

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that William N. &/or Linda K. Myers, Route 3, Box 577, Post Falls, Idaho, have on August 21, 1975 submitted Application No. 95-7551 for a permit to appropriate 0.20 cubic feet per second of water from a ground water source by means of pump and pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 51N, R. 5W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic (0.06 cfs) and stockwatering purposes (0.02 cfs); and from March 15 to Nov. 15 for the irrigation of 20 acres (0.20 cfs) within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 51N, R. 5W, 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 September 15, 1975.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on August 28 and Sept. 4, 1975.

8-28-2tc

*OK
Rkt 9-16-75*

AFFIDAVIT OF PUBLICATION

County of Kootenai }
STATE OF IDAHO } ss.

DELORIS R. ROSIN

~~XXXXXXXXXXXX~~
JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the Notice of Application for Water Permit
No. 95-7551

..... a true
printed copy of which is attached to the margin hereof, has been and
was correctly printed and published in the regular and entire issue of
every number of said newspaper and not in any supplement thereof
or thereto for two consecutive issues, commenc-

ing with the issue dated August 28, 1975

and ending with the issue dated September 4, 1975

Subscribed and sworn to before me, this 5th

day of September, 1975

Deloris R. Rosin
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 12.96

My commission expires
April 23, 1978

95-7551

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There will be maintained as a reserve account for present and future well expenses, repairs and improvements an account called Myer Tract Well Fund Savings Account, which will be maintained at the First Federal Savings & Loan Association. Grantor, and one other owner of the well, as determined by a vote of the persons holding a majority of the interest in the well, will be the authorized signatories on this account. Each owner of the well will contribute \$5.00 per month to the well fund until a minimum of \$1,000.00 has been contributed to the account. At that time, no further contributions will be made except that contributions, as funds are taken from the account for well purposes, will be made to maintain the balance in the well account of at least \$1,000.00.

Anything in this agreement to the contrary notwithstanding, Grantor shall not be liable in any respect whatever for failure, suspension, or diminution in water service or pressure to be supplied by the well and pumps described herein.

The rights and obligations of this agreement shall be binding upon the heirs, personal representatives, successors and/or assigns of the parties hereto.

Dated this 10th day of December, 1976.

930

William N. Myers
Grantor, William N. Myers

Linda K. Myers
Grantor, Linda K. Myers

Raymond Buchholz
Grantee, Raymond Buchholz

Marcella K. Buchholz
Grantee, Marcella K. Buchholz

STATE OF IDAHO)
) ss.
County of Kootenai)

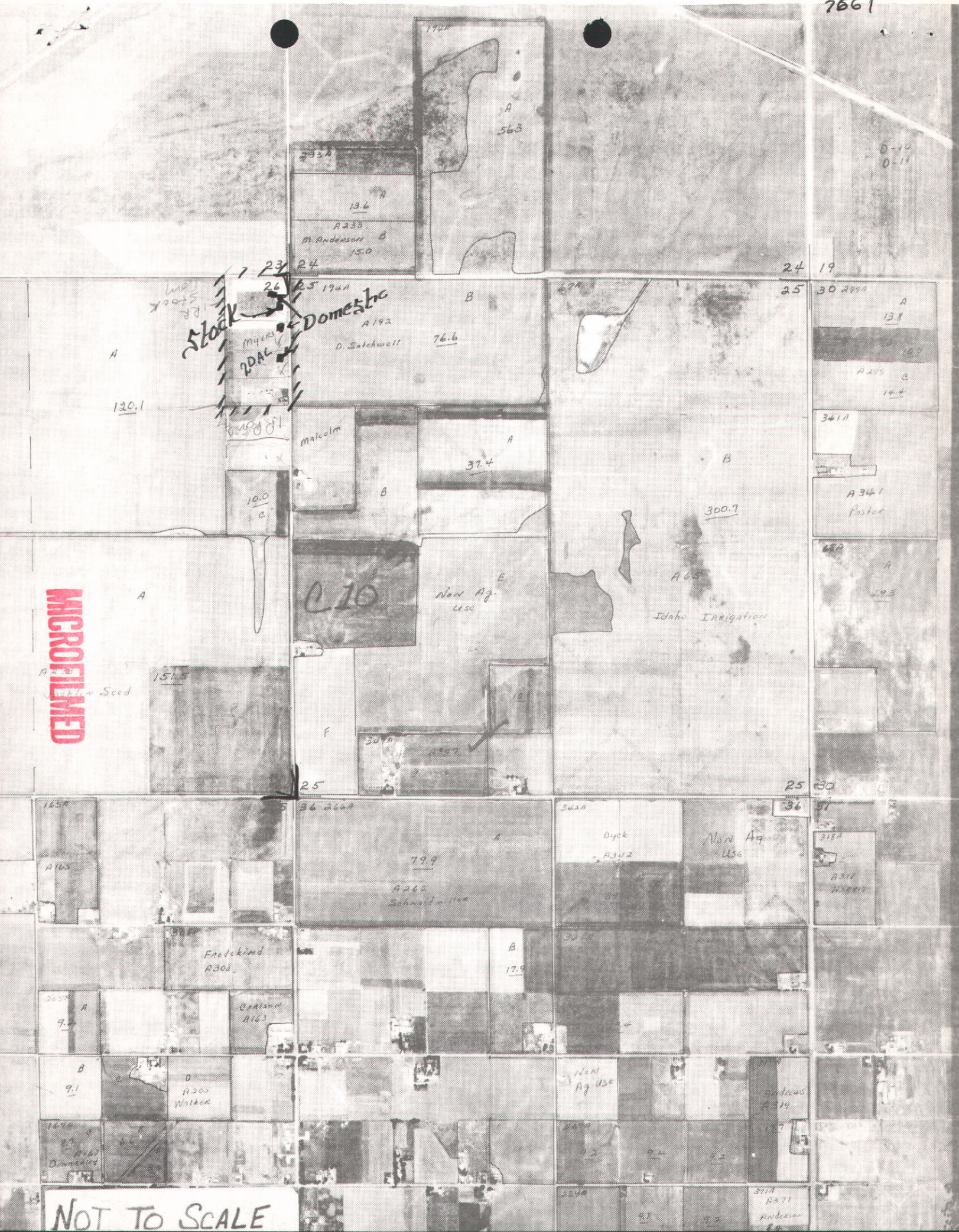
On this 10th day of December, 1976, before me, the undersigned, personally appeared WILLIAM N. MYERS and LINDA K. MYERS, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

Corey M. Roberts
Notary Public for Idaho
Residing at Coeur d'Alene
Commission expires life term

STATE OF Idaho)
) ss.
County of Kootenai)

On this 10th day of December, 1976, before me, the undersigned, personally appeared Raymond Buchholz and Marcella K. Buchholz, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

Corey M. Roberts
Notary Public for
Residing at Coeur d'Alene
Commission expires life term



MICROFILMED

NOT TO SCALE

**NOTICE OF APPLICATION
FOR WATER PERMIT**

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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 September 15, 1975.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on August 28 and Sept. 4, 1975.

8-28-2tc

O.K.
9-3-75
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MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7551 Priority August 21, 1975 Amount .20 cfs

THIS IS TO CERTIFY, that WILLIAM N. &/or LINDA K. MYERS
of Post Falls, ID, has complied with the terms and conditions of Permit
No. 95-7551 issued pursuant to Application for Permit dated August 21, 1975,
and has submitted proof to the Department of Water Resources on September 2, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .29 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>3/15</u> to <u>11/15</u> at <u>.20</u> cfs and	<u>70.0</u> acre feet	
Domestic (3 units)	from <u>1/1</u> to <u>12/31</u> at <u>.06</u> cfs and	<u>3.6</u> acre feet	
Stockwater	from <u>1/1</u> to <u>12/31</u> at <u>.02</u> cfs and	<u>.2</u> acre feet	

(both dates inclusive)

Subject, however, to the condition that no more than .20 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
73.8 acre feet per year, said waters to be diverted within the NENE Sec. 26, Twp. 51N,
Rge. 5W, B.M. in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW¼				SW¼				SE¼				Totals
			NEW	NW¼	SW¼	SE¼	NEW	NW¼	SW¼	SE¼	NEW	NW¼	SW¼	SE¼	NEW	NW¼	SW¼	SE¼	
51N	5W	26	20																20

Total number of acres irrigated 20

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of
June, 19 81.

Director

Identification No. 95-7551

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant William N. &/or Linda K. Myers Phone: _____
post office address Route 3, Box 577, Post Falls, Idaho

2. Source of water supply Ground water which is a tributary of _____

3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26 Township 51N
Range 5W 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 0.20 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)

(cfs or acre-feet per annum)
Amount 0.06 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)

(cfs or acre-feet per annum)
Amount 0.02 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)

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 with pipeline to place of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 8 inches; proposed depth of well is 270 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: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26 Township 51N
Range 5W 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 5 head of beef 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: _____

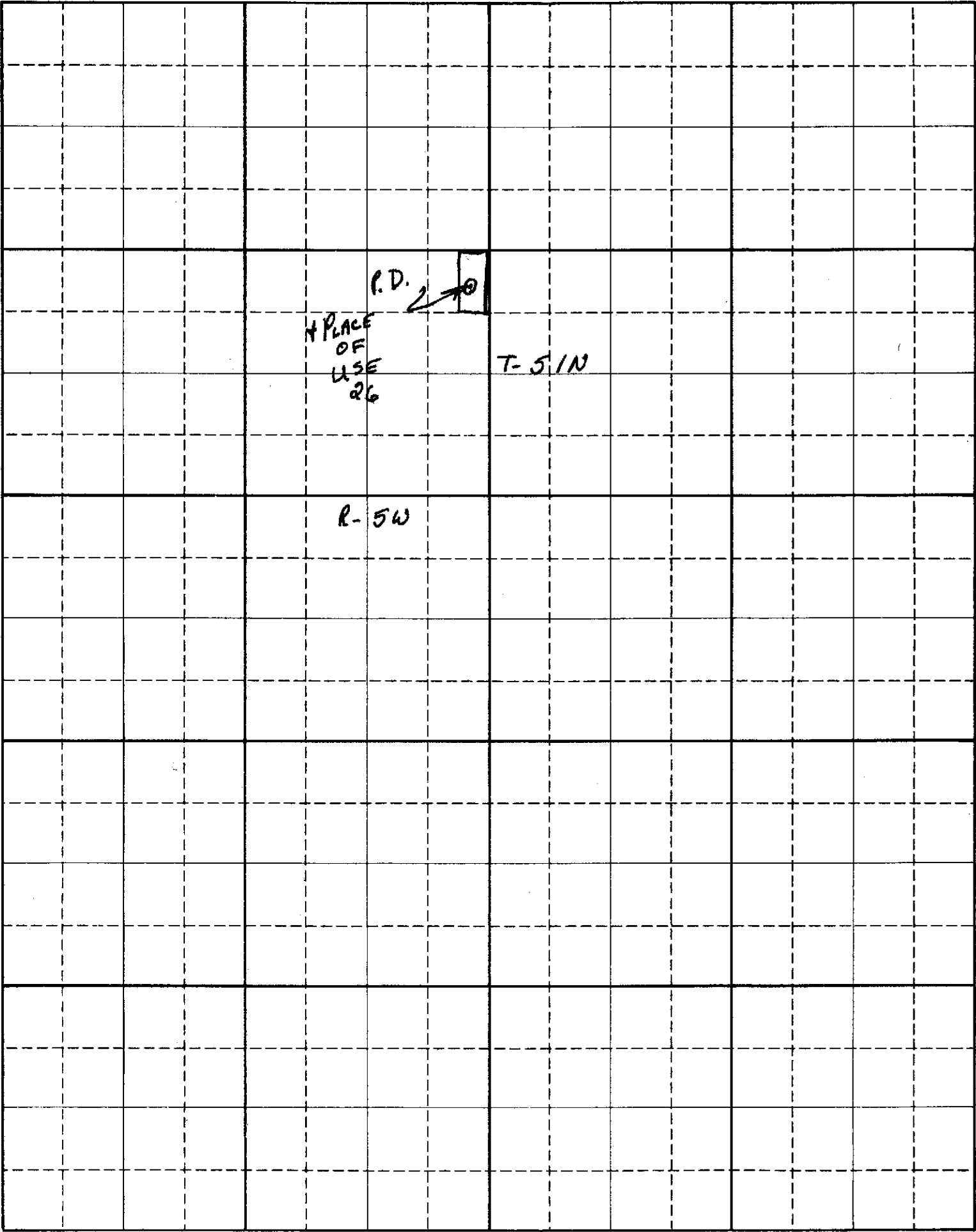
WATER DIVISION
IDAHO DEPARTMENT OF WATER RESOURCES

[illegible]

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

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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.

Linda Kay Myers
(Applicant)

Proposed Priority 8-21-1975

Received by KK Date 8-21-75 Time 9:30 am

Preliminary check by KK Fee \$ 10.00

Received by CP Date 8-21-75 (Rec't. #1000)

Publication prepared by CP Date 8-22-75

Published in Post Falls Tribune

Publication dates 8-28 & 9-4-75

Publication approved RGH Date 9-16-75

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RAH

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. 95-7551, 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, 19 80.

c. Other: _____

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

Witness my hand this 29 day of September, 19 75.

Director

OK
Rut 9-16-75

FOR WATER PERMIT

AFFIDAVIT OF PUBLICATION

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R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on

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JEANNETTE S. ROSIN

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the Notice of Application for Water Permit
No. 95-7551

..... a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for consecutive issues, commencing

with the issue dated August 28, 1975

and ending with the issue dated September 4, 1975

Subscribed and sworn to before me, this 5th

day of September, 1975

Douglas R. Rosin
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 12.00

My commission expires
April 23, 1978

A. Kenneth Dunn
XXXXXXXXXXXXXX

October 5, 1981

Mr. William N. Myers
2040 E. Prairie Ave.
Post Falls, Id. 83854

Re: 95-7551 and 95-7661

BHaf Mr. Myers:

Enclosed are your copies of the above-referenced Licenses.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Licenses (2)

RECEIVED

OCT 13 1981

MEMORANDUM

Department of Water Resources

TO: J. Johnson

THRU: Bob Haynes

FROM: Tom King

DATE: September 24, 1981

SUBJECT: 95-7551 and 95-7661

On August 5, 1981, Mrs. Gibbs & Mrs. Peightal contacted this office to request a re-examination of 95-7661. They are the present owners of the 10 acres listed on Permit 95-7661. This land was found to be unirrigated on 6/5/81 and subsequently deleted on License 95-7661.

At the time of the original examination, I spoke with Mr. and Mrs. Myers, as permit holders, about this acreage. They informed me that there had been no irrigation of the northernmost five acres of land described on 95-7661 (that portion of land belonging to Mr. and Mrs. Gibbs). They also stated that a portion of the southernmost five acres (that portion of the land belonging to Mr. and Mrs. Peightal) had been irrigated until 1979, at which time Mr. Peightal sold his irrigation equipment, got a divorce and put his place up for sale. Mr. and Mrs. Myers went on to say that the southernmost five acres of land described in 95-7551 had never been irrigated. I found no irrigation equipment on any portion of the above-mentioned land except garden hose and lawn sprinklers. I was informed that Mr. and Mrs. Gibbs and Mr. and Mrs. Peightal received their domestic water from a groundwater source within Section 25.

On August 12, 1981, I spoke with Mrs. Gibbs on the phone. She said that she was searching for a cancelled check to prove the date of purchase of irrigation system. She also said that I could look at the system, but Mr. Bucholz and Mr. Howard had stopped the flow of water in the pipe somewhere on Mr. Howard's property.

I tried to contact Mr. Howard, but was unable to do so. I then contacted Mr. Bucholz and spoke with him at some length. During this conversation, Mr. Bucholz claimed the following:

1. Mr. Myers sold a one-fourth interest in the well to A. Bucholz, B. Howard, C. Lightfoot, and retained a one-fourth interest for himself. No one else can acquire water from the well unless a majority of shareholders agree.
2. The main line was in with irrigation outlets to the property of Lightfoot, Gibbs and Peightal since 1977. None of these have had the necessary equipment to irrigate with until 8/8/81 when Mr. Gibbs purchased some equipment and began to irrigate.
3. He and Mr. Howard plugged the line to prevent Mr. Gibbs's use, since he has no interest in the well, nor has he ever paid out any operating expense. No majority vote allowed him access (tie vote).
4. He and Mr. Howard retained the services of Mr. Bill Reagan, Attorney at Law.

M E M O R A N D U M

J. Johnson

Page Two / 95-7551 and 95-7661

September 24, 1981

I contacted Mr. and Mrs. Gibbs at their home where Mr. Biggs and I examined his irrigation system. (Three Rainbird #40B with 5/32 and 3/32 nozzles and 550 feet of 3-inch pipe.) During the visit, Mr. Gibbs stated that the system had been in since 1977. Upon further discussion, I learned that he was referring to the main line. We discussed his possessory interest in the well and he claimed that he and Mr. Peightal had a verbal contract with Mr. Myers to use the irrigation water for a fee. The fee was to defray operating and repair expense and the amount was to be the same as that charged by the East Greenacres Irrigation District. He also stated that Mr. Lightfoot had never irrigated.

I informed them that I could not recommend that the 2.5 acres they claimed for irrigation be added to License No. 95-7661, unless they could provide some proof of irrigation prior to 10/1/80 (date that B/U due on 95-7661) and some proof of possessory interest in the point of diversion. With this proof, I informed him I might be able to re-examine the system and possibly add it to License 95-7661.

I contacted Mr. Peightal and he claimed that he had been irrigating about 2.5 acres until he sold his system and put his property up for sale in 1979. He has since reconsidered and planned to purchase a new system and start irrigating next year. He also corroborated Mr. Gibbs's claim about the verbal contract. He also indicated that Mr. Lightfoot had never irrigated.

I informed him that I could not recommend that his acreage be added to License 95-7661 without proof of prior usage and possessory interest. I also informed him that an examination while the system was in operation would be necessary.

In an effort to clarify, in my own mind, the possessory interest in the well, I contacted the County Recorder's Office. I found (documents attached) that the documents were not clear on the irrigation portion of the system, but they seem to indicate that Mr. Myers intended to furnish irrigation water to Lot 17 (land now belonging to Mr. Gibbs and Mrs. Peightal) with the irrigation pump, but he sold a one-fourth interest in the well, etc.... to Mr. Bucholz and a one-fourth interest to Mr. Howard.

I then returned to Mr. Myers where he informed me that he had intended to provide irrigation water to Lot 17 and that Mr. Bucholz and Mr. Howard were told that this was the case, but because of the wording used by the attorney in the agreement, Mr. Bucholz and Mr. Howard refused to allow the water to pass. At that time, Mr. Myers requested that I make a new measurement since Mr. Bucholz and Mr. Howard had upgraded their system and he felt that they were using more than their appropriate share of the water. He had, therefore, added sprinklers to his system until the entire system was operating at maximum. I measured an average of 25 psi throughout the system (recommended psi for optimum efficiency = 40 psi).

Calculations for Myers's irrigation system on 9/1/81 @ 25 psi:

16 Rainbird #30 with 11/64 = 4.25 (16) = 68.0 gpm $\approx$ 0.15 cfs
 17 Rainbird #30 with 3/16 = 5.00 (17) = 85.0 gpm $\approx$ 0.19 cfs
 11 Rainbird #30 with 11/64 x 3/32 = 5.55(11) = 61.05 gpm $\approx$ 0.14 cfs

$\frac{214.05}{448.8} = 0.48 \text{ cfs}$

Estimated maximum system capacity, 6/5/81 = 0.47 cfs

M E M O R A N D U M

J. Johnson

Page 3 95-7551 and 95-7661

September 24, 1981

I contacted Mr. and Mrs. Lightfoot to question them about their water use and to explain to them what action had been taken, what action might be taken and why.

I explained to them that on the original examination of 96-7551, I was under the misconception that Mr. Howard was irrigating 10 acres. Therefore, License 95-7551 must be changed to reflect the true amount of irrigated land and that when they felt that they might begin irrigating within 5 years they would file with the Department. I also informed them that there was no record of their ownership of a one-fourth interest in the well and that for their own benefit, it would be best to obtain some type of written statement from Mr. Myers.

During the conversation, Mr. and Mrs. Lightfoot stated that they had never irrigated nor had Mr. Gibbs until 8/8/81, and Mr. Peightal had ceased irrigating in 1977.

On August 24, 1981, I sent a letter to Mr. and Mrs. Peightal and to Mr. and Mrs. Gibbs (see attached). I have to date received no further word from them on this subject.

Based on the foregoing information, I recommend that License 95-7551 be amended to read as follows:

Use	Rate	Volume	Period of Use
Irrigation	0.20 cfs	52.5 AF	3/15 to 11/15
Domestic	0.06 cfs	3.6 AF	1/1 to 12/31
Stock	0.02 cfs	0.2 AF	1/1 to 12/31
TOTAL	0.20 cfs	56.3 AF	

Place of Use - 15 acres and 3 homes within the NENE, Sec. 26, T51N, R5W.

I do not feel that there is enough evidence at this time to warrant any changes of License 95-7661. I do believe, however, that if and when Mr. and Mrs. Gibbs and/or Mr. and Mrs. Peightal provide proof of use prior to 10/1/80 and proof of possessory interest, that this issue should again be addressed.

J. Ky
Enclosures

Post Falls Irrigated Tracts

	23	24
	26	25
	Myers Tract #1	
	95-7551-5AC	
	X-P.D	
	P/L	
	Buchholz	
	95-7551-5AC	
Irrigation Main	P/L	
	Howard Tract #16	
	95-7551-5A	
	P/L	
	Lightfoot	
	Not irrigated	
	P/L	
	Gibbs Tract #17	
	95-7661-?	
	P/L	
	Perigial	
	95-7661-?	

+ E 1/4 Cor Sec 26

MICROFILMED

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Leave the
license as it
was issued.

NOT

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. 95-7551
+ 95-7661

Name(s) of Permit Holder: Myers, William A. & Linda K.

Post Office Address: C 2040 Prairie Ave.

Post Falls, IDAHO Tel. No. 773-4305

Source of Water: Ground Water

Extent of Use: ☒ Domestic 4 (number of households)
☒ Stockwater 5 head cattle (number and type of stock)
☒ Irrigation 30 (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.

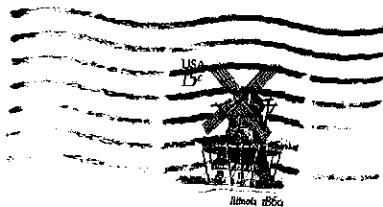
Aug 28, 1980
 Date

Linda Kay Myers
 Signature of Permit Holder

RECEIVED

SEP 2 1980

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

95-7551

4718

BOOK 250 PAGE 399

718397

DEED TO INTEREST IN WELL

This deed is made this 12TH day of December, 1976, between WILLIAM N. MYERS and LINDA K. MYERS, husband and wife, of Kootenai County, State of Idaho (Grantor), and Raymond Buchholz, and Marcella K. Buchholz, husband and wife, of Rt. 3, Box 578, Post Falls, ID 83854. (Grantee).

Grantor has developed and now owns a twelve-inch water well with a five horsepower domestic pump and a twenty horsepower irrigation pump located thereon that is being used in connection with the supply of domestic water and irrigation water to Tracts 1, 16, and 17, Block 26, Post Falls Irrigated Tracts, Kootenai County, State of Idaho, according to the plat recorded in Book C of Plats, pages 78, 79 and 80. Grantee is the purchaser of part of the above-described property and desires to obtain a supply of domestic and irrigation water for use thereon.

Therefore, Grantor, in consideration of the sale from Grantor to Grantee of property being served by the well described herein, and subject to the conditions set forth in this agreement, does hereby grant, sell and convey to Grantee an undivided one-fourth interest in and to the well, casing, pumps, motors, electrical circuits, pump house, and supply lines located on:

The North half of Tract 1, Block 26, POST FALLS IRRIGATED TRACTS, Kootenai County, State of Idaho, according to the plat recorded in Book C of Plats, page 78 to page 80.

Grantor further grants to Grantee the right to take one-fourth of the water from the well for domestic purposes from the pump for domestic use and the right to take their appropriate share allocated by the Idaho Department of Resources of the water from the irrigation pump for irrigation use and the right to convey such water from the well on the above-described land to Grantee's land by pipe, together with an easement on, in, over and across any land of Grantor specified above necessary for the repair and maintenance of the water supply system to Grantee's land.

Reserving therefrom to Grantor, their heirs, successors and assigns an easement on, in, over and across Grantee's land for the purposes of repairing, replacing and maintaining the water line existing thereon.

This conveyance is made on the condition that Grantee, their heirs, successors and assigns shall bear one-fourth of all the expenses incurred in the operation, maintenance and improvement of the above-described well and pump system and one-fourth of all the expenses connected with the maintenance of the well and all accessories thereto. All costs for materials, supplies and labor connected with hooking up to the main water line will be made at the sole expense of Grantee.

Grantor will have the general control and supervision over the well, pumps, and pumping system and will be responsible for maintaining the records and accounts of the well system and for maintaining the Myer Tract Well Fund Savings Account. Decisions to be made concerning the maintenance, operation, or anything connected with the functioning of the well system will be made by the owners of the well and a decision of the holders of a majority of the interest in the well will be binding upon all of the owners of the well.

MICROFILMED

95-7551

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Anything in this agreement to the contrary notwithstanding, Grantor shall not be liable in any respect whatever for failure, suspension, or diminution in water service or pressure to be supplied by the well and pumps described herein.

The rights and obligations of this agreement shall be binding upon the heirs, personal representatives, successors and/or assigns of the parties hereto.

Dated this 10th day of December, 1976.

9:30

William N. Myers
Grantor, William N. Myers

Linda K. Myers
Grantor, Linda K. Myers

Raymond Buchholz
Grantee, Raymond Buchholz

Marcella K. Buchholz
Grantee, Marcella K. Buchholz

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 10th day of December, 1976, before me, the undersigned, personally appeared WILLIAM N. MYERS and LINDA K. MYERS, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

[Signature]
Notary Public for Idaho
Residing at _____
Commission expires _____

WILL OF _____)
) ss.
County of _____)

On this 12th day of December, 1976, before me, the undersigned, personally appeared Raymond Buchholz and Marcella K. Buchholz, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

[Signature]
Notary Public for
Residing at _____
Commission expires _____

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Secretary~~
Director

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

August 24, 1981

95-7551

Mr. & Mrs. Don Gibbs and
Mr. and Mrs. Phil Peightal
c/o Mr. and Mrs. Don Gibbs
3561 N. Greenferry Road
Post Falls, Id. 83854

Dear Mr. & Mrs. Gibbs and Mr. and Mrs. Peightal:

As you are no doubt aware, I have re-examined Licenses 95-7551 and 95-7661. Based on the evidence now in my possession, I can not include your land as having been irrigated.

If you can provide this office with the documentation of which we spoke prior to September 4, 1981, I will attempt to amend the license to reflect your use.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

MICROFILMED

Gibbs
3561 N. Greenferry Road
Post Falls, Id. 83854
773-4496 - Gibbs
773-7874 - Peightal

August 5, 1981

Idaho Department of Water Resources
Northern District Office
Ft. 5, Box 203, Suite #1
Coeur d'Alene, Id. 83814

Re: 95-7661

Gentlemen:

It has come to our attention that there has been some misinformation regarding our irrigation rights on S Tract 17/26 Post Falls Irrigation. We, Mr. and Mrs. Don Gibbs and Mr. and Mrs. Phil Peightal, purchased five acres each from Mr. Bill Meyers.

We, therefore, request that the examination be redone.

Thank you,



Mrs. Irene Gibbs



Mrs. Kris Peightal

RECEIVED

AUG 5 1981

Department of Water Resources
Northern District Office

RECEIVED

August 4, 1981

Idaho Department of Water Resources
Northern District Office
Route 5, Box 203, Suite #1
Coeur D'Alene, Idaho 83814

Dear Sir:

Re: Reapplication of 95-7661

It has come to our attention that there has been some misinformation regarding our irrigation rights on S Tract 17/26 Post Falls Irrigation. We, Mr. and Mrs. Don Gibbs and Mr. and Mrs. Phil Peightal, purchased five acres each from Mr. Bill Meyers.

We would like to reapply for a water license.

Thank you,

Don Gibbs
P. A. Peightal

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

~~STEPHEN A. LARSEN~~

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 26, 1981

William N. &/or Linda K. Myers
Route 3, Box 577
Post Falls, Idaho 83854

Dear Mr. & Mrs. Myers,

RE: Permit No. 95-7551

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

ENCLOSURE

JUN 15 1981

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

Department of Water Resources

7551
~~95-2551~~
Permit No.
28-1

CONTACT WITH PERMIT HOLDER

DATE INITIALS REMARKS

- ☐ Appointment letter mailed: See 95-7661
- ☐ Telephone call made: See 95-7661
(List Telephone No. used)
- ☐ Appointment scheduled for: _____
(Date, time, location)

EXAMINATION

Date 6-5-81 Accompanied by Mr & Mrs Myers Total Q measured 0.29
If source is surface water, estimate total flow of source _____
Methods of measurement Press & Calc. Meets Permit requirements? yes

Measurement calculations: 24 Rainbird 30 with 1/4" nozzle @ 40 PSI
Pump Eff. - Domestic Pressure - Irr.
8.8(15).8 24(5.37) = 0.29
2.33(40) + 234 = 0.32
@ 70% = 0.28
Pump Eff. - Irrigation
8.8(25).8 = 0.47 cfs
2.33(40) + 234
AF
20 Ac(3.5) = 70 AF/ann
0.20(1.98) = 0.40 = 97 AF/ann
3 homes = 4.2 AF 3.6 AF.
5 hds to = 0.20 AF

Permit Max 0.20 cfs

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
Domestic	15	Redbeck						SUB
Irrigation	25							SUB

Static water level = 234'

System Description 8" x 270' well with 15hp pump to 4 homes within 1/2 mile & 25 H.P. pump to irrigation system

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

RECOMMENDED AMOUNTS

USE	Irrigation requirement = 3.5		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
Irrigation	0.20 ✓	70.00 ✓	3-15	11-25
Domestic	0.06 ✓	3.60 ✓	1-1	12-31
Stock	0.02 ✓	0.20 ✓	1-1	12-31
Total	0.28 ✓	73.8 ✓		

Remarks

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MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

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

SEE ATTACHED

Point(s) of diversion: NE NE, Sec 26, T5N, R5W

Place(s) of Use

TWP.	RGE.	SEC.	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	TOTALS
51N	5W	26	30																20

Recommended Amendments:

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

Examiner's Signature

Checked by

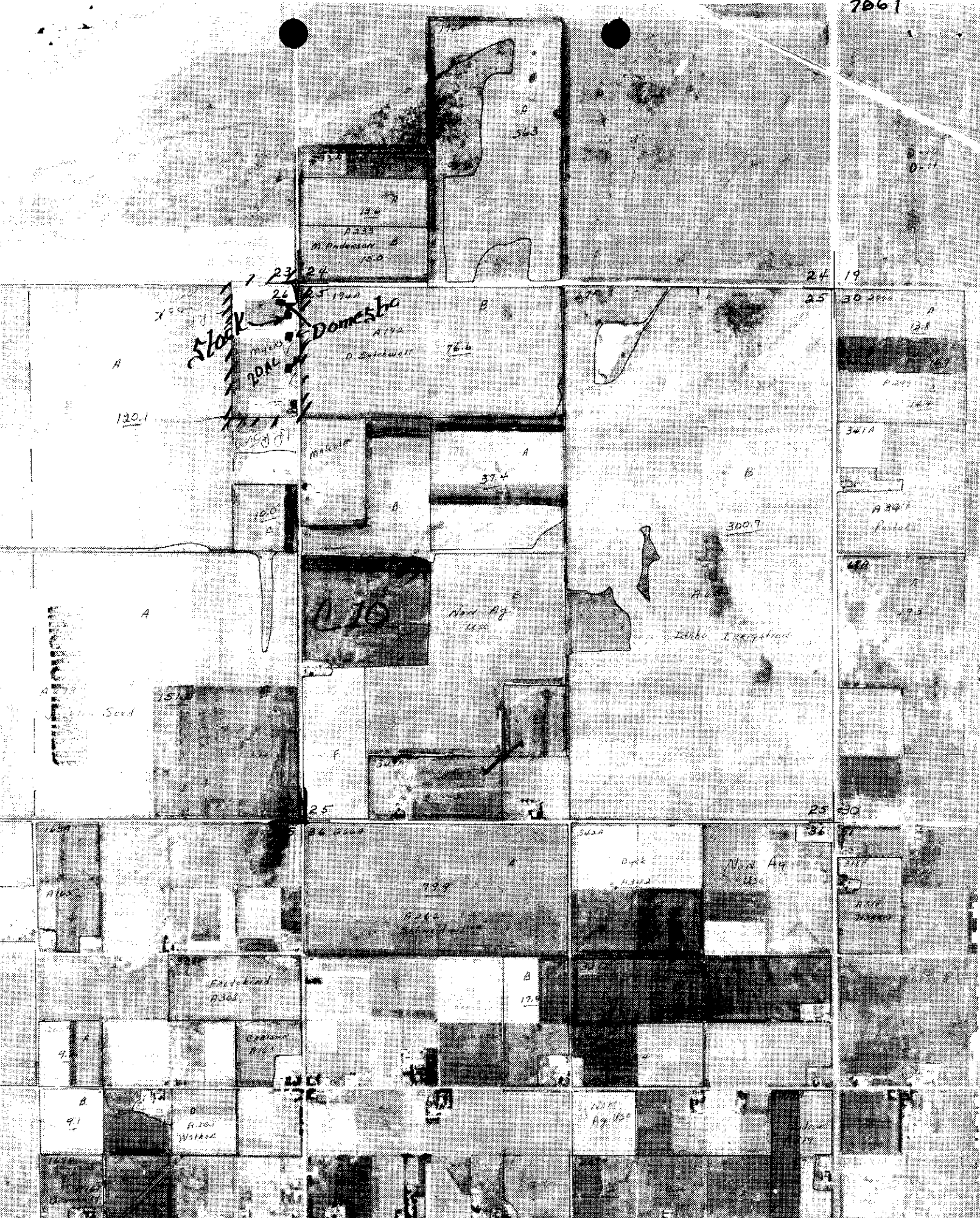
Approved by

Date

Date

Date

6-8-81
6/10/81
6/16/81



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

November 7, 1980

Mr. William Myers
E. 2040 Prairie Ave.
Post Falls, Idaho 83854

RE: 95-7551

Dear Mr. Myers:

We acknowledge receipt of your statement of completion of water development and use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination, however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

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

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/pms

cc: IDWR - State Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

MYERS, WILLIAM N. & LINDA K.
RT. 3 BOX 577
POST FALLS, ID 83854

108052

JUNE 30, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 95-7551 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY 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 POST CARD 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 WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED
JUL 1 1980

September 30, 1975

Re: Permit No. 95-7551

William N. &/or Linda K. Myers
Route 3, Box 577
Post Falls, ID 83854

Dear Mr. & Mrs. Myers:

Enclosed is a copy of your approved Application for Permit No. 95-7551. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

DA 8.21.75

Application No. 95-7551

William NoLinda R
Myers

☒ 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) DA 8.21.75

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) DA 8.21.75

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 9/22

Affidavit of Publication received (date) SEPT. 7, 1975

(12) CP 8/22

Final date for protests SEPT. 15, 1975

Protests received: yes _____ no ☒

(13) _____

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

(14) _____

Action recommended:

☒ Approve

_____ Proposed Priority 8-21-75

_____ Reason for Reduction SEP 23 1975

_____ Measuring device required Department of Water Resources

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern

By Bob Myers

Date 9-22-75

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

COEUR D'ALENE, IDAHO 83814

NORTHERN DISTRICT

Route 5, Box 203 - Suite #1

4055 Government Way

(208) 667-6484

August 22, 1975

Re: Application No. 95-7551 - William N. &/or Linda K. Myers
Claim No. 95-4345 - Gary W. Thelen

Post Falls Tribune
Box 68
Post Falls, ID 83854

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
District Supervisor

RGH:CP

Enc: Legal Notice(s)

Bill: 9-22-75.0

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William N. &/or Linda K. Myers,
Route 3, Box 577, Post Falls, Idaho
have ~~has~~ on August 21, 1975 submitted Application No. 95-7551
for a permit to appropriate 0.20 cubic feet per second ~~xxx feet per second~~
of water from a ground water source
by means of pump and pipeline
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 51N, R. 5W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31 for domestic (0.06 cfs) and stockwatering
~~xxx~~ purposes (0.02 cfs); and from March 15 to Nov. 15 for the irrigation of
20 acres (0.20 cfs)
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 51N, R. 5W, 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
September 15, 1975.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho
on August 28 and Sept. 4, 1975

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that William N. &/or Linda K. Myers, Route 3, Box 577, Post Falls, Idaho, have on August 21, 1975 submitted Application No. **95-7551** for a permit to appropriate 0.20 cubic feet per second of water from a ground water source by means of pump and pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 51N, R. 5W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic (0.06 cfs) and stockwatering purposes (0.02 cfs); and from ~~March 1 to Dec. 31~~ for the irrigation of ~~20 acres~~ (0.20 cfs) within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 51N, R. 5W, B.M.

*0.20
a-b 25
d*

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 September 15, 1975.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on August 28 and Sept. 4, 1975.

8-28-2tc