

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 FRANK W. KUNTZ
(name of claimant)

of Box 170, STAR ROUTE, BONNERS FERRY, ID., 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) SPRING
_____, 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 0.04 Use DOMESTIC Period of Use: From JAN 1 To DEC 31

Amount 0.02 Use STOCKWATER Period of Use: From JAN 1 To DEC 31

Amount Use Period of Use: From To
(cfs, gpm (dom., irri., (both dates inclusive)
or a/f stock, etc.)

- (3) Total quantity of water claimed: 0.04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1898

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)

NW ¼ NW ¼, Sec. 24 Twp. 62N 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. COLLECTION BOX WITH

PIPELINE TO PLACE OF USE

- (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]

Total No. of acres _____

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

STOCKWATER - 25 HEAD

DOMESTIC USE = ONE HOUSEHOLD

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

A hand-drawn diagram on a grid background. The diagram shows a horizontal line with a point labeled 'O' on the left. To the right of 'O', there are two points labeled 'R-1E' and 'T-62N' stacked vertically. A dashed line connects 'O' to 'R-1E'. A solid line connects 'O' to 'T-62N'. A dashed line also connects 'R-1E' to 'T-62N'.

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.

Received by <u>KIC</u>	Date <u>8/4/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KIC</u>	Date <u>8/4/77</u>	<u>#5702</u>	claimant by:	
\$10.00 fee received by <u>KIC</u>	Date <u>8/4/77</u>			
Approved for publication by <u>[Signature]</u>				
Published in <u>Brooklyn Daily Herald</u>				
Dates <u>August 18 - 25, 1977</u>				
<u>01-9-13-22-23</u>				

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 98-4079**

Notice is hereby given that Frank W. Kuntz, Box 170 Star Route, Bonners Ferry, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from Spring with point of diversion in the NW- $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T62N, R1E B.M. Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 (0.04) for domestic and (0.02) for stockwater purposes, with a priority of 1898; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, 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, Idaho on August 18 and August 25, 1977-idwr

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C. STEPHEN ALLRED
Director

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Boundary

ss.

Echo Turnbull, bkpr. for W. H. Chubb 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 #98-4079

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 Aug. 18, 1977, and ending with the issue dated Aug. 25, 1977

Subscribed and sworn to before me this 15 day of Sept, 1977

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

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County of Boundary } ss.

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Subscribed and sworn to before me this 10 day of Sept, 19 77

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

January 13, 1992

RE: Water Right License Nos. 98-7080 and 98-7212
Water Right Claim No. 98-4079

Michael L. Peterson
Elizabeth M. Peterson
HCR 85 Box 341
Bonners Ferry, ID 83805

Dear Water Right Holders:

We are in receipt of the correspondence concerning ownership of the above referenced water rights.

The former owners listed on the assignment, Howard and Darlene Harms, are not listed in our database as the owners of record. Also, the land description provided does not include 98-7212.

In Idaho, licensed or claimed water rights are considered real property; therefore, proof of owning the land is proof of owning the water rights unless specifically excluded in the sale. We have placed your correspondence in the files for future reference only.

If you have any questions, please let us know.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

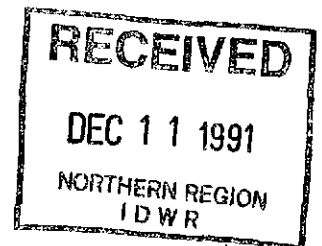
RECEIVED

FEB 12 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)



DATE OF CLOSING: 11-1-91

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED SHEET (ONE)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR:

98-7089, 98-7212, 98-4079

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

HOWARD & DARLENE HARMS
HCR 85 Box 341

Department of Water Resources

☐ New Owner/Claimant
(Purchaser):

BONNERS FERRY, ID 83805
MICHAEL L. & ELIZABETH M. PETERSON

☐ New Mailing Address:

HCR 85 Box 341
BONNERS FERRY, ID 83805

☐ New Telephone Number:

(208) 267-3474

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s)

Michael S. Peterson Date 12-2-91
Elizabeth M. Peterson Date 12-3-91

☐ Signature of Former
Owner/Claimant(s):

Howard Harms Date 12-3-91
Darlene Harms Date 12-3-91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

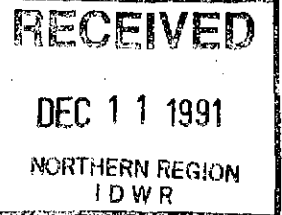
Date: _____ By: _____

Claim Numbers of Split, if any:

FEB 12 1992

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Section 24
TWP 62
Range 1E



#153634

- 8-87 The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 24, lying north of the county road (as it existed July 1, 1987) and south of the railroad right of way.

AND ALSO that part of the westerly nine and one-half (9 $\frac{1}{2}$) rods of the Northeast Quarter of the Northwest Quarter of Section 24, lying north of the county road as it existed July 1, 1987 and south of the railroad right of way.

Approx. 17.35 Acres

Howard Harms

Section 24
TWP 62
Range 1E

154512

- 10-87 A tract of land in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13 and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24;

Beginning at a point on the south line of said Section 13 which is South 89° 48' 26" East, 864.62 feet from the southwest corner of the Section; thence North 28° 58' 06" East, 63.93 feet; thence South 89° 48' 26" East, 93.98 feet; thence South 08° 48' 18" West, 56.67 feet to the section line between said Sections 13 and 24; thence continuing into Section 24, South 08° 48' 18" West, 306.74 feet, to a spiral curve on the northerly right of way of the Union Pacific Railroad;

thence along said spiral curve to a chord bearing of North 50° 53' 55" West for a distance of 171.68 feet; thence on a circular curve to the left (Chord= North 55° 49' 34" West 38.80 feet) having a central angle of 02° 13' 24" with a radius of 999.94 feet for a distance of 38.80 feet; thence, leaving said right of way North 28° 58' 06" East, 198.25 feet, to the true point of beginning

Approx 1.000 acres FEB 12 1992

Howard Harms



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 22, 1987

RE: Water Right Nos. 98-4079/7089/7212

Nystrom, Hanks & Cowley
c/o Frank A. Hanks
Box 48
Naples, ID 83847

Gentlemen:

We are in receipt of an Assignment of the above referenced water rights.

In my review of the files, I find that licenses have been issued on permit Nos. 98-7089 & 98-7212. Also, right 98-4079 is a claim to a water right and not a permit.

I have enclosed a copy of each right for your records. Since in Idaho a licensed right and a claim to a water right are considered real property, the water rights were acquired when the property was purchased unless the sale specifically excluded the rights.

I have changed the department records to show you as the current owners of the rights. If we can be of any further assistance, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

RECEIVED
MAY 13 1987

RECEIVED
APR 13 1987

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

Department of Water Resources

I, FRANK W. KUNTZ, hereby assign to NYSTROM, HANKS AND COWLEY, co-partners, all my right, title and interest in and to Permit No. 98-7089; 98-7212; 98-4079 to appropriate the public waters of the State of Idaho.

Made this 13th day of March, 19 87.

STATE OF IDAHO }
County of Boundary } ss **0152640**

Don Nystrom
Box 48, Naples, Idaho 83847

Frank W. Kuntz
FRANK W. KUNTZ (Permit Holder)

on the 3rd day of Apr, 19 87 at 9:25 A.M. in Idaho County of Idaho

Viona L. Kuntz
VIONA L. KUNTZ (Spouse of Permit Holder)

of Idaho on page 212

By K. Larson 2nd fd

STATE OF IDAHO)
County of _____) ss. MAILED

On this 13th day of March, 19 87, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.

William B. Miller
Notary Public residing at: Gila Bend, Az.
My Commission Expires Oct 31, 1990

NOTE: NYSTROM, HANKS AND COWLEY is a co-partnership consisting of Donald O. Nystrom and Nadine L. Nystrom, husband and wife; Tom Roy Cowley and Virginia R. Cowley, husband and wife; and Frank A. Hanks and Kathleen Hanks, husband and wife; whose address is P.O. Box 48, Naples, ID 83847

MICROFILMED

MAY 13 1987



STATE OF IDAHO

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

COEUR D' ALENE, IDAHO 83814

September 20, 1977

RE: Claim No. 98-4079

Frank W Kuntz
Box 170 Star Rt
Bonners Ferry, Id 83805

Dear Mr Kuntz,

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



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

August 11, 1977

RE: Applications No. 98-7213, 98-7212, 98-7214..
Claim No. 98-4079

Bonnors Ferry Herald
PO Box 539
Bonnors Ferry, Id 83805

Gentlemen:

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)

Received
9.19.77
[Signature]

NOTICE OF CLAIM TO A WATER RIGHT

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