

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 98-4027 in the name of Frances E. Bruce was advertised incorrectly on Sept. 27 and Oct. 4, 1973. The point of diversion was advertised as being within the NW1/4NW1/4, Sec. 27, T. 52N, R. 1E, B.M.; whereas, the actual point of diversion is within the NW1/4NW1/4, Sect. 27, T. 62N, R. 1E, B.M.

Any exception to this correction 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, ID on Oct. 25 and Nov. 1, 1973-idwa

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

first duly sworn upon his oath, deposes and says that he is the publisher (or foreman) being
publisher Northern District Office

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 Correction-No. 98--4027-F.E. Bruce

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 Oct. 25, 1973, 196, and ending with the issue dated Nov. 1, 1973, 196.

Ruth M. Haglan, bookkeeper

Subscribed and sworn to before me this 2nd day of Nov., 1973.

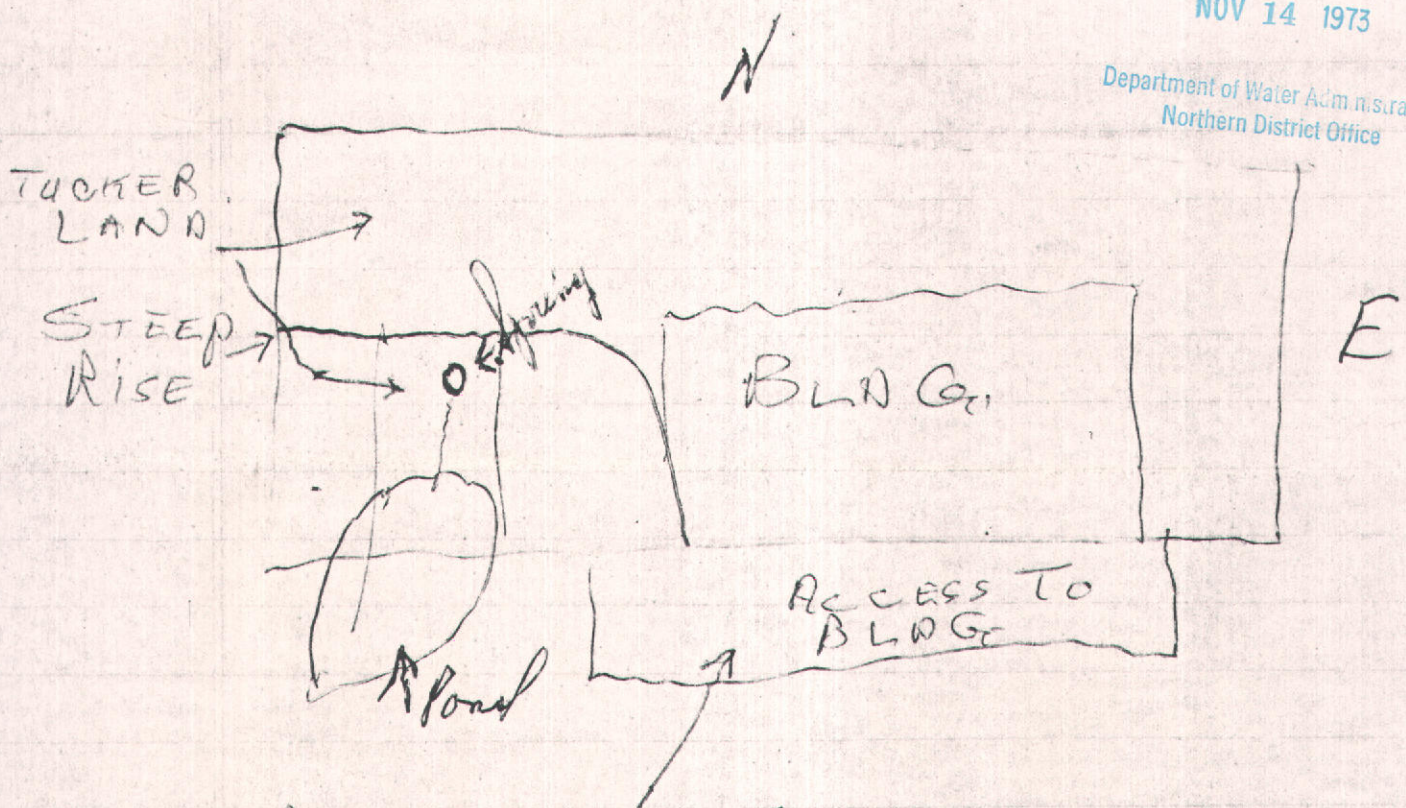
Chas Don Kirby
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

4027

RECEIVED

NOV 14 1973

Department of Water Administration
Northern District Office



PROPOSED LAND TRADE
IN LIEU OF FILLING
SPRING & POND

EASEMENT

98 4027

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 Francis E. Bruce
(name of claimant)
of P.O. Box 413 Bonanza, Id., claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Kootenai River;

The extent and nature of said claim is as follows:

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

(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>.01</u>	Use <u>Livestock</u>	Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</u>
Amount _____	Use _____	Period of Use: From _____ To _____
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: .01 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) Jan. 1, 1969

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)
NW 1/4 NW 1/4, Sec. 27 Twp. 62N 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. Livestock have used water from the source at the point 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.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
62N	1E	27					X												

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

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 Correction-No. 98--4027-F.E. Bruce

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 Oct. 25, 1973, ~~196~~ and ending with the issue dated Nov. 1, 1973, ~~196~~.

Ruth M. Hayler, bookkeeper

Subscribed and sworn to before me this 2nd day of Nov, 1973.

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

1027

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 98-4027 in the name of Frances E. Bruce was advertised incorrectly on Sept. 27 and Oct. 4, 1973. The point of diversion was advertised as being within the NW1/4NW1/4, Sec. 27, T. 52N, R. 1E, B.M.; whereas, the actual point of diversion is within the NW1/4NW1/4, Sec. 27, T. 52N, R. 1E, B.M.

Any exception to this correction must 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, ID on Oct. 25 and Nov. 1, 1973.-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 Adm.

a Notice of Claim to a water right No. 98-4027/Bruce

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 Sept. 27, 1973 ~~x196~~, and ending with the
issue dated 1 Sept. Oct. 4, 1973 ~~197x~~

William Haglan, bookkeeper

Subscribed and sworn to before me this 3rd day of Oct, 1973

C. Don Kerby
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho. 98-4027

NOTICE OF CLAIM TO A WATER RIGHT NO. 98-4027

Notice is hereby given that Frances E. Bruce, P.O. Box 413, Bonners Ferry, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from a spring with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 52N, R. 1E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes with a priority of Jan. 1, 1969; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 62N, 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 Sept. 27 and October 4, 1973.

File

November 16, 1973

Re: Claim to a Water Right No. 98-4027 Frances E. Bruce

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

Dear Mr. Wilson:

Pursuant to your letter of November 13, 1973, we wish to advise you that we only describe the locations of water rights by a 40-acre tract of land within a given section. To further pinpoint locations would only cause additional problems for the person filing for the rights.

In order to further identify the location of a specific spring, you should contact the claimant. If there are questions involving the validity of the claim, you would then have the right to file an exception to the claim. This exception would then be made a part of the file and treated as other evidence in said file.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

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

November 13, 1973

RECEIVED

NOV 15 1973

Idaho Department of Water Administration
Coeur d'Alene Office

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

Re: Claim to a Water Right No. 98-4027
(Frances E. Bruce)

Gentlemen:

Could you advise more in detail the location of the proposed point of diversion? The Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Twenty-seven (27) covers a goodly area of Bonners Ferry and its environs.

Thank you.

Very truly yours,

WILSON & WALTER

Peter B. Wilson

pbw:rs

cc: Florence Burkholder

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 6, 1973

Re: Claim to a Water Right No. 98-4027

Frances E. Bruce
P.O. Box 413
Bonners Ferry, ID 83805

Dear Ms. Bruce:

With reference to your letter of November 21, 1973, we have entered your letter, along with the copy of your letter to Mr. Lyons, in your Claim file. These letters, along with the claim and other information, will be retained in our files and will be available to you or the courts if at any time you wish to supply evidence of your Constitutional Water Rights.

It is not necessary to employ the services of an attorney to verify your Claim. However, if you believe your water rights are being injured, the only process would be to have the courts determine what rights have been established.

If we may be of any further assistance in this matter, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

98-4027

RECEIVED

NOV 26 1973

Department of Water Administration
Northern District Office

Bonners Ferry Ida
Nov. 21 1973

Dep of Water Administration
Boeur d' Alene, Ida.

Dear Sir:

Enclosed is a copy of a letter
I sent to Mr Tucker's atty.
Jain Lyons. The claim I
filed is correct as to intent
and information. Now please
tell me where do I go from
here. I do not have the
money to hire a lawyer.

Sincerely yours

Tranche E. Bruce

98 4027

RECEIVED

NOV 28 1973

Department of Water Administration
Northern District Office

Bonners Ferry, Ida.
Nov. 21st 1973

Dear Mr. Lyons,

I thought it best to drop you a letter rather than come in to see you. I all ready had my claim to water papers ready to fill out before I went to see Mr. Tucker about the Spring it has been flowing onto the Nelson place for as long as any one around here can remember. Chas Nelson, the man I'm buying the place from used it for a mill pond his brother Orville used it for stock water until the fall of 1969 when I turned my herd in. I have a

98 4027

cancelled check noted for
Pasture given to Chas Nelson
for 1970, and I bought his
place in 1971.

The Pond on my place is
fed by a spring that rises
on Mr Tucker's property
and is the only free and unused
water where my stock can drink
in the summer. I use my
mother's water system, which
is on a meter, and just
winter watering one year cost
me \$3⁰⁰ over run on the
meter.

I went to see Mr Tucker to
make a reasonable offer and
to pipe the unwanted water
across his place and by pass
my pond to make fresher and
easier watering place.

Mr Tucker made ~~an~~ absolutely
ridiculous demands and
threatened to concrete the spring
up and sell it to Jim. Marx.
I got knowlegably advised
from the soil conservation
office and learned I do not
have to give any of my
place away to and that
water and also it is against
the State Law for him to
alter or contaminate the
water that flows from one
property to another's.

Also Mr Tucker has kept
my access road to the east
of this property padlocked
so I could not use it.
Also he has a propane tank
and machinery parked on
my other access road to
the east.

my water claim is valid
and I am prepared to prove
it.

Sincerely

Francis E. Bruce

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 6, 1973

Re: Claim to a Water Right No. 98-4027 - Frances E. Bruce
(Your file No. 3306)

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

Dear Mr. Wilson:

We have received your correspondence concerning the above referenced claim to a water right, in behalf of Ethel Burkholder. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

CC: IDWA - Boise ✓

98 4027

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 6, 1973

Re: Claim to a Water Right No. 98-4027

Frances E. Bruce
P.O. Box 413
Bonners Ferry, ID 83805

Dear Ms. Bruce:

In reference to the above claim, the enclosed is a copy of an exception filed by Peter B. Wilson in behalf of Ethel Burkholder in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

ENC: Copy of Exception
cc: IDWA - Boise ✓

98 4027

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

November 13, 1973

Re: Claim to a Water Right No. 98-4027

Frances E. Bruce
P.O. Box 413
Bonniers Ferry, ID 83805

Dear Ms. Bruce:

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 4027

OK 7/6.
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

RECEIVED

DEC 3 1973

Department of Water Administration
Northern District Office

November 28, 1973

State of Idaho
Dept. of Water Administration
Northern District Office
401 Front Ave. - Room 209
Coeur d'Alene, Idaho 83814

Re: Burkholder - Bruce
Our file #3306
Claim # 98-4027 - Frances E. Bruce

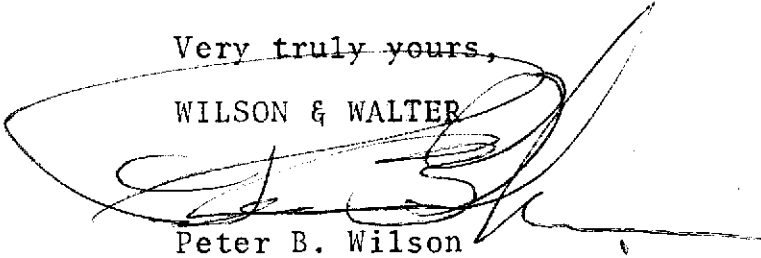
Attn: Mr. Fred Eisenbarth
Northern District Mgr.

Dear Mr. Eisenbarth:

Enclosed for filing please find the objection to the claim of
Frances E. Bruce filed under I.C. 42-225(a).

Very truly yours,

WILSON & WALTER


Peter B. Wilson

PBW/bas
Enc.

98 4027

WILSON & WALTER
ATTORNEYS AT LAW
P. O. BOX 749
BONNERS FERRY, IDAHO
83805
TELEPHONE: 267-3127

RECEIVED

DEC 3 1973

Department of Water Administration
Northern District Office

AFFIDAVIT IN OBJECTION TO
CLAIM #98-4027

STATE OF IDAHO)
 : ss
County of Boundary)

ETHEL BURKHOLDER, being first duly sworn, deposes and says:

I.

That affiant has examined Claim #98-4027 consisting of a claim to a water right filed by Frances E. Bruce, to a tributary to the Kootenai River, and which claim was originally published September 27, 1973, and October 4, 1973, and a correction notice was published October 25, 1973, and November 1, 1973, in the Bonners Ferry Herald, a weekly newspaper published in Boundary County, Idaho.

II.

Affiant is the owner of property in the area of said claim, and objects to the claim and to the place of diversion since said Frances E. Bruce is not taking water from that site, and also since your affiant has a prior right thereto.

DATED this 29th day of November, 1973.

Ethel Burkholder

SUBSCRIBED and sworn to before me this 29th day of November, 1973.

OK. 7B.

Lawrence L. Loran
Notary Public for Idaho
Residing at Bonners Ferry
Com. Exp.: 11-3-77

98 4027

November 15, 1973

Re: Claim to a Water Right No. 98-4027

Frances E. Bruce
P.O. Box 413
Bonners Ferry, ID 83805

Dear Ms. Bruce:

In reference to the above claim, the enclosed is a copy of an exception filed by James F. Lyons in behalf of Wayne Tucker in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact our office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

Enclosure

98 4027

November 15, 1973

Re: Claim to a Water Right No. 98-4027 - Frances E. Bruce

James F. Lyons
NIXON, NIXON & LYONS
P.O. Box 368
Bonners Ferry, ID 83805

Dear Mr. Lyons:

We are in receipt of your correspondence submitted in behalf of Wayne Tucker concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact our office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

98 4027

FE:CP

OK 46 11/15/73

NIXON, NIXON & LYONS
ATTORNEY AT LAW
P. O. BOX 368
OFFICES 225 MAIN STREET
BONNERS FERRY, IDAHO 83805
(208) 267-3133

W. J. NIXON
W. W. NIXON
JAMES F. LYONS

202 FIRST FEDERAL SAVINGS & LOAN BLDG.
P. O. BOX 1013
COEUR D'ALENE, IDAHO 83814
(208) 667-4655

October 31, 1973

RECEIVED

NOV 14 1973

Department of Water Administration
Northern District Office

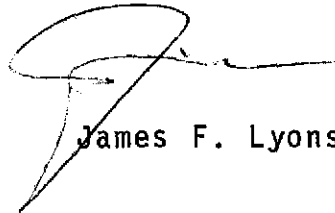
Mr. Fred Eisenbarth
Northern District Manager
Department of Water Administration
401 Front Ave., Room 209
Coeur d'Alene, Idaho 83814

Re: Claim to a Water Right No. 98-4027

Dear Mr. Eisenbarth:

On behalf of Wayne Tucker, I am herewith enclosing
duplicate affidavit in regard to the above water
right.

Yours truly,



James F. Lyons

ra
encl.

98 4027

RECEIVED

NOV 14 1973

CLAIM TO A WATER RIGHT NO. 98-4027

Idaho Department of Agriculture
Notary Public Office

STATE OF IDAHO)
) SS. AFFIDAVIT
County of Boundary)

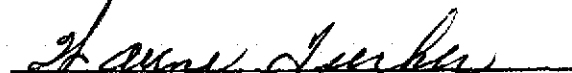
WAYNE TUCKER, being first duly sworn on his oath
deposes and says:

That granting of a water right to Frances Bruce on my property would be seriously detrimental and cause me use of a consideration portion of my property. The water flows from a source on my property. It is apparently waste water or seepage water. Due to the nature of my property and the source point of the flow of water, please see enclosed sketch map, I would lose approximately three quarters of an acre of which I need to fill in for use of the portion of the property marked "building". Over the years I have been gradually filling in and water has continued to seep through the property.

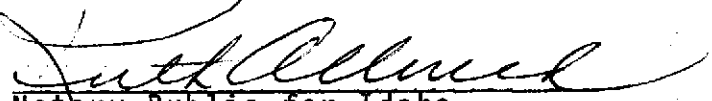
If Frances Bruce desires to obtain a water right she should be prepared to pipe this through to her property and grant me access to the backside of my building. I have advised her of this previously. Now, essentially she is trying to take three-quarters of an acre away from me because if her water rights are protected I will lose use of this property. An inspection of the property should be made so that full understanding can be had in regard to this.

I question her priority of use which I believe she claims 1969. It has not been used this long for cattle watering.

Further, she has an adequate source of water supply in the alternative through the city water system. I also believe that she is watering her cattle through the city water system at this time. A claim to this right is spurious and she has no actual demonstrated need for the same at this time.


Wayne Tucker

Subscribed and sworn to before me this 31st day of
October, 1973.

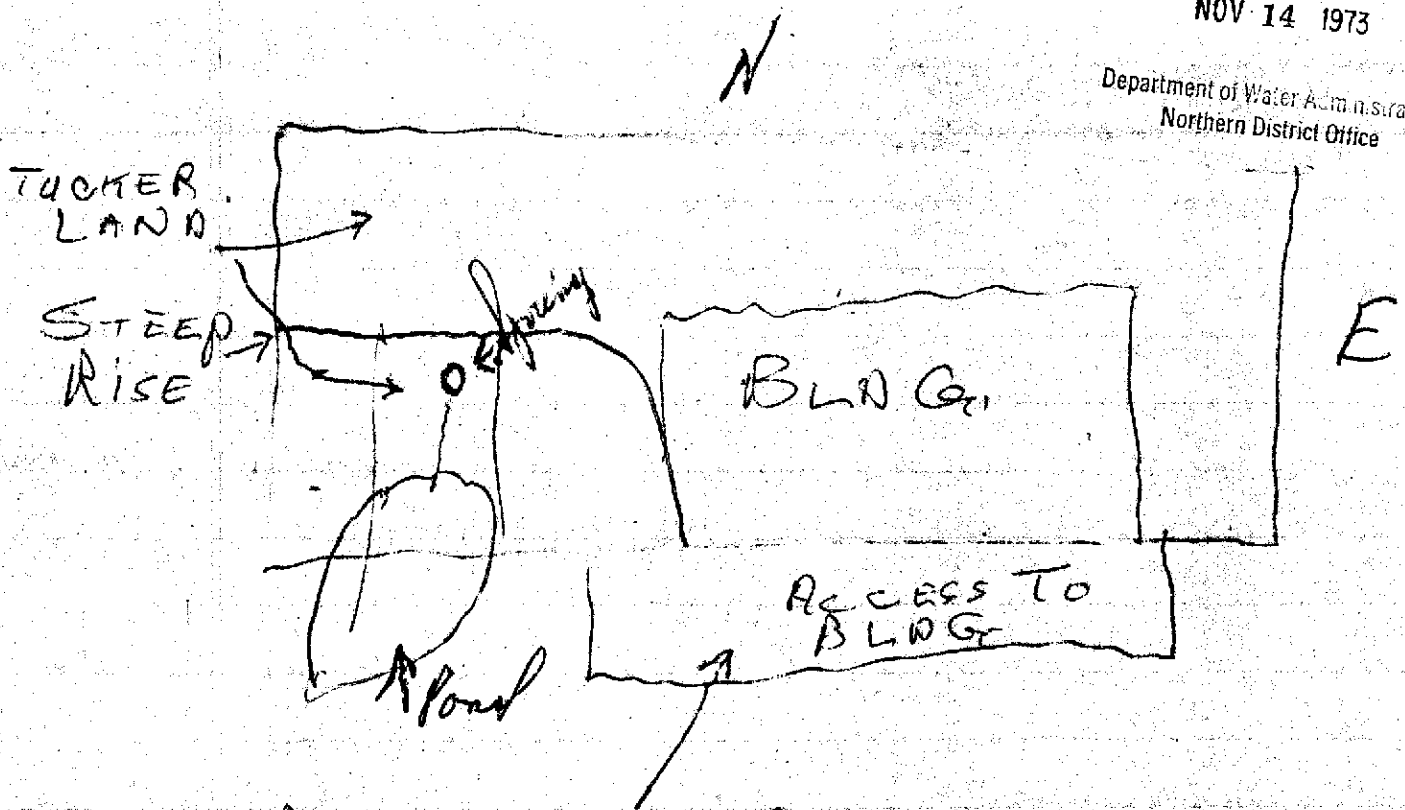

Notary Public for Idaho
Residing at Bonners Ferry
My com. exp: 6/1/76

98 4027

RECEIVED

NOV 14 1973

Department of Water Administration
Northern District Office



PROPOSED LAND TRADE
IN LIEU OF FILLING
SPRING & POND

EASEMENT

98 4027

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

November 6, 1973

Re: Claim to a Water Right No. 98-4027 - Francis E. Bruce

Pete B. Wilson
WILSON & WALTER
Box 749
Bonners Ferry, ID 83805

Dear Mr. Wilson:

Enclosed is a copy of the above referenced Claim to a Water Right as requested. There is a minimum charge of \$1 for copies made from our office. Your prompt remittance would be appreciated.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

Kenneth Knoblock
Water Resource Technician
Northern District

KK:CP

Enclosure

98 4027

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

October 25, 1973

Re: Claim to a Water Right No. 98-4027 - Frances E. Bruce

James F. Lyons
NIZON, NIXON & LYONS
P.O. Box 1013
Coeur d'Alene, ID 83814

Dear Mr. Lyons:

The filing of a "Claim to a Water Right" is a method for which a holder of an existing water right can establish a record of that right with our Department. This claim in no way permits the claimant any right to divert or develop any water in excess of that amount which he has used in the past.

Any individual who does not agree with the claim may file an exception against the claim which then becomes part of the claim file. The claim will be retained in our files and will be available at any time for use by the claimant or the court. We are not authorized to hold hearings to evaluate or to verify the evidence submitted in the claim.

Therefore, if you wish to file an exception against Claim No. 98-4027, you may submit it to our office in duplicate and affidavit form, accompanied by any such proof as you deem appropriate.

If you should 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

98 4027

NIXON, NIXON & LYONS

ATTORNEY AT LAW

P. O. BOX 368

OFFICES 225 MAIN STREET
BONNERS FERRY, IDAHO 83805

(208) 267-3133

W. J. NIXON
W. W. NIXON
JAMES F. LYONS

October 23, 1973

202 FIRST FEDERAL SAVINGS & LOAN BLDG.

P. O. BOX 1013

COEUR D'ALENE, IDAHO 83814

(208) 667-4655

RECEIVED

OCT 24 1973

State of Idaho
Department of Water Administration
Northern District Office
401 Front Ave., Room 209
Coeur d'Alene, Idaho 83814

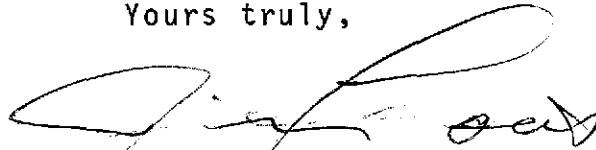
Department of Water Administration
Northern District Office

Gentlemen:

Be advised that Wayne Tucker, of Bonners Ferry, Idaho, hereby protests any granting of any permit to Frances Bruce, since she is attempting to obtain water rights on his land. Be further advised that he has offered to trade land with Mrs. Bruce but she has failed to do so.

We hereby request a hearing on this matter.

Yours truly,



James F. Lyons

jfl ra

October 19, 1973

Re: Application No. 98-7095 Claim No. 98-4027
" " 98-7096 " " 98-4029

Bonnars Ferry Herald
P.O. Box 539
Bonnars 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 11-8-73 by EF

FE:CP

Enc: Legal Notices (4)

98 4027

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

1973

Oct. 25 Notice of Correction-Bruce water
 right No. 98-4027-21 lines 2 times \$ 8.19

98 4027

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 98-4027 in the name of Frances E. Bruce was advertised incorrectly on Sept. 27 and Oct. 4, 1973. The point of diversion was advertised as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 52N, R. 1E, B.M.; whereas, the actual point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 62N, R. 1E, B.M.

Any exception to this correction 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, ID on Oct. 25 and Nov. 1, 1973.

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. ~~98-4027~~ in the name of Frances E. Bruce was advertised incorrectly on Sept. 27 and Oct. 4, 1973. The point of diversion was advertised as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 52N, R. 1E, B.M.; whereas, the actual point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sect. 27, T. 62N, R. 1E, B.M.

Any exception to this correction 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, ID on Oct. 25 and Nov. 1, 1973.-ldwa

o.k.
10-24-73
Q

98 4027

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

Idaho Department of ~~Public Lands~~
401 Front Ave.
Coeur d'Alene, Idaho 83814

1973

Sept. 27 Notice of claim to a water right-
No. 98-4027/Bruce

\$ 10.92

98 4027

September 21, 1973

Re: Claim No. 98-4027 - Frances E. Bruce

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 10-10-73 by SP

FE:CP

Enc: Legal Notice

98 4027

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4027

Notice is hereby given that Frances E. Bruce,

P.O. Box 413, Bonners Ferry, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.01 cubic feet per second ~~xxx feet per second~~
of water from a spring

with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 52N, R. 1E, B.M.,
Boundary County

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

with a priority of Jan. 1, 1969;
the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 62N, 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 Sept. 27 and Oct. 4, 1973

98 4027

September 21, 1973

Re: Claim to a Water Right No. 98-4027

Francis E. Bruce
P.O. Box 413
Bonners Ferry, ID 83805

Dear Mr. Bruce:

Attached is your receipt No. 12148 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 4027

Send
claim

RECEIVED

AUG 6 1973

Department of Water Administration
Northern District Office

Bonniers Ferry, Ida.
Aug. 3rd 1973

Idaho Dept. of Water Administration
401 Front ave
Room 209
Coeur d'Alene, Ida.

Dear Sirs:

will you please send me a
claim to water permit

Sincerely
Francis E. Brace
P.O. Box 413
Bonniers Ferry, Ida.
83805

98-4027

Claim sent 8-9-73. d

98 4027