

No Color
Documents
In File

Identification No. _____

Claim No. 91-4001

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

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 City of St. Maries, St. Maries, Idaho (a municipal corporation)
post office address St. Maries, Idaho 83861

2. The point of diversion is in SW ¼ of NE ¼ Section 3 Township 46 N
Range 1 W. B.M. located on Rochat Creek
(name of source)

tributary to St. Joe River in Benewah 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: 24 phone with me 7 added 3-2-71
1959 amount: three c.f.s. or _____ acre feet
7-16-1934 amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed three 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 municipal water system of every year
period of use from January 1 to December 31 (both dates inclusive)
use _____ period of use from _____ to _____ (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 concrete, rock and reinforced steel; length is 50 feet; height is 20 feet; width at bottom is 98 feet; width at top is 98 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known No increase in diversion capacity, although this municipal water system has been kept in repair and cleaned out continuously since first used in 1934.

b. Underground water diverting works: is well flowing or pumped N/A; 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 _____;

c. Conveying works: length of ditch to place of use is N/A 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. ~~Water is conveyed from Rochat Creek dam and~~

reservoir to City reservoir, a distance of approximately 7 miles, and then distributed to City water users in and around St. Maries, Idaho.

d. If water is stored: name of reservoir St. Mariès Water Reservoir

total capacity of reservoir is 500,000 gals; active capacity of reservoir is 500,000 gals less dead storage

year construction commenced 1959; year completed _____; date first used _____

period of storage is from _____ to _____; is reservoir drained each year _____; No

This is steel reservoir located in t explain off is reservoir on or off stream

City some 7 miles from point of diversion on Rochat Creek.

if feeder canal is used give maximum carrying capacity_____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——, 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: N/

[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 1,000
name of town supplied St. Maries, Idaho

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 Permit was originally approved July 25, 1934; this source of water has been the sole source of the municipal water supply of St. Maries, Idaho since that time; ~~priority date 1959 instead of 1934~~ priority is pursuant to Mr. Dorian Clay's letter of January 13, 1971. *See phone with me Feb 3-2-71*

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

State of Idaho }
County of Benewah } 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. and that he makes this application and affidavit for and on behalf of the City of St. Maries, a municipal corporation.

Sworn to before me this 1st day of February, 1971.

Otto Holsten (Mayor of City of St. Maries) Claimant

Richard J. Nestal
Notary Public
Residing at St. Maries

My commission expires 2-6-73

For Department Use Only

Received by LA Date 3-2-71 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by LA Date 3-2-71 _____
Fee received by LA Date 3/3/71 Fee \$ 10.00 _____
Approved for publication by LA _____
Published in St. Maries Dates 3-31 & 4-7, 1971
Gazette Record

91 4001

INSTRUCTIONS

Paragraph No.

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.

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 it 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.

AFFIDAVIT

STATE OF IDAHO)
 : ss.
County of Benewah)

OTTO HOLSTEIN, being first duly sworn deposes
and says:

That the affiant is the Mayor of the City of
St. Maries, a municipal corporation. That he heretofore
executed on behalf of the City of St. Maries a Claim To A
Water Right which document is dated February 1, 1971;

That said Claim was incorrect with respect
to item 3a thereof related to date of priority claim;

That the true date of priority claimed for
said water right is July 16, 1934 rather than 1969 as
appears in said claim;

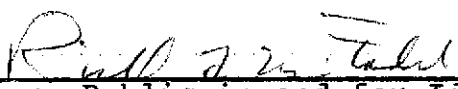
Affiant requests that said Claim to a Water
Right be amended to reflect the true priority date claim
of 7-16-1934.

DATED this 15th day of March, 1971.



Otto Holstein

SUBSCRIBED AND SWORN to before me this 15th day
of March, 1971.



Notary Public in and for Idaho
Res. & P.O. Addr: St. Maries
Com.Exps.: 2-6-73

SEAL

1

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 1st day of April, 1971 and the last on the 8th day of April, 1971.

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 9th day of April, 1971

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

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 91-4001

Notice is hereby given that the City of St. Maries, St. Maries, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from Rochat Creek, tributary to St. Joe River with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, T. 46N, R. 1W, B.M., Benewah County

The water is claimed to be used from Jan. 1 to Dec. 31 for municipal purposes with a priority of July 16, 1934; the place of use is within the City of St. Maries.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho, on April 1 and April 8, 1971

No. 3578

91 4001

February 23, 1983

Ona Hedgecock, City Clerk
St. Maries, ID 83861

Dear Mrs. Hedgecock:

Thank you for your inquiry dated February 10, 1983, regarding the status of water rights for the City of St. Maries. An investigation of our files finds that currently the City of St. Maries has two recorded water rights.

The first water right, identified as license No. 91-2021, indicates a rate of flow of 3.0 cfs (1344 gallons per minute), for domestic use within the city. This licensed water right is fully valid and no further action is required by the city with respect to this right.

The second recorded water right in the name of the city is identified as claim No. 91-4001. This claim indicates that the first use of water from Rochar Creek began on July 16, 1934. This water right is also for 3.0 cfs and it appears that this may be a duplicate filing to the above-referenced licensed water right. At this time, the claim is in a valid status and no further filing is needed on your part.

For your convenience, we are enclosing copies of the license and claim. If they identify the current use of water by the City of St. Maries, no further action is necessary on your part. If you do have additional uses, please contact our Northern Regional office located at 4055 Government Way in Coeur d'Alene. Personnel in that office will be happy to assist you with filing the proper documents.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

City of St. Maries, Idaho

RECEIVED

On the Shadowy St. Joe River
Home of the River through the Lake

Dial 245-2577
FEB 10 1983

City Clerk: Ona Hedgecock
City Treasurer: Myrna Linnemyer

Department of Water Resources
Mayor: Ernest Lendell

February 10, 1983

State of Idaho
Water resource Board
Statehouse
450 W State
Boise, Idaho 83720

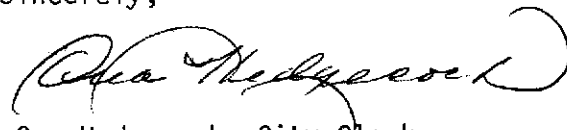
Dear Sir:

The City of St. Maries has need to inquire into the status of our Water Rights Permit. Do we have a current permit? If so, When and where was it filed? The last permit I have record of was late 70's.

The data on the permit would be City of St. Maries, applicant. St. Maries, Idaho, 602 College Avenue. Source of supply is Rochat Creek, SE 1/4 of NW 1/4, section 23, Township 46N, Range 2W, BM, Benewah County. There are no other sources of water supply for the City of St. Maries. Water is used for approx. 1100 residential families, 100 Industrial and or commercial users. The water is not used for power generation or irrigation purposes.

If there are forms that must be filed, may I request that you furnish us with same and instructions for completion? If we have a present permit on file, as I suspect, please furnish us with the data previously requested in this letter. You may contact me by phone if you wish....245-2577.

Sincerely,


Ona Hedgecock, City Clerk

21

22

23

ST. JOE RIVER

Pt. of Diversion

AREA OF USE

27

28

TOWNSHIP 46 NORTH

RANGE 2 WEST



94-2041



City of St. Maries

"ON THE SHADOWY ST. JOE"

ST. MARIES, IDAHO

83861



April 22, 1971

Re: Claim to a Water Right No. 91-4001

City of St. Maries
St. Maries, Idaho 83861

Attention: City Clerk

Gentlemen:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 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 your 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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

cc: Richard L. McFadden
McFADDEN & PARK
St. Maries, Idaho 83861

91 4001

April 13, 1971

Re: Claim to a Water Right No. 91-4001 - City of St. Maries

Stacey Gibhardt
Fisheries Division
Fish and Game Department
Statehouse, Boise, Idaho

Dear Mr. Gibhardt:

Pursuant to your request, please find enclosed a copy of the above referenced Claim to a Water Right. Also enclosed, please find a copy of the affidavit in connection with this claim.

If we may be of any further assistance to you in this matter, please do not hesitate to contact this office.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:CM

Enclosures

91 4001

March 24, 1971

Re: Claim No. 91-4001 - City of St. Maries

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

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 our 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 date. 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,

Donald W. McEldowney
Appropriation Supervisor

DWM/DR
Enc: legal notice

*Bill submitted
4-15-71
de*

91 4001

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 91-4001

Notice is hereby given that the City of St. Maries, St. Maries, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from Rochat Creek, tributary to St. Joe River with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, T. 46N, R. 1W, B.M., Benewah County.

The water is claimed to be used from Jan. 1 to Dec. 31 for municipal purposes with a priority of July 16, 1934; the place of use is within the City of St. Maries.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the St. Maries
Gazette Record, St. Maries,
Idaho, on April 1 and April 8,
1971
No. 3578

NOTICE OF CLAIM TO A WATER RIGHT

No. 91-4001

Notice is hereby given that the City of St. Maries, St. Maries,
Idaho,

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 3.0 cubic feet per second ~~acre-feet~~
of water from Rochat Creek, tributary to St. Joe River
with point of diversion in the SW 1/4 Sec. 3, T. 46N, R. 1W, B.M.,
Benedict County,

The water is claimed to be used from Jan. 1 to Dec. 31 for
municipal purposes
with a priority of July 16, 1934;
the place of use is within the City of St. Maries

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the St. Maries Gazette Record, St. Maries, Idaho,
on March 31 and April 7, 1971.

LAW OFFICES OF
McFADDEN & PARK
ST. MARIES & PLUMMER
IDAHO
83861

March 15, 1971

STATE OF IDAHO
Department of Water Administration
Mr. Dorian Clay
Appropriation Examiner
Statehouse - Annex 2
Boise, Idaho 83707

re: Claim No. 91-4001 - City of St. Maries

Dear Mr. Clay:

Enclosed is affidavit executed by Mayor
Holstein on the subject of priority date claimed. I hope
that this is sufficient.

I certainly appreciate your cooperation, and
all of the help that you have been to us in this matter.
As you know, we may be imposing on your good nature again
on the matter of transfer of the claim to a different source,
and we will continue to very much appreciate you help.

Thanks again.

Very truly yours,

McFADDEN & PARK

By Richard L. McFadden
Richard L. McFadden

RLM:bm

Enc.:

91 4001

March 8, 1971

Re: Claim No. 91-4001 - City of St. Maries

Law Offices of
McFadden & Park
St. Maries, Idaho 83861

ATTENTION: Richard L. McFadden

Dear Mr. McFadden:

We are of a recent opinion that once the Department of Water Administration has received a claim to a water right, we cannot alter it in any way unless we receive from you a notarized statement verifying your date of priority under item #3a of the claim.

As soon as we are in receipt of this statement, we will continue with the processing of your claim.

We are sorry for any inconvenience we may have caused you.

We are enclosing a copy of the claim for your convenience in this matter.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:CM

Enc: copy of claim

91 4001

March 3, 1971

McFadden and Park
Attorneys at Law
St. Maries, Idaho 83861

Gentlemen:

Attached herewith is Departmental Receipt No. 5712 in the amount of
\$10.00 for Claim application in the name of City of St. Maries,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

31 4001

LAW OFFICES OF
MCFADDEN & PARK
ST. MARIES & PLUMMER
IDAHO
83861

March 1, 1971

RECEIVED

MAR 3 1971

Department of Water Administration

State of Idaho
Department of Water Administration
Statehouse -- Annex 2
Boise, Idaho 83707

Attention: Mr. Dorian Clay, Appropriation Examiner

Re: Permit No. 91-2021 - City of St. Maries

Dear Mr. Clay:

We have changed the claim to conform with the instructions of your letter of February 17th, and return the same herewith, hoping that it is now okay.

Thank you for the remaining advice contained in your letter which we will retain for future purposes when the transfer to another water supply becomes more imminent. I think we will have further questions concerning this and we do appreciate your assistance and cooperation.

Very truly yours,

MCFADDEN & PARK

By Richard L. McFadden
Richard L. McFadden

RLM/jd

Enc.

CI 4661

January 13, 1971.

Re: Permit No. 91-2021

CITY OF ST. MARIES, IDAHO
602 College Avenue
St. Maries, Idaho 83861

ATTENTION: R. G. Martins - City Clerk

Dear Mr. Martins:

Pursuant to your letter of January 8, 1971, please find enclosed this department's proof of beneficial use forms and a claim to a water right form. If you were to submit beneficial use at this time, the priority of the above referenced permit would be reduced the number of days that the proof affidavits were late, giving you a 1959 priority, instead of 1934. If you wish to accept this reduced priority, please return the completed proof of water to beneficial use affidavit on or before February 13, 1971.

As previously mentioned, we are also enclosing the claim to a water right form that may help you in claiming your original 1934 priority, should you choose not to accept the reduced priority that would come from completing the permit at this time.

If we may be of any further assistance in this matter, please do not hesitate to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: beneficial use affidavits
claim to a water right form

91 40C1