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Identification No. _____

Claim No. 96-4005

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 Theodore E. Dyer
post office address Route 2 - Box 22 Sandpoint Idaho 83864
2. The point of diversion is in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 4 Township 55N
Range 2W B.M. located on Spring Creek - Unnamed
(name of source)
tributary to Cocatalla Lake in Banner 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:

1906 amount: .20 c.f.s. or _____ acre feet
____ amount: _____ c.f.s. or _____ acre feet
____ amount: _____ c.f.s. or _____ acre feet
Total claimed .20 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 4/1 to 12/31 (both dates inclusive)
use Ir. period of use from 4/1 to 10/31 (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 Open Ditch,
Pump & Sprinkler, Concrete box length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with 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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Explain any significant increase in area irrigated since first use, give dates and acreages if known.

Total number of acres to be irrigated.

[illegible]

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

describe

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and

location of reservoir by 40-acre subdivisions

if feeder canal is used give maximum carrying capacity. _____ c.f.s.; if reservoir is off stream, describe

_____ is reservoir on or off stream _____ explain _____

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

_____ year construction commenced _____; year completed _____; date first used _____

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

d. If water is stored: name of reservoir _____;

ing date and dimensions if possible

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

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

maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches;

feet is _____ feet; material through which ditch passes is _____;

width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000

c. Conveying works: length of ditch to place of use is 130 feet; width of ditch at top is 1 feet;

_____, if so, give dates and explain

attach well logs if available; has there been any change in pump or motor since well was first completed

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INSTRUCTIONS

Paragraph No.

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.

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.

IN THE MATTER OF:

AFFIDAVIT

RECEIVED
DEC 1 1969
Department of Reclamation

State of Idaho
County of Bonner

being first duly sworn,

deposes and says:

My grandparents the Will Pettite
Came to Sandpoint Ida in 1900 and
soon homesteaded the land. This
spring is on.

In a short time they installed
a hydraulic ram pump from
then on used the water for
garden irrigation as well as
for stock and house hold use.
The property has been owned by
a number of people since
Pettite's passed away but always
the water has been used for
garden, stock as well as
household use.

I have read the above statement by
Mrs. Ekin & find it in fact.

Ray J. Marshall
Notary Public
Idaho

Dec. 1, 1969

Kathryn Ekin
(Signature)

Subscribed and sworn to before me this 1st day of December, 1969.

James F. Fidd
(Notary Public)

Residing at Sandpoint Idaho
My Commission Expires 6-30-71

96-4005

Affidavit of Publication

STATE OF IDAHO, }
County of Bonner, } ss.

RECEIVED

DEC 22 1969

Department of Reclamation

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. 96-4005

as it was published in the regular and entire issue
of the said paper for a period of Two
consecutive weeks, commencing on the 20th
day of November, 1969, and end-
ing on the 27th day of November,
1969, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

18th day of December, 1969.

Blyss Orrell

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT No. 96-4005

Notice is hereby given that Theodore E. Dyer Route 2, Box 22, Sandpoint, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 20 cubic feet per second of water from an unnamed creek tributary to Cololalla Lake with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4 T. 55N, R. 2W, B.M., Bonner County; the water is claimed to be used from April 1 to Oct. 31 for irrigation and from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1908; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4 T. 55N, 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 Engi-
neer.

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho, on November 20 and November 27, 1969.
N20-27

96-4005

Bill submitted

12-22-69

WATER RIGHTS EDIT REPORT

12/21/79

PAGE 150

WATER RIGHT NUMBER 96-4005
ACT
ION

OWNER LAST NAME - DYER
ADDRESS LINE 1 - RT. 2 BOX 22

FIRST NAME - THEODORE E.

CITY - SANDPOINT

STATE - ID ZIP CODE - 83864

TRIBUTARY OF - COCALALLA LAKE

PRIORITY - 06-01-1906

COUNTY - BONNER

TOTAL DIV. RATE -

SOURCE - SPRING CREEK
STAGE - STATRY CLM
DIVERSION POINT - NWSE 04 55N 02W
FROM - 04-01 TO - 10-31 USE - IRRIGATION
FROM - 01-01 TO - 12-31 USE - DOMESTIC
USE - IRRIGATION

PLACE OF USE - TWIN 55N RING 02W SEC 04 TRACT NWSE

AC 09

USE DIV. RATE - .2000CFS

IDENT. NO. 96-4005

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

Old No.

New No.

196-4005

1000

Record

1. Original Owner: Theodore E. Oyer

Present Owner: _____

2. Address: Rt. 2 Box 22

3. City: Sandpoint State: ID Zip: 83864

4. A. Source of Water: Spring Creek

B. Tributary of: Cocatalla Lake

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1906

D. County: 17

E. Total Diversion Rate: .2

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWSE</u>	<u>4</u>	<u>55N</u>	<u>2W</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 10-31 for A purposes. Amount .2
(cfs or AC-FT/yr)

from 1-1 to 12-31 for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

14. Diversion Means (brief narrative):

H. Conditions of Approval:

G. Field Exam Made (P, R, F or blank):

F. Proof Made (P or blank):

E. Old Number:

D. Hearing Date:

C. Protested Date:

B. Date Permit Approved or Denied:

13. A. Proof Due Date:

12. Other Rights for Same Use:

11. Other uses (Non-irrigation explanatory information):

10. Remarks: A.
B.
C.
D.
E.

B. Decree Date:

9. A. Decree Name:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
6	8w	4																
			NE¼				NW¼				SW¼				SE¼			
			TOWNSHIP TOTALS															

8. Use Code:

92-11 NIP

December 24, 1969

Re: Claim to a Water Right No. 96-4005

C
C
P
Y
Mr. Theodore E. Dyer
Route 2, Box 22
Sandpoint, Idaho 83864

Dear Mr. Dyer:

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. Notice of your claim was published and no one has filed an exception to your claim. 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 Examiner

DWM:dr

Enclosure: Copy of Claim

96-4005

December 15, 1969

Re: Claim to a Water Right No. 96-4005 - Theodore E. Dyer

Sandpoint News-Bulletin
415 North 2nd Ave.
Sandpoint, Idaho 83864

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on November 20 and 27, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

96-4005

State Dept of Reclamation
Boise, Id.

Dear Sir:-

Enclosed please find the affidavit you gave us asking that we have two witnesses sign and notarized. Please staple this to our application for a water right to our place.

Sincerely yours.

Theodore E. Dyer
Mr. Theodore E. Dyer.

P. S. The property is in son daughters name- Carol J. Dyer.

We were there and applied for the claim Nov 6, 1969

96-4005

December 8, 1969

Re: Claim to a Water Right No. 96-4005 - Theodore E. Dyer

Sandpoint News-Bulletin
415 North 2nd Ave.
Sandpoint, Idaho 83864

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on November 20 and 27, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

96-4005

November 12, 1969

Re: Claim to a Water Right No. 96-4005 - Theodore E. Dyer

Sandpoint News-Bulletin
415 N. 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 Examiner

DWM:DR
Enc: Legal notice

96-4005

No. 96-4005

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 ~~November 20~~ and ~~November 27, 1969~~.

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96-4005