

No Color
Documents
In File

Identification No. 96-4032

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 Ieland F. Peterson (Tel. Number _____)
post office address P. O. Box 8132, Marito Station, Spokane, Wn. 99203. (Ri-7-8151)

2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 35 Township 54 N
Range 2 W. B.M. located on Pond Oreille 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: March 15, 1961.

DOMESTIC USE . . . March 15, 1961 amount: .02 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed .02 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 / annually (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; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Using a 3/4 hp electric pump to pump water out of Lake Pond Oreille for domestic use.

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 _____;

maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches;
type of pipe _____; grade of pipe per 1000 feet is _____.

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:

TWP.	RANGE	SEC.	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	TOTALS
			No water used for irrigation																

0 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 none

7. Where water is used for domestic or municipal purposes give number of families served One
name of town supplied None. Lake cottage is located on Lake Pend Oreille (north shore),
7/10ths of a mile east of the town of Bayview, Idaho.

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 none

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The legal description of the property I own and where domestic water has been and
is being used in my lake cottage is: Lots 12 & 13, Block B., AND Lots 3 & 4, Block
D., ALL in DANIEL'S LAKE PEND OREILLE HOME SITES, IN KOOTENAI COUNTY, IDAHO. The
installation of my water pump was installed prior to March 15, 1961; and I first
began using water out of Lake Pend Oreille on Mar. 15, 1961, and am still using it
DOMESTICALLY from Jan. 1 to Dec. 31, inclusive, annually, for ONE FAMILY ONLY.

State of ~~Idaho~~ WASH.

County of SPOKANE

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~that 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

4th

day of

August

19 72

Leland F. Peterson
Claimant

Donald R. Spier
Notary Public

Residing at Spokane, Wash.

My commission expires _____

For Department Use Only

Received by CR Date 8-29-72
CR Date 8-8-72

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by CR Date 8-29-72

8433 Fee received by KK Date 8/29/72 Fee \$ 10.00

Approved for publication by _____

Published in Coeur d'Alene Press Dates 9-7-72-14-72

96 4032

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 this claim with the Department of Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS
(WEEKLY)

STATE OF IDAHO,

County of Kootenai, } ss.

Callie Painter

being first duly sworn,
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

Notice of Claim To A Water Right
96-4032

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 *7* day of *Sept*, 19 *72*, and ending on the

14 day of *Sept*, 19 *72*

Callie Painter

Subscribed and sworn to, before me, this *14* day of *Sept*,

19 *72*

E. Patrick King

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

**NOTICE OF CLAIM
TO A WATER RIGHT**
NO. 96-4032

Notice is hereby given that Leland F. Peterson, P. O. Box 8132, Manito Station, Spokane, Washington has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from Pend Oreille Lake with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 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 March 15, 1961; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 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

Sept. 7, 14, 1972

RECEIVED

SEP 16 1972

96 4032

September 27, 1972

Re: Claim to a Water Right No. 96-4032 - Leland F. Peterson

Leland F. Peterson
P.O. Box 8132
Manito Station
Spokane, WA 99203

Dear Mr. Peterson:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 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 4032

September 5, 1972

Re: Claim No. 96-4032

Leland F. Peterson
P.O. Box 8132
Manito Station
Spokane, WA 99203

Dear Mr. Peterson:

Attached herewith is your receipt No. 8433 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 Examiner
Northern District

FE:CR

Enc: Receipt

96 4032

September 1, 1972

Re: Application No. 95-7207 - Amex, Inc.
Claim No. 94-4006 - John Burmeister
" " 96-4032 - Leland F. Peterson
Application No. 95-7208 - Randall W. Henry

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 Examiner
Northern District

Bill submitted 9-27-72 by ck

FE:CR

Enc: Legal Notices (4)

96 4032

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4032

Notice is hereby given that Leland F. Peterson,
P.O. Box 8132, Manito Station, Spokane, Washington
has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Pend Oreille Lake
with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 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 March 15, 1961;
the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 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 Sept. 7 and Sept. 14, 1972

96 4032

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 96-4032**

Notice is hereby given that Leland F. Peterson, P. O. Box 8132, Manito Station, Spokane, Washington has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from Pend Oreille Lake with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 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 March 15, 1961; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 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

Sept. 7, 14, 1972

OK.
4-6-72
cl

96 4032

Ida. Dept. Water Admin.
Northern District Office
401 Front Ave, Room 205
Coeur d'Alene, Ida. 83814

8-28-72
RECEIVED

AUG 29 1972

Department of Water Administration
Northern District Office

Dear Sirs:

In reply to your letter of 8-9-72 & the map you enclosed - I can now see that our point of diversion would be within the NW 1/4 SW 1/4, Sec. 35, T. 54 N, Range 2 West, Kootenai Co. Ida. & I have made the necessary correction on my application "Claim to A Water Right" & returning said application & my ck #633 dated 8-2-72 for \$10.00 to you.

Thanks so very much for your map & assistance.
Please process this now. Very truly yours

X Leland F. Peterson
P.O. Box 8132, Manito Station
Spokane, Wash. 99203

Encls 2

96 4032

August 9, 1972

Leland F. Peterson
P.O. Box 8132
Manito Station
Spokane, WA 99203

Dear Mr. Peterson:

Enclosed is a map of the area in which your point of diversion is located. According to this map, your description may be in error. The SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 54 North, Range 2 West is located in the middle of Scenic Bay. It is possible that the point would be within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 54 North, Range 2 West.

We are returning your claim along with your Check No. 28-3 in the amount of \$10. Please check the description once again and return the claim with the \$10 fee, and we shall begin its processing.

If you should have any questions, please feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:cr

Enc: Claim to a Water Right
Check No. 28-3 (\$10.00)
Map

I want you to -
know how much
we appreciate this
beautiful lake & do
all we can to keep
it clean - we
first began boating
that is fishing & boat
riding (no skiing) in
fall '59 & we have never
yet left a beach
area before we cleaned
it all up of ours
& all other peoples'
litter. This is something
we enjoy doing to
help keep it nice
for everyone.

Mrs. Peterson

(over)

96-4032

D.G. would it be
asking too much
you to verify our
legal description,
as being correct? I
want to be certain
that we are in the
SW 1/4 of SW 1/4 of Sec.
35, T. 54N, Range 2W. B.M.
~~Lake Pend Oreille~~ Kootenai
Co. Ida.

our correct tax (real
estate description is)
Lots 12 & 13, Blk B. End
Lots 3 & 4, Blk D. All
in Daniel's Lake Pend
Oreille Home sites
in Kootenai Co. Ida.

over

96-4032

Aug. 2nd, 1972

State of Idaho
Department of Water Administration
Northern District Office
401 Front Ave., Room 205
Coeur d'Alene, Idaho 83814

RECEIVED

AUG 8 1972

Att'n: Fred Eisenbarth
Appropriation Examiner

Department of Water Administration
Northern District Office

Dear Sir:

In reply to your letter of July 25, 1972, I enclose herein Form "CLAIM TO A WATER RIGHT" which I have filled in, had my signature notarized, and enclosing my personal check for \$10.00 as requested.

Will you please process this claim, and advise me of its completion at your earliest convenience?

Thanking you for your assistance, I am

Very truly yours,

Leland F. Peterson
Leland F. Peterson

P. O. Box 8132, Manito Station
Spokane, Wash. 99203

Encls. 2

98 4032

July 31, 1972

Leland F. Peterson
41 East 27th Avenue
Spokane, Washington 99203

Dear Mr. Peterson:

We are in receipt of your letter of July 25. Please find enclosed two claim to a water right forms. Instructions for completing the claim are on Page 4 of the form.

Filing a Claim to a Water Right is the correct procedure to follow. Please complete the form and return it to our Department for processing. We will also require a \$10 filing fee.

If we can be of any further assistance, or if you should have any questions in completing the claim, do not hesitate to contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Claim to a Water Right forms (2)