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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 C. and Glea J. Mead
(name of claimant)

of Star Rt. 1, Porthill, Idaho 83853, 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) Smith 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>17 gpm</u>	Use	<u>domestic</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: _____ cubic feet per second, or _____ acre feet per annum, and/or 17 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) Jan 1, 1958

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 ¼ NE ¼, Sec. 26 Twp. 65 Rge. 2 W B. M. County of Boundary
Additional points of diversion: None

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. 17 gpm at 20 psi Pump and 1 1/4 inch dia Pipeline to house, outbuildings and grounds.

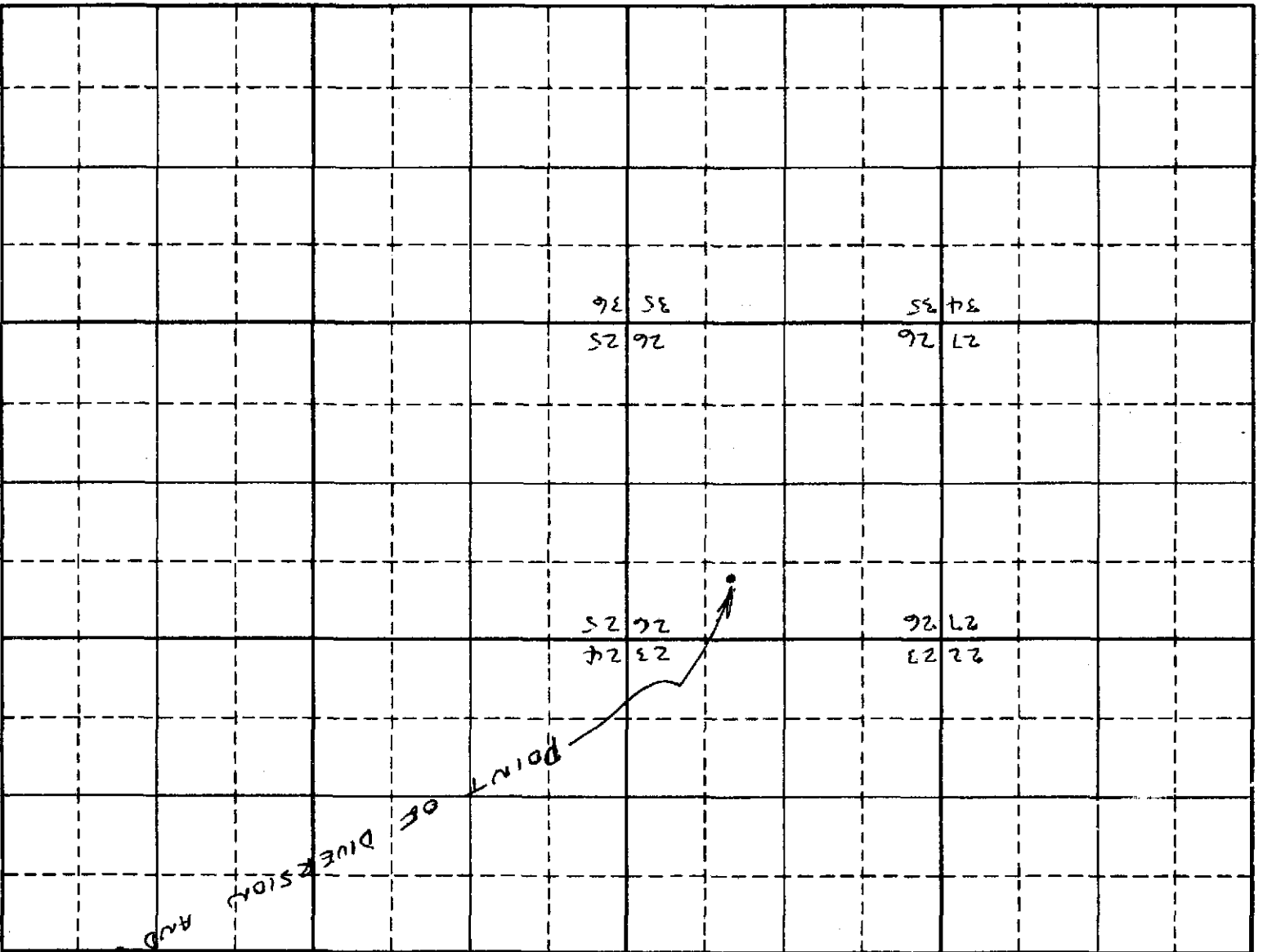
(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
65	2W	26		X															

Total No. of acres _____

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

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



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

ss.

County of *Bonanza*

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 *August*

Notary Public

Residing at *Bonanza Ferry, Id.*

My commission expires *2-29-76*

For Department Use Only

Received by *at* Date *8-3-73* Exception filed by: Forwarded to Date
Prelim. check by *76.* Date *8/3/73* Claimant by: *11833*
Approved for publication by *76* Date *8/3/73* # *11833*
Published in *BONNERS FERRY HERALD* Dates *8-9* # *8-16-73*

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO }
County of Boundary } ss.

AUG 20 1973

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4021

Notice is hereby given that Francis C. and Glea J. Mead, Star Route No. 1, Porthill, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 17 gpm of water from Smith Creek with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 65N, R. 2W, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of Jan. 1, 1958; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 65N, R. 2W, 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 August 9 and August 16, 1973.

W. H. Chubb

being

first duly sworn upon his oath, deposes and says that he is the publisher (or foreman) ~~of the Bonners Ferry Herald~~
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 Notice Idaho Dept. of Water Admin.

Notice of claim to a water right No. 98-4021

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 Aug. 9, 1973, ~~xxx~~, and ending with the issue dated Aug. 16, 1973, ~~xxx~~.

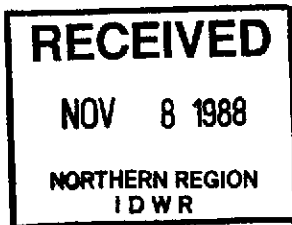
, bookkeeper

Subscribed and sworn to before me this 17 day of Aug., 1973

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

98 4021

The real property described in the attached document is located in Boundary County, Idaho, and is more particularly described as follows:



98-04021



Department of Water Resources

A tract of land in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twenty-Six (26), Township Sixty-five (65) North, Range Two (2) West of the Boise Meridian, Boundary County, Idaho; said tract being more particularly described as follows:

Beginning at the southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 26; thence along the south line of said quarter, S 89°46'32" W, 424.58 feet, to the center of Smith Creek; thence along the center of said creek for the following two (2) courses: N 33°31'15" E, 406.50 feet; thence N 46°47'48" E, 269.42 feet to the east line of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 26; thence along said east line, S 00°23'43" E, 521.57 feet to the TRUE POINT OF BEGINNING, encompassing an area of approximately 2.83-acres.

To include a claim to a domestic water right known as #98-4021, more particularly described in a letter dated September 11, 1983 from the Idaho State Department of Water Administration (Idaho Water Resources). A copy of said letter dated September 11, 1983 is attached hereto and other documents pertinent thereto.

EXHIBIT "B".



ate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 14, 1987

E. Mortensen
L. Dawson
2 Via Chiquita
Monterey, CA 93940

Dear Ms. Mortensen and Mr. Dawson:

The Idaho Department of Water Resources received a copy of correspondence which you sent to Idaho Natural Energy, Inc. You requested on the copy a listing of your water rights.

Although the letter does not describe the location of Smith Creek Falls, we assume because of the reference to a filing by the Idaho Natural Energy, Inc., that Smith Creek Falls is located in Boundary County, and that Smith Creek is tributary to the Kootenai River. The only filing other than the hydropower application by Idaho Natural Energy, Inc. is statutory claim No 98-4021 in the name of Francis Mead and Glea Mead. The claim is for 0.04 cfs to be used for domestic purposes. The Department does not have a water right in the name of Mortensen or Dawson.

We hope this information is satisfactory.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf



AUG 03 1987

Department of Water Resources

PETE T. CENARRUSA
SECRETARY OF STATE
(208) 334-2300

STATE OF IDAHO
SECRETARY OF STATE

ROOM 203, STATEHOUSE
BOISE, IDAHO 83720

July 31, 1987

Ms. E. Mortensen
Mr. L. Dawson
2 Via Chiquita
Monterey, California 93940

Dear Ms. Mortensen and Mr. Dawson:

Please be advised that we are in receipt of a copy of your letter to Idaho Natural Energy, Inc. concerning your water rights on Smith Creek Falls.

As this office does not have any records which pertain to water rights, we are pursuant to your instructions, forwarding your correspondence to the office which we hope will be able to assist you in determining your rights. Your letter is today being forwarded to the Legal Division of the Department of Water Resources, 450 West State Street, Boise, Idaho 83720. Should you wish to contact the Water Resources Offices, Division of Water Adjudications, by telephone, you may do so by calling (208)334-4437.

If we may be of further assistance in this matter, please do not hesitate to contact this office.

Sincerely,

MIREN E. ARTIACH
Deputy Secretary of State

✓ cc: Legal Department, Dept. of Water Resources

*If there are
too many Smith
Creeks, perhaps
we will have
to write for a
more definite
statement.
Cary*

Roberta,
Please search
for water rights
on Smith Creek
Falls (probably
Smith Creek) -
search would have
to be statewide.

98-7612

E.Mortenson/L.Dawson
2 Via Chiquita
Monterey, Calif. 93940
408-373-6337

Idaho Natural Energy, Inc.
699 E. South Temple, Suite 220
Salt Lake City, Utah 84102

July 21, 1987

Dear Commissioners:

E.Mortenson and I have received notice of the two Public Hearings scheduled for August 19 and August 24th. Due to various reasons we cannot be present in person at the time that is scheduled in August. We are therefore giving you our input and concerns in writing. We are certain there will be other Meetings possibly in September which we will gladly attend.

We are gravely concerned about our property, therefore:

1. We DO NOT grant you permission to utilize the SMITH CREEK FALLS without our WRITTEN APPROVAL. However, if fair and just compensation (remuneration) is given to us for the usage of the Falls, or ANY AREA of it, then perhaps we can work out an agreeable plan.
2. The remuneration must be adequate or in the form of a royalty and it must be discussed with us in person, and it must be a WRITTEN AGREEMENT.

Thank you for your kind consideration. We will await your letter.

Sincerely,


E.Mortenson
L.Dawson 

cc: Secretary of State, Boise, Id.

*Please inform me of my Water Rights, which I was told I owned, the Smith Creek Falls, belonged to me at one time, also my sister E. Mortenson now has an interest in my property. Please transfer this matter to the Water Rights Dept. Gratefully Yours,
L. Dawson
L.V. & E. Corp. of Idaho*

Office of Secretary of State

Legal Department

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

MAIL

September 11, 1973

RE: CLAIM TO A WATER RIGHT NO. 98-4020
CLAIM TO A WATER RIGHT NO. 98-4021

Mr. Francis C. Mead
Star Route 1
Porthill, Idaho 83853

Dear Mr. Mead:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions, or if we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosures

98 4021

August 3, 1973

Re: Application No. 98-7080 - James M. Smith
" " 98-7081 - Max O. &/or Beverly A. May
Claim No. 98-4020 - Francis C. & Glea J. Mead
" " 98-4021 - " " " " " " "

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 8-21-73 by CP

FE:CR

Enc: Legal Notices (4)

98 4021

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

Aug. 9 Notice of Claim to a water right No.
9C-4021/Mead-28 lines 2 times \$ 16.92

I hereby certify that the amount claimed 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.

BONNERS FERRY HERALD

Signed:

BY: 

BOOKKEEPER

98 4021

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4021

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Star Route #1, Porthill, Idaho

~~has~~ ^{have} filed a claim to a water right established by diversion and application
to beneficial use of 17 gpm ~~cubic feet per second~~ ~~xxx feet per second~~
of water from Smith Creek

with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 65N, R. 2W, B.M., Boundary
County

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

with a priority of Jan. 1, 1958 ;
the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 65N, R. 2W, 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 Bonnors Ferry Herald, Bonners Ferry, Idaho

on August 9 and August 16, 1973

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R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 9 and August 16, 1973.

O.K.
8-7-73
cl

98 4021

August 3, 1973

Re: Claim to a Water Right No. 98-4020
" " " " " " 98-4021

Francis C. Mead
Star Route #1
Porthill, ID 83853

Dear Mr. Mead:

Attached is your receipt No. 11833 in the amount of \$20 for the filing fees on the
above referenced claims which were received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

98 4021