

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 ~~two~~ ^{two} issues, the first publication being on the ~~3rd~~ ^{3rd} day of ~~August~~ ^{August}, 19~~78~~ ⁷⁸ and the last on the ~~10th~~ ^{10th} day of ~~August~~ ^{August}, 19~~78~~ ⁷⁸.

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 11th day of August, 19~~78~~ ⁷⁸.

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

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lawson Farms, Inc., Box 31, Tekoa, Wash., has on July 6, 1978 submitted Application No. 95-7863 for a permit to appropriate 3.2 cubic feet per second of water from a groundwater source by means of a well, pump and pipeline with the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T46N, R5W, B.M., Benewah County to be used from March 15 to Oct. 31 for the irrigation of 160 acres within the NW $\frac{1}{4}$,NW $\frac{1}{4}$, Sec. 7 and W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T46N, R5W B.M., and E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1, T46N, R6W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814, on or before August 21, 1978.

C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, ID, on Aug. 3 and Aug. 10, 1978.
No. 5411 — Aug. 3 - Aug. 10

OK
8-11-78
[Signature]

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STATE OF IDAHO

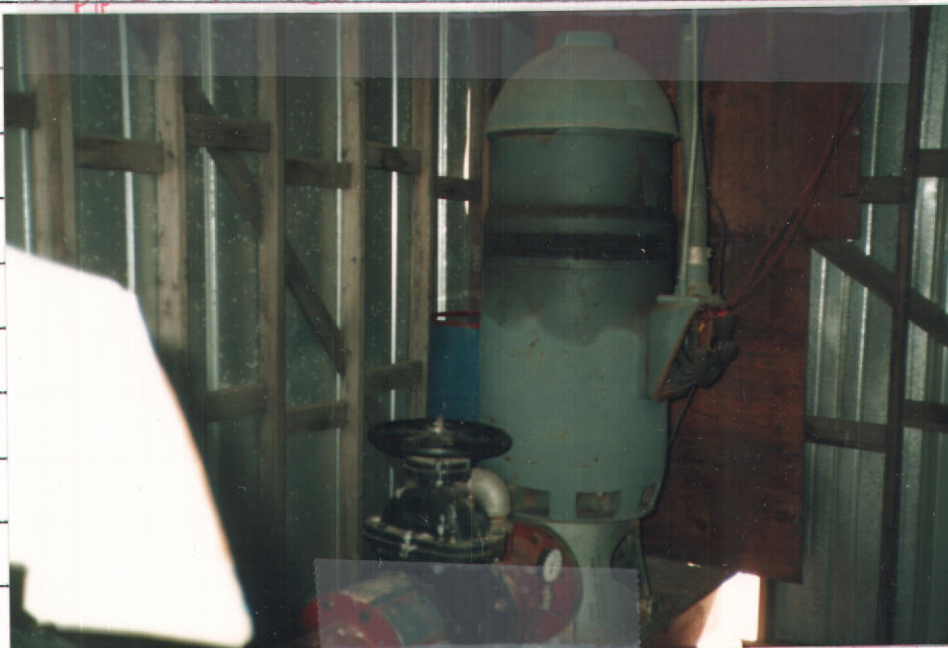
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

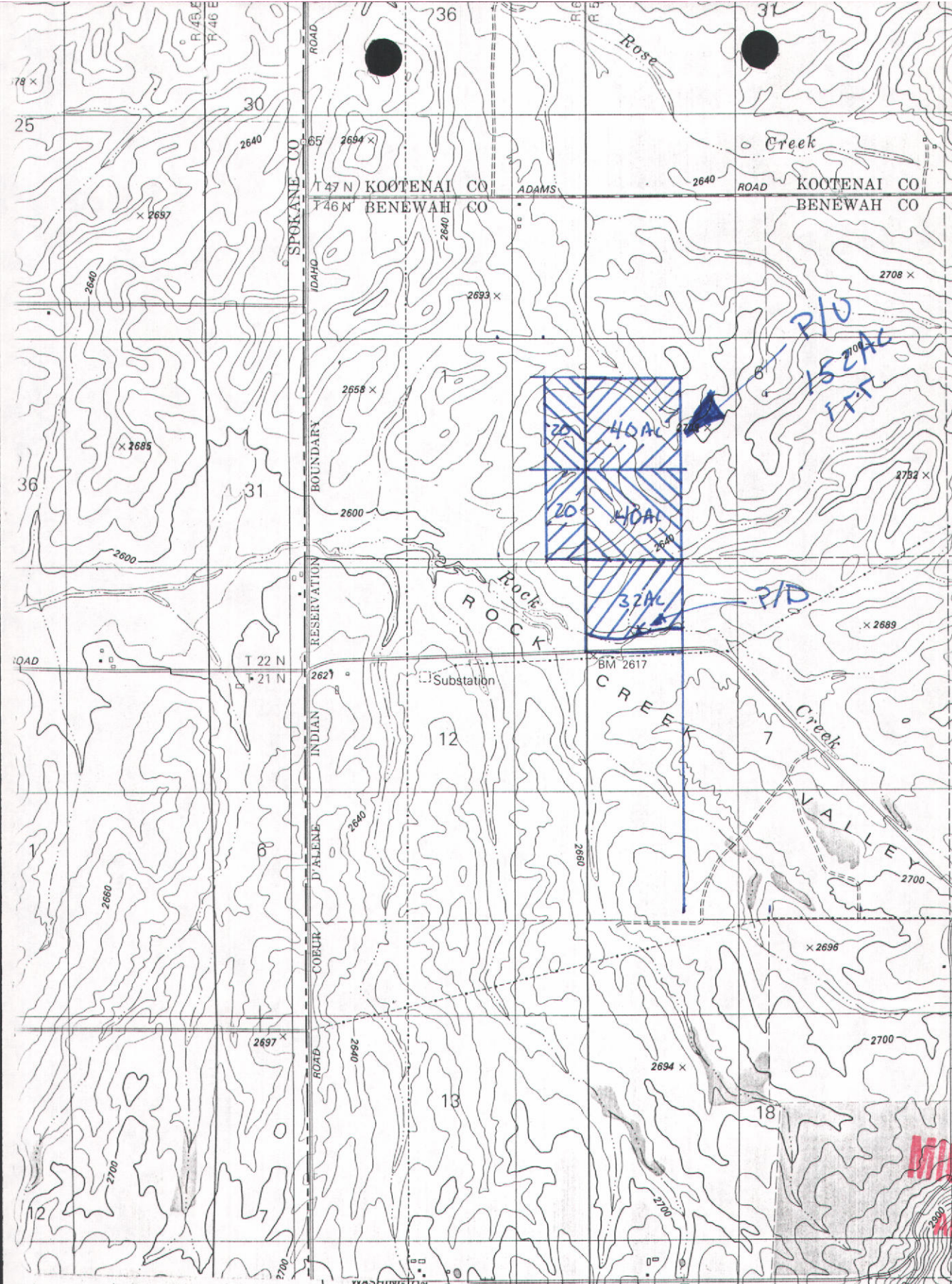
REMARKS / PHOTOS

PERMIT # 93-7014

DATE	REMARKS / PHOTOS	INITIALS
1-28-80	509-283-2116 ~ NO ANS	k
6-16-80	" ~ ^{SEE} WILL CALL IN SEPT	k
6-16-81	" NICK WILL CALL ME	k
9-16-82	" NON-WORKING NUMBER	
	RICK 284-2023 NICK 208-274-4732	k
6-10-83	~~244~~ -509-284-2848 ~ NICK IS AT 208-274-4732	
	WILL CALL AFTER BURN	k
8-8-84	NICK-274-4732 - NOT THIS YEAR - TOO WET	k
9-9-85	NEW OWNER WADE WILSON 2068 PRIMROSE HIL S. PASADENA, CA.	
	(FATHER WM WILSON ³⁸⁴ 702-348-8587 OR HOME-702-382-5174)	
	CARETAKER! DOUG SCHROEDER 208-273-2325	k
9-11-86	~~273-2325~~ NOT THIS YEAR SEND NEW ASSIGN	k
6-1-87	MR SCHROEDER WILL CONTACT AFTER 6-27-87	k
7-7-87	Appt. made 7-13-87 @ 8:30-9:00	J.A.



RECEIVED
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T 47 N
5246
760 000 FEET
(WASH. SOUTH)

T 46 N
5245

5244

150 000 FEET
(WASH. NORTH)

5243

20'

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TEKOA MOUNTAIN, WASH.-IDAHO
SE/4 FAIRFIELD 15' QUADRANGLE

G 52

TWP 46N N, RGE 6W SEC 1
EXAM DATE 2-1-14-187 MAP # _____ PERMIT # 93-76111

R6W A 3

See A-2

1/8 mile
2 lines

1/8 mile
3 lines

R5W

B3

12

pump house

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APR 04 1989

A-3

NOT TO SCALE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 15, 1985

Mr. Al Bafus
Federal Land Bank Assn. of Spokane
P. O. Box 3486
Spokane, Wa. 99220

Re: Lawson Farms

Dear Mr. Bafus:

We have the following Water Rights on file for Lawson Farms:

1. Water Right No. 93-7011, which was received on September 15, 1977, for which the applicant paid \$65.00 and was issued Receipt No. 5799, (a copy of our letter of acknowledgement of this filing is enclosed.)
2. Water Right No. 93-7013, which was received on June 23, 1978, for which the applicant paid \$65.00 and was issued Receipt No. 10967, (a poor copy of our letter of acknowledgement of this filing is enclosed.)
3. Water Right No. 93-7014, which was originally numbered as 93-7683, which was received on June 19, 1978, for which the applicant paid \$65.00 and was issued Receipt No. 12014, (the quality of the microfiche diazo was not good enough to make a copy of our letter of acknowledgement).

We have also included copies of the letter of acknowledgement of the beneficial use form for all three permits.

All three Water Rights are in good standing with our Department and are currently waiting for the beneficial use examinations to be made by a representative of this Department.

If you have any questions, please feel free to contact me at this office.

Sincerely,

KENNETH KNOBLOCK
Senior Water Resource Agent

POOR QUALITY ORIGINAL

KK/pms
Enclosures
cc: IDWR - State Office

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STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

See file 93-07011 for support documentation

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED
 DEC 17 1999
 IDWR/North

RECEIVED

DEC 20 1999

Department of Water Resources

1. Water Right No(s): 93-07011 and 93-07014

Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant _____

4. New Owner/Claimant(s) STEVE KERUS

New Mailing Address 5380 N. CO RD 9

City, State and ZIP Code FT. COLLINS, CO. 80524

New Telephone Number (970) 416-9627

5. Date you acquired the property Dec 16, 99

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____	Number and type of stock _____
Diversion rate in CFS _____	Number of homes you acquired _____
Other uses _____	

7. Signature of New Owner(s) or Claimant(s) Steve Kerus

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

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DEC 29 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 93-07014

Priority: July 19, 1978 Amount: 2.00 CFS 460.0 AFA

This is to certify, that E. DANIEL HOPSON
CATHY LYNN HOPSON

RT. 1 BOX 22
PLUMMER, ID 83851

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated July 19, 1978, and has submitted proof to the Department of Water Resources on December 31, 1979, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 2.000 cfs of water from a **GROUNDWATER** source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 10/31	2.00 CFS	460.0 AFA

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 7, Township 46N, Range 05W
BENEWAH County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
46N	05W	6	NWSW 40	SWSW 40		80
		7	NWNW 32			32
	06W	1	NESE 20	SESE 20		40

Total number of acres irrigated: 152

CONDITIONS/REMARKS:

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

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24TH day of MARCH, 1989.

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Acting for the Director



APR 04 1989

REC

DEC 30 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF LICENSE
AND PERMIT

Department of Water Resources

WILLIAM H. WILSON and LUCILLE WILSON, husband and wife,
hereby assign to E. DANIEL HOPSON and CATHY LYNN HOPSON, husband
and wife, of Benewah County, Idaho, all right title and interest
in and to License No. 93-7011 and Permit No. 93-7014 to
appropriate the public waters of the State of Idaho.

DATED this 15th day of December, 1988.

William H. Wilson
WILLIAM H. WILSON

Lucille Wilson
LUCILLE WILSON

BY William H. Wilson
WILLIAM H. WILSON, Attorney-in-
fact for Lucille Wilson

STATE OF WASHINGTON)
COUNTY OF SPOKANE) ss.

On this 21st day of December, 1988, before me, the
undersigned, a Notary Public in and for the State of Washington,
duly commissioned and sworn, personally appeared William H.
Wilson to me known to be the individual described in and who
executed the foregoing instrument for himself and as attorney in
fact of Lucille Wilson also therein described, and acknowledged
to me that he signed and sealed the same as his voluntary act and
deed and as the free and voluntary act and deed of the said
Lucille Wilson for the uses and purposes therein mentioned, and
on oath stated that the power of attorney authorizing the
execution of this instrument has not been revoked and that the
said Lucille Wilson is now living.

WITNESS my hand and official seal hereto affixed the day and
year in this certificate above written.

David S. Smith
Notary Public in and for the State
of Washington, residing at Spokane.

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APR 04 1989

WARRANTY DEED

For Value Received

B. THOMAS BARNARD and MARY ELLEN BARNARD, husband and wife, accomodating party

the grantor S, do hereby grant, bargain, sell and convey unto E. DANIEL HOPSON and CATHY LYNN HOPSON, husband and wife

whose address is 2210 Alamo Pintada Rd., Solvang, CA 93463

the grantee S, the following described premises, in Benewah County Idaho, to wit:

Parcel No. 1: Government Lot 1, Section 7, Township 46 North, Range 5 West of the Boise Meridian, Benewah County, Idaho.

Government Lots 6 and 7, Section 6, Township 46 North, Range 5 West of the Boise Meridian, Benewah County, Idaho.

The East Half of the East Half of the Southeast Quarter of Section 1, Township 46 North, Range 6 West of the Boise Meridian, Benewah County, Idaho.

Parcel No. 2: Government Lots 3 and 4; and the East Half of the Southwest Quarter of Section 18, Township 46 North, Range 5 West of the Boise Meridian, Benewah County, Idaho.

Government Lots 1 and 2; and the Northeast Quarter of the Northwest Quarter of Section 19, Township 46 North, Range 5 West of the Boise Meridian, Benewah County, Idaho.

Government Lots 1 and 2; and the Northeast Quarter of Section 24, Township 46 North, Range 6 West of the Boise Meridian, Benewah County, Idaho.

Government Lots 1, 2, 3, 4; and the Southeast Quarter of Section 13, Township 46 North, Range 6 West of the Boise Meridian, Benewah County, Idaho.

Together with all water rights, including water right license No. 93-7011 and water permit No. 93-7014.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee S, that they are the owner sin fee simple of said premises; that they are free from all incumbrances except easements and rights of way of record and rights of the Coeur d'Alene Indian Tribe and mortgage to The Federal Land Bank recorded July 15, 1985 as instrument no. 167501 which grantees agree to assume and pay according to it's terms and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: December 15, 1988.

X DECEMBER 16, 1988

X DECEMBER 16, 1988

B. Thomas Barnard
B. THOMAS BARNARD

Mary Ellen Barnard
MARY ELLEN BARNARD

STATE OF CALIFORNIA
County of SANTA BARBARA

On this 16th day of December 1988, before me, a Notary Public in and for said State, personally appeared B. THOMAS and MARY ELLEN BARNARD known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that t he y executed the same.

Sherrie D. Lewis
Notary Public for: State of California
Residing at: Solvang
Commission Exp: February 22, 1991

STATE OF IDAHO, COUNTY OF

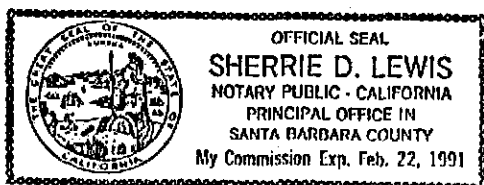
I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book _____
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.
Fees \$ _____
Mail to: _____

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APR 04 1989

INSTRUMENT No

WARRANTY DEED

For Value Received WILLIAM H. WILSON and LUCILLE WILSON,
husband and wife

the grantors, do hereby grant, bargain, sell and convey unto B. THOMAS BERNARD and
MARY ELLEN BERNARD, husband and wife, accomodating party,

the grantees, whose current address is 1259 Alamo Pintada Rd., Solvang, CA 93463

the following described premises, in Benewah County Idaho, to-wit:

Parcel No. 1: Government Lot 1, section 7, Township 46 North, Range 5
West of the Boise Meridian, Benewah County, Idaho.

Government Lots 6 and 7, Section 6, Township 46 North, Range 5 West
of the Boise Meridian, Benewah County, Idaho.

The East Half of the East Half of the Southeast Quarter of Section 1,
Township 46 North, Range 6 West of the Boise Meridian, Benewah County,
Idaho.

Parcel No. 2: Government Lots 3 and 4; and the East Half of the
Southwest Quarter of Section 18, Township 46 North, Range 5 West of the
Boise Meridian, Benewah County, Idaho.

Government Lots 1 and 2; and the Northeast Quarter of the Northwest
Quarter of Section 19, Township 46 North, Range 5 West of the Boise
Meridian, Benewah County, Idaho.

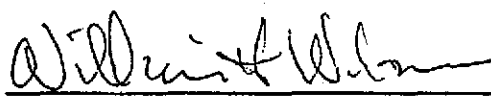
Government Lots 1 and 2; and the Northeast Quarter of Section 24,
Township 46 North, Range 6 West of the Boise Meridian, Benewah County,
Idaho.

Government Lots 1, 2, 3, 4; and the Southeast Quarter of Section 13,
Township 46 North, Range 6 West of the Boise Meridian, Benewah County,
Idaho.

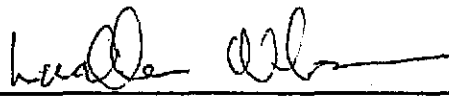
Together with all water rights, including water right license
No. 93-7011 and water permit No. 93-7014

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that t hey the owner s in fee simple of said premises; that they are free
from all incumbrances except easements and rights of way of record and rights
of the Coeur d'Alene Indian Tribe and mortgage to the Federal Land Bank
recorded July 15, 1985 as instrument no. 167501 which grantees agree to
assume and pay according to its terms
and that they will warrant and defend the same from all lawful claims whatsoever.

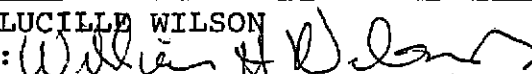
Dated: December 15, 1988



WILLIAM H. WILSON



LUCILLE WILSON

BY: 

WILLIAM H. WILSON, Attorney-in-fact
for Lucille Wilson

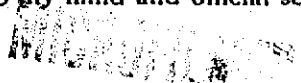
STATE OF WASHINGTON

County of SPOKANE

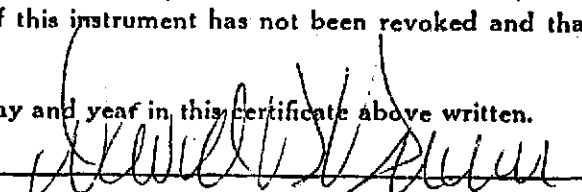
ss.

On this 21st day of December, A. D. 1988, before me, the under-
signed, a Notary Public in and for the State of Washington, duly commissioned
and sworn, personally appeared WILLIAM H. WILSON
to me known to be the individual described in and who executed the foregoing instrument for him self and
as attorney in fact of LUCILLE WILSON also therein described, and acknowledged to me that
he signed and sealed the same as his voluntary act and deed and as the free and voluntary act and deed
of the said LUCILLE WILSON for the uses and purposes therein mentioned, and on oath
stated that the power of attorney authorizing the execution of this instrument has not been revoked and that the said
LUCILLE WILSON is now living.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



APR 04 1989


Notary Public in and for the State of Washington
Spokane.

residing at

My commission expires 10/20/91

(Acknowledgment by Self and as Attorney in Fact, Tior Title Insurance Company, Form 1. 31)

State of Idaho
Department of Water Resources

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JUL 20 1987

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Wade Wilson, hereby assign to William H. Wilson
of 1925 Silver Ave., Las Vegas, Nevada
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 93-7011 and 93-7014
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 listing 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 16th day of July, 19 87.

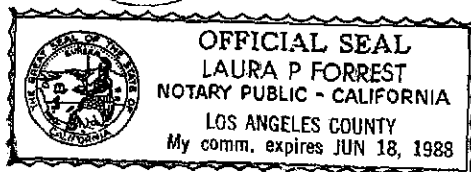
Wade Wilson
Permit Holder

May Lee Wilson
Spouse of Permit Holder

State of ~~Idaho~~ California)
County of Los Angeles) ss.

On this 16th day of July, 19 87, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal



Laura P. Forrest
Notary Public residing at
Pasadena, California

My commission expires:

June 18, 1988

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APR 04 1989

o/c

State of Idaho
Department of Water Resources

RECEIVED

JUL 17 1987

ASSIGNMENT OF PERMIT

Richard Lawson PRES.
I, of Lawson Farms, hereby assign to Wade Wilson
of 2068 PRIMROSE AVE. S. Pasadena, CA
Address

Department of Water Resources

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 93-7014
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 listing 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 _____ day of _____, 19____.

Richard Lawson
Permit Holder

Shirley Lawson
Spouse of Permit Holder

State of ~~Idaho~~ Washington)
County of Whitman) ss.

On this 16th day of December, 1985, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Allen B. Bazz
Notary Public residing at
Oakdale

My commission expires:
Oct 26 1989

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APR 04 1989

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF PERMIT NO. ⁹³⁻⁷⁰¹⁴~~95-7863~~ IN THE NAME OF)
LAWSON FARMS, INC.)

MEMORANDUM DECISION
AND ORDER

On July 19, 1978 Lawson Farms, Inc. filed with the Department of Water Resources an application for permit to appropriate 3.20 cubic feet per second of groundwater from a well to be drilled in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, Twp. 46N, Rge. 5W, B.M., Benewah County, to be used for irrigation purposes from March 15 to October 31. The lands to be irrigated total 160 acres located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, all in Twp. 46N, Rge. 5W, B.M., and the E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1, Twp. 46N, Rge. 6W, B.M.

Notice of the Application for Permit was published in the St. Maries Gazette Record, St. Maries, Idaho, on August 3 and August 10, 1978. On August 11, 1978, the Department received a letter from Mr. Robert D. Dellwo, attorney for the Coeur d'Alene Indian Tribe, protesting the granting of the permit. A hearing concerning this matter was held at Coeur d'Alene, Idaho on January 15, 1979. The protestant was represented by Mr. Robert J. Roberts of the law firm of DELLWO, RUDOLF AND SCHROEDER, P.S.; and the applicant was represented by Richard Lawson, President of Lawson Farms, Inc.

The issues raised during the hearing were:

- 1) Does the Idaho Department of Water Resources have jurisdiction to issue a water right permit for use on private lands within the boundaries of the Coeur d'Alene Indian Reservation?
- 2) Is there sufficient water available to satisfy this proposed appropriation without interfering with water rights impliedly reserved for the use of Indians on the Reservation?

Based upon the information in the file, the statements made at the hearing and the Department's understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. The Coeur d'Alene Indian Reservation was established by Presidential Executive Order dated November 8, 1873.

MAILED
JAN 16 1979
FBI - BOZEMAN

2. The proposed point of diversion and place of use under this Application for Permit are upon private lands of the applicant located within the present exterior boundaries of the Reservation.

3. The source of water from which the applicant intends to acquire his water is an aquifer system in the Rock Creek Drainage area.

4. The applicant has drilled the well and test pumped it at the requested rate with no drawdown in the water level observed.

5. Neither the protestant nor any of its members have wells which could be interfered with by the operation of the applicant's well.

CONCLUSIONS OF LAW

1. The Idaho Department of Water Resources has jurisdiction over the groundwaters proposed to be appropriated by this Application for Permit, even though such waters are located within the exterior boundaries of the Coeur d'Alene Indian Reservation.

2. The diversion of water as proposed under this Application for Permit would not interfere with any existing or presently utilized water right of the Coeur d'Alene Indian Tribe established under the doctrine of federal reserved water rights or acquired under state law.

3. The waters which are the subject of this application are administered as public waters of the state of Idaho and may be appropriated in accordance with the provisions of state law.

ANALYSIS

The Coeur d'Alene Indian Tribe, through its legal counsel, has protested the granting of this Application for Permit upon two grounds. The initial ground is that the state of Idaho, acting through the Department of Water Resources, lacks the necessary jurisdiction to issue a permit for the appropriation of water within the exterior boundaries of the Coeur d'Alene Indian Reservation. The second basis of the protest is that the application should be denied because any appropriation of water by the applicant would interfere with the prior and paramount water rights reserved for the future use of the Indians under the judicially established Winters Doctrine.

The jurisdictional challenge raised by the protestant is found to be without merit. The Department is not aware of any legal authority which would preclude the state of Idaho from issuing permits for the use of water upon private

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lands within the exterior boundaries of the Coeur d'Alene Indian Reservation. Nor has any such authority been cited by the protestant.

The second basis for the protest, which involves the potential future interference by the applicant with the prior and paramount Winters Doctrine rights of the Tribe does not provide the Department with sufficient grounds to deny issuance of a permit under the facts surrounding this application.

The Department recognizes that under the provisions of the Winters Doctrine the Coeur d'Alene Indian Tribe and individual tribal members possess certain prior and paramount reserved water rights for their use upon the reservation. Such reserved rights as may be determined to exist have a priority dating from the establishment of the reservation by executive order on November 8, 1873.

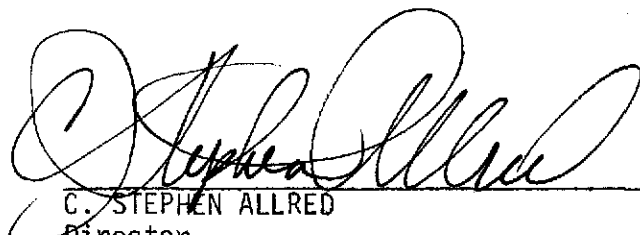
Whether the 3.20 c.f.s. of groundwater proposed to be appropriated under this application may someday be determined to be within the scope of the waters reserved for the use of the Indians need not and cannot be decided at this time. In the absence of a showing that the particular waters to be appropriated are presently needed by the Indians or that the use of such waters would interfere with an existing Indian use, the Department has no alternative under existing law but to issue the permit.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 95-7863 is APPROVED subject to the following conditions:

1. That the permit be and is subject to all prior existing water rights, including potentially applicable reserved Indian water rights having a priority of 1873.
2. That proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before April 1, 1980.
3. That an access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Dated this 30 day of March, 1979.


C. STEPHEN ALLRED
Director

MICROFILMED

Identification No. _____

Application No. 95-7863 93-7014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Lawson Farms Inc. Phone: (509) 284-3451
post office address Box 31 Tekoa, Wa. 99033
2. Source of water supply ground Water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 46 N
Range 5W B.M. Benewah County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.2 for irrigation purpose from March 15 to Oct 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. 3.2 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
Well, pump and pipeline

- 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 16 inches; proposed depth of well is 500 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 \$ 40,000
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: _____ 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 _____
(5) If water is to be used for other purposes describe: _____

[Handwritten signature/initials]

[illegible]

09T

LAWSON FARMS, INC.

LAWSON FARMS INC.

applicant to make this filing.

We will drill a well where the X is located on the map and in order to

From there we

lateral lines.

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

Range 6 W

Range 5 W

Sec 1

Sec 6

Sec 7

Sec 8

Township 46 N

Township 45 N

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.

set forth.

Lawsan Farms
(Applicant)

Richard Lawsan
Pres.

PROPOSED PRIORITY: July 19, 1978
RWB 7.19.78 Additional Fee

Received by B Date 6-23-78 Time noon

Preliminary check by RWB Fee \$ 65.00

Receipted by B Date 7-24-78 (12014)

Publication prepared by B Date 7-24-78

Published in St. Marias Gazette Record

Publication dates 8-3 & 10-78

Publication approved B Date 8-11-78

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RWB

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. 95-7863, 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 April 1, 19 80.
- c. Other: _____

PURSUANT TO MEMORANDUM DECISION AND ORDER OF THIS DATE

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

Witness my hand this 30 day of March 19 79.


Director

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO)

COUNTY OF ADA)
_____)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have on this date served a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER by depositing a copy thereof in the United States mail postage prepaid and addressed to:

Lawson Farms, Inc.
Box 31
Tekoa, WA 99033

Robert D. Dellwo
DELLWO, RUDOLF & SCHROEDER, P.S.
1016 Old National Bank Bldg.
Spokane, WA 99201

Dated this 4th day of April, 19 79.

Robert Dellwo

On this 4th day of April, 19 79, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he (she) executed the same.

Lyle Glen Saxton
Notary Public
Residing at *Boise, Idaho*

My commission expires *11-25-82*

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STATE OF IDAHO
County of Benewah, ss.

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.

and sworn to before me this 11th day of August, 19 78.

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

[illegible]

OK
8.11.28

MICROFILMED

March 27, 1989

E. DANIEL HOPSON
CATHY LYNN HOPSON
RT. 1 BOX 22
PLUMMER, ID 83851

RE: PERMIT NO. 93-07014

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

APR 04 1989

January 23, 1989

E. DANIEL HOPSON
CATHY LYNN HOPSON
RT. 1 BOX 22
PLUMMER, ID 83851

RE: PERMIT NO. 93-07014

Dear Permit Holder(s):

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

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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APR 04 1989

Herman, Herman & Jolley, P.S.

ATTORNEYS AT LAW

E. 12340 VALLEYWAY

SPOKANE, WASHINGTON 99216-0992

December 28, 1988

HOWARD H. HERMAN

DAVID H. HERMAN

J. STEVE JOLLEY

TELEPHONE 928-8310

RECEIVED
DEC 30 1988

State of Idaho
Department of Water Resources
1301 N. Orchard Street
State House Mail
Boise, Idaho 83720

Department of Water Resources

Attn. Gary Spackman

Re: Wilson to Hopson
Water Right Filings No. 93-7011, 7013, 7014

Dear Mr. Spackman:

For your reference, enclosed please find a copy of your letter of December 8th, 1988 to Bettie Roecks. Also enclosed is a copy of the signed and acknowledged Assignment of License and Permit together with copies of the executed Warranty Deeds containing the notation that the water license and water permit are being assigned to E. Daniel Hopson and Cathy Lynn Hopson whose address is Rt. 1, Box 22, Plummer, Idaho 83851. Please make the necessary changes in your records regarding the ownership of the license and permit. Thank you for your attention to this matter. I am,

Very truly yours,

David H. Herman
David H. Herman

DHH:tjh
enclosures

cc. Mr. and Mrs. E. Daniel Hopson

RECEIVED

APR 04 1989

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
9307014	46N	05W	7	NW NW		GROUNDWATER	LAWSON FARMS I
NO MATCHES FOR THIS POD							

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APR 04 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 8, 1988

Bettie Roecks
103 North Locust RD.
Spokane, WA 99206

RE: Water right filings no. 93-7011, 93-7013, 93-7014

Dear Ms. Roecks:

This letter is a response to your telephone inquiry regarding the status of the three filings mentioned above.

License no. 93-7011 was issued to William H. Wilson, and authorizes the diversion of 4.37 cfs for irrigation of 680 acres. At the time that a field examination was conducted for license no. 93-7011, the examining agent also examined development under permit no. 93-7013. The lands and the points of diversion listed in 93-7011 and 93-7013 were similar. The examiner determined that all of the water and land could be licensed under 93-7011, and 93-7013 was relinquished.

I have also checked on the status of permit no. 93-7014. The field examination is complete, and has been placed in an pile of examinations to be expeditiously reviewed. I asked the reviewer again today to please place priority on the review of the field examination, so that a license can be issued. I have also briefly reviewed the examination and find no immediate problems with the field exam. It recommends licensing in the amount of 2.0 cfs for irrigation of 152 acres. Until administrative review is complete, however, these numbers are subject to change.

If a transfer of land is imminent, be sure that the present owner of 93-7014, which we show as William H. Wilson, expressly assigns permit no. 93-7014 to the new owners. There are problems that arise when a real estate transaction occurs that does not specifically mention the assignment or conveyance of the permit. Permits are viewed as personal property, and should be conveyed specially. A license, such as license no. 93-7011, is an appurtenance to the land, and need not be specifically

APR 04 1989

mentioned. In my opinion, however, it would be a good idea for the sake of exactness to mention the license expressly as part of the real estate transaction.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Allocation Section

GS:ds

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Exam Completed Lennipes Hargreaves (Signature of Examiner and Date)
Exam Reviewed by Senior Water Resource Agent 2/9/87 (Initial and Date)
Exam Reviewed by Manager of Regional Office DWA 11/3/87 (Initial and Date)
Exam Date Entered in Computer 11/4/87 (Initial and Date)
Exam Sent to State Office 11/4/87 (Initial and Date)
Copy of Staff Analysis Sheet Sent to Manager of Regional Office and Original
Refiled in White File (Initial and Date)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 93-7014

DATE	REMARKS / PHOTOS	INITIALS
1-24-80	509-283-2116 ~ NO ANS	K
6-16-80	" " ~ SEE ~ WILL CALL IN SEPT	K
6-16-81	" " NICK WILL CALL ME	K
9-16-82	" " NON-WORKING NUMBER	
	RICK 284-2023 NICK 208-274-4732	K
6-10-83	~~244~~ -509-284-2848 ~ NICK IS AT 208-274-4732	
	WILL CALL AFTER BURN	K
8-8-84	NICK-274-4732 - NOT THIS YEAR - TOO WET	K
9-9-85	NEW OWNER WADE WILSON 2068 PRIMROSE AVE S. PASADENA, CA.	
	(FATHER WM WILSON 702-348-8587 OR HOME-702-382-5174)	
	CARETAKER: DOUG SCHROEDER 208-273-2325	K
9-11-86	~~273-2325~~ NOT THIS YEAR SEND NEW ASSIGN	K
6-1-87	MR SCHROEDER WILL CONTACT AFTER 6-27-87	K
7-7-87	Appt. made 7-13-87 @ 8:30-9:00	J.A.



2010

APR 04 1989

September 12, 1986

Mr. Doug Schroeder
Rt. 1 Box 22
Plummer, Id. 83851

Re: 93-7011, 93-7013 and 93-7014

Dear Mr. Schroeder:

Enclosed are the assignment forms we discussed.

Please have Mr. Lawson sign them before a notary public and return them to this office.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

IDK/pms

Enc. - Assignments - 3

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APR 04 1989



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

September 10, 1985

Mr. Doug Schroeder
Rt. 1 Box 22
Plummer, Id. 83851

Re: ~~93-7010~~, 93-7011, 93-7013 and 93-7014

Dear Mr. Schroeder:

Enclosed are the assignment forms we discussed.

Please have Mr. Lawson sign them before a notary public and return them to this office.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms
Enclosures

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APR 04 1989

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Richard Lawson Pres.
I, of Lawson Farms, hereby assign to Wade Wilson
of 2068 PRIM ROSE AVE. S. Pasadena, CA
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 93-7014
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 listing 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 _____ day of _____, 19 _____.

Richard Lawson
Permit Holder

Anthony Lawson
Spouse of Permit Holder

State of ~~Idaho~~ Washington)
County of Whitman) ss.

On this 16th day of December, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Colleen K. Rose
Notary Public residing at
Oakdale

My commission expires:
Oct 26 1989

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APR 04 1989

ROW A 3

2-23
1948
* 2-23-48

52



1733

1819
in Classed

1/8 mile
21 hrs

1000

MICROFILME

APR 04 1989

A-3

NOI

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 93-7014

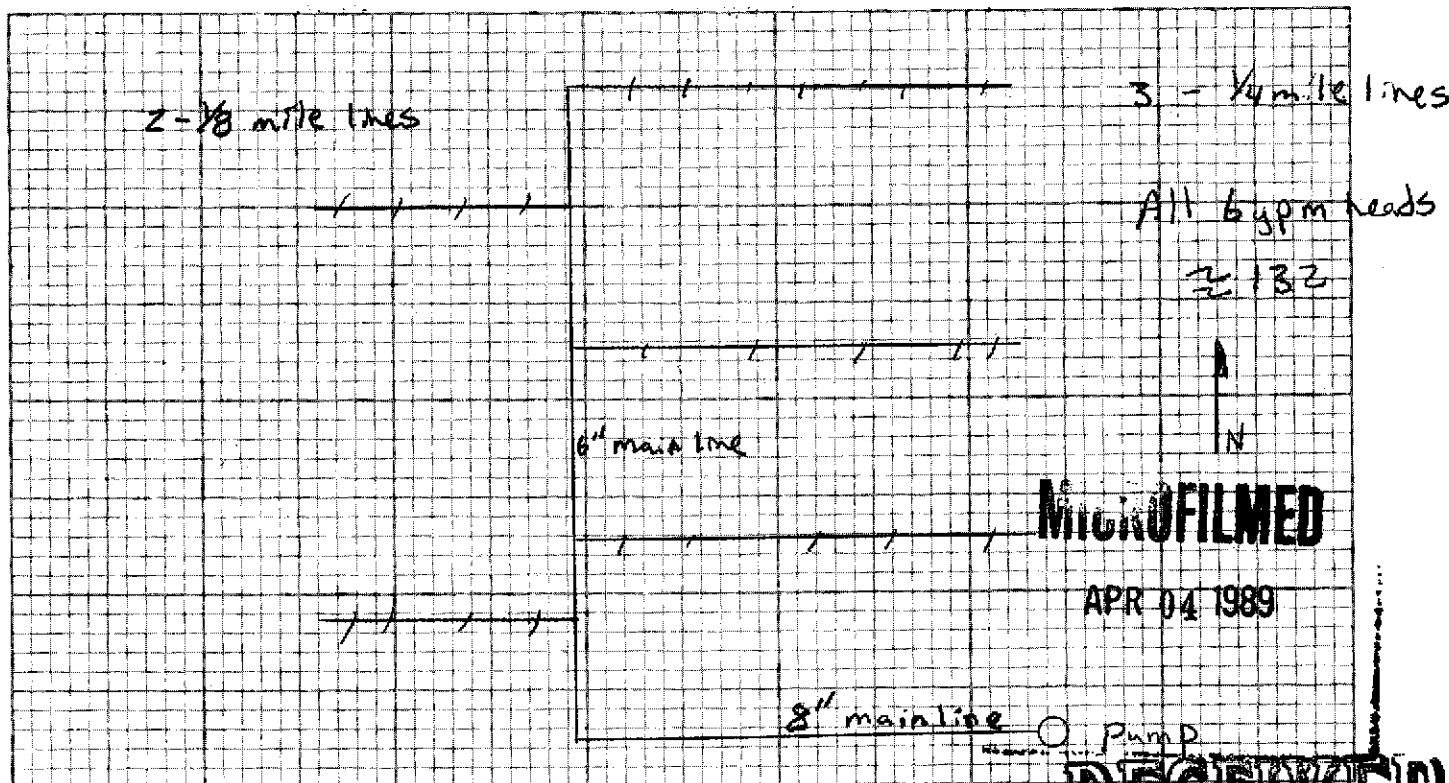
1. Owner: Wade Wilson Phone No. _____
Current Address: 769 N. MICHIGAN AVE PASADENA CA. 91104
2. Accompanied by: Douglas Schroeder EXAM. DATE: 7-13-87
Address: Rt 1 Box 22, Plummer, Id. 83851 Phone No. 273-2325
Relationship to Permit Holder: Partner
3. Source: Groundwater tributary to -

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: NONE
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more.)

RECEIVED
NOV 06 1987

Do not use this space

APR 04 1989

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
McCrometer				7985261		

2. Measurements:

meter measurement $\approx 900 \text{ gal/min} = 2.0 \text{ cfs}$

Press @ pump ≈ 115
68 gal/min head w/ max 132 heads @ 90 @ heads = 872 GPM

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$Q = \frac{(150)(88)(.75)}{2.3(115) + h_{\text{static}}} = -$$

2. Alternate Method for Checking Purposes:

Na well logs
 $Q = 3.0 \text{ cfs}$ via permit

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) $\div$ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres } 157) \times (\text{Irrigation Requirement } 3.5) = 532 \text{ AF}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)} 2.0] \times (\text{Days in Irrigation Season } 230) \times 1.9835 = 460 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 460 \text{ AF}$$

2. Volume Calculations for Other Uses:

APR 04 1989

* HEADS DESIGNED TO PRODUCE $\approx 6 \text{ GPM}$ @ 50 PSI

$$\frac{900 \text{ GPM}}{130 \text{ SP}} = 6.8 \text{ GPM/SP}$$

H. REMARKS AND OVERLAP REVIEW ANALYSIS

NONE

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

irrigation

Period of Use
From To

March 15 Oct 31

Rate of Diversion
Q (cfs)

2.0 cfs

Annual Volume
V (afa)

460 AF

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

J. AUTHENTICATION

Field Examiner's Name

Jennifer Aguiar

Signature

Jennifer Aguiar

Certification Date

5/15/87

Field Report Preparation Date

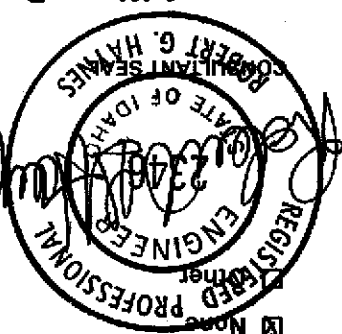
7-13-87

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

APR 12/23/88

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APR 04 1989





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 25, 1988

Bettie Roecks
103 North Locust Road
Spokane, Washington 99206

RE: Permit to appropriate water no. 93-7014 (originally 95-7863)

Dear Miss Roecks:

Permit no. 93-7014 was issued to Lawson Farms Inc. It authorized the diversion of 3.2 cfs from groundwater for irrigation of 160 acres. Proof of beneficial use was submitted to the Department on December 31, 1979. The proof of beneficial use completed the development under the permit.

A field examination was conducted by staff of The Department of Water Resources in May of 1987. The examiner found that the rate of diversion from the well and pump was 2.0 (cfs), and that the system irrigated 152 acres in Sections 6 and 7, Township 46N, Range 5W, and also in Section 1, Township 46N, Range 6W, B.M.

Because of a backlog in the review of field examinations this office has not yet issued a license. We will attempt, however, to expedite the licensing of permit no. 93-7014. In roughly reviewing the field examination, I cannot discern any cause for changing the recommendations of the field examiner. I anticipate that we can shortly issue a license, but warn you that final licensing is subject to administrative review which may identify problems from which I do not immediately recognize.

Sincerely,

Gary Spackman
Gary Spackman

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APR 04 1989

4/86

RECEIVED

JUN 29 1987

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received DM
Date 6/22/87
Receipt # 38346
Receipt by DM
Sent to S.O. DM

1. Permit No. 93-7014

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Wade Wilson

3. Post Office Address: 769 North Michigan Ave
Pasadena CA 91104 Telephone No. _____

4. Source of Water: GW

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 152 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 3.0 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1979

8. Person to contact to accompany the department representative during the field examination:

Douglas Schroeder

(Name)

Rt 1 Box 22 Plummer ID 83851 273-2325

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

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APR 04 1989

Date

June 15, 1987

Signature of Permit Holder (and title, if appropriate)

Wade Wilson



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

93-7014
LAWSON FARMS INC.
P.O. BOX 31
TEKOA, WA 99033

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 334-4440

April 30, 1987

Dear Permit Holder:

LAPSE NOTICE License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on June 30, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 30, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 28, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau

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Enclosure

APR 04 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

93-7014
LAWSON FARMS INC.
P.O. BOX 31
TEKOA, WA 99033

Mailing address:

Storehouse
Boise, Idaho 83720

138139

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

APR 04 1989

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

APR 04 1989



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 15, 1985

Mr. Al Bafus
Federal Land Bank Assn. of Spokane
P. O. Box 3486
Spokane, Wa. 99220

Re: Lawson Farms

Dear Mr. Bafus:

We have the following Water Rights on file for Lawson Farms:

1. Water Right No. 93-7011, which was received on September 16, 1977, for which the applicant paid \$65.00 and was issued Receipt No. 5799, (a copy of our letter of acknowledgement of this filing is enclosed.)
2. Water Right No. 93-7013, which was received on June 23, 1976, for which the applicant paid \$65.00 and was issued Receipt No. 10967, (a poor copy of our letter of acknowledgement of this filing is enclosed.)
3. Water Right No. 93-7014, which was originally numbered as 93-7683, which was received on June 19, 1978, for which the applicant paid \$65.00 and was issued Receipt No. 12014, (the quality of the microfiche diere was not good enough to make a copy of our letter of acknowledgment).

We have also included copies of the letter of acknowledgement of the beneficial use form for all three permits.

All three Water Rights are in good standing with our Department and are currently waiting for the beneficial use examinations to be made by a representative of this Department.

If you have any questions, please feel free to contact me at this office.

Sincerely,

KENNETH KNOBLOCK
Senior Water Resource Agent

POOR QUALITY ORIGINAL

KK/pas
Enclosures
cc: IDWR - State Office

MICROFILMED

IDENT. NO. 93-7014

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

January 28, 1980

Lawson Farms
Box 31
Tekoa, Wash. 99033

RE: 93-7014

Gentlemen:

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. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/fms

cc: IDNR - State Office

MICROFILMED

RECEIVED

LAWSON FARMS, INC.

DEC 31 1979

P. O. Box 31

Tekoa, Washington 99033

Department of Water Resources

December 21, 1979

G. Stephen Allred
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

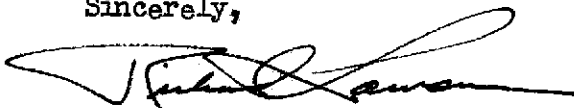
Dear Mr. Allred:

Please find enclosed the beneficial usage cards for our permits. These should now be in order. We have notified the Coeur d'Alene office of the beneficial usage in the fall of 1979.

All pumps, electrical and metering devices have been installed. We have completed some buried main line and now use some surface main line. All wells were in operation in June of 1979 and were used in the fall of 1979.

I trust this meets the requirements for permits #93-7010, #93-7011, #93-7013 and #93-7014.

Sincerely,



Richard Lawson

RL:fg

Enclosures - 4

RECEIVED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 93-7014

Name(s) of Permit Holder: Lawson Farms

Post Office Address: Box 31

Tekoa Wash 99033 Tel. No. 509-284-3451

Source of Water: Deep Well

Extent of Use:

- ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 160 (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.

9-21-79
 Date

Richard Lawson
 Signature of Permit Holder

RECEIVED

1974

Boise, Idaho



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
TEN CENT
STAMP
HERE

October 9, 1979

Linson Farms, Inc.
Box 31
Tekoa, WA 99033

Gentlemen:

Re: Permit Nos. 93-7011, 93-7013 and 93-7014 (Old number 95-7863)

Recently this office received this statement of beneficial use for the above-referenced permits along with Permit No. 93-7012 indicated. Please be advised that Permit No. 93-7012 is in the name of Donald or Dorothy Cady. Could this possibly be for Permit No. 93-7010?

Before this office can accept the postcard as beneficial use, the following information should be supplied for each permit: the number, your name and address, the source of the water, the number of acres you are irrigating and which type of measuring device you have installed. I have supplied you with postcards for you to complete for each permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

RITA FLECK
Sr. Secretary

Enclosures

May 11, 1979

Lawson Farms, Inc.
Box 31
Tekow, WA 99033

Gentlemen:

Re: Permit No. 95-7863

Enclosed is a copy of the last page of the Application for Permit No. 95-7863. Please be advised that there was an error and this copy shows the correction.

Sincerely,

RITA FLECK
Sr. Secretary

Enc: 1

cc: Robert D. Dellwo

MICROFILMED

May 8, 1979

Mr. Robert D. Dellwo
DELLWO, RUDOLF & SCHROEDER, P.S.
1016 Old National Bank Building
Spokane, WA 99201

Dear Mr. Dellwo:

Re: Permit No. 95-7863 -- Lawson Farms, Inc.

Your letter dated April 10, 1979 requested a rehearing in connection with the Memorandum Decision and Order issued on March 30, 1979 on Permit No. 95-7863 to Lawson Farms, Inc.

A review of the issues raised in the request for rehearing together with a review of the hearing notes and the Memorandum Decision and Order indicates that the Department considered the issues you raised in reaching its decision of March 30, 1979. It is our position that the Department has the authority to issue permits for the appropriation of water in Idaho. Idaho also recognizes that the Coeur d'Alene Indian Tribe may exercise and claim the use of water under the Winter's Doctrine at the time a diversion of water is actually made by the tribe.

We do not feel that the Department has ignored the provisions of Secs. 42-231 and 42-233a, Idaho Code. The Department has established critical groundwater areas in Southern Idaho where it was determined that the particular aquifers were being depleted at a greater rate than they were being recharged with a net result of the lowering of the groundwater levels. It is possible that with continued development a similar situation could occur in Northern Idaho, but at the present time no area-wide problem exists.

The Department has requested copies of the well logs from the driller as required in Sec. 42-238, Idaho Code.

In your letter you have made reference to potential interference with the rights of groundwater pumpers in the state of Washington. Our legal counsel advises that although uses of groundwater in another state must be considered, there does not appear to be a legal problem in Idaho for the Department of Water Resources to issue a permit for the diversion of water in Idaho for use in Idaho provided the other applicable Idaho Code provisions are complied with.

MICROFILMED

Mr. Robert D. Dellwo
May 8, 1979
Page 2

Since no new issues have been raised, a rehearing does not appear to serve a useful purpose and, therefore, the request for rehearing is denied.

Sincerely,

C. STEPHEN ALLRED
Director

CSA:rf

LAW OFFICES

DELLWO, RUDOLF & SCHROEDER, P.S.

ROBERT D. DELLWO
KERMIT M. RUDOLF
RICHARD J. SCHROEDER
TERRY W. MARTIN
TERRY T. GRANT
HEDLEY W. GREENE
ROBERT J. ROBERTS

1016 OLD NATIONAL BANK BUILDING
SPOKANE, WASHINGTON 99201
(509) 624-4291

April 10, 1979

RECEIVED

APR 12 1979

Department of Water Resources

C. Stephen Allred, Director
Department of Water Resources
State of Idaho
373 W. Franklin Street
Boise, ID 838720

Re: Lawson Farms, Inc. Application for Permit 95-7863
Memorandum Decision and Order

Dear Sir:

The Coeur d'Alene Tribe has received your Memorandum Decision and Order in captioned matter.

The Tribe requests a rehearing for the following reasons:

1. The Decision and Order are in violation of Idaho's own laws as follows:

The Ground Water Act, enacted by Idaho in 1951, while purporting to declare Ground waters to be waters of Idaho, held in trust for the people of Idaho, precludes the issuance of ground water permits such as in this matter if the permit might lead to use of water in excess of the capacity of the aquifer, in conflict with its long-range development for the benefit of the entire area, or in conflict with the water rights and uses in the same aquifer by others.

The aquifer encountered by the well at issue here and in the other deep Lawson wells already permitted by the Department of Water Resources is generally known as the "Palouse aquifer," or by other names such as the "Pullman-Moscow aquifer." It is a deep, large aquifer extending from the Hangman Creek Basin on the Coeur d'Alene Reservation on the east to the Columbia, Spokane and Snake Rivers. Hundreds, if not thousands, of deep wells penetrate it both for agricultural and municipal water uses. It is a limited aquifer with insufficient recharge, perhaps originating as glacial melt in the last ice age. It is experiencing drawdowns because the discharge through deep wells exceeds any natural recharge. Whereas, Lawson Farms fantasize that it has reached an inexhaustible aquifer, such is not true. Inevitably, its wells will be adversely affected by neighboring deep wells. Its use of the wells will lower the water table in the Hangman Creek Basin to the permanent detriment of proposed tribal uses.

MICROFILMED

The State of Idaho in approving the permit in captioned case and in the case of the other Lawson wells has done so irresponsibly without regard to the limitations of the aquifer involved and to the effects of these wells on other existing and prospective wells. In so doing, the State is permitting one farmer to exhaust the total hydrological capability of the entire Palouse aquifer within the Hangman Creek Basin, all in violation of the State's own Ground Water Act.

The Director of the Department has not complied with Idaho Code 42-231 to discover the nature of the aquifer within the State in the Hangman Basin and has ignored Idaho Code 42-233a, to the detriment of the Public and especially of the Coeur d'Alene Indian Tribe.

The Department has additionally permitted Lawson Farms to engage the services of well drillers who have not complied with Idaho Code 42-238 and have in fact drilled several Lawson wells without filing the required reports.

2. The Decision, in addition to totally ignoring the obvious prior and preferential Tribal Winters Rights to the use of the same water, ignores the fact that the waters drawn on are from the Palouse aquifer which is predominantly in the State of Washington, bringing the permit into conflict with that State and its deep well permittees drawing from the same source.

Washington has laws and regulations similar to those of the State of Idaho (generally RCW, Chapter 90.44). RCW 90.44 declares all "Ground Waters" "Public Ground Waters Subject to Appropriation" with various requirements for permits to withdraw. RCW 90.44.070 provides "No permit shall be granted for the development or withdrawal of public ground waters beyond the capacity of the aquifer."

Most, if not all, of the aquifer waters that will be drawn by the Idaho permitted Lawson wells will draw from the Palouse aquifer in the State of Washington. The permits issued to Lawson Farms, Inc. have totally disregarded this fact and the reciprocal effect of the Lawson wells, not only on available tribal waters but on those already preempted by permittees of the State of Washington.

3. The Lawson permits have ignored the fact that the involved waters are interstate waters, subject to general laws and regulations covering interstate waters. For example, see Washington RCW 90.16.110, re interstate waters and 90.16.120 re reciprocity between states as to such waters. No thought has been given to the general laws providing for interstate compacts to provide for the various interests in the two states and in the United States.
4. The action by the State of Idaho is based on the presumption that the waters involved are "percolating waters" and are "tributary" to surface waters. For a discussion of this, see the Water Rights publication entitled "Waters and Water Rights" by Clark, page 332, Section 332., which deals with the categories of "Rechargeable"

April 10, 1979

and Non-rechargeable Aquifers." It states that the general State statutes covering rechargeable aquifers and percolating waters are not applicable to non-rechargeable aquifers. The aquifer in question here is non-rechargeable and, equally important, is predominantly in another state which has already preempted much more than its hydrological capacity.

5. The State of Idaho, as aforesaid, ignores the interstate nature of the nonrechargeable aquifer. See the publication, cited above, Section 130, page 294, entitled "Interstate Streams." This case is a classic example of an interstate aquifer. Listed in the cited publication are possible solutions, including "Reciprocal Legislation," "Interstate Compacts," "Federal Resolution of Interstate Disputes." It cites the cases in which the U. S. Supreme Court has assumed original jurisdiction. One need only review the Chapter beginning pages 293 to 372, entitled "Water Rights in Interstate Streams," citing dozens of cases and reviewing many legal approaches, to realize the magnitude of the problems represented by this current matter.

The State of Idaho is issuing Lawson Farms, Inc. deep well irrigation water permits that are in conflict with tribal rights, the rights and jurisdiction of the State of Washington, Federal rights, the rights of private appropriators in the State of Washington, the conflicts of laws involving a non-rechargeable aquifer originating predominantly in the State of Washington and many other conflicts and issues. Idaho acts routinely, without knowledge and without appreciation of the Pandora's box it is opening.

RECOMMENDATION:

The Department of Water Resources of Idaho should inaugurate a step by step process including public hearings, fact finding programs and research, and negotiations between it and the Coeur d'Alene Tribe, the State of Washington and other interests as a prelude to effectuating any of the Lawson permits.

Respectfully submitted,



Robert D. Dellwo

Attorney for the Coeur d'Alene Tribe
of Idaho

RDD:fb

cc: Bernard J. LaSarte
Tribal Chairman, Coeur d'Alene Tribe

Superintendent
Bureau of Indian Affairs
Northern Idaho Agency

LAW OFFICES

DELLWO, RUDOLF & SCHROEDER, P.S.

1016 OLD NATIONAL BANK BUILDING

SPOKANE, WASHINGTON 99201

C. Stephen Allred, Director
Department of Water Resources
State of Idaho
373 W. Franklin Street
Boise, ID 838720

April 4, 1979

Lawson Farms, Inc.
Box 31
Tekoa, WA 99033

Gentlemen:

Re: Application for Permit No. 95-7863

Enclosed is a copy of your approved Application for Permit No. 95-7863 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the order.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 60 days of the date of the decision.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: App. for Permit
Mem. Dec. & Order
Cert. of Mailing
Access Port Specs.
List of Meas. Dev.

cc: Robert D. Dellwo
(Mem. Dec. & Order
Cert. of Mailing)



Notes from tape

Bob Fleenor

95-7863

→ Bob Roberts tribe attorney

Lawson Farms owns PD & PU

Well has been drilled

- 1 Position ^{of tribe} that the State has no jurisdiction over water in this area
3500 acres irrigatable when Hangman Ck basin
Not sufficient water to supply all these acres if they are ever irrigated

Dept of Interior is the agency

Dept. of Water Resources has not jurisdiction

Study prepared by tribe, Wash. State Univ

There is not sufficient water.

→ 1.

→ 2.

Applicant

Well in Rock Creek Drainage instead of Hangman Ck Drainage -

Aquifer is broken basalt

* Water should be used until the Indian rights are exercised -

Well has been tested → Very little drawn down

Protestant

7/10

7/10

Bob Roberts

Notes for Tape

PJR

3-24-79

1. State is w/o jurisdiction

Winters Rights Doctrine - basis

(3) (a) 3500 acres potentially ^{irrigable} w/ Hargman CK
basin in which this land is located

(b) Dept of Interior the agency with
jurisdiction to issue permits within
the reservation

I.L.E. 42-231 ^{questions} → whether the Director has
done sufficient investigation to
determine whether waters are
sufficient to meet the permit
plus the Tribal rights.

Hargman Study - WSC
Limited supply of water - all
required by the Tribe

* ^{the permit} - Will ~~reduce~~ water under existing water right.

- Tribe could "possibly" use the waters in
the future

- not fair to the Lawson family to
allow them to proceed. \$40,000 investment

Lawson (oral statement)

↔ Not in Hargman CK Drainage - in Rock A. Drainage

- No drilling ^{was} done for the WSC study
so they don't know what groundwater exists.

- Water is from CDK Damage
 - Aquifer ^{which} is of broken basalt.

-  Roberts

⇒ If water is unlimited - there may be a different matter

- Requests a study by the State of Idaho to determine the extent of available groundwater.

Lawson

Draw-down - pump tests show there will be little draw-down

- * - Some of the water ^{may} ~~will~~ be going on Indian owned ~~land~~ lands (not approved by this permit)

Roberts

- If water is used on Indian land the Interior Dept should issue permits

Lawson

- No water is planned for use on Indian lands under this permit. He was referring to future applications for water ~~to~~ which may be sought for use on land leased from Tribal members.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Lawson

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) SK 7/21/78

In form to receipt

(2) _____

Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) _____

Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

Request Dam Safety Information

(4) SK 7/21/78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: See Memorandum Decision

(11) _____

Affidavit of Publication received (date) 8-11-78

(12) _____

Final date for protests 8-24-78
Protests received: yes ☒ no _____

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

7-19-78 Proposed Priority

Reason for Reduction Fee received this date

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District Northern By Bob Haynes Date 2-20-79

Name: Lawson Farms Inc.
File: 97-7094
Place: Dept. of Water Resources, 4055 Government Way
Coeur d'Alene, Idaho 83814
Date: Monday, January 15, 1979 - 10:00 am

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Robert J. Roberts	1016 ONB Bldg. Spokane, 99201	Coeur D'Alene Tribe
Richard Lawson	Box 31 Tekoa Wash	Lawson Farms
Nick Lawson	Rt 1 Box 65A Plummer Idaho 83851	Lawson Farms

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS		Indicate type of mail ☐ INSURED ☐ C. O. D. ☒ CERTIFIED		Affix stamp here if issued as certificate of mailing or for additional copies of this bill.		POSTMARK AND DATE OF RECEIPT		RESTRICTED DELIVERY FEE	
NUMBER OF ARTICLE				POSTAGE	FEE	DUE SENDER'S POSTAGE IF C. O. D. OR INSURED	R. R. FEE	S. D. FEE	S. M. FEE		
1	13356	Mr. Archie Breckers, S.R.1, Bonners Ferry		15	80				45		
2	13357	L. R. Richardson, SR1, Box 44, Bonners Ferry		"	"				"		
3	13358	Jms A Ansley & Bill Hayden, SR 1, Box 1076, Bonners F.		"	"				"		
4	13359	Mr. and Mrs. Kermit Black, SR 1, Boyie Springs,		"	"				"		
5	13360 12/24/56	Lawson Farms Inc, Box 31, Tekoa, Wa		"	"				"		
6	13361 12/11/56	Robert D. Dellwo, 1016 Old Nat'l. Bank Bldg, Spokane		"	"				"		
7	13362	Marvin A. Willadsen, Rt 1, Box 646, Rathdrum		"	"				"		
8	13363	Mr. and Mrs. Kenneth MacLaughlan, rt 3, Box 9, Rathdrum		"	"				"		
9	13364	Mr. George O. Johnston, 1315 E. 10th, Anchorage, Alas.		"	"				"		
10	13365	Susan Marmion, Rt 1, Box 73, Athol		"	"				"		
11	13366	David E. Jeffcoat, Rt 1, Athol		"	"				"		
12	13367	Don Merkeley, Rt 1, Box 81, Athol		"	"				"		
13	13368	Paul N. Tailman, P. O. Box 385, Clark Fork,		"	"				"		
14	13369	Larry Tucker, Gen. Del, Clark Fork		"	"				"		
15	13370	Paul Weber, 11703 E. 8th, Spokane, 99106		"	"				"		
16	13371	E. D. Clark, Rt 5, Box 148-A, Priest Lake, 83856		"	"				"		
17	13372	Mr. and Mrs. Forrest Ault, Rt 1, Box 30C, Colbert Wa 99005		"	"				"		
18	13373	Nonna Sommerfeld, 101 N. 1st, Sandpoint		"	"				"		
19	13374	John T. Tordoff, RR 5, Box 49-1A, Priest River		"	"				"		
20	13375	Jms. Parker Redmond, Box 153, Newport, Wa. 99156		"	"				"		
TOTAL NUMBER OF ARTICLES LISTED BY SENDER		TOTAL NUMBER OF ARTICLES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)							
20		20		9/6/56							

U. S. GOVERNMENT PRINTING OFFICE

C48-16-7244-2

* Mark "F" if "Fragile," "P" if "Perishable," "B" if "Eggs," "RH" if "Rags for Handling," "B" if "Batter," "FL" if "Fragile Liquid," and "FLU" if "Fragile Liquid-This Side Up." Special handling charges apply only to fourth-class parcels. Special delivery service also includes special handling service.

all received Oct 10/56

RECEIVED
OCT 10 1956

95-7863

Form 3811, Apr. 1977

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 D. Dellwo
 Dellwo, Rudolf and Schroeder, P.S.
 1016 Old National Bank Building
 3. ARTICLE DESCRIPTION 99201
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 13361

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE OF
 CLERK'S INITIALS

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.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



RETURN
TO



DAVID DEWITT
NORTH BOSTON, MASS.
ROUTE 6, BOX 200
COEUR D'ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

95-7863

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. _____ \$
☐ Show to whom, date, and address of delivery. _____ \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Lawson Farms Inc.

Box 31

Tekoa, Washington 99033

3. ARTICLE DESCRIPTION:

REGISTERED NO. _____ CERTIFIED NO. _____ INSURED NO. _____
 13360

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

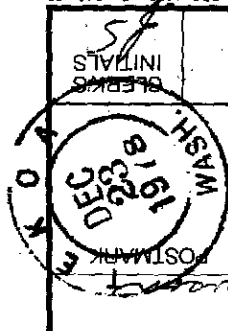
6. UNABLE TO DELIVER BECAUSE:

SLIPPER
INITIALS

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RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Form 3811, Apr. 1977



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
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RETURN
TO



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 200, SUTTER VALLEY
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. 95-7863 in)
the name of LAWSON FARMS INC.)

NOTICE OF CONFERENCE
AND/OR HEARING

On July 6, 1978, Lawson Farms Inc. filed with the Department of Water Resources an application for Permit No. 95-7863. The Department received protests against approval of said permit from Robert D. Dellwo.

The Department has set the matter of protests for conference and/or hearing for Monday, January 15, 1979, at 10:00 a.m., at the Department of Water Resources Northern Region Office, 4055 Government Way, Coeur d'Alene, Idaho 83814. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 19 day of December, 1978.



ROBERT G. HAYNES, P.E.
Regional Supervisor

RECEIVED
DEC 19 1978
WATER RESOURCES
DIVISION



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

September 14, 1978

RE: Applications No. 93-7013 & 95-7863

Robert D Dellwo
Law Offices
1016 Old National Bank Building
Spokane, Wa 99201
Sir,

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 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?

The protest of #93-7013 was not received in a timely fashion and cannot be considered.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

RECEIVED
SEP 15 1978
IDAHO DEPT. OF WATER RESOURCES



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

September 14, 1978

Lawson Farms
Box 31
Tekoa, Wa 99033

RE: Applications No. 93-7013 & 95-7863
Gentlemen,

Enclosed is a copy of a protest filed against the issuance 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 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 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?

The protest of #93-7013 was not received in a timely fashion and cannot be considered.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

LAW OFFICES

DELLWO, RUDOLF & SCHROEDER, P.S.

ROBERT D. DELLWO
KERMIT M. RUDOLF
RICHARD J. SCHROEDER
TERRY W. MARTIN
TERRY T. GRANT
HEDLEY W. GREENE
ROBERT J. ROBERTS

RECEIVED

AUG 9 1978

1016 OLD NATIONAL BANK BUILDING
SPOKANE, WASHINGTON 99201
(509) 624-4291

August 9, 1978

Department of Water Resources

C. Stephen Allred
Director
Department of Water Resources
Statehouse
Boise, ID 83720

Re: Applications No. 93-7013
No. 95-7863
Lawson Farms, Inc.

RECEIVED
AUG 21 1978

Department of Water Resources
Northern District Office

Dear Mr. Allred:

The Coeur d'Alene Indian Tribe, though the undersigned its attorney, hereby files its protest against granting either of the foregoing permits.

We have already regaled your office with the law and argument re the prior and paramount Winters Water Rights of the Tribe and, because of the magnitude of captioned permits, ask for a hearing at which we can personally appear.

When one adds up the permits already issued to Lawson Farms and include captioned applications, it is beyond belief that the State of Idaho would just pro forma, with no proof whatever of the availability of water, approve such applications. That this could occur so routinely in the face of the superior rights of the Tribe is shocking.

Respectfully yours,

Robb Dellwo

ROBERT D. DELLWO

RDD:fb

cc: Coeur d'Alene Tribal Council

INTER-DEPARTMENT MEMO — 1

FROM *Bob Haynes*

TO *Bob Plenor*

SUBJECT

What should we do about notifying the applicant and protestant about the protest?

RECEIVED

SEP 15 1978

Department of Water Resources
Northern District Office

DATE *8-24-78*

93-7013

Standard & Carroll & Commercial
are met in a timely fashion
93-7013
95-7863
Notify them as usual

Bob

*Please make out white
protest card.*

SIGNATURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 27th, 1978

St Maries Gazette Record
PO Box 367
St Maries, Id 83861

RE: Application No. 98-7882

Gentlemen:

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

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

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Bill
Received
8-11-78
[Signature]

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lawson Farms, Inc
Box 31, Tekoa, Wa
has on July 6, 1978 submitted Application No. 95-7863
for a permit to appropriate 3.2 cubic feet per second ~~zero feet per annum~~
of water from a groundwater source
by means of a well, pump & pipeline
within the NW1/4 Sec 7, T46N, R5W, B.M., Benewah County

to be used from March 15 to Oct 31

for irrigation for 160 acres

within the NW1/4 Sec 7 & NW1/4 Sec 6, T46N, R5W, B.M., & E1/4 Sec 1, T46N,
R5W, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before
August 21, 1978.

C. STEPHEN ALLRED
Director

Published in the St Maries Gazette Record, St Maries
on August 3 and August 10, 1978

Lawson Farms, Inc.
Box 31
Ipswich, Wash.

July 17, 1978

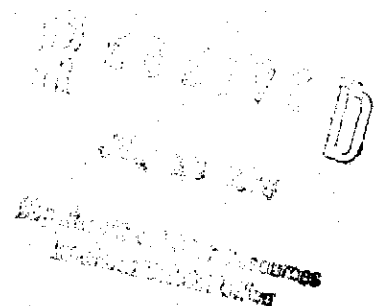
Mr. Tom King
Senior Water Resource Agent
Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho

Dear Mr. King:

The enclosed check is the additional
\$1000 needed for the water permit application
for Lawson Farms, Inc. For reference,
please check your letter of July 13, 1978
addressed to Mr. Howard Nelson, Palouse
Seed Co., Fairfield, Washington.

Sincerely,

Donna Lawson



July 13, 1978

Howard Nelson
Palouse Seed Co.
Bx 291
Fairfield Wa 99012

RE: Lawson Farms Application for Water Permit

Dear Mr Nelson,

I regret to inform you that on July 1, 1978, the filing fees of this office were increased by \$10.00. The Application for Permit of Lawson Farms was received by this office after the deadline. I am unable to process the application until the additional \$10.00 fee has been received by this office. I can, however, hold the check and application until August 1, 1978, to allow you to forward the required amount. If I have not received word from your office by August 1, I will return the application and check to you.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

REPLY MESSAGE

This form available from Gray Arc Co., Inc., A Subsidiary of Dictaphone Corporation, 882 1st Ave., Brooklyn, N. Y. 11232

TO Tom King
Idaho State Dept. of Water Resources
Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814

FROM

PALOUSE SEED COMPANY

BOX 291

FAIRFIELD, WASHINGTON 99012

Phone (509) 283-2116 or 291-3761

SUBJECT: Returned Water Well Permit Application

DATE: July 5, 1978

FOLD ↑

Dear Mr. King,

I am sorry about the mistakes made in filling out the Well Application. I have corrected the mistakes and I hope that everything is now complete.

Sincerely yours,

Howard Nelson

Howard Nelson
Agronomist

PLEASE REPLY TO → SIGNED

REPLY

DATE:

SIGNED

GRAYARC CO., INC., BROOKLYN, N. Y. 11232

THIS COPY FOR PERSON ADDRESSED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 24, 1978

RE: Application No. 95-8363

Lawson Farms, Inc
Box 31
Tokoa, Wa 99033

Gentlemen,
Attached is your receipt No. 12014 in the amount of \$ 65.00 for the
filing fee on the above referenced item which was received in this office.

Very truly yours,

Alea Beito
Secretary

AB

Attachment