

**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 $\frac{1}{4}$ 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

32647

Application for Amendment

POINT OF DIVERSION

Permit No. 32647 R-1212

RECEIVED
MAR 1 1967

Department of Reclamation

Comes now John R. Woodworth, Director of the Idaho Fish and Game Department and represents s to the State Reclamation Engineer of the State of Idaho:

acting for and on behalf of the State of Idaho, Fish and Game Dept.,
~~That he is/(are)~~ the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 32647 R-1212.
are

That the points of diversion ~~is~~ described in said Permit as being located:
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T 60 N, R 1 WBM, Boundary County, Idaho, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T 59 N,
R 1 WBM, Bonner County, Idaho.

That he now requests that the points of diversion be changed to a point
located: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T 60 N, R 1 WBM, Boundary County, Idaho.

That the reason for desiring to make such change is as follows:

To confirm with Department of Reclamation policy.

Consent 32647 To Amend the R-1212
That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 24th day of February,
19 67.

STATE OF IDAHO

FISH AND GAME DEPARTMENT

By John R. Woodworth
John R. Woodworth, Director

Date of Receipt at Department of Reclamation March 1, 1967

APPROVAL OF STATE RECLAMATION ENGINEER

R. KEITH HIGGINSON

I, ~~SEOXXXXCARTER~~ SEOXXXXCARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 32647 R-1212. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 114 of
Permits, at Page 32647
March 1, 19 67

R. Keith Higgins
State Reclamation Engineer

B 32647

**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 South Walnut Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 5 (five) cubic feet per second of the waters of Dodge Creek and 5 c.f.s. of the waters of Deep Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32647, 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 will be fully completed on the date set forth such completion and the amount of water which said works are capable of conveying to the place of use is 10 (ten) cubic feet per second.

3. The use to which said water has been applied is propagation of fish and wildlife for recreational purposes, and the amount applied to beneficial use is 10 (ten) cubic feet per second.

4. The point of diversion of said water is in the NW/4 SW/4, Section 27, Township 60 North, Range 1 West Boise Meridian, and the SE/4 NE/4 of Section 4, Township 59 North, Range 1 West Boise Meridian.

5. The place where said water is used is S/2, Section 27; E/2 E/2, Section 33; W/2, W/2 E/2, Section 34; Township 60 North, Range 1 West Boise Meridian, Boundary County, Idaho, and the W2 NW/4, Section 3; and the E/2 NE/4, Section 4; Township 59 North, Range 1 West Boise Meridian, Bonner County, Idaho. Total 740 acres.

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

R. KEITH HIGGINSON
State Reclamation Engineer

1st publication 9/29/66

Final publication 10/20/66.

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 27 1966

STATE OF IDAHO } ss.
County of Boundary }

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, 1966, and ending with the issue dated Oct. 20, 1966.

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

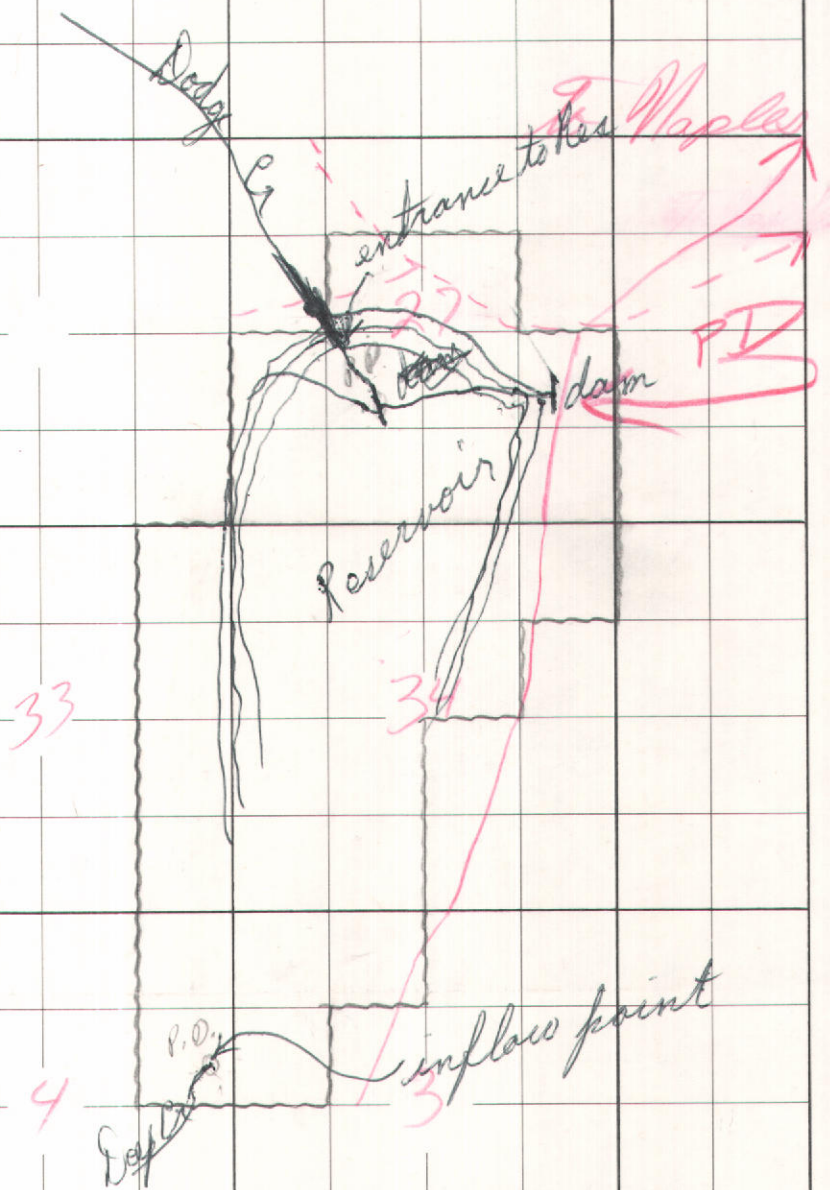
Alice L. Kruegel
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

32647

Pge. 1W.

Temp. 60N

Temp. 59N



allow Q = 10 cfs from Dodge
Deep Creeks
~~for fish and~~
~~for water~~

for reservoir
replenishment
and fish and
wildlife propagation

**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 Epaldi, Notary Public, at 600 South Walnut Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 5 (five) cubic feet per second of the waters of Dodge Creek and 5 c.f.s. of the waters of Deep Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32647, heretofore issued by the Department of Reclamation of the State of Idaho. nw

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 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 use is 10 (ten) cubic feet per second.

3. The use to which said water has been applied is propagation of fish and wildlife for recreational purposes, and the amount applied to beneficial use is 10 (ten) cubic feet per second.

4. The point of diversion of said water is in the NW 1/4 SW 1/4, Section 27, Township 60 North, Range 1 West Boise Meridian, and the SE 1/4 NE 1/4 of Section 4, Township 59 North, Range 1 West Boise Meridian.

5. The place where said water is used is SW 2, Section 27; E 2, Section 33; W 2, W 2 E 2, Section 34; Township 60 North, Range 1 West Boise Meridian, Boundary County, Idaho, and the W 2 NW 1/4, Section 3; and the E 2 NE 1/4, Section 4, Township 59 North, Range 1 West Boise Meridian, Bonner County, Idaho. Total 740 acres.

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

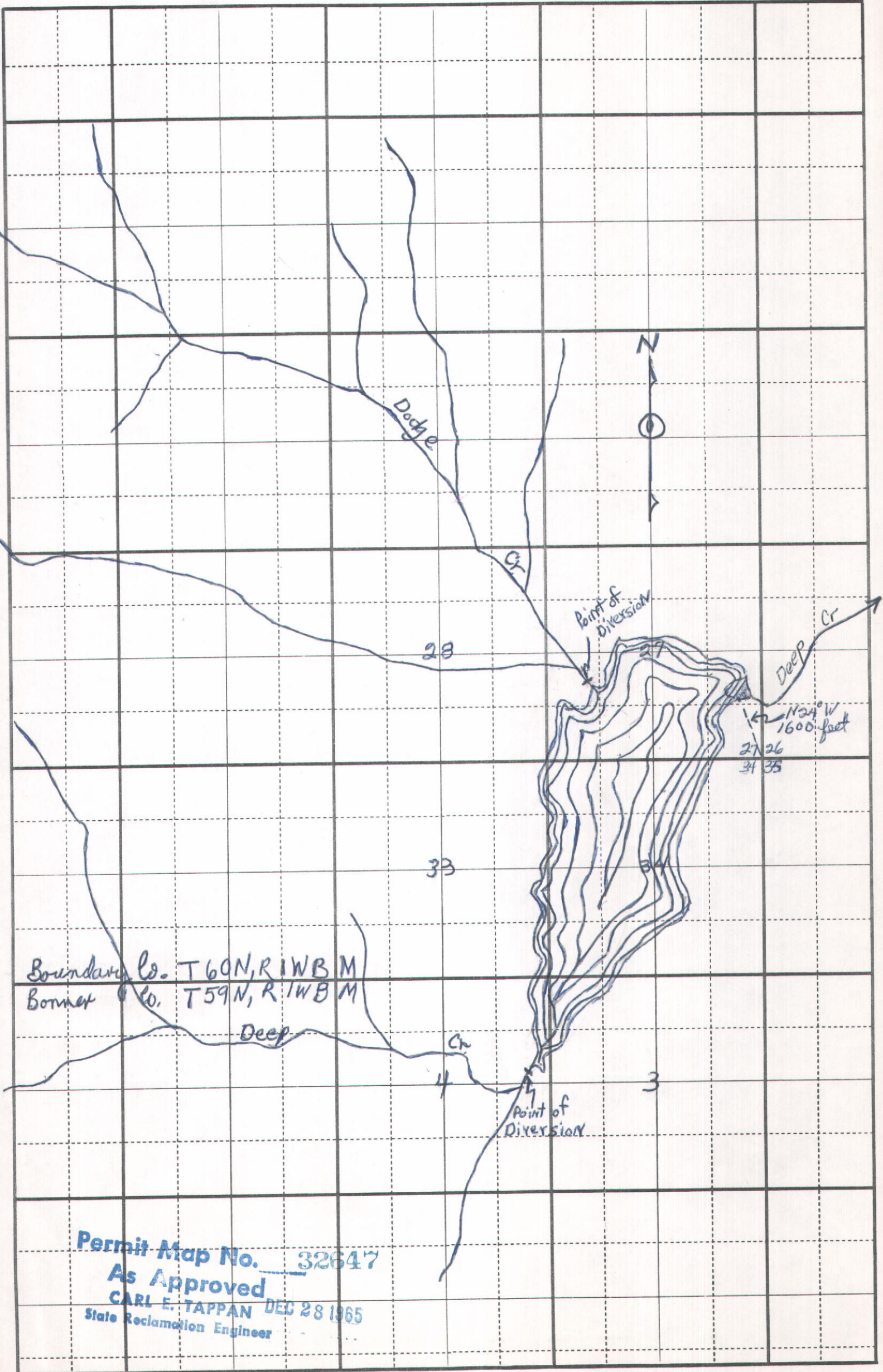
R. KEITH HIGGINSON

State Reclamation Engineer

1st publication 9/29/66

Final publication 10/20/66.

§ 32647



State of Idaho

License and Certificate of Water Right

Water License No. 32647 Priority December 7, 1965 Amount 10.0 c.f.s.

THIS IS TO CERTIFY that 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. 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, 19 67, showing that said works were completed on the 2nd day of December, 19 66; and that on the 2nd day of December, 19 66, STATE OF IDAHO, FISH & GAME DEPARTMENT

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Dodge and Deep Creeks, storage, maintenance, and re-

a tributary of the Kootenai River, for the purpose of/plenishment 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, 19 67.

The right hereby confirmed dates from December 7, 19 65.

The Point of Diversion is located

in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Twp. 60 N, R. 1 W, B.M., Boundary County.

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	Section	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 $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$		
		4	E $\frac{1}{2}$ NE $\frac{1}{4}$		
60 N	1 W	27	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ S $\frac{1}{2}$		
		33	E $\frac{1}{2}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$		
		34	N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$		

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, 19 67.

R. Keith Higgins
State Reclamation Engineer.

#98-2141

98

b 32647

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. 32647

To State of Idaho, Fish & Game Dept.

Boise, Idaho

Source of Supply Dodge and Deep Creeks,

tributaries of Kootenai River

Boundary County

Amount 10.0 Sec. Ft.

Point of Diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27,

T. 60 N., R. 1 W., B.M.

Place of Use NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 3;
E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 4, T. 59 N., R. 1 W., B.M.;
SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$,

E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33; NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$,

W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 34, T. 60 N., R. 1 W., B.M.

Purpose Storage, maintenance and re-
plenishment of a reservoir used for
propagation of fish and wildlife,
and for recreation

Date of Priority December 7, 1965

Recorded April 6, 1967

in Book 14 of Licenses, Page 8786

32647

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40795
PERMIT No. 32647
DISTRICT No.

- 98-2141
1. Name of Applicant: State of Idaho, Fish and Game Department
 Postoffice address: 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 applicant are:
 (a) Cash on hand: (c) Bond to be issued:
 (b) Treasury stock: (d) Other resources:
 2. Quantity of water claimed: 10.0 cubic feet per second.
 3. Source of water supply: 5. c.f.s. of the waters of Deep Creek and Dodge Creek 1300 ft. distant from the NW corner of Sec. 27, T. 60 N., R. 1 W., B.M., and is in the NW 1/4 SW 1/4 of Section 4, T. 59 N., R. 1 W., B.M., and is in the SE 1/4 NE 1/4 of Section 27, T. 60 N., R. 1 W., B.M., County of Boundary of section 4, T. 59 N., R. 1 W., B.M., County of Bonner which is a tributary of Kootenai River
 4. Location of point of diversion: Deep Creek 2700 feet distant from the NE Corner of Sec. 27, T. 60 N., R. 1 W., B.M., and is in the NW 1/4 SW 1/4 of Section 4, T. 59 N., R. 1 W., B.M., and is in the SE 1/4 NE 1/4 of Section 27, T. 60 N., R. 1 W., B.M., County of Boundary of section 4, T. 59 N., R. 1 W., B.M., County of Bonner
 5. Water is to be used for Storage, maintenance and replenishment of a reservoir used for propagation of fish and wildlife and for recreation purposes.
 6. If for mining, milling, power or manufacturing purposes, give:
 (a) Point of use of water: / at the designated points of diversion in paragraph 4, being the reservoir area.
 T. , R. , B.M., in the of Section of , T. , R. , B.M.
 (b) Amount of power generated: H.P., under feet head.
 (c) Water is to be returned to Deep Creek at a point 1600 feet distant from the SE corner of Section 27, T. 60 N., R. 1 W., B.M., in the NE 1/4 SE 1/4 of Section 27, T. 60 N., R. 1 W., B.M.
 7. Estimated cost of works: \$ 70,000.00
 8. Kind of works: A dam to provide a water storage reservoir (see companion application)
 9. Height of dam 17 feet; length of dam at top 700 feet; length of dam at bottom 126 feet; material used in dam: Compacted earth fill with concrete core and spillway.
 10. Size of headgate: Width feet; height feet.
 11. Ditch: 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.
 12. The time required for the completion of such work is 1 years.
 13. The time required for the complete application of the water to the proposed use is 1 additional years.
 14. The land to be irrigated is described in the following tabulation: See remarks.
 15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Permit No. 19712

16. (a) Is reservoir to be used? yes If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit: Boundary County Refuge, No. R-755
 (c) Date of filing of Application for Storage Permit and Name of Applicant: November 3, 1945

State of Idaho, Department of Fish and Game

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

State of Idaho, Fish & Game *Applicant.*

By /s/ JOHN R. WOODWORTH Agent.
Director

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 32647
Recorded in Book 114 Page 32647 Approved December 28, 1965
This is to certify that I have examined the within application for a permit to appropriate 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 28, 1966 and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before June 28, 1966
The whole of said work to be completed on or before December 28, 1966
Beneficial use of water appropriated in accordance herewith, to be made on or before December 28, 1967

WITNESS My hand this 28th day of December, 1965.

/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 28th
day of December, 19 65. STATE OF IDAHO

(SEAL) By /s/ ARNOLD WILLIAMS Secretary of State.

By /s/ ROBERT E. SMYLIE Governor.

REMARKS: Water flow is for the purpose of fillings, storage, maintenance and replenishment of the waters of a reservoir. See companion application submitted herewith. Approved as required by Idaho State Constitution and subject to Idaho Law in proving Beneficial Use of water.

14.

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 $\frac{1}{4}$	
60N	1W	27			X				X	X	X	X	X	X	X	X	X	X	
		33	X												X				X
		34	X	X	X		X	X	X	X	X	X	X	X		X	X		
59N	1W	3					X	X	X										
		4	X			X													
			Reservoir covers all or part of the above subdivisions																Map in file

AMENDMENT TO POINT OF DIVERSION ✓

Comes now John R. Woodworth, Director of the Idaho Fish and Game Department, and represents to the State Reclamation Engineer of the State of Idaho, acting for and on behalf of the State of Idaho, Fish and Game Dept., as the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 32647. That the points of diversion are described in said Permit as being located: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, T 60 N., R 1 W., B.M. Boundary County, Idaho and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, T 59 N., R 1 W., B.M. Bonner County, Idaho.

That he now requests that the point of diversion be changed to a point located: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T 60 N., R 1 W., B.M., Boundary County, Idaho.

That the reason for desiring to make such change is as follows: To confirm with Dpt of Reclamation policy.

That no one will be injured by such change and such change will be made at Permit Holder's own risk.
Signed at Boise, Idaho this 24th day of February, 1967.

State of Idaho, Fish and Game Dept.

By /s/ JOHN R. WOODWORTH, Director

Date of Receipt at Department of Reclamation: March 1, 1967.

APPROVAL OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho, Hereny Approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 32647. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers and of which it becomes apart, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

Recorded in book 114 of permits at page 32647, March 1, 1967.

Permit No. 32647 +
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. 32647, issued upon Application No. 40795 bearing date of priority of December 7, 1965, authorizing the diversion of 10.0 second feet of Dodge and Deep Creeks, tributaries of the Kootenai River, County of Boundary, State of Idaho, for storage, maintenance and replenishment of a reservoir purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 10.0 second feet of the waters of Dodge and Deep Creeks, tributaries of the Kootenai River; that the point of diversion of said waters is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 60 N, R. 1 W, B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 4, T. 59 N, R. 1 W, B.M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 34, T. 60 N, R. 1 W, B.M. For storage, maintenance, and replenishment of a reservoir used for propagation of fish and wildlife and for recreation purposes.

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

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

s/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 10.0 SEC. FT.
LICENSE PAGE NO. 8786:

C
O
P
Y

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

32647

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

RECEIVED
APR 20 1967
Department of Reclamation

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

April 18, 1967

State of Idaho
Department of Reclamation
Boise, Idaho

Attn: Mr. Keith Higginson
State Reclamation Engineer

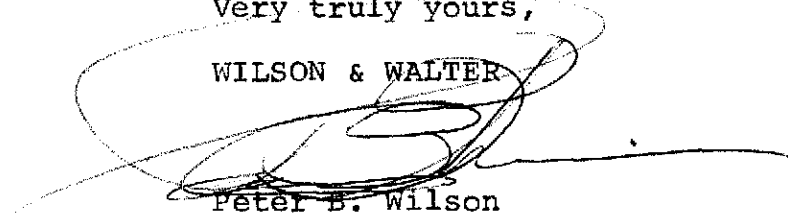
Re: Idaho Fish and Game
Permits #R 1212 and #32647

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

32647

[illegible]

OBJECTION AND PROTEST

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

- of April, 1967.

Peter B. Wilson, Attorney for Defendant

Boise, Idaho, this 18th
day of April, 1967.

B 32647

April 18, 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 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. McElowney
Water Rights Clerk

DWM:dj

Enclosure: Receipt

32647

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:df

Enclosures: Copies of certificates and licenses

32647

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
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

32647

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
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

32647

April 6, 1967

Re: Permit No. 32647

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

Dear Mr. Woodworth:

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

Thank you for your cooperation.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dfj

Enclosures: Certificates

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

632647

Permit No. 32647.....

**Certificate of Completion
of Works**

Dated April 6....., 19 67.....

Stream . Dodge and Deep Creeks...

County . Boundary.....

Amount . 10.0 c.f.s.....

Date of Priority December 7, 1965.

Recorded in Book 114.....

of ...Permits....., page 32647...

32647

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. 32647....., issued upon
Application No. 40795... bearing date of priority of December 7, 1965... , authorizing the
diversion of 10.0 second feet of waters of Dodge and Deep Creeks, ...
tributaries of the Kootenai River, ...

..... storage, maintenance and replenish-
County of Boundary , State of Idaho, for /ment of a reservoir
purposes, has fully complied with the provisions of the laws of the State of Idaho
relating to the proof of completion of the works of diversion set out and described in said
Permit; that said works are adequate for diverting and conveying to the place of intended
use 10.0 second feet of the waters of Dodge and Deep Creeks, ...
tributaries of the Kootenai River;

that the point of diversion of said waters is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 60 N, ...
R. 1 W, B.M.

and that the lands proposed to be irrigated by the use or place of use of said water are
described as follows, to-wit: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 4, T. 59 N, ...
R. 1 W, B.M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33; N $\frac{1}{2}$ NE $\frac{1}{4}$, ...
SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 34, T. 60 N, R. 1 W, B.M. For storage, maintenance,
and replenishment of a reservoir used for propagation of fish and wildlife
and for recreation purposes.

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

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

..... *R. Keith Higgins*
State Reclamation Engineer

32647

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

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. McElowney
Water Rights Clerk

DWM:dj

Enclosures: Certificates

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

532647

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

IDAHO FISH AND GAME DEPARTMENT

April 5, 1967

JOHN R. WOODWORTH, Director
POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83707

RECEIVED
APR 11 1967

Department of Reclamation

Department of Reclamation
STATE HOUSE

Attention: Mr. R. Keith Higginson, Reclamation Engineer

Sir:

Enclosed herewith is an Affidavit of Correction of Publication, as the same pertains to Permits No. R-1212 and 32647.

Thank you for your cooperation.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT
John R. Woodworth, Director



T. D. Biladeau, Land Agent
Business Administration Division

Enclosure

32647

**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 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 protest 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
First Publication 3/23/1967
Final Publication 3/30/1967-si
Last Date of Protest April 24, 1967

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 **Idaho Fish & Game Dept.**

a Notice of Correction of Legal Notice

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated **March 23**, 1967, and ending with the issue dated **March 30**, 1967.

Subscribed and sworn to before me this _____ day of _____, 1967.

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

632647

RECEIVED
MAR 20 1967

Department of Reclamation

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

32647

March 14, 1967

Re: Permit Nos. R-1212 and 32647

**Bonnars Ferry Herald
Bonnars 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)

32647

**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 23, 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. E-1312 and 32647 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.

F. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication

Date of Last Publication

Last Date of Protest

April 24, 1967

32647

March 1, 1967

RE: Permit 32647
Boundary County Refuge

Idaho Fish and Game Department
P.O. Box 25
Boise, Idaho 83707

Dear Mr. Woodworth:

Enclosed is amendment to point of diversion which
has been recorded in this office under the above re-
ferenced permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRBtejw

Encl: Amendment

C
O
P
Y

632647

Application for Amendment

POINT OF DIVERSION

Permit No. 32647 R-1212

RECEIVED
MAR 1 1967

Department of Reclamation

Comes now John R. Woodworth, Director of the Idaho Fish and Game Department and represents s to the State Reclamation Engineer of the State of Idaho:

acting for and on behalf of the State of Idaho, Fish and Game Dept.,

~~That he is (are)~~ the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 32647 R-1212 are

That the points of diversion ~~is~~ described in said Permit as being located: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T 60 N, R 1 WBM, Boundary County, Idaho, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T 59 N, R 1 WBM, Bonner County, Idaho.

That he now requests that the points of diversion be changed to a point located: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T 60 N, R 1 WBM, Boundary County, Idaho.

That the reason for desiring to make such change is as follows:

To confirm with Department of Reclamation policy.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 24th day of February, 19 67.

STATE OF IDAHO

FISH AND GAME DEPARTMENT

By John R. Woodworth

John R. Woodworth, Director

Date of Receipt at Department of Reclamation March 1, 1967

APPROVAL OF STATE RECLAMATION ENGINEER

R. KEITH HIGGINSON

I, ~~XXXXXXXXX~~ CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 32647 R-1212. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 114 of
Permits, at Page 32647
March 1, 19 67

R. Keith Higgins
State Reclamation Engineer

H 32647

DON SAMUELSON, Governor
COMMISSION
GLENN STANGER, Idaho Falls
K. 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 83707

IDAHO FISH AND GAME DEPARTMENT

February 24, 1967

Re: Boundary County Refuge

Idaho Department of Reclamation
STATE HOUSE

Attention: Mr. R. Keith Higginson, Reclamation Engineer

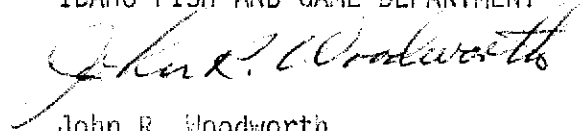
Sir:

Reference is made to that Department of Reclamation letter dated February 13, 1967, therein requesting that the Fish and Game Department submit an Application for Amendment of the points of diversion on Permits No. 32647 and R-1212.

Such application is herewith enclosed. Thank you for your assistance in this matter.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT



John R. Woodworth
Director

Enclosure

32647

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 NE~~SE~~W, Sec. 27, T. 60 N., R. 1 W., B.M. whereas the permit shows it to be in the NW~~SW~~W, Sec. 27, T. 60 N., R. 1 W., B.M. and SE~~NE~~W, 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

832647

January 18, 1967

Re: Permit No. 32647

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 Donners Ferry Herald, all submitted in proof of completion of works and beneficial use on Permit No. 32647.

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

MRB:nw

32647

January 17, 1967

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

32647

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

January 16, 1967

AIR MAIL

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

32647

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

32647

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

AKH:ew

cc: Idaho Dept. of Fish and Game
Building

632647

**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 South Walnut Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 5 (five) cubic feet per second of the waters of Dodge Creek and 5 c.f.s. of the waters of Deep Creek, and of the application of beneficial use of said water, in accordance with the terms and conditions of Permit No. 32647, 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 will be fully completed on the date set forth such completion and the amount of water which said works are capable of conveying to the place of use is 10 (ten) cubic feet per second.

3. The use to which said water has been applied is propagation of fish and wildlife for recreational purposes, and the amount applied to beneficial use is 10 (ten) cubic feet per second.

4. The point of diversion of said water is in the NW/4 SW/4, Section 27, Township 60 North, Range 1 West Boise Meridian, and the SE/4 NE/4 of Section 4, Township 59 North, Range 1 West Boise Meridian.

5. The place where said water is used is S/2, Section 27; E/2 E/2 Section 33; W/2, W/2 E/2, Section 34; Township 60 North, Range 1 West Boise Meridian, Boundary County, Idaho, and the W2 NW/4, Section 3; and the E/2 NE/4, Section 4; Township 59 North, Range 1 West Boise Meridian, Bonner County, Idaho. Total 740 acres.

6. The date of priority which said user is prepared to establish is December 7, 1963.

R. KEITH HIGGINSON

State Reclamation Engineer

1st publication 9/29/66

Final publication 10/20/66.

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 27 1966

STATE OF IDAHO }
County of Boundary } ss.

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, 1966, and ending with the issue dated Oct. 23, 1966.

Subscribed and sworn to before me this 12th day of December, 1966.

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

32647

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

December 13, 1966

State of Idaho
Department of Reclamation
State House
Boise, Idaho

Re: Permit #32647 & R-4212
Idaho Department of Fish
and Game

Attn: Mr. R. Keith Higginson
State Reclamation Engineer

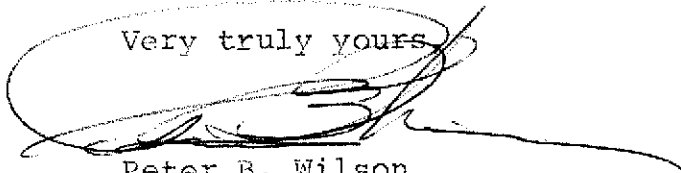
Dear Mr. Higginson:

In response to your letter of December 6, 1966, this is to advise that Mr. Kerns protests on three grounds:

1. Granting of the permit will allow and cause the Fish and Game Department to impound such an amount of water as to cause injury to the property of Mr. Kerns;
2. The permit allows a taking in excess of the stream flows, and in excess of the stream flows after prior rights are exercised (including the rights of Mr. Kerns); and,
3. It would be an unconstitutional act to grant the permit to the State of Idaho.

Therefore, we must advise that we are not in agreement with your findings.

Very truly yours,


Peter B. Wilson

PBW/bas

6 32647

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:nw

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

32647

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

IDAHO FISH AND GAME DEPARTMENT

December 5, 1966

JOHN R. WOODWORTH, Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO, 83707

Re: Boundary County Refuge

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
STATE HOUSE

Dear Sir:

Enclosed herewith are Depositions of Holder and of Witness for Proof of Application of Water to Beneficial Use and Completion of Works, pertaining to the Department application for license numbers 32647 and R-1212.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

John R. Woodworth
John R. Woodworth
Director

Enclosures

32647

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 32647

DEC 6 1966

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: _____

#32647 December 28, 1965 December 7, 1965

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

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 & 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 Creek and Deep

Creek; if a well, state depth of well _____; depth and size of

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: _____

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

§ 32647 mr

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:

Has been in continuous use since said 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. Biladeau
T. D. Biladeau

My commission expires: Nov 21, 1968

B32647

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho
Permit No. 32647

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, acting for and in behalf of the Fish and Game Dept.
Permit No. 32647? 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. 32647 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 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:

32647

plus SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$,

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27; E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 33; W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 34; Township 60 North, Range 1 West Boise Meridian, and NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, 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):

Ivor Sies
Ivor 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

832647

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
DEC 6 1966
Department of Reclamation

Permit No. 32647

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 in behalf of the Fish and Game Department, the holder of Game Permit No. 32647? 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. 32647 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 1/4 SW 1/4, Sec. 27, T 60 N, R 1 WBM
Deep Creek diversion: SE 1/4 NE 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:

32647

plus SE 1/4 NW 1/4

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, S 1/2, 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, 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 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
T. D. Biladeau
Notary Public for the State of Idaho
Residing Boise, Idaho

My commission expires November 21, 1968

832645

M E M O R A N D U M

TO: R. KEITH HIGGINSON

FROM: DONALD J. WATTS

SUBJECT: Protests on Permits No. 32647, R-1212

On November 29, 1966 I contacted Mr. Frank Kerns of Bonners Ferry in connection with his protest as to the issuance of Licenses No. 32647 and R-1212 to the Idaho Department of Fish and Game, and later inspected the reservoir area.

Mr. Kerns said that his main concern was that water was seeping from the reservoir and ruining some of his upstream pasture land. I advised him that such damage was beyond the control of the Department of Reclamation and that the department could not deny license on this basis.

Mr. Kerns expressed doubt that the combined flow of Dodge Creek and Deep Creek would total 5 c.f.s. I assured him that the flow would be checked before any license was granted.

Mr. Kerns was concerned that the Fish and Game permits would prevent him from using water for irrigation of land above the reservoir that has been irrigated for many years. I explained to him that the law recognizes the rights obtained by appropriation even if the appropriation is not recorded.

At the close of our discussion I told Mr. Kerns that I thought no purpose would be served by holding a hearing since it was determined that his water rights would not be infringed upon and that the licenses issued to the Fish and Game Department should be only for the water available though such amount might be less than 5 c.f.s.

At the reservoir site it was found that a flow estimated at over 10 c.f.s. was passing through the reservoir. The flow was probably somewhat higher than normal as it had been raining for at least two days.

The land of Mr. Kerns near the reservoir was very wet. The wet condition might be due to seepage from the reservoir; however, I believe remedial measures would be outside the authority of the Department of Reclamation even if it were definitely known that damage to Mr. Kern's property was due to seepage from the reservoir.

Don Watts

32647

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

Permit No. 32647

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

1. Name of applicant Idaho Fish and Game Department

2. Source of water supply: Deep Creek & Dodge Creek

3. Location of point of diversion: Is in the Dodge - NW 1/4 SW 1/4 of Section 27

T. 60N R. 1W County of Bonner Boundary NE 1/4 SE 1/4 sec 27
T60N-R1W

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

This is for flow maintenance through the
reservoir covered by R. 1212. The dam is
approximately 17 ft high and 650' long

5. Water is used for: Fish & wildlife & recreation - replenishment of reservoir

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):

N 1/2 NW 1/4, SW 1/4 NW 1/4, Sec. 3; E 1/2 NE 1/4, Sec. 4, T. 59 N, R. 1 W; SW 1/4 NE 1/4, SE 1/4 NW 1/4, S 1/2, Sec. 27;
E 1/2 NE 1/4, E 1/2 SE 1/4, Sec. 33; N 1/2 NE 1/4, SW 1/4 NE 1/4, W 1/2, W 1/2 SE 1/4, Sec. 34, T. 60 N, R. 1 W, B.M.

reservoir covers all or part of the above subdivisions

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

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

Remarks: _____

Flow through reservoir estimated 14 cfs
11/29/66

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

(Signed) Don Watta Examiner.

632647

plat -

Idaho Fish & Game Department
J. R. Woodworth *natural stream channels*
Box 25 - Boise

Permit No. 32647

Examination for Comp. of Works & Beneficial Use

County Boundary & Bonner
Sec. T. R. see below

Quantity: 10.0 c.f.s.

Source: 5 - Deep Creek
5 - Dodge Creek

P.D.: Dodge Creek-- NW1SW1, Sec. 27, T. 60 N, R. 1 W - Boundary
Deep Creek -- SE1NE1, Sec. 4, T. 59 N, R. 1 W - Bonner

Use: fish & wildlife & recreation - replenishment of reservoir

Extension:

Protest:

Completion of Works:

Other Rights: 19712

Filed: December 7, 1965

Due: December 28, 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.

32647

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

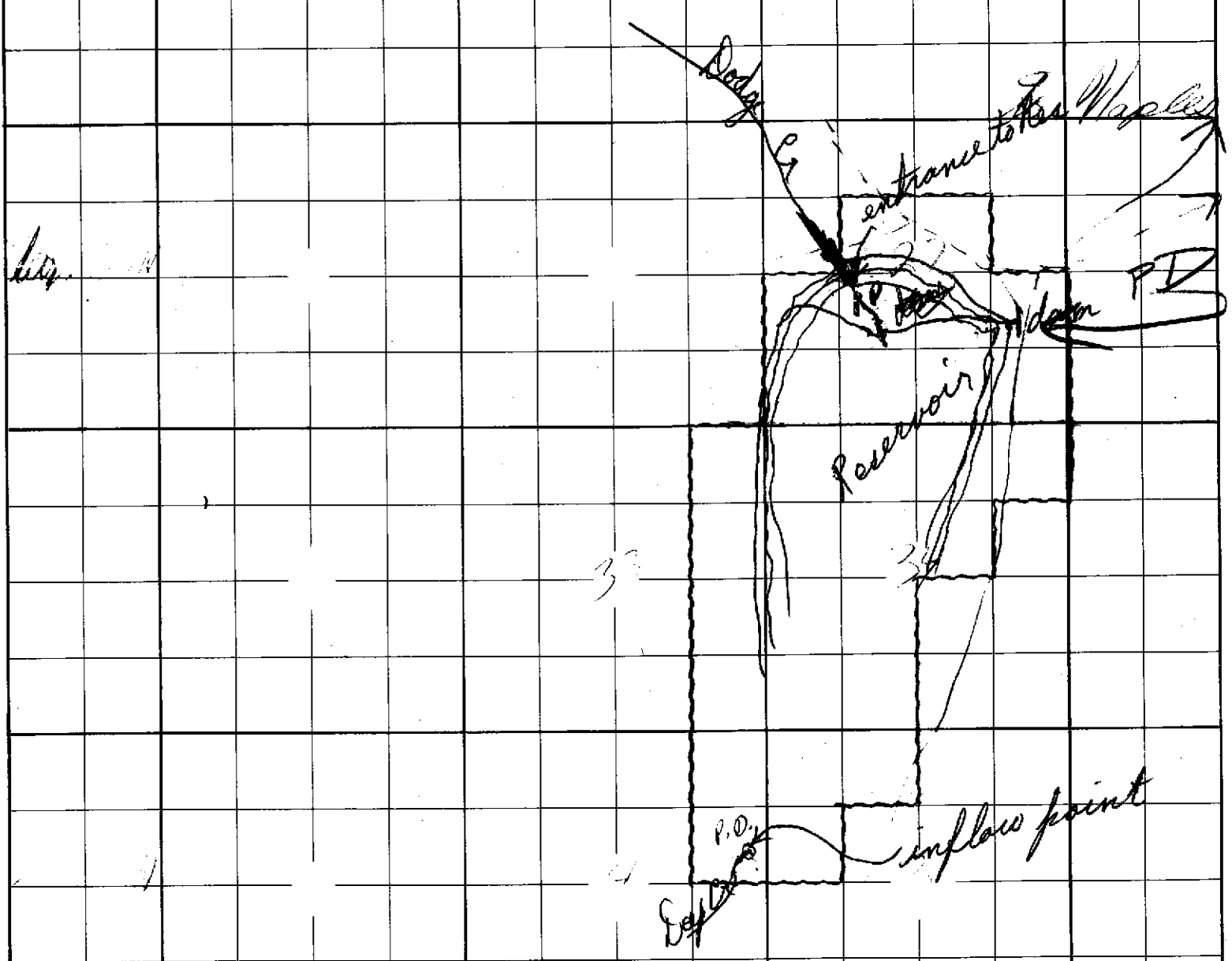
REPORT OF EXAMINER

PERMIT NO. 32647 ✓

REPORT ON PROOF OF Completion of Works & Beneficial Use

32647

R 111



allow Q = 10 cfs from Dodge
Deep Creeks
~~for fish and~~
~~for water~~
for reservoir
replenishment
and fish and
wildlife propagation

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

632647

Keith

J. J. Jones.

344-7676

Would you please call
him on this protest. It
seems the protest is more
over damage to the property
than the water right.

B

B32647

TELEPHONE MESSAGE

M. *Higginson*You were called at *3:15* ^{a.m.} ~~p.m.~~Date *11-4-66*By *T. J. Jones The III*☐

Is Waiting On Line

☒Please Call *344-7676* Ext. _____☐

Returned Your Call

☐

Will Call Again

Please Call _____

OPERATOR NO. _____

CITY _____

And Ask for M. _____

At Telephone No. _____

Ext. _____

Left this Message

*Please call him in
regards to the protest
on these permits.*

Use Your "Blue Book"

(Over)

FOR FASTER LONG DISTANCE SERVICE-CALL BY NUMBER *b32647*

AND
JONES
MESSIAH
LEFT SECRETARY
WITH
COUNCIL

832647

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 13, 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

32647

LAW OFFICE OF
PETER B. WILSON

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

RECEIVED
OCT 21 1966

P. O. BOX 749

PHONE AN 7-3127
AN 7-3128

Department of Reclamation

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.

32647

OCT 21 1966

Department of Reclamation

BEFORE THE DEPARTMENT OF RECLAMATION,

STATE OF IDAHO

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 granting 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.

/s/ Peter B. Wilson
Peter B. Wilson, Attorney for
Defendant

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 19 day of October, 1966.

/s/ Peter B. Wilson

32647

In the Matter of Objection)
and Protest to the Issuance)
of License No. R-1212 and)
No. 32647)

ORDER TO DISMISS OBJECTION
AND PROTEST

WHEREAS, on the 10th day of October, 1966 Frank Kerns, by and through his attorney of record, Peter B. Wilson, filed protest against the issuance of Licenses No. 32647 and R-1212; and

WHEREAS, Frank Kerns alleged that storage waters were seeping upon adjacent land owned by him; that insufficient water is available in Dodge and Deep Creeks to maintain a flow of the 5 c.f.s. called for in Permit No. 32647, and that prior water rights obtained by appropriation further reduce the available water supply; and

WHEREAS, the State Reclamation Engineer caused the works covered by Permits No. 32647 and R-1212 and the adjacent lands to be examined; and

WHEREAS, the State Reclamation Engineer was advised that seepage waters were possibly causing damage to Mr. Kern's property; that Dodge and Deep Creek were running more than 5 c.f.s.; that Mr. Kerns' water right would not be injured by the issuance of Licenses No. 32647 and R-1212; and that no other water user of the waters of Dodge Creek and Deep Creek had protested to the Department of Reclamation;

Whereas, the State Reclamation Engineer has not found cause within the statutory definition of his duties to hold a hearing; now

THEREFORE, the protest of Frank Kerns against the issuance of Licenses No. 32647 and R-1212 dated the 18th day of October, 1966 is hereby dismissed.

32647

**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 Anna Epaldi, Notary Public, at 600 South Walnut Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 5 (five) cubic feet per second of the waters of Dodge Creek and 5 c.f.s. of the waters of Deep Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32647, heretofore issued by the Department of Reclamation of the State of Idaho. NW

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 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 use is 10 (ten) cubic feet per second.

3. The use to which said water has been applied is propagation of fish and wildlife for recreational purposes, and the amount applied to beneficial use is 10 (ten) cubic feet per second.

4. The point of diversion of said water is in the NW 1/4 SW 1/4, Section 33, Township 60 North, Range 1 West Boise Meridian, and the SE 1/4 NE 1/4 of Section 1, Township 50 North, Range 1 West Boise Meridian.

5. The place where said water is used is SW 1/2, Section 27, E 1/2, Section 33, W 1/2, W 1/2 E 1/2, Section 34, Township 60 North, Range 1 West Boise Meridian, Boundary County, Idaho, and the W 1/2 NW 1/4, Section 8, and the E 1/2 NE 1/4, Section 4, Township 50 North, Range 1 West Boise Meridian, Bonner County, Idaho. Total 740 acres. ✓

6. The date of priority which said user is prepared to establish is December 1, 1965.

R. KEITH HIGGINSON
State Reclamation Engineer
1st publication 9/29/66
Final publication 10/20/66.

§ 32647

September 26, 1966

Re: Permit No. 32647

Bonnars Ferry Herald
Bonnars Ferry, Idaho

Gentlemen:

This is a follow up of a telephone conversation held with you on September 26, 1966, during which we requested a change as follows under number 5 of the galley proof: 5. The place where said water is used is S/2, Section 27; E/2 E/2, Section 33;

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

32647

SEP 26 1966

BOISE IDAHO
BONNER COUNTY

SEP 14 1966

Department of Reclamation

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

Department of Reclamation

NOTICE is hereby given that ~~xxxxxx~~ 10 ~~xxxxxx~~ xxxx on the 24th day of October 1966, at Boise, County of Ada, State of Idaho, before ANNE EPELDI, Notary Public, at (address) 600 South Walnut Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 5 (five) cubic feet per second of the waters of Dodge Creek and 5 c.f.s. of the waters of Deep Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32647, 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 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 use is 10 (ten) cubic feet per second.
3. The use to which said water has been applied is propagation of fish and wildlife for recreational purposes, and the amount applied to beneficial use is 10 (ten) cubic feet per second.
4. The point of diversion of said water is in the NW/4 SW/4, Section 27, Township 60 North, Range 1 West Boise Meridian, and the SE/4 NE/4 of Section 4, Township 59 North, Range 1 West Boise Meridian.
5. The place where said water is used is S/2, Section 27; E/2 E/2, Section 33; W/2, W/2 E/2, Section 34; Township 60 North, Range 1 West Boise Meridian, Boundary County, Idaho, and the W/2 NW/4, Section 3; and the E/2 NE/4, Section 4; Township 59 North, Range 1 West Boise Meridian, Bonner County, Idaho. Total 740 acres.
6. The date of priority which said user is prepared to establish is December 7, 1965.

R. KEITH HIGGINSON

State Reclamation Engineer

1st publication 9/29/66
Final publication 10/20/66

32647

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
CARL E. TAPPAN
State Reclamation Engineer

RKH:mr

32647

September 19, 1966

Re: Permit No. **52647, B-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. 52647, B-1212. The proofs are to be made ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ on the 24th day of October, 19 66, before Anne Epeldi
600 South Walnut Street Notary Public.

As of this date, we have mailed the Notice to the Bonnara Ferry
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

32647

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, 83707

IDAHO FISH AND GAME DEPARTMENT

September 12, 1966

RECEIVED
SEP 16 1966

Department of Reclamation

Mr. R. Keith Higginson
Assistant State Reclamation Engineer
Statehouse

Sir:

Enclosed herewith is a Notice of Publication of Completion of Works, an Application of Water to Beneficial Use, and Permits 32647 and R 1212.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

John R. Woodworth
John R. Woodworth
Director

Enclosures

32647

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

RECEIVED
SEP 14 1966

NOTICE is hereby given that at ~~10~~ 10 A. M., on the 24th day of September of Reclamation 1966, at Boise, County of Ada, State of Idaho, before ANNE EPELDI, Notary Public, at (address) 600 South Walnut Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 5 (five) cubic feet per second of the waters of Dodge Creek and 5 c.f.s. of the waters of Deep Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32647, 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 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 use is 10 (ten) cubic feet per second.

3. The use to which said water has been applied is propagation of fish and wildlife for recreational purposes, and the amount applied to beneficial use is 10 (ten) cubic feet per second.

4. The points of diversion of said water is in the NW 1/4 SW 1/4, Section 27, Township 60 North, Range 1 West Boise Meridian, and the SE 1/4 NE 1/4 of Section 4, Township 59 North, Range 1 West Boise Meridian.

5. The place where said water is used is S/2, Section 27; E/2 E/2, Section 33; W/2, W/2 E/2, Section 34; Township 60 North, Range 1 West Boise Meridian, Boundary County, Idaho, and the W/2 NW/4, Section 3; and the E/2 NE/4, Section 4; Township 59 North, Range 1 West Boise Meridian, Bonner County, Idaho. Total 740 acres.

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

State Reclamation Engineer

077-2510

596
32647

RECEIVED
SEP 14 1966

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE
Department of Reclamation

32647

(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 Bonnors Ferry Herald of
Bonnors 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

32647

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USERECEIVED
SEP 14 1966

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/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

8 32647

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. 32647

Sept. 1, 1966

Dept. of Fish and Game
Building

Dear Sir:

The date for Completion of Works under your Permit No. 32647 was set for December 28, 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. 28, 1967. 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:

32647

January 14, 1966

Re: Permit No. 32647

State of Idaho, Fish and Game Department
Box 25
Boise, Idaho

Dear Sir:

We enclose Permit No. 32647 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. - - which was issued covering payment in the amount of \$ no fee for the filing fee of the above mentioned permit.

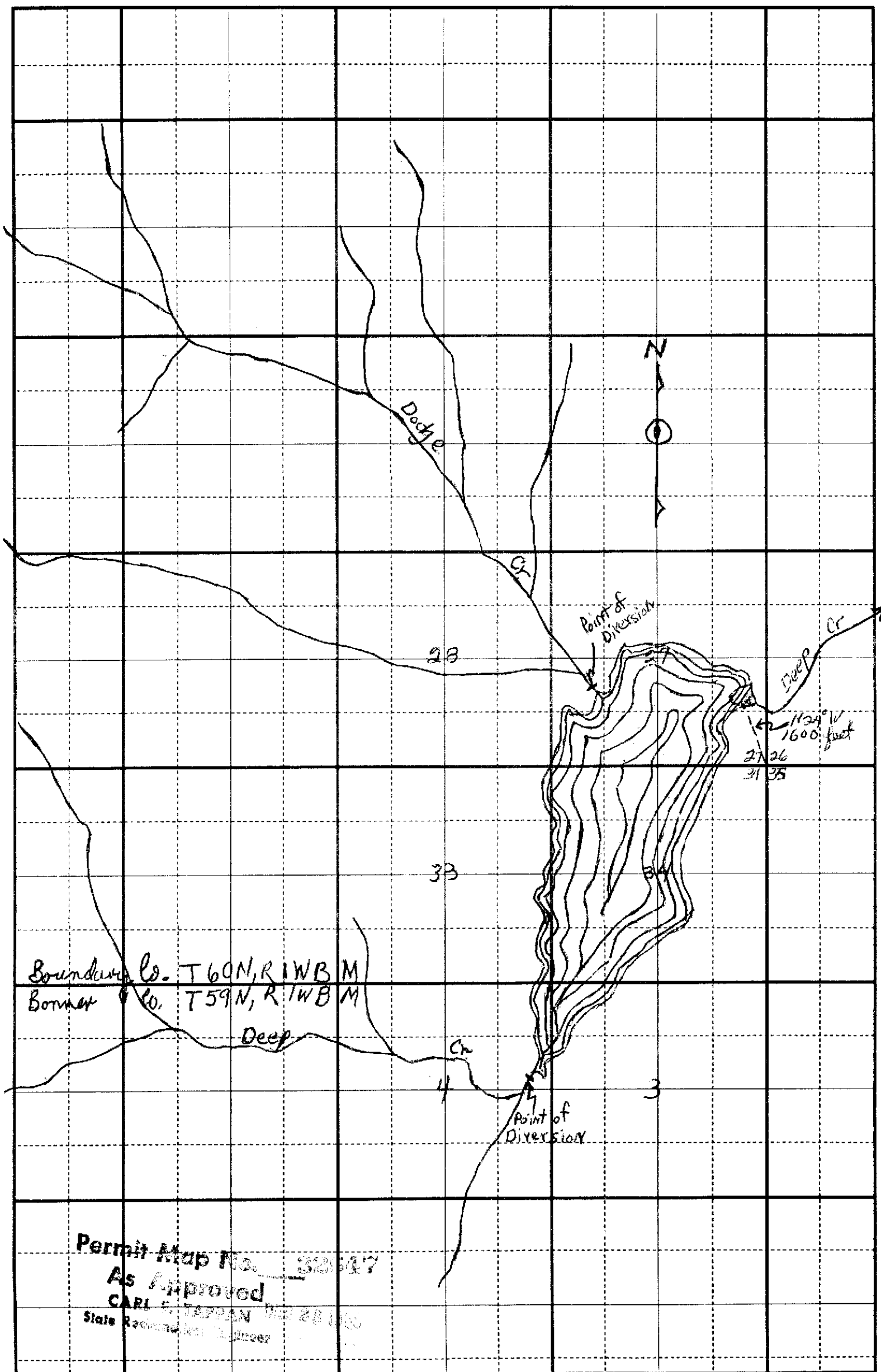
Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl. receipt and permit
EPR:pmk

\$ 32647



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

\$32647