

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

No. 97-4017

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 17th day of February, 1972, and ending on the 21st day of February, 1972, and that said notice was published in said newspaper proper, and not in supplement form.

Marie Martin

Subscribed and sworn to before me this

29th day of February, 1972

Donna M. Murray
Notary Public for Idaho,
Residing at Priest River, Idaho

RECEIVED
MAR 1 1972

Department of Water Administration

NOTICE OF CLAIM TO A WATER RIGHT

No. 97-4017

Notice is hereby given that City of Newport, City Hall, Newport Washington has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Pend Oreille River with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 56N, R. 6W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for municipal supply with a priority of October, 1938; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 56N, R. 6W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Feb. 17 and Feb. 24, 1972.

7-2t

97 4017

Identification No. _____
Claim No. 97-4017
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 City of Newport, Washington
post office address City Hall, Newport, Washington 99156

2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 24 Township 56N
Range 6W B.M. located on Pend Oreille River
(name of source)
tributary to Columbia, 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:

October, 1938 amount: 1.0 c.f.s. or _____ acre feet
_____, amount: _____ c.f.s. or _____ acre feet
_____, amount: _____ c.f.s. or _____ acre feet
Total claimed 1.0 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 municipal supply period of use from Jan 1 to Dec 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 PLEASE REFER TO PARAGRAPH 9.

_____; 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 _____
_____;

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; active 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 _____.

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

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:

[illegible]

Total number of acres to be irrigated.

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

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 _____

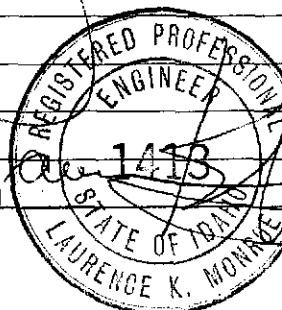
7. Where water is used for domestic or municipal purposes give number of families served 800
name of town supplied Newport, Washington

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
Diversion works consist of a 6 inch diameter intake line extended into the river approximately 200 feet from the pump house. The pump is located in a concrete structure on the left bank of the Pend Oreille River. The pump consists of a horizontal, split case, centrifugal pump with a 4 inch intake, a 3 inch discharge and an 8 inch impeller. It is driven by a 30 horsepower electric motor at 3510 r.p.m.

Pump is rated at 450 gallons per minute under a 210 foot head. The water is then chlorinated and transmitted through approximately 1000 feet of 6 inch steel pipeline to the municipal distribution network.

State of ~~Idaho~~ Washington
County of Pend Oreille 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.

David Sherman
Claimant

Sworn to before me this 3rd day of February, 1974.

Myrtle M. Monahan
Notary Public
Residing at Newport

My commission expires March 30, 1975

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>ij</u>	<u>2-7-72</u>			
Prelim. check by <u>JE</u>	Date <u>2/7/72</u>			
Fee received by <u>ij</u>	Date <u>2-7-72</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>JE</u>				
Published in <u>RIEY RIVER TIMES</u>	Dates <u>2-17-72-24-72</u>			

INSTRUCTIONS

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.

Paragraph No.

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:

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 it 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.

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

No. 97-4017

as it was published in the regular and entire issue of said paper
for a period of two consecutive weeks, commencing on
the 17th day of February, 1972,
and _____
_____ ending on the 24th day of February, 1972,
and that said notice was published in said newspaper proper, and
not in supplement form.

Marie Martin

Subscribed and sworn to before me this

29th day of February, 1972

Donna M. Murray
Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF CLAIM TO A WATER RIGHT

No. 97-4017

Notice is hereby given that City
of Newport, City Hall, Newport
Washington has filed a claim to a
water right established by diver-
sion and application to beneficial
use of 10 cubic feet per second
of water from Pend Oreille River
with point of diversion in the
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 56N, R. 6W,
B.M., Bonner County.

The water is claimed to be used
from Jan. 1 to Dec. 31 for munici-
pal supply with a priority of
October, 1948; the place of use is
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T.
56N, R. 6W, B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration, Statehouse, Boise,
Idaho, 83707.

R. KEITH HIGGINSON,
Director.

Published in the Priest River
Times, Priest River, Idaho on Feb.
17 and Feb. 24, 1972.

7-2t

97 4017

March 8, 1972

Re: Claim to a Water Right No. 97-4017

City of Newport, Washington
City Hall
Newport, Washington 99156

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 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/BL
Enclosure: Copy of Claim

97 4017

February 11, 1972

Re: Application No. 96-7080 - George E. & Mary L. Shook
Claim No. 97-4017 - City of Newport, Washington

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. 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
Appropriation Examiner

FE:CR

Enc: Legal Notices (2)

97 4017



LEGAL...

NOTICE OF CLAIM TO A WATER RIGHT No. 97-4017

Notice is hereby given that City of Newport, City Hall, Newport Washington has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Pend Oreille River with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 56N, R. 6W, B.M., Bonner County.

The water is claimed to be used from Jan. 1 to Dec. 31 for municipal supply with a priority of October, 1938; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 56N, R. 6W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Feb. 17 and Feb. 24, 1972.

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*O.K.
2-16-72
J.D.*

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97 4017

NOTICE OF CLAIM TO A WATER RIGHT

No. 97-4017

Notice is hereby given that City of Newport, City Hall,

Newport, Washington

has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second ~~more or less~~ of water from Pend Oreille River

with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 56N, R. 6W, B.M.,

Bonner County

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

municipal supply

with a priority of October, 1938;

the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 56N, R. 6W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,

~~except before~~

R. KEITH HIGGINSON

Director

Published in the Priest River Times, Priest River, Idaho

on Feb. 17 and FEB. 24, 1972

97 4017

February 7, 1972

City of Newport
City Hall
Newport, Washington 99156

Gentlemen:

Attached herewith is your receipt No. 8012 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: Receipt

97 4017