

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(name of claimant)

(mailing address)

Twin Lakes

The extent and nature of said claim is as follows:

- ## Shove Creek

1.0 cfs

Use Irrigation

Period of Use: From June 15 To Aug. 15

Use

Period of Use: From _____ To _____

Use

(dom., irri.
stock, etc.)

To

(both dates inclusive)

- 1.6

second, or

acre foot

450

gallons per minute.

- 1952

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water

- NW ¼ SE ¼, Sec. 3 Twp. 52N Rge. 5W B. M. County of Kootenai

Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible** **Diversion dam with gravity ditches.**

- not for irrigation, place an "X" in appropriate box to show location.

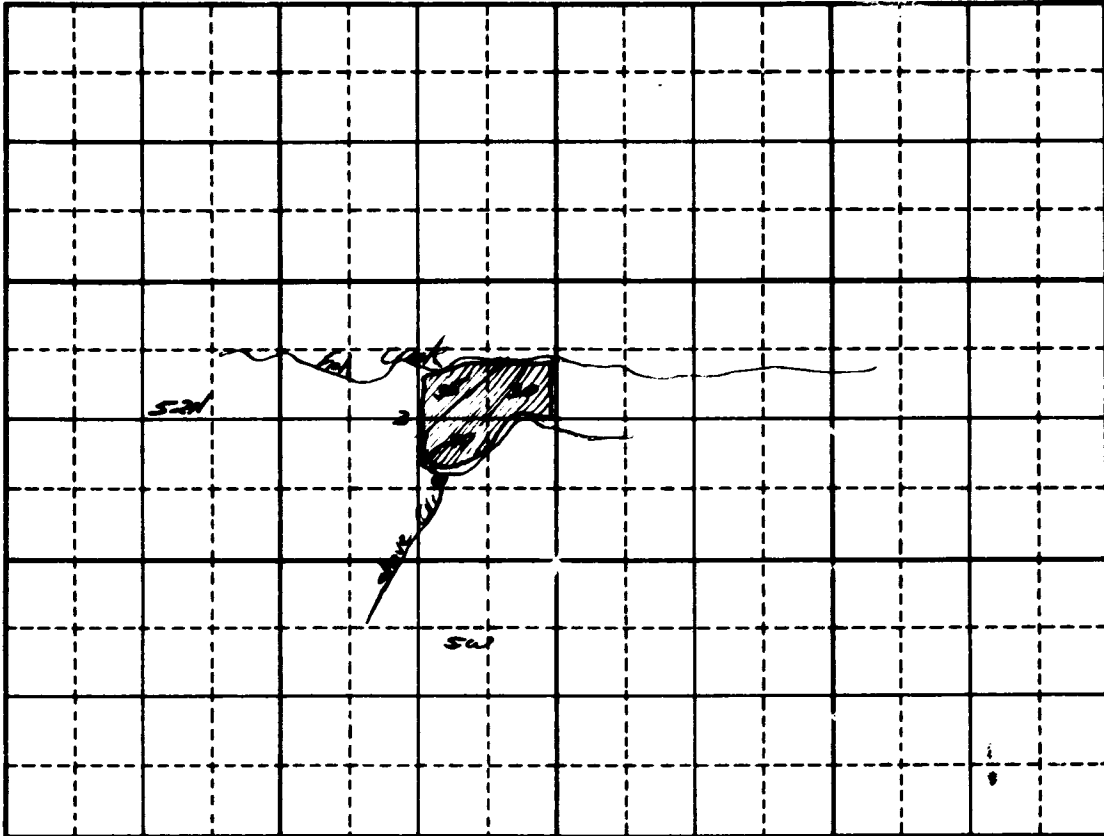
[illegible]

Total No. of acres 85

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:**

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



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 KOLTERPI

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 affiants knowledge.

Sworn to before me this 9TH day ofAprilEdward G. Eastman

(Claimant)

19 74Corda M. Roberts

Notary Public

Residing at

Ad. A.

My commission expires

Sept. 11, 1976

For Department Use Only

Received by

TE

Date

4/8/74

Exception filed by:

Forwarded to

Date

Prelim. check by

TE

Date

4/8/74

\$10.00 fee received by

TE

Date

4/8/74 #14023

Approved for publication by

TE

Published in

POST FALLS TRIBUNE

Dates

4-18-74 4-25-74

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 95-4247**

Notice is hereby given that Ervin G. Easterday, Box 150, Rathdrum, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Shove Creek, tributary to Twin Lakes, with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 52N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from June 15 to Aug. 15 for the irrigation of 85 acres, with a priority of 1952; the place of use is within the S $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 52N, R. 5W, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on April 18 and April 25, 1974.

4-18 2tc

AFFIDAVIT OF PUBLICATION

County of Kootenai }
STATE OF IDAHO { ss.

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the NOTICE OF CLAIM TO A WATER RIGHT #95-4247

Ervin G. Easterday a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two consecutive issues, commencing

ing with the issue dated April 18, 1974
and ending with the issue dated April 25, 1974.

Subscribed and sworn to before me, this 25th
day of April, 1974.

[Signature]
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 12.95
(35)

95-4247

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4247

Notice is hereby given that Ervin G. Easterday,
Box 150, Rathdrum, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.0 cubic feet per second ~~acre feet per annum~~
of water from Shove Creek, tributary to Twin Lakes
with point of diversion in the NM₄SE₄, Sec. 3, T. 52N, R. 5W, B.M.,
Kootenai County

The water is claimed to be used from June 15 to Aug. 15 for the
irrigation of 85 acres
with a priority of 1952;
the place of use is within the S₂NE₄, NM₄SE₄, Sec. 3, T. 52N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Post Falls Tribune, Post Falls, Idaho
on April 18 and April 25, 1974

95 4247

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 95-4247**

Notice is hereby given that Ervin G. Easterday, Box 150, Rathdrum, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Shove Creek, tributary to Twin Lakes, with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 52N. R. 5W, B. M., Kootenai County.

The water is claimed to be used from June 15 to Aug. 15 for the irrigation of 85 acres, with a priority of 1952; the place of use is within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 52N, R. 5W, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on April 18 and April 25, 1974.

4-18 2tc

95 4247

OK.
4-19-74
d

April 12, 1974

Re: Application No. 95-7436 Claim No. 95-4247
 " " 96-7270 " " 95-4248
 Claim No. 95-4246 " " 95-4249

Post Falls Tribune
Box 68
Post Falls, ID 83854

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. ~~-In order to receive payment, the following certification must appear on the bill-~~

~~"I hereby certify that the foregoing account is just
and correct, that the amount claimed is legally due,
after allowing all just credits, and that no part of
the same has been paid."~~

(signature of claimant)

Very truly yours,

FRED EISENBARTH
Northern District Manager

Bill submitted 5-6-74 by CP

FE:cp

Enc: Legal Notices (6)

95-4247

PROTEST TO
Application No. 95 4247

RECEIVED

APR 19 1974

STATE OF IDAHO:
County of Kootenai: ss

Notary Public for Idaho
Residing at Boise

Sidney D Moore, being first duly sworn, deposes and
says:

I am Chairman of East Greenacres Irrigation District
and make this Protest at the direction of the Board of Directors thereof.

East Greenacres Irrigation District protest the application of water
right No. 95-4247, filed by Ervin G. Castunday, for
the reason that said claimed water right seeks to appropriate waters
already claimed and used by said East Greenacres Irrigation District, and
would thus constitute a violation of the water rights of said East Greenacres
Irrigation District and of its rights pursuant to an agreement of 1906. A
hearing is requested.

Dated this 18 day of April, 197 4.

Sidney D Moore

Subscribed and sworn to before me this 18th day of April,
197 4.

Vivian C. Nease
Notary Public for Idaho
Residing at Cheney, Idaho

95 4247

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

April 29, 1974

Re: Claim to a Water Right No. 95-4239 - Raymond L. Felt
" " " " " " 95-4246 - Ervin G. Easterday
" " " " " " 95-4247 - " " "
" " " " " " 95-4248 - " " "
" " " " " " 95-4249 - " " "

Mr. Sidney N. Moore, Chairman
EAST GREENACRES IRRIGATION DISTRICT
Route 1
Post Falls, ID 83854

Dear Mr. Moore:

We have received five separate letters of protest with reference to four claims submitted by Ervin G. Easterday and one by Raymond L. Felt. Perhaps there is a misunderstanding concerning the difference between an Application for Permit and a Claim to a Water Right.

The above mentioned Claims are to record "Constitutional Water Rights" established through past diversion and beneficial use of water. A Claim does not grant any increase in a water right nor does it confirm a water right. A Claim serves for informational purposes only and may become the basis for future adjudication of the water right by the court.

If you believe a water right has not been established as stated under a Claim, you have the right to file an exception to the Claim stating the reasons for the exception. Your exception would be made part of the file and considered the same as other evidence in said file. An exception may be filed at any time. Our Department is not authorized to hold hearings or evaluate for confirmation the evidence submitted in a Claim.

If we may be of any further assistance, feel free to contact our office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

95 4247

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Carl B. Anderson
Governor
R. Keith Higgins
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resources Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 7, 1974

Re: Claim to a Water Right No. 95-4246

"	"	"	"	"	"	95-4247
"	"	"	"	"	"	95-4248
"	"	"	"	"	"	95-4249

Mr. Ervin G. Easterday
Box 150
Rathdrum, ID 83858

Dear Mr. Easterday:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions, or if we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosures

95 4247

