

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 96-4168

Notice is hereby given that Ralph Morrow, Priest River, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from an Unnamed Spring with point of diversion in Lot 2, Sec. 25, T. 56N, R. 5W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May 1, 1976; the place of use is within Lot 2, Sec. 25, T. 56N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON,
Director.

Published in the Sandpoint Daily Bee/Priest River Times on August 4 (5) and August 11 (12), 1976.

32-2t

O.K.
8-5-76
P

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Ralph Morrow
(name of claimant)
of Priest River, Idaho 83856, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Pend Oreille River;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed spring-
ground water seepage to surface (not a true spring)
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|-------------------|----|------------------------|
| Amount | <u>.01cfs</u> | Use | <u>domestic</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>December 31</u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: .01 cubic feet per second, or acre feet per annum, and/or gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) May 1, 1976

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 Lot 2 ¼ _____ ¼, Sec. 25 Twp. 56N Rge. 5W B. M. County of Bonner
 Additional points of diversion: None

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. Water runs into 600 gallon holding tank from ground source, then through 800 foot line to house (line is 1 and one quarter inches for 400 feet then 1 inch for 400 feet) where it is used for domestic household purposes.

- (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. **No irrigation.**

[illegible]

Total No. of acres

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic household uses only. No irrigation, stock watering, or yard uses.

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

ANNOUNCED

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Section 25 (Twp 56 N., R. 5, W. B. M.)

Lot 2

x

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.

33.

Bonner

the affiant's knowledge.

Sworn to before me this 26 day of July 1976
 Ralph Morrow (by T. E. Cooke, his atty.

Residing at Priest River, Idaho

My commission expires

Received by _____ Date 7-27-76
Prelim. check by _____ Date _____
Forwarded to _____ Exception filed by: _____
Date _____ Claimant by: _____

Date _____

\$10.00 fee received by CP

Date 7-28-76

Approved for publication by _____

Published in Sandpoint Daily Bee/Press River Times

Dates 8-4 & 8-11-76/8-5 & 8-12-76

RECEIVED

AFFIDAVIT OF PUBLICATION

AUG 31 1976

State of Idaho,

County of Bonner, ss. Department of Water Resources
Northern District Office

Pete Thompson being first duly sworn on
oath deposes and says that he is publisher
of the Sandpoint Daily Bee, a daily news-
paper printed and published at Sandpoint,
in Bonner County, Idaho; that the said
Daily Bee has been continuously and un-
interruptedly published in said Bonner
County during a period of 12 months prior
to the first publication of the hereto at-
tached notice of publication in the case
of Water Right

as it was published in the regular and en-
tire issue of the said paper for a period
of 2 consecutive weeks, commencing
on the 4 day of Aug, 1976
and ending on the 11 day of Aug, 1976 and that said notice was
published in said newspaper and not in
supplemental form.

Pete Thompson

Subscribed and sworn to before me this

27th day of Aug, 1976.

Bill M Thompson

Notary Public for Idaho,
Residing at Sandpoint, Idaho

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 96-4168

Notice is hereby given that
Ralph Morrow, Priest River,
Idaho has filed a claim to a
water right established by
diversion and application to
beneficial use of 0.01 cubic feet
per second of water from an
Unnamed Spring with point of
diversion in Lot 2, Sec. 25, T.
56N, R.5W, B.M., Bonner
County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic purposes with a
priority of May 1, 1976; the
place of use is within Lot 2, Sec.
25, T. 56N, R.5W, B.M.

Any exception to this claim of
water right may be filed with
the Idaho Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho,
83814.

R. KEITH HIGGINSON
Director

Published, in the Sandpoint
Daily Bee on August 4 and
August 11, 1976.

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Marie Rodney,

being duly sworn, says that she is the Co-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 circulation 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

Notice of Claim to a Water Right

as it was published in the regular and entire issue of said paper for a period of TWO consecutive weeks, commencing on the 5th day of August, 1976, and

ending on the 12th day of August, 1976, and that said notice was published in said newspaper proper, and not in supplement form.

Marie Rodney

Subscribed and sworn to before me this

12th day of August, 1976

George C. Connolly
Notary Public for Idaho,

Residing at Priest River, Idaho

RECEIVED

AUG 16 1976

Department of Water Resources
Northern District Office

NOTICE OF CLAIM TO A WATER RIGHT No. 96-4168

Notice is hereby given that Ralph Morrow, Priest River, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from an Unnamed Spring with point of diversion in Lot 2, Sec. 25, T. 56N, R. 5W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May 1, 1976; the place of use is within Lot 2, Sec. 25, T. 56N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON,
Director.

Published in the Sandpoint Daily Bee/Priest River Times on August 4 (5) and August 11 (12), 1976.

32-2t

INTER-DEPARTMENT MEMO — 1

FROM Bob Haynes

DATE September 1, 1976

TO BOB FLEENOR

Please file

SUBJECT Claim to a Water Right No. 96-4168 (Ralph Morrow)

I discussed with Mr. Tom Cooke, Attorney for Mr. Morrow, the fact that a right to surface water could not be established for any type purpose without an Application for Permit after 1971. I returned the claim to him, as he indicated he would have Mr. Morrow file an Application for Permit. All he did was send the same claim back to me.

I would suggest that you discuss the possibility of the Department filing an exception to Mr. Morrow's claim.

Bob **MICROFILMED**
SIGNATURE

March 4, 1977

Re: Claim No. 96-4168

Thomas E. Cooke
COOKE & LAMANNA
Box 788
Priest River Professional Center
Priest River, Idaho 83856

Dear Mr. Cooke:

Your letter of February 24 requested that the fee used for filing Claim to a Water Rights No. 96-4168 be transferred to the application for permit for Ralph Morrow.

This request is denied and your application is returned since that claim was not rejected. The claim was advertised in the Sandpoint Daily Bee and the information is currently being preserved in our files. We, however, still feel that the information is of no value in establishing a water right. You previously were also given the opportunity to exchange the claim document for the application for permit but you strongly objected to that in your September 13, 1976 letter.

Please return the enclosed application along with the required filing fee to our Northern Region Office as soon as possible so that the priority of the right may be established.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Encl.

bc: Northern Region.

RECEIVED

RECEIVED
FEB 28 1977
Department of Water Resources

COOKE & LAMANNA
ATTORNEYS AND COUNSELORS AT LAW
PRIEST RIVER PROFESSIONAL CENTER
P. O. BOX 788
PRIEST RIVER, IDAHO 83856

THOMAS E. COOKE
NICK M. LAMANNA
FRED R. PALMER

February 24, 1977

(208) 448-1221
KAREN M. SATTERLEE
LEGAL ASSISTANT

96-4168

Bobby D. Fleenor
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho

Re: Application of Ralph Morrow

Dear Mr. Fleenor:

During the latter part of the summer of the year 1976, I submitted a Claim to a water right on behalf of Ralph Morrow of this City, along with the \$10.00 filing fee. It is my recollection that this claim was rejected by your office and that you advised both myself and Mr. Morrow that his claim was improper. After some initial correspondence it was determined that we would resubmit an application for permit in lieu of a claim, which we subsequently did.

On October 14th, 1976, I received a letter from Robert G. Haynes, District Supervisor of the Northern District Office advising that another \$10.00 filing fee would be required before the application could be processed. As the claim was rejected, it is requested that the same \$10.00 previously submitted on the claim be used as the filing fee for this application.

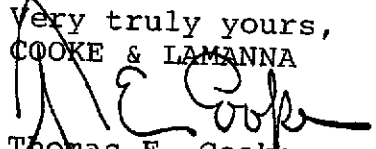
It would not appear to be proper to reject a claim and retain the filing fee if that is in fact what happened.

I apologize for the delay in responding to your October letter but the same got attached to some non-related papers and misfiled.

I am re-enclosing Mr. Morrow's Application herewith. Any correspondence should be directed to my office and not Mr. Morrow.

Thank you for your attention to this matter.

Very truly yours,
COOKE & LAMANNA


Thomas E. Cooke
Attorney At Law
TEC: plw
Encl.

RECEIVED

COOKE & LAMANNA
ATTORNEYS AND COUNSELORS AT LAW
BEARDMORE BUILDING
P. O. BOX 788
PRIEST RIVER, IDAHO 83856

Department of Water Resources

THOMAS E. COOKE
NICK M. LAMANNA

September 13, 1976

(208) 448-6311

Bobbie D. Fleenor
Chief, Water Rights
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: Ralph Morrow Claim #96-4168

Dear Mr. Fleenor:

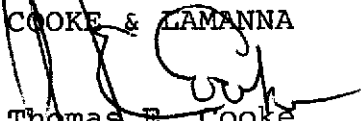
I have received a copy of a letter from your office dated September 9, 1976, regarding the above-referenced water right matter, filed for Mr. Morrow by this office.

In the first place, I take issue with your reference to Section 42-103 of the Idaho Code to the effect that a water right may only be acquired through the application permit and license procedure as outlined in said Code. I am sure you are well aware of the provisions of the Constitution of this state providing that the right to divert and apply the unappropriated waters of this state "... shall never be denied". To my knowledge we have not yet reached the point where our state legislature enacts statutes which repeal sections of our State Constitution. I am also sure that you are aware that no binding case law would ever support the position you seem to be taking, that the constitutional method of appropriating water is no longer valid. I therefore regard it highly improper for you, a public servant, to be pretending to advise outside parties as to their legal rights, and in so doing providing misinformation.

In the second place, when we initially filed Mr. Morrow's claim with your northern divisional office, one of your representatives called me and we discussed the matter, whereupon the two of us agreed that it would be preferable in this instance to file an application instead of a claim. We therefore withdrew the claim and filed the application in its place. I suggest you check with your northern divisional office and attempt to locate this application.

Very truly yours,

COOKE & LAMANNA


Thomas E. Cooke
Attorney at Law
TEC:jt
cc: Ralph Morrow

MICROFILMED

COOKE & LAMANNA

ATTORNEYS AND COUNSELORS AT LAW

BEARDMORE BUILDING

P. O. BOX 788

PRIEST RIVER, IDAHO 83856



Bobbie D. Fleenor
Chief, Water Rights
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

MICROFILMED

September 9, 1976

Re: Claim No. 96-4168

Ralph Morrow
Priest River,
Idaho 83856

Dear Mr. Morrow:

Your claim to a water right no. 96-4168 has been forwarded to us from our Northern Regional Office in Coeur d'Alene.

You are claiming a water right established by diversion and beneficial use for 0.01 cubic feet per second for domestic purposes from an unnamed spring, tributary to the Pend Oreille River with a priority of May 1, 1976.

Idaho Code, Section 42-103, as amended, effective May 20, 1971, states that the right to the use of the unappropriated waters of rivers, streams, lakes, springs, and of subterranean waters or other sources within this state shall hereafter be acquired only by appropriation under the application, permit and license procedure as provided in this title, . . ., therefore, we feel that the claim you have filed is of little value in that a water right could not be established for the use of this spring in 1976.

If you have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

cc: Tom Cooke, Attorney
Box 688, Priest River, Idaho



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Route 5, Box 203 - Suite #1
4055 N. Government Way

COEUR D' ALENE, IDAHO 83814

(208) 667-6484

September 1, 1976

Re: Claim to a Water Right No. 96-4168

Mr. Ralph Morrow
Priest River
Idaho 83856

Dear Mr. Morrow:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH:CP

Enclosure

August 25, 1976

Re: Application No. 96-7461 Claim No. 96-4167
 " " 97-7082 " " 96-4168

Sandpoint Daily Bee
P.O. Box 579
Sandpoint, ID 83864

Gentlemen:

Could you please submit the affidavits of publication and bills in connection with the above referenced items. The legal notices were to have been published in your newspaper on August 4 and August 11, 1976.

Your assistance in this matter is appreciated.

Very truly yours,

Corda M. Patterson
Secretary

CP



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 30, 1976

Re: Application No. 96-7461 Claim No. 96-4167
 " " 97-7082 " " 96-4168

Sandpoint Daily Bee
P.O. Box 579
Sandpoint, ID 83864

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

Handwritten: Bure: ~~XXXXXXXXXX~~ 9-1-76. cp

**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 96-4168

Notice is hereby given that Ralph Morrow, Priest River, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from an Unnamed Spring with point of diversion in Lot 2, Sec. 25, T. 56N, R. 5W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May 1, 1976; the place of use is within Lot 2, Sec. 25, T. 56N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

Published in the Sandpoint Daily Bee on August 4 and August 11, 1976.

OK
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 30, 1976

Re: Application No. 97-7082 - David W. Mitchell
Claim No. 96-4168 - Ralph Morrow

Priest River Times
P.O. Box 398
Priest River, ID 83856

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

Bill 8-17-76 cp

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 96-4168

Notice is hereby given that Ralph Morrow, Priest River, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from an Unnamed Spring with point of diversion in Lot 2, Sec. 25, T. 56N, R. 5W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May 1, 1976; the place of use is within Lot 2, Sec. 25, T. 56N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON,
Director.

Published in the Sandpoint Daily Bee/Priest River Times on August 4 (5) and August 11 (12), 1976.

32-2t

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4168

Notice is hereby given that Ralph Morrow,
Priest River, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 0.01 cubic feet per second ~~gallons per minute~~
of water from an Unnamed Spring
with point of diversion in ~~xxx~~ Lot 2, Sec. 25, T. 56N, R. 5W, B.M.,
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes

with a priority of May 1, 1976;
the place of use is within ~~xxx~~ Lot 2, Sec. 25, T. 56N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho,
83814.

R. KEITH HIGGINSON
Director

Published in the Sandpoint Daily Bee / Priest River Times
on August 4 (5) and August 11 (12), 1976

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 30, 1976

Re: Application for Permit No. 97-7082 - David W. Mitchell
Claim to a Water Right No. 96-4168 - Ralph Morrow

Mr. Thomas E. Cooke
COOKE & LAMANNA
P.O. Box 788
Priest River, ID 83856

Dear Mr. Cooke:

Attached is your receipt No. 4328 in the amount of \$20 for the filing fees on
the above referenced items which were received in this office.

Very truly yours,

Corda M. Patterson
Secretary

CP

Attachment

RECEIVED
AUG 1 1976
IDAHO DEPARTMENT OF WATER RESOURCES

July 15, 1976

Mr. Thomas E. Cooke
COOKE & LAMANNA
P.O. Box 688
Priest River, ID 83856

Dear Tom:

I am returning your Check No. 92-311 for \$20 and also the Claim to a Water Right for Ralph Morrow, pursuant to our telephone conversation of today.

If it will some time before you can get the application for Mr. Morrow in, perhaps you should send us a check for \$10 for David W. Mitchell's application for permit.

If there are any questions, please do not hesitate to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enclosures

MICROFILMED