

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 Idaho Department of Water Administration

a Notice of Application for Water permit

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 March 16, 1972, and ending with the issue dated March 23, 1972.

William H. Chubb

Subscribed and sworn to before me this 24 day of March, 1972.

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

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Charles Dale Stangel Box 29, Bonners Ferry, Idaho has on February 24, 1972 submitted Application No. 98-7051 for a permit to appropriate 0.02 cubic feet per second of water from Cabin Creek, tributary of Kootenai River and Cow Creek by means of concrete dam within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T. 61N, R. 2E., B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 61N, R. 2E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 27, 1972.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on March 16th and March 23rd, 1972.

NOTARY PUBLIC for the State of Idaho

98-7051

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

03/04/81

INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: CABIN CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
98-0106	MERRIFIELD, DORICE MERRIFIELD, EARL M. RT. 1 BOX 509 BONNERS FERRY ID 83805 REMARKS: THIS RT. WHEN COMBINED WITH RT. 98-0105 SHALL NOT EXCEED .06 CFS NOR 1.5 AFA.	01-01-1967	STOCKWATER	01-01 12-31	.40 AFA .02 CFS	SWNE S08 T61N R02E	NWNE S08 T61N R02E	BENEFICIAL USE
			DOMESTIC	01-01 12-31	1.20 AFA .04 CFS		SAME AS OTHER USE	
					* 1.60 AFA * .06 CFS			
98-7029	PARKER, JR., WILLIAM A. DIETEL, ROBERT G. DIETEL, ELLEN M. RT. 1 BOX 510 BONNERS FERRY ID 83805 REMARKS: SOURCE KNOWN LOCALLY AS KHUEGEN CK.	09-21-1970	DOMESTIC	01-01 12-31	2.40 AFA .04 CFS	NENW S08 T61N R02E	NENW S08 T61N R02E	LICENSE
98-7051	WILSON, VIOLA J. P.O. BOX 29 BONNERS FERRY ID 83805	02-24-1972	DOMESTIC	01-01 12-31	.02 CFS	SESW S08 T61N R02E	NENE S1R T61N R02E	LICENSE
98-7086A	ERICKSON, GLEN J. ERICKSON, JACQUELYN RT. 1 BOX 506 BONNERS FERRY ID 83805 REMARKS: NOT TO EXCEED 2.0 CFS. WHEN COMBINED WITH 98-7086B. WHEN 2.0 CFS OR LESS IS AVAILABLE FOR APPROPRIATION FROM THIS SOURCE, 98-7086A & 98-7086B SHALL HAVE A PROPORTIONAL SHARE OF THE AVAILABLE WATER. THIS PERMIT IS NOT DECREED BY THIS ADJUDICATION, & IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING. PERMIT INCORRECTLY DESCRIBES SOURCE AS CABIN CK. TRIB. TO COW CK.	08-24-1973	IRRIGATION	03-15 11-15	2.00 CFS	SESW S08 T61N R02E	NESW(15) NESE(39) PERMIT NWSE(37) SWSE(10) S07 T61N R02E SWNW(14) S08 T61N R02E * 115 ACRES*	PERMIT
98-7086B	SMITH, GREG SMITH, LORI P.O. BOX 1237 BONNERS FERRY ID 83805 REMARKS: NOT TO EXCEED 2.0 CFS. WHEN COMBINED WITH 98-7086A. WHEN 2.0 CFS OR LESS IS AVAILABLE FOR APPROPRIATION FROM THIS SOURCE, 98-7086A & 98-7086B SHALL HAVE A PROPORTIONATE SHARE OF AVAILABLE WATER.	08-24-1973	DOMESTIC	01-01 12-31	1.20 AFA .04 CFS	SESW S08 T61N R02E	SESW S08 T61N R02E	LICENSE

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 98-7051 Priority February 24, 1972 Amount .02 cfs

THIS IS TO CERTIFY, that VIOLA J. WILSON SIMS
of Bonnors Ferry, Idaho, has complied with the terms and conditions of Permit
No. 98-7051 issued pursuant to Application for Permit dated February 24, 1972,
and has submitted proof to the Department of Water Resources on August 23, 1979,
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 .02 cfs of water from unnamed stream,
tributary to Cabin 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 (1 unit)	from January 1 to December 31	at .02 cfs and	1.2 acre feet
	from to	at cfs and	
	from to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than .02 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 SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, Twp. 61N,
Rge. 2E, B.M. in the County of Boundary

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
61N	2E	8	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 30 day of
September, 19 80.


Director

MICROFILMED

878
750

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, Mrs. Charles Stangel, hereby assign to Viola J. Wilson Sims
of P.O. Box 29, Bonners Ferry, Idaho 83805
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 98-7051
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 26th day of July, 19 79.

Mrs. Charles Stangel
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Kootenai) ss.

On this 26th day of July, 19 79, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Robert D. Hayes
Notary Public residing at
Coeur d'Alene

My commission expires:
Lifetime

MICROFILMED

208-267-2505 sh
208-267-3973 Rec.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 29 1977

Department of Water Resources
Northern District Office

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Boundary)

Permit No. 98-7051

Viola J. Wilson of Box 29, Bonners Ferry, Ida.
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 98-7051.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before April 1, 19 77.

That he has heretofore performed the following work described under said permit:
The system has been installed and has been
used for irrigation of garden. This extension
is requested to allow additional time to construct
a house or move a Trailer house Costing \$
onto the property.

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: The divorce proceedings has
placed a hardship upon placing a domestic
dwellling on the property at this time. the
property is now owned by myself. (Viola J. Wilson)

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to April 1, 19 82.

Viola J. Wilson
(signature) *

Subscribed and sworn before me this 29th day of MARCH, 19 77.

seal

Corda M. Patterson
Notary Public residing at
Edin, IDAHO

My commission expires LIFETIME

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use of water be extended
to April 1, 1982.

Witness my hand this 6 day of April, 19 77.

Dolly D. Flannery

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

MICROFILMED

ASSIGNED TO:
Viola J. Wilson Sims
P. O. Box 29
Bonners Ferry, ID 83805
7/26/79

Identification No. 98-7051

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 CHARLES DALE STANGEL
post office address Bx. #29, Bonners Ferry, Idaho
2. Source of water supply Cabin Creek which is a tributary of Kootenai Rv. & Cow Cr.
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8 Township 61 N
Range 2 E B.M. Boundary County; additional points of diversion if any: _____

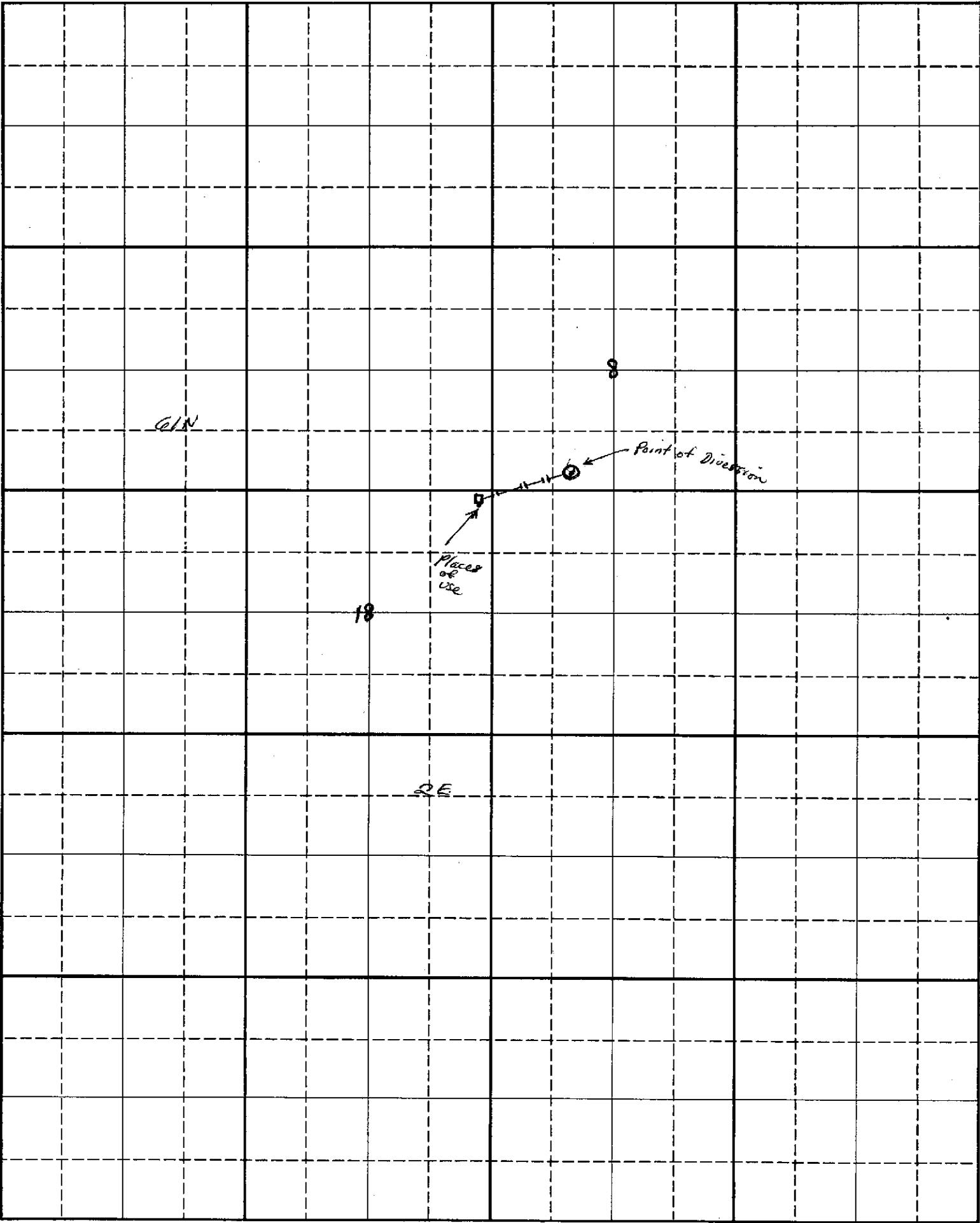
b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.02 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.02 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
concrete dam 10' long 30" high 6" wide

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 600.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 61 N
Range 2 E 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.
(5) If water is to be used for other purposes describe: _____

98 7051

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.

Charles Dale Stangel
(Applicant)

Received by ef Date 3-24-72 Time 8:00
Preliminary check by EE Fee \$ 10.00
Receipted by ij Date Feb 24-1972
Publication prepared by b1 Date 3-3-72
Published in Bonniers Ferry Herald, Bonners Ferry
Publication dates 3-9 & 3-16
Publication approved cl Date 4-5-72
Priority reduced to 2-24-72 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by Del SDC
cyl

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7051, 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 April 1, 19 77.
- c. Other: _____
- _____
- _____
- _____
2. Denial of said application is for the following reasons: _____
- _____
- _____
- _____
- _____

Witness my hand this 19 day of April, 1972.


Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

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If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 27, 1972.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on March 16th and March 23rd, 1972.

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

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

the advertisement of Idaho Department of Water Administration

a Notice of Application for Water permit

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 March 16, 1972, and ending with the issue dated March 23, 1972

Subscribed and sworn to before me this 24 day of March, 1972

William H. Chubb
NOTARY PUBLIC for the State of Idaho
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

98-7051

TO: Gary kw
FM: [Signature]

The place of use should
be 18 + not 8. (Even
though the P/D is in 18).

"amended"
license
routed for
typing.
11/17/86

Jim,

It is not necessary
to Amend this License.
It has been superseded
by the Cow Creek
Adjudication Decree
which incorporated the
Proposed Findings. The
Proposed Findings correct
the error in the Poll 'Gary

RECEIVED

State of Idaho
Department of Water Resources

RECEIVED

NOV 10 1980

WATER RIGHT LICENSE

OCT 8 1980

Department of Water Resources
License of Water Right No. 98-7051 Priority February 24, 1972 Amount .02 cfs

THIS IS TO CERTIFY, that VIOLA J. WILSON SIMS
of Bonniers Ferry, Idaho, has complied with the terms and conditions of Permit
No. 98-7051 issued pursuant to Application for Permit dated February 24, 1972
and has submitted proof to the Department of Water Resources on August 23, 1979
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 .02 cfs of water from unnamed stream
tributary to Cabin Creek, and that the permit holder has applied to a beneficial use an
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u>	at <u>.02</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 .02 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 SE 1/4, Sec. 8, Twp. 61N,
Rge. 2E, B.M. in the County of _____ Boundary

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
61N	2E	8	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 30 day of
September, 19 80.

[Signature]
Director

01 WATER RIGHT NUMBER - 98-7051

02 OLD (D) NUMBER -

LAST NAME

03001 - STANGEL
03002 - SIMS

FIRST NAME

04001 - CHARLES DALE
04002 - VIDLA J. WILSON

ORIG. OWNER

05001 - D
05002 - C

06 ADD LINE 1 - P.O. BOX 29

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - BONNERS FERRY

10 STATE - ID

11 ZIP - 83805

12 STAGE - L LICENSE

13 STATUS -

SOURCE

14001 - UNNAMED STREAM

TRIBUTARY OF

15001 - CABIN CREEK

16 DIVERSION MEANS - DAM.

17 COUNTY - 21 BOUNDARY

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .020

20 TOTAL DIVERSION VOLUME - 1.20

21 WATER DISTRICT -

DIVERSION POINTS

TRACT	SEC	TWN	RNG	LOT	RFLG	S	T	R	E	A	M	I	N	D	E	X	F	I	E	L	D	S
22001 -	SESW	23001 - 08	24001 - 61N	25001 - 02E	26001 -	27001 -																
				28001 -	0	500.0	140.0	1.0	1.0	1.0	0.0	0.0	0	0	0	1.1						

29 NON-IRRIGATION USE -

PLACE OF USE

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 43 DOMESTIC	31001 - 61N	32001 - 02E	33001 - 18	34001 - NENE	35001 -	36001 -

TOTAL ACRES: 0

WATER USE

PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101	38001 - 1231	39001 - 43 DOMESTIC	40001 - 0.020	41001 - 1.20

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

D A T E S

D A T E S

F L A G S

47 PRIORITY	- 24-FEB-1972	55 LICENSE	- ~~12-APR-1982~~	63 TRANSFER/AMENDED	-
48 PROOF DUE	- 1-APR-1982	56 APPL RECEIVED	- 30 Sept 80	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED	- 19-APR-1972	58 DECREE	-	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHDW CAUSE	-		
53 VERIFIED	-	61 DATE_1	-		

----- D A T E S ----- D A T E S ----- F L A G S -----
54 LAST UPDATE - 3-MAY-1982 62 DATE_2 -

11/20/86
VERIFIED DDL



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 6, 1980

Viola J. Wilson Sims
P.O. Box 29
Bonners Ferry, Idaho 83805

Dear Ms. Sims,

RE: License No. 98-7051

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr.

Enclosure

MICROFILMED

TO _____
DATE _____ WHILE YOU WERE OUT TIME _____
M _____
OF _____
PHONE: _____ AREA CODE _____ NUMBER _____ EXT. _____

☐ Telephoned

☐ Returned Your Call

☐ Will Call Again

☐ Please Call

☐ Called to See You

Dave T.

- I agree that
he should be
issued in name
of Viola Wilson
- prepare for
Sig

MICROFILMED

144
9-22-80

FROM DAVE T

DATE 9/19/80

TO Glen

SUBJECT Issuance of License 98-7051 (See Jim's memo)

In view of the decision made by the Department in 1977 to accept Viola Wilson as owner of the permit by virtue of the "community property" aspect of Idaho law, I am reluctant to change our position at this point.

I recommend that we issue the license in her name. Any thoughts?

MICROFILMED

(Note that throughout the recent adj. procedure in this area, Viola Wilson claimed this rt. in her name. Mr. Stangel did not participate) Dave

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM

Jim Johnson *Jim*

DATE 9-18-80

TO

Dave Tuthill *DT*

SUBJECT License of 98-7051

Dave, after reviewing the contents of this file I have serious reservations about recommending this to be licensed.

I recommend that the original Permit owner be contacted and made aware of our pending action which would change ownership of the permit from him to the present owner of the property.

If you would like me to provide a detailed description supporting my recommendation I would be happy to do so.

MICROFILMED

SIGNATURE

12/79

DEPARTMENT OF WATER RESOURCES

FIELD REPORT
Boundary

RECEIVED

AUG. 11 1980

98-7051

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:	8-31-79	L	Adjudication
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8-1-80 Accompanied by - Total Q measured -
If source is surface water, estimate total flow of source -
Methods of measurement Calc. Meets Permit requirements? yes

Measurement calculations:

one outlet

11-2

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
System Description <i>Cone. Diversion Dam 10' x 30" high 4" under gravity flow ppc to flow of me</i>								

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<i>Domestic</i>	<u>0.02</u>	<u>1.2</u>	<u>1-1</u>	<u>12-31</u>
Total				

Remarks

Cow Creek Adg

MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

Point(s) of diversion: SESW, Sec 8, 61N, 2E

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
61N	2E	18	X																

Recommended Amendments:

- ☐ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
- ☐ Change P.U. as reflected above
 ☐ Add P.U. as reflected above

☒ None
☒ Other Source - Unnamed Stream
Tributary to Cabin Creek

Examiner's Signature

Checked by

Approved by

Date

Date

Date

JK
Bob Aymer
Robyn

8-4-80

8/5/80

9/18/80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

no card?

JOHN W. EVANS
Governor
C. STEPHEN ALLRED
Director

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

August 31, 1979

RECEIVED

SEP 4 1979

Department of Water Resources

Mrs. Viola J. Sims
P. O. Box 29
Bonners Ferry, Idaho 83805

RE: 98-7051

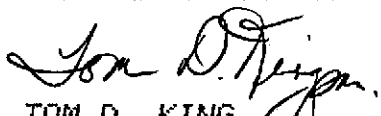
Dear Mrs. Sims:

We acknowledge receipt of your statement of completion of water development and use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination, however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office.

Very truly yours,


TOM D. KING
Senior Water Resource Agent

TDK/pms

cc: IDWR - State Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 98-7051

Name(s) of Permit Holder: Viola J. Sims, formerly Mrs. Charles Stanzel

Post Office Address: P. O. Box 29, Bonners Ferry, Idaho

Source of Water: Cabin Creek

Extent of Use: ☒ Domestic One (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other _____

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

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

23/79

Date

Viola J. Sims
 Signature of Permit Holder

RECEIVED

AUG 23 1979

Department of Water Resources
 Northern District Office

RECEIVED

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

August 23, 1979

Viola J. Wilson Sims
P. O. Box 29
Bonners Ferry, ID 83805

Dear Mrs. Sims:

Re: Permit No. 98-7051

This office acknowledges receipt of the assignment conveying the above-referenced permit to you. The assignment has been entered into the Department's records.

Sincerely,

RITA FLECK
Sr. Secretary

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Phil Rossier

DATE

7-30-79

TO

file 98-7051

SUBJECT

Spoke with Ken Noblock of Northern region concerning the alternatives which Viola Wilson could use to have the water right as her separate property.

1. She could have the divorce decree amended to give her ownership of the permit right, or
2. She could make proof of beneficial use and the right would become appurtenant to the lot which she owns as separate property.

MICROFILMED

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM

Phil R.

DATE

7-30-79

TO

file 98-70501

SUBJECT

Permit to appropriate water is not real property. It is not an appropriation of public waters of state but merely the consent given by state to construct and acquire real property. Speer v. Stephenson, 17 Idaho 707, 102 P. 365 (1909); MARSHALL v. Niagara Spring Orchard Co., 22 Idaho 144, 125 P. 208 (1912); BASINGER v. Taylor, 30 Idaho 289, 164 P. 522 (1917).
Annotation to I.C. 55-101. Real property defined

MICROFILMED

SIGNATURE

April 8, 1977

Re: Permit No. 98-7051

Mrs. Viola J. Wilson
Box 29
Bonners Ferry, Idaho 83805

Dear Mrs. Wilson:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to April 1, 1982.

Sincerely,

Jan Grover
Water Rights Supervisor

RECEIVED

DATE March 30, 1977

FROM Fred Eisenbarth, Jr.

TO BOB FLEENOR

SUBJECT Permit No. 98-7051

On March 29, 1977, Mrs. Viola J. Wilson (recent divorcee from Charles D. Stangel) was in our office to file an Extension of Time for Permit No. 98-7051. I mentioned to her that she would need to have her ex-husband assign the permit to her. Mr. Stangel refused to do so unless a large amount of money was involved. The question now arises, is it still necessary to have him assign the permit to her, due to the fact that she has equal ownership because of the "Community Property" aspects of Idaho Law?

The attached Divorce Decree clearly indicates that she is now the sole owner of the property in question. It is my recommendation that we accept the request for Extension of Time endorsed by her signature alone.

I agree, consider permit in her name

BEF 4-5-77

Fred Eisenbarth, Jr.
SIGNATURE

MICROFILMED

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

RECEIVED
MAR 29 1977

STATE OF IDAHO } SS
County of Boundary }

Department of Water Resources
Northern District Office

Filed for record at the request of

Wilson - Walter

on the 22 day of Aug 1975 at 10:10

o'clock A.M. and recorded in Book 21

Instrument on page 509

MARIAN MESENBRINK

County Recorder

By B. Douglas

Deputy

Fee \$ 4.00

Mailed to

RECEPTION ()
INDEXED ()
FILMED ()
DELIVERED ()
MAILED ()

State of Idaho } ss
County of Boundary }
This is to certify that the foregoing is a
true copy of the original now on file or
record in this office.

MARIAN MESENBRINK
Clerk of Dist. Court
Auditor & Recorder

By B. Douglas

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

VIOLA J. STANGEL,

Plaintiff,

vs

CHARLES D. STANGEL,

Defendant.

No. 5289

D E C R E E

THIS MATTER came on regularly for trial on August 22,
1975, before the above entitled court in the Boundary County
courtroom; plaintiff appearing personally and by one of her
counsel, Peter B. Wilson, of the firm of WILSON & WALTER,
Bonners Ferry, Idaho, and defendant ~~not~~ appearing personally

QFH AND
8-22-75 by and through his attorney of record, James English of
the firm of ATWOOD, FRAZIER & ENGLISH, Coeur d'Alene, Idaho,

WHEREUPON testimony was given and residency of plaintiff
was corroborated by witness WAYNE PRUITT, and the court
being fully apprised in the premises and from the records on

MICROFILMED

file herein and the parties having waived the filing of the Findings of Facts and Conclusion of Law; Now, Therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I.

Findings are not required from the Order to Show Cause Hearing held August 18, 1975;

II.

That plaintiff is the owner of the following described separate property:

Lot Five (5), the South 4 feet of Lot Four (4), and the North 6½ inches of Lot Six (6), Block Three (3), Bonnerport Addition to the City of Bonners Ferry, according to the plat thereof on file with the Boundary County, Idaho, recorder.

Tax #14 and #18, Block Five (5) McNear's Acres Tracts, Bonners Ferry, Idaho, more particularly described as:

Commencing at the southeast corner of Lot Three (3), Block Five (5), McNear's Acres Tract, thence north along the east line of said Lot Three (3) 95' to a point, thence west at right angles to the east line of Lot Three (3), 65' to a point, thence south and parallel to the west line of Lot Three (3) to the southeasterly boundary line of said Lot Three (3), thence along said boundary line to the place of beginning;

A tract of land commencing at a point 95 feet north and 65 feet west of the southeast corner of said Lot Three (3), thence west at right angles to the east line of said Lot Three (3), 15 feet to a point, and thence south and parallel to the west line of said Lot Three (3), 110 feet to a point, thence in a southeasterly direction to the southwest corner of the said premises as described in that certain Warranty Deed in Book 28 of Deeds at page 627, thence north and parallel to the east line of said lot Three (3) to the place of beginning.

The Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼ NE¼) of Section Eighteen (18), Township Sixty-one (61) North, Range Two (2) East, B. M.

One 1974 Ford Custom pickup

The business, including but not limited by such inclusion, the inventory, accounts receivable and fixtures known as Southhill Furniture - Downtown.

But that defendant shall deliver a quitclaim deed of said property to plaintiff of said property for the purpose of clearing any possible cloud on the title thereto;

•

III.

That the community property that has arisen is:

One 1973 Mercury
One 1969 Bronco
One Harley Davidson motorcycle
One 15' Aljo trailer
One custom built racing car and trailer
One movie camera and projector
Household furniture and furnishings
Bedding and utilities
Canoe
Webcor Tape recorder
Welder (220 arc)
Queen mattress & Box spring and frame
Zenith Color Television
Honda
Chain Saw
Gun Case
Guns: 280 Remington, 20 guage, 12 guage
Tools
Pictures (race car, etc.)
Fishing poles hunting equipment
skiis - Poles - Equipment
Golf clubs & accessories
Bowling balls
Samsonite suitcases
Rebel (hunting dog)
clothing and personal effects

And that the said community property should be, and hereby is, distributed as follows:

To Plaintiff:

One 1969 Bronco
One Harley Davidson motorcycle
One 15' Aljo Trailer
Household furniture and furnishings
Bedding and utilities
personal clothing and personal effects

To defendant:

One 1973 Mercury
One custom built racing car and trailer
Movie camera and projector

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Canoe
Webcor Tape recorder
Welder (220 arc)
Queen mattress & Box spring and frame
Zenith Color Television
Honda
Chain Saw
Gun Case
Guns: 280 Remington, 20 guage, 12 guage
Tools
Pictures (race car, etc.)
Fishing poles hunting equipment
skiis - poles - equipment
Golf clubs and accessories
Bowling balls
Samsonite suitcases
Rebel (hunting dog)
clothing and personal effects

IV.

Plaintiff shall pay to defendant EIGHT THOUSAND DOLLARS (\$8,000.00), consisting of cash in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) and a note due two years from the date hereof in the sum of THREE THOUSAND DOLLARS (\$3,000.00), without interest.

V.

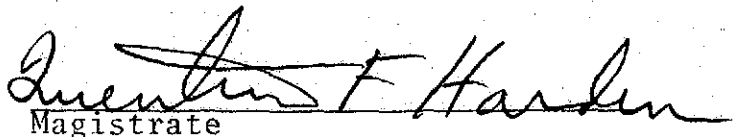
That defendant shall assume and pay the following community debts:

- a) The Master Charge account in his name; and,
 - b) The BAnkamericard account in his name; and,
 - c) debts defendant incurred from the date of separation (June 22, 1975);
- and plaintiff shall assume and pay all other community debts.

VI.

Plaintiff is awarded an absolute divorce from defendant on the grounds of extreme cruelty.

DATED and DONE at Bonners Ferry, Boundary County, Idaho, this 22nd day of August, 1975.


Magistrate

MICROFILMED

January 31, 1977

CERTIFIED MAIL

138278

Re: Permit No. 98-7051

Charles Dale Stangel
Box 29
Bonners Ferry, Idaho 83805

Dear Mr. Stangel:

One of the conditions of approval of your water Permit No. 98-7051 (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 April 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.

MICROFILMED

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 20, 1972

Re: Permit No. 98-7051 - Charles Dale Stangel

Charles Dale Stangel
Box 29
Bonners Ferry, Idaho 83805

Dear Mr. Stangel:

Enclosed is a copy of your approved Application for Permit No. 98-7051. We direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosure

98 7051

March 30, 1972

Re: Application for Permit No. 98-7051 - Charles Dale Stangel

Bonniers Ferry Herald
212 Main
Bonniers Ferry, Idaho 83805

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on March 9th and March 16th, 1972.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BL

98 7051

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

State of Idaho Dept. of Water Admn.
Statehouse--Annex 2
Boise, Idaho 83707

1972

March 23 Notice of Application-C.D. Stangle-
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 The Bonners Ferry Herald

BY William H. Stangle
publisher

98 7051

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Charles Dale Stangel Box 29, Bonners Ferry, Idaho has on February 24, 1972 submitted Application No. 98-7051 for a permit to appropriate 0.02 cubic feet per second of water from Cabin Creek, tributary of Kootenai River and Cow Creek by means of concrete dam within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 61N, R. 21E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 61N, R. 2E, B.M. 2E

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, Statehouse, Boise, Idaho, 83707, on or before March 27, 1972.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on March 9th and March 16th, 1972.

98 7051

Called 3-9-72
for Correction
Tel. 267-2510
DL.

March 3, 1972

Re: Application for Permit No. 98-7051 - Charles Dale Stangel

Bonnors Ferry Herald
212 Main
Bonnors Ferry, Idaho 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
Appropriation Examiner

FE/BL
Enc: legal notice

Bill submitted 4-5-72.ck

98 7051

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Charles Dale Stangel
Box 29, Bonners Ferry, Idaho
has on February 24, 1972 submitted Application No. 98-7051
for a permit to appropriate 0.02 cubic feet per second ~~zero feet per annum~~
of water from Cabin Creek, tributary of Kootenai River & Cow Creek
by means of concrete Dam
within the SE¹/₄SW¹/₄, Sec. 8, T. 61N, R. 2E, B.M., Boundary County

to be used from Jan. 1st to Dec. 31
for domestic purposes

within the NE¹/₄NE¹/₄, Sec. 18, T. 61N, R. 2E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 33707, on or before March 27, 1972.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho
on March 9th and March 16th, 1972.

98 7051

February 24, 1972

Charles Dale Stangel
Box 29
Bonners Ferry, Idaho 83805

Dear Mr. Stangel:

Attached herewith is your receipt No. 8089 in the amount of \$ 10.00
for your application for permit
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

IDENT. NO. 98-1051

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]