

NOTICE OF CLAIMS
TO WATER RIGHTS

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

96-4468

ORR, MAX O. &/or LOIS L.
RT. 2 BOX 277, OLDTOWN,
ID 83822

Source: GROUNDWATER
Priority Date: 01/01/1961
Diversion Pt: SWSE Sec 30 T
56N R 05W

Use: IRRIGATION (0.03
CFS)

DOMESTIC (0.04 CFS)

In: SWSE Sec 30 T 56N R
05W FOR 1 ACRES

96-4472

HUMRICH, DENNIS P.
&/or SYLVIA

RT. 2 BOX 263, OLDTOWN,
ID 83822

Source: SPRINGS trib. to
SINKS

Priority Date: 01/01/1960
Diversion Pt: SESE NESE
Sec 30 T 56N R 05W

Use: IRRIGATION (0.30
CFS)

STOCKWATER STORAGE
(2.0 AF)

DOMESTIC (0.04 CFS)

In: NESE SESE Sec 30 T 56N
R 05W NESE Sec 30 T 56N R

05W FOR 15 ACRES

96-4213

KALHAR, DENNIS
RT. 3 BOX 106, COLBERT,
WA 99005

Source: GROUNDWATER
Priority Date: 07/01/1928

Diversion Pt: SWSE Sec 27 T
61N R 05W

Use: STOCKWATER (0.02
CFS)

DOMESTIC (0.04 CFS)

In: SWSE Sec 27 T 61N R
05W

97-4214

MANION, JOHN B.
S. 604 FISKE ST.,
SPOKANE, WA 99202

Source: HORTON CREEK
trib. to PRIEST LAKE

Priority Date: 04/01/1927
Diversion Pt: SENE Sec 03 T
60N R 04W

Use: DOMESTIC (0.04 CFS)

In: LOT 04 Sec 03 T 60N R
04W

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

KENDUNN, Dir.

Published PRT 7/26 & 8/4/83

Dept. of Water Resources

70

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Pete Thompson

being duly sworn, says that he is the Publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been
continuously and uninterruptedly published in said County during
a period of 78 consecutive weeks prior to the first publication of
the annexed notice for publication, is a newspaper of general cir-
culation made up of at least eight pages of at least seven columns
each, printed from typematter or stereotyped forms of at least
nineteen and three-fourths inches depth, has at least 1250 bona fide
subscribers living within said Bonner County, and is published at
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

Dept. of Water Resources

#96-4468, #96-4472, #96-4213, #97-4214

as it was published in the regular and entire issue of said paper
for a period of two consecutive weeks, commencing on
the 28th day of July, 1983
and
ending on the 4th day of August, 1983
and that said notice was published in said newspaper proper, and
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

12 day of Sept, 1983

Odell M. Thompson

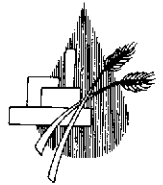
Notary Public for Idaho,

Residing at Priest River, Idaho

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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 Dennis P. Humrich and Sylvia Humrich
(Name of Claimant)
RT2 Box 263 Oldtown, Id 83822 Telephone No. 437-4880
(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) 1960

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)
Springs (2) tributary to Sinks

(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>0.04 cfs</u>	Use	<u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>2.0 AFA</u>	Use	<u>Storage for Stock</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>0.3 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.34 cfs, 2.0 AFA TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 SE 1/4, Sec. 30 Twp. 56N Rge. 5W B.M., County of Bonner
Additional points of diversion: NE SE 30 56N 5W

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.
Developed spring with pump to home. Series of ditches supply irrigation to approximately 15 acres. overflow from springs feeds stock pond.

(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	
<u>56N</u>	<u>5W</u>	<u>30</u>													<u>12X</u>			<u>3</u>	<u>15</u>

No. of acres 15

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

NOTE: Include here the type and number of stock watered: 26 head cattle

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

1. The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document.

2. The second part of the document is an abstract. It provides a brief summary of the main points of the document.

3. The third part of the document is an introduction. It provides a more detailed overview of the document's content.

4. The fourth part of the document is a list of references. It lists the sources of information used in the document.

5. The fifth part of the document is a conclusion. It summarizes the findings of the document and provides recommendations.

Scale: 2 inches equal 1 mile.

section, township and range of the public land survey system.

State of Idaho)
County of) ss.)
_____)
_____)
_____)

County of 1st Lane

\$ 55.



day of 2-17-70

(Claimant)

1961

Notary Public
Residing at

Residing at



FOR DEPARTMENT USE ONLY

Forwarded to: _____
Date: _____
Claimant by: _____

Date 2/2

7-7-83

Received by ~~_____~~
Prelim. check by _____

6-29-83

(28463)

CO 1000 2180

Published in _____
Dates _____

2/28, 8/4/83

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

RECEIVED

SEP 26 1983

IN RE)
DENNIS AND SYLVIA HUMRICH)
Claim to a Water Right)

CLAIM NO. 96-4472)
AFFIDAVIT IN EXCEPTION)
TO CLAIM)

STATE OF IDAHO,)
County of Bonner.) : ss.

RECEIVED
SEP 12 1983
Department of Water Resources
Northern District Office

The West Bonner Water District No. 1, by and through its duly elected and acting Chairman, who has been duly sworn, deposes and says:

That the West Bonner Water District No. 1 does hereby take exception to Claim No. 96-4472 as filed by Dennis and Sylvia Humrich.

By instrument dated April 19, 1915 and recorded April 23, 1915, in Book 5 of Miscellaneous at page 287, records of Bonner County, Idaho, Instrument No. 33589, the West Bonner Water District No. 1, as successor in interest to the Newport Water Company, was granted the "sole right to appropriate, develop, divert and withdraw any and all waters from springs and streams on the East Half of the Southeast Quarter of Section 30, Township 56 North, Range 5, West of the Boise Meridian, except the water that will flow through a 1/2" pipe under a 30' head". The Dennis and Sylvia Humrich tract, described generally as a parcel in the Northeast Quarter of the Southeast Quarter and the North Half of the Southeast Quarter of the Southeast Quarter of Section 30, Township 56 North, Range 5, West of the Boise Meridian, lies entirely situated within lands in which the West Bonner Water District claims ownership to the water rights and has since 1915 pursuant to the foregoing conveyance.

That further, the claimants Humrich did not acquire the subject property until June, 1973, but have claimed a priority

date of 1960 for the claimed use of water. The District is informed and believes, and therefore alleges the fact to be, that the prior owner of the Humrich tract did not make equivalent use of the claimed water.

FURTHER, Affiant sayeth not.

DATED this 9 day of September, 1983.

WEST BONNER WATER DISTRICT NO. 1

By: *Harold A. Clark*
Chairman

SUBSCRIBED and SWORN to before me this 8th day of
September, 1983.

Mona M. Keiley
Notary Public - State of Idaho
Residing at *Old Town* therein
My commission expires: *life time*

NOTICE OF CLAIMS
TO WATER RIGHTS

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

96-4468

ORR, MAX O. &/or LOIS L.
RT. 2 BOX 277, OLDTOWN,
ID 83822

Source: GROUNDWATER
Priority Date: 01/01/1961
Diversion Pt: SWSE Sec 30 T
56N R 05W

Use: IRRIGATION (0.03
CFS)

DOMESTIC (0.04 CFS)

In: SWSE Sec 30 T 56N R
05W FOR 1 ACRES, *

96-4472

HUMRICH, DENNIS P.
&/or SALVAGE
RT. 2 BOX 263, OLDTOWN,
ID 83822

Source: SPRINGS trib. to
SINKS

Priority Date: 01/01/1960

Diversion Pt: SESE NESE
Sec 30 T 56N R 05W

Use: IRRIGATION (0.30
CFS)

STOCKWATER STORAGE
(2.0 AF)

DOMESTIC (0.04 CFS)

In: NESE SESE Sec 30 T 56N
R 05W NESE Sec 30 T 56N R
05W FOR 15 ACRES

96-4213

KALHAR, DENNIS
RT. 3 BOX 106, COLBERT,
WA 99005

Source: GROUNDWATER

Priority Date: 07/01/1928

Diversion Pt: SWSE Sec 27 T
61N R 05W

Use: STOCKWATER (0.02
CFS)

DOMESTIC (0.04 CFS)

In: SWSE Sec 27 T 61N R.
05W

97-4214

MANION, JOHN B.
S. 604 FISKE ST.,
SPOKANE, WA 99202

Source: HORTON CREEK
trib. to PRIEST LAKE

Priority Date: 04/01/1927

Diversion Pt: SENE Sec 03 T
60N R 04W

Use: DOMESTIC (0.04 CFS)

In: LOT 04 Sec 03 T 60N R
04W

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 PRT 7/28 & 8/4/83

Dept. of Water Resources

70

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Pete Thompson

being duly sworn, says that he is the Publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been
continuously and uninterruptedly published in said County during
a period of 78 consecutive weeks prior to the first publication of
the annexed notice for publication, is a newspaper of general cir-
culation made up of at least eight pages of at least seven columns
each, printed from typematter or stereotyped forms of at least
nineteen and three-fourths inches depth, has at least 1250 bona fide
subscribers living within said Bonner County, and is published at
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

Dept. of Water Resources

#96-4468, #96-4472, #96-4213, #97-4214

as it was published in the regular and entire issue of said paper
for a period of two consecutive weeks, commencing on
the 28th day of July, 1983
and
ending on the 4th day of August, 1983,
and that said notice was published in said newspaper proper, and
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

12 day of Sept, 1983

Notary Public for Idaho,

Residing at Priest River, Idaho



RECEIVED
OCT 19 1984

Department of Water Resources

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

BOISE 83720

JIM JONES
ATTORNEY GENERAL

TELEPHONE
(208) 334-2400

October 19, 1984

Wanita Lenzi, Clerk
W. Bonner Water District #1
Box 521
Newport, Washington 99156

RE: Water Rights Protection

Dear Mrs. Lenzi:

Your letter was addressed to David H. Leroy. Mr. Leroy is now the Lieutenant Governor and has been for three years; Jim Jones is the Attorney General.

According to your letter, your water district has a water right for water from a spring arising on district property. However, another party has filed against the flow or run-off from the spring. You ask why the district should be forced to go to court to protect its existing water rights from appropriation by third persons.

In Idaho the right to use flowing water is dependent upon putting it to a beneficial use. A spring that does not flow off your property would not be subject to appropriation by a third party. On the other hand, a spring which flows off your property and becomes a stream may be appropriated by down stream parties.

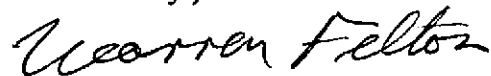
Any water user, including a water district, must use the water in order to claim it. The fact that you are a district does not give you special rights to the water, unless you use the power of eminent domain.

Page 2
Wanita Lenzi, Clerk
October 19, 1984

If you have used the water you must protest the claim by the third person or the third person will be able to gain a water right and use the water.

We are sending a copy of your letter to Phil Rassier, our Deputy Attorney General at the Department of Water Resources, so that he may be advised of the situation.

Sincerely,

A handwritten signature in cursive script that reads "Warren Felton".

Warren Felton
Deputy Attorney General
Local Government Division

WF/cjm
cc: Phil Rassier

West Bonner Water District #1
Box 522
Newport, Washington 99156

RECEIVED
AUG 24 1984
Office of The Attorney
General

August 22, 1984

Attorney General - David H. Leroy
Room 210, Statehouse
Boise, Idaho 83720

Dear Mr. Leroy:

The members of the Board of the West Bonner Water District #1 have asked that I write for your advice.

Our District supplies the residents of Bonner County in our District and also the people of Newport, Washington. We have had the water rights and owned the property the springs are on since 1953, this being the year the District was formed and the system purchased.

On this property is a spring called Culp Springs for identification purposes. The water from this spring is being developed so it can be added to our supply as our area is growing.

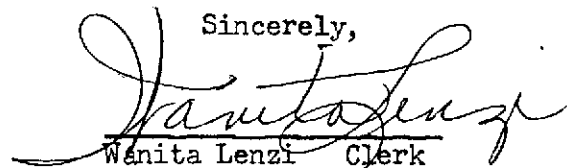
In 1973 Mr. Humrich purchased adjacent property to our District property and last year filed water rights for the run off water from the Culp Springs. He is asking for 143 gallons per minute. The District has filed a protest against this and I am enclosing a copy of this protest.

The Department of Water Resources has told us the protest only means that he will be allowed to use the 143 gallons and we can have whatever is left over. Furthermore we will have to have a hearing in a court of law to determine if he is truly entitled to this water or it is lawfully ours.

Our question is -- Since we are a legally formed District and must supply a City why should we be forced to go to Court to prove that the water is ours and so prevent some one else from claiming it.

If this has been directed to the wrong Department will you please forward this information as we would greatly appreciate an outside opinion and any help available.

Sincerely,


Wanita Lenzi Clerk

encl.

RECEIVED

OCT 19 1984

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN RE	)	
	)	CLAIM NO. 96-4472
DENNIS AND SYLVIA HUMRICH	)	
	)	AFFIDAVIT IN EXCEPTION
Claim to a Water Right	)	TO CLAIM
STATE OF IDAHO,	)	
	)	: ss.
County of Bonner.	)	

The West Bonner Water District No. 1, by and through its duly elected and acting Chairman, who has been duly sworn, deposes and says:

That the West Bonner Water District No. 1 does hereby take exception to Claim No. 96-4472 as filed by Dennis and Sylvia Humrich.

By instrument dated April 19, 1915 and recorded April 23, 1915, in Book 5 of Miscellaneous at page 287, records of Bonner County, Idaho, Instrument No. 33589, the West Bonner Water District No. 1, as successor in interest to the Newport Water Company, was granted the "sole right to appropriate, develop, divert and withdraw any and all waters from springs and streams on the East Half of the Southeast Quarter of Section 30, Township 56 North, Range 5, West of the Boise Meridian, except the water that will flow through a 1/2" pipe under a 30' head". The Dennis and Sylvia Humrich tract, described generally as a parcel in the Northeast Quarter of the Southeast Quarter and the North Half of the Southeast Quarter of the Southeast Quarter of Section 30, Township 56 North, Range 5, West of the Boise Meridian, lies entirely situated within lands in which the West Bonner Water District claims ownership to the water rights and has since 1915 pursuant to the foregoing conveyance.

That further, the claimants Humrich did not acquire the subject property until June, 1973, but have claimed a priority

date of 1960 for the claimed use of water. The District is informed and believes, and therefore alleges the fact to be, that the prior owner of the Humrich tract did not make equivalent use of the claimed water.

FURTHER, Affiant sayeth not.

DATED this 7 day of September, 1983.

WEST BONNER WATER DISTRICT NO. 1

By: [Signature]
Chairman

SUBSCRIBED and SWORN to before me this 7 day of
September, 1983.

[Signature]
Notary Public - State of Idaho
Residing at [Address] therein
My commission expires: [Date]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JR

Right Number 96-4472 Applicant Hummich

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 HKC Date 9/13/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By DC Date 10-25-83

NOTED

96-4472

HUMRICH, DENNIS P. &/or SYLVIA

RT. 2 BOX 263, OLDTOWN, ID 83822

Source: SPRINGS trib. to SINKS

Priority Date: 01/01/1960

Diversion Pt: SESE NESE Sec 30 T 56N R 05W

Use: IRRIGATION	(0.30 CFS)
STOCKWATER STORAGE	(2.0 AF)
DOMESTIC	(0.04 CFS)

In: NESE SESE Sec 30 T 56N R 05W NESE Sec 30 T 56N R 05W FOR 15 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

^{10/20}
AUGUST 15, 1983

DENNIS P. HUMRICH
SYLVIA HUMRICH
RT. 2 BOX 263
OLDTOWN

ID 83822

RE: Claim No. 96-4472

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

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

September 28, 1983

Mr. and Mrs. Dennis P. Humrich
Rt. 2 Box 263
Oldtown, Id. 83822

RE: 96-4472

Dear Mr. and Mrs. Humrich:

Enclosed is a copy of an exception filed in connection with your above-referenced claim. This exception is filed in accordance with the provisions of Section 42-244, IDAHO CODE, which states the following in part:

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship the described rights.

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: fms

Enclosure

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

September 28, 1983

Mr. Thomas E. Cooke
Cooke, Lamanna & Smith
P.O. Box 789
Priest River, Id. 83856

RE: 96-4472/West Bonner Water

Dear Mr. Cooke:

We have received your correspondence concerning the above-referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244, IDAHO CODE):

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship the described rights.

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

COOKE, LAMANNA & SMITH

CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

PRIEST RIVER PROFESSIONAL CENTER

P. O. BOX 789

PRIEST RIVER, IDAHO 83856

(208) 446-1221

THOMAS E. COOKE
NICK M. LAMANNA
STEPHEN F. SMITH

September 7, 1983

SANDPOINT OFFICE
FIRST AND SUPERIOR
SANDPOINT, IDAHO 83864
(208) 263-9115

KAREN M. SATTERLEE
LEGAL ASSISTANT

Tom D. King,
Senior Water Resources Agent
State of Idaho
Department of Water Resources
Suite 9, 4055 Government Way
Coeur d'Alene, Idaho 83814

RE: Humrich Claim No. 96-4472/West Bonner Water District

Dear Mr. King:

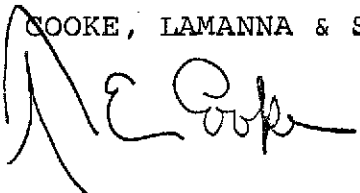
Thank you for your letter of August 19, 1983.

I have redrafted the District's exception to the Humrich claim in affidavit form and I have sent it to the Chairman of the Board for signature. He will send it directly to you under separate cover.

I want to thank you for bringing to my attention the fact that I.C. §42-225b requires such exceptions to be in affidavit form.

Very truly yours,

COOKE, LAMANNA & SMITH



Thomas E. Cooke
Attorney at Law
TEC:jt

RECEIVED

SEP 8 1983

Department of Water Resources
Northern District Office

*Revised signature
because it looked
poor.*



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 19, 1983

Mr. Thomas E. Cooke
Cooke, Lamanna & Smith
P.O. Box 789
Priest River, Id. 83856

Dear Mr. Cooke:

I am returning the two copies of your letter of August 15, 1983, in which the West Bonner Water District takes exception to Claim No. 96-4472. To be of any value, an exception must be made in accordance with Idaho Code 42-225b.

If I can be of any further assistance, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Letter (2)

63-21-1-1

COOKE, LAMANNA & SMITH

CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

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THOMAS E. COOKE
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August 15, 1983

RECEIVED

AUG 16 1983

Department of Water Resources
Northern District Office
SANDPOINT OFFICE
FIRST AND SUPERIOR
SANDPOINT, IDAHO 83864
(208) 468-3115

KAREN M. SATTERLEE
LEGAL ASSISTANT

State of Idaho
Department of Water Resources
Northern Division
4055 Government Way
Coeur d'Alene, Idaho 83814

ATT: Tom King

RE: Kenneth and Sylvia Humrich
Claim to a Water Right

Gentlemen:

I am writing this letter at the request of the Board of Directors of West Bonner Water District No. 1.

Recently Dennis and Sylvia Humrich, who own real property described generally as a parcel in the Northeast Quarter of the Southeast Quarter and the North Half of the Southeast Quarter of the Southeast Quarter in Section 30, Township 56 North, Range 5, W.B.M., less a certain tract, in Bonner County, Idaho, filed a claim to a water right with your office.

The Board of Directors of the West Bonner Water District hereby submits a formal exception to the Humrichs' claim. By instrument dated April 19, 1915, recorded April 23, 1915 in Book 5 of Miscellaneous at page 287, records of Bonner County, Idaho, under Instrument No. 33589, the West Bonner Water District No. 1, as successor in interest to the Newport Water Company, owns the "sole right to appropriate, develop, divert and withdraw any and all waters from springs and streams on the East Half of the Southeast Quarter of Section 30, Township 56 North, Range 5, W.B.M., except the water that will flow through a 1/2 inch pipe under a 30 foot head". As the Humrich tract is entirely situated within lands in which the West Bonner Water District claims ownership to the water rights and has since 1915, it is submitted that the

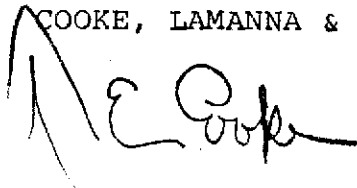
State of Idaho
Dept. of Water Resources
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Humrich claim is not a valid one.

Further, it has been noted that the Humrichs have claimed a priority date of 1960 when they did not acquire the subject property until September 12, 1974, and the District does not believe that the prior owner made equivalent uses of the claimed water.

Very truly yours,

COOKE, LAMANNA & SMITH

A handwritten signature in dark ink, appearing to read "T E Cooke", is written over the typed name "COOKE, LAMANNA & SMITH". The signature is fluid and cursive.

Thomas E. Cooke
Attorney at Law
TEC:jt

cc: West Bonner Water District No. 1