

BONNER

COUNTRY

ROBERT R. PECK
Rt. 1
ATHOL, IDAHO
B-127 P-717 11/3/54

14067
2-2931

Sch.	272
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Bmt.	Hwy.
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STATE OF IDAHO

96-4007

Ray & Puckett
1450 S. ^{corner}
0693
Goldendale, Wash

Bayview, Ida.
2-2936

(VACATED)

Identification No. _____

Claim No. 96-4007

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 Mr. Lloyd Fitzgerald
post office address Box 142 Bayview, Idaho 83803
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 33 Township 54N
Range 2W B.M. located on No Name Creek
(name of source)
tributary to Endicott Cr. in Kootenai 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:

June 28, 1969 amount: 0.5 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 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)
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 Barrel in Spring
_____ ; 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 Not 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 _____

96-4007

_____, if so, give dates and explain

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

maximum length of pipe line to first place of use is 800 feet; diameter of pipe line is 2 inches;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving-

Figure 1. The effect of the concentration of the polymer solution on the surface free energy of the polymer film. The surface free energy of the polymer film decreased as the concentration of the polymer solution increased. The surface free energy of the polymer film was 1.5 mJ/m² at 0.1 g/dl, 1.0 mJ/m² at 0.5 g/dl, 1.5 mJ/m² at 1.0 g/dl, 2.0 mJ/m² at 1.5 g/dl, 2.5 mJ/m² at 2.0 g/dl, 3.0 mJ/m² at 2.5 g/dl, 3.5 mJ/m² at 3.0 g/dl, 4.0 mJ/m² at 3.5 g/dl, 4.5 mJ/m² at 4.0 g/dl, 5.0 mJ/m² at 4.5 g/dl, 5.5 mJ/m² at 5.0 g/dl, 6.0 mJ/m² at 5.5 g/dl, 6.5 mJ/m² at 6.0 g/dl, 7.0 mJ/m² at 6.5 g/dl, 7.5 mJ/m² at 7.0 g/dl, 8.0 mJ/m² at 7.5 g/dl, 8.5 mJ/m² at 8.0 g/dl, 9.0 mJ/m² at 8.5 g/dl, 9.5 mJ/m² at 9.0 g/dl, 10.0 mJ/m² at 9.5 g/dl, 10.5 mJ/m² at 10.0 g/dl, 11.0 mJ/m² at 10.5 g/dl, 11.5 mJ/m² at 11.0 g/dl, 12.0 mJ/m² at 11.5 g/dl, 12.5 mJ/m² at 12.0 g/dl, 13.0 mJ/m² at 12.5 g/dl, 13.5 mJ/m² at 13.0 g/dl, 14.0 mJ/m² at 13.5 g/dl, 14.5 mJ/m² at 14.0 g/dl, 15.0 mJ/m² at 14.5 g/dl, 15.5 mJ/m² at 15.0 g/dl, 16.0 mJ/m² at 15.5 g/dl, 16.5 mJ/m² at 16.0 g/dl, 17.0 mJ/m² at 16.5 g/dl, 17.5 mJ/m² at 17.0 g/dl, 18.0 mJ/m² at 17.5 g/dl, 18.5 mJ/m² at 18.0 g/dl, 19.0 mJ/m² at 18.5 g/dl, 19.5 mJ/m² at 19.0 g/dl, 20.0 mJ/m² at 19.5 g/dl, 20.5 mJ/m² at 20.0 g/dl, 21.0 mJ/m² at 20.5 g/dl, 21.5 mJ/m² at 21.0 g/dl, 22.0 mJ/m² at 21.5 g/dl, 22.5 mJ/m² at 22.0 g/dl, 23.0 mJ/m² at 22.5 g/dl, 23.5 mJ/m² at 23.0 g/dl, 24.0 mJ/m² at 23.5 g/dl, 24.5 mJ/m² at 24.0 g/dl, 25.0 mJ/m² at 24.5 g/dl, 25.5 mJ/m² at 25.0 g/dl, 26.0 mJ/m² at 25.5 g/dl, 26.5 mJ/m² at 26.0 g/dl, 27.0 mJ/m² at 26.5 g/dl, 27.5 mJ/m² at 27.0 g/dl, 28.0 mJ/m² at 27.5 g/dl, 28.5 mJ/m² at 28.0 g/dl, 29.0 mJ/m² at 28.5 g/dl, 29.5 mJ/m² at 29.0 g/dl, 30.0 mJ/m² at 29.5 g/dl, 30.5 mJ/m² at 30.0 g/dl, 31.0 mJ/m² at 30.5 g/dl, 31.5 mJ/m² at 31.0 g/dl, 32.0 mJ/m² at 31.5 g/dl, 32.5 mJ/m² at 32.0 g/dl, 33.0 mJ/m² at 32.5 g/dl, 33.5 mJ/m² at 33.0 g/dl, 34.0 mJ/m² at 33.5 g/dl, 34.5 mJ/m² at 34.0 g/dl, 35.0 mJ/m² at 34.5 g/dl, 35.5 mJ/m² at 35.0 g/dl, 36.0 mJ/m² at 35.5 g/dl, 36.5 mJ/m² at 36.0 g/dl, 37.0 mJ/m² at 36.5 g/dl, 37.5 mJ/m² at 37.0 g/dl, 38.0 mJ/m² at 37.5 g/dl, 38.5 mJ/m² at 38.0 g/dl, 39.0 mJ/m² at 38.5 g/dl, 39.5 mJ/m² at 39.0 g/dl, 40.0 mJ/m² at 39.5 g/dl, 40.5 mJ/m² at 40.0 g/dl, 41.0 mJ/m² at 40.5 g/dl, 41.5 mJ/m² at 41.0 g/dl, 42.0 mJ/m² at 41.5 g/dl, 42.5 mJ/m² at 42.0 g/dl, 43.0 mJ/m² at 42.5 g/dl, 43.5 mJ/m² at 43.0 g/dl, 44.0 mJ/m² at 43.5 g/dl, 44.5 mJ/m² at 44.0 g/dl, 45.0 mJ/m² at 44.5 g/dl, 45.5 mJ/m² at 45.0 g/dl, 46.0 mJ/m² at 45.5 g/dl, 46.5 mJ/m² at 46.0 g/dl, 47.0 mJ/m² at 46.5 g/dl, 47.5 mJ/m² at 47.0 g/dl, 48.0 mJ/m² at 47.5 g/dl, 48.5 mJ/m² at 48.0 g/dl, 49.0 mJ/m² at 48.5 g/dl, 49.5 mJ/m² at 49.0 g/dl, 50.0 mJ/m² at 49.5 g/dl, 50.5 mJ/m² at 50.0 g/dl, 51.0 mJ/m² at 50.5 g/dl, 51.5 mJ/m² at 51.0 g/dl, 52.0 mJ/m² at 51.5 g/dl, 52.5 mJ/m² at 52.0 g/dl, 53.0 mJ/m² at 52.5 g/dl, 53.5 mJ/m² at 53.0 g/dl, 54.0 mJ/m² at 53.5 g/dl, 54.5 mJ/m² at 54.0 g/dl, 55.0 mJ/m² at 54.5 g/dl, 55.5 mJ/m² at 55.0 g/dl, 56.0 mJ/m² at 55.5 g/dl, 56.5 mJ/m² at 56.0 g/dl, 57.0 mJ/m² at 56.5 g/dl, 57.5 mJ/m² at 57.0 g/dl, 58.0 mJ/m² at 57.5 g/dl, 58.5 mJ/m² at 58.0 g/dl, 59.0 mJ/m² at 58.5 g/dl, 59.5 mJ/m² at 59.0 g/dl, 60.0 mJ/m² at 59.5 g/dl, 60.5 mJ/m² at 60.0 g/dl, 61.0 mJ/m² at 60.5 g/dl, 61.5 mJ/m² at 61.0 g/dl, 62.0 mJ/m² at 61.5 g/dl, 62.5 mJ/m² at 62.0 g/dl, 63.0 mJ/m² at 62.5 g/dl, 63.5 mJ/m² at 63.0 g/dl, 64.0 mJ/m² at 63.5 g/dl, 64.5 mJ/m² at 64.0 g/dl, 65.0 mJ/m² at 64.5 g/dl, 65.5 mJ/m² at 65.0 g/dl, 66.0 mJ/m² at 65.5 g/dl, 66.5 mJ/m² at 66.0 g/dl, 67.0 mJ/m² at 66.5 g/dl, 67.5 mJ/m² at 67.0 g/dl, 68.0 mJ/m² at 67.5 g/dl, 68.5 mJ/m² at 68.0 g/dl, 69.0 mJ/m² at 68.5 g/dl, 69.5 mJ/m² at 69.0 g/dl, 70.0 mJ/m² at 69.5 g/dl, 70.5 mJ/m² at 70.0 g/dl, 71.0 mJ/m² at 70.5 g/dl, 71.5 mJ/m² at 71.0 g/dl, 72.0 mJ/m² at 71.5 g/dl, 72.5 mJ/m² at 72.0 g/dl, 73.0 mJ/m² at 72.5 g/dl, 73.5 mJ/m² at 73.0 g/dl, 74.0 mJ/m² at 73.5 g/dl, 74.5 mJ/m² at 74.0 g/dl, 75.0 mJ/m² at 74.5 g/dl, 75.5 mJ/m² at 75.0 g/dl, 76.0 mJ/m² at 75.5 g/dl, 76.5 mJ/m² at 76.0 g/dl, 77.0 mJ/m² at 76.5 g/dl, 77.5 mJ/m² at 77.0 g/dl, 78.0 mJ/m² at 77.5 g/dl, 78.5 mJ/m² at 78.0 g/dl, 79.0 mJ/m² at 78.5 g/dl, 79.5 mJ/m² at 79.0 g/dl, 80.0 mJ/m² at 79.5 g/dl, 80.5 mJ/m² at 80.0 g/dl, 81.0 mJ/m² at 80.5 g/dl, 81.5 mJ/m² at 81.0 g/dl, 82.0 mJ/m

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

period of storage is from _____ to _____; is reservoir drained each year _____;

[illegible]

location of reservoir by 40-acre subdivisions

[illegible]

describe

100

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

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

[illegible]

Total number of acres to be irrigated.

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

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 1 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

I own property Below The NE $\frac{1}{4}$ NE $\frac{1}{4}$ Endicott Cr. Flows East of my property. My pipe Line Crosses property of W.R. Endicott and Ray Puckett, see attached plot.

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.

Sworn to before me this

24

day of

March

19 70

Lloyd Fitzgerald
Claimant

Edith Morris
Notary Public

Residing at

Coeur d'Alene

My commission expires

6-8-71

For Department Use Only

Received by <u>if</u>	Date <u>3-26-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>DMC</u>	Date <u>3-27-70</u>			
Fee received by <u>CJ</u>	Date <u>3-27-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>DMC</u>				
Published in <u>Coeur d'Alene Press</u>	Dates <u>4-16+23-70</u>			

96-4007

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, } ss. ⁶¹

County of Kootenai, }

Callie Painter, 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 16 day of April, 1970, and ending on the

23 day of April, 1970.

Subscribed and sworn to, before me, this 23 day of April

1970.

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

NOTICE OF CLAIM
TO A WATER RIGHT

Notice is hereby given that Lloyd Fitzgerald, Box 142, Bayview, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second of water from an unnamed creek, tributary of Endicott Creek with point of diversion in the NE 1/4 NE 1/4, Sec. 33, T. 54N, R. 2W, B.M., Kootenai County; the water is claimed to be used from January 1 to December 31 for domestic purposes with a priority of June 28, 1969; the place of use is within the NE 1/4 NE 1/4, Sec. 33, T. 54N, R. 2W, B.M.

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

R. KEITH HIGGINSON
State Reclamation Engineer
April 16, 23, 1970.

RECEIVED

APR 23 1970

96-4007
Department of Reclamation

OFFICIAL RECORD OF THE STATE OF IDAHO

BONNER

COUNTY

32 33

33 34

ROBERT R. PECK
M. I.
MICH. IDAHO

B-127 P-777 11/2/51

(12067)

(12067)

1169.5	1169.5	1169.5	1169.5	1169.5	1169.5	1169.5	1169.5	1169.5	1169.5
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owner	owner	owner	owner	owner	owner	owner	owner	owner	owner
W. R. Foy	W. R. Foy	W. R. Foy	W. R. Foy	W. R. Foy	W. R. Foy	W. R. Foy	W. R. Foy	W. R. Foy	W. R. Foy
owner	owner	owner	owner	owner	owner	owner	owner	owner	owner
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1295	1295	1295	1295	1295	1295	1295	1295	1295	1295

Ray C. Pickett

0493
Goldendale, Wash

STATE OF IDAHO

Bmt. Hwy.

Sch. 272

1/4 Corner

HIGHWAY

HIGHWAY

96-4007

2-2936

Bayview

Idaho

redi-letter

MCP®

TRIP

TO State of Idaho
Dept of Reclamation
Bureau

F H. RICHMAN
R Rt 1 Box 20 A
O
M ATHOL ID 83801

↓ SUBJECT Water claim # 96 4007

DATE 7/mar/86

MESSAGE

I am owner of above water right. My
copy does not describe plat referred to
in claim. Please provide me with copy of
attached Plat per claim.
Advise if any fees are required.

SIGNED

REPLY

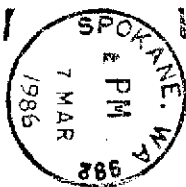
Sent copy of map 3-11-86

SIGNED

DATE / /

Harvey Richman
Attorney at Law
Route 1, Box 20A
Athol, Idaho 83801

State of Idaho
Dept of Reclamation
Statehouse
Boise Id.



May 4, 1970

Re: Claim to a Water Right No. 96-4007

Mr. Lloyd Fitzgerald
Box 142
Bayview, Idaho 83803

Dear Mr. Fitzgerald:

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

DW1:dr

Enclosures: Copy of claim
Receipt No. 4373

96-4007

Legal RUN TWICE

NO. 96-4007
NOTICE OF CLAIM
TO A WATER RIGHT

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

R. KEITH HIGGINSON
State Reclamation Engineer
April 16, 23, 1970.

96-4007

April 8, 1970

Re: Claim to a Water Right No. 96-4007 - Lloyd Fitzgerald

Coeur d'Alene Press
2nd & 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 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
4-28-70
pw*

96-4007

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4007

Notice is hereby given that Lloyd Fitzgerald, Box 142,
Bayview, Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of 0.5
cubic feet per second ~~acre/foot~~ of water from an unnamed creek, tributary
of Endicott Creek with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 33, T. 54N, R. 2W, B.M., Kootenai County; the water is
claimed to be used from January 1 to December 31 for domestic
purposes with a priority of June 28, 1969
; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 33, T. 54N, R. 2W, 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 Coeur d'Alene Press, Coeur d'Alene, Idaho.
on April 16 and April 23, 1970.

Kid.

96-4007