

No Color  
Documents  
In File

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
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 James McElhose (name of claimant)  
of Star Route 2, Bonners Ferry, Idaho, (mailing address), claims a right to the diversion and beneficial use of ground water or surface water tributary to Round Prairie Creek;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Miller Creek
- (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 | 0.02              | Use | domestic                   | Period of Use: From | 1/1 | To | 12/31                  |
| Amount | 0.02              | Use | Irrigation                 | Period of Use: From | 5/1 | To | 9/30                   |
| Amount |                   | Use |                            | Period of Use: From |     | To |                        |
|        | (cfs, gpm or a/f) |     | (dom., irri., stock, etc.) |                     |     |    | (both dates inclusive) |

(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) 6/1/51

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)  
SW ¼ NW ¼, Sec. 35 Twp. 65 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. 1 3h.p. Brigg-Stratton pump w/1-3/4" plastic pipe to sprinkler system

(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.

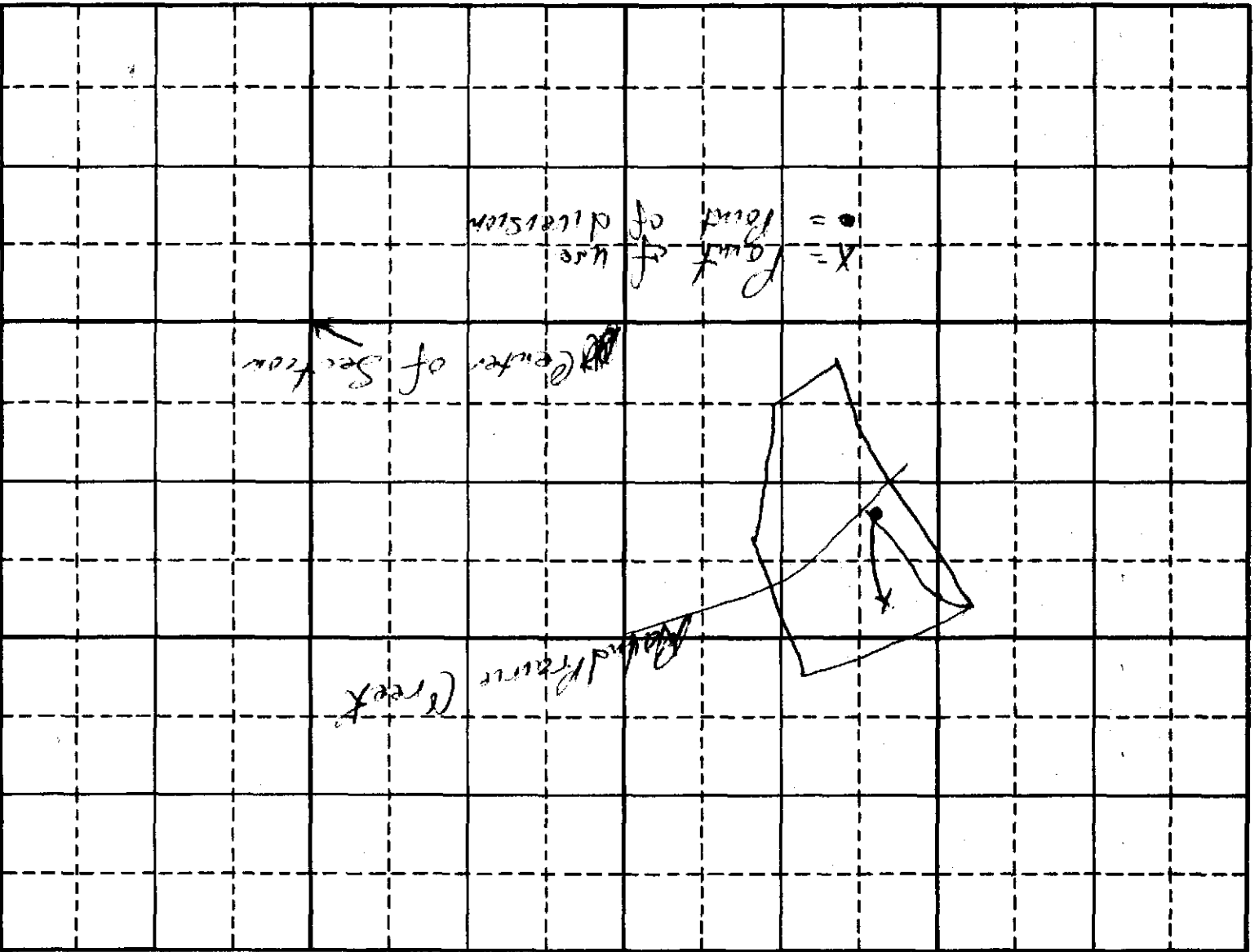
| T  | R  | SEC. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | TOTAL |
|----|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
|    |    |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |       |
| 65 | 1E | 35   |      |      |      |      |      |      | X    |      |      |      |      |      |      |      |      |      | 0.02  |
|    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |

Total No. of acres 1/8

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:  
That not used for irrigation is used domestically

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

N ↓  
35165-N-K1E5M



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 Boundary

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.

Sworn to before me this 2nd day of May, 1974.

*James O. McElroy*  
(Claimant)

Notary Public

Residing at Bonners Ferry

My commission expires 11/25/77

For Department Use Only

Received by *CP* Date *5-20-74*  
Prelim. check by *CP* Date *5-20-74*  
\$10.00 fee received by *CP* Date *5-20-74*  
Approved for publication by *CP* Date *5-20-74*  
Published in *BONNERS FERRY HERALD* 5-30 + 6-6-74  
Dates

Exception filed by: *5-8-74*  
Forwarded to claimant by: *5-20-74*  
Date

# NOTICE OF CLAIM TO A WATER

## RIGHT

NO. 98-4049

Notice is hereby given that James McElhose, Star Route 2, 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 Miller Creek with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 65N, R. 1E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purpose (0.02 cfs); and from May 1 to Sept. 30 for the irrigation of  $\frac{1}{8}$  acre (0.02 cfs) with a priority of June 1, 1951; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 65N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON  
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on May 30 and June 6, 1974-ldwa

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Boundary

ss.

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 Administration

a Notice of Claim #98-4049 McElhose

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 May 30, 1974, 196, and ending with the issue dated June 6, 1974, 196.

Subscribed and sworn to before me this

day of

June, 19674

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

98 4049

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**  
**NORTHERN DISTRICT OFFICE**



Cecil D. Andrus  
*Governor*  
R. Keith Higginson  
*Director*

401 Front Ave., Rm. 209  
Coeur D'Alene, Idaho 83814  
(208) 667-6484

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

June 18, 1974

Re: Claim to a Water Right No. 98-4049

Mr. James McElhose  
Star Route 2  
Bonners Ferry, ID 83805

Dear Mr. McElhose:

The Department of Water Administration 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 this 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, feel free to contact us.

Very truly yours,

FRED EISENBARTH  
Northern District Manager

FE:cp

Enclosure

cc: Peter B. Wilson, Attorney

98 4049

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

401 Front Ave., Rm. 209  
Coeur D'Alene, Idaho 83814  
(208) 667-6484

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

May 28, 1974

Re: Claim to a Water Right No. 98-4047 - Queen Mountain Lumber Co., Inc.  
" " " " " " 98-4048 - " " " " "  
" " " " " " 98-4049 - James McElhose

Mr. Peter B. Wilson  
WILSON & WALTER  
Attorneys at Law  
P.O. Box 749  
Bonners Ferry, ID 83805

Dear Mr. Wilson:

Attached are your receipt Nos. 14094 in the amount of \$10 and 14095 in the amount of \$20 for the filing fees on the above referenced claims which were received in this office.

Very truly yours,

FRED EISENBARTH  
Northern District Manager

FE:CP

Enclosures

98 4049

May 24, 1974

Re: Claim No. 98-4046  
" " 98-4047

Claim No. 98-4048  
" " 98-4049

Bonnors Ferry Herald  
P.O. Box 539  
Bonnors Ferry, ID 83805

Gentlemen:

Enclosed are legal notices 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 galley proofs for review before publication.

After sending us galley proofs, proceed with the publications on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publications. If you cannot publish the notices on the proposed dates, please contact us immediately.

Affidavits of publication must be submitted to this office along with the publication bills. Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH  
Northern District Manager

FE:CP

Enc: Legal Notices (4)

Bill Submitted 6-17-74 by sp

98 4049

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4049

Notice is hereby given that James McElhose,  
Star Route 2, 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 ~~gallons per minute~~  
of water from Miller Creek  
with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 65N, R. 1E, B.M.,  
Boundary County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic  
purposes (0.02 cfs); and from May 1 to Sept. 30 for the irrigation of  
1/8 acre (0.02 cfs)  
with a priority of June 1, 1951;  
the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 65N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho  
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho  
83814.

R. KEITH HIGGINSON  
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho  
on May 30 and June 6, 1974

98 4049

**NOTICE OF CLAIM TO A WATER  
RIGHT**

**NO. 98-4049**

Notice is hereby given that James McElhose, Star Route 2, 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 Miller Creek with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 65N, R. 1E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purpose (0.02 cfs); and from May 1 to Sept. 30 for the irrigation of  $\frac{1}{8}$  acre (0.02 cfs) with a priority of June 1, 1951; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 65N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON  
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on May 30 and June 6, 1974-idwa

38 4049

WILSON & WALTER  
ATTORNEYS AT LAW

PETER B. WILSON  
NEIL O. WALTER

205 W. KOOTENAI  
PHONE AN 7-3127  
AN 7-3128  
P. O. BOX 749  
BONNERS FERRY, IDAHO 83805

May 17, 1974

Mr. Fred Eisenbarth  
Northern District Manager  
Department of Water Administration  
401 Front Avenue, Room 209  
Coeur d'Alene, Idaho 83814

Re: James McElhose

Dear Mr. Eisenbarth:

Thank you for your letter of May 10, 1974. However, as I understand it, the claims to water right are not an adjudication. Thus, though we are claiming the water right at this time, we wish to also obtain an actual established water right. Hence, that is why we filed an application for permit.

We return all documents to you with the \$10.00 filing fee. If I am misconstruing something, please give me a collect phone call so that we can discuss the matter.

Thank you.

Very truly yours,

WILSON & WALTER

Peter B. Wilson

pbw:rs  
encl

88 4069

May 10, 1974

Re: James McElhose

Mr. Peter B. Wilson  
WILSON & WALTER  
Attorneys at Law  
P.O. Box 749  
Bonners Ferry, ID 83805

Dear Mr. Wilson:

We are returning the Claim to a Water Right which you submitted in behalf of Mr. James McElhose. The Claim will record evidence of the Constitutional Water Rights established by diversion and beneficial use. It is not necessary to submit the Application for Permit which is used to establish new water rights.

Please return the Claim to our office along with the \$10 filing fee, and we shall begin its processing.

Please contact us if there are any questions.

Very truly yours,

FRED EISENBARTH  
Northern District Manager

FE:cp

Enclosures

98 4049

WILSON & WALTER

ATTORNEYS AT LAW

PETER B. WILSON  
NEIL O. WALTER

205 W. KOOTENAI  
PHONE AN 7-3127  
AN 7-3128  
P. O. BOX 749  
BONNERS FERRY, IDAHO — 83805

May 3, 1974

Idaho Department of Water Administration  
401 Front Avenue, Room 209  
Coeur d'Alene, Idaho 83814

Re: James McElhose

Gentlemen:

Enclosed for filing is a claim of right and an application  
for water permit of James McElhose.

If you will advise if there is any filing fee, we will remit  
it promptly.

Very truly yours,

WILSON & WALTER

Peter B. Wilson

PBW/bas  
Enc.

88 4049