

No Color
Documents
In File

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

PRAIRIE WATER ASSOCIATION

(Name of Claimant)

40 JOE ZELLER, E. 2670 HUCKLEBERRY LANE

(Mailing Address) POST FALLS, ID 83854

Telephone No. _____

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) _____

1959

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)

GROUNDWATER

tributary to _____

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

(cfs, af)

(Domestic, Irrigation, Stock, Etc.)

(Mo., Day)

(Both dates inclusive)

(Mo., Day)

Quantity 2.50

Use

IRRIGATION

Period of Use From

MAY 1

To

SEP 30

Quantity _____

Use _____

Period of Use From _____

To _____

Quantity _____

Use _____

Period of Use From _____

To _____

Quantity _____

Use _____

Period of Use From _____

To _____

(4) 2.5

(cfs, af)

TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SW 1/4, Sec. 25 Twp. 51N Rge. 5W B.M., County of KOOTENAI

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. WELL & PUMP

(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.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>51N</u>	<u>5W</u>	<u>25</u>							<u>40</u>		<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>					<u>200</u>
<u>51N</u>	<u>5W</u>	<u>26</u>				<u>20</u>													<u>20</u>

No. of acres 220

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

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

Received by _____
Prelim. check by _____
\$30.00 fee received by _____
Published in _____
Dates _____

Date _____
Date _____
Date _____

FOR DEPARTMENT USE ONLY
Exception filed by: _____
#27003

Forwarded to _____
claimant by: _____
Date _____

My commission expires _____

[Signature]

Notary Public
Residing at _____

[Signature]

Sworn to before me this _____ day of _____

[Signature]

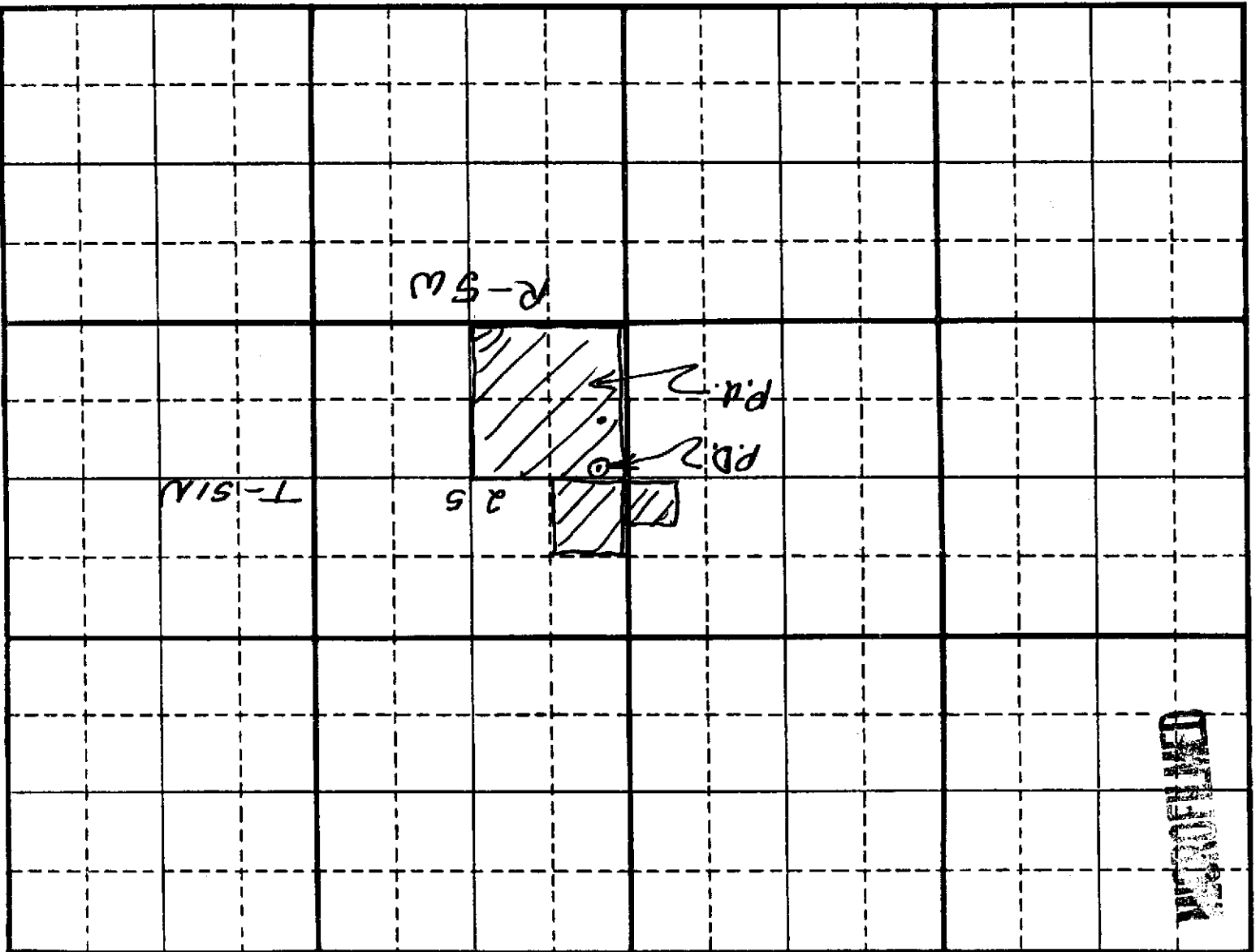
X *[Signature]*
RESIDENT (Claimant)
1988

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.

State of Idaho _____
County of _____
ss. _____

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.

Scale: 2 inches equal 1 mile.



(8) Remarks _____

AFFIDAVIT OF PUBLICATION

11

JUN 20 1983

NOTICE OF CLAIMS TO WATER RIGHTS
The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

94-4183
DAMIANO, DAVID A.
14322 WILLOW RD., MEAD, WA 99021

Source: BELL CREEK trib. to ANDERSON LAKE
Priority Date: 07/01/1960
Diversion Pt: SWNE Sec 06 T 47N R 03W
Use: IRRIGATION (0.1330 CFS)
In: SWNE NWNE Sec 06 T 47N R 03W FOR 15 ACRES

95-4606
VAN KLEECK, DONALD A. &/or DOROTHY E.
W. 2350 HWY. 06, COEUR D ALENE, ID 83814

Source: COEUR D ALENE LAKE trib. to SPOKANE RIVER
Priority Date: 01/01/1900
Diversion Pt: LOT 02 Sec 15 T 50N R 04W
Use: IRRIGATION (0.20 CFS)
In: LOT 02 Sec 15 T 50N R 04W FOR 7 ACRES

95-4611
OGG, EVA S.
N. 895 LAKEVIEW DR., COEUR D ALENE, ID 83814

Source: SPRING trib. to SINKS
Priority Date: 01/01/1961
Diversion Pt: NESE Sec 15 T 50N R 04W
Use: DOMESTIC (0.04 CFS)
In: LOT 01 Sec 14 T 50N R 04W

95-4613
WHITE, DARREL &/or KATHY E.
8300 CORBIN HILL RD., HAYDEN LAKE, ID 83835

Source: SPRINGS trib. to SINKS
Priority Date: 01/01/1933
Diversion Pt: SWNW Sec 08 T 52N R 03W
Use: DOMESTIC (0.04 CFS)
In: NWNW Sec 08 T 52N R 03W

95-4614
FINCH, IVALEE
N. 2981 IVALEE DR., POST FALLS, ID 83854

Source: GROUNDWATER
Priority Date: 01/01/1945
Diversion Pt: LOT 04 (NENE) Sec 08 T 50N R 04W
Use: DOMESTIC (0.08 CFS)
In: LOT 04 (NENE) Sec 08 T 50N R 04W

95-4615
KIESBUY, DON
2914 FERNAN HILL RD., COEUR D ALENE, ID 83814

Source: GROUNDWATER
Priority Date: 01/01/1960
Diversion Pt: LOT 04 Sec 04 T 51N R 05W
Use: DOMESTIC (0.04 CFS)
In: LOT 04 Sec 04 T 51N R 05W

OK
JP
6/24/83
PRAIRIE WATER ASSN.
C/O JOE ZELLER, E. 2670 HUCKLEBERRY LN, POST FALLS, ID 83854

Source: GROUNDWATER
Priority Date: 01/01/1959
Diversion Pt: NWSW Sec 25 T 51N R 05W
Use: IRRIGATION (2.50 CFS)
In: SWNW NESW NWSW SWSW SESW Sec 25 T 51N R 05W SENE Sec 25 T 51N R 05W FOR 220 ACRES

95-4619
HULL, PAUL F.
STAR RT., COEUR D ALENE, ID 83814

Source: SPRING trib. to KIDD ISLAND CREEK
Priority Date: 09/01/1955
Diversion Pt: SWNW Sec 02 T 49N R 04W
Use: IRRIGATION (4.00 CFS); STOCKWATER (0.05 CFS); DOMESTIC (0.05 CFS)
In: SENW Sec 02 T 49N R 04W SWNW SENW Sec 02 T 49N R 04W FOR 1 ACRES

STATE OF IDAHO,
County of Kootenai, } ss.

Department of Water Resources
Northern District Office

Carol Hedge being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The *Notice*

of which the annexed is a printed copy, was published in the regular issue of said newspaper for *2* consecutive *issues* commencing on the *9* day of *June*, 19*83* and ending on the *16* day of *June*, 19*83*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Subscribed and sworn to before me this *16* day of *June*, 19*83*.

Roberta Drankley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

95-4620
STROPE, FLEETA I
P. O. BOX 136, SILVERTON, ID 83867

Source: COEUR D ALENE LAKE trib. to SPOKANE RIVER
Priority Date: 06/01/1945
Diversion Pt: LOT 04 Sec 08 T 48N R 03W
Use: DOMESTIC (0.08 CFS)
In: LOT 04 Sec 06 T 48N R 03W

95-4621
POINTNER, JOHN C. &/or CALLIE S.
601 LAKESIDE AVE., COEUR D ALENE, ID 83814

Source: COEUR D ALENE LAKE trib. to SPOKANE RIVER
Priority Date: 01/01/1964
Diversion Pt: SWNW Sec 22 T 50N R 04W
Use: FIRE PROTECTION (2.80 CFS)
In: SWNW Sec 22 T 50N R 04W

95-4422
KYLE, ALLAN D.
RT. 1 BOX 93, ATHOL, ID 83801

Source: UNNAMED STREAM trib. to SAGE CREEK
Priority Date: 01/01/1910
Diversion Pt: NESE Sec 35 T 53N R 03W

Use: IRRIGATION (0.06 CFS); STOCKWATER (0.0150 CFS); DOMESTIC (0.06 CFS)
In: NWNE-SWNE Sec 35 T 53N R 03W SWNE SENE Sec 35 T 53N R 03W NWNE SWNE Sec 35 T 53N R 03W FOR 3 ACRES

95-4623
SWARTZ, DON H.
P. O. DRAWER AM, MOSES LAKE, WA 98837

Source: COEUR D ALENE LAKE trib. to SPKANE RIVER
Priority Date: 01/01/1911
Diversion Pt: NWNW Sec 10 T 49N R 04W
Use: IRRIGATION (0.40 CFS); DOMESTIC (0.04 CFS)
In: NENE Sec 09 T 49N R 04W NWNW Sec 10 T 49N R 04W FOR 4 ACRES

95-4624
HUGHES, ELDRED E.
S. 280 SPOKANE ST., POST

FALLS, ID 83854
Source: GROUNDWATER
Priority Date: 01/01/1941
Diversion Pt: NENW Sec 10 T 50N R 05W
Use: IRRIGATION (0.27 CFS); DOMESTIC (0.15 CFS)
In: NENW Sec 10 T 50N R 05W FOR 3 ACRES

95-4412
BROOKE, MARCELLA
1321 WEBSTER AVE., PALO ALTO, CA 94301

Source: SPIRIT LAKE trib. to SPIRIT CREEK
Priority Date: 01/01/1918
Diversion Pt: LOT 06 Sec 07 T 53N R 04W
Use: IRRIGATION (0.03 CFS); DOMESTIC (0.06 CFS)
In: LOT 06 Sec 07 T 53N R 04W FOR 1 ACRES

95-4421
KYLE, ALLAN D.
RT. 1 BOX 93, ATHOL, ID 83801

Source: SAGE CREEK trib. to SINKS
Priority Date: 01/01/1962
Diversion Pt: SENE SWNE Sec 35 T 53N R 03W

Use: IRRIGATION (1.80 CFS); STOCKWATER (0.05 CFS)
In: NENE SWNE SENE NWSE Sec 35 T 53N R 03W SWNE SENE Sec 35 T 53N R 03W FOR 90 ACRES

95-4425
OSTEYEE, MONTE
RT. 1 BOX 102A, ATHOL, ID 83801

Source: SPRING trib. to SINKS
Priority Date: 01/01/1890
Diversion Pt: SWNE Sec 03 T 52N R 03W
Use: IRRIGATION (0.06 CFS); STOCKWATER (0.02 CFS); DOMESTIC (0.04 CFS)
In: SESW Sec 34 T 53N R 03W FOR 3 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Gov't Way, Coeur d'Alene, ID. 83814.
KEN DUNN, Dir.

Legal 48
June 9, 16, 1983

NOT RECORDED

RECEIVED

DEC 23 1996

Department of Water Resources

December 18, 1996

Shelley Walter Keen
Idaho Department of Water Resources
1301 N Orchard
Boise, ID 83720

⁴⁷⁴³
RE: 95-8742 & 95-8807

Dear Mr. Keen:

In answer to your letter of October 31, 1996, our organization has
~~to~~ ^{No} interest and is not supplied water from 95-2171 and 95-4618.

Sincerely,


J.R. Lindgren
✓ Poor Boys Water Association
2745 E Poleline
Post Falls, ID 83854

MICROFILMED

JAN 23 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 31, 1996

POOR BOYS WATER ASSN
2745 E POLELINE RD
POST FALLS ID 83854

RE: Water Right No. 95-02171

Dear Water Right Holders:

I am reviewing your Water Right Permits, Nos. 95-08807 and 95-08743, in preparation for issuing water right licenses. During my review, I discovered that Water Right License 95-02171 includes 19 acres of irrigation from groundwater within the same 40-acre tract that your 27 acres of irrigation is located. In addition, Water Right Claim 95-04618 includes 40 acres of irrigation from groundwater within the same 40-acre tract that your irrigation use is located. License 95-02171 was issued to Kon Tiki, Inc., in 1971 with a 1965 priority date. Water Right Claim 95-04618 was filed by Prairie Water Association in 1983 and claims a 1959 priority date. I have enclosed copies of License 95-02171 and Claim 95-04618 for you to review.

I am writing you to find out if you are aware of Right 95-02171 and Claim 95-04618 and to determine to what extent they should be considered when issuing the licenses for Rights 95-08807 and 95-08743. In Idaho, water rights are appurtenant to the land where they are established, and they remain with the land when it is sold unless the deed or sale agreement specifies otherwise. Because some of the land you are now irrigating has apparently been irrigated under Right 95-02171, and possibly under a right represented by Claim 95-04618, you may be entitled to a portion of those rights. The primary advantage to you would be in having the earlier (senior) priority dates if groundwater diversions are ever regulated in your area.

You should also know that if there has been a period of five consecutive years during which Right 95-02171 and Claim 95-04618 was not used, they can be considered to have been forfeited.

If you research the historical use of water on your property and come to believe that you are entitled to portions of Right 95-02171 and Claim 95-04618, you will have to provide information documenting which lands previously irrigated by Kon Tiki, Inc., you now irrigate. You will also need to file an Application for Transfer to add your well as a point of diversion for your portion of each right.

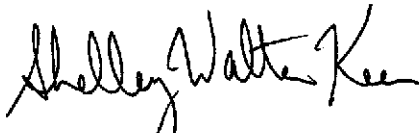
MICROFILMED
NOV 08 1996

Poor Boys Water Assn.
October 31, 1996
Page 2

Please contact me within 15 days if you intend to look into Right 95-02171 and Claim 95-04618. If I have not heard from you within that time, I will assume you have no interest in Right 95-02171 and Claim 95-04618, I will see that licenses are issued as soon as possible for Rights 95-08807 and 95-08743.

If you have any questions, please contact me at 208-327-7946.

Respectfully,



Shelley Walter Keen
Water Rights Supervisor

Enclosures

MICROFILMED
NOV 08 1996

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: LB

Right Number 95-4618 Applicant Praine Water

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 7/11/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature] Date 7/18/83

RECEIVED

RECEIVED
JUL 18 1983

Department of Water Resources

95-4618

PRAIRIE WATER ASSN.

C/O JOE ZELLER, E. 2670 HUCKLEBERRY LN., POST FALLS, ID 83854

Source: GROUNDWATER

Priority Date: 01/01/1959

Diversion Pt: NWSW Sec 25 T 51N R 05W

Use: IRRIGATION (2.50 CFS)

In: SWNW NESW NWSW SWSW SESW Sec 25 T 51N R 05W SENE Sec 26 T 51N R 05W
FOR 220 ACRES

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

JUNE 27, 1983

PRAIRIE WATER ASSN.
C/O JOE ZELLER
E. 2670 HUCKLEBERRY LN.
POST FALLS ID 83854

RE: Claim No. 95-4618

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