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Identification No. 96-4034 *f*

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 Thomas J. De Geare
post office address Rt. 1, Box 32-A, Athol, ID 83801

2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 29 Township 54N
Range 2W B.M. located on Unnamed Spring
(name of source)
tributary to Unnamed Stream 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:

January, 1960 amount: 0.25 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.25 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:

0.03 cfs use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
0.20 cfs use Irrigation period of use from June 1 to Aug. 30 (both dates inclusive)
0.02 cfs use Stockwater period of use from Jan. 1 to Dec. 31 (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 earth
_____ ; length is 12 feet; height is 9 feet;
width at bottom is 18 feet; width at top is 12 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known none
9' cement tile at head of spring for domestic water supply with 200' of 1" pipe to house.

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 _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

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 _____ 200 _____ feet; diameter of pipe line is _____ 1 _____ inches; type of pipe _____ plastic _____; grade of pipe per 1000 feet is _____ 50' _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. _____ none; for irrigation pumped from pond with 2-3/4" h.p. pumps to two 1" lines.

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]

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 25 head of cattle

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 _____

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 Twenty first day of September, 1972

My commission expires 1 December 1974

Thomas P. Hare
Claimant

John E. Howerton
Notary Public

Residing at Athol, Idaho

Notary Public for the State of Idaho
Residing at Athol, Idaho
My commission expires December 1, 1974

For Department Use Only

Received by CE Date 9-26-72

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by FE Date 9/27/72 Rec'd 8/4/77

Fee received by FE Date 9/27/72 Fee \$ 10.00

Approved for publication by FE 9/27/72

Published in SANDPT. BULLETIN Dates 8-10-54

10-12-72

56 4030

OK
F.E.

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 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

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

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 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.

96-4036, filed by Thomas J. De Geare, Route 1, Box 32-A, Athol, 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 5th day of October, 1972, and ending on the 12th day of October, 1972, and that said notice was published in said newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

17th day of October, 1972.

Thyllis Powell

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4036

Notice is hereby given that Thomas J. De Geare, Route 1, Box 32-A, Athol, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.25 cubic feet per second of water from an Unnamed Spring with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 54N, R. 2W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.03 cfs) and stockwatering purposes (0.02 cfs); and from June 1 to Aug. 30 for the irrigation of 10 acres (0.20 cfs) with a priority of January, 1960; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29 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 Sandpoint News-Bulletin, Sandpoint, Idaho on October 5 and October 12, 1972. O5-12

96 4036

October 26, 1972

Re: Claim to a Water Right No. 96-4036

Thomas J. De Geare
Route #1, Box 32-A
Athol, ID 83801

Dear Mr. De Geare:

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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

96 4036

September 29, 1972

Re: Claim No. 96-4035 - Ruen Farms, Inc.
" " 96-4036 - Thomas J. De Geare

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 Eissenbarth
Water Resource Supervisor
Northern District

Bill submitted 10-26-72 by cl

FE:CR

Enc: Legal Notices (2)

96 4036

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4036

Notice is hereby given that Thomas J. De Geare, Route #1,
Box 32-A, Athol, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.25 cubic feet per second ~~above the point of diversion~~
of water from an Unnamed Spring

with point of diversion in the NE 1/4, Sec. 29, T. 54N, R. 2W, B.M.,
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
(0.03 cfs) and stockwatering purposes (0.02 cfs); and from June 1 to Aug. 30
for the irrigation of 10 acres (0.20 cfs)

with a priority of January, 1960;
the place of use is within the NE 1/4, Sec. 29, 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 Sandpoint News-Bulletin, Sandpoint, Idaho
on October 5 and October 12, 1972

96 4036

September 29, 1972

Re: Claim to a Water Right No. 96-4036

Thomas J. De Geare
Route #1, Box 32-A
Athol, ID 83801

Dear Mr. De Geare:

Attached herewith is your receipt No. 8447 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
Water Resource Supervisor
Northern District

FE:CR

Enc: Receipt

96 403