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Identification No. \_\_\_\_\_  
Claim No. 96-4009  
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 Roscoe or Mary L. Davenport  
post office address Rt. 1, Box 31, Priest River, Idaho 83856  
2. The point of diversion is in NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  Section 25 Township 56N  
Range 5W B.M. located on McKee creek  
(name of source)  
tributary to Pend Oreille 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:

Fall 1924 amount: .02 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 \_\_\_\_\_  
\_\_\_\_\_ ; 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 \_\_\_\_\_  
concrete cistern adjacent to creek with 1/2 HP electric pump with motor  
capacity-600 gallons per hour

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

900 feet of 1 1/2 inch pipe from cistern to house and garden

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:

used for irrigation of garden around house only.

[illegible]

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 \_\_\_\_\_  
occasionally five or six head of stock

7. Where water is used for domestic or municipal purposes give number of families served 1 family  
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  
This claim is being filed for record purposes in case of future demands  
on this creek  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with  
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

6/22/70  
(Date)  
State of Idaho  
County of Banner } ss.

Rosee O. Davenport  
(Signature of Claimant)  
Mary L. Davenport

On this 22 day of June 1970, personally appeared before me the signer(s) of the  
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Dorothy M. Keelen  
Notary Public residing at \_\_\_\_\_  
NOTARY PUBLIC in & for the State of Idaho  
Residing at Sandpoint, Idaho  
My commission expires July 7, 1970

My commission expires \_\_\_\_\_

For Department Use Only

|                                                                           |                           |                                 |            |
|---------------------------------------------------------------------------|---------------------------|---------------------------------|------------|
| Received by <u>[Signature]</u> Date <u>7-8-70</u>                         | Exception filed by: _____ | Forwarded to claimant by: _____ | Date _____ |
| Prelim. check by <u>[Signature]</u> Date <u>7-8-70</u>                    | _____                     | _____                           | _____      |
| Fee received by <u>[Signature]</u> Date <u>7-9-70</u> Fee \$ <u>10.00</u> | _____                     | _____                           | _____      |
| Approved for publication by <u>[Signature]</u>                            | _____                     | _____                           | _____      |
| Published in <u>Primer Times</u> Dates <u>7-23+30-70</u>                  | _____                     | _____                           | _____      |

96-4609

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 he 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 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

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 23rd day of July, 19 70, and

ending on the 30th day of July, 19 70, and that said notice was published in said newspaper proper, and not in supplement form.

Marie Martin

Subscribed and sworn to before me this

30th day of July, 19 70

George Connolly  
Notary Public for Idaho,

Residing at Priest River, Idaho

## NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4009

Notice is hereby given that Roscoe or Mary L. Davenport, Route 1, Box 31, Priest River, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from McKee Creek tributary to Pend Oreille River with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 25, T. 56N, R. 5W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1924; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 25, T. 56N, R. 5W, 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 Priest River Times, Priest River, Idaho, on July 23 and July 30, 1970.

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96-4009

August 5, 1970

Re: Claim to a Water Right No. 96-4009

Roscoe & Mary L. Davenport  
Rt. 1, Box 31  
Priest River, Idaho 83856

Dear Roscoe & Mary Davenport:

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. 4986

96-4009

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE -- ANNEX 2  
BOISE, IDAHO 83707

July 16, 1970

Re: Claim to a Water Right No. 96-4009 - Roscoe or Mary L. Davenport

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 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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR

Enc: Legal notice

*Bill submitted  
8-4-70  
ds*

*96-4009*

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cation to beneficial use of 0.02 cubic feet per second  
of water from McKee Creek, tributary to Pend Oreille River  
with point of diversion in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Sec. 25, T. 56N, R. 5W, B.M.,  
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for  
domestic purposes  
with a priority of 1924;  
the place of use is within the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Sec. 25, T. 56N, R. 5W, B.M.

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

R. KEITH HIGGINSON

Director

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