

Claim No. 87-10032

RECEIVED
SEPT 1 1994
DEPARTMENT OF
WATER RESOURCES

71404
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED RECEIVED
JAN 20 2004 FEB 10 2004
IDWR/North IDWR/North

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that ELMER A. ROGERS & BRENDA A. ROGERS
(Name of Claimant)
1292 MARSHAL ROAD, VIOLETTA ID. 83872 Telephone No: 208-882-4411
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 5-1-92
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, *Idaho Code*.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

FLANIGAN CREEK GRADATION tributary to BOLOUSE RIVER

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(cfs or af) (Irrigation, Domestic, Stock, Etc.) (Both dates inclusive)
(MM/DD) (MM/DD)
11/12/91 1-15-03

Quantity	Use	Period of Use From	to
<u>0.02 CFS</u>	<u>DOMESTIC</u>	<u>5-1-92</u>	<u>PRESENT</u>
Quantity	Use	Period of Use From	to
Quantity	Use	Period of Use From	to
Quantity	Use	Period of Use From	to

4. 0.02 CFS TOTAL QUANTITY USED:
(cfs or af)

5. A) Location of point of diversion is NW 1/4 S1E 1/4 of N1E 1/4 of N1E 1/4 Govt. Lot
Sec. 34 Township 41N Range 5W B.M., LATAH County;
additional points of diversion, if
any: PD IS ON LINE BETWEEN NW 1/4 S1E & NW 1/4 S34 T41N R5W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

N/A THE WATER IS PUMPED FROM THE WELL WITH A 1/2 HP.
PUMP TO A PRESSURE TANK. THE HOUSE, APPROX 100' FROM THE
PRESSURE TANK, IS THEN FED BY A 1" POLY WATER LINE.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
4WSW	34					55													55.75
			D			D													

TOTAL ACRES 55.75

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. THE WATER USE IS FOR DOMESTIC USE ONLY

NOTE: Include here the type and number of stock watered: _____

7. Remarks: _____

8. Map — Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of IDAHO)
County of LATAH) 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 affiant's knowledge.

Christ Rogers / Pamela A Rogers
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 15 day of January, 2004.



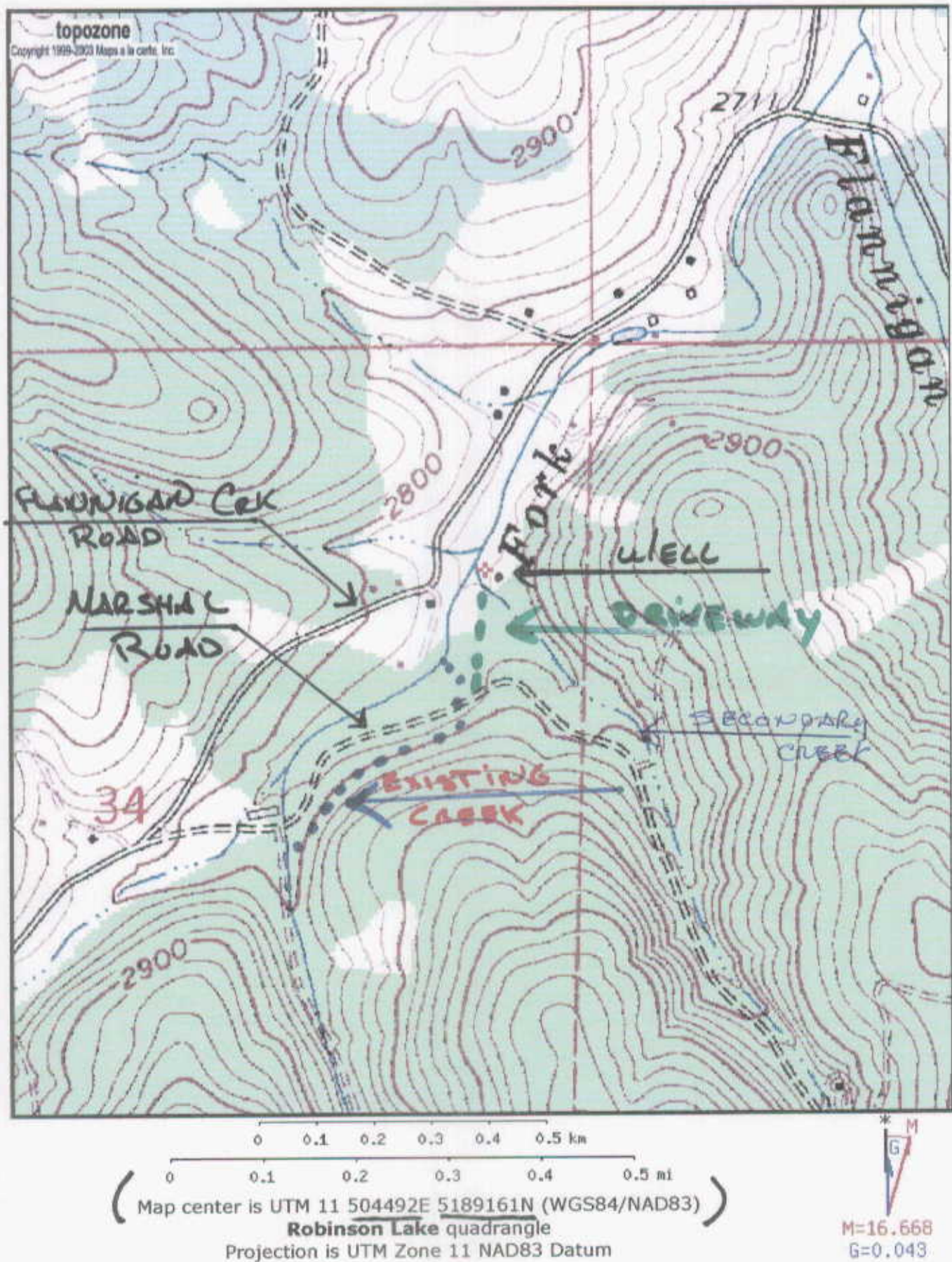
Seann Sinclair
Notary Public

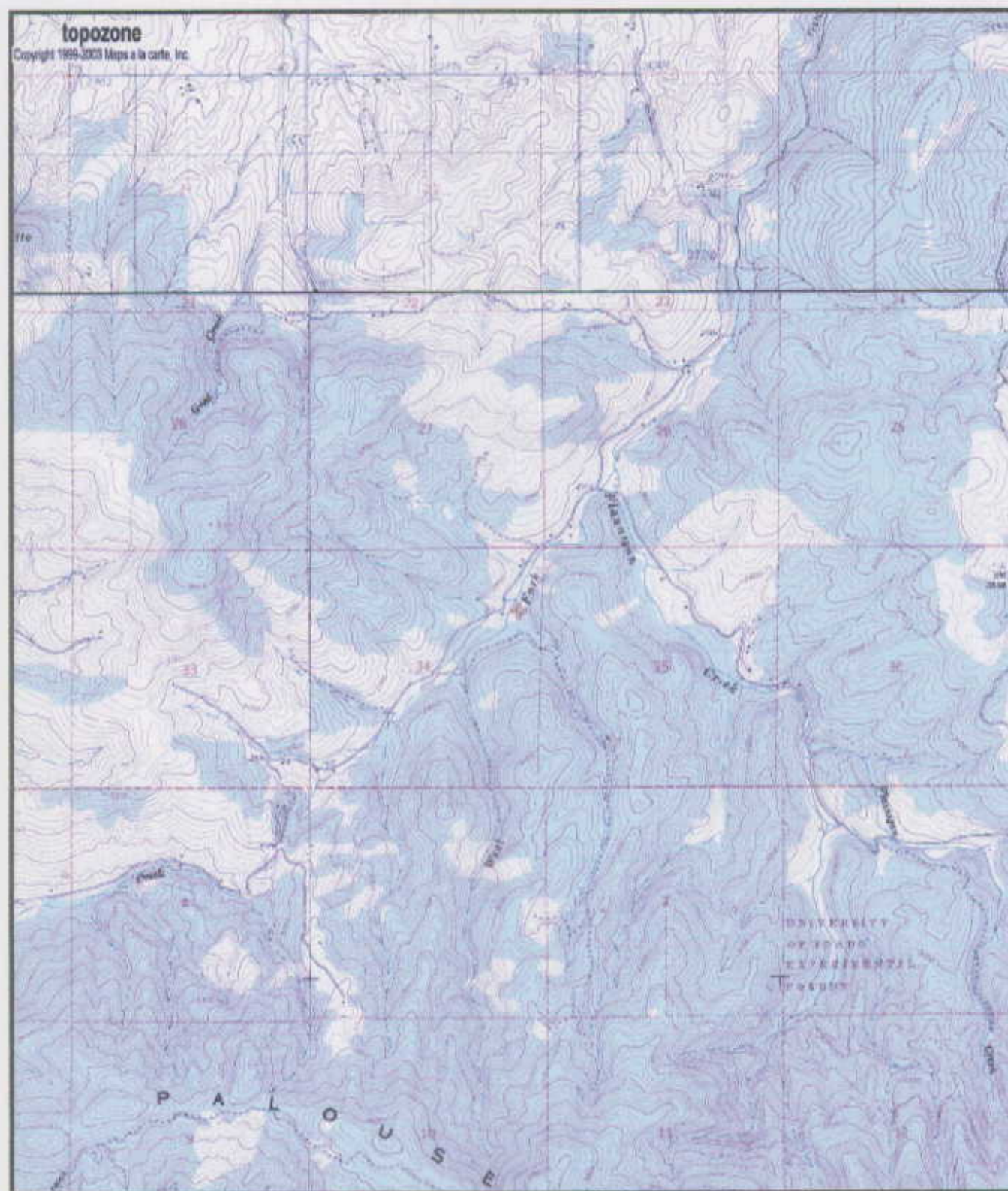
Residing at: Moscow

My commission expires: 12/12/09

FOR DEPARTMENT USE ONLY

Received by Moscow Pullman Daily News Date 1/20/04 Published _____ In _____
Prelim. check by _____ Date _____ Publication dates 8/5 & 12/04
Fee 2100.00 Receipt # NO16064 Publication checked by db Date 8/30/04 ak
Receipt prepared by B Date 1/20/04 Exceptions filed by _____





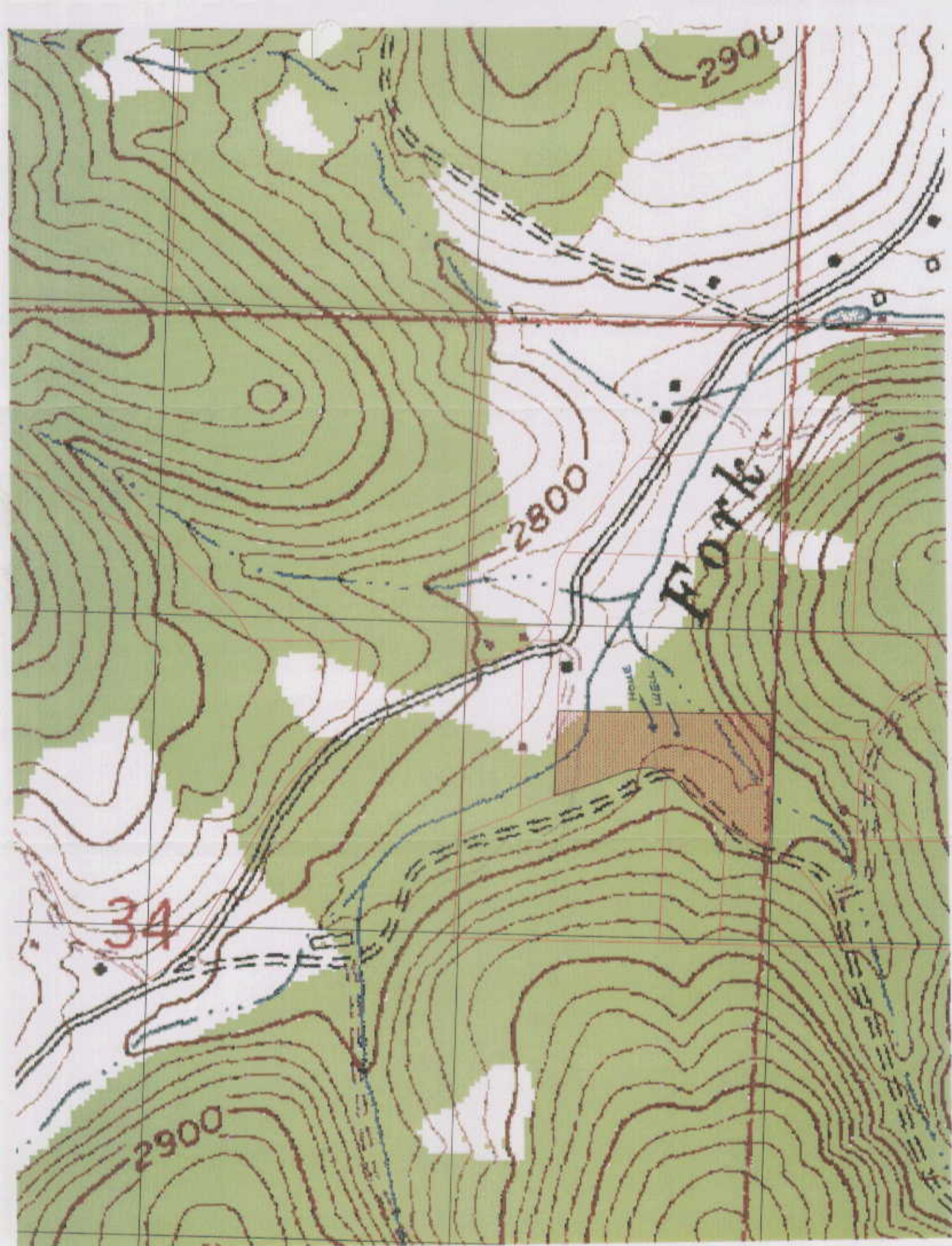
0 0.7 1.4 2.1 2.8 3.5 km
0 0.5 1 1.5 2 2.5 mi

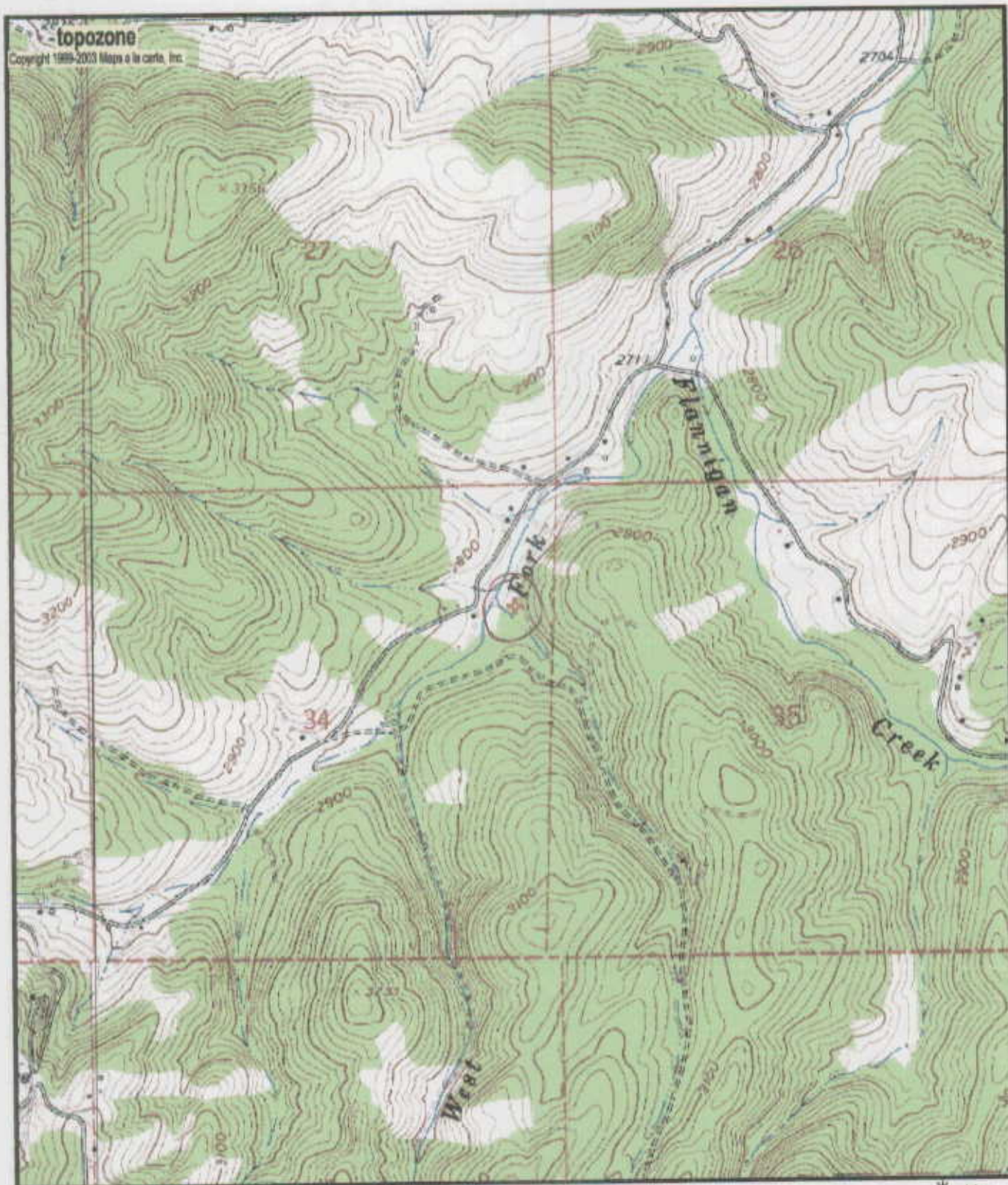
Map center is UTM 11 504492E 5189161N (WGS84/NAD83)

Robinson Lake quadrangle

Projection is UTM Zone 11 NAD83 Datum

* M
G
M=16.668
G=0.043

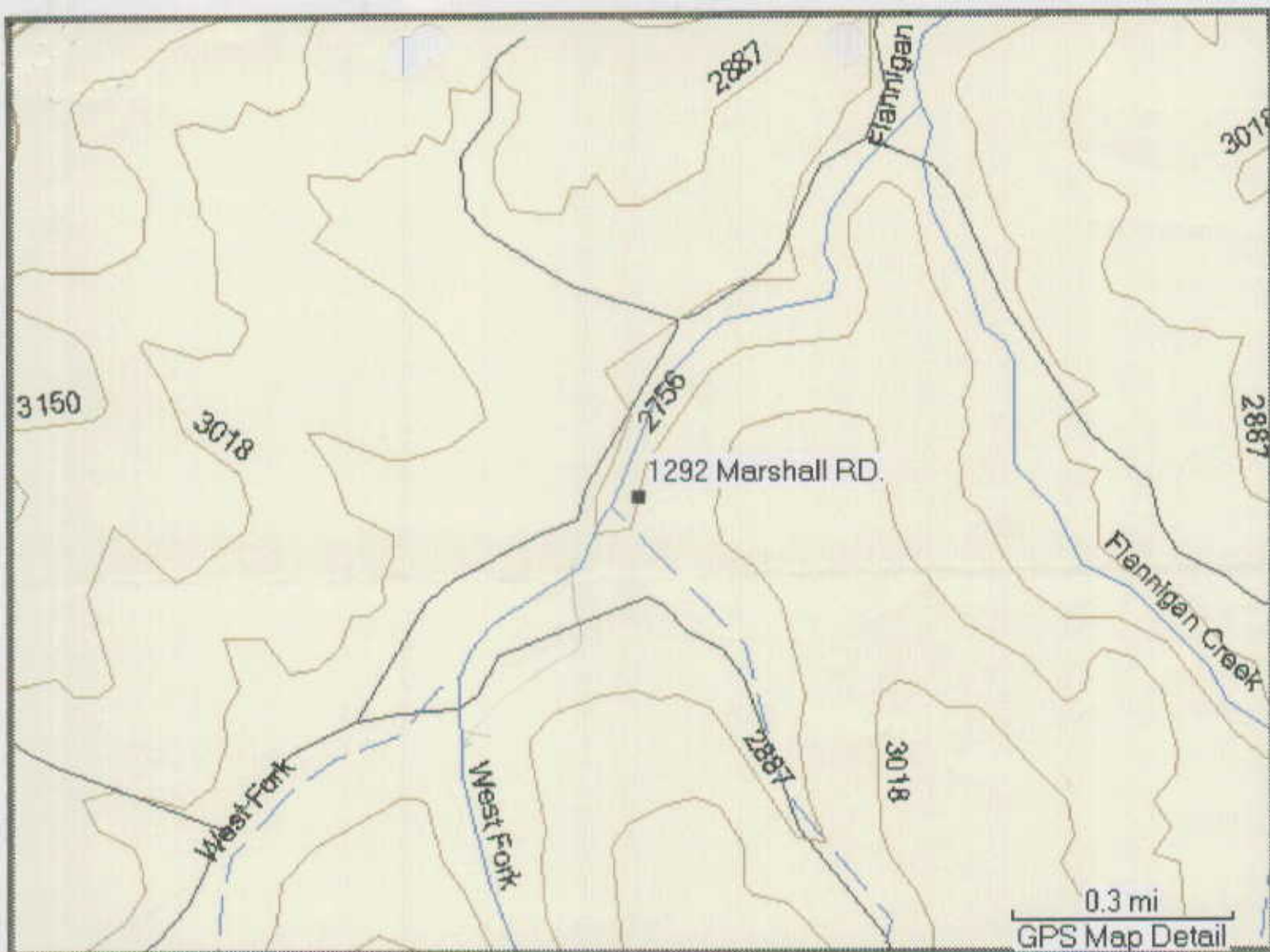


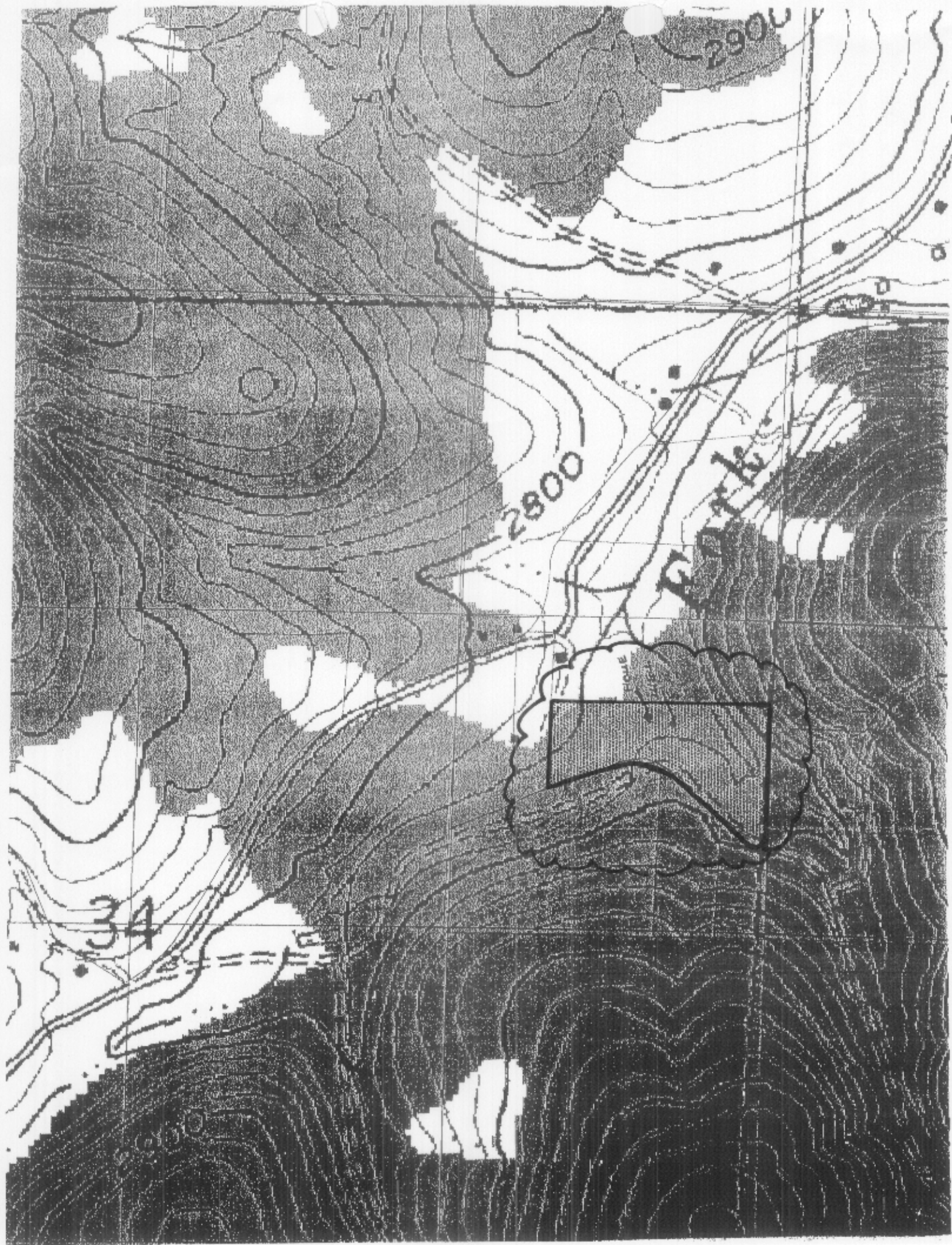


0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

Map center is UTM 11 504533E 5189149N (WGS84/NAD83)
Robinson Lake quadrangle - TopoZone Pro elevation display
Projection is UTM Zone 11 NAD83 Datum

M
G
M=16.71
G=0.043

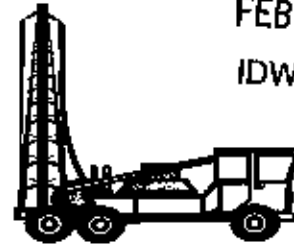




RECEIVED

FEB 10 2004

IDWR/North



To: Mr. Allen Beardslee

From: Elmer A. Rogers
1292 Marshal Road, Viola Idaho

Topic: Location of home and well

Date: 2/05/2004

Dear Mr. Beardslee,

Thank you for your time and response to our request for a **water right**.

I have marked on your map the location of our home and the well. I never have been any good at doing the $\frac{1}{4}$ of this and the $\frac{1}{4}$ of that, so I must apologize for my error.

My wife Pam shared our concerns with you pertaining to this application and finds it to be in our better behalf we do so. I am a member of PBAC (Palouse Basin Aquifer Committee) and WIRA 34 (Palouse Watershed Inventory) planning committee, so I am aware of the ground water, aquifer situation not only at hand, but also the concerns in the years to come.

She also mentioned the fact concerning all the new homes being built in the area that forced us to drill a new well. It was to the point, should we shower today, do laundry, or water the garden. It was not that way when I purchased the property. We found that after the fire we had in the area last summer, the four residences that were burnt out no longer used water. We found that during the absence of use we had plenty of water. This is another reason for the need to drill a new well and to assure our property of water now and in the future by the **water right**.

I hope we shall never have to exercise this right, but we look at it as a sort of insurance for us and our children and a just one of the many privileges we have living in the State of Idaho.

My wife and I thank you so much for addressing our needs and the filing our **Claim to a Water Right**.

Respectively,
Elmer Rogers
Pamela Rogers

Elmer Rogers
Pamela Rogers



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREIER
DIRECTOR

February 3, 2004

Mr. Elmer Rogers
1292 Marchal Road
Viola ID 83872

RECEIVED
MAY 11 2004
IDWR/North

RE: Returning Claim to a Water Right for additional information

We are writing to return your Claim to a Water Right as we need additional information to process it.

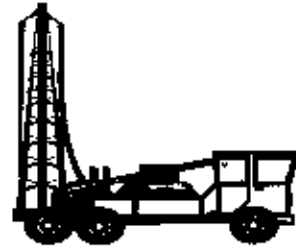
I spoke with Mrs. Rogers on the above date and changed the source from Flanigan Creek to "Groundwater" as she said your source of water was from a drilled well.

The rest of the Claim looks good, except for the $\frac{1}{4}$ $\frac{1}{4}$ information doesn't match the mark on the map. Please find the enclosed map that I made for you which shows your property highlighted in red. Please mark this map where your well is located and where your home is.

We will be happy to process your filing upon it's return to our office. Please don't hesitate to call if you have any questions, or if I can be of further assistance.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent



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Date: 2/05/2004

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*My wife and I thank you so much for addressing our needs and the filing our **Claim to a Water Right**.*

Respectively,
Elmer Rogers
Pamela Rogers



RECEIVED
MAY 11 2004
IDWR/North

Dear Allen,

May 10, 2004

I am not really sure why the map shows the way it does. Enclosed you will find a copy of the land description that you sent me. I marked where the home and well is and then got to looking that it was on the wrong side of the creek that flows next to the house.

On the Robinson Lake map you can see where the creek supposedly flows north and crosses the Marshal Road then North Easterly. Actually the creek does not cross until it reaches our property. I made the correction in "blue". Our driveway in "green" is approximately 100 yards long and crosses the secondary creek before you reach our home. The well is just a few short yards behind "south" of the home. The Marshal Road does not look like it was recorded in the right place. In any case I am sending you a copy of where I feel our home is, and a copy of the copy you sent me with your location description.

Thank you so much for your time and effort in this. It means a lot to my wife and I.

Respectively,

Elmer & Pam Rogers

Elmer & Pam Rogers
1292 Marshal Road
Viola, Id 83872

Ps: Also enclosed is a copy of the letter I sent with the second paper work in Feb.

Thank you again.

home phone - 208-882-7411

work phone - 509-397-9606



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 28, 2004

ELMER A ROGERS
PAMELA A ROGERS
1292 MARSHAL RD
VIOLA ID 83872

RE: Water Right Claim No 87-10032

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the Moscow Pullman Daily News on August 5 and 12, 2004. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 28, 2004 11:55 AM
To: Legal Notices-MoscowPullmanDailyNews (E-mail)
Subject: CoverLetter 07-28-04 MP with Legal - e-mailed as text 87-10032

A good day to you, Lorraine. This is a second legal notice for publication on August 5 and 12, 2004. This will run as a separate legal notice from the other one e-mailed to you a few minutes ago. Again, if you have **any** questions, please call me at 208-760-1450.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

July 28, 2004

~PLEASE FAX PROOF PRIOR TO PUBLICATION~

LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843

e-mailed with legal as text 7/28/04

RE: Statutory Claim No. 87-10032

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, August 5 and 12, 2004, (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 08/23/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

7/28/2004

The following claim(s) have been filed based on diversion and beneficial use of water:

87-10032

ELMER A ROGERS

PAMELA A ROGERS

1292 MARSHAL RD

VIOLA ID 83872

Point(s) of Diversion SENE S34 T41N R05W LATAH County

Point(s) of Diversion NENE S34 T41N R05W LATAH County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Priority Date: 5/1/1992

Place Of Use: DOMESTIC T41N R05W S34 NENE SENE

Exceptions to a claim may be filed with the Department of Water Resource,
Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814
together with an exception fee of \$25.00.

KARL J DREHER, Director Published on August 5 and 12, 2004

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

July 28, 2004

~PLEASE FAX PROOF PRIOR TO PUBLICATION~

LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843

e-mailed with legal as text 7/28/04

RE: Statutory Claim No. 87-10032

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An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/23/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: jhites@cnnews.com
Sent: Wednesday, July 28, 2004 3:30 PM
To: Ball, Dianne
Subject: Re: CoverLetter 07-28-04 MP with Legal - e-mailed as text 86-11921

>A good day to you, Lorraine. Following is our cover letter and the
>following page of this document is the legal notice - for publication on
>August 5 and 12, 2004. If you have ANY questions, please call me at
>208-769-1450. Thanks very much, Dianne
>
>DEPARTMENT OF WATER RESOURCES
>1910 NORTHWEST BLVD., SUITE 210
>COEUR D'ALENE ID 83814
>Phone 208-769-1450 - FAX - 208-769-1454
>
>~ PLEASE FAX A PROOF PRIOR TO PUBLICATION ~
>Please "reply" to this e-mail to let me know if you received it ok. Thanks.
>
>
>July 28, 2004
>
This message is to let you know that we recieved both emails. Everyting
appears to be in order.

Ron Nickels
Moscow-Pullman Daily News

The following claim(s) have been filed based on diversion and beneficial use of water:

87-10032

ELMER A ROGERS
PAMELA A ROGERS
1292 MARSHAL RD
VIOLA ID 83872

Point(s) of Diversion SENE S34 T41N R05W LATAH County
Point(s) of Diversion NENE S34 T41N R05W LATAH County
Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS

Priority Date: 5/1/1992

Place Of Use: DOMESTIC T41N R05W S34 NENE SENE

Exceptions to a claim may be filed with the Department of Water Resource,
Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814
together with an exception fee of \$25.00.

KARL J DREHER, Director Published on August 5 and 12, 2004

**Affidavit of
Publication**

STATE OF IDAHO
County of Latah ss

Lorraine Hudson
Legal Clerk

being first duly sworn, on oath depos-
es and says:

That she is the printer of Moscow-
Pullman Daily News, a newspaper of
general circulation, printed and pub-
lished daily except Sunday at
Moscow, Latah County, Idaho, in
compliance with Sections 60-106, 60-
107, and 60-108 of the Idaho Code
and the amendments thereto; that
the notice of which the annexed is a
full, true and correct printed copy was
published in the regular and entire
issues of said newspaper and not in
a supplement thereto, upon the fol-
lowing dates:

Aug 5, 12,
2004

the same being the date designated
for the publication of said notice.

Lorraine Hudson

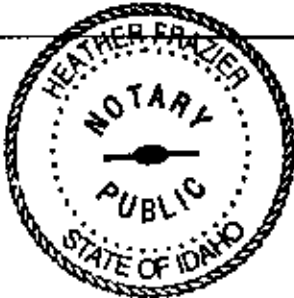
this 12 day of Aug
in the year of 2004, before a Notary
Public, personally appeared

Lorraine Hudson

known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn,
declared that the statements therein
are true, and acknowledged to me
that he executed the same.

Heather Frazier

Notary Public for Idaho
Residing at Moscow, Idaho
My Commission expires
10/02/07



RECEIVED
AUG 27 2004
IDWR/North

LEGAL NOTICE

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been filed based on diversion and
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Northern Region, 1910
Northwest Blvd, Suite 210,
Coeur D'Alene ID 83814 togeth-
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KARL J DREHER, Director
August 5 and 12, 2004