

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

RECEIVED

SEP 24 1973

Department of Water Administration
Northern District Office

Marie Martin,
being duly sworn, says that she is the Co-Publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been
continuously and uninterruptedly published in said County during
a period of 78 consecutive weeks prior to the first publication of
the annexed notice for publication, is a newspaper of general cir-
culation made up of at least eight pages of at least seven columns
each, printed from typematter or stereotyped forms of at least
nineteen and three-fourths inches depth, has at least 1250 bona fide
subscribers living within said Bonner County, and is published at
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

Notice of Claim to a Water Right

as it was published in the regular and entire issue of said paper
for a period of two consecutive weeks, commencing on
the 13th day of September, 1973,
and

ending on the 20th day of September, 1973,
and that said notice was published in said newspaper proper, and
not in supplement form.

Marie Martin

Subscribed and sworn to before me this

20th day of September, 1973.

George C. Lounelly
Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 96-4091

Notice is hereby given that Morris A. Fallis, Route No. 2, Box 43-A, Newport, Washington has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from Fish Creek with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 55N, R. 5W, B.M., Bonner County.

The water is claimed to be used from March 1 to Aug. 1 for stock-watering purposes with a priority of 1966; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, T. 55N, 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 Priest River Times, Priest River, Idaho on Sept. 13 and Sept. 20, 1973.

37-2t

96-4091

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
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 Morris A. Fallis
(name of claimant)

of Rt. 2, Box 43-A, Newport, Wash. 99156, claims a right to the diversion and beneficial use of
(mailing address)

ground water or surface water tributary to _____;

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Fish Creek

(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>0.02 cfs</u>	Use	<u>Stockwater</u>	Period of Use: From	<u>March 1</u>	To	<u>Aug. 1</u>
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
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: 0.02 cubic feet per second, or _____ acre feet per annum, and/or 9 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1966

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 NW ¼, Sec. 17 Twp. 55N Rge. 5W 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. Small dam and ditch to pond. (SEE REMARKS)

(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.

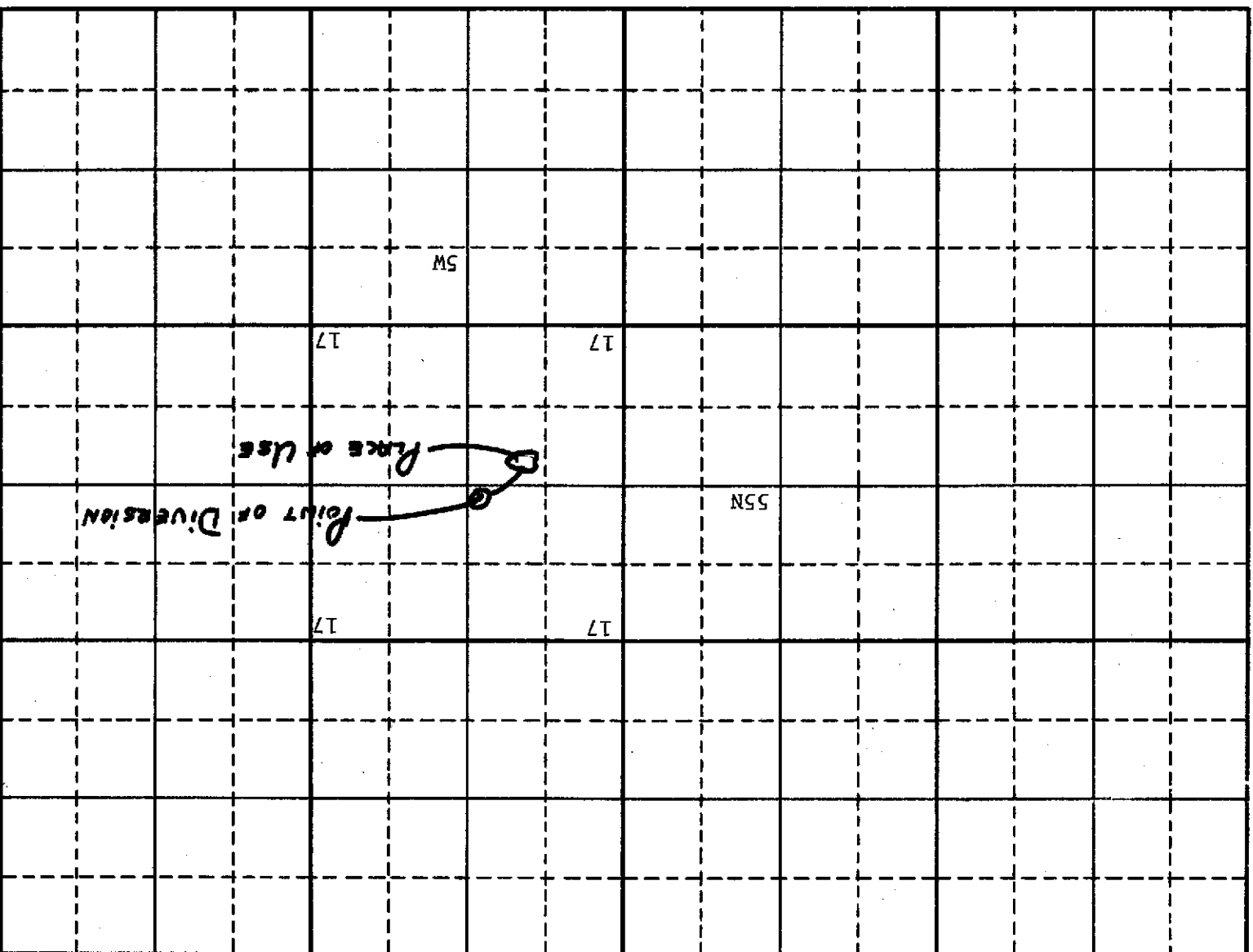
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
55N	5W	17									X								

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Used for stockwatering purposes for 10 head of livestock.

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

(8) Remarks The dam that has been constructed is to divert the stream back to its original channel.



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 affiant's knowledge.

Sworn to before me this 5th day of September, 1973.

(Claimant)
Cada M. Roberts
Notary Public
Residing at Coeur d'Alene, ID

My commission expires Sept. 11, 1976

For Department Use Only

Received by Date 9-5-73
Prelim. check by Date 9/5/73
\$10.00 fee received by Date 9-5-73 #11921
Approved for publication by F.B.
Published in Forest River Times
Dates 9-13 + 9-20-73

Forwarded to Date
Exception filed by:
claimant by:

96-4091

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Marie Martin,
being duly sworn, says that she is the Co-Publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least seven columns each, printed from typematter or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

Notice of Claim to a Water Right

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 13th day of September, 1973, and

ending on the 20th day of September, 1973, and that said notice was published in said newspaper proper, and not in supplement form.

Marie Martin

Subscribed and sworn to before me this

20th day of September, 1973.

George C. Connolly
Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE TO A WATER RIGHT No. 96-4091

Notice is hereby given that Morris A. Fallis, Route No. 2, Box 43-A, Newport, Washington has filed a claim to a water right established by diversion application for beneficial use of 2 cubic feet per second of water from Fish Creek with point of diversion in the SE 1/4 NW 1/4, Sec. 17, T. 55N, R. 5W, B.M., Bonner County.

The water is claimed to be used from March 1 to Aug. 1 for stock-watering purposes with a priority of 1966; the place of use is within the NE 1/4 SW 1/4, Sec. 17, T. 55N, 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 Priest River Times, Priest River, Idaho on Sept. 13 and Sept. 20, 1973.

37-2t

96-4091

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

October 23, 1973

Re: Claim to a Water Right No. 96-4091

Morris A. Fallis
Route #2, Box 43-A
Newport, WA 99156

Dear Mr. Fallis:

In reference to the above claim, the enclosed is a copy of an exception filed by Mr. Clifford D. Renner for Diamond International Corporation in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

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

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

Enclosure

cc: Boise ✓

96-4091

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

October 23, 1973

Re: Claim to a Water Right No. 96-4091 - Morris A. Fallis

Clifford D. Renner, Forester
DIAMOND INTERNATIONAL CORPORATION
P.O. Box 1119
Coeur d'Alene, ID 83814

Dear Mr. Renner:

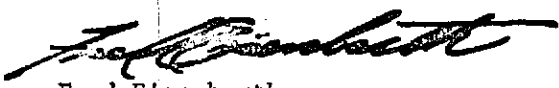
We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

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

Very truly yours,


Fred Eisenbarth
Northern District Manager

FE:CP

cc: Paul D. McCabe
Attorney at Law

bc: Boise ✓

96-4091

Paul D. McCabe - ATTORNEY AT LAW

October 19, 1973

RECEIVED

OCT 19 1973

Idaho Department of Water
Administration
Northern District
401 Front Avenue
Coeur d' Alene, Idaho

Department of Water Administration
Northern District Office

Re: Claim of Water Right #964091

Gentlemen:

Exception is made to the above Claim of Water Right filed by Morris A. Fallis by Diamond International Corporation. Enclosed to substantiate and set forth the grounds of said exception, is the affidavit of Clifford D. Renner.

Yours truly,

Paul D. McCabe
Paul D. McCabe

PDM/mp

Enc. 2

OK
7.6.
10/22/73

96-4091

For the reason stated above, DIAMOND INTERNATIONAL CORPORATION
therefore excepts to said Claim of Water Right.

Clifford D. Kinner

Subscribed and sworn to before me this 16th day
of October, 1973.

Mervin Pederson
Notary Public for Idaho.
Residing at Coeur d'Alene.
My commission expires: 7/20/74

96-9091

For the reason stated above, DIAMOND INTERNATIONAL CORPORATION
therefore excepts to said Claim of Water Right.

Alford D. Remmer

Subscribed and sworn to before me this 16th day
of October, 1973.

Maurice Henderson

Notary Public for Idaho.
Residing at Coeur d'Alene.
My commission expires: 7/20/74

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

October 2, 1973

Re: Claim to a Water Right No. 96-4091

Morris A. Fallis
Route #2, Box 43-A
Newport, WA 99156

Dear Mr. Fallis:

The Department of Water Administration 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 this 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

96-4091

September 7, 1973

Re: Applicattion No. 96-7221 Claim No. 96-4091
 " " 96-7222 " 96-4092
 " " 97-7043

Priest River Times
P.O. Box 398
Priest River, ID 83856

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 9-25-73 by CP

FE:CP

Enc: Legal Notices (5)

96-4091

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4091

Notice is hereby given that Morris A. Fallis,

Route #2, Box 43-A, Newport, Washington

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~acre feet per annum~~
of water from Fish Creek

with point of diversion in the SE 1/4, Sec. 17, T. 55N, R. 5W, B.M.,
Bonner County

The water is claimed to be used from March 1 to Aug. 1 for stockwatering
purposes

with a priority of 1966;
the place of use is within the NE 1/4, Sec. 17, T. 55N, R. 5W, B.M.

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Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Priest River Times, Priest River, Idaho

on Sept. 13 and Sept. 20, 1973

96-4091

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 96-4091**

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R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Sept. 13 and Sept. 20, 1973.

37-2t

O.K.
4-11-73
cf

96-4091