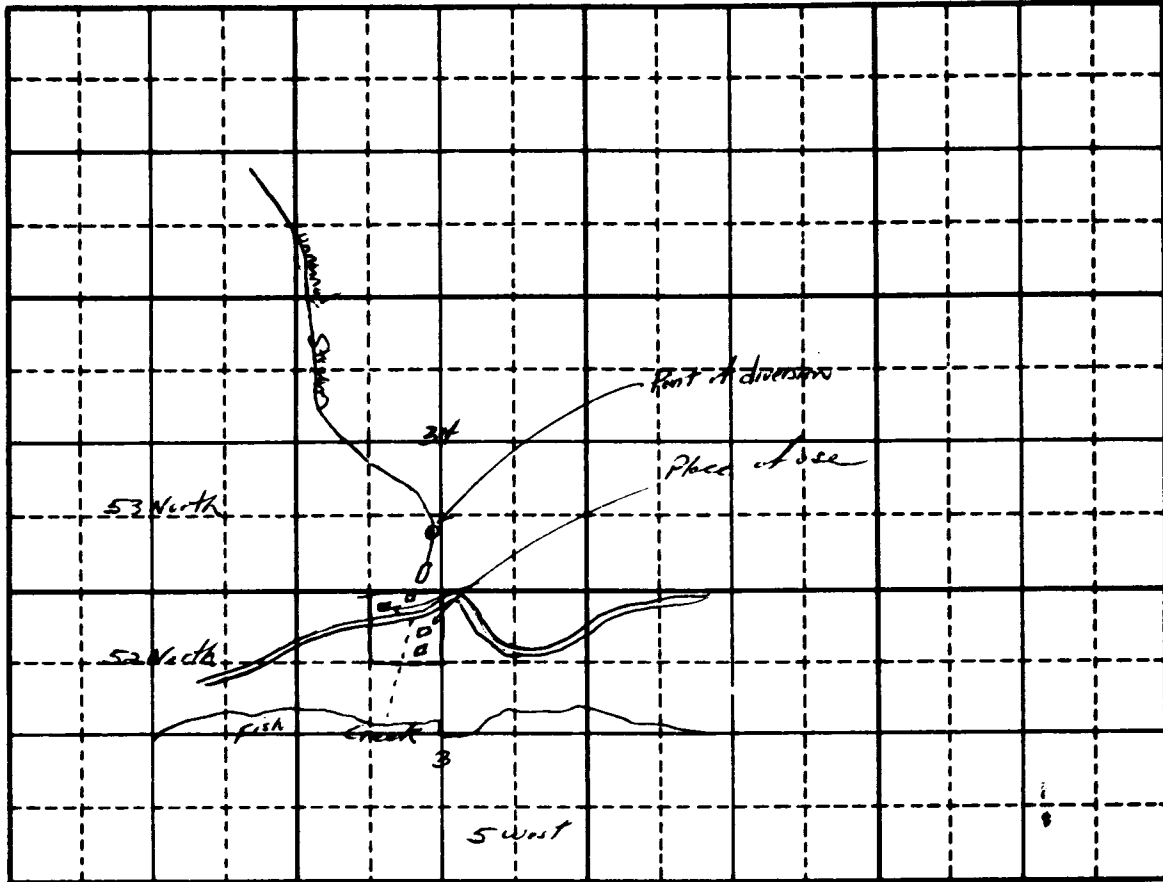


(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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

8TH

day of

April

Emm B. Easler
(Claimant) 1974

Notary Public

Residing at

C.A.

My commission expires

SEPT 11, 1974

For Department Use Only

Received by	TD	Date	4/8/74	Exception filed by:	Forwarded to	Date
Prelim. check by	TD	Date	4/8/74		claimant by:	
\$10.00 fee received by	TD	Date	4/2/74	#AG-23		
Approved for publication by	TD					
Published in	POST FALLS TRIBUNE					
Dates	4-18-74	4-25-74				

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 95-4249**

Notice is hereby given that Ervin G. Easterday, Box 159, Rathdrum, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.11 cubic feet per second of water from an Unnamed Stream, tributary to Fish Creek with point of diversion in the SE¼-SW¼, Sec. 24, T. 53N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and stock-watering purposes (0.03 cfs) with a priority of 1921; the place of use is within the NE¼NW¼, Sec. 3, T. 53N, R. 5W, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on April 18 and April 25, 1974.
4-18 2tc

AFFIDAVIT OF PUBLICATION

County of Kootenai }
STATE OF IDAHO } ss.

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the **NOTICE OF CLAIM TO A WATER RIGHT**

#95-4249 Ervin G. Easterday

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **two** consecutive issues, commencing

with the issue dated **April 18**, 1974

and ending with the issue dated **April 25**, 1974

Subscribed and sworn to before me, this **25th**

day of **April**, 1974

Imrie Luckman
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ **13.32**
(36)

95 4249

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4249

Notice is hereby given that Ervin G. Easterday,
Box 150, Rathdrum, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.11 cubic feet per second ~~acres feet per annum~~
of water from an Unnamed Stream, tributary to Fish Creek
with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 53N, R. 5W, B.M.,
Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
(0.08 cfs) and stockwatering purposes (0.03 cfs)

with a priority of 1921;
the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 52N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Post Falls Tribune, Post Falls, Idaho
on April 18 and April 25, 1974

95 4249

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 95-4249**

Notice is hereby given that Ervin G. Easterday, Box 150, Rathdrum, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.11 cubic feet per second of water from an Unnamed Stream, tributary to Fish Creek with point of diversion in the SE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 34, T. 53N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and stock-watering purposes (0.03 cfs) with a priority of 1921; the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 52N, R. 5W, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on April 18 and April 25, 1974.

4-18 2tc

OK
11-19-74
CP

95-4249

April 12, 1974

Re: Application No. 95-7436 Claim No. 95-4247
 " " 96-7270 " " 95-4248
 Claim No. 95-4246 " " 95-4249

Post Falls Tribune
Box 68
Post Falls, ID 83854

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. 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,

FRED EISENBARTH
Northern District Manager

Bill submitted 5-6-74 by cl

FE:cp

Enc: Legal Notices (6)

95 4249

PROTEST TO
Application No. 954249

RECEIVE

STATE OF IDAHO:
County of Kootenai: ss

Sidney H. Moore, being first duly sworn, deposes and
says:

I am Chairman of East Greenacres Irrigation District
and make this Protest at the direction of the Board of Directors thereof.

East Greenacres Irrigation District protest the application of water
right No. 95-4249, filed by Ervin J. Easterday, for
the reason that said claimed water right seeks to appropriate waters
already claimed and used by said East Greenacres Irrigation District, and
would thus constitute a violation of the water rights of said East Greenacres
Irrigation District and of its rights pursuant to an agreement of 1906. A
hearing is requested.

Dated this 18 day of April, 197 4.

Sidney H. Moore

Subscribed and sworn to before me this 18th day of April,

197 4.

Vivian C. Neer
Notary Public for Idaho
Residing at Coeur d'Alene

95 4249

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

April 29, 1974

Re: Claim to a Water Right No. 95-4239 - Raymond L. Felt
" " " " " " 95-4246 - Ervin G. Easterday
" " " " " " 95-4247 - " " "
" " " " " " 95-4248 - " " "
" " " " " " 95-4249 - " " "

Mr. Sidney N. Moore, Chairman
EAST GREENACRES IRRIGATION DISTRICT
Route 1
Post Falls, ID 83854

Dear Mr. Moore:

We have received five separate letters of protest with reference to four claims submitted by Ervin G. Easterday and one by Raymond L. Felt. Perhaps there is a misunderstanding concerning the difference between an Application for Permit and a Claim to a Water Right.

The above mentioned Claims are to record "Constitutional Water Rights" established through past diversion and beneficial use of water. A Claim does not grant any increase in a water right nor does it confirm a water right. A Claim serves for informational purposes only and may become the basis for future adjudication of the water right by the court.

If you believe a water right has not been established as stated under a Claim, you have the right to file an exception to the Claim stating the reasons for the exception. Your exception would be made part of the file and considered the same as other evidence in said file. An exception may be filed at any time. Our Department is not authorized to hold hearings or evaluate for confirmation the evidence submitted in a Claim.

If we may be of any further assistance, feel free to contact our office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

95 4249

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 7, 1974

Re: Claim to a Water Right No. 95-4246
" " " " " 95-4247
" " " " " 95-4248
" " " " " 95-4249

Mr. Ervin G. Zasterday
Box 150
Rathdrum, ID 83858

Dear Mr. Easterday:

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

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions, or if we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosures

95-4249

