

Affidavit of Publication

RECEIVED

SEP 15 1969

Department of Reclamation

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

as it was published in the regular and entire issue of said paper for a period of 2 consecutive weeks, commencing on the 4th day of Sept., 19 69, and

ending on the 11th day of Sept., 19 69, and that said notice was published in said newspaper proper, and not in supplement form.

Marie Martin

Subscribed and sworn to before me this

12th day of Sept., 19 69

George Connolly
Notary Public for Idaho,

Residing at Priest River, Idaho

**NOTICE OF CLAIM TO A
WATER RIGHT**
No. 97-4000

Notice is hereby given that Walter L. Kirby, et ux, Route 1, Box 147, 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 a groundwater source with point of diversion in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 56 N, R. 5 W, B.M., Bonner County; the water is claimed to be used from January 1 to December 31 for stockwater and domestic purposes with a priority of June, 1967; the place of use is NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 56 N, R. 5 W, B.M.

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

R. KEITH HIGGINSON
State Reclamation Engineer
36-2t

97-4000

Bill submitted
9-15-69
K.H.

Identification No. _____
Claim No. 97-4000 P.
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 Walter L. Kirby et ux - Rt #1 - Box 147
post office address Priest River, Idaho 83856
2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 23 Township 56N
Range 5 W B.M. located on N/A (dug well) Groundwater
(name of source)
tributary to N/A 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: Well dug in June 1967 for domestic and garden purposes
amount: _____ 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 livestock 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: N/A
 - 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 44 feet; diameter of well is 36 inches; type of pump is deep well
capacity of pump is 510 g.p.m. ; name and address of well driller is home dug.
510 per hour ;

97-4000

_____, if so, give dates and explain

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was subjected to a control condition (CG-C) and the EG was subjected to an experimental condition (EG-E). The CG-C was subjected to a control condition (CG-C) and the EG-E was subjected to an experimental condition (EG-E). The CG-C was subjected to a control condition (CG-C) and the EG-E was subjected to an experimental condition (EG-E).

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

Age Group	Percentage
18-24	12%
25-34	28%
35-44	22%
45-54	18%
55-64	15%
65-74	10%
75-84	8%
85+	5%

DATE	DESCRIPTION	AMOUNT	CHECK NO.	BANK	REMARKS
1/1/2020	Initial deposit	1000.00		Bank of America	Starting balance
1/15/2020	Payment received	500.00	101	Bank of America	Client payment
2/1/2020	Payment received	750.00	102	Bank of America	Client payment
2/15/2020	Payment received	300.00	103	Bank of America	Client payment
3/1/2020	Payment received	600.00	104	Bank of America	Client payment
3/15/2020	Payment received	400.00	105	Bank of America	Client payment
4/1/2020	Payment received	550.00	106	Bank of America	Client payment
4/15/2020	Payment received	350.00	107	Bank of America	Client payment
5/1/2020	Payment received	650.00	108	Bank of America	Client payment
5/15/2020	Payment received	450.00	109	Bank of America	Client payment
6/1/2020	Payment received	500.00	110	Bank of America	Client payment
6/15/2020	Payment received	300.00	111	Bank of America	Client payment
7/1/2020	Payment received	600.00	112	Bank of America	Client payment
7/15/2020	Payment received	400.00	113	Bank of America	Client payment
8/1/2020	Payment received	550.00	114	Bank of America	Client payment
8/15/2020	Payment received	350.00	115	Bank of America	Client payment
9/1/2020	Payment received	650.00	116	Bank of America	Client payment
9/15/2020	Payment received	450.00	117	Bank of America	Client payment
10/1/2020	Payment received	500.00	118	Bank of America	Client payment
10/15/2020	Payment received	300.00	119	Bank of America	Client payment
11/1/2020	Payment received	600.00	120	Bank of America	Client payment
11/15/2020	Payment received	400.00	121	Bank of America	Client payment
12/1/2020	Payment received	550.00	122	Bank of America	Client payment
12/15/2020	Payment received	350.00	123	Bank of America	Client payment
1/1/2021	Payment received	650.00	124	Bank of America	Client payment
1/15/2021	Payment received	450.00	125	Bank of America	Client payment
2/1/2021	Payment received	500.00	126	Bank of America	Client payment
2/15/2021	Payment received	300.00	127	Bank of America	Client payment
3/1/2021	Payment received	600.00	128	Bank of America	Client payment
3/15/2021	Payment received	400.00	129	Bank of America	Client payment
4/1/2021	Payment received	550.00	130	Bank of America	Client payment
4/15/2021	Payment received	350.00	131	Bank of America	Client payment
5/1/2021	Payment received	650.00	132	Bank of America	Client payment
5/15/2021	Payment received	450.00	133	Bank of America	Client payment
6/1/2021	Payment received	500.00	134	Bank of America	Client payment
6/15/2021	Payment received	300.00	135	Bank of America	Client payment
7/1/2021	Payment received	600.00	136	Bank of America	Client payment
7/15/2021	Payment received	400.00	137	Bank of America	Client payment
8/1/2021	Payment received	550.00	138	Bank of America	Client payment
8/15/2021	Payment received	350.00	139	Bank of America	Client payment
9/1/2021	Payment received	650.00	140	Bank of America	Client payment
9/15/2021	Payment received	450.00	141	Bank of America	Client payment
10/1/2021	Payment received	500.00	142	Bank of America	Client payment
10/15/2021	Payment received	300.00	143	Bank of America	Client payment
11/1/2021	Payment received	600.00	144	Bank of America	Client payment
11/15/2021	Payment received	400.00	145	Bank of America	Client payment
12/1/2021	Payment received	550.00	146	Bank of America	Client payment
12/15/2021	Payment received	350.00	147	Bank of America	Client payment
1/1/2022	Payment received	650.00	148	Bank of America	Client payment
1/15/2022	Payment received	450.00	149	Bank of America	Client payment
2/1/2022	Payment received	500.00	150	Bank of America	Client payment
2/15/2022	Payment received	300.00	151	Bank of America	Client payment
3/1/2022	Payment received	600.00	152	Bank of America	Client payment
3/15/2022	Payment received	400.00	153	Bank of America	Client payment
4/1/2022	Payment received	550.00	154	Bank of America	Client payment
4/15/2022	Payment received	350.00	155	Bank of America	Client payment
5/1/2022	Payment received	650.00	156	Bank of America	Client payment
5/15/2022	Payment received	450.00	157	Bank of America	Client payment
6/1/2022	Payment received	500.00	158	Bank of America	Client payment
6/15/2022	Payment received	300.00			

[illegible]

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

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 _____ 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
This claim is being filed to protect interest in this water in case parties above dig wells on same vein and dry up our well.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

8/14/69
(Date)

Walter L Kirby
(Signature of Claimant)

State of Idaho }
County of Bonner } ss.

On this 14 day of August 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Dorothy M. Norton
Notary Public residing at _____
NOTARY PUBLIC in & for the State of Idaho
Residing at Sandpoint, Idaho
My commission expires July 1, 1970

My commission expires _____

For Department Use Only

Received by <u>ef</u> Date <u>8-20-69</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>Dell</u> Date <u>8-20-69</u>	_____	_____	_____
Fee received by <u>ef</u> Date <u>8-20-69</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>D</u>	_____	_____	_____
Published in <u>Prin River Times</u> Dates <u>Sept 4th + Sept. 11th</u>	_____	_____	_____

97-4000

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 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 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

as it was published in the regular and entire issue of said paper
for a period of 2 consecutive weeks, commencing on
the 4th day of Sept., 1969,
and
ending on the 11th day of Sept., 1969,
and that said notice was published in said newspaper proper, and
not in supplement form.

Marie Martin

Subscribed and sworn to before me this

12th day of Sept., 1969.

Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF CLAIM TO A WATER RIGHT

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T. 56 N., R. 5 W., B.M., Bonner
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NW 1/4 NE 1/4, Sec. 23, T. 56 N., R. 5
W., B.M.

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

State Reclamation Engineer
36-2t

Bill submitted
9-15-69
K.H.

97-4000

September 23, 1969

Re: Claim to a Water Right No. 97-4000

Mr. & Mrs. Walter L. Kirby
Route 1, Box 147
Priest River, Idaho 83856

Dear Mr. & Mrs. Kirby:

Please be advised that the Department of Reclamation has received and processed your claim to a water right. We have enclosed a copy of the claim for your files; please refer to the claim number if you desire to add or change information in your claim.

You should be aware that the filing of the claim completes the Department's work in processing the claim. Under Idaho Statutes, no further processing is pending at this time. Your claim will merely be filed on record with the Department until such time as you or a court may be in need of the information.

Enclosed is a departmental receipt in the amount of \$10.00 covering the filing fee.

If we may be of assistance at any time, please feel free to contact the Department.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosures: Copy of Claim
Receipt No. 3526

97-4000

**NOTICE OF CLAIM TO A
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R. KEITH HIGGINSON
State Reclamation Engineer

36-2t

August 26, 1969

Re: Claim to a Water Right No. 97-4000 - Walter L. Kirby

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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

97-4000

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cubic feet per second ~~and~~ of water from a groundwater source
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claimed to be used from January 1 to December 31 for stockwater
and domestic purposes with a priority of June, 1967
; the place of use is NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23,
T. 56 N, R. 5 W, 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 September 4 and September 11, 1969.

97-4000 *NC*