



R-4-W

Joseph
Waltner

St

J
Wallace

Small
Tracts

TRD

Thos
Petek

State

Priest River
Experiment Station
Hodges

REPRODUCED

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 97-7044 Priority September 14, 1973 Amount 0.04 cfs

THIS IS TO CERTIFY, that Thomas &/or Phyllis G. Petek
of Priest River, Idaho, has complied with the terms and conditions of Permit
No. 97-7044 issued pursuant to Application for Permit dated September 14, 1973,
and has submitted proof to the Department of Water Resources on September 15, 1978,
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 0.04 cfs of water from East River,
tributary to Priest 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
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>0.04</u> cfs and	<u>6.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 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
6.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22 Twp.
58N, 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 $\frac{1}{4}$	
58N	4W	22													2				2

Total number of acres irrigated 2

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
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 30 day of
November, 19 81.

Acting for the Director

Norman C. Young

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 97-7044 IN THE NAME OF)
THOMAS &/or PHYLLIS G. PETEK)

ORDER TO SHOW CAUSE

WHEREAS, on September 14, 1973, Thomas &/or Phyllis G. Petek applied to the Department of Water Resources for a permit to appropriate .54 cubic feet per second of water from the East River, tributary to Priest River, within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 58N, Rge. 4W, B.M., Bonner County, to be used for irrigation and stockwater purposes; and,

WHEREAS, on September 15, 1978, the Department received Proof of Beneficial Use for said permit; and,

WHEREAS, on May 22, 1979, the Department conducted a field examination and the examiner's report indicated that water had not been put to a beneficial use; and,

WHEREAS, pursuant to the provisions of Section 42-311, Idaho Code, the Director of the Department of Water Resources is empowered to cancel permits for which development requirements have not been completed;

IT IS, THEREFORE ORDERED that the permit holder show cause before the Director of the Department of Water Resources on or before March 27, 1981 why Permit No. 97-7044 should not be Cancelled.

Dated this 4 day of February, 1981.

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR. P.E.
Acting Chief, Operations Bureau

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 97-7044 }

ORDER

WHEREAS, it has been determined by the Department of Water Resources that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from said permit.

Dated this 28th day of August, 1978.

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

Identification No. 97-7044

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Thomas &/or Phyllis G. Petek
 post office address P.O. Box 111, Dumont, Colorado 80436
2. Source of water supply East River which is a tributary of Priest River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22 Township 58N
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 0.50 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount 0.04 for Stockwater 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)
5. Total quantity to be appropriated:
 a. 0.54 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Pump, motor, and pipeline.
Irrigation by sprinklers.

- 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 22 Township 58N
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 27 Quarter Horses.

 (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: _____

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

Total number of acres to be irrigated 25

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

9. a. Who owns the property at the point of diversion _____ Applicant

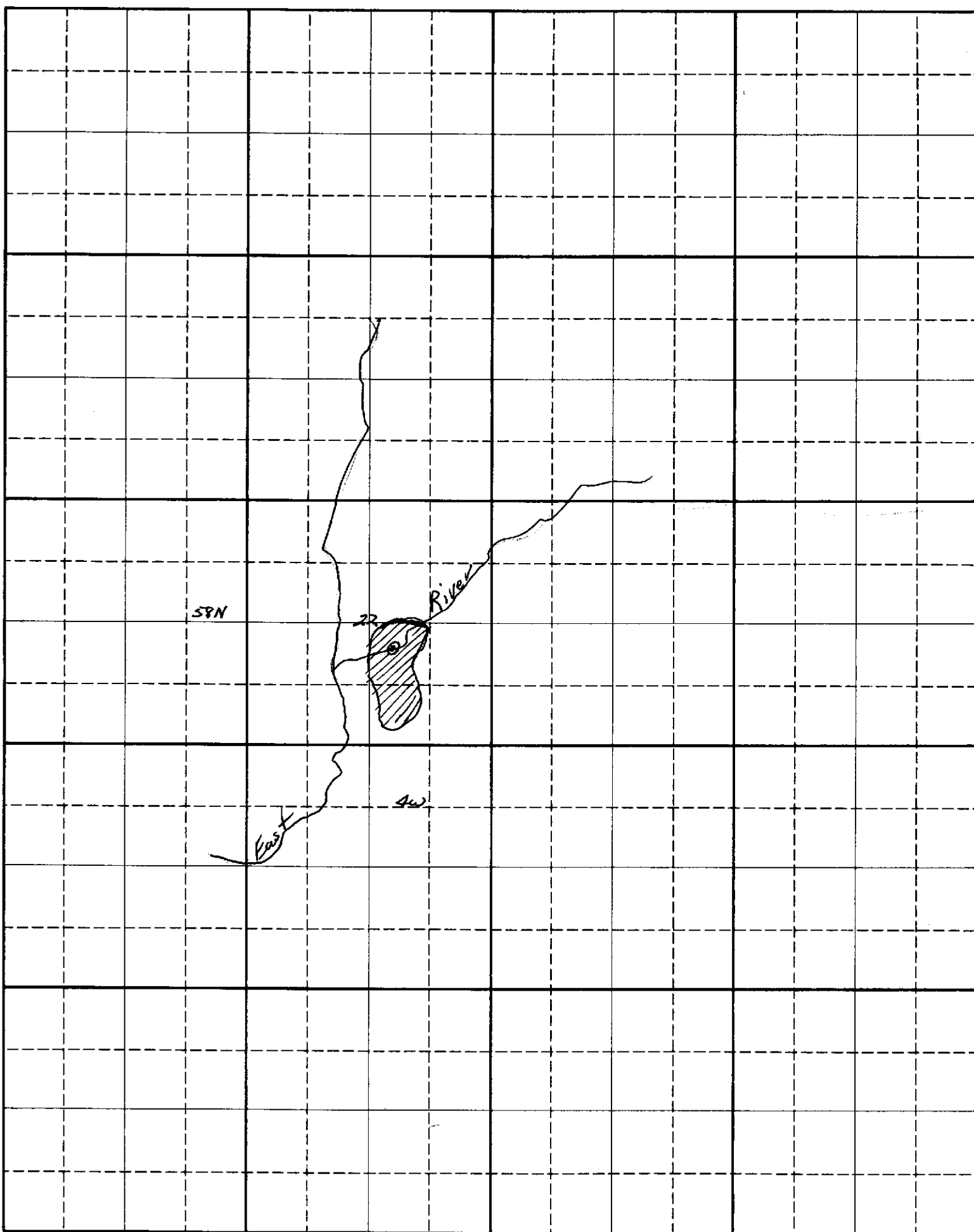
b. Who owns the land to be irrigated or place of use

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.

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.

Raymond A. G. [Signature]
(Applicant)

07 7011

97 7044

Received by 78 Date 9/14/73 Time 1:00 p.m.

Preliminary check by 78 Fee \$ 25.00

Received by 78 Date 9/14/73 # 11944

Publication prepared by CP Date 9-21-73

Published in Priest River Times

Publication dates 9-27 & 10-4-73

Publication approved CP Date 10-16-73

Priority reduced to Reason

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by 78

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 97-7044, 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 October 1, 19 78.

c. Other: A measuring device of a type approved by this department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 23rd day of October, 19 73.

Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>FE</u>	<u>9/14/73</u>	Application No. <u>97-2044</u>
(2)			☒ 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
(3)	<u>FE</u>	<u>9/14/73</u>	In form to receipt
			Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S. F.S. ☐ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>FE</u>	<u>9/14/73</u>	In form for advertising
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>CP</u>	<u>10-16-73</u>	Affidavit of Publication received (date) <u>OCTOBER 4, 1973</u>
(11)	<u>CP</u>	<u>9-24-73</u>	Final date for protests <u>OCTOBER 15, 1973</u> Protests received: yes _____ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)	<u>FE</u>	<u>10/12/73</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	<u>FE</u>	<u>12/12/73</u>	Action recommended: ☒ Approve Priority <u>9/14/73</u> ☐ Deny Reason for Reduction _____ ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>North</u>	By <u>Paul E. Smith</u>	Date <u>12/12/73</u>

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

.....Marie Martin,.....
being duly sworn, says that she is the.....Co-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 of Application for Water Permit

as it was published in the regular and entire issue of said paper
for a period of.....two.....consecutive weeks, commencing on
the.....27th.....day of.....September....., 1973.....
and
.....
ending on the.....4th.....day of.....October....., 1973.....
and that said notice was published in said newspaper proper, and
not in supplement form.

Marie Martin

Subscribed and sworn to before me this

.....4th.....day of.....October....., 1973.....

George L. Smith
Notary Public for Idaho,
Residing at Priest River, Idaho

RECEIVED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas &/or Phyllis G. Petek, P. O. Box 111, Dumont, Colorado, have on September 14, 1973 submitted Application No. 97-7044 for a permit to appropriate 0.54 cubic feet per second of water from East River by means of pump, motor, pipeline, and sprinklers within the NW 1/4 SE 1/4, Sec. 22, T. 58N, R. 4W, B.M., Bonner County to be used from Jan. 1 to Dec. 31 for stock-watering purposes (0.04 cfs); and from March 15 to Nov. 15 for the irrigation of 25 acres (0.50 cfs) within the W 1/4 SE 1/4, Sec. 22, T. 58N, R. 4W, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before October 15, 1973.

R. KEITH HIGGINSON,

Director

Published in the Priest River Times, Priest River, Idaho on Sept. 27 and Oct. 4, 1973.

39-2t

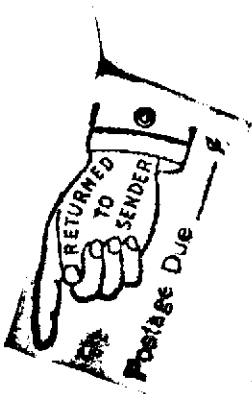
97 7044

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

- ☐ Moved, left no address
☐ No such number
☒ Moved, not forwardable
☐ Attempted Not known



RECEIVED

DEC 7 1981

Department of Water Resources

Thomas &/or Phyllis G. Petek
Route #6, Box 42
Priest River, ID 83856

Handwritten signature



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

December 2, 1981

RE: Permit No. 97-7044

Thomas &/or Phyllis G. Petek
Route #6, Box 42
Priest River, ID 83856

Dear Mr. and Mrs. Petek:

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson", is written over a faint, circular official stamp.

JIM JOHNSON
Water Distribution Supervisor

Enclosure

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 97-7044 Priority September 14, 1973 Amount 0.04 cfs

THIS IS TO CERTIFY, that Thomas &/or Phyllis G. Petek
of Priest River, Idaho, has complied with the terms and conditions of Permit
No. 97-7044 issued pursuant to Application for Permit dated September 14, 1973
and has submitted proof to the Department of Water Resources on September 15, 1978
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 0.04 cfs of water from East River
tributary to Priest 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
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>0.04</u> cfs and	<u>6.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 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
6.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Twp.
58N, 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 $\frac{1}{4}$	
58N	4W	22														2			2

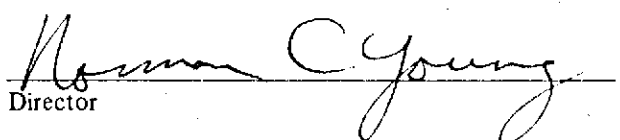
Total number of acres irrigated 2

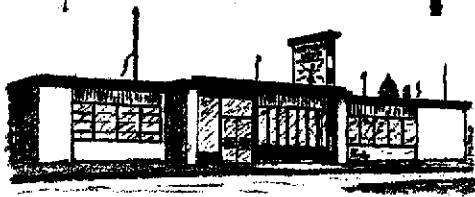
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 30 day of
November, 19 81.

Acting for the Director





Northern Lights, Inc.

Ora E. Beasley, Manager

Telephone - COngress 3-2153

P. O. Box 712

Sandpoint, Idaho

January 10, 1959

RECEIVED
JAN 12 1959
Department of Reclamation

Mr. George N. Carter
State Reclamation Engineer
State of Idaho
State House
Boise, Idaho

Dear Mr. Carter:

I have forwarded copies of the proposed agreement which we discussed in your office earlier this week to our attorney, Senator Glenn Bandelin, and requested him to see that you get a copy.

I plan to be in Boise Thursday and Friday of next week and would like to see you Friday morning at your office at 8:30 a.m. if that is convenient for you. I will check with your office Thursday for confirmation.

Yours very truly,

NORTHERN LIGHTS, INCORPORATED

Ora E. Beasley
ORA E. BEASLEY, Manager

16642



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

December 2, 1981

RE: Permit No. 97-7044

Thomas &/or Phyllis G. Petek
Route #6, Box 42
Prest River, ID 83856

Dear Mr. and Mrs. Petek:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

0314 11/10/81



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

November 9, 1981

RE: Permit No. 97-7044

Thomas &/or Phyllis G. Petek
Route #6, Box 42
Priest River, ID 83856

Dear Mr. and Mrs. Petek:

A representative of this Department has made an examination of the works covered by your Permit No. 97-7044, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.04 cfs Source: East River trib. to Priest River

The maximum quantity diverted shall not exceed 6.0 acre feet per year.

Point(s) of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 58N, Rge. 4W, Bonner County

Beneficial use: Irrigation of 2 acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 58N, Rge. 4W

Priority date established: September 14, 1973

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,

JIM JOHNSON
Water Distribution Supervisor

TOTAL ACREAGE 25

Diagram of System

[illegible]

DATE OF EXAM 5/22/79 - 9-3-81

ACREAGE
Found 2 ✓
Recommended 2 ✓

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 0.04 ✓ c.f.s. V = 6.0 ✓ AF/Ann. from 3-15 to 11-15
Domestic Q = - c.f.s. V = - AF/Ann. from - to -
Livestock Q = - c.f.s. V = - AF/Ann. from - to -

Is water co-mingled? yes - no X

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

Exchange? yes - no X

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

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

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

Total Q measured - Method of measurement Est/Calc

Total Q recommended 0.04 Meter No. _____ Type _____ Condition _____

Total V recommended 6.0

Recommended Amendments:

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

MEASUREMENT CALCULATION:

2 acres @ 0.02 ft Acre

SYSTEM DESCRIPTION:

System
Reason - non-existent
9 H.P. Gas Powered Wisconsin motor & pump #3794730 with approx.
1000' of buried 2" pipe with capped 3/4" risers & one quick coupling
fire hose outlet. 250' of Fire hose for Flood irrigation of lawn
& garden.

REMARKS:

check
Contacted caretaker Robert Howard re irrigation for
several years, stock check from stream
1970-71

Examiner's Signature John King Date 5/29/79 9-3-81
Checked by Bob Haynes Date 5-29-79 9/9/81
Approved by John Date 2/3/81 10/28/81

No Overlapping rights

A. Kenneth Dunn
XXXXXXXXXXXXXX

July 14, 1981

Mr. and Mrs. Thomas Petek
Rt. 6 Box 42
Priest River, Idaho 83856

Re: 97-7044

Dear Mr. and Mrs. Petek:

I have attempted to examine your water system as described under the above-referenced permit.

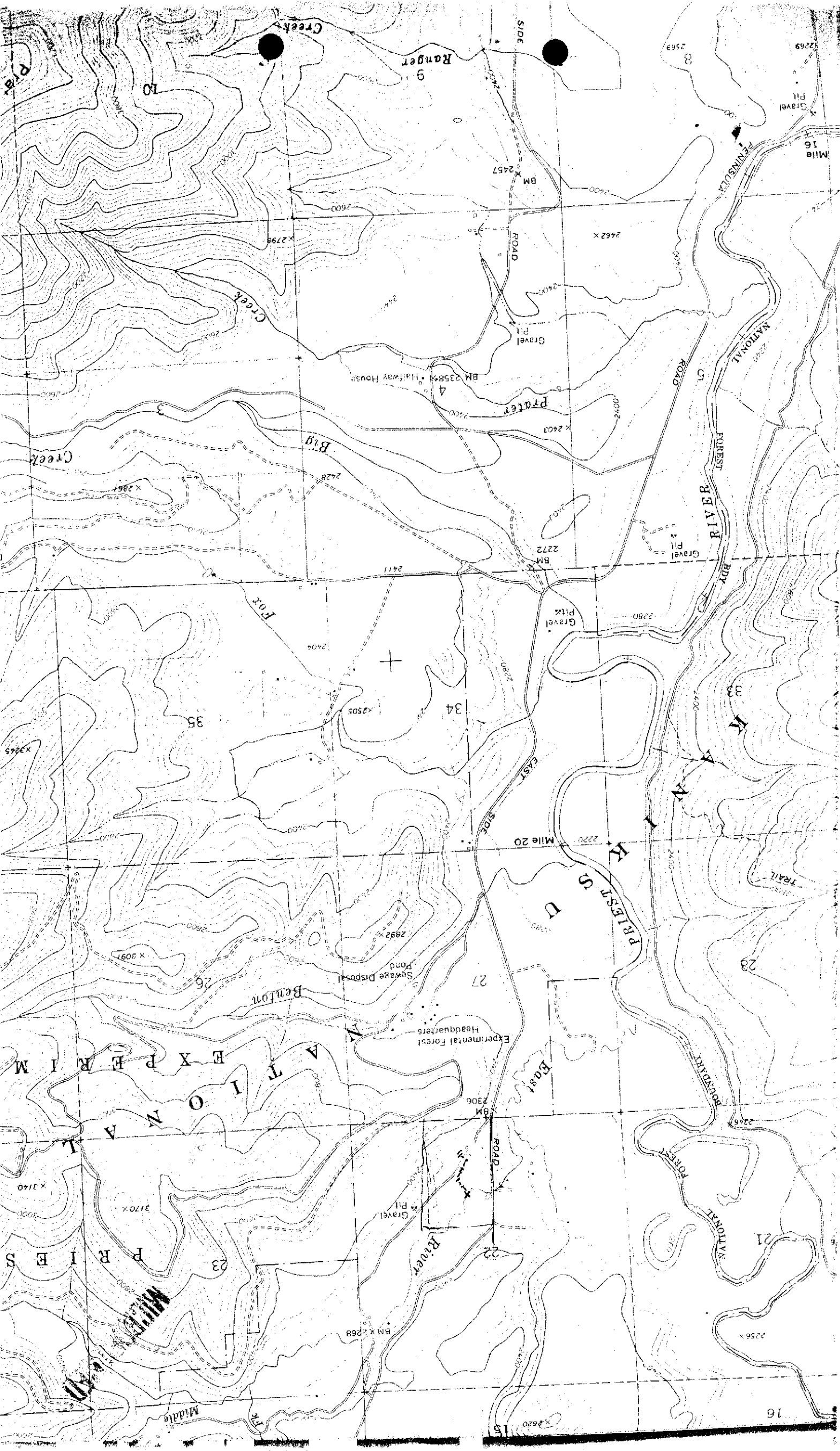
Since this is a portable system, it will be necessary for you to set a definite time for the examination. Unless it creates an undue hardship, this should be done this summer.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

MICROFILMED





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

March 12, 1981

RECEIVED

MAR 18 1981

Department of Water Resources
Eastern District Office

Mr. Thomas E. Cooke
Attorney at Law
P. O. Box 789
Priest River, Idaho 83856

RE: Permit No. 97-7044

Dear Mr. Cooke:

We are in receipt of your letter dated March 3, 1981, which responds to an Order to Show Cause for the above referenced permit.

Our Northern Regional Office will be able to conduct a re-examination of the water system this summer; however, the responsibility for establishing the time of the exam lies with Mr. and Mrs. Petek. I note from the mailing address of the Peteks that they may be at the East River property only at certain times during the summer. Therefore, if they contact our field examiner, Mr. Tom King (208-667-6484), he will be happy to schedule the re-examination for a time when the water system is in use.

If you have further questions, please coordinate with Mr. King. The address of our Northern Regional office is Rt. #5 Box 203 Government Way Coeur d'Alene, Idaho 83814.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

✓ c.c. Northern Region Office

RECEIVED

MAR 20 1981

Department of Water Resources
Northern District Office

RECEIVED

MAR 5 1981

COOKE, LAMANNA & SMITH

CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

PRIEST RIVER PROFESSIONAL CENTER

P. O. BOX 789

PRIEST RIVER, IDAHO 83856

(208) 448-1221

Department of Water Resources

THOMAS E. COOKE
NICK M. LAMANNA
STEPHEN F. SMITH
SUSAN V. CAMPBELL

March 3, 1981

SANDPOINT OFFICE
FIRST AND SUPERIOR
SANDPOINT, IDAHO 83804
(208) 263-3115

KAREN M. SATTERLEE
LEGAL ASSISTANT

David R. Tutthill, Jr., P.E.
Supervisor, Water Allocation Section
State of Idaho, Dept. of Water Resources
State Office
450 West State Street
Boise, Idaho 83720

Re: Permit No. 97-7044, Thomas and Phyllis G. Petek

Dear Sir:

Please be advised that Mr. and Mrs. Petek have requested this office to respond to your Order to Show Cause why Permit No. 97-7044 should not be cancelled.

Mr. and Mrs. Petek have advised us that they are appropriating water from the East River, a tributary to the Priest River, for irrigation and stock water purposes. They are using a portable pump pipe line (P.U.C.). Due to the fact that the East River changes its flow in their meadow, it makes it impossible for the Peteks to have the pump set up in a permanent base. They use this only during the summer months from approximately June through September as they are unable to use it in the winter due to the change in the East River flow. They do wish to continue using this water for irrigation and stock water purposes under these conditions.

Would you please advise us if a new permit needs to be filed for or if the current permit will be sufficient for their purposes? It would be appreciated if you would respond directly to this office on Mr. and Mrs. Petek's behalf.

If you have any questions, please advise. Thank you.

Very truly yours,

COOKE, LAMANNA & SMITH.

Thomas E. Cooke
Attorney at Law
TEC:hmn

cc:Mr. and Mrs. Petek



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~xx Stephen Altzen~~
Director

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

July 14, 1981

Mr. and Mrs. Thomas Petek
Rt. 6 Box 42
Priest River, Idaho 83856

Re: 97-7044

Dear Mr. and Mrs. Petek:

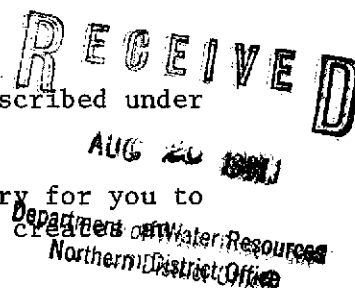
I have attempted to examine your water system as described under the above-referenced permit.

Since this is a portable system, it will be necessary for you to set a definite time for the examination. Unless it creates undue hardship, this should be done this summer.

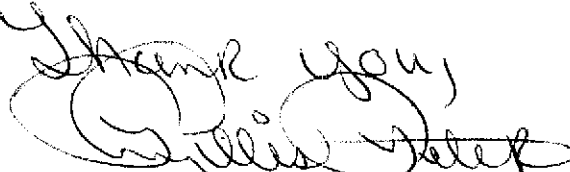
Sincerely,


TOM D. KING
Senior Water Resource Agent

TDK/pms



Aug 17, 1981

Dear Mr. King;
We will be in Priest River, for you to inspect our water Sept 3rd - (Thursday) - If you need to contact us call 448-1701 - And leave message -
Thank you,


MAILED
JUN 17 1981

R-H-W

Joseph
Waltner

Small
Tracts

Wallace

TPD

Thos
Baker

1-10
1-11
1-12

West River
Government

W. H. Brown



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

March 12, 1981

Mr. Thomas E. Cooke
Attorney at Law
P. O. Box 789
Priest River, Idaho 83856

RE: Permit No. 97-7044

Dear Mr. Cooke:

We are in receipt of your letter dated March 3, 1981, which responds to an Order to Show Cause for the above referenced permit.

Our Northern Regional Office will be able to conduct a re-examination of the water system this summer; however, the responsibility for establishing the time of the exam lies with Mr. and Mrs. Petek. I note from the mailing address of the Peteks that they may be at the East River property only at certain times during the summer. Therefore, if they contact our field examiner, Mr. Tom King (208-667-6484), he will be happy to schedule the re-examination for a time when the water system is in use.

If you have further questions, please coordinate with Mr. King. The address of our Northern Regional office is Rt. #5 Box 203 Government Way Coeur d'Alene, Idaho 83814.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

c.c. Northern Region Office

MICROFILMED

RECEIVED

MAR 5 1981

COOKE, LAMANNA & SMITH

CHARTERED
ATTORNEYS AND COUNSELORS AT LAW
PRIEST RIVER PROFESSIONAL CENTER

P. O. BOX 789
PRIEST RIVER, IDAHO 83856
(208) 448-1221

Department of Water Resources

THOMAS E. COOKE
NICK M. LAMANNA
STEPHEN F. SMITH
SUSAN V. CAMPBELL

March 3, 1981

SANDPOINT OFFICE
FIRST AND SUPERIOR
SANDPOINT, IDAHO 83864
(208) 263-3115

KAREN M. SATTERLEE
LEGAL ASSISTANT

David R. Tutthill, Jr., P.E.
Supervisor, Water Allocation Section
State of Idaho, Dept. of Water Resources
State Office
450 West State Street
Boise, Idaho 83720

Re: Permit No. 97-7044, Thomas and Phyllis G. Petek

Dear Sir:

Please be advised that Mr. and Mrs. Petek have requested this office to respond to your Order to Show Cause why Permit No. 97-7044 should not be cancelled.

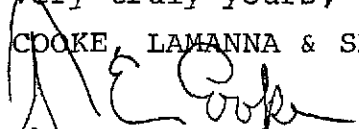
Mr. and Mrs. Petek have advised us that they are appropriating water from the East River, a tributary to the Priest River, for irrigation and stock water purposes. They are using a portable pump pipe line (P.U.C.). Due to the fact that the East River changes its flow in their meadow, it makes it impossible for the Peteks to have the pump set up in a permanent base. They use this only during the summer months from approximately June through September as they are unable to use it in the winter due to the change in the East River flow. They do wish to continue using this water for irrigation and stock water purposes under these conditions.

Would you please advise us if a new permit needs to be filed for or if the current permit will be sufficient for their purposes? It would be appreciated if you would respond directly to this office on Mr. and Mrs. Petek's behalf.

If you have any questions, please advise. Thank you.

Very truly yours,

COOKE, LAMANNA & SMITH


Thomas E. Cooke
Attorney at Law
TEC:hmn

cc:Mr. and Mrs. Petek

DEPT. OF WATER RESOURCES
SANDPOINT, IDAHO

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. Other instructions are 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.

**RETURN
TO**

REGISTERED

FEB 11 1981

For Deposit of Money and Resources

(City, State, and ZIP Code)

(Street or P. O. Box)

(Name of Sender)

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

MICROFILMED



97-7044

- **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)

2. **ARTICLE ADDRESSED TO:**

Thomas & Phyllis G. Petek
P.O. Box 111
Dumont, CO 80436

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	32792	

1 (Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

DO NOT complete only if requested.

6. UNABLE TO DELIVER BECAUSE:

STAMP
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Aug. 1978

February 4, 1981

Thomas & Phyllis G. Petek
P.O. Box 111
Dumont, CO 80436

Dear Mr. & Mrs. Petek,

RE: Permit No. 97-7044

On May 22, 1979, a representative of this Department made an examination of the works covered in your above referenced permit and did not find any water diverted to beneficial use.

Therefore, please find enclosed an Order to Show Cause why permit No. 97-7044 in your name, should not be cancelled.

Note that any information in response to this Order must be submitted by March 27, 1981. Please contact this office if you have further questions.

Sincerely,

DAVID R. TUTHILL, JR. P.E.
Supervisor, Water Allocation Section

DRT:mr

cc: Northern Region





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:

Storehouse

Boise, Idaho 83720

(208) 384-2215

October 16, 1978

Thomas &/or Phyllis G. Petek
Route 6, Bx 42
Priest River, ID 83856

Dear Mr. & Mrs. Petek:

Re: Permit No. 97-7044

Enclosed is a copy of the Order removing the measuring device requirement on your permit.

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in

Sincerely,

RITA FLECK
Water Rights

Enc: Order

10/16/78

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Received
Sept 15, 1978
JPT OK

1. a) Name of Permit Holder Thomas OR Phyllis & PETER
b) Post Office Address RT 6 - Box 42 - PRIEST RIVER, IDA 83856
2. Permit Number # 97-7044
3. Date of Priority that you are prepared to establish OCTOBER 25 - 1973
4. a) Source from which water was appropriated EAST RIVER
b) Location of the point of diversion: NW 1/4 SE 1/4, Section 22
Township 58 N, Range 4 W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
Amount 0.50 for IRRIGATION purposes from MARCH 15 to NOV 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 0.04 for STOCK WATER purposes from JAN 1 to DEC 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.54 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: PUMP, MOTOR PIPELINE, IRRIGATION BY SPRINKLERS

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) _____
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

10/16/78

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
58N	4W	22													20	5			25

Total number of acres irrigated 25

10. Remarks: _____

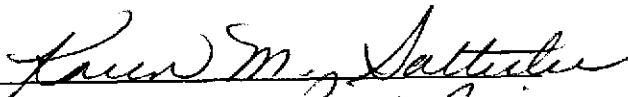
The above information is a true statement of the extent to which the above numbered permit has been developed.

8-31-78
(Date)


(Signature)

State of Idaho)
County of Bonner) ss.

On this 31 day of Aug, 19 78, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.


Notary Public residing at Highway 200
Idaho

My commission expires Life



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

CERTIFIED MAIL

July 31, 1978

Re: Permit No. 97-7044

RECEIVED

SEP 15 1978

Department of Water Resources

Thomas &/or Phyllis G. Petek
P. O. Box 111
Dumont, CO 80436

Dear Mr. & Mrs. Petek:

One of the conditions of approval of your water Permit No. 97-7044 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before October 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

RITA FLECK
Water Rights

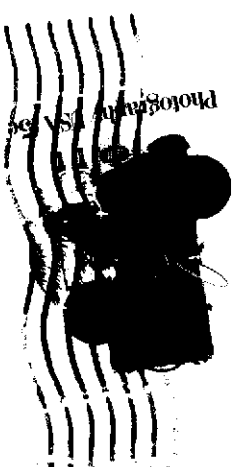
Encl: Proof affidavit

RECORDED

Shannon (J) State
P.O. - Post 42
P.O. - Quaca, Ada
83856

De Partners of Water Resources
State Office
State Office
Quaca, Idaho
83720

PRIEST VALLEY
SEP 13 1976
FBI
SOUTH



SEP 13 1976



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

CERTIFIED MAIL 100059

July 31, 1978

Re: Permit No. 97-7044

Thomas &/or Phyllis G. Petek
P. O. Box 111
Dumont, CO 80436

Dear Mr. & Mrs. Petek:

One of the conditions of approval of your water Permit No. 97-7044 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before October 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

RITA FLECK
Water Rights

Encl: Proof affidavit

RECEIVED
JUL 31 1978
WATER RIGHTS

October 25, 1973

Re: Permit No. 97-7044

Thomas &/or Phyllis G. Petek
P. O. Box 111
Dumont, Colorado 80436

Dear Mr. & Mrs. Petek:

Enclosed is a copy of your approved Application for Permit No. 97-7044. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

97 7044

September 21, 1973

Re: Application No. 97-7044
Claim No. 96-4093

Priest River Times
P.O. Box 398
Priest River, ID 83856

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. ~~In order to receive payment, the following certification must appear on the bill:~~

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

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 10-10-73 by d

FE:CP

97 7044

Enc: Legal Notices (2)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas &/or Phyllis G. Petek,
P.O. Box 111, Dumont, Colorado,

~~xxx~~ have September 14, 1973 submitted Application No. 97-7044
has on 0.54 cubic feet per second ~~xxxxxx~~
for a permit to appropriate East River
of water from pump, motor, pipeline, and sprinklers
by means of NW 1/4, Sec. 22, T. 58N, R. 4W, B.M., Bonner County
within the

to be used from Jan. 1 to Dec. 31 for stockwatering purposes (0.04 cfs); and
~~xxx~~ for March 15 to Nov. 15 for the irrigation of 25 acres (0.50 cfs)

within the W 1/2 SE 1/4, Sec. 22, T. 58N, R. 4W, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before October 15, 1973.

R. KEITH HIGGINSON

Director

Published in the Priest River Times, Priest River, Idaho
on Sept. 27 and Oct. 4, 1973

97 7044

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Thomas &/or Phyllis G. Petek, P. O. Box 111, Dumont, Colorado, have on September 14, 1973 submitted Application No. 97-7044 for a permit to appropriate 0.54 cubic feet per second of water from East River by means of pump, motor, pipeline, and sprinklers within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 58N, R. 4W, B.M., Bonner County to be used from Jan. 1 to Dec. 31 for stock-watering purposes (0.04 cfs); and from March 15 to Nov. 15 for the irrigation of 25 acres (0.50 cfs) within the W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 22, T. 58N, R. 4W, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before October 15, 1973.

R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Sept. 27 and Oct. 4, 1973.

29-21

OK.
9-25-73
d

97 7044