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Documents
In File

Identification No. 98-4040

Claim No.

Map No.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Larry R. Wallace
post office address Stat Rt # 2 Bannock Ferry, IDAHO

2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 7 Township 62 N
Range 2 E B.M. located on Spring (name of source)

tributary to Kootenai River in Boundary County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

August, 1966 amount: .03 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .03 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use Livestock period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Spring development
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is Spring flowing or pumped Flowing ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 50 sheep, 2 horses
1 cow

7. Where water is used for domestic or municipal purposes give number of families served 1
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities garden irrigation.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of Bonanza

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.

Sworn to before me this

15th

day of

February

, 1974

Larry R. Wallace
Claimant

Robert Jensen
Notary Public

Residing at

Bonanza Ferry, Idaho

My commission expires

8-15-74

cp 5-7-74 Lit # 13770 For Department Use Only

Received by ef

Date

3-05-74

Exception filed by:

Forwarded to

Date

Prelim. check by ef

Date

3-5-74

Fee received by ef

Date

3-05-74 Fee \$ 10.00

Approved for publication by JB

Published in BONANZA FERRY HERALD

Dates 3-14-74

93 4010

3-21-74

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u> or _____	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or _____	acre feet
		Total claimed:	<u>1.2 c.f.s.</u> or _____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

**NOTICE OF CLAIM TO A WATER
RIGHT
NO. 98-4040**

Notice is hereby given that Larry R. Wallace, Star Route 2, Bonners Ferry, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from a Spring with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 62N, R. 2E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes with a priority of August, 1966; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 62N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Ad-

ministration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on March 14 and March 21, 1974-idwa

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 #98-4040**

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 **March 14, 1974**, 196, and ending with the issue dated **March 21, 1974**, 196.

Subscribed and sworn to before me this 26 day of March, 1974

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

98 4040

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

April 2, 1974

Re: Claim to a Water Right No. 98-4040

Mr. Larry R. Wallace
Star Route 2
Bonniers Ferry, ID 83805

Dear Mr. Wallace:

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

98 4040

March 8, 1974

Re: Claim No. 98-4040 - Larry R. Wallace

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

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. ~~In order to receive payment, the following certification must appear on the bill:~~

~~"I hereby certify that the foregoing account is just
and correct, that the amount claimed is legally due,
after allowing all just credits, and that no part of
the same has been paid."~~

~~-(signature of claimant)~~

Very truly yours,

FRED EISENBARTH
Northern District Manager

Bill submitted 4-2-74 by CP

FE:CP

Enc: Legal Notice

98 4040

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

Idaho Department of Water Administration
401 Front Ave.
Coeur d'Alene, Idaho 83814

March 21, 1974

Notice of Claim #98-4040
29 lines 2 times

\$11.31

98 4040

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Star Route 2, Bonners Ferry, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.03 cubic feet per second ~~acre feet per annum~~
of water from a Spring

with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 62N, R. 2E, B.M.,

Boundary County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
and stockwatering purposes

with a priority of August, 1966;

the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 62N, R. 2E, 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 March 14 and March 21, 1974

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R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on March 14 and March 21, 1974-Idwa

OK
3-13-74
CP

98 4040
C107

March 8, 1974

Re: Claim to a Water Right No. 98-4040

Mr. Larry R. Wallace
Star Route 2
Bonners Ferry, ID 83805

Dear Mr. Wallace:

Attached is your receipt No. 13770 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

98 4040