

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Carac Nedge being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Notice
of which the annexed is a printed copy, was published in the regular Three
issue of said newspaper for 2 consecutive Weeks
commencing on the 8 day of Sept, 1983, and
ending on the 15 day of Sept, 1983, and such
publication was made as often during said period as said daily
newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Carac Nedge
Subscribed and sworn to before me this 15 day of Sept
1983.

Robert D. Gable
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

LEADER

Idaho Department of Water Resources
Kootenai District Office

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims(s) have been filed on water right(s) created by diversion and beneficial use:

94-4272

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: SPRING trib. to SINKS
Priority Date: 06/01/1947
Diversion Pt: SESE Sec 09 T 47N R 03W
Use: STOCKWATER (0.01 CFS);
DOMESTIC (0.04 CFS)
In: SWSE SESE Sec 09 T 47N R 03W

94-4273

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: GROUNDWATER
Priority Date: 06/01/1947
Diversion Pt: SESE Sec 09 T 47N R 03W
Use: STOCKWATER (0.01 CFS);
DOMESTIC (0.04 CFS)
In: SWSE SESE Sec 09 T 47N R 03W

94-4274

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: POND Trib. to COEUR D ALENE LAKE
Priority Date: 05/15/1941
Diversion Pt: SWSE Sec 09 T 47N R 03W
Use: STOCKWATER (0.01 CFS)
In: SWSE Sec 09 T 47N R 03W

94-4275

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: SPRING trib. to SINKS
Priority Date: 06/30/1965
Diversion Pt: NENE Sec 24 T 47N R 03W
R 03W
Use: IRRIGATION (0.20 CFS);
DOMESTIC (0.04 CFS)
In: NENE Sec 24 T 47N R 03W
FOR 10 ACRES

95-4701

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: COEUR D ALENE LAKE trib. to SPOKANE RIVER
Priority Date: 06/01/1965
Diversion Pt: NWSE Sec 11 T 48N R 04W
Use: DOMESTIC (0.04 CFS)
In: NWSE Sec 11 T 48N R 04W

95-4702

HASS, RONALD A.
E. 3595 GRANITE POINT RD.,
COEUR D ALENE, ID 83814
Source: SPOKANE RIVER trib. to COLUMBIA RIVER
Priority Date: 05/15/1960
Diversion Pt: LOT 07 Sec 12 T 50N R 05W
Use: DOMESTIC (0.03 CFS)
In: LOT 07 Sec 12 T 50N R 05W

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814.
KEN DUNN, Dir.

Legal 438
Sept. 8, 15, 1983

MICROFILMED

Speed Letter

TO:

Joseph M. ...

FROM:

Larry B. D.

RR2 St. ...

83861

Subject

MESSAGE

I am returning free of charge
to a water right for ... to each
case, the ... not ...
to the point of ... of use.
Please make the necessary ...
initial them, and return them with
60 days

Date 6-30-83 Signed

Larry B. D.

REPLY

Date ~~6-30-83~~ Signed

POOR QUALITY ORIGINAL

REPRODUCTION

RECEIVED

JUN 29 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Claim No. 95-4701

Department of Water Resources
Northern District Office

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Joseph Marcea
(Name of Claimant)
Rt. 2, St. Maries, Idaho 83861 Telephone No. 245-3560
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1965

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Lake Coeur d'Alene tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.04 cfs</u>		Use <u>domestic</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) .04 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 11 Twp. 48N Rge. 4W B.M., County of Kootenai
Additional points of diversion: unnamed spring used as backup source of water

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. Describe any changes in the system and give the date of the change. 1 h.p. pump draws through 1 1/2" line to 6x6 reservoir, then through 1" line to residence

(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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
48N	4W	11														X			

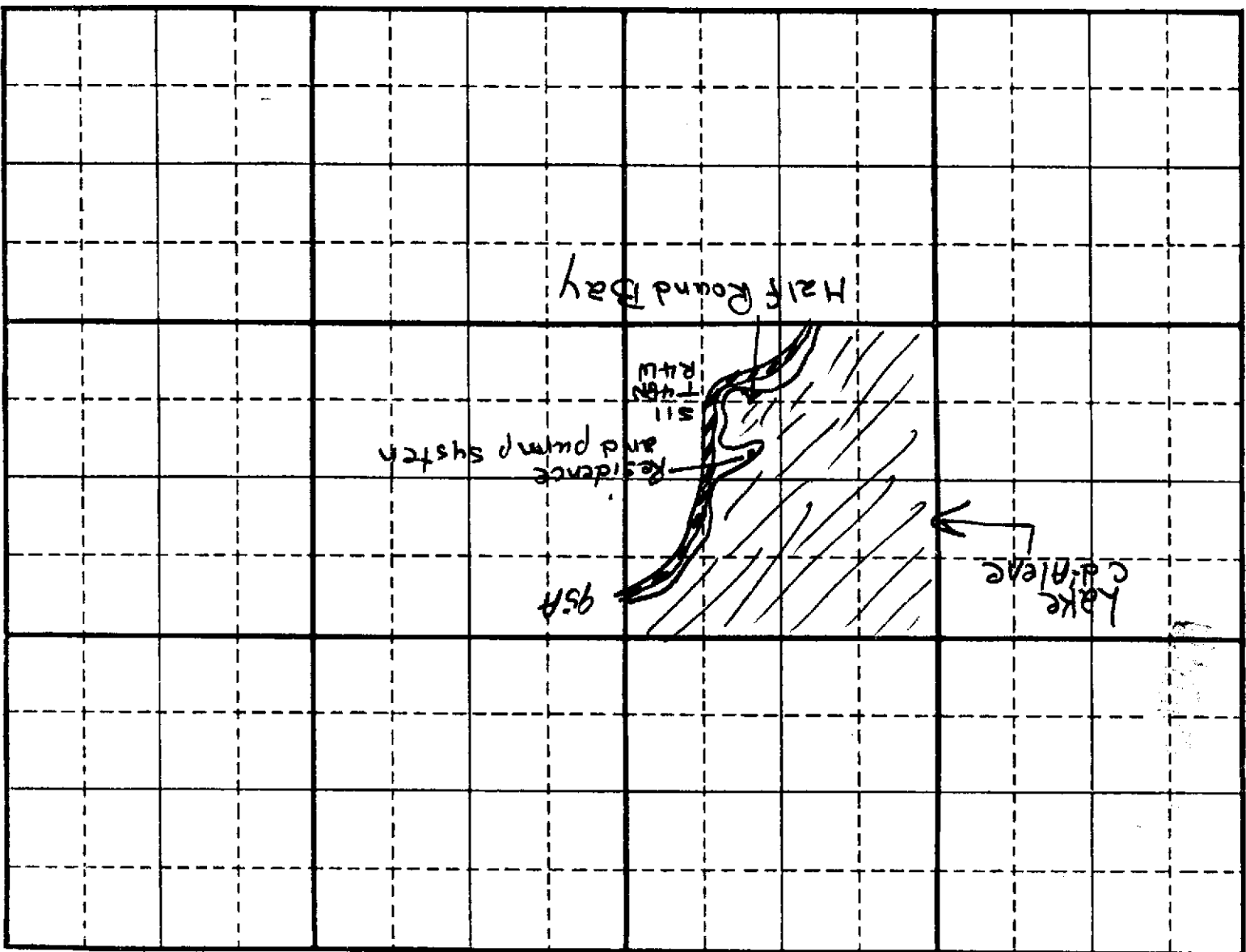
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: domestic

NOTE: Include here the type and number of stock watered: _____

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

(8) Remarks Location as described is approximate. S. 11, T48N, R4W, BM is a partial section, extending in Lake Coeur d'Alene. Actual description is attached hereto, marked "Exhibit A" and, by reference, incorporated herein.



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 Benewah) 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 affiant's knowledge.

Sworn to before me this 24th day of June 1983
(Claimant) *George Newman*
Notary Public *[Signature]*
Residing at St. Maries

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by *[Signature]* Date 6/22/83 Prelim. check by *[Signature]* Date 8/23/83
\$30.00 fee received by *[Signature]* Date 6/27/83
Published in *Coeur d'Alene Press* 9/8+15/83
Dates

Forwarded to _____ Date _____
claimant by: _____
Exception filed by: _____
8/23/83 (28454)

EXHIBIT "A"

That portion of Government Lot 3, Section 11, Township 48 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, described as follows:

COMMENCING at a concrete monument on the Northerly right of way line of U. S. Highway 95A, at Station 357+21.2, said monument lying North 32°50' East 911.5 feet and North 67°44'30" East 339.16 feet from the South quarter corner of said Section 11; thence, North 86°42' West, 66.0 feet to a point on said right of way line, which is the TRUE POINT OF BEGINNING; thence, North 25°42' West, 113.75 feet to the shore of Lake Coeur d' Alene; thence, along said shore as follows:

North 78°06' West, 100 feet;

South 87°18' West, 100 feet; and

South 44°33' West, 100 feet to the most Northerly corner of land described in the deed to Gordon R. Gray recorded June 29, 1978 in Book 292, page 209 of Deeds; thence, leaving said shore, South 42°21' East along the Northeasterly line of said Gray land, 173.0 feet to the Northerly right of way line of U.S. Highway 95A; thence, Easterly along said right of way line, being along the arc of a curve to the right having a radius of 326.5 feet, a distance of 220.46 feet to the TRUE POINT OF BEGINNING.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Carac Nedge being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Notice

of which the annexed is a printed copy, was published in the regular issue of said newspaper for 4 consecutive weeks commencing on the 8 day of April, 1983, and ending on the 5 day of Sept, 1983, and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Subscribed and sworn to before me this 15 day of Sept, 1983.

Robert D. Gandy
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

LEADER

Water Resources
Coeur d'Alene

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims(s) have been filed on water right(s) created by diversion and beneficial use:

94-4272

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: SPRING trib. to SINKS
Priority Date: 06/01/1947
Diversion Pt: SESE Sec 09 T 47N R 03W
Use: STOCKWATER (0.01 CFS);
DOMESTIC (0.04 CFS)
In: SWSE SESE Sec 09 T 47N R 03W

94-4273

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: GROUNDWATER
Priority Date: 06/01/1947
Diversion Pt: SESE Sec 09 T 47N R 03W
Use: STOCKWATER (0.01 CFS);
DOMESTIC (0.04 CFS)
In: SWSE SESE Sec 09 T 47N R 03W

94-4274

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: POND Trib. to COEUR D ALENE LAKE
Priority Date: 06/15/1941
Diversion Pt: SWSE Sec 09 T 47N R 03W
Use: STOCKWATER (0.01 CFS);
In: SWSE Sec 09 T 47N R 03W

94-4275

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: SPRING trib. to SINKS
Priority Date: 06/30/1965
Diversion Pt: NENE Sec 24 T 47N R 03W
Use: IRRIGATION (0.20 CFS);
DOMESTIC (0.04 CFS)
In: NENE Sec 24 T 47N R 03W
FOR 10 ACRES

95-4701

MARCEA, JOSEPH
RT. 2, ST. MARIES, ID 83861
Source: COEUR D ALENE LAKE trib. to SPOKANE RIVER
Priority Date: 06/01/1965
Diversion Pt: NWSE Sec 11 T 48N R 04W
Use: DOMESTIC (0.04 CFS)
In: NWSE Sec 11 T 48N R 04W

95-4702

HASS, RONALD A.
E. 3695 GRANITE POINT RD.,
COEUR D ALENE, ID 83814
Source: SPOKANE RIVER trib. to COLUMBIA RIVER
Priority Date: 05/15/1960
Diversion Pt: LOT 07 Sec 12 T 50N R 05W
Use: DOMESTIC (0.03 CFS)
In: LOT 07 Sec 12 T 50N R 05W

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814.
KEN DUNN, Dir.

Legal 438
Sept. 8, 1983

COEUR D'ALENE PRESS

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RMA

Right Number 95-4701 Applicant Marcea

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By R Date 10/7/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By AC Date 10-25-83

95-4701-

MARCEA, JOSEPH

RT. 2, ST. MARIES, ID 83861

Source: COEUR D'ALENE LAKE trib. to SPOKANE RIVER

Priority Date: 06/01/1965

Diversion Pt: NWSE Sec 11 T 48N R 04W

Use: DOMESTIC (0.04 CFS)

In: NWSE Sec 11 T 48N R 04W

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

SEPTEMBER 26, 1983

JOSEPH MARCEA
RT. 2
ST. MARIES ID 83861

RE: Claim No. 95-4701

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

ENCLOSURE

LAW OFFICES OF
PARK & ROGERS
CHARTERED
720 COLLEGE AVENUE
ST. MARIES, IDAHO
83861

August 19, 1983

Mr. Larry Beard
State of Idaho
Department of Water Resources
Northern Region Office
4055 Government Way
Suite 9
Coeur d'Alene, Idaho 83814

Re: Joseph Marcea Claims to Water Rights

Dear Mr. Beard:

Please find enclosed the amended Claims to Water Rights which were returned to us under your letter of 6-30-83, copy enclosed for reference.

I believe that we have corrected all inconsistencies, and that the claims should now be in good order.

Please let me know if there is any further problem.

Very truly yours,



David B. Rogers
Park & Rogers, Chartered

DBR:lb

Enc.

Speed Letter

TO: Joseph M. ...
242 St. ...
85861

FROM: ...

Subject

MESSAGE

I am returning you of your ...
to a ... right ...
case, the ...
to the point of ...
Please ... the ...
with ...

Date 6-30-83 Signed

REPLY

Date ~~6-30-83~~ Signed

POOR QUALITY ORIGINAL

RECEIVED

Claim No.

JUN 29 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Northern District Office

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Joseph Marcea
(Name of Claimant)
Rt. 2, St. Maries, Idaho 83861 Telephone No. 245-3560
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1965

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Lake Coeur d'Alene tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04 cfs</u>	Use <u>domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .04 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SW 1/4, Sec. 11 Twp. 48N Rge. 4W B.M., County of Kootenai
Additional points of diversion: unnamed spring used as backup source of water

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. Describe any changes in the system and give the date of the change. 1 h.p. pump draws through 1 1/2" line to 6x6 reservoir, then through 1" line to residence

(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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			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	
48N	4W	11									X								

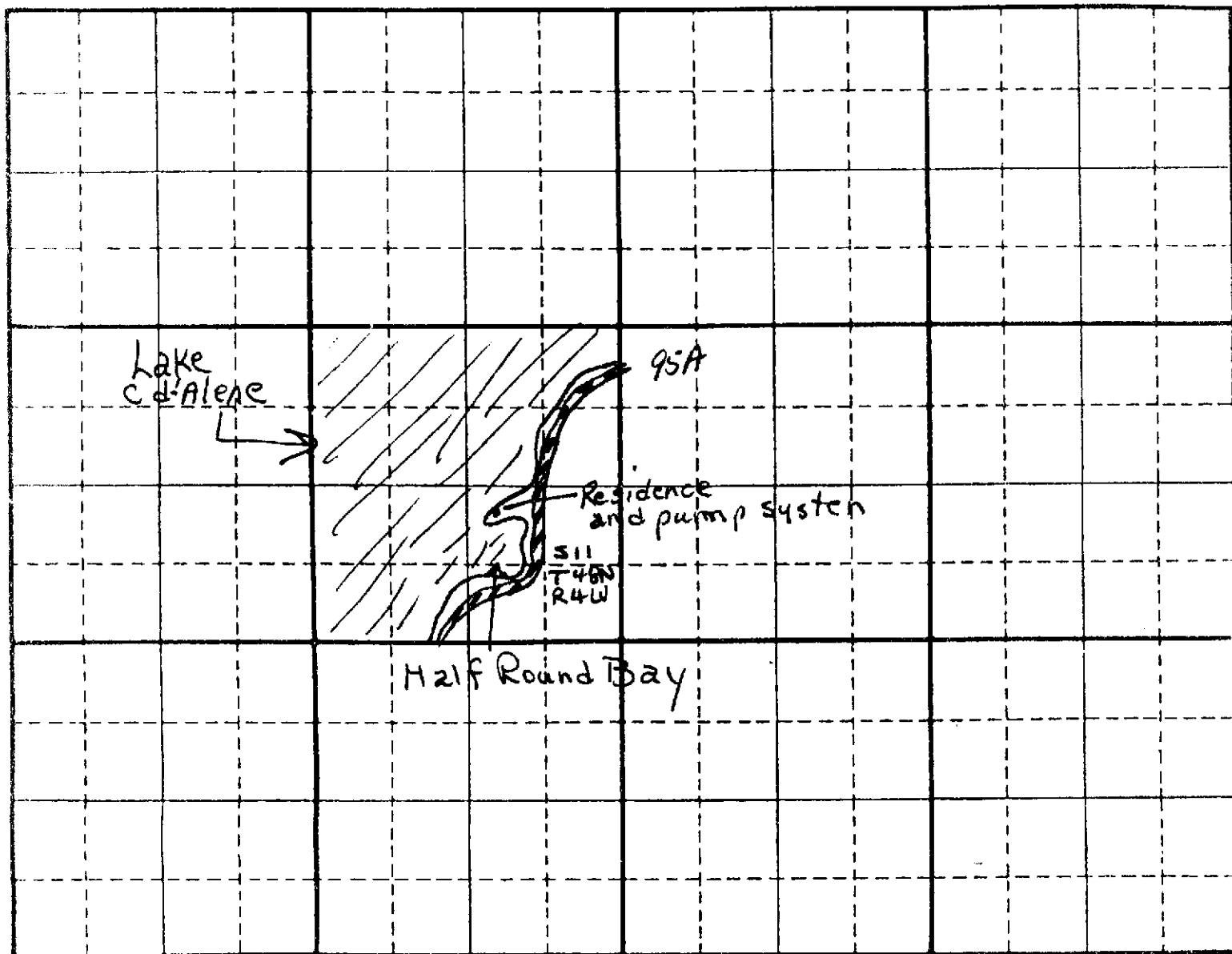
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: domestic

NOTE: Include here the type and number of stock watered:

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

81. Remarks Location as described is approximate, S. 11, T48N, R4W, BM is a partial section, extending into Lake Coeur d'Alene. Actual description is attached hereto, marked "Exhibit A" and, by reference, incorporated herein.



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 Benewah) 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 affiant's knowledge.

Sworn to before me this 24th day of

June

1983

Joseph Marica
(Claimant)

Notary Public
Residing at St. Maries

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$30.00 fee received by _____ Date _____
Published in _____
Dates _____