

**NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE**

Notice is hereby given that the legal notice printed in the Bonners Ferry Herald on September 29, October 6, 13, and 20, 1966, showing that the State of Idaho, Fish and Game Department was to make proof of completion of works and beneficial use of water October 24, 1966 on Permit Nos. R-1212 and 32647 was in error and the points of diversion were given as the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 60 N, R. 1 W, B.M. and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T. 59 N, R. 1 W, B.M., whereas, the actual point of diversion is the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 60 N, R. 1 W, B.M.

That any protests against the approval of the depositions made December 2, 1966, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protests shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 14th day of March 1967.

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication _____

Date of Last Publication _____

Last Date of Protest _____ April 24, 1967

R-1212

NOTICE OF PROOF OF
COMPLETION OF WORKS AND
APPLICATION OF WATER TO
BENEFICIAL USE

NOTICE IS HEREBY GIVEN
THAT ON THE 24th day of October,
1966 at Boise, County of Ada, State
of Idaho before ANNE EPELDI,
Notary Public at 600 S. Walnut
Street, Boise, Idaho, proof will be
submitted of Completion of Works
for the diversion of 4,800 acre feet
of storage, of waters of Dodge and
Deep Creeks, and of the application
to Beneficial Use of said water, in
accordance with the terms and con-
ditions of Permit No. R 1212, here-
tofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice ad-
dress of the person or corporation
holding said permit is State of
Idaho, Fish and Game Department,
Box 25, Boise, Idaho 83707.

2. Said works of diversion of
water for storage will be fully com-
pleted on the date set for such com-
pletion and the amount of water
which said works are capable of
conveying to the place of storage is
10 (ten) cubic feet per second.

3. Reservoir capacity is 5700 acre
feet.

4. The use to which said water
has been applied is fish and wild-
life propagation and recreation
purposes, and the amount applied
to beneficial use is 4800 acre feet.

5. The point of diversion of said
waters for beneficial use is in the
NW/4 SW/4 of Section 27, Township
60 North, Range 1 West Boise Meri-
dian and within the SE/4 NE/4 of
Section 4, Township 59 North, Range
1 West Boise Meridian, and the
amount which can be diverted is
10 (ten) cubic feet per second.

6. The place where said water is
used is S/2 of Section 27; E/2 E/2
of Section 33; W/2, W/2 E/2 of Sec-
tion 34; Township 60 North, Range
1 West Boise Meridian, and the W/2
NW/4 of Section 3 and the E/2 NE/4
of Section 4, Township 59 North,
Range 1 West Boise Meridian.

7. The date of priority which said
user is prepared to establish is
December 7, 1965.

R. KEITH HIGGINSON
State Reclamation Engineer

First publication 9/29/66

Final publication 10/20/66

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 27 1966

STATE OF IDAHO }
County of Boundary } ss.

William A. Chubb

Department of Reclamation

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

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 The Idaho Fish and Game Department

a Notice of Proof of Completion of Works and Application
of Water to Beneficial Use

Notice for Publication, a printed copy of which is attached hereto was published in said
newspaper and not in a supplement thereof for 4 consecutive issues, com-
mencing with the issue dated Sept. 29, 1966, and ending with the
issue dated Oct. 20, 1966.

W. A. Chubb
Subscribed and sworn to before me this 13th day of December, 1966.

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

R-1212

Rge. 1W.

To Naples
↑

Ridge Creek

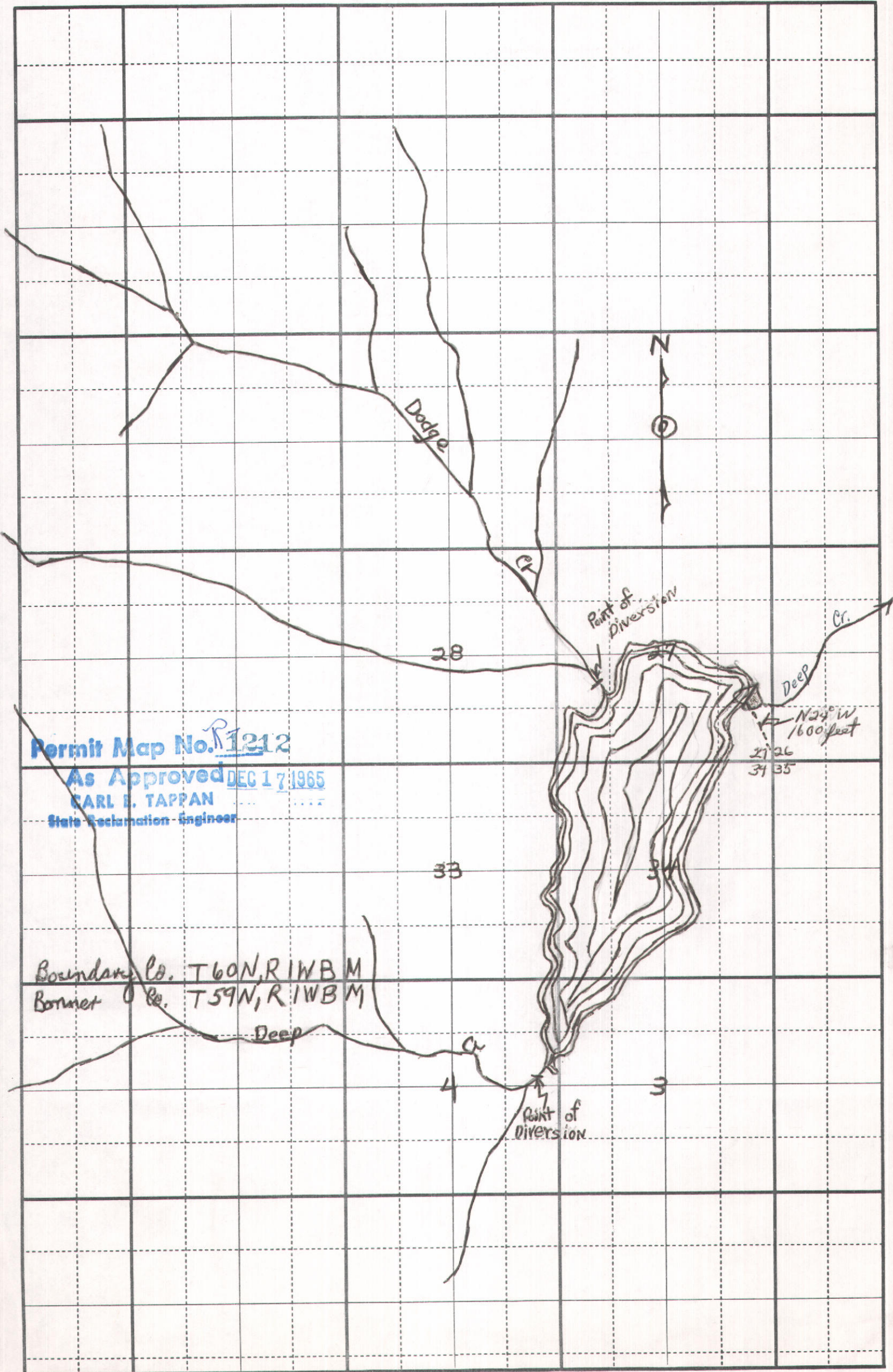
Twp. 60 N.

27

Res

Freedom PD

allow $Q = 4800$ AF
for fish & wildlife
propagation and
recreation



Permit Map No. R-1212
As Approved DEC 17 1965
CARL E. TAPPAN
State Reclamation Engineer

Boundary Co. T60N, R1WBM
Bonnet Co. T59N, R1WBM

N24°W
1600 feet
27 26
31 35

3

R-1212

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. R-1212
To State of Idaho, Fish & Game Dept.
Boise, Idaho
Source of Supply Dodge and Deep Creeks,
tributaries of Kootenai River
Boundary _____ County _____
Amount 4800 acre feet ~~8000~~
Point of Diversion NE 1/4 Sec. 27,
T. 60 N., R. 1 W., B.M.
Place of Use Reservoir site

Purpose Storage for propagation of
fish and wildlife and recreation
Date of Priority December 7, 1965
Recorded April 6, 1967
in Book 14 of Licenses, Page 8785

R-1212

State of Idaho
License and Certificate of Water Right

Water License No. R-1212 Amount 4800 acre feet
Water District No. Priority December 7, 1965

THIS IS TO CERTIFY that THE STATE OF IDAHO, FISH & GAME DEPARTMENT
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 7, 19 65 ; that Permit No. R-1212
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4800 ~~second~~ ^{acre} feet, was issued thereunder on April 6, 1967, showing that said works
were completed on the 2nd day of December, 19 66 ; and that on the 2nd
day of December, 19 66, THE STATE OF IDAHO, FISH & GAME DEPARTMENT

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Dodge and
Deep Creeks, a tributary of Kootenai River, for the purpose of / storage for propa-
wildlife & / ^{for recreation} gation of fish and
under Use Permit No. R-1212 of the Department of Reclamation,
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
14 of Licenses at page 8785, on the 6 day of April, 19 67 ;
The right hereby confirmed dates from December 7, 19 65 ;
The Point of Diversion is located
in the NE 1/4 SE 1/4, Sec. 27, Tp. 60 N, R. 1 W, B. M., County of Boundary.
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4800 acre ~~cubic~~ ^{feet} per ~~second~~ ^{annum}.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Storage for propagation of fish and wildlife and for recreational purposes within the reservoir site.		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
6th day of April, 19 67 .

s/ R. Keith Higginson
State Reclamation Engineer.

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 32647Amount 10.0 c.f.s.

Water District No. _____

Priority December 7, 1965

THIS IS TO CERTIFY that STATE OF IDAHO, FISH AND GAME DEPARTMENT

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 7, 1965; that Permit No. 32647 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 10.0 second feet, was issued thereunder on April 6, 1967, showing that said works were completed on the 2nd day of December, 1966; and that on the 2nd day of December, 1966, STATE OF IDAHO, FISH AND GAME DEPARTMENT

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Dodge and Deep Creeks, a tributary of Kootenai River, for the purpose of storage, maintenance, & replenishment of a reservoir, under Use Permit No. 32647 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

14 of Licenses at page 8786, on the 6th day of April, 1967;

The right hereby confirmed dates from December 7, 1965;

The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 27, Tp. 60 N, R. 1 W, B. M., County of Boundary.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 10.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Water is used for storage, maintenance, and replenishment of a reservoir used for propagation of fish and wildlife and for recreational purposes within the reservoir site which includes all or part of the following subdivisions:					
59 N	1 W	3	N 1/2 NW 1/4		
			SW 1/4 NW 1/4		
		4	E 1/2 NE 1/4		
60 N	1 W	27	SW 1/4 NE 1/4		
			SE 1/4 NW 1/4		
			S 1/2		
		33	E 1/2 NE 1/4		
			E 1/2 SE 1/4		
		34	N 1/2 NE 1/4		
			SW 1/4 NE 1/4		
			W 1/2		
			W 1/2 SE 1/4		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

6th day of April, 1967.

s/ R. Keith Higginson
State Reclamation Engineer.

(SEAL)

✓ 8- 1212
96-2224
98-2142

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

Application No. R 40796
Permit No. R 1212

1. Name of Applicant: State of Idaho - Fish and Game Department

Post office address: P.O. Box 25, Boise County Ada State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the corporation are:

(a) Cash on hand: \$

(b) Treasury Stock: \$

(c) Bonds to be issued: \$

(d) Other resources:

2. Quantity of water to be stored: 4800 acre feet per annum.

3. Source of water supply is Dodge and Deep (Creek) (River) (Spring), a tributary of Kootenai River.

4 The outlet of the proposed reservoir is located N 24° W 1600 feet, distant from the SE corner of Section 27, Township 60 N, Range 1 W, B.M. and is in the NE ¼ of SE ¼ of Section 27, Township 60 N, Range 1 W, B.M. County of Boundary

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Deep and Dodge (Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B.M., and is in the ¼ of ¼ of Section, Township, Range, B.M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second

6. (a) The area of the high water line of the reservoir is 713 acres.

(b) The reservoir capacity is acre feet.

7. Height of reservoir dam 17 feet, length at top 700 feet, length at bottom 126 feet, size of outlet 44 feet

by 11 feet. The dam is to be constructed of materials as follows: Concrete core and compacted earth fill, 3 to 1 slopes, concrete spillway.
(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

(Creek) (River)?

(b) Water stored in reservoir will be carried in the channel of (Creek) (River) a distance of miles to point of diversion located (bearing) feet, distant from the corner of Section Township, Range, B.M., and in the ¼ of ¼ of Section Township, Range, B.M.

9. (a) Area of watershed above dam site 21 square miles.

(b) Estimated maximum flow of stream 200 cubic feet per second.

10. Water is to be used for Storage for the propagation of fish and wildlife and for recreational purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water feet, distant from Corner of Section, Township, Range (bearing), B.M., and is in the ¼ of ¼ of Section, Township, Range, B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point feet (bearing) distant from the corner of Section, Township, Range, B.M. in the ¼ of ¼ of Section, Township, Range, B.M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. which is hereby referred to and made a part hereof.

13. Kind of diversion works: none, normal return to the stream channel (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width feet, Height feet.
16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume
 Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.
17. Estimated Cost of Works: Storage Works: \$ 70,000.00 Diversion Works: \$
18. Time required for completion of work 1 (one) years.
19. Time required for complete application of water to proposed beneficial use is 2 (two) years.
20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

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 $\frac{1}{4}$	

Total Number of Acres to Be Irrigated

21. Existing rights and/or valid permits appurtenant to lands described above are R-755 in the amount of 900 acre feet and No. 19712 stream flow in the amount of 5 c.f.s. of the waters of Dodge Creek and for 5 c.f.s. of the water of Deep Creek.
- REMARKS:

The dam and reservoir are located within the stream channels of Dodge and Deep Creeks on State lands held by the Fish and Game Dept. The stream flows of Dodge and Deep Creeks will be utilized to fill and refill the reservoir for storage and maintenance on an annual basis. Excess waters will flow over the dam's spillway into the natural channel of Deep Creek.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and appropriate and store the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

State of Idaho, Fish and Game Department, *Applicant.*

By /s/ JOHN R. WOODWORTH, Director, *Agent.*

Date of first receipt at Department of Reclamation: 3:30 P.M. December 7, 1965

Returned to applicant for correction:

Corrected application received:

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 1212

Recorded in book R 5 (five) , page 1212 . Approved December 17, 1965

This is to certify that I have examined the within application for a permit to construct a reservoir and appropriate and store the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$, to be filed on or before

Work to begin on or before February 17, 1966 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before June 17, 1966

The whole of said work to be completed on or before December 17, 1966

Beneficial use of water stored in accordance herewith, to be made on or before December 17, 1968

Witness my hand this 17th day of December , 19 65

/s/ CARL E. TAPPAN

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS,

Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th day of December , 19 65.

COUNTERSIGNED

STATE OF IDAHO

By /s/ ARNOLD WILLIAMS
 Secretary of State.

By /s/ ROBERT E. SMYLIE
 Governor.

(SEAL)

Permit No. R-1212 +
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that THE STATE OF IDAHO - FISH AND GAME DEPARTMENT of Boise, County of Ada, and State of Idaho, the holder of Permit No. R-1212, issued upon Application No. R-40796, bearing date of priority of December 7, 1965 authorizing the construction of a reservoir, with the right to appropriate and store 4800 acre feet per annum of the waters of Dodge and Deep Creeks, a tributary of Kootenai River, in the County of Boundary, State of Idaho, for storage for propagation of fish and wildlife and for recreational purposes within the reservoir site, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 4800 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 60 N, Range 1 W, ^{BM} and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: Storage for propagation of fish and wildlife and for recreational purposes within the reservoir site.

Proof of Completion of Works Made: December 2, 1966.

Witness my hand this 6th day of April, 1967.

s/ R. KEITH HIGGINSON
State Reclamation EngineerLICENSE ISSUED FOR ^{acre} 4800 SEC. FT.
LICENSE PAGE NO. 8785

R-1212

January, 1968
~~November, 1967~~

N O T E

Plans, specifications, and drawings have been removed from
this file and placed in the dam file.

R-1212

96-2324
R-1212

April 20, 1967

Re: Permit No. R-1212 and 32647

Peter B. Wilson
Attorney at Law
P.O. Box 749
Bonners Ferry, Idaho 83805

Dear Mr. Wilson:

This acknowledges your protest to the issuance of licenses R-1212 and 32647 to the Idaho Fish and Game Department. It is the hope of this department that a fair and equitable settlement can be accomplished.

Very truly yours,

Donald J. Watts
Engineer

DJW:nw

R-1212

WILSON & WALTER

ATTORNEYS AT LAW

P. O. BOX 749

BONNERS FERRY, IDAHO -- 83805

RECEIVED
APR 20 1967

Department of Reclamation

PHONE AN 7-3128
AN 7-3128

April 18, 1967

State of Idaho
Department of Reclamation
Boise, Idaho

Attn: Mr. Keith Higginson
State Reclamation Engineer

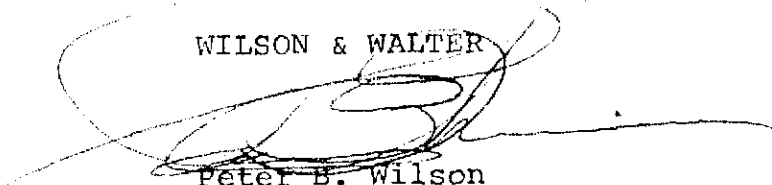
Re: Idaho Fish and Game
Permits #R 1212 and #32647

Dear Mr. Higginson:

Enclosed please find a Protest and Objection for filing in the above matter pursuant to your Notice published March 23, 1967 through March 30, 1967, in the Bonners Ferry Herald.

Very truly yours,

WILSON & WALTER


Peter B. Wilson

PBW/rb

cc: Idaho Fish and Game Department
Boise, Idaho

R-1212

BEFORE THE DEPARTMENT OF RECLAMATION,
STATE OF IDAHO

RECEIVED
APR 23 1967
Department of Reclamation

In the Matter of Permits)
Permits #R 1212 and #32647)

OBJECTION
AND
PROTEST

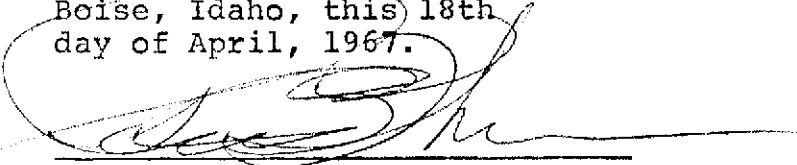
COMES NOW FRANK KERNS, by and through his attorney of record,
PETER B. WILSON, Bonners Ferry, Idaho, and does object to the grant-
ing of the licenses in the above permits on the grounds and for the
reasons that:

1. Frank Kerns is a property owner adjacent to the property
claimed by applicant;
2. Storage waters are seeping upon the land of Frank Kerns and
therefore the storage system is improperly constructed;
3. The only time Dodge Creek and Deep Creek have 5 c.f.s. is
in the early spring flood season, and therefore there is insufficient
water available to meet the call of the application; and
4. There are prior water rights obtained by appropriation
which further reduce the available water supply; and said Frank Kerns
does respectfully move that the hearing date be continued to a later
date in order for the board to examine the foregoing objections and
in order for defendant's Counsel to have time to appropriately
examine the record.

DATED this 18th day of April, 1967.


Peter B. Wilson, Attorney for Defendant

I certify that a true and
exact copy of the foregoing
Objection and Protest was
mailed by regular mail,
postage prepaid, to Idaho
Fish and Game Department,
Boise, Idaho, this 18th
day of April, 1967.



R-1212

April 18, 1967

Re: Permits No. 32647 and R-1212

Mr. Peter B. Wilson
Attorney At Law
P. O. Box 749
Donners Ferry, Idaho 83805

Dear Mr. Wilson:

Enclosed is departmental receipt No. 33746 in the amount of \$1.75 covering the fees for copies of the above numbered licenses.

Thank you.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

BWM:dj

Enclosure: Receipt

R-1212

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINS
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

April 10, 1967

Re: Permits No. 32647 and R-1212

Mr. Peter B. Wilson
Attorney at Law
P. O. Box 749
Bonners Ferry, Idaho 83805

Dear Mr. Wilson:

Enclosed are copies of the certificates of works and licenses for permits 32647 and R-1212, per your request.

There is a fee of \$1.75 for these copies. An early remittance would be appreciated.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

Enclosures: Copies of certificates and licenses

R-1212

Note: ~~copy of~~
Newspaper
for letter

Peter B Wilson

Requests copies
of license 32647
& R-1212 when
issued; see letter.
DW

for Copies sent
April 10, 1967

DJ.
R-1212

April 6, 1967

Re: Permit No. R-1212

Idaho Fish & Game Department
John R. Woodworth, Director
Box 25
Boise, Idaho 83707

Dear Mr. Woodworth:

Enclosed are your Certificate of Completion
of Works and License and Certificate of Water
Right on the above numbered permit.

Thank you.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

Enclosures: Certificates

cc: Peter B. Wilson
Attorney at Law
P. O. Box 749
Bonners Ferry, Idaho 83805

R-1212

PERMIT NO. R. - 1212

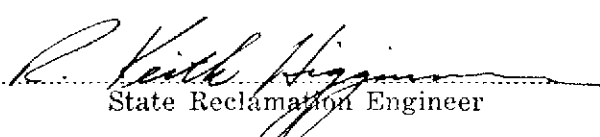
Certificate of Completion of Works

To All Whom It May Concern:

This is to certify that THE STATE OF IDAHO - FISH & GAME DEPARTMENT
of Boise, County of Ada and State of
Idaho, the holder of Permit No. R. -1212, issued upon
Application No. R-40796, bearing date of priority of December 7, 1965
authorizing the construction of a reservoir, with the right to appropriate and store 4800
acre feet per annum of the waters of Dodge and Deep Creeks,
a tributary of Kootenai River, in the County of Boundary,
storage for propagation of fish and wildlife and for
State of Idaho, for / recreational purposes within the reservoir site, ~~purposes~~
has fully complied with the provisions of the laws of the State of Idaho relating to the proof
of completion of the works set out and described in said Permit; that said works include a
dam and reservoir adequate for the storage of 4800 acre feet of water per
annum, with adequate diversion works and conduit to the reservoir, and a conduit capable
of conducting said water to the place of intended use; that the point of outlet of said res-
ervoir is located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township
60 N, Range 1 W, B.M., and that the place of use, or the lands proposed
to be irrigated by the use of said water, are described as follows, to-wit: Storage for
propagation of fish and wildlife and for recreational purposes within the
reservoir site.

Proof of Completion of Works Made: December 2, 1966.

Witness my hand this 6th day of April, 19 67.


State Reclamation Engineer

R-1212

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Bonners Ferry Herald on September 29, October 6, 13, and 20, 1966, showing that the State of Idaho, Fish and Game Department was to make proof of completion of works and beneficial use of water October 24, 1966 on Permit Nos. R-1212 and 32647 was in error and the points of diversion were given as the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 60 N, R. 1 W, B.M. and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T. 59 N, R. 1 W, B.M., whereas, the actual point of diversion is the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 60 N, R. 1 W, B.M.

That any protests against the approval of the depositions made December 2, 1966, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protests shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 14th day of March 1967.


R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication March 23, 1967
Date of Last Publication March 30, 1967
Last Date of Protest April 24, 1967

**NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE**

Notice is hereby given that the legal notice printed in the Bonners Ferry Herald on September 29, October 6, 13, and 20, 1966, showing that the State of Idaho, Fish and Game Department was to make proof of completion of works and beneficial use of water October 24, 1966 on Permit Nos. R-1212 and 52647 was in error and the points of diversion were given as the NW ~~SW~~ Sec. 27, T. 60 N, R. 1 W. B.M. and SE ~~NE~~ Sec. 4, T. 59 N, R. 1 W, B.M., whereas, the actual point of diversion is the NE ~~SE~~ Sec. 27, T. 60 N, R. 1 W. B.M.

That any protests against the approval of the depositions made December 2, 1966, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protests shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 14th day of March 1967.

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication

Date of Last Publication

Last Date of Protest April 24, 1967

R-1212

R-1212
32647

Redaction as
per an amendment
on 32647 added in

R-1212

March 14, 1967

Re: Permit Nos. R-1212 and 32647

Bonnors Ferry Herald
Bonnors Ferry, Idaho

Gentlemen:

Enclosed is a legal notice which is to be published once a week for two consecutive weeks. Insert the dates of first and last publication in one copy and return to us along with a tear sheet for proofing.

The cost of the publication is to be paid by this department. Please send the bill and the affidavit of publication to us.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

cc: Idaho Fish & Game Dept.

Enclosure: legal notice (2)

R-1212

February 13, 1967

RE: Permit Nos. 32647, R-1212

John R. Woodworth, Director
Idaho Fish and Game Department

Dear Mr. Woodworth:

Our examiner found the point of diversion on Permit No. 32647 to be in the NEKSEK, Sec. 27, T. 60 N., R. 1 W., B.M. whereas the permit shows it to be in the NWKSWK, Sec. 27, T. 60 N., R. 1 W., B.M. and SEKNEK, Sec. 4, T. 59 N., R. 1 W., B.M. It will therefore be necessary to amend the point of diversion. Please complete the enclosed amendment form and return to this office.

Since the points of diversion on both these permits were advertised in the wrong place it will be necessary to readvertise before the certificates of water right can be issued. This department will assume the cost of readvertising. As soon as the amendment is received the legal notice will be sent to the paper.

Very truly yours,

Donald J. Watts
Engineer

DJW:mr

Enc. amendment form

R-1212

January 18, 1967

Re: Permit No. R-1212

Idaho Fish & Game Department
John R. Woodworth, Director
Box 25
Boise, Idaho 83707

Dear Mr. Woodworth:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Bonniers Ferry Herald, all submitted in proof of completion of works and beneficial use on Permit No. R-1212.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

M. Russell Bosch
Office Manager

MRE:nw

R-1212

January 17, 1967

C
O
P
Y

Peter B. Wilson
P.O. Box 749
Bonners Ferry, Idaho 83805

Dear Mr. Wilson:

Licenses have not yet been issued on permits 32647 and R-1212.
Your letter of January 16, 1967 has been placed in the file and
copies will be sent to you at such time as the licenses are
issued.

Very truly yours,

Donald J. Watts
Engineer

DJW:nw

R-1212

LAW OFFICE OF
PETER B. WILSON

NEIL WALTER, ASSOCIATE
205 W. KOOTENAI
BONNERS FERRY, IDAHO 83805

RECEIVED
JAN 17 1967

P. O. BOX 749
PHONE AN 7-3127
AN 7-3128

Department of Reclamation

January 16, 1967

AIRMAIL

State of Idaho
Department of Reclamation
107 Statehouse
Boise, Idaho 83701

Attn: Mr. R. Keith Higginson
State Reclamation Engineer

Re: Permits #32647; R-1212
Our file: C-1350

Dear Mr. Higginson:

Thank you for your letter of January 4, 1967. You did not mention in the letter when you were going to issue the certificate. Would you please do so and send us a true copy at the time you issue it? We will promptly pay any charge for the copy.

As you are aware, we need the true copy in order to perfect the appeal.

Very truly yours,

WILSON & WALTER

Peter B. Wilson

PBW/bas

R-1212

**NOTICE OF PROOF OF
COMPLETION OF WORKS AND
APPLICATION OF WATER TO
BENEFICIAL USE**

NOTICE IS HEREBY GIVEN THAT ON THE 24th day of October, 1966 at Boise, County of Ada, State of Idaho before ANNE EPELDI, Notary Public at 600 S. Walnut Street, Boise, Idaho, proof will be submitted of Completion of Works for the diversion of 4,800 acre feet of storage, of waters of Dodge and Deep Creeks, and of the application to Beneficial Use of said water, in accordance with the terms and conditions of Permit No. R 1212, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is State of Idaho, Fish and Game Department, Box 25, Boise, Idaho 83707.

2. Said works of diversion of water for storage will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of storage is 10 (ten) cubic feet per second.

3. Reservoir capacity is 5700 acre feet.

4. The use to which said water has been applied is fish and wildlife propagation and recreation purposes, and the amount applied to beneficial use is 4800 acre feet.

5. The point of diversion of said waters for beneficial use is in the NW/4 SW/4 of Section 27, Township 60 North, Range 1 West Boise Meridian and within the SE/4 NE/4 of Section 4, Township 59 North, Range 1 West Boise Meridian, and the amount which can be diverted is 10 (ten) cubic feet per second.

6. The place where said water is used is S/2 of Section 27; E/2 E/2 of Section 33; W/2, W/2 E/2 of Section 34; Township 60 North, Range 1 West Boise Meridian, and the W/2 NW/4 of Section 3 and the E/2 NE/4 of Section 4, Township 59 North, Range 1 West Boise Meridian.

7. The date of priority which said user is prepared to establish is December 7, 1965.

R. KEITH HIGGINSON

State Reclamation Engineer

First publication 9/29/66

Final publication 10/20/66

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

William A. Chubb

Department of Reclamation

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

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 The Idaho Fish and Game Department

a Notice of Proof of Completion of Works and Application
of Water to Beneficial Use

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 4 consecutive issues, commencing with the issue dated Sept. 29, 1965, and ending with the issue dated Oct. 20, 1965.

Subscribed and sworn to before me this 13th day of December, 1966.

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

R-1212

December 6, 1966

Re: Permit No. 32647 and R-1212
Idaho Dept. of Fish & Game

Frank Kerns
Bonners Ferry, Idaho

Dear Mr. Kerns:

Upon hearing the report of our engineer concerning his conversation with you and his inspection of the reservoir being protested, it would seem that your protest is not concerned with damage to any prior water right, but rather with property damage. Only protests involving alleged interference with water rights can be heard by this department.

If you are not in agreement with the findings, please advise within ten days or the protest will be dismissed as being beyond the authority of this department.

Very truly yours,

R. Keith Higginson
State Reclamation Engineer

RKH:mw

cc: T. J. Jones III
Peter B. Wilson

R-1212

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. R-1212

RECEIVED
DEC 6 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: _____

John R. Woodworth - Boise, Director of Fish and Game Department, Box 25, Boise, Idaho 83707

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Acting for and in behalf of the Idaho Fish and Game Department, as its Director

Ques. 3. State number, approval date of permit, and date of priority: _____

#R-1212

December 17, 1965

December 7, 1965

Ques. 4. State source of water supply: Dodge and Deep Creeks

Give location of point of diversion, showing subdivision, section, township and range
Diversion Pt. Dodge Cr. - NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 60 North, Range 1 West Boise Meridian
Diversion Pt. Deep Cr. - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 59 North, Range 1 West Boise Meridian

Ques. 5. Describe your works of diversion: The natural stream channels of Dodge and Deep Creeks are used to convey waters to a reservoir for use in the propagation of fish and wildlife

; state amount of water they are capable of conveying from point of diversion to place of use: 10 c.f.s. for each

; Give name of canal or ditch

or other works by which water is conducted to such place of use: Dodge and Deep Creeks

; if a well, state depth of well

casing ; depth to water ; if pump is used,

state discharge of pump: ; tell how it was measured or determined

; if sprinkler irrigation, give number and size

of nozzles and operating pressure:

Water is used in storage for propagation of

Ques. 6. State for what purpose water is used: fish and wildlife and for public recreation
(If for irrigation, name each subdivision in which used and number of acres in use each subdivision that have actually been irrigated with said water:

R-1212

HW

State nature of all improvements which have been made as a direct result of said use:

Fish poundage and waterfowl production has been increased approximately 100 to 1.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, show full legal description of place

of use and state purpose for which water is used: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Section 27, E $\frac{1}{2}$ E $\frac{1}{2}$, Section 33, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Township 60 North, Range 1 West Boise Meridian and N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, and E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 4, Township 59 North, Range 1 West Boise Meridian. Water is used for storage, maintenance, and replenishment of a reservoir and for the propagation of fish and wildlife and for recreation purposes.

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: July 12, 1966 - 10 c.f.s. - Time used since first use: On July 12, 1966 water in the amount of 10 c.f.s. under permit #32647 was diverted for storage and on August 15, 1966, water storage, approximately in the amount of 2,500 acre feet was impounded and has been continuously so impounded to the present date.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

Water permits # 19712 in the amount of 10 c.f.s. and R-755 in the amount of 900 acre feet.

(sign)

John R. Woodworth
John R. Woodworth, Director
Idaho Fish and Game Department

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Boise

, County of Ada

State of Idaho, on this 2nd day of December, A. D. 1966.

T. D. Bittadeau
T. D. Bittadeau

My commission expires: Nov 21, 1968

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. R-1212

RECEIVED
DEC 6 1966

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Ivol Sies, of legal age, Boise, Construction Supervisor, 4317 Holmes, Boise, Idaho

Ques. 2 Are you acquainted with John R. Woodworth, ^{behalf of the Fish and Game Dept.} acting for and in the holder of

Permit No. R-1212? How long have you known him and where does he reside?

I have known him four and one-half years. He resides in Boise, Idaho.

Ques. 3. Have you read or heard said Permit No. R-1212 read, and are you familiar with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Dodge and Deep Creeks

Give location of place of diversion, showing subdivision, section, township and range

Dodge Cr. Diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T 60 N, R 1 WBM

Deep Cr. Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T 59 North, R 1 West Boise Meridian

Describe works for conveying water to place of use: Natural channels of Dodge and Deep Creeks

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: in excess of /10 c.f.s. How much water have you seen being so conveyed? in excess of /10 c.f.s.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

R-1212

plus SE 1/4 NW 1/4, S 1/2

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used. SW 1/4 NE 1/4, Sec. 27; E 1/2 E 1/2, Sec. 33; W 1/2, W 1/2 E 1/2, NE 1/4 NE 1/4, Sec. 34; Township 60 North, Range 1 West Boise Meridian, and N 1/2 NW 1/4, SW 1/4 NW 1/4, Sec. 3; E 1/2 NE 1/4, Sec. 4; Township 59 North, Range 1 West Boise Meridian, Water is used for storage, maintenance and replenishment of a reservoir and for the propagation of fish and wildlife and for recreation purposes.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? July of 1966
Other times you have seen such use: Approximately once each month since that date.

(Signed):
Ivol Sies
Ivol Sies

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Boise, County of Ada, State of Idaho, on this 5th day of December, A. D. 1966

T. D. Biladeau
T. D. Biladeau
Notary Public for the State of Idaho
Residing Boise, Idaho

My commission expires Nov 21, 1968

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho
Permit No. R-1212

RECEIVED
DEC 6 1966

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Jack Fisher, of legal age, Boise, Civil Engineer, 6815 Holiday Drive, Boise, Idaho

Ques. 2 Are you acquainted with John R. Woodworth, acting for and behalf of the Fish and Game Dept
Permit No. R-1212? How long have you known him and where does he reside?

I have known him for four and one-half years and he resides in Boise, Idaho

Ques. 3. Have you read or heard said Permit No. R-1212 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Dodge and Deep Creeks

Give location of place of diversion, showing subdivision, section, township and range

Dodge Creek Diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T 60 N, R 1 WBM

Deep Creek Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T 59 N, R 1 WBM

Describe works for conveying water to place of use: Natural channels of Dodge and
Deep Creeks

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: in excess of
 / 10 c.f.s. How much water have you seen being so
conveyed? in excess of
 / 10 c.f.s.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

R-1212

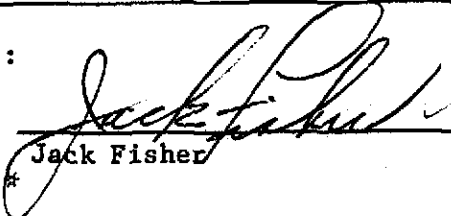
plus SE 1/4 NW 1/4, S 1/2

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used. SW 1/4 NE 1/4, Sec. 27; E 1/2 E 1/2, Sec. 33; W 1/2, W 1/2 E 1/2, NE 1/4 NE 1/4, Sec. 34; Township 60 North, Range 1 West Boise Meridian, and N 1/2 NW 1/4, SW 1/4 NW 1/4, Sec. 3; E 1/2 NE 1/4, Sec. 4, Township 59 North, Range 1 West Boise Meridian. Water is used for storage, maintenance and replenishment of a reservoir and for the propagation of fish and wildlife and for recreation purposes.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? July of 1966
Other times you have seen such use: Three separate times since that date.

(Signed):

Jack Fisher

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Boise, County of Ada, State of Idaho, on this 5th day of December, A. D. 1966


T. D. Biladeau
Notary Public for the State of Idaho
Residing Boise, Idaho

My commission expires Nov. 24, 1968

November 21, 1966

RE: Permits R-1212 and 32647
Idaho Fish and Game Department

Peter B. Wilson
Attorney at Law
205 W. Kootenai
Bonners Ferry, Idaho 83805

Dear Mr. Wilson:

Enclosed herewith is departmental receipt No. 33516
in the amount of \$5.75 which covers the fees for copies
of the above referenced permits mailed to you October 25.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Receipt

R-1212

LAW OFFICE OF
PETER B. WILSON

NEIL WALTER, ASSOCIATE
205 W. KOOTENAI
BONNERS FERRY, IDAHO — 83805

P. O. Box 749
PHONE AN 7-3127
AN 7-3128

November 14, 1966

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

Attn: Mr. M. Russell Bosch

Re: Kerns - State of Idaho

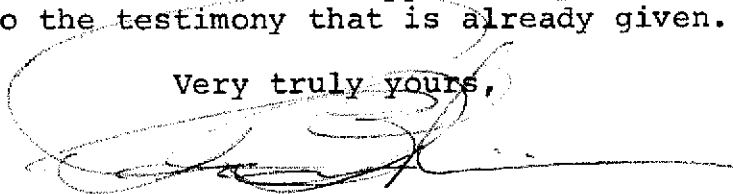
Your File: Permits R-1212 and 32647
Idaho Fish and Game Department

Dear Mr. Bosch:

This will acknowledge receipt of your letter of October 25, 1966, together with the copies which we requested. Also enclosed is a check in the sum of \$5.75.

This will confirm our telephone conversation that you proceeded with the hearing but that you will withhold any licensing until further investigation and hearing that will be held in this area at which hearing Mr. Kerns will have an opportunity to cross-examine the applicant as to the testimony that is already given.

Very truly yours,


Peter B. Wilson

PBW/rb


RECEIVED
NOV 15 1966
DEPARTMENT OF RECLAMATION

R-1212

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

Permit No. R-1212

This proof is for Comp. of Works & Beneficial Use In Water District No. _____

1. Name of applicant Idaho Fish & Game Department

2. Source of water supply: Dodge & Deep Creeks

3. Location of point of diversion: Is in the NE 1/4 of Section 27

T. 60 N R. 1W County of Kootenai - Boundary

4. Describe works as they exist, giving dimensions and capacities of same:

Earth dam approximately 17' high and 450' long
Spillway is 11 ft deep with six 6'6" openings

5. Water is used for: fish & wildlife propagation & recreational purposes

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):

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

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

Remarks:

Reservoir capacity 4800 A.F. from F & G dept.
plans

This examination was made on the 29th day of November, 1966

(Signed)

Don Watts
Examiner.

R-1212

Idaho Fish & Game Dept.
John R. Woodworth
P.O. Box 25 - Boise

Permit No. R-1212

Examination for Comp. of Works & Beneficial Use

County Kootenai

Quantity: 4800 acre feet
Sec. 27 T. 60N R. 1W

Source: Dodge & Deep Creeks

P.D.: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 60 N, R. 1 W, B.M.

Use: Propagation of fish & wildlife & recreational

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: December 7, 1965

Due: December 17, 1966

Made: December 2, 1966

Priority: December 7, 1965

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.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. R-1212

REPORT ON PROOF OF Completion of Works & Beneficial Use

R-1212

by HV

1/1/1/1 les
7

Podge Creek

29

Res

Podge dam PD

allow $Q = 4800 \text{ AF}$
for fish & wildlife
propagation and
recreation

October 25, 1966

RE: Permits R-1212 and 32647
Idaho Fish and Game Department

Peter B. Wilson
Attorney at Law
205 W. Kootenai
Bonners Ferry, Idaho 83805

Dear Mr. Wilson:

Enclosed herewith are copies you requested in your letter of October 18, 1966, concerning the above referenced permits.

The fees for these copies are \$5.75 which you may remit to this department.

The objection and protest to these permits have been filed in our office.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Copies

R-1212

DECLASSIFIED
DATE 07-26-2008
BY SP-6 BTJ/bjs

In the Matter of Permits)
)
Permits #R 1212 and #32647)

OBJECTION
AND
PROTEST

COMES NOW FRANK KERNS, by and through his attorney of record,
PETER B. WILSON, Bonners Ferry, Idaho, and does object to the grant-
ing of the licenses in the above permits on the grounds and for the
reasons that:

1. Frank Kerns is a property owner adjacent to the property claimed by applicant;
2. Storage waters are seeping upon the land of Frank Kerns and therefore the storage system is improperly constructed;
3. The only time Dodge Creek and Deep Creek have 5 c.f.s. is in the early spring flood season, and therefore there is insufficient water available to meet the call of the application; and
4. There are prior water rights obtained by appropriation which further reduce the available water supply; and said Frank Kerns does respectfully move that the hearing date be continued to a later date in order for the board to examine the foregoing objections and in order for defendant's Counsel to have time to appropriately examine the record.

DATED this 18 day of October, 1966.

Peter B. Wilson, Attorney for
Defendant *Kestel*

I hereby certify that a true copy of the foregoing Objection and Protest was mailed by regular mail, postage prepaid, to Idaho Fish and Game Department, Boise, Idaho, this 18th day of October, 1966.

18/12

LAW OFFICE OF
PETER B. WILSON

NEIL WALTER, ASSOCIATE
205 W. KOOTENAI
BONNERS FERRY, IDAHO — 83805

P. O. BOX 749

PHONE AN 7-3127
AN 7-3128

October 18, 1966

State of Idaho
Department of Reclamation
Boise, Idaho

Attn: Mr. R. Keith Higginson
State Reclamation Engineer

Re: Idaho Fish and Game Permits
#R 1212 and #32647

Dear Mr. Higginson:

Enclosed please find the Objection and Protest of Mr.
Frank Kerns.

Would you please forward to me a copy of the applica-
tions, application for hearing proof of completion and your
reports on the latter? Thank you.

Very truly yours,

Peter B. Wilson

PBW/rb

Enc.

R-1212

**NOTICE OF PROOF OF
COMPLETION OF WORKS AND
APPLICATION OF WATER TO
BENEFICIAL USE**

NOTICE IS HEREBY GIVEN THAT ON THE 20th day of October, 1966 at Boise, County of Ada, State of Idaho before ANNE EPELDI, Notary Public at 600 S. Walnut Street, Boise, Idaho, proof will be submitted of Completion of Works for the diversion of 4,800 acre feet of storage, of waters of Dodge and Deep Creeks, and of the application to Beneficial Use of said water, in accordance with the terms and conditions of Permit No. R 1212, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is State of Idaho, Fish and Game Department, Box 25, Boise, Idaho 83707.

2. Said works of diversion of water for storage will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of storage is 10 (ten) cubic feet per second.

3. Reservoir capacity is 5700 acre feet.

4. The use to which said water has been applied is fish and wild-life propagation and recreation purposes, and the amount applied to beneficial use is 4800 acre feet.

5. The point of diversion of said waters for beneficial use is in the NW/4 SW/4 of Section 27, Township 60 North, Range 1 West Boise Meridian and within the SE/4 NE/4 of Section 4, Township 59 North, Range 1 West Boise Meridian, and the amount which can be diverted is 10 (ten) cubic feet per second.

6. The place where said water is used is SW/2 of Section 27; E/2 E/2 of Section 34; W/2, W/2 E/2 of Section 34; Township 60 North, Range 1 West Boise Meridian, and the W/2 NW/4 of Section 3 and the E/2 NE/4 of Section 4, Township 59 North, Range 1 West Boise Meridian.

7. The date of priority which said user is prepared to establish is December 7, 1965.

R. KEITH HIGGINSON
State Reclamation Engineer
First publication 9/29/66
Final publication 10/20/66

R-1212

September 19, 1966

Re: Permit No. 32647, 2-1212

John R. Woodworth, Director
Department of Fish and Game
Building

Dear Mr. Woodworth:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 32647, 2-1212. The proofs are to be made ~~before the Notary Public~~ on the 24th day of October, 19 66, before Anne Speldi, 600 South Walnut Street Notary Public.

As of this date, we have mailed the Notice to the Rossana Perry Merald, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION

Very truly yours,

M. Russell Bosch
Office Manager

Encl.

cc: Notary

R-1212

XXXXXXXXXXXX

Re: Permit No. 32647
R-1212

September 19, 1966

Bonnors Ferry Herald
Bonnors Ferry, Idaho

Gentlemen:

Enclosed you will find 2 legal notices which we wish to have published for four consecutive weeks prior to October 24, 1966. The expense of the publication is to be paid by John R. Woodworth, Director State of Idaho, Department of Fish and Game of Box 25, Boise, Idaho 83707 to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

~~XXXXXXXXXXXX~~
State Reclamation Engineer

RKH:mr

R-1212

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE**RECEIVED**
SEP 14 1966
Department of Reclamation

NOTICE IS HEREBY GIVEN THAT ON THE 24th day of October, 1966
at Boise, County of Ada, State of Idaho
before ANNE EPELDI, Notary Public at (address) 600 S. Walnut Street,
Boise, Idaho, proof will be submitted of Completion of Works for the
diversion of 4,800 acre feet of storage, of waters of Dodge and Deep Creeks
, and of the application to Beneficial Use of said water, in
accordance with the terms and conditions of Permit No. R 1212, heretofore
issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said
permit is State of Idaho, Fish and Game Department, Box 25, Boise, Idaho 83707

2. Said works of diversion of water for storage will be fully completed on the
date set for such completion and the amount of water which said works are capable
of conveying to the place of storage is 10 (ten) cubic feet per second.

3. Reservoir capacity is 5700 acre feet.

4. The use to which said water has been applied is fish and wildlife propagation
and recreation purposes, and the amount applied to beneficial use is 4800 acre feet.

5. The point of diversion of said waters for beneficial use is in the NW 1/4 of
of Section 27, Township 60 North, Range 1 West Boise Meridian and within the SE/4 NE/4 of Section 4,
Township 59 North, Range 1 West Boise Meridian.

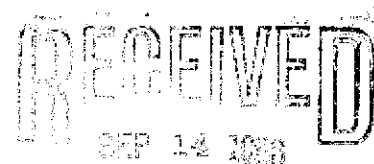
_____ and the amount which can be diverted is
10 (ten) cubic feet per second.

6. The place where said water is used is S/2 of Section 27; E/2 E/2 of Section 33;
W/2, W/2 E/2 of Section 34; Township 60 North, Range 1 West Boise Meridian, and the W/2 NW/4
of Section 3 and the E/2 NE/4 of Section 4, Township 59 North, Range 1 West Boise Meridian.

7. The date of priority which said user is prepared to establish is _____
December 7, 1965.

State Reclamation Engineer

R-1212



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

R 1212

(Date) September 8, 1966

(P. O.) Box 25, Boise Idaho 83707

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Bonnerr's Ferry Herald of
Bonnerr's Ferry, Idaho Published in
the county in which the works are situated.

STATE OF IDAHO, FISH AND GAME DEPARTMENT

By John R. Woodworth
John R. Woodworth, Director

(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached
notice are true.

Engineer

R-1212

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Sept. 1, 1966

Re: Permit No. R-1212

Fish and Game Dept.
Building

Dear Sir:

The date for Completion of Works under your Permit No. R-1212 was set for December 17, 1966. We are enclosing blank forms which you may use to notify this department of your intention to submit proof of completion of works. These are to be completed and forwarded to this office by registered mail at least 60 days before the above date. When this notice is received we will forward it, to a paper in your county which you designate, for publication.

The proof may be taken at any place convenient to you and two disinterested witnesses where there is a notary or other officer authorized to administer oaths.

Under some circumstances, as specified in Sec. 42-204 Idaho Code, where works have not been completed, an extension of time can be granted. In the event proof is not made and extension is not requested, or granted, the permit will be subject to cancellation.

The law requires that another proof be submitted when the water has been fully applied to a beneficial use which will be due Dec. 17, 1968. If, however, the full use of the water is presently being made you may wish to make proof of beneficial use also at this time. If so, forms will be forwarded to you upon request.

Very truly yours,

R. KEITH HIGGINSON

State Reclamation Engineer

Enc. Form 8 and 11

cc:

R-1212

January 6, 1966

Re: Permit No. R-1212

State of Idaho, Fish and Game Department
P.O. Box 25
Boise, Idaho

Gentlemen:

We enclose Permit No. R-1212 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

By this same mail, we have sent to the Bureau of Land Management two copies of this permit, one of which has been certified, to be used in connection with the Desert Land Entry filed in that office. A copy of that letter is enclosed.

We also enclose Departmental Receipt No. no fee which was issued covering payment in the amount of \$, which includes \$ for the filing fee and \$ for the copies sent to the Bureau of Land Management.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl. Application
EPR:pmk

R-1212

January 4, 1967

Re: Permits No. 32647; R-1212

Mr. Peter B. Wilson
Attorney at Law
P. O. Box 749
Bonners Ferry, Idaho 83805

Dear Mr. Wilson:

This is to acknowledge receipt of your letter of December 13, 1966, with regard to permits held by the Idaho Department of Fish and Game. We have given careful consideration to the three grounds for protest, as outlined in your letter, and have come to the following conclusions regarding them:

1. Your claim that the granting of the permits will cause the impoundment of water by the Fish and Game Department, which would injure the property of Mr. Kerns is not a matter which we can consider in connection with the licensing of the water right. I am certain you are aware of the procedure necessary to recover damages, if this is true.

2. You indicate that the permit allows a taking of water in excess of the stream flows after the prior rights on the source have been exercised. You should be aware the licenses issued under these two permits will carry a priority date as of the date of the application for permit. Such dates will be subsequent to the priority dates of other established rights on this source, and therefore, the prior right holders have an adequate remedy, if the prior rights are violated.

3. You have raised the question that the granting of the permit to the State of Idaho would be an

R-1212

Page 2 - Continued, Peter B. Wilson

unconstitutional act. This is a matter that cannot be determined by this department and must be made subject to review by the courts of Idaho.

C
O
P
Y

You are, therefore, advised that your protests are not determined to be sufficient grounds for this department to withhold the issuance of licenses under these two permits. This decision, of course, is subject to appeal under the provisions of applicable law.

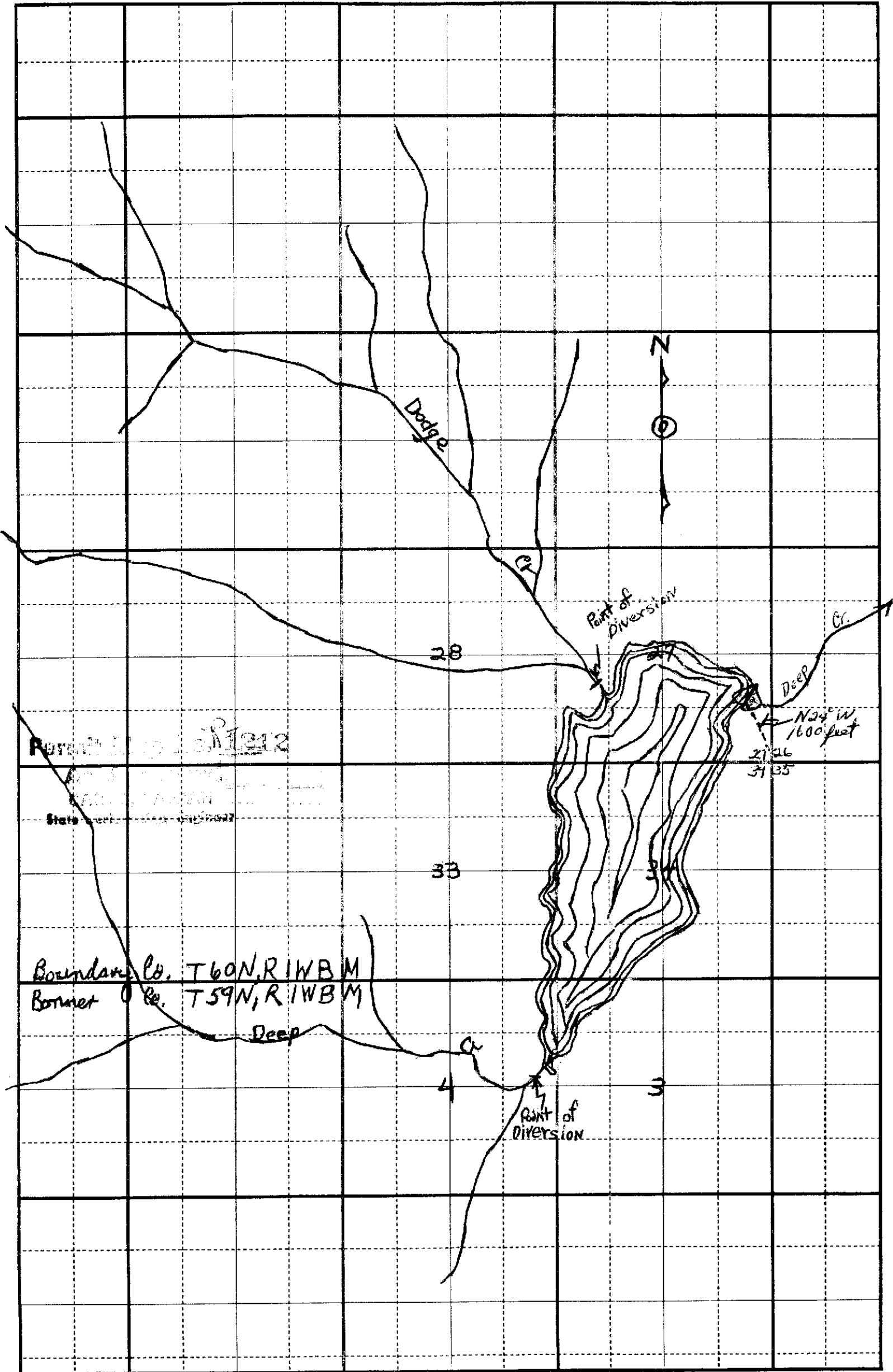
Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:ew

cc: Idaho Dept. of Fish and Game
Building

R-1212



ROBERT E. SMYLLIE, Governor
COMMISSION
GLENN STANGER, Idaho Falls
R. J. HOLMES, Twin Falls
ARLIE JOHNSON, Boise
WILLIAM B. DURBON, Moscow
FRANK CULLEN, Coeur d'Alene

JOHN R. WOODWORTH, Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO, 83701

IDAHO FISH AND GAME DEPARTMENT

December 1, 1965

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
Statehouse

Dear Sir:

Subject: Boundary County Management Area

Enclosed are Application for Permit to Appropriate the Public Waters of the State of Idaho and Application for Permit to Construct a Reservoir and Appropriate and Store the Public Waters of the State of Idaho, pertinent to waters of Dodge and Deep Creeks located in Boundary and Bonner Counties, respectively.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

John R. Woodworth
John R. Woodworth
Director

Enclosures

R-1212