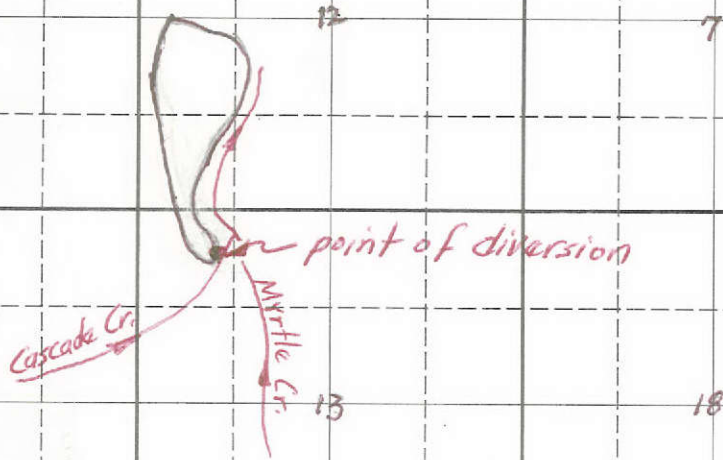


11. Map of proposed project:



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.

Robert Crawford
(Applicant)

98-7003

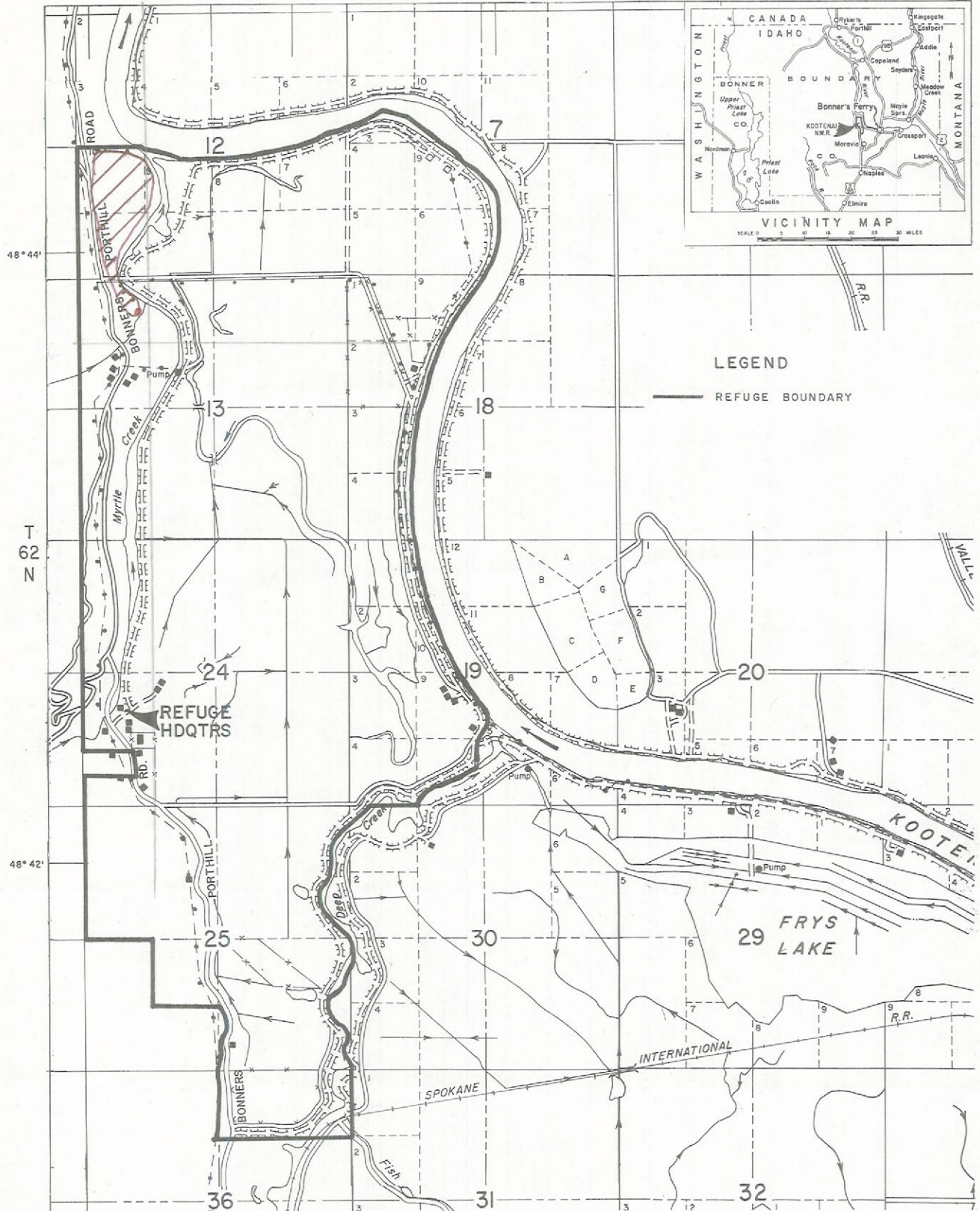
Cascade Creek

UNITED STATES
DEPARTMENT OF THE INTERIOR

RIW RIE

116°23'

FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE



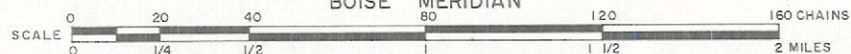
LEGEND

REFUGE BOUNDARY

KOOTENAI NATIONAL WILDLIFE REFUGE

BOUNDARY COUNTY, IDAHO

BOISE MERIDIAN

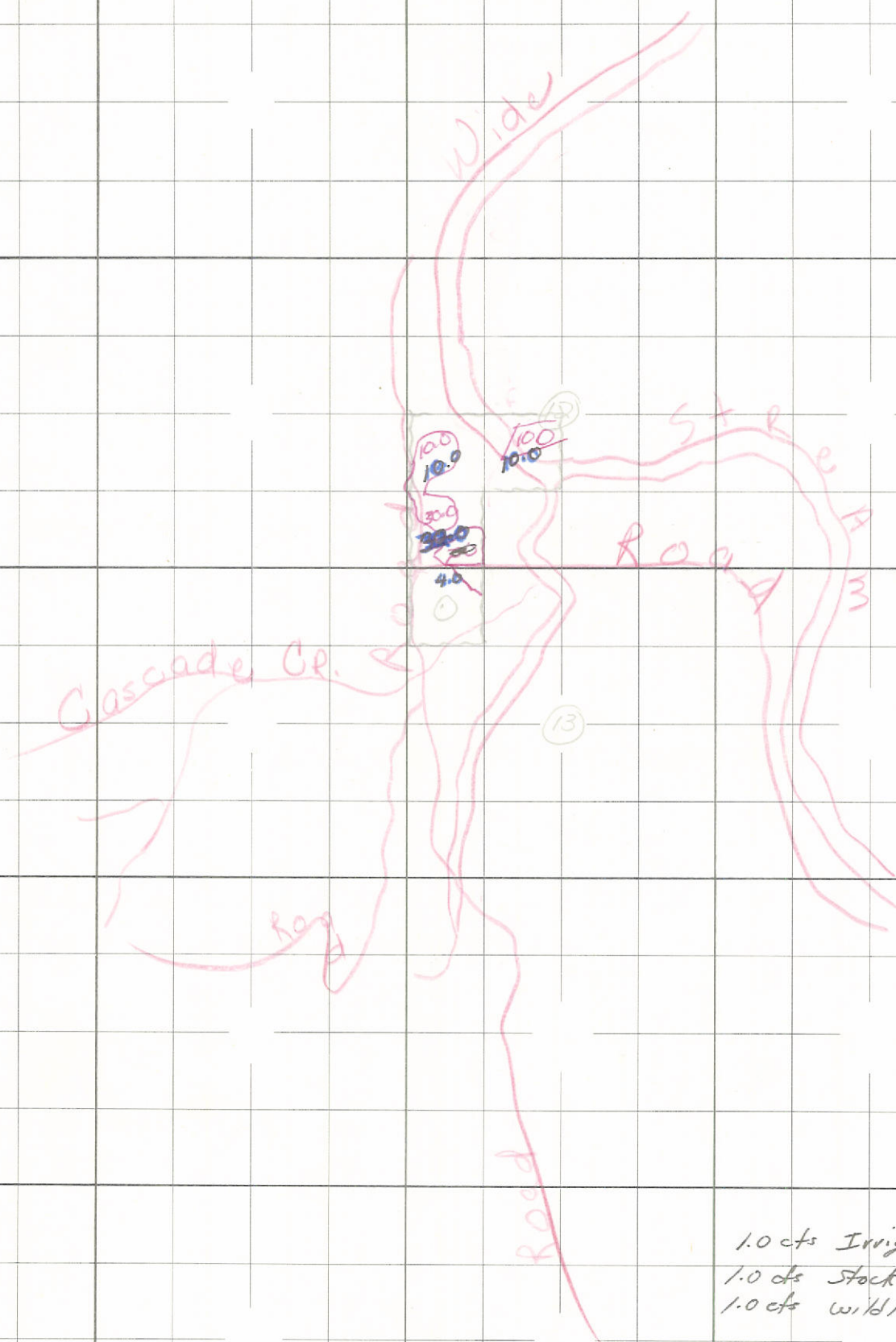


082565

98-7003

R. 7 W

T
62
N



1.0 cfs Irrigation 162 a.f.
1.0 cfs Stockwater 6.0 a.f.
1.0 cfs Wildlife 20.0 a.f.
Total = 188.6 a.f.

Q measured 1.0 cfs
Q recommended 1.0 cfs
Volume 162 AF/Ann
Acreage =
Found 54
recommended 540
Subdv. _____
Amendments
☒ None
☐ P.D.
☐ Place of use
☐ _____

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 98-7003 Priority Dec. 4, 1967 Amount 1.0 cfs

THIS IS TO CERTIFY, that the U.S. Bureau of Sport Fisheries & Wildlife
of Portland, Oregon, has complied with the terms and conditions of Permit
No. 98-7003 issued pursuant to Application for Permit dated December 4, 1967,
and has submitted proof to the Department of Water Administration on June 1, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.0 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Cascade Creek
tributary of Myrtle Creek, is hereby confirmed in the following amounts:

Amount 1.0 cfs for Irrigation from April 1 to Nov. 30 (both dates inclusive)

Amount 1.0 cfs for Stockwater from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 1.0 cfs for Wildlife from Jan. 1 to Dec. 31 (both dates inclusive)

Subject, however, to the condition that no more than 1.0 cfs of water be diverted at
any one time, said waters to be diverted within the

NW¹/₄NW¹/₄ Sec. 13, Twp. 62 N, Rge. 1 W, B.M.

in the county of Boundary; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 162 acre feet per year or

3.0 acre feet per acre for irrigation use and 1 acre feet per year for
stockwater & wildlife use with the total amount not to exceed 163 acre feet per year.
Description and location of place of use:

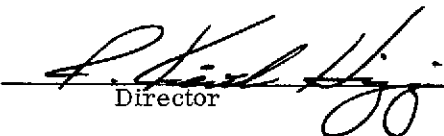
TWP.	RANGE	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
62 N	1 W	12									10	10	30						50
		13					4												4
(Stockwater & Wildlife use)																			
62 N	1 W	12									X	X	X						
		13					X												

Total number of acres irrigated 54

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

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 10 day of
September, 19 73.


Director

98 7003

Identification No. 98-7003
Application No. 42234

LICENSE ISSUED FOR 10 SEC. FT.
LICENSE PAGE NO. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho

~~The United States of America~~

1. Name of applicant Clay H. Crawford, Acting Regional Director
post office address Bureau of Sport Fisheries & Wildlife
P. O. Box 3737, Portland, Oregon 97208

2. Source of water supply Cascade Creek which is a tributary of Myrtle Creek

3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13 Township T62N
Range R1W B.M. Boundary County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Myrtle Creek at a point in SW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 12 Township T62N Range R1W B.M.

4. Quantity to be appropriated:

- a. 1 cubic feet per second and/or
b. _____ acre feet per annum will be stored.

5. Water will be used for the following purposes:

pasture irrigation purpose from April 1 to Nov. 30 (both dates inclusive)
stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
wildlife purpose from Jan. 1 to Dec. 31 (both dates inclusive)

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Aluminum, headgate type, diversion structure. Gate that diverts water to irrigated area is 2 ft. wide by 3 ft. high.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet; materials used in storage dam: _____

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 2 years.

b. Estimated construction cost is \$ 700.00.

8. Description of proposed uses:

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

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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: _____

98-7003

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
62N	1W	12									4	28	18						50
62N	1W	13					4												4

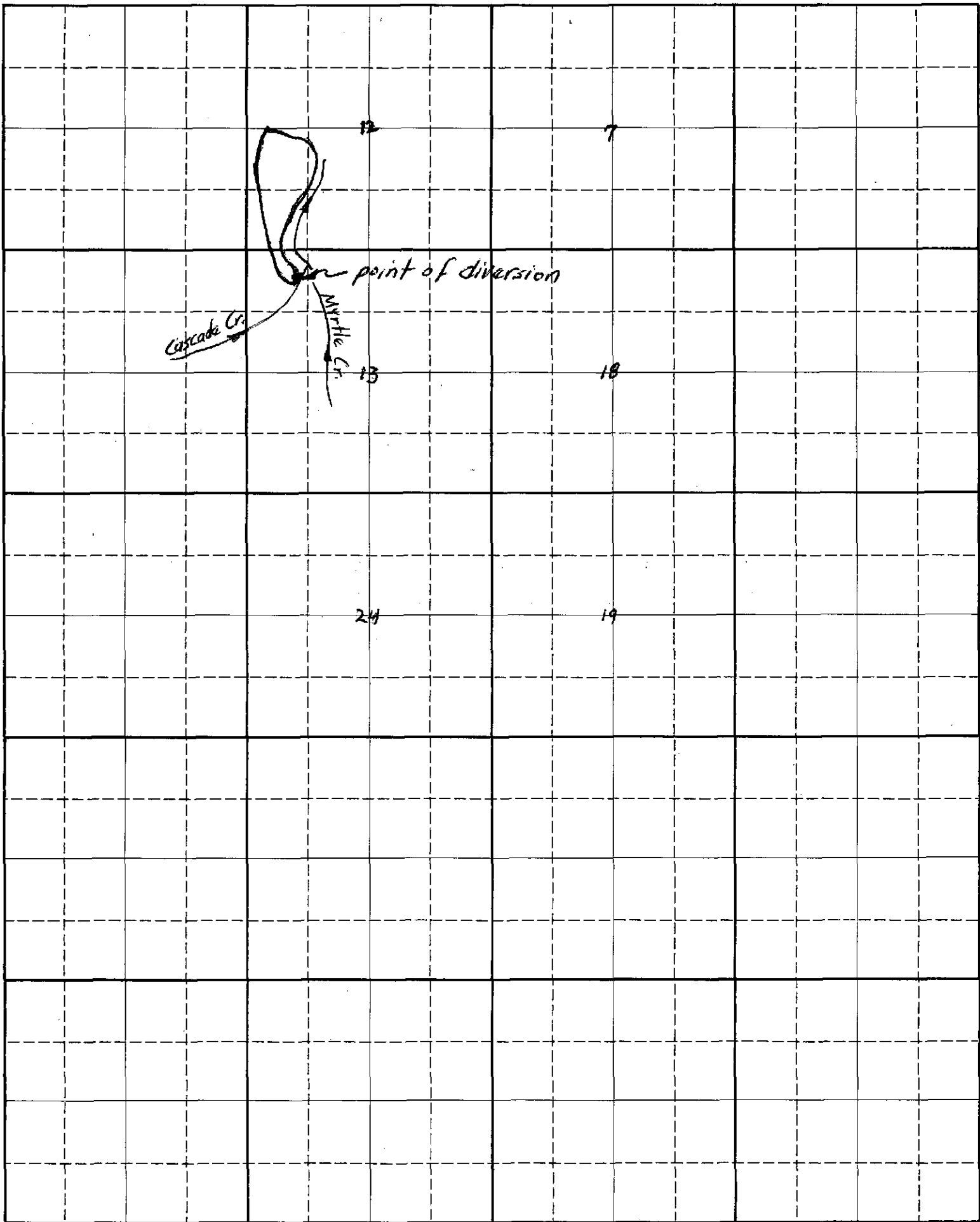
Total number of acres to be irrigated 54

c. Describe any other water rights used for the same purposes

9. a. Who owns the property at the point of diversion U.S. Bureau of Sport Fisheries & Wildlife
b. Who owns the land to be irrigated or place of use U.S. Bureau of Sport Fisheries & Wildlife
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 Full 1 cfs will be used for pasture irrigation with stock watering and wildlife use as supplemental benefits. During the non-irrigation season the 1 cfs will be used to maintain water areas for wildlife and stock watering.

11. Map of proposed project:



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.

Leapt L. L. L.
(Applicant)

R

98-7003

Received by ef Date 12-4-67 Time 8:00 a.m.
Preliminary check by WHL Fee \$ 20.00 12-4-67
Received by ef Date 1-10-68 Fee # 354
Publication prepared by KS Date 1-16-68
Published in Bonnors Ferry Herald
Publication dates 1-25 and 2-1-68
Publication approved KS Date 1-23-68
Priority reduced to _____ Reason _____

Protests filed by: Yama
City of Bonnors Ferry

Copies of protests forwarded by 2-12-68 KS
Hearing held by _____ Date _____
Recommended for approval denial by KS - Deant

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7003, and said application is hereby APPROVED. **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 June 1, 1970.
- c. Other: The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 31 day of May, 19 68.

R. Keith Higgins
State Reclamation Engineer

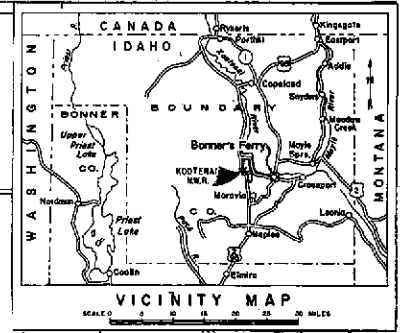
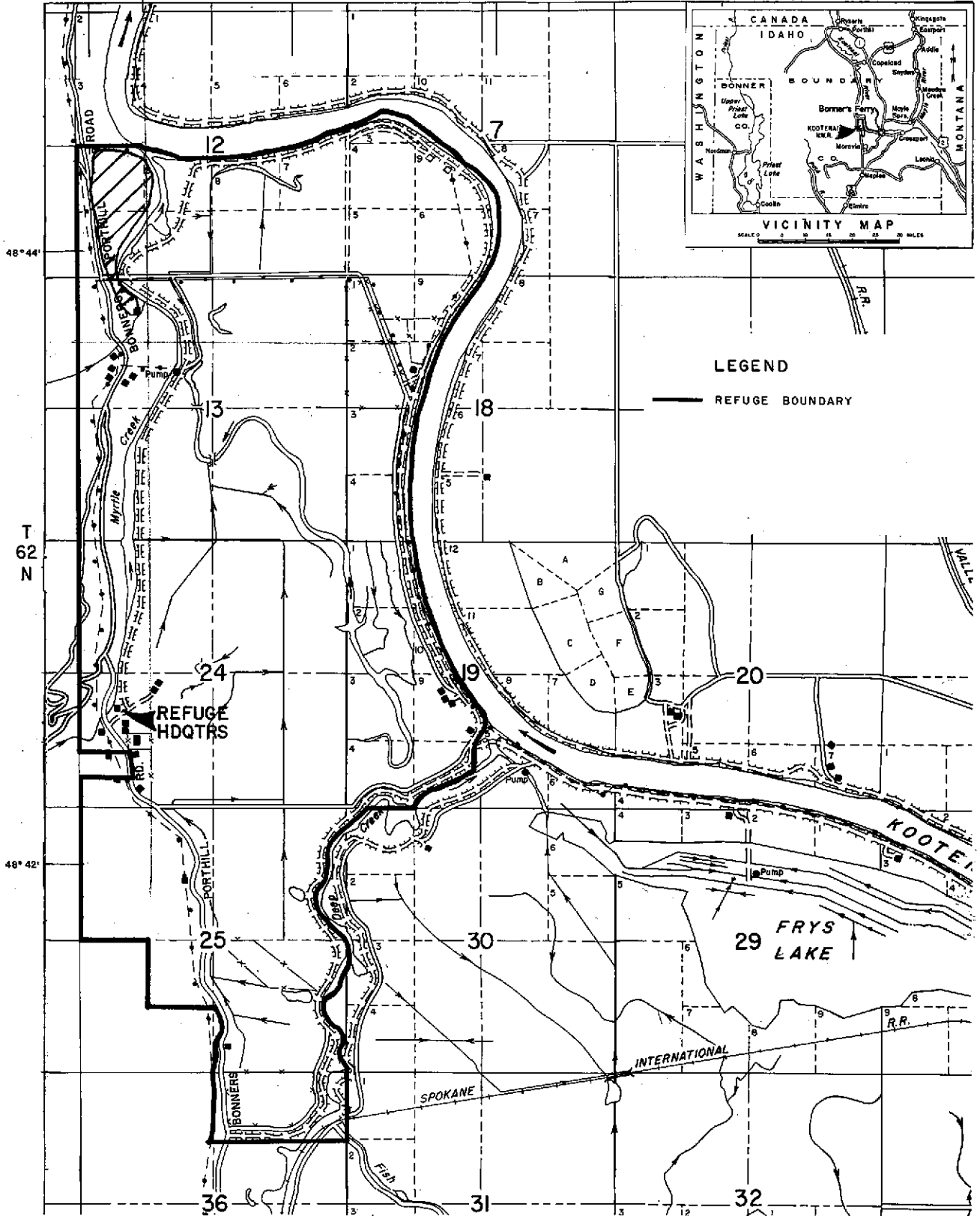
Cascade Creek

UNITED STATES
DEPARTMENT OF THE INTERIOR

RIWRIE

116°23'

FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE



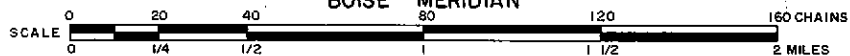
LEGEND

— REFUGE BOUNDARY

KOOTENAI NATIONAL WILDLIFE REFUGE

BOUNDARY COUNTY, IDAHO

BOISE MERIDIAN



082565

98-7003

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

RECEIVED
FEB 6 1968
Department of Reclamation

205 W. KOOTENAI
PHONE AN 7-3127
AN 7-3128

CERTIFIED MAIL - Return Receipt Requested

February 5, 1968

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
Statehouse
Boise, Idaho

Re: Applications No. 98-7006
and No. 98-7003

Dear Sir:

Comes now the City of Bonners Ferry, Idaho, and does protest the above applications on the following grounds:

1. That the City of Bonners Ferry has appropriated the water of Myrtle Creek to its own use by the following means:
 - a) Permit No. 16480; and
 - b) By appropriation.
2. That there is insufficient water in Myrtle Creek or its tributaries to supply the amount of water requested under the above applications.

It is not the intention of the City of Bonners Ferry to attempt to prevent the applicant from obtaining water; however, it is the desire of the City to have it clearly determined that the residents of the City of Bonners Ferry have a prior right to the water from Myrtle Creek than does applicant.

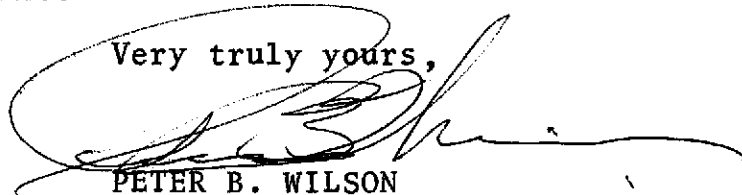
Any hearings held on this petition are requested to be held in Bonners Ferry upon the grounds that this is the nearest location to the stream in question and that most witnesses reside in or near Bonners Ferry.

98-7003

Mr. R. Keith Higginson
Page 2
February 5, 1968

It is to be hoped that the matter can be resolved amicably, and to that end the City has sent a copy of this protest to the applicant.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'P. B. Wilson', is written over a circular stamp or seal.

PETER B. WILSON
City Attorney

PBW/rb

cc: United States of America
Bureau of Sport Fisheries and Wildlife
Box 3737
Portland, Oregon

City of Bonners Ferry
Bonners Ferry, Idaho

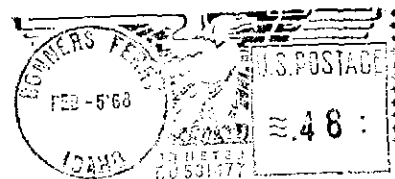
98-7003

WILSON & WALTER

ATTORNEYS AT LAW

P. O. BOX 749

BONNERS FERRY, IDAHO — 83805



CERTIFIED MAIL - return receipt

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
Statehouse
Boise, Idaho

98-7003

Identification No. _____

Permit No. 98-7003

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

The United States of America,

1. a) Name of Permit Holder Department of the Interior, Fish and Wildlife Service
 b) Post Office Address P. O. Box 3737, Portland, Oregon 97208
2. Permit Number 98-7003
3. Date of Priority that you are prepared to establish December 4, 1967
4. a) Source from which water was appropriated Cascade Creek
 b) Location of the point of diversion: NW 1/4 NW 1/4, Section 13
 Township 62 N., Range 1 W. ☒ Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
 amount 1 c.f.s. for irrigation purposes from April 1 to Nov. 30 incl.
 (cfs and/or acre feet per annum) (30 head) (Month-Day) (Month-Day)
 amount _____ for stockwatering purposes from Jan. 1 to Dec. 31 incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount 1 c.f.s. for wildlife uses purposes from Jan. 1 to Dec. 31 incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated 1 c.f.s. ☒ 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: Using standard tables for a rectangular weir with a two foot crest length, Kootenai NWR Manager E. C. Barney (Wildlife Biologist)
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) 20 ft. wide aluminum (Porta-Plank) diversion structure across natural channel - has center support with two sections of approximately 10 foot length flashboards. Conveyed by open ditch to ponds.
☒ b) Describe the type and size of measuring device which you have installed at your point of diversion: Two foot crest rectangular weir.
 c) Give well drillers name and address and date the well was completed _____

Egan typed
6/16/70
C.M.

98-7003

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use To maintain water areas for maximum growth of aquatic plants, open water resting and breeding areas for waterfowl, circulation and fresheners of ponds, production of waterfowl and other animal life and disease prevention.
9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
62 N.	1W.	12									1	27	12	Cottonwood Pond					40
		13							2	Cascade Pond									2
		12									3	3	6						12
														Irrigated and subirrigated pasture					

Total number of acres irrigated 54 ✓

10. Remarks: Ponds produce both spring and fall aquatic foods for waterfowl. These ponds are periodically drained and seeded (planted) and undesirable aquatic plants are killed or controlled.

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

May 26, 1970

(Date)

(Signature)

State of Oregon)

County of Multnomah) ss.

On this 26th day of May, 19 70, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he ~~(she)~~(they) executed the same.

Helen D. Hunter
Notary Public residing at Portland, Oregon

My commission expires March 31, 1974

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

W. A. Chubb

being first duly sworn up 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 **Department of Reclamation**

a **Notice of Application for Water #98-7003**

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 **Jan. 25**, 198 8, and ending with the issue dated **Feb. 1**, 198 8

Subscribed and sworn to before me this 2 day of Feb, 198 8

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

98-7003

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that the United States of America - Bureau of Sports Fisheries and Wildlife, Box 3787, Portland, Oregon has on December 4, 1967 applied for permit to divert 1.8 cubic feet per second of water from Cascade Creek, tributary of Myrtle Creek under application No. 98-7003. Water will be diverted by aluminum, headgate type diversion structure within the NW 1/4 NW 1/4, sec. 18, T. 62 N, R. 1 W, B.M., Boundary County and is to be used from April 1 to November 30 for irrigation and from January 1 to December 31 for stockwater and wildlife in the NW 1/4 SW 1/4, sec. 12, NW 1/4 NW 1/4, sec. 13, T. 62 N, R. 1 W, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on January 25 and February 1

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

Department of Reclamation
107 State House-Water Rights Clerk
Boise, Idaho 83701

1968

Feb. 1 Notice of Application for water-#
98-7003-30 lines-2 times @ \$ 7.20

" 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 same has been paid.

SIGNED:

Bonnery Ferry Herald
BY: J. C. Clark, Receiver

98-7003

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

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

September 12, 1973

Re: Permit Nos. 98-7003
98-7004
98-7006

Bureau of Sport Fisheries & Wildlife
P.O. Box 3737
Portland, Oregon 97208

ATTENTION: Regional Engineers

Gentlemen:

Enclosed are copies of the Water Licenses issued on the above referenced permits.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

bjg

Enclosures

98 7003

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

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

August 29, 1973

Bureau of Sport Fisheries & Wildlife
P.O. Box 3737
Portland, Oregon 97208

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 98-7003 and has found the following:

Quantity of water diverted: 1.0 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 1.0 cfs

The maximum quantity diverted shall not exceed 163 acre feet per year.

Beneficial use: Irrigation of 54 acres and stockwater and wildlife purposes within the N1/2SW1/4, SW1/4SW1/4, (50) Sec. 12; NW1/4NW1/4, (4) Sec. 13; Twp. 62 N, Rge. 1 W, B.M.

Point of diversion: NW1/4NW1/4 Sec. 13, Twp. 62 N, Rge. 1 W, B.M.

Source: Cascade Creek

Priority date established: December 4, 1967

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

98 7003

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

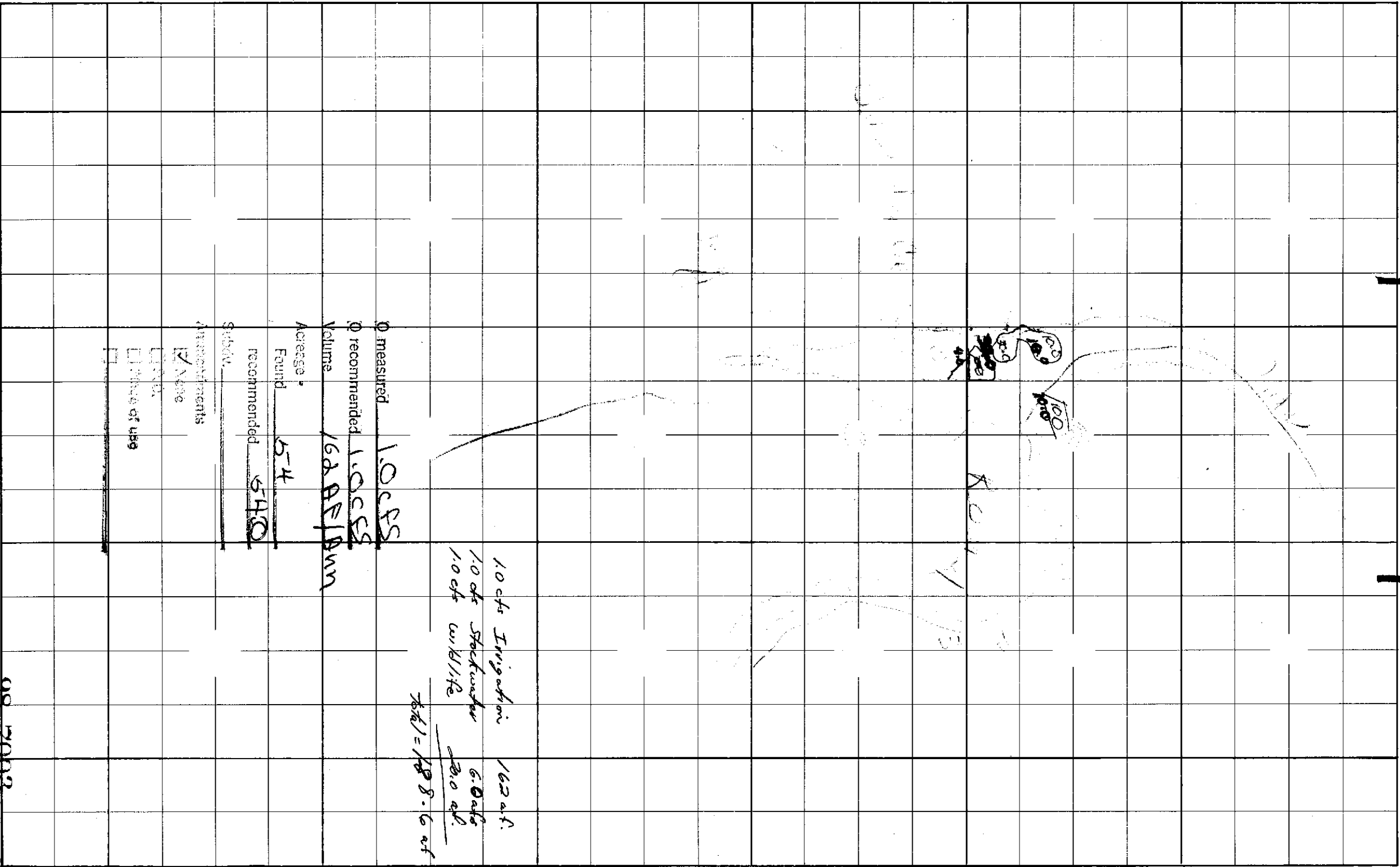
REPORT OF EXAMINER

PERMIT NO. 98-7003

REPORT ON PROOF OF B/U The United States of America,

BUREAU OF SPORT FISHERIES & WILDLIFE

24
98 7003



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

98 7003

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 98-7003

This proof is for B/U

In Water District No. _____

1. Name of applicant The United States of America, BUREAU OF SPORT FISHERIES & WILDLIFE
P.O. Box 3737, Portland, Oregon, 97208
2. Source of water supply: Cascade Creek
3. Location of point of diversion: Is in the NW¹/₄NW¹/₄ of Section 13
T. 62 N R. 1 W County of _____ Boundary _____
4. Describe works as they exist, giving dimensions and capacities of same: 1.0
aluminum, headgate type, diversion structure. gate that diverts water to
irrigated area is 2 ft. wide by 3 ft. high
measured thru Marshall flum 2'
5. Water is used for: pasture irrigation, stockwatering, & wildlife ponds
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

T. 62 N, R. 1 W, Sec. 12	NW ¹ / ₄ SW ¹ / ₄ , SW ¹ / ₄ SW ¹ / ₄	50 acres
13	NW ¹ / ₄ NW ¹ / ₄	4
		54 TOTAL

see remarks

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Kootenai

Remarks: water is used to maintain 2 ponds and
irrigation pond are located on described lands as per
year not exceeding limitations as required. Taken
from records at area office

Approx. 500 head = 6.6 a.f. (stockwater)

Ducks, Deer = 20.0 a.f. (wildlife)

This examination was made on the 29 day of Aug, 1972

(Signed) _____

Examiner.

DATE EXAMINATION RECORDS

by:_____

by:_____

by:_____

by:_____

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

98 7003

ASGS: Bonners Ferry

S&S: Bonners Ferry
Permit No. 98-7003

Examination for B/U The US of A, BUREAU OF SPORT FISHERIES & WILDLIFE

County Boundary

Sec. 13 T. 62N R. 1W

Quantity:

(permit) 1cfs

(proof) same

Source: Cascade Creek

P.D.: NW¼NW¼

Use: pasture irrigation, stockwatering, wildlife

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: December 4, 1967

Made: June 1, 1970

Due: June 1, 1970

Priority: December 4, 1967

June 3, 1970

Re: Permit No. 98-7003 and 98-7004

The United States of America
BUREAU OF SPORT FISHERIES & WILDLIFE
P.O. Box 3737
Portland, Oregon 97208

Gentlemen:

We acknowledge receipt of the affidavits submitted as proof of beneficial use for Permit Nos. 98-7003 (Cascade Creek) and 98-7004 (Deer Creek).

Before a license can be issued, a field examination must be made by a representative from 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 someone may show him the system.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

98-7003



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE

730 N. E. PACIFIC STREET
P. O. BOX 3737
PORTLAND, OREGON 97208

May 28, 1970

State Reclamation Engineer
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 38707

Dear Sir:

Enclosed are two proof of application of water to beneficial use forms that have been completed for our water use under Permits 98-7004 on Deer Creek and 98-7003 on Cascade Creek. A map is enclosed showing the points of diversions of these waters and the places of use.

If you have any questions regarding them, please do not hesitate to write or call.

There are no fees involved.

Sincerely yours,

William M. Striplin, Jr.
William M. Striplin, Jr.
Acting Regional Engineer

Enclosures

98-7003

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver **ONLY**
to addressee

(Additional charges required for these services)

RECEIPT

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SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

1

21773

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

3

SHOW WHERE DELIVERED *(only if requested)*

98-2003

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

**POSTMARK OF
DELIVERING OFFICE**

DEC 3
1967

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

Department of Reclamation
Annex # 2 Statehouse
Boise, Idaho 83707

April 1, 1970

Re: Permit No. 98-7003

The United States of America
Clay E. Crawford, Acting Regional Dir.
BUREAU OF SPORT FISHERIES & WILDLIFE
P.O. Box 3737
Portland, Oregon 97208

Dear Mr. Crawford:

One of the conditions of the approval of your permit no. 98-7003 was that proof of application of the water to beneficial use be submitted to this office on or before June 1, 1970.

Enclosed is an affidavit form which must be used to submit this proof. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code Amended.

Either the proof or a request for 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.



State Reclamation Engineer

Enc: Proof form
dr

CERTIFIED MAIL #

21773

98-7003

June 3, 1968

Re: Permit 98-7003

The United States of America
Clay E. Crawford, Acting Regional Director
Bureau of Sport Fisheries & Wildlife
P. O. Box 3737
Portland, Oregon 97208

Dear Mr. Crawford:

We enclose a copy of your approved application for permit 98-7003 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:mjl

Enclosure: Copy of Application
Receipt No. 354 for \$145.00

98-7003

Form 4

MEMORANDUM

FROM: JACK

TO: STEVE

RE: FISH AND WILDLIFE APPLICATIONS

All the applications except 98-7006 should be approved from what we were able to determine in the field and in the hearing. I can see no reason for delaying action on the other applications.

98-7006 should be held until August 9, 1968. The application should be brought up on that date and, barring any unforeseen developments, I feel we can approve it, recognizing prior rights to the water, but without designating what the extent of those prior rights might be.

98-7003

MEMORANDUM

SUBJECT: HEARING NOTES

RE: PERMIT NOS. 98-7003, 987006

A hearing was held on the above numbered applications at the County Court House of Boundary County in Bonners Ferry on April 29, 1968. In attendance were:

Willie L. Garner, Hydraulic Engineer, BSF&W, Portland, Ore
Eugene C. Barney, Refuge Mgr., Kootenai Nat'l Wildlife Refuge
A.J. Baylor, Mayor, City of Bonners Ferry, Idaho
Peter B. Wilson, City Attorney, City of Bonners Ferry
Roy A. Jones, Supt. of Public Works, City of Bonners Ferry
Harold M. Buroker, Resident, Bonners Ferry
Quenton L. Brewer, City Engineer, Bonners Ferry
Jack A. Barnett, Deputy State Reclamation Engineer, Boise
Loy H. Johnson, Well Construction Supervisor, Boise

Mr. Garner, representing the applicant, indicated that the water would be used primarily for irrigation and wild life production including water fowl flood areas. These two applications would be used in connection with 98-7004 and a well under 98-7005. There are approximately 962 acres in the refuge of which 200 would be permanently flooded, and 762 acres would be cropped, strip harvested, and then flooded in the fall. The Wild Life Service has every intention of recognizing prior rights. They feel that they are down stream from the city diversions and therefore can only physically get the water the city now allows to by pass.

Peter Wilson, City Attorney, stated that the city bought the rights to the use of this stream in 1921 from A. H. Featherstone. This is recorded in Book 13 of Deeds, Page 106 in the county records. They also hold a rights under License Numbers 16480 and 2365. The rights purchased from Featherstone was one used to both generate power and provide domestic water to the City of Bonners Ferry. Since the date of purchase the city has taken over the system operated by Featherstone, the power plant where most of the water was used and then returned to Myrtle Creek and the distribution system. Since the city's acquisition of the property water has been conveyed several miles through the 12 inch pipeline installed by Firestone. For municipal use the pipe line originally had a capacity of about 2.5 cfs. In recent years the city has an improvement program costing them about \$25,000 a year. A significant

98-7003

portion of this has gone to enlarging the pipe line and now all but 1600 feet of the pipe line is 16 inch raising the capacity of the pipe line to approximately 3.0 cfs. Originally the city had on the pipe line 410 feet of head. With 8,298 feet of 16 inch pipe and 24,935 feet of 12 inch pipe the city contends that although they are only presently using about 3.0 cfs of the 25 cfs they claim a right to, they still have a right to the total flow and that their projected population increase will demand ever enlarging the capacity of the facilities. Therefore they want the federal government to recognize their right to increase their facilities to whatever is necessary in the future with a water right senior to the installation at the wild life refuge. In 1960 the population of Bonners Ferry was 1,921 while in 1950 the population was 1,776. They are presently considering annexing additional residential areas which would significantly increase their population.

Mr. Garner stated that the applicant would be willing to recognize all present use of the water by the city as a senior right to that of the applicant. However, they would object to language that will in effect give the city a senior right for any future development. The applicant feels that the city either never has had, or has since abandoned the right to use any more than has been physically conveyed through the pipe line.

Jack Barnett stated that the department has been advised by the attorney general's office that they cannot consider abandonment of a right once recognized by the department or the courts. The question of abandonment can only be determined by the district court. The department has made a hurried field examination of what is involved and could now consider the application on statements made at this conference, or could schedule a formal hearing if testimony is needed.

Peter Wilson stated that the city does not have a desire to hold a formal hearing and would allow the department to rule on the information presented. The city does not have any objections to the approval of any of the applications for the wild life refuge with the exception of 98-7006. The protests on 98-7003 can be considered withdrawn. The city would appreciate action on 98-7006 being withheld for 90 days allowing the city and the applicant time to get together and see if they can't reach an agreement as to the future use and development of the water of Myrtle Creek as the 2 parties seem to be the only parties with rights on this source.

98-7003

Mr. Garner said that this arrangement of waiving the formal hearing and allowing the two parties to get together is entirely satisfactory with the Bureau of Sport Fisheries and Wild Life.

Jack Barnett said that the department will withhold action on the application for 90 days, until August 9, 1968. If agreements have been reached, or additional statements are to be made, they should be mailed to the department before that date.

98-7003

May 20, 1968

RE: Application Nos. 98-7003, 98-7006

City Council
Bonners Ferry, Idaho 83805

Gentlemen:

Pursuant to the agreement that was made at the hearing scheduled on the above numbered water applications on April 29, 1968 in Bonners Ferry the Department of Reclamation has noted that the protest on No. 98-7003 has been withdrawn and is presently considering the application for further action.

Application No. 98-7006 will be held in abeyance for 90 days allowing opportunity for the two parties to discuss their uses. Following that date we will consider any statements or agreements that might be submitted to the department prior to that date, and the department will then take action on the application. A formal hearing on the application was waived by both parties at the recent meeting.

Very truly yours,

Jack A. Barnett
Deputy State Reclamation Engineer

JAB:mr

98-7003

NAME AND ADDRESS OF SENDER

Pg 2 - Dept. of Biol.

Indicate type of mail

☐ INSURED

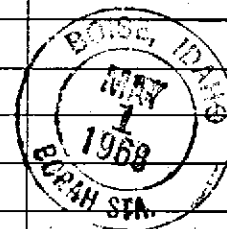
☐ C. O. D.

☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE
1	20001 Stan Skell, 40 W. Main Street	.06	30			10			
2	35 W. Cortez, Soda Spr. Ida								
3	20002 Leonard O. Kingdon, Soda Spr.								
4	20003 Bingham & Ebley, E. Eddins, Rt #1, Fruitland, Ida								
5									
6	20004 m/m G. J. Wyatt, Fruitland, Ida								
7	20005 Wm. Clay C. Campbell, Bureau of Spt. Fisheries, Box 3737, Portland, Oregon								
8									
9									
10	20006 C. B. Gibson, Att, Box 749, Bonanza Ferry, Idaho								
11									
12	20007 City of Bonanza Ferry, Bonanza Ferry, Ida.								
13									
14									
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19									
20									



TOTAL NUMBER OF PIECES LISTED BY SENDER

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TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

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¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up."
² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

98-7003

98-7003

BEFORE THE STATE RECLAMATION ENGINEER
of the

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT
No. 98-7003 and No. 98-7006 in the name
of U.S. BUREAU OF SPORTS FISHERIES AND WILDLIFE)

) NOTICE OF CONFERENCE
) AND HEARING FOR PROTEST
)

On December 4, 1967, the United States of America, Bureau of Sports Fisheries and Wildlife filed with the Department of Reclamation, application to appropriate the public waters of the State of Idaho. On February 6, 1968 the Department of Reclamation received a protest filed by the City of Bonners Ferry.

Please be advised that the Department of Reclamation has set the matter of protest for conference and possibly a hearing for May 9, 1968 at 2:00 p.m. in the Boundary County Court House, Bonners Ferry, Idaho.

Any hearing will be held in accordance with the rules and regulations of the Idaho Code and Adopted rules of practice and procedure of the Department of Reclamation.

Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. The burden of proof is with the protestant.

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

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

Dated this 29 th day of April, 1968.


C. Stephen Allred
Assistant State Reclamation Engineer

Mailed this 30 th day of April, 1968 to _____

_____ by Certified Mail No. _____.

98-7003

M E M O

Re: Application No. 98-7003 and 98-7006

The matter of the protest filed by the City of Bonners Ferry in opposition to the approval of Applications 98-7003 and 98-7006 was brought to the attention of the staff of the Department of Reclamation on March 4, 1968 and March 12, 1968. The staff was advised that the matter of the protest required a conference and or hearing be set to hear the protest matter.

Both dates for hearing the issues in a conference or hearing were set aside for a later date when it would be more economical for the department to have someone in the area.



Donald W. McEldowney
Appropriation Examiner

DWM:ks

9-18-68 No Action

3-25-68 No Action

4-1-68 No Action

98-7003

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(Additional charges required for these services)

RECEIPT

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CERTIFIED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

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DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

FEB 14 1968

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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



98-7006 and 98-7003

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TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Room 107, Statehouse

98-7003

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83701

NAME AND ADDRESS OF SENDER

Dept. of Reclamation

Indicate type of mail

☐ INSURED

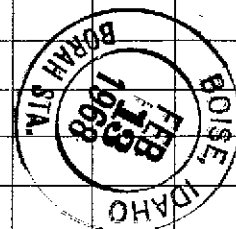
☐ C. O. D.

☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE	REMARKS
1	USA, Bureau of Sports Fisheries,									
2	Box 3207, Corvallis, Oregon 97331	06	30			10				
3										
4										
5										
6										
7										
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TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		¹ Mark "E" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up." ² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.				



POD Form 3877-A—July 1958

98-7003

February 12, 1968

Re: Application No. 8-7006 and 98-7003

The United States of America
Bureau of Sports Fisheries & Wildlife
P. O. Box 3737
Portland, Oregon 97208

Attention: Clay E. Crawford, Acting Regional Director

Gentlemen:

Please be advised that the Department of Reclamation is in receipt of a protest filed in connection with the above referenced applications. The protest was filed by the City of Bonners Ferry, Bonners Ferry, Idaho. The department will advise you at a later date as to the time and place of the conference and hearing.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS

Enclosure: Copy of protest

98-7003

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that the United States of America - Bureau of Sports Fisheries and Wildlife, Box 3737, Portland, Oregon has on December 4, 1967 applied for permit to divert 1.0 cubic feet per second of water from Cascade Creek, tributary of Myrtle Creek under application No. 98-7003. Water will be diverted by aluminum, headgate type diversion structure within the NW¹/₄NW¹/₄, sec. 13, T. 62 N, R. 1 W, B.M., Boundary County and is to be used from April 1 to November 30 for irrigation and from January 1 to December 31 for stockwater and wildlife in the N¹/₂SW¹/₄, SW¹/₄SW¹/₄, sec. 12; NW¹/₄NW¹/₄, sec. 13, T. 62 N, R. 1 W, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on January 25 and February 1.

98-7003

January 16, 1968

Re: Application No. 98-7003

The Bonners Ferry Herald
Bonners 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 date. If you can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

~~(Do not sign letter)~~

Signature of claimant

Very truly yours,

Donald W. McElldowney
Water Rights Clerk

DWM:ks

Enclosure: legal notice

Form 3

98-7003

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that the United States of America - Bureau of
Sports Fisheries and Wildlife, Box 3737, Portland Oregon
has on December 4, 1968
applied for permit to divert 1.6 cubic feet per second acre/feet
of water from Cascade Creek, tributary of Myrtle Creek
under application No. 98-7003. Water will be diverted by aluminum,
headgate type diversion structure within the N¹/₄NW¹/₄, sec. 13, T. 62 N, R. 1 W,
B.M., Boundary County
and is to be used from April 1 to November 30 for irrigation and from January
1 to December 31 for stockwater and wildlife
in the N¹/₄SW¹/₄, SW¹/₄SW¹/₄, sec. 12; NW¹/₄NW¹/₄, sec. 13, T. 62 N, R. 1 W, B.M.

Any protest against this application must be filed with the Department of Re-
clamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Bonnors Ferry Herald, Bonners Ferry, Idaho,
on January 25 and February 1.

98-7003

dy



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE

RECEIVED

DEC 4 1967

Department of Reclamation

ADDRESS ONLY THE
REGIONAL DIRECTOR
LE

730 N. E. PACIFIC STREET
P. O. BOX 3737
PORTLAND, OREGON 97208

November 30, 1967

State Reclamation Engineer
Department of Reclamation
State of Idaho
107 State House
Boise, Idaho 83702

Dear Sir:

Enclosed are applications for permits to appropriate water from a well, Myrtle Creek, Deep Creek, and Cascade Creek at Kootenai National Wildlife Refuge.

Also enclosed is itemized Purchase Order SFWA 194943 in the amount of \$145.00 to cover fees in connection with these applications. Please sign the white copy of the purchase order on the lines indicated and return to this office for payment. The blue copy may be retained for your files.

Sincerely yours,

William M. Striplin, Jr.
Acting Regional Engineer

Enclosures

98-7003

