

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
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 John L. Toedter (name of claimant)
of Star Route, Coeur d'Alene, Idaho 83814 (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to _____;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Mica Creek
- (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	<u>0.37 cfs</u>	Use	<u>Irrigation</u>	Period of Use: From	<u>May 1</u>	To	<u>Oct. 1</u>
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: 0.37 cubic feet per second, or 120 acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) July, 1953

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 SE ¼, Sec. 8 Twp. 49N Rge. 4W 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. 5 h.p. pump, 860' - 3" lateral with 4" main. Heads 7 g.p.m.

- (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	
49N	4W	8															30	30	60

Total No. of acres 60

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

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

Received by K/C Date 10/27/73 Prelim. check by K/C Date 12/27/73 \$10.00 fee received by K/C Date 12/27/73 Approved for publication by [Signature] Published in Coeur d'Alene Press Dates 1-3 & 1-10-74

Exception filed by: #12310 Forwarded to claimant by: [Signature] Date 12/27/73

For Department Use Only

My commission expires SEPT 11, 1976

Sworn to before me this 27th day of DECEMBER, 19 73

[Signature]
(Claimant)

Carla M. Roberts
Notary Public
Residing at Q.V.

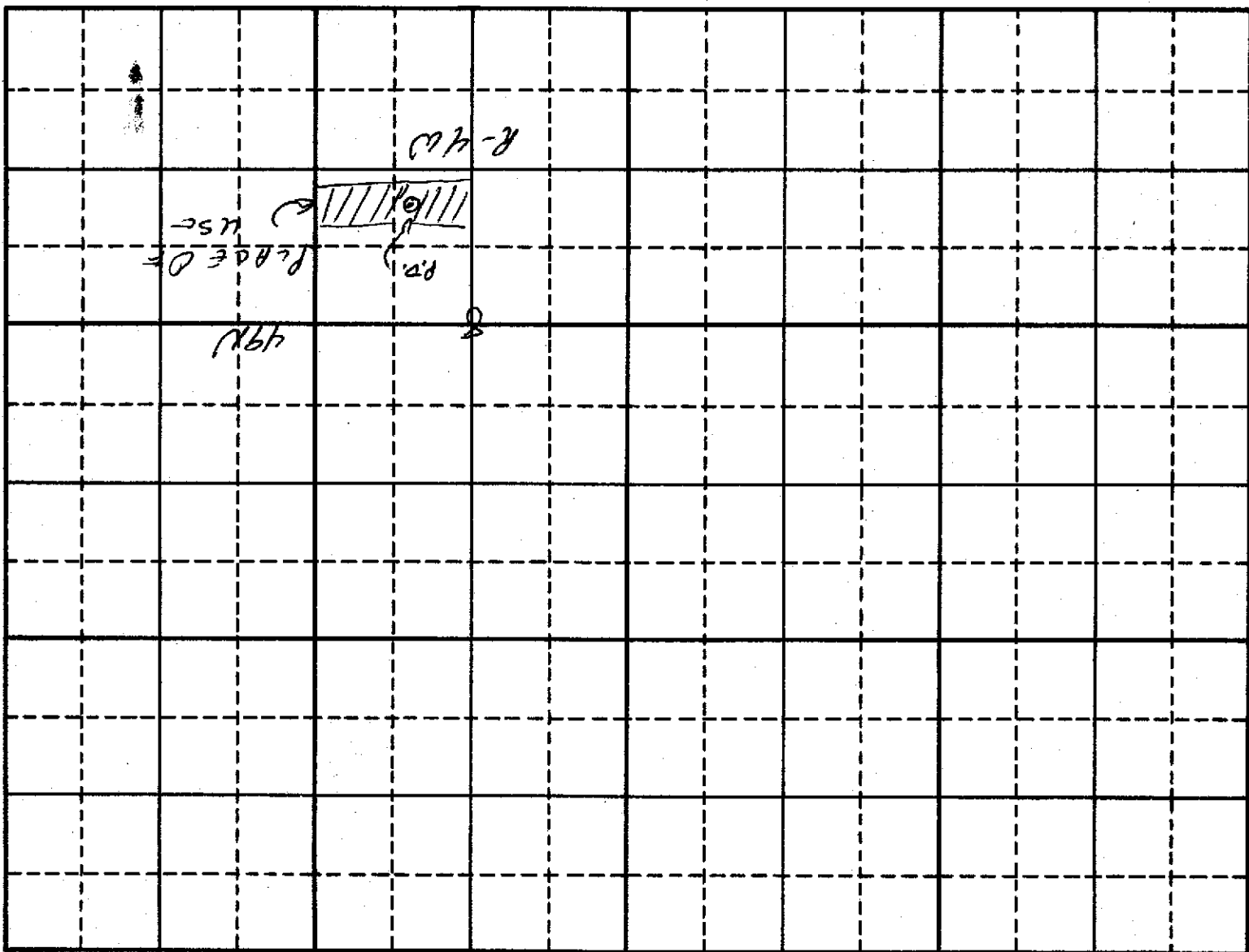
the affiants knowledge.

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

County of BOTEWELL ss. State of Idaho

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.



AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO,

County of Kootenai,

ss.

Carol Hedge, being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the Claim - # 95 4212

John Toedter

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for 2 consecutive weeks, commencing on the 3 day of Jan, 1974, and ending on the

10 day of Jan, 1974

Carol Hedge

Subscribed and sworn to, before me, this 15 day of January, 1974

E. Patrick King

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

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4212

Notice is hereby given that John L. Toedter, Star Route, Coeur d'Alene, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.37 cubic feet per second of water from Mica Creek with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 49N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from May 1 to Oct. 1 for the irrigation of 60 acres with a priority of July, 1953; the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, T. 49N, 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

Jan. 3, 10, 1974

95 4212



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 765-4639

January 20, 1986

Mr. John L. Toedter
Star Route
Coeur d'Alene, Id. 83814

Re: 95-4212

Dear Mr. Toedter:

In reference to our letter of January 14, 1986, returning your Application for Extension of Time to Avoid Forfeiture of a Water Right, please be advised that we found that we did not deposit your check.

We are, therefore, returning your Check No. 92-27 in the amount of \$50.00.

If you have any questions, please do not hesitate to contact me.

Sincerely,

15/
ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Appln.

✓ cc: IDWR - State Office

MICROFILMED

MR. OR MRS. JOHN L. TOEDTER

STAR ROUTE 664-6758
COEUR D'ALENE, ID 83814

1030

Dec 30 1985

92-27/1231

PAY TO THE
ORDER OF

Idaho Dept Water Resources \$ *50.00*

Fifty and 00/100

DOLLARS



IDAHO FIRST NATIONAL BANK
COEUR D'ALENE OFFICE 11
P.O. Box 520
Coeur D'Alene, Idaho 83814

FOR

Extension of claim 95-4212 John L Toedter

⑆ 123100272⑆ 110011104061⑆ 0300

INTERCHECKS-SAFETY 88

MICROFILMED

PAY TO THE ORDER OF
First National Bank of North Idaho
COEUR D'ALENE, ID-NO
FOR DEPOSIT ONLY
State of Idaho
State Treasurer
Dept. of Water Resources
Northern Region
0406-190-9



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 765-4639

January 14, 1986

Mr. John L. Toedter
HC 12 Box 457
Coeur d'Alene, Id. 83814

Re: Claim No. 95-4212

Dear John:

This letter is written to return your Application for Extension of Time to Avoid Forfeiture of a Water Right and also to make a written record of our telephone conversation of June 10, 1986.

It is my understanding from that conversation that the reason you did not irrigate in calendar years 1981, 1982 and 1983 was because the natural sub-irrigation of the property and abundant rainfall during the summers of those years made it unnecessary to irrigate in order to have adequate pasture for the cattle that you were pasturing at that time. Calendar years 1984 and 1985, on the other hand, were dry enough that the property would have benefited from irrigation.

It is our position that the first three years of the period from 1981 through 1985 would not count in the computation of five consecutive years of non-use for forfeiture.

In order to avoid forfeiture then you should either irrigate some time before a string of five years has occurred where irrigation of the property is necessary to put the land to a beneficial use or file an Application for Extension of Time to Avoid Forfeiture prior to the end of the irrigation season of that fifth year.

As I told you, we have already deposited your check. By copy of this letter to our Fiscal Section, I will request that they initiate a refund process to return your \$50.00.

If you have any questions about what I have outlined in this letter, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

RGH/pms
Enc. - Appln.
cc: IDWR - Fiscal Section - W/ENC. (RECEIPT)

RECEIVED
JAN 17 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No. _____

RECEIVED
DEC 27 1985

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Department of Water Resources

Department of Water Resources
Northern District Office

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder John L. Toedter
Post office address HC 12 Box 457 Coeur d'Alene, Id. 83814
2. The right was obtained or is evidenced by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree _____
- b. License No. _____ issued by the Department of Water Resources.
c. Claim No. 95-4212 on file with the Department of Water Resources.
3. Source of water Mica Creek tributary to Coeur d'Alene Lake
(Name of stream or source)
4. Date of priority of right July 1953
5. Amount of water a. 0.37 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from May 1 to October 1
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SW 1/4 SE 1/4 of Section 8
Township 49N, Range 4W, B.M., in Kootenai County;
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
49N	4W	8															30	30	60

Total number of acres irrigated _____

9. Give last date when water was applied to beneficial use 1980
Length of extension of time requested 5 years, or until 12/31/1990

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Have not irrigated.

There was no need to water during several years due to high water table in pasture. Health problems have prevented applicant from irrigating during the other years. Applicant plans to irrigate again as soon as health improves.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

John L Toedter
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of December, 1985.

Julie A. McFarland
(Notary Public)

My commission expires June 1991

Residing at Post Falls, Id.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application subject to the following conditions or reasons.

Witness my hand this _____ day of _____, 19____

(Director)

For Department Use Only

Received by AK Date 11/27/85 Time 3:10pm Preliminary check by L

Fee \$ 50.00 Received by [Signature] Date 1/6/86 Publication prepared by

Published in _____ Dates _____

Publication approved by _____ Date _____ Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for // Approval // Denial by _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

December 17, 1985

Handwritten signature: Please file

Mr. John Toedter
HC 12 Box 457
Coeur d'Alene, Id. 83814

Dear John:

Enclosed is an Application for Extension of Time to Avoid Forfeiture on
Claim No. 95-4212

Also enclosed is the extension of time for Stream Channel Permit
No. 95-S-308.

Please sign the extension of time form before a notary public and return it
at your earliest convenience.

Sincerely,

KENNETH KNOBLOCK
Senior Water Resource Agent

pms

MICROFILMED

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

January 21, 1974

Re: Claim to a Water Right No. 95-4212

John L. Toedter
Star Route
Coeur d'Alene, ID 83814

Dear Mr. Toedter:

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 any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

95 4212

December 28, 1973

Re: Application No. 95-7410
Claim No. 95-4210

Claim No. 95-4211
" " 95-4212

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

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

FE:CP

Enc: Legal Notices (4)

Bill submitted 1-21-74 by CP

95 4212

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4212

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Star Route, Coeur d'Alene, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.37 cubic feet per second ~~acres feet per year~~
of water from Mica Creek

with point of diversion in the SW 1/4, Sec. 8, T. 49N, R. 4W, B.M., Kootenai
County

The water is claimed to be used from May 1 to Oct. 1 for the
irrigation of 60 acres

with a priority of July, 1953;
the place of use is within the S 1/2, Sec. 8, T. 49N, 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 Coeur d'Alene Press, Coeur d'Alene, Idaho
on Jan. 3 and Jan. 10, 1974

95 4212

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 95-4212**

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R. KEITH HIGGINSON
Director

Jan. 3, 10, 1974

OK.
1-7-74
P

95 4212