

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Pete Thompson

being duly sworn, says that he is the 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

Water Right No. 97 4064

as it was published in the regular and entire issue of said paper
for a period of two consecutive weeks, commencing on
the 25 day of August, 1977,

~~xxx~~

ending on the 1 day of September, 1977,
and that said notice was published in said newspaper proper, and
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

20 day of Sept, 1977.

Adell M. Thompson

Notary Public for Idaho,

Residing at Priest River, Idaho

NOTICE OF CLAIM TO A WATER RIGHT NO. 97-4064

Notice is hereby given that
Elton and or Marilyn Madsen
Rt 5 Box 68A Priest River Id has
filed a claim to a water right
established by diversion and
application to beneficial use of
0.04 cubic feet per second of
water from South Fork Ole
Creek with point of diversion in
the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 T57N,
R6W B.M. Bonner County.

The water is claimed to be
used from Jan 1 to Dec 31 for
domestic purposes with a
priority of 1920 the place of use

T57N, R5W B.M.

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

C. STEPHEN ALLRED
Director

Published in the Priest River
Times, Priest River Id on
August 25 and September 1,
1977.

MICROFILMED

Will send 2.
another copy
9-28-77
B

NOTICE OF CLAIM TO A WATER RIGHT

NO. 97-4064

Notice is hereby given that Elton and/or Marilyn Madsen
Rt. 5, Box 68A, Priest River, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second XXXXXXXXXXXXXXXXXXXX gallons per minute
of water from South Fork Oie Creek
with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 12, T57N, R6W B.M.
Bonner County

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

with a priority of 1920;
the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 7, T57N, R5W B.M.

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

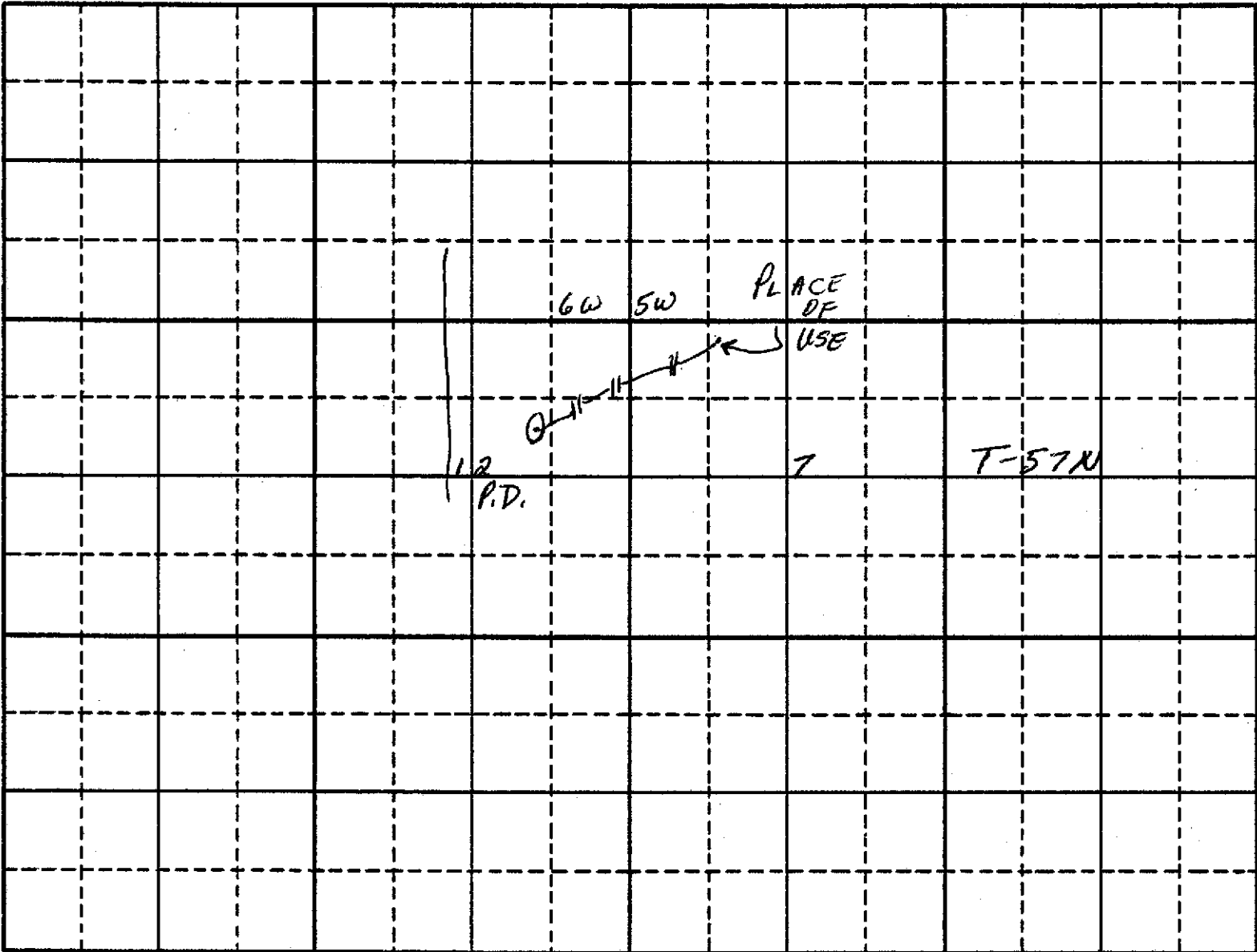
C. STEPHEN ALLRED
Director

Published in the Priest River Times, Priest River, ID
on August 25 and September 1, 1977

RECORDED

(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 Kootenai) ss.
My commission expires Sept 1977

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 4 day of August, 1977

Notary Public
Residing at Travis Lake

My commission expires Sept 1977

For Department Use Only

Received by <u>YR</u>	Date <u>8-9-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>YR</u>	Date <u>8-12-77</u>		claimant by:	
\$10.00 fee received by <u>YR</u>	Date <u>8-12-77 (5726)</u>			
Approved for publication by <u>Mark Peter Jones</u>				
Published in <u>8-25 & 9-1-77</u>				

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~~and~~

ending on the 1 day of September, 19 77,
and that said notice was published in said newspaper proper, and
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

20 day of Sept, 19 77

Adell M Thompson

Notary Public for Idaho,

Residing at Priest River, Idaho

NOTICE OF CLAIM TO A WATER RIGHT NO. 97-4064

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Elton and or Marilyn Madsen
Rt 5 Box 68A Priest River Id has
filed a claim, to a water right
established by diversion and
application to beneficial use of
0.04 cubic feet per second of
~~water from~~ South Fork Ole
Creek with point of diversion in
the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 T57N,
R6W B.M. Bonner County.

The water is claimed to be
used from Jan 1 to Dec 31 for
domestic purposes with a
priority of 1920 the place of use

T57N, R6W B.M.

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the Idaho Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho
83814.

C. STEPHEN ALLRED
Director

Published in the Priest River
Times, Priest River Id on
August 25 and September 1,
1977.

*Will and
another
9-78-77*

**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 97-4064

Notice is hereby given that Elton and or Marilyn Madsen Rt 5 Box 68A Priest River Id has filed a claim, to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from South Fork Ole Creek with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 T57N, R6W B.M. Bonner County.

The water is claimed to be used from Jan 1 to Dec 31 for domestic purposes with a priority of 1920 the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 7 T57N, R5W B.M.

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

C. STEPHEN ALLRED
Director

Published in the Priest River Times, Priest River Id on August 25 and September 1, 1977.

May 12, 1983

Elton and/or Marilyn Madsen
Rt. 5, Box HH
Priest River, ID 83856

Dear Mr. and Mrs. Madsen:

Re: Claim to a Water Right No. 97-4064

Enclosed is the Statement of Beneficial Use postcard which you submitted for the above-referenced water right.

Please be advised that statutes governing the claim to a water right do not require the submittal of the Statement of Beneficial Use as required under the statutes for the Application for Water Right Permit.

If you have any questions concerning this matter, please feel free to contact me or our regional office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 18, 1983

Elton and/or Marilyn Madsen
Rt. 5, Box HH
Priest River, ID 83856

Dear Mr. and Mrs. Madsen:

Re: Permit No. 97-7105 and Claim to a Water Right No. 97-4064

Enclosed are both Statement of Beneficial Use postcards submitted on the above referenced water rights received in this office on March 30, 1983.

Please be advised that it is not necessary to submit a Statement of Beneficial Use postcard for a Claim to a Water Right.

The Statement of Beneficial Use postcard submitted on Permit No. 97-7105 will be acceptable when signed and returned to this office.

If you have any questions concerning your water rights, please feel free to contact this office or our Northern Regional office in Coeur d'Alene.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

RIF

Enclosures



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
667-6484

COBUR D' ALENE, IDAHO 83814

October 5, 1977

Re: 97-4064

Mr. and Mrs. Elton Madsen
Rt. 5, Box 68A
Priest River, ID 83856

Dear Mr. and Mrs. Madsen:

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, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

*no bill
received
10-5-77
APW*

RECEIVED

September 8, 1977

Mr. Beardmore
620 19th Ave.
Lewiston, ID 83501

Dear Mr. Beardmore:

Regarding your letter dated September 6, 1977, an exception to a Claim must be made "in duplicate, in affidavit form, accompanied by such proof..." (as you deem) "... appropriate." (Section 42-225b Idaho Code.)

I am uncertain whether you are protesting Application #97-7105 or not. If you are protesting the Application, a protest can only be considered by this department if one of the following items are involved.

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK/sdw

GEORGE W. BEARDMORE
620 - 19TH AVENUE
LEWISTON, IDAHO 83501

9/6/77 RECEIVED
SEP 7 1977
Department of Water Resources
Northern District Office

State Dept Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Re Water Right Claim 97-4064
✓ application 97-7105

For many years my parents owned
NE $\frac{1}{4}$ Sec 12, T5N R6W B1M. I now own
the E $\frac{1}{2}$ NE $\frac{1}{4}$.

I take exception to any claim of water
by Elton and Marilyn on a claim with a
point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ or
NE $\frac{1}{2}$ NE $\frac{1}{4}$ of this section 12 for domestic
use in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T5N, R5W B1M.

My father built Beardmore Camp #1
on the E $\frac{1}{2}$ NE $\frac{1}{4}$ this Sec 12 and logged
it and surrounding timber in the late
"teen's" and 1920's. He used the water
of Ole Creek and it's south fork for live stock
and domestic water and to irrigate about
25 acres of hay meadow and pasture in the E $\frac{1}{2}$ NE $\frac{1}{4}$.

Any permit granted to Madams under
application 97-7105 is subject to the
prior Beardmore water rights.

George W Beardmore



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 18, 1977

RE: Application No. 96-7601, 96-7599, & 97-7105
Claim No. 97-4064

Priest River Times,
PO Box 398
Priest River, Id 83856

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,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

NOTICE OF CLAIM TO A WATER RIGHT

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Rt. 5, Box 68A, Priest River, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXX~~ gallons per minute
of water from South Fork Oie Creek

with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 12, T57N, R6W B.M.

Bonner County

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

with a priority of 1920;
the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 7, T57N, R5W B.M.

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Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho,
83814.

C. STEPHEN ALLRED
Director

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MICROFILMED

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The water is claimed to be used from Jan 1 to Dec 31 for domestic purposes with a priority of 1920 the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 7 T57N, R5W B.M.

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C. STEPHEN ALLRED
Director

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