

No Color
Documents
In File

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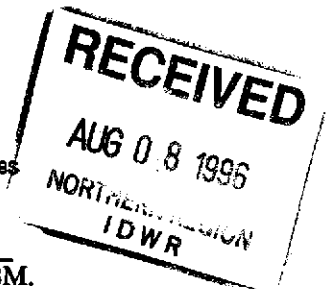
AUG 14 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

Department of Water Resources

DATE OF CLOSING: B-19-94

LEGAL DESCRIPTION OF PROPERTY: Township 610, Range 1W
Section 24, 1/4 of 1/4 of 1/4 Govt. Lot , BM.

Lot , Block, , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED SHEET

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: NO. 98-4032
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): KERMIT W & LORNA L. BANDIMERE
1508 HWY 2
BANNERS FERRY ID. 83805
- ☐ New Owner/Claimant (Purchaser): HARLOW A & VIVIAN YOTTER
- ☐ New Mailing Address: HC 1 BOX 332 D
NAPLES ID. 83847-9722
- ☐ New Telephone Number: (208) 267-4109

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

Department of Water Resources

AUG 14 1996

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- ☐ Attach proof of ownership, describe proof attached: SEE ATTACHED SHEET

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Harlow Yotter Date
Vivian E. Yotter Date
- ☐ Signature of Former Owner/Claimant(s): Kermit W Bandimere Date 8-6-96
Lorna L. Bandimere Date 8-6-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

SEE ATTACHED SHEET

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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DEC 02 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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DEC 02 1996

AFTER RECORDING, MAIL TO GRANTEE.
FATCO #4346/

0174388

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AUG 14 1996

Department of Water Resources

WARRANTY DEED

For Value Received KATHLEEN DUNN, a single woman

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
HARLOW A. YOTTER and VIVIAN E. YOTTER, husband and wife
whose address is: P.O. BOX 1646, BONNERS FERRY, ID, 83805

Hereinafter called the Grantee, the following described premises situated in Boundary County, Idaho, to-wit:

A parcel of land situate in the East Half of Section 24, Township 61
North, Range 1 West, Boise Meridian, Boundary County, Idaho, more
particularly described as follows:

The POINT OF BEGINNING is the East corner of Section 24; thence South
00°00'00" along the East line of said Section 24, a distance of 277.72
feet; thence West 90°00'00", a distance of 660.60 feet; thence North
00°00'00", a distance of 277.72 feet; thence East 90°00'00", a distance of
210 feet; thence North 00°00'00", a distance of 90 feet; thence East
90°00'00", a distance of 450.00 feet; thence South 00°00'00" along the East
line of said Section 24, a distance of 90.0 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee
simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and
except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will
warrant and defend the same from all claims whatsoever.

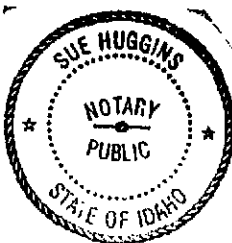
Dated:

Kathleen Dunn
KATHLEEN DUNN

STATE OF IDAHO)
COUNTY OF BOUNDARY) SS

On This 19th day of July in the year 1994
before me, a Notary Public in and for said State, personally
appeared KATHLEEN DUNN, known or identified to me to be the
person(s) whose name(s) is/are subscribed to the within
Instrument, and acknowledged to me that he/she/they executed
the same.

Sue Huggins
Notary Public
Residing at Bonnors Ferry
Commission Expires 8/7/98



STATE OF IDAHO) SS
County of Boundary

Filed for record at the request of
First Am. Title
on the 19th day of July, 1994 at 11:40
o'clock AM, and recorded in Book 96
of Instr. on page 347
NORMA J. ESTEP
County Recorder
By C. Thornton Deputy
Fee \$ 300 Chg
Mail to Fatco

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DEC 02 1996

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AUG 08 1996
IDWR

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AUG 14 1996
Department of Water Resources

1A

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 Doyle Ennis &/or Freda M. &/or Doyle E. &/or Dora Brown
(name of claimant)
of Route #1, Box 627, Bonners Ferry, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to _____;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ruby 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 | <u>0.04 cfs</u> | Use | <u>Domestic</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| | <u>0.6 cfs</u> | | <u>Irrigation</u> | | | <u>March 15</u> | | <u>Nov. 15</u> |
| Amount | <u>0.02 cfs</u> | Use | <u>Stockwater</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>0.6 cfs</u> | Use | <u>Fire Protec.</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.6 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) 1928

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)
SE ¼ SE ¼, Sec. 24 Twp. 61N Rge. 1W 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. Water is diverted from Ruby Creek by small diversion dam. A 10" pipe carries the water under the county road to the places of use. Irrigation is by flooding.

- (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.

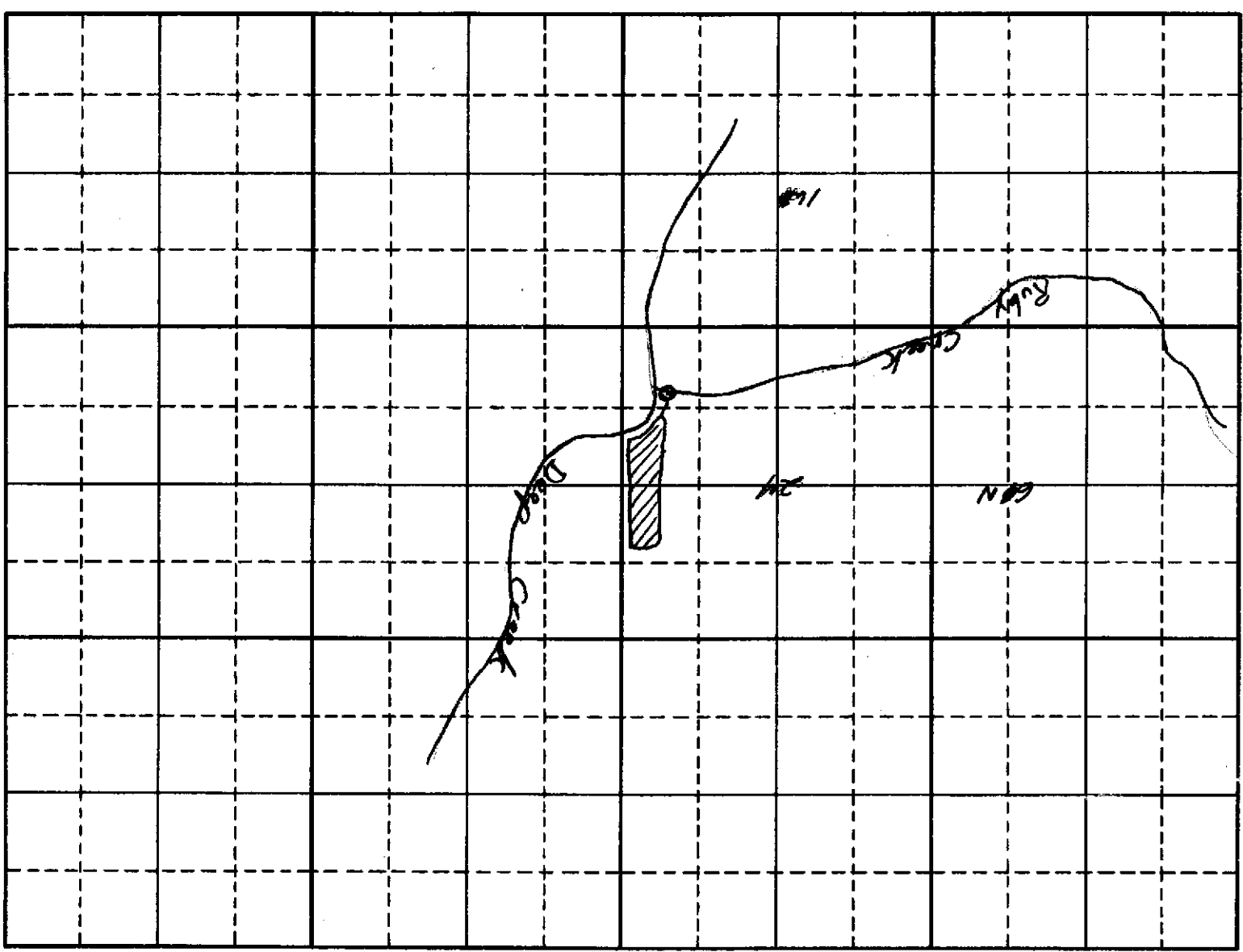
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
61N	1W	24				10									20				30

Total No. of acres 30

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Water is also used for 20 head of cattle and fire protection for two houses.

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

(8) Remarks The water is also used by George Atkins for Deep Creek Lumber Company for domestic and fire protection purposes.



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

County of Kootenai 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 affiant's knowledge.

Sworn to before me this 1st day of

November, 1973.
 (Claimant)
 George Atkins
 Notary Public
 Residing at C.A.T.

My commission expires SEPT. 11, 1976.

For Department Use Only

Received by CP Date 11-13-73 Exception filed by: Forwarded to Date
 Prelim. check by 76 Date 11/13/73 claimant by:
 Approved for publication by 76 Date 11/13/73
 Published in BONNERS FERRY HERALD
 Dates 11-22 + 11-29-73

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4032

Notice is hereby given that Doyle Ennis &/or Freda M. &/or Doyle E. &/or Dora Brown, Route No. 1, Box 627, Bonners Ferry, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.6 cubic feet per second of water from Ruby Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 61N, R. 1W, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.04 cfs), stockwatering (0.02 cfs), and fire protection purposes (0.6 cfs); and from March 15 to Nov. 15 for the irrigation of 30 acres (0.6 cfs) with a priority of 1928; the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 61N, R. 1W, 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 Nov. 22 and Nov. 29, 1973.-idwa

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO

County of Boundary

ss.

William 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 Admn.**

a **Notice of Claim to a water right No. 98-4032**

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 **Nov. 22, 1973**, ~~196~~, and ending with the

issue dated **Nov. 29, 1973**, ~~196~~

Lued M. Hyman

, **bookkeeper**

Subscribed and sworn to before me this 4th day of Dec, 1973.

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

98 4032



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 30, 1996

HARLOW A. YOTTER
VIVIAN YOTTER
HC1 BOX 332D
NAPLES ID 83847-9722

RE: WATER RIGHT NO. 98-04032

Dear Mr. and Mrs. Yotter:

We are in receipt of the correspondence concerning ownership of the above referenced water right claim.

In Idaho, a claimed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right claim, if the previous land owner did not excluded the water right from the sale. Therefore, we will place your correspondence in the file for future reference only and no further action will be taken.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON, Manager
Water Rights Permit Section

JJ:ph

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DEC 8 1 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 9, 1989

RE: Water Right No. 98-4032

Mr. and Mrs. K.W. Bondimere
HCR 62, Box 268
Moyie Springs, ID 83845

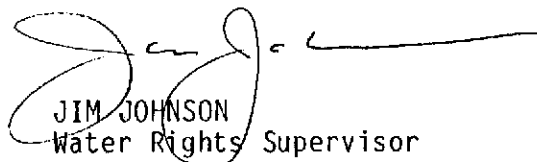
Dear Mr. and Mrs. Bondimere:

We are in receipt of the correspondence concerning ownership of the above referenced water right claim.

In Idaho, a claimed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right claim, if the previous land owner did not exclude the water right from the sale. Therefore, we will place your correspondence in the file for future reference only and no further action will be taken.

If you have any questions, please let us know.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

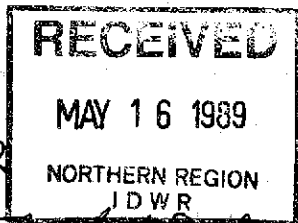
JJ:hm

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JUN 15 1989

Claim No.

98-4032



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MAY 22 1989
5-15-89

Department of Water Resources

to the State of Idaho

Department of Water Resources

to it may Concern

We are now the new
owners of the portion of Claim
No. 98-4032 owned previously
By Doyle Ennis & or Freda M.
Brown.

Please send any future
correspondence relating to
this claim to us as well
as to Doyle E. & or Dora Brown

our address at Present is
Mr & Mrs K.W. Mickum
HCR 62 Box 268
Mojave Springs, ID
(over)

RECEIVED

JUL 18 1989

83845

9:21 AM
Kermit W. + or Lorne S.
Bandimere

Sincerely

Mrs K.W. Bandimere

5-15-89

MICROFILMED

JUL 18 1989

6-10-89

201 17 18

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

December 11, 1973

Re: Claim to a Water Right No. 98-4032

**Doyle Ennis &/or Freda M. &/or
Doyle E. &/or Dora Brown
Route #1, Box 627
Bonners Ferry, ID 83805**

Dear Mr. & Mrs. Brown:

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 4032

November 16, 1973

Re: Application No. 98-7098 - La Chesmar Corporation
Claim No. 98-4031 - Arthur or Pearl Pywell
" " 98-4032 - Brown

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 12-10-73 by CP

FE:CP

Enc: Legal Notices (3)

98 4032

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

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

1973

Nov. 22 Notice of Claim, no. 98-4032

Brown, 3/4 lines 2 times

\$ 13.26

98 4032

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4032

Notice is hereby given that Doyle Ennis &/or Freda M. &/or Doyle E. &/or Dora Brown, Route #1, Box 627, Bonners Ferry, Idaho

~~have~~
~~xxxx~~
has filed a claim to a water right established by diversion and application to beneficial use of 0.6 cubic feet per second ~~acres feet per second~~ of water from Ruby Creek

with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 61N, R. 1W, B.M.,
Boundary County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.04 cfs), stockwatering (0.02 cfs), and fire protection purposes (0.6 cfs); and from March 15 to Nov. 15 for the irrigation of 30 acres (0.6 cfs)

with a priority of 1928;

the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 61N, R. 1W, 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 Nov. 22 and Nov. 29, 1973

**NOTICE OF CLAIM TO A WATER
RIGHT**

NO. 98-4032

Notice is hereby given that Doyle Ennis &/or Freda M. &/or Doyle E. &/or Dora Brown, Route No. 1, Box 627, Bonners Ferry, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.6 cubic feet per second of water from Ruby Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 61N, R. 1W, B.M., Boundary County.

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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 Nov. 22 and Nov. 29, 1973-Idwa

O.K.
11-21-73
CP

98 4032

November 14, 1973

Re: Claim to a Water Right No. 98-4032

Doyle Ennis Brown
Route #1, Box 627
Bonners Ferry, ID 83805

Dear Mr. Brown:

Attached is your receipt No. 12247 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 4032