

The United States of America,

To all to whom these presents shall come, Greeting,

Homestead Certificate No. 1555.

Application 1758.

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at _____ whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

JOHN O'NEIL

has been established and duly consummated, in conformity to law, for the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of Section eighteen in Township fifty-six north of Range two east of the Boise Meridian, Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said John O'Neil

the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said John O'Neil

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

(SEAL)

GIVEN under my hand, at the City of Washington, the eighteenth day of November, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty-second.

By the President:

Theodore Roosevelt

By

John O'Neil

Recorder of the General Land Office.

Affidavit of Publication

STATE OF IDAHO, }
County of Bonner, } ss.

RECEIVED

OCT 15 1973

Department of Water Resources
Northern District Office

L. E. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice of Claim to a Water Right,
No. 96-4097, filed by Kathleen
M. Pierce, Box 254, Clark Fork,
Idaho.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 4th
day of October, 1973, and end-
ing on the 11th day of October,
1973, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

12th day of October, 1973.

Phyllis Corral

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4097

Notice is hereby given that
Kathleen M. Pierce, Box 254,
Clark Fork, Idaho has filed a
claim to a water right
established by diversion and
application to beneficial use of
1.0 cubic feet per second of
water from O'Neil Creek with
point of diversion in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 56N, R.
2E, B.M., Bonner County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic purposes with a
priority of February 15, 1900;
the place of use is within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 56N, R.
2E, 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 Sandpoint
News-Bulletin, Sandpoint,
Idaho on Oct. 4 and Oct. 11, 1973.
O4-11

96-4097

Kenton L. Martin

P.O.Box.329

Hope, Idaho 83836

Dec.20th,1973

State Of Idaho

Department Of Water Development;

RECEIVED

DEC 24 1973

Department of Water Administration
Northern District Office

Dear Sirs;

This letter annuls the prior letter written to you on Dec,7,1973.

I would like to enter an exception to Kathleen M. Pierce Claim NO.96-4097 to water rights on S.W. $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ OF Section 7. to paragraph 5-A.&B.that Her Prior Claim to water rights is the Natural Flow ,never before being enhanced by a ditch, Man made to divert the water in Her Favor.

She does have a ditch extending into John Dums Property which is on the SE. $\frac{1}{4}$ of Section 7 but does not extend onto Property owned by us S.W. $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ of Section 7.

Let it be knowm now that untill futher and Personal Agreements have been reached by me (Kenton L. Martin)or My Heire'ss that we Agree to no Tresspassing Rights.

Sincerely

Kenton L. Martin

Kenton L. Martin

Doris A. Martin.

Doris A. Martin

OK.
J.E. 12/27/73

96 4097

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
 Section 42-225a, Idaho Code
AMENDED
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 KATHLEEN M. PIERCE
 (name of claimant)
 of Box 254, Clark Fork, Idaho 83811, claims a right to the diversion and beneficial use of
 (mailing address)
 ground water or surface water tributary to Pend Oreille Lake

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) O'Neil Creek
- (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>1 cfs</u>	Use <u>ag. & dom.</u>	Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: 1 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) February 15, 1900

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)
SW ¼ NE ¼, Sec. 7 Twp. 56 N Rge. 2 E 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.

Ditch, three feet x two and one-half feet

- (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 ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
56	N2E	18	X																

Total No. of acres _____

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

- (7) If you are claiming water as a member of an organization, list name of organization:
None.

(8) Remarks

DIVERSION

7

18

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

ss.

County of Bonner,

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.

Kathleen M. Pierce

(Claimant)

Sworn to before me this 13th day of

November

19 73

James E. Hunt

Notary Public

Residing at Sandpoint, Idaho 83864

My commission expires October 19, 1976.

For Department Use Only

Received by CP Date 11-15-73
Prelim. check by TE Date _____
\$10.00 fee received by amended Date _____
Approved for publication by TE
Published in SANDPOINT NEWS-BULLETIN
Dates 11-29 + 12-6-73

Exception filed by: _____ Date _____
Forwarded to claimant by: _____

96 4097

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

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 KATHLEEN M. PIERCE
(name of claimant)
of Box 254, Clark Fork, Idaho 83811, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Pend Oreille Lake;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) O'Neil Creek
- (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>1 cfs</u>	Use <u>ag. & dom.</u>	Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: 1 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) February 15, 1900

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)

NW ¼ NE ¼, Sec. 7 Twp. 56 N Rge. 2 E 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.

Ditch, three feet x two and one-half feet

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
56	N2E	18	X																

Total No. of acres _____

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

domestic.

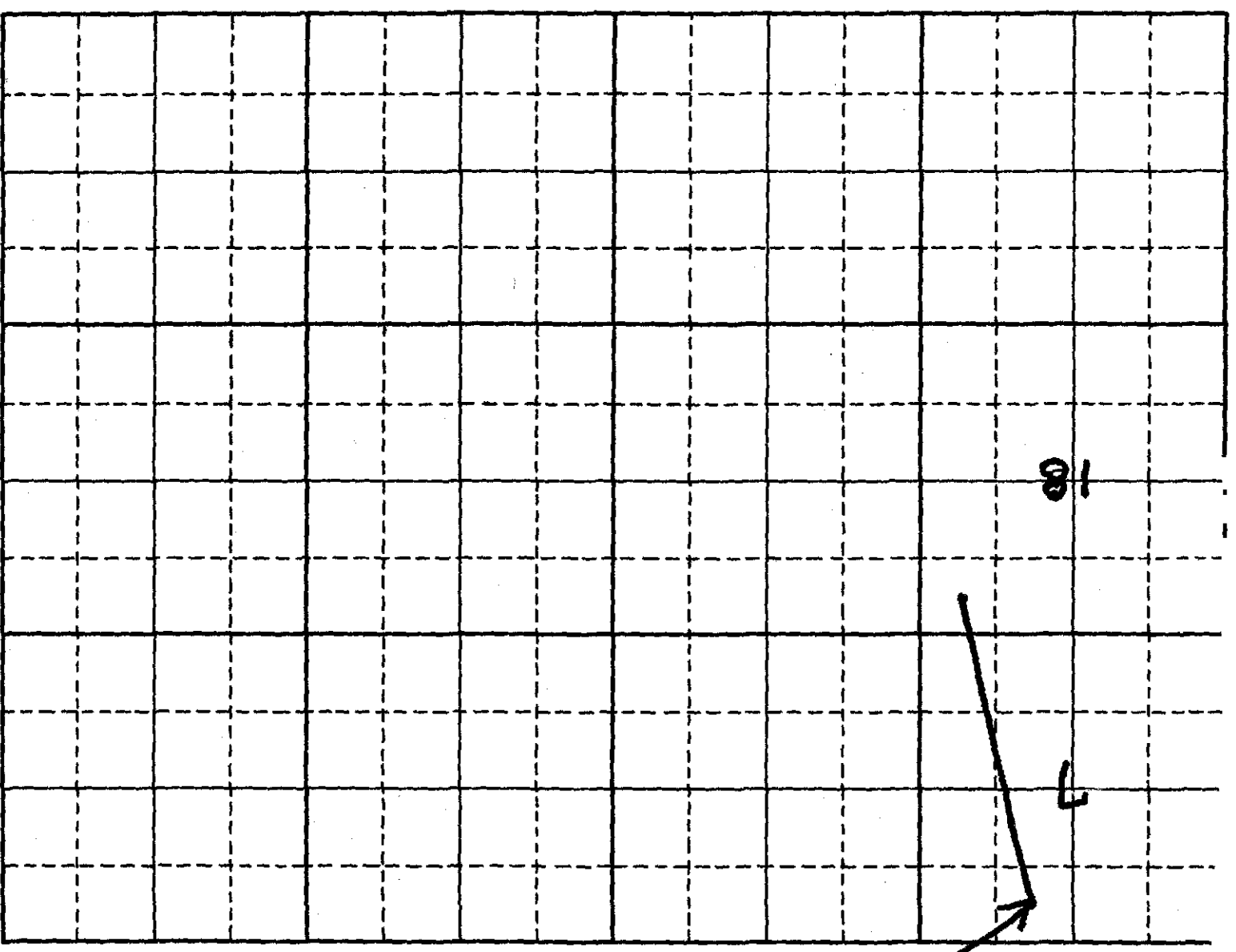
- (7) If you are claiming water as a member of an organization, list name of organization:

None.

96-4097

(8) Remarks

Division



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

County of Bonner, 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 affiant's knowledge.

Sworn to before me this 10th day of September, 1973.

Notary Public
Residing at Sandpoint, Idaho 83864

My commission expires October 19, 1976.

For Department Use Only

Received by Date 9-19-73
Prelim. check by Date 9/26/73
\$10.00 fee received by Date 9/26/73
Approved for publication by
Published in Sandpoint News-Bulletin
Dates 10-4 & 10-11-73

Affidavit of Publication

STATE OF IDAHO, }
County of Bonner, } ss.

RECEIVED

DEC 31 1973

Department of Water
Boise, Idaho

L. E. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice of Amended Claim to a Water

Right, filed by Kathleen M. Pierce,
No. 96-4097.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 29th
day of November, 1973, and end-
ing on the 6th day of December,
1973, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this
28th day of December, 1973.

Cheryl Coatt

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that
Kathleen M. Pierce filed a
Claim to a Water Right No. 96-
4097 claiming a right to the
diversion and beneficial use of
1.0 cubic foot per second of
water from O'Neil Creek, with
point of diversion in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 56N, R.
2E, B.M., Bonner County. The
water was claimed to be used
from Jan. 1 to Dec. 31 for
domestic purposes with a
priority of February 15, 1900;
the place of use was within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 56N, R.
2E, B.M.

The claimant now proposes to
amend Claim No. 96-4097,
claiming 1.0 cubic foot per
second of water from O'Neil
Creek with point of diversion in
the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 56N, R.
2E, B.M., Bonner County. The
water is claimed to be used
from Jan. 1 to Dec. 31 for
domestic purposes with a
priority of February 15, 1900;
the place of use is within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 56N, R.
2E, B.M.

Any exception to the proposed
amending of this claim of water
right may be filed with the
Idaho Department of Water
Administration, 401 Front
Avenue, Room 209, Coeur
d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Sandpoint
News-Bulletin, Sandpoint, ID on
Nov. 29 and Dec. 6, 1973. N29-D6

96 4097

402462

B

MR

4-105r

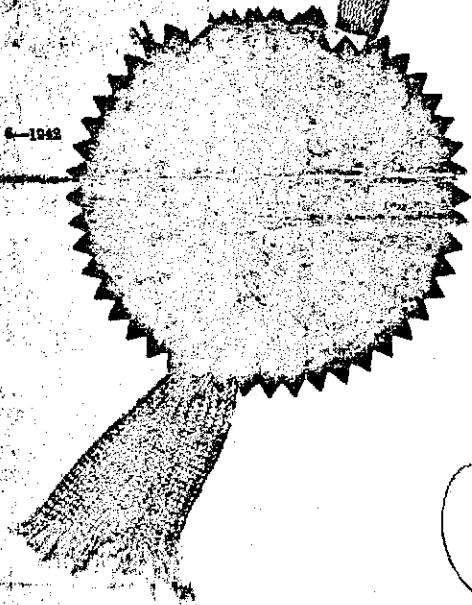
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

WASHINGTON

FEB 26 1914

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record which is in my custody in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the _____ and year above written.



D. C. Lamar
Recorder of the General Land Office.

*Imp or less
deep
Tide + Water Rights
and Mineral Rights*

RECEIVED

MAR 9 1914

U. S. LAND OFFICE
COLORADO, 1914.

96-4097

The United States of America

On all of them these presents shall have Execution

1940-1941

Division 16

Further, there has been deposited in the General Land Office of the United States a Certificate of the Register of the Office of the Surveyor General of the Territory of Utah, dated at Salt Lake City, Utah, the 1st day of March, 1906, in pursuance of the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

[illegible]

According to the results of the Survey of the Civil Service, returned to the GENERAL
and Office by the Surveyor General.

~~DO NOT WRITE IN THESE SPACES~~

The tract of land above described, TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereto, unto the said John Wilson.

and to him heirs and assigns forever, subject to any vested and accreted water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as have been recognized and established by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, ~~the same shall be bound to penetrate or intersect the premises hereby granted or provided by law.~~ And there is reserved from the state hereby granted a right of easement for ditches or canals constructed by the authority of the legislature.

UNITED STATES PATENT OFFICE

IN TESTIMONY WHEREOF, the President, Vice President, and the

United States of America, have caused these letters to be made

patent, and the seal of the General Land Office to be hereunto

attached.

(S&M)

Given under my hand at the City of Washington the
day of November in the year
of our Lord one thousand nine hundred and seven
and of the Independence of the United States the one hundred
and thirty seventh.

By the President

Shirley M. Brown

Handwritten signature

[illegible]

mail to John O. Neil
care of G. B. Buckley,
Hager, Idaho

COMPALED

7-10-1914

96-4097

SEATTLE OF 1914
County of Hager } SS.

John O. Neil
attest for record at the request of

on this 25 day of July 1914, at 103

9 o'clock P. M., was recorded in Book 28

of Deeds on page 1477

Walter S. McCre

County Recorder

By W. McCre

Deputy

Fee \$ 1.00 paid

Mail to Hager

COMPARED.

By _____.

Bk. A Pg-162- Water Rights.
LOCATION OF WATER RIGHT.

Notice is hereby given that the undersigned in compliance with the laws of the United States and of Title Nine of the Revised Statutes of Idaho Territory, is this day located and claimed the right to the use of fifty inches measured under a four inch pressure to be diverted from the natural channel of the stream known as and called O'Neil's Creek at a point about (700) seven hundred feet more or less in a Westerly direction from the house now occupied by the undersigned as a dwelling, said point of diversion being in Pend d'Oreille Mining District Kootenai County, Idaho Territory: That said water is claimed for the purpose of agricultural and domestic purposes on the property now owned and claimed and occupied by the said undersigned and locator; said water to be diverted by a ditch already constructed and is of a size of three feet wide and about two and one half feet deep, of which is located in Kootenai County, Idaho . Located this 15th day of February, A.D., 1900.

Witnesses present at location, W. J. Quirk.

WATER RIGHT.

STATE OF IDAHO)

County of Kootenai) ss

Filed for record at the request of W. J. Quirk on the 19th day of March, 1900, at 1:40 P.M. and recorded in Book A of Water Rights on page 162.

JNO. C. CALLAHAN, County Rec.

By EJ. MORRISON Deputy.

96-4097

Affidavit of Publication

STATE OF IDAHO, }
County of Bonner, } ss.

L. E. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice of Claim to a Water Right,
No. 96-4097, filed by Kathleen
M. Pierce, Box 254, Clark Fork,
Idaho.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 4th
day of October, 1973, and end-
ing on the 11th day of October,
1973, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

12th day of October, 1973.

John W. Burt
Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4097

Notice is hereby given that
Kathleen M. Pierce, Box 254,
Clark Fork, Idaho has filed a
claim to a water right
established by diversion and
application to beneficial use of
1.0 cubic feet per second of
water from O'Neil Creek with
point of diversion in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 56N, R.
2E, B.M., Bonner County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic purposes with a
priority of February 15, 1900;
the place of use is within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 56N, R.
2E, 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 Sandpoint
News-Bulletin, Sandpoint,
Idaho on Oct. 4 and Oct. 11, 1973.
04-11

96-4097

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

December 17, 1973

Re: Claim to a Water Right No. 96-4097

Kathleen M. Pierce
Box 254
Clark Fork, ID 83811

Dear Ms. Pierce:

In reference to the above claim, the enclosed is a copy of the correspondence submitted by Kenton L. and Doris A. Martin in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At any time after filing a claim under the provisions of this 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 Administration 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 Administration. 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 of the described rights.

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

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosure

bcc: IDWA - Boise ✓

96-4097

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

December 17, 1973

Re: Claim to a Water Right No. 96-4097 - Kathleen M. Pierce

Kenton L. and Doris A. Martin
P.O. Box 329
Hope, ID 83836

Dear Mr. and Mrs. Martin:

We have received your correspondence in connection with the above referenced Claim to a Water Right. A Claim only records evidence of a water right which has already been established through past use. It does not grant any permission to develop new rights or to expand the original right.

According to the Claim filed by Mrs. Pierce, she has established a right to the use of 1 cubic foot per second of water from O'Neil Creek for domestic and agricultural purposes. She is claiming a right with a priority of February 15, 1900.

The following is a quote from the provisions under which this Claim has been filed (Section 42-225b of the Idaho Code):

"At any time after filing a claim under the provisions of this 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 Administration 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 Administration. 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."

96-4097

Page 2

Re: 96-4097

Kenton L. & Doris A. Martin

December 17, 1973

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 of the described rights. We have enclosed a copy of the Claim for your reference.

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

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosures

bcc: IDWA - Boise ✓

96-4097

RECEIVED

Kenton L. Martin

P.O. Box. 329

DEC 12 1973

Hope, Idaho

Department of Water Administration
Northern District Office

83826

Dec. 7th, 1973

State Of Idaho

Department Of Water Development

Dear Sir's;

We would like to File an Exception to Claim No. 96-4097 Registered in Kathleen M. Pierce Name, to the effect that it Proposes a Diversion Point of Water on Property owned by us Kenton L. and Doris A. Martin.

We do consent to the Diversion of Water to the Amount of 1.0 Cubic Feet per second with the Stipulation that the Diversion Equipment will consist of Underground Catch Tank and Buried water pipe to Extend no more than 50 Feet onto Our Property and the Turbine must be Returned to its Native Condition, with Trespassing Allowed only after Permission is Granted by Current Owner.

Current Owner will have the right to Supervise and Inspect all work done on the Development, on said Land Description S.W. 1/4 OF N.E. 1/4 OF Section 7 Township 56N. R. 2 E. B. M. Benner County, Idaho.

Sincerely

Kenton L. Martin

Kenton L. Martin

Doris A. Martin.

Doris A. Martin

96-4097

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

January 3, 1974

Re: Amended Claim to a Water Right No. 96-4097

Kathleen M. Pierce
Box 254
Clark Fork, ID 83811

Dear Ms. Pierce:

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 4097

January 2, 1974

Re: Claim to a Water Right No. 96-4097

Kathleen M. Pierce
Box 254
Clark Fork, ID 83811

Dear Ms. Pierce:

Enclosed is a copy of a letter we received from Kenton L. Martin in connection with your Claim No. 96-4097.

We have included Mr. Martin's correspondence in your file for future reference. If we may be of any further assistance, feel free to contact our office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

Enclosure

cc: James E. Hunt

96 4097

January 2, 1974

Re: Claim to a Water Right No. 96-4097 - Kathleen M. Pierce

Kenton L. Martin
P.O. Box 329
Hope, ID 83836

Dear Mr. Martin:

This is to acknowledge receipt of your correspondence in connection with the above referenced claim.

Your letter has been included in Ms. Pierce's file for future reference. If we may be of any further assistance, feel free to contact our office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

Kenton L. Martin

P.O.Box.329

Hope, Idaho 83836

Dec.20th,1973

State Of Idaho

Department Of Water Development;

Dear Sirs;

This letter annuls the prior letter written to you on Dec,7,1973.

RECEIVED

DEC 24 1973

Department of Water Administration
Northern District Office

I would like to enter an exception to Kathleen M. Pierce Claim NO.96-4097

to water rights on S.W.1/4 OF N.E.1/4 OF Section 7. to paragraph 5-A.&B.that Her Prior Claim to water rights is the Natural Flow ,never before being enhanced by a ditch, Man made to divert the water in Her Favor.

She does have a ditch extending into John Dunns Property which is on the SE.1/4 of Section 7 but does not extend onto Property owned by us S.W.1/4 OF N.E.1/4 of Section 7.

Let it be known now that untill further and Personal Agreements have been reached by me (Kenton L. Martin)or My Heire'ss that we Agree to no Trespassing Rights.

Sincerely

Kenton L. Martin

Kenton L. Martin

Doris A. Martin.

Doris A. Martin

OK.
J.B. 12/27/73

96 4097

December 18, 1973

Re: (Amended) Claim No. 96-4097 - Kathleen M. Pierce

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

Gentlemen:

Could you please submit the affidavit of publication and bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on November 29 and December 6, 1973.

Your assistance in this matter would be appreciated.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

96 4097

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

December 17, 1973

Re: Claim to a Water Right No. 96-4097

Kathleen M. Pierce
Box 254
Clark Fork, ID 83811

Dear Ms. Pierce:

In reference to the above claim, the enclosed is a copy of the correspondence submitted by Kenton L. and Doris A. Martin in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At any time after filing a claim under the provisions of this 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 Administration 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 Administration. 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 of the described rights.

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

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosure

bcc: IDWA - Boise

SS 4097

RECEIVED

Kenton L. Martin

P.O.Box.329

DEC 12 1973

Hope, Idaho

Department of Water Administration
Northern District Office

83836

Dec.7th,1973

State Of Idaho

Department Of Water Development

Dear Sir's;

We would like to File an Exception to Claim No.96-4097 Registered in Kathleen M. Pierce Name ,to the effect that it Proposes a Diversion Point of Water on Property owned by us Kenton L. and Doris A. Martin.

We do consent to the Diversion of Water to the Amount of 1.0 Cubic Feet per second with the Stipulation that the Diversion Equipment will consist of Underground Catch Tank and Buried water pipe to Extend no more than 50 Feet onto Our Property and the Turrrane must be Returned to its Native Condition,with Tresspassing Allowed only after Permission is Granted by Current Owner.

Current Owner will have the right to Supervise and Inspect all work done on the Development, on said Land Discription S.W. $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ OF Section 7 Township 56N. R.2 E. B . M. Bonner County ,Idaho.

Sincerely

Kenton L. Martin

Kenton L. Martin

Doris A. Martin.

Doris A. Martin

96 4097

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

December 17, 1973

Re: Claim to a Water Right No. 96-4097 - Kathleen M. Pierce

Kenton L. and Doris A. Martin
P.O. Box 329
Hope, ID 83836

Dear Mr. and Mrs. Martin:

We have received your correspondence in connection with the above referenced Claim to a Water Right. A Claim only records evidence of a water right which has already been established through past use. It does not grant any permission to develop new rights or to expand the original right.

According to the Claim filed by Mrs. Pierce, she has established a right to the use of 1 cubic foot per second of water from O'Neil Creek for domestic and agricultural purposes. She is claiming a right with a priority of February 15, 1900.

The following is a quote from the provisions under which this Claim has been filed (Section 42-225b of the Idaho Code):

"At any time after filing a claim under the provisions of this 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 Administration 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 Administration. 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."

96 4097

Page 2

Re: 96-4097

Kenton L. & Doris A. Martin

December 17, 1973

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 of the described rights. We have enclosed a copy of the Claim for your reference.

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

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosures

bcc: IDWA - Boise

96 4097

November 23, 1973

Re: Amended Claim No. 96-4097 - Kathleen M. Pierce

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

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

FE:CP

Enc: Legal Notice

Bill submitted 1-2-74 by CP

CS 4097

ADVERTISING INSERTION ORDER

SANDPOINT NEWS-BULLETIN

COMPLETE COVERAGE OF THE SANDPOINT TRADE AREA

P.O. Box 218, Sandpoint, Idaho 83864

To Whom Billed:

Name Idaho Department of Water
Administration

Address _____

Name of Advertiser _____

Ad No. _____ Ad Size: _____ x _____

Caption Notice of Amended Claim to
WATER RIGHT

Insertion Dates: _____ Nov. 29, Dec. 6

Copy: _____

Kathleen M. Pierce

No. 96-4097

A.O. No. 10124

DATE 11-29-73

Type of Advertising

- ☐ National Display
- ☐ Local Display
- ☐ Classified Display
- ☐ Classified
- ☐ Reader
- ☐ Card of Thanks
- ☒ Legal
- ☐ _____

Total Space 45 lines x 36¢ = \$ 16.20
(Col. Inches/Words) (line)

96 4097

NOTICE OF AMENDED
CLAIM TO A WATER RIGHT

Notice is hereby given that Kathleen M. Pierce filed a Claim to a Water Right No. 96-4097, claiming a right to the diversion and beneficial use of 1.0 cubic foot per second of water from O'Neil Creek, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 56N, R. 2E, B.M., Bonner County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of February 15, 1900; the place of use was within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 56N, R. 2E, B.M.

The claimant now proposes to amend Claim No. 96-4097, claiming 1.0 cubic foot per second of water from O'Neil Creek with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 56N, R. 2E, B.M., Bonner County. The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of February 15, 1900; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 56N, R. 2E, B.M.

Any exception to the proposed amending of this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Sandpoint News-Bulletin, Sandpoint, ID on Nov.29 and Dec. 6, 1973.

96 4097

RAYMOND T. GREENE, JR.
JAMES E. HUNT

GREENE & HUNT, P. A.
LAW OFFICES
320 NORTH SECOND AVENUE
SANDPOINT, IDAHO 83864
TELEPHONE 263-5131

November 13, 1973

RECEIVED

NOV 15 1973

Department of Water Administration
Northern District Office

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

Gentlemen:

I enclose herewith Amended Claim to a Water Right
by Kathleen M. Pierce, in duplicate.

Very truly yours,

GREENE & HUNT, P.A.

By: *James E. Hunt*
James E. Hunt

JEH:js
Enclosures

4097

OK. F.B. 11/20/73

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

October 23, 1973

Re: Claim to a Water Right No. 96-4097

Kathleen M. Pierce
Box 254
Clark Fork, ID 83811

Dear Ms. Pierce:

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

96-4097

September 28, 1973

Re: Claim No. 96-4096 96-4098
" " 96-4097 96-4099

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

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 10-22-73 by S

FE:CP

Enc: Legal Notices (4)

96-4097

ADVERTISING INSERTION ORDER

SANDPOINT NEWS-BULLETIN

COMPLETE COVERAGE OF THE SANDPOINT TRADE AREA

P.O. Box 218, Sandpoint, Idaho 83864

To Whom Billed:

Name Idaho Department of Water

Administration

Address _____

Name of Advertiser _____

Ad No. _____ Ad Size: _____ x _____

Caption Notice of Claim to a Water
Right

Insertion Dates: Oct. 4, 11

Copy:

No. 96-4097

Kathleen M. Pierce

AID. 0271

10-4-73

DATE

Type of Advertising

☐ National Display

☐ Local Display

☐ Classified Display

☐ Classified

☐ Reader

☐ Card of Thanks

☒ Legal

☐ _____

Total Space 33 lines x 36¢ = \$ 11.52
(Col. inches/Week) (rate) (Billing)

96-4097

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4097

Notice is hereby given that Kathleen M. Pierce,

Box 254, Clark Fork, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.0 cubic feet per second ~~none feet per annum~~
of water from O'Neill Creek

with point of diversion in the NW 1/4, Sec. 7, T. 56N, R. 2E, B.M.,
Bonner County

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

with a priority of February 15, 1900;
the place of use is within the NE 1/4, Sec. 18, T. 56N, R. 2E, 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 Sandpoint News-Bulletin, Sandpoint, Idaho
on Oct. 4 and Oct. 11, 1973

96-4097

September 28, 1973

Re: Claim to a Water Right No. 96-4097

Kathleen M. Pierce
Box 254
Clark Fork, ID 83811

Dear Ms. Pierce:

Attached is your receipt No. 11976 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

96-4097

RAYMOND T. GREENE, JR.
JAMES E. HUNT

GREENE & HUNT, P. A.
LAW OFFICES
320 NORTH SECOND AVENUE
SANDPOINT, IDAHO 83864
TELEPHONE 263-5121

September 18, 1973

RECEIVED

SEP 19 1973

Department of Water Administration
Northern District Office

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

Gentlemen:

I enclose herewith in duplicate Claim to a Water Right
by Kathleen M. Pierce, together with photocopies of
patent and location of water right.

Our check in the sum of \$10.00 is enclosed to cover
filing fee.

Very truly yours,

GREENE & HUNT, P.A.

James E. Hunt
By: James E. Hunt

JEH:js
Enclosures

96-4097