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Documents
In File

Identification No. 98-4039

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)

- Name of claimant Floyd or Janet Ruten
post office address Star Route 2 - Benners Ferry Idaho 83805
- The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 36 Township 65N
Range 1E B.M. located on Round Prairie Creek
(name of source)
tributary to Mojie River in Boundary County.

- 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:

June 1, 1969 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 pump - pipeline
____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with 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 well flowing or pumped _____; 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 so, give dates and explain.

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000

maximum length of pipe line to first place of use is 150 feet; diameter of pipe line is 1 inches;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

period of storage is from _____ to _____; is reservoir drained each year _____;

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

location of reservoir by 40-acre subdivisions

[illegible]

04/12/2019

7120	71200	712000	7120000	71200000	712000000

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
65N	1E	36	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
																			1

Total number of acres to be irrigated

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 20 head beef cattle
4 head horses

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 Fire protection

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The one acre listed for irrigation is included in the
.02 cfs claimed for domestic use and would be for garden &
lawn.

State of Idaho

County of _____

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 1st

day of February

1974

Janet Luton
Claimant

Barbara Spurgeon
Notary Public

Residing at Bonnie Ferry, ID

My commission expires 2-29-76

For Department Use Only

Received by if Date 2-04-74

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by if Date 2-4-74

Fee received by if Date 2-04-74 Fee \$ 10.00

Approved for publication by if

Published in BONNIE FERRY HERALD Dates 2-14-74
2-21-74

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 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:		May 18, 1871	amount:	0.8 c.f.s. or	acre feet
		June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:		1.2 c.f.s. 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 it 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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4039

Notice is hereby given that Floyd or Janet Luton, Star Route 2, Bonners Ferry, Idaho have 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 Round Prairie Creek with point of diversion in the NW-1/4NW1/4, Sec. 36, T. 65N, R. 1E, 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 June 1, 1969; the place of use is within the NW1/4NW1/4, Sec. 36, 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 Feb. 14 and Feb. 21, 1974.-idwa

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 #98-4039**

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

Subscribed and sworn to before me this 26 day of Feb., 19674

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

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

March 7, 1974

Re: Claim to a Water Right No. 98-4039

Floyd or Janet Luton
Star Route 2
Bonnere Ferry, ID 83805

Dear Mr. and Mrs. Luton:

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

98 4039

FE:cp

Enclosure

February 8, 1974

Re: Application No. 98-7106 - Denis E. & Celia R. Callagher
Claim No. 98-4039 - Floyd or Janet Luton

267-2510 Bonners Ferry Herald
P.O. Box 539
Bonners 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

FE:CP

Enc: Legal Notices (2)

Bill submitted 3-4-74 by CP

98-4039

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4039

Notice is hereby given that Floyd or Janet Luton,

Star Route 2, Bonners Ferry, Idaho

~~xxx~~ have 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
~~xxxxxxxxxxxxxxxxxxxx~~

of water from Round Prairie Creek

with point of diversion in the NW 1/4, Sec. 36, T. 65N, R. 1E, 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 June 1, 1969;

the place of use is within the NW 1/4, Sec. 26, 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 Feb. 14 and Feb. 21, 1974

**NOTICE OF CLAIM TO A WATER
RIGHT**

NO. 98-4638

Notice is hereby given that Floyd or Janet Luton, Star Route 2, Bonners Ferry, Idaho have 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 Round Prairie Creek with point of diversion in the NW- $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 65N, R. 1E, 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 June 1, 1969; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, 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 Feb. 14 and Feb. 21, 1974-idwa

OK.
J-PH-TH
68
CLAIMED & COLLECTED

98-4638

February 8, 1974

Re: Claim to a Water Right No. 98-4039

Floyd Luton
Star Route 2
Bonners Ferry, ID 83805

Dear Mr. Luton:

Attached is your receipt No. 13662 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