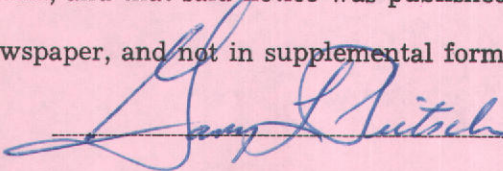


Affidavit of Publication

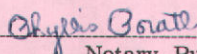
STATE OF IDAHO, }
County of Bonner, } ss.

Gary L. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice of Claim to a Water Right,
No. 96-4142, filed by James &/or
Edna Fishbaugh, Clark Fork, ID.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 17th
day of April, 1975, and end-
ing on the 24th day of April,
1975, and that said notice was published in said
newspaper, and not in supplemental form.


Subscribed and sworn to before me this

24th day of April, 1975.



Notary Public for Idaho,
Residing at Sandpoint, Idaho.

RECEIVED

APR 30 1975

Department of Water Resources
Northern District Office

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4142

Notice is hereby given that
James &/or Edna Fishbaugh,
Clark Fork, Idaho have filed a
claim to a water right
established by diversion and
application to beneficial use of
0.06 cubic feet per second of
water from a Spring with point
of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 4, T. 54 N, R. 3E, B.M.,
Bonner County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic (0.04 cfs) and stock-
watering purposes (0.02 cfs)
with a priority of 1925; the place
of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 33, T. 55N, R. 3E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the Sandpoint
News-Bulletin, Sandpoint,
Idaho on April 17 and April 24,
1975. A17-24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that JAMES AND/OR EDNA FISHBAUGH
STAR ROUTE BOX 470 (name of claimant)
of CLARKFORK, IDAHO, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) SPRINGS
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|-------------------|-----|----------------------------|----------------|------|--------------|----|------------------------|
| Amount | <u>0.04 cfs</u> | Use | <u>DOMESTIC</u> | Period of Use: | From | <u>JAN 1</u> | To | <u>DEC 31</u> |
| Amount | <u>0.02 cfs</u> | Use | <u>STOCKWATER</u> | Period of Use: | From | <u>JAN 1</u> | To | <u>DEC 31</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.06 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1925

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source) 2 POINTS
SE 1/4 SW 1/4, Sec. 4 Twp. 54N Rge. 3E B. M. County of BONNER
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. GRAVITY FLOW FROM 2 SPRINGS WITH COLLECTION BOX WITH PIPELINE TO PLACE OF USE.

- (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.

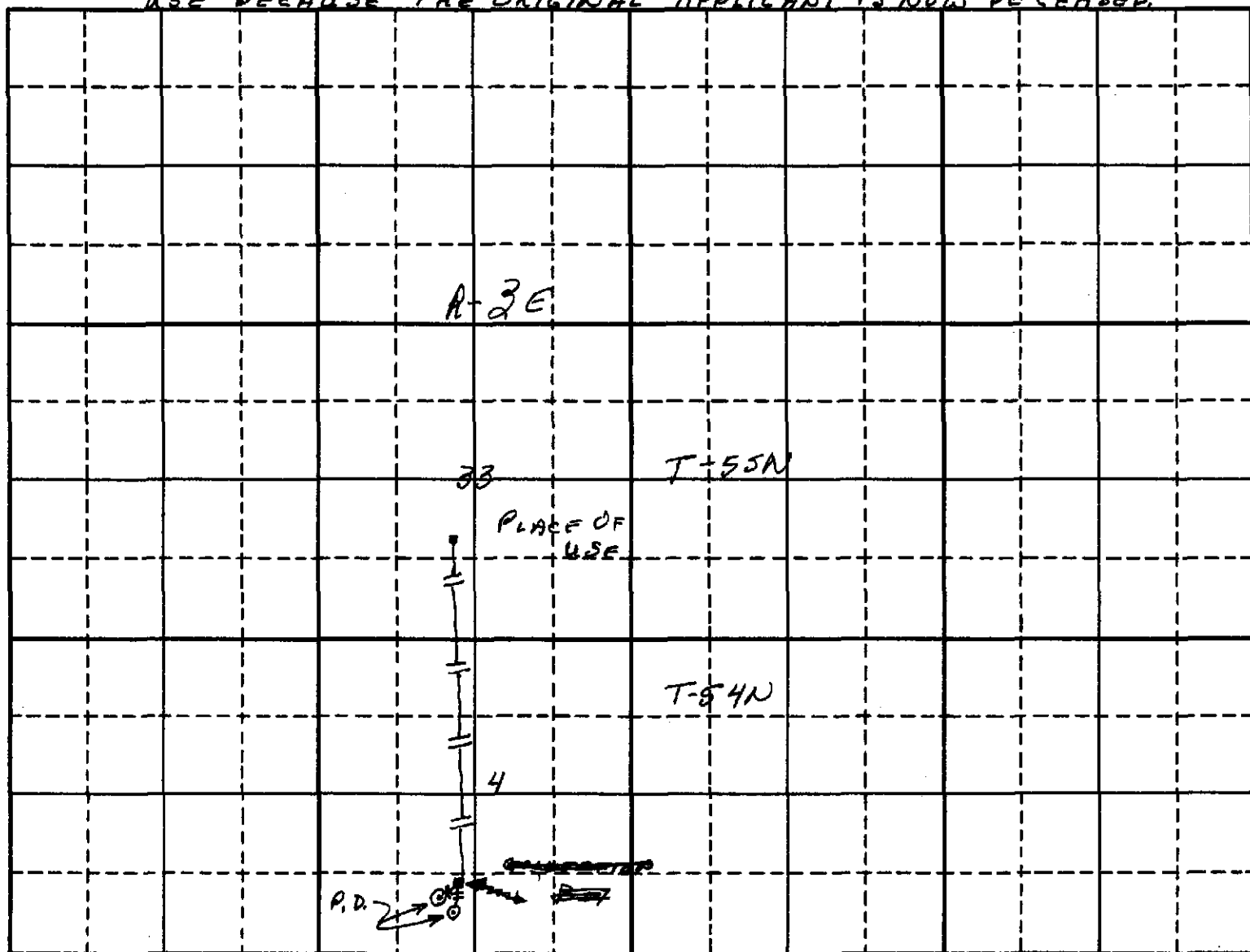
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
58N	3E	33									X								

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: WATER IS USED FOR DOMESTIC PURPOSES FOR ONE HOUSEHOLD, IRRIGATION OF LAWN & GARDEN, & STOCKWATER.

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

(8) Remarks THIS IS AMENDMENT # TO CLAIM TO SHOW
~~ADD~~ TWO POINTS OF DIVERSION. ORIGINAL CLAIM WAS
FILED IN CONNECTION WITH PERMIT NO 96-2038 WHICH
WAS CANCELLED DUE TO FAILURE TO SUBMIT PROOF OF BENEFICAL
USE BECAUSE THE ORIGINAL APPLICANT IS NOW DECEASED.



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 7TH day of JULY 1975.
James and Edna Fishbaugh
(Claimant)
Corda M. Roberts
Notary Public
Residing at Colt.

My commission expires SEPT. 11, 1976

For Department Use Only

Received by KK Date 7/7/75 Exception filed by: Forwarded to Date
Prelim. check by KK Date 7/7/75 claimant by:
N. C. \$10.00 Fee received by _____ Date _____
Approved for publication by _____
Published in Sandpoint Bee-Bulletin
Dates 7-16 & 7-23-75

AFFIDAVIT OF PUBLICATION

State of Idaho,

ss.

County of Bonner,

Department of Water & Soil
Northern Idaho Office

Pete Thompson being first duly sworn on
oath deposes and says that he is publisher
of the Sandpoint Daily Bee, a daily news-
paper printed and published at Sandpoint,
in Bonner County, Idaho; that the said
Daily Bee has been continuously and un-
interruptedly published in said Bonner
County during a period of 12 months prior
to the first publication of the hereto at-
tached notice of publication in the case
of Water Bermit

as it was published in the regular and en-
tire issue of the said paper for a period
of 2 consecutive weeks, commencing
on the 16 day of July, 1975
and ending on the 23 day of July
1975 and that said notice was
published in said newspaper and not in
supplemental form.

Pete Thompson

Subscribed and sworn to before me this

5 day of August, 1975.

Adell M Thompson

Notary Public for Idaho,
Residing at Sandpoint, Idaho

**NOTICE OF AMENDED
CLAIM TO A WATER RIGHT**

Notice is hereby given that
James and-or Edna Fishbaugh
filed Claim to a Water Right No.
96-4142 claiming 0.06 cubic feet
per second of water from
Springs to be used for domestic
and stockwatering purposes
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T.
54N, R. 3E, B.M., Bonner
County. The claimants now
wish to amend Claim No. 96-
4142, claiming two points of
diversion within the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 4, Township 54 North,
Range 3 East, B.M.

Any exception to this
amended Claim may be filed
with the Idaho Department of
Water Resources, 4055
Government Way, Coeur
d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Sandpoint
Bee-Bulletin, Sandpoint, Idaho
on July 16 IDWR and July 23
IDWR. 1975.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that James and/or Edna Fishbaugh
(name of claimant)
of Clark Fork, Idaho
(mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|----------------------------|---------------------|---------------|----|------------------------|
| Amount | <u>0.04 cfs</u> | Use | <u>Domestic</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>0.02 cfs</u> | Use | <u>Stockwater</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.06 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1925

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ SW ¼, Sec. 4 Twp. 54N Rge. 3E B. M. County of Bonner
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. Gravity flow from spring, pipelined to place of use.

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
55N	3E	33									X								

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used for domestic purposes for one household, and stockwater, plus irrigation of lawn and garden.

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

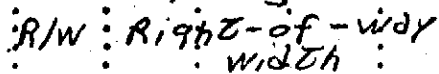
-
- The image shows a full page of graph paper. It features a grid of squares defined by solid black lines. Within each square, there are horizontal and vertical dashed lines that divide the space into four smaller quadrants. This creates a pattern of larger squares, each containing four smaller squares separated by dashed lines. The entire page is covered by this grid, with no margins or other markings.

Received by cp Date 4-10-75 Exception filed by: Forwarded to Date
Prelim. check by cp Date 4-10-75 claimant by:
\$10.00 fee received by cp Date 4-10-75
Approved for publication by RE 4-10-75
Published in SAN JOAQUIN NEWS-BULLETIN
Dates 4-17 & 4-24-75

Water Transmission
(Case designation)

FIELD MAP SHEET

Mag. Dec. _____ Acres _____



19

Affidavit of Publication

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

Gary L. Pietsch being first duly sworn on oath deposes and says that he is Publisher of The Sandpoint News-Bulletin, a weekly newspaper printed and published at Sandpoint, Bonner County, Idaho; that the said Sandpoint News-Bulletin has been continuously and uninterruptedly published in said Bonner County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice for publication in the case of Notice of Claim to a Water Right, No. 96-4142, filed by James &/or Edna Fishbaugh, Clark Fork, ID.

as it was published in the regular and entire issue of the said paper for a period of two consecutive weeks, commencing on the 17th day of April, 1975, and ending on the 24th day of April, 1975, and that said notice was published in said newspaper, and not in supplemental form.

Subscribed and sworn to before me this 24th day of April, 1975.

Opal B. Boutwell

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4142

Notice is hereby given that James &/or Edna Fishbaugh, Clark Fork, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from a Spring with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 54 N, R. 3E, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.04 cfs) and stock-watering purposes (0.02 cfs) with a priority of 1925; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 55N, R. 3E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho on April 17 and April 24, 1975. A17-24

Route 5, Box 203
Suite #1
4055 Government Way

XXXXXXXXXX
XXXXXXXXXXXX

August 12, 1975

Re: Amended Claim to a Water Right No. 96-4142

James &/or Edna Fishbaugh
Star Route, Box 470
Clark Fork, ID 83811

Dear Mr. and Mrs. Fishbaugh:

We have completed processing your Amended Claim to a Water Right, and we are enclosing a copy for your records. As with your original Claim, your Amended Claim will be retained in our files and will be available at any time for use by you or the courts.

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

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH: CP

Enclosure

cc: IDWR - Boise

RECEIVED
AUG 13 1975
IDWR

Route 5, Box 203
Suite #1
4055 Government Way

XXXXXX
XXXXXXXXXXXX

August 5, 1975

Re: Amended Claim No. 96-4142 - James &/or Edna Fishbaugh

Sandpoint Bee-Bulletin
P.O. Box 579
Sandpoint, ID 83864

Gentlemen:

Could you please submit the affidavit of publication and bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on July 16 and July 23, 1975.

Your assistance in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
District Supervisor

FE:CP

RECEIVED

NOTICE OF AMENDED
CLAIM TO A WATER RIGHT

Notice is hereby given that James and/or Edna Fishbaugh filed Claim to a Water Right No. 96-4142, claiming 0.06 cubic feet per second of water from Springs to be used for domestic and stockwatering purposes within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 54N, R. 3E, B.M., Bonner County. The claimants now wish to amend Claim No. 96-4142, claiming two points of diversion within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, Township 54 North, Range 3 East, B.M.

Any exception to this amended Claim may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON

Director

Published in the Sandpoint Bee-Bulletin, Sandpoint, Idaho on July ~~17~~¹⁴ & July ~~24~~²³,
1975.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Route 5, Box 203
Suite #1
4055 Government Way

~~Room 203~~
~~4010 Frank Avenue~~
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 11, 1975

Re: Amended Claim No. 96-4142 - James &/or Edna Fishbaugh

Sandpoint Bee-Bulletin
P.O. Box 579
Sandpoint, ID 83864

Gentlemen:

Enclosed is 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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)

Bill: 8-11-75, 4



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

May 6, 1975

Re: Claim to a Water Right No. 96-4142

James and/or Edna Fishbaugh
Clark Fork
Idaho 83811

Dear Mr. and Mrs. Fishbaugh:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim 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 file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with our office.

We are enclosing, for your records, a copy of your claim. 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

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-8484

April 11, 1975

Re: Application No. 96-7366 - City of East Hope
Claim No. 96-4142 - James &/or Edna Fishbaugh

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

Gentlemen:

Enclosed is 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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enc: Legal Notice(s)

Enc: 5-5-75

ADVERTISING INSERTION ORDER

SANDPOINT NEWS-BULLETIN

COMPLETE COVERAGE OF THE SANDPOINT TRADE AREA

P.O. Box 218, Sandpoint, Idaho 83864

To Whom Billed:

Name **Idaho Department of Water
Administration**

Address

Name of Advertiser

Ad No.: _____ Ad Size: _____ x _____

Caption **Notice of Claim to a Water
Right**

Insertion Dates: **Apr. 17, 24**

Copy:

AID. 17-13

DATE **4-17-75**

- Type of Ad:
- ☐ National Display
 - ☐ Local Display
 - ☐ Classified Display
 - ☐ Classified
 - ☐ Reader
 - ☐ Card of Thanks

~~XXXX~~ 11-91

James and/or Edna Fishbaugh

Total Space **32 lines** x **36c**

(Col. Inches/Words)

(rate)

= \$ **11.49**

(bill)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4142

Notice is hereby given that James &/or Edna Fishbaugh,

Clark Fork, Idaho

have

~~xxx~~ filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second ~~acre feet per annum~~ of water from a Spring

with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 54N, R. 3E, B.M.,
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
(0.04 cfs) and stockwatering purposes (0.02 cfs)

with a priority of 1925;
the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 55N, R. 3E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho

on April 17 and April 24, 1975