

No Color
Documents
In File

RECEIVED
8 1966

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Department of Water Resources
Under the District Office

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 CHESTER R BAKER
(Name of Claimant)

SA1 Box 106A BONNERS FERRY ID 83805 Telephone No. 267 5476

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) MAY 1906

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)

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

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04</u>	Use <u>DOMESTIC</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>.04</u>	Use <u>STOCKWATER</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>.04</u>	Use <u>IRRIGATION</u>	Period of Use From <u>3/31</u>	To <u>11/2</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .12 TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26 Twp. 65N Rge. 14W B.M., County of BROWN
 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. SPRING BASIN, PIPE, SETTLING BASIN, STORAGE TANKS

(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]

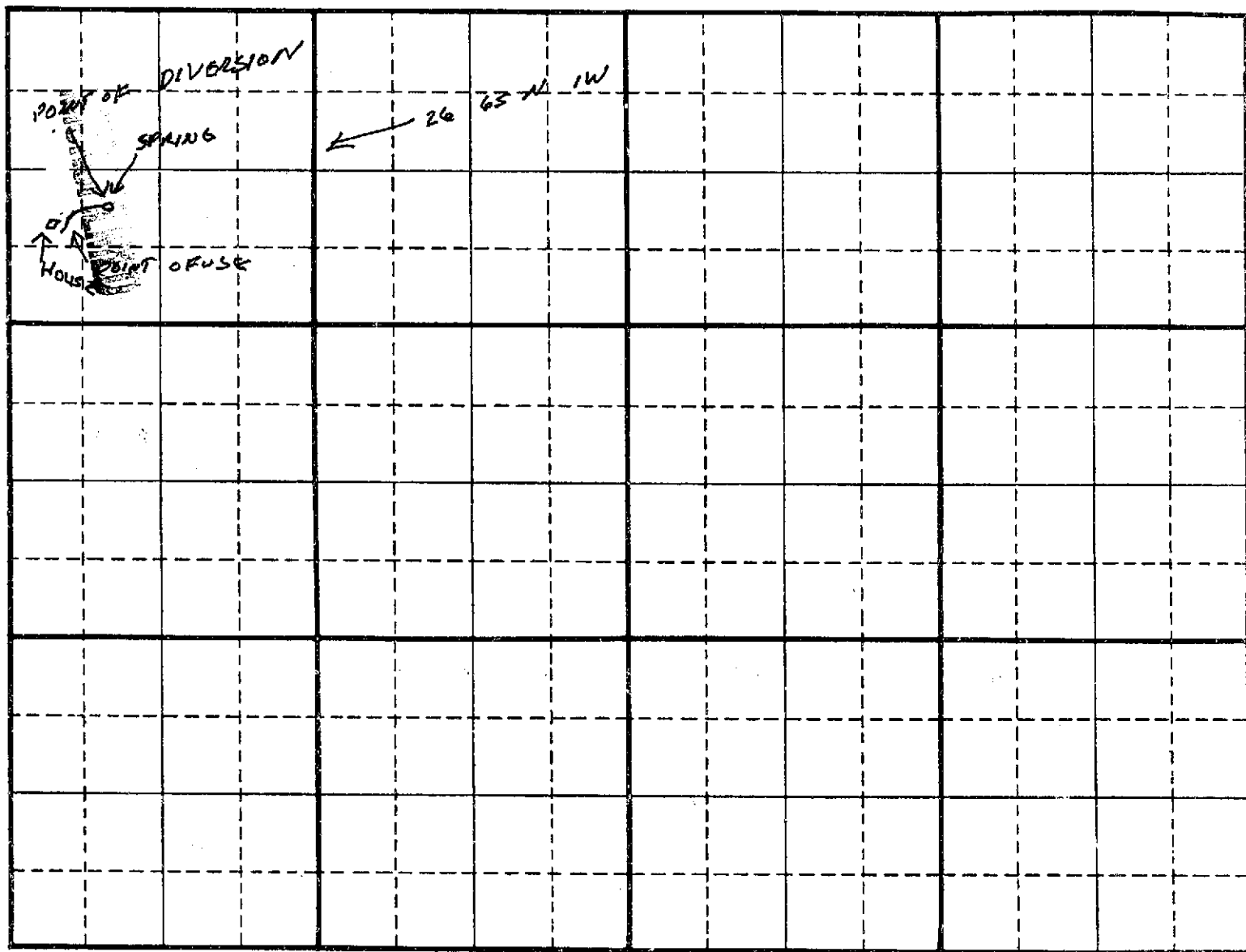
No. of acres _____

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

NOTE: Include here the type and number of stock watered: 200 ASSORTED

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

(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)
County of BOUNDARY) 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 affiant's knowledge.

Chester T. Baker
(Claimant)

Sworn to before me this 6 day of JUNE, 19 83.

Wayne A Fox
Notary Public
Residing at BONNELLS FERRY

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by JK Date 4/8/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JK Date 6/8/83 claimant by: _____
\$30.00 fee received by JK Date 6-9-83 (27/62)
Published in Bonnells Ferry Herald
Dates 6/23-6/30/83

NOTICE OF CLAIMS TO WATER RIGHTS

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

98-4238

MILLER, CHARLES C.
STAR RT. 1, BONNERS FERRY, ID 83805
Source: GROUNDWATER
Priority Date: 01/01/1961
Diversion Pt: SWSE Sec 23 T 63N R 01E
Use: IRRIGATION (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SWSE Sec 23 T 63N R 01E FOR 1 ACRES

98-4239

HOOK, BERNICE E.
STAR RT. 2 BOX 132, BONNERS FERRY, ID 83805
Source: FLEMING CREEK trib. to KOOTENAI RIVER
Priority Date: 06/01/1970
Diversion Pt: SENW Sec 29 T 63N R 01 E
Use: IRRIGATION (0.04 CFS)
STOCKWATER (0.02 CFS)
In: SENW Sec 29 T 63N R 01E FOR 2 ACRES

98-4240

HEMIEC, AL
STAR RT. 3 BOX 174, BONNERS FERRY, ID 83805
Source: GROUNDWATER
Priority Date: 06/01/1950
Diversion Pt: NWNW Sec 18 T 62N R 02E
Use: IRRIGATION (0.24 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.02 CFS)
In: NWNW Sec 18 T 62N R 02E FOR 12 ACRES

98-4241

IMMERMAN, BEULAH V. &/or LEO M.
P.O. BOX 53, LIBBY, MT 59923
Source: GROUNDWATER
Priority Date: 01/01/1940
Diversion Pt: SWSW Sec 16 T 62N R 03E
Use: IRRIGATION (0.02 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SWSW Sec 16 T 62N R 03E FOR 1 ACRES

98-4242

IMMERMAN, BEULAH V. &/or LEO M.
P.O. BOX 53, LIBBY, MT 59923
Source: UNNAMED STREAM trib. to SAND CREEK
Priority Date: 01/01/1940
Diversion Pt: SWSW Sec 16 T 62N R 03E
Use: STOCKWATER (0.02 CFS)
In: SWSW Sec 16 T 62N R 03E

98-4243

BY, FAY &/or JANICE
STAR RT. 2 BOX 219, BONNERS FERRY, ID 83805
Source: GROUNDWATER
Priority Date: 01/01/1952
Diversion Pt: NENE Sec 07 T 62N R 02E
Use: IRRIGATION (0.10 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NENE Sec 07 T 62N R 02E SENE Sec 07 T 62N R 02E FOR 5 ACRES

98-4244

UDLOW, DELBERT C. &/or JUNE C.
STAR RT., MOYIE SPRINGS, ID 83845
Source: UNNAMED STREAM trib. to SAND CREEK
Priority Date: 01/01/1930
Diversion Pt: NWNW Sec 21 T 62N R 03E
Use: IRRIGATION (0.04 CFS)
STOCKWATER (0.04 CFS)
In: NWNW Sec 21 T 62N R 03E FOR 2 ACRES

AFFIDAVIT OF PUBLICATION

County of Boundary } ss.

ice Winn bkpr. for Pete Thompson being
duly sworn upon his oath, deposes and says that he is the publisher (or foreman)
Publisher

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 8 months or 78 weeks prior to the first publication of the hereto attached notice; that

advertisement of Notice of claims to Water Rights
-4238, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248

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, com-
mencing with the issue dated June 23, 1983, and ending with the
issue dated June 30, 1983.

scribed and sworn to before me this 13th day of July, 1983

RECEIVED
JUL 15 1983
Notary Public in and for the County of Boundary, State of Idaho,
Department of Water Resources at Bonners Ferry, Idaho.
Northern District Office

98-4245

BAKER, CHESTER R.
STAR RT. 1 BOX 106A, BONNERS FERRY, ID 83805
Source: SPRINGS trib. to SINKS
Priority Date: 05/01/1906
Diversion Pt: NESW Sec 26 T 65N R 01W
Use: IRRIGATION (0.04 CFS)
STOCKWATER (0.04 CFS)
DOMESTIC (0.04 CFS)
In: NWSW Sec 26 T 65N R 01W FOR 2 ACRES

98-4246

HALL MOUNTAIN WATER ASSN.
c/o ED HOUCK, STAR RT. 1, PORTHILL, ID 83853
Source: SPRING trib. to SINKS
Priority Date: 07/01/1956
Diversion Pt: SESW Sec 24 T 65N R 01W
Use: DOMESTIC (0.50 CFS)
In: NESW SWSW NWSE Sec 23 T 65N R 01W SENW SESE
Sec 22 T 65N R 01W NESW NESE NWSE Sec 21 T 65N R
01W NWNE NWNW Sec 27 T 65N R 01W

98-4247

WRIGHT, DONALD A.
P.O. BOX 7, PORTHILL, ID 83853
Source: TROW CREEK trib. to KOOTENAI RIVER
Priority Date: 01/01/1933
Diversion Pt: SESE Sec 09 T 65N R 01W NENE Sec 16 T 65N
R 01W
Use: IRRIGATION (0.04 CFS)
STOCKWATER (0.04 CFS)
DOMESTIC (0.04 CFS)
In: SESE Sec 09 T 65N R 01W NENE Sec 16 T 65N R 01W
FOR 2 ACRES

98-4248

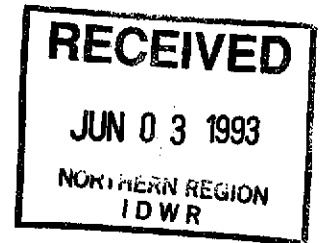
STEVENS, ALFRED &/or MARILYN
STAR RT. 1 BOX 195A, BONNERS FERRY, ID 83805
Source: UNNAMED STREAM trib. to KOOTENAI RIVER
Priority Date: 01/01/1936
Diversion Pt: NESW Sec 31 T 65N R 01E
Use: STOCKWATER (0.06 CFS)
In: NESW Sec 31 T 65N R 01E

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 June 23, 1983
Final publication June 30, 1983-dwr

RECEIVED
JUN 23 1993
Department of Water Resources



P. O. Box 864
Porthill, ID 83853
June 1, 1993

State of Idaho
Department of Water Resources
Northern Region
1910 N.W. Blvd, Suite 210
Coeur d'Alene, ID 83814

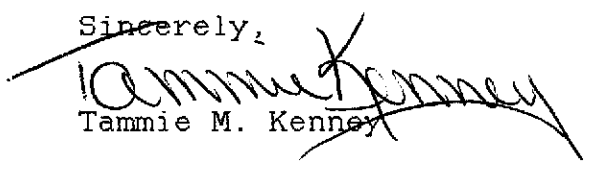
RE: Claim No. 98-4245

Dear Sir or Madam:

This letter is to notified you that we have purchased the above referenced property from Mr. Chester R. Baker on April 28, 1992. Please transfer the water rights claim no. 98-4245 to Tammie M. Kenney, P. O. Box 864, Porthill, ID 83853, 208-267-7398.

Thank you for your attention to this matter. If you need any additional information verify this transfer, please do not hesitate to contact me.

Sincerely,


Tammie M. Kenney

INTER-DEPARTMENT MEMO — 1

FROM

Pat Stypa

DATE

10/31/83

TO

File 98-4245

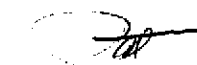
SUBJECT

Letter of Mr. and Mrs. Bill Kyser

Attached is a letter from Mr. and Mrs. Kyser taking exception to claim 98-4245. Also attached is a copy of our correspondence to them enclosing their letter and asking them to re-submit same in conformity with the Idaho Code.

To date, no re-submitted exception has been received from the Kysers.

MICROFILMED



SIGNATURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

September 29, 1983

Mr. and Mrs. Bill Kyser
Star Rt. 1
Bonners Ferry, Id. 83805

Re: 98-4245

Dear Mr. and Mrs. Kyser:

We hereby acknowledge receipt of your letter received on September 27, 1983, regarding the Claim to a Water Right filed by Chester R. Baker.

Please be advised that your letter will be placed in the file with Claim No. 98-4245; however, in order for it to be considered an official exception to this claim, you must re-submit it in affidavit form, in duplicate, indicating why you take exception to the claim of Mr. Baker, and sign it before a notary public.

We are, therefore, returning a copy of your letter in order to afford you the opportunity to file an exception which is in conformity with the Idaho Code.

If you have any questions, please contact this office.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

Enc. - Letter

RECEIVED

SEP 27 1983

98-4245

Department of Water Resources
Northern District Office

We would like to file a written protest to the application for water rights filed by Chester R. BAKER At Rt #1 Box 106A Bonners Ferry, Idaho Diverision P. NESW SEC 26 T65N R01W.

We don't feel Mr. Baker should have the right to divert or block up the water from the springs as the water crosses our property and is used by water fowl and wild life. The is visible nearly eleven months a year, but if he is granted water rights of 0.04 CFS will totally stop the spring from crossing our property and damage to wild life habitat may occur.

The property owner next to us has stopped one of the major springs that also feeds into our property and has greatly cut down the size of the water flow thru our property.

Mr. Bakers' priority date don't appear to be accurate as the property was not homestead until Nov 1906. Mr. Baker has had the property in his name only since 1957, also since that time his son and daughter have had the property in

their name and since 1979 the Mr Baker
had the property in his name.

I really don't feel that the ~~proper~~
property date should have any bearing
on Mr. Baker as neither he or his family
homesteaded the property.

Thank you.

B. E. Epperson
Carolyn H. Kypser
St. Rt. H. 1

Bonanza Jerry Idaho 83805

IRRIGATION

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 98-4245 Applicant Baker

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 [Signature] Date 7/26/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 8/9/83

RECEIVED
AUG 8 1983

Department of Water Resources

98-4245-

BAKER, CHESTER R.

STAR RT. 1 BOX 106A, BONNERS FERRY, ID 83805

Source: SPRINGS trib. to SINKS

Priority Date: 05/01/1906

Diversion Pt: NESW Sec 26 T 65N R 01W

Use: IRRIGATION	(0.04 CFS)
STOCKWATER	(0.04 CFS)
DOMESTIC	(0.04 CFS)

In: NWSW Sec 26 T 65N R 01W FOR 2 ACRES

RECEIVED

JUN 24 1983

Department of Water Resources
Northern District Office

June 24, 1983

WALLIC RIGHTS IRRIGATION, STOCK WATER, DOMESTIC

We would like to file a written protest to the Application for water rights filed by CHESTER R. BAKER. A.M. #1 Box 1069 Bonanza Ferry, Okla. Division Re NESW Sec 26 T45N R10W

We don't feel Mr. Baker should have the right to divert or block up the water from the springs as the water cross our property and is used by water, farm and wild life. The water is usable nearly clean months a year, but if he is granted water rights 0.04 CFS will totally stop the spring from crossing our property and damage wild life habitat. The property owner next to us has stopped one of the major springs that also feeds in to our property and has greatly cut down the size of the water flow thru our property.

Mr. BAKER priority date is not accurate as the property was not homesteaded until Nov 1906 and. Mr. Baker has had the property in his name only since 1957. Also since that time his son and daughter have had the property in their name and

only since 1979 has Mr. Baker had the property back in his name.

I really don't feel that the priority date should have any bearing on Mr. Baker as much as he & his family homesteaded the property.

Thank You

Bill and Carolyn Kyser

Dec 41

Bonnie Gerry Adams 83805

Sec 36 T65N R01W

Subject water rights to Omace Springs in Sec 36 T65N R01W that turned totally dry water from our property. and damage water flows and used life.

We ~~we~~ would ~~let~~ like to have a written answer from you to us.

RECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 27, 1983

Mr. and Mrs. Bill Kyser
Star Route 1
Bonners Ferry, Id. 83805

Re: 87-4245 Chester R. Baker

Dear Mr. and Mrs. Kyser:

We hereby acknowledge receipt of your letter of June 24, 1983, taking exception to Claim No. 98-4245 filed in the name of Chester R. Baker.

Please be advised that a copy of your letter will be placed in the file with Claim No. 98-4245. However, in order for your letter to become an official exception to this claim, you must submit it in affidavit form and have it signed before a notary public.

We are, therefore, returning a copy of this letter to you in order for you to re-submit in affidavit form. If you have any questions, please contact me at this office.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

Enc. - Correspondence

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

JUNE 11, 1983

CHESTER R. BAKER
STAR RT. 1 BOX 106A
BONNERS FERRY ID 83805

RE: Claim No. 98-4245

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

RECORDED
INDEXED