

No Color
Documents
In File

John W. Stevens
105 Mozart Ave
Cardiff, Calif
92007

Identification No. _____
Claim No. 96-4008
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 John W. Stevens & Donald M. Russell
post office address Star Route, Clark Fork Rt. 9, Missoula, Montana
2. The point of diversion is in N~~3~~SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 3 Township 54N
Range 3E B.M. located on unnamed spring
(name of source)
tributary to Clark Fork 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:

2/9/59 amount: .04 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .04 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 for two houses period of use from 1/1 to 12/31 (both dates inclusive)
use stock water period of use from 1/1 to 12/31 (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 3000 gallon reservoir with pipeline to point of use; 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 _____

96-4008

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 125 head beef

7. Where water is used for domestic or municipal purposes give number of families served two families
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

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.

(Date) May 11, 1970

State of Idaho }
County of Banner } ss.

On this 11 day of May 1970, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that ~~he (she)~~ (they) executed the same.

Notary Public residing at _____

My commission expires _____

NOTARY PUBLIC in & for the State of Idaho
Residing at Sandpoint, Idaho
My commission expires July 7, 1970

For Department Use Only

Received by ej Date 5-22-70 Exception filed by: _____ Forwarded to _____ Date _____
claimant by: _____
Prelim. check by Declined Date 5-22-70 _____
Fee received by ej ^{\$} Date 5-25-70 Fee \$ 10⁰⁰ _____
Approved for publication by W _____
Published in Landpoint Dates 6-11-18-70 _____
Newspaper - Bulletin 21-400

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

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:
John W. Stevens and Donald M.
Russell

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 11th
day of June, 1970, and end-
ing on the 18th day of June,
1970, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

19th day of June, 1970.

Chas. Orsi

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT

No. 96408

Notice is hereby given that John W. Stevens, Star Route, Clark Fork, Idaho, and Donald M. Russell, Rt. 9, Missoula, Montana, 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 an unnamed spring, tributary to Clark Fork River with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 3, T. 54N, R. 3E, B.M., Bonner County; the water is claimed to be used from January 1 to December 31 for domestic and stock-water purposes with priority of February 9 1968; the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 3, T. 54N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

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R. KEITH HIGGINSON,
State Reclamation
Engineer.

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho, on June 11 and June 18, 1970.
Jell-18

96-4008

June 24, 1970

Re: Claim to a Water Right No. 96-4008

Mr. John W. Stevens
105 Mozart Avenue
Cardiff, California 92007

Dear Mr. Stevens:

The Department of Reclamation 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. 4669

96-4008

June 24, 1970

Re: Claim to a Water Right No. 96-4008

Mr. Donald M. Russell
Route 9
Missoula, Montana

Dear Mr. Russell:

The Department of Reclamation 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.

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Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr

Enclosure: Copy of claim

96-4008

June 3, 1970

Re: Claim to a Water Right No. 96-4008 - John W. Stevens & Donald M. Russell

Sandpoint News-Bulletin
415 North 2nd Ave.
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 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
6-23-70
ds*

96-4008

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4008

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established by diversion and application to beneficial use of 0.04
cubic feet per second of water from an unnamed spring, tributary to Clark Fork River with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 3, T. 54N, R. 3E, B.M., Bonner County; the water is claimed to be used from January 1 to December 31 for domestic and stockwater purposes with a priority of February 9, 1959
; the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 3, T. 54N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Sandpoint News Bulletin, Sandpoint, Idaho,
on June 11 and June 18, 1970.

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96-4008