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Documents
In File

Section 42-225a, Idaho Code

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.

The extent and nature of said claim is as follows:

- 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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- 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. Underground spring on applicant's property has been directed into a small private cistern approx. 10'X4'X4' constructed of concrete blocks from which water is pumped into the house by means of (cont'd in remarks)

- (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.

[illegible]

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____
Domestic purposes for one household.

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

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 CLARENCE T. OR RUTH K. RULE
post office address RT. 5 PRIEST RIVER IDA. 83865 OR E517-18TH SPOKANE WA. 49203
SCHNEIDERS BEACH #1 LOT 13 BLK 1

2. The point of diversion is in 1/4 of 1/4 Section Township PRIEST LAKE
Range B.M. located on GROUND WATER (unnamed spring)
(name of source)
tributary to Priest Lake in BONNER 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: 1951

_____	amount: <u>1</u>	c.f.s. or	_____ acre feet
_____	amount: _____	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 domestic period of use from January 1 to Dec 31 (both dates inclusive)
use _____ period of use from _____ to _____ (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: See TT. 9

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 well flowing or pumped flowing; depth of well is 6 feet; diameter of well is _____ inches; type of pump is FAIRBANKS MORSE
capacity of pump is 50 g.p.m.; name and address of well driller is NONE
See TT. 9

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 NOT

7. Where water is used for domestic or municipal purposes give number of families served 1
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
Underground spring on applicants property has been
directed into a small private cistern, approximately
10' x 4' x 4', constructed of concrete blocks, from which
water is pumped into the house for domestic use
by means of approximately 40 feet of 1 1/4" plastic
pipe and a Fairbanks Morse pump with a 50 gallon
holding tank. Overflow from the cistern is
returned into Priest Lake and has been measured
at 3 seconds per gallon in October of 1973.

State of ~~Idaho~~ Washington ss.
County of Spoilane

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.

Klausen, J. Rula
Ruth K. Rula
Claimant

Sworn to before me this 31 day of October, 1973.

Kathy Brubaker
Notary Public
Residing at Spoilane, Washington

My commission expires Dec 4, 1975

For Department Use Only

Received by <u>CP</u> Date <u>11-1-73</u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by _____ Date _____	_____	claimant by: _____	_____
Fee received by _____ Date _____ Fee \$ _____	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in _____ Dates _____	_____	_____	_____

97 4036

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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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Marie Martin,

being duly sworn, says that she is the Co-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

Notice of Claim to a Water Right

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 13th day of December, 1973, and

ending on the 20th day of December, 1973,

and that said notice was published in said newspaper proper, and not in supplemental form.

Marie Martin

Subscribed and sworn to before me this

20th day of December, 1973

George Connolly
Notary Public for Idaho,

Residing at Priest River, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 97-4036

Notice is hereby given that Clarence T. &/or Ruth K. Rule, Route No. 5, Priest River, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from an Unnamed Spring with point of diversion in Gov't. Lot 3, Sec. 12, T. 60N, R. 5W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1951; the place of use is within Gov't. Lot 3, Sec. 12, T. 60N, R. 5W, B.M.

Any exception to this claim of

water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Dec. 13 and Dec. 20, 1973.

50-2t

97 4036

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

January 3, 1974

Re: Claim to a Water Right No. 97-4036

Clarence T. &/or Ruth K. Rule
Route #5
Priest River, ID 83856

Dear Mr. & Mrs. Rule:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a 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 supporting evidence that you would like to have included in your claim file, you may have that information or evidence added 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 may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

97 4036

December 7, 1973

Re: Claim No. 97-4036 - Clarence T. &/or Ruth K. Rule
" " 97-4037 - A. Ray Hunter

Priest River Times
P.O. Box 398
Priest River, ID 83856

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. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department 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 claimant)~~

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 1-2-74 by CP

FE:CP

ENC: Legal Notices (2)

97 4036

NOTICE OF CLAIM TO A WATER RIGHT

NO. 97-4036

Notice is hereby given that Clarence T. &/or Ruth K. Rule,
Route #5, Priest River, Idaho

~~have~~
~~xxxx~~ has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~xxxxxxxxxxxxxxxx~~
of water from an Unnamed Spring
with point of diversion in ~~xxx~~ Gov't. Lot 3, Sec. 12, T. 60N, R. 5W, B.M.,
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes

with a priority of 1951;
the place of use is within ~~xxx~~ Gov't. Lot 3, Sec. 12, T. 60N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Priest River Times, Priest River, Idaho
on Dec. 13 and Dec. 20, 1973

97 4036

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 97-4036**

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R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Dec. 13 and Dec. 20, 1973.

50-2t

9007 26

OK.
12-17-73
CP

December 7, 1973

Re: Claim to a Water Right No. 97-4036

Clarence T. Rule
E. 517 - 18th
Spokane, WA 99203

Dear Mr. Rule:

Attached is your receipt No. 12278 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

Enclosure

97 4036

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

RECEIVED

November 5, 1973

DEC 3 1973

Department of Water Administration
Northern District Office

Clarence T. Rule
Route #5
Priest River, ID 83865

Dear Mr. Rule:

We are returning your Claim to a Water Right for additional information, and also your Check No. 28-8 in the amount of \$10. Please note that we have re-typed your Claim, changing several items.

Under Item 2, you have listed the source of water as being a well; however from the information listed in the remarks section, we would assume the source to be an unnamed spring. Also under Item 2, you list the location as Schneider's Beach. We will need to have you locate the spring by 40-acre tract, section, township, and range.

It is also the opinion of our Department that 50 gallons per minute is an excessive amount of water for a single household. It has been our policy that 0.04 cubic feet per second (18 gallons per minute) is more than an adequate amount to supply the needs of a single dwelling, unless you can justify the need for a larger quantity of water.

After completing the above items, please have your signature notarized once again, and return the claim along with the required \$10 filing fee to our office for processing.

Please contact this office if you should have any questions in this matter.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosures

Dear Mr. Eisenbarth:

We are returning our claim revised in accordance with your recommendations. The location is that furnished us by the county clerk of Bonner County, and the amount of water claimed has been reduced according to your standard. Our estimate had originally been based on the amount needed to fill the holding tank -- not as a constant draw. Thank you for your assistance.

P.S. We expect to be at our Spokane address the major part of December, 1973. You may address us there. Thank you.

97 4036

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
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Water Rights Administration
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November 5, 1973

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Northern District Manager

FE:cp

Enclosures

97 4036