

No Color
Documents
In File

Identification No. 95-4050

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 George L. Kennaugh
post office address Route #2, Harrison, ID 83833

2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 15 Township 48N
Range 4W B.M. located on Unnamed Spring
(name of source)

tributary to Coeur d'Alene Lake 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:

August, 1963 amount: 0.04 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.04 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 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 concrete block,
collection box; length is 4 feet; height is 16 feet;
width at bottom is 4 feet; width at top is 4 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 _____; 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 _____

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
Used continuously since 1963. Underground spring is located directly below
house.

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.

George L. Kernanugh
Claimant

Sworn to before me this 30TH day of NOVEMBER, 19 72.

Coda M. Roberts
Notary Public

Residing at Coeur d'Alene, Idaho

My commission expires Sept. 11, 1976

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>FE</u>	<u>11/30/72</u>			
Prelim. check by <u>FE</u>	Date <u>11/30/72</u>			
	<u>8494</u>			
Fee received by <u>FE</u>	Date <u>11/30/72</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>FE</u>	<u>11/30/72</u>			
Published in <u>COEUR D'ALENE PRESS</u>	Dates <u>12-7-72</u>		<u>85 4050</u>	

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 if 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

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

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

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

AFFIDAVIT OF PUBLICATION **COEUR D'ALENE PRESS**
(WEEKLY)

STATE OF IDAHO,

County of Kootenai, }

ss.

Callie Painter

Department of Agriculture
Washington, D.C.

being first duly sworn,

deposes and says:

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

newspaper on Wednesdays; and that the

Notice of Claim

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 *7* day of *December*, 19*72*, and ending on the

14 day of *December*, 19*72*

Callie Painter

Subscribed and sworn to, before me, this *14* day of *December*

19 *72*

C. Patrick King

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

**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 95-4050

Notice is hereby given that George L. Kennaugh, Route No. 2, Harrison, 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 an Unnamed Spring, tributary to Coeur d'Alene Lake with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 48N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of August, 1963; the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, 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

Dec. 7, 14, 1972.

95 4050

May 5, 1978

Re: 95-4050

Mr. R. F. Ulrich
220 Emerald Dr.
Kellogg, ID 83837

Dear Mr. Ulrich:

I have received a photo copy of the "Deed of Distribution" and have forwarded it to our main office in Boise, There it will be placed in the 95-4050 claim file.

I am returning your photo-copy of Claim # 95-4050, for your records. Please refer to this claim number when corresponding with this Department regarding this claim.

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING,
Senior Water Resource Agent

TK/sdw

Enclosure

752173

TRACTED
BOOK 289 PAGE 889

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, Made by JOHN WILLIAM SHERWOOD, as Personal Representative of the estate of GEORGE L. KENNAUGH, Deceased, GRANTOR, to RAYTON FLOYD ULLRICH, GRANTEE, whose address is Emerald Drive, Kellogg, Idaho.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Number 20750, in Shoshone County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantee the following described real property in Kootenai County, Idaho:

Lots Twelve (12) and Thirteen (13), Block One (1) Newtons Subdivision to Kootenai County, State of Idaho, according to the plat recorded in Book D of plats page 124, records of Kootenai County, State of Idaho.

with all appurtenances.

Executed this 23rd day of March, 1978.

John William Sherwood
Personal Representative of the Estate
of George L. Kennaugh, Deceased.

STATE OF IDAHO)
) ss.
County of Shoshone)

On this 23rd day of March, 1978, before me, the undersigned a Notary Public in and for the State aforesaid, personally appeared JOHN WILLIAM SHERWOOD, known to me to be the person whose name is subscribed to the within instrument, as personal representative of the estate of George L. Kennaugh, deceased, and acknowledged to me that he executed the same as such personal representative.

David Hall
Notary Public in and for the State of
Idaho. Residing at: Kellogg
Idaho.

Filed and recorded at the request of
at 4 o'clock P M., this 28th day of March, 1978
By: Rayton F. Ullrich
Fee \$ 1.00 Deputy
Carol Deitz
Ex-Officio Auditor-Recorder
Kootenai County, Idaho
220 - Emerald Dr. Kellogg, Ida. 83837
Return to



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

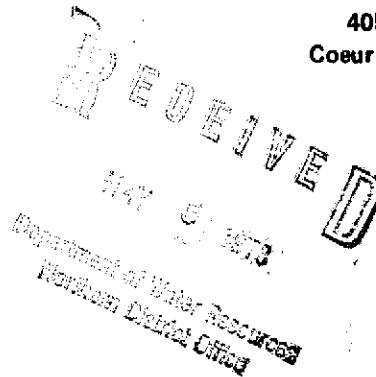
John V. Evans
Governor

C. Stephen Allred
Director

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

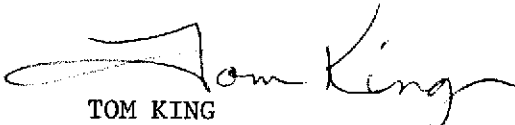
May 3, 1978

Mr. Chuck Ansellmo
1309 Best
Coeur d'Alene, ID 83814



The enclosed information was received in this office, apparently by mistake.

Sincerely,


TOM KING
Senior Water Resource Agent

TK/sdw

Enclosure

Mr. King,
Per our conversation on the phone
today, I am returning the enclosed
papers to you.

Carly
Panhandle Health

RECEIVED

MAY 2 1978

Department of Water Resources
Northern District Office

220 Emerald Drive
Kellogg, Idaho 83837
April 28, 1978

Mr. Chuck Ansellmo
1309 Best
Coeur d'Alene, Idaho 83814

Dear Mr. Ansellmo:

Enclosed herewith is a photocopy of the first page of a State of Idaho, Department of Water Administration Claim to a Water Right in the name of George L. Kennaugh, and a photocopy of a Deed of Distribution by Personal Representative showing that this property was deeded to Rayton F. Ullrich. Please make the necessary changes in your records to correspond to this Deed.

Please acknowledge receipt of this letter.

Yours truly,

R. F. Ullrich

R. F. Ullrich

RFU/w
Enclosures

January 9, 1973

Re: Claim to a Water Right No. 95-4050

George L. Kennaugh
Route #2
Harrison, ID 83833

Dear Mr. Kennaugh:

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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

95 4050

December 1, 1972

Re: Application No. 95-7228 - Richard D. Hogin
" " 95-7229 - Argyll L. Hollinshead
Claim No. 95-4050 - George L. Kennaugh

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
Water Resource Supervisor
Northern District

Bill submitted 1-4-73 by cl

FE:CR

Enc: Legal Notices (3)

95 4050

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4050

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Route #2, Harrison, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.01 cubic feet per second ~~acre feet per annum~~

of water from an Unnamed Spring, tributary to Coeur d'Alene Lake

with point of diversion in the SE1/4, Sec. 15, T. 48N, R. 4W, B.M.,

Kootenai County

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

purposes

with a priority of August, 1963;

the place of use is within the SE1/4, Sec. 15, 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 Dec. 7 and Dec. 14, 1972

95 4050

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TO A WATER RIGHT
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R. KEITH HIGGINSON
Director

Dec. 7, 14, 1972.

95 4050