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FEB 26 1973

AFFIDAVIT OF PUBLICATION

Department of Water Administration
County of Kootenai }
STATE OF IDAHO } ss.

NOTICE OF CLAIM TO A WATER PERMIT No. 95-4054

Notice is hereby given that Roy &/or Cecyle Asbury, 724 N. Greenacres Road, Greenacres, Washington, have filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from an Unnamed Spring with point of diversion in the NW 1/4 SW 1/4, Sec. 17, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1907; the place of use is

within the NW 1/4 SW 1/4, Sec. 17, T. 50N, 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

Published in the Post Falls Tribune, Post Falls, Idaho, on Feb. 15 and Feb. 22, 1973.

2-15 2tc

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the NOTICE OF CLAIM TO A WATER PERMIT #95-4054
Roy &/or Cecyle Asbury

..... a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two consecutive issues, commencing

with the issue dated February 15, 19 73

and ending with the issue dated February 22, 19 73

Subscribed and sworn to before me, this 22nd

day of February, 19 73

C. Agnes Luckin
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 12.58
(34)

95 4054

Identification No.

95-4054

Claim No.

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 ROY ASBURY AND/OR CECYLE ASBURY
post office address 724 N. GREENACRES ROAD, GREENACRES, WA. 99016

2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 17 Township 50N
Range 5W B.M. located on UNNAMED SPRING
(name of source)

tributary to NONE in KOOTENAI 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:

1907 amount: 0.03 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:

use DOMESTIC 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 GALVANIZED TILE/
CONCRETE COLLECTION BOX ~~length~~ ^{ROUN} is 3 feet; height is 3 feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known NO

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

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attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ 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 1200 feet; diameter of pipe line is 1 inches;
type of pipe PLASTIC; grade of pipe per 1000 feet is 33 FT

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. Collection Box was IMPROVED in 1971

BY REPLACING THE ~~WOOD~~ WOOD GRIP WITH GALVANIZED TIE AND
CONCRETE. ^{1500 GAL HOLDING TANK} AS ~~REPLACED~~ WAS CONSTRUCTED IN 1971 OUT
OF CONCRETE

d. If water is stored: name of reservoir _____

total capacity of reservoir is _____acre feet; active capacity of reservoir is _____acre feet;

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

period of storage is from _____ to _____; is reservoir drained each year _____;

_____ explain _____

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:

[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 3 HORSES

7. Where water is used for domestic or municipal purposes give number of families served ONE
name of town supplied _____

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.

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

State of Idaho

County of Kootenai } 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 9TH day of FEBRUARY, 1973.

Ray A. Gulevsky
Claimant

Corda M. Roberts
Notary Public

Residing at Coeur d'Alene, Idaho

My commission expires Sept 11, 1976

For Department Use Only

95 4054

Received by CR Date 1-9-73

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by KK Date 2/9/73 # 8539

Fee received by KK Date 2/2/73 Fee \$ 10.00

Approved for publication by FE 2/9/73

Published in PAST FALLS TRIBUNE Dates 2-15-73

2-33-73

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 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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

AFFIDAVIT OF PUBLICATION

**NOTICE OF CLAIM
TO A WATER PERMIT
No. 95-4054**

Notice is hereby given that Roy &/or Cecyle Asbury, 724 N. Greenacres Road, Greenacres, Washington, have filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from an Unnamed Spring with point of diversion in the NW¼-SW¼, Sec. 17, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1907; the place of use is

within the NW¼SW¼, Sec. 17, T. 50N, 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

Published in the Post Falls Tribune, Post Falls, Idaho, on Feb. 15 and Feb. 22, 1973.

2-15 2tc

County of Kootenai }
STATE OF IDAHO } ss.

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

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with the issue dated February 15, 19 73

and ending with the issue dated February 22, 19 73

Subscribed and sworn to before me, this 22nd

day of February, 19 73

Jeannette S. Rosin
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 12.58
(34)

5 4054

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

March 5, 1973

Re: Claim to a Water Right No. 95-4054

Roy Asbury
724 N. Greenacres Road
Greenacres, WA 99016

Dear Mr. Asbury:

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 can be of further assistance, please contact this office.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

95 4054

February 9, 1973

Re: Claim No. 95-4054 - Roy &/or Cecyle ASbury

Post Falls Tribune
Box 68
Post Falls, ID 83854

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
Water Resource Supervisor
Northern District

Bill submitted 2-26-73 by CR

95 4054

FE:CR

Enc: Legal Notice

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4054

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724 N. Greenacres Road, Greenacres, Washington
~~have~~ filed a claim to a water right established by diversion and application
~~xxx~~ to beneficial use of 0.03 cubic feet per second ~~xxxxxx feet per second~~
of water from an Unnamed Spring
with point of diversion in the NW 1/4, Sec. 17, T. 50N, R. 5W, B.M.,
Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes
with a priority of 1907;
the place of use is within the NW 1/4, Sec. 17, T. 50N, R. 5W, B.M.

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

R. KEITH HIGGINSON

Director

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