

RECEIVED

1 1971

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

Department of Water Administration

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 23rd day of September, 1971 and the last on the 30th day of September, 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 1st day of October, 1971

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

**NOTICE
OF CLAIM TO
A WATER RIGHT**
NO. 92-4001

Notice is hereby given that John Clark and-or Artie Clark, Box 133, Santa, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.05 cubic feet per second of water from Sheep Creek, tributary to St. Maries River with point of diversion in the NE 1/4 SE 1/4, Sec. 29, T. 44N, R. 1W, B.M., Benewah County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic, stockwatering, and fire protection purposes with a priority of 1956; the place of use is within the NE 1/4 SE 1/4, Sec. 29, T. 44N, R. 1W, B.M.

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 Sept. 23 and Sept. 30, 1971.

No. 2181

92 4001

Identification No.

Claim No.

Map No.

92-40012

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 JOHN CLARK ARTIE CLARK
post office address Box 133 SANTA IDAHO

2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 29 Township 44N
Range 1W B.M. located on SHEEP CR
(name of source)

tributary to ST. MARIES 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: 1956 (through and including 1971, continuous use)
amount 0.05 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: Domestic and animal use and fire protection
use _____ period of use from Jan. 1 to Dec. 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 pump
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped PUMPED ; depth of well is 155 feet; diameter of well is 6 inches; type of pump is Cascade Pump
capacity of pump is 5 g.p.m.; name and address of well driller is unknown

92-40012

no; if so, give dates and explain

c. Conveying works: length of ditch to place of use is ~~none~~ 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 360 feet; diameter of pipe line is 2 inches; type of pipe plastic; grade of pipe per 1000 feet is 37 feet.

ing date and dimensions if possible expect to put in a pond 30' x 60' x 4' for fire purposes

Fire purposes

d. If water is stored: name of reservoir _____ (no name) _____

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

year construction commenced not / ; year completed ; date first used For use 197

is reservoir on or off stream explain will be off the stream

if feeder canal is used give maximum carrying capacity n/a — 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 n/a, 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]

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 28 head of cattle

7. Where water is used for domestic or municipal purposes give number of families served 1
name of town supplied n/a

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 for fire protection if necessary for timber and dwelling

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.

Sworn to before me this 27th day of August, 19 71.

John Clark
Claimant

Ronald Bruce
Notary Public

Residing at St. Maries
Com. Exps.: 6-15-75

My commission expires _____

For Department Use Only

Received by <u>y</u>	Date <u>8/30/71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>je</u>	Date <u>8/30/71</u>			
Fee received by <u>ij</u>	Date <u>8/30/71</u>	Fee \$ <u>10.00</u>		
Approved for publication by				
Published in <u>St. Maries Gazette</u>	Dates <u>9-22 + 9-29-71</u>			

92 4001

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.

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STATE OF IDAHO

County of Benewah, ss.

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

NOTICE
ON CLAIM TO
A WATER RIGHT
NO. 72-4001

Notice is hereby given that John Clark and-or Artie Clark, Box 133, Santa, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.05 cubic feet per second of water from Sheep Creek, tributary to St. Maries River with point of diversion in the NE 1/4 Sec. 29, T. 44N, R. 1W, B.M., Benewah County, Idaho.

The water is claimed to be used from Jan. 1 for domestic, stock and fire protection purposes with a priority of 1956; the point of use is within the NE 1/4 Sec. 29, T. 44N, R. 1W, B.M.

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

R. KEITH HENDERSON

Director
Published in the St. Maries Gazette Record, St. Maries, Idaho on Sept. 23 and Sept. 30, 1971.
No. 2181

92 4001

October 18, 1971

Re: Claim to a Water Right No. 92-4001

John and/or Artie Clark
Box 133
Santa, Idaho

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

92 4001

~~65-7117~~

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 15, 1971

Re: Application No. 92-7009 - Lauran A. Kittle
Claim No. 92-4001 - John Clark and/or Artie Clark

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 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:SP

Enc: Legal Notices

Bill submitted 10-6-71 CR
92 4001

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic, stockwatering, and fire protection purposes with a priority of 1956; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 44N, R. 1W, B.M.

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

No. 2181 - Sept. 22 and Sept. 29

92 4001

O.K.
9-21-71
J.D.

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A WATER RIGHT
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R. KEITH HIGGINSON
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on Sept. 23 and Sept. 30, 1971.

No. 2181

O.K.
9-24-71
J.D.

92 4001

92 400

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cation to beneficial use of 0.05 cubic feet per second ~~maxx feet~~
of water from Sheep Creek, tributary to St. Maries River
with point of diversion in the NE 1/4 Sec. 29, T. 44N, R. 1W, B.M.,
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domestic, stockwatering, and fire protection purposes
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Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the St. Maries Gazette Record, St. Maries, Idaho
on Sept. 22 and Sept. 29, 1971.

92 4001

August 31, 1971

John Clark
Box 133
Santa, Idaho 83866

Dear Mr. Clark:

Attached herewith is your receipt No. 7579 in the amount of \$ 10.00
for your claim to water right.

which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

92 4001