

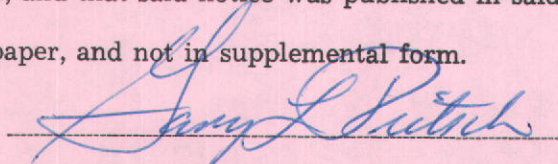
Affidavit of Publication

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

Gary L. 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 uninterruptedly 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.

96-4059, filed by Mark L. &/or Donna Cowdrey, Star Route, 104-A, Sandpoint, 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 17th day of May, 1973, and ending on the 24th day of May, 1973, and that said notice was published in said newspaper, and not in supplemental form.



Subscribed and sworn to before me this

25th day of May, 1973.

Olyvia Grace

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

RECEIVED

MAY 30 1973

Department of Water Administration
Northern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4059

Notice is hereby given that Mark L. &-or Donna Cowdrey, Star Route 104-A, Sandpoint, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from an Unnamed Spring, tributary to Fish Creek with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T. 55N, R. 3W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from March 15 to Nov. 1 for the irrigation of 0.5 acres with a priority of 1941; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 55N, R. 3W, 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 May 17 and May 24, 1973.

M17-24

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Identification No. 96-4059

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 Mark L. Cowdrey &/or Donna Cowdrey 263-6488
post office address Star Route 104-A, Sandpoint, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 14 Township 55N
Range 3W B.M. located on Unnamed Spring
(name of source)
tributary to Fish Creek in Bonner 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: (Month & Year)
1941 amount: 0.04 c.f.s. or _____ acre feet
_____ amount: 0.02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.06 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:

(0.04 cfs) use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
(0.02 cfs) use Irrigation period of use from March 15 to Nov. 1 (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 SEE ITEM 9
_____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known SEE ITEM 9

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

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c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet;

width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____ feet; maximum length of pipe line to first place of use is _____ 1,500 feet; diameter of pipe line is _____ 1½ inches; type of pipe _____ steel and plastic _____; grade of pipe per 1000 feet is _____ 150 _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

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 _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

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

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

0.5 Total number of acres to be irrigated

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

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 _____

7. Where water is used for domestic or municipal purposes give number of families served one
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
DESCRIPTION OF WORKS: Wooden collection box approx. 700 gallons, 1½" pipe to
1000 gallon cement cistern, 500' below spring with 1½" pipe to house. Diverted
in the SW¼NW¼ to be used in the NW¼SW¼, Sec. 14, T. 55N, R. 3W, B.M.

Cistern is now being expanded to 20,000 gallon storage to increase pressure and
storage, excess water returned to stream - no expanded use.

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 6TH day of April, 1973.

Mark A. Connelley
Claimant

Corda M. Roberts
Notary Public

Residing at COEUR D'ALENE, IDAHO

My commission expires SEPT. 11, 1976

For Department Use Only

Received by <u>FE</u> Date <u>5/8/73</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>FE</u> Date <u>5/8/73</u>	_____	_____	_____
Fee received by <u>FE</u> Date <u>5/8/73</u> Fee \$ <u>10.00</u> # <u>10654</u>	_____	<u>96</u>	<u>4059</u>
Approved for publication by <u>FE</u> <u>5/8/73</u>	_____	_____	_____
Published in <u>SANDPOINT BULLETIN</u> Dates <u>5-17-73</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 if 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

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

Gary L. 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 uninterruptedly 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.

96-4059, filed by Mark L. &/or Donna Cowdrey, Star Route, 104-A, Sandpoint, 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 17th day of May, 1973, and ending on the 24th day of May, 1973, and that said notice was published in said newspaper, and not in supplemental form.

Gary L. Pietsch

Subscribed and sworn to before me this

25th day of May, 1973.

By: Bill Brall

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4059

Notice is hereby given that Mark L. &-or Donna Cowdrey, Star Route 104-A, Sandpoint, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from an Unnamed Spring, tributary to Fish Creek with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T. 55N, R. 3W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from March 15 to Nov. 1 for the irrigation of 0.5 acres with a priority of 1941; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 55N, R. 3W, 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 May 17 and May 24, 1973.

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TO WHOM IT MAY CONCERN:

Please be advised that I first moved to the ranch which includes the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 14, Township 55N, Range 3W Boise Meridian, Bonner County, Idaho, in the year 1941. To the best of my knowledge, from that date to the present time, the main spring located in the area specified above was the source of supply of water for domestic and irrigation use, and has always supplied ample water during any month of those years.

Also let it be known that on the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 14, Township 55N, Range 3W B.M., Bonner County, Idaho, part of the same ranch, there are no less than five springs which have also produced water during the same period.

Marvin E. Mortenson
(Signature)

Notary

4-30-73

Gilbert D. Warr
Spokane Wash

4-9-77 Commission expires

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

June 4, 1973

Re: Claim to a Water Right No. 96-4059
" " " " " " 96-4060

Mark L. &/or Donna Cowdrey
Star Route 104-A
Sandpoint, ID 83864

Dear Mr. & Mrs. Cowdrey:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims 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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. 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

Enc: copies of claims

96 4059

May 11, 1973

Re: Claim No. 96-4059 - Mark L. &/or Donna Cowdrey
" " 96-4060 - " " " " " "

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 6-4-73 by de

FE:CR

96 4059

Enc: Legal Notices (20)

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: _____

Caption Notice of Claim to a Water

Right

Insertion Dates: _____

May 17, 24

Copy: _____

Tel. 96-4059

AO. N^o 6970

DATE 5-17-73

Type of Advertising

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

Mark L. &-or Donna Cowdrey

I hereby certify that the above is a true and correct statement of the facts and circumstances as they exist after all legal proceedings have been completed and the facts of the matter are known.
SANDPOINT NEWS-BULLETIN

Total Space	<u>35 lines</u>	x	<u>36¢</u>	=	<u>\$ 12.60</u>
	(Cal. Lines/Word)		(Rate)		(Billing)

96 4059

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4059

Notice is hereby given that Mark L. &/or Donna Cowdrey,

Star Route 104-A, Sandpoint, Idaho

have

~~xxx~~ filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second ~~xxxxxxx~~

of water from an Unnamed Spring, tributary to Fish Creek

with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T. 55N, R. 3W, B.M.,

Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from March 15 to Nov. 1 for the irrigation of 0.5 acres

with a priority of 1941;

the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 55N, R. 3W, 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 May 17 and May 24, 1978

96 4059

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

May 11, 1973

Re: Claim to a Water Right No. 96-4059
" " " " " " 96-4060

Mark L. &/or Donna Cowdrey
Star Route 104-A
Sandpoint, Idaho 83864

Dear Mr. & Mrs. Cowdrey:

Attached is your receipt No. 10654 in the amount of \$20 for the filing fees on the above referenced claims, which were received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: Receipt

96 4059