

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Marie Martin.

being duly sworn, says that he 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
No. 96-4006

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 26th day of March, 1970, and

ending on the 2nd day of April, 1970, and that said notice was published in said newspaper proper, and not in supplement form.

Marie Martin

Subscribed and sworn to before me this

9th day of April, 1970

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

RECEIVED

APR 13 1970

Department of Reclamation

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4006

Notice is hereby given that Hilmer E. Malm, Box 277, Priest River, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of .02 cubic feet per second of water from Mekee Creek, tributary to Pend Oreille River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 56N, R. 5W, B.M., Bonner County; the water is claimed to be used from January 1 to December 31 for domestic purposes with a priority of July, 1946; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 56N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Priest River Times
Priest River, Idaho, on March 26 and
April 2, 1970.

13-2t

96-4006

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Identification No. _____
Claim No. 96-4006
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Hilmen E. Malm
post office address Box 277 Priest River, Idaho 83856
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 25 Township 56N
Range 5W B.M. located on Me Kee Creek (name of source)
tributary to Pend Oreille 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:
July 1946 amount: .02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .02 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 Domestic (1 fam. 1/4) period of use from 1/1 to 12/31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (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 _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

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b. Do you get water through a ditch owned by several users? _____ 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 _____

7. Where water is used for domestic or municipal purposes give number of families served 1 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 _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

x 17. concrete cistern 4 ft wide by 5 ft long by 5 ft deep set in the creek bed to a pump house set in the hill side with a 1/2 hp pump to a 30 gal pressure tank with a chlorinator ahead of the tank, then a 1 1/4 pipe app. 100 ft to the house.

State of Idaho

County of Banner

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

9th

day of

Hilma E. Halm
Claimant

Marion

19 70

Nanna M. Murray
Notary Public

Residing at Pratt River, Ida

My commission expires

10-25-72

For Department Use Only

Received by _____ Date _____

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by Duke Date 3-10-70

Fee received by ef Date 3-11-70 Fee \$10.00

Approved for publication by _____

Published in Pratt River Times Dates 3-26 and 4-2, 1970

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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	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	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:
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,

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Marie Martin

Subscribed and sworn to before me this

2th day of April, 1970.

[Signature]
Notary Public for Idaho,

Residing at Priest River, Idaho

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R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Priest River Times, Priest River, Idaho, on March 26 and April 2, 1970.

13-2t

96-4006

April 13, 1970

Re: Claim to a Water Right No. 96-4006

Mr. Hilmer E. Malm
Box 277
Priest River, Idaho 83856

Dear Mr. Malm:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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

Enclosures: Copy of claim
Receipt No. 4301

96-4006

Marth 18, 1970

Re: Claim to a Water Right No. 96-4006 - Hilmer E. Malm

Priest River Times
P.O. Box 398
Priest River, Idaho 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 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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

Bill submitted
4-13-70
dw

96-4006

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R. KEITH HIGGINSON
State Reclamation Engineer

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96-4006