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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
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 Elmer O. Ness (name of claimant)
of Route #2, Box 77, Worley, Idaho (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to _____;

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ground water

(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	<u>0.04 cfs</u>	Use	<u>Domestic</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u>0.01 cfs</u>	Use	<u>Stockwater</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
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: 0.05 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1921

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)

NW ¼ NE ¼, Sec. 27 Twp. 48N Rge. 5W B.M. County of Kootenai
Additional points of diversion: Also known as N ½ NW ¼ NE ¼, Sec. 27, T. 48N, R. 5W, B.M.

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. Submersible pump with pipeline to place of use. Depth of well, 163 feet.

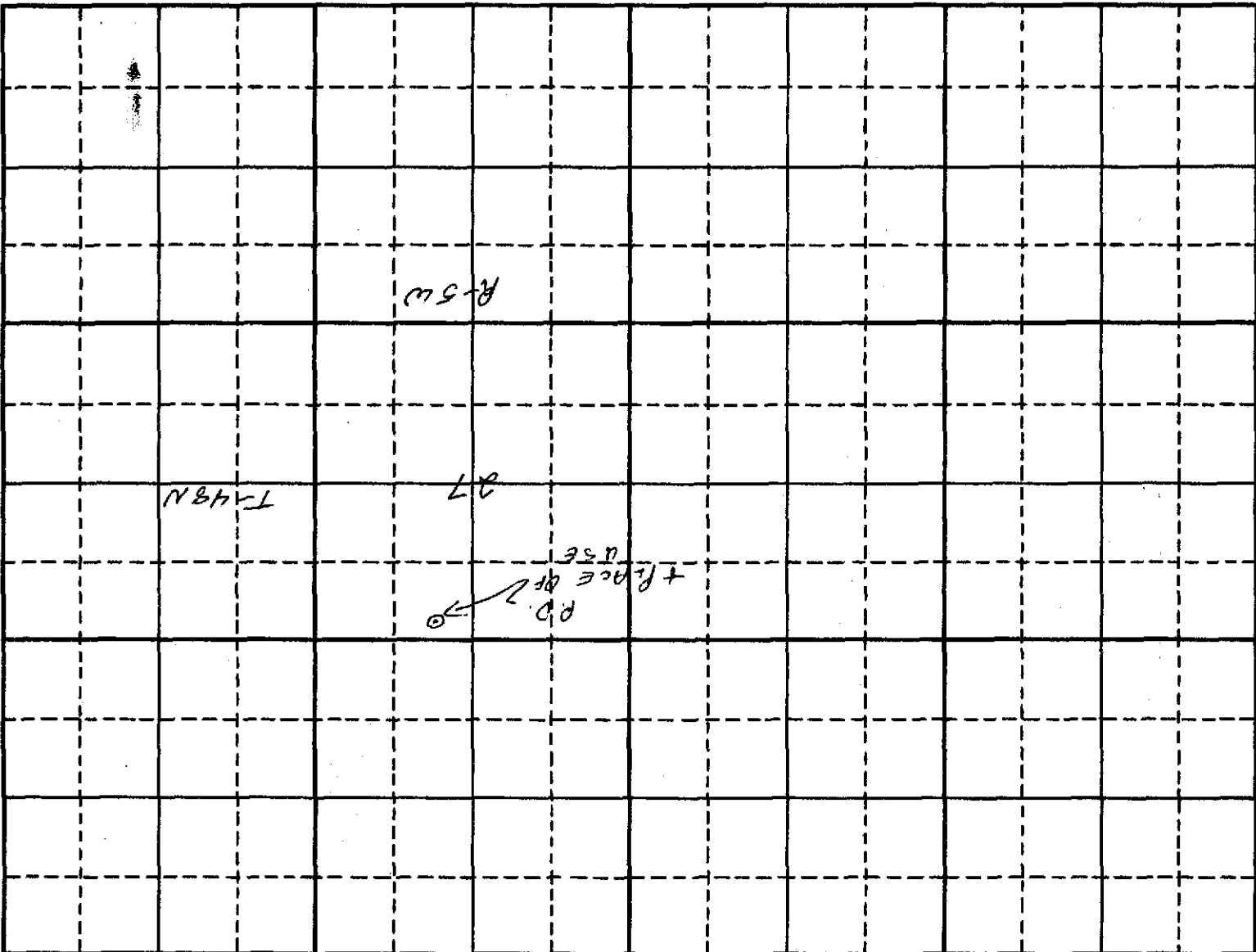
(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
48N	5W	27		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 use for one family. Stockwater for 5 head of cattle.

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



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 BOOTHE
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 6TH day of DECEMBER, 1973.
Notary Public
John M. Roberts
Residing at Coeur d'Alene
My commission expires Sept. 11, 1976

For Department Use Only
Received by KIC Date 12/6/73 Exception filed by: #10287 Forwarded to: claimant by: Date
Prelim. check by KIC Date 12/6/73
\$10.00 fee received by KIC Date 12/6/73
Approved for publication by [Signature]
Published in Coeur d'Alene Press
Dates 12-13 & 12-20-73

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

DEC 24 1973

STATE OF IDAHO, }
County of Kootenai, } ss.

Department of Water Administration
Northern District Office

Carol Hedge being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the Notice of Claim
to Water Right # 95-4200
Elmer O. Ness

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for 2 consecutive weeks, commencing on the 13 day of Dec, 19 73, and ending on the 20 day of Dec, 19 73.

Subscribed and sworn to, before me, this 21 day of Dec

19 73

C. Patrick King
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT

NO 195-4200

Notice is hereby given that Elmer O. Ness, Route No. 2, Box 77, Worley, 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 a ground water source with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 48N, R. 5W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.04 cfs) and stockwatering purposes (0.01 cfs) with a priority of 1921; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 48N, R. 5W, 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

Dec. 13, 20, 1973

95 4200

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 3, 1974

Re: Claim to a Water Right No. 95-4200

Elmer O. Ness
Route #2, Box 77
Worley, ID 83876

Dear Mr. Ness:

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 any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

95 4200

December 7, 1973

Re: Application No. 95-7405	Claim No. 95-4195
" " 95-7407	" " 95-4196
Claim No. 95-4191	" " 95-4197
" " 95-4192	" " 95-4198
" " 95-4193	" " 95-4200

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

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
Northern District Manager

Bill submitted 1-2-74 by CP

FE:CP

Enc: Legal Notices (10)

95 4200

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NO. 95-4200

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Route #2, Box 77, Worley, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.05 cubic feet per second ~~XXXXXX~~
of water from a ground water source

with point of diversion in the NW 1/4, Sec. 27, T. 48N, R. 5W, B.M.,
Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
(0.04 cfs) and stockwatering purposes (0.01 cfs)

with a priority of 1921;
the place of use is within the NW 1/4, Sec. 27, T. 48N, R. 5W, B.M.

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Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho

on Dec. 13 and Dec. 20, 1973

95 4200