

# 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.  
96-4015 in the matter of CITY OF CLARK  
FORK, BOX 7, CLARK FORK, 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 18  
day of March, 1971, and end-  
ing on the 25 day of March,  
1971, and that said notice was published in said  
newspaper, and not in supplemental form.

L.E. Pietsch

Subscribed and sworn to before me this

25th day of March, 1971.

Alycia B. Gault

Notary Public for Idaho,  
Residing at Sandpoint, Idaho.

## NOTICE OF CLAIM TO A WATER RIGHT No. 96-4015

Notice is hereby given that the City of Clark Fork, Box 7, Clark Fork, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 5.0 cubic feet per second of water from Spring Creek, tributary to Big Lightning Creek and Clark Fork River, with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 27, T. 56N, R. 2E, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for multiple domestic purposes with a priority of 1911; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 27, T. 56N, R. 2E, 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 Sandpoint News-Bulletin, Sandpoint, Idaho, on March 18 and March 25, 1971.  
M18-25

RECEIVED

MAR 29 1971

Department of Water Administration

96 4015

Identification No. 9

Claim No. 96-4015

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 City of Clark Fork,  
post office address Box 7 Clark Fork Idaho 83811

2. The point of diversion is in N.E.  $\frac{1}{4}$  of S.E.  $\frac{1}{4}$  Section 27 Township 56N  
Range 2 E B.M. located on Spring Creek  
Clark Fork River (name of source)  
tributary to Big Lightning Creek and 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: 1911 (five)  
amount: 5 c.f.s. or \_\_\_\_\_ acre feet  
amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed 5 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: Multiple Domestic  
use 1912 period of use from Jan 1st to Dec 31st (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 re-inforced concrete  
; length is 100 feet; height is 10 feet;  
width at bottom is 3 feet; with at top is 1 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known first dam of timber and rock. New dam built in 1935 of steel and concrete 20 ft. wing added in 1950. to present size of 350,000.00 gal reservouir.

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;

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 \_\_\_\_\_ feet; 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 \_\_\_\_\_ 9.75 or 55 ft. in

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

Still 16 " wooden pipe line

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 \_\_\_\_\_ wood  
\_\_\_\_\_ ; grade of pipe per 1000 feet is \_\_\_\_\_ 9.75 or 55 ft. in mile  
Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible  
STILL 16 " wooden pipe line

d. If water is stored: name of reservoir City Water Reservoir  
 350,000 gallons  
 total capacity of reservoir is \_\_\_\_\_ acre feet; active capacity of reservoir is \_\_\_\_\_ acre feet;  
 year construction commenced 1912; year completed 1912; date first used 1912  
 all year around  
 period of storage is from \_\_\_\_\_ to \_\_\_\_\_  
 on \_\_\_\_\_  
 whole stream flows thru reservoir  
 is reservoir on or off stream \_\_\_\_\_ Yes explain \_\_\_\_\_  
 no always

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 yes, if so, give dates and describe deepened in 1966

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

[illegible]

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\_\_\_\_\_

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  
See attached affidavits giving a comprehensive account of this  
water extensions and use from 1912 to this date, 1971

State of Idaho }  
County of \_\_\_\_\_ } 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.

City of Clark Fork  
Emma Baithun, Mayor  
Claimant

Sworn to before me this 17 day of February, 19 71.

Viola P. Moore  
Notary Public  
Residing at Clark Fork Idaho

My commission expires February 1972

| For Department Use Only                     |                                    |                     |                           |
|---------------------------------------------|------------------------------------|---------------------|---------------------------|
| Received by                                 | Date                               | Exception filed by: | Forwarded to claimant by: |
| <u>1</u>                                    | <u>2-25-71</u>                     |                     |                           |
| Prelim. check by <u>1</u>                   | Date <u>2-25-71</u>                |                     |                           |
| Fee received by <u>1</u>                    | Date <u>2-25-71</u>                | Fee \$ <u>10.00</u> |                           |
| Approved for publication by <u>D</u>        |                                    |                     |                           |
| Published in <u>Sandpoint News Bulletin</u> | Dates <u>3-18 &amp; 3-25, 1971</u> |                     |                           |

96 4015

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.

Department of Water Administration

**AFFIDAVIT**

Also a re-inforced concrete dam put in Spring Creek, and  
I worked on both of these projects.

(Notary Public)

96 4015

IN THE MATTER OF: )

CLAIM TO WATER RIGHT BY )  
THE CITY OF CLARK FORK )  
)  
)  
)  
)

2 -  
AFFIDAVIT

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18 1971

Department of Water Administration

State of Idaho

County of BONNER

I, Viola P. Moore, City Clerk for the City of Clark Fork, Idaho attest that the following statements, taken from records on file and from the minutes of the Boards of Trustees, as they appertain to the use of water from Spring Creek, used by the City of Clark Fork.

1- Year 1912- Deed for damsite and reservouir "208.75X208.75, Approx. one acre located T56N R2E S27 pp.273 Bk. of Deeds#26 on file at Bonner County Courthouse, Sandpoint, Idaho.

2- Year 1913- Pipe line easement- " 5ft. on each side of pipe line for repairs etc. running in a S.E. direction for 975 ft. pp.223 Bk. of Deeds, Bonner County Courthouse.

3- Year 1935- Anew dam of re-inforced concrete, a sixteen inch wooden pipe line from the dam to the edge of town was installed. See affidavit # 1. Chlorination was begun in 1935.

4- In 1949 a whole new CI system of waterworks were installed within the City. G.O bonds were voted to pay for the same ( see Ord. 107 title) enclosed. Work on same accepted Dec. 5, 1949 according to minutes of that date. The cost of this project was\$32,000.00.

5- In 1950, a twenty foot wing dam was added to the regular dam at the west end was done during Nov. & Dec. of that year, at a cost of approx.\$1200.00 this being paid for by City money, exclusive of bond monies,

6- In 1952 during July and Aug. a new chlorinator, with housing was installed, costing with chlorinator, approx. \$3025.00.

7- In 1968 a new overflow system was installed at the end of the City lines, at a cost of approx. \$2500.00.

ATTEST:

Viola P. Moore  
Clerk for the City of Clark Fork

96 4015

3-9  
AFFIDAVIT

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RE: Water Rights Claim  
for the City of Clark Fork.

FEB 18 1971

OFFICE OF THE CITY CLERK

The existing water plant for the City of Clark Fork today, Feb.17, 1971.

A re-inforced concrete dam, 100ft. long with a wing on the west end of 20 more foot, 10 ft. high and a reservouir which will hold approx 350,000 gal. of water. A 16inch wooden pipe line to the chlorinator, approx one and one half miles long. A chlorinator with its housing; a cast iron water system thru-out the city. Overflow at the end of the City line, diverted int Mosquito Creek, Overflow pipe line to said creek being on the right os way of the Burlington Northern R.R. for which we pay a yearly easement. Mosquito Creek empties into the Clark Fork river, about a mile above the mouth of Bid Lightning Creek. All indebtedness is paid up, which includes the 1949 water bonds.

ATTEST:

Viola P. Moore  
City Clerk

RE:

Work done on water mains in City of Clark Fork in 1949. 18 17

Ord. # 107 Title only.

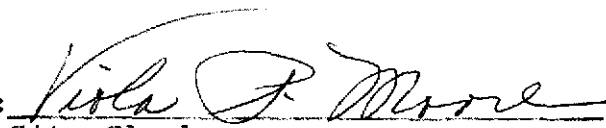
An ordinance providing for the extension, improvement, repair and replacement, where necessary, of the existing water system of the Village of Clark Fork, in accordance with the maps, plans, and specifications prepared by Arthur Tiggelbeck for the Village of Clark Fork, Idaho, which are hereby approved, describing such work required by the foregoing, at the total estimated cost and expense of \$28,000.00 and for the incurring of a general indebtedness of said Village in said amount for the foregoing purpose by the issuance of general obligation bonds in said amount, subject however, to the approval of the incurring indebtedness for said purpose by the qualified taxpayer electors of the Village of Clark Fork at a special election ordered herein: said bonds to run twenty (20) years after date of issue, specifying the maximum rate of interest which bonds shall bear, and other details of said bond issue: Providing for equal annual interest tax levies and annual bond principle levies, for the creation of a sinking fund for the payment of the principle and interest of said bonds: calling for a special election for the submission to the qualified taxpayer electors of said Village the question of the ratification or rejection of said bond issue and of said indebtedness: providing for notice of such election and for the publication and posting thereof: providing for the sale of said bonds if ratified by the electors, as permitted by statute, and providing for the publication of this ordinance and the effective date thereof."

Bond election held 19, April, 1949 and received affirmative vote.

Contracts awarded 17, June 1949.

Job finished and accepted 5, December 1949.

ATTEST:

  
City Clerk

# 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 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. 96-4015 in the matter of CITY OF CLARK FORK, BOX 7, CLARK FORK, 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 18 day of March, 1971, and ending on the 25 day of March, 1971, and that said notice was published in said newspaper, and not in supplemental form.

L.E. Pietsch

Subscribed and sworn to before me this

25th day of March, 1971.

Allyen Borrell

Notary Public for Idaho,  
Residing at Sandpoint, Idaho.



April 7, 1971

Re: Claim to a Water Right No. 96-4015

City of Clark Fork  
P. O. Box #7  
Clark Fork, Idaho 83811

Attention: Emma Rathbun, Mayor

Dear Mrs. Rathbun:

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

96 4015

March 10, 1971

Re: Claim No. 96-4015 - City of Clark Fork  
96-4016 - Tiger Enterprises

Sandpoint News Bulletin  
P.O. Box 218  
Sandpoint, Idaho 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 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  
3-30-71  
de*

DWM:DR

Enc: Legal notices (2)

96 4015

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4015

Notice is hereby given that the City of Clark Fork, Box 7,  
Clark Fork, Idaho,  
has filed a claim to a water right established by diversion and appli-  
cation to beneficial use of 5.0 cubic feet per second ~~add/ded~~  
of water from Spring Creek, tributary to Big Lightening Creek and Clark Fork River,  
with point of diversion in the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Sec. 27, T. 56N, R. 2E, B.M.,  
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for  
multiple domestic purposes  
with a priority of 1911 ;  
the place of use is within the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec. 27, T. 56N, R. 2E, 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 Sandpoint News Bulletin, Sandpoint, Idaho,  
on March 18 and March 25, 1971

February 25, 1971

City Clerk  
City of Clark Fork  
Box 7  
Clark Fork, Idaho 83811

Attached herewith is Departmental Receipt No. 5683 in the amount of  
\$10.00 for Claim application,  
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH  
Administrative Assistant

MRB:ejw

Enclosure

**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

February 22, 1971

CITY OF CLARK FORK  
Post Office Box #7  
Clark Fork, Idaho 83811

ATTENTION: Emma Rathbun, Mayor

Dear Mrs. Rathbun:

We are returning the claim to a water right and check #689 in the amount of \$40.00, submitted in the behalf of the City of Clark Fork. Please note under item #3b of the claim that you will have to list the nature of use, such as multiple domestic, with a period of use such as January 1 through December 31. We also wish to advise you that the filing fee for the claim is only \$10.00.

As soon as you have made these corrections and re-submitted the claim with the proper filing fee, we shall begin its processing.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC:cm

Enc: original claim to a water right  
check #689 (\$40.00)

RECEIVED

FEB 25 1971

Department of Water Administration

*I called your office in Boise for the amount of the fee and was given the above figure - Please find new check enclosed*

96 4015

February 22, 1971

CITY OF CLARK FORK  
Post Office Box #7  
Clark Fork, Idaho 83811

ATTENTION: Emma Rathbun, Mayor

Dear Mrs. Rathbun:

We are returning the claim to a water right and check #689 in the amount of \$40.00, submitted in the behalf of the City of Clark Fork. Please note under item #3b of the claim that you will have to list the nature of use, such as multiple domestic, with a period of use such as January 1 through December 31. We also wish to advise you that the filing fee for the claim is only \$10.00.

As soon as you have made these corrections and re-submitted the claim with the proper filing fee, we shall begin its processing.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC:cm

Enc: original claim to a water right  
check #689 (\$40.00)