

**Corrected**Claim No. 98-4237

RECEIVED

JUL 12 2018

IDWR / NORTH

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that DAN MYERS  
(Name of Claimant)  
Mailing Address: 189 Painted Horse Moyle Springs, ID 83845  
Telephone No: 208-267-7786 Email: KatkaIdaho@gmail.com

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 1923  
*A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.*

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
SPRINGS tributary to \_\_\_\_\_

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| (cfs or af)         | (Irrigation, Domestic, Stock, Etc.) | (Both dates inclusive)<br>(MM/DD) | (MM/DD)         |
|---------------------|-------------------------------------|-----------------------------------|-----------------|
| Quantity <u>.04</u> | Use <u>DOMESTIC</u>                 | Period of Use From <u>1/1</u>     | to <u>12/31</u> |
| Quantity <u>.02</u> | Use <u>STOCKWATER</u>               | Period of Use From <u>1/1</u>     | to <u>12/31</u> |
| Quantity <u>.10</u> | Use <u>IRRIGATION</u>               | Period of Use From <u>3/31</u>    | to <u>11/1</u>  |
| Quantity _____      | Use _____                           | Period of Use From _____          | to _____        |

4. .16 TOTAL QUANTITY USED.  
(cfs or af)

5. A) Location of point of diversion is NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Boundary  $\frac{1}{4}$  Govt. Lot Boundary  
Sec. 26 Township 62N Range 2E B.M., Boundary County; additional points of diversion, if any: \_\_\_\_\_

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

SPRING BASIN, PIPE, GRAVITY FLOW SYSTEM

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.  
**D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other**

| Twp | Rge | Sec | NE¼ |    |    |    | NW¼ |    |    |    | SW¼ |    |    |      | SE¼ |    |    |    | TOTAL<br>ACRES |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|------|-----|----|----|----|----------------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE   | NE  | NW | SW | SE |                |
| 62N | 2E  | 23  |     |    |    |    |     |    |    |    |     |    |    | X, 5 |     |    |    |    | 5              |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |      |     |    |    |    |                |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |      |     |    |    |    |                |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |      |     |    |    |    |                |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |      |     |    |    |    |                |

TOTAL ACRES 5

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

SINGLE HOME DOMESTIC  
STOCK WATER

NOTE: Include here the type and number of stock watered: 75 ASSORTED

7. Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. **Map** – Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of \_\_\_\_\_ )  
 ) ss.  
 County of \_\_\_\_\_ )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

\_\_\_\_\_  
 Claimant's Signature (and title if claim is for an organization)

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public

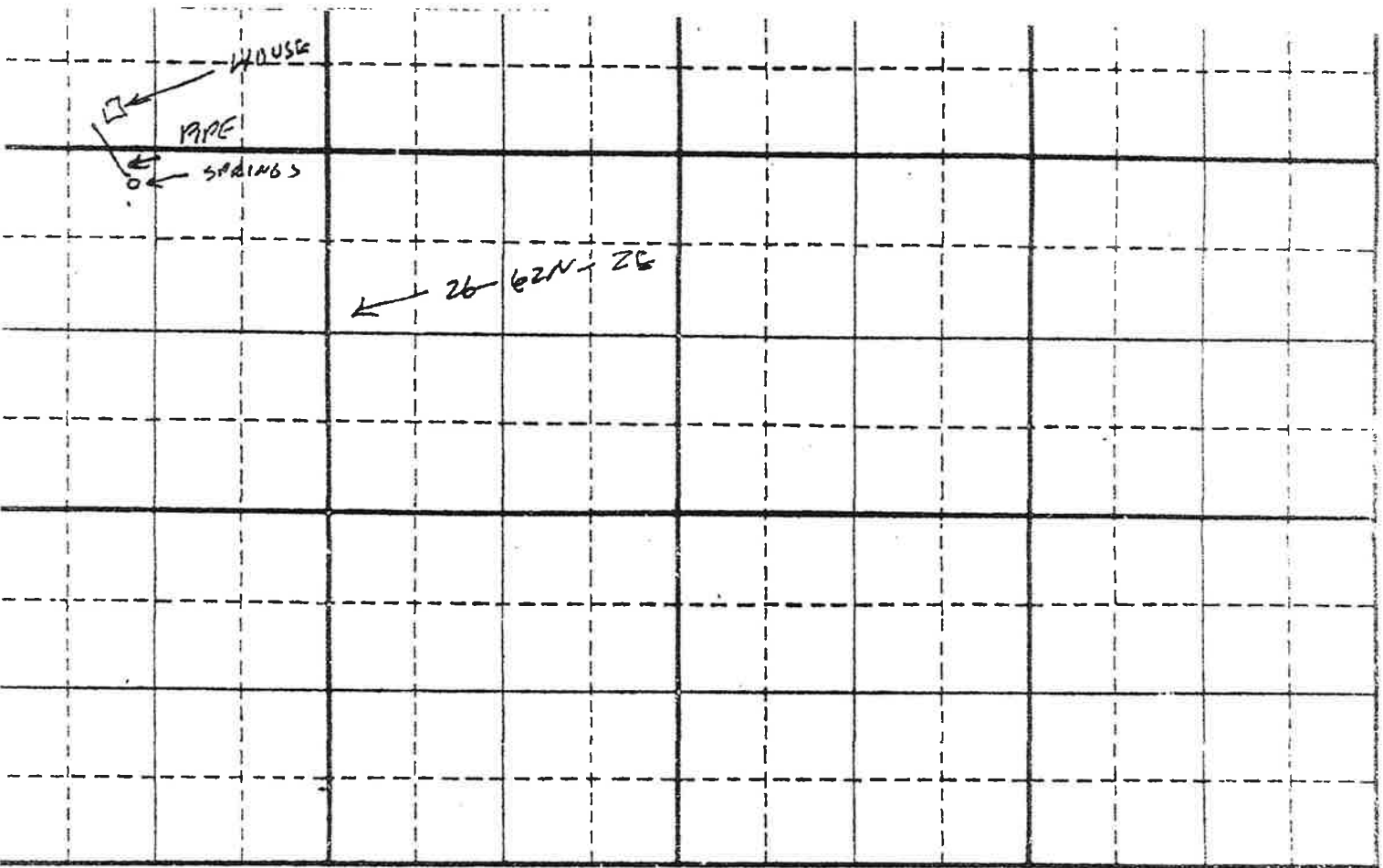
Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

#### FOR DEPARTMENT USE ONLY

Received by \_\_\_\_\_ Date \_\_\_\_\_  
 Prelim. check by \_\_\_\_\_ Date \_\_\_\_\_  
 Fee \_\_\_\_\_ Receipt # \_\_\_\_\_  
 Receipt prepared by \_\_\_\_\_ Date \_\_\_\_\_

Published in \_\_\_\_\_  
 Publication dates \_\_\_\_\_  
 Publication checked by \_\_\_\_\_ Date \_\_\_\_\_  
 Exceptions filed by \_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 County of BOUNDARY ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 10 day of July, 19 25 MAY 2018 (Claimant)

David R. [Signature]  
 (Claimant)  
Wayne A. Fox  
 Notary Public  
 Residing at BOWNERS FERRY

My commission expires LIFE

FOR DEPARTMENT USE ONLY

|                               |            |                           |                    |            |
|-------------------------------|------------|---------------------------|--------------------|------------|
| Received by _____             | Date _____ | Exception filed by: _____ | Forwarded to _____ | Date _____ |
| Prelim. check by _____        | Date _____ |                           | claimant by: _____ |            |
| \$30.00 fee received by _____ | Date _____ |                           |                    |            |
| Published in _____            |            |                           |                    |            |
| Dates _____                   |            |                           |                    |            |



Appl

X Q



for a

What are the best ways to find out...



SWSW



Water

Right?

Katka Rd

SESW  
23

SWSE

Two Tail Rd

62N02E

Katka Rd

NWNW

NENW

26

NWNE

-116.72 48.705 Degrees

SWNW

3000

SENW

Scale 1:100,000





# TITLE INSURANCE COMPANY

BOUNDARY ABSTRACT COMPANY, LTD.

AGENT FOR BOUNDARY COUNTY

POST OFFICE BOX 749  
BONNERS FERRY, IDAHO 83203  
PHONES 262-3127 AND 262-3128

IDAHO MAIN OFFICE  
LOCATED AT  
BOISE, IDAHO

## WARRANTY DEED

IN CONSIDERATION of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by grantor, JOEL BURLINGHAM and LINDA BURLINGHAM, husband and wife, grantor does hereby grant, bargain, sell and convey unto DANIEL R. MYERS and JOAN L. MYERS, husband and wife, grantee, the following described property:

The South Half of the Southeast Quarter of the Southwest Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section Twenty-three (23), Township Sixty-two (62) North, Range Two (2) East, B. M.,

TOGETHER with a ten foot wide right of way across the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section Twenty-six (26), Township Sixty-two (62) North, Range Two (2) East, B. M., and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Twenty-three (23), Township Sixty-two (62) North, Range Two (2) East, B. M., for the purpose of installing, maintaining, repairing, and replacing a water pipeline to an existing spring in said Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), AND ALSO the right to six gallons per minute of water from said spring along with an easement 50' x 50' at the spring site for the purpose of establishing a collection system of said water. The spring is located at the northwest corner of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of said Section Twenty-six (26), Township Sixty-two (62) North, Range Two (2) East, B. M.

### RESTRICTIVE COVENANT:

Neither grantee nor any successor or transferee of all or a portion of this tract from grantee shall sell any portion of this tract in less than a size of twenty (20) acres.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the grantee, its heirs and assigns forever. And the grantor does hereby covenant to and with the said grantee that it is the owner in fee simple of said premises and that

|                                                                                                   |                                                                                                                                                                                                                        |                                                                                       |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <p>INSTRUMENT NO.:</p> <p>RECEIVED</p> <p>INDEXED</p> <p>FILED</p> <p>DELIVERED</p> <p>MAILED</p> | <p>STATE OF IDAHO, COUNTY OF Boundary</p> <p>Subscribed and sworn to before me this 2nd day of May 1979 at Bonners Ferry, Idaho.</p> <p>By <i>[Signature]</i> Ex-officio Recorder</p> <p><i>[Signature]</i> Deputy</p> | <p>ADDRESS OF PURCHASER:</p> <p>3282 Lombardy Dr.<br/>Grand Jet., Colo.<br/>81520</p> |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|

they are free from all encumbrances, and that it will warrant  
and defend the same from all lawful claims whatsoever.

DATED this 25<sup>th</sup> day of May, 1979.

STATE OF IDAHO

County of Boundary )

:ss

On this 25 day of May, 1979, before  
me, the undersigned Notary Public, personally appeared JOEL  
BURLINGHAM and LINDA BURLINGHAM, husband and wife, known to  
me to be the persons whose names are subscribed to the  
within instrument and acknowledged to me that they executed  
the same.

[Signature]  
Notary Public for Idaho  
Residing at Bonners Ferry

## MEMORANDUM

**To:** Statutory Claim 98-4237

**From:** Adam Frederick AF

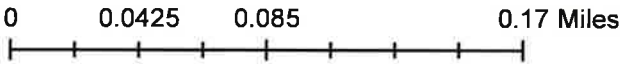
**Date:** 7/13/2018

---

A corrected statutory claim was received on July 12, 2018. A phone call was placed to Dan Myers to verify why the form was submitted. He said he was correcting the POD for the springs to the actual location in the NWN. He originally submitted the statutory claim and identified them in the NENW. Because this is a correction and not a new source, IDWR will update the shape and contact information for 98-4237. All documents will be scanned to file for future verification of the statutory claim.

State of Idaho  
Department of Water Resources  
**Water Right License**  
98-4237

02E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

