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Documents
In File

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

RECEIVED

JUN 23 1983

APR 25 1983

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by this claim 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.
Burlington Northern Railroad Company (successor in
Notice is hereby given that interest to Great Northern 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) SEPTEMBER 10, 1930

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)
~~LAKE PEND OREILLE~~ tributary to LAKE PEND Oreille

(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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity <u>2 cfs</u>	Use <u>DOMESTIC</u>	Period of Use From <u>Sept. 10, 1930</u>	To <u>June 15, 1983</u>
Quantity _____	Use _____	Period of Use From <u>(J-1)</u>	To <u>(J-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 TOTAL QUANTITY USED.
(cfs, af) - Ave. per yr.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 SE 1/4, Sec. 16 Twp. 57N Rge. 2E B.M., County of BONNER
Additional points of diversion: WASHINGTON & MAIN STREET IN CITY OF SAND POINT.

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. PIPELINE TO SECTION HOUSE, Dept and out buildings

(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	2E	16															X		

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
DOMESTIC USE OF WATER TO Supply SECTION HOUSE

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: _____

[illegible]

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DECLASSIFIED

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.

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~SEAN~~ SEAN subscribed the foregoing claim /is attorney for claimant 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.

[Signature]
(Claimant)

Father & Son

My commission expires March 1, 1985

Forwarded to _____
Date _____
claimant by: _____

Published in

\$30.00 fee received by

Prelim. check by

Date _____

Date 11/20/11

11

6/27/83 F

Date	Description	Amount	Balance
9/21-9/28/83	Standard Building Co.		
7/5/83 (286.10)			
4/15/83			
6/27/83 FOR DEPARTM			

87 A

THIS AGREEMENT, Made and entered into this 10th day of September, 1930, by and between Filip Moslopinto and Jack Smith, a co-partnership, doing business under the firm name and style of Moslopinto & Smith, parties of the FIRST PART, and Great Northern Railway Company, a corporation, party of the SECOND PART.

JOHN A. COY.
WITNESSETH: That whereas said parties of the FIRST PART are the owners of a certain water pipe line near the city of Sandpoint, Idaho, which said pipe line connects with the city main of said city of Sandpoint, at the intersection of Washington Avenue and Main Street, and extends northerly in a line from said Main Street to and across the right of way of said Great Northern Railway Company and to and beyond the point hereinafter mentioned at which a connection is to be made by the water pipe of said party of the SECOND PART; and

WHEREAS, it is the desire of said party of the SECOND PART to avail itself of a portion of the water which is conducted from the water main of said City of Sandpoint, and it is the desire of said parties of the FIRST PART to furnish to said party of the SECOND PART water for the purposes of the said party of the SECOND PART,

NOW, THEREFORE, for and in consideration of the sum of one hundred dollars (\$100.00) in hand paid by said party of the SECOND PART, to said parties of the FIRST PART, the receipt whereof is hereby acknowledged said parties of the FIRST PART do grant unto said party of the SECOND PART the right and privilege to connect a water pipe onto said water pipe line owned by said parties of the FIRST PART, at a point approximately 177.5 feet south of the right of way line of said party of the SECOND PART, and directly in front of the residence of said Jack Smith, and to use said water and so much thereof as may be necessary or desirable for the purposes of said party of the SECOND PART, and said party of the SECOND PART is hereby given the right of access to said water pipe line for the purposes of making and maintaining said connection, and for any and all necessary or reasonable repairs, maintenance or replacement; it being understood and agreed, however, that said parties of the first part shall, at all times during the life of this contract, maintain in good condition and repair at their own expense, said pipe line between said connection of said party of the SECOND PART and the said city main.

It is further understood and agreed that said sum of one hundred dollars (\$100.00) is the entire charge to be made for said connection, and the water used therefrom, and that said party of the SECOND PART is hereby granted a perpetual right thereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year herein first above written.

FILIP MOSLOPINTO

Jack Smith

GREAT NORTHERN RAILWAY COMPANY

BY

G. R. Martin, Vice President
Party of the Second Part.

STATE OF IDAHO)
COUNTY OF BONNER) ss.

On this 10th day of September, 1930, before me Myra L. Davis
a Notary Public for Idaho, personally appeared Filip Moslopinto and
Jack Smith, known to me to be the persons whose names are subscribed to
the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my Notarial Seal the day and year in this certificate first above written.

Myra L. Davis
Notary Public
For Idaho, residing at
Sandpoint therein. My commission
expires February 27, 1931.

Printed 7/27 1933 On 7-64
Advice Forwarded 3/17-30 11/3/30
Index Record _____
R of W. Record Page _____

Veracruz Mexico 1
Castellan's No. 87-A

RECORDED

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 21 day of 9, 1983 and ending on the 28 day of 9, 1983 and that said notice was published in said newspaper.

Pete Thompson

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

Charles M. Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

NOTICE OF CLAIMS
TO WATER RIGHTS

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

96-4529

BURLINGTON NORTHERN RAILROAD CO.
350 CENTRAL BLDG.,
SEATTLE, WA 98104

Source: PEND OREILLE
LAKE trib. to PEND
OREILLE RIVER

Priority Date: 09/10/1930

Diversion Pt: SWSE Sec 16
T57N R 02E

Use: DOMESTIC (0.20 CFS)

In: SWSE Sec 16 T 57N R 02E

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.

Publ. 9/21 & 9/28/83.

Dept. of Water Resources

RECEIVED

OCT 7 1983

Department of Water Resources
Northern District Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Right Number 96-4529 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 Date 10/11/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By PC Date 10/25/83

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26-4529

BURLINGTON NORTHERN RAILROAD CO.

350 CENTRAL BLDG., SEATTLE, WA 98104

Source: PEND OREILLE LAKE trib. to PEND OREILLE RIVER

Priority Date: 09/10/1930

Diversion Pt: SWSE Sec 16 T 57N R 02E

Use: DOMESTIC (0.20 CFS)

In: SWSE Sec 16 T 57N R 02E

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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

OCTOBER 14, 1983

BURLINGTON NORTHERN RAILROAD CO.
350 CENTRAL BLDG.
SEATTLE WA 98104

RE: Claim No. 96-4529

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



BURLINGTON NORTHERN RAILROAD

350 Central Building
Seattle, Washington 98104

WILLIAM A. BRASHER (206) 625-6420
General Counsel-Seattle Region

LAWRENCE D. SILVERNALE (206) 625-6444
Associate General Counsel

GEORGE C. INMAN, JR. (206) 625-6440
ROBERT C. WILLIAMS (206) 625-6447
Assistant General Counsel

MICHAEL HOLLAND (206) 625-6446
CHARLES D. BROWN (206) 625-6448
Attorneys

JACK J. LAMBRECHT (206) 625-6211
General Manager, Claims

GLENN E. McDONALD (206) 625-6218
Assistant General Manager, Claims

September 7, 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

Dear Mr. King:

Enclosed are water right claim applications that have been corrected per your instructions. Thanks again for your courtesies.

Very truly yours,


Michael Holland

MH/sbhc.17

Encls.

RECEIVED

SEP 12 1983

Department of Water Resources
Northern District Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

Kenneth Dunn
Director

Idaho Department of Water Resources
Central Valley Office
1203 6th Street
P.O. Box 6434

*File with
Bureau for
Hollander*

July 12, 1983

Mr. Holland
350 Central Building
Seattle, WA. 98104

Dear Mr. Holland;

I am returning the 14 claims as we discussed on the telephone and the copy of your license #3841.

Most of the problems I could fix in this office, but the claims are notarized statements, so I am not at liberty to add or detract from them.

I have attached a note to each to identify the problem. The claims have been receipted so please complete them and return them to this office by August 31, 1983.

If you have any questions, please feel free to contact me at this office.

Sincerely,

Tom D. King
Senior Water Resource Agent

TDK/paa

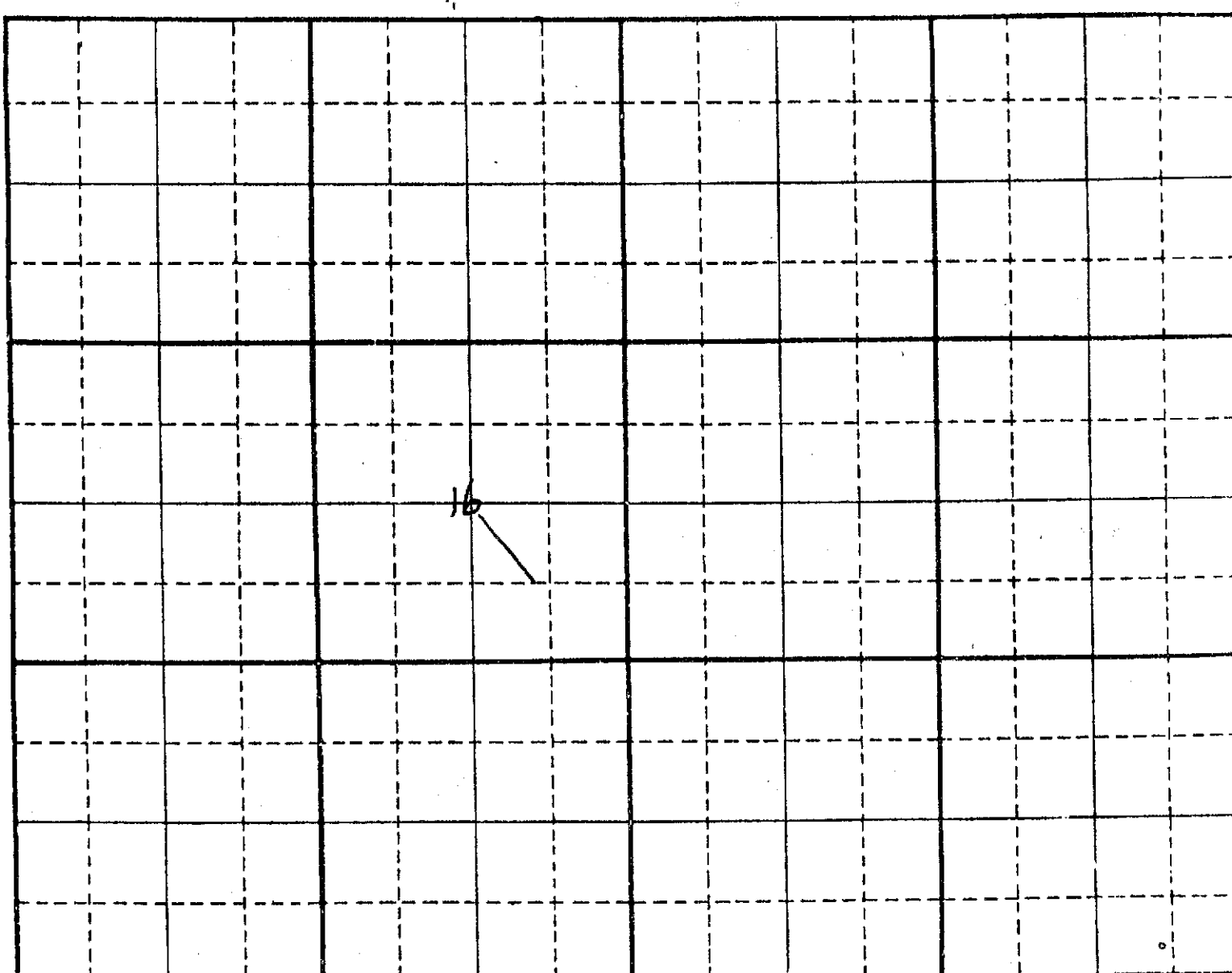
RECEIVED

APR

JUN 23 1983

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.
Burlington Northern Railroad Company (successor in
Notice is hereby given that interest to Great Northern Railway Company)

(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) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~she~~ she ^{/is attorney for claimant who} 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.

Michael P. [Signature]
(Claimant)

Sworn to before me this 11th day of April, 19 83.

Eather S. Telnes
Notary Public
Residing at Seattle, Washington

My commission expires March 1, 1985

Received by SLC Date 4/15/83 Exception filed by: _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by [Signature] Date 7/5/83 (28616)
Published in _____

6/23/83 FOR DEPARTMENT USE ONLY