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Identification No. 96-4031

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 Lawrence O. Smith
post office address Box 29, Sandpoint, Idaho 83864
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 8 Township 57N
Range 2W B.M. located on Ground water in SWSE Sec 8, T57N, R2W, B.4.
(name of source)
tributary to _____ 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:

October 1, 1964 amount: .03 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 October 1 to September 30 (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 _____

- b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 10 feet; diameter of well is 35 inches; type of pump is shallow well jet
capacity of pump is unknown g.p.m.; name and address of well driller is not known -
well was dug with back hoe ;

_____. The other users and their respective interests in the ditch are (if known) _____.

7. Where water is used for domestic or municipal purposes give number of families served One
name of town supplied LA

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. NA

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

County of Bonner

SS.

Lawrence O Smith
Claimant

Gordon W. Cordes
Notary Public

My commission expires 5-1-74

CH 8-29-72
CH 8-23-72 For Department Use Only

2. Prelim. check by EB Date 8-28-72

Fee received by KIK Date 8/28/12 Fee \$ 12.00

Approved for publication by _____

Published in Sandpoint News - Dates 9-7 & 9-14-75

BULLETIN

96 4031

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:
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 it 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

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 unin-
terruptedly 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.
96-4031, submitted by Lawrence O. Smith,
Box 29, 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 7th
day of September, 19 72, and end-
ing on the 14th day of September,
19 72, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

29th day of September, 19 72.

Alyce's Grant

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4031

Notice is hereby given that
Lawrence O. Smith, Box 29,
Sandpoint, Idaho has filed a
claim to a water right estab-
lished by diversion and appli-
cation to beneficial use of
0.03 cubic feet per second of
water from a ground water
source with point of diversion
in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T.
57N, R. 2W, B.M., Bonner
County.

The water is claimed to be
used from Oct. 1 to Sept. 30

for domestic purposes with a
priority of October 1, 1964;
the place of use is within the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 57N, R.
2W, B.M.

Any exception to this claim of
water right may be filed with
the Idaho Department of Water
Administration, 401 Front Ave-
nue, Coeur d' Alene, Idaho
83814.

R. KEITH HIGGINSON
Director

Published in the Sandpoint
News-Bulletin, Sandpoint Ida-
ho on Sept. 7 and Sept. 14, 1972.
S7-14

96 4031

October 12, 1972

Re: Claim to a Water Right No. 96-4031

Lawrence O. Smith
Box 29
Sandpoint, ID 83864

Dear Mr. Smith:

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 4031

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

September 27, 1972

Re: Application No. 96-7103 - Sunnyside Water Association
" " 96-7104 - Interland, Inc.
Claim No. 96-4030 - Lawrence O. Smith
" " 96-4031 - " " "

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

Gentlemen:

Could you please send us the affidavits of publication and certified bills in connection with the above referenced items.

The legal notices for Nos. 96-7103, 96-7104, and 96-4031 were to have been published in your newspaper on September 7 and September 14, 1972. The legal notice for No. 96-4030 was to have been published on August 31 and September 7, 1972.

Your assistance in this matter would be appreciated.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

96 4031

September 5, 1972

Re: Claim No. 96-4031

Lawrence O. Smith
Box 29
Sandpoint, ID 83864

Dear Mr. Smith:

Attached herewith is your receipt No. 8434 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 4031

September 1, 1972

Re: Application No. 96-7102 - J. A. Keller
" " 96-7103 - Sunnyside Water Association
" " 96-7104 - Interland, Inc.
Claim No. 96-4031 -- Lawrence O. Smith

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
Water Resource Examiner
Northern District

Bill submitted 10-6-72 by FE

FE:CR
Enc: Legal Notices (4)

96 4031

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: _____ x _____

Caption Notice of Claim to a Water Right

Insertion Dates: Sept. 7, 14

Copy:

A.O. No. 4177

DATE 9-7-72

Type of Advertising

☐ National Display

☐ Local Display

☐ Classified Display

☐ Classified

☐ Reader

☐ Card of Thanks

☒ Legal

☐ _____

Lawrence O. Smith
Box 29
Sandpoint, Idaho

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.

SANDPOINT NEWS-BULLETIN

By Ray C. Coats

96 4031

Total Space	<u>33 lines</u>	<u>36¢</u>	=	\$ <u>11.88</u>
	(Cal. inches/Words)	(rate)		(Billing)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4031

Notice is hereby given that Lawrence O. Smith,

Box 29, Sandpoint, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.03 cubic feet per second ~~acre feet per annum~~ XXXXXXXXXXXXXXXXXXXX

of water from a ground water source

with point of diversion in the SW 1/4, Sec. 8, T. 57N, R. 2W, B.M.,

Bonner County

The water is claimed to be used from Oct. 1 to Sept. 30 for domestic

purposes

with a priority of October 1, 1964;

the place of use is within the SW 1/4, Sec. 8, T. 57N, 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 Sept. 7 and Sept. 14, 1972

96 4031

August 24, 1972

Lawrence O. Smith
Box 29
Sandpoint, ID 83864

Dear Mr. Smith:

We are returning your claim to a water right and Check No. 92-314 in the amount of \$10. We find in reviewing your claim that you have omitted, under Item 2, the source of your water supply.

Please complete this item and return the claim along with the \$10 filing fee, and we shall begin its processing.

Your assistance in this matter is appreciated.

Very truly yours,

Ervin Ballou
Water Resource Examiner
Northern District

EEB:cr

Enc: Claim to a Water Right
Check No. 92-314 (\$10.00)

96 4031

July 27, 1972

L. O. Smith
P.O. Box 29
Sandpoint, ID 83866

Dear Mr. Smith:

Enclosed please find two copies of our Claim to a Water Right forms. Reviewing your letter, we suggest you file for 0.03 cubic feet per second of water from your well and that you measure the gallons per minute from your surface water diversion and file on that amount.

If we can be of any further assistance, please feel free to contact us.

Very truly yours,

Ervin Ballou
Water Resource Examiner
Northern District

EEB:cr

Enc: Claim forms (2)

96-1051

RECEIVED

JUL 27 1972

Dear Mr. Ballou:

Department of Water Administration
Northern District Office

I have your letter of July 24 and
the enclosed Application for Permit.
The instructions raise some questions.

We are purchasing a piece of
property on which the house was
built in 1964-1965. Our domestic
water supply is a dug well.

In 1965 or 1966 (approximately) the
first owners developed a water
system for irrigation purposes. The
water comes from a stream that
crosses the property.

If I have this figured correctly
I should file the ~~the~~ "Application
for Permit" for the well and
file a "Claim to a Water Right"
for the surface water use. If
this is correct please send me
the "Claim to a Water Right" form

If This is not correct please
set me straight.

Other questions that come up:

1. Should the applicant's name be husband and wife if they are jointly purchasing the property?
2. How is the best way to measure c.f.s.? with a 5 gallon bucket and stop-watch? The plate on my pump doesn't give the capacity.
3. Ref. question #7 on The Application for Permit: Does this mean we should apply for another permit every 5 years? Does this also apply to the "claim to a water right?"
4. Ref question #9: Does this mean the owner is me, the applicant, or is it the man I am purchasing the property from?

5. Are you open on Saturdays?
If so perhaps I can
drive down and get this
completed with less confusion.

Thank you for your help.

Sincerely yours,

Smith

L O Smith
P.O. Box 29
Sandpoint, ID 83864

(208) 263-4907

7-27-72

answered all questions
my phone

July 24, 1972

L. O. Smith
Box 29
Sandpoint, ID 83864

Dear Mr. Smith:

Enclosed please find an application for permit form with filing instructions. This form is used in filing on any surface water diversion after May 20, 1971, and must be approved by this Department.

If you require any assistance in completing this form, please do not hesitate to contact us.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

Enclosures

96 4031

Idaho State Department
of Reclamation

Boise, Idaho 83701

RECEIVED
7/18/72
JUL 1972

Department of Water Administration

Gentlemen;

I wish to file for water
rights on a stream. Will you
please send me the Water
Right Recordation forms and
other information I need.

Thank you,

Smith

L O Smith
P.O. Box 29
Sandpoint, ID 83864

RECEIVED

JUL 21 1972

Department of Water Administration
Northern District Office

96 4031