

NOTICE OF CLAIM TO A
WATER PERMIT

No. 95-4040

Notice is hereby given that Edward J. and Charlotte R. Dunn, 1733 Perry Ave., Bremerton, Washington have filed a claim to a water right established by diversion and application to beneficial use of 0.51 cubic feet per second of water from Right Hand Fork of Hauser Creek with point of diversion in the NE $\frac{1}{4}$ of Lot 7, Sec. 30, T. 52N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from April 1 to Nov. 1, for domestic purposes; and from May 1 to Oct. 31, for the irrigation of 5 acres with a priority of May, 1967; the place of use is within the E $\frac{1}{2}$ -SE $\frac{1}{4}$, Sec. 30, T. 52N, R. 5W, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on June 15 and June 22, 1972.

6-15 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 Permit
No. 95-4040 Dunn 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 two consecutive issues, commenc-

ing with the issue dated June 15, 1972
and ending with the issue dated June 22, 1972

Jeannette S. Rosin
Subscribed and sworn to before me, this 22nd
day of June, 1972

Agnes Luckin
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 13.69

95 4040

Identification No. _____

Claim No. 95-4040

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 Edward J. and Charlotte R. Dunn
post office address 1733 Perry Ave. Bremerton Wash. 98310

2. The point of diversion is in NE $\frac{1}{4}$ of Lot 7 ^{of 26} $\frac{1}{4}$ Section 30 Township 52N
Range 5W B.M. located on N. Hand Fork of Hauser Crk.
(name of source)

tributary to Hauser 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:

5-1967 amount: .51 c.f.s. or 51 acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed .51 c.f.s. or 51 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: Domestic use, garden & berry patch, pasture

use Domestic use period of use from April to Nov (both dates inclusive)

use Garden period of use from May to Oct (both dates inclusive)

use Berry Patch period of use from May to Oct (both dates inclusive)

use Pasture period of use from June to Sept (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Rock and earth
; length is 10 feet; height is 3 feet;
width at bottom is 5 feet; width at top is 10 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known none

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? 12 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 _____

7. Where water is used for domestic or municipal purposes give number of families served 1 family 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 WASHINGTON
County of ITTSAP 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.

Edward J. Duman
Charlotte R. Duman
Claimant

Sworn to before me this 31 day of MAY, 1972.

[Signature]
Notary Public
Residing at BREMERTON

My commission expires JAN 7, 1975

For Department Use Only

Received by <u>LF</u>	Date <u>6-7-72</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>LE</u>	Date <u>6/7/72</u>			
Fee received by <u>LE</u>	Date <u>6/7/72</u>	Fee \$ <u>10.00</u>		
Approved for publication by				
Published in <u>POST FALLS TRIBUNE</u>	Dates <u>6-15-76-22-72</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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

**NOTICE OF CLAIM TO A
WATER PERMIT**

No. 95-4040

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R. KEITH HIGGINSON
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That the Notice of Claim to A Water Permit
No. 95-4040 Dunn

..... 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 two consecutive issues, commencing

with the issue dated June 15, 1972
and ending with the issue dated June 22, 1972

.....
Subscribed and sworn to before me, this 22nd
day of June, 1972

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

Publication Fee \$ 13.69

15 4040

July 28, 1972

Re: Claim to a Water Right No. 95-4040

Mr. & Mrs. Edward D. Dunn
1733 Perry Av.
Bremerton, Washington 98310

Dear Mr. & Mrs. Dunn:

We are enclosing copies of four (4) exceptions submitted in connection with the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--
.....

At any time 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, 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 you have any questions concerning this matter, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/dg

Enclosures (4)

95 4040

July 28, 1972

Re: Claim No. 95-4040 - Edward D. & Charlotte R. Dunn

Mr. John J. Matheson
Route #1
Post Falls, Idaho 83854

Dear Mr. Matheson:

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 (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--
.....

At any time 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, 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.

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Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/dg

95 4040

July 28, 1972

Re: Claim No. 95-4040 - Edward D. & Charlotte R. Dunn

Mr. & Mrs. Walter M. Ness
Route #1, Box 199
Post Falls, Idaho 83854

Dear Mr. & Mrs. Ness:

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 (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--

At any time 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, 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.

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Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/dg

95 4040

July 28, 1972

Re: Claim No. 95-4040 - Edward D. & Charlotte R. Dunn

Mr. Norman Jacobsen
Route #1
Post Falls, Idaho 83854

Dear Mr. Jacobsen:

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 (Idaho Code, Section 42-225b):

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Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/dg

95 4040

July 28, 1972

Re: Claim No. 95-4040 - Edward D. & Charlotte R. Dunn

Mr. Carroll Cain
Route #1, Box 192
Post Falls, Idaho 83854

Dear Mr. Cain:

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 (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--
.....

At any time 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, 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.

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If you have any questions concerning this matter, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/dg

95 4040

RECEIVED

JUL 12 1972

Department of Water Administration
Northern District Office

C. Cain
July 3, 1972
R1 Box 192
Post Falls, Idaho
83854

Water Administration
Ct. 401 Front Room 210
Coeur d'Alene, Idaho

I write concerning possible daming
of the creek which empties into the
north shore of Hauser Lake. By mid
July this is the only inlet flow to the
lake and by that time only a trickle
diminishing thereafter. This small
flow of water should not be impeded.

Applicants are
Edward J & Charlotte Dunn
Water Permitt No. 95-4040

It should not be granted

Carroll Cain

95 4040

NORMAN JACKSON
RT. 1
POST FALLS, IDAHO
83854



Rt. 1 Post Falls, Idaho,
Hauser Lake,
June 23, 1972

Dear Sir:

Department of River Administration

I understand by the
Post Falls paper that the
people on the creek that
flows in to Hauser Lake

They are getting a water
right so they can use
the creek water for domestic
use and to irrigate too.

The lake gets so low now
in the summer that you
can't hardly fish it has
been getting lower every
year

95 4040

It seems as if they want
water they can dig a well
like we had to do. In
July there is hardly any
water that reaches the
lake from the creek. we
at ~~House~~ Lake are all very
much against letting them
irrigate please look in for
this Thanking you

Yours
Norman Jacobsen

RECEIVED

JUL 14 1972

Department of Water Administration
Northern District Office

Route 1
Post Falls, Idaho
July 11, 1972

RECEIVED

JUL 11 1972

Idaho Dept. of Water
State House
Boise, Idaho 83707

Department of Water Administration

Re: Notice of Claim to
Water Permit
No. 95-4040
Edward J. + Charlotte R. Dunn

Sirs:

We are very much against the diversion of any water from Hauser Creek. The creek is already abnormally low for this time of year. To take anymore water would dry it up completely. Hauser Creek is the only fresh water running into the lake year round.

95 4040

Sincerely
John J. Matheson

RECEIVED

JUL 5 1972

Route 1, Box 199
Post Falls, Id.
June 24, 1972

RECEIVED
JUN 28 1972

Idaho Dept. of Water Administration
State House
Boise, Id. 83707

7-5-AD

Department of Water Administration

Re: Notice of Claim to Water Permit no.
no. 95-4040
Edward J. & Charlotte R. Dunn

We have been residents of Hauser Lake for many years, and we are not in favor of the above named permit for diversion of Hauser Creek water. We are fearful of the effect it will have on the lake, and the trout that travel up this creek to spawn. Hauser Creek is the only fresh water running the year round into the lake.

We think that the Creek is lower for this time of year, than it has been in past years. There are already more families living on it than ever have before. We feel that lowering of the creek further might cause complete drying up in the late summer and early fall months.

Could these people possibly dig a well as a solution to there water problem?

It might be better for everyone concerned in future years.

Sincerely ,

Mr. & Mrs. Walter M. Ness

Wm. & Mrs. Walter M. Ness

P. S. The letter you recently received from Norman Jacobsen was also referring to this permit. I doubt that he put the number on the letter!

Please let us have your thoughts on this.

95 4040

June 27, 1972

Mr. Norman Jacobsen
Route 1
Post Falls, Idaho 83854

Dear Mr. Jacobsen:

This letter is in answer to your letter concerning the use of water from a creek flowing into Hauser Lake.

Your letter did not contain enough information to be considered a protest. We need to know the name of the applicant and the number of the application you are protesting.

After July 5, send all correspondence to the Northern District office of the Department of Water Administration at 401 Front Avenue, Room 210, Coeur d'Alene, Idaho.

Very truly yours,

ERVIN E. BALLOU
Water Resource Examiner

EEB/dg

25 4040

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

RECEIVED

June 27, 1972

JUN 12 1972

Department of Water Administration
Northern District Office

Mr. Norman Jacobsen
Route 1
Post Falls, Idaho 83854

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After July 5, send all correspondence to the Northern District office of the Department of Water Administration at 401 Front Avenue, Room 210, Coeur d'Alene, Idaho.

Very truly yours,

ERVIN E. BALLOU
Water Resource Examiner

EEB/dg

Answer: water permit no 95-4040

Edward J. & Charlotte R. Dunn

95 4040

July 20, 1972

Re: Claim to a Water Right No. 95-4040

C
Edward J. & Charlotte R. Dunn
1733 Perry Ave.
Bremerton, Washington 98310

O
Dear Mr. and Mrs. Dunn:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 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.

P
As you are aware, the filing of your 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.

Y
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,

Donald W. McEldowney
Appropriation Supervisor

DWM:dg
Enclosure

95 4040

June 9, 1972

Re: Claim No. 95-4040 - Edward J. & Charlotte R. Dunn

Post Falls Tribune
Box 68
Post Falls, Idaho 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
Water Resource Examiner
Northern District

FE:CR

Enc: Legal Notice

Bill submitted 7-10-72, d

95 4040

NOTICE OF CLAIM TO A WATER RIGHT

No. 95-4040

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1733 Perry Ave., Bremerton, Washington

have
~~has~~ filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.51 cubic feet per second ~~more than~~
of water from Right Hand Fork of Hauser Creek

with point of diversion in the NE $\frac{1}{4}$ of Lot 7, Sec. 30, T. 52N, R. 5W, B.M.,

Kootenai County

The water is claimed to be used from April 1 to Nov. 1 for domestic
purposes; and from May 1 to Oct. 31 for the irrigation of 5 acres
with a priority of May, 1967;
the place of use is within the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, T. 52N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,
~~except before~~

R. KEITH HIGGINSON

Director

Published in the Post Falls Tribune, Post Falls, Idaho
on June 15 and June 22, 1972.

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R. KEITH HIGGINSON
Director

Published in the Post Falls
Tribune, Post Falls, Idaho, on
June 15 and June 22, 1972.

6-15 2tc

June 7, 1972

Edward J. and Charlotte R. Dunn
1733 Perry Avenue
Bremerton, Washington 98310

Dear Mr. & Mrs. Dunn:

Attached herewith is your receipt No. 9311 in the amount of \$10.00 for a
Claim to a Water Right No. 95-4040 which was received in this office.

Very truly yours,

FRED EISENBARTH
Water Resource Field Examiner II

FE:alw

Enc.

95 4040

1733 Perry
Bremerton, Wash.
98310



Department of Water Administration
Department of Reclamation
Room 107
Statehouse
Boise, Idaho 83701

95 4040