

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Claims to Water Rights

Clark, Hopper, Averett, Walker
Musser, Bausch, Swayne (2)

Notice

That said

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 5th day of May, 19 83, and ending on the 12th day of May, 19 83

Nancy Noble

Subscribed and sworn to before me this 13th day of May, 19 83

Betty E. Knight

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

RECEIVED

MAY 18 1983

Department of Water Resources
Northern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

84-4261
CLARK, RALPH
307 SHERMAN AVE.,
COEUR D'ALENE, ID 83814
Source: DEMOCRAT CREEK trib. to RUBY CREEK
Priority Date: 01/01/1864
Diversion Pt. NESW Sec 03 T 37N R 04E
Use: MINING (0.20 CFS)
In: SENW Sec 03 T 37N R 04E

84-4262
HOPPER, REBEKAH
RT. 2 BOX 44, OROFINO, ID 83544
Source: OROFINO CREEK trib. to CLEARWATER RIVER
Priority Date: 01/01/1951
Diversion Pt. NENW Sec 10 T 36N R 02E

Use: IRRIGATION (0.02 CFS)
In: NENW Sec 10 T 36N R 02E FOR 1 ACRES
84-4263 *OK ID*
AVERETT, HOWARD E.
RT. 2 BOX 43, OROFINO, ID 83544

Source: GROUNDWATER
Priority Date: 01/01/1950
Diversion Pt: NENW Sec 10 T 36N R 02E
Use: DOMESTIC (0.10 CFS)
In: NENW Sec 10 T 36N R 02E

84-4264
WALKER, WILLIAM R. &/or IDA GERTRUDE
RT. 3 BOX 91D, OROFINO, ID 83544
Source: GROUNDWATER
Priority Date: 02/01/1971
Diversion Pt. SWSE Sec 22 T 37N R 02E
Use: IRRIGATION (0.02 CFS); DOMESTIC (0.02 CFS)
In: S½SE Sec 22 T 37N R 02E FOR 2 ACRES

84-4265
MUSSER, GLADYS
P.O. BOX 632, OROFINO, ID 83544
Source: OROFINO CREEK trib. to CLEARWATER RIVER
Priority Date: 04/01/1956
Diversion Pt: SWNE Sec 10 T 36N R 02E
Use: IRRIGATION (0.03 CFS)
In: SWNE Sec 10 T 36N R 02E FOR 1 ACRES

85-4336
BAUSCH, DANIEL N.
STAR RT. 6 BOX 5, OROFINO, ID 83544
Source: SPRINGS trib. to SINKS
Priority Date: 07/01/1965
Diversion Pt: W½NE Sec 19 T 36N R 02E
Use: DOMESTIC (0.01 CFS)
In: W½NE Sec 19 T 36N R 02E

85-4343
SWAYNE, SAMUEL F.
P.O. BOX 786, OROFINO, ID 83544
Source: UNNAMED STREAM trib. to CLEARWATER RIVER
Priority Date: 12/01/1934
Diversion Pt: E½SE Sec 02T 36N R 01E
Use: IRRIGATION (0.50 CFS); STOCKWATER (0.02 CFS)
In: NESE Sec 02T 36N R 01E FOR 5 ACRES

85-4344
SWAYNE, SAMUEL F.
P.O. BOX 786, OROFINO, ID 83544
Source: SPRING trib. to CLEARWATER RIVER UNNAMED STREAM trib. to CLEARWATER RIVER
Priority Date: 12/01/1934
Diversion Pt: SWSW Sec 01 T 36N R 01E
Use: IRRIGATION (0.10 CFS); STOCKWATER (0.02 CFS); DOMESTIC (0.04 CFS)
In: SWSW Sec 01 T 36N R 01E FOR 3 ACRES
Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Gov't Way, Coeur d'Alene, ID 83814.
KENDUNN, Dir.
5-5,12c

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Howard E. Averett
(Name of Claimant)
Rt 2, Box 43, Orofino, Id 83544 Telephone No. 476-3539
(Mailing Address) (Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) 1950

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

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

(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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.10</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 0.10 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 10 Twp. 36N Rge. 2E B.M., County of Clearwater
Additional points of diversion: _____

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

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>36N</u>	<u>2E</u>	<u>10</u>					X												

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Mobile Home Park
16 Units + 1 home

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

(7) If you are claiming water as a member of an organization, list name of organization: _____

1. **Identify the main topic of the text.**
 2. **Summarize the main points of the text.**
 3. **Identify the author's purpose in writing the text.**
 4. **Identify the author's tone in writing the text.**
 5. **Identify the author's audience in writing the text.**
 6. **Identify the author's main argument or thesis.**
 7. **Identify the author's supporting evidence.**
 8. **Identify the author's conclusion.**
 9. **Identify the author's main point or message.**
 10. **Identify the author's main purpose in writing the text.**

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.

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.

Sworn to before me this 17th day of April, 1983.

Signature

FOR DEPARTMENT USE ONLY

Date		Received by		\$30.00 fee received by		Published in		Dates	
Date		Prem. check by							
Date									
Date									

Exception filed by:

Forwarded to
claimant by:

Date _____

5/21/83

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Claims to Water Rights

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Musser, Bausch, Swayne (2)

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RESIDING AT OROFINO THEREIN

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Northern District Office

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Use: IRRIGATION (0.02 CFS)
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Use: DOMESTIC (0.10 CFS)
In: NENW Sec 10 T 36N R 02E

84-4264

WALKER, WILLIAM R.
&/or IDA GERTRUDE
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Source: GROUNDWATER
Priority Date: 02/01/1971
Diversion Pt. SWSE Sec 22 T 37N R 02E
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KEN DUNN, Dir.
5-5,12c

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RYA

Right Number 84-4263 Applicant Averett

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
 - ☒ Claim published correctly.
 - ☒ Exceptions processed.
- N/A By RYA Date 5/18/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.
- By Jmi Date 6-13-83

RECEIVED
JUN 13 1983
Department of Water Resources

IDENT. NO. 84-4263

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

84-4263.

AYERETT, HOWARD E.

RT. 2 BOX 43, DROFIND, ID 83544

Source: GROUNDWATER

Priority Date: 01/01/1950

Diversion Pt: NENW Sec 10 T 36N R 02E

Use: DOMESTIC (0.10 CFS)

In: NENW Sec 10 T 36N R 02E

11-1-1950

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

MAY 23, 1983

HOWARD E. AVERETT
RT. 2 BOX 43
OROFINO

ID 83544

RE: Claim No. 84-4263

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert D. Haynes, P.E.
Regional Supervisor

Enclosure