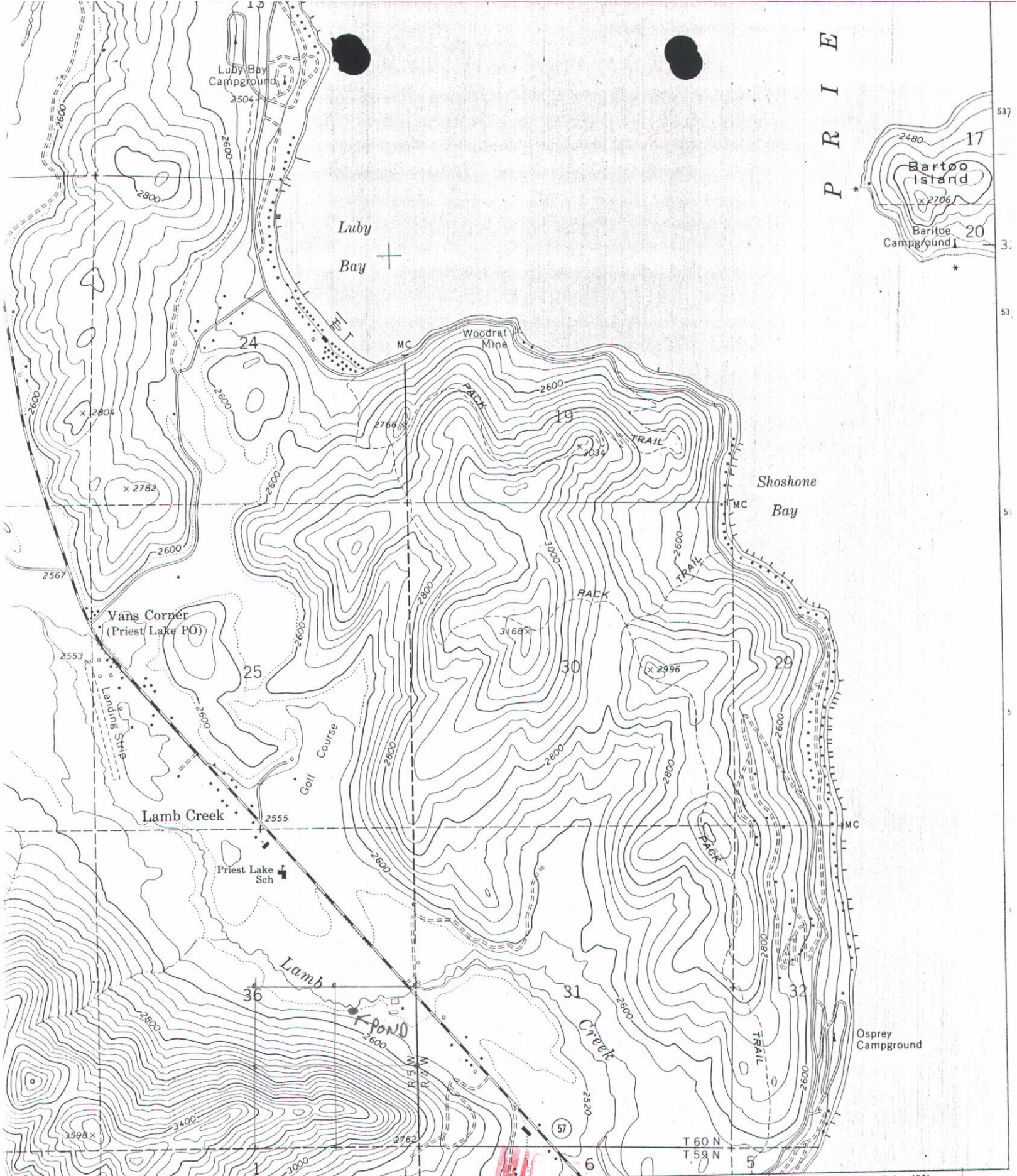
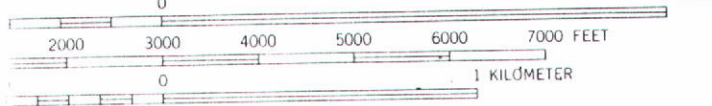




(OUTLET BAY)
2680 IV NW

SCALE 1:24,000



CONTOUR INTERVAL 40 FEET

SEP 22 1992

ROAD CLASSIFICATION

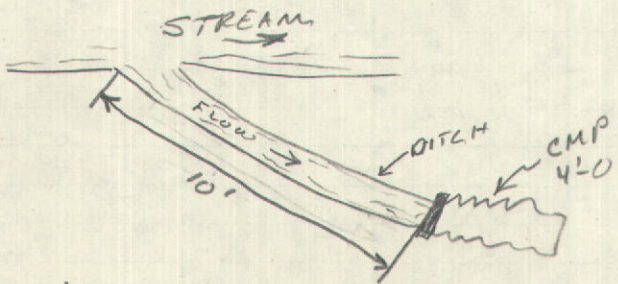
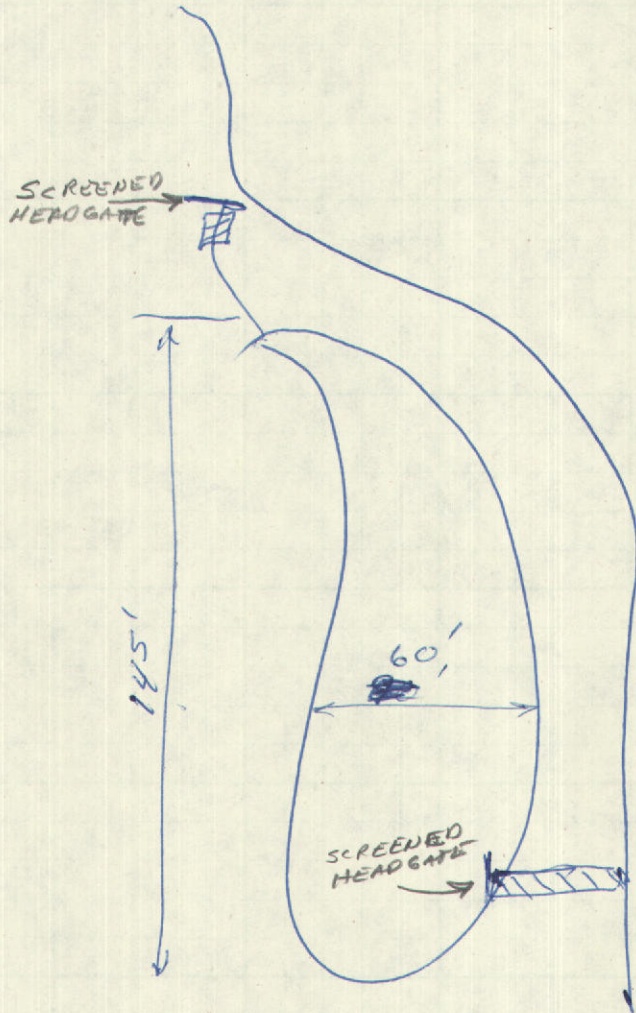
Medium-duty ——— Light-duty ———
Unimproved dirt =====

() State Route

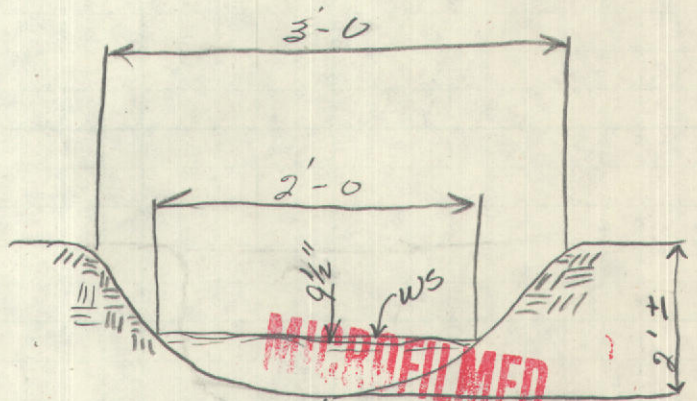
INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C. — 1971
PRIEST RIVER 26 MI. 509000m E. 116° E



[Handwritten signature]



NTS



SEP 22 1992

$$V = 10F / 57 SEC$$



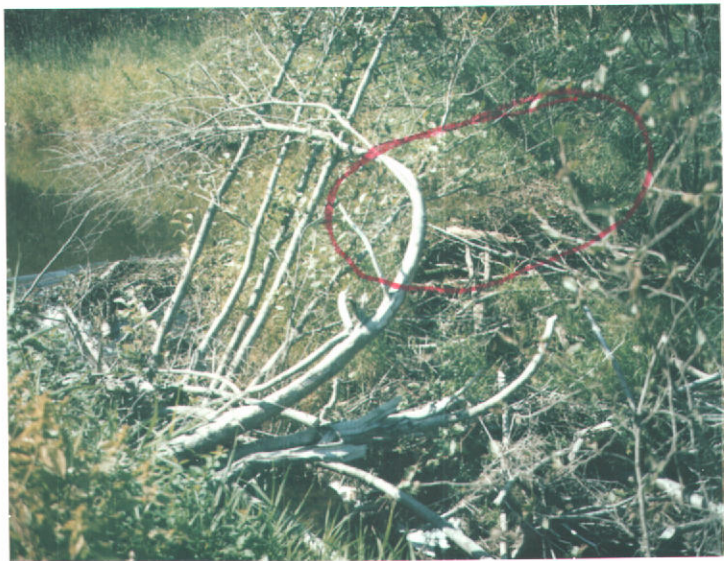
INLET
↙

MICROFILMED
SEP 22 1992





UP STREAM



DOWN STREAM





Taken 7/20/83 Beavers
had built up dam the
night before. Water level
in pond up 1"

TAKEN FROM DOWN STREAM



Taken 7/21/83.

From up stream.













JULY
80











MICROFILMED

S 89° 59' 4" W 293.20'

N 0° 32' 29" E 141.04'

25'

320.78'

100'

145'

25'

727.60'

CRAUN

RIX

SOLDONA

P. on line

Garden Area

SOUTH

222.90'

SOUTH

117.68'

SOUTH

88.82'

CREEK

LAMB

2.63

4.51/6

BANK

OF

APPROX

LOCATION OF DAMN

A PORTION OF

N 1/2 NE 1/4 SE 1/4 OF SECTION 36

TOWNSHIP 60 NORTH

RANGE 5 W B M

SCALE 1" = 50'

CORNER MONUMENTS 1/2" STEEL PIPE

SURVEY COMPLETED 10/14/73

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 97-07237

Priority: May 24, 1983

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.0 AF

This is to certify, that ELMER D CLARK
HCR 5 BOX 147F

PRIEST RIVER ID 83856 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 24, 1983; and
has submitted Proof of Beneficial Use on February 21, 1989. An examination indicates
that the works have a diversion capacity of .160 cfs of water from:

LAMB CREEK tributary to PRIEST RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		1.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
	Totals	0.04 CFS	1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 36, Township 60N, Range 05W
BONNER County

PLACE OF USE: RECREATION STORAGE
TWN RGE SEC

60N 05W 36 NESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
6. Construction of a dam to impound storage is not authorized by

RECORDED

SEP 22 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 97-07237

CONDITIONS/REMARKS:

this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 13TH
day of MARCH, 1992.

Acting for *Norman C Young*
R. Keith Higginson, Director

RECEIVED
SEP 22 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF
APPLICATION FOR PERMIT OF NO. 97-7237 IN THE
NAME OF ELMER D. CLARK

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on March 23, 1984, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1989.

Dated this 24th day of April, 1984.


A. KENNETH DUNN
Director

STATE OF IDAHO

PROPOSED
MEMORANDUM DECISION
AND ORDER

1) The protestant filed Application for Permit No. 97-7240 to appropriate water on June 6, 1983 from Lamb Creek tributary to Priest River.

UNCLASSIFIED

2) The issue of flooding of the protestant's property is an easement problem and is not within the jurisdiction of the Department.

3) The Department cannot grant an easement for the use of another person's property.

4) The hearing officer finds no reasons based on the criteria outlined in Section 42-203 of the Idaho Code to deny the applicant's application.

CONCLUSIONS OF LAW

1) The protest is based on an issue that is not within the jurisdiction of the Department.

2) The applicant is entitled to a permit to appropriate the public waters of the State of Idaho.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 97-7237 is APPROVED subject to the following conditions:

1) Diversion and use of water under the permit is subject to all prior water rights.

2) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

3) The 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.

4) Construction of a dam to impound storage is not authorized by this permit.

5) Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the final order.

Dated this 21 day of March, 1984.


ROBERT G. HAYNES, P.E.
Hearing Officer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant EMER D. CLARK Phone (208) 443-2762

Post office address RTE 5 BOX 147F PRIEST RIVER ID 83856

2. Source of water supply LAMB CREEK which is a tributary of PRIEST RIVER
* Per tel/con w/APP. JK-5-24-83

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36 Township 60N

Range 5W B.M. BONNER County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.20 for Diversion to Storage purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.0 for Storage for Recreation purposes from JAN 1 to DEC 31 (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)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. 1.0 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. DITCH 3'W X 2'DPTH 10' LENGTH TO 14" THICK BOARD CONCRETE GATE: Gate opening 32" X 36" depth 2" PLANKS IN OPENING TO CONTROL level of flow, 4' CULVERT Behind gate. EXIT gate SAME AS ABOVE

b. Height of storage dam No DAM feet, active reservoir capacity 1 acre-feet; total reservoir capacity 1 $\frac{1}{4}$ acre-feet, materials used in storage dam: No DAM low spot ESCAVATED

Period of year when water will be diverted to storage JAN 1 to DEC 31 inclusive.
(Month/Day) (Month/Day)

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

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 - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: * Per tel/con w/APP-5-24-83-ZK

→ (1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36 Township 60N

Range 5W B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: WATER To be used for Fish Pond + SPAWNING.

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[illegible]

Total number of acres to be irrigated

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

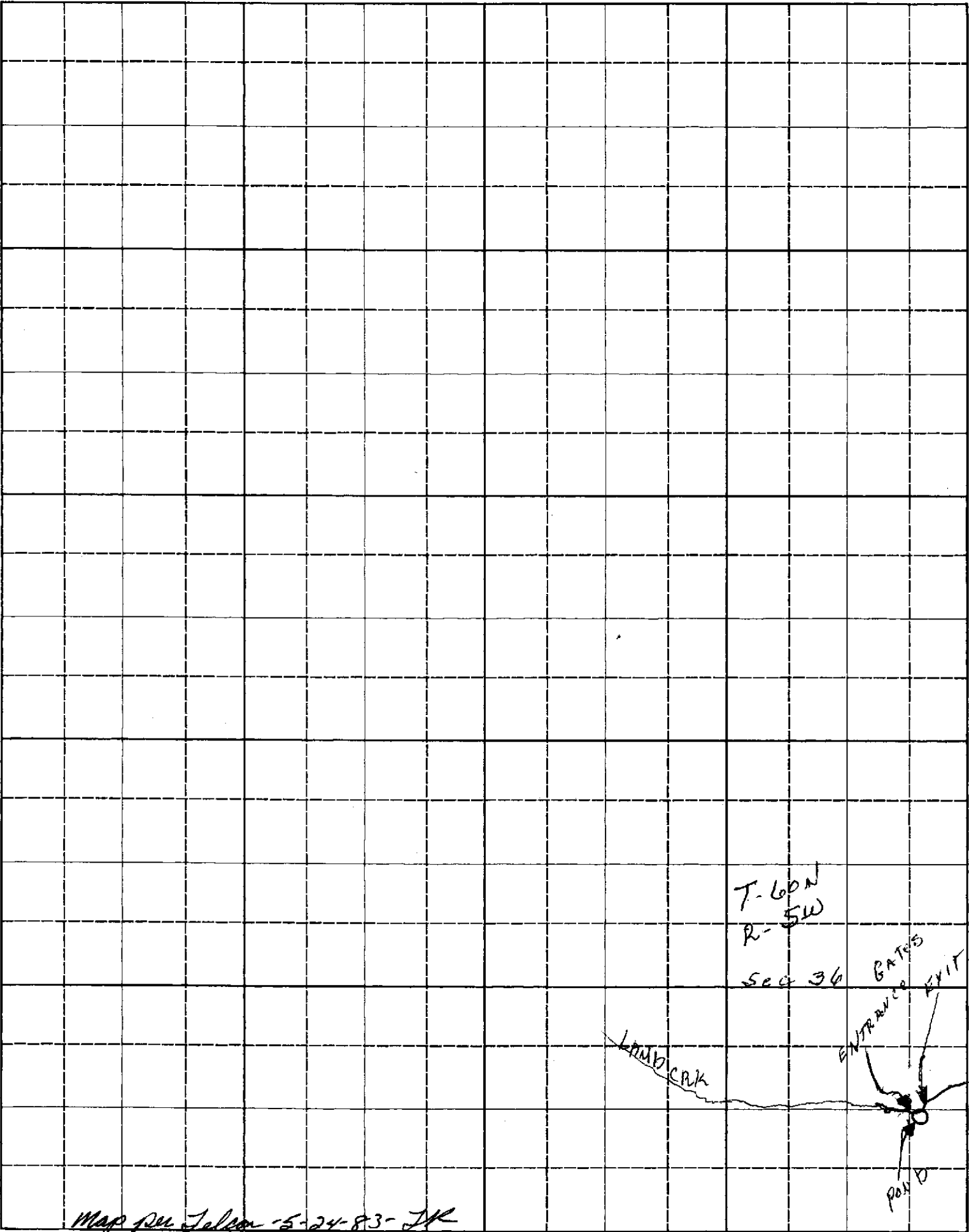
9. a. Who owns the property at the point of diversion E. D. CLARK (SELF)

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

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

10. Remarks Low SPOT ON PROPERTY APPROX. 100' X 50'
EXCAVATED TO A DEPTH OF 18" TO 2' AT EAST END.
WATER WILL FLOW CONSTANTLY FROM HIGH
ELEVATION OF CREEK THROUGH ENTRANCE GATE
AT APPROX. 60 GALS PER MINUTE AND EXIT THRU
GATE TO LOW ELEVATION OF CREEK AT THE SAME
RATE.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Edmund D. Clark
(Applicant)

RECEIVED
MAY 24 1983
IDAHO DEPT. OF AGRICULTURE

Proposed Priority: May 23, 1983

Received by JK Date 5/24/83 Time 12:30
Preliminary check by JK Fee \$ 30⁰⁰
Receipted by JK Date 5/24/83 (27002)
Publication prepared by mm Date 5/26/83
Published in Crest River Inn
Publication dates 6/27/83
Publication approved _____ Date _____
Protests filed by: John Greber 6/6/83

Copies of protests forwarded by mm
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. 97-7237, 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 April 1, 19 89.
- 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. Other: PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER AND ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.

Dated this 24th day of April, 1984.

A. Kenneth Dunn
A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF A PROTEST AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 97-7237 IN THE
NAME OF ELMER D. CLARK

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this the 27th day of April, 1984, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Elmer D. Clark
Rt. 5, Box 147-F
Priest River, ID 83856

John L. or Barbara J. Treiber
Rt. 5, Box 149-1A
Priest River, ID 83856



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST)
APPROVAL OF APPLICATION FOR PERMIT)
NO. 97-7237 IN THE NAME OF)
ELMER D. CLARK)
_____)

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Robert G. Haynes, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on October 11, 1983, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
3. be sent to each of the parties who appeared or their attorneys.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

MICROFILMED

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code, § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

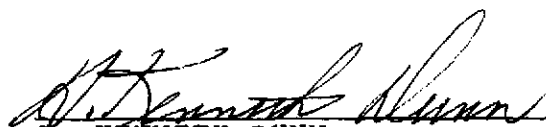
IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 23rd day of March, 1984.


A. KENNETH DUNN
Director
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF A PROTEST AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 97-7237 IN
THE NAME OF ELMER D. CLARK

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 23rd day of March 1984, a true and correct copy of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER were mailed, postage prepaid to:

Elmer D. Clark
Rt. 5, Box 147F
Priest River, ID 83856

John L. or Barbara J. Treiber
Rt. 5, Box 149-1A
Priest Lake, ID 83856



RITA L. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

RECEIVED

**NOTICE OF APPLICATION
FOR TRANSFER OF
WATER RIGHT**

On May 24, 1983, Loyd J. &/or Leona Mickelson filed with the Department of Water Resources Application for Transfer of Water Right No. 97-2051. The original water is for 1.93 cfs of water from the North Fork of Snow Creek, tributary to Snow Creek, used for stockwater and domestic uses, and also irrigation of 25 acres in the SWSE, 31 acres in the SESE, both in Sec. 18 T57N R5W; and 29 acres in the SWSW, and 14 acres in the SESW, both in Sec. 17, T57N R5W, Boise Meridian. The point of diversion is located within the SESW and SWSW Sec. 17, and the SESE Sec. 18 T57N R5W, Boise Meridian. The date of priority is October 26, 1965. The applicant has sold property in Sec. 17, reserving his water rights to that property. Applicant now seeks to move a portion of those rights to cover his uses, as they now exist, as follows: The point of diversion is now the SWSW and the SESW Sec. 17, the NENE Sec. 20 and the SESE Sec. 18, all in T57N R5W, Boise Meridian. The place of use is now 25 acres in the SWSE and 31 Acres in the SESE, Sec. 18 T57N R5W; 24 acres in the SWSW and 14 acres in the SESW Sec. 17 T57N R5W; and 5 acres, stock and domestic uses in the NENE Sec. 20 T57N R5W, Boise Meridian. Protests against the granting of this transfer must be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814 on or before June 20, 1983.

KEN DUNN, Dir.
Published in the Priest River
Times, June 2 and 9, 1983.
Dept. of Water Resources

60

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Pete Thompson

Publisher

being duly sworn, says that he is the
of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously 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 seven columns each, printed from typematter 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

Dept. of Water Resources
Transfer application #97-2051
and #96-8203, #97-7237

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 2nd day of June, 1983, and ending on the 9th day of June, 1983, and that said notice was published in said newspaper proper, and not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

29 day of June, 1983

Adell M. Thompson

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.

96-8203

OSLUND, GILLIS
4429 EMBURY CRESCENT,
RED DEER, ALBERTA,
CANADA T4N2S9,
Source: GROUNDWATER
Date Filed: 05/23/1983
Diversion Pt: NENW LOT 01
Sec 19 T 54N R 04W LOT 04
SESW Sec 18 T 54N R 04W
Use: IRRIGATION (1.8
CFS
In: NESW NWSW LOT 04
SESW Sec 18 T 54N R 04W
LOT 01 Sec 19 T 54N R 04W
FOR 90 ACRES

97-7237

CLARK, ELMER D.
RT. 5 BOX 147F, PRIEST
RIVER, ID 83856
Source: LAMB CREEK trib.
to PRIEST RIVER
Date Filed: 05/24/1983
Diversion Pt: NESE Sec 36 T
60N R 05W
Use: RECREATION
STORAGE (1.0 AF)
DIVERSION TO STORAGE
(0.20 CFS)
In: NESE Sec 36 T 60N R
05W

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814 or or before JUNE 20, 1983.

KEN DUNN, Dir.
Published PRT 6/2 & 6/9/83
Dept. of Water Resources

49

March 16, 1992

ELMER D CLARK
HCR 5 BOX 147F
PRIEST RIVER ID 83856

RE: WATER RIGHT NO. 97-07237

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

SHARLA CURTIS
Water Resource Agent

SC:clh

Enclosure

MICROFILMED
SEP 22 1992

February 12, 1992

ELMER D CLARK
HCR 5 BOX 147F
PRIEST RIVER ID 83856

RE: WATER RIGHT NO. 97-07237

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

SHARLA CURTIS
Water Resource Agent

SC:blm

Enclosure

RECEIVED
SEP 22 1992

LICENSE REVIEW CHECKLIST
 Permit No. 97-7237

Date 1/2/92

Name Address change? OK

Priority date Advance? NO
 Memo to advance _____
 Order to reinstate needed? _____

Total cfs Fee sufficient for rate recommended? N/A
 Limited by capacity? _____

Total volume Limited by flow? _____
 Rate/ac N/A afa (irrigation)
 Calculations from examiner appropriate? _____

Capacity Actual measurement checked ☒
 Theoretical checked _____

Source Clarification of originally intended source is
 the only change allowed - if any other change in
 source has occurred, a notice of intent to void
 is needed OK

P/D Verify with map ☒ Amendment req'd? NO
 Remark needed for more than one per $\frac{1}{4}$ _____
 Is overlap analysis a consideration in final
 recommendations? N/A

Uses Period of use for each use compatible with
 appropriate maps, data entry standards, etc. _____
 Change(s) in nature of use - amendment req'd _____

P/U Verify with map ☒ Amendment req'd? NO
 Is overlap analysis a consideration in final
 recommendations? N/A

Remarks More than one p/d in $\frac{1}{4}$ _____
 Non-irrig uses _____
 Special overlap condition _____
 Other _____

Conditions -

Measuring device _____
 W.Master control _____
 Overlap _____
 Water quality _____
 Other _____

Dates/Misc. -

Water Dist _____
 App Rec'd _____
 Proof Rec'd _____
 Exam Made _____

Comments/Memos needed:

License ☒ Paragraphs _____
 10-day ☒ Paragraphs P36 37 38 / P49 _____
 30-day _____ Paragraphs _____

Special correspondence req'd? NO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

JUN 28 1991

A. GENERAL INFORMATION

Permit No. 97-07237

1. Owner: Elmer D. Clark

Phone No. 443-2762

Current Address: HRC 5 Box 147-F Priest River ID 83856

2. Accompanied by: NONE

EXAM. DATE: 6/29/90

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Lamb Creek tributary to Priest River

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached

2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

Grid area for Diversion System Diagram.

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SEP 22 1992

Scale: 1" = 1 _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A 10' DITCH, 3' WIDE, 2' DEEP TO 14" THICK HEAD GATE WITH 36" X 32" OPENING WITH FLASHBOARDS. HEAD GATE ATTACHED TO 4' DIA CMP THEN TO POND & OUTFLOW HEAD GATE WITH SIMILAR DIMENSIONS

(NOTE: RETURN FLOW WITHIN NESE, SEC. 36 T60N R5W)

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
2 GRAVITY					

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SE	36	60N	5W	BONNER	MAP

6. Place(s) of Use:

Indicate Method of Determination MAP

Twp.	Rge.	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	
60N	5W	36													RS				

MICROFILMED

SEP 22 1992

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
WOOD CHIP						

2. Measurements:

POND DIMENSIONS 145 X 60 X 5' AV = 1AF
43560

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$Q = 85\% \left(\frac{2}{3} d w \right) \left(\frac{LF}{SEC} \right)$$

$$d = 0.8'$$

$$w = 2.0'$$

$$LF = 10$$

$$SEC = 57$$

$$Q = 85\% \left[\frac{2}{3} (2.0 FT) (1.8 FT) \right] \left(\frac{10 FT}{57 SEC} \right)$$

$$Q = 0.16 cfs$$

2. Alternate Method for Checking Purposes:

HIGHER FLOWS POSSIBLE IN SPRING

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

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SEP 22 1992

SEE D. 2

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DIVERSION TO STOR	1-1	12-31	0.04	1.0
STORAGE FOR RECREATION	1-1	12-31		1.0
Totals:			0.04	1.0

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

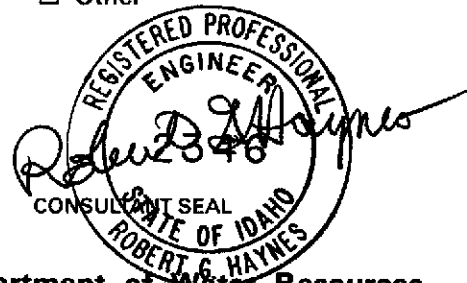
J. AUTHENTICATION

Field Examiner's Name TOM D. KENC

Signature [Signature]

Certification Date 4/16/90

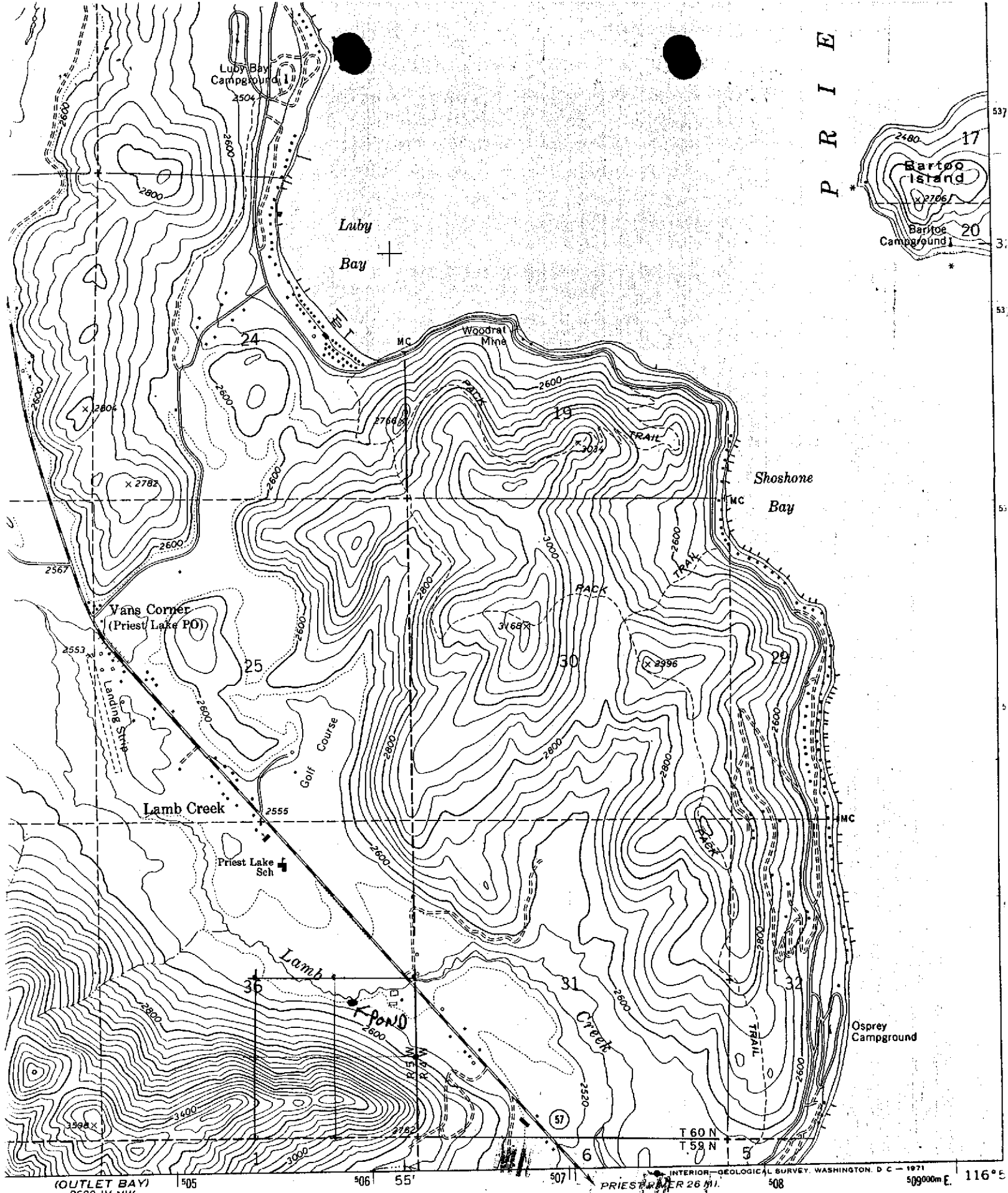
Field Report Preparation Date 6/29/90



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

SEP 22 1992



(OUTLET BAY)
2680 1V NW

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET

SEP 22 1992

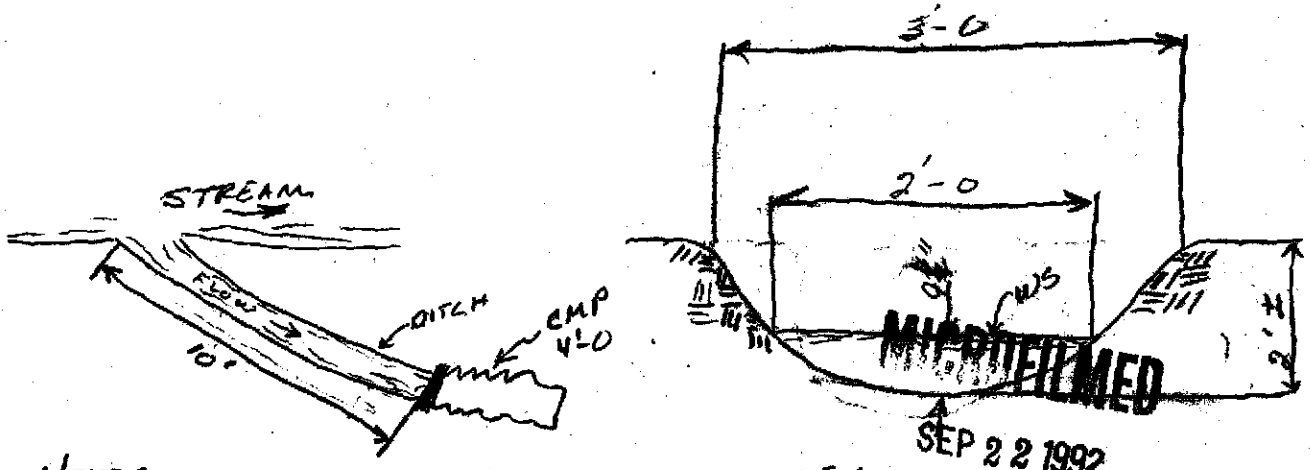
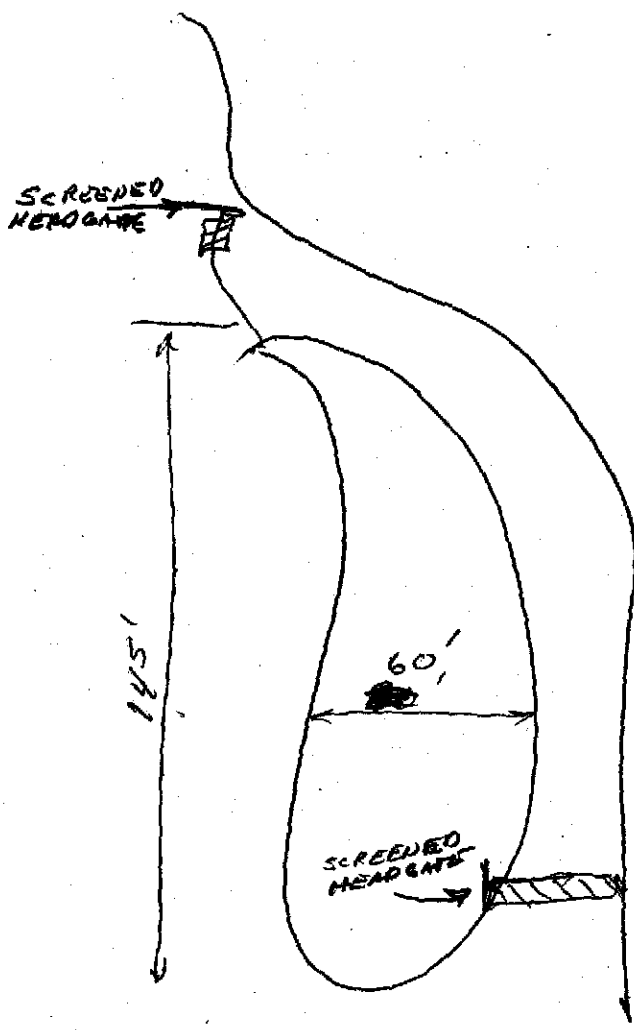
ROAD CLASSIFICATION

Medium-duty ——— Light-duty ———
Unimproved dirt =====

() State Route

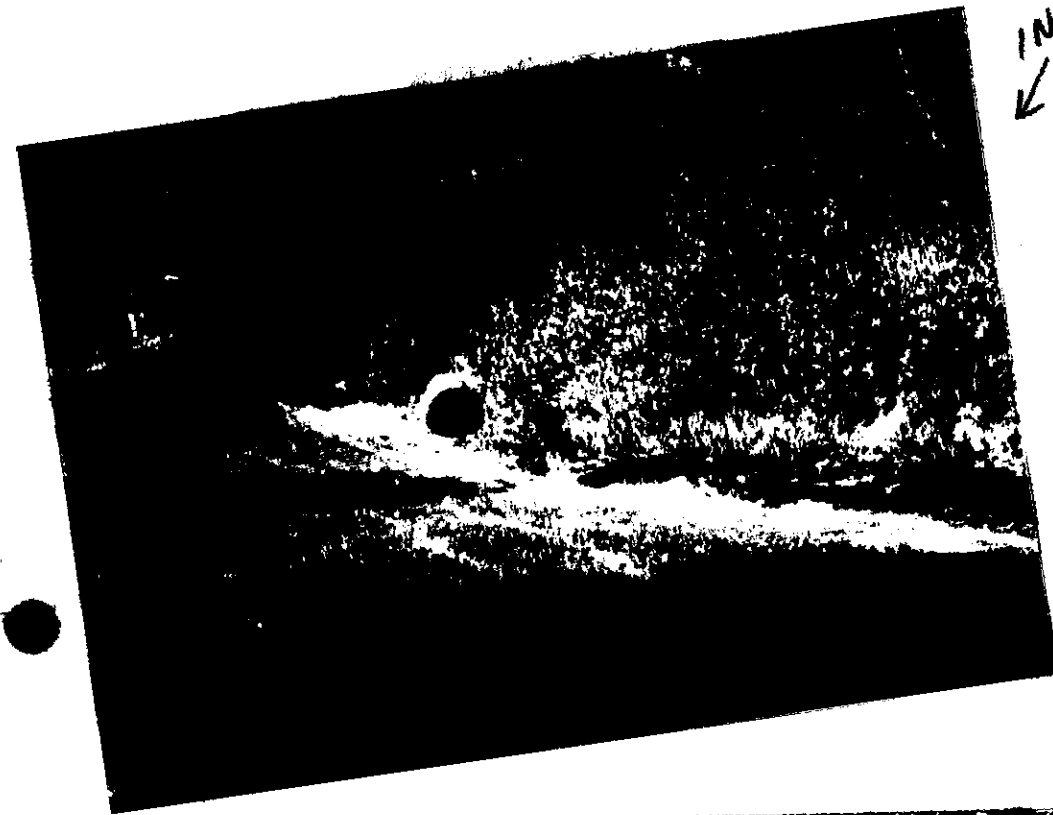
R

22-141 50 SHEETS
 22-142 100 SHEETS
 22-144 200 SHEETS



NTS

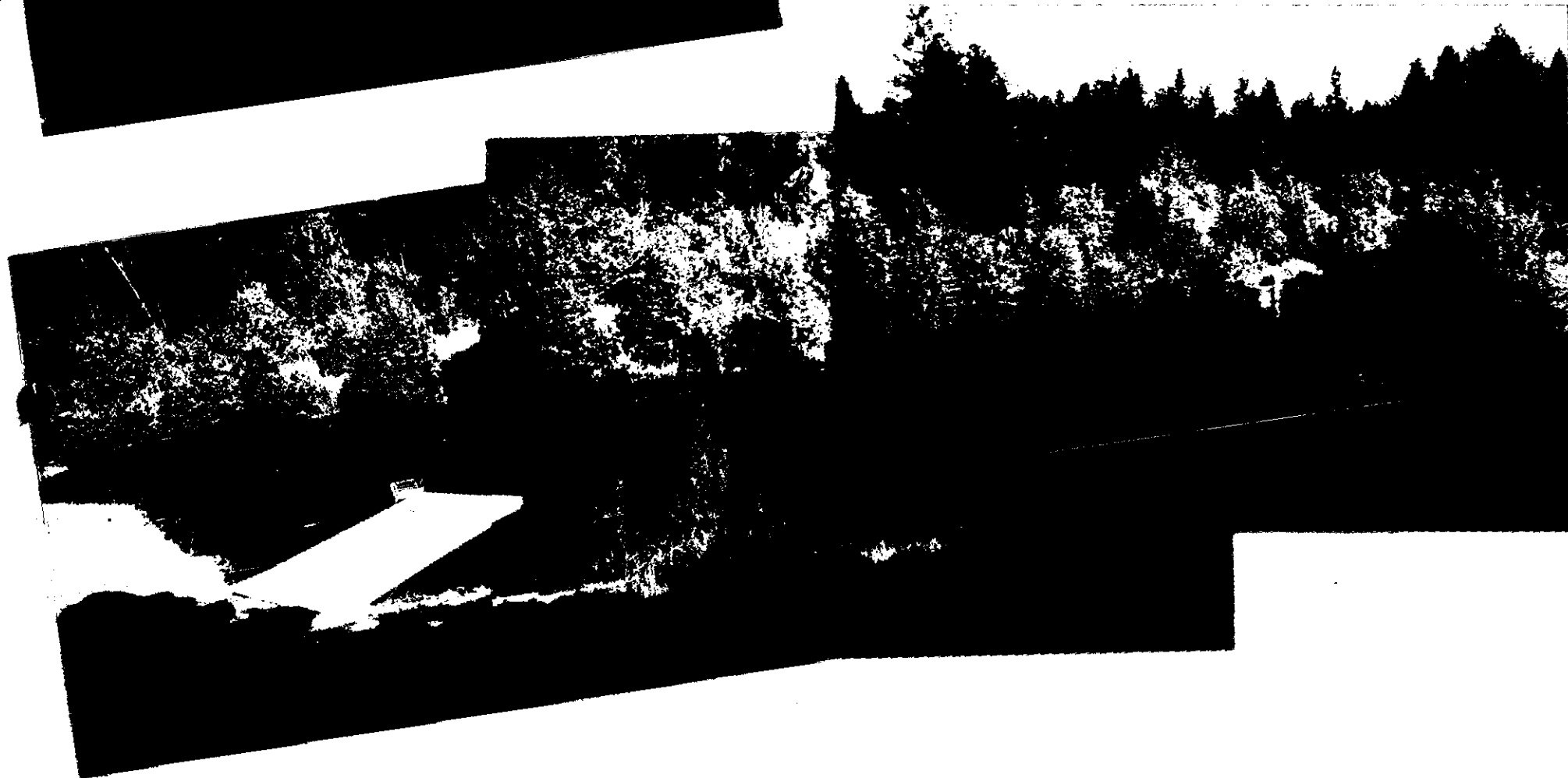
SEP 22 1992
 V = 10F / 675 SQ



INLET
↙

MICROFILMED

SEP 22 1992





State Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 7, 1989

APR 12 1989

Mr. Elmer Clark
HCR 5 Box 147F
Priest River, Id. 83856

Department of Water Resources

Re: 97-7237

Dear Mr. Clark:

Dear Permitholder:

We acknowledge receipt of your statement of completion of water development 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 do not know at this time when he will be able to conduct the examination; however, the examiner will try to contact you prior to the time the examination is made so that you may demonstrate the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Sincerely,

/s/
TOM D. KING
Senior Water Resource Agent

TDK/pms

MICROFILMED

SEP 22 1992



1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 97-7237

Date: 3/1/89

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
Y Address change _____ If yes, prepare a data entry
Y Proof received timely _____
_____ Reinstated

Source of Water:

Y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N Is a measuring device or access port required?
Y Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A Priority Calculation:
Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

FEB 21 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by JA
Sent to region _____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 97-07237

Name(s) of Permit Holder: ELMER D CLARK

Post Office Address: HCR 5 BOX 147-F PRIEST RIVER ID. 83856

Telephone No. (208) 443-2762

Source of Water: LAMB CREEK

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark FISH POND

Total rate and/or volume for which proof is submitted 0-0.04 cfs 3/4 acre-feet

Show the date water was first diverted and beneficially used under this permit: JUNE (1985)

Measuring Device: Required? Yes ✓ No
Installed? Yes ✓ No

Fee enclosed \$ N/A
(See License Examination Fee Schedule)

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

Person to contact to accompany the Department representative during the field examination:

ELMER D CLARK

(Name)

(208) 443-2762

(Telephone Number)

HCR 5 BOX 147-F PRIEST RIVER ID 83856

(Address)

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.

MICROFILMED

3/17/89

Date

Elmer D Clark

Signature of Permit Holder (and title, if appropriate)

APR 05 1989

February 28, 1989

Elmer D. Clark
Lamb's Den Refrigeration
Rt. 5 Box 147-F
Priest River, ID 83856

Dear Mr. Clark:

Re: Permit No. 97-7237

Returned is your check No. 4173 (92-1/1241). Based upon the amount indicated on the proof of beneficial use form, no fee is required.

If you have any questions concerning your permit, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Encl.

c: Acct. Sec.

MICROFILMED

APR 05 1989

97-07237

RECEIVED

FEB 21 1989

State of Idaho
Dept of Water Resources

Department of Water Resources

Sir:

Enclosed is Proof of Beneficial use form. I'm answering all questions to the best of my knowledge.

I leave Idaho every year from Oct 15 to April 15th. Therefore I do not have any record of dates available.

I may be contacted after April 15 for field examination.

The fee schedule does not show a charge for the amount of use.

However enclosed is a check for \$15.00

Please advise me of any further action that

take.

Thank you

Elmer D Clark

MICROFILMED

APR 05 1989

ELMER D. CLARK
RT. 5 BOX 147F
PRIEST RIVER, ID 83856

January 31, 1989

138951

PROOF DUE NOTICE

RE: PERMIT NO. 97-07237

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 April 1, 1989. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

APR 05 1989

April 27, 1984

Elmer D. Clark
Rt. 5, Box 147-F
Priest River, ID 83856

Dear Mr. Clark:

Re: Application for Permit No. 97-7237

Enclosed is a copy of the approved Application for Permit No. 97-7237 along with a copy of the Proposed Memorandum Decision and Order and a copy of the Order Adopting Proposed Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Proposed Memorandum Decision and Order.

The 1982 Idaho Legislature added a 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 instructions entitled "Making Proof of Beneficial Use." Please read the instructions carefully since you must take further action to develop the permit into a license.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty days or may appeal directly to the district court within thirty days of the date the decision is mailed.

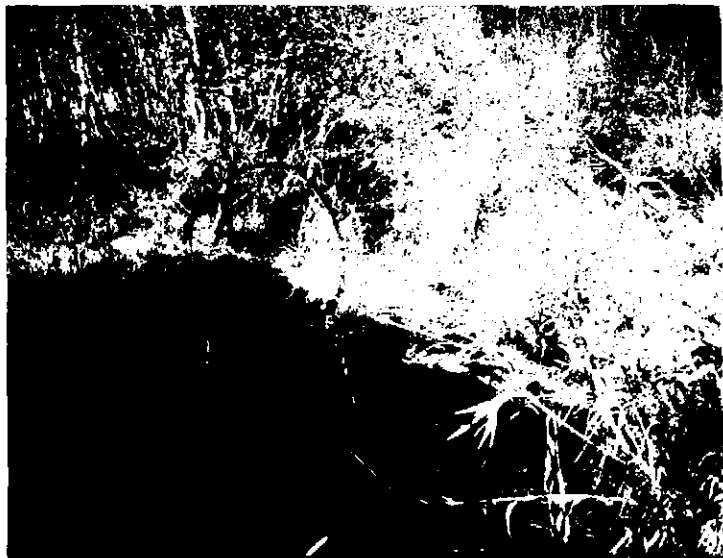
Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

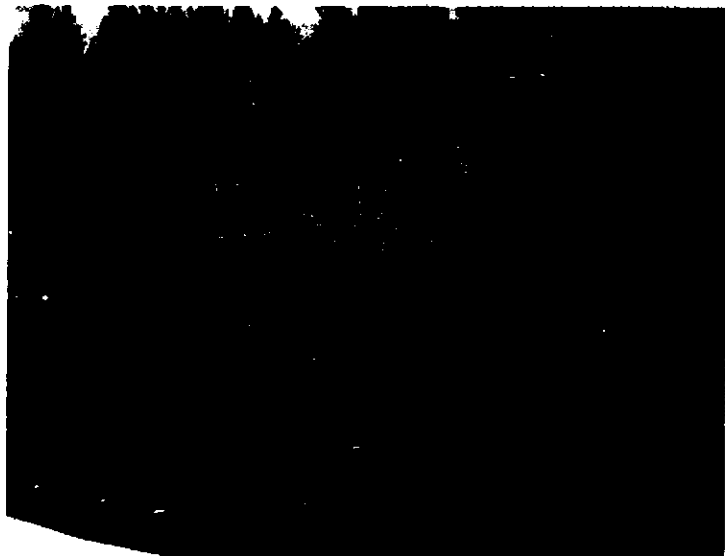
Enclosures

cc: John L. or Barbara J. Treiber

RECEIVED







AN ORIGINAL POLAROID® LAND PHOTOGRAPH

SUBJECT Lamb Creek Trainers DATE 9/13/74
 NAME Off Kitchen porch looking over
 ADDRESS Lamb Creek toward Trainers lot

For your convenience when ordering copies, indicate the number of copies desired in the appropriate box for the size(s) you select. You can get quality work by Polaroid Copy Service through your dealer or by mail.

REGULAR SIZE COPIES

WALLET SIZE COPIES

5 x 7 ENLARGEMENTS

8 x 10 ENLARGEMENTS

35mm SLIDES



Taken 7/20/83 Beavers
had built up dam the
night before. Water level
in pond up 1"

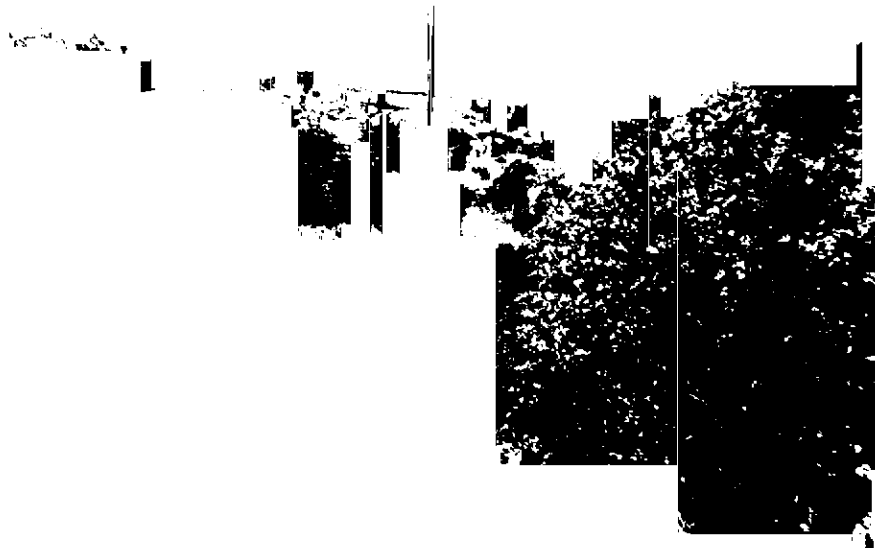
TAKEN FROM DOWN STREAM



Taken 7/21/83.

From up stream.









Water level markers
put in May 25-



Photographs

MICROFILMED

(A note
was
filmed
instead)

PRIEST LAKE RANGER DISTRICT

PRECIPITATION DATA - TAKEN @ PRIEST LAKE
AIR STRIP ON A 8" BELFORT GAGE

Joseph Estover
HYDRO. TECH.
S.O.

YR - MONTH	PRECIP. - INCH
79 11	.97
12	4.30
80 1	3.39
2	3.13
3	2.79
4	1.81
5	2.92
6	3.67
7	1.27
8	3.04
9	2.55
10	.78
11	3.63
12	4.37
81 1	1.02
2	3.45
3	1.76
4	2.73
5	3.07
6	3.80
7	3.98
8	.42
9	2.20
10	2.84
11	3.19
12	4.22
82 1	3.65
2	5.20
3	4.21
4	2.82
5	1.31
6	6.11
7	1.60

YR - MONTH	PRECIP. - INCH
82 8	.79
9	2.69
10	2.15
11	3.54
12	5.02
83 1	4.64
2	3.41
3	3.43
4	1.48
5	1.59
(3-wks - 6)	3.1

MICROFILMED

32512

In the Matter of Application)

No. 97-7237 • 97-7240 in the)

Names of Elmer D. Clark)

and John L. &/or Barbara)

J. Treiber Respectively)

WAIVER

We, the undersigned, agree to allow the Department of Water Resources to render decisions in the above referenced matters based on the information presented at the conference in Coeur d'Alene on October 11, 1983 and the files and records of the Department

Signed October 11 1983
at Coeur d'Alene

John L. Treiber
Elmer D. Clark

MICROFILMED

97-7237

Mr Treiber Concern about level of stream as related to water being checked up by Mr Clark.

Protest related to public interest.

Mr Clark:

Levels determined two years ago pond constructed last year. Beavers have been in there for 10-15 years.

Mr Clark's protest on Mr Treiber's appl is based on Mr. Treiber's protest of

Treiber's didn't get garden in until middle of June. and then not all of it.

Water table is the problem for Mr Treiber

MICROFILMED

IDENT. NO. 97-7237

WATER RIGHT
DATA ENTRY LOG

Item

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Updated

Transfer Updated

Keypunched by State Office

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JK

APPLICATION NUMBER: 97-7237

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
5/24/83 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: _____

Date: _____

STATE OFFICE REVIEW:

L17

26

- ☐ See attached sheet for more information.

By: _____

Date: _____

RECEIVED
JAN 24 1984

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

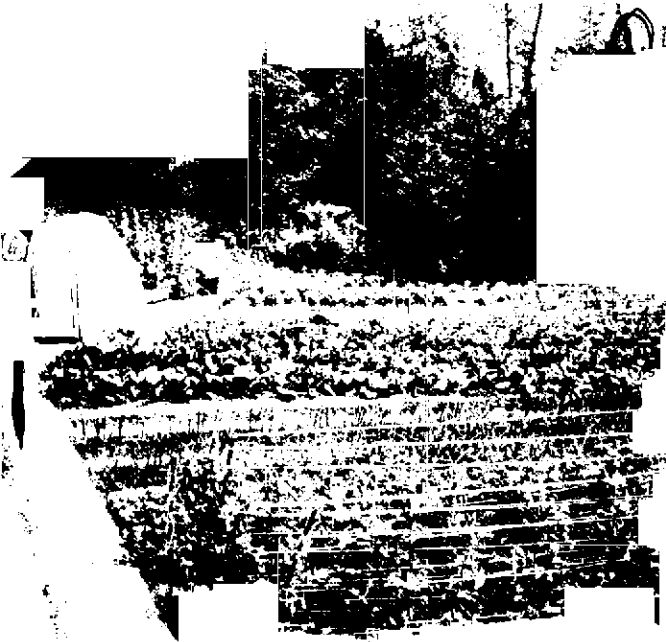
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						



JULY 15 '30











Exhibits

MICROFILMED

S 89° 59' 4" W 293.20

32

320.78

CRAUN

Pon line

Garden Area

RIX

100

SOUTH
112.68

SOLDONA

145

SOUTH
88.82

25

727.60

CREEK

A PORTION OF

N 1/2 NE 1/4 SE 1/4 OF SECTION 36

TOWNSHIP 60 NORTH

RANGE 5 W B M

LAMB

45.86

SOUTH
222.90

2.63

BANK

OF

APPROX
LOCATION OF DAMN

SCALE = 50

CORNER MONUMENTS 1/2" STEEL PINS

SURVEY COMPLETED 10/14/77

Ref 97-5237

① 8/3

May 21, 83 discovered dam and proceeded to remove dam.

Clark came down to creek and after shouting threats, jumped into creek, waded to my side and threatened to run me through with a fork he had with him. He finally calmed down and we talked. Yes, he did agree to lower the water level.

May 23, Clark had not lowered water level. I called him and he was uncooperative.

June 6 Made trip to Water Resources Office - Filed for Water permit 97-7240

June 14 Talked to Tom King and was advised that: my avenue to resolve any problem connected with granting a permit was to file a protest. Ref: letter from John L. Treiber to: Director Idaho Dept of Water Resources dated June 14, 1983

MICROFILM

June 24 Chris claimed to have removed dams but had not. He refused to have any further discussion saying he would protest my application on the basis that, "I didn't want him to have a pond".

① Exhibit ①
Looking across garden area and
downstream towards creek. Arrow shows
low point where drainage sloughs begin.

② Exhibit ② & ③
Sloughs which are main
drainage channels from garden
area shown in Exhibit ① and are
normally dry after run off.

③ Exhibit ④ - ⑤ & ⑥
Shows dam constructed by
Clark and affords an ability to
estimate affects on raising water
table.

④ Exhibit ⑥
Shows considerable degree of
land mass has been moved to
affectively create interference with
normal creek flow.

John L. Treiber

Name: Elmer D. Clark / John L. or Barbara J. Treiber
File: 97-7237 97-7240
Place: Dept. of Water Resources - Coeur d'Alene, Id.
Date: Tuesday, October 11, 1983, at 9:30 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Mr & Mrs John L. Treiber	RT 5 Box 149-1A	Drift River. Id 83856
Mr & Mrs E D Clark	RT 5 Box 147 F	Drift River 83856

MICROFILMED

PS Form 3811, July 1982

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO"
space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- ☒ Show to whom and date delivered \$
- ☐ Show to whom, date, and address of delivery .. \$
2. ☐ **RESTRICTED DELIVERY** \$
(The restricted delivery fee is charged in addition
to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**
Mr. Elmer D. Clark
Rt. 5 Box 147F
Priest River, Id. 83856

4. TYPE OF SERVICE:

- ☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☒ EXPRESS MAIL

ARTICLE NUMBER

13737

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

ED Clark

5. **DATE OF DELIVERY**

9-28-83

6. **ADDRESSEE'S ADDRESS** (Only if requested)**POSTMARK**
(may be on reverse side)7. **UNABLE TO DELIVER BECAUSE:**7a. **EMPLOYEE'S INITIALS**

RETURN RECEIPT

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested"
- adjacent to number.



PENALTY FOR PRIVATE
USE \$300

RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE

4055 GOVERNMENT WAY, SUITE #9
COLEMAN ALENE, ID 83814

(Street or P.O. Box)

(City, State, and ZIP Code)

- **SENDER:** Complete Items 1, 2, 3, and 4.
Add your address in the "RETURN TO"
space on reverse.

(CONSULT POSTMASTER FOR FEES)

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

☒ Show to whom and date delivered \$☐ Show to whom, date, and address of delivery .. \$

- 2.
- ☐
- RESTRICTED DELIVERY**
- \$

*(The restricted delivery fee is charged in addition
to the return receipt fee.)***TOTAL \$**

- 3.
- ARTICLE ADDRESSED TO:**

Mr. and Mrs. John L. Treiber
Rt. 5 Box 149-7A
Priest Lake, Id. 83856

- 4.
- TYPE OF SERVICE:**

☐ REGISTERED☐ INSURED☒ CERTIFIED☐ COD☐ EXPRESS MAIL**ARTICLE NUMBER**

13738

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE☐ Addressee☐ Authorized agent

John L. Treiber

- 5.
- DATE OF DELIVERY**

9-28-83

POSTMARK
(pay to address fee)

SEP 28 1983
R. ID

- 6.
- ADDRESSEE'S ADDRESS**
- (Only if requested)

- 7.
- UNABLE TO DELIVER BECAUSE:**

78. **EMPLOYEE'S INITIALS***[Signature]*

RECEIVED

RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested"
- adjacent to address.

**PENALTY FOR PRIVATE
USE, \$300**

**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
4055 GOVERNMENT WAY, SUITE #9
COEUR D'ALENE, ID 83814

(Street or P.O. Box)

(City, State, and ZIP Code)

WATER

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

PS Form 3877, July 1976

NAME AND ADDRESS OF SENDER IDAHO DEPARTMENT OF WATER RESOURCES NORTHERN DISTRICT OFFICE 4055 GOVERNMENT WAY, SUITE #9 LEWIS & CLARK, ID 83814		Indicate type of mail ☐ Registered ☐ Insured ☐ COD ☒ Certified		I certify that we have ☐ Commercial Insurance ☐ A deductible clause of \$		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT						
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1	13737	Mr. Elmer D. Clark Rt. 5 Box 147F, Priest River, Id. 83856	20c	75c				55c				97-7237
2	13738	Mr. and Mrs. John L. Treiber Rt. 5 Box 149-7A, Priest Lake, Id. 83856	"	"				55c				97-7240
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FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

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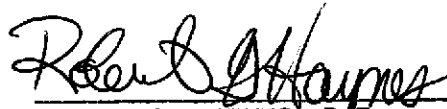
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 97-7237) NOTICE OF HEARING
IN THE NAME OF ELMER D. CLARK.) AND/OR CONFERENCE
_____)

On May 24, 1983, Elmer D. Clark
of Priest River, Idaho, filed with the Department of Water
Resources an application to appropriate the public waters of the State of Idaho.
On June 16, 1983, the Department received a protest against approval
of said application from John L. Treiber.

The Department has set the matter of protest for hearing for Tuesday,
October 11, 1983, at 9:30 a.m. in the Idaho Department of
Water Resources Northern Regional Office, 4055 Government Way, Suite No. 9,
Coeur d'Alene, Idaho. The hearing will be held in accordance with
Chapter 2, Title 42 of the Idaho Code and adopted Rules of Practice and Procedure
of the Department of Water Resources. Opportunity shall be afforded all parties to
respond and present evidence and argument on all issues involved.

Dated this 26th day of September, 1983.



ROBERT G. HAYNES, P.E.
Regional Supervisor

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Aug. 1, 1983

Mr. Clark:

You asked about a beaver dam on your property. It has been there for at least ten years I know and perhaps as long as fifteen years. Even some years ago when the beavers were trapped, the dam remained. I cannot remember during the last ten years when the creek was low at that point as it is at the present.

Sincerely

A handwritten signature in cursive script, appearing to read "C. S. Brown", followed by a long horizontal flourish.

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

June 20, 1983

Elmer D. Clark
Route 5 Box 147-F
Priest River, ID 83856

RE: 97-7237

Dear Mr. Clark:

Enclosed is a copy of a protest filed against the approval of a permit pursuant to the above-referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

Enclosure

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

June 20, 1983

John L. Treiber
Route 5 Box 149-7A
Priest Lake, ID 83856

RE: 97-7237

Dear Treiber:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearings. At such a conference and/or hearings, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

You will be notified at a later date of the time and place of the conference and/or hearings. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

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JUN 16 1983

Department of Water Resources
Northern District Office

June 14, 1983

From: John L. Treiber

Rt 5 Box 149-1A

Priest Lake, Id. 83856

To: Director Idaho Dept. of Water Resources
Coeur d'Alene, Id. 83814

Subject: Protest to Water Right Application
Ref. # 97-7237
Filed by: Clark, Elmer D.

Dear Sir:

Apparently Mr. Clark understands that a Water Right Grant allows him to dam the creek in order to maintain higher than normal levels of water to satisfy his needs.

Prior to May 31, 1983 he had erected a dam in the creek which seriously impairs drainage to my land upstream, which I have used

RECEIVED

for garden area since 1979.

Discussions with Mr. Clark over this matter have made some progress, however I will press this Protest in order to protect my land from abnormal high water conditions.

I should Mr. Clark be granted Water Rights under the condition that no dam be allowed; I will immediately withdraw any protest to his application.

Any assistance you may be able to provide towards a reasonable solution to this matter will be appreciated.

Thank you for your consideration
John L. Treiber

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92-7237

CLARK, ELMER D.

RT. 5 BOX 147F, PRIEST RIVER, ID 83856

Source: LAMB CREEK trib. to PRIEST RIVER

Date Filed: 05/24/1983

Diversion Pt: NESE Sec 36 T 60N R 05W

Use: RECREATION STORAGE	(1.0 AF)
DIVERSION TO STORAGE	(0.20 CFS)

In: NESE Sec 36 T 60N R 05W

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