

Roda, Evan

From: John H <hawljo@gmail.com>
Sent: Thursday, February 8, 2024 4:35 PM
To: Roda, Evan
Subject: Attn: Evan Roda, Claim 97-7102 and 97-9078, Case 69576R for RP58N04W205401A
Attachments: RP58N04W205401 1994.pdf; RP58N04W205401A SUMMARY.pdf;
RP58N04W205401.pdf; Online Claims domestic use 97-9078 (1443) full form.pdf;
97-07102 Water Right Backfile 97-7102.pdf; Bonner County records- Deed Earle to
Hawley.pdf; Amended Notice of Claim to a Water Right 97-7102.pdf; 449 Cat Road
Assessment inventory 2016.pdf

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2-3-24

Idaho Department of Water Resources
Senior Water Supervisor,
Evan Roda,

Thank you for extending our reply time. Sorry we did not get this to you sooner. As Karen explained, we had some hardships that were unavoidable including a house fire and a car wreck with injuries. Unfortunately the fire destroyed some of our records, but we have been working diligently to gather the information that you requested, regarding adjudication of claims 1426 no. 07-7102 and 1443 no. 97-9087.

The purpose of this letter is to provide you with that information, and to seek guidance on how best to proceed.

Last we spoke 1/26/24, the plan was to amend 97-7102 to reflect the original elements of the license. That's done. The Amendment Notice of Claim to Water Right Acquired Under State Law is signed and attached below. License 97-7102 is in Dan Zebell's name. We own the property now and acquired his water rights with it. Do we need to submit a change of ownership form 42-1409-6 or is our notice of claim to adjudicate 97-7102 sufficient to update ownership?

We are proceeding with our notice of claim 1443, 97-9078, Beneficial Use Water Rights in 4 cabins. However, your letter states that before you will recommend this water right claim, "sufficient evidence to verify the extent of beneficial use of this water source for domestic purposes within the claimed place of use, beginning on or before the priority date claimed " will be required. We have some questions about that.

I don't recall if we submitted form 42-1409-1, Notice of Claim to a "Water Right Acquired Under State Law," or 42-1409-2, "Notice of Claim to a Water Right Acquired Under State Law for Small

Domestic and/or Stockwater purposes where daily use is less than 13,000 GPD." I am presuming that we submitted form 42-1409-1 or that the online application did for us, because IDWR is requesting additional evidence of the priority date, among other things?

IDWR publication "Evidence of Priority" states that "some claimits in the Adjudication will be required to submit additional evidence of the priority date of the water right if: 1) The claim is based on beneficial use AND 2) The claim is NOT a Small Domestic and Stockwater claim." In other words, the claim itself, being an affidavit is sufficient evidence, if it is a Beneficial Use Water Right claim, and it is a Small Domestic Stockwater claim and it is for Domestic Use, and it is less than 13,000 GPD. We have 4 such claims in 1443 97-9078 that are not based on license, decree or permit. We are curious why additional evidence is required? This seems to contradict IDWR policy.

Under the provisions of Section 42-243, Idaho Code, any person using or claiming water rights, established by diversion and application of water to a beneficial use must file a claim with the IDWR. However, it is my understanding that the use of water for Domestic purposes, as defined in 42-111, Idaho Code, is expressly exempted from this requirement. Please clarify.

Currently, it appears that IDWR is prepared to recommend that the court decree claim 97-7102 with all the elements of the approved license. Thank you. In addition, your letter states, if no other evidence is submitted, IDWR will recommend the court decree claim 97-9078 for one domestic use. Thank you again. Curious though, if there is sufficient evidence in our Notice of Claim to recommend one Domestic Use Water Right, why is there insufficient evidence to recommend four? Is this due to a limitation on the extent of that Domestic Use per 42-111 or perhaps a limitation of one water right decree per claim form, when filing a Beneficial Use Water Right claim of Domestic use? If this is the case, shouldn't we submit 4 beneficial use water right claims, on four separate claim forms, rather than spending hundreds of hours of histological research to "prove" Use dates, Priority dates, water quantity amounts, and locations of Use, on 4 houses that already have lawfully established "Constitutional Water Rights?" Perhaps, it would be more proper, prudent and efficient, if we just submit 4 claim forms, one for each domestic use? In this way our water rights wouldn't be withheld or diminished, but apparently the burden of proof on the filing requirements would. Please clarify.

Per our last conversation, we have attached the Bonner County Assessor inventory of improvements for our property. This provides evidence of construction dates and thus the inferred Beneficial Use and Priority dates.

The Assessor currently lists 4 improvements on our 65 acres, known as 449 Cat Road in Priest River ID T58-R4W-S20. The assessment also describes plumbing (kitchen sink, bathroom, hot water heat etc). According to Bonner County, these 4 improvements were constructed in 1965, 1970, 1975, and 1985. Three of these improvements (D, 01, 02) are dwellings, the fourth (03) is a barn.

There are other buildings that are not listed. One of those is a dwelling that was damaged by a heavy snow load and was subsequently removed from this list.

The current Bonner County assessor's list of improvements are:

- 1) D- Dwelling built in 1965, (Log cabin pictured in the assessment on W2E2SWSW)
- 2) 01- Pole Building built in 1970, (A dwelling adjacent to D-Dwelling on W2E2SWSW)
- 3) 02- Cabin built in 1975, (Guest house on NWSWSW)
- 4) 03- Pole building built in 1985. (This is a garage / pole barn on N2SWSWSW)

Based on IDWR codes, the Bonner County assessor's information and our first and second hand knowledge, it appears that we have four dwellings with Beneficial Use Water Rights that should be decreed in adjudication.

These are:

- 1) Improvement D- Dwelling 1965 on W2E2SWSW.
- 2) Improvement 01- Pole building built in 1970. A pole- log cabin/dwelling on W2E2SWSW.
- 3) Improvement 02- Cabin built in 1975, with water appropriation of 10/1/1970 on NWSWSW.
- 4) A dwelling that was removed from the improvement list in 1995 that was likely built in the late 1960's. This was Dan Zebells' primary dwelling located on NWSWSW.

Based on the Assessors' records, two of these dwellings were built before May 20, 1971.

Adjudication Memo 23 states that: "The priority date of a water right established by diversion and application to beneficial use is the date water is put to beneficial use. Incremental development of beneficial use water rights require separate priority dates for each development period. Beneficial use rights do not start with the commencement of development; they start when development is completed and water is put to beneficial use." We have 4 different developments with 4 beneficial use dates. The Assessor provides sound evidence of construction completion dates, and therefore the surface water appropriation, diversion, Beneficial Use and Priority dates are 1/1/1965 and 1/1/1970 for these two dwellings. The extent of the use, is the amount prescribed and allotted in 42-111 as Domestic Use. This and our testimony should be sufficient evidence to recommend the court decree claim 97-9078 for these two Domestic Uses.

Our other two dwellings have appropriation and priority use dates that are a bit more obscure, because the Assessor's construction dates for these are 1975 and unlisted. However, sufficient evidence exists, including our first and second hand knowledge of more than 50-years, that these dwellings used appropriated water from the unnamed stream before 5/20/1971 and that the water was put to beneficial use in a time and manner that legally established "Constitutional Water Rights." We also believe that all four of these legally created Beneficial Use Water Rights appurtenant to our four cabins should be recommended for court decree via Adjudication based on the sufficient evidence provided thus far, which includes our testimony to the same.

However, you requested more information so we will attempt to provide that.

According to the Assessor valuation summary, Dan Zebell's log cabin was "destroyed" in 1995 and then removed from the improvement list. Though this house was damaged, the Domestic Beneficial Use Water Right use never stopped and continues today. The water is used for Domestic purposes to the extent allowed in 42-111. This house had all the modern conveniences, including a functional bathroom. It was Dan's primary house located on the NWSWSW parcel. Building permits were not required at the time of construction, so there are no public records in Bonner County that I can find to validate the construction date. However, we believe it to be one of the first cabins constructed on the property in the mid to late 60's. We have documents, aerial and ground photos of this house, at various times, from various sources, and we have first and second hand knowledge that further validates its age and water use. For example: At the end of our driveway, there are historic government issued topo maps from the US Forest Service and USGS that show three structures in the N2SWSWSW / NWSWSW Section 20. These 1967 topos were revised with aerial imagery in 1996 and 2012. The buildings shown in these maps are in the approximate location of Dan's buildings, including this unlisted log cabin. Dan and his girlfriend Dale, lived in it year round. Our plan is to repair or rebuild it.

This cabin would have been seen/observed by the IDWR field investigators in 1977 and 1981 because it was located in-between the pond and irrigated garden that they were inspecting, and because the pond and garden were domestic recreational uses, likely subordinate to this dwelling. Two Places Of Use (POU) are drawn on page 16 of the 97-7102 report. One appears to be the irrigated 1-acre farm/garden, the other is the pond. There are also two Points Of Diversions (POD) drawn as x and noted as "(2-points) SWSW." Tom King describes the diversion as an 8x6 diversion ditch to the 125x100x10 .96AF pond and a pump that was moved to various points along the stream. For some reason, he only describes one POU location as T58N-R4W-S20 SW1/4 SW14 for 1/2 acre code x on the location chart. Not sure, but I think code x = Other, not Domestic, Stockeater, M,C,I, Recreation, or H fish propagation etc, which seems odd to me. Why not D or S as licensed? Perhaps the other POU that was not given a location was the preexisting diversion for the dwellings, or perhaps it was for the pump he described which also diverted water to the dwellings, or perhaps it was the irrigated garden or pond? This cabin could not have been missed, yet I don't see that on the report either. The real question is, why isn't his house listed as a POU on the 97-7102 report? Dan's application requested .04 CFS for Domestic Use and 0.08 CFS total, for all uses but his license was approved with only .04 CFS and Domestic Use was removed.

The beneficial use described on the license 97-7102 is Diversion to Storage, Recreation Storage, Stockwater and Irrigation for 1-acre with 2 divisions. Perhaps Domestic Use was not approved because this water right already existed as a "Beneficial Use Water Right" that was not yet decreed. In an Aug 15, 1977 interdepartmental memo, Tom King, senior water resource agent reviewing Dan's permit application, describes his 8/17/1977 tour of the property, and the water system development for 97-7102. He noted the new in-stream pond, two other ponds, a swamp, several springs and found that the unnamed stream sinks on the property irrespective of the new pond. He estimated the total flow of the unnamed stream to be 0.5 CFS (228-gpm). That is a lot of water. Significantly more than it is today, and significantly more than I have seen. It also contradicts Dan's claim that the creek flow was only 0.5-gpm at the pond diversion and 5-gpm 100

feet upstream from it. Perhaps Tom meant .5 GPM? In any event he did not mention the existing system for the existing cabins, either because he did not see it or because it was unrelated/irrelevant to the inspection that he was conducting.

It appears that Tom King conducted a second field examination Sep 14 1981 to verify completion of the new diversion system development of Beneficial Use. Dan's application for permit was for Diversion to Storage, Domestic Use, Storage for Recreation, Stockwater, 1/2 acre Irrigation and Aquatic Fish Culture, totaling 0.08 CFS. IDWR approved Diversion to Storage, Storage for Reaction, Stockwater and Irrigation for 1 acre at .04 CFS and 2.7 AFA. That seems odd to me. Before Dan applied for this permit, water was diverted from a small dam on the same unnamed creek and beneficially used domestically in 4 dwellings. These "small domestic uses" were exempt from the 1978 statutory reporting requirement. That legislation was being considered when Dan applied, and it passed during his licence approval process. The 1978 law requiring the reporting of existing Beneficial Use Water Rights expressly excluded a requirement for reporting small 42-111 domestic use rights, like Dan's. This might explain why Domestic use was indicated on his application but did not end up on his license? Dan had lawfully established Domestic Beneficial Use Water Rights when he submitted "application for permit" in 1977. The legal purpose for the "application for permit" form that he was told to use by IDWR, is exclusively used for the establishment of new water rights. It cannot adjudicate and decree pre-existing water rights. To do that, Dan needed to submit a "notice of claim." But he did not know that. Unfortunately, Dan's "application for permit" could not have been licensed with, nor decreed rights for, his existing Constitutional Water Rights, though it appears he tried. I see no other rational explanation as to why Dan applied for and IDWR denied his request for Domestic Use, which he already had. Water use in Idaho is a constitutional right that is not withheld without good reason, like the right already exists.

Before 5/20/71 a water right was created by simply diverting surface water to a beneficial use. The Priority date is the date the water is put to Beneficial Use. Dan was not opposed to the permit process. He submitted an application for permit (97-7102) and invited Tom to tour the property in 1977. Domestic uses were exempt from the reporting requirements in the statute passed in 1978. Perhaps Dan knew that his preexisting system provided legally established Domestic Beneficial Use Water Rights and as such they were exempt from new permit and reporting requirements and that there was no reason to acquire new rights for this purpose? What other reason would he have for not including all four cabins in his 97-7102 application for permit? This would have been the perfect time to get water rights if he did not already have them. The only rational conclusion is that these cabins already had lawfully appropriated "Constitutional Water Rights" and there was no need for a "new water right" to serve the 4 cabins. That means, even if Dan tried to include one or all of the existing Beneficial Use Water Rights to be adjudicated by court decree in his 97-7102 Application/Permit/License process, that would have been rejected because this process and form was exclusively for new water rights. It appears, despite this, Dan attempted to include his primary dwelling's water rights in his new permit to obtain a court decree or license for the same and was denied because this was not the correct venue for it. It would also appear that those investigating this matter, understood that Dan had pre-existing Beneficial Use Water Rights for

the dwellings which was the reason for the denial of new domestic water rights. As such this further provides evidence that this cabin and its water rights existed before 5/20/1971. All of this speaks to the age and existence of these cabins and their water rights. Furthermore, even if this Domestic Use was added after 5/20/71, which is very unlikely and opposed to the evidence otherwise, it appears that 42-1426 allows for the lawful enlargement of the existing Use and referral to the court for decree via adjudication.

The extent of the use for this dwelling is the amount prescribed and allotted in 42-111 Domestic Use (.04 CFS up to 13,000 GPD). We don't know the exact date of construction or beneficial use. Based on all the evidence that we found thus far and our recollection of the facts, we believe this cabin was built before the 5/20/1971 restrictions went into effect and that it was likely built in the late 60's. Therefore, a reasonable Diversion, Beneficial Use and Priority date is 1/1/1967.

Improvement 02- cabin 1975 is Dan's guest house. It is located on the NWSWSW parcel near his primary dwelling. Evidence suggests that construction of this cabin likely began before 5/20/1971. The Earles' and Dan's father Dick Zebell were friends. They visited the property regularly and utilized this dwelling among others. Construction in these remote places often takes years to complete due to the harsh weather, limited supplies, limited manpower, limited finances, access, adverse wildlife, and short building seasons. It is reasonable to conclude that water appropriation began before construction started, because water access plays a key role in determining if a house can be built and then determining where it will be built. Water development is typically the first task of development. Before May 20, 1971 permits were not required for surface water appropriation, which is the most likely explanation why permits were not sought. The process of creating a water right was to divert water and use it for a beneficial purpose. When this water appropriation precedes 5/20/71, Adjudication Memorandum #23 allows 5 years due diligence to put the appropriation to beneficial use. "Priority date of such a right is the date the appropriation was completed." "There may be claims based on beneficial use with priority dates after the effective date of the permit requirement." That means a claim of beneficial use water right can be referred and decreed with a priority date of 5/20/1976, and in some cases later than that. According to the Assessor information, this cabin was constructed 1/1/75. That means the Beneficial Use date is 1/1/1975. And because construction can take 4-5 years to complete, it is reasonable to conclude that appropriation and diversion began 10/1/1970. In this scenario, the appropriation date is before 5/20/71. The priority date is the beneficial use date of 1/1/1975. This is a more plausible and rational explanation, that is consistent with the facts, laws and our recollection, than the theory that appropriation happened after 5/20/71 without a water permit. That makes no sense whatsoever. Why wait until after 5/20/71 and then have to pay a fee and subject yourself unnecessarily to the tedious permit process? The water was readily available and free for the taking. Three other domestic diversions were already in use. Connecting a fourth before construction and before the proposed change in law would have been easy and free and the logical rational thing to do. Furthermore, even if this Domestic Use was added in 1975, which is less likely, it appears that 42-1426 allows for the enlargement of the existing Use. To the best of our knowledge this is a lawfully appropriated Beneficial Use Water Right that has existed as long as we can recall and it continues today. As such it should be

referred to the court for decree. The extent of the use for this dwelling is the amount prescribed and allotted in 42-111 Domestic Use (.04 CFS up to 13,000 GPD) with a Priority date of 1/1/75.

Wendell and Lorraine Earle were friends with the Zebells and acquaintances with the Heidekkers. They began vacationing at the property in 1972. Subsequently they purchased a new 1973 Chevy Suburban to travel there. We currently own it. Jani, Karen's older sister, remembers their first trip to the property in 1972. At that time, the unnamed stream provided water to the dwellings. Wendell bragged about the spring water and the fact that they would drink it from the creek. After Wendell purchased the property, he and Dan had an ongoing business friendship. That arrangement allowed Dan to continue to occupy "his cabins" and in exchange he became a caretaker of Wendell's property. That arrangement continued until Dan died in 2010. We got to know Dan well. He told us about all the various aspects of this property, including water rights and usage.

Dan and Larry were friends, neighbors and business partners. They shared water and other resources. Each had two dwellings located on separate parcels. Unfortunately, Dan and Larry have passed away, so we can't get an affidavit from them. Likewise, Wendell and Lorraine are both deceased, so we can't get a statement from them either. Robert Brody, another previous owner, who was also a developer, is deceased. I believe Pack River Properties was dissolved. Most of the people with first hand knowledge of this property, before 1972, are gone. However, my wife, her sister, and I have more than 50 years of first and second hand knowledge. In addition, we have access to Wendell's property records, which are plentiful.

Our 65 acres consists of 25 acres on 3-parcels in SWSW and 40 acres on 1-parcel in NWSW. The 25 acres are divided into 1(5-acre parcel) and 2(10-acre parcels). Wendell and Lorraine Earle purchased all of this property in multiple installments at different times from various people, including Dan Zebell, Lawrence Heidekker, Stephen Wagner and Robert Brody.. Dan and Larry owned 1/2 interests in the property. Their cabins and water usages were on separate parcels. This is relevant because it is my understanding that water rights attach to parcels and uses. In this case we have 4 beneficial use water rights on 2 parcels attached to 4 houses. I believe Dan acquired the entire 65 acres from Pack River Properties. The assessment record shows that Pack River acquired it from the US Government, Dec 31, 1899. Pack River Properties was a timber company. They likely appropriated significant amounts of water on this property, for the beneficial use of Forest Practices, dating back to 12/31/1899. Based on this perhaps our Forest Practice Use should have a Priority of 1899?

This land is currently known as RP58N04W205401. It is owned by my wife Karen Hawley. Her parents, Wendell and Lorraine Earle, used the property for Forest Practice, livestock, poultry, agricultural and Domestic Purposes, including recreation, as did the previous owners. Wendell and Lorraine placed the property in trust in 2007 (deed 743063). Karen took possession of it in 2021 (deed 984879).

The water on this property has long been used for forest practice and timber management (permit 92813E), farming, agricultural irrigation, stock water and domestic uses for dwellings including garden/yard irrigation and recreation. Abundant evidence of this remains on the property. For example, tree stumps from logging and timber management, remnants of barbed wire fencing for livestock management are embedded deep into the trees throughout the forest. Remains of old logging equipment, irrigation, agricultural, and farming equipment exist on the property as well. And of course, multiple dwellings and outbuildings are a witness to their long established domestic uses. All these testify to the historic and beneficial uses for appropriated waters on this property. The historic tax classification has been timber management, while concurrently being used for residential and recreational purposes. The owners that I know of, were all engaged in Timber Practices, among other things. Current tax class is 534 residential improvement on cat 12 rural residential tract. This is not a subdivision, no are there

The unnamed creek/spring originates in the national forest and sinks on the property as described in 97-7102 field investigation. I would estimate the maximum flow of this creek in summer to be 60 GPM, not 0.5 CFS (224 GPM) as Tom King estimated. Most of this water has been appropriated and put to beneficial use on this property. What isn't used sinks on the land. The creek freezes or dries up in the winter, therefore it does not support aquatic life but our pond does, including native trout, turtles and frogs etc. In addition, we have multiple sources of private and diffused waters, including other ponds, one being about 2 acres in size, springs, pools, artesian wells and wetlands. All of these waters sink on our property and all of these waters, except the unnamed creek, originate on our property. These abundant private waters have long been used for forest practice, wildlife habitats, aesthetics, aquatic life and recreational purposes.

It is my understanding that we don't need a permit to use the private and diffused waters on our lands and that these private waters cannot be appropriated by others, per 14-212 and IDWR memorandum #11. However, if a permit for these will help prevent our private waters from being taken from us, or if we risk losing our priority date, then we want to acquire a permit for our private waters by adjudication or otherwise. That said, this letter and our current applications are focused on the adjudication of appropriated water from the unnamed stream and put to beneficial use in our dwellings, and the continuation of 97-7102 as licensed.

Our notice of claim (97-9078) was intended to adjudicate our Beneficial Use Water Right claim of 0.1 CFS (44.83 GPM) for Domestic Use in the 4 dwellings, which is the recommended allotment by IDWR for 4 dwellings. Perhaps the recommended amount of 0.04 CFS each x 4 = 0.16 CFS would be more appropriate? Each dwelling has a tap which provides about 11-gpm (11x4=44 gpm) via gravity flow. This amount roughly doubles when pumped. I have no idea how that translated into

.02 CFS on our application. It was not our intention to underclaim the diversion rate for 97-7102 or 98-9078. I do not know how that happened. Our apologies, we are new to this process.

To that end, it appears that the Beneficial Uses Water Rights for our dwellings qualify for adjudication and decree. Perhaps all of these should be adjudicated collectively under claim 97-9078 as submitted or perhaps they should be adjudicated separately on different claim forms, if there is a limitation of one right per form?

You expressed concern that existing diversions for the Domestic Beneficial Use Water Rights were not noted in field report 97-7102. I am not sure why this is a concern, but it is easily explained. The 65 acre parcel has very thick vegetation. In mid September it would have been difficult to see the tiny creek and the small diversion dam because the forest and foliage is exceptionally dense. The grass, foliage and shrubbery grows 6 to 7 feet, making it difficult to walk through and hard to see anything. It has always been a challenge for me to find the diversion, and I know where to look. If Dan did not show it to the inspector, it is unlikely that he would have seen it. Dan had no obligation or reason to do so. The new diversions and Uses proposed in 97-7102 were unrelated to the existing diversions and beneficial uses that were already legally established for the houses. On the other hand, if the preexisting diversion was observed, it would have appeared to be a natural pool in the stream. The field inspector was looking for a POD for the pond and possibly a POD for the 1-acre garden. He was not looking for a pre-existing POD or POU relating to already established Constitutional Water Rights and Uses in the cabins. Tom King walked the property in 1977 and 1981. He, or another official reviewing this claim, appears to have drawn 2 PODs and 2 POUs. The 2-PODs appear to be a new ditch to the pond and the other was the pre-existing diversion for the cabins or perhaps the mobile pump diversion he describes? Dan identifies the new diversion system on his application for 97-7102 as the pond and a 4-hp pump. Tom describes the second diversion in Dan's new system as a 3-hp gas "portable pump moved to various points along the stream." It should be noted that a 3-hp gas pump produces 80-100 GPM and a 4-hp gas pump produces 145-160 GPM. However, Tom describes this pump as delivering only 9-GPM to the irrigation system? A 1/2 hp pump could have easily done that. Where was the other 70-90 GPM going, that this pump was producing? Perhaps that capacity was for the 4 preexisting Domestic Uses. The 2 POUs drawn, appear to be Dan's pond and his 1-acre farm/garden. Perhaps the field investigator observed both diversions and thought nothing of it, because one of them was a pre-existing exempt system that already had legally established "Historic" "Constitutional Water Rights," which were unrelated to 97-7102's new diversion and Use? Or perhaps he thought the domestic diversion was only for the irrigated land and pump? Or perhaps, he simply did not see it? Or perhaps having full knowledge of it, Tom excluded it from the 97-7102 report, because this current application for permit and license process was for new use water rights only, and this report was not the correct venue to note or refer existing use claims for adjudication decree. Or perhaps some other combination of reasons? We can only speculate as to why it was not mentioned in the field report. What we do know, is that the preexisting diversion and use was in existence long before Tom's unrelated field report and investigation.

It should be noted that the water distribution pipes and or pumps for the existing system were not always connected. These were typically removed when the property was not in use, because they could be stolen or damaged by flooding or freezing, and oddly enough, bears like chewing on the pipes which creates a maintenance nightmare. Leaving them out meant extensive repairs next season. It is quite possible that the diversion system was not connected at the time of field inspection and could not have been observed or noted. Finally, grizzly bears, black bears, mountain lions, moose and wolves are all abundant on the property. It is a beautiful place with lots of wildlife, but it is not the kind of place that most people feel safe walking around in, for an extended length of time, looking for diversions.

The assessor's documentation establishes reasonable and sufficient proof of the dates that the dwellings were constructed and thus establishes subsequent beneficial use and priority dates for the domestic uses that were appropriated for these dwellings. Assessment dates are assumed to be complete years for tax purposes. We can reasonably assume that appropriation and beneficial use of water began no later than the date of completion of construction, and more likely, it began at the onset of construction. Accordingly, reasonable appropriation dates, priority dates and beneficial use dates for these dwellings are 1/1/1965 for the D-dwelling, 1/1/1967 Dan's unlisted home that collapsed, 1/1/1970 for the 01-pole building-cabin, and 1/1/1975 priority for the 1975 02- cabin- based on appropriation being 10/01/70 and beneficial use being 1/1/75.

The beneficial use for the dwellings are "domestic purposes" per 42-111. The extent of the beneficial use for each dwelling is the allotment that is prescribed in Sec 42-111.1.A & B, which is A):1/2 acre irrigation up to 13,000 GPD or B) other uses at .04 CFS not exceeding diversion volume of 2,500 GPD or as otherwise prescribed in IDWR publication "Water Use Information" "Domestic Use Diversion Rates" for "typical in house domestic use", A) 0.04 CFS for 1-dwelling or B) 0.10 CFS for 4-dwellings. Which domestic use limitations and rights are further clarified on page 7 of Administers memorandum 67 including in-house domestic, 1/2 acre lawn and garden and pond storage. We attempted to claim 0.1 CFS (44.883 gpm) for the 4 dwellings under claim 97-9078 while leaving license 97-7102 unchanged at .04 CFS (14.9532gpm). Perhaps $0.04 \text{ CFS} \times 4 = 0.16 \text{ CFS}$ (78.21 GPM) for the 4 dwellings would be more appropriate? The six POUs on three parcels, include the pond and 1-acre irrigation on 97-7102 and the 4 cabins. License 97-7201 is approved for 0.04 CFS (19.55 GPM) which supplies water to the pond and 1-acre irrigation. The preexisting diversion system provides about 11 GPM to each house from the unnamed stream by gravity. When augmented with a 3-hp gas pump, this amount increases to about 19.5 gpm each.

As you suggested, we have amended 97-7102 to match the elements of the existing license. It was not our intention to underclaim the diversion rate. Our records show that we applied for 0.1CFS (44.883 GPM) in our 97-9078 claim and it was our intention to leave 97-7102 unchanged at 0.04 CFS (14.9532 GPM).

If this information does not provide clear and convincing evidence of beneficial use, sufficient to approve our claims, then we can provide more evidence, but that will take more time. We are in

Colorado. Unfortunately, Bonner County records before July 1986, are available only through in person search at the Clerk and Recorder's office which is located in Sand Point, Idaho. Wendell kept detailed records, so there are lots of pictures and documents that we can look through including his tax records that might show the construction date of Dan's primary cabin, or other pertinent information? Unfortunately, Wendell's records are in California, in Jani's house, and they are not well organized.

We believe this claim to be consistent with all applicable laws including Idaho's Constitution Article XV Sec 3: "The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied."

I apologize for the length, redundancy and any errors, we were a bit rushed to put this together. Please let us know what is the best way to proceed and what additional documentation, if any, is needed to process our claims.

Thanks for your help, and Go Broncos!

John and Karen Hawley

Parcel History - RP58N04W205401

Status: Active

Tax Year: 1994

Name: EARLE, WENDELL E & LORRAINE

Mailing Address: 552 COMPASS CIRCLE, REDWOOD CITY, CA 94065

Legal Description: 20-58N-4W NWSWSW, W2E2SWSW, N2SWSWSW NWSW NWSWSW, W2E2SWSW, N2SWSWSW

Code Area: 25-0000

Cat	Ext	RY	Quantity	Unit	Value	HO Market	HO Exempt	PTR Market	Other Mkt	Adj	UR Base	Roll Kind	MoNet	Taxable
12	L00	1989	65.000	AC	44,850	0	0	0	0	0	0	AnnI 12	44,850	
34	R01	0	0.000		6,676	0	0	0	0	0	0	AnnI 12	6,676	
AnnI Totals					\$51,526	\$0	\$0	\$0	\$0	\$0	\$0		\$51,526	

Valuation Summary Sheet

Bonner County

1/26/2024 4:12:30 PM

Parcel Number:	RP58N04W205401	Property Address:	449 CAT RD, PRIEST RIVER, ID 83856	
Effective Date:	2/24/1983	Tax Code Area:	94-0000	
Expiration Date:		Legal Description:	20-58N-4W NWSWSW, W2E2SWSW, N2SWWSWSW, NWSW	
Legal Party Name		Address	City St Zip	
HAWLEY TRUST		6259 CARR ST - #3	ARVADA, CO 80004	Primary Owner
HAWLEY, KAREN L TRUSTEE		6259 CARR ST - #3	ARVADA, CO 80004	Secondary Owner

Cat ID	Ext	Rv Year	Unit	Quantity	Value	HO Mkt	HO Exemp	PTR	Other
12	L00	2022	AC	64.000	\$166,400	\$0	\$0	\$0	\$0
12H	L00	2022	AC	1.000	\$93,888	\$0	\$0	\$0	\$0
32	R01	2022		-	\$8,710	\$0	\$0	\$0	\$0
34H	R01	2022		-	\$5,615	\$0	\$0	\$0	\$0
Totals:					\$274,613	\$0	\$0	\$0	\$0

Deed Date	Deed Reference
12/31/1899	984879 WD
12/31/1899	743063 G
12/31/1899	192-360
12/31/1899	183-417

Zone Code:
PARCEL TYPE: PV
LOCATION CODE: 3505

Comments:
CORRECTED BOE 2016
DNQ TIMB 2022
NEW AG 1995 HSE DESTROYED 1995

RP58N04W205401

HAWLEY TRUST

449 CAT RD

ADMINISTRATIVE INFORMATION
PARCEL NUMBER
RP58N04W205401
Parent Parcel Number
Property Address
449 CAT RD
Neighborhood
3505 N PR TO PETERSON
Property Class
534 534-Resid improv on cat 12
TAXING DISTRICT INFORMATION
Jurisdiction 09
Area 001
District 094000

OWNERSHIP - Deeded Owner
HAWLEY TRUST
6259 CARR ST - #3
ARVADA, CO 80004 USA
20-58N-4W
NWSWSW, W2E2SWSW, N2SWSWSW,
NWSW

TRANSFER OF OWNERSHIP
Printed 01/26/2024 Card No. 1 of 1
Date

RESIDENTIAL

VALUATION RECORD							
Assessment Year	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022	01/01/2023	Worksheet
Reason for Change	SY Reval	SY Reval	SY Reval	SY Reval	SY Reval	SY Reval	
VALUATION	L 31008	31880	36318	41023	304950	260288	260288
Market Value	B 12120	15393	15393	16912	22749	14325	18660
	T 43128	47273	51711	57935	327699	274613	278948

Site Description
Legal Acres:
65.0000

LAND DATA AND CALCULATIONS									
Land Type	Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
	Soil ID	Acreage		-or- Depth Factor					
	Actual	Effective	Effective	-or- Square Feet	Rate	Rate	Value	Factor	
1 Rural res tract fair (cat 12)		64.0000		0.00	2600.00	2600.00	166400		166400
2 Homesite (cat 10/12/15/20)	54	1.0000		0.00	54888.00	54888.00	54888	SV	54888
3 TSBAMENTITIES	AV	0.0		0.00	39000.00	39000.00	39000	SV	39000

AGTM: AG/TIMB INFO
DNQ NEW OWNERS-CDG 11/2/21
BE22: COUNTY BOARD OF EQUALIZATION
VALUE UPHELD 7-7-22 MLM
DEF: DEFERRED TAXES
Deferred est'd req'd by Transfer 11/02/2021 DTB
BILLED ON 04/19/2022 DTB
LY22: LAND CHANGE 2022
NEIGHBOURHOOD MOVED FROM 3510 TO 3505 DUE TO SALES 2021
KLD 04/26/2022
NOTR: No Trespassing/Locked Gate
FY22: REVIEW YEAR 2022
GSI

Supplemental Cards
TRUE TAX VALUE 260288

Supplemental Cards
TOTAL LAND VALUE 260288

RP58N04W205401

Property Class: 534
449 CAT RD

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

Style: 42 Log Rustic
Occupancy: Single family
Story Height: 1.0
Finished Area: 324
Attic: None
Basement: None

ROOFING
Material: Aluminum sheet
Type: Gable
Framing: Std for class
Pitch: Not available

FLOORING
Sub and joists 1.0
Base Allowance 1.0

EXTERIOR COVER
Log solid 1.0

INTERIOR FINISH
Drywall 1.0

ACCOMMODATIONS
Finished Rooms 2
Bedrooms 1
Fireplaces: 1

HEATING AND AIR CONDITIONING
Primary Heat: No heat-wood stove/insert
Lower Full Part
/Bsmt 1 Upper Upper

PLUMBING

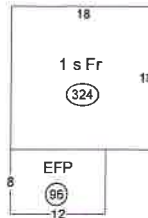
Kit Sink 1
Water Heat 1
TOTAL 2

REMODELING AND MODERNIZATION
Amount Date

03

02

01



(LCM: 100.00)

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
D :WDSTOVE	2500	D	DWELL	0.00		Low	1965	1965	VP	0.00	Y	0.00	324	55090	90	0	100	100	5510
01 :FINISHLO	3665	01	POLEBLDG	10.00		Fair	1970	1970	AV	34.75	Y	34.51	16x 23	15630	55	0	100	100	7030
LOFT	8	02	CABIN	0.00	0	Low	1975	1975	P	123.68	N	80.39	8x 20	12860	80	0	100	100	2570
03 :ISO	-5	03	POLEBLDG	10.00		Low	1985	1985	F	34.75	Y	18.47	20x 24	8870	60	0	100	100	3550
D	-1																		

Data Collector/Date

KDM 12/25/2021

Appraiser/Date

KLD 12/28/2021

Neighborhood

Neigh 3505 AV

Supplemental Cards

TOTAL IMPROVEMENT VALUE

18660

Bonner County Parcel Information

Parcel Information

Parcel #: **RP58N04W205401A**

Site Address: 449 Cat Rd
Priest River ID 83856-4910

Owner: Earle Trust
552 Compass Circle
Redwood City CA 94065-1132

Twn/Range/Section: T: 58N R: 04W S: 20 Q:

Parcel Size: 65.00 Acres (2,831,400 Sq Ft)

Lot Dimensions: Front:0 - Depth:0

Plat/Subdivision:

Census Tract/Block: 950600/3314

Levy Code: 940000

Deeds: 743063 G,192-360,183-417

Total Land Value: \$30,366

Total Impr Value: \$12,120

Total Value: \$42,486



Tax Information

Tax Year	Annual Tax
2016	\$476

Legal

20-58N-4W NWSWSW, W2E2SWSW, N2SWSWSW, NWSW

Land

Land Use: 131 - Land-ag/timb w/resid Imp

Zoning: A/F-10 - AGRICULTURAL/FORESTRY 10 (A/F-10)

Land Categories: ;7;10;

Building Categories: 42 - Log Rustic

Recreation:

School District: 83

Assessor Categories

Category	Quantity	Value	Exemption
10	1	\$23,710	\$0
31	0	\$7,350	\$0
32	0	\$4,770	\$0
7	64	\$6,656	\$0

Improvement

Year Built: 1965 (1985 eff.)

Bathrooms: 0.00

Finished Sq Ft: 324

Stories: 1.00

Bedrooms: 1

Heat: No heat-wood stove/insert

A/C: Yes

Garage: 0

Roof: Aluminum sheet - Gable

Basement: No

Carport: No

Pool:

Condition: F

Fireplace: Yes

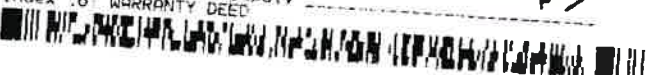
Foundation:

Other Improvements

Description	Year Built	Effective Year Built	Base Area	Finished
POLEBLDG	1970	1970	368	0
POLEBLDG	1985	1985	480	0
CABIN	1975	1975	160	0

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Instrument # 984879
Bonner County, Sandpoint, Idaho
06/09/2021 04:27:32 PM No. of Pages: 2
Recorded for: SNEDDEN LAW
Michael W. Rosedale Fee: \$15.00
Ex-Officio Recorder Deputy
Index to WARRANTY DEED



(Space Above For Recorder's Use)

SPECIAL WARRANTY DEED

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, **JANI E. EARLE, Successor Trustee of the WENDELL E. EARLE and LORRAINE O. EARLE 2007 TRUST dated July 18, 2007**, ("Grantor"), conveys and specially warrants to **KAREN L. HAWLEY, TRUSTEE OF THE KAREN L. HAWLEY TRUST, dated May 14, 2021**, ("Grantee"), whose address is 6259 Carr Street, No. 3, Arvada, CO 80004 and her successors and assigns forever, the following described real property:

The NW 1/4 SW 1/4;

The NW 1/4 SW 1/4 SW 1/4;

The W 1/2 E 1/2 SW 1/4 SW 1/4; and

The N 1/2 SW 1/4 SW 1/4 SW 1/4;

All in Section 20, Township 58 North, Range 4 W.B.M. Bonner County, Idaho.

SUBJECT TO taxes and assessments for the year 2021, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well as any after-acquired title.

The Grantor covenants to the Grantees that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims of or through Grantor, but none other.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 25 day of May, 2021.

Jani E. Earle
JANI E. EARLE, Successor Trustee of the
Wendell E. Earle and Lorraine O. Earle
2007 Trust

STATE OF CALIFORNIA)

County of San Mateo) ss.

On this 25 day of May, in the year of 2021, before me, a Notary Public for the state of California, personally appeared JANI E. EARLE, known or identified to me to be the person whose name is subscribed to the within instrument as the Successor Trustee of the WENDELL E. EARLE and LORRAINE O. EARLE 2007 TRUST dated July 18, 2007, and acknowledged to me that she acted on behalf of said trust.

(Sign) Spitel

NOTARY PUBLIC

Residing at: San Carlos, California

My commission expires: 06.11.2022



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE CLARK FORK-PEND OREILLE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

Ident. Number 97-9078

Date Received: 7/1/2022

Receipt No:

1. Name of Claimant(s):

Name	Address	City	State	Country	Postal Code
HAWLEY JOHN	6259 CARR ST #3	ARVADA	CO	USA	80004
HAWLEY KAREN	6259 CARR ST #3	ARVADA	CO	USA	80004
HAWLEY RYAN	6259 CARR ST #3	ARVADA	CO	USA	80004

2. Date of Priority:

Date	Explanation
6/16/1965	Domestic water from unnamed creek began June 16, 1965.

3. Source:

Source	Tributary
UNNAMED CREEK	SINKS

4. Point of Diversion:

Township	Range	Section	Gov Lot	QQ	Q	County	Type	Description
58N	04W	20		SW	SW	BONNER	Beginning Point	Pump / pipe from unnamed creek/spring.

5. Water is used for the following purpose(s):

Water Use	Number Of Homes	Stock	Number of Stock	Description
DOMESTIC	4			Domestic use.

6. Season(s) of Use:

Water Use	From Month/Day	To Month/Day
DOMESTIC	01/01	12/31

7. Quantity:

Water Use	CFS	AF	KW
DOMESTIC	0.10		

Totals

CFS	AF	KW
0.10		

8. Place of Use:

Water Use	Total Claimed Acreage
-----------	-----------------------

DOMESTIC								
Township	Range	Section	QQ	Q	County	Govt Lot	Acres	
58N	04W	20	NW	SW	BONNER			
58N	04W	20	SW	SW	BONNER			
58N	04W	20	NE	SW	BONNER			
58N	04W	20	SW	NW	BONNER			



9. Remarks:

The domestic use is for 4 cabins. The use location is known as 449 Cat Road Priest River Id. Methods of diversion have evolved over time. In the 1960's and early 1970's there was a small damn with a head gate and 1.5" discharge pipe that gravity fed the cabins via piping. All diversions points and use locations are on our property under common ownership. Historical use included domestic, 1/2 acre irrigation, fire mitigation, stockwater, timber forest practices.

10. Other Water Rights:

97-7102 exists on the same land and diverts from the same unnamed creek/spring source. That licensed use includes: Irrigation Stockwater Diversion to storage Storage for recreation Private water uses from private water sources.

11. Basis:

Basis
Beneficial Use

12. Signature(s):

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled *How you will receive notice in the Clark Fork-Pend Oreille River Basin Water System Adjudication*. (b.) I/We do ___ do not ___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

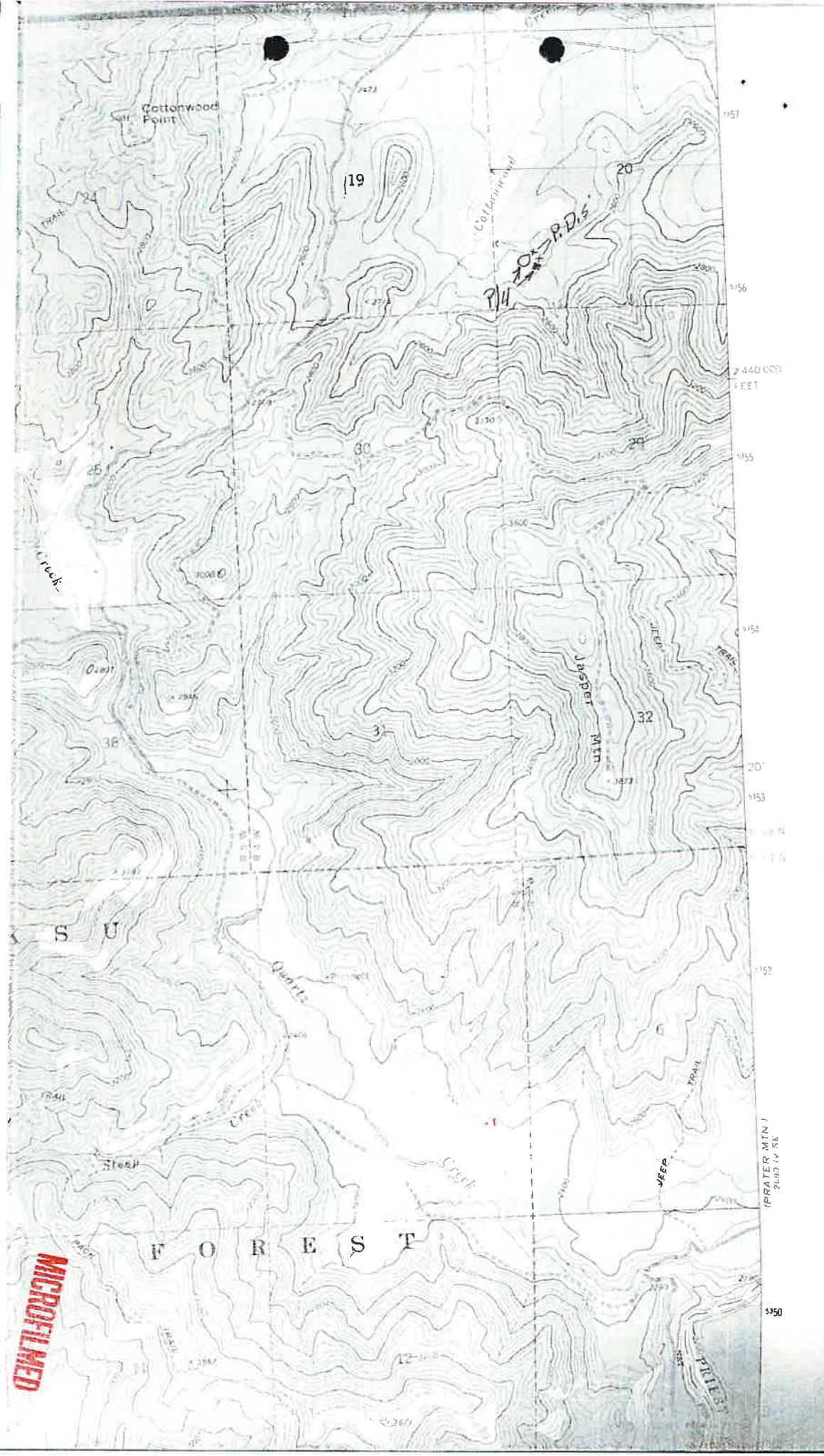
_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization

Please print name



MICROFILMED

FOREST

(PRATER MIN.)
2000 IV SE

WATER RIGHT LICENSE

5.3. D123

IN THE MATTER OF PERMIT NO. 97-7102)
)
IN THE NAME OF DAN ZEBELL) ORDER OF REINSTATEMENT

MICROFILMED

Identification No. _____
Application No. 97-7102

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

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

1. Name of applicant DAN ZEBELL Phone: NOVUE
post office address RT 5 Box 101 PRIEST RIVER, IDA
2. Source of water supply UNNAMED CREEK which is a tributary of SINKS
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 58N
Range 4W B.M. BOWEN County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into UNNAMED CREEK at a point in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 58N Range 4W B.M.
4. Water will be used for the following purposes:
Amount .03 for STOCK purpose from JAN 1 to DEC 31 (both dates inclusive)
Amount .02 for IRRIGATION purpose from APR 1 to OCT 15 (both dates inclusive)
Amount 1.0 for FISH CULTURE purpose from JAN 1 to DEC 31 (both dates inclusive)
(acre-feet per annum) (recreation) (per minute)
5. Total quantity to be appropriated:
a. .08 cubic feet per second and _____
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. EARTH DAM, 8 FEET HIGH, 125 FEET LONG, 30 FEET WIDE AT THE BASE, 10 FEET WIDE AT THE TOP - 4 HP PUMP
b. Height of storage dam 8 feet, active reservoir capacity .25 acre feet; total reservoir capacity .25 acre feet, materials used in storage dam: EARTH
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 \$ 250.00
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 58N
Range 4W 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 20 GOATS, 2 PIGS, 20 FOWL
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1
(5) If water is to be used for other purposes describe: FISH CULTURE AND RECREATION

WIDPORT MCH

10. Remarks

applicant to make this filing

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

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

9. a. Who owns the property at the point of diversion

c. Describe any other water rights used for the same purposes as described above

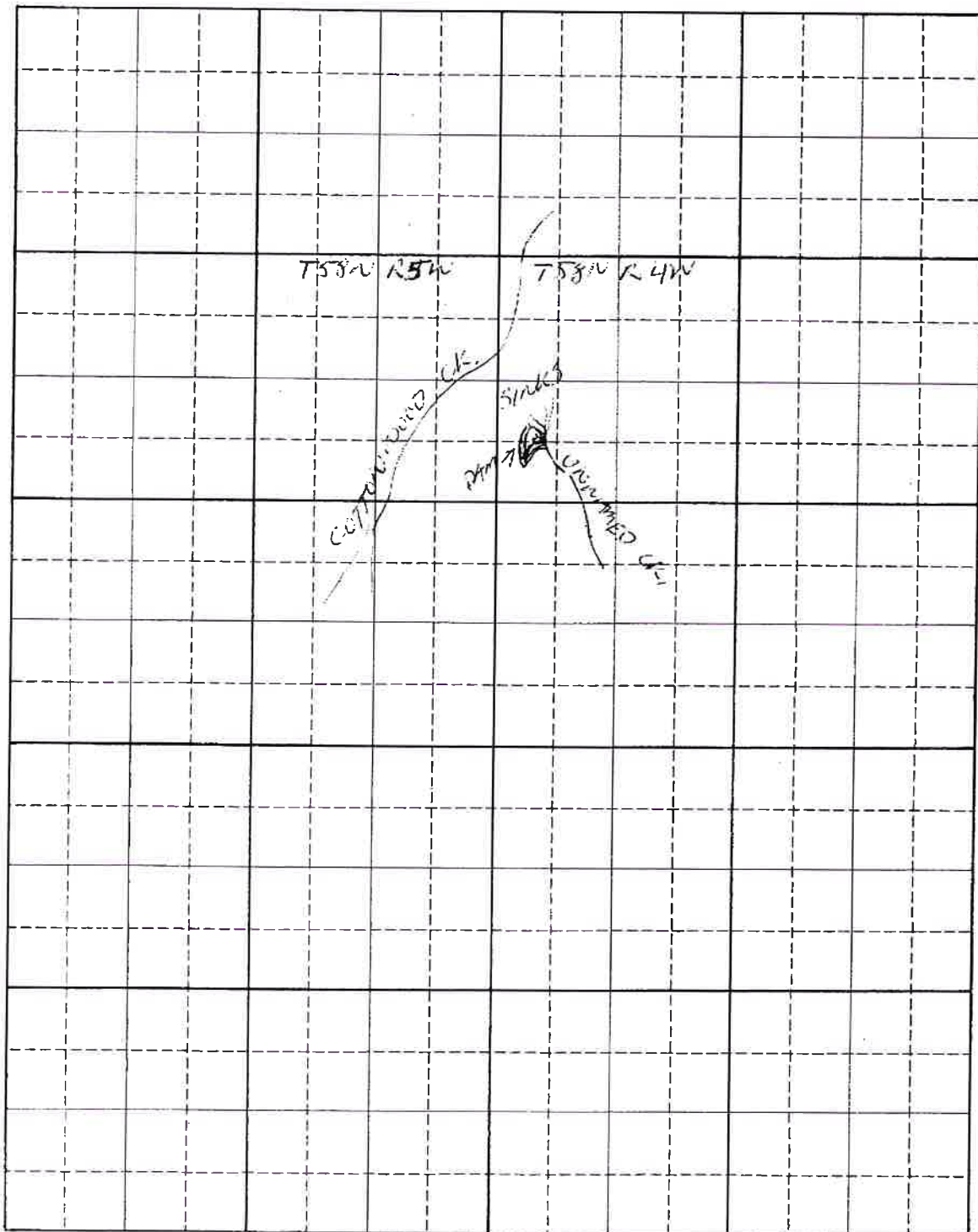
Total number of acres to be irrigated

3

TWP.	RANGE	SEC.	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	TOTALS
58N	4W	20																	12 AC

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

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



Scale: 2 inches equal 1 mile

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

(Applicant)

Clayton Bell

Proposed
07-15-77
Priority

Received by John Date 7-15-77 Time 1:00 PM

Preliminary check by 356 Fee 5.00

Received by 356 Date 7-15-77

Publication prepared by 356 Date 7-18-77

Published in Power Line Times

Publication dates 7-08-77 8-04-77

Publication approved 10 Date 8-15-77

Priority reduced to Reason

Protests filed by: W.M. Tinsley

(per Address 2-7-78)
not

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by John

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. 97-7102 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 May 1, 1979.

c. Other:

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

Witness my hand this 27th day of April 1978.

Administrator

Norman Young

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Pete Thompson

being duly sworn, says that he is the publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been
continuously and uninterruptedly published in said County during
a period of 78 consecutive weeks prior to the first publication of
the annexed notice for publication, is a newspaper of general cir-
culation made up of at least eight pages of at least seven columns
each, printed from typematter or stereotyped forms of at least
nineteen and three-fourths inches depth, has at least 1250 bona fide
subscribers living within said Bonner County, and is published at
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

Application-Water Permit No. 97-7102

as it was published in the regular and entire issue of said paper
for a period of two consecutive weeks, commencing on
the 28 day of July, 19 77.

~~xxx~~
ending on the 4 day of August, 19 77,
and that said notice was published in said newspaper proper, and
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

10 day of Aug, 19 77.

Adell M Thompson

Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Dan Zebell Rt 5 Box 101, Priest
River, Id has on July 15 1977
submitted Application No. 97-
7102 for a permit to appropriate
0.08 cubic feet per second & 1
acre feet per annum of water
from an unnamed creek by
means of dam, pump and
pipeline within the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec 20 T88N R4W, B.M. Bonner
County to be used from Jan 1 to
Dec 31 for domestic, (0.04 cfs),
stockwater (0.02 cfs) and
storage for fish culture (1.0 af-
an) and from April 1 to Oct 15
for theirrigation of $\frac{1}{2}$ acre (0.02
cfs) within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 20
T88N, R4W, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho
83814, on or before August 15,
1977.

C. STEPHEN ALLRED
Director

Published in the Priest River
Times, Priest River, Id on July
28 and Aug. 4, 1977.

MICROFILMED

June 9, 1982

RE: Permit No. 97-7102

Dan Zebell
3269 Lynn Oaks Dr.
San Jose, CA 95117

Dear Mr. Zebell:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Storehouse
Boise, Idaho 83720
(208) 334-4440

May 19, 1982

RE: Permit No. 97-7102

Dan Zebell
3269 Lynn Oaks Dr.
San Jose, CA 95117

Dear Mr. Zebell:

A representative of this Department has made an examination of the works covered by your Permit No. 97-7102, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.04 cfs Source: unnamed creek trib. to sinks

The maximum quantity diverted shall not exceed 2.7 acre feet
per year.

Point(s) of diversion: (2 points) SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Twp. 58N, Rge. 4W,
Bonner County

Beneficial use: Irrigation, Stockwater, Diversion to Storage, Storage for
Recreation within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 58N, Rge. 4W

Priority date established: August 4, 1977 (late proof)

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise
a water license will be issued as set forth above.

Sincerely,

MICROFILMED
TIM JOHNSON
Water Distribution Supervisor

JJ:kw



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 16, 1982

RE: Permit No. 97-7102

Dan Zebell
Box 295
Priest River, ID 83856

RECEIVED

APR 23 1982

Department of Water Resources

Dear Mr. Zebell:

A representative of this Department has made an examination of the works covered by your Permit No. 97-7102, and has found the following:

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The maximum quantity diverted shall not exceed 2.7 acre feet per year.

Point(s) of diversion: (2 points) SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 58N, Rge. 4W, Bonner County

Beneficial use: Irrigation of 1 acre, Stockwater, Diversion to Storage,
Storage for Recreation within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 58N, Rge. 4W

Priority date established: August 4, 1977 (late proof)

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,


JIM JOHNSON

Water Distribution Supervisor

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



Dan Zebel
~~Boise~~
Priest River, ID 83856



RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 16, 1982

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Box 295
Priest River, ID 83856

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County

Beneficial use: Irrigation of 1 acres, Stockwater, Diversion to Storage,
Storage for Recreation within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 58N, Rge. 4W

Priority date established: August 4, 1977 (late proof)

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

SEP 28 1981

Department of Water Resources

97-7102

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 9-14-81 Accompanied by App Total Q measured -
If source is surface water, estimate total flow of source .5 cfs
Methods of measurement Est/Calc Meets Permit requirements?

Measurement calculations:
Storage Pond
 $\frac{125' \times 100' \times 10'}{13560} = 0.96 \text{ AF}$
garden w/ lawn type oscillator sprinklers (3) @ 3 gpm = 9 gpm
2.02 Div to storage for stock & Rec

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	3	BEARS	Gas					

System Description 3HP Gas Pump with garden hoses to garden. 8" x 6" ditch
to pond 125' x 100' x 10' pond.

*Code with map on reverse side. Disregard code if only one.

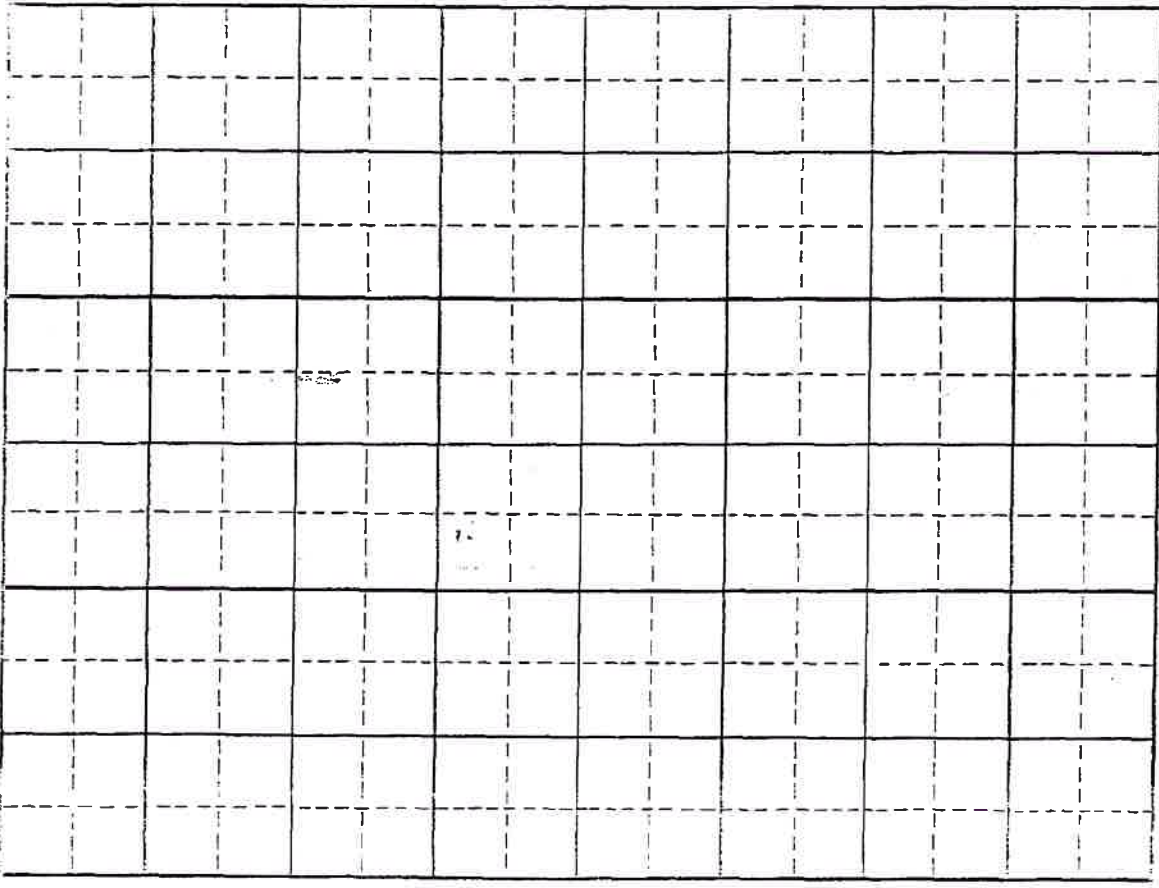
RECOMMENDED AMOUNTS

USE	Irrigation requirement = Q (cfs)	V (afa)	AF/Acre	FROM	TO
Diversion to storage	0.02			1-1	12-31
Stock	1.0	2		1-1	12-31
Storage for Recreation	2.0			1-1	12-31
Irrigation	0.02	1.5		4-1	10-15
Total	<u>0.04</u>	2.7			

Remarks App written improperly No change in use.

MAIL LICENSE to
3269 Lynn Oaks Dr.
San Jose, Ca. 95117

Portable pump moved to various points along stream
Due to the fact that the Application was filed
prior to memo on storage, no Amendment is required.



MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion (2 points) SW 3/4, S. 20, T58N, R4W

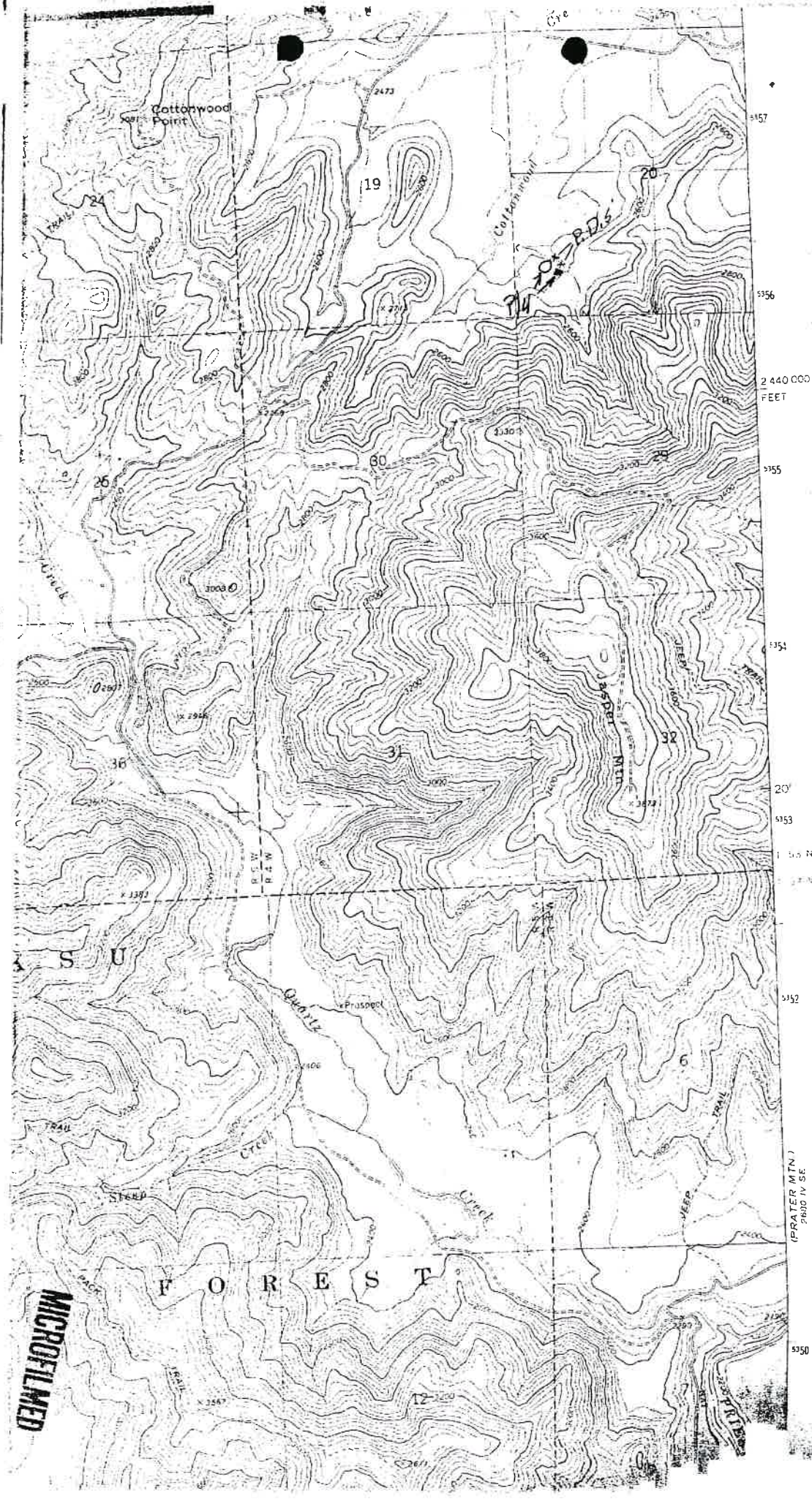
Place(s) of Use

TWP.	RGE.	SEC.	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	TOTALS
58N	4W	20																	

Recommend Amendments:

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

Approved by: [Signature]
Checked by: [Signature]
Date: 9-15-81
Date: 9/23/81
Date: 4-15-82



5157
5156
2 440 000
FEET
5155
5154
20'
5153
1 515 24
5152
5150

(PRATER MTN.)
2600 IN SE

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 370 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

July 2, 1979

Dan Zebell
Route 5, Box 101
Priest River, ID 83856

Dear Mr. Zebell:

Re: Permit No. 97-7102

We are in receipt of your statement of beneficial use for Permit No. 97-7102 and the letter in which you had several questions about your permit.

Let me take a moment to answer the four questions you have identified.

First, you mention that your project was completed before you filed the permit. In Idaho, if you want to establish a recorded water right, it is necessary to file an application for a permit. There is one exception regarding private water, however, your application indicates that the source you are using is an unnamed creek, which would be considered public water. Therefore, an application for permit is necessary. A license will be issued to you after you submit to the Department evidence (statement of beneficial use) that the water has been developed according to your permit. A field exam will be conducted by departmental personnel prior to the issuance of a license.

Secondly, you mentioned that you understand the time limit for completion of the requirements of the permit to be five years. It is true that you have up to five years upon request, however, your application indicates a request for one year (see Item 7a). On page four of your application, the approval indicates that proof of construction of works and application of water to beneficial use is due on May 1, 1979.

Thirdly, you indicate that the water is to be used only for domestic use. This water use will be reflected on the license issued to you by the Department.

As to your fourth question regarding the necessity of filing a permit when using a very small pond, it is true that water used from a very small pond need not be identified; however, the diversion to the pond and the water used for domestic still requires a water permit.

MICROFILMED

Dan Zebell
June 29, 1979
Page 2

I hope that this answers some of your questions. Now that the statement of beneficial use has been submitted, we will be sending an examiner out to look at your system. We are enclosing a copy of the reinstatement order which is necessary because the statement of beneficial use was submitted after May 1, 1979.

If you have further questions, please contact this office.

Sincerely,

JIM JOHNSON
Acting Supervisor, Water Allocation Section

JJ:rf

Enclosure

RECEIVED
JUL 1 1979
JIM

WATER RIGHT NUMBER 97-7102

OWNER LAST NAME - ZEBBL

FIRST NAME - DAN

ORIG OWNER -

ADDRESS LINE 1 - Rt. 5 BOX 101

CITY - PATIST RIVER STN

CITY - PATIST RIVER STN

STATE - ID

ZIP CODE - 83056

SOURCE - UNNAMED STREAM

CITY - PATIST RIVER STN

STATE - ID

ZIP CODE - 83056

STAGE - PERMIT

CITY - PATIST RIVER STN

STATE - ID

ZIP CODE - 83056

TOTAL DIV. VOLUME - 2.7

CITY - PATIST RIVER STN

STATE - ID

ZIP CODE - 83056

DIVERSION POINT - SWS 20 58N 04W LOT

CITY - PATIST RIVER STN

STATE - ID

ZIP CODE - 83056

FROM - 01-01 TO - 12-31

CITY - PATIST RIVER STN

STATE - ID

ZIP CODE - 83056

FROM - 01-01 TO - 12-31

CITY - PATIST RIVER STN

STATE - ID

ZIP CODE - 83056

FROM - 01-01 TO - 12-31

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CITY - PATIST RIVER STN

STATE - ID

ZIP CODE - 83056

FROM - 01-01 TO - 12-31

CITY - PATIST RIVER STN

STATE - ID

ZIP CODE - 83056

IDENT. NO.

License update

D.W.

1928-19

6/21/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
C. STEPHEN ALLRED
Director

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

July 13, 1979

Mr. Dan Zebell
Box 235
Priest River, Idaho 83856

RE: 97-7102

Dear Mr. Zebell:

We acknowledge receipt of your statement of completion of water development and use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination, however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. Your permit will remain valid until the examination is made.

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

Very truly yours,



TOM D. KING
Senior Water Resource Agent

TDK/pms

cc: IDWR - State Office

RECEIVED
JUL 15 1979
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

July 2, 1979

Dan Zebell
Route 5, Box 101
Priest River, ID 83856

Dear Mr. Zebell:

Re: Permit No. 97-7102

We are in receipt of your statement of beneficial use for Permit No. 97-7102 and the letter in which you had several questions about your permit.

Let me take a moment to answer the four questions you have identified.

First, you mention that your project was completed before you filed the permit. In Idaho, if you want to establish a recorded water right, it is necessary to file an application for a permit. There is one exception regarding private water, however, your application indicates that the source you are using is an unnamed creek, which would be considered public water. Therefore, an application for permit is necessary. A license will be issued to you after you submit to the Department evidence (statement of beneficial use) that the water has been developed according to your permit. A field exam will be conducted by departmental personnel prior to the issuance of a license.

Secondly, you mentioned that you understand the time limit for completion of the requirements of the permit to be five years. It is true that you have up to five years upon request, however, your application indicates a request for one year (see Item 7a). On page four of your application, the approval indicates that proof of construction of works and application of water to beneficial use is due on May 1, 1979.

Thirdly, you indicate that the water is to be used only for domestic use. This water use will be reflected on the license issued to you by the Department.

As to your fourth question regarding the necessity of filing a permit when using a very small pond, it is true that water used from a very small pond need not be identified; however, the diversion to the pond and the water used for domestic still requires a water permit.

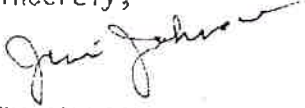
MICROFILMED

Dan Zebell
June 29, 1979
Page 2

I hope that this answers some of your questions. Now that the statement of beneficial use has been submitted, we will be sending an examiner out to look at your system. We are enclosing a copy of the reinstatement order which is necessary because the statement of beneficial use was submitted after May 1, 1979.

If you have further questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson", written in dark ink.

JIM JOHNSON
Acting Supervisor, Water Allocation Section

JJ:rf

Enclosure

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 97-202 ^{late}

Name(s) of Permit Holder: DAN ZEBELL

Post Office Address: BOX 295
PRIEST RIVER

Source of Water: _____

Extent of Use: ☒ Domestic 1 (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other _____

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

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

44 18 1979
Date

Dan Z. Zebell
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

MAY 21 1979

Department of Water Resources

97-1102

Rita

RECEIVED

MAY 20 1979

DEAR SIRs:

Department of Water Resources

I DONT UNDERSTAND YOU

① MY PROJECT WAS COMPLETED
BEFORE I FILED FOR A PERMIT.

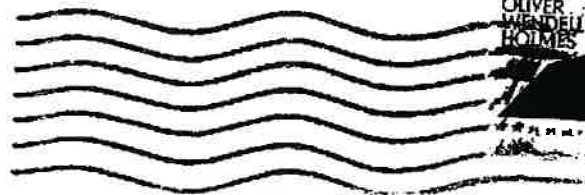
② AT THE TIME YOU GAVE MY PERMIT
I UNDERSTOOD THAT THE TIME
LIMIT FOR COMPLETION WAS FIVE
YEARS. ONLY 2 YEARS HAVE PASSED

③ I NO LONGER USE WATER FOR
STOCK OR IRRIGATION PURPOSES.
DOMESTIC USE ONLY.

④ BECAUSE OF THE SMALL SIZE
OF MY POND I DIDNT NEED
A PERMIT IN THE FIRST PLACE,
THUS STATES YOUR WATER USERS
HAND BOOK

MICROFILMED

ZEBELL
Box 295
PRIEST RIVER
ID. 83856



IDAHO DEPT. OF WATER
STATE HOUSE
BOISE, ID.
83720

RECEIVED
MAY 18 1979
BOISE, ID.



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

May 15, 1979

Dan Zebell
Route 5, Box 101
Priest River, ID 83856

Dear Mr. Zebell:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 97-7102 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated February 28, 1979.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

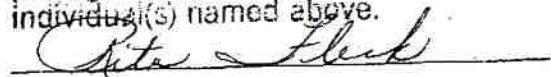

C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

CERTIFICATION OF MAILING

I hereby certify that on 5/15/79
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



RECEIVED



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

CERTIFIED MAIL

10-693

February 28, 1979

Re: Permit No. 97-7102

Dan Zebell
Route 5, Box 101
Priest River, ID

Bear Mr. Zebell:

One of the conditions of approval of your water Permit No. 97-7102 (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 May 1, 1979. 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.

RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED



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

April 28, 1978

Re: Permit No. 97-7102

Dan Zebell
Route #5
Box 101
Priest River, ID

Dear Mr. Zebell:

Enclosed is a copy of your approved Application for Permit No. 97-7102. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Tom King

DATE 4-6-78

TO File.

SUBJECT

97-7102

The storage for fish culture is a recreational use and not for commercial purposes.

The storage is an on stream storage.

JW King
SIGNATURE

MICROFILME

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

☒ 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) JP 7/13/77

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) JP 7/13/77

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: Protest withdrawn none kw
See TK Memo on sub inspection

(11) P _____

Affidavit of Publication received (date) 8-15-77

(12) _____

Final date for protests 8-15-77

Protests received: yes ☒ no _____

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

7-15-77 Proposed Priority

_____ Reason for Reduction

_____ Measuring device required

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern By Barb Haynes Date 2-9-78

RECEIVED
APR 10 1978

Department of Water Resources

RECEIVED

February 7, 1978

RE: Application No. 97-7102

Dan Zebell
Rt 5 Box 101
Priest River, Id 83856

Dear Mr Zebell,

We have received a withdrawl of his protest of your application from Wm Juntitila today. Therefore, we are cancelling the hearing set for February 15, 1978. Your application is being forwarded to Boise for further processing and you should receive your approved permit within 6-8 weeks.

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

Sincerely,

ALEA BEITO
Secretary

AB

RECEIVED

W. William G. J. J. J.
Box 100
Trust River, Idaho
Feb. 4th 1978

Mr Robert Haynes P. E.,
Regional Supervisor:

RECEIVED

FEB 7 1978

Dear Sir:

There must be some ~~under-~~
understanding or evidently you did
not receive my answer to your
last letter.

In my letter I stated that I was
not trying to prevent Don from
receiving a permit.

There was a ~~small~~ ^{large} mine order-
stamping on the source of the water.
Don was to use, by pipe line which
would have diverted some of the main
tributaries to settlement creek into
a swamp out of the original stream.

This has been corrected and his
source of water come from a different
spring which runs under ground into
the meadow.

REFILMED

II
This has been a difficult situation because of our differences, there has been no communication.

I had to have a dissentiment reason and the forest service took this for me.

At first I was misled, but corrected myself later.

Mr. Hoynes this thing is settled and as far as I am concerned you can cancel the buying and avoid cost and other burdens to all of us.

I am sure have quite a few live stock and ~~make~~ the water rights. I felt that what I was doing in to avoid future trouble.

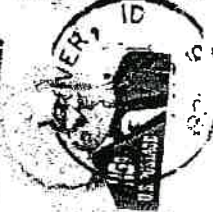
Thank much for your cooperation in this matter.

Sincerely
To Mr. Gentile

MICROFILMED

W. JUN 11 1964
RT. 5 BOX 100
PRIEST RIVER, IDA.
83856

FREDERICK DOUGLASS



JOHN DEWEY
UNITED STATES

JOHN DEWEY
UNITED STATES

PROCLAIM LIBERTY THROUGHOUT ALL THE LAND
USA 13c



RETURN RECEIPT
REQUESTED

CERTIFIED
No. 626518
MAIL

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

INTER-DEPARTMENT MEMO — 1

FROM Tom

DATE

TO File

SUBJECT Protest 97-7102

8-15-77 I contacted both Mr. J. & Mrs. Z. Mr. J. informed me that the water Mr. Z was diverting is tributary to cottonwood Creek. Mr. Z took me on a tour of the location. Mr. Z has an incomplete pond ~~which~~ which is storing water at an estimated 2 gpm. Below the point of diversion the water normally diverges into numerous channels less than 3" deep. This forms a swamp. ~~The~~ At the time of my examination the swamp was dry but the ground was moist. The swamp appears to feed a number of ponds that appear to be old beaver dams.

Page 1 of 3

SIGNATURE

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Tom

DATE

TO file

SUBJECT Protest 97-7102 (cont)

The ponds are dry at this time. It appears that the old chimney that provided ingres for the beavers has become the exit from the ponds for the water. The ponds appear to be in a series so that one would fill before the next ^{streams} would receive water. There appears to be other springs which would normally augment the swamp & ponds, but the ones that I found are dry. ~~the~~ It appears that the appn diverted by Mr. Z. could get through the swamp at this time.

Page 2 of 3

SIGNATURE

UNRECORDED

INTER-DEPARTMENT MEMO — 1

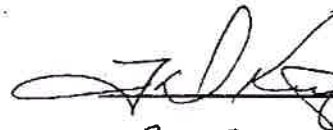
FROM TOM

DATE

TO File

SUBJECT Protest 97-7102 (cont)

The water would also have to fill the series of ponds before reaching ~~the~~ cottonwood creek. It is my opinion that the water diverted by MRZ could not reach Cottonwood creek except in the spring run off, where it would be augmented by the other springs & snow melt in the area.



SIGNATURE

Page 3 of 3

RAIPDUCII MED

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

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

- ☒ Show to whom and date delivered 25¢
 - ☐ Show to whom, date, & address of delivery 45¢
 - ☐ RESTRICTED DELIVERY. Show to whom and date delivered. 85¢
 - ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery . . \$1.05
- (Fees shown are in addition to postage charges and other fees).

2. ARTICLE ADDRESSED TO:
 Dan Zebe1
 Rt 5 Box 101
 Priest River, Id 83856

3. ARTICLE DESCRIPTION:	CERTIFIED NO.	INSURED NO.
	13132	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
 FEB 3 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
 1978
 U.S. POSTAL SERVICE
 INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

102

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moistened gummed ends and attach to front of article.
 - If space permits, Otherwise attach to back of article.
 - Endorse article. Return Receipt Requested add 8-cent to number.

RETURN
TO

IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT OFFICE

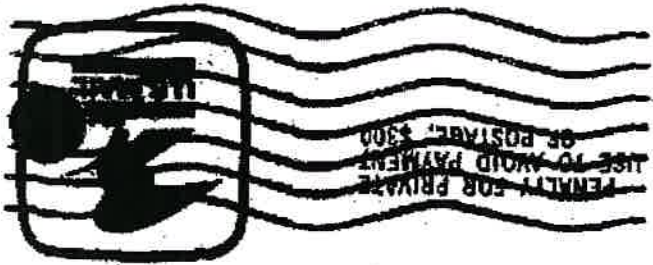
ROUTE 5, BOX 203, SUITE #1

COEUR D'ALENE, ID 83814

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)



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

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

- ☒ Show to whom and date delivered 25¢
☐ Show to whom, date, & address of delivery 45¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered 85¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery \$1.05
 (Fees shown are in addition to postage charges and other fees).

2. ARTICLE ADDRESSED TO:

William Junttla
 Rt 5 Box 100
 Priest River, Id 83856

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

13133

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

DATE OF DELIVERY

POSTMARK

ADDRESS (Complete only if requested)

UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

99-7102

IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT OFFICE
ROUTE 9, BOX 203, SUITE #1
COEUR D'ALENE, ID 83814

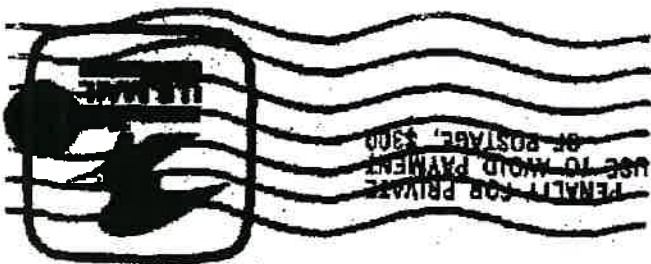
RETURN
TO



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)



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

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
- Moistened gummed ends and attach to back of article.
- If space permits. Otherwise affix to back of article.
- Endorse article. "Return Receipt Requested" advised.
- cent to number.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ INSURED
☒ CERTIFIED
☐ C. O. D.

Affix stamp here, if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	RE	IF C. O. D.	POSTAGE ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1	13115 Laurence & Beth Holdeman, Rt 1 Box 526 Bonners Ferry	13	60			25			
2	13116 E Wolodkewitsch & T Parys, PO Box 356, Bonners Ferry								
3	13117 Larry Hall, Star Rt 1, Moyie Springs, Id 83845								
4	13118 Mr & Mrs J.R. Stafford, Moyie Springs, Id								
5	13119 Hilder T & Roberta J Thompson, Star rt 1 Box 5C, Bonners F								
6	13120 Curley-Q, Inc, Box 555, Moyie Springs, Id								
7	13121 James Lyons, Box 368, Bonners Ferry, Id								
8	13122 Frank L & Betty M Folken, Star Rt, Naples, Id								
9	13123 Don F Schied, Box 945, Bonners Ferry, Id								
10	13124 Peter Wilson, Box 749, Bonners Ferry, Id								
11	13125 South Hill Water, Rt 1 Bonners Ferry, Id								
12	13126 Bruce A & Jean Weaver, Rt 1 Bonners Ferry, Id								
13	13127 Laurence Holdeman, Rt 1 Box 526, Bonners Ferry, Id								
14	13128 Forest M or Mary P Bind, Box 871, Sandpoint, Id								
15	13129 Daniel P Featherston, PO Blx J, Sandpoint, Id								
16	13130 Dorothy Walston, HCR 66 Box 780, Sandpoint, Id								
17	13131 K Thomas Mehler, Box 1465, Sandpoint, Id								
18	13132 Dan Zebell, Rt 5 Box 101, Priest River, Id								
19	13133 William Junttita, Rt 5 Box 100, Priest River, Id								
20									
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Special Handling," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." Special handling charges apply only to fourth-class parcels. Special delivery service also includes special handling service.			

U. S. GOVERNMENT PRINTING OFFICE

418-18-7244-2

11-11-11

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 97-7102)
in the name of DAN ZEBELL.)

NOTICE OF CONFERENCE
AND/OR HEARING

On July 15, 1977, Dan Zebell filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department received a protest against approval of said application on August 10, 1977, from W.M. Junttila.

The Department has set the matter of protest for conference and/or hearing for Wednesday, February 15, 1978, at 10:00 am, in the Council Chambers, City Hall, Sandpoint, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 30 day of January, 1978.



ROBERT G. HAYNES, P.E.
Regional Supervisor

RECEIVED

97-7102 - Dan Zebell

Council Chambers, City Hall, Sandpoint, Idaho

February 15, 1978 - 10:00 am

ROSTER OF ATTENDANCE

<u>Name</u>	<u>address</u>	<u>Representing</u>
-------------	----------------	---------------------

RECEIVED
FEB 16 1978



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

January 27, 1978

City of Sandpoint
Auditor's Office
Sandpoint, Id 83864

Dear Sir,

This is to confirm the reservations for conference and/or hearing to be held by this office on Wednesday, February 15, 1978, in your Council Chambers, at 8:00 and 10:00 a.m. and 1:00 and 3:00 p.m.

Thank you for your cooperation in this matter.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

MICROFILMED

~~File - that is.~~

Schedule hearing. - Over flow would return to natural stream, however there is no overflow and water would ~~not~~ ~~likely~~ probably sink into ground before reaching Cottonwood creek.

There is a series of small ponds between Mr. Zebell's pond & Cottonwood creek.

Zebell ^{may be in} ~~is in~~ violation since his pond ^{was} ~~is~~ built without an approved permit.

RECEIVED

AUG 31 1977

Department of Water Resources
Northern District Office

William M. Juntilla

At 5 Box 100

Priest River, Idaho

83856

Aug. 29 - 1977

State of Idaho
Department of Water Resources,
Coeur d'Alene, Idaho

Dear Mr. Haynes:

Returning yours of Aug 28. To let
you know I am not interested in Zibell
receiving a permit. He has already violated
the law by bulldozing his pond and transferring
the water from its original stream.

Therefore 3 of my neighbors have had to haul
their water from my spring due to the
dry season and the cut off of much of the
water that feeds Lattarwood Creek.

It did not hurt me as I had my re-
servoir full which fulfilled my need and
some for the Forest Service. on snowfires.

All I am interested in that you enforce the
regulations and see that this man returns the water
flow back to the original source or tributary.
Thank you ~ Sincerely Bill Juntilla

MICROFILMED



John V. Evans
Governor

C. Stephen Allred
Director

August 18, 1977

Re: Application for Permit No. 97-7102 - Zebell

William M. Juntilla
Rt. 5 Box 100
Priest River, Idaho 83856
Dear Mr. Juntilla:

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

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

Robert G. Haynes
Robert G. Haynes, P.E.
Regional Supervisor

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

William M. Junttila

Rt 5 - Box 100

Priest River, Idaho
83856

Idaho Department of Idaho
4055 Government Way
Coeur d'Alene, Idaho

RECEIVED
AUG 10 1977

Department of Water Resources
Northern District Office

Dear Mr. Alfred:

I am not trying to prevent
Don Zibell, from receiving a permit.
I do protest of the way he is
going about it.

This unnamed creek he refers to
is one of the main tributaries to
The Cottonwood creek, from Jasper
Mountain.

You will find that in my application
to build my dam, that the source
of the water is from Cottonwood
Creek and its tributaries.

My project involves about
5 families below him therefore
he must, return the overflow

from his pond to the original
unnamed creek, which is not
an underground source. There are
a few places that it does seep
underground in dry seasons as
we have now.

I demand that you send an
experienced official to investigate
this project, to save future
troubles.

Sincerely
W.M. Junttila

P.S. I am sending a notice
to the head office in Boise.

Idaho

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that
Dan Zebell Rt 5 Box 101, Priest
River, Id has on July 15 1977
submitted Application No. 97-
7102 for a permit to appropriate
0.08 cubic feet per second & 1
acre feet per annum of water
from an unnamed creek by
means of dam, pump, and
pipeline within the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec 20 T58N R4W, B.M. Bonner
County to be used from Jan 1 to
Dec 31 for domestic, (0.04 cfs),
stockwater (0.02 cfs) and
storage for fish culture (1.0 af-
an) and from April 1 to Oct 15
for the irrigation of $\frac{1}{2}$ acre (0.02
cfs) within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 20
T58N, R4W, B.M.

If issued, this permit will be
subject to all prior water rights.

Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho
83814, on or before August 15,
1977.

C. STEPHEN ALLRED
Director

Published in the Priest River
Times, Priest River, Id on July
28 and Aug. 4, 1977.

August 18, 1977

Re: Application for Permit No. 97-7102 - Zebell

William M. Junttila
Rt. 5 Box 100
Priest River, Idaho 83856

Dear Mr. Junttila:

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

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

August 18, 1977

Re: Application for Permit No. 97-7102

Dan Zebell
Rt. 5, Box 101
Priest River, ID 83856

Dear Mr. Zebell:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 97-7102. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

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

If this office can be of further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 21, 1977

RE: Applications No. 96-7583 & 97-7102

Priest River Times
PO Box 398
Priest River, Id 83856

Gentlemen:

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

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

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

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

MICROFILMED

[Handwritten signatures and notes]
8-15-77

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Dan Zebe11
Rt 5 Box 101, Priest River, Id
has July 15, 1977 submitted Application No. 97-7102
for a permit to appropriate 0.08 cubic feet per second / 1 acre feet per annum
of water from an unnamed creek
by means of dam, pump & pipeline
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 20, T58N, R4W, B.M., Bonner County

to be used from Jan 1 to Dec 31 for domestic, (0.04 cfs) , stockwater (0.02 cfs)
~~xxx~~ and storage for fish culture (1.0 af/an) and from April 1 to Oct 15 for the
irrigation of $\frac{1}{2}$ acre (0.02 cfs)
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 20, T58N, R4W, B.M.

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

August 15, 1977

C. STEPHEN ALLRED
Director

Published in the Priest River Times, Priest River, Id
on July 28 and August 4, 1977

NOTICE OF APPLICATION

FOR WATER PERMIT

Notice is hereby given that

Dan Zebell Rt 5 Box 101, Priest

River, Id has on July 15 1977

submitted Application No. 97-

7102 for a permit to appropriate

0.08 cubic feet per second & 1

acre feet per annum of water

from an unnamed creek by

means of dam, pump and

pipeline within the SW $\frac{1}{4}$ SW $\frac{1}{4}$

Sec 20 T8N R4W, B.M. Bonner

County to be used from Jan 1 to

Dec 31 for domestic, (0.04 cfs),

stock water (0.02 cfs) and

storage for fish culture (1.0 af-

an) and from April 1 to Oct 15

for the irrigation of $\frac{1}{2}$ acre (0.02

cfs) within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 20

T8N, R4W, B.M.

If issued, this permit will be

subject to all prior water rights.

Protests against the granting of

the permit must be filed with

the Idaho Department of Water

Resources, 4055 Government

Way, Coeur d'Alene, Idaho

83814, on or before August 15,

1977.

C. STEPHEN ALLRED

Director

Published in the Priest River

Times, Priest River, Id on July

28 and Aug. 4, 1977.

01/1
9-9977



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
667-6484

COEUR D' ALENE, IDAHO 83814

July 18, 1977

RE: Application No. 97-7102

Dan Zebell
Rt 5 Box 101
Preist River, Id 83854

Dear Mr Zebell,

Attached is your receipt No. 5658 in the amount of \$10.00 for the filing fee on the above referenced item which was received in this office.

Sincerely,

Alea Beito
Secretary

AB

Attachment

June 21, 1977

Dan Zebell
Rt 5 Box 101
Priest River, Id 83856

Dear Mr Zebell,

We apologize for neglecting to insert an Application for Permit along with our last letter.

The best manner in which to handle this present situation is to have your complete the application and receive a permit which will establish your water right. You can have up to 5 years to construct your system at which time we will then issue you a license water right for that amount of water which you are beneficially using.

We are also enclosing our "Water User's Handbook" which may answer such further questions as you may have.

If you need any assistance in completing the form, please feel free to contact us.

Sincerely,

FRED EISENBARTH
Water Resource Planner

FE:ab

Enclosures: Application for Permit
Instructions
Water Users Handbook

MICROFILMED

RECEIVED

JUN 21 1977

Department of Water Resources
Bozeman District Office

DAN ZEBELL

RT 5 Box 101

WEST RIVER

IDA, BOSE

FRED EISENBARTH

IN RESPONSE TO YOUR LETTER JUNE 14,
1977. YOU FAILED TO ENCLOSE AN
"APPLICATION FOR PERMIT".

I WOULD LIKE TO MENTION A FEW
FACTS CONCERNING COTTONWOOD CREEK.
TRUE I DID BUILD A "DAM", BUT WHAT-
EVER ELSE HAROLD CRAWFORD MAY
HAVE TOLD YOU DON'T BELIEVE IT. HAROLD
CRAWFORD KNOWS NOTHING OF WHICH
HE SPEAKS, HE HAS NEVER SET
FOOT ON MY LAND.

THE WATER THAT FLOWS ACROSS
MY LAND DOES NOT REACH COTTONWOOD
CREEK AS SURFACE WATER EXCEPT
DURING SPRING RUN-OFF. MY LAND
IS 80% SWAMP, ~~THE~~ ^{MY} CREEK RUNS
HALF WAY AS SURFACE WATER AND
THEN RUNS UNDERGROUND.

NOW ABOUT MY "DAM". WHAT I
DID WAS, AT THE AREA THAT THE
WATER ~~WENT~~ WENT UNDERGROUND
I DUG A LARGE HOLE. THIS
HOLE ~~IS~~ WHICH HAS WATER IN IT,
REPRESENTS THE WATER TABLE.

I HAVE NOT RAISED THE LEVEL

MICROFILMED

OF THE NATURAL WATER FLOW.

AS OF TODAY SUNDAY JUNE 19, 1977.
WATER IS FLOWING INTO MY "DAM" AT
LESS THAN $\frac{1}{2}$ GALLON / MIN. . 100 FEET
UPSTREAM THE WATER FLOWS AT
5 GALS. / MIN. . BY THIS YOU CAN
SEE THE RATE AT WHICH THE SURFACE
WATER RUNS UNDERGROUND. BY JULY
I THERE PROBABLY WON'T BE ANY
SURFACE WATER FLOWING INTO MY
"DAM". DURING A NORMAL YEAR THE
SURFACE WATER IS NOT THIS LOW UNTIL
SEPT.

IN THE FUTURE I WOULD LIKE
TO BUILD A DAM TO RAISE THE
WATER LEVEL APPROX. TWO FEET.

SINCERELY,

DAN ZEBELL

RT5 Bx101

PRIEST RIVER

P.S. SOME ONE SHOULD

IDA.

INFORM MR. HAROLD CRAWFORD

83856

THAT DROUGHT CONDITIONS EXIST.

DAN ZEBELL
RT 5 Bx 101
PRIEST RIVER
IDA.



FRED EISENBARTH
WATER RESOURCE PLANNER
DEPT. OF WATER RESOURCES
Room 209
401 FRONT AVE.
COEUR D'ALENE, IDA.
83814

June 14, 1977

Dan Zebel
Rt 5
Priest River, Id 83856

Dear Mr Zebel,

It has recently been brought to our attention that a water problem is being encountered on Cottonwood Creek due to appropriation of water by yourself by means of a newly constructed dam. Sec. 42-103 of the Idaho Code states that the "right to the use of the unappropriated waters of rivers, streams, lakes, springs and of subterranean waters within the State of Idaho shall hereafter be acquired only under the permit procedure". We have enclosed an Application for Permit with instructions which you should complete and return to our office for processing.

If we can be of any assistance in completing the forms or answering your questions, please contact us.

Sincerely,

FRED EISENBARTH
Water Resource Planner

FE:ab

Enclosure

cc: Harold Crawford
PO Box 784
Priest River, Id 83856

RECEIVED
JUN 15 1977
FED