No Color Documents In File

Identification No. _____
Claim No. 96-4026R
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 Homer & Maude Smith
 post office address Route 1, P.O. Box 70M, Priest River, Idaho 83856
2. The point of diversion is in Lot 4 ~~¼~~ of _____ ¼ Section 2 Township 55N
 Range 4 W B.M. located on Pend Oreille Lake
 (name of source)
 tributary to Columbia River 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: 5/15/1962
 _____ amount: .045 c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 Total claimed .045 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 May 15 to October 1 (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 buil, 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 _____
 _____;

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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

2 HP electric motor and pump with 800 feet of 1½" plastic pipe, 80 feet elevation rise.

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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
55N	4W	2										3							3

Total number of acres to be irrigated 3

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

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.

Homer Smith
Claimant

Sworn to before me this 16 day of August, 1971.

Dorothy M. Norlen
Notary Public

Residing at NOTARY PUBLIC in the State of Idaho
Residing at Sandpoint, Idaho

My commission expires _____ My commission expires July 7, 1974

For Department Use Only

Received by ej Date 8-18-71	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by JW Date 8-18-71			
Fee received by ej Date 8/19/71 Fee $10.00			
Approved for publication by SDF 9/26/71			
Published in Priest River Times Dates 9-9 & 9-16-71			

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

Affidavit of Publication

STATE OF IDAHO }
County of Bonner, } ss.

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 circulation made up of at least eight pages of at least seven columns each, printed from typematter or sterotyped 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

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 9th day of September, 19 71, and

ending on the 16th day of September, 19 71, and that said notice was published in said newspaper proper, and not in supplement form.

Marie Martin

Subscribed and sworn to before me this

16th day of September, 19 71.

George Connolly
Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF CLAIM TO A WATER RIGHT
No. 96-4026

Notice is hereby given that Homer & Maude Smith, Route No. 1, P. O. Box 70 M, Priest River, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.045 cubic feet per second of water from Lake Pend Oreille, tributary to Columbia River with point of diversion in Lot 4, Sec. 2, T. 55N, R. 4W, B.M., Bonner County.

The water is claimed to be used from May 15 to Oct. 1 for the irrigation of three acres with a priority of May 15, 1962; the place of use is within the NW¼SW¼, Sec. 2, 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.

R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Sept. 9 and Sept. 16, 1971.

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October 5, 1971

Re: Claim to a Water Right No. 96-4026

Homer & Maude Smith
Route 1, P. O. Box 70M
Priest River, Idaho 83856

Dear Mr. & Mrs. Smith:

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 your 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

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August 30, 1971

Re: Application No. 97-7016 - Harry Drake
Claim No. 96-4026 - Homer & Maude Smith

Priest River Times
P.O. Box 398
Priest River, Idaho 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 our 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 date. 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,

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 9-22-71 By _____

DWM:cr

Enc: Legal Notices

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LEGAL...

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NOTICE OF CLAIM TO A WATER RIGHT

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R. KEITH HIGGINSON

Director

Published in the Priest River Times, Priest River, Idaho on Sept. 9 and Sept. 16, 1971.

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August 23, 1971

Homer Smith
Route #1, Box 70-M
Priest River, Idaho 83856

Dear Mr. Smith:

Attached herewith is your receipt No. 7516 in the amount of $10.00 for your application for claim to water right which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

CC 4025