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Identification No.

Claim No.

Map No.

95-4020 P

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 Orland A. Scott
post office address 712 Foster Avenue, Coeur d'Alene, Idaho 83814
2. The point of diversion is in S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ Section 15 Township 49 N/
Range 4 West B.M. located on (unnamed spring) ej
(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:

July 1, 1929 amount: total flow f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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: Domestic ej

use Total flow period of use from April 1st to Dec. 31st (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

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

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 _____
_____ ;

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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 _____feet; maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches; type of pipe _____; grade of pipe per 1000 feet is _____.

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

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 _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated.

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

b. Do you get water through a ditch owned by several users? _____ 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 one family only 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: DETAILS OF CLAIM.

A small spring developed to its full capacity for private domestic use only. In the summer of 1929 we noticed a small water seepage coming from the west bank of an old, normally dry watercourse down which water flows from the spring freshet from about April 1st to June 15th. Thinking this might be a living spring we cut into the bank a few feet and finding the soil still damp we dug straight down until we hit bed-rock. On bed-rock we cleared away the debris from an area roughly ten feet in diameter. Water was bubbling from the bed-rock- pure, cold spring water. We then built a rock wall, resting it on bed-rock, to a height of four feet, On top of the rock wall we built a log cribbing four feet in height with rafters and shake roof. Roof extended two feet beyond the log cribbing. This provided a storage tank for the water. Until 1932 we carried water from the spring to the house in pails. In 1932 we piped the water from the spring to the house via an iron pipe $\frac{3}{4}$ in , a distance of 700 ft, later replacing the iron pipe with a 1 in plastic pipe, still in use. In 1963 we removed the log cribbing and rock wall replacing it with curved cement blocks. It is covered with a fitted cement cap, removable but under lock. This cement tank has an approximate capacity of 400 gallons with a cut off for graduated winter drainage

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

9-23-69
(Date)

Orlando A. Scott
(Signature of Claimant)

State of Idaho

County of MOITEN } ss.

On this 23 day of September 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Joan E. Arin
Notary Public residing at Coen d' Alen

My commission expires 1-1-70

For Department Use Only

Received by <u>ef</u>	Date <u>9-23-69</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>DeW</u>	Date <u>9-23-69</u>			
Fee received by <u>ef</u>	Date <u>9-23-69</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>D</u>				
Published in <u>Coen d' Alen</u>	Dates <u>10-2-69</u>			

95' 4020

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 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.

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

STATE OF IDAHO, } ss.
County of Kootenai, }

Callie Pontner, 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

Native & Claim To a Water Right
95-4020 - Orland G. Scott

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 2 day of October, 1969, and ending on the 9 day of October, 1969.

Subscribed and sworn to, before me, this 9 day of October, 1969.

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

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 95-4020

Notice is hereby given that Orland A. Scott, 712 Foster Ave., Coeur d'Alene, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of the total flow of water from an unnamed spring with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 49N, R. 4W, B.M., Kootenai County; the water is claimed to be used from April 1 to December 31 for domestic with a priority of July 1, 1929; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 49N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Oct. 2, 9, 1969.

Department of Reclamation
95-4020
Bill submitted
10-22-69 de

October 27, 1969

C
Re: Claim to a Water Right No. 95-4020

O
Mr. Orland A. Scott
712 Foster Avenue
Coeur d'Alene, Idaho 83814

Dear Mr. Scott:

P
Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim has been filed under Claim No. 95-4020, please refer to this number when adding information to your claim.

Y
You should be aware that the filing of this claim completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225 a and b of the Idaho Code. Your claim will be filed and will remain of public record until such time you or a court may need the information.

Enclosed is departmental receipt #3648 in the amount of \$10.00 covering the filing fee for the claim.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Receipt #3648
Copy of claim

95-4020

October 17, 1969

Re: Claim to a Water Right No. 95-4020 - Orland A. Scott

Coeur d'Alene Press
2nd and Lakeside
Coeur d'Alene, Idaho

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on October 2 and 9, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

95-4020

NOTICE OF CLAIM
TO A WATER RIGHT
No. 95-4020

Notice is hereby given that Orland A. Scott, 712 Foster Ave., Coeur d'Alene, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of the total flow of water from an unnamed spring with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 49N, R. 4W, B.M., Kootenai County; the water is claimed to be used from April 1 to December 31 for domestic with a priority of July 1, 1929; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 49N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Oct. 2, 9, 1969.

September 24, 1969

Re: Claim to a Water Right No. 95-4020 - Orland A. Scott

Coeur d'Alene Press
Coeur d'Alene,
Idaho

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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

664-8176
called
10-2-69
ds

95-4020

NOTICE OF CLAIM TO A WATER RIGHT

No. 95-4020

Notice is hereby given that Orland A. Scott, 712 Foster Ave.,
Coeur d'Alene, Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of the total flow
of water from an unnamed spring
with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 15, T. 49N, R. 4W, B.M., Kootenai County; the water is
claimed to be used from April 1 to December 31 for domestic
with a priority of July 1, 1929:
the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 15, T. 49N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho,
on October 2 and October 9, 1969.

R.A.

95-4020

712 Foster Avenue,
Coeur d'Alene, Idaho. 83814
September 22, 1969.

Mr. Keith Higginson,
Department of Reclamation,
Statehouse ---Annex 2
Boise, Idaho.

Dear Mr. Higginson:

Enclosed please find application for " CLAIM TO A
WATER RIGHT " and check for \$10.00 filing fee.

Since this is an application for " Claim to a Water
Right " for a spring developed for domestic use only
I have explained the details of discovery and develop-
ment under REMARKS.

I trust everything necessary has been covered in the
application.

Yours sincerely,

Orland A. Scott

Orland A. Scott

RECEIVED
SEP 23 1969

Department of Reclamation

95-4020