of Priority that you are prepared to establish February 4, 1975
4. a) Source from which water was appropriated Katka Creek
b) Location of the point of diversion: Lot 7 $\frac{1}{4}$ Section 2
Township 61N Range 2E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.08 cfs for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 40 af for Storage purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.08cfs / 40 af cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Estimated.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 4" diversion pipeline with 40 acre feet pond.
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
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: Water is used for domestic purposes for two households and storage purposes within Lot 6 and 7, Sec. 2, Twp. 61N, Rge. 2E, B.M.

MICROFILMED

4/4/77 j

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

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

3/18/77
(Date)

Carl Womack
R. E. Lister
(Signature)

State of Idaho)
) ss.
County of Boundary)

On this 18th day of MARCH, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Joyce Brumgarner
Notary Public residing at
Bonanza Ferry

My commission expires 10-11-77

OK J.E. 3/20/77

March 18, 1975

Re: Permit No. 98-7131

R.E. Lenker & Carl Wommack
Box 179
Bonners Ferry, Idaho 83805

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 98-7131. 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

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DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 98-7131

☒ 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) sp 2/4/75

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) sp 2/4/75

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) sp 3/4

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

(12) sp 2/7

Final date for protests MARCH 3, 1975
Protests received: yes _____ no ☒

(13) sp 3/4/75

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

(14) sp 3/4/75

Action recommended:

☒ Approve _____ Deny

3/4/75 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required _____

_____ See attached sheet for other conditions of approval _____

_____ No special conditions for approval _____

(15) District Northern 3/4/75

RECEIVED
MAR 5 1975
Department of Water Resources



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 7, 1975

Re: Application No. 98-7130 - Garth Leavens
" " 98-7131 - R. E. Lenker and Carl Wonnack
Claim No. 98-4058 - Russell N. and Irma A. Greene

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)

MICROFILMED

Bill: 3-4-75.4

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that R. E. Lenker and Carl Wonnack,

P.O. Box 179, Bonners Ferry, Idaho

~~have~~ ~~hxxx~~ on Feb. 4, 1975 submitted Application No. 98-7131

for a permit to appropriate 0.08 cubic feet per second ~~axxxx/xxxx/xxxx/xxxx~~

of water from Katka Creek, tributary of Kootenai River

by means of pipeline and pond

within the ~~xxx~~ Lot 7, Sec. 2, T. 61N, R. 2E, B.M., Boundary County

to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and storage for

~~xxx~~ recreational purposes (40 af/a)

within the ~~xxx~~ Lots 6 and 7, Sec. 2, T. 61N, R. 2E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before March 3, 1975.

R. KEITH HIGGINSON

Director

Published in the Bonnors Ferry Herald, Bonners Ferry, Idaho

on Feb. 13 and Feb. 20, 1975

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that R. E. Lenker and Carl Wommack, P. O. Box 179, Bonners Ferry, Idaho have on Feb. 4, 1975 submitted Application No. 98-7131 for a permit to appropriate 0.08 cubic feet per second of water from Katka Creek, tributary of Kootenai River by means of pipeline and pond within Lot 7, Sec. 2, T. 61N, R. 2E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and storage for recreational purposes (40 af/a) within Lots 6 and 7, Sec. 2, T. 61N, R. 2E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before March 3, 1975.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Feb. 13 and Feb. 20, 1975-jdwr

O.K.
2-13-75
J

Microfilm

February 7, 1975

Re: Application for Permit No. 98-7131

Mr. R. E. Lenker
P.O. Box 179
Bonners Ferry, ID 83805

Dear Mr. Lenker:

Attached is your receipt No. 15195 in the amount of \$25 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

Mr. Eisenbarth

If additional
information is needed,
I would appreciate
your calling me collect -
267-3135 -

Thank you
Bob Lanke

RECEIVED