

No Color
Documents
In File

Identification No. _____
Claim No. 75-4025
Map No. Amended

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 Wayne and Irene Vander Syde
post office address Harrison, Idaho Rte. 2 83833
2. The point of diversion is in SE $\frac{1}{4}$ of _____ $\frac{1}{4}$ Section 29 Township 49 N.
Range 3 W. B.M. located on Turner Ridge 2 springs close together
(name of source)
tributary to _____ in Kootenai County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

1955 amount: .02 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed .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 Many purposes period of use from _____ to _____ (both dates inclusive)
use Domestic and period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use gardening period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use Livestock period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped spring development, 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 _____

A spring box at each spring at each spring made of galvanized steel, with plastic pipe connecting them together is installed. There is a one (1) inch plastic line for one mile to the ranch bldgs, gravity flow.

85 4025

_____, 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 5200 feet; diameter of pipe line is 1 inch; 500 ft. drop type of pipe plastic; 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.

d. If water is stored: name of reservoir _____

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

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

_____ explain _____ is reservoir on or off stream

if feeder canal is used give maximum carrying capacity—c.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 _____
An average of 110 head of brood cows and 3 or 4 horses
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. Water has been used continuously for at least 15 fifteen years for domestic use, cattle and horses, and for watering a large lawn, many flowers, bushes and trees, and any extra was used for the irrigation of hay land, silage corn and pasture land.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Glen and Agnes Kirk, former owners of this ranch developed this spring and started using it when the spring just south of it failed to meet their needs in 1955.
We started to use it in 1958 in April when we bought this ranch
We developed the spring better in a more sanitary way and put in another 800 eight hundred feet of plastic line, replacing the steel line there.
Diamond International Corp. purchases this quarter section last June but gave us full right of it for our use with transference rights as well
The spring flow fluctuates from three to nine gallons per minute.

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 16 day of November, 1970.

Walter J. Gaudin
Claimant
R. C. McManis
Notary Public
Residing at Coeur d'Alene, Idaho

My commission expires 2/1/72

For Department Use Only

Received by <u>sf</u>	Date <u>2.10.70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>sf</u>	Date <u>11-20-70</u>			
Fee received by <u>sf</u>	Date <u>11-20-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>D. J. Madson</u>				
Published in _____	Dates _____			

35 4000

INSTRUCTIONS

Paragraph No.

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.

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
June 1, 1901	amount: 0.4 c.f.s. or
Total claimed: 1.2 c.f.s. or	
acre feet	acre feet

- Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:
- use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.
4. Describe the diversion works and explain any changes since the right was first initiated.
 5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
 - 6, 7, & 8. Describe any other uses of water.
 9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Identification No. _____
Claim No. 95-4025
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 Wayne and Irene Vander Syde
post office address Rt 2 Harrison, Idaho 83833
2. The point of diversion is in SE $\frac{1}{4}$ of _____ $\frac{1}{4}$ Section 29 Township 49 N
Range 3 W B.M. located on Turner Ridge 2 springs close together
(name of source)
tributary to _____ in Kootenai County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

~~average three gallons~~ amount: ~~per minute~~ or _____ acre feet
1955 amount: .02 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed .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 many purposes period of use from continuously (both dates inclusive)
(Domestic livestock)
use & Gardening period of use from Jan 1 to Dec 31 (both dates inclusive)
use livestock period of use from Jan 1 to Dec 31 (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 _____
~~one inch plastic line for one mile.~~ gravity flow

b. Underground water diverting works: is well flowing or pumped Spring Development 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 _____

a Spring Box at each Spring made of galvanized steel with a plastic pipe connecting them together is installed. There is a 1" (one) plastic line for 1 mile - gravity flow
95 4025

4025 1st comp

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000

maximum length of pipe line to first place of use is 5000 feet; diameter of pipe line is 1 inches;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving

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

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

location of reservoir by 40-acre subdivisions

describe

[illegible][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? _____ 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 _____
an average of 110 head of brood cows and 3 or 4 horses
7. Where water is used for domestic or municipal purposes give number of families served one ~~and~~
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. Water has been used continuously for 15 years for domestic use, cattle and horses and for watering a large lawn, many flowers, bushes and trees, and any extra was used for the irrigation of hay land, silage corn and pasture land.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Glen and Agnes Kirk, former owners of this ranch developed this spring and started using it when the spring just south of it failed failed to meet their needs, in 1955.

We started to use it in the spring of 1958 when we bought this ranch. We developed the spring a little better in a more sanitary way and put in another 800 feet of plastic line replacing the steel line there.

Diamond National Inc. purchased this quarter section last month but are giving us right to get a water right to the spring.

the spring flow fluctuates from three to nine gallons per minute.

State of Idaho

County of _____

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

17

day of

July

1970

Claimant

Notary Public

Residing at

Coeur d'Alene Ida.

My commission expires

Oct. 26-1971

For Department Use Only

Received by ec Date 7-20-70

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by ec Date 7-20-70 743079

Inter
Diamond National Corp. dr

10-20-70

Fee received by ec Date 8-25-70 Fee \$10.00

Approved for publication by ec

Published in Coeur d'Alene Dates 9-24 & 10-1, 1970

Press

95 4025

INSTRUCTIONS

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Paragraph No.

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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 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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

AGREEMENT

THIS AGREEMENT made and entered into the 21st day of August, 1970, by and between DIAMOND INTERNATIONAL CORPORATION, hereinafter referred to as "Diamond", and WAYNE VANDERSYDE and IRENE VANDERSYDE, husband and wife, hereinafter referred to as "Vandersydes".

W I T N E S S E T H : That

WHEREAS, there is a spring providing an unknown quantity and quality of water located on the Northwest Quarter of the Southeast Quarter, Section 29, Township 49 North, Range 3 W.B.M., Kootenai County, Idaho, and that said property is owned by Diamond.

NOW THEREFORE, for and in consideration received, Diamond conveys to Vandersydes, the right to apply said water for his own usage, together with an easement over and along a road constructed and in use as it now exists over and across the property above-described, to the spring as now located, said easement for access to the spring for maintenance only.

It is expressly agreed and understood that Diamond does not warrant nor guarantee the quantity or quality of said water available, or available at any time in the future.

Vandersydes shall further have permission to erect an enclosure for said water supply, not to exceed one-eighth acre in size, and it is further expressly agreed and understood that this is with the permission of Diamond and that Vandersyde thereby acquires no right to said property by adverse possession or otherwise.

It is further provided that Diamond shall in no way be held accountable or liable for any interference with said water or water supply occasioned by its development of the property described herein, whether for the location of water supplies at different sources or otherwise.

The interest of the Vandersydes hereunder, may be assigned or transferred only upon the express written permission from Diamond; such permission may not, however, be unreasonably denied.

This agreement shall be binding upon the heirs, assigns and personal representatives of the parties herein. IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written herein.

DIAMOND INTERNATIONAL CORPORATION

By Bruce E. Colwell

ATTEST:

Wayne Vanderside
WAYNE VANDERSIDE

Leone Vanderside

85 4021

To whom it may concern
I moved onto a ranch in
Carlin Bay in 1911 on
section 32 Range three west
Ed + Conn Kruger had
homesteaded ahead ~~of me~~^{prior}
to me 320 Acres North of
my ranch. They hauled
water in barrels on a drag
sled from a spring on the
hill north of me on their
property. About 1930 or
in the forties they put in
a galvanized pipe and ran
it down to the house where
the barn and Vanderzyl's
trailer are now standing

In the fifties this pipe
began to give trouble and
a new owner, Elmer Kirk
tapped a ^{rather} spring higher on
the mountain with a plastic
pipe and brought it to the
same place for domestic
use.

E S Caple

1560 N West Blvd

CD Alene

Idaho

History Dept
Box 4, Alene,
Idaho 83412-1/6

35 4025

Please file with
H. Vander Dyke
a application for
water permit.

95 4025

TO WHOM IT MAY CONCERN:

I developed the springs and put in a plastic line for water for domestic and agricultural use before 1955. I don't remember the exact year. This is in reference to the springs that Wayne Vander Syde has used since he bought my ranch.

Signed this 30th day of August 1970

Glen Kirk

*Witnessed by
Evelyn A. Redding*

85 4025

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESSE

(WEEKLY)

RECEIVED

STATE OF IDAHO,

County of Kootenai,

ss.

Callie Painter, 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 to Water Right
95-4025

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 24 day of Sept, 1970, and ending on the 1 day of October, 1970.

Subscribed and sworn to, before me, this 1 day of October

1970

Callie Painter

E. Patrick King

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

NOTICE OF CLAIM TO A WATER RIGHT No. 95-4025

Notice is hereby given that Wayne and Irene Vander Syde, Route 2, Harrison, Idaho have 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 Turner Ridge (two springs) with point of diversion in the SE $\frac{1}{4}$ of Sec. 29, T. 49N, R. 3W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stock water purposes with a priority of 1955; the place of use is within the SE $\frac{1}{4}$ of Sec. 29, T. 49N, R. 3W, 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

Sept 24, Oct. 1, 1970

95 4025

Donald Mc Eldred

We have yet to receive a
satisfactory letter from Mr. Dorian
Clay but your letters are very much so.
I wrote to ask if our amended
claim in the same form of the
original had been received last
October and ~~filed~~ numbered &
recorded - also if it had been
advertised in the Co. Alene Press
as had the original? a few months before
as stated in Section 42-225b
Idaho Code.

We were gone for the winter
and we had not received
verification that the
amended claim was ever
received by your department
and recorded.

Thank you!

Wayne Vander Syde
Harrison Ida 83833

We are trying to
sell our ranch
so want to be sure
of this

95 4025

We have a spring on our property
on the

95 4025

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 1, 1971

Re: Claim No. 95-4025

Mr. Wayne Vander Syde
345 S 58th, Space 86
Mesa, Arizona

Dear Mr. Vander Syde:

Pursuant to your letter of March 18, 1971, we wish to advise you that the Department will take no further action in reference to the above numbered claim. As you are aware, the filing of the claim does not in itself guarantee or confirm a water right. It only records and preserves the evidence enclosed in the claim. Diamond International Corporation did, however, file an exception to this claim which we have filed with the claim for whatever purpose it may serve.

We are enclosing a copy of the exception for your reference in this matter.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/bb
Enc: copy

25 4025

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 1, 1971

Re: Claim No. 95-4025

Mr. Wayne Vander Syde
345 S 58th, Space 86
Mesa, Arizona

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Very truly yours,

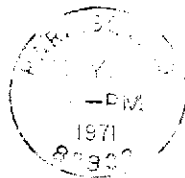
Dorian Clay
Appropriation Examiner

*He did not answer
question*

DC/bb
Enc: copy

95 4025

Vander Syde
Harrison Ida
83833



95 4025

Mr Donald W. Mc Eldowney personal
State of Idaho Dept of water admin.
Statehouse Annex 2
Boise Idaho
83707

State Dept of Water Admin. Mar 18, 1971
Boise Idaho

We have been wondering why
we hadn't heard from you
after we sent in our second
application for water right. We
haven't been getting the Coeur
d'Alene Press so don't know
if it was in the legal news.
He will be here until April 10
and hope we can hear from
you before we leave for home
as to whether Diamond
National Corp did contest it
in anyway this time. If we
can receive a water right on
for ~~land~~ ^{panch} east of CH Alene ~~me~~
Lake. Thank you
Wayne Vander Syde
345 So. 58th
Space 86
Mesa Ariz
85206

permanent address
Harrison Id.
83833

95 4025

AFTER FIVE DAYS RETURN TO

Vander Sijpe
Harrison
Ida



ZIP CODE 02

83833

345 So. 58th Space 86
Mesa Arizona

State of Idaho
Dept of Water Admin
Statehouse Annex 2
Boise Idaho 83707

95 4005

November 6, 1970

Re: Claim to a Water Right No. 95-4025

Wayne & Irene Vander Syde
Route 2
Harrison, Idaho 83833

Dear Mr. & Mrs. Vander Syde:

Pursuant to your letter of November 4th, please find enclosed a claim form for your use in filing an amended claim to a water right. The Department will publish a notice of the amended claim in the Coeur d'Alene Press. However, there will be no extra charge to you.

Regarding your contacting an attorney, the Department cannot advise you in this matter. However, it might be to your advantage where property rights are concerned.

If we may be of further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

95 4025

Donald Mc Eldorney
Dept. of Water Admin.
Boise Idaho

Nov 4
~~Oct 21~~, 1970

Dear Sir:

In answer to your letter of Oct 20,
Please do send another form
for us to file an amended
claim on.

We wrote to Diamond National who
bought the land from us, to put
it in writing that they would
allow us to get a water right ~~but~~
as they had said we could, but
they answered us to contact their
attorney. I have a copy of the
second agreement they wanted us
to sign where it was in writing
but further on, there ^{was a} paragraph,
that their use of the spring
would take precedence over
our use of it so it was
reputed. But verbally they

paid many times they would
allow us to get a water
right & before the sale was
made.

Sincerely yours,

Wayne & Irene VanderSyde
Harrison Ida
Rt 2 83833

P.S.

Perhaps we should contact
their attorney or should we
get our own & let him
talk to their attorney? or
should we wait & see
what they do about this
amended claim. will it
be put in the newspaper
again?

35 4025

October 27, 1970

Re: Claim to a Water Right No. 95-4025

Wayne & Irene Vander Syde
Route #2
Harrison, Idaho 83833

Dear Mr. & Mrs. Vander Syde:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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

Enclosures: Copy of claim
Receipt No. 5079

95 4025

October 20, 1970

Re: Claim to a Water Right No. 95-4025

Wayne & Irene Vander Syde
Route # 2
Harrison, Idaho 83833

Dear Mr. & Mrs. Vander Syde:

In reference to the above claim, the enclosed is a copy of an exception filed by Mr. Paul D. McCabe in behalf of Diamond International Corporation. The following is a quote from the provisions under which this claim has been filed (Section 42-225b, Idaho Code):

"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 we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

95 4025

DWM:DR
Enc: Copy of exception

October 20, 1970

Re: Claim to a Water Right No. 95-4025 - Wayne & Irene
Vander Syde

Mr. Paul D. McCabe
MCCABE & FRAZIER
P.O. Box 1338
Coeur d'Alene, Idaho 83814

Dear Mr. McCabe:

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, Idaho Code):

"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 we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

95 4025

DWM:DR

October 13, 1970

Mr. Wayne Vander Syde
Harrison, Idaho
83833

Dear Mr. Vander Syde:

As requested in your September 9, 1970, letter, please find enclosed this department's assignment form for your use.

If we may be of any assistance in helping you to complete this form, please feel free to contact us.

Very truly yours,

Dorisa Clay
Appropriation Examiner

DC:cm

Enc: assignment form

85 4025

McCABE & FRAZIER

ATTORNEYS - AT - LAW

204 First Federal Savings & Loan Building
COEUR D'ALENE, IDAHO 83814

PAUL D. McCABE
DAVID A. FRAZIER

October 9, 1970

RECEIVED

Department of State Administration

P. O. BOX 1338
AREA CODE 208
PHONE 667-7444

The Idaho Department
of Water Administration
Statehouse
Boise, Idaho

Re: Application for water right-#95-4025

Gentlemen:

On behalf of Diamond International Corporation, a protest is made to the application by Wayne and Irene Vandersyde for the water right above described.

The grounds for protest are that the water diverted is private waters belonging to and located upon the property of Diamond International Corporation; that said water and its appropriation are subject to an agreement in writing between the Diamond International Corporation and the Vandersydes, dated August 21, 1970, and the rights of the parties as concerns the water and its usage are contained therein; that said notice indicates that the place of use of said water may be upon the property of the Diamond International Corporation.

Yours truly,

McCABE & FRAZIER



Paul D. McCabe

PDM/mp

95 4025

95-4025 State of Idaho i Sept 1, 1970
Department of Water Admin
Boise, Ida.

Former owner of this ranch;
Mr ^{Plex} Kirk just returned
from his vacation to

Mexico etc so I got
his signature & witnessed
on the ^{approve} length of time
that he established water
usage of our spring.

His brother, who helped him
develop the springs said
it was in 1952 but

I wrote the same year
here ¹⁹⁵⁵ that we knew for
sure of & showed in our application.

Please file these

RECEIVED

SEP 9 1970

Department of Water Administration

85 4025

along with the other papers
statements, This one
and the one ~~one~~^{copy} sent
in before by Mr Shannon
Caple, (whose parents
homesteaded the ranch
next to this one)

Will these statements do as they are or
should we have gotten the signatures
notarized?

Sincerely yours,

Wayne Vander Syde
Pt 2

Harrison

Idaho

P.S. we are thinking of
selling this ranch - will
the new owner's name have
to be recorded there too or our
transference of our water right?
that we may have.

\$5 4025

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 95-4025**

Notice is hereby given that Wayne and Irene Vander Syde, Route 2, Harrison, Idaho have 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 Turner Ridge (two springs) with point of diversion in the SE¼ of Sec. 29, T. 49N, R. 3W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stock water purposes with a priority of 1955; the place of use is within the SE¼ of Sec. 29, T. 49N, R. 3W, 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

Sept 24, Oct. 1, 1970

September 16, 1970

Re: Claim No. 95-4025 - Wayne & Irene Vander Syde
Appl. No. 95-7123 - Wilho E. Williams

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 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. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Legal notices (2)

Bill submitted 10-14-70 By ds

95 4025

NOTICE OF CLAIM TO A WATER RIGHT

No. 95-4025

Notice is hereby given that Wayne and Irene Vander Syde, Route 2,
Harrison, Idaho, have
~~was~~ filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.02 cubic feet per second ~~444/444~~
of water from Turner Ridge (two springs)
with point of diversion in the SE $\frac{1}{4}$ of Sec. 29, T. 49N, R. 3W, B.M.,
Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic and stock water purposes
with a priority of 1955;
the place of use is within the SE $\frac{1}{4}$ of Sec. 29, T. 49N, R. 3W, 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 September 24 and October 1, 1970.

95 4025

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

July 28, 1970

Mr. Wayne Vander Syde
Route #2
Harrison, Idaho 83833

Dear Mr. Vander Syde:

We are in receipt of your claim to a water right. In reviewing this claim, we find it to be in order. However, you have neglected to submit the required \$10.00 filing fee. As soon as we are in receipt of this fee, we shall begin the processing of the claim form.

If we can be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay

Dorian Clay
Appropriation Examiner

DC/cm

85 4025

The were held up because we were waiting to get a statement from Glen Kirk, former owner of this ranch. He is still gone on vacation so we decided to just inclose this ~~order~~ statement by Shannon Cople who has owned the adjoining ranch for many many years.

The will send Mr Kirks affirmation as to the length of time he used this spring water when he returns. Please file with application or claim

NO Fee

RECEIVED
JUL 20 1940

Department of Water Administration

We will get some notarized
statements by older residents
to verify the use of the springs
for at least 15 years and
send to you if it would add

95 4025

to the verification of
our claims

Sincerely
Wayne & Irene Vander Syde
Harrison Ida

95 4025

95833