

No Color
Documents
In File

Identification No. 98-4003

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 LeRoy P. Walters and Laurretta T. Walters
post office address Star Route, Moyie Springs, Idaho 83845
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 4 Township 61 N
Range 3 E B.M. located on Unnamed 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:

October 22, 1955 amount: .01 c.f.s. or _____ acre feet
May 15, 1956 amount: .04 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed .05 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 Oct. 22, 1955 to Present (continuous usage)
use Irrigation period of use from May 15, 1956 to Oct. 1 every year to present.
use Fire Protection period of use from (Continuous if needed) to (Continuous if needed) (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 earth
_____ ; length is 40 feet; height is 5 feet;
width at bottom is 40 feet; width at top is 15 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 _____

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_____, 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 200 feet; diameter of pipe line is 2 & 1/2 inches;

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

(Water is pumped uphill)

total capacity of reservoir is 2 acre feet; active capacity of reservoir is 10 acre feet;

period of storage is from May 1 to Nov. 1; is reservoir drained each year Yes;

Gate. A 27 " outvert used as overfall through dam

location of reservoir by 40-acre subdivisions

A permanent earth dam was constructed in 1954. A flow year describe

Size of reservoir is substantially the same. See further explanation

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

[illegible]

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 100 chickens, 2 swine, 10 cattle. Amount and varieties vary from time to time.

7. Where water is used for domestic or municipal purposes give number of families served 1 family 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 purchased this property in 1956 with the understanding that water rights to the creek were included- however, have been unable to obtain any confirmation of this from anyone handling public records. The previous owner had obtained a FHA loan and made improvements on the property and we were told it was primarily to develop water system. The present dam ~~xxxxx~~ was merely repair and making permanent a fill across the creek ravine which prior to our acquisition had been an old road on the property. It had been constructed with logs and debris and became eroded by high water each spring. This property was homesteaded in 1912 and we are told by residents in area that prior to the building of Highway 2 though and across the creek that there were a couple of good springs along the creek. (Hwy ruined this in 1954). After passing through this property the creek runs through a short piece of National Forest and then falls steeply into the river.

State of Idaho

County of Bonneville } 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 5 day of Feb, 1970

LeRoy D. Walter
Lewiston, Idaho
Claimant

W. M. Woodell
Notary Public

Residing at Bonneville, Idaho

My commission expires 9/3/70

For Department Use Only

Received by [initials] Date 2-6-70

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by [initials] Date 2-7-70

Fee received by [initials] Date 2-9-70 Fee \$ 10.00

Approved for publication by [initials]

Published in Bonneville Times Dates 3-5+12-70

Handed

98-4003

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.

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 98-4003**

Notice is hereby given that LeRoy P. and Lauretta T. Walters, Star Route, Moyie Springs, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of .05 cubic feet per second of water from an unnamed creek, tributary of the Kootenai River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 4, T. 61N, R. 3E, B.M., Boundary County; the water is claimed to be used from May 15 to Oct. 1 for irrigation and from Jan. 1 to Dec. 31 for domestic and fire protection purposes with a priority of October 22, 1955 (.01 cfs) and May 15, 1956 (.04 cfs); the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 61N, R. 3E, 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 March 5 and March 12, 1970.

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 **Department of Reclamation State of Idaho**

a **Notice of claim to water right No. 98-4003-Walters**

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 **March 5**, 1970, and ending with the issue dated **March 12**, 1970.

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

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

98-4003

AFFIDAVIT OF PUBLICATION

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R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on March 5 and March 12, 1970.

Copy

98-4003

The previous owner was Dale
Crimmins, and I wrote you
once and you said that it had
not been proof of completion of
works & beneficial use. ~~As~~
I know they did use water
from the creek, for his wife
wrote me that.

92-4603

Mrs. L. P. Walters



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans

Governor

A. Kenneth Dunn

~~C. Stephen Allen~~

Director

Form No. 1

4055 Government Way

Boise, Idaho 83725

(208) 367-6484

June 12, 1981

Mr. and Mrs. L. P. Walters
Star Route
Moyie Springs, Id. 83845

Dear Mr. and Mrs. Walters:

When you filed Claim No. 98-4003, you "recorded" your water right.

You may, if you wish, supply this office with any additional information you may deem appropriate.

If you have any questions, please contact me at this office.

Sincerely,

/s/

TOM D. KING

Senior Water Resource Agent

TDK/pms

cc: ✓ IDWR - State Office

Idaho Dept. of Water Resources.

RECEIVED
JAN 18 1971
Department of Water Resources
Nampa Office

Dear Sir -

I saw an article in our local paper about recording Water rights.

We got our Claim to a Water Right No. 98-4003 in March 1970.

What I want to know is how and where do we record it?

Please let me know what I am to do. If ~~some~~ ^{claim} is to be sent, which I hope not. Don't want it to get lost.

Mr. P. Walters
Mojave Springs,
Idaho 83845

Yours truly

Lauretta J. Walters
Star Route

Mojave Springs
Ida. 83845

Mrs. L. A. Walters
Mojave Springs,
Idaho 83845

March 25, 1970

Re: Claim to a Water Right No. 98-4003

C
O
P
Y

Leroy P. & Lauretta T. Walters
Star Route
Moyie Springs, Idaho 83845

Dear Mr. & Mrs. Walters:

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. Notice of your claim was published and no one has filed an exception to your claim. 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 Examiner

DWM:DR

Enclosures: Copy of Claim
Receipt No. 4179

98-4003

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R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on March 5 and March 12, 1970.

No number

February 23, 1970

Re: Claim to a Water Right No. 98-4003 - LeRoy P. and Lauretta T. Walters

Bonnars Ferry Herald
212 Main
Bonnars 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 Examiner

DWM:DR
Enc: Legal notice

*Bill submitted
3-24-70
ds*

98-4003

NOTICE OF CLAIM TO A WATER RIGHT

No. 98-4003

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Star Route, Moyie Springs, Idaho, have~~has~~ filed a claim to a water right
established by diversion and application to beneficial use of .05
cubic feet per second~~per second~~ of water from an unnamed creek, tributary
of the Kootenai River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of
Sec. 4, T. 61N, R. 3E, B.M., Boundary County ; the water is
claimed to be used from May 15 to Oct. 1 for irrigation and from Jan. 1
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and May 15, 1956 (.04 cfs) ; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$,
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of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Bonniers Ferry Herald, Bonners Ferry, Idaho,
on March 5 and March 12, 1970.

✓
7.

98-4003

December 17, 1969

C
O
P
Y

Mr. LeRoy P. Walters
Star Route
Moyie Springs, Idaho 83845

Dear Mr. Walters:

We are returnng your application for permit and your personal check for \$10.00. The note on your application indicates that this beneficial use of water has been taking place for the past 14 years. If this is the case, you should consider that if you are entitled to 14 years of priority that you lay claim to it by filing a Claim to a Water Right under Section 42-225a of the Idaho Code. Under this provision, and by using the form we are enclosing, you can claim a priority dating back 14 years, thereby recording the beneficial use that has continued since that time.

Only for new projects proposed to be developed in the future should you use the application for permit form. Your filing for a permit would receive a 1969 priority.

You should be aware that with the claim we cannot issue a water license; however, we feel that if your claim is well documented, your water right would not be questioned.

If you decide to file the permit application and receive a 1969 priority, please return your check and application for processing. Otherwise, the claim fee is \$10.00 as indicated on the back of the claim form.

If we can be of any assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Application w/check
Claim form

98-4003

November 26, 1969

Dear Sir -

I am applying for a water right on our place. When we bought it 14 yrs. ago they said there was water rights & then a year ago I discovered there wasnt. They applied but some how or other it was never completed.

From what I heard they had build up a place for water and used it.

So hope this goes thru.

The creek used to be a good creek but when they put the new U.S. Highway thru in 1954, they used a big culvert & then made an earth filled instead of a bridge. The results was that the creek bed ~~filled~~ has filled up with silt.

Where we put our damⁱⁿ it was deep about 5' water now it is around 2' in the deepest, filled up by silt over the past 14 yrs.

The way they are cutting the trees around here & clearing the land, I better get my water rights taken care of.

Enclosed find a check for \$10.

Yours truly
Mrs L.P. Walters

98-4003