

No Color
Documents
In File

Identification No. 87-4001

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Bennett Lumber Products, Inc.
post office address Princeton, Idaho 83857
2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 1 Township 41N
Range 4 W. B.M. located on Palouse River
(name of source)
tributary to _____ in Latah County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

10th of February 1949 amount: 1 c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 Total claimed 1 c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>mill pond</u>	period of use from <u>1-10</u>	to <u>12-31</u>	(both dates inclusive)
use <u>watering logs</u>	period of use from <u>5-10</u>	to <u>8-1</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of dirt
 _____; length is 400 feet; height is 10 feet;
 width at bottom is 160 feet; width at top is 200 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
This is a supplementary reservoir to the log pond
 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

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attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____ feet; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is 4 inches; type of pipe galvanized; grade of pipe per 1000 feet is 0. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir No name-on company ground
cubic feet of water or about 3,000,000 gal
total capacity of reservoir is 251,360 acre feet; active capacity of reservoir is _____ acre feet;

year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream **off** _____ explain _____ is on company ground about 100 feet
from stream _____

location of reservoir by 40-acre subdivisions

has there been any enlargement of the reservoir since it was first built No., if so, give dates and describe

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered None

7. Where water is used for domestic or municipal purposes give number of families served None name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This is an earthen reservoir to supplement the present log pond and will hold approximately 3,000,000 gallons and cost approximately \$5,000.00. The pump is a centrifugal pump manufactured by Pacific and will be placed in the center of the Palouse River and will pump through a 4" galvanized pipe 100' long to the reservoir. The purpose is to use the water for fire protection and for sprinkling the logs, and industrial use.

The water rights claims are from Boone Logging, which was in existence in 1949 and Bennett Lumber Products, Inc., purchased their entire operation.

State of Idaho

County of Latah

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.

Robert J. Sullivan
Attorney for Claimant

Sworn to before me this 31st day of July, 19 69.

Patricia A. Seitz
Notary Public

Residing at Moscow, Idaho

My commission expires 2-25-71

For Department Use Only

Received by <u>ej</u>	Date <u>8-4-69</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>DM</u>	Date <u>8-8-69</u>			
Fee received by <u>ju</u>	Date <u>8-11-69</u>	Fee \$ <u>10.00</u>		
Approved for publication by				
Published in <u>Daily Idahoan</u>	Dates <u>9-11 and 18-69</u>			

87-4001

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Affidavit of Publication

STATE OF IDAHO
County of Latah

ss.

A. J. Marinova
being first duly sworn, on oath,
deposes and says:

That he is the printer of The DAILY IDAHONIAN, a newspaper of general circulation, printed and published daily except Sunday at Moscow, Latah County, Idaho, in compliance with Sections 60-106, 60-107, and 60-108 of the Idaho Code and the amendments thereto; that the notice of which the annexed is a full, true and correct printed copy was published in the regular and entire issues of said newspaper and not in a supplement thereto, upon the following

dates: Sept. 11, 18, 1969

the same being the dates designated for the publication of said legal notice.

A. J. Marinova
Subscribed and sworn to before

me this 19th day of Sept.

1969

A. B. Robinson
Notary Public,

residing at Moscow, Idaho

Residing at Moscow, Idaho

County of Latah

My Commission Expires Feb. 26, 1970

NOTICE OF CLAIM TO A WATER RIGHT

No. 87-4001

Notice is hereby given that Bennett Lumber Products, Inc., Princeton, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from the Palouse River with point of diversion in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, T. 41 N., R. 4 W., B.M., Latah County; the water is claimed to be used from January 1 to December 31 for mill ponds and from May 10 to Aug. 1 for watering logs with a priority of February 10, 1949; the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 41 N., R. 4 W., B.M. Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Sept. 11, 18, 1969

WATER RIGHT NUMBER 87-4001
ACT
ION
X SOURCE - PALOUSE RIVER

WATER RIGHTS EDIT REPORT

01/07/80

PAGE 42

ACI
ION

SOURCE - PALOUSE RIVER

TRIBUTARY OF - SNAKE RIVER

September 30, 1969

Re: Claim to a Water Right No. 87-4001
Bennett Lumber Products, Inc.

Bennett Lumber Products, Inc.
Princeton
Idaho 83857

Gentlemen:

Please be advised that the Department of Reclamation has received and processed your claim to a water right. We have enclosed a copy of the claim for your files; please refer to the claim number if you desire to add or change information in your claim.

You should be aware that the filing of the claim completes the Department's work in processing the claim. Under Idaho Statutes, no further processing is pending at this time. Your claim will merely be filed on record with the Department until such time you or a court may be in need of the information.

Enclosed is a departmental receipt in the amount of \$10 covering the filing fee.

If we may be of assistance at any time, please feel free to contact the Department.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc
Enc. Copy of claim
Receipt #3481

87-4001

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 87-4001

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R. KEITH HIGGINSON

State Reclamation Engineer

Sept. 11, 18, 1969

September 3, 1969

Re: Claim to a Water Right No. 87-4001 - Bennett Lumber Products, Inc.

Daily Idahonian
Moscow,
Idaho

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 date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Legal notice

87-4001

NOTICE OF CLAIM TO A WATER RIGHT

No. 87-4001

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Princeton, Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of 1.0
cubic feet per second ~~acre/foot~~ of water from the Palouse River
with point of diversion in SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 1, T. 41 N, R. 4 W, B.M., Latah County; the water is
claimed to be used from January 1 to December 31 for mill ponds and from
May 10 to Aug. 1 for watering logs with a priority of February 10, 1949
; the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 1, T. 41 N, R. 4 W, B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Daily Idahonian, Moscow, Idaho,
on September 11 and September 18, 1969.

KH

87-4001

DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

R. KEITH HIGGINSON
State Reclamation Engineer

RECEIVED

AUG 17 1969

Department of Reclamation

August 21, 1969

Re: Permit No. 87-4001 - Bennett Lumber Products, Inc.

Felton & Bielenberg
Box 205
Moscow, Idaho 83843

Gentlemen:

We are returning the Claim to a Water Right, as we need further clarification before we can continue to process it.

In Item 3b we need to know the period during the year in which you will use the water. This could be a date in the spring to a date in the fall; such as May 1 to October 30, or from January 1 to December 31 for year round use.

Your prompt attention to this matter would be greatly appreciated so we may further process the claim.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Claim to a Water Right - 87-4001

87-4001

August 21, 1969

Re: Permit No. 87-4001 - Bennett Lumber Products, Inc.

Felton & Bielenberg
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Moscow, Idaho 83843

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Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Claim to a Water Right - 87-4001

C
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P
Y

87-4001

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

August 4, 1969

RECEIVED

AUG 11 1969

Department of Reclamation

Re: Claim to a Water Right - Bennett Lumber Products, Inc.

Felton & Bielenberg
Box 205
Moscow, Idaho 83843

Gentlemen:

We are returning the Claim to a Water Right and your check in the amount of \$10.00.

On the claim under item 3. (b) please enter the month and day for the use. Also, please have the claim notarized.

We will continue processing this claim upon receipt of the completed claim form, and check for \$10.00.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Claim
Check for \$10.00

87-4001

August 4, 1969

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87-4001

Felton & Bielenberg
Box 205
Moscow, Idaho 88843

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Appropriation Examiner

DWM:DR

Enc: Claim
Check for \$10.00

87-4001