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Identification No. \_\_\_\_\_

Claim No. ~~96-4028~~ 96-4028

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 Ernest J. Eldenburg  
post office address Rt. 1, Box 47B Priest River, Idaho

2. The point of diversion is in NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  Section 4 Township 55N  
Range 4 W B.M. located on Pend Oreille River  
(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:

Aug. 1, 1966 amount: 0.8 c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed 0.8 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:

(Irrigation)

use 0.8 period of use from Mar. 15 to Nov. 15 (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; 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 \_\_\_\_\_ ; 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

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

|  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 | 101 | 102 | 103 | 104 | 105 | 106 | 107 | 108 | 109 | 110 | 111 | 112 | 113 | 114 | 115 | 116 | 117 | 118 | 119 | 120 | 121 | 122 | 123 | 124 | 125 | 126 | 127 | 128 | 129 | 130 | 131 | 132 | 133 | 134 | 135 | 136 | 137 | 138 | 139 | 140 | 141 | 142 | 143 | 144 | 145 | 146 | 147 | 148 | 149 | 150 | 151 | 152 | 153 | 154 | 155 | 156 | 157 | 158 | 159 | 160 | 161 | 162 | 163 | 164 | 165 | 166 | 167 | 168 | 169 | 170 | 171 | 172 | 173 | 174 | 175 | 176 | 177 | 178 | 179 | 180 | 181 | 182 | 183 | 184 | 185 | 186 | 187 | 188 | 189 | 190 | 191 | 192 | 193 | 194 | 195 | 196 | 197 | 198 | 199 | 200 | 201 | 202 | 203 | 204 | 205 | 206 | 207 | 208 | 209 | 210 | 211 | 212 | 213 | 214 | 215 | 216 | 217 | 218 | 219 | 220 | 221 | 222 | 223 | 224 | 225 | 226 | 227 | 228 | 229 | 230 | 231 | 232 | 233 | 234 | 235 | 236 | 237 | 238 | 239 | 240 | 241 | 242 | 243 | 244 | 245 | 246 | 247 | 248 | 249 | 250 | 251 | 252 | 253 | 254 | 255 | 256 | 257 | 258 | 259 | 260 | 261 | 262 | 263 | 264 | 265 | 266 | 267 | 268 | 269 | 270 | 271 | 272 | 273 | 274 | 275 | 276 | 277 | 278 | 279 | 280 | 281 | 282 | 283 | 284 | 285 | 286 | 287 | 288 | 289 | 290 | 291 | 292 | 293 | 294 | 295 | 296 | 297 | 298 | 299 | 300 | 301 | 302 | 303 | 304 | 305 | 306 | 307 | 308 | 309 | 310 | 311 | 312 | 313 | 314 | 315 | 316 | 317 | 318 | 319 | 320 | 321 | 322 | 323 | 324 | 325 | 326 | 327 | 328 | 329 | 330 | 331 | 332 | 333 | 334 | 335 | 336 | 337 | 338 | 339 | 340 | 341 | 342 | 343 | 344 | 345 | 346 | 347 | 348 | 349 | 350 | 351 | 352 | 353 | 354 | 355 | 356 | 357 | 358 | 359 | 360 | 361 | 362 | 363 | 364 | 365 | 366 | 367 | 368 | 369 | 370 | 371 | 372 | 373 | 374 | 375 | 376 | 377 | 378 | 379 | 380 | 381 | 382 | 383 | 384 | 385 | 386 | 387 | 388 | 389 | 390 | 391 | 392 | 393 | 394 | 395 | 396 | 397 | 398 | 399 | 400 | 401 | 402 | 403 | 404 | 405 | 406 | 407 | 408 | 409 | 410 | 411 | 412 | 413 | 414 | 415 | 416 | 417 | 418 | 419 | 420 | 421 | 422 | 423 | 424 | 425 | 426 | 427 | 428 | 429 | 430 | 431 | 432 | 433 | 434 | 435 | 436 | 437 | 438 | 439 | 440 | 441 | 442 | 443 | 444 | 445 | 446 | 447 | 448 | 449 | 450 | 451 | 452 | 453 | 454 | 455 | 456 | 457 | 458 | 459 | 460 | 461 | 462 | 463 | 464 | 465 | 466 | 467 | 468 | 469 | 470 | 471 | 472 | 473 | 474 | 475 | 476 | 477 | 478 | 479 | 480 | 481 | 482 | 483 | 484 | 485 | 486 | 487 | 488 | 489 | 490 | 491 | 492 | 493 | 494 | 495 | 496 | 497 | 498 | 499 | 500 | 501 | 502 | 503 | 504 | 505 | 506 | 507 | 508 | 509 | 510 | 511 | 512 | 513 | 514 | 515 | 516 | 517 | 518 | 519 | 520 | 521 | 522 | 523 | 52 |
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if feeder canal is used give maximum carrying capacity

location of reservoir by 40-acre subdivisions

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[illegible]

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Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

c. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS  |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |         |
| 55N  | 4     | 4    |        |        |        |        |        |        |        |        |        |        |        |        | 21 1/2 |        |        |        | 21 1/2  |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 5 acres |
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~~Total number of acres to be irrigated — 5 acres~~

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 \_\_\_\_\_

7. Where water is used for domestic or municipal purposes give number of families served \_\_\_\_\_  
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  
This is a claim to a water right for 0.8 cfs based on diversion and  
application to beneficial use. The water is diverted from the Pend  
Oreille River by means of a 2h.p. electric pump and motor, through  
a 2 1/2" line, and is used to irrigate approximately 5 acres of  
land situated in the NE 1/4 and the SE 1/4 of the SE 1/4 of Sec.  
4, TWP 55 N Range 4 WBM. Date of diversion is August 1, 1966.

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.

Sworn to before me this

15

day of

July

1972

Ernest J. Eldenburg  
Claimant

Thomas E. Quinn  
Notary Public

Residing at priest River

My commission expires

2-23-75

For Department Use Only

Received by Wij Date 7-18-72

Exception filed by: \_\_\_\_\_

Forwarded to  
claimant by: \_\_\_\_\_

Date \_\_\_\_\_

Prelim. check by Wij Date 7-18-72

Fee received by Wij Date 7/18/72 Fee \$ 10.00

Approved for publication by \_\_\_\_\_

Published in PRIEST RIVER TIMES Dates 8-3-72-10-72

96 4028

OK.  
7/26

# 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 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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

# Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

RECEIVED

AUG 14 1972

Department of Water Administration  
Northern District Office

Marie Martin,  
being duly sworn, says that she is the Co-Publisher  
of the PRIEST RIVER TIMES, a weekly newspaper printed and  
published at Priest River, Bonner County, Idaho, and has been  
continuously and uninterruptedly published in said County during  
a period of 78 consecutive weeks prior to the first publication of  
the annexed notice for publication, is a newspaper of general cir-  
culation made up of at least eight pages of at least seven columns  
each, printed from typematter or stereotyped forms of at least  
nineteen and three-fourths inches depth, has at least 1250 bona fide  
subscribers living within said Bonner County, and is published at  
regular weekly intervals. That the annexed is a true copy of the  
notice for publication in the case of

Notice of Claim to a Water  
Right  
No. 96-4028

as it was published in the regular and entire issue of said paper  
for a period of two consecutive weeks, commencing on  
the 3rd day of August, 1972,  
and \_\_\_\_\_  
\_\_\_\_\_ ending on the 10th day of August, 1972,  
and that said notice was published in said newspaper proper, and  
not in supplement form.

Marie Martin

Subscribed and sworn to before me this

11th day of August, 1972.

George J. Connelly  
Notary Public for Idaho,  
Residing at Priest River, Idaho

## NOTICE OF CLAIM TO A WATER RIGHT No. 96-4028

Notice is hereby given that Ernest J. Eldenburg, Route No. 1, Box 47B, Priest River, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.8 cubic feet per second of water from Pend Oreille River with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4, T. 55N, R. 4W, B.M., Bonner County.

The water is claimed to be used from March 15 to Nov. 15 for the irrigation of 5 acres with a priority of August 1, 1966. The place of use is within the E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 4, T. 55N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON,  
Director.

Published in the Priest River Times, Priest River, Idaho on August 3 and August 10, 1972.

31-2t

96 4028

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

August 23, 1972

Re: Claim to a Water Right No. 96-4028

Ernest J. Eldenburg  
Rt. #1, Box 47 B  
Priest River, ID 83856

Dear Mr. Eldenburg:

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 Examiner  
Northern District

FE:CR

Enc: copy of claim

96 4028

XXXXXXXXXXXXXXXXXXXX 401 Front Ave., Room 209  
XXXXXXXXXXXXXXXXXXXX Coeur d'Alene, ID 83814  
XXXXXXXXXXXX (208) 667-6484

July 28, 1972

Re: Application No. 96-7096 - Robert E. Conley  
" " 96-7097 - Audrey T. Cartwright  
Claim No. 96-4028 - Ernest J. Eldenburg

Priest River Times  
P.O. Box 298  
Priest River, ID 83856

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 8-16-72 by EL

FE:CR

Enc: Legal Notices (3)

96 4028

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4028

Notice is hereby given that Ernest J. Eldenburg, Route #1,  
Box 47B, Priest River, Idaho  
has filed a claim to a water right established by diversion and appli-  
cation to beneficial use of 0.8 cubic feet per second ~~acre-foot~~  
of water from Pend Oreille River  
with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4, T. 55N, R. 4W, B.M.,  
Bonner County.

The water is claimed to be used from March 15 to Nov. 15 for the  
irrigation of 5 acres  
with a priority of August 1, 1966;  
the place of use is within the E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 4, T. 55N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the  
Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,

~~EX-107-107-107-107~~

R. KEITH HIGGINSON

Director

Published in the Priest River Times, Priest River, Idaho  
on August 3 and August 10, 1972.

# LEGAL...

## NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4028

Notice is hereby given that Ernest J. Eldenburg, Route No. 1, Box 47B, Priest River, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.8 cubic feet per second of water from Pend Oreille River with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4, T. 55N, R. 4W, B.M., Bonner County.

The water is claimed to be used from March 15 to Nov. 15 for the irrigation of 5 acres with a priority of August 1, 1966. The place of use is within the E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 4, T. 55N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON,  
Director.

Published in the Priest River Times, Priest River, Idaho on August 3 and August 10, 1972.

" 31-2t

96 4028

July 25, 1972

Re: Claim No. 96-4028

Ernest J. Eldenburg  
Route #1, Box 47B  
Priest River, ID 83856

Dear Mr. Eldenburg:

Attached herewith is your receipt No. 9796 in the amount of \$10.00 for the filing fee on the above referenced application, which was received in this office.

Very truly yours,

Fred Eisenbarth  
Water Resource Examiner  
Northern District

FE:CR

Enc: Receipt

96 4028

THOMAS E. COOKE  
ATTORNEY & COUNSELOR AT LAW  
TELEPHONE BUILDING  
P. O. BOX 788  
PRIEST RIVER, IDAHO 83856

10 July 1972

TELEPHONE  
(208) 448-7371

State Department of Water Administration  
Statehouse  
Boise, Idaho 83701

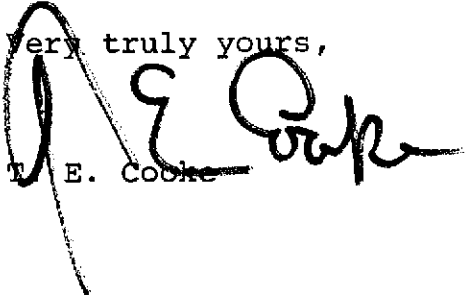
Re: Claim to water right of Earnest J. Eldenburg

Gentlemen:

Enclosed is a completed claim to a water right form, together with my check in the amount of \$10.00 as your processing fee.

Please process this claim in your usual manner and if you have any questions surrounding the same, kindly direct them to my office. Thank you for your attention to this matter.

Very truly yours,

  
T. E. Cooke

TEC/ks  
enc.