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96
Identification No. 96-4056

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 Frank W. and/or Priscilla B. Russell
post office address Bayview Box 112 Idaho 83803

2. The point of diversion is in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 34 Township 54N
Range 2W B.M. located on Pond Oriella 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:

Oct. 19, 1960 amount: .04 c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

Total claimed .04 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:

use Domestic period of use from 1/1 to 12/31 (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; width 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 _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is Juccuzzi pump $\frac{1}{2}$ H.P. motor

capacity of pump is _____ g.p.m.; name and address of well driller is _____

_____; if so, give dates and 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 _____

[illegible]

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 None

7. Where water is used for domestic or municipal purposes give number of families served 1 Family
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

Location is better known as Daniels Addition
Lake Pond O'Reilly Home Sides

LOTS 2 and W 1/2 of Lot 3

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.

Frank W. Russell
Claimant

Sworn to before me this 23RD day of April, 1973.

Corda M. Roberts
Notary Public

Residing at COEUR D'ALENE, IDAHO

My commission expires SEPT. 11, 1976

For Department Use Only

Received by <u>FB</u>	Date <u>4/23/73</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>FB</u>	Date <u>4/23/73</u>	<u># 10630</u>		
Fee received by <u>FB</u>	Date <u>4/23/73</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>FB</u>	Date <u>4/23/73</u>		<u>96</u>	<u>4056</u>
Published in <u>CAL. PRESS</u>	Dates <u>5-3-73</u>			

5-10-73

AFFIDAVIT OF PUBLICATION COEUR D'ALENE PRESS

(WEEKLY)

MAY 14 1973

STATE OF IDAHO,

County of Kootenai,

ss.

Department of Water Administration
Northern District Office

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4056

Notice is hereby given that Frank W. &/or Priscilla B. Russell, Box 112, Bayview, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from Pend Oreille Lake with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 54N, R. 2W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of October 19, 1960; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 54N, R. 2W, 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

May 3, 10, 1973

deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for two consecutive weeks, commencing

on the 3 day of May, 19 73, and ending on the

10 day of May, 19 73

Subscribed and sworn to, before me, this 10 day of May,

19 73

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

96 4056

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 23, 1973

Re: Claim to a Water Right No. 96-4056

Frank W. &/or Priscilla B. Russell
Box 112
Bayview, ID 83803

Dear Mr. & Mrs. Russell:

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 further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: copy of claim

96 4056

April 27, 1973

Re: Application No. 94-7031
" " 96-7171
" " 96-7172

Claim No. 96-4056
" " 96-4057

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

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 5-14-73 by de

FE:CR

Enc: Legal Notices (5)

96 4056

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NO. 96-4056

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Box 112, Bayview, Idaho
~~have~~
~~has~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXX~~
of water from Pend Oreille Lake
with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 54N, R. 2W, B.M.,
Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes
with a priority of October 19, 1960;
the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 54N, R. 2W, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho
on May 3 and May 10, 1973

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R. KEITH HIGGINSON

Director

May 3, 10, 1973

96 4056

o.k.
5-9-73
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