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Documents
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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 Fred A. &/or Esther Heistman
(Name of Claimant)

St. 2 Bx 320, St. Maries, ID 838 61 (Mailing Address) (Name of Claimant) (Zip Code)

Telephone No. 689-3508

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) 1957

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)

Spring 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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.04</u>	Use	<u>Domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____

- (4) 0.04 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5 Twp. 47N Rge. 2W 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. *Shrubland Spring with assembly flow pipe to*

Developed Spiny with gravity flow pipe 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.

[illegible]

No. of acres _____

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

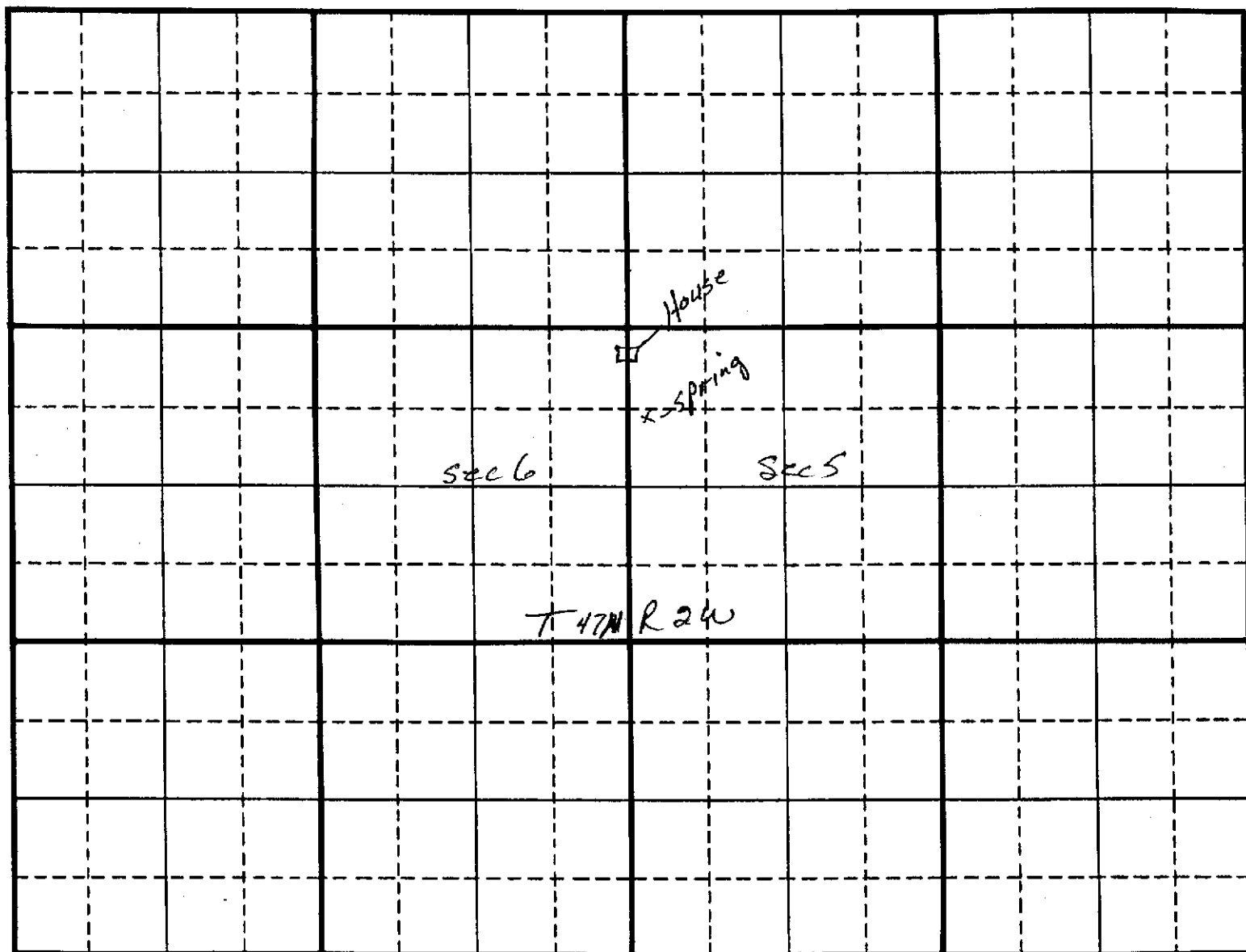
Domestic for one house hold.

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

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

DECLASSIFIED

(8) Remarks _____



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 affiant's knowledge.

Sworn to before me this 7th day of November

Fred A. Herstumpfer
(Claimant) Herstumpfer
19 78

Sharon L. Lanks
Notary Public
Residing at Coeur d'Alene, Id 83814

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by <u>KK</u>	Date <u>11/7/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KK</u>	Date <u>11/7/78</u>	<u>#12140</u>	claimant by:	
\$20.00 fee received by <u>KIC</u>	Date <u>11/7/78</u>			
Published in <u>St. Maries Gazette</u>				
Dates <u>11-16-78 & 11-28-78</u>				

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two....issues, the first publication being on the 7th day of December, 1978. and the last on the 14th day of ..December..., 1978.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

JoJane Hammes

Subscribed and sworn to before me this 15th... day of December, 1978..

Ala Lyon
.....
Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

94-4039

Heistuman, Fred. A. and-or Esther
Rt. 2, Box 320, St. Maries, ID 83861

Source: UNNAMED SPRING

Priority Date: 01-01-1957

County: KOOTENAI

Amount: 0.04 CFS

Point of Diversion: SWNW S05 T47N
R02W

Use: DOMESTIC from 01-01 to 12-31

Place of Use: LOT 04 S05 T47N R02W

LOT 01 S06 T47N R02W

Means: DEVELOPED SPRING
WITH PIPE

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on November 16 and November 23, 1978.

No. 5575 - Dec. 7 - Dec. 14

OK
12/19/78
C

Affidavit of Publication

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That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two.... issues, the first publication being on the 16th day of November 19..78 and the last on the 23rd day of... November..., 19.78

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

JoJane Hammes

Subscribed and sworn to before me this 24th day of November, 1978

Ora Lyon
Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

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R02W

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C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on November 16 and November 23, 1978.

No. 5575 — Nov. 16 - Nov. 23

error

RECEIVED

NOV 23 1978

Department of Water Resources
Northwest District Office

821078

AN AGREEMENT FOR ACCESS TO WATER SPRING

This is an agreement between H. C. Richardson and Althea Richardson, husband and wife and Fred Heistuman and Esther Heistuman, Husband and wife, Kootenai County, Idaho, for access to water spring located on Richardsons property:

Spring is located as follows:

220' East of Section 6 and 5

41' South of First Section Line of Gov't Lot #4

Sec. 5 SW1/4-NW1/4 Gov't Lot 4

This access is appurtenant to lands and premises belonging to Fred and Esther Heistuman.

Homer C. Richardson

Althea Richardson

State of Idaho)
County of ^{Benewah} ~~Kootenai~~) ss

On this 19th of Sept. in the year 1977
before me the undersigned, a Notary public in and for the State
of Idaho personally appeared H. C. Richardson and Althea Richardson,
husband and wife, known to me to be the persons that executed
the above instrument, and acknowledged to me that they executed the
same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

Myrtle G. Mellon

Notary Public for the State
of Idaho.

Filed and recorded at the request of Fred Heistuman
at 11:15 o'clock A. M., this day of OCT 2 1977, 18
By: Shirley Rice
Deputy

Carol Deitz
Ex-Officio Auditor-Recorder
Kootenai County, Idaho
Return to

Fee \$ 2.00

Rt 2 Bx 320
St. Maries, Id. 83861

MICROFILMED

RECEIVED

94-4039

NOV 23 1979

Department of Water Resources

TRACTED

BOOK 103 PAGE 05

821373

AN AGREEMENT FOR ACCESS TO WATER SPRING

INDEXED

BOOK 103 PAGE 598

824126

This is an agreement between H. C. Richardson and Althea Richardson, husband and wife and Fred Heistuman and Esther Heistuman, Husband and wife, Kootenai County, Idaho, for access to water spring located on Richardsons property:

Spring is located as follows:

220' East of Section 6 and 5

41' South of First Section Line of Gov't Lot #4

Sec. 5 SW4-NW4 Gov't Lot 4 TWP 47N - 2W
E.H.

This access is appurtenant to lands and premises belonging to Fred and Esther Heistuman.

and recorded at the request of Fred Heistuman
11:05 o'clock 4 M., this 4 day of OCT 30 1979
By: Althea Richardson
Deputy Althea Richardson
Fee \$ 200

Carol Deitz
Ex-Officio Auditor-Recorder
Kootenai County, Idaho

State of Idaho)
County of Benevolence ss
Kootenai

On this 19th of Sept. in the year 1979
before me the undersigned, a Notary public in and for the State of Idaho personally appeared H. C. Richardson and Althea Richardson, husband and wife, known to me to be the persons that executed the above instrument, and acknowledged to me that they executed the same:
IN WITNESS WHEREOF, I have hereunto set me hand and affixed my official seal the day and year in this certificate first above written.

Myrtle G. Miller
Notary Public for the State of Idaho.

Filed and recorded at the request of Fred Heistuman
at 11:15 o'clock A M., this 4 day of OCT 30 1979
By: Althea Richardson
Deputy Althea Richardson
Fee \$ 200

Carol Deitz
Ex-Officio Auditor-Recorder
Kootenai County, Idaho

Return to St. Maries, Id.
83861



MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

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

December 26, 1978

FRED A HEISTUMAN
ESTHER HEISTUMAN
RT 2 BOX 320
ST MARIES

ID 83861

RE: Claim No. 94-4039

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

ENCLOSURE

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 94-4039 in the name of
Fred A. &/or Esther Heistuman was advertised incorrectly on
November 16 & November 23, 1978.

The point of diversion and the place of use were advertised as being within 505
T47N R02W; whereas the place of use and the point of diversion are located within
S05 T47N R02W.

Any protest/exception to the above referenced correction must be filed with the
Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id. 83814

C STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on December 7 and
December 14, 1978.

RECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

Nov. 30, 1978

St. Maries Gazette Record
BX 667
St. Maries, Id. 83861

Re: Claim to a Water Right No. 94-4039

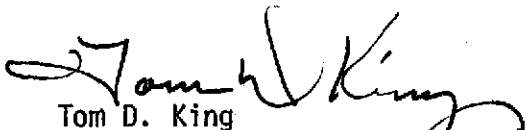
Dear M-.

We have enclosed a copy of the original notice for the above referenced Claim and the affidavit of publication received by our office. You will note that there is a discrepancy between the two.

We are requesting that you publish the enclosed correction notice at your expense since we failed to receive a tear sheet prior to publication. Upon receipt of an affidavit of publication for the correction notice, we will forward the bill for the first publications to our accounting department.

Your assistance in this matter is greatly appreciated.

Very Truly Yours,


Tom D. King
Sr. Water Resource Agent

tk

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

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County: KOOTENAI

Amount: 0.04 CFS

Point of Diversion: SWNW 505 T47N
R02W

Use: DOMESTIC from 01-01 to 12-31

Place of Use: LOT 64 505 T47N R02W

LOT 01 506 T47N R02W

Means: DEVELOPED SPRING
WITH PIPE

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C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on November 16 and November 23, 1978.

No. 5575 — Nov. 16 - Nov. 23

RECEIVED

NOV 30 1978

Department of Water Resources
Northern District Office

RECORDED

94-4039-

Name: HEISTUMAN, FRED A &/or ESTHER

Address: RT 2 BOX 320, ST. MARIES, ID 83861

Source: UNNAMED SPRING

Priority Date: 01/01/1957

County: KOOTENAI

Amount: 0.04 CFS

Point of Diversion: SWNW (505) T47N R02W

Use: DOMESTIC from 01/01 to 12/31

Place of Use: LOT 04 (505) T47N R02W LOT 01 (506) T47N R02W

Means: DEVELOPED SPRING WITH PIPE

RECEIVED
DEC 10 1957
KOOTENAI COUNTY
DUPONT
KOOTENAI COUNTY OFFICE

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C STEPHEN ALLRED
Director

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RECEIVED
DEC 14 1978

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WATER RIGHTS