



RECEIVED
MAR 17 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 94-7037

Priority: August 13, 1973 Amount: .04 CFS 1.2 AFA

This is to certify, that JOHN ELDER
1800 74TH AVE. S.E.
EVERETT, WA 98205

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated August 13, 1973, and
has submitted proof to the Department of Water Resources on July 13, 1983, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .04 cfs of water from;

UNNAMED STREAM tributary to ROBINSON CREEK

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Domestic	01/01 to 12/31	.04 cfs	1.2 afa

LOCATION OF POINT OF DIVERSION(S): NWNE , Sec. 31, Township 48N, Range 1W
Kootenai County

PLACE OF USE: Domestic

TWN RGE SEC

48N 1W 30 SWSE

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. 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 license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 18th day
of November, 19 87.

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Director

State of Idaho
Department of Water Resources

RECEIVED
OCT 26 1987

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 94-7037

Department of Water Resources
APPROVED

Date of Priority: August 13, 1973

Comes now JOHN ELDER
1800 74TH AVE. S.E.
EVERETT, WA 94203

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 94-7037, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

tributary to: ROBINSON CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Domestic	01/01 to 12/31	.04 cfs	1.2 afa

LOCATION OF POINT OF DIVERSION(S): NWNE, Sec. 31, Township 48N, Range 1W
Kootenai County

PLACE OF USE: Domestic

TWN RGE SEC

48N 1W 30 SWSE

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Everett, Wash., this 21 day of Oct., 1987.

MICROFILMED

MAR 17 1988

John M. Elder
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 94-7037

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by rg Date 10-27-87
#45400

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 94-7037 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 18th day of November, 1987.

R. Keith Higginson
(Director)

MICROFILMED

MAR 17 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE
DATE IN CONNECTION WITH PERMIT NO. 94-7037
IN THE NAME OF JOHN ELDER

ORDER

WHEREAS, on August 13, 1973, John Elder applied to the Department of Water Resources for a permit to appropriate 0.20 cubic feet per second of water from Robinson Creek tributary of Coeur d'Alene River from a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, Twp. 48N, Rge. 1W B.M., Kootenai County to be used for domestic and irrigation purposes; and,

WHEREAS, on September 17, 1973, the Department approved said application and issued Permit No. 94-7037 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1978; and,

WHEREAS, on July 13, 1978, the permit holder submitted a request for an extension of time; and,

WHEREAS, the existence of litigation has been specified as a basis for granting an extension of time in Section 42-204, Idaho Code; and,

WHEREAS, it appears that the permit holder has been prevented from proceeding with the completion of his project due to the pendency of litigation;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 94-7037 be extended to September 1, 1983.

Dated this 25th day of July, 1978.

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

Identification No. 94-7037

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 John Elder 208 - 334 - 2805
post office address 1800 - 74th Avenue S.E., Everett, Washington
2. Source of water supply Robinson Creek which is a tributary of Coeur d'Alene River
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30 Township 48N
Range 1W B.M. Kootenai 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 0.2 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.20 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, with
sprinklers for irrigation.

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: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30 Township 48N
Range 1W B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.
(5) If water is to be used for other purposes describe: _____

94 7037

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

94 7037

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 $\frac{1}{4}$	
48N	1W	30															10		10

Total number of acres to be irrigated 10

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

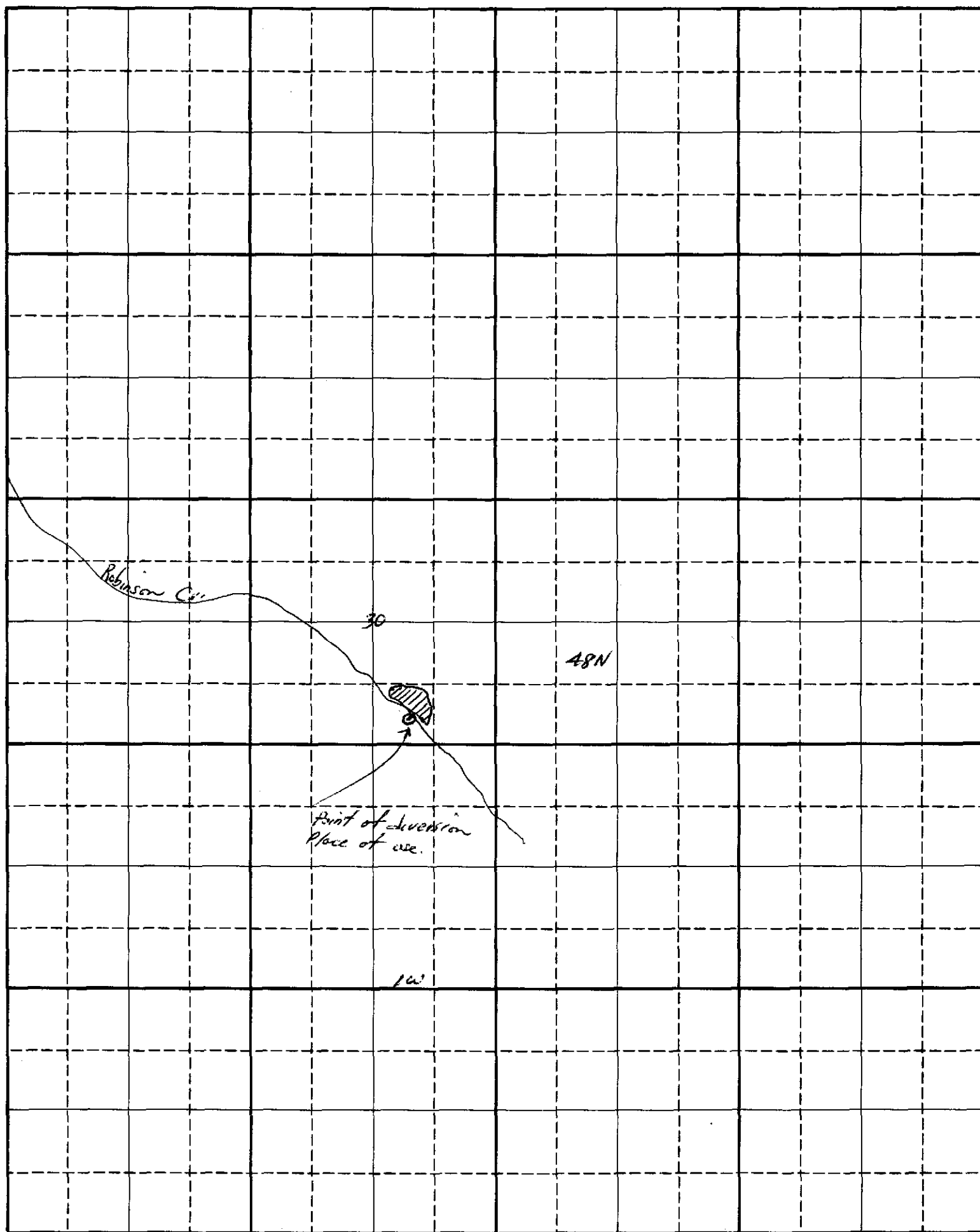
9. a. Who owns the property at the point of diversion Applicant

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

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.

John Elder
(Applicant)

34 7037

94 7037

Received by FE Date 8/13/73 Time 3:30 p.m.

Preliminary check by FE Fee \$ 10.00

Receipted by FE Date 8/13/73 # 11854

Publication prepared by cr Date 8-16-73

Published in Coeur d'Alene Press

Publication dates 8-23 & 8-30-73

Publication approved CP Date 9-10-73

Priority ~~reduced to~~ 8-13-73 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by du ~~305~~

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. 94-7037, 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 September 1, 1978.

c. Other: _____

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

Witness my hand this 17 day of September 1973.

R. Karl Higin
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>ZE</u>	<u>8/13/73</u>	Application No. <u>94-7037</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>ZE</u>	<u>8/13/73</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>ZE</u>	<u>8/13/73</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>9-10-73</u>	Affidavit of Publication received (date) <u>SEPTEMBER 6, 1973</u>
(11)	<u>CL</u>	<u>8-17-73</u>	Final date for protests <u>SEPTEMBER 10, 1973</u> Protests received: yes _____ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)	<u>ZE</u>	<u>9/10/73</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	<u>ZE</u>	<u>9/10/73</u>	Action recommended: ☒ Approve Priority <u>8/13/73</u> ☐ Deny Reason for Reduction _____ ☐ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>Northern</u>	By <u>Paul C. Smith</u>	Date <u>9/10/73</u>

AFFIDAVIT OF PUBLICATION - COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO, }
County of Kootenai, } ss.

1152 SEP 6 1973
Department of Water Administration
Northern District Office
being first duly sworn,

CAROL J Hedge

deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the

Water Permit

John Elder

of which a printed copy is annexed hereto, was published in all the regular Wednesday

weekly issues of said newspaper for ² consecutive weeks, commencing

on the ^{23rd} day of ^{August} 19 ⁷³, and ending on the

^{30th} day of ^{August} 19 ⁷³.

Subscribed and sworn to, before me, this ^{23rd} day of ^{September}

19 ⁷³

Carol J Hedge
R. Keith Higginson
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that John Elder, 1800-74th Avenue S.E., Everett, Washington has on August 13, 1973 submitted Application No. 94-7037 for a permit to appropriate 0.20 cubic feet per second of water from Robinson Creek by means of pump, motor, pipeline, and sprinklers within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 48N, R. 1W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic purposes (0.04 cfs); and from March 15 to Nov. 15 for the irrigation of ten acres (0.2 cfs), both uses within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 48N, R. 1W, 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 September 10, 1973.

R. KEITH HIGGINSON
Director

Aug. 23, 30, 1973

94 7037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 94-7037
Name(s) of Permit Holder(s): John M. Elder
Post Office Address: 1800 74 Ave. S.E.
Everett, Wash. 98205 Tel. No. 254-2805

☐ I hereby certify that construction of diversion works on the above referenced permit began on June 1, 1981 (date) and understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

7/8/82
Date

John M. Elder
Signature of Permit Holder

JOHN M. ELLER
1800 74 AVE. SE.
EVERETT, WASH.
98205



CANADA GOOSE

USA 3c

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DEC 27 1988



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JUL 14 1982

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

November 22, 1987

JOHN ELDER
1800 74TH AVE. S.E.
EVERETT, WA 98205

RE: Permit No. 94-7037

Dear Permit Holder(s):

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

30-DAY

94-7037

Permit No.

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

From Est. Cap AS 0.04 cfs

- b) Volume Calculations for Irrigation:

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

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

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

- c) Volume Calculations for Other Uses:

Domestic 1.2 AFA

2. Overlap Review

- a) Other water rights with same place of use: _____

- b) Other water rights with same point of diversion: _____

- c) Analysis:

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RECOMMENDED AMOUNTS

- | Permit No. | Priority | Amount | App. Date | Date Proof Submitted | System Capacity |
|------------|----------|--------|-----------|----------------------|-----------------|
| 94-7037 | 8-13-73 | 0.04 ✓ | 8-13-73 ✓ | 7-13-83 ✓ | 0.04 ✓ |

4. Permit Holder: John Elder

Address: 1800-74th Ave. S.E. - Everett, Wa. 94203

5. Source: Unnamed Stream ✓ tributary to Robinson Creek ✓

6. Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
DOMESTIC	1-1	12-31	0.04	1.2

Allowable Maximums: 0.04 1.2

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
48 N	1 W	30															X		
Total Acres _____																			

Total Acres _____

9. Recommended Conditions/Remarks: _____

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MAR 17 1988

10. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature _____

Date _____

Checked in Regional Office by _____

Date _____

Approved in State Office by Ron Howerton

Date 6-29-86



LT COL JOHN M. ELDER
1800 74TH AVE. SE.
EVERETT, WA. 98205

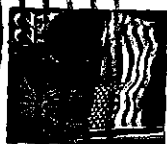
NATIONAL WILDLIFE FEDERATION



WILDLIFE HABITAT NEEDS YOUR SUPPORT

CONSERVE OUR WILDLIFE RESOURCES

RING-NECKED PHEASANT



note zip

code correction. tw 10/28/87

Idaho Dept. of Water Resources

Statehouse

Boise

Idaho 83720

MANIFESTED

MAR 17 1988

October 15, 1987

JOHN ELDER
1800 74TH AVE. S.E.
EVERETT, WA 94203

RE: Permit No. 94-7037

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

NOT FILMED

MAR 17 1988

MEMORANDUM

TO: File 94-7037

FROM: Jim Johnson *[Signature]*

DATE: September 29, 1987

RE: Source Change

When conducting the examination, the field examiner determined that the source of water under this permit is unnamed stream tributary to Robinson Creek. A review of the quad shows that the point of diversion has been located upstream from the place of use approximately 1/4 of a mile.

The examiner noted that one other filing has been made downstream, but the development of the use under this permit would not have any impact at all on the other right.

The source change from Robinson Creek to an unnamed stream is considered to be a clarification type correction and the license should be issued.

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Department of Water Resources

Dept. of Water Resources

Statehouse

Boise, Idaho 83720

1800 74 Ave. S.E.

Everett, Wash. 98205

Aug. 22, 1987

Gentlemen:

Re: Permit No. 94-7037

I am wondering when my water use license will be issued. I submitted proof of beneficial use in July, 1983. The Coeur d'Alene DWR office told me they had inspected and approved my water system in 1985.

I would appreciate your issuing my license soon, so I can cross it off my "to do" list!

Sincerely yours,

John M. Elder
LTC, AUS, (Ret)

MICROFILMED

MAR 17 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
OFFICIAL USE FIELD REPORT

94-7037
JOHN ELDER
P/D: SEC 30 TWP 48N RNG 01W
IRRIGATION? ☒

JUL 30 1984

94-7037
Permit No.

CONTACT WITH PERMIT HOLDER

DATE INITIALS Department of Water Resources REMARKS

☐ Appointment letter mailed:

☐ Telephone call made

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 5/11/84 Accompanied by RGH / Permit Hold. Total Q measured _____

Source Robinson Creek Tributary to Grass / Willow River Supp. annubar measurement sheet used? yes

If source is surface water, estimate total flow of source _____

Methods of measurement est Meets permit requirements? yes

Measurement calculations: _____

One Sum. + lawn
Irrigation of lawn & fruit trees = 1/3 acre

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS

System Description 4" PVC from stream to 3'x4'x3' wooden catch basin with 1" pipe to home. gravity flow

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

Domestic

Irrigation requirement = _____ AFA/Acre

Q (cfs)

V (afa)

FROM

TO

0.04

1.2

1-1

12-31

Total

0.04

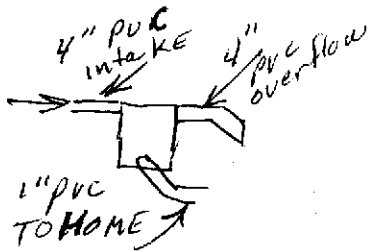
1.2

Remarks P.D. 750' south of section line
Since the filing of this permit, one other filing has been made downstream
Since the point of diversion of this permit has been moved to a tributary of
the main stem of the creek, an amendment is necessary, but the amendment will have
adverse no effect on down other users of this creek

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SCHEMATIC DIAGRAM OF SYSTEM

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



Point(s) of diversion: NW 1/4, Sec 31, T 48 N, R 1 W

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
48N	1W	30															X		

NOT REFILED

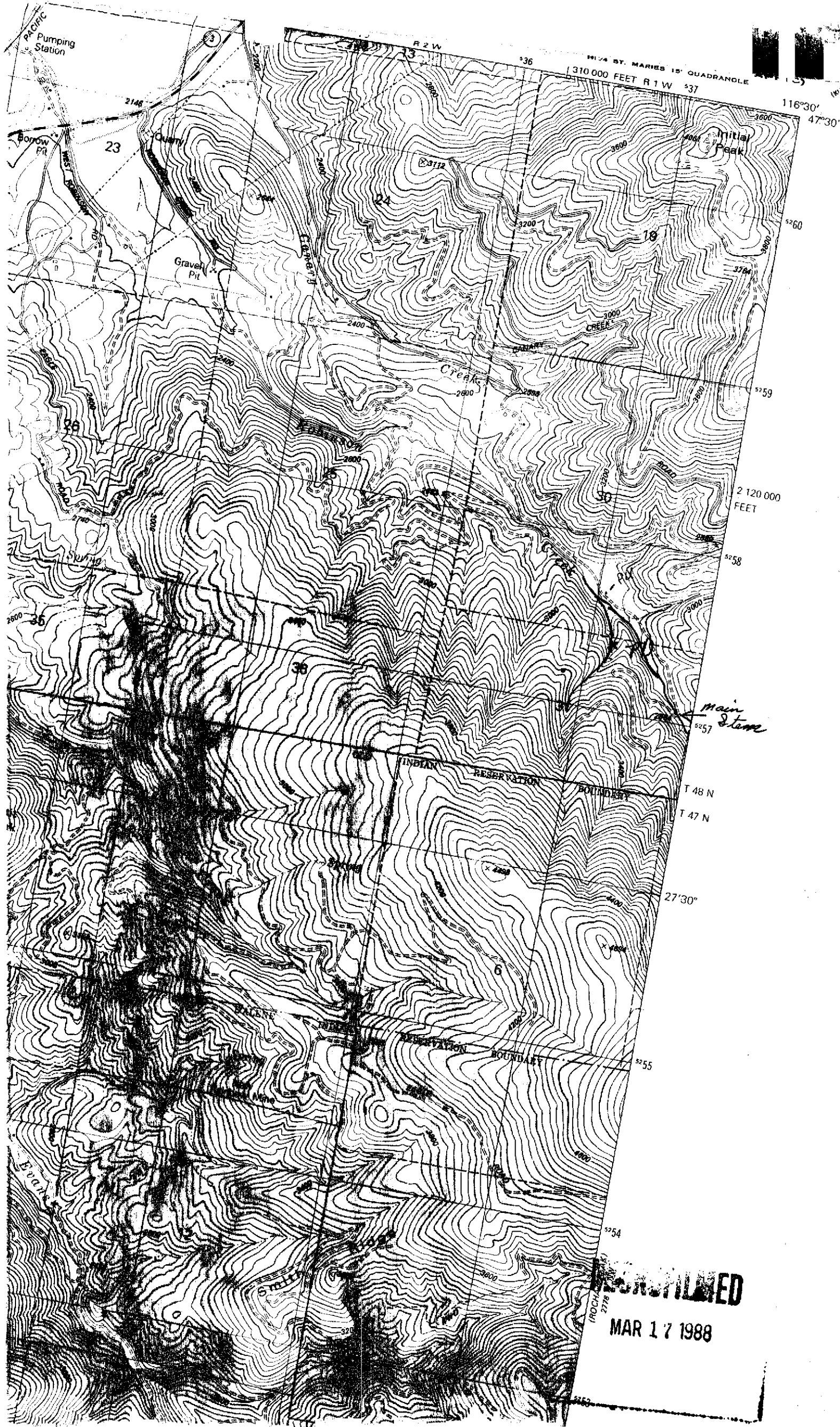
Recommended Amendments:

- ☒ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☐ None
- ☐ Change P.U. as reflected above
- ☐ Add P.U. as reflected above
- ☒ Other SOURCE - SEE REMARKS

MAR 17 1988

Examiner's Signature [Signature]
Checked by Bob Haynes
Approved by _____

Date 5/14/84 7/25/84
Date 7/25/84
Date _____



MAR 17 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

SEPTEMBER 6, 1983

JOHN ELDER
1800-74TH AVE. S.E.
EVERETT WA 94203

RE: Permit No. 94-7037

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 667-6484 or in person at our office.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

RECORDED

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. 94-7037.

Name(s) of Permit Holder: JOHN ELDER

Post Office Address: 1800 - 74th AVE. S.E.

EVERETT WA 94203 Tel. No. 206-334-2805

Source of Water: ROBINSON CREEK

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

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

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

7/13/83
Date

John M. Elder
Signature of Permit Holder

RECEIVED
JUL 13 1983

RECEIVED

PLACE
13 CENT
STAMP
HERE

RECEIVED

JUL 13 1982

Department of Water Resources
Northern District Office



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

JUL 13 1982

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

ELDER, JOHN
1800 74TH AVE. S.E.
EVERETT, WA 94203

138758

PROOF DUE NOTICE

JUNE 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 94-7037 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURE

RECORDED
INDEXED

July 26, 1978

Re: Permit No. 94-7037

John Elder
1800 74th Avenue S.E.
Everett, WA 98203

Dear Mr. Elder:

Enclosed is a copy of the order approving an extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to September 1, 1983.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:rf

Enc.

MICROFILMED

1800 74 Ave. S.E.

Everett, Wash. 98205

July 10, 1978

Dept. of Water Resources
Statehouse
Boise, Idaho 83720

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JUL 13 1978

Department of Water Resources

Attention: Rita Fleck

Dear Ms. Fleck:

I am forced to request an extension of time on my water permit No. 94-7037 because of extensive litigation with the Pack River (Northwest Timber Co., subsidiary) Timber Co. over road rt/way through my property. They built a road through my property, between Robinson Cr. and my planned areas of water use. Before I can build my holding pond and lay pipeline, this road must be removed.

I won the case in District Court, but Pack R. has appealed to the Idaho State Supreme Court, where it now languishes, awaiting in line. The suit was filed in District Court June 19, 1974. Thus I have been delayed over 4 years already, and Scott Reed, my lawyer has just informed me he doesn't think the case will be heard this fall, as earlier expected.

Enclosed is a copy of the front page of his brief as submitted to the Supreme Court.

Sincerely yours,

John M. Elder

P.S. The Supreme Court is in Boise, maybe you can speed them up!

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JUL 23 1983

Department of Water Resources

IN THE SUPREME COURT OF THE STATE OF IDAHO

JOHN M. ELDER and RAQUEL P.
ELDER, husband and wife,

Plaintiffs/
Respondents

Supreme Court No. 12514

vs.

NORTHWEST TIMBER COMPANY, a
division of PACK RIVER
COMPANY,

Defendant/
Appellant.

BRIEF OF RESPONDENTS

APPEAL FROM THE DISTRICT COURT OF THE
FIRST JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

HONORABLE WATT E. PRATHER, DISTRICT JUDGE, PRESIDING

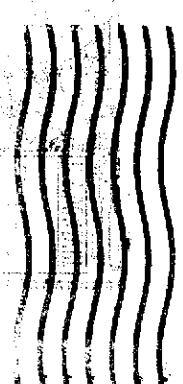
W. W. Nixon
Nixon, Nixon, Lyons & Bell
Attorneys at Law
P.O. Box 1577
Coeur d'Alene, Idaho 83814

Attorney for Appellant

Scott W. Reed
Attorney at Law
P.O. Box A
Coeur d'Alene, Idaho 83814

Attorney for Respondents

J. M. Elder
1800 74 Ave. S.E.
Everett, Wash. 98205



Attention:

Rita Fleck

Dept. of Water Resources

Statehouse

Boise

Idaho 83720



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

June 30, 1978

Re: Permit No. 94-7037

138870

Mr. John Elder
1800 74th Avenue S. E.
Everett, WA 98203

Dear Mr. Elder:

One of the conditions of approval of your water Permit No. 94-7037 (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 September 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

September 18, 1973

Re: Permit No. 94-7037

Mr. John Elder
1800 74th Avenue S. E.
Everett, WA 98203

Dear Mr. Elder:

Enclosed is a copy of your approved Application for Permit No. 94-7037 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

94 7037

August 16, 1973

Re: Application No. 94-7037 95-7339 95-4130
 Claim No. 94-4014 95-4128 95-4131
 Application No. 95-7332 95-4129 95-4134

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

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 9-10-73 by SP

FE:CR

Enc: Legal Notices (9)

94 7037

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that John Elder,

1800 - 74th Avenue S.E., Everett, Washington

has on August 13, 1973 submitted Application No. 94-7037

for a permit to appropriate 0.20 cubic feet per second ~~acre feet per annum~~
of water from Robinson Creek

by means of pump, motor, pipeline, and sprinklers

within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 48N, R. 1W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31 for domestic purposes (0.04 cfs); and from
~~xxxx~~ March 15 to Nov. 15 for the irrigation of ten acres (0.2 cfs), both uses
~~for~~

within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 48N, R. 1W, 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 September 10, 1973.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho

on August 23 and August 30, 1973

94 7037

OK
NOTICE OF APPLICATION
FOR WATER PERMIT

94 7037
Notice is hereby given that John Elder, 1800-74th Avenue S.E., Everett, Washington has on August 13, 1973 submitted Application No. 94-7037 for a permit to appropriate 0.20 cubic feet per second of water from Robinson Creek by means of pump, motor, pipeline, and sprinklers within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 48N, R. 1W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic purposes (0.04 cfs); and from March 15 to Nov. 15 for the irrigation of ten acres (0.2 cfs), both uses within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 48N, R. 1W, 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 September 10, 1973.

R. KEITH HIGGINSON
Director

Aug. 23, 30, 1973