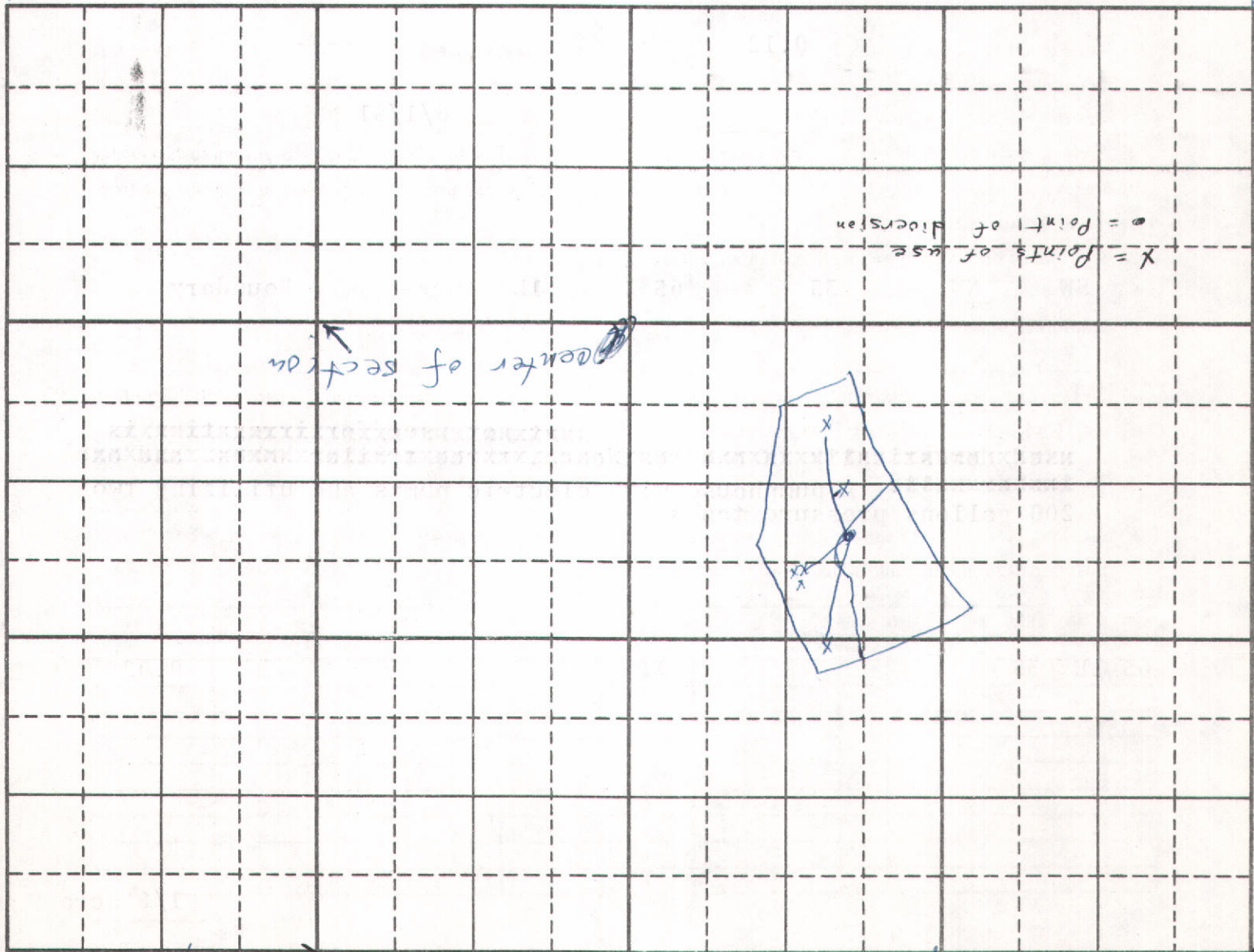


(8) Remarks This filing is to establish by permit a long time appropriation water right.

N 1/4

35-765N-R1E13W



State of Idaho

ss.

County of

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 day of

McClure Binning
(Claimant)
1974

Notary Public

Residing at

My commission expires 11/25/77

For Department Use Only

Received by CP CP
Date 5-30-74 5-8-74
Prelim. check by 76 76
\$10.00 fee received by 76 76
Approved for publication by 76 76
Published in BONNERS FERRY HERALD
Dates 5-30 + 6-6-74
Exception filed by: Forwarded to claimant by: Date

CLAIM TO A WATER RIGHT

Notice is hereby given that Queen Mountain Lumber Co., Inc.
(name of claimant)

ground water or surface water tributary to Round Prairie Creek

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Miller Creek

Amount	0.08	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	0.02	Use	industrial	Period of Use:	From	1/1	To	12/31
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

(4) Priority claimed: (the date water was first applied to beneficial use) 6/1/51

(5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 35 Twp. 65N Rge. 1E B. M. County of Boundary
 Additional points of diversion: _____

(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]

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 in one residence,
three trailer homes and one lumber mill.

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

**NOTICE OF CLAIM TO A WATER
RIGHT**

NO. 98-4047

Notice is hereby given that Queen Mountain Lumber Co., Inc., Star Route 2, Bonners Ferry, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.12 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 purposes (0.08 cfs) and industrial 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-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 Department of Water Administration**

a **Notice of Claim #98-4047 Queen Mt. Lumber Co.**

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, com-

mencing 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 **7th** day of **June**, 19**74**

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

98 4047

RECEIVED
AUG 30 1993
Department of Water Reso

August 25, 1993

Mrs. Carl Linnemeyer
P.O. Box 1256
Bonners Ferry ID 83805

RE: Water Right Number 98-04047 & 98-07289.

Dear Mrs. Linnemeyer:

This letter is in response to your recent letter to our office regarding the status of the above two water right filings.

Water Right Number 98-04047 is a Statutory Claim. The validity of this water right depends on whether the process of developing and maintaining the water right has taken place. If the water was applied to beneficial use prior to the mandatory filing statute and there has not been a period of five years of non-use, your Statutory Claim may still be valid.

Water Right Permit Number 98-07289 has lapsed due to failure to submit beneficial use. Filing proof of beneficial use is the last responsibility of the permit holder in developing a licensed water right. You were notified November 30, 1979, that Proof of Beneficial Use was due. Nothing further was received from you, and on February 5, 1980, you were notified that your Permit had lapsed.

You must have a valid water right if you are diverting public water.

If I can be of further assistance, please contact me at this office.

Sincerely,

ALLEN BEARDSLEE
SENIOR WATER RESOURCE AGENT

Dear Sir

RECEIVED
MAY 05 1983
BONNER COUNTY

Recently we were told our
Water right is no good

in 1966- 984046

SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 3 Township 63N

Range 1E BM location Rock creek

tributary to Kootenia River, Boundary County

In 1974 we applied for right to build a
dam on our piece paid fees

again Re: Claim to water right No 98-4046
we built the dam in 1975 - fourteen agers
dug a canal in the dam unknown to us
Results the dam broke

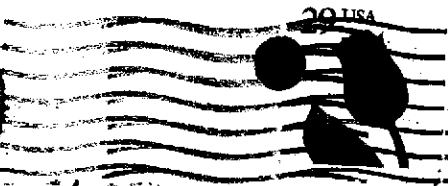
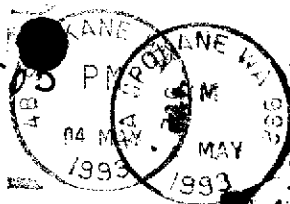
On Jan 31-1979 we applied for a permit
for a dam - On this same small creeks
Permit 98-7289. It was approved

Due to illness and the cost of it the
dam was not ~~built~~ built until ~~at~~
April 1988 it was approved by

Boundary Bonner County ascs, this
dam was built C.E. Kramer of Naples
Idaho-83847- Tel 208-267-2464

Could you tell me how this could be
and what we should do Thank you
Mrs Carl Linnemeyer
PO Box 1256, Bonner Ferry

Carl Gunne Meyer
PO Box 1256
Bonners Ferry Id, 83805



Keith Higginson Director
Dept of Water Resources
Northern Region
1910 Northwest Blvd.
Suite 210
Coeur d'Alene Idaho

September 7, 1978

Re: Claim No.'s 98-4047 & 98-4048

James C. McElhose
Star Route #2, Box 148
Bonners Ferry, ID 83805

Dear Mr. McElhose:

We have received your letter in which you state that Orval and Helen Nichols now own the property covered by these water rights.

We will keep this letter in the files and a copy of all further correspondence concerning these claims will be mailed to Mr. and Mrs. Nichols.

Please be advised that claims cannot be assigned as they are appurtenant to the land. Therefore, whoever owns the land has the water right covering the land.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

RECEIVED

SEP 5 1978

Department of Water Resources
Boise, Idaho. Aug 29-1978

Dear Sirs:

In regards to water permits M-98-4047 located on Miller Creek and Permit M-98-4048 located on Round Prairie Creek S.W. $\frac{1}{4}$ - N.W. $\frac{1}{4}$ Sec 35, T 65 - R 1 E. in Boundary County, were issued to Gifford and Laura Dinning, or Green Mountain Lbr. Co. In 1975 this land was deeded back to James C and Ruth E. McElhose. In 1977 James C and Ruth E. McElhose sold this land to Orval and Helen Nichols.

Would you please issue these permits to Orval and Helen Nichols. We drove to Couer d'Alene, to your office and they instructed me to write this letter to you to have this done.

Thanking you,
James C. McElhose

James C. 1108 Boise
St Rt 2 - Box 148 83805-
Bonnes Ferry
Idaho.



State of Idaho
Dept. of water Resources
Statehouse,
Boise, Idaho 83720

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. 98-4047
" " " " " " 98-4048

Queen Mountain Lumber Company, Inc.
Star Route 2
Bonners Ferry, ID 83805

Gentlemen:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims 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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. 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:cf

Enclosures

cc: Peter B. Wilson, Attorney

98 4047

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 4047

May 24, 1974

Re: Claim No. 98-4046 Claim No. 98-4048
 " " 98-4047 " " 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 CP

98 4047

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4047

Notice is hereby given that Queen Mountain Lumber Co., Inc.,
Star Route 2, Bonners Ferry, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 0.12 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 (0.08 cfs) and industrial 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

**NOTICE OF CLAIM TO A WATER
RIGHT**

NO. 98-4047

Notice is hereby given that Queen Mountain Lumber Co., Inc., Star Route 2, Bonners Ferry, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.12 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 purposes (0.08 cfs) and industrial 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.-ldwa

98 4047

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: Queen Mtn. Lbr. Co., Inc.

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 the application for permit.

We return all documents to you with the \$20.00 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

13 4017

May 10, 1974

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

Dear Mr. Wilson:

Enclosed are the two Claims to a Water Right you submitted in behalf of the Queen Mountain Lumber Company, Inc., to record their Constitutional Water Rights established through diversion and beneficial use. It is not necessary to supply the Applications for Permit which are used only to develop new water rights.

Please return the two Claims with the required \$20 filing fee, and we shall begin their processing.

Feel free to contact us if there are any questions.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosures

98 4047

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 Ave., Room 209
Coeur d'Alene, Idaho 83814

Re: Queen Mtn. Lbr. Co., Inc.

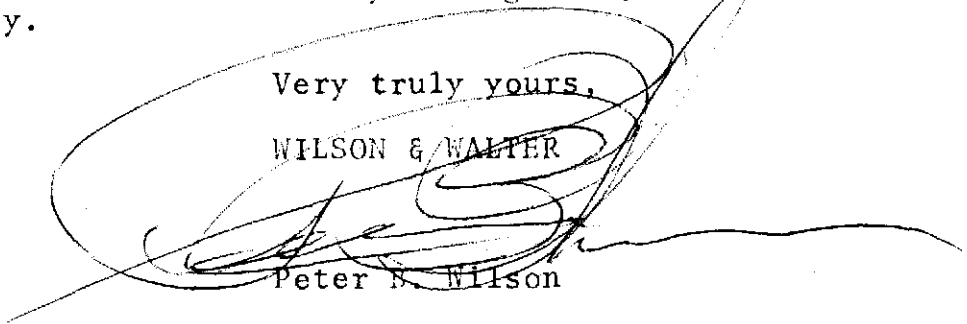
Gentlemen:

Please find enclosed for filing two claims of rights and
two applications for water permits of Queen Mtn. Lbr. Co., Inc.

If you will advise us if there are any filing fees, we will
remit them promptly.

Very truly yours,

WILSON & WALTER


Peter B. Wilson

PBW/bas
Enc.

88 4047