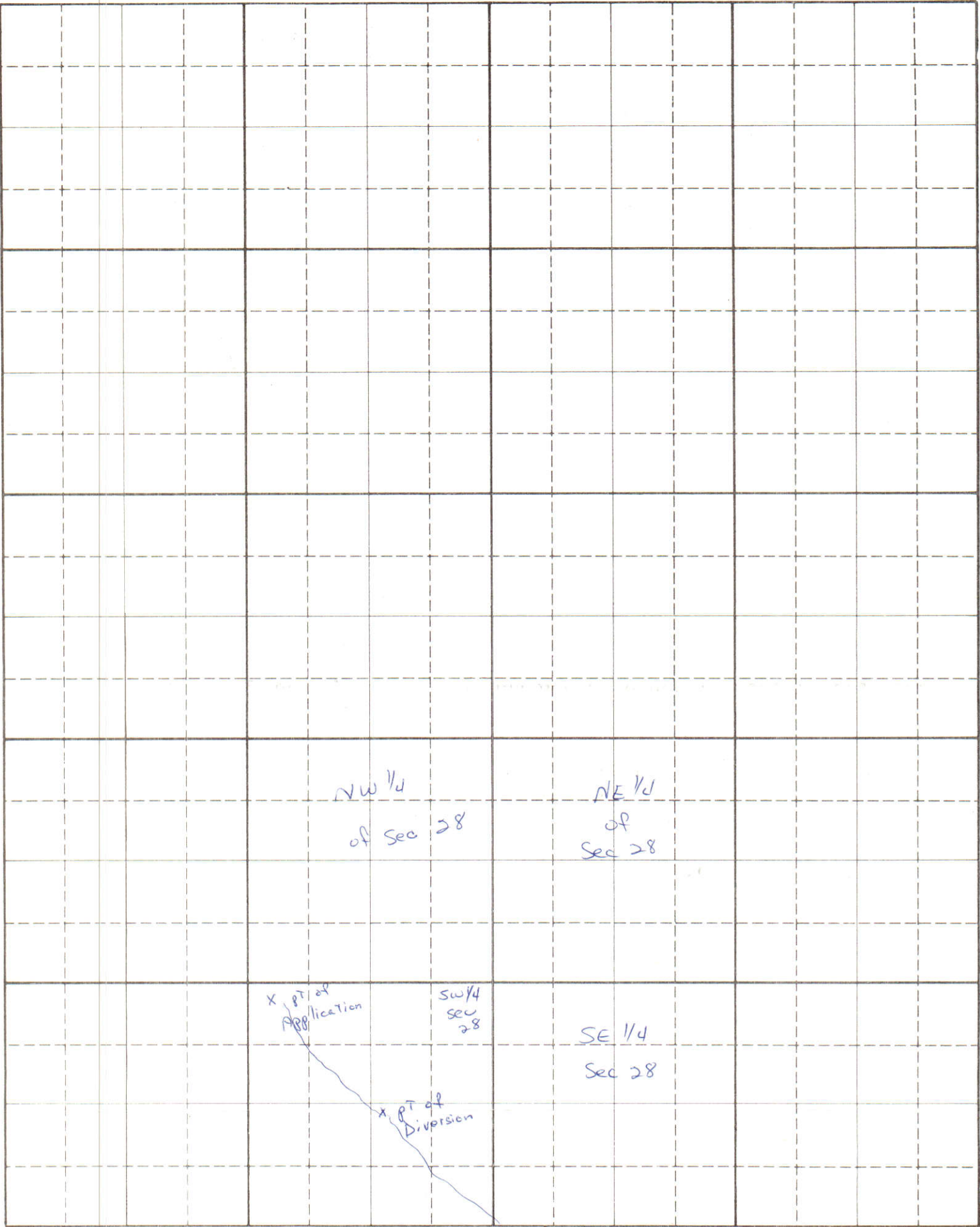


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 4 inches equal 1 mile T32N R4E BM

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.

Gilbert Mettstein
(Applicant)

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF IDAHO, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2 times, the first publication being on the 8 day of April, 1976, and the last publication on the 15 day of April, 1976; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

Subscribed and sworn to before me this 28th day of April, 1976.

J. S. Mader, Notary Public,

for the State of Idaho, residing at Cottonwood, Idaho.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gilbert and-or Edna Wettstein, Stites, Idaho have on March 29, 1976 submitted Application No. 82-7047 for a permit to appropriate 0.02 cubic feet per second of water from Anderson Creek, tributary of S. Fk. Clearwater River by means of collection box, pipeline, and reservoir within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M., Idaho County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before April 26, 1976.

R. KEITH HIGGINSON

Director

Published in the Cottonwood Chronicle, Cottonwood, Idaho on April 8 and April 15, 1976.

MICROFILMED

RECEIVED

APR 16 1976

Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

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R. KEITH HIGGINSON
Director

Published in the Idaho
County Free Press,
Grangeville, Idaho on April 7
and April 14, 1976.

A 7-14

.....Karen Clement..... being first duly

sworn, says he is the Office Manager.....
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which 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 7th..... day of April....., 1976.....,
and the last publication on the 14th..... day of
.....April..... 1976.....; and 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 more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Karen Clement

Subscribed and sworn to before me this 14th..... day
of April....., 1976.....

Marilyn J. Stolley

....., Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER PERMIT**

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R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on April 7 and April 14, 1976.

A 7-14

**NOTICE OF APPLICATION
FOR WATER PERMIT**

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If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before April 26, 1976.

R. KEITH HIGGINSON
Director

Published in the Cottonwood Chronicle, Cottonwood, Idaho on April 8 and April 15, 1976.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 82-7047 Priority March 29, 1976 Amount 0.02 cfs

THIS IS TO CERTIFY, that GILBERT &/OR EDNA WETTSTEIN
of Stites, Idaho, has complied with the terms and conditions of Permit
No. 82-7047 issued pursuant to Application for Permit dated March 29, 1976,
and has submitted proof to the Department of Water Resources on April 25, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from Anderson Creek,
tributary to South Fork of Clearwater Riv., and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

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

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, Twp. 32N,
Rge. 4E, B.M., in the County of Idaho

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
32N	4E	28									X								

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day
July, 19 79.

Deputy Director

Identification No. 82-7047

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Gilbert and/or Edna Wettstein Phone: 926-7119
post office address Stites, Idaho 83552
2. Source of water supply Anderson Creek which is a tributary of South Fork of Clear-
Water River
3. a. Location of point of diversion is *SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 32N
Range 4E B.M. Idaho County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Anderson Creek at a point in NW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 28 Township 32 N Range 4 E B.M. _____
4. Water will be used for the following purposes:
Amount **0.02 for domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. **0.02 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. an instream collection box (1'x1'x6")
with approximately a quarter mile of plastic pipe to transport
the water to a reservoir (6½'x6½'x4') to be used upon the
applicant's premises for either household or gardening and lawn
b. Height of storage ~~dam~~ reservoir 6 feet, active reservoir capacity .005 acre feet; total reservoir
capacity .005 acre feet, materials used in storage ~~reservoir~~ concrete reinforced
Period of year during which storage will occur Jan 1 to Dec 31 inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is **1 years.
b. Estimated construction cost is \$ 500.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 32 N
Range 4 E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

*OBTAINED FROM MAP

**Pursuant to telephone conversation with Mr. Michael P.
Wasko, Attorney for Applicants. 4-1-76. cp

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

[illegible]

Total number of acres to be irrigated. 11½

c. Describe any other water rights used for the same purposes as described above. a claimed constitutional (see filing) water right, from a spring approximately at the same point of diversion

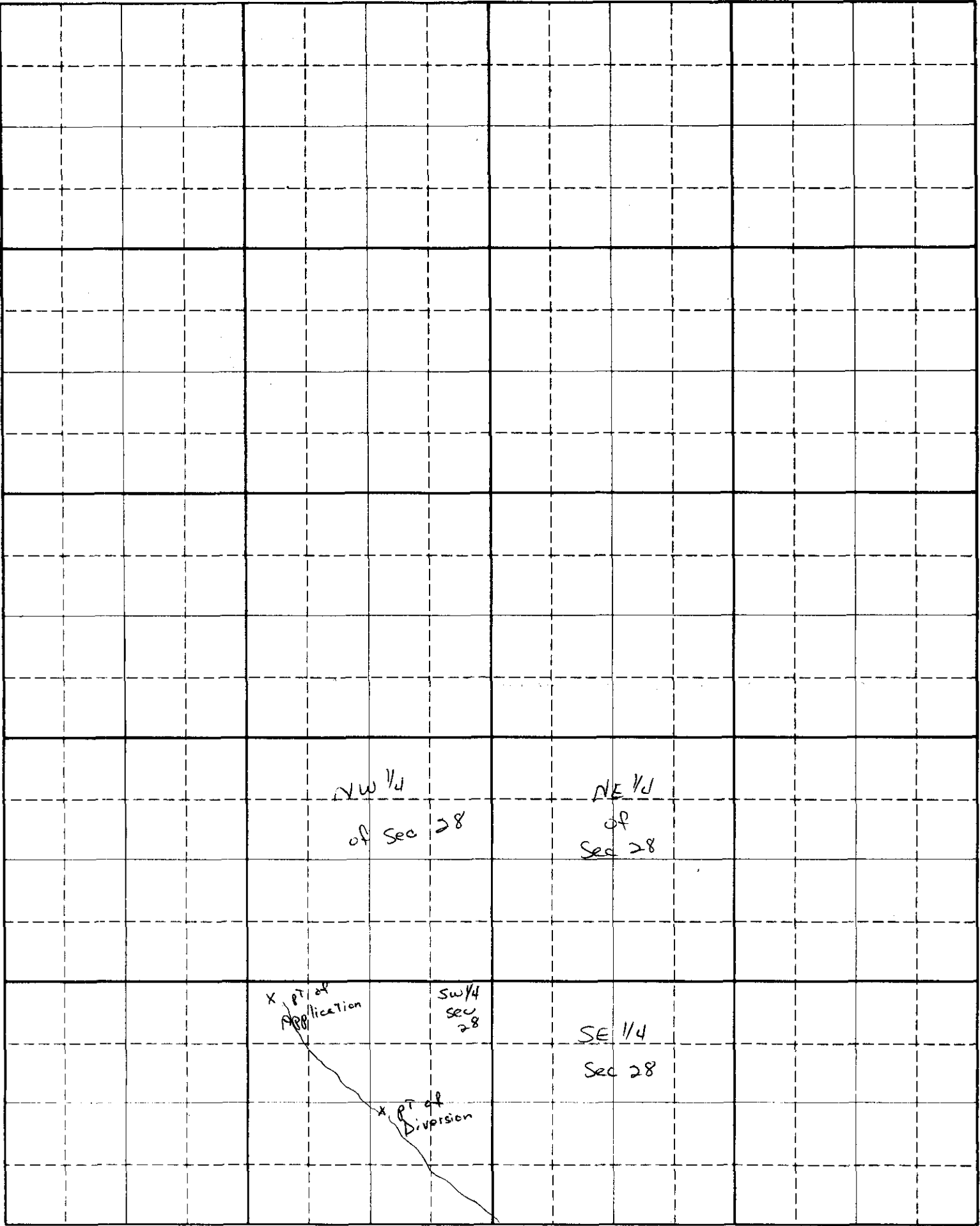
9. a. Who owns the property at the point of diversion ~~Charles and Mary Starkey~~ George Tinker ^{per letter 5/20/76}

b. Who owns the land to be irrigated or place of use Gilbert and Edna Wettstein

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing by a 1943 deed reserving a water right and easement in the grantor, from Elmer and Nertha Coder to B.K. Coder. The deed is recorded in Idaho County.

10. Remarks

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



Scale: 4 inches equal 1 mile T32N R4E BM

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.

Gilbert Mettstein
(Applicant)

Proposed Priority 3-29-76

Received by CP Date 3-29-76 Time 12:00 noon

Preliminary check by AK Fee \$ 10.00

Receipted by CP Date 3-30-76 (Rec. #3957)

Publication prepared by CP Date 4-2-76

Published in Cottonwood Chronicle & Idaho County Free Press

Publication dates 4-7 & 4-14-76

Publication approved CP Date 4-19-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DRT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 82-7047, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

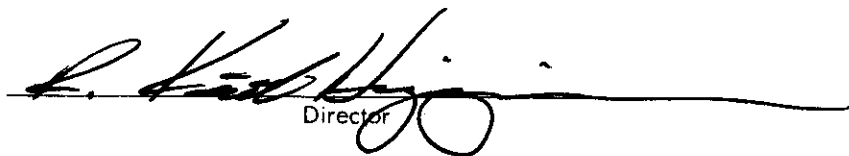
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1977.

c. Other: _____

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

Witness my hand this 10 day of May, 19 76.


Director

Manderson L. Miles
KNOWLTON AND MILES
312 - 17th Street
Lewiston, Idaho 83501
Telephone: 743-7211

RECEIVED

JUN 3 1976

Department of Water Resources
Northern District Office

*rejected not timely
filed
6-29-76*

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE) No. 82-7047
APPLICATION FOR WATER)
PERMIT OF GILBERT AND/OR) PETITION
EDNA WETTSTEIN.)

Comes now Charles B. Starkey and Mary E. Starkey, his wife, by and through their attorney, Manderson L. Miles, and petition the State of Idaho Department of Water Resources to allow the letter of protest dated the 16th day of April 1976, to be filed and accepted in the above-entitled matter upon the following grounds:

That the letter of protest was mailed on the 16th day of April 1976, at approximately 5:45 p.m., and the post mark upon the letter reflects that the post office received that envelope on April 16, 1976, and that due to the fault of the United States Postal Service, the letter was not received by the State of Idaho Department of Water Resources at Coeur d' Alene, Idaho, until the 1st day of June 1976.

That due to no fault of the protestors the letter of protest was not received by the State of Idaho Department of Water Resources until the 1st day of June 1976, and for the further reason that it would be a manifest injustice to require protestors to be held accountable without notice for the fault of the United States Postal Services.

WHEREFORE, petitioners pray for an order allowing that their letter of protest be filed and accepted.

DATED this 2nd day of June 1976.

KNOWLTON AND MILES
ATTORNEYS FOR PETITIONERS

BY

Manderson L. Miles
MANDERSON L. MILES

PETITION

MICROFILMED

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF IDAHO, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2 times, the first publication being on the 8 day of April, 1976, and the last publication on the 15 day of April, 1976; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

Subscribed and sworn to before me this 28th day
of April, 1976.

J. S. Mader, Notary Public,
for the State of Idaho, residing at Cottonwood, Idaho.

RECEIVED

APR 16 1976

Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

.....Karen Clement..... being first duly sworn, says he is the Office Manager..... of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which 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 7th..... day of April....., 1976, and the last publication on the 14th..... day of April..... 1976; and 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 more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Karen Clement

Subscribed and sworn to before me this 14th..... day of April....., 1976...

Marilyn J. Stolley....., Notary Public
for State of Idaho, residing at Grangeville, Idaho.

IDENT. NO. 82-7647

WATER RIGHT
DATA ENTRY LOG

[illegible]



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

July 26, 1979

Gilbert &/or Edna Wettstein
Sites,
ID 83552

Dear Mr. & Mrs. Wettstein:

RE: Water Right No. 82-7047

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

SECRET

TOTAL ACREAGE

DATE OF EXAM 2-16-78

ACREAGE

Found -0-
Recommended -0-

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q= 0.02 c.f.s. V= 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

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

Exchange? yes _____ no _____

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

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

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

Total Q measured None Method of measurement _____

Total Q recommended 0.02 Meter No. _____ Type _____ Condition _____

Total V recommended 1.2 AF/Ann

Recommended Amendments:

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

MEASUREMENT CALCULATION:

One hour test @ 0.02 c.f.s. & 1.2 AF/Ann

SYSTEM DESCRIPTION:

Spring developed w/ approx 8" sg wooden collection box, gravity flow pipe line, to place at use. Spring faces surface for owners property, but is not used at 2nd point.

REMARKS:

Spring located on Tinker property. Easement may be in existence.
There has been a history of conflict concerning this water supply. It appears to have been through courts however outcome is unknown.

Examiner's Signature J. D. King Date 2-13-78

Checked by Beck Haynes Date 2-16-78

Approved by _____ Date _____

RECEIVED

DEC 26 1978

Department of Water Resources
Northern District Office

to file
ok
JB

December 27, 1978

Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: 82-7047

Gentlemen:

This letter is to inform you that Item No. 9-A of the above-referenced application is incorrect.

The owners of the property at the point of diversion are George and Nellie Tinker.

Sincerely, *Gilbert Wettstein*

Gilbert Wettstein
Stites, Idaho 83552

pms

RECEIVED

May 20, 1977

Re: Permit No. 82-7047

Gilbert &/or Edna Wettstein
Star Route, Box 211
Stites, Idaho 83552

Dear Mr. & Mrs. Wettstein:

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

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

If you have any questions regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights

MICROFILMED

Identification No. _____

Permit No. _____

RECEIVED
APR 13 1977
OKJ
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Gilbert and/or Edna Wettstein
b) Post Office Address Star Route, Stites, Idaho 83552 Box 211
2. Permit Number 82-7047
3. Date of Priority that you are prepared to establish Feb 1, 1973, also natural flow to our residence
4. a) Source from which water was appropriated Anderson Creek
b) Location of the point of diversion: S.E. 1/4 S.W. 1/4, Section 28, T32N R4E, B1M
Township 32 N, Range 4E B1M Boise Meridian, Other points of diversion: none
water at this point goes under ground and comes out by our residence and has always been used by this residence
5. a) The amount of water and use to which the water has been applied:
Amount 0.02 for domestic purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.02 less when flow is not sufficient cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: flow is only about 1 gal per minute in a dry summer
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) installing collection box in run off creek not flowing creek, and 1500 ft plastic pipe to reservoir 4 1/2 x 6 1/2 x 4

b) Describe the type and size of measuring device which you have installed at your point of diversion:
This water is from a very small spring and takes a day to fill reservoir during summer months and is not sufficient in a dry year

c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
used for household, garden, fruit trees and lawn in N.W. 1/4 of S.W. 1/4 section 28 township 32 N R. 4E B1M

MICROFILMED

5/10/77 f

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: *On the application for a permit Michael Waspo stated the direction point was on Charles B. & Mary Starkey property it is on a county right of way on George Timber property this was a mistake.*

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

4-22-77
 (Date)

Gilbert Wettstein
 (Signature)

State of Iaho)
 County of Iaho) ss.

On this 22 day of April, 19 77, personally appeared before me the signer ~~(s)~~ of the above instrument, who duly acknowledged to me that he ~~(she)~~ ~~(they)~~ executed the same.

[Signature]
 Notary Public residing at Kenneth

My commission expires 8-25-77

April 1, 1977

CERTIFIED MAIL

138530

Re: Permit No. 82-7047

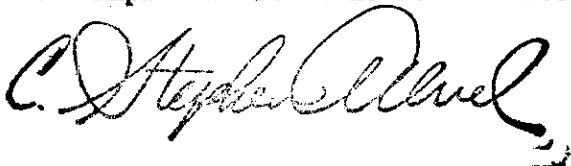
Gilbert &/or Edna Wettstein
Stites,
Idaho 83552

Dear Mr. & Mrs. Wettstein:

One of the conditions of approval of your water Permit No. 82-7047 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

cc: Michael P. Wasko, Attorney

Knutson Bldg.
102 Arce, ID 83542

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

June 29, 1976

Re: Permit No. 82-7047

Mr. Manderson L. Miles
KNOWLTON AND MILES
312 Seventeenth Street
Lewiston, Idaho 83501

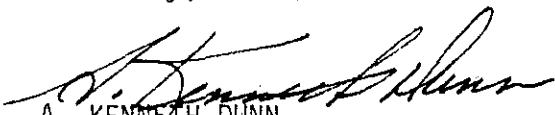
Dear Mr. Miles:

Your petition for consideration of a protest filed by Charles B. Starkey and Mary E. Starkey against the approval of application for water permit no. 82-7047 in the name of Gilbert &/or Edna Wettstein has been received and reviewed.

Section 42-203, Idaho Code, is very specific in requiring the notice to be filed with the Department within 10 days of the last date of publication, which in this instance was April 26, 1976. Therefore, this protest must be rejected as not being timely filed.

The permit was issued this May 10th with the condition that it is subject to "all prior water rights" and the permit holder must submit proof of construction of works and application of water to beneficial use on or before June 1, 1977.

Sincerely,


A. KENNETH DUNN
Administrator, Operations Division

AKD/BDF/jfr

MICROFILMED

Law Offices
OF

KNOWLTON AND MILES

312 SEVENTEENTH STREET
LEWISTON, IDAHO 83501

AREA CODE 208
743-7211

OWEN L. KNOWLTON

RECEIVED

JUN 3 1976

Department of Water Resources
Northern District Office
MANDERSON L. MILES

June 2, 1976

Mr. R. Keith Higginson, Director
Idaho Department of Water Resources
4055 Government Way
Coeur d' Alene ID 83814

Dear Mr. Higginson:

Re: Notice of Application for Water Permit
Application No. 82-7047 (Gilbert & Edna
Wettstein)

Enclosed in the above matter is a Petition for
filing.

Yours very truly,

KNOWLTON AND MILES

Manderson L. Miles

Manderson L. Miles

ca
enc. (1)

MICROFILMED

Protest

June 3, 1976

Re: Permit No. 82-7047 - Gilbert and Edna Wettstein

Mr. Manderson L. Miles
KNOWLTON AND MILES
312 Seventeenth Street
Lewiston, ID 83501

Dear Mr. Miles:

This is to acknowledge receipt of the protest against issuance of a permit pursuant to the above referenced item. Your correspondence and Petition have been forwarded to our Boise Office. They will take action in this matter and notify you when a decision has been made.

As stated, I am enclosing a copy of the envelope in which the letter of protest was received so that you will have record of the postmark.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH: cp

Enclosure

MICROFILMED

Law Offices
OF
KNOWLTON AND MILES
312 SEVENTEENTH STREET
LEWISTON, IDAHO 83501
AREA CODE 208
743-7211

OWEN L. KNOWLTON

MANDERSON L. MILES

April 16, 1976

Mr. R. Keith Higginson, Director
Idaho Department of Water Resources
4055 Government Way
Coeur d' Alene, Idaho

RECEIVED
JUN 1 1976
Department of Water Resources
Northern District Office

Dear Mr. Higginson:

Re: Notice of Application for Water Permit
Application No. 82-7047 (Gilbert & Edna Wettstein)

We are attorneys for Charles and Mary Starkey
of Stites, Idaho, and we are hereby filing a protest
against the granting of the above-described permit.

The reasons for our protest are: (1) The
proposed use is such that it will reduce the quantity of
water under an existing water right of Charles and Mary
Starkey; (2) The water supply itself is insufficient for
the purpose for which it is sought to be appropriated.

Please forward all correspondence and information
concerning this matter to this office directly.

Yours very truly,

KNOWLTON AND MILES

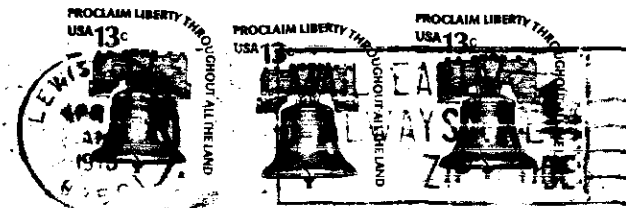
Manderson L. Miles
Manderson L. Miles

MLM:ca

RECEIVED

KNOWLTON & MILES
ATTORNEYS AT LAW
312 SEVENTEENTH STREET
LEWISTON, IDAHO 83501

—
—
—



Mr. R. Keith Higginson, Director
Idaho Department of Water Resources
4055 Government Way
Coeur d' Alene ID 83814

KNOWLTON & MILES
ATTORNEYS AT LAW
SEVENTEENTH STREET
LEWISTON, IDAHO 83501



RETURN RECEIPT REQUESTED

CERTIFIED



Mr. R. Keith Higginson, Director
Idaho Department of Water Resources
4055 Government Way
Coeur d' Alene ID 83814

MICROFILMED

June 4, 1976

Mr. Michael P. Wasko
Rapaich and Knutson
Knutson Building
Nezperce, Idaho 83543

RE: Gilbert and Edna Wettstein
Application for Permit

Dear Mr. Wasko:

Please refer to your letter of May 20th in which you advised there was an error in the application, Item 9a.

We have changed the application to read that the owner in 9a is George Tinker rather than Charles Starkey.

Thank you for the information.

Sincerely,

Marcia L. Brown
Records Supervisor

mlb

MICROFILMED

COTTONWOOD OFFICE
KUTHER BUILDING
962-3351

ELI RAPAICH
LOREN KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
Knutson Building
NEZPERCE, IDAHO 83543
937-2409

LEWISTON OFFICE
SUITE 2, PORTER BUILDING
622 MAIN BUILDING
743-9496

May 20, 1976

File
Robert G. Haynes
Water Resources Dept.
State of Idaho
Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814

Attention: Robert G. Haynes, P.E.

Dear Mr. Haynes:

82-7047
RE: Gilbert and Edna Wettstein
Application for Permit

This morning Gilbert Wettstein called me and said that there was an error in the application.

In item 9(a) the owner should be listed as George Tinker rather than Charles Starkey.

If there are any questions, please let us know.
Thank you for your assistance.

Very truly yours,

RAPAICH & KNUTSON



Michael P. Wasko
Attorney at Law

MPW/dd
CC: Gilbert Wettstein

RECEIVED

MAY 24 1976

Department of Water Resources
Northern District Office

NOTED

May 11, 1976

Re: Permit No. 82-7047

Gilbert &/or Edna Wettstein
Stites, ID 83552

Dear Mr. and Mrs. Wettstein:

Enclosed is a copy of your approved Application for Permit No. 82-7047. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. <u>22-7047 Gilbert d/or Edna Wettstein</u>
			☒ Source
			☒ Point of Diversion
			☒ County
			☐ Quantity of Water and Period of Use
			☒ Description of Diverting Works
			☒ Time required for B/U of water
			☒ Place of Use or Acres Irrigated
			☒ Map
			☒ Signature
			☒ Fee
(1)			In form to receipt
(2)			Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(3)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☐ Request Information from Applicant
(4)			In form for advertising
(5)			Platted on Map No. _____
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: _____ Declining, _____ Stable, _____ Increasing (comment) _____
(9)			Other rights on the same place of use
(10)			Comments: _____
(11)	<u>CP</u>	<u>4/19</u>	Affidavit of Publication received (date) <u>April 16, 1976</u>
(12)	<u>CP</u>	<u>4/2</u>	Final date for protests <u>April 20, 1976</u> Protests received: yes _____ no ☒
(13)			All requested information received from agencies or applicant: yes ☒ no _____
(14)			Action recommended: ☒ Approve _____ Deny _____ _____ Proposed Priority <u>3-29-76</u> _____ Reason for Reduction _____ _____ Measuring device required _____ ~~Supplemental~~ ~~Essence~~ _____ See attached sheet for other conditions of approval ☒ No special conditions for approval
(15)	District <u>Northern</u>	By <u>Bob Haynes</u>	Date <u>4-27-76</u>



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 2, 1976

Re: Application No. 82-7047 - Gilbert &/or Edna Wettstein
Claim No. 82-4027 - " " " "

Cottonwood Chronicle
Box 157
Cottonwood, ID 83522

Gentlemen:

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

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

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

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

COEUR D'ALENE, IDAHO 83814

NORTHERN DISTRICT

Route 5, Box 203 - Suite #1

4055 Government Way

(208) 667-6484

April 2, 1976

Re: Application No. 82-7047 Claim No. 82-4027
" " 85-7121 " " 82-4028

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

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

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

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

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH:CP

Enc: Legal Notice(s)

Bill: 4-19-76.4

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gilbert and/or Edna Wettstein,
Stites, Idaho

~~have~~ on March 29, 1976 submitted Application No. 82-7047
for a permit to appropriate 0.02 cubic feet per second ~~xxxxxx feet per second~~
of water from Anderson Creek, tributary of S. Fk. Clearwater River
by means of collection box, pipeline, and reservoir
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M., Idaho County

to be used from Jan. 1 to Dec. 31

for domestic purposes

within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before April 26, 1976.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho and
the Cottonwood Chronicle, Cottonwood, Idaho

on April 7 and April 14, 1976

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that

Gilbert and/or Edna Wett-
stein, Stiles, Idaho have on
March 29, 1976 submitted
Application No. 82-7047 for a
permit to appropriate 0.02
cubic feet per second of
water from Anderson Creek,
tributary of S. Fk. Clear-
water River by means of
collection box, pipeline, and
reservoir within the

SE 1/4 SW 1/4, Sec. 28, T. 32N, R.
4E, B.M., Idaho County to be
used from Jan. 1 to Dec. 31
for domestic purposes within
the NW 1/4 SW 1/4, Sec. 28, T.

32N, R. 4E, B.M.

If issued, this permit will

be subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho
Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho
83814, on or before April 26,
1976.

R. KEITH HIGGINSON

Director

Published in the Cot-
tonwood Chronicle, Cot-
tonwood, Idaho on April 8
and April 15, 1976.

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given

that Gilbert and/or Edna
Wettstein have
on March 29, 1976 submitted
Application No. 82-7047 for a
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cubic feet per second of
water from Anderson Creek,
tributary of S. Fk. Clear-
water River by means of
collection box, pipeline, and
reservoir within the
SE 1/4 SW 1/4, Sec. 28, T.
32N, R. 4E, B.M., Idaho
County to be used from Jan.
1 to Dec. 31 for domestic
purposes within the NW 1/4
SW 1/4, Sec. 28, T. 32N, R.
4E, B.M.

If issued, this permit will
be subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho
Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho
83814, on or before April 26,
1976.

R. KEITH HIGGINSON

Director

Published in the Idaho
Cottonwood Chronicle, Cot-
tonwood, Idaho on April 7
and April 15, 1976.

A-7-14