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Documents
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Identification No. 96-4030-1

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 Syringa Creek
(name of source)
tributary to turnipseed Creek 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:

July 1, 1966 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 irrigation period of use from April 1 to October 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 rock and sand
_____ ; length is 4 feet; height is 1 feet;
width at bottom is 1 feet; with at top is 1/2 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 _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

if so, give dates and explain.

c. Conveying works: length of ditch to place of use is 42 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 135 feet; diameter of pipe line is 2 inches;

type of pipe plastic; grade of pipe per 1000 feet is aplt 8 feet.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving

ing 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 _____;

_____ explain _____ is reservoir on or off stream

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 _____

[illegible]

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? NA 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 NA

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

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

Diversion dam is temporary. It is installed
each year after high water has passed.
Use is irrigation of lawn and garden.

State of Idaho

County of Bonner } 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.

Lawrence P. Smith
Claimant

Sworn to before me this 21st day of August, 1972

Gordon W. Cordas
Notary Public

Residing at Sandpoint, Idaho

My commission expires 5-1-74

For Department Use Only

Received by <u>ef</u> Date <u>8-22-72</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>D</u> Date <u>8-22-72</u>	_____	_____	_____
Fee received by <u>ef</u> Date <u>8-22-72</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>CD</u> <u>8-23-72</u>	_____	_____	_____
Published in <u>SANDPOINT BULLETIN</u> Dates <u>8-31-72-7-73</u>	_____	_____	_____
<u>CORRECTION: 10-19-72-73</u>			

20 2000

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:
- 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 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.

RECEIVED

OCT 2 1972

Department of Water Administration
Northern District Office

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. 96-4030, filed by Lawrence O. Smith, Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4030

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 of water from Syringa Creek, Tributary to Turnipseed Creek 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 April 1 to Oct. 31 for the irrigation of $\frac{1}{2}$ acre with a priority of July 1, 1966; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 47N, 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 Aug. 31 and Sept. 7, 1972. A31-S7

as it was published in the regular and entire issue of the said paper for a period of two consecutive weeks, commencing on the 31st day of August, 1972, and ending on the 7th day of September, 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

29th day of September, 1972

By: [Signature]

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

26 4030

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 Correction--Claim to a Water
Right No. 96-4030 in the name of Lawrence
O. Smith was advertised incorrectly on
August 31 and September 7, 1972.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 19th
day of October, 1972, and end-
ing on the 26th 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

1st day of October, 1972.

Olyen Beall

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

Published in the Sandpoint
News-Bulletin, Sandpoint, Ida-
ho on Oct. 19 & Oct. 26, 1972.
O19-26

NOTICE OF CORRECTION

Notice is hereby given that
Claim to a Water Right No. 96-4030 in the name of Lawrence
O. Smith was advertised incor-
rectly on August 31 and Sep-
tember 7, 1972. The place of
use was advertised as being
within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8,
T. 47N, R. 2W, B.M., whereas
the actual place of use is with-
in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T.
57N, R. 2W, B.M.

Any exception to the above
correction may be filed with
the Idaho Department of Water
Administration, 401 Front Ave-
nue, Room 209, Coeur d'Alene,
ID 83814.

R. KEITH HIGGINSON
Director

November 8, 1972

Re: Claim to a Water Right No. 96-4030

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 4030

October 13, 1972

Re: Application No. 96-7109 - Maurice E. Schudel
Claim No. 96-4030 - 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 Supervisor
Northern District

Bill submitted 11-1-72 by ch

FE:CR

Enc: Legal Notices (2)

96 4030

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 Dept. of Water Administration No 6544

Address _____ DATE 10-19-73

Name of Advertiser _____

Ad No. _____ Ad Size: _____ x _____

Caption Notice of Correction

Insertion Dates: Oct. 19, 26

Copy:

Lawrence O. Smith

Type of Advertising

- ☐ National Display
- ☐ Local Display
- ☐ Classified Display
- ☐ Classified
- ☐ Reader
- ☐ Card of Thanks
- ☒ Legal
- ☐ _____

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 Glynn Pratt

Total Space	<u>24 lines</u>	<u>36¢</u>	=	<u>\$ 8.64</u>
	(Col. inches/Words)	(rate)		(Billing)

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 96-4030 in the name of Lawrence O. Smith was advertised incorrectly on August 31 and September 7, 1972.

The place of use was advertised as being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 47N, R. 2W, B.M., whereas the actual 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 the above correction may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, ID 83814.

R. KEITH HIGGINSON

Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho on Oct. 19 & Oct. 26, 1972.

96 4030

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 4030

September 27, 1972

Re: Claim to a Water Right No. 96-4030

Lawrence O. Smith
Box 29
Sandpoint, ID 83864

Dear Mr. Smith:

Attached herewith is your Receipt No. 8738 in the amount of \$10.00 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 4030

August 25, 1972

Re: Claim No. 96-4030 - 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 de

FE:CR

Enc: Legal Notice

96 4030

SANDPOINT NEWS-BULLETIN

P.O. Box 218, Sandpoint, Idaho 83864

Type of Advertising

☐ National Display

☐ Local Display

☐ Classified Display

☐ Classified

☐ Reader

☐ Card of Thanks

☒ Legal

☐ _____

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.

Chips Cove

$$\text{Total Space } \frac{33 \text{ lines}}{(\text{Col. inches/Week})} \times \frac{36¢}{(\text{rate})} = \$ 11.88 \quad (\text{billings})$$

96 4030

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4030

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 xxxxxxxxxxxxxxxxxxxx
of water from Syringa Creek, Tributary to Turnipseed Creek
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 April 1 to Oct. 31 for the
irrigation of $\frac{1}{2}$ acre
with a priority of July 1, 1966;
the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 47N, 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 Aug. 31 and Sept. 7, 1972