

No Color
Documents
In File

Identification No. _____
Claim No. 96-4025
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 E. O. McGovern
post office address Box 13, Bayview, Idaho 83803
2. The point of diversion is in Government Lot 1 Twp 54N R 34E $\frac{1}{4}$ of $\frac{1}{4}$ Section 34 Township 54 North
Range 2 W B.M. located on Pond O' Reille, Lake
(name of source)
~~tributary to Daniel's Lake Pond O'Reille~~ in Kootenai County.

3. Dates of priority claimed: list the Home Sites 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:

	Date of purchase of property	
<u>June 2, 1963</u>	amount: <u>See Item #2</u> c.f.s. or	acre feet
	amount: <u>.01</u> 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 Jan. 1 to Dec. 31 (both dates inclusive)
use To water lawn and flowers period of use from May 15 to Oct. 15 (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 _____
_____ ;

Please see paragraphs 5 B-6-7-8-9

96 4025

b. Do you get water through a ditch owned by several users? _____ 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 1
name of town supplied no 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 Water is used entirely for household, and watering lawns and flowers. Water is pumped from the lake on which lot fronts. Lot si 85 feet frontage and 150 feet depth.

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

This pump is rated to deliver 150 gal. per hour at 10 ft. lift (vertical) through 1 1/2 inch pipe, which is used here.

From May 15 to Oct. 15 this pump operates about 12 hours per day delivering 1700 gal. of water in that period per day.

From Oct. 15 to May 15 water used is about 1/2 of above amount.

To convert the above gallons per day to cubic feet per second or acre feet is beyond my mathematical ability and would serve no useful purpose.

Attached is my check for \$10.00 to cover filing fee.

State of Idaho

County of Kootenai

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.

E. O. M. Govern
Claimant

Sworn to before me this 28th day of July, 1971.

Joann Walsh
Notary Public

Residing at Coeur d'Alene

My commission expires 10/27/74

My commission expires _____

8-10-71

For Department Use Only

Received by ej Date 7/29/71

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by DDF Date 8/19/71

Fee received by ej Date 8/11/71 Fee \$ 10.00

Approved for publication by _____

Published in Coeur d'Alene Press Dates 8-26 & 9-2-71

96 4025

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

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO,

ss.

County of Kootenai,

Callie Pointner

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 Water Right

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 *26* day of *August*, 19*71*, and ending on the

2 day of *Sept*, 19*71*

Callie Pointner

Subscribed and sworn to, before me, this *2* day of *Sept*,

19*71*

Patrick King

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

TO A WATER RIGHT

No. 96-4025

Notice is hereby given that E. O. McGovern, Box 13, Bayview, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from Lake Pend Oreille with point of diversion in Gov't. Lot 1, Sec. 34, T. 54N, R. 2W, B.M., Kootenai County.

The water is claimed to be used from May 15 to Oct. 15 for lawn and garden irrigation; and from Jan. 1 to Dec. 31 for domestic purposes with a priority of June 2, 1963; the place of use is within Gov't. Lot 1, Sec. 34, T. 54N, R. 2W, 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

Aug. 26, Sept. 2, 1971

96 4025

October 5, 1971

Re: Claim to a Water Right No. 96-4025

E. O. McGovern
Box 13
Bayview, Idaho 83803

Dear Mr. McGovern:

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. McBldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of Claim

96 4025

September 15, 1971

**Re: Application No. 94-7021 - Roy G. Magnus
Claim No. 96-4025 - E. O. McGovern**

**Coeur d'Alene Press
2nd & Lakeside
Coeur d'Alene, Idaho 83814**

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced items. The legal notices were to have been published in your paper on August 26 and September 2, 1971.

If you have already forwarded the above requested items, please disregard this letter. Your cooperation is most appreciated.

Very truly yours,

**Donald W. McEldowney
Appropriation Supervisor**

DWM:DR

96 4025

August 5, 1971

96-4025

Mr. E. O. McGovern
Post Office Box 13
Bayview, Idaho 83803

Dear Mr. McGovern:

We are returning your claim to a water right and personal check #28-3 in the amount of \$10.00. In reviewing this claim, we find several questions that need clarification before we could continue with its processing.

Please note item #2 should list the point from which the water is pumped on Pend O'Reille Lake by a specific 40 acre subdivision, section, township and range. Item #3b should list the nature of use, which we would assume to be domestic and the period during each year when the water will be used, such as January 1 through December 31.

As soon as you have clarified these issues and re-submitted the claim, we shall begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enclosures

96 4025

August 18, 1971

Re: Application No. 94-7021 - Roy G. Magnus
Claim No. 96-4025 - E. O. McGovern

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, Idaho 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 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

DWM:cr

Enc: Legal Notices

Bill submitted 9-29-71 By CR

96 4025

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 96-4025

Notice is hereby given that E. O. McGovern, Box 13, Bayview, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from Lake Pend Oreille with point of diversion in Gov't. Lot 1, Sec. 34, T. 54N, R. 2W, B.M., Kootenai County.

The water is claimed to be used from May 15 to Oct. 15 for lawn and garden irrigation; and from Jan. 1 to Dec. 31 for domestic purposes with a priority of June 2, 1963; the place of use is within Gov't. Lot 1, Sec. 34, T. 54N, R. 2W, B.M.

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

R. KETH HIGGINSON

Director

Aug. 26, Sept. 2, 1971

LEGAL FOR THURS 2
copies////

*J.K.
8-27-71
B.B.*

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4025

Notice is hereby given that E. O. McGovern, Box 13,

Bayview, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second ~~approximately~~ of water from Lake Pend Oreille

with point of diversion in ~~the~~ Gov't. Lot 1, Sec. 34, T. 54N, R. 2W, B.M.,
Kootenai County

The water is claimed to be used from May 15 to Oct. 15 for lawn
and garden irrigation; and from Jan. 1 to Dec. 31 for domestic purposes
with a priority of June 2, 1963;
the place of use is within ~~the~~ Gov't. Lot 1, Sec. 34, T. 54N, R. 2W, 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 Coeur d'Alene Press, Coeur d'Alene, Idaho
on Aug. 26 and Sept. 2, 1971.

August 11, 1971

E. O. McGovern
Box 13
Bayview, Idaho 83803

Dear Mr. McGovern:

Attached herewith is your receipt No. 7469 in the amount of \$ 10.00
for your claim application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

66 4025

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 5, 1971

Mr. E. O. McGovern
Post Office Box #13
Bayview, Idaho 83803

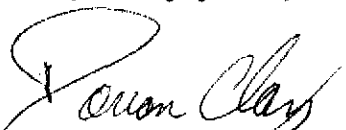
Dear Mr. McGovern:

We are returning your claim to a water right and personal check #28-3 in the amount of \$10.00. In reviewing this claim, we find several questions that need clarification before we could continue with its processing.

Please note item #2 should list the point from which the water is pumped on Pend O'Reille Lake by a specific 40 acre subdivision, section, township and range. Item #3b should list the nature of use, which we would assume to be domestic and the period during each year when the water will be used, such as January 1 through December 31.

As soon as you have clarified these issues and re-submitted the claim, we shall begin its processing.

Very truly yours,

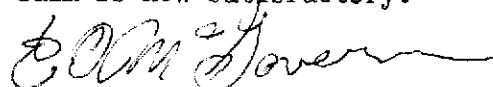

Dorian Clay
Appropriation Examiner

DC:cm

Enclosures

Mr. Clay:

I have now filled in the information asked for above, this information was obtained from the County Recorder's Office, who seem to think that the property designation (Daniel's Lake Pend O'Reille Home Sites) precluded the necessity of designation of quarter section detail. Hope this claim is now satisfactory.

Yours truly, 

P.S. Quarter Section information is not available at County Recorder's Office instead they use what is known as a government lot number, which in this case is Government Lot Number 1.

CG 4025