

COPY

Doc. 5817

AGREEMENT made this 2nd day of February, A.D. 1911, between the VILLAGE OF HOPE, a village incorporated under the laws of Idaho, hereinafter called the "Village", and the NORTHERN PACIFIC RAILWAY COMPANY, a corporation, hereinafter called the "Company".

The Village maintains a certain water storage tank from which its people are supplied with water, and there is an overflow and waste of water from said tank, and the Company desires to obtain the right to use said overflow.

NOW THEREFORE, in consideration of the mutual promises herein contained, it is agreed:

The Village grants to the Company the perpetual right to use said overflow water for railway purposes, and the right to tap said water storage tank at the top thereof and to install such pipes as are necessary for conveying said overflow to its railway property within the Village.

The Company grants and conveys to the Village that certain pipe line of the Company, which extends from its water tank in said Village eastward to what was formerly known as the Highland Hotel.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

VILLAGE OF HOPE

By E. W. Wamsaker,  
Chairman.

NORTHERN PACIFIC RAILWAY COMPANY

By Geo. T. Elais,  
3rd Vice President

A true copy  
.....

POOR QUALITY ORIGINAL

MICROFILMED

received by  
Prelim. check by  
\$30.00 fee received  
Published in

COPIES

5817

AGREEMENT made this 1st day of February, A.D. 1911,  
between the VILLAGE OF HOPE, a village incorporated under the  
laws of Idaho, hereinafter called the "Village", and the  
NORTHWEST PACIFIC RAILWAY COMPANY, a corporation, hereinafter  
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tank from which its people are supplied with water, and there  
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The Company grants and conveys to the Village that  
certain pipe line of the Company, which extends from its  
water tank in said Village eastward to that one formerly  
known as the Highland Hotel.

IN WITNESS WHEREOF, the parties hereto have executed  
this agreement the day and year first above written.

VILLAGE OF HOPE  
By K. Tanaka,   
Chairman.

NORTHWEST PACIFIC RAILWAY COMPANY  
By Geo. T. Glade,  
3rd Vice President

POOR QUALITY ORIGINAL

A true copy  
.....

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 23 1983

## CLAIM TO A WATER RIGHT

APR 15 1983

Department of Water Resources  
Under the provisions of

Department of Water Resources  
Northern District Office

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) FEB. 2, 1911

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)

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

|                     |                                     | (Both dates inclusive)                |                         |
|---------------------|-------------------------------------|---------------------------------------|-------------------------|
| (cfs, af)           | (Domestic, Irrigation, Stock, Etc.) | (Mo., Day)                            | (Mo., Day)              |
| Quantity <u>1.1</u> | Use <u>RAIL ROAD purposes</u>       | Period of Use From <u>Feb 2, 1911</u> | To <u>JUNE 15, 1983</u> |
| Quantity _____      | Use _____                           | Period of Use From <u>(1-1)</u>       | To <u>(1-1)</u>         |
| Quantity _____      | Use _____                           | Period of Use From _____              | To _____                |
| Quantity _____      | Use _____                           | Period of Use From _____              | To _____                |
| Quantity _____      | Use _____                           | Period of Use From _____              | To _____                |

(4) Est. 00137 cfs TOTAL QUANTITY USED.  
(cfs, af) AVERAGE/HR.

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

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 34 Twp. 57N Rge. 1E B.M., County of BONNER

Additional points of diversion: Govt Lot 1

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, Pump

(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 \_\_\_\_\_

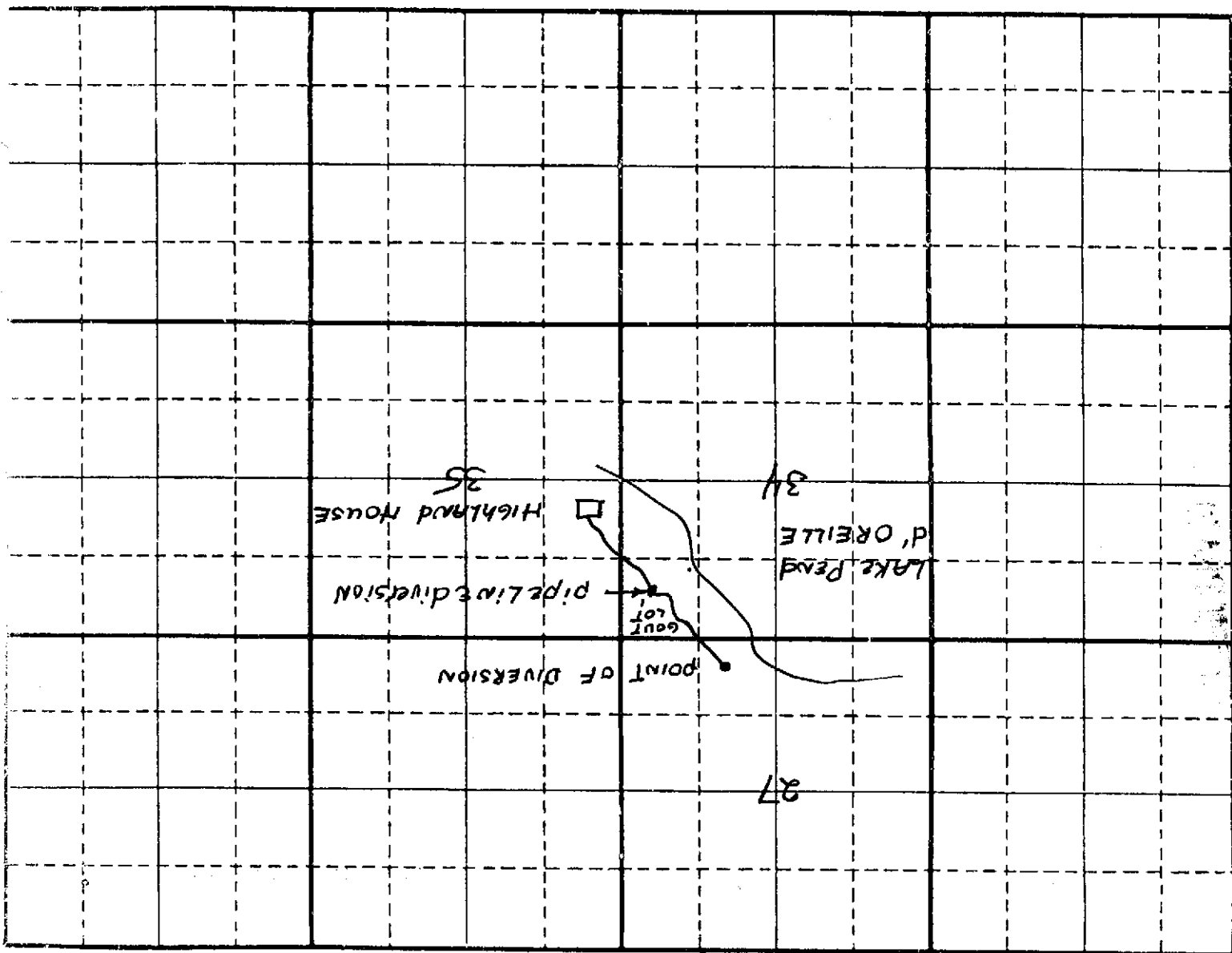
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

b) If water is used for other than irrigation, fully describe that use, being as specific as possible.  
Rail Road purposes.

**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 Right To Use Over Flow From Village Water Tank



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 ~~Knox~~ WASHINGTON

County of KING

ss. )

Michael Holland

is attorney for claimant which

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~Michael~~ 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*  
(Claimant)

Sworn to before me this 11th day of April, 1983.

*Robert S. Tolson*

Notary Public

Residing at Seattle, Washington

My commission expires March 1, 1985

FOR DEPARTMENT USE ONLY

Received by *SPC* Date *4/15/83*  
Prelim. check by *SPC* Date *4/11/83*  
Published in *Washington Post* Date *7/5/83 (28016)*  
\$30.00 fee received by *SPC*  
Dates *7/14-21/83*

Forwarded to claimant by: \_\_\_\_\_ Date \_\_\_\_\_  
Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_

6817

AGREEMENT made this 2nd day of February, A.D. 1911,  
between the VILLAGE OF HOPE, a village incorporated under the  
laws of Idaho, hereinafter called the "Village", and the  
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IN WITNESS WHEREOF, the parties hereto have executed  
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VILLAGE OF HOPE  
By M. Zanetakar,  
Chairman.

NORTHWEST PACIFIC RAILWAY COMPANY  
By Geo. T. Glaze,  
3rd Vice President.

A true copy  
.....

POOR QUALITY ORIGINAL

**BURLINGTON NORTHERN RAILROAD**

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

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

MICHAEL HOLLAND 625-6446  
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

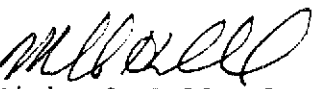
Dear Mr. King:

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

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

Pete Thompson

Subscribed and sworn to before me this 3 day of 10, 1983.

Robert 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:

96-4524

BURLINGTON NORTHERN RAILROAD CO.  
350 CENTRAL BLDG.,  
SEATTLE, WA 98104  
Source: PEND OREILLE LAKE trib. to PEND OREILLE RIVER  
Priority Date: 10/24/1888  
Diversion Pt: SWNW Sec 35

T57N R 01E

Use: INDUSTRIAL (1.00 CFS)

In: SWNW Sec 35 T 57N R 01E

96-4525

BURLINGTON NORTHERN RAILROAD CO.  
350 CENTRAL BLDG.,  
SEATTLE, WA 98104  
Source: SPRING trib. to PEND OREILLE RIVER  
Priority Date: 11/1/1898  
Diversion Pt: SWSW Sec 25 T 57N R 02W  
Use: INDUSTRIAL (1.00 CFS)

In: SWSW SESW SWSE SESE Sec 25 T 57N R 02W

96-4526

BURLINGTON NORTHERN RAILROAD CO.  
350 CENTRAL BLDG.,  
SEATTLE, WA 98104  
Source: BEAR CREEK trib. to CLARK FORK RIVER  
Priority Date: 9/13/1886  
Diversion Pt: NESE Sec 15 T 57N R 02W  
Use: STOCKWATER (0.20 CFS)  
INDUSTRIAL (0.20 CFS)  
In: NESE Sec 15 T 57N R 02W

96-4527

BURLINGTON NORTHERN RAILROAD CO.  
350 CENTRAL BLDG.,  
SEATTLE, WA 98104  
Source: GROUNDWATER  
Priority Date: 02/02/1911  
Diversion Pt: LOT 01 (NENE) Sec 34 T 57N R 01E  
Use: INDUSTRIAL (1.10 CFS)  
In: LOT 01 (NENE) Sec 34 T 57N R 01E

96-4528

MORROW, CHARLES EUGENE  
RT. 1 BOX 363D, SANDPOINT, ID 83864  
Source: UNNAMED STREAM trib. to SHILOH CREEK  
Priority Date: 06/02/1938  
Diversion Pt: SESW Sec 09 T 59N R 01W  
Use: STOCKWATER (0.02 CFS)  
In: SESW Sec 09 T 59N R 01W

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 9/14 & 9/21/83.

RECEIVED  
10/11/83

Department of Water Resources  
Northern District Office

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 96-4527 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 [Signature] Date 10/11/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By DC Date 10-25-83

RECEIVED

96-4527

BURLINGTON NORTHERN RAILROAD CO.

350 CENTRAL BLDG., SEATTLE, WA 98104

Source: GROUNDWATER

Priority Date: 02/02/1911

Diversion Pt: LOT 01 (NENE) Sec 34 T 57N R 01E

Use: INDUSTRIAL (1.10 CFS)

In: LOT 01 (NENE) Sec 34 T 57N R 01E

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

OCTOBER 3, 1983

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

RE: Claim No. 96-4527

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



RECEIVED

JUN 23 1983

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT

APR 13 1983

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Notice is hereby given that interest to Northern Pacific Railway Company)

(Name of Claimant)

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) FEB. 2, 1911

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

(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 1.1

(Domestic, Irrigation, Stock, Etc.)

{Mo., Day}

(Mo., Day)

Quantity 1.1 Use RAIL ROAD PURPOSES

Period of Use From Feb 2, 1911 To JUNE 15, 1983

| Quantity | Use |
|----------|-----|
|----------|-----|

Period of Use From (4-1) To (1-1)

| Quantity | Use |
|----------|-----|
| 1        | 1   |
| 2        | 2   |
| 3        | 3   |
| 4        | 4   |
| 5        | 5   |
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Period of Use From \_\_\_\_\_ To \_\_\_\_\_

| Quantity | Use |
|----------|-----|
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| 100      | 100 |

Period of Use From \_\_\_\_\_ To \_\_\_\_\_

| Quantity | Use |
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| 98       | 98  |
| 99       | 99  |
| 100      | 100 |

Period of Use From \_\_\_\_\_ To \_\_\_\_\_

(4) Est. 0.0137 cfs TOTAL QUANTITY USED,  
(cfs. af) AVERAGE / ~~HR.~~ UR.

(cls, af) AVERAGE / ~~4~~ 4R.

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

1/4 Sec. 34 Twp. 57N Rge. 1E B.M., County of BONNER

Additional points of diversion: GOVT LOT 1

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[illegible]

No. of acres \_\_\_\_\_

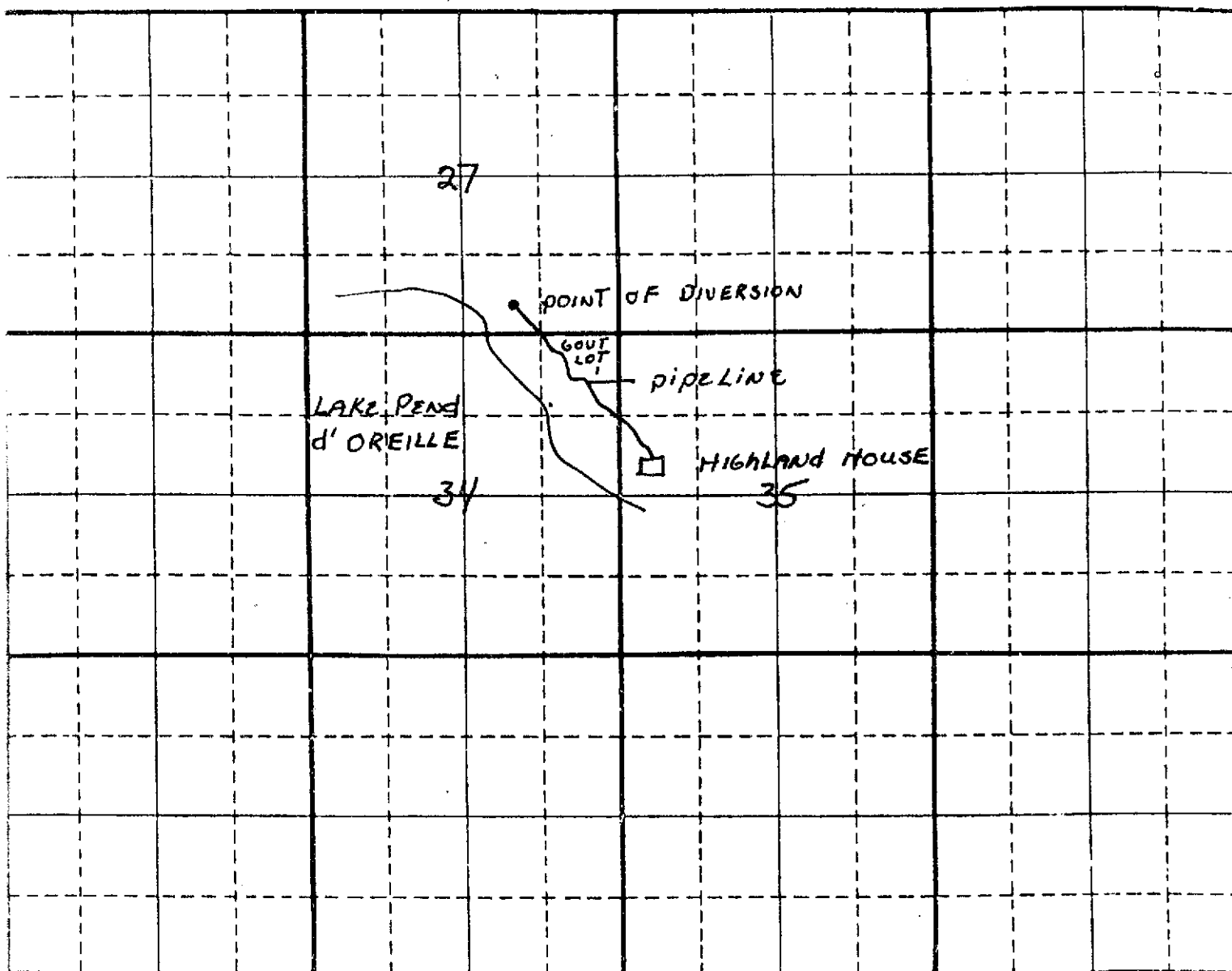
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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Rail Road purposes. Rail Road purposes change periodically

**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 RIGHT TO USE OVER FLOW FROM VILLAGE WATER TANK



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, ~~he~~ 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, 19 83.

*Michael Holland*  
(Claimant)

*Eather S. Tolnes*  
Notary Public  
Residing at Seattle, Washington

My commission expires March 1, 1985

Received by SPC 6/23/83 FOR DEPARTMENT USE ONLY  
Prelim. check by SPC Date 4/15/83 Exception filed by: \_\_\_\_\_  
\$30.00 fee received by SPC Date 7/5/83 (28016)  
Published in \_\_\_\_\_

Forwarded to \_\_\_\_\_  
claimant by: \_\_\_\_\_  
Date \_\_\_\_\_

AGREEMENT made this 1st day of February, A.D. 1911,  
between the VILLAGE OF HOPE, a village incorporated under the  
laws of Idaho, hereinafter called the "Village", and the  
NORTHWEST PACIFIC RAILWAY COMPANY, a corporation, hereinafter  
called the "Company".

The Village maintains a certain water storage  
tank from which its people are supplied with water, and there  
is an overflow and waste of water from said tank, and the  
Company desires to obtain the right to use said overflow.

NOW THEREFORE, in consideration of the mutual pro-  
mises herein contained, it is agreed:

The Village grants to the Company the perpetual  
right to use said overflow water for railway purposes, and  
the right to lay said water storage tank at the top thereof  
and to install such pipes as are necessary for conveying  
said overflow to its railway property within the Village.

The Company grants and conveys to the Village that  
certain pipe line of the Company, which extends from its  
water tank in said Village eastward to that now formerly  
known as the Highland Hotel.

IN WITNESS WHEREOF, the parties hereto have executed  
this agreement the day and year first above written.

VILLAGE OF HOPE

By K. Sankar,  
Chairman.

NORTHWEST PACIFIC RAILWAY COMPANY

By Geo. T. Stone,  
3rd Vice President

POOR QUALITY ORIGINAL

A true copy

.....

RECEIVED