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Identification No. 95-4070
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 Warren I. Toney
post office address E. 952 - 36th Avenue, Spokane, WA 99203
Gov't. Lot 5
2. The point of diversion is in Section 19 Township 48N
Range 4W B.M. located on Ground water
(name of source)
tributary to _____ in Kootenai 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:
X August 1962 amount: 0.02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.02 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 Domestic period of use from April 1 to Oct. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (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 _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 120 feet; diameter of well is 5 inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

0207 9

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 _____;

ing date and dimensions if possible

_____ If water is stored: name of reservoir

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

period of storage is from _____ to _____; is reservoir drained each year _____;

_____ explain _____ is reservoir on or off stream

if feeder canal is used give maximum carrying capacity _____ c.t.s.; if reservoir is off stream, describe _____

location of reservoir by 40-acre subdivisions

has there been any enlargement of the reservoir since it was first built _____, 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 _____ one
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
Westshore Tract 21

State of Idaho

County of COCTENAI

35.

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.

Harmon S. Toomey
Claimant

Sworn to before me this 3RD day of APRIL, 1973.

Corda M. Roberts
Notary Public

Residing at COEUR D'ALENE, IDAHO

My commission expires SEPT. 11, 1976

For Department Use Only

Received by <u>RE</u> Date <u>4/5/23</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>RE</u> Date <u>4/5/23</u> # <u>10607</u>			
Fee received by <u>RE</u> Date <u>4/5/23</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>RE</u>			
Published in <u>CIV. PRESS</u> Dates <u>4-12-23</u>			

4-19-73

54070

RECEIVED

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 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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

AFFIDAVIT OF PUBLICATION - COEUR D'ALENE PRESS

(WEEKLY)

APR 20 1973

STATE OF IDAHO, }
County of Kootenai, } ss.

1044

Department of Water Administration
Northern District Office

Callie Poyntner

deposes and says:

being first duly sworn,

NOTICE OF CLAIM TO A WATER RIGHT NO. 195-4070

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

Notice is hereby given that Warren I. Toney, E. 952-36th Avenue, Spokane, Washington has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from a ground water source with point of diversion in Gov't. Lot 5, Sec. 19, T. 48N, R. 4W, B.M., Kootenai County.

newspaper on Wednesdays; and that the

*Nature of Claim -
95-4070*

The water is claimed to be used from April 1 to Oct. 31 for domestic purposes with a priority of August, 1962; the place of use is within Gov't. Lot, 5, Sec. 19, T. 48N, R. 4W, B.M.

of which a printed copy is annexed hereto, was published in all the regular Wednesday

weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *12* day of *April*, 19*73*, and ending on the

19 day of *April*, 19*73*.

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

April 12, 19, 1973

Subscribed and sworn to, before me, this *19* day of *April*,

19 *73*

Callie Poyntner
Patrick King

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

95 4070

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

May 3, 1973

Re: Claim to a Water Right No. 95-4070

Warren I. Toney
E. 952 - 36th Avenue
Spokane, WA 99203

Dear Mr. Toney:

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:CR

Enc: copy of claim

95 4070

April 6, 1973

Re: Application No. 95-2270 Claim No. 95-4070
 " " 95-7271 " " 95-4071
 " " 95-7273 " " 95-4072

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

Bill submitted 4-30-73 by el

FE:CR

Enc: Legal Notices (6)

95 4070

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4070

Notice is hereby given that Warren I. Toney,

E. 952 - 36th Avenue, Spokane, Washington

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~REXXFRXXREXXANNNXX~~
of water from a ground water source

with point of diversion in ~~xxx~~ Gov't. Lot 5, Sec. 19, T. 48N, R. 4W, B.M.,
Kootenai County

The water is claimed to be used from April 1 to Oct. 31 for domestic
purposes

with a priority of August, 1962;

the place of use is within ~~the~~ Gov't. Lot 5, Sec. 19, T. 48N, 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 April 12 and April 19, 1972

95 4070

**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 95-4070

Notice is hereby given that Warren I. Toney, E. 952-36th Avenue, Spokane, Washington has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from a ground water source with point of diversion in Gov't. Lot 5, Sec. 19, T. 48N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from April 1 to Oct. 31 for domestic purposes with a priority of August, 1962; the place of use is within Gov't. Lot, 5, Sec. 19, T. 48N, R. 4W, B.M.

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R. KEITH HIGGINSON
Director

April 12, 19, 1973

OK.
4-12-73
CR

4070