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Documents
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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 Frank P. Schmidt
(Name of Claimant)

Rt # 5 Box 73 Priest River Idaho 83854 Telephone No. 448-1796
(Mailing Address) (Zip Code)

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) 1960

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)
Snow Creek tributary to Priest River (West Fork)

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

Quantity	(cfs, gpd, AFA)	Use	(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>1/1</u>	To <u>12/31</u>		
Quantity <u>0.02 cfs</u>	Use <u>Stock</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		

(4) 0.06 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Box # 18 Sec. 18 Twp. 57N Rge. 5W 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.
Pump and pipeline to house. Separate pump and pipeline for stock and garden.

(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	
57N	5W	18							X										

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Single family domestic and stock

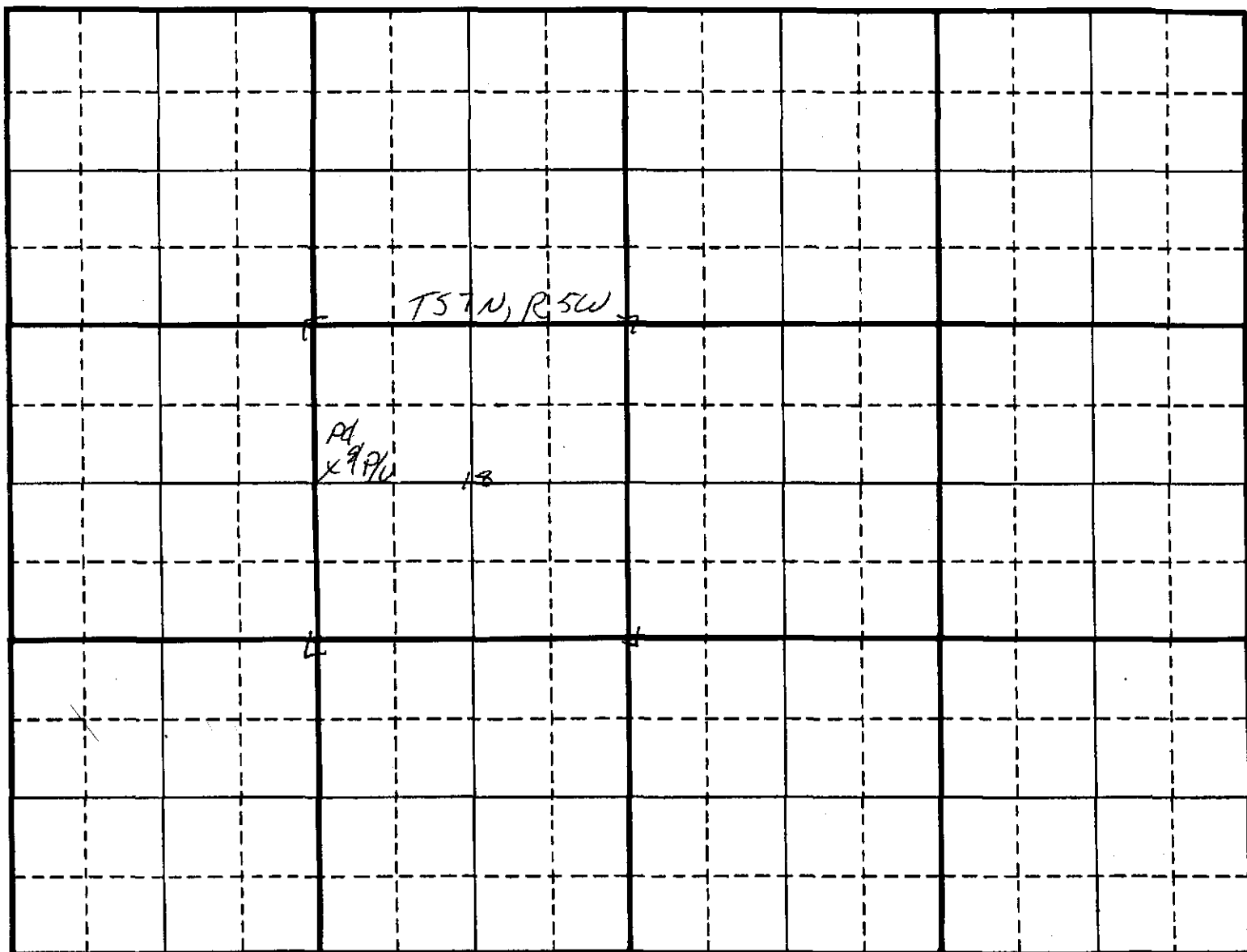
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NOTE: Include here the type and number of stock watered: 12 head cattle

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

(8) Remarks _____



Scale: 2 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)
County of Footwall) 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 affiant's knowledge.

Sworn to before me this 8th day of June

Frank P. Schmidt
(Claimant)

Peter H. Steyer
Notary Public
Residing at Footwall

My commission expires Life

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FOR DEPARTMENT USE ONLY

Received by <u>LB</u>	Date <u>6/8/81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JK</u>	Date <u>6-8-81</u>		claimant by:	
\$20.00 fee received by <u>LB</u>	Date <u>6/5/81 (18169)</u>			
Published in <u>Front Range News</u>				
Dates <u>6/15-25/81</u>				

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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 at
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

Water Rights application no. 97-4078

as it was published in the regular and entire issue of said paper
for a period of two consecutive weeks, commencing on
the 18th day of June, 1981,
and

ending on the 25th day of June, 1981,
and that said notice was published in said newspaper proper, and
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

7 day of July, 1981

Adee M. Thompson
Notary Public for Idaho,
Residing at Priest River, Idaho

FILED

MAR 07 1988

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that
the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial use.

97-4078

SCHMIDT, FRANK P.
RT. 5 BOX 73, PRIEST
RIVER, ID 83856
Source: SNOW CREEK
tributary to PRIEST
RIVER, WEST FORK
Priority Date: 01/01/1960
Amount: 0.06 CFS
Diversion Point: LOT 02 Sec
18 T 57N R 05W, BONNER
Co.

Use: STOCKWATER (0.02
CFS) from 01/01 to 12/31
DOMESTIC (0.04 CFS) from
01/01 to 12/31

Place of Use: SWNW Sec 18
T 57N R 05W

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 4055 Gov't Way,
Coeur d'Alene, Id. 83814.

A. KENNETH DUNN
Director

Published in PRT June 18,
25, 1981

Department of Water Resources

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JUL 7 1981

Department of Water Resources
Northern District Office

File 97-4078

July 27, 1981

Mr. Norman L. Gissel
Wilde and Gissel
Attorneys-At-Law
1034 N. Third Street
Coeur d'Alene, ID 83814

Dear Mr. Gissel:

As requested in your letter of July 17, 1981, I have researched our files for a water right on record with this department appurtenant to the following lands:

T. 57 N., R. 5 W.

Section 18: Government Lot 2 (~~W_{1/2}S_{1/2}~~ and ~~W_{1/2}S_{1/2}~~)

— Our government plat shows lot 2 located in the ~~SW_{1/4}~~ for 27.99 acres.

Section 18: Government Lot 3

— Our government plat shows Lot 3 located in the ~~NW_{1/4}~~ for 27.91 acres.

Our records show on file a claim to a water right in the name of Frank P. Smidt as follows:

Claim No. 97-4078 - showing a priority date claimed of 1960 for 0.06 cfs (0.04 cfs for domestic use and 0.02 cfs for stock) of the waters of Snow Creek with the point of diversion and place of use in Government Lot 2, Sec. 18, T. 57 N., R. 5 W.

Enclosed is a copy of the claim with a billing for copies.

INDEXED

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July 27, 1981

Other Rights on Snow Creek

License No. 97-2035 -- John Fulton - priority date of 12-30-1950 for 0.06 cfs for the waters of a branch of Snow Creek with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, for irrigation and fire protection in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 57 N., R. 5 W.

License No. 97-2051 -- Loyd J. Mickelson - priority date of 10-26-1965, for 1.93 cfs for the waters of North Fork Snow Creek with point of diversion in the S $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17 for the purpose of stockwater, domestic, and irrigation of 99 acres in S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18 and S $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, T. 57 N., R. 5 W.

Permit No. 97-7151 -- Victor R. and Sydney Gutierrez - proposed priority date of 11-5-1980 for 0.04 cfs of the waters of Snow Creek with the point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18 for domestic use in S $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, T. 57 N., R. 5 W.

Permit No. 97-7052 -- Donald C. Keeley - proposed priority date of 3-4-1978 for 0.64 cfs of the waters of Snow Creek with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29 for irrigation of 32 acres in the E $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, T. 57 N., R. 5 W.

Permit No. 97-7153 -- Norman O. and/or Barbara A. Sterro - proposed priority date of 11-6-1980 for 0.06 cfs (0.04 cfs for domestic use and 0.02 cfs for stockwater) of the waters of North Fork Snow Creek with point of diversion and place of use in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 57 N., R. 5 W.

Claim No. 97-4041 -- Donald C. Kalley - priority date claimed as prior to 1920 for 0.06 cfs (0.04 cfs for domestic use and 0.02 cfs for stockwater) of the waters of North Fork Snow Creek with point of diversion and place of use in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 57 N., R. 5 W.

I have enclosed our brochure along with claim and application forms with instructions for filing in the event that Claim 97-4078 does not cover all of the actual uses of the water. The brochure will aid you and Mr. Warnek in determining the type of water right to file.

Should Mr. Warnek decide to file, the form with fee should be submitted to Northern Region in Coeur d'Alene.

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Mr. Gissel

3

July 27, 1981

I hope this information will be of help to you. If you have any questions, please feel free to contact us here at State Office in Boise or our regional office in Coeur d'Alene.

Sincerely,

Roberta Garrett
Records Supervisor

RG:rg

Enclosures

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WILDE AND GISSEL
ATTORNEYS — AT — LAW
1034 N. THIRD STREET
COEUR D'ALENE, IDAHO 83814

LARRY A. WILDE
NORMAN L. GISSEL

BOX NO.: 1486 OR 548
PHONE: 667-9574 OR
667-7016

July 17, 1981

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Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Gentlemen:

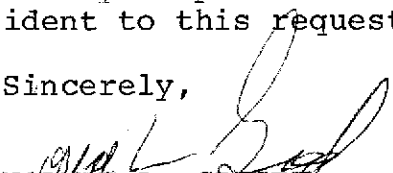
I make inquiry on behalf of my client Rostislav S. Warnek. He is acquiring the following described real property in Bonner County, i.e.:

West half of the East half of the South half of the South half of Government Lot 2, and West half of the South half of the South half of Government Lot 2 and Government Lot 3, Section 18, Township 57 North, Range 5, W.B.M., Bonner County, Idaho.

Through said property runs Snow Creek, which is a tributary of Priest River. My client is interested in ascertaining any and all water rights of his Sellers, the Schmidts, and others, whether these are vested water rights or claimed water rights.

I will be happy to compensate you upon the receipt of your billing for costs incurred incident to this request.

Sincerely,


NORMAN L. GISSEL

NLG:clo

RECORDED

MAR 07 1988

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number

97-4078

~~Applicant~~

Schmidt

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

[Signature]

Date

7/13/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

[Signature]

Date

7/16/81

SCHMIDT, FRANK P.

RT. 5 BOX 73, PRIEST RIVER, ID 83856

Source: SNOW CREEK tributary to PRIEST RIVER, WEST FORK

Priority Date: 01/01/1960

Amount: 0.06 CFS

Diversion Point: LOT 02 Sec 18 T 57N R 05W, BONNER Co.

Use: STOCKWATER	(0.02 CFS)	from 01/01 to 12/31
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31

Place of Use: SNW Sec 18 T 57N R 05W

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

JULY 6, 1981

FRANK P. SCHMIDT
RT. 5 BOX 73
PRIEST RIVER ID 83856

RE: Claim No. 97-4078

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. Haynes, P.E.
Regional Supervisor

Enclosure

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MAR 07 1988