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Identification No. _____

Claim No. 98-4005

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 William R. Lefebvre
post office address Star Rt. 1 Box 78 Bonners Ferry, Ida 83805
2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 24 Township 63 N
Range 1W B.M. located on Ball 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:

<u>June 1941</u>	amount:	<u>.02</u>	c.f.s. or	acre feet
<u>May 1934</u>	amount:	<u>.1</u>	c.f.s. or	acre feet
	amount:		c.f.s. or	acre feet
Total claimed <u>.12</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>Domestic</u>	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(both dates inclusive)
use <u>Irrigation</u>	period of use from	<u>May 15</u>	to	<u>Oct. 15</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 wood box diversion
_____ ; length is 50 feet; height is _____ feet;
width at bottom is 10 feet; width at top is 10 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 _____
_____ ;

98-4005

_____, if so, give dates and explain

width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000

maximum length of pipe line to first place of use is 500 feet; diameter of pipe line is 1 1/2 inches;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving

total capacity of reservoir is 4 acre feet, active capacity of reservoir is 3 acre feet;

period of storage is from Jan. 1 to Dec. 31; is reservoir drained each year No.

water for irrigation pumped out of pond.

location of reservoir by 40-acre subdivisions
SW₄; SW₅; SW₆ Sec. 24 T6S

describe

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

7129	71000	710014	71001		
------	-------	--------	-------	--	--

4 Total number of acres to be irrigated

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

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

[illegible]

County of _____

SS.

Sworn to before me this

9 th

day of

July

, 1970.

Claimant

Notary Public

Residing at_

Bonnets Ferry, Idaho

My commission expires _____

8-15-70

Received by UJ Date 7-10-70

Forwarded to

Date _____

Prelim. check by Lee Date 7-16-70

Fee received by Mr Date 7-16-70 Fee \$ 10.00

Approved for publication by _____

Published in Bonniers Ferry Dates 7-30 & 8-6, 1970

Herald

98-4005

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.

RECEIVED

Bonnerr Ferry, Idaho

10-10-1970

July 2, 1970

NOTARY PUBLIC

We personally know that the dates of priority on the
"Claim to Water-Right" for William R. Lefebvre are correct.
We were living neighbors to the Lefebvres in 1941 when
they piped the water into their house. We also know they
we re using water from Ball Creek piped into their yard
long before this.

Grace Knoles
Bonnerr Ferry, Idaho
Mary Ellen Peterson
Bonnerr Ferry, Idaho

STATE OF IDAHO)
) ss.
County of Boundary)

On this 2nd day of July, 1970 before me, a Notary Public, personally
appeared Grace Knoles and Mary Ellen Peterson, known to me to be the persons
whose names are subscribed to the above.

Marian Mesenbrink

Marian Mesenbrink
Notary Public for Idaho
Residing at Bonners Ferry
My commission expires 3-1-73

98-4005

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that William R. Lefebvre, Star Route, Box 78, Bonners Ferry, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.12 cubic feet per second of water from Ball Creek tributary to the Kootenai River with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T. 63N, R. 1W, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and from May 15 to Oct. 15 for irrigation with a priority of June 1941 (.02 cfs) and May 1934 (.1 cfs) the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T. 63N, R. 1W, B.M.

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

R. KEITH HIGGINSON
Director

First pub. July 30, 1970

Final pub. August 6, 1970-dwa

AUG 20 1970

Department of Water Administration

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**

Notice of Claim to a Water Right/ Wm. R. Lefebvre

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 3 consecutive issues, commencing with the issue dated July 30, 1970 and ending with the issue dated August 13, 1970

Subscribed and sworn to before me this 18 day of aug, 1970.

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

98-4005

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

Notice of Claim to a Water Right/ Wm. R. Lefebvre

a

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Subscribed and sworn to before me this 18 day of aug, 1970

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

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that William R. Lefebvre, Star Route, Box 78, Bonners Ferry, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.12 cubic feet per second of water from Ball Creek tributary to the Kootenai River with point of diversion in the SW $\frac{1}{4}$ Sec. 24, T. 63N, R. 1W, B.M., Boundary County.

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

R. KEITH HIGGINSON
Director

First pub. July 30, 1970

Final pub. August 6, 1970-dwa

98-4005

August 26, 1970

Re: Claim to a Water Right No. 98-4005

Mr. William R. Lefebvre
Star Route #1, Box 78
Bonners Ferry, Idaho 83805

Dear Mr. Lefebvre:

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. 4935

98-4005

August 18, 1970

Re: Claim to a Water Right No. 98-4005
William R. Lefebvre

C
Bonners Ferry Herald
212 Main
Bonners Ferry, Idaho 83805

O
Gentlemen:

P
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 July 30th and August 6th.

Your prompt attention to this matter would be most appreciated.

Very truly yours,

Y
Donald W. McEldowney
Appropriation Supervisor

DWM:DR

98-4005

August 11, 1970

Re: Claim No. 98-4005

C
O
Nixon & Nixon
Mr. James F. Lyons
P.O. Box 368
Bonners Ferry, Idaho 83805

Dear Mr. Lyons:

P
In order for Frank LeRoux, Inc., to file an exception to the water right claim being advertised for Mr. William R. Lefebvre, it will be necessary for the exception to be filed under the provisions of Section 42-225 a & b of the Idaho Code. These provisions require that the exception be in affidavit form and in duplicate. The exception must set forth in detail the nature of the exception.

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

Y
Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

98-4005

NOTICE OF CLAIM TO A WATER RIGHT

No. 98-4005

Notice is hereby given that William R. Lefebvre, Star Route,
Box 78, ~~Bonners~~ Bonners Ferry, Idaho,
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.12 cubic feet per second ~~date/feet~~
of water from Ball Creek tributary to the Kootenai River
with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T. 63N, R. 1W, B.M.,
Boundary County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes and from May 15 to Oct. 15 for irrigation
with a priority of June 1941 (.02 cfs) and May 1934 (.1 cfs) ;
the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T. 63N, R. 1W, 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 July 30 and August 6, 1970.

K.H.

98-4005

NIXON & NIXON
ATTORNEYS AT LAW
P. O. BOX 368
OFFICES 225 MAIN STREET
BONNERS FERRY, IDAHO 83805
ANDREWS 7-3133

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

August 7, 1970

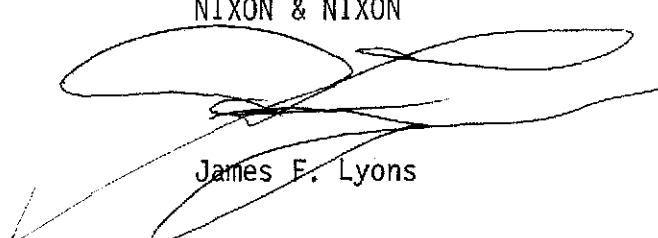
Mr. R. Keith Higginson
Idaho Department of Water Administration
Statehouse
Boise, Idaho 83707

Dear Mr. Higginson:

This is to advise you that on behalf of Frank LeRoux, Inc., we hereby object to the water right Mr. William R. Lefebvre, P.O. Box 78, Bonners Ferry, Idaho has filed on Ball Creek Tributary to Kootenai River with point of diversion in Southwest Quarter of the Southwest Quarter (SW1/4 SW 1/4), Section 24, Twp. 63, North Range One W.B.M.

Yours truly,

NIXON & NIXON


James F. Lyons

JFL na

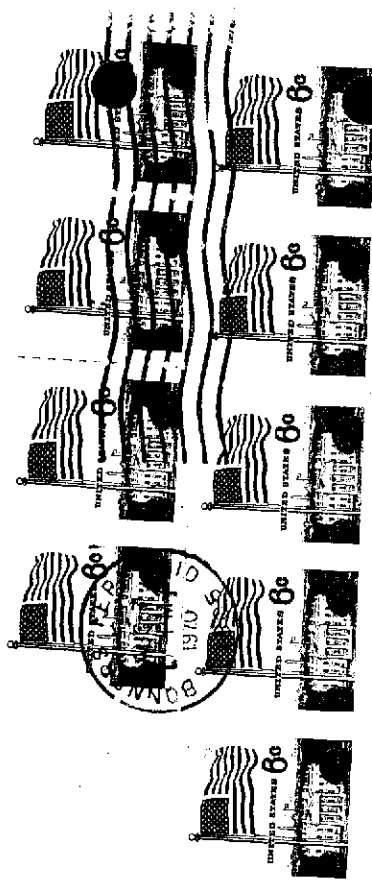
98-4005

NIXON & NIXON
ATTORNEYS AT LAW

P. O. BOX 368

BONNERS FERRY, IDAHO 83805

98-4005



Mr. R. Keith Higginson
Idaho Dept. of Water Administration
Statehouse
Boise, Idaho 83707

CERTIFIED

No 795812

Return Receipt Requested

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 23, 1970

Re: Claim to a Water Right No. 98-4005 - William R. Lefebvre

Bonnors Ferry Herald
212 Main
Bonnors 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:DR
Enc: Legal notice

*Bill submitted
8-25-70
de*

98-4005

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

July 10, 1970

Mr. William R. Lefebvre
Star Route #1
P. O. Box 78
Bonners Ferry, Idaho 83805

Dear Mr. Lefebvre:

We are in receipt of your claim to a water right.

Please be advised that the filing fee for your claim will be \$10.00.

As soon as we are in receipt of this fee, we shall continue to
process the permit.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/cm

*The check for \$10.00 is
enclosed.*

98-4005

July 10, 1970

Mr. William R. Lefebvre
Star Route #1
P. O. Box 78
Bonners Ferry, Idaho 83805

Dear Mr. Lefebvre:

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98-4005