

No Color
Documents
In File

Amended

Identification No. 98-4010

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

AMENDED **CLAIM TO A WATER RIGHT**
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

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

1. Name of claimant Claude Lee Worley
post office address Box 521, Bonners Ferry, Idaho 83805
2. The point of diversion is in NW 1/4 of SW 1/4 Section 4 Township 61 N
Range 1 E B.M. located on Spring (name of source)
tributary to Dobson Creek in Boundary County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>1930</u>	amount: <u>0.04</u> c.f.s. or	acre feet
<u>June 17, 1930</u>	amount: <u>0.20</u> c.f.s. or	acre feet
	amount: _____ c.f.s. or	acre feet
Total claimed <u>0.24</u> 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 <u>(April) Irrigation</u>	period of use from <u>April 15</u> to <u>Oct. 1</u>	(both dates inclusive)
use <u>Domestic</u>	period of use from <u>Jan. 1</u> to <u>Dec. 31</u>	(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 Plastic Pipe in a spring; length is 500 feet; height is _____ feet; width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
 - b. Underground water diverting works: is well flowing or pumped gravity flow on surface; 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 _____

98 4010

c. Conveying works: length of ditch to place of use is _____feet; width of ditch at top is _____feet;

width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible

ing date and dimensions if possible

d. If water is stored: name of reservoir _____

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____

period of storage is from _____ to _____; is reservoir drained each year _____; _____ explain _____ is reservoir on or off stream _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

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? No 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 None - now.

7. Where water is used for domestic or municipal purposes give number of families served one family
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_____

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

State of Idaho

County of Boundary

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

 $g+h$

day of

Dec

1972.

Clara L. L. L.
Claimant

Alice L. Kruegel
Notary Public

Residing at

My commission expires

May 18, 1973

For Department Use Only

Received by HK Date 12/18/72

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by F.E. Date 12/18/72

Fee received by NO fee required Date _____ Fee \$ _____

Approved for publication by F. E.

Published in BONNERS FERRY HERALD Dates 2-1-73

98 4010

INSTRUCTIONS

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

Paragraph No.

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

Date of priority claimed:		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 if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

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

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

The fee for filing 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

98-

Identification No. 98-4010
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

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

1. Name of claimant Claude Lee Worley
post office address Rt. #1 Box 521 Bonners Ferry, Idaho 83805
2. The point of diversion is in NW 1/4 of SW 1/4 Section 4 Township 61
Range N. 2 East B.M. located on Cow Creek Spring
(name of source)
tributary to Dobson Creek in Boundary County.

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

a. Date of priority claimed:

<u>1930</u>	amount <u>0.04</u>	c.f.s. or	acre feet
<u>1970</u>	amount <u>0.20</u>	c.f.s. or	acre feet
	amount: _____	c.f.s. or	acre feet
Total claimed <u>0.24</u> 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 irrigation period of use from April 15 to October 1 (both dates inclusive)
use Domestic & Stock Water 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 ^{Pipe and Tank} diversion-dam and/or headgate: material is composed of Plastic Pipe
and plastic tank; length is 500 feet; height is 2 1/2 feet;
width at bottom is 1' 4" feet; width at top is 1' 4" 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 _____

This is a spring.

width of bottom of ditch is one feet, depth of water is three feet, grade of ditch per 1000 feet is _____ feet, material through which ditch passes is _____;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

No changes

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
61	NR 28	7	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	10 acres

Total number of acres to be irrigated.

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

None

b. Do you get water through a ditch owned by several users? 2 If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) Everett Trutt

6. Where water is used for stock watering, give number of each kind of stock watered 2 pigs

7. Where water is used for domestic or municipal purposes give number of families served 2
name of town supplied None

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.

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

I have used this spring since 1942,
The other family used water since 1969,
There is an abundance of water

State of Idaho

County of Boundary 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.

Claude Leary
Claimant

Sworn to before me this 24th day of October 1972

Alice L. Kruegel
Notary Public

Residing at Bonniers Ferry, Idaho

My commission expires May 18, 1973

For Department Use Only

Received by ZB Date 11/3/72
OK Date 10-26-72

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by ZB Date 11/3/72 # 8478

Fee received by ZB Date 11/3/72 Fee \$ 10.00

Approved for publication by ZB 11/3/72

Published in BONNIERS FERRY HERALD Dates 11-16-72

11-23-72

98 4010

INSTRUCTIONS

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

Paragraph No.

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

Date of priority claimed:		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

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

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

Bonnere Ferry, Idaho,
Oct. 5th, 1972.

Idaho Department of Water Administration,
Boise, Idaho.

Dear Sirs:

Attention: E. Keith Higginson

Claude Lee Werley, Box 521, Bonners Ferry, Idaho, 83805,
wishes to file a claim for a water right established by di-
version and application to beneficial use of 0.24 cubic feet
per second of water, from a spring with point of diversion in
the

Northwest One Quarter of the Southwest One Quarter
(NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Four (4), Township Sixty-one
(61) North Range Two (2) East B.M., Boundary County,
Idaho.

The water is claimed to be used from April 15th to October
1st, for irrigation and from January 1st to December 31st, for
domestic and stock water purposes, with a priority of 1930
(0.04 cfs) and June 17, 1970 (c.20 cfs); the place of use is
within the

Southwest One Quarter of the Southwest One Quarter of
the Northwest One Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Four
(4), Township Sixty-one (61) North Range Two (2) East
B.M., Boundary County, Idaho.

Please send me the forms, etc., and I will assist Mr. Werley
with his filing.

Yours sincerely,

Alice L. Kruegel,
for Claude L. Werley,
Box 576, Bonners Ferry, Idaho
83805.

November 22, 1972

Mr. R. Keith Higgenson, Director
Idaho Department of Water Administration
401 Front Avenue,
Coeur d'Alene, Idaho 83814

Dear Mr. Higgenson:

I wish to file an exception to the claim of water right no. 98-4010 applied for by Claude Lee Worley, Rt. No. 1, Box 521, Bonners Ferry, Idaho.

Please send me directions as to what procedure I must follow.

Most Sincerely Yours,



David E. Browne
Rt. No. 1, Box 522
Bonners Ferry, Idaho 83805

Home Phone: 267-2376
Business Phone: 267-3146

98 4010

NOTICE OF AMENDED CLAIM

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. Water Administration

a Notice of Amended Claim to a Water Right No. 98-4010

Claude L. Worley

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. 1, 1973, ~~xxx~~, and ending with the issue dated Feb. 8, 1973, ~~zix~~

Beth Haglan, bookkeeper

Subscribed and sworn to before me this 16 day of Feb, 1973

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

hereby given that Claude Lee Worley filed Claim to a Water Right No. 98-4010 established by diversion and application to beneficial use of 0.24 c.f.s. of water from a Spring, tributary to Dobson Creek, with point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M., Boundary County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes; and from April 15 to Oct. 1 for the irrigation of 10 acres with a priority of 1930 (0.04 cfs) and 1970 (0.20 cfs). The place of use was within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M.

The claimant now proposes to amend Claim to a Water Right No. 98-4010, claiming 0.24 c.f.s. of water from a Spring, tributary to Dobson Creek, with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M., Boundary County. The water is claimed to be used from Jan 1 to Dec. 31 for domestic purposes; and from April 15 to Oct. 1 for the irrigation of ten acres with a priority of 1930 (0.04 cfs) and June 17, 1930 (0.20 cfs). The place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N R. 2E, B.M.

Any exception to the amending of the above claim may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, ID on Feb. 1 and Feb. 8, 1973

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

NOTICE OF CLAIM OF A WATER RIGHT

Notice is hereby given that Claude Lee Worley, Rt. No. 1, Box 521, Bonners Ferry, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.24 cubic feet per second of water from a spring with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M., Boundary County.

The water is claimed to be used Jan. 1 to Dec. 31 for domestic and stockwatering purposes; and from April 15 to Oct. 1 for the irrigation of 10 acres with a priority of 1930 (0.04 cfs) and 1970 (0.20 cfs); the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Nov. 16 and Nov. 23, 1972.

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 of A Water Right-98-4010/Worley

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 Nov. 16, 1972, and ending with the issue dated Nov. 23, 1972.

Linda Haglan, bookkeeper

Subscribed and sworn to before me this 22 day of Nov., 1972

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

98 4010

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

February 20, 1973

Re: Claim to a Water Right No. 98-4010

Claude Lee Worley
Box 521
Bonners Ferry, ID 83805

Dear Mr. Worley:

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 further assistance, please feel free to contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

98 4010

February 8, 1973

Re: Claim to a Water Right No. 98-4010 - Claude Lee Worley

Laurence Holdeman
Route #1, Box 526
Bonners Ferry, ID 83805

Dear Mr. Holdeman:

Our Department has a procedure whereas Constitutional Use Rights can be recorded by filing a Claim to a Water Right form. This is the procedure that Mr. Worley has followed by filing Claim No. 98-4010 with our Department.

This Claim states that 0.24 cubic feet per second of water from an Unnamed Spring, which is tributary to Dobson Creek, is used for irrigation and domestic purposes with a priority of June 17, 1930. If you believe that any part of this claim is in error, you have the right to file an exception which will be made part of the claim.

We do wish to make it clear that our Department has not issued a new water right to Mr. Worley, but rather recorded his older constitutional right. We would also like to re-affirm our previous statement, that unless the water rights are specifically withheld during the sale of the land, they would remain with the land. If you are now the owner of the land listed under License No. 98-4060, you would also retain the water rights. However, your rights would be junior to Mr. Worley's, due to Idaho Water Law which is based on "first in time is first in right."

If you wish to file an exception to Claim No. 98-4010, please state what items you believe are in error and we will process it. An exception may be filed at any time.

We hope we have answered some of your questions, but if there are any uncertainties, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:cr

Feb. 3, 1973
Idaho Dept. of Water Administration,

RECEIVED

Dear Sirs,

Published in the public notices in the "Bonner Ferry Herald" Feb. 1 we see a "Notice of Amended Claim to a Water Right" that Claude Lee Worley filed claim to water right No. 98-4060 & proposes to amend claim. The notice this is for use from a spring tributary to Dobson Creek.

We have purchased the Ray Gibbons place through which Dobson Creek runs. Before we bought this place we called the Dept. of Water Administration at Boise to make sure of the water rights on this place. They assured us the water rights went with this place. Our description is Part Unit 27 in W $\frac{1}{2}$ Section 33, T 2 N R 2 E and our water license No. 30454/98-2108 priority April 9, 1962, amount 0.66 cubic ft, second, amount per season 174 acre ft. from Dobson Creek.

We don't understand all about this water right business. We were told that we should watch for any notices about water rights that was from close by us. Perhaps this is something of priority ahead of our water rights.

We plan to use our irrigating rights. Ray Gibbons said at times there was hardly enough water for his irrigating needs when he lived on this place. We don't feel there should be any more irrigating rights granted for above this part of Dobson Creek than there is already.

(over)

98 4010

With our water license the way it is;
is there anything we need to do other
than use it to keep the water rights?
We will appreciate any more information
on this. Thank you very much.

Sincerely
Laurence & Beth Aldeman
R. #1, Box 526,
Bonners Ferry, Idaho
83805

We enclose a self-addressed stamped
envelope for a reply.

Thanks

98 4010

January 26, 1973

Re: Amended Claim to a Water Right No. 98-4010 - Claude Lee Worley

Bonnors Ferry Herald
212 Main
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
Water Resource Supervisor
Northern District

Bill submitted 1-20-73 by CR

FE:CR

Enc: Legal Notice

98 4010

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

State of Idaho
Department of Water Administration
401 Front Ave., Rm. 209
Coeur d'Alene, Idaho 83817

1973

Feb. 1 Notice of Amended Claim to a Water Right
No. 98-4010-Claude Worley-43 lines
8 times

\$ 16.77

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.

TO: BONNERS FERRY HERALD

BY: Leta Haglan, Bookkeeper

98 4010

NOTICE OF AMENDED
CLAIM TO A WATER RIGHT

Notice is hereby given that Claude Lee Worley filed Claim to a Water Right No. 98-4010 established by diversion and application to beneficial use of 0.24 c.f.s. of water from a Spring, tributary to Dobson Creek, with point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M., Boundary County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes; and from April 15 to Oct. 1 for the irrigation of 10 acres with a priority of 1930 (0.04 cfs) and 1970 (0.20 cfs). The place of use was within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M.

The claimant now proposes to amend Claim to a Water Right No. 98-4010, claiming 0.24 c.f.s. of water from a Spring, tributary to Dobson Creek, with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M., Boundary County. The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from April 15 to Oct. 1 for the irrigation of ten acres with a priority of 1930 (0.04 cfs) and June 17, 1930 (0.20 cfs). The place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N R. 2E, B.M.

Any exception to the amending of the above claim may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, ID on Feb. 1 and Feb. 8, 1973.

98 4010

**NOTICE OF AMENDED
CLAIM TO A WATER RIGHT**

Notice is hereby given that Claude Lee Worley filed Claim to a Water Right No. 198-4010 established by diversion and application to beneficial use of 0.24 cfs. of water from a Spring, tributary to Dobson Creek, with point of diversion within the NW1/4SW1/4, Sec. 4, T. 61N, R. 2E, B.M., Boundary County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes; and from April 15 to Oct. 1 for the irrigation of 10 acres with a priority of 1930 (0.04 cfs) and 1970 (0.20 cfs). The place of use was within the SW1/4SW1/4, Sec. 4, T. 61N, R. 2E, B.M. The claimant now proposes to amend Claim to a Water Right No. 98-4010, claiming 0.24 cfs. of water from a Spring, tributary to Dobson Creek, with point of diversion in the NW1/4SW1/4, Sec. 4, T. 61N, R. 2E, B.M., Boundary County. The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from April 15 to Oct. 1 for the irrigation of ten acres with a priority of 1930 (0.04 cfs) and June 17, 1930 (0.20 cfs). The place of use is within the SW1/4SW1/4, Sec. 4, T. 61N, R. 2E, B.M. Any exception to the amending of the above claim may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director
Published in the Bonners Ferry Herald, Bonners Ferry, ID on Feb. 1 and Feb. 8, 1973.

1-30-73
97.

98 4010

December 21, 1972

Re: Claim to a Water Right No. 98-4010 - Claude Lee Worley

David E. Browne
Route #1, Box 522
Bonners Ferry, ID 83805

Dear Mr. Browne:

In reference to our letter of November 28, 1972 concerning the exception you filed on the above referenced claim, we have been advised that we will need information stating the reasons for your exception.

Could you please send us a letter giving grounds for your exception. Upon receipt of this information, we will enter this in the file and Mr. Worley will be notified once again.

Your assistance in this matter would be greatly appreciated.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

98 4010

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 28, 1972

Re: Claim to a Water Right No. 98-4010

Claude Lee Worley
Route #1, Box 521
Bonners Ferry, ID 83805

Dear Mr. Worley:

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

"At anytime 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 reclamation (renamed department of water administration on July 1, 1970) 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 can be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enclosure

98 4010

November 6, 1972

Re: Claim No. 96-4038 - Jack W. Storey
" 98-4010 - Claude Lee Worley

Bonnors Ferry Herald
212 Main
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
Water Resource Supervisor
Northern District

Bill submitted 11-29-72 by EL

FE:CR

98 4010

Enc: Legal Notices (2)

STATEMENT

RECEIVED

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

State of Idaho Dept. of Water Adm.
Northern Dist. Office
401 Front Ave., Rm. 209
Coeur d'Alene, Idaho 83814

1972

Nov. 16 Notice of claim to water-No. 98-4010-
Claude Lee Worley-31 lines 2 times \$ 12.90

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.

BONNERS FERRY HERALD

SIGNED: _____

BY: *Rita Hagler*

98 4010

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4010

Notice is hereby given that Claude Lee Worley,

Rt. #1, Box 521, Bonners Ferry, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.24 cubic feet per second ~~acre feet per annum~~
of water from a spring

with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M.,
Boundary County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
and stockwatering purposes; and from April 15 to Oct. 1 for the irrigation of 10 acres
with a priority of 1930 (0.04 cfs) and 1970 (0.20 cfs);
the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho

on Nov. 16 and Nov. 23, 1972

**NOTICE OF CLAIM OF A WATER
RIGHT**

No. 98-4010

Notice is hereby given that Claude Lee Worley, Rt. No. 1, Box 521, Bonners Ferry, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.24 cubic feet per second of water from a spring with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M., Boundary County.

The water is claimed to be used Jan. 1 to Dec. 31 for domestic and stockwatering purposes; and from April 15 to Oct. 1 for the irrigation of 10 acres with a priority of 1930 (0.04 cfs) and 1970 (0.02 cfs); the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 61N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Nov. 16 and Nov. 23, 1972.

called & corrected

11-15-72

cl

98 4010

November 6, 1972

Re: Claim to a Water Right No. 98-4010

Claude L. Worley
Route #1, Box 521
Bonners Ferry, ID 83805

Dear Mr. Worley:

Attached herewith is your receipt No. 8478 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
Water Resource Supervisor
Northern District

FE:CR

Enc: Receipt

98 4010

October 30, 1972

C
Claude Lee Worley
Route #1, Box 521
Bonners Ferry, ID 83805

Dear Mr. Worley:

We are returning your Claim to a Water Right for clarification of the source of water. Under Item #2, you state that the water comes from Cow Creek, which is a tributary to Dobson Creek. Then under Item #9, you state that the water comes from a Spring.

P
If the water source is a spring, please indicate so under Item #2. The remaining items on the claim appear to be in order. After correcting Item #2, please re-submit the claim to our office so we may begin its processing.

If you should have any questions, please feel free to contact us.

Very truly yours,

F
Y
Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:cr

Enc: Claim to a Water Right
Check No. 92-95 (\$10.00)

98 4010

RECEIVED
FROM THE DESK OF

ALICE L. KRUEGEL

Department of Water Administration
Northern District Office

DATE

Dec. 1, 1972

TIME

A. M.

P. M.

TO

State of Idaho

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

Dear Sirs:

Please send me
a claim form to refile
as letter states.

Thank you,
Yours truly,
Alice L. Kruegel
for
Claude Lee Worley

CLAIM SENT
12-7-72. CL



BUSINESS ENVELOPE MFRS. INC.
BRONX, N. Y. KNOXVILLE, TENN.
MELROSE PARK, ILL.
ANAHEIM, CALIF.

98 4010

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

RECEIVED

November 28, 1972

DEC 4 1972

Department of Water Administration
Northern District Office

Re: Claim to a Water Right No. 98-4010

Claude Lee Worley
Route #1, Box 521
Bonners Ferry, ID 83805

Dear Mr. Worley:

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

"At anytime 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 reclamation (renamed department of water administration on July 1, 1970) 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 can be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

98 4010

Enclosure

RECEIVED

NOV 24 1972

DEPARTMENT OF WATER ADMINISTRATION
NATURAL RESOURCES
NATURAL RESOURCES

November 22, 1972

Mr. R. Keith Higgenson, Director
Idaho Department of Water Administration
401 Front Avenue,
Coeur d'Alene, Idaho 83814

Dear Mr. Higgenson:

I wish to file an exception to the claim of water right no. 98-4010 applied for by Claude Lee Worley, Rt. No. 1, Box 521, Bonners Ferry, Idaho.

Please send me directions as to what procedure I must follow.

Most Sincerely Yours,

David E. Browne

David E. Browne
Rt. No. 1, Box 522
Bonners Ferry, Idaho 83805

Home Phone: 267-2376
Business Phone: 267-3146

98 4010

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 28, 1972

Re: Claim to a Water Right No. 98-4010

Claude Lee Worley
Route #1, Box 521
Bonners Ferry, ID 83805

Dear Mr. Worley:

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

"At anytime 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 reclamation (renamed department of water administration on July 1, 1970) 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 can be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enclosure
bcc: State Office

98 4010

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 28, 1972

Re: Claim to a Water Right No. 98-4010 - Claude Lee Worley

David E. Browne
Route #1, Box 522
Bonners Ferry, ID 83805

Dear Mr. Browne:

We are in receipt of your correspondence 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, Idaho Code):

"At anytime 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 reclamation (renamed department of water administration on July 1, 1970) 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 can be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

98 4010

FE:CR

bcc: State Office