

Form 302
6/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

Ident. No. 97-07216

RECEIVED

JUL 12 1988

Department of Water Resources
Northern District Office

1. Name of applicant Gerald or Dana Laubham Phone 208-468-1980
Post office address P.O. 1028 Priest River, Id. 83856
2. Source of water supply unnamed streams which is a tributary of Priest River
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Govt. Lot _____
Sec. 12 Township 6N Range 5W B.M. Banner County; additional
points of diversion if any: 13 PTS
4. Water will be used for the following purposes:
Allow 0.12 cfs for Storage purposes from 1-1 to 12-31 (both dates inclusive)
Amount 0.02 cfs for Storage purposes from 3-15 to 11-15 (both dates inclusive)
Allow 0.12 cfs for Irrigation purposes from 1-1 to 11-15 (both dates inclusive)
Amount 0.02 cfs for Storage purposes from 1-1 to 12-31 (both dates inclusive)
Amount 0.02 cfs for Storage purposes from 1-1 to 12-31 (both dates inclusive)
Amount 0.02 cfs for Storage purposes from 1-1 to 12-31 (both dates inclusive)
5. Total quantity to be appropriated is (a) 0.20 and/or (b) 0.20
*per correspondence of 9/20/1988 acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Six Springs flowing into pond, four Springs flowing into collection pool, then to an unnamed stream, two springs flowing into some unnamed stream
 - b. Height of storage dam 15 feet; active reservoir capacity 6.0 acre-feet; total reservoir capacity 8.0 acre-feet; period of year when water will be diverted to storage: 1-1 to 12-31 inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. 5000, 25 RANGE, 110 PASTURE

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1

e. Other; describe fully. _____

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

Total number of acres to be irrigated 1

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

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

12. Remarks: _____

13. Map of proposed project: show clearly the proposed point of diversion.

Topographic map showing contour lines, roads, and geographical features. The map includes labels for 'FOREST', 'Caden Creek', 'Priest Creek', 'River', and 'Gaging Station'. A scale bar indicates 2,400 feet. The map is overlaid with a grid showing coordinates like 'R.5W.', 'R.4W.', 'T.57N.', and 'T.56N.'.

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

Donald W. Paulsen
(Applicant)

Proposed Priority 7/12/88

Received by ms Date 7/12/88 Time 2:00 PM - for check Preliminary check by JK
Fee \$ 30.00 Received by JK # N487 Date 7/12/88
Publication prepared by JK Date 7/13/88 Published in 7/20+27/88
Publication approved JK Date 5/16/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 97-7286, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 92.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

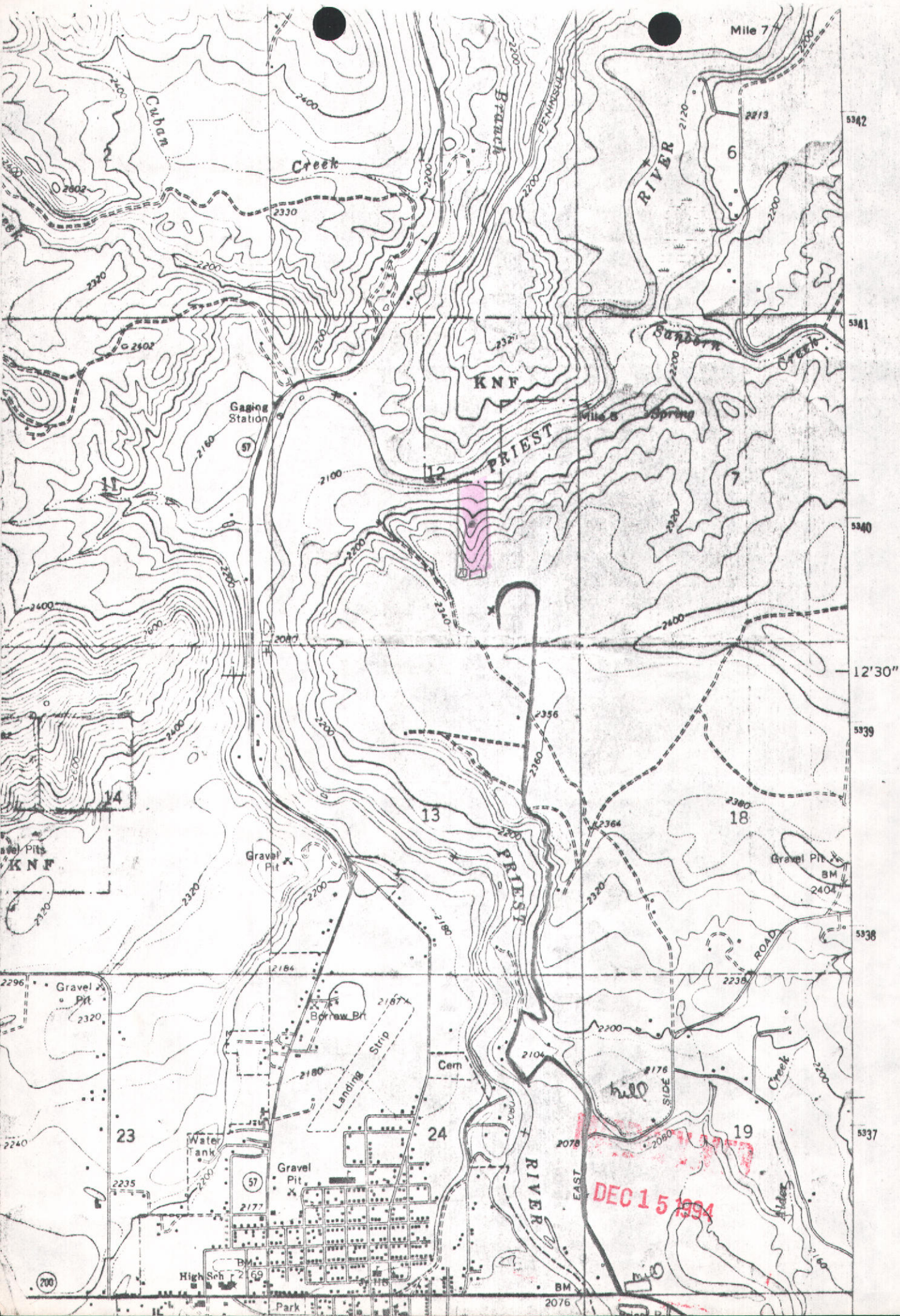
Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

The maximum rate of diversion for irrigation purposes under this permit shall not exceed 0.12 cfs.

The maximum rate of diversion for diversion to storage purposes under this permit shall not exceed 0.12 cfs.

Witness my hand this 8th day of December, 1988.

J. Glen Saxton



WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/30/94 00:47:30
Page 1

Water Right Number - 97-07286

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***
LAUBMAN

GERALD

1 - P.O. BOX 1028
2 -
3 -
City- PRIEST RIVER
Phone - 208-448-1300
1 - P.O. BOX 1028
2 -
3 -
City- PRIEST RIVER
Phone - 208-448-1300

State- ID Zip- 83856

LAUBMAN

DONA

State- ID Zip- 83856

+ - - Priority Date - - +
07/12/1988

+ - - Region - - - +
18 NORTHERN

+ - - Stage - - - +
P - PERMIT

+ - - Status - - - +

+ - - - - Source - - - - +
SPRINGS
UNNAMED STREAMS

+ - - - - Tributary - - - - +
PRIEST RIVER
PRIEST RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
56N	05W	12	SE NW SE			(17) BONNER				

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.120	8.00
02 - IRRIGATION STORAGE		01/01	12/31		8.00
03 - IRRIGATION FROM STORAGE		03/15	11/15	0.020	8.00
04 - STOCKWATER		01/01	12/31		8.00
05 - STOCKWATER STORAGE		01/01	12/31		
06 - STOCKWATER FROM STORAGE		01/01	12/31	0.040	8.00
43 - DOMESTIC		01/01	12/31		
47 - RECREATION STORAGE		01/01	12/31	0.120	
55 - DIVERSION TO STORAGE		01/01	12/31		

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.200 8.00

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
56N	05W	12	NW SE		4.0	01	IRRIGATION	(17) BONNER
					Total Acres:	4.0		

+ - - Diversion Means - 13 SPRINGS FLOW INTO POND/PUMP FOR IRR. AND DOMESTIC
+ - - Non-Irrigation Use - D/1 HOME, 1/5 DOGS, 25 RANGE, 110 POULTRY

WR5800WP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/30/94 00:47:30
Page 2

Water right number - 97-07286

Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - -
13 P/D IN SENSE, S12, T56N, R54.
THE MAX. RATE OF DIVERSION FOR IRRIGATION PURPOSES UNDER THIS
PERMIT SHALL NOT EXCEED 0.12 CFS.
THE MAX. RATE OF DIVERSION TO STORAGE PURPOSES
UNDER THIS PERMIT SHALL NOT EXCEED 0.12 CFS.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
18A - Permanent measuring devices must be installed in such a manner
- that the amount of water entering the reservoir and the amount of
- water released from the reservoir can be measured.
18B - The storage of water under this right is contingent upon the
- certification of the dam and authorization of storage per the dam
- safety provisions of the Idaho Code.
026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.
016 - See remarks for additional conditions of approval.

+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - - Decree Date - - +
00/00/0000

+ - - - - - Comments - - - - -
Date: 12/30/1991 User Id: VAULT Subject: Extension of Time Received
Extension of Time Received
Date: 01/06/1994 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - Audit Fields - 07/15/88 STYPA 07/26/88 KING 10/14/88 STYPA 12/09/88 CURTIS 12/30/91 COMMENTS
12/31/91 GUSTAFSSON 01/06/94 COMMENTS

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 01/01/1994	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 12/08/1988	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.D. Date - 00/00/0000	Verified Date - 00/00/0000	OLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - 0000487	Water District -
Licensed Date - 00/00/0000	Appl Received - 07/12/1988	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

Laubhan
P.O. Box 1028
P.R. Id 83856

xx801 TR2



State of Idaho
Department of Water Resources.
301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 6, 1994

GERALD LAUBHAN
DONA LAUBHAN
P.O. BOX 1028
PRIEST RIVER ID 83856

LAPSE NOTICE

RE: PERMIT NO. 97-07286

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated October 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated. *Send Back*

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee. *sent in Nov-93*

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

*Enclosed is a picture of ram tower. Do you need pictures of Ram and ponds?
your paperwork is too confusing - too much!*

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Mike McLean

ing duly sworn, says that he is the *news editor*
the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been con-
tinuously and uninterruptedly published in said County during a period
of 78 consecutive weeks prior to the first publication of the annexed
notice for publication, is a newspaper of general circulation made up of
at least eight pages of at least six columns each, printed from typemat-
ter or stereotyped forms of at least nineteen and three-fourths inches
depth, has at least 1250 bona fide subscribers living within said Bonner
County, and is published at regular weekly intervals. That the annexed
is a true copy of the notice for publication in the case of

#643 Laubhan

it was published in the regular and entire issue of said paper for a
period of *Two* consecutive weeks, commencing on
the *20* day of *July*, 19*88*,
and

ending on the *27* day of *July*, 19*88*,
and that said notice was published in said newspaper proper, and not in
supplement form.

J. Michael T. Spear

Subscribed and sworn to before me this

27 day of *July*, 19*88*

Linda L. Ramsey

Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF APPLICATION
FOR WATER RIGHT
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
97-67285
BEAVER CREEK CAMP ASSN.
POB 464
NORDMAN, ID 83848
Source: GROUNDWATER
Diversion Pt: SWSW Sec 9 T 62N R
04W
Use: DOMESTIC (.040 CFS)
Date filed: 7/12/1988
In: T62N R04W S09 NESE
97-67286
LAUBHAN, GERALD
LAUBHAN, DONA
POB 1055
PRIEST RIVER, ID 83856
Source: SPRINGS Tributary:
PRIEST RIVER
UNNAMED STREAMS Tributary:
PRIEST RIVER
Diversion Pt: SENWSE Sec 12 T 56N
R 06W
Use: IRRIGATION (.200 CFS)
IRRIGATION STORAGE (8.00 AF)
IRRIGATION FROM STORAGE
(8.00 AF)
STOCKWATER (.020 CFS)
STOCKWATER STORAGE (8.00
AF)
STOCKWATER FROM STORAGE
(8.00 AF)
DOMESTIC (.040 CFS)
RECREATION STORAGE (8.00
AF)
DIVERSION TO STORAGE (.200
CFS)
Dated Filed: 7/12/1988
In: T56 N R06W S12 NWSE
4.0 ACRES TOTAL
The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, Northern Region,
Government Way Suite 9, Coeur
d'Alene, Idaho 83814 on or before
AUGUST 8, 1988.
R. Keith Higginson, Director
602, 603 July 29, 27, 1988

RECEIVED
JUL 27 1988
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 97-07286	)	
	)	ORDER OF
IN THE NAME OF GERALD &/OR DONA LAUBHAN	)	REINSTATEMENT
	)	

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On December 8, 1988, the Department issued Permit No. 97-07286 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before January 1, 1994.

2. On October 31, 1993, the Department sent a proof due notice to the permit holder by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On December 16, 1993, the permit holder submitted proof but it was returned since it was submitted without the appropriate license examination fee.

4. On December 29, 1993, the permit holder submitted a letter stating that the original intent of the permit had been abandoned. The permit holder further stated that the Department should let the permit lapse.

5. On January 6, 1994 the Department sent a lapse notice to the permit holder.

6. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal

DEC 15 1994

of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

7. On October 17, 1994, the permit holder submitted an acceptable proof along with four (4) affidavits stating that water had been put to beneficial use during the authorized development period. The permit holder further explained that he was confused with all the paperwork and that advising the Department to let the permit lapse was a mistake.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence to show water was beneficially used within the authorized development period.

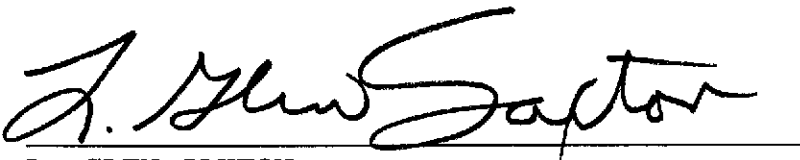
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 97-07286 is REINSTATED and the priority is advanced to October 17, 1994.

Dated this 8th day of December, 1994.



L. GLEN SAXTON
Chief, Water Allocation Bureau

DEC 15 1994

RECEIVED

NOV 21 1994

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$

Date 11/16/94

Receipt No.

Receipt by

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 897-07286 Telephone No. 208-448-1380

2. Name(s) of Permit Holder(s): GERALD & DONA LAUBHAN

3. Mailing Address: POB 1028 PRIEST RIVER, ID, 83856

4. Source of Water: SPRING

If GROUNDWATER, Well Driller's Name: N/A Date Drilled: N/A

OPTIONAL:

Pump horsepower: 2.26AS Pressure (psi): 40±10 Dynamic pumping level (ft.): 105'
RAM - REQUIRES 3-5 GPM

5. Extent of Use (as authorized by the permit):

Domestic 1 (No. of households) Stockwater 20065, 14 CHICKENS, 6 GOATS AND RANGE STOCK IN SUMMER (No. and type of stock)

Irrigation 3.4 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted: 0.020 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ☒ No Installed? _____ Yes ☒ No

OR
Flow Measurement Port: Required? _____ Yes ☒ No Installed? _____ Yes ☒ No

8. Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

GERALD / DONA LAUBHAN 208-448-1380
Name Telephone No.

POB 1028 PRIEST RIVER, ID, 83856
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

NOV 16, 1994 [Signature]
Date Signature (and title, if on behalf of a company or organization)

DEC 15 1994

Form 217
11/91

OVER

RECEIVED

DEC 16 1993

Department of Water Resources

OFFICE USE ONLY

Am't. of Fee \$

Date

Receipt No.

Receipt by

416 ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 97-07286 Telephone No. (208) 448-1380

2. Name(s) of Permit Holder(s): Dona LAUBMAN

3. Mailing Address: P.O. Box 1028 P.R. Id 83856

4. Source of Water: Springs just dug collect holes for livestock to drink
also collect from a dam on edge of up the hill to tank.
If GROUNDWATER, Well Driller's Name: W.A. Date Drilled: 11/93

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____ Pan #

5. Extent of Use (as authorized by the permit): We just dug spring out.

Domestic one (No. of households) Stockwater goats max 40 (No. and type of stock)

Irrigation 20 (No. of acres) Other using a dam on edge of up the hill to tank

6. Total rate and/or volume for which proof is submitted 20 cfs OR 40 acre/foot 1000 acre/foot

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes No Installed? Yes No

Flow Measurement Port: Required? Yes No Installed? Yes No

8. Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Dona LAUBMAN (208) 448-1380

P.O. Box 1028 P.R. Id 83856

Address

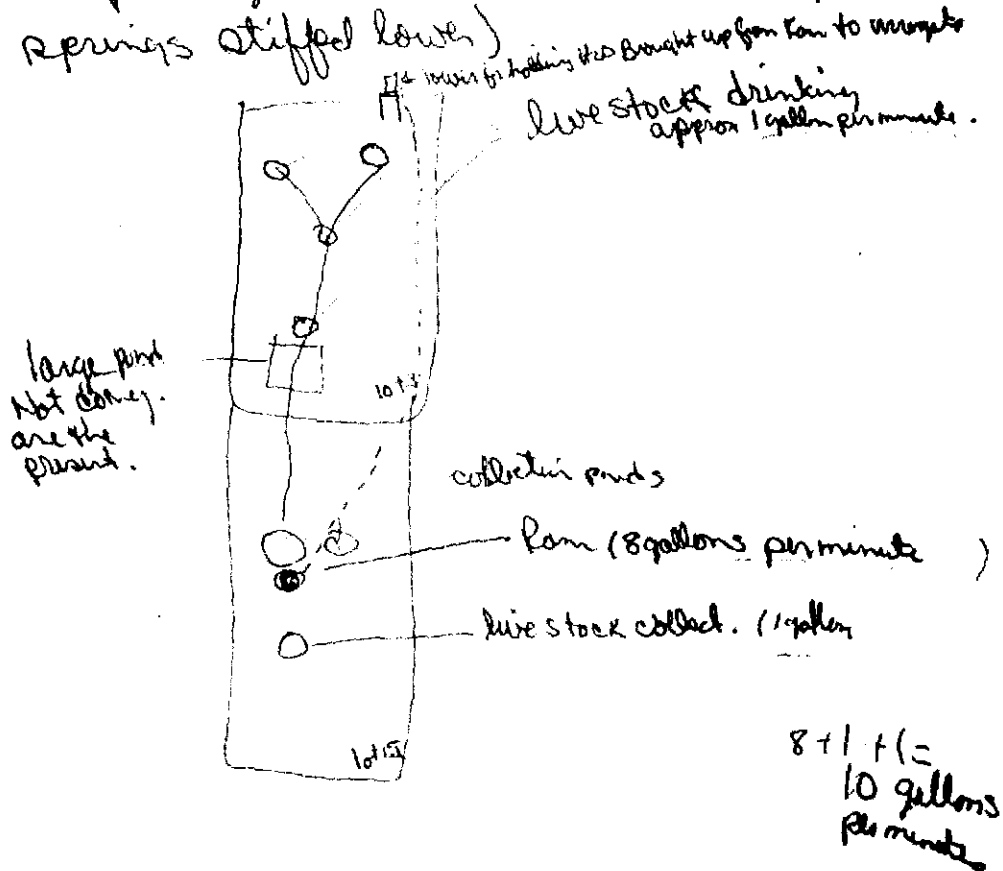
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Dec 93 [Signature]
Date Signature (and title, if on behalf of a company or organization)

government grants filler, and play
and other things

We where^{goes} to do ~~the~~ collection spots plus a large pond. But because ^{this past} ~~the~~ summer was too wet & equipment had problems, ~~also~~ And. we ran out of funds for the lg. ponds. ~~Also~~ We ~~only~~ ^{only} ~~only~~ ^{did} part of what we ~~needed~~ ^{needed} required.

Plus we needed to go further down on our property to get the correct drop to get the rain to work. (plus the springs stiffer lower)



Form 202
2/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROVED APPLICATION FOR PERMIT

Permit No. 97-072M

R

To appropriate the public waters of the State of Idaho

Department of Water Resources
Northern District Office

1. Name of applicant Gerald or Dore Loubhorn Phone 208-448-1802

Post office address P.O. 1022 Priest River, ID. 83856

2. Source of water supply Unnamed Stream which is a tributary of Priest River

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Govt. Lot

Sec. 12 Township 6N Range 6W S.M. Bonner County; additional

points of diversion if any: 1375

4. Water will be used for the following purposes:

- Allow 0.12 cfs for domestic purposes from 1-1 to 12-31 (both dates inclusive)
Amount 0.12 cfs for domestic purposes from 1-1 to 12-31 (both dates inclusive)
Allow 0.12 cfs for irrigation purposes from 1-1 to 12-31 (both dates inclusive)
Amount 0.12 cfs for irrigation purposes from 1-1 to 12-31 (both dates inclusive)
Amount 0.12 cfs for irrigation purposes from 1-1 to 12-31 (both dates inclusive)
Amount 0.12 cfs for irrigation purposes from 1-1 to 12-31 (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.20 and/or (b) 0.20
*per correspondence of 9/20/1988 per 44w. acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Six springs flowing into

pond, four springs flowing into collection pond, then to an

unnamed stream, two springs flowing into some unnamed stream

unnamed stream in B pond. Pump from spring to pond. Pump the pond to irrigation

b. Height of storage dam 15 feet; active reservoir capacity 6.0 acre-feet; total

reservoir capacity 8.0 acre-feet; period of year when water will be diverted to storage:

1-1 to 12-31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

1 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. 1000, 2000, 110, 2000
- Municipal; show name of municipality. _____
- Domestic; show number of households. 1
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>44</u>	<u>5N</u>	<u>12</u>																	<u>1</u>

Total number of acres to be irrigated 1

10. Describe any other water rights used for the same purposes as described above. None

- Who owns the property at the point of diversion? Reynolds
- Who owns the land to be irrigated or place of use? 1
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number.



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

[Signature]
(Applicant)

Proposed Priority 7/12/88

Received by DA Date 7/12/88 Time 3:10 PM Preliminary check by JK
Fee \$ 20.00 Received by JK # N487 Date 7/12/88
Publication prepared by JK Date 7/13/88 Published in 7/20-27/88
Publication approved JK Date 5/16/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 97-7286 and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 92.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:
Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The maximum rate of diversion for irrigation purposes under this permit shall not exceed 0.12 cfs.
The maximum rate of diversion for diversion to storage purposes under this permit shall not exceed 0.12 cfs.

Witness my hand this 8th day of December, 1988.

J. Glen Saylor

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 97-07286 Reviewed by [Signature] Date 12-7-94

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
~~yes~~ no Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom, Irr, stock
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

After 60 days
10/17/94

DEFICIENCIES OR ACTION ITEMS

Reinstate & advance priority to October 17, 1994.
Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 10/17/94



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 8, 1994

GERALD & DONA LAUBHAN
P O BOX 1028
PRIEST RIVER ID 83856

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 97-07286

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to October 17, 1994.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur d'Alene, at (208) 769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

DEC 15 1994

From: DWR50::ABEARDSL 14-NOV-1994 15:23:31.54
To: DWR03::JYARBROU
CC:
Subj: Auten, Carl Vs. Lauben, Jerry

WATER COMPLAINT FIELD REPORT

COMPLAINT FILED BY: CARL AUTEN
DATE OF COMPLAINT: SEPTEMBER 26, 1994
SOURCE: SPRING & UNNAMED STREAM
LEGAL DESCRIPTION: T.56N., R5W., Sec. 12
~~~~~

On September 30, 1994, Al Beardslee from IDWR, conducted a field investigation in response to a complaint filed by Mr. Carl Auten who lives near Priest River. Mr. Auten was concerned that his neighbor, Mr. Laubhan, diverted an unnamed stream off of his property.

Mr. Auten and I hiked approximately 1/4 down a hill from his home and he showed me the site.

The Unnamed Stream was flowing 5-10 GPM from a spring located on Mr. Laubhan's property, it then flowed north easterly approximately 100 yards, through a culvert on an older access road. Just down stream from the culvert, dirt had been piled up to block the natural channel of the stream near Auten's property line. Water then flowed through a hand dug ditch on the Laubhan's property.

On Monday, October 3, 1994, I contacted Mr. & Mrs. Laubhan by telephone and asked if they had diverted the stream from Mr. Auten's property. They stated that they had diverted the stream. It was determined that they had filed water right Application for Permit Number 97-07286, however that filing had ~~been~~ lapsed.

I asked the Laubhan's to remove the dirt from the natural water channel and allow the water to flow through Mr. Auten's property, which they agreed to do.

The Laubhans stated they were confused by the Proof of Beneficial Use. They further stated that they did in-fact complete part of the development of their water right and we discussed the reinstate their permit. Subsequently, they contacted Julie Yarbrough, of our State Office to submit evidence supporting their claim of partial completion of filing 97-07286.

Mr. Carl Auten has filed Application for Permit Number 97-07352 for recreational storage of 0.10 AFA, from the above unnamed stream.

RECEIVED  
NOV 14 1994

DEC 15 1994

RECEIVED  
OCT 17 1994  
Department of Water Resources

GERALD LAUBHAN  
POB 1028  
PRIEST RIVER, ID, 83856  
RE: 97-07286  
OCT 5, 1994

O GREAT STATE OF IDAHO,  
NURTURING BREAST OF THE STATE  
TO WHOM WE MUST TURN IF WE WANT A DRINK,

I RECAINT.

IN MY ANGUISH OVER STATE FORMS, FEES,  
AND FOIBLES, I BECAME CONFUSED AND LET  
MY APPLICATION FOR WATER RIGHTS, LARSE.  
(ACTUALLY, I PLEADED.)

PLEASE REINSTATE MY REQUEST, ACCEPT  
① MY CHECK FOR FIFTY AMERICAN DOLLARS, ② THE  
ATTACHED AFFIDAVITS CERTIFYING OUR USE  
AND DEVELOPMENT OF THE WATER ON THE  
LAND THAT WE OWN; AND SEND THE BLEEP\*  
INSPECTOR TO SEE THAT WE ARE NOT LIARS.

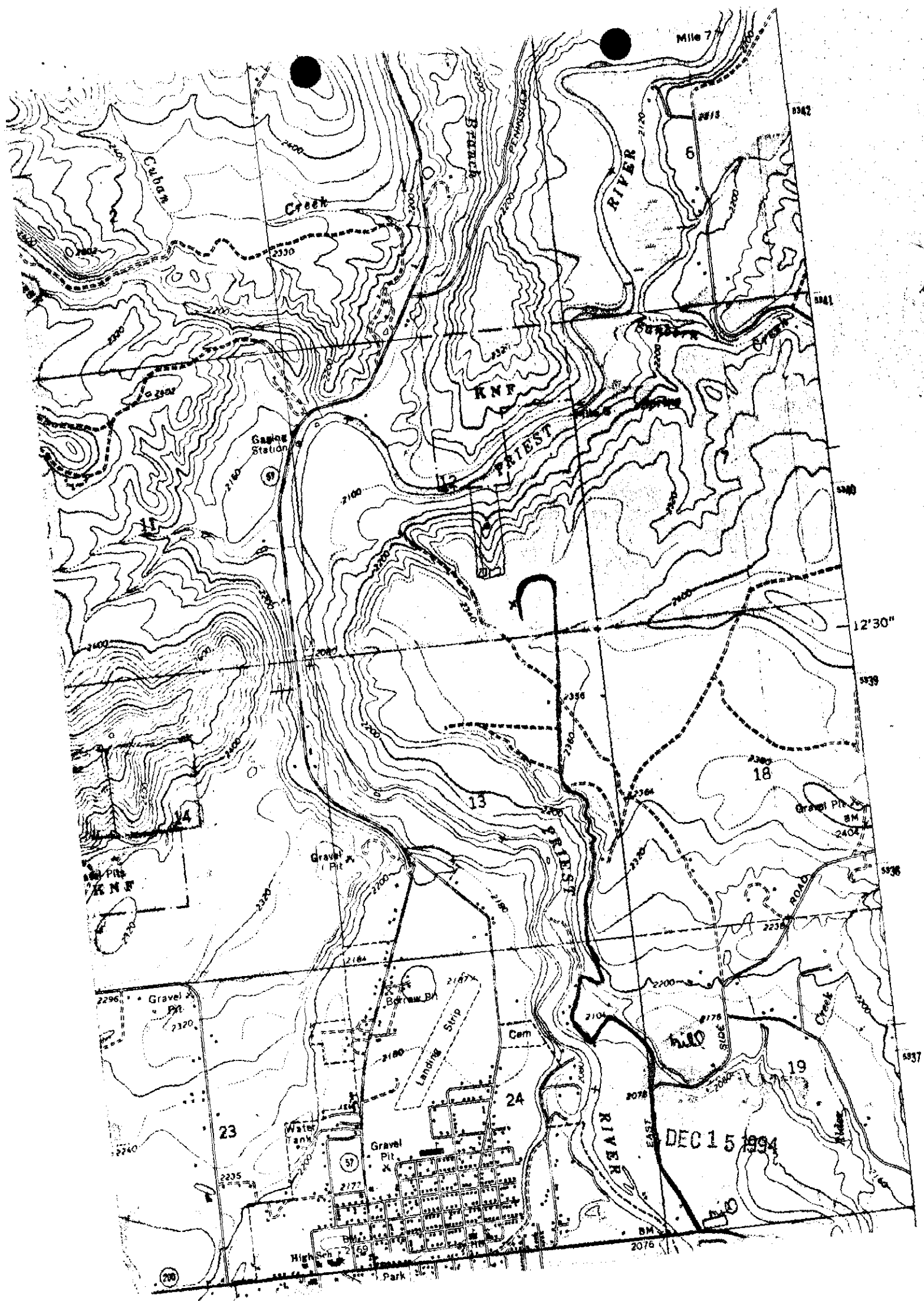
MAY MY ATTEMPT AT HUMOR BE A  
SOURCE OF SMILES IN YOUR OFFICE FOR AT  
LEAST A DAY, AND MAY I REMAIN HUMBLY  
YOURS,

A POOR AND PARCHED CITIZEN  
OF YOUR GREAT STATE OF IDAHO,  
WHO WISHES "YOUR" WATER  
THAT "WE" MIGHT LIVE,

*Gerald Laubhan*  
GERALD LAUBHAN

DEC 15 1994

\* HONORABLE



October 5, 1994

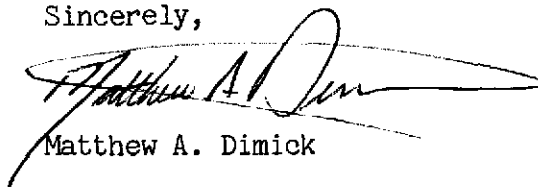
To whom it may concern:

This letter is in regard to Jerry & Dona Laubhan's water development project.

They (Jerry & Dona) started the project mid 1988. The land at the time was a mixed mess of swampy ground and brush piles. Over the next few years they continually made improvements and still are. Summertime of 1991 they developed a water ram system and put it into operation. Since then, they have made more improvements in making the system more efficient.

In my opinion they have effectively developed the water on their land.

Sincerely,

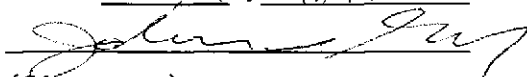


Matthew A. Dimick

State of Washington

County of Spokane

Signed or attested before me on Oct 5, 1994 by MATTHEW DIMICK



(Signature)

Title

My appointment

expires 7-13-96

DEC 15 1994

Oct. 4, 1994

To : Department of Water Resource, Whom it may Concern

My wife, Linda, and I have known and been on our neighbor's (Jerry and Dona Laubhan) property north of Priest River, Idaho since September 1992. At that time, we witnessed that, they had created water collection ponds, making use of gravity water irrigation and use of a RAM pump and holding tanks for irrigation purposes.

Signed :

Date :

Wm M Cortright  
Wm. M. Cortright

10-5-94

Linda L. Cortright  
Linda Cortright

10-5-94

STATE OF WASHINGTON  
COUNTY OF SNOHOMISH

Trisha M. Armstrong  
TRISHA M. ARMSTRONG, NOTARY PUBLIC  
MY COMMISSION EXPIRES AUGUST 10, 1997

DEC 15 1994



OCT 6-1994

Elegant, Handcrafted Quality Sheepskin  
Clothing & Accessories

MICHAEL SOWDERS  
PO Box 81  
KOOTENAI, ID. 83840  
208-6612385

To whom this may concern,

The Laubans purchased a water tank from  
me about 4 yrs ago in order to put together  
a spring fed water system, which I have  
seen many times in the last several  
years.

Michael Sowers

State of Idaho  
Bonner County

I witnessed the signature of Michael Sowers on  
10-6-94.

DEC 15 1994

Rebecca Smith  
Commission Expires 8-15-2000

"There is more to life than increasing its speed."

4 Oct 1994

To Whom it may concern.

I CERTIFY that I WAS on Jerry and Dona's property when they had their springs dug out AND MADE a silt collection hole (pond) downstream from the Road Culvert; to stop water from going down their drive, also.

This WAS in the summer of 1991.

Since Then, they have been using a hydraulic Ram to pump water up the hill to their house. Plus they use other type pumps to irrigate ~~the~~ their land.

They Really HAVE helped decrease the fire danger by having their water system.

Hugh Fahnholz  
Neighbor, Bailey River  
TRACTS, Priest River, Id.

Hugh Fahnholz

Subscribed and sworn to (or affirmed) before me this 14th day of  
October, 1994.

DEC 15 1994

*Donna L. Morrow*  
Notary Public

My Commission Expires on 10-12-99

I certify that file No. 97-7286

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the  
database prior to final status entry and deletion from the database.

C. J. [Signature]  
Reviewer

5/31/94  
Date

WRS0000P  
(00-26)

IRAWO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF HEARING REPORT

04/26/74 09:47:38  
Page 1

Water Right Number - 97-07204

Prefix Translation: WATER RIGHT

Old (S) Number -

----- Last Name ----- + First Name ----- + Address -----

\*\*\* C - CURRENT OWNER \*\*\*  
LAUBMAN

GERALD

1 - P.O. BOX 1428  
2 -  
3 -

City: PRIEST RIVER State: ID Zip: 83856

Phone: 208-448-1300

1 - POB 1428

2 -

3 -

City: PRIEST RIVER State: ID Zip: 83856

Phone: 208-448-1300

----- Priority Date -----

07/12/1968

----- Region -----  
18 NORTHERN

----- Stage -----  
P - PERMIT

----- Status -----

----- Source -----  
SPRINGS  
UNNAMED STREAM

----- Tributary -----  
PRIEST RIVER  
PRIEST RIVER

----- Point of Diversion -----  
Twp Rng Sec Tract Lot Rflg County Diversion Name Diversion Rate Diversion No.  
54N 05W 12 SE NW SE (17) BOMBER

| Code                         | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|------------------------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION              |             | 03/15       | 11/15     | 0.120          |                  |
| 02 - IRRIGATION STORAGE      |             | 01/01       | 12/31     |                | 8.00             |
| 03 - IRRIGATION FROM STORAGE |             | 03/15       | 11/15     |                | 8.00             |
| 04 - STOCKWATER              |             | 01/01       | 12/31     | 0.020          |                  |
| 05 - STOCKWATER STORAGE      |             | 01/01       | 12/31     |                | 8.00             |
| 06 - STOCKWATER FROM STORAGE |             | 01/01       | 12/31     |                | 8.00             |
| 43 - DOMESTIC                |             | 01/01       | 12/31     | 0.040          |                  |
| 47 - RECREATION STORAGE      |             | 01/01       | 12/31     |                | 8.00             |
| 55 - DIVERSION TO STORAGE    |             | 01/01       | 12/31     | 0.120          |                  |

----- Total Div. Rate ----- + ----- Total Div. Volume ----- + ----- Total Div. Capacity -----  
0.200 8.00

| Twp          | Rng | Sec | Tract    | Lot | Acres | Code          | Description | County      |
|--------------|-----|-----|----------|-----|-------|---------------|-------------|-------------|
| 54N          | 05W | 12  | SE NW SE |     | 4.0   | 01 IRRIGATION |             | (17) BOMBER |
| Total Acres: |     |     |          |     |       | 4.0           |             |             |

----- Diversion Name ----- 13 SPRINGS FLOW INTO POND/POOP FOR IRR. AND DOMESTIC

----- Non-Irrigation Use ----- 8/1 HOME, 1/5 BOMB, 25 BOMB, 150 POULTRY

WRS0000P  
(00-26)

ISLAND DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF HEARING REPORT

04/30/94 00:47:30  
Page 2

Water right number - 97-07206

Prefix Translation: WATER RIGHT

\* - - Other Rights for Same Use - NONE

\* - - - - - Remarks - - - - -  
13 P/D IN SERVICE, 612, 1546, 1550.  
THE MAX. RATE OF DIVERSION FOR IRRIGATION PURPOSES UNDER THIS  
PERMIT SHALL NOT EXCEED 0.12 CFS.  
THE MAX. RATE OF DIVERSION FOR DIVERSION TO STORAGE PURPOSES  
UNDER THIS PERMIT SHALL NOT EXCEED 0.12 CFS.

\* - - - - - Old Water Right Numbers - - - - -  
No Old Water Right Numbers Found.

\* - - - - - Conditions of Approval - - - - -  
10A - Permanent measuring devices must be installed in such a manner  
that the amount of water entering the reservoir and the amount of  
water released from the reservoir can be measured.  
10B - The storage of water under this right is contingent upon the  
certification of the dam and authorization of storage per the dam  
safety provisions of the Idaho Code.  
02A - Permit holder shall commence the excavation or construction of  
diverting works within one year of the date this permit is issued  
and shall proceed diligently until the project is complete.  
01A - See remarks for additional conditions of approval.

\* - - - - Decree Plaintiff - - - - - \* - - - - Decree Defendant - - - - - \* - - - - Decree Date - - - - -  
00/00/0000

\* - - - - - Comments - - - - -  
Date: 12/30/1991 User Id: WMA1 Subject: Extension of Time Received  
Extension of Time Received  
Date: 01/06/1994 User Id: WMA1 Subject: Lapse Notice Sent  
Lapse Notice Sent

\* - - - - - Audit Fields - 07/15/88 STYPA 07/26/88 KING 10/14/88 STYPA 12/06/88 CURTIS 12/30/91 COMMENTS  
12/31/91 QUSTA/NO 01/06/94 COMMENTS

\* - - - - - Water Rights Dates and Flags Area - - - - -

|                   |              |                  |              |                    |     |
|-------------------|--------------|------------------|--------------|--------------------|-----|
| Proof Due Date    | - 01/01/1996 | Field Exam Made  | - 06/06/0000 | Field Exam Fee     | -   |
| Approved/Denied   | - 12/08/1988 | Protested Date   | - 06/06/0000 | Swan Falls         | -   |
| Proof Made Date   | - 06/06/0000 | Severing Date    | - 06/06/1000 | Temporary Right    | - P |
| Exam to S.O. Date | - 06/06/0000 | Verified Date    | - 06/06/0000 | DLE/Corvey Act     | -   |
| Order Show Cause  | - 06/06/0000 | Receipt Number   | - 0000167    | Water District     | -   |
| Licensed Date     | - 06/06/0000 | Appl Received    | - 07/12/1988 | Transfer/Abandoned | -   |
| Decree Date       | - 06/06/0000 | Presumption Flag | -            |                    |     |

Laughan  
P.O. Box 1028  
P.R. Id 83856

xxB01 TR2

State of Idaho  
Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, Idaho 83720-9000



Laubham  
P.O. Box 1028  
P.R. Id 83856

(208) 448-1380



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7846

CECIL B. ANDRUS  
SUPERVISOR  
R. KEITH HODGKINSON  
DIRECTOR

January 6, 1994

GERALD LAUBHAN  
DONA LAUBHAN  
P.O. BOX 1028  
PRIEST RIVER ID 83856

RE: PERMIT NO. 97-07286 LAPSE NOTICE

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated October 31, 1993. *sent date*  
No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use *sent* submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee. *NOV 93*

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

*L. Glen Saxton*

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosures

*In the future, please provide more information on the project. Your paper work is too much.*

January 6, 1994

GERALD LAUBMAN  
DONA LAUBMAN  
P.O. BOX 1028  
PRIEST RIVER ID 83856

LAPSE NOTICE

RE: PERMIT NO. 97-07286

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated October 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SEXTON  
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 1-16-94  
a copy of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

*[Signature]*

RECEIVED

DEC 29 1993

Department of Water Resources

STATE OF IDAHO  
DEPT OF WATER RESOURCES  
301 N. OGDEN ST  
BOISE, ID, 83720-9000

DEC 26 1993  
GERALD LAUBMAN  
POB 1028  
PRIEST RIVER, ID, 83856

RE: PERMIT # 97-07286

DEAR STATE OF IDAHO,

THE ORIGINAL INTENT OF CREATING A STOCK POND UNDER THE REFERENCED PERMIT NUMBER HAS BEEN ABANDONED, DUE TO SUBSURFACE CONDITIONS.

WE ARE NOW ONLY USING SMALL HAND-DUG CATCH BASINS FOR WATERING THE STOCK, PERHAPS TEN CUBIC FEET IN SIZE, MAXIMUM, DUG WITH A #2 ROUND POINT SHOVEL IN AN HOUR OR TWO.

LET THE PERMIT Lapse. SHOULD WE DECIDE TO DO ANYTHING IN THE FUTURE, WE'RE FAMILIAR WITH THE PROCEDURE.

THANKS FOR YOUR ASSISTANCE AND INFORMATION. ITS BEEN MOST HELPFUL AND COURTEOUS.

SINCERELY YOURS  
*Gerald Laubman*  
GERALD LAUBMAN

LAURMAN  
108 1028  
PRESTONER, 10, 83856

11801 TR2

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 N. ORCHARD ST.  
STATEHOUSE MALL  
BOISE, IDAHO, 83720-9000



**State of Idaho  
DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7846

CECEL R. ANDERSON  
OFFICIAL  
R. KEITH HODGKINSON  
DIRECTOR

December 21, 1993

Dona Laubhan  
P.O. Box 1028  
Priest River, ID 83856

RE: Permit No. 97-07286

Dear Permit Holder :

Returned is the Proof of Beneficial Use form submitted to this office in connection with the above referenced permit. Unfortunately, it is unacceptable as filed. It indicates the total rate of diversion of water to be 1.4 acre feet from a surface water source (unnamed springs).

When the total maximum rate of diversion is greater than 0.04 cfs, or any diversion amount from a surface water source, a license examination fee is required to be submitted with the proof. A license examination fee based on a rate of flow of 1.4 acre feet is \$50.00.

Since the permit will lapse on January 1, 1994, it is imperative that you return the original proof and the license exam fee as soon as possible.

Additionally, the Department will waive the flow measurement condition. However, we cannot issue an order waiving the condition until the proof has been returned with the license exam fee.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

*Julie L. Yarbrough*  
JULIE L. YARBROUGH  
Senior Secretary

Enclosures

October 31, 1993

GERALD LAUBMAN  
DONA LAUBMAN  
P.O. BOX 1028  
PRIEST RIVER ID 83856

PROOF DUE NOTICE

RE: PERMIT NO. 97-07286

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

NO. 140924



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**  
1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

**CARL R. ANDERSON**  
GOVERNOR  
**R. KEITH HENDERSON**  
DIRECTOR

December 31, 1991

Gerald or Dona Laubhan  
P.O. Box 1028  
Priest River, ID 83856

Re: Permit No. 97-07286

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time.  
The time within which to submit proof of beneficial use is  
extended to January 1, 1994.

Please note that the department has granted this extension based  
on litigation. It is important that you work diligently toward  
the completion of this project during the construction period  
allowed. The department may not be able to grant additional  
requests.

If you have any questions or if I can be of any further  
assistance, please feel free to contact this office.

Sincerely,

*Karen L. Gustafson*  
Karen L. Gustafson  
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

**RECEIVED**  
DEC 27 1991

Department of Water Resources

THOMAS B. COOPER  
JAMES M. LAMANNA  
STEPHEN F. SMITH  
DALE COGSWELL  
MARCOE E. WALK

COOPER, LAMANNA, SMITH & COGSWELL

CHARTERS  
ATTORNEYS AND COUNSELLORS AT LAW  
PRIORITY RIVER PROFESSIONAL CENTER  
P. O. BOX 100  
PRIORITY RIVER, IDAHO 83856-0100  
(208) 468-1821  
FAX NUMBER (208) 468-1814

May 11, 1990

SALESPERSON OFFICE  
PRIORITY AND COGSWELL  
SALESPERSON, IDAHO 83856  
AND COGSWELL  
P.O. BOX 100  
PRIORITY RIVER, IDAHO 83856-0100  
OFFICE L. ONE  
SALESPERSON OFFICE

Andy and Vicki Matlock  
Post Office Box 603  
Priest River, Idaho 83856

RE: Laubhan Road Matter

Dear Mr. and Mrs. Matlock:

Please be advised that this office is acting as legal counsel to Jerry and Dona Laubhan, who are your neighbors.

As you are aware, the Laubhans own Lots 15, 1, and 2 in the Bailey River Tracts. At the time this subdivision was originally laid out, the developer contemplated a road network that would provide access to all of the lots. This road network was eventually completed in about 1971. Since that time, it has been the developers intention that the road network would remain open and would serve as originally intended, i.e., to provide road access to all property in the subdivision. That goal was being principally accomplished until a relatively short time ago when you decided on your own that the Laubhans did not need access to Lots 1 and 2, or to the lower, Westerly portion of Lot 15, and blocked off the access road in several places. From photographs I have seen, it appears this was principally accomplished by constructing fence and barricades across the road and also pushing large piles of stumps and debris thereon.

Please be advised that your conduct in blocking the road is completely illegal. I have had occasion to review the original covenants affecting the plat of Bailey River Tracts, which clearly contain therein provisions for easements crossing all property for roadway purposes for access. These covenants are in appropriate legal form, and constitute the legal foundation for the existing road network. By blocking the road, you are violating the covenants, and are subjecting yourself to possible litigation.

Andy and Vicki Matlock  
May 11, 1990  
Page Two

In addition, the Laubhans and their predecessors in title have utilized the roadway in question for many years, and even if they were not possessed of the rights they have under the covenants, they would be considered to have prescriptive rights to continue making use of the road, and it is unlawful to interfere with an established prescriptive right of way.

The Laubhans desire only peace and harmony in your neighborhood and it is not their wish to quarrel with you over this matter. However, it is absolutely imperative that they have access to Lots 1 and 2, and to the lower part of Lot 15, which access is only available over the existing roadway. The fact that access has been denied to them over the roadway has caused the Laubhans considerable monetary damage in the loss of ability to remove and market fire wood located on those lots. Accordingly, this letter will advise you that unless you remove your barricades and the obstructions you have placed upon the access road within five days of the date of this letter, it will, unfortunately, become necessary to file suit against you to obtain an injunction to require you to do so. Should this course of action become necessary, you will be responsible for attorney's fees, court costs, and other appropriate damages. These could be substantial.

If you are blocking the road because you are dissatisfied with its present location, the Laubhans have assured me that they would work with you to relocate the access road to another part of your property which would be acceptable to you. However, they must be granted the right of access over the roadway immediately.

If you have questions you would like to direct to me about this matter, please feel free to contact me to discuss it further. However, I must caution you that your present course of action cannot, and will not, be further tolerated and your failure to cooperate as herein requested will result in action of a more severe nature being taken.

Andy and Vicki Matlock  
May 11, 1990  
Page Three

I would suggest that you give this matter your immediate attention.

Very truly yours,

COOKE, LAMANNA, SMITH & COGSWELL

Thomas E. Cooke  
Attorney at Law  
TEC:kd  
cc: Mr. and Mrs. Laubhan

136247  
October 31, 1991

GERALD LAUBMAN  
DONA LAUBMAN  
P.O. BOX 1028  
PRIEST RIVER ID 83856

PROOF DUE NOTICE

RE: PERMIT NO. 97-07286

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Mina Shields  
Secretary/Records Manager  
Enclosures

THE AREA IS WET WHERE THE WORK IS TO BE  
DONE, AND WE FEEL THAT AUGUST/SEPT IS THE  
SAFEST FOR HEAVY EQUIPMENT TO OPERATE. ~~THE~~  
SINCE TWO SUMMERS WERE TAKEN BY THE  
ROAD BLOCKAGE SITUATION, A TWO YEAR  
EXTENSION IS REQUESTED. THANKS,

(SEE ATTACHED PHOTO/LETTER)

MUST RETURN PHOTOS, PLEASE. MY ONLY PRINTS.

Form 500  
6-89

**RECEIVED**  
DEC 27 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof  
of beneficial use for a water right permit

Department of Water Resources

For Office Use Only  
\$75 Fee Received by FD  
Date 12/27/91  
Receipt # AD 2622

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted  
an additional period of time in which to complete development of a water right under the provisions of Section  
42-204, Idaho Code.

Permit No. 97-07286

Name(s) of Permit Holder: GERALD AND/OR DONA LAUBMAN

Post Office Address: POB 1028 PRIEST RIVER, IDAHO, 83856

Telephone No. 448-1380

Date Proof is Due: DEC 31, 1991

Describe what work has been completed toward the development of this water right:  
(This may be filled out if no work has been completed, show "none".)

AREA OF ENTRAPMENT CLEARED OF DEBRIS BY HAND/  
CULVERT OBTAINED (8'x20'), HAND DIGGING

Costing \$200 <sup>DOES MY</sup> <sub>LABOR COUNT?</sub> <sup>NOTE, IF 2A</sup>

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

MY NEIGHBORS BLOCKED MY ACCESS ROAD, AND DID NOT ALLOW  
US ACCESS UNTIL LEGAL ACTION WAS TAKEN AND THE ROAD  
UNBLOCKED. THIS STARTED IN JUN 89. RESOLVED UNBLOCKED SEP 90

Permit holder(s) request an extension to DEC 31, 1993

(1 yr minimum)

(CONT'D ON REVERSE)

(Signature)  
\*IF OTHER THAN PERMIT HOLDER,  
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED  
and the time within which to submit proof of beneficial use is extended to  
January 1, 1994.

Signed this 31<sup>st</sup> day of December, 19 91.

A. Glen Saylor  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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Statehouse  
Boise, Idaho 83720  
(208) 334-7900  
December 12, 1988

GERALD LAUBMAN  
DONA LAUBMAN  
P.O. BOX 1028  
PRIEST RIVER, ID 83856

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07286

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Rights Permits Section

GS: SC  
Enclosures



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
NORTHERN REGION, John No. 9 • 4035 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4500

CECIL D. ANDRUS  
Governor

A. KENN FERGUSON  
Director

September 20, 1988

Mr. Gerald Leubhan  
Box 1028  
Priest River, ID. 83856

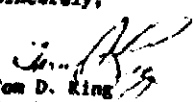
Re: Appropriation Application #97-07286

Dear Applicant:

After advertising your application for permit, a final review was conducted to insure that the application met with the Idaho Code. During this review, it was noticed that the rate of diversion was for more water than is normally allowed for irrigation by code. Since there is no indication that the excess amount is necessary we will reduce the rate of diversion to storage and irrigation to .12 cfs (approximately 67 gals. per minute), unless we hear from you prior to Oct. 5th, 1988. This change will not be reflected in the total rate of flow which will remain at 0.20 cfs (approximately 90 gpm).

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

  
Tom D. King  
Sr. Water Resource Agent





State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
NORTHERN REGION, Suite No. 9 • 4035 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS  
Governor

A. KENN HUGHSON  
Director

August 30, 1988

Gerold or Dona Laubham  
P.O. Box 1028  
Priest River, ID 83856

D97-7286

RE: Proposed Dam

Dear Mr. Laubham:

Enclosed is a partially completed application for the proposed small dam located on your property near Priest River. Please check the application for accuracy, make any changes that you feel are necessary, and sign and return with the appropriate fee of \$10. I will return a copy of the application for your records. If the application is not correct, a second blank application has been included for your use.

If you have any questions or if I can be of assistance please give me a call in Coeur d'Alene (phone 765-4639).

Sincerely

David D. LePard  
Dam Safety, Northern Region

*Celebrate*  
**IDAHO**  
A CENTENNIAL STATE



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4339

CECIL D. ANDRUS  
Governor

R. KEITH HENNINGSON  
Director

Dear Claimant:

The Department of Water Resources acknowledges receipt of your water right application for permit.

This office is currently in the process of advertising the application in the local county newspaper. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to the final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unopposed application is about eight weeks.

Enclosed please find your receipt for the fee involved in filing this application.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.  
Regional Manager

RGH/pms  
Enc. - Receipt



97-07286

LAUREN, GERALD  
LAUREN, DONA  
POB 1928  
PRIEST RIVER, ID 83856

Source: SPRINGS  
UNNAMED STREAMS

Tributary: PRIEST RIVER  
PRIEST RIVER

Diversion Pt: SEWEE Sec 12 T 56N R 05W

|                         |            |            |
|-------------------------|------------|------------|
| Use: IRRIGATION         | (.200 CFS) | ( 8.00 AF) |
| IRRIGATION STORAGE      |            | ( 8.00 AF) |
| IRRIGATION FROM STORAGE |            |            |
| STOCKWATER              | (.020 CFS) | ( 8.00 AF) |
| STOCKWATER STORAGE      |            | ( 8.00 AF) |
| STOCKWATER FROM STORAGE |            |            |
| DOMESTIC                | (.040 CFS) | ( 8.00 AF) |
| RECREATION STORAGE      | (.12 CFS)  |            |
| DIVERSION TO STORAGE    | (.200 CFS) |            |

Date Filed: 7/12/1988

In: T56N R05W S12 NWSE

4.0 ACRES TOTAL

*Long*  
*10/14/88*

JULY 9, 88

GERALD, DONA LAUGHAN  
POB 1028  
PUEBLO, CO, 81001

DEPARTMENT OF WATER RESOURCES  
SUITE #9 4055 GOV'T WAY  
COEUR D'ALENE, ID, 83814  
ATTN: TOM KING

RECEIVED  
JUL 1988

Department of Water Resources  
Northern District Office

DEAR MR KING,

MANY THANKS FOR YOUR ASSISTANCE  
IN FILLING OUT FORM 202, 6/85.

AS REQUESTED, I LOOKED IT OVER,  
AND MADE ONE CHANGE IN ITEM #3,  
CHANGING THE POINT OF DIVERSION TO  
THE SE 1/4 NW 1/4 SE 1/4. PLEASE  
VERIFY.

THERE WAS NO WAY I COULD  
FILLED OUT THE FORM TO THE SAT-  
ISFACTION OF YOUR OFFICE. ITS A  
BIT CONFUSING TO DECIPHER, FOR US  
"FIRST-TIMERS". THANKS AGAIN.

SINCERELY  
Dwight J. Gulla

# Affidavit of Publication

STATE OF IDAHO  
County of Bonner,

*Mike McLean*

ing duly sworn, says that he is the *news editor*  
the PRIEST RIVER TIMES, a weekly newspaper printed and  
published at Priest River, Bonner County, Idaho, and has been con-  
tinuously and uninterruptedly published in said County during a period  
of consecutive weeks prior to the first publication of the annexed  
notice for publication, is a newspaper of general circulation made up of  
at least eight pages of at least six columns each, printed from typewritten  
or stereotyped forms of at least nineteen and three-fourths inches  
width, has at least 1250 bona fide subscribers living within said Bonner  
County, and is published at regular weekly intervals. That the annexed  
is a true copy of the notice for publication in the case of

# 643 Laubhan

It was published in the regular and entire issue of said paper for a  
period of *four* consecutive weeks, commencing on  
the *20* day of *July*, 19*88*

ending on the *27* day of *July*, 19*88*  
and that said notice was published in said newspaper proper, and not in  
supplement form.

*J. Michael T. Geary*

Subscribed and sworn to before me this  
*27* day of *July*, 19*88*

*Linda S. Ramsey*  
Notary Public for Idaho,  
Residing at Priest River, Idaho

NOTICE OF APPLICATION  
FOR WATER RIGHT  
The following application(s) have  
been filed to appropriate the public  
waters of the State of Idaho:

77-07200  
BEAVER CREEK CAMP  
POB 404  
NORDMAN, ID 83440  
Source: GROUNDWATER  
Diversion Pt: SWSW Sec 9 T 68N R  
64W  
Use: DOMESTIC (.000 CFS)  
Date Filed: 7/12/1988  
In: T6N R64W Sec 9 T 68N R  
64W

77-07200  
LAUBHAN, GERALD  
LAUBHAN, DONA  
POB 1000  
PRIEST RIVER, ID 83440  
Source: SPRINGS Tributary:  
PRIEST RIVER  
UNNAMED STREAMS Tributary:  
PRIEST RIVER  
Diversion Pt: SEWSE Sec 12 T 68N  
R 64W  
Use: IRRIGATION (.000 CFS)  
IRRIGATION STORAGE (0.00 AF)  
IRRIGATION FROM STORAGE  
(0.00 AF)  
STOCKWATER (.000 CFS)  
STOCKWATER STORAGE (0.00  
AF)  
STOCKWATER FROM STORAGE  
(0.00 AF)  
DOMESTIC (.000 CFS)  
RECREATION STORAGE (0.00  
AF)  
DIVERSION TO STORAGE (.000  
CFS)  
Dated Filed: 7/12/1988  
In: T6N R64W Sec 12 T 68N R  
64W  
4.0 ACRES TOTAL

The permit(s) will be subject to all  
prior water rights. Permits must be  
filed with the Director, Dept. of  
Water Resources, Northern Region,  
Government Way Suite 3, Coeur  
d'Alene, Idaho 83814 on or before  
AUGUST 8, 1988.  
R. Keith Heggeman, Director  
400, 200 July 20, 27, 1988

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