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Identification No. _____

Claim No. 98-4004

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 John Edward Haines
post office address Star Rt. 2, Bonners Ferry, Idaho 83805
2. The point of diversion is in SE 1/4 of SW 1/4 Section 30 Township 65 N
Range 2 E B.M. located on spring (name of source)
tributary to Round prairie 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:

~~1956 continuous flow from 1 1/2 pipe from spring~~
amount: _____ c.f.s. or _____ acre feet
1956 amount: 0.02 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 Household and stock water period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use garden irrigation period of use from June 1 to Oct. 1 (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; 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 spring 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 _____
_____ ;

98-4004

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 _____

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 _____

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? _____ 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 100 mixed cattle
4 horses - cattle 90 - horses 10

7. Where water is used for domestic or municipal purposes give number of families served 1
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

Stock water is used when the creek is frozen over
which is sometimes most of the winter, we bring the water,
from small spring, for about 600 feet by gravity to a point
about 80 ft from the house. This point is lower than our house,
so the water is pumped from there into the house by electric
pressure pump. When the pump isn't running a bypass
valve opens and water flows to stock tank, and from
there overflows back into creek.

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.

Sworn to before me this 2nd day of April, 1970.

John E. Haynes
Claimant

Royden Jensen
Notary Public

Residing at Boundary Ferry, Idaho

My commission expires 8-15-70

4-17-70 For Department Use Only

Received by ij Date 4-6-70 Exception filed by: _____ Forwarded to _____ Date _____
claimant by: _____

Prelim. check by ij Date Apr 17-70 _____

Fee received by ij Date 4-17-70 Fee \$ 10.00 _____

Approved for publication by _____

Published in Boundary Dates 4-30 + 5-7, 1970 _____

Levy Arnold

98-4004

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

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 98-4004**

Notice is hereby given that John Edward Haynes, Star Route 2, Bonners Ferry, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an unnamed spring, tributary to Round Prairie Creek with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 65N, R. 2E, B. M., Boundary County; the water is claimed to be used from June 1 to Oct. 1 for irrigation and from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1956; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 65N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on April 30 and May 7, 1970.

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

MAY 25 1970

being first duly sworn up his oath, deposes and says that he is the publisher (or foreman)
publisher

Department of Reclamation

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 Reclamation Engineer**

a **Notice of claim to a water right No. 98-4004**

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 Apr. 30, 1970, and ending with the issue dated May 7, 1970.

Subscribed and sworn to before me this 20 day of May, 1970.

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

98-4004

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

RECEIVED
BONNERS FERRY IDAHO
APRIL 5th 1972.
7 1972
Department of Water Administration

STATE OF IDAHO
DEPARTMENT OF RECLAMATION.

Dear Sirs: I am writing you in regard to our claim to Water Right No. 98-4004 which we received with a letter from you on May 26th 1970. I did not quite understand why we did not receive a water right instead of the Claim to a water right. We have used this water for over 20 years and have had the pipe in the spring for over 15 years, and thought the spring originated on our property. No one else has used this water and the excess water from the spring overflows into a drainage ditch on our place. The Spring itself is in the roadway into our place from Highway 95. The right of way for this road was given to the county in 1915 by the man who patented this 160 acres, and remains a County Road, however it only extends to our Farmstead. What I want to know is how to go about getting a Water Right instead of a Claim to a Water Right (for the specified uses and amounts as in the Claim to a Water Right).

We also want to file for a water right on another site on the ranch, this will be for domestic and stock water.

This is from a small stream that originates in the National Forest and flows past the spot where the original improvements were on this tract of land, the Homesteader had the water piped into his house and to his corrals. However that was many years ago and we want to rebuild a set of improvements there and will need the water. This water comes directly off the Forest and spreads out on our meadow and sinks into the ground in a short way after it hits our meadow so there could be no adverse claims to our claim.

Will you please send applications for Water Rights and answer my question about a Water Right instead of the Claim to a Water Right that I now have.

Very Truly Yours,

John E. Haynes

Star Rt. 2, Bonners Ferry, Id.
83805

98 4004

May 26, 1970

Re: Claim to a Water Right No. 98-4004

Mr. John Edward Haynes
Star Route #2
Bonners Ferry, Idaho 83805

Dear Mr. Haynes:

The Department of Reclamation 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. 4509

98-4004

May 19, 1970

Re: Claim to a Water Right No. 98-4004 - John Edward Haynes

Bonnars Ferry Herald
212 Main
Bonnars Ferry, Idaho 83805

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on April 30 and May 7, 1970.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

98-4004

April 22, 1970

Re: Claim to a Water Right No. 98-4004 - John Edward Haynes

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
5-25-70
ds*

98-4004

NOTICE OF CLAIM TO A WATER RIGHT

No. 98-4004

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Bonnors Ferry, Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of 0.02
cubic feet per second ~~acre feet~~ of water from an unnamed spring, tributary
to Round Prairie Creek with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 30, T. 65N, R. 2E, B.M., Boundary County; the water is
claimed to be used from June 1 to Oct. 1 for irrigation and from
Jan. 1 to Dec. 31 for domestic /purposes with a priority of 1956
; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 30, T. 65N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Bonnors Ferry Herald, Bonners Ferry, Idaho,
on April 30 and May 7, 1970.

Kit

98-4004

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

April 13, 1970

Re: Claim to a Water Right
John Edward Haynes

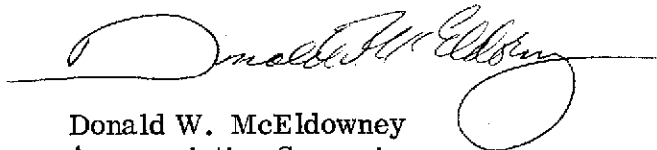
Mr. John Edward Haynes
Star Rte. 2
Bonners Ferry, Idaho 83805

Dear Mr. Haynes:

We are returning your \$10 check and your Claim to a Water Right. Before we can process your claim, we must have a specific quantity of water entered under item 3a. Probably your spring has not been producing more than 0.02 c.f.s. (9 gallons per minute). This might be an indication for you to use on your claim.

If we can assist you further, please contact us.

Very truly yours,


Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosures

*Returning this to you, asking for 0.02 c.f.s.
water flow by gravity to pump thence to dwelling thru.
pressure. Sincerely yours John E. Haynes*

98-4004

April 13, 1970

Re: Claim to a Water Right
John Edward Haynes

Mr. John Edward Haynes
Star Rte. 2
Bonners Ferry, Idaho 83805

Dear Mr. Haynes:

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If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosures

98-4004

C
O
P
Y