

Contract 375.

Deed 5892-W

THIS INDENTURE, made this 6th day of June, A.D. 1899, by and between the NORTHERN PACIFIC RAILWAY COMPANY, a corporation organized and existing under the laws of the State of Wisconsin, the first party, and O. C. SMITH, of Kootenai County, State of Idaho, the second party, WITNESSETH:-

THAT WHEREAS, the said first party is the owner of that certain tract of land at or near the town of Hope, in said Kootenai County, Idaho, which with the fencing inclosing same and the dwelling house and other improvements thereon, is known as the "Highland House" property, and which is hereinafter particularly described,

AND WHEREAS, said second party is the lawful owner of one hundred (100) inches of water from a certain spring or springs situated in the Southeast quarter of Section 27, Township 57 North, Range 1 East of the Boise Meridian, in said Kootenai County, Idaho, and of a right of way for a flume and ditch line for the conveyance of the water from said spring or springs to points of use of said water for irrigation and other purposes,

AND WHEREAS, it has been agreed between the said parties hereto that the said first party shall convey the said "Highland House" property to said second party in consideration of the conveyance, in return and exchange for said Highland House property, by said second party to said first party of all of said second party's right, title and interest in and to said one hundred inches of water and the flume and ditch right of way aforesaid and all other rights acquired by said second party by virtue of that certain water right location notice, which was by him posted on the ground on December 15, 1896, and the duplicate original of which was filed in the office of the recorder of said Kootenai County, State of Idaho, on September 11, 1894, and recorded at page 86 of book "A" of water rights of the records of said office.

MICROFILMED

NOW, THEREFORE, for and in consideration of the premises the sum of one dollar (\$1.00) by said party to said first party in hand paid, the receipt whereof is hereby acknowledged, and the conveyance by said second party to said first party of said water, and ditch and flume rights, acquired by said second party as aforesaid, the said first party hath bargained and sold, and by these presents doth grant, bargain, sell and convey unto said second party the following described premises, to-wit: That certain tract of ground known, with the improvements thereon, as the "HighlandHouse" property, at or near the town of Hope, Kootenai County, Idaho, and situated in lot two (2) of section thirty-five (35), Township fifty-seven (57) North, Range one (1) east of Boise Meridian, and more particularly described as follows, viz: The point of beginning thereof in this description is the southwesterly corner of said tract, thence running south $56^{\circ} 52'$ East a distance of 136.2 feet; thence north $30^{\circ} 36'$ east a distance of 146.0 feet; thence north $57^{\circ} 48'$ west a distance of 165.3 feet; thence south $34^{\circ} 32'$ west a distance of 56.0 feet; thence south $56^{\circ} 50'$ east a distance of 37.3 feet; thence south $33^{\circ} 54'$ west a distance of 88.4 feet to the place of beginning, said place or point of beginning being a point located 675.5 feet from, measured along a line drawn easterly of and at right angles to the west line of said section 35 and from a point in the said section line distant 1798.6 feet south, measured along said section line, from the Northwest corner of said section 35, and also being 14.4 feet south, measured along said section line, from the meander corner in said section line and on the northerly bank or shore of Pend d'Oreille lake. Said described tract of land hereby conveyed contains an area of fifty one-hundredths (50/100) of an acre, more or less, and is represented by the space colored red on the attached blueprint plat, which is hereby made a part of this indenture.

MICROFILMED

-3-

IN TESTIMONY WHEREOF, the said first party has caused these presents to be executed by its President and attested by its Secretary under its corporate seal on the date first above written.

NORTHERN PACIFIC RAILWAY COMPANY

By

C.S.Mellen

President.

Attest:

W.H.Gemnell

Secretary.

State of _____)
County of _____) ss.

On this _____ day of _____, 1899,
before me the undersigned, personally appeared C.S.Mellen, to me personally known, who, being by me duly sworn, did say that he is the President of the Northern Pacific Railway Company, the corporation which executed the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and said C.S.Mellen acknowledged said instrument to be the free act and deed of said corporation by him, as its said President, voluntarily done and executed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City of _____, the day and year last aforesaid.

MICROFILMED

Notary Public in and for said
County.

[This sent to C.S.P. by E.H. Luff. July 17/99.]

2° 00' 11"
1971 18° 00'
1971 18° 00'
1971 18° 00'
1971 18° 00'

MECROFILMED



Note
Surveyed by C.
Sprague in Feb.
Chaining of mile posts etc.
Heavy dotted line is
"Highland House" property deeded by N.P.R.

Lot 2

Depot
11+42
20+98
20+56
20+12
20+10
20+8
20+6
20+4
20+2
20+0
19+8
19+6
19+4
19+2
19+0
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11+2
11+0
10+8
10+6
10+4
10+2
10+0
9+8
9+6
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9+2
9+0
8+8
8+6
8+4
8+2
8+0
7+8
7+6
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3+2
3+0
2+8
2+6
2+4
2+2
2+0
1+8
1+6
1+4
1+2
1+0
0+8
0+6
0+4
0+2
0+0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED

JUN 23 1983

APR 15 1983

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Burlington Northern Railroad Company (successor in interest to Northern Pacific Railway Company)
(Name of Claimant)

350 Central Building Seattle, Washington 98104 Telephone No. (206) 625-6446
(Mailing Address) (Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) July 26, 1899

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
SPRING OR SPRINGS tributary to PEND D'OREILLE LAKE

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
<u>2</u>		<u>irrigation & Railroad purposes</u>		<u>July 26, 1899</u>	<u>To June 15, 1983</u>
Quantity		Use		<u>(Jan 1)</u>	<u>To (Jan 1)</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 2 cfs Ave. / yr. TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 SE 1/4, Sec. 27 Twp. 57 N Rge. 1 E B.M., County of BONNER
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. Describe any changes in the system and give the date of the change. FLUME & DITCH LINE 2700 FEET LONG MORE OR LESS

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
57N	1E	27			X														

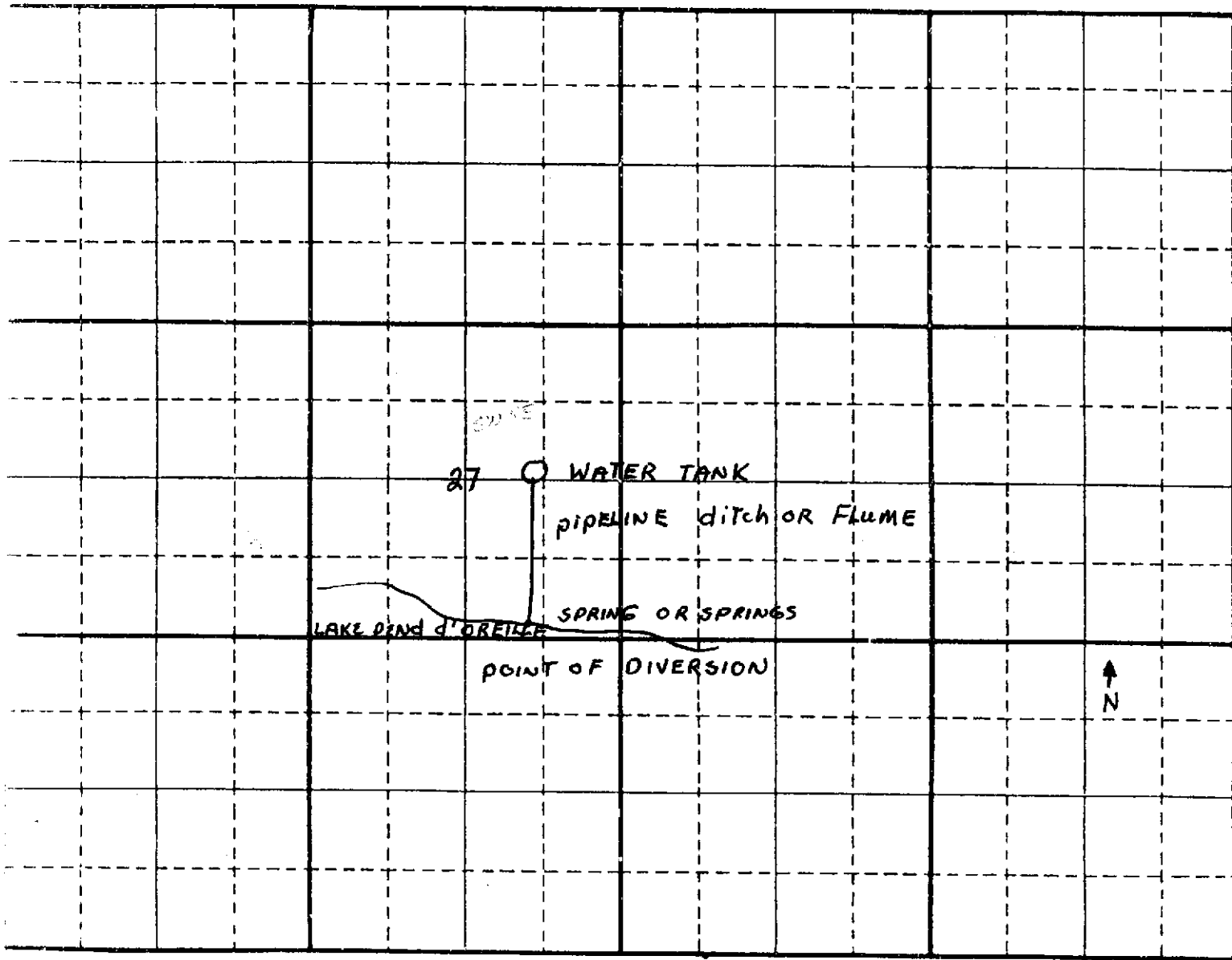
No. of acres 1/2 acre

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: AND OTHER PURPOSES RELATED TO RAILROAD OPERATION

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

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

UNRECORDED



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.

Scale: 2 inches equal 1 mile.

State of ~~WA~~ WASHINGTON

County of KING

Michael Holland

is attorney for claimant which
Be it known that the undersigned, being duly sworn, deposes and says that he, ~~Michael Holland~~, has 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 11th day of April, 1983.

(Claimant)

Notary Public
Residing at Seattle, Washington

My commission expires March 1, 1985

Received by *see*
Prelim. check by *see*
Date *4/15/83*
Exception filed by: *4/23/83 FOR DEPARTMENT USE ONLY*
Date *6-23-83-9/1/83*
Date *7/5/83 (28616)*
Published in *10/19-26/83*
Dates

Forwarded to
claimant by:
Date

Contract 375.

Deed 5892-W

THIS INDENTURE, made this 6th day of June, A.D. 1899, by and between the NORTHERN PACIFIC RAILWAY COMPANY, a corporation organized and existing under the laws of the State of Wisconsin, the first party, and O. C. SMITH, of Kootenai County, State of Idaho, the second party, WITNESSETH:-

THAT WHEREAS, the said first party is the owner of that certain tract of land at or near the town of Hope, in said Kootenai County, Idaho, which with the fencing inclosing same and the dwelling house and other improvements thereon, is known as the "Highland House" property, and which is hereinafter particularly described,

AND WHEREAS, said second party is the lawful owner of one hundred (100) inches of water from a certain spring or springs situated in the Southeast quarter of Section 27, Township 57 North, Range 1 East of the Boise Meridian, in said Kootenai County, Idaho, and of a right of way for a flume and ditch line for the conveyance of the water from said spring or springs to points of use of said water for irrigation and other purposes,

AND WHEREAS, it has been agreed between the said parties hereto that the said first party shall convey the said "Highland House" property to said second party in consideration of the conveyance, in return and exchange for said Highland House property, by said second party to said first party of all of said second party's right, title and interest in and to said one hundred inches of water and the flume and ditch right of way aforesaid and all other rights acquired by said second party by virtue of that certain water right location notice, which was by him posted on the ground on December 15, 1886, and the duplicate original of which was filed in the office of the recorder of said Kootenai County, State of Idaho, on September 11, 1894, and recorded at page 86 of book "A" of water rights of the records of said office

MICROFILMED

NOW, THEREFORE, for and in consideration of the premises the sum of one dollar (\$1.00) by said party to said first party in hand paid, the receipt whereof is hereby acknowledged, and the conveyance by said second party to said first party of said water, and ditch and flume rights, acquired by said second party as aforesaid, the said first party hath bargained and sold, and by these presents doth grant, bargain, sell and convey unto said second party the following described premises, to-wit: That certain tract of ground known, with the improvements thereon, as the "Highland House" property, at or near the town of Hope, Kootenai County, Idaho, and situated in lot two (2) of section thirty-five (35), Township fifty-seven (57) North, Range one (1) East of Boise Meridian, and more particularly described as follows, viz: The point of beginning thereof in this description is the southwesterly corner of said tract, thence running south 52° 52' East a distance of 136.2 feet; thence north 30° 30' east a distance of 146.0 feet; thence north 57° 48' west a distance of 165.3 feet; thence south 34° 32' west a distance of 56.0 feet; thence south 56° 50' east a distance of 37.3 feet; thence south 33° 54' west a distance of 88.4 feet to the place of beginning, said place or point of beginning being a point located 675.5 feet from, measured along a line drawn easterly of and at right angles to the west line of said section 35 and from a point in the said section line distant 1798.6 feet south, measured along said section line, from the Northwest corner of said section 35, and also being 14.4 feet south, measured along said section line, from the meander corner in said section line and on the northerly bank or shore of Pond d'Oreille lake. Said described tract of land hereby conveyed contains an area of fifty one-hundredths (50/100) of an acre, more or less, and is represented by the space colored red on the attached blueprint plat, which is hereby made a part of this indenture.

IN TESTIMONY WHEREOF, the said first party has caused these presents to be executed by its President and attested by its Secretary under its corporate seal on the date first above written.

NORTHERN PACIFIC RAILWAY COMPANY

by

C.B. Mellen

President.

Attest:

W.H. Gemmell

Secretary.

State of _____)
County of _____) ss.

On this _____ day of _____, 1899,
before me the undersigned, personally appeared C.B. Mellen, to me personally known, who, being by me duly sworn, did say that he is the President of the Northern Pacific Railway Company, the corporation which executed the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and said C.B. Mellen acknowledged said instrument to be the free act and deed of said corporation by him, as its said President, voluntarily done and executed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City of _____, the day and year last aforesaid.

MICROFILMED

Notary Public in and for said
County.

[This sent to C.S.D. by E.H. Cuff. July 17/99.]

200000
191500
191500
191500



BURLINGTON NORTHERN RAILROAD

LAWRENCE D. SILVERNALE 625-6444
General Counsel-Seattle Region

GEORGE C. INMAN, JR. 625-6440
ROBERT C. WILLIAMS 625-6447
Assistant General Counsel

MICHAEL HOLLAND 625-6448
CHARLES D. BROWN 625-6448
Attorneys

June 16, 1983

State of Idaho
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Re: Filing Claims to Water Rights

Attention: Mr. Tom D. King
Senior Water Resource Agent

Dear Mr. King:

Enclosed are 31 individual claims to water rights that are being claimed by Burlington Northern. Burlington Northern does not claim at this time that it is presently using each right claimed, but the Burlington Northern does assert that it has a right to such use pursuant to the agreements attached to each individual claim. Please file the claim as submitted. Should it be necessary to adjudicate these rights in some future proceeding, Burlington Northern will be prepared to do so.

Also enclosed is our original check in the amount of \$990 for filing.

Thank you for your courtesies.

Very truly yours,


Michael Holland

MH/sbhc.1

Encls.

RECEIVED

JUN 23 1983

Department of Water Resources
Northern District Office

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pete Thompson being first duly sworn on oath deposes and says that he is publisher of the Sandpoint Daily Bee, and News Bulletin, newspapers printed and published at Sandpoint, in Bonner County, Idaho; that the said newspapers have been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of _____

Legal notice

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 19 day of 10, 1983 and ending on the 26 day of 10, 19 83 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 10 day of 11, 1983.

Quill M. Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

NOTICE OF CLAIMS
TO WATER RIGHTS

The following claims(s) have been filed on water right(s) created by diversion and beneficial use:

96-4532

BURLINGTON NOR-
THERN RAILROAD CO.
2100 FIRST INTERSTATE
CENTER, 999 THIRD AVE.,
SEATTLE, WA 98104

Source: SPRINGS trib. to
PEND OREILLE LAKE

Priority Date: 07/26/1899

Diversion Pt: SWSE Sec 27 T
57N R 01E

Use: IRRIGATION (2.00
CFS)

INDUSTRIAL (2.00 CFS)
In: SWNE Sec 27 T 57N R
01E FOR 1 ACRES

Exceptions to a claim may
be filed with the Director,
Dept. of Water Resources,
4055 Gov't. Way, Coeur
d'Alene, Id. 83814.

KEN DUNN, Dir.

Published 10/19 & 10/26/83.

RECEIVED
NOV 14 1983

Department of Water Resources
Northern District Office

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: jl

Right Number 96-4532 Applicant BN

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By jm Date 11/29/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By lc Date 12-5-83

MICROFILMED

96-4532-

BURLINGTON NORTHERN RAILROAD CO.

2100 FIRST INTERSTATE CENTER, 999 THIRD AVE., SEATTLE, WA 98104

Source: SPRINGS trib. to PEND OREILLE LAKE

Priority Date: 07/26/1899

Diversion Pt: SWSE Sec 27 T 57N R 01E

Use: IRRIGATION	(2.00 CFS)
INDUSTRIAL	(2.00 CFS)

In: SWNE Sec 27 T 57N R 01E FOR 1 ACRES

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

NOVEMBER 7, 1983

BURLINGTON NORTHERN RAILROAD CO.
2100 FIRST INTERSTATE CENTER
999 THIRD AVE.
SEATTLE WA 98104

RE: Claim No. 96-4532

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

MICROFILMED



BURLINGTON NORTHERN RAILROAD

2100 First Interstate Center
999 Third Avenue
Seattle, Washington 98104

WILLIAM A. BRASHER (206) 467-3200
General Counsel - Seattle Region

LAWRENCE D. SILVERNALE	(206) 467-3210
Associate General Counsel	
GEORGE C. INMAN, JR.	(206) 467-3201
ROBERT C. WILLIAMS	(206) 467-3202
Assistant General Counsel	
MICHAEL HOLLAND	(206) 467-3204
CHARLES D. BROWN	(206) 467-3203
Attorneys	

JACK J. LAMBRECHT	(206) 467-3211
General Manager, Claims	
GLENN E. McDONALD	(206) 467-3212
Assistant General Manager, Claims	

October 6, 1983

Mr. Tom D. King
Senior Water Resource Agent
State of Idaho
Department of Water Resources
Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814

Re: Idaho Water Rights Claims

Dear Mr. King:

Enclosed is a corrected Application for Claim to
Water Right in the above captioned matter.

Very truly yours,


Michael Holland

MH/bb

Encl.

MICROFILMED

RECEIVED

OCT 11 1983

Department of Water Resources

Idaho State Office



BURLINGTON NORTHERN RAILROAD

2100 First Interstate Center
999 Third Avenue
Seattle, Washington 98104

WILLIAM A. BRASHER (206) 467-3200
General Counsel - Seattle Region

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Attorneys	

JACK J. LAMBRECHT	(206) 467-3211
General Manager, Claims	
GLENN E. McDONALD	(206) 467-3212
Assistant General Manager, Claims	

NOTICE OF CHANGE OF ADDRESS

Please note the new address and telephone numbers
above for the Burlington Northern Railroad Company
Law Department effective Monday, October 10, 1983.

MICROFILMED

R E C E I V E D

OCT 11 1983

**Department of Water Resources
Northern District Office**



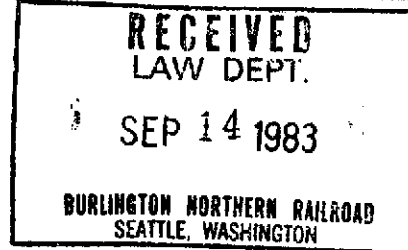
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Date: Sept 8, 1983

Burlington Northern
Dear Mike Holland:



Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

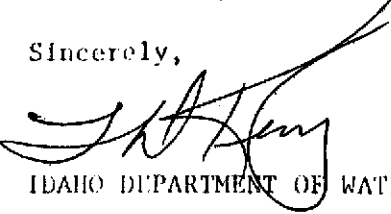
This office is in receipt of your Claim to a Water Right and Check No. in the amount of \$ and we are returning same to you because the Claim cannot be formally receipted until the following information is provided:

_____ Complete Name. _____ Location of Point(s) - Item 5.
_____ Complete Mailing Address. _____ of Diversion
☒ Location of Place of Use
_____ Date of Priority - Item 1. _____ (Acres irrigated if water is - Item 6.
_____ Source of Water - Item 2. _____ claimed for irrigation.)
_____ Amount, Nature & Period of Use - Item 3. _____ Filing Fee. (\$30.00)
_____ Total Quantity Claimed - Item 4. _____ Signature.
_____ Other Number of Acres irrigated
in each 40 Acre tract _____ Notarization of Signature.

Please note that your Claim has been stamped and initialed as received. If you amend the Claim by adding the needed information and return the Claim to this office no later than 60 days from the date of this letter, the original date submitted will be utilized for purposes of determining the appropriate filing fee. INITIAL ALL CHANGES.

Instructions for completing a Claim to a Water Right are included for your information. However, if you desire assistance, please feel free to contact this office.

Sincerely,


IDAHO DEPARTMENT OF WATER RESOURCES

pms

Enc. - Claim
Check
Instructions

RECEIVED
OCT 11 1983

Department of Water Resources
Northern Region Office

MICROFILMED



B

● STATE OF IDAHO ●
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

Date: Sept 8, 1983

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_____ Source of Water - Item 2.	_____ Signature.
_____ Amount, Nature & Period of Use - Item 3.	_____ Notarization of Signature.
_____ Total Quantity Claimed - Item 4.	
Other <u>Number of Acres irrigated</u> <u>in each 40 Acre tract</u>	

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Sincerely,

IDAHO DEPARTMENT OF WATER RESOURCES

pms

Enc. - Claim
Check
Instructions

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

RECEIVED

JUN 23 1983

APR 13 1983

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The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

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(Name of Claimant)

350 Central Building Seattle, Washington 98104 Telephone No. (206) 625-6446
(Mailing Address) (Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use) July 26, 1899

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

SPRING OR SPRINGS tributary to POND D'OREILLE LAKE

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)		
<u>2</u>		<u>irrigation & Railroad purposes</u>		From <u>July 26, 1899</u>	To <u>June 15, 1983</u>		
				From <u>(Jan 1)</u>	To <u>(Jan 1)</u>		
				From	To		
				From	To		
				From	To		

- (4) 2 cfs Ave / yr. TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SE 1/4, Sec. 27 Twp. 57 N Rge. 1 E B.M., County of BONNER
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. Describe any changes in the system and give the date of the change. FLUME & DITCH LINE 2700 FEET LONG MORE OR LESS

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
57N	1E	27			X														

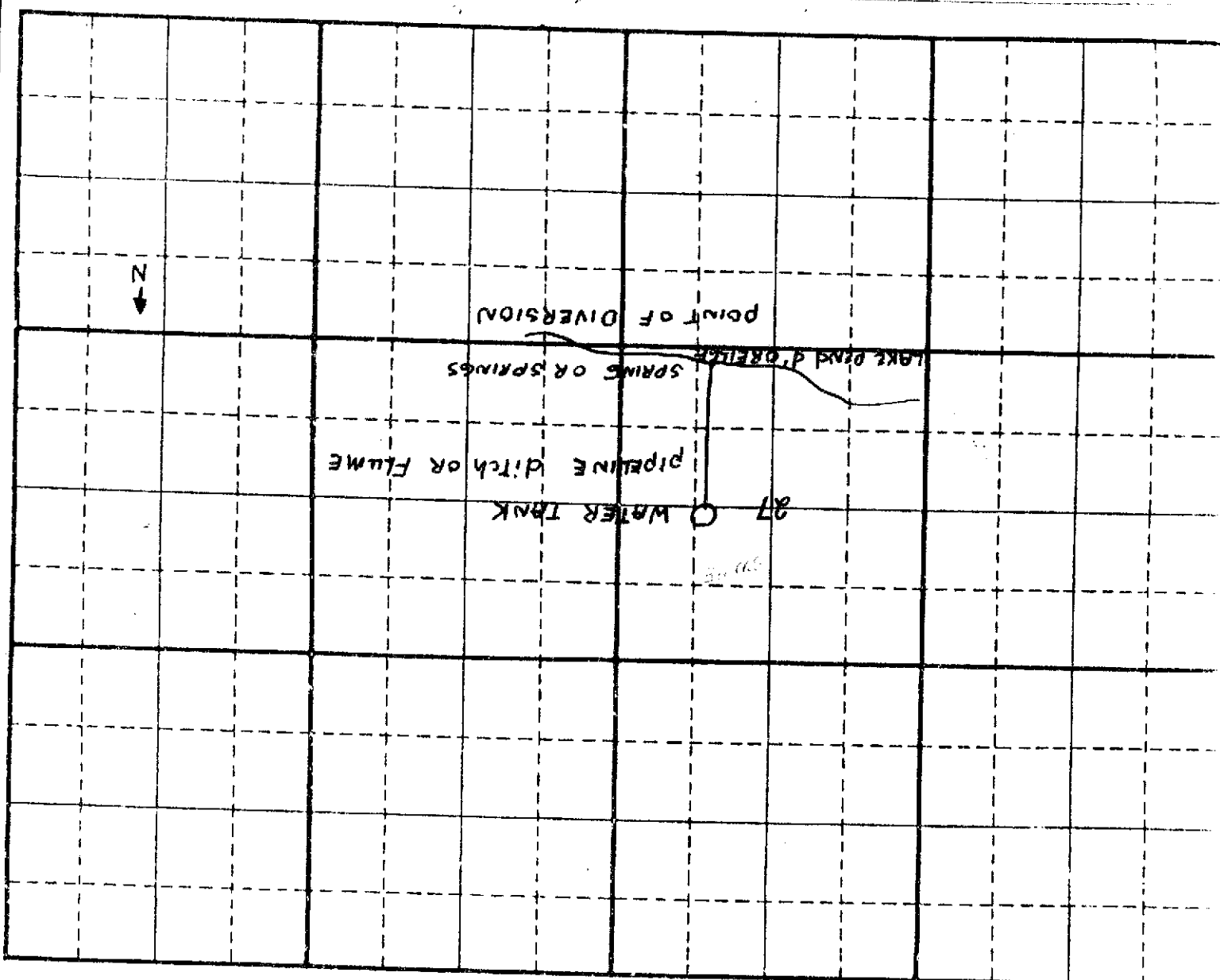
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: and OTHER PURPOSES RELATED to Railroad operation

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

- (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~~ WASHINGTON)

) ss.

County of KING)

Michael Holland

is attorney for claimant who

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~XXXXXX~~ 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.

(Claimant)

Sworn to before me this 11th day of April

1983

Eather S. Tolnes

Notary Public

Residing at Seattle, Washington

My commission expires March 1, 1985

MICROFILMED

Received by
Prelim. check by
\$20.00 fee received by
Filed in

LB
SRE

FOR DEPARTMENT USE ONLY
Date 4/15/83
Date 6-23-83-9/1/83
Date 7/5/83 (28-12)
9/14-21/83

Exception filed by:

Forwarded to
claimant by:

Date



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 12, 1983

Mr. Michael Holland
Burlington Northern Railroad Co.
350 Central Bldg.
Seattle, Wa. 98104

Dear Mr. Holland:

I regret to inform you that there are still a few minor problems with the three enclosed Claims to a Water Right.

The claim with a priority date of January 15, 1900 shows the place of use on the map as being in the SENW Sec. 35; however, Item No. 6a states the NENE Sec. 34.

The Claim for July 26, 1899 does not list a nature of use and Item No. 6a does not agree with the map.

On the Claim for February 2, 1981, you must indicate the source of the water (spring, well, etc.). You must also be more specific about the nature of use. According to Idaho law, a water right is for a specific purpose. When that purpose changes, a Transfer must be filed with this Department.

If you need any assistance, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/ps

Enc. - Claims (3)

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

APR 15 1982

JUN 23 1983

JUN 23 1983

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of the same.

Notice is hereby given that Burlington Northern Railroad Company (successor in interest to Northern Pacific Railway Company)
(Name of Claimant)

Notice is hereby given that Interest in (Name of Claimant)
350 Central Building Seattle, Washington 98104 Telephone No. (206) 625-6446
 (Mailing Address) (Zip Code)
 The extent and nature of said claim is as

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

- (1) Date of priority: (When was the water first applied to a beneficial use) July 26, 1899

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
SPRING OR SPRINGS tributary to POND D'OREILLE LAKE
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(Both dates inclusive)

Describe the purpose for which the water was claimed:		(Both dates inclusive)	
(cfs. or)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>2</u>	Use _____	Period of Use From <u>July 26, 1999</u>	To <u>June 15, 1983</u>
Quantity _____	Use _____	Period of Use From <u>(Jan 1)</u>	To <u>(Jan 1)</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
TOTAL QUANTITY USED.			

- (4) Quantity 2 CFS Ave. / yr. Use TOTAL QUANTITY USED.
(cfs, af)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 27 Twp. 57 N Rge. 1E B.M., County of BONNER
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. Describe any changes in the system and give the date of the change. FLUME & DITCH LINE 2700 FEET LONG MORE OR LESS

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres _____

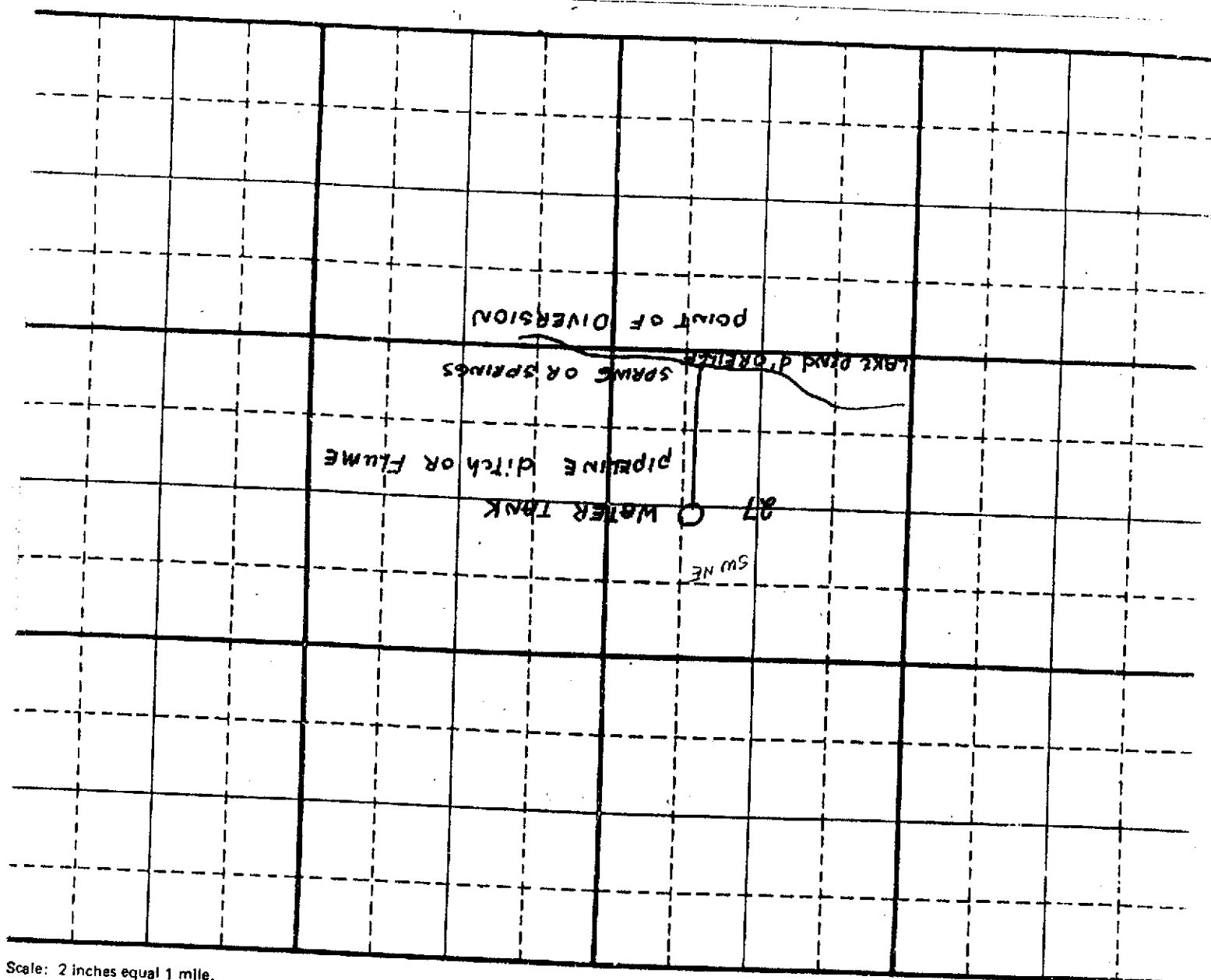
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: and
OTHER PURPOSES

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

- (7) NOTE: Include here the type and number of stock watered:
If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

(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~~ WASHINGTON

County of KING

Michael Holland

is attorney for claimant which

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~XXXXXX~~ 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 17th day of April

(Claimant)

19 83

MICROFILMED

Eather S. Telnes
Notary Public
Residing at Seattle, Washington

My commission expires March 1, 1985

Received by dB

Prelim. check by see

\$30.00 fee received by see

Published in

Dates

4/23/83 FOR DEPARTMENT USE ONLY

Date

4/15/83

Exception filed by:

Date

6-23-83

Date

7/5/83 (28616)

Forwarded to
claimant by:

Date