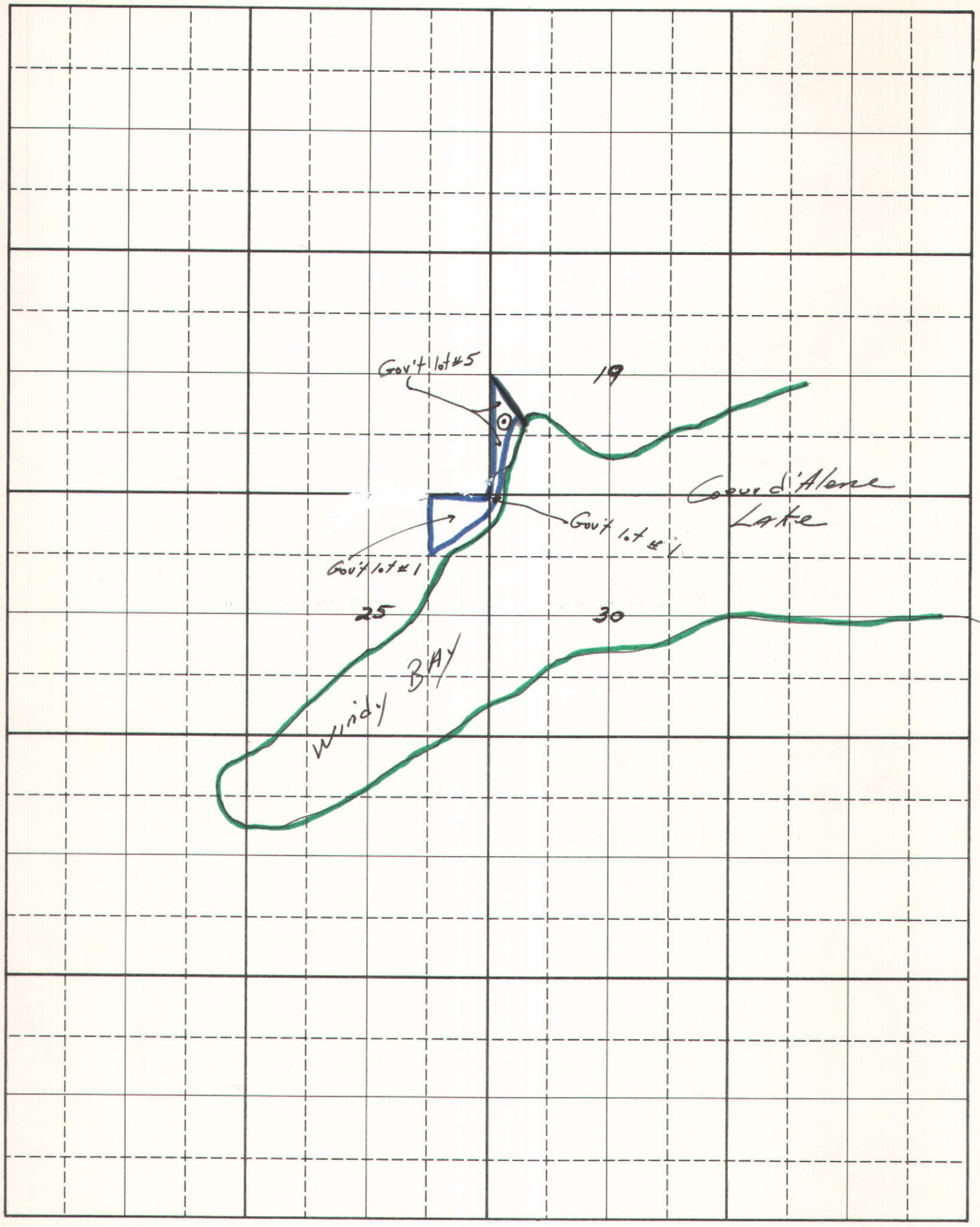
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

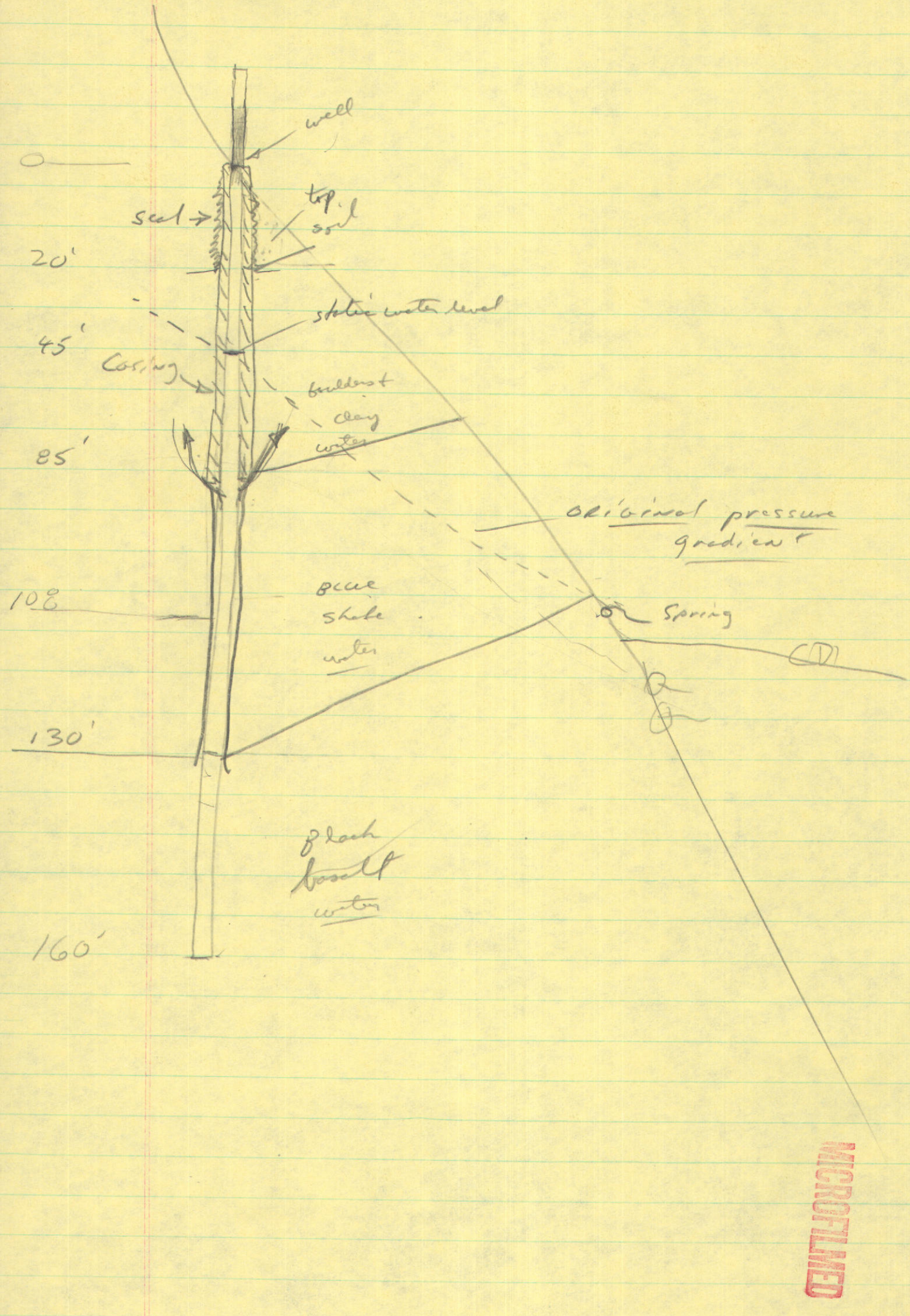


Scale: 2 inches equal 1 mile

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.

Ellison P. Hogan
(Applicant)

95 7305



MICROFILMED

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well

1. WELL OWNER

Name E.P. KEEGAN

Address SPOKANE

Owner's Permit No.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☐ Cable ☒ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6" inches Total depth 160 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	6" inches	1 feet	86 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☒ Yes ☐ No

Perforated? ☐ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☒ No Size of gravel

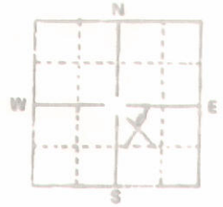
Placed from feet to feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet

Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County KOOTENAI

1/4 W 1/4 SE 1/4 Sec. 19 T 42 N S R 4 E/W

7. WATER LEVEL

Static water level 45 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow

Temperature F. Quality

Artesian closed in pressure p.s.i.

Controlled by ☐ Valve ☒ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
50		

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
6"	0	20	Brown Top Soil		
	20	85	Clay and Boulders	X	
	85	130	Blue Shale	X	
	130	160	Light Basalt	X	
	20	142	Cs PVC .125"		

10.

Work started 10-5- finished 10-10-74

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge

CARMAN DEVELOPMENT CO 228
Driller's or Firm's Name Number

820 MAIN ST MARIES ID
Address

John Carman 10-14-74
Signed by Date

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE AND PINK COPIES TO THE DEPARTMENT

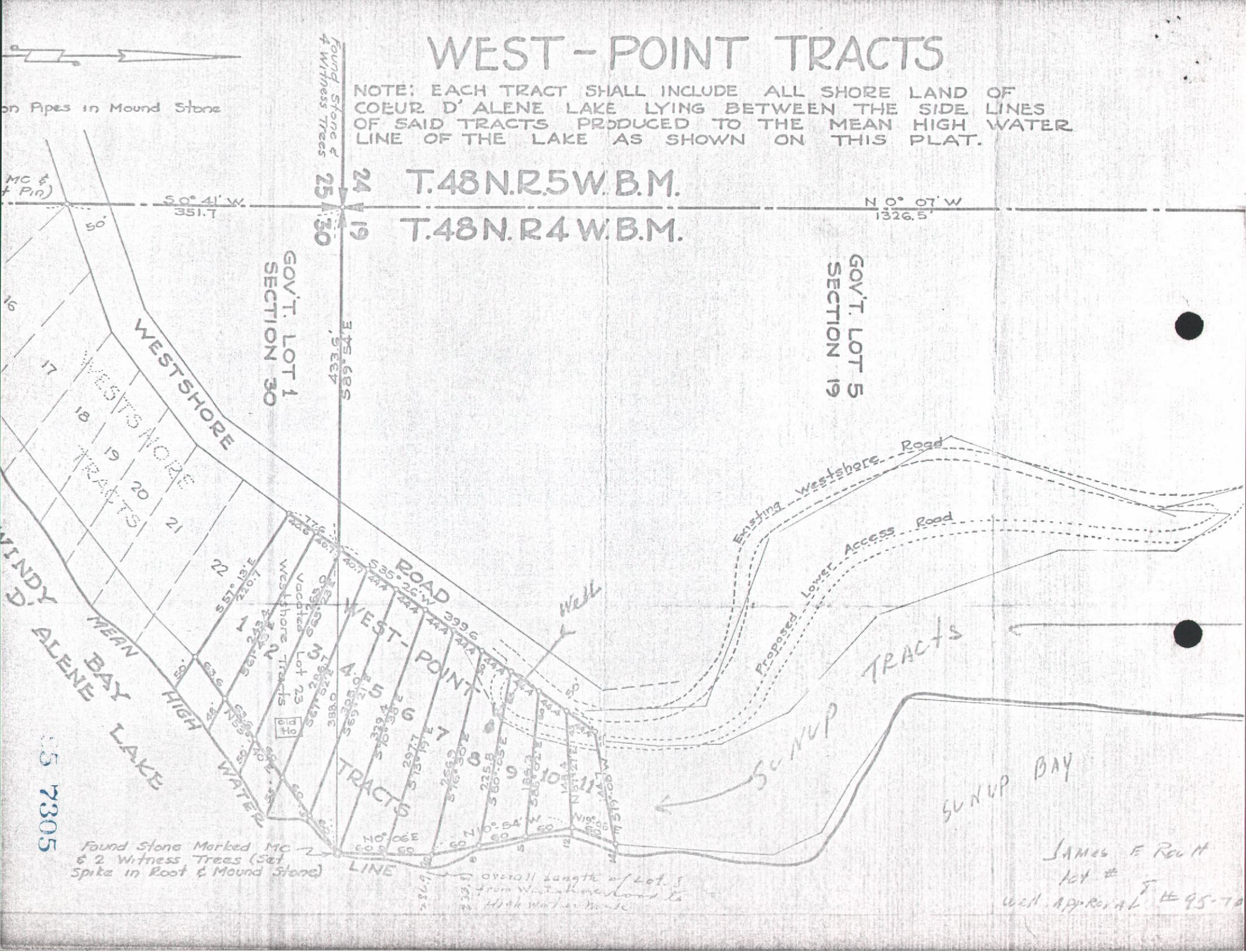
MICROFILMED

WEST - POINT TRACTS

NOTE: EACH TRACT SHALL INCLUDE ALL SHORE LAND OF COEUR D' ALENE LAKE LYING BETWEEN THE SIDE LINES OF SAID TRACTS PRODUCED TO THE MEAN HIGH WATER LINE OF THE LAKE AS SHOWN ON THIS PLAT.

T.48N.R.5W.B.M.

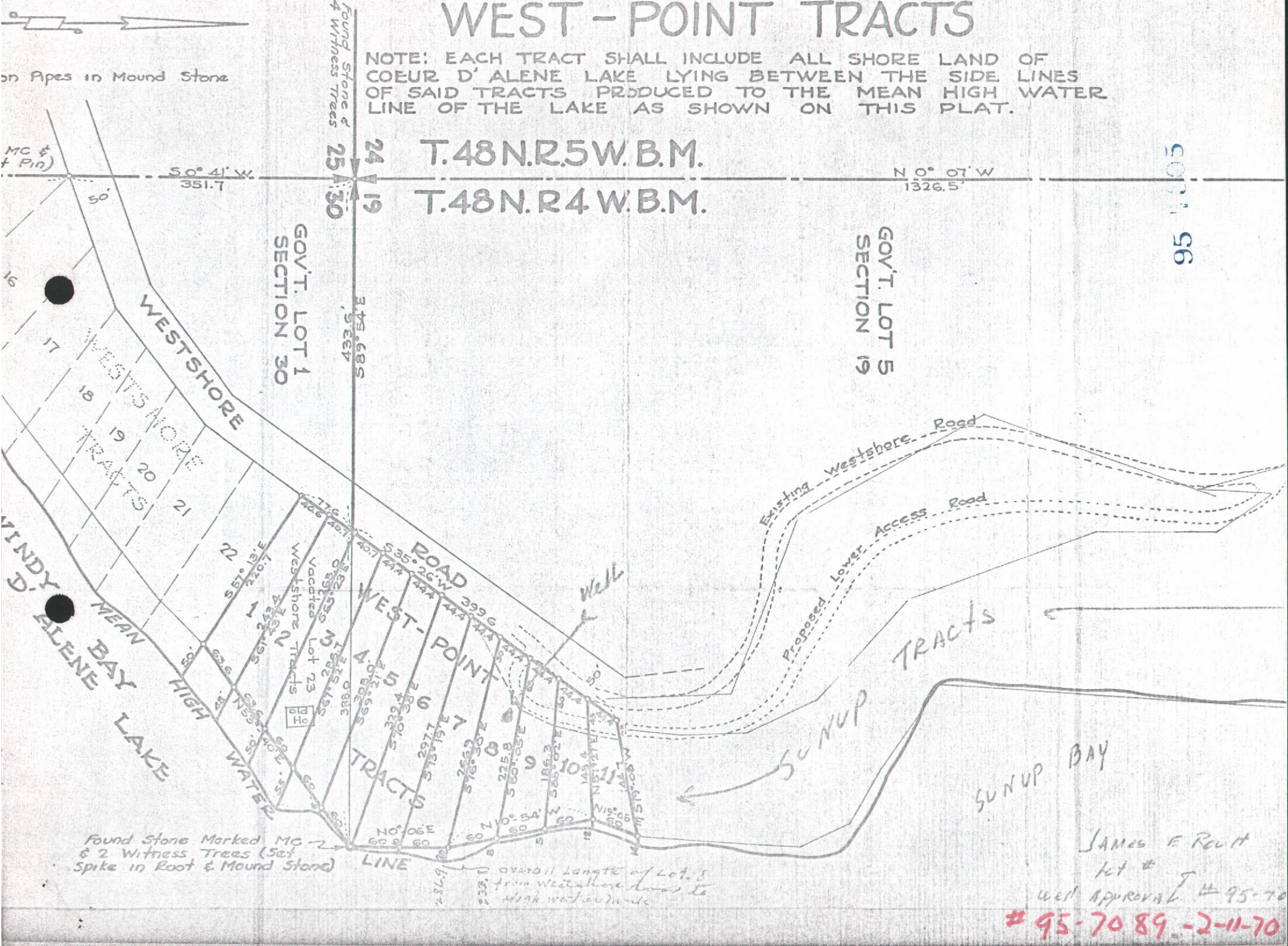
T.48N.R4W.B.M.



7805

WEST-POINT TRACTS

NOTE: EACH TRACT SHALL INCLUDE ALL SHORE LAND OF COEUR D' ALENE LAKE LYING BETWEEN THE SIDE LINES OF SAID TRACTS PRODUCED TO THE MEAN HIGH WATER LINE OF THE LAKE AS SHOWN ON THIS PLAT.







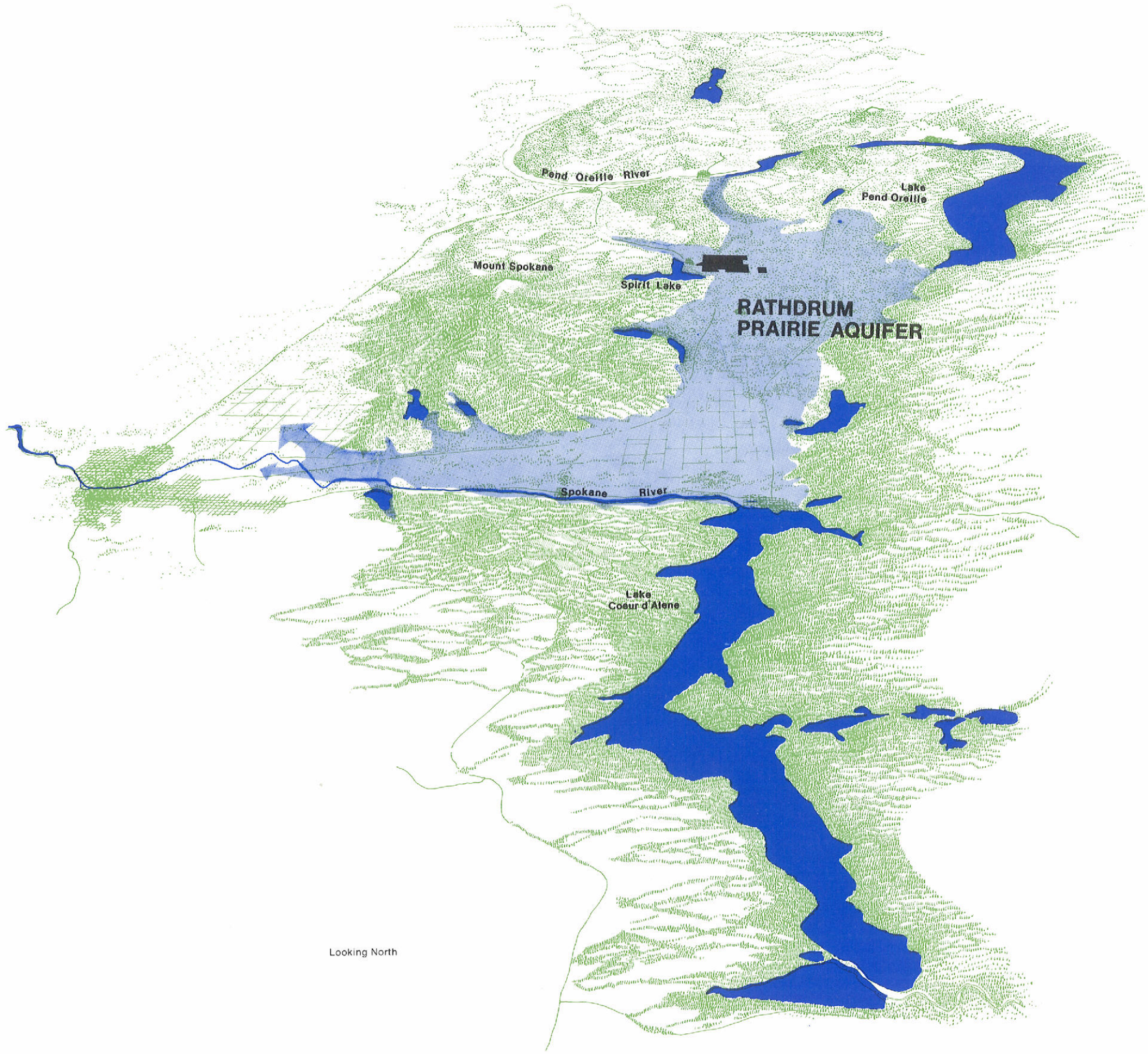


Coeur d'Alene, Idaho
Preceding Photographs:
Spirit Lake, Idaho looking,
east across Tesemini property —
Spirit Lake looking west to Mt. Spokane.



A major part of any regional environment is its people. Those who live here love the area. They work hard and play hard. Above all they have pride in their land and care about its future. The region has a current population of 313,000, with Spokane the major point of concentration. If growth were projected, based upon the last ten years, the next decade would indicate 340,000 in the area. However, there is evidence of an accelerating growth rate especially in the past 3 years. Regional population may well surpass the projection, because of recent growth in Kootenai County.

The excellent life style of the Emerald Empire will be a revelation to thousands, as the region is "discovered" by visitors to Expo '74 next year in Spokane. Many arriving by interstate highways, flyways and byways will receive a pleasant surprise when they realize a truly superb part of the country they did not know existed is available to them, either as a place to relocate or recreate.



Looking North

SPIRIT LAKE
IDAHO

Chilco Soils

Significant View

Kootenai Soils

Pend Oreille
Soils

Prevailing Storms

SITE

north



PLANNING CONCEPTS

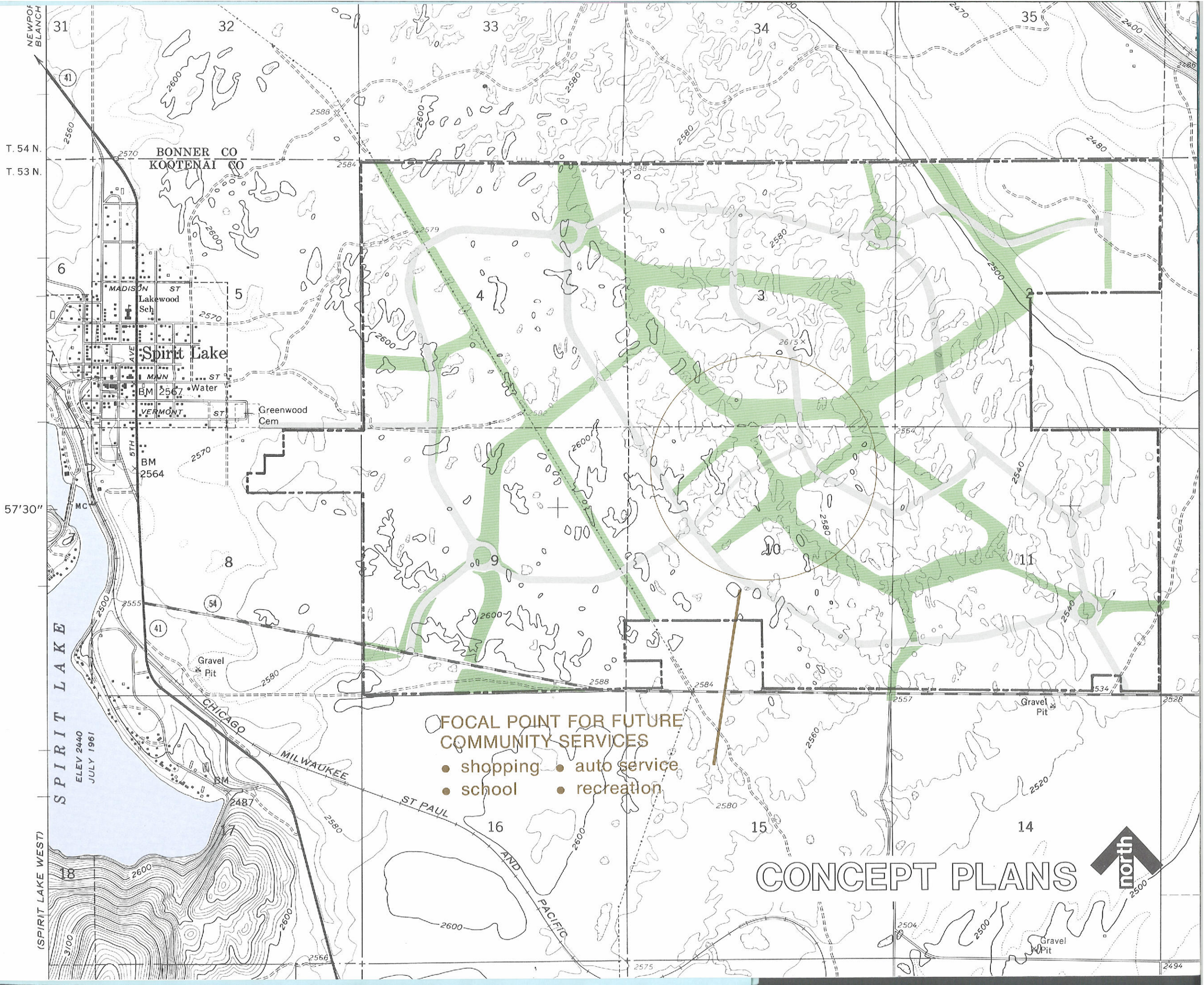
Questions which first arise in considering a project the size of Tesemini are: Is it feasible? Does it make sense? Is it compatible with the area? Questions come in a flood, each one spawning several others until all facets of intelligent land planning and development are assured consideration. During the initial period of investigation the conditions of geology, hydrology, soil analysis, access, engineering problems, zoning, legislative problems, and market analysis were carefully considered and determined to be favorable for residential use of the tract.

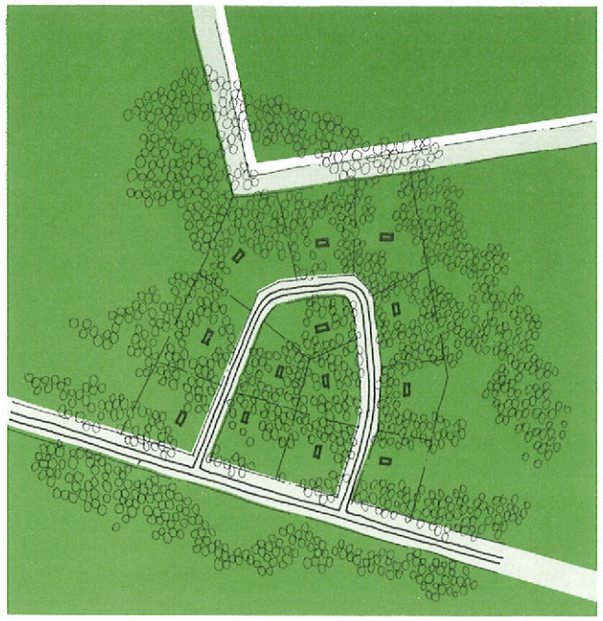
Almost immediately after the formal planning was commenced the need for a phased concept became evident. Urban or suburban densities were out of scale environmentally and economically for the early future. Large sites, well above the size permitted by existing Multiple Use Zoning for either primary or secondary homes, appeared to be a logical land use in the first phase.

In subsequent years, as the population growth in Spokane and Spokane Valley occurs, there will be a look toward suburbanization to the east and northeast. This should result in portions of the land becoming desirable for low and medium density housing.

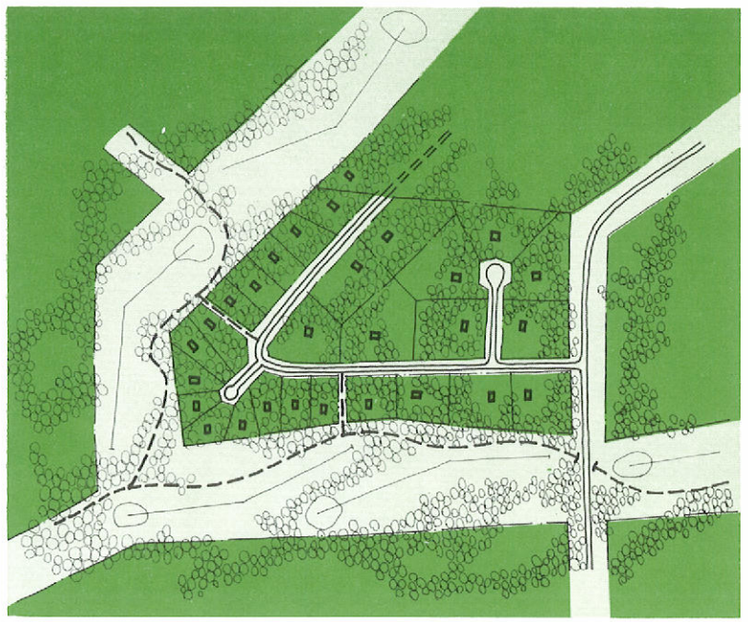
One of the major planning concepts in the case of Tesemini was that this large, beautiful tract should be treated in such a manner that orderly development could occur over several decades. A companion premise which was followed is that future community activity should be broadly outlined in the early planning stages and land set aside now for these anticipated future uses. The Master Plan has provided for phased residential development from large initial parcels to medium density in later years. It has also identified locations for community activities, utilities, recreation and other facilities. Restrictive covenants and bylaws for the Home Owners' Association have been recorded to guarantee against deviation from the Master Plan.

The resulting Master Plan is a positive, dynamic answer to the initial questions. The plan is feasible because it enables the project land to become a meaningful part of the overall community by an intelligent change of land use from its current vacant status to a large park. It makes sense because it does not attempt to force a development prematurely. Finally, the Tesemini Master Plan is compatible with the surrounding area because it fits the environment and assures preservation of the desirable natural features during a maturation period before maximum use is justified.


NEWPORT
BLANCHARD
31
32
33
34
35
T. 54 N.
T. 53 N.
BONNER CO
KOOTENAI CO
6
5
4
3
MADISON ST
Lakewood Sch
Spirit Lake
MAIN ST
BM 2567
Water
VERMONT ST
Greenwood Cem
5TH AVE
BM 2564
57'30"
MC
8
9
10
11
Gravel Pit
CHICAGO MILWAUKEE ST PAUL AND PACIFIC
SPIRIT LAKE
ELEV 2440
JULY 1961
BM 2487
(SPIRIT LAKE WEST)
16
15
14
17
18
FOCAL POINT FOR FUTURE
COMMUNITY SERVICES
• shopping • auto service
• school • recreation
CONCEPT PLANS
north



Low Density



Medium Density

Development Alternatives

MASTER PLAN

The final development of Tesemini is conceived to have three identifiable phases.

Phase one should result in the ownership of large tracts bordered by green belts, served by good roads, furnished with electric service and surveyed in accordance with good engineering practice. While the roads would be private, they should be so constructed that at the appropriate time they could be dedicated to the county or other political body and be acceptable to that entity. The land should be subject to sufficient controls to safeguard it for future, more intensive use. Rezoning should be permitted if the subsequent usage for individual tracts adheres to the master plan.

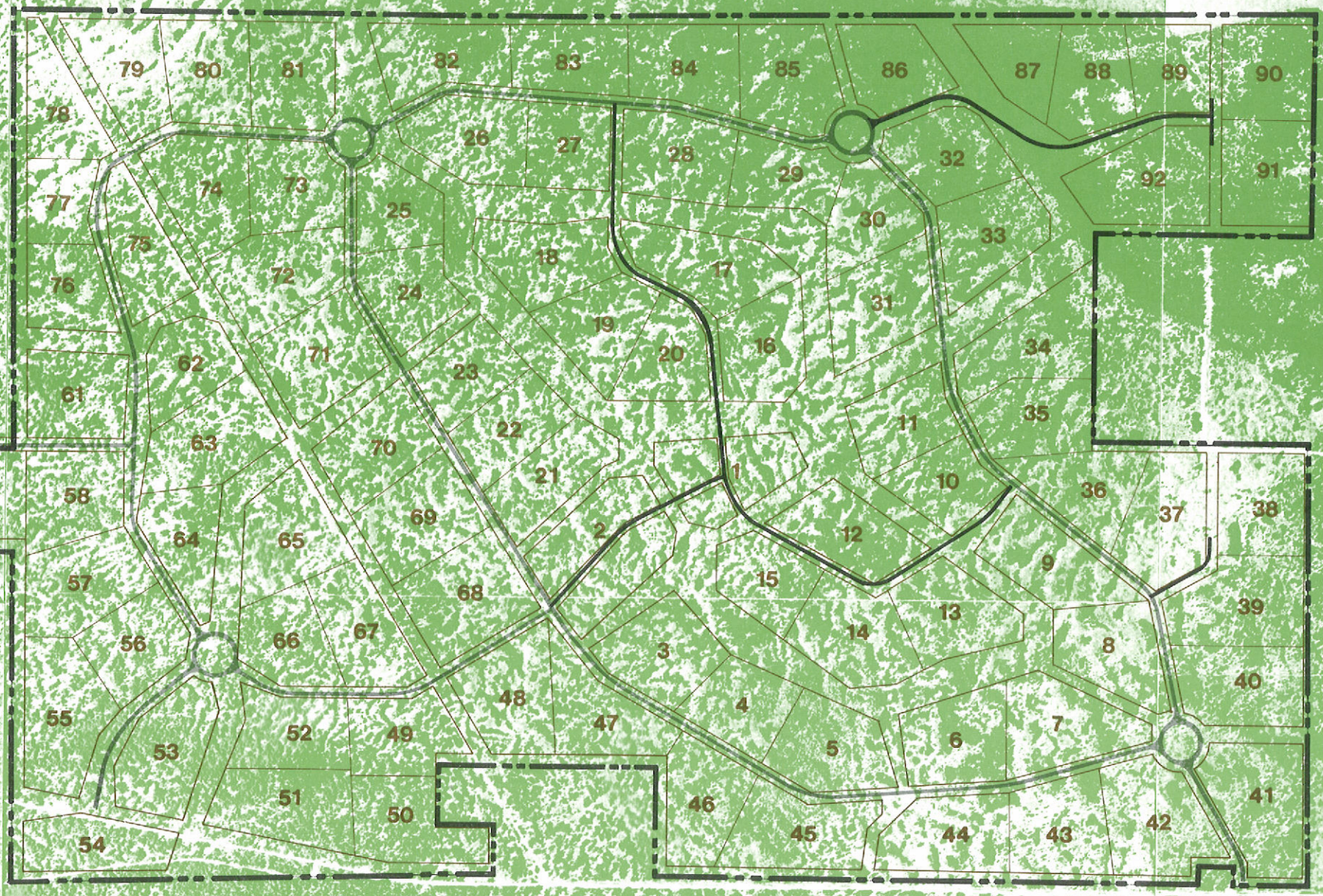
Phase two is a subdivision of the initial site into smaller sites (still large, perhaps 2 to 10 acres). Phase two can and probably will occur at different times, tract by tract. In some cases, phase two would be bypassed. After rezoning, home sites of ten, five, three acres or whatever might be the result. In this phase, the extensions of electric service would have to be furnished, and depending upon the size of the sites, sewage disposal by a central system would be required.

Phase three might be a subdivision of initial large sites which were not subdivided into tracts under the phase two procedure or it might be a resubdivision of phase two sites. It could well be that the ultimate sites might average half an acre in size and serve primarily as commuter neighborhoods, particularly to Spokane. Obviously, at this point, all utilities would have to be centralized and roads would have to be paved as well. No homesites of this size or type of use might be utilized for many years.

Two of the initial parcels have been established for potential commercial development when such development is justified. Obviously, as in the case of all subdivisions, the control of the county or other public entity having jurisdiction at that time will determine the need through the statutory process. If zoning for such need is granted, then the two tracts designated for commercial usage will be available for such utilization. It was considered important to prohibit owners of sites along the peripheral boundary of Tesemini from seeking a commercial zoning since it would violate the integrity of the master plan.

SPIRIT LAKE
IDAHO





MASTER PLAN

north





TECHNICAL DATA

Distance and Population Factors

Five cities with a total population of 238,000 residents in 1970 are located within three hours or less driving time from Tesemini.

City	1970 Population
Spokane, WA	170,516
Pullman, WA	20,509
Opportunity, WA	16,604
Coeur d'Alene, ID	16,228
Moscow, ID	14,146

By the year 1980 the number of people living within less than three hours driving time from Tesemini is expected to reach a total of 485,000.

The population of the seven western states lying closest to Tesemini are as follows:

State	1970 Population
California	19,953,000
Washington	3,409,000
Oregon	2,091,000
Idaho	713,000
Montana	694,000
Nevada	489,000
Wyoming	332,000
Total Population	27,681,000

The population of these seven western states is expected to increase to some 35,000,000 by the year 1980. From this population, it is expected that many will desire "second" homes located in rural settings.

Facilities

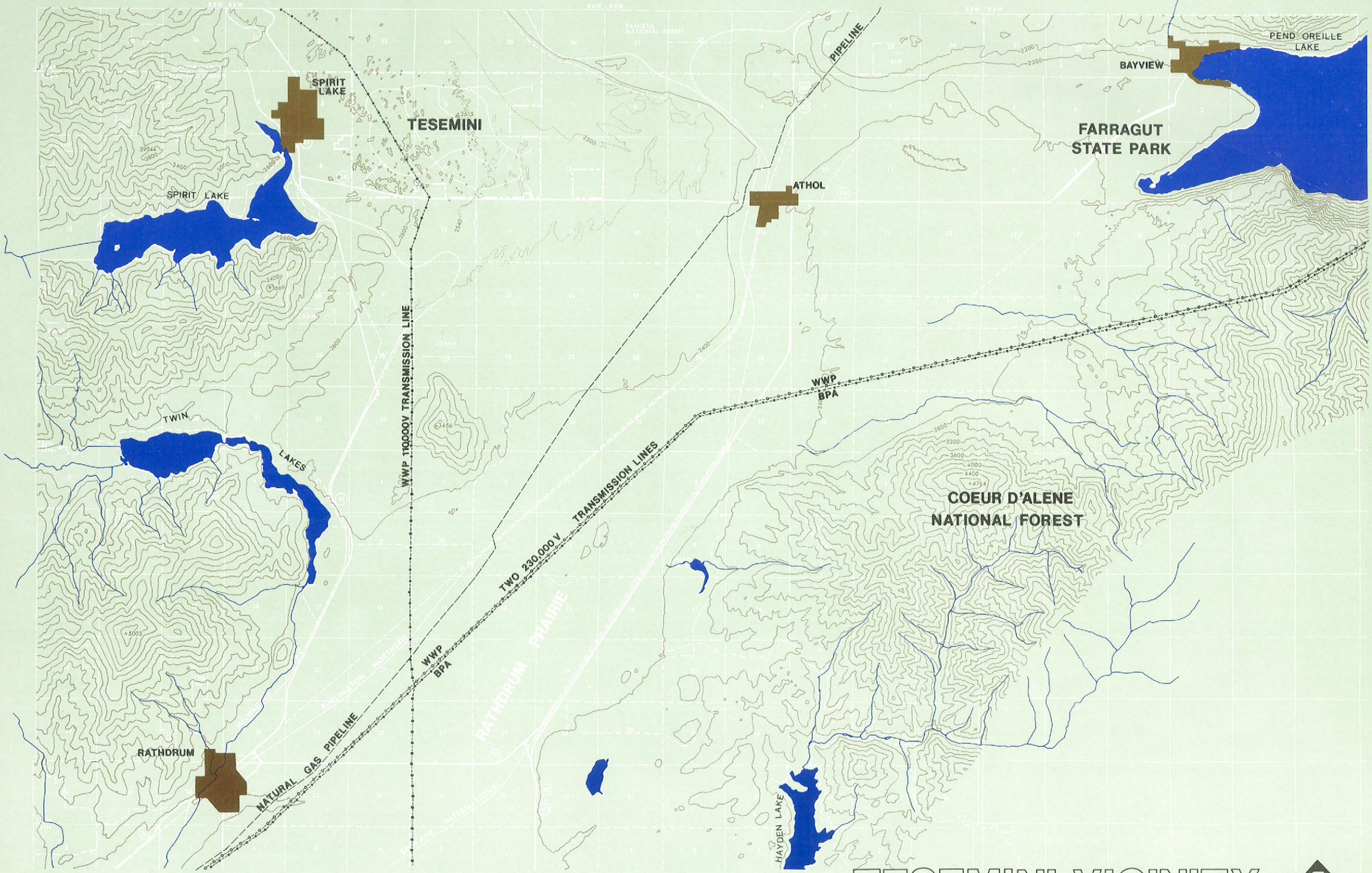
There are adequate shopping facilities, repair services and public facilities in the nearby towns of Spirit Lake, Athol, and Rathdrum. Additional commercial, industrial, professional, and public facilities are readily available in the larger urban areas of Coeur d'Alene and Spokane, both are within a short 30-45 minute drive from Tesemini.

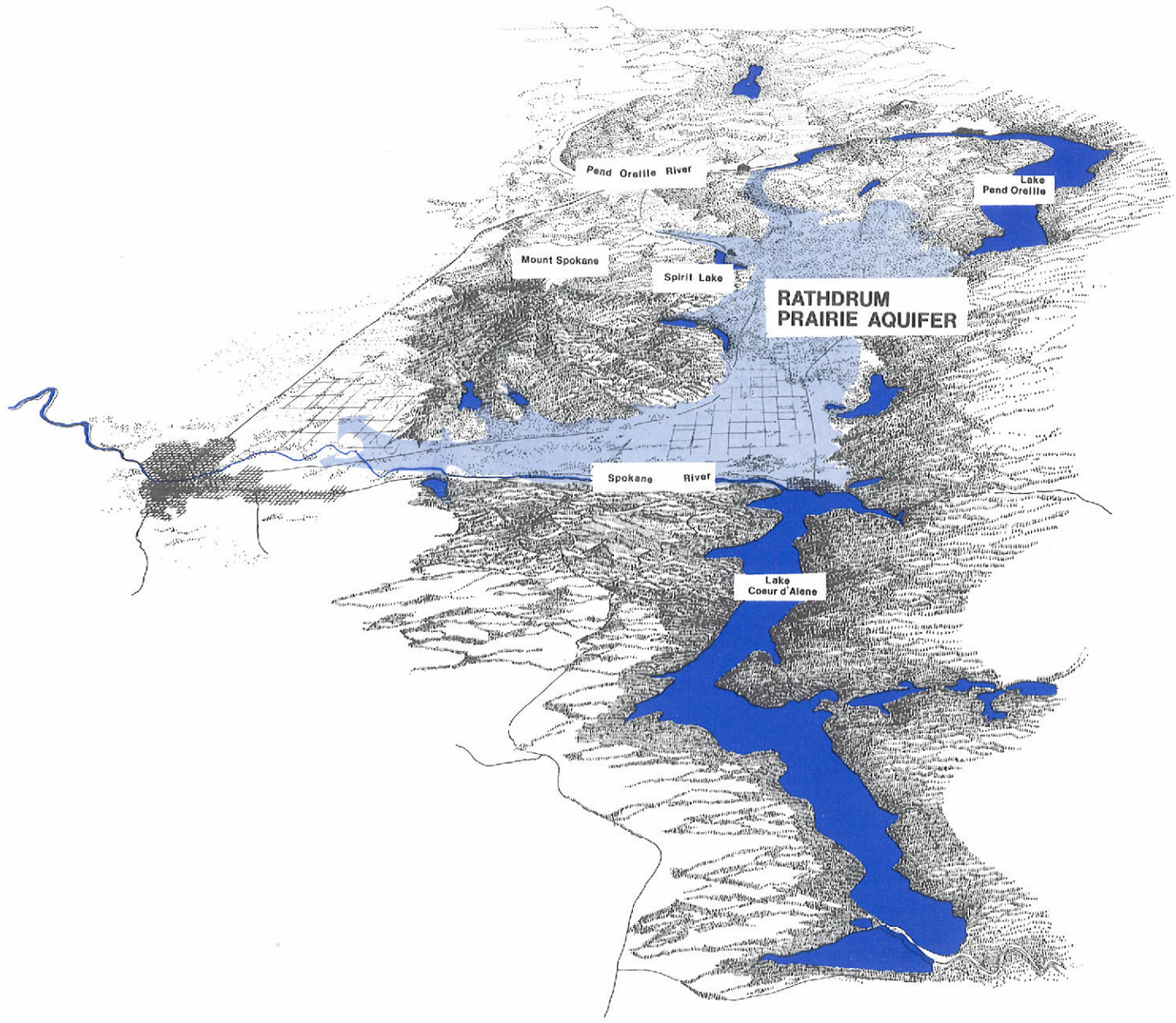
There are medical facilities available in nearby communities. There are four doctors providing medical help in Hayden Lake. There is a hospital in Coeur d'Alene, a half-hour's drive away. And, of course, Spokane is able to offer any medical services desired.

Fire protection is available from the Spirit Lake Volunteer Fire Department.

There is an elementary school in each of the nearby communities. The students of junior and senior high school ages are bussed to the schools in Rathdrum.

The Washington Water Power Company provides natural gas from its nearby terminal at Athol. The same utility provides electrical service in the area.


SPIRIT LAKE
TESEMINI
PIPELINE
PEND OREILLE LAKE
BAYVIEW
FARRAGUT STATE PARK
ATHOL
SPIRIT LAKE
TWIN
LAKES
WWP 110000V TRANSMISSION LINE
WWP
BPA
TWO 230,000 V TRANSMISSION LINES
COEUR D'ALENE NATIONAL FOREST
RATHDRUM PRAIRIE
RATHDRUM
NATURAL GAS PIPELINE
HAYDEN LAKE
TESEMINI VICINITY
north
0
1mi.
2
4


Pend Oreille River
Lake
Pend Oreille
Mount Spokane
Spirit Lake
RATHDRUM
PRAIRIE AQUIFER
Spokane River
Lake
Coeur d'Alene



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-7305

Priority: June 18, 1973 Amount: .12 CFS 27.6 AFA

This is to certify, that EDWIN P. KEEGAN
3233 SHERIDAN COURT
SPOKANE, WA 99205 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 18, 1973, and has submitted proof to the Department of Water Resources on September 21, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .12 cfs of water from a **GROUNDWATER** source and that a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	VOLUME
Domestic	01/01 to 12/31	.12 cfs	27.6 afa

LOCATION OF POINT OF DIVERSION(S): LOT 5(NWSW), Sec. 19, Township 48N, Range 4W Kootenai County

PLACE OF USE: Domestic

TWN	RGE	SEC	
48N	4W	19	LOT 5(NWSW)
		30	LOT 1(NWNW)
48N	5W	25	LOT 1(NENE)

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho law.
4. Domestic use is for 23 homes.

This license is issued pursuant to the provisions of Section 42-219, **Idaho Code**. Witness the seal and signature of the Director, affixed at Boise, this 2nd day of October, 1987.

R. Keith Higginson
Director

MICROFILMED
MAR 17 1988

870915

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 95-7305 IN THE NAME OF EDWIN P. KEEGAN	ORDER OF REINSTATEMENT

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before October 1, 1983; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice 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 in a timely manner;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 95-7305 be REINSTATED with no advance in priority.

Dated this 18th day of October, 1983.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF A WELL INTERFERENCE CLAIM AND REQUEST FOR RESTITUTION BY TED A. CARL	)	FACT FINDING DECISION

On October 10, 1973, the Director of the Idaho Department of Water Resources (then the Department of Water Administration) issued a memorandum decision and order granting Permit No. 95-7305 to Edwin P. Keegan for the diversion of 0.20 cubic feet per second from a groundwater source. The permit proposed domestic use for thirty (30) families.

One of the conditions of approval states in part that "... in the event pumping of this well causes a lowering of the water levels in the area and the protestant's well is adversely affected, it may be necessary and the applicant may be required, to cease pumping or otherwise provide water to those water users who are deprived of a water supply."

On June 6, 1980, the Department received a request from Ted A. Carl to direct Mr. Edwin P. Keegan to cease use of this well authorized under water Permit No. 95-7305 or to provide Mr. Carl with a water supply. The request resulted from the loss of flow from Mr. Carl's spring which he attributed to Mr. Keegan's well.

A fact finding hearing on the request was held before the department on July 25, 1980 in Coeur d'Alene, Idaho. Mr. Carl and Mr. Keegan were both present and represented themselves. The issue at the hearing was whether Mr. Keegan's well interfered with Mr. Carl's spring.

Based upon the record of the hearing, the official files and records of the Department of Water Resources and the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings, Analysis and Decision.

FINDINGS

1. Mr. Carl is the owner of Lot 2, Sunup Tracts in Kootenai County on which the spring in question is located.

2. Mr. Keegan is the owner of the well, drilled pursuant to water right Permit No. 95-7305 located in Lot A Sunrise Hills together with the water delivery system for Sunrise Hills and Sunrise Hills First Addition.

3. Both parties testified the spring does exist.

SCANNED

4. Mr. Carl testified he measured the flow of the spring at 7 gallons per minute in 1969 and that the flow continued at that rate for eight or nine years (until 1977 or 1978) when a steady uniform decline began until it ceased flowing in the early spring of 1980.

5. The spring flowed from fractured basalt and was improved by Mr. Carl with the installation of perforated pipe and a collection box.

6. Mr. Keegan's well is situated about 425 feet from the spring and land surface at the well is about 108 feet higher than the spring.

7. The well was constructed in June 1974 and is 160 feet deep with casing set to 86 feet below land surface. Blue shale from 85 feet to 130 feet and black basalt from 130 feet to 160 feet were encountered during construction of the well. The original static water level was at 45 feet and there have been no subsequent measurements.

8. Mr. Keegan testified the primary and possibly only water bearing zone is in the basalt at 130 feet to 160 feet below land surface.

9. At the time of the hearing, the well was used to supply water to three summer time residences, two residences that were occupied all year (one beginning in the fall of 1979) and water that was hauled to two part-time residences for culinary uses.

10. Neither party knew of other new well construction or any other activity which might have affected Mr. Carl's spring.

ANALYSIS

The evidence shows Mr. Carl's spring does exist and that it had ceased flowing prior to the hearing. The evidence does not, however, show that Mr. Keegan's well or its use has caused the spring to stop flowing.

Testimony at the conference described the primary water producing zone in the well to be from 130 to 160 feet in depth which is lower in elevation than Mr. Carl's spring. The well is also cased from the surface to 86 feet in depth. Both of these facts indicate the well has not tapped the water producing zone for the spring and drained the zone.

The static water level in the well did rise to 45 feet below land surface which is high enough to physically flow from the spring. This would indicate the well could be using water from the same source as the spring. If this were the case, however, the total use from the well is not large enough to have caused the spring to cease flowing. A spring flow of 7 gallons per minute would produce a volume of over 11 acre-feet of water per year. The total water

needs for the existing water users taking water from the well should be about one-third of that amount. This would indicate that if the well and spring were hydraulically connected, the spring flow would have decreased but it should not have ceased flowing due to the well pumping and the spring flow should have increased and decreased due to well pumpage at various times rather than decline at a uniform rate.

Another possibility that was considered and rejected was the presence of artesian pressure in the water bearing zone from 130 feet to 160 feet below land surface. It is possible artesian pressure could cause flow from the water bearing zone to other higher unsaturated zones penetrated by the well thus depleting the water bearing zone even though the well pumpage has been quite low. If this were the case, however, the spring should have shown some affect sooner than the three to four year period that occurred between well construction and the initial decline of the spring flow. This is particularly true since the spring ceased flowing in a two to three year period after the initial spring flow decline was notified.

DECISION

Based on the evidence available and facts presented at the hearing, the Director concludes that the evidence does not show that the construction and use of the Keegan well has caused the spring used by Mr. Carl to cease flowing and further concludes that restitution is not appropriate.

Dated this 22 day of February, 1982.

A. KENNETH DUNN

Director

Form 204
5/78

Identification No. _____

wrong address in Computer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED
SEP 18 1978
Department of Water Resources

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

EDWIN P. KEEGAN (Name) of 305 PENNY LANE (Address) TOPPENISH

State of WASHINGTON 98948, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 95-7305

That under the terms and conditions of said permit, work thereunder was required to be completed on or before OCTOBER 1, 1978.

That he has heretofore performed the following work described under said permit: HAVE DRILLED A WELL 165 FT, AND STARTED A WATER DISTRIBUTION SYSTEM. HAVE PLATTED ABOUT 20 LOTS AND STILL HAVE 16 ACRES TO PLAT. FULL WATER USAGE WILL BE REALIZED WITH ALL LOTS SOLD AND OCCUPIED. Costing $ TO DATE APPROXIMATELY $25,000 HAS BEEN SPENT.

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: AM DEVELOPING LAND WITH SLOW AND CAREFUL PLATTING & PLANNING TO GET BEST & MOST DESIRABLE HOMESITES ETC. WORK IS NOT STOPPED BUT IS METODICAL FOR MAXIMUM

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to OCTOBER 1, 1983.

Edwin P. Keegan (Signature)* OWNER

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use of water is extended to October 1, 1983.

Signed this 21st day of September, 19 78.

L. Glen Saxton
Chief, Operations Bureau

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

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF Application for Permit No. 95-7305 in the name of EDWIN P. KEEGAN	MEMORANDUM DECISION AND ORDER

On June 18, 1973, Edwin P. Keegan applied to the Department of Water Administration for a permit to appropriate 0.2 cubic feet per second of water from a ground water source located within Government Lot 5, Section 19, Twp. 48N, Rge. 4W, B.M., Kootenai County. The water is to be used for year-round domestic purposes for 30 families. Notice of this application was published in the Coeur d'Alene Press, Coeur d'Alene, Idaho, on June 28 and July 5, 1973.

Protests were received against the issuance of a permit from James E. Rout, representing himself and the Windy Bay Property Owners Club. As a result of the protests, a conference was held on August 24, 1973, at Coeur d'Alene, Idaho.

The primary issue and concern of the protestants was the possible injury to their existing water supply which could be caused by pollution from the applicant's development, and depletion by the applicant's proposed well.

Based upon the information contained in the application and protests, the statements made at the conference, and the Department's understanding of the law, the Director of the Department of Water Administration makes the following Findings of Fact, reaches the following Conclusions of Law, and issues the following Order:

Findings of Fact

1. The protestants' water rights have been established by diversion and beneficial use of the water.

2. There are three families on the protestants' well, and the well has never gone dry nor has had any problems in supplying the demand.

3. The applicant's proposed well is 1,300 feet from the protestant's.

4. The applicant is aware, and has so far applied to the proper authorities, to comply with all required zoning regulations and health standards in connection with his sewage disposal and domestic water system.

Conclusions of Law

1. The protestants have the protection of the doctrine of "first in time, is first in right", which governs Idaho's water law. However, this doctrine must be reason-

ably used so that it will not hinder a full economic development of the underground water resources.

2. The applicant has agreed and has given his consent that if approved, the permit would be subject to the condition that all construction of the domestic water system and domestic sewage disposal system be first approved by the proper authorities.

Order

IT IS, THEREFORE, ORDERED and Application for Permit No. 95-7305 is hereby APPROVED subject to the following limitations and conditions:

1. That said permit shall be subject to all prior water rights, particularly those of the protestants'. The applicant is to be cautioned that in the event pumping of this well causes a lowering of the water levels in the area and the protestants well is adversly affected, it may be necessary, and the applicant may be required, to cease pumping or otherwise provide water to those water users who are deprived of a water supply.
2. That all construction of the domestic water supply and domestic sewage disposal system meet the approval of the proper authorities.
3. That proof of construction of works and application of the water to beneficial use be submitted to the Department on or before October 1, 1978.

Dated this 10 day of October, 1973.

R. KEITH HIGGINSON
Director

FE/BDF:jc

95 7305

Identification No. 95-7305

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Edwin P. Keegan

   post office address W. 2338 Euclid Ave., Spokane, Washington 99205

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

3. a. Location of point of diversion is Gov't. Lot 5 ~~¼ of ¼~~ of Section 19 Township 48N

   Range 4W B.M. Kootenia County; additional points of diversion if any: _____

   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼

   of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

   Amount 0.2 (cfs or acre-feet per annum) for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. 0.2 cubic feet per second and/or

   b. _____ acre feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Pump, motor, and pipeline to storage tank where water will be distributed to the houses.

   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 _____ (Mo. Day) to _____ (Mo. Day) inclusive.

   c. Proposed well diameter is 8 inches; proposed depth of well is 120 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 $3,000.00.

8. Description of proposed uses:

   a. If water is **not** for irrigation: SEE REMARKS.

   (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____

   Range _____ 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 30.

   (5) If water is to be used for other purposes describe: _____

95 7305

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated_____

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

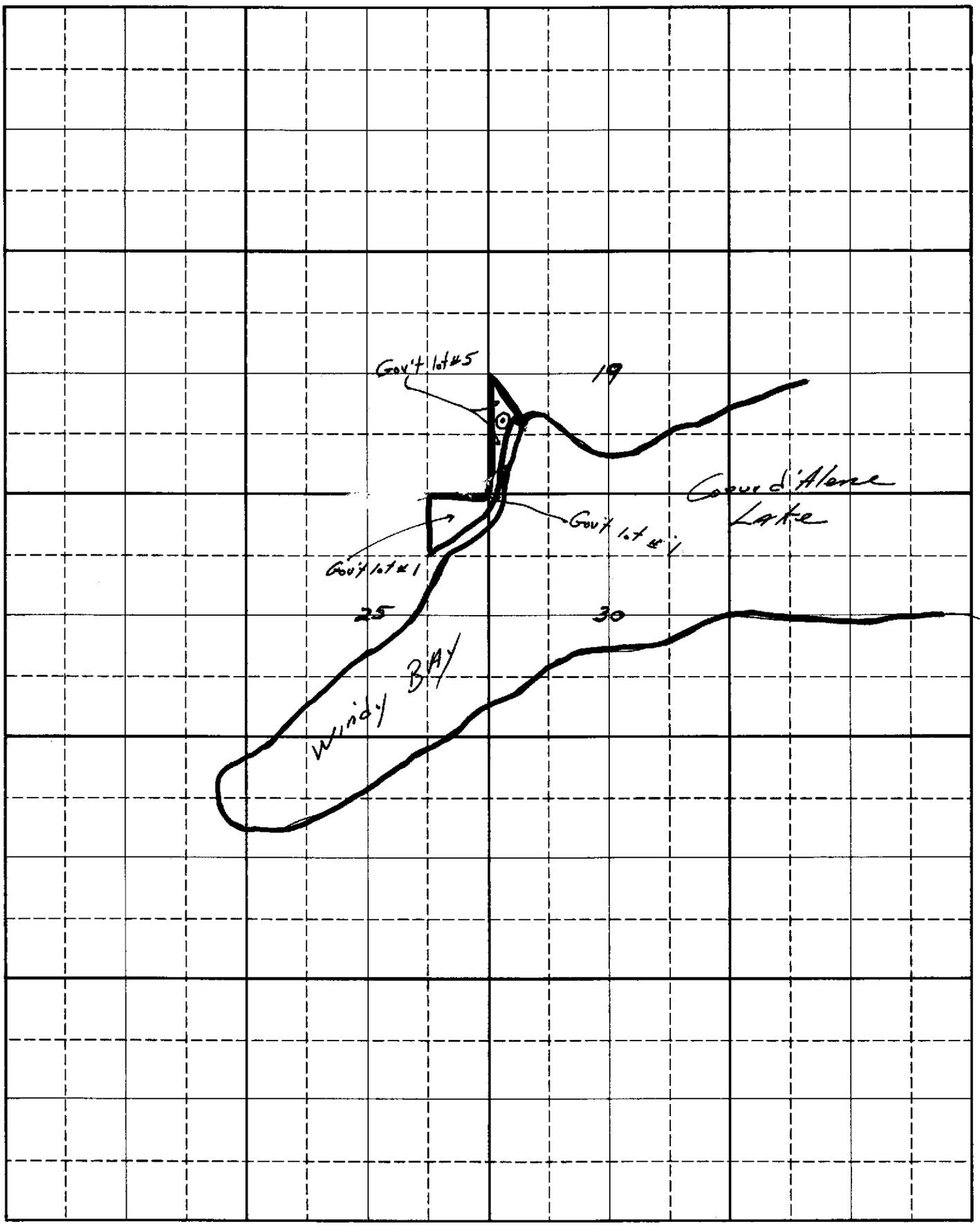
9. a. Who owns the property at the point of diversion_____

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

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

10. Remarks PLACE OF USE: Gov't Lot 5, Sec.19, T. 48N, R. 4W
Govt' Lot 1, Sec. 30, T. 48N, R. 4W
Gov't. Lot 1, Sec. 25, T. 48N, R. 5W

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.

Edwin P. Morgan
(Applicant)

95 7305

Proposed Priority 6-18-1973

Received by TB Date 6/18/73 Time 2:00 p.m.

Preliminary check by TB Fee $ 10.00

Receipted by TB Date 6/18/73 # 10720

Publication prepared by cr Date 6-22-73

Published in Coeur d'Alene Press

Publication dates 6-28 & 7-5-73

Publication approved cr Date 7-16-73

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. 95-7305, and said application is hereby APPROVED.

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 78.

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

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

Witness my hand this 10 day of October 19 73.

E. Keith Higginson
Director

95 7305

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

RECEIVED 1973

STATE OF IDAHO,
County of Kootenai, } ss.

Ken O. Brandvold, being first duly sworn, deposes and says:

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

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for 2 consecutive weeks, commencing on the 28th day of June, 1973, and ending on the 5th day of July, 1973

Ken O. Brandvold

Subscribed and sworn to, before me, this 5th day of July, 1973

C. Patrick King

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

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edwin P. Keegan, W. 2338 Euclid Avenue, Spokane, Washington has on June 18, 1973 submitted Application No. 95-7305 for a permit to appropriate 0.2 cubic feet per second of water from a ground water source by means of pump, motor, pipeline, and storage tank within Gov't. Lot 5, Sec. 19, T. 48N, R. 4W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic purposes for 30 families within Gov't. Lot 5, Sec. 19; Gov't. Lot 1, Sec. 30, T. 48N, R. 4W; Gov't. Lot 1, Sec. 25, T. 48N, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before July 16, 1973.

R. KEITH HIGGINSON
Director

June 28, July 5, 1973

95 7305

[redacted]ER-DEPARTMENT MEMO — 1

DATE 7-30-91

FROM Cam Skaggs

TO File # 95-7305

SUBJECT address Update

New address per telecon with M. Keegan on this date.

W. 3002 Riverview Dr.
Spokane, WA 99205

Cam Skaggs
SIGNATURE

October 19, 1987

EDWIN P. KEEGAN
3233 SHERIDAN COURT
SPOKANE, WA 99205

RE: Permit No. 95-7305

Dear Permit Holder(s):

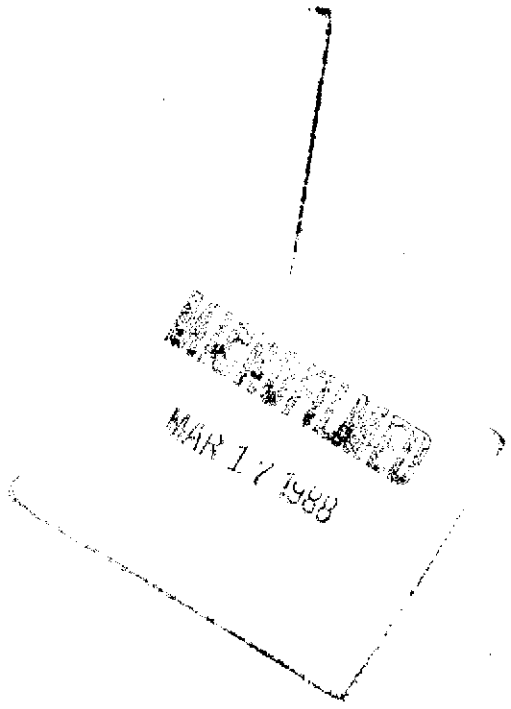
Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



August 25, 1987

EDWIN P. KEEGAN
3233 SHERIDAN COURT
SPOKANE, WA 99205

RE: Permit No. 95-7305

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
MAR 1 (1988

10 DAY

Form 219B
5/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LICENSING REPORT

95-7305
Permit No.

1. **Measurement Calculations**
   a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Exam, Est. Cap. as .12 cfs

   b) Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____
$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____
V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

   c) Volume Calculations for Other Uses:

Domestic 23 (1.2) = 27.6 AF

2. **Overlap Review**
   a) Other water rights with same place of use: _____

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

   c) Analysis:

MICROFILMED
MAR 17 1988

RECOMMENDED AMOUNTS

3.

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
95-7305	6-18-73	0.12	6-18-73	9-21-83	0.12

4. Permit Holder: Edwin P. Keegan

Address: 3233 Sheridan Court - Spokane, WA.

5. Source: Groundwater tributary to _____

6. Beneficial Use

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
DOMESTIC	1-1	12-31	0.12	27.6
Allowable Maximums:			0.12	27.6

7. Point(s) of Diversion:

No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
	GL 5		NW	SW	19	48N	4W	Kootenia

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
48N	4W	19										X ← GL-5							
"	"	30						X ← GL-1											
48N	5W	25	X ← GL-1																

Total Acres _____

9. Recommended Conditions/Remarks: _____

MICROFILMED
MAR 17 1988

10. Recommended Amendments

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

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

11. Examiner's Signature _____ Date _____

Checked in Regional Office by _____ Date _____

Approved in State Office by Ron Howerton Date 10 Aug '87

Form 219
12/82

RECEIVED
MAY 17 1984
Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

85-7305
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:	4/11/84	JK	664-2121 - App. 4/13/84
	4/19/84	JK	6642121 - Gary Frame NOT IN
☐ Telephone call made	4/23/84	JK	" "
(List Telephone No. used)	4/33/84	JK	Contacted " for ~~As Built~~ plans
☐ Appointment scheduled for:			
(Date, time, location)			

EXAMINATION

Date 4/13/84 Accompanied by Ed Keegan Gary Frame Total Q measured 55 gpm

Source GW Tributary to _____ Supp. annubar measurement sheet used? no

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

Methods of measurement Meter-Rockwell 23129137 Meets permit requirements? yes

Measurement calculations: $\frac{55 \text{ gpm}}{448.8} = 0.12 \text{ cfs} \times (365) \times 1.9835 = 88.72 \text{ AFA}$ ~~23~~ 23 acres (1.2) = ~~27.6~~ 26.6 AFA

-7305 Sunrise Hills
KEEGAN
D: SEC 12 TWP 48N RNG 04W
IRRIGATION? N

WELL/DIV. NO.*	HP	MOTOR ~~MAKE~~	MOTOR SERIAL NO.	~~PUMP MAKE~~	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	5	~~SF1.F~~	1374 CODE F	~~3450~~	See Below			Submersible

System Description Well, pump & motor with 2½" line to 3-3000 gal. storage tank, then gravity flow 3" line to distribution system

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

RECOMMENDED AMOUNTS

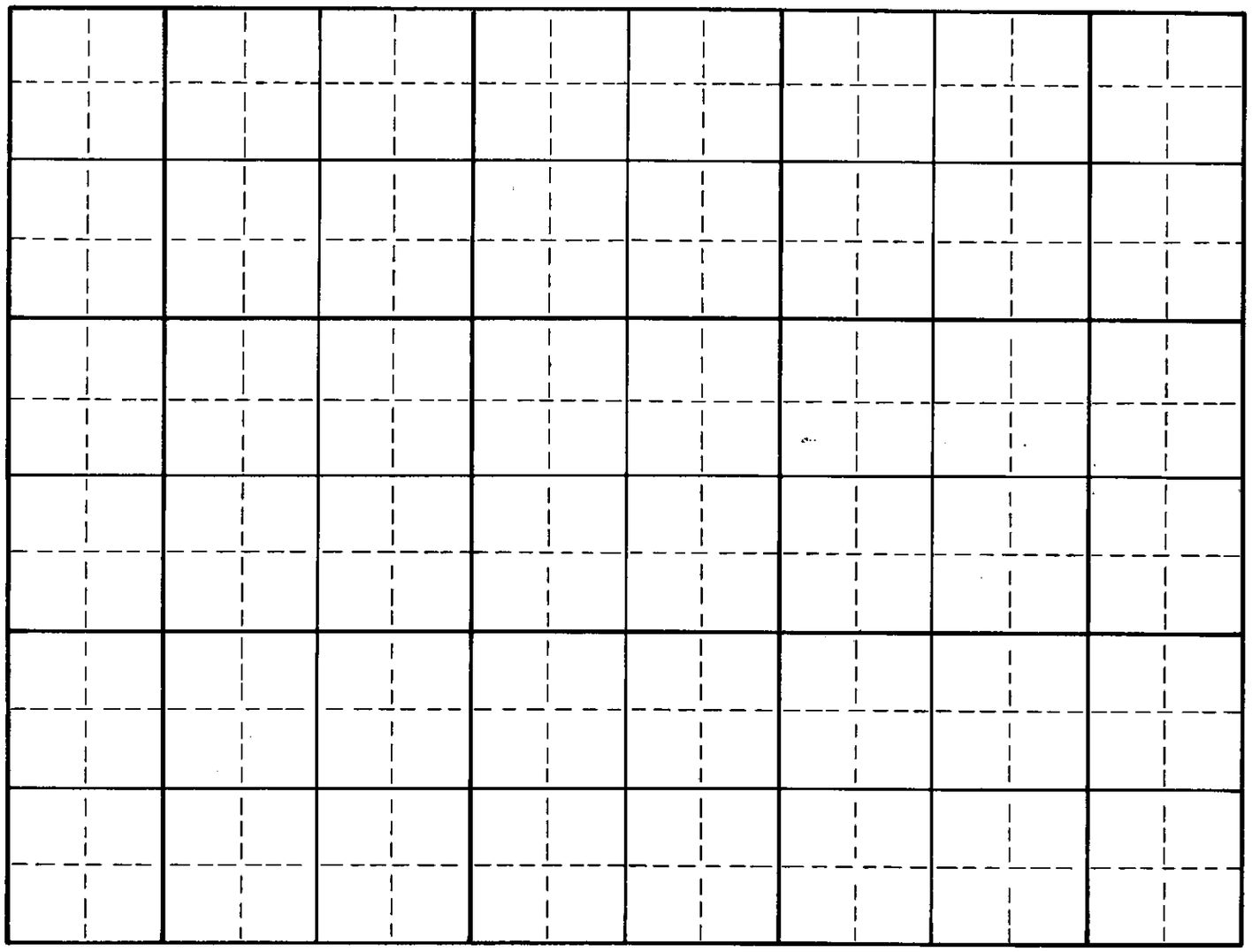
Irrigation requirement = _____ AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
Domestic	0.12	~~30.0~~	1-1	12-31
~~(30 units)~~		27.6		
(23 units)				
		27.6		
Total	0.12	~~30.0~~		

Remarks SF 1.2, Code F, 3450 RPM Ser# 1374 Mod CP412-8
Domestic includes irrigation of lawn & garden

MICROFILMED
MAR 17 1988

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: GL, 5, Sec 19, T 48N, R4W

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
48N	4W	19										X							
		30						X				G							
	5W	25	X					G				L							
			G					L				S							
			L					S											
			S																

MICROFILMED

MAR 17 1988

Recommended Amendments:

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

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

Examiner's Signature Tom M Kings Date 4/23/84

Checked by Bob Haynes Date 5/14/84

Approved by Date

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. 95-7305.

Name(s) of Permit Holder: Ed Keegan

Post Office Address: 3233 Sheridan Court

Spokane, Wa. Tel. No. 664-2275

Source of Water: GW

Extent of Use:
- ☒ Domestic 30 (number of households)
- ☐ Stockwater (number and type of stock)
- ☐ Irrigation (acres)
- ☐ Other

RECEIVED
SEP 21 1983
Department of Water Resources
Northern District Office

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.

9/21/83
Date

Edwin P. Keegan
Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE

RECEIVED
OCT 6 1983

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

Edwin P. Keegan
3243 Sheradon Court
Spokane, WA 99205

LAPSE NOTICE

OCTOBER 05, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 95-7305 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED JULY 31, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF $15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

CERTIFICATION OF MAILING
I hereby certify that on 10-12-1983
~~a copy~~/an original of this document was deposited in the United States mail, postage prepaid addressed to the individual(s) named above.
Rita Fleck

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

INTER-DEPARTMENT MEMO — 1

DATE 8/17/83

FROM Robyn

TO File 95-7305 Keegan

SUBJECT County Assessors office

Per Assessors office the Permitholders new address is: 3243 Sheradon Court
Spokane WA 99205



SIGNATURE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

B854

KEEGAN, EDWIN P.
305 PENNY LANE
TOPPENISH, WA 98948

PROOF DUE NOTICE

JULY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 95-7305 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

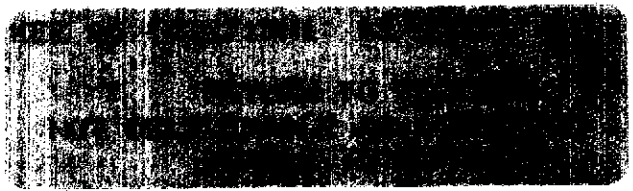
ENCLOSURES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RECEIVED
MAR 3 1982
Department of Water Resources

Edwin P. Keegan
305 Penny Lane
Toppenish, WA 98948

NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

February 23, 1982

Mr. Ted A. Carl
2914 East 32nd Avenue
Spokane, WA 99203

Dear Mr. Carl:

RE: Fact Finding Decision Relative to Permit No. 95-7305
Edwin P. Keegan

Enclosed is a copy of the department's decision concerning a well interference claim and a request for restitution. The decision is based upon evidence in the files of the department and testimony presented at a hearing conducted by the department on July 25, 1980 in Coeur d'Alene.

If you have any questions concerning this matter, please feel free to contact our Northern Regional office in Coeur d'Alene.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Edwin P. Keegan
Northern Regional office - IDWR

Enclosure

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF A WELL INTERFERENCE CLAIM AND REQUEST FOR RESTITUTION BY TED A. CARL	FACT FINDING DECISION

On October 10, 1973, the Director of the Idaho Department of Water Resources (then the Department of Water Administration) issued a memorandum decision and order granting Permit No. 95-7305 to Edwin P. Keegan for the diversion of 0.20 cubic feet per second from a groundwater source. The permit proposed domestic use for thirty (30) families.

One of the conditions of approval states in part that "... in the event pumping of this well causes a lowering of the water levels in the area and the protestant's well is adversely affected, it may be necessary and the applicant may be required, to cease pumping or otherwise provide water to those water users who are deprived of a water supply."

On June 6, 1980, the Department received a request from Ted A. Carl to direct Mr. Edwin P. Keegan to cease use of this well authorized under water Permit No. 95-7305 or to provide Mr. Carl with a water supply. The request resulted from the loss of flow from Mr. Carl's spring which he attributed to Mr. Keegan's well.

A fact finding hearing on the request was held before the department on July 25, 1980 in Coeur d'Alene, Idaho. Mr. Carl and Mr. Keegan were both present and represented themselves. The issue at the hearing was whether Mr. Keegan's well interfered with Mr. Carl's spring.

Based upon the record of the hearing, the official files and records of the Department of Water Resources and the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings, Analysis and Decision.

FINDINGS

1. Mr. Carl is the owner of Lot 2, Sunup Tracts in Kootenai County on which the spring in question is located.

2. Mr. Keegan is the owner of the well, drilled pursuant to water right Permit No. 95-7305 located in Lot A Sunrise Hills together with the water delivery system for Sunrise Hills and Sunrise Hills First Addition.

3. Both parties testified the spring does exist.

4. Mr. Carl testified he measured the flow of the spring at 7 gallons per minute in 1969 and that the flow continued at that rate for eight or nine years (until 1977 or 1978) when a steady uniform decline began until it ceased flowing in the early spring of 1980.

5. The spring flowed from fractured basalt and was improved by Mr. Carl with the installation of perforated pipe and a collection box.

6. Mr. Keegan's well is situated about 425 feet from the spring and land surface at the well is about 108 feet higher than the spring.

7. The well was constructed in June 1974 and is 160 feet deep with casing set to 86 feet below land surface. Blue shale from 85 feet to 130 feet and black basalt from 130 feet to 160 feet were encountered during construction of the well. The original static water level was at 45 feet and there have been no subsequent measurements.

8. Mr. Keegan testified the primary and possibly only water bearing zone is in the basalt at 130 feet to 160 feet below land surface.

9. At the time of the hearing, the well was used to supply water to three summer time residences, two residences that were occupied all year (one beginning in the fall of 1979) and water that was hauled to two part-time residences for culinary uses.

10. Neither party knew of other new well construction or any other activity which might have affected Mr. Carl's spring.

ANALYSIS

The evidence shows Mr. Carl's spring does exist and that it had ceased flowing prior to the hearing. The evidence does not, however, show that Mr. Keegan's well or its use has caused the spring to stop flowing.

Testimony at the conference described the primary water producing zone in the well to be from 130 to 160 feet in depth which is lower in elevation than Mr. Carl's spring. The well is also cased from the surface to 86 feet in depth. Both of these facts indicate the well has not tapped the water producing zone for the spring and drained the zone.

The static water level in the well did rise to 45 feet below land surface which is high enough to physically flow from the spring. This would indicate the well could be using water from the same source as the spring. If this were the case, however, the total use from the well is not large enough to have caused the spring to cease flowing. A spring flow of 7 gallons per minute would produce a volume of over 11 acre-feet of water per year. The total water

needs for the existing water users taking water from the well should be about one-third of that amount. This would indicate that if the well and spring were hydraulically connected, the spring flow would have decreased but it should not have ceased flowing due to the well pumping and the spring flow should have increased and decreased due to well pumpage at various times rather than decline at a uniform rate.

Another possibility that was considered and rejected was the presence of artesian pressure in the water bearing zone from 130 feet to 160 feet below land surface. It is possible artesian pressure could cause flow from the water bearing zone to other higher unsaturated zones penetrated by the well thus depleting the water bearing zone even though the well pumpage has been quite low. If this were the case, however, the spring should have shown some affect sooner than the three to four year period that occurred between well construction and the initial decline of the spring flow. This is particularly true since the spring ceased flowing in a two to three year period after the initial spring flow decline was notified.

DECISION

Based on the evidence available and facts presented at the hearing, the Director concludes that the evidence does not show that the construction and use of the Keegan well has caused the spring used by Mr. Carl to cease flowing and further concludes that restitution is not appropriate.

Dated this 22 day of February, 1982.

A. KENNETH DUNN

Director

February 23, 1982

Mr. Ted A. Carl
2914 East 32nd Avenue
Spokane, WA 99203

Dear Mr. Carl:

RE: Fact Finding Decision Relative to Permit No. 95-7305
Edwin P. Keegan

Enclosed is a copy of the department's decision concerning a well interference claim and a request for restitution. The decision is based upon evidence in the files of the department and testimony presented at a hearing conducted by the department on July 25, 1980 in Coeur d'Alene.

If you have any questions concerning this matter, please feel free to contact our Northern Regional office in Coeur d'Alene.

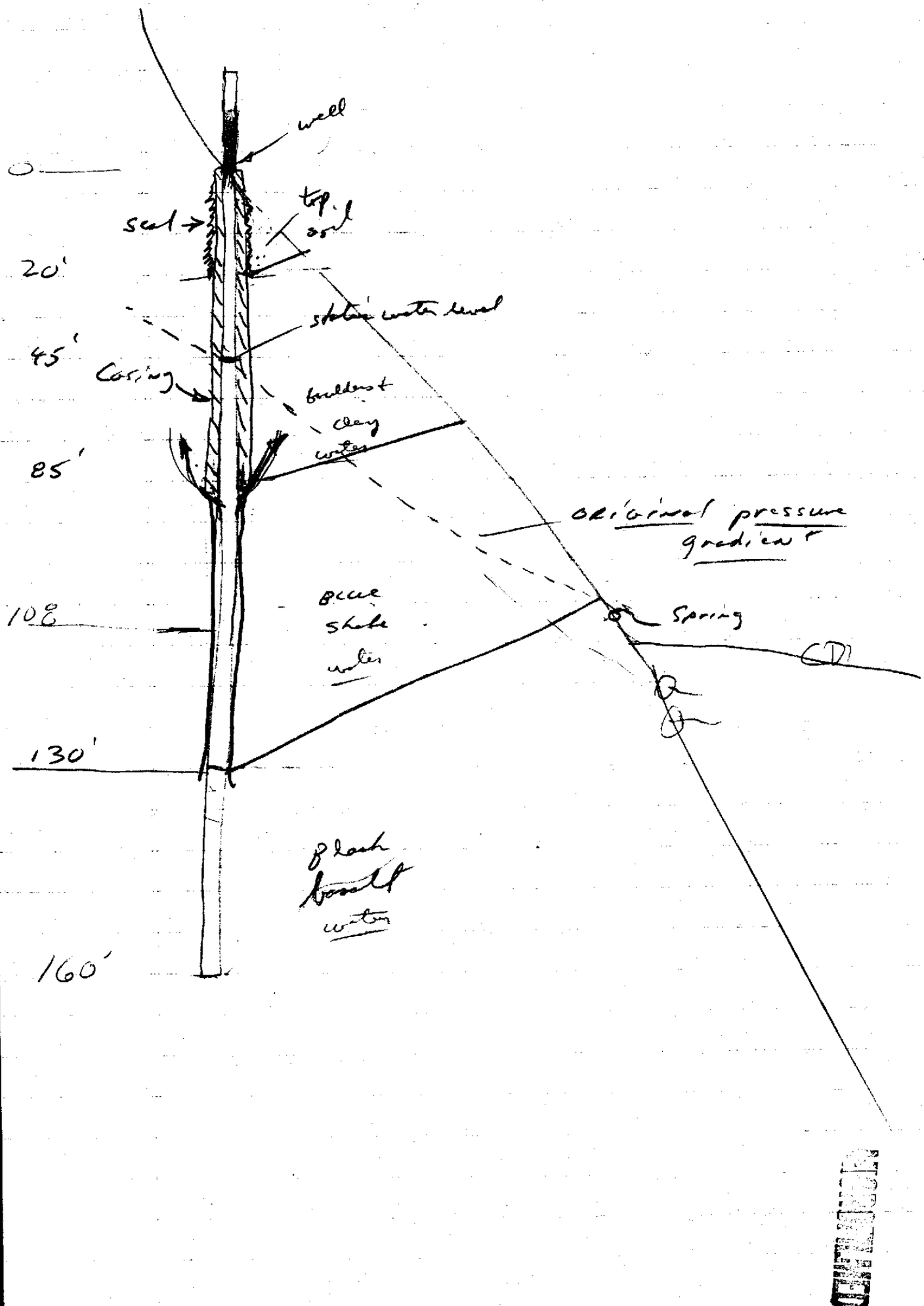
Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Edwin P. Keegan
Northern Regional office - IDWR

Enclosure


well
0
seal
top soil
20'
static water level
45'
Casing
boulders + clay water
85'
original pressure gradient
108
blue shale water
Spring
130'
black basalt water
160'

RECEIVED
JUL 15 1981
Department of Water Resources
Western Regional Office

D R A F T

M E M O R A N D U M

TO: File 95-7305

FROM: Dave Shaw

SUBJECT: Fact-Finding Hearing - 7/25/80.

On July 25, 1980, I conducted a fact-finding hearing relating to a request from Mr. Ted Carl that Mr. Edward Keegan be required to provide him with domestic water pursuant to the conditons of approval for Permit No. 95-7305.

Mr. Carl alleges that the spring which he uses for domestic purposes was impaired and finally dried up as a result of the drilling and use of water from a well above his spring. The well in question was drilled by Mr. Keegan for use in the Sunrise Hills and Sunrise Hills First Addition Subdivision.

There does not appear to be any question that the spring does exist and was used by Mr. Carl for domestic purposes.

Mr. Carl testified that the spring was measured at 7 gallons per minute in 1969, and produced approximately the same amount of water for 8 to 9 years when it began to diminish and finally ceased to provide water in the early spring of 1980. Mr. Carl indicated the decline was uniform in nature.

The well lies about 425 to 450 feet from the spring and is 105 to 110 feet higher than the spring. Water in the well appears to be coming from basalt that was encountered between 130 and 160 feet. The spring issues from fractured basalt.

Mr. Keegan testified that, at present, there are two fulltime residents and three summertime residents using water from the water system.

The fact that water from the well and the spring both come from basalt would indicate that the well might be causing the reduction of water from the spring. However, there are facts that point away from the well being the cause.

If the spring produced 7 g.p.m., the annual production would amount to 11.3 acre feet. The residents using water from the well system would use considerably less than one-half of that amount.

The fact that the decline was uniform also points away from the well as a cause. If pumping from the well were the cause, the spring should reflect with diminished flows the increased pumping which occurs during the summer months because of some lawn watering and additional residents. According to Mr. Carl's testimony, this has not been the case. In fact, the spring ceased to flow during the early spring when use of water from the well would be at a low point.

The years since 1977 represent a period of time when soil moisture contents have been low due to climatic conditions. Problems with springs and shallow wells have not been uncommon.

Based on the facts presented, I do not believe the Department has sufficient justification to order Mr. Keegan to supply Mr. Carl water from his well.

July 25, 1980

Mr. Edward P. Keegan
West 2338 Euclid Avenue
Spokane, Washington 99205

Re: 95-7305

Dear Mr. Keegan:

This is to confirm the telephone conversation with this office today setting an appointment to discuss problems concerning the above-referenced application.

The appointment is set for 9 o'clock, the morning of Friday, July 25, 1980, in my office at 4055 Government Way, Coeur d'Alene, Idaho.

If you have any questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

July 22, 1980

Mr. Ted A. Carl
2914 East 32nd Avenue
Spokane, Washington 99203

Re: 95-7305

Dear Mr. Carl:

This is to confirm the telephone conversation with this office today setting an appointment to discuss problems concerning the above-referenced application.

The appointment is set for 9 o'clock, the morning of Friday, July 25, 1980, in my office at 4055 Government Way, Coeur d'Alene, Idaho.

If you have any questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

M E M O R A N D U M

TO: File 95-7305

FROM: Bob Haynes

SUBJECT: Conversation with Edward P. Keegan

DATE: July 9, 1980

On June 25, 1980, Mr. Keegan came into my office to discuss a letter we had received from Mr. Ted Carl.

Mr. Keegan's well is above Mr. Carl's spring but the bottom of the well is about 70 feet below the spring. The log indicates that a layer of clay was encountered before the major supply of water was discovered.

At the present time, there are 2 full-time families on the system and 3 to 4 part-time residents. At the time Mr. Carl reported his difficulty, use of water from the well would have been low for a period of at least six months because no lawn irrigation would have started.

I also made an on-site inspection of the area.

After reviewing the information available, I can only conclude that there is no real evidence to connect Mr. Carl's problem with Mr. Keegan's well.

June 13, 1980

Mr. Edward P. Keegan
~~West 2338 Euclid Avenue~~
~~Spokane, Washington 99205~~ 305 Cinnamon Lane Spokane, WA 98943

Re: 95-7305

Dear Mr. Keegan:

I am enclosing a copy of a letter which we received from Mr. Ted Carl. Mr. Carl alledges that water being pumped from your well has caused him to lose water from a spring which is the source of his domestic water. He requests that we order you to supply him with water pursuant to the permit that yourreceived in 1973.

Before we take any action on his request, we would like to have your views on the problem.

If you have any questions, please don't hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms
Enc.

cc: File 95-7305

2914 E. 32nd Avenue
Spokane, WA 99203

C. Stephen Allred
Dept. Water Resources
State of Idaho
Coeur d'Alene, ID

Dear Mr. Allred:

I am the owner of Lot 2 Sunup tracts Kootenai County. This property has a spring on it as recorded by myself, and on ownership map layout of the Edwin C. Brandt property recorded at Kootenai County Court House, December 1959.

This spring has been used by myself for domestic water since 1969. Prior to that and until present some residents of area have used same for drinking water purposes. When I bought property I agreed verbally to install an overflow on my collecting system, which I did to accommodate this. I did not guarantee purity.

In 1974 a Mr. Keegan installed a large well to develop secondary property, above the lake shore lots. This action has cut off the source of my water, subsequently gradual drying of spring has occurred. At present there is complete dry up.

I have talked to Mr. Keegan about returning some water to me; as I presumed it was the intent of the terms of the limited water rights you granted him. He has refused to do this, saying that he will not, and cannot do so without a directive from you.

Mr. Keegan should make my water available to me at this time, by shutting down his pumping operation or pipe water across road to my property from his well according to water rights agreement he signed. His actions have cut off the source of my water, lowered the value of my property and destroyed an unique asset of the area. I am asking you to please direct Mr. Keegan to live up to the terms of the water rights granted to him.

Sincerely,

Ted A Carl

TED A. CARL

TAC:nw

RECEIVED
JUN 6 1980
Department of Water Resources
Northern District Office

EDWIN P. KEEGAN
305 Penny Lane
Toppenish Washington 98948
(509) 865-3492

Developer - Sunrise Hills
Windy Bay, Coeur d'Alene Lake
(509) 664-2275

President
Euclid Development Corporation

April 10, 1980

SUNRISE HILLS PROPERTY OWNERS:

RE: 1979 Water Expenses

Up until this time, as developer of Sunrise Hills, I have paid all the costs of maintaining the water system, including real estate taxes on the ground used for water line easements and electrical bills for power and heat to the pump house.

Although some of you have received water for several years, I am only concerned about the year 1979, and I believe that the cost from 1979 on should be handled in a business-like manner by the entire water district.

There are 25 lot owners in the platted Sunrise Hills Development at this time. There are 7 actual users of this water, including myself on Lot A and I only draw drinking water. There are 18 non-users, or 18 lots that are not drawing any water at this time. The users are listed at the end of this letter.

1979 costs were as follows:

Real estate taxes were $137.90

Taxes on Lot A were $100.56, and I will only charge half of these taxes to the water district because only half of Lot A is tied up with the pump house, etc.. This will mean a credit of $50.28 from the above figure for a net tax cost of $87.62 per year.

1979 electric power was $155.65.

This totals $243.27.

Additionally, we have the water meter repair bill for $168, and apparently this was the only service charge last year.

This adds up to a total of $411.27 for the year 1979.

RECEIVED

There are at least two possible plans which could be considered:

PLAN A - Divide the total cost, $411.27, by 25 for a charge of $16.45 per lot for 1979.

PLAN B - Divide the energy cost, $155.65, by the 7 users for a net charge of $22.24. The remaining balance, repairs and taxes, could be divided among all 25 lot owners for an additional charge of $10.22 per lot for 1979. In summary, Plan B would mean that the 7 users would each pay $32.46 and the 18 non-users would each pay $10.22. This would total the $411 identified above.

I am circulating this to all lot owners because a format and precedent should be established for assessing future costs. I would appreciate comments from everyone of you, and I know that a fair solution will result. Everyone of you have been a real pleasure to deal with, and I am determined that everyone of you be entirely satisfied with your purchase at Sunrise Hills.

Sincerely,

EDWIN P. KEEGAN

EPK:mlc

Vern Budig
Mike Fagan
Gary Porter
Les Proctor
Peter Grunte
Pat Keegan
Mike Keegan

Gary Overman
Phil Lupo
Bus Ruggenberg
Jim Dahlberg
George Marks
Ed Keegan
(User Lot A, 5 unsold lots)

7-25 – CDA 95-7305

Mr. Carl.

Spring 25-30 years

3-4 years flow has been diminishing

2 springs in Bay

Water table is being lowered from pumping above

Steep hill side

Spring first used in 1969

Let water pois for others to use.

Well is ≈108 feet higher than spring

spring came out of rock - put pipe in spring.

Improved in 1969 to 1970 By mr. Carl.

Collector was checked and appeared to be ok.

Wet spot has dried up since well went in.

Had 7gpm 3yrs ago about same as prior measurement – about same for 8-9 years.

No other wells Mr. Carl is aware of.

Well about 300-350 from spring.

mr. Keegan 400 btwn well & spring

MICROFILMED

95-7305

(2)

Mr. Keegan.
First Bought property in 1969.
Spring did flow (Mr. Carls)
3 Summer time users
2 permanent homes (1 last fall)
haul water to 2 houses – fresh water.
well 5 hp pump.
pumps 9000 gal in less thay 3 hrs.
Some discontinuity in terrain @ well seems to be in general direction of spring from well.

Carl— Spring ran consistently & declined uniformly
Spring comes from Basalt – fractured.

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State Law requires that you report to the Department of Water Administration within 30 days after completion of any well.

1. WELL OWNER

Name E.P. KELLY

Address SPOKANE

Owner's Permit No.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandonment)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☐ Cable ☒ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 10" inches, total depth 100 feet

Casing schedule: ☒ Steel ☐ Other

Thickness	Diameter	From	To
.250 inches	6" inches		92 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☒ Yes ☐ No

Perforated? ☐ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation ___ inches by ___ inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name

Type Model No.

Diameter ___ Slot size ___ Set from ___ feet to ___ feet

Diameter ___ Slot size ___ Set from ___ feet to ___ feet

Gravel packed? ☐ Yes ☒ No Size of gravel

Placed from ___ feet to ___ feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet

Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location

N / W / E / S

County KOOTENAI

¼ ¼ ¼ Sec. 19 T 52 N R L E/W

7. WATER LEVEL

feet below land surface

☒ No G.P.M. flow

Temperature Quality

Controlled artesian pressure p.s.i.

Controlled by ☐ Valve ☒ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
50		

9. LITHOLOGIC LOG

Hole (Dia.)	Depth From	Depth To	Material	Water Yes	Water No
10	0	20	Loam Top Soil		
10	20	100	Lava Rock	✓	

10. Work started ___ finished ___

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge

CARMAN DEVELOPMENT CORP.
Driller's or Firm's Name

Number

Address

Signed by Date

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE AND PINK COPIES TO THE DEPARTMENT

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Jo Beeman

DATE 6 January 1982

TO Bob Fleenor

SUBJECT procedure for hearing on issue of permit holder's compliance with permit conditions

There is no statute in Title 42 which gives IDWR explicit authority to enforce permit conditions, except as to commencement of work or completion of construction, proof of beneficial use, or payment of fees. (I.C. 42-311, 204) It is arguable that because I.C. 42-203 and 42-204 give IDWR authority to impose conditions on permits, that IDWR has the implied authority to enforce those conditions. Rule 3.1 of the IDWR rules of practice and procedure states "when the subject matter of any desired relief is not specifically covered by these rules or the Idaho Code, a petition seeking such relief and stating the reason therefor may be filed (over)

Jo
SIGNATURE

and will be handled in the same manner as other pleadings." However, I don't believe that the Department's rules can expand the authority it does or doesn't have by statute.

Since the memorandum decision and order on Ted Carl's request states that a fact-finding hearing was held, I would suggest limiting the department's decision to a fact-finding decision. If the parties then wish to take the matter to district court, they may. On the other hand, if Water Resources wishes to exercise its implied authority to enforce permit conditions, the MD&O could have an introductory recital that the fact-finding hearing was held pursuant to the implied authority under 42-203 and 42-254 to enforce permit conditions. Then based on the factual finding that the Keegan well did not interfere with the Carl spring, there would be no departmental action taken against the Keegan permit.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 13, 1980

Clone
File
95-7305

Mr. Edward P. Keegan
West 2338 Euclid Avenue
Spokane, Washington 99205

Re: 95-7305

Dear Mr. Keegan:

I am enclosing a copy of a letter which we received from Mr. Ted Carl. Mr. Carl alledges that water being pumped from your well has caused him to lose water from a spring which is the source of his domestic water. He requests that we order you to supply him with water pursuant to the permit that you received in 1973.

Before we take any action on his request, we would like to have your views on the problem.

If you have any questions, please don't hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms
Enc.

cc: File 95-7305

2914 E. 32nd Avenue
Spokane, WA 99203

C. Stephen Allred
Dept. Water Resources
State of Idaho
Coeur d'Alene, ID

Dear Mr. Allred:

I am the owner of Lot 2 Sunup tracts Kootenai County. This property has a spring on it as recorded by myself, and on ownership map layout of the Edwin C. Brandt property recorded at Kootenai County Court House, December 1959.

This spring has been used by myself for domestic water since 1969. Prior to that and until present some residents of area have used same for drinking water purposes. When I bought property I agreed verbally to install an overflow on my collecting system, which I did to accommodate this. I did not guarantee purity.

In 1974 a Mr. Keegan installed a large well to develop secondary property, above the lake shore lots. This action has cut off the source of my water, subsequently gradual drying of spring has occurred. At present there is complete dry up.

I have talked to Mr. Keegan about returning some water to me; as I presumed it was the intent of the terms of the limited water rights you granted him. He has refused to do this, saying that he will not, and cannot do so without a directive from you.

Mr. Keegan should make my water available to me at this time, by shutting down his pumping operation or pipe water across road to my property from his well according to water rights agreement he signed. His actions have cut off the source of my water, lowered the value of my property and destroyed an unique asset of the area. I am asking you to please direct Mr. Keegan to live up to the terms of the water rights granted to him.

Sincerely,

Ted A Carl

TED A. CARL

TAC:nw

September 22, 1978

Edwin P. Keegan
305 Penny Lane
Toppenish, WA 98948

Dear Mr. Keegan:

RE: Permit nos. 95-7305 and 95-7306

Enclosed is a copy of the approved request for extension of time submitted on Permit No. 95-7305. The time within which to submit proof of beneficial use is extended to October 1, 1983.

We have reviewed your request for an extension of time in connection with Permit No. 95-7306. We regret that under the provisions of Sec. 42-204, Idaho Code, we cannot approve the request since the extension request indicates that no work has been accomplished toward the development of a water right.

I suggest that you file a new application within five years of the time you will actually develop a water right. Since Idaho is now under a mandatory permit procedure to develop a water right, the new application will provide an additional period of time for development, although the priority date will be later in time.

Please feel free to ask our Northern Regional office in Coeur d'Alene to assist you in completing the new application.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
[illegible], Idaho 83720

CLAIM CHECK NO.

21886

RETURNED TO SENDER

☐ HOLD

DATE

REASON CHECKED

Unclaimed ____ Refused ____
Addressee unknown ____
Insufficient Address ____
No such street ____ number ____
No such office in state ____
Do not remain in this envelope

FIRST NOTICE

SECOND NOTICE

RETURN

Detached from
PS Form 3849-A
July 1977

Edwin P. Keegan
W. 2338 Euclid Avenue
Spokane, WA 99205

SPOKANE, WA
PM
AUG
19 [illegible]

NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Resent to:

305 Penny Lane
Toppenish, WA
98948

6/16/78

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 837
(208) 384-2215

July 31, 1978 CERTIFIED MAIL 100020

Re: Permit No. 95-7305 & 95-7306

Edwin P. Keegan
W. 2333 Euclid Avenue
Spokane, WA 99205

Dear Mr. Keegan:

One of the conditions of approval of your water Permit No. 95-7305 & 95-7306 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before October 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

Rita Fleck

RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED

PROTEST DATA

Copies of everything sent to Boise 7-26-73. dc

95-7305 & 95-7306 - Edwin P. Keegan

Community Room, First Federal Savings & Loan Building
Coeur d'Alene, Idaho

August 24, 1973 - 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
James E. Lewis	Rt. Worley Idaho	Hundley Bay property owners assoc.
Delbert R. Matthews	" " "	" " "
Robert M. Taylor	11123 E. 20th Ave, Spokane, Wa. 99206	" "
Mrs. Thomas P. Graham	11813 E. Sprague ave. Spokane, wa 99206	" "
Peter R. Grunte	1224 E. 56th ave, Spokane, Wa 99203	
Edwin P. Keegan	W. 2338 Euclid Ave. - Spokane, Wash - 99205	
Eleanor W Delaney	S. 2129 Rockwood Spokane Wash 99203	

95 7305

95 7305

NAME AND ADDRESS OF SENDER DEPARTMENT OF WATER ADMIN. (Northern District)

Indicate type of mail: ☐ INSURED ☐ C. O. D. ☒ CERTIFIED

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

POSTMARK AND DATE OF RECEIPT

H E A R I N G S

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT [1]	R. R. FEE	S. D. FEE	S. H. FEE [2]	RESTRICTED DELIVERY FEE / REMARKS
1	745668	Leonard R. Kyer, Box 994, Coeur d'Alene, ID 83814	0.08	30			.15			96-7174
2	745669	George B. Marshall, Spirit Lake, Idaho 83869	"	"			"			"
3	745670	John H. &/or Rebecca J. Mott, Rt. 1, Box 81-A, Athol	"	"			"			96-7177
4	745671	Fred R. & Evalyn M. Moore, Rt. 1, Box 73, Athol, ID	"	"			"			"
5	745672	Edwin P. Keegan, W. 2338 Euclid Ave., Spokane, Wash.	"	"			"			95-7305 & 95-7306
6	745673	James E. Routt, 13805 E. 32nd, Spokane, Wash.	"	"			"			" " "
7										
8										
9										
10										
11										
12										
13		Sent by certified mail 8-3-73.								
14		by Cada Roberts								
15										
16										
17										
18										
19										
20										

TOTAL NUMBER OF PIECES LISTED BY SENDER (SIX) 6

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

[1] Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up."

[2] Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

POD Form 3877-A—July 1958

U. S. GOVERNMENT PRINTING OFFICE C48—16—72948-2

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address where delivered ☐ Deliver ONLY to addressee

RECEIPT
Received the numbered article described below

REGISTERED NO.

CERTIFIED NO. 745672

INSURED NO.

DATE DELIVERED 8-7-73

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

(2) SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

(3) SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)* 95 7305

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address where delivered ☐ Deliver ONLY to addressee

RECEIPT
Received the numbered article described below

REGISTERED NO.

CERTIFIED NO. 745673

INSURED NO.

DATE DELIVERED AUG 9 1973

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

(2) SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

(3) SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)* 95 7305

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Permit No. 95-7305 in the name of EDWIN P. KEEGAN	NOTICE OF CONFERENCE AND/OR HEARING

On June 18, 1973, Edwin P. Keegan filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On July 12, 1973, the Department received protests against approval of said application from James E. Routt representing himself and the Windy Bay Property Owners Club.

The Department has set the matter of protests for conference and/or hearing for Friday, August 24, 1973, at 10:00 a.m., in the Community Room of the First Federal Savings and Loan Building, 401 Front Avenue, Coeur d'Alene, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water 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 protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 2nd day of August, 1973.

FRED EISENBARTH, JR.
NORTHERN DISTRICT MANAGER

95 7305

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

July 26, 1973

Re: Application for Permit No. 95-7305
" " " " 95-7306

Edwin P. Keegan
W. 2338 Euclid Avenue
Spokane, WA 99205

Dear Mr. Keegan:

We have enclosed a copy of the protest filed against the issuance of permits pursuant to your Application Nos. 95-7305 and 95-7306. 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 7305

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 emply an attorney in your behalf.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

July 26, 1973

Re: Application for Permit No. 95-7305 - Edwin P. Keegan
" " " " 95-7306 - " " "

James E. Routt
13805 East 32nd
Spokane, Washington

Dear Mr. Routt:

This is to acknowledge receipt of your protest to issuance of permits pursuant to the above referenced applications.

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.

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 us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

95 7[illegible]

O.K.
7/27/73

Mr. James E. Routt
13805 East 32nd
Spokane, Washington

RECEIVED
JUL 23 1973
Department of Water Administration
Northern District Office

July 20, 1973

Mr. Fred Eisenbarth
Northern District Manager
401 Front Avenue, Rm. 209
Coeur d'Alene, Idaho 83814

Dear Mr. Eisenbarth:

In answer to your letter dated July 17, 1973, regarding protest of application for permit No. 95-7305, and No. 95-7306, requested by Edwin P. Keegan, your question:

1) Will the proposed use reduce the quantity of water under existing water rights?

Answer: The only answer I can give is based on the information I received from the Caretaker at the Girl Scout Camp that they in the past years had applied and were denied permission from the State to drill a well for use at the Girl Scout Camp on the grounds of insufficient water supply.

2) Is the proposed water supply insufficient for the purposes intended?

Answer: My answer is the same as for #1 with the exception that there is a more than adequate supply from the lake.

3) Is the application made in good faith or for delay or speculative purposes?

Answer: The land was purchased for speculation. I was personally approached by Mr. Keegan to sell a portion of or the whole 39 acres plus to the Windy Bay Property Owners Club. Again no doubt that the request for water is speculated. If water permit is granted it would increase the chances to sell the land.

95 7305

4) Has the applicant sufficient financial resources with which to complete the project?

Answer: This is a very unfair question. How can I ascertain the financial status of a private individual as I have no means to do so. I would think this would be a direct interest to the state and that they would look into this matter to see that this project would be sufficiently financed and developed in the proper manner.

Some additional thoughts I have and I feel are very important are that an adequate plan to dispose of waste be submitted to the Department of Water Administration so that you can determine that the waste from 30 home developments would in no way endanger or contaminate the present underground and surface water used now.

I feel that if a plan had been submitted, approved and accepted by your department there would have been no protest to this application of permit for water.

For the sake of myself and the 42 property owners of the Windy Bay area I hope you give this your consideration.

Respectfully,

James E. Routt

cc: R. Keith Higginson
Director of Dept. of Water Administration

7305

July 17, 1973

Re: Application for Permit No. 95-7305 - Edwin P. Keegan
" " " " 95-7306 - " " "

James E. Routt
13805 East 32nd
Spokane, Washington

Dear Mr. Routt:

We have received the protests in connection with the above referenced applications; however, we wish to advise you 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:

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?

We will accept your letter of July 7, 1973, as the date of your protest. Based upon the above items, please submit your protest to our Department within ten days from the date of this letter.

If you should have any questions in this matter, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cr

95 7305

#95-7305

July 7, 1973

RECEIVED

JUL 12 1973

Department of Water Administration
Northern District Office

Mr. R. Keith Higginson
Director
Idaho Department of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

Dear Mr. Higginson:

In protest for application for water permit #95-7305 we the undersigned, property owners of Windy Bay and Sun-Up Bay, submit this protest for the following reasons:

1. This land, 39 acres plus, lies west and adjoining the Windy Bay and Sun-Up Bay property owners (see attached west point and Sun-Up map) If this water is used for family dwellings of 30 or more it could cause a serious pollution problem to the property owners' water supply, wells, springs, etc.

2. Could cause a serious pollution problem if a suitable sewage system is not submitted, approved and installed before water permit is approved.

We the property owners of Windy Bay and Sun-Up Bay would appreciate it if the Director of Water Administration would give us and this letter some consideration before approving requested water permit.

Respectfully,

James E. Routt

James E. Routt
Co-Chairman
Windy Bay Property Owners Club

JER/nl
cc: Glenn Harmon
Attorney at Law

E. P. Keegan

95 7305

WINDY BAY PROPERTY OWNER MEMBERS

Roy Kiehn

Bud Rehn

Dr. L. S. Highsmith

Burm M. Steen

Dr. J. H. Delaney

Gertrude R. Lawrence

Harold S. Barnes

Donald F. Mackay

Raymond A. Allen

James E. Routt

Robert V. Adams

Emanuel G. Marks

Harold F. Peters

Robert M. Taylor

Peter R. Grunte

Otto M. Allison Jr.

Delbert R. Mattix

John L. Wynn Jr.

Harold Nelson

Donald Stier

Ott & Bell, Inc.

George B. Wagstaff

Gerald R. Gilbert

J. E. Branson

Carl W. Brandt

Marvin R. Vogt

John A. Pratt

Dr. James L. Rhee

C. Wm. Wardrop

Kenneth A. Bell

Thomas E. Busch

John H. Bos

Arthur H. Shoemaker

Richard Johnson

Mrs. Margaret McGregor Hard

Robert W. Brannan

Richard G. Bos

Harold L. Brahdt

Phil Weidner

William C. Bongers

Ted A. Carl

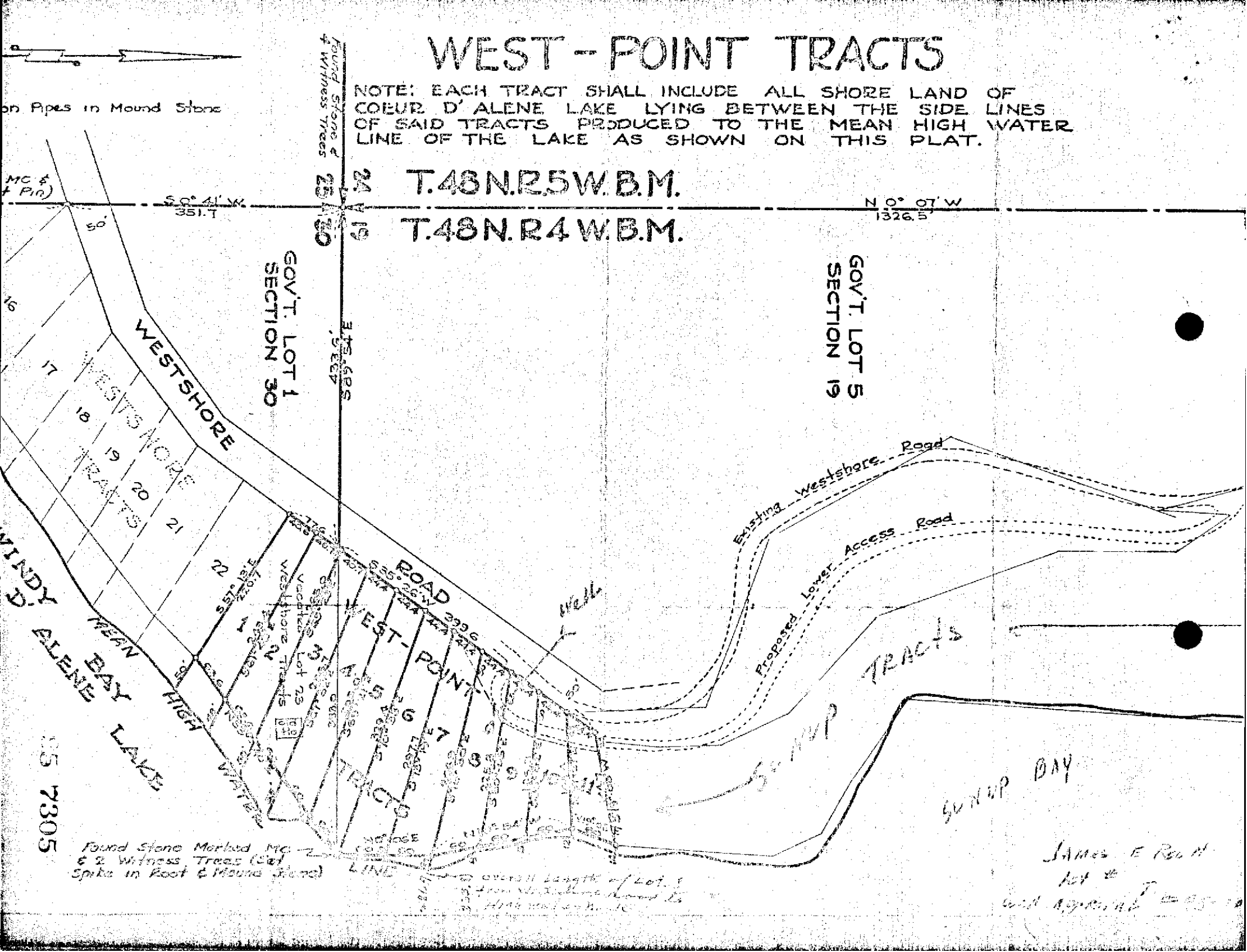
7305

WEST - POINT TRACTS

NOTE: EACH TRACT SHALL INCLUDE ALL SHORE LAND OF COEUR D' ALENE LAKE LYING BETWEEN THE SIDE LINES OF SAID TRACTS PRODUCED TO THE MEAN HIGH WATER LINE OF THE LAKE AS SHOWN ON THIS PLAT.

T.48N.R5W.B.M.

T.48N.R4W.B.M.



July 5, 1973

RECEIVED

JUL 12 1973

Department of Water Administration
Northern District Office

Mr. R. Keith Higginson
Director
Idaho Department of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

Dear Mr. Higginson:

In answer to a request for water permit #95-7305 and #95-7306 I would like to protest for the following reasons:

1. I claim prior water rights in preference to permit #95-7305, my personal approved permit #95-7089 dated 2-11-70. My concern is the possibility of deletion of water supply if the above requested permit is approved for 30 homes as this area lies directly behind and adjoining my well.

2. Could cause a serious pollution problem to my present well, (which presently supplies water to three families) if a suitable disposal system for thirty families is not submitted, approved and installed prior to issuance of water permit.

3. My protest for permit request #95-7306 is for the same reason as number two above.

I would appreciate any consideration given to my prior water rights in this matter.

Respectfully,

James E. Routt

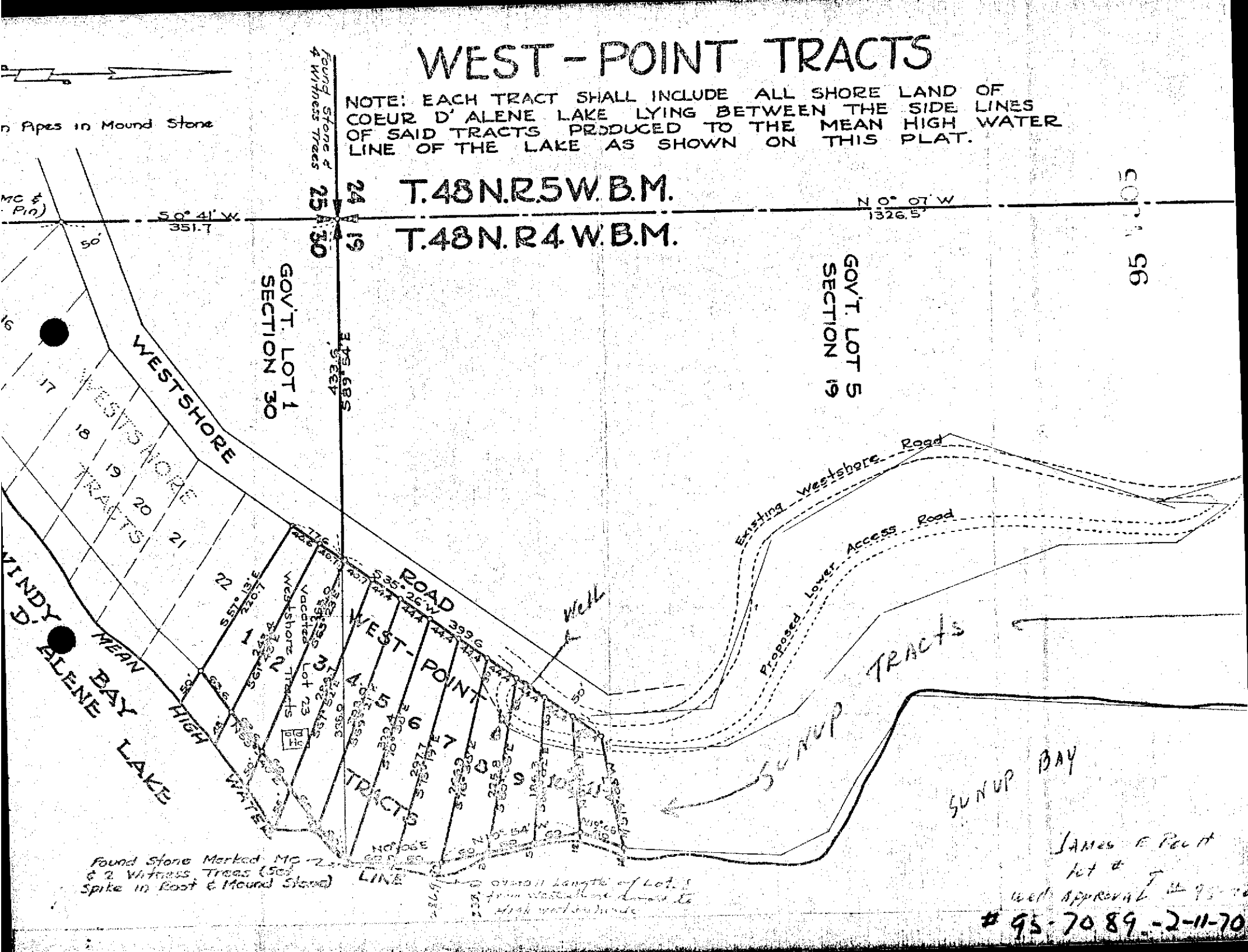
James E. Routt
Rt. 2
Windy Bay
Worley, Idaho

95-7305

Spokane Address:
13805 East 32nd
Spokane, Washington

WEST-POINT TRACTS

NOTE: EACH TRACT SHALL INCLUDE ALL SHORE LAND OF COEUR D' ALENE LAKE LYING BETWEEN THE SIDE LINES OF SAID TRACTS PRODUCED TO THE MEAN HIGH WATER LINE OF THE LAKE AS SHOWN ON THIS PLAT.



J. E. Routt
13805 E. 32nd
Spokane, Washington

SPOKANE PM WA 10 JUL 1973 24

8c EISENHOWER USA

RETURN RECEIPT REQUESTED

CERTIFIED
No. 966119
MAIL

95 2305

9.20
7/11/73

Mr. R. Keith Higginson
Director
Idaho Department of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

[redacted]

[redacted]

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	EB	6/18/73	Application No. 95-7305 Name Edwin P. Keegan
(2)	EB	6/18/73	Check: ☑ Signature ☑ Point of Diversion ☑ Quantity of Water and Period of Use ☑ Description of Diverting Works ☑ Time required for C/W and application of water to B/U ☑ Place of Use ☑ Map ☑ Fee
(3)	EB	6/18/73	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.
(5)	EB	6/18/73	In form for advertising o.k.
(6)	OR	7-16-73	Affidavit of Publication received July 9, 1973
(7)	OR	6-22-73	Final date for protests July 16, 1973 Protests received: yes ✓ no ____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes ____ no ____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)			Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____
			See attached sheet for conditions of approval
			No conditions for approval
(14)			District _____ By _____ Date _____ Title _____

95 7305

PANHANDLE HEALTH DISTRICT I

P. O. Box 608 412 Lakeside Avenue Coeur d'Alene, Idaho 83814

July 5, 1973

RECEIVED
JUL 6 1973
Department of Water Administration
Northern District Office

Fred Eisenbarth
Department of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho

Re: Application Number
95-7305 & 95-7306

Dear Mr. Eisenbarth:

The Panhandle Health District has no objections to the above mentioned applications. The actual well site should be approved by the Health Department prior to drilling to insure compliance with all State Codes.

Sincerely,

Ron L. Donaly adv

Ronald L. Donaly
Environmentalist

Serving Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties

95 7305

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

June 25, 1973

Re: Application for Permit No. 95-7305 - Edwin P. Keegan
" " " " 95-7306 - " " "

Ronald L. Donaly
PANHANDLE DISTRICT HEALTH DEPARTMENT
P.O. Box 608
Coeur d'Alene, ID 83814

Dear Ron:

We are enclosing copies of applications that may be of interest to your agency. Please review the applications and if you have any comments, please submit them to our office as soon as possible. We normally complete the processing of an application within a four week period, and we are required to take final action shortly thereafter.

If we may be of any further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosures

95 7305

June 22, 1973

Re: 93-4000 95-7306 95-4095
95-7304 95-4093 95-4088
(95-7305) 95-4094 96-4066

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

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted _____ by _____
RETURNED FOR CERTIFICATION 7-16-73.CR

FE:CR

Enc: Legal Notices (9)

95 7305

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edwin P. Keegan, W. 2338 Euclid Avenue, Spokane, Washington has on June 18, 1973 submitted Application No. 95-7305 for a permit to appropriate 0.2 cubic feet per second ~~acre-feet per annum~~ of water from a ground water source by means of pump, motor, pipeline, and storage tank within ~~the~~ Gov't. Lot 5, Sec. 19, T. 48N, R. 4W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31 for domestic ~~pu~~poses for 30 families within ~~the~~ Gov't. Lot 5, Sec. 19; Gov't. Lot 1, Sec. 30, T. 48N, R. 4W; Gov't. Lot 1, Sec. 25, T. 48N, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before July 16, 1973.

R. KEITH HIGGINSON
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho on June 28 and July 5, 1973

95-7305

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edwin P. Keegan, W. 2338 Euclid Avenue, Spokane, Washington has on June 18, 1973 submitted Application No. 95-7305 for a permit to appropriate 0.2 cubic feet per second of water from a ground water source by means of pump, motor, pipeline, and storage tank within Gov't. Lot 5, Sec. 19, T. 48N, R. 4W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic purposes for 30 families within Gov't. Lot 5, Sec. 19; Gov't. Lot 1, Sec. 30, T. 48N, R. 4W; Gov't. Lot 1, Sec. 25, T. 48N, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before July 16, 1973.

R. KEITH HIGGINSON
Director

June 28, July 5, 1973

O.K.
7-3-73
dr

95 7305

RESIDENCE:
228 LAKEVIEW DRIVE
COEUR D'ALENE, IDAHO 83814
PHONE 664-6321

RAY KYER

P. O. BOX 994
COEUR D'ALENE, IDAHO 83814
(208) 664-6323

BERRY & STARK
SUITE 1740 - 1600 BROADWAY
DENVER, COLO. 80202
(303) 893-5003

SPIRIT LAKE, IDAHO





MICROFILMED

THE LEGEND OF TESEMINI - LAKE OF THE SPIRITS

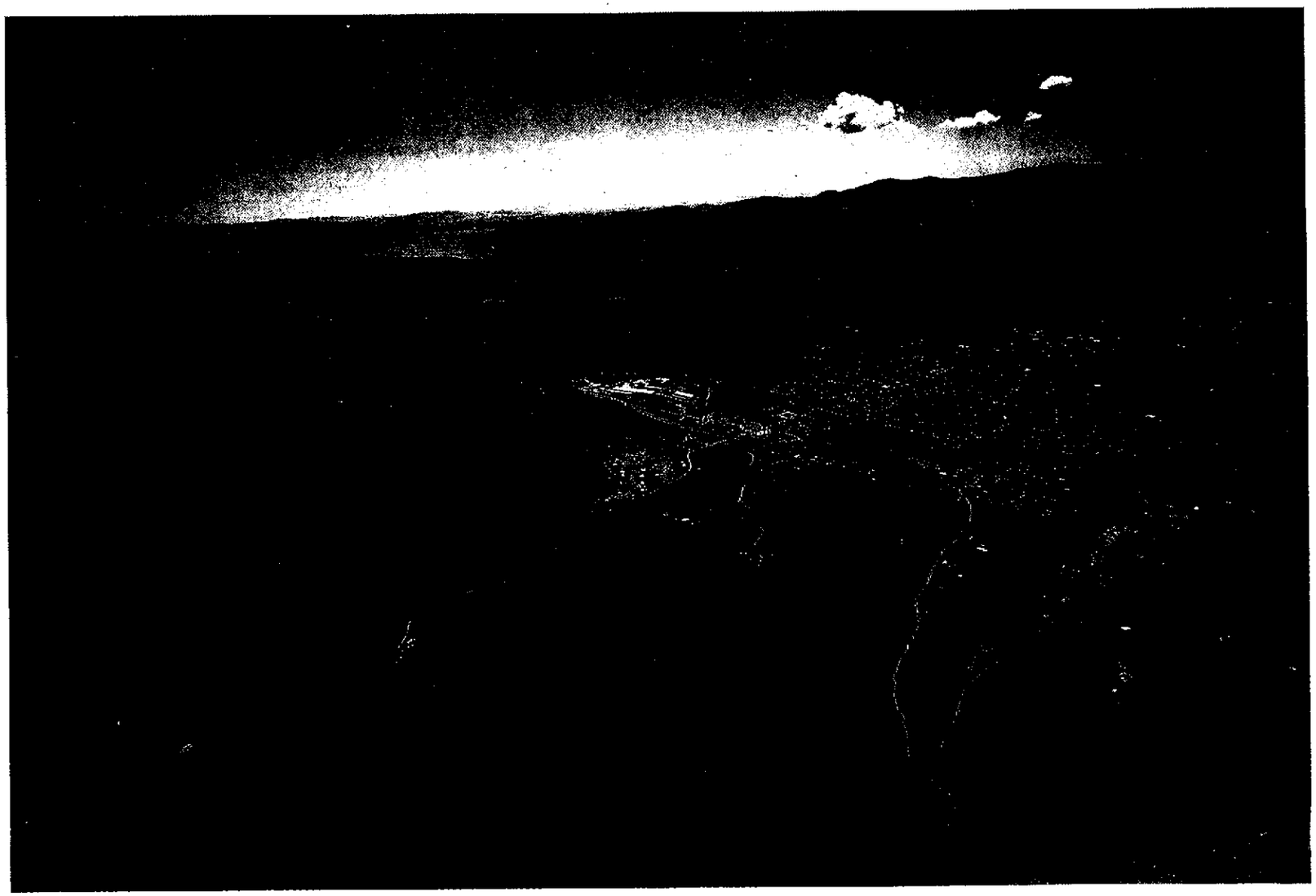
There is an old legend about a tribe of peace-loving people, the Kootenai Indians, who lived near Spirit Lake, then called Clear Water. Hyas-Tyee-Skookum-Tum-Tum, the tribal chieftain, had a beautiful daughter named Hya-Pam. She was deeply in love with Hasht-Eel-Ame-Hoom, a boy she had known since childhood. Though Hya-Pam was not promised in marriage, it was always known that eventually Hasht-Eel-Ame-Hoom and Hya-Pam would "bind-their-hands-together" with a chain of rushes, symbolic of marriage.

Then one day, the Kootenai Tribe was endangered by the desires of a neighboring tribe, a hostile people led by Pu-Pu-Mox-Mox. The knowledge of Hya-Pam's exceptional beauty had reached this old Indian chieftain, and he desired to have Hya-Pam as his wife. He warned the peaceful Kootenai that unless he were given the lovely girl in marriage, he would destroy them.

Seeking to avoid bloodshed, Hyas-Tyee-Skookum-Tum-Tum agreed to the marriage without consulting his daughter. When Hya-Pam and Hasht-Eel-Ame-Hoom learned of her father's agreement, they begged him to change his decision. But her father was bound by his word, and he could not go against his decision.

The two lovers could not face the future without each other. In a final act of love, they bound their hands together with a chain of rushes, walked to the edge of a cliff overlooking the lake, and leaped to their death in the water below. Their bodies were never found, and it is said that their spirits still live in the waters of Spirit Lake.

Seeking a name for a new community development in the neighborhood of Spirit Lake, we have chosen the beautiful Indian word "Tesemini," meaning Spirit.



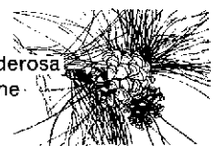
Coeur d'Alene, Idaho
Preceding Photographs:
Spirit Lake, Idaho looking,
east across Tesemini property —
Spirit Lake looking west to Mt. Spokane.

Page

2 Grand Fir  INTRODUCTORY STATEMENT

4 Douglas Fir  REGIONAL ENVIRONMENT

7 Western Larch  SITE CHARACTERISTICS

12 Ponderosa Pine  PLANNING CONCEPTS

16 Lodgepole Pine  MASTER PLAN

20 Quaking Aspen  TECHNICAL DATA



INTRODUCTORY STATEMENT

The Panhandle section of the State of Idaho is surely one of the most beautiful sections of the United States. Three major lakes and a myriad of smaller lakes and sparkling streams furnish spectacular scenery as well as abundant opportunity for water sports. An average elevation of less than 3,000' and protection from harsh winter storms combine to give this area magnificent climate. The mean annual temperature is a surprising 50°. Precipitation, varying from 22" to 35", produces luxuriant vegetation during pleasant summers and provides for lively winter sports during mild winters. The evergreen-covered mountains support a strong lumber industry while the well-watered valleys provide excellent conditions for farms. The scenery of Tesemini country covers the full spectrum of serene to awe-inspiring-beauty — this is truly an "Emerald Empire."

Tesemini is a uniquely beautiful tract, desirable for residential use. It is relatively close to a growing metropolitan area and in the pathway of anticipated growth. Because of terrain, access, soils, vegetation, water availability, and other attractive features, Tesemini is an easy tract to develop. It could easily be sold in a raw state because of high interest in land investment and ownership, prevalent throughout the United States today.

Before deciding upon a course of action for the development and-or disposition of Tesemini, several questions were asked.

Is the contemplated development good for the community...
Short range?
Long range?
Is there an acceptable way through careful planning to satisfy the profit motive of the developer while serving the community through assurance of responsible, desirable land use for future generations?

It appears in the case of Tesemini that the last question can be answered affirmatively. It is possible that utilization of the land on an interim basis can be accomplished so that the purchasers of this property will become stewards of the land for future generations: utilizing and cherishing the property during the period required for its coming to fruition for more intensive use.

It is obvious from inspection of Tesemini that it is presently desirable for ownership by people who would utilize it for either second or primary homes on a widely-spaced pattern. At present, it should have a density of approximately one home per 40 acres. It is equally obvious that at some future time (perhaps 20 years) this land will become highly desirable for a more dense housing pattern **if the land is not irrevocably damaged by improper use during the intervening years.** Some owners of large sites may want to pass these down as a heritage in their family estates. Other owners may want to subdivide their land in the future into smaller pieces, perhaps on the order of one homesite per 5 acres. Still other owners may wish to subdivide their tracts into small homesites, perhaps half-acre lots. The interesting problem for the responsible developer dealing with the entire 3,830 acre tract is to chart a course for the future that will ensure desirable and compatible use of the land for future generations when a mix of forty-acre, five-acre, and half-acre sites is a real possibility.

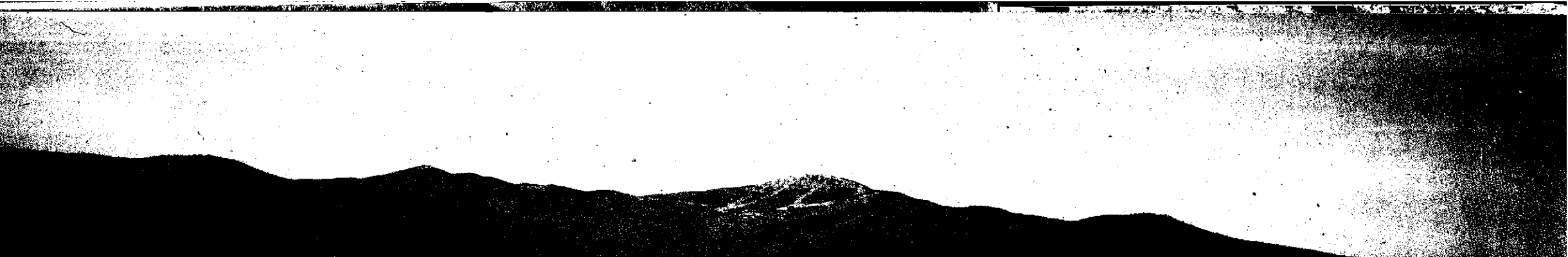
After spending several months in general investigation and 2 months in intensive investigation, the complexity of the possibilities of present and future utilization of the land is well understood.

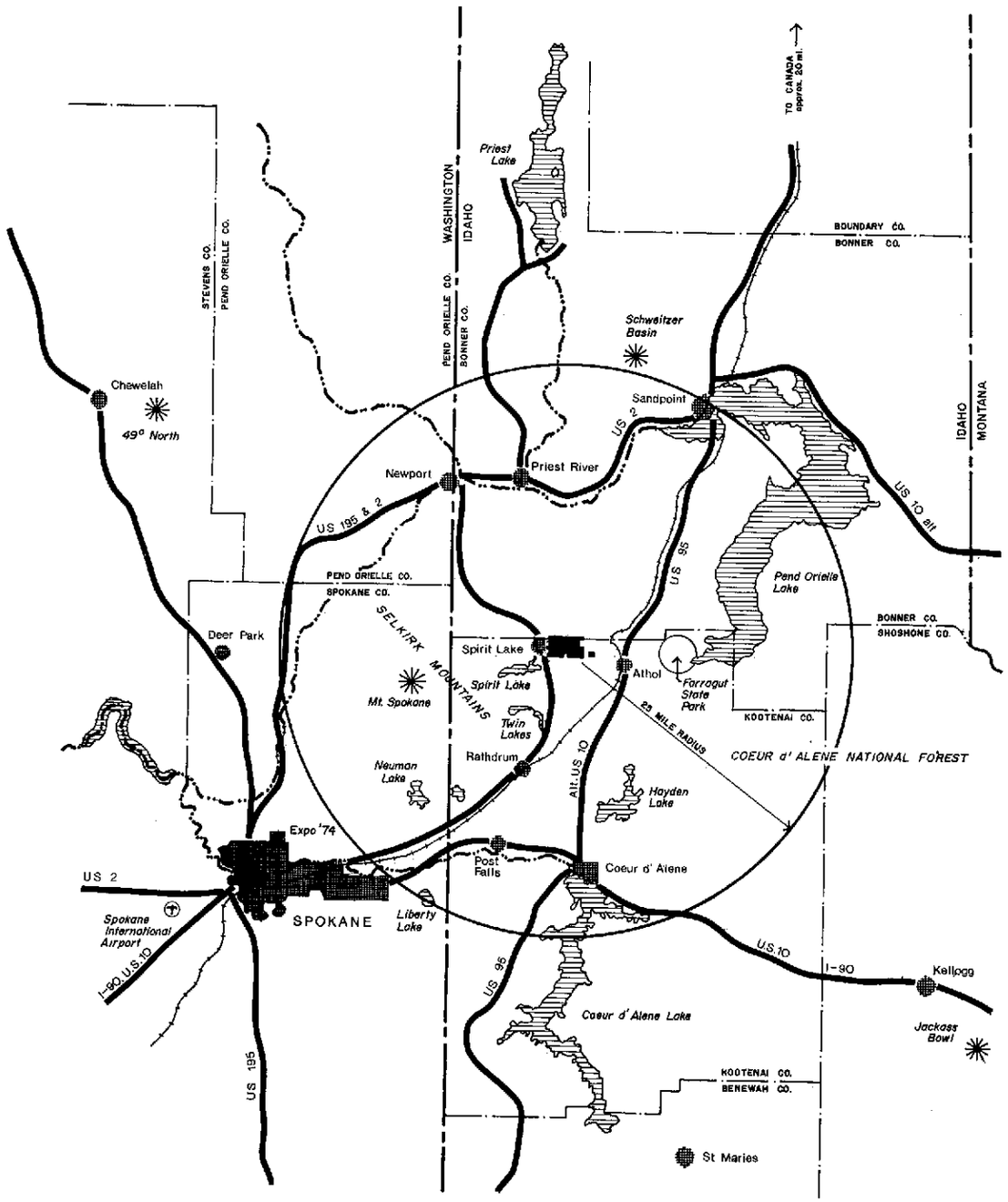
The future course of Tesmini has been charted by a combination of:

Adoption of a Master Plan
Adoption of Protective Covenants
Retention of Open Space
Formation of Homeowners' Association
Adoption of By-laws Under the Homeowner's Association
Application of Deed Restrictions

Rules, regulations, obligations, and restrictions have been imposed upon the land as a duty to be accepted in exchange for the privilege of ownership in Tesemini. Covenants, as well as deed restrictions, will permit owners to seek rezoning in the future so long as there is strict adherence to the overall Master Plan. The matter of open space has not been left for the future. Approximately 800 acres have been set aside in a Homeowners' Association so that there will be land available for churches, parks, schools, golf course, equestrian and pedestrian pathways when the demand for such facilities justifies their installation. This land is to be loved, cherished and above all, treated with respect.

Tesemini property looking west.





REGIONAL ENVIRONMENT

Tesemini is located on the Rathdrum Prairie, which is a major topographic feature covering approximately 425 square miles left by the last retreating glacial ice, perhaps 20,000 years ago. A deep valley was gouged out by continental ice as it moved down out of Canada into this area; historical geologists refer to this ancient trough as the "Purcell Trench." This deeply incised valley was filled and refilled with outwash gravel as catastrophic flooding occurred during several periods in the Pleistocene. The resulting upper surface of the valley fill forms the Rathdrum Prairie while the mass of permeable gravel constitutes the prolific Rathdrum Prairie Aquifer.

Along the sides of the Purcell Trench, between East Spokane and the south end of Lake Pend Oreille, the ice pushed fingers into the mouths of the tributary drainage channels leaving lateral moraines as dams. Spirit Lake, Twin Lakes, Hayden Lake and Liberty Lake are all beautiful bodies of water which resulted from such damming. All of these lakes have feeder streams from the water sheds above them; none have surface outflow. Stream inflow and percolation outflow are in stable equilibrium so the lakes have a nearly constant level and are fresh and clear; their subsurface discharge contributes to the underflow in the huge aquifer which breaks out at the surface near Spokane. The major portion of the water moving through the gravels is derived from Pend Oreille Lake and the Pend Oreille River above Albeni Falls.

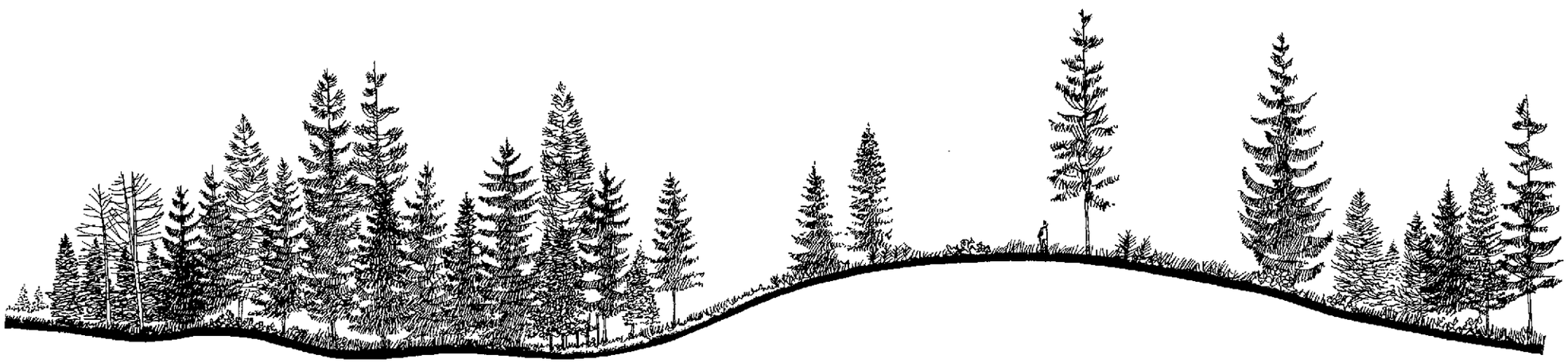
The landscape, of which Tesemini is a part, is gentle and subtle, accented by beautiful mountains with clear lakes and lovely streams. The prairie itself is a checkerboard of evergreen and farming green, the heart of the Emerald Empire. Mild winters, pleasant summers, ideal growing conditions, abundant water, serenity, beauty, recreation—on and on this area's virtues can be listed.

A major part of any regional environment is its people. Those who live here love the area. They work hard and play hard. Above all they have pride in their land and care about its future. The region has a current population of 313,000, with Spokane the major point of concentration. If growth were projected, based upon the last ten years, the next decade would indicate 340,000 in the area. However, there is evidence of an accelerating growth rate especially in the past 3 years. Regional population may well surpass the projection, because of recent growth in Kootenai County.

The excellent life style of the Emerald Empire will be a revelation to thousands, as the region is "discovered" by visitors to Expo '74 next year in Spokane. Many arriving by interstate highways, flyways and byways will receive a pleasant surprise when they realize a truly superb part of the country they did not know existed is available to them, either as a place to relocate or recreate.



Looking North



The unique vegetative pattern.

In this area, prevailing storms from the southwest are modified by the mountains to produce a climate of mild winters and pleasant summers, a climate only slightly cooler than the Spokane area. Winter temperatures average just below thirty-two degrees Fahrenheit, with occasional snow falls of several inches. Snow is usually out of the trees at Tesemini by March, and accumulations that last throughout the winter are rare before late December. Frost depth is less than 24". The summer weather is ideal for full enjoyment of the many mountain and lake recreational areas in the immediate vicinity.

The hills and depressions are especially well suited to a road network that has interesting changes of level and permits gentle curves so that a grid feeling is avoided. The tree cover permits 500' diameter turning nodes to slow traffic, while enhancing the park-like atmosphere that is so important to the long-range concept of Tesemini.

Utilizing water from the underlying aquifer, a test tract is being developed to demonstrate the landscaping possibilities if sprinkler irrigation water is brought to the site and if the trees are selectively thinned and trimmed. An inventory of the native plants and wildlife found on the tract is listed below:

Native Plants

Shiny-leaf ceanothus
Wild rose
Snowberry
Hawthorn
Willow
Mahonia
Geum triflorum
St. John's Wort
Potentillia spp.
Ocean spray
Bearberry
Cheatgrass
Geranium
Junegrass
Wild aster
Larkspur
Gilia
Rumex
Goatsbeard
Serviceberry
Box-leaf myrtle
Prince's pine
Western Yarrow
Bluegrass
Quaking Aspen
Ponderosa Pine
Lodgepole Pine
Douglas-fir
Grand fir
Western larch

Wildlife List

White-tailed deer
Coyote
Weasel
Vagrant shrew
Deer mouse
Chipmunk


Bicycling Jobs



PLANNING CONCEPTS

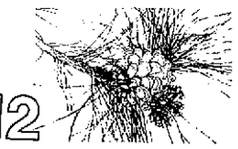
Questions which first arise in considering a project the size of Tesemini are: Is it feasible? Does it make sense? Is it compatible with the area? Questions come in a flood, each one spawning several others until all facets of intelligent land planning and development are assured consideration. During the initial period of investigation the conditions of geology, hydrology, soil analysis, access, engineering problems, zoning, legislative problems, and market analysis were carefully considered and determined to be favorable for residential use of the tract.

Almost immediately after the formal planning was commenced the need for a phased concept became evident. Urban or suburban densities were out of scale environmentally and economically for the early future. Large sites, well above the size permitted by existing Multiple Use Zoning for either primary or secondary homes, appeared to be a logical land use in the first phase.

In subsequent years, as the population growth in Spokane and Spokane Valley occurs, there will be a look toward suburbanization to the east and northeast. This should result in portions of the land becoming desirable for low and medium density housing.

One of the major planning concepts in the case of Tesemini was that this large, beautiful tract should be treated in such a manner that orderly development could occur over several decades. A companion premise which was followed is that future community activity should be broadly outlined in the early planning stages and land set aside now for these anticipated future uses. The Master Plan has provided for phased residential development from large initial parcels to medium density in later years. It has also identified locations for community activities, utilities, recreation and other facilities. Restrictive covenants and bylaws for the Home Owners' Association have been recorded to guarantee against deviation from the Master Plan.

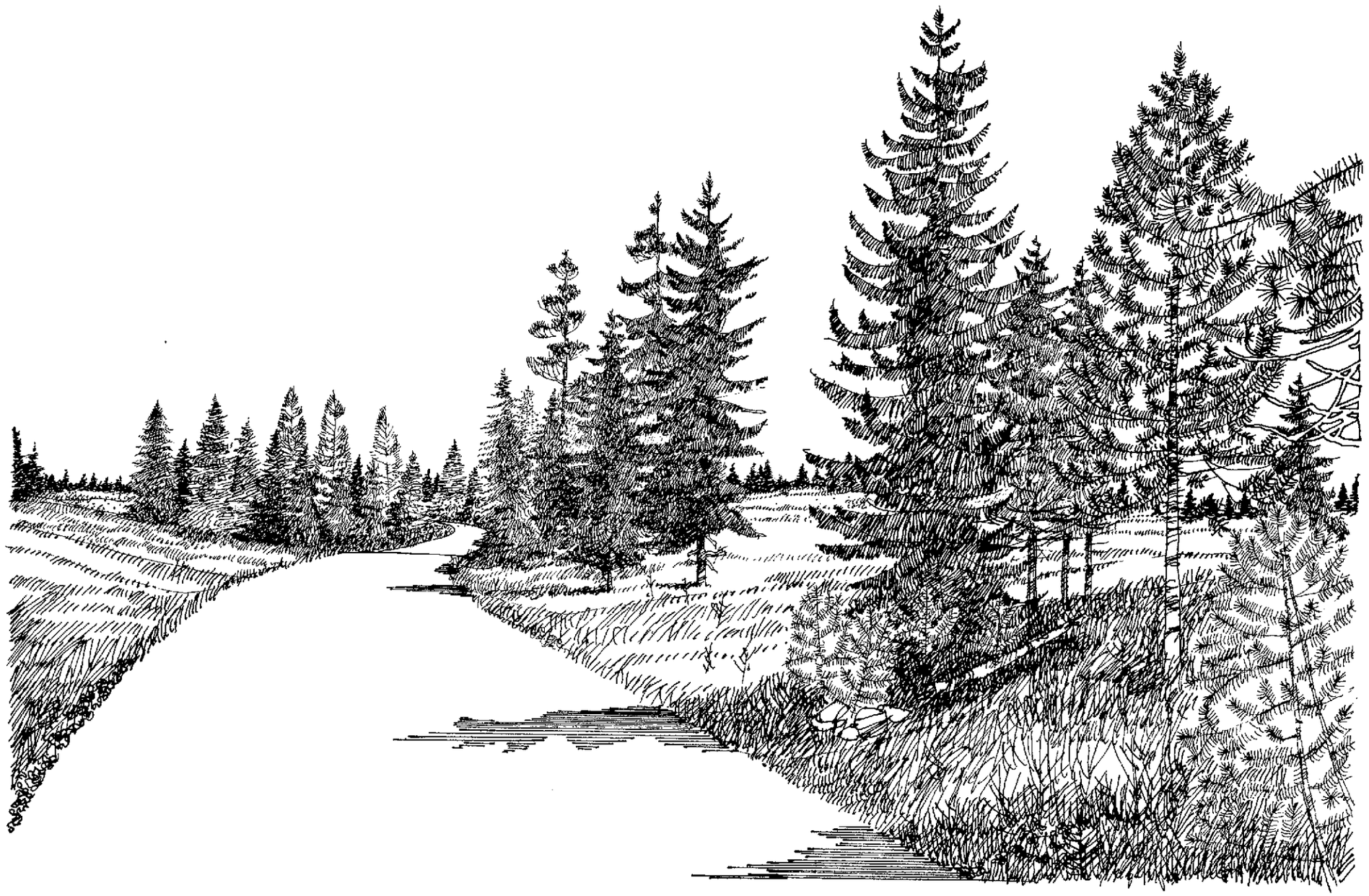
The resulting Master Plan is a positive, dynamic answer to the initial questions. The plan is feasible because it enables the project land to become a meaningful part of the overall community by an intelligent change of land use from its current vacant status to a large park. It makes sense because it does not attempt to force a development prematurely. Finally, the Tesemini Master Plan is compatible with the surrounding area because it fits the environment and assures preservation of the desirable natural features during a maturation period before maximum use is justified.

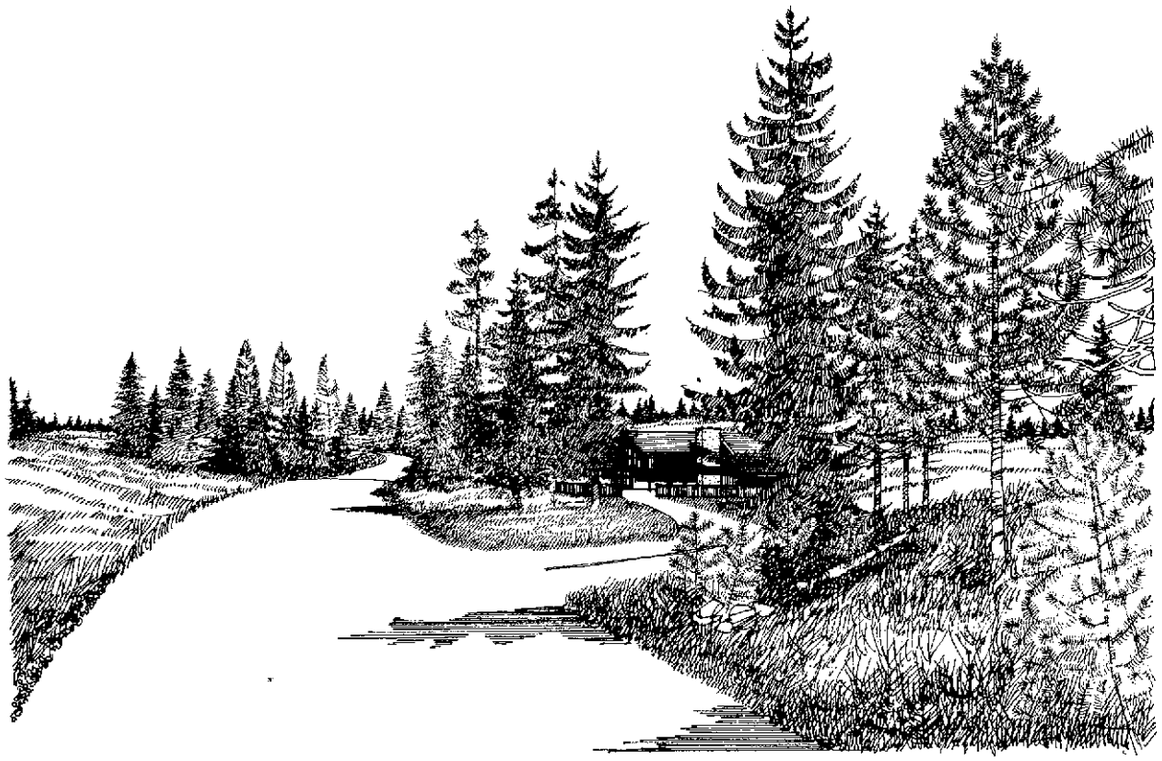


T. 54 N.
T. 53 N.
BONNER CO
KOOTENAI CO
Spirit Lake
Lakewood Sch
MADISON ST
MAIN ST
VERMONT ST
AVE
5TH
Water
BM 2567
BM 2564
Greenwood Cem
Gravel Pit
Gravel Pit
Gravel Pit
CHICAGO MILWAUKEE ST PAUL AND PACIFIC
SPIRIT LAKE
ELEV 2440
JULY 1961
(SPIRIT LAKE WEST)
BM 2487
57'30"
NEWPORT BLANCHARD
31
32
33
34
35
6
5
4
3
8
9
10
11
16
15
14
7
2600
2580
2570
2560
2588
2584
2615
2555
2500
2568
2575
2504
2557
2534
2528
2494
2540
2520
2480
2470
2400
FOCAL POINT FOR FUTURE COMMUNITY SERVICES
- shopping
- auto service
- school
- recreation

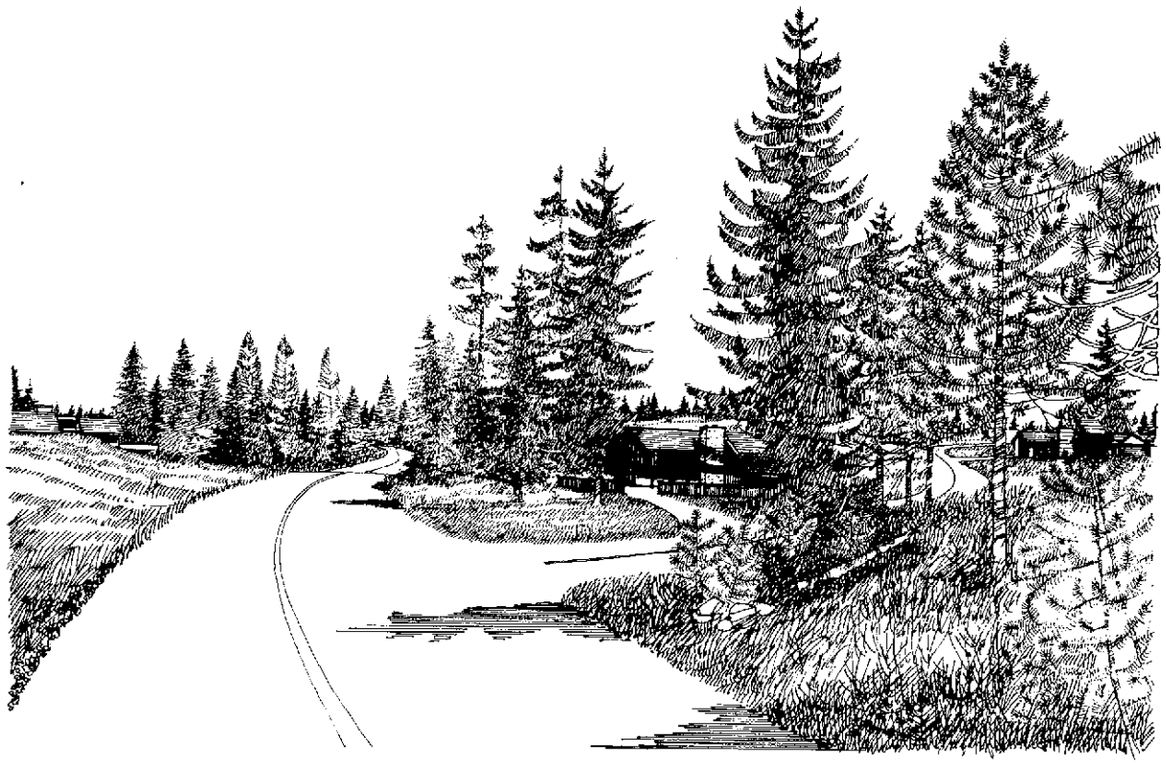
CONCEPT PLANS

north

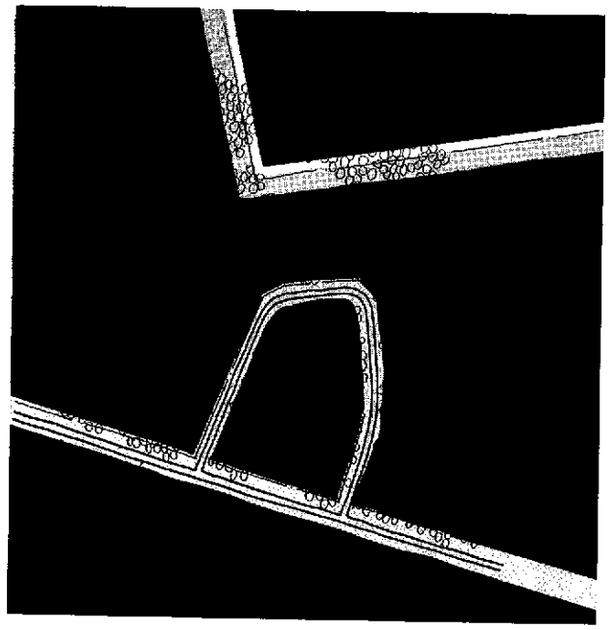




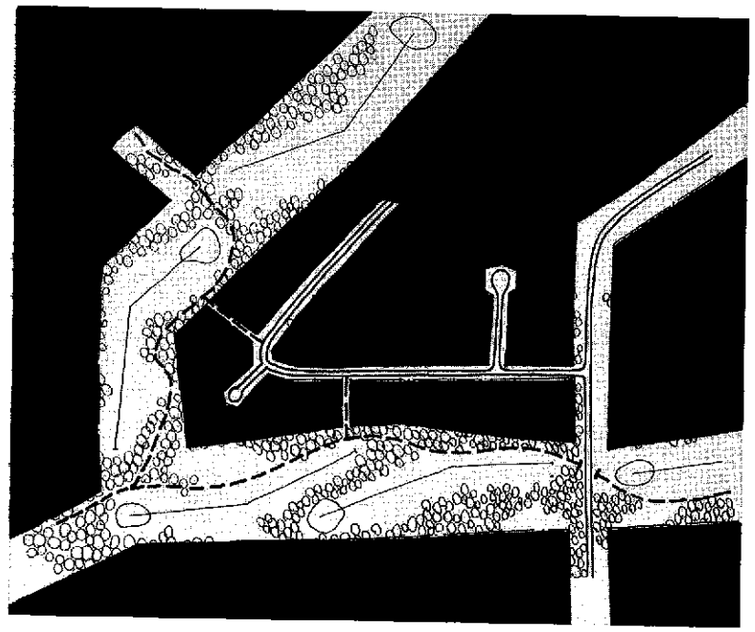
Low Density



Medium Density



Low Density



Medium Density

Development Alternatives

MASTER PLAN

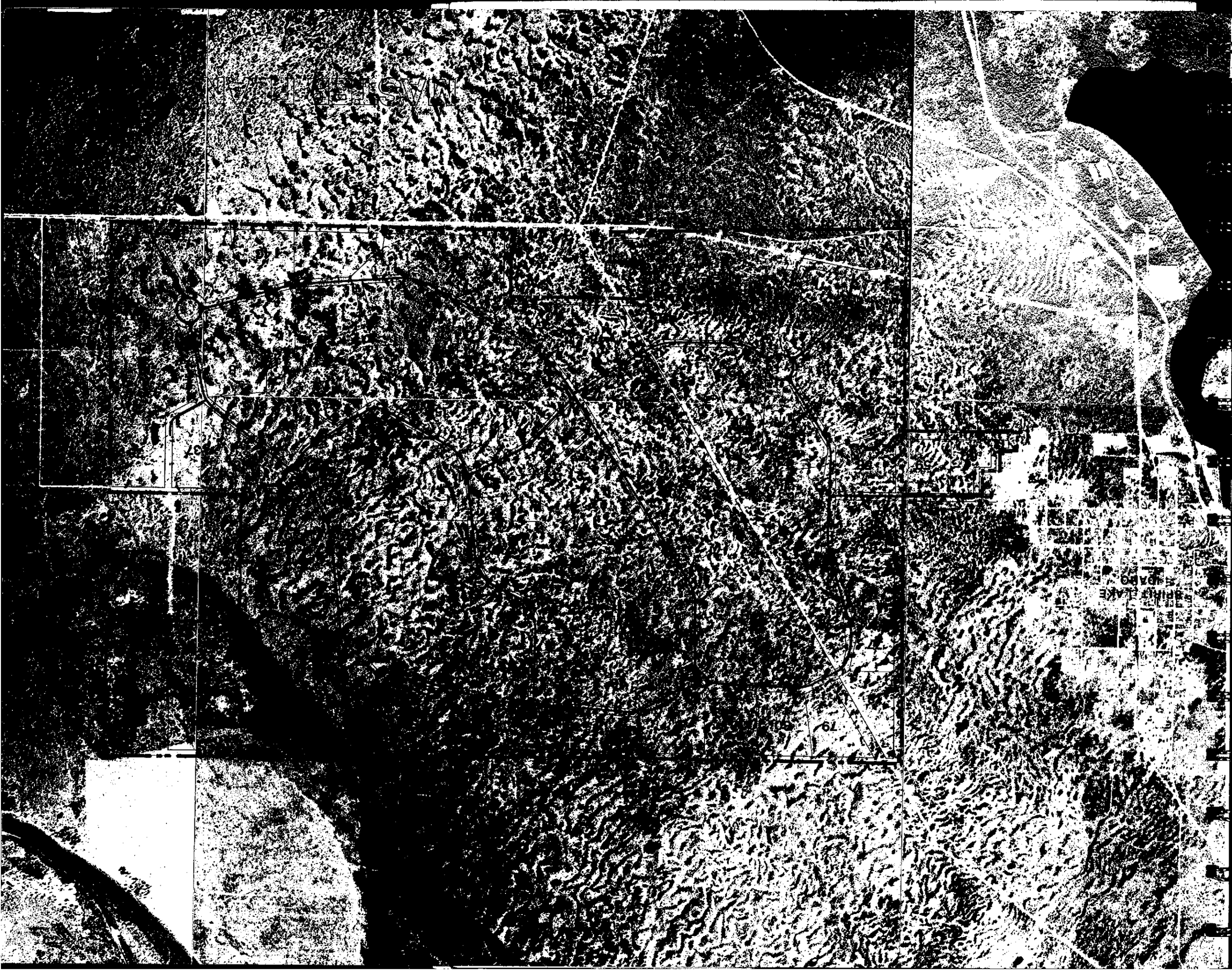
The final development of Tesemini is conceived to have three identifiable phases.

Phase one should result in the ownership of large tracts bordered by green belts, served by good roads, furnished with electric service and surveyed in accordance with good engineering practice. While the roads would be private, they should be so constructed that at the appropriate time they could be dedicated to the county or other political body and be acceptable to that entity. The land should be subject to sufficient controls to safeguard it for future, more intensive use. Rezoning should be permitted if the subsequent usage for individual tracts adheres to the master plan.

Phase two is a subdivision of the initial site into smaller sites (still large, perhaps 2 to 10 acres). Phase two can and probably will occur at different times, tract by tract. In some cases, phase two would be bypassed. After rezoning, home sites of ten, five, three acres or whatever might be the result. In this phase, the extensions of electric service would have to be furnished, and depending upon the size of the sites, sewage disposal by a central system would be required.

Phase three might be a subdivision of initial large sites which were not subdivided into tracts under the phase two procedure or it might be a resubdivision of phase two sites. It could well be that the ultimate sites might average half an acre in size and serve primarily as commuter neighborhoods, particularly to Spokane. Obviously, at this point, all utilities would have to be centralized and roads would have to be paved as well. No homesites of this size or type of use might be utilized for many years.

Two of the initial parcels have been established for potential commercial development when such development is justified. Obviously, as in the case of all subdivisions, the control of the county or other public entity having jurisdiction at that time will determine the need through the statutory process. If zoning for such need is granted, then the two tracts designated for commercial usage will be available for such utilization. It was considered important to prohibit owners of sites along the peripheral boundary of Tesemini from seeking a commercial zoning since it would violate the integrity of the master plan.


37
79
LAKE



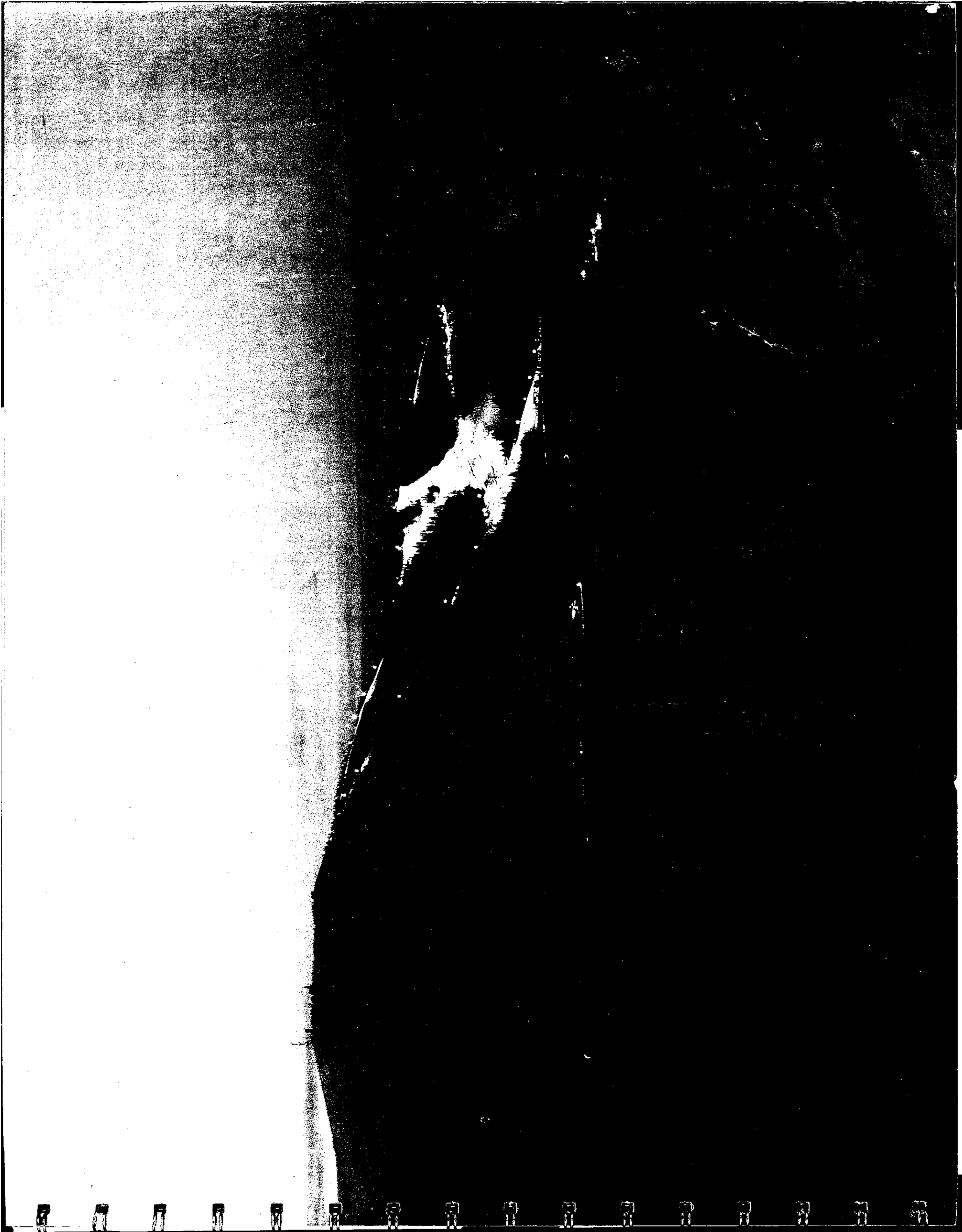
The green belts, which will be deeded to the Homeowners' Association at an early date, have been established with future use in mind. The initial development does not involve construction of a golf course, tennis courts, picnic ground, ball diamonds, etc. However, space is provided for such facilities, since in later years they will almost certainly be desirable. A greenway has been established around the periphery to act as a buffer against other development which might occur which is not compatible with the philosophy of Tesemini. A mechanism has been established so that a church site will be made available when a group shows economic capability of constructing such a church. Likewise, provisions for school land has been made through protective covenants. In the case of church sites and school sites, there will be certain criteria which must be met by the group seeking such sites.

The value of the Rathdrum Prairie Aquifer is recognized, and certain limitations on the number of wells within the boundaries of Tesemini have been established that are more restrictive than present laws governing the control of this Aquifer. Obviously, any utilization of water from the Aquifer is subject to controls of the appropriate government agency within the county and state.

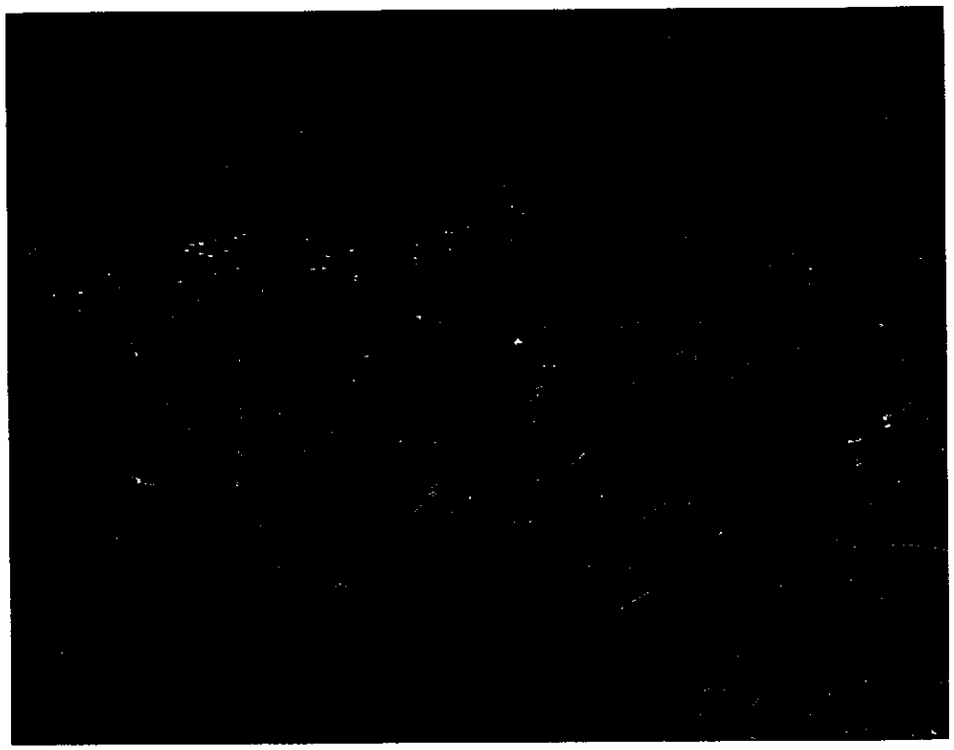
The desirable character of the terrain and the fine vegetative cover require protection. Control of tree cutting and thinning, as well as architectural control of the design and placement of buildings, has been established in order to preserve the natural beauty of the region. One of the major concepts of the master plan is that Tesemini will become a living park. The turning nodes along the main thoroughfare are one method of preserving the park-like atmospnere. Not only will they slow down the traffic, but they will create vegetative breaks.

The setting of Tesemini in the Idaho Panhandle, less than an hour from Spokane, surrounded by mountains and lakes, makes this an ideal area for year-round living. Abundant water, good weather, adequate power and a delightful environment all assisted the planner in creating an imaginative phased plan for the future.

Winter Twilight on Mount Spokane



TECHNICAL DATA



Distance and Population Factors

Five cities with a total population of 238,000 residents in 1970 are located within three hours or less driving time from Tesemini.

City	1970 Population
Spokane, WA	170,516
Pullman, WA	20,509
Opportunity, WA	16,604
Coeur d'Alene, ID	16,228
Moscow, ID	14,146

By the year 1980 the number of people living within less than three hours driving time from Tesemini is expected to reach a total of 485,000.

The population of the seven western states lying closest to Tesemini are as follows:

State	1970 Population
California	19,953,000
Washington	3,409,000
Oregon	2,091,000
Idaho	713,000
Montana	694,000
Nevada	489,000
Wyoming	332,000
Total Population	27,681,000

The population of these seven western states is expected to increase to some 35,000,000 by the year 1980. From this population, it is expected that many will desire "second" homes located in rural settings.

Facilities

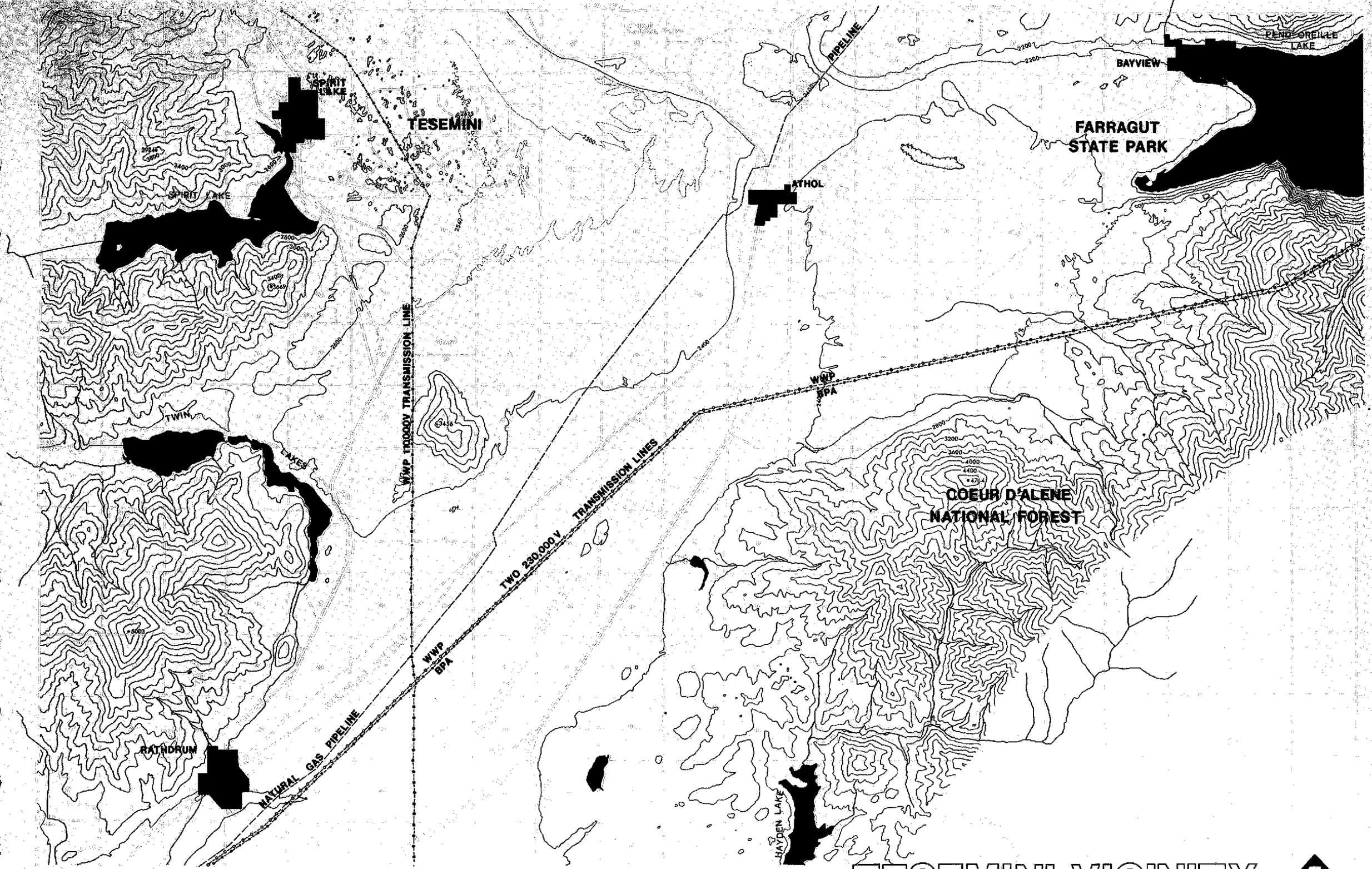
There are adequate shopping facilities, repair services and public facilities in the nearby towns of Spirit Lake, Athol, and Rathdrum. Additional commercial, industrial, professional, and public facilities are readily available in the larger urban areas of Coeur d'Alene and Spokane, both are within a short 30-45 minute drive from Tesemini.

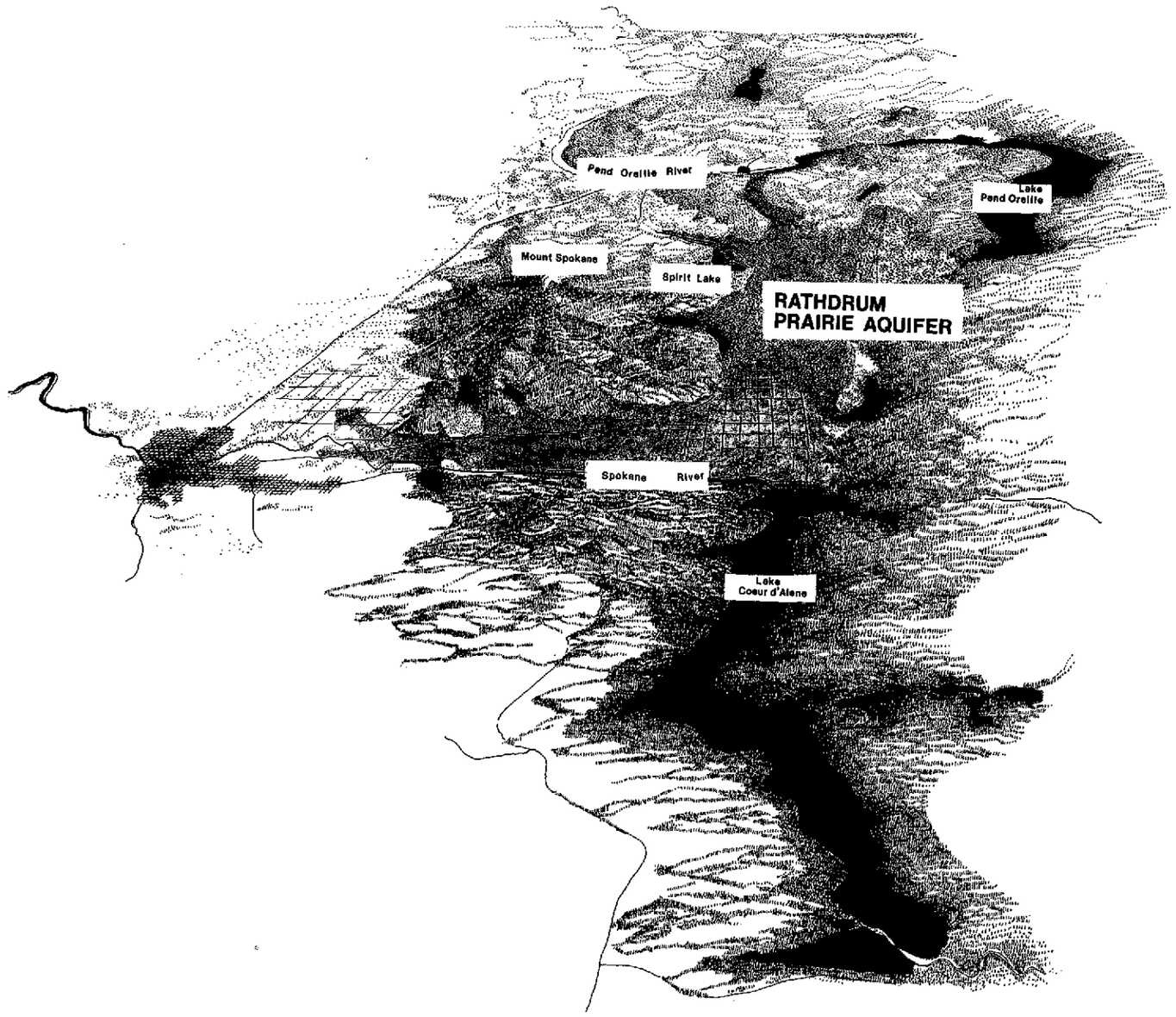
There are medical facilities available in nearby communities. There are four doctors providing medical help in Hayden Lake. There is a hospital in Coeur d'Alene, a half-hour's drive away. And, of course, Spokane is able to offer any medical services desired.

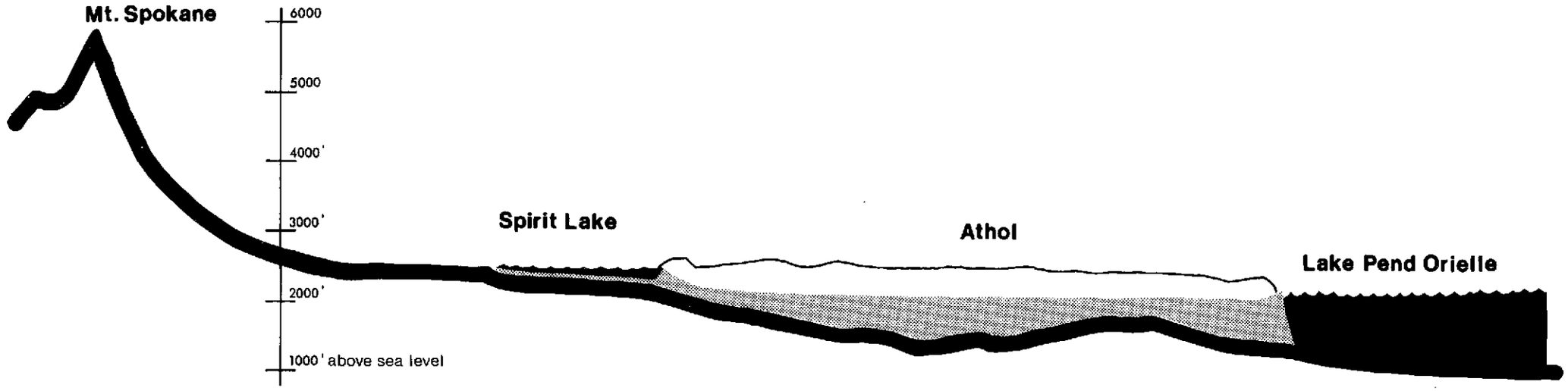
Fire protection is available from the Spirit Lake Volunteer Fire Department.

There is an elementary school in each of the nearby communities. The students of junior and senior high school ages are bussed to the schools in Rathdrum.

The Washington Water Power Company provides natural gas from its nearby terminal at Athol. The same utility provides electrical service in the area.


SPIRIT LAKE
TESEMINI
SPIRIT LAKE
TWIN
LAKES
RATHDRUM
WWP 11000V TRANSMISSION LINE
WWP
BPA
TWO 230,000 V TRANSMISSION LINES
WWP
BPA
NATURAL GAS PIPELINE
PIPELINE
ATHOL
BAYVIEW
PEND OREILLE LAKE
FARRAGUT STATE PARK
COEUR D'ALENE NATIONAL FOREST
HAYDEN LAKE
TESEMINI VICINITY
north
0
1mi.
2
4


Pend Oreille River
Lake
Pend Oreille
Mount Spokane
Spirit Lake
RATHDRUM
PRAIRIE AQUIFER
Spokane River
Lake
Coeur d'Alene



Soils and Vegetation

The Idaho Department of Public Lands provided the following description of the soils and their associated plant material.

"The Soil Conservation Service recognized three distinct soil types on the land in three strips oriented northwest and southeast. Because of the gravelly nature, these soils grade from well drained on the west to excessively drained on the east. Drainage is a function of the soil particles; the finer the particle and the fewer the stones the greater the waterholding capacity.

Within each soil type are a repetitive series of micro-sites caused by the ridge-depression sequence of the topography. Finer soil particles, windblown silt and clay and volcanic ash, have tended to collect in the depressions by water movement. The ridges on the land are also more exposed to the sun and as a result they have less useable moisture and shallower soils.

The vegetation here reflects the climate, the effect of competing vegetation, availability of plant seed, but mainly the soils. On the Pend Oreille series soils the trees are the most mesic on the site reflecting better moisture relations where Douglas-fir, ponderosa pine, lodgepole pine, western larch and grand fir are presently growing. Because of past logging and fires, grand fir and Douglas-fir are unevenly distributed. Given freedom from fire and other catastrophes these species will become predominant. Grand fir should grow best in the depressions and as a poor competitor on the ridges. The Douglas-fir is the more disease resistant of the two.

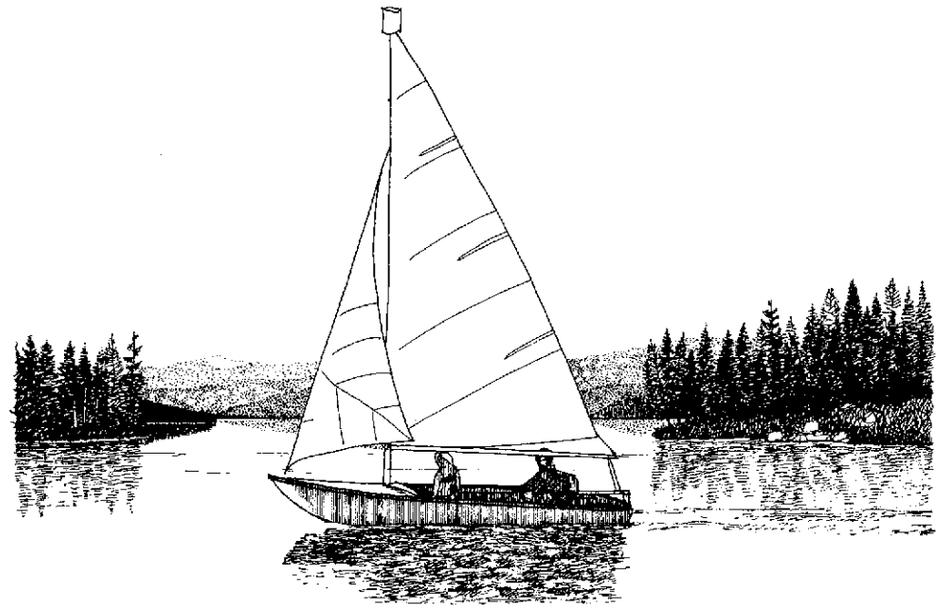
On the Kootenai and Chilco sites the plants are more xeric. Ponderosa pine and lodgepole pine predominate. The successional trend is towards a plant community dominated by Douglas-fir. The deeper soiled depressions already have Douglas-fir growing under the shorter-lived lodgepole pine. The ridges are sparsely forested but have some pine and fir reproduction."

The three soil types, known as the Kootenai Series (Ki), the Chilco Series (Sd ¾) and the Pend Oreille Series (Po 4/AC) all have the following characteristics and restrictions.

Percolation
6" to 20" per hour
Available water-holding capacity
0.19" to 0.21" per inch
Corrosiveness on untreated steel
Low to moderate
Excavations
Severe (rocks)
Roads and parking area
Slight
Septic tanks
Moderate*
Lagoons
Severe

Source: Kootenai County Soil Conservation Service

Note: * - Septic tanks are characterized as moderate to severe in soil Pend Oreille (Po 4/AC).



Recreation

Recreation-oriented industry is expanding in the Idaho Panhandle. Water related recreation in the summer and the winter sports are becoming increasingly popular. Lakes and mountains that virtually surround Tesemini provide many recreational opportunities. Northern Idaho is truly a fisherman's paradise. Five 18 hole golf courses are located within a 30 minute drive. Snow skiing areas are being opened and expanded to bring enjoyment of the sport within reach of everyone in the region. Schweitzer Basin, north of Sandpoint, surpasses other Northwest slopes for challenging runs and convenient lift facilities, appealing to the beginner and expert alike. Mount Spokane has the longest lighted ski area in the United States.

A special comment on water-related recreation is appropriate. The two lakes which will receive the most use are Pend Oreille, with its major launch site at Bayview, and Coeur d'Alene. These large bodies of water can accommodate many more boats than Spirit, Twin or Hayden Lakes. However, all the lakes including Spirit Lake, which is the closest body of water to Tesemini, have public ramps and all are available to anyone who chooses to use them. It is easy to foresee the time when a license and permit system may be required in order to control the numbers and types of boats on all the lakes during peak periods, especially the smaller ones where water skiing, fishing and sailing are in competition for the limited surface area.

Farragut State Park, nearest boat launch on Lake Pend Oreille.



OWNER AND DEVELOPER

NEW YORK MOUNTAIN PROPERTIES, INC.
DENVER, COLORADO

PLANNING CONSULTANTS

ENVIRONMENTAL CONCERN, INC.
SPOKANE, WASHINGTON

INFORMATION

KOOTENAI COUNTY:
Departments of Planning
and Public Health;
Soil Conservation Service;
Lakes Road District.

IDAHO STATE:

Departments of Public lands,
Water Administration, Highways,
and Fish and Game.

FEDERAL:

U.S. Geological Survey,
Water Resources Division, Spokane.
U.S. Bureau of Reclamation, Boise.

PRIVATE:

Washington Water Power Co.

