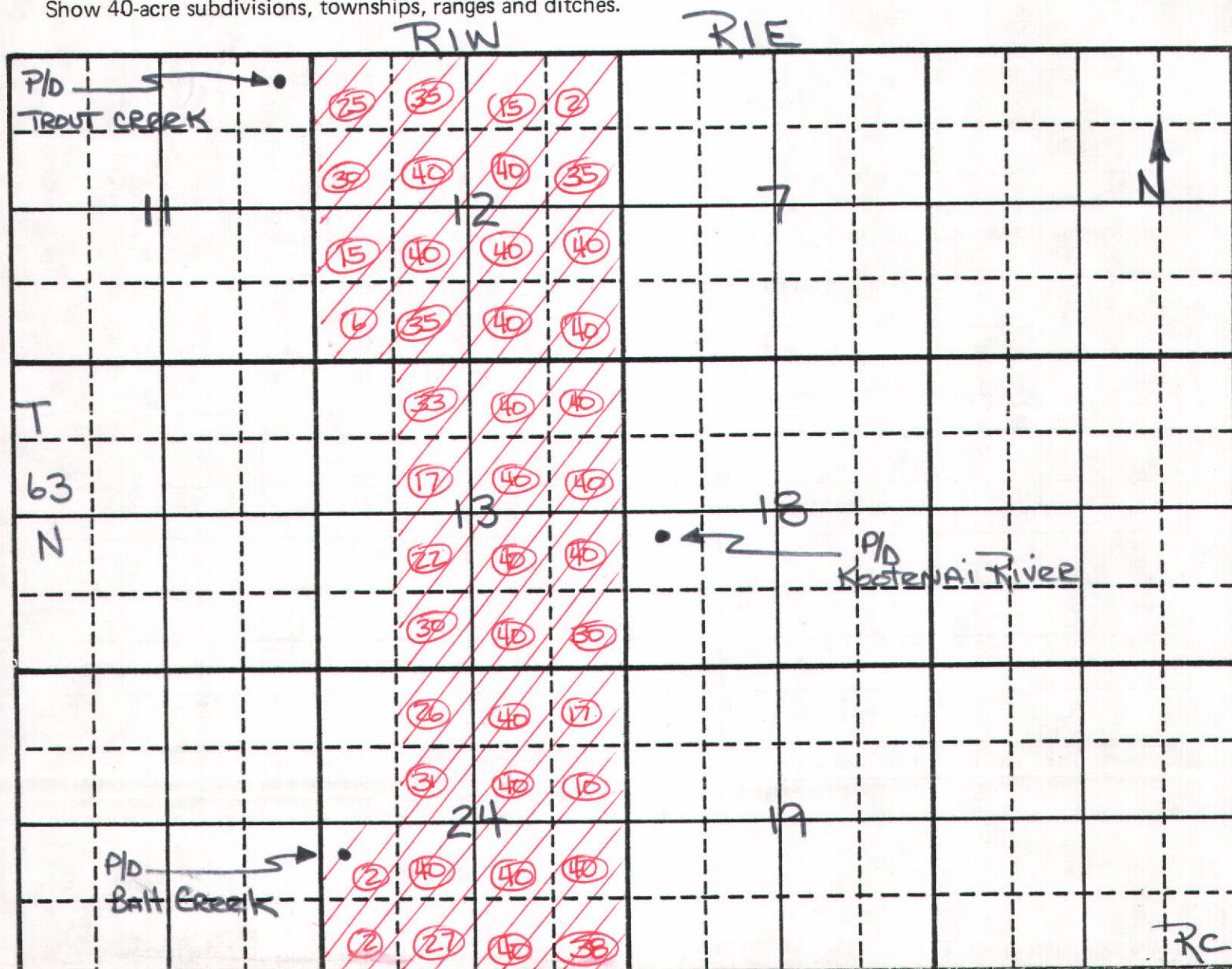


Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

Signed at Walla Walla, Washington, this 24 day of September, 1981

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Leni Fee = \$20.00

Received by JA Date 10-2-81

Publication prepared by N/A Date

Published in _____

Publication dates _____

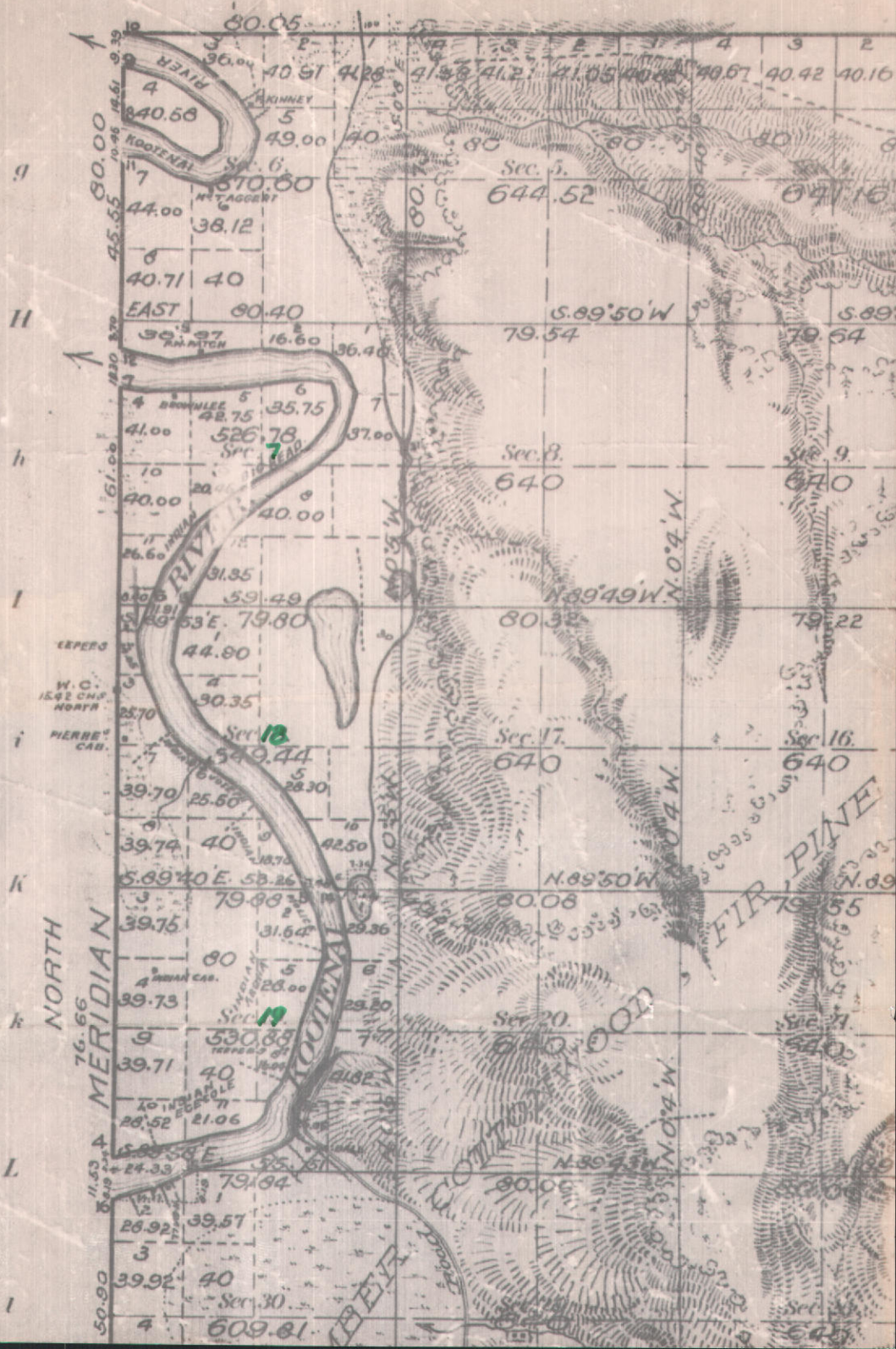
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Director of the Department of Water Resources hereby APPROVE the above Application for Amendment of Permit No. 98-2119.

Witness my hand this 31ST day of October, 19 81

Norman C Young
Acting for the Director

63N-1E.



63 N - 1 W

[illegible]

Rge. 1W

Rge. 1E

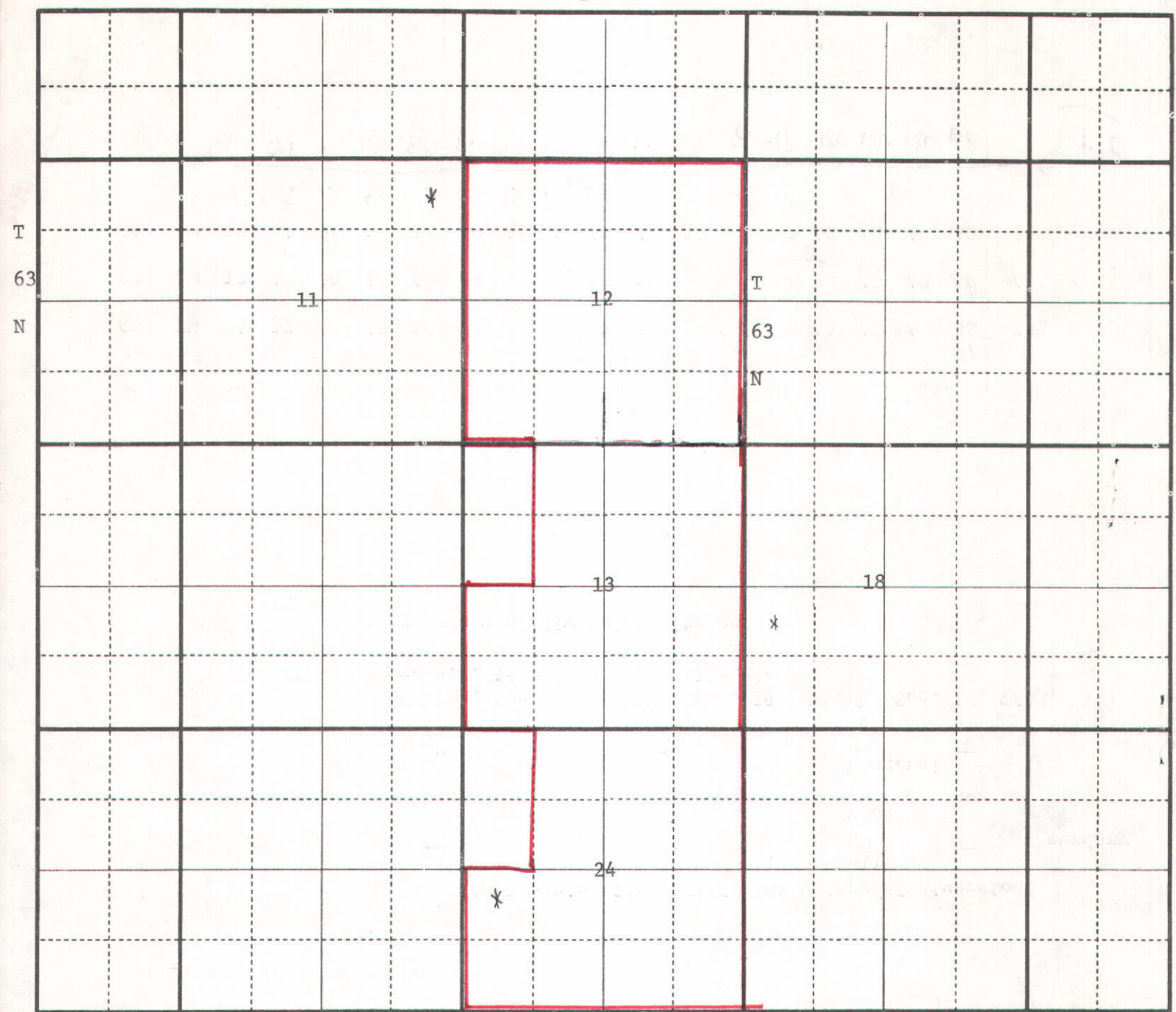
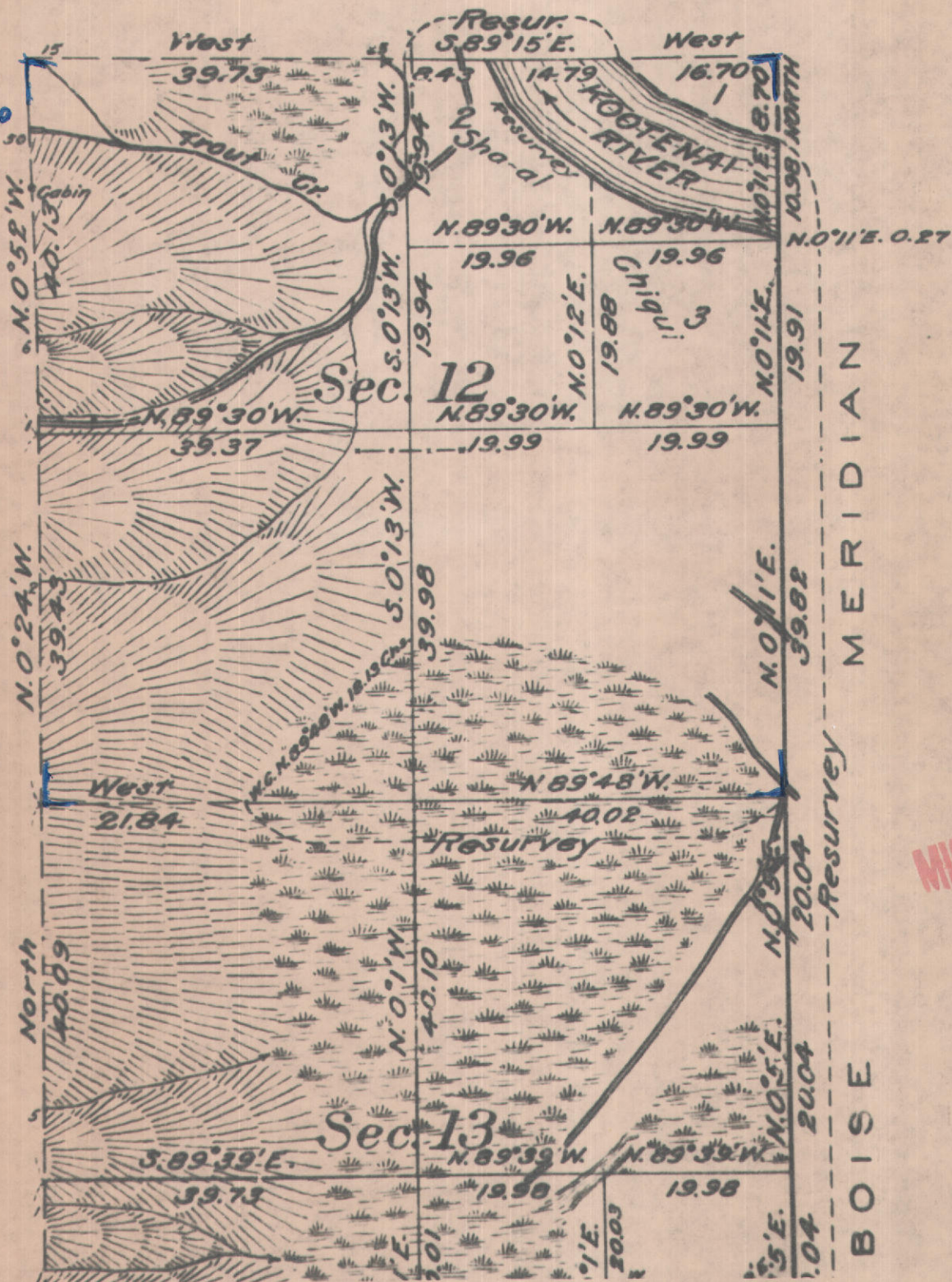
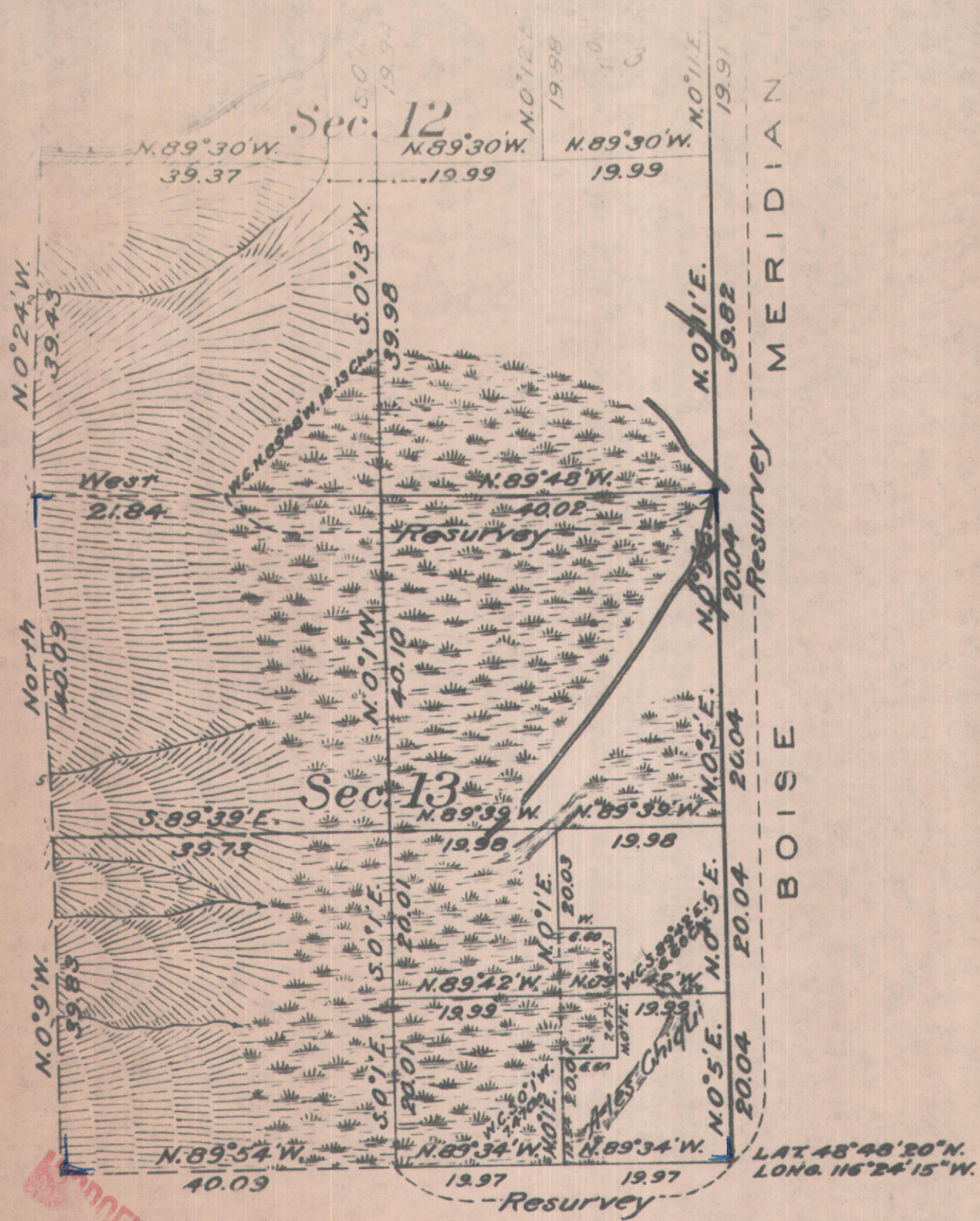


Diagram of System

MICROFILMED

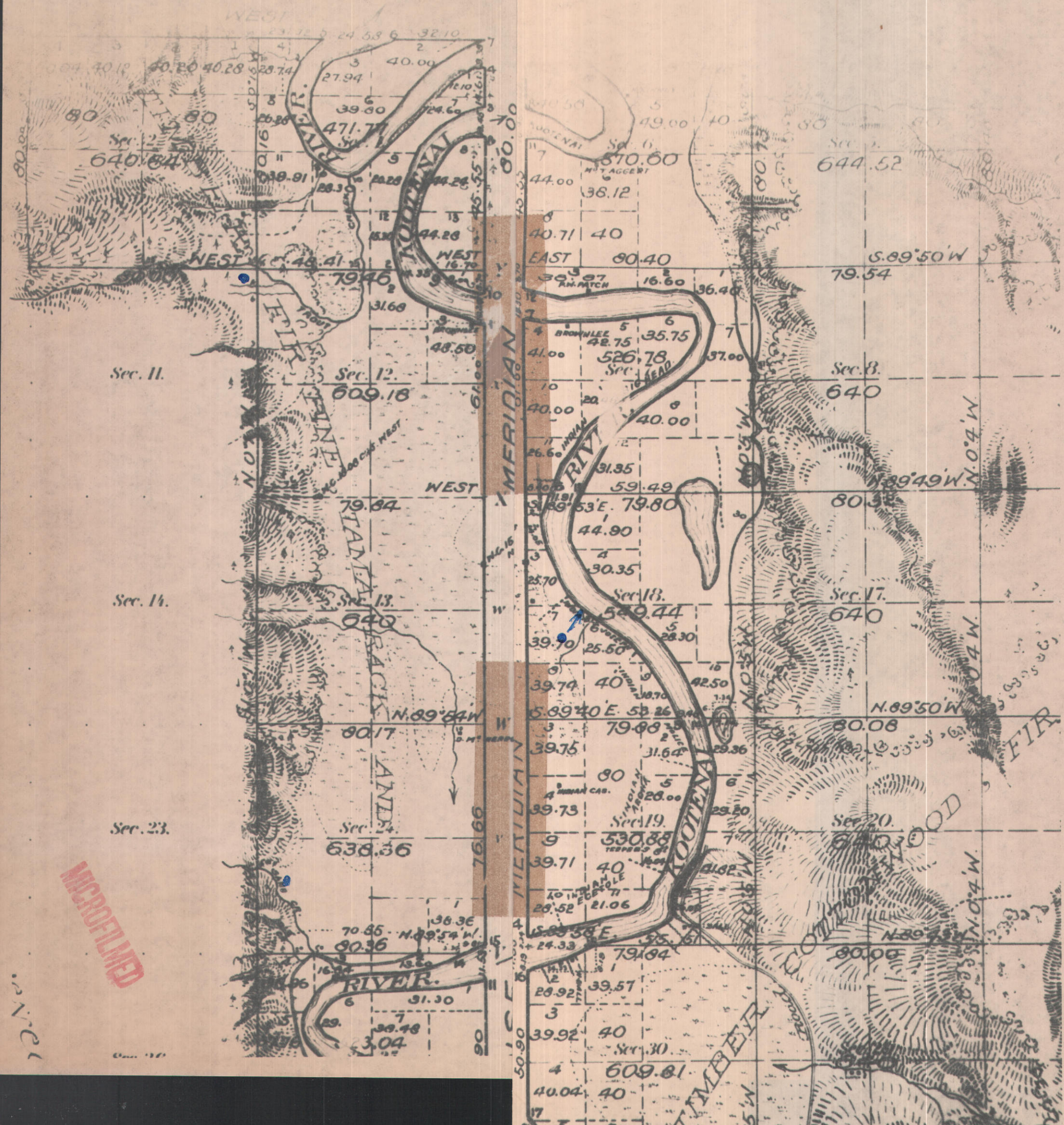
Scale 20 Chains

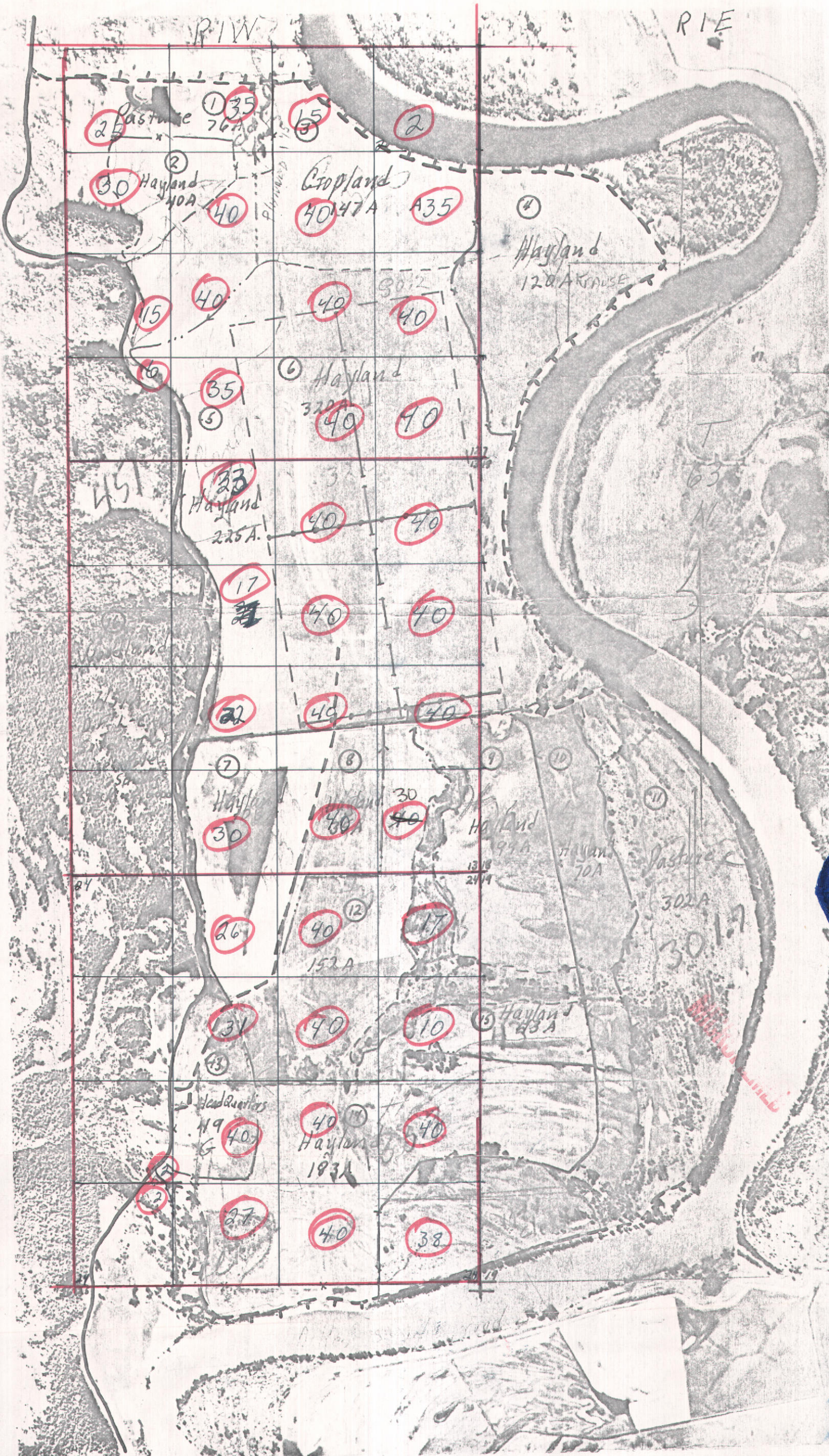




ways and subdivisions of sections shown on this plat
 for the purpose of marking, by monuments on the ground,
 of the Indian Allotments in the respective sections.
 as the same as shown on the original plat of Town-
 ; Range N^o West.

[illegible]





April 1, 1976

CERTIFIED MAIL # 138502

Re: Permit No. 32396/98-2119

Frank LeRoux, Inc.
c/o Nixon & Nixon
P.O. Box 368
Bonners Ferry, Idaho 83805

Gentlemen:

One of the conditions of approval of your water Permit No. 32396/98-2119 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 14, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

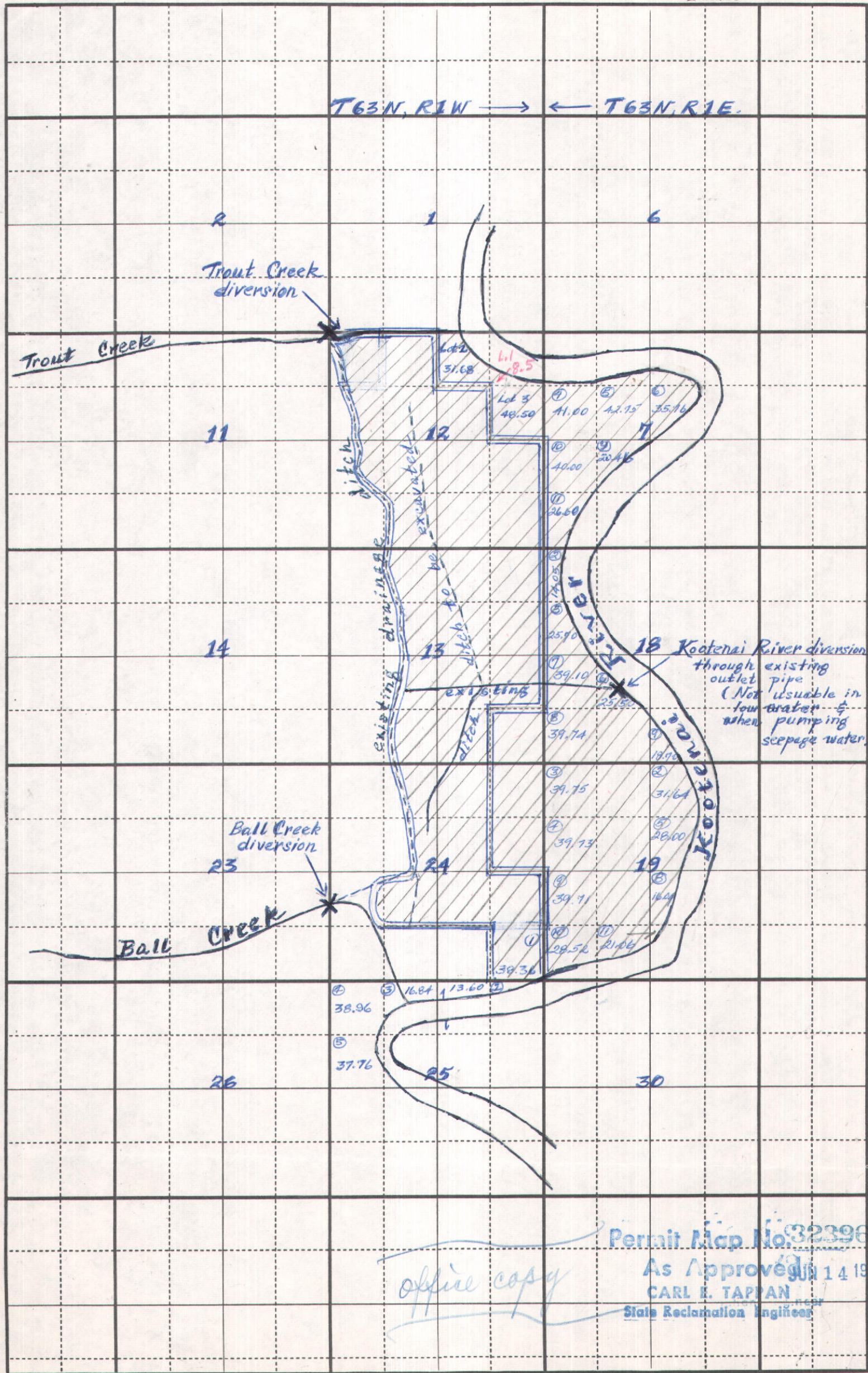
Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

MAILED



32396

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 98-2119 Priority June 8, 1965 Amount 20.0 cfs

THIS IS TO CERTIFY, that Frank LeRoux
of Bonnors Ferry, Idaho, has complied with the terms and conditions of Permit
No. 98-2119 issued pursuant to Application for Permit dated June 8, 1965,
and has submitted proof to the Department of Water Resources on May 11, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 20.02 cfs of water from Trout Creek
Kootenai River
tributary to Kootenai River, and that the permit holder has applied to a beneficial use and
Columbia River
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>20.0</u> cfs and	<u>3849.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 20.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3849.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Twp. 63N,
(Trout Creek)
Rge. 1W; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Twp. 63N, Rge. 1W in the County of Boundary
1W; (Kootenai River) NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 7), Section 18, Twp. 63N, Rge. 1E

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
63N	1W	24	17	40	40	10	26			31	40	2	2	27	40	40	40	38	393
		13	40	40	40	40	33			17	22			30	40	40	40	30	412
		12		L.2 15		L.3 37	35	25	30	40	40	15	6	35	40	40	40	40	478

Total number of acres irrigated 1283

The maximum rate of diversion allowable under this right from Ball Creek is 5.00
cfs, Trout Creek is 5.00 cfs, Kootenai River is 10.00 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31st day of

October, 19 81.

Acting for the Director

Norman C Young

State of Idaho
Department of Water Resources

RECEIVED

OCT 14 1981

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Frank LeRoux, Inc., hereby assign to Frank LeRoux

of Star Route #1, Bonners Ferry, Idaho 83805
Address

OK to process
PC 10/14/81

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 98-2119
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 12 day of OCT., 19 81

Frank LeRoux
Permit Holder

Mrs. Frank (Kathleen) LeRoux
Spouse of Permit Holder

State of ~~Idaho~~ Washington)
County of Nalla Halla) ss.

On this 12 day of October, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Lusine Nelson
Notary Public residing at
Nalla Halla

My commission expires:

12/1/84



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 2, 1981

RE: Permit No. 98-2119

Frank LeRoux
Star Route #1
Bonners Ferry, ID 83805

Dear Mr. LeRoux:

Thank you for returning the Amendment of Permit. Enclosed please find Departmental Receipt No. 20463 in the amount of \$20.00.

Also enclosed is an assignment form which has been completed reflecting the desired name change you requested in your letter. Please have it signed before a notary public and return it to us. We will wait until it is returned before we issue the license.

If you have any questions, please let me know.

Sincerely,

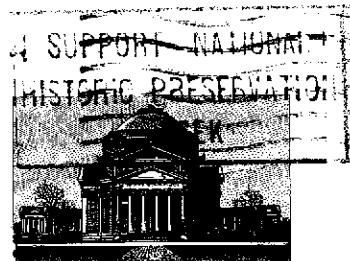
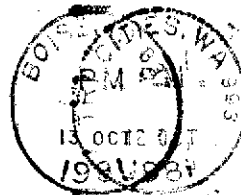
JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

RECEIVED
OCT 14 1981
WATER RESOURCES

Frank LeRoux

314 JONES BUILDING
6 1/2 NORTH SECOND STREET
WALLA WALLA, WA. 99362



Stanford White 1853-1906 NYU Library New York

Architecture USA 18c

DEPT. OF WATER RESOURCES

Idaho State Office

450 W. State Street

Boise, ID 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING
APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now **Frank LeRoux**

of (address) Bonnerr's Ferry, ID , and represents to the
Director of the Idaho Department of Water Resources:

No. 98-2119, and requests that the permit and permit map be changed as follows:

1. Point of diversion: Bar Creek NW ¼ SW ¼, Section 24, Township 63N, Range 1W, B.M.,
County of _____ Boundary _____. Other points of diversion: _____
(Trout Creek) NENE Sec. 11, Twp 63N, Rge 1W.
(Kootenai River) (Lot 7) NWSW Sec. 18, Twp 63N, Rge 1E.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated = 1283

4. a. Who owns the property at the point of diversion? Frank LeRoux

b. Who owns the land to be irrigated or the place of use? Frank LeRoux

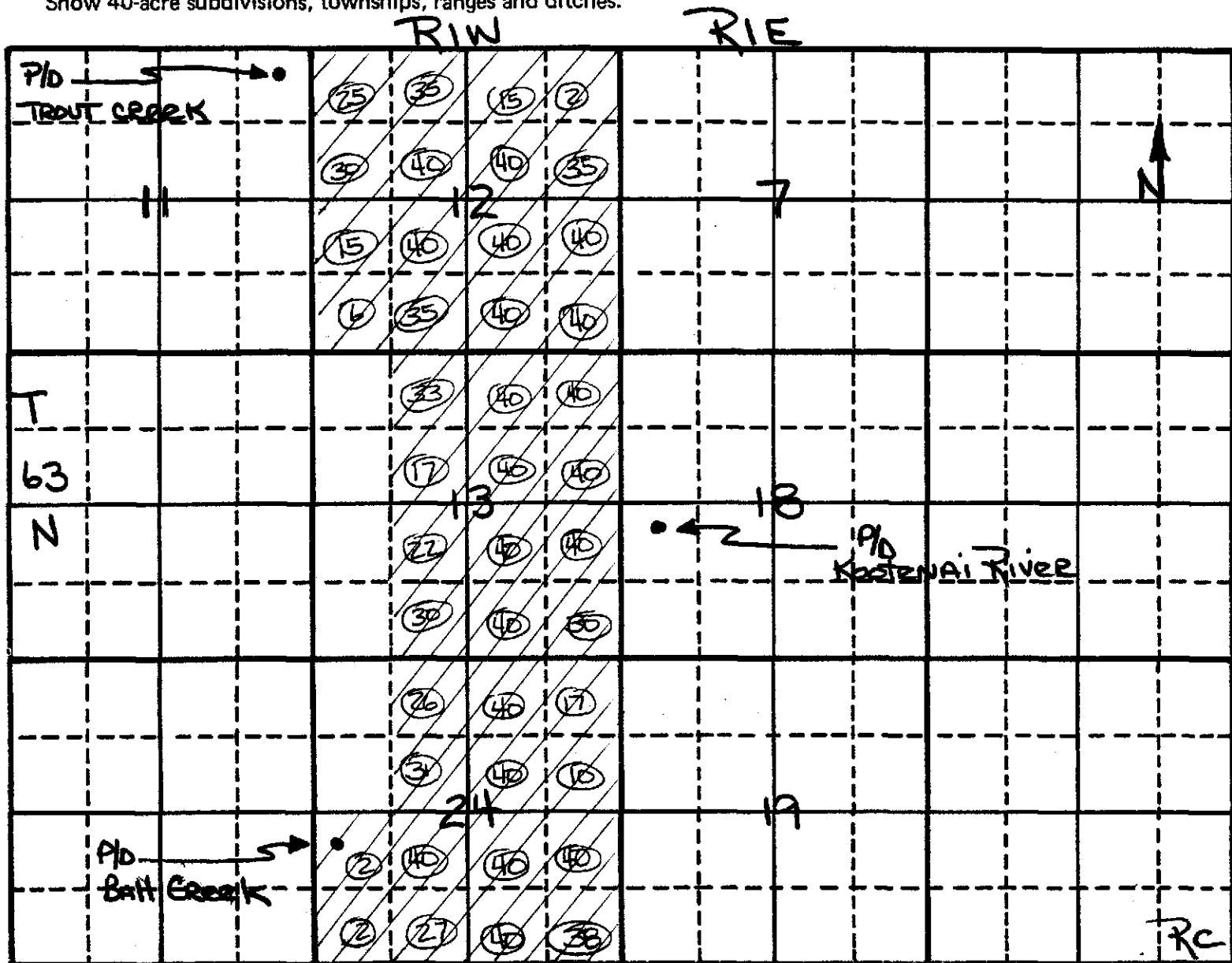
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

applican

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at Walla Walla, Washington, this 24 day of September, 1981.

Frank DeRoux
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Jen Fee = \$20.00
Publication prepared by N/A Date _____
Publication dates _____
Received by 19 Date 10-2-81
Published in _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Director of the Department of Water Resources hereby
APPROVE the above Application for Amendment of Permit No. 98-2119.

Witness my hand this 31ST day of October, 19 81.

Norman C Young
Acting for the Director

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

APPLICATION No. 40548
PERMIT No. 32396
DISTRICT No.

1. Name of Applicant: Frank LeRoux, Inc.

Postoffice address: Bonners Ferry

County: Boundary State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Aug. 9, 1946, Walla Walla, Wash., approved and filed in Idaho June 1, 1964;

(b) Amount of capital stock: \$400 no par

(c) Amount paid in: \$86,175.00

(d) Names and addresses of directors: Frank LeRoux, 228 E. Main Street, Walla Walla, Washington; 223 shares; Lorene LeRoux, 228 E. Main Street, Walla Walla, Washington, 1 share; Charles Snyder, Baker Building, Walla Walla, Washington, 1 share;

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock: 175

(c) Bond to be issued: none

(d) Other resources: Net assets estimated to be in excess of \$200,000.00.

Balance sheet can be furnished on request cubic feet per second.

2. Quantity of water claimed: twenty (20)

3. Source of water supply: Ball Creek (5 cu.ft.), Trout Creek (5 cu.ft.) and Kootenai River (10 cu.ft.) which is a tributary of Kootenai & Columbia Rivers are

4. Location of point of diversion: From Ball Cr. in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 63 N., R. 1 W.B.M.; from Trout Cr. in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Twp. 63 N., Rge. 1 W.B.M.;

Three points of diversion

corner of Section , T. , R. , B.M., and in the from Kootenai River in the NE $\frac{1}{4}$ SW $\frac{1}{4}$

of section 18 , T. 63 N. , R. 1 E. , B. M., County of Boundary

5. Water is to be used for Irrigation

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

(a) Point of use of water: feet distant from corner of Section

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 at a point feet

distant from the corner of Section , T. , R. , B.M., in the of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 25,000.00

8. Kind of works: Ditches and pipe

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam: no dam - rock diversion through 24 in. culverts in Ball Creek and Trout Creek None in Kootenai River

10. Size of headgate: Width 24 in. culvert feet; height feet.

11. Ditch: Width at bottom 3 feet; width at water line 10 feet; depth of water 4 feet; dimensions of flume:

Diameter of pipe 24 inches; length of conduit Ball Creek $\frac{1}{2}$ mile, Trout Creek $\frac{1}{4}$ miles.

Average grade per mile 50 feet.

12. The time required for the completion of such work is five (5) years.

13. The time required for the complete application of the water to the proposed use is six 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: Domestic use only

- (c) **Date of filing of Application for Storage Permit and Name of Applicant:**

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.

FRANK LE ROUX, INC. Applicant.

By s/ W. J. Nixon
Nixon & Nixon, Attorneys at law Agent.

Date of first receipt at Department of Reclamation: 2:00 P.M. June 8, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32396

Recorded in Book 113 Page 32396 Approved June 14, 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 August 14, 1965 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 December 14, 1967

The whole of said work to be completed on or before June 14, 1970

Beneficial use of water appropriated in accordance herewith, to be made on or before June 14, 1976

WITNESS My hand this 14th day of June, 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.....14th.....

day of June, 1965
Countersigned:

STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS By s/ ROBERT E. SMYLIE
Governor.

By: Paula L. Fleenor
Deputy Secretary of State

REMARKS: The land included in this application to be benefited by irrigation include all the lands within the boundaries of Drainage Dist. No. 12, of Boundary County, Idaho. Existing drainage ditches and pumping facilities will be used, when not in use for drainage purposes, and additional ditches on high ground will be constructed. Three points of diversion will be made, one from Ball Creek, one from

[illegible]

NOTICE OF CORRECTION

Notice is hereby given that Permit No. 32396-98-2119 in the name of Frank LeRoux, Inc. was advertised incorrectly. The place of use of the water should have reads as follows: NE¹/₄NE¹/₄ (lot 1), NW¹/₄NE¹/₄ (lot 2), SW¹/₄NE¹/₄, SE¹/₄NE¹/₄ (lot 3), NW¹/₄, NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, SE¹/₄, Sec. 12; NE¹/₄, E¹/₂NW¹/₄, E¹/₂SW¹/₄, SE¹/₄, Sec. 13; NE¹/₄, E¹/₂NW¹/₄, NE¹/₄SW¹/₄, NE¹/₄SE¹/₄, SE¹/₄SE¹/₄ (lot 1), Sec. 24; T. 63N, R. 1W, B.M. and SW¹/₄NE¹/₄ (lot 6), SW¹/₄NW¹/₄ (lot 4), SE¹/₄NW¹/₄ (lot 5), NE¹/₄SW¹/₄ (lot 9), NW¹/₄SW¹/₄ (lot 10), SW¹/₄SW¹/₄ (lot 11), Sec. 7; NW¹/₄NE¹/₄ (lot 2), SW¹/₄NE¹/₄ (lot 5), NE¹/₄NW¹/₄ (lot 3), NW¹/₄NW¹/₄, SW¹/₄NW¹/₄ (lot 4), SE¹/₄NW¹/₄, NE¹/₄SW¹/₄, NW¹/₄SW¹/₄ (lot 9), SW¹/₄SW¹/₄ (lot 10), SE¹/₄SW¹/₄ (lot 11), NW¹/₄SE¹/₄ (lot 8), Sec. 19; NW¹/₄NW¹/₄ (lot 2), SW¹/₄NW¹/₄ (lot 3), NE¹/₄SW¹/₄ (lot 6), NW¹/₄SW¹/₄ (lot 7), SW¹/₄SW¹/₄ (lot 8), SE¹/₄SW¹/₄, SW¹/₄SE¹/₄ (lot 9), Sec. 18; T. 63N, R. 1E, B.M.

Any protest to the above correction must be received by the Department of Water Administration within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON,
Director
Idaho Dept. of Water
Administration

Published in the Bonners Ferry
Herald, Bonners Ferry, Idaho, on
July 9 and July 16, 1970.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

W. H. 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 Department of Water Administration

Notice of Correction

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 July 9, 1970, and ending with the issue dated July 16, 1970.

Subscribed and sworn to before me this 8 day of Aug, 1970

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

32396

98-2119

AFFIDAVIT OF PUBLICATION

NOTICE OF CORRECTION

Notice is hereby given that Permit No. 32396/98-2119 in the name of Frank LeRoux, Inc. was advertised incorrectly. The place of use of the water should have reads as follows: NE $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 1), NW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 3), NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ (lot 1), Sec. 24; T. 63N, R. 1W, B.M. and SW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 6), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 4), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 5), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 9), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 10), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 11), Sec. 7; NW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 5), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 3), NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 4), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 9), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 10), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 11), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (lot 8), Sec. 19; NW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 2), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 3), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 6), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 7), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 8), SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ (lot 9), Sec. 18; T. 63N, R. 1E, B.M.

Any protest to the above correction must be received by the Department of Water Administration within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON,
Director
Idaho Dept. of Water
Administration

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on July 9 and July 16, 1970.

STATE OF IDAHO }
County of Boundary } ss.

W. H. 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 Department of Water Administration

a Notice of Correction

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 July 9, 1970, and ending with the issue dated July 16, 1970.

Subscribed and sworn to before me this 8 day of Aug, 1970

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

98-2119
32396

AFFIDAVIT OF PUBLICATION

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Frank LeRoux, Inc., Bonners Ferry, Idaho, has received an approved permit No. G-32396/98-2119 issued by the Idaho State Reclamation Department authorizing the diversion of 20.0 cubic feet per second of water from Ball Creek, Trout Creek, and the Kootenai River, subject to all prior rights. The priority to be established under this permit is June 8, 1965 and the permit was approved June 14, 1965. Water is to be diverted by ditches and pipe from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 63 N, R. 1 W, B. M.; and three points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 63 N, R. 1 E, B. M., Boundary County, to be used for irrigation in the N $\frac{1}{2}$ NE $\frac{1}{4}$ (Lots 1 & 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 3), NW $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 1), Sec. 24, T. 63 N, R. 1 W, B. M., SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 6), S $\frac{1}{2}$ NW $\frac{1}{4}$ (Lot 4 & 5), N $\frac{1}{2}$ SW $\frac{1}{4}$ (Lots 9 & 10), $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 11), Sec. 7; W $\frac{1}{2}$ NE $\frac{1}{4}$ (Lots 2 & 5), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 9), SW $\frac{1}{4}$ SW $\frac{1}{4}$ Lot 10), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 11), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 8), Sec. 19; W $\frac{1}{2}$ NW $\frac{1}{4}$ (Lots 2 & 3), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 6), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 7), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 8), SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 9), Sec. 18, T. 63 N, R. 1 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before June 14, 1976. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on May 28 and June 4, 1970.

STATE OF IDAHO }
County of Boundary } ss.

W. H. 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 **State of Idaho Dept. of Reclamation**

a **Notice of Existing Water Permit - Frank LeRoux, Inc.**

No. G-32396/98-2119

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 **May 28**, 19**70**, and ending with the issue dated **June 4**, 19**70**

Subscribed and sworn to before me this **19** day of **June**, 19**70**

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

32396
98-2119

Year	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																				
Population	1,000,000	1,050,000	1,100,000	1,150,000	1,200,000	1,250,000	1,300,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000	2,550,000	2,600,000	2,650,000	2,700,000	2,750,000	2,800,000	2,850,000	2,900,000	2,950,000	3,000,000	3,050,000	3,100,000	3,150,000	3,200,000	3,250,000	3,300,000	3,350,000	3,400,000	3,450,000	3,500,000	3,550,000	3,600,000	3,650,000	3,700,000	3,750,000	3,800,000	3,850,000	3,900,000	3,950,000	4,000,000	4,050,000	4,100,000	4,150,000	4,200,000	4,250,000	4,300,000	4,350,000	4,400,000	4,450,000	4,500,000	4,550,000	4,600,000	4,650,000	4,700,000	4,750,000	4,800,000	4,850,000	4,900,000	4,950,000	5,000,000	5,050,000	5,100,000	5,150,000	5,200,000	5,250,000	5,300,000	5,350,000	5,400,000	5,450,000	5,500,000	5,550,000	5,600,000	5,650,000	5,700,000	5,750,000	5,800,000	5,850,000	5,900,000	5,950,000	6,000,000	6,050,000	6,100,000	6,150,000	6,200,000	6,250,000	6,300,000	6,350,000	6,400,000	6,450,000	6,500,000	6,550,000	6,600,000	6,650,000	6,700,000	6,750,000	6,800,000	6,850,000	6,900,000	6,950,000	7,000,000	7,050,000	7,100,000	7,150,000	7,200,000	7,250,000	7,300,000	7,350,000	7,400,000	7,450,000	7,500,000	7,550,000	7,600,000	7,650,000	7,700,000	7,750,000	7,800,000	7,850,000	7,900,000	7,950,000	8,000,000	8,050,000	8,100,000	8,150,000	8,200,000	8,250,000	8,300,000	8,350,000	8,400,000	8,450,000	8,500,000	8,550,000	8,600,000	8,650,000	8,700,000	8,750,000	8,800,000	8,850,000	8,900,000	8,950,000	9,000,000	9,050,000	9,100,000	9,150,000	9,200,000	9,250,000	9,300,000	9,350,000	9,400,000	9,450,000	9,500,000	9,550,000	9,600,000	9,650,000	9,700,000	9,750,000	9,80

Surveyed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

November 19, 1981

RE: Permit No. 98-2119

Frank LeRoux
Star Route #1
Bonners Ferry, ID 83805

Dear Mr. LeRoux:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Departments records changed accordingly.

Enclosed herewith is a copy of the water right license issued on this permit. Also enclosed is a copy of the approved application for amendment of this permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 2, 1981.

RE: Permit No. 98-2119

Frank LeRoux
Star Route #1
Bonners Ferry, ID 83805

Dear Mr. LeRoux:

Thank you for returning the Amendment of Permit. Enclosed please find Departmental Receipt No. 20463 in the amount of \$20.00.

Also enclosed is an assignment form which has been completed reflecting the desired name change you requested in your letter. Please have it signed before a notary public and return it to us. We will wait until it is returned before we issue the license.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

RECEIVED
OCT 10 1981
MILWAUKEE

RECEIVED

SEP 30 1981

Frank LeRoux

314 JONES BUILDING
6 1/2 NORTH SECOND STREET
WALLA WALLA, WA. 99362
TELEPHONE: (509) 529-2535

Department of Water Resources

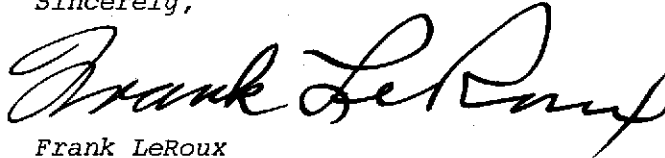
September 25, 1981

TO WHOM IT MAY CONCERN:

Frank LeRoux, Inc., a corporation wholly-owned by Frank LeRoux personally was dissolved in December 1976. At that time all of the property of Frank LeRoux, Inc. was distributed to Frank LeRoux.

Therefore, I would like the Department of Water Resources Application for Amendment of a Permit to reflect ownership as that of Frank LeRoux.

Sincerely,



Frank LeRoux

Ball Creek Ranch

Bonniers Ferry, Idaho

RECEIVED

Robyn

when the assign-
ment is returned
~~it~~ and processed
have Kay prepare
the license

Jan.

September 11, 1981

Frank LeRoux, Inc.
Bonners Ferry, ID

Dear Sirs,

A representative of this Department made an examination of the works covered by your Permit No. 98-2119 on June 11, 1979, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho
Law: 20.0 cfs Source: Ball Creek, Trout Creek, & Kootenai River

The maximum quantity diverted shall not exceed 3849.0 acre feet per year.

Point of diversion: (Ball Creek) NWSW Section 24, Twp 63N, Rge 1W
(Trout Creek) NENE Section 11, Twp 63N, Rge 1W
(Kootenai River) NWSW Section 18, Twp 63N, Rge 1E

Beneficial use: Irrigation of 107 acres in the NE, 26 acres in the NENW,
31 acres in the SENW, 71 acres in the SW, 158 acres in the
SE, Section 24, Twp 63N, Rge 1W - total 393 acres.
Irrigation of 160 acres in the NE, 33 acres in the NENW,
17 acres in the SENW, 22 acres in the NESW, 30 acres in
the SESW, 150 acres in the SE, Section 13, Twp 63N, Rge 1W -
total 412 acres.
Irrigation of 92 acres in the NE, 130 acres in the NW,
96 acres in the SW, 160 acres in the SE, Section 12,
Twp 63N, Rge 1W - total 478 acres. Grand total 1,283 acres

Priority date established: June 8, 1965

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

Jim Johnson
Water Rights Supervisor

- LT 1 in Sec 12
is on the north side
of the river. Note that
lot 3 should show
37 acres in the SENE block,
and the NENE block should
show nothing.

- The p.d. from the Kootenai
should show a lot. We
can do this by placing it
in parens above the tract descrip.

- Lot 1 of Sec 24

has only 38 acres
(license OK - corrected amendment)

We should show in remarks
that the max rate of diversion
from Bull Creek is 5.0 cfs; etc.
for the other 2 creeks.

Or

Robyn

Please follow-up on
Dave's remarks

Thanks
Jim

if flow is decreasing" not this year. **RECEIVED**
DEPARTMENT OF WATER ADMINISTRATION
 FIELD REPORT **JUL 14 1960**
 Frank Leroux, Inc.

3. Water will be used for the following purposes:

Period of Use: from June 1 to Sept. 15
(mo.-day) inclusive (mo.-day)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 98-2119
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 20.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion: (Application lists different points of diversion)
These PD's are correct

Township	63N	N/S,	Range	1W	E/W, B.M.,	Section	24	Subdivision	Ball	NW	1/4	SW	1/4	Boundary
Township	"	N/S,	Range	"	E/W, B.M.,	Section	11	Subdivision	Trout	NE	1/4	NE	1/4	County "
Township	"	N/S,	Range	1E	E/W, B.M.,	Section	18	Subdivision	Kootenai	NW	1/4	SW	1/4	County "

Other Points of Diversions: NE¹SE⁴, Sec. 23, NE¹NE⁴, Sec. 11, NE¹SW⁴, Sec. 18, T¹3N, R1W
are p.d. listed on the application

Description of diverting works: a system of diversion ditches

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 273

CONFIDENTIAL

Rge. 1W

Rge. 1E

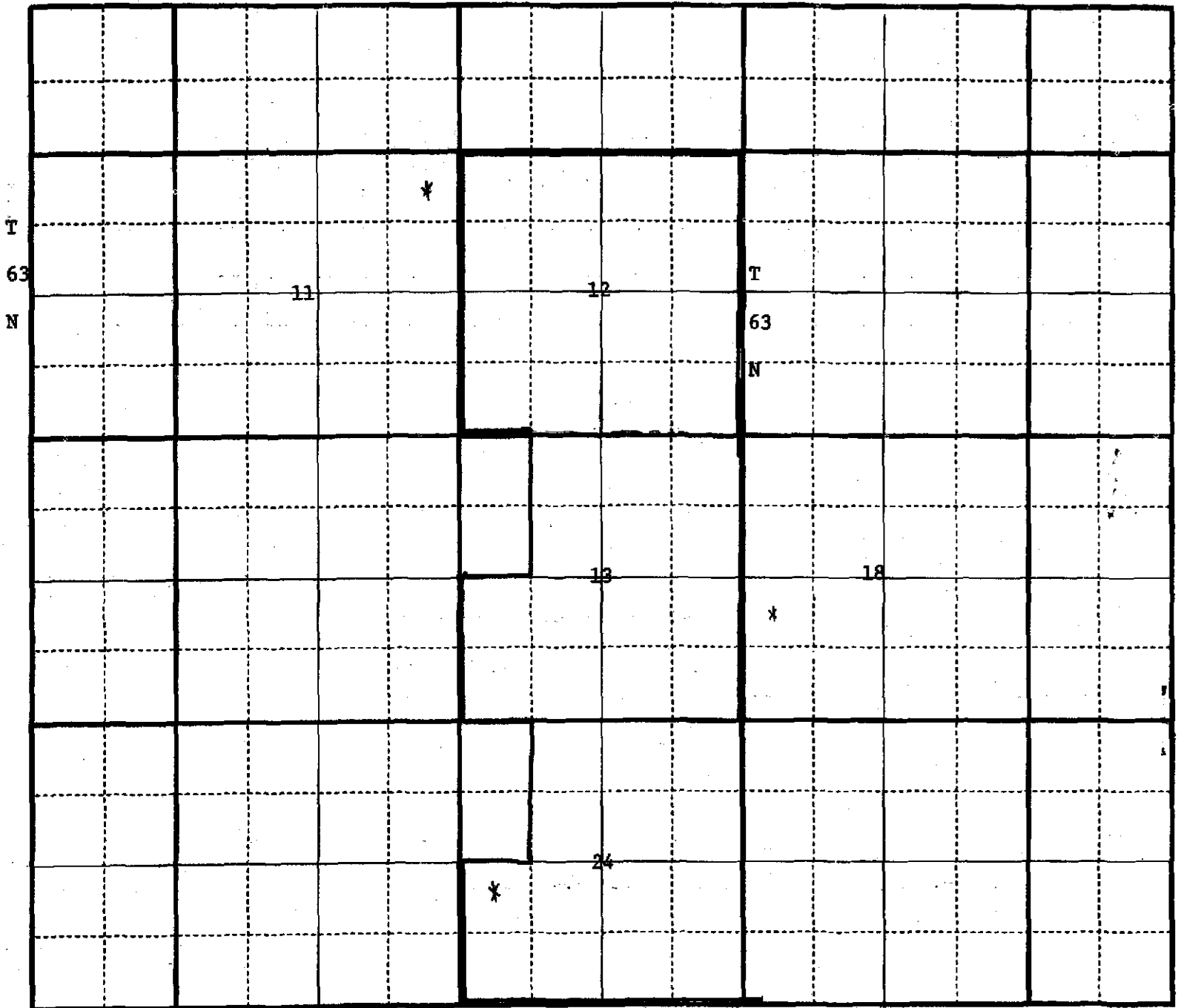
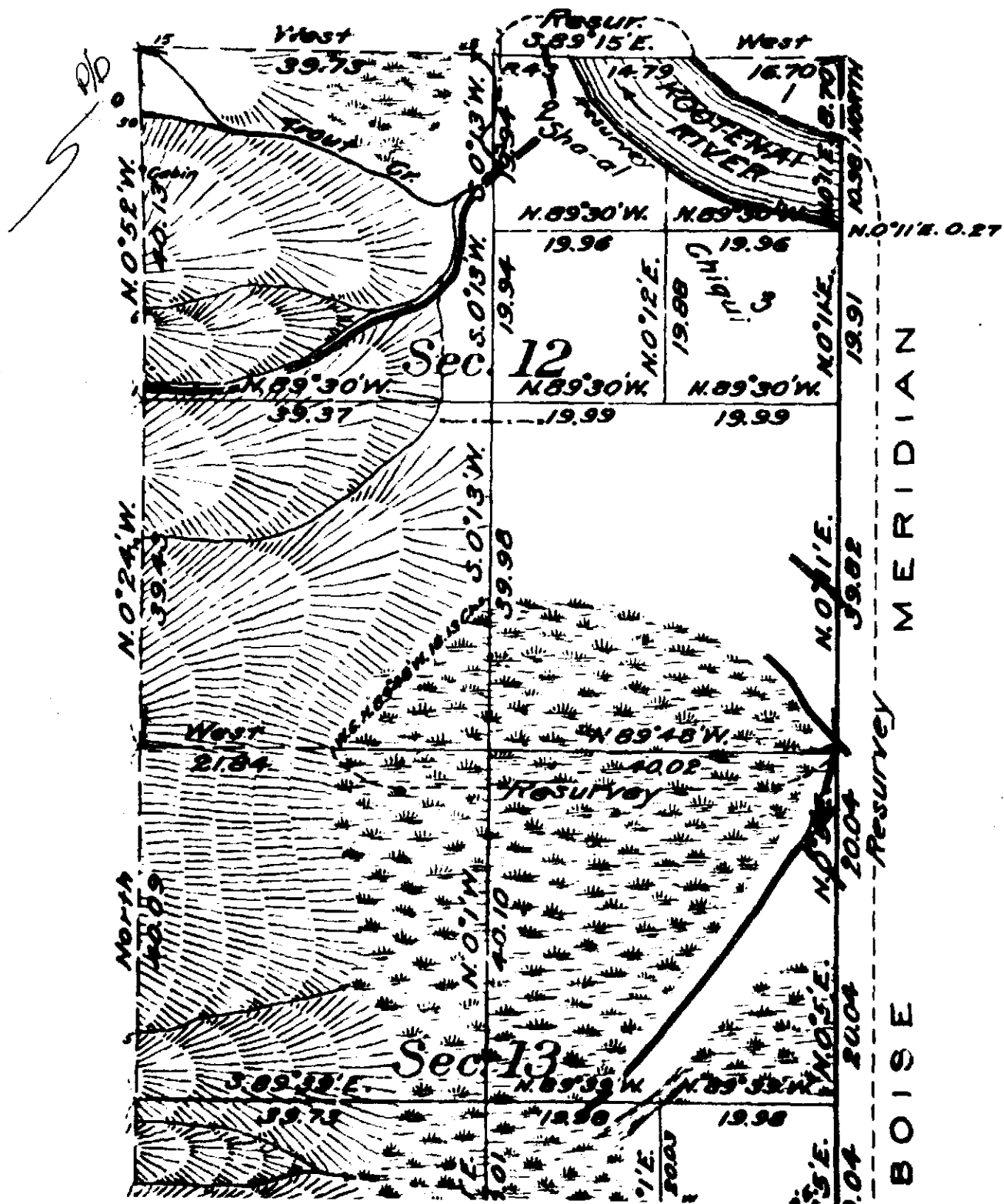
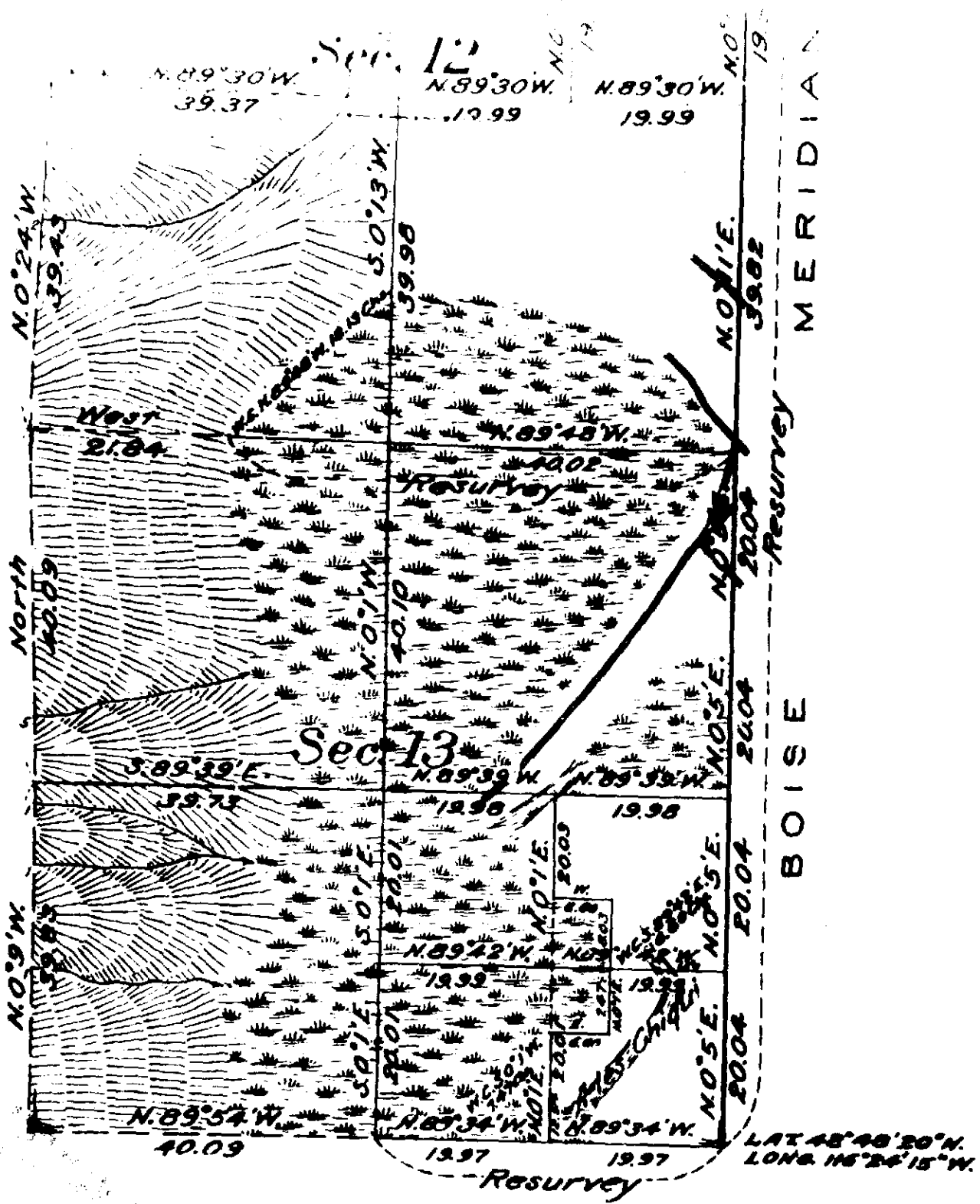


Diagram of System

MICROFILMED

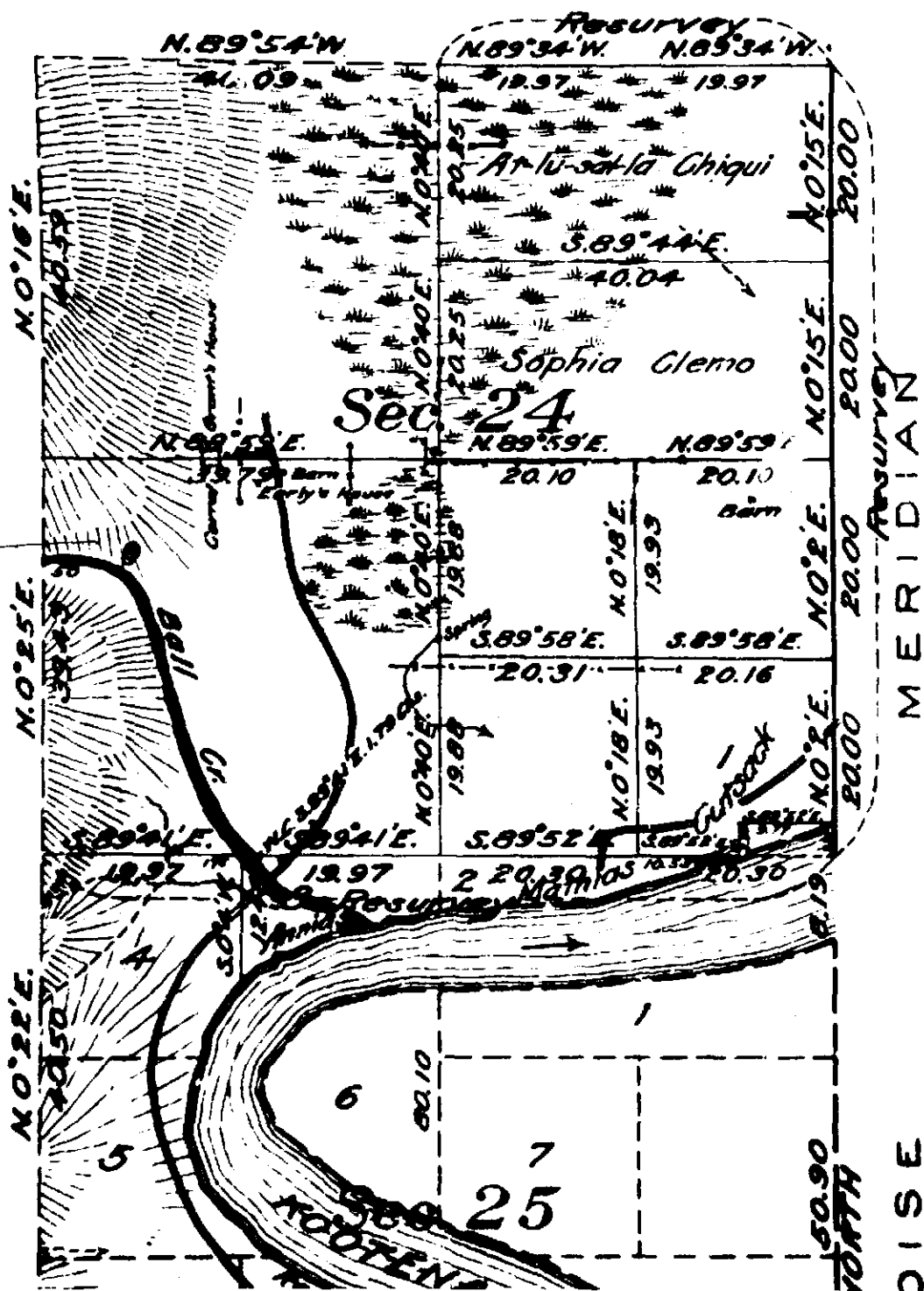
Scale 100 mm.

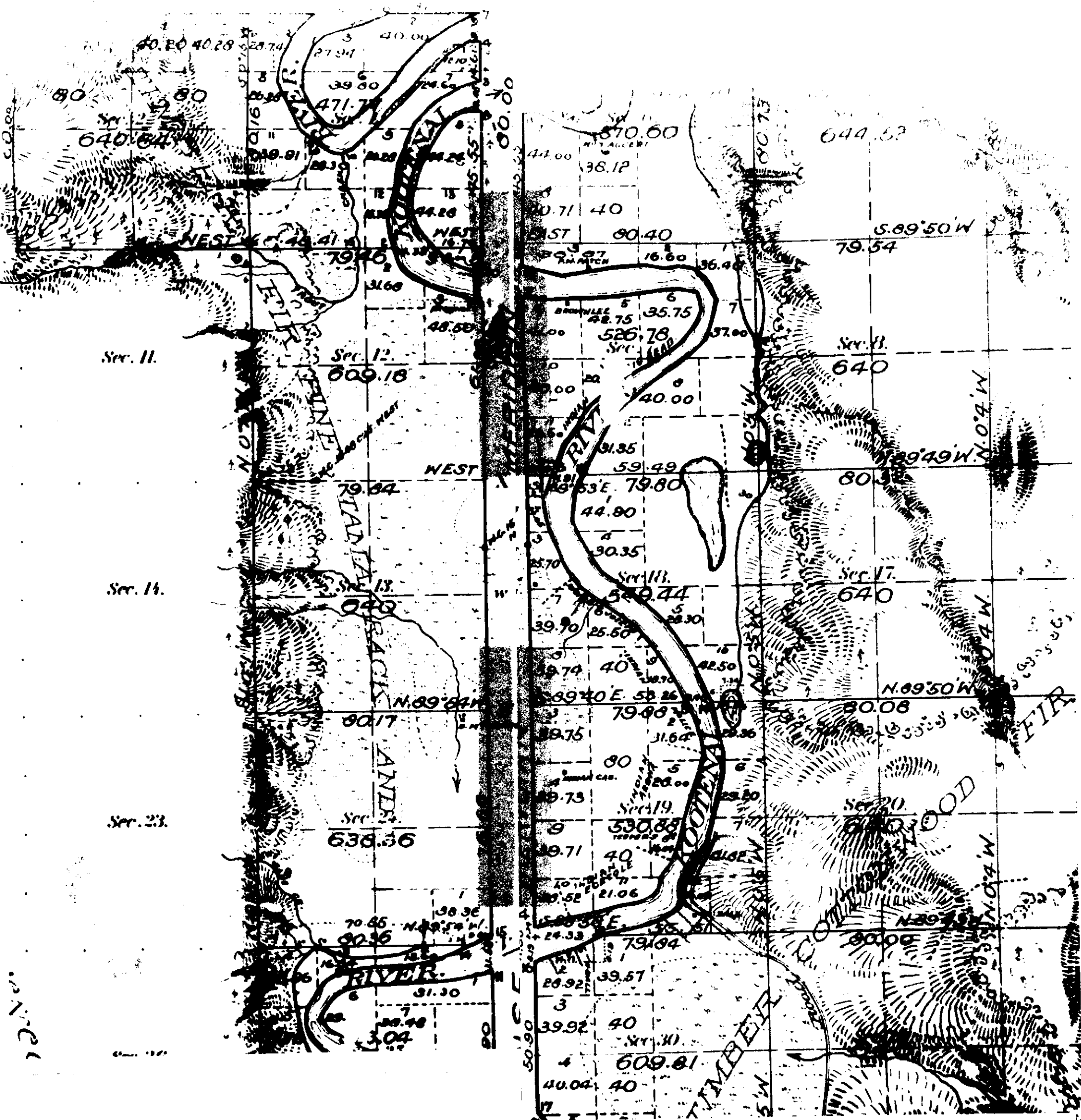


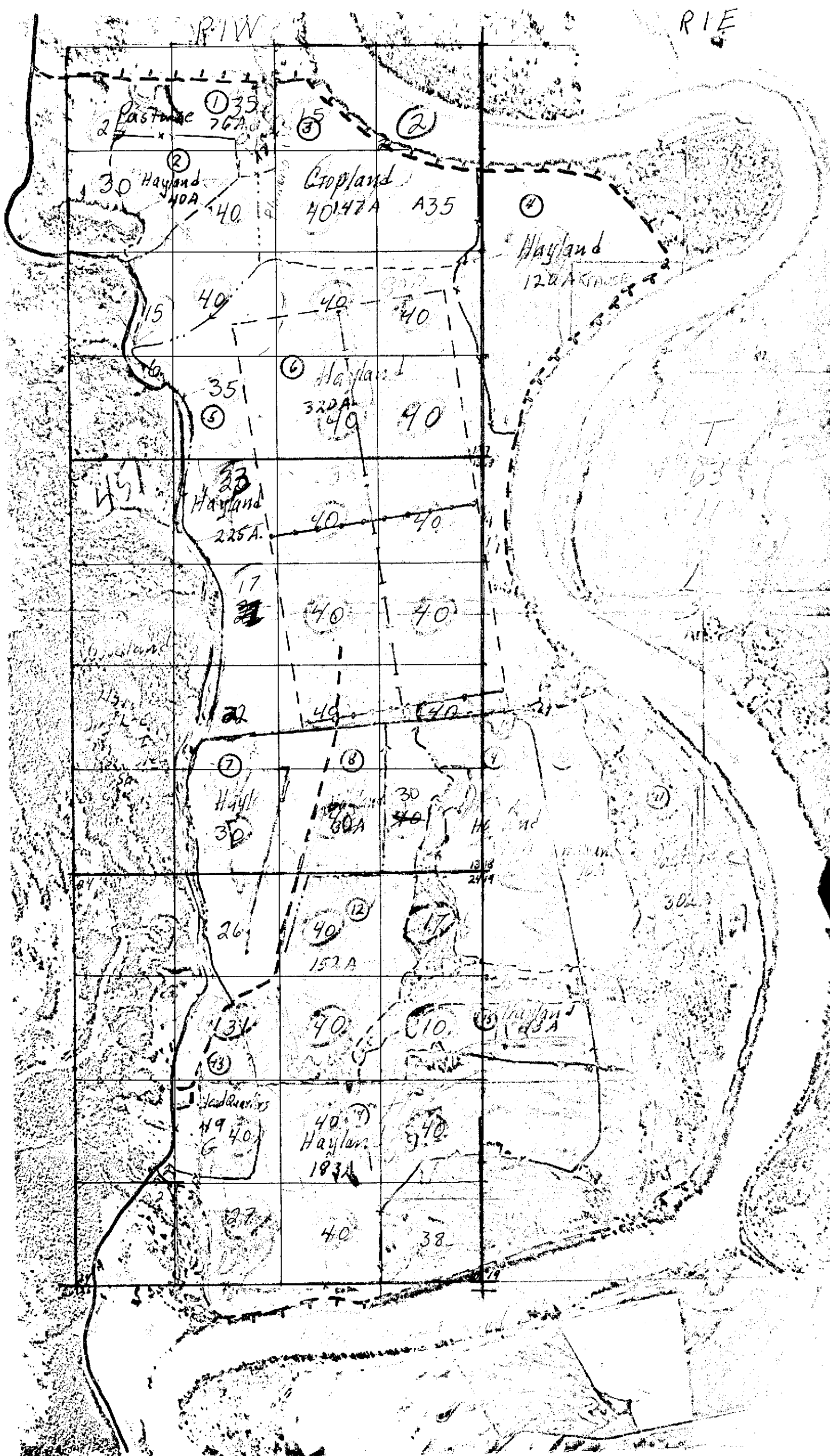


ways and subdivisions of sections shown on this plat for the purpose of marking, by monuments on the ground, of the Indian Allotments in the respective sections. The same as shown on the original plat of Town-Range No. 1 West.

211 1706.







DATE OF EXAM JUNE 11, 1979

ACREAGE
Found 1273 1283
Recommended 1273 1283

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 20.00 c.f.s. V = 3819 3849.0 AF/Ann. from MAR 15 to NOV 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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

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

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

Total Q measured BALL CREEK 5.02 TROUT - 5.00 Method of measurement METER
KOOTENAI - 10.00

Total Q recommended 20.00 Meter No. _____ Type _____ Condition _____

Total V recommended 3819

Recommended Amendments:

P.D. WATER
Place of Use W
Other _____
None X

MEASUREMENT CALCULATION:

TROUT CREEK AREA 9.42 SQ FT 9.47 X .53 = 5.02 cfs 5.0 cfs per permit
AV. FLOW .53 FT/SEC
BALL CREEK 8.62 SQ FT 8.62 X .58 = 5.00 cfs
AV. FLOW .58 FT/SEC
KOOTENAI - 58.82 SQ FT 58.82 X .17 = 10.00 cfs
FLOW .17 FT/SEC

SYSTEM DESCRIPTION:

BALL CREEK & TROUT CREEK WATER DIVERTED INTO 24" CULVERTS
KOOTENAI WATER DIVERTED INTO 2-36 INCH CULVERTS
FLOOD IRRIGATION

$V = 1283 \times 3.0 = 3849.0$ or $20.0 \times 1.9835 \times 245 = 979.2$

REMARKS:

7-28-76 Not in this year (6-77 not in this year)
5-28-77 not in
EXAM MADE 6/11/79 RECHECK 7/9/80

Examiner's Signature [Signature] Date 7/1/80
Checked by [Signature] Date 7/9/80
Approved by [Signature] Date 6/23/81

May 21, 1976

Re: Permit No. 98-2119

Frank Leroux Inc.
Star Rt. 1
Bonners Ferry, ID 83805

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in **Coeur d'Alene.**

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 11 1978

Department of Water Resources
Northern District Office

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder FRANK LEROUX INC.
b) Post Office Address STAR RT. 1 BONNERS FERRY IDAHO 83805
2. Permit Number 32396/98-2119
3. Date of Priority that you are prepared to establish JUNE 1 1964
4. a) Source from which water was appropriated BALL CREEK
b) Location of the point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24
Township 63N, Range 1WBM Boise Meridian, Other points of diversion: TROUT CREEK
NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SEC 11 TWP 63N, RGE 1WBM; AND KOOTENAI RIVER IN THE NW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF
SEC 18 T 63N RGE 1 EBM
5. a) The amount of water and use to which the water has been applied:
Amount 5CFS for IRRIGATION purposes from JUNE 1 to SEPT 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 5CFS for IRRIGATION purposes from JUNE 1 to SEPT 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 10CFS for IRRIGATION purposes from JUNE 1 to SEPT 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated not determined cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: NOT MEASURED
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
NONE
b) Describe the agreement or understanding by which you take water from the works: NOT APPLICABLE
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) PRIMARILY THROUGH A SYSTEM OF DIVERSION DITCHES
b) Describe the type and size of measuring device which you have installed at your point of diversion: NONE
c) Give well driller's name and address and the date the well was completed: NOT APPLICABLE
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

5-20-76

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
63	1	24	17	40	40	10	26	0	0	31	40	2	2	27	40	40	40	38	393
63	1	13	40	40	40	40	33	0	0	17	22	0	0	30	40	40	40	30	412
63	1	12	4	29	35	40	40	15	15	40	40	15	2	31	40	40	40	40	478

Total number of acres irrigated 1273

10. Remarks: _____

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

1 MAY 1976
(Date)

[Signature]
(Signature)

State of Idaho)
County of Bannock) ss.

On this 4 day of May, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ruth Allen
Notary Public residing at Bannock
Ferry, Idaho

My commission expires 6/1/76

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:



3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	138502	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent

DATE OF DELIVERY

APR - 5 1976

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720



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



April 1, 1976

CERTIFIED MAIL # 138502

Re: Permit No. 32396/98-2119

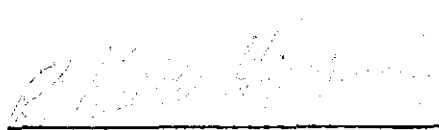
Frank LeRoux, Inc.
c/o Nixon & Nixon
P.O. Box 368
Bonners Ferry, Idaho 83805

Gentlemen:

One of the conditions of approval of your water Permit No. 32396/98-2119 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 14, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

April 15, 1971

Re: Permit No. 98-2119

Ball Creek Ranch
Bonners Ferry,
Idaho 83805

ATTENTION: Ron Price

Dear Mr. Price:

Pursuant to our telephone conversation of March 29, 1971, we have researched our records and find that Frank LeRoux, Incorporated, did file on the waters of Kootenai River, Ball Creek and Trout Creek.

We are enclosing a copy of that permit for your reference. We are also enclosing a copy of an affidavit submitted in connection with this permit.

If you should have any further questions in reference to this matter, please advise.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enclosure

~~98-2119~~
98 2119

RECEIVED

AUG 28 1970

STATE OF IDAHO)
County of Boundary)

ss.

Department of Water Administration

AFFIDAVIT

32396

TO: DEPARTMENT OF WATER ADMINISTRATION
STATE OF IDAHO
STATEHOUSE
BOISE, IDAHO 83707

98-2119

Frank LeRoux, Inc., is a Washington corporation duly qualified to do business in Idaho. That John Stephenson, affiant, is the duly authorized representative and manager of the affairs of Frank LeRoux, Inc., in the State of Idaho. That the quantity of water claimed to have been used is 20 cubic feet per second with the priority of June 8, 1965 under a water permit issued by the State of Idaho, but that there are possible prior rights that can be tacked on to the claim of Frank LeRoux, Inc. The points of diversion are located in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) Section 23, The Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) Section 11, Township 63 North, Range One West, B.M. and the points in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) Section 18, Township 53 North, Range One East, B.M., all located in Boundary County, Idaho.

That five (5) cubic feet seconds are to be removed from Ball Creek; five (5) cubic feet seconds from Trout Creek; and ten (10) cubic feet seconds from the Kootenai River which are tributaries to the Kootenai and Columbia Rivers.

The nature in use and the period during each year for irrigation is during the months of June, July, and August.

That over the years since James Ball started the ranch in the 1890's that the water has been applied to a beneficial use for irrigation purposes, to-wit: watering of livestock throughout the year.

For both irrigation and agricultural purposes, other than on the permit, and via the constitutional method, Frank LeRoux, Inc., claims a priority of 1899.

For irrigation purposes under the permit Frank LeRoux, Inc., claims a priority of June 8, 1965. Frank LeRoux, Inc., via affiant, claims that there has been no period of abandonment or nonuse of the water since 1899.

NIXON & NIXON
ATTORNEYS AT LAW
P. O. BOX 368
BONNERS FERRY, IDAHO 83805

98-2119
32398

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

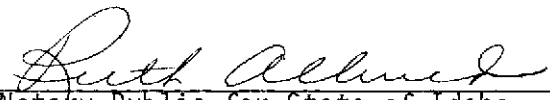
Affiant further requests that permit number 32396 be incorporated by reference and made a part hereof of this Affidavit and application number 40548 all before the Department of Reclamation be incorporated by reference into this Affidavit.

That a description of the lands where the water claimed for irrigation is to be applied is as follows:

N1/2 NE1/4(Lots 1 & 2), SW1/4 NE1/4, SE1/4 NE1/4(Lot 3), NW1/4, N1/2 SW1/4, SE1/4 SW1/4, SE1/4,Sec. 12; NE1/4, E1/2 NW1/4, E 1/2 SW1/4, SE1/4, Sec. 13; NE1/4, E1/2 NW1/4, NE1/4 SW1/4, N1/2 SE1/4, SE1/4 SE1/4 (Lot 1), Sec. 24, T. 63N, R. 1 W, B. M., SW1/4 NE1/4 (Lot 6), S1/2 NW1/4 (Lot 4 & 5), N1/2 SW1/4 (Lots 9 & 10),SW1/4 SW1/4 (Lot 11), Sec. 7; W1/2 NE1/4 (Lots 2 & 5), NE1/4 NW1/4 (Lot 3), NW1/4 NW1/4, SW1/4 NW1/4 (Lot 4), SE1/4 NW1/4, NE1/4 SW1/4, NW1/4 SW1/4 (lot 9). SW1/4 SW1/4 (Lot 10), SE1/4 SW1/4 (Lot 11), NW1/4 SE1/4 (lot 8), Sec. 19; W1/2 NW1/4 (Lots 2 & 3), NE1/4 SW1/4 (Lot 6), NW1/4 SW1/4 (Lot 7), SW1/4 SW1/4 (Lot 8), SE1/4 SW1/4; SW1/4 SE1/4 (Lot 9), Sec. 18, T. 63 N, R. 1E, B.M.


John Stephenson

Subscribed and sworn to before me this 20 day of August, 1970.


Notary Public for State of Idaho
Residing at Bonners Ferry
My com. exp: 6-1-72

32396
98-2119

June 29, 1970

Edith M. Carter
P.O. Box 565
Bonners Ferry, Idaho 83805

Dear Mrs. Carter:

We are enclosing a list of the reasons for which a permit may be protested. We would request that you review these, and respond as to which of the following grounds you desire to protest the filing under.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/cm

Enc: list of protests

32396
98-2119

June 29, 1970

A permit may be protested for the following reasons:

1. That the permit holder has failed to show the availability of an appropriated public water in such quantity as to make his project feasible.
2. That the operation of the proposed water right under this permit has caused injury to a prior existing water right.
3. That the permit holder has not placed the water to beneficial use in accordance with the terms and conditions of his permit.
4. That the proposed licensing action of the Department of Reclamation is contrary to existing Idaho Statutory Law.

C
O
P
Y

98-2119
32396

R. Keith Heggerson;
State Rec. Eng.

RECEIVED

JUN 1970

Department of Reclamation

Dear Sir

I just received the paper showing where
Le Roy is asking for a permit for
Trout Creek water.

They should not have their water as
there will be more than they can ever
use from the River & Bull Creek. Besides
their land is sub-irrigation.

They have brought land from Bull
Creek to trout creek & now have it
posted - No Trespassing. There are very
few places left for the public.
Besides there is Mr Carlson's land on the
other side of the Creek. Several hundred
acres that will make wonderful building
sites in the future & will meet Trout Creek
water. Mr Carlson is old & has
many daughters. In the mean time
I am asking on his behalf & the public
you refuse their permit. Edith M. Carter
32396
08-2119 Yours truly Edith M. Carter
Box 545 Bonanza Ferry
Ida

Star Rt. 1 Box 78
Bonners Ferry, Id.
July 5, 1970

RECEIVED

JUL 7 1970

Department of Water Administration

Mr. R. Keith Higginson, Director
Ida. Dept of Water Adm.
State house, Annex 2
Boise, Idaho 83707

Dear Mr. Higginson,

I do not wish to maintain my protest to the granting of water right to Mr. L. Kouy since I understand that he cannot prevent us from obtaining our water from Ball Creek throughout the year.

Mr. Owen East has used this place many many years ago and obtained his water for domestic use from Ball Creek. Mr. Wagner bought the place from Mr. East and used water from same source for irrigating strawberries he raised to make his living. After his decess we bought this place from his sister in 1932 and moved on the place in 1934. Water was piped into the yard and in 1941 we piped it into the house and we still live here.

We have the form you sent filled out but could not get the claim to ~~water~~ motorized due to the holidays.

98-2119
32396

yours truly,
William R. Lefebvre

June 25, 1970

Re: Permit No. 32396/98-2119
Frank LeRoux, Inc.

William Lefebore, Jr.
Star Route 1, Box 78
Bonners Ferry, Idaho 83805

Dear Mr. Lefebore:

We have received your letter of June 4, 1970. However, we will withhold filing of your letter as a protest until we offer you clarification of the question you have raised. The application you have seen advertised was approved by the Department of Reclamation on June 8, 1965.

Under the requirements of approval, certain conditions were to be met during the life of the permit. We have modified these requirements slightly, and the results of this modification is the two-week notice that you have noticed in your paper. We published the notice to advise the public of the fact that the permit was approved.

Under Idaho's appropriation system, water may be appropriated in two manners; one by diversion use, as in your case, where no permit was obtained in the department. Under this type of procedure, diversion and application of beneficial use establishes evidence of a water right. The problem is that this type of right must be confirmed and reduced to writing.

Under the statutory system, the evidence and confirmation of water rights is the eventual outcome of the permit and licensing procedure. It should be noted that in Idaho, the Appropriation Doctrine is "first in time is first in right." Therefore, regardless of the methods used to obtain an established right, the first person to establish a water right would have the earliest priority, and when his need for water arises, he would have first call on the water, and junior appropriators must allow sufficient water to pass.

32396
98-2119

June 25, 1970

William Lefebore, Jr.

Therefore, your fifty years of use would have precedence over the priority proposed under this permit, which is June 8, 1965. In other words, if you require water even during a low water time, with an earlier priority, then you would be able to require that no water be diverted by junior rights until your prior right had been satisfied.

The majority of water in Idaho is public, and may be appropriated by anyone. However, no one has the right to divert all the water from a stream and injure a prior existing right.

Applications are filed on the basis of the highest need of water, and would be evaluated on a basis of whether or not a 20cfs is available at any time during the year for the purpose intended.

We are enclosing a claim to a water right form, which you may use to record your use of the water for the past fifty years. This claim form does not establish the facts of your water right, but serves as an information file only.

If you would advise us by return mail as to whether or not you wish to maintain your protest, we will be better able to serve you. Contact us if we can be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/cm

Enc: one claim form

32396
98-2119

Star Rt. Box 78
Bonners Ferry, Ida.

June 4, 1970

Idaho State Reclamation Dept.
Boise, Idaho

RECEIVED

JUN 9 1970

Department of Reclamation

Dear Sirs:

If the approval of water permit No. 932396/98/2119 issued to Frank LeRoux deprives us of water for domestic use from Bull Creek I wish to protest it. We have gravity water system from Bull Creek for domestic use and it has been used for about 50 years. We understood that no one can deprive you of water for domestic use so we have not established water rights. If it is necessary we want to do so now.

We adjoin the LeRoux property in Bull Creek Lot 24, Twp. 63, 1st W, SW₄ SW₁₁. So far he has not used water for irrigation from Bull Creek except one summer, to fill a drainage ditch to flood a pasture and none out of the other streams.

We would like water rights on Bull Creek for .5 cu. ft. per second for domestic use. How do we go about it to apply for it?

Is anyone allowed to take all the water out of a stream? Bull Creek gets very low in late summer and 20 cu. ft. per second could probably drain the stream.

Thank you for a reply.

Yours truly,
Wm. Lefebvre, Jr.

98-2119

32396

June 25, 1970

Re: Permit No. 32396/98-2119 - Frank LeRoux, Inc.

Bonnars Ferry Herald
212 Main
Bonnars Ferry, Idaho 83805

Gentlemen:

Enclosed you will find a notice of correction which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
ENCLOSURE

32396
98-2119

NOTICE OF CORRECTION

Notice is hereby given that Permit No. 32396/98-2119 in the name of Frank LeRoux, Inc. was advertised incorrectly. The place of use of the water should have read as follows: NE $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 1), NW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 3), NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ (lot 1), Sec. 24; T. 63N, R. 1W, B.M. and SW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 6), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 4), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 5), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 9), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 10), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 11), Sec. 7; NW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 5), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 3), NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 4), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 9), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 10), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 11), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (lot 8), Sec. 19; NW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 2), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 3), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 6), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 7), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 8), SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ (lot 9), Sec. 18; T. 63N, R. 1E, B.M.

Any protest to the above correction must be received by the Department of Water Administration within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON, Director

Idaho Dept. of Water Administration

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on July 9 and July 16, 1970.

98-2119
32396

June 25, 1970

Re: Permit No. 32396/98-2119 - Frank LeRoux, Inc.

Nixon & Nixon,
Attorneys at Law
P.O. Box 368
Bonners Ferry, Idaho 83805

Gentlemen:

We would like to inform you that there was an error in the affidavit of publication which you submitted to the Department of Reclamation on June 25, 1970. Please be advised that a correction notice is being run in the Bonners Ferry Herald of Bonners Ferry, Idaho on July 9 and July 16, 1970 at the department's expense.

Since proof of beneficial use of the water is not required until June 14, 1976, the department will notify you sixty (60) days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit, you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

cc: Frank LeRoux, Inc.
Bonners Ferry, Idaho

32396
98-2119

NIXON & NIXON

ATTORNEYS AT LAW

P. O. BOX 368

OFFICES 225 MAIN STREET

BONNERS FERRY, IDAHO 83605

ANDREWS 7-3133

W. J. NIXON

W. W. NIXON

JAMES F. LYONS

June 22, 1970

Mr. R. Keith Higginson
State Reclamation Engineer
State of Idaho Statehouse
Boise, Idaho 83707

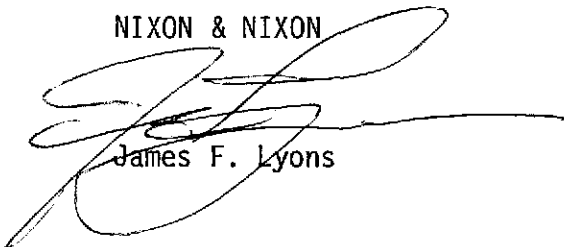
Re: Permit No. 32396/98-2119
Frank LeRoux, Inc.

Dear Mr. Higginson:

Enclosed find Proof of Publication required under your order modifying requirements for completion of permit dated January 23, 1970. I am informed that the work has been completed. Would you please review the file and determine whether or not the necessary papers have been filed to show completion of the project. Thank you.

Yours truly,

NIXON & NIXON


James F. Lyons

JFL na
Encl.

98-2119
32396

January 23, 1970

Re: Permit No. 32396 (New No. 98-2119)

Frank LeRoux, Inc.
Bonners Ferry, Idaho 83805

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Order
Advertising package

cc. Frank LeRoux, 228 East Main St., Walla Walla, Wash.
Charles Snyder, Baker Building, Walla Walla, Wash.

32396
98-2119

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32396/98-2119)

in the name of Frank LeRoux, Inc.,)

Bonnars Ferry, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

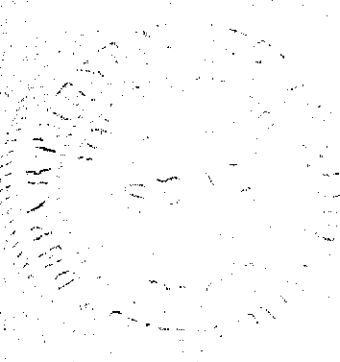
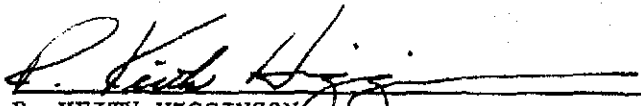
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 98-2119 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of
works as originally specified, but will be required to submit proof
to the Department of Reclamation of the application of the water to
beneficial use on or before June 14, 1976. The permit holder should
be aware that failure to complete one-fifth (1/5) of the works within
one-half (1/2) of the time originally set for completion of works may
be grounds for cancellation at the instance of the department.

Dated this 23rd day of January, 19 70.



R. KEITH HIGGINSON
State Reclamation Engineer

98-2119
32396

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Frank LeRoux, Inc., Bonners Ferry, Idaho,

has received an approved permit No.

32396/98-2119 issued by the Idaho State Reclamation Department authorizing the

diversion ~~storage~~ of 20.0 cubic feet per second ~~acre feet per annum~~

of water from Ball Creek, Trout Creek, and the Kootenai River

subject to all prior rights. The priority to be established under this permit is

June 8, 1965 and the permit was approved June 14, 1965

Water is to be diverted by ditches and pipe

from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 63 N, R. 1 W, B. M.; and three points in

the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 63 N, R. 1 E, B. M., Boundary County,

to be used for irrigation

in the $N\frac{1}{2}NE\frac{1}{4}$ (Lots 1 and 2), $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$ (Lot 3), $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$, Sec. 12;

~~E¹/₂, E¹/₂NW¹/₂, E¹/₂SW¹/₂, Sec. 13; NE¹/₂, E¹/₂NW¹/₂, NE¹/₂SW¹/₂, N¹/₂SE¹/₂, SE¹/₂SE¹/₂ (Lot 1), Sec. 24, T. 63 N.~~

R. L. W. B.M., SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 6), S $\frac{1}{2}$ NW $\frac{1}{4}$ (Lot 4 and 5), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 9), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 10),

~~SW¹SW¹ (Lot 11)~~

Proof of the application of the water to beneficial use is to be submitted to the

department on or before June 14, 1976. Any protests against

the issuance of a license for the above referenced permit should be filed with the

Department of Reclamation within ten (10) days of the last date of publication of

this notice or prior to the licensing of the permit. Licensing may commence prior

to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on

and

SEE
ATTACH-
ED
SHEET

98-2119
32396

June 22, 1965

Re: Permit No. 32396
Frank LeRoux, Inc.

Nixon & Nixon,
Attorneys at Law,
Box 368,
Bonners Ferry, Idaho.

Gentlemen:

We enclose Permit No. 32396 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. 32805 which was issued covering payment in the amount of \$ 9.75 for the filing fee of the above mentioned permit.

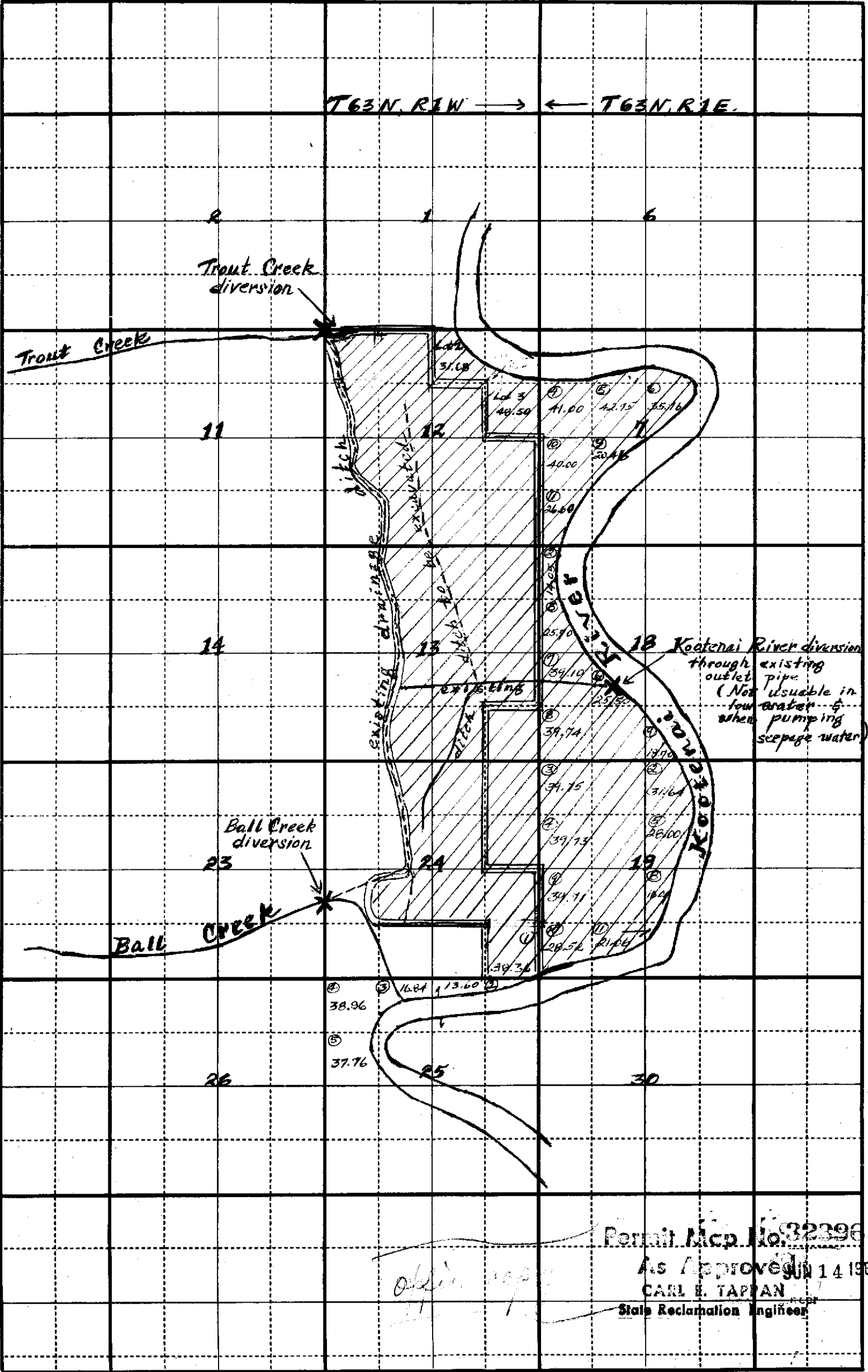
Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Frank Le Roux, Inc.,
Bonners Ferry, Idaho

632396



Permit Map No. 32396
As Approved JUN 14 1965
CARL E. TAPPAN
State Reclamation Engineer

32396

NIXON & NIXON

ATTORNEYS AT LAW

P. O. BOX 368

OFFICES 225 MAIN STREET

BONNERS FERRY, IDAHO 83605

ANDREWS 7-3233

W. J. NIXON

W. W. NIXON

June 7, 1965

State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Dear Sir:

Enclosed herewith find Application for Water Right of Frank LeRoux, Inc., together with my check in the amount of \$9.75 to cover filing fees. If other further information is required please write this office direct.

Very truly yours,

NIXON & NIXON

W. J. Nixon

WJN:ft

Enclosures

832396