

Roda, Evan

From: RECEIVED
Sent: SEP 22 2025
To: Roda, Evan; IDWR File
Cc: Laubach, Katharine (ENRD); Widerschein, Mark (ENRD)
Subject: IDWR/NORTH
Attachments: RE: Evidence of priority date for CFPRBA Claim Nos. 97-4222, 97-4223, and 97-4224 letter to IDWR re evidence 97 4222 4223 4223 - 09.22.2025_SENT.pdf

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Good afternoon –

Please find attached a submission packet for CFPRBA Claim Nos. 97-4222, 97-4223, and 97-4224, per the email communication below. Please confirm receipt of this submission.

Best Regards,

Michelle Ramus
Trial Attorney
Environmental & Natural Resources Division
Natural Resources Section

Email: Michelle.Ramus@usdoj.gov

Phone: (202) 598-6660

From: Ramus, Michelle (ENRD)
Sent: Tuesday, August 12, 2025 1:57 PM
To: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Cc: Laubach, Katharine (ENRD) <Katharine.Laubach@usdoj.gov>; Widerschein, Mark (ENRD) <Mark.Widerschein@usdoj.gov>
Subject: RE: Evidence of priority date for CFPRBA Claim Nos. 97-4222, 97-4223, and 97-4224

Thank you very much, will do.

Michelle Ramus
Trial Attorney
Environmental & Natural Resources Division
Natural Resources Section

Email: Michelle.Ramus@usdoj.gov

Phone: (202) 598-6660

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SEP 23 2025



U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section

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September 22, 2025

Evan W. Roda
Adjudication Section Manager
State of Idaho
Department of Water Resources
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Re: Evidence of priority date for CFPRBA Claim Nos. 97-4222, 97-4223, and 97-4224

Dear Mr. Roda:

The U.S. Department of Defense, Army Corps of Engineers ("the Corps" or "the United States") received your July 23, 2025 letter requesting additional evidence relating to the priority date for Claim Nos. 97-4222, 97-4223, and 97-4224 in the Clark Fork-Pend Oreille Basin Adjudication ("CFPRBA"). On August 12, 2025, the United States requested an extension of the August 22nd deadline to respond to the letter, which you granted, stating that the evidence could be submitted by email. As detailed below, the United States now submits the attached priority date evidence relating to Claim Nos. 97-4222, 97-4223, and 97-4224.

Claim No. 97-4222

This claim pertains to the visitor's center and surrounding grounds at the Albeni Falls Dam. The attached evidence supports the claimed priority date of January 1, 1958, for this claim. *See* Ex. A. Construction commenced on Albeni Falls Dam in 1951 continuing through 1955. *See id.*, Attach. 2 (1964 Master Plan excerpts). Construction photos from that era show the resident engineer's house and visitor's center with appurtenant lawns/grass areas. *See id.*, Attach. 3. The visitor's center has also been called the "Overlook House" and the "Vista House." *See id.*, Attach. 1 (1955 Master Plan excerpts) and Attach. 2 (1964 Master Plan excerpts). The residence listed in response to Question 13 on the Notice of Claim to a Water Right filed for Claim No. 97-4222 has also been called the "Resident Engineer's Office," *see id.*, Attach. 3, and the "Project Engineer's Residence," *see id.*, Attach. 2 (drawing in the 1964 Master Plan excerpts). These structures are shown in engineering drawings dated 1955 and 1964 in the attached Master Plans

respectively. *See id.*, Attach. 1 (1955 Master Plan excerpts) and Attach. 2 (1964 Master Plan excerpts). Engineering drawings indicate the visitor's center was completed in 1952. *See id.*, Attach. 1 at (1955 Master Plan excerpts). A set of 1968 photos shows the sprinklers in use. *See id.*, Attach. 4.

Claim Nos. 97-4223 and 97-4224

These claims are associated with the Priest River Recreation Site, which is a public campground and beach near the City of Priest River, Idaho. The attached evidence supports the claimed priority date of January 1, 1956, for these claims. *See Ex. B.* The recreation site was developed in partnership between the City of Priest River and the U.S. Army Corps of Engineers. *See id.*, Attach. 2 at Table 2 (table in the 1958 Design Memo showing federal versus City of Priest River costs). The City of Priest River had a license to develop, operate and maintain the site in its early days. *See id.*, Attach. 1 (1955 Master Plan excerpts) and Attach. 2 (1958 Design Memo excerpts). In the later portion of that lease the Corps agreed to fund some of the anticipated site improvements. *See id.*, Attach. 2 (1958 Design Memo excerpts). Site development in 1958 and 1959 resulted in a cased well, hydrants, fountain, water lines, pump house and chlorination tank. *See id.*, Attach. 2 (1958 Design Memo excerpts). Specifically, "as-built" drawings delivered to the Corps upon completion of work indicate this activity took place. *See id.*, Attach. 3 ("as-built" drawings). However, the 1958 Design Memo describes a baseball field put in use and bleachers constructed for the annual logger celebrations occurring at the site: these were installed at the community's expense, which indicates the city had undertaken some improvements at the site prior to 1958. *See id.*, Attach. 2 (1958 Design Memo excerpts).¹

The United States believes the attached evidence will resolve IDWR's concerns relating to the claimed priority dates for Claim Nos. 97-4222, 97-4223, and 97-4224. Please do not hesitate to reach out with additional questions relating to these claims.

Best Regards,

/s/ Michelle Ramus

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P.O. Box 7611
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Attorney for Defendants

¹ A record request is pending with the City of Priest River to attempt to find documentation of water systems circa 1956 installed by the City of Priest River pursuant to its license. *See Ex. B, Attach. 4.*

EXHIBIT A:
Claim No. 97-4222

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ATTACHMENT 1

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CORPS OF ENGINEERS
U. S. ARMY

THE MASTER PLAN

DEVELOPMENT & MANAGEMENT

ALBENI FALLS RESERVOIR
PEND OREILLE RIVER, IDAHO



OFFICE OF THE DISTRICT ENGINEER
SEATTLE, WASHINGTON
FEBRUARY, 1955

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SEP 23 2025

108. Albeni Falls Overlook. - The overlook development, plate 4, is on the right bank upstream from the powerhouse. It affords a full view of the spillway section and of most of the powerhouse. The building houses a display lobby, toilets and a drinking fountain. The paved parking area will accommodate about 90 cars with additional space available for overflow parking and expansion.

109. Albeni Cove. - This area on the left bank, one-fourth mile above the dam, is a 27 acre tract suitable for public use development. Its principal attraction is the protected harbor with adequate space for boat mooring and launching facilities. Opportunity for camping and picnicking is limited due to steep topography but there is room for about eight overnight camp units and a group picnic site. A fair bathing beach may be developed by hauling in sand. Pure spring water rises on the tract and may be piped to the use areas. Two and one-half miles of gravel road connect the area with Newport and the junction of U. S. Highway 2-195 and State Highway 41. The Newport, Washington, community through the American Legion has been granted a lease to develop this tract.

110. A series of narrow shoreline strips lie between the railroad right-of-way and the water along the north shore between Priest River and the dam and are accessible only by boat. They vary in width from 25 to 200 feet and in a few spots offer opportunities for emergency boat landings or rough camping. Use will not be extensive enough to necessitate any improvements.

111. Strong's Island. - About two-thirds of the island was formerly in orchard and hay meadow. This portion will gradually revert to a natural native tree growth. The balance supports a stand of second-growth native timber. Strong's Island is attractive to pleasure boat visitors who stop for exploration, rough camping and occasional picnicking. It

ATTACHMENT 2

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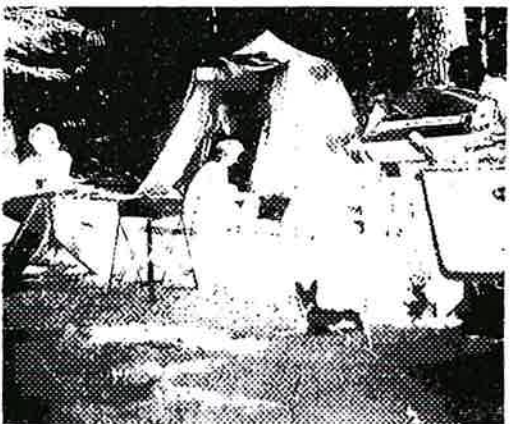
SEP 23 2025

Box 174 (S)

85

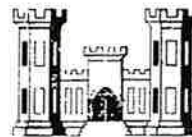
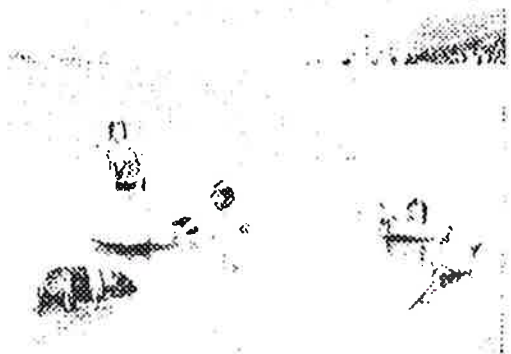
ALBENI FALLS PROJECT

PEND OREILLE RIVER, IDAHO



THE MASTER PLAN FOR DEVELOPMENT & MANAGEMENT OF RESERVOIR LANDS

DESIGN MEMORANDUM 23 B



JUNE 1964

U. S. ARMY ENGINEER DISTRICT, SEATTLE • CORPS OF ENGINEERS

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SECTION 2 - DESCRIPTION OF PROJECT

2.01 Authorization. - Albeni Falls Dam and Reservoir were authorized by the Flood Control Act, approved 17 May 1950. Construction began in January 1951. Regulation of the lake level started in June 1952. The first generator was placed on the line 25 March 1955, the second started producing power 16 May 1955, and the third was in operation on 5 August 1955. The project was essentially complete on 31 December 1955.

2.02 Location and purpose. - The dam is on the Pend Oreille River in Bonner County, Idaho, 2-1/2 miles east of Newport, Washington, and 50 miles northeast of Spokane, Washington (see Plate 1). Albeni Falls Reservoir, which includes all of Pend Oreille Lake, lies in both Bonner and Kootenai Counties, Idaho. Storage provided by Albeni Falls Dam serves the multiple-purposes of power generation, navigation, flood control, recreation, and fish and wildlife conservation.

2.03 Engineering features of the project. - The dam is a concrete-gravity, gate-controlled structure with a spillway 472 feet long. The overall length, including the nonoverflow abutment section, is 755 feet. The height is 90 feet. Ten roller-train-type gates of vertical lift type are installed in the spillway. A log chute 440 feet long, 6 feet wide, 10 feet deep, which is gate-controlled, has been placed in a tunnel under the right abutment of the dam. The powerhouse is 200 feet wide and 300 feet long with three generators having a total installed capacity rated at 42,600 kw. Further pertinent data are given in table 1.

planned for improvement to bring existing facilities up to the present standards of the Corps of Engineers. Expansion is planned for Riley Creek Recreation Area in accordance with Design Memo 22 and is programmed as part of the master plan. Expansion of Springy Point is planned on land proposed for acquisition in Design Memo 23A, Supplement 1. Further expansion of the picnic area to the west will be on land presently owned in fee.

6.05 Vista (plate 4). A vista house, parking area and small picnic area are on the right bank adjacent to U. S. Highway 2, immediately upstream from the powerhouse. The vista affords a full view of the spillway section and most of the powerhouse. The vista house contains a display box of core drillings, photographs of the area mounted on the wall, flush-type toilets and a drinking fountain. The parking area is paved and will accommodate approximately 90 cars. The picnic area is adjacent to the parking area and receives extensive use during the summer recreation season.

6.06 Improvements to the vista facilities will comprise the installation of an audio-visual system, a pictorial map of the reservoir area, showing the location of all Corps of Engineers' land available for public use, a wall-mounted glass case for photographs, and the planting of trees and shrubs adjacent to the drives and picnic area and on cut slopes along the lower access road. The audio-visual system will picture features of the dam, powerhouse and reservoir and a sound system will give a brief narrative description of each picture shown. Installation of the

glass or plastic case will help preserve photographs and tend to reduce vandalism, while the map of the reservoir area will emphasize available public recreation areas and the type of facilities on each site. The estimated cost of these improvements is \$9,500.

6.07 Albeni Falls powerhouse (plate 4). A self-guided tour of the powerhouse is provided for tourists. The powerhouse is on the right bank and is served by a paved access road from U. S. Highway 2. Limited parking space is available at the powerhouse for visitors. Tourists are encouraged to leave their cars at the vista parking area and use a foot path for access to the powerhouse to avoid congestion with project equipment. The tour starts in the reception room of the powerhouse, which overlooks the tailrace. The room contains a large scale relief map of the Columbia River Basin, a drinking fountain, and a registration desk. The Tourists are directed down a flight of stairs to the lobby and observation gallery to view the generators. An elevator is available for visitors who have difficulty with stairs. During the busy summer recreation season, the self-guided tour is supplemented with guided tours that give greater detail to the project's main features and permits visits to the turbine deck. Small groups are furnished extensive tours of the powerhouse with permission of the project engineer. Expansion of the tours is not contemplated.

6.08 Albeni Cove (plate 4). An all-purpose 20-acre recreation area was constructed in 1959 on the left bank of the reservoir at Albeni Cove approximately one-quarter mile upstream from the dam. Access to the area from the city of Newport, Washington, is by a 2-1/2-mile gravelled county road. The recreation area is in a natural setting of coniferous trees



ATTACHMENT 3

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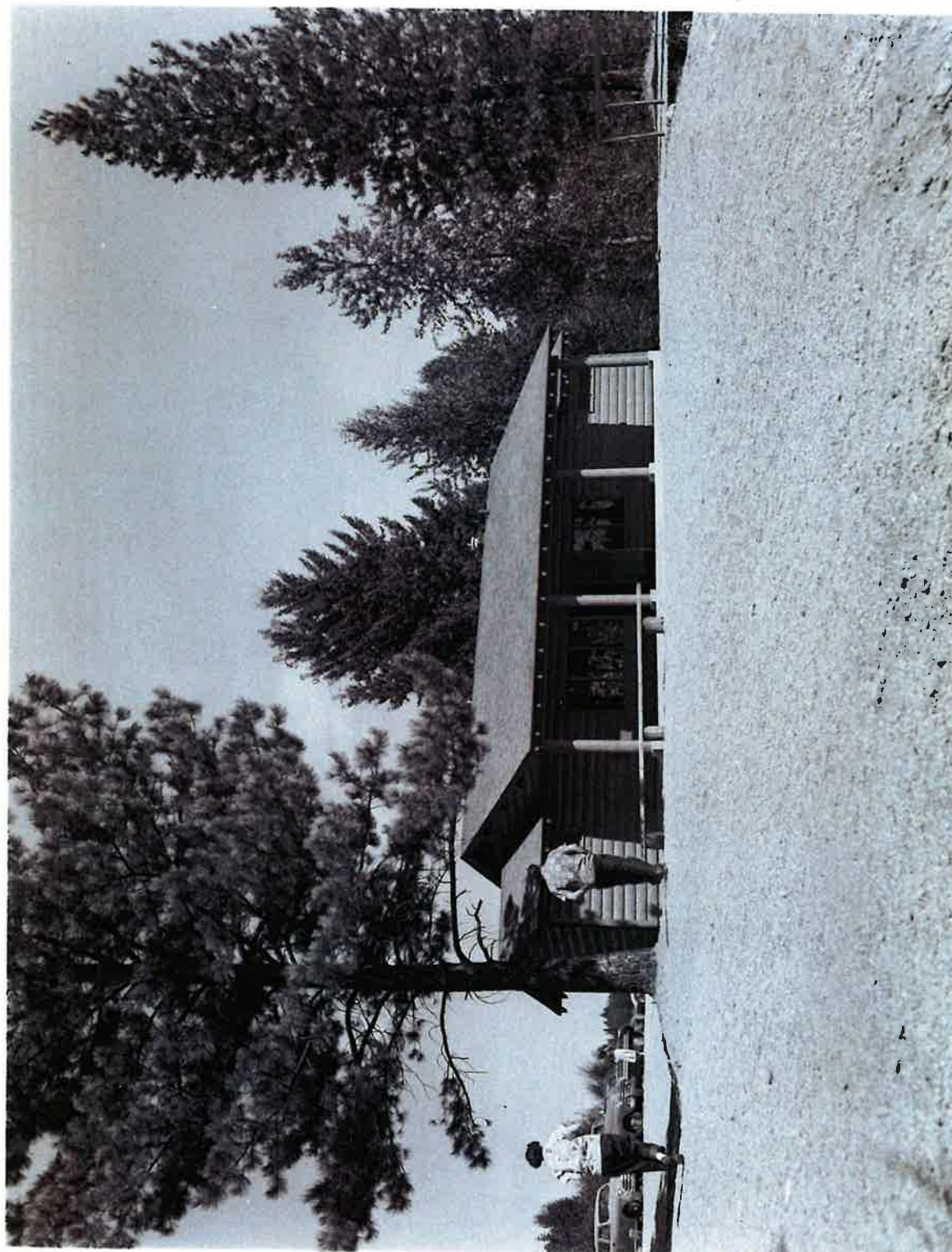


AFD 251

5-18-51
Aerial view of first stage construction looking north west

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Albeni Falls Dam #1138 August 21, 1952
Taken near Resident Engineer Office, looking
northeast, showing Vista House.

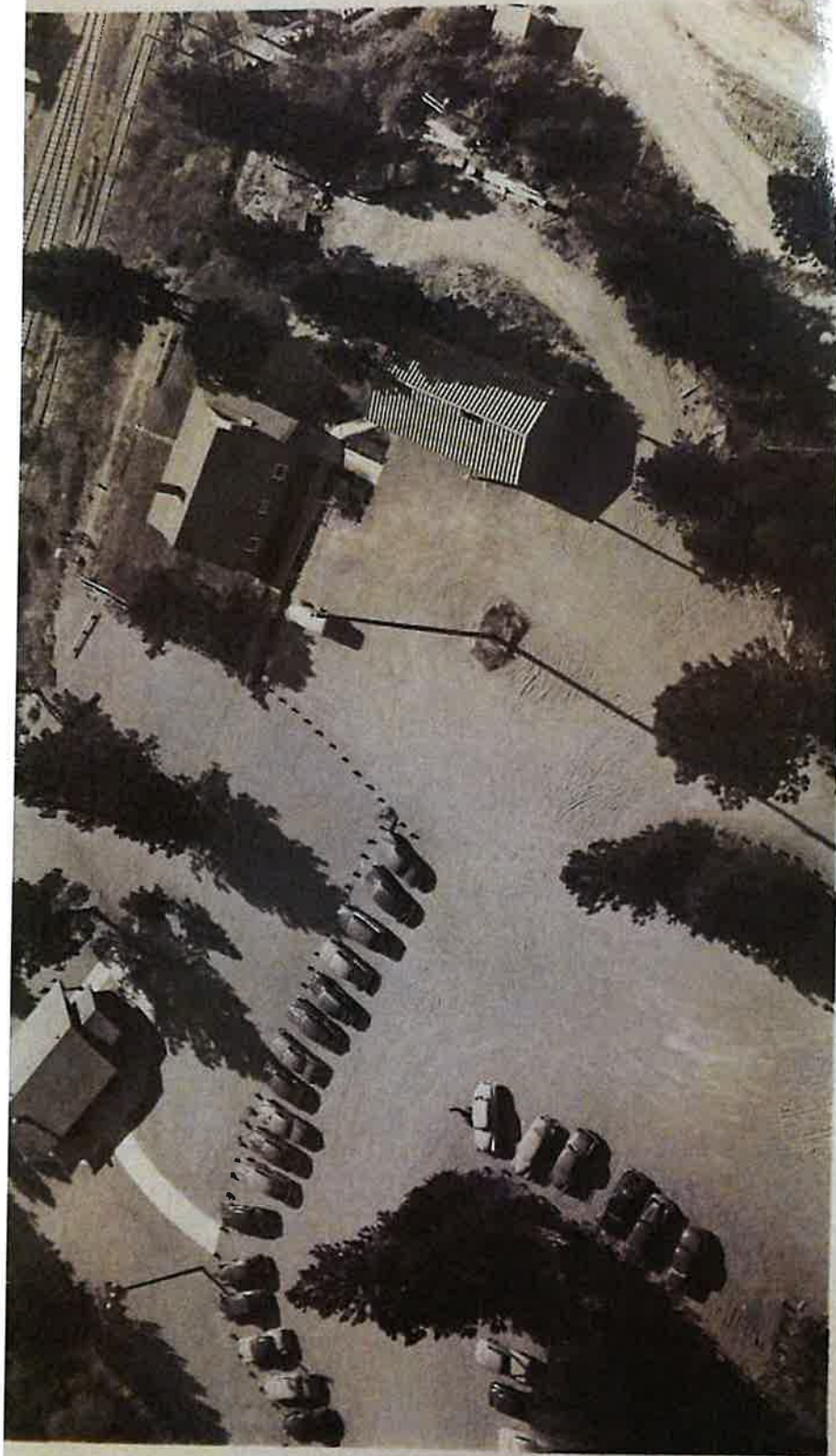
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#571 Albeni Falls Dam 24 September 1951
Office Building at Dam Site.



Albani Falls #1302

26 Sept. 1952

Newport, Wash. Aerial view looking southwest, showing Vista House, Resident Engineer's Office and parking area.

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ATTACHMENT 4

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AFD - 3224 - View looking Westerly showing Landscaping at the Visitors Vista point. 10 Sept 68.



10 Sept 68

AFD 3223

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AFD - 3223 - View of the landscaping at the Visitors parking area and the Viewpoint. Looking Westerly. 10 Sept 68.