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Documents
In File

Identification No. 96-4112
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Harvey W. Clarke
post office address South 4807 Helena, Spokane, Washington, 99203
Govt. Lot # 1
2. The point of diversion is in 1/4 of 1/4 Section 14 Township 53 N
Range 5 W B.M. located on Spirit Lake
(name of source)

tributary to _____ in Kootenai County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Summer 1960 (July 1) amount: .045 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

May 1 to Oct. 31
use residential/domestic period of use from Summer 1960 to _____ date _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is ~~well flowing~~ or pumped pumped ; depth of well is
No well--pumped from Spirit Lake feet; ~~diameter of well is~~ _____ inches; type of pump is electric centrifugal 1/2hp
capacity of pump is 10 g.p.m.; name and address of well driller is none

8776 96

d. If water is stored: name of reservoir _____
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

TWP.	RANGE	SEC.	NE1/4	NE1/4 NW1/4	SW1/4	SE1/4	NE1/4 NW1/4	SW1/4	SE1/4	NE1/4 NW1/4	SW1/4	SE1/4	NE1/4 NW1/4	SW1/4	SE1/4	TOTAL		
			NE1/4				NW1/4				SW1/4				SE1/4			

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
_____ The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered NA

7. Where water is used for domestic or municipal purposes give number of families served 1
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
System is a portable pump and plastic pipe, to convey water for
domestic use (summer cabin use only) from below the surface of
Spirit Lake.

State of Idaho }
County of Kootenai } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they 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 affiants knowledge.

Sworn to before me this 22 day of February, 1974

Larry W. Clark
Claimant
John L. Clark
Notary Public
Residing at Spokane, WA

My commission expires May 25, 1977

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>FD</u>	Date <u>3-4-74</u> #12380			
Fee received by <u>FD</u>	Date <u>3-4-74</u> Fee \$10.00			
Approved for publication by <u>FD</u>				
Published in <u>POST FALLS TRIBUNE</u>	Dates <u>3-14-74</u> <u>3-21-74</u>		<u>96 4112</u>	

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:	1.2 c.f.s. or			acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

AFFIDAVIT OF PUBLICATION

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 96-4112**

Notice is hereby given that Harvey W. Clarke, South 4807 Helena, Spokane, Washington has filed a claim to a water right established by diversion and application to beneficial use of 0.045 cubic feet per second of water from Spirit Lake with point of diversion in Gov't Lot 1, Sec 14, T. 53N, R. 5W, B.M., Kootenai County.

The water is claimed to be used from May 1 to Oct. 31 for domestic purposes with a priority of July 1, 1960; the place of use is within Gov't Lot 1, Sec 14, T. 53N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. Keith Higginson
Director

Published in the Post Falls Tribune, Post Falls, Idaho on March 14 and March 21, 1974

3-14 2tc

County of Kootenai }
STATE OF IDAHO } ss.

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the NOTICE OF CLAIM TO A WATER RIGHT #96-4112

Harvey W. clarke a true
printed copy of which is attached to the margin hereof, has been and
was correctly printed and published in the regular and entire issue of
every number of said newspaper and not in any supplement thereof
or thereto for two consecutive issues, commenc-
ing with the issue dated March 14, 19 74
and ending with the issue dated March 21, 19 74

Jeannette S. Rosin
Subscribed and sworn to before me, this 21st
day of March, 19 74

C. Wayne Stephens
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 11.48
(31)

96 4112

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

April 2, 1974

Re: Claim to a Water Right No. 96-4112

Mr. Harvey W. Clarke
South 4807 Helena
Spokane, WA 99203

Dear Mr. Clarke:

The Department of Water Administration 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 this 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, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

96 4112

March 8, 1974

Re: Application No. 95-7425 - Steve &/or Mary Trautman
Claim No. 95-4232 - Richard R. Chapman
" " 96-4112 - Harvey W. Clarke

Post Falls Tribune
Box 68
Post Falls, ID 83854

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

~~"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."~~

(signature of claimant)

Very truly yours,

FRED EISENBARTH
Northern District Manager

Bill submitted 3-26-74 by CP

FE:CP

Enc: Legal Notices (3)

96 411P

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4112

Notice is hereby given that Harvey W. Clarke,
South 4807 Helena, Spokane, Washington

has filed a claim to a water right established by diversion and application
to beneficial use of 0.045 cubic feet per second ~~XXXXXX~~
of water from Spirit Lake

with point of diversion in the xxx Gov't. Lot 1, Sec. 14, T. 53N, R. 5W, B.M.,
Kootenai County

The water is claimed to be used from May 1 to Oct. 31 for domestic
purposes

with a priority of July 1, 1960;
the place of use is within the xxx Gov't. Lot 1, Sec. 14, T. 53N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Post Falls Tribune, Post Falls, Idaho
on March 14 and March 21, 1974

96 4112

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WATER RIGHT

NO. 96-4112

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Helena, Spokane, Washington

has filed a claim to a water

right established by diversion

and application to beneficial use

of 0.045 cubic feet per second

of water from Spirit Lake with

point of diversion in Gov't Lot 1,

Sec 14, T. 53N, R. 5W, B.M.,

Kootenai County.

The water is claimed to be

used from May 1 to Oct. 31 for

domestic purposes with a pri-

ority of July 1, 1960; the place

of use is within Gov't Lot 1,

Sec 14, T. 53N, R. 5W, B.M.

Any exception to this claim of

water right may be filed with

the Idaho Department of Water

Administration, 401 Front Ave-
nue, Coeur d'Alene, Idaho 83814.

R. Keith Higginson

Director

Published in the Post Falls

Tribune, Post Falls, Idaho on

March 14 and March 21, 1974.

3-14 2tc

OK.
3-14-74

211v 96

March 8, 1974

Re: Claim to a Water Right No. 96-4112

Mr. Harvey W. Clarke
South 4807 Helena
Spokane, WA 99203

Dear Mr. Clarke:

Attached is your receipt No. 12380 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

96 4112

MACGILLIVRAY, JONES, CLARKE, SCHIFFNER & JOHNSON

ATTORNEYS

SUITE 222 PACIFIC NATIONAL BANK OF WASHINGTON BLDG.
SPOKANE, WASHINGTON 99201

JOHN D. MACGILLIVRAY
W. KENNETH JONES
HARVEY W. CLARKE
WILLARD W. JONES
PAUL F. SCHIFFNER
FRANK HAYES JOHNSON
HENRY E. STILES II
RICHARD E. HAYES

February 27, 1974

(SD9) 83B-8601

RANDALL L. STAMPER

Idaho Department of Water Administration
401 Front Street
Room 209
Coeur d'Alene, Idaho 83814

Dear Sir:

Enclosed herewith please find a completed claim to a water right, the same covering an Application for the removal of domestic water from Spirit Lake, Idaho, as of the summer of 1960, together with my check in the sum of \$10.00 to cover the filing fee.

Please process the enclosure and advise.

Very truly yours,


HARVEY W. CLARKE

HWC:klc

Enclosure

86 8123