

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 93-7022 Priority February 18, 1982 Amount 0.06 cfs

THIS IS TO CERTIFY, that Maynard K. &/or Elizabeth Olson
of Tensed, Idaho, has complied with the terms and conditions of Permit
No. 93-7022 issued pursuant to Application for Permit dated February 18, 1982,
and has submitted proof to the Department of Water Resources on February 18, 1982,
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 0.06 cfs of water from Indian Creek,
tributary to Hangman Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>0.06</u> cfs and <u>6.0</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.06 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
6.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36,
Twp 44N, Rge 4W in the County of Benewah

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
44N	4W	36							2										2

Total number of acres irrigated 2

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27TH day of April, 19 84.

Acting for the Director

Norman C. Young

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Maynard K. and Elizabeth Olson Phone 274-3672

Post office address Star Route, box 98 Tensed, Idaho 83870

2. Source of water supply Indian Creek which is a tributary of Hangmen Creek

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 44N

Range 4W B.M. Benewah County, additional points of diversion if any: none

4. Water will be used for the following purposes:

Amount .06 for irrigation purposes from March 1 to November 30 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.06 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Concrete sump with rock filter.

See discription under Item 10.

b. Height of storage dam ---- feet, active reservoir capacity ---- acre-feet; total reservoir capacity --- acre-feet, materials used in storage dam: ----

Period of year when water will be diverted to storage ----- to ---- inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is ---- inches; proposed depth of well is --- feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

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

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

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

[illegible]

2

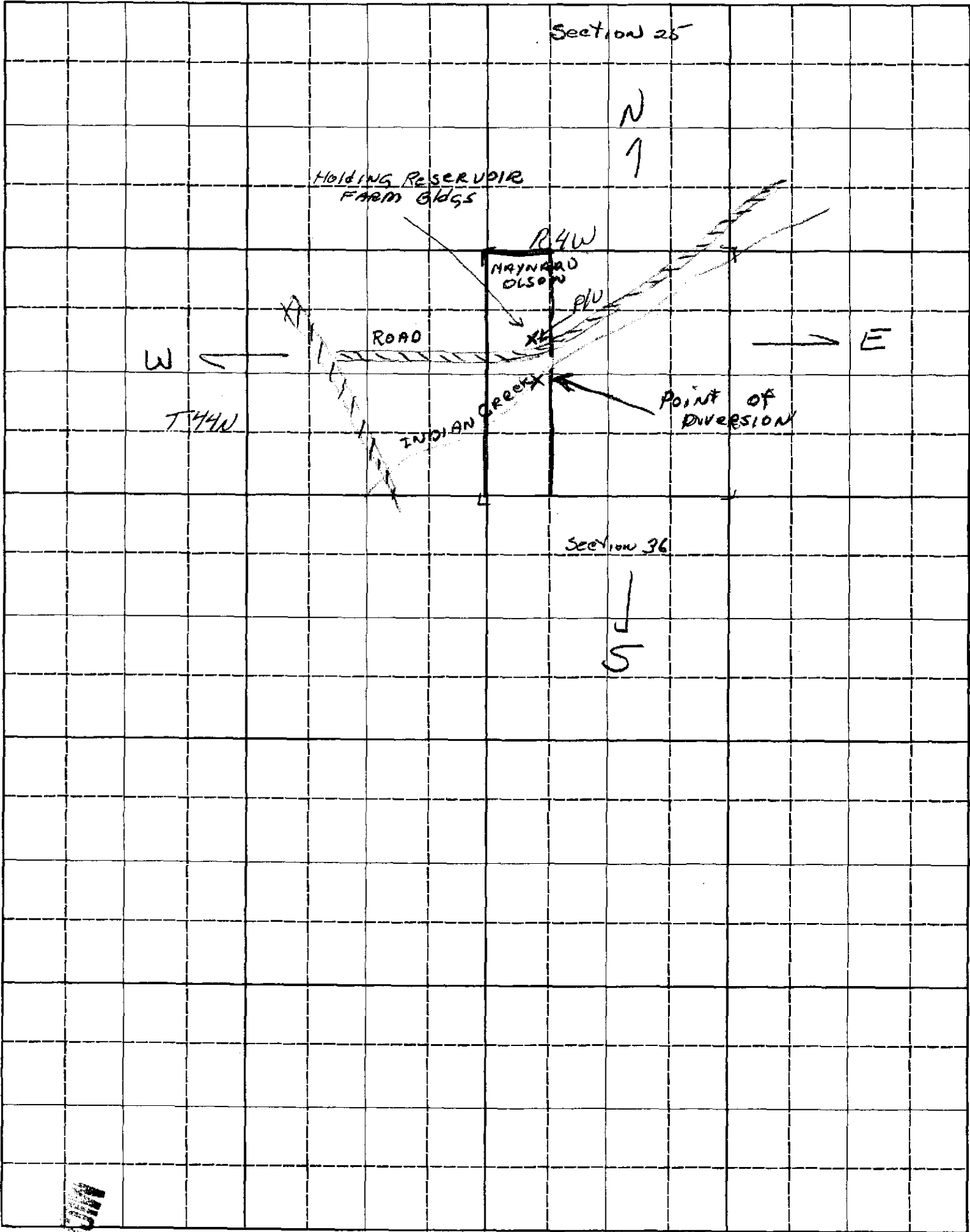
None

b. Who owns the land to be irrigated or place of use
Maynard K. and Elizabeth Olson

applicant to make this filing

[illegible]

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Maynard K Olson
(Applicant)

Received by JP Date 2/18/82 Time 1:35

Preliminary check by JP Fee \$ 30.00

Received by JP Date 2/18/82 (2/18/82)

Publication prepared by JP Date 2/18/82

Published in Idaho State Journal

Publication dates 3/3/82 - 3/10/82

Publication approved JP Date 3/11/82

Protests filed by: CDR Mike Connell 3/12/82

Copies of protests forwarded by JP Date 3/12/82

Hearing held by JP Date 2/17/82

Recommended for approval denial by JP

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State

of Idaho No. 93-7022, 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 be-

fore January 1, 19 84.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other:

Witness my hand this 20th day of December, 1982.

A. Alan Saylor
Chief, Operations Bureau

1

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF DISMISSING THE	)	
	)	
PROTEST AGAINST APPLICATION FOR	)	
	)	ORDER
PERMIT NO. 93-7022 IN THE NAME OF	)	
	)	
MAYNARD K. &/OR ELIZABETH OLSON	)	
	)	

WHEREAS, on February 18, 1982, Maynard K. &/or Elizabeth Olson applied to the Department of Water Resources for a permit to appropriate 0.06 cubic feet per second of water from Indian Creek, tributary to Hangman Creek, to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Twp. 44N, Rge. 4W, B.M., Benewah County, to be used for irrigation purposes; and,

WHEREAS, on March 3 and 10, 1982, notice of this proposed appropriation was published in the St. Maries Gazette Record, St. Maries, Idaho; and,

WHEREAS, on March 12, 1982, the Department received a protest against approval of said application from the Coeur d'Alene Indian Tribe; and,

WHEREAS, on September 15, 1982, a conference &/or hearing concerning this matter was held at St. Maries, Idaho, at which the protestants failed to appear; and,

WHEREAS, on September 23, 1982, the Department sent an Order to Show Cause on or before October 13, 1982, why the protest should not be dismissed for failure on the part of the protestants to appear at said hearing; and,

WHEREAS, on October 7, 1982, the Department received a response of the Coeur d'Alene Indian Tribe to the Order to Show Cause from the protestant's attorney, Robert D. Dellwo, which failed to show adequate cause why the protest should not be dismissed;

RECEIVED
OCT 10 1982
IDAHO DEPT. OF WATER RESOURCES

IT IS, THEREFORE, HEREBY ORDERED that the protest of the
Coeur d'Alene Indian Tribe against Application for Permit No.
93-7022 is DISMISSED for failure on the part of the protestants
to show adequate cause why the protest should not be dismissed.

Dated this 20th day of December, 1982.

J. Glen Saxton
Chief, Operations Bureau

J.S.
Dyer

11/17/82

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)

OF APPLICATION FOR PERMIT NO. 93-7022 IN THE) ORDER TO SHOW CAUSE

NAME OF MAYNARD K. &/OR ELIZABETH OLSON.)

WHEREAS, on February 18, 1982, Maynard K. &/or Elizabeth Olson applied to the Department of Water Resources for a permit to appropriate 0.06 cubic feet per second of water from Indian Creek, tributary to Hangman Creek, to be diverted within the NWSW, Section 36, T44N, R4W, Boise Meridian, Benewah County, to be used for irrigation purposes; and,

WHEREAS, on March 3 and 10, 1982, notice of this proposed appropriation was published in the St. Maries Gazette Record, St. Maries, Idaho; and,

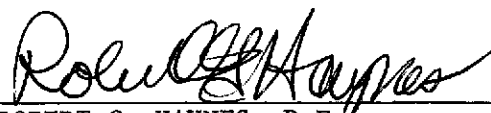
WHEREAS, on March 12, 1982, the Department received a protest against approval of said application from the Coeur d'Alene Tribe; and,

WHEREAS, on August 20, 1982, notice of a conference &/or hearing was sent by certified mail to all concerned parties; and,

WHEREAS, on September 15, 1982, a conference &/or hearing concerning this matter was held at St. Maries, Idaho, at which the protestants failed to appear.

IT IS, THEREFORE, HEREBY ORDERED that the protestants show cause on or before October 13, 1982, why the protest should not be dismissed for failure on the part of the protestants to appear at said hearing.

DATED: This 23rd day of September, 1982.


ROBERT G. HAYNES, P.E.
Regional Supervisor

11/11/82

COEUR d'ALENE TRIBAL COUNCIL
COEUR d'ALENE SUBAGENCY
Plummer, Idaho 83851

March 10, 1982

Mr. A. Kenneth Dunn, Director
Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814

RE: Section 36, Indian Creek, Benewah County/Trust Land

Dear Mr. Dunn:

The Coeur d'Alene Tribe protests the request of a water permit by Maynard K. Olson on the Indian Creek Map Section 36 T 44N R 04W, Benewah County for the purpose of irrigation.

The Coeur d'Alene Tribe has paramount water rights which is under the Winter Doctrine, a legal federal government. Section 36 involves Coeur d'Alene Tribal Trust Land.

Sincerely,


BERNARD J. LASARTE
CHAIRMAN

cc: Robert Dellwo, Attorney
Northern Idaho Agency, Ream
file

BJL/mj

RECEIVED

MAR 10 1982

Department of Water Resources
Northern District Office

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

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

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of...2...issues, the first publication being on the...3... day of March..., 19.82 and the last on the...10... day of... March..., 19.82

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

JoJane Hammes

Subscribed and sworn to before me this...10... day of March..., 19.82

Beverly A. Linn

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

OK
3/11/82

Maynard K. Olson asks for water rights

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

93-7022

Name: Maynard K. and or Elizabeth Olson
Address: Star Rt., Box 98, Tensed, Idaho 83870

Date Filed: Feb. 18, 1982

Amount: 0.06 cubic feet per second

Source: Indian Creek tributary to Hangman Creek

Means: Concrete Sump and Filter

Point of Diversion: NWSW Sec. 36 T 44N R 04W, Benewah County

Place of Use: SWNW Sec. 36 T 44N R 04W for 2 Acres

Use: Irrigation (0.06 cfs) from March 1 to Nov. 30

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Idaho 83814 on or before March 22, 1982.

A. KENNETH DUNN
Director

No. 6744 — Mar. 3-10.

RECEIVED

MAR 11 1982

Idaho Department of Water Resources
Coeur d'Alene, Idaho

May 1, 1984

RE: Permit No. 93-7022

Maynard K. &/or Elizabeth Olson
Star Rt., Box 98
Tensed, ID 83870

Dear Mr. and Mrs. Olson:

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

Sincerely,

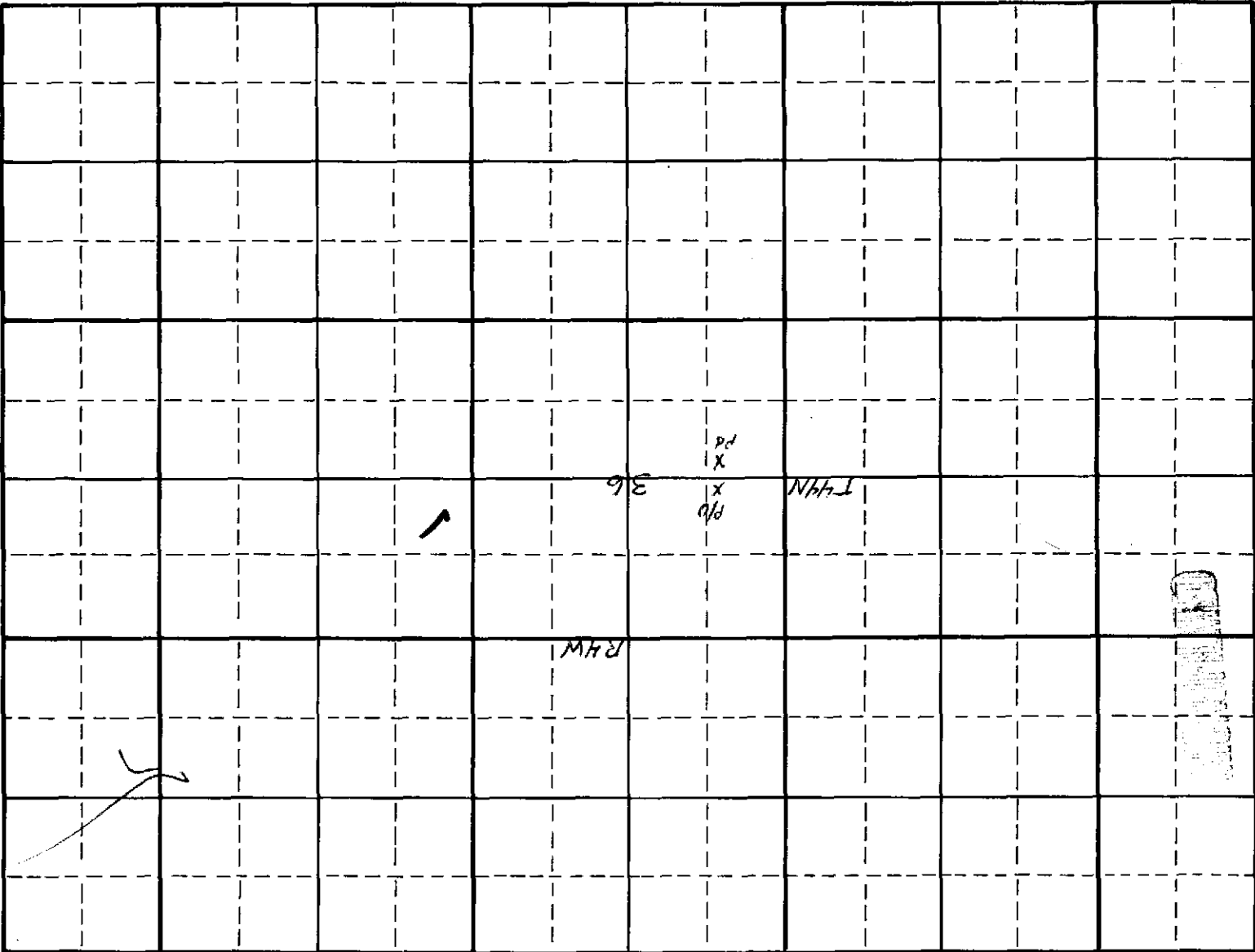


JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

[illegible]



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: *NWSW sec 36 T44N R4W*

Place(s) of Use

TWP.	RGE.	SEC.	NEX				NW%				SW%				SEX				TOTALS
			NEX	NW%	SW%	SEX	NEX	NW%	SW%	SEX	NEX	NW%	SW%	SEX	NEX	NW%	SW%	SEX	
44N	4W	36																	2

Recommended Amendments:

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above
- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above
- ☒ None
- ☐ Other

Examiner's Signature: *John Brand*
Checked by: *Ray Wacker*
Approved by: *Ray Wacker*
Date: *9/13/83*
Date: *10/3/83*
Date: *4-3-84*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

March 3, 1983

Maynard & Elizabeth Olson
Star Route Box 98
Tensed, ID 83870

RE: 93-7022

Dear Mr. & Mrs. Olson:

We acknowledge receipt of your statement of completion of water development and 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 do not know at this time when he will be able to conduct the examination; however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/fms

cc: IDWR - State Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below. Permit No. 93-7022

Name(s) of Permit Holder: MAYNARD or ELIZABETH OLSON

Post Office Address: Star Route Box 98
Tensed, Idaho Tel. No. 274-3672

Source of Water: Indian Creek

Extent of Use:

☐ Domestic	_____	(number of households)
☐ Stockwater	_____	(number and type of stock)
☒ Irrigation	_____	(acres)
☐ Other	_____	

Measuring Device:	Required?	☐ Yes ☐ No	Installed?	☐ Yes ☐ No
Access Port:	Required?	☐ Yes ☐ No	Installed?	☐ Yes ☐ No

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

2-17-82
Date

Elizabeth Olson
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

*received along
with application
2-18-1982*

11/10/82

January 12, 1983

RE: Permit No. 93-7022

Maynard K. &/or Elizabeth Olson
Star Route, Box 98
Tensed, ID 83870

Dear Mr. and Mrs. Olson:

Enclosed is a copy of your approved Application for Permit along with a copy of an Order which dismisses the protest against your application. We direct your attention to the conditions of approval on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

January 12, 1983

RE: Application for Permit No. 93-7022 MAYNARD K. &/or ELIZABETH OLSON
Application for Permit No. 91-7056 ROBERT O. & ERMA M. DARRIN
Application for Permit No. 93-7023 MICHAEL D. SOUTHER

Mr. Bernard J. LaSarte
Coeur d'Alene Tribe of Idaho
Coeur d'Alene Sub-Agency
Plummer, ID 83851

Dear Mr. LaSarte:

Enclosed are copies of Orders dismissing your protests against the above referenced applications for permit.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosures

cc: Robert D. Dellwo, Attorney
Plummer, Idaho 83851

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: LB

APPLICATION NUMBER: 93-7022

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.
Final date for protests: 3-22-82 ✓
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 3-11-82 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
✓ 2-18-1982 Date of priority recommended.
Special conditions of approval or cover letter. _____

RECEIVED
DEC 1 1982

By: RYA

Date: 11/29/82

Department of Water Resources

STATE OFFICE REVIEW:

Shw/bib

- ☐ See attached sheet for more information.

By: T. [signature]

Date: 11/10/82

RECEIVED
NOV 09 1982

Department of Water Resources

NOV 03 1985

RECEIVED

TRACT SEC TWP RGE GOV't lot rediv. (R) REACH 0010

IDAHO STREAM CODE INDEX

4206.0186.0160

TRACT SEC TWP RGE GOV't lot rediv. (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE GOV't lot rediv. (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE GOV't lot rediv. (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE GOV't lot rediv. (R) REACH

IDAHO STREAM CODE INDEX

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATER OF PROTESTS	)	
AGAINST APPROVAL OF APPLICATIONS	)	RESPONSE TO COEUR D'
FOR PERMITS:	)	ALENE INDIAN TRIBE TO
NO. 93-7024 IN THE NAME OF	)	ORDERS TO SHOW CAUSE
FLETCHER FARMS, INC.	)	
NO. 93-7023 IN THE NAME OF	)	
MICHAEL D. SOUTHER	)	
✓ NO. 93-7022 IN THE NAME OF MAYNARD)	)	
K. &/OR ELIZABETH	)	
OLSON	)	
NO. 91-7056 IN THE NAME OF	)	
ROBERT O. AND ERMA M.	)	
DARRIN	)	

The Department issued Orders to Show Cause dated September 23, 1982 in each of the foregoing permits. The Order recited the protests received from the Coeur d' Alene Indian Tribe and its failure to attend the September 15, 1982 conferences and asked that the Tribe Show Cause "why the protests should not be dismissed for failure on the part of the protestants to appear at said hearing."

The hearing, as outlined in the Memorandum which accompanied the Notices of Hearing, did not relate to matters relevant to the Tribal protest. It was concerned with proposed need and use of the water, adequacy of the water and other matters having to do with the permittee's beneficial use of the water.

The Tribal protests were made in order to give the State of Idaho and the prospective permittees notice of the Tribe's prior and paramount Winters or Reserved Water Rights to the waters involved in the permits. Further, the Tribal protest gave notice of the contention of the Tribe and of its Trustee, the United States, that the State of Idaho has no jurisdiction to issue or govern water permits within the Coeur d' Alene

Indian Reservation and that that jurisdiction is exclusively in the Tribe and in the United States.

The Tribe has similarly appeared before the Department of Water Resources in numerous other permit applications beginning in about 1965 taking the same positions in each case that it is taking in the captioned applications. The Department is well aware of the Tribe's Winters Rights to the water involved but has in every instance ignored them and has invariably issued the permits applied for stating in the fine print in each permit that it is subject to "existing rights" which it rationalizes includes the Tribal Rights. The primary purpose of the Tribe in appearing in each case is to specifically and strongly advise the permittee of those rights so that in a later adjudication he will not be able to say that he was ignorant of them.

In addition to the existing Tribal Water Rights which are preferential and superior to any permits or rights issued by the State of Idaho the Tribe takes the strong position that the State lacks jurisdiction to issue any permits within the Coeur d' Alene Indian Reservation. This position of the Tribe is based on existing Federal Case Law and more recently on the Case of Colville Confederated Tribes vs. Walton, decided on Appeal by the 9th Circuit Court of Appeals on June 1, 1981.

That case held as summarized in paragraph 13 of the case's Syllabus as follows:

"State regulation of water in a non-navigable water system located on Indian Reservation was preempted by creation of the Indian Reservation; thus, state water permits of non-Indian purchaser of an Indian allotment were of no force and effect.

The Tribe by this Memorandum repeats its request that the State not issue the permits applied for.

DATED this _____ day of _____, 1982.

COEUR D' ALENE INDIAN TRIBE

By _____
ROBERT D. DELLWO, its Attorney

OSC 6
not needed
1/23/82

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS		Indicate type of mail		I certify that we have		Affix stamp here if issued as certificate of mailing or for additional copies of this bill.	
1	2	3	4	5	6	7	8	9	10
NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE
1	13615 Coeur d'Alene Tribe, CDA Sub-Agency, Plummer, Id.	75c							
2	13616 Gary N. Randles & Susan D. Ernst Box 572, Moyie Springs, Id. 83845	75c							
3									
4									
5									
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10									
11									
12									
13									
14									
15									

TOTAL NUMBER OF PIECES LISTED BY SENDER

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

1982

93-7024-702
93-7022-1-7056
98-7416

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

Name: Fletcher Farms, Inc./Souther/Olson /Darrin
 File: 93-7024 93-7023 93-7022 91-7056
 Place: 2nd Floor Ctrm., Beneway Cty. Cthse., St. Maries, Id.
 Date: Wednesday, September 15, 1982, at 9:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
James S. Fletcher	Star Route, Box 136, Tekoa, Wash 99033	Fletcher Farms, Inc.
Maynard Olson	Star Route Box 98 Jensen Idaho 83876	Maynard Olson
Elizabeth Olson	Star Route Box 98 " " "	Elizabeth Olson
Emma M. Darrin	31105 Woodward Rd. 97060	Robert O. Darrin Emma M. Darrin
Wm. & Barb Souther	HL 1 Box 70 Lewiston 83541	Wm. & Barb Souther

11/11/82



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

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

August 20, 1982

Clerk of the Court
Benewah County Courthouse
St. Maries, Id. 83861

Dear Madam:

This is to confirm reservations for the courtroom on the second floor across from the Clerk's Office in the Benewah County Courthouse for a hearing to be held by this Department on Wednesday, September 15, 1982, at 9:00 a.m.

If this does not agree with your records, please contact me immediately.

Sincerely,

Patricia M. Stypa
Secretary - O/C

MICROFILMED

98-7022

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered.....
☐ **RESTRICTED DELIVERY**
 Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. & Mrs. Maynard Olson
 St. Rt. Box 98
 Tensed, Id.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13591	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY

8-24-72

5. ADDRESS (Complete only if requested)

6. REASON TO DELIVER BECAUSE:



★ GPO : 1975-0-274-450

UNITED STATES POSTAL SERVICE

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RENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the invoice.
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- Enclose article "Rancho Pacific Regional"

Abstract

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF 10% STAGE: \$200**



2000



IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT OFFICE

ROUTE 5, BOX 203, SUITE #1

COEUR D'ALENCON (Sarthe)

(Street or P.O. Box)

City, State, and ZIP Code)

Department of Water Resources
Northern District Office

AUG 25 1982

EEIGEE

D

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS		POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R.R. FEE	S.D. FEE	S.H. FEE	POST. DEL. FEE	REMARKS
1	13583	Mr. & Mrs. Perry Lindner, P.O. Box 295, Wallace, Id.	200	75c			DELETED	60c				94-7222	Last 4 files
2	13584	Coeur d'Alene Tribe, CDA Sub-Agency, Plummer, Id.	374	"				"					
3	13585	Mr. & Mrs. John E. Bentley, Box 2143, Coeur d'Alene	204	"				"				95-8164	
4	13586	Mr. Daniel K. Scott, for Gary Low, Pineridge Estates Homeowners Assn. 161 Fashion Ln. Ste. 203, Tustin, Ca.	"	"				"				"	
5	13587	Mr. Thomas Mitchell, Atty. 316 Elder Bldg., CDA	"	"				"				"	
6	13588	Mr. Del Ottinger, Atty., 601 Seltice, Post Falls, Id.	"	"				"				"	
7	13589	Mr. & Mrs. David M. Seward, P.O. Box 1067, Bonners Fer.	"	"				"				98-7431	
8	13590	Mr. Howard I. Monks, Jr., St. Rt. 2 Box 162, BF	"	"				"				"	
9	13591	Mr. & Mrs. Robert H. Schwarze, St. Rt. 2, Box 185A, BF	"	"				"				"	
10	13592	Mr. William Bayert, Atty. 205 Kootenai, Bonners Ferry	"	"				"				"	
11	13591	Mr. & Mrs. Maynard Olson, St. Rt. Box 98, Tensed, Id.	"	"				"				93-7022	
12	13592	Fletcher Farms, Inc., Box 810, Tekoa, Wa. 99033	"	"				"				93-7024	
13	13593	Mr. Michael Souther, Rt. 1 Box 72, Plummer, Id.	"	"				"				93-7023	
14	13594	Mr. & Mrs. Robert Darrin, 31105 Woodard, Rd., Troutdale, Or. 97060	"	"				"				91-7056	
15	13595	Mr. Robert Dellwo, Atty, Old Nat'l. Bank Bldg, Spokane	374	"				"					Last 4 files
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER: PER (Name of receiving employee)									
See above total of 11				JMC									

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE: 1973-270-037

MID

1973-270-037

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 93-7022)
IN THE NAME OF MAYNARD K. &/OR ELIZABETH OLSON.)

NOTICE OF HEARING

On February 18, 19 82, Maynard K. &/or Elizabeth Olson
of Tensed, Idaho, filed with the Department of Water
Resources an application to appropriate the public waters of the State of Idaho.
On March 12, 1982, the Department received a protest against approval
of said application from the Coeur d'Alene Tribe.

The Department has set the matter of protest for hearing for Wednesday,
September 15, 19 82, at 9:00 a.m. in the Courtroom located on the
Second Floor (across from the Clerk's Office) of the Benewah County Courthouse,
St. Maries, Idaho. The hearing will be held in accordance with
Chapter 2, Title 42 of the Idaho Code and adopted Rules of Practice and Procedure
of the Department of Water Resources. Opportunity shall be afforded all parties to
respond and present evidence and argument on all issues involved.

Dated this 20th day of August, 19 82.


ROBERT G. HAYNES, P.E.
Regional Supervisor



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

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

May 13, 1982

Mr. Bernard J. Esarte
Chairman
Coeur d'Alene Tribal Council
Plummer, Idaho 83851

Re: 93-7022

Dear Mr. LaSarte:

This is to acknowledge receipt of your letter of April 21, regarding Application for Permit No. 93-7022 in the name of Maynard K. and/or Elizabeth Olson.

We understand and appreciate the position of the Council. You will recall at the meeting there was a question as to whether going to a formal hearing would serve any purpose. It was the consensus of all parties that it would not.

In order for the Department to render a decision, we need a statement from the Tribe waiving the formal hearing. The waiver of the formal hearing in no way jeopardizes the Tribe's right to appeal the Director's decision should that be their desire.

If you have any questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

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

May 13, 1983

Mr. and Mrs. Maynard K. Olson
Star Route Box 98
Tensed, Id. 83870

Re: 93-7022

Dear Mr. and Mrs. Olson:

We have received a letter from the Coeur d'Alene Tribal Council indicating that they will not withdraw their objection to the issuance of your above-referenced permit.

In order for the Department to render a decision on the basis of a conference which was held on April 15, the Department needs a waiver of the formal hearing process.

This waiver in no way jeopardizes any appeal rights which you have.

If you have any questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms



COEUR d'ALENE TRIBAL COUNCIL
COEUR d'ALENE SUBAGENCY
Plummer, Idaho 83851

April 21, 1982

Mr. Robert G. Haynes, P.E.
Department of Water Resources
Northern District
4055 Government Way
Coeur d'Alene, ID 83814

RE: MAYNARD K. and/or ELIZABETH OLSON
PERMIT NO. 93-7022

Dear Mr. Haynes:

As requested during the hearing last Thursday, April 15, 1982, I returned and reported to the Tribal Council your request that the Tribe withdraw its protest against Maynard K. and/or Elizabeth Olson for an application for water rights permit under the jurisdiction of the State of Idaho.

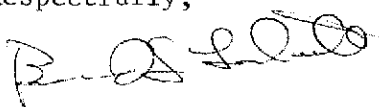
The Council still believes that any compromise between the tribe and state would very seriously jeopardize the tribe's legal interest on this important issue of water rights.

Our claims on sovereignty have been challenged over and over by the State of Idaho, other special interest groups, as well as individual citizens of this state.

Our sovereignty is based on territorial claims thousands of years before the existence of the State of Idaho, which take into account the land, air, water, political, mineral, hunting, fishing rights which we as a tribe still maintain today as a political state over its citizens and lands.

For these reasons we must deny any requests invalidating the Sovereign Authority of this, the Coeur d'Alene Tribe.

Respectfully,


BERNARD J. LASARTE
CHAIRMAN
COEUR d' ALENE TRIBAL COUNCIL
PLUMMER, ID 83851

RM/mj

cc: Mr. Robt. Dellwo, Tribal Attorney
file

RECEIVED

APR 23 1982

Department of Water Resources
Northern District Office

PS Form 3811, Jan. 1975

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered.....
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. Bernard LaSarte
 CDA Tribal Council
 CDA Subagency, Plummer, Id. 83861

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13561	

(Always obtain signature of addressee on agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

Quanta Byron

DATE OF DELIVERY

POSTMARK

DEFERRED
 103-7022
 11-1-75
 RECEIVED
 MAR 1 1975

4. UNABLE TO DELIVER BECAUSE:

CLERK'S
 INITIALS

Department of Water Resources
 Northern District Office

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete Items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



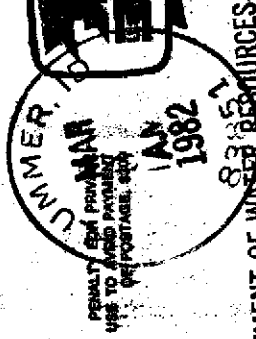
IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D'ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED



PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. Robert Dellwo
Old National Bank Bldg.
Spokane, Washington

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13571	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY MAR 31 1982 POSTMARK

5. ADDRESS (Print name and address of recipient)

6. UNABLE TO DELIVER BECAUSE

CLERK'S
INITIALS

Department of Water Resources

Northern District Office ☆ GPO : 1978-300-459

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the envelope.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return to Sender Requested" (Indicate to carrier).

RETURN
TO
APR 1

Department of Water Resources
Northern District Office

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D'ALENE, IDAHO 83814

(Street or P.O. Box)

(City, State, and ZIP Code)

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



PS Form 3811, Jan. 1979

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered. \$
☐ **RESTRICTED DELIVERY.** \$
 Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Mr. and Mrs. Maynard K. Olson
 Star Route Box 98
 Tensed, Id. 83870

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13560	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE: ☒ Addressee ☐ Authorized agent

Maynard K. Olson
 OF DELIVERY

RECEIVED
 MAR 31 1982

POSTAGE (Complete only if registered)

MAR 31 1982

UNABLE TO DELIVER BECAUSE:

Department of Water Resources

Postmaster: No return to sender if undelivered.

★ GPO : 1980-000-000

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

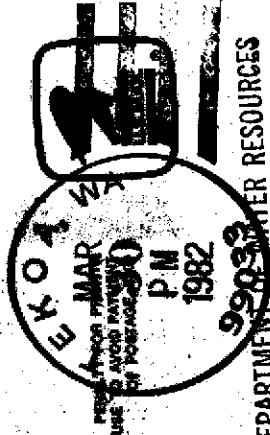
Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits.
- Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



MAILING



IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT OFFICE

ROUTE 5, BOX 203, SUITE #1

COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

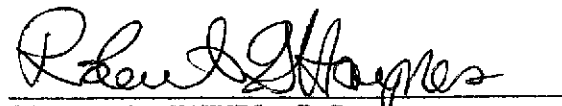
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 93-7022) NOTICE OF HEARING
IN THE NAME OF MAYNARD K. AND/OR ELIZABETH) AND/OR CONFERENCE
OLSON.)

On February 18, 19 82, Maynard K. and/or Elizabeth Olson
of Tensed, Idaho, filed with the Department of Water
Resources an application to appropriate the public waters of the State of Idaho.
On March 12, 19 82, the Department received a protest against approval
of said application from the Coeur d'Alene Tribe.

The Department has set the matter of protest for hearing for Thursday,
April 15, 1982, at 1 :30 P.m. in the Idaho Department of Water
Resources Northern Regional Office, 4055 Government Way,
Coeur d'Alene, Idaho. The hearing will be held in accordance with
Chapter 2, Title 42 of the Idaho Code and adopted Rules of Practice and Procedure
of the Department of Water Resources. Opportunity shall be afforded all parties to
respond and present evidence and argument on all issues involved.

Dated this 29th day of March, 19 82.


ROBERT G. HAYNES, P.E.
Regional Supervisor

NOTED
MAR 22 1982

CONFERENCE AND HEARING INFORMATION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

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

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed

MICROFILMED

decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments.

However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

MICROFILMED
1980

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS		POSTAGE		FEE		Handling Charge		Actual Value (If Registered)		DUE SENDER IF C.O.D.		R. R. FEE		S. D. FEE		S. H. FEE		REST. DEL. FEE		REMARKS	
1		2		3		4		5		6		7		8		9		10		11		12	
1	13556	William Garren, 1911 N. 4th, Coeur d'Alene, Id. 83814		20	75																	95-8050	
2	13557	Mr. & Mrs. Robert L. Bershers, rt. 1 Box 32, CDA		"	"																		
3	13558	Mr. & Mrs. Herman Van Hull, Rt. 5 Box 61, Priest River		"	"																	97-7175	
4	13559	Ms. Josephine Aumell, Box 1297, Priest River, Id.		"	"																		
5	13560	Mr. & Mrs. Maynard K. Olson, St. Rt. Box 98, Tensed, Id.		"	"																	93-7022	
6	13561	Mr. Bernard LaSarte, CDA Tribal Council, CDA Subagency Plummer, Id.		"	"																		
7	13562	Ms. Marcia Peterson, Box 134, Bonners Ferry, Id.		"	"																	98-7400	
8	13563	Ms. Lisa Bottenfield, Box 9487, Aspen, Colo 81611		"	"																		
9	13564	Mr. & Mrs. D. L. Christensen, Rt. 1 Box 525, BF, Id.		"	"																		
10	13565	Mr. & Mrs. Laurence Holdeman, Rt. 1 Box 526, BF, Id.		"	"																		
11	13566	Mr. & Mrs. Peter Small, Box 551, Movie Springs, Id.		"	"																	98-7401	
12	13567	Power Associates Co., Box 987, Hayden Lake, Id.		"	"																		
13	13568	James M. Petersen, Box 44, Wallace, Id. 83873		"	"																	94-7210	
14	13569	Ms. Wilhelmina Allen, Box 1306, Wallace, Id.		"	"																		
15	13570	Mr. Everett Hofmeister, Atty., 401 Front, CDA, Id.		"	"																		
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER PER (Name of receiving employee)																		93-7022	

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Attach stamp here if issued as
 certificate of mailing or for
 additional copies of this bill.
 POSTMARK AND DATE OF RECEIPT

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

• U.S. GOVERNMENT PRINTING OFFICE: 1977

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

March 15, 1982

Mr. Bernard J. LaSarte
Coeur d'Alene Tribal Council
Coeur d'Alene Subagency
Plummer, Id. 83851

RE: 93-7022

Dear Mr. LaSarte:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

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

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

MICROFILMED
MART G. HAYNES, P.E.
Regional Supervisor

SH: PMS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6434

March 15, 1992

Mr. and Mrs. Maynard K. Olson
Star Rt. Box 93
Tensed, Id. 83870

RE: 93-7022

Dear Mr. and Mrs. Olson:

Enclosed is a copy of a protest filed against the approval of a permit pursuant to the above-referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

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

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ems

Enclosure

93-2022

OLSON, MAYNARD K. &/or ELIZABETH

STAR RT. BOX 98, TENSED, ID 83870

Source: INDIAN CREEK tributary to HANGMAN CREEK

Date Filed: 02/18/1982

Amount: 0.06 CFS

Diversion Point: N4SW Sec 36 T 44N R 04W, BENEWAH Co.

Use: IRRIGATION (0.06 CFS) from 03/01 to 11/30

Place of Use: SWNW Sec 36 T 44N R 04W FOR 2 ACRES

Diversion Means: CONCRETE SUMP AND FILTER.