

No Color
Documents
In File

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 97-7114 Priority May 5, 1977 Amount .02 cfs

THIS IS TO CERTIFY, that Rolf-Dieter &/or Ann Carius
of Priest River, ID, has complied with the terms and conditions of Permit
No. 97-7114 issued pursuant to Application for Permit dated May 5, 1977,
and has submitted proof to the Department of Water Resources on September 12, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .02 cfs of water from Unnamed stream,
tributary to Pend Oreille River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from <u>Jan 1</u> to <u>Dec 31</u>	at <u>.02</u> cfs and	<u>.6</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than .02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
.6 acre feet per year, said waters to be diverted within the NWSE Section 21, Twp 56N,
Rge 4W in the County of Bonner

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
56N	4W	21													X				

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of
September, 19 81.

Director

Identification No. _____
Application No. 96-7538 17-7114

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Rolf-Dieter &/or Ann Carius Phone: _____
post office address Rt 1 Box 387, Priest River, Id 83856
2. Source of water supply unnamed stream which is a tributary of Pend Oreille River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 56N
Range 4W B.M. Bonner County; additional points of diversion if any: _____

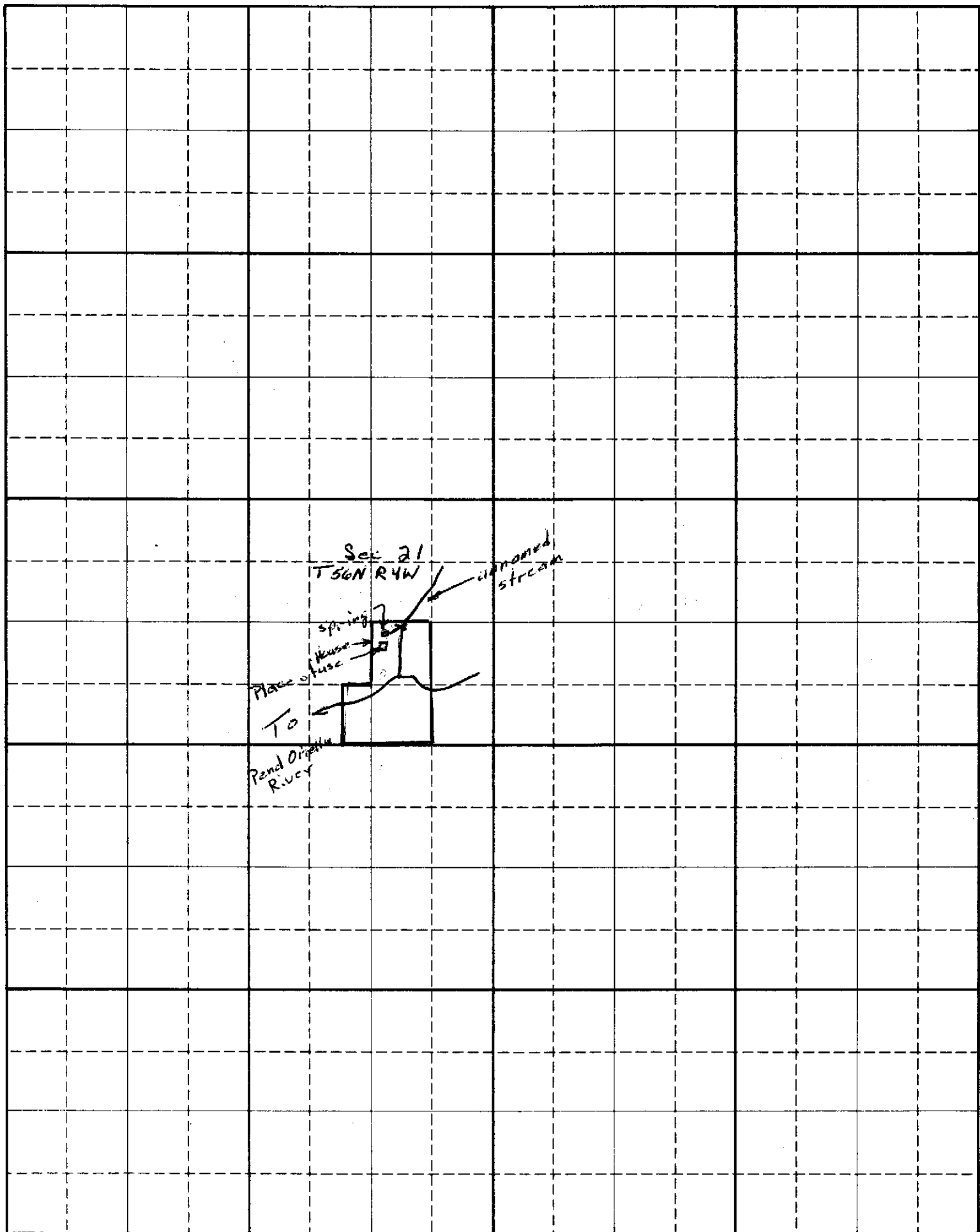
b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.02 ~~0.04~~ for domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.02 ~~0.04~~ 2-3 cubic feet per second and/or
b. 0.6 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Gravity flow pipeline to spring
box then to place of use

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 56N
Range 4W B.M. _____
(2) Amount of power to be generated: _____ hp 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 one.
(5) If water is to be used for other purposes describe: _____

MICROFILMED

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.

RSJ - Victor Green
Ann Carlin
(Applicant)

Proposed Priority 5-5-77

Received by TK Date 5-5-77 Time 9:30 PM
Preliminary check by TK Fee \$ 10.00
Received by TK Date 5-5-77 (6477)
Publication prepared by TK Date 5-9-77
Published in Idaho News
Publication dates 5-19-77 to 5-26-77
Publication approved by TK Date 5-31-77
Priority reduced to _____ Reason _____
Protests filed by: DAVID F. CLARK - with drawn
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by TK 53.

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. 97-7114, 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 84.

c. Other: The maximum rate of diversion allowed under this permit when combined with Permit No. 97-7115 shall not exceed 0.04 cfs.

2. Denial of said application is for the following reasons:

Witness my hand this 1st day of February 19 79.

Chief, Operations Bureau

A. Alan Saylor

Standard Remarks
(con't)

28. P/U in COUNTY ; STATE .
29. LEGAL . Ac. irr.= NO. . (use this remark if tract is not given on P/U).
30. Ac. irr.= NO. . (total acreage).
31. Pt. of injection into STREAM : LEGAL* . (use when one is from different sources only. If same source,
32. Pt. of redirection from STREAM : LEGAL* . use R indicator)
33. Co-mingled w/ waters of NAME .
34. This rt. when combined with rt(s) RIGHT NO. , RIGHT NO. and RIGHT NO. , shall provide no more than .02 cfs/ac. (or afa/ac.) (Also found as a condition of approval).
35. Reservoir located in LEGAL* . (off stream).
36. Water stored in RESERVOIR NAME .
 * LEGAL = SENE, S14, T18N, R2E.

CONDITIONS OF APPROVAL
Special Remarks for Condition 16

1. not to exceed RATE cfs and/or VOLUME afa.
2. If not at full capacity, wtr. to be replaced w/ TYPE wtr.
3. This rt. still valid if source inadequate to flow into STREAM.

STANDARD REMARKS

1. See file for other owners.
2. Source known locally as SOURCE.
3. Source for this rt. are SOURCE, trib. TRIBUTARY; SOURCE, trib. TRIBUTARY; etc.
4. See rt. RIGHT NO..
5. Superseded by decree. See rt. RIGHT NO..
6. Decree given lic. NUMBER.
7. Numbers for this rt. are RIGHT NO. and RIGHT NO..
8. Trans. NO..
9. Split into RIGHT NO. and RIGHT NO. by trans. NO..
10. Split into RIGHT NO. and RIGHT NO..
11. This rt. should be considered lic. by RIGHT NO..
12. Per. NUMBER also lic. in this rt.
13. This rt. is exchanged w/ RIGHT NO.. See file.
14. Priority date also DATE of RATE (cfs/afa). (for claims).
15. Reinstated DATE REINSTATED. (permits only).
16. DLE NO. or CAREY ACT NO..
17. DLE cancelled.
18. P/D also in COUNTY.
19. n P/D in LEGAL*.
20. Other P/D in COUNTY; STATE; LEGAL*.
21. Lic. incorrectly describes P/D &/or P/U as LEGAL*.
22. P/D &/or P/U incomplete. See file. Ac. irr.= NO. OF AC..
23. P/D &/or P/U center of (or ½ of) LEGAL*.
24. P/D &/or P/U Lot NO., Blk. NO., Subd. NAME.
25. P/D &/or P/U combined by trans. NO..
26. P/U within the lands of COMPANY.
27. P/U within city limits of CITY NAME. (for municipal rights).

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Pete Thompson,

being duly sworn, says that he is the publisher
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 cir-
culation 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

Notice - Application No. 96-7538

Dieter - Carius

as it was published in the regular and entire issue of said paper
for a period of two consecutive weeks, commencing on
the 19 day of May, 19 77
and

ending on the 26 day of May, 19 77
and that said notice was published in said newspaper proper, and
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

26 day of May, 19 77

Jean Blachette
Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Ralf-Dieter and or Ann Carius
Rt. 1 Box 387, Priest River, Id
has on May 5, 1977 submitted
Application No. 96-7538 for a
permit to appropriate 0.04 cubic
feet per second of water from an
unnamed stream by means of
pipeline and springbox within
the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 21 T56N,
R4W, B.M. Bonner County to be
used from Jan 1 to Dec 31 for
domestic purposes within the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 21 T56N, R4W
B.M.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must be
filed with the Idaho Department
of Water Resources, 4055
Government Way, Coeur
d'Alene Idaho 83814, on or
before June 6, 1977.

C. STEPHEN ALLRED
Director

Published in the Priest River
Times, Priest River Id on May
19 and May 26, 1977.

OK
5-31-77
B

RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

September 28, 1981

RE: Permit No. 97-7114

Rolf-Dieter &/or Ann Carlus
Route #1, Box 387
Priest River, ID 83856

Dear Mr. and Mrs. Carlus:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

2
MICROFILMED

MAP (Attach Aerial Photo)

T56N, R4W

21 Pd
X 4
Plu

SCHEMATIC DIAGRAM OF SYSTEM

Point(s) of diversion: NWSE Sec 21 T 56N, R 4W

Place(s) of Use

[illegible]

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

☒ None☐ Other

Examiner's Signature

Checked by

Approved by _____

Date 5/27/81

Date 6/3/81

Date 9/6/81

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 97-7114

Name(s) of Permit Holder: ROLF-DIETER & OR ANN CARIM

Post Office Address: RT 1, Box 387
PRIEST RIVER, IDAHO 83855

Source of Water: UNNAMED STREAM, NW 1/4 SE 1/4, 21 56 24 W

Extent of Use: ☒ Domestic ONE (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other _____

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

10 SEPT 1979

Date

Rolf-Dieter Carim
Ann Carim

Signature of Permit Holder

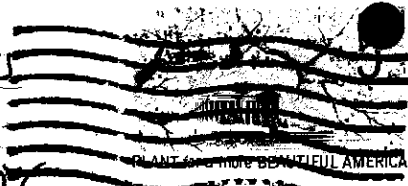
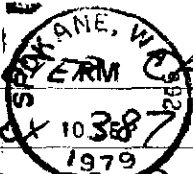
MICROFILMED

ROLF-DIETHELM CARIUS

271, BOX 10387

1979

PRIEST RIVER, ID. 83856



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83614
(208) 667-6484

October 15, 1979

Mr. Rolf Dieter
Route 1 Box 387
Priest River, ID 83856

RE: 97-7114

Dear Mr. Dieter:

We acknowledge receipt of your statement of completion of water development and 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 at the time he makes the examination so that you may show him the system. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office.

Very truly yours,

Tom D King

TOM D. KING
Senior Water Resource Asent

TDK/pms

cc: IDWR - State Office

February 5, 1979

Re: Permit No.'s 97-7114 & 97-7115

Rolf-Dieter &/or Ann Carius
Rt. 1, Box 387
Priest River, Idaho 83856

Dear Mr. or Mrs. Carius:

Enclosed are copies of your approved Applications for Permit. We direct your attention to the conditions of approval as listed on the fourth pages.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enc: 2

MICROFILMED

97-7114

STAFF REVIEW - STATE OFFICE

1. ☒ Name vs. Signature
2. S Source
3. ☒ Point of Diversion
4. ☒ Amnt. & Period of Use
5. ☒ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. ☒ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ☒ Map
11. 10 Fee & Rec't. No. 5-5(17)

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u>NO</u> Idaho Fish & Game Dept.	<u>NO</u> Dept. of Lands
<u>NO</u> Bureau of Land Management	<u>NO</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ☒ no

Other rights on same land N/A

Withdrawals of all protests received X See file yes no

Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. NO

Snake River Condition NO

Payette River Letter NO

Priority Date 5/5/77

Water Quality #16 NO

Water Quality #10 NO
intrastate NO interstate NO

Meas. Dev. or Sc. Meas. NO

Totalizing meter NO

Supplemental NO

Right-of-Way Cond. NO

Watermaster Cond. NO

Wtr. Dist No. NO

Meas. Dev. Cond. for apps within a Water Dist. NO

The maximum rate of diversion allowed under this permit shall when combined with permit No. 97-7115 shall not exceed 0.04 cfs.

Jim Reviewer
1/31/79 Date

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

See File 97-7113
for & hearing data

~~RECORDED~~
INDEXED

M E M O R A N D U M

January 25, 1979

TO: Files 97-7113, 97-7114, ~~97-7115~~ and 97-7098

FROM: Bob Haynes

SUBJECT: Action on the above-referenced applications

Protests were filed against the issuance of the above-referenced applications. All of the protests were withdrawn except for one on 97-7098. The protestant failed to appear and also failed to make an adequate showing for scheduling of rehearing. However, the protestant alleged the source of water was inadequate and I felt that those allegations should be investigated prior to proceeding with the issuance of a permit.

In August of 1978, I visited the site of the proposed development and made an inspection. I also talked to Mr. Scott, the protestant who failed to appear. My investigation indicated that at that time, there was adequate water for the existing uses as well as those proposed. I suspect that in certain years a problem could exist, but don't believe it is reason to deny the applications.

Re Application No 97-7114

I hereby withdraw my objection to the
issuance of Application No 97-7114

Daniel F. Clark

Re Application No 97-7113 & 97-7114 3-2-78
We hereby withdraw our objection to the
issuance of Permits No 97-7113 & 97-7114

Jacob & Rhodes
Gwendetta Rhodes
Mrs Wayne Fox

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

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

- ☒ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered.
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Rolf-Deter & Ann Carius
 Rt 1 Box 387
 Priest River, Id 83856

3. **ARTICLE DESCRIPTION:**

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

13151

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

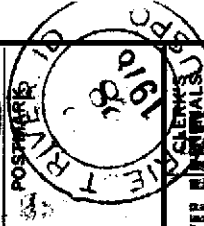
DATE OF DELIVERY

FEB 28 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

UNDELIVERED



97-7113

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PERMIT FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$500



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

● SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

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

- ☒ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY.
☐ Show to whom and date delivered.
☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery
 (CONSULT POSTMASTER FOR FEES)

ARTICLE ADDRESSED TO: Department of Water Resources

Daniel F Clark

Northern District Office

PO Box 673

Priest River, Id 83856

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

13152

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

DATE OF DELIVERY:

FEB 16 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

1111
971713

MICROFILMED

POSTMARK
FEB 16 1978

USPO

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

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



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

● SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space reverse.

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

- ☒ Show to whom and date delivered. _____
- ☐ Show to whom, date, and address of delivery. _____
- ☐ RESTRICTED DELIVERY
- ☐ Show to whom and date delivered. _____
- ☐ RESTRICTED DELIVERY
- ☐ Show to whom, date, and address of delivery. _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Fox's & Rhodes' Department of Water Resources
 Rt 1 Box 389 Northern District Office
 Priest River, Id 83856

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

13154

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

FEB 17 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S
CLERK'S

MICROFILMED



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D' ALENE, ID 83814

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



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

February 15, 1978

City of Sandpoint
City Clerk
Sandpoint, Id 83864

Dear Madam,

This is to confirm the reservation of the Conference Room in the City Hall
for conference and/or hearing to be held by this office on Thursday, March 2,
1978, at 9:00 am.

Thank you for your cooperation in this matter.

Sincerely,

ALEA BEITO
Secretary

AB

FILED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval }
of Applications for Permit No.'s 97-7113, }
97-7114 and 97-7115 in the name of }
Rolf-Deiter &/or Ann Carius }

NOTICE OF CONFERENCE
AND/OR HEARING

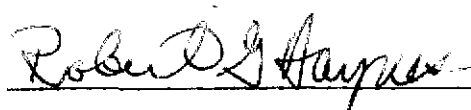
On May 5, 1977, Rolf-Deiter &/or Ann Carius filed with the Department of Water Resources three applications to appropriate the public waters of the State of Idaho. The Department received protests against approval of said applications on May 31, 1977, from Mr & Mrs Wayne Fox, Mr & Mrs Jacob Rhodes, and Daniel F Clark.

The Department has set the matter of protests for conference and/or hearing for Thursday, March 2, 1978, at 9:00 am in the Conference Room, City Hall, Sandpoint, Idaho. Any hearing will be held in accordance with the Rules and Regulations 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.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicants or protestants may allow the Department without prejudice to dismiss the protests or the applications. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 15 day of February, 1978.



ROBERT G. HAYNES, P.E.
Regional Supervisor

97-7098 Wayne Fox & Jacob Rhodes

97-7113, 97-7114, 97-7115 - Rolf-Deiter &/or Ann Carius

Conference Room, City Hall, Sandpoint, Idaho

March 2, 1978 - 9:00 am

ROSTER OF ATTENDANCE

Name	Address	Representing
Daniel H. Clark	P.O. Box 673 Priest River, ID	D.F. Clark
Ann Carius	Rt 1 Box 387 Priest River 83856	Same
Rolf - Deiter Carius	" " "	same
Jacob & Rhodes	Rt 1 Box 389 Priest River	
Annemette Rhodes	" " "	
Mrs Wayne Fox	Rt 1 Box 389, Priest River	

INDEXED



NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ INSURED ☐ C. O. D.
☒ CERTIFIED

Affix stamp here, if issued as certificate of mailing or for additional copies of this bill.

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS		POSTAGE		FEE		DUE SENDER ENDORSEMENT		R. R. FEE		S. D. FEE		S. H. FEE		RESTRICTED DELIVERY FEE	
NUMBER OF ARTICLE								IF C. O. D.	MENT							REMARKS	
1	13151	Rolf-Deiter &/or Ann Carius, Rt 1 Box 387															
2		Priest River, Id		13		60				25							
3	13152	Daniel F Clark, PO Box 673, Priest River, Id															
4	13153	Roy D Scott, Richard A Skvorak, Saddle Pack Ranch															
5		Rt 1 Box 382, Priest River, Id															
6	13154	Mr & Mrs Wayne Fox, Mr & Mrs Jacob Rhodes,															
7		Rt 1 Box 389, Priest River, Id															
8																	
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TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		1 Mark "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "PLU" if "Fragile-Liquid-This Side Up." 2 Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.											

20. JANUARY 1978

ROLF-DIETER or ANN CARIUS
ROUTE ONE - BOX 387
PRIEST RIVER. ID. 83856

Dear Mr. Hayes,

THANK YOU FOR YOUR PROMPT RESPONSE
TO MY LETTER OF JANUARY 16th REGARDING
OUR TRIPS ABROAD.

MARCH 2nd WOULD BE CONVENIENT FOR
US. THANK YOU FOR YOUR CONCERN.

Sincerely

Rolf-Dieter Carius

JAN 23 1978

January 17, 1978

Rolf-Dieter & Ann Carius
Rt 1 Box 387
Priest River, Id 83856

Dear Mr & Mrs Carius,

We are in receipt of your letter of January 16, 1978, regarding your trip abroad. It is our understanding that you would be available for a conference from March 1 through March 9. If this is the case, could you please inform us which of these days, regular working days, would be the most convenient for you to have the conference scheduled on. Please inform us before you go abroad so that we may make arrangements and inform all concerned in your absence.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

16 JANUARY 1978

ROLF-DIETER &/OR ANN CARIUS

ROUTE I - BOX 387

PRIEST RIVER, ID. 83856

STATE OF IDAHO

DEPT. OF WATER RESOURCES

SUITE NO. 1

4055 GOVERNMENT WAY

COEUR D'ALENE, ID. 83814

RE: APPLICATIONS NO. 96-7537 & 96-7538 & 97-7098

DEAR MR. HAYNES,

AS WE ARE STILL WAITING FOR YOU TO SCHEDULE A CONFERENCE CONCERNING THE ABOVE APPLICATIONS, WE ~~WOW~~ DO ADVISE YOU AT THIS TIME THAT WE WILL BE ABROAD FROM JAN. 20th THROUGH APRIL 29th 1978, EXCEPT FOR THE 9-DAY PERIOD OF MARCH 1st THROUGH MARCH 9th. SINCE WE DEFINITELY INTEND TO ATTEND THE CONFERENCE WHEN IT IS CALLED, PLEASE DO NOT SCHEDULE IT DURING OUR ABSENCE.

Sincerely,

Rolf-Dieter Carius

JAN 17 1978

RECORDED

June 2, 1977

RE: Application No. 96-7538

Daniel J. Clark
PO Box 573
Priest River, Id 83356

Dear Mr Clark,

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an 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?

The Department may reject an application and refuse issuance of a permit, partially approve an application, approve the application for a quantity of water less than applied for, or approve the application subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

June 2, 1977

RE: Applications No. 96-7537 & 96-7538

Rolf-Deiter S/or Ann Carius
Rt 1 Box 387
Priest River, Id 83856

Dear Mr & Mrs Carius,

We have enclosed copies of the protests filed against the issuance of permits pursuant to your Applications No. 96-7537 & 96-7538. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an 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?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

MICRO

June 2, 1977

RE: Applications No. 96-7537 &/or 96-7538

Mr & Mrs Wayne Fox
Mr & Mrs Jacob Rhodes
Rt 1 Box 383
Priest River, Id 83856

Dear Mr's & Mrs's Fox & Rhodes,

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an 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 speculation?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the application, approve the application for a quantity of water less than applied for, or approve the application subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

May 27, 1977

I protest the granting of permit application number 96-7538 on the grounds that I have used a portion of the water in question for two years, am using it now, and vitally depend on it for future developments. Also, the application is unrealistic and could result in an unfair allocation of water resources.

The "unnamed stream" surfaces on my property (SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, Township 56N, Range 4WBM) and is currently used for domestic and agricultural purposes. Necessary future developments include irrigation, livestock watering and fire protection. Furthermore, due to the characteristics of my valley, water I use drains back into the stream and eventually onto the applicant's (Rolf Dieter and/or Ann Carius) property.

The applicant have lived on their land for several years without utilizing any of the water in question. Now they apply for $.04 \text{ ft}^3/\text{sec}$ or $18 \text{ gal}/\text{min}$ which is app. $26,000 \text{ gal}/\text{day}$. In addition, they have applied (application number 96-7539) for $.04 \text{ ft}^3/\text{sec}$ from a spring, yielding a combined amount in excess of $50,000 \text{ gal}/\text{day}$ for domestic purposes, a totally absurd figure (a third application, number 96-7537, on yet another stream for app. $125,000 \text{ gal}/\text{day}$ handles their agricultural needs.

The unnamed stream doesn't deliver $18 \text{ gal}/\text{min}$ from January first to December first though it might achieve this flow temporarily during spring runoff. In a personally conducted measurement on May 22, 1977 the flow was approximately $4 \text{ gal}/\text{min}$ or less than $.009 \text{ ft}^3/\text{sec}$ at my property line.

These figures indicate the applicant haven't even calculated their real needs nor measured available resources but are greedily

attempting to tie up all available water
for their own selfish ends, possibly preventing
me from utilizing any water whatsoever, a
serious ~~water~~ matter, especially in these times
of potential drought.

Sincerely

Daniel F. Clark

P.O. Box 673

Prineville, Id.

83856

5-26-77

Dear Sir.

We are writing to protest against the granting of the permit for Rolf-Sister or Ann Carius to take all the water from the creek that runs thru our place, we all depend on it, as well as they do, we use it for household & garden and a few animals.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21 T 56 N R 4 W.
B. M. Bonner County.

Land owner - { James & Bobby Hilt
Moxie Montana
We are buying the land from them.

Mr Wayne Fox
Mrs Wayne Fox
Mr Jacob Ghodis
Mrs. Jacob Ghodis

Rt 1 Box 389.
Priest River Id.
83856

RECEIVED
MAY 31 1977
Department of Water Resources
Northern District Office

CK

MOORE MED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Carver

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RAA 5-5-77

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) RAA 5-5-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: See Memo

(11) B 5-31-77

Affidavit of Publication received (date) 5-22-77

(12) B _____

Final date for protests 6-6

Protests received: yes ☒ no _____

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

5-5-77 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northem

By Bob Haynes Date 1-26-79

RECEIVED
JAN 30 1979

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

May 12, 1977

RE: Applications No. 96-7539; 96-7537; 96-7538.

Priest River Times
PO Box 308
Priest River, Id 83856

Gentlemen:

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

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

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

B. J. McLeod
5-31-77
P

RECORDED
INDEXED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Rolf-Dieter &/or Ann Carius

Rt 1 Box 387, Priest River, Id

has on May 5, 1977 submitted Application No. 96-7538

for a permit to appropriate 0.04 cubic feet per second ~~acre feet per annum~~

of water from an unnamed stream

by means of pipeline & springbox

within the NW 1/4 Sec 21, T56N, R4W, B.M. Bonner County

to be used from Jan 1 to Dec 31

for domestic purposes

within the NW 1/4 Sec 21, T56N, R4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before JUNE 6, 1977.

C. STEPHEN ALLRED
Director

Published in the Priest River Times, Priest River, Id

on May 19 and May 26, 1977

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Rolf-Dieter and or Ann Carius Rt. 1 Box 387, Priest River, Id has on May 5, 1977 submitted Application No. 96-7538 for a permit to appropriate 0.04 cubic feet per second of water from an unnamed stream by means of pipeline and springbox within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 21 T56N, R4W, B.M. Bonner County to be used from Jan 1 to Dec 31 for domestic purposes within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 21 T56N, R4W B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way Coeur d'Alene Idaho 83814, on or before June 6, 1977.

C. STEPHEN ALLRED
Director

Published in the Priest River Times, Priest River Id on May 19 and May 26, 1977.

OK
5-11-77
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