CONSERVATION PLAN

Prepared by SOIL CONSERVATION SERVICE • UNITED STATES DEPARTMENT of AGRICULTURE
cooperating with
Boundary

OWNER Alton Chapel
OPERATOR Boundary
Idaho

FARM NO
SCALE 1" = 660'
PHOTO NO EW-3V-129
DATE 10/72
ACRES 283

NOT APPROVED

Claim No. 98-4071

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 William O. &/or Frances Conley (name of claimant)

of East 12506 - 16th Ave., Spokane, Wash. 99216 (mailing address), claims a right to the diversion and beneficial use of 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) Unnamed Stream, tributary to, Kootenai River

(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	Use	Period of Use: From	To
	0.02 cfs	Domestic	June 1	Oct. 31
	1.22 cfs	Irrigation	June 1	Oct. 31
	_____ (cfs, gpm or a/f)	_____ (dom., irri., stock, etc.)	_____	_____ (both dates inclusive)

(3) Total quantity of water claimed: 1.22 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) June 1, 1970

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 SE ¼, Sec. 1 Twp. 62N Rge. 2E 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. Pond and pump.

(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.

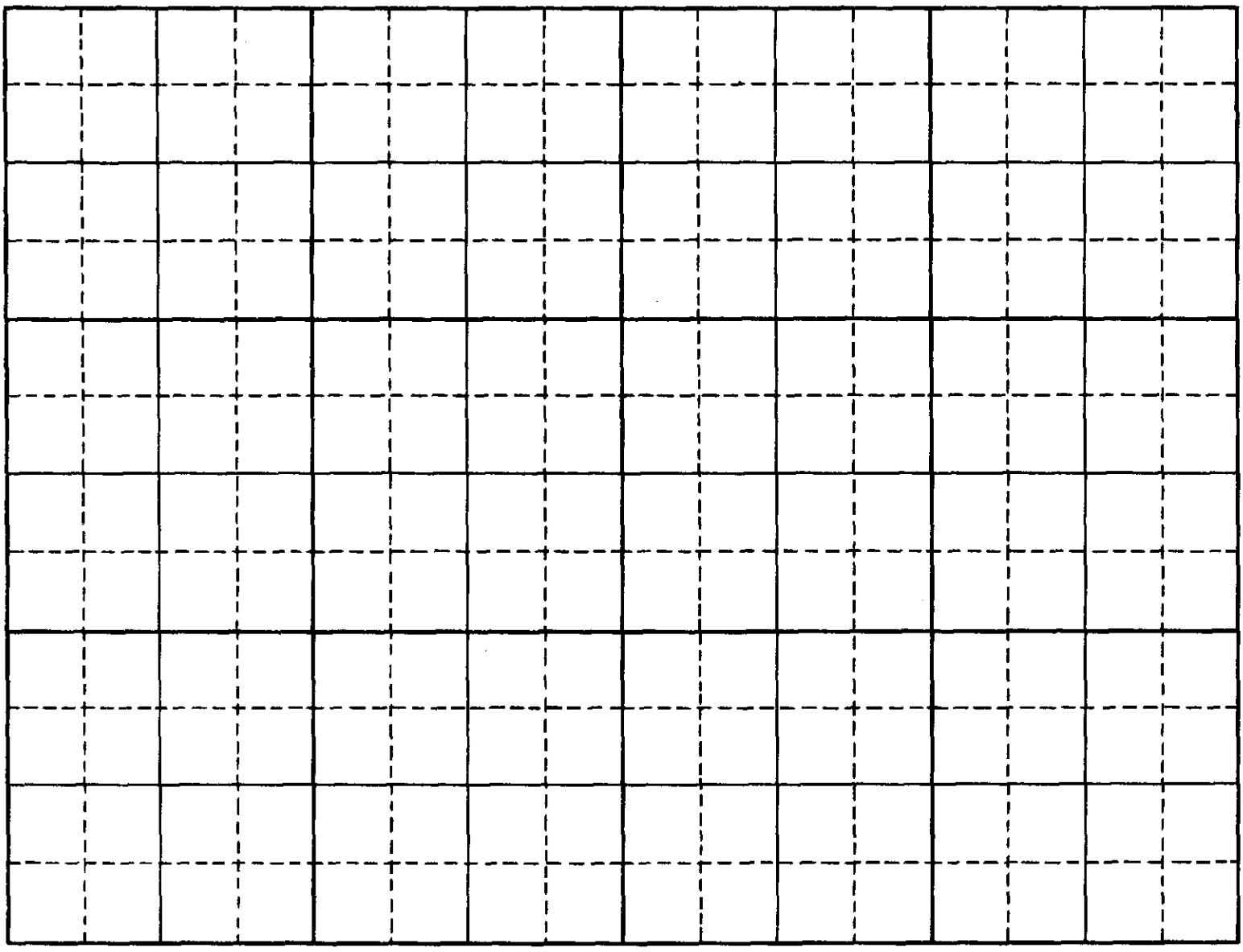
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
62N	2E	1									15			32		5	9		61
62N	2E	1														X			

Total No. of acres 61

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic purposes for irrigation of lawn and garden.

(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)
) ss.
County of Kootenai)

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.

William O. Conley
(Claimant)

Sworn to before me this 14 day of October, 1976.

Robert G. Haynes
Notary Public
Residing at Cd A

My commission expires Life

Rec. #4818

For Department Use Only

Received by RJH	Date 10-14-76	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by RJH	Date 10-14-76			
$10.00 fee received by cp	Date 10-14-76			
Approved for publication by				
Published in Bonners Ferry Herald				
Dates 10-21 &10-28-76				

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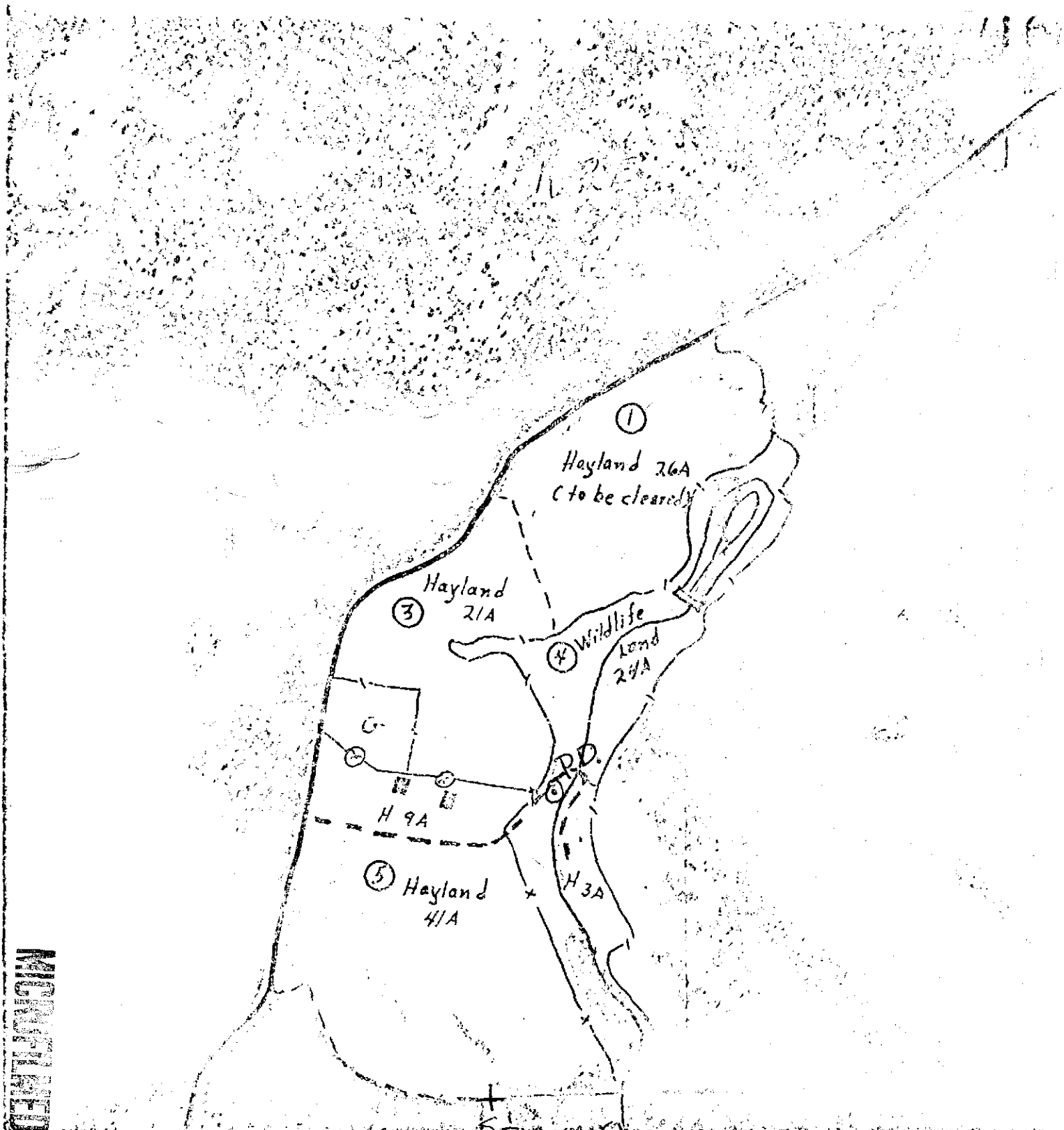

NOTICE OF CLAIM TO A WATER RIGHT
NO. 98-4071

Notice is hereby given that William O. &/or Frances Conley, E. 12506 - 16th Avenue, Spokane, Washington have filed a claim to a water right established by diversion and application to beneficial use of 1.22 cubic feet per second of water from an Unnamed Stream, tributary to the Kootenai River with point of diversion in the NW¼SE¼, Sec. 1, T. 62N, R. 2E, B.M., Boundary County.

The water is claimed to be used from June 1 to Oct. 31 for domestic purposes (0.02 cfs) and the irrigation of 61 acres (1.22 cfs) with a priority of June 1, 1970; the place of use is within the E½SW¼, W½SE¼ (irrigation), NW¼SE¼ (domestic), Sec. 1, T. 62N, R. 2E, 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.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Oct. 21 and Oct. 28, 1976.-idwr

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 9 1976
Department of Water Resources
Northern District Office

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 #98-4071

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 Oct. 21, 1976, and ending with the issue dated Oct. 28, 1976

Echo Turnbull, bkpr.

Subscribed and sworn to before me this 5 day of Nov., 1976

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

RECEIVED
NOV 9 1976
Department of Water Resources
Northern District Office

Moyie Springs, Idaho 83845
November 1,1976

RECEIVED
NOV 3 1976
Department of Water Resources
Northern District Office

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

Gentlemen:

The following is an exception filed against water right number 98-4071, published in the Bonners Ferry Herald October21 and 28. I am basing my exception on the following reasons:

1. Tributary listed as Unnamed, is in affect Dunning Creek.
2. Dunning Creek is identified on SCS maps as an intermittent stream.
3. Volume of water to be used for irrigation purposes (1.22 cfs), is in excess of stream flow during the period June 1 to October 31.

I have no exception with the claim for the domestic water right, my main concern is the considered use of more water than is there.

Yours Truly,

Leonard Kucera

Leonard Kucera
Permit Number 98-4062

State of Idaho)
County of Boundary) ss.

On this 8th day of November in the year of 1976, before me a Notary Public, personally appeared LEONARD C. KUCERA, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Ruth M. Hughes

Notary Public, residing at Bonners Ferry, ID
My bond expires 2-27-78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

November 10, 1976

Re: Claim to a Water Right No. 98-4071

William O. & Frances Conley
East 12506 - 16th Avenue
Spokane, WA 99216

Dear Mr. and Mrs. Conley:

In reference to the above claim, the enclosed is a copy of an exception filed by Leonard Kucera in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

> "At any time after filing a claim under the provisions of this 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 a 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.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

November 10, 1976

Re: Claim to a Water Right No. 98-4071 - Conley

Mr. Leonard Kucera
Moyie Springs
Idaho 83845

Dear Mr. Kucera:

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 42-225b of the Idaho Code):

> "At any time after filing a claim under the provisions of this 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 a 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.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH: CP

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
Route 5, Box 203 - Suite #1
4055 N. Government Way
COEUR D' ALENE, IDAHO 83814
(208) 667-6484

November 10, 1976

Re: Claim to a Water Right No. 98-4071

William O. &/or Frances Conley
East 12506 - 16th Avenue
Spokane, WA 99216

Dear Mr. and Mrs. Conley:

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.

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH:CP

Enclosure

November 3, 1976

Re: Claim to a Water Right No. 98-4071 - Wm. O. &/or Frances Conley

Mr. Leonard Kucera
Moyie Springs
Idaho 83845

Dear Mr. Kucera:

We are returning your correspondence in connection with the above referenced Claim to a Water Right. Section 42-225b of the Idaho Code states that any exception filed must be submitted in affidavit form. If you could have your signature on the enclosed letter notarized, we can then enter the information in Mr. and Mrs. Conley's claim file.

Please return the letter to our office after it has been notarized. Your assistance in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

October 15, 1976

Re: Claim No. 98-4071 - William O. &/or Frances Conley

Bonners Ferry Herald
P.O. Box 539
Bonners 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:cp

Enc: Legal Notice(s)

Bill: 11-9-76.4

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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.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Oct. 21 and Oct. 28, 1976

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O.K. 10-21-76 C

The water is claimed to be used from June 1 to Oct. 31 for domestic purposes (0.02 cfs) and the irrigation of 61 acres (1.22 cfs) with a priority of June 1, 1970; the place of use is within the E½SW¼, W½-SE¼ (irrigation), NW¼SE¼ (domestic), Sec. 1, T. 62N, R. 2E, B.M.

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R. KEITH HIGGINSON
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