

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Pete Thompson

being duly sworn, says that he is the Publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been
continuously and uninterruptedly published in said County during
a period of 78 consecutive weeks prior to the first publication of
the annexed notice for publication, is a newspaper of general cir-
culation made up of at least eight pages of at least seven columns
each, printed from typematter or stereotyped forms of at least
nineteen and three-fourths inches depth, has at least 1250 bona
fide subscribers living within said Bonner County, and is published
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

Dept. of Water Resources 96-8112

97-4102, 97-4103, 97-4104
97-4105

as it was published in the regular and entire issue of said
for a period of two consecutive weeks, commencing
the 4th day of November, 1982,
and
ending on the 11th day of November, 1982,
and that said notice was published in said newspaper properly
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

23 day of Nov, 1982

Notary Public for Idaho,

Residing at Priest River, Idaho

TO WATER RIGHTS
The following claim(s)
have been filed on water
right(s) created by diversion
and beneficial use:

97-4102

PELLOW, THOMAS O. &/or
NETTIE L.
8026 PINE MEADOWS RD.,
NINE MILE FALLS, WA
99206

Source: HORTON CREEK
tributary to PRIEST LAKE
Priority date: 01/01/1955
Amount: 0.04 CFS

Diversion Point: NWNE Sec
03 T 60N R 04W, BONNER
Co.

Use: DOMESTIC (0.04 CFS)
from 03/15 to 11/15

Place of Use: NWNE Sec 03
T 60N R 04W

97-4103

LEEDS, DOROTHY E.
S. 4616 MADEIRA ST.,
SPOKANE, WA 99203

Source: HORTON CREEK
tributary to PRIEST LAKE
Priority Date: 06/01/1930
Amount: 0.06 CFS

Diversion Point: SWNE Sec
03 T 60N R 04W, BONNER
Co.

Use: DOMESTIC (0.06 CFS)
from 01/01 to 12/31

Place of Use: SWNE Sec 03 T
60N R 04W

97-4104

HORLACHER,
KATHRINE P.
RT. 1 BOX 10, ROSALIA,
WA 99170

Source: HORTON CREEK
tributary to PRIEST LAKE
Priority Date: 01/01/1905
Amount: 0.04 CFS

Diversion Point: NWNW Sec
03 T 60N R 04W, BONNER
Co.

Use: DOMESTIC (0.04 CFS)
from 01/01 to 12/31

Place of Use: NWSE Sec 03 T
60N R 04W

97-4105

KULZER, MARIE W.
4222 N. FRACE ST.,
TACOMA, WA 98407

Source: HORTON CREEK
tributary to PRIEST LAKE
Priority Date: 06/21/1911
Amount: 0.04 CFS

Diversion Point: SENE Sec
03 T 60N R 04W, BONNER
Co.

Use: DOMESTIC (0.04 CFS)
from 01/01 to 12/31

Place of Use: SWNE Sec 03 T
60N R 04W

Exceptions to a claim may
be filed with the Director,
Dept. of Water Resources,
4055 Gov't. Way,
Coeur d'Alene, ID 83814

(Includes Sale Item)
11/29/82

APPLICATION FOR WATER RIGHT

The following applica-
tion(s) have been filed to ap-
propriate the public waters
of the State of Idaho:

96-8112

BAKER, STANLEY W. &/or
ENID M.

RT. 1 BOX 148, PRIEST
RIVER, ID 83856

Source: HOODOO CREEK
tributary to PEND
OREILLE RIVER

Date Filed: 10/27/1982

Amount: 0.03 CFS

Diversion Point: NENE Sec
26 T 55N R 04W, BONNER
Co.

Use: IRRIGATION (0.03
CFS) from 04/01 to 11/01

Place of Use: NWNE Sec 26
T 55N R 04W FOR 1 ACRES

Diversion Means: PUMP
AND PIPE.

The permit(s) will be sub-
ject to all prior water rights.
Protests must be filed with

the Director, Dept. of Water
Resources, 4055 Gov't. Way,
Coeur d'Alene, Id. 83814 on
or before NOVEMBER 22,
1982

KEN DUNN, Dir.

Published PR Times 11/4 &
11/11/82

Dept. of Water Resources

26

RECEIVED

NOV 24 1982

Department of Water Resources
Northern District Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Marie W. Kulzer

(Name of Claimant)

4222 No. Frace, Tacoma, Washington
(Mailing Address)

98407

(Zip Code)

Telephone No. (206) 759-5205

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Summer 1911

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Horton Creek tributary to Priest Lake, Priest River, Pend Oreille R.

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 0.04 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ NE ¼, Sec. 3 Twp. 60 N Rge. 4 W B.M., County of Bonner

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Water is diverted from Horton Creek by a 6 inch diameter section of pipe approximately 8 inches long which is used to scoop the water into a 1½ inch diameter plastic pipe. See Attached for expanded information.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
60 N	4 W	3			XXX														

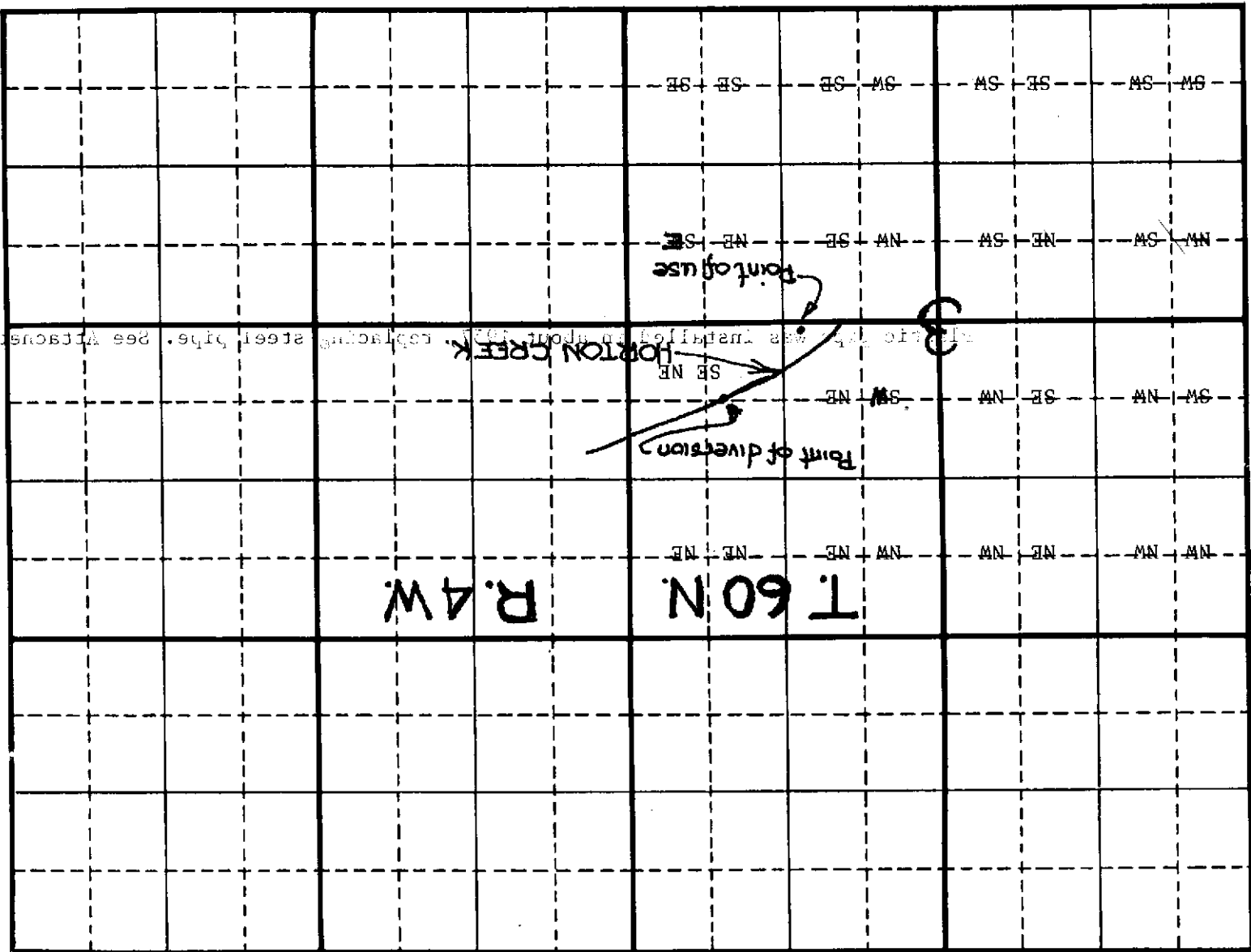
No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Domestic Use at a Summer Cabin, and for availability for fire fighting when the cabin is in use, if the need should ever arise.

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:



Scale: 4 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ Washington
() ss.
() Pierce
County of

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 affiant's knowledge.

Sworn to before me this 13th day of October, 1982.
Notary Public
Residing at Tacoma
Claimant # 9541194

My commission expires August 28, 1983

FOR DEPARTMENT USE ONLY

Date 10/26/82
Exception filed by: *10/26/82*

Forwarded to
claimant by:

Date

Received by: *10/26/82*
Prelim. check by: *10/26/82*
Published in: *10/26/82*
Date: *10/26/82*
\$30.00 fee received by: *10/26/82*
Date: *10/26/82*
Published in: *10/26/82*
Date: *10/26/82*

SEE OTHER SIDE FOR INSTRUCTIONS—READ CAREFULLY

191.

The Western Montana National Bank.

United States Depository.

Missoula, Mont.

There is inclosed herewith a (1) $\left\{ \begin{array}{l} \text{Money Order} \\ \text{Draft} \end{array} \right\}$ for

Draft

Ten

DOLLARS

drawn payable to your order, to be placed to the credit of
the TREASURER OF THE UNITED STATES. This deposit is
Second annual payment in full by P. J. Wilmer.

(First, second, or third payment; payment in full; to cover advertisement; to accompany bid, etc.)

on account of Special-Use, Cottage Site

(Timber sale, special use, settlement for trespass, cooperative agreement, etc.)

Kenikau

National Forest.

(2)

G. W. Jones
(Signature)

(Signature of payer)

(3)

Rashin Wash

(Post office)

Mallory N. Stedney
(Signature of Forest officer)

(Signature of Forest officer)

Forest Supervisor

7/26/11

(Date in designation)

(Title)

INFORMATION FOR PERSONS MAKING PAYMENTS

Indicate in the space marked (1) the character of your remittance, in (2) your name, and in (3) the address to which you wish the receipt sent. Failure on your part to make payments in the following manner will delay business: Make payments by *postal or express money orders* or by *National Bank drafts*, DRAWN PAYABLE TO THE WESTERN MONTANA NATIONAL BANK. DO NOT SEND PERSONAL LOCAL CHECKS. Send payment with the copy of this form furnished you by the Forest officer to The Western Montana National Bank, Missoula, Mont.

INSTRUCTIONS TO FOREST OFFICERS

Furnish this form to persons making payments for timber, and for the use of land or other resources of the National Forests except grazing. Enter in the spaces provided the amount of the remittance and the designation of the transaction on account of which the payment is made.

Do not use this form for grazing permits.

CLAIM TO A WATER RIGHT.

Marie W. Kulzer
4222 North Frace
Tacoma, Washington 98407
(206) 759-5205

The claim to a water right is for water used for domestic purposes at a cabin on State Government lot 133 at Priest Lake, Idaho.

Line Item 5B: (Expanded Information)

Water is diverted from Horton Creek by a 6 inch diameter section of pipe which is approximately 8 inches long and is used to direct the water into a 1½ inch diameter polyethylene pipe which runs along the ground surface for 1200 to 1500 feet to where the water is used. The present pipe system had been more or less unchanged since 1976. Between 1957 and 1976 an old steel pipe system was gradually replaced because of deterioration and because the advent of roads in the area required considerable amount of rerouting of the pipe line. The Steel pipe system was put in about 1941, and prior to that a small open ditch was used to divert the water. The water was first put to use in 1911, please refer to the attached copy of the 1911 lease payment for the site.

POWER OF ATTORNEY

Know All Men by These Presents: That Marie Wilmer Kulzerof Tacoma, Pierce County, Washingtonhas s made, constituted and appointed, and by these presents do es make, constitute and appointJeanne Kulzer Pearson, of Tacoma, Pierce County, Washingtonher true and lawful attorney for her and in her name , place and
stead, and for her use and benefit

to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever, as are now or shall hereafter become due, owing, payable or belonging to her and have, use and take all lawful ways and means in her name or otherwise for the recovery thereof, by attachments, arrests, distress or otherwise, and to compromise and agree for the same, and acquittances or other sufficient discharges for the same for her and in her name , to make, seal and deliver, to bargain, contract, agree for, purchase receive and take lands, tenements, hereditaments, and accept the seizin and possession of all lands, and all deeds and other assurances in the law therefor, and to lease, let, demise, bargain, sell remise, release, convey, mortgage and hypothecate lands, tenements and hereditaments, upon such terms and conditions, and under such covenants as she shall think fit. Also, to bargain and agree for, buy, sell, mortgage, hypothecate, and in any and every way and manner deal in and with goods, wares and merchandise, choses in action, and other property in possession or in action, and to make, do and transact all and every kind of business, of what nature and kind soever, and also for her and in her name , and as her act and deed, to sign, seal, execute, deliver and acknowledge such deeds, leases and assignments of leases, covenants, indentures, agreements, mortgages, hypothecations, bottomries, charter parties, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases and satisfaction of mortgage, judgments and other debts, and such other instruments in writing of whatever kind or nature, as may be necessary or proper in the premises.

GIVING AND GRANTING unto her said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as she might or could do if personally present,

 hereby ratifying and confirming all that her said attorney Jeanne Kulzer Pearson shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the

18th day of February, A. D., 19 74

Signed, Sealed and Delivered in presence of

* Marie Wilmer Kulzer (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF WASHINGTON,

ss. (INDIVIDUAL ACKNOWLEDGMENT)

County of Pierce

I, the undersigned, Notary Public in and for the State of Washington,
do hereby certify that on this 18th day of February, 1974, personally
appeared before me Marie Wilmer Kulzer, a widow,

to me known to be the individual described in and who executed the within instrument and acknowledged that
she signed and sealed the same as her free and voluntary act and deed for the uses and
purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 18th

February, 1974.

Notary Public in and for the State of Washington, residing at Tacoma

Commission expires Jan. 21, 1977



Power of Attorney

FROM

Marie Wilmer Kulzer

TO

Lois E. Squire

RECORDED

'74 MAR 1 AM 11:11

RICHARD A. AREL, CLERK
PIERCE COUNTY WASH.
DEPUTY

Call-Charles Pearson
4292

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Pete Thompson

being duly sworn, says that he is the Publisher of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least seven columns each, printed from typematter or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

Dept. of Water Resources 96-8112

97-4102, 97-4103, 97-4104
97-4105

as it was published in the regular and entire issue of said newspaper for a period of two consecutive weeks, commencing on the 4th day of November, 1982, and ending on the 11th day of November, 1982, and that said notice was published in said newspaper proper and not in supplement form.

Subscribed and sworn to before me this

23 day of Dec, 1982

Notary Public for Idaho,

Residing at Priest River, Idaho

TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

97-4102

PELLOW, THOMAS O. &/or
NETTIE L.
8026 PINE MEADOWS RD.,
NINE MILE FALLS, WA
99206

Source: HORTON CREEK
tributary to PRIEST LAKE
Priority date: 01/01/1955

Amount: 0.04 CFS

Diversion Point: NWNE Sec
03 T 60N R 04W, BONNER
Co.

Use: DOMESTIC (0.04 CFS)
from 03/15 to 11/15

Place of Use: NWNE Sec 03
T 60N R 04W

97-4103

LEEDS, DOROTHY E.
S. 4616 MADEIRA ST.,
SPOKANE, WA 99203

Source: HORTON CREEK
tributary to PRIEST LAKE
Priority Date: 06/01/1930

Amount: 0.06 CFS

Diversion Point: SWNE Sec
03 T 60N R 04W, BONNER
Co.

Use: DOMESTIC (0.06 CFS)
from 01/01 to 12/31

Place of Use: SWNE Sec 03 T
60N R 04W

97-4104

HORLACHER,
KATHRINE P.
RT. 1 BOX 10, ROSALIA,
WA 99170

Source: HORTON CREEK
tributary to PRIEST LAKE
Priority Date: 01/01/1905

Amount: 0.04 CFS

Diversion Point: NWNW Sec
03 T 60N R 04W, BONNER
Co.

Use: DOMESTIC (0.04 CFS)
from 01/01 to 12/31

Place of Use: NWSE Sec 03 T
60N R 04W

97-4105

KULZER, MARIE W.
4222 N. FRACE ST.,
TACOMA, WA 98407

Source: HORTON CREEK
tributary to PRIEST LAKE
Priority Date: 06/21/1911

Amount: 0.04 CFS

Diversion Point: SENE Sec
03 T 60N R 04W, BONNER
Co.

Use: DOMESTIC (0.04 CFS)
from 01/01 to 12/31

Place of Use: SWNE Sec 03 T
60N R 04W

Exceptions to a claim may
be filed with the Director,
Dept. of Water Resources,
1000 ...

(Includes Sale of)
1000 ...

APPLICATION FOR

WATER RIGHT

The following applica-
tion(s) have been filed to ap-
propriate the public waters
of the State of Idaho:

96-8112

BAKER, STANLEY W. &/or
ENID M.

RT. 1 BOX 148, PRIEST
RIVER, ID 83856

Source: HOODOO CREEK
tributary to PEND
OREILLE RIVER

Date Filed: 10/27/1982

Amount: 0.03 CFS

Diversion Point: NENE Sec
26 T 55N R 04W, BONNER
Co.

Use: IRRIGATION (0.03
CFS) from 04/01 to 11/01

Place of Use: NWNE Sec 26
T 55N R 04W FOR 1 ACRES

Diversion Means: PUMP
AND PIPE.

The permit(s) will be sub-
ject to all prior water rights.
Protests must be filed with

the Director, Dept. of Water
Resources, 4055 Gov't. Way,
Coeur d'Alene, Id. 83814 on
or before NOVEMBER 22,
1982

KEN DUNN, Dir.

Published PR Times 11/4 &
11/11/82

Dept. of Water Resources

26

1000 ...

1982

Department of Water Resources
Northern District Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

October 19, 1982

97-4105

Mrs. Jeanne Kulzer Pearson
4222 No. Frace St.
Tacoma, Washington 98407

Dear Mrs. Pearson:

We are returning the Claim of Mrs. Marie W. Kulzer since this Department is prohibited from accepting a Claim to a Water Right without a \$30.00 filing fee and a notarized statement giving you Power of Attorney to act in Mrs. Kulzer's behalf.

Since you indicate the Power of Attorney is on file somewhere, a notarized copy of that instrument would suffice.

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

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Claim

REPROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Rey A

Right Number 97-4105 Applicant Kubzer

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By pro Date 12/1/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 12/8/82

RECEIVED

RECEIVED
DEC 07 1982

Department of Water Resources

9Z-4105-

KULZER, MARIE W.

4222 N. FRACE ST., TACOMA, WA 98407

Source: HORTON CREEK tributary to PRIEST LAKE

Priority Date: 06/21/1911

Amount: 0.04 CFS

Diversion Point: SENE Sec 03 T 60N R 04W, BONNER Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SWNE Sec 03 T 60N R 04W

RECEIVED
JUL 1 1911

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

NOVEMBER 22, 1982

MARIE W. KULZER
4222 N. FRACE ST.
TACOMA

WA 98407

RE: Claim No. 97-4105

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Lynes, P.E.
Regional Supervisor

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~C. Stephen Allen~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

October 19, 1982

Mrs. Jeanne Kulzer Pearson
4222 No. Frace St.
Tacoma, Washington 98407

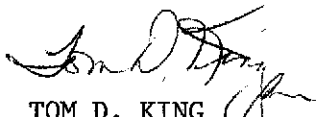
Dear Mrs. Pearson:

We are returning the Claim of Mrs. Marie W. Kulzer since this Department is prohibited from accepting a Claim to a Water Right without a \$30.00 filing fee and a notarized statement giving you Power of Attorney to act in Mrs. Kulzer's behalf.

Since you indicate the Power of Attorney is on file somewhere, a notarized copy of that instrument would suffice.

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

Sincerely,


TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Claim

October 21, 1982

Enclosed find check for filing fee of \$30.00 and a copy of the Power of Attorney

