

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO,
County of Kootenai, } ss.

SEP 7 1983

Department of Water Resources

Northern District of Idaho

DOMESTIC (0.33 CFS)
In: NENW Sec 25 T 48N R 03W
FOR 6 ACRES

deposes and says:

DOHRMAN, CHARLES E.
RT. 2 BOX 134, ST. MARIES, ID 83861

Source: GROUNDWATER
Priority Date: 05/01/1944
Diversion Pt: NWSW Sec 14 T 47N R 03W

Use: DOMESTIC (0.04 CFS)
In: SWSW Sec 14 T 47N R 03W

MOSS, JOHN T.
4631 88th ST. S.W., MUKILTEO, WA 98275

Source: SPRING trib. to SINKS
Priority Date: 01/01/1946
Diversion Pt: NWNW Sec 23 T 49N R 04W

Use: DOMESTIC (0.04 CFS)
In: NENW Sec 23 T 49N R 04W

SCOTT, DONALD L. &/or BARBARA
2525 CHURCH RD., RATHDRUM, ID 83858

Source: SPRINGS trib. to HAUSER CREEK
Priority Date: 10/30/1977
Diversion Pt: SWNW Sec 04 T 51N R 05W

Use: STOCKWATER (0.02 CFS); DOMESTIC (0.04 CFS)
In: NESW NWSW Sec 04 T 51N R 05W

BENGTSON, JOHN H.
301 KARIN CT., LEWISTON, ID 83501

Source: SPRING trib. to COEUR D'ALENE LAKE
Priority Date: 03/21/1970
Diversion Pt: NWSW Sec 03 T 47N R 04W

Use: DOMESTIC (0.04 CFS)
In: NWSW Sec 03 T 47N R 04W

PAUL, MICHAEL HENRY &/or ANN LOUISE
E. 650 TWIN LAKES RD., RATHDRUM, ID 83858

Source: UNNAMED STREAM trib. to SPIRIT LAKE
Priority Date: 06/01/1969
Diversion Pt: NWSW Sec 24 T 53N R 05W

Use: DOMESTIC (0.12 CFS)
In: NWSW Sec 24 T 53N R 05W

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Goye Way, Coeur d'Alene, Id. 83814

KEN DUNN, pl

Legal 390
Aug. 25, Sept. 1, 1983

NOTICE OF CLAIMS TO WATER RIGHTS

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

94-4270

KOOTENAI SCHOOL DISTRICT NUMBER 274

RT. 1 BOX 25, HARRISON, ID 83833

Source: GROUNDWATER
Priority Date: 01.01/1957

Diversion Pt: NWNW Sec 25 T 48N R 03W

Use: IRRIGATION (0.33 CFS);

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

am now and at all times hereinafter mentioned was the printer (principal he "Coeur d'Alene Press," a newspaper printed and published daily except Coeur d'Alene, Kootenai County, Idaho, and having a general circulation unty.

he

he annexed is a printed copy, was published in the regular aid newspaper for consecutive

ng on the day of 19 and

the day of 19 and such

n was made as often during said period as said

r was regularly issued.

That said newspaper has been continuously and uninterruptedly published in enai County, during a period of more than seventy-eight consecutive weeks

ely prior to the first publication of said notice

scribed and sworn to before me this day of 19

Roberta Franley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MICROFILMED

JUL 5 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 JOHN T. MOSS

(Name of Claimant)

4631 88th S.W. MUKILTEO, WA

(Mailing Address)

98275

(Zip Code)

Telephone No. (206) 353-8168

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) 1946 (upon purchase of property)

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)

Unnamed Spring

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 NW 1/4, Sec. 23 Twp. 49N Rge. 4W B.M., County of Kootenai

Additional points of diversion: SERVICE TO Lot 1 BIK 6 - la Del Cado Bay - portion of private water system - rights of which are shared by Oren Agee, Chaney, Wilson, Johnson, Fink, etc.

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. Have never seen system because its located on private property of Oren Agee who has maintained the system since 1946 -

I believe there were 5 shares originally & this claim is for 1/3 of 1/5 of water rights

- (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	
<u>23</u>	<u>49N</u>	<u>23</u>					X												

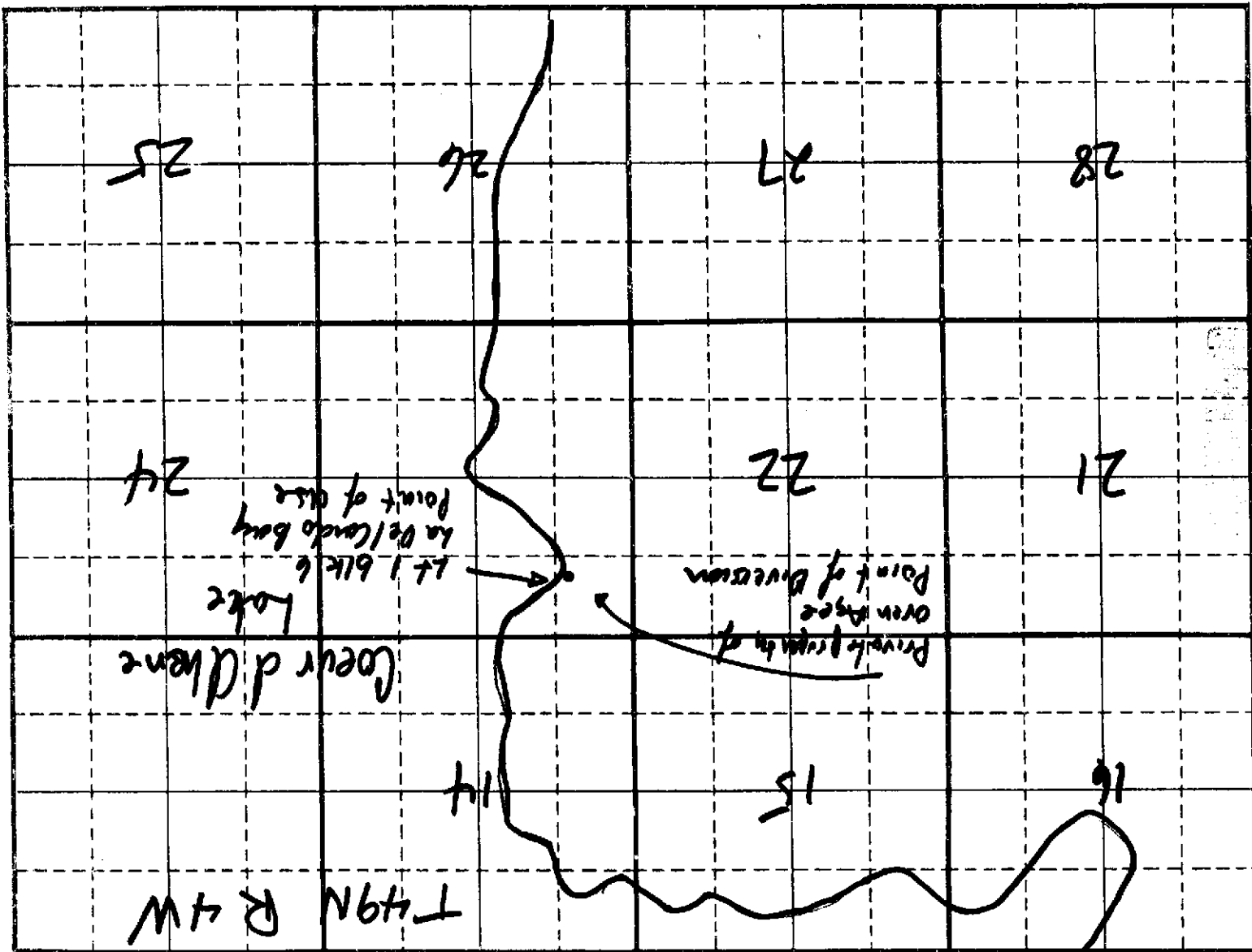
No. of acres n/a

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

Domestic Supply to Lake Home!

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:



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 King
() 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 30th day of June, 1983.

(Claimant)

Notary Public
Residing at Billings

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by _____ Date 7/5/83
Prelim. check by PAH Date 7/2/83
\$30.00 fee received by PAH Date 7/6/83
Published in CAH Press Date 8/15, 9/1/83
Forwarded to _____ Date _____
Exception filed by: _____
Claimant by: _____

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO.
County of Kootenai,

Aug 2 1963

Department of Water Resources

Notary Public being first duly sworn

NOTICE OF CLAIMS TO WATER RIGHTS

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

94-4270

KOOTENAI SCHOOL DISTRICT NUMBER 274

RT. 1 BOX 25, HARRISON, ID 83833

Source: GROUNDWATER

Priority Date: 01/01/1967

Diversion Pt: NWNW Sec 25 T

48N R 03W

Use: IRRIGATION (0.33 CFS);

DOMESTIC (0.33 CFS)

In: NENW Sec 25 T 48N R 03W

FOR 6 ACRES

DOHRMAN, CHARLES E.

RT. 2 BOX 134, ST. MARIES, ID

83861

Source: GROUNDWATER

Priority Date: 05/01/1944

Diversion Pt: NWSW Sec 14 T 47N

R 03W

Use: DOMESTIC (0.04 CFS)

In: SWSW Sec 14 T 47N R 03W

MOSS, JOHN T.

4631 88th ST. S.W., MUKILTEO,

WA 98275

Source: SPRING trib. to SINKS

Priority Date: 01/01/1946

Diversion Pt: NWNW Sec 23 T

49N R 04W

Use: DOMESTIC (0.04 CFS)

In: NENW Sec 23 T 49N R 04W

SCOTT, DONALD L. &/or

BARBARA

2525 CHURCH RD.,

RATHDRUM, ID 83858

Source: SPRINGS trib. to

HAUSER CREEK

Priority Date: 10/30/1977

Diversion Pt: SWNW Sec 04 T 51N

R 05W NWSW Sec 05 T 51N R 05W

NESW Sec 04 T 51N R 05W

Use: STOCKWATER (0.02 CFS);

DOMESTIC (0.04 CFS)

In: NESW NWSW Sec 04 T 51N

R 05W SWNW Sec 04 T 51N R 05W

BENGTON, JOHN H.

301 KARIN CT., LEWISTON, ID

83501

Source: SPRING trib. to COEUR

D ALENE LAKE

Priority Date: 03/21/1970

Diversion Pt: NWSW Sec 03 T 47N

R 04W

Use: DOMESTIC (0.04 CFS)

In: NWSW Sec 03 T 47N R 04W

PAUL, MICHAEL HENRY &/or

ANN LOUISE

E. 650 TWIN LAKES RD.,

RATHDRUM, ID 83858

Source: UNNAMED STREAM

trib. to SPIRIT LAKE

Priority Date: 06/01/1969

Diversion Pt: NWSW Sec 24 T 53N

R 06W

Use: DOMESTIC (0.12 CFS)

In: NWSW Sec 24 T 53N R 05W

Exceptions to a claim may be

filed with the Director, Dept. of

Water Resources, 4055 Gov

Way, Coeur d'Alene, Id. 83814

KEN DUNN, PI

Legal 390

Aug. 25, Sept. 1, 1963

deposes and says:

am now and at all times hereinafter mentioned was a citizen of the United sident of the State of Idaho, over the age of twenty one years and not a he above entitled action.

am now and at all times hereinafter mentioned was the printer (principal he "Coeur d'Alene Press," a newspaper printed and published daily except Coeur d'Alene, Kootenai County, Idaho, and having a general circulation unty.

The

he annexed is a printed copy, was published in the regular aid newspaper for consecutive ng on the day of 19 and the day of 19 and such n was made as often during said period as said r was regularly issued.

that said newspaper has been continuously and uninterruptedly published in enai County, during a period of more than seventy-eight consecutive weeks ely prior to the first publication of said notice

scribed and sworn to before me this

day of

19

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

823852

Cross Roscher

Associates 1611 116th Northeast / Bellevue, Washington 98004



CERTIFIED

P23 (9294402)

MAIL

RECEIVED

Idaho Department of Water Resources
Rt 5 Box 203 - Suite 1
Coeur d Alene, Idaho

83814

WILDE AND GISSEL
ATTORNEYS — AT — LAW
1034 N. THIRD STREET
COEUR D'ALENE, IDAHO 83814

LARRY A. WILDE
NORMAN L. GISSEL

RECEIVED

SEP 26 1983
BOX NO.: 1466 OR 548
PHONE: 667-9574 OR 667-7018
Department of Water Resources

September 7, 1983

Mr. Robert G. Haynes
Regional Supervisor
State of Idaho
Department of Water Resources
4055 Government Way, Suite 1
Coeur d'Alene, Idaho 83814

Re: Claim of John T. Moss, Number 95-4696

Dear Mr. Haynes:

Enclosed herewith is Affidavit of Oren Agee
and Eloise Agee, in duplicate, regarding
the John T. Moss Claim to a Water Right.

Very truly yours,


NORMAN L. GISSEL

NLG:mmv

Enclosures

Certified Mail Number P491 037 395, Return
Receipt Requested

RECEIVED

SEP 9 1983

Department of Water Resources
Northern District Office

NORMAN L. GISSEL
Attorney at Law
Post Office Box 548
Coeur d'Alene, Idaho 83814
Telephone: 667-7016

RECEIVED

SEP 9 1983

Department of Water Resources
Northern District Office

RE: CLAIM OF JOHN T. MOSS, #95-4696

STATE OF IDAHO)
 : ss. AFFIDAVIT
County of Kootenai)

COMES NOW, OREN AGEE and ELOISE AGEE, husband and wife,
and on their oath depose and state as follows:

1. That ELOISE AGEE is the owner of Lot 1, Block 16,
McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho,
one of the FOUR (4) parties who has a deeded right to use
the spring in question.

2. That of the other THREE (3) parties who have deeded
rights to that spring, none are the Claimant, John T. Moss.

3. That ORIN AGEE and ELOISE AGEE are the owners of part
of the northwest quarter of the northwest quarter of Section 23,
Township 49 North, Range 4 West, Boise Meridian, upon the spring
in question rises and sinks.

4. That in August, 1978, the said spring was tested and
found to have a flow of ONE-HALF ($\frac{1}{2}$) gallon per minute.

5. That John T. Moss does not have any water pipes to the
spring in question nor any plumbing in the residence located
near the spring.

6. That Mr. Moss nor his predecessors have ever used
with written permission water from that spring and has no
deeded right to use the water from said spring. Moreover,
for years, the Mosses, when they did use the house and lot
owned by them near the well, have used water from Lake
Coeur d'Alene.

7. That it is understood by your Affiants that Mr. Moss
owns the property near the spring in conjunction with his
sister, Mrs. Wilson, and that if the claim of John Moss is
valid, any claim by Mrs. Wilson would have to share on the
claim of Mr. Moss and not have a claim as a separate
individual entity.

DATED this 7th day of September, 1983.

Oren Agee
OREN AGEE

Eloise R. Agee
ELOISE AGEE

SUBSCRIBED AND SWORN TO before me this 7th day of
September, 1983.

Merna Mae Vanderheyden
Notary Public for Idaho
Residing at: *Coeur d'Alene*
Commission expires: *8/31*

RECORDED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: *[Signature]*

Right Number 95-4696 Applicant *[Signature]*

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 *[Signature]* Date 10/7/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By *AC* Date 10/25/83

95-4696_

MOSS, JOHN T.

4631. 88TH ST. S.W., MUKILTEO, WA 98275

Source: SPRING trib. to SINKS

Priority Date: 01/01/1946

Diversion Pt: NWNW Sec 23 T 49N R 04W

Use: DOMESTIC (0.04 CFS)

In: NENW Sec 23 T 49N R 04W

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

October 4, 1983

Mr. John T. Moss
4631 88th St. S.W.
Mukilteo, Wa. 98275

RE: 95-4696

Dear Mr. Moss:

Enclosed is a copy of an exception filed in connection with your above-referenced claim. This exception is filed in accordance with the provisions of Section 42-244, IDAHO CODE, which states the following in part:

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:fms

Enclosure

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

October 4, 1983

Mr. Norman Gissel
Wilde & Gissel
1034 N. Third St.
Coeur d'Alene, Id. 83814

RE: 95-4696/Oren & Eloise Asee

Dear Mr. Gissel:

We have received your correspondence concerning the above-referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244, IDAHO CODE):

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final sponsorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

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 12, 1983

JOHN T. MOSS
4631
88TH ST. S.W.
MUKILTEO

WA 98275

RE: Claim No. 95-4696

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