

RECEIVED

SEP 23 1969

AFFIDAVIT OF PUBLICATION

Department of Reclamation

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Louis E. Kirschbaum, Box 481, Post Falls, Idaho, has on August 18, 1969, applied for permit under application No. 95-7073 to divert .04 cubic feet per second of water from the Spokane River. Water will be diverted by pump within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 50 N, R. 5 W, B. M., Kootenai County and is to be used from January 1 to December 31 for domestic and fire protection purposes and from April 1 to October 31 for irrigation in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 50 N, R. 5 W, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Post Falls Tribune, Post Falls, Idaho, on September 11 and September 18, 1969.

9-11 2tc

County of Kootenai }
STATE OF IDAHO } ss.

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

That the Notice of Application For Water.....

..... Permit No. 95-7073 a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two..... consecutive issues, commencing

with the issue dated September 11, 1969.....

and ending with the issue dated September 18, 1969.....

Subscribed and sworn to before me, this 22nd..... day of Sept....., 1969.....

.....C. Agnes Luckini.....
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$..6.36.....

Bill submitted 32
9-23-69
K.H.

95-7073

R SW

T 50N

11

1/2 .88

DOMESTIC

ALLOW ~~Q~~ ⁴ 0.02 cfs

~~MAX VOL = 0.73 AC FT/SEASON~~

PRIORITY - 8-¹⁸~~26~~-69

Area = 1/2 acre of lawn + garden

irr. sea = Apr. 1 to Nov. 1
Acres req. = 3.5

Q = .02 domestic

.02 irr.

.04 fire protection

} Not to exceed
0.04 cfs at any time

V =

1.75 AF/season irr.

.57 AF/year dom.

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 95-7073 Priority 8-18-69 Amount 0.04 c.f.s.

THIS IS TO CERTIFY, that LOUIS E. KIRSCHBAUM
of Post Falls, Idaho, has complied with the terms and conditions of Permit
No. 95-7073 issued pursuant to Application for Permit dated 8-18-69,
and has submitted proof to the Department of Water Administration on 10-29-70,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.04 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from Spokane River
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.02 c.f.s. for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 0.02 c.f.s. for Irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount 0.01 c.f.s. for Fire Protection from Jan. 1 to Dec. 31 (both dates inclusive)

Subject, however, to the condition that no more than 0.04 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, Twp. 50 N., Rge. 5 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 1.75 acre feet per year or _____
3.5 acre feet per acre. for irrigation purposes and 0.57 acre feet per
year for domestic purposes.
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
50 N	5 W	11													$\frac{1}{2}$				$\frac{1}{2}$

Total number of acres irrigated $\frac{1}{2}$

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 15th day of
January, 19 71.


Director

95-7073

Identification No. 95-7073

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Louis E. Kirschbaum
b) Post Office Address Box 481 Post Falls, Id. 83854
2. Permit Number 95-7073
3. Date of Priority that you are prepared to establish Sept 7th 1969
4. a) Source from which water was appropriated Spokane River
b) Location of the point of diversion: NE 1/4 S.E. 1/4, Section 11
Township 50 N, Range 5 W Boise Meridian, Other points of diversion: This is Lot 14, Green Ferry Bay - N 1/2 Tax Lot 5815
5. a) The amount of water and use to which the water has been applied:
amount 102 for domestic purposes from Jan. 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount 102 for Irrigation purposes from April 1 to Oct. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount 104 CFS for Fire Protection purposes from Jan 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 104 CFS 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: _____
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) 3/4" Electric Pump
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 _____

95 7073

8204 90

11/24/70

Notary Public residing at 1001 7th Ave - Chicago

On this 15th day of May, 1970, personally appeared before me the

State of Utah)
County of Portland) ss.

10-21-8

John E. Hirschman

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

Total number of acres irrigated

[illegible]

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

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

9-16-69

DO NOT MAKE AN EXAM REPORT -

INSPECTION HAS BEEN MADE

EXAM WITH DR FILES

In this file
~~off~~

DR

95-7073

Identification No. 95-7073

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant Louis E. Kirschbaum
post office address Box 481, Post Falls, Idaho 83854
2. Source of water supply Spokane River which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11 Township 50 N
Range 5 W B.M. Kootenai County; additional points of diversion if any: this is Lot 14, Green Ferry Bay-N $\frac{1}{2}$, Tax Lot 5815
- b. If water is not consumed, it will be discharged into IVA ^{DRP} 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 .02 for domestic purpose from January 1 to December 31 (both dates inclusive)
Amount .02 for irrigation purpose from April 1 to Oct. 31 (both dates inclusive)
Amount .04055 for fire purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount .50 for protection purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
.04055
a. .50 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. gasoline or electric driven pump

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 _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.
b. Estimated construction cost is \$ 200.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11 Township 50 N
Range 5 W B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.
(5) If water is to be used for other purposes describe: _____

95-7073

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
50N	50N	11													1			1
TOTALS																		

Total number of acres to be irrigated 1

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

NONE

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

Applicant

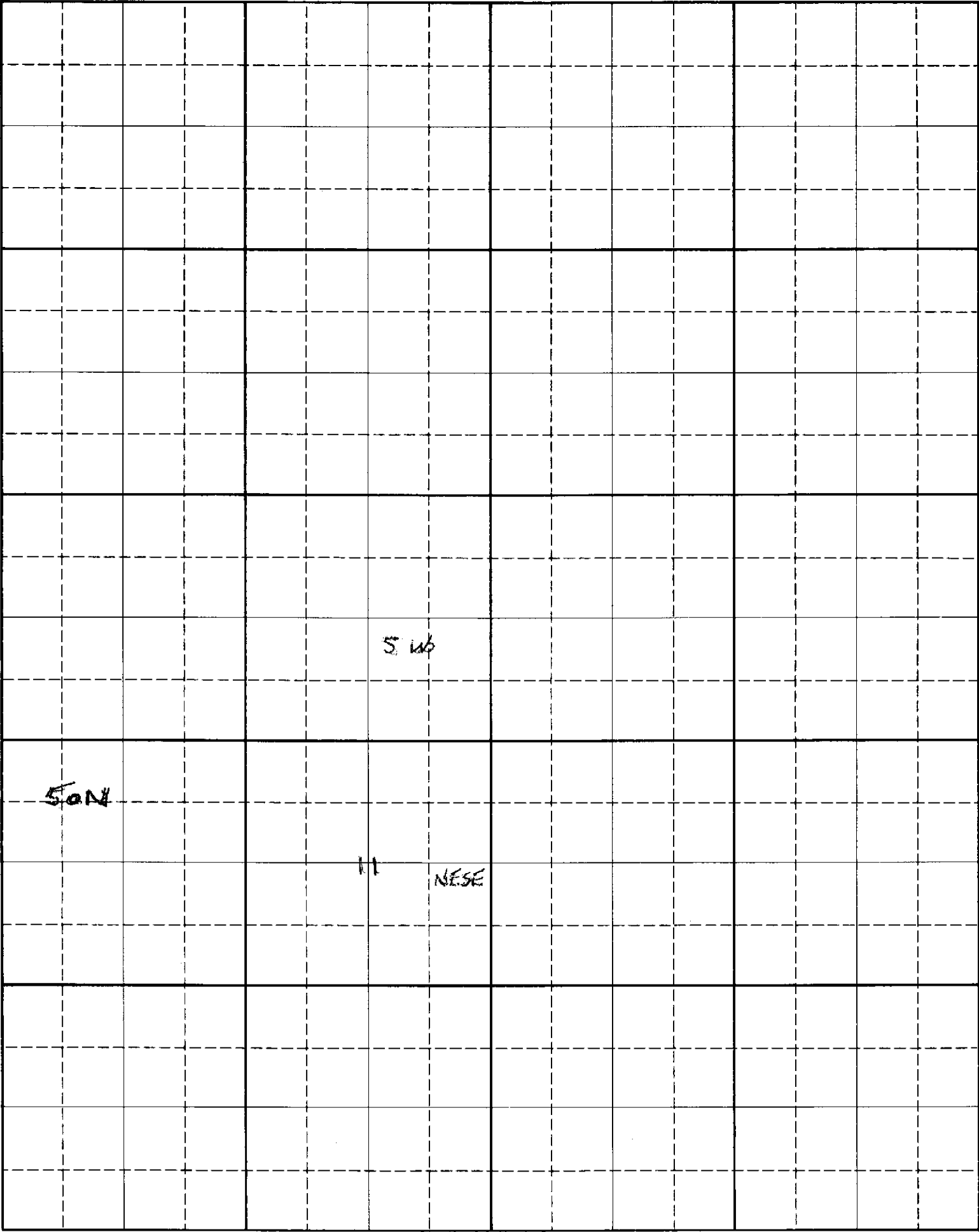
b. Who owns the land to be irrigated or place of use

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

applicant to make this filing

10. Remarks

11. Map of proposed project:



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.

Louis E. Kirschbaum
L. E. Kirschbaum
(Applicant)

Received by MC Date 8-18-69 Time 9:45 AM

Preliminary check by MC Fee \$ 10.00 8-26-69

Received by MC Date 8-26-69

Publication prepared by MC Date 9-3-69

Published in Postville Tribune

Publication dates 9-11 and 18-69

Publication approved MC Date 9-23-69

Priority reduced to _____ Reason _____

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DAH 9-11-69

APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7073, 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 70.

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 20th day of October, 19 69.

State Reclamation Engineer

J. David H. H.

AFFIDAVIT OF PUBLICATION

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Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Post Falls Tribune, Post Falls, Idaho, on September 11 and September 18, 1969.

9-11 2tc

County of Kootenai }
STATE OF IDAHO } ss.

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with the issue dated September 11, 1969.

and ending with the issue dated September 18, 1969.

Subscribed and sworn to before me, this 22nd.....

day of Sept....., 1969.

.....C. Agnes Duchini.....
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$..6.36.....

95-7073

13th submitted 32
9-23-69
K.H.

January 15, 1971

Re: Permit No. 95-7073

Mr. Louis E. Kirschbaum
Box 481
Post Falls, Idaho 83854

Dear Mr. Kirschbaum:

Enclosed herewith is your Water License issued on the above numbered permit.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosure

5 7073

December 7, 1970

Re: Permit No. 95-7073

Mr. Louis E. Kirschbaum
Box 481
Post Falls, Idaho 83854

Dear Mr. Kirschbaum:

Upon preparing to issue your Water License for Permit No. 95-7073, we find that the letter we sent to you on October 27, 1970 was in error. If you have no objections, your Water License will be issued as follows:

Quantity of water diverted: 0.04 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.02 c.f.s. for domestic; 0.02 c.f.s. for irrigation; and 0.04 c.f.s. for fire protection. Not to exceed a total of 0.04 c.f.s. at any one time.

The maximum quantity diverted shall not exceed 1.75 acre feet per season for irrigation purposes and 0.57 acre feet per year for domestic purposes.

Beneficial Use: Domestic, Irrigation, and Fire Protection purposes within the NE¹/₄SE¹/₄ Sec. 11, T. 50 N., R. 5 W., B.M.

The priority date established is: August 18, 1969

If you do not agree with these findings, please advise us within 10 days, otherwise, a license will be issued as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

95-7073

October 27, 1970

Re: Permit No. 95-7073

Mr. Louis E. Kirschbaum
Box 481
Post Falls, Idaho 83854

Dear Mr. Kirschbaum:

A representative of this department has made an examination of the works covered by your Permit No. 95-7073 and has found the following:

Quantity of water diverted: 0.02 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.02 c.f.s.

The maximum quantity diverted shall not exceed 0.73 acre feet per season.

Beneficial Use: Domestic use within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, T. 50 N., R. 5 W., B.M.

The priority date established is : August 18, 1969

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

P.S. We have on October 23, 1970 received your Proof of Application of Water to Beneficial Use.

95 7073

Form 23

2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. _____

REPORT ON PROOF OF _____

95-7073

R SW

T 50N

11

1/2^{0.02}

DOMESTIC

ALLOW ~~Q~~ ⁴ 0.02⁴ cfs

~~MAX VOLUME = 0.73 AC FT AT 1500~~

PRIORITY - 8-¹⁸~~26~~-69

Area = 1/2 acre of lawn + garden

irr. season =
Acres req. = 3.5

Apr. 1 to Nov. 1 Q:

.02 domestic
.02 irr.
.04 fire protection

Not to exceed
.04 cfs at any time

V =

1.75 AF/season irr.
.57 AF/year dom.

Permit No. 75.7273
 Examination for _____
 County _____ Sec. T. T. R.
 Quantity: _____
 Source: _____
 P.D.: _____
 Use: _____
 Extension: _____
 Protest: _____
 Completion of Works: _____
 Other Rights: _____
 Filed: _____
 Due: _____

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

22145

1

Louis E. Kirschbaum

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Margaret M. Kirschbaum

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

SEP 3 1970

3

95 7073 95-7073

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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



**POSTMARK OF
DELIVERING OFFICE**

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

Dept. of Water Administration

STREET AND NO. OR P.O. BOX

Statehouse - Annex 2

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

September 1, 1970

Re: Permit No. 95-7073

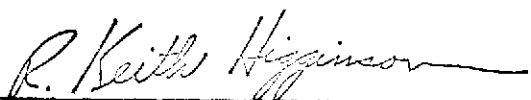
Mr. Louis E. Kirschbaum
Box 481
Post Falls, Idaho 83854

Dear Mr. Kirschbaum:

One of the conditions of the approval of your Permit No. 95-7073 was that proof of application of the water to beneficial use be submitted to this office on or before November 1, 1970.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended.

Either the proof affidavit or a request for 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.



Director

Enc: Proof affidavit
dr

CERTIFIED MAIL

#22145

95-7073

Exam for ● L. E. Kneelbar ●

P.O. Box 481, Post Falls

3/4 HP Signature Elec motor #5BN 26910A /DAWG 83854

Scr # 86-1

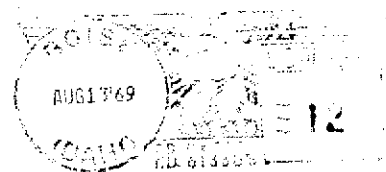
1" INLET - $\frac{3}{4}$ " OUTLET 25gal STORAGE
PRESSURE - (HYDRO)

1

95-7073

95-7073

RETURN TO
DEPT. OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707



Mr. Louis E. Kirschbaum

Box 481

Post Falls, Idaho 83854

5-7073

October 23, 1969

Re: Permit No. 95-7073

Louis E. Kirschbaum
Box 481
Post Falls, Idaho 83854

Dear Mr. Kirschbaum:

We enclose a copy of your approved application for permit 95-7073 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
Receipt No. 3551 for \$10.

95-7073

September 30, 1969

Re: Application for Permit No. 95-7073

Louis E. Kirschbaum
Box 481
Post Falls, Idaho 83854

Dear Mr. Kirschbaum:

We are ready to take final action on your application for permit, however, we must return the original application.

Information from the Idaho Attorney General's office indicates that in order for your application to be valid, your signature (following the map) must be exactly as you have listed your name under Item 1 of the application - Louis E. Kirschbaum.

Please resign the application and return it for final action. Your assistance in this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc

Enc: Original permit application

95-7073

September 3, 1969

Re: Application for Permit No. 95-7073 - Louis E. Kirschbaum

Post Falls Tribune
Box 68
Post Falls, Idaho 83854

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 of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McKelowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

95-7073

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Louis E. Kirschbaum, Box 481, Post Falls,
Idaho, has on August 18, 1969,
applied for permit under application No. 95-7073
to divert ~~about~~ .04 cubic feet per second ~~at the~~
of water from the Spokane River.
Water will be diverted by pump

within the NE~~1~~SE~~1~~, Sec. 11, T. 50 N, R. 5 W, B.M., Kootenai County

and is to be used from January 1 to December 31 for domestic and fire
protection purposes and from April 1 to October 31 for irrigation
in the NE~~1~~SE~~1~~, Sec. 11, T. 50 N, R. 5 W, B.M.

Any protest against this application must be filed with the Department
of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Post Falls Tribune, Post Falls, Idaho,
on September 11 and September 18, 1969.

X.H.

95-7073