

STATE OF IDAHO,

County of Shoshone.

SS.

RECEIVED
PROOF OF PUBLICATION

FEB 20 1973

Notice of Claim To A
Water Right - No. 94-4011

LEGAL NOTICE

NOTICE OF CLAIM
TO A WATER RIGHT

NO. 94-4011

Notice is hereby given that Mrs. Donald Gene Beehner, Box 1262, Wallace, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.1 cubic feet per second of water from Canyon Creek with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 48N, R. 4E, B.M., Shoshone County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of January 1, 1959; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 48N, R. 4E, B.M.

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

R. KEITH HIGGINSON
Director

Feb. 8, 15, 1973

Department of Water Administration
Northern District Office

James Hackett

....., being first duly sworn,
deposes and says:

That he is the Editor of the North Idaho Publishing Company, publishers of the North Idaho Press, a daily newspaper printed and published at Wallace, Shoshone County, State of Idaho, which said newspaper has a general circulation in said county, and has been continuously and uninterruptedly printed and published in said county during a period of twelve (12) consecutive months prior to the 8th day of February A.D., 19 73. That the Legal Notice of which a complete and correct copy is herto attached, was first published in said newspaper in its issue dated the 8th day of February A.D., 19 73 and published in Two (2) issues of said newspaper, the last publication thereof being in the issue dated the 15th day of February A.D., 19 73.

James S. Hackett

Subscribed and sworn to before me this
16th day of February A.D., 19 73.

Doris R. Rensville

Notary Public for the State of Idaho
residing at Wallace, Idaho

My commission expires September 25, 19 73.

94 4011

Identification No. 94-4011 1691/94-2015

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Donald Gene Beehner - Mrs.
post office address Box 1262 Wallace, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 26 Township 48
Range 4 E B.M. located on CANYON CREEK
(name of source)
tributary to SO. Ford CDA River in Shoshone County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

January 1, 1959 amount: 0.1 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use for domestic period of use from 1/1 to 12/31 (both dates inclusive)
use for domestic period of use from 1959 to 19703 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Cement
_____; length is 4'6" feet; height is 4 feet;
width at bottom is 4'3" feet; width at top is 4'6" feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known This source is ABOUT 50 ft ABOVE CANYON CREEK ON THE HILLSIDE + MAINTAINS A YEAR AROUND FLOW

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity 0.1 c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built no, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated_____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch _____
The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served One
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

State of Idaho }
County of Shoshone } 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 affiants knowledge.

Sworn to before me this 5th day of January, 1973.

Mr. Donald Beckner
Claimant
Ann Halverson
Notary Public
Residing at Wallace

My commission expires 12-16-73

For Department Use Only			
Received by <u>ch</u>	Date <u>2-2-73</u>	Exception filed by:	Forwarded to claimant by:
<u>ch</u>	<u>1-9-73</u>		
Prelim. check by <u>7.6</u>	Date <u>2/2/73</u>	<u>28535</u>	
Fee received by <u>7.6</u>	Date <u>2/2/73</u>	Fee \$ <u>10.00</u>	
Approved for publication by <u>7.6</u>			
Published in <u>NORTH IDAHO PRESS</u>	Dates <u>2-8-73</u>		

52/12/10
15-21

• INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

STATE OF IDAHO,

SS.

County of Shoshone.

PROOF OF PUBLICATION

LEGAL NOTICE

NOTICE OF CLAIM TO A WATER RIGHT NO. 94-4011

Notice is hereby given that Mrs. D. Beehner, Box 1722, Wallace, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.1 cubic feet per second of water from Canyon Creek with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 48N, R. 4E, B.M., Shoshone County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of January 1, 1959; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 48N, R. 4E, B.M.

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

R. KEITH HIGGINSON
Director

Feb. 8, 1973

James Hackett, being first duly sworn,
deposes and says:

That he is the Editor of the North Idaho Publishing Company, publishers of the North Idaho Press, a daily newspaper printed and published at Wallace, Shoshone County, State of Idaho, which said newspaper has a general circulation in said county, and has been continuously and uninterruptedly printed and published in said county during a period of twelve (12) consecutive months prior to the 8th day of February A.D., 1973. That the Legal Notice of which a complete and correct copy is herto attached, was first published in said newspaper in its issue dated the 8th day of February A.D., 1973 and published in two (2) issues of said newspaper, the last publication thereof being in the issue dated the 15th day of February A.D., 1973.

James Hackett

Subscribed and sworn to before me this
16th day of February, A.D., 1973.

Doris G. Rasmussen

Notary Public for the State of Idaho
residing at Wallace, Idaho

My commission expires September 25, 1973.

94 4011

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

February 26, 1973

Re: Claim to a Water Right No. 94-4011

Mrs. Donald Gene Beehner
Box 1262
Wallace, ID 83873

Dear Mrs. Beehner:

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 further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

94 4011

February 2, 1973

Re: Claim No. 94-4011 - Mrs. Donald Gene Beehner

North Idaho Press
507 Cedar
Wallace, ID 83873

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

Bill submitted 2-20-73 by CR

FE:CR

Enc: Legal Notice

94 4011

STATEMENT

NORTH IDAHO PRESS

507 Cedar — Wallace, Idaho

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

February 1973

Legal Notice:

Notice to Claim to A Water
Right - No. 94-4011

29 Lines 2X Feb. 8, 15, 1973 \$ 10 44

I hereby certify that the foregoing account is
just and correct, that the amount claimed is
legally due, after allowing all just credits, and
that no part of same has been paid.

NORTH IDAHO PRESS

Claimant (Firm Name)

By

Name and Title

Business Manager

94 4011

NOTICE OF CLAIM TO A WATER RIGHT

NO. 94-4011

Notice is hereby given that Mrs. Donald Gene Beehner,
Box 1262, Wallace, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 0.1 cubic feet per second ~~acre feet per annum~~
of water from Canyon Creek
with point of diversion in the NE 1/4 Sec. 26, T. 58N, R. 4E, B.M.,
Shoshone County

RECEIVED
CORRECTION

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes
with a priority of January 1, 1959;
the place of use is within the NE 1/4 Sec. 26, T. 48N, R. 4E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the North Idaho Press, Wallace, Idaho
on Feb. 8 and Feb. 15, 1973

84 4011

NOTICE OF CLAIM
TO A WATER RIGHT

NO. 94-4011

Notice is hereby given that Mrs. Donald Gene Beehner, Box 1262, Wallace, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.1 cubic feet per second of water from Canyon Creek with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 58N, R. 13 4E, B.M., Shoshone County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of January 1, 1959; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 48N, R. 4E, B.M.

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

R. KETH HIGGINSON
Director

Feb. 8, 15, 1973

O.K.
2-7-73
cc
CALLED AND
CORRECTED

94 4011

February 2, 1973

Re: Claim to a Water Right No. 94-4011

Mrs. Donald Gene Beehner
Box 1262
Wallace, ID 83873

Dear Mrs. Beehner:

Attached is your receipt No. 8535 in the amount of \$10 for the filing fee on the above referenced claim, which was received in this office.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:cr

Enc: Receipt

94 4011

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

January 10, 1973

Mrs. Donald Gene Beehner
Box 1262
Wallace, Idaho 83873

Dear Mrs. Beehner:

We are returning your Claim, for clarification of several items.
Under Item #2, please list the source of water you are claiming.
Under Item #3b, list the period of the year in which you use the water.
If you use it year around, put 1/1 to 12/31.

Due to the fact that a Claim to a Water Right is a sworn statement
from the claimant, we are not allowed to make any corrections on the
Claim.

After making the above corrections, please submit the Claim back to
our office and we will begin with the processing.

If you should have any questions, please feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Supervisor

FE:fe

Enc: Claim

Check #92-55 in the amount of \$10.00

94 4011

INTER-DEPARTMENT MEMO — 1

RECEIVED

DATE January 8, 1973

FROM Donald W. McEldowney
Water Rights Administrator

JAN 9 1973

TO Northern District Office

Department of Water Administration
Northern District Office

SUBJECT Donald Gene Beehner--Claim

We are forwarding claim file by Mrs. Donald Beehner and their personal check in the amount of ten dollars. Claim is deficient as it does not list a source of water supply and the period of use for domestic is not adequate. Please contact the claimant for clarification.

94 4011

D. McEldowney

SIGNATURE