

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

August 9, 1973

Re: Claim to a Water Right No. 96-4070

Muriel E. Merrill
Route #2, Box 38
Newport, WA 99156

Dear Ms. Merrill:

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:CR

Enclosure

96 4070

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 Muriel E. Merrill (name of claimant)
of Route #2, Box 38, Newport, Wash. 99156, claims a right to the diversion and beneficial use of (mailing address)
ground water or surface water tributary to

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Hoppenstal 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 0.02 cfs Use Domestic Period of Use: From Jan. 1 To Dec. 31
Amount Use Period of Use: From To
Amount Use Period of Use: From To
(cfs, gpm (dom., irri., (both dates inclusive)
or a/f) stock, etc.)
- (3) Total quantity of water claimed: 0.02 cubic feet per second, or acre feet
per annum, and/or 9.0 gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1935

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)
NE ¼ SE ¼, Sec. 5 Twp. 55N Rge. 5W 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. Pressure system from creek, pipeline to place of use.

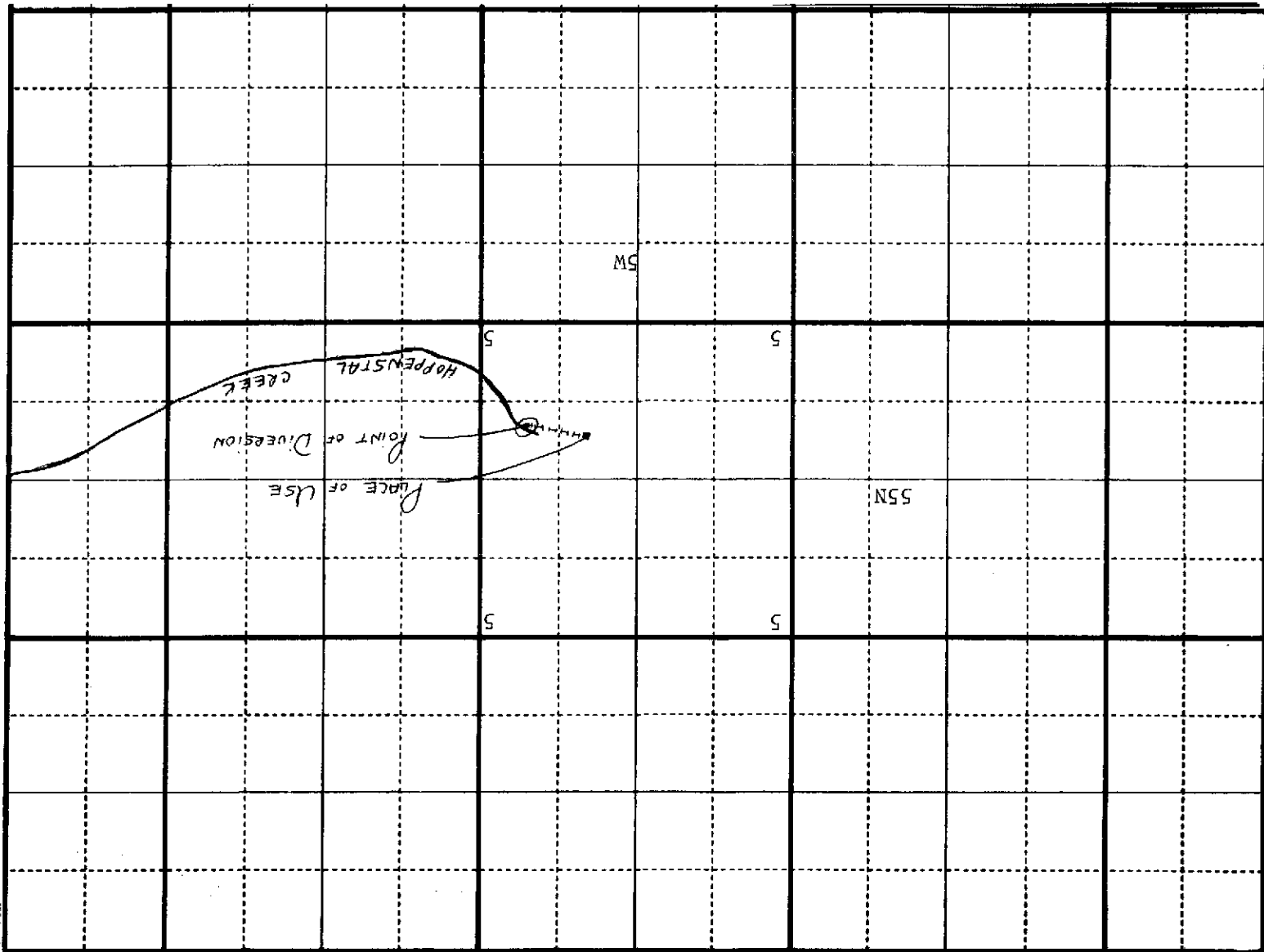
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

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	
55N	5W	5														X			

Total No. of acres

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

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



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

Kootenai

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 11TH day of

July

1973.

(Claimant)

Maurice & Maurine

Notary Public

Residing at

Coeur d'Alene, ID

My commission expires

Sept. 11, 1976

For Department Use Only

Received by cl Date 7-11-73 Exception filed by: Forwarded to cl Date 7-11-73 Prelim. check by cl Date 7-11-73 \$10.00 fee received by cl Date 7-11-73 #10768 Approved for publication by ICC 2/12/73 Published in FEIST RIVER TIMES Dates 7-19 & 7-26-73

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Marie Martin,
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 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

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 19th day of July, 1973,
and

ending on the 26th day of July, 1973,
and that said notice was published in said newspaper proper, and
not in supplement form.

Marie Martin

Subscribed and sworn to before me this

26th day of July, 1973

George C. Connolly
Notary Public for Idaho,
Residing at Priest River, Idaho

RECEIVED

JUL 30 1973

Department of Water Administration
Northern District Office

NOTICE OF CLAIM TO A WATER RIGHT No. 96-4070

Notice is hereby given that Mu-
riel E. Merrill, Route No. 2, Box
38, Newport, Washington, has filed
a claim to a water right estab-
lished by diversion and applica-
tion to beneficial use of 0.02 cubic
feet per second of water from
Hoppenstal Creek with point of di-
version in the NE 1/4 SE 1/4, Sec. 5,
T. 55N, R. 5W, B.M., Bonner Coun-
ty.

The water is claimed to be used
from Jan. 1 to Dec. 31 for domes-
tic purposes with a priority of
1935; the place of use is within the
NW 1/4 SE 1/4, Sec. 5, T. 55N, R. 5W,
B.M.

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

R. KEITH HIGGINSON,
Director.

Published in the Priest River
Times, Priest River, Idaho on July
19 and July 26, 1973.

29-2t

96 4070

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
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Water Rights Administration
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August 9, 1973

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Muriel E. Merrill
Route #2, Box 38
Newport, WA 99156

Dear Ms. Merrill:

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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:CR

Enclosure

96 4070

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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Water Resource Investigations
Dam and Reservoir Safety
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Geothermal Resources

July 31, 1973

Re: Claim to a Water Right No. 96-4070 - Muriel E. Merrill

John L. Decker
Route #2
Newport, Washington

Dear Mr. Decker:

We are in receipt of 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 42-225b 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 reclamation (renamed department of water administration on July 1, 1970) 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 conformation or final censorship of the described rights.

Please contact us if we may be of any further assistance.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

96 4070

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
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July 31, 1973

Re: Claim to a Water Right No. 96-4070

Muriel E. Merrill
Route #2, Box 38
Newport, WA 99156

Dear Ms. Merrill:

In reference to the above claim, the enclosed is a copy of an exception filed by John L. Decker 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 reclamation (renamed department of water administration on July 1, 1970) 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."

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Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

96 4070

July 13, 1973

Re: Application No. 96-7189 - Richard A. Krupp
" " 96-7190 - George D. Koenig
" " 96-7191 - Muriel E. Merrill
Claim No. 96-4070 - " " "

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

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 8-6-73 by L

FE:CR

Enc: Legal Notices (4)

96 4070

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4070

Notice is hereby given that Muriel E. Merrill,

Route #2, Box 38, Newport, Washington

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~acre feet per annum~~
of water from Hoppenstal Creek

with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 55N, 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 1935;
the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 55N, 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 Priest River Times, Priest River, Idaho

on July 19 and July 26, 1973

96 4070

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 73-4070

Notice is hereby given that Mu-

riel E. Merrill, Route No. 2, Box

38, Newport, Washington, has filed

a claim to a water right estab-

lished by diversion and applica-

tion to beneficial use of 0.02 cubic

feet per second of water from

Hoppenstal Creek with point of di-

version in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5,

T. 55N, R. 5W, B.M., Bonner Coun-

ty.

The water is claimed to be used

from Jan. 1 to Dec. 31 for domes-

tic purposes with a priority of

1935; the place of use is within the

B.M.

Any exception to this claim of

Idaho Department of Water Ad-

ministration, 401 Front Avenue,

Coeur d'Alene, Idaho 83814.

R. KETH HIGGINSON,

Director.

Published in the Priest River

Times, Priest River, Idaho on July

19 and July 26, 1973.

29-21

0207 96

OK.
7-19-73

RECEIVED

JUL 25 1973

Department of Water Administration
Northern District Office

July 25, 1973

Department of Water Administration
401 Front Ave., Room 209
Coeur d'Alene, ID 83814

Gentlemen:

I, John L. Decker, hereby wish to file exception to Claim to a Water Right No. 96-4070 in the name of Muriel E. Merrill.

The water has not been used for household purposes since 1935 as stated in the Claim.

Very truly yours,

John L. Decker

John L. Decker
Route #2
Newport, Washington

Sworn to before me this 25TH day of July, 1973.

Corda M. Roberts

Notary Public
Residing at Coeur d'Alene, Idaho

My commission expires on SEPT. 11, 1976.

96 4070

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



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July 31, 1973

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Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

96 4070

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July 31, 1973

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Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

96 4070

RECEIVED

AUG 8 1973

Department of Water Administration
Northern District Office

Mrs. Merrill Merrill
Route 2 Box 38
Newport, Wash
99156

Dear Sir

In answer to your letter
Water Right No 94-4070 I will have
to protest the water has been used
for domestic use since 1935 on these
premises and since Homesteaded
Mr Mosher refuses to let the water
through and has done so several years
We had to line in town because of it
or pack my water I have domestic
animals now and am carrying water
Yours Truly

96 4070

OK
7/25/73

RECEIVED

JUL 25 1973

July 25, 1973

Department of Water Administration
Northern District Office

Department of Water Administration
401 Front Ave., Room 209
Coeur d'Alene, ID 83814

Gentlemen:

I, John L. Decker, hereby wish to file exception to Claim to a Water Right No. 96-4070 in the name of Muriel E. Merrill.

The water has not been used for household purposes since 1935 as stated in the Claim.

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John L. Decker

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Route #2
Newport, Washington

Sworn to before me this 25TH day of July, 1973.

Corda M. Roberts

Notary Public
Residing at Coeur d'Alene, Idaho

My commission expires on SEPT. 11, 1976.

96 4070

RECEIVED

JUL 25 1973

July 25, 1973

Department of Water Administration
Northern District Office

Department of Water Administration
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Coeur d'Alene, ID 83814

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