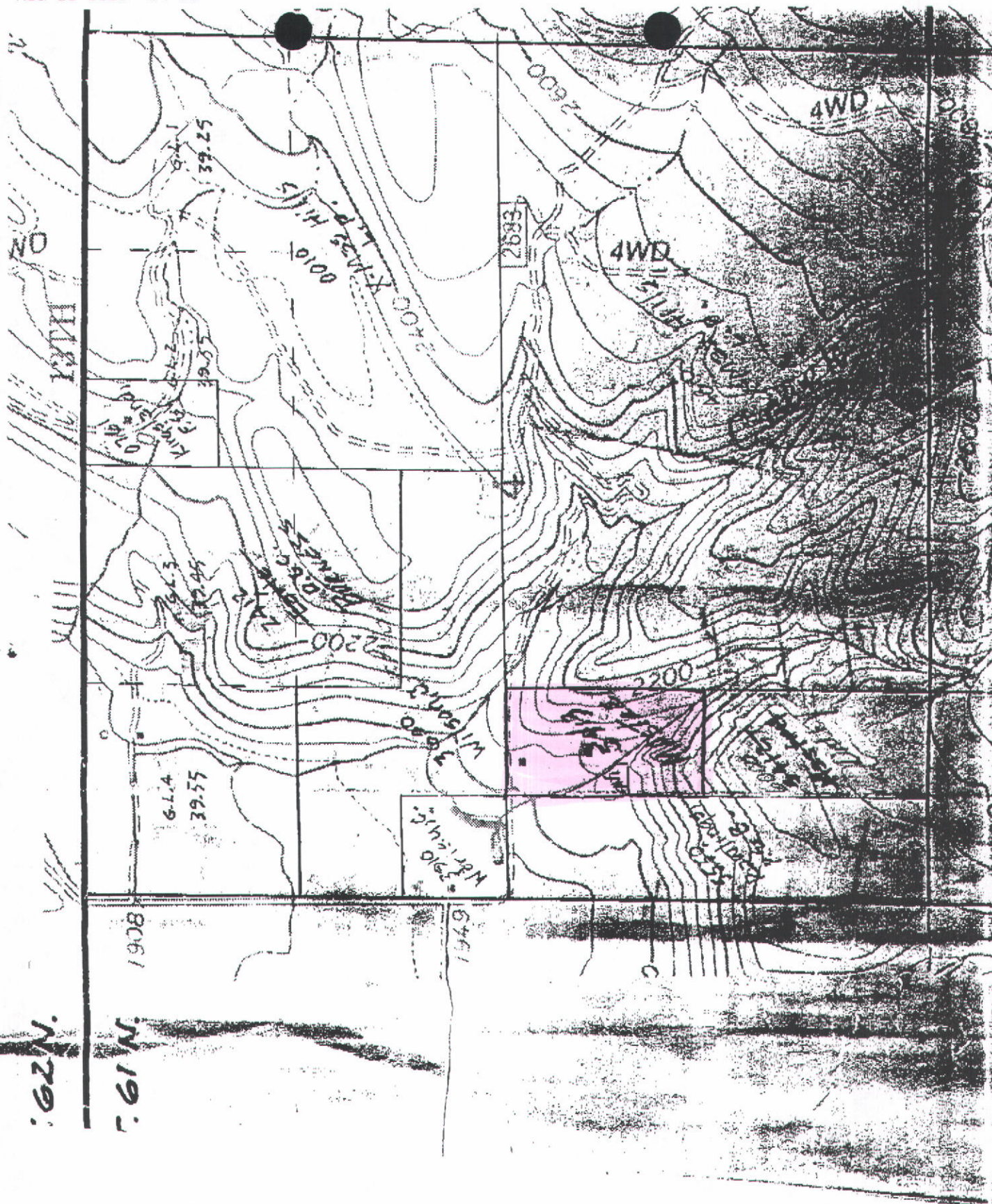




MICROFILMED
AUG 27 1999

RECEIVED

AUG 12 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): 98-04006
 Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

☒ B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s).
 (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant _____

④ New Owner/Claimant(s) BOB MASTRE

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address PO BOX 1374

City, State and ZIP Code BONNERS FERRY ID 83805

New Telephone Number () 267-2742

5. Date you acquired the property '93

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) X Bob Mastre
 or Claimant(s) _____

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AUG 27 1999

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your portion of the water right: include the number of homes you acquired, number of acres irrigated with your portion of the right, if it is more than 1/2 acre, type and number of stock if your portion of the right includes stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

0170856

DENISE M. WOODBURY
ATTORNEY AT LAW
P. O. BOX 1107
Bonners Ferry, ID 83805
208-267-7758

Denise Woodbury
on the 6th of August 1993 at 4:57
o'clock P.M. recorded in Book 90
of Extr. on page 365
NORMA J. ESTEP
County Recorder
By C. Thornton Deputy

PERSONAL REPRESENTATIVE'S DEED

Made to Woodbury

THIS DEED, made by WENDY FAIRBROTHER, as personal representative of the Estates of DONALD ROBERT WASKEY, aka DAVID ASHLEY, and HELEN ASHLEY, husband and wife, deceased, Grantor, to BOB MASTRE and JO ANNE MASTRE, husband and wife, of P. O. Box 1374, Bonners Ferry, Idaho 83805, Grantee.

WHEREAS, Grantor is the duly appointed and qualified General Personal Representative of said estate, Probate No. SP 92-9854, First Judicial District Court of Idaho, for Boundary County, Magistrate Division.

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee the following described real property in Boundary County, Idaho,

The East Half of the West Half of the Southwest Quarter (E 1/2 W 1/2 SW 1/4) of Section Four (4), Township Sixty One (61) North, Range Two (2) East, B.M., Boundary County, Idaho.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

SUBJECT TO: such other rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

AND ALSO SUBJECT TO: payment by Grantee of 1993 real property taxes.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

MICROFILMED

AUG 27 1993

EXECUTED this 30 day of July, 1993.

Wendy Fairbrother
Wendy Fairbrother, Personal
Representative of the Estates
of DONALD ROBERT WASKEY, aka
DAVID ASHLEY and HELEN ASHLEY,
husband and wife, Deceased

STATE OF IDAHO)
County of Boundary) ss.

On the 30th day of July, 1993, before the undersigned Notary Public, personally appeared WENDY FAIRBROTHER, whose name is subscribed to the within instrument, as Personal Representative of the Estates of DONALD ROBERT WASKEY, aka DAVID ASHLEY and HELEN ASHLEY, husband and wife, Deceased, and acknowledged to me that she executed the same as such personal representative.

Denise Woodbury
Notary Public for Idaho
Residing at Naples
My Comm. Expires 11/25/97

ACCEPTANCE

The undersigned accept the foregoing Warranty Deed.

Bob Mastre Jo Anne Mastre
Bob Mastre Jo Anne Mastre

STATE OF IDAHO)
County of Boundary) ss.

On this 6th day of August, 1993, before the undersigned Notary Public personally appeared BOB MASTRE and JO ANNE MASTRE, known to me to be the persons whose names are subscribed to the foregoing document, and acknowledged to me that they executed the same.

Denise Woodbury
Notary Public for Idaho
Residing at Naples
My Comm. Expires 11/25/97

MICROFILMED

AUG 27 1999

0170849

DAY AND ELLIOTT

Attorneys and Counselors at Law on the

225 Main, P.O. Box 618
Bonners Ferry, Idaho 83808
(208) 287-3197at _____ o'clock _____ M., and recorded in Book _____
of _____ on page _____

County Recorder

WARRANTY DEED

By _____ Deputy

Fee \$ _____

Made to _____

GRANTORS, DAVID E. BROWNE and THERESA MARIE BROWNE,
husband and wife, whose mailing address is Route 1, Box 522,
Bonners Ferry, Idaho, 83805, for a good and valuable
consideration, the receipt of which is hereby acknowledged,
do hereby grant, bargain, sell and convey unto DAVID ASHLEY
and HELEN ASHLEY, husband and wife, whose mailing address is
Drawer BB, East Helena, Montana 59635, as GRANTEES, and to
Grantees' heirs and assigns forever, all of the following
described real estate located in the County of Boundary,
State of Idaho:

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

TOGETHER with all improvements, easements,
hereditaments and appurtenances thereto.

Subject to such other rights, easements, covenants, re-
strictions and zoning regulations as appear of record or by
use upon the premises.

Grantors, for them, and their heirs and assigns, do
hereby covenant, warranty and shall defend the quiet and
peaceable possession of said premises by the Grantees, their
heirs and assigns forever against the lawful claims of all
persons.

MICROFILMED

AUG 27 1989

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors and Grantees have hereunto subscribed their names to this instrument this 14th day of November, 1986.

GRANTORS:

David E. Browne
DAVID E. BROWNE

Theresa Marie Browne
THERESA MARIE BROWNE

GRANTEES:

David Ashley
DAVID ASHLEY

Helen Ashley
HELEN ASHLEY

STATE OF IDAHO: ss
County of Boundary:

On this 14 day of November, 1986, before me, the undersigned Notary Public for the State of Idaho, personally appeared DAVID E. BROWNE and THERESA MARIE BROWNE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Linda J. Erickson
Notary Public for Idaho
Residing at Bonners Ferry
My Comm. Exp.: 3-9-87

MICROFILMED
AUG 27 1983

RILLY TITLE CO., INC.

EAST 107 EOOTENAI
BONNERS FERRY, IDAHO - 83803
AR 7-2214

RIVERSIDE BLDG.
SANDPOINT, IDAHO - 83864
CO 3-5318

WARRANTY DEED

For Value Received CONSTANCE M. PORTREY, a widow of Bonners Ferry, Boundary County, Idaho

the grantor do hereby grant, bargain, sell and convey unto

DAVID E. BROWNE and THERESA MARIE BROWNE, husband and wife of P. O. Box 254, Wrightwood, Calif. 92397 the grantees, the following described premises, in Boundary County, Idaho, to-wit:

The West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Four (4), Township Sixty-one (61) North, Range Two (2) East of the Boise Meridian, subject to road easement along North and water useage agreement from spring in the North-east corner.

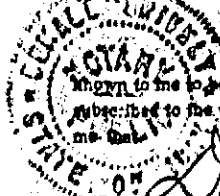
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantor S do hereby covenant to and with the said Grantee, that she the owner in fee simple of said premises; that they are free from all incumbrances

and that S he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 9th, 1970.

Constance M. Portrey
Constance M. Portrey

STATE OF IDAHO, COUNTY OF
On this 16th day of October, 1970
before me, a notary public in and for said State, personally appeared, CONSTANCE M. PORTREY



known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Donald Shively
Notary Public

Residing at Bonners Ferry
Comm. Expires Aug 25, 73

STATE OF IDAHO, COUNTY OF Boundary
I hereby certify that this instrument was filed for record at the request of First Am. Title Co.

at 48 minutes past 3:00 o'clock P.M.
this 24th day of February
1970, in my office, and duly recorded in Book 58
of Deeds at page 171
J. J. J.

MORMA J. ESTER

Ex-Officio Recorder

By *C. Thornton*

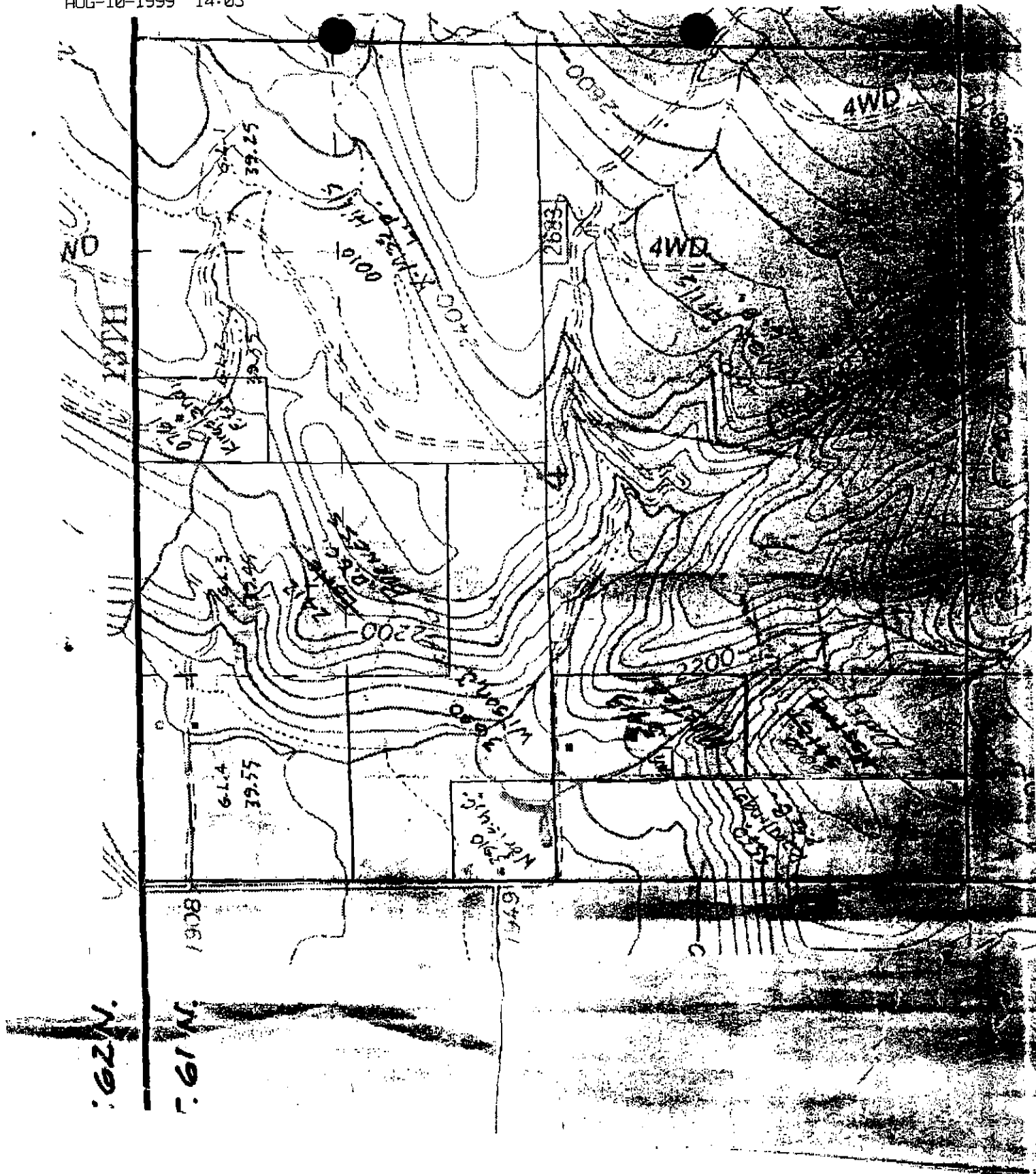
Fees & Costs

Mall to 1st Am.

INSTRUMENT NO.

0149549

RECEPTION
INDEXED
FILMED
DELETED
MAILED



MICROFILMS

465 77 1960

TOTAL P.03

8/10/99

PM0100.- PARCEL MASTER INQUIRY

12:59:42

PARCEL: RP 61N02E045413 A

F9=MS

F12=RC

F17=DD F19=SP

F23=AG

NAME/ADDRESS

LEGAL DESCRIPTION

MASTRE, BOB
& MASTRE, JOANNEN2E2W2SW4 LESS TAX 2
SEC 4 T61N R2E

PO BOX 1374

CODE AREA 400

OWNER CODE

PARC TYPE

LOC CODE 4000

BONNERS FERRY ID 83805

EFFDATE 11221995

EXPDATE

COUNTY RD #22

PREV PARCEL

RP61N02E045412T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
6	1995	12300	AC	9705				
10	1995	1000	AC	9500				
18	1995	5700	AC	11400				
32	1995			7158				
TOTALS		19000		37763				

ENTER NEXT PARCEL NUMBER

RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

MICROFILMED

AUG 27 1999

Identification No. _____
Claim No. 98-4006
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 Glenn A Portney
post office address Bonners Ferry, Idaho
2. The point of diversion is in N.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ Section 4 Township 61 N
Range 2 E B.M. located on Spring (name of source)
tributary to Nothing in Bonanza 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:

1930 amount: 0.02 c.f.s. or _____ acre feet
1931 amount: 0.02 c.f.s. or _____ acre feet
6-17-70 amount: .20 c.f.s. or _____ acre feet
Total claimed 0.24 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 Domestic period of use from Jan 1 to Dec 31 (both dates inclusive)
use Stockwater period of use from Jan 1 to Dec 31 (both dates inclusive)
use Irrigation period of use from April 15 to Oct 1 (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 Round metal tank at the present; length is 5 feet; height is 1 1/3 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 I intend to replace this with concrete box 4x4x6 ft long

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 _____

98-4006

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 _____

25 head beef cattle

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

I did not include dates for Domestic and Livestock
use because I didn't which dates to use. We have
only owned this land since June 15, 1959. However
the previous owner had used this water since
1930. This spring originates on this place and is
ditched across the property line into a pond for
my neighbors use as of now, however there is
ample water for both uses. What water is left
over soaks into the ground on this place.
Occasionally when my neighbors pond runs over
it heads in the direction of Bohson creek but
seldom if ever gets there.

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.

Glenn A. Portney
Claimant

Sworn to before me this 24th day of July, 19 70.

Alice L. Krummel
Notary Public

Residing at Bonners Ferry, Idaho

My commission expires May 18, 1973

For Department Use Only

Received by [Signature] Date 7/27/70 Exception filed by: _____ Forwarded to claimant by: _____ Date _____

Prelim. check by [Signature] Date 8-3-70 _____

Fee received by [Signature] Date 8/5/70 Fee \$ 0.00 _____

Approved for publication by [Signature] _____

Published in Bonnors Ferry Dates 8-20
Herald 8-27, 1970 _____

98-4006

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

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

being first duly sworn up 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/Portrey**

a **Notice of Claim to a Water Right-No. 98-4006**

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 **August 20**, 19**70**, and ending with the issue dated **August 27**, 19**70**

Subscribed and sworn to before me this **4** day of **Sept**, 19**70**

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

NOTICE OF CLAIM TO A WATER RIGHT No. 98-4006

Notice is hereby given that Glenn A. Portrey, 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 from April 15 to Oct. 1 for irrigation and from Jan. 1 to Dec. 31 for domestic and stockwater purposes with a priority of 1930 (0.04cfs) and June 17, 1970 (0.20cfs); the place of use is within the NW $\frac{1}{4}$ 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.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 20 and August 27, 1970.

SEP 11 1970

Department of Water Administration

98-4006

**NOTICE OF CLAIM TO A
WATER RIGHT**
No. 98-4006

Notice is hereby given that Glen A. Portrey, 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 NW1/4SW1/4 Sec. 4, T. 61N, R. 2E, B.M., Boundary County.

The water is claimed to be used from April 15 to Oct. 1 for irrigation and from Jan. 1 to Dec. 31 for domestic and stockwater purposes with a priority of 1930 (0.04cfs) and June 17, 1970 (0.20cfs); the place of use is within the NW1/4SW1/4 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.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 20 and August 27, 1970.

SEP 31 1970

Department of Water Administration

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

being first duly sworn up 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/Portrey

Notice of Claim to a Water right - No. 98-4006

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 August 20, 1970, and ending with the issue dated August 27, 1970

Subscribed and sworn to before me this 4 day of Sept, 1970

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

Residing at Bonners Ferry, Idaho

My commission expires April 20, 1974

98-4006



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

August 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BOB MASTRE
PO BOX 1374
BONNERS FERRY ID 83805

RE: Statutory Claim 98-04006

Dear Mr. Mastre:

The department acknowledges receipt of correspondence changing ownership of the above referenced statutory claim to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

UNRECORDED

SEP 1 1999

October 7, 1970

Re: Claim to a Water Right No. 98-4006
Glenn A. Portrey

Bonnors Ferry Herald
P.O. Box 539
Bonnors Ferry, Idaho 83805

Gentlemen:

We are herewith returning the affidavit of publication and certified bill in connection with the above referenced claim.

We received an affidavit and bill for this claim on September 11, 1970, and submitted the bill for payment on September 16, 1970. You have no doubt received payment for this bill by now. If you have not received payment, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosures

98-4006

September 16, 1970

C
Re: Claim to a Water Right No. 98-4006

O
Mr. Glenn A. Portrey
Bonners Ferry, Idaho 83805

P
Dear Mr. Portrey:

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

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 evidence that you would like to have included in your claim file, you may add that information 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:dr

Enclosures: Copy of claim
Receipt No. 5009

98-4006

September 9, 1970

Re: Claim to a water right No. 98-4006
Glenn A. Portrey

Bonnors Ferry Herald
212 Main
Bonnors Ferry, Idaho 83805

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced claim. The legal notice was to have been published in your paper on August 29th and 27th, 1970.

Your cooperation in this matter is most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

98-4006

September 8, 1970

Re: Claim to a Water Right No. 98-4006 - Glenn A. Portrey

C
Mr. & Mrs. Ray Gibbons
Route 1
Bonners Ferry, Idaho 83805

O
Dear Mr. & Mrs. Gibbons:

We are in receipt of your letter of concern filed in connection with the above referenced claim to a water right. In order for your concern to be properly evaluated, you will be required to comply with the following provisions of the Idaho Code, Section 42-225b:

P
Y
"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 may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

98-4006

Mr. & Mrs. Ray Gibbons
Route 1
Bonners Ferry, Idaho 83805

Aug 25, 1970

Dept of Reclamation
Boise, Idaho

Attn: Carl E. Tappan, State Reclamation Engineer

I am enclosing a notice in our local paper about Portrey's water right. We do not know by this legal description if it will affect our water flow of Holson Creek.

Our permit is no 30454 and we do not have enough water to keep our pump running 24 hours a day. It shuts off automatically when hot.

The paper says to file any exception to this claim to R. Keith Higginson but gives no address. Will you see that our concern is given to proper authorities and please let us know that it has been taken care of.

Very truly yours
Mrs Ray Gibbons

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 98-4006

Notice is hereby given that Glenn A. Portrey, 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 from April 15 to Oct. 1 for irrigation and from Jan. 1 to Dec. 31 for domestic and stockwater purposes with a priority of 1930 (0.04cfs) and June 17, 1970 (0.20cfs); the place of use is within the NW $\frac{1}{4}$ 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.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 20 and August 27, 1970.

98-4006

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

August 12, 1970

Re: Application for Permit No. 98-7027 - Eric W. Christenson
Claim to a Water Right No. 98-4006 - Glenn A. Portrey

The Bonners Ferry Herald
212 Main
Bonners 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 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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

Enc: Legal notices (2)

98-4006

NOTICE OF CLAIM TO A WATER RIGHT

No. ~~98-4006~~

Notice is hereby given that ~~Glenn A. Portrey, 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~~ of water from ~~a spring~~

with point of diversion in the ~~NW/4SW/4 Sec. 4, T. 61N, R. 2E, B.M.,~~

~~Boundary County~~

The water is claimed to be used from ~~April 15 to Oct. 1 for~~

~~irrigation and from Jan. 1 to Dec. 31 for domestic and stockwater purposes~~
with a priority of ~~1930 (0.04cfs) and June 17, 1970 (0.20cfs)~~;

the place of use is within the ~~NW/4SW/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.

R. KEITH HIGGINSON

Director

Published in the ~~Bonnors Ferry Herald, Bonners Ferry, Idaho~~
on ~~August 20~~ and ~~August 27, 1970~~

98-4006

June 23, 1970

C
O
P
Y
Glenn A. Portrey
Route #1
Bonners Ferry, Idaho 83805

Dear Mr. Portrey:

We are returning your personal check in the amount of \$10.00 and your application for permit.

The application appears to be in order. However, we note from an enclosed statement, that the water from this spring is being used for domestic and livestock watering and a portion for irrigation since 1930. As you may be aware, under the appropriation provision, the only priority date that we can grant you with this permit will be the date of filing. If, indeed, the water has been in use since 1930 for a portion of your present proposal, then you are entitled to claim a water right dating back to 1930, or whenever the water was placed to beneficial use. You may file this type of claim with the claim form we are enclosing. The claim form may not be used, however, for that portion of your project which you propose to complete in the future. The permit form must serve for that purpose.

The decision will remain with you as to how to proceed with your water right filing.

If we can be of further assistance or clarification, please contact us directly.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/CM

Enc: \$10.00 Check, application for permit, and claim form

98-4006

This water from this
spring has been in use
for domestic and livestock
use and a limited amount
of irrigation since 1930 -

Chas. A. Porter



File

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 98-4006**

Notice is hereby given that Glenn A. Portrey, 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 from April 15 to Oct. 1 for irrigation and from Jan. 1 to Dec. 31 for domestic and stockwater purposes with a priority of 1939 (0.04cfs) and June 17, 1970 (0.20cfs); the place of use is within the NW $\frac{1}{4}$ 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.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 20 and August 27, 1970.

98-4006