

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 17 1977

Department of Water Resources
Northern District Office
being first duly sworn

NOTICE OF AMENDED CLAIM TO A WATER RIGHT NO. 95-4359

Notice is hereby given that Claim to a Water Right No. 95-4359 was filed by Glen Kirk, claiming 0.02 cubic feet per second of water from a Developed Spring, with point of diversion in Gov't. Lot 1, Sec. 31, T. 49N, R. 3W, B.M., Kootenai County. The water was to be used for domestic purposes within Gov't. Lot 2, Sec. 31, T. 49N, R. 3W, B.M., with a priority of September, 1959.

The claimant proposes to amend Claim No. 95-4359, claiming 0.02 cubic feet per second of water from a Developed Spring, with point of diversion in Gov't. Lot 2, Sec. 31, T. 49N, R. 3W, B.M., Kootenai County. The water is to be used for domestic purposes within Gov't. Lot 2, Sec. 31, T. 49N, R. 3W, B.M., with a priority of September, 1959.

Any exception to the proposed amending of the above claim may be filed with the Idaho Department of Water Resources, 4055 Government Way, Suite No. 1, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Legal 698
Jan. 6, 13, 1977

STATE OF IDAHO,
County of Kootenai,

ss.

Carole Hedge

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 *2* consecutive *weeks* commencing on the *6* day of *January*, 19*77*, and ending on the *13* day of *January*, 19*77*, 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

Carole Hedge

Subscribed and sworn to before me this *14* day of *January*, 19*77*.

Roberta Manley

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

LEADER

14.40

RECORDED

CLAIM TO A WATER RIGHT

*ITEM AMENDED FROM ORIGINAL CLAIM.

RECEIVED

A hand-drawn diagram on graph paper. A vector labeled $A = 3W$ points from the bottom towards a point labeled "P.D. + PLACE OF USE". To the right of this point, the text "T = 49N" is written.

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.

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.

Glen Kirk
(Claimant)

My commission expires LIFETIME

Received by KK Date 12-29-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by [Signature] Date _____ claimant by: _____
\$10.00 fee received by N/A Date _____
Approved for publication by _____
Published in Coeur d'Alene Press _____
Dates 1-6 & 1-13-77 _____

I personally know that the spring being used for domestic purposes in the house formally owned and occupied by Glen and Elizabeth Kirk has been used continually for over seventeen years for this purpose. This home is situated at Carlin Bay on Alt. 95-A.

RECEIVED

DEC 29 1976

Department of Water Resources
Northern District Office

12/22/76

Frank J. Degryse
Frank J. Degryse

On this 22nd day of December, 1976, before me, a notary public for the State of Idaho, appeared Frank J. Degryse, known to be to be the person who signed the foregoing instrument and acknowledged to me that he executed the same.

State of Idaho
County of Kootenai

Commission expires Life

Margaret M. McElroy
notary public residing in Coeur d'Alene

To Whom It May Concern:

I personally know that the spring being used for domestic purposes in the house formally owned by Glen & Elizabeth Kirk has been used continually for over 17 years for this purpose. This house is situated on Lot Two, being a part of Tax # 684, and the West Half of the Northeast Quarter of Section Thirty-one, Township Forty-nine North, Range Three, W.B.M.

Glen & Elizabeth Kirk

RECEIVED

DEC 29 1976

Department of Water Resources
Northern District Office

RECEIVED

Richard Nelson
12-17-76

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 17 1977

NOTICE OF AMENDED CLAIM TO A WATER RIGHT NO. 95-4359

Notice is hereby given that Claim to a Water Right No. 95-4359 was filed by Glen Kirk, claiming 0.02 cubic feet per second of water from a Developed Spring, with point of diversion in Gov't. Lot 1, Sec. 31, T. 49N, R. 3W, B.M., Kootenai County. The water was to be used for domestic purposes within Gov't. Lot 2, Sec. 31, T. 49N, R. 3W, B.M., with a priority of September, 1959.

The claimant proposes to amend Claim No. 95-4359, claiming 0.02 cubic feet per second of water from a Developed Spring, with point of diversion in Gov't. Lot 2, Sec. 31, T. 49N, R. 3W, B.M., Kootenai County. The water is to be used for domestic purposes within Gov't. Lot 2, Sec. 31, T. 49N, R. 3W, B.M., with a priority of September, 1959.

Any exception to the proposed amending of the above claim may be filed with the Idaho Department of Water Resources, 4055 Government Way, Suite No. 1, Coeur d'Alene, Idaho 83814.
R. KEITH HIGGINSON
Director

Legal 698
Jan. 6, 13, 1977

STATE OF IDAHO,
County of Kootenai,

ss.

Carole Hedge

Department of Water Resources
Northern District Office
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 *three* consecutive *issues* commencing on the *6* day of *January*, 19*77*, and ending on the *13* day of *January*, 19*77*, 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.

Carole Hedge

Subscribed and sworn to before me this *14* day of *January*, 19*77*.

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

CLAIM TO A WATER RIGHT

Notice is hereby given that Glen Kirk
(name of claimant)

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|-------------------|----|------------------------|
| Amount | <u>0.02 cfs</u> | Use | <u>Domestic</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (4) Priority claimed: (the date water was first applied to beneficial use) September, 1959

(5) A) Point of diversion: (give location of point where water is diverted from its source)
Gov't. Lot 1
1/4 Sec. 31 Twp. 49N Rge. 3W B.M. County of Kootenai

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. A plastic pipe which extends into the ground three to four feet.

- [illegible]

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used for domestic purposes for one household.

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

A hand-drawn map on a grid. The grid has solid lines every 2 units and dashed lines every 1 unit. A point is marked with a small circle and labeled 'P.D.' and 'PLACE OF USE' with arrows pointing to it. The point is located at the intersection of the 4th vertical line from the left and the 4th horizontal line from the bottom. To the right of the point, the number '31' is written. Further right, 'T-49N' is written. Below '31', 'R-3W' is written.

Received by KK Date 5-12-76
Prelim. check by [Signature] Date _____
\$10.00 fee received by cp Date 5-12-76
Approved for publication by _____
Published in Coeur d'Alene Press
Dates ~~5-27-76~~ 5-27-76 & 6-3-76

AFFIDAVIT OF PUBLICATION

W 600IVE D

NOTICE OF CLAIM TO A WATER RIGHT NO. 195-4359

Notice is hereby given that Glen Kirk, Route 3, Box 459-E, Coeur d'Alene, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from a Spring with point of diversion in Gov't Lot 1, Sec. 31, T. 49N, R. 3W, B.M. Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of September, 1959 the place of use is within the NW 1/4 SE 1/4 (Gov't Lot 2), Sec. 31, T. 49N, R. 3W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

May 27, June 3, 1976
Legal No. 81

STATE OF IDAHO,
County of Kootenai,

} ss.

Carol Hedge

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

2

consecutive

three weeks

commencing on the

27

day of

May

1976

ending on the

3

day of

June

1976

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.

Carol Hedge

Subscribed and sworn to before me this

3

day of

June

1976

Roberta Manley

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

11116
LEADER



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

January 24, 1977

Re: Amended Claim to a Water Right No. 95-4359

Mr. Glen Kirk
Route 3, Box 459-E
Coeur d'Alene, ID 83814

Dear Mr. Kirk:

The Department of Water Resources has completed the processing of your Amended Claim to a Water Right, and no further action is authorized under Section 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

We are enclosing, for your records, a copy of your Amended Claim. If we may be of any further assistance, or if there are any questions, please do not hesitate to contact our office.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:CP

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

December 30, 1976

Re: Application No. 95-7688 - A. T. Zirkle
Claim No. 95-4359 - Glen Kirk

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

Gentlemen:

Enclosed is 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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

Bill: 1-24-77

December 29, 1976

RECEIVED

DEC 29 1976

Department of Water Resources
Northern District Office

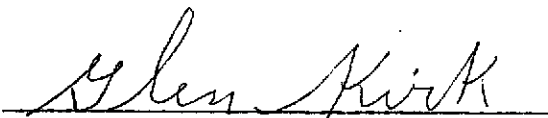
Idaho Department of Water Resources
Northern Region
4055 Government Way
Coeur d'Alene, ID 83814

Gentlemen:

I object to two statements made in the exception to my Claim to a Water Right submitted by Gilbert D. Bauer:

- (1) The Spring referred to being used by Mr. Bauer since 1954 is not the same Spring I have been using.
- (2) At the time that I started using water from the Spring, I felt that it was on my property and never received any permission or felt that I needed permission to use the water.

Very truly yours,



GLEN KIRK

Route 3, Box 459-E
Coeur d'Alene, ID 83814

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

November 2, 1976

Re: Claim to a Water Right No. 95-4359 - Glen Kirk

Mr. Gilbert D. Bauer
Route 3
Spokane, WA 99203

Dear Mr. Bauer:

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 42-225b of the Idaho Code):

"At any time after filing a claim under the provisions of this 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 of the described rights.

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

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

BDH
File



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

November 2, 1976

Re: Claim to a Water Right No. 95-4359

Mr. Glen Kirk
Route 3, Box 459-E
Coeur d'Alene, ID 83814

Dear Mr. Kirk:

In reference to the above claim, the enclosed is a copy of an exception filed by Gilbert D. Bauer in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At any time after filing a claim under the provisions of this 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 of the described rights.

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

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosure

Gilbert D. Bauer
Rt. #3
Spokane, WA 99203
October 27, 1976

RECEIVED

NOV 1 1976

Department of Water Resources
Northern District Office

Idaho Department of Water Resources
Northern District Office
Route 5, Box 203, Suite #1
Coeur d'Alene, Idaho 83814

Re: Glen Kirk, Claim #95-4359

Gentlemen:

Pursuant to Idaho Code, Section 42-225b, I am enclosing in duplicate an affidavit which takes exception to the above captioned claim of water right.

Very truly yours,

Gilbert D. Bauer

Gilbert D. Bauer
Rt. 3
Spokane, Washington 99203

RECEIVED

NOV 1 1976

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
Coeur d'Alene, Idaho 83814

Department of Water Resources
Northern District Office

IN THE MATTER OF) CONTROVERTING AFFIDAVIT
GLEN KIRK, CLAIM OF)
WATER RIGHT NO. 95-4359) OF GILBERT D. BAUER

STATE OF WASHINGTON)
COUNTY OF SPOKANE)

GILBERT D. BAUER, being first duly sworn on oath, deposes and says: I am the owner of Government Lot 1, Section 31, Township 49 N, Range 3, W.B.M., Kootenai County, Idaho and I make this affidavit in opposition to the above captioned claim of water right.

The spring which is described in Mr. Kirk's claim of water right has never been used by Mr. Kirk. Said spring has been used exclusively by myself since 1954.

I own property in Section 31, Township 49 N. Range 3 W.B.M., Kootenai County, Idaho other than Government Lot 1. There are springs located on this other property and in the past I have given Glen Kirk oral permission to withdraw water from one of these springs. I hereby revoke that oral permission and make a continuing objection to any claim of right filed by Glen Kirk which affects any property owned by me.

Gilbert D. Bauer
GILBERT D. BAUER

SUBSCRIBED AND SWORN TO before me this 28 day of October, 1976.

David H. Smith
Notary Public in and for the State
of Washington, residing at Spokane.

NOTICE OF AMENDED
CLAIM TO A WATER RIGHT
NO. 95-4359

Notice is hereby given that Claim to a Water Right No. 95-4359 was filed by Glen Kirk, claiming 0.02 cubic feet per second of water from a Developed Spring, with point of diversion in Gov't. Lot 1, Sec. 31, T. 49N, R. 3W, B.M., Kootenai County. The water was to be used for domestic purposes within Gov't. Lot 2, Sec. 31, T. 49N, R. 3W, B.M., with a priority of September, 1959.

The claimant proposes to amend Claim No. 95-4359, claiming 0.02 cubic feet per second of water from a Developed Spring, with point of diversion in Gov't. Lot 2, Sec. 31, T. 49N, R. 3W, B.M., Kootenai County. The water is to be used for domestic purposes within Gov't. Lot 2, Sec. 31, T. 49N, R. 3W, B.M., with a priority of September, 1959.

Any exception to the proposed amending of the above claim may be filed with the Idaho Department of Water Resources, 4055 Government Way, Suite #1, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho, on Jan. 6 and Jan. 13, 1977.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Route 5, Box 203 - Suite #1
4055 N. Government Way

COEUR D'ALENE, IDAHO 83814

(208) 667-6484

June 16, 1976

Re: Claim to a Water Right No. 95-4359

Mr. Glen Kirk
Route 3, Box 459-E
Coeur d'Alene, ID 83814

Dear Mr. Kirk:

The Department of Water Resources 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 a 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 our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH:CP

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

May 17, 1976

Re: Application No. 95-7604 Application No. 95-7625
 " " 95-7608 Claim No. 95-4359
 " " 95-7624

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

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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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

P.S. WE REALIZE THESE LEGAL NOTICES HAVE BEEN SUBMITTED TO YOU TOO LATE IN ORDER TO ALLOW YOU ENOUGH TIME TO SUBMIT GALLEY PROOFS TO US BEFORE THE FIRST PUBLICATION. IF YOU COULD SUBMIT THEM TO US PRIOR TO THE SECOND PUBLICATION, IT WOULD BE GREATLY APPRECIATED.

Bill: 6-8-76.4

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4359

Notice is hereby given that Glen Kirk,

Route 3, Box 459-E, Coeur d'Alene, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~gallons per minute~~
of water from a Spring

with point of diversion in ~~the~~ Gov't. Lot 1, Sec. 31, T. 49N, R. 3W, B.M.,
Kootenai County

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

with a priority of September, 1959;
the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Gov't. Lot 2), Sec. 31, T. 49N,
R. 3W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho,
83814.

R. KEITH HIGGINSON
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho
on May 27 and ~~MAY 28 1959~~ JUNE 3, 1970