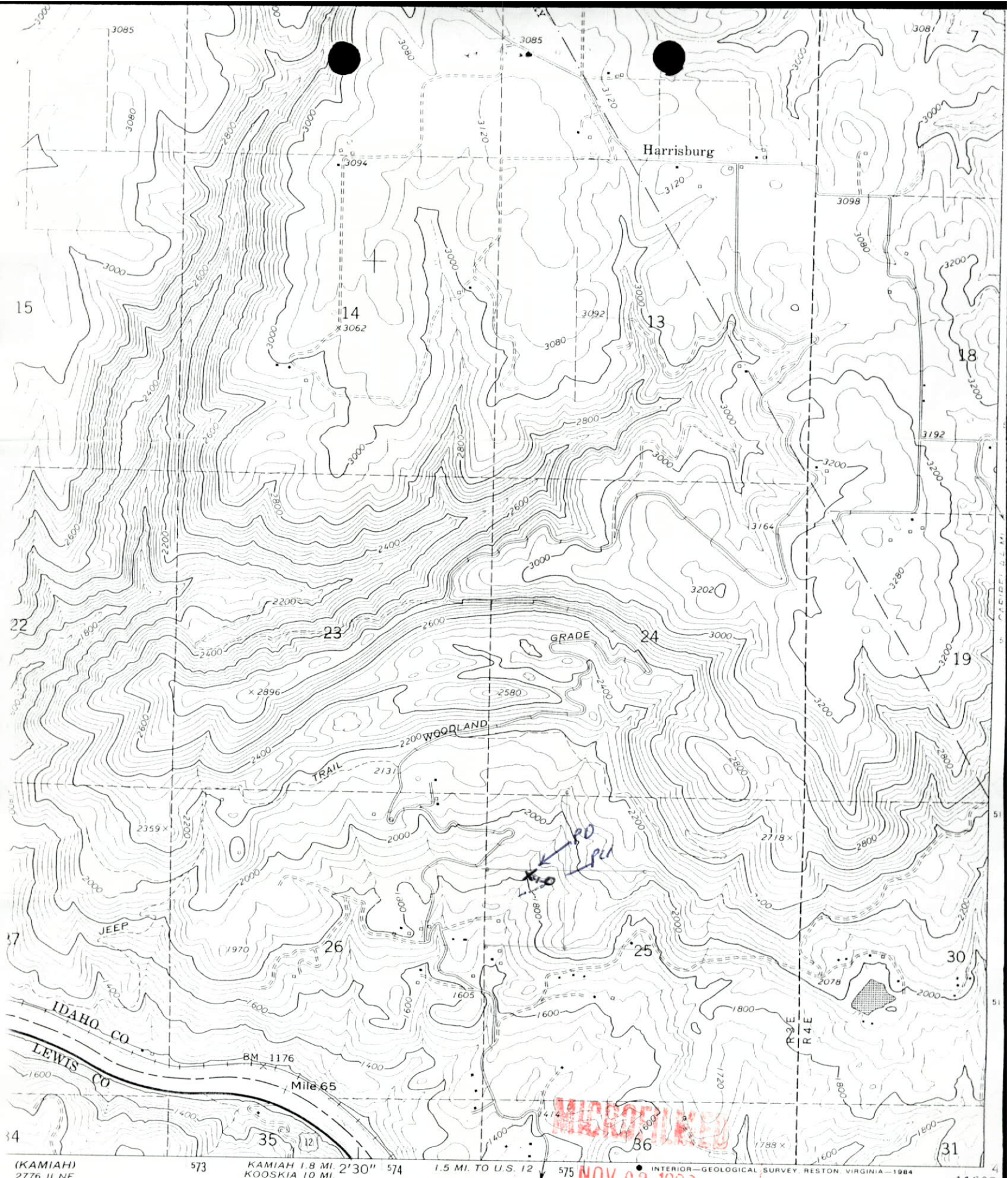




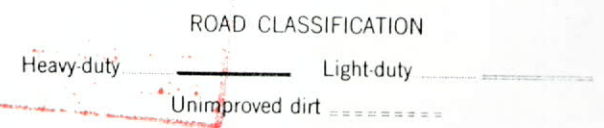
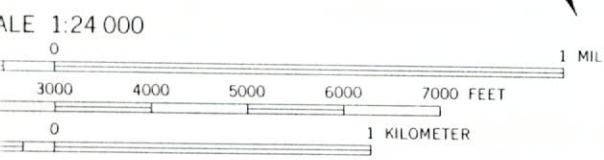
(KAMIAH)
2776 II NE

KAMIAH 1.8 MI. 2'30"
KOOSKIA 10 MI.

1.5 MI. TO U.S. 12

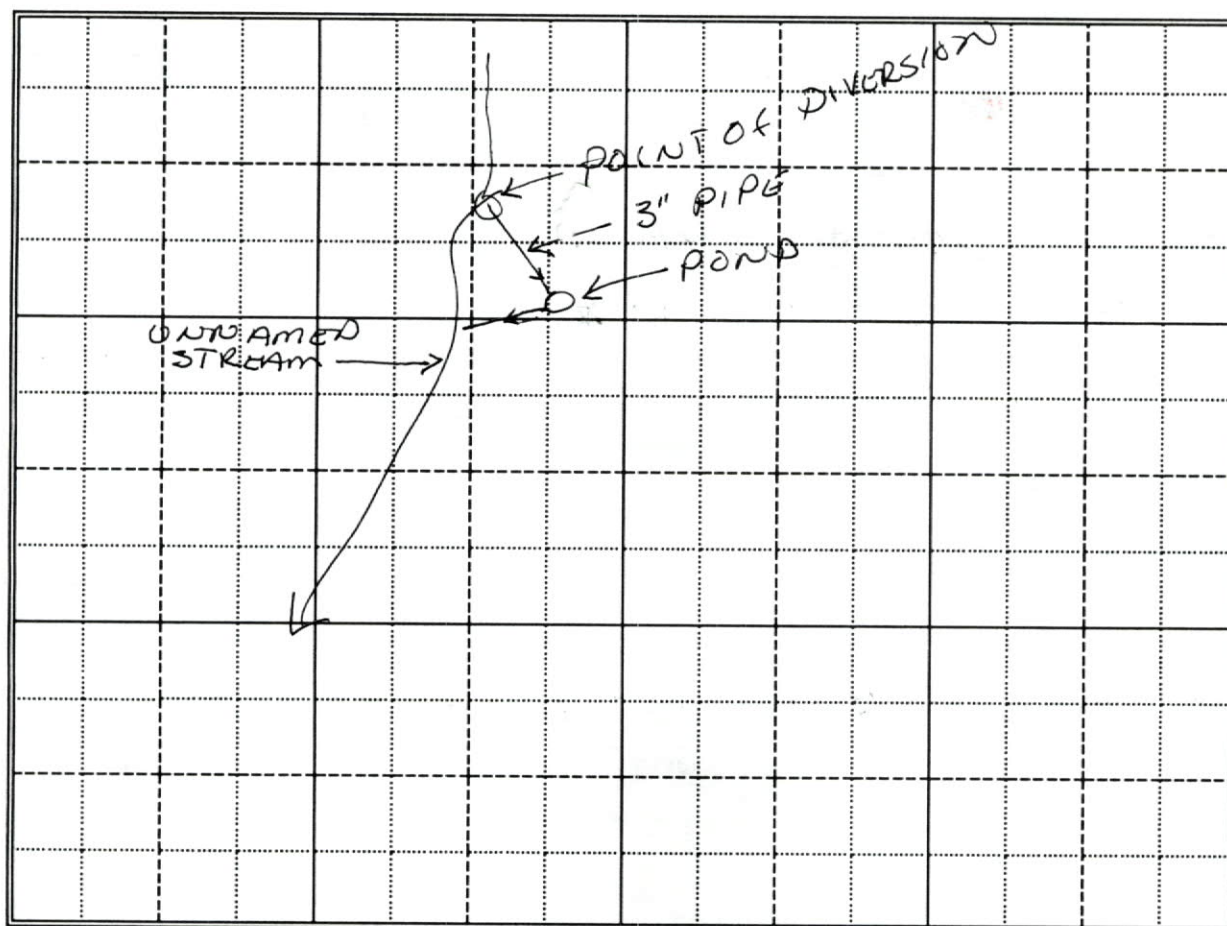
INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1984
576000m E

116°0



T34N
R3E

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = 100 FT.

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4. NONE

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

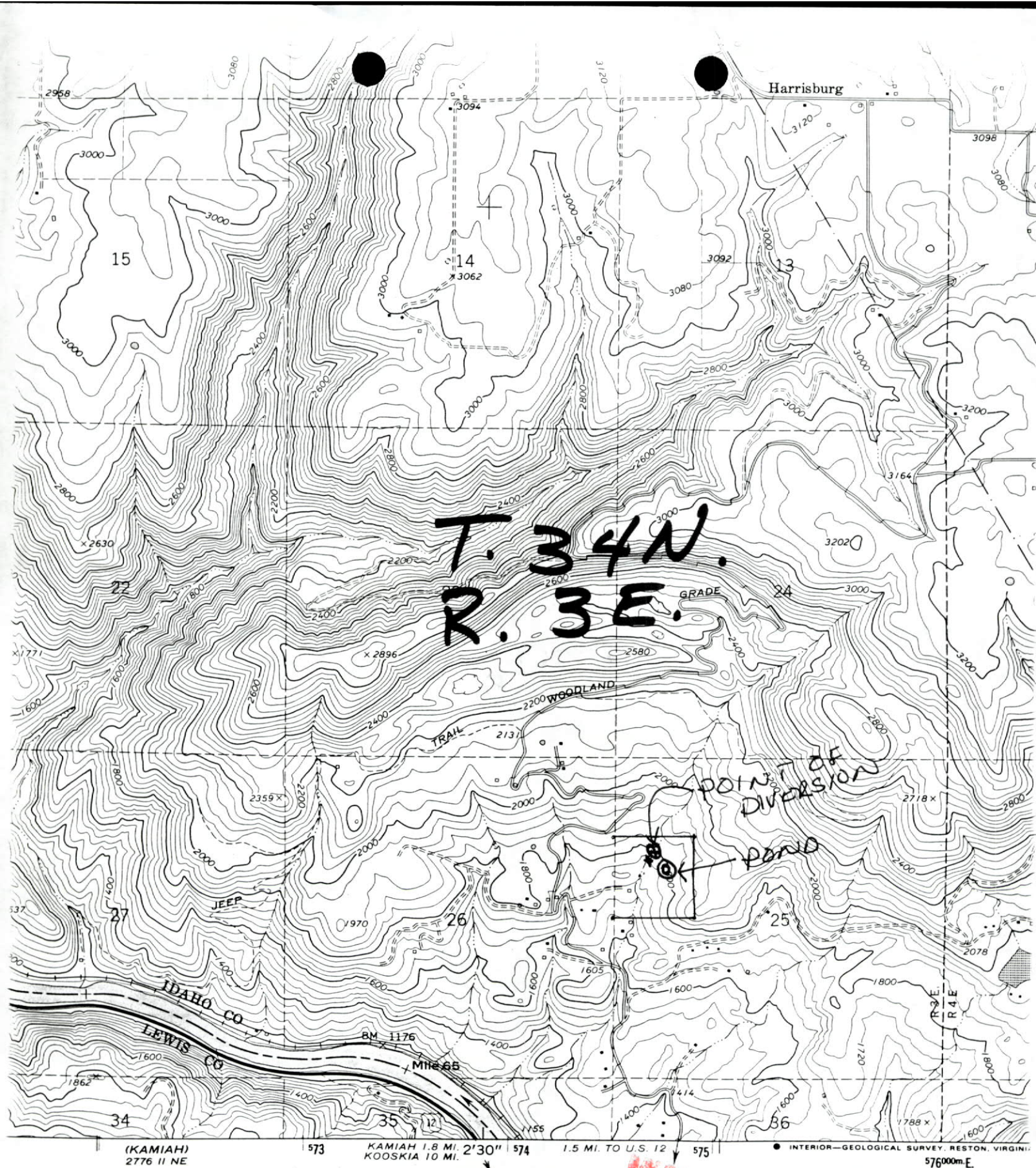
D. FLOW MEASUREMENTS

1. NONE

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

2. Measurements: _____

APR 20 1994



SCALE 1:24 000

1 MILE

ROAD CLASSIFICATION

Heavy-duty ——— Light-duty ———

Unimproved dirt =====

U. S. Route

Sta

CONTOUR INTERVAL 40 FEET

OTTED LINES REPRESENT 20-FOOT CONTOURS
ATIONAL GEODETIC VERTICAL DATUM OF 1929

IDAHO

QUADRANGLE LOCATION

WOODLA

84-07258



SHIRLEY WASSMUTH BREWER
DATE: 12/17/93



SHEEP
←

RECEIVED
APR 20 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 84-07258

Priority: June 28, 1990

Maximum Diversion Rate:

0.002 CFS

Maximum Diversion Volume:

0.9 AF

This is to certify, that SHIRLEY WASSMUTH BREWER

HC 11 BOX 15 B-1

KAMIAH ID 83536

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 28, 1990; and has submitted Proof of Beneficial Use on October 21, 1993. An examination indicates that the works have a diversion capacity of .002 cfs of water from:

UNNAMED STREAM

tributary to CLEARWATER RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.002 CFS	
STOCKWATER STORAGE	01/01 to 12/31		0.9 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.002 CFS	
	Totals	0.002 CFS	0.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 25, Township 34N, Range 03E
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

34N 03E 25

SWNW

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
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.
4. Stockwater use is for 250 sheep or 50 range cattle.
5. All water diverted under this right must be returned to the stream via a pipe.
6. This right and right 84-7257 shall not exceed a diversion, when combined, greater than one gallon per minute.
7. The Department of Water Resources retains jurisdiction under this water right to review modifications to the diversion and delivery facilities.

RECEIVED

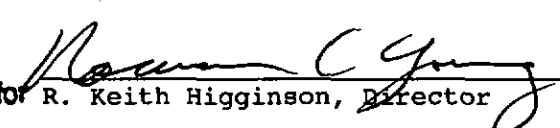
APR 20 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 84-07258

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 9TH
day of April, 1994.

Acting for  R. Keith Higginson, Director

RECEIVED

APR 20 1994

RECEIVED
OCT 12 1993
Department of Water Resources

RECEIVED
OCT 21 1993
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 10-22-93
Receipt No. 028839
Receipt by J. Vaneant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 84-07258 Telephone No. (208) 935-2270
2. Name(s) of Permit Holder(s): Shirley Wassmuth Brewer
3. Mailing Address: HCR 11 Box 15 B-1 Kamiah ID 83536-9402
4. Source of Water: Unnamed stream, tributary of Clearwater River

If GROUNDWATER, Well Driller's Name: n/a Date Drilled: n/a

OPTIONAL:

Pump horsepower: -- Pressure (psi): -- Dynamic pumping level (ft.): --

5. Extent of Use (as authorized by the permit):

Domestic (No. of households) Stockwater 250 sheep or 50 cattle (No. and type of stock)
Irrigation n/a (No. of acres) Other n/a

6. Total rate and/or volume for which proof is submitted cfs OR 1.0 max acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes NO Installed? Yes No

OR

Flow Measurement Port: Required? Yes NO Installed? Yes No

8. Fee Enclosed: \$ n/a * 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Bill or Shirley Brewer (208) 925-2270
Name Telephone No.
HCR 11 Box 15 B-1 Kamiah, ID 83536-9402
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

APR 20 1994

10-07-93
Date Shirley Wassmuth Brewer (Shirley Wassmuth Brewer)
Signature (and title, if on behalf of a company or organization)

*Total volume less than 4.0 AF

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 84-07258

Proposed Priority: June 28, 1990

Maximum Storage Volume: 1.0 AF

This is to certify, that **SHIRLEY WASSMUTH BREWER**
STAR RT. BOX 15 B-1
KAMIAH, ID 83536
has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of **CLEARWATER RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	.002 CFS	
STOCKWATER STORAGE	01/01 to 12/31		1.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	.002 CFS	
	Totals	.002 CFS	1.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW Sec. 25, Township 34N, Range 03E
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

34N 03E 25 SWNW

PLACE OF USE: STOCKWATER STORAGE, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1993**.
2. Subject to all prior water rights.
3. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

NOV 12 1990

Permit To Appropriate Water

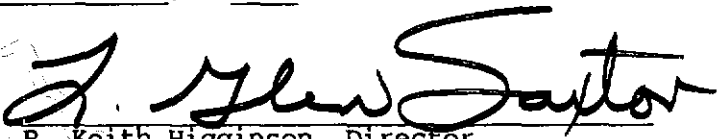
NO. 84-07258

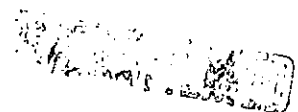
CONDITIONS/REMARKS:

5. Stockwater is limited to 250 sheep or 50 range cattle.
6. Changes in the pipe system must be approved by the Department of Water Resources prior to construction.
7. No changes in the pipe system shall occur after April 15, 1991.
8. All water diverted under this right must be returned to the stream via a pipe.
9. This right and right 84-7257 shall not exceed a diversion, when combined, greater than one gallon per minute.
10. The Department of Water Resources retains jurisdiction under this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

29th day of October, 1990.

for 
R. Keith Higginson, Director



NOV 12 1990

In the Matter of Application)
for Permits No. 5 84-7257 &)
84-7258)

Agreement

We the undersigned agree to the issuance the
above reference Permits under the following
conditions:

1. Permits are limited to 19pm for both
Permits.

2. For 84-7258 all water is return to
creek by pipe.

3. For 84-7258 250 head sheep max or
50 AUM where 1 cow = 5 sheep

4. IDWR retains jurisdiction.

5. Change in pipe system for 84-7258
occurs by Oct. 31 unless extended for cause by
IDWR but not beyond April 15 1991

6. 84-7258 is for stockwater only

7. Change in pipe system must be approved
by IDWR prior to construction

Dated Sept 11, 1990

Jacqueline Brink By Dale Brink

Bill Brewer

Shirley Brewer

Lucy Lyons

Dale Brink

Dale Brink for Jean S. Hollingsworth

Florence M. Cox

Gene L. Cox

Dave L. Cox

Jerry L. Claringer

Karen Claringer

Patricia Morris

Duane A. Morris

Pamela Brink Watson

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ~~WILLIAM H. BREWER~~ SHIRLEY WASSMUTH BREWER
Address: STAR RT. BX 15 B-1
KAMIAH, ID 83536

208 935-2270

2. Source: UNNAMED STREAM Trib. to: CLEARWATER RIVER
3. Location of Point of Diversion: SWNW Sec. 25, Township 34N, Range 03E
IDAHO County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.020		
STOCKWATER STORAGE	01/01	12/31			1.00
DIVERSION TO STORAGE	01/01	12/31	0.020		

5. Total quantity appropriated is:
0.040 CFS (and/or) 1.00 AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
3" PIPE IN STREAM GRAVITY FLOW TO POND
b. Height of storage dam 8 feet; active reservoir capacity 1.00
acre-feet; total reservoir capacity 1.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
c. Proposed well diameter is inches; proposed depth of well is
feet.
d. Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.

8. Description of proposed uses:
1000 HEAD OF SHEEP

9. Place of Use: STOCKWATER

TWN RGE SEC
34N 03E 25 SWNW

Place of Use: STOCKWATER STORAGE, same as STOCKWATER use

MICROFILMED

NOV 02 1990

Ident. No. 84-07258

Page 2

Place of Use: DIVERSION TO STORAGE, same as STOCKWATER use

10. Describe any other water rights used for the same purposes.
STOCKWATER FROM STREAM

11. a. Who owns the property at the point of diversion?

APPLICANT

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

APPLICANT

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

12. Remarks:

1000 HEAD OF SHEEP

13. Map of proposed point of diversion and place of use attached? []

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.

Shirley Wassmuth Brewer
Applicant

Received by [Signature] Date 6/28/90 Time 2:15 PM Preliminary check by [Signature]

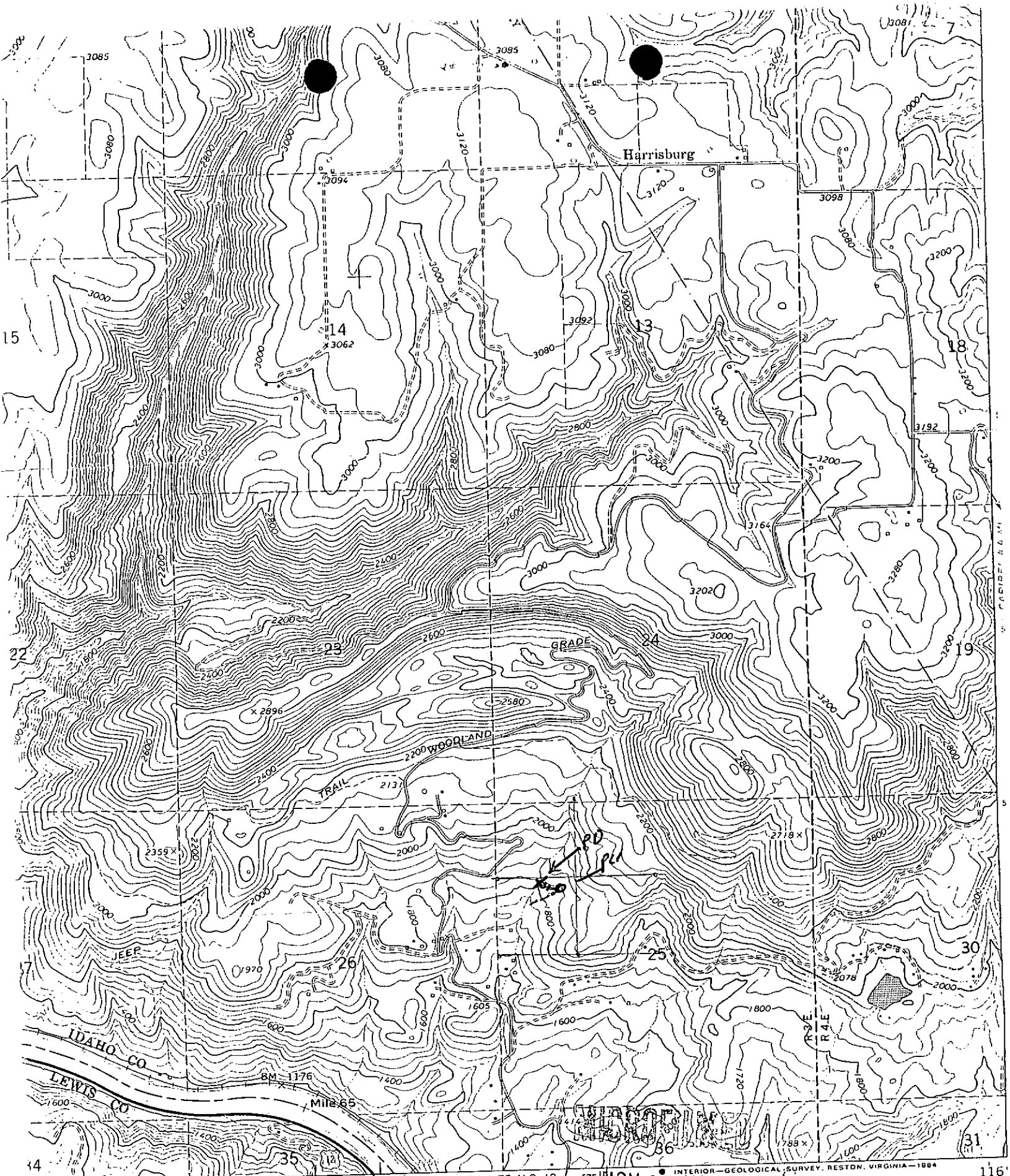
Fee \$ 25.00 Receipted by [Signature] # N 3864 Date 6/25/90

Publication prepared by [Signature] Date 6/29/90 Published in Id. City News
7/4-11/90

Publication approved [Signature] Date 7/17/90

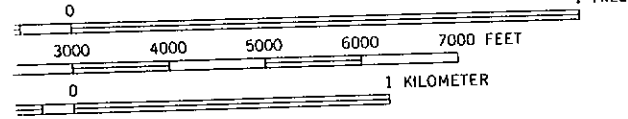
MICROFILMED

NOV 62 1990



(KAMIAH)
2776 II NE

SCALE 1:24 000



0 3000 4000 5000 6000 7000 FEET
0 1 KILOMETER

KAMIAH 1.8 MI. 2'30" 574
KOOSKIA 10 MI.

1.5 MI. TO U.S. 12

NOV 02 1990

576000m E

ROAD CLASSIFICATION
Heavy-duty _____ Light-duty _____
Unimproved dirt =====

T34N
R3E

**NOTICE OF APPLICATION
FOR WATER RIGHT**

the following application(s) have been
filed to appropriate the public waters of
the State of Idaho:

82-07192

PROTANI, MICHAEL J.
P.O. BOX 131
ELK CITY, ID 83525
Source: AMERICAN RIVER Tributary:
CLEARWATER RIVER, SOUTH FO
Diversion Pt. NESWNE Sec 35 T 29N R
08E
Use: DOMESTIC (.040 CFS)
Total Diversion: 9.040 CFS)
Date Filed: 6/14/1990
In: T29N R08E S35 SWNE.
84-07259

WALKER, JERRY M.
WALKER, LEE ANN
RT. 1 BOX 77
KAMIAH, ID 83536
Source: GROUNDWATER
Diversion Pt: NWNW Sec 6 T 33N R
04E
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 6/20/1990
In: T33N R04E S06 NWNW.
84-07258

BREWER, SHIRLEY WASSMUTH
STAR RT. BX 15 B-1
KAMIAH, ID 83536
Source: UNNAMED STREAM Tributary:
CLEARWATER RIVER
Diversion Pt: SWNW Sec 25 T 34N R
03E
Use: STOCKWATER (.020 CFS)
STOCKWATER STORAGE (1.00 AF)
DIVERSION TO STORAGE (.020 CFS)
Total Diversion: (.040 CFS) (1.00 AF)
Date Filed: 6/28/1990
In: T34N R03E S25 SWNW.
For additional information concerning
the property location, call the Northern
Regional Office at 765-4639.
The permit(s) will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Northern Region, 1910 Northwest Blvd.,
Suite 210, Coeur d'Alene, Idaho 83814
on or before JULY 23, 1990.
R. KEITH HIGGINSON, Director
Published 7/4/1990 & 7/11/1990
Jy4-11

RECEIVED

JUL 16 1990

**NORTHERN REGION
IDWR**

NOV 02 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

Charlotte Sotin

....., being
first duly sworn, says she is the..... Bookkeeper..... of the
IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho,
and is of general circulation in said county and state, that the
said notice, of which the one hereto attached is a true copy, was
published in said paper for two..... weeks, being published
.....two.....times, the first publication being on the
.....4th.....day of July....., 19⁹⁰.....
and the last publication on the.....11th.....day of
.....July....., 19⁹⁰.....; that the said notice was
published in the newspaper proper and not a supplement; that
said newspaper has been continuously and uninterruptedly
published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or
advertisement.

Charlotte Sotin

STATE OF IDAHO }

COUNTY OF }

On this.....11th.....day of.....July.....in the year
of.....1990....., before me, a Notary Public, personally
appeared.....Charlotte Sotin....., known or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared
that the statements therein are true, and acknowledged to me
that he executed the same.

[Signature]
Notary Public for Idaho
Residing at.....Grangeville, Idaho.....
My commission expires:.....9/10/92.....



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 11, 1994

SHIRLEY WASSMUTH BREWER
HC 11 BOX 15 B-1
KAMIAH ID 83536

RE: WATER RIGHT NO. 84-07258

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECEIVED

APR 20 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 03 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 84-07258

1. Owner: SHIRLEY WASSMUTH BROWER Phone No. 935-2270

Current Address: HCR 11 BOX 15 B-1 KAMIAH, ID 83536

2. Accompanied by: BILL BROWER EXAM DATE: 12/17/93

Address: SAME Phone No. _____

Relationship to Permit Holder: HUSBAND/OWNER

3. Source: UNNAMED STREAM tributary to CLEARWATER RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NW	25	34N.	3E	POAHO	U.S.G.S. 7.5 min. Quad.

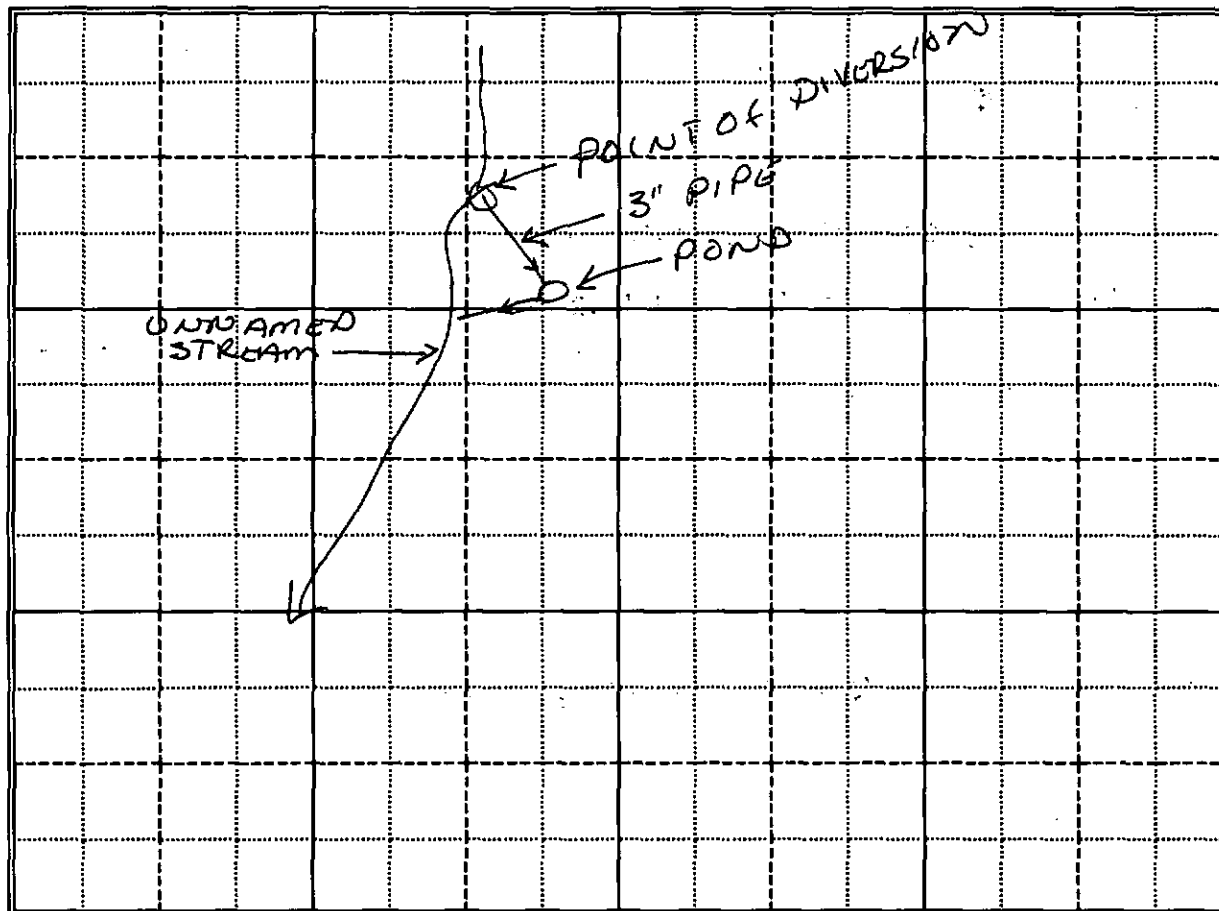
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34N.	3E	25							S										
									* DIVERSION TO STORAGE										
									S (STORAGE)										

APR 20 1994

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = 100'

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for Irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4. NONE

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. NONE

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

2. Measurements: _____

APR 20 1994

E. NARRATIVE/REMARKS/COMMENTS

GRAVITY FLOW FROM P.O.D. VIA 3" PVC PIPE → PIPE
DIA. REDUCED TO REGULATE FLOW TO 0.002 CFS.
WATER RETURNED TO UNNAMED STREAM WITH
PIPE.
STOCK WATER USE IS FOR 250 BARREL

Have conditions of permit approval been met? ☒ yes ☐ no

APR 20 1994

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

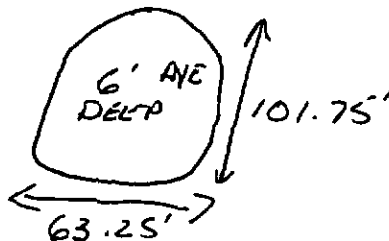
$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses: (STORAGE)

DISTANCE DETERMINED
BY PACING.



$$\frac{(101.75)(63.25)(6)}{43,560} = 0.90 \text{ AF}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DIVERSION TO STORAGE	Y1	12/31	0.002	
STOCKWATER STORAGE	Y1	12/31		0.90
STOCKWATER	Y1	12/31	0.002	
Totals:			0.002	0.90

2. Recommended Amendments

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

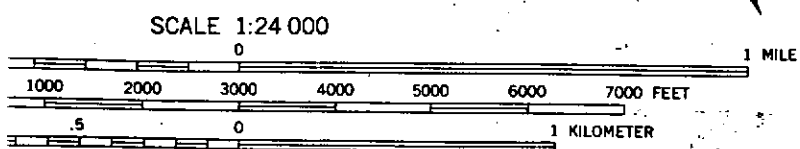
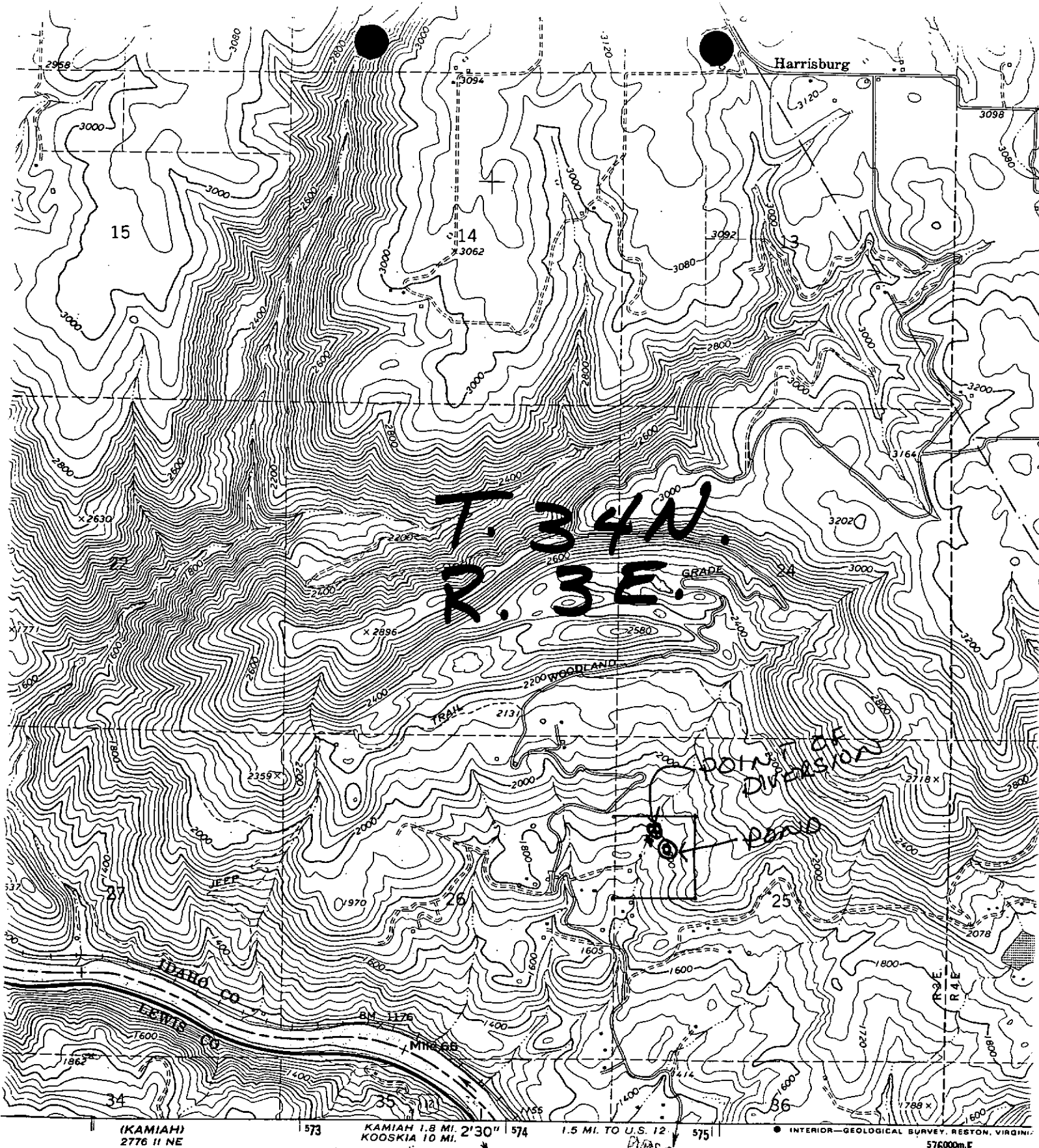
I. AUTHENTICATION

Field Examiner's Name Allen Beardsley Date 12/17/93

Reviewer _____ Date _____

SEAL

APR 20



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

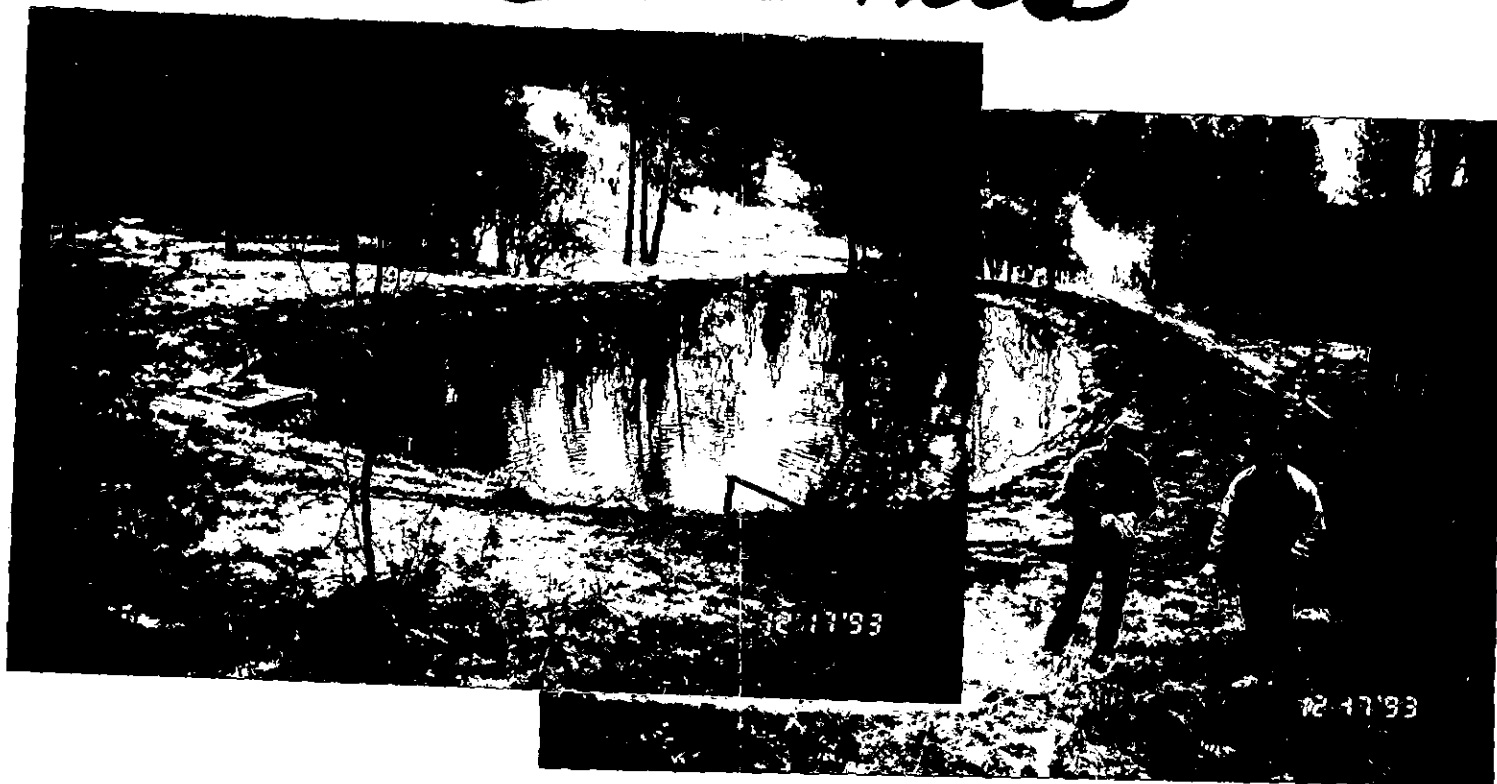
APR 20 1934

ROAD CLASSIFICATION

Heavy-duty	Light-duty
Unimproved dirt	U.S. Route
Sta	

IDAHO

84-07258



SHIRLEY WASSMUTH BREWER
DATE: 12/17/93



SHEEP



RECEIVED
APR 20 1994

November 4, 1993

SHIRLEY WASSMUTH BREWER
STAR RT. BOX 15 B-1
KAMIAH ID 83536

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 84-07258

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)769-1450.

Sincerely,

Karen L. Gustafson
Senior Secretary

c: IDWR - Region

RECEIVED

APR 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 13, 1993

Shirley Wassmuth Brewer
Star Rt Box 15 B-1
Kamiah, ID 83536

Re: Permit No. 84-07258

Dear Permit Holder:

Returned is the proof of beneficial use you submitted in connection with the above referenced permit. Unfortunately, it is unacceptable as filed.

The Department has determined, from pertinent sections of the Idaho Code, that the permit holder must meet two requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater (well) source.
2. The rate of diversion must be .04 cfs or 4.0 AF or less.

As you can see, you do not meet requirement #1 since you use an unnamed stream (surface) for your source. Therefore, a license examination fee of \$50 applies to each permit. I have enclosed a copy of the Instructions for the Proof of Beneficial Use for your convenience.

If you have any questions or if I can be of any further assistance, please feel to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Karen L. Gustafson'.

Karen L. Gustafson
Senior Secretary

Enclosure

A faint, rectangular stamp with illegible text, possibly a date or processing mark.

APR 20 1994

August 31, 1993

SHIRLEY WASSMUTH BREWER
STAR RT. BOX 15 B-1
KAMIAH ID 83536

PROOF DUE NOTICE

RE: PERMIT NO. 84-07258

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

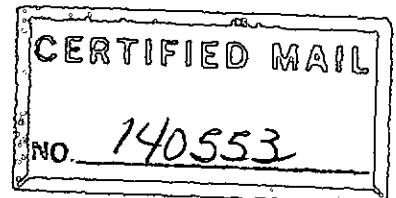
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

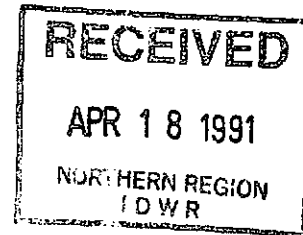


RECEIVED
SEP 1 1993

APR 20 1994

B&S RANCH
HCR 11 BOX 15B-1
KAMIAH ID 83536-9402

April 16, 1991



Department of Water Resources
Attn: Robert G. Haynes
Suite 210 * 1910 Northwest Blvd
Coeur d'Alene, ID 83814

RE: 84-07258

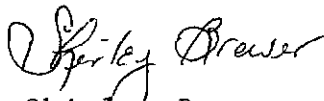
Dear Mr. Haynes:

Just an update on the modifications to our diversion. As of April 15th the pipe has been replaced into the creek with all the modifications being made in the size of the pipe as well as the return water running through a buried pipe.

We would appreciate an inspection if one is necessary, which may be an excellent idea anyway.

Please let us know what your findings are and/or if you receive any further complaints.

Sincerely,

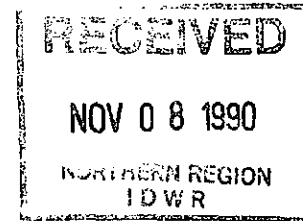

Shirley Brewer

APR 20 1991

RECEIVED
NOV 13 1990

B&S RANCH
HCR 11 BOX 15B-1
KAMIAH ID 83536-9402

Department of Water Resources



November 7, 1990

Department of Water Resources
Attn: Robert G. Haynes
Suite 210 * 1910 Northwest Blvd
Coeur d'Alene, ID 83814

RE: 84-07258

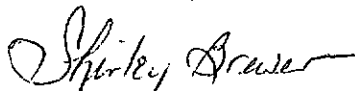
Dear Mr. Haynes:

As per your phone conversation with Bill on October 31, 1990 I am confirming the fact that the modifications requested of us have not been completed at this time due to inclement weather and Bill being employed away from the ranch for long periods of time.

We have however, pulled the pipe from the creek as not to divert any water whatsoever from the creek to our pond at this time. It is our understanding that we now have until April 15, 1991 to have the modifications completed as to your specifications and satisfaction.

Please advise us if we are in error of the job completion date or if you have received any complaints from anyone down stream.

Sincerely,


Shirley Brewer

RECEIVED

APR 20 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 30, 1990

SHIRLEY WASSMUTH BREWER
STAR RT. BOX 15 B-1
KAMIAH, ID 83536

PERMIT APPROVAL NOTICE

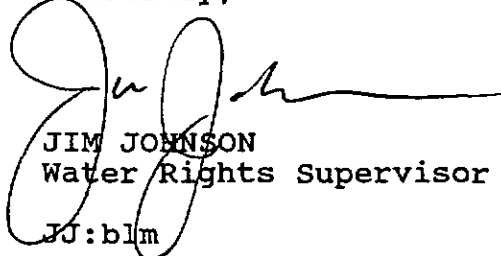
RE: PERMIT NO. 84-07258

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof to Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,



JIM JOHNSON
Water Rights Supervisor
JJ:blm

Enclosures

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NOV 02 1990

WR07284P
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

10/23/12:48:06
Page 1

Old (D) Number -

Water Right Number - P84-07258

Adj. Flag Translation: PERMIT

Last Name -

Address -

*** C - CURRENT OWNER ***
BREWER

SHIRLEY MASSMUTH

1 - STAR RT. BOX 15 B-1
2 -
3 -
City - KAMIAH
Phone - 208-935-2270

State- ID Zip- 83536

Priority Date - 06/28/1990
Region - 18 ERROR IN REGION

Stage - P - PERMIT

Status -

Source - UNNAMED STREAM

Point of Diversion -

Tributary - CLEARWATER RIVER

Twn Rng Sec Tract Lot RFlg County
34N 03E 25 SW NW (49) IDAHO

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
04	STOCKWATER	01/01	12/31		0.002	1.00
05	STOCKWATER STORAGE	01/01	12/31		0.002	
55	DIVERSION TO STORAGE	01/01	12/31			

Total Div. Rate - 0.002
Total Div. Volume - 1.00
Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
34N	03E	25	SW NW			04	STOCKWATER	(49) IDAHO

Total Acres:

- Diversion Means - 3" PIPE IN STREAM GRAVITY FLOW TO POND

- Non-Irrigation Use - 1000 HEAD OF SHEEP

- Other Rights for Same Use - STOCKWATER FROM STREAM

Remarks -
Stockwater is limited to 250 sheep or 50 range cattle.
Changes in the pipe system must be approved by the Department
of Water Resources prior to construction.
No changes in the pipe system shall occur after
April 15, 1991.
All water diverted under this right must be returned to the
stream via a pipe.

MICROFILMED

NOV 02 1990

Water right number - PB&-07258

Adj. flag translation: PERMIT

Remarks
This right and right 84-7257 shall not exceed a diversion, when combined, greater than one gallon per minute.
The Department of Water Resources retains jurisdiction under this permit.

26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

Comments
No comments found

Audit Fields - JOHNSON

Water Rights Dates and Flags Area

Proof Due Date	- 11/01/1993	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- N003875	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 06/28/1990	Transfer/Amended	-
Decree Date	- 00/00/0000				

RECORDED

NOV 02 1990

SPECIAL NOTE: _____
_____PROTEST INFORMATION SHEETProtestant(s)

NAME

ADDRESS

- Filed
Twice*
- ✓ 1 Duane & Patricia Morris P.O. Box 465, Kamiah, Id. 83536 7/19/90
 - ✓ 2 Jerry L. & Karen Cloninger HCR 11 Box 14, Kamiah, Id. 83536 7/23/90
 - ✓ 3 Duane A. Morris P.O. Box 465, Kamiah, Id. 83536 "
 - ✓ 4 Mrs. Clayton T. Hollingsworth Star Rt. Box 9, Kamiah, Id. 83536 "
 - ✓ 5 Gene L. & Florence M. Cox HCR 11 Box 11, Kamiah, Id. 83536 "
 - ✓ 6 Richard O. & Jacqueline Brink Star Rt. Box 9A, Kamiah, Id. 83536 "
 - ✓ 7 David L. Cox P.O. Box 421, Kamiah, Id. 83536 "
 - 8 Paula Brink Watson Star Rt. Box 9A, Kamiah, Id. 83536 "
 - 9 _____
 - 10 _____

ATTORNEY NAME

ADDRESS

Date Filed: 7/19/90 Protest Due Date: 7/23/90

Issues: Injure other water rights on same stream. Protestants feel applicants
are diverting too much water. Protestants protest the method of returning pond
overflow to stream.

Applicant

ATTORNEY NAME

ADDRESS

DATE

Protest Date Entered on Computer 7/26/90

Acknowledgement Letters Sent 7/26/90

Hearing Date 9/11/90

(Other Dates)

Other Information: _____

MICROFILMED

NOV 02 1990

Protest information submitted to computer (following hearing): 9/11/90

Name: Shirley Wassmuth Brewer *Jerry & Karen Cloninger*
 File: 84-7258 & 84-7257
 Place: USFS Office, Hwy. 13, Grangeville, Id.
 Date: Tuesday, Sept. 11, 1990 at 1:00 PM

ROSTER OF ATTENDANCE

Name	Address	Representing
<i>Val Brink</i>	<i>Art Box 9A Kamaiah</i>	
<i>Jacqueline Brink</i>	<i>" " "</i>	
<i>Alexander Cox</i>	<i>HCR 11 Box 11 Kamaiah</i>	
<i>Gene S. Cox</i>	<i>" " " "</i>	
<i>David L. Cox</i>	<i>P.O. Box 421 Kamaiah</i>	
<i>Harold Cloninger</i>	<i>P.O. Box 728 KAMIAH ID.</i>	
<i>Jerry L. Cloninger</i>	<i>HCR 11 BOX 14 KAMIAH ID.</i>	
<i>Karen R. Cloninger</i>	<i>HCR 11 BOX 14 Kamaiah, ID.</i>	
<i>Patricia L. Morris</i>	<i>P.O. Box 465 Kamiah, ID.</i>	
<i>Dwaine Morris</i>	<i>" " "</i>	
<i>Bill Brunet</i>	<i>HCR 11 Box 15 Kamiah Id.</i>	
<i>Shirley Brewer</i>	<i>" " "</i>	
<i>Lucy Lyons</i>	<i>Box 1 " "</i>	

INDEXED

NOV 02 1990

84-07258

BREWER, SHIRLEY WASSMUTH
STAR RT. BX 15 B-1
KAMIAH, ID 83536

Source: UNNAMED STREAM

Tributary: CLEARWATER RIVER

Diversion Pt: SWNW Sec 25 T 34N R 03E

Use: STOCKWATER	(.020 CFS)	
STOCKWATER STORAGE		(1.00 AF)
DIVERSION TO STORAGE	(.020 CFS)	
Total Diversion:	(.040 CFS)	(1.00 AF)

Date Filed: 6/28/ 1990

In: T34N R03E S25 SWNW

RECORDED

NOV 02 1990

PROXY

THE UNDERSIGNED, MRS. CLAYTON T. (JEAN) HOLLINGSWORTH, of Star Route, Box 9, Kamiah, Idaho 83536, do hereby give to RICHARD and/or JACQUELINE BRINK, of Star Route, Box 9-A, Kamiah, Idaho 83536, my proxy to vote and/or represent me at that certain hearing scheduled for September 11, 1990, at 1:00 O'Clock P.M. in Grangeville, Idaho.

This hearing is intended for the purpose of hearing objections to an application for Permit #84-07458 in the name of Shirley Wassmuth Brewer for appropriation of public waters of the State of Idaho.

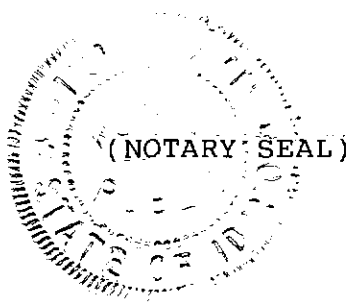
I hereby authorize my said proxy to represent me in all matters pertaining to this hearing.

DATED this 29 day of August, 1990.

Jean L Hollingsworth
Mrs. Clayton T. (Jean) Hollingsworth

SUBSCRIBED AND SWORN TO before me this 29 day of August, 1990.

Dixie Davis
Notary Public, State of Idaho
Residing at Kamiah, therein.



MICROFILMED

NOV 02 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 27, 1990

Mr. William Brewer
Star Rt. Box 15 B-1
Kamiah, ID 83536

Re: 84-07258

Dear Mr. Brewer:

On September 25 I came down to take a look at your diversion system so I could tell you what needed to be done to reduce the quantity that you are diverting to one gpm. It appears to me that the best way to accomplish this is reduce the size of pipe to one-half inch for the first 25 feet with about five inches of fall.

I realize that you indicated some concern that reducing the size of the inlet would result in debris plugging the the intake. However, in thinking that over, it seems to me that it would be better there, because if a smaller section is put in the middle of the line it might still get plugged and it would be more difficult to clean.

If you have any questions, please call me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

MICROFILMED

NOV 62 1990

Celebrate
IDAHO
1890 • CENTENNIAL • 1990

To: Files 84-7257 + 84-7258
From: Norm Young
Re: Conference held 9/11/90
Date: 9/11/90

Bob HAYNES & I held a combined conference on these two applications. After a thorough review of the issues, concerns of the protestants and plans of the applicants, an agreement was drafted allowing the applications to be approved with reduced rates of diversion and extent of use.

The agreement was signed allowing the applications to be issued. Jurisdiction was retained to allow IDWR to reconsider the rate of flow on filing 84-7258 if the applicant requests after determining the reduced amount is not adequate to maintain the quality of the water in the pond for Stockwater.

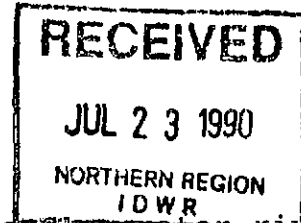
MICROFILMED

NOV 02 1990

July 19, 1990

Dept. of Water Resources
1910 N.W. Blvd. Suite #210
Coeur d' Alene, Idaho

83814



Dear Sir,

We, the people downstream of Brewer's pond to the Clearwater river, Kamiah, Idaho, protest an application for a permit to divert water from an unnamed stream submitted by Shirley Brewer. This protest and a request for a hearing on this matter are based on the following:

1. None of us object to the Brewer's having a pond for stockwater use or any other use that a permit is applied for and awarded, Provided that there be allowed enough water to flow down stream for the rest of the citizens to also have a fair share of that water. We feel that a fair share to that water is greatly threatened by actions already taken by the Brewer's with the methods used to install the pond and the intake and outflow methods. We feel that the amount of water to be diverted to Brewer's pond should be regulated so that we all will be able to continue to use this water as it has been for many years.
2. We are protesting the amount of water Mr. and Mrs. Brewer are now currently capable of diverting from this stream by means of a large diameter pipeline leading from a pool dammed in the streambed to their pond. This pipe is large enough in diameter to completely de-water this stream, and this action has already happened as the photographs will show.
3. We are protesting the method of returning the pond overflow to the streambed that Mr. and Mrs. Brewer have chosen. This overflow from their pond is currently being returned to the stream by an open air dirt ditch. We feel this should also be by pipeline. We believe much of the overflow water that should be continuing downstream for our use and benefit is being lost through seepage into the ground before it gets back to the stream. We feel that this seepage will continue for many years before the ditch seals itself.
4. We demand a pipeline of the same size, or larger than the intake pipeline, to return the overflow back to the streambed. We also request that a determination be made by the Idaho Dept. of Water Resources to regulate the size of inflow pipe the Brewer's may use to divert the water from the stream to their pond. This action will help to protect that water will allways continue to flow down the stream even when they are filling their pond.
5. We demand that the overflow return pipe be of the lowest elevation out of the pond of all other pipes or methods of removing water from the pond.
6. We request that the Idaho Dept. of Water Resources measure the stream to determine how much water is flowing down the stream before it runs on to Brewer's property. Having that knowledge, we request the Water Dept. to make a determination as to the amount of water (as in gallons per minuite) that would be a fair share ~~for each property owner~~ that will be using water from this stream from Brewer's to the Clearwater river.

RECEIVED

NOV 2 1990

7. We request a hearing on this matter as soon as possible. The weather here is very hot and dry and our stock and gardens rely on this water. Mr. and Mrs. Brewer have not yet received a permit to divert the water from this stream, although they have been unlawfully doing so for several months now. This hearing does need to take place quickly to assure all of us downstream of Brewer's that we will have water during these hot, dry months ahead.
8. We believe, judging from the size, location, and elevation of the Brewer's pond that the Brewer's have intentions of using this pond for irrigation purposes. They have not filed a permit to divert water for irrigation purposes.
9. Upon completion of a hearing and a determination reached, we request that the Idaho Dept. of Water Resources supply us with a written statement of its decision, including the regulations to be followed and the penalties and how they will be enforced if the regulations are not followed.

Respectfully requested,

The concerned families downstream of Bill Brewer's pond:

Jerry L Cloninger

Karen Cloninger HCR 11 Box 14, Kamiah

Duane A. Morris PO Box 465 " "

Mrs. Clayton T. Hollingsworth Star Box 9 Kamiah, Ida.

Gene L. Cox HCR 11 Box 11 Kamiah, Ida.

Glenn M. Cox HCR 11 Box 11 Kamiah, Ida.

Richard D. Brink

Jacqueline Brink Star Rd. Box 9A Kamiah, Idaho

David L. Cox P.O. Box 421 Kamiah, Idaho

Randa Brink Watson Star Rd. Box 9A Kamiah

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NOV 02 1990

July 18, 1990

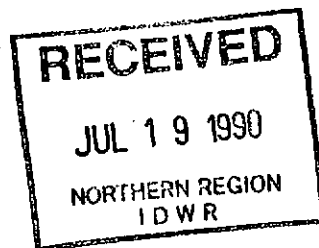
Director of water Resources
Mr R Keith Higginson,

This letter is to protest water
Permit # 84-07258. The reason being
a prior water right # 84-4131.

The stream in question only flows
approximately $6\frac{1}{2}$ gal per minute now.

Any storage or diversion would
reduce the flow to unacceptable
level for us and other property
owners, who use this for stock
use and irrigation.

Quane & Patricia Morris
P.O. Box 465
Kamiah, Idaho
83536



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NOV 02 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Ms. Shirley Wassmuth Brewer
Star Rt. Box 15 B-1
Kamiah, Id. 83536

Re: 84-7258

Dear Ms. Brewer:

Enclosed are copies of protests filed against the approval of the above-referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the 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?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms
Enclosures

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NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. and Mrs. Duane Morris
P.O. Box 465
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. and Mrs. Morris:

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

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

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

MICROFILMED

NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. and Mrs. Jerry L. Cloninger
HCR 11 Box 14
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. and Mrs. Cloninger:

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

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

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

MICROFILMED

NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mrs. Clayton T. Hollingsworth
Star Rt. Box 9
Kamiah, Id. 83536

Re: 84-7258

Dear Mrs. Hollingsworth:

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

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

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Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

MICROFILMED

NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. and Mrs. Gene L. Cox
HCR 11 Box 11
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. and Mrs. Cox:

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

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

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

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

MICROFILMED

NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. and Mrs. Richard O. Brink
Star Rt. Box 9A
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. and Mrs. Brink:

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

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

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

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

MICROFILMED

NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. David L. Cox
P.O. Box 421
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. Cox:

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

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

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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?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

MICROFILMED
NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Ms. Paula Brink Watson
Star Rt. Box 9A
Kamiah, Id. 83536

Re: 84-7258

Dear Ms. Watson:

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

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
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6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

MICROFILMED

NOV 02 1990



August 27, 1990

Ms. Menn Pollworth
U.S. Forest Service
Nez Perce National Forest
Highway 12
Grangeville, Id. 83530

Re: 84-7257 and 84-7258

Dear Ms. Pollworth:

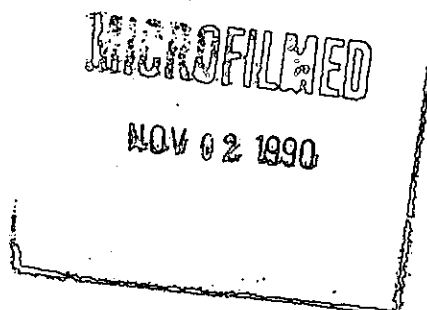
This is to confirm reservations our Department has made for a conference and/or hearing to be held on Tuesday, September 11, 1990, starting at 1:00 PM and lasting until approximately 5:00 PM, in the Conference Room of the Supervisor's Office.

If this is not what your records reflect, please advise immediately.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms



● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: Gene & Florence Cox HCR 11 Box 11 Kamia, ID 83536	Article Number 4815 Type of Service: ☒ Registered ☐ Insured ☒ Certified ☐ COD ☒ Express Mail ☐ Return Receipt for Merchandise
4. Obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Address X <i>Gene Cox</i> NOV 02 1990	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery AUG 25 1990	

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814



NOV 20 1991

RECEIVED



PENALTY FOR PRIVATE
USE, \$300

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)
 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Shirley Wassmuth Brewer Star Rt. Box 152 Kamiah, ID 83536 NOV 02 1990	4. Article Number 14811 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Address X <i>Shirley Wassmuth Brewer</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery AUG 21 1990	

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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TO

Print Sender's name, address, and ZIP Code in the space below.

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AUG 23 1990

NORTHERN REGION
IDWR

DEPARTMENT OF WATER RESOURCES

910 NORTHWEST BLVD. - SUITE 210

COEUR D'ALENE, IDAHO 83814



PENALTY FOR PRIVATE
USE, \$300

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3. Article Addressed to: Jerry & Karen Cloninger HCR 11 Box 14 Kamiah, ID 83536 <i>Karen Cloninger</i>	4. Article Number 14812 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.
5. Signature - Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery NOV 12 1990	

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN

TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814



NOV 21 1995



PENALTY FOR PRIVATE
USE, \$300

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
 1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
 Duane & Patricia Harris
 Box 465
 Kamiah, ID 83536

4. Article Number
 14813

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED.**

8. Addressee's Address (ONLY if requested and fee paid)

5. Signature — Address
Patricia Harris

6. Signature — Agent
Mora

7. Date of Delivery

PS Form 3811, Mar. 1988

★ U.S.G.P.O. 1988-212-865

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD - SUITE 210
COEUR D'ALENE, IDAHO 83814



PENALTY FOR PRIVATE
USE, \$300

● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge). 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: Mrs. Clayton T. Hollingsworth Star Rt. Box 9 Kamiah, ID 83536	4. Article Number 14814
5. Signature - Addressee X <i>[Signature]</i>	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☒ Return Receipt for Merchandise
6. Signature - Agent X <i>[Signature]</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery AUG 21 1990	8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

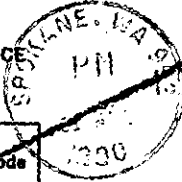
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article, if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814



PENALTY FOR PRIVATE
USE, \$300

066L 80 AON
JUN 19 1980

● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.	
1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: Richard & Jacqueline Brink Star Rt. Box 9-A Kamiah, ID 83536	4. Article Number 14816
Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature — Addressee X <i>Jacqueline Brink</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery 8-21-89	

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

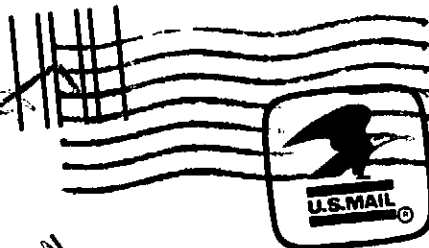
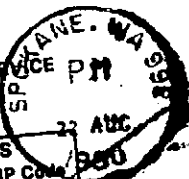
RETURN
TO

RECEIVED

AUG 23 1990

NORTHERN REGION
IDWR

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814



PENALTY FOR PRIVATE
USE, \$300

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

David Cox
Box 421
Kamiah, ID 83536

4. Article Number

Type of Service:

☐ Registered

☒ Certified

☐ Express Mail

☐ Insured

☐ COD

☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

8. Addressee's Address: (ONLY if requested and fee paid)

5. Signature - Address

X David L Cox

6. Signature - Agent

X

7. Date of Delivery

8/22/90

PS Form 3811, Mar. 1988

* U.S.G.P.O. 1988-212-865

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

NOV 2 1990

RECEIVED

RETURN TO
RECEIVED
AUG 23 1990
NORTHERN REGION
IDWR

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD - SUITE 210
COEUR D'ALENE, IDAHO 83814

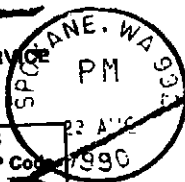
● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: Paula Brink Watson Star Rt. Box 9-A Kamiah, ID-83536	4. Article Number 14818
NOV 02 1990	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.	
5. Signature — Address X <i>Guaceline Brink</i>	8: Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery 8-22-90	

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

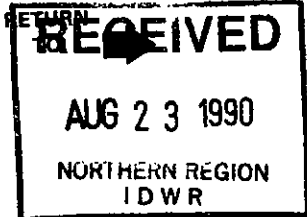
- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814





DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

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

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

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

1. NAME AND ADDRESS OF SENDER	2. NUMBER OF ARTICLE	3. NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	4. POSTAGE	5. FEE	6. Handling Charge	7. Actual Value (If Registered)	8. DUE SENDER IF C.O.D.	9. R.R. FEE	10. S.D. FEE	11. S.H. FEE	12. REST. DEL. FEE	13. REMARKS
1 14809 ✓		Blue Lagoon Homeowners Association Rt. 1 Box 123-D, Troy ID 83871	25	85								
2 14810 ✓		James L. Westberg, Siebe, Landek, Westberg & Judge Box 9344, Moscow, ID 83843										
3 14811 ✓		Shirley Wasmuth Brewer Star Rt. Box 15 B-1, Kamiah, ID 83536										
4 14812 ✓		Jerry & Karen Cloninger HCR II Box 14, Kamiah, ID 83536										
5 14813 ✓		Duane & Patricia Harris Box 465, Kamiah, ID 83536										
6 14814 ✓		Mrs. Clayton T. Hollingsworth Star Rt. Box 9, Kamiah, ID 83536										
7 14815 ✓		Gene & Florence Cox HCR II Box 11, Kamiah, ID 83536										
8 14816 ✓		Richard & Jacqueline Brink Star Rt. Box 9-A, Kamiah, ID 83536										
9 14817 ✓		David Cox Box 421, Kamiah, ID 83536										
10 14818 ✓		Paula Brink Watson Star Rt. Box 9-A, Kamiah, ID 83536										
11 14819 ✓		Jerry & Karen Cloninger HCR II Box 14, Kamiah, ID 83536										
12 14820 ✓		Bill & Shirley Brewer Star Rt. Box 15 B-1, Kamiah, ID 83536										
13 14821 ✓		Ralph Alberthal 4601 Tammany Creek Rd., Lewiston ID 83501										
14 14822 ✓		Donald Van Buren 3000 Tammany Creek Rd., Lewiston, ID 83501										
15 14823 ✓		Karl Van Buren 3136 - 4th Street D, Lewiston, ID 83501										
TOTAL NUMBER OF PIECES LISTED BY SENDER 15		POSTMASTER: PER (Name of receiving employee) AUG 20 1990 D. G. Karaf										
TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE 15		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.										

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

PS Form 3877, July 1978

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

* U.S. GOVERNMENT PRINTING OFFICE: 1978 270-037

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL OF APPLICATION FOR PERMIT) NOTICE OF HEARING
NO. 84-07458 IN THE NAME OF SHIRLEY)
WASSMUTH BREWER)

On June 28, 1990, Shirely Wassmuth Brewer filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 19, 1990 the Department received a protest against approval of said application from Duane and Patricia Morris. On June 23, 1990 the Department received protests against approval of said application from Jerry and Karen Cloninger, Duane Morris, Mrs. Clayton T. Hollingsworth, Gene and Florence Cox, Richard and Jacqueline Brink, David Cox, and Paula Brink Watson.

The Department has set the matter of protest for a hearing for Tuesday, Septmber 11, 1990 at 1:00PM, in the conference room of the Nez Perce National Forest Supervisors Office, Highway 13, Grangeville. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

MICROFILMED

NOV 02 1990

Opportunity shall be afforded all parties of record to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginng at the above set time and prior to the hearing.

Dated this 20th day of August, 1990.


ROBERT G. HAYNES, P. E.
REGIONAL MANAGER

I hereby certify that on the 20th day of August, 1990, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


ROBERT G. HAYNES, P.E.
REGIONAL MANAGER

CERTIFIED MAIL

Shirley Wassmuth Brewer
Star Route Box 15-B1
Kamiah, ID 83536

Jerry and Karen Cloninger
HCR 11 Box 14
Kamiah, ID 83536

Duane and Patricia Morris
Box 465
Kamiah, ID 83536

Mrs. Clayton T. Hollingsworth
Star Route Box 9
Kamiah, ID 83536

Gene and Florence Cox
HCR 11 Box 11
Kamiah, ID 83536

Richard and Jacqueline Brink
Star Route Box 9-A
Kamiah, ID 83536

David Cox
Box 421
Kamiah, ID 83536

Paula Brink Watson
Star Route Box 9-A
Kamiah, ID 83536

NOT RECORDED

NOV 12 1990

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the 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?
6. Will the proposed use be contrary to the conservation of water resources within the state of Idaho?

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

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

The parties, by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

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

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

NOV 02 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Ms. Shirley Wassmuth Brewer
Star Rt. Box 15 B-1
Kamiah, Id. 83536

Re: 84-7258

Dear Ms. Brewer:

Enclosed are copies of protests filed against the approval of the above-referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the 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?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms
Enclosures



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NOV 62 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. and Mrs. Duane Morris
P.O. Box 465
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. and Mrs. Morris:

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

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

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4. Has the applicant sufficient financial resources with which to complete the project?
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6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms



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NOV 02 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. and Mrs. Jerry L. Cloninger
HCR 11 Box 14
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. and Mrs. Cloninger:

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

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

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6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

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NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mrs. Clayton T. Hollingsworth
Star Rt. Box 9
Kamiah, Id. 83536

Re: 84-7258

Dear Mrs. Hollingsworth:

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

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

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6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

MICROFILMED

NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. and Mrs. Gene L. Cox
HCR 11 Box 11
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. and Mrs. Cox:

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

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

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

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NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. and Mrs. Richard O. Brink
Star Rt. Box 9A
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. and Mrs. Brink:

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

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

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

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NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Mr. David L. Cox
P.O. Box 421
Kamiah, Id. 83536

Re: 84-7258

Dear Mr. Cox:

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

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

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

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NOV 02 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1990

Ms. Paula Brink Watson
Star Rt. Box 9A
Kamiah, Id. 83536

Re: 84-7258

Dear Ms. Watson:

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

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

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6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

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NOV 02 1990



July 18, 1990

Director of water Resources
Mr. R Keith Higginson,

This letter is to protest water
Permit # 84-07258. The reason being
a prior water right # 84-4131.
The stream in question only flows
approximately $6\frac{1}{2}$ gal per minute now.
Any storage or diversion would
reduce the flow to unacceptable
level for us and other property
owners, who use this for stock
use and irrigation.

Quane & Patricia Morris
P.O. Box 465
Lamiah, Idaho
83536

MICROFILMED

NOV 12 1990

RECEIVED

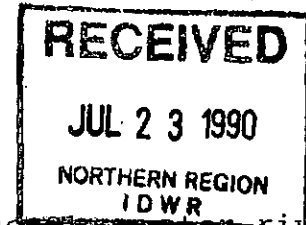
JUL 19 1990

NORTHERN REGION
I-D-W-R

July 19, 1990

Dept. of Water Resources
1910 N.W. Blvd. Suite #210
Coeur d' Alene, Idaho

83814



Dear Sir,

We, the people downstream of Brewer's pond to the Clearwater river, Kamiah, Idaho, protest an application for a permit to divert water from an unnamed stream submitted by Shirley Brewer. This protest and a request for a hearing on this matter are based on the following:

1. None of us object to the Brewer's having a pond for stockwater use or any other use that a permit is applied for and awarded, Provided that there be allowed enough water to flow down stream for the rest of the citizens to also have a fair share of that water. We feel that a fair share to that water is greatly threatened by actions already taken by the Brewer's with the methods used to install the pond and the intake and outflow methods. We feel that the amount of water to be diverted to Brewer's pond should be regulated so that we all will be able to continue to use this water as it has been for many years.
2. We are protesting the amount of water Mr. and Mrs. Brewer are now currently capable of diverting from this stream by means of a large diameter pipeline leading from a pool dammed in the streambed to their pond. This pipe is large enough in diameter to completely de-water this stream, and this action has already happened as the photographs will show.
3. We are protesting the method of returning the pond overflow to the streambed that Mr. and Mrs. Brewer have chosen. This overflow from their pond is currently being returned to the stream by an open air dirt ditch. We feel this should also be by pipeline. We believe much of the overflow water that should be continuing downstream for our use and benefit is being lost through seepage into the ground before it gets back to the stream. We feel that this seepage will continue for many years before the ditch seals itself.
4. We demand a pipeline of the same size, or larger than the intake pipeline, to return the overflow back to the streambed. We also request that a determination be made by the Idaho Dept. of Water Resources to regulate the size of inflow pipe the Brewer's may use to divert the water from the stream to their pond. This action will help to protect that water will allways continue to flow down the stream even when they are filling their pond.
5. We demand that the overflow return pipe be of the lowest elevation out of the pond of all other pipes or methods of removing water from the pond.
6. We request that the Idaho Dept. of Water Resources measure the stream to determine how much water is flowing down the stream before it runs on to Brewer's property. Having that knowledge, we request the Water Dept. to make a determination as to the amount of water (as in gallons per minuite) that would be a fair share for each property owner that will be using water from this stream from Brewer's to the Clearwater river.

7. We request a hearing on this matter as soon as possible. The weather here is very hot and dry and our stock and gardens rely on this water. Mr. and Mrs. Brewer have not yet received a permit to divert the water from this stream, although they have been unlawfully doing so for several months now. This hearing does need to take place quickly to assure all of us downstream of Brewer's that we will have water during these hot, dry months ahead.
8. We believe, judging from the size, location, and elevation of the Brewer's pond that the Brewer's have intentions of using this pond for irrigation purposes. They have not filed a permit to divert water for irrigation purposes.
9. Upon completion of a hearing and a determination reached, we request that the Idaho Dept. of Water Resources supply us with a written statement of its decision, including the regulations to be followed and the penalties and how they will be enforced if the regulations are not followed.

Respectfully requested,

The concerned families downstream of Bill Brewer's pond:

Jerry L. Cloninger

Karen Cloninger HCR 11 Box 14, Kamiah

Duane A. Morris PO Box 465 " "

Mrs. Clayton T. Hollingsworth Star Box 9 Kamiah, Ida

Gene L. Cox HCR 11 Box 11 Kamiah, Ida.

Florence M. Cox HCR 11 Box 11 Kamiah, Ida.

Richard D. Brink

Gacqueline Brink Star Rd. Box 9A Kamiah, Idaho

David L. Cox P.O. Box 421 Kamiah, Idaho

Paula Brink Watson Star Rd. Box 9A Kamiah

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NOV 02 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

TRANSMITTAL COVER SHEET

OMNIFAX G66i

Phone No.: (208) 765-2088

TO: Marietta
H. Cty. Tree Guss

FROM: Pat
Dept. of Water Resources

DOCUMENT DESCRIPTION: Please insert this legal notice in
with the advertising that I sent to you last Wednesday.
Please call if you have any questions. Thank you
very much!!

TOTAL PAGES SENT: 2 including cover sheet.

CONTACT: Pat

(Name of sender)

MICROFILMED

NOV 02 1990

MESSAGE CONFIRMATION
TRANSMISSION

NOV 13 1990 11:11 AM

TELETYPE: 208 765 2088
TELETYPE: 208 765 2088

11:11 AM

NO.	DATE	ST. TIME	TOTAL TIME	RECEIVED	TO	DEPT. CODE	PAGE
106	09-23	08:00	00:01:20		1	211308	2-211308-01

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director

June 29, 1990

Mrs. Shirley W. Brewer
Star Rt. Box 15 B-1
Kamiah, Id. 83536

Re: Water Appropriation Application # 84-07258

Dear Applicant:

I am sorry for the confusion in the filing fee, but we have received your filing fee balance in the amount of \$5.00, for which your Receipt #N-003875 is enclosed.

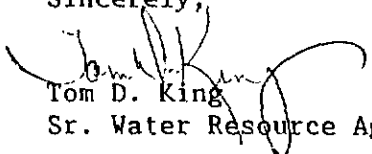
Your appropriation application is currently being prepared for advertising in the county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests.

If the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. However all protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

If the application is not protested it will be forwarded to Boise, where departmental staff will conduct a more in depth review of the application, to determine if there is a need for further information that will facilitate the Directors decision on the application. You will be notified by mail of this decision.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

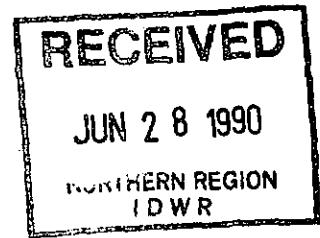
Sincerely,


Tom D. King
Sr. Water Resource Agent

Enc: Receipt

MICROFILMED
NOV 02 1990

June 27, 1990



Tom D. King
Sr. Water Resource Agent
Department of Water Resources
1910 NW Blvd * Suite 210
Coeur d'Alene, ID 83814

Dear Mr. King:

Enclosed is a copy of your letter dated June 19, 1990, which I received with my APPLICATION OF PERMIT. This letter requests that I send a filing fee of \$25.00 which I did on June 21, 1990.

On June 26, 1990 I received a receipt for my payment of \$25.00 with a request for an additional \$5.00 (which is also enclosed) stating that my original payment was short by this amount and that no further action would be taken until the entire amount was collected.

I was unaware that this extra \$5.00 was required and ask that the enclosed check be credited and that my APPLICATION FOR PERMIT be processed as quickly as possible.

Your attention to this matter will be greatly appreciated.

Sincerely,

Shirley Brewer
Shirley Brewer
ph: 935-2270





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 19, 1990

Mr. William H. Brewer
Star Rt. Box 15 B-1
Kamiah, Id. 83536

Re: 84-7258

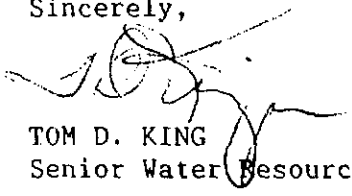
Dear Mr. Brewer:

Enclosed is an Application for Permit which I have prepared for you. Please review the application for any errors or omissions.

If everything is satisfactory, please sign the form on page 2 and return to this office with a filing fee of \$25.

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

Sincerely,


TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Appln.

RECEIVED
NOV 02 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director

June 21, 1990

Ms. Shirley W. Brewer
Star Rt. Box 15 B-1
Kamiah, Id. 83536

Re: 84-07258

Dear Ms. Brewer:

The Idaho Department of Water Resources acknowledges receipt of your Application For Permit To Appropriate the Public Waters Of The State Of Idaho, with your partial appropriation filing fee in the amount of \$25.00 for which your Receipt #N-003864 is enclosed. Since the filing fee is \$5.00 short we will of necessity take no further action on your application until we receive the entire fee.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

Tom D. King
Sr. Water Resource Agent

Enc: Receipt

MICROFILMED

NOV 02 1990