

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Kenneth H. Gonser (name of claimant)
of Route 3, Box 190, Hayden Lake, Idaho, claims a right to the diversion and beneficial use of (mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Pullman Spring, tributary to ,
(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Amount 0.04 cfs Use Domestic Period of Use: From Jan. 1 To Dec. 31
Amount Use Period of Use: From To
Amount Use Period of Use: From To
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
(3) Total quantity of water claimed: 0.04 cubic feet per second, or acre feet per annum, and/or gallons per minute.
(4) Priority claimed: (the date water was first applied to beneficial use) 1935

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.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 33 Twp. 52N Rge. 3W 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. ½ h.p. pump and pipeline to place of use.

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
52N	3W	32																X	

Total No. of acres

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

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

(8) Remarks _____

Township 52 North

32 32 33 33

32 33

PLACE OF USE
SPRING

Range 3 West

Scale: 2 inches equal 1 mile.

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.

State of Idaho)
County of KOOTENAI) 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 29TH day of

Kenneth H. Enser
(Claimant)

July 2, 1975

44 Corda M. Roberts

Notary Public

Residing at COEUR D'ALENE, IDAHO

My commission expires SEPT. 11, 1976

For Department Use Only

Rec't. #971

Received by cp Date 7-29-75

Prelim. check by cp Date 7-29-75

\$10.00 fee received by cp Date 7-29-75

Approved for publication by _____

Published in Coeur d'Alene Press

Dates 8-7 & 8-14-75

Exception filed by:

Forwarded to
claimant by:

Date _____

IN THE MATTER OF:

Claim to water right
No- 95-4343

AFFIDAVIT **RECEIVED**

AUG 20 1975

State of Idaho

County of Kootenai

Department of Water Resources
Northern District Office

Floyd E. Nelson and Clara E. Nelson being first duly sworn,
deposes and says: We came to Idaho in 1936
and knew — what is now known —
as the Pollman spring.

This spring was discharging water
continuously in a wooden trough,
supplying water to the cattle who
were roaming the country-side.

The wooden trough was always
full and the over-flow was
running down the ditch.

In a short time, Mr Pollman curbed
up the spring, piped it up the hill
and supplied water to three horses
and a few head of red Angus cattle.

He also supplied water for a small
flock of sheep — at times he watered
a nice garden — orchard and grapes,
besides having plenty of water for
domestic purposes.

Clara E. Nelson
Floyd Nelson
(signature)

Subscribed and sworn to before me this 20th day of August 19 75.

Cinda M. Roberts
(notary public)

Residing at COEUR D'ALENE, IDAHO.
My commission expires SEPT. 11, 1976.

IN THE MATTER OF:)
Claim to Water Right)
No. 95-4343)
State of Idaho)
County of Kootenai)

AFFIDAVIT **RECEIVED**
AUG 4 1975

Department of Water Resources
Northern District Office

Marie M. Comaskey

being first duly sworn,

deposes and says: The property on which this water right is located was purchased by husband and self in July 1965 from a George Pollman, now deceased who gave me a history of the spring in constant flow during his occupancy. The existing twenty (20) foot concrete cistern, buried underground was built in 1935 or 1936 to contain the water for use at the present location. Subsequent statements from area residents have been given me at various times. A Mrs. Mary Wargi stated to me that she drew water from this same spring as early as 1917 and it was their only source until they built a home and produced another supply. Mr. Floyd Nelson of Hayden Lake also is aware of the springs constancy as he aided in the construction of the cistern. Many of the area residents have related incidents concerning the spring in early days and of its good supply and purity. Another past resident stated in 1966 that her grandfather had used this same spring when he resided there more than 75 years ago.

During our occupancy as a year-round residence we enjoyed an ample supply with frequent showers during the warm months for selves and visitors. I have personally measured its flow and observed its excellent recovery. I can truthfully state that during the ten years residency have never been out or short of a water supply except during infrequent power failures.

Marie M. Comaskey
(signature)

Subscribed and sworn to before me this 4TH day of August 19 75.

Corda M. Roberts
(notary public)

Residing at COEUR D'ALENE, IDAHO.
My commission expires SEPT. 11, 1976.

IN THE MATTER OF:

Claim to water
right No 95-4343

State of Idaho

County of Kootenai

AFFIDAVIT

RECEIVED

AUG 8 1975

Department of Water Resources
Northern District Office

Delores G. Minzel

being first duly sworn,

deposes and says: My property is located across the road, south

of the property owned by the claimant above referred to in the matter
of Claim to Water Right No. 95-4343

I have lived on my property since 1941 and knew the former owners of
the Claimant's property very well, and I am familiar with the spring
referred to in the claim to water right. It is and has always been
an excellent source of water.

Delores G. Minzel
(signature)

Subscribed and sworn to before me this 8TH day of AUGUST 19 75.

Corda M. Roberts
(notary public)

Residing at COEUR D'ALENE, IDAHO.
My commission expires SEPT. 11, 1976.

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT NO. 195-4343

Notice is hereby given that Kenneth H. Gonser, Route 3, Box 190, Hayden Lake, Idaho has 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 Pullman Spring with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 52N, R. 3W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1935; the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 52N, R. 3W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

Legal No. 228
Aug. 7, 14, 1975

STATE OF IDAHO,
County of Kootenai,

} ss.

Caral 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 Thursday issue of said newspaper for 2 consecutive weeks commencing on the 17 day of August, 1975, and ending on the 19 day of August, 1975, 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.

Caral Hedge
Subscribed and sworn to before me this 14th day of August, 1975.

Rolita Branley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

11.16
LEADER



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Route 5, Box 203
Suite #1
4055 Government Way

~~Room 209~~
~~401 Frank Avenue~~
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 26, 1975

Re: Claim to a Water Right No. 95-4343
" " " " " " 95-4344

Mr. Kenneth H. Gonser
Route 3, Box 190
Hayden Lake, ID 83835

Dear Mr. Gonser:

The Department of Water Resources has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, of the Idaho Code. Your claims 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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions or if we may be of any further assistance, feel free to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosures

cc: IDWR - Boise



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Route 5, Box 203
Suite #1
4055 Government Way

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 1, 1975

Re: Application No. 94-7067
" " 95-7548

Claim No. 95-4343
" " 95-4344

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

Gentlemen:

Enclosed is 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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)

Bill: 8-18-75. 4

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4343

Notice is hereby given that Kenneth H. Gonser,

Route 3, Box 190, Hayden Lake, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~some feet per second~~
of water from Pullman Spring

with point of diversion in the SW₄SW₄, Sec. 33, T. 52N, R. 3W, B.M.,

Kootenai County

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

purposes

with a priority of 1935;

the place of use is within the SE₄SE₄, Sec. 32, T. 52N, R. 3W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, ^{4055 Gov't. Way} ~~401 Front Ave.~~, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho

on Aug. 7 and Aug. 14, 1975