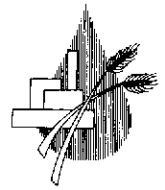


No Color
Documents
In File

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 MARJORIE or Thayer L. Byington
(Name of Claimant)

Sunshine Star Route Kellogg, Id. 83837 Telephone No. 786-9373
(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) May 15, 1939

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)

Unnemad Spring tributary to sinks

(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</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 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. 2 Twp. 48N Rge. 3E B.M., County of Shoshone
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 is located up the draw approx. 300'. A pipeline diverts water under pressure to the house.

(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>48N</u>	<u>3E</u>	<u>2</u>						<u>X</u>											

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic purpose for 1 household.

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: _____

PD and P.W.

N84

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.

[Handwritten signature]

James M. Maguire
1903
(Claimant)

Notary Public
Residing at



Received by	<i>RGH</i>	Date	<i>6/20/83</i>
Prelim. check by		Date	<i>6/20/83</i>
\$30.00 fee received by	<i>College Savings Plan</i>	Date	<i>6/20/83</i>
Published in			
Dates			

Exception filed by:		Date	<i>6/20/83</i>
Forwarded to		Date	<i>6/20/83</i>
Claimant by:		Date	<i>6/20/83</i>
			<i>(27737)</i>

PROOF OF PUBLICATION

County of Shoshone,

STATE OF IDAHO

NOTICE OF CLAIMS TO WATER RIGHTS

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

94-4199

Name: KINGSTON WATER
DISTRICT NO. 1
Address: KINGSTON, ID 83839
Source: GROUNDWATER
Priority Date: Jan. 1, 1958
Diversion Point: NENE Sec. 36 T
49N R 01E
Use: IRRIGATION (2.50 CFS);
STOCKWATER (0.60 CFS);
DOMESTIC (1.30 CFS).
In: NENE NWNE Sec 01 T 48N R
01E NWNW Sec 05T 48N R 02E
NENE NWNE NENW NWNW Sec 06
T 48N R 02E SWNE SENE SWNW
SENW NESW NWSW SWSW SESW
NESE NWSE SWSE SESE Sec 36 T
49N R 01E SWNW SENW NESW
NWSW SWSW SESW NESE NWSE
SWSE SESE Sec 31 T 49N R 02E
SWSW Sec 32 T 49N R 02E FOR 125
ACRES.

94-4201

Name: SALA, FRANK R.
Address: SUNSHINE STAR RT.,
KELLOGG, ID 83837
Source: UNNAMED STREAM trib.
to COEUR D ALENE RIVER,
SOUTH FK.
Priority Date: Sept. 9, 1948
Diversion Point: NESW Sec. 03 T
48N R 03E
Use: IRRIGATION (0.0223 CFS)
In: NESW Sec 03 T 48N R 03E FOR 1
ACRE

Name: LEE, HAROLD N. &/or
SHIRLEY J.
Address: STAR RT. BOX 303,
KINGSTON, ID 83839
Source: GROUNDWATER
Priority Date: Jan. 1, 1961
Diversion Point: SWSE Sec 30 T 50N
R 04E NWNE Sec 31 T 50N R 04E
Use: IRRIGATION (0.12 CFS);
STOCKWATER (0.02 CFS);
DOMESTIC (0.04 CFS).
In: SWSE NWNE Sec 30 T 50N R 04E
NWNE Sec 31 T 50N R 04E FOR 6
ACRES.

94-4203

Name: GEORGE JR., EDWIN M.;
CARON, JERRY JOE
Address: P.O. BOX 222, WALLACE,
ID 83873
Source: SPRING trib. to
NINEMILE CREEK
Priority Date: Jan. 1, 1928
Diversion Point: SESE Sec 14 T 48N
R 04E
Use: DOMESTIC (0.08 CFS)
In: SESE Sec 14 T 48N R 04E.

94-4204

Name: CORDES, BERNARD
Address: STAR RT., KINGSTON,
ID 83839

Source: GROUNDWATER
Priority Date: Jan. 1, 1938
Diversion Point: NWNE Sec 01 T
48N R 01E
Use: COMMERCIAL (0.04 CFS);
DOMESTIC (0.08 CFS).
In: NWNE Sec 01 T 48N R 01E

94-4205

Name: U.S. DEPT. OF INTERIOR
Address: BUREAU OF LAND
MGMT., 1808 N. 3RD ST., COEUR D
ALENE, ID 83814
Source: SPRING trib. to REVENUE
GULCH
Priority Date: June 20, 1960
Diversion Point: NESE Sec 21 T 48N
R 04E
Use: WILDLIFE (0.01 CFS).
In: NESE Sec 21 T 48N R 04E

s/Gary A. Corbeill, being first duty sworn deposes and says:

THE KELLOGG EVENING NEWS, a daily newspaper of general
circulation in said county, published in the City of Kellogg, in the
County of Shoshone and the State of Idaho, and which has been
published continuously in said county for a period of 78 weeks
immediately prior to the publication of the notice hereinafter
described, and that the

STATE OF IDAHO
DEPT OF WATER RESOURCES
94-4199-4212

of which the annexed is a true copy, was published in each regular
weekly/daily issue of said newspaper, and not in a supplement
thereto, for a period of 2 consecutive weeks/days, the
first publication thereof being in its issue dated 6-29-83
and the last publication thereof being in the issue dated
7-6-83

Subscribed and sworn to before me this 28th day of

July, 1983

Wendell R. Brainerd
Notary Public

94-4206

Name: U.S. DEPT. OF INTERIOR
Address: BUREAU OF LAND
MGMT., 1808 N. 3RD ST., COEUR D
ALENE, ID 83814
Source: POND trib. to REVENUE
GULCH; SPRING trib. to
REVENUE GULCH
Priority Date: Sept. 20, 1960
Diversion Point: NWNE Sec 22 T
48N R 04E
Use: WILDLIFE (0.01 CFS).
In: NWNE Sec 22 T 48N R 04E

94-4207

Name: HOLMES, M. THOMAS &/or,
FLORA B.
Address: SUNSHINE STAR RT.,
ELIZABETH PARK, KELLOGG, ID
83837
Source: ELK CREEK trib. to
COEUR D ALENE RIVER, SOUTH
FK.
Priority Date: Jan. 1, 1946
Diversion Point: NWNW Sec 09 T
48N R 03E
Use: IRRIGATION (0.04 CFS)
In: NWNW Sec 09 T 48N R 03E FOR
1 ACRE

94-4208

Name: BYINGTON, MARJORIE
&/or THAYER L.

Address: SUNSHINE STAR RT.,
KELLOGG, ID 83837
Source: SPRING trib. to SINKS
Priority Date: May 15, 1939
Diversion Point: NWNW Sec 02 T
48N R 03E
Use: DOMESTIC (0.04 CFS).
In: NWNW Sec 02 T 48N R 03E

94-4209

Name: NEWELL, LEODA WATTS
&/or LAWRENCE N.
Address: P.O. BOX 13, OSBURN, ID
83849
Source: SPRING trib. to TERROR
CREEK; UNNAMED STREAM
trib. to TERROR CREEK
Priority Date: June 1, 1950
Diversion Pt: NENE Sec 12 T 48N R
03E

Use: MINING (0.20 CFS);
DOMESTIC (0.08 CFS).
In: NENE NWNE Sec 12 T 48 N R
03E

94-4211

Name: HECLA MINING CO.
Address: P.O. BOX 320, WALLACE,
ID 83873
Source: NINEMILE CREEK trib. to
COEUR D ALENE RIVER, SOUTH
FK.
Priority Date: Jan. 1, 1942.
Diversion Pt: SWSW Sec 12 T 48N R
04E
Use: INDUSTRIAL (0.86 CFS);
DOMESTIC (0.04 CFS)
In: NENE Sec 14 T 48N R 04E

94-4212

Name: HECLA MINING CO.
Address: P.O. BOX 320, WALLACE,
ID 83873
Source: SPRING trib. to
NINEMILE CREEK
Priority Date: Jan. 1, 1923
Division Pt.: SWSW Sec 12 T 48N R
04E
Use: DOMESTIC (0.08 CFS)
In: NENE Sec 14 T 48N R 04E

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, Director
6/29 - 7/6/83 YoldLg

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: PSA

Right Number

94-4208

Applicant

Byington

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

8/4/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

kw

Date

8/31/83

MICROFILMED

RECEIVED
AUG 23 1983
Department of Water Resources

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

JULY 18, 1983

MARJORIE BYINGTON
THAYER L. BYINGTON
SUNSHINE STAR RT.
KELLOGG

ID 83837

RE: Claim No. 94-4208

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

94-4208

BYINGTON, MARJORIE &/or THAYER L.

SUNSHINE STAR RT., KELLOGG, ID 83837

Source: SPRING trib. to SINKS

Priority Date: 05/15/1939

Diversion Pt: NWNW Sec 02 T 48N R 03E

Use: DOMESTIC (0.04 CFS)

In: NWNW Sec 02 T 48N R 03E

NOT FILMED