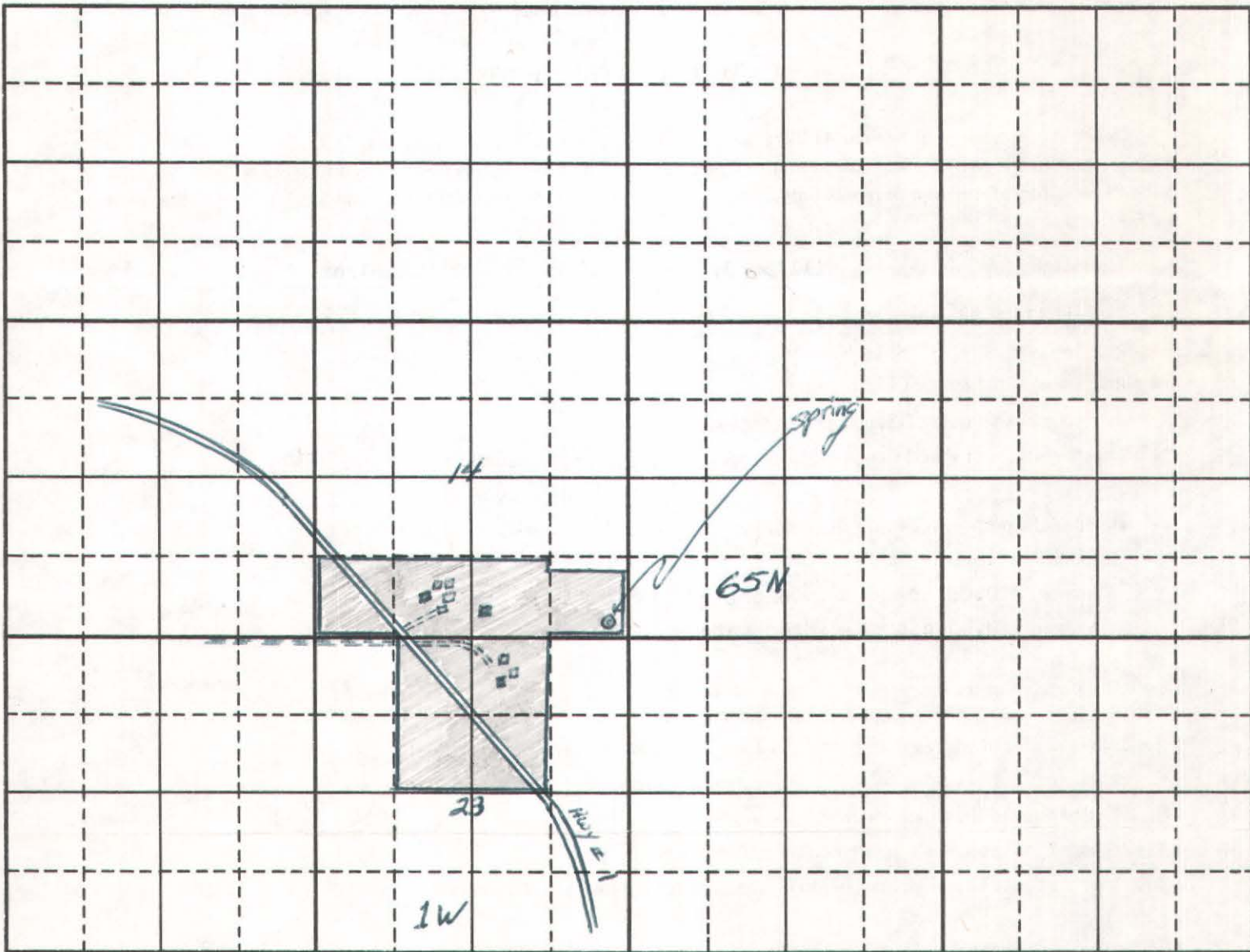


(8) Remarks _____



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 Bonanza) 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 8 day of Aug

Kenneth W. Nelson
William J. Emario by Emily J. Emario
(Claimant) 1974 agent

Notary Public

Residing at Bonner Ferry, Idaho

My commission expires 9/2/74

For Department Use Only

Received by <u>CP</u>	Date <u>8-12-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CP</u>	Date <u>8-12-74</u>		claimant by:	
\$10.00 fee received by <u>CP</u>	Date <u>8-12-74</u>			
Approved for publication by <u>CP</u>	<u>#15025</u>			
Published in <u>BONNERS FERRY HERALD</u>				
Dates <u>8-22 + 8-29-74</u>				

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 William J. Emacio &/or Kenneth W. Kelson
(name of claimant)
of Porthill, Idaho 83853, 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) 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>0.08 cfs</u>	Use	<u>Domestic</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u>0.05 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: 0.13 cubic feet per second, or _____ acre feet per annum, and/or 60 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1944

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 SE ¼, Sec. 14 Twp. 65N Rge. 1W B. M. County of Boundary
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. Developed Spring.

(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.

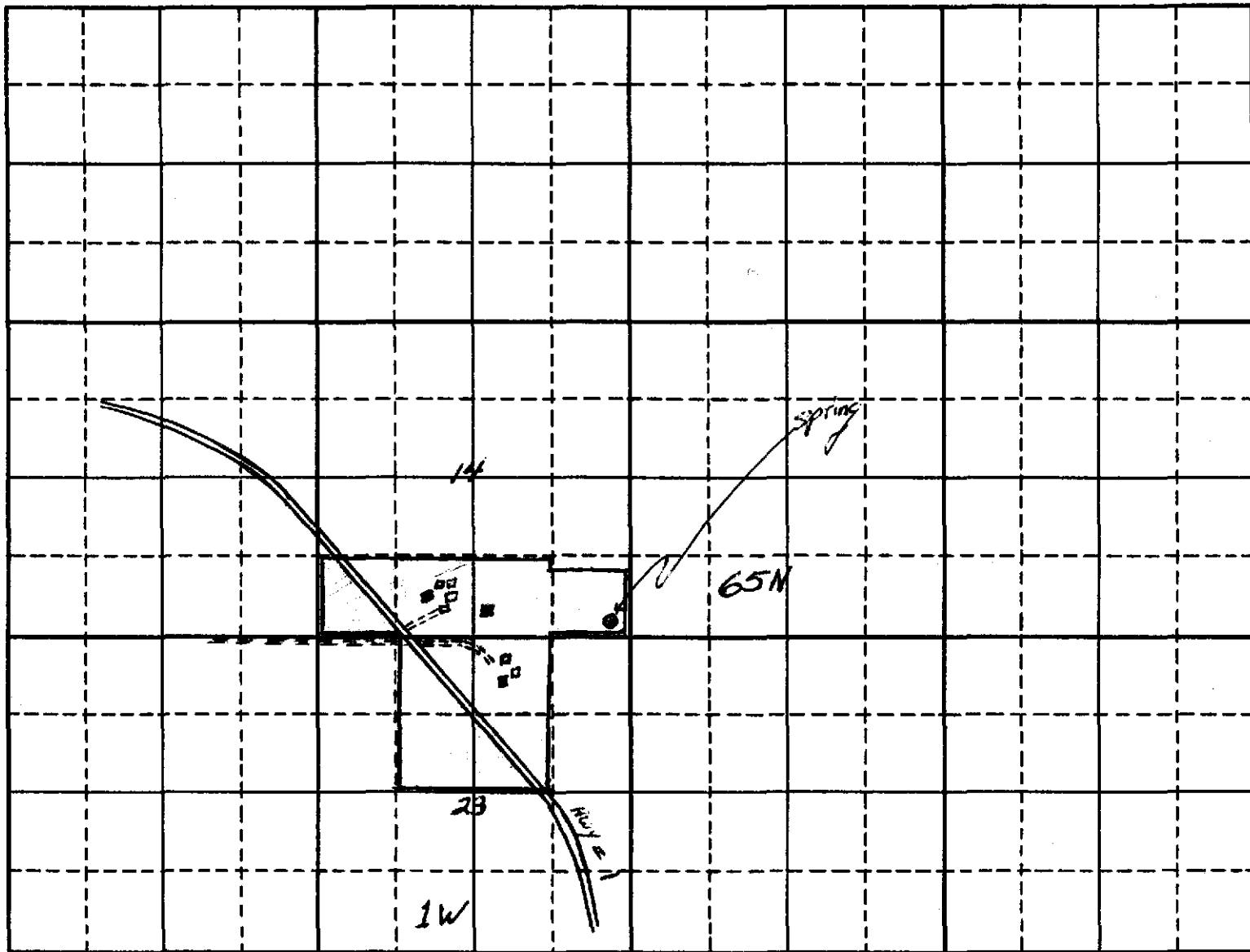
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
65N	1W	14											X	X			X	X	
		23		X	X		X			X									

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic purposes for 2 households; stockwater for 150 head of cattle.

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

(8) Remarks _____



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 Bonanza) 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 8 day of AUG

x Kenneth W. Nelson
x William J. Emasco by Emily J. Emasco
(Claimant) 19 74 Agent

Notary Public

Residing at Bonner Ferry Idaho

My commission expires 9/2/74

For Department Use Only

Received by <u>CP</u>	Date <u>8-12-74</u>	Exception filed by:	Forwarded to	Date
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\$10.00 fee received by <u>JE</u>	Date <u>8-12-74</u>			
Approved for publication by <u>JE</u>	<u>#15025</u>			
Published in <u>BONNERS FERRY HERALD</u>				
Dates <u>8-22 + 8-29-74</u>				

AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 12 1974

STATE OF IDAHO }
County of Boundary } ss.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4052

Notice is hereby given that William J. Emacio &/or Kenneth W. Kelson, Porthill, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.13 cubic feet per second of water from a Spring with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 65N, R. 1W, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and stockwatering purposes (0.05 cfs) with a priority of 1944; the place of use is within the S $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 14; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 23, T. 65N, R. 1W, 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 Bonners Ferry Herald, Bonners Ferry, Idaho on Aug. 22 and Aug. 29, 1974.ldr

Echo Turnbull, bkpr. for W. H. Chubb being first duly sworn upon his oath, deposes and says that he is the publisher (or foreman) publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Administration

a Notice of Claim #98-4052

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated August 22, 1974, 196, and ending with the issue dated August 29, 1974, 196.

Subscribed and sworn to before me this 11 day of Sept., 1964

C. Don Kirby
Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

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

November 12, 1974

Re: Claim to a Water Right No. 98-4052

**William J. Emacio &/or
Kenneth W. Kelson
Porthill, ID 83853**

Gentlemen:

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



August 16, 1974

Re: Application No. 98-7117 - Hobert C. &/or Helen L. White
Claim No. 98-4052 - William J. Emacio &/or Kenneth W. Kelson

Bonnors Ferry Herald
P.O. Box 539
Bonnors Ferry, ID 83805

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 Submitted 9-3-74 by D

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4052

Notice is hereby given that William J. Emacio &/or Kenneth W. Kelson,

Porthill, Idaho

~~have~~
~~xxx~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.13 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from a Spring

with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 65N, R. 1W, B.M.,

Boundary County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic

(0.08 cfs) and stockwatering purposes (0.05 cfs)

with a priority of 1944;

the place of use is within the S $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 14; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 23, T.
65N, R. 1W, 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 Bonnors Ferry Herald, Bonners Ferry, Idaho

on Aug. 22 and Aug. 29, 1974

NOTICE OF CLAIM TO A WATER

RIGHT

NO. 98-4052

Notice is hereby given that William J. Emacio &/or Kenneth W. Kelson, Porthill, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.13 cubic feet per second of water from a Spring with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 65N, R. 1W, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and stockwatering purposes (0.05 cfs) with a priority of 1944; the place of use is within the S $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 14; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 23, T. 65N, R. 1W, 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 Bonners Ferry Herald, Bonners Ferry, Idaho on Aug. 22 and Aug. 29, 1974. ldwr

O.K.
8-23-74
CP

August 16, 1974

Re: Claim to a Water Right No. 98-4052

Mr. William J. Emacio
Porthill
Idaho 83853

Dear Mr. Emacio:

Attached is your receipt No. 15025 in the amount of \$10 for the filing fee on the above referenced Claim which was received in this office.

Very truly yours,

Corda M. Patterson
Secretary
Northern District

CP

Attachment

July 30, 1974

Mr. William J. Emacio
Porthill
Idaho 83853

Dear Mr. Emacio:

Since the spring in question has been used for 30 years and is not a new system, you should submit the Claim to a Water Right and record your Constitutional Water Rights that have been established through diversion and beneficial use. The Application you submitted is for a new or proposed system.

We have taken the liberty of typing a Claim using the information you submitted on the Application. Please review all items on the form, have your signature notarized, and return the Claim to our office along with the \$10 filing fee.

If there are any questions in this matter, feel free to contact our office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosures

RECEIVED 8/1/74

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant William J. Emacio and/or Kenneth W. Kelson
post office address Port Hill, Idaho 83853
2. Source of water supply Spring which is a tributary of MONTANA RIVER
3. a. Location of point of diversion is NE $\frac{1}{4}$ of ~~E 1/2~~ NW $\frac{1}{4}$ of Section 23 Township 65N
Range ~~1W~~ B.M. Boundary County; additional points of diversion if any:
S 1/2 S 1/2 - Less N 1/2 N 1/2 SE 1/4 - SE 1/4
Sec. 14 T 65N R 1W
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .13 for domestic purpose from Dec. 31 to Jan. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .12 for Livestock purpose from Dec. 31 to Jan. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .25 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is _____ years. already completed (30 years ago)
b. Estimated construction cost is \$ 300.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: S 1/2 S 1/2 - Less N 1/2 N 1/2 SE 1/4 - SE 1/4 Sec. 14 T 65N R 1W
W 1/2
(1) Give the place of use of water: NE $\frac{1}{4}$ of E 1/2 NW $\frac{1}{4}$ of Section 23 Township 65N
Range 1W B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 150 head of beef cattle

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2 - 320 acres
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

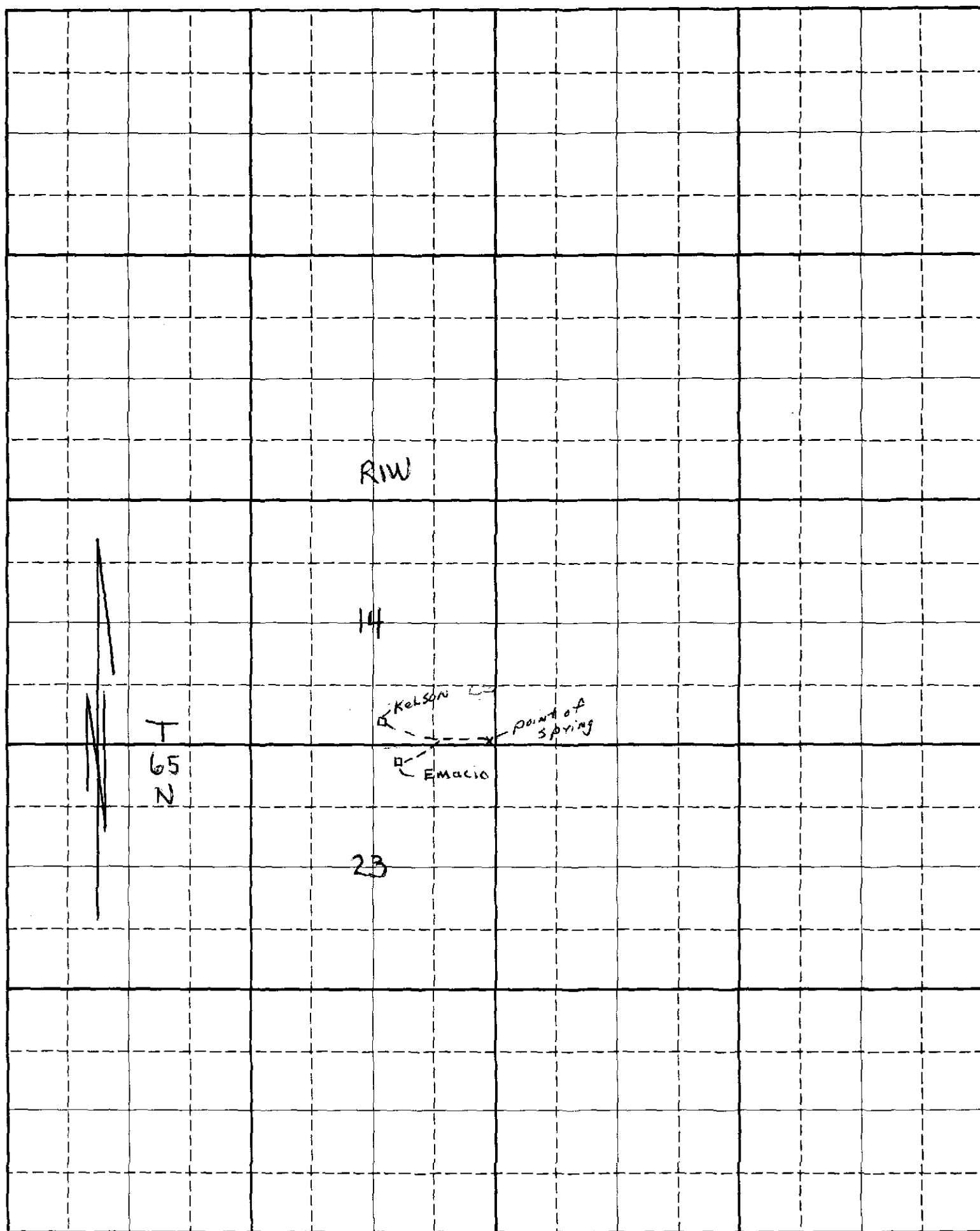
Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of ^{spring} diversion Kenneth Kelson
- b. Who owns the land to be irrigated or place of use Kenneth Kelson & William J. Emacio
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Mr. Jack C. STROUD of Porthill Idaho is acting as a representative agent for William J. Emacio.

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

X Kenneth W. Kelson
(Applicant)
X William J. Emacio
by Emily J. Emacio, Agent.

Received by_____ Date_____ Time_____
Preliminary check by_____ Fee \$_____
Receipted by_____ Date_____
Publication prepared by_____ Date_____
Published in_____
Publication dates_____
Publication approved_____ Date_____
Priority reduced to_____ Reason_____

Protests filed by:_____

Copies of protests forwarded by_____
Hearing held by_____ Date_____
Recommended for approval denial by_____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby_____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19_____.
- c. Other:_____

2. Denial of said application is for the following reasons:_____

Witness my hand this _____ day of _____ 19_____.

Director