

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 ^{18th} day of ~~July~~ ^{July} 1974 and the last on the ^{25th} day of ~~July~~ ^{July}, 1974.

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.

Subscribed and sworn to before me this ^{26th} day of ~~July~~ ^{July}, 1974

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

RECEIVED

AUG 20 1974

Department of Water Resources
Helena, Montana Office

NOTICE
OF CLAIM TO
A WATER RIGHT
NO. 92-4003

Notice is hereby given that Mac W. Talley and-or Lyle K. Smith, 3734 Cherokee Drive, Springfield, Oregon, have 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 an Unnamed Spring, tributary to Benewah Creek with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 46N, R. 3W, B.M., Benewah County.

The water is claimed to be used from June 1 to Aug. 1 for domestic purposes with a priority of 1966; the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 46N, R. 3W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814.

R. Keith Higginson
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho, on July 18 and July 25, 1974.

No. 3668 — July 18 - July 25

92-4003

ST. MARIES

Gazette Record

ST. MARIES IN THE PINES
ON THE SHADOWY ST. JOE RIVER
P. O. BOX 667 ST. MARIES, IDAHO

RECEIVED

IDAHO DEPARTMENT of Water Administration
401 Front Ave., Rm. 209
Coeur d'Alene, Idaho 83814

August 1974
Department of Water Resources
Northern District Office

AUG. 1, 1974

First Week	Second Week	Third Week	Fourth Week	Fifth Week	Total Inches	Amount

NET ADVERTISING\$.....

JOB WORK, LEGALS, CLASSIFIED, ETC.

INVOICE TOTAL \$.....

RE: Claim No. 92-4003 - Mac W. Talley &/or - - 12.60
Lyle K. Smith
(July 17 - July 24, 1974)

DISCOUNT !!

\$..... if paid in full by TENTH

TOTAL THIS MONTH ..\$.. 12.60

ACCOUNT FORWARD ..\$.....

TOTAL ACCOUNT DUE ..\$.. 12.60

92-4003

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Mac W. Talley &/or Lyle K. Smith
(name of claimant)
of 3734 Cherokee Drive, Springfield, Oregon 97477, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Benewah Creek;

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed Spring

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

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

(3) Total quantity of water claimed: 0.02 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1966

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 35 Twp. 46N 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. 2½ foot, 25 gallon storage area at spring.

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
46N	3W	35											X						

Total No. of acres _____

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

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

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100-443887-1

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.

33.

NOTEN!

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.

Mary M. Roberts
 (Claimant)
 July 19, 1974
 C. M. Roberts
 Notary Public

Residing at 1111

Sept. 11, 1976

Forwarded to
Date

JK

22

KK

2/10/74

Printed and Published by
ST. MARIES GAZETTE / RECORD

Dates

7-17 a 7-24-74

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STATE OF IDAHO
County of Benewah, ss.

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Director

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 22, 1974

Re: Claim to a Water Right No. 92-4003

Mac W. Talley &/or Lyle K. Smith
3734 Cherokee Drive
Springfield, Oregon 97477

Gentlemen:

The Department of Water Administration 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 this 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, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

MICROFILMED

August 6, 1974

Re: Claim No. 92-4003 - Mac W. Talley &/or Lyle K. Smith

St. Maries Gazette Record
P.O. Box 367
St. Maries, ID 83861

Gentlemen:

Could you please submit the affidavit of publication and bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on July 17 and July 24, 1974.

Your assistance in this matter would be appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

MICROFILMED

July 12, 1974

Re: Claim No. 92-4003 - Mac W. Talley &/or Lyle K. Smith

St. Maries Gazette Record
P.O. Box 367
St. Maries, ID 83861

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,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)

Bill Submitted 8-20-74 by CP

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IDAHO DEPARTMENT of Water Administration
 401 Front Ave., Rm. 209
 Coeur d'Alene, Idaho 83814

* AUG. 1, 1974

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R. KEITH HIGGINSON

Director

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