

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

APR 12 1971

NOTICE OF CLAIM TO A WATER RIGHT

No. 95-4029

Notice is hereby given that L. R. VanDusen, Route 1, Box 125, Coeur d'Alene, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from the Spokane River with point of diversion in Gov't. Lot 7, Sec. 12, T. 50N, R. 5W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; with a priority of May 15, 1960; the place of use is within Gov't Lot 7, Sec. 12, T. 50N, 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.

R. KEITH HIGGINSON
Director

April 1, 8, 1971

Ruby Jacobson Department of Water Administration
being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Noticed Claim 95-4029

of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *weeks*, commencing on the *1st* day of *April*, 19*71*, and ending on the *8th* day of *April*, 19*71*, and such publication was made as often during said period as said *Thursday* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

7 Claim 95-4029

Ruby Jacobson
Subscribed and sworn to before me this *8th* day of *April*, 19*71*.

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

Identification No. _____
Claim No. 95-4029
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

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

1. Name of claimant L. R. Van Dusen
post office address Route 1, Box 125, Coeur d'Alene, Idaho 83814 (see attached description)
Government Lot 7,
2. The point of diversion is in 1/4 of 12 Township 50 North
Range 5 W. B.M. located on Spokane River
(name of source)

tributary to EXCEPTING that portion thereof in Kootenai County.
platted as Coeur d'Alene Lagoon

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:

May 15, 1960 amount: 0.03 c.f.s. or _____ acre feet
____ amount: _____ c.f.s. or _____ acre feet
____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.03 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 May 15, 1960 to Dec. 31, 1960 (both dates inclusive)
use domestic period of use from Jan 1, 1961 to Feb 28, 1971 (both dates inclusive)
use Domestic period of use from Jan 1 to Dec 31 (both dates inclusive)
use _____ period of use from Do/phone with Mrs Van Dusen 3-2-71 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 _____; 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 _____

_____, if so, give dates and explain.

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

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000 feet is _____feet; material through which ditch passes is _____;

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 100 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

d. If water is stored: name of reservoir

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 _____; _____ is reservoir on or off stream _____ explain _____

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]

b. Do you get water through a ditch owned by several users? _____ 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 _____
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

In the spring of 1960, while the river was at its lowest, I dug a trench
about 4 ft deep and 40 feet long in the bed of the river and at right angles to it.
At this point, the whole south bed of the river is pea gravel.

I laid 10 inch concrete irrigation pipe in the trench with the outer end plugged
and the opposite end coming up through the floor of the pump house which sits close to
the water's edge when the river is at summer level. I filled the trench with the
gravel I had removed. This, then, is what I term as a seep well. The pickup tube with
a foot valve on the outer end connects to a 1 h.p. pump and is inserted into the outer
end of the 10 inch pipe. This water is used for a 3-bedroom house and approximately
6,000 sq ft yard and garden.

It is difficult to estimate how many cu ft of water are used in a year.

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.

Sworn to before me this 31st day of December, 1970.

R. Manfresen
Claimant

C. Anne Tucker
Notary Public
Residing at Park Falls, Idaho

My commission expires 5-13-74

For Department Use Only

Received by JD Date 1-4-71

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by JD Date 3-2-71

Fee received by JD Date 3/3/71 Fee \$10.00

Approved for publication by D

Published in Coeur d'Alene
Press

Dates 4-1 & 4-8, 1971

95 4029

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.

Robert D. Brown

Beginning at the Southeasterly corner of Lot 28, Block 1, Coeur d'Alene Lagoon Flat, located in Government Lot 7, Section 12 Township 50 North Range 5 W.B.M., Kootenai County, Idaho, thence South $69^{\circ}46'$ East 34.87 feet; thence South $68^{\circ}22'$ East 95.40 feet; thence North $65^{\circ}36'$ East 134.38 feet; thence North $27^{\circ}43'$ East 164.57 feet to a pipe set at the High Water Line of The Spokane River and being the TRUE POINT OF BEGINNING for this description; thence South $38^{\circ}29'$ East 236.84 feet; thence North $31^{\circ}02'$ East 96.96 feet to a pipe set at the High Water line of the Spokane River; thence North $6^{\circ}18'$ East along said High Water Line, 87.87 feet; thence North $15^{\circ}47'$ West along said High Water Line 183.40 feet; thence South $87^{\circ}36'$ West along said High Water line 127.29 feet; thence South $10^{\circ}51'$ West along said High Water Line, 159.11 feet to the true point of beginning, containing 0.9 Acres more or less and being a portion of Government Lot 7, Section 12 Township 50 North Range 5 W.B.M.

AFFIDAVIT

STATE OF IDAHO)
County of Kootenai)

I, L. R. VAN DUSEN, do hereby certify that, with regard to my application for a claim to a water right in Kootenai County, the nature of use under item #36 of the claim is domestic with a period of use from January 1 through December 31 of each year, for the years 1961 through 1970, and also from January 1, 1971 through February 28, 1971, as shown on application referred to herein.

L. R. Van Dusen
L. R. VAN DUSEN

SUBSCRIBED AND SWORN TO before me this 2nd day of March, 1971.

C. Anna Luchini
Notary Public in and for the County
of Kootenai, State of Idaho, residing
at Post Falls.

15 4029

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 95-4029

Notice is hereby given that L. R. VanDusen, Route 1, Box 125, Coeur d'Alene, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from the Spokane River with point of diversion in Gov't. Lot 7, Sec. 12, T. 50N, R. 5W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; with a priority of May 15, 1960; the place of use is within Gov't Lot 7, Sec. 12, T. 50N, 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.

R. KEITH HIGGINSON
Director

April 1, 8, 1971

STATE OF IDAHO,
County of Kootenai,

} ss.

Ruby Jacobson being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Notice of Claim 95-4029

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 1st day of April, 1971, and ending on the 8th day of April, 1971, and such publication was made as often during said period as said Thursday newspaper was regularly issued.

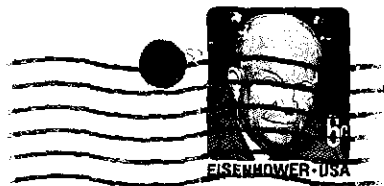
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. 7 Claim 95-4029

Ruby Jacobson
Subscribed and sworn to before me this 8th day of April

1971

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

E. R. VAN DUSEN
BOX 125 RT. 1
COEUR DALENE
83814



RECEIVED
JAN 15 1974
U.S. DEPARTMENT OF WATER ADMINISTRATION

State of Idaho
Department of Water Administration

Statehouse - Annex

RECEIVED

Boise, Idaho 83707

JAN 15 1974

Department of Water Administration
Northern District Office

Always in the market for-
NEWS



Box 1, Box 125
Coeur d'Alene, Idaho
83814
January 14, 1973

Gentlemen:

With reference to our claim to a Water Right, No. 95-4029, please advise if we must also make application for a water permit. We notice applications for both in our local Post Falls Tribune and would appreciate your explanation. Thank you.

Sincerely,

Mrs. L. R. Van Dusen
Mrs. L. R. Van Dusen
95-4029

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

January 23, 1974

Re: Claim to a Water Right No. 95-4029

Mrs. L. R. Van Dusen
Route 1, Box 125
Coeur d'Alene, ID 83814

Dear Mrs. Van Dusen:

A "Claim to a Water Right" which you have submitted records and establishes evidence of an existing water right which has been created by past diversion and beneficial use of the water.

The "Application for Permit" is now required by our Department before any new appropriations of either surface or groundwater is permitted. May 20, 1971, was the last date in which any surface water could have been diverted without the requirement of a permit. March 25, 1963 was the last date for ground water (excluding single household domestic wells, which may still be drilled without a permit).

We hope this has answered your questions. If we may be of any further assistance, feel free to contact our office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

MICROFILMED

April 22, 1971

Re: Claim to a Water Right No. 95-4029

L. R. Van Dusen
Route 1, Box 125
Coeur d'Alene, Idaho 83814

Dear Mr. Van Dusen:

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.

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.

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:dr
Enclosure: Copy of claim

95 4029

March 24, 1971

Re: Application No. 95-7136 - Joseph & Lydia Sokol
" " 95-7137 - Lewis R. Marian
Claim No. 95-4029 - L. R. VanDusen
" " 96-4018 - Clair & Lucille Parr
" " 96-4019 - Harley E. & Vista C. Steiner

Coeur d'Alene Press
2nd & Lakeside
Coeur d'Alene, Idaho 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 our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department 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,

Donald W. McElldowney
Appropriation Supervisor

Bill submitted 4-15-71 by ds

DWM:DR
Enc: Legal notices (5)

95 4029

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 95-4029

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; with a priority of May 15, 1960; the place of use is within Gov't Lot 7, Sec. 12, T. 50N, 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.

R. KEITH HIGGINSON
Director

April 1, 8, 1971

0. L.
1-2-71
S.B.

95 4029

NOTICE OF CLAIM TO A WATER RIGHT

No. 95-4029

Notice is hereby given that L. R. VanDusen, Route 1, Box 125,
Coeur d'Alene, Idaho,
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.03 cubic feet per second ~~zero feet~~
of water from the Spokane River, ~~xxxxxxx~~
with point of diversion in ~~the~~ Gov't. Lot 7, Sec. 12, T. 50N,
R. 5W, B.M., Kootenai County.
The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic purposes
with a priority of May 15, 1960;
the place of use is within ~~the~~ Gov't. Lot 7, Sec. 12, T. 50N,
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.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho,
on April 1 and April 8, 1971.

95 4029

2
Rt 1, Box 125
Coeur d'Alene, Idaho 83814
March 11, 1971

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Gentlemen:

Enclosed herewith is Affidavit relating to our application for a claim to a water right, as requested in your letter of March 5, 1971.

We trust the above complies with your request.

Very truly yours,



L. R. Van Dusen

LRV mv
encl

6 4028

March 5, 1971

Re: Claim No. 95-4029

Mr. L. R. Van Dusen
Route # 1
Post Office Box # 125
Coeur d'Alene, Idaho 83814

Dear Mr. Van Dusen:

We are of a recent opinion that once the department has received a claim to a water right, we cannot alter it in any way. Therefore, we will need your notarized statement verifying that the nature of use under item #3b of the claim is domestic with a period of use from January 1 through December 31 of each year.

As soon as we are in receipt of your statement to this effect, we shall continue in the processing of your claim.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

95 4029

March 3, 1971

L. R. Van Dusen
Route #1, Box 125
Coeur d'Alene, Idaho 83814

Dear Mr. Van Dusen:

Attached herewith is Departmental Receipt No. 5711 in the amount of
\$10.00 for Claim Application,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

95 4029

January 5, 1971

Mr. L. R. Van Dusen
Route # 1
Post Office Box # 125
Coeur d'Alene, Idaho 83814

Dear Mr. Van Dusen:

We are returning your claim to a water right and personal check #92-323 in the amount of \$10.00, as we find in reviewing your claim that we will need additional information before we can process it. Under item 3a, you should list a date of priority. This date should be the first date that your system was used. We would assume this to be sometime in 1960, as you have indicated further in the claim that this is the approximate date that your system was completed. You should also list a rate of diversion in cubic feet per second. Under normal conditions, an average household with up to one half acre of irrigated land uses approximately 0.02 cubic feet per second of water. Under item 3b, you should list the nature of use of the water and the dates it is used. From the "Remarks" section of your claim, we would assume this to be domestic use with a period of use from January 1 to December 31. If the water is to be used for more than one half acre of irrigation, then you should list the number of acres in each 40 acre subdivision of the claim under item 5a.

If we may be of any further assistance in helping you to complete this form, please do not hesitate to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: original claim to a water right
check #92-323 (\$10.00)

15 4029