

**NOTICE
OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Idaho Department of Highways, P. O. Box 7129, Boise, Idaho has on November 2, 1973 submitted Application No. 95-7396 for a permit to appropriate 0.000 cubic feet per second of water from a ground water source within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 46N, R. 4W, B.M., Benewah County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 46N, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before December 1, 1973.

R. Kieth Higginson
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on Nov. 15 and Nov. 22, 1973.

No. 2784 — Nov. 15 - Nov. 22.

O.K.
11-20-73
CP

95 7396

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7396 (late proof)
Priority November 25, 1973 Amount 0.056 cfs

THIS IS TO CERTIFY, that STATE OF IDAHO, DEPARTMENT OF HIGHWAYS
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 95-7396 issued pursuant to Application for Permit dated November 2, 1973,
and has submitted proof to the Department of Water Resources on January 24, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.056 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
<u>Domestic</u>	<u>from January 1 to December 31</u>	<u>at 0.056 cfs and</u>	<u>1.2 acre feet</u>
	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	<u>_____</u>
	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	<u>_____</u>

(both dates inclusive)

Subject, however, to the condition that no more than 0.056 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 46N,
Rge. 4W, B.M. in the County of Benewah

Description and location of place of use:

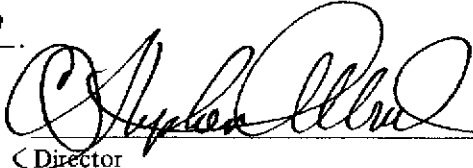
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
46N	4W	7									X								

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of

May, 1979.

(Director)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 95-7396)

IN THE NAME OF STATE OF IDAHO,)

DEPARTMENT OF HIGHWAYS)

REINSTATEMENT ORDER

WHEREAS, on November 2, 1973, the State of Idaho, Department of Highways filed with the Department of Water Resources an application for permit to appropriate 0.056 cubic feet per second of water from a ground water source within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 46N, Rge. 4W, B.M., Benewah County to be used for a domestic purpose; and,

WHEREAS, on January 29, 1974, the Department approved said application and issued Permit No. 95-7396 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1979; and,

WHEREASE, on October 31, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on January 17, 1979, the Department notified the permit holder that Permit No. 95-7396 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on January 24, 1979;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 95-7396 be REINSTATED and the priority advanced to November 25, 1973.

Dated this 12th day of February, 1979.

J. Glen Sayton
CHIEF, OPERATIONS BUREAU

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 95-7396 IN THE NAME OF)
STATE OF IDAHO, DEPT. OF HIGHWAYS)

MEMORANDUM DECISION

AND ORDER

On November 2, 1973, the State of Idaho, Department of Highways filed with the Department of Water Administration an application to appropriate 0.056 cfs of water from a ground water source within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 46N, Rge. 4W, B.M., Benewah County, to be used for domestic purposes. Notice of this proposed appropriation was published in St. Maries Gazette Record on November 15 and November 22, 1973.

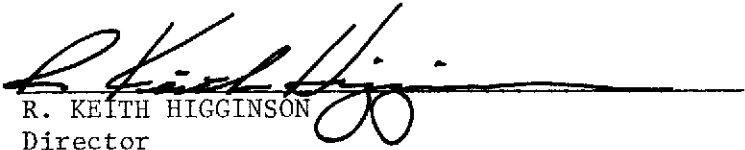
On November 28, 1973, the Department received a protest against approval of said application from Robert D. Dellwo, Attorney for the Coeur d'Alene Indian Tribe. A hearing concerning this matter was held January 10, 1974, at St. Maries, Idaho. Neither the protestants, nor their representative, appeared at that hearing.

Order

IT IS, THEREFORE, ORDERED that the protest be set aside, and Application for Permit No. 95-7396 is hereby APPROVED subject to the following conditions:

- (1) That the permit be and is subject to all prior existing water rights.
- (2) That proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1979.

Dated this 29 day of January, 1974.


R. KEITH HIGGINSON
Director

BDF:JC

95 7396

Identification No. 95-7396

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Plummer Maintenance
Building #5261
Benewah County

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant State of Idaho, Department of Highways
post office address P.O. Box 7129
2. Source of water supply Subterranean which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7 Township 46 N.
Range 4 W. B.M. Benewah County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into the ground at a point in NE $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 7 Township 46 N. Range 4 W. B.M. _____
4. Water will be used for the following purposes:
Amount 0.056 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.056 cubic feet per second ~~XXXXXX~~
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____

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 145 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 \$ 4,000.00.
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 SW $\frac{1}{4}$ of Section 7 Township 46 N.
Range 4 W. B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: Domestic purposes for the
operation of an Idaho Department of Highways maintenance
shed in the vicinity of Plummer, Idaho.

95 7396

[illegible]

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

b. Who owns the land to be irrigated or place of use _____ Idaho Department of Highways

applicant to make this filing

Remarks _____

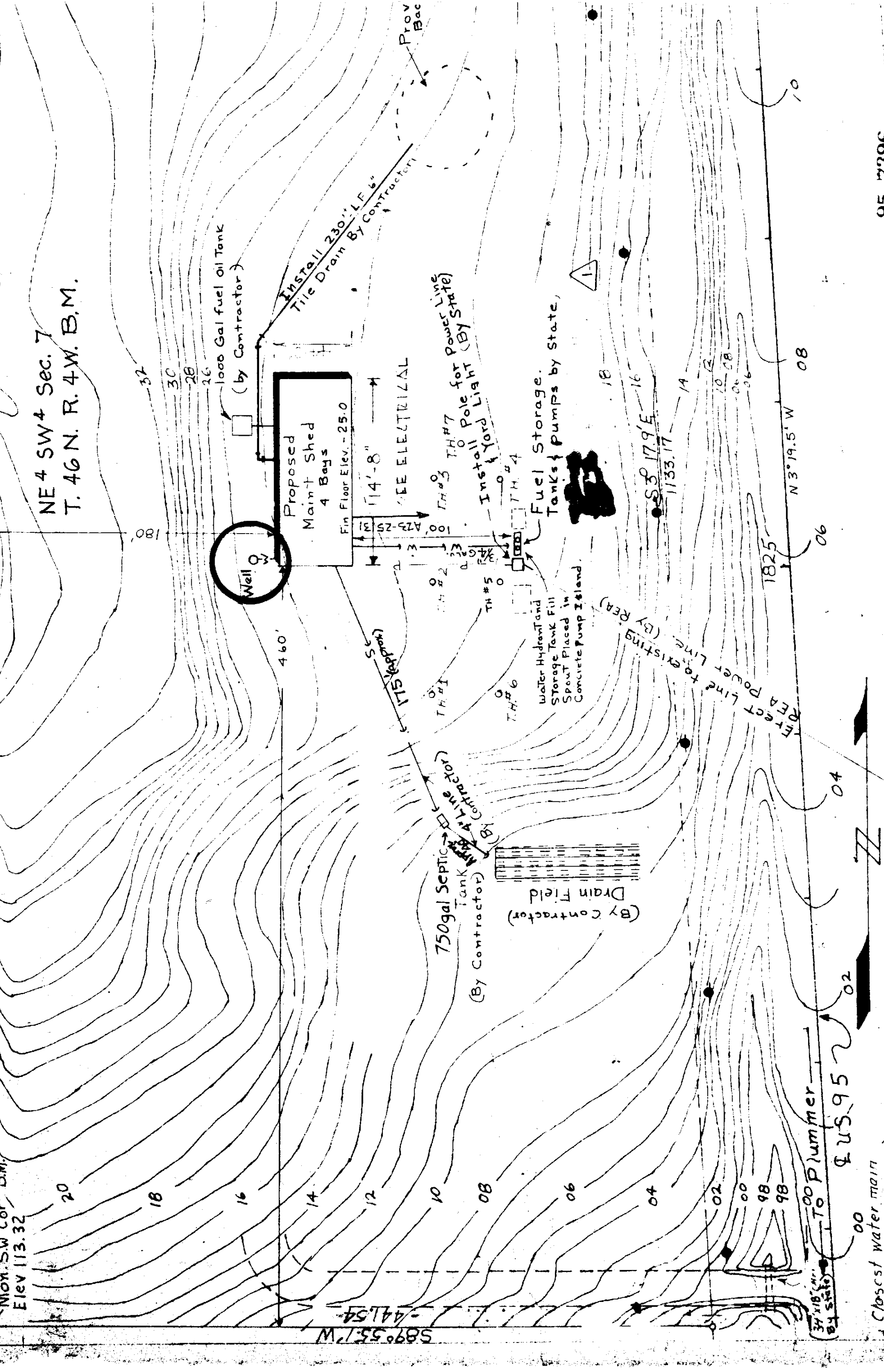
Mon. SW Cor. B.M.
Elev 113.32

NE 4 SW 4 Sec. 7
T. 46 N. R. 4 W. B.M.

34 32 30 28 26 24 22 20

34 35 36 N 0° 06.5' W
1131.00'

32 30 28 26 24 22 20



[illegible]

C. Z. Lee
(Applicant)

11-2-1973 Proposed Priority

11-5-73 1:00 p

Received by Date 11-2-73 Time 2:45 p
Preliminary check by Fee \$ 10.00 (voucher submitted on 11/2/73)

Received by Date
Publication prepared by cp Date 11-9-73
Published in St. Maries Gazette Record
Publication dates 11-14 & 11-21-73
Publication approved cp Date 11-28-73
Priority reduced to Reason
Protests filed by:

Copies of protests forwarded by
Hearing held by Date
Recommended for approval denial by

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7396, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 79.

c. Other: Pursuant to Memorandum Decision of this date.

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

Witness my hand this 29 day of January, 19 74.

Director

95 7396

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>FE</u>	<u>11/2/73</u>	Application No. <u>95-7396</u>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)			In form to receipt (<i>voucher received on 11/2/73</i>) Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U. S. F. S. ☐ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>FE</u>	<u>11/2/73</u>	In form for advertising
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>CP</u>	<u>11-28-73</u>	Affidavit of Publication received (date) <u>NOVEMBER 26, 1973</u>
(11)	<u>CP</u>	<u>11-9-73</u>	Final date for protests <u>DECEMBER 1, 1973</u> Protests received: yes ☒ no _____
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)			All requested information received from agencies or applicant yes _____ no _____
(14)			Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____ ☐ Measuring device required ☐ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District	By	Date

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 15th day of November, 1973 and the last on the 22nd day of November, 1973.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Subscribed and sworn to before me this 23rd day of November, 1973

Orin Lyon
Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

NOTICE
OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Idaho Department of Highways, P. O. Box 7129, Boise, Idaho has on November 2, 1973 submitted Application No. 95-7396 for a permit to appropriate 0.056 cubic feet per second of water from a ground water source within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 46N, R. 4W, B.M., Benewah County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 46N, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before December 1, 1973.

R. Kieth Higginson
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on Nov. 15 and Nov. 22, 1973.

No. 2784 -- Nov. 15 - Nov. 22, 1973

95 7396



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

June 1, 1979

Re: Permit No. 95-7396

State of Idaho, Dept. of Highways

P.O. Box 7129

Boise, ID 83707

Gentlemen:

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

Sincerely,

JAN GROVER

Water Rights Supervisor

JG/kw

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

104 20050509

Name of permit holder

Post office address

Person to contact

Phone

Phone

2. Source of water supply: Groundwater ☒ Surface water ☐

(name spring, stream, etc.)

Tributary to

3. Water will be used for the following purposes:

Amount 0.056 c.f.s. for _____
AF/Annum

(nature of use)

Period of Use: from 1-1 to 12-5
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum

(nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum

(nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses:

Permit No. 10-1070
Examination for b/w

4. Total amount to be appropriated:

Max Rate of Diversion 0.056 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 46N N/S, Range 4W E/W, B.M., Section 7, Subdivision NE 1/4 SW 1/4 Danewah
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions:

Description of diverting works: 2 HP pump & motor, 8" x 100'

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

[illegible]

DATE OF EXAM 3-2-79

ACREAGE

Found _____

Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.056 c.f.s. V= 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

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

Exchange? yes _____ no _____

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

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

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

Total Q measured None Method of measurement _____

Total Q recommended 0.056 cfm Meter No. _____ Type _____ Condition _____

Total V recommended 1.2 AF/ann

Recommended Amendments:

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

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

100' x 8" well with pump & pipe line.

REMARKS:

Well ± 20' S. of Bldg - Bldg. No. Edge Plummer Sign 502 Maint Bldg 05260-1348 sign in window 502.5261

Examiner's Signature [Signature] Date 3-5-79

Checked by [Signature] Date 3-5-79

Approved by _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

February 13, 1979

O. B. White, Right of Way Supervisor
Transportation Department
P. O. Box 7129
Boise, ID

Dear Mr. White:

Re: Permit No. 95-7396 Plummer Main. Bldg.

Enclosed is a copy of the Order reinstating your permit and advancing the priority to November 25, 1973.

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

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

If you have any questions regarding the field examination, please contact our regional office in **Coeur d'Alene**.

Sincerely,

RITA FLECK
Water Rights

95-7376

STATE OF IDAHO

JOHN V. EVANS
GOVERNOR
IDAHO TRANSPORTATION BOARD
CARL C. MOORE - CHAIRMAN
LLOYD F. BARRON - VICE CHAIRMAN
ROY I. STROSCHEN - MEMBER
DARRELL V. MANNING
DIRECTOR



DIVISION OF HIGHWAYS
E.D. TISDALE, P.E., ADMINISTRATOR

TRANSPORTATION DEPARTMENT

P.O. BOX 7129

BOISE, IDAHO 83707

January 24, 1979

Plummer Maintenance Building
#5261 - Benewah County
District No. 5

Mr. C. Stephen Allred, Director
Department of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

RECEIVED
JAN 25 1979
Department of Water Resources

Dear Mr. Allred:

Pursuant to your letter of January 17,
enclosed is the executed form Proof of
Application of Water to Beneficial Use.

When you have scheduled your investi-
gation, please notify the Division of
Highways' District Engineer at Coeur d'Alene.
He will arrange to have someone accompany your
representative.

Very truly yours,

A handwritten signature in cursive script, appearing to read "O. B. White".

O. B. WHITE
Right of Way Supervisor

af
encl.

SAFE TRANSPORTATION MEANS PROGRESS

EQUAL OPPORTUNITY EMPLOYER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Plummer Mtnce.
Building #5261
Benewah County

**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**

1. a) Name of permit holder I.T.D., Div. of Hwys., formerly Id. Dept. of Hwys.

b) Post office address P.O. Box 7129, Boise 83707

2. Permit number 95-7396

3. Date of priority that you are prepared to establish November 2, 1973

4. a) Source from which water was appropriated Subterranean

b) Location of the point of diversion: NE ¼ SW ¼, Section 7

Township 46 N, Range 4 W Boise Meridian. Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

Amount 0.056 for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

b) Total amount appropriated 0.056 cfs and/or acre-feet per annum.

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:

Rate of flow measured through test which measured draw down and
recovery by Jim Winger, P.G., I.T.D., Division of Highways.

6. If the means of diversion and conveyance are owned by someone other than the permit holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

N/A

b) Describe the agreement of understanding by which you take water from the works: _____

N/A

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):

2 hp pump and motor, 8 inch well casing

100 feet deep.

b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)

Access Port

2-7-79

Jan. 25 1982

signed of the above instrument, who duly acknowledged to me that he ~~(b)(7)(C)~~ executed the same.

State of Idaho)
County of Ada) ss.)
On this 24th day of January, 1979, personally appeared before me the

(Date)

January 24 1979

49

I.T.D., Div. of Hwys.

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

10. Remarks:

Total number of acres irrigated

[illegible]

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

Highway maintenance shed in the vicinity of Plummer, Idaho

For domestic purpose for the operation of an I.T.D., Division of

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

Idaho 83814 complete 3/27/74

~~Drilling and Development; Aqua Ave. and Hwy. 95 No. Coeur d'Alene,~~

(c) Give well driller's name and address and the date the well was completed: Aqua Well



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

January 17, 1979

Idaho Transportation Dept.
Division of Highways
P. O. Box 7129
Boise, ID 83720

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 95-7396 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated October 31, 1978.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

C. STEPHEN ALLRED
Director

CSA:jfr

Encl.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

CERTIFIED MAIL

October 31, 1978

Re: Permit No. 95-7396

Idaho Transportation Dept.
Divisions of Highways
P. O. Box 7129
Boise, ID 83720

100299

Gentlemen:

One of the conditions of approval of your water Permit No. 95-7396 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before January 1, 1979. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED

December 4, 1973

Mr. Robert D. Dellwo
DELLWO, RUDOLF & SCHROEDER
Attorneys for the Coeur d'Alene Tribe
1016 Old National Bank Bldg.
Spokane, Washington 92201

Re: Application for Permit Nos. 95-7396, 91-7010 and 92-7015

Dear Mr. Dellwo:

This is to acknowledge receipt of your recent letter with which you forwarded protests against the granting of Application for Permit Nos. 95-7396, 91-7010 and 92-7015.

We have previously discussed on several occasions, the position of the State of Idaho with regard to the rights of the Coeur d'Alene Indian tribe. I therefore do not feel that it is necessary for me to repeat our position concerning this matter. Since you have filed a protest, you are entitled to have the matter heard before a permit is issued. However, in the case of Application for Permit Nos. 91-7010 and 92-7015, the permits were issued on October 23 and October 29, 1973 respectively. It is therefore not possible at this time to rescind that approval and give you the opportunity for a hearing. You could, however, file a protest for a review of the decision under the appropriate District Court under the provisions of Chapter 2, Title 42, Idaho Code. However, with regard to Application for Permit No. 95-7396, it will be held in abeyance until you have been given an opportunity for a hearing concerning it.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjr

cc: Idaho Department of Water Administration
Northern District Office

95-7396

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

January 30, 1974

Re: Permit No. 95-7396

State of Idaho, Department of Highways
P. O. Box 7129
Boise, Idaho

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 95-7396 along with a copy of the Memorandum Decision and Order.

We direct your attention to the conditions of approval as listed on the Memorandum Decision and Order.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

cc: Protestant

Enclosure

95 7396

MEMO

TO: File

FROM: Fred Eisenbarth

DATE: January 23, 1974

SUBJECT: Application for Permit No. 95-7396 - Dept. of Highways

A hearing was scheduled to be held on January 10, 1974, at St. Maries, Idaho. The applicants were present for the hearing, but the protestants were not.

After waiting one hour past the scheduled time, we adjourned deciding to approve the application.


Fred Eisenbarth
Northern District

95 7396

95-7396 - State of Idaho, Department of Highways

Community Room, Benewah County Courthouse
St. Maries, Idaho

January 10, 1974 - 1:00 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
DON H MATHIS	PO Box D CdA	Idaho Dept Hwys
James F. Winger	PO Box D CdA	Idaho Dept Hwys
Larry A. Wolf	P.O. Box D CdA	Idaho Dept. Hwys.
John E. Beal	P.O. Box D CdA	Idaho Dept. Hwys

95 7396

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

In the Matter of Protest Against
Approval of Application for Permit
No. 95-7396 in the Name of the State
of Idaho, Department of Highways

NOTICE OF CONFERENCE
AND/OR HEARING

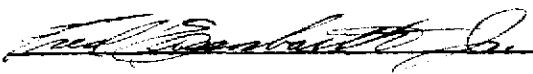
On November 2, 1973, the State of Idaho, Department of Highways filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On November 28, 1973, the Department received a protest against approval of said application from Robert D. Dellwo, Attorney for the Coeur d'Alene Indian Tribe.

The Department has set the matter of protest for conference and/or hearing for Thursday, January 10, 1974, at 1:00 p.m., in the Community Room of the Benewah County Courthouse, St. Maries, 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 Administration. 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 14th day of December, 1973.


FRED EISENBARTH, JR.
Northern District Manager

95 7396

SENDER: Be sure to follow instructions on other side

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REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

IDAHO DEPARTMENT OF HIGHWAYS
P. O. BOX 7129

CERTIFIED NO.

745730

BOISE, IDAHO 83707

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

DEC 17 1973

95 7396

PS Form 3811
June 1973

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DEPARTMENT OF WATER ADMINISTRATION

401 FRONT AVE., ROOM 209

COEUR D'ALENE, ID 83814

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TO



PENALTY FOR PRIVATE
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OF POSTAGE \$304

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CERTIFIED NO.

745731

①

Robert D. Bellus

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

②

Bruegman

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

DEC 18 1973 ③

95 7396

12/18/73

PS Form 3811
June 1973

DEPARTMENT OF WATER ADMINISTRATION
401 FRONT AVE., ROOM 209
COEUR D'ALENE, ID 83814

95 73 5

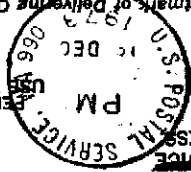


Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
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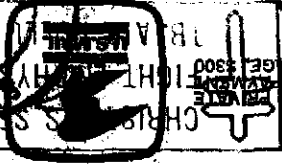
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NAME AND ADDRESS OF SENDER
Dept. of Water Administration - Northern District

Indicate type of mail
☐ INSURED ☒ CERTIFIED

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

H E A R I N G S

POSTMARK AND DATE OF RECEIPT December 14, 1973

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1	745722 Schweitzer Inn, Inc., Box 531, Sandpoint, ID 83864	.08	.30			.15			96-7230
2	745723 Roger Gregory, Priest River, Idaho 83856	"	"			"			"
3	745724 William E. Finney, Route #1, Sandpoint, ID 83864	"	"			"			"
4	745725 Doris Nettlingham, 2415 Harrison, Centralia, Wash.	"	"			"			"
5	745726 Allene Mathis, 688 Walkup Dr., Orlando, Florida 32808	"	"			"			"
6	745727 Charles A. Finney, Route #1, Sandpoint, ID 83864	"	"			"			"
7	745728 Dan Deshon, 215 Pacific Ave., Sandpoint, ID 83864	"	"			"			"
8	745729 Gary A. Finney, 101 N. 1st Ave., Sandpoint, ID 83864	"	"			"			"
9	745730 Dept. of Highways, P.O. Box 7129, Boise, ID 83707	"	"			"			95-7396
10	745731 Robert D. Dellwo, 1016 Old National Bank Bldg., Spokane	"	"			"			"
11	745732 Max C. Jensen, Route #1, Palouse, WA 99161	"	"			"			87-7016
12	745733 Lyle Gottschalk, R.R., Palouse, WA 99161	"	"			"			"
13									
14									
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Best Certified Mail 12/14/73.
Cinda Patterson

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER, PER (Name of receiving employee)
Twelve		

1 Mark "P" if "Perishable," "F" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." Special-delivery service also includes special-handling service.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

December 13, 1973

County Clerk
Benewah County Courthouse
St. Maries, ID 83861

Dear Sir:

This is to confirm the use of the Community Room for conference and/or hearing to be held by this office on Thursday, January 10, 1974, at 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

95 7396

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

December 12, 1973

Re: Application for Permit No. 95-7396
(Plummer Maintenance Building #5261 - Benewah County)

Mr. O. B. White
Chief Right of Way Agent
DEPARTMENT OF HIGHWAYS
P.O. Box 7129
Boise, ID 83707

Dear Mr. White:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 95-7396. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

95 7396

Page 2

Re: 95-7396

Mr. O. B. White

December 12, 1973

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, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosure

bcc: IDWA - Boise

95 7396

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

December 12, 1973

Re: Application for Permit No. 95-7396 - Department of Highways

Mr. Robert D. Dellwo
DELLWO, RUDOLF & SCHROEDER
Attorneys for the Coeur d'Alene Tribe
1016 Old National Bank Building
Spokane, WA 99201

Dear Mr. Dellwo:

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 permit, approve the permit for a quantity of water less than applied for, or approve the permit 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.

95 7396

Page 2

Re: 95-7396

Mr. Robert D. Dellwo

December 12, 1973

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

bcc: IDWA - Boise

95 7396

December 4, 1973

RECEIVED

DEC 6 1973

Department of Water Administration
Northern District Office

Mr. Robert D. Dellwo
DELLWO, RUDOLF & SCHROEDER
Attorneys for the Coeur d'Alene Tribe
1016 Old National Bank Bldg.
Spokane, Washington 99201

Re: Application for Permit Nos. 95-7396, 91-7010 and 92-7015

Dear Mr. Dellwo:

This is to acknowledge receipt of your recent letter with which you forwarded protests against the granting of Application for Permit Nos. 95-7396, 91-7010 and 92-7015.

We have previously discussed on several occasions, the position of the State of Idaho with regard to the rights of the Coeur d'Alene Indian tribe. I therefore do not feel that it is necessary for me to repeat our position concerning this matter. Since you have filed a protest, you are entitled to have the matter heard before a permit is issued. However, in the case of Application for Permit Nos. 91-7010 and 92-7015, the permits were issued on October 23 and October 29, 1973 respectively. It is therefore not possible at this time to rescind that approval and give you the opportunity for a hearing. You could, however, file a petition for a review of the decision in the appropriate District Court under the provisions of Chapter 2, Title 42, Idaho Code. With regard to Application for Permit No. 95-7396, it will be held in abeyance until you have been given an opportunity for a hearing concerning it.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjr

cc: Idaho Department of Water Administration
Northern District Office

95 7396

RECEIVED

DEC 6 1973

Department of Water Administration
Northern District Office

December 4, 1973

Mr. Robert D. Dellwo
DELLWO, RUDOLF & SCHROEDER
Attorneys for the Coeur d'Alene Tribe
1016 Old National Bank Bldg.
Spokane, Washington 99201

Re: Application for Permit Nos. 95-7396, 91-7010 and 92-7015

Dear Mr. Dellwo:

This is to acknowledge receipt of your recent letter with which you forwarded protests against the granting of Application for Permit Nos. 95-7396, 91-7010 and 92-7015.

We have previously discussed on several occasions, the position of the State of Idaho with regard to the rights of the Coeur d'Alene Indian tribe. I therefore do not feel that it is necessary for me to repeat our position concerning this matter. Since you have filed a protest, you are entitled to have the matter heard before a permit is issued. However, in the case of Application for Permit Nos. 91-7010 and 92-7015, the permits were issued on October 23 and October 29, 1973 respectively. It is therefore not possible at this time to rescind that approval and give you the opportunity for a hearing. You could, however, file a petition for a review of the decision in the appropriate District Court under the provisions of Chapter 2, Title 42, Idaho Code. With regard to Application for Permit No. 95-7396, it will be held in abeyance until you have been given an opportunity for a hearing concerning it.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjr

cc: Idaho Department of Water Administration
Northern District Office

95 7396

LAW OFFICES
DELLWO, RUDOLF & GRANT

ROBERT D. DELLWO
KERMIT M. RUDOLF
WILLIAM J. GRANT
RICHARD J. SCHROEDER
JOSEPH A. ESPOSITO

1016 OLD NATIONAL BANK BUILDING
SPOKANE, WASHINGTON 99201
(509) 624-4291

November 26, 1973

Mr. R. Keith Higginson
Director
Department of Water Administration
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed is a letter which objects to the granting of the permits applied for in Applications 97-7396, 91-7010 and 92-7015.

I think this protest highlights the basic problem tribes have, particularly in Idaho where the Idaho Department of Water Administration thinks that the tribe is in the category of any other citizen of the state and not entitled to any special notice or communication regarding pending water permit applications on waters within the boundaries of the reservation.

We went down the line on this in the State of Washington. Finally the Department of Ecology under pressure from the Governor's office realized that Indian tribes were entitled to a little greater recognition and courtesy and should be directly notified of any applications for water permits within their reservation boundaries. Something we are quite sure of is that a tribe cannot be foreclosed of its rights by routine procedures of a state which do not include even the minimum of notice or communication to the tribe itself.

The case in point is of course the application of the Cy Chase group for 2.4 cubic feet on the St. Joe River on the outskirts of St. Maries. Our office received no notice whatever of this until a tribal member mailed us a copy of the St. Maries Gazette advertisement, the time for filing an objection having already passed.

I would appreciate your advising me of the status of this application, because if it is granted by your Department the tribe will want to begin an injunctive action in the local federal district court to prevent its implementation.

Very truly yours,

DELLWO, RUDOLF & SCHROEDER

By: Robert D. Dellwo

Attorneys for the Coeur d'Alene Tribe

RDD:fb

LAW OFFICES
DELLWO, RUDOLF & GRANT

ROBERT D. DELLWO
KERMIT M. RUDOLF
WILLIAM J. GRANT
RICHARD J. SCHROEDER
JOSEPH A. ESPOSITO

1016 OLD NATIONAL BANK BUILDING
SPOKANE, WASHINGTON 99201
(509) 624-4291

November 26, 1973

Mr. R. Keith Higginson
Director
Department of Water Administration
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

Re: Application 95-7396 Water Permit
Application 91-7010 Water Permit
Application 92-7015 Water Permit

Dear Mr. Higginson:

The purpose of this letter is to state the objection of the Coeur d'Alene Tribe to the granting of the above-listed water permit applications.

While two of them appear to be somewhat minimal for stock watering and domestic purposes, Application 91-7010 is an application for 2.4 cubic feet of water from the St. Joe River for the development by Senator Cy Chase and his associates of the described acreage which is in a bend of the St. Joe River on the outskirts of St. Maries, Idaho. This is not only a serious depletion of the St. Joe River but implements a very much criticized development enterprise by a private group of individuals who want to develop this very fine area on the bend of the River, all of which is within the flood plain. It would be a development of the worst sort creating a high saturation use of the land with associated pollution and periodic flooding of the land so that the lagoon type of sewage treatment plant will be periodically washed out and its contents dispersed down stream into Chatcolet and Coeur d'Alene Lakes.

I think you are familiar with the recent Supreme Court decisions and other law establishing the ownership of tribes in situations such as the St. Joe River. Exercising its ownership prerogatives, the Tribe on June 28, 1973 adopted a resolution, a copy of which is enclosed. This resolution in effect supports the concept of the St. Joe River being declared a wild and scenic river outside the Coeur d'Alene Reservation and declares that within the reservation the St. Joe River will be "a permanent, esthetic, recreational tribal resource" and "as such is to be held inviolate and free from any polluting, depleting or destructive use and, as far as possible, it is to flow forever within its present banks as a pure and scenic and unspoiled river."

The Tribe therefore wants to object to the granting of the applied for permit (91-7010) to the Cy Chase group not only on the legal grounds

that the State of Idaho has no jurisdiction to issue such a permit from the tribal river, but on the merits of the project itself, namely, that the State of Idaho should not by allowing the permit assure the developers of the implementation of their developmental plan.

Yours very truly,

DELLWO, RUDOLF & SCHROEDER

A handwritten signature in cursive script, appearing to read "Robert D. Dellwo".

By: Robert D. Dellwo

Attorneys for Coeur d'Alene Tribe

RDD:fb

Encl.

R E S O L U T I O N

Whereas, the St. Joe River which flows through the Coeur d'Alene Reservation is a valuable, tribal esthetic asset and is presently in controversy because of hearings being conducted on whether it should be classified in part as a wild and scenic river and in part as "recreational," and

Whereas, the portion being considered for the "recreational" classification is within the Coeur d'Alene Reservation and is owned by the Coeur d'Alene Tribe, now, therefore,

The Coeur d'Alene Tribe does hereby adopt the following

COEUR D'ALENE TRIBAL STATEMENT REGARDING THE ST. JOE RIVER

The St. Joe River has existed from time immemorial as one of the most beautiful and valuable rivers in the lands owned and occupied aboriginally by the Coeur d'Alene Indian Tribe. The Executive Order of President Ulysses S. Grant forming the Coeur d'Alene Reservation included that portion of the St. Joe River flowing from St. Maries to Coeur d'Alene Lake. Thus, the St. Joe River became a part of the Coeur d'Alene Reservation.

When the State of Idaho was established, title to the St. Joe River, its bed and banks remained in the Tribe, not passing to the State as did other navigable federal waters not stamped with tribal ownership.

Not only does this portion of the St. Joe River remain in tribal ownership but by virtue of the well-known Winters Doctrine of Indian Water Rights the Tribe is entitled to the protection and maintenance of the stream from upriver pollution, depletion or any other act or condition which might lessen or jeopardize the quality and volume of the flow of the stream through the reservation.

The Tribe is therefore vitally concerned about the over-all stream management and especially its protection. It hereby expresses its support for the designation of the river outside the Coeur d'Alene Reservation as Wild and Scenic River. In supporting this concept, it does so not only because of its ownership of the lower portion of the River but as a participating government sovereignty within the political framework and as a community of people vitally concerned about the protection of resources and environment.

The Tribe is firm in its conviction that no governing or political entity other than the tribe itself has any jurisdiction to determine a designation, recreational or otherwise, of that portion of the River owned by the Tribe.

The Tribe, finally, through its governing Council, hereby declares its dedication of that portion of the St. Joe River within the Reservation as a permanent esthetic, recreational tribal resource. As such, it is to be held inviolate and free from any polluting, depleting or destructive use and, as far as possible, it is to flow forever within its present banks as a pure and scenic and unspoiled river.

CERTIFICATION

The foregoing Resolution was adopted by the Coeur d'Alene Tribal Council at a meeting held June 28, 1973 at the Coeur d'Alene Sub-Agency, near Plummer, Idaho, with the required quorum present, by a vote of 5 for and 0 against.

Ann D. L. Smith
Chairman

Blanche L. Smith
Secretary

GAZETTE RECORD
P. O. Box 367
St. Maries, Idaho 83861

RECEIVED

NOV 26 1973

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Northern District Office
401 Front Ave., Rm. 209
Coeur d' Alene, Idaho 83814

Department of Water Administration
Northern District Office

Nov. 23, 1973

95 7396

Re: Application No. 95-7396 - - -
(Idaho Department of Highways)
(November 15 - November 22, 1973)

11.52

11.52

11.52

November 9, 1973

Re: Application No. 95-7396 - Idaho Department of Highways

St. Maries Gazette Record
P.O. Box 367
St. Maries, ID 83861

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. ~~-In order to receive payment, the following certification must appear on the bill:~~

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

~~-(signature of claimant)~~

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 11-28-73 by CP

FE:CP

Enc: Legal Notice

95 7396

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Idaho Department of Highways,
P.O. Box 7129, Boise, Idaho
has on November 2, 1973 submitted Application No. 95-7396
for a permit to appropriate 0.056 cubic feet per second ~~acres feet per annum~~
of water from a ground water source
~~XXXXXXXXXX~~
within the NE1/4, Sec. 7, T. 46N, R. 4W, B.M., Benewah County

to be used from Jan. 1 to Dec. 31
for domestic purposes

within the NE1/4, Sec. 7, T. 46N, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before December 1, 1973.

R. KEITH HIGGINSON

Director

Published in the St. Maries Gazette Record, St. Maries, Idaho
on Nov. 14 and Nov. 21, 1973

95 7396

**NOTICE
OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Idaho Department of Highways, P. O. Box 7129, Boise, Idaho has on November 2, 1973 submitted Application No. 95-7396 for a permit to appropriate water cubic feet per second of water from a ground water source within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 46N, R. 4W, B.M., Benewah County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 46N, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before December 1, 1973.

R. Keith Higginson
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on Nov. 15 and Nov. 22, 1973.

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CECIL D. ANDRUS
GOVERNOR

IDAHO BOARD OF
HIGHWAY DIRECTORS

CARL C. MOORE - CHAIRMAN
LLOYD F. BARRON - VICE CHAIRMAN
ROY I. STROSCHEIN - MEMBER

WAYNE SUMMERS
EXECUTIVE SECRETARY

STATE OF IDAHO



V. N. RICHARDSON
STATE HIGHWAY ENGINEER

DEPARTMENT OF HIGHWAYS

RECEIVED

P.O. BOX 7129
BOISE, IDAHO 83707

November 2, 1973

NOV 3 1973

Department of Water Administration
Northern District Office

Plummer Maintenance
Building #5261
Benewah County
District No. 5

Mr. R. Keith Higginson, Director
Idaho Dept. of Water Administration
Statehouse - Annex #2
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed is an "Application for Permit to Appropriate the Public Waters of the State of Idaho" for use at the captioned Maintenance Building and a voucher for the filing fee.

If your office has no objection to our application, please return an executed copy of the permit.

Very truly yours,

A handwritten signature in cursive script, appearing to read "O. B. White".

O. B. WHITE
Chief R/W Agent

Encl.
jk