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Identification No. _____
Claim No. 96-4011
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 Raymond K. or Nellie M. Heft
post office address Rt 1 Box 221 Athol Idaho 83801
2. The point of diversion is in Government - Lot 4 1/4 of _____ 1/4 Section 36 Township 54 N
Range 2 W B.M. located on Pend Oreille Lake
(name of source)
tributary to _____ in Kootenai County. (See Deane Co)
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: Sept. 22, 1958 amount: .04 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 Domestic period of use from Jan. 1 to Dec. 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 None
_____ ; 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 _____
_____ ;

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_____, if so, give dates and explain

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000

_____ type of pipe _____; grade of pipe per 1000 feet is _____.

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

	7129	7130	7131	7132	
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[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 None

7. Where water is used for domestic or municipal purposes give number of families served One
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 None

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

I have 2 1/2 HP Pumps that I use for domestic use.
The Tax Nos. on my lots are 6967 and 3908 and West half of 4282. They adjoin. Tax No. 6967 is in Section 35.
When I sprinkle my lawn, I use water at the rate of .04 C.F.S.
The total average use over a 24 hour period would not exceed .02 C.F.S.

State of ~~Idaho~~ Washington
County of Spokane } 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 21st day of July, 1970

Nellie M. Heft
Raymond H. Heft
Claimant

Tim Rausser
Notary Public

Residing at Spokane

My commission expires September 01, 1972

For Department Use Only			
Received by	Date	Exception filed by:	Forwarded to claimant by: Date
<u>8-12-70</u>	<u>7/24/70</u>		
Prelim. check by <u>8-12-70</u>	Date <u>8-12-70</u>		
Fee received by <u>8-13-70</u>	Date <u>8-13-70</u>	Fee \$ <u>10.00</u>	
Approved for publication by _____			
Published in <u>Coeur d'Alene</u>	Dates <u>8-27 & 9-3, 1970</u>		
Press			

96-4011

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—COEUR D'ALENE PRESS
(WEEKLY)

STATE OF IDAHO,
County of Kootenai,

ss.

Callie Papitner, 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 Claim To A Water Right

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for *four* consecutive weeks, commencing on the *27* day of *August*, 19*70*, and ending on the *3* day of *September*, 19*70*

Subscribed and sworn to, before me, this *3* day of *September*, 19*70*

19*70*

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

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 96-4011

Notice is hereby given that Raymond K. or Nellie M. Heft, Rte. 1, Box 221, Athol, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from Pend Oreille Lake with point of diversion in Govt. Lot No. 4 Sec. 36, T.54N, R.2W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31, for domestic purposes with a priority of September 22, 1958; the place of use is within Govt. Lot No. 4, Sec. 36, T.54N, R.2W, B.M.

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

R. KEITH HIGGINSON

Director

August 27, September 3, 1970

SEP 9

Deposited for Record and Indexing

96-4011

September 16, 1970

Re: Claim to a Water Right No. 96-4011

Raymond K. & Nellie M. Heft
Route 1, Box 221
Athol, Idaho 83801

Dear Raymond & Nellie Heft:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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

Enclosures: Copy of claim
Receipt No. 5050

96-4011

LEGAL (2 copies please)

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 96-4011**

Notice is hereby given that Raymond K. or Nellie M. Heft, Rte. 1, Box 221, Athol, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from ~~Pend Oreille Lake~~ with point of diversion in Govt. Lot No. 4 Sec. 36, T.54N,R.2W,B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31, for domestic purposes with a priority of September 22, 1958; the place of use is within Govt. Lot No. 4, Sec. 36, T.54N,R.2W,B.M.

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

R. KEITH HIGGINSON
Director

August 27, September 3, 1970

96-4011

August 19, 1970

Re: Claim to a Water Right No. 96-4010
Claim to a Water Right No. 96-4011

The 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:CM

Enc: Legal notices (2)

Bill submitted 9-16-70 By de

96-4011

NOTICE OF CLAIM TO A WATER RIGHT

No. ~~96-4011~~

Notice is hereby given that ~~Raymond K. or Nellie M. Heft, Rte.~~
~~1, Box 221, Athol, Idaho~~ have
~~has~~ filed a claim to a water right established by diversion and appli-
cation to beneficial use of ~~0.04~~ cubic feet per second ~~2079 feet~~
of water from ~~Pond Oreille Lake~~
with point of diversion in Govt. ~~Lot #4, Sec. 36, T.54N, R.2W, B.M.~~
~~Kootenai County~~.
The water is claimed to be used from ~~Jan. 1 to Dec. 31, for~~
~~domestic purposes~~
with a priority of ~~September 22, 1958~~;
the place of use is within Govt. ~~Lot #4, Sec. 36, T.54N, R.2W, B.M.~~

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

R. KEITH HIGGINSON

Director

Published in the ~~Coeur d'Alene Press, Coeur d'Alene, Idaho~~
on ~~August 27~~ and ~~September 3, 1970~~.

96-4011

①.

Aug 28 1970

AUG 28 1970

Dear Sir:

The description of the property that my house is on is as follows.

That portion of government lot four (4), section thirty six (36), township fifty four (54), North, Range two (2), W. B. M., more fully described as follows:

Beginning at the Northwest corner of said government lot 4; thence in a southerly direction five hundred and thirty-seven (537) feet to shore of Pond Oreille lake; thence fifty (50) feet East; thence in a northerly direction to a point fifty (50) feet East of Northwest corner of said government lot four (4); thence fifty (50) feet West to point of beginning, together with all riparian rights. The East and West 96-4011 boundaries of this property strikes

(2)

North one degree forty-six
minutes East.

The above information
was taken from my deed.

Yours Truly;

Raymond K. Jeff

P.S. This is Tap number 3905,
our center lot.

96-4011

July 29, 1970

Mr. Raymond K. Heft
Rte. #1, P.O. Box 221
Athol, Idaho 83801

Dear Mr. Heft:

C
O
P
Y
We are returning your claim to a water right, and personal check in the amount of \$10.00, as in reviewing this claim, we find that we need additional information before we can process it. Under item #2, you have listed the point of diversion as being in lot 4, of Section 36, Township 54N, and Range 2W. We need to know if lot 4 is a government survey lot, or if it is lot 4 of a private subdivision on Pend Orielle Lake. If it is lot 4 of a private subdivision, we will need to know the 40 acre tract within Section 36, that it is located.

As soon as you have made the necessary corrections, and re-submitted the claim, we will begin its processing. If we can be of any assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/cm

Enclosure: \$10.00 check, and original claim to a water right

96-4011