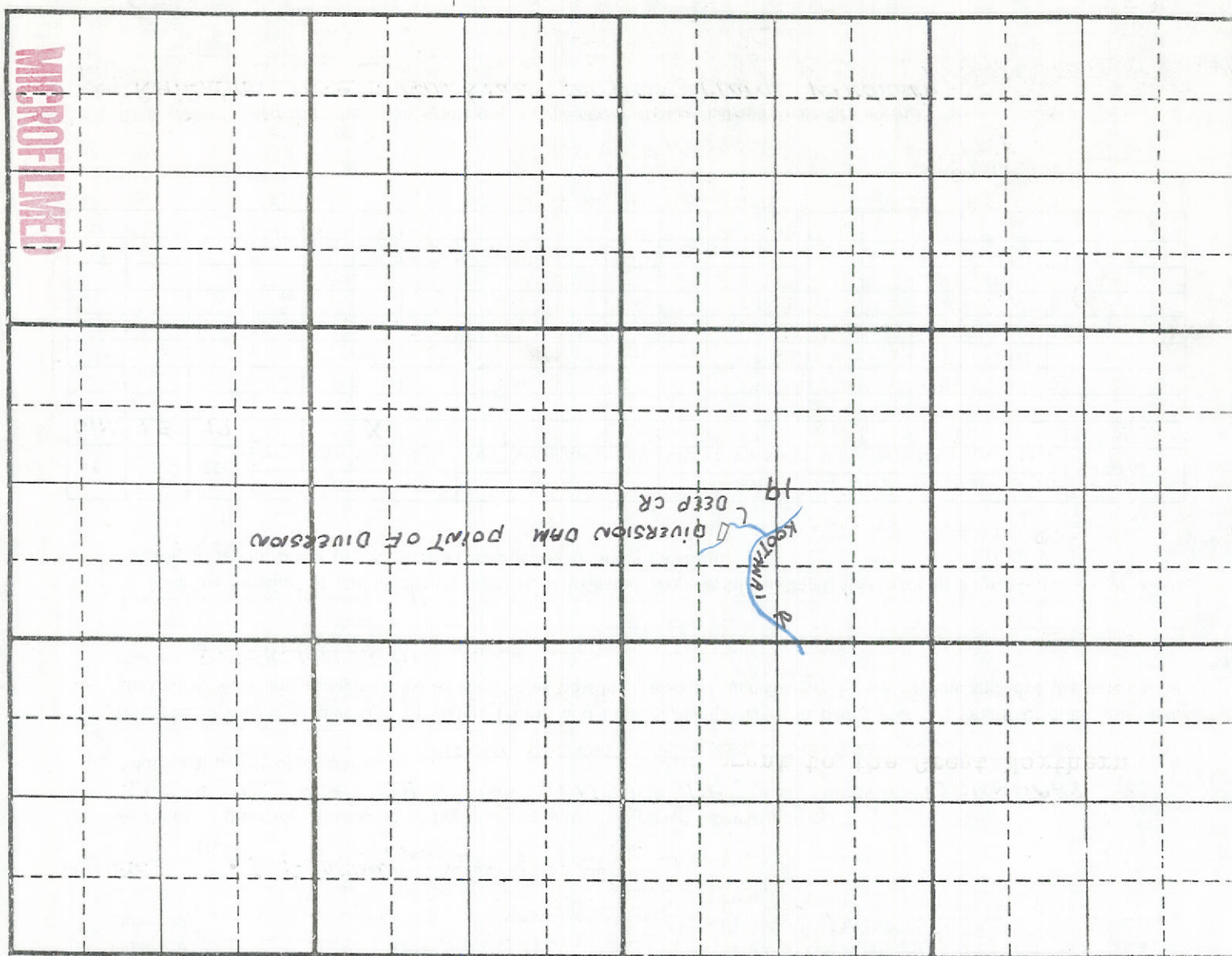


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ WASHINGTON)

County of KING)

) ss.

is attorney for claimant which

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 affiant's knowledge.

(Claimant)

Sworn to before me this 11th day of April, 19 83.

Esther S. Telnes

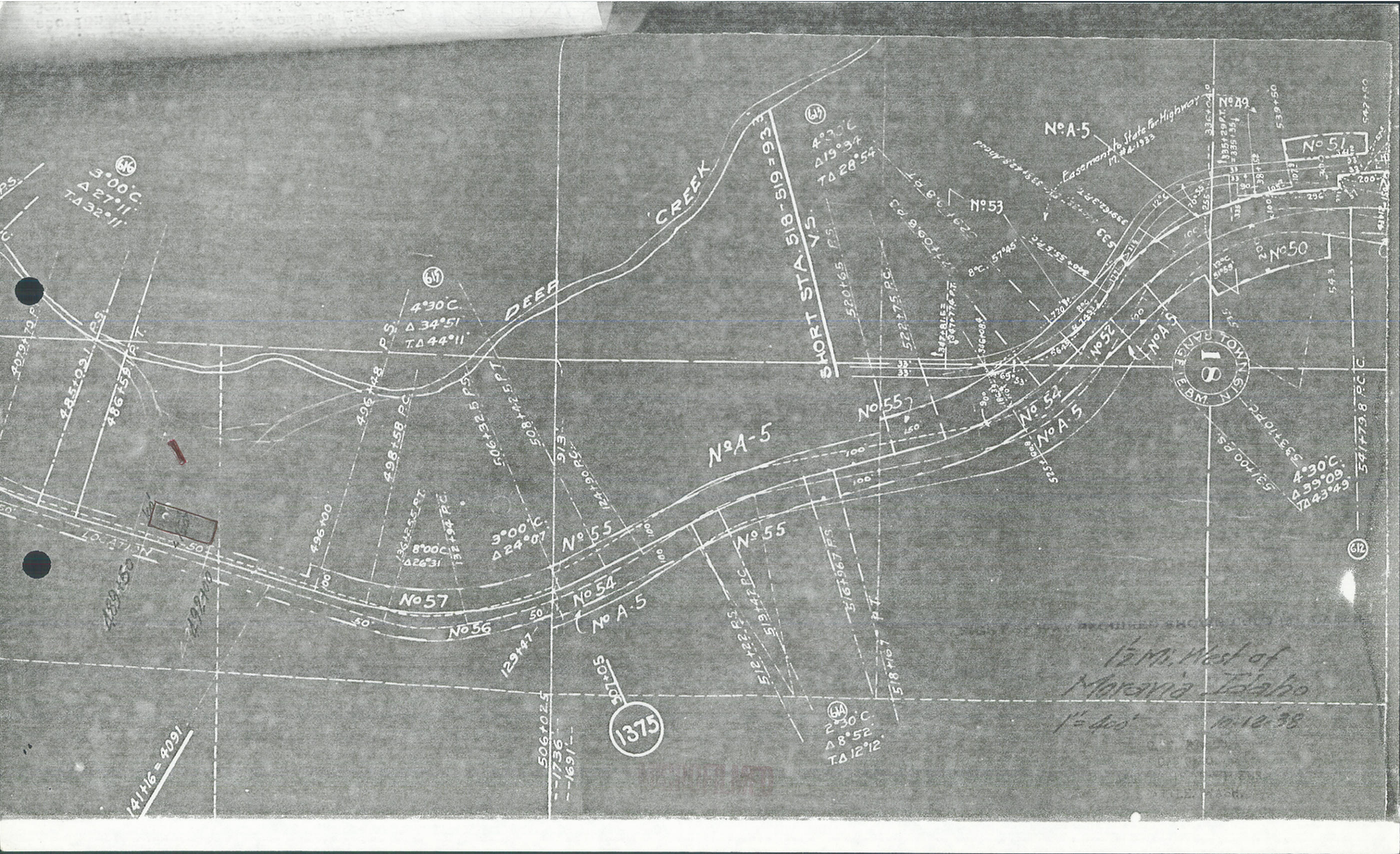
Notary Public

Residing at Seattle, Washington

My commission expires March 1, 1985

FOR DEPARTMENT USE ONLY

Received by SB Date 6/15/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by R Date 6-23-83 claimant by: _____
\$30.00 fee received by R Date 7/5/83 (28616)
Published in Bonner Ferry Herald
Dates 8/18 8/25



3°00' C.
Δ 27°11'
TA 32°11'

61
4°30' C.
Δ 34°51'
TA 44°11'

61
4°30' C.
Δ 19°34'
TA 28°54'

1
1/2 M. WEST OF
MORAVIA, ILLINOIS

4°30' C.
Δ 39°09'
TA 43°49'

61
2°30' C.
Δ 8°52'
TA 12°12'

1375

1/2 M. West of
Moravia, Illinois
1"=400' 10-10-38

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

RECEIVED

1983

Department of Water Resources
Northern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Burlington Northern Railroad Company (successor in interest to Great Northern Railway Company)

(Name of Claimant)

350 Central Building, Seattle, Washington 98104

(Mailing Address)

Telephone No. (206) 625-6446

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) OCTOBER 26 1938

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

DEEP CREEK

tributary to KOOTANAI RIVER

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity .9 Use RAILROAD PURPOSES Period of Use From OCT. 26, 1938 To JUNE 15, 1983

Quantity 1 Use for Period of Use From Jan 1 To Jan 1

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity	Use	Period of Use From	To

Quantity	Use	Period of Use From	To

- (4) Est. .9 cfs AVERAGE TOTAL QUANTITY USED.
(cfs. af) 1/yr.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19 Twp. 61N Rge. 1E B.M., County of Boundary

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. **DIVERSION DAM**

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

RAILROAD USE - Railroad purposes change periodically

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

Remarks

MICROFILMED

19 DEEP CR

DIVERSION DAM POINT OF DIVERSION

KOOTENAI

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~XXXX~~ WASHINGTON

County of KING

is attorney for claimant which

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 affiant's knowledge.

McCall
(Claimant)

(Claimant)

Sworn to before me this 11th day of April, 19 83

Esther S. Telnes

Notary Public

Residing at Seattle, Washington

My commission expires March 1, 1985

6/23/53
FOR DEPARTMENT USE ONLY

LB
Sne

415183

Exception filed by:

Forwarded to

Date _____

P

6-25-8

[Signature]

7/5/85 (2)

Bonners Ferry, Idaho

818

528

AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 26 1983

STATE OF IDAHO }
County of Boundary } ss.

Alice Winn, bkpr for Pete Thompson

first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Notice of Claims to Water Rights

98-4284, 4285, 4286, 4287, 4288, 4289, 4290.

a

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated August 18, 1983, and ending with the issue dated August 25, 1983.

Subscribed and sworn to before me this 30 day of August, 1983

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

98-4284

MARINE, LOUIS F. &/or GEORGIE
RT. 1 BOX 453, BONNERS FERRY, ID 83805
Source: SPRINGS trib. to SINKS
Priority Date: 01/01/1965
Diversion Pt: NWSE Sec 02 T 61N R 01E
Use: IRRIGATION (0.60 CFS)
STOCKWATER (0.02 CFS)

In: SWSE SESE Sec 02 T 61N R 01E NWSE SWSE SESE Sec 02 T 61N R 01E FOR 30 ACRES

98-4285

BURLINGTON NORTHERN RAILROAD CO.
350 CENTRAL BLDG., SEATTLE, WA 98104
Source: DEEP CREEK trib. to KOOTENAI RIVER
Priority Date: 10/26/1938
Diversion Pt: SWNE Sec 19 T 61N R 01E
Use: INDUSTRIAL (0.90 CFS)
In: SWNE Sec 19 T 61N R 01E

98-4286

BURLINGTON NORTHERN RAILROAD CO.
350 CENTRAL BLDG., SEATTLE, WA 98104
Source: UNNAMED STREAM trib. to SPRINGS
Priority Date: 06/28/1943
Diversion Pt: LOT 01 Sec 27 T 61N R 03E LOT 08 Sec 22 T 61N R 03E
Use: INDUSTRIAL (1.55 CFS)
In: LOT 01 Sec 27 T 61N R 03E LOT 08 Sec 22 T 61N R 03E

98-4287

BURLINGTON NORTHERN RAILROAD CO.
350 CENTRAL BLDG., SEATTLE, WA 98104
Source: TROUT CREEK trib. to KOOTENAI RIVER
Priority Date: 06/07/1892
Diversion Pt: SWNE Sec 07 T 60N R 01E
Use: INDUSTRIAL (0.08 CFS)
In: SWNE Sec 07 T 60N R 01E

98-4288

FOSTER, RAYMOND STEVE
21059 HAZELNUT RIDGE RD., SCOTT MILLS, OR 97375
Source: SPRINGS trib. to DEEP CREEK
Priority Date: 01/01/1965
Diversion Pt: NESE Sec 26 T 60N R 01W
Use: IRRIGATION (0.02 CFS)
IRRIGATION STORAGE (1.0 AF)
IRRIGATION FROM STORAGE (1.0 AF)
In: SENE Sec 26 T 60N R 01W FOR 1 ACRES

98-4289

STUDER, H. C. &/or LOIS
STAR RT. 1 BOX 28, BONNERS FERRY, ID 83805
Source: SPRINGS trib. to SINKS
Priority Date: 01/01/1962
Diversion Pt: SWNE Sec 26 T 63N R 01E
Use: STOCKWATER (0.25 CFS)
DOMESTIC (0.04 CFS)
In: SENW Sec 26 T 63N R 01E

98-4290

ARMSTRONG, RICHARD &/or RITA
P.O. BOX 44, MOYIE SPRINGS, ID 83845
Source: BAILEY CREEK trib. to MOYIE RIVER
Priority Date: 02/01/1928
Diversion Pt: SWNE Sec 26 T 63N R 02E
Use: POWER (0.20 CFS)
DOMESTIC (0.02 CFS)
In: SWNE SENE Sec 26 T 63N R 02E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814.

KEN DUNN, Dir.

First publication August 18, 1983
Final publication August 25, 1983-dwr

ORIGINAL

The grantors, W. L. KINNEAR and MARY J. KINNEAR, his wife, of Boundary County, Idaho, in consideration of \$100.00, receipt of which is hereby acknowledged, do hereby grant and convey to the GREAT NORTHERN RAILWAY COMPANY, a corporation, the following described land located in Boundary County, Idaho, to-wit:

All that part of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section Nineteen (19), Township Sixty-one (61) North, Range One (1) E.B.M., being a strip of land 100 feet wide lying between two parallel lines distant respectively at right angles 50 feet and 150 feet Northwesterly from the center line of the main track of the railway as now constructed and operated, of the Great Northern Railway Company and included between two lines at right angles through said center line at points respectively distant therealong 1402.5 feet and 1652.5 feet southerly from its intersection with the north line of said Section 19, shown colored green on the blue print attached hereto.

Also, the said grantors, as part of the foregoing consideration, do hereby convey and grant to the Great Northern Railway Company the perpetual right to construct and maintain a dam across the channel of Deep Creek, in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), of Section Nineteen (19), Township Sixty-one (61) North, Range One (1) E.B.M., together with the right to divert the waters of Deep Creek by such dam; the said dam being located upon the following described premises:

A strip of land in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section Nineteen (19), Township Sixty-one (61) North, Range One (1) E.B.M., lying within 10 feet at right angles on each side of the following described center line:

Commencing at a point in the center line of the main track as now constructed and operated of the railway of the Great Northern

<u>Moravia</u>	<u>Idaho</u>	<u>1217</u>	<u>Slide Protection & Dam</u>
Station	State	File	Right of Way File Reference
<u>55569</u>	<u>E-219</u>	<u>T633</u>	Acquisition
A. F. E.	Right of Way	Engineer	No. <u>1113</u>

Railway Company distant therealong 1702.5 feet southerly from its intersection with the north line of said Section 19; thence northwesterly at right angle 413.7 feet; thence angle 127°45' to the right and running northeasterly 25 feet to the true place of beginning; thence continue along last described course 100 feet to the end of this description.

The said grantors, for themselves, their heirs, successors, and assigns, do hereby release the Great Northern Railway Company, its successors and assigns, from every claim for damage resulting to the lands of the grantors by reason of the construction, maintenance and operation of such dam and the diversion of the water thereby.

Executed this 26th day of October, 1938.

W. L. Kinneear (SEAL)
Mary J. Kinneear (SEAL)

STATE OF IDAHO

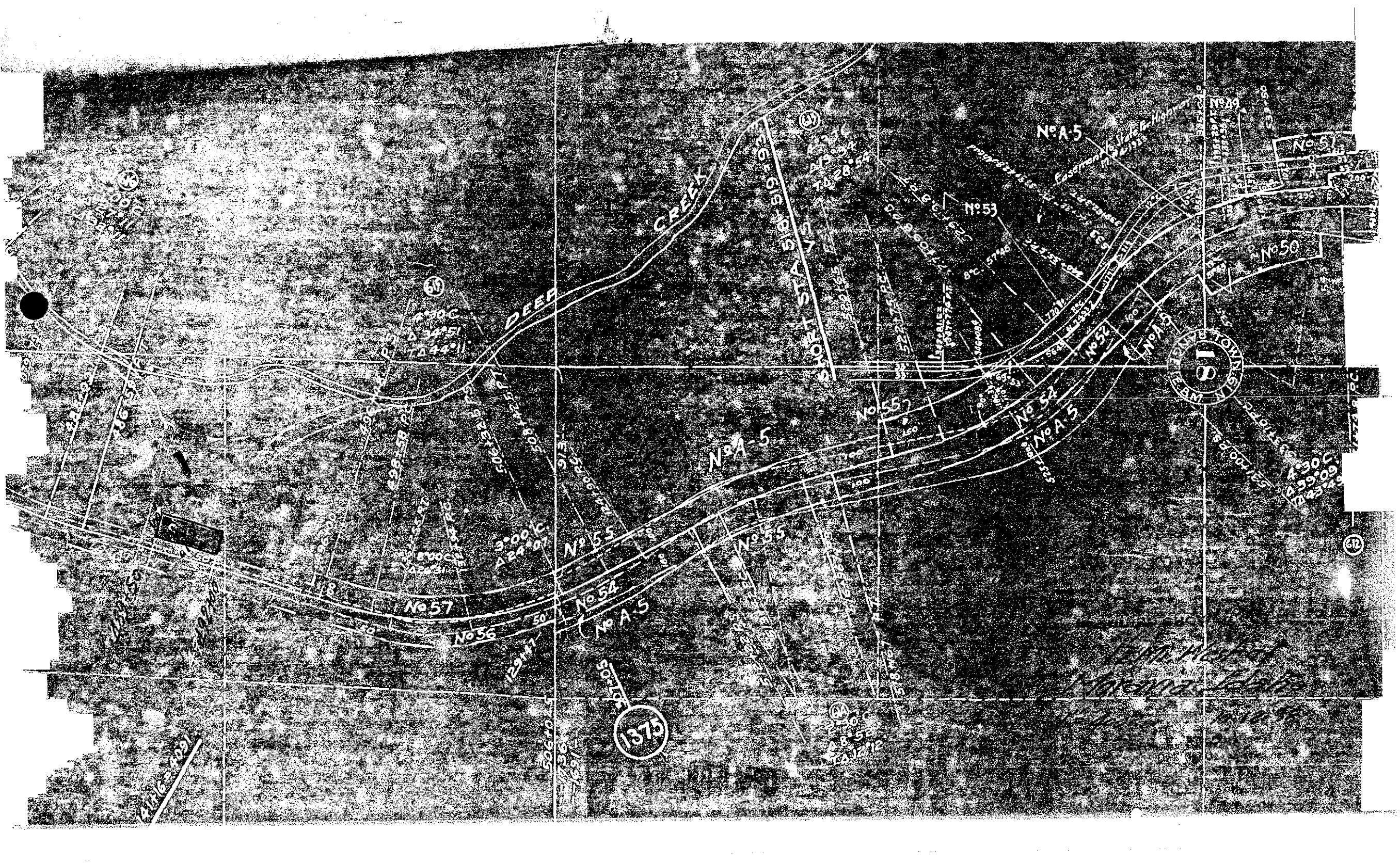
COUNTY OF

} ss.

On this 26th day of October, 1938, before me, a notary public for the State of Idaho, personally appeared W. L. KINNEAR and MARY J. KINNEAR, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

Given under my hand and official seal this 26th day of October, 1938.

Harold C. Keene
Notary Public for the State
of Idaho, residing at
Bonanza Ferry, Idaho.



31799

STATE OF IDAHO } SS
County of Boundary }

Filed for record at the request of

Great Northern Railway Co.

on the *12* day of *Jan.* 1937 at *3:30*

o'clock P.M., and recorded in Book *21*

of *Deeds* on page *380*

Wallie Bruce

County Recorder

Delia House

Deputy

F. S. *1.50*

Mailed to *Fred Goring*

Room 301
G. N. R. W. Bldg.

Seattle, Washington



BURLINGTON
NORTHERN
RAILROAD

CORRESPONDENCE SHOULD
REFER TO THIS NUMBER

73351

AUDIT NO.	RECORD INFORMATION	AMOUNT
03830015775	BILL DATE 03 21 83 BILL REFERENCE LETTER FILING FEES FOR 33 WATER RIGHT CLAIMS ON BEHALF OF BURLINGTON NORTHERN RAILROAD COMPANY	990.00

FORM 30259 4/81

DETACH AND RETAIN THIS STATEMENT — NON NEGOTIABLE

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: PC

Right Number 98-4285 Applicant BN

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By PC Date 10/7/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By PC Date 10-25-83

RECEIVED



DEPARTMENT OF WATER RESOURCES

INTER-DEPARTMENT MEMO — 1

DATE 7/8/83

FROM Pat - Northern

TO Deanne

SUBJECT Refund to Burlington Northern

Pursuant to our telephone conversation today, please disregard my memo dated 7/5/83 on this same subject.

We later found 2 claims stapled together from the BN. Therefore there are 32 claims instead of 31 as we originally thought. So, please refund \$30.00 instead of \$60.00 to the BN. You already have a copy of their check and our Receipt No. 28616 in the amount of \$990.00.

The refund check should go to:

Mr. Michael Holland
Burlington Northern RR Co.
350 Central Bldg.
Seattle, Wa. 98104.



SIGNATURE

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Pat - Northern

DATE 7/5/83

TO Phyllis

SUBJECT Refund to Burlington Northern.

We received a check from the BN in the amount of \$990.00 which they said was for 33 claims. We counted them and only came up with 31 claims. Therefore, a refund of \$60.00 is due the Burlington Northern. Enclosed is a copy of their check and our Receipt No. 28616.

Please send the refund check to:

Michael Holland
Burlington Northern
350 Central Bldg.
Seattle, Wa. 98104

SIGNATURE

*Refund 2 claims
typed together. Therefore
there are 32 instead of 31.
is refund \$30.00 instead
of \$60.00.*

98-4285

BURLINGTON NORTHERN RAILROAD CO.

350 CENTRAL BLDG., SEATTLE, WA 98104

Source: DEEP CREEK trib. to KOOTENAI RIVER

Priority Date: 10/26/1938

Diversion Pt: SWNE Sec 19 T 61N R 01E

Use: INDUSTRIAL (0.90 CFS)

In: SWNE Sec 19 T 61N R 01E

REPRODUCED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

SEPTEMBER 5, 1983

BURLINGTON NORTHERN RAILROAD CO.
350 CENTRAL BLDG.
SEATTLE WA 98104

RE: Claim No. 98-4285

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

BURLINGTON NORTHERN RAILROAD

GEORGE C. INMAN, JR. 625-6440
ROBERT C. WILLIAMS 625-6447
Assistant General Counsel

LAWRENCE D. SILVERNALE 625-6444
General Counsel-Seattle Region

MICHAEL HOLLAND 625-6446
CHARLES D. BROWN 625-6448
Attorneys

June 16, 1983

State of Idaho
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Re: Filing Claims to Water Rights

Attention: Mr. Tom D. King
Senior Water Resource Agent

Dear Mr. King:

Enclosed are 31 individual claims to water rights that are being claimed by Burlington Northern. Burlington Northern does not claim at this time that it is presently using each right claimed, but the Burlington Northern does assert that it has a right to such use pursuant to the agreements attached to each individual claim. Please file the claim as submitted. Should it be necessary to adjudicate these rights in some future proceeding, Burlington Northern will be prepared to do so.

Also enclosed is our original check in the amount of \$990 for filing.

Thank you for your courtesies.

Very truly yours,


Michael Holland

MH/sbhc.1

Encls.

RECEIVED
JUN 23 1983

Department of Water Resources
Northern District Office

BURLINGTON NORTHERN RAILROAD

LAWRENCE D. SILVERNALE 625-6444
General Counsel-Seattle Region

GEORGE C. INMAN, JR. 625-6440
ROBERT C. WILLIAMS 625-6447
Assistant General Counsel

MICHAEL HOLLAND 625-6446
CHARLES D. BROWN 625-6448
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Michael Holland

MH/sbhc.1

Encls.

RECEIVED
JUN 23 1983

Department of Water Resources
Northern District Office