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Documents
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Identification No. 95-4007 P
Claim No. 42471
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 Wesley Nelson
post office address S 1624 S.E. BLVD. Spokane, Wash
2. The point of diversion is in 2325 ^{1/4} of 1/4 Section 7 Township 51 N
Range 5 W B.M. located on Hot Spring (name of source)
tributary to HAUSER LAKE in HOOTENAI 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: Water used on property
1909 - in house - amount: .06 c.f.s. or _____ acre feet
Used by Nelson - amount: _____ c.f.s. or _____ acre feet
since 1938 - amount: _____ c.f.s. or _____ acre feet
Total claimed .06 c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use DOMESTIC period of use from Jan 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of WOODEN TANK, FILLED BY PIPES FROM SPRING, PIPES TO HOUSE; length is _____ feet; height is _____ feet; width at bottom is _____ feet; with 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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_____! if so, give dates and explain

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 _____feet; diameter of pipe line is _____inches;

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

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

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

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.

(Date)

Washington
State of Idaho

County of Spokane) ss.

On this 13 day of April 1964, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

(Signature of Claimant)

Notary Public residing at

My commission expires

For Department Use Only

Received by ep Date 4-28-68

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by JKM Date 4-29-68

Fee received by sp Date 4-29-68 Fee \$ 10.00

Approved for publication by BS 5-6-68

Published in Grand Army Dates 5-16-23

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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.

AFFIDAVIT

being first duly sworn,

I know water has been used at Woodland Beach area for Domestic use. Supplied by same natural spring, since the year of 1939

Lots 21 , 23 , 24 and tax no. 5578 (No lot no.)

Lot 21 = Dick Nelson =

23-24 = Total - 5578 = Audrey McCray Freeman

(Mrs Don) Lorraine Kamps
(signature)

Subscribed and sworn to before me this 22nd day of April 19 68.

Hetcher M. Rollis
(Notary Public)

Residing at Forest Falls - Idaho

My commission expires 11/24/70

95-4007

),

AFFIDAVIT

))

being first duly sworn,

~~Information on this page has been removed from the public version of this document.~~

Albert H. Nelson
(signature)

C. Agnes Luchini

(Notary Public)

Residing at Fort Falls Idaho.

My commission expires 5-13-70.

95-4007

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

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

Callie Pantner, 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 Water Right Claim -
Dick Nelson

of which a printed copy is annexed hereto, was published in all the regular *Thursday* ~~Wednesday~~

weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *16* day of *May*, 196*8*, and ending on the

23 day of *May*, 196*8*.

Callie Pantner
Subscribed and sworn to, before me, this *23* day of *May*

196*8*.

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

bill submitted 5-29-68

**NOTICE OF CLAIM TO A
WATER RIGHT**
No. 95-4007

Notice is hereby given that Dick Nelson, S. 1624 S. E. Boulevard, Spokane, Washington has filed a claim to a water right established by diversion and application to beneficial use of .00 cubic feet per second of water from a spring, tributary to Hausser Lake with point of diversion in Lot 25, sec. 7, T. 51 N, R. 5 W, B. M., Kootenai County; the water is claimed to be used from January 1 to December 31 for domestic use with a priority of 1909 for .00 cubic feet per second; the place of use is Lot 25, Sec. 7, T. 51 N, R. 5 W, B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation:
R. KEITH HIGGINSON
State Reclamation Engineer
May 16, 23, 1968

RECEIVED

MAY 24 1968

Department of Reclamation

95,4007

RECEIVED

KOOTENAI COUNTY ASSESSOR

COURT HOUSE

COEUR D'ALENE, IDAHO 83814

95-4007

MAY 4 1981

Department of Water Resources

MESSAGE

TO

Ms. C. Hopingardner
Water Use Data System
Department of Water Resources
State Office, 450 W. State St.
Boise, ID 83720

DATE May 1, 1981

Per your letter of April 28, 1981,

I am not sure what your asking, but

Lot 25 Wildwood Addition is located

in a subdivision of Gov't. Lot 2

of Sec. 7, Twp. 51N, Range 5W.B.M.

SENE

BY

Grace Singer, Secretary

REPLY

DATE

SIGNED

April 28, 1981

County Courthouse
Assessor's Office
501 Govt. Way
Coeur D'Alene, ID 83814

Dear Sir:

I need to locate the 40 acre tract which contains Lot 25;
Wildwood Addition; Sec. 7; Twp. 51N; Rng. 5W; Kootenai County.
Please send the information as soon as possible.

Thank you, in advance, for your assistance.

Sincerely,

Ms. C. Hopingardner
Water Use Data System

CJH:ch

August 25, 1969

RE: Claim No. 95-4007
Dick Nelson

Peter B. Wilson
Attorney at Law
P. O. Box 1148
Coeur d'Alene, Idaho 83814

Dear Mr. Wilson:

Per your letter of August 19th, please find enclosed a copy of the above referenced claim. You will find also enclosed Departmental Receipt No. 3542 in the amount of \$2.00. This covers the fee for the copies.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

95-4007

WILSON & WALTER

ATTORNEYS AT LAW

PETER B. WILSON
NEIL O. WALTER

GARY HAMAN, ASSOCIATE

205 W. KOOTENAI
PHONE AN 7-3127
AN 7-3128
P. O. BOX 749
BONNERS FERRY, IDAHO — 83805

117 SOUTH FOURTH STREET
PHONE MO 4-9185
P. O. BOX 1148
COEUR D'ALENE, IDAHO — 83814

PLEASE REPLY TO Coeur d'Alene OFFICE.

August 19, 1969

Department of Reclamation
Statehouse Annex Number 2
Boise, Idaho
83707

Attention: Mr. Dean R. Reynolds

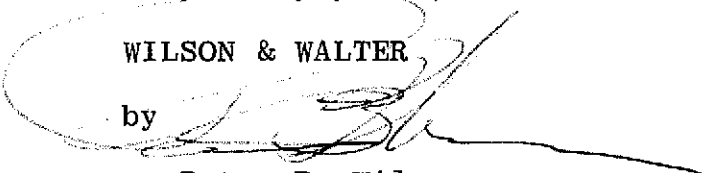
Dear Mr. Reynolds:

Re: Dick Nelson, Claim #95-4007

On May 31, 1968, you filed a "Claim" in the above matter. Could you please send me a photocopy thereof? Enclosed is our check in the amount of \$2.00 to apply to the cost thereof.

Very truly yours,

WILSON & WALTER

by 

Peter B. Wilson

PBW:ss

Enc.

Department of Reclamation

95-4007

May 31, 1968

Re: Claim No. 95-4007

Dick Nelson
S. 1624 S.E. Boulevard
Spokane, Washington

Dear Mr. Nelson:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 95-4007.

Enclosed is receipt No. 814 for the amount of \$10.00 for your filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:KS

Enclosure: Receipt No. 814 for \$10.00

95-4007

May 6, 1968

Re: Claim No. 95-4007
Dick Nelson

The Coeur d'Alene Press
Second and Lakeside
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 can not 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 same has been paid.

(Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: legal notice

NOTICE OF CLAIM TO A WATER RIGHT

No. 95-1007

Notice is hereby given that Dick Nelson, S. 1624 S.E. Boulevard,
Spokane, Washington has filed a claim to a water right
established by diversion and application to beneficial use of .06
cubic feet per second ~~acre/foot~~ of water from a spring, tributary to Hauser
Lake with point of diversion in 1/4 Sec. 7, Lot 25,
Sec. 7, T. 51 N., R. 5 W., B.M., Kootenai County; the water is
claimed to be used from January 1 to December 31 for domestic use
with a priority of 1909 for .06
cubic feet per second; the place of use is Lot 25, Sec. 7, T.
51 N., R. 5 W., 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 May 16 and May 23.

95-4007