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Identification No. 96-4047

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 Allen E. Landry
post office address Box 177, Bayview, Idaho 83803

2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 34 Township 54N
Range 2W B.M. located on Groundwater
(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:

May, 1958 amount: 0.44 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.44 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 Jan. 1 to Dec. 31 (both dates inclusive)
use Commercial period of use from Jan. 1 to Dec. 31 (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 pumped ; depth of well is 100 feet; diameter of well is 8 inches; type of pump is jet
capacity of pump is 200 g.p.m.; name and address of well driller is _____
_____ ;

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 94 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
Water is used for the following purposes:

Mobile Homes 75

House. 1

Restaurant 1

Float Houses 17

Resort 1

Laundry facility 1

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.

Allen E. Landberg
Claimant

Sworn to before me this 16TH day of MARCH, 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>FE</u> Date <u>3/16/73</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>FE</u> Date <u>3/16/73</u> # <u>8582</u>	_____	_____	_____
Fee received by <u>FE</u> Date <u>3/16/73</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>FE</u>	_____	_____	_____
Published in <u>CAV. PRESS</u> Dates <u>3-22-73</u>	_____	<u>96</u>	<u>4047</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 COEUR D'ALENE PRESS

(WEEKLY)

APR 2 1973

STATE OF IDAHO,

County of Kootenai,

ss.

Department of Water Administration
Northern District Office

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~~ ^{Thursday}

weekly issues of said newspaper for ~~two~~ consecutive weeks, commencing

on the 22 day of March, 1973, and ending on the

29 day of March, 1973.

Subscribed and sworn to, before me, this 29 day of March,

19 73

Callie Pointner
E. Patrick King

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

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4047

Notice is hereby given that Allen E. Landry, Box 177, Bayview, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.44 cubic feet per second of water from a ground water source with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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 for 94 families and for commercial purposes with a priority of May, 1958; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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

March 22, 29, 1973

96 4047

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

April 10, 1973

Re: Claim to a Water Right No. 96-4047

Allen E. Landry
Box 177
Bayview, ID 83803

Dear Mr. Landry:

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, please contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

96 4047

March 16, 1973

Re: Claim No. 96-4047 - Allen E. Landry
" " 96-4048 - MacDonald's Hudson Bay Resort, Inc.

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
Water Resource Technician
Northern District

Bill submitted 4-9-73 by de

FE:CR

96 4047

Enc: Legal Notices (2)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4047

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Box 177, Bayview, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.44 cubic feet per second ~~acre feet per annum~~ XXXXXXXXXXXXXXXXXXXXX
of water from a ground water source

with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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 for 94 families and for commercial purposes

with a priority of May, 1958;
the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho
on March 22 and March 29, 1973

96 4047

THURS legal

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 96-4047

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R. KEITH HIGGINSON

Director

March 22, 29, 1973

o.k.
3-26-73
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