

RECEIVED

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO }
 County of Boundary } ss.

Department of Water Administration
 Boise District Office

W. H. Chubb

SEP 8 1972

being
 first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)
 publisher

Department of Water Administration

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 State Department of Water Administration

a Notice for Application for water permit, H Allen-No. 98-7057

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Aug. 10, 1972, xxx, and ending with the issue dated Aug. 17, 1972, xxxx.

Subscribed and sworn to before me this 5 day of Sept, 1972.

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

98 7057

NOTICE FOR APPLICATION
 FOR WATER PERMIT

Notice is hereby given that Harold Allen, Star Route No. 2, Bonners Ferry, Idaho has on July 17, 1972 submitted Application No. 98-7057 for a permit to appropriate 0.04 cubic feet per second of water from a Spring, tributary of Fleming Creek by means of catch basin and pipe within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 63N, R. 1E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 63N, R. 1E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before August 28, 1972.

R. KEITH HIGGINSON
 Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Aug. 10 and Aug. 17, 1972.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)
License of Water Right No. 98-7057 Priority August 18, 1972 Amount 0.04 cfs

THIS IS TO CERTIFY, that DEON HUBBARD
of Bonnors Ferry, Idaho, has complied with the terms and conditions of Permit
No. 98-7057 issued pursuant to Application for Permit dated July 17, 1972,
and has submitted proof to the Department of Water Resources on October 3, 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 of 0.04 cfs of water from a spring,
tributary to Fleming Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	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 NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, Twp. 63N,
Rge. 1E, B.M. in the County of Boundary

Description and location of place of use:

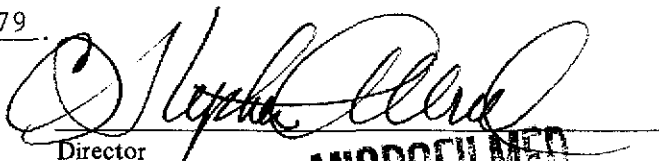
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
63N	1E	29													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 23 day of
July, 19 79.


Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 98-7057

IN THE NAME OF DEON HUBBARD

ORDER OF REINSTATEMENT

WHEREAS, on July 17, 1972, Harold Allen filed with the Department of Water Resources an application for permit to appropriate 0.04 cubic feet per second of water from a spring, tributary to Fleming Creek, to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, Twp. 63N, Rge. 1E, B.M., Boundary County, to be used for domestic purposes; and,

WHEREAS, on September 22, 1972, the Department approved said application and issued Permit No. 98-7057 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1977; and,

WHEREAS, on June 30, 1977, the Department notified the permit holder that permit no. 98-7057 was due to be proved up on and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on September 9, 1977, the Department notified the permit holder that Permit No. 98-7057 had lapsed for failure to submit the required proof; and,

WHEREAS, on September 21, 1977, the permit holder assigned the said permit to Deon Hubbard; and,

WHEREAS, on October 3, 1977, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that permits 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. 98-7057 be REINSTATED and the priority advanced to August 18, 1972.

Dated this 14 day of October, 1977.

Billy D. Flannery
Chief, Operations Bureau

V

RECEIVED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

SEP 21 1977 *okjc*
Department of Water Resources

I, HAROLD L. ALLEN, hereby assign to Dean Hubbard
of Star Route 2, Bonners Ferry, Idaho
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 98-7057
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 19 day of September, 19 77.

Harold L. Allen
Permit Holder

Marie M. Allen
Spouse of Permit Holder

State of Idaho)
County of Boundary) ss.

On this 19 day of September, 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.

seal

Jay B. Bumgarner
Notary Public residing at
Bonners Ferry

My commission expires:
10-11-77

✓

ASSIGNED TO: DEON HUBBARD
9-21-1977

Identification No. _____

Application No. 98-7057

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)

- 267-3669
1. Name of applicant Harold Allen
post office address Star Route #2 Bonners Ferry, Idaho 83805
 2. Source of water supply Spring which is a tributary of Fleming Creek
 3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29 Township 63 North
Range 1 East B.M. Boundary County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Fleming Creek at a point in NW $\frac{1}{4}$
of SE $\frac{1}{4}$ of Section 29 Township 63 North Range 1 East B.M. Boundary County
 4. Water will be used for the following purposes:
Amount .04 for domestic purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 5. Total quantity to be appropriated:
a. .04 cubic feet per second and/or
b. _____ acre feet per annum.
 6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. small catch basin and 1 inch pipe

b. Height of storage dam less than 10 feet, active reservoir capacity less than 10 cubic feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur January 1 to December 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 \$ _____.
 8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29 Township 63 North
Range 1 East 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 1 to 7/28/72
(5) If water is to be used for other purposes describe: _____

98 7057

98 7057

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

[illegible]

Total number of acres to be irrigated_____

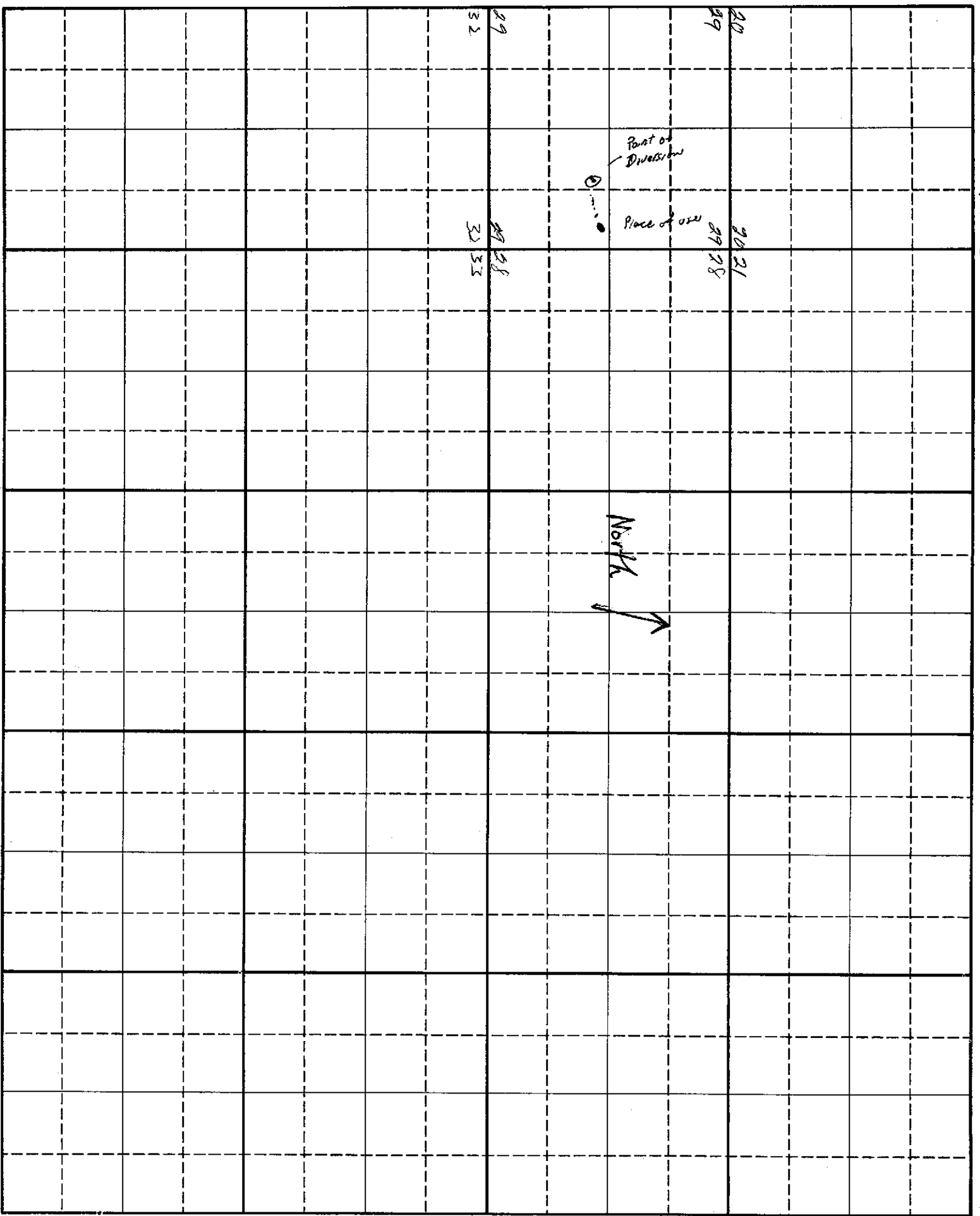
c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion HAROLD ALLEN
b. Who owns the land to be irrigated or place of use HAROLD ALLEN
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 _____

TWP 63N

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.

Harold Allen
(Applicant)

98.7057

98 7057

Received by WJ Date 7-17-72 Time 10:00 A
Preliminary check by D Fee \$ 10⁰⁰
Receipted by ljo Date 7-17-72 Rec'd # 9790
Publication prepared by cr Date 8-4-72
Published in Bonnors Ferry Herald
Publication dates 8-10 & 8-17-72
Publication approved cr Date 9-14-72
Priority reduced to 7/17/72 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by D BDF

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. 98-7057, 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 September 1, 1977.
- c. Other: _____

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

Witness my hand this 22 day of September, 1972.

R. Keith Higin
Director

RECEIVED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Boundary

ss.

W. H. Chubb

being

first duly sworn upon his oath, deposes and says that he is the publisher (or foreman) publisher

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

the advertisement of State Department of Water Administration

a Notice for Application for water permit, H Allen-No. 98-7057

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Aug. 10, 1972, and ending with the issue dated Aug. 17, 1972

Subscribed and sworn to before me this 5 day of Sept, 1972

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

98 7057

NOTICE FOR APPLICATION FOR WATER PERMIT

Notice is hereby given that Harold Allen, Star Route No. 2, Bonners Ferry, Idaho has on July 17, 1972 submitted Application No. 98-7057 for a permit to appropriate 0.04 cubic feet per second of water from a Spring, tributary of Fleming Creek by means of catch basin and pipe within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 63N, R. 1E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 63N, R. 1E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before August 28, 1972.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Aug. 10 and Aug. 17, 1972.



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 24, 1979

Deon Hubbard
Star Route 2
Bonners Ferry, ID 83805

Dear MR. Hubbard:

RE: Water Right No. 98-7057

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

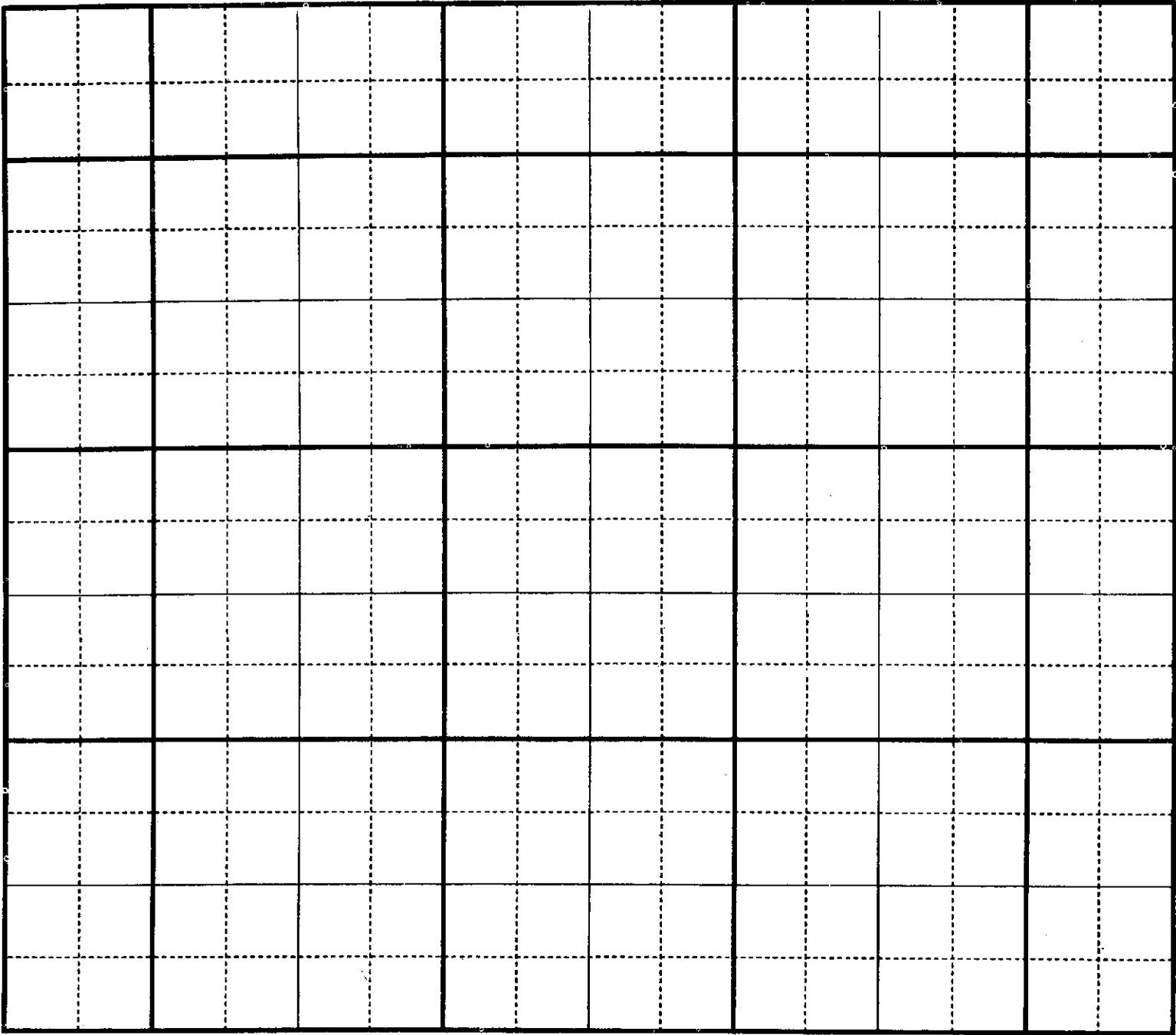


Diagram of System

DATE OF EXAM 5-16-78

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= 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

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

Exchange? yes _____ no ✓

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

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

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

Total Q measured 0.04 NONE Method of measurement NONE

Total Q recommended 0.04 Meter No. _____ Type _____ Condition _____

Total V recommended 1.2

Recommended Amendments:

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

MEASUREMENT CALCULATION:

One household @ 0.04 cfs @ 1.2 AF
(Stock in evidence)

SYSTEM DESCRIPTION:

Developed Spring & pipe line to house.

REMARKS:

Examiner's Signature Tom King Date 5-10-78
Checked by Bob Haynes Date 5-23-78
Approved by _____ Date _____

October 21, 1977

re: Permit No. 98-7057

Deon Hubbard
Star Rt. 2
Bonners Ferry, Idaho 83805

Dear Mr. Hubbard:

Enclosed is an Order of Reinstatement; please note that the priority has been advanced to August 18, 1972 for permit no. 98-7057.

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

RECEIVED
OCT 24 1977
WATER RIGHTS BUREAU

RECEIVED

OCT 17 1977

WESLEY W. HUBBARD & SONS INC.

STAR ROUTE 2 • BONNERS FERRY, IDAHO 83805 • PHONE 208-267-2647

Department of Water Resources

*Full for
Janice*

MEMO-LETTER®

TO *Dept of Water Resources
Boise, Idaho*

DATE *10/14/77*
SUBJECT *permit 98-7057*

Our last correspondence (your letter dated Sept 30 & mine of Sept 27) apparently crossed in the mail.

Is there anything I need to do now to complete this?

Thanks -

Wesley Hubbard

WESLEY W. HUBBARD & SONS INC.

STAR ROUTE 2 • BONNERS FERRY, IDAHO 83805 • PHONE 208-267-2647

Department of Water Resources

OCT 3 1977

MEMO-LETTER®

TO Dept of Water Resources
State of Idaho

DATE

9/27/77

SUBJECT

permit 987057

per your letters of Aug 31 and Sept 9 Mr. Allen indicates he has submitted an assignment to you and enclosed is a proof to beneficial use.

as I understand the situation this now completes the paper work on this permit.

to re-activate 98-7058 I would have to start all over again & advertise etc. is that correct.

Thank You

Deon Hubbard

RECEIVED

Identification NOCT 3 1977
 Permit No. Calley
 Department of Water Resources

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder WESLEY W HUBBARD & SONS INC. (TRANSFERRED from HAROLD ALLEN)
 b) Post Office Address STAR RT 2 BONNERS FERRY IDAHO 83805
 2. Permit Number 987057
 3. Date of Priority that you are prepared to establish 7/17/1972
 4. a) Source from which water was appropriated SPRING
 b) Location of the point of diversion: NW 1/4 SE 1/4, Section 29
 Township 63 No., Range 1 E. 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 .04 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: DEON HUBBARD - NORMAL DOMESTIC USE FOR STOCK, LAWN, GARDEN, HOME
 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) CATCH BASIN AND 1 INCH PIPE
 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: NONE
 8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: LIVESTOCK WATERING, HOUSE HOLD,

Exam type

10/25/72

MICROFILMED

✓

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

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			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 $\frac{1}{4}$	

Total number of acres irrigated _____

10. Remarks: I consulted with the S.C.S. engineer
relative to water flow from 1 inch pipe
& concluded the amounts being used.

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

Sept. 7, 1977
(Date)

by Dean W. Hubbard
(Signature)

State of Idaho)
) ss.
County of Boundary)

On this 7th day of September, 1977, personally appeared before me the signer(x) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Dan Dinning
Notary Public residing at
Bonnets Ferry, Idaho

My commission expires 6/20/81



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

September 30, 1977

Re: Permit No. 98-7057

Deon Hubbard
Star Route 2
Bonners Ferry, Idaho 83805

Dear Mr. Hubbard:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records.

Please note that this permit lapsed as of September 9, 1977 and you have only until November 8, 1977 to submit the required proof of beneficial use of water. After the November 8 date this permit will be of no further force or effect. Enclosed is a copy of this permit along with a proof of beneficial use form for your use.

If you have any questions regarding this matter, please contact our office.

Sincerely,

JANICE RENK
Water Rights

Encls.

RECEIVED
SEP 30 1977
WATER RIGHTS

✓



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

Statehouse
Boise, Idaho 83720
(208) 384-2215

R. Keith Higginson
Director

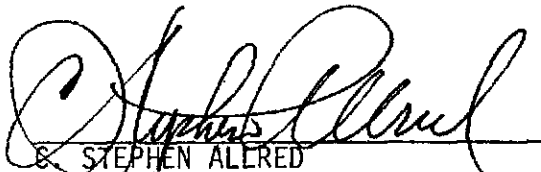
September 9, 1977

Harold Allen
Star Route 2
Bonners Ferry, ID 83805

Dear Mr. Allen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 98-7057 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated June 30, 1977.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.


S. STEPHEN ALLRED
Director

CSA:jfr

Encl.

cc: Deon Hubbard
Star Route 2
Bonners Ferry, ID 83805

✓

September 9, 1977

Re: Permit No's. 98-7057 and 98-7058

Mr. Deon Hubbard
Star Route 2
Bonners Ferry, Idaho 83805

Dear Mr. Hubbard:

We received your letter of August 31, 1977, requesting extensions of time on the above referenced permits.

Permit No. 98-7058 cannot be extended or reinstated as it has lapsed as of November 2, 1973, for failure to submit the proof of beneficial use. In order to legally use the water for this land, a new application for permit must be submitted. Enclosed is an application for permit form for this use.

An extension cannot be granted on Permit No. 98-7057 until it is in your name unless Mr. Allen requests the extension. Enclosed is an assignment of permit form which must be signed by Mr. Allen before you can request the extension. We have also enclosed an extension of time form for your use. Please complete it in detail and return both the extension request and the assignment to us as soon as possible as the proof of beneficial use was due on this permit on September 1, 1977.

We are enclosing a copy of the lapse notice for Permit No. 98-7057. This permit can still be reinstated upon a showing of reasonable cause within 60 days from the date of the lapsing letter, from the permit holder.

If you have any questions regarding these matters, please do not hesitate to contact us.

Sincerely,

JAN GROVER
Supervisor, Water Rights

JG:jfr

Encls.

WESLEY W. HUBBARD & SONS INC.

STAR ROUTE 2 • BONNERS FERRY, IDAHO 83805 • PHONE 208-267-2647

SEP 1 1977

Department of Water Resources

MEMO-LETTER®

TO State of Idaho
Dept of Water Resources
Boise, Idaho 83720

DATE Aug 31, 1977
SUBJECT permits ^{to}
98-7057, 98-7058
passed

As per our telephone conversation
this morning please grant an extension
of time on the above two permits and send
me copies of documents relative to them.
Property was acquired from Harold Allen
and documents have been misplaced.

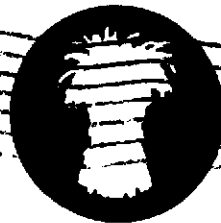
Thank You.

Deane W Hubbard

Wesley W. Hubbard & Sons, Inc.
Star Route #2
Bonners Ferry, Idaho 83805



13c
USA



State of Idaho
Dept of Water Resources
Statehouse
Boise, Idaho
83720



Bicentennial Era The American Farmer

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

31 August, 1977

Mr. Dion Hubbard
Herman lake
Moyie Springs, Idaho 83845

Dear Mr. Hubbard,

As you requested today, I am sending you a copy of permit #98-7057, issued to Harold Allen, a proof of beneficial use form, and one to request an extension of time.

The second permit, #98-7058, has been allowed to lapse. Therefore, it is no longer a valid water right. Please see the enclosed microfilm records.

In order for the department to change the permit from Mr. Allen's name to yours, Mr. Allen will have to file an assignment of permit form, giving us the authorization to change the records. I have sent him this form.

If you have additional questions, feel free to contact either this office or the regional office in Coeur d'Alene.

Sincerely,

Kay Weaver
(ms.) Kay Weaver
Records Supervisor

Encl.

RECORDED

✓

CONVERSATION MEMORANDUM

DATE 31 August, 1977

FILE 98-7057

NAME OF PARTY Dion Hubbard

EMPLOYEE Kay Weaver

RE: Mr. Hubbard now owns this land covered by this water, but he just got the papers forwarded to him by Mr. Allen. The proof of application of beneficial use is due tomorrow, and Mr. Hubbard is sending us a note asking for an extension of time.

I am sending him a form for extension of time, too, a copy of his permit and one of 98-7058, which has lapsed, in today's mail, along with beneficial use forms. Mr. Hubbard states that he thinks the entire water project has been completed, but he cannot tell, as he has no copies of the ap.

MICROFILMED

June 30, 1977

CERTIFIED MAIL

138764

Re: Permit No. 98-7057

Harold Allen
Star Route 2
Bonners Ferry, ID 83805

Dear Mr. Allen:

One of the conditions of approval of your water Permit No. 98-7057 (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 September 1, 1977. 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.



C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

MICROFILMED



DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item Initial Date

- (1) FE 7/17/72 Application No. 98-7057 Name Harold Allen
- (2) _____ 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) FE _____ In form for advertising _____
- (6) _____ Affidavit of Publication received _____
- (7) _____ Final date for protests _____
Protests received: yes _____ no _____
- (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) FE 9/14/72 Action recommended:
☒ Approve Priority 7/17/72
☐ Deny Reason for Reduction _____
See attached sheet for conditions of approval
FE 9/14/72 No conditions for approval
- (14) FE 9/14/72 District Northern By Frederick E. [Signature]
Date 9/14/72 Title Superintendent

RECOMMENDEDCONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

September 25, 1972

C
Harold Allen
Star Route #2
Bonners Ferry, Idaho 83805

Dear Mr. Allen:

O
Enclosed is a copy of your approved Application for Permit No. 98-7057. We
direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

P
BOBBY D. FLEENOR
Assistant Director

BDF: cd

Y
Enclosure

98 7057

August 4, 1972

Re: Application No. 98-7057 - Harold Allen

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
Water Resource Examiner
Northern District

Bill submitted 9-12-72 by cl

98 7057

FE:CR

Enc: Legal Notice

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Harold Allen,

Star Route #2, Bonners Ferry, Idaho

has on July 17, 1972 submitted Application No. 98-7057

for a permit to appropriate 0.04 cubic feet per second ~~XXXXXX~~ acre feet per annum

of water from a Spring, tributary of Fleming Creek

by means of catch basin and pipe

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 63N, R. 1E, B.M., Boundary County

to be used from Jan. 1 to Dec. 31

for domestic purposes

within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 63N, R. 1E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before August 28, 1972.

R. KEITH HIGGINSON

Director

Published in the Bonness Ferry Herald, Bonners Ferry, Idaho

on Aug. 10 and Aug. 17, 1972

98 7057

**NOTICE FOR APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Harold Allen, Star Route No. 2, Bonners Ferry, Idaho has on July 17, 1972 submitted Application No. 98-7057 for a permit to appropriate 0.04 cubic feet per second of water from a Spring, tributary of Fleming Creek by means of catch basin and pipe within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 63N, R. 1E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 63N, R. 1E, B.M. *OK 9-10-72*

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 August 28, 1972. *OK*

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Aug. 10 and Aug. 17, 1972.

98 7057

July 25, 1972

Re: Application for Permit No. 98-7057
" " " " 98-7058

Harold Allen
Star Route #2
Bonners Ferry, ID 83805

Dear Mr. Allen:

Attached herewith is your receipt No. 9790 in the amount of \$20.00 for the filing fee on the above referenced applications, which were received in this office.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Receipts

98 7057