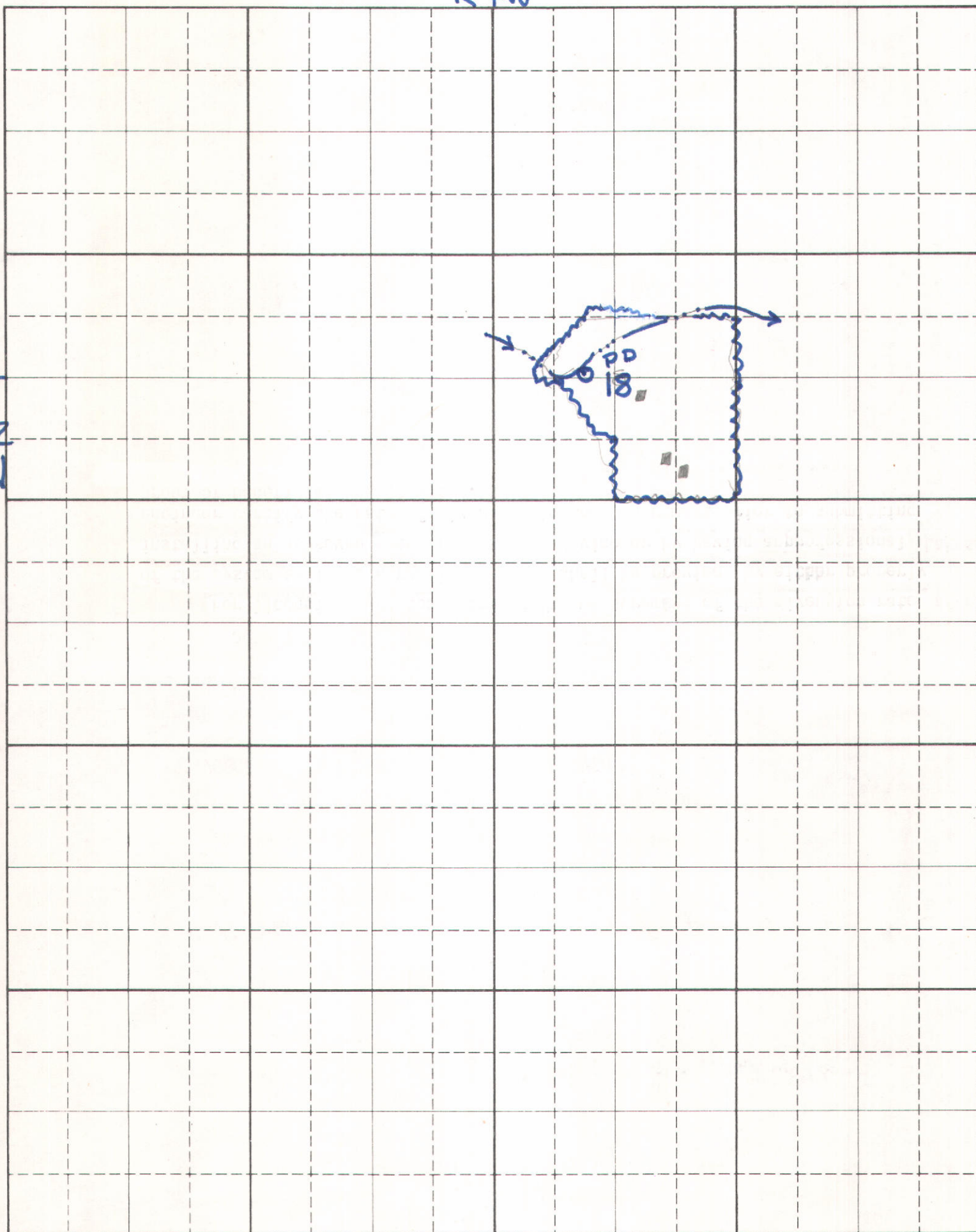


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R4W

T
52
N



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.

(Applicant)

AT Puck

21	8
22	2

12	7
13	18

007 07 1931



TWP. 52N RGE. 4W SEC. 18 MAP # E54 MAP SCALE 7 1/2
DATE OF FIELD EXAM 8/4/87 FIELD REPORT MAP PERMIT # 95-7688







































State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-07688

Priority: November 27, 1977

Maximum Diversion Rate:

0.05 CFS

Maximum Diversion Volume:¹

12.7 AF

This is to certify, that LEWIS G. ZIRKLE
E. 925 STURGEON RD.
RATHDRUM, ID 83858

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 29, 1976; and
has submitted Proof of Beneficial Use on June 20, 1984. An examination indicates
that the works have a diversion capacity of .050 cfs of water from:

UNNAMED STREAM

tributary to TWIN LAKES

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		10.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		10.0 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.7 AF
	Totals	0.05 CFS	12.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 18, Township 52N, Range 04W
KOOTENAI County

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
52N	04W	18	NESE 25	NWSE 9	SWSE 1	
			SESE 9			44

Total number of acres irrigated: 44

PLACE OF USE: STOCKWATER, same as IRRIGATION FROM STORAGE use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

RECORDED

OCT 07 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 95-07688

CONDITIONS/REMARKS:

4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Stockwater use is for 215 head.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 13th day of FEBRUARY, 1991.

Acting for R. Keith Higginson, Director

OCT 07 1991

RECEIVED

JAN 30 1991

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 95-07688

APPROVED

Department of Water Resources

Date of Priority: November 27, 1977

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.05 CFS
12.7 AF

Comes now

LEWIS G. ZIRKLE

E. 925 STURGEON RD.
RATHDRUM, ID 83858

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. 95-07688, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

tributary to TWIN LAKES

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		10.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		10.0 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.7 AF
	Totals	0.05 CFS	12.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE, Sec. 18, Township 52N, Range 04W
KOOTENAI County

PLACE OF USE: IRRIGATION STORAGE
TWN RGE SEC ACRES

	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
52N 04W 18	NESE 25	NWSE 9	SWSE 1	
	SESE 9			44

Total number of acres irrigated: 44

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION STORAGE use

PLACE OF USE: STOCKWATER, same as IRRIGATION STORAGE use

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 Rathdrum, this 28 day of January, 1991.

Lewis G. Zirkle
(Signature)

OCT 07 1991

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 95-07688

FOR DEPARTMENT USE ONLY

Preliminary check by SD Fee $\checkmark$ \$20.00 Received by Jeff Date 1-30-91

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. 95-07688 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Stockwater use is for 215 head.

Witness my hand this 13th day of FEBRUARY, 1991.

Acting for R. Keith Higginson
R. Keith Higginson, Director

OCT 07 1991

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	95-7688	Zirkle, A. T.	2.0
Full Assignment	95-7688	Zirkle, Lewis G.	2.0

SECRET MFD

State of Idaho
Department of Water Resources

RECEIVED
JUN 23 1986

ASSIGNMENT OF PERMIT

Department of Water Resources

I, A. T. Zirkle, hereby assign to Lewis G. Zirkle
of E. 925 Sturgeon Rd., Rathdrum, Id. 83858
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 95-7688
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this _____ day of _____, 19____.

A. T. Zirkle
Permit Holder

Liz Zirkle
Spouse of Permit Holder

UTAH
State of Idaho)
County of Utah) ss.

On this 22nd day of May, 1986, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Laurie K. Kallman
Notary Public residing at
Provo, Utah

My commission expires:

8/7/89

For Office Use Only
Fee Received <u>15.00</u>
Date <u>7-11-83</u>
Receipt # <u>30092</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources
Northern District Office

RECEIVED

JUN 29 1983

A. T. ZIRKLE

(Name)

E. 1255 Sturgeon Rd. Rathdrum (Rt. 1, Box 742A)

(Address)

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 95-7688.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before July 1, 19 83.

That he has heretofore performed the following work described under said permit: Dug pond and
(This must be filled out! If no work has been completed put none.)
diversion. Levelled land for pipeline. Manufactured diversion and weir gates.

Purchased irrigation equipment.

Comm. works

Cost does not include pumps and irrigation pipe purchased. Costing \$ 20,800.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Restraining order was issued against A. T. Zirkle in Kootenai County District
Court, Case #55575, prohibiting changing or diverting unnamed stream tributary
of Twin Lakes. Order entered on June 9, 1983. Restraining order expired June
23, 1983.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to July 1, 19 84.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

A. T. Zirkle
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to July 1, 1984.

Signed this 15 day of July, 1983.

David R. Tuttle
Acting Chief, Operations Bureau

MICROFILMED

Identification No. 95-7688

Application No. _____

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 A. T. Zirkle Phone: (Bus.) (509) 928-8000
post office address Box 742 A Route 1, Rathdrum, Idaho 83854

2. Source of water supply Unnamed Stream which is a tributary of Twin Lks.

3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 18 Township 52N
Range 4W 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:
2.00 cfs to Storage for Irr. from Jan. 1 to Dec. 31
Amount 10 AF for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.00 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.08 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) 0.05 cfs for Stock. from Jan. 1 to Dec. 31

5. Total quantity to be appropriated:
a. 2.00 cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 ponds, pump, and pipelines to
places of use.

b. Height of storage dam 8 feet, active reservoir capacity 10 acre feet; total reservoir
capacity 10 acre feet, materials used in storage dam: earth
Period of year during which storage will occur Jan. 1 to Dec. 31 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 $\frac{1}{4}$ of SE $\frac{1}{4}$
NW $\frac{1}{4}$ of SE $\frac{1}{4}$
(1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18 Township 52N
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 15 horses, 200 head of cattle.

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

(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:

TWP.	RANGE	SEC.	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	NE 1/4	NW 1/4	SW 1/4	SE 1/4
52N	4W	18		5	40	40	5		5	30	20		40	40	40	40	40	40
			NE 1/4				NW 1/4				SW 1/4				SE 1/4			
TOTALS																		

Total number of acres to be irrigated 305

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 Applicant

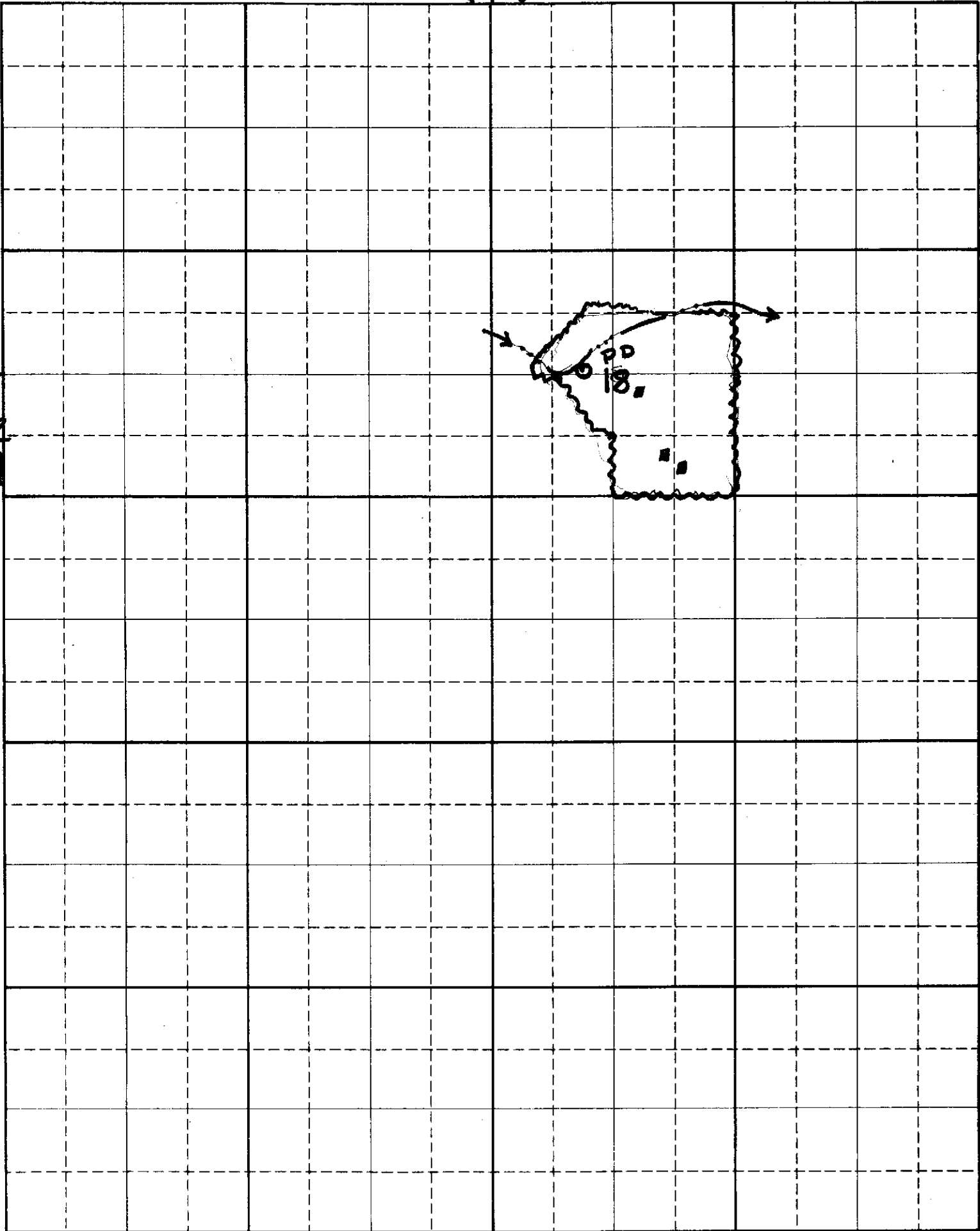
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

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

R4W

T
52
N



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.

AT Pugh
(Applicant)

Proposed Priority 12/29/76

Received by RMF Date 12-29-76 Time 4:30 PM
Preliminary check by KK Fee \$ 35.00

Received by CP Date 12-29-76 (Rec. #4863)

Publication prepared by CP Date 12-30-76

Published in Coeur d'Alene Press

Publication dates 1-6 & 1-13-77

Publication approved CP Date 1-14-77

Priority reduced to _____ Reason _____

Protests filed by: Sturgeon Association, Inc. permitted withdrawal

Copies of protests forwarded by CP

Hearing held by _____ Date _____

Recommended for approval denial by RMF

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. 95-7688, 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 JULY 1, 19 83.

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

Use of water under this permit is subject to the control of the Twin Lakes-

Rathdrum Drainage Basin watermaster.

Witness my hand this 14 day of JULY 19 78

Chief, Operations Bureau

J. Alan Sawyer

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 17 1977

STATE OF IDAHO,
County of Kootenai,

ss.
Carole Hedge
Department of Water Resources
Being first duly sworn

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that A. T. Zirkle, Box 742, Route 2, Post Falls, Idaho has on December 29, 1976 submitted Application No. 94-7688 for a permit to appropriate 2.00 cubic feet per second &/or 10.00 acre feet per annum of water from an Unnamed Stream, tributary of Twin Lakes by means of ponds, pump, and pipeline within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 52N, R. 4W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for storage for irrigation (2.00 cfs), domestic purposes (0.08 cfs), and stockwatering purposes (0.05 cfs); and from March 15 to Nov. 15 for the irrigation of 305 acres (10.00 AF & 2.00 cfs) within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 18, T. 52N, 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 Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before January 24, 1977.

R. KEITH HIGGINSON
Director

Legal 007
Jan. 6, 13, 1977

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Notice

of which the annexed is a printed copy, was published in the regular *three* issue of said newspaper for *2* consecutive *weeks* commencing on the *6* day of *January*, 1977, and ending on the *13* day of *January*, 1977, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Carole Hedge

Subscribed and sworn to before me this *14* day of *January*, 19 *77*

Roberta Manley

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

15.12
LEADER



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 3, 1991

RE: Permit No. 95-7688

Lewis G. Zirkle
E. 925 Sturgeon Rd.
Rathdrum, ID 83858

Dear Mr. Zirkle:

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit. As you can see, the license was issued a few months ago; however, the license was held for some special considerations which have since been resolved. I apologize for any inconvenience this late mailing may have caused. Also enclosed is a copy of the approved Application for Amendment processed at the time of licensing.

If you have any questions concerning this matter, please feel free to give me a call.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

Enclosure

RECEIVED

OCT 07 1991

January 23, 1991

LEWIS G. ZIRKLE
E. 925 STURGEON RD.
RATHDRUM, ID 83858

RE: Permit No. 95-07688

NOTICE OF PENDING ORDER VOIDING PERMIT

Dear Permit Holder(s):

The development proposed in Permit to Appropriate Water No. 95-07688 was examined in 1987 by Department of Water Resources personnel. At the time of the examination, the Department personnel discovered that the actual point of diversion differed from the point of diversion proposed in the permit.

We have attempted on several occasions to persuade you to file an application for amendment of Permit No. 95-07688 with the Department. To date, the application for amendment of the permit has not been filed with the Department.

Enclosed is a completed application for amendment of your permit which reflects the correct point of diversion and place of use. You should sign the application for amendment, and return it to this Department accompanied by a \$20 filing fee within thirty (30) days of the date of this letter.

Should you fail or refuse to submit the application for amendment within thirty (30) days, the Department will act to void your permit. The grounds for voiding the permit are set forth in Section 42-219, Idaho Code, where it states that if the Department finds "that the applicant has not fully complied with the law and the conditions of the permit . . . [it] may refuse issuance of a license and void the permit." One of the conditions of the permit was that the point of diversion and/or place of use would be located as indicated on the permit.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

OCT 07 1991

Enclosure

cc: Northern Region

December 26, 1990

LEWIS G. ZIRKLE
E. 925 STURGEON RD.
RATHDRUM, ID 83858

RE: WATER RIGHT NO. 95-07688

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

RECORDED

OCT 7 1991

November 19, 1990

LEWIS G. ZIRKLE
E. 925 STURGEON RD.
RATHDRUM, ID 83858

RE: WATER RIGHT NO. 95-07688

Dear Water Right 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.

Please note that the date of priority of this right has been advanced due to late submittal of the examination fee &/or exam fee information sheet.

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:blm

Enclosure

MICROFILMED

OCT 07 1991

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 95-7688

FROM: JIM JOHNSON

RE: PRIORITY ADVANCE REVIEW

DATE: 12-JUN-1989

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	DECEMBER 12 1976	346
EXAM FEE NOTICE		
Exam Fee Notice Date:	APRIL 17 1986	107
Exam Fee/Info Sheet Received Date:	JUNE 01 1987	517
Exam Fee or Info Due Date:	JUNE 16 1986	167
Days Late:		350 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	DECEMBER 12 1976	346
Total Days Late:		350 DAY(S)
New Priority Date:	NOVEMBER 27 1977	331

APPROVED
OCT 7 1991

Form 219-S.A.
5/87

RECEIVED

FEB - 3 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Permit No. 95-7688

Staff Analysis Sheet
for
Department of Water Resources Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with Conditions of Approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Overlap Review

PD Index 7 6/22 (Initial and Date)

PA Index 7 6/22 (Initial and Date)

Possible Overlap? Yes No X

Aerial Photo

Required? Yes X No

Attached? Yes X No

Reason for absence of aerial photo:

- ☐ Appointment Made
- ☐ Telephone Conversation Memo Attached
- ☐ Scheduling Letter Sent (Initial and Date)

Remarks

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended License information, and date and signature of examiner.

C. Review and Processing:

Exam Completed 8/87 (Signature of Examiner and Date)

Exam Reviewed by Senior Water Resource Agent 7/91 (Initial and Date)

Exam Reviewed by Manager of Regional Office 1/27/85 (Initial and Date)

Exam Date Entered in Computer 1/27/85 (Initial and Date)

Exam Sent to State Office 1/28/88 (Initial and Date)

Copy of Staff Analysis Sheet Sent to Manager of Regional Office and Original
Refiled in White File (Initial and Date)

RECEIVED
OCT 07 1991

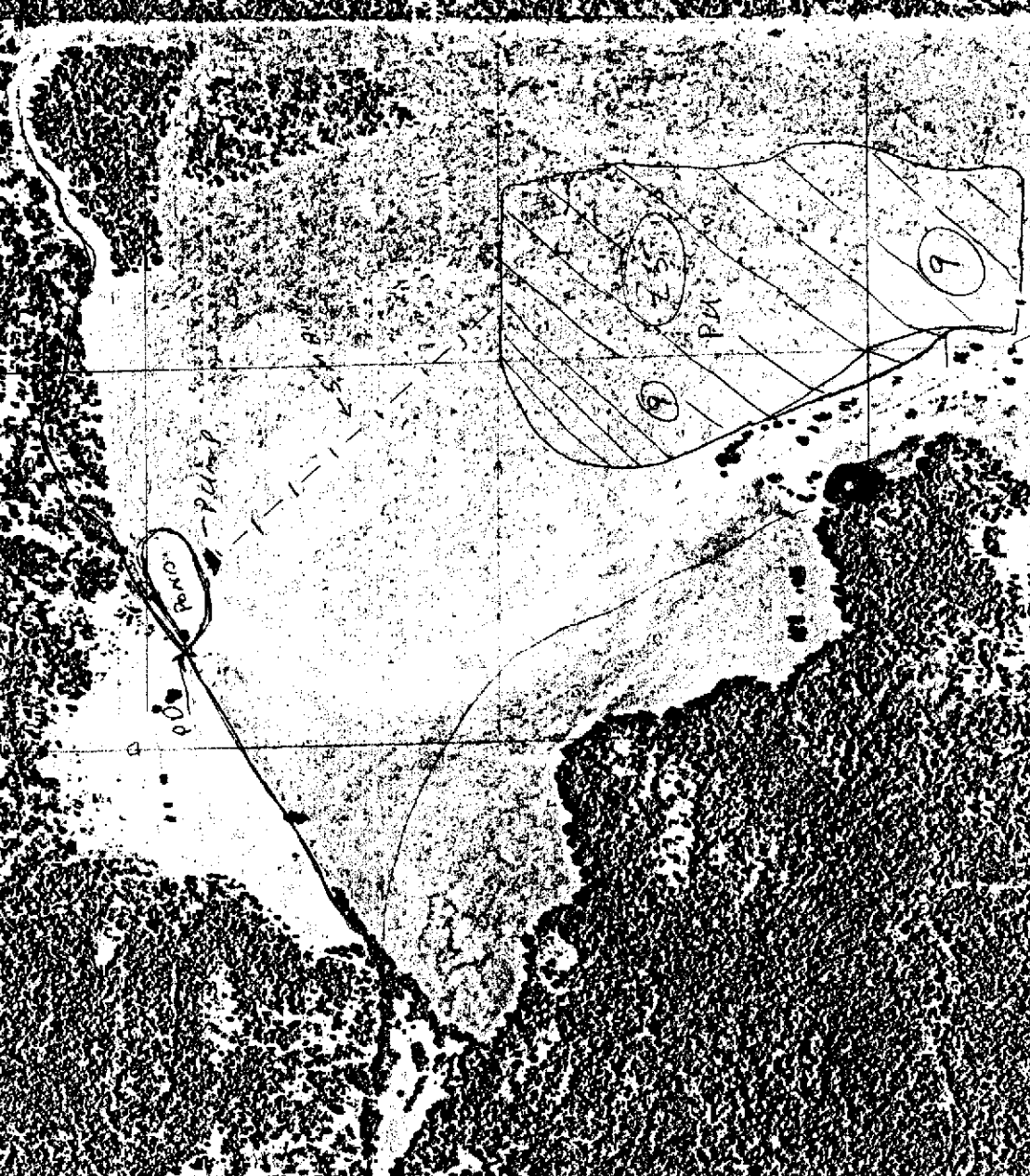
REMARKS
ATTACHMENT TO 219A

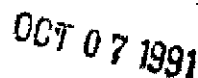
PERMIT # 95-7688
INITIALS

DATE

2/84	Dam Failure 4/12/84 NO REEDS VIA WATER	K
2/13/84	10:15 AM STREAM DRY - RAINING - UNABLE TO AROUSE ANYONE @ RANCH - NO TRACKS LEADING TO POND TO MUDDY TO ATTEMPT	
	DOUG POTTER 666-1461 REEDS ATTY	K
	DAM FAILURE (PHOTOS ATTACHED) DUE TO POSSIBLY DUE TO GOPHER ON DOWNSTREAM SIDE OF DAM CREATE-PIPING / JERRY STRATTON NO PHONE	K
6/19/85	687-1237 NO ANS	K
9/24/85	" " NO ANS	K
2/1/86	APPT LETTER ATTACHED	K

INDEXED
OCT 07 1991





TWP. 52N RGE. 4W SEC. 18 MAP # E54 MAP SCALE 7 1/2
DATE OF FIELD EXAM 8/4/87 FIELD REPORT MAP PERMIT # 95-7688

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 95-7688

1. Owner: LEWIS G ZIRKLE

Phone No. 687-1485

Current Address: E 925 STURGEON RD RATHBUN ID.

2. Accompanied by: SAME

EXAM. DATE: 8/4/87

Address: "

Phone No. "

Relationship to Permit Holder: "

3. Source: UNNAMED STREAM tributary to TWIN LAKES

B. OVERLAP REVIEW

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

☐ Copies Attached

2. Other water rights with same point of diversion: 95-4257 - DOMESTIC USE P.O.

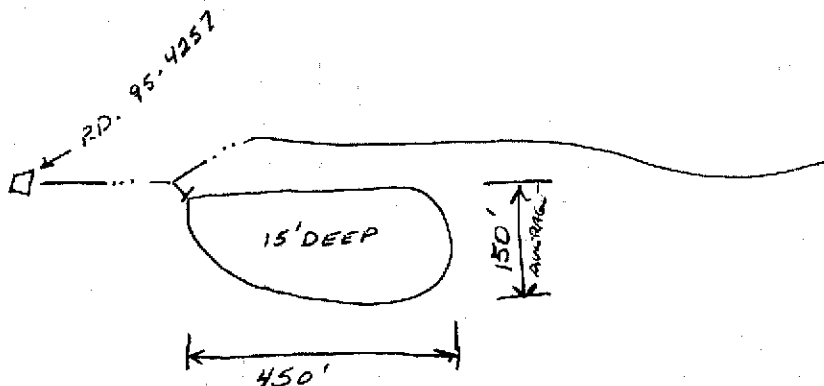
MOVED ABOVE POND TO AVOID CONFLICT ☐ IN PRIORITY

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = NTS

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

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

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

OCT 07 1991

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

NO DOMESTIC DIVERSION UNDER THIS PERMIT

STOCKWATER ~~RE~~ DIVERGED BY MOUTH DIRECTLY FROM STREAM

~~HEADGATE OPENED DURING WINTER & SPRING - CLOSED WHEN FLOODGATES~~

उत्तर प्रदेश सरकार, लखनऊ

NO WATER IS REMOVED FROM REDD WHITE HEAD GATE IS OPEN. NO PUMPING

OF DIRECT FLOW. PUMP BEING TONO WITH 3 MAIN TO 3 LATERALS

AND 20132 SPRINKLES.

ANOTHER POND EXISTS BUT IS NOT PART OF THE PUBLIC WATER OF THE STATE OF IDAHO AND EXISTS ONLY FOR RECREATION & ETC. ☐ See Remarks on page 4 for continuation

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	GE	7.5	NK2797	Rainway	1 1/2
Motor Make		Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination

[illegible]

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
none						

2. Measurements:

low

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

STOCK FENCED FROM STREAM AT TIME OF EXAM

1. Measured Method:

300 HEAD BY MOUTH $\approx .05$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) $\div$ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{44}{3} \times 132 = 1980$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 10$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 10$

2. Volume Calculations for Other Uses:

300 #D = 4.1

OCT 07 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Due to the method of operation this right should be treated as in-stream storage
NO MEANINGFUL MEASUREMENT OF DIVERSION TO STORAGE
CAN BE MADE THEREFORE THE MEASURING DEVICE REQUIREMENT SHOULD BE REMOVED. JK
GROUND WATER IS ALSO USED FOR STOCK WATER - BUT JK
NO WATER SHALL BE DIVERTED TO STORAGE AFTER I.R.G. 5
Comments

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
	From To	Q (cfs)	V (afa)
STORAGE FOR I.R. 2	1-1 12-31		10.0
I.R. FM STORAGE	3-15 11-15		10.0
Stock	1-1 12-31	0.05	
Totals:			14.1

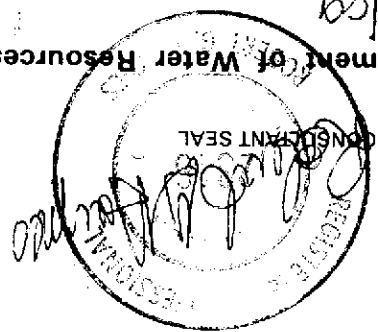
2. Recommended Amendments

- ☒ 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

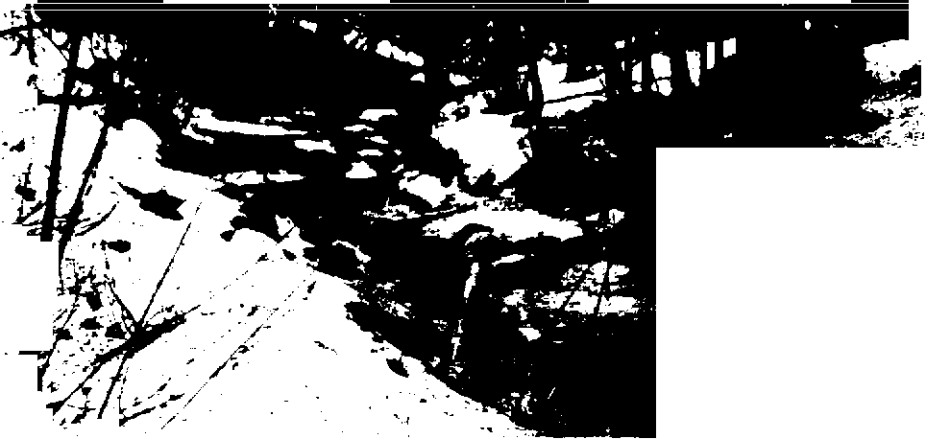
J. AUTHENTICATION

Field Examiner's Name Tom King
Signature Tom King
Certification Date 8/5/87
Field Report Preparation Date 8/5/87

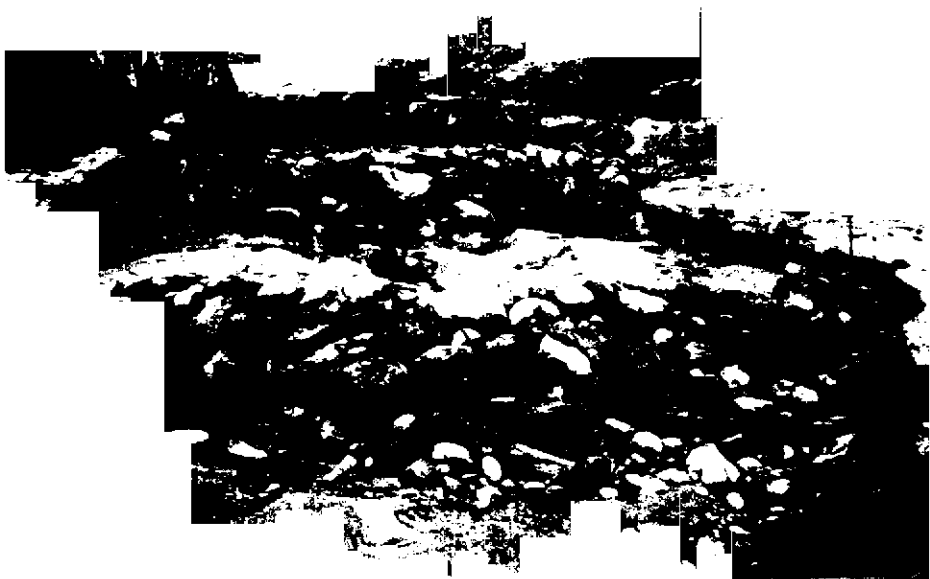
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

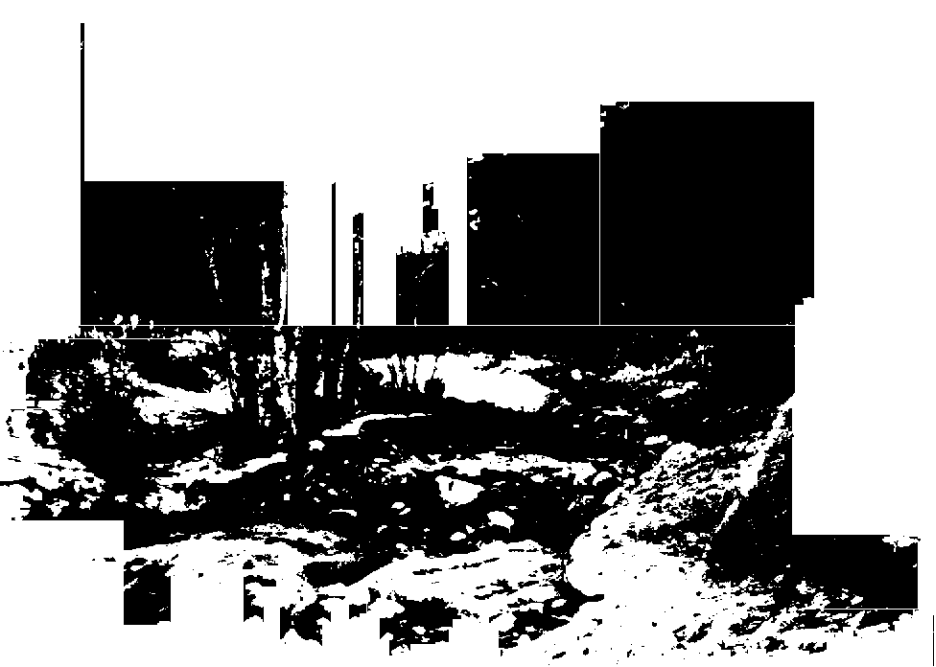


JKM 6/5/89

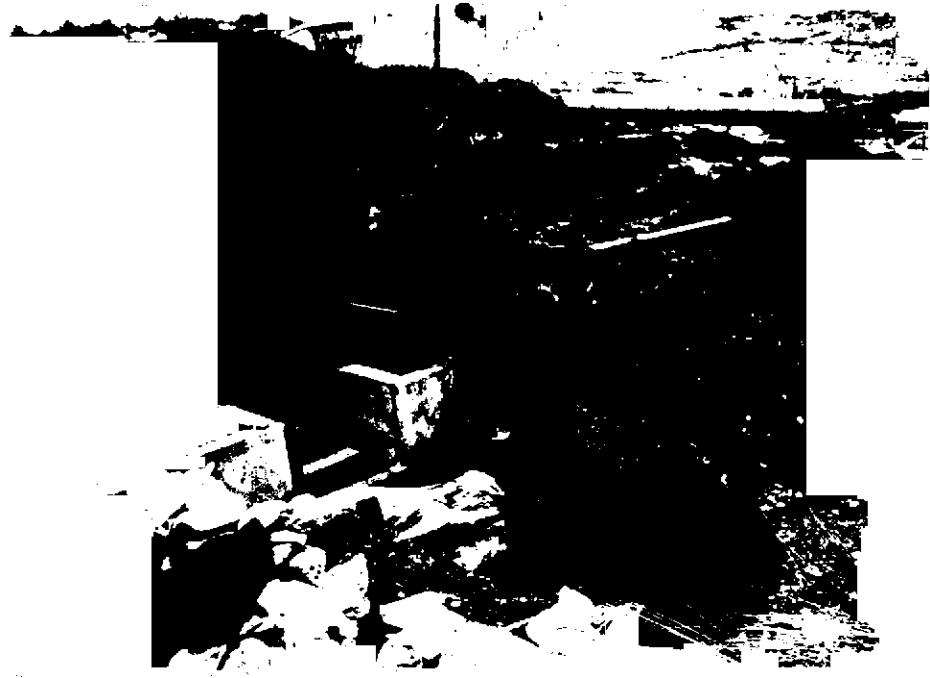




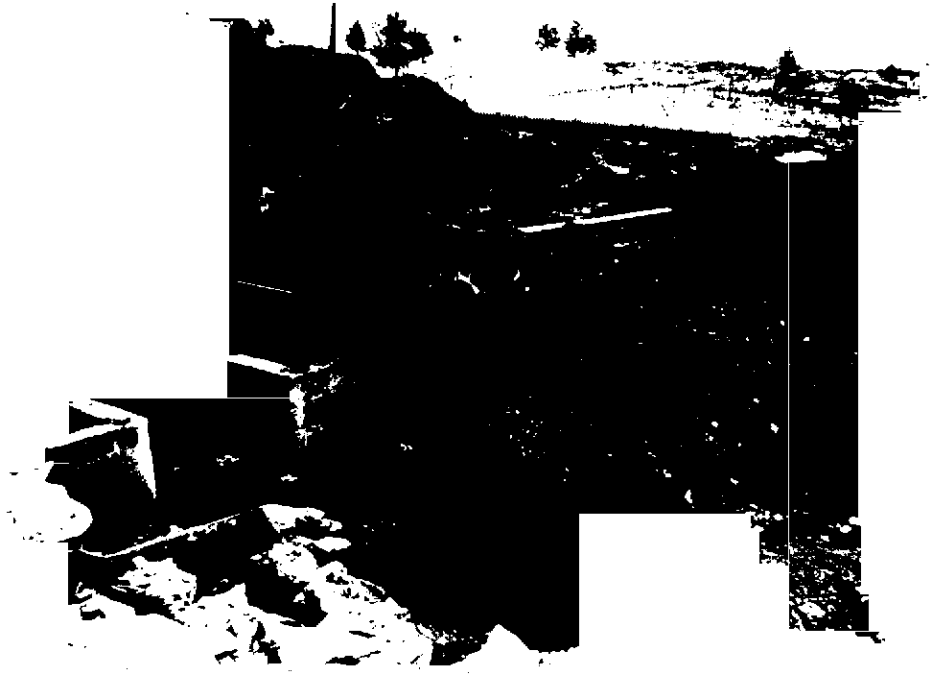






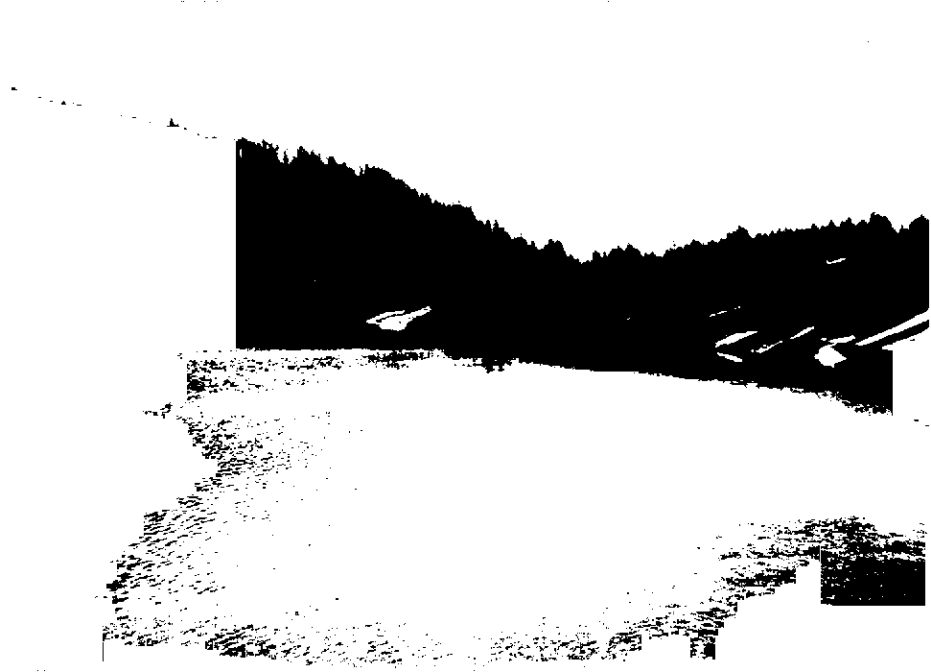






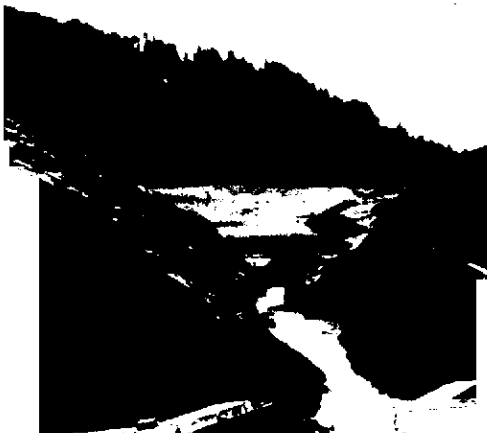






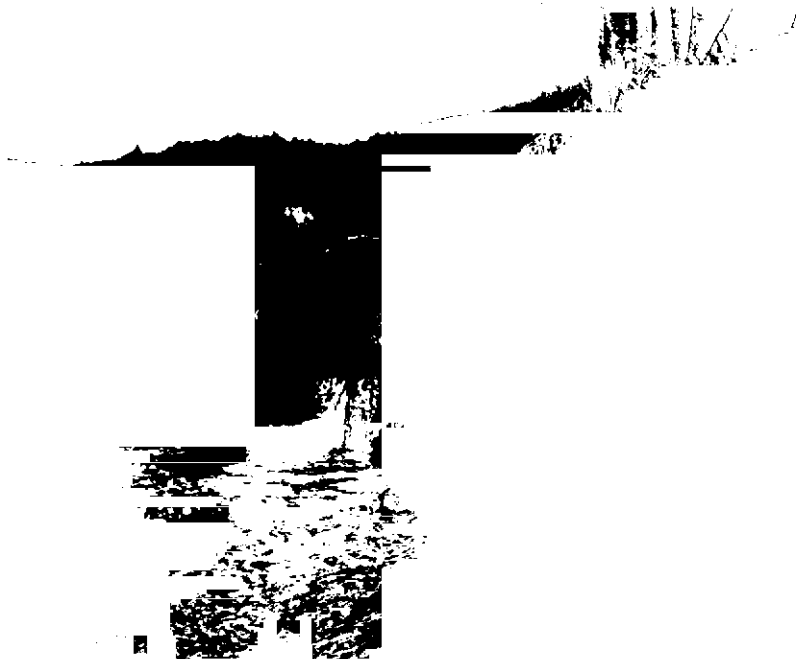


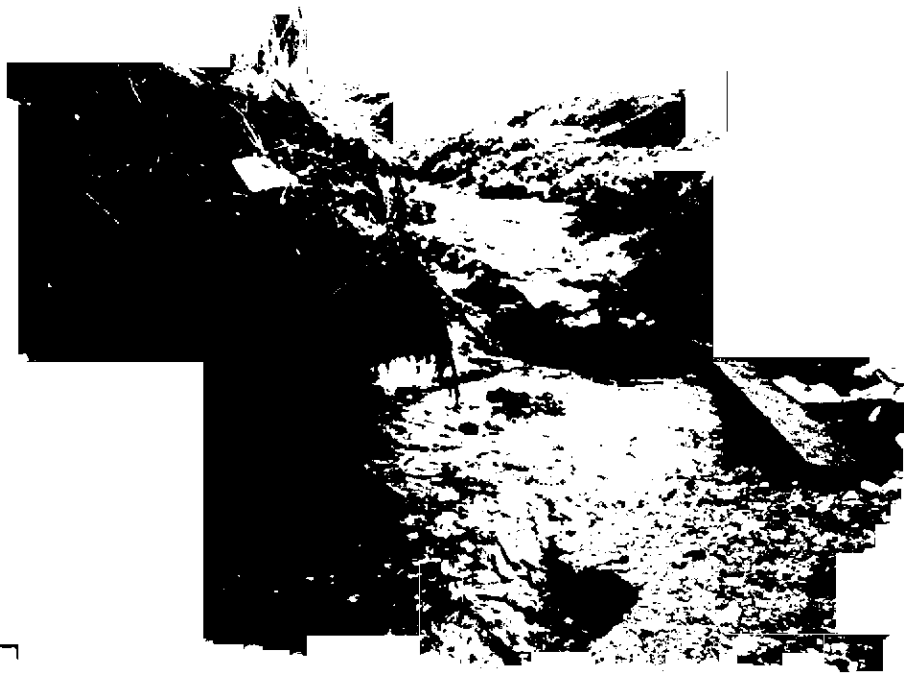
















4/86

RECEIVED

JUN 04 1987

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 125.00
Date 6/1/87
Receipt # 38322
Receipt by DWA
Sent to S.O. 6/2/87

1. Permit No. 95-7688

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Lewis G Zirkle

3. Post Office Address: E 925 Sturgeon Rd.
Rathdrum ID Telephone No. 509-728-8000
687-1435

4. Source of Water: unnamed stream

5. Extent of Use:
Domestic _____ (No. of households) Stockwater 100 cattle & horse (No. and type of stock)
Irrigation 200 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 2 cfs 10 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:
1980

8. Person to contact to accompany the department representative during the field examination:
As Above (Name)

OCT 07 1991

(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

6/1/87
Date

Lewis G. Zirkle
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

95-7688
ZIRKLE, LEWIS G.
E. 925 STURGEON RD.
RATHDRUM, ID 83858

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

April 17, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be on no further force nor effect on June 17, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 17, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 17, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Operations Bureau

RECORDED

OCT 07 1991

jf

June 25, 1986

RE: Permit No. 95-7688

Lewis G. Zirkle
E. 925 Sturgeon Rd.
Rathdrum, ID 83858

Dear Permit Holder(s):

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

In reviewing the permit, we find that the requirement for submitting proof of construction of works and application of water to beneficial use has been met. The next step towards licensing of the permit will be for our regional office to examine your water right system.

As new owners of the permit, you should be aware that on April 17, 1986 the Department sent an Examination Fee Notice to the previous owner(s) requiring them to submit within 60 days an examination fee or a statement from a certified examiner stating that he has been retained to do the examination. Enclosed for your information is a copy of the Examination Fee Notice correspondence. To date, we have not received any response to this letter.

IN ORDER TO KEEP THIS PERMIT IN GOOD STANDING, YOU MUST RESPOND TO THE EXAMINATION FEE NOTICE AS SOON AS POSSIBLE. If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

RECEIVED

Permit No. 95-7688

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? yes
2. Notary? - yes
3. a. Full Assignment? yes
b. Partial Assignment?
4. "No assignment" condition on permit? No
5. Commencement of Works received? Bk mid
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of residency required? NO
7. Extension granted due to litigation?
(If yes, commencement of works is not required.)

1. Type permit summary sheet. ✓
2. Coding sheet. ✓
3. Acknowledgement letter type.
4. Copy to region. ✓

Shavla —

Shavla —

EXAM FEE Letter

Shavla

Date 6-24-86

Employee Jim

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

95-7688

ZIRKLE, A. T.

ZIRKLE, PAULA

E. 1255 STURGEON RD.

RATHDRUM, ID 83858

Mailing address:
Statehouse
Boise, Idaho 83720

138439

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

MICROFILMED

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

FILED

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

JULY 31, 1984

A. T. ZIRKLE
E. 1255 STURGEON RD.
RATHDRUM ID 83858

RE: Permit No. 95-7688

Dear Permit Holder:

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

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

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

MICROFILMED

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. 95-7688

Name(s) of Permit Holder: A. T. Zirkle

Post Office Address: E. 1255 Sturgeon Road

Rathdrum, ID 83858 Tel. No. (208) 687-1237

Source of Water: Unnamed Creek (S)

Extent of Use: ☒ Domestic 3 (number of households)
☒ Stockwater 100 Elk (number and type of stock)
☒ Irrigation 150 (acres)
☐ Other

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

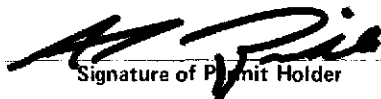
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

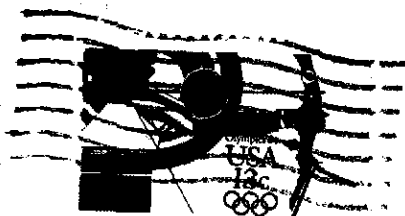
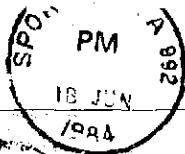
6/18/84

Date

UNRECORDED



Signature of Permit Holder



RECEIVED

JUN 20 1984

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

Department of Water Resources
BOISE, IDAHO 83720

RECEIVED

April 30, 1984

A. T. Zirkle
E. 1255 Sturgeon Rd.
Rathdrum, ID 83858

CERTIFIED MAIL

138725

Dear Mr. Zirkle:

Re: Permit No. 95-7688

PROOF DUE NOTICE

One of the conditions of approval of your water permit No. 95-7688 was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1984. (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 provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a government 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

Enclosures

July 19, 1983

A. T. Zirkle
E. 1255 Sturgeon Rd.
Rt. 1, Box 742A
Rathdrum, ID 83858

Dear Mr. Zirkle:

Re: Permit No. 95-7688

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to .

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures: Ext. of Time



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

EXTENSION OF TIME

July 12, 1983

Mr. A. T. Zirkle
E. 1255 Sturgeon Rd.
Rt. 1, Box 742A
Rathdrum, ID 83858

PERMIT NO. 95-7688

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 30092.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

Douglas G. Potter
Smith, McCabe and Hosack
2005 Ironwood Parkway, Suite 200
Coeur d'Alene, ID 83814
(208) 666-1461

COPY

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

RUSSELL D. REED and ROBERT
GLEN BISHOP,

Plaintiff

vs.
A. T. ZIRKLE and STURGEON
WATER ASSOCIATION, INC., an
Idaho corporation

Defendant

Case No. 35575

SUMMONS

The State of Idaho sends greetings to the above named defendant.

You are hereby notified that a complaint has been filed against you in the District Court of the First Judicial District of the State of Idaho in and for the County of Kootenai ~~XXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~ by the above named plaintiff and you are hereby directed to file a written answer or written motion in defense to the said complaint within twenty days of the service of this summons; and you are further notified that unless you do so within the time herein specified, the plaintiff will take judgment against you as prayed in said complaint.

The nature of the claim against you is temporary restraining order, preliminary injunction and permanent injunction.

Witness my hand and the seal of said district court, this 8 day of June, 1983

Carol Dietz

Clerk

James P. Lavee

Deputy

MICROFILMED

July 12, 1983

A. T. Zirkle
Rt. 1, Box 742A
Rathdrum, ID 83858

Dear Mr. Zirkle:

Re: Permit No. 95-7688

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 95-7688 has lapsed. This office did not receive either an acceptable notice that you have completed the project (proof of beneficial use) by the date required on your permit or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated April 30, 1983.

Your permit cannot be reinstated unless you submit the statement of beneficial use postcard or submit an extension of time request showing reasonable cause for delay. Either the completed postcard or the extension request must be received by this office within sixty days of the date of this lapse notice or the permit will no longer be of any force or effect.

A statement of beneficial use postcard and a request for extension of time form are again enclosed for your use. Please note that a fee of \$15.00 must accompany an extension of time request and that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation.

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

LGS:rf

CERTIFICATION OF MAILING

I hereby certify that on 7/12/83
a copy of original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Sharla Curtis

ENCLOSURE

April 30, 1983

CERTIFIED MAIL

A. T. Zirkle
Rt. 1, Box 742A
Rathdrum, ID 83858

138598

Dear Mr. Zirkle:

Re: Permit No. 95-7688

PROOF DUE NOTICE

One of the conditions of approval of your water permit No. 95-7688 was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 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 provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a government 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

Enclosures

August 15, 1978

Re: Permit No. 95-7688

Dr. C. P. Holm
Box 503
Odessa, WA 99159

Dear Mr. Holm:

This office is in receipt of your letter in which you and several other parties protest any permit for the diversion of water which flows into the southwest corner of Lower Twin Lake.

The letter will be filed in the correspondence related to Permit No. 95-7688. Your letter cannot be considered as a valid protest against Permit No. 95-7688 which was approved July 14, 1978. The letter also cannot be considered as a standing protest against all future filings that may be made in the area. You may, however, wish to protest applications similar in nature to Permit No. 95-7688, but such protests will have to be submitted and considered on a case-by-case basis.

If you wish additional information from the Department, please feel free to contact this office or our Northern Regional Office in Coeur d'Alene.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

bcc: Northern Region

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

~~Notes~~
~~Make out note No~~
~~present card~~
Northern
Blk Bayan

You already have this
file



SIGNATURE

MICROFILMED

Boise 1000 1000

RECEIVED RECEIVED

AUG 7 1978

AUG 8 1978

Department of Water Resources

Department of Water Resources
Northern District Office

Lower Twin Lakes
Rathdrum, Idaho 83858
July 24, 1978

State of Idaho
Dept. of Water Resources
373 W. Franklin St.
Boise, Idaho 83720

RE: Application for Permit No. 95-7688
A. T. Zirkle

The following landowners of property located on the S.W. side of Lower Twin Lakes, of the Gunning Estate Sub-Division, Kootenae County, Idaho, protest any permit for the diversion or taking of any water from "No-Name Creek" which flows into the S.W. corner of said Lower Twin Lakes for the following reasons as set forth in Section 42-203, Idaho Code which are:

1. Will the proposed use reduce the quantity of water under existing water rights?
 - (a) The water is needed for domestic use by the property owners and has so been used for many years.
 - (b) The water not so used is needed to maintain the court adjudicated level 10.4 of the lake or as near thereby as is possible. (Certain waters is also needed to flow out of Lower Twin Lakes for downstream allotted use.)
2. Will the proposed use under this permit conflict with the local public interest?
 - (a) Lower lake levels prohibit full usage and enjoyment of the lake.
 - (b) Causes contamination of drinking water used by lake inhabitants.
 - (c) Application of these principles leaves no "waste water" within the meaning of that term.

GUNNING ESTATE SUB-DIVISION		PROPERTY OWNERS
NAME	LOT#	NAME
1. Dr. C. P. Holm & Alice #4	9. Mera Brinnon	
2. B. T. Prier & Ruby M. Prier #5	10. [Signature]	11
3. Alfred & Ruby Westerman #11	12. [Signature]	
4. Walter & Yveta Mettler #12	13. Jack & Helen Farshee	
5. Henry J. Gunning	14. C. C. Sullivan	
6. Helen J. Gunning	15.	
7. Joanne Langdon	16.	
8. Alf Langdon		
9. Calinda Gunning		

Dr. C.P. Holm
Box 503
Odessa, Wa. 99159



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATE OFFICE
373 W. FRANKLIN ST.
BOISE, IDAHO 83720

MAILED 1978



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

July 20, 1978

Re: Permit No. 95-7688

A. T. Zirkle
Box 742A, Route #1
Rathdrum, ID 83854

Dear Mr. Zirkle:

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.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED

95-2688 - A. T. Zinkle

STAFF REVIEW - STATE OFFICE

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

Copies Sent To:

☒ Idaho Health Department	☒ U.S.F.S.
☒ Idaho Fish & Game Dept.	☒ Dept. of Lands
☒ Bureau of Land Management	☒ Other

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

(8')

Check:

Critical G.W. Area ☐ yes ☐ no

Other rights on same land

None platted

Withdrawals of all protests received ☒ yes ☐ no

Conditions:

ID Power Co. Letter - Snake R. ☐

ID Power Co. Letter - G.W. & Tribs. ☐

Snake River Condition ☐

Payette River Letter ☐

Priority Date 12/29/76

Water Quality #16 ☐

Water Quality #10 ☐

intrastate ☐ interstate ☐

Meas. Dev. or Sc. Meas. ☒

Totalizing meter ☐

Supplemental ☐

Right-of-Way Cond. ☐

Watermaster Cond. ☐

Wtr. Dist No. ☐

Meas. Dev. Cond. for apps within a Water Dist. ☐

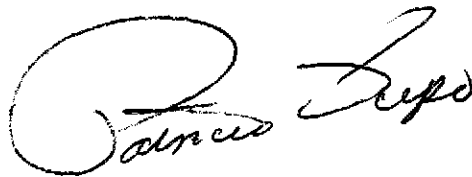
Jan. Grover
Reviewer

2/12/78
Date

Sturgeon Association of Twin Lakes, Idaho
and Hi Vale Ranch, after negotiation from
February, 1978 to May 1978 have reached
an amicable agreement..

Sturgeon Association wishes to withdraw
any protest against Zirkle application for
water permit #957688.

Patricia Pupo President

A handwritten signature in cursive script, appearing to read "Patricia Pupo". The signature is written in dark ink and is positioned below the typed name.

RECEIVED
JUN 1 1978
FBI - IDAHO

June 6, 1977

RE: Application No. 95-7688

Mr R G Bishop, President
Surgeon Assoc
E 8523 Courtland
Spokane, Wa 99206

Dear Mr Bishop,

This letter is to confirm our telephone conversation cancelling the June 8, 1987 meeting regarding Zirkle's application no. 95-7688.

We will be in touch with you at a later date.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

GRH:ab

June 6, 1977

RE: Application No. 95-7688

A T Zirkle
Box 742 Rt 2
Post Falls, Id 83854

Dear Mr Zirkle,

This letter is to confirm our telephone conversation cancelling the June 8, 1977 meeting regarding your application no. 95-7688.

We will be in touch with you at a later date.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

RECEIVED
JUN 7 1978

Department of Water Resources
Northern District Office

June 5, 1978

Re: Application for Permit No. 95-7688
A. T. Zirkle

Dr. C. P. Holm
Box 503
Odessa, WA

Dear Dr. Holm:

I regret that my response to your letter of May 22, 1978 did not reach you by May 29, 1978 as you requested. I have reviewed the items you mentioned and offer the following comments:

On December 20, 1976, Mr. A. T. Zirkle made an application for a water permit for irrigation, domestic uses and storage. This permit was protested on January 17, 1977 by R. C. Bishop, president of the Sturgeon Water Association, Inc. To date, this protest is still unresolved and the permit still has not been issued.

The principle items that the Department can consider in approving or denying new water permits are set forth in Section 42-203, Idaho Code which are:

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

The Department may reject the application, partially approve the application or approve the application subject to special conditions, depending upon the answers to the above questions.

Dr. C. P. Holm
June 5, 1978
Page 2

Mr. Zirle can only claim that amount of water that could be used beneficially without waste for the items listed in his application, also new permits issued by this office are subject to all prior water rights of other uses from the same source.

The claims submitted by the Gunning Estate Subdivision if upheld by the courts in the pending Twin Lakes Adjudication will have priority over Mr. Zirle's water permit application, even if the permit is approved.

I hope this explanation clarifies the points of concern you expressed. I will be happy to discuss with you any other items or questions you may have concerning the subject.

Very truly yours,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

bcc: Northern Region

Box 503
Odessa, Wa.
May, 22, 1978

RECEIVED

MAY 24 1978

Department of Water Resources

C. Stephen Allred, P.E. Director
Dept. of Water Resources
373 W. Franklin St.
Boise, Idaho 83702

In re: Water Claim-Lower Twin Lakes, Idaho, Kootenae Cnty, Idaho.

Only two creeks empty into Twin Lakes-(1 in Upper & 1 in Lower)

Court decision has been made to hold the water level at 10.4.

Need all the water that runs into the lake to maintain this level.
(This level has never been maintained through the summer.)

The Gunning estate subdivided and sold the property along the S.W. shore of Lower Twin and promised domestic water as long as available. We were requested by the State of Idaho, 3 or 4 years ago, to make claim for water needed from supplying sources. We did, and were told that individual claims were not necessary as Gunning estate had been granted them for all property owners.

Gunning estate has been providing water for 19 years or longer.

Fred Zerkel, who has a farm above our storage tank on the same creek, is trying to claim all the water over an arbitrary 60cfpm. Is this legal?

We want the creek to run in its natural state and flow into the lake to help maintain its level. (The legal 10.4)

Can he claim as waste water, all the excess above 60cfpm?

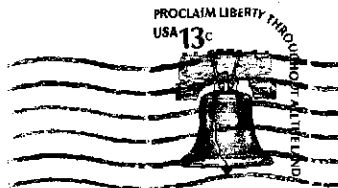
Sincerely,

Dr. C.P. Holm
Dr. C.P. Holm

P.S. We would surely appreciate an answer as soon as possible as the meeting is May 28th.

RECEIVED

Dr. C.P. Holm
Box 503
Odessa, Wa. 99159



C. Stephen Allred, F.E. Director
Dept. of Water Resources
State Office
373 W. Franklin St.
Boise, Idaho 83702

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..... 15¢☐ Show to whom, date, & address of delivery.. 35¢☐ RESTRICTED DELIVERY.

Show to whom and date delivered..... 65¢

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Art Zirkle
 Box 742, Rt 2
 Post Falls, Id 83854

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

3026

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

4.

DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

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

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

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



**RETURN
RECEIVED**



MAY 23 1977

**Department of Water Resources
Northern District Office**

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

(City, State, and ZIP Code)

SENDER: Complete items 1, 2, and 3.

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

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

☒ Show to whom and date delivered..... 15¢☐ Show to whom, date, & address of delivery.. 35¢☐ RESTRICTED DELIVERY.

Show to whom and date delivered..... 65¢

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mr R G Bishop, PreSturgeon Assoc.
 E 8523 Courtland
 Spokane, Wa 99206

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

13027

(Always obtain signature of addressee or agent)

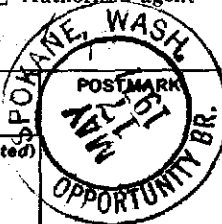
I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY

5-17-77

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



RETURN
TO

RECEIVED

MAY 18 1977

IDAHO DEPARTMENT OF WATER RESOURCES,
NORTHERN DISTRICT OFFICE

ROUTE 5, BOX 203, SUITE #1
(Street or P.O. Box)
Department of Water Resources
Northern District Office COEUR D' ALENE, ID 83814

(City, State, and ZIP Code)

NAME AND
ADDRESS
OF SENDER

Indicate type of mail

☐ INSURED ☐ C. O. D.
☐ CERTIFIED

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

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE REMARKS
1 13023	Fred Darneil, Box 1398, Sandpoint, Id	13	60			25			
2 13024	James Parker Redmond, Box 153, Newport, Wa 99156	"	"			"			
3 13025	John T Tordoff, RR 5 Box 49-1A, Priest River, Id	"	"			"			
4 13026	A T Zirkle, Box 742, Rt 2, Post Falls, Id	"	"			"			
5 13027	Mr R G Bishop, Pres, Sturgeon Assoc, E 8523 Courtland, Spokane, Wa 99206					"			
6 13028	William L & Dorris V Pettichord, Rt 2, Ahsahka, Id	"	"			"			
7 13029	Paul E & Catherine M Shafer, Rt 1, Lenore, Id	"	"			"			
8 13030	Clarence Geidl, Rt 1, Lenore, Id	"	"			"			
9 13031	Lee Flerchinger, Rt 1 Box 37, Lenore, Id	"	"			"			
10 13032	John A Swayne, Attorney at Law, Po Box 786, Orofino	"	"			"			
11 13033	Quinn &/or Myra Hollibaugh, Box 1023, Orofino	"	"			"			
12									
13									
14									
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16									
17									
18									
19									
20									
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." ² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.			

UNRECORDED

January 19, 1977

Re: Application for Permit No. 95-7688

Mr. A. T. Zirkle
Box 742, Route 2
Post Falls, ID 83854

Dear Mr. Zirkle:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 95-7688. 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?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 42-202, Idaho Code).

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.

RECEIVED

Page 2

Re: Application No. 95-7688

Mr. A. T. Zirkle

January 19, 1977

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 further assistance, please do not hesitate to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:cp

Enclosure

bc: IDWR - Boise

January 19, 1977

Re: Application for Permit No. 95-7688 - A. T. Zirkle

Mr. R. G. Bishop, President
STURGEON ASSOCIATION, INC.
East 8523 Courtland
Spokane, WA 99206

Dear Mr. Bishop:

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 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.

Page 2

Re: Application No. 95-7688

Mr. R. G. Bishop

January 19, 1977

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

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:cp

bcc: IDWR - Boise

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application for Permit No. 95-7688
in the name of A. T. ZIRKLE

NOTICE OF CONFERENCE
AND/OR HEARING

On December 29, 1976, A. T. Zirkle filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On January 17, 1977, the Department received a protest against approval of said application from Robert G. Bishop, President of the Sturgeon Water Association, Inc.

The Department has set the matter of protest for conference and/or hearing for Wednesday, June 8, 1977, at 3:00 p.m. in the Supervisor's office of the Department of Water Resources, Coeur d'Alene, 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 applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 12 day of May, 1977.

Robert G. Haynes

ROBERT G. HAYNES, P.E.
Regional Supervisor

95-7688 - A T Zirkle

Supervisor's Office, Dept of Water Resources, Coeur d'Alene, Idaho

Wednesday, June 8, 1977 - 3:00 pm

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------

RECEIVED
JUN 10 1977
FBI - COEUR D'ALENE

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 25¢☐ Show to whom, date, & address of delivery 45¢☐ RESTRICTED DELIVERY.

Show to whom and date delivered 85¢

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery ..\$1.05

(Fees shown are in addition to postage charges and other fees).

2. ARTICLE ADDRESSED TO:

R G Bishop Pres Surgeon Assoc.
E 8523 Courtland
Spokane, Wa 99206

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

13110

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent*R.G. Bishop*

DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

JAN 20 1978

CLERK'S
INITIALS*Eu*

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 8, BOX 208, SUITE #41
COLEMAN ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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

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

- ☒ Show to whom and date delivered \$
☐ Show to whom, date, and address of delivery \$
☐ **RESTRICTED DELIVERY** \$
 Show to whom and date delivered \$
☐ **RESTRICTED DELIVERY** \$
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Kenneth Irons
 Rt 1
 Bonners Ferry, Id 83805

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13312	

(Always obtain signature of addressee or agent)

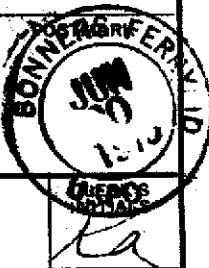
I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. **DATE OF DELIVERY**

5. **STREET ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT OFFICE

ROUTE 5, BOX 203, SUITE #1

COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

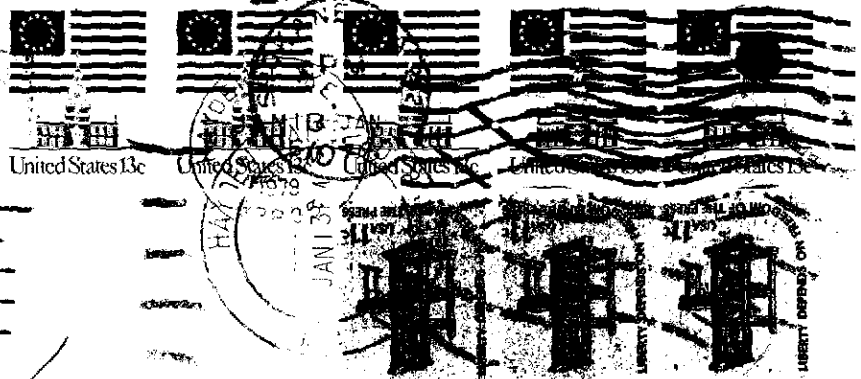
(City, State, and ZIP Code)

*Managed by Regulator
1-16-78
JUL 16 1978
Regent of the
Northern District*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern District Office
4055 Government Way • Coeur d'Alene, Idaho
83814



Unclaimed _____ Refused _____
Unknown _____
For Better Address _____
Moved Left No Address _____
Forwarding Expired ☒ _____



A T Zickle
Box 742 Rr 2
Post Falls, Id 83854

CERTIFIED
NO. 13109

*1-16-78
Reflected in Rpt*

NAME _____
1st Notice JAN 14 1978
2nd Notice _____
Return JAN 29 1978
NAME _____
1st Notice JAN 16 1978
2nd Notice _____
Return JAN 31 1978

PS Form 3811, Nov. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● 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 25¢ ☐ Show to whom, date, & address of delivery 45¢ ☐ RESTRICTED DELIVERY. Show to whom and date delivered 85¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery ; \$1.05 (Fees shown are in addition to postage charges and other fees).								
2. ARTICLE ADDRESSED TO: A T Zirkle Box 742 Rt 2 POst Falls, Id 83854								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>13109</td> <td></td> </tr> </table> (Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		13109	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	13109							
4. DATE OF DELIVERY		POSTMARK						
5. ADDRESS (Complete only if requested)								
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS						

NAME AND
ADDRESS
OF SENDER

Indicate type of mail

☐ INSURED☐ C. O. D.☐ CERTIFIEDAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY REMARKS
1	13107 AL Rebillard, E 3322 16th St, Spokane, Wa	13	60			25			
2	13108 Honeysuckle Hills Own. PO Box 417, Hayden Lake, Id								
3	13109 AT Zirkle, Box 742 Rt 2, Post Falls, Id 83854								
4	13110 RG Bishop, Sturgeon Assoc., E 8523 Courtland, Spokane, Wa	99206							
5	13111 Gerald Mc Daniel, Rt 1 Box 154A, Cataldo, Id 83810								
6	13112 Joseph Greenley, F & G, 2320 Gov't Way, CDA								
7	13113 Scott Reed, PO Box A, CDA								
8	13114 Pat Flammie, PO Box 1117, CDA								
9									
10									
11									
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18									
19									
20									
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." ² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.			

POD Form 3877-A—July 1958

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 95-7688)
in the name of A. T. Zirkle)
_____)

NOTICE OF CONFERENCE

AND/OR HEARING

On December 29, 1976, A. T. Zirkle filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On January 17, 1977, the Department received a protest against approval of said application from Robert G. Bishop, President of the Sturgeon Water Association, Inc.

The Department has set the matter of protest for conference and/or hearing for Thursday, January 26, 1978, at 1:00 p.m. in the Supervisor's office of the Department of Water Resources, Coeur d'Alene, 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 applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 13 day of January, 1978.



ROBERT G. HAYNES, P.E.
Regional Supervisor

RECEIVED
JAN 26 1978
WATER RESOURCES
DIVISION

95-7688 - A. T. Zirkle

Supervisor's Office, Dept of Water Resources, Coeur d'Alene, Idaho

Thursday, January 26, 1978 - 1:00 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------

RECEIVED
JAN 27 1978
FBI - COEUR D'ALENE

January 17, 1977

Re: Application for Permit No. 95-7688

Idaho Department of Water Resources
Northern Region
4055 Government Way - Suite #1
Coeur d'Alene, ID 83814

Gentlemen:

We wish to protest your Department issuing permit (No. 95-7688) to Mr. A. T. Zirkle. Several times during the Fall, the stream has dried up at our point of diversion in past years.

Very truly yours,

Robert G. Bishop

R. G. BISHOP, President
STURGEON WATER ASSOCIATION, INC.
Box 384
Rathdrum, ID 83858

(Send any correspondence to:
East 8523 Courtland
Spokane, WA 99206) 926-5216

RECEIVED

JAN 17 1977

Department of Water Resources
Northern District Office

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 95-7688 (ZIRKLE)

☒ 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) KK 12/30/76

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

(4) KK 12/30/76

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: _____

(11) CP 1/24

Affidavit of Publication received (date) JAN. 17, 1977

(12) CP 12/30

Final date for protests JANUARY 24, 1977
Protests received: yes ☒ no _____

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

12-29-78 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 Date 1-5-78

RECEIVED
JUL 6 1978

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higgason
Director

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

December 30, 1976

Re: Application No. 95-7688 - A. T. Zirkle
Claim No. 95-4359 - Glen Kirk

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

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)

RECORDED

Bill: 1-24-77-CP

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that A. T. Zirkle,

Box 742, Route 2, Post Falls, Idaho

has on December 29, 1976 submitted Application No. 95-7688

for a permit to appropriate 2.00 cubic feet per second ^{&/or 10.00} acre feet per annum

of water from an Unnamed Stream, tributary of Twin Lakes

by means of ponds, pump, and pipeline

within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 52N, R. 4W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31 for storage for irrigation (2.00 cfs),

~~for~~ domestic purposes (0.08 cfs), and stockwatering purposes (0.05 cfs); and

from March 15 to Nov. 15 for the irrigation of 305 acres (10.00 AF & 2.00 cfs)

within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 18, T. 52N, 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 Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before January 24, 1977.

R. KEITH HIGGINSON
Director

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

on Jan. 6 and Jan. 13, 1977

MINOTIFIED