

No Color  
Documents  
In File

State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 95-7122 Priority May 28, 1970 Amount 0.04 cfs

THIS IS TO CERTIFY, that FRED BOEHM  
of Coeur d'Alene, Idaho, has complied with the terms and conditions of Permit  
No. 95-7122 issued pursuant to Application for Permit dated May 28, 1970,  
and has submitted proof to the Department of Water Administration on September 23, 1971,  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 0.04 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from a ground water source  
tributary of \_\_\_\_\_, is hereby confirmed in the following amounts:

Amount 0.04 cfs for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at  
any one time, said waters to be diverted within ~~the~~ \_\_\_\_\_

Gov't. Lot 1, Sec. 16, Twp. 48 N, Rge. 4 W, B.M.

in the county of Kootenai, and that the amount of water so diverted and to which such  
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can  
actually be beneficially used and shall not exceed 1.2 acre feet per year ~~or~~ \_\_\_\_\_

~~one foot per acre.~~

Description and location of place of use:

| TWP. | RANGE | SEC. | NE 1/4       |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4       | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 48 N | 4 W   | 16   | Gov't. Lot 1 |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated \_\_\_\_\_

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of  
March, 19 73.

  
Director

55 7122

Identification No. 95-7122

Application No. \_\_\_\_\_

LICENSE ISSUED FOR 0.04 SEC. 17,  
 LICENSE PAGE NO. \_\_\_\_\_

STATE OF IDAHO  
 DEPARTMENT OF RECLAMATION  
**APPLICATION FOR PERMIT**

**APPROVED**

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

1. Name of applicant Fred Boehm  
 post office address Star Route Coeur d'Alene, Idaho 83814
2. Source of water supply groundwater (deep well) which is a tributary of \_\_\_\_\_  
GOV. 1072 2nd Letter Aug 4-70
3. a. Location of point of diversion is Lot 4  $\frac{1}{4}$  of Lot 5  $\frac{1}{4}$  of Section 16 Township 48 north  
Range 4 west B.M. Kootenai County; additional points of diversion if any: \_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
 of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
 Amount .04 cfs for domestic purpose from January 1 to December 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
.04 cfs  
 a. 17.7 gallons per minute cubic feet per second and/or  
 b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
 a. Description of ditches, flumes, pumps, headgates, etc. well motor is  
3/4 hp submergeable with 1/4" pipes  
 b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
 capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
 Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)  
 c. Proposed well diameter is 6 inches; proposed depth of well is 103 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
 is 1 years. (already in use.)  
 b. Estimated construction cost is \$ 2500.
8. Description of proposed uses:  
 a. If water is **not** for irrigation: Same as above  
 (1) Give the place of use of water: Lot 4  $\frac{1}{4}$  of Lot 5  $\frac{1}{4}$  of Section 16 Township 48 north  
Range 4 west B.M.  
 (2) Amount of power to be generated: 3/4 hp under \_\_\_\_\_ feet of head.  
 (3) List number of each kind of livestock to be watered NONE  
 (4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
 supplied with domestic water two.  
 (5) If water is to be used for other purposes describe: \_\_\_\_\_

95 7122

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

\_\_\_\_\_Total number of acres to be irrigated

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

9. a. Who owns the property at the point of diversion Fred Boehm  
b. Who owns the land to be irrigated or place of use Fred Boehm

Fred Boehm

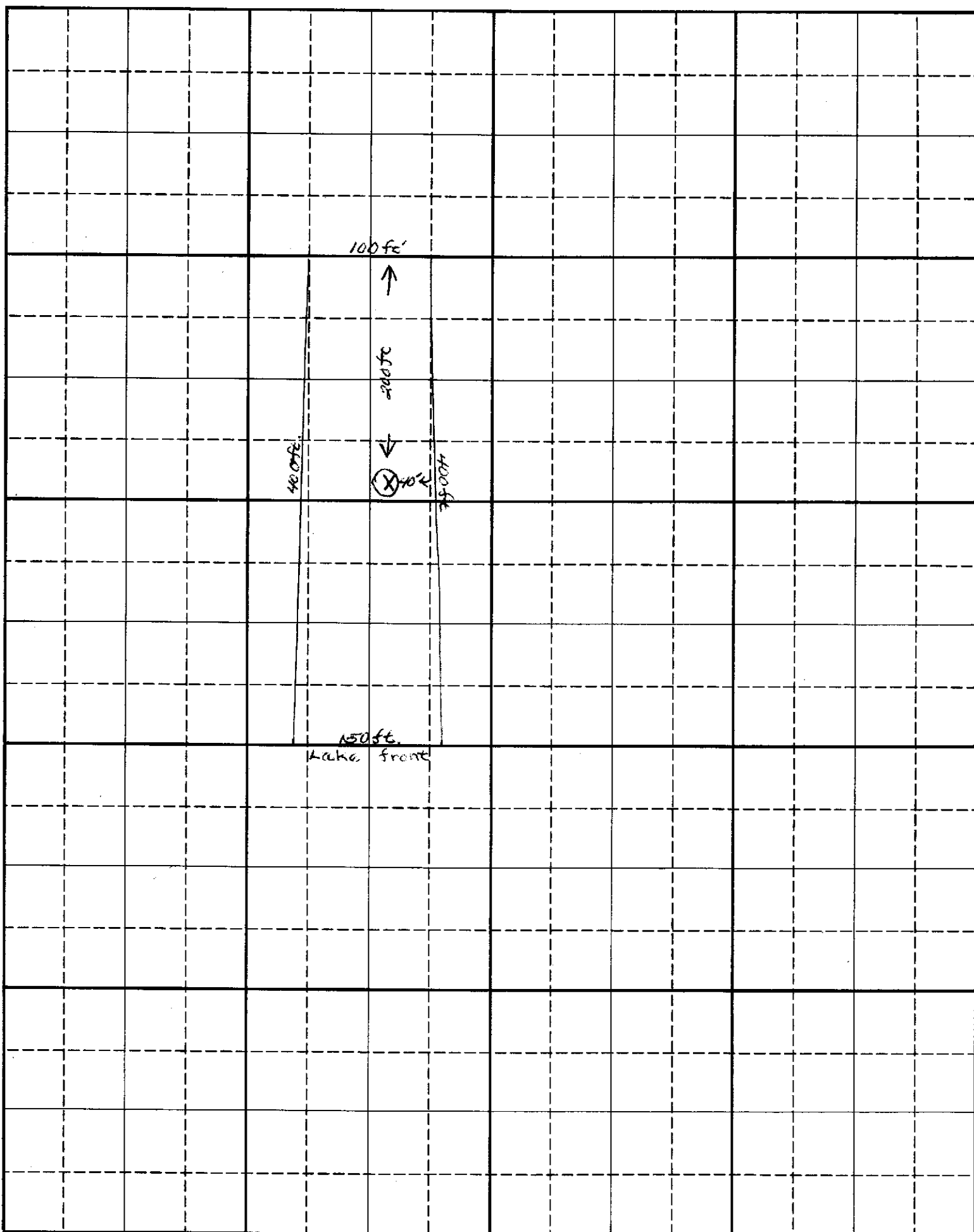
Fred Boehm

Well Digger: Zinkgraf's Well Drilling  
E. 1608 Sharp Ave.

~~Spokane, Washington~~

10. Remarks

11. Map of proposed project:



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.

Evel Boehm  
(Applicant)

Received by DL Date 5-28-70 Time 2:30 PM  
Preliminary check by DL Fee \$ 10.00 # 5087  
Receipted by DL Date 8-25-70  
Publication prepared by dr Date 9-9-70  
Published in Coeur d'Alene Press  
Publication dates 9-17 & 9-24, 1970  
Publication approved dr Date 10-7-70  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by DL DL BDF GFA

95 7122

ACTION OF STATE RECLAMATION ENGINEER

**APPROVED**

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7122, 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 November 1, 19 71.
- c. Other: Maximum rate of diversion shall not exceed 0.04 c.f.s.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Witness my hand this 22nd day of October 19 70.

R. Keith Higin  
State Reclamation Engineer

# AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO,

ss.

County of Kootenai,

*Callie Poirtnier*

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 Permit*

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

weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *17* day of *Sept*, 19 *70*, and ending on the

*24* day of *Sept*, 19 *70*

*Callie Poirtnier*

Subscribed and sworn to, before me, this *24* day of *Sept*

19 *70*

*C. Patrick King*  
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

## NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Fred Boehm, Star Route, Coeur d'Alene, Idaho, has on May 28, 1970, submitted Application No. 95-7122 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 0.04 cubic feet per second of water to be diverted by well, motor and pipe within Gov't. Lot 1, Sec. 16, T. 48N, R. 4W, B.M., Kootenai County, and is to be used within Gov't. Lot 1, Sec. 16, T. 48N, R. 4W, B.M. for domestic purposes for two families from Jan. 1 to Dec. 31.

R

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration/on or before October 5, 1970.  
Statehouse, Boise, Idaho.

Depa

R. KEITH HIGGINSON  
Director

Sept. 17, 24, 1970

95 7122

March 20, 1973

Re: Permit No. 95-7122

Mr. Fred Boehm  
Star Route  
Coeur d'Alene, Idaho 83814

Dear Mr. Boehm:

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

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR  
Enc: Copy of license

7122

**DEPARTMENT OF WATER ADMINISTRATION**  
**FIELD REPORT**

1. Name of permit holder Fred Boehm  
Post office address Star Route, Coeur d'Alene, Idaho 83814 Phone 667-7538  
Person to contact \_\_\_\_\_ Phone \_\_\_\_\_

2. Source of water supply: Groundwater ☒ Surface water ☐ \_\_\_\_\_  
(name spring, stream, etc.)  
Tributary to \_\_\_\_\_

3. Water will be used for the following purposes:

Amount .04 c.f.s. for Domestic  
AF/Annum (nature of use)

Period of Use: from January 1 to December 31  
(mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 \_\_\_\_\_ AF/Annum \_\_\_\_\_ (nature of use)

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

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 \_\_\_\_\_ AF/Annum (nature of use)

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

Other uses: \_\_\_\_\_

4. Total amount to be appropriated:

Max Rate of Diversion .04 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

Gov't Lot 1

Township 48 N/S, Range 4 E/W, B.M., Section 16, Subdivision 1/4 1/4, Kootenai  
County

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

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

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: Motor pump size - 3/4 h.p. Size of well casing - 6", Depth of well - 103'

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**



DATE OF EXAM 8/9/72

ACREAGE  
Found .2 Lawn  
Recommended .2

Irrigation Requirement \_\_\_\_\_ Ac Ft/Ac

USE  
Irrigation Q= \_\_\_\_\_ c.f.s. V= \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Domestic Q= .04 c.f.s. V= 1.9 AF/Ann. from Jan 1 to Dec 31  
Livestock Q= \_\_\_\_\_ c.f.s. V= 1.2 yds AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_

Is water co-mingled? yes \_\_\_\_\_ no ☒

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

Exchange? yes \_\_\_\_\_ no ☒

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

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

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

Total Q measured .04 Method of measurement estimated

Total Q recommended .04 Meter No. \_\_\_\_\_ Type \_\_\_\_\_ Condition \_\_\_\_\_

Total V recommended 1.9 1.2 yds

Recommended Amendments:

P.D. None  
Place of Use S  
Other \_\_\_\_\_  
None \_\_\_\_\_

MEASUREMENT CALCULATION:

Estimated

SYSTEM DESCRIPTION:

the pump and motor were located in a white pump house beside the lake. Water is pumped up to the 2 houses. No one was home and the pump house was locked. I could not get any data from the pump or motor. I did verify that the system is in and being used.

REMARKS:

there is approx. .2 acre of lawn and flowers being irrigated also.

Examiner's Signature Fred Ebenhardt Jr. Date 8/9/72.

Checked by \_\_\_\_\_ Date \_\_\_\_\_

Approved by \_\_\_\_\_ Date \_\_\_\_\_

95 7122

October 13, 1971

Re: Permit No. 95-7122

Mr. Fred Boehm  
Star Route  
Coeur d'Alene, Idaho 83814

Dear Mr. Boehm:

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

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

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR

95 7122

Identification No. \_\_\_\_\_

Permit No. 95-7122

**STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION**

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

1. a) Name of Permit Holder Fred Boehm  
 b) Post Office Address Star Route Coeur d'Alene, Idaho
2. Permit Number 95-7122
3. Date of Priority that you are prepared to establish May 1970
4. a) Source from which water was appropriated \_\_\_\_\_  
 b) Location of the point of diversion: Lot 4 1/4 Lot 5 1/4, Section 16  
 Township 48 North, Range 4 West Boise Meridian, Other points of diversion: \_\_\_\_\_
5. a) The amount of water and use to which the water has been applied:  
 amount 17 gal per min. for domestic purposes from January 1 to December 31 incl.  
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
 b) Total amount appropriated \_\_\_\_\_ cfs and/or acre feet per annum  
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Zinkgraf's Well Drilling, licensed well driller
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:  
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_  
 b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) motor pump size 3/4 hp  
Size of well casing 6 in. depth of well 103 ft.  
 b) Describe the type and size of measuring device which you have installed at your point of diversion: \_\_\_\_\_  
 c) Give well drillers name and address and date the well was completed \_\_\_\_\_  
Zinkgraf's Well Drilling  
E. 1606 Sharp Ave. Well Compl. December 24, 1969  
Spokane, Wa. 99202

95 7122

*ham typed  
myl - 10-18-71*

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

domestic (houses) of use

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-

Stion

| TWP.   | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     |
|--------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|        |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | 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 irrigated.

10. Remarks: - I am obtaining low water, right to low water, with a hole, top of bunches and a third, depth of 103 feet. Soil, bunches water at 17' grade per minute and is granulated, (pH  $\frac{3}{4}$  (magnesium) submergence).

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

(Date)

9-7-71

(Signature)

Fred Beckham

On this 28th day of September, 1911, personally appeared before me the

On this 28th day of November, 1911, personally appeared before me the

County of \_\_\_\_\_

33

State of \_\_\_\_\_

(S) (C) (S)

County of \_\_\_\_\_

signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

7-9-74

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.



Show to whom, date and address  
where delivered



Deliver ONLY  
to addressee

## RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

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

CERTIFIED NO.

23063

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

9-2-71

3

SHOW WHERE DELIVERED (*only if requested*)

95 7122

**POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS**



**POSTMARK OF DELIVERING OFFICE**

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.



**RETURN  
TO**

**DEPARTMENT OF WATER ADMINISTRATION  
STATEHOUSE - ANNEX #2  
BOISE, IDAHO 83707**

September 1, 1971 CERTIFIED MAIL # 23063

Re: Permit No. 95-7122

Fred Boehm  
Star Route  
Coeur d'Alene, Idaho 83814

Dear Mr. Boehm:

One of the conditions of approval of your water Permit No. 95-7122 (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 November 1, 1971. 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.

  
R. KEITH HIGGINSON  
Director

Enc: Proof affidavit  
dr

95 7122

November 4, 1970

Re: Application for Permit No. 95-7122

Mrs. Helen L. Sampson  
Post Office Box # 875  
Coeur d'Alene, Idaho 83814

Dear Mrs. Sampson:

If we understand your letter correctly, you have sold your property to several parties, and in the case of application for permit #95-7122, one of the parties is applying for domestic water for two families, from a ground water source. All water appropriated in the State of Idaho is under a first in time, first in right, appropriation system.

There are two ways in Idaho to appropriate water. One of these methods is the constitutional method, and the other is the statutory method. Apparently the applicant here has chosen the statutory method. Both methods of appropriation are subject to the doctrine of first in time is first in right. No other property owner rights are involved when an individual files to appropriate water on his own property. If they do have prior rights on this stream, they are protected under the conditions of approval of the permit, which states that this appropriation is subject to all prior rights. If they have not yet decided to make an appropriation, then the other property owners may be junior to this right, thereby having a lesser standing. However, they would have to have an injury before they could contest any rights of another person, and we have held in other cases, that there is no injury when a person has failed to initiate the right, and allowed someone else to become senior to his intent.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McElowney  
Appropriation Supervisor

DWM:cm

95 7122

P. O. Box 875  
Coeur d'Alene, Idaho 83814  
September 18, 1970

Mr. Keith Higginson, Director  
Statehouse  
Boise, Idaho

Dear Mr. Higginson:

As the former owner and seller of Gov't, Lot 1, Sec. 16, T. 48N, R. 4W, B.M., Kootenai County, I am concerned about the application for water rights published in the Coeur d'Alene Press in behalf of Mr. Fred Boehm.

The property purchased by Mr. Boehm is still under contract to me, and is described as follows:

Southerly two-thirds (2/3) of Lot 4 and the northerly one-third (1/3) of Lot 5, Sampson Subdivision, Kootenai County, Idaho, a part of the above described Gov't. Lot 1.

The description published in the Press notice, which I am enclosing, includes all of the property that I originally owned. Please advise what bearing the granting of Mr. Boehm's application will have upon the rights of other owners under contract to me.

Very truly yours,

*Helen L. Sampson*  
(Helen L. Sampson)

HLS/FLM  
Enc.

15 7122

October 27, 1970

Re: Permit No. 95-7122

Mr. Fred Boehm  
Star Route  
Oceur d'Alene, Idaho 83814

Dear Mr. Boehm:

Enclosed is a copy of your approved Application for Permit No. 95-7122. We direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

C. Stephen Allred  
Deputy Director

CSA:kh

Enclosures: Copy of permit  
Receipt No. 5087 for \$10

95 7122

**NOTICE OF APPLICATION  
FOR PERMIT TO  
APPROPRIATE THE PUBLIC  
WATERS OF THE STATE OF  
IDAHO**

Notice is hereby given that Fred Boehm, Star Route, Coeur d'Alene, Idaho, has on May 28, 1970, submitted Application No. 95-7122 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 0.04 cubic feet per second of water to be diverted by well, motor and pipe within Gov't. Lot 1, Sec. 16, T. 48N, R. 4W, B.M., Kootenai County, and is to be used within Gov't. Lot 1, Sec. 16, T. 48N, R. 4W, B.M. for domestic purposes for two families from Jan. 1 to Dec. 31.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration/on or before October 5, 1970.

Statehouse, Boise, Idaho.

**R. KEITH HIGGINSON**  
Director

Sept. 17, 24, 1970

95-7122

September 10, 1970

Re: Application No. 95-7121 - Squaw Bay Store and Resort  
95-7122 - Fred Boehm

Coeur d'Alene Press  
2nd & Lakeside  
Coeur d'Alene, Idaho 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 date. 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,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR  
Enc: Legal notices (2)

Bill submitted 12-7-70 By DR

95 7122

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Fred Boehm, Star Route, Coeur d'Alene, Idaho,

has on May 28, 1970,

submitted Application No. 95-7122 to appropriate the public waters of  
a ground water source

The proposed uses are

The application proposes a maximum diversion and appropriation of 0.04  
cubic feet per second acre feet of water to be diverted by well, motor  
and pipe within the Gov't. Lot 1,  
Sec. 16, T. 48N, R. 4W, B.M., Kootenai County,

and is to be used within the Gov't. Lot 1, Sec. 16, T. 48N, R. 4W, B.M.  
for domestic purposes for two families from Jan. 1 to Dec. 31

Any permit issued pursuant to this application will be subject to ALL PRIOR  
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest  
against this application must be filed with the Idaho Department of Water Adminis-  
tration on or before October 5, 1970  
Statehouse, Boise, Idaho,

R. KEITH HIGGINSON  
Director

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

on September 17 and September 24, 1970.

44.

15 7422

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson  
Director

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Flood Plain Management  
Irrigation and  
Flood Control Districts

RECEIVED

AUG 21 1970

Department of Water Administration

August 4, 1970

Mr. Fred Boehm  
Star Route  
Coeur D'Alene, Idaho 83814

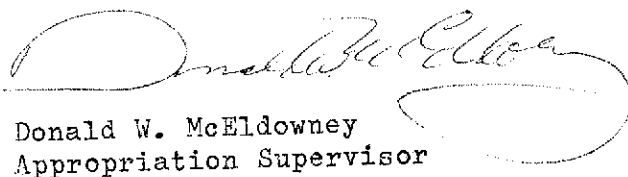
Dear Mr. Boehm:

We have received your response to our letter of June 25, 1970. However, you have not supplied sufficient information for the department to identify the location of your land with respect to public land survey, Subdivision, Section, Township, and Range.

We would suggest that you take your information to either the county assessor, or to possibly the ASCS office, for assistance in identifying the legal description of your property. We will hold your application until we receive additional information.

Your assistance in this matter is appreciated.

Very truly yours,

  
Donald W. McEldowney  
Appropriation Supervisor

DWM/em

*The Following Information has been  
given to us by the County assessor.  
Sampson - Subdivision Lot 4  
Sec. 16 Township 48 North Range 4. W.B.M.  
Part of Government Lot 1  
Fred Boehm  
Star Route  
Coeur d'Alene, Idaho 83814*

August 4, 1970

Mr. Fred Boehm  
Star Route  
Coeur D'Alene, Idaho 83814

C  
Dear Mr. Boehm:

O  
We have received your response to our letter of June 25, 1970. However, you have not supplied sufficient information for the department to identify the location of your land with respect to public land survey, Subdivision, Section, Township, and Range.

We would suggest that you take your information to either the county accessor, or to possibly the ASCS office, for assistance in identifying the legal description of your property. We will hold your application until we receive additional information.

P  
Your assistance in this matter is appreciated.

Very truly yours,

Y  
Donald W. McEldowney  
Appropriation Supervisor

DWM/cm

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
STATEHOUSE - ANNEX 2  
BOISE, IDAHO 83707

June 25, 1970

Mr. Fred Boehm  
Star Route  
Coeur d'Alene, Idaho 83814

Dear Mr. Boehm:

Please be advised that before we can process your application for permit, we need government survey information as to the point of diversion and place of use. Under Item 3a of your application, you have listed the point of diversion as being Lot 4 of Lot 5, Sec. 16, T. 48N, R. 4 W, Kootenai County; and under Item 8a, you listed the place of use as being the same. We need to know the legal subdivision -- the quarter sections in which the point of diversion and the place of use lie.

As soon as we are in receipt of this information, we shall continue to process your application for permit.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald W. McEldowney", is written over a large, stylized circular flourish.

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

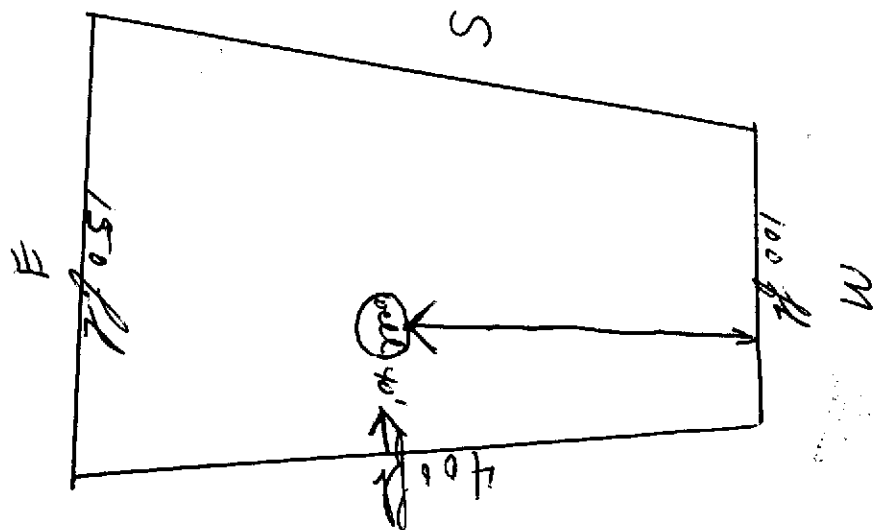
85 7122

(over)

This is the following description

Lot 4, Sampson Subdivision, Kootenai County, State of Idaho, according to the plat recorded in Book D of Plats at page 19, excepting that portion thereof described as follows:  
Beginning at the Northeast corner of said Lot 4; thence S.  $57^{\circ}53'$  West along the Southeasterly line of said Lot 4, 50 ft.; thence Northwestersly to a point on the Northwestersly line of said Lot 4 which point bears S.  $47^{\circ}24'40''$  West and 34 ft. distant from the Northwestersly corner of said Lot 4; thence North  $47^{\circ}24'40''$  East 34 ft. to the Northwestersly corner of said Lot 4; thence South  $74^{\circ}45'20''$  East along the Northerly line of said Lot 4 to the place of beginning.

and  
That portion of Lot 5, Sampson Subdivision, Kootenai County, State of Idaho, according to the plat recorded in Book D of plats at page 19, described as follows:  
Beginning at the Northeast corner of said Lot 5; thence South  $60^{\circ}42'$  West along the easterly line of said Lot 5, 50 feet, thence Northwestersly to a point on the Northwestersly line of said Lot 5, which point bears S.  $64^{\circ}03'40''$  West and 34 ft. distant from the Northwestersly corner of said Lot 5; thence North  $64^{\circ}03'40''$  East 34 ft. to the Northwestersly corner of said Lot 5; thence S.  $70^{\circ}29'40''$  East along the Northerly line of said Lot 5, to the place of beginning.



June 25, 1970

Mr. Fred Boehm  
Star Route  
Coeur d'Alene, Idaho 83814

Dear Mr. Boehm:

Please be advised that before we can process your application for permit, we need government survey information as to the point of diversion and place of use. Under Item 3a of your application, you have listed the point of diversion as being Lot 4 of Lot 5, Sec. 16, T. 48N, R. 4 W, Kootenai County; and under Item 8a, you listed the place of use as being the same. We need to know the legal subdivision -- the quarter sections in which the point of diversion and the place of use lie.

As soon as we are in receipt of this information, we shall continue to process your application for permit.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

25 7802

C  
O  
P  
Y

RECEIVED

JUN 10 1970

Department of Reclamation

Fred Boehm  
Star Route  
Cda. Idaho 83814

Dear Sir:

In regards to your letter a few days ago, you would like the complete information on the acquisition of the property for which we are filing for water Rights.

These lots are in all (subdivisions.)

Thank-you

Mr. Fred Boehm  
Star Rl  
Cda. Idaho 83814

June 8, 1970

Mr. Fred Boehm  
Star Route  
Coeur d'Alene, Idaho 83814

Dear Mr. Boehm:

We are in receipt of your application for permit and filing fee in the amount of \$10.00. However, before we can begin to process your application we will require additional information.

You state on the application that the point of diversion is within Lot 4 and Lot 5 of Sec. 16, T. 48N, R. 4W, B.M. Please advise the Department if these lots are government lots or lots in a subdivision.

Your immediate attention to this matter would be most appreciated.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR

5 7122

May 18, 1970

C  
O  
P  
Y

Mr. Fred Boehm  
Star Route  
Coeur d'Alene, Idaho 83814

Dear Mr. Boehm:

In reference to your letter of May 15, 1970, please be advised that in order to establish a water right, you will be required to file for an application for permit.

We are enclosing forms for your use in this matter. If we may be of assistance, please do not hesitate to contact this office.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

Enc: application for permit and instructions

may 1970  
RECEIVED

Sir:

We had a well drilled by Carl Zinkcraft early this year.

We like to have water rights whatever it takes to protect our well.

Township 48 North  
Range 4 West  
Section 16

Well Log  
Hole size 6 in.  
Hole depth 103 ft.  
Static water level 79 ft.  
GMP, 17 gal X

Rockford Bay, Cda. Sda. 83814  
Fred Boehm  
Star Route  
Cda. Sda. 83814

April 2, 1970

C  
O  
P  
Y

Zingraf's Well Drilling  
E. 1606 Sharp Avenue  
Spokane, Washington

Gentlemen:

The Department has researched the information which you forwarded to us on March 31, 1970. However, in order to accurately advise you as to whether or not we have received a filing for Mr. Fred Boehn, we shall need more information. We shall appreciate your forwarding to this office any information you have concerning this filing.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:TG

5 7122

# ZINKGRAF'S WELL DRILLING

WELL DIGGING  
DRILLING AND TEST HOLES  
(SINCE 1888)

SPOKANE, WASHINGTON

RECEIVED

March 31, 1970

Department of Reclamation

Department Of Reclamation.  
State House, Annex #2  
Boise, Idaho. 83707

Gentlemen:

The following is the information not submitted on  
Fred Boehns well report, Sorry about this oversight  
on our part.

Section 16, Township 48 North, Range 4 West.

After well completion Mr. Fred Boehn made application  
for water rights but as yet has received no reply from  
you on this matter. Can you advise Mr. Boehn or our  
firm on this request for water rights.

Yours truly,

Zinkgraf Well Drilling Co.

cc

By, Carl E. Zinkgraf.

*Boehn address*

*South 14th Bernard  
Spokane, Wash*

85 7372

## LEGAL NOTICE

### NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Fred Boehm, Star Route, Coeur d'Alene, Idaho, has on May 28, 1970, submitted Application No. 95-7122 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 0.04 cubic feet per second of water to be diverted by well, motor and pipe within Gov't. Lot 1, Sec. 16, T. 48N, R. 4W, B.M., Kootenai County, and is to be used within Gov't. Lot 1, Sec. 16, T. 48N, R. 4W, B.M. for domestic purposes for two families from Jan. 1 to Dec. 31.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration on or before October 5, 1970.

Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Sept. 17, 24, 1970