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In File

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 97-7113 Priority May 5, 1977 Amount 0.08 cfs

THIS IS TO CERTIFY, that Rolf-Deiter &/or Ann Carius  
of Priest River, Idaho, has complied with the terms and conditions of Permit  
No. 97-7113 issued pursuant to Application for Permit dated May 5, 1977,  
and has submitted proof to the Department of Water Resources on July 30, 1980,  
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 0.08 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        |
|----------------|----------------------------------------------------|---------------------|----------------------|
| Diversion to   | from <u>January 1</u> to <u>December 31</u> at     | <u>0.08</u> cfs and | <u>n/a</u>           |
| Storage        | for from <u>January 1</u> to <u>December 31</u> at | <u>0.08</u> cfs and | <u>1.1 acre feet</u> |
| Stockwater     | from <u>January 1</u> to <u>December 31</u> at     | <u>0.02</u> cfs and | <u>0.7 acre feet</u> |

(both dates inclusive)

Subject, however, to the condition that no more than 0.08 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  
1.8 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 21, Twp.  
56N, Rge. 4W in the County of Bonner

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 56N  | 4W    | 21   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
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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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of  
May, 19 83.

Acting for the Director

*Norma C. Young*

Identification No. \_\_\_\_\_  
Application No. ~~96-7537~~ 97-7113

**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-Deiter &/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 Orielle 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 0.08 for storage purpose from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 4AF for stockwater purpose from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.02 for stockwater purpose from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated: See Memorandum dated 2-1-79  
a. 0.10  
~~0.20~~ cubic feet per second and/or  
b. 4 acre feet per annum.
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. ditch to pond & Stock drinking from stream  
\_\_\_\_\_  
\_\_\_\_\_
  - 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:

|  |    |    |
|--|----|----|
|  | SE | SW |
|  | SW | SE |

(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 50 head of mixed stock  
\_\_\_\_\_  
\_\_\_\_\_

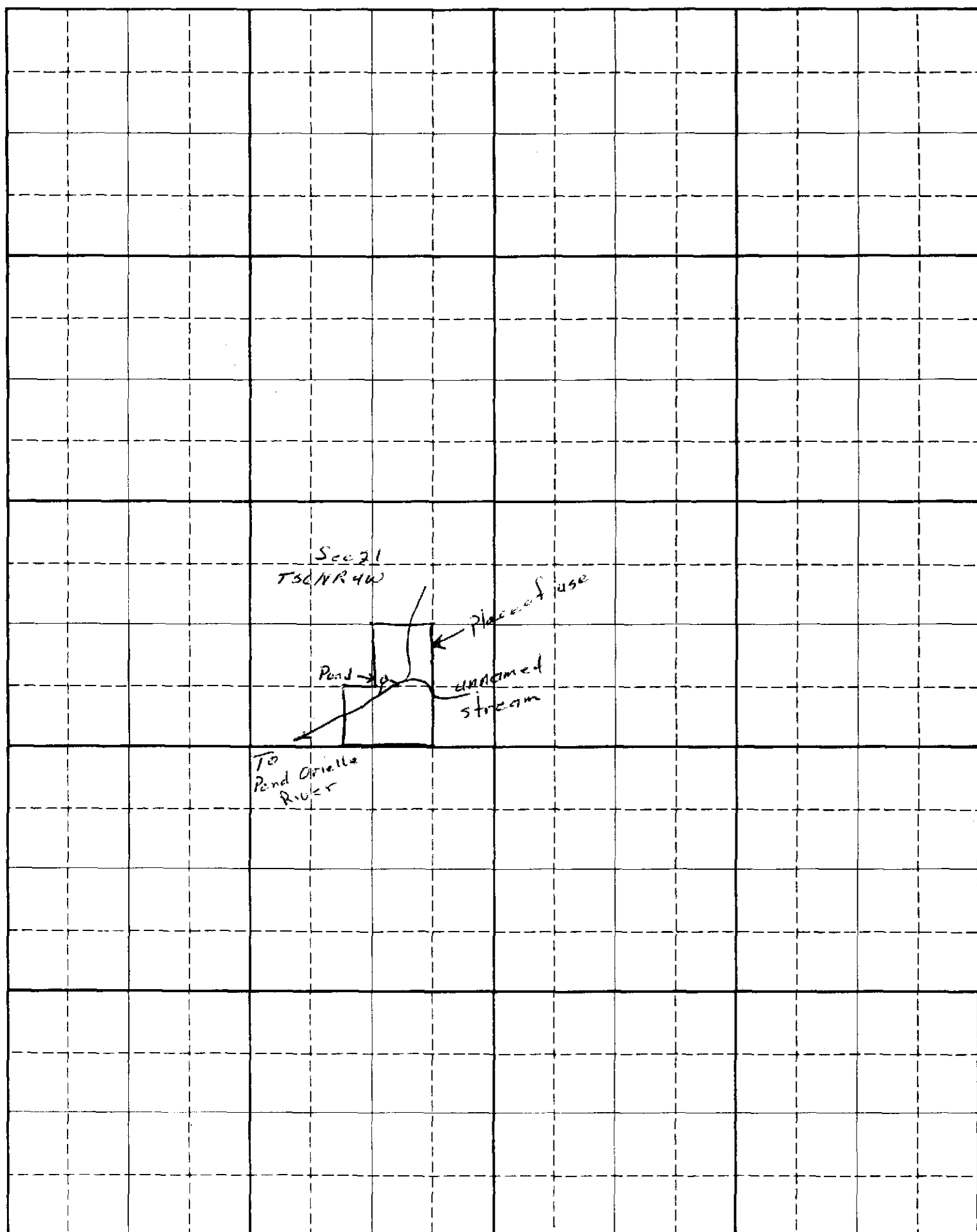
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_.

(5) If water is to be used for other purposes describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

Bob Dickson  
+ Ann Corbin  
(Applicant)

Proposed Priority 5-5-77

Received by TK Date 5/5/77 Time 2:30 PM  
Preliminary check by Fee \$10.00

Received by TK Date 5/5/77 (5/4/77)  
Publication prepared by Date 5-9-77  
Published in P. M. News Times

Publication dates 5-19-77 to 5-26-77  
Publication approved by Date 5-8-77

Priority reduced to Reason

Protests filed by: Ma & Mrs Wayne Fox }  
Mr & Mrs Jacob Rhodes }  
withdrawn 3-2-78

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by MR 55

### 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. 97-7113, 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, 1984.

c. Other: The maximum rate of diversion shall not exceed 0.10 cubic feet per

second.

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

Witness my hand this 5th day of February 1979

Chief, Operations Bureau

D. Allen Gayton

# 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. 96-7537 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 D. Doherty  
Notary Public for Idaho,  
Residing at Priest River, Idaho

## 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. 96-7537 for a  
permit to appropriate 0.20 cubic  
feet per second & 4 acre feet per  
annum of water from an un-  
named stream by means of  
ditch & pond within the  
NW 1/4 SE 1/4, Sec. 21 T56N, R4W  
B.M. Bonner County to be used  
from Jan 1 to Dec 31 for stock-  
water and storage of stockwater  
within the W 1/2 SE 1/4, SE 1/4 SW 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

May 3, 1983

RE: Permit No. 97-7113

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

Dear Mr. and Mrs. Carius:

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

Sincerely,



JIM JOHNSON  
Water Distribution Supervisor

JJ:kw  
Enclosure

ENCLOSURE



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

April 4, 1983

RE: Permit No. 97-7113

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

Dear Mr. and Mrs. Carius:

A representative of this Department has made an examination of the works covered by your Permit No. 97-7113, and has found the following:

Amount of water that can be recognized as beneficially used under  
Idaho law: 0.08 cfs Source: unnamed stream

The maximum quantity diverted shall not exceed 1.1 acre feet  
per year.

Point(s) of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 22, Twp. 56N, Rge. 4W, Bonner County

Beneficial use: Diversion to storage and storage for stockwater within the  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 21, Twp. 56N, Rge. 4W

Priority date established: May 5, 1977

Conditions (if any):

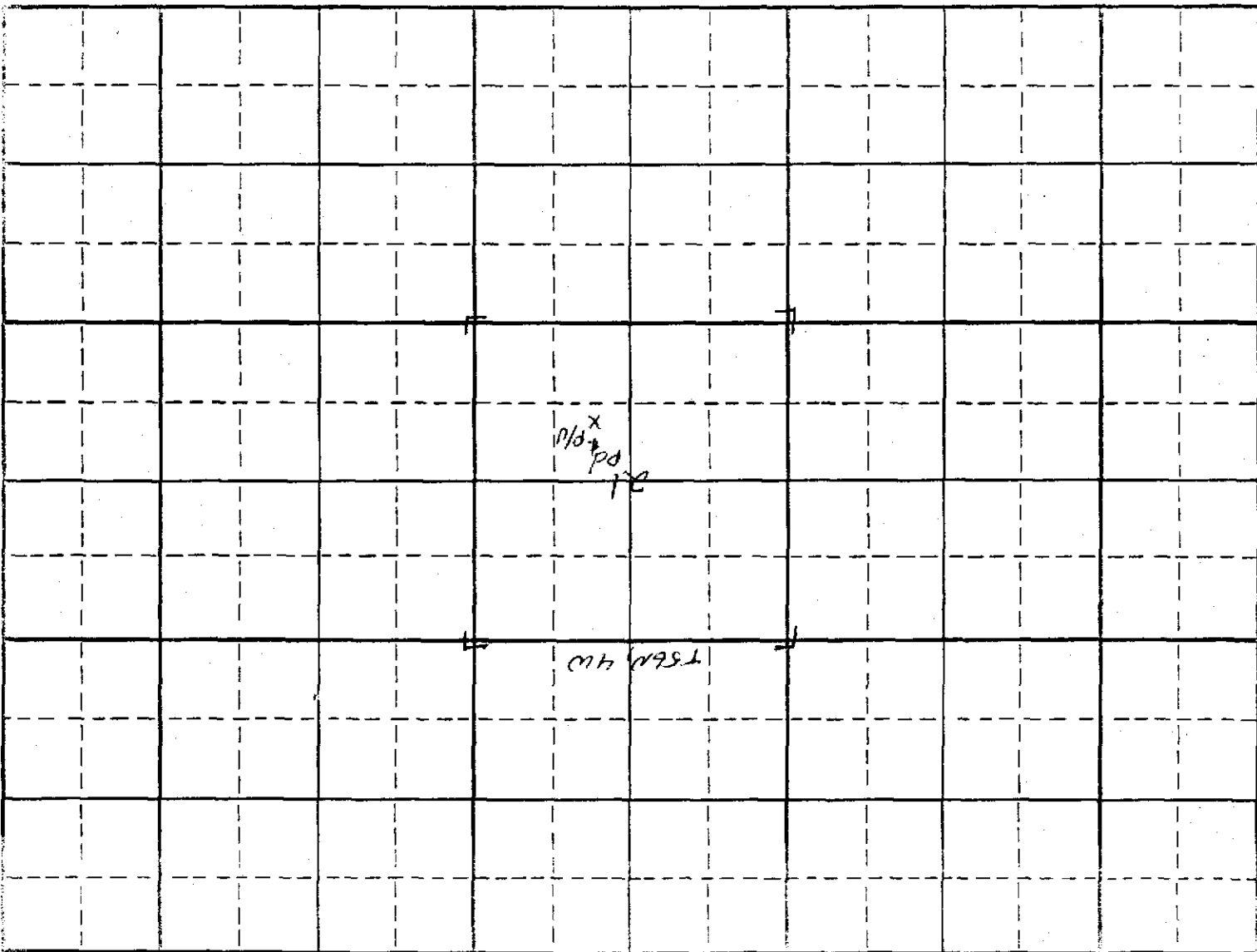
If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

SIM JOHNSON  
Water Distribution Supervisor

NOT RECORDED





SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: *NWSE Sec 21, T56N, R4W*

Place(s) of Use

| TWP. | RGE. | SEC. | NE% |  |  | NW% |  |  | SW% |  |  | SE% |  |  | TOTALS |
|------|------|------|-----|--|--|-----|--|--|-----|--|--|-----|--|--|--------|
| 56N  | 4W   | 21   |     |  |  |     |  |  |     |  |  |     |  |  |        |
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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

*John Board*

Approved by

Checked by

Date

*3-9-83*

Date

*6/3/81*

Date

*5/27/81*

# Calculations for Off Stream Storage w/ No direct Flow

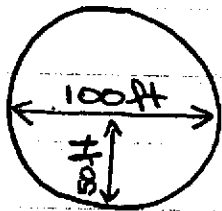
## Diversion to Storage Use

Q = amount calculated .08 cfs ✓

## Storage for Stockwater Use

V =

pond  
6 ft depth



Area  
~~circumference~~ =  $\pi R^2$

$$50 \times 50 \times 3.14 = 7850 \text{ sq ft}$$

$$7850 \times 6 = \frac{47,100 \text{ cubic ft}}{43,560} = \underline{\underline{1.1 \text{ AF}}} \checkmark$$

MICROFILMED

RC 3/9/83

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
Northern Region

JOHN V. EVANS  
Governor  
C. STEPHEN ALLRED  
Director

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

August 14, 1980

Mr. Rolf-Dieter Carius  
Rt. 1 Box 387  
Priest River, Idaho 83856

RE: 97-7113

Dear Mr. Carius:

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  
Senior Water Resource Agent

TDK/fms

cc: IDWR - State Office

**MICROFILMED**

ROLF-DIETER CARRIES  
RT 1, BOX 387  
PRIEST RIVER, ID. 83856



CHAMPION OF LIBERTY



UNITED STATES POSTAGE



IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

RECEIVED

JUL 30 1980

Department of Water Resources

# 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. 97-7113

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

Post Office Address: RT 1, BOX 387  
PRIEST RIVER, IDAHO 83856

Source of Water: UNNAMED STREAM

Extent of Use: ☐ Domestic (number of households)  
☒ Stockwater YAF, 0.02 (number and type of stock)  
☐ Irrigation (acres)  
☒ Other STORAGE: 0.08

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.

JULY 27, 1980  
Date

[Signature]  
Signature of Permit Holder



State of Idaho

# DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 384-2215

February 7, 1979

Re: Permit No. 97-7113

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

Dear Mr. or Mrs. Carius:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

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

DRT:lr

Enclosure

**MICROFILMED**

**INTER-DEPARTMENT MEMO — 1**

**DATE** February 7, 1979

**FROM** Jim Johnson

**TO** File

**SUBJECT** Correction

Item 5a was incorrect. It should have been 0.10. Bob Haynes was contacted and confirmed that the applicant had intended to apply for only .08 cfs for diversion to storage, 0.02 cfs diversion for stockwater, and 4 acre feet for storage.

**MICROFILMED** ENTIRE

97-7113

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. 5/5/77

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: Note

Critical G.W. Area yes ✓ no

Other rights on same land N/A other files by applicant for different uses (97-7115 97-7114)

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 9/27 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

Jim reviewer  
**MICROFILMED**  
1/31/79 Date

MEMORANDUM

January 25, 1979

TO: Files 97-7113, 97-7114, [REDACTED] 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 alledged 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.

**MICROFILMED**

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  
Dwennetta Rhodes  
Mrs Wayne Fox

MICROFILMED

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 |
|----------------------|------------------------------------|--------------|
| David H. Clark       | P.O. Box 673<br>Priest River, ID   | D.F. Clark   |
| Ann Carius           | Rt 1 Box 387 Priest River<br>83856 | Same         |
| Rolf - Deiter Carius | " " "                              | same         |
| Jacob C Rhodes       | Rt 1 Box 389 Priest River          |              |
| Gwenetha Rhodes      | " " "                              |              |
| Mrs Wayne Fox        | Rt 1 Box 389. Priest River         |              |

MICROFILMED

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

**MICROFILMED**

| NAME AND ADDRESS OF SENDER                    |       | NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS   |  | Indicate type of mail<br><input type="checkbox"/> INSURED <input type="checkbox"/> C. O. D.<br><input checked="" type="checkbox"/> CERTIFIED |     | Affix stamp here if issued as certificate of mailing or for additional copies of this bill.<br>POSTMARK AND DATE OF RECEIPT                                                                                                                                                                                      |                  |              |              |              |                                    |
|-----------------------------------------------|-------|------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------|--------------|--------------|------------------------------------|
| NUMBER OF ARTICLE                             |       |                                                      |  | POSTAGE                                                                                                                                      | FEE | IF C. O. D.                                                                                                                                                                                                                                                                                                      | ENDORSE-<br>MENT | R. R.<br>FEE | S. D.<br>FEE | S. H.<br>FEE | RESTRICTED DELIVERY FEE<br>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                                             |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 9                                             |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 10                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 11                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 12                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 13                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 14                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 15                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 16                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 17                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 18                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 19                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| 20                                            |       |                                                      |  |                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                  |                  |              |              |              |                                    |
| TOTAL NUMBER OF<br>PIECES LISTED<br>BY SENDER |       | TOTAL NUMBER OF<br>PIECES RECEIVED<br>AT POST OFFICE |  | POSTMASTER, PER (Name of receiving employee)                                                                                                 |     | * Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hardening," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid--This Side Up." Special handling charges apply only to fourth-class parcels. Special delivery service also includes special handling service. |                  |              |              |              |                                    |

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

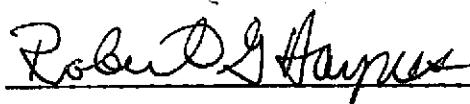
On May 5, 1977, Rolf-Deiter &/or Ann Carius filed with the Department of Water Resources three applications to appropriate the public waters of the State of Idaho. The Department received protests against approval of said applications on May 31, 1977, from Mr & Mrs Wayne Fox, Mr & Mrs Jacob Rhodes, and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

UNRECORDED

20. JANUARY 1978

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

Dear Mr. Haynes,

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

MARCH 2<sup>nd</sup> WOULD BE CONVENIENT FOR  
US. THANK YOU FOR YOUR CONCERN.

Sincerely

Rolf-Dieter Carus

JAN 23 1978

MICROFILMED

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

MICROFILMED

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 ~~WILL~~ DO ADVISE YOU AT THIS TIME THAT WE WILL BE ABROAD FROM JAN. 20<sup>th</sup> THROUGH APRIL 29<sup>th</sup> 1978, EXCEPT FOR THE 9-DAY PERIOD OF MARCH 1<sup>st</sup> THROUGH MARCH 9<sup>th</sup>. 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

MICROFILMED

June 2, 1977

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

Rolf-Deiter &/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, F.E.  
Regional Supervisor

MICROFILMED

June 2, 1977

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

Mr & Mrs Wayne Fox  
Mr & Mrs Jacob Rhodes  
Rt 1 Box 389  
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

**MICROFILMED**



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NORTHERN DISTRICT

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Room 209  
401 Front Avenue  
Coeur d'Alene, Idaho 83814  
(208) 667-6484

June 2, 1977

RE: Application No. 96-7538

Daniel F Clark  
PO Box 673  
Priest River, Id 83856

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

**MICROFILMED**

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 applicants' (Rolf Dieter and/or Ann Caruso) property.

11  
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 applicants haven't  
even calculated their real needs nor measured  
available resources but are greedily

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

Pineat River, Id.

83856

MICROFILMED

5-26-77

Dear Sir.

We are writing to protest against the granting of the permit for Roof-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 Hill  
Mojave Montana  
We are buying the land from them.

Mr Wayne Fox  
Mrs Wayne Fox  
Mr Jacob Rhodes  
Mrs. Jacob Rhodes

Rt 1 Box 389.  
Priest River Id.  
83856

RECEIVED  
MAY 31 1977  
Department of Water Resources  
Northern District Office

RECEIVED

DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

Application No. Carier

☒ 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) RJA 5-3-77

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) RJA 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 5-3-77

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

(12) \_\_\_\_\_

Final date for protests 6-6-77

Protests received: yes ☒ no ☐

(13) \_\_\_\_\_

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

(14) \_\_\_\_\_

Action recommended:

☒ Approve

\_\_\_\_\_ Deny

3-5-77 Proposed Priority

\_\_\_\_\_ Reason for Reduction \_\_\_\_\_

\_\_\_\_\_ Measuring device required

\_\_\_\_\_ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern

By Bob Haynes 1/10/78

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 398  
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)

*Bill Pinner*  
5-31-77  
*B*

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Rolf Deiter &/or Ann Carlus

Pt 1 Box 387, Priest River, Id

has on May 5, 1977 submitted Application No. 96-7537

for a permit to appropriate 3.23 cubic feet per second & 4 acre feet per annum  
of water from an unnamed stream

by means of ditch & pond

within the NW-SE1, Sec 21, T56N, R4W, B.M., Bonner County

to be used from Jan 1 to Dec 31

for stockwater and storage of stockwater

within the NE-SE1, SE1/4, 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. 96-7537 for a permit to appropriate 0.20 cubic feet per second & 4 acre feet per annum of water from an unnamed stream by means of ditch & pond 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 stock-water and storage of stockwater within the W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  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  
5-19-77  
J