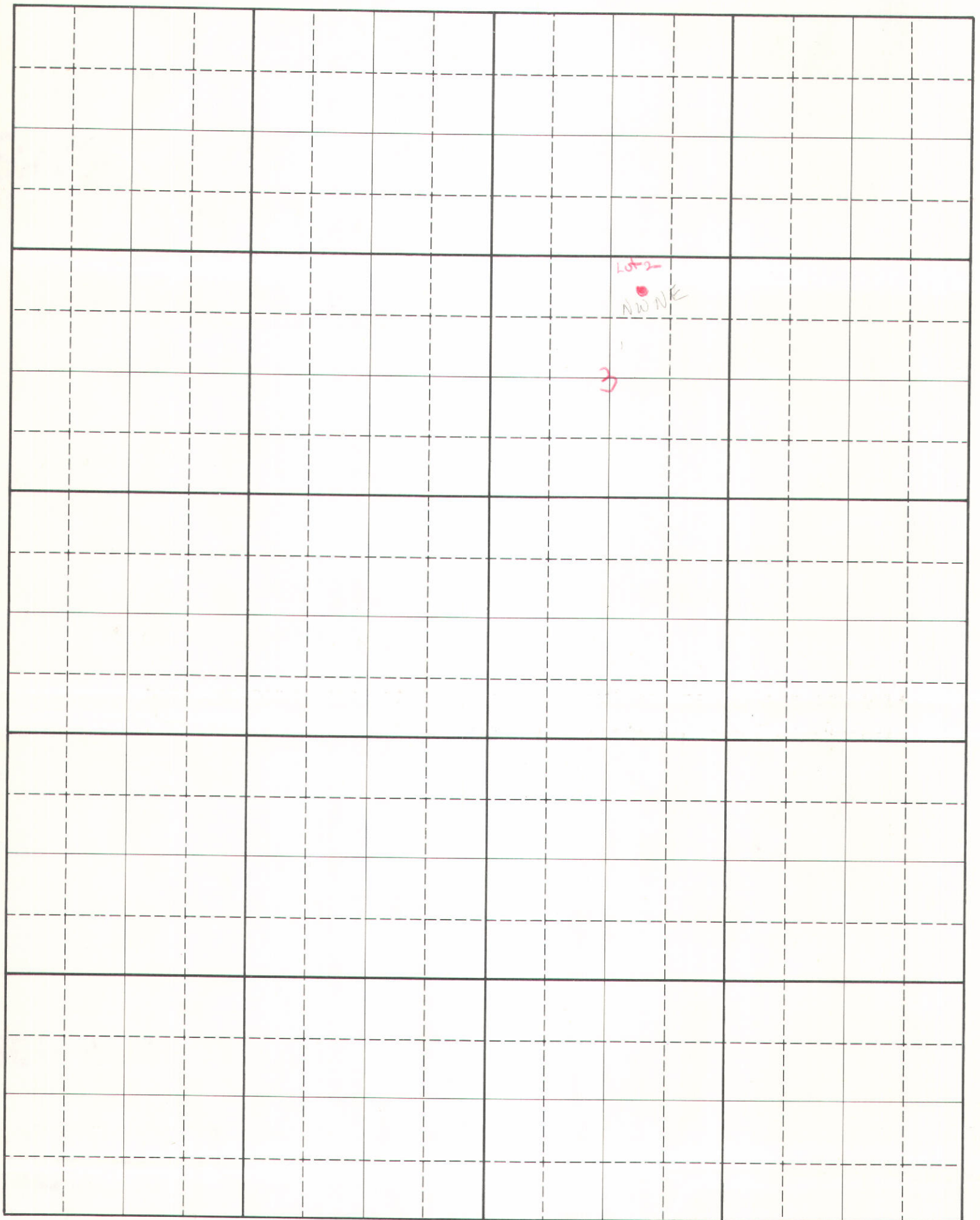


11. Map of proposed project:



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.

Elmer L. Yerke
Harold P. Yerke
(Applicant)

95-7036

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 95-7036 Priority Oct. 11, 1968 Amount 0.02 cfs

THIS IS TO CERTIFY, that PAUL & NANCY CAPICIK
of Fairchild Air Force Base, Washington, has complied with the terms and conditions of Permit
No. 95-7036 issued pursuant to Application for Permit dated October 11, 1968,
and has submitted proof to the Department of Water Administration on December 3, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.02</u> cfs and <u>1.2 acre feet</u>			
_____ from _____ to _____ at _____ cfs and _____			
_____ from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within Gov't. Lot 2 of Sec. 3,
Twp. 51 N, Rge. 3 W, B.M. in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
51 N	3 W	3		X		(Gov't. Lot 2)													

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of
June, 19 74.

Director

95-7036

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

I, Harold P. Yerke, hereby assign to Paul & Nancy Capricot
of 8481 Oak, Fairchild Air base,
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 95-7036
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 23 day of October, 19 73.

Harold P. Yerke

Permit Holder

None

Spouse of Permit Holder

State of Washington)
Idaho)
County of Spokane) ss.

On this 24th day of October, 19 73, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

[Signature]

Notary Public residing at

Spokane

My commission expires: 9-30-76

95 7036

111 North Second Street
P. O. Box 517
Coeur d'Alene, Idaho
664-8225

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

In the Matter of the Estate) Case No. 25851
) DECREE OF FINAL DISCHARGE
) of
ELMER L. YERKE, Deceased.)

It appearing that said estate has been fully administered, and it being shown by the Executor by the production of satisfactory vouchers, that said Executor has paid all sums of money due from him and the estate and delivered up under the order of the Court all the property of the estate to the parties entitled thereto, and performed all acts lawfully required of said Executor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that HAROLD P. YERKE, the Executor of the above-entitled estate, be and he is hereby released and discharged from all liability to be hereafter incurred; that the said estate is fully distributed; and the trust settled and closed.

DATED this 14 day of September, 1971.

95 7036

151 CRAIG KOSKINEN
DISTRICT MAGISTRATE

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

I, Harold P. & Elmer L. Yerke, hereby assign to Capt. Paul Capicik,
of 4841 Oak, Fairchild Airforce Base, Washington 99011,
Address

CHECK ONE

☒

All my right, title, and interest, in and to Permit No. 95-7036
to appropriate the public waters of the State of Idaho.

☐

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 11th day of October, 19 73.

Deceased

Elmer L. Yerke Permit Holder

Harold P. Yerke

Harold P. Yerke Permit Holder

Spouse of Permit Holder #1

None

Spouse of Permit Holder #2

None

State of Idaho)
County of Kootenai) ss.

On this 11th day of October, 19 73, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Leo A. Smith
Notary Public residing at _____

My commission expires: COMMISSION EXPIRES 3-20-76

NOTARY PUBLIC IN AND FOR THE
STATE OF WASHINGTON RESIDING
IN SPOKANE.

95 7036

If any more correspondence is necessary
on this matter, please direct my address
to

Harold D. Yerke
4824 N. Howard St
Apt 101, Wash 99208

Identification No. 95-7036

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

LICENSE ISSUED FOR .02 SEC. F
LICENSE PAID _____

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

ASSIGNED TO: CAPT. PAUL CAPICIK & Nancy
4841 Oak Capicik

1. Name of applicant Harold P. Yerke and Elmer L. Yerke Fairchild AF Base, Wash. 99011
post office address Rt. #2, Box 41-Y, Hayden Lake, Idaho, 83835

2. Source of water supply Well which is a tributary of Hayden Lake

3. a. Location of point of diversion is _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range 3 B.M. Kootenai County; additional points of diversion if any: 0
Lot #9 North Shore Tracts Lot 2, Sec. 3, T. S. 51N Range 3
West of Boise Meridian

b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes: ~~Applying for 13,000 Gal. per Day.~~
Amount .02 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:

a. .02 cubic feet per second and/or
b. _____ acre feet per annum.

Applying for ~~13,000 Gal. per Day.~~
13,000 Gal. per Day.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Water is piped from well on
Lot 9, same tract across lots 8 and 7 to reach lot 6. This 1"
pipe line and well has been in use for approximately 15 years but
no application has been made.

b. Height of storage dam 0 feet, active reservoir capacity 0 acre feet; total reservoir
capacity 0 acre feet, materials used in storage dam: 0
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. ~~Proposed~~ well diameter is 30" inches; ~~proposed~~ depth of well is 12 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 \$ 1,000.00 Completed about 15 years ago.

8. Description of proposed uses:

a. If water is not for irrigation: Lot 6, North Shore Tracts Lot 2

(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section 3 Township 51N
Range 3 W. of B.M.

(2) Amount of power to be generated: 0 hp under 0 feet of head.

(3) List number of each kind of livestock to be watered 0

(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: 0

95-7036

A grid of graph paper with a dashed line forming a path. The path starts at a point labeled 'A' and ends at a point labeled 'B'. The path is composed of several connected line segments.

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.

Elmer S. Yerke
Nancy D. Yerke
(Applicant)

95-7036

Received by dy Date 10-11-68 Time 9:00am

Preliminary check by WMC Fee \$ 100 Date 10-11-68

Received by dy Date 10-14-68

Publication prepared by WMC Date 10-31-68

Published in Idaho Reclamation Engineer

Publication dates 11-7-68 11-14-68

Publication approved WMC Date 11-14-68

Priority reduced to _____ Reason _____

Protests filed by WMC

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by WMC R.A. J.E. WMC

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7036, 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 December 1, 19 73.

c. Other: _____

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

Witness my hand this 24 day of December, 19 68.

State Reclamation Engineer

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)✓

NOV 20 1968

STATE OF IDAHO, }
County of Kootenai, } ss.

Callie Painter 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

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 *7* day of *November*, 196*8*, and ending on the
14 day of *November*, 196*8*.

Callie Painter

Subscribed and sworn to, before me, this *14* day of *November*
196*8*.

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

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Harold P. Yerke and Elmer L. Yerke, Route No. 2 Box 41-Y, Hayden Lake, Idaho has on October 14, 1968 applied for permit under application No. 95-7036 to divert 22 cubic feet per second of water from a ground water source. Water will be diverted by a well, pipe within the Lot 9 of North Shore Tracts, located in Lot 2, sec. 3, T. 51 N, R. 3 W, B.M., Kootenai County and is to be used from January 1 to December 31 for domestic use in Lot 8 of North Shore Tracts, located in Lot 2, sec. 3, T. 51 N, R. 3 W, B.M.

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

R. KEITH HIGGINSON
State Reclamation Engineer
Nov. 7, 14, 1968

95-7036

Bill sub 11-21-68

NOTARY PUBLIC for the State of Idaho
Residing at Coeur d'Alene, Idaho
My commission expires December 1, 1978

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83720
(208) 384-2215

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

June 25, 1974

Re: Permit No. 95-7036

Paul & Nancy Capicik
8481 Oak
Fairchild AFB, Washington 99011

Dear Mr. & Mrs. Capicik:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF

Enclosure

95-7036

RECEIVED

DEC 14 1973

- one Department of Justice

- [illegible]

95-7036 TOTAL ACREAGE

TOTAL ACREAGE

Diagram of System

95-7256

DATE OF EXAM 6-10-74

ACREAGE
Found 1/2 acres garden + lawn
Recommended _____

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= .02 c.f.s. V= 1.2 AF/Ann. from 1/1 to 12/31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

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

Exchange? yes _____ no ☒

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

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

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

Total Q measured .02 Method of measurement estimated

Total Q recommended .02 Meter No. _____ Type _____ Condition _____

Total V recommended 1.2 a.f.

Recommended Amendments:

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

MEASUREMENT CALCULATION:

estimated

SYSTEM DESCRIPTION:

shallow well 30" by 12' deep. Water is pumped across a lot to the adjacent property where it is used for domestic purposes of 1 household.

REMARKS:

P.D. : Place of use located in Gov't lot #2

Examiner's Signature Paul E. Jantzen Date 6/10/74

Checked by W. H. Block Date 6/12/74

Approved by _____ Date _____

December 12, 1973

Re: Permit No. 95-7036

Paul J. & Nancy H. Capicik
8481 Oak
Fairchild AFB, Washington 99011

Dear Mr. & Mrs. Capicik:

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

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

If you have any questions regarding the field exam, please contact our Northern District Office at 401 Front Ave., Room 209, Coeur d'Alene, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JC

96-7036

Identification No. 95-7036

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder PAUL J. AND NANCY H. CAPICIK
b) Post Office Address 8481 OAK FAIRCHILD AFB WA 99011
2. Permit Number _____
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated WELL
b) Location of the point of diversion: _____ 1/4 _____ 1/4, Section _____
Township _____ Range _____ Boise Meridian, Other points of diversion: 0
LOT #9 NORTH SHORE TRACTS LOT 2 Sec. 3, T. 5. S. 1. N., RANGE
3 WEST OF BOISE MERIDIAN
5. a) The amount of water and use to which the water has been applied:
amount .02 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 .02 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: N/A
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: N/A
b) Describe the agreement or understanding by which you take water from the works: N/A
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) WATER IS PIPED FROM WELL ON LOT 9, SAME TRACT ACROSS LOTS 8 & 7 TO REACH LOT 6. EASEMENT IN EFFECT FOR LOTS 9, 8, & 7. WELL IS 30" D.I.A. AND 12' DEEP
b) Describe the type and size of measuring device which you have installed at your point of diversion: NONE
c) Give well drillers name and address and date the well was completed N/A

Exam typed 12/12/23 by jc

96-7036

My commission expires 25 July 1976

FLEMING, SPokane, WA 99208

Robert B. Woodward

On this 29th day of November, 1973, personally appeared before me the

State of ~~WASHINGTON~~
County of ~~SPOKANE~~
ss.

(Date)

17 Nov 73

~~(Signature)~~

(Signature)

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

10. Remarks: WATER REQUIRED IS FOR AVERAGE HOUSEHOLD
Total number of acres irrigated
USE PLUS NON-COMMERCIAL GARDENING.

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

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: 21/4

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

96-7036

October 29, 1973

Re: Permit No. 95-7036

Paul & Nancy Capicik
4841 Oak
Fairchild Airforce Base, Washington 99011

Dear Mr. & Mrs. Capicik:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed. We are enclosing a copy of the permit for your records.

One of the conditions of approval of your water permit (see last page of 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 December 1, 1973. 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, which has not been done on this permit, 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 effect.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

Enc: Copy of permit
Proof affidavit w/instructions

cc: Harold P. Yerke

95 7036

October 16, 1973

Re: Permit No. 95-7036

Harold P. Yerke
Route #2, Box 41-Y
Hayden Lake, Idaho 83835

Dear Mr. Yerke:

We received the assignment assigning your interest in Permit No. 95-7036 to Paul Capicik. However, since the permit was in your name and that of Elmer L. Yerke, we also need to have his interest assigned. This assignment may be made by the appointed representative of the estate, such as the administrator.

Enclosed is another assignment which must be executed by the representative of the estate and returned to us, along with his authorization from the court to act in behalf of the estate.

If you have any questions, please let us know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc
Enclosure

cc: Paul Capicik

95 7036

October 9, 1973

Re: Permit No. 95-7036

Harold P. Yerka
Route #2, Box 41-Y
Hayden Lake, Idaho 83835

Dear Mr. Yerke:

Pursuant to your letter of October 6, 1973, we are enclosing an assignment form for you to complete and return to us at your earliest convenience.

The above referenced permit must be assigned to Mr. Capicik before he can make proof, which is due on or before December 1, 1973.

Your cooperation in this matter is very much appreciated.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC
Enc: Assignment form

cc: Capt. Paul Capicik

95 700

State of Idaho
Dept of Water adm.
State house - annex 2

Oct 6 1973
RECEIVED
OCT 9 1973
Department of Water Administration

Gentlemen:-

This property has been
sold and is now in the possession
of Capt. Paul Capicik and
Nancy Capicik who took possession
on about July 1, 1972.

A Capt Capicik is still active
with the air force he receives his
mail at Fairchild air base with
address listed below.

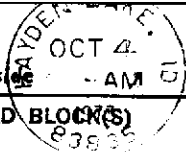
I am returning the mail
to you to mail to the correct
address.

Yours truly
Harold Zierke

Capt. Paul Capicik
4841 State
Oak
Fairchild Airbase 99011

95 7036

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.

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

CERTIFIED NO.

24893

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

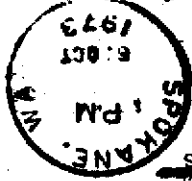
2

DATE DELIVERED

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

3

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



Postmark of Delivering Office

SENDER INSTRUCTIONS

- Print in the space below your name, address, including ZIP Code.
- If special services are desired, check block(s) on other side.
 - Moisten gummed ends and attach to back of article.



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

RETURN
TO



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



October 1, 1973

CERTIFIED MAIL

#24893

Re: Permit No. 95-7036

Harold P. & Elmer L. Yerke
Route #2, Box 41-Y
Hayden Lake, Idaho 83835

Dear Sirs:

One of the conditions of approval of your water Permit No. 95-7036 (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 December 1, 1973. 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

95 7036

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

April 14, 1969

Mr. Elmer L. Yerke
Route 2, Box 41-Y
Hayden Lake, Idaho 83835

Dear Mr. Yerke:

This office is in receipt of your letter regarding your Claim No. 95-0410. If you will note on page 149 entitled "Recommendations", item 2 recommends that the court make no findings as to those parties claiming rights to use water from ground water sources except to disallow those claims as they apply to Hayden Lake and tributaries.

The suit that was originally filed sought to adjudicate only the waters of Hayden Lake and its (surface) tributaries. Although we realize that it is difficult to separate surface water and ground-water we do not feel that it came within the province of this action to adjudicate the rights to "ground-water". It is our recommendation that the court simply say that these rights were not included in the action, only those who diverted water from the lake or its immediate surface tributaries.

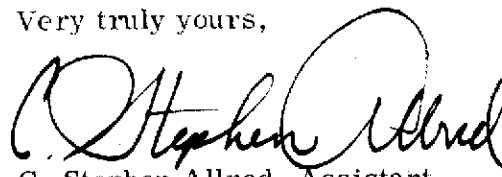
In reference to your question about the check, in reviewing our records we find that you have applied for and received Permit No. 95-7036 which provided for the diversion of 0.02 cubic feet per second of ground-water from a well in Lot 9, Govt. Lot 2, Sec. 3, T. 51 N., R. 3 W., B. M. That application was received and carries a tentative priority date of October 11, 1968.

95-7036

Page Two
Elmer L. Yerke
April 14, 1969

In our recommendation to disallow your claim, we are not saying that you do not have a water right, we are only saying that we do not find a water right for any use directly from Hayden Lake itself. I hope that this explanation will help you clear the matter up, however, if you still wish to challenge our recommendation you should submit another letter stating that you are filing an exception against our recommendations disallowing claim 95-0410. In the event that you do this, this office will prepare an answer and you will be notified as to the time and place for any hearing on the matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Stephen Allred". The signature is fluid and cursive, with a large loop at the end.

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

cc. Mr. Jay A. Miller
Route 2, Box 41-A
Hayden Lake, Idaho 83835

95-7036

January 2, 1969

Re: Permit No. 95-7036

Harold P. Yerke and Elmer L. Yerke
Rte. 2, Box 41-Y
Hayden Lake, Idaho 83835

Gentlemen:

We enclose a copy of your approved application for permit 95-7036
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 application
Receipt No. 2189 for \$10.
1 informational letter

95-7036

LEGAL

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Harold P. Yerke and Elmer L. Yerke, Route No. 2 Box 41-Y, Hayden Lake, Idaho has on October 11, 1968 applied for permit under application No. 95-7036 to divert .02 cubic feet per second of water from a ground water source. Water will be diverted by a well, pipe within the Lot 9 of North Shore Tracts, located in Lot 2, sec. 3, T. 51 N, R. 3 W, B.M., Kootenai County and is to be used from January 1 to December 31 for domestic use in Lot 8 of North Shore Tracts, located in Lot 2, sec. 3, T. 51 N, R. 3 W, B.M.

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

R. KEITH HIGGINSON
State Reclamation Engineer
Nov. 7, 14, 1968

95-7036

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 31, 1968

Re: Application No. 95-7027 - El-Arr Investments
Application No. 95-7036 - Harold P. Yerke and Elmer L. Yerke

Coeur d' Alene Press
Second and 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 can not 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. McEldowney
Appropriation Examiner

DWM:ks
enclosure: (2) legal notices

95-7036

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Harold P. Yerke and Elmer L. Yerke, Route #2
Box 41-Y, Hayden Lake, Idaho has on October 11, 1968

applied for permit under application No. 95-7036 to divert 4446
.02 cubic feet per second 4446 of water from a ground
water source. Water will be diverted by a well,
pipe within the Lot 9

of North Shore Tracts, located in Lot 2, sec. 3, T. 51 N, R. 3 W, B.M., Kootenai County

and is to be used from January 1 to December 31 for domestic
use

in the Lot 6 of North Shore Tracts, located in Lot 2, sec. 3,
T. 51 N, R. 3 W, B.M.

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

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Coeur d' Alene Press, Coeur d' Alene, Idaho,
on November 7 and November 14, 1968.

95-7036

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

September 25, 1968

RECEIVED

OCT 22 1968

Department of Reclamation

Re: Application for Permit

Harold P. Yerke and Elmer L. Yerke
Route #2, Box 41 Y
Hayden Lake, Idaho

Dear Mr. Yerke:

We are returning your personal check in the amount of \$10.00 and your application to appropriate the public waters of the State of Idaho. Please be advised that we cannot accept the application as it is not complete as to the information required nor has the applicant signed the application.

In order for an application to be complete and acceptable, not only must the application be submitted with an adequate filing fee but it must have all appurtenant portions of the application completed. We are enclosing a current application instruction sheet for your use in this matter.

You should be further advised that only one source of water may be filed on under each application. Therefore, if you wish to file on a spring and a well, you will need additional filing forms which are enclosed. Mr. J. Miller's water right is from a specific source. Possibly if you look at his documents concerning the water right in question, it would be beneficial to you in filing your application.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney

Donald W. McEldowney
Appropriation Examiner

DWM:ks

95-7036 DR.