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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 Jack Ray Monzingo & or Ruth A.
(name of claimant)
of Rt 3 Bx 37 St. Maries, Id
(mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

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 Springs, tributary to, Intermittent Unnamed Stream
- (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 0.04 Use Domestic Period of Use: From Jan 1 To Dec 31
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: 0.04 cubic feet per second, or 1.2 acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1940

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)
NE ¼ SE ¼, Sec. 10 Twp. 46N Rge. 2W 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. Developed spring with pump & pipeline to place of use

- (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	2W	10													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 for one house hold.

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

Sec 10
T46N
R2W

x - P.D. & Place of 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.

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.

that the matters and facts therein are true to the best
 of Jack Kay Monzingo
 X Jack Kay Monzingo
 (Claimant)

Notary Public
Residing at

For Department Use Only

Received by TK Date 12-8-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by K Date 12/8/77 claimant by: _____
\$10.00 fee received by B Date 12-8-77 9496
Approved for publication by _____
Published in St. Mary's Herald Record _____
Dates Dec 22 + 29, 1977 _____

Affidavit received 12-30-77
 OK SHW

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 22nd day of December, 1977 and the last on the 29th day of December, 1977.

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 30th day of December, 1977.

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 91-4006

Notice is hereby given that Jack Ray and-or Ruth A. Monzingo, Rt. 3, Box 37, St. Maries, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from unnamed springs with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T46N, R2W, B.M., Benewah County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1940; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T46N, R2W.

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.

C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho, on December 22 and December 29, 1977.

OK
12-30-77
[Signature]

January 13, 1978

Re: 91-4006 & 91-4007 - Monzingo

Mr. Robert D. Dellwo
1016 Old National Bank Building
Spokane, WA 99201

Dear Mr. Dellwo:

We are in receipt of your letter concerning the Claims to a Water Right filed by Ray &/or Ruth A. Monzingo. We would direct your attention to previous correspondence concerning the nature of a Claim to a Water Right and the Department of Water Resources function in handling them.

If you have any questions, please contact me.

Sincerely,

ROBERT C. HAYNES, P.E.
Regional Supervisor

RGH/sdw

LAW OFFICES

DELLWO, RUDOLF & SCHROEDER, P.S.

ROBERT D. DELLWO
KERMIT M. RUDOLF
RICHARD J. SCHROEDER
TERRY W. MARTIN
TERRY T. GRANT
HEDLEY W. GREENE
ROBERT J. ROBERTS

1016 OLD NATIONAL BANK BUILDING
SPOKANE, WASHINGTON 99201
(509) 624-4291

December 29, 1977

C. Stephen Allred
Director
Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814

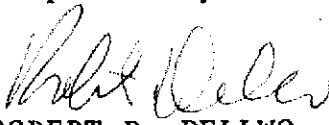
Re: Notice of Claim to a Water Right - 91-4006
Ray and/or Ruth A. Monzingo - 91-4007

Dear Mr. Allred:

The Coeur d'Alene Tribe objects to the issuance of the water permits applied for because their issuance would conflict with the prior and paramount Winters Rights of the Coeur d'Alene Indian Tribe to the same waters.

The Tribe further objects to the issuance of any permit on such water within the Coeur d'Alene Reservation because of the exclusive jurisdiction of the Tribe and/or the United States Department of the Interior over water rights and uses within the Coeur d'Alene Indian Reservation.

Respectfully submitted,



ROBERT D. DELLWO

Attorney for the Coeur d'Alene Tribe

RDD:fb

cc: Coeur d'Alene Tribal Council

RECEIVED
JAN 3 78
Department of Water Resources
Northern District Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

4055 Government Way

667-6484

COEUR D'ALENE, IDAHO 83814

December 30, 1977

RE: Claim No. 91-4006 & 91-4007

Jack Ray & Ruth A Monzingo
Rt 3 box 37
St Maries, Id 83861

Dear Mr & Mrs Monzingo

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.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

December 15, 1977

RE: Claims No. 91-4007 & 91-4006

St Maries Gazette Record
PO 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,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

*Bill
received
12-30-77
ADW*

NOTICE OF CLAIM TO A WATER RIGHT

NO. 91-4006

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Rt. 3, Box 37 St. Maries, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~gallons per minute~~
of water from unnamed springs

with point of diversion in the NE¹/SE¹, Sec 10, T46N, R2W. B.M. Benewah
County

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

with a priority of 1940;
the place of use is within the NE¹/SE¹, Sec 10, T46N, R2W

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.

C. STEPHEN ALLRED
Director

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