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Documents
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Identification No. 97-4020 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 FRANK D. JACHETTA
post office address Rt 1, Box 82 Priest River, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 33 Township 56N
Range 4W B.M. located on Unnamed Creek
(name of source)
tributary to Pend Oreille 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:

<u>Jan. 1, 1928</u>	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 <u>1</u> 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 <u>Domestic</u>	period of use from <u>Jan 1</u>	to <u>Dec. 31</u>	(both dates inclusive)
use <u>Stock Watering</u>	period of use from <u>Jan 1</u>	to <u>Dec. 31</u>	(both dates inclusive)
use <u>Irrigation</u>	period of use from <u>April 1</u>	to <u>Sept. 15</u>	(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 none
_____; 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 N/A; 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 _____
_____;

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____feet; width of ditch at top is _____feet; width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000 feet is _____feet; material through which ditch passes is _____feet; maximum length of pipe line to first place of use is 3200 _____feet; diameter of pipe line is 1 1/2 inches; type of pipe _____metal water pipe _____; grade of pipe per 1000 feet is _____2 feet _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____none _____

d. If water is stored: name of reservoir _____ no name _____;

total capacity of reservoir is 3000 gal acre feet; active capacity of reservoir is 3000 gal acre feet; year construction commenced 1927 est year completed 1928 est date first used 1928 est period of storage is from Jan. 1 to Dec. 31; is reservoir drained each year no; is reservoir on or off stream Yes explain see below for explanation

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

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

[illegible]

2 _____ Total number of acres to be irrigated

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

enou

b. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch ditch contains pipeline-no name. The other users and their respective interests in the ditch are (if known) Melvin Will (extent of interest in ditch and pipeline unknown)

6. Where water is used for stock watering, give number of each kind of stock watered 75 head beef cattle

7. Where water is used for domestic or municipal purposes give number of families served two
name of town supplied N/A

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 See below for narative explanation

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This is a claim to lcfs which is used year around for domestic and household uses and for watering approximately 75 head of beef cattle, and part of the year for irrigation purposes as set out above. The water is diverted from an unnamed stream by use of a pipe laid in the streambed approximatelt 1 and 1/2 inches in diameter. Water is then run about 2600 feet to a concrete reservoir measuring 5 feet deep by 10 feet wide by 20 feet long, containing a capacity of about 3000 gallons. This reservoir is covered and water continuously flows into it, the overflow being piped back into the same stream from which it comes. From the reservoir, the water is piped about 600 feet to claimant's dwelling house and barns and irrigati system. This is strictly a gravity flow system, and no pumps are used until the water actually reaches the claimant's premises.

State of Idaho }
County of Bonner } 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 14 day of October, 1972

Frank D. Jachetta
Claimant

Thomas E. Cook
Notary Public

Residing at Priest River

My commission expires 2-23-75

OK 10-18-72 For Department Use Only

Received by <u>ef</u>	Date <u>10-17-72</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>D</u>	Date <u>10-17-72</u>			
Fee received by <u>ef</u>	Date <u>10/17/72</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>78</u>	<u>10/18/72</u>			
Published in <u>PRIEST RIVER TIMES</u>	Dates <u>10-26-72</u>			<u>97 1972</u>

11-2-72

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 if 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.

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 No. 97-4020

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 26th day of October, 1972, and

ending on the 2nd day of November, 1972, and that said notice was published in said newspaper proper, and not in supplement form.

Marie Martin

Subscribed and sworn to before me this

13th day of November, 1972.

George C. Connelly
Notary Public for Idaho,
Residing at Priest River, Idaho

RECEIVED

Idaho Department of Agriculture
Coeur d'Alene Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 97-4020

Notice is hereby given that Frank D. Jachetta, Rt. 1, Box 82, Priest River, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from an Unnamed Creek, tributary to Pend Oreille River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 56N, R. 4W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes; and from April 1 to Sept. 15 for the irrigation of 2 acres with a priority of Jan. 1, 1928; the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 56N, R. 4W., 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 Oct. 26 and Nov. 2, 1972.

43-2t

97 4020

November 16, 1972

Re: Claim to a Water Right No. 97-4020

Frank D. Jachetta
Route #1, Box 82
Priest River, ID 83856

Dear Mr. Jachetta:

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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

97 4020

October 20, 1972

Re: Application No. 96-7111 - Ralph A. Peterson
" " 96-7112 - Bernard J. Reynolds
Claim No. 97-4020 - Frank D. Jachetta

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
Water Resource Supervisor
Northern District

Bill submitted 11-15-72 by CR

FE:CR
Enc: Leggl Notices (3)

97 4020

NOTICE OF CLAIM TO A WATER RIGHT

NO. 97-4020

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Rt. 1, Box 82, Priest River, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.0 cubic feet per second ~~acre feet per annum~~
of water from an Unnamed Creek, tributary to Pend Oreille River

with point of diversion in the NE $\frac{1}{4}$, Sec. 33, T. 56N, R. 4W, B.M.,
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
and stockwatering purposes; & from April 1 to Sept. 15 for the irrigation of 2 acres
with a priority of Jan. 1, 1928;
the place of use is within the SE $\frac{1}{4}$, Sec. 33, T. 56N, R. 4W., 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 Oct. 26 and Nov. 2, 1972

97 4020

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R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Oct. 26 and Nov. 2, 1972.

43-2t

O.K.
10-25-72
K

97 4020

October 20, 1972

Re: Claim to a Water Right No. 97-4020 - Frank D. Jachetta

Thomas E. Cooke
Attorney & Counselor at Law
Telephone Building
P.O. Box 788
Priest River, ID 83856

Dear Mr. Cooke:

Attached herewith is your receipt No. 8950 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
Water Resource Supervisor
Northern District

FE:CR
Enc: Receipt

97 4020

THOMAS E. COOKE

ATTORNEY & COUNSELOR AT LAW

TELEPHONE BUILDING

P. O. BOX 788

PRIEST RIVER, IDAHO 83856

16 October 1972

(208) 446-7371

State of Idaho
Department of Water Administration
Statehouse Annex #2
Boise, Idaho 83700

Re: Frank D. Jachetta, Claim to Water Right

Gentlemen:

Enclosed you will find a completed claim to water right form which Frank Jachetta has asked me to submit to your offices, together with my check in the amount of \$10.00 as your filing fee. Please contact me if there are any questions on this.

Thank you.

Very truly yours,

T. E. Cooke

TEC/ks
enc.