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Documents
In File

Identification No.

Claim No.

Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 WAYLAND H. DAVIS
post office address DEEP CREEK MOTEL, BONNERS FERRY, IDAHO, 83805

2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 19 Township 61N
Range 1 E B.M. located on DEEP CREEK
(name of source)
tributary to KOOTENAI RIVER 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:

JULY, 1958 amount: .135 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .135 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 MAY 15 to OCT. 15 (both dates inclusive)
use _____ period of use from _____ to _____ (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 _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

WATER IS PUMPED DIRECTLY FROM THE STREAM BED

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is CENTRIFUGAL PUMP
capacity of pump is 60 g.p.m.; name and address of well driller is _____
_____ ;

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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 _____ feet; maximum length of pipe line to first place of use is 20 feet; diameter of pipe line is 1 1/2 inches; type of pipe **PLASTIC** _____; 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 _____.

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 _____;
is reservoir on or off stream _____ explain _____

it 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 5

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 _____

7. Where water is used for domestic or municipal purposes give number of families served 16
name of town supplied DEEP CREEK MOTEL

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

IRRIGATION WATER TO BE USED ON LAWNS AND FLOWERS

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

X 9-10-71
(Date)

Wayland H. Davis
(Signature of Claimant)

State of Idaho

County of Bannock } ss.

On this 10 day of September 19 71, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Lucille E. Myers
Notary Public residing at Bonner Ferry, Idaho

My commission expires 9-25-71

NOTARY PUBLIC for the State of Idaho
Residing at Bonner Ferry, Idaho

My commission expires Sept. 25, 1971

For Department Use Only

Received by uj Date 9-13-71

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by uj Date 9-14-71

Fee received by uj Date 9-15-71 Fee \$ 10.00

Approved for publication by _____

Published in Banner Ferry Herald Dates 10-7 & 10-14-71

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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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 98-4008

Notice is hereby given that Wayland H. Davis, Deep Creek Motel, Bonners Ferry, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.135 cubic feet per second of water from Deep Creek, tributary of Kootenai River with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 61N, R. 1E, B.M., Boundary County.

The water is claimed to be used from May 15 to Oct. 15 for the irrigation of 5 acres with a priority of July 1958; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 61N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Oct. 7 and Oct. 14, 1971.

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 State Department of Water Administration

a Notice of Claim to water right No. 98-4008- WH Davis

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. 7, 1971, ~~1968~~, and ending with the issue dated Oct. 14, 1971, ~~1968~~.

Subscribed and sworn to before me this 20 day of Oct, 1971.

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

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October 27, 1971

Re: Claim to a Water Right No. 98-4008

Wayland H. Davis
Deep Creek Motel
Bonners Ferry, Idaho 83805

Dear Mr. Davis:

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 your 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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

Enclosure: Copy of Claim

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September 29, 1971

Re: Application No. 98-7045 - Wayland H. Davis
Claim No. 98-4008 - Wayland H. Davis

Bonnere Ferry Herald
212 Main
Bonnere Ferry, Idaho 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 our 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 date. 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Legal Notice

Bill submitted 10-26-71 By CR

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**NOTICE OF CLAIM TO A WATER
RIGHT**

No. 98-4008

Notice is hereby given that Wayland H. Davis, Deep Creek Motel, Bonners Ferry, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.135 cubic feet per second of water from Deep Creek, tributary of Kootenai River with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 61N, R. 1E, B.M., Boundary County.

The water is claimed to be used from May 15 to Oct. 15 for the irrigation of 5 acres with a priority of July 1958; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 61N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Oct. 7 and Oct. 14, 1971.

*D. K. 4-71
10-4-71
J.B.*

NOTICE OF CLAIM TO A WATER RIGHT

No. 98-4008

Notice is hereby given that Wayland H. Davis, Deep Creek Motel,
Bonnors Ferry, Idaho

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.135 cubic feet per second ~~acre feet~~
of water from Deep Creek, tributary of Kootenai River
with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 61N, R. 1E, B.M.,
Boundary County.

The water is claimed to be used from May 15 to Oct. 15 for the
irrigation of 5 acres
with a priority of July, 1958;
the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 61N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration., Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Bonnors Ferry Herald, Bonnors Ferry, Idaho
on Oct. 7 and Oct. 14, 1971.