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OF COUNSEL

May 4, 1983

RECEIVED

MAY 6 1983

Department of Water Resources  
Northern District Office

Mr. Robert G. Haynes  
District Supervisor  
Department of Water Resources  
Northern District  
Route 5, Box 203 - Suite #1  
4055 N. Government Way  
Coeur d'Alene, Idaho 83814

Re: Claim to a Water Right No. 94-4029

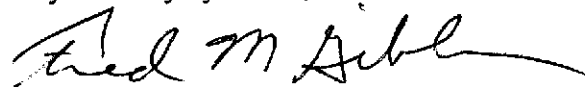
Dear Mr. Haynes:

This is to advise you that claim to a water right no. 94-4029 which is now in the name of Joel T. Mason is the subject of a sale along with the real property to which it is appurtenant to Mr. Thomas H. Dickson.

The sale is being made pursuant to an escrow agreement so any correspondence or notices regarding the claim should be sent to both Mr. Mason and Mr. Dickson at Route 1, Box 286, Cataldo, Idaho 83810.

I understand from our telephone conversation that this letter is appropriate notification to your department of the transfer of the claim.

Very truly yours,



FRED M. GIBLER

FMG/cw

cc: Joel T. Mason  
Thomas H. Dickson

**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 Joel T. Mason

(name of claimant)

of Rt 1 Bx 286 Cataldo, Idaho, claims a right to the diversion and beneficial use of

(mailing address)

ground water or surface water tributary to LaTour Creek;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Wright 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>0.04</u> | Use <u>Domestic</u>        | Period of Use: From <u>Jan 1</u> To <u>Dec 31</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: 0.04 cubic feet per second, or 1.2 acre feet per annum, and/or \_\_\_\_\_ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1931

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)

NE 1/4 NW 1/4, Sec. 18 Twp. 48N Rge. 1E 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. Gravity flow from stream to a holding tank then via pipe line 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. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|-----|----|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|     |    |      | 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 |       |
| 4PN | 1E | 7    |        |        |        |        |        |        |        |        |        |        |        | X      |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

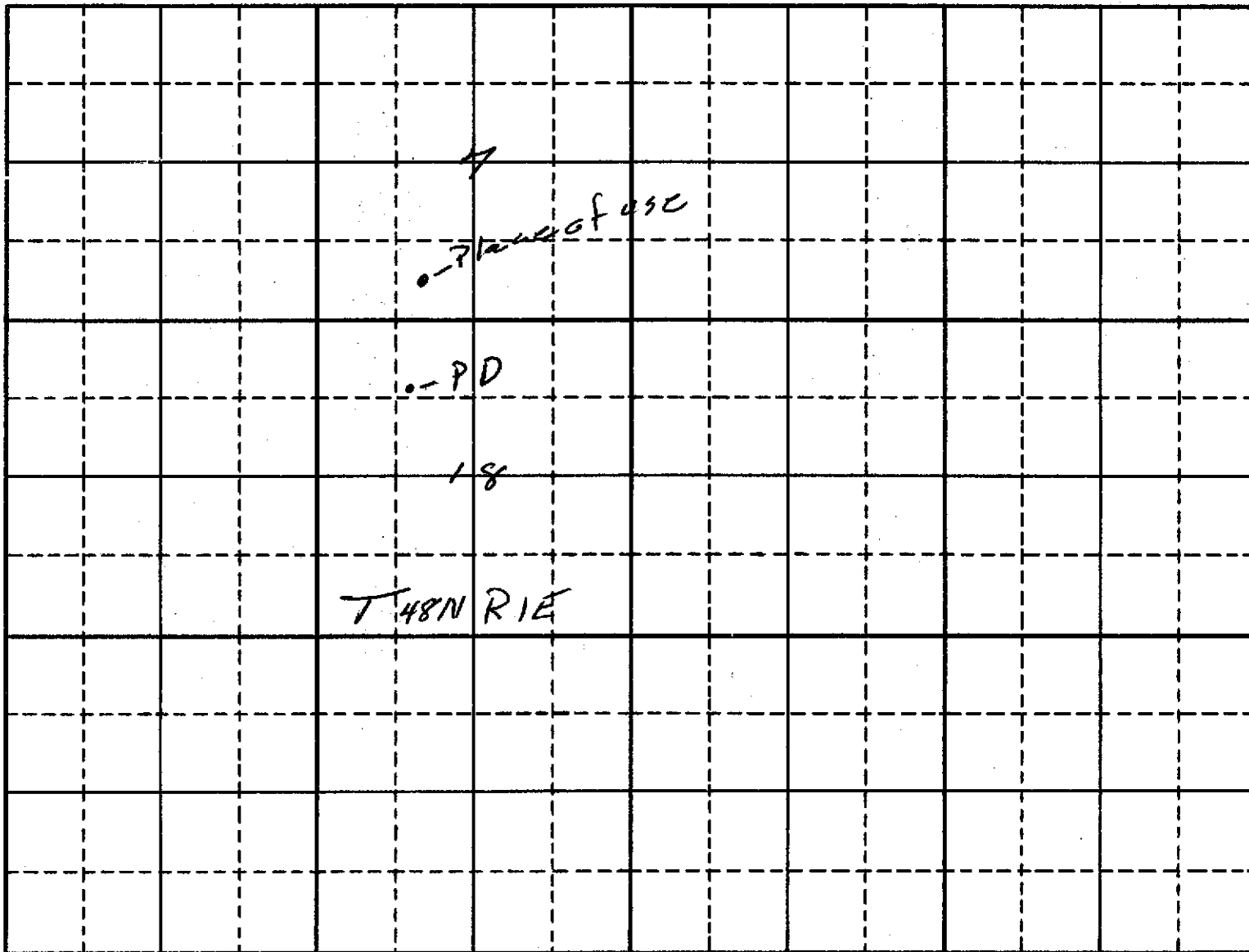
Total No. of acres \_\_\_\_\_

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

Domestic for one household

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

(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 affiants knowledge.

Sworn to before me this 23rd day of

July, 1976  
Arnell J. Moser  
(Claimant)

Corda M. Roberts  
Notary Public

Residing at COEUR D'ALENE, IDAHO

My commission expires SEPT. 11, 1976

For Department Use Only

|                                         |                     |                     |              |      |
|-----------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>TK</u>                   | Date <u>7-23-76</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by                        | Date                |                     | claimant by: |      |
| \$10.00 fee received by <u>TK 4324</u>  | Date <u>7-23-76</u> |                     |              |      |
| Approved for publication by             |                     |                     |              |      |
| Published in <u>Coeur d'Alene Press</u> |                     |                     |              |      |
| Dates <u>7-29 &amp; 8-5-76</u>          |                     |                     |              |      |

# AFFIDAVIT OF PUBLICATION

RECEIVED

AUG 9 1976

## NOTICE OF CLAIM TO A WATER RIGHT

No. 194-4029

Notice is hereby given that Joel T. Mason, Route 1, Box 286, Cataldo, 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 Wright Creek, tributary of Latour Creek with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 18, T. 48N, R. 1E, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1931; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 7, T. 48N, R. 1E, B.M.

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

R. KEITH HIGGINSON  
Director

Legal 279

July 29, Aug. 5, 1976

STATE OF IDAHO,  
County of Kootenai,

} ss.

*Carole Hedge*

Department of Water Resources  
Northern District Office  
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 *Weeks*, commencing on the *29* day of *July*, 197*6*, and ending on the *5* day of *August*, 197*6*, 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.

*Carole Hedge*

Subscribed and sworn to before me this *5* day of *August*, 19*76*.

*Roberta Manley*

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

11114  
LEADER



# STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
NORTHERN DISTRICT

Route 5, Box 203 - Suite #1  
4055 N. Government Way

COEUR D' ALENE, IDAHO 83814

(208) 667-6484

August 19, 1976

Re: Claim to a Water Right No. 94-4029

Mr. Joel T. Mason  
Route 1, Box 286  
Cataldo, ID 83810

Dear Mr. Mason:

The Department of Water Resources 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 our 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, please contact us.

Very truly yours,

ROBERT G. HAYNES  
District Supervisor

RGH:CP

Enclosure



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
NORTHERN DISTRICT

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

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

July 23, 1976

Re: Application No. 94-7082    Application No. 95-7654  
      "              " 95-7653        Claim No. 94-4029

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,

ROBERT G. HAYNES, P.E.  
District Supervisor

RGH:cp

Enc: Legal Notice(s)

*Enc. 8-8-76-8*

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to beneficial use of 0.04 cubic feet per second ~~gallons per minute~~  
of water from Wright Creek, tributary of Latour Creek

with point of diversion in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 18, T. 48N, R. 1E, B.M.,  
Kootenai County

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

with a priority of 1931;  
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Any exception to this claim of water right may be filed with the Idaho  
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83814.

R. KEITH HIGGINSON  
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho  
on July 29 and August 5, 1976