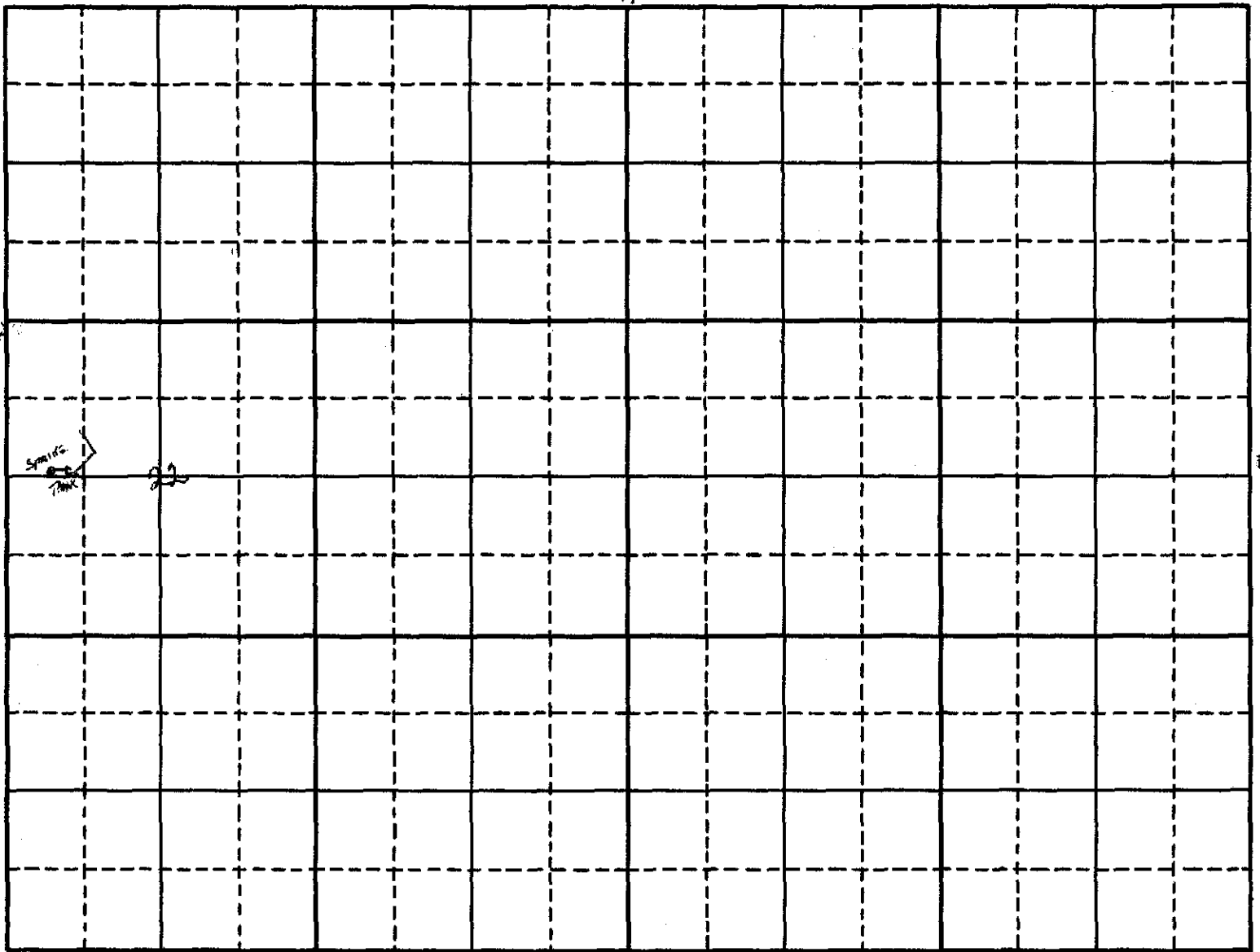


No Color  
Documents  
In File



(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

N



Scale: 2 inches equal 1 mile.

5

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.

State of Idaho )  
County of Latah ) 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 7<sup>th</sup> day of April, 19 67.

Gordon Dailey  
(Claimant)  
Linda L. Odenborg  
Notary Public  
Residing at Moscow, Idaho

My commission expires 12/27/78

For Department Use Only

|                                        |                           |                     |              |      |
|----------------------------------------|---------------------------|---------------------|--------------|------|
| Received by <u>RWH</u>                 | Date <u>4-8-77</u>        | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>RWH</u>            | Date                      |                     | claimant by: |      |
| \$10.00 fee received by <u>RWH</u>     | Date <u>4-8-77 # 5411</u> |                     |              |      |
| Approved for publication by <u>RWH</u> |                           |                     |              |      |
| Published in <u>Daily Idahonian</u>    |                           |                     |              |      |
| Dates <u>4-14 &amp; 4-21-77</u>        |                           |                     |              |      |

JO CC-SC-H

# Affidavit of Publication

STATE OF IDAHO  
County of Latah

ss.

A. J. Macneaney

being first duly sworn, on oath,  
deposes and says:

That he is the printer of The  
DAILY IDAHONIAN, a newspaper  
of general circulation, printed and  
published daily except Sunday at  
Moscow, Latah County, Idaho, in  
compliance with Sections 60-106,  
60-107, and 60-108 of the Idaho  
Code and the amendments there-  
to; that the notice of which the  
annexed is a full, true and correct  
printed copy was published in the  
regular and entire issues of said  
newspaper and not in a supple-  
ment thereto, upon the following

dates: April 14

21, 1977

the same being the dates desig-  
nated for the publication of said  
legal notice.

Subscribed and sworn to before  
me this 20<sup>th</sup> day of April

1977

Carol Fleener

Notary Public,  
residing at Moscow, Idaho

## NOTICE OF CLAIM TO A WATER RIGHT

NO. 87-4013

Notice is hereby given that Gordon H.  
Dailey, et. al., 717 West C. Moscow, Idaho  
has filed a claim to a water right es-  
tablished by diversion and application to  
beneficial use of 0.18 gallons per minute of  
water from a Spring with point of diver-  
sion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 22, T. 42N, R.  
5W, B.M., Latah County.

The water is claimed to be used from  
April to Nov. for stockwater (0.10 a.f.),  
farm use (0.03 a.f.), and domestic pur-  
posed (0.05 a.f.) with a priority of 1926; the  
place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec.  
22, T. 42N, R. 5W, B.M.

Any exception to this claim of water  
right may be filed with the Idaho Depart-  
ment of Water Resources, 4055 Govern-  
ment Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED  
Director

April 14, 21, 1977

*6th*  
*4/25/77*  
*B*



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NORTHERN DISTRICT

Route 5, Box 203 - Suite #1  
4055 N. Government Way

COEUR D'ALENE, IDAHO 83814

(208) 667-6484

April 25, 1977

RE: Claim to a Water Right No. 87-4013

Mr. Gordon H Dailey, et.al.  
717 West C  
Moscow, Id 83843

Dear Mr. Dailey,

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.

Very truly yours,

ROBERT G. HAYNES  
District Supervisor

RGH:CP

Enclosure

MICROFILMED

April 11, 1977

Re: Claim to a Water Right No. 87-4013

Mr. Gordon H. Dailey, et. al.  
717 West C  
Moscow, ID 83843

Dear Mr. Dailey:

Attached is your receipt No. 5411 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

Corda M. Patterson  
Secretary

CP

Attachment

MICROFILMED



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
NORTHERN DISTRICT

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

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

April 8, 1977

Re: Claim No. 87-4013 - Gordon H. Dailey, et. al.

Daily Idahonian  
Box 399  
Moscow, ID 83843

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:cp

Enc: Legal Notice(s)

*Bill received 4-25-77*  
*[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT

NO. 87-4013

Notice is hereby given that Gordon H. Dailey, et. al.,  
717 West C. Moscow, Idaho

has filed a claim to a water right established by diversion and application  
to beneficial use of 0.18 ~~cubic feet per second~~ gallons per minute  
of water from a Spring  
with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 22, T. 42N, R. 5W, B.M.,  
Latah County

The water is claimed to be used from April to Nov. for stockwater  
(0.10 a.f.), farm use (0.03 a.f.), and domestic purposes (0.05 a.f.)

with a priority of 1926;  
the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 22, T. 42N, R. 5W, B.M.

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 Daily Idahonian, Moscow, Idaho  
on April 14 and April 21, 1977

March 23, 1977

Mr. Gordon H. Dailey, et. al.  
717 West C  
Moscow, ID 83843

Dear Mr. Dailey:

I am returning your Claim and your Check No. 98-165 for \$10. The amounts described in Item 2 of the claim appear to be alright; however, I was concerned because the legal description of your point of diversion listed in Item 5 and the map on the back of the claim do not agree. The map shows the point of diversion in the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 22. I have taken the liberty of having a claim form partially completed reflecting the information on your claim. Please determine whether the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  or the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  is the correct location for the Spring. In addition, please place an "X" in the appropriate box or boxes under Item 6 for the location of the place of use.

After completing the above items, please return the claim to our office along with your check for \$10.

In regard to the question that you penned on the letter returning the claim, the only way that a water right may be established is by putting the water to a beneficial use. Before 1971, a water right could be established without filing an application to appropriate the water. Since May 20, 1971, it has been necessary to file an Application for Permit prior to establishing a water right. The filing of the application, however, is merely a preliminary step. Diversion and beneficial use of the water is still necessary to perfect a water right. Water from the spring which is not used by you may be appropriated by your neighbor because no water right exists for that portion not beneficially used.

I hope this clarifies the situation. Should you have any further questions, I would be happy to discuss them with you by phone, in person, or by letter.

Very truly yours,

ROBERT G. HAYNES, P.E.  
Regional Supervisor

RGH:cp  
Enclosure

MICROFILMED



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NORTHERN DISTRICT

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

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

March 16, 1977

RECEIVED

MAR 22 1977

Department of Water Resources  
Northern District Office

Mr. Gordon H. Dailey, et. al.  
717 West C  
Moscow, ID 83843

Dear Mr. Dailey:

We are returning your Claim to a Water Right and your Check No. 98-165 in the amount of \$10 for additional information.

In order for a Claim to a Water Right to be of any value to you, the amount of water for each purpose in Item #2 and the total amount of water claimed in Item #3 must be indicated. In addition, the location of the point of diversion in the proper 40-acre tract under Item #5 and the location of the place of use under Item #6 must also be completed.

If we may be of any assistance to you in completing the claim, please do not hesitate to contact us.

Very truly yours,

*Robert G. Haynes*

ROBERT G. HAYNES, P.E.  
Regional Supervisor

RGH:cp

Enclosures

*I am attempting to establish <sup>rights of</sup> ownership of a running spring which does spill over onto the neighbors property. We do not irrigate. Is there a more simple way?*

*GD*

MICROFILMED

March 16, 1977

Mr. Gordon H. Dailey, et. al.  
717 West C  
Moscow, ID 83843

Dear Mr. Dailey:

We are returning your Claim to a Water Right and your Check No. 98-165 in the amount of \$10 for additional information.

In order for a Claim to a Water Right to be of any value to you, the amount of water for each purpose in Item #2 and the total amount of water claimed in Item #3 must be indicated. In addition, the location of the point of diversion in the proper 40-acre tract under Item #5 and the location of the place of use under Item #6 must also be completed.

If we may be of any assistance to you in completing the claim, please do not hesitate to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.  
Regional Supervisor

RGH:cp

Enclosures

MICROFILMED

117 West C  
Moscow, Idaho 83843  
**RECEIVED**

MAR 2 1977

Department of Water Resources  
Northern District Office

Idaho Dept of Water Res.,  
4055 Gov't Way. Suite #1  
Coeur d'Alene Ida 83814

Dear Sirs,

After reading & trying to understand the instructions for filing an application for permit I have come to the conclusion that I should have filed claims to a water right on two springs on family property. Please send forms to claim to a water right.

The application form for permit is not applicable except livestock water for springs. Let's try a claim form to try to fit it to the situation and for permanent possession.

Sincerely  
Gordon Dailey  
117 West C  
Moscow, Ida 83843.

**MICROFILMED**

Claim (?) SENT 3-3-77.40