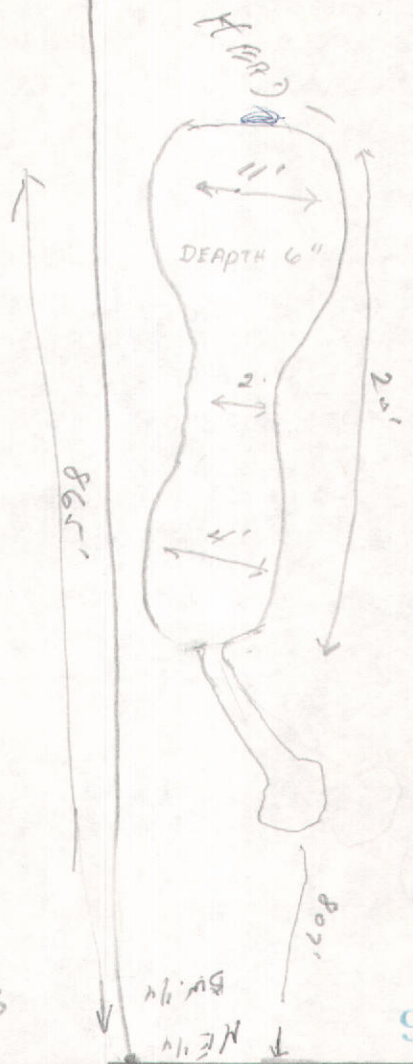




Sec. 9. Twp. 50-

95 406

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APR 9 1973

AFFIDAVIT OF PUBLICATION

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APR 6 1973
Department of Water AdministrationNOTICE OF CLAIM
TO A WATER RIGHTNo. 95-4066Department of Water Administration
Northern Idaho CountiesCounty of Kootenai } ss.
STATE OF IDAHO }

Notice is hereby given that C. C. Hohman, Box 207, Post Falls, Idaho, 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 an Unnamed Spring with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes with a priority of 1908; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 50N, R. 5W, 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 Post Falls Tribune, Post Falls, Idaho, on March 29 and April 5, 1973.

3-29 2tc

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the Notice of Claim to a Water Right
No. 95-4066 C. C. Hohman

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for twice consecutive issues, commenc-

ing with the issue dated March 29, 1973

and ending with the issue dated April 5, 1973

Subscribed and sworn to before me, this 5th

day of April, 1973

E. Agnes Luchini
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 12 58

95 4066

Identification No. 95-4066 f

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 C. C. Hohman PH; 773-4415
post office address Box 207, Post Falls, ID 83854

2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 9 Township 50N
Range 5W B.M. located on Unnamed Spring
(name of source)
tributary to (sinks) 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:

1908 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 Stockwatering period of use from Jan. 1 to Dec. 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 _____
11' X 20' pond and approximately 38' ditch.

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 _____

95 4066
95 4066

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 _____

...if so, give dates and explain.

c. Conveying works: length of ditch to place of use is 38 feet; width of ditch at top is 2 feet;

width of bottom of ditch is 2 feet; depth of water is 6" ~~xxxx~~ grade of ditch per 1000

feet is _____ feet; material through which ditch passes is _____;

maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches;

type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. None

d. If water is stored: name of reservoir _____

total capacity of reservoir is _____ 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 _____;

_____ explain _____ is reservoir on or off stream

if feeder canal is used give maximum carrying capacity _____ c.f.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 4 to 8 head of horses.
7. Where water is used for domestic or municipal purposes give number of families served _____ 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 _____

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.

C. C. Johnson
Claimant

Sworn to before me this 23RD day of MARCH, 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>CR</u> Date <u>3-23-73</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>CR</u> Date <u>3-23-73</u> # <u>8589</u>	_____	_____	_____
Fee received by <u>KK</u> Date <u>3-23-73</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>CR</u> <u>3-23-73</u>	_____	_____	_____
Published in <u>POST FALLS TRIBUNE</u> Dates <u>3-29-73</u>	_____	_____	_____

4-5-73

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APR 30 1975
Department of Water Administration

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:
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:

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

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

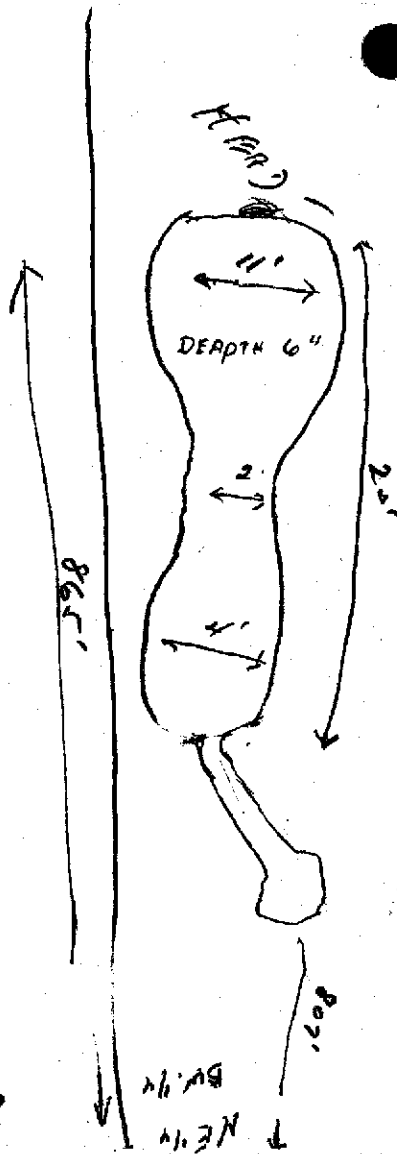
Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

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

Sec. 9. Twp. 80-

B.W. 1/4

N.E. 1/4



95 406

Post Falls, Idaho
January 5, 1973

Department of Water Administration
Coeur d'Alene, Idaho 85814

Gentlemen:

I, Edward Waggoner, Post Falls, Idaho, being properly sworn to make the following statement in connection with the application for water right by C. C. Hohman, Post Falls, Idaho, in the N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$, Section 9, T. 50, R. 5.

I have lived on the property adjoining said property since 1905 and ever since I can remember the spring on this property was used to water livestock. Leverett V. Lyon used it from about 1905 until he sold the property to Garl Brunson in about 1946 and Garl Brunson or his heirs have used it up to date.

Edward Waggoner

Sworn to before me this 5th day of Jan. 1973.

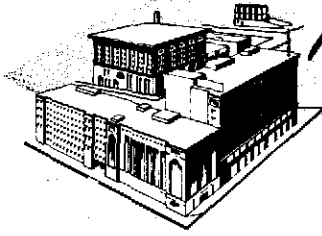
W. J. Crowley Notary Public for Idaho
Comm exp 5/2/73 Reading at Post Falls

95 4066

Hillyard

Sales Company-Western

ST. JOSEPH, MISSOURI 64502, U.S.A. CABLE: "HILCO"
TELEPHONE 816-233-1321 TELETYPE 910-777-7844



30 MARCH 73

James Thomson

RECEIVED

Box 417 W 2430 MISSION
Spokane, Washington 99210 99201
Telephone 509-327-2018

APR 2 1973

STATE OF IDAHO
DEPARTMENT OF WATER
ANNEX 2 STATEHOUSE
BOISE, IDAHO 83707

Department of Water Administration
Northern District Office

I JAMES C. THOMSON WOULD LIKE TO FILE AN EXCEPTION TO MR. C.C. HOMANS CLAIM FOR WATER RIGHTS ON A SPRING IN THE POST FALLS AREA.

THIS SPRING IN QUESTION IS NOT LOCATED ON NW $\frac{1}{4}$ - SW $\frac{1}{4}$ SEC 4 T 50 N R 5W BM KOOTENAI COUNTY. THE SPRING IS ON MY PROPERTY LOCATED NE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 9 TOWNSHIP 50N RANGE 5W KOOTENAI, COUNTY. THIS SPRING IS ON THE HOMESTEAD OF MR. FRANCIS M. WAGNER. PATENT DATED 17 MARCH 1903

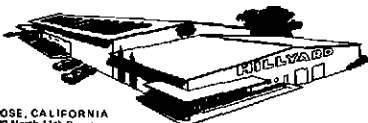
I PURCHASED THIS PROPERTY IN 1948 FROM A MR. MARK ROSENSTEIN WHOSE FATHER HAD OBTAINED IT FROM MR. WAGNER. IN 1950 THROUGH 1956 I HAD A HORSE ON MY PLACE AND IN ORDER TO PROVIDE WATER FOR IT I DUG OUT THE SPRING IN QUESTION AND MADE IT USUABLE, FOR IT HAD COMPLETELY GONE UNDERGROUND AND I HAD TO REMOVE APPROXIMATELY THREE YARDS OF DIRT TO RECLAIM THE SPRING IN QUESTION.

DURING THIS TIME MR. BRUNSON WAS RUNNING HIS DAIRY HEARD ON MY PROPERTY AND THEY USED THIS SPRING FOR WATER AFTER I HAD RE-DEVELOPED IT. AFTER I SOLD THE HORSE IN 1956 MR. BRUNSON CONTINUED TO USE THE SPRING FOR SOME YEARS, BUT DID NOT DO ANY MAINTENANCE WORK ON THE SPRING. AFTER HE WAS HOSPITALIZED AND LATER DIED THERE WAS NO WORK DONE ON THE SPRING AND IT AGAIN BECAME WORTHLESS AND HAD ALMOST CEASED TO FLOW AND HAD ABOUT SIX INCHES OF ALGIE ON IT. THE FLOW OF WATER WAS PRACTICALLY NIL AND NOT SUITABLE FOR WATERING PURPOSES.

IN AUGUST OF 1972 I APPLIED FOR WATER RIGHTS ON THE SPRING FOR THE PURPOSE OF DEVELOPING IT FOR DOMESTIC USE. I WAS GRANTED THE PERMIT ON 11 SEPT. 72 AT APPLICATION NO 95 - 7196. WHEN I RECEIVED THE APPROVAL I DUG OUT THE SPRING AND CLEANED UP THE AREA AROUND IT. DUE TO THE YEARS OF NEGLECT THE FLOW OF WATER WAS VERY NEGLIGABLE. AFTER I RE-DEVELOPED THE SPRING SO AS TO PRODUCE SOME FLOW OF WATER SOMEONE KEPT CUTTING MY FENCE SO AS TO PERMIT THE HORSES GRAZING ON MR. HOMANS PROPERTY TO USE IT. PRIOR TO MY CLEANING OUT THE SPRING AND FOR AT LEAST FOUR MONTHS THE SPRING AREA WAS FENCED AND THE HORSES WERE WATERING SOMEWHERE ELSE.

IN VIEW OF THE FACT THAT THE SPRING IS ON MY PROPERTY AND IN THE TWENTY FIVE YEARS THAT I HAVE OWNED IT NEITHER MR. HOMAN OR MR. BRUNSON EVER TURNED A SHOVEL TO DEVELOPE OR IMPROVE THE SPRING IN QUESTION. IN THIS PAST TWENTY FIVE YEARS I AM THE ONLY ONE THAT HAS MADE ANY ATTEMPT TO PROTECT OR DEVELOPE IT.

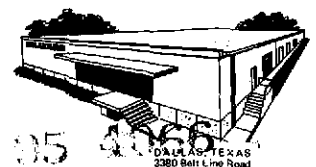
NOW THAT I HAVE THE APPROVAL AS PER APPLICATION 95 - 7196 I WANT TO



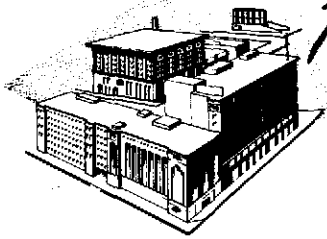
SAN JOSE, CALIFORNIA
1080 North 11th Street



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95 4460
DALLAS, TEXAS
2380 Belt Line Road



Hillyard

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ST. JOSEPH, MISSOURI 64502, U.S.A. CABLE: "HILCO"
TELEPHONE 816-233-1321 TELETYPE 910-777-7844

James Thomson
P. O. Box 117
Spokane, Washington 99210
Telephone 509-327-2018

PAGE TWO

FURTHER DEVELOPE THE SPRING AND PUT IN A HOLDING TANK AND PUMP, SO AS TO PROVIDE WATER FOR MY HOUSE LOCATED APPROXIMATELY FIVE HUNDRED FEET FROM THE SPRING.

MR. BRUNSON DID RUN STOCK ON HIS PROPERTY FOR MANY YEARS, BUT HE HAD A LARGE WATERING TROUGH BY HIS BARN WHERE THEY WATERED, SO HE PROBABLY DID NOT FEEL THE NEED OF DOING ANY WORK ON THE SPRING IN QUESTION. WHEN HIS DAIRY COWS GRAZED ON MY PROPERTY THEY DID USE THE SPRING ALONG WITH MY HORSE AND I DID THE MAINTENANCE WORK ON THE SPRING.

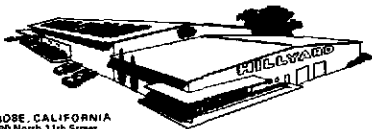
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30 March 73

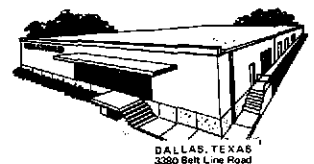
James C. Thomson
JAMES C. THOMSON
W 2430 MISSION
SPOKANE, WASHINGTON 99201

85 4066

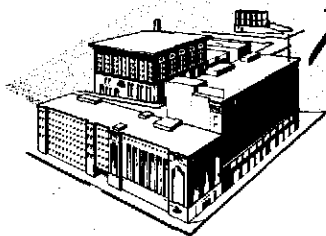
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1060 North 11th Street



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30 MARCH 73

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James Thomson
P.O. BOX 117 W 1430 MISSION
Spokane, Washington 99210
Telephone 509-327-2018

APR 2 1973

STATE OF IDAHO
DEPARTMENT OF WATER
ANNEX 2 STATEHOUSE
BOISE, IDAHO 83707

Department of Water Administration
Northern District Office

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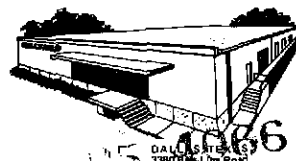
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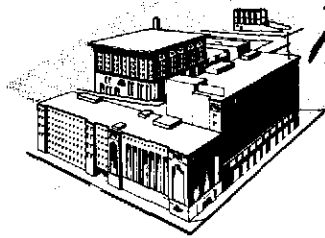
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James Thomson
P. O. Box 117
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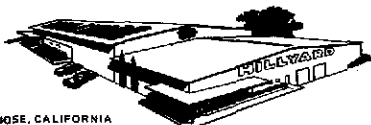
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30 March 73

James C. Thomson
JAMES C. THOMSON
W 2430 MISSION
SPOKANE, WASHINGTON 99201

SAN JOSE, CALIFORNIA
1080 North 11th Street



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DALLAS, TEXAS
3580 Bell Line Road

95 4066

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 95-4066

Notice is hereby given that C. C. Hohman, Box 207, Post Falls, Idaho, 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 an Unnamed Spring with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes with a priority of 1908; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 50N, R. 5W, 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 Post Falls Tribune, Post Falls, Idaho, on March 29 and April 5, 1973.

3-29 2tc

AFFIDAVIT OF PUBLICATION

County of Kootenai }
STATE OF IDAHO } ss.

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the Notice of Claim to a Water Right
No. 95-4066 C. C. Hohman a true
printed copy of which is attached to the margin hereof, has been and
was correctly printed and published in the regular and entire issue of
every number of said newspaper and not in any supplement thereof
or thereto for twice consecutive issues, commencing

with the issue dated March 29, 1973
and ending with the issue dated April 5, 1973

Subscribed and sworn to before me, this 5th
day of April, 1973

[Signature]
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 12 58

15 4066

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

April 5, 1973

Re: Claim to a Water Right No. 95-4066 - C. C. Hohman

James C. Thomson
W. 2430 Mission
Spokane, WA 99201

Dear Mr. Thomson:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we may be of further assistance, please contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

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

April 5, 1973

Re: Claim to a Water Right No. 95-4066

C. C. Hohman
Box 207
Post Falls, ID 83854

Dear Mr. Hohman:

In reference to the above claim, the enclosed is a copy of an exception filed by Mr. James C. Thomson in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

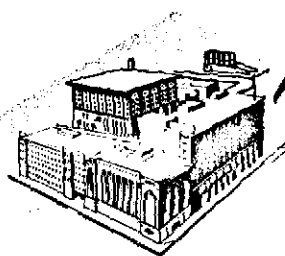
Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final consorship of the described rights.

If we may be of further assistance, please contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR



Hillyard

Sales Company-Western.

ST. JOSEPH, MISSOURI 64502, U.S.A. CABLE: "HILCO"
TELEPHONE 816-233-1321 TELETYPE 816-777-7844

30 MARCH 73

RECEIVED

James Thomson

2004 W 2430 MISSION
Spokane, Washington 99201
Telephone 509-327-2018

STATE OF IDAHO
DEPARTMENT OF WATER
ANNEX 2 STATEHOUSE
BOISE, IDAHO 83707

APR 2 1973

Department of Water Administration
Northern District Office

I JAMES C. THOMSON WOULD LIKE TO FILE AN EXCEPTION TO MR. C.C. HOMANS CLAIM FOR WATER RIGHTS ON A SPRING IN THE POST FALLS AREA.

THIS SPRING IN QUESTION IS NOT LOCATED ON NW $\frac{1}{4}$ - SW $\frac{1}{4}$ SEC 9 T 50 N R 5W BM KOOTENAI COUNTY. THE SPRING IS ON MY PROPERTY LOCATED NE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 9 TOWNSHIP 50N RANGE 5W KOOTENAI, COUNTY. THIS SPRING IS ON THE HOMESTEAD OF MR. FRANCIS M. WAGNER. PATENT DATED 17 MARCH 1903

I PURCHASED THIS PROPERTY IN 1948 FROM A MR. MARK ROSENSTEIN WHOSE FATHER HAD OBTAINED IT FROM MR. WAGNER. IN 1950 THROUGH 1956 I HAD A HORSE ON MY PLACE AND IN ORDER TO PROVIDE WATER FOR IT I DUG OUT THE SPRING IN QUESTION AND MADE IT USUABLE, FOR IT HAD COMPLETELY GONE UNDERGROUND AND I HAD TO REMOVE APPROXIMATELY THREE YARDS OF DIRT TO RECLAIM THE SPRING IN QUESTION.

DURING THIS TIME MR. BRUNSON WAS RUNNING HIS DAIRY HERD ON MY PROPERTY AND THEY USED THIS SPRING FOR WATER AFTER I HAD RE-DEVELOPED IT. AFTER I SOLD THE HORSE IN 1956 MR. BRUNSON CONTINUED TO USE THE SPRING FOR SOME YEARS, BUT DID NOT DO ANY MAINTENANCE WORK ON THE SPRING. AFTER HE WAS HOSPITALIZED AND LATER DIED THERE WAS NO WORK DONE ON THE SPRING AND IT AGAIN BECAME WORTHLESS AND HAD ALMOST CEASED TO FLOW AND HAD ABOUT SIX INCHES OF ALGIE ON IT. THE FLOW OF WATER WAS PRACTICALLY NIL AND NOT SUITABLE FOR WATERING PURPOSES.

IN AUGUST OF 1972 I APPLIED FOR WATER RIGHTS ON THE SPRING FOR THE PURPOSE OF DEVELOPING IT FOR DOMESTIC USE. I WAS GRANTED THE PERMIT ON 11 SEPT. 72 & APPLICATION NO 95 - 7196. WHEN I RECEIVED THE APPROVAL I DUG OUT THE SPRING AND CLEANED UP THE AREA AROUND IT. DUE TO THE YEARS OF NEGLECT THE FLOW OF WATER WAS VERY NEGLIGABLE. AFTER I RE-DEVELOPED THE SPRING SO AS TO PRODUCE SOME FLOW OF WATER SOMEONE KEPT CUTTING MY FENCE SO AS TO PERMIT THE HORSES GRAZING ON MR. HOMANS PROPERTY TO USE IT. PRIOR TO MY CLEANING OUT THE SPRING AND FOR AT LEAST FOUR MONTHS THE SPRING AREA WAS FENCED AND THE HORSES WERE WATERING SOMEWHERE ELSE.

IN VIEW OF THE FACT THAT THE SPRING IS ON MY PROPERTY AND IN THE TWENTY FIVE YEARS THAT I HAVE OWNED IT NEITHER MR. HOMAN OR MR. BRUNSON EVER TURNED A SHOVEL TO DEVELOPE OR IMPROVE THE SPRING IN QUESTION. IN THIS PAST TWENTY FIVE YEARS I AM THE ONLY ONE THAT HAS MADE ANY ATTEMPT TO PROTECT OR DEVELOPE IT.

NOW THAT I HAVE THE APPROVAL AS PER APPLICATION 95 - 7196 I WANT TO



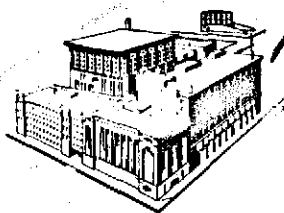
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1000 North 11th Street



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DALLAS, TEXAS
3000 East Live Road



Hillyard Sales Company-Western

ST. JOSEPH, MISSOURI 64502, U.S.A. CABLE: "HILCO"
TELEPHONE 816-233-1321 TELETYPE 910-777-7844

James Thomson
P. O. Box 117
Spokane, Washington 99210
Telephone 509-327-2018

PAGE TWO

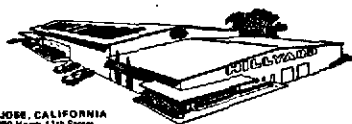
FURTHER DEVELOPE THE SPRING AND PUT IN A HOLDING TANK AND PUMP, SO AS TO PROVIDE WATER FOR MY HOUSE LOCATED APPROXIMATELY FIVE HUNDRED FEET FROM THE SPRING.

MR. BRUNSON DID RUN STOCK ON HIS PROPERTY FOR MANY YEARS, BUT HE HAD A LARGE WATERING TROUGH BY HIS BARN WHERE THEY WATERED, SO HE PROBABLY DID NOT FEEL THE NEED OF DOING ANY WORK ON THE SPRING IN QUESTION. WHEN HIS DAIRY FIVE COWS GRAZED ON MY PROPERTY THEY DID USE THE SPRING ALONG WITH MY HORSE AND I DID THE MAINTENANCE WORK ON THE SPRING.

SINCE MR. HOMAN OR MR. BRUNSON DID NOT MAKE ANY ATTEMPT TO PROTECT, IMPROVE, OR DEVELOPE THIS SPRING AND SINCE IT IS LOCATED ON MY PROPERTY I PRAY THAT YOU WILL DENY MR. HOMAN'S APPLICATION FOR WATER RIGHTS ON THIS SPRING IN QUESTION.

30 March 73

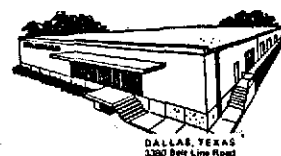
James C. Thomson
JAMES C. THOMSON
W 2430 MISSION
SPOKANE, WASHINGTON 99201



SAN JOSE, CALIFORNIA
1080 North 11th Street



Distributors of HILLYARD Floor Treatments . . . Since 1907



DALLAS, TEXAS
3200 East Line Road

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

April 17, 1973

Re: Claim to a Water Right No. 95-4066

C. C. Hohman
Box 207
Post Falls, ID 83854

Dear Mr. Hohman:

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 further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: copy of claim

95 4066

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
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(208) 667-6484

Water Rights Administration
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Geothermal Resources

April 5, 1973

Re: Claim to a Water Right No. 95-4066

C. C. Hohman
Box 207
Post Falls, ID 83854

Dear Mr. Hohman:

In reference to the above claim, the enclosed is a copy of an exception filed by Mr. James C. Thomson in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final consorship of the described rights.

If we may be of further assistance, please contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

95 4066

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

401 Front Ave., Rm. 209
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(208) 667-6484

Water Rights Administration
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Geothermal Resources

April 5, 1973

Re: Claim to a Water Right No. 95-4066 - C. C. Hohman

James C. Thomson
W. 2430 Mission
Spokane, WA 99201

Dear Mr. Thomson:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we may be of further assistance, please contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

95 4066

March 23, 1973

Re: Claim No. 95-4066 - C. C. Hohman

Post Falls Tribune
Box 68
Post Falls, ID 83854

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 4-16-73 by cl

FE:CR

Enc: Legal Notice

95 4066

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4066

Notice is hereby given that C. C. Hohman,
Box 207, Post Falls, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~acre feet per annum~~
of water from an Unnamed Spring
with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 50N, R. 5W, B.M.,
Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-
watering purposes
with a priority of 1908 ;
the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 50N, R. 5W, 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 Post Falls Tribune, Post Falls, Idaho
on March 29 and April 5, 1973

95 4066

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 95-4066**

Notice is hereby given that C. C. Hohman, Box 207, Post Falls, Idaho, 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 an Unnamed Spring with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes with a priority of 1908; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 50N, R. 5W, 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 Post Falls Tribune, Post Falls, Idaho, on March 29 and April 5, 1973.

3-29 2tc

95 4066

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
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Stream Channel Protection
Geothermal Resources

March 23, 1973

Re: Claim to a Water Right No. 95-4066

C. C. Hohman
Box 207
Post Falls, ID 83854

Dear Mr. Hohman:

Attached is your receipt No. 8589 in the amount of \$10 for the filing fee on the above referenced claim, which was received in this office.

We are also enclosing an application for permit form and set of instructions for your use. If you have any questions, or if we may be of any further assistance, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosures

95 4066