

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of...two...issues, the first publication being on the 16th day of August....., 19.79 and the last on the 23rd day of August....., 19.79

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

JoJane Hammes

Subscribed and sworn to before me this...5th... day of September, 19.79...

Shelly Hammes
Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:
95-4432

Name: E.D. or Beverly Evans
Address: Rt. 1, Box 87, St. Maries, Idaho 83861

Priority Date: Jan. 1, 1939

Amount: 0.06 cubic feet per second
Source: Benewah Creek tributary to Benewah Lake

Means: Pump, pipe, tanks, sprinklers

Point of Diversion: SWSW Sec 04 T 45N R 03W, Benewah county

Place of Use: SWSW Sec 04 T 45N R 03W for 2 acres

Use: Irrigation (0.04 cfs) from May 1 to Nov. 1, Stockwater (0.02 cfs) from Jan. 1 to Dec. 31

95-4433

Name: E.D. or Beverly Evans
Address: Rt. 1, Box 87, St. Maries, Idaho 83861

Priority Date: Jan. 1, 1912

Amount: 0.04 cubic feet per second

Source: Unnamed spring

Means: Spring tank

Point of Diversion: NWSW Sec 04 T 45N R 03W, Benewah county

Place of Use: NWSW Sec 04 T 45N R 03W

Use: Domestic (0.04 cfs) from Jan. 1 to Dec. 31

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

No. 5826 — Aug. 16-Aug. 23.

RECEIVED

Department of Water Resources
Northern District Office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 E. D. Evans & Beverly Evans
(Name of Claimant)

Route 1 - Box 87 ST. Maries Idaho 83861 Telephone No. 245-3110
(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) 1912

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)
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:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04</u>	Use <u>Domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 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) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SW 1/4, Sec. 4 Twp. 45N Rge. 3W B.M., County of Benewah
Additional points of diversion: _____

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. Spring Tank

(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	
<u>45N</u>	<u>3W</u>	<u>4</u>										X							

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic - house hold use and watering lawn
& supplying water to the barn & 10 head of
live stock

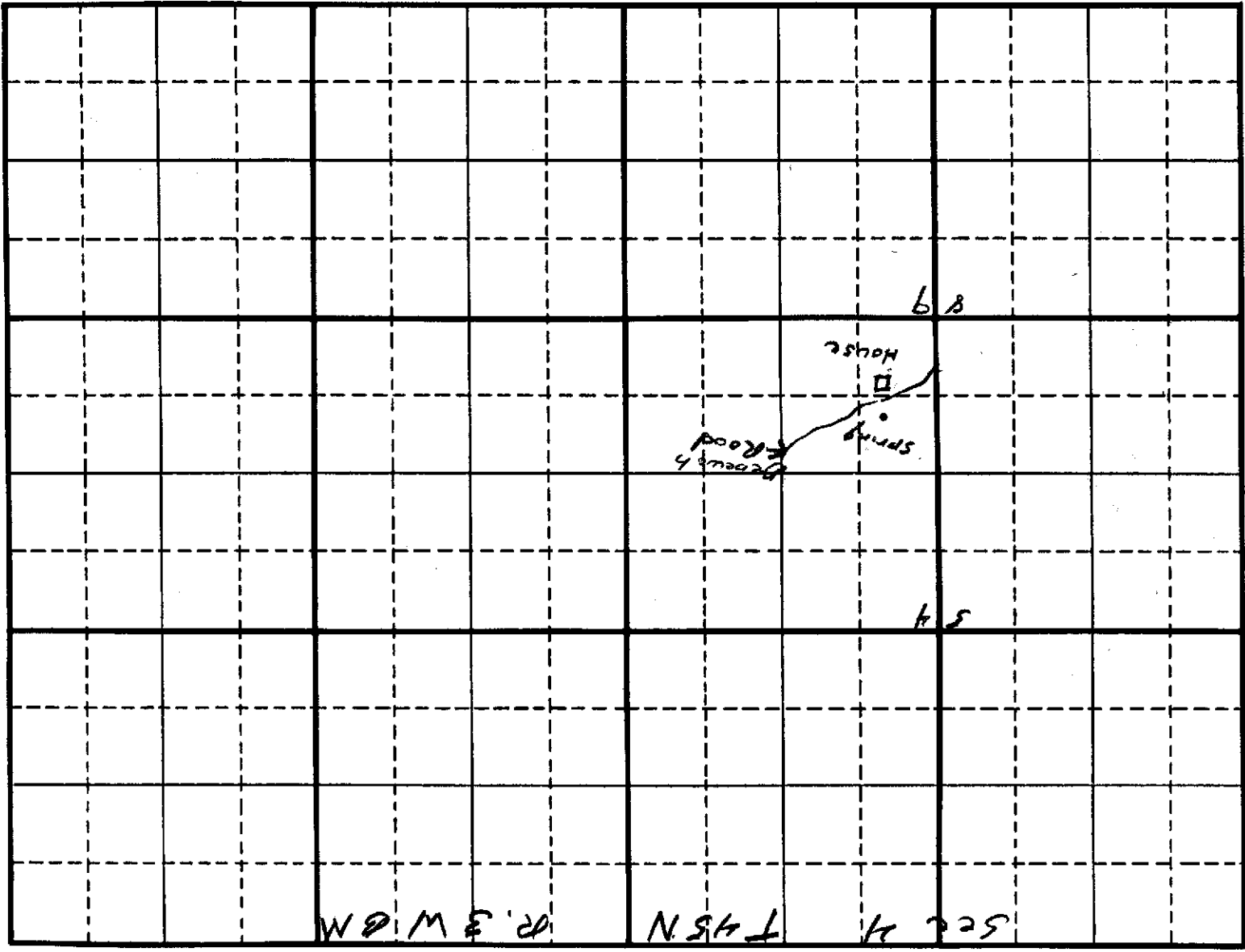
NOTE: Include here the type and number of stock watered: 10 or 12 Head of cattle

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

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(8) Remarks 9 recorded easement for said spring

For our sole use



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.

Scale: 2 inches equal 1 mile.

State of Idaho)
County of Kootenai) 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 7th day of August, 1979.
(Claimant) *Barry A. Green*

Notary Public *Robert A. Hargrave*
Residing at Coeur d'Alene

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by *DMH* Date *8/1/79* Prelim. check by *DMH* Date *8/1/79* \$20.00 fee received by *DMH* Date *8/1/79* Published in *Miner's Digest* Date *8/16+25/79*
Exception filed by: Forwarded to claimant by: Date

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

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Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

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Address: Rt. 1, Box 87, St. Maries, Idaho 83861

Priority Date: Jan. 1, 1912
Amount: 0.04 cubic feet per second

Source: Unnamed spring

Means: Spring tank

Point of Diversion: NWSW Sec 04 T 45N R 03W, Benewah county

Place of Use: NWSW Sec 04 T 45N R 03W

Use: Domestic (0.04 cfs) from Jan. 1 to Dec. 31

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 405 Gov't Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

No. 5826 — Aug. 22, 1979

LEGAL

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

95-4432

Name: E.D. or Beverly Evans
Address: Rt. 1, Box 87, St. Maries,
Idaho 83861

Priority Date: Jan. 1, 1939
Amount: 0.03 cubic feet per second
Source: Benewah Creek tributary to
Benewah Lake
Means: Pump, pipe, tanks,
sprinklers

Point of Diversion: SWSW Sec 04 T
45N R 03W, Benewah county
Place of Use: SWSW Sec 04 T 45N R
03W for 2 acres

Use: Irrigation (0.04 cfs) from May
1 to Nov. 1, Stockwater (0.02 cfs)
from Jan. 1 to Dec. 31

95-4433

Name: E.D. or Beverly Evans
Address: Rt. 1, Box 37, St. Maries,
Idaho 83861

Priority Date: Jan. 1, 1912
Amount: 0.04 cubic feet per second
Source: Unnamed spring
Means: Spring tank

Point of Diversion: NWSW Sec 04 T
45N R 03W, Benewah county
Place of Use: NWSW Sec 04 T 45N R
03W

Use: Domestic (0.04 cfs) from Jan. 1
to Dec. 31

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department of
Water Resources, 4055 Gov't Way,
Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED

Director

No. 5826 — Aug. 16-Aug. 23.

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: _____

Right Number 95-4433 Applicant Evans

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 pm Date 9/7/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By gmi Date 9/21/79

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95-4433-

EVANS, E. D. &/or BEVERLY

RT. 1 BOX 87, ST. MARIES, ID 83861

Source: UNNAMED SPRING

Priority Date: 01/01/1912

Amount: 0.04 CFS

Diversion Point: NWSW Sec 04 T 45N R 03W, BENEWAH Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NWSW Sec 04 T 45N R 03W

Diversion Means: SPRING TANK

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

SEPTEMBER 4, 1979

E. D. EVANS
BEVERLY EVANS
RT. 1 BOX 87
ST. MARIES

ID 83861

RE: Claim No. 95-4433

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

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To Whom it may concern

I Paul F. Humphrey have lived on Sec. 9-45-3W Benewah Co. State of Idaho for forty years.

In the Fall of 1939 ^{and owned} Jack Gordon lived ~~on~~ SW¹/₄ Sec. 4-45-3W he got his water from a spring that was across the ~~road~~ ^{county} road NW, of the house and this same spring has been used by all owners to present time.

Paul F. Humphrey

8-6-79

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