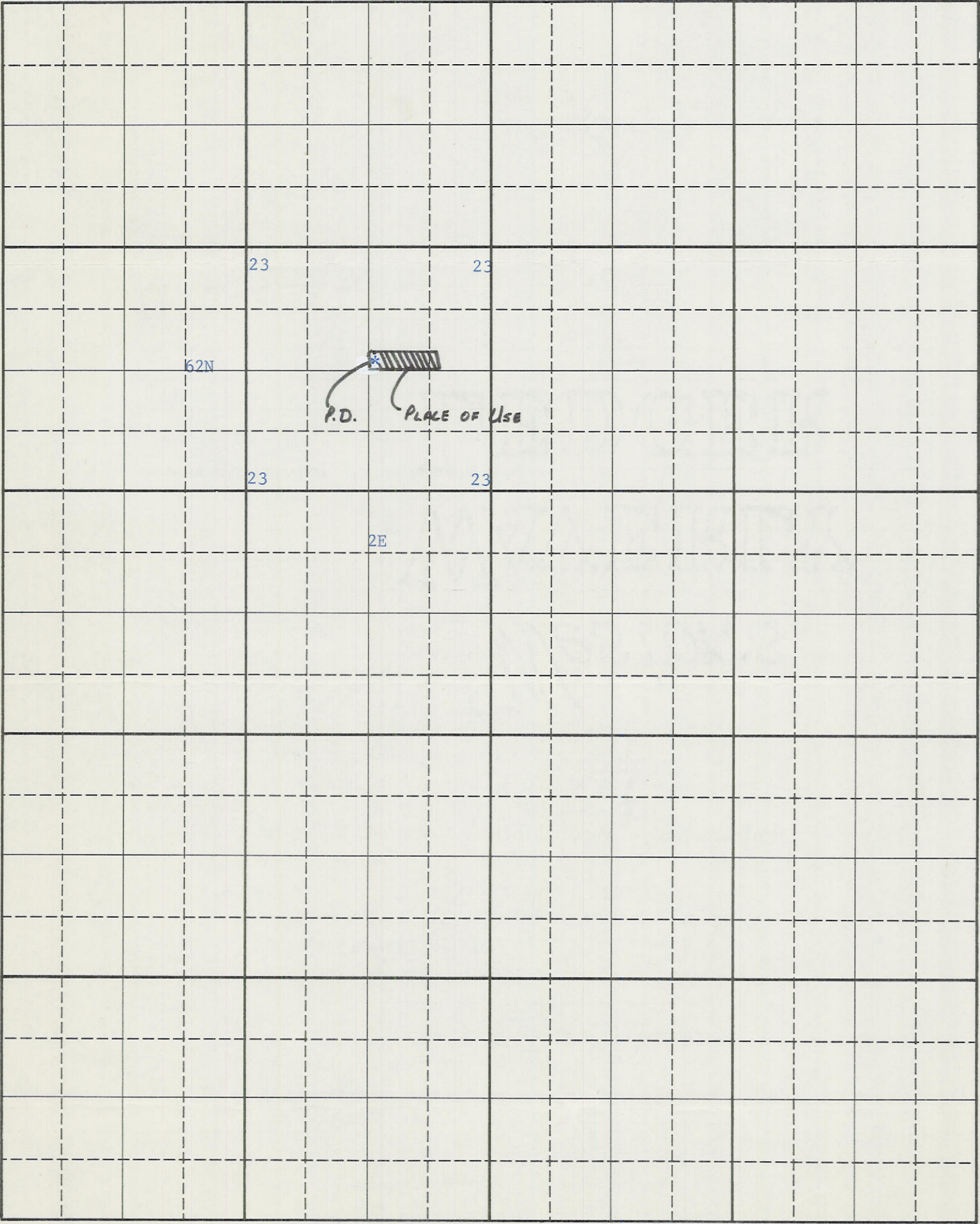


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

X Rusha J. Smith
(Applicant)

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Richard J. Grantham, Box 347, Bonners Ferry, Idaho has on May 21, 1973 submitted Application No. 98-7072 for a permit to appropriate 0.20 cubic feet per second of water from an unnamed Creek by means of diversion dam, pump, and pipeline within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 62N, R. 2E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for fish propagation purposes (0.20cfs); and from March 15 to Nov. 15 for the irrigation of ten acres (0.20 cfs), within the S $\frac{1}{2}$ -NE $\frac{1}{4}$, Sec. 23, T. 62N, R. 2E, B.M.

If issued, this permit will be subject to all prior water right. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before June 18, 1973.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on May 31 and June 7, 1973.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

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 Department of Water Admn.

a Notice of Application for Water permit No. 98-7072
(Grantham)

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated May 31, 1973, and ending with the issue dated June 7, 1973.

Sue M. Hogan, bookkeeper

Subscribed and sworn to before me this 8 day of June, 1973.

98 7072

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

RECEIVED

JUN 13 1973

Department of Water Administration
Northern District Office

NOTICE OF APPLICATION FOR
WATER PERMIT

tion, 401 Front Ave., Coeur d'Alene.

Notice is hereby given that Richard J. Grantham, Box 347, Bonners Ferry, Idaho has on May 21, 1973 submitted Application No. 98-7072 for a permit to appropriate 0.20 cubic feet per second of water from an unnamed Creek by means of diversion dam, pump, and pipeline within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 62N, R. 2E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for fish propagation purposes (0.20cfs); and from March 15 to Nov. 15 for the irrigation of ten acres (0.20 cfs), within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23, T. 62N, R. 2E, B.M.

If issued, this permit will be subject to all prior water right. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before June 18, 1973.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on May 31 and June 7, 1973.

OK.
5-30-73
R

98 7072

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 98-7072 Priority (late proof) June 8, 1973 Amount 0.04 cfs

THIS IS TO CERTIFY, that Vala Nestle
of Ferndale, Washington, has complied with the terms and conditions of Permit
No. 98-7072 issued pursuant to Application for Permit dated May 21, 1973,
and has submitted proof to the Department of Water Resources on July 19, 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 0.04 cfs of water from an unnamed creek,
tributary to _____, 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>Domestic</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and <u>1.2</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 0.04 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
1.2 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, Twp. 62N,
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 $\frac{1}{4}$	
62N	2E	23			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 9 day of
March, 19 78.

Director

RECEIVED

MAR 3 1978

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT

Permit No. 98-2072

Comes now VALA NESTLE of (address)

6220 Aldrich Rd, Ferndale, Wash., 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. 98-7072, and requests that the permit and permit map be changed as follows:

1. Point of diversion: No Change $\frac{1}{4}$, Sec. _____ Twp. _____
Rge. _____, B. M., County of _____. Other points of diversion:

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

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

3. Place of use or land to be irrigated: No Change

[illegible]

Total number of acres to be irrigated

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Ferndale, this 27 day of February, 19 78.

Vala Nestle (Hantham)
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources
hereby approve the above application for amendment for Permit No. 98-7072.

Witness my hand this 9 day of March, 19 78.

C. Stephen Allred
Director

OK
JG

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 98-7072)
in the name of VALA NESTLE)

ORDER OF REINSTATEMENT

WHEREAS, on May 21, 1973, Richard J. Grantham filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 0.20 cubic feet per second of water from an unnamed creek to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, Twp. 62N, Rge. 2E, B.M., Boundary County, to be used for irrigation and fish propagation purposes; and,

WHEREAS, on June 26, 1973, the Department approved said application and issued Permit No. 98-7072 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1976; and,

WHEREAS, on June 4, 1976, the permit holder assigned all his right, title and interest to Permit No. 98-7072 to Vala Nestle; and,

WHEREAS, on April 30, 1976, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on July 12, 1976, the permit holder was notified that permit no. 98-7072 had lapsed for failure to submit proof of beneficial use; and,

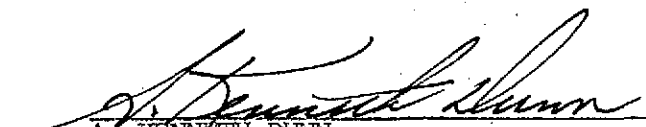
WHEREAS, on July 19, 1976, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 98-7072 be REINSTATED and the priority advanced to June 8, 1973.

Dated this 22 day of July, 1976.


A. KENNETH DUNN
Administrator, Operations Division

RECEIVED

JUN 4 1976

State of Idaho
Department of Water Resources

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Richard J. Grantham, hereby assign to Vala Nestle
of 6270 Aldrich Rd., Ferndale, Washington 98248
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 98-7072
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 30th day of May, 1976.

Richard J. Grantham
Permit Holder

Spouse of Permit Holder

U. S. MARSHAL SERVICE
U. S. MARSHAL AIR STATION
FPO SAN FRANCISCO 96694
State of Idaho)
County of _____) SS.

On this 30th day of May, 1976, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he ~~(she)~~ ~~(they)~~ executed the same.

seal

W. H. Lammert, SC. USA
Notary Public residing at
WAS CUBI P.T. A.P.

My commission expires:
LAUSCHAITE

ASSIGNED TO: VALA NESTLE
6-04-1976 6270 Aldrich Rd.
Ferndale, WA 98248

Identification No. 98-7072

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Richard J. Grantham
post office address Box 347, Bonners Ferry, Idaho
2. Source of water supply Unnamed Creek which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 Township 62N
Range 2E B.M. Boundary County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.20 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for Fish Prop. 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. 0.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. DIVERSION DAM ACROSS
RAVINE, 2 hp PUMP, 200 ft plastic pipe to Field.

b. Height of storage dam 30 feet, active reservoir capacity 10 acre feet; total reservoir
capacity 12 acre feet, materials used in storage dam: CEDAR LOGS & EARTH
Period of year during which storage will occur JANUARY to DECEMBER 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 3 years.
b. Estimated construction cost is \$ 500. + MY. LABOR
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 Township 62N
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 _____.
(5) If water is to be used for other purposes describe: FISH FARM

98 7072

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

Total number of acres to be irrigated 10

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

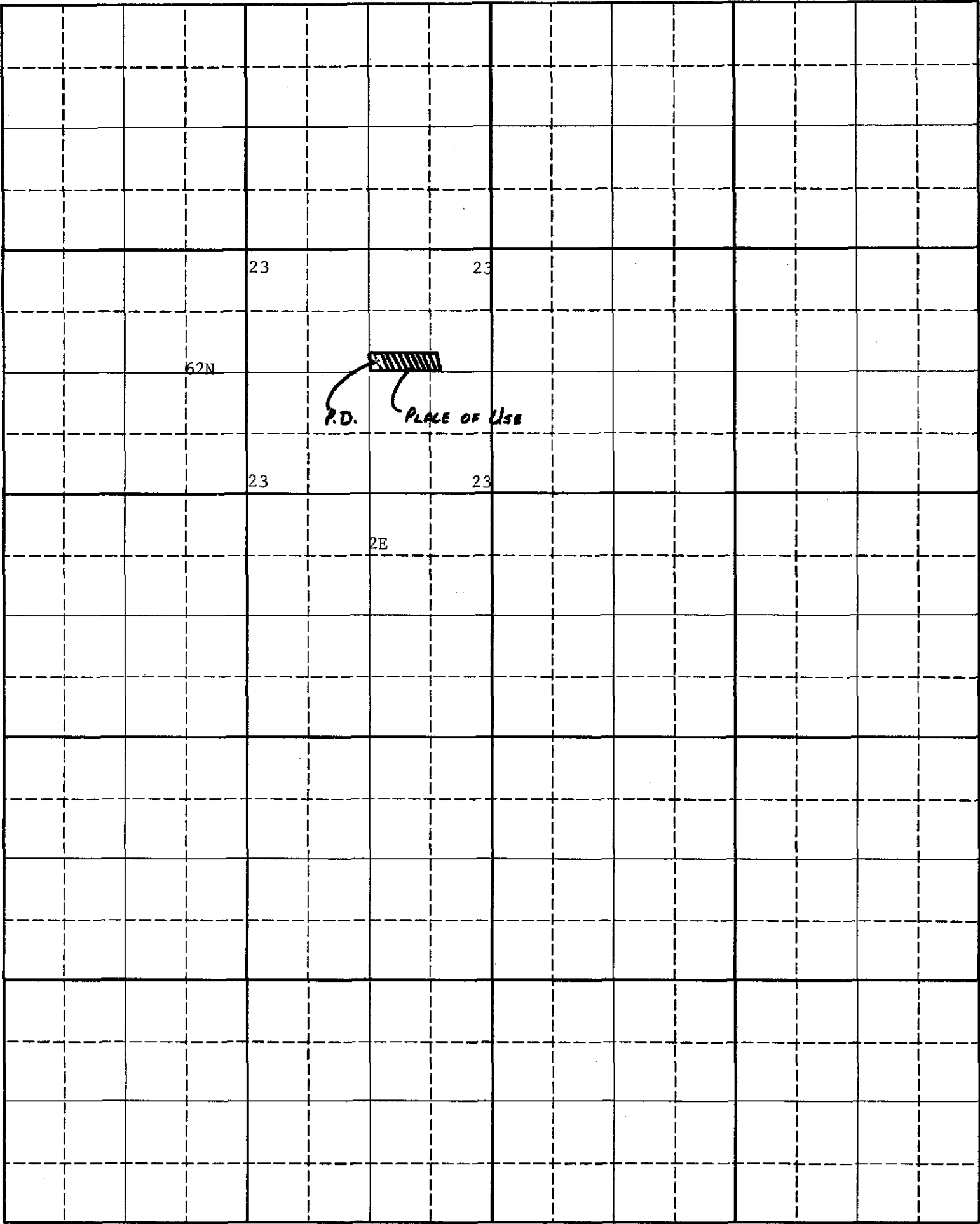
9. a. Who owns the property at the point of diversion Applicant

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

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.

X *Robert J. Smith*
(Applicant)

Proposed Priority 5/21/1973Received by ZB Date 5-21-73 Time 1:00 pmPreliminary check by ZB Fee \$ 10.00Receipted by ZB Date 5/21/73 # 10674Publication prepared by cr Date 5-25-73Published in Bonnors Ferry HeraldPublication dates 5-31 & 6-7-73Publication approved OK Date 6-18-73

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by dr DDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7072, 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 July 1, 1976.

c. Other: _____

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

Witness my hand this 26th day of June, 19 73.


Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>FE</u>	<u>5/24/73</u>	Application No. <u>98-7072</u> Name <u>Richard J. Grantham</u>
(2)	<u>FE</u>	<u>5/24/73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)			Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>FE</u>	<u>5/24/73</u>	In form for advertising <u>O.K.</u>
(6)	<u>CR</u>	<u>6-18-73</u>	Affidavit of Publication received <u>JUNE 13, 1973</u>
(7)	<u>CR</u>	<u>5-25-73</u>	Final date for protests <u>JUNE 18, 1973</u> Protests received: yes _____ no <u>✓</u>
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)	<u>FE</u>	<u>6/18/73</u>	Action recommended: ☒ Approve Priority <u>5/21/73</u> ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval <u>FE</u> <u>6/18/73</u> No conditions for approval
(14)	<u>FE</u>	<u>6/18/73</u>	District <u>Northem</u> By <u>Paul Grantham</u> Date <u>6/18/73</u> Title <u>Tech III</u>

SEE 48 100

Department of Water Administration

98 7072

AFFIDAVIT OF PUBLICATION

RECEIVED
JUN 18 1973

STATE OF IDAHO

County of Boundary

ss.

W. E. Chubb

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 Department of Water Admn.

a Notice of Application for Water permit No. 98-7072
(Graham)

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated May 31, 1973, and ending with the issue dated June 7, 1973.

Bookkeeper

Subscribed and sworn to before me this 8 day of June, 1973.

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

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Richard J. Grantham, Box 347, Bonners Ferry, Idaho has on May 21, 1973 submitted Application No. 98-7072 for a permit to appropriate 0.20 cubic feet per second of water from an unnamed Creek by means of diversion dam, pump, and pipeline within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 62N, R. 2E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for fish propagation purposes (0.20cfs); and from March 15 to Nov. 15 for the irrigation of ten acres (0.20 cfs), within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23, T. 62N, R. 2E, B.M.

If issued, this permit will be subject to all prior water right. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before June 18, 1973.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on May 31 and June 7, 1973.

98 7072



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

January 4, 1985

RE: Water Right License No. 98-7072

Vala Nestle
6270 Aldrich Rd.
Ferndale, WA 98248

Dear Mrs. Nestle:

Pursuant to a telephone conversation with your daughter this afternoon, enclosed please find a copy of the water right license that we have listed in your name. In reviewing the water right file, I find that we have corresponded with Mr. James F. Lyons in regard to a sale of the water right license and Claim No. 98-4014 (copy also enclosed) to Thomas & Mary Mackey and Jack W. & Judith E. Gustavel. We have received a copy of an "Amended Mortgage" in which you have sold these water rights to the above mentioned parties. However, since the water rights include a "License" and a "Claim" we have not changed our records to show the current owners. Water rights of the above nature are appurtenant to the land for which they were issued and whomever owns the lands, owns the water rights, unless they were specifically withheld during the sale of the property. In this case, you included the water rights in the sale of the property so they are actually the property of the Mackeys and Gustavels at this time.

If you have any questions in regard to this matter, please feel free to contact either our office, or our regional office in Coeur d'Alene.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

November 6, 1984

RECEIVED
NOV 9 1984

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

Department of Water Resources

Re: 98-4014 and 98-7072

Dear Mr. Lyons:

This Department does not confirm "Constitutional" water rights which are evidenced by the filing of a claim. It is not necessary, therefore, that the claim be proven within a certain time frame, as is the case with a permit. A claim is, however, an assertion to a water right which is open to challenge, so the claimant, or his successor in interest, should provide additional evidence in support of the claim. This evidence, to be of any value, must be of such a nature as to be admissible in court.

The statutes do not provide the Department with a means to change the name on either a license or a claim, since the rights evidenced by these filings are real property and appertinent to the lands described thereon. These rights are transferred with the sale of said property, unless specifically withheld by the grantor. We do, of course, keep a record of all correspondence concerning these rights in their respective files.

I hope with this letter I have clarified the status of the claim and license. If I can be of further assistance, please do not hesitate to contact me at this office.

Sincerely,

15/
TOM D. KING
Senior Water Resource Agent

TDK/pms

cc: IDWR - State Office
Ms. Gloria Martin

MICROFILMED

J.F. LYONS

ATTORNEY AT LAW

225 MAIN STREET

P.O. BOX 368

BONNERS FERRY, IDAHO 83805

(208) 267-3133

November 1, 1984

Gloria Martin
P. O. Box 1409
Coeur d' Alene, ID 83814

Dear Ms. Martin:

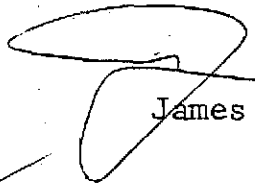
Thank you for your letter of October 19. I am extremely concerned that Water Resources be put on written notice of the transfer of the license and the claim.

I believe that a letter from Jack should take care of this.

The claim could well be ready to expire unless the work to prove it is completed.

By this letter, I am requesting that Water Resources notify both of us as to the expiration date for completion of the claim.

Yours truly,


James F. Lyons

JFL/rs

cc: Water Resources
Claim No. 98-4014
License No. 98-7072

RECEIVED
NOV 5 1984

Department of Water Resources
Northern District Office

MICROFILMED

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

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

RECEIVED
NOV 23 1984

November 15, 1984

Department of Water Resources

Mr. Tom D. King

Senior Water Resource Agent
DEPARTMENT OF WATER RESOURCES
Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814

RE: 98-4014 and 98-7072

Dear Mr. King:

The main concern I have at this point in time is that the new buyers prove up under the claim so that a license may be issued.

Could you please send a copy of the filing document on the claim.

For your information, I am enclosing a copy of Amended Warranty Deed transferring this property to the buyers.

Thank you.

Yours truly,



JAMES F. LYONS
Attorney at Law

JFL:ds

encl.

RECEIVED
NOV 23 1984
Department of Water Resources
Northern District Office

See Kay's letter dated 11-27-84

MICROFILMED

JAMES E. LYONS
Attorney at Law
P. O. Box 368
Bonners Ferry, ID 83805
208/267-3133

AMENDED

WARRANTY DEED

For Value Received, VALA GRANTHAM NESTLE, a married woman dealing in her sole and separate property, of 6270 Aldrich, Ferndale, Whatcom County, Washington, 98248,

the grantor(s), does hereby grant, bargain, sell and convey unto THOMAS MACKEY and MARY MACKEY, husband and wife; and JACK W. GUSTAVEL and JUDITH E. GUSTAVEL, husband and wife, as tenants in common,

the grantee(s), the following described premises, in _____ Boundary _____ County, Idaho, to-wit:

The South Half of the Northeast Quarter of Section 23, Township 62 North, Range 2 East, Boise Meridian, Boundary County, Idaho.

SUBJECT to all easements, rights-of-way, reservations and restrictions of record.

Idaho Department of Water Resources Claim No. 98-4014 and License No. 98-7072.

GRANTEES ADDRESSES: Thomas B. Mackey & Mary Mackey
P. O. Box 152, Bonners Ferry, Idaho, 83805

Jack W. Gustavel & Judith E. Gustavel
1715 Haydenvue Drive
Coeur d'Alene, Idaho 83814

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) does hereby covenant to and with the said Grantee(s), that they the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June _____, 1984.

VALA GRANTHAM NESTLE

Washington
STATE OF ~~IDAHO~~ COUNTY OF Whatcom
On this _____ day of June, 1984,
before me, a notary public in and for said State, personally appeared

VALA GRANTHAM NESTLE

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Residing at
Comm. Expires

Notary Public
~~Idaho~~
Washington

STATE OF IDAHO, COUNTY OF _____
I hereby certify that this instrument was filed for record
at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.
Fees \$ _____
Mail to: _____

INSTRUMENT No.

RECEIVED
NOV 29 1984

Department of Water Resources

RECEIVED
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

November 27, 1984

RE: Water Right Nos. 98-4014 & 98-7072

Thomas & Mary Mackey
& Jack W. & Judith E. Gustavel
P.O. Box 152
Bonners Ferry, ID 83805

Dear Ladies & Gentlemen:

We acknowledge receipt of a copy of Warranty Deed and Amended Mortgage involving the above referenced water rights.

In reviewing these files, we find that they are in good standing with our Department. In Idaho, water right claims and licenses are considered real property and are acquired when the property to which they are appurtenant is purchased. Proof of owning the property is proof of owning these types of water rights.

Therefore, we have put copies of the Warranty Deed and Amended Mortgage into the files for future reference only and no other action will be taken. We have enclosed copies of the water rights for your records.

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

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

cc: J. F. Lyons, Attorney

MICROFILMED

J.F. LYONS
ATTORNEY AT LAW
W.J. NIXON
W.W. NIXON

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

RECEIVED

OCT 10 1984

Department of Water Resources
Northern District Office

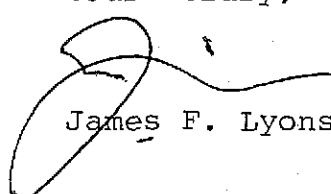
October 3, 1984

State of Idaho
Department of Water Resources
4055 Government Way, Suite 9
Coeur d' Alene, Idaho 83814

Gentlemen:

Enclosed find a copy of Warranty Deed and Amended Mortgage involving Claim Number 98-4014 and License Number 98-7072. Mr. Gustavel or Mr. Mackey will contact you directly about this. Please lodge these documents in your file.

Yours truly,


James F. Lyons

JFL/rs

cc: Jack Gustavel
Tom Mackey

RECEIVED

NOV 16 1984

Department of Water Resources

MICROFILMED

JAMES F. LYONS
Attorney at Law
P. O. Box 368
Bonners Ferry, ID 83805
208/267-3133

AMENDED
MORTGAGE

THIS INDENTURE Made this _____ day of June, 1984, between THOMAS B. MACKEY and MARY MACKEY, husband and wife, of P. O. Box 152, Bonners Ferry, Idaho, 83805; and JACK W. GUSTAVEL and JUDITH E. GUSTAVEL, husband and wife, of 1715 Haydenvue Drive, Coeur d'Alene, Idaho, 83814; as tenants in common, Parties of the First Part, and VALA GRANTHAM NESTLE, a married woman dealing in her sole and separate property, of 6270 Aldrich, Ferndale, Washington, 98248, Party of the Second Part.

WITNESSETH: That the said Parties of the First Part, for and in consideration of the sum of FIFTY-FIVE THOUSAND and NO/100 (\$55,000.00) DOLLARS lawful money of the United States, does by these presents GRANT, BARGAIN, SELL and CONVEY unto the said Party of the Second Part, and to her heirs, successors and assigns, FOREVER, all that certain real property situated in the County of Boundary, State of Idaho, and described as follows, to-wit:

The South Half of the Northeast Quarter of Section 23, Township 62 North, Range 2 East, Boise Meridian, Boundary County, Idaho.

SUBJECT to all easements, rights-of-way, reservations and restrictions of record.

In the event there is commercial logging of the premises, the Mortgagors agree to pay to the Mortgagee FORTY and NO/100 (\$40.00) DOLLARS per thousand board feet stumpage, the same to be applied on the then owing principal balance and not as advance annual payments.

Idaho Department of Water Resources Claim No. 98-4014 and License No. 98-7072.

together with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS GRANT is intended as a Mortgage, to secure payment of a certain Promissory Note of even date herewith, and delivered by the said Parties of the First Part to the said Party of the Second Part, a copy of which is attached hereto and made a part hereof.

AND THESE PRESENTS SHALL BE VOID if such payment be made. But in case default shall be made in the payment of the said principal sum of money, or any part thereof, as provided in the said Note, or if the interest not be paid as thereto specified, then it shall be optional with the said Party of the Second Part, her executors, successors, administrators or assigns, to consider the whole of said principal sum expressed in said Note as immediately due and payable, and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same, according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on the said Note, together with the costs and charges of foreclosure suit, including reasonable attorney fees and also the amounts of all such payments of taxes, assessments, incumbrances or insurance as may have been made by said Party of the Second Part, her heirs, successors, executors or assigns, with the interest on the same, rendering the overplus of the purchase money (if any there shall be) unto the said Parties of the First Part, their heirs, successors, administrators or assigns.

IN WITNESS WHEREOF, the said Parties of the First Part have hereunto set their hands and seals the day and year first above written.

THOMAS B. MACKEY

MARY MACKEY

STATE OF IDAHO)
) ss.
County of Boundary)

On this _____ day of June, 1984, before me, the undersigned Notary Public in and for said State, personally appeared THOMAS B. MACKEY and MARY MACKEY, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

NOTARY PUBLIC for State of Idaho
Residing at Bonners Ferry
My Comm. Exp.:

JACK W. GUSTAVEL

JUDITH E. GUSTAVEL

STATE OF IDAHO)
) ss.
County of Kootenai)

On this _____ day of June, 1984, before me, the undersigned Notary Public in and for said State, personally appeared JACK W. GUSTAVEL and JUDITH E. GUSTAVEL, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

NOTARY PUBLIC for State of Idaho
Residing at
My Comm. Exp.:

JAMES F. LYONS
Attorney at Law
P. O. Box 368
Bonners Ferry, ID 83805
208/267-3133

AMENDED

WARRANTY DEED

For Value Received, VALA GRANTHAM NESTLE, a married woman dealing in her sole and separate property, of 6270 Aldrich, Ferndale, Whatcom County, Washington, 98248,

the grantor(s), does hereby grant, bargain, sell and convey unto THOMAS MACKEY and MARY MACKEY, husband and wife; and JACK W. GUSTAVEL and JUDITH E. GUSTAVEL, husband and wife, as tenants in common,

the grantee(s), the following described premises, in _____ Boundary _____ County, Idaho, to-wit:

The South Half of the Northeast Quarter of Section 23,
Township 62 North, Range 2 East, Boise Meridian, Boundary
County, Idaho.

SUBJECT to all easements, rights-of-way, reservations
and restrictions of record.

Idaho Department of Water Resources Claim No. 98-4014
and License No. 98-7072.

GRANTEES ADDRESSES: Thomas B. Mackey & Mary Mackey
P. O. Box 152, Bonners Ferry, Idaho, 83805

Jack W. Gustavel & Judith E. Gustavel
1715 Haydenvue Drive
Coeur d'Alene, Idaho 83814

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s),
their heirs and assigns forever. And the said Grantor(s) does hereby covenant to and
with the said Grantee(s), that they the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June _____, 1984.

VALA GRANTHAM NESTLE

Washington
STATE OF IDAHO, COUNTY OF Whatcom
On this _____ day of June, 1984,
before me, a notary public in and for said State, personally appeared

VALA GRANTHAM NESTLE

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Notary Public

Residing at
Comm. Expires

Washington

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record
at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

INSTRUMENT No.

MICROFILMED

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

March 10, 1978

Re: Permit No. 98-7072

Vala Nestle
6270 Aldrich Rd.
Ferndale, WA 98248

Dear Ms. Nestle:

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of the approved Application for Amendment for this permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosures

SECRET

February 23, 1978

Re: Permit No. 98-7072

Vala Nestle
6270 Aldrich Rd.
Ferndale, WA 98248

Dear Ms. Nestle:

A representative of this Department made an examination of the works covered by your Permit No. 98-7072 on March 30, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.04 cfs Source: unnamed creek

The maximum quantity diverted shall not exceed 1.2 acre feet per
year.

Point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, Twp. 62N, Rge. 2E, B. M.

Beneficial use: Domestic use for one house within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
23, Twp. 62N, Rge. 2E, B. M.

Priority date established: June 8, 1973 (late proof)

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 application for amendment and return it to this office within 30 days in order that we might issue your license as set forth above. At one time we did receive an application for amendment with the \$10.00 filing fee from you, but we returned it for your signature. The application was never returned to us. Therefore, the \$10.00 filing fee has been paid for this amendment and need not be submitted with the application. 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 Encl.

MICROFILMED

25 May
Red Cabin
on Road to Bill Evans Ranch

RECEIVED

~~AUG 23 1976~~

Department of Water Resources
Northern District Office

Post office address _____

Person to contact 206 - 384-5385

2. Source of water supply: Groundwater ☒ Surface water ☒ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 0.04 c.f.s. for Domestic (1)
AF/Annum (nature of use)

Period of Use: from Jan, 1 to Dec. 31
(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: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.04 cubic feet per second and annual volume _____ AF/Annum.

5. **Location of Point(s) of Diversion:**

Township 62N N/S, Range 2E E/W, B.M., Section 23, Subdivision SW NE Boundary
County _____

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

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

Other Points of Diversions: _____

Description of diverting works: gravity through plastic pipe

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

Bill & Joan

Permit No. 98-7072

Examination for b/u

MICROFILMED

DATE OF EXAM 3-29-77

ACREAGE

Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=0.04 c.f.s. V=_____ AF/Ann. from Jan 1 to Dec 31
Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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 0.04 cfs Method of measurement Calc.

Total Q recommended 0.04 cfs Meter No. - Type - Condition -

Total V recommended 1.2 AF/Ann

Recommended Amendments:

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

MEASUREMENT CALCULATION:

One household @ 0.04 cfs & 1.2 AF/Ann

SYSTEM DESCRIPTION:

Plastic pipe in stream & 1/2" Gravity flow through plastic pipe to place of use

REMARKS:

Examiner's Signature Tom V King Date 3-30-77

Checked by Bob Hayes Date 4-4-77

Approved by _____ Date _____

August 20, 1976

Re: Permit No. 98-7072

Vala Nestle
6270 Aldrich Rd.
Ferndale, Washington 98248

Dear Ms. Nestle:

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

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

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

August 19, 1976

Re: Permit No. 98-7072

Vala Nestle
6270 Aldrich Road
Ferndale, WA 98248

Dear Ms. Nestle:

Enclosed is an Order of Reinstatement which we failed to send with our letter of July 20, 1976. Please note that the priority of this permit has been advanced.

Would you please return for processing the application for amendment returned to you for signature.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

Enclosure: Order

7/19/76. me6

1965 10 10

1976

Development of a new generation

Need original returned for processing

do not film

Permit No. 98-7072

Comes now Vala Nestle of (address)

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 98-7072, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23 Twp. 62N
Rge. 2E, B.M., County of Boundary Other points of diversion:

Amount 0.04 for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

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	
62N	2E	23			X														
COPY																			

Total number of acres to be irrigated

[illegible]

That no one will be injured by such change, and that such change will be made at permit holders own risk.

(signature)

I, _____, Director of the Department of Water Resources
hereby _____

Director



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

July 20, 1976

Re: Permit No. 98-7072

Vala Nestle
6270 Aldrich Rd.
Ferndale, Washington 98248

Dear Ms. Nestle:

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

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

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

We are also returning the amendment you submitted along with the proof affidavit. Before we can process this amendment it will be necessary for you to sign it on the back page. Enclosed is Receipt No. 5264 in the amount of \$10.00 for the filing fee of this amendment.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosures

RECEIVED

JUL 19 1976



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

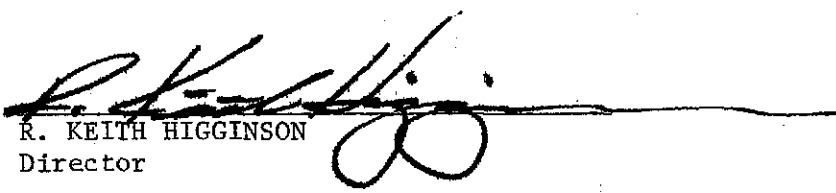
July 12, 1976

Vala Nestle
6270 Aldrich Road
Ferndale, Washington 98248

Dear Ms. Nestle:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 98-7072 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jg

My Baby was sick, and I just
couldn't go to Town.

Thank you Mrs (Graham) Nestle

WATER RESOURCE BOARD:

John F. Streiff
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

Identification No. _____

Permit No. 98-7072

RECEIVED

JUL 19 1972

Calif

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder VALA NESTLE
b) Post Office Address 6270 ALDRICH RD FETTERDALE, WASH. 98248
2. Permit Number 98-7072
3. Date of Priority that you are prepared to establish MAY 20, 72
4. a) Source from which water was appropriated Creek
b) Location of the point of diversion: SW 1/4 NE 1/4, Section 23
Township 62N, Range 2E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount .04 for DOMESTIC 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)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ 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: _____
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:
NO
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) GRAVITY THROUGH PLASTIC PIPE
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: DOMESTIC USE - WATER GARDEN

Exam typed 8-18-74 jf

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: water was used by Neilson for
Approximately 10 years prior to my purchasing land for
domestic use.

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

(Date)

Vala Nestle (Grantham)
(Signature)

State of Washington)
County of Whatcom) ss.

On this 15th day of July, 19 76, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (~~they~~) executed the same.

Wayne Jones
Notary Public residing at Hynden

My commission expires May 27 1979



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

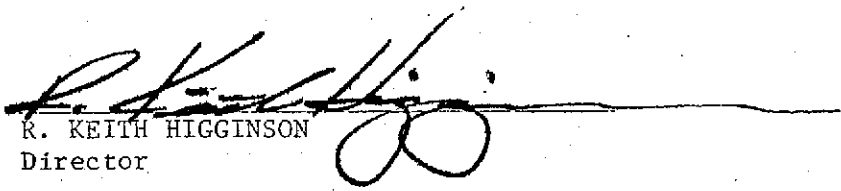
July 12, 1976

Vala Nestle
6270 Aldrich Road
Ferndale, Washington 98248

Dear Ms. Nestle:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 98-7072 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jg

WATER RESOURCE BOARD:

John F. Streiff
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

July 7, 1976

C
Vala Nestle
6270 Aldrich Road
Ferndale, WA 98248

C
Dear Ms. Nestle:

With reference to your letter of June 30th, please find enclosed an application for amendment for water right permit #98-7072. You had indicated in your letter that you wanted to change the nature of use and an amendment is necessary to accomplish this. There is a \$10.00 filing fee required.

P
Please also find enclosed a Proof Of Beneficial Use form which must be filled out and returned to us at once before license can be issued. Without submission of Proof of Beneficial Use, the permit will be lapsed. Please note that the Proof of Beneficial Use form must be notarized.

If we can be of further assistance, please advise.

Y
Sincerely,

Marcia L. Brown
Records Supervisor

mlb
Enc. 2

RECEIVED

JUN 30 1976

6/30/76

Department of Water Resources

Dear Sirs:

I do NOT WANT TO GET THE
water rights we APPLIED FOR, PERMIT
NO. 98-7072. BUT I DO WANT
THE WATER RIGHTS TO THE CREEK FOR
domestic use (THE HOUSE & GARDEN)
IT IS BEING USED NOW.

Vala Nestle (Thantam)

June 7, 1976

Re: Permit No. 98-7072

Vala Nestle
6270 Aldrich Rd.
Ferndale, WA 98248

Dear Ms. Nestle:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records have been changed.

Enclosed is a copy of the permit for your use along with proof of beneficial use of water forms. Please note proof of beneficial use is due on or before July 1, 1976. Enclosed is the letter sent to Mr. Grantham concerning this matter.

If you have any questions, please contact this office.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosures

April 30, 1976

CERTIFIED MAIL #138626

Re: Permit No. 98-7072

Richard J. Grantham
Box 411
Bombers Ferry, Idaho 83805

Dear Mr. Grantham:

One of the conditions of approval of your water Permit No. 98-7072 (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 JULY 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

May 25, 1976

Re: Permit No. 98-7072

CWO Richard J. Grantham
040 Box 37 FPO
San Francisco, CA 96654

Dear Mr. Grantham:

Enclosed is a partially completed assignment form. Please return the assignment to this office as soon as possible so that we can assign the above referenced permit to Vala Nestle. We will forward a proof of beneficial use form to Vala Nestle, but before we can process that proof affidavit from Vala Nestle the permit must be in her name.

Enclosed is an application for permit form which you need for filing on the Moyie River. Any appropriation that you would gain would, of course, be subject to all prior existing rights and your proposed diversion could not interfere with any rights established between that diversion point and the point of reinjection of the water.

There is presently, no minimum flow requirements under the water statutes to provide water for fish.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

cc: Vala Nestle

RECEIVED

MAY 24 1976

Department of Water Resources

18 MAY 1976

040 BOX 37 FPO

SAN FRANCISCO, Cal

96654

Director
Dept of Water Resources
Statehouse
Boise, Ida 82720

Dear Mr. Higginson:

Your letter of 30, Apr 76 in regards to my water permit No 98-7072, arrived today. I'm in the Philippines now and was quite surprised that it found me. The acreage for which the permit was originally applied, has not belonged to me since ~~to~~ Dec 74. The permit was turned ~~at~~ over to the new owner: Vala Nestle, 6270 Alchurch rd, Ferndale, Wash 98248.

I would appreciate some information from your office concerning another matter, though. I own 76 acres, 5 miles ^{T64N} due South of Eastport, Id, on the Moyie River, ~~in~~ (Sec 3), where ~~the~~ Round Prairie Creek empties into the Moyie River. I plan to move there 1, MAR 77, when I retire from the Navy and Trout Farm. I want to build fish raceways along Round Prairie Creek and divert up to 5 cfs of water flow from the creek and return it to the creek after flowing through my fish runs. Is it possible to get a

Dr
eq 2 / on

Pr 672.

✓ May 18.

299

✓

1001014

Paula

2. 01

1. 24/2

✓ 2 ✓ 0

or 26/10/21

W. W. Rogers

✓ 7/14 → 504

~~20/10/20~~ 20/10/20

mit for this use? If so, would
I required to allow some water to
continue flowing in the original creek
bed for native fish going up the creek?

I would appreciate any information or
advise you might have on the subject,

Sincerely yours,

Richard Grantham

~~Richard~~

CWO Richard Grantham

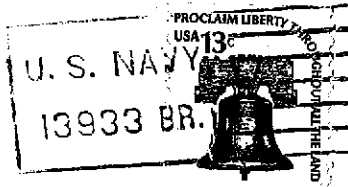
040 BOX 37 FPO

SAN FRANCISCO, Cal

96654

CWO GRANTHAM
040 BOX 37 FPO
SAN FRANCISCO
96654

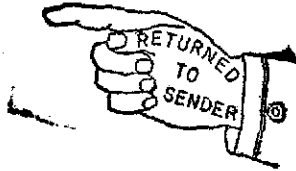
CONFIDENTIAL



Mr R Keith Higginson
Director
Dept of Water Resources
State house
Boise, Idaho

83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



Department of Water Resources

MAY 8 1978

RECEIVED

Richard J. Grantham
Box 411
Bonners Ferry, ID 83805

FORWARDING ORDER EXPIRES



resent to

040 Box 37

U.S. N.A.S. PO

c/o SAN FRANCISCO

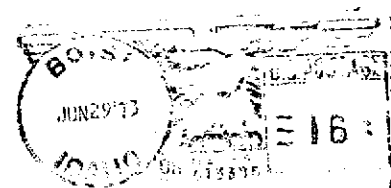
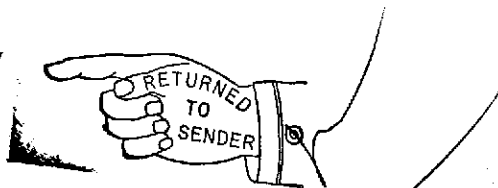
Name _____
1st Notice MAY 3 1978
2nd Notice _____
Return MAY 18 1978

96654

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO : 1975-O-568-047

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707



AUG 1 1973

~~Richard J. Grantham
Box 347
Bonners Ferry, Idaho~~

83805

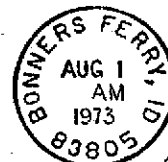
98 7072

UNCLAIMED

Sent to
Box 411

Aug. 6, 1973

ed



June 28, 1973

Richard J. Grantham
Box 347
Bonners Ferry, Idaho

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 98-7072 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF: ed

Enclosure

98 7072

May 25, 1973

Re: Application No. 98-7072 - Richard J. Grantham
Claim No. 98-4013 - William H. &/or Musette M. Heideman
" " 98-4044 - Richard J. Grantham

Bonnors Ferry Herald
212 Main
Bonnors Ferry, ID 83805

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 6-18-73 by ch

FE:CR

Enc: Legal Notices (3)

98 7072

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

RECEIVED
JUN 13 1973
Department of Water Administration
Northern District Office

Idaho Department of Water Administration
401 Front Ave.
Coeur d'Alene, Idaho 83814

1973

May 31

Notice of App. Water Permit-Grantham
No. 7072-28 lines 2 times

\$ 10.92

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

SIGNED: **BONNERS FERRY HERALD**

BY:

Robert M. Hagline

98 7072

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Richard J. Grantham,

Box 347, Bonners Ferry, Idaho

has on May 21, 1973 submitted Application No. 98-7072

for a permit to appropriate 0.20 cubic feet per second ~~acres feet per annum~~

of water from an Unnamed Creek

by means of diversion dam, pump, and pipeline

within the SW 1/4, Sec. 23, T. 62N, R. 2E, B.M., Boundary County

to be used from Jan. 1 to Dec. 31 for fish propagation purposes (0.20 cfs);

~~for~~ and from March 15 to Nov. 15 for the irrigation of ten acres (0.20 cfs),

within the SW 1/4, Sec. 23, T. 62N, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before June 18, 1973.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho

on May 21 and June 7, 1973

98 7072

**NOTICE OF APPLICATION FOR
WATER PERMIT**

tion, 401 Front Ave., Coeur d'Alene,

Notice is hereby given that Richard J. Grantham, Box 347, Bonners Ferry, Idaho has on May 21, 1973 submitted Application No. 98-7072

for a permit to appropriate 0.20 cubic feet per second of water from an unnamed Creek by means of diversion dam, pump, and pipeline within the SW1/4NE1/4, Sec. 23, T. 62N, R. 2E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for fish propagation purposes (0.20cfs); and from March 15 to Nov. 15 for the irrigation of ten acres (0.20 cfs), within the S1/4NE1/4, Sec. 23, T. 62N, R. 2E, B.M.

If issued, this permit will be subject to all prior water right. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before June 18, 1973.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on May 31 and June 7, 1973.

OK.
5-30-73
d

98 7072

May 25, 1973

Re: Application for Permit No. 98-7072
Claim to a Water Right No. 98-4014

Richard J. Grantham
Box 347
Bonners Ferry, ID 83805

Dear Mr. Grantham:

Attached is your receipt No. 10676 in the amount of \$20 for the filing fees on the above referenced items, which were received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: Receipt

98 7072

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 15, 1973

Richard J. Grantham
1209 Cascade Drive
Oak Harbor, WA 98277

Dear Mr. Grantham:

Enclosed is your Check No. 98-280 in the amount of \$10, and also a Claim to a Water Right form and an Application for Permit form.

When I assisted you in completing the Claim form, I assumed that you had used the water for irrigation purposes since 1933; however, any surface water diversion after May 20, 1971, must be preceded by an approved Application for Permit from this Department.

I have prepared both a new Claim to a Water Right form and an Application for Permit form for your review. If these forms sufficiently reflect your use of the water, please have your signature notarized once again on the Claim and return it and the \$10 filing fee to our office.

Please complete Items 6a, 7a, and 7b on the Application, sign at the bottom of Page 3, and return it to our office. The fee for this form is also \$10.

I sincerely apologize for this inconvenience, and if you have any questions in this matter, feel free to contact our office.

Very truly yours,

Corda Roberts
Secretary
Northern District

Enclosures

98 7072