

Affidavit of Publication

STATE OF IDAHO, }
County of Bonner, } ss.

RECEIVED

MAY 17 1973

Department of Water Administration
Northern District Office

L. E. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice to Claim to a Water Right, No.
97-4024, filed by William T. McBurney,
P.O. Box 4, Sandpoint, Idaho.

NOTICE OF CLAIM TO A
WATER RIGHT
NO. 97-4024

Notice is hereby given that
William T. McBurney, P.O.
Box 4, Sandpoint, Idaho has
filed a claim to a water right
established by diversion and
application to beneficial use of
0.0284 cubic feet per second
of water from Priest Lake with
point of diversion in the NE $\frac{1}{4}$ -
NE $\frac{1}{4}$, Sec. 12, T. 60N, R. 5W,
B.M., Bonner County.

The water is claimed to be
used from May 1 to Oct. 31
for fire prevention purposes
and the irrigation of 1.42 acres
with a priority of August, 1967;
the place of use is within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 Sandpoint
News-Bulletin, Sandpoint, Ida-
ho on May 3 and May 10, 1973.

M3-10

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 3rd
day of May, 19 73, and end-
ing on the 10th day of May,
19 73, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

16th day of May, 19 73.

Byron's Grove

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

97 4024

Identification No. 97-4024 P

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 William T McBurney
post office address P.O. Box 4, Sandpoint, Idaho 83864

2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 12 Township 60 N
Range 5 W B.M. located on Priest Lake

(name of source)

tributary to Priest River 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:

August 1967 amount: .0284 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 Irrigation & Fire Prevention period of use from May 1 to Oct. 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:

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 _____

a-Water is pumped from Priest Lake with 3 hp gas engine

and centrifugal pump.

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 _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known

Total number of acres to be irrigated 1.42

Map attached

TWP.	RANGE	SEC.	NE 1/4	SE 1/4	NW 1/4	SW 1/4	NE 1/4	SE 1/4	NW 1/4	SW 1/4	NE 1/4	SE 1/4	NW 1/4	SW 1/4	TOTALS
60 N	5 W	12	1.42												1.42

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

describe

has there been any enlargement of the reservoir since it was first built, if so, give dates and

location of reservoir by 40-acre subdivisions

if feeder canal is used give maximum carrying capacity c.f.s.; if reservoir is off stream, describe

is reservoir on or off stream explain

period of storage is from to ; is reservoir drained each year

year construction commenced ; year completed ; date first used

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

d. If water is stored: name of reservoir

Also 200 feet of 1 1/2 inch fire hose

and fees for distribution by lateral pipes, hoses and sprinklers

460 feet of underground and surface line with risers

c- 40 feet of suction line to pump and 1st use, then

ing date and dimensions if possible

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

type of pipe plastic ; grade of pipe per 1000 feet is pressure line

c-maximum length of pipe line to first place of use is 40 feet; diameter of pipe line is 3 inches;

feet is feet; material through which ditch passes is

width of bottom of ditch is feet; depth of water is feet; grade of ditch per 1000

c. Conveying works: length of ditch to place of use is feet; width of ditch at top is feet;

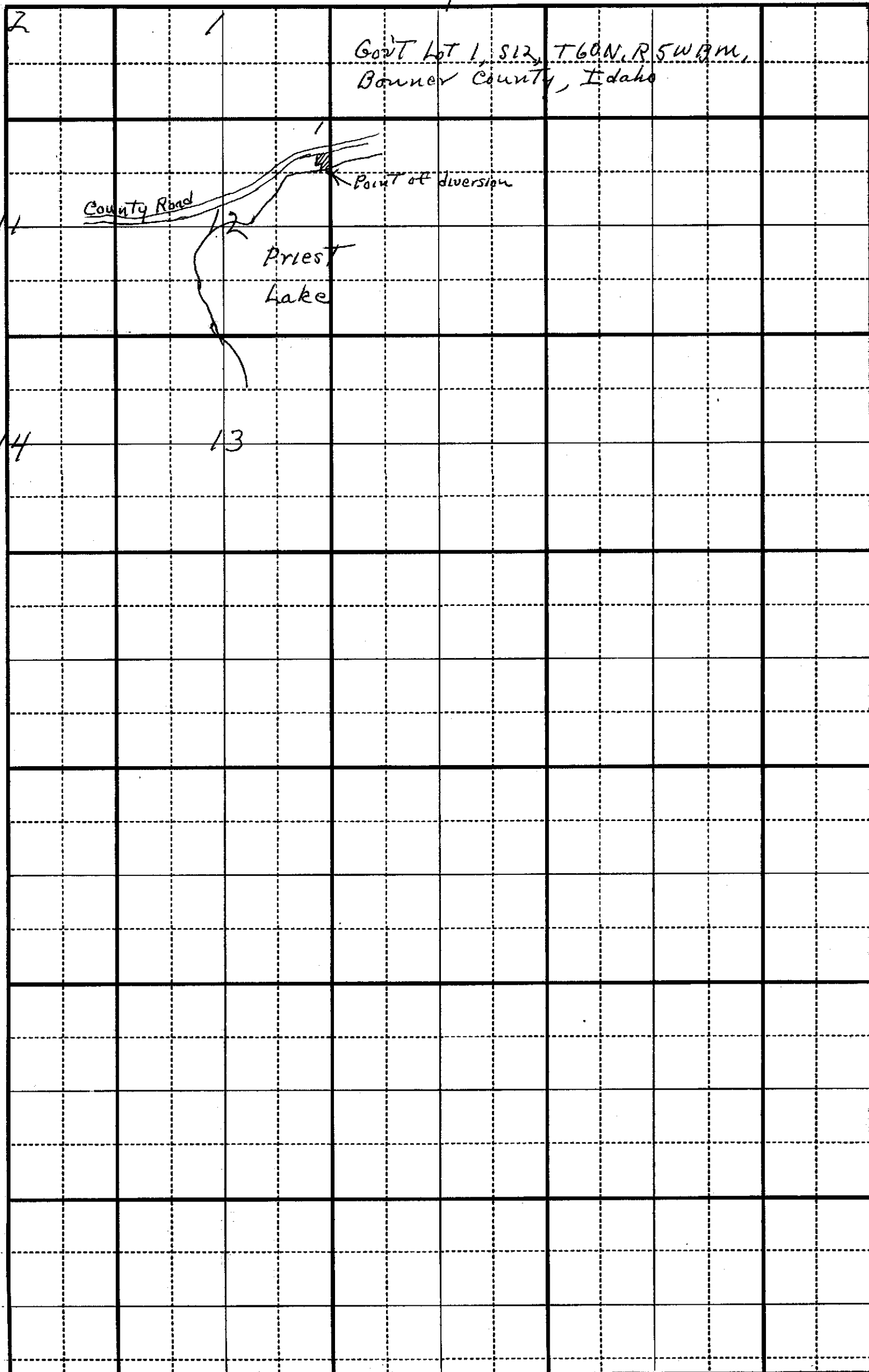
; if so, give dates and explain

attach well logs if available; has there been any change in pump or motor since well was first completed

NAME OF APPLICANT

Wm J. McBurney

Form No. 0



SCALE: 2 inches Equal 1 Mile. Draw Plan In Ink.

97 4024

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 _____

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

State of Idaho

County of Bonner

35.

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

20th

day of

Wm T Mc Butney
Claimant

Claimant

1973

of 1971
Ranajit T. Sengupta
 Notary Public

Notary Public

Residing at

Sandpoint, Idaho

My commission expires

January 20, 1976

For Department Use Only

Received by ck Date 4-25-73

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by ZZ Date 4/25/23 100%

Fee received by FE Date 4/25/73 Fee \$ 10.00

Approved for publication by ZS

Published in SANDPOINT BULLETIN Dates 5-3-73

5-10-23

97 4024

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 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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Affidavit of Publication

STATE OF IDAHO, }
County of Bonner, } ss.

RECEIVED

L. E. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice to Claim to a Water Right, No.

97-4024, filed by William T. McBurney,
P.O. Box 4, Sandpoint, Idaho.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 3rd
day of May, 19 73, and end-
ing on the 10th day of May,
19 73, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

16th day of May, 19 73.

Opel's Crow

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 97-4024

Notice is hereby given that
William T. McBurney, P.O.
Box 4, Sandpoint, Idaho has
filed a claim to a water right
established by diversion and
application to beneficial use of
0.0284 cubic feet per second
of water from Priest Lake with
point of diversion in the NE $\frac{1}{4}$ -
NE $\frac{1}{4}$, Sec. 12, T. 60N, R. 5W,
B.M., Bonner County.

The water is claimed to be
used from May 1 to Oct. 31
for fire prevention purposes
and the irrigation of 1.42 acres
with a priority of August, 1967;
the place of use is within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 Sandpoint
News-Bulletin, Sandpoint, Ida-
ho on May 3 and May 10, 1973.

M3-10

97 4024

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

May 23, 1973

Re: Claim to a Water Right No. 97-4024

William T. McBurney
P.O. Box 4
Sandpoint, ID 83864

Dear Mr. McBurney:

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 further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: copy of claim

97 4024

April 27, 1973

Re: Application No. 96-7168 Claim No. 96-4058
 " " 96-7169 " " 97-4024
 " " 96-7170

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

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 5-22-73 by cl

FE:CR

Enc: Legal Notices (5)

97 4024

ADVERTISING INSERTION ORDER

SANDPOINT NEWS-BULLETIN

COMPLETE COVERAGE OF THE SANDPOINT TRADE AREA

P.O. Box 218, Sandpoint, Idaho 83864

To Whom Billed:

Name Idaho Dept. of Water Administration

Address _____

Name of Advertiser _____

Ad No. _____ Ad Size: _____ x _____

Caption Notice of Claim to a Water Right

Insertion Dates: May 3, 10

Copy:

A.O. No. 6923

DATE 5-3-73

Type of Advertising

- ☐ National Display
- ☐ Local Display
- ☐ Classified Display
- ☐ Classified
- ☐ Reader
- ☐ Card of Thanks
- ☒ Legal

William T. McBurney

PLEASE PRINT NAME AND ADDRESS OF ADVERTISER
 and correct the above information
 legally due after allowing all time delay
 and the part of the same has been paid
 SANDPOINT NEWS-BULLETIN

Oliver Bond

Total Space 33 lines x 36¢ = \$ 11.88
 (Col. inches/Words) (rate) (billings)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 97-4024

Notice is hereby given that William T. McBurney,

P.O. Box 4, Sandpoint, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.0284 cubic feet per second ~~acres feet per annum~~
of water from Priest Lake

with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 60N, R. 5W, B.M.,
Bonner County

The water is claimed to be used from May 1 to Oct. 31 for fire pre-
vention purposes and the irrigation of 1.42 acres
with a priority of August, 1967;
the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 Sandpoint News-Bulletin, Sandpoint, Idaho

on May 3 and May 10, 1973

97 4024

April 26, 1973

Re: Claim to a Water Right No. 97-4024

William T. McBurney
P.O. Box 4
Sandpoint, ID 83864

Dear Mr. McBurney:

Attached is your receipt No. 10636 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:CR

Enc: Receipt

97 4024

Idaho Dept. of Water Admin.
401 Front Avenue - Room 209
Coeur d'Alene, Ida 83814

Enclosed:

Claim to a Water Right
map

check # 1434 for \$10.00.

Wm

RECEIVED

APR 23 1973

Department of Water Administration
Northern District Office

97 4024



DEPENDABLE SERVICE

RECEIVED
Bill McBurney

Insurance — Real Estate — Appraisals

~~409 Cedar Street~~ P.O. Box 4

Sandpoint, Idaho

Telephone: ~~Office: Congress 3-2426~~ — Home: CONgress 3-3672

3-13-1973

Idaho Dept. of Water Adm.
Boise, Idaho

Gentlemen —

Please send to me enough forms to make
two sets of "Claim to Water Right" with
copies to keep for reference.

These are for the use of myself and a friend
for whom I will assist in making claim.

Thank you,

Wm T McBurney

97 4024

FORMS SENT 3-20-73. R