

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Clearwater }

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

Bird, Howard E. Laws

That said Notice

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 7th day of April, 1983, and ending on the 14th day of April, 1983.

Subscribed and sworn to before me this 15th day of April, 1983.

Betty E. Knight
NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF CLAIMS TO WATER RIGHTS

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

84-4257

BIRD, HOWARD E.
RT. 3 BOX 112A, OROFINO,
ID 83544

Source: SPRING trib. to
SINKS

Priority Date: 01/01/1967
Diversion Pt: SESW Sec 29
T 37N R 02E

Use: STOCKWATER (0.05
CFS); DOMESTIC (0.08 CFS)
In NESW NWSW Sec 29 T
37N R 02E

84-4258

BIRD, HOWARD E.
RT. 3 BOX 112A, OROFINO,
ID 83544

Source: FLUME CREEK
trib. to CLEARWATER RIV-
ER

Priority Date: 01/01/1900
Diversion Pt: NWNE NENE
Sec 06 T 36N R 02E SWSE
SESE Sec 31 T 37N R 02E

Use: STOCKWATER (0.05
CFS)
In NENE NWNE Sec 06 T
36N R 02E SWSE SESE Sec 31
T 37N R 02E

84-4259

SWAYNE, SAMUEL F.
P.O. BOX 786, OROFINO,
ID 83544

Source: SPRING trib. to
CLEARWATER RIVER UN-
NAMED STREAMS trib. to
CLEARWATER RIVER

Priority Date: 10/10/1934
Diversion Pt. SENE Sec 01 T
36N R 01E

Use: IRRIGATION (0.02
CFS); STOCKWATER (0.02
CFS); DOMESTIC (0.04 CFS)
In SWNE SENE Sec 01 T
36N R 01E FOR 2 ACRES

84-4260

SWAYNE, SAMUEL F.
P.O. BOX 786, OROFINO,
ID 83544

Source: SPRING trib. to
CLEARWATER RIVER UN-
NAMED STREAM trib. to
CLEARWATER RIVER

Priority Date: 10/10/1934
Diversion Pt. SWNE Sec 01
T 36N R 01E

Use: STOCKWATER (0.02
CFS); DOMESTIC (0.04 CFS)
In: SWNE Sec 01 T 36N R
01E

84-4173

LAWS, KARL S.
P.O. BOX 1918, OROFINO,
ID 83544

Source: WHEELER SP-
RING trib. to CLEARWATER
RIVER

Priority Date: 06/01/1950
Diversion Pt: SESE Sec 30 T
37N R 01E

Use: IRRIGATION (0.14
CFS); IRRIGATION STOR-
AGE (2.0 AF); IRRIGATION
FROM STORAGE (2.0 AF);
RECREATION STORAGE
(2.0 AF); DIVERSION TO
STORAGE (0.20 CFS)

In: NENE SENE Sec 31 T
37N R 01E NWNW SWNW Sec
32 T 37N R 01E FOR 7 ACRES

Exceptions to a claim may
be filed with the Director,
Dept. of Water Resources,
4055 Gov't. Way, Coeur
d'Alene, ID 83814.

KEN DUNN, Dir.
4-7,14c

MICROFILMED

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. Bird (Name of Claimant)

RL3, Box 112A, Orofino, Id. 83544 (Mailing Address) Telephone No. 476-3352 (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) 1900

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)
Flume Creek tributary to Clearwater 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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.05</u>	Use	<u>Stock</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) 0.05 (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
N 1/2 & NE 1/4, Sec. 6 Twp. 36N Rge. 2E B.M., County of Clearwater
Additional points of diversion: 1/2 SE, SEC. 31, T 37N, R 2E

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. Cattle drinking from stream

(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%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>36N</u>	<u>2E</u>	<u>6</u>	X	X															
<u>37N</u>	<u>2E</u>	<u>31</u>														X	X		

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: 150 hd

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

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.

(Claimant)

Notary Public
Residing at
Ordinance No. 100

10-23-85

Forwarded to
Date

Received by
Prlm. check
\$20.00 fee re
Published in
Dates

4/7-14/83

Date 3/11/85
 Date 3/11/85
 Date 3/11/85
 Except

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Clearwater }

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

_____ day of _____, 19____
_____ day of _____, 19____

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 _____ consecutive issues commencing on the _____ day of _____, 19____, and ending on the _____ day of _____, 19____.

Subscribed and sworn to before me this _____ day of _____, 19____.

Betty E. Knight
NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF CLAIMS TO WATER RIGHTS

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

84-4257

BIRD, HOWARD E.
RT. 3 BOX 112A, OROFINO,
ID 83544

Source: SPRING trib. to SINKS

Priority Date: 01/01/1967
Diversion Pt: SESW Sec 29 T 37N R 02E

Use: STOCKWATER (0.05 CFS); DOMESTIC (0.08 CFS)
In NESW NWSW Sec 29 T 37N R 02E

84-4258

BIRD, HOWARD E.
RT. 3 BOX 112A, OROFINO,
ID 83544

Source: FLUME CREEK trib. to CLEARWATER RIVER

Priority Date: 01/01/1900
Diversion Pt: NENE NENE Sec 06 T 36N R 02E SWSE SESE Sec 31 T 37N R 02E

Use: STOCKWATER (0.05 CFS)
In NENE NENE Sec 06 T 36N R 02E SWSE SESE Sec 31 T 37N R 02E

84-4259

SWAYNE, SAMUEL F.
P.O. BOX 786, OROFINO,
ID 83544

Source: SPRING trib. to CLEARWATER RIVER UN-NAMED STREAMS trib. to CLEARWATER RIVER

Priority Date: 10/10/1934
Diversion Pt: SENE Sec 01 T 36N R 01E

Use: IRRIGATION (0.02 CFS); STOCKWATER (0.02 CFS); DOMESTIC (0.04 CFS)
In SWNE SENE Sec 01 T 36N R 01E FOR 2 ACRES

84-4260

SWAYNE, SAMUEL F.
P.O. BOX 786, OROFINO,
ID 83544

Source: SPRING trib. to CLEARWATER RIVER UN-NAMED STREAM trib. to CLEARWATER RIVER

Priority Date: 10/10/1934
Diversion Pt: SWNE Sec 01 T 36N R 01E

Use: STOCKWATER (0.02 CFS); DOMESTIC (0.04 CFS)
In: SWNE Sec 01 T 36N R 01E

84-4173

LAWS, KARL S.
P.O. BOX 1918, OROFINO,
ID 83544

Source: WHEELER SPRING trib. to CLEARWATER RIVER

Priority Date: 06/01/1950
Diversion Pt: SESE Sec 30 T 37N R 01E

Use: IRRIGATION (0.14 CFS); IRRIGATION STORAGE (2.0 AF); IRRIGATION FROM STORAGE (2.0 AF); RECREATION STORAGE (2.0 AF); DIVERSION TO STORAGE (0.20 CFS)

In: NENE SENE Sec 31 T 37N R 01E NWNW SWNW Sec 32 T 37N R 01E FOR 7 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, ID 83814.

KEN DUNN, Dir.
4-7,14c

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: AB

Right Number 84-4258 Applicant Bud

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.

By [Signature] Date 4/28/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By tw Date 5/3/83

RECEIVED
MAY 02 1983

Department of Water Resources

3/79

IDENT. NO. 84-4258

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]

84-4258_

BIRD, HOWARD E.

RT. 3 BOX 112A, ORDFINO, ID 83544

Source: FLUME CREEK trib. to CLEARWATER RIVER

Priority Date: 01/01/1900

Diversion Pt: NWNE NENE Sec 06 T 36N R 02E SWSE SESE Sec 31 T 37N R 02E

Use: STOCKWATER (0.05 CFS)

In: NENE NWNE Sec 06 T 36N R 02E SWSE SESE Sec 31 T 37N R 02E

RECEIVED
MAY 10 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
R. KENNETH DUNN
Director

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

APRIL 25, 1983

HOWARD E. BIRD
RT. 3 BOX 112A
OROFIND

ID 83544

RE: Claim No. 84-4258

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 G. Haynes, P.E.
Regional Supervisor

Enclosure