

No Color  
Documents  
In File

Identification No. \_\_\_\_\_

Claim No. 97-4004

Map No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

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 Robert J. Davis, M.D.

X post office address 5427 Bernard, Spokane, Washington, 99204

2. The point of diversion is in Lot #8 <sup>Court</sup> 1/4 of \_\_\_\_\_ 1/4 Section 6 Township 60N

Range 4W B.M. located on Priest Lake, Idaho  
(name of source)

tributary to \_\_\_\_\_ 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:

8-1-59 amount X 102 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 1 January to 31 December (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: N/A

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 \_\_\_\_\_; 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 \_\_\_\_\_

\_\_\_\_\_ ;

97 4004

\_\_\_\_\_, 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 \_\_\_\_\_;

maximum length of pipe line to first place of use is 150 feet; diameter of pipe line is 2 inches; type of pipe \_\_\_\_\_; grade of pipe per 1000 feet is \_\_\_\_\_.

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: First Lake, Pond

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

period of storage is from \_\_\_\_\_ to \_\_\_\_\_; is reservoir drained each year \_\_\_\_\_; \_\_\_\_\_ is reservoir on or off stream \_\_\_\_\_ explain \_\_\_\_\_

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

has there been any enlargement of the reservoir since it was first built \_\_\_\_\_, 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]

Total number of acres to be irrigated

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

b. Do you get water through a ditch owned by several users? \_\_\_\_\_ 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 One Family  
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

X The water system under consideration was installed in  
October 1959 by the former owner, Mr. R.W. Meyman at the time  
my home was constructed. I purchased the property on 16 October 1969  
and have used the system continuously since that date. The system  
consists of a 2" line from the pump into the lake and a  
1 1/4" line from the pump to the house. Pump capacity is about  
600 gallons per hour at the existing head. Use will be limited  
to domestic use plus lawn irrigation for approximately  
0.6 acre.

State of ~~Idaho~~ Wash. }  
County of Spokane } 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 30th day of November, 1970.

Robert Brown  
Claimant  
Mary Blackburn  
Notary Public  
Residing at Spokane, Wash.

My commission expires 1-27-72

For Department Use Only

|                                             |                                      |                     |              |      |
|---------------------------------------------|--------------------------------------|---------------------|--------------|------|
| Received by <u>g</u>                        | Date <u>12-1-70</u>                  | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>g</u>                   | Date <u>12-1-70</u>                  |                     | claimant by: |      |
| Fee received by <u>g</u>                    | Date <u>12-2-70</u>                  | Fee \$ <u>10.00</u> |              |      |
| Approved for publication by <u>D</u>        |                                      |                     |              |      |
| Published in <u>Sandpoint News-Bulletin</u> | Dates <u>12-17 &amp; 12-24, 1970</u> |                     |              |      |

dg

97 4004

INSTRUCTIONS

Paragraph No.

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.

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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

**NOTICE OF CLAIM TO  
WATER RIGHT  
No. 97-4004**

Notice is hereby given that Robert J. Davis, M.D., S. 427 Bernard, Spokane, Washington has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from Priest Lake with point of diversion in Gov't. Lot 8, Sec. 6, T. 60N, R. 4W, B.M., Bonner County.

The water is claimed to be used from January 1, to December 31 for domestic purposes with a priority of August 1, 1959; the place of use is within Gov't. Lot 8, Sec. 6, T. 60N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, R. KEITH HIGGINSON, Director.

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho on December 17 and December 24, 1970.  
D17-24

# Affidavit of Publication

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

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 OF CLAIM TO WATER RIGHT NO. 97-4004  
filed by ROBERT J. DAVIS, M.D., S. 427  
BERNARD, SPOKANE, WASHINGTON

as it was published in the regular and entire issue  
of the said paper for a period of two  
consecutive weeks, commencing on the 17  
day of December, 1970, and end-  
ing on the 24 day of December,  
1970, and that said notice was published in said  
newspaper, and not in supplemental form.

*L.E. Pietsch*

Subscribed and sworn to before me this

24th day of December, 1970

*Chas. B. Smith*

Notary Public for Idaho,  
Residing at Sandpoint, Idaho.

97 4004

January 7, 1971

Re: Claim to a Water Right No. 97-4004

Robert J. Davis, M.D.  
S. 427 Bernard  
Spokane, Washington 99204

Dear Dr. Davis:

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

As you are aware, the filing of your 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 evidence that you would like to have included in your claim file, you may add that information 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,

Donald W. McEldowney  
Appropriation Supervisor

DWM:dr  
Enclosure: Copy of claim

97 4004

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

Statehouse - Annex 2  
Boise, Idaho 83707  
(208) 384-2215



**R. Keith Higginson**  
Director

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Flood Plain Management  
Irrigation and  
Flood Control Districts

December 8, 1970

Re: Claim Nos. 96-4013 - Galen and/or Opal Rigby  
97-4004 - Robert J. Davis, M.D.

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

Gentlemen:

Enclosed you will find two legal notices 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 to us galley proofs for review before publication.

After sending us galley proofs, proceed with the publication on the dates we have inserted assuming the notices are correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department for each notice 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,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DC  
Enc: two legal notices

*Bill submitted  
12-30-70  
dr*

87 4004

NOTICE OF CLAIM TO A WATER RIGHT

No. 97-4004

Notice is hereby given that Robert J. Davis, M.D., S. 427 Bernard,  
Spokane, Washington  
has filed a claim to a water right established by diversion and appli-  
cation to beneficial use of 0.02 cubic feet per second ~~at the~~ ~~from~~  
of water from Priest Lake  
with point of diversion in the Gov't. Lot 8, Sec. 6, T. 60N, R. 4W, B.M.,  
Bonner County.

The water is claimed to be used from January 1 to December 31  
for domestic purposes  
with a priority of August 1, 1959;  
the place of use is within the Gov't. Lot 8, Sec. 6, T. 60N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the  
Idaho Department of Water Administration., Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho  
on December 17 and December 24, 1970.

*N*  
97 4004

December 2, 1970

Robert J. Davis, M.D.  
S. 427 Bernard  
Spokane, Washington 99204

Dear Dr. Davis:

Returned herewith is Departmental Receipt No. 5380 in the amount of  
\$10.00 for your Claim Application,

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH  
Administrative Assistant

MRB:ejw

Enclosure: Receipt

87 4884