

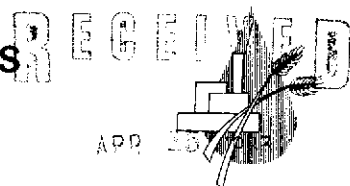
No Color  
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In File

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED

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.

Burlington Northern Railroad Company (successor in

Notice is hereby given that 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) Nov 1, 1898

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 tributary to unnamed

(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)         | To | (Mo., Day)             | To |
| Quantity | 1 cfs     | Use | RailRoad Use                        | Nov 1, 1898        | To | June 15, 1983          |    |
| Quantity |           | Use |                                     | (Jan 1)            | To | (Jan 1)                |    |
| Quantity |           | Use |                                     |                    | To |                        |    |
| Quantity |           | Use |                                     |                    | To |                        |    |
| Quantity |           | Use |                                     |                    | To |                        |    |

(4) Est. 0.0033 cfs av. yr. TOTAL QUANTITY USED.  
(cfs, af)

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

SW 1/4 SW 1/4 Sec. 25 Twp. 57N Rge. 2W 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. PIPE LINE

(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 | 2W | 25   |        |        |        |        |        |        |        |        |        |        | X      | X      |        |        | X      | X      | 5 1/2 5 1/2 |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |

No. of acres

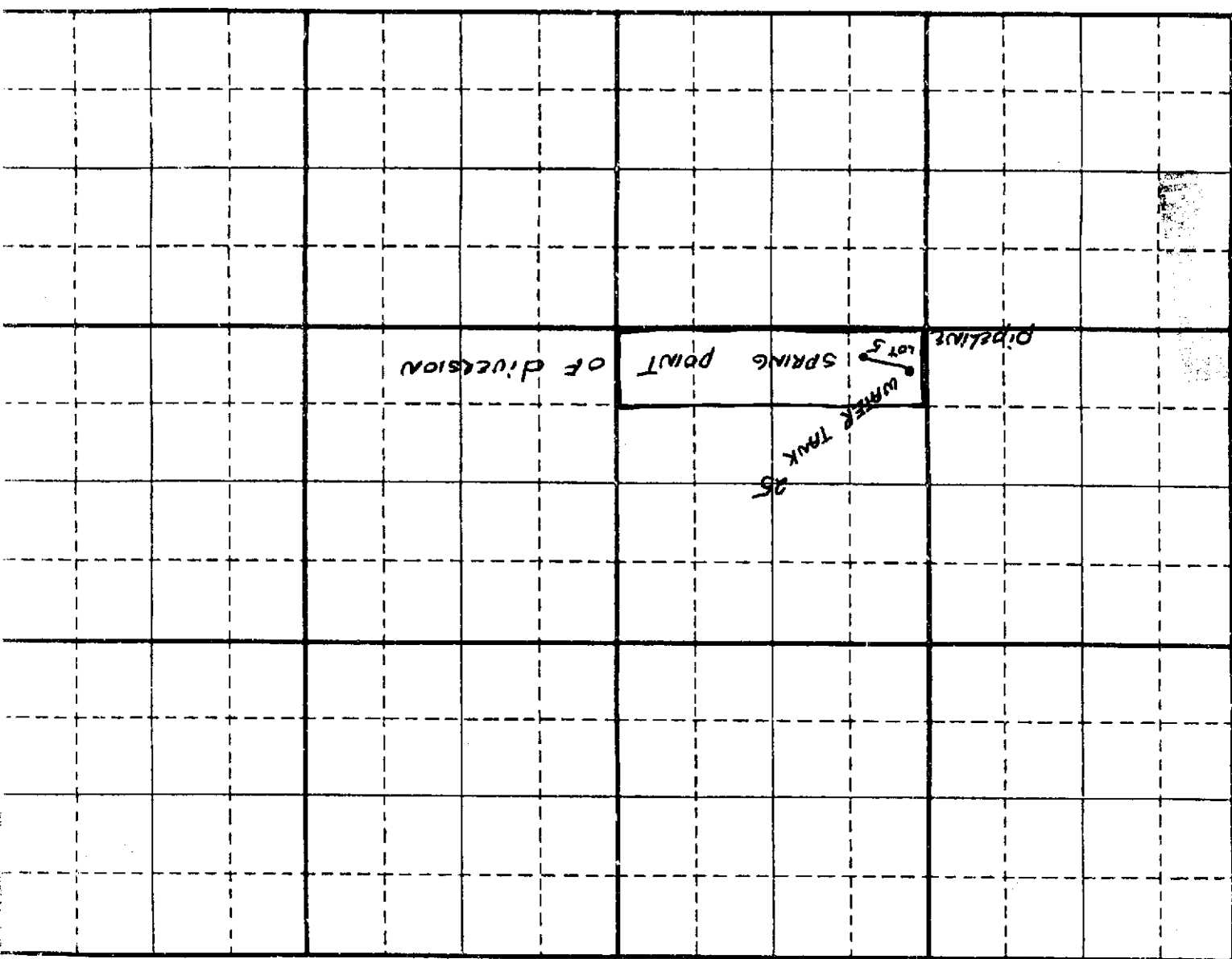
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

RailRoad use. RailRoad Needs 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:

E



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 ~~xxxx~~ WASHINGTON

County of KING )  
) ss.

is attorney for claimant which  
Be it known that the undersigned, being duly sworn, deposes and says that he, ~~xxxx~~, 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.

*[Signature]*

(Claimant)

Sworn to before me this 11th day of April 1983

Notary Public  
Residing at Seattle, Washington

My commission expires March 1, 1985

FOR DEPARTMENT USE ONLY

Received by *see*  
Prelim. check by *see*  
Date *4/15/83*  
Exception filed by:  
Forwarded to  
Date  
Published in  
Date *7/5/83 (28616)*  
Date *7/1/83*  
Date *7/1/83*  
Dates

**95**  
N. P. R. R. CO.  
CHIEF ENGINEER'S OFFICE.

N **95**

Name Near Sand Point, Idaho.

Date

Subject Notice of Water Right to  
protect our water supply.

Referred to

1/10 to Ellens 235  
NORTHERN PACIFIC RAILWAY COMPANY

COPY

Tacoma, Wash.  
Nov. 30, 1898

Mr. W. H. Phipps  
Land Commissioner  
St. Paul, Minn.

Dear Sir:

I am in receipt of your favor of the 22nd instant regarding reservation of land in sections 25 & 23 in Tp. 57-2 west for Operating Department. The reservation is shown on our prints as suggested and we have also reserved at the request of the Engineering Department Lot 1 and that portion of Lot 2 and the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of section 23 lying east of the 400 ft. right of way in addition to such right of way.

Yours truly,

Thomas Cooper  
Western Land Agent

See Land Dept  
L.C. 1326

(COPY)

Tacoma, Wash., Nov. 21, 1898

Mr. E. H. McHenry,  
Chief Engineer,  
St. Paul, Minn.

Dear Sir:--

For the protection of our water supply, Western Land Agent Cooper has been requested to reserve for the use of the Operating Department, the S $\frac{1}{2}$  of the S $\frac{1}{2}$  of Section 25, T. 57 N. R. 2 West, B.M. and also Lots 3, and 4, in Section 23, same Township and Range; the last named on account of the Company's supply of sand being taken from the land.

Yours truly,

(signed) C. S. Biller  
Division Engineer.

SK 6/5/11

*File to Ellen 235*

NORTHERN PACIFIC RAILWAY COMPANY

Tacoma, Wash.  
Nov. 18, 1898

**COPY**

Mr. W. H. Phipps  
Land Commissioner  
St. Paul, Minn.

Dear Sir:

I am requested by the Operating Department to reserve for them the S2 of S2 of Section 25 Tp. 57 N.R. 2 W., B.M., for protection of the company's water supply, also to reserve lot 3 and 4, in section 23, same township, from which last named property the company obtains its supply of sand for locomotive use. These tracts will be marked reserved for Operating Department on our plats and I have notified Division Engineer Bihler accordingly, and that we will expect the Operating Department to pay taxes upon them hereafter, which he advises me they will do.

Yours truly,

Thomas Cooper

Western Land Agent.

*See Land Dept  
LC 1326*

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.

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

Pete 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:

96-4524  
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

T 57N 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  
DEPT. OF WATER RESOURCES  
BOZEMAN, MONTANA

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 96-4525 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 JK Date 10/11/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By de Date 10/25/83

RECEIVED

96-4525-

BURLINGTON NORTHERN RAILROAD CO.

350 CENTRAL BLDG., SEATTLE, WA 98104

Source: SPRING trib. to PEND OREILLE RIVER

Priority Date: 11/01/1898

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

RECORDED

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. 96-4525

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



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn  
Director

1000 West 1st Street, N.W.  
Coastal Village, Idaho 83414  
(208) 967-6484

*File with  
Burling for  
Holland*

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

## CLAIM TO A WATER RIGHT

RECEIVED

JUN 23 1963

APR 55

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.

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:

follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Nov 1, 1898

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 tributary to unnamed

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

(Both dates inclusive)

| claimed:              |                                     | (Both dates inclusive)                 |                         |
|-----------------------|-------------------------------------|----------------------------------------|-------------------------|
| (cfs, af)             | (Domestic, Irrigation, Stock, Etc.) | (Mo., Day)                             | (Mo., Day)              |
| Quantity <u>1 cfs</u> | Use <u>Rail Road Use.</u>           | Period of Use From <u>Nov. 1, 1898</u> | To <u>June 15, 1923</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 \_\_\_\_\_  
(4) E<sub>st.</sub> = 0033 cfs av./yr. TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
S 1/2 S 1/2 Sec. 25 Twp. 57N Rge. 2W 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. PIPE LINE

(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:  
 3.588 tons of water used for Drill bit Needs change periodically

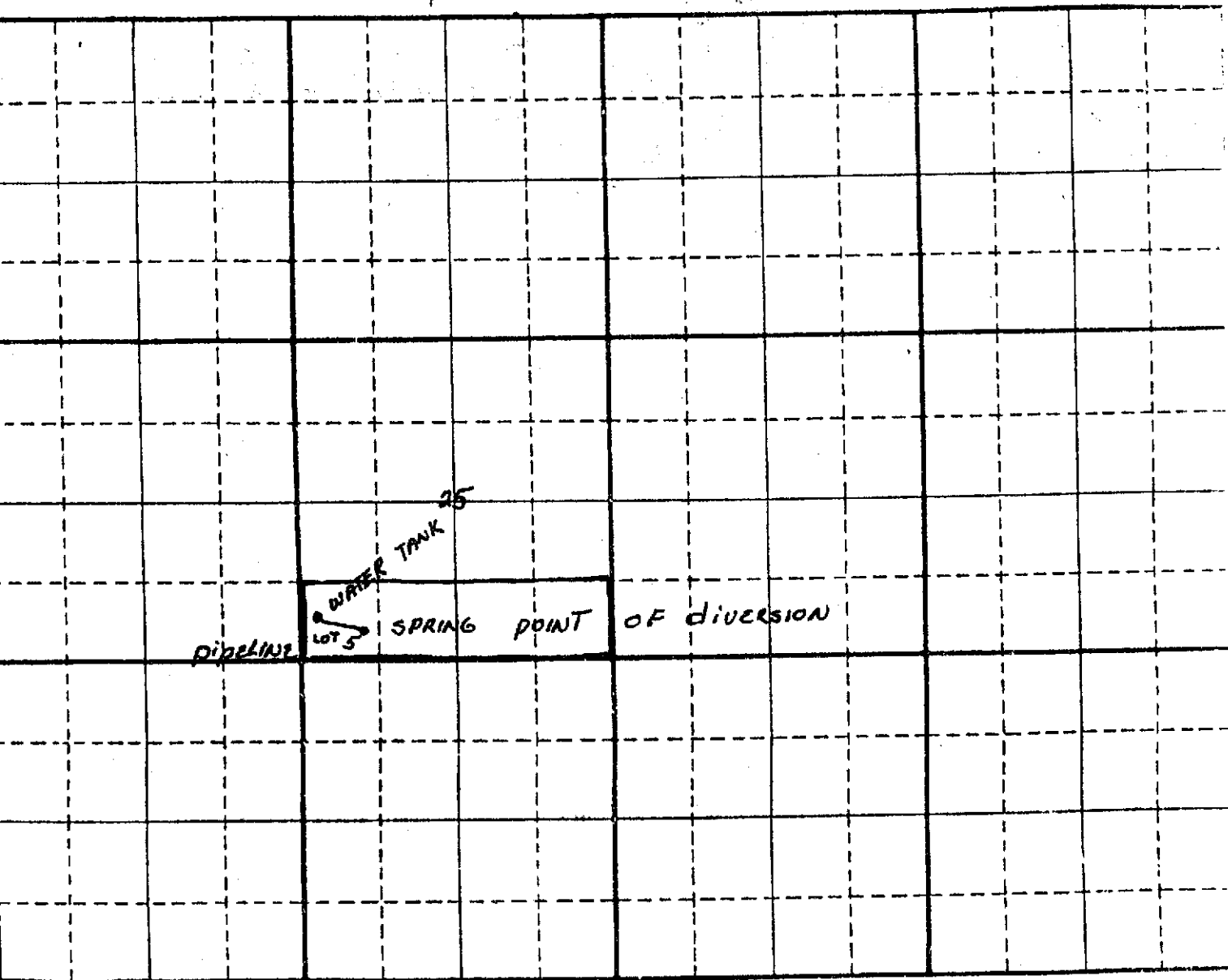
B) If water is used for other than irrigation, fully describe that use, being sure to include the frequency of use.  
Rail Road use. Railroad Needs change periodically.

**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:

E

(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.

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.

*Michael*

(Claimant)

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

*Catherine S. Tolson*

Notary Public

Residing at Seattle, Washington

My commission expires March 1, 1985

Received by *db*  
*see*

Prelim. check by

\$30.00 fee received by *see*

Published in

Dates

6/23/83 FOR DEPARTMENT USE ONLY

Date

4/15/83

Exception filed by:

Date

7/5/83 (28614)

Forwarded to

claimant by:

Date