

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Walters and Barbara Watkins
(name of claimant)

of Str. B3 Bonners Ferry Id. 83805, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) two springs or wells
#s 1 and 2, tributary to, _____

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

Amount <u>0.04</u>	Use <u>domestic</u>	Period of Use: From <u>year around</u> To _____
Amount <u>0.02</u>	Use <u>stock</u>	Period of Use: From <u>year around</u> To _____
Amount <u>0.02</u>	Use <u>irri.</u>	Period of Use: From <u>May</u> To <u>Sept 30</u>
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

(3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 36 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) in 1930^s

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

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

B.W. SE 1/4 Sec. 23 Twp. 62N Rge. 1E B.M. County of Boundary
Additional points of diversion: Water is piped from spring #2 into spring #1 from spring #1 into our house

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. Spring #1 has about 400 gal capacity Spring #2 about 600 gal. pipe is 1 inch gravity flow

(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.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
62N	1E	23	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
																			1
																			1

Total No. of acres _____

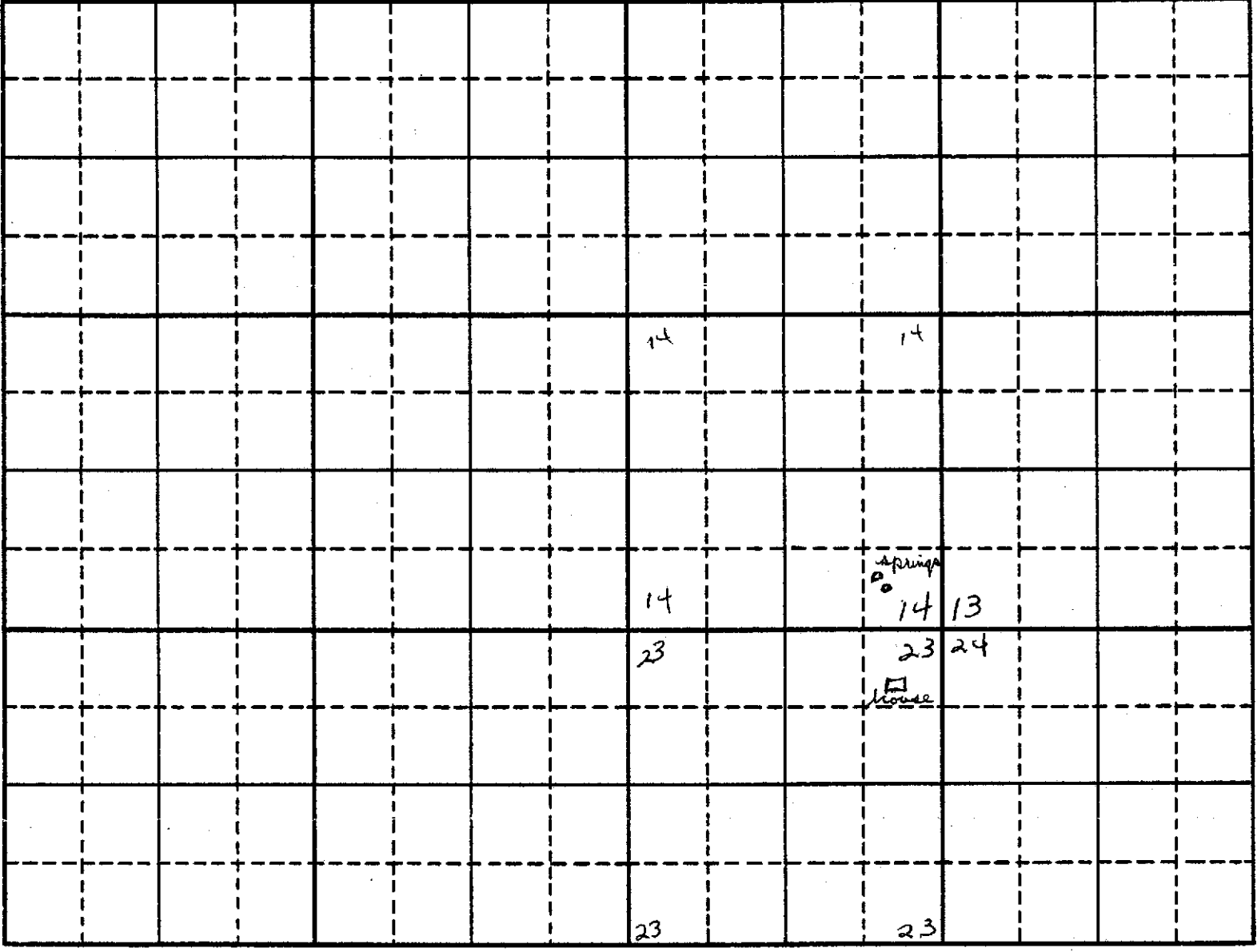
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
1 domestic and stock, up to 10 head of cattle

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

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(8) Remarks last year spring #1 would go dry, after
running one sprinkler off of it, in 1 1/2 hrs.

The springs are inclosed with boards, I suppose they could
be called wells.



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 affiants knowledge.

Barbara Watkins
(Claimant)

Sworn to before me this 13 day of June, 19 78.

Betty Gross
Notary Public

Residing at Bonners Ferry, Id

My commission expires Life

For Department Use Only			
Received by <u>B. Gross</u>	Date <u>6-18-78</u>	Exception filed by:	Forwarded to claimant by:
Prelim. check by <u>KK</u>	Date <u>6/27/78</u>		
\$10.00 fee received by <u>12</u>	Date <u>6-28-78</u>		
Approved for publication by			
Published in <u>Bonners Ferry Record</u>			
Dates <u>7-24-78</u>			
<u>7-21-78</u>			

FIELD MAP SHEET

T. 62 N. R. 1 E. Sec. 14 & 23 Subdiv. Travis Cave Tract (Private) N.P.

Mapped by Steve Anderson Reviewed by _____ Scale 8 inches = 1 Mile

October 5, 1976

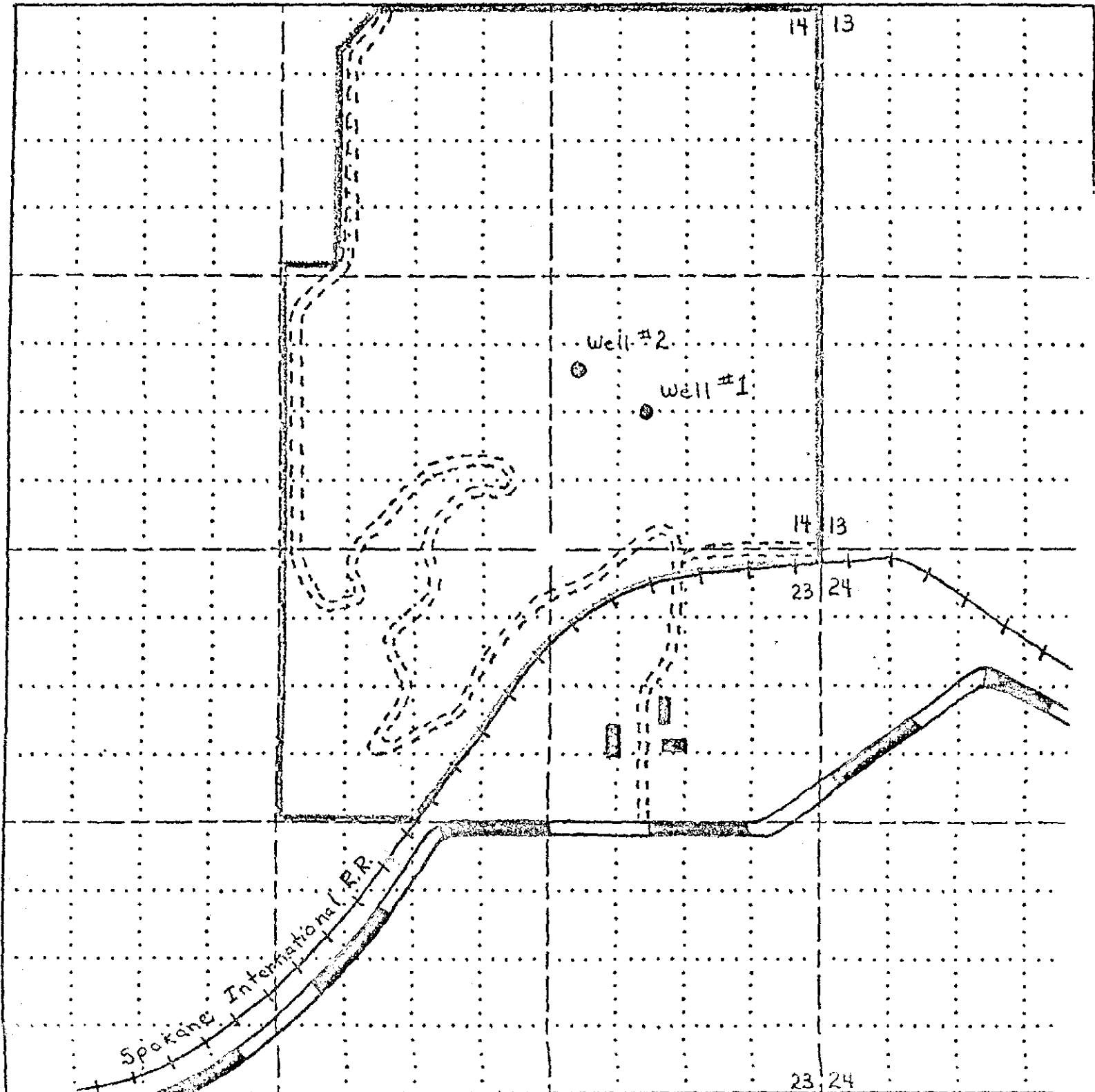


Exhibit B

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 98-4098

Notice is hereby given that Walter & Barbara Watkins, Star Rt. 3, Bonners Ferry, Id., has filed a claim to a water right established by diversion and application to beneficial use of 0.08 cubic feet per second of water from 2 springs with point of diversion in the SE $\frac{1}{4}$ Sec 14, T62N, R1E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.04 cfs) and stock-water (0.02 cfs) and from May 1 to Sept. 30 for the irrigation of 1 acre (0.02 cfs) with a priority of 1930; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 23, T62N, R1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Id., on July 6 and July 13, 1978.

STATE OF IDAHO

County of Boundary

ss.

Echo Turnbull, bkpr. for Pete Thompson being 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 Idaho Dept. of Water Resources

a Notice of Claim #98-4098

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 July 6, 1978, and ending with the issue dated July 13, 1978.

Subscribed and sworn to before me this 18 day of July, 1978.

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

WILSON & WALTER
ATTORNEYS AT LAW

PETER B. WILSON
NEIL O. WALTER

205 W. KOOTENAI
PHONE 267-3127
267-3128
P. O. BOX 749
BONNERS FERRY, IDAHO — 83805

August 3, 1978

State of Idaho
Department of Water Resources
Northern Region
4055 Government Way
Coeur d'Alene, Idaho 83814

Re: Notice of Claim No. 98-4098

Attn: Alea Beito, Secretary

Gentlemen:

To supplement our affidavit, we enclose
herewith a copy of the warranty deed which
expresses the limited interest.

Would you please advise if a hearing is
to be held and if so when. Thank you.

Very truly yours,

WILSON & WALTER

Peter B. Wilson

PBW/kpc
Enc

RECEIVED
AUG 4 1978

Department of Water Resources
Northern District Office

WARRANTY DEED

WARRANTY DEED made this 6th day of Dec, 1976,
between TRAVIS CAVE and JOANN CAVE, husband and wife, hereinafter
referred to as "Grantors", and LOUISIANA-PACIFIC CORPORATION, a
Delaware corporation, hereinafter referred to as "Grantee".

WITNESSETH:

Grantors, for and in consideration of the sum of Ten Dollars
(\$10.00), receipt of which is hereby acknowledged, have granted,
bargained and sold, and do by these presents grant, bargain, sell,
convey and confirm unto Grantee and its successors and assigns
forever, all of the following described real property situated
in the County of Boundary, State of Idaho:

All that part of the North Half of the Northeast
Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 23, Township 62 North,
Range 1 East, B.M., lying North of the Spokane
International Railroad right-of-way, and the
Southeast Quarter (SE $\frac{1}{4}$) of Section 14, LESS a
tract described as: Commencing at the center
quarter section corner of said Section 14, which
is the real point of beginning, thence North 89°
43'41" East 490.17 feet along the east-west corner
section line to a point, thence South 38°20'51"
West 350.64 feet to a point, thence South 01°10'
35" East 1044.70 feet to a point, thence South
89°43'41" West 267 feet to the Southwest corner
of the Northwest Quarter of the Southeast Quarter
(NW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 14, thence North 01°10'
35" West 1318.71 feet to the center quarter sec-
tion corner of said Section 14, the real point
of beginning, all in Township 62 North, Range 1
East, B.M.

Together with all and singular the tenements, hereditaments and
appurtenances thereunto belonging or in anywise appertaining, the
reversion and reversions, remainder and remainders, rents, issues

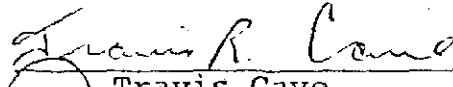
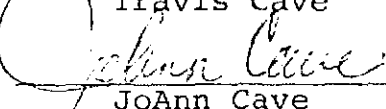
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and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity; excepting only therefrom a limited easement for an existing pipe and right-of-way for repair or maintenance of such pipe from well #1, shown on the field map sheet marked Exhibit A attached hereto and incorporated by reference herein, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14 to the house in the NE $\frac{1}{4}$,NE $\frac{1}{4}$ of Section 23, all in T62N, R1E, B.M. Such limited easement shall be for a period of ten (10) years, expiring December 31, 1986, and may be renewed for successive ten (10) year terms upon written application by Grantors and consent by Grantee, which consent shall not be unreasonably withheld. *

To have and to hold, all and singular the above-described premises, together with the appurtenances unto Grantee and its successors and assigns forever.

Grantors and their heirs shall and will warrant and by these presents forever defend the premises in quiet and peaceable possession of Grantee, its successors and assigns against Grantors and their heirs, and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantors have hereunto set their hands on the day and year first above written.


Travis Cave

JoAnn Cave

STATE OF Oregon)
County of Clatsop) ss

On this 6th day of Dec, 1976, personally appeared before me, a Notary Public for said County and State, the within named TRAVIS CAVE and JOANN CAVE, to me known to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Merle Whalen
Notary Public in and for
said County and State
My Commission expires: Jan 15, 1979

122961

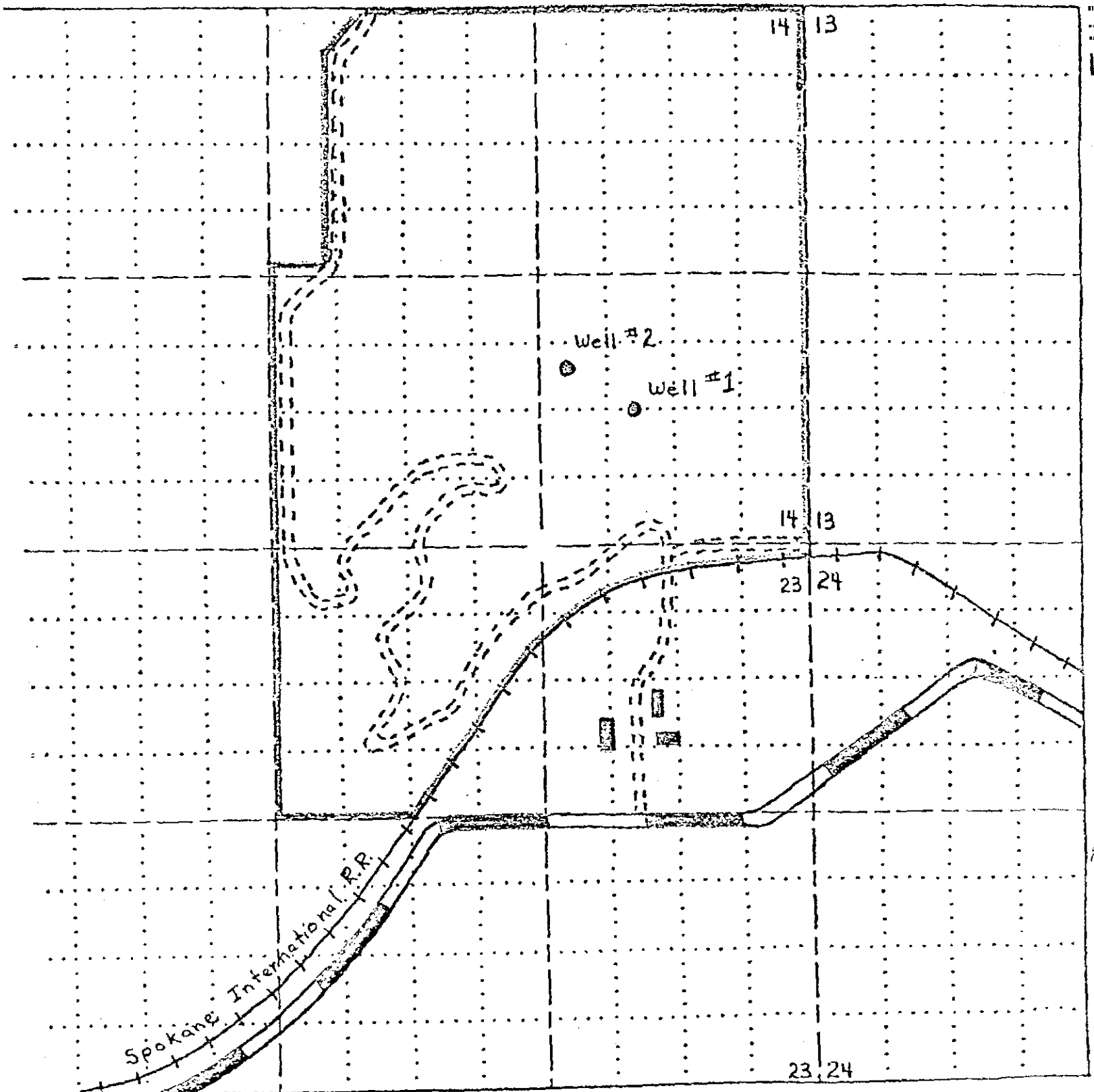
Wilson & Walter
17 Dec. 1976 4:30
Instrument 224
P. Brazier
4⁰⁰

FIELD MAP SHEET

T. 62 N. R. 1 E. Sec. 14 & 23 Subdiv. Travis Cave Tract (Private) N.P.

Mapped by Steve Anderson Reviewed by _____ Scale 8 inches = 1 Mile

October 5, 1976



WILSON & WALTER
ATTORNEYS AT LAW

PETER B. WILSON
NEIL O. WALTER

205 W. KOOTENAI
PHONE 267-3127
267-3128
P. O. BOX 749
BONNERS FERRY, IDAHO — 83806

July 25, 1978

RECEIVED
JUL 27 1978
Department of Water Resources
Northern District Office

State of Idaho
Department of Water Resources
Northern Region
4055 Government Way
Coeur d'Alene, Idaho 83814

Re: Notice of claim No. 98-4098 *file*

Attn: Alea Beito, Secretary

Gentlemen:

We are returning the original letter, along with the affidavit requested. By your letter of July 17, 1978, we are acknowledging that you have notice of our exception whether we filed the affidavit or not as of the date you wrote the letter.

In any event, enclosed is the requested affidavit.

Very truly yours,

WILSON & WALTER

Peter B. Wilson

PBW/bas
Enc.

RECEIVED

WILSON & WALTER
ATTORNEYS AT LAW

PETER B. WILSON
NEIL O. WALTER

205 W. KOOTENAI
PHONE 267-3127
267-3128
P. O. BOX 749
BONNERS FERRY, IDAHO — 83805

July 10, 1978

Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Re: Notice of Claim No. 98-4098

Gentlemen:

This is to advise that pursuant to the instructions issued in the above notice, Louisiana-Pacific Corporation does file an exception to that claim on the grounds and for the reasons that the right to divert and use water on the premises described therein was given for a limited time by Louisiana-Pacific Corporation and not in perpetuity, and for the further reason that Louisiana-Pacific Corporation claims a prior right thereto.

Very truly yours,

WILSON & WALTER

Peter B. Wilson

pbw:rb

RECEIVED
JUL 12 1978

Department of Water Resources
Northern District Office

RECEIVED

WILSON & WALTER
ATTORNEYS AT LAW
P. O. BOX 749
BONNERS FERRY, IDAHO
83805
TELEPHONE: 267-3127

BEFORE THE STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In regards to the Claim No. 98-4098)
-----)
)

A F F I D A V I T

RECEIVED
JUL 25 1978
IDAHO DEPARTMENT OF WATER RESOURCES
BOISE, IDAHO

STATE OF IDAHO)
 : ss
County of Boundary)

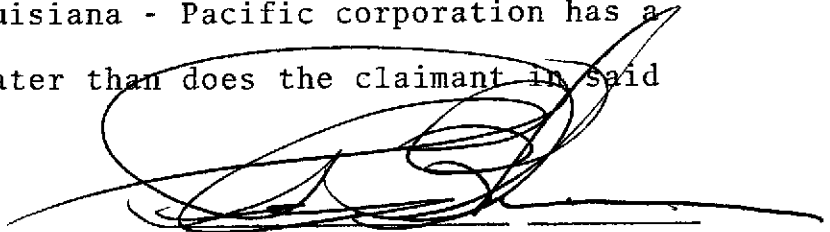
PETER B. WILSON, being first duly sworn, UPON HIS OATH,
deposes and says:

I.

For the purposes of this matter, the affiant is the
attorney for Louisiana - Pacific corporation.

II.

That affiant is informed and therefore states the fact
to be that the right to divert and use water on the premises
described in the above claim was given for a limited time by
Louisiana - Pacific corporation and not in perpetuity, and
further, that the Louisiana - Pacific corporation has a
prior right to the water than does the claimant in said
notice.



SUBSCRIBED and sworn to before me this 25 day of
July, 1978.


Notary Public for Idaho
Residing at Bonners Ferry



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 28, 1978

RE: Claim No. 98-4098

Walter & Barbara Watkins
Star Rt 3
Bonners Ferry, Id 83805

Dear Mr & Mrs Watkins,

In reference to the above claim the enclosed is a copy of an exception filed by Peter B Wilson, attorney at law for Louisiana-Pacific Corp., in connection with this claim under the provisions of Sec 42-244 of the Idaho Code, which states the following:

"At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, please feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

MAILING LABEL

July 28, 1978

RE: Claim No. 98-4008

Peter B Wilson
Attorney at Law
PO Box 749
Bonners Ferry, Id 83805

Dear Mr Wilson,

We have received your correspondence concerning the above referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244 of the Idaho Code):

"At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

MINOTRY



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
667-6484

COEUR D' ALENE, IDAHO 83814

July 21, 1978

RE: Claim No. 98-4098

Walter & Barbara Watkins
Star Rt 3
Bonners Ferry, Id 83305

Dear Mr & Mrs Watkins,

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a 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 supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

July 17, 1978

Peter B Wilson
Wilson & Walter
PO Box 749
Bonners Ferry, Id 83805

RE: Notice of Claim No. 98-4098

Dear Mr Wilson,

I am returning to you the exception filed on the above referenced claim by your office on July 10, 1978. Section 42-244 of the Idaho Code specifies that exceptions must be filed in affidavit form.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

ALEA BEITO
Secretary

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 29, 1978

RE: Applications No. 98-7265, 98-7266, & 98-7267.
Claim No. 98-4098

Bonnars Ferry Herald
PO Box 530
Bonnars Ferry, Id 83805

Enclosed is 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. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Handwritten: Received
9-21-78
[Signature]

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4098

Notice is hereby given that Walter & Barbara Watkins
Star Rt 3, Bonners Ferry, Id
has filed a claim to a water right established by diversion and application
to beneficial use of 0.08 cubic feet per second ~~gallons per minute~~
of water from 2 springs
with point of diversion in the SE1/4, Sec 14, T62N, R1E, B.M., Boundary
County

The water is claimed to be used from _____
Jan 1 to Dec 31 for domestic (0.04 cfs) and stockwater (0.02 cfs) and
from May 1 to Sept 30 for the irrigation of 1 acre (0.02 cfs)
with a priority of 1930;
the place of use is within the S1/4NE1/4, Sec 23, T62N, R1E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho,
83814.

C. STEPHEN ALLRED
Director

Published in the Bonnara Ferry Herald, Bonners Ferry, Id
on July 6 and July 13, 1978

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 28, 1978

RE: Application No. 98-4098

Walter & Barbara Watkins
Star Rt 3
Bonners Ferry, Id 83805

Dear Mr & Mrs Watkins,

Attached is your receipt No. 10966 in the amount of \$ 10.00 for the
filing fee on the above referenced item which was received in this office.

Very truly yours,

Alea Beito
Secretary

AB

Attachment

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 20, 1978

Walter & Barbara Watkins
Star Rt 3
Bonners Ferry, Id 83805

Dear Mr & Mrs Watkins,

I am returning your check #92-95 in the amount of \$10.00 and your Claim to a Water Right for clarification.

The field map sheet you supplied does not agree with the claim. The field map shows 2 points of diversion (spring, well) in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 14. It does not show a house in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 23, but it does show three buildings in the SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Please clarify these differences and return the claim to this department with the \$10.00 filing fee prior to July 1, 1978. As of that date, the fee will increase to \$20.00.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,


TOM KING
Senior Water Resource Agent

TK:ab

Enclosure

RECEIVED
JUN 27 1978
Department of Water Resources
Northern District Office

June 20, 1978

Walter & Barbara Watkins
Star Rt 3
Bonners Ferry, Id 83805

Dear Mr & Mrs Watkins,

I am returning your check #92-95 in the amount of \$10.00 and your Claim to a Water Right for clarification.

The field map sheet you supplied does not agree with the claim. The field map shows 2 points of diversion (spring, well) in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 14. It does not show a house in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 23, but it does show three buildings in the SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Please clarify these differences and return the claim to this department with the \$10.00 filing fee prior to July 1, 1978. As of that date, the fee will increase to \$20.00.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

Enclosure

MICROFILMED