

Affidavit of Publication

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

L. E. 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---

Mildred Justice, Star Route, Clark
Fork, Idaho

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 5th
day of August, 19 71, and end-
ing on the 12th day of August,
19 71, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

12th day of August, 19 71.

Olyvia Grant

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

RECEIVED

AUG 16 1971

Department of Water Administration

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4024

Notice is hereby given that
Mildred Justice, Star Route,
Clark Fork, Idaho, has filed
a claim to a water right es-
tablished by diversion and ap-
plication to beneficial use of
0.16 cubic feet per second of
water from unnamed creek,
tributary to Clark Fork River
with point of diversion in the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, T. 55N,
R. 3E, B.M., Bonner County.

The water is claimed to be
used from Jan. 1 to Dec. 31
for stock watering and do-
mestic purposes; and from
May 1 to Sept. 30 for garden
irrigation with a priority of
2-7-68 (0.12 cfs); 9-1-70 (0.03
cfs); 5-1-70 (0.01 cfs) the place
of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 34, T. 55N, R. 3E, B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, State-
house, Boise, Idaho.

R. KEITH HIGGINSON,
Director

Published in the Sandpoint
News-Bulletin, Sandpoint, Id-
aho on Aug. 5 and Aug. 12,
1971.
A5-12

96 4024

Identification No. _____

Claim No. 96-4024

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant MILDRED PAULSEN SEASTROM JUSTICE
post office address STAR ROUTE CLARK FORK IDAHO 83811
2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 34 Township 55 NORTH OF
Range 3 E B.M. located on UNKNOWN CREEK
(name of source)
tributary to CLARK FORK RIVER in BONNER County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

FEB. 7, 1968 amount: 0.12 c.f.s. or _____ acre feet
SEPT. 1, 1970 amount: 0.03 c.f.s. or _____ acre feet
MAY 1, 1970 amount: 0.01 c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use STOCK period of use from FEB. 7 to FEB 6 (both dates inclusive)

use DOMESTIC period of use from JAN 1 to DEC. 31 (both dates inclusive)

HOME USE use GARDEN period of use from MAY 1 to SEPT 30 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped PUMPED; depth of well is 6 feet; diameter of well is 36 inches; type of pump is PROPELLOR
capacity of pump is 12 g.p.m.; name and address of well driller is WELL WAS DUG BY OWNER AND CEMENT RINGS WERE PUT IN;

...; if so, give dates and explain.

c. Conveying works: length of ditch to place of use is _____feet; width of ditch at top is _____feet; width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000 feet is _____feet; material through which ditch passes is _____feet; maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir _____ ;
total capacity of reservoir is _____ acre feet;
year construction commenced _____ ; year completed _____ ; date first used _____
period of storage is from _____ to _____ ; is reservoir drained each year _____ ;
is reservoir on or off stream _____ explain _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
			TOWNSHIP TOTALS				RANGE TOTALS				SECTION TOTALS				TOTALS			

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered ONE HORSE,
ONE TO ONE HUNDRED HEAD OF CATTLE. VARIES
UNIT (COW-CALF)
7. Where water is used for domestic or municipal purposes give number of families served ONE FAMILY
name of town supplied _____
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities WATERING A GARDEN FOR OUR OWN USE. FIRST GARDEN
WAS MAY 1970. WE USED THE WATER FOR DRINKING
SINCE FEB. 7, 1968.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
WE WANT THE RIGHT TO USE THE WATER FOR
WATERING UP TO 100 HEAD OF CATTLE AND ONE TO
FIVE HORSES AS WE HAVE DONE IN THE PAST.
WE WANT THE USE OF THE WATER FOR DOMESTIC
AND GARDEN PURPOSES. NO IRRIGATING.

State of ~~Idaho~~ MONTANA } ss.
County of Sanders

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

9th

day of

July

, 19 71.

Mildred Justice
Claimant

Evelyn Bayl
Notary Public

Residing at

Maxon, Montana

My commission expires

April 3- 1973

7. 19. 71 For Department Use Only

Received by ej

Date 7/12/71

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by DE

Date 7/19/71

Fee received by ej

Date 7-19-71 Fee \$ 10.00

Approved for publication by

Published in Sandpoint News - Dates 8-5-71-12-71
Bulletin

96 4024

INSTRUCTIONS

Paragraph No.

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	
May 18, 1871	amount: 0.8 c.f.s. or
June 1, 1901	amount: 0.4 c.f.s. or
Total claimed: 1.2 c.f.s. or	
acre feet	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Affidavit of Publication

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

L. E. 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
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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---

Mildred Justice, Star Route, Clark
Fork, Idaho

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 5th
day of August, 1971, and end-
ing on the 12th day of August,
1971, and that said notice was published in said
newspaper, and not in supplemental form.

Subscribed and sworn to before me this

12th day of August, 1971.

Alvin G. Galt

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT

No. 1
Notary Public for Idaho, do hereby certify that
Mildred Justice, Star Route, Clark Fork, Idaho, has filed
a claim to a water right established by diversion and ap-
plication to beneficial use of 0.16 cubic feet per second of
water from unnamed creek, tributary to Clark Fork River
with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, T. 55N,
R. 3E, B.M., Bonner County.

The water is claimed to be
used from Jan. 1 to Dec. 31
for stock watering and do-
mestic purposes; and from
May 1 to Sept. 30 for garden
irrigation with a priority of
2-7-68 (0.03 cfs); 9-1-70 (0.03
cfs); 5-1-70 (0.01 cfs) the place
of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 34, T. 55N, R. 3E, B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, State-
house, Boise, Idaho.

R. KEITH HIGGINSON,
Director

Published in the Sandpoint
News-Bulletin, Sandpoint, Id-
aho on Aug. 5 and Aug. 12,
1971.
A5-12

August 26, 1971

Re: Claim to a Water Right No. 96-4024

Mrs. Mildred P. Justice
Star Route
Clarkfork, Idaho 83811

Dear Mrs. Justice:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 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 your 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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr

Enclosure: Copy of claim

96 4024

July 28, 1971

Re: Claim No. 96-4024 - Mildred Justice

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

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 our 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 date. 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,

Donald W. McKelowney
Appropriation Supervisor

Bill submitted 8-18-71 By ds

DWM:cr

Enclosure

96 4024

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4024

Notice is hereby given that Mildred Justice, Star Route,

Clark Fork, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.16 cubic feet per second ~~acres feet~~ of water from unnamed creek, tributary to Clark Fork River with point of diversion in the NE¹/₄NE¹/₄, Sec. 34, T. 55N, R. 3E, B.M.,
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering and domestic purposes; and from May 1 to Sept. 30 for garden irrigation with a priority of 2-7-68 (0.12 cfs); 9-1-70 (0.03 cfs); 5-1-70 (0.01 cfs) the place of use is within the NE¹/₄SE¹/₄, Sec. 34, T. 55N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration., Statehouse, Boise, Idaho!

R. KEITH HIGGINSON

Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho on Aug. 5 and Aug. 12, 1971

96 4024

July 19, 1971

Mrs. Mildred P. Justice
Star Route
Clark Fork, Idaho 83811

Dear Mrs. Justice:

Attached herewith is your receipt No. 6942 in the amount of \$ 10.00
for your claim application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

96 4024

July 13, 1971

Mrs. Mildred Justice
Star Route
Clark Fork, Idaho 83811

Dear Mrs. Justice:

We are returning your claim to a water right and personal check #92-58 in the amount of \$10.00. We find in reviewing this claim that there are several questions that need clarification before we could continue with its processing.

Item #3a should list the period during each year in which the water is used for each use, such as January 1 through December 31 for domestic use and April 1 through October 15 for irrigation or gardening purposes.

As soon as you have clarified these items and re-submitted the claim, we shall begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: check #92-58 (\$10.00)
claim to a water right