

Roda, Evan

From: Ramus, Michelle (ENRD) <Michelle.Ramus@usdoj.gov>
Sent: Monday, September 22, 2025 2:05 PM
To: Roda, Evan; IDWR File
Cc: Laubach, Katharine (ENRD); Widerschein, Mark (ENRD)
Subject: RE: Evidence of priority date for CFPRBA Claim Nos. 97-4222, 97-4223, and 97-4224
Attachments: Letter to IDWR re evidence 97 4222 4223 4223 - 09.22.2025_SENT.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

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

SCANNED

SEP 23 2025



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

Michelle Ramus
150 M St. NE
Washington, D.C. 20002

Telephone (202) 598-6660
Facsimile (202) 305-0506

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
MICHELLE RAMUS, Trial Attorney
Michelle.Ramus@usdoj.gov | (202) 514-2598
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611

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 B:
Claim Nos. 97-4223 and 97-4224

SCANNED

SEP 23 2025

ATTACHMENT 1

SCANNED

SEP 23 2025

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

SCANNED

SEP 23 2025

is not likely that there will be sufficient use to justify installation of camping facilities within the next decade.

112. Priest River Camp. - This 20 acre tract lies at the mouth of Priest River with direct access to U. S. Highway 2-195. Nearly one-half of the area was formerly an open pasture that will provide parking and space for community recreational activities without clearing. A drilled well is the most practical source of water supply. Electric power is available for pumping. In addition to the play area there is space for eight overnight camps, a group picnic spot and four family picnic units. A backwater in the southwest corner may be developed into a protected childrens bathing beach by opening its north end for free water circulation and by hauling in sand. The west-side shore offers adequate opportunity for boat moorage and launching. A license authorizing use and development of this tract has been issued to the City of Priest River. The timbered area is too dense for use in its present state. The license provides that trees removed in connection with thinning operations may be utilized by the licensee in the development of the tract.

113. Priest River Game Management Unit. - (To be administered by the Idaho Fish and Game Department.) Most of the 30-acre land area is less than two feet above the regulated pool and is covered by a growth of marsh grasses and deciduous trees. The 85-acre water area is largely shallow and is expected to produce aquatic and emergent aquatic plants. The unit is one of the valuable waterfowl nesting and feeding areas and is also of importance for its spiny-ray fishery. Hunting and fishing access is provided through the Priest River Camp and by way of a road crossing over the railroad. A two-acre tract having car access to U. S. Highway 2-195 is suitable for a small hunting and fishing camp and for a seaplane landing. The narrow strip extending along the south half of the unit is suited to production of

ATTACHMENT 2

SCANNED

SEP 23 2025

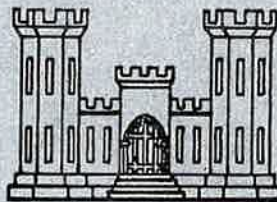
ALBENI FALLS PROJECT

PEND OREILLE RIVER, IDAHO

DESIGN MEMO NO.18

PUBLIC ACCESS FACILITIES

15 APRIL 1958



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

15 April 1958

ALBENI FALLS DESIGN MEMO NO. 18

Subject: Public Access Facilities

1. Introduction. - The approved Master Plan for Albeni Falls Project provides for eventual development of four major public recreation sites on the Pend Oreille River arm of the reservoir. They are the Springy Point, Riley Creek, Priest River and Albeni Cove sites. The approved land use policy states in part "the policy will be to encourage local and State governmental agencies and service organizations to develop and administer project access sites and to give them full opportunity to do so. If that program fails to keep pace with the public need for facilities essential for the enjoyment of ready public access to the reservoir, then the District Engineer will consider recommending installation of additional facilities at Department of the Army expense."

2. The Springy Point and Riley Creek sites are without sponsors and no development has been started. They will be the subject of a supplemental design memo. The Priest River site was licensed to the city of Priest River in 1953. Albeni Cove was leased to Post No. 45, American Legion, of Newport, Washington, in 1953. Recommendations are now being processed transferring the latter lease to the Newport Chamber of Commerce. Under these outgrants both communities have made considerable progress but it is now evident that they lack the financial resources to install minimum facilities essential to access and recreation use as rapidly as is required by the public need.

3. Purpose. - This memo presents plans and recommendations for completion of the Priest River and Albeni Cove sites in accordance with ER 1130-2-302. (O&R 4224).

4. Reference is made to the letter ENGWD-ENGWO dated 15 February 1957, subject "Planning and Development in Reservoir Areas for Public Recreation Use," which requests that appropriate action be taken to improve the timing in providing necessary public access and use facilities.

5. Use estimate. - Table 1 indicates visitor use of the sites during 1957 and estimates of the use that may be expected after completion of improvements.

SCANNED

SEP 23 2025

Table 1 - Use estimates

	1957		Estimated future
	Peak day	Season	annual use after improved
Priest River	2,500	9,500	26,000
Albeni Cove	300	2,100	20,000

6. Necessity. - Since construction of Albeni Falls Dam the Fend Oreille River arm of the reservoir has been rapidly developing into a recreational attraction for residents of the immediate area and the city of Spokane, Washington. Proximity of Albeni Cove and Priest River sites to U. S. Highway No. 2 also invites use by tourists, particularly for overnight camping. By 1957 use of the partially improved sites had reached proportions that the developments were inadequate to accommodate. Lack of minimum camping, picnicking, sanitary, parking and boat launching conveniences had combined to create a congested, unsanitary condition of no credit to the sponsors or to the Corps of Engineers. Although both communities have expended maximum effort in the forms of financial investment and contributed labor, and may be expected to continue to do so, it is obvious that assistance is required if the needs for public access and use of the reservoir are to be adequately served. Dollar value of community investment in labor and funds for the respective sites prior to Fiscal Year 1958 is estimated to be: Priest River \$3,800, Newport \$7,000.

7. The development program. - The development program outlined in Tables 2 and 3 is based upon completion of essential minimum facilities by the end of fiscal year 1959. In accordance with ER 1130-2-302 (O&R 4224.01j) facilities included in the plan for full or partial installation by the Corps are limited to access roads and parking grounds, public camping and picnicking areas, water supply, sanitary facilities and boat launching ramps. Conferences have been held with the respective sponsors to determine the amount and kind of work they may be expected to perform with the resources in manpower and funds available to them. Those jobs requiring largely hand labor, such as debris removal and clearing of roads and parking areas are the most readily accomplished by the communities. The remainder of the work required is proposed for construction by the Corps. The whole program is a coordinated cooperative plan. For example, the Priest River community will clear and rough-grade the roads and parking areas, with the Corps providing finish grading and surfacing. A discussion of each site follows:

8. Priest River. - (See plate 1 and table 2) Favorable topography at the Priest River site has made possible the planning of a well-rounded community recreation area. Picnic facilities include 9 family units and 1 group unit, the latter being usable for family groups when not occupied by large organizations. The loop-type parking provided at the 11 camping sites permits use by occupants of one or more cars, or cars with trailers attached. Adequate improved picnic parking is provided for normal use with overflow space available for peak days. No boat launching facilities are proposed or are required as the city provides boat launching facilities less than one mile away.

Table 2

Priest River development program and cost estimate

Facility	Unit	Quantity	Estimated cost		Estimated cost	
			Federal	City of Priest R.	Federal	City of Priest R.
			FY 1958	FY 1959	FY 1958	FY 1959
			(\$)	(\$)	(\$)	(\$)
1. Clear and rough grade parking area	Sq.yd.	2,270			✓ 1,100	
2. Clear and rough grade roads:						
10' road	L.F.	1,350			✓ 1,700	
14' "	"	230			✓ 400	
16' "	"	870			✓ 1,600	
3. Thinning of dense timber stand and disposal of dead standing and down debris	Job	1			✓ 1,000	✓ 800
4. Cased well	"	1			✓ 500	
5. Refuse containers w/concrete base	Each	11				not in 220
6. Complete existing bathhouse	"	1				1,200 not done
Total city of Priest River					6,300	2,220
7. Finish grade parking areas and place 3" gravel surface	Sq.yd.	2,270	✓ 690	HL 59		
8. Finish grade roads and place 3" gravel surface	Sq.yd.	3,410	✓ 1,040	HL 59		2450
9. Parking barriers	L.F.	800	✓ 720	HL 59		
10. Pumphouse, pressure pump and chlorinating unit install.	Each	1	✓ 1,980			
			contract			

Table 2
(Continued)

Priest River development program and cost estimate

Facility	Unit	Quantity	Estimated cost		Estimated Cost	
			FY1958	FY 1959	FY1958	FY 1959
			(\$)	(\$)	(\$)	(\$)
✓ 11. Water distribution system: 1" pipe w/4 hydrants and 1 drinking fountain	L.F.	1,020		2,160		
12. Foot trails: clearing & min. grading	"	1,600		410	not in	
13. Double vault latrine	Each	1		1,450	not in	
14. Single vault latrine	"	2		720	"	
15. 12' picnic tables	"	17		1,500	"	
16. 8' camping tables	"	11		940	"	
17. Camp stoves	"	21		1,030	"	
Direct cost			2,450	10,190		
Contingencies, 10%			245	1,020		
			2,695	11,210		
Indirect cost 9%			245	1,010		
			2,940	12,220		
TOTAL FEDERAL COST			13,160			

9. The baseball field is not an essential access improvement. However, it was developed by community effort at no cost to the Government. It does not detract from the greater use of the site for its primary purpose - access for reservoir related recreational activities.

10. A 3-day logger celebration is held each year which attracts about 3,000 guests from the Northwestern states. The beach side bleachers and the spar pole shown on Plate 1 are essential for that event and were installed at community expense. Although not required the remainder of the recreation season the bleachers are a convenience for attendants of small children using the bathing beach.

11. Roads and Parking. - Main two-way roads will have 16 feet of graveled width, minor two-way roads 14 feet and one-way roads 10 feet. The gravel-surfaced roads and parking areas will be designed for dry-season use by passenger automobiles and are estimated to require a 3-inch thickness of bank-run gravel. Adequate drainage will be provided where required. Parking barriers will utilize native timber, cut from the site and mounted on simple concrete supports. Clearing, rough-grading and cutting of barrier logs will be done by the city with the Corps providing finish grading, gravel and barrier installation.

12. Utilities. - Inspection of existing wells in the immediate vicinity indicates presence of adequate water at about 20-foot depth. A hand-dug and cased well will be provided by the city. The Corps will provide a pumphouse, shallow well pump, pneumatic tank and chlorinator and the water distribution system. Electric power for pumping is available at the site.

13. Sanitation. - Two single vault and one double vault pit latrines are to be installed by the Corps, using National Forest designs for the former and Iowa Conservation Commission plans for the latter. Two existing toilets are unsatisfactory and will be removed by the city. Eleven refuse containers will be furnished by the city.

14. Camping and Picnicking Units. - Tables and camp stoves will be installed by the Corps, using National Forest table designs and Washington State Parks plans for stoves.

15. Debris Removal. - All thinning of the dense timber stand and removal of dead-standing and down timber will be a responsibility of the city.

16. Bath House. - A substantial clothes-change building is about 60 percent complete and will be finished by the city during fiscal year 1959.

17. Foot Trails. - Foot trails planned for Corps construction are of simple design, consisting largely of removal of obstructing tree limbs and foot obstructions, and clearly marking the routes of travel.

18. Albeni Cove. - (See Plate 2 and Table 3) Albeni Cove is the nearest point for boat access to Albeni Falls Reservoir for a large region to the south and west and including the city of Spokane, Washington. It has a deep, well-protected harbor that will eventually become one of the major boat anchorages on the reservoir. Except for the harbor the site is not well suited for recreational development because of generally excessively steep terrain. Opportunities for parking, picnicking and camping facilities are limited. The design lay-out attempts to utilize to advantage all of the gentler slopes. It has been necessary, particularly in the camping area, to crowd family units more closely together than is usually considered good practice in a forest environment.



ATTACHMENT 3

SCANNED

SEP 23 2025

ATTACHMENT 4

SCANNED
SEP 23 2025

CITY OF PRIEST RIVER
P.O. Box 415
552 High Street Priest River, ID 83856
(208) 448-2123
Fax (208) 448-2232



REQUEST TO EXAMINE/COPY PUBLIC RECORDS

DATE: 9 September 2025

I hereby request, pursuant to Idaho Code § 74-102, to examine and/or copy the following public records:

Lease or outgrant to the City of Priest River by the U.S. Army Corps of Engineers Seattle District (Albeni Falls Dam) for the Priest River Recreation Area. The lease or outgrant is likely dated in the year 1953. The City of Priest River operated and maintained the area from September 1953 to March 1964 under license from the Federal Government. The recreation area may also be under the name "Priest River Camp." Relevant documents may discuss operation of a well in this area. All associated relevant documents, including those discussing the City's operations of this area, are requested.

- ☐ These records specifically pertain to myself
☐ I wish to merely examine these records
☒ I wish to obtain copies of these records

Print Name: Brandon S. Swearengin, Assistant District Counsel for the U.S. Army Corps of Engineers

Mailing Address: 4735 E Marginal Way S #1202, Seattle, WA 98134

Email Address: brandon.s.swearengin@usace.army.mil

Phone Number: (206) 316-3325

I acknowledge by my signature that the records sought by this request will not be used for a mailing list or telephone list as set forth in Idaho Code § 74-120.

I hereby attest that:

- ☐ I AM a resident of the State of Idaho, or I AM employed by a resident of the State of Idaho, as defined by Idaho Code § 74-101.
☒ I AM NOT a resident of the State of Idaho, and I AM NOT employed by a resident of the State of Idaho as defined by Idaho Code § 74-101.

Signature: _____

*** FOR OFFICE USE ONLY ***

DATE RECEIVED: _____ RECEIVED BY: _____ RESPONSE DUE: _____

EXTENSION NEEDED: ☐ YES ☐ NO ---- EXTENDED RESPONSE DUE: _____

DATE RECORDS PROVIDED: _____ BY: _____ VIA: ☐ MAIL ☐ EMAIL ☐ IN-PERSON

SCANNED

SEP 23 2025